

SUFFOLK COUNTY PLANNING COMMISSION

MINUTES

A regular meeting of the Suffolk County Planning Commission was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 on Wednesday, Nov. 3, 2004 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

MEMBERS PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Louis Dietz (Babylon)
Linda Petersen (At Large)
Thomas Thorsen (East Hampton)
Frank Tantone (Islip)
Richard O'Dea (Riverhead)
Linda Holmes (Shelter Island)
Laure Nolan (Village 5000 & Over)
Charla Bolton (At Large)
John Caracciolo, (Huntington)

MEMBERS ABSENT:

Richard London (Village 5000 & Under)

ALSO PRESENT:

Thomas Isles - Suffolk County Director of Planning
Basia Braddish - Suffolk County Attorney
Gerald Newman - Suffolk County Chief Planner
Andy Freleng - Suffolk County Principal Planner
Ted Klein - Suffolk County Planning
Claire Chorny - Suffolk County Planning Department
Chris Wrede - Suffolk County Planning Department
Peter Lambert - Suffolk County Planning Department
Kevin LaValle - Aide to Legislator Losquadro
Charles Bender - Aide to P.O. Caracappa
Kim Kennedy - Aide to Legislator Caracciolo
Lisa Greci - Self

Jefferson Murphree, Administrator - Town of Southampton for
Planning and Development
Lisa Liquori - East Hampton Town Planning Consultant
Marguerite Wolffsohn - Director of Planning on the Comprehensive Plan
Of 2004 for the Town of East Hampton

MINUTES TAKEN BY:
Eileen Schmidt - Secretary

(THE MEETING WAS CALLED TO ORDER AT 12:10 P.M.)

ACTING CHAIRMAN MARTIN:

Good afternoon ladies and gentlemen. The Suffolk County Planning Commission is now in session. Will you please rise and join us in the salute to the flag. John Caracciolo, please.

SALUTATION

ACTING CHAIRMAN MARTIN:

We thank you.

MS. SCHMIDT:

Please everybody talk into the mike because if I don't get the wording and I can't hear it on the tape it will not be in the minutes.

ACTING CHAIRMAN MARTIN:

Okay. Thank you for that. The first item on the agenda today will be the approval of the minutes of September 1st and October 6th. A motions in order.

MS. PETERSEN:

I'll make a motion.

MR. CARACCIOLO:

I'll second.

ACTING CHAIRMAN MARTIN:

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

MS. PETERSEN:

There's one correction.

ACTING CHAIRMAN MARTIN:

Okay.

MS. PETERSEN:

On page (7) where is says Ms. Petersen that should be Laure Nolan and where it says Ms. Nolan that should be Linda Petersen. Okay, thank you.

ACTING CHAIRMAN MARTIN:

Okay, got that. Okay, thank you. The next item on the agenda will be the Director's Report.

MR. ISLES:

Good afternoon. Thank you Mr. Chairman. There's two items of correspondence to bring to your attention this month. The first is a copy of a resolution provided to the County from the East End Supervisor's and Mayor's Association. And essentially the resolution of that organization states that it involves the appointments to the County Planning Commission and to note the resolve clauses. There are two clauses, one is that the East End Supervisor's and Mayor's Association request that the Suffolk County Executive and the Suffolk County Legislature support the nominees of the Suffolk County Town Supervisors to the Suffolk County Planning Commission. And be it further resolved that the Association directs the Chair to forward this resolution to the County Executive, the Legislature and to the County Planning Commission. So for your information, that's a point of view that's been submitted by that organization in terms of the appointments to the Commission dealing with recommendations from the local town boards.

Second piece of correspondence is: some of you may have received an invitation from the Presiding Officer's of both the Suffolk Legislature and Nassau Legislature regarding upcoming hearings that will be held concerning changes to the Long Island Regional Planning Board. The hearings are scheduled for November 10th and November 18th. The November 18th meeting will be held here in this room in Suffolk County; the 10th will be held in Nassau County. So this is for your information you're certainly welcome to attend as any member of the public is and we talked about this a little bit at the last meeting. The County Executive has submitted for Suffolk County a bill to make some changes to make some changes to the Long Island Regional Planning Board the initial authorizing legislation. Similar legislation is also being put forward in Nassau County. The nature of the change is a couple of purposes; one is to increase the public participation in the Commission by expanding the membership of the board. The original board was created in 1965; since that time the population of the County has gone up by probably 600,000 people at this point of the bi-county area. So instead of having just three citizen representatives for each of the counties it will now be five. So there'll be ten representatives appointed by the two County Executives; there will then be eleven positions total, pardon me, twelve positions total for ex officio memberships for the total composition size of the Commission now will be 22 if approved.

Other changes deal with housekeeping type items to ensure that the County's legislation is consistent with General Municipal Law which was last amended in 1997. So there are some certain changes in there to make sure that that occurs.

And then thirdly, what it also does is it identifies priorities for the Commission to pursue such as, affordable housing, economic development, Open Space Preservation, that's not to the exclusion of other issues, but it does provide priority for that. This was considered last week at the Environment Committee meeting here at the County Legislature and based on the fact that these hearing

are scheduled it was tabled. Upon completion of the hearings we'll then go back to the committee cycle and then for full consideration by the full Legislature.

In terms of other items to bring you up to date on and as part of the Director's Report, as I indicated at the last meeting the Suffolk County Planning Commission Federation held its annual meeting in October. Chairman Martin was present at that as well as Commissioner's Petersen and London. We had about 150 planning and zoning board members, staff members and so forth. It was a very successful event; the County Executive opened up the event and we had a very positive response and the feedback surveys we did afterward. The purpose of that program is to provide opportunities locally for training for all those interested in planning in particular planning and zoning board members.

The Real Estate Division which is part of the County Planning Department is conducting an auction at the end of this month, November 30th and December 1st. It will be a rather large auction so it is being spread over two days; just here again for informational purposes. I'll also tell you too that the -- I did attend a meeting with the Director of Planning of Nassau County and the Director of Planning of Westchester County in the past two weeks. And one thing we're trying to do as far as the three counties planning department is that we all fall within the suburban ring of New York City. There are issues that are common to all three counties that became quite apparent in the meeting we had dealing with transportation, affordable housing, environmental protection, water quality protection. We're looking at areas where the combined focus of the three counties perhaps help in addressing some of those issues. What we're also doing is setting up a meeting with New York City in terms of issues that then have to be dealt with more in that larger regional level.

So that's it in terms of the Director's Report today at this time. We do have two after the public portion and the Commissioner's Roundtable. Two presentations on, one from the Town of Southampton dealing with their transportation element of their comprehensive plan and a presentation from the Town of East Hampton regarding an update to their comprehensive plan. So, therefore, we're kept the other items in the agenda relatively light in order to provide adequate time for that. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you, Tom. Is there anybody in the audience that would like to speak today at all? There's so many people out there one, two, three, four, five, six people. Nobody? Okay, that's the end of the public portion. Now the Commissioner's Roundtable, we'll start with Charla.

MS. BOLTON:

As you know, I work with the Society for the Preservation of Long Island Antiquities and one of the things I'm trying to do right now is put together a position paper on regulations being used in communities throughout Long Island

which would help in protecting community character, scale, demolition issues, things of that nature. Many communities have not really been willing to embrace landmark ordinances or historic preservation protections, but they are concerned with, for example, the tear issue, the lost of, you know, traditional buildings in favor of large over scaled new development. And so since I have the opportunity to request this of the Commission I would like to ask if and you don't have to answer that now obviously, but if you could provide me with ordinances that you know of in your own community that deal with FAR's, other types of ways of dealing with bulk issues and most particularly in residential buildings. Also anything to do with demolition pre-reviews of demolition permits that sort of thing. I would really appreciate being apprised of those. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you, Charla. Linda.

MS. PETERSEN:

I'd just like to say that the Brookhaven Town \$100,000,000 Open Space Preservation Bond passed last night by a large margin as well as I believe the County's did too.

ACTING CHAIRMAN MARTIN:

The County's did too.

MS. PETERSEN:

We're in for some good future acquisitions. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you, Linda. Richard.

MR. O'DEA:

Thank you. The Town of Riverhead town board or the supervisor actually called the Tri-Board Meeting and it was held October 25th, pretty interesting public meeting. It would air out any complaints any members had and the reverse any opportunities for cohesion amongst the three boards and towns and SEQRA and other subjects. In Riverhead all the work sessions and town board meetings and zoning meetings are televised constantly played on Channel 22. So the public is becoming very well informed in the Town of Riverhead. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you. Linda.

MS. HOLMES:

Thank you. As Bob reminded me I'm the only person on Shelter Island who cannot report to you our big issue on our highway building whether it was going to be rebuilt at its present location or up at the landfill. And I'm the only one on the island who left too really this morning to find out, but it's been a very busy

month on Shelter Island. I know Legislator Schneiderman will be very happy to learn that the town has gotten back on track with a land purchase interest where a sizable piece of land was being sort for community preservation. And the owner was willing to agree to it and then our local planning board overstepped it's purview a little and tried to make restrictions on pesticide use, but that's getting back on track and we hope there will be a good resolution for that. And meanwhile, the subject of lot clearing, we had two textbook cases within one week of one another where a local person who happens to be a builder, but has personal -- his personal home adjacent to a wetland he cleared to close to the wetland and is being subjected to quite a hefty fine.

And there was another one that had been very much debated where the individual who was a builder from East Hampton wants to build on a very steep slope and he wants a variance because the building envelope is too small and he's been back and forth for almost two years. And one would think that after all that precaution he would take special measures to make sure when he began clearing the lot that he would do it within the restrictions and have the flagging up and he did not. And so there is quite a bit being considered both administratively and criminally for charges to him because he not only had his tree person clearing, but when the building inspector went over and said you have to stop until this is properly flagged. As soon as the building inspector left the guy went on clearing; so it's a big brouhaha, but our lot committee is meeting tonight and we have two textbook reasons for making some strong recommendations to the town which the town board very much wants us to do. And we are also considering house maximum sizes. There is another committee working on that and they may well make recommendations to the town on that issue because that is something that's a work in progress right now. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you. Frank.

MS. TANTONE:

Actually, I have nothing; everything is pretty quite in Islip right now.

ACTING CHAIRMAN MARTIN:

Tom.

MR. THORSEN:

I'm not going to say too much because we've got a very interesting presentation that I think will take a little while from my town of East Hampton. And I wish to welcome Lisa Liquori who is the consultant for the town and Marguerite Wolffsohn who is the Planning Director and I'm happy to see them here.

ACTING CHAIRMAN MARTIN:

Thank you. John.

MR. CARACCIOLO:

Thank you, Mr. Chairman. I just wanted to remind the Commission that the Smart Growth Summit the 2004 Smart Growth Summit will take place Friday, November 19th from 8 to 4 at the Huntington Towne House. And as usual this is a great event for Smart Growth education training, community visioning and designing and planning as well as technical assistance. So it's a good event that I think we've attended every year and it'll be just as informative this year.

ACTING CHAIRMAN MARTIN:

Tom.

MR. ISLES:

Mr. Chairman, the next item on the agenda was the presentation by the Town of Southampton regarding their transportation element. I see that the --

SPEAKER:

He's on his way in.

MR. ISLES:

He's on his way in, okay. He's on is way in so we'll just give a moment for Jeff to get set up here. As Commissioner Petersen's indicated, the County Open Space Bond Act was approved and I appreciate you mentioning that as well as the Town of Brookhaven's. The Planning Department has been charged with by the Legislature as I indicated with actually coming up with the transfer development rights program. So this is the first time we're actually doing that with the County Open Space plan. We will have that, we expect the Legislature at the beginning of the year; that'll then enable us to remove credits from open space parcels for the development of affordable housing.

ACTING CHAIRMAN MARTIN:

Do any of the board members have any thing they'd to ask Mr. Isles while we're waiting for the presentation?

MR. CARACCIOLO:

I have a question actually for Richard. I mean, Richard was saying that the -- that you started broadcasting the town hall meeting now on Cablevision. How's the response been with the town and the public?

MR. O'DEA:

The response is very good that's all I can say. Everybody is saying is in favor of it; they're more informed. They can stay home and be informed especially in the winter I'm sure will be helpful instead of coming out to town board, zoning board, planning board. The planning board isn't televised yet I don't know what they're waiting for. We're open and receptive to it of course; I seen no negative at all.

MR. CARACCIOLO:

Do you find the meetings change, they move faster?

MR. O'DEA:

The administration is -- this is a different format and then the new adm -- or the new supervisor I'll put it that way it his idea that what they're doing is basically a lot they go over resolutions on one of the meeting and they'll sort of get a feel if there's three out of the five that will go for this or that resolution and it'll move forward and go to normal the town board meeting. If it's not or it's a borderline it still will go, but that speeds up the regular town board meeting; there not as late as they were.

MR. CARACCIOLO:

Right.

MS. HOLMES:

I have a general question if I could ask --

ACTING CHAIRMAN MARTIN:

Quick.

MS. HOLMES:

I just wanted to ask if any of the other Commissioners can let me know one way or another whether the other towns in Suffolk have a code enforcement officer who is a different person from the building inspector. This is becoming a crucial issue with us. Thank you.

SPEAKER:

A lot of them do.

MS. HOLMES:

You have a separate code enforcement also?

MR. O'DEA:

Riverhead has two of them also. In regards to another thing that you brought up and I attended a community board meeting in Queens on a totally different subject not as -- and within that meeting prior to election an Assemblyman addressed the board and I think Flanagan was his name. He has I believe there's been a recent bill on the McMansion issue passed or it's in front of the State Legislature. So if you want to look at that.

ACTING CHAIRMAN MARTIN:

Are we all ready with the presentation? Andy, everything ready?

