

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 April 5, 2006 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

PRESENT:

John Caracciolo, Chairman (Huntington)
Mary Daum (At Large)
Adrienne Esposito (Village 5,000 & Over)
Donald Fiore (Islip)
Carrie Meek Gallagher (Smithtown)
Jesse Goodale, III (Riverhead)
Linda Holmes (Shelter Island)
Constantine Kontokosta (Village 5000 & Under)
Sarah Lansdale (At Large)
Edward Pruitt (Brookhaven)

ABSENT:

Charla Bolton (At Large)
Louis Dietz (Babylon)

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
Ted Klein - Suffolk County Planning Department
Roy Fedelem - Suffolk County Planning Department
Richard Raskin - Deer Park Properties
Richard Palker - Kings Park Jewish Center
Toby Everett - Kings Park Jewish Center

Minutes taken by:

Eileen Schmidt - Secretary

(THE MEETING WAS CALLED TO ORDER AT 12:05 P.M.)

CHAIRMAN CARACCIOLO:

The meeting of the Suffolk County Planning Commission is now in session. Carrie will you please lead us in the Pledge.

SALUTATION

CHAIRMAN CARACCIOLO:

Thank you. Before we begin what we'd like to do is we have some certificates of appreciation for some Planning Commission members that formerly served on the Commission that we would like to recognize and I think we have three here out of the five, right.

MR. ISLES:

Yes, we do.

CHAIRMAN CARACCIOLO:

So how would -- Tom, would you like to have them come up?

MR. ISLES:

Okay, yes.

CHAIRMAN CARACCIOLO:

Frank, Dick if you guys could come up.

MR. ISLES:

Members of the Commission we are privileged today to have with us several former members of the Commission. As you're beginning to learn those -----

Recorder problem

CHAIRMAN CARACCIOLO:

Some things just don't change. I have my AV card, do you need me out there?

MR. ISLES:

Is it working Eileen?

MS. SCHMIDT:

Not sure -- okay it's on.

MR. ISLES:

With us today is Frank Tantone, Dick London and Dick O'Dea. These are members who have served for many years on the Planning Commission. I had the pleasure of working with all three of them very closely as some of the new members have seen especially at our last meeting. The work of the Commission

is not always easy and there are times when it's challenging and there's times when it's controversial in terms of the cases that come before you. The three gentlemen before us right now and the others that have also left the Commission, but these three in particular today we're always, I found from a staff standpoint to be forth right, to be honest, to bring integrity, to bring professionalism and commitment and public service to this Commission. So I'm proud to be here today to then recognize these three gentlemen. They have certainly served the citizens of Suffolk County very well.

Let me just begin with Frank Tantone who is to my right. Frank actually took my spot on the Commission; I was a member of the Planning Commission for one term. Decided it was time for me to get off and Frank as chair of the planning board in the Town of Islip took over from that point. Frank is an attorney and was able to bring to the Commission his unique perceptive as being on the planning board of the Town of Islip plus his experience an wisdom in terms of legal issues and that interesting perceptive in terms of balancing the two. So there were many times when Frank would guide the Commission at certain, certain comments in terms of, I think they were very helpful in terms of the direction of the Commission and we appreciated him very much from a staff point. And he remains on the Islip Planning Board and certainly is an Islip resident. I think Islip is benefiting well from Frank's experience. So with that I'd like to on behalf of the Commission is to present a certificate of appreciation from the Suffolk County Planning Commission to Frank Tantone. Frank had taken over the position in 1997 and served through till September 28 of 2005. As explained here the Commission certainly benefited from his insight and expertise as indicated Frank being an attorney as well as a planning board member and on behalf of the Commission the Commission would like to extend this certificate to you and believe me it's deep felt and appreciate by the staff as well as the Commission. Thank you, Frank.

MR. TANTONE:

Thank you.

Applause

MR. ISLES:

Next we have Dick London was also a member of the Commission for going back to the 1990's and I guess it was 1994 that you came on to the Commission. Dick represents, represented Villages less than 5,000. He hails from the Village of the Branch in the Town of Smithtown. Dick was also a very active member of the Commission in terms of having interest throughout the County both in village and non-village matters. Dick also kept the Commission posted a range of issues dealing with your advocacy an vocation in terms of the horse breeding business in terms of issues of West Nile Virus and so forth and so we appreciate your time to the Commission. I also found Dick to be very helpful to work with; we worked a little bit on the aquarium project in Bay Shore. It's still coming along I hope, but

so on behalf of the Suffolk County Planning Commission the Commission would like to present to you today this certificate of appreciation and the wisdom that you brought to the Commission. We also note that Dick served on the planning board in the Village of the Branch and the zoning board as well as the fire marshal office. So Dick on behalf of the Suffolk County Planning Commission we present to you this certificate of appreciation. Thanks a lot.

MR. LONDON:

Thank you.

Applause

MR. ISLES:

And our third certificate today is to Dick O'Dea. Dick O'Dea as I mentioned at lunch time hails from the Town of Riverhead. Dick is the chairman of the planning board of the Town of Riverhead. He is what I think is note worthy and honor of distinction is a former New York City firefighter. So bringing to his life and to the service of this the citizens of Suffolk County an extensive past and present actual service to the public interest. Dick remains on the planning board in a town that is facing many challenges and has work very hard to promote good subdivision planning, preservation of farmland and the renovation of the downtown. I would also point out that Dick was chairman of the planning board as the town went through a comprehensive planning process that what I like to see what I'd like to know with Riverhead is it's easy to start a plan it's not easy to finish a plan and Riverhead did that. They went through this multi-year process of putting a plan together, getting it adopted, doing the SEQRA process and then implementing it in terms of doing code changes which is another follow-up step that's hard to do. And throughout that time Dick O'Dea as chairman of the planning board was there and was a key person to make that happen. Dick has served on the Planning Commission since 1996 and I would like to on behalf of the Commission present you with this certificate of appreciation and signed by the members of the Planning Commission and also on behalf of the staff to extend our appreciation for your service and your assistance to us as well. Thank you very much.

