

# 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 September 6, 2006 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

### **PRESENT:**

John Caracciolo, Chairman (Huntington)  
Charla Bolton (At Large)  
Louis Dietz (Babylon)  
Adrienne Esposito (Village 5,000 & Over)  
Donald Fiore (Islip)  
Jesse Goodale, III (Riverhead)  
Linda Holmes (Shelter Island)  
Constantine Kontokosta (Village 5,000 & Under)  
Sarah Lansdale (At Large)  
Edward Pruitt (Brookhaven)

### **ALSO PRESENT:**

Thomas Isles - SC Director of Planning  
Carrie Meek-Gallagher - SC Asst. 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's Office  
Ted Klein - Suffolk County Planning Department

### **Minutes taken by**

Eileen Schmidt

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

**CHAIRMAN CARACCILO:**

The Suffolk County Planning Commission is now in session. Adrienne would you please lead us in the Pledge?

**MS. ESPOSITO:**

Yes.

**SALUTATION**

**CHAIRMAN CARACCILO:**

Thank you. The public portion, we see no one here to speak so we'll just cross that right off. The minutes, I don't think we have minutes from the -- did we get minutes from the last meeting? No, right?

**MS. ESPOSITO:**

There were no minutes from last month.

**CHAIRMAN CARACCILO:**

Right, there were no minutes from last month.

**MS. SCHMIDT:**

No quorum.

**CHAIRMAN CARACCILO:**

That's correct so I'll approve those.

**MS. ESPOSITO:**

I'll second.

**CHAIRMAN CARACCILO:**

Great, right to the Director's Report.

**MR. ISLES:**

Okay, thank you Mr. Chairman. A few items to bring to your attention this month number one is that the Department, the Planning Department will be conducting a public meeting, a public hearing next week. We're doing this pursuant to a resolution of the Legislature that requires the Department to conduct two public meetings per year one in western Suffolk, one in eastern Suffolk. So the meeting next week on Tuesday evening at six o'clock will be held in Riverhead at the County Center, and the purpose of the hearing according to the legislative mandate is that the Department provide an opportunity to give the public an overview of what the Department's activities are so we will be doing that. And also to give an opportunity for the public to comment on the work activities in the

Department and provide input to the Department. Obviously, any member of the Commission is welcome to attend that public hearing certainly.

**MS. ESPOSITO:**

Is it at the Legislature?

**MR. ISLES:**

Yes, it is --

**MS. HOLMES:**

Riverhead.

**MR. ISLES:**

In Riverhead. We will do one again next year. The legislation says that between January and July one should be held in western Suffolk and then the balance of the year in eastern Suffolk. So we're doing it in accordance with that. That, of course, supplements the public portion that's provided in the regular meetings of the Commission of course. Second item I wanted to note is as you recall the Legislature approved a resolution this past spring that requires applicants of larger size commercial developments within 500 ft. of a municipal boundary to notify all businesses and residents within a 1,000 ft. of that application's site.

We now have the first application that's coming in under that requirement and it's located in the Town of Smithtown within 500 ft. of the Town of Islip. So that has triggered this review; it's just slightly over 25,000 sq. ft. which is the threshold. We've advised the Town of Smithtown of this requirement; we are expecting at this point this will be ready for the Commission in October both that will be subject to a confirmation that the notices have been completed. What that will mean to you as a Commission is that there will be this notification within the 1,000 ft. radius. Members of the public will be advised of the application and the meeting time and date of the Planning Commission meeting; they will then have the opportunity to come down and speak at your meeting. So potentially at the next meeting in October we could see more participation by the public specifically to that application. Beyond that it's a little bit of the unknown to us in terms of the public reaction will be in involvement, but this is the first one to come in so we'll see.

Next item I want to bring to your attention is just an FYI that the State Legislature, the Senate and the Assembly have approved a bill to require training of planning and zoning board members including County Planning Board members. Both Houses have approved it and it went to the Governor last week for signature. What it would require is beginning January 1<sup>st</sup> of 2007 members of County Planning Boards in addition to town and village planning boards must undergo at least four hours of training per year as a condition of your reappointment to the board and the training is, you know, can be in many different forms. It can be classes it can be video tape training. The training has to be approved by the

legislative body so they're going to have to come up with some sort of local County requirement. It's not too onerous, but, here again, it is something that is pending right now and I would expect a decision by the Governor relatively soon and based on the way it's going it's likely that it will be approved.

Related to that, the County Planning Department with the American Planning Association does run an annual training institute. We've been doing this every October for the past five or so years. We have and I believe I mentioned this to you in the past, but we have scheduled the date now for October 25<sup>th</sup> at the Hyatt Hotel right here in Hauppauge. We will be conducting nine classes beginning at around three o'clock in the afternoon; so if you can make the late afternoon that's fine. There'll be another six classes in the evening part of the session so it's three sessions with three classes in each; that will also include training by the NYS Department of State. There's one course being taught by the NYS Department of Transportation on land use and transportation issues and also a course by DEC on SEQUA. So certainly, here again, your participation is welcomed at that event. We will be doing a more formal registration brochure in the next week or two and you'll get a copy of that as well and that'll actually spell out the individual programs.

Here again, another item of update for the Commission is the Regional Planning Board; they've been meeting on essentially a monthly schedule lately. The new board was convened beginning in May. The next meeting of the board is next Tuesday in Nassau County beginning at nine o'clock in the morning. They usually run for about three meetings, three hours pardon me and once again it's open to the public and you're welcome to attend that meeting as well.

**MS. MEEK-GALLAGHER:**

Tom.

**MR. ISLES:**

Yes.

**MS. MEEK-GALLAGHER:**

I think the time got changed to 10 A.M.

**MR. ISLES:**

Oh, great.

**MS. MEEK-GALLAGHER:**

As per Jim LaRocca's request the start time; so it's going to be 10 A.M.

**MS. ESPOSITO:**

I read it was in Hauppauge, is that right?

**MR. ISLES:**

The next meeting is in Nassau County, Police Auditorium I think it is.

**MS. MEEK-GALLAGHER:**

It might be One West Street; I think its One West Street again, the legislative, you know, the Legislature's room.

**MR. ISLES:**

They often go back and forth between Hauppauge and Mineola.

