

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 January 5, 2005 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)
Richard London (Village 5000 & Under)
Laure Nolan (Village 5000 & Over)
Charla Bolton (At Large)
John Caracciolo, (Huntington)

MEMBERS ABSENT:

Linda Holmes (Shelter Island)

ALSO PRESENT:

Thomas Isles - Suffolk County Director of Planning
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
Fran Seims - Aide to P.O. Caracappa
Kim Kennedy - Aide to Legislator Caracciolo
Marion Zucker – Director of Affordable Housing
Lisa Greci - Self

Minutes taken by:

Eileen Schmidt - Secretary

(THE MEETING WAS CALLED TO ORDER AT 12:00 P.M.)

ACTING CHAIRMAN MARTIN:

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

SALUATION

ACTING CHAIRMAN MARTIN:

We thank you.

MR. ISLES:

Oh, it says if completed. (December minutes) Okay. So the November ones do need to be approved then Claire?

MS. CHORNY:

Yes.

MR. ISLES:

Okay. So we'll just request your consideration for the November minutes then.

ACTING CHAIRMAN MARTIN:

Are there any changes to November? A motions in order.

MR. ISLES:

Charla has a question.

MS. BOLTON:

Page six, fourth line down there's a word tear it should say tear down.

MS. SCHMIDT:

Okay.

MS. BOLTON:

Okay. All right.

MR. THORSEN:

I have a correction, Mr. Chairman. On page 20 the last line of my comments there's a parenthesis inaudible, that can be within a reasonable. There was a time limit and within a reasonable time.

ACTING CHAIRMAN MARTIN:

Anybody else? Then a motions in order.

MR. DIETZ:

Mr. Chairman I make a motion to accept the minutes as corrected.

MR. THORSEN:

Second.

ACTING CHAIRMAN MARTIN:

All in favor by signifying by saying aye. Contrary minded. So accepted. **(Vote: 10-0-0-1 Absent: Holmes)**

ACTING CHAIRMAN MARTIN:

The Director's Report.

MR. ISLES:

Okay, Mr. Chairman first off to wish Happy New Year to all the Commission members. A couple of things to report to you today is that the coming up -- the next meeting is not yet scheduled. So I'd like to ask your consideration to schedule the next meeting for the first Wednesday in February which would be February 2nd to conduct the meeting here at this room in Hauppauge. And then at that time we will then have the annual meeting of the Commission at which time you normally consider the upcoming calendar and other matters that come before you. So with your consent then we'll go ahead with the 12 o'clock meeting on February 2nd. I think what we'll do next year is we'll actually schedule the February meeting in 2006 so we stay on that same cycle.

At the annual meeting next month you will have the opportunity to act on the Officers of the Planning Commission as well including either continuing the current slate of officers and Mr. Martin has been serving as the Acting Chairman of the Planning Commission or offer to act to actually appoint new officers.

Just a few other things for your information, the County Planning Department is conducting a seminar on February 8th in Riverhead at the public library regarding a little bit of an esoteric topic, but it's regarding former duck farms of which there are about 90 duck farms extending from the Town of Brookhaven Moriches area and through the Towns of Riverhead and Southampton in there heyday in the 1940's and 50's. What the purpose of this conference is, is to look at the identification of these sites and then also look at the options for these sites whether it be for subdivision development. We do have a couple of applications that have come through the Commission in the past year or so involving duck farms or even for park usage.

Duck farms have unique aspects in terms of sludge deposits, modification of terrain to contain lagoons for disposal purposes and so forth. There are certain suggested practices for dealing with former duck farms to remediate these sites and so forth. So this conference will be an all day conference with co-sponsorship by the Cornell Cooperative Extension and it is aimed to be a

technical conference. So certainly we would especially invite subdivisions staff members from the respected towns to attend as well as anyone else who has an interest in the topic.

The department is proceeding this month with the expected delivery or the delivery of a project we've been working on now for the past couple of years which is the official map of the County. Also something that's a little bit esoteric it's one that the County has prepared a map back in the 1970's, but it was never adopted. We were directed in 1999 to do a brand new map of the County which is a rather involved undertaking. We are in the finally stages of completing the map and an accompanying report with that and that will be delivered to the Legislature on January 15th. That then begins a cycle – begins a cycle of approximately two years of review by the Legislature including notification to the towns and so forth. So we'll keep you posted on that.

There will be many benefits coming out of the map beyond just the purpose of the official map including a lot of information that we've assembled for this can be used for other planning purposes in the County.

Another project we're in the final stages of completely which has also been a multi-year project is the land use component of the Long Island Sound Study. We've done a land use inventory of over 45,000 parcels on the North Shore of Suffolk County incorporating all of the incorporated villages in much of the individual towns of Huntington, Smithtown and Brookhaven. What we will be doing as part of that, as part of a contract we have with the Health Department is actually identifying land available for development and a future population build out. All of this then feeds into larger studies that are being done as part of the Long Island Sound Study.

And just a couple of other points, the County did close on the AVR acquisitions as you may have heard about last week. This is the largest acquisition the County has done in nine years. It involves at the present time about 330 acres in the Yaphank area. We did do it in partnership with the Town of Brookhaven; we also used Environmental Facilities Corporation Financing. It was, here again, a very significant acquisition and one that we're very pleased that that's occurred. And the last thing I just want to point out is a lead in to the next item on the agenda is, there has been some modification of the structure of County government to move the Affordable Housing component of Planning to the Department of Economic Development in a Workforce Housing.

One project we will be working with that department on as well as the Health Department is an update to the North Bellport Plan. This is the vicinity of North Bellport along Station Road just south of the Bellport Factory Outlet location on Sunrise Highway; and in 1996 the County Planning Department submitted to the Legislature and was approved for five year plan to deal with surplus County properties within the North Bellport area. We have at the present time about 200

properties or in excess of 200 properties that the County owns and what we're seeking to do with this plan and with the Workforce Housing Office is to look at opportunities for, what's the best use of those properties. Typically, we would sell these properties at auction; what the County has done in the past is transferred these properties to the Town of Brookhaven who then works with third parties to develop affordable housing. We will be updating that entire plan; we'll be working with the Health Department on that and then looking at some revisions to our strategy to hopefully speed up the transition of the remaining properties we own. This is being done obviously, for purposes of providing Workforce Housing affordable housing, but also in this case it has as a significant purpose neighborhood stabilization in North Bellport.

So with that Mr. Chairman, I'd like to request that we go to the next item on the agenda and this is – well, we've asked today for your time on is a presentation by Marion Zucker who up until last week was employed with the County Planning Department as part of the County Executive's reconstitution of County government. Affordable housing is now been consolidated under Economic Development and Workforce Housing tying the two together. Marion Zucker was the County's first Director of Affordable Housing starting in the department about 31/2 years ago and is now with the new department. What I've asked if she could do today is to provide the Commission with an update on activities. This is something where she was instrumental in doing a lot of the groundwork of setting up the County's Affordable Housing Program. We do have bricks and mortar in the ground of project that have actually happened as a result of this program including one in Islip and one in the Town of Huntington. But the program needed work and it needed improvements, so just to give you a quick update on what those things are and I point this out not only because the Commission has adopted a policy on affordable housing with zoning approvals for higher density housing and so forth, but also are interested in getting this down to the town level and working with the towns and your help in that would also be appreciated. So I think the communication both ways is very helpful to us. So with that I'd like to ask for the introduction of Ms. Zucker. Go ahead.