MR. ISLES:

Well, we have today Jefferson Murphree who is the Director of Land Management for the Town of Southampton essentially the Commissioner of Planning. The Town of Southampton is engaged in a number of special studies within the town. We've seen numerous hamlet center studies that have been presented to the Commission this past year for example. The town has now made a referral to the County Planning Commission in accordance with General Municipal Law and the County Charter for the transportation element of the town comprehensive plan. So Jeff is here today to provide a presentation and address any questions the Commission members may have.

MR. MURPHREE:

Good afternoon everybody. Thank you for having me today. I assure you that the item that you see on the desk in front of me that I brought with me today is nothing more than a model. It's a hobby of mine, but it's actually ties into what I'm going to be talking about today.

(On the desk is a large model commuter train)

Part of our transportation action began back in the 1970's, you know, with Tom Thorsen's efforts we were looking at alternative transportation. We knew back in the 1970's that we were going to be having a transportation problem. They looked at a bypass from the Sunrise Extension all the way over to East Hampton and as Tom knows that did not go anywhere. And as a result of that decision a series of steps needed to be taken to address a transportation problem and as of this date we're still looking for the solution to our transportation problem not only within Southampton, but all the east end communities.

In the 1999 Comprehensive Plan Update, which updates the 1970 Master Plan, it offers us a series of recommendations on transportation improvements. Mostly, they were policies and goals and objectives and nothing really concrete other than, we need to do further evaluation. That seems to be the never-ending story with planning studies, it always needs further evaluation. As a result of that recommendation the town undertook another study, another evaluation and that's when the town hired Dr. Cliff {Bragdon} to prepare what was called The Southampton Intramodal Transportation Study, the SITS study. I don't know whether or not I have you a presentation on this last year or the year before with a draft of it. This is very comprehensive intramodal transportation analysis. In fact, it went in some people's minds a little too far; it has some very grandiose plans in terms of alternative modes of transportation that are really not realistic within our life time. And the Town of Southampton is really looking for some near term intermediate and long term real solutions to our transportation problems so the town never adopted the study. However, recognizing that there are a number of very good and excellent recommendations in this study the town hired Ron Hill who's a local transportation expert, and most of you have heard of Ron, to take

the recommendations out of this and really do what the town was looking for, which was to have some real tangible transportation solutions to our problems. Having said all that what this boiled down to are the ten recommendations that you see on the two board behind you and that's all this. You can take a look at all this volumes of information it came down to ten recommendations. Very important ones, but for the purpose of today's meeting I'm just going to briefly summarize each of those efforts.

Obviously, the automobile is the most popular means of transportation in Southampton and all of Long Island. Within the Town of Southampton, however, there is no train service within our AM or PM peak hours. It's one of the real glaring lacking things in terms of transportation modes in our community. Adding to this problem is this land use pattern within Southampton; it's mostly single family homes scattered throughout the community. We have nodes of hamlets within the community that are concentrated areas of development and those are the areas that we're trying to focus future development on so that we can get our transportation nodes in those areas to better address our transportation needs.

Going down the ten areas that we looked at obviously, the number one areas of concern is CR 39. If you ever visit Southampton you drive along Southampton, you're speeding along with visions of the beaches, nite clubs, fancy restaurants and what have you or whatever form of entertainment you're looking for and all of a sudden you get to the Lobster Inn and that's where Sunrise Highway ends and CR 39 begins and guess what happens? You're vision of your vacation just came to a grinding halt literally and figuratively because you're now sitting in gridlock. You're lucky if you get to the end of Sunrise before you get gridlock. In the summer time it'll back up two miles even before you get -- sometimes it backs up to Shinnecock Canal. It gets to be that bad. And so the community really wanted to focus on what improvements could be made to CR 39 and we've been working very closely with your Department of Public Works on addressing some near term real solutions to what can be done to CR 39 to increase land capacity. Suffolk County DPW and the traffic plan also looks at -- recommends concurrently that we widen CR 39 to four lanes from the end of Sunrise Highway all the way through Flying Point Road adjacent to Southampton Village. That would provide some immediate solutions and provide some alternative side roads for those so that traffic can find other means to gain to where it needs to go rather than just a single land of traffic.

The most important thing to understand with this traffic study, however, though is not just CR 39 because that basically encourages people to stay in their car. And we're really looking at other modes of transportation to help solve our problems and by that I mean, bus service and rail service. As I mentioned the rail service in Southampton provides very good connectivity to New York City and addresses the summer population demand very nicely. However, with the existing population between hamlets is none existent. If -- or for example I use to live in Speonk in the west part of the town and if I wanted to take the train to

Southampton Village where I work I'd either have to take an 11 am train or 5 am train to do that. There is no peak hour demand trains anywhere in the Southampton and what's very frustrating in the Town of Southampton is when you talk to the MTA they're saying, you can't solve that problem. They've got badder problems to solve. They've got capital projects that they have to address ahead of Southampton. What we heard is it can't be done in the near term and Southampton finds that to be not acceptable.

It has been done as the example shows you here. This is a 1950's, a model of a 1950's it was called a Bug Car and it provided in our hamlet commuting within the Long Island area and it can be done in either as a single car train or as a multiple car train. So that you can have the type of capital or type of locomotive from passenger car depending on your level of demand needed. And this is the type of car that we believe that could help solve some of our not all of our, but some of our problems within Southampton. What's interesting is that to say that the people wouldn't pay for it or just a little sidebar, in Dallas, Texas this is about ten years ago there was actually a bond referendum. Dallas had a number of hundreds of millions of dollars available and they put it on a referendum, do you as a community what a new stadium for your Dallas Cowboys or would you want to see rail service to provide commuting. And hands down they voted for the commuting. And what they got was these rail cars that you see in front of me they're actually old types of these car, Bug Cars...refurbish them and they use those today.

The bus service in Southampton is also severely lacking. If you want to go anywhere in the town it's very difficult to stay in the bus and go from point (a) to point (b) without having to get off, wait for the next bus for an hour, two hours to get to your destination. The connectivity of rail service in Southampton is really a problem. The connectivity between rail service and bus service is none existent. If you get off the train you're going to be staying where the train lets you off. There's no connectivity anywhere else in the town in terms of mass transportation other than taxi service. And what we really want to look at is connectivity between bus service and the rail service.

(Laure Nolan enter the horseshoe at 12:37 PM)

The third item that we looked at is the Long Island Rail Road Joint Use Corridor. If we're not getting the service in terms of rail service along that right-of-way we looked very hard at what other forms of transportation could be provided within that corridor. It's a wide corridor and provides for getting the type of rail....motor transportation rail service. It provides a connectivity between Southampton, East Hampton out to Montauk and if it's not railed that's going to provide that service is there some other modes of transportation? We looked at things in terms of having a joint use rail corridor between having a rail adjacent to a dedicated expressway for traffic. We took a look at having the more, the big scheme was it's called a ditch where we actually take the rail service and submerge that below

ground and have the cars service about ground. Again, we looked at a wide range of alternatives.

One of the other things we took a look at was abandoning the MTA train service altogether and just having it as an expressway for motor vehicles, cars and trucks out to East Hampton and beyond. Obviously, that raises concerns from our neighbors to the east, however, one thing that was noted in our transportation study, once cars get to Southampton Village half of those are going to East Hampton and beyond. So that's a lot of traffic that's passed through, through Southampton that's also adding to our burden.

Montauk Highway is the other corridor that we had to take a look at because it's the only other means of going east/west in the town. From Flying Point Road which is where the junction CR 39 is out to East Hampton you've got two hamlets that provide bottlenecks, Water Mill and Bridgehampton. People want to slow down for these areas; the areas where people want to get off to go visit restaurants and other forms of destination especially in the summertime, however, that creates a severe bottleneck. I mean, we looked at range of alternatives in those areas; one is eliminating on street parking in village business areas. That's not popular it's not widely accepted, but it is something we did take a look at. The other idea we looked at is in Bridgehampton we have a traffic signal at Bridgehampton/Sag Harbor Turnpike we're looking at putting a roundabout in that area rather than having a signalized intersection.

Montauk Highway in Hampton Bays down to Shinnecock Canal is also the heavily congested portion of Montauk Highway in this town. And we're looking at a number of solutions including road extensions of local roads and also having interconnectivity between the local businesses in the area so you don't have to go out to Montauk Highway if you wanted to visit a store three {towns} from where you parked your car.

The question is, is how are we going to do all of these recommendations. One thing that we put into next years capital budget is actually creating a traffic and safety division within the Department of Land Management. And what we're looking at doing is breaking down the task; those that are day to day operations of transportation improvements such as stop signs, intersections, visibility issues in terms of car (inaudible) the town and assigning them to the Department of Public Works as capital projects. But then we need somebody whose a transportation coordinator dedicated to looking at the long-term projects that are listed for you today. And we listed that in the budget and I think I have at least five members of the board that are in support of some form of having that. We're still debating the nuances as to how we're going to implement it, but there is unanimous support for having a dedicated transportation person in the Town of Southampton.

The other thing that we've already started is we actually created a transportation commission. A body such as a planning board, such as a zoning board that would be advisory to the town board, but it would be dedicated to looking at these long-term projects and providing recommendations to the town board.

On a bigger vision we're looking at creating an East End Transportation Authority. We have the MTA right now that oversees the rail corridor and some bus service in the town. Obviously, we're not happy with the level of service that we're getting. One of the things that we're looking at doing is looking at what we could do to create our own transportation authority partnering perhaps with East Hampton, Riverhead and Brookhaven creating our own MTA.

Traffic Management ties along with that quite nicely in terms of coordinating all these activities. We need the transportation authority, we need the transportation commission and we need a dedicated transportation planner to look at implementing each of these ideas.

Last, but not least and I mentioned this at the beginning of my presentation is that our land use obviously contributes to our transportation problems. We don't like calling it Smart Growth we like calling it Smart Planning. We're looking at not just in terms of development patterns in the Town of Southampton, but also areas where we want to preserve, obviously, one ties in with the other. And so that concludes my presentation. I'd be happy to answer any questions you may have.

ACTING CHAIRMAN MARTIN:

Thank you. John.

MR. CARACCILO:

That's a very impressive plan; I got to tell you I was quite impressed. I think you guys are thinking out of the box. I mean, anyone that would look to eliminate the MTA I think you're really leaving nothing unturned and I hope that you guys follow through with it. You talked about that this is a problem not only the Town of Southampton, but in all east end communities. What are you doing to reach out to the other communities like Riverhead, you know, East Hampton to get them involved with your line of thinking because I think your line of thinking is excellent? And if we're going to move forward on Long Island in the 21st century we need to do some things that you're saying.

MR. MURPHREE:

Our biggest outreach is obviously been with East Hampton to this point because so much of, you know, as I mentioned so much traffic that we have bypass traffic coming through. We, obviously, just don't want to dump it in East Hampton because that creates a huge headache for them as well. So what we're going to be doing is partnering with them, talking with them. Right now we're talking with their town manager letting him know what we're doing and coordinating with their

efforts to fine out what they're doing because it's great that, you know, if we had these great plans, but if it doesn't dovetail with what East Hampton Town and East Hampton Village have in mind it's not going anywhere. So and there's strength in numbers; we can't do this on our own quitting MTA we're not going to be able to do that on our own. If we get the help and assistance of East Hampton Village, East Hampton Town that's going to go a long way towards trying to convince MTA that, you know, maybe it's not a good idea that East End, you know, divest itself from within their purview and maybe we need to spend more time and attention to their needs.

MR. CARACCIOLO:

I like your idea of form an East End MTA, your own committee. That seems like a great idea. Good luck.

MR. MURPHREE:

Thanks.

MS. HOLMES:

May I follow up on that and ask to date, what has been your feedback from the East Hampton Town manager as to their willingness to work with you on a regional basis for transportation?

MR. MURPHREE:

Right now we have the -- it hasn't been formally adopted as a commission. Right now it's in advisory committee and we've had one of our members sit down with the town supervisor from East Hampton. I have not heard back from that. We actually had a Transportation Advisory Committee yesterday where he was going report back on that. I was not in Southampton yesterday so was not able to hear back as to what the result was other than it's been positive so far. I don't think it would be anything other than positive because I think all three communities in the east end recognize that there's a problem and that no one community can solve it by itself.

MS. HOLMES:

That's very encouraging to hear and maybe you can establish a paradigm that we and Shelter Island in the North Fork have so far been unsuccessful with getting East Hampton to feel their need, their responsibility to be part of regional transportation solution. Because so far there's been a real stonewall about that on our side of the ponds. So I hope that maybe seeing a good result come with working together with you that maybe it'll spill over.

MR. MURPHREE:

I wouldn't characterize it as stonewalling on a global issue. I think they certainly recognize the problems and I think that they have certain very specific issues. And if we can break out those specific concerns and address those separately from the things that we can reach a consensus on; if we can identify those issues

that we can reach consensus on that will go a long way towards addressing the bigger picture.

MS. HOLMES:

I was struck by your mentioning that over 50% of the people bottlenecked in Southampton are journeying on to the East Hampton area because we found years ago that where we were having a real problem with the New London Ferry, the Orient Ferry dumping so many cars on the Shelter Island Ferry line that over, over 50% of those cars were trying -- were using Shelter Island as a bridge to go to East Hampton. And yet at the same time when effort were made to revive direct ferry service that, that wasn't a successful project and I would just hope that maybe it could all be revisited in line of the cooperation that you're cultivating now. I hope.

MR. THORSEN:

Jeff, I just wanted to give you a little point of history. Back in the 1950's it's quite a while ago there was a consulting firm that studied the Village of Southampton and it was at the time that the County was planning Route 39. And while the planners recommended that it be a limited access highway which would have solved a lot of problems.

MR. MURPHREE:

It certainly would.

MR. THORSEN:

Traffic at the time was traveling down Hill Street and running right through the village itself, right in the village streets and so that recommendation was made, but they were looking for ratables in the town. They wanted to continue commercial along that road and that has cost the problem. Later on in 70 in the 70's there were three plans to run through Southampton and into East Hampton as far as highways. And the planning board at that time settled on a route that would be a parkway system and essentially went along pretty much along the power line up through the moraine. Now of course nobody can do that anymore, but there were good intentions, but we got beat back.