**CHAIRMAN CARACCILO:**

And was that date?

**MS. MEEK-GALLAGHER:**

They've been switching around the times to the 12<sup>th</sup>.

**MR. ISLES:**

Next Tuesday, right?

**MS. MEEK-GALLAGHER:**

Yeah, next Tuesday.

**MR. ISLES:**

Okay. Two reports that I want to bring to your attention that the Planning Department has been working on over the past several months are expected to be completed in the month of September to give you a heads up on this. One is a report on the growth centers in Suffolk County; this was identified working with NYMTC, New York Metropolitan Transportation Council last year where five major growth centers were identified within Suffolk County. One of which is known as the Sagtikos Corridor where Pilgrim State Hospital is located where there are a number of large big box retail developments Tanger Mall and so forth. Carrie Gallagher has been overseeing that project with several other planners in the office. We are as I said expecting to produce and issue this report sometime in September so if you hear about it we will provide you with a formal presentation at the October meeting and copies of the report as well. But, here again, just to give you a heads up and I think the interesting part of the report will be just the extent of growth that is still possible in these locations is rather significant. So where there's a perception that many areas of the County are built out such as 110 and Sagtikos Corridor the reality is that there is a lot of growth and that can be good, but that can also be problematic.

The second report to bring to your attention, here again, something that I have kept you advised on is with the surplus County land in Yaphank. This has been on a path for about the last year and a half where the County Executive directed that the County Planning Department as well as Economic Development Department look at options for the reuse or disposition of some of the surplus

lands in Yaphank. We have proceeded with a committee last year to develop a request for expressions of interest. We received back in May of this year eleven responses. There is a second committee that's now assisting the County in the review of those responses; that committee is now completing its work and, here again, some time in the month of September I would expect that the recommendations of the committee would be made. And what the County received with the proposals that came in were pretty varied it included proposals that were strictly residential homes all the way to proposals that were strictly motor sports, drag ways and speedways and so forth. And then in the middle there were a lot of proposals that had a mixture of housing, commercial development, sports and entertainment type uses. A rather interesting project, here again, getting ready then for the committee report which the Department has been assisting with and then presenting that to the County Executive and the Legislature. The next step in that process would be for the County to issue a request for actual proposals which could be as early as the end of this year.

Just a couple of final items, we are proceeding to enter into a contract with the consultant for rather a substantial contract for our agriculture leasing program in Peconic and Gardiner's Bay. Here again, a significant project in the Department that I've kept you advised of, but just to let you know that we are now moving into that phase. The intent of this whole effort is to produce a leasing plan for underwater lands in Peconic and Gardiner's Bay that can then be used for shellfish agriculture activities. We're also working on the Plaza Theater project in East Patchogue; the County Executive and the Legislators Eddington and the Town of Brookhaven announced an interest in acquiring that property. The Planning Department has been charged with updating a blight study that was completed by the Town of Brookhaven a couple of years ago. So we are proceeding with that work and some assistance from outside consultants, but, here again, just to keep you in the loop on that.

I'd like to thank the Commissioners for responding, we're trying to test out this new system now with emails and so forth; and so I think we've done a little of everything. We've done emails and cards and emails seem to work very well. So we are going to be circulating a list, here again, today with everyone's email address so we can make sure we have the accurate address. If you want to check what you have if you have done it fine, but if you haven't please just fill it in and we'd like as much as possible to make this as efficient for you as we can. So your responses to us and whether you can attend the meeting is very helpful and critical and then certainly if we can get the packages to you by email that works out best for you certainly we'd like to do that too. If it turns out that the hard copies the paper copies are most appropriate then we'll go back to that, but over the next month or two we'd like to, you know, test these ideas and, you know, get them into a regular use. Well, I think that's about it.

I think the critical aspect right now is that the Commission is still short five members so it puts an extra burden on you as individual members of the

Commission in terms of the attendance which I know is difficult you all have busy lives outside of the Planning Commission certainly, but I certainly appreciate your cooperation with this in ensuring that we can have quorums at the meetings. So eventually we'll get to the point we'll have, you know, closer to the full membership of the Commission and put a little less pressure on everyone to have to make every meeting, but we do appreciate it. Thank you.

**MS. HOLMES:**

May I ask a question about the training bill that if the Legislature approves or the County Legislature will also have to approve that no ---

**MR. ISLES:**

No, they don't have to necessarily have to approve it; they have to approve the type of training.

**MS. HOLMES:**

I see because there is some thought that that training would include members of the Planning Commission.

**MR. ISLES:**

It will definitely include members of the Planning Commission. The state law as it is currently drafted and approved by both the Senate and the Assembly requires County Planning Board members as well as town and village to undergo training at least four hours per year and so it's not optional. The only option the Legislature the County does have is to opt out of it if it can give a reason.

**MS. HOLMES:**

Oh.

**MR. ISLES:**

But if they don't take action they there automatically included.

**MS. HOLMES:**

I'm sure Steve would not want to opt out cause he's been trying to get -- so this would apply to all sitting Commissioners and not just people who would be newly appointed.

**MR. ISLES:**

Correct.

**MS. HOLMES:**

I see.

**MR. ISLES:**

So that when members come up for reappointment one of the considerations is, have you completed the required training?

**MS. HOLMES:**

I see.

**MR. ISLES:**

And the training requirement would begin next year 2007.

**MS. HOLMES:**

Okay.

**CHAIRMAN CARACCILO:**

Thank you Director Isles. If it's okay with the Commissioners I would like to go right into our business of the day and we can come back to the Commissioner's Roundtable. Is that okay with everyone so we can move it along? Okay.

**MR. FRELENG:**

Excuse me Mr. Chairman.

**CHAIRMAN CARACCILO:**

Yes, sir.

**MR. FRELENG:**

The minutes of May 3<sup>rd</sup>, June 7<sup>th</sup> and July 5<sup>th</sup> are ready to be adopted. So you have copies of them if they're no comments on them.

**MS. HOLMES:**

I left them in my other folder.

**CHAIRMAN CARACCILO:**

We did get them so long ago I did not bring them. I apologize. Can we hold off on that until the next meeting unless anyone has them that would like to make a motion if you reviewed them?

