

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 December 7, 2005 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Jesse Goodale, III (Riverhead)
Laure Nolan (Village 5000 & Over)
Linda Holmes (Shelter Island)
Charla Bolton (At Large)
Mary Daum (At Large)
John Caracciolo (Huntington)
Donald Fiore (Islip)
Sarah Lansdale (At Large)

ABSENT:

Louis Dietz (Babylon)
Richard London (Village 5000 & Under)

ALSO PRESENT:

Thomas Isles - Suffolk County Director of Planning
Andy Freleng - Suffolk County Chief Planner
Claire Chorny - Suffolk County Planning Department
Chris Wrede - Suffolk County Planning Department
Christina Farrell - Suffolk County Attorney
Peter Lambert - Suffolk County Planning Department
Ted Klein - Suffolk County Planning Department
Bill Faulk - Aide to Presiding Officer Caracappa
John Moore - Smithtown Traffic Safety Department
Frank DeRubeis - Director of Planning Town of Smithtown
Brian Lenz - Town of Brookhaven

Minutes taken by:

Eileen Schmidt - Secretary

(THE MEETING WAS CALLED TO ORDER AT 12:15 P.M.)

ACTING CHAIRMAN MARTIN:

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 please.

SALUTATION

ACTING CHAIRMAN MARTIN:

We thank you. I want to take this -- just a moment to wish everybody a very Merry Christmas and a Happy Holiday Season. We won't see you before New Years, but that will be included in the Happy Season. I'm going to ask Linda to say something about the 64th Anniversary.

MS. HOLMES:

Oh, thank you. Thank you, Bob. As most of you know 64 years ago today was when Pearl Harbor was attacked. It changed our lives for the rest of this century and the veterans who are still alive I have to say they worry about whether or not children are taught and whether or not people will remember. There was a clip on the news last night with the anchor from the USS Oklahoma which was one of the ships sunk that day with a loss of 700 lives. And it's lying on the ground in Oklahoma City because the building in front of which it was on a pedestal is being renovated and the veterans in the area just hope that that memento will be back up on display and the children will know what it's about. So it's up to all of us. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you Linda for your comments. Tom.

MR. ISLES:

Thank you Mr. Chairman. The Commission has one old business item today which is the issue of the reconstruction of SR 347. We also have six cases before you that have risen to the level of Commission jurisdiction. The first item on the agenda, however, is to begin with the adoption of the minutes in consideration of the minutes from the November 2nd meeting which have been sent out in your packages.

ACTING CHAIRMAN MARTIN:

Yes, I have it here. A motions' in order.

MR. GOODALE:

So moved.

ACTING CHAIRMAN MARTIN:

So moved.

MS. HOLMES:

Second.

ACTING CHAIRMAN MARTIN:

Second, Linda. All in favor signify by saying aye. Contrary minded. So approved. **(Vote: 9-0-0-2 Absent: Dietz, London)**

MR. ISLES:

Okay. Mr. Chairman, we -- the next item is the public portion. We do have a few cards for two speakers, one is from a John Moore from the Town of Smithtown; the other is from Frank DeRubeis. Director of Planning for the Town of Smithtown. Perhaps given that the content of the speakers request is regarding item #5 on the agenda which is 347 reconstruction we may want to put these off until that time when that's on the agenda for the board.

ACTING CHAIRMAN MARTIN:

Well, don't forget this is my Commissioner.

MR. ISLES:

That's it, your pleasure sir.

ACTING CHAIRMAN MARTIN:

Do you have the time to wait or do you want to speak and leave?

MR. DERUBEIS:

No, I could wait.

ACTING CHAIRMAN MARTIN:

You can wait? And John are you going to wait also?

MR. MOORE:

Yes.

ACTING CHAIRMAN MARTIN:

Is it okay with you to wait till later; it won't take that long.

MR. ISLES:

No, it won't.

ACTING CHAIRMAN MARTIN:

I'm honored with two members of my so called gang, right? Okay, so let's go on to the next regular part of the agenda.

MR. ISLES:

Yeah, I think we can move pretty expeditiously. Mr. Chairman, on the Director's Report to just a very few brief items. As I mentioned, to you at the prior meeting the County Executive has put a bill in to amend the County Charter in an Administrative Code relative to the jurisdiction of the Suffolk County Planning Commission. As we explained the intent of this change is to conform the County law to State law, General Municipal Law; that was the subject of a public hearing in November and it was a subject review by the Environment and Planning Committee last week and went before the full Legislature yesterday. The Environment Committee recommended it unanimously. I have not yet heard an answer in terms of, if the Legislature took action on it; we think they did, but we'll get a confirmation of that for you by next meeting.

So very simply all it is is for the purpose of as I said, where General Municipal Law talks about requirements for referral including site plans, including matters that are within 500 ft. of an agricultural district. All of that is silent in County codes so this will now be reflected in County code so it will help to remove ambiguous situations where municipalities may not be clear and applicants may not clear in terms of the referral requirements under those cases.

Secondly, as we've talked about it at prior meetings the Planning Commission has entered into an Inter-Municipal Agreement with the Town of Southamptton. It's the first one we've done in my recollection. And General Municipal Law provides for the option of Inter-Municipal Agreements for the purpose of the County Planning Commission and the municipality agreeing on those matters that do not have to make a full referral to the County Planning Commission on the basis that they're matters of local interest and not of County or inter-municipal interest. In the case of Southamptton, the Commission worked out a list of those items that can be referred simply by email to the County Planning Commission that do not involve a positive declaration from a SEQRA standpoint and that agreement is in place. The Commission had directed the staff to work on applying this or making it available throughout the County. We did make a presentation to a number of town supervisors with the County Executive about two weeks ago to inform them of this option and we are preparing a mailing this month that will go to all the municipalities in the County. Here again, to inform them of this option and if mutually of interest to the towns and villages we can bring those back to you on a case by case basis. Here again, the benefit is to reduce workload for the municipalities; currently, they're required to send the applications, the plans, the accompanying materials this would simply require notification by email and we would acknowledge that. So it helps to save staff time, it helps to save paperwork going back and forth, here again, on deminimis applications.

I will tell you too about the Suffolk County Legislature does have two Commission appointments pending at the present time. One is for the Town of Brookhaven and the Commission -- the Legislature has indicated they want to hear from the

incoming Supervisor before deciding on that appointment. Similarly, for the Town of Southold a name has been put forward by the County Executive in this past legislative cycle a Mr. Kontokosta is the designee of the County Executive. He appeared before the committee last week for his questioning before the committee and once again the legislative committee indicated they wanted to hear from the incoming Supervisor. The towns and villages don't have direct say over the appointments, but they can certainly comment and indicate their support or any comment regarding a proposed appointment. At the present time, therefore, we have four vacancies remaining in the Commission and we have one more meeting of the Legislature for this year if action is to be taken.

We do have to deal with the issue of the next meeting of the Commission and actually the next two meetings. The Suffolk County Planning Commission in February of every year is required by the County Code to have an organizational meeting to elect its officers and to establish a calendar for the year. With your consent what we'd like to do is schedule the January and February meeting for the first Wednesday of the month as we typically do at noon time. We do not know at this point if this room is available in Hauppauge since the legislative calendar is not yet determined for next year. So we will do our best to confirm either this location or possibly Riverhead then at that point if we can't get this location. We will inform the Commission members as early as possible in term of once we do get that information. Our first preference will be to have it here though in terms of trying to get something on January 4th which would be the first Wednesday of the month.

ACTING CHAIRMAN MARTIN:

Everybody is in agreement that Mr. Isles make the arrangements for whether it's here or in Riverhead, right.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

Well, for Linda she wants Riverhead I know that, but Bobby Martin wants it here.

MS. HOLMES:

How did you know you were reading my mind and Bobby would like it here.

ACTING CHAIRMAN MARTIN:

Okay, Tom.

MR. ISLES:

Okay. Thank you. Now we have the Roundtable.

ACTING CHAIRMAN MARTIN:

The Roundtable, we'll go around once and see what's happening in the towns. We'll start with you....

MR. ISLES:

Sara.

MS. LANSDALE:

I have nothing to report. I'm an At Large member.

ACTING CHAIRMAN MARTIN:

Something from Riverhead?

MR. GOODALE:

Not at this time from Riverhead.

ACTING CHAIRMAN MARTIN:

Okay. Charla.

MS. BOLTON:

Not right now.

ACTING CHAIRMAN MARTIN:

Donald.

MR. FIORE:

Nothing to report.

ACTING CHAIRMAN MARTIN:

Smithtown is the greatest place to live; I always tell you that. So nothing ever goes on there. Linda will have something.

MS. HOLMES:

Nothing ever happens only little Shelter Island has things happening. The town board has postponed the referendum they were going to schedule for Friday of this week on the affordable housing initiative that's been brought forward and was initially approved by the board. And the committee studying it said there were too many questions; a lot of people have indicated they want input. Our planning board chairman wants the town to exercise the option they already have to create a special use district with the eye that we could perhaps begin to have a place owned by the town a piece of property on which cluster housing or attached housing could be built which would create more affordable or more senior housing. So we really want to look at all the options and make the best use possible of the land; so it's become a much more complex and much more thoughtful process that I hope will move along with our new supervisor. Thank you.