MR. MURPHREE:

In fact, essentially, you're saying that you say that it use to be in the old days of the Department of Transportation that they would come up with a plan and take it out to the community as Tom said, you know, they got beaten up pretty heavily to the point that they no longer would come back with a plan. They now tell the town, if you come up with a plan and then we'll -- they'll take a look at it. They know what the community opposition is going to be like.

MR. THORSEN:

I just have one question to our Director. We have a Suffolk County Traffic Division, right?

MR. ISLES:

Yes.

MR. THORSEN:

Are they looking into any of these advance ideas?

MR. ISLES:

There is a traffic and transportation division in the Department of Public Works; we do work with them. The County's in the process of completing a study of CR 39, which has been a large part of the discussion today. And yes, they are looking at when you talk about these advance ideas, absolutely. Some of the things that we were just going to comment on, there's some proposals here for roundabouts and so forth that there are some concerns with some of the specific aspects of that, but Bob Shinnick is the head of that. He's a planning by training; he has an engineering background as well and I found in my experience to be pretty open-minded and though as well.

MR. THORSEN:

I was just wondering the town is going to have to come up with a pretty good salary for somebody that's really going to be good for you, you know, that's going to accomplish these things. And I was just wondering, can't the County carry on that kind of thing to help the town?

MR. ISLES:

Well, the problem is the Transportation Division runs the County bus system, oversees that and, you know, in terms of the workload I think it would be hard. I certainly couldn't commit to adding anymore work for them, but that's going to be the problem. And I think they've got in terms of their core professional staff that does this kind of transportation planning they've got like two or three people. And so operationally they have other people that run the buses and all that, but -- so I think the County can offer cooperation and assistance. I would find it hard to say that the County could offer, you know, more of a professional level full time kind of staffing at this point. We'll cooperation, but I can't see us going pass that.

MR. THORSEN:

Another side question, the new regional planning board back when it really was in its hay day it did an awful lot of advance studies and I'm wondering if they're going to -- you mentioned transportation I believe --

MR. ISLES:

Yes. Transportation to the extent that it supplements the metropolitan planning organization meaning that the General Municipal Law provides that a regional

planning council can provide transportation services if there is no MPO. We do have an MPO here, a Metropolitan Planning Organization, so all the transportation planning for federal funds is channeled through that. So the Regional Planning Council would assist in that; it would take a secondary role in that sense so they can't preempt the MPO in this case. So they can have some role, but it's not going to be a dominant role. And I think more of what they're going to be doing is coordinating and maybe serving to put issues in the forefront and advocate and push issues maybe on the political agenda as well. But they can't operate a Metropolitan Transportation Planning Organization.

MR. THORSEN:

Well, it seemed to me that a bi-county effort Nassau and Suffolk should be able to come across with some fire power with respect to getting a better transportation system going.

MR. ISLES:

Absolutely. That's been a key part of the discussion with Nassau too is that they've got a pretty ambitious agenda with the hub and so forth in terms of some of their transportation needs. Suffolk, obviously, has significant transportation issues. We've heard them today with the East End in particular. So I think that's one thing that the two county executives want to talk together and to work together. Ferry issues are another issue whether it be to the east end of central Suffolk County and then have a form to present those even though, here again, we can't be the MPO. We can still put them on the top shelf at least.

MR. THORSEN:

Thank you.

MR. ISLES:

There is a staff report that Andy Freleng has prepared. The report summarizes the key aspects of General Municipal Law that you must consider as part of the adoption or pardon me, the referral of a comprehensive plan so we've outlined to you. I assume Jeff, that this is obviously, there's what's called SEEDS process that's going on in the east end, Sustainable East End Development Strategies. That is a planning process that's combined the five east end towns as well as the villages into a regional planning effort. I notice his mention of that, but if you could just comment that this is some complimentary in terms of, you've got local needs, local more specific issues. Would you say that the town is still committed to continuing a process with SEEDS at this point?

MR. MURPHREE:

Absolutely. We also have a staff person that attends all the SEEDS meetings. It's the great assistance to moving that effort forward. As you know, whenever you do a bigger regional transportation plan the longer it seems to take and Southampton is well, is committed to working with SEEDS and all the communities together we don't want to wait until that happens to start looking at

its immediate needs. So we want to go forward with this adoption of this plan so we can work with DPW and start looking at some other improvement along CR 39 for example.

MR. ISLES:

And CR 39 is a current topic since DPW is moving with that one. The staff recommendation would be to grant conceptual approval subject to acknowledgement of the jurisdictions that exist of the New York State Department of Transportation as well as Suffolk County Department of Public Works. We have put a comment on there as well suggesting to you a concern for the viability of the proposed roundabouts on such high volume roadways as CR 39 and CR 80 which is part of Montauk Highway. Also expressing some concern that although placing all the utilities wires that currently exist along CR 39 underground is something that's aesthetically beneficial and can add economic value perhaps it is something that obviously would have to be the potential cost and logistics of doing that would have to be considered. So in terms of signing on to that recommendation the plan at this point we would advise caution on that until further study is done on that point as well as on the roundabouts. The recommendation is conceptual approval.

MR. O'DEA:

Can I ask a question on the subject of planning? It's a hot item in Riverhead putting these power lines in and stuff underground. Where does that stand in the Town of Southampton or in relative to this, whichever one you want to comment on?

MR. MURPHREE:

Well, we're working with as Tom mentioned we're working with DPW on that issue. The cost of that is exorbitant and while there are many benefits of doing it, obviously, the beauty of not seeing all those power lines and telephone poles is a great value to the town. We also recognize there's a real cost impact associated with that, you know, what is that cost going to be and whose going to pay for it.

MR. O'DEA:

Thanks.

MR. ISLES:

That's the staff recommendation at this point.

MR. CARACCIOLO:

I make a motion to accept the staff recommendation.

MS. HOLMES:

I would second it.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So carried.
(Vote: 10-0-0-1 Absent: London)

MR. MURPHREE:

Thank you very much.

MR. ISLES:

Thank you, Jeff. Thanks for bringing the toy railroad car too.

MS. HOLMES:

Yes, we enjoyed that. Do you have to take it back?

MR. ISLES:

We have to see if East Hampton ups that one or not.

ACTING CHAIRMAN MARTIN:

Tom.

MR. THORSEN:

Yes, this is Lisa Liquori. She's the consultant for the -- to the town board relative to the comprehensive plan update. She follows two other consultants that started out the work Dr. Lee Koppleman who completed a massive work with and bringing into it seventeen subcommittees of citizen work, seventeen different areas of concern. Then we had Horn Rose who was going to build that into a comprehensive plan, land use plan and I believe they were thinking about or being considered for the zoning that would follow that plan. There was a lot of controversy over the {whole} Horn Rose and personally I don't think it's any secret that politics changed because of that Horn Rose plan and the fear, unfortunately, of Smart Growth. So a very ticklish issue anyway, but so Lisa was hired by the new board to carry on and pull everything together and try to get this plan done (inaudible) time.

MR. ISLES:

I would also like to add too that Lisa is the former Planning Director of the Town of East Hampton as is Commissioner Thorsen. And we're also joined today by the current Planning Director of the Town of East Hampton Marguerite Wolffsohn. So it's a distinguished attendance and we appreciate that. At this time Mr. Chairman we'd like to ask the consultants to make their presentation. Thank you. Its two parts to this, the Comprehensive Plan consideration on the referral of that; the second part in your agenda is actually the zoning amendments to implement the plan.

MS. LIQUORI:

Thank you and thank you, Tom my esteemed colleague, former boss and mentor for East Hampton Town who had prepared East Hampton's prior comprehensive

plan. I was a staff member with Tom at the time back in 1984 and I'd like to thank Tom personally for many decades of excellent planning for both East Hampton and Southampton. You heard him talking in the prior presentation about the plans since Southampton in the '70's that he worked on and he's been a wonderful force. And I understand he's been working with this Planning Commission for a number of years and is a carryover now for a couple more terms, but I thank you for coming to this presentation too, Tom, I appreciate it.

And as Tom Isles had indicated I'm also very pleased to present Marguerite Wolffsohn the current Planning Director of East Hampton Town. And this project was a little bit unique in that the planning department worked on this as almost as if it was an in-house job with me as a consultant having formally been with the planning department kind of pulling together a bunch of things. But as anybody knows you whose worked with the planning department and you all have you can't really produce a better plan than what a planning department can do. And they are excellent, top notch in East Hampton as all the towns have and the County of course. So it's been really my pleasure working on this project. And then just to make just a couple of comments in response or just kind of following up to what esteemed colleague to the west has just presented about the transportation plan. East Hampton kind of seems to be your -- fingers are being pointed at East Hampton from all directions as being the cause of the traffic whether it's coming through Southampton, whether it's going to -- coming through Shelter Island whatever it is East Hampton is still causing a lot of traffic problems or so it seems.

We acknowledge that transportation and traffic is linked to land use whether it's Smart Growth or any other type of growth. Growth is related to traffic at the rate of what the ITE, the Institute of Traffic Engineers says 10 to 1; so for every new house it's estimated that that brings not just one new car trip a day, but ten new car trips each day for every new house. And that actually has been one of the driving forces for East Hampton's Comprehensive Plan Update. How are we going -- we already have some of the worst traffic problems on Long Island particularly in the summer time. What is our future build out and how are we going to be able to accommodate it? So this plan that you're reviewing projected the build out based on, you know, it's very standard techniques about how many lots available are the single and separate lots and then if the land available for subdivision were divided according to the existing zoning, how many more house lots could there be? And it turned out that there could be a 42% increase in the number of houses that there are in East Hampton already. We're already talking about how we can't accommodate this traffic already and depending on exactly, you know, if we use the census figure of 2.4 to 1.3 people per household that could represent a 53% increase in growth in year round population. That doesn't even include the summer whatever happens three times as much, four times as much, five times as much population surge that we get then. So this plan had at its at the core we have to do something about that growth. We still are going to

have growth, but we have to do something to reduce it and that really was one of the driving forces behind it.

So the plan itself is comprised of six components. It has an introduction and then six components. The first is a vision in goal statement which were established collectively by the town board in the early part of this year after they had reviewed starting in 2000 Dr. Koppleman had prepared a questionnaire of 110 questions that were mailed out to all the citizenry renters and owners of East Hampton Town and the overwhelming public response was we need to protect our groundwater resources and our environment. Out of all the things taxes whatever the issue, whatever it is those were the overwhelming responses of all the citizens of East Hampton what the issue were. Then in 2003 Horn Rose another second consultant on this job conducted multiple workshops in each of the hamlets and said, what's your vision for East Hampton how would we do. And then there were public hearings on their plan and from that these goals and visions statements were developed a little bit further not just protect the groundwater and the environment, but also to provide for affordable housing. To encourage the local fishing and agricultural businesses; to encourage local businesses to serve the needs of the local community. To reduce the reliance on the automobile, however, we're going to do it while encouraging alternative transportation. To develop adequate infrastructure and plan for adequate facilities; to protect the historic resources and one of the goals of the plan was to implement the plan. Maybe one should have been to adopt the plan, but that seemed a little self serving, but I mean, let's not have a plan that's going to sit on the shelves. So that was section (1).

Section (2) of the plan went through the existing conditions. It was an overview of the geography, the environment, the history, the demographics, and the residential build out and I just told you the result of the residential build out. We have an awesome increase or potential increase that we could have in East Hampton Town.

Section (3) was devoted to affordable housing. It was a special intensive study devoted solely to the subject of affordable housing. It was prepared with Tom Rule who's the housing director, Community and Housing Director for the Town of East Hampton. It includes a description of the existing housing conditions; the affordable housing needs. The existing housing programs that are in East Hampton cause there are quite a number of them in legislation and recommendations that are suitable to East Hampton. I mean, where you have a lot of other plans that we're talking about we should do this, we should do that, but what was going to be acceptable and suitable and fit in with East Hampton because if you have a plan that calls for something that's not going to work you're going to get too much community opposition it's never going to get built. So this one had to really look at what might be acceptable for East Hampton and we've had actually some parts of it implemented already, but let me go over briefly what they talked about the recommendations.

One is for a seasonal employees housing overlay district to allow the conversion of some of the existing motels to seasonal housing. Montauk has the distinction of having more motels units than any other one community in all of Suffolk County that's according to one of the great reports that Suffolk County Planning Department did. We have lots of motels to the point where some of them have rundown; they were built at 40 units an acre or high without sewerage treatment. Most of them have public water, but not very good water pressure. And some of them are pretty rundown, but they're just standing there afraid to do anything because they'll lose their preexisting status because it way higher than what density would allow now. It's higher than what the Suffolk County Health Department would allow now. So this plan has worked with the Suffolk County Health Department and said okay, could these -- some of these motels get grandfathering status saying that you would allow them to rebuilt. Rip the whole thing down, we don't need to keep these dilapidated buildings; rip them down. Build them at the same density....don't require sewerage treatment if they want to do sewerage treatment that's okay, but have them meet the current Health Department standards for sewerage flow. In other words, don't just have the sewer not treated. And allow them to be use then for seasonal employees because we have a very high seasonal population and a very high need for seasonal employees in Montauk. As I said, we've got all of those motels; we've got a lot of restaurants. Where are they being housed now, this might be a way to help house them.

Another proposal is to facilitate the construction of apartments over stores and apartments over other commercial construction. There is a provision in East Hampton's code already that allows for that. It's only really been used when somebody's building a new building, but in order to take a building that already exists and put a second story on it a lot of the owners are finding that they won't be able to meet the Health Department regulations. That again, you've got too small a site for that. So this takes that into account and says that the town would facilitate a transfer of development rights from the property that's acquiring with its community preservation funds and setting aside that density and saying that could be transferred to these applicants for affordable apartments over stores and over commercial buildings. And also to allow the planning board some flexibility in the parking requirements too.