**MS. HOLMES:**

I left them in the wrong folder.

**CHAIRMAN CARACCILO:**

She left them in the wrong folder so we'll hold off.

**MS. HOLMES:**

Yes.

**MR. ISLES:**

We'll do it next month.

**CHAIRMAN CARACCILO:**

We'll just do it next month.

**MS. HOLMES:**

We all received them and we did review them I think.

**CHAIRMAN CARACCILO:**

Yeah, we'll just put that on next month's agenda.

**MR. ISLES:**

Sure.

**CHAIRMAN CARACCILO:**

Okay. Andy are you going to start us off?

**MR. FRELENG:**

Okay, the first regulatory matter --

**MR. FIORE:**

Isn't that the one we had at --

**MS. HOLMES:**

July 5<sup>th</sup> was adjourned.

**CHAIRMAN CARACCILO:**

The park --

**MR. FIORE:**

Smithaven.

**CHAIRMAN CARACCILO:**

Right and we did review those meetings. We did review those minutes.

**MR. FIORE:**

Not the August 22<sup>nd</sup> minutes --

**CHAIRMAN CARACCILO:**

We didn't have the August meeting --

**MS. HOLMES:**

We got a notice there were no minutes cause it was adjourned.

**MR. FIORE:**

Are we talking about the July meeting?

**MS. HOLMES:**

Yea.

**MR. FRELENG:**

July 5<sup>th</sup>, June 7<sup>th</sup> and May 3<sup>rd</sup>.

**MR. ISLES:**

So May, June and July.

**CHAIRMAN CARACCILO:**

We never approved any of those minutes?

**MS. CHORNY:**

No.

**CHAIRMAN CARACCILO:**

Okay.

**MR. FIORE:**

I thought we did the June and July.

**MS. HOLMES:**

No, because they weren't ready and we got all three of them quite recently didn't we?

**CHAIRMAN CARACCILO:**

I don't recall.

**MS. CHORNY:**

Probably the end of July.

**MS. HOLMES:**

We had to adjourn August, but we got some -- we got all three of them in time for the August meeting.

**CHAIRMAN CARACCILO:**

Could you check and then email me and then we'll make a determination if we put it on the next agenda; could we do that? You can go back to the minutes that we didn't review.

**MS. HOLMES:**

And remind us to bring them.

**MR. FIORE:**

Send them out again.

**MS. HOLMES:**

Oh no.

**CHAIRMAN CARACCILO:**

We could email them out again.

**MR. ISLES:**

There we go.

**CHAIRMAN CARACCILO:**

All set Andy, thanks.

**MR. FRELENG:**

Yeah.

**MS. CHORNY:**

They are on the internet if anybody lost their copy.

**CHAIRMAN CARACCILO:**

That's right you can go on to the Planning Department site and pull the minutes up that way.

**MS. HOLMES:**

That's right the website.

**MS. ESPOSITO:**

But they're posted even though they're not approved?

**MR. FRELENG:**

No, no, they're not posted until they're approved. We'll check the minutes of June if you adopted the May minutes and we'll check the July minutes to see if you adopted the June minutes and then we'll put those minutes that you haven't adopted back on the agenda for next month.

**CHAIRMAN CARACCILO:**

Thank you, sir. I appreciate you starting this whole thing.

**MR. FRELENG:**

The first regulatory matter before the Commission then comes to us from the Town of Brookhaven. This is the application of Steven L. Behan. Jurisdiction for the Commission is that the subject property is within 500 ft. of County land. The applicants are seeking Town Board approval for a change of zone from a light industrial to A-1 Residential for the construction of a single-family dwelling. The subject application is situated on a 10,000 sq. ft. parcel of land.

The parcel is located on the northwest corner of Head of the Neck Road which is a town road and Narraganset Avenue which is also a town road. The subject parcel is situated in the hamlet of East Patchogue.

A review of the character of the land use and zoning pattern in the vicinity indicates that the subject parcel is at the corner of a block of light industrial zoning in this area of East Patchogue. The L1 zoning appears to coincide with the former or existing gravel pits in the vicinity. The subject area is A-1 -- I'm sorry the surrounding area is A-1 and A-2 zoning as you can see above. To the east are improved residential lands. Adjacent and to the east of the subject parcel is the unimproved road right-of-way for Narraganset Avenue and provides for a buffer between the residential dwellings and any activity on the gravel pits.

The access to the proposed parcel is to be from Narraganset Avenue to the east. The petitioner proposes to improve the street for a distance of one hundred and forty feet from Head of the Neck Road.

With regard to environmental conditions the subject site is part of and adjacent to industrially zone land as indicated and used as gravel pits. The rear of the site the northwest corner of the site has steep grades and stockpiling associated with the mining operations in the area. The 1996 Town of Brookhaven Comprehensive Land Use Plan indicates residential land use for this parcel. The parcel would be in conformance with the comprehensive plan.

It is the belief of the staff that the proposed action would be incongruous with the remaining nearby industrially zoned lands although the 1996 Comprehensive Plan indicates residential for the overall East Patchogue vicinity, the immediate area has been left as an industrial island in a sea of residential zoning. Moreover, the site has steep slopes in the rear of the lot and that may be problematic in locating a building envelope. Finally, opening Narraganset Avenue would set the pattern for future opening of the road right-of-way creating front to back lots on detached single family dwellings already established and fronting on Lenox Avenue to the east. It is the opinion of staff that the L1 zoning designation is conspicuously left in place for future industrial use in spite of the comprehensive plan recommendations. Therefore, the zone change would tend to substantially undermine the effectiveness of the zoning ordinance.

Chris if you could go to the air photo a second. I took a ride out here this morning before the Commission meeting; this is an active, actively used site. I don't know if they're still mining it, but they're certainly are stockpiling materials from what I could see. This is Narraganset Avenue here; they're proposing to open it so that they can get access to the lot. These would be the existing single family homes and if Narraganset is opened and continued to go up this way then all these properties would be front to back lots. This is a bus depot of some sort and as I indicated there's some cars and stockpile material all over the place. I couldn't tell if they were mining it or not, but it certainly is active industrial land.