ACTING CHAIRMAN MARTIN:

John.

MR. CARACCILO:

Thank you Mr. Chairman. I wanted to bring to the attention of the Commission and the board members proposed legislation. Assemblyman Andrew Raia is proposing legislation that would give the County more power in enforcing your decision when it comes to issues in front of the Suffolk County Planning Commission. And as we know the County Planning Commission's primary interest in conducting its reviews is to protect the public interest and the investment of the County and the taxpayers. And it also provides local officials with the benefits of the planning expertise of the staff of the Planning Department and the expertise that we have of the volunteers that give our time here.

I think this recent proposal by the Assemblyman comes to light after the proposal from the Town of Smithtown a little over a year ago which sparked a lot of controversy and that the Commission -- that was the big box retail on Crooked Hill Road. And this Commission and this board disapproved that plan, but the Town of Smithtown overruled the decision. And then most of the residents and elected officials came out whether right or wrong I think it was an election year and a lot of people came out, you know, to voice their opinion. And I think the Suffolk County Planning Commission and I know myself and Commission Nolan took a lot of heat for that even though we did disapprove that plan. And Raia correctly stated that the Planning Commission did not approve this development upon initial review, but as we know New York State Law allows individual towns to override this Commission by a super majority vote of the town council.

Raia said that his legislation is an effort to give the County Planning Commission more teeth so the towns must adhere to their recommendations. When it comes down to that I think, you know, personally that's what we're here for. We have a well respected group of talented planning volunteers as Mr. Chairman you've stated many times, you know, we give our time for that. We have a well respected group of talented staff that I think uses the best resources and foresight to make these decisions in the best interest of Suffolk County as a whole and that's what we're here to look at. It's always been my feeling that, you know, we're here for the development and the planning of Suffolk County in a regional approach. And if we have each town doing what they want and not caring about the town next door then you're really effectively have no group planning and Raia's proposed legislation will put a local idea into broader perspective.

The Suffolk County Planning Commission was created with some powers, but then again, we lack certain authority and with the major projects that we are planning in Suffolk County and that have been proposed like Yaphank and Kings Park and, you know, in Riverhead to name a few. I personally don't think it's safe

to leave it to one town or another to decide what's best for the County as a whole or what's best for proper development in Suffolk County. And I think the Planning Commission is here for a reason; so Mr. Chairman I don't know if its appropriate if its protocol, if its proper protocol, but I would like to suggest that we, you know, form a group or have some members meet with the Assemblyman and just see what he is proposing and just get an idea of what, you know, what he would like to see with the Commission.

ACTING CHAIRMAN MARTIN:

Well, what I'd like to do is being there's four more openings and we're going to have them I guess after the first of the year I'd like to leave it till the spring time of next year. I mean, we waited this long another couple of months is not going to make any difference. A lot of people might now be --

MR. CARACCILO:

No, I agree with you.

ACTING CHAIRMAN MARTIN:

On the next board, you know.

MR. CARACCILO:

I agree. He's proposing this legislation in January or proposing to place it in January.

ACTING CHAIRMAN MARTIN:

Well, there's time to get it through; me myself I wouldn't be ready now to take it on, you know, that's why I always said it's important that each town be represented. But if they're going to change that formula which they were talking about then that's going to make it a big difference in what you're saying. So I thing we're better off waiting until sometime in the spring time. Does everybody agree to that?

MR. GOODALE:

Yes I would.

ACTING CHAIRMAN MARTIN:

I think that would be best.

MR. GOODALE:

Sir, if you want as part of that we were just talking when it came up in this regard. Does the staff or is it easily available on disapprovals from this board what percentage of these are overridden at the various towns by a super majority? Is that available information?

MR. ISLES:

I'll turn it over to Andy Freleng, Chief Planner, but I don't think the information is readily available. We do track the number of cases that come in; we're not always notified of what the outcome is. Add to that Andy as you see fit.

MR. FRELENG:

No, the Director is correct. The information isn't readily available; it's spotty. Some municipalities give us their resolutions when they override us or approve as the case may be. Some municipalities don't and of the ones that do it's not consistent. So it would be some undertaking for us to actually calculate what percentage, but anecdotally I would say that a good portion of our denials are overridden at the local level.

MR. GOODALE:

Which speaks to the point, I believe. So as I say no now, but I mean, when we're thinking about supporting or not supporting this legislation that would be an issue that perhaps we'd like to know about.

MR. CARACCIOLO:

I agree, I think that's directly the point. I mean, it's the authority of, you know, fifteen of us sitting in a room that are offering our opinions and our expertise and with a staff that's well qualified as one of the best planning staffs I've ever seen. You know offering their opinion and their expertise and then to have it denied with no recourse or action I think is just, you know, look at business it would just be called a waste of time.

MR. ISLES:

If I could ask, does the Assemblyman have a draft available or not yet at this point?

MR. CARACCIOLO:

I, you know, it's not, you know, without, you know, discussing it the board --

MR. ISLES:

Okay.

MR. CARACCIOLO:

I didn't feel it was appropriate for me to reach out to him, but I would like if possibly just do that and just get a draft and have him, you know, give us a draft of that legislation so at least he could keep us informed.

MS. BOLTON:

Is that something, Tom, is that something that if we get a draft you could share with us?

MR. ISLES:

Yeah. I mean, if he's releasing it as a public document for discussion purposes I could certainly share it with you. We haven't received anything yet.

MR. CARACCIOLO:

Have you heard about it at all Tom?

MR. ISLES:

That one, no I haven't.

ACTING CHAIRMAN MARTIN:

Yes, Linda.

MS. HOLMES:

Just to speak to the point a little more; we have had a tremendous effort in the East End for some regional transportation planning which Southold and Shelter Island have supported very much, but East Hampton refuses to participate in this suggested solutions. And you know, perhaps if there were legislation like this and the regional planning group, the Seeds Group asked the Commission to review their proposal and if the Commission made a recommendation it might make East Hampton feel more obligated to participate in what is really an urgently needed set of very good solutions.

ACTING CHAIRMAN MARTIN:

Well, as I said before I'd really like to see what it is, what authority Mr. Raia has to even do that. I don't like the idea Mr. Raia coming before us unless he has a reason to come before us.

MR. CARACCIOLO:

Oh, I don't think that was never the intent.

ACTING CHAIRMAN MARTIN:

I mean, I don't want to get into a political (inaudible). He's running next year and I don't want to get involved in that. We'll want and see what comes up after February, right. March you think that's a good time?

MR. ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

Then at least we can sit down and show where we are. I'm not coming out for something that the whole County doesn't want. I mean, that's not my job sitting here. I represent the Town of Smithtown; I don't represent Mr. Raia. So when he comes in here he's got to have our town approval saying yes, we want something or not we don't and we'll sit then. But to take it now that this board is going to come up front I think we're stepping out of our bounds.

MR. CARACCILO:

No, I don't think that -- Mr. Chairman, I just want to clarify; I don't think that was ever the point of my discussion. That was not the point to have us support or not support. I mean, my point is and I said in my statement it was a personal view that I felt that this Commission was here to look at Suffolk County as a whole. If Mr. Raia, Assemblyman Raia is proposing this legislation I would like to see it and just, you know, be able to comment on it if it's going to look, you know, because my concern is even though I represent the Town of Huntington my concern is Suffolk County as a whole.

ACTING CHAIRMAN MARTIN:

So is mine, but I also want my Legislators to comment on it. We have a Senator both share Huntington and we have our own Assemblymen and we have County people the Legislature. I want them their input.

MR. CARACCILO:

Oh, absolutely.

ACTING CHAIRMAN MARTIN:

If the Legislators don't want to give away that authority I certainly don't want it either. You know, we have to wait and see before we jump the gun.

MR. CARACCILO:

I agree 100% and my statement was only for informational purposes and I think that we should be informed if it's going to, you know, be effecting a decision that we make.

ACTING CHAIRMAN MARTIN:

I just don't want them misinterpreting that we're approving this thing before hand; I don't want to do that.

MR. CARACCILO:

I don't think there's anything to approve as of yet.

ACTING CHAIRMAN MARTIN:

Yeah, okay John.

MR. CARACCILO:

Okay, I understand.

ACTING CHAIRMAN MARTIN:

Thank you.

MS. HOLMES:

May I ask for clarification then? If the State Legislature passes this Assemblyman Raia's legislation --

ACTING CHAIRMAN MARTIN:

It's not even drawn up.

MS. HOLMES:

If the State Legislature were giving the County Planning Commission more teeth then that would become State law that we had more teeth and the towns wouldn't be as easily able to override our recommendations, is that?

MR. CARACCIOLO:

I think, you know, me looking at what I've seen I don't even think that's even at a point yet. I mean, this is proposed legislation and it's only proposed; it's not even I don't even think it's to that point yet.

MS. HOLMES:

If we see his draft we will know more precisely what --

ACTING CHAIRMAN MARTIN:

You two talking together I don't like that. Okay, Don.