There's also a provision to allow apartments in residence; right now that is currently allowed. Apartments can be approved in residence, but it needs site plan approval, it needs special permit approval, it needs a public hearing. Now since the provision has been on the books since 1984 there've been two applications for that. We realize something must be wrong. So we're proposing that if you still have all the standards, all the standard have to be met, but that you don't have to have the public hearing and some of those other provisions. Maybe that would facilitate it and help be able to meet our affordable housing needs that way.

There's also a proposal to facilitate homeownership by moderate-income families using the existing housing stock. We have more houses than year round people in East Hampton. That's a little bit unfair cause that's also summer people, summer houses too, summer residents. But that we've got a lot houses maybe if we're able to do a buy down program and make some of the existing housing stock permanently affordable that would be a good use of our resources. The same thing for new residential construction. Also to follow with the inclusionary zoning proposal that New York State has proposed once that gets adopted I don't believe that East Hampton or anybody else can adopt something until that we have the enabling legislation. So once that's adopted work that out so that might apply and help for East Hampton. Right now or the last time we looked at it, it was really only applying to full subdivisions and we're afraid after doing a lot of these numbers that there's going to be largely subdivision waivers left or minor subdivisions. So we would like that inclusionary zoning to apply to that aspect as well and hopefully it will be part of the state legislation and the town's legislation.

There's also a recommendation for tax incentives to promote new affordable housing and to help keep housing affordable. To encourage people to donate property, housing or money to the East Hampton housing community, Housing Opportunity Fund. People say, hey there's lots of money out in East Hampton, Billy Joel or whatever it is. Well, you know, yes, but there are a lot of people who need housing too, so lets maybe match some of this up. Require that all the town agencies give expedited review to all affordable housing projects. For the town to continue to purchase land to develop with affordable homeownership programs such as Whalebone Woods one of the many projects that Tom Thorsen help develop in East Hampton. It's been very successful. And also for the town to work with the housing authority and other non-profit agencies to develop new attached dwelling affordable housing development projects other things that East Hampton has already done to continue to participate in the Section (8) federal rental assistance program. To continue to allow and to publicize a current provision that allows every homeowner to rent up to two bedrooms per house and that doesn't seem like, you know, well, what do you have to do there, but I mean, it shouldn't necessarily -- it doesn't necessarily have to be just for summer residents. But it could be a transition for a person whose getting on in years and would like somebody else living in their house; doesn't really want to make a lot of costly improvements to their house. They could be renting out a couple of rooms and that could supplement their income and also have somebody else in the house. It could also help somebody just starting in like kind of starter housing. It might not be doing all the cooking or whatever it is for themselves and just renting a room might be suitable for them. Anyway that's allowed right now, but not that many people know about it so maybe we ought to publicize it.

To continually -- to continue to aggressively pursue tax default properties owned by the Suffolk County and other surplus government properties. The town has

been coordinating very well with Suffolk County Planning about these issues and that still something should be continued. To continue to designate new affordable housing overlay districts which allow a higher density than the underlying zoning. That was something that goes back to the 1984 plan; it's still a good method lets still do it some more. We've identified some new sites that might be appropriate for that. And then also to lobby for state legislation to create the ½% real estate transfer tax to fund affordable housing initiatives. You're all familiar with the 2% real estate transfer tax. It's been overwhelmingly successful for the East End. Could we add another ½% on to that for affordable housing measures that would be wonderful. All right, so that was all section (3) of the plan.

Section (4) is an urban renewal map study. Now urban renewal -- the urban renewal map program is a kind of a unique to East Hampton program that designated '76 old file maps and those are the maps that were filed before planning or zoning existed....every town has them I think; a lot of the East End towns do, I guess all the towns do....that then came up with a system to re-plot them and reorganize them in kind of bring them up to more modern standards. It was a program that began in 1976 and low and behold 30 years after that program was developed it needed some updating. So there are some recommendations there; it's an inventory of what's going on there, what else could be done. There had been some statistics in one of these earlier drafts of the plan that indicated that there were 3,000 additional building lots that could occur in them. That number is not true and there's not much subdivision potential in these areas, but there are some other things that could be done to update and modernize them and still allow development and provide for housing in these areas. That's section (4).

Section (5) is a water plan. In this plan itself it only includes the executive summary and the 44 recommendations that were reviewed by the town board and they decided to be put into here. And as I stated earlier protecting the ground and drinking and surface waters is one of the articulated goals of the public of East Hampton and so there's a whole section devoted to that.

And then finally there's section (6), which provides 92 recommendations to meet, and implement the goals set forth in the plan. And I'll just review some of these recommendations I'm not going to read all 92. One was to evaluate the zoning of non-conforming businesses town wide and to formulate recommendations to allow these to modernize, update and improve without allowing changes to these uses or large expansions. But we do have, you know, some businesses are stuck, they can't do anything right now. Another would be revise the list of permitted and specially permitted commercial and industrial uses in the standards for operations so it's to reduce the potential environmental impacts. Amend the town code to allow multiple offices in every commercial site. Office use is a big -- there's a big demand for that right now. We've had a surge as probably every community has with many people now taking their business into their home with the computers and the Internet and all sorts of things. People

now say okay, I'm going to work out of my own home and then after a while they gets so big and then their saying wow I want to get out of my home. And then their starting to look for offices and where can you go. That's a nice clean industry that we'd like to facilitate in East Hampton.

But now we need to reduce the amount of commercial industrial land over the town's highest priority drinking water resources located in Wainscott. A few years ago there was a study done, again in Suffolk County Planning, indicating that the amount of commercial industrial zoning we had in East Hampton the vacant amount of land was probably more than all of the County needed. We have huge areas kind of a storage bank around the airport. It made sense at one time because what else -- you don't want to put people need an airport, but it also turned out that (a) we don't need that much. Now we found out that that's where our best drinking water resources are and we need to do a lot of preservation in that area. A lot of preservation has been focused on that area, but it's no longer appropriate for CI zoning, Commercial, Industrial. It actually served as almost a holding pattern for a number of years and kept development from occurring in that area which was beneficial.

We should also recognize that the construction industry is an important component of East Hampton's economy. And rezone some acreage in an area historically used for industry from residential to commercial in the area of Springs Fireplace Road where there already is a lot of commercial/industrial zoning. To create a plant nursery overlay district; we're talking about, you know, not with greenhouses and the trees and so forth. To encourage the existing plant nurseries identified as a visual asset along Montauk Highway to expand into a residential zone. If you've driven down Montauk Highway down out in East Hampton you see some very beautiful nurseries that don't look like commercial establishments at all because they're largely green. And they have maybe six acres of land around them that are in a residential zone.

Continue to develop a plan to revitalize and improve the Montauk dock area. That was a study that began under Marguerite Wolffsohn's direction. It kind of got stalled while this plan went forward, but we need to get it back on track and have the planning director in the Planning Department finish that up.

Develop and implement the plan to address the unique needs of downtown Montauk. I made reference before to all the motels that there are in Montauk. Some of these are in downtown Montauk in areas...they need to be revitalized if they're not going to be for seasonal affordable housing, what else could they do? They're at much higher densities than we would allow right or that the Health Department would allow right now. They didn't have requirements for parking when they were built. There's other type of things, but nobody is going to do anything with them because they're pre-existing non-conformings. So we need to do a plan to look at the unique needs of downtown Montauk not just the motel areas, but other things. It's kind of a livable, walkable community. You can just do everything without a car in that area. How can we facilitate that; what can we

do to help that downtown area revitalize a bit? Also look at really all of the business areas in East Hampton. In north Main Street, revise the commercial zoning. Limit it to prevent unacceptable traffic congestion; to implement a beautification project together with the Village of East Hampton because that area overlaps with the village. Develop and implement traffic design pedestrian safety and other improvements.

Develop a plan to improve the functionality of the Wainscott area. There also had been a large sand mine about 80 acres just bordering the Wainscott commercial hamlet center. That has completed -- it's no longer being mined; it's also been reclaimed. Now they're ready to do something else. So integrate that into the whole Wainscott plan and come up with something that really functions and also looks a little bit nicer than it does right there. We don't really need to have a former sand mine coming right up to Montauk Highway.

Do also take a look at the Springs business districts, but being aware of the fact that a portion of one of them is in an historic district and make sure that you pay respect to all of the historic views and buildings. Take a look at the need for and potential locations for existing and future post offices. Continue to prohibit the establishment of super stores that could really under mind a lot of our businesses and cause unnecessary congestion in one location. Conduct a study of East Hampton's ability and desire to meet future commercial needs. Right now there's not a consensus as to how much commercial development there should be in East Hampton. Whether we need anymore or whether East Hampton should leave the town to go get all of the commercial needs met and that really has to be developed together as the community.

Revise the code to allow commercial greenhouses in commercial industry zones and in the town industrial park. Preserve and maintain the fisheries support facilities. Change the control depth of Montauk Inlet and in fact, that's just a recommendation to the federal government. Rebuild and maintain existing town waterfront facilities. Maintain existing beach and waterfront accesses and acquire additional sites. Develop harbor management plans. Inventory analyzes and implement stormwater abatement programs. Re-enforcement the commitment to preventing further ferry services. Coordinate with other agencies and transportation providers. Immediately conduct a town wide review of sites available for future recreational needs and implement a town wide recreation plan.

Recognize the importance of East Hampton's beaches to the economy and provide essential support services. Adhered to an organized schedule to process and implement the plan. So since two of the most significant measures to meet some of the goals of the plan in terms of preserving the character natural and cultural features are proposed to be realized through acquisition and rezoning. There's another section that I'll go over after, I guess, after you discuss this that discusses the proposed rezonings that have been prepared in conjunction with this comprehensive plan. Thank you.

ACTING CHAIRMAN MARTIN:

Board members, do you have any questions?

MS. HOLMES:

Well, I'm fascinated with this plan. I think it's marvelously creative, especially with the town's equity of idea in housing and with the idea of creating more affordable units above stores and in the business district. I just think that's really very creative and I hope it gets a lot of wide publicity. I guess it has had already, but I would like to see someone like Karl Grossman take it up and put it in his column because he syndicates his column in all the regional newspapers. I was just curious to ask, what is the provision in the East Hampton Town code now about ferry service, you know, the expansions which do not meet the provisions? What is the provision now with ferry service in the East Hampton code?

MS. LIQUORI:

In 1997 the town did its last update of its transportation component which is one of the other recommendations that go forward with all of the components of that. But in it, it found that if there was one type of a new land use that were to come into East Hampton that could have a significant draw of traffic of cars that that should not be something that was allowed. And it was found that a car ferry service would be one of those type of uses that it would kind of bring in more cars than it would be able to handle. So the town board then used the comprehensive plan as the basis to say that there should not be car ferry service. There are, there is a passenger ferry service right now that that is permitted and there are provisions for additional passenger car ferry -- additional passenger ferry services.

MS. HOLMES:

I see. Yes, I was curious because having traveled myself Cedar Street a lot just in the past maybe four or five years St. Mary's Road on Shelter Island has become a Cedar Street. And it's because all the people rushing from North Ferry to South Ferry they found that short cut to get to South Ferry and it's daunting because obviously people do use their cars. And, you know, to be a foot passenger would be limiting because so many people coming from East Hampton using ferry service require the use of a car. So I was sought of glad to see this little window in the staff recommendation that maybe sometime in the future some plan could be devised that would meet, you know, the East Hampton code. And so I was just wanting to clarify that, thank you.

MS. LIQUORI:

There also is pending litigation.

MS. HOLMES:

Yes, that's very unfortunate, if I may say so.

MR. THORSEN:

Lisa, didn't I read in here somewhere that there was a discussion of trying to take houses or, you know, persuading people to donate their homes particularly if they bought it to and they're going to tear it down?

MS. LIQUORI:

Yes.

MR. THORSEN:

On my block alone your former block they burned a house. They used the fire department as a, you know, a demonstration, a training program. They burnt this lovely ranch house that was one of the cutest houses on the Lane. Now Peconic, not Peconic Land Trust, but yes, Peconic Land Trust I'm sorry. They received a house from an owner on Hand Lane and to get the house down, it was a ranch house, to get the house down the lane because of beautiful trees they sawed the house right in half and moved two halves over on to their property about three miles away and restored it and it's a very nice job. It would seem that if you had storage place, some place like town hall is a nice big lot there. If you could store some of these buildings and use them for affordable that it might be an idea to work with.

MS. LIQUORI:

Tom, we kicked around the idea of even having a demolition delay requirement before someone apply for a demolition permit. That they maybe be required a 30 day waiting period for the town to get its act together to find somebody and so forth and we didn't go forward with that. We do -- we have had recommendations or people who have donated; we've worked with the housing director, Tom Rule about it. It's a tricky business because the cost of moving is expensive and to move it twice is even more expensive. So if you designated a site to move it to because you didn't have your ultimate location ready there would be a lot expenses. But we do encourage people to either donate money or house, but we weren't going to go so far as to require a demolition delay because we thought that was unnecessary burden.

MR. THORSEN:

Who's that tearing the houses down? I mean, they're not big enough for the summer people coming in?

MS. LIQUORI:

No.

MS. BOLTON:

Lisa I wanted to ask you about the provision for seasonal affordable housing particularly in Montauk. I spend a fair amount of time actually there and I wasn't aware that most of those motel units were, you know, they don't look some of them very elegant, but they do appear to be used. You know to be rented for

people coming out to Montauk in the summer, spring and the fall, everything but the dead of winter. Do you have a sense in proposing this; have you really looked at the possible inventory that could contribute that would be willing to participate in such a program because I just was a little surprised by that proposal. the economics of it?