MR. O'DEA:

Thank you. I'd like to say a few words.

Applause

MR. ISLES:

Sure.

MR. O'DEA:

Thank you, Tom and I'm sure I speak for the other two people and maybe they would like to themselves, but I'd like to thank the staff who has been very

cooperative over my tenure on the Commission and the leadership of yourself Tom and Steve Jones who was it's really a class act. It's been good. Bobbie Goodale who took my place his family has been a rock solid family in the Town of Riverhead. Certainly, I'm honored to have a person like that succeed me. Thank you.

MR. ISLES:

Thank you.

MR. TANTONE:

Thank you.

MR. LONDON:

Thank you.

MR. ISLES:

Thank you very much.

Applause

CHAIRMAN CARACCILOLO:

The first item on the agenda is the minutes of the March 1st. meeting. Has everyone had the opportunity to review the minutes? Any correction, notations, comments?

MS. HOLMES:

Is this on?

CHAIRMAN CARACCILOLO:

Yes.

MS. SCHMIDT:

Yes.

MS. HOLMES:

Just a technicality, but when Lou Dietz nominated you, John, your appointment and my appointment, reappointment were pending so wasn't he, shouldn't he have nominated you as acting chairman pending reappointment? Is that, is that too much of a technicality or is that something that we should make note of?

CHAIRMAN CARACCILOLO:

I believe it was acting chairman pending the appointment.

MS. HOLMES:

Yeah.

CHAIRMAN CARACCILOLO:

Correct? And the minutes don't reflect that?

MS. HOLMES:

No they don't they keep that just say chairman, you know, but in his --

CHAIRMAN CARACCILOLO:

Oh, Chairman Caracciolo is a lot to spell so I think it was just abbreviated.

MS. HOLMES:

But as when as Lou made his nomination he did not refer to nominating you as acting chairman pending your reappointment and you and I were only reappointed yesterday. So what --

MR. ISLES:

Right. So with Mr. Caracciolo's appointment by the Legislature yesterday upon nomination by the County Executive his acting role would now be --

MS. HOLMES:

Right.

MR. ISLES:

A full time role.

MS. HOLMES:

Would be a full time job.

CHAIRMAN CARACCILOLO:

So I guess it's a moot point at that point. Put that in the moot column.

MS. HOLMES:

So it's just a notation.

CHAIRMAN CARACCILOLO:

Okay. Any other comments on the minutes? Could I have a motion to accept the minutes?

MS. HOLMES:

I moved to accept the minutes.

MS. DAUM:

Second.

CHAIRMAN CARACCILOLO:

All those in favor? Opposed? Abstentions? Motion carries. **(Vote: 10-0-0-2 Absent: Bolton, Dietz)** Next item on the agenda is the election of officers. We

have two office positions open, one is vice chair and one is secretary. Lou Dietz is the acting secretary. He is a holdover candidate on the Commission. Lou Dietz is not here today; he did call and said he wouldn't be present. It's my recommendation that we take no action on that; if the board wishes to nominate so be it, but Lou is not here and I would request that we take no action on secretary. We have an open position for vice chair and the floor is open for nominations of vice chair.

MS. GALLAGHER:

I'd like to nominate Sara Lansdale.

CHAIRMAN CARACCIOLO:

Do I have a second for Sara?

MR. PRUITT:

I second it.

MS. HOLMES:

I thought you were going to nominate me.

CHAIRMAN CARACCIOLO:

Well, Sara had requested that Carrie --

MS. HOLMES:

I'm sorry I think we discussed this last month in some detail.

CHAIRMAN CARACCIOLO:

It's the boards; it's the board's decision who they want to nominate.

MS. HOLMES:

Are there any other nominations?

CHAIRMAN CARACCIOLO:

We have a first and we have a second on Sara. Are there any other nominations on the board?

MR. GOODALE:

Yes, I'd like to nominate Linda Holmes.

MS. HOLMES:

Thank you.

CHAIRMAN CARACCIOLO:

Do we have a second on Linda Holmes?

MS. HOLMES:

We don't?

MR. FIORE:

Second.

CHAIRMAN CARACCIOLO:

Second on Linda Holmes. All right, it's for a vote. So we have Sara and Linda --

MS. HOLMES:

I would like to ask for a clarification; I think we discussed this at some length --

CHAIRMAN CARACCIOLO:

The board has discussed it; we have a first, we have a second on both and now it will be up for a vote.

MR. ISLES:

We'll take one at a time.

CHAIRMAN CARACCIOLO:

So we do one at a time. All those in favor of Sara.

MR. ISLES:

Six.

CHAIRMAN CARACCIOLO:

Linda.

MS. HOLMES:

Do I get to vote?

CHAIRMAN CARACCIOLO:

Yes.

MR. ISLES:

Three.

CHAIRMAN CARACCIOLO:

Any abstentions?

MS. HOLMES:

My goodness; John, you really surprised me.