MR. FIORE:

Mr. Chairman, I really think that what we're just talking and spinning our wheels here we haven't seen anything yet and I don't think this thing should be brought up again until we see something that we can actually look at as to the wherefore and the how to's and what's going on because I agree with you 100% of what you're saying. And you know it's just right now it was just thrown out on the table and it's just hopping around here and without anything concrete in your hand and without anything that you can talk its moot. The point is moot right now I mean, so --

MR. CARACCIOLO:

Commissioner I don't think you even understood what I said. I mean, to put our heads in the sand and just say well, we'll just wait until this come out let's see if he has anything to propose. I have never said and I think we can go over the minutes you didn't hear me say that I approving or disapproving. So we just can't put our heads in the sand.

MR. FIORE:

I don't think I said that all right not that I want to cross talk you. I apologize.

ACTING CHAIRMAN MARTIN:

I don't want to cause (inaudible) that's not we're here for to argue with each other. I think we all agree that anything that the Assemblyman wants to put on we have

no trouble listening to it. If it comes down from higher ups we have a guy up there, we have Legislators, we have County Executive. If the County Executive is interested he will then submit it to us. Without his blessings and without that I'm not going to the Assemblyman. My Assemblymen don't appoint me.

MR. ISLES:

So at this point it's just informational on behalf of Commissioner Caracciolo and that's the extent of it. Commissioner Daum has a comment to make too I think Mr. Chairman.

ACTING CHAIRMAN MARTIN:

Yes.

MS. DAUM:

That's okay, you covered it.

ACTING CHAIRMAN MARTIN:

Everybody okay? Let's go on to the next item.

MR. ISLES:

I think in terms of the Roundtable, no. Okay.

ACTING CHAIRMAN MARTIN:

Let's go on to the next item.

MR. ISLES:

Okay. Mr. Chairman, the next item on the agenda is old business which was the matter we brought before you at the last meeting which is the issue of the reconstruction of SR 347. As you recall General Municipal Law provides that the State and County prior to commencing any road highway project must refer to the County Planning Commission that's mandatory. Your role however, is advisory; you can offer suggestions back to the State or to the County. In this case the Planning Department staff presented our preliminary review of this proposal. You had asked that we contact the two towns in which the project is located within that includes the Town of Smithtown and the Town of Brookhaven.

Contact was made to -- by letter to the Supervisors of both towns with copies to the Planning Directors. We have not received any comments back from the Town of Brookhaven. We have received comment from the Town of Smithtown and I believe you have a copy of the letter included in your package. Very briefly, the 347 is a major east west corridor in Suffolk County cutting across both towns as mentioned. It has over 400,000 sq. ft. of office development along it. It has over 3100 multiple family apartments directly fronting onto 347 or accessing through 347 and it also has 3.7 million sq. ft. of retail space. It's an extremely significant corridor based on current uses as well as projected build out of that corridor and so the State's reconstruction of 347 is something that will affect the

economy, the future of Suffolk County for many years to come. We consider this to be an important step; the staff had outlined six recommendations that we were suggesting to you. Issues with the capacity of 347 as planned perhaps not being sufficient; issues regarding buffering and mitigation of impacts to nearby residences. Looking at the aesthetics of the highway itself that aspects of, for example, parkway design be considered in terms of landscaping and bridge design. Accommodating the needs of pedestrians and bicyclist in terms of giving that consideration of weight and design process. And then lastly, the comment and the Commission did direct us on this one to work with the respective towns within the corridor itself.

So here today we do have two speaker cards for this project if you'd like to proceed with that.

ACTING CHAIRMAN MARTIN:

Yes, sure. I think we'll start with Mr. DeRubeis. Mr. DeRubeis is the Planning Director of the Town of Smithtown.

MR. DERUBEIS:

Mr. Chairman and members of the board.

ACTING CHAIRMAN MARTIN:

It's not on Frank.

MR. DERUBEIS:

Is it on? Okay. Mr. Chairman and members of the board I'd like to thank you for the opportunity to say some words on the 347 corridor. This is one of the critical issues within the Town of Smithtown right now and it's one that is that has plagued us for several years. There should be a letter in your packet, I believe, and if not I have copies of a letter that I submitted to Mr. Isles yesterday with regard to our summary of our findings that we have on this particular road. I'm not going to belabor the -- all the details that's in the letter itself, but I'd like to give you the overall picture as we see it from the Town of Smithtown's point of view.

The New York State Rte. 347 was originally constructed by the County; you think most of you know that, but basically in the 1950's. It was turned over to the State of New York for the express purpose of making this a limited access roadway. Those designs were completed and we do have copies and I believe there are copies in the Planning Commission if not we'll make them for you of the original 1968 design which showed this road to be a limited access roadway including overpasses and all the major streets or closing off of streets that were not going to have direct access on to this particular road. For various reasons and mostly due to financial reasons this program was never implemented. Meanwhile, however in the Town of Smithtown at least our entire land use plan was based

around the design of this road as a limited access roadway with the exception of a small section of road between Terry Road and Southern Boulevard.

The entire corridor that is in the Town of Smithtown has very few access points and all of the retail that you see along those particular corridors are all designed to be handled on to the side streets. In other words we designed our primary land use that's in this particular corridor based on the assumption that this was going to be a limited access road is the reason why we chose the Smith Haven Mall to be located where it was placed at and the reason why we designed it so that we did not have any additional commercial uses that would front directly on to this particular road. With that in mind we did review with the State from the beginning their particular proposals is to how to design this particular roadway. If you remember they originally had like seven particular designs and then they whittled them down to what we have in terms of the current proposal. We've always maintained that what we want from the town's point of view is more of a limited access roadway design. The reason why we want this is because we've always counted on this road pulling the traffic away from the residential side streets.

Currently, 347 as most of you know all you have to do go right out to this roadway at 4 o'clock and you'll see exactly what we're talking about that road is packed. And unless you increase significantly the capacity of that particular road that traffic the spill off is coming on to Old Willets Path, it's coming on to 25, it's coming out to 25A, it's coming on to our side streets north and south, Lake Avenue, Edgewood Avenue and the like. And what we're seeing is a response the tail wagging the dog is we're looking at trying to improve those corridors because we don't have sufficient capacity on the 347 side.

About ten years ago the State of New York came to my office and proposed a new widening for Jericho Turnpike. While we're not against widening Jericho Turnpike and certainly we think it's warranted to four lanes throughout most of its length. The proposal that was submitted to my office was for a 110 foot wide a way with a street that was going to be 88 ft. wide. Now this is they've already constructed part of this and some of you may be familiar with in Selden by the Home Depot that particular type road. And I just went as an experiment to try to cross the street in front of Home Depot when the light turned red to see if I could make it. Now I'm reasonably athletic, I do run four miles a day so I feel like I'm in reasonably good shape; I had a hard time crossing that street in terms of the signal time that was present for that particular light. A 108 ft. wide Jericho Turnpike is not what we want for the Town of Smithtown. Certainly, we want four lanes, but not something that big, but the reason for that design is that the State is trying to increase capacities on all the surrounding roads.

The State has gone and attempted to take a look at the 347 corridor in a very good way and I don't wish to criticize them for this particular aspect of going to the communities and the local governments as well as the other governmental

entities to try to build a consensus for the design of this road. What you have before you unfortunately in my opinion is a watered down version of what the design for that road should be; and that is basically it's now going to go from a two lane to a three lane roadway with a couple of overpasses thrown in between. And I just spoke with somebody from the State last week they're even talking about not putting the overpass at Vets and 347; that's on the table right now you can talk to them. They're looking at that and keeping it at grade.

All this means is that while you will see an improvement to 347 within this particular corridor it will not be as significant as what we had hoped and what we feel is necessary for the Town of Smithtown. Therefore, you know, when you look at our comments on this particular roadway our comments are one of we still want a limited access design here. Now we recognize that this particular juncture short of building something like we did -- they did at Sunrise Highway a limited access road is really out of the picture in terms of a final solution for this particular corridor. But certainly we could go towards more aspects of limited access and we're willing to work with the State and we've had meetings with them to this regard. And we're talking about such things as we're willing to talk in terms of closing down some of the commercial accesses that are on to this particular road. Certainly, the Hauppauge Shopping Center has five access points one of which is on to 347; they don't need access that particular road.

We could take a look at all the other centers and other uses that we have in this area and try to reduce it. However, when we take a look at what the State's design is that's before you it's nowhere near that particular type of an approach. Rather they seem to be attempting to accommodate a lot of different interests and in some cases we feel it's a step backwards in terms of the improvements that you're seeing before you. Let me give you an example; the fire department in the Town of Smithtown and I'm going to catch a lot for this one has a substation which is on the north side of 347 at Plaisted Road. They have to cross over 347 to get to their part of their district to the south side; that's an un-signalized intersection. They pressured the State or at least convinced the State to put in a new intersection at Plaisted Road; that intersection is only being placed there for to serve the fire department. That is a congested segment of that particular road. Why are we putting in another intersection there? It is not necessary.

We've suggested in the report there that what we ought to do if we need to serve the fire department is close the intersection altogether. Put mountable curbs and flashing lights and we will be able to when the time is necessary in cases of an emergency have emergency vehicles go through the intersection, but it's not necessary for the public to go through there. What we want to see in this particular road is more of a design towards limited access and not trying to serve the surrounding traffic, the surrounding residential communities. We also and I have our Traffic Safety Director and John will probably speak on some of the more details that we're talking about, but we've consistently maintained to the

State that we want no more un-signalized intersections period and throughout any of this corridor. And what we mean by that is left hand turns especially crossing over a three lane roadway is just simply not practical in today's world. And if you start off with coming off of Northern State the first major intersection that you'll hit is Ledgewood Drive and it's an un-signalized access point that allows traffic to more from Ledgewood going south across the road to the southern end as well as you have merging traffic coming from Northern State coming into Vets Highway at that location.