MS. LIQUORI:

Hmm. Good question. We were a little bit tentative; we actually proposed some discreet locations so not to say all of the locations where there are motels or where there are motels permitted. But in some discreet locations up along the Montauk dock areas that we had already a preliminary study done by the planning department with outside consultants about some opportunities in that area. Some willingness from property owners to go forward and also in the downtown Montauk area north of the highway so you're not right on the ocean or that close to it --

MS. BOLTON:

Right.

MS. LIQUORI:

There are some areas that are actually now even being used for year round housing rather than that. So we wanted to start conservatively with some areas that we thought it would get acceptance and then to see whether we could broaden it afterwards. We didn't want the Chamber of Commerce or anybody else thinking that we were saying, all of Montauk's motels should not be for seasonal or affordable housing and destroy their business. That's not what we want at all. So that's why we wanted to be just some very discreet locations to see whether it'll work. In terms of the economics of it, no, we have not gone to see whether it's going to work for somebody to rip it down and built it back.

MS. BOLTON:

Right. Is there -- do you have sort of a complimentary because I'm thinking of it's seasonal affordable housing, you know, the great demand obviously, is for people who come to serve this verging population in the summer. But then those people are not necessarily there all year round so then what happens to those units potentially in the winter once they're converted into seasonal affordable housing?

MS. LIQUORI:

Again, this is still a proposal in a comprehensive plan rather than a zoning ordinance which we'll have to address the, you know, the legal specifics, but it had been our intent to have a covenant indicating that it would have to be closed for several months of the year. So maybe from January to March you drain the pipes, you turn --

MS. BOLTON:

Right.

MS. LIQUORI:

You close it up. So cause there has been -- that has been one of the ways that the businesses have met their needs is having seasonal employees come in. There's a large surge of -- there have been Irish students, there've been students from all over the world --

MS. BOLTON:

Right.

MS. LIQUORI:

You know, the last couple of years now just to work in Montauk and they kind of have a good time too. So it would be something to meet just that seasonal need not to be for families that should be for, you know, some other place.

MS. BOLTON:

Right. And the other question, which I just need a clarification on allowing apartments over stores. You were talking about both space that already exist, for example, second story space in stores that already exist that could be converted or are you talking about the potential to actually add on to buildings?

MS. LIQUORI:

Yes, both.

MS. BOLTON:

Both. Okay, thank you.

MS. LIQUORI:

Sure.

MR. CARACCIOLO:

Mr. Chairman. Lisa it's a great report; I think it's a great study and I like the fact that one of your goals is to commit to implementing the plan. I think that's always a good way to go, commit to doing it. I guess I'd like to see you, you talk a little bit about transportation plan and a little bit about transportation and coordinating with other agencies. I really would like to see you, I guess based on that first report, coordinate with other towns as well about transportation and the need for forming transportation issues out there with the coordination among all the towns rather than just with other agencies.

MS. LIQUORI:

I believe it says it, but I'll go back and check; it was certainly intended. Of course, some of this might have been written right when we go slapped with a lawsuit from our fellow towns. So it's a little hard bit that one saying that we

wanted to coordinate when we're being sued when we thought we had been coordinated in the SEEDS Program.

MS. HOLMES:

I think following up on that it's a very optimistic thought, but very possible that the lawsuits would go away if there were more of, you know, town meetings together. Towns meeting together.

MR. CARACCIOLO:

We all just got along.

MR. HOLMES:

Yeah. You know I just -- I have that feeling that the lawsuit was a frustration thing and it's not shared by everyone involved.

ACTING CHAIRMAN MARTIN:

Do you have any questions?

MR. ISLES:

Okay, we do have a staff report that's been presented in your package today. It includes parts of the comprehensive plan as Lisa's explained. I will offer congratulations to the town because this has been an extraordinary effort on their part. They've been working on this for, I guess, four years at this point through three consultants, and certainly the effort does show with the product that's presented to you. What Lisa has presented is very detailed and very thorough and a very careful examination based on their needs.

The Planning Department has reviewed this in accordance with General Municipal Law and we provide that summary in your report. We are recommending to you conceptual approval with a couple of comments. A suggestion regarding emphasis on updating the transportation segment of the Comprehensive Plan. Here again, the plan was done, that element was done in 1997. Ms. Liquori's indicated that the town is now proposing to implement that plan. Where it may need to be updated based on the passage of time certainly we would suggest that that be done, but otherwise proceed with implementation.

Comment number two, any limit on ferry service expansion we feel should not fully exclude consideration of future waterborne transportation opportunities that may be compatible (that word needs to be changed) with local planning objectives. We understand the point of view of the town on this one and we certainly respect that point of view. The only comment here is that as further study is for the planning proceeds as further information is made available. The never say never is perhaps a little bit more than what we think is appropriate at this point that where it fits into the local planning objectives which is key perhaps it should be considered. What those facts maybe I don't know at this point, but in terms of understanding the town's concerns about becoming a magnet for

additional traffic, obviously, that's a concern, but where it could be good for the town perhaps in terms of satisfying local needs, perhaps that could be considered. But here again, that's just to the extent that we've described it here.

Third comment is: there was a recommendation that all county parks be put into a nature preserve status. We would only suggest on that one that that be done on a case by case basis based on the development of individual management plans. By putting into nature preserve status we sometimes do foreclose the option of doing improvements including little parking areas, marking out trails and things like that. So the management plan should come first; the designation should be second we feel. And we have a minor comment regarding Map (5) on the report, which we can pass along to the town as well. That completes the staff summary.

ACTING CHAIRMAN MARTIN:

Thank you. A motion's in order. Tom, a motions in order, do you want to make it? I figure it's your town.

MR. THORSEN:

Well, since I had nothing to do with it. Mr. Chairman, I like to move the staff's report.

MR. CARACCIOLO:

Second.

ACTING CHAIRMAN MARTIN:

Seconded by John Caracciolo. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-0-1 Absent: London)**

MR. ISLES:

The next item on the agenda really is just to complete the presentation that Ms. Liquori's made for the Comprehensive Plan. This is to implement certain zoning map changes based on that plan. So if I could suggest Mr. Chairman we could pass this over to Ms. Liquori just too briefly highlight the zoning changes. We're thinking of making this an abbreviated presentation.

MS. LIQUORI:

Okay, yes. Okay, so there's a proposal to create a new zoning district to allow a district to be placed where it's never been allowed before and then to make changes to 2,565 tax map parcels and I'll read them all. So the proposal to create the new district is to create a new Residence A-10 District which would provide protection for land areas characterized as extremely unique features rare in the entire State of New York. Generally, corresponding to Gardiner's Island, the Montauk Moorlands, and portions of the Accabonac Harbor watershed.

The minimum lot size proposed would be 425,000 sq. ft. which is approximately 9.76 acres that's where we get the A-10. Of course it's coupled with our mandatory cluster ordinance so it wouldn't be like you'd be gridding up these areas.

Then another proposal for a change to the zoning district or classification would be to allow a Limited Business Overlay District which is currently allowed on certain properties on Montauk Highway only. To allow some of that or to allow that zoning classification to be placed on certain properties on North Main Street and if you recall earlier I was stating that we need to limit the amount of future commercial development. What we've proposed would be to take off commercial zoning and replace it in some places with a Limited Business Overlay District rather than just going straight to residential.

And then the other proposal would be as I said the rezoning classification of 2,565 tax map parcels. It would be in order to implement the vision of goals set forth in the plan to protect the ground and drinking water resources. The natural resources other than groundwater including wetlands and dunes and bio-diversity. The scenic resources, the cultural resources and the existing character.

Now let me do a little sidebar now. Some of the parcels that they're all indicated on those maps and I'll go over and explain those maps in a moment, but some of the parcels proposed to be rezoned would go into what would be considered a non-conforming status. For example, if it was a one acre parcel going into a five acre zone because that whole area has those characteristics that mean, you know, it should go up to there. It would become preexisting non-conforming. So the town board didn't want to be penalized anybody going into this and they've already adopted a separate piece of legislation that would have the setbacks which had been currently attached to what zoning district you're in. In other words, if you're in an A-5 zone you would have greater front yard and side yard setbacks than if you were in an A-1 zone. They're saying it shouldn't go according to your zoning district anymore that -- and this is already been adopted. It would go according to your lot size; so if you happened to have been a 40,000 sq. ft. lot proposed to go into an A-5 zone which is a five acre minimum lot size that wouldn't affect your setbacks. It would really go according to what lot size that you have. And that really gave relief to even preexisting non-conforming lots as well as anybody who might propose to be rezoned. And a similar legislation has been drafted; it hasn't been heard yet, but it will be soon I think it's been scheduled dealing with another aspect that goes along with your zoning district currently which is your building coverage. Right now that's set by what your zoning district is, but that will be instead set by what your lot size is. So the fact that if you're a 40,000 sq. ft. lot proposed to go into an A-5 zone. We're hoping that it doesn't really affect you. We don't want to be sending all these people to the Zoning Board of Appeals when they want to build a deck or

something to that affect. And there are people who are going to be putting it into that classification.

Okay, so now an overall perspective, what does -- what's the net effect of doing all of these zoning changes to the 2,565 tax map parcels? We attempted to calculate what the density was from these parcels according to what they're zoned now compared to what they're proposed to be zoned. And when we did that we came up with a 50% reduction in the build out, but we retracted that number very quickly and, in fact, it's not in the Comprehensive Plan because we fought a little bit longer and realized wait some of the parcels proposed to be rezoned have already been protected. Some parcels that are proposed to be rezoned have been acquired by Suffolk County are the Town of East Hampton are protected by the Peconic Land Trust. They still need to be zoned for something. It's still appropriate for us to rezone them, but to count them as part of the density reduction was double dipping.

So we worked with our computer analyst and said all right let's get through all of these lists and see if we can pull out all of those ones, which we've attempted to do. But something that you probably understand that the general public I think has a harder time understanding is that all of these build out numbers are estimates. We don't have all the databases that would be necessary to come up with a precise number and also it just never really does happen. Some of the parcels proposed to rezone would have a lesser density than what zoning allows because of the wetlands or because of an easement or because of something else that we don't have the databases to be collecting right now. So when we tried to do the best that we could in terms of taking out the parcels that have already been protected one way or another. The we can come up with was that through this rezoning that we would be reducing the potential build out by 1,621 new residential units. And that's about a 25% reduction from the build out the 6,000 units that could be built.

So now I'm going to go over to the maps. The organization in the plan was --

MS. SCHMIDT:

The mike is not on.

MS. LIQUORI:

Is it working?

MS. SCHMIDT:

Yes.

MS. LIQUORI:

Okay. Although it's a plan for the entire town and we don't like to vulcanize East Hampton Town we did present the plan on a per hamlet basis. And there are five hamlets or what Tom had offered as planning areas for East Hampton Town

that generally correspond to the school districts except for East Hampton. East Hampton is a town, it's a village, and it's also a school district. So when we get to the -- so we've got Wainscott which is its own school district and planning area, East Hampton the planning area for East Hampton does not include the Village of East Hampton because it has its own planning and own incorporated village. But all the other then, Springs, Montauk, Amagansett those planning areas correspond to the school districts and that's been basis for kind of our planning statistics in our planning analyses for the history of East Hampton planning we're carried forth on that.

So for the Wainscott area bringing forth the goals and the recommendations initially in the plan the Wainscott area, the maps show in colors the areas that are proposed to be rezoned. If the area is not proposed to be rezoned it's not colored and the color corresponds to what it's proposed to be rezoned to. So this bright yellow color here corresponds to A-5 zoning and the green corresponds to going to park and conservation zoning. And the various other shades of yellow to other densities of residential, except for this purple, which traditionally corresponds to commercial/industrial, but we ran out of shades of yellow that could show and that's our A-10 proposed zoning classification. And there's some reds for the commercial/industrial; I think that pretty much hits it.

So in the Wainscott area there's a lot of upzoning to A-5 corresponding to the farmland which is south of Montauk Highway to the area which has been identified as the best and the highest groundwater in the town. Some of it had been some of that commercial/industrial land now proposed to go to A-5 and some of the parks and conservation. Anything that's proposed to go to park and conservation zoning is already protected. It does not include land such as Nature Conservancy and Peconic Land Trust in that our code specifies that in order to go to park and conservation zoning it must already be in a public entity or have the permission of the land owner. And the Nature Conservancy and Peconic Land Trust although we know what their goals are that's not what they have expressed at least at this point.

So the Wainscott area is also to help protect the area in the watershed of Georgica Pond. There's some recommendations to help the functionality of Montauk Highway and what to do with some of the zoning along that area. The larger East Hampton school district has a large build out potential, again, to rezone to five acres the farmland base and a lot of the watershed areas where it's appropriate to go to A-3 and A-2 zoning. Some of the other areas that also have groundwater recharge value there is some unique white pine forest area that is unique to all of the State of New York that we're hoping to protect with this rezoning other unique habitats, scenic areas that also merit protection.

In the Amagansett area we've got two areas of farmland south of Further Lane and then really north of Montauk Highway all of that supposed to go the A-5 zoning classification. All of the area is referred to as the Stony Hill area another

region of groundwater importance where the Water Authority has recently placed a well field that would provide public water to Springs if Springs ever does have public water right now it doesn't. And currently would be providing water to a very large population center all in this area. And water is pumped to Montauk from the mainland of East Hampton and so the well fields that do that also merit extra protection and that would most likely come from this well field site here in Amagansett.

The Springs area as I said has no public water; it also has very high density and build out potential from historic growth and plating that happened really well before there was planning in East Hampton. Doesn't even have any five acre zoning in it and it's got a very large -- it's got the highest taxes, the school taxes of the entire town and high growth potential. So Springs have been feeling the heat so one of the goals for Springs was to provide a more diversity of housing and provide for some larger lots in some other areas. Gardiner's Island is part of the Springs school district to bring that up to the highest zoning classification that we're going to have which is the A-10 as well as some areas around Accabonac Harbor. And then as you can see in here some of the other yellow to go up to A-5 where appropriate the former Girl -- existing Girl Scout Camp; some of the other area that has some farmland, some historic views, some of the water recharge areas.