CHAIRMAN CARACCIOLO:

I'm sorry Linda.

MS. HOLMES:

Sara requested to be nominated and you --

CHAIRMAN CARACCIOLO:

Sara is --

MS. HOLMES:

-- and you didn't discuss it with me?

CHAIRMAN CARACCIOLO:

Linda this is a conversation that shouldn't be on the record.

MS. HOLMES:

But it is on the record.

MR. ISLES:

Neither motion carries.

CHAIRMAN CARACCIOLO:

Neither motion carries?

MR. ISLES:

I think there were six votes for --

MR. FIORE:

That's correct.

MR. ISLES:

Could we have a show of hands on the first motion which was Ms. Lansdale?

MS. GALLAGHER:

Oh, because it has to be a quorum?

MR. ISLES:

One, two, three, four, five, six --

MS. DAUM:

And Sara are you voting?

MS. LANSDALE:

Oh, can I vote?

CHAIRMAN CARACCIOLO:

Yes, you can.

MR. ISLES:

Seven.

MS. HOLMES:

Well, that seems to be pretty interesting.

CHAIRMAN CARACCIOLO:

Seven is not enough. So nothing carries. So how do we handle that?

MR. ISLES:

It remains vacant.

CHAIRMAN CARACCIOLO:

It remains a vacant position. So moving right along --

MS. HOLMES:

That is a real surprise.

CHAIRMAN CARACCIOLO:

-- to the public portion. We have three people that requested to speak. Richard Raskin. Mr. Raskin. Did I say the last name right, sir?

MR. RASKIN:

I planned on speaking after the staff made their presentation.

CHAIRMAN CARACCIOLO:

No, sir. The public portion is prior to that.

MS. SCHMIDT:

You have to use a microphone.

MR. ISLES:

Could you go to the podium, please?

MR. RASKIN:

Richard Raskin, Deer Run Properties regarding an application under Deer Run Properties to rezone a piece of property in Kings Park from R-43, I think it is to R-6. This is a piece of property it's presently owned by the Kings Park Jewish Center. We want to break off about 3 1/2 acres and change it to R-6 so that it can be developed for townhouse condominium projects approximately 19 units and this is presently vacant land. The Temple doesn't need it; the Temple needs some income to go forward with some of their ideas. The property has not been developed for one acre zone residential probably because it's surrounded by the Long Island Rail Road, a parks facility and maintenance facility of Smithtown and Smithtown Water District.

It's within a quarter mile of shopping, the library, the Long Island Rail Road, restaurants and so on. So we think it's an ideal place for a community with a little bit of density. So that we're talking about 19 units; 20 - 21% of which are four units will be workforce housing units and, you know, I just brought a map to orient you in terms of where this is the property and as I say a quarter of a mile to all of the facilities. One of the things the Suffolk County Planning Department did some years ago was a study on the affect of projects such as this when they're in close proximity to a railroad station and it does cut down traffic. It's a helpful thing to have and to me it's a smart growth kind of concept. I thank you for your attention; if there are any questions I'd be glad to address them.

CHAIRMAN CARACCIOLO:

Thank you, Mr. Raskin. I appreciate your time today. Second speaker, Mr. Richard Parker.

MR. PALKER:

Good afternoon.

CHAIRMAN CARACCIOLO:

Good afternoon.

MR. PALKER:

My name is Richard Palker P-a-l-k-e-r and I reside 6 Midvale Drive, Kings Park, New York. I'm a vice president of the Kings Park Jewish Center and have been active in the Kings Park community as well as the Jewish Center for over 25 years and obviously, I'm here to speak in favor of the project. But I'm not just here with self interest and I just want to make sure you're aware of that.

The Kings Park Jewish Center is one of the oldest continuous congregations in Suffolk County. We celebrated a year ago our 100th anniversary. With the sale of this unused and undeveloped property the Kings Park Jewish Center will have the financial stability for the foreseeable future. The property although zoned R-42 is alone and in an industrial area. As Mr. Raskin said, the adjacent properties are the railroad tracks to the north, the highway department to the east, the water district to the west and the undeveloped psychiatric property to the north west of the post office.

Being a religious and charitable organization we have always been and continue to be very civic minded and therefore, while we have a self interest in selling this piece of property we are also interested in what's best for Kings Park, Smithtown and Suffolk County. For the following reasons we believe that this development meets the civic minded criteria that I've outlined. Kings Park, Smithtown and Suffolk County needs modestly priced housing for young couples and for empty nesters. The Kings Park community needs the extra dollars that putting this property back on the tax rolls will generate. The development will be tax positive to the school district because of the number of bedrooms very few school

children are being -- are expected. All the projections show that only about three children will be generated from this. A portion of the development will be reserved for modestly priced new generation housing which is sorely needed in Suffolk County. We ask that the Suffolk County Planning Board rule favorably on this proposal. Thank you.

CHAIRMAN CARACCIOLO:

Thank you, sir. I appreciate your time. Third speaker is Toby Everett.

MS. EVERETT:

Good afternoon.

CHAIRMAN CARACCIOLO:

Just pull that mike down for you. Thanks.

MS. EVERETT:

Okay, for the little people. Good afternoon. My name is Toby Everett; I resided at 20 Twin Oaks Drive in Kings Park. I am the co-president of the Kings Park Jewish Center; I have lived in Kings Park for 34 years and have been a member of the Kings Park Jewish Center for 34 years. I would pers -- I personally would like the board to recommend and support this request for a change of zone. The 120 families of the Kings Park Jewish Center is in full agreement to support the application to rezone the land behind and next to the Kings Park Jewish Center. At this point the land is an illiquid asset and would again -- once again put this land back on the tax roles.