ACTING CHAIRMAN MARTIN:

The meeting in Riverhead, do you want the board members to go?

MR. ISLES:

Well, here again, it's your choice; we will be sending out notices. It is a technical conference, but anyone is welcome and certainly any Commission member would be more than welcome to attend.

MR. O'DEA:

The time, Tom.

MR. ISLES:

Okay. It's at the public library at I think it starts at 9:30 with registration and runs till about 3:30 in the afternoon.

MR. O'DEA:

Okay, thank you.

MS. PETERSEN:

Tom, you said, North Bellport Outlet.

MR. ISLES:

I'm sorry, it is south you're right. It's definitely south, I'm sorry.

MS. PETERSEN:

Thank you.

ACTING CHAIRMAN MARTIN:

Anybody else have any comments? None. Okay, Marion Zucker.

MR. ISLES:

Marion is here with us today.

ACTING CHAIRMAN MARTIN:

It's all yours.

MS. ZUCKER:

Good afternoon everyone. Actually, before I get started I just want to reiterate something Tom said and that will be theme of some of my remarks this working with the towns and the back and forth. It's going to be really critical to us getting shovels in the ground and getting homes built for the County's Workforce for our County's sons and daughters.

For those of you who are not familiar with the term Workforce, I just want to spend a minute talking at that. It really comes about in recognition of the severe brain drain that's been going on in Long Island and this recognition that we have spent hundreds of thousands of dollars educating our young people only to see them leave Long Island for lack of affordable housing choices on the Island. And a recognition also, of businesses in their inability to attract and retain employees, and how critical this is starting to become to the overall economic health of Long Island. So we have now switched affordable housing for Workforce Housing and is really looking to broaden the scope of the people that we're seeking to serve.

As Tom mentioned here there's been some notable achievements in the County's housing efforts. First off, the County Exec. put in place Workforce Housing Commission which was started up in late February of last year. It's comprised of a fairly broad based non-partisan group of elected town and village

officials, builders, labor, environmentalist and civic activists, bankers and housing activists. And by bring together this diverse group per all the people who have a stake in what happens in housing we're able to come up with compromised solutions that meet everybody's needs and further all of our goals.

The group has set forth seven charges that it's looking to attack and implement. The first one that was undertaken by the Commission was to make changes to the County's affordable housing program which is now renamed the Workforce Housing Program. In doing that we made changes to the types of projects that we would support. Before we were looking to support only totally affordable developments and now the program has increased flexibility to provide for mixed use developments where we would come in then and support the residential portion of a development. We would also do mixed income developments and come in and then support that portion of the development that serves the work force population.

We also will come in and purchase existing properties, for example, an existing rental development that was in need of repair or as a way of preserving its affordability for the current renters. We also made a big change to the income limits of the program. The program previously had sought to address the needs of people making 80% of median income and below, and we've now change that so that up to half of the units in any development we supported would be available to people making up to 120% of median income. And this goes back to that recognition that even the middle class on Long Island are being priced out of the housing market.

The other change we made to the program, the program was originally designed as a land acquisition program and it now also includes a \$15 million funding stream to provide for infrastructure improvements to developments; and our hope here is that it gives us again, added flexibility. We're not always able to come in and quickly be able to purchase a property on the market. This gives us the ability if a private developer steps in and purchases property that we can then come in and follow in with a subsidy for the land or site improvements, lighting, roads, etc.

You may have heard or seen in the paper some mention of the Workforce Housing Commission solicitation of sites. There were letters sent to each of the town supervisors and village mayors asking them for appropriate sites in their communities that could be used for Workforce Housing. We got responses back from not every town, but we have sites that were submitted approximately 53 sites that are made up of 270 parcels. And the staff to the Commission, which includes Tom and myself worked through an analysis of those sites with Andy's help and other people's help in the Planning Department and came up with a ranking of those sites and with almost no exceptions all of those sites are in private hands. And what we're doing now is reaching out to the private owners

and trying to negotiate a sale of those properties or bring in a developer to buy those properties and have them developed for Workforce Housing.

To date we've only announced one of those sites; we're hesitant to announce the sites until we have some agreement obviously, with the land owner, but also until we have unveiled it to the local community and have their support for it. So to date the one place where we have done that is in the Village of Patchogue, and we're looking at virtually a full scale rehabilitation of a blighted area one block south of Main Street, one block north of the railroad tracks. We're moving forward on that we just had a meeting yesterday to move that further along. I do expect by hopefully by March we'll have two other sites that we're ready to announce.

The Workforce Housing Commission is also taking a close look at streamlining the processing for Workforce Housing applications both at the County level and at the town level, and this is a place I really think you guys can play a huge role. The County has appointed people, myself as the overall point person within the County, but there's also point person in the Health Department, a point person in the sewer agencies so that when developments come in that have a Workforce Housing component we can move those through quickly. We had an example actually, in East Hampton late last year; Tom it was just a one house for Habitat for Humanity. I got a call from the town; I called the Health Department, the Health Department move that application to the top of its list and it moved forward in one day which is unheard of at the Health Department. But I think it attest to the County's support of moving forward these developments. The Commission has asked each of the towns to also appoint a point person that would be our liaison as a development obviously, bigger than one house typically, moves through its process. We would want to see similar streamlining on the towns efforts to process a development. If any of you are from either Smithtown or Shelter Island we have yet to hear from those towns appointing a point person, and any takers or calling the supervisors of those towns and getting us a point person? If you are I won't put you on the hot sit, but please we'd love your cooperation to move this forward.

The other thing that we're looking at on streamlining is to put together a symposium and we're targeting late first quarter of this year, we've had extensive conversations with Fanne Mae who is actively helping us in this effort. And we'll be bringing in experts from around the country that have implemented similar changes in their processing of development applications to bring that expertise to Long Island. And as we move forward with the planning on that I'd like to consider involving the Commission in that certainly extend an invitation to all Commission members and if you'd like the planning board members of your towns. We're targeting that workshop at this point to include both elected officials, staff members of planning departments and the boards.

One of the other charges of the Workforce Housing Commission was to take a look at zoning, and the lack of, as of right zoning that supports Workforce Housing development is a major, major hindrance to the development of any affordable housing in Suffolk County. The fact that you need to find a piece of land and then have it rezoned and as you imagine there's a fair amount of neighborhood opposition of a lot of development let alone Workforce Housing development. If this is an issue that we could address as a commission the Workforce Housing Commission and the Planning Commission I think it would be a huge step forward in terms of progress and I actually have a suggestion in that front. It's my understanding that every town brings its comprehensive plan to the Planning Commission for its blessing and review. And from where I sit there seems to have been a fairly wholesale upzoning of land across Suffolk County without a similar bold move to address the housing needs of towns populations. I have no complaints about bold moves to protect the environment and preserve our vistas and our water quality, but I would hope that we could urge our towns to follow that up with as bold a vision to try to address the housing needs of their population.

In terms of, I have one other recommendation that I'd ask you to consider. The Planning Commission has a 20% set aside recommendation. Is it recommendation – requirement that you offer up when you see a subdivision approval or rezoning and I had been in front of the board I think it was almost two years ago. I searched desperately this morning for the memo that I had written then, but I couldn't find it. It seemed to me that there was a lack of monitoring of what happened with those recommendations and I would urge you to take a look at that and see if there's a way for you to actually follow through on those recommendations. Does the town follow it; does the town not follow it? If they don't follow it, is there anything else you might be able to do to encourage them to take a closer look at that need? And with that I will open it up to questions.