Staff is recommending then disapproval of the application for the following reasons:

1. The proposed action would be incongruous with the remaining nearby industrially zoned lands.
2. It would tend to substantially undermine the effectiveness of the zoning ordinance.
3. The premises could be reasonably developed in accordance with existing L1 District requirements.

That is the staff report.

**CHAIRMAN CARACCILO:**

Thank you, Andy. Any questions or comments? Then a motion is in order.

**MS. HOLMES:**

I moved the adoption of the staff report.

**MR. FIORE:**

Second.

**CHAIRMAN CARACCILO:**

All those in favor? Opposed? Any abstentions? Motion carries. **(Vote: 9-0-0-1 Absent: Goodale)** Next.

**(Mr. Goodale entered the auditorium at 12:28 PM)**

**MR. FRELENG:**

The next application comes to use from the Town of Smithtown. This is the application of Robert Battaglia. Jurisdiction for the Commission is that the subject application is within 500 ft. of NYS Route 25 otherwise known as Jericho Turnpike.

The applicants are seeking Town Board approval for a change of zone from WSI which is Wholesale Service Industry to Neighborhood Business for the construction of a 9,700 sq. ft building for retail use. The subject application is situated on 1.38 acres of land.

The parking requirement for the proposed development is 97 spaces. The proposal provides for 98 spaces; 69 spaces are provided as paved 9 ft. by 18 ft. stalls including two handicap stalls. 29 stalls or approximately 28% are land banked.

The subject parcel is located on the north side of NYS Route 25 approximately 177 ft. west of Morewood Drive. The subject parcel is situated in the hamlet of Smithtown. If you take a look at the zoning map for a second then back to aerial a review of the character of the land use and zoning pattern in the vicinity indicates that the subject parcel is in a corridor of Wholesale Service Industry along both sides of NYS Route 25 you can see that. The adjacent parcel to the east however, is zoned Neighborhood Business and the parcel to the east of that across Morewood Drive is zoned Shopping Center Business. This is pre-existing the WSI zoning code and this was an application I believe it was in '98 if I'm not mistaken that the Commission denied. Okay, north of the WSI corridor is R-10 residential zoning; you can see that on the zoning map. Land uses adjacent to the west of the subject parcel consist of medical office while the adjacent use to the east is retail. That's a drive-thru pharmacy. South of the subject property uses consist of mainly of commercial uses including an auto truck repair, auto body shop and office buildings.

Access to proposed development is to be from Route 25 to the south or from the south. Limitations on ingress and egress to and from NYS 25 are not indicated. In other words, it was not indicated on the site plan; whether or not there would be left hand turns prohibited coming out of this area or whether it would be only right hand turns going into the site or whether or not there would be prohibited left hand turns. So there was no information as to that. A second access is to be a cross access to the adjacent drive-thru pharmacy on the adjacent site to the east. So they are proposing a cross access to the pharmacy.

There are no real environmental conditions to be concerned about for this application so we'll go right into the analysis then; it is the belief of the staff that the proposed action is an unwarranted over-intensification of the use of the premises. Jericho Turnpike is a high motor vehicle volume roadway. The WSI zoning category is a more appropriate category for the road corridor as it is specifically intended to provide for "uses that do not generate large traffic volumes", that's from the Smithtown code. Neighborhood, I'm sorry, yes, Smithtown code. Motor vehicle turn movements particularly left turn movements are especially problematic along this corridor. The less turn movements into and out of the site would be one of the best methods to handle congestion management along the road corridor. And it should be pointed out that Neighborhood Business and its retail uses would be a high motor vehicle trip generator.

Moreover, it is the belief of the staff that the proposal is inconsistent with the overall pattern of zoning in the surrounding area and, therefore, must be considered a spot zoning. Approval of the petition to change the zone on the site from the WSI category would prematurely establish an alternate land use pattern prior to the completion of the Town of Smithtown Comprehensive Plan. I should indicate that the Town of Smithtown Plan is a 1961 Comprehensive Plan that has been revised and is currently being revised and any day now they'll have their

plan prepared, but they don't have one on the shelf. So a zone change at this location would be without the benefit of Comprehensive Plan recommendation for the development along the road corridor would constitute the unwarranted inappropriate non-comprehensive alteration of zoning patterns in the local and would tend to establish a precedent for such down zonings along the corridor. As such, the granting of the petition would substantially undermine the effectiveness of the zoning ordinance.

Finally, it is the belief of the staff that the premises could be reasonably developed in accordance with existing WSI District requirements. With all the above considered the staff is recommending disapproval for the following reasons.

The proposed action is an unwarranted over-intensification of the use of the premises. The paragraph which follows is an excerpt from the staff report.

Number two, the proposal is inconsistent with the overall pattern of zoning in the surrounding area and, therefore, must be considered a spot zoning.

Three, approval of the petition to change the zone on the site from WSI would prematurely establish an alternate land use pattern prior to the completion of the Town of Smithtown Comprehensive Plan.

A zone change at this location without the benefit of a Comprehensive Plan recommendations for development along the road corridor would constitute the unwarranted inappropriate non-comprehensive alteration of zoning patterns in the local as indicated in the staff report.

The fifth reason for disapproval is that the approval of the zone change request would tend to establish a precedent for such down zonings along the corridor. One might argue that the change of zone to the property to the east is already set that precedent and we're reminding the town board that they maybe setting an unwarranted precedent up and down the road corridor.

The last reason for denial from staff recommending to the Commission is that granting of the petition would substantially undermine the effectiveness of the existing zoning ordinance. That is the staff report.

**CHAIRMAN CARACCILO:**

Thank you, Andy. Any questions or comments? Then a motion is in order. Oh, I'm sorry.

**MR. GOODALE:**

Just one question. There was a little giggle about Smithtown Planning; do we have any idea how long it's going to be before they have a Comprehensive Plan?

**MR. FRELENG:**

I do not know exactly when they will have the plan in place, no.

**MR. GOODALE:**

Cause its -- you know we have this little problem in Riverhead, you know, you start a plan and then five years later you're still planning and you don't come to an end and meanwhile people say well, you can't do anything until the plan is in place. So I don't know how long this has been going on, but I agree by the way with your position here, but just the idea that we can't really, we shouldn't do things because we're waiting for the Comprehensive Plan that opens the question about when the Comprehensive Plan is going to be done.