As we all know, as a result of high taxes and soaring home prices about 70% of Long Island residents age 18-34 years will likely to leave it and seek more modestly priced homes and apartments. The Pines of Kings Park will be designed for younger couples and empty nesters looking to downsize, but to remain on Long Island. Hence the development would not have a heavy impact on the school district because of the limited size of the development and the size of the units and would generate tax revenue.

The Kings Park Jewish Center is a small congregation and the sale would allow us to maintain and improve our existing structure. The Kings Park Jewish Center has been involved as Richard said in the community for over 100 years and we see this development as positive for the Jewish Center and the Kings Park community as well. I hope you will consider our application in a most positive manner and will endorse and approve the requested change of zone for which we will be extremely grateful. Thank you.

CHAIRMAN CARACCIOLO:

Thank you and I appreciate you're coming down; it's great to see people so passionate about the properties on the Island. Thank you. Next on the agenda is the Director's Report.

MR. ISLES:

Thank you Mr. Chairman. In terms of correspondence I would like to bring to the attention of the board that the Chairman has signed a letter to the supervisor of the Town of Shelter Island which we will forward to the supervisor immediately. This is based on Commissioner Holmes' request at the last meeting to reach out to Shelter Island with the idea of generating and developing an Inter-Municipal Agreement similar to what the board did with Southampton a few months ago. We will keep you posted on our conversations with Shelter Island on that matter.

I would like to thank the board and the board members who were able to attend the orientation session today. The staff appreciated the opportunity to meet the board members as the larger staff contingent and also to share information regarding our projects and planning efforts on behalf of Suffolk County. As the Chairman has indicated perhaps this is something that could be done on a more regular basis and we certainly would welcome that opportunity. Let me also point out that the and we mentioned this briefly already is that the Legislature has acted on two reappointments to the Commission and I offer congratulations to Mr. Caracciolo as well as to Commission Holmes. They were approved yesterday at the Legislature. At this point in time we have three vacancies on the Commission consisting of Southold, Southampton and East Hampton. My understanding from the County Executive is that nominations for those positions will be filed shortly.

I'd also like to note to the Commission as I had indicated some correspondence to you last month that Commissioner Gallagher will be leaving the Commission in the near future by the end of this month. And will be taking a position in the County Planning Department as the Deputy Director which I am very pleased about and welcome her to the Department and obviously, the County Executive will then have to put forward a nomination for the Smithtown position.

A few other items to bring to your attention we have included in your package today a copy of a bill that is pending in the Legislature that is identified as Introductory Resolution 1354. This bill is -- would affect the Planning Commission in two ways. The bill seeks to amend the County Administrative Code and by number one, requiring that in the case of applications that come in within 500 ft. of a municipal boundary the Commission must notify the adjacent municipality. We do that anyway and we would certainly be pleased to continue to do that; so we don't see a particular impact of that change proposed by the Legislature at this time. And certainly in the spirit of cooperation with municipalities, you know, we're happy to do that.

The second item is a little bit more far reaching Item B on Section 14-15 and what this would do is to require that, here again, any application within 500 ft. of the municipal boundary that for all projects greater than 25,000 sq. ft. the Commission must notify the applicant who must then notify all residents and property owners within a 1000 ft. of the subject parcel. The notification must

include the date, time and location of the Planning Commission meeting; if it's a matter that's obviously of jurisdiction at the County Planning Commission and not a local determination. The intent as I understand it from the sponsors of the resolution is to encourage more public participation in the County Planning Commission process and to by providing more extensive notice. The Department has reviewed this and we certainly don't disagree with the intent; we have some issues with the potential conflict with town planning boards in terms of their role and not confusing the two in terms of residents getting notice of a County Planning Commission meeting; understanding that it doesn't substitute for and certainly doesn't take the place of a local planning board meeting that the County Planning Commission as we talked about in the orientation session has a certain jurisdiction. And we wouldn't want the public to be thinking one is taking the place of the other notwithstanding that there are some practical issues that we would have to deal with in terms of notifying residents and property owners such as not having a data base of that information, residents and businesses pardon me.

So there are some technical issues we'd just like to go over in terms of the practicality of this that we have begun discussions with the lead sponsor on this one. So at this time, as I said, this is a pending, this is a bill that's pending. It was a subject of a public hearing yesterday at the Legislature; it will then go back to committee in May and then will be eligible for a vote by the Legislature in May. So I will keep you posted at the next meeting in terms of how that's going and certainly if the Commissioners have any comments on this that they'd like me to convey to the sponsor or any issues please let me know.

I mentioned at the orientation session briefly about the official map and this is something that has been ongoing and the County Planning Department was required by legislative mandate to complete the official map of the County. It was a rather significant effort and it was completed last year; it is now in -- is pending before the Legislature where the Legislature must conduct public hearings and must consider the adoption of the official map. Just so you know, you will be getting a letter from the Clerk of the Legislature probably within the next week or so each individual member of the Commission and you'll be getting a copy of the map. State law as well as County law requires that a number of entities be notified of the official map and given an opportunity to comment; you are one of those entities except for the Suffolk County Planning Commission. The state government, federal government is notified; the Commissioner of Public Works is notified. Every municipality in the County is notified so just so you know what's coming at you. You will be getting the official map next week; obviously, if you have any comments please pass them along. Ultimately, the Commission is going to have to take an action by virtue of a resolution either adopting, recommending adoption or recommending disapproval or approval with modification. The Legislature must act by the end of this year so there is some time and there will be public hearings, but just to give you a heads up that it is on its way.