And then finally, in Montauk they're actually other than going to green there's a lot fewer opportunities to make any changes in Montauk. More than 60% of Montauk is already preserved, so that's very impressive and it is somewhat of a cluster development or a Smart Growth type of a development. Well, we don't want to call it that because it's smart development. Anyway with the large areas all on the eastern tip of Montauk and then on the western boundary of Montauk already in preserved county, state and town parkland. And then the development mostly clustered in this neck of land between Lake Montauk and Fort Pond a little bit on both sides of it. So where there are opportunities there are many, many different well sites in Montauk that the Water Authority took over from private water companies. There not necessarily in a place where the Water Authority would want them to go. We've made a recommendation that all Water Authority sites go to park and conservation zoning. We think that that's what they ought to be at the very least and in the areas around these numerous well field sites to up zone to help protect the recharge of that area as well.

One other site that's not quite so standard, Montauk has the first and probably still the only condominium trailer park in all of the State of New York. It's always been very difficult to figure what to zone it. It is now zoned for resort which is what most of the motels are zoned as. We recommended it go to Residential-B reflecting the fact that this is where people live now that there may be some other motion on that to accommodate the needs there too.

ACTING CHAIRMAN MARTIN:

Thank you. A motion is in order.

MR. ISLES:

Just to note that we did prepare a staff report, Gerry Newman has prepared the report and done a very thorough job. Included with the staff report are maps, so I'm sure you've seen those which Lisa's just elaborated on further, but the maps reflect what's spoken of in the proposed amendments to the code. So with that the staff is recommending approval of the proposed action.

MS. HOLMES:

I move the adoption of the staff report.

MR. O'DEA:

I'll second it.

ACTING CHAIRMAN MARTIN:

Second, Richard.

MR. O'DEA:

Yes.

ACTING CHAIRMAN MARTIN:

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

MR. ISLES:

Thank you, Lisa.

ACTING CHAIRMAN MARTIN:

Ted Klein, before you start will you introduce yourself to the board members I don't think they all know you?

MR. KLEIN:

Okay. Good afternoon ladies and gentlemen. My name is Ted Klein and this is my first meeting presenting subdivisions to the Planning Commission. I've been with the Planning Department for eight years. I started out as a Planning Aide, Planner, Senior Planning where I am today. Again, good afternoon and it's an honor to present two subdivisions to you today. The first one is entitled Map of Elysian Fields; it's in the Town of Southold. The Commission's criteria for review or jurisdiction is (SR 25) also know as Main Road. The applicant is proposing a subdivision of approximately 37.85 acres into five lots in the Hamlet of Southold.

The proposed subdivision lies within the AC or Agricultural Conservation zoning category, which permits single family residences on lot sizes of 80,000 sq. ft.

The map is not being processed as a cluster. The proposed subdivision creates four residential lots designated on the subdivision map as Lots 1 thru 4 and you can see them on this side of the map. The easterly portion of the map and one Winery Complex which is the large parcel designated as Lot 5. The four residential lots all have uniform size of approximately 80,000 sq. ft. Lot 5 which is the Winery Complex has an overall size of 30.5 acres which is comprised of 28 plus acres of Open Space. Two acres will – not including Open Space two acres will contribute to a non-residential building area which, you know, is limited to farm related structures.

Within the Open Space is approximately .79 acres of easement which is going to be used as a common driveway to access the four residential building parcels. The proposed common driveway easement is approximately **14,026 (sic) 1,426** feet long. The predominant width is 25 ft. and it has 50 ft. at its access point on Route 25.

Since proposed Lots 1 thru 4 only have access over the driveway easement thereby Commission definition “land locked” and in creation of such lots are contrary to Commission guidelines.

Chris, could you show the aerial, please?

The subject parcel has road frontage on Main Road that's (SR 25) which it would take vehicular access from. The Osprey Dominion Vineyard is to the west which Suffolk County owns development rights of. The Long Island Rail Road is to the south and to the east is private land holdings; one includes the late Frank Chicanowicz and others.

The character of the surrounding areas is predominately agricultural with some clusters of residential development. There are many large parcels in the immediate vicinity of the subject many have which had their development rights either purchased or gifted and will never be developed for anything else other than agricultural use. The subject parcel is located in Ground Water Management Zone IV. Potable water will be provided via private wells. Sanitary waste will be collected via independent – individual septic systems.

Can we go back to the map, please.

Regards to the subject, the Open Space portion which is 25 plus acres which does include a driveway easement has already been conveyed to the Peconic Land Trust in a deed of conservation easement dated December 30, 2002. This will run with the property in perpetuity and this area comprises about 75% of the entire subject parcel and is protect from development without the prior written consent of the Peconic Land Trust.

Soils on the subject parcel consist of Haven, Riverhead, Plymouth associations which are considered prime agricultural soils and worthy of conservation. There is a freshwater wetlands area of about .69 acres present along the westerly portion of the subject and within proposed Lots 5 and conservation easement boundaries. It is not indicated on the map that this individual flagged the wetlands is a qualified expert or they've been verified with the appropriate agencies.

This map is an example of a conservation easement and is viewed favorably by the staff because it creates a significant amount of open space. It also reduces the potential residential yield on the land and as per an agreement with the Peconic Land Trust and the applicant no more than four single family residences would be constructed on the development area. The applicant wishes to continue to use the open space for agricultural uses and as scenic open space. This map provides protection to agricultural lands and it will preserve the rural character of the area and provide a benefit to the community.

The staff recognizes the importance, okay, this is the staff recommendation. The staff recognizes the importance of the private efforts to preserve land in a scenic, natural and open condition and therefore, recommends approval subject to the following conditions deemed necessary for good planning and land use.

One, the most landward limits of the wetlands shall be flagged in the field by a qualified expert, verified by the appropriate regulatory agency and shown on all surveys, maps, plans, plats and sketches.

Condition two; the subdivision shall be redrawn so that Lots 1 thru 4 will each be provided with minimum of 15 foot of road frontage along Main Road. Each lot shall be designated so it will be capable, excuse me, each lot will be designed so it will be capable by itself of accommodating emergency and service vehicles over the access strip. While a common driveway easement maybe established over the access strips to the bulk portion of the lots, a court order or other actions could conceivably extinguish such an arrangement in the future. Hence, each lot in the proposed subdivision in conformance with good planning principles must be designed so that each lot has individual road frontage that could accommodate safe vehicular access.

The only acceptable alternative to the above condition would be for the creation of a private road suitable for future dedication. That's the end of the staff report.

ACTING CHAIRMAN MARTIN:

Why aren't we asking for a private road that's suitable for dedication?

MR. KLEIN:

Excuse me, could you repeat that.

ACTING CHAIRMAN MARTIN:

I said, why don't we ask for that now? Ask for 50 foot right of way, you'll have 50 foot on the Main Road and they don't have to pave it. The town could use their own judgment on that, but you got the 50 feet. If you ever have to widen the road to 30 feet you can. Does it say, well, it might be needed? Once you do it you're not going to get it no more. You got to do it now. Right? I mean, that's what we've been doing all along anyway.

MR. KLEIN:

Right.

ACTING CHAIRMAN MARTIN:

We've been pretty much...even on flag lots today; we try to get 50 foot right of way. Don't necessarily have to be pave the 50 foot, but we should have a 50 foot right of way so if it does ever become a town road or if the people on that road maybe want to turn it over to the town because of the, you know, snow plowing problems. It's going to be hard to plow that; you have to have somebody has to pay the whole bill. If you start from the last guy he's got to come all the way out and the guy who's closest to the road he might not want to be part of it later, you know. You never know what the financial conditions later on with people. They might not have the money so why don't we take the 50 foot right of way.

MS. HOLMES:

I agree completely. I think it should be specified that if, that the road be brought up to highway specs. State, Town Highway specs and then if the developer wishes to keep the road private they can do that, but they need to bring it up to specs so that if they want to turn it over to the town at some future time that it will meet the specs and the taxpayers don't have to pay to bring it up to specs. We've had that condition on Shelter Island in Shelter Island Heights they've been wanting to turn their roads over to the town for years, but they don't meet specifications and the Height's district doesn't want to pay for it. And I know that in the Village of Dering Harbor they contract with the town for the town highway department to plow the roads. So that is something that that will be their option to make those contracts and those payments, but in terms of the width of the road not only for emergency vehicles, but just so that if they do decide to it's too burdensome for them to maintain the roads privately that the taxpayers don't have to pay to bring them up to specs if they want to dedicate them.

MR. CARACCILO:

Mr. Chairman, I feel that we're completely redrawing this map and subdivisions so much and that we're asking for so many changes while the scope I think of the plan is great because it does maintain a lot of open space it is a good plan. I think we're asking for such a redraw that this staff report should not be accepted.

ACTING CHAIRMAN MARTIN:

Well, normally I would say yes to that, but it's a normal thing for us to ask for the road with the 50 foot and I don't feel that's at all any kind of a burden because what might happen if you don't do it that way the town might approve of it as is and that's not my intent. Then you won't see it again. They can override us. My problem with the 50 foot width not so much standards is to get state aide for a road you much have a 50 foot right of way and that's why they don't make roads 40 feet anymore because if you want to go into the system you don't get paid for the plowing that the state allows. There's things the state allows on road in the town.

MR. CARACCIOLO:

Right.

ACTING CHAIRMAN MARTIN:

50 foot is the narrowest road that you can have and that's why I say get a 50 foot right of way. If the town in its own thing wants to make the road 50 foot inside I don't care.

MR. CARACCIOLO:

So you're suggesting that we put that right in?

ACTING CHAIRMAN MARTIN:

We sent that back as a condition for approval.

MR. CARACCIOLO:

Correct.

ACTING CHAIRMAN MARTIN:

Because they could override us and we don't want it to come back. It won't come back anyway.

MR. CARACCIOLO:

Right.

ACTING CHAIRMAN MARTIN:

This way we'll do what we have to do; you don't alienate the town and at the same time we'll achieve what we want.

MS. BOLTON:

Mr. Chairman, I do have on question. Ted, if it were to be widened to a 50 foot right of way would that then require that the conservation easement given to the Peconic Land Trust be redrafted? Or have you been able to find some way to create a 50 foot right of way and not change the description of the conservation easement?

MR. KLEIN:

Okay. I guess I should shed a little more light on the process of the review of this subdivision.

MS. BOLTON:

Okay.

MR. KLEIN:

At first glance the staff would normally deny it because it's a creation of landlocked parcels just based on that alone. Then when you consider the amount of open space that was being preserved which we thought out weighed, you know, the – just automatic denial. We don't make it difficult for this – the applicant who created this open space voluntarily to, you know, make it difficult for him to get he's yield. Excuse me, this is a 75% reduction in yield so this is by far a favorable, you know, a subdivision in comparison to what they could do. Okay. So then we wanted to approve, you know, approve it with the conditions or that they put a road in there cause that's what, you know, we'd like to see is a road and then dedicated to the town. And then that would place an economic burden on the applicant; they would have to get it engineered to meet town specs. It would be a significant cost to the applicant and plus given the rural character of the neighborhood a 50 foot road wouldn't really fit into to this particular stretch of Southold and the road. So I spoke to the town and I spoke to the Peconic Land Trust; the Peconic Land Trust wants to see this approved. They basically approved of the four residential lots; so to answer your question I think they would modify the map so they would still preserve 75% and the town would probably be willing to maybe grant lot size variance so that they could, you know, shrink maybe the parcels enough to accommodate the strips of private easement. So have I answered your question I think they would, both parties, would be willing to compromise while preserving the open space. The 75% came from the conservation subdivision, it's a new ordinance in the Town of Southold and it wasn't enacted prior to this application, but they tried to follow those guidelines and to get a subdivision waiver so they can skip the subdivision process more or less. And it would also make it a major subdivision; it would lengthen the process and the expense to the applicant so this is what they came up.

ACTING CHAIRMAN MARTIN:

Let's go back to what I said. It's not what I said, I said we make a recommendation then to give us, I didn't say force them to give us the 50 foot. I said ask them to give us to 50 foot. They still got to design the map again anyway. The map that they're going take over the land with has to be finalized somewhere and it can't be finalized until this map is approved by both the town for us to the town. So to add 10 foot on the engineering was exactly the same; the road ain't going to change, we're not going to change the lots. I don't feel it's necessary to ask them the shrink the lots because that's not what we're looking for. As long as it's an open space I'd like to see the lots as large as possible so

that it fits into an open space area. I don't want the lots to be crowded so that you wind up with a house on top of a house. So if they don't get 75% they get 74%. They're not getting paid by the percent it's the amount of open area they have. If you take a 50 foot right of way the open areas going to be exactly the same because they're not going to pave the 50 foot. The most they would ever pave would be 30 foot to keep 10 foot on each side for the future which will never be built on. So that 10 foot winds up in the plots pretty much on the front lawn and the other 10 foot will be in the easement so that if a truck goes over a little bit they won't go into private so call property. And that's all I'm asking for make it a recommendation.

MR. KLEIN:

Okay.

ACTING CHAIRMAN MARTIN:

Get involved and then will do it; that's not here what we're looking here to do. We make the recommendation and let them if they see fit.

MR. ISLES:

We have two other questions here.

ACTING CHAIRMAN MARTIN:

Yes.

MR. ISLES:

Linda.

MS. PETERSEN:

According to the staff report it would appear that the Peconic Land Trust received the deed back December 30, 2002 therefore the four lots that are being created must be created out of the remaining land. You can not go in and take even one percentage of the Peconic Land Trust property at this point, can you?

MS. KLEIN:

Those are written agreements with the Peconic Land Trust and I think they would have the authority to modify that agreement. They're in favor of this, you know, they allow for four lots.

MR. ISLES:

Yeah, that's just a private agreement though.