**MR. FRELENG:**

I would agree; we could put in a comment that they should prepare a block study perhaps maybe for this area of the town, but anecdotally we know that it is a high traffic volume corridor and --

**MR. GOODALE:**

Yes, I don't have any objection to the recommendations.

**MR. ISLES:**

Andy, does the '61 Plan address this corridor at all or not really?

**MR. FRELENG:**

It really doesn't, no.

**CHAIRMAN CARACCILO:**

Thank you. A motion is in order. I'm sorry, you have a question?

**MS. BOLTON:**

No.

**CHAIRMAN CARACCILO:**

Make the motion.

**MS. BOLTON:**

Yes, I move the staff report.

**CHAIRMAN CARACCILO:**

Second?

**MS. LANSDALE:**

Second.

**CHAIRMAN CARACCILO:**

All those in favor? Opposed? Abstentions? Motion carries. **(Vote: 10-0-0-0)**  
Next.

**MR. FRELENG:**

Okay, thank you. This also comes to us from the Town of Smithtown; this is the application of Terry Rd. Plaza. Jurisdiction for the Commission is that the subject site is adjacent to CR 16 otherwise known as Terry Rd.

The applicant seeks site plan approval from the Town Planning Board for the construction of a 3,100 sq. ft. addition to an existing 4500 sq. ft. commercial building. The subject application is situated on approximately 52,000 sq. ft. of land.

The parking requirement for the proposed development is 76 parking stalls. The applicant is proposing 52 standard spaces, four of which are handicap and eight of which are land banked stalls for a total of 64. The parking provided is approximately 16% short of the code required amount.

The subject parcel is located on the south-east corner of Terry Rd. which is CR 16 and Rhoda Avenue which is a town road. The subject parcel is situated in the hamlet of Smithtown. A review of the character of the land use and zoning pattern in the vicinity indicates that the parcel is in a corridor of Neighborhood Business zoning. Go to the zoning map. The surrounding area is a mix of residential zoning east and west of the NB corridor. More patchwork pattern of zoning is found in the area north of the subject property north of Rhoda Ave. The roadway, Rhoda Ave. is the northern boundary of a WSI corridor along the road.

With regard to environment conditions it should be pointed out that the rear of the site the east side has steep grades associated with a swale running through the area. It is indicated in the referral material that slopes on the property approach or exceeds 15%. So you can this area which is not developed in this piece of the property here there's a swale that runs through the property and further on down. Slopes as indicated in the back of this property then exceed 15%.

It is the belief of the staff that the proposed action is an over-intensification of the use of the property. Expansion of the existing building as proposed cannot occur without variances granted to parking requirements and for construction on environmentally sensitive land. The lack of parking for a retail use may cause overflow parking situations and may tend to necessitate the use of CR 16 for parking purposes thereby diminishing the safety and traffic carrying capacity of the County roadway. Pursuant to Commission guidelines construction on or near slopes in excess of 10% should be avoided whenever possible. It is the opinion of staff that the premises can be reasonably developed in accordance with the existing NB District requirements. The building should be sized appropriately to

conform to the building to parking ratios established in the Zoning Law of the Town of Smithtown.

Staff is recommending disapproval for the following reasons. The first being that it constitutes the unwarranted over-intensification of the use of the premises. The paragraph which follows is an excerpt for the staff report. And the second reason for denial is that the premises can be reasonably developed in accordance with the existing Neighborhood Business District requirements. That is the staff report.

**CHAIRMAN CARACCILO:**

Thank you, Andy. Any questions or comments from the Commission? Motion is in order.

**MS. ESPOSITO:**

I have a question and I think he has a question too.

**MR. GOODALE:**

That's all right, go ahead.

**CHAIRMAN CARACCILO:**

Oh, I'm sorry, I'm moving too quick. I'm sorry, Commissioner.

**MS. ESPOSITO:**

Real quick, did anybody do a site inspection of this one?

**CHAIRMAN CARACCILO:**

A drive by; didn't go up the site.

**MS. ESPOSITO:**

Okay. I was curious because usually if there's a swale like that and steep slopes sometimes there are unmapped wetlands that are smaller than the 12.3 acres required to be mapped by the state. So I was just curious if you saw wetlands, but you wouldn't see from a drive by.

**MR. FRELENG:**

Well, in our review to prepare this staff report we looked at things like that and the aerials and wetland maps didn't indicate that there would be a pocket of wetland.

**MS. ESPOSITO:**

Right, no, I know, but I was thinking about unmapped areas.

**MR. FRELENG:**

Right.

**MS. ESPOSITO:**

I was just curious. Thank you.

**MR. FRELENG:**

Okay.

**CHAIRMAN CARACCILO:**

Bob.

**MR. GOODALE:**

Is there a rule of thumb about this parking stuff; now this is again, in my estimation over-intensive use. If it calls for 76 like 10% all right, you use a rule of thumb or is it just --

**MR. FRELENG:**

We -- personally, I target 10%; if its less than 10% I'll look at it and see, but if its over 10% we take a hard look.

**MR. GOODALE:**

Okay, thank you.

**CHAIRMAN CARACCILO:**

Motion is in order.

**MR. GOODALE:**

So moved.

**CHAIRMAN CARACCILO:**

Second, Adrienne?

**MS. ESPOSITO:**

Second.

**CHAIRMAN CARACCILO:**

All those in favor? Opposed? Abstentions? Motion carries. **(Vote: 10-0-0-0)**

**MR. FRELENG:**

The next matter I have is a carry-over from the last meeting if you recall for those members that were here; we had a presentation from the Town Planning and Development Administrator in the Town of Southampton, Jefferson Murphree who did an overview of the Gabreski Airport Planned Development District change of zone that they're proposing for that area. I don't know if the Commission had an opportunity to review the staff report. If you'd like I could read through it otherwise this really just highlights what Jefferson Murphree said. Staff is recommending to the Commission a conceptual approval of the change of zone for the Planned Development District. Essentially, and I will read it if you

want me to. Okay, but essentially, on approximately 50 acres or so of the airport at Gabreski is targeted for industrial development in the Planned Industrial Park Development by the County.