Those are the kinds of things that we say eliminate. If you have too turnaround and go the long way around to get to a particular location so be it. I don't know if any of you have ever traveled out to Cape Cod, but there's a primary road, I believe its Route 6 I think or Route 9 that runs down through the spine of Cape Cod. During peak or during the vacation period it's virtually impossible to make left hand turns anywhere on that particular road on that segment. And you get use to the fact that you have to make a right hand turn, go down two lights, turnaround and make a u-turn and that's a fact of life. If that's the way we have to design 347 in order to increase capacity that's the strategy that we want to work towards.

Now in looking at what the State did and I made it very clear on my letter I don't want them to revamp the plans that are currently before us. It sounds like I'm back pedaling here because I've been saying this consistently from the beginning and we seem to be moving backwards and I don't want to say we don't want their plans and we don't want to do anything. What I am I think trying to say in the memo that I have before you is maybe we should take a harder look at this particular proposal and reexamine our approach towards how we're studying this particular roadway. And rather than try to build a consensus for trying to have a signal one size fits all type project maybe we should go with what the State has right now and continue on with the planning process to try to establish how we could make segments of that road more efficient. In other words what I'm asking for is lets change the way we study this particular roadway and that's basically the thrust of the comments that I have before you; because I think the way we're trying to solve this particular design which is the same way the State is trying to do it in other areas as well is we're not ending up with the roads that most of us who deal with this particular area know that we need. I do however on the other side changing hats and again flipping to another side I don't want to sound contradictory. I do understand the resident's point of view. This is something which we have to live with on a regular basis. If many of you who do work on the local level see this.

There is an emphasis in my report which is I don't want to get lost here is that the designs of these particular roads have to recognize that they're going through communities and the communities want good design, good buffers, good landscaping in terms of this what they see. What we see on the local level is a reaction to public works projects that we have in the past. And these public work

projects can range from building parking lots in our downtown areas to those at railroad stations and the like where the public no longer wants to a sea of asphalt and the concrete oasis that we use to create. What they are generally reacting against and they're reacting against anything that we're doing is these grandiose civil engineering projects that do not relate to the local communities. Now this isn't a new thing; the State as you are well aware ran into this problem in Westbury when they attempted to redo the interchange at that particular location. And I've said this and I'll say it publicly the State learned it's lesson very well and I have to applaud what they've done since that particular time and the designs for the Expressway; while I would have gone further the fact that they redesigned the overpasses with interesting material. Put up geese on or ducks on the walls these are at least attempts and I think they are positive attempts towards integrating good design into what you're working with.

We think that's going to be critical going through this particular corridor. Most of you have already heard which we have heard it repeatedly the residents protesting about what we're doing to this particular road. We think it's critical that if we're going to go, but even with a limited access or with the State's proposal is that we have here before you that we have to design this road so that it is community friendly in certain ways. Now this may seem like a contradiction we don't think it is; we think it is paying attention to some of the design elements. And it does mean, for example, paying a little bit more for those parkway style bridges or the street furniture that looks a little better. That we think is important for this community; I think it will build over the long run the certain positiveness on the public's part towards so some of these public improvement projects that we're going with.

With that in mind, you know, I would like to just conclude by saying I've given a lot of like negative comments on this particular project and I perhaps what gets lost in processes. I don't want to redesign at this particular point; I think we need to start moving forward with this particular project, but I think we have to at least acknowledge among ourselves that maybe we're, you know, we haven't come to the best design for this particular road. And now let's go forward with what we've got, but at least commit towards a better planning process in the future. Mr. Chairman I thank you very much for the opportunity to comment.

ACTING CHAIRMAN MARTIN:

Thank you Frank. The next speaker will be John Moore. John, can you do it five or ten minutes at the most?

MR. MOORE:

Yeah, okay I'm not as grandiose.

ACTING CHAIRMAN MARTIN:

Because one of my members has to leave and we have to vote on one thing first.

MR. MOORE:

The Supervisor had asked me to attend this and he wanted to thank the Commission for seeking the towns input. As Frank had said we agree with the idea of establishing Route 347 and 354 as a roadway that will carry traffic through town without the spill over on to the local roadways. I agree with the Commission's report and conclusions that this version, the latest version of this design doesn't really go as far as it probably should. I think the DOT had come up over the past ten years with maybe nine different designs from do nothing to build the Long Island Expressway through this area. And they had a lot of negative impact from a lot of different sources and I think they -- the pendulum swung too far back maybe that they -- they scaled it back a little bit more than they should have, but like as Frank had mentioned I think it's still a great improvement what they do plan to do and I would not like to stand in the way of them proceeding with this job. But I think it should be looked at as something that is evolving that we can look at to make changes to it. I know in their scheduling they, I believe, 2008 they looked at doing the Nichols Road interchange, you know, they had a schedule for each piece of the road like segmented. And I think that that would give us an opportunity to tweak the designs in some of these areas. I've gone over these designs with the DOT particular's of Christopher Williams is the design engineer on this; I'd said down with him, Highway Superintendent Lynch from the Town of Smithtown and we went through and we talked about intersection and intersection by particulars. I don't want to bore you with that stuff, but what I would like to say is that the town does support this; would like to see it happen. I'd seen plans in Frank's office dated 1968 that looked similar to what's being planned today, but was never put into effect. So I think that the demand -- some of the accounts were like 70,000 cars a day are using this roadway.

We have to do something to expand the capacity of the roadway and I think that this plan before us is a good idea, a good step in that direction. And the important aspect of it is as I see is that it will take a lot of the bypass and cut through traffic that is using residential town roadways to avoid the congestion and delays on 347 where the traffic should be. That's a quality of life issue for many residents of Suffolk County where they're getting this traffic usually at high speeds, usually with no regard for the residents in that neighborhood. And I think something like this these State highways should accommodate that through traffic to free up the neighborhood traffic for {neighborhooders}.

A couple of particulars I would like to bring up would be I had mentioned to the State and I would like the County or the Commission's support us on this; lighting isn't very good on this roadway, on the corridor the street lighting. There's long areas particularly through Smithtown where there isn't any development and LIPA or Lilco at the time hadn't put in secondary. I'd like to see street lighting added at least at intersections because this is going to be a four lane wide roadway; I think that would help enhance the safety and bring about a much better condition on the roadway.

I would ask the State to include the lighting both on the corridor and on the side streets that they're looking to expand within this project so that it wouldn't be a burden to the local communities to do these lightings. It should be part of this multi-million dollar project; adding something like this is a significant addition to it. And another thing that I'd really like to press and like to have support on is the Town's of Smithtown and Brookhaven have gone for emergency vehicle preemption where it's a traffic signal mechanism where ambulances and fire trucks can get a green light. It improves the response times tremendously; it enhances the safety of the responses. Both towns have put these things on State highways within both townships. The State has currently piece by piece when they rebuild an intersection or put up a new one go back to the towns and say well, it's your responsibility to take care of the preemption on this. I would like to see on this design that the emergency vehicle preemption be included as part of the State project. This would be something to be overwhelming to the town. The Town of Smithtown has 75 State signals equipped with the emergency vehicle preemption. The Town of Brookhaven has, I don't know, Brian had said 130, but that's something I would like the Commission's support on seeing that the lighting and preemption be included in the designs and the project and the actual construction in this. Thank you. Brian Lenz had not filled out a card from the Town of Brookhaven, but asked me to introduce him so here he is.

ACTING CHAIRMAN MARTIN:

Thanks John.

MR. LENZ:

Hello. I wasn't prepared to talk; I wasn't sure if you guys had gotten our comments that we had given to the State, the Assistant Director and the Director of Traffic Safety weren't able to make it so they sent me. I'm an engineer for the Traffic Division at the town. We have been known on a regular basis updating comments to the updated plans with the State; I have one copy here I can give it to somebody if you guys want it and we can email copies if you guys need it. Everything they say Smithtown said because they went first cause pretty much the same feeling that we have especially with the outcome with the fire preemption. I'm not going to get into specifics, but the comments sheets as well they do intersection by intersection get into specific comments. One of the bigger ones is Pond Path it looks like it appears to be a -- creating into a bypass for the State and there's two signals currently there now existing. If it was to be implemented we would like to see the State take over that section of roadway because it would become a major route to get onto 347 from Nichols by I think its Target, Best Buy that area there. It would entail basically a big expense for the town a couple of those signals to maintain; the {opticom}, the roadway itself being widened and definitely going up to 20, 30, 40,000 cars a day. Everything else I think is in that comments like I said I thought we've been going week by week with the State. This is all news to me your involvement so I just didn't want

to sit there and let it go; let you guys know that we have been making comments with the State and the Town of Brookhaven is involved and it's very specific in those comment letters and if you need extra copies we can get them to you. Thanks.

ELECTRICITY WENT OUT AND SECRETARY HAD TO RESET MACHINES.