MS. PETERSEN:

Right.

MR. ISLES:

So I think it can be modified by the private parties. I'm not an attorney I'm not speaking for them, but I think as far as we're concerned and I know your point in terms of, is there land available to carve out either the 15 foot strips that were recommended or the 50 foot right of way. It's going to be what the town requires and under this current moratorium in effect in the Town of Southold there is a moratorium on all subdivisions. There is an exemption for conservation subdivisions whereby at least 75% of the area set aside and 75% of the lot yield is reduced. So whether or not they could actually slice this out without getting to 74%, as you indicated, I don't think they can I think they still have to respect the 75%. The fundamental staff issue here had been the creation of landlocked parcels. What they're doing here we feel from a planning stand point is good in terms of the preservation of farmland and open space. The basic execution of the lots is fine; we don't see any objection to that. Rather than easement we feel there needs to be some sort of dedicated protected access. The 15 foot strips would certainly provide direct access in conformance with state law for those lots. We understand your points today by some of the Commission members of perhaps getting it combined into a 50 foot right of way and we can certainly suggest that back to the town and modify the comments. It's your preference as to how you'd like to go that. We feel the 15 foot does it; staff has noted the acceptable alternative would be a creation of a private road and so that's certainly fine with us too in terms of meeting Commission guidelines and good planning.

MS. HOLMES:

May I ask a question about the Peconic Land Trust?

MR. ISLES:

Mr. O'Dea had a question too.

MS. HOLMES:

Oh, I'm sorry, go ahead.

MR. O'DEA:

The situation here is that probably you're going to wind up with tasting room and a winery complex right and then this road and then the division that's what's going to happen in this particular application I'm almost - - because the person is in that business. I make some comments as your directions. Osprey Dominion in on the west I think the side of this.

MR. KLEIN:

Yes.

MR. O'DEA:

Long Island Rail Road is on the north and those directions I think all gotta be switched that you have on the bottom of page two. The - - I have problems with

wording and I spoke to Peconic Land Trust with this yesterday. This is not in my opinion is not going to be wind up as open space; this is going to be a vineyard. The man's in the vineyard business and so the wording is the staff recognizes the importance of private efforts to preserve land scenic, natural and open. I don't think its going to wind up that way; I don't have a problem with that that's his business. It's going to wind up the part that's not woodland or if it's going to remain woodland it's going to wind up as a vineyard property along side with the tasting room. In getting to the road I think that consideration has to be brought into play. That's going to be probably a tasting room, a public access somewhere in there; it has to be considered.

ACTING CHAIRMAN MARTIN:

Linda.

MS. HOLMES:

My question is if you can enlighten me, when the Peconic Land Trust accepted the deed of this property was it dedicated as open space or parkland? What is the terminology I'm not quite clear on it.

MR. O'DEA:

I can answer that partially. I spoke to Tim Caufield yesterday; there is no set breakdown of what's open, what's going to remain woodland or any other designation.

MS. HOLMES:

What my point is that under case law that goes back to 1936 you cannot take property that has been dedicated as parkland and return it to the tax rolls for subdivision purposes at all. You cannot do that because the surrounding property has absorbed its tax value. So if this has been set aside as open space you cannot return it to a subdivision application. It's contrary to case law and you know a lot of people have been winking at that in recent years, but it is case law and it's the main case still sighted in Anderson's. So, you know, I just wonder just what is the designation for that Lot (5).

MR. ISLES:

Here again, the application we're looking at is referred by the Town of Southold. It's proposed to conservation subdivision under their moratorium exception which requires a 75% set aside.

MS. HOLMES:

Oh, I see.

MR. ISLES:

How the town locks that in, in terms of the file subdivision map, will be recorded to show that it is open space. Whether that's accomplished through a private

agreement with Peconic Land Trust or whether it's a dedication to the town whatever other control they have on it would be done by them.

MR. HOLMES:

I see.

MR. ISLES:

What you have jurisdiction on is specific referral from the town and their ordinance does require 75%, here again, how they lock it in is separately. Just so you know too and I won't speak for the County Attorney, but there are provisions for alienation of parkland in terms of it's the never say never thing. There are options going to the state legislature to discontinue it. It's not easy and it's very protective of parkland, but there is that provision.

So with the case before you then we understand your comments in terms of the access. Ted, can you address the question that Mr. O'Dea raised, will this be a shared access with the winery do you know or is that going to be a separate access when he speaks to the road?

MR. KLEIN:

There was an indication of that; the common driveway is to provide access to the four lots the four residential lots.

MR. ISLES:

So to your knowledge it doesn't include access to the winery at this point, but from what you know and you may not know the full answer at this point.

MR. KLEIN:

I don't know that answer.

ACTING CHAIRMAN MARTIN:

Let's do like we said. Why don't we just make a recommendation that they consider making this a 50 foot right of way; send it back to them. We don't get involved in the 75%; it would only involve legal, but its park in it. It isn't parkland; the Town of Southold will have to handle it and if the Town of Southold don't want to give them the 50 feet right of way then their not going to go with us anyway. They can override us. I think everybody understands that. As long as we figure to their recommendations and tell them why, you know, I sat here for years. We use to fight with the Town's of East Hampton and Southampton on the flag lots. They won't give us the 50 foot; they finally seen fit to do that. It's to their benefit a 100% to their benefit. You make your recommendations if they don't want to accept it so be it. And I agree with him it's going to be a commercial type operation there.

MR. O'DEA:

Mr. Chairman, what's the wording you want us to consider in here in your staff report.

ACTING CHAIRMAN MARTIN:

The staff report is all right, but just ask instead of the 15 foot lots and worrying about landlocked make it a regular 50 foot right of way come in to down Route 25 then its not landlocked anymore. The piece is not landlocked anymore.

MR. ISLES:

So something to the affect the subdivision map shall be redrawn so the Lots 1-4 will each be provided with the minimum road access of 50 feet?

ACTING CHAIRMAN MARTIN:

Yeah.

MR. ISLES:

And shared access private road, but eliminating the 15 foot road frontage per lot.

ACTING CHAIRMAN MARTIN:

Right and their pavement will be according to whatever they want to pave it. I don't care what the pavement with this they can do what they want with that, whatever their town engineer wants.

MR. KLEIN:

And the length? The length, the length of the cul - - would it be a cul-de-sac?

ACTING CHAIRMAN MARTIN:

Well, if you feel a turnaround is necessary I would put a cul-de-sac. It's a lot easier for a garbage truck to come out. It's a lot easier for school bus if they have to go in there. Fire truck, you know, you don't know what's going to have to go in there.

MR. FRELENG:

If I might.

ACTING CHAIRMAN MARTIN:

And if you limited it to only the road with a road you can't turnaround.

MR. ISLES:

Go ahead, Andy.

MR. FRELENG:

I certainly understand the sentiment of the Commission. I think the problem for the staff is that a recommendation to that effect would certainly be overridden because it would turn the application into a major subdivision which is not

applicable to the conservation subdivision waiver. So if the town was interested in approving this subdivision they certainly would override any requirement to create a road.

ACTING CHAIRMAN MARTIN:

Then let them do that Andy. You know what I mean, if you start going out the guy's going to come in next week and say well, you didn't do it there. And another guy will come in down the road and before you know it we're going to go back to the old system and I don't think we want to do that. That's the town's right and I have no problem with that to override us.

MR. FRELENG:

Okay.

ACTING CHAIRMAN MARTIN:

I always said that I have no problem with that. We made the best effort we can to get what we think in the future is the best. 50 foot right of way there's no doubt in my mind is the best way to go because you get state aide if you do want to take it over. You might have to take it over you don't know so why gamble now when we can get the right of way. They want to override us and when the Town of Southold has to improve the land themselves they will that's all, but lets make the recommendation lets not just agree.

MS. HOLMES:

Would we be suggesting it cushioning it by saying that the road surface could be less.

ACTING CHAIRMAN MARTIN:

No, no. We don't want to be involved –

MS. HOLMES:

No, we don't want to just say that it's –

ACTING CHAIRMAN MARTIN:

Just the road and the right of way and they can do what they want. We don't set the standards in the road whether it's paved or whether its four lifts or five lifts. Each town has their own so call requirements; in our town you have to build a regular road because we're a heavily populated area, you know, but they can do what they want. I don't care what the road is as long as they get the road width because you can always improve it, but if you haven't got the width and you don't own it as one ownership you can do anything to it. It was four 15 foot plots every homeowner there has a share in that 15 feet and if they don't want to pay their share you're in trouble. Let it go to the 50 foot road and then they'll put the improvement whatever they want. They might want drainage I don't know what they want; it might need drainage. If you start paving then you have to put in drainage in all and that's what they may not want to do. They might want to like

leave a stone driveway so if any rain comes down the water they might put the drainage on the houses or even the roof eaves, but the road drainage they might not want to spend that kind of money. So we'll leave it to their jurisdiction.

MS. HOLMES:

Are we wording it as right of way so that that is general enough that they understand it doesn't all have to be.

ACTING CHAIRMAN MARTIN:

And if they want to override it and make it four 15 foot strips we certainly have no problem with that either as long as they know that that's what their doing, you know, and the reason why we're doing it and I'm sure that board there knows it. I don't know how they come up with that; maybe they didn't even give it that much thought. They might be going to do that anyway; maybe this application went in and they let it go. I'm not saying (inaudible), but we should go with the 50 foot right of way and that should be a guideline in all subdivisions that come in whether its East End or West End or whatever. You should always try to get 50 foot that's my feeling.

MR. KLEIN:

Okay. Do you have a comment, Andy?

MR. FRELENG:

No.

MR. KLEIN:

I have one comment on the proposed road. It's a minor one, but it would be excessively long and it would be in excess of 1,000 feet which is another thing the Commission doesn't like see either.

ACTING CHAIRMAN MARTIN:

That's another thing we an understanding in Smithtown; recommend a cul-de-sac. Don't tell them to put it in recommend it. Recommend and it don't have to be a cul-de-sac as we know cul-de-sac's it could be, you know, a square one. It could be a million ways just so that a garbage truck comes in he could turn around or mail truck or United Parcels. Fire truck can't get out of that; how's a fire truck if he goes in there come back out? You know the fire truck is more important. Garbage truck he'll go over the guy's lawn, you know, they don't care, but a fire truck, ambulance. There's a million reasons why you might want some kind of a shunt in there so that the guy could turn around or plow. How's a guy going to plow?

MR. ISLES:

Well, typically, it would be a private driveway or something.

ACTING CHAIRMAN MARTIN:

So you make your recommendations. All that could happen is that they'll override them, but you've made the recommendations.

MR. ISLES:

What's the length of this, Ted?

ACTING CHAIRMAN MARTIN:

A 1,000 feet he said.

MR. ISLES:

Pardon me, Ted.

MR. KLEIN:

The common driveway access as proposed is in excess of 1400 feet.

MR. ISLES:

1400 feet, okay.

ACTING CHAIRMAN MARTIN:

Two times eleven, two times what we allow.

MR. ISLES:

County Planning Commission's is a 1,000. The towns are often 700.

ACTING CHAIRMAN MARTIN:

Okay. Everybody agree to that? We're not tell them not to do, but we're asking them that would make a better roadway and it won't come back and it's, you know, let them work it out in the towns.

MR. THORSEN:

I just want to say something here. These four lots are 80,000 sq. ft. each that's a pretty good size lot.

MR. KLEIN:

I think so.

MR. THORSEN:

So that a 50 foot right of way up through there isn't going to diminish these lots that much.

MR. KLEIN:

You mean a road, a right of way?

MR. THORSEN:

Right.

MR. KLEIN:

50 foot wide.

MR. THORSEN

Yeah, right. I mean, sometimes you look at this and you think these, you know, are small lots tucked off on the side; they're good size lots.

MR. KLEIN:

That's correct.

ACTING CHAIRMAN MARTIN:

They're not going to lose any land because the right of way will never be paved a full width. So what's every adjacent to the lot, lets say it's a 24 foot road in there someday, you 13 foot on each side. It's all the front yard. They're never going to widen that road; the right of way would give them the flexibility to move the paved area any place they want. They're not going to pave it they're going to stone it, you know.

MR. THORSEN:

Also - -

ACTING CHAIRMAN MARTIN:

You're not taking any land away.

MR. THORSEN:

Also as you come down from the far northern lot there you take 15 off of what 's it 15 off of the second lot down and 30 off of the next one, you know, by the time you get to the bottom you're going to have a 50 foot right of way anyway. Isn't that a 50 foot right of way adjacent to that, I guess, proposed development area of the winery off on the main road?

MR KLEIN:

The access point is 50 feet wide on the State Route. 25.

MR. THORSEN:

Right. That's agreed to by Peconic Land Trust that's part of the arrangement.

MR. KLEIN:

Yes, and I should point out that after speaking with one of the town planners the nub on the north end that is kind of a turnaround provision, that's going to be going the other way.

MR. THORSEN:

Okay.

MR. KLEIN:

It would be going towards the lots not towards the open space.

ACTING CHAIRMAN MARTIN:

Yeah, but that's not what it shows here.

MR. ISLES:

No, it doesn't.

ACTING CHAIRMAN MARTIN:

And if you look at it the same way that you said that 50 foot right of way goes right up along side that winery; they're going to use that as part of the road into the winery. Do you see that right there; they're going to use that.

MR. ISLES:

But they could also have direct access to the road too from the winery.

ACTING CHAIRMAN MARTIN:

I don't know if this thing with give them direct access later, but meanwhile if we get the 50 foot right of way and we tell them to prepare some kind of a turnaround and correct this map, you know. I was going to ask you why they got that - - now why are they turning that into the inside for what purpose? To some day to go through to adjacent land?

MR. ISLES:

I think not to violate the open space as much.

ACTING CHAIRMAN MARTIN:

You think that's what it is?

MR. ISLES:

I think that's what it is; is that what it is, Ted?