ACTING CHAIRMAN MARTIN:

Anybody have any questions?

MS. ZUCKER:

Thank you for this opportunity.

ACTING CHAIRMAN MARTIN:

One question I wanted to ask you. When you're to a town like Smithtown, you mentioned Smithtown and my supervisor did not answer your letter or something?

MS. ZUCKER:

Yes.

ACTING CHAIRMAN MARTIN:

How do you handle a place where the cheapest lot you can buy in the Town of Smithtown right now and you can't find one is \$300,000 only for one building plot. So how do you expect to put an affordable house on that?

MS. ZUCKER:

The answer to that is density.

ACTING CHAIRMAN MARTIN:

But if it's zoned half acre –

MS. ZUCKER:

Well, then it has to be rezoned.

ACTING CHAIRMAN MARTIN:

-- you have the Board of Health problem, okay.

MS. ZUCKER:

Well, that can be addressed.

ACTING CHAIRMAN MARTIN:

Then what do you do in a half acre. I mean, what kind of a city would you expect?

MS. ZUCKER:

I think I would say in a place like Smithtown –

ACTING CHAIRMAN MARTIN:

I just want to know how do you answer that?

MS. ZUCKER:

I would say that a half acre site may not be ideal, but if you were working with a five acre site, you know, with the added cost of a five acre site if you were able to put significant density on that and provide for sewerage treatment facility then you can start to provide affordable homes. I will say this for Smithtown although I haven't seen them actively pursue Workforce Housing they are following up on the Planning Commission's recommendation for 20% set aside –

ACTING CHAIRMAN MARTIN:

We have been doing it, but even 20% --

MS. ZUCKER:

I was pretty impressed to hear from them; I think in David {Skro}'s development they are doing that 20% set aside. I thought that was great.

ACTING CHAIRMAN MARTIN:

Oh, that's great, but you have to remember his development, I don't know what they're up to now, but a friend of my bought a house one off of Browns Road. I think he paid \$400,000 for it. Take 20% of that that's not affordable as far as I can see. I mean, if you want people that you want to hit it might be affordable for the guy that's making \$100,000 a year, but it's certainly not for the guy whose making 30, 40, 50 or 60,000. You know that's what I'm saying; it's so hard when you blanket everybody. Like you say, Smithtown isn't cooperating; we just don't have anything that would meet the criteria.

MS. ZUCKER:

I want you to be creative.

ACTING CHAIRMAN MARTIN:

You can't believe I lived here almost all my life, okay, all my life. You could have bought all of Smithtown for \$300,000 never mind one building plot and you can't find a building plot for 300. Could you imagine, I mean, that was the furthest think from my mind that could ever happen. They were going for at least \$300,000 a piece if there's anything around you know.

MR. ISLES:

Yes, it is very difficult and the purpose of this is to have a contact within the town and the County so when a project does come up it can be expedited. I think the other thing too is that you're pointing to some of the extreme problems. You're right that the value of land is ridiculous. There are other options possibly in terms of downtown sites above stores and things like that possibly.

MS. ZUCKER:

Or redevelopment opportunities.

MR. ISLES:

Redevelopment of schools or commercial facilities of some type, here again, they're not easy to find they're not easy to do, but there are opportunities sometimes if you dig a little bit deeper.

ACTING CHAIRMAN MARTIN:

But even that way Smithtown on Main Street we don't really have any empty stores, empty buildings, but they're valuable. You know our town has stayed up in that class where everything is expensive and it's so hard even if you go with 20%. We ask for it and then I look at it and its not affordable housing to me. Affordable housing to me is where a working man can go in and pay it by how much he makes. Maybe the federal government should do something like they did after the war with that Section 8, the mortgages and everything and try to help the people, but unless you do that you just can't do it.

MR. ISLES:

A couple of hands down here.

MS. BOLTON:

I had a question. As part of this program have you developed sighting criteria at all not just sites that are being suggested from the towns, that for example, addressing because typically in many of the towns highest density housing has been placed in "minority areas". And is there any attempt to address this sort of NIMBY factor where everybody says well, put it there don't put it, you know, where I live?

MS. ZUCKER:

That's a lot of questions. Let me take the first one. There are – they're not requirements, but there are preferences for sighting and I'd be hard pressed to tell you all of them. A fair amount of them reflect smart growth principles, but they're not limited to smart growth principles because we have a very diverse County and one that's going to work in Babylon is not necessarily going to work in Southold. We also have a preference for the need for housing which I would say somewhat addresses your second concern about overloading one particular area with affordable housing because you might say that areas that, that don't have affordable housing needs them. You know where housing prices are really high at the labor force can't afford to live in a particular place it might make sense to try to encourage that there be some housing of that type built in those areas. It's – but the criteria are not hard and fast; it's our hope really to get as much as we can build in as a smarter a way as we can get it built without really trying to preclude it from anyone place. Does that help?

MS. BOLTON:

Somewhat. I'd like to see how this develops.

MR. ISLES:

Yeah, and keep in mind that the County is only one piece of this puzzle. Obviously, the towns and villages have land use authority. We're running this program or the Division of Workforce Housing is running the program as a carrot program basically, not a stick program. And so the County now has a number of incentives with infrastructure monies, land acquisition monies. We're developing with the new bond that was approved in November by the voters on our Open Space Program the ability to take development rights, sanitary rights off of that and use that for affordable housing. So there's more and more of these tools that are being applied, but you're right, we're not going to dictate land use; we're not going to be in a position to do that and we have to work with the towns and villages and that's something that Marion has been trying to do.

MS. ZUCKER:

I think I would also say that, you know, if you think about particularly impacted areas throughout the County what we're looking to build isn't necessarily

projects. We're not looking to encourage the development of projects; we're looking to encourage the development of either homeownership opportunities or rental opportunities that look to house moderate income and middle income working families and singles. So it's not – we're not looking to do any dumping and I don't know whether I was reading between the lines of what you're saying. We're not looking to do any dumping or targeting in any neighborhoods.

MS. BOLTON:

No, I understand what you're saying I'm just saying that when a density is really the way of achieving affordability the density has, you know, very big, I'm trying to think of the right word, it's a huge concern for citizens in most of the towns. And where you put it is a big concern and I was just saying, is the County going to develop criteria that at least would be a reasonable criteria to guide the towns. I mean, granted they have their own choices, but, you know, that really was my only question.

MS. ZUCKER:

I think a large part of the decision actually is the towns.

MS. BOLTON:

Right.

MS. ZUCKER:

In terms of where that density is going to go; we would look to just encourage that development by providing our incentives or by going to the table with them and saying, how about this? You know how about that; providing suggestions, but not dictates.

MR. BOLTON:

Right, of course.

MS. PETERSEN:

Can I ask a question?

ACTING CHAIRMAN MARTIN:

Linda.

MS. PETERSEN:

On the \$15 million that's available for infrastructure, is that to be or can it be used for sewerage treatment because the only way it seems to get the amount of housing units we need would be to rely on sewerage treatment plant.

MS. ZUCKER:

Yes, yes. We expect that will be a big use of those monies.

MS. PETERSEN:

And how would the towns go about applying for some of that funding through that program.

MS. ZUCKER:

Call me up.