The Town of Southampton had to do a change of zone and a planned development district study for that. In that study they're general statement of the goals was that the master plan establishes comprehensive standards and guidelines for the development of the Gabreski Airport Planned Development District. Gabreski Airport is owned and operated by Suffolk County as you know and thereby provides a unique opportunity for the Town of Southampton and Suffolk County to situate quality transportation oriented industrial development and mixed complimentary uses on a site well suited for growth. When considering the regional needs and the official plans of other government units and agencies within the region it should be noted that numerous previous planning studies have been undertaken related to this property. These and other planning studies such as the Central Pine Barrens Comprehensive Land Use Plan were considered in creating this Planned Development District Master Plan. And there are attachments to the staff report and the final page indicates about ten various studies that have been undertaken which identified this area of Gabreski Airport for industrial park growth.

The location and the intensity of the existing and proposed land uses it just should be noted that the preliminary development plan concept calls for Suffolk County to create individual lease lots for long term about 40 year leasing and provides initial site improvements to infrastructure and roadways. The collaborative vision of the Town and County for the Airport Planned Development District site is that the site be developed as a corporate center with an emphasis on high technology, homeland security and communication's industries creating a mixed use activity center of light industrial office service, support retail, transportation and lodging. There is a concept for a hotel on the site. When considering the agricultural uses or historical and cultural resources, coastal and natural resources and sensitive environmental areas it should be pointed out that the Airport Planned Development District will utilize the existing airport sewage treatment plant for the treatment and disposal of sanitary wastewater. So the whole 58 acre industrial park will be service by the sewage treatment plant on site.

With respect to consideration of population demographic and socio-economic trends and future projections the proposed action would result in redevelopment of an existing though under used industrial property adjoining the regional airport the development would provide a source of jobs for residents of Suffolk County and would add to the economic vitality of eastern Suffolk County. With respect to the location and types of transportation facilities it should be pointed out that the Airport Planned Development District site is adjacent to Gabreski Airport which is a regional airport. The site also adjoins CR 31 and is 1.8 miles south of Sunrise Highway and it's about its less than one mile from the Long Island Railroad

station at Westhampton. There is a bus route that runs up and down CR 31 and it runs between Moriches and Riverhead and it does pass the site.

And the last point that I wanted to point out is that with regard to existing housing resources and future housing needs including affordable housing the 58 acre Airport Planned Development District site contains no housing development and is proposed to include new non-residential development only such as a hotel and light industrial development. And as indicated staff is recommending conceptual approval of the Town's Planned Development District Master Plan.

**CHAIRMAN CARACCILO:**

Any questions on this or comments? A motion is in order.

**MS. HOLMES:**

I move the adoption of the staff report.

**MR. DIETZ:**

Second.

**CHAIRMAN CARACCILO:**

All those in favor? Opposed? Abstentions? Motion carries, thank you. **(Vote: 10-0-0-0)** Thank you, Andy.

**MR. FRELENG:**

That's it for me then; Chris has got another staff report unfortunately this month or fortunately as the case may be there are no subdivisions that rose to the level of review for the Commission.

**CHAIRMAN CARACCILO:**

Ted, you can take the rest of the day.

**MR. WREDE:**

Good afternoon. The next item for your consideration is the application of New York Land Acquisition Corporation referred by the Town of Huntington's Zoning Board of Appeals. The applicant proposes to subdivide a 73,500 sq. ft. parcel of land into three lots and seeks a variance pursuant to Section 280a of New York State Town Law for proposed lots 2 & 3 and an area variance to diminish the front yard setback from 50 ft. to 35 ft. for proposed lot 2.

Our jurisdiction for the subject application is that it is within 500 ft. of the Town of Smithtown. No comments were forwarded from the Town of Smithtown regarding the application. The subject property is located on the west side of Town Line Road, 223 ft. north of Franconia Rd. in the hamlet of East Northport. An analysis of the character of the area is indicative of high density residential on the west side of Town Line Rd. with industrial land across Town Line Rd. in the

Town of Smithtown. The Huntington Resource Recovery facility is located approximately one-half mile to the north.

Issues relating to the subject application stem from proper site planning with regard to access to a proposed subdivision and the environmental constraints on the subject property.

Access to proposed lots 2 & 3 is intended via a 30 ft. wide private road with 20 ft. being improved and 10 ft. proposed as a buffer to the single family dwelling to the south. It's hard to see, but this is the proposed private road; this is lot 1, 2 and 3. Proposed lots 2 & 3 are subject to the variance for 280a. Pursuant to Planning Commission guidelines staff is recommending a 50 ft. right-a-way easement to be created over the private road so that it may be dedicated to the town highway system in the future should the need arise.

Slopes of approximately 24% are concentrated in the building envelope of proposed lot 1. This is a topographic map forwarded by the town's Huntington ZBA. And proposed lot 1, I'm just going back to map, is indicated here and as you can see from the topographic map there's some rather significant slopes in where they're proposing the building envelope for lot 1. In 2005, I'll just go back to the map; in 2005 the Town of Huntington implemented a steep slope ordinance to reduce the potential for drainage and erosion impacts associated with building on such steep slopes. By definition a steep slope is a geographical area having an average slope of 10% or greater.

**MS. ESPOSITO:**

Chris.

**MR. WREDE:**

Yes.

**MS. ESPOSITO:**

Was this area grandfathered in before the law or this came in after the ordinance was passed?

**MR. WREDE:**

The ordinance was passed in 2005; so the ordinance states that any proposed subdivision after the fact needs --

**MS. ESPOSITO:**

So this came in after?

**MR. WREDE:**

Yes.

**MS. ESPOSITO:**

Okay, that's what I was asking.

**MR. WREDE:**

The ordinance states that the number of lots to be permitted in an area with steep slopes is the total yield from the hillside area meaning the slope area and the flat area. So while a topographic map was forwarded, a slope analysis and the accompanying yield map was not provided in the referral package.

We're recommending disapproval of the variances for the following reasons.

A 50 ft. right-of-way easement shall be created over the common driveway servicing lots 2 & 3 so that it may be dedicated to the town highway system in the future should the need arise.

Slopes in excess of 20% are located in the proposed building envelope for lot 1. Disturbance of these slopes would essentially be a circumvention of the Town Board's action to prevent excessive water runoff and soil erosion in such geographical areas.

Just as a comment the Town should have the applicant provide a yield map for the property which depicts both the area of the 50 ft. right-of-way easement and the slope analysis yield. That's the recommendation of staff.

**CHAIRMAN CARACCILO:**

Thank you, Chris. Comments or questions?

**MS. HOLMES:**

I have a question. If the slope analysis yield was not included --

**MR. WREDE:**

Right.

**MS. HOLMES:**

Is this considered a complete application?

**MR. WREDE:**

You know I could have deemed it incomplete subject to, but the map that was proposed we felt that it was deniable. So that's why we recommend then to bring it to the Commission and, you know, have the applicant provide that.

**CHAIRMAN CARACCILO:**

Even if you had that you would have denied the application anyway you're saying based on your opinion?

**MR. WREDE:**

Well, the yield is a rather complex formula for what the yield should be with slopes and I don't even what to get into it, it's very complicated, but we're recommending again, to have them draw up a yield map and if they can still get three lots which, you know, staff thinks that's not likely then we could approve it. But until that time that's why we're recommending denial.

**MS. HOLMES:**

So you're recommending approval, disapproval as submitted.

**MR. WREDE:**

Yes.

**MS. HOLMES:**

But your comment leaves it open that they could supply additional information?

**MS. ESPOSITO:**

No.

**MS. HOLMES:**

No?

**CHAIRMAN CARACCILO:**

Could they resubmit?

**MR. WREDE:**

They could resubmit.

**CHAIRMAN CARACCILO:**

If they did the yield differently and they found it different with the map that's what you're saying.

**MR. WREDE:**

Right, as proposed, you know, with these three lots and the slopes we're recommending denial based on --

**CHAIRMAN CARACCILO:**

Where the application looks right now your recommending denial.

**MR. WREDE:**

Right.

**MS. ESPOSITO:**

Even if they resubmit they'll be in violation of their own town ordinance.

**MR. WREDE:**

Right. I don't know why they don't need a variance. The variance was just for the 280a in the front yard setback. I don't know why the variance was not for the slopes, but either it wasn't addressed I don't know.

**CHAIRMAN CARACCILO:**

Right. This application should not be here then.

**MS. HOLMES:**

No.

**CHAIRMAN CARACCILO:**

Because it violates the town ordinance.

**MR. WREDE:**

Right.

**MS. ESPOSITO:**

(inaudible)

**MS. HOLMES:**

That's the biggest point.

**CHAIRMAN CARACCILO:**

Okay.

**MS. ESPOSITO:**

I just have a question of clarify -- is this working?

**CHAIRMAN CARACCILO:**

Yes it is we all hear you.

**MS. ESPOSITO:**

Thank you, John. Under the constraints you talk about steep slopes being defined as 10% or greater, but then under staff recommendations you talk about slopes in excess of 20%.

**MR. WREDE:**

Right. I didn't necessarily know how to -- there's slopes in excess of 20% in the building lot of proposed lot 1, but when I did the analysis for the whole property you can see from the topographic map it's very flat in the back here and the slopes are located along Town Line Rd. So what I did when I came up with the 10% or whatever I basically went through the whole property.

**MS. ESPOSITO:**

Okay, but do you recall how the Huntington Town ordinance defines excess slopes.

**MR. WREDE:**

10% or greater.

**MS. ESPOSITO:**

It was 10%?

**MR. WREDE:**

Yes.

**MS. ESPOSITO:**

Okay.

**MR. FRELENG:**

By the way your guidelines indicate that steep slopes are 10% or greater.

**CHAIRMAN CARACCILO:**

Thanks, Chris. Any other questions or comments?

**MS. BOLTON:**

I was just going to move the staff recommendation.

**CHAIRMAN CARACCILO:**

Second. Second by Adrienne. All those in favor? Opposed? Abstentions? Motion carries. **(Vote: 10-0-0-0)** Thanks Chris, nice job.

**MR. WREDE:**

Thanks.

**CHAIRMAN CARACCILO:**

We will move to the Commissioner's -- well, that's the end of business, right? Oh, no, we have to review and the adoption of the Agricultural District.

**MR. ISLES:**

Okay, we have sent out with your package a copy of a report for the Planning Commission entitled, Agricultural District Three Suffolk County, New York (8 Year Review). What this is is New York State law provides that counties may form agricultural districts which are for the propose of encouraging the continuation of farming agricultural activities in their counties. In Suffolk County we have a total of four districts at the present time. They're numbered odd numbers 1, 3, 5 and 7. Agricultural District 1 was recently accepted for renewal by the Commissioner of Ag and Markets. That encompassed Southold and Shelter Island.

This is now Agricultural District 3 and Agricultural District 3 was formed I think back in 1982. And what New York State law requires is that the Legislature is the body that has the authority to approve the renewal of an Agricultural District, but they must obtain reports from the Planning Board or Planning Commission in this case as well as from the Agricultural and Farmland Protection Board. So that's the purpose of the report we prepared here and what it shows here in the introduction are the items that state law requires that the County Planning Commission consider such as the consistency with county and local comprehensive plans. The impacts of non-agricultural development, coordination of local laws and then the recommendation of the Planning Commission as to whether the renewal should be approved, disapproved or modified in some form.

What we've done here is we've contacted all of the existing farms, farm properties within the Ag District as it currently exist. There are 40 farms in the current Ag District, 29 responded that they wanted to continue. In addition, there are periods of open enrollment that provide for an additional opportunity to come into a district and there were eight farms that came into that. And then we also examined other farmland that was either it didn't come in individually or was not in a prior district. So in essence we've ended up with a total of 42 farms that are now recommended within Ag District 3. On page two you'll see a comparison between the last renewal in 1998 and the renewal today at this time of year and of the five towns Agricultural District 3 takes in western Suffolk County as you can see Babylon thru Brookhaven Town. Babylon is the only Town that's actually being phased out of the Ag District program. The one farm that was there is not chosen to come back into the program that's the Gus Wade Farm. The other towns Brookhaven thru Smithtown have all -- do see slight increases or increases in the farm so we're going from, here again, 1776 acres to 1917 acres so obviously, it's still significant and worthwhile.

The benefit that agricultural districts provide to property owners is a certain tax abatements, assessment reductions pardon me. These can be obtained individually without being in a district, but, here again, they can also be made available through participation in a district. The second benefit which is as important if not more important are certain right to farm protections that being in an Ag District does provide and it does provide protection against both local code enforcement, zoning enforcement on certain things. As well as takings of property for highway and drainage projects and so forth. So it does give added protection to farmers for bona fide agricultural activities. In terms of the, here again, the consistency of this Commission has to find with local comprehensive plans, policies and objectives we've done that review. Obviously, the County of Suffolk has declared and many of the towns have declared as a matter of policy that the continuation of farming is a positive economic, social and cultural benefit for Suffolk County. The continuation of the Ag District is one tool to, here again, perpetuate farming.

We'll also point out that there was a clarification in County law last December that specifically requires the County Planning Commission to require municipalities to refer zoning actions within agricultural districts within 500 ft. of agricultural districts. So, here again, it's an indicated of the County's interest and the role of the Planning Commission in coordinating development activity in and near agricultural district locations.

So the last category, here again, the impact of non-agricultural development obviously, there's a lot of development pressure. The Ag Protection Plan that was done in 1996 identified that over a ten year period we were losing 21 farms a year. There's still intense pressure on the lost of farmland so the continuation of the Ag District Program along with other tools such as purchasing development rights, transfer developments, zoning and clustering techniques are all tools that can be used to preserve farmland. And also to provide adequate buffers between developments that does occur so that this compatibility of land uses. So the recommendation is then that the Agricultural District 3 be continued for the next eight years, here again, your recommendation then has to be provided to the Legislature and the Legislature must then hold the public hearing, make the final decision and refer it to the Commissioner of Ag and Markets for his review; that completes it if you have any questions we'll try to answer those.

**CHAIRMAN CARACCILO:**

Any questions or comments? No, okay. Thank you Director Isles. Moving on to the --

**MR. ISLES:**

We just need a motion.

**CHAIRMAN CARACCILO:**

Oh, I'm sorry.

**MS. HOLMES:**

I moved to adopt the --

**CHAIRMAN CARACCILO:**

Linda. Second.

**MR. FIORE:**

I'll second it.

**CHAIRMAN CARACCILO:**

All those in favor? Opposed? **(Vote: 10-0-0-0)**

**MR. ISLES:**

Thank you.

**CHAIRMAN CARACCILO:**

Thank you. Now we'll move to the Commissioner's Roundtable. Sara would you like to start us off please.

**MS. LANSDALE:**

Nothing to report.

**CHAIRMAN CARACCILO:**

Thank you.

**MS. BOLTON:**

Nothing to report.

**MR. GOODALE:**

Really nothing, but that the -- except that the move for the redevelopment of downtown Riverhead is continuing with a couple of contentious town board meetings about the applicant who would be in charge of the redevelopment of downtown Riverhead. My expectation is that this is going to go on now for quite a while and the outcome remains cloudy about whether or not this whole project will move forward. But at the present time a majority of the town board is supportive of the -- of this particular redevelopment of downtown Riverhead which would be a substantial one for that area.

**MR. FIORE:**

Nothing to report.

**CHAIRMAN CARACCILO:**

I just want to compliment the staff of the Planning Commission on the look of the reports, the emails and the system as we seem to be getting the information. I know I really like getting it on email; it's like if I'm sitting at the office I can review everything. So nice job and good work on the email stuff. Did everyone sign the card that's going around?

**MR. ISLES:**

Linda, Ed and Lou have to sign it.

**CHAIRMAN CARACCILO:**

And the email list if they could -- the email list that went down if we could pass it back here so we can all get our email list.

**MR. ISLES:**

Start another line.

**MR. FRELENG:**

Mr. Chairman, just as a note even under the best of circumstances the email delivery of the staff reports and whatever attachments we can scan and send to you maybe incomplete. And you still may be getting packages in the mail which would include things that we haven't scanned or so just be aware that you still may get stuff from the Commissioner a week before the meeting or a couple of days before the meeting.

**CHAIRMAN CARACCILO:**

Good point. Linda.

**MS. HOLMES:**

Yes, we had a very exciting development not development that's the good news and event on Shelter Island that was announced just a couple of weeks ago. Our famous airport the former potato field which is really a private airport, but you know, we get submissions within a mile of the airport. The family has agreed to preserve this 47 acre parcel of land and allow it to remain as a private airport, and the County Legislature back in May offered to pay a share of the purchase price with the town and our 2% Committee and we're all very excited about that. That parcel has been approved by the County, you know, they offered to pay their portion of the money and pending is a second parcel on our fresh pond which is a large kettle hold glacial pond in the middle of Shelter Island. And several acres there that have been in private ownership are being purchased for open space. So we're very, very excited about those two develop -- incidents as we still struggle with trying to come up with some affordable housing proposals that will fly.

**CHAIRMAN CARACCILO:**

I had the distinct pleasure of visiting Shelter Island two weeks ago.

**MS. HOLMES:**

You didn't stop in?

**CHAIRMAN CARACCILO:**

It was wonderful; I got sick on the ferry though, but it was wonderful.

**MS. HOLMES:**

Did you come to --

**CHAIRMAN CARACCILO:**

I just came to look around it was wonderful.

**MS. HOLMES:**

And we're sorry you couldn't come for the August meeting, but that it saved me the embarrassment of not being there cause I was in the hospital.

**CHAIRMAN CARACCILO:**

Commissioner.

**MS. ESPOSITO:**

Nothing to report.

**MR. PRUITT:**

Nothing to report.

**MR. DIETZ:**

Nothing to report.

**MR. KONTOKOSTA:**

Nothing to report.

**CHAIRMAN CARACCILO:**

Counsel, do you have anything to say? That's the way we like it. Okay, is there any other business? Okay, could we have a motion to adjourn?

**MR. FIORE:**

Motion.

**CHAIRMAN CARACCILO:**

I'll second. Thank you. Done. **(Vote: 10-0-0-0)**

**(Having no further business the Planning Commission adjourned at 1:00 P.M.)**

**{Denotes spelled phonetically}**