MR. KLEIN:

I think it was a mistake initially a mistake and it makes more sense to turn towards the units that it's supposed to serve.

MR. ISLES:

Okay. So the Commission would like us then, obviously, to revise the comment to call for the 50 foot right of way with the turnaround in an appropriate location. We will do that.

ACTING CHAIRMAN MARTIN:

You know what's going to happen. A moving van is 40 feet long today, you know.

MR. ISLES:

We're in the process of revising the County Planning Commission Guidelines both subdivision and zoning. So what I think we'll do is have revised language for you when we present that on this condition across the board and be consistent. Yeah, we had the case in Southold too last month.

ACTING CHAIRMAN MARTIN:

This way we settle and that's what we'll ask for.

MR. ISLES:

Okay.

MR. O'DEA:

Is this agricultural building a tasting room falls within that category if that's the use it's intended for?

ACTING CHAIRMAN MARTIN:

I would imagine the town board would - -

MR. KLEIN:

One question for the Commission, is the recommendation of 50 foot wide right of way and should it be created to meet town specifications for future dedication?

ACTING CHAIRMAN MARTIN:

No, no. There was no mention about that.

MR. KLEIN:

Okay.

ACTING CHAIRMAN MARTIN:

Just a 50 foot right of way and let the town worry about what they want to do with it. The might be very happy just to leave it in its state. If you tell them what to do then they'll bound by something down the road; we don't want to do that. Let it stay as a 50 foot right of way.

MR. ISLES:

So approved to town requirements whatever they may be.

ACTING CHAIRMAN MARTIN:

And then they can approve it to the town requirements that mean their own requirements.

MS. HOLMES:

Do you want to leave the language that says suitable for future dedication to the town?

ACTING CHAIRMAN MARTIN:

No, not at all.

MR. KLEIN:

This is a private road.

MS. HOLMES:

Yeah, but a road suitable.

ACTING CHAIRMAN MARTIN:

No. Just 50 foot right of way period. Then you're going to get involved in the language and people are going to come in and they're going to make us pave it six months from now. Let the town accept the responsibility of the improvement of the road. All we're saying is that the right of way should be 50 foot wide and if they ask you why then they'll know because they'll find out that we did that with all the towns. East Hampton fought a long time in Southampton and they finally agreed that 50 foot right of ways made more sense than four 15 foot flag lots and that's all. We'll just make a 50 foot right of way; they'll set the improvements on the road whether it needs drainage or whatever it needs they'll have to set that, but if they don't pave it then they don't need as much drainage or any at all maybe. If the land is nice and flat and all whatever rain falls down could be absorbed in the 50 foot right of way most times.

MR. O'DEA:

Motion to approve staff as amended.

ACTING CHAIRMAN MARTIN:

And Linda, you second it?

MS. PETERSEN:

Yes.

ACTING CHAIRMAN MARTIN:

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

MR. THORSEN:

Abstain.

ACTING CHAIRMAN MARTIN:

Abstention, Tom. **(Vote: 9-0-1-1 Absent: London, Abstain: Thorsen)**

MR. THORSEN:

Welcome aboard, Ted. I think he set the record.

ACTING CHAIRMAN MARTIN:

Go ahead Ted #2.

MR. KLEIN:

The second subdivision is the map of the Hamptons Club at Eastport in the Town of Brookhaven. The Commission's criteria's for review would be the proposed application is adjacent to CR's 111 SR 27. It's within one mile of Spadaro Airport and within the Central Pine Barrens Zone. The applicant proposes to subdivide approximately 76.44 acres into 64 lots in the hamlet of Eastport.

The proposed subdivision lies with in the A-1 Residential category which permits single family development on minimum lot sizes of 40,000 sq. ft. The map is being processed as a clustered subdivision.

The proposed subdivision will create and cluster 64 residential lots ranging in size from 30,000 sq. ft. to 57, 455 sq. ft. on to 60.28 acres of fallow field and wooded area. There are two proposed open space area, one of these areas is along the westerly portion. It contains about 8.13 acres; the other is along the easterly portion and contains 8.03 acres as well as the steepest slopes on the property which are approximately 20%. The total area of Open Space proposed is 16.16 acres or 21% of the entire property. This amount is deemed insufficient.

The subject parcel is located within the Compatible Growth Area of the Suffolk County Pine Barrens Zone. According to Pine Barrens Zone Clearance Standards the subjects, excuse me, the subjects residential zoning classification along with those two things, the Pine Barrens Clearance Standards and the zoning classification maximum site clearance is 57% of the entire parcel. This includes lots, road, drainage and other improvements.

Proposed Lots 15 thru 20 by Commission definition are double frontage lots. These lots will have frontage on the local proposed road as well as CR 111. As is not the case such lots should be provided with extra depth for greater separation between their houses and the traffic on the road. There is similar double frontage lots on the south portion along SR 27, but they do have a extra depth proposed.

The subject parcel has road frontage along Eastport Manor Road (can we go to the aerial) okay, there's frontage along the CR 111 it's Eastport Manor Road. This is without access. When the County improved that road they took the access along the property line and then they have access along Sunrise Highway service road which is a controlled access from which likely vehicular access would be taken. There's a 55 years of age or older duplex community known as "The Encore" in the building phase of development along the westly portion. That's not shown on the aerial, but its well with, you know, well within the almost the finally phase of development. It's being developed I think maybe 240 units, or something that; it's a major development.

The character of the area surrounding the subject is predominately wooded and agricultural with some clusters of residential development. Eastport and the surrounding communities are experiencing significant pressure for more development because of the available unprotected land, the attractive settings and good access to roads. The subject property is located within the Ground Water Management Zone III. According to Article 6 of the Suffolk County Development Department of Health Services Sanitary Code a minimum lot size of 20,000 sq. ft. is permitted, however, Open Space in a clustered subdivision may not be utilized as active farmland. Potable water will be provided by the Suffolk County Water Authority. Sanitary waste is collected by individual septic systems.

Soil on the subject consists of Riverhead, Haven, Plymouth and Carver associations. All soils considered prime agricultural soils in Suffolk County worthy of conservation.

The Staff recommends Disapproval for the following conditions:

It's felt that a greater effort should be made to preserve open space. The size of this parcel is conducive to a denser cluster layout. A tighter layout would allow for placing houses further away from CR 111. It would provide scenic open space and preserve the rural character of the area while eliminating the creation of double frontage lots along 111. A denser cluster will also reduce the amount of roads required and the amount associated with those roads while minimizing the clearing of natural vegetation which includes numerous existing ground cover plants and grasses. Furthermore, a denser layout would comply with Central Pine Barrens clearing standards and as I mentioned those standards are a maximum of 57%.

A comment that the staff offers to the Commission - - the applicant and town may wish to consider a reduction in the on-site yield in order to provide a tighter cluster and still remain with sizable lots. The difference in platted yield and as of right yield could be offset by the creation of Development Rights from the site for sale to the town or the open market. That's it.

MR. CARACCILO:

I make a motion to accept the staff report.

MS. BOLTON:

Second.

ACTING CHAIRMAN MARTIN:

Charla, okay. I have a motion and a second. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-0-1 Absent: London)**
Thank you.

MR. NEWMAN:

Today we three zoning actions on the agenda. The first is from the Town of Brookhaven; its an application to rezone approximate one acre parcel of land from a single family one acre category to a light industrial category in this case the requirement for the minimum lot area is 120,000 sq. ft. and 200 foot lot frontage because it's situated in a Hydrogeologic Sensitive Zone. The property is situated on the west side of Rte. 112 north of Horseblock Road at Medford.

The proposal here calls for the erection of a building comprising 7,416 sq. ft. Within that building they'll be an equipment storage and office space. They'll be one point of vehicular ingress and egress via the state roadway and they'll be 25 parking spaces in the rear yard area.

The property is bounded on the north by unimproved lands in a J-2 General Business District; to the east across Rte. 112 by lands in a single family zone. To the south by commercial building in the J-2 and to the west by a sewage treatment plant for a nearby condominium complex in this case Blue Ridge; it's situated in a Residence A-1 District.

It is the belief of the staff that this proposal appears inappropriate as: they think it's inconsistent with the pattern of zoning in the surrounding area and therefore must be considered as spot zoning; it would establish a precedent for further such industrial zonings along Rte 112. Next the property does not comply with minimum lot area and width requirements for L-1 zoned lands with in the hydrogeologic sensitive overlay. It only meets half those requirements and finally it's inconsistent with the town plan in the Town of Brookhaven which designates this area for commercial developments. The staff recommendation is for disapproval.

MR. TANTONE:

I make a motion to accept the staff recommendation.

MR. THORSEN:

I'll second it.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So carried.
(Vote: 10-0-0-1 Absent: London)

MR. NEWMAN:

Application #2 is from the Town of Huntington; it's Appeal to the Zoning Board of Appeals for a variance to diminish parking in connection with the erection to a building for restaurant/catering purposes on a two acre parcel of land situated on the south side of Rte 25A east of Rinaldo Road in a C-6 general business district as well as a R-40 single family dwellings on one acre District and is situated in the hamlet of Northport.

The proposal in this case is to erect an addition comprising 2,826 sq. ft. within that addition and calls with the plans we received from the developer there'd be approximately eleven tables with ten sits per table or a total of 110 sits. This would be on the west side of an existing two story frame and masonry building. That building comprises 9,547 sq. ft. and has a total of 372 ft. of frontage on Rte 25A and extends southerly 300 ft. The entire frontage of the property along Rte. 25A comprising 1.3 acres is zoned C-6 Business to a depth of 150 ft. The preliminary site plan calls for the maintenance of the one point of vehicular access via Rte. 25A with the existing/proposed building and 34 of the total 46 parking spaces situated entirely within the C-6 District. The remaining 12 parking spaces are traversed by the zoning line for the C-6 and R-40 zone line. The southerly 0.7 acre portion of the property is an R-40 District again, as previously mentioned and that's to remain unchanged. On October 14, 1999 the ZBA in the Town of Brookhaven legalized the existing restaurant and a prior addition which we have no information on at this time for a total of 46 on-site parking spaces. The proposal herein is to maintain those 46 spaces and not provide for the required 94 spaces, so we're talking about a reduction of approximately 50%.

The Town of Huntington code requires one space for every 50 sq. ft. of rose floor area for restaurant purposes. It is the belief of the staff that this proposal appears inappropriate as it constituents the unwarranted over intensification of use of the property. It would establish - - it would necessitate use of Rte 25A for parking purposes thereby diminishing the safety and traffic carrying capacity of said facility. Sufficient information has not been submitted to demonstrate compliance with applicable variance criteria and it would tend to establish a precedent for further such land development patterns in the area and throughout the Town of Huntington. We're recommending disapproval.

ACTING CHAIRMAN MARTIN:

A motion is in order.

MS. PETERSEN:

I move to staff recommendation.

MS. BOLTON:

I'll second it.

ACTING CHAIRMAN MARTIN:

Richard, second?

MS. BOLTON:

I'll second it.

ACTING CHAIRMAN MARTIN:

You'll second it Charla. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-0-1 Absent: London)**

MR. NEWMAN:

The next application is also from the Town of Huntington. This also is an appeal to the Zoning Board of Appeals for a variance to diminish parking in connection with a special use permit for a business use depth extension for retail purposes on lands comprising 31,840 sq. ft. on the north side of Jericho Turnpike west of Elwood Road in a C-6 general business district, but no minimum lot area as well as a small portion in the R-40 residence which requires one acre lots and its situated at Elwood.

The proposal is to erect a retail building comprising 10,000 sq. ft. as previously mentioned on the 31,840 sq. ft. parcel which has 200 ft. of frontage on Rte. 25 and extends northerly 166 ft. The preliminary site plan calls for one point of vehicular access via 50 ft. wide State owned rights-of-way to the north of the property. That right-of-way extends to Elwood Avenue and to the west of the property that right-of-way extends to Rte 25 and that right-of-way is used to provide vehicular access to, I believe, a highway maintenance yard of the State of New York. In the rear - - on the property there'd be a total of 33 parking spaces. The entire frontage of the property along Rte 25 is zoned C-6 business to a depth of 150 ft. leaving a small area to the northwest corner zoned for R-40 purposes where approximately 18% of the building area is situated. The Huntington Town code provides for a special permit to extend this C-6 zone up to 100 ft. of additional - - up to an additional 100 ft. if it's required for the reasonable use of the property.

This staff has absolutely no concern or problem with the depth extension; our problem is the diminishment with parking. In this case he's diminishing parking from the 50 spaces to 33 or a 34% parking diminution. In total here he has one space for every 303 sq. ft. of retail area. The staff believes that this is inappropriate as well. We believe it constitutes the unwarranted over intensification of the use of the property. It would necessitate use of the surrounding roadway as well as right-of-ways for parking purposes. Sufficient information has not been submitted to demonstrate compliance with applicable variance criteria, and it would tend to establish a precedent for further land development patterns in the locale and throughout the Town of Huntington. The staff recommendation is for disapproval. This parcel as well as lands to the west and north were all apparently previously owned by the state. The petitioner bought this property I don't know when and it's a possibility maybe paid too much so he wants to maximize his return. I have no information on that, however, we believe the proposal as submitted is inappropriate and we're recommending disapproval.

ACTING CHAIRMAN MARTIN:

Thank you. Motion is in order.

MS. PETERSEN:

I'll motion and agree with the staffs' recommendation

ACTING CHAIRMAN MARTIN:

Linda.

MR. TANTONE:

I'll second it.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So carried.
(Vote: 10-0-0-1 Absent: London)

MR. ISLES:

That's the end. The next meeting is in Riverhead, I think its December 1st at 10 o'clock. 10 o'clock not 12.

ACTING CHAIRMAN MARTIN:

Note that and thank you all for coming. Hope to see you in Riverhead next month. I hope the weather is good so the drive isn't too far everybody.

(The meeting was adjourned at 2:45 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY.