

SUFFOLK COUNTY PLANNING COMMISSION

MINUTES

A regular meeting of the Suffolk County Planning Commission was held at the Evans K. Griffing County Center in the Maxine S. Postal Legislative at 300 Center Drive, Riverhead, New York on October 5, 2005 at 12 P.M.

PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Louis Dietz (Babylon)
Jesse Goodale, III (Riverhead)
Laure Nolan (Village 5000 & Over)
Linda Holmes (Shelter Island)
Charla Bolton (At Large)
Mary Daum (At Large)
Sarah Lansdale (At Large)

ABSENT:

John Caracciolo (Huntington)
Donald Fiore (Islip)
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
Kevin LaValle - Aide to Legislator Losquadro
Charles Bender - Aide to Presiding Officer Caracappa
Roy Fedelem - Suffolk County Principal Planner
Joseph Gergela - Long Island Farm Bureau

Minute taken by:

Eileen Schmidt – Secretary

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

ACTING CHAIRMAN MARTIN:

The Suffolk County Planning Commission is now in session. We'll you please rise and join us in the salute to the flag.

SALUTATION

ACTING CHAIRMAN MARTIN:

We thank you. For the new members when we have something and you want to be heard just raise your hand and we'll take everybody. Okay. Tom.

MR. ISLES:

Okay, at the present time we do not have a quorum of the Planning Commission present. So certainly the Commission can proceed without any business items being considered or decided upon or brought to the Commission for a vote. We do expect two other members to attend today so perhaps they are delayed in traffic and we'll have them join us soon. But I would like to take off of a comment that Mr. Martin said in terms of our new members and to welcome today. The County Executive had submitted four new appointments to the Planning Commission to replace either a vacant position or an expired term. Today we are -- of the five appointments put in by the County Executive four were approved by the Legislature last week; we have three of those members here today. Starting to my left is Sarah Lansdale an At Large member of the Commission at this point and Sarah has a background in Smart Growth and works for Sustainable Long Island as their Executive Director and we're pleased to have here onboard with us with the Commission today. We're also joined by Mary Daum who is also an At Large member of the Planning Commission. Mary resides in the Town of Brookhaven and has active interest in civic matters within the Town and is also employed with Brookhaven National Laboratory as the Director of GIS and has a degree an advance degree in geography. I certain don't want to speak for any of the members, but just to give a capsule introduction to the board today. The third member joining us today is Bobby Goodale representing, distinguished as Linda points out to me representing the Town of Riverhead. Bobby is affiliated with Riverhead Building Supply; also has an educational background including advanced degrees in Political Science and civic interest as well.

If the members want to introduce themselves in which we've been trying to do informally certainly you're welcome to do that and we'll start with you Linda.

MS. HOLMES:

Thank you. Linda Holmes from Shelter Island and so pleased to be working with Bobby again because he did an incredible job chairing the Riverhead Commission that was set up to try to decide to do -- what to do with the

Grumman property and I think that's an ongoing saga still, Bobby. But I'm very pleased to have all of you here.

MR. ISLES:

Okay. We have Mr. Martin who is the Chairman of the Planning Board of the Town of Smithtown and obviously will be running today's meeting and commenting.

ACTING CHAIRMAN MARTIN:

I haven't much to say I just welcome everybody aboard. Again, when you want to be heard just raise your hand and we'll hear everybody as long as you want to speak. Okay.

MR. ISLES:

Mr. Dietz from the Town of Babylon.

MR. DIETZ:

I'd just like to welcome you all onboard.

MR. ISLES:

And Charla Bolton.

MS. BOLTON:

Hi, I'm Charla Bolton. First I'd like to welcome you and secondly just to give my affiliation. I'm with the Society for the Preservation of Long Island Antiquities as preservation advocate and spent many years as a planner with the Town of Huntington.

MR. ISLES:

Okay. Mr. Chairman perhaps we could hold off on the public portion of the meeting until we have a quorum and I'd also suggest that with the Director's Report if it pleases the Commission what I'd like to do is recognize Joe Gergela from the Long Island Farm Bureau and perhaps to ask if Joe could be given a few minutes to provide an introduction to the Long Island Farm Bureau. This does not require any decision on part of the Commission, but I felt that it was important to provide Joe with an opportunity to appear today. The County Planning Department, myself and Roy Fedelem work with Mr. Gergela on a regular basis. I'm impressed with his commitment to the preservation of agriculture in Suffolk County.

We work not only in terms of the day to day interactions of matters relating to farming, but also in terms of Mr. Gergela is a major advisor to the County Farmland Committee, the Farmland Protection Committee as well as being on the Agricultural Preservation Committee that operates the County's Agricultural District Program. We also achieve support from the Long Island Farm Bureau and Mr. Gergela specifically on matters relating to agricultural grants and

coordination with federal and state agencies and elected officials at those levels where a lot of the access to those grants is contingent upon that type of support. So Joe's been extremely helpful in that. So just to provide a few minutes for Mr. Gergela to provide an introduction to the Farm Bureau and the many activities that they're involved in.

MR. GERGELA:

Good afternoon everybody. Thank you for the opportunity to come by to say hello, introduce myself to some of you folks. I know Bobby very well; worked together on the hospital and many other things locally. I'm a locally grown boy myself. I grew up on a farm here in the Town of Riverhead in the Village of Jamesport. My dad and I farmed a little bit over 200 acres so that's in my blood and for 17 years now I've represented the industry.

Just a little bit about Farm Bureau; Farm Bureau has been around since the early 1900's. It originated upstate New York in Broome County believe it or not and its original mission was education; to educate farmers and rural homeowners and land owners about the latest and greatest that was coming out of the university system. In New York State our land grant university is Cornell University and several of the colleges at Cornell are land grant institutions and are funded by USDA as well as New York State Department of Agriculture. People don't realize that, but anyhow in the 1955 there was a split in the organization and we have the modern farm bureau which I'll explain about in a minute. And the other organization is known as Cornell Cooperative Extension of Suffolk County. We were one organization till 1955.

Farm Bureau's role is advocacy. We're a dues paying organization; we represent a little over 7,000 members. Nassau/Suffolk County as well as we have several hundred people from outside of New York that own property here have an interest in agriculture, interest in property rights, etc. So we're a pretty good size organization. We work with a Board of Directors and I have five staff people that work at the Farm Bureau with myself. We're part of the State Farm Bureau and part of the American Farm Bureau in Washington and out of ten, I'm very proud of this, out of 10,000 organizations that lobby the Congress we're number 14 in the United States. We are different than any other lobby organization in the way that we do policy.

When I go to a meeting in Albany or Washington I am not representing Joe Gergela's point of view, I'm representing the view of the membership of the Farm Bureau. We actually have a grassroots process and it's called Policy Development and this time of year the farmers get together they talk about issues. We have our bible is our policy book anything from A to Z and you know, whether we support or oppose a particular position. We do this exercise, we have an annual meeting they we do it at the state level and the federal level. So when I go to Albany in the start of session in January we bring them the new

bible year to year. These are our Farm Bureau policies; so it's very clear about where the organization stands on any given issue.

As an example right now we're getting ready for our annual meeting at the end of October we're debating what our position is going to be on Broadwater. And it's a little bit more complicated say well, it's industrializing the Sound there maybe benefits on the other side so we have to listen to all points of view. We debate it and at the end of the day the members will adopt whatever that policy may be. That's just an example.

So anyhow we're known as the voice of agriculture. I just gave you a brochure; it tells you a little bit about the organization and we also have member's service programs for our members. Farmers need access to health care; we're affiliated with an insurance company that provides member benefits for the Farm Bureau people, specialized insurance whether it's landscapers, farmers, the vineyards, commercial fishermen and baymen. We have like 400 commercial fishermen and baymen are members of the Farm Bureau. We represent their interest in government as well. So anyhow we're known as the voice of agriculture.