MR. PETERSEN:

Call you, okay. Thank you.

MR. O'DEA:

Is there any inventory of County owned parcels that have ever been considered? Or I know that they've sold them or gave them away in the last few years back to the towns, is that ever been a consideration using any of them?

MS. ZUCKER:

It has and we've taken a look; when I was in the Planning Department we took a look at certain County owned parcels. For example, the County owns a lot of the parking lots around the train stations, you know, and you can imagine that that might be a place to put some dense development, you know, right on the transit line. So we have considered that it's not always as easy as snapping our fingers and getting something built. The parcels that end up being auctioned off are typically smaller lots or commercial lots and aren't necessarily suitable for developments. But as we look at North Bellport I think that would certainly be something on the table that we might want to consider aggregating some of those lots and making them available to a developer. I don't know if I'm speaking out of school.

MR. ISLES:

Right, but a lot of the lots that we do give to the town are tax surplus lots that we do through 72h transfer process. So that's been ongoing for some time and continues.

MS. ZUCKER:

Yes, and those are used for affordable housing.

MR. ISLES:

So the towns will come to us and say, we see you've got these parcels ready to auction we'd like to request the following and then we transfer it to the towns in most cases not all cases.

ACTING CHAIRMAN MARTIN:

Anybody else wish to be heard?

MR. ISLES:

And that's at no consideration.

MS. ZUCKER:

Right.

ACTING CHAIRMAN MARTIN:

No other questions? Marion, thank you for your appraising of it.

MS. ZUCKER:

Thank you very much for your consideration. Happy New Year everybody.

ACTING CHAIRMAN MARTIN:

We wish you a lot of luck you're going to need it.

MS. ZUCKER:

Thank you.

ACTING CHAIRMAN MARTIN:

It's not going to be an easy task I can see that. Is there anybody in the audience that wants to be heard? Hearing no comments we'll skip that and now we're going to the Roundtable.

MS. NOLAN:

I have nothing.

ACTING CHAIRMAN MARTIN:

You have nothing. Dick.

MR. O'DEA:

The town board they just about completed all the zoning situation in conjunction with the master plan. I believe all the zone areas are done. They've had I think last night a second or third in a series of formulating the transfer of development rights program which they plan on having in proper form I think by the end of January. So that's about the hot item.

ACTING CHAIRMAN MARTIN:

Thank you. Charla.

MS. BOLTON:

I just wanted to let people know the Society for the Preservation of Long Island Antiquities is currently drafting a survey that we intend to do with funding from a foundation which is not secure yet, which is why I'm not naming that, which will survey all the municipal planning officials to get a handle on which municipalities have landmark ordinances, which have landmark commissions which perhaps have other tools to use that would succeed in preserving neighborhood community character. And this is going to be a formal survey process when it does take place so I can't tell you this is in the mail in another week, but we're

hoping within this upcoming few months that we will get this off the ground; and we hope people will respond to it. It's our belief that the communities that have adequate landmark controls also are more progressive in terms of environmental legislation, planning legislation. So we'd really like to study the entire two counties with respect to that and to see where we are and what we can be doing in the future.

ACTING CHAIRMAN MARTIN:

Linda.

MS. PETERSEN:

Tomorrow the Town of Brookhaven in conjunction with New York State will be closing on Connecticut River Estates which is a really environmentally significant parcel on the Carmen's River. And we're very happy that that's going to occur and thank Tom for explaining the Fox Lair AVR parcel acquisition which occurred last week. Between those two parcels we've gone a long way to preserving the Carmen's River Valley and maintaining the quality of the water within the lake system and river system.

ACTING CHAIRMAN MARTIN:

Thank you, Linda.

MR. LONDON:

From the villages the Village of the Branch which I would represent and is the one I live in has now finalized their last sale and development of any commercial property along the 25A corridor. It's just to the west of St. Patrick's Church; it's being developed. It's going to be actually industry behind a business looking façade of an office building one story, but that will be the end. There's no more land in the Village of the Branch commercially that will be available. So that's sort of the end of an era there. It's been dedicated historical on both sides of 25A for 400 feet north side and south side and this being on the south side that's it. So like they're talking about with the affordable housing, space is becoming very, very limited.

ACTING CHAIRMAN MARTIN:

It's Route 25 not 25A.

MR. LONDON:

No, Route 25 Middle Country Road.

MR. ISLES:

Commissioner Holmes could not make it today, but I'll briefly summarize her statement. She apologizes for not being here based on the bad weather. She reports on her Lot Clearing Committee has continued and completed it's work and expects to make a presentation to the town board this week making certain recommendations that lot owners maintain a buffer of natural vegetation along

the perimeter of their property's during the construction period and that the depth of the buffer be determined by the size of the lot.

Also recommending that lot owners take reasonable steps to prevent damage to adjoining property; that the town take steps to alert property owners to lot clearing requirements by some sort of public information campaign. And that the town appoint a code enforcement officer to handle this as well as other enforcement functions.

She indicates that her committee plans to continue monitoring the town's progress on this.

ACTING CHAIRMAN MARTIN:

Give a copy to the secretary.

MR. ISLES:

Yes, we will.

ACTING CHAIRMAN MARTIN:

I'd like the whole report written into the minutes.

MS. SCHMIDT:

Okay.

ACTING CHAIRMAN MARTIN:

Thank you.

MS. SCHMIDT:

Below is the report which is being typed into the record.

SHELTER ISLAND COMMISSIONER'S REPORT
FOR COMMISSIONER'S ROUNDTABLE
SUFFOLK COUNTY PLANNING COMMISSION
January 5, 2005

My apologies that the bad weather forecast has kept me from driving to Hauppauge today.

Our Lot Clearing Committee, of which I am a member, has completed our work and we expect to present our recommendations to the Town Board this week. Chief among these are:

Recommending that the Town Board require lot owners to maintain a buffer of natural vegetation along the perimeter of the lot during clearing or construction activity; the depth of the buffer to be determined by the size of the lot.

That the Town Board require lot owners to take reasonable steps to prevent damage to adjoining property from water or soil runoff during lot clearing or construction activity, and to define what such reasonable steps included, in addition to the natural vegetation buffer; hay bales, berms, netting, etc.

That the Town take steps to alert property owners to lot clearing requirements by inserting information on tax bills, in real estate offices, at the Building Department, and at the Public Library, among other places.

That the Town appoint a Code Enforcement officer. (We understand this step has already been enacted; one member of the Building Department staff is now responsible for code enforcement, while a second staff person concentrates on approving and inspecting construction projects. This is a big step forward for Shelter Island!)

Our committee plans to continue monitoring the Town's progress in making each lot owner responsible for controlling runoff onto adjacent private property.

Linda G. Holmes – **End of Statement**

ACTING CHAIRMAN MARTIN:

Lou.

MR. DIETZ:

No.

ACTING CHAIRMAN MARTIN:

Tom.

MR. THORSEN:

No. Thank you.

ACTING CHAIRMAN MARTIN:

Frank.

MR. TANTONE:

Just briefly a quick update. If you recall the latter part of 2004 we had one bill we had a large Islip applications. I'm happy to report they've all been passed and accepted by the town board and the Central Islip corridor is continuing to flourish and we're looking forward to that moving forward. And the other one that I believe was here was Lowe's, the Lowe's Home Improvement Center which is going up in the Gardiner's Manor Mall which was also passed by town board and I assume would begin construction very soon.

ACTING CHAIRMAN MARTIN:

John.

MR. CARACCILO:

Thank you Mr. Chairman. I just wanted to share with the Commissioners a letter that the Long Island Association Board of Directors and the President of the Association sent to Governor Pataki regarding some issues of economic development. And I'll briefly summarize some issues that affect us in Suffolk County.

In Chapter (3) of the Laws of 2004 which provides additional funding for the Javits Center \$350 million is appropriated to the state economic development program for the purpose of financing economic development projects outside cities with population of one million or more. The LIA wrote to the Governor's Office in the Regional Economic Development Center to request that Long Island share of that money be dedicated to some projects and I've outlined some projects that they asked for money for that affect us in Suffolk County. Affordable Workforce Housing, Long Island has no more urgent economic development need than the construction of additional housing that working people especially, younger middle class working people can afford. In the 2005 Long Island agenda signed by County Executive Suozzi and Levy and the directors of the LIA, we asked the state to identify state owned property on Long Island suitable for Affordable Workforce Housing and commit that property to meeting the regions needs.

The appropriation contained in Chapter (3) can provide the funds for construction; the LIA is requesting that 50 million of Long Island's share of the 350 million appropriation be use to pay for construction of Affordable Workforce Housing on suitable state owned land on Long Island and the land provided at no cost.

The Long Island Expressway Visitors Center, the State Department of Transportation has approved plans for the construction of the first and only Visitors Center on Long Island right off the expressway. The visitors center has been actively sort on the Island for decades; under the current DOT schedule construction of the Visitors Center will not begin until 2008 and the LIA suggests the project be streamlined and authorize, they're proposing \$5 million of that appropriation to be allocated for the purpose of accelerating this project and that should be right on the side of the expressway eastbound by exit 53.

Then they're looking for their local share for Calverton the former Navy weapons facility at Calverton now owned by the Town of Riverhead. It's one of the few remaining sites for major industrial development left on Long Island. To make the site fully functional as an industrial location a rail freight connection needs to be constructed to it. To that end Riverhead has received \$1.5 million grant from the State Department of Transportation to help build this connection, but the grant is contingent upon matching local shares plus significant job creation. The LIA request that the state pay the entire cost of the project without conditions and

the development of the Calverton site and the rail freight link will have an important economic benefit for the region as a whole. That's the three that really affect us in Suffolk County; there are a lot more, but we'll let Tom Suozzi worry about those and I will keep you updated on the outcome and the Governor's response.

ACTING CHAIRMAN MARTIN:

Thank you, John.

MR. CARACCIOLO:

You're welcome.

ACTING CHAIRMAN MARTIN:

Anybody else have anything to say.

MR. O'DEA:

Yes. Could I get a copy of that because in that rail spur situation I believe the feeling on the town board is that that's going to be too much of a significant outlay of funds to get that, I'm not speaking for them, but I think this is the general feeling; too much of an outlay to get very little use of a certain amount of people that that rail spur will impact.

MR. CARACCIOLO:

I'll get you a copy of the letter.

MR. O'DEA:

Yes, that would be a plus if that could be achieved.

MR. CARACCIOLO:

My question to you, were you contacted at all by the LIA? Was the town board do you know?

MR. O'DEA:

I'm not sure.

MR. CARACCIOLO:

I think that's – was this board contacted by the LIA before these proposals went to the Governor?

MR. ISLES:

I mean, I deal with Mitch Pally frequently, but I think in this case I think, you know, the town was objecting to having to pay potentially for this and I think what the LIA saying if I'm interpreting this saying the state should pay for it.

MR. CARACCIOLO:

Yeah, the LIA is saying in here that they don't want the town to pay, correct.

MR. ISLES:

Right.

MR. CARACCIOLO:

The LIA is requesting the 1.5 million cover the local share that the Town of Riverhead has to put in. The LIA suggested the Town of Riverhead should put nothing in.

MR. O'DEA:

So they're saying the LIA position is to pay for the whole thing.

MR. CARACCIOLO:

Correct.

MR. O'DEA:

Right.

MR. CARACCIOLO:

But I'll get you a copy of the letter.

MR. O'DEA:

Right, okay, I understand. Also on in conjunction with that, not that letter, but the town board I think has petitioned the state Senator LaValle and maybe also Acampora to consider I believe Suffolk County and naturally they're involved that they're interested in Riverhead as part of Suffolk County, but the whole county as sort of pilot payments for purchased land. I think the Governor has had some legislation for like other counties in the state to be reimbursed tax wise. It doesn't exist here and the town board has picked up on it and requested it through LaValle and Acampora to submit something to the legislation in that behalf. So that's all for your information.

MR. CARACCIOLO:

Thank you.

ACTING CHAIRMAN MARTIN:

Okay. Anybody else? Let's go on to the next order of business. The next order of business will be –

MR. ISLES:

Ted for subdivisions.

ACTING CHAIRMAN MARTIN:

Oh, Ted first then Andy.

MR. ISLES:

Yep.

ACTING CHAIRMAN MARTIN:

Okay.

MR. KLEIN:

Good afternoon. The first application for the Commission is a subdivision by the name of The Village Lane it's from the Town of East Hampton. It's located in north terminus of Hunting Avenue and the westerly terminus of Talmage Lane. Commission jurisdiction is the municipal boundary line of the Village of East Hampton.

The applicant is proposing to subdivide 14.28 acres into 12 lots. The property is zoned B Residents which allows for single family dwellings on lots with a minimum size of 20,000 sq. ft. The applicants are proposing lots ranging in size from 21,707 sq. ft. to 36,286 sq. ft. I'd like the Commissioners to note that there is a natural drainage swale that runs through the center of the property. I apologize for the reproduction of the map; I know it's very busy. The swale begins here, basically, runs down here.

The applicant is proposing to set aside two areas within the swale designated as "Reserved Areas". One of these areas lies partially within the boundaries of the Village of East Hampton. It would be this portion right here. I'd like to note that with regard to this application no land within the Village is being proposed for development. The subject parcel is presently vacant wooded land; the character surrounding neighborhood is predominately residential. The staff has concerns Lots 6 and 7 on this proposed map are only accessible over a common driveway easement over Lot 5. This is Lot 5, 6, 7 and this is the easement therefore, this creates a like a land locked situation for Lots 6 and 7 and by definition creation of a land locked lots is contrary to Commission guidelines.

The planning staff recommends approval of this subdivision subject to the following conditions: the subdivision shall be redrawn so that the proposed common access easement to Lots 6 and 7 is replaced with two flag strips, creating two lots with individual road frontage having legal access to the proposed road. A common driveway easement could then be established along the common boundary line and improved the driveway of adequate width to serve as access. These flags strips would eliminate the land lock conditions of Lots 6 and 7, considered contrary to good subdivision principles.

Condition two, all stormwater runoff resulting from the development and improvement of this subdivision or any of its lots shall be retained with the subdivision boundaries.

Condition three, the applicant shall be required to file a covenant restriction prohibiting the future subdivision of the two Reserved Areas, and/or they shall be dedicated to a governmental agency, be controlled by a homeowner's association, or transferred to a bona fide conservation organization.

Furthermore, it is suggested that the following comments pertaining to this proposal be offered to the Planning Board for its consideration and use.

The town should advise the applicant to coordinate with the Village of East Hampton Planning Board and consideration should be given to design the point of vehicular ingress and egress of Lot 11 so that it will not be situated upon a leaching pool. Right here it's a little tight, but because of the building envelope it looks like access would be over leaching pools, so they can redesign that. That's it.

ACTING CHAIRMAN MARTIN:

With all the things that have to be redesigned my question is, how can we send this back subject to; it should be denied subject to their meeting the following conditions. I mean, they override our approval nobody would even know it.

MR. ISLES:

But I think the only real substantive change is the access by easement on the two lots which would then go to a flag lot. The basic configuration of the individual lots really doesn't change much. So this is something I know the Commission brings up frequently in terms of, is it better to just disapprove it or to approve it conditionally. Obviously, that's your call, but our opinion was that the nature of the changes could be made without a radical change to the subdivision map and would not, we feel require resubmission, but it's your call.

ACTING CHAIRMAN MARTIN:

Let me add one other thing.

MR. ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

The lot easement that goes over the lots, you know the right-of-way?

MR. ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

Is that going to be 50 feet it's not mentioned on here?

MR. ISLES:

Well, here again, the lots are currently land locked because there's no direct access to the road so, therefore, they're proposing an easement to provide access. We do not recommend access by easement and are suggesting in the alternative that in this case flag lots would be acceptable. The typical width of the flag lot, the pole portion is 15 feet. In giving, I guess two considerations, one is that we're talking about a relatively small short length between the road and the individual lots; they're not excessively long. We feel the flag lot it'll work. Secondly, some of this does get, as Marion Zucker said earlier, we're a very diverse County and what works in Babylon may not work in Southold. There has been a prevalent pattern in Southampton and East Hampton to use flag lots; although in some parts of the County they're not used at all.

In viewing the history of subdivision approval in East Hampton this is typically a solution that they use for a small lot development like this. We at least feel comfortable with it. Obviously, if you feel you want to go for more of a road that's an option you have.

ACTING CHAIRMAN MARTIN:

15 foot, you can't get a fire truck down there.

MR. ISLES:

You can, you can.

ACTING CHAIRMAN MARTIN:

That's if they keep it clear and we always made them give us 50 feet and I disagree with him that we didn't do that. We've done that and that's one of the biggest fights we have with East Hampton with them out there. We're not saying you have to clear it, pave it we're saying that the 50 foot should be there so if you have to use it you got it. 15 foot, our town sumps and most towns make their sumps driveways more than 20 foot because of the trucks and everything else. It's hard to get down the center of the road at 15 foot. Your driveway in your home in most cases is more than 15 foot practically all I would say because it's so narrow and to say that 15 foot is suitable where a guys going to build a big expensive house in there. I think all right-of-ways in an out should be 50 feet. I'm not saying you have to clear it, pave it I'm not even going to say what kind of driveway, but I think the easement should show 50 feet --

MR. ISLES:

I will note the report to the town that within the two 15 foot strips that could do a common driveway to make it a little bit wider.

ACTING CHAIRMAN MARTIN:

Yeah, all you're doing is you're taking 30 feet and you're making another 10 foot on each side. You're not going to see it and you're not going to hurt nothing, but if they need it they're going to have it.

MR. KLEIN:

As a member of the staff I wasn't recommending a right-of-way I'm trying to recommend legal road frontage. So its, they have legal frontage, you know, on a proposed road; so they're legal to have their access.

ACTING CHAIRMAN MARTIN:

I know what you're saying, but why don't we stay, we've done it with all the other flag lots. Last month, I mean, every month we come in we have flag lots in Southold; we always answer if we keep as a standard we'll always have it. We're not saying he's got to clear the 50 foot. In fact, the last one we even allowed him to include it in the size of his lot as long as there was a 50 foot right-of-way there because if you need it you can't get it later. Now you can get it; you can get the easement. It doesn't cost anything to take it and you got it. All you need is one neighbor get mad at the other neighbor and you don't have 50 feet anymore.

MR. ISLES:

No, but they would actually own the land so they wouldn't have this situation the neighbor complaining about a neighbor, but there might have other members to speak.

MS. PETERSEN:

It seems to me that the character of East Hampton and Southampton is so different than some of the western areas that maybe really we're gone back to this so many times. Their thinking and their land development patterns seem so different than what happens in the west that we maybe need to think it through and see if what we're creating here or what you're requesting we create is really applicable there.

ACTING CHAIRMAN MARTIN:

Then let them override us I'm not against that, but at least you made the mention. We would never had a 50 foot any place in the east end if we didn't act strong five, six, seven, eight years ago. I'm not saying they can't override us, but if you don't ask the 15 will be come 10 and before you know it they'll cut a driveway only and that's what we try to avoid during the years. To me, I remember when this was country, Hauppauge, and it wasn't that long ago in my life time. Okay and the same thing out there. What you think is country out there today 50 years down the line might be a completely different picture and I'd like to be prepared that if we need the right-of-way we got it. If we don't need we won't have it. If they feel it's that important then let them override us, but you have to look at what could be and what happened in areas where we didn't have roads put in right. Didn't have 50 foot right-of ways; the towns were all either widening the roads and trying to condemn the land to widen the roads. Now is the time to have the 50 feet. If you don't do it on every parcel then you're not going to get it on any parcel because everybody's going to say, he didn't have to do it and then the town boards will say, that's right and we're back to where we started. And that's

the only reason why I say that, but if the board feels that they want to leave it at 15 feet so be it.

MR. THORSEN:

Mr. Chairman, I've got some additional comments, please. Ted, can you point out the parcel boundaries on that southerly cul-de-sac because I just can't read it from here. I can't read it from the diagram.

MR. KLEIN:

Okay. You're talking about this here, right?

MR. THORSEN:

Yeah.

MR. KLEIN:

Okay. That's one, two, three and then we have another one here, and another one here; those are the improved parcels of the southern end.

MR. THORSEN:

All right.

MR. KLEIN:

And this would be open space and this.

MR. THORSEN:

Open space all the way down through there.

MR. KLEIN:

Yes.

MR. THORSEN:

Okay. All right.

MR. KLEIN:

Right to here and this is North Main Street and here's the Long Island Rail Road tracks here.

MR. THORSEN:

Years ago back in the 70's this site was suggested for affordable housing and an applicant came in for I think it was for Section (8) housing. Now it's just nothing has happened to it, but it is the kind of site that makes sense relative to Workforce Housing. Now I don't know what that's....I haven't checked to see if that's in the ideas of the town in its present plan or not, but there is an aspect here that could be pulled off as far as benefiting smart growth principles, and that is to connect that southerly cul-de-sac right on through to Main Street, North Main Street. There's a sidewalk system on both sides of North Main and it's one

area in the Town of East Hampton just outside the Village that includes a great supermarket, a dry cleaners and stores of that sort. So it's ideal for being able to, you know, cut some of the traffic problems that they have in the town. I think that maybe we should put a comment in this relative to that as a recommendation.

MR. KLEIN:

You're recommending a pedestrian connection?

MR. THORSEN:

Yes. At least the planning board consider it.

MR. LONDON

To the commercial area.

MR. THORSEN:

Yes, to Main Street, to the sidewalk system on Main Street.

MR. KLEIN:

Okay.

MR. THORSEN:

The other cul-de-sac does have a street running right on down to Main Street. So there's no problem there, but this particular one anybody that wanted to go, you know, kids on a bicycle.

MR. KLEIN:

They'd have to go this way, right.

MR. THORSEN:

They'd have to go way over cross over railroad tracks or down passed the firehouse and so forth. So that would be a recommendation.

ACTING CHAIRMAN MARTIN:

Do you want to do this Tom? Would you want to change the approval not to read that the street be 50 foot or whatever and recommend that they put the street through and then if they want to go back and not do it then (inaudible), right?

MR. THORSEN:

What do you mean bring a street down to...

ACTING CHAIRMAN MARTIN:

Yes.

MR. THORSEN:

No, I'm not talking about the street.

ACTING CHAIRMAN MARTIN:

Oh, you're talking about sidewalks.

MR. THORSEN:

Sidewalks.

ACTING CHAIRMAN MARTIN:

Oh, then to do it that way.

MR. THORSEN:

Because that is a difficult place to bring a street, there's a railroad trestle there. There's a depression in the road as you go underneath there. I just want to walk.

MR. ISLES:

Just a sidewalk.

MR. THORSEN:

Which is what we normally recommend in ground fields.

MR. LONDON:

Tom, about in distance what would the length come to about between the commercial area and the residential.

MR. KLEIN:

You're talking about length from the road through here?

MR. LONDON:

The sidewalk.

MR. THORSEN:

Right.

MR. KLEIN:

How long eyeballing it maybe 400 feet.

MR. THORSEN:

It's a suggestion something to consider, you know.

ACTING CHAIRMAN MARTIN:

Well, we can make a recommendation that's all we can do.

MR. KLEIN:

It might be an environmentally sensitive area. There's a natural collection of water there.

MR. ISLES:

So it might have to meander a little bit around the low point.

ACTING CHAIRMAN MARTIN:

Oh, but the sidewalk you could snake it around it don't have to go straight, right?

MR. THORSEN:

Yes.

ACTING CHAIRMAN MARTIN:

I mean, if it's a sidewalk you could snake it around.

MR. THORSEN:

Or even a pathway.

MR. ISLES:

Yea, even a pathway.

MR. KLEIN:

Okay.,

MR. THORSEN:

Even a natural path.

ACTING CHAIRMAN MARTIN:

You could use asphalt

MR. ISLES:

It's only a comment you're suggesting, Mr. Thorsen then?

MR. THORSEN:

Yes.

MR. ISLES:

Okay. So it's not a condition then. Okay.

MR. KLEIN:

A comment. Okay.

MR. ISLES:

Mr. O'Dea.

MR. O'DEA:

Yes. What's the square footage of these two lots 6 and 7 that we're considering this flag lot?

MR. KLEIN:

They're only requirements probably 23 to 26,000 sq. ft. Let me look at the map. Oh, 6 and 7 the land lock parcels are Lot 6 is almost 35,000 sq. ft. and Lot 7 has over 36,000 sq. ft., but that includes the easement, the driveway access easement.

MR. O'DEA:

Okay. Mr. Chairman I would suggest we get into the debate of the 15 foot 50 foot situation quite often. 15 in my consideration is too small; I could buy into 20, however, I think in the yearly meeting coming up in February maybe you want to put it on the agenda and kick it around and debate it and see what we – if we want to change our guidelines and get it over with.

ACTING CHAIRMAN MARTIN:

That's up to you people I just say that's what we do because 15 foot is not wide enough for a truck or a car to go down especially with snow removal.

MR. O'DEA:

So that would be my suggestion.

ACTING CHAIRMAN MARTIN:

You have no place to put the snow so if you have it wider you could, but I have no problem. We can make that a condition which almost serves the same purpose. I just wanted to make sure that we did it there.

MR. DIETZ:

I'd like to make a motion to approve with the staff contingent with what Tom wants added in as far as the walkway and putting a suggestion that they make the driveway easements wider like you're looking for.

MR. LONDON:

May I add to that as a second and ask to use the word condition?

MR. ISLES:

Well, I'd comment on the pedestrian connection.

ACTING CHAIRMAN MARTIN:

Well, that's idea should be the towns and see what they want to do. They might have a reason why they don't want see it there.

MR. ISLES:

Well, right now its condition number one that the staff had suggested which would be to create the two flag lots. If you're suggesting to maintain that as a condition with the wider width of the flag lot, you know, certainly we could do that. Or if you're suggesting go to a right-of-way with the other.

ACTING CHAIRMAN MARTIN:

Make it a condition just like he did on the other things.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

You understand Ted?

MR. KLEIN:

Yeah, so this is a condition that they place a right-of-way –

MR. ISLES:

Yes.

MR. KLEIN:

-- within the access easement. It's 40 foot wide access easement; place that with a right-of-way 50 feet wide –

MR. ISLES:

Right, with shared use.

MR. KLEIN:

Okay.

MR. ISLES:

Okay. So we'll work out the details based on what you've directed.

ACTING CHAIRMAN MARTIN:

We're going to leave it to you to do the wording so it sounds reasonable.

MR. KLEIN:

But we understand your intent is, okay. Thank you.

ACTING CHAIRMAN MARTIN:

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

MR. KLEIN:

The second application before the Commission is a subdivision by the name of Eastport Meadows, it's from the Town of Brookhaven. It's located in the Southeast corner of CR 51 and the South Service Road of Sunrise Highway also on the north side of Old Montauk Road also known as CR 80. Commission jurisdiction is those State and County Roads; also the subdivision is within the compatible growth area of the Suffolk County Pine Barrens Zone and within one mile of Spadaro Airport.

The applicant is proposing to subdivide 97.74 acres into 79 lots in the Hamlet of Eastport. The property is zoned or is pending to be zoned A-1 Residence which allows single family dwellings on lots with a minimum area of 40,000 sq. ft.

This application is being processed as a cluster. The applicant is proposing lots ranging in size from 30,111 sq. ft. to 56,741 sq. ft. The subject parcel is presently consist of wild growth or grassland and woodlands. The applicant is proposing to set aside two areas designated as open space consisting of all the woodland area and the steepest slopes found on the property. This open space will represent 21% of the total area of the subject. This amount is insufficient by Suffolk County Pine Barrens Zone clearing standards which states that 43% of natural vegetation and habitat must be preserved.

The proposed development will occur on 79% of the entire parcel consisting of all the grassland areas found on the property. As I mentioned the subject parcel is located in the compatible growth area of the Suffolk County Pine Barren Zone. According to Pine Barrens Clearance Standards and the subject's residential zoning classification, maximum allowed for clearance of the site is 57% of the entire parcel which would include the lots, roads, drainage and other improvements.

I'd would like to point out also that the propose Lots 31 thru 39 are by Commission definition double frontage lots. These lots should be provided with extra depth for a greater separation between the future dwelling on the lot and the traffic activity from the state service road. However as you can see that's not the case and please also note Lot 30 is designed as a tight corner parcel, this is Lot 30, that's proposed frontage on existing dead end street which meets at a barricade along the South Service Road and also finishes at one of the proposed interior roads. This is a poorly situated lot and could be repositioned. The subject parcel has frontage along the South Service Road of Sunrise Highway which it has access and also this improved County Road Old Montauk Highway which also has access. The character of the area surrounding the subject property is predominately wooded and agricultural with increasing clusters of residential development. The Spadaro Airport is right here is privately operated airport located a shore distance to the west.

The Planning staff recommends is for disapproval of the application for the following reasons: It is felt that a greater effort should be made to preserve the open space. The size of this parcel is conducive to a denser cluster layout. A tighter layout will allow for the placement of housing units further away from the South Service Road of the Sunrise Highway. This would provide for scenic open space and preserve the natural character of the area while eliminating the creation of those double frontage lots and rectify the poor positioning of Lot 30. A denser cluster layout will also reduce the amount of roads required and the amount of associated runoff while minimizing the clearing of native vegetation

which would includes numerous existing ground cover plants and grasses. A denser cluster layout would allow compliance with Pine Barrens clearing standards.

In addition to these suggestions the staff stress the following comments pertaining to this proposed subdivision be offered to the Planning Board for its consideration.

While the applicant and town may wish to consider reduction in on-site yield in order to provide for 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.

The final map should note that the subdivision is located within one mile of the Spadaro Airport and maybe subject to noise from the operation of that facility and noise from low flying aircraft. That's the commission's recommendations.

MR. O'DEA:

I move the staff.

MS. PETERSEN:

Second.

ACTING CHAIRMAN MARTIN:

First any comments.

MR. THORSEN:

Comments. We're not getting aerial photographs now to see what the land looks that.

MR. KLEIN:

Chris, could you show them the photograph.

MR. THORSEN:

Okay.

MR. KLEIN:

I guess he was going back and forth.

MR. THORSEN:

Is that an agricultural area, the light shading where the housings going?

MR. KLEIN:

Okay. This is all grassland.

MR. THORSEN:

Grassland, okay.

MR. KLEIN:

And that's where all the proposed development will take place. The open space areas that they're proposing is here and also in this little triangle piece.

MR. THORSEN:

All right. On the survey there is it looks like a street coming down from Sunrise Highway along, yeah, right there it looks like a street what is that?

MR. KLEIN:

This is a path and LIPA has overhead wires on it.

MR. LONDON:

Electrical right-of-way.

MR. THORSEN:

It's a right-of-way.

MR. KLEIN:

It's a utility right-of-way.

MR. THORSEN:

Okay. Is there any drainage foil running down there?

MR. KLEIN:

No.

MR. THORSEN:

Because it connects directly in with –

MR. KLEIN

Yeah, the low areas, is this area here.

MR. THORSEN:

-- little Seacock Creek; if you keep going south that use to be a drainage swale running right on down to the bay.

MR. KLEIN:

Okay. This was I noticed some vegetation indicated wetlands over here, but this is not part of the site that's a recharge basin own by the State of New York DOT.

MR. THORSEN:

All right. So there's no open stream flow on this property?

MR. KLEIN:

Correct.

MR. THORSEN:

The issue I was dealing with here would be lots that were backed directly up on a possible drainage swale having an effect because they're small lots septic waste running down to Seacock Creek which would be an environmental concern which should be addressed. So you say it doesn't exist.

MR. KLEIN:

Right. The lowest and steepest land configuration is in the wooded area here they're putting aside for open space.

MR. THORSEN:

All right.

MR. LONDON:

Where was the water collection go.

MR. KLEIN:

That would be to -- part from the roads runoff, the proposed recharge basis here.

ACTING CHAIRMAN MARTIN:

We have a motion for disapproval I don't know we're going in the wrong direction.

MR. ISLES:

We have a motion by Mr. O'Dea.

ACTING CHAIRMAN MARTIN:

Mr. O'Dea made a motion of disapproval.

MR. ISLES:

We have a second by Ms. Bolton.

MR. CARACCIOLO:

Second.

ACTING CHAIRMAN MARTIN:

We have two seconds there. Second, John Caracciolo. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-0-1 Absent: Holmes)**

MR. THORSEN:

The only reason Mr. Chairman I was asking that question is that when we disapprove of an application if there is a environmental situation that hasn't been

brought to their attention I think we should bring because if they override it, it should be considered.

ACTING CHAIRMAN MARTIN:

There's no harm in bringing anything to their attention because they all know they could override us. So anybody that feels that you doing the wrong thing isn't. I mean, I like when I get your recommendations they read them. They may not agree with them, but that doesn't mean we don't read them into the record, you know, and I think that's an obligation that we have here to do that's why we sit here to do; that's the important part of having a member on the board that comes from the town. Okay, let's go on to the next thing, Andy.

MR. ISLES:

It should be Andy and the zoning.

ACTING CHAIRMAN MARTIN:

Andy and the zoning. Okay.

MR. FRELENG:

The first municipal zoning action referred to the Commission comes to us from the Town of Brookhaven. This is the application of Patricia Gillard. Jurisdiction for the Commission is that the subject property is adjacent to CR 80. The applicants are requesting a change of zone from an approximately 19,000 sq. ft. parcel of land from Residence A-1 to J-4 Business. This is located in the Hamlet of East Moriches.

Subject property fronts on Montauk Highway to the west which gives us our jurisdiction. It's adjacent to single family residences to the north and south. It should be pointed out that there is an antique operation going on to the north of the subject property. The subject parcel is improved with detached single family dwelling and comprises of stone driveway area used for parking. The subject parcel is currently occupied by an attorney residing in the dwelling unit on site utilizing approximately a third of the floor area for a private practice. The petitioner would like to move out of this dwelling and convert the dwelling to wholly office use.

The analysis of the character of the area indicates that the pattern of zoning is predominately Residence A-1. The Residence A-1 zoning pattern is a result of past actions of the town board to reclassify this area from the preexisting J-2 to single family residence. The subject petition is inconsistent with the 1996 Comprehensive Land Use Plan of the Town of Brookhaven which designates this area for single family residence purposes. The petition is contrary to this pattern and, therefore, must be considered a spot zoning as such the petition constitutes the unwarranted reimposition of business zoning into the local. Such action by the town board may then to establish a precedent for future such downzonings in the area which would be contrary to their past actions to remove this from the

business categories. As you can see the existing zoning now is all A-1 Residence with the exception of two previously J-2 parcels which the town has left as J-2.

Furthermore the petitioner has failed to demonstrate that the subject premises cannot be reasonably maintained and used in accordance with existing zoning requirements. The petitioner has not also demonstrated that there would be a substantial public benefit as a result of the change of zone on the subject site.

The staff recommendation with this referral is disapproval for the following reasons: one, that the petition is inconsistent with the 1996 Comprehensive Land Use Plan. The petition is contrary to the A-1 zoning pattern and, therefore, must be considered a spot zoning. The petition constitutes the unwarranted reimpositioning of business zoning into the locale and such an action by the town board would tend to establish precedent for future such downzonings in the area.

The next reason is that the petitioner has failed to demonstrate that the subject premise cannot be reasonably maintained and use in accordance with the existing zoning requirements. And finally, the petitioner has not demonstrated that there would be a substantial public benefit as a result of the change of zone on the subject site. That's the staff report.

ACTING CHAIRMAN MARTIN:

Thank you Andy. What's your pleasure?

MR. LONDON:

I recommend the staff.

ACTING CHAIRMAN MARTIN:

Staff. Second.

MR. THORSEN:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by say aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-01 Absent: Holmes)** A motion to adjourn.

MR. TANTONE:

Second.

ACTING CHAIRMAN MARTIN:

Frank second it. All in favor signify by saying aye. Contrary minded. Abstentions. **(Vote: 10-0-0-1 Absent: Holmes)**

(*The meeting was adjourned at 1:25 P.M.*)

{ } Denotes Spelled Phonetically