ACTING CHAIRMAN MARTIN:

Andy, the one that's in the Town of Smithtown Z3 can we hear that before we go on because he has to leave.

MR. GOODALE:

I have to leave, but we have time right; we can get their reports and get the staff's feelings about the reports from Smithtown and Brookhaven at our meeting next time.

ACTING CHAIRMAN MARTIN:

Yeah, what I'm trying to say is that if we hear this then we can go on with another day even. I can get Mr. DeRubeis to come back anytime if we want, you know, give him some notice, but I want to get you out 1:15 --

MR. GOODALE:

Right, but this is not something immediately that we have to decide today.

ACTING CHAIRMAN MARTIN:

And I can vote, see I can't vote on this.

MR. ISLES:

Yeah, there's two cases that we may have members recusing themselves. The one you mentioned which is National Amusements; the other one is a subdivision which is Judges Lane. So while Mr. Goodale is here we probably should do both of those.

ACTING CHAIRMAN MARTIN:

(inaudible)

MR. ISLES:

A member's indicated to me they may have to recuse them self.

ACTING CHAIRMAN MARTIN:

Me?

MR. ISLES:

No.

ACTING CHAIRMAN MARTIN:

Who?

MR. ISLES:

Charla.

ACTING CHAIRMAN MARTIN:

Oh, you'll have to?

MS. BOLTON:

On Judges Lane we've taken a position.

ACTING CHAIRMAN MARTIN:

Okay, let's hear the both of them; we can hear the both of them they're simple.

MR. GOODALE:

Yeah, we have time.

ACTING CHAIRMAN MARTIN:

Okay, good.

MR. FRELENG:

Just for clarification we have two municipal referrals from Smithtown and one from The Branch so the subdivision is actually from The Branch and Chris has another Smithtown one. Okay, then taken this application out of order this would be the third one on the agenda under Section A14-14 to 23. This is the application of National Amusements Inc.; this comes to us from the Town of Smithtown. Jurisdiction for the Commission is that the application is adjacent to CR 13 and NYS Rte 495 Service Road as well as that the application is within 500 ft. of the Town of Islip Municipal Boundary.

The applicant seeks site plan approval for the demolition of an existing fifteen screen multiplex cinema with a new sixteen seat -- sixteen screen multiplex cinema with amenities as well as some concessions and an accessory 62 seat restaurant on property zoned Shopping Center Business. The subject parcel is located on the northwest corner of Crooked Hill Road which is CR 13 and the Long Island Expressway North Service Road which is NYS Rte 495. This is in the hamlet of Commack.

An analysis of the character of the area indicates that the subject parcel is in an area of mixed zoning predominated by Shopping Center Business and Industrial Districts. If we could see the zoning map Chris, thank you. Some improved residentially zoned land is located to the northwest. The subject parcel is an assemblage of old filed maps. As a note these should be consolidated and abandoned. The subject site fronts on the Long Island Expressway Service Road; to the south, Henry Street which is a town road to the north and Crooked

Hill Road CR 13 to the east. North and west are some industrial properties. The subject property is more than 500 ft. east of the Town of Huntington municipal boundary and less than 500 ft. to the Town of Islip municipal boundary to the south. The area in the Town of Islip is separated by the NYS 495 right-of-way and is zoned Residence AAA. It should be noted that this area is the northern extreme of the Pilgrim State property now under consideration by the Town of Islip for redevelopment into a mixed use site.

As mentioned the applicant seeks site plan approval for the demolition of an existing screen -- existing 15 screen multiplex cinema with a new 16 screen multiplex cinema including amenities and an in-site accessory 62 seat restaurant. The proposed action is on property zoned Shopping Center Business as stated. The subject application is a Site Plan application pursuant to a valid Special Exception approval for a multiplex cinema in Shopping Center Business zoning.

While the number of screens proposed is increased by one and the total square footage is increased by 36,324 sq. ft. the seating is decreased by 1,465 chairs. This equates to an increase in floor area by nearly 34%, but a decrease in seats by nearly 28%. The required parking for the proposed multiplex is 1400 spaces and the equivalent is proposed.

Access to the subject parcel is to be from CR 13 at a single point of ingress/egress. Access is also proposed to the North Service Road of NYS Rte 495 at a single point of ingress/egress. A third point of access is to Henry Street at a single ingress/egress location.

A review of the site plan and correspondence between the town and the applicant indicates the proposed site plan elements the parking arrangement, the lighting architectural details, landscaping, etc. have evolved significantly from the pre-existing conditions of the prior multiplex and those of the first proposed layout of this action. A comparison of the current plan with the Suffolk County Planning Commission Draft Smart Growth Criteria Matrix indicates that the site plan still needs to address issues related to cross access of vehicle and pedestrian movement to the adjacent site to the west. It is the opinion of the staff that an additional effort should be made to create pedestrian walkways to parcels to the west. Moreover, the site plan does not readily indicate accommodations for mass transit use particularly bus or van pools. It is also the belief of the staff that consideration should be given with regard to the creation of an improved bus stop or a turn off arrangement that would assist and encourage riders in traveling to and from the multiplex theater. So quickly, just looking at the air photo a second, Chris, if you will. Okay, you can see that we have some commercial sites developed to the west. This is strip shopping up in here and some other commercial uses. We believe that there should be some cross access, pedestrian cross access particularly and if these parcels in the future were to be developed perhaps some motor vehicle cross access.

The principal issue for the Planning Commission for this action is the relationship between the proposed land use and transportation impacts. It can be argued that the current proposal poses a project of an inter-municipal and county wide significance. The project is located in a network of road corridors, spanning four towns, under significant development pressure. The cumulative land use proposals on traffic congestion are anticipated to be significant. While the proposed action meets all parking requirements, the motor vehicle trip generation rate of the proposed use is being debated. Planning Commission staff has had conversations with the Suffolk County Department of Public Works regarding this proposed action and others in the area and have been made aware of the DPW's preliminary concerns. This type of theater is expected to generate more patrons than the previous use with a greater turnover.

The stadium seating style of the new theater combined with onsite amenities of a restaurant make this type of theater a high -- a higher intensity use than the previous land use model. The Department of Public Works is having the project sponsors analyze similar new multiplex theaters and anticipate a response from the applicant in the not to distant future. It should be noted that a Draft Environmental Impact Statement and Traffic Impact Statement are being conducted that will address the cumulative impacts and mitigations necessary to lessen the adverse impacts to the road system from this and other developments in the area. Written comments of the Suffolk County Department of Public Works particular to this application were not available at the time of the writing of this staff report. It is the belief of the staff that no final site plan approval should be granted to the applicant until such time as the Suffolk County Department of Public Works has had the opportunity to review and comment on the proposed action and has issued permits with respect to access to CR 13. Moreover, the New York State Department of Transportation should be consulted with respect to this action and its impacts to the carrying capacity of the 495 North Service Road.

It should be noted that the premises is situated within Hydrogeologic Groundwater Management Zone I, and the site is located in the Oak Brush Plains Special Groundwater Protection Area and the SGPA plan recommends Commercial use for this site. Issues related to the subject application stem from the Commission's policies regarding inter-municipal and regional issues related to transportation and land use.

Staff is recommending approval with the following conditions, that an additional effort shall be made to create pedestrian walkways to the parcel to the west. That an additional effort shall be made to create motor vehicle cross access to parcels to the west. That consideration be given with regard to the creation of an improved bus stop turn off arrangement. And that no final site plan approval shall be granted to the applicant until such time as the Suffolk County Department of Public Works has issued permits with respect to access to CR 13. Another condition is that the NYS Department of Transportation shall be

consulted with respect to this action and its impacts to the 495 North Service Road.

Another condition is that the Town of Huntington and Islip shall be made aware of the proposed action and coordinated with for the expression of inter-community concerns. Also that the old filed map parcels be consolidated and abandoned with the Suffolk County Real Property Tax Service Agency. And that Henry Street which is a town street between Commack and Crooked Hill Roads be reconstructed to Town of Smithtown Highway standards. The comments that follow are just the rationale just derived from the staff report. That is the staff report.

ACTING CHAIRMAN MARTIN:

A motions' in order.

MS. HOLMES:

I move the adoption of the staff report.

ACTING CHAIRMAN MARTIN:

Second?

MS. DAUM:

Second.

ACTING CHAIRMAN MARTIN:

Second, Mary. All in favor?

MS. NOLAN:

On the motion. I'm not sure if you're aware or not, but the Suffolk County Department of DPW has just entered into contract with LKB I think it is to do a traffic impact study in this area and it's a considerable study. It's supposed to measure the impacts of all of the development in this area including PJ Ventures, Tanger Mall to the South and the potential Heartland Program -- Project. And the Town of Huntington because it has a tremendous interest because of the residential areas of the Town of Huntington that are in this vicinity has agreed to fund considerable portion of this study. And I would object to our approving this project until such time as that traffic impact study has been completed and DPW has had a chance to review the study and to discuss it with the municipalities in the area. I think that we're putting the cart before the horse by approving this at this point.

MR. FRELENG:

The staff notes that you're making a distinction between the Commission's approval and the town's approval. In the staff report we did note the impact statement, the traffic analysis I was alluding to that one that you mentioned.

MS. NOLAN:

Correct, but you're --

MR. FRELENG:

The one, two, three, the fourth condition is recommending that the town does not give final approval until the DPW has had a chance to look at that traffic analysis. However, I do understand the distinction.

MS. NOLAN:

Well, it doesn't actually refer to the traffic analysis; it only says that there should be no final site approval until DPW has issued permits. You don't refer to the traffic analysis in the recommendation.

MR. FRELENG:

I'm inferring that they would not issue their permits until that DEIS on the traffic and everything is complete since they've contracted to that.

MS. NOLAN:

Well, I can't assume that and I don't think the Commission should assume that either. So based on the current recommendations I would not vote to approve this.

ACTING CHAIRMAN MARTIN:

What do you want to send it back to the town?

MS. NOLAN:

Well, I either want to send back to the town or I want the staff recommendation changed so that we say that no final site approval will be granted until such time as the traffic impact study has been completed and it has been considered both by the Department of Public Works and by the municipalities and that no permits will be issued until such time.

ACTING CHAIRMAN MARTIN:

Andy.

MR. FRELENG:

I have no problem with that; that's at the discretion of the Commission. I have no problem I understood what the Commissioner is saying and that is that at your pleasure.

ACTING CHAIRMAN MARTIN:

Okay, we can do that.

MS. HOLMES:

I would amend the motion to include that amendment.

ACTING CHAIRMAN MARTIN:

Why don't we do that? We'll send it back to the town with that comment, right.

MR. ISLES:

Right.

ACTING CHAIRMAN MARTIN:

I don't know how far off this study is; if it's years off then it's not going to be --

MR. ISLES:

No, it's probably about six month off I'd say at this point.

ACTING CHAIRMAN MARTIN:

Is it close now?

MR. ISLES:

The County is awarding the contract as we speak essentially and just so you know too the County is not actually doing a traffic impact study. The County is reviewing the traffic impact studies and information that's been gathered for these different projects and looking at them holistically, comprehensively.

ACTING CHAIRMAN MARTIN:

Okay. So lets changed the motion or do you want to put it with your comment, right.

MR. CARACCILO:

I have an additional comment.

ACTING CHAIRMAN MARTIN:

What's that?

MR. CARACCILO:

Andy, on your sixth point, the Town of Huntington and Islip shall be made aware of the proposed action.

MR. FRELENG:

Yes.

MR. CARACCILO:

Could we add a line in there after proposed action comma and any future determination and action on a County and local level?

MR. FRELENG:

Meaning what?

MR. CARACCIOLO:

Not just made aware of the proposed action, but any future determination and proposed action.

MR. FRELENG:

You mean any other or anything related to this project?

MR. CARACCIOLO:

Correct, any changes on this application, any future changes, any determination.

MR. FRELENG:

Again, that's at the pleasure of the Commission. This determination is relative to the application at hand. I suppose we could put a comment that other applications that come before the town within the 500 boundary should be made aware.

MR. CARACCIOLO:

Just on the County and local level.

MR. FRELENG:

Right. I should, I would like to just point out that I did get communication from the Town of Smithtown staff with regard to General Municipal Law 239NN which requires municipalities to advise adjacent municipalities of actions within 500 ft. So hearing your comment I can change this condition, but just so you know municipalities are actually obligated under State law to make those referrals.

MR. CARACCIOLO:

I appreciate that.

MR. FRELENG:

Okay. Just so I can understand where the Commission's at; we're looking at an approval with a modification to the fourth and Commissioner Caracciolo's comment, I think that's the fifth or sixth, sixth comment – condition?

MR. CARACCIOLO:

Yeah.

MR. FRELENG:

So it's an approval with a modification to those two conditions.

MR. ISLES:

There was a motion or amended motion. This is a site plan application; it's not a rezoning or subdivision.

MR. FRELENG:

That is correct; this is a site plan application with some nuances to it, yes.

ACTING CHAIRMAN MARTIN:

Okay, so you want to make that part of your motion?

MS. NOLAN:

Yes.

MR. ISLES:

The motion was originally made by Commissioner Holmes.

MS. NOLAN:

And incorporated my comments.

ACTING CHAIRMAN MARTIN:

That's what I mean, do you want to incorporate them with yours and make it in one motion? Okay, John.

MR. CARACCILO:

Yes.

ACTING CHAIRMAN MARTIN:

Okay. So it's Laura motion and second John, that's two. All in favor signify by saying aye.

MS. NOLAN:

It not my motion; it wasn't my motion.

MR. ISLES:

Commission Holmes.

ACTING CHAIRMAN MARTIN:

Oh, I'm sorry. I thought it was yours, I'm sorry.

MR. FRELENG:

Commission Holmes is making the motion.

ACTING CHAIRMAN MARTIN:

Linda and John first and second. All in favor signify by saying aye. Contrary minded.

MS. NOLAN:

I'm going to abstain.

ACTING CHAIRMAN MARTIN:

Abstaining?

MS. NOLAN:

Yes.

ACTING CHAIRMAN MARTIN:

Okay, (inaudible). So we have enough, yeah.

MR. ISLES:

You voted yes?

ACTING CHAIRMAN MARTIN:

Yes.

MR. ISLES:

Okay.

MR. FRELENG:

So just one second, do we have that now?

MS. NOLAN:

You know, I'll change my vote to a No, okay.

MR. FRELENG:

Okay. Just so the Chair is aware and the Directors are aware we have a change in the vote. Commission Nolan is going to make a NO vote on that and we have no abstentions, right. **(Vote: 8-1-0-2 No: Nolan, Absent: Dietz, London)**

MS. HOLMES:

Even with the amendment you still want to vote NO?

MS. NOLAN:

Yes.

MR. FRELENG:

Do you have that?

ACTING CHAIRMAN MARTIN:

Where are we now?

MR. FRELENG:

Okay. We're going to skip down the agenda.

MR. ISLES:

The next one we have to do is the –

ACTING CHAIRMAN MARTIN:

We're going to lose a member so we have to go.

MR. ISLES:

It's actually, Andy the next item actually on the agenda.

MR. FRELENG:

Stadec Realty?

MR. ISLES:

Which is also in the Town of Smithtown.

MS. HOLMES:

I thought we had to do Judges Lane.

MR. ISLES:

We do, we do.

ACTING CHAIRMAN MARTIN:

Why don't we go to S-1 because that's in the Village, but I can vote on that.

MR. ISLES:

Yes, you can, but –

MR. FRELENG:

The other one in the Town of Smithtown is Stadec Realty Inc. that's Z-4.

MS. HOLMES:

We're not doing Judges Lane?

MR. ISLES:

Does the Town of Smithtown Planning Board have to review this application?

ACTING CHAIRMAN MARTIN:

No. no.

MR. ISLES:

You have no role in it then?

ACTING CHAIRMAN MARTIN:

No.

MR. ISLES:

Okay. We can deal with it later on.

ACTING CHAIRMAN MARTIN:

Yeah, that's a Board of Appeals matter.

MR. ISLES:

Okay, so the only one we have left then to deal with before Mr. Goodale leave is Judges Lane.

MR. FRELENG:

Which is in the Village.

MR. ISLES:

Okay, Ted could you do it really briefly, please.

MR. KLEIN:

Okay, one of these days I'm going to take my time.

MR. ISLES:

Enjoy this while you can.

MR. KLEIN:

Okay. The only subdivision application to be considered by the Commission today is the map of Judges Lane. It sent to us by the Village of the Branch. Commission's jurisdiction for review is SR 25A and the Town of Smithtown municipal boundary line. The application is located on the southeast corner of North Country Road that's Rte. 25A and a private road known as Judges Lane which you really can't see here from the map. Okay.

The applicant is proposing to subdivide two and half acres of land into three lots. The lots will range in size from 25,258 sq. ft. to 28,354. I mean these areas are exclusive of the proposed right-of-way easement which I will speak of shortly. The property is zoned Residence A by the Village of the Branch which permits single family residence of a minimum lot size 21,780 sq. ft. that's a half an acre. The parcel can be described as partially cleared and partially leveled with the rear portion sloping up and relatively wooded. The property is currently being utilized for single family use and is improved with a single family dwelling a two-story dwelling with a horse stable and a garage.

The applicant is proposing to create three single family lots that would take access from a right-of-way easement over the front portion of the three lots. This proposed right-of-way easement runs parallel and overlaps the existing private right-of-way of Judges Lane and would in affect replace it as access to the subject property and other improved parcels to the south and west of the property. So from the map this is with the existing easement right here and also services several lots down here. The area of the subject property predominantly residential and also includes several historic lots. Smithtown Historical Society

owns a parcel right here and the buildings along this side of Judges Lane are perhaps historical and significance.

Soil condition – soil on the subject property consist of Haven and a Riverhead sandy loam association. Actual ranges of elevation are between 70 and 112 ft. above sea level with the steepest slopes of approximately 25% to the east – to the eastern portion of the property. Access to the proposed subdivision is intended to be a newly created or relocated easement known as also – will also be known as Judges Lane. Parcel one has physical road frontage along 25A however parcels two and three only have access across an easement over Lot one and then again on Lot two. So these are easement accesses and that's the only access to those properties these two properties and also the properties to the south and west. The easement is proposed to be approximately 40 ft. wide okay, and since Lots two and three would only be accessible via this proposed right-of-way easement and will not have frontage along an existing public road. They are by Commission definition land locked and a creation of such a lot is contrary to Commission guidelines and good planning principles.

Creation of landlocked parcel can create problems as far as access by emergency and service vehicles not to mention potential disputes over use and maintenance of the easement.

MR. ISLES:

Ted, so the recommendation is disapproval?

MR. KLEIN:

Therefore the staff recommendation is disapproval of this application for the above mentioned reasons. In addition, creation of this landlocked parcel will also place the ZBA in an awkward position to having to grant a building permit for these lots on a Section 7-736 of the Village Law as the future owners will not be held responsible for the landlocked nature of their lot. In addition, the staff, you know, puts forth a comment that consideration should be given to allow the applicant to redesign the map so the proposed private right-of-way easement known as Judges Lane is replaced with a 50 foot wide public right-of-way designed to provide safe vehicular access to all lots. This right-of-way may be improved with a country lane and should be laid out in such a way as to easily be connected and dedicated to the existing public road system. That's the staff report. So it's recommend disapproval.

ACTING CHAIRMAN MARTIN:

Motions' in order.

MR. CARACCILO:

I make a motion to staff report.

ACTING CHAIRMAN MARTIN:

Anybody second it?

MR. FIORE:

Second.

ACTING CHAIRMAN MARTIN:

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

MS. BOLTON:

I have to recuse myself.

ACTING CHAIRMAN MARTIN:

You're going to abstain you said, right.

MS. BOLTON:

No, I said I have to recuse myself because our organization took a position on this application.

ACTING CHAIRMAN MARTIN:

Okay that's fine you can abstain. And there's one abstention, okay. **(Vote: 8-0-1-2 Abstain: Bolton, Absent: Dietz, London)** That's it Don.

MR. GOODALE:

I appreciate the Chair's indulgence in me having to leave early; thank you I appreciate it.

ACTING CHAIRMAN MARTIN:

I thought we had much more time, but it kind of lost the minutes.

MR. FRELENG:

We're going to go back to the top right?

ACTING CHAIRMAN MARTIN:

Now we can go regular way, yeah.

MR. FRELENG:

Okay, the next regulatory matter before the Commission then is the application of Setauket Meadows LLC. This is from the Town of Brookhaven; jurisdiction for the Commission is that the subject property is adjacent to the Inc. Village of Port Jefferson.

The applicant seeks a change approval from B-1 Residential and L-1 Industrial to Planned Retirement Community for the construction of 68 owner occupied attached units. Subject parcel is located on the north side of Comsewogue Road

with is a town road at Sheep Pasture Road which also is a town road in the hamlet of East Setauket.

An analysis of the character of the area indicates the subject parcel is in an area of mixed zoning predominated by L-1 Industrial zoning. Just take a look at the zoning map up there. However properties adjacent to the site to the west have been rezoned to PRC as over Suffolk County Planning Commission objections dated February of '02. Lands to the south and east are a mix of industrial and residential zoning. North of the subject parcel the property abuts the Long Island Railroad right-of-way and further north residentially zoned and improved land in the Inc. Village of Port Jefferson. The subject property fronts to the south onto Comsewogue Road. You can see that from the aerial on the screen.

The applicant as mentioned seeks a change of zone from B-1 Residential and L-1 Residential to PRC residence to allow for the development of 68 units; seven of which will be for affordable purposes. So the Commissioners are aware that would be 10% of the proposed action. The units will be housed in 17 structures each containing four units. The result and density is four units to the acre. The recreational building is also proposed. Sanitary waste water generated by the action is to be handled at a treatment facility at the adjacent Planned Retirement Community development to the west. The subject property is part of a larger 29 acre parcel which has an application for subdivision to create two lots. The remaining lots to the south will continue to have an active industrial use. So if I could step aside a second we have a total 29 acre parcel. It's looking to be divided into two pieces; this is the subject site. This is the remainder of the parent lot which has a commercial use. Back on the aerial photograph you can see this site here which doesn't show on this aerial is under construction today as a planned retirement community. This is the mix of industrial uses in the area; this is some residential use; the Long Island Railroad is right here. The Commission did object in '02 they denied the request for a change of zone, but in this instances as was questioned before we were overruled and there is a retirement community being built there now.

Access to the subject parcel is to be from Comsewogue Road in a double cul-de-sac design. No alternate or emergency access is apparent on the submitted plan to the Commission. The lack of an alternate or emergency access is contrary to Suffolk County Planning Commission policy.

Adjacent property to the west was the subject of Suffolk County Planning Commission review in February '02 as mentioned. The proposal was for a change of zone from L-1 Industrial to PRC. The application was disapproved for the following reasons; it was inconsistent with the prevailing industrial pattern of zoning and character of the surrounding area. That the premises posed few amenities desired for multi-family – multi-residence purposes. That the premises could have been reasonably developed in accordance with existing zoning and

the proposal was inconsistent with the 1996 Comprehensive Land Use Plan for the Town of Brookhaven which designated this area for industrial purposes.

It is the belief of the staff that the proposed use at this subject site is inappropriate, notwithstanding the adjacent PRC development, as the premises is remotely situated from a downtown and possesses limited amenities desired for planned retirement communities. The property is not within walking distance to commercial business districts containing a grocery store or any service amenities. Neither is the proposed location along a mass transit i.e. bus route and there is no railroad station at this location or within walking distance to the proposed action. Moreover, the proposal constitutes the unwarranted inappropriate non-comprehensive alteration of zoning patterns in the local resulting in a patchwork of conflicting land uses, conflicting residential and industrial and this use can be considered to be incongruous with the remaining nearby industrially zoned land. The proposal is inconsistent with the 1996 Comprehensive Land Use Plan for the Town of Brookhaven which designated this area for industrial purposes.

Staff is recommending disapproval for the following four reasons; 1) That the premises is remotely situated and posses limited amenities desired for Planned Retirement Community development. 2) It constitutes the unwarranted inappropriate non-comprehensive alteration of zoning patterns in the locale. 3) It appears incongruous with remaining nearby industrially zoned lands. And 4) it is inconsistent with the 1996 Comprehensive Land Use Plan for the Town of Brookhaven which designates this area for Industrial purposes. The comment which follows is the rationale derived from the staff report. That is the staff's comments.

ACTING CHAIRMAN MARTIN:

Does the Board have any comments? A motions' in order. A motion to disapprove is in order.

MR. CARACCILO:

A motion for the staff report.

MS. BOLTON:

Second.

ACTING CHAIRMAN MARTIN:

Charla. Okay. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-0 Absent: Dietz, London)**

MR. FRELENG:

Thank you. The next application comes to us from the Town of Islip. This is the application of Amerada Hess Corporation. Jurisdiction for this Commission is that the subject application is adjacent to SR 111 and CR 100. The applicant

seeks a change of zone approval from Business 1 and Residence AA zoning to all Business 3 zoning for the expansion of a gasoline filling station and the construction of a convenience store. Town Board and Planning Board Special Permits are also required as well as Planning Board Site Plan approval.

The subject parcel is located on the northeast corner of Joshuas Path which is SR 111 and Suffolk Avenue which is CR 100 in the hamlet of Central Islip.

An analysis of the character of the area indicates that the subject parcel is in a corridor of Business zoning on the east side of SR 111. However, the subject site itself is a transition site wherein the northern two of the subjects four lots are zoned Residence AA. Zoning west of the subject site is predominately Industrial. Zoning north of the parcel is Residential AA. The subject parcel abuts to the east Business 1 and Residence AA zoning. Take a look at that zoning map for a second you can see the site is transitional really between the Business zoning mostly on the east side of 111 here and the predominately north up here of the Residential zoning; so the site is split zoned. If we could look at the air photo a second you can see that the site is adjacent to improved residential properties up here north of that split.

As indicated the applicant are seeking a change of zone from Business 1 to Residence AA to Business 3 and Town Board Special Permit in order to expand an existing gasoline filling station. A Planning Board Special Permit is also requested for a convenience store. A site plan modifications are required as part of this application that would go before the Planning Board. The subject parcel is a compilation of four tax map parcels for a total of 39,803 sq. ft. Just as an aside the minimum lot area for the Business 3 is 6,000 sq. ft. Existing structures on site include a single family dwelling, I'm sorry, a framed -- an old framed commercial building structure which is boarded up and these are to be removed.

Principal access to the subject parcel is to be from Suffolk Avenue which is CR 111 in an ingress/egress curb cut, I'm sorry, CR 100. On Joshuas Path SR 111 two curb cuts are proposed one for ingress only and one for egress only. You can see that on the site plan above. Thirty parking spaces are required for the proposed layout pursuant to the Islip Town Code. Only twenty-three stalls are proposed which is a 21% deficiency in the required amount. Of the twenty-three stalls proposed only twelve stalls are proposed to be striped, paved and striped. Eleven spaces are proposed to be land banked. It is the belief of the staff that the proposed use is an over intensification of the use of the parcel. The sites location at a busy corner between a County and a State road, its geometry and the proposed layout preclude the placement of parking in a logical manner. Moreover, the proposed change of zone if approved would be an unwarranted encroachment of business zoning into a residentially zoned and developed area to the north and east. Substantial buffering in the form of fencing and vegetative screening between the conflicting land uses which are commercial and residential would be warranted. None is proposed other than an open area.

Staff is recommending disapproval for the following reasons.

The first being the proposed use is an over intensification of the use of the parcel. Paragraph which follows is the rationale from the staff report. And the second reason for disapproval is that the proposed change of zone if approved would be an unwarranted encroachment of business zoning into a residentially zoned and developed area. That is the staff report.

ACTING CHAIRMAN MARTIN:

Members of the Board.

MS. HOLMES:

I move the adoption of the staff report.

MR. FIORE:

Second.

ACTING CHAIRMAN MARTIN:

Okay, Donald, second. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-2 Absent: Dietz, London)**

MR. FRELENG:

I'm sorry, who seconded it?

ACTING CHAIRMAN MARTIN:

Seconded by Don Fiore.

MR. ISLES:

Mr. Fiore.

MR. WREDE:

Good afternoon members of the Commission. The next application is Staded Realty. The applicant seeks variance for a proposed 2,077 sq. ft. addition to an existing funeral home. The subject parcel is located at the northeast corner of Indian Head Road and Meadow Road in the hamlet of Kings Park. Our jurisdiction for the application is that it is adjacent to Indian Head Road CR 14.

An analysis of the character of the area indicates the subject parcel is located in a concentration of commercial properties. To the north the subject abuts improved commercial property. To the west Indian Head Road, to the south, Meadow Road, and to the east the property abuts single family residences.

The subject property is .47 acres in area and improved with an existing funeral home. The applicant seeks variances for proposed 2,077 sq. ft. addition. The

request variances associated with the application are as follows; to reduce the minimum required rear yard setback from 50 to 40 ft.; to reduce the minimum parking spaces from 81 to 23; to reduce the number of loading spaces from 1 to 0; to reduce the minimum required parking setback to side property line from 6 ft. to 3 ft.; and to reduce the minimum driveway access within the parking area from 24 ft. to 12 ft.

With regard to the parking variance the parcel has a preexisting deficiency; only 14 spaces and one handicapped space currently exist on site. The applicant is proposing to add the addition and removing the 963 sq. ft. of the existing building. And it's very hard to see I apologize, but the addition is hatched to the north here of the existing funeral home. They are proposing to demolish this section and add seven spaces over here and two spaces over on Meadow Road. So in doing so the applicant is adding the additional nine spaces on site for then a total of 23 spaces. The net increase to the funeral home is 1,114 sq. ft., which requires approximately 11 spaces. Staff finds that the two spaces proposed near Meadow Road are problematic because of its proximity to the ingress and egress to the funeral home. Again, they're proposing to do two spaces here and here and this is the ingress and egress to the funeral home.

ACTING CHAIRMAN MARTIN:

Is that the front of the building or the side of the building, right Meadow Road is the side.

MR. WREDE:

Well, it depends --

ACTING CHAIRMAN MARTIN:

No, no, Meadow is the side; when you walk in you don't go in that entrance.

MR. WREDE:

Right.

ACTING CHAIRMAN MARTIN:

You go in the right.

MR. WREDE:

Right.

ACTING CHAIRMAN MARTIN:

She's on the side building.

MR. WREDE:

Right.

ACTING CHAIRMAN MARTIN:

He's got that parking there now he uses.

MR. WREDE:

Over here?

ACTING CHAIRMAN MARTIN:

I mean, he's not gaining any on that side. Right?

MR. WREDE:

He's demolishing this portion of the funeral home and putting in the seven spaces here.

ACTING CHAIRMAN MARTIN:

Oh, he's going to go that way.

MR. WREDE:

Right.

MR. FRELENG:

There is existing diagonal parking on the -- at that location right now and they're turning into parallel parking two spaces.

MR. WREDE:

So in essence they are providing seven other required eleven spaces for the expansion. Staff would also like to note that there is on site parking on Meadow Road -- on street parking on Meadow Road if I could find it and on Indian Head Road there's on street parking basically all along Meadow Road to the bend here and there is on street parking along the County road.

So we're recommending disapproval of variances for the following reasons;

The proposed request for the variances constitutes the unwarranted over intensification of the use of the premises. Expanding the building will exacerbate parking problems associated with the funeral home thus increasing the degree of non-conformity with regard to parking. And approval of the variance may necessitate the use of Indian Head Road for parking purposes. That's the staff report.

ACTING CHAIRMAN MARTIN:

Thank you. Members of the Board? Somebody make a motion.

MR. CARACCILO:

I'll make a motion to accept the staff report.

MR. FIORE:

Second.

ACTING CHAIRMAN MARTIN:

Don, second. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-2 Absent: Dietz, London)**

MR. WREDE:

And the last application is Khosrow Rezvani from the Village of Port Jefferson. The applicant seeks parking variances for the purpose of changing the use of the premises from office to beauty salon.

The subject parcel is located on the southwest corner of Main Street SR 25A and Sheep Pasture Road in the Village of Port Jefferson. Our jurisdiction for the application is adjacent to SR 25A. The parcel is located in a corridor of commercial business property along the State right-of-way.

The subject property is 4,335 sq. ft. in area and improved with a 1,398 sq. ft. two-story building utilized as office space. The site inspection indicated that the first floor is utilized for commercial use and the second floor is currently occupied as a beauty salon. The requested variance associated with the application is as follows: to reduce the required parking from 24 spaces required to eight spaces proposed. While a beauty salon is a permitted use in the C-2 District, staff is concerned with the diminishment in the parking requirements associated with the change of use. This is a copy of the site plan, again, it's hard to see; this is the existing building and they are proposing to do eight spaces in the rear of the building. In addition, the parking arrangement as proposed is head to head making ingress and egress from the site problematic. In other words, if you were to park here there's no way of getting out on to Main Street and vice versa.

We're recommending disapproval of the variance for the following reason: the proposed request constitutes the unwarranted over intensification of the use of premises. The deficiency in on site parking associated with the change of use is 66%. And approval of the variance may necessitate the use of the State right-of-way for parking purposes.

ACTING CHAIRMAN MARTIN:

Thank you. Members of the Board a motions' in order.

MS. HOLMES:

I move the adoption of staff report.

MS. DAUM:

Second.

ACTING CHAIRMAN MARTIN:

Second, Mary. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-2 Absent: Dietz, London)** That's it.

MR. ISLES:

That's all we have today, but what we can do on 347 since we kind of rushed at the end of that one is consolidate the comments that were presented today by the Town of Smithtown and the Town of Brookhaven. We will then reflect that in our staff report back to you at least to our recommendation and bring it back to you at the next meeting in January.

MR. CARACCILO:

And what's our jurisdiction in that?

MR. ISLES:

Jurisdiction is that General Municipal Law requires that the State refer to the County Planning Commission for review and suggestions. So you have no direct power to stop it or, you know, mandate something, but there is the opportunity to provide suggestions. And let me also point out also too the change to the County Law regarding agricultural districts and site plans and so forth that I spoke of earlier have been informed by Bill Faulk whose in the room today representing Legislator Caracappa's Office that that was approved yesterday at the Legislature. So that will go into effect in the next couple of weeks.

MS. DAUM:

In addition to incorporating the Town of Brookhaven comments in your report could -- can we get copy of any comments or letters or whatever that they've sent or whatever the equivalent is of what we saw from Smithtown?

MR. ISLES:

Sure, we just got that today actually so --

MR. FRELENG:

We just go that today if you want to wait.

MR. ISLES:

We'll circulate that sure.

MR. FRELENG:

Commissioner if you want to wait a couple of minutes we're going to have copies made and I can give them to you on the way out the door. If I could just make one more clarification, with the Chairman on National Amusements Inc. which comes to us from the Town of Smithtown you did vote on the affirmative on that right, you didn't abstain you voted yes?

ACTING CHAIRMAN MARTIN:

The Town of Smithtown, no I didn't vote on --

MR. ISLES:

Yeah, you did.

MR. FRELENG:

National Amusements which is the Commack Multiplex, did you abstain on that matter?

ACTING CHAIRMAN MARTIN:

I abstained on the one in Smithtown I did right?

MR. ISLES:

Well, I think you indicated that it was a matter before the town board no the planning board.

ACTING CHAIRMAN MARTIN:

Oh, the matter before the Zoning Board of Appeals so I can vote on it.

MR. FRELENG:

So site plans go before the town board in the Town of Smithtown?

ACTING CHAIRMAN MARTIN:

Yes, we don't do the site plans.

MR. ISLES:

Okay.

MR. FRELENG:

Okay. So then, therefore, you can vote, okay.

ACTING CHAIRMAN MARTIN:

We use to years ago, but we don't do it anymore.

MR. CARACCILO:

Motion to adjourn.

MS. DAUM:

Second.

ACTING CHAIRMAN MARTIN:

I guess everybody agrees, right? No abstentions either. **(Vote: 9-0-0-2 Absent: Dietz, London)**

MS. HOLMES:

Happy Holidays, Merry Christmas.

ACTING CHAIRMAN MARTIN:

Again, have a very Happy Holidays everybody.

(*The meeting was adjourned at 1:45 P.M.*)

{ } Denotes Spelled Phonetically