A little bit about the status of the industry. I think everybody in this room knows about, you know, there's a tremendous push on land right now and competition for land. I feel that that's one of the biggest threats to having a viable agricultural industry not only -- we have about 30, 32 to 34,000 acres left in production. We're believe it or not still lead the state in dollars of what's produced on those 32,000 acres which is an amazing feat. In fact, the numbers go up every year; we're now in over 200 million annual gross sales of our products. To be honest with you it's undervalued its way more than that, it's way more than that, but farmers don't like to share their personal information with government. We employ over 8,000 people in the industry; we're important to Long Island's gross national product. We make up about 5% of Long Island's economy and the relationship to tourism.

We can talk about all the different parts of the industry; horticulture makes up half the industry and that includes sod, woody ornamentals, trees and shrubs as well as the flower industry. 60% of the state's horticultural industry is here on Long Island. So it's very big in horticulture; we have about 3 to 4,000 acres now in wine grape production and the balance is fruits, vegetables, potatoes. We still have several poultry farms left. They produce about 5% of the duckling produced in the United States. There's only two major duck farms left; they're a \$25 million a year business and they each employ over 100 people.

What are the threats to the industry? Well, right now the land crush is a problem because there's such competition for land and farming is a business. If it's not profitable people are considering alternatives. Most of the farmers here that are left are doing very well. They're interested in staying in farming however, the land values are becoming an issue to say well, do I continue in this or do I, you

know, when is it time to get out. And part of that comes back to you folks as well as town boards is property rights. Property rights works two ways; for farmers that's their major asset, that's their life savings, it's their pension, it's pretty much everything that they have in their life is tied up in that land. It's their ability to access capital, to borrow funds to be able to operate the farm. Anybody that thinks that farmers, you know, have a million dollars in the back in case to operate their business is mistaken. Most of the industry does borrow money from Farm Credit or, you know, banks. So any threat to equity and one of the debates over the years has been about large lot zoning. We totally oppose large lot zoning as a preservation tool. It may reduce density and may have other purposes as part of planning, but from a farmers standpoint it devalues their property, it makes it harder to access capital. So, you know, there's two sides to that equation and I think you all know the debate you've heard it before, but that's something very important to my people is their land and to protect their rights to that land.

As an example, the Town of Riverhead we did a master plan update. We were participants in the public process and one of the issues was about should we go, you know, to five acre zoning or whatever. Well, it went from one to two and we worked with the town with the other civic and environmental groups to develop a transfer development rights program. So we're taking rights from one area to another area where there would be infrastructure for a higher density development and in exchange try to save some of the farm core area. So we feel it's a fairly creative way to do some preservation as well as to purchasing development rights or out right, you know, purchasing of land. We're very supportive of the preservation programs and to this point in time between the County and the towns, the state, the feds and even the Peconic Land Trust we've preserved close to 15,000 acres. Lee Koppelman actually raised the goal a little bit to 30,000 acres that's, you know, we'd love to save every acre. Reality, if we can save another 10,000 acres or so I think we would've done pretty good and we need that land base to sustain the industry.

During my life time as a farmer I've seen many of the equipment dealers, the potato brokers, the infrastructure part of the industry are virtually gone and the guys that are left, you know, we have Cauliflower Association. We do have a John Deere dealer and Malvese, but we can't afford to lose anymore land so everyday my job is to try and advocate for the funding for the preservation programs, but advocate for a healthy business climate. As long as the farmers make money they're going to stay in the business and we got guys here that are 12 generations farmers; that's a long time and, you know, they got children coming up like the Halseys and the Wells family. There's other around here and, you know, they want to stay in the business.

Besides the land issue probably environment is a big concern and, you know, it's an ongoing concern about our groundwater and how do you balance, you know, those issues with being able to protect your investment in crops. Whether it be a

winery or a potato farmer or anybody that's growing anything here we have a long growing season. We also grow pests very good and particularly fungus, insect problems so we've been working with Suffolk County and in fact Vilorio-Fisher did a task force two years ago and we are in the process and actually have it developed a stewardship program for the farmers to reduce nitrogen and nutrient impacts as well as pesticide impacts on both groundwater and surface waters. So we take that job very seriously and we spend a lot of time working with Cornell and Ag markets and others to educate the farmers on that they can do these, you know, do best management practices and still remain a viable economically while doing good things for the environment, but that's always issue is about pesticides. There always -- state taxes, tax policy, nuisance complaints.

We're out here on the east end and Bobby and I have seen this through our lifetime because we grew up in the same area basically his family and my family, and with suburbia comes a suburban value system. People move out here and they move next to a farm and I get calls all the time, well, why do you have a helicopter and spray the crop at 5 o'clock on a Sunday morning while I'm trying to sleep? Because we don't want that spray to go on your property we want it to go on the farm where we have a problem because the guy can't get out there on a tractor because it's too wet or whatever the reason we have to use a helicopter to spray. Or running an irrigation motor, this is one of the worst droughts I've seen in my lifetime. We haven't had a drought like this in 65 years so between field cost, but people complaining about irrigation motors.

So, you know, we work with the farmers and say look, you've got to get along with your neighbors and as a reasonableness standard. We have right to farm protection and all that, but, you know, that's good from a policy standpoint, but the reality is is that farmers need to get along with their neighbors. So they try to balance out their needs and the neighbors needs. I got guys watering 24 hours a day and sometimes it does bother the neighbors so I go to them and say look, if somebody couldn't get sleep last night because you're running the irrigation motor at midnight that may be considered an unreasonable action by the farmer. And I don't want liability issues for somebody to get hurt because they couldn't sleep or whatever so I said you have to use some common sense and deal with these types of issues. But that is a real threat to the industry is the nuisance problems, air cannons during harvest season to protect the grapes. People complaining about air cannons going off and it's also to keep birds and deer out of the fields. Those are also big problems that we're having, we're working with the DEC is wildlife issues. We're inundated with deer and other forms of wildlife and it's a matter of balance. Do we want to wipe out all the deer absolutely not; do we need to control them, yeah. Something's got to be done; we've got guys that got 100 animals out on the farm eating their crops. And we did a survey of our members we had about 100 respondents, the economic damage is over \$20 million a year in crop damage from wildlife. So these are the kind of things that we deal with at the Farm Bureau and it's about trying to keep the business of farming as well as try to protect the land resource.

So it's kind of a little bit of a summary about what we do; I'd be happy to entertain any questions about a particular issue or something that you guys are dealing with that you might want our thoughts on.

ACTING CHAIRMAN MARTIN:

I have one question. What is your feeling where the farms are heading for? I mean, Smithtown, as you know, we had a lot of good farmers; they didn't farm big pieces, but they farmed green stuff, you know, and now they're just about gone. I don't know of anybody left now except they're in other things. In fact, the {Barello} farm now they put grapes on it; I don't know how that's going to deal with the cannons and all there. He's going to have a big problem because the people around there they want to live near the farm, but don't farm it. Just put the green stuff in grown. They complain about the cabbage, you know --

MR. GERGELA:

Yeah, they want to look at it, but they don't want to know the nuisances associated with it; that's suburban value system. This is my own perceptive, I've been spending a lot of time in Washington over the last several years and I've become an advisor to Senator Clinton and to others and actually I was interviewed at the White House not that long ago for an under secretary position. But where we're headed nationwide troubles me greatly and 37% of our food is imported now, fruits and vegetables. Why, because in simple economic terms things are going to come from where it's cheaper to grow it. You know, you look at a place like Long Island our land cost, taxes, energy, labor, labor housing you add it all up this is a high cost place live much less to farm. And as I said earlier it's about profitability; if the farmers make money they're going to stay in the business. We have the best of the best. Anybody that can farm on Long Island can farm anywhere in this country. So these guys are survivors; they're absolutely brilliant businessmen or they would not still be here.

I'm optimistic for these guys because they've developed a niche in their markets. Anybody can go out, you know, in a farm country and throw seeds in the ground, fertilize it and grow stuff, but you've got to be able to market it. So we've been spending a lot of time with the farmers on value added, on trying to develop new markets for them, develop new niches; we've been working very closely with King Kullen and a lot of the other chains stores now realize from a Homeland Security point of view that it makes sense to have access to locally grown products. So, you know, we're optimistic and farmers are eternally optimistic; there's a lot of things against us. The agreements, free trade is different than fair trade. The next what they call, I don't know how much you follow this kind of stuff, but the Dough Ho Round of the WTO; this is very complex public policy issues. They're working on it now for 2010. The next farm bill comes up in 2007 but, they're already holding listening sessions around the country getting impute. How can the federal government do better? For us give us some of those, you know, the \$20 billions a years that's spent on farm programs; lets get some of it

back here for conservation to help farmers do good stewardship. Let's preserve more land; those are the kind of programs that we want to see. We don't want subsidies, the farmers don't want subsidies. They don't work here that's not the mentality of our farmers, but the farmers here do believe in this stewardship and preservation so we're trying to get more money there and also for marketing purposes, but we're not supporters of the commodity programs or the subsidies.

ACTING CHAIRMAN MARTIN:

Before you go I want to ask the board members if they have any questions and I go for the informal, you know, but I like to start at one end and work around so everybody has a chance. Bob any questions?

MR. GOODALE:

No.

ACTING CHAIRMAN MARTIN:

Laure?

MS. NOLAN:

No.

ACTING CHAIRMAN MARTIN:

Charla?

MS. BOLTON:

No, but thank you it was very interesting.

ACTING CHAIRMAN MARTIN:

Lou?

MR. DIETZ:

No.

ACTING CHAIRMAN MARTIN:

Linda?

MS. HOLMES:

Just a comment and a question. First the comment, I would expect I would hope that in your arsenal of PR you would be able to point to the quality control of the products grown on farms here in the United States. And the perfect example, what the contaminated shallots from where were they, Mexico that got all those people sick. That happens and it happens in places where the methods are more primitive and the quality control isn't there; so I hope that you've talked that up a lot because that me as a consumer is a very big concern and I would say to every consumer and they don't always get the connection because they don't know where the products come from. I was wondering, I asked the question a

few weeks ago when we were being presented with some water data, water control data and I wondered and the question couldn't be answered at that time if you have any updated information on the leaching of temik because when that first happened the estimates went from 40 years to 400 years as to how long it would take to, you know, get the thematic out of our groundwater system. Do you have any updated information?

MR. GERGELA:

Well, the Health Department has hundreds and hundreds of test wells and they're monitoring the groundwater situation and contamination, etc. My understanding is that it still shows up in very, very low numbers in certain places, but a lot of it has dissipated. You know if you know how the hydrology works, water goes in the middle of Long Island and goes out to both shores. So over time as we get a lot of rainfall it's starting to get washed out which is good. One thing about and this is so complex in scientific issue that the average person they read or hear sound bites about, you know, the groundwater or, you know, pesticides getting into groundwater. In a place like Long Island it's almost impossible not to have things show up in groundwater. The thing is called relative risk. The state health department and federal establish a threshold where contamination, you know, the maximum contamination level -- in my knowledge there is nothing that is getting in groundwater that even comes close to being considered a threat to the groundwater or health. As an example, the most widely used pesticide in the world is its scientific name is called Imadiclopid. Homeowners use to be able to get it as a product called Merit for control of grubs, etc. Well, the label that the DEC gave Bayer, Bayer Corporation and there were different names of it in different formulations, one for horticulture, one for potatoes and vegetables. One they actually used it for the Asian Long Horn Beetle and different problems so there's different variations on this product, but it was available over the counter. You go to Home Depot or any place and buy it and use it on your lawn.

The DEC established a very low threshold and the general one is fifty parts per billion, but they established with Bayer that if it showed up at ten parts per billion that would be cause for action to review the label and see what the company was going to do about mitigating groundwater impacts. It never even got that high; we had two point spills, one was in a subdivision where a landscaper treated a whole bunch of homes and had a big storm, rain water storm and it went into the sump and the level was .5, five parts per billion. And then there was a commercial spill at a greenhouse operation and that too was five parts per billion; because of the monitoring that Suffolk County Health Department is doing in conjunction with the state they looked at this and evaluated it and said well, we know where the farmers are using the products. We have a good handle on those wells, but what about the homeowners. First time that I've ever seen this is that they reviewed the product with Bayer and removed it last year from homeowner use. So anybody that doesn't think that the state or the health department are paying attention to these issues they're not even allowing it to get to those threshold, trigger thresholds. They're taking action early to insure that it

does not impact groundwater. Anybody who thinks that we can farm and not have one or two parts per billion of products then we got to go home and say that's it there's no more farming. It can't be done, you know, that's just the nature of our groundwater, but the public has a right to be concerned about groundwater and I'm not saying that we should be allowed to pour the stuff on. Nobody is for that, but you have to understand how complex the issue is and people say pesticides are toxic. Well, you're damn right they are because that's what they're there for; they're toxic to the pest you're trying to treat. I could spend all afternoon talking about this subject, but you get the point.

MS. HOLMES:

Yes, thank you.

ACTING CHAIRMAN MARTIN:

Thank you Mr. Gergela a very interesting thing and I hope you come back.

MR. GERGELA:

Thank you for asking me to stop by and Tom it's always a pleasure and just so you know I really value and enjoy working with Tom Isles and his entire staff. Top notch professionals and, you know, a lot of people don't have much faith in government, but with Tom at the helm you guys are doing great. Thank you.

MS. HOLMES:

Next time maybe he'll bring us, you know, souvenir heads of broccoli the best in the world.

MR. ISLES:

That's for sure. Thank you Joe.

ACTING CHAIRMAN MARTIN:

Well, we'll receive the minutes of the September 7th, 2005 meeting. Have you noticed any errors or omissions?

MS. HOLMES:

Just a couple of little typo's if I can find it.

ACTING CHAIRMAN MARTIN:

Of course the new people they can't even vote on it.

MR. ISLES:

Well, they can if they want to.

MS. HOLMES:

Could I just mention just on page 15 in my remarks just a couple of little typo's. On line five the County Road there is Menatic M-e-n-a-t-i-c and that will probably be coming up again because that is the site of the proposed affordable housing.

And then on the last line, it's we're very excited not we're very existed about this. Just little Mickey Mouse things.

ACTING CHAIRMAN MARTIN:

Okay. Anybody else have any other questions? A motion is in order.

MS. HOLMES:

I move we adopt the minutes as amended.

ACTING CHAIRMAN MARTIN:

Do I hear a second? Charla. All in favor signify by saying aye. Contrary minded. What?

MS. BOLTON:

I don't know if I can vote on it because I wasn't at that meeting.

MR. ISLES:

If you reviewed the minutes, I mean, if you feel comfortable reviewing the minutes you can. If you feel more comfortable in postponing a meeting we can do that. We have eight members present right now so --

MS. BOLTON:

Well, I did review them, but I wasn't at the meeting.

ACTING CHAIRMAN MARTIN:

Here's what's going to happen if we don't vote on some of the things we've never going to have a quorum.

MS. BOLTON:

Okay.

ACTING CHAIRMAN MARTIN:

So.

MS. BOLTON:

That's fine I just wanted to make sure.

ACTING CHAIRMAN MARTIN:

As long as there wasn't a conflict I don't ask you do anything you might have a conflict with, you know, then you can't do that.

MS. BOLTON:

Of course.

MR. ISLES:

There also verbatim minutes so there not interpreting what people there suppose to be literal and so there should be less room for mistake.

MS. BOLTON:

Okay, that's fine I didn't know what the policy was.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So carried. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)** Now the next one is the public portion. Is there anybody in the audience that wants to be heard? We have no cards, no. Okay, we'll go on to the next Director's Report.

MR. ISLES:

Okay. Mr. Chairman thank you very much; just a couple of items to bring to your attention in the Director's Report. As we've already discussed there are new appointments to the Commission and we've welcomed the new members to the Commission. We are joined by Laure Nolan who's a representative of the Commission for Villages in excess of 5,000 population. There is an additional appointment that has been tabled at the Legislature for the Commission that is Mr. Ed Pruitt who would be representing the Town of Brookhaven. I will keep you advised obviously as that is further considered by the Legislature. So at this point there remains then four vacancies to the Commission and hopefully that gets resolved soon.

The second item to bring to your attention is, as I indicated to you at the prior meeting, the staff has been invited by the Village of Port Jefferson to review a proposal with them to provide planning assistance to the Village. And specifically what it concerned is the Village is concerned about their waterfront zoning which is a marina waterfront zoning in the Village of Port Jefferson right down by the ferry boat in the harbor and so forth. It incorporates a mix of land uses including heavy commercial industrial uses such as the sand and gravel operations. It also includes obviously the ferry terminal and restaurants and so forth. They are concerned about the current condition of their code and under the County Charter the County Planning Department may provide assistance to municipalities if requested by the municipalities and if approved by this Commission.

We did meet with the Village; subsequently, we did provide to them a scope of services on what we could do in terms of current staffing and budget levels within the department and what we've essentially agreed to do from the staff standpoint is to undertake a project where we will do an inventory of land uses within this marine waterfront zone. Do a review of the existing zoning code; provide an analysis of the code and the existing land use and then provide recommendations to the Village both from a zoning map standpoint as well as zoning code standpoint the text. We've indicated that the schedule on this is that

the department could do it based on current workload with a completion by April 1st of 2006. We normally try not to charge for this and so we are not charging a fee to the Village for this service. And the Village has responded to that with a resolution from the Village board officially requesting consideration by the Suffolk County Planning Commission to authorize the staff participation. So with that we have provided to you a resolution today, I apologize that this package is not more organized, but we did draft a resolution and Mr. Martin has a copy in front of him which is a resolution dated October 5th. This is adopting the request of the Incorporated Village of Port Jefferson for the Department of Planning to provide professional planning services. So the resolution indicates what I basically just outlined in terms of the steps that have been taken thus far. It indicates further that a resolution was adopted by the Village board on September 26th formally requesting the services. In my opinion we have the ability in house to provide this service so we would respectfully request your consideration of this resolution to authorize the department to do this project.

ACTING CHAIRMAN MARTIN:

Okay, good. Members, any questions? Yes.

MS. NOLAN:

I don't have a question I was going to make a motion.

MR. ISLES:

There's a motion.

ACTING CHAIRMAN MARTIN:

We have a motion. Linda, you want to second it?

MS. HOLMES:

Yes.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So approved. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)**

MR. ISLES:

Okay, thank you Mr. Chairman. A few other items to bring to your attention we have provided to you today in the brightly colored cardboard stock an announcement of a Planning Federation Training Seminar that the department is conducting at the end of this month. We've been doing this for approximately the past four or five years consistently and it's done very well in terms of bringing in upwards of 175 participants. Our chief audience are planning and zoning board members and to provide training at a local level with not having to go out of the area to get that training. Through a legislative grant through Legislator Caracciolo there is funding provided for this so there is no charge for the program. So this is just for your information and certainly every member of the Commission

is welcomed to attend. It's a total of three different sessions, nice different courses conducted on October 26th, and feel free to spread the word further and if you need additional copies certainly let us know.

ACTING CHAIRMAN MARTIN:

Any questions from our board members?

MS. HOLMES:

This went to all our planning boards?

MR. ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

Yes. I think the new people would gain a lot from it if they could make it that night and if they could attend.

ACTING CHAIRMAN MARTIN:

I haven't missed one in five years.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

Okay, everyone understand the night?

MR. ISLES:

Okay. I bring to your attention as well that the Long Island Regional Planning Board is having a regular meeting next week. They meet approximately four to six times per year as you know; they're having a meeting on October 11th at noon at the Dennison Building in the County Executive's conference room. The Regional Planning Board Executive Director Mr., Dr. Koppelman is -- has on the agenda a presentation of two reports that have been completed in draft form by the board; one is on groundwater and the other is on transportation and here again it's a public meeting certainly.

I'll bring to your attention as well that, as you know, the County Executive has directed the County Planning Department to pursue the development of a request for proposals for certain vacant land that the County owns in Yaphank in the vicinity of exit 67 as we're coming out here. And the County, as you know, owns a County farm in Yaphank, we have County facilities including Police Headquarters, Board of Elections, Public Works, but we have about 900 acres of which we're using about 200 acres for the County facilities and 200 acres for the farm. So we've got an excess of 400 acres that's currently not being used. In the past what's happened is the County has built additional facilities as the need has arisen or the County has sold off land or traded off land. You may recall the

Grucci Fireworks facility is on 80 acres that use to be County owned; that was a land swap. The County sold in the late 90's fifty acres to an industrial developer. So what the County Executive has directed is rather than just doing this in a ad hoc fashion number one, that the County look at what its assets are in that area. What its needs are for future County facilities and then beyond that to put out a request for proposals for ideas for what the County could do with the what's determined ultimately to be surplus.

We do have an advisory committee that is meeting on a regular basis; the meeting is tomorrow actually. I chair that committee on behalf of the Planning Department, but I do want to let you know that here again, we're on target to deliver the request for expressions of interest is actually what we're doing at the end of the year to solicit ideas nothing in terms of formal proposal. This is the first step in the process and then more specifically to let you know that we are conducting public meetings in November. I will provide to you the actual dates and locations of those meetings, but we are circulating those among the elected officials, civic groups, business groups and so forth to solicit public impute into the County's preparation of the request for expressions of interest. Going into next year the County will then evaluate the proposals; any action of course is subject to legislative authorization, but I would anticipate that if there is a consensus on a particular development idea we would then move to a formal request for proposals. We would request detail submissions, financials and so forth and then after that move into the actual zoning phase of the project. So it's not something that's going to happen immediately. It will be a methodical careful process.

Switching subjects again just two other points I do want to let you know that the County Executive has filed the bill with the Legislature to modify the County Charter as it relates to the County Planning Commission. And specifically what it deals with is the issue of site plan review by the County Planning Commission. In large part this is really a technical correction in that General Municipal Law requires the County Planning Commission's review site plans. The County Administrative Code is silent on the issue. So the primary purpose of this is to conform the County law to state law; what the effect of this would be is to clarify that municipalities are required to refer site plans to the County Planning Commission that meet the criteria of the Commission in terms of locational criteria, 500 feet within a municipal boundary, 500 feet within a state or county road and so forth. So that's been laid on the table at the Legislature and will go through the committee process and full legislative deliberations as the year proceeds. There are some other fine tuning adjustments with it. The County Code didn't recognize the referral requirement regarding agricultural districts so we're cleaning that up. We're making some slight adjustments to the fee schedule to simplify that as well. So I don't anticipate anything problematic whether controversial necessarily, but just so you're aware that that's in the process.

One of the training sessions we are offering and actually Andy Freleng will be heading up that one is a 239 review, a County Planning Commission review session to provide a refresher to local planning boards and zoning boards on the aspects of referral to the County Planning Commission.

And the last item to bring to your attention is that the County Executive has submitted the budget request for the County about two weeks ago including of course the Department of Planning. We had put in for several new positions and all of the planning positions have been recommended for funding by the County Executive. We had some GIS positions that we had put in for Geographic Information System positions; those at this point are up in the air and the County Executive has proposed a new department for all the information technology matters. So those functions would be transferred to that new department if approved by the Legislature.

One issue that you may have heard about in the past is the County Executive had proposed a new department called Energy and Environment that had been discussed with the Legislature during the past year. The core Planning Department function in County government would have remained the same. The Division of Real Estate of the County Planning Department would've been merged into the new agency. The County Executive has withdrawn that proposal and at this point then Real Estate would stay with Planning. The County Executive has proposed the creation of an Office of Environment out of his office as an adjunct to the County Executive's Office that is subject to approval by local law and that legislation is also been presented as well. That would involve one Planning Department position, a Chief Environmental Analyst there would be no other positions that would then go into that function. Other than that we're fine. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you. Very interesting this meeting. Okay, what do we have next?

MR. ISLES:

Mr. Chairman we have a brief presentation to bring to you today from Roy Fedelem, I know we're maybe running a little bit long on time. Roy is our Chief Demographer with the County Planning Department and we continually get new information from the census bureau. We have had new information that Roy has put together for you today and just to spend a couple of minutes to provide you with an overview of the new information and the meaning of that information.

ACTING CHAIRMAN MARTIN:

Roy, thank you.

MR. FEDELEM:

Thank you. You have a little packet here which starts Report to the Suffolk County Planning Commission. There's been a lot of new census information

coming out. The census is not just every ten years, but there is census information coming out on an annual basis. The first chart is from the 2002 Economic Census; this has data for counties, towns and villages and gives very detailed information about the economy what sort of sectors are employing and how many people. The interesting thing here is if you add them all up including agriculture you end up with an \$85 billion economy just for Suffolk County. It's quite large. The second set of pages deal with the 2003 business patterns. This comes out on an annual basis and you'll see from the first page that Suffolk County ranks 13th out of all the counties in the country in terms of the number of business establishments with 46,103 business establishments. The number of employees in those establishments is virtually the same between Nassau and Suffolk at 549,000.

The next page, some of these charts are put together by Peter Lambert who's sitting in the audience there; he does a lot of information and answers a lot of questions for Planning Department as well. You'll see a chart showing the number of business establishments over time and how that's changed and you'll also see a chart on the number of employment in those business establishments. The next page deals with chart over time showing the number of employees in business establishments and the interesting thing here is that 98.2% of our businesses are employ less than 100 employees. So basically, the importance to our economy of small business is very evident when that large a percentage employs such a small number. Even 89% employ less than 20 employees.

The next information that came out was the 2004 estimates of population by race and age. These have been misinterpreted by several people including Newsday. They had a big article that made it look like our minority population was exploding. The article was false; the numbers were totally misinterpreted and you have the correct numbers in front of you. You'll see that our population is now 23.7% minority and the largest minority group is Hispanic at 12.3%. The interesting thing about the Hispanic population is it tends to be very young, 0 to 4 cohort in the 20 to 34 cohorts, one out of six Suffolk County residents are Hispanic. So they are getting to be a large group. One the other end the population that's elderly you might have heard that it's going up really fast; well, the 65 and over population only went up 6%. Part of the reason for that is we are approaching the Baby Boom generation turning 60 next year. So the 60 to 64 group and the 55 to 59 group that went up 20% so you can see that we're on the verge of having an explosion in people 65 and over in this County.

You can see population by age group; there was something in another paper where they said the population 55 and over was now a majority that is false. It's not a majority there's a lot of us around or a lot getting to be that age, but at the present time only about 23% of our population is 55 and over and not a majority.

The next information that comes out on an annual basis now is called the American Community Survey. We have 2004 data from that; the 2004 American

Community Survey is going to replace the short -- long form from the census. So in 2010 there will not be a long form we will use the American Community Survey to get the same type of information. But it does provide annual numbers for a lot of things that we had to wait ten years for in the past. So we get information now on income on an annual basis. Right now they're using only large populations like over 250,000 so we get it for Brookhaven Town, Islip Town in Suffolk County. Next year they'll start doing it for places of 100,000 or more and we'll get better information each year as they increase the size of the sample. From the chart in your packet you'll see that Suffolk County ranked 13th out of the largest counties in income. And there was another page the last page here is a lot of numbers I just wanted to point out we ranked number 6th in the counties in terms of our reliance on fuel oil for heating, home heating a concern with a latest the fuel prices. And there's the last page is a chart by Peter Lambert which shows over time our dependency on fuel oil for home heating and you'll see at one time Suffolk County in 1970 three quarters of the homes were heated by fuel oil. And the most recent figure of course is 58% in 2004 so we are getting less dependent on fuel oil however among the counties in this country fuel oil prices are going to be of greatest concern to Suffolk County.

The other thing that was a problem was we had talked you've heard a lot about the brain drain how a lot of young people are leaving. A lot of those numbers were misinterpreted as well. What happened was in the American Community Survey it does not include group quarters like colleges, jails so if you compare American Community Survey numbers the census numbers it looks like there was a sharp decline in the 20 to 34 age cohort. In reality there was not a large decline and with the baby boom that has occurred a few years you will start seeing that age group going up fairly significantly because you have a larger age cohort moving into that group. Is there any questions?

MS. HOLMES:

When are we going to put out a press release correcting all these things? I think that would be very germane and I would move that it be done. I think that's very important; I think the correct data needs to be put out as a news release by the County Planning Commission having been in news work all my life I would strongly recommend that.

ACTING CHAIRMAN MARTIN:

Thank you, Linda. Let's start from the end. Bob.

MR. GOODALE:

Nothing.

ACTING CHAIRMAN MARTIN:

Charla.

MS. BOLTON:

I wanted to ask you, how much of the data that you presented today is available for villages and towns?

MR. FEDELEM:

The 2002 Economic Census they're certain segments of that that are available for all villages and towns and I put together spreadsheets. So if you want to look at a specific village or town I have those otherwise you can go to the internet site and pull that right off right now. Most of the other data's is only available at the County level and as I said the 2004 is only available for a couple of towns.

MS. BOLTON:

Thank you.

ACTING CHAIRMAN MARTIN:

Thank you, Roy for another splendid job.

MR. FEDELEM:

Thank you.

ACTING CHAIRMAN MARTIN:

We'll see you next year with new figures, is that what's its going to be?

MR. FEDELEM:

Sure.

ACTING CHAIRMAN MARTIN:

Okay, good. Thank you.

MR. ISLES:

Roy is available basically, that's a large part of what Roy's job is is to answer questions from municipalities, from school districts, anyone else seeking demographic information. So it is a key function of the department does and Roy and Peter handle that. Okay.

ACTING CHAIRMAN MARTIN:

Andy.

MR. ISLES:

We now have --

ACTING CHAIRMAN MARTIN:

We're up to Andy, right? No, the roundtable do you want to do that?

MR. ISLES:

Well, the next thing we have on the agenda is the Inter-Municipal Agreements and this is just a follow up item from the last meeting. So I would like to turn it over to Andy just to explain that and we do have something for you on that.

MR. FRELENG:

Thank you, Tom. Members of the Commission welcome new members. I just wanted to bring you all up to speed and recap for some of the regular members if you will. We received a request from the Town of Southampton not too long ago pursuant to General Municipal Law to review our referral criteria on certain matters that would come before the Planning Commission that the local levels entertain. They're looking to expedite some reviews on minor projects that they get. They would get an application lets say for an awning which would be a façade renovation which technically triggers site plan review. They would be required to send that to us. Technically, the Suffolk County Planning Commission has 45 days to review an application so when we get a referral we put it in the hopper and it goes through the process. Unfortunately, at the local level that holds them up; so the Town of Southampton was looking to try and expedite certain reviews that were very minor and would go through their minor review process. So the staff of the Planning Commission met with the town and we came up with a punch list of items which at the last Commission meeting the Commission adopted an Inter-Municipal Agreement with the Town of Southampton where certain items would only be referred if you will as a notification. And those items were a short list of the second page of this draft letter which we've provided to you. We provided to you a draft letter by the way with the Acting Chairman's signature and on the back of that letter is a table which refers to the certain types of actions we're talking about.

At the end of the last meeting the Commission instructed the staff that it might be a good idea to reach out to all ten towns and 31 ½ villages to see if they too would like to go into some sort of expedited review with the Planning Commission. So what the staff has done is we went back, we revised the table to include all groups of actions that we would consider to be minor actions that would only require a notification to the Commission and not the submission of a full blown application package. The localities are required to send to us the local application form, numerous copies of the map, any background material, SEQRA information and we do get a substantial package from them. In this instance though what we would be looking to do is to come up with an agreement with each one of the towns and villages where we could short list minor projects.

And just to recap real quick, site plans that might include a minor façade improvement or the replacement of windows or minor additions or renovations of 1500 sq. ft. or awnings or handicap walkways. Those are the types of site plan improvement that we would consider to be generically a minor application. With regard to zoning variances we would consider a minor application that change of the use of a permitted building -- of a building that has a permitted use to another

permitted use where there's no change in the parking requirement or any of the other types of requirements that relate to site plans. So if there's just a change of use and there's no change in the parking requirements or the site plan we would consider that a minor referral where the locality would only notify the Commission that they're entertaining such an application. And we would log it pursuant to our statistical requirements and the numbers that we keep, but we wouldn't have a full blown review of that, that would just be an automatic local determination.

So decreasing some setbacks, decreasing side and rear yards those types of things as long as they don't front on a County right-of-way or County or state property or something to that affect we would consider those to be minor applications. With regard to subdivisions we do get a handful of lot line modifications or adjustments to property lines and again those go into the hopper; it takes us awhile to get to them, process them and send them back a local determination letter. And we're looking to short list certain subdivisions where there are lot line modifications where they don't create flag lots, where they don't create landlocked parcels and where they're not creating a lot that all of a sudden has some sort of nonconformity. So briefly that is second page of this draft letter; the draft letter will go out with your approval to the towns and villages asking them to consider short listing certain projects for a generic or a omnibus local determination if you will.

So staff is presenting this letter and the table to you for your consideration. We understand that you haven't looked at it yet so you might want to look at it for the next meeting. Evidentially, we would like the Commission to authorize the staff to release the letter to the towns and villages and get the ball rolling to see if they would like to begin this minor review process. We have discussed whether or not this minor review process should be mandatory or whether it should be optional. Just so you know the Director mentioned that the Legislature is modifying some of the referral requirements and we believe that the site plan amendment to the Code while it was always there in General Municipal Law a lot of the towns and villages really weren't aware that they needed to refer site plans. So we anticipate to be getting a flood of site plan applications; we would like to kind of cut that back a little bit by having the minor review process in place. That's on behalf of the staff. The localities however may consider certain applications to be problematic an awning or a replacement of windows that could actually generate, you just never know, that could generate public opposition or some sort of issue at the local level where they feel they need to refer it to us. So we're not sure whether we should make this a mandatory expedited review process or if we should allow the towns and villages to opt in. The only thought that we have with regard to opting in is we would have possibly 42 different procedures with the towns and villages which is not the ultimate goal of what we're trying to do here we're trying to simplify the referral process.

MR. ISLES:

So maybe with that you do have the draft for the members of the Commission and we can ask them to take a look at that and give that consideration and we'll bring it up on the next meeting.

ACTING CHAIRMAN MARTIN:

Yes.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

I'm not going to have anything talk on it now we'll leave to the next meeting because on board member has to leave at 1:30 and I'd like to get on with the regular business because you only have eight votes.

MR. ISLES:

Okay, next you have Commissioner's Roundtable.

ACTING CHAIRMAN MARTIN:

Yeah. On the Commissioner's Roundtable its Laure, do you have anything?

MR. ISLES:

Bobby.

MS. NOLAN:

No, I have nothing.

MS. BOLTON:

Nothing.

ACTING CHAIRMAN MARTIN:

Lou.

MR. DIETZ:

Nothing.

MS. HOLMES:

Just an update on our affordable housing; it appears as if we are going to have a petition circulated for permissive referendum on our November ballot for this plan which disappoints some of us, but I under it's going to happen. The only other thing is a conversation I had with Mr. Isles about what I considered to be an error in the small version of the County map and we could talk about that when we get to it.

ACTING CHAIRMAN MARTIN:

Okay, Andy. Everybody satisfied we'll do everything at the next meeting. Andy.

MR. ISLES:

The official map we'll put that off to the next meeting as well. We have new members obviously on the Commission so we had circulated this after the last meeting. We have additional copies today for the new members and any comments and we can certainly talk about that later.

ACTING CHAIRMAN MARTIN:

There's no hurry on that?

MR. ISLES:

No, there's no hurry on that, no.

ACTING CHAIRMAN MARTIN:

Okay, good.

MR. ISLES:

So at this point we then go to zoning.

MR. FRELENG:

Okay, then the first regulatory matter before the Suffolk County Planning Commission comes to us from the Town of Babylon. This is the application of Joseph Trapani. Jurisdiction for the Suffolk County Planning Commission is that the subject property is adjacent to New York State Route 27 otherwise known as Sunrise Highway. The applicant is seeking a change of zone from E-Business to MR which is multifamily residential in order to construct eight multifamily residential units. The parcel is located on the northeast corner of Sunrise Highway, NYS Rte. 27 which is along the service road and Little East Neck Road in the hamlet of West Babylon.

An analysis of the character of the area indicates the subject parcel is located in the corridor of business zoning along the state right-of-way. The property is bound on the south, north and west by roadways, Sunrise Highway service road, Arthur Avenue and Little East Neck Road respectively. To the east the property abuts improved business zoned land; across Arthur Avenue to the north is improved residentially zoned land. So if you just want to look at the air photo a second you can see that the subject property is here surrounded by three roadways. I wanted to point out that Little East Neck Road is actually a bridge overpass, a grade separation so the property looks at the underside of the overpass. The applicant seeks a change of zone as mentioned from E-Business to multifamily residential in order to construct eight multifamily residential units.

It is the belief of the staff that the proposed change would constitute the unwarranted overintensification of the use of the premises. The applicant

proposes a change of zone on 17,351 sq. ft. or 0.4 acres of land from E-Business to MR in order to construct the eight multifamily residential apartment units. However, the minimum lot area in the MR zone is two acres as such the proposed change of zone would make the lot area shy of the minimum requirement by 80%. The 1998 Town of Babylon Comprehensive Plan recommends this site for Highway Commercial use. The proposed MR zone would be inconsistent with the pattern of zoning in the area and represents an unwarranted non-comprehensive alteration of the zoning pattern in the locale. Access to the subject parcel is proposed via Arthur Avenue a local town street however the subject property is a triple fronted lot. Ideally, lots with more than one frontage to a street should be afforded extra area or depth to buffer the intended uses on the lot from the cumulative adverse affects of multiple roads.

So looking at the site plan and recalling from the staff report we have an undersize lot; they're trying to put in two residential buildings consisting of a total of eight units. The problem is though is that their dimensional setbacks are not conforming to what they would be proposing to do. Issues related to the subject application then stem from the overintensification of the use of the land and issues related to good site planning.

The staff is recommending to the Commission disapproval for the following reasons. Number one, that it constitutes the unwarranted overintensification of the use of the premises and if you're following along in the staff report the paragraph which follows is the rationale from the staff report. The second disapproval reasons is that constitutes the unwarranted non-comprehensive alteration of zoning patterns in the local and the third reason being that the premises can be reasonably developed in accordance with the existing EB zoning district requirements. I should have mentioned if you can go back to the air photo a second that there is a small business use right here on the property it certainly could be expanded and there would be parking in the back for any use that would conform to the zoning. So that is the staff report.

MR. DIETZ:

I make a motion with staff.

ACTING CHAIRMAN MARTIN:

Second?

MS. HOLMES:

I second it.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So approved -- so disapproved. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)**

MR. FRELENG:

Thank you. The next matter before the Planning Commission is referred to us from the Town of Brookhaven. This is the application of Charles W. Southard, Jr. Jurisdiction for the Commission is that the subject property is adjacent to NYS Rte. 112. The applicant is seeking a change of zone from A-1 Residence to J-2 Neighborhood Business in order to construct 9650 sq. ft. of retail office use in a two-story building. The subject parcel is located on the east side of Patchogue/Pt. Jefferson Road otherwise known as NYS Rte. 112. To the west side of Middle Island Road approximately a 1,000 ft. of South Country Road in the hamlet of Medford.

An analysis of the character of the area indicates that the subject parcel is located in an area of mixed Neighborhood Business and Residential zoning. The property is bound on the east and west by roadways Middle Island Road and NYS Rte. 112 respectively. To the north the parcel abuts improved mixed use commercial/residential and vacant land. To the south the parcel abuts vacant business and residentially zoned land.

As mentioned the applicant seeks a change of zone from A-1 Residence to J-2 Neighborhood Business in order to construct 9650 sq. ft. of Retail/Office use in a two story building. The parcel would be in conformance with the requested zoning designation. The 1996 Town of Brookhaven Comprehensive Plan recommends this site for high density use. The proposed J-2 Neighborhood Business zone would be relatively consistent with the Plan and the pattern of zoning in the area. Access to the subject parcel is proposed via Rte. 112 however access to the site could be achieved via Middle Island Road. This road is predominately a residential road in this section and commercial traffic should not mingle with residential traffic if it can be helped. A covenant or restriction should be placed on the application to prohibit access to the subject site from Middle Island Road.

This site is also located in the Compatible Growth Area of the Central Pine Barrens as such no more than 65% of the subject property may be cleared of naturally occurring vegetation. Moreover, no more than 15% of the subject site may be placed in fertilizer dependent landscaping vegetation. As proposed and indicated on the submitted plan and the Environmental Assessment form the application calls for the removal of approximately 81% of natural vegetation on site and the re-vegetation of approximately 17,950 sq. ft. This is contrary to Suffolk County Planning Commission Guidelines with respect to the clearing for development in the Pine Barrens of Suffolk County. Moreover, should the applicant not be able to adjust the clearing vegetation down to 65% then referral to the Central Pine Barrens Joint Planning and Policy Commission would be warranted.

Issues related to the subject application stem from the Commission's policies regarding the development of land in Pine Barren regions of Suffolk County and issues related to good site planning.

Staff is recommending conditional approval with the following conditions that number one, no more than 65% of the subject site be cleared of naturally occurring vegetation. Number two, no more than 15% of the site may be placed in fertilizer dependent vegetation. The paragraph which follows is the rationale from the staff report. The third reason, the third condition of approval would be a restrictive covenant shall be placed on the subject property prohibiting access to the Retail/Commercial use from Middle Island Road.

And staff is recommending a comment which wasn't on the staff report that the town prepare a block study, if we could go back to the air photo a second, and plan for future coordinated access in the area. As you can see this area is relatively vacant. We do know that there is some activity going on up and down Rte. 112 and off of Middle Road -- Middle Island Road however we believe that the town should take a look at this area in total and do a block study and try to get these uses coordinated through some sort of alternate access so they wouldn't have to go on to NYS Rte. 112. Also just showing you this is Middle Island Road and this site does have access to Middle Island Road; we'd like them to preclude access from the back here to leave this open space undisturbed. Could you flip to the site plan a second, so that would be the site plan theoretically then they would have to modify this site plan to increase the open space reserve. That is the staff report.

ACTING CHAIRMAN MARTIN:

Okay. A motions in order.

MS. HOLMES:

I would move adoption of the staff report with the inclusion of that fourth point that you mentioned. I think that's very important.

MR. FRELENG:

Yes, thank you.

ACTING CHAIRMAN MARTIN:

Second. Bob.

MR. GOODALE:

I have a just a point of information. If they fine it very difficult to do this 65 and 15 and so the procedure would be for them to go to the Pine Barrens Commission?

MR. FRELENG:

Yes.

MR. GOODALE:

Would then they have to come back here or would that be sufficient if the Pine Barrens Commission gave them permission to vary from the regulations.

MR. FRELENG:

The applicant would be need to come back here --

MR. GOODALE:

Would not have to come back here.

MR. FRELENG:

And just as a point of information the towns are responsible for the referral of applications to the Suffolk County Planning Commission, but they would not be required to re-refer it.

MR. GOODALE:

Thank you.

ACTING CHAIRMAN MARTIN:

Is there anybody else? The motions in order.

MR. ISLES:

There's a motion by Commissioner --

ACTING CHAIRMAN MARTIN:

Linda.

MS. BOLTON:

I'll second that.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So approved. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)**

MR. FRELENG:

Thank you. The third regulatory matter before the Commission comes to us from the Inc. Village of Quogue. This is the application of Midhampton Associates LLC. Jurisdiction for the Commission is that the subject property is adjacent to the municipal boundary of the Town of Southampton. The applicant seeks a change of zone on approximately 4.3 acres of a larger 19.2 acre parcel from L-2 Industrial to Workforce Housing District in order to subdivide the parcel into 16 residential lots with eight parcels designated for workforce housing.

The subject parcel is located on the southeast corner of Old Country Road and Midhampton Avenue, both are village roads in the Inc. Village of Quogue.

An analysis of the character of the area indicates that the subject parcel is located in a strip of L-2 zoning. Do we have the zoning map; we don't have the zoning map do we? It's hard to see on the zoning map, but the strip of L-2 zoning runs along the road here. North and east are residentially zoned and improved areas. The subject property is bound on the east by the Town of Southampton and a residentially zoned and improved parcel containing a dwelling operated by the Independent Group Home Living Program. So the property is zoned L-2 all the way up to here and then we have a property right here which is residentially zoned and occupied and operated by the Independent Group Home Living Program Inc. To the south the subject site abuts the Long Island Railroad right-of-way and active tracks. The property fronts on Old Country Road to the north. To the west the subject zone change would border industrial uses remaining from the parent parcel. To the west of the parent lot are industrially zoned lots improved with industrial uses.

As indicated the applicants are seeking a change of zone on approximately 4.3 acres of land or a larger 19.2 acre parcel from L-2 to Workforce Housing District. They intend to subdivide the parcel into 16 residential lots with eight of those being designated for workforce housing. The remaining parent lot is proposed to be divided into seven industrial lots that comply with the existing zoning. The proposed use while compatible with the surrounding existing residential areas is adjacent to existing and proposed industrial park. The proposed use may be incongruous with the remaining nearby industrially zoned lands. Moreover, the subject property abuts the right-of-way of Long Island Railroad. The location of both the industrial land and the railroad makes requirements for buffering on the subject site of primary concern. Industrial uses by their nature are associated with truck traffic, noise, odor, etc. while the railroad is a noise and safety concern.

Staff believes a landscape earth berme along the railroad right-of-way and the western property line should be required in order to buffer proposed dwellings from the potential adverse effects of the industrial park and the railroad. The submitted site plan indicates the intention to subdivide the site into sixteen 10,000 sq. ft. lots. The design borders on an overintensification of the use of the property as is evidenced by a lot of buffering along the railroad and the dog leg bends in the access strips of the proposed flag lots seven and ten. You just take a look at the site plan a second and I can point that out. We have two bends in the access strip. As you know, dog leg bends in access strips to flag lots are contrary to Commission policy. And we also have another dog leg bend right here in addition, there is no buffering along the Long Island Railroad and any buffering proposed for this piece which would be adjacent to the industrially zoned land is recommended to be on the industrial piece and we don't know when that piece which is currently existing as an industrial use would be subdivided and developed.

The buffer proposed on the western end of the property as I just indicated is located on the parent parcel and not the subject site. This buffer should be

enlarged and included on the subject site as part of the vegetated berme in the opinion of the staff. Access to the subject parcel is proposed via new cul-de-sac extending south from Old Country Road. The access point to the subdivision is not aligned with Honeysuckle Lane which is across the street and is considered to be a potential problematic intersection.

The center lines of the two streets should either be separated by no less than 150 ft. which is Commission policy or be made to align with a signalized intersection. So we have Honeysuckle Lane which comes out over here; we have the subdivision street, these two should really be aligned so we have a cross intersection which could be signalized.

Okay, the subject premises are situated within Hydrogeologic Groundwater Management Zone IV. This zone is a 20,000 sq. ft. minimum lot size zone pursuant to the Suffolk County Sanitary Code Article 6. In order to approach --

MR. ISLES:

Andy, could you just get to the recommendation because a Commissioner has to leave.

MR. FRELENG:

Yes, okay. With the above staff report in mind then the staff is recommending approval with the following conditions that a landscape berme along the railroad right-of-way and the western property line be required; that a buffer be located along the property line. And that the centerlines of the proposed right-of-way and Honeysuckle Lane be separated by no less than 150 ft. or made to align with a signalized intersection. And staff is also recommending that a comment from the Commission to the Inc. Village of Quogue be included which indicates that the application to the Suffolk County Department of Health Services maybe warranted. And that referral to the Central Pine Barrens Joint Planning and Policy Commission would also be warranted. We're also indicating to the Village that the Commission should indicate that both subdivisions subsequent of the change should be referred to the Commission for review. That is the staff report.

ACTING CHAIRMAN MARTIN:

Thank you, Andy. A motion is in order.

MS. BOLTON:

I wanted to say; don't you think you should include a cluster recommendation?

MR. FRELENG:

Well, the problem is --

MS. BOLTON:

I mean, it seems like a site that would call out for that, you know.

MR. FRELENG:

The problem with the cluster is I don't know how much smaller we could make the lots. We did think about that; they're already 10,000 sq. ft. lots and a zone that would otherwise be 20,000 sq. ft. We understand that with the incorporation of these conditions of approval that they're going to lose a bunch of lots.

MS. BOLTON:

It looks like they're over yielded anyway.

MR. FRELENG:

They would be over yield pursuant to the zoning, yes.

MS. BOLTON:

But it just isn't a way to get people away from that railroad track and make it more amenable for, you know, living.

MR. FRELENG:

If it is the pleasure of the Commission we could put a comment in that they should also consider a clustering of the map.

MR. ISLES:

Maybe if they were attached units that would be one way of doing it.

MS. BOLTON:

That would be one way.

MR. ISLES:

Right. We could suggest that too.

ACTING CHAIRMAN MARTIN:

Anybody else? A motion is in order.

MR. DIETZ:

I make a motion.

MS. HOLMES:

Second.

ACTING CHAIRMAN MARTIN:

Second, Linda. All in favor signify by saying aye. Contrary minded. So approved. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)**

MR. FRELENG:

Thank you. We just have one more municipal zoning action that Chris is going to do.

MR. WREDE:

Good afternoon.

MR. ISLES:

Just do it promptly Chris.

MR. WREDE:

Sure. The next application is Riverdale Avenue Associates referred by the Town of Babylon. Our jurisdiction is that it's within 500 ft. of NYS Rte. 110. There's a minor change on the staff report. The original application had called for senior citizen multi-residence; it's just now plain multi-residence. The applicant seeks change of zone from E-Business to multi-residence and site plan approval with variances for the erection of a 13 unit multi-residence building.

The residence building is a two-story frame building for 13 1-bedroom rental units. The area of the property is 28,602 sq. ft. or .657 acres. The applicant is -- requires many variances, I'm not going to outline them. Issues related to the subject application stem from our policies regarding overintensification of land use and uses related to good site planning and land use.

We're recommending disapproval of the application because it just warranted the overintensification of the premises. The justification is as follows:

The premises does not comply with the minimum lot area for the multi-residence zoning district. The property is 67% deficit in lot size. Two acres are required .65 acres is proposed.

The maximum number of units in the MR zone is 10 units per the acre. The applicant is proposing 20. Numerous setback variances are needed reducing the minimum required setbacks on an already undersized lot may result in a deterioration of the residential amenities. The property can be reasonably developed in accordance with the existing E-Business zoning. And it is inconsistent with the Town of Babylon's proposed land use changes dated 1998 which recommends the property as neighborhood commercial. That the recommendations of staff.

ACTING CHAIRMAN MARTIN:

Thank you.

MS. NOLAN:

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

ACTING CHAIRMAN MARTIN:

Second.

MS. BOLTON:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So disapproved. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)**

MR. ISLES:

Thank you, Chris. And Ted on the same if you could just give us a condensed presentation.

MR. KLEIN:

(inaudible) Okay, the only subdivision application to be considered by the Commission today is map of Gregersen's Keep LLC sent to us by the Town of Southold. The Commission's jurisdiction for review is the shoreline of Gull Pond Inlet. The property is located on the southerly terminus of Gull Pond Land in the hamlet of Greenport. Very brief, the applicant is proposing to subdivide 81,913 sq. ft. of waterfront land into two lots ranging in size from 40, 913 sq. ft. to 41,000 sq. ft. It's located in an R-80 zoning category which permits single family development on minimum sizes of 80,000 sq. ft.

A little history on the lot it was merged then the applicant received lot area variances from the Town so now they're proposing, you know, two lots. Access to the proposed subdivision is intended to be an existing public right-of-way known as Gull Pond Lane. Okay. And also Lot 2 will only be accessible across a 15 ft. wide right-of-way as you can see from the map I just distributed. Since Lot 2 is only accessible via proposed easement over the land of Lot 1 it will not have frontage along existing public road. And, therefore, it is by Commission definition landlocked. Staff recommends disapproval for the reasons stated in the staff report. And also offers the following comments for the town board planning board's consideration and use. Comment one, it is believed that based on the timing of the referral of the Commission the granting of a lot area variance which you'll note in the staff report on page 2 second to last paragraph maybe procedurally defective. The second comment offered by the staff is it is recommended that the soil contents of the land be verified and correctly identified on any future map or survey of this property. That's the staff report, briefly.

ACTING CHAIRMAN MARTIN:

Thank you.

MS. BOLTON:

I'll move the staff report.

ACTING CHAIRMAN MARTIN:

Second.

MS. HOLMES:

I second it.

ACTING CHAIRMAN MARTIN:

Second, Linda. All in favor signify by saying aye. Contrary minded. So disapproved. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)** Thank you all. A motion is in order to adjourn.

MS. HOLMES:

So moved.

ACTING CHAIRMAN MARTIN:

There's a second at the far end. All in favor signify by saying aye. Contrary minded. So adjourned. **(Vote: 8-0-0-3 Absent: Caracciolo, Fiore, London)**

(*The meeting was adjourned at 1:35 P.M.*)

{ } Denotes Spelled Phonetically