Two business items, the Long Island Regional Planning Board and I tried to keep you posted on what they're doing. They're having their next meeting on next Tuesday, April 11th. The Regional Planning Board has gone through a number of changes in terms of the membership of the board. County Executive Suozzi has nominated and the Legislature has approved three new members from Nassau; County Executive Levy has nominated three new members in Suffolk. They are Mr. James LaRocca, Ms. Theresa Sanders and Mr. Paul Tonna. Those three members were approved by the Legislature yesterday; so there are six voting members of the Regional Planning Board. The County Executive in Suffolk has expressed his intention to revitalize the board with new membership. The former members' terms have actually expired back in 1997 so it was kind of an uncertain position to be in and both County Executives will be present next week at the meeting to provide a change to the Regional Board and make it more active. My point with that too is that the County Executive has spoken to me about the County Planning Commission working with the Regional Board that there be relationships, that there be a sharing of information, that they're not existing in separate universes. So once again, I will keep you posted of those meetings; they are public meetings and certainly as the Regional Board comes together and starts functioning where this Commission may want to share information, interact and coordinate better certainly we can make that opportunity available.

MS. ESPOSITO:

What date did you say was that meeting next week?

MR. ISLES:

It's April 11th at noon in the Dennison Building on the 12th floor. Just another note, the Suffolk County Planning Federation, APA the May 10th - 11th event. We do what's called the Suffolk County Planning Federation which is a training entity operated out of the County Planning Department. In addition, Andy Freleng actually heads up the local chapter of the American Planning Association. We run an annual event for the Federation actually pulls into close to 200 participants with the idea of providing training opportunities for local planning and zoning board members, members of the general public and so forth. We did -- were contacted by a couple of east end communities, Sag Harbor to be one for example, the Town of Southampton asking if we could provide training to the east end boards. So we are doing that; so we have scheduled an event for May 10th in the Town of Riverhead. I think it's at the Senior Citizens Center is where we have right now a pretty good location apparently. So that will be approximately 4:30 in the evening I think it is. We're going to be sending out notices within the next week or so and it's going to be free training for anyone who wants to attend, but it's geared toward municipal board members, but certainly anyone is invited and certainly any member of the County Planning Commission would be welcome. We will see to it that you are given copies of that notice as well.

And just a final point members of the Commission is we have today Roy Fedelem here and Roy wears a couple of hats, but one of the hats he's here on today is to provide you with just a very brief description of the agricultural district program specifically for the purpose of requesting your consideration of a resolution regarding the open enrollment period and Roy will explain that a little bit further, but we know you've had a full day today leading up to now. The draft resolutions included in your package it's identified as resolution number three and I'll turn it over at this point to Roy just to give a brief explanation of what the resolution accomplishes.

MR. FEDELEM:

Hi, I'm Roy Fedelem. A couple of years ago the New York State Ag and Markets Law was amended and in that amendment they made it possible for farms to join the agricultural district on an annual basis. Normally, an agricultural district runs for eight years and then after eight years you review it and then you can renew it and you can join the district at that time or you can get out at that time. What this new legislation does is the Legislature recently passed a resolution designating March of this year as the 30 day open enrollment period where you can join any agricultural district. We had that 30 day review period; the Farmland Protection Board met last night and they approved the list of parcels that you see before you. The criteria used is in the Ag and Markets law the land has to be viable agricultural farmland and there are a number of parcels that were not viable. One was an abandon farm; it hasn't been farmed in 50 years. There were other ones that were houses that wanted to get into the Ag district and those were not allowed. The list you see before you have all been determined as viable agricultural land and the Farmland Protection Board wants to put them in the agricultural district. So if you have some questions about that I'd be willing to answer them.

MR. GOODALE:

I presume that this is with the consent of the owners; this is the way it works?

MR. FEDELEM:

Yes.

MR. GOODALE:

Thank you.

MR. FEDELEM:

The owners would submit them; in some cases where the County owns the development rights the County has a vested interest in the property and they can put that farm in as well.

MR. GOODALE:

Thank you.

CHAIRMAN CARACCIOLO:

Do we need to make a motion on that?

MR. ISLES:

We would requests a motion for the Planning Commission to consider recommending these parcels to be included. Ultimately, this is subject to review by the Legislature and adoption by the Legislature.

CHAIRMAN CARACCIOLO:

Okay. Do I have a motion?

MS. HOLMES:

I would like to move to adopt this.

CHAIRMAN CARACCIOLO:

Commission Holmes. Second?

MS. DAUM:

Second.

CHAIRMAN CARACCIOLO:

All those in favor? Opposed? Abstentions? Motion carried. **(Vote: 10-0-0-2
Absent: Bolton, Dietz)**

MS. HOLMES:

Just one little note please before you leave the Director's Report.

MR. ISLES:

Yes.

MS. HOLMES:

When you're writing a littler to Supervisor Kilb, he's Supervisor Alfred Kilb, Jr. and he wants to be known that way cause his father is still living, but critically ill. Thank you.

MR. ISLES:

Thank you very much for passing that along. Thank you.

MS. HOLMES:

Thank you. Are the towns going to get copies of the map also in the near future the official map?

MR. ISLES:

Yes.

MS. HOLMES:

Yes.

MR. ISLES:

The towns and all villages will get copies of it.

MS. HOLMES:

Thank you.

CHAIRMAN CARACCIOLO:

Is that it for the Director's Report?

MR. ISLES:

Yes.

CHAIRMAN CARACCIOLO:

Okay, we'll go the Commissioner's Roundtable. Commissioner Goodale could you start us off please, sir?

MR. GOODALE:

All right it's going to be interesting to see what happens the major issues before the town over the next year we're going to be downtown. We have two major initiatives going on at the same time covering much of the same property. One being making downtown an historic district. Secondly, a proposal by a major developer to redevelop major portions of downtown. Both at present have been received favorably by the town board; I believe my predecessor in his present role and others are going to have a very interesting time if these bills move ahead in how to meld these two things together. It's going to be a major project particularly for a town like Riverhead. We hope for the best, but it's going to be I think there's going to be a lot of interesting stuff that comes out of this if these both of these proposals move forward. That's it.

CHAIRMAN CARACCIOLO:

You're going to be on the hot sit Commissioner; we all going to be anxious to hear what you have to say at every meeting. Sara?

MS. LANSDALE:

Nothing to report.

CHAIRMAN CARACCIOLO:

Okay.

MS. GALLAGHER:

Yes. I have two pieces of information that we're very excited about in the Town of Smithtown. One is that these in these current state budget proposed budget for this year \$25 million in clean up for Kings Park Psychiatric Center has been

allocated. So we're all very excited about that and it should be moving forward. And the other piece smaller, but that the library district the Smithtown Library District has accepted to take the Nesconset Armory site as it is from the Town of Smithtown to proceed with building a viable branch there. So at least it means that there'll be movement on cleaning up that site as well.

CHAIRMAN CARACCIOLO:

Great and I want to congratulate you on your new position. This is your last meeting with us.

MS. GALLAGHER:

Yes, thank you.

CHAIRMAN CARACCIOLO:

Congratulation.

MS. GALLAGHER:

Well, the last meeting --

CHAIRMAN CARACCIOLO:

You don't get a proclamation.

MS. GALLAGHER:

No. Last meeting a Commissioner you will be seeing me.

CHAIRMAN CARACCIOLO:

That's correct that's why you don't get a proclamation. Commissioner?

MR. FIORE:

Nothing to report on the -- for Islip except for the problems that they're having right now and I'm sure they'll be resolved at some point.

CHAIRMAN CARACCIOLO:

I think he's taking the fifth on those. In Huntington we did hire a new planning director he starts in May and I have contacted him and will be sitting down with him shortly and I will report back to everyone.

MS. HOLMES:

What is he's name?

CHAIRMAN CARACCIOLO:

He's from Brookhaven Tony {Alusio}.

MR. ISLES:

You also have a new Deputy Director Bob Riekert who was in the County Planning Department doing subdivision review up until eight years ago.

CHAIRMAN CARACCIOLO:

We have a new Parks Commissioner as well.

MR. ISLES:

Okay.

CHAIRMAN CARACCIOLO:

Commissioner Holmes.

MS. HOLMES:

Shelter Island is still trying to move very rapidly for affordable housing and trying to consider a good many options in a way to help everybody feel incentive to create affordable housing rather than have somebody build a bunch of units. It seems more practical to fine ways through zoning and other incentives to allow people to convert space within their own homes or space above stores or cottages that could be brought up to code to be year round. They're really trying to work very rapidly to create affordable housing opportunities and that is the biggest item on Shelter Island. Thank you.

CHAIRMAN CARACCIOLO:

Mary?

MS. DAUM:

Just two things, first I would like to reverse the thanks and thank the Planning Department for their excellent presentation this morning; it was very informative and I hope we do get to hear things like that some more. It was very good. The only other thing is just a kind of a point of interest I guess that last week, I believe it was in the Town of Brookhaven an application was filed for a planned development district which will undoubtedly be before this Commission sooner or later. And it kind of looks may pit sort of a smart growth versus agricultural preservation kind of thing. It's going to be a very interesting project; the developers, the perceptive developers are looking to put in a combination of retail and mixed residential and what's now the remains of a sod farm and a golf course existing golf course. So it should be interesting.

CHAIRMAN CARACCIOLO:

Thank you. Commissioner Pruitt?

MS. PRUITT:

Now just a couple of things from Brookhaven that I'm watching and one of the things related to the outlet in Bellport. There's a restrictive covenant I think it's on the south end of that particular property which doesn't allow retail it only allows outlet stores. And I understand right now the point that there's probably only three stores operating on the south end and that if the town board doesn't act in changing the zone, the use in that particular facility it's going to go dark and I'm

really concerned about that blight in that particular area. So I'm really watching that to see what takes place because it doesn't make sense from my standpoint to have a restriction on the south side and not on the north side. It just doesn't make any sense. The second thing was an issue I think there a piece of property in Manorville in the Manorville Farm Protection area that the town is looking to seize on the eminent domain and you know I don't support seizing property, private property. I think the bar should be extremely high when you have to do that; having said that I think the town is acting in the best interest of the public in this particular case in trying to protect that farm area.

CHAIRMAN CARACCIOLO:

Thank you Commissioner. Could you keep us informed on those two projects?

MR. PRUITT:

Sure.

CHAIRMAN CARACCIOLO:

Thank you. Commissioner?

MS. ESPOSITO:

Nothing to report.

CHAIRMAN CARACCIOLO:

Commissioner?

MR. KONTOKOSTA:

Nothing at this time. Thank you.

CHAIRMAN CARACCIOLO:

Counsel? You just keep quiet there.

LAUGHING

MR. ISLES:

Stay out of trouble.

CHAIRMAN CARACCIOLO:

Stay out of trouble. Now next on the agenda a very exciting subdivision fee analysis report. Ted.

MR. ISLES:

Okay. My introduction to Ted, I had asked Ted to strike this report a few months ago and he's going to give us a brief presentation on it today. We do have it in your package, but what we wanted to do is to just go across the municipalities in the County and what Ted has done here is look at the towns. He also has further information on the villages were going to fold into this, but just to get a

comparison on what is the cost of the subdivision review and approval across the board and how do they compare. So Ted I'd like to turn over to you and just give highlights of your report please.

MR. KLEIN:

Okay, I'll be brief.

MR. ISLES:

Thanks.

MR. KLEIN:

Like Tom said we recently gathered information that relates to the subdivision fees that the ten towns charge. The information we gathered reflects what applicant would be charged for standard five lots subdivision. Staff used a five lot subdivision because it's considered major subdivision as well it could conceivably occur in all the ten towns. We utilized the information that was provided for us and we calculated the approximate total fees the applicant would be charged for a five lot subdivision the he would incur to get a subdivision approved through, you know, through the final approval phase of a local planning board.

Though the municipalities differ in what they charge fees for there is generally three basic phases for a subdivision referral. One would be the Sketch Plan, Preliminary Map and Final Map. And within those three phases there is some general, you know, they vary slightly in what they charge a fee for depending on the municipality, but typically it would be like a processing fee, a filing fee, a per lot fee, an environmental review fees and a few other known fees. The largest fee associated with typical subdivision would be a park and recreation fee. All towns require some predetermine portion of the land to be preserved for parks, playground or other recreational purposes and/or when a suitable amount of land cannot be located on the site, the planning board would require a fee be paid in lieu of that land. Typically, with a five lot subdivision you don't have a lot of parkland so the money in lieu of the parkland would be very typical scenario.

So the following information is a summary of the collected subdivision fee data. Chris could you show that data please?

MS. HOLMES:

You can't read it.

MR. KLEIN:

Okay. You have your packets so you can see the data that I'm presenting here and as you can see they vary drastically.

MS. HOLMES:

They really do; what a surprise.

MR. KLEIN:

During the research the fee that did stand out amongst the towns was the park and recreation fee. Some towns charge a flat fee while other towns will charge a percentage of the appraised value of the lot which is created. Babylon, Brookhaven, Islip and Smithtown Towns charge a flat fee. Just briefly, like Park/Rec. fee in the Town of Brookhaven and Islip is about a hundred bucks, \$500 excuse me and \$3,000 per lot in the Town of Smithtown. Babylon charges \$1,000 per lot that's a park fee.

Riverhead also charges a flat fee of \$3,000, but they require a sketch plan that would show some land that they would be dedicated to the town. The Town of Southold charges \$7,000 that's a flat fee, but also requires mandatory cluster to preserve 60% of the open space. Town of East Hampton, in fact, doesn't charge a Park and/or Recreation fee for a subdivision; however, they do have mandatory clustering that could require the applicant to preserve up to 70% of the parcel which is pretty significant and that usually applies to agricultural protection zone.

There are other towns that their Park fees are based on a percentage of the appraised value. The Town of Southampton for example charges 5% for Park fee and as a conservative estimate if you have a \$500,000 building lot they would require \$25,000 per lot. So for a five lot subdivision that Park fee would be \$125,000 that would go to the town. In the Town of Huntington it's similar, but slightly different; they charge 10% for an appraised value. So a \$30,000 excuse me, a \$300,000 building lot they're required to pay \$30,000 a lot for a five lot subdivision that would be \$150,000 as a fee in lieu of land.

Shelter Island I didn't calculate their Park fees cause typically in almost every case they get the land --

MS. HOLMES:

Yes, 10%.

MR. KLEIN:

Yes, but -- they charge, they required 10%, but typically they will get the land as a park or a nature conservation area. Okay, so you might look at this and see how, you know the drastic differences between the towns. It looks like the Town of East Hampton would charge the least because they don't require a Park fee, but, you know, it's not as clear cut as that. The Town of East Hampton if -- because they're interested so much in preserving their rural character of the neighborhood and they require 70% of a conservation easement a five lot subdivision in the Town of East Hampton might require 20 acres of land to yield out five acres. Where in the Town of Huntington that same five lots would only require six acres to develop. So there is some, you know, some subtle differences there.

To a municipality that has jurisdiction for approving a subdivision, subdivision fees are a way of off-setting the costs that are incurred to review the proposal. It's also considered a common way to generate revenue to pay for community assets like parks. Subdivision fees to a developer are considered a cost of doing business. The cost can -- the cost that would run would assume would pass on to the final home purchaser. As you can see these costs vary very widely amongst the town. That's a brief synopsis of the report I did and for -- thank you for listening and if you have any questions I'd be happy to answer them. Thank you.

CHAIRMAN CARACCIOLO:

Thanks Ted. Any questions? That's dollars not bucks. Now on to our business Section A-14-14 to 23 of the Suffolk County Administrative Code. Andy are you going to start us off with Deer Run Properties?

MR. FRELENG:

Yes I am, Mr. Chairman. Thank you. Good afternoon members of the board; Mr. Chairman the first matter for the regulatory review portion of the Suffolk County Planning Commission agenda is the matter of Deer Run Properties Inc. This application is referred to us from the Town of Smithtown; the jurisdiction for the Suffolk County Planning Commission is that the subject matter is adjacent to New York State Rte. 25A otherwise known as Main Street.

The applicants are seeking Town Board Change of Zone approval from R-43 residential to R-6 residential in order to construct 19 townhouse units. The propose use also requires several Area Variances. The subject parcel is located on the south side of Main Street which is Rte. 25A as stated; approximately 1300 ft. east of Indian Head Road. The subject property is situated in the hamlet of Kings Park. As soon as Chris comes back we can put up the aerial and the site plan.

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 residential zoning. You can see that on the zoning map Chris if you will. Okay. So the subject property is in a corridor of residential zoning which would be R-3; you can see the subject property is here and R-3 is in green which extends beyond the property to the west to the central business district of the hamlet of Kings Park. The subject property is bound by the Town of Smithtown Parks and Recreation maintenance yard to the east. From the air photo you can see that; to the west the property abuts the Smithtown Water District offices. The subject property is bound by the Long Island Railroad right-of-way to the south and abutting to the north is located the Kings Park Jewish Center. Across Rte. 25A is located lands of the former Kings Park State Hospital. So I really don't have to point out that these are the two institutional issues if you will; this is the Kings Park Hospital and the Long Island Railroad right-of-way runs along the southern end of the property like this. This is the water district property, this is the Public Works -- the Parks Department door.

Okay. The applicants as stated seek Town Board Change of Zone approval from R-43 residential to R-6 residential in order to erect 19 townhouse units on approximately four acres which is in a flag lot configuration. The preliminary concept plans for the erection of three two story building, one point of vehicular access to Rte. 25A, 82 parking spaces 17 of which are in garages 28 are land banked. A sewage treatment plant along the railroad right-of-way is also proposed. In conjunction with the Change of Zone application the petitioners will seek a variance to diminish lot area from a minimum of five acres in accordance the R-6 zone to 3.63 acres.

The subject premises comprises a portion of a subdivided parcel encompassing approximately five acres of which the northerly one acre parcel along Rte. 25A remains occupied by the Kings Park Jewish Center. Parking area currently existing, I'm sorry; parking area currently extending on to the subject property is to be relocated west of the center. We'll just take a look at that for a second; from the air photo you can see that the parking overflows if you will to the -- it's hard to see, but it does overflow in to the back end of the lot and the lots being split right about there. And so this parking her is going to be resituated to the west of the Temple. Access to the main portion of the lot is to be via coordinated vehicular access with the Kings Park Jewish Center by a shared right-of-way through Rte. 25A. You can see that on the site plan.

A similar application on this site was received and reviewed by the Suffolk County Planning Commission in October of 2004. The proposal was for 18 townhouse units; the proposal was disapproved by the Suffolk County Planning Commission at that time for the following reasons. They are bulleted here in the staff report; there are five of them. The first one being that the premises did not comply with the lot area the road frontage requirement of the R-6 zone; that it appeared incongruous with the municipal facilities on adjoining lands east and west. That it would establish a precedent for further such zoning reclassifications for the R-6 -- for R-6 purposes and that would not be in compliance with the zoning ordinance requirements. The premises in the opinion of the Commission at the time could have been reasonably developed for alternate community facility or institutional uses in the R-43 district and that the subject application prematurely established an alternate land use pattern prior to the completion of the Town of Smithtown Comprehensive Update, Comprehensive Plan Update. The current referral before the Commission is a revision to the concept plan as a result of the petitioner's discussions with the town planning staff and the staff to the Suffolk County Planning Commission.

The petitioner's now proposing a "new generation" housing component which is integral to the consideration of the change of zone request. The proposes to reserve 21% of the units for modestly priced new generation housing. The new generation housing is to be one-bedroom units interspersed throughout the proposed development limited to young singles and couples without children and

fully integrated in terms of architecture and design. The balance of the unit yield would consist of market rate two-bedroom units. The petitioner further proposes that if permitted by applicable law and regulations eligibility for new generation housing would be prioritized for qualified first time homebuyers residing in the Kings Park Central School District, the Town of Smithtown or the County of Suffolk and the general public in that order. In order to further the concept of new generation housing the applicant is proposing to limit the market rate units to two-bedroom units. These types of units tend to attract new and small families as well as empty-nesters looking to downsize from their traditional single family homes.

It should be noted that the proposed project is a voluntary reduction in yield for the allowable density in the R-6 zone. For the proposed 3.63 acres a yield of 21 units would be permissible. The applicant has reduced the proposed yield to 19. Moreover, the applicant has eliminated all three bedroom units as indicated above. In response to some concerns raised Planning staff the internal roadways and the units have been redesigned so that the distance from the back of the easterly units and the easterly side of the southern units to the property line has been increased to a total of 56 ft. This will provide more and better separation from the Parks Department facility and still allow room for a 20 ft. wide three foot tall densely vegetated berm. The berm will aid in screening between ground level uses of the development and the Parks Department facility. Soundproofing is proposed which will significantly reduce the interior noise from activities on the Parks Department property and the Long Island Railroad right-of-way. So you can see from the submitted plan before the Commission they've integrated a berm it's kind of fuzzy, but you can see in the staff report there is a berm along the eastern side. They've shifted these buildings over and away and they've included soundproofing in all the units particularly the units along the railroad and the units along the Parks Department property.

With regard to previous Commission comments the applicant contends that the merits of the project justify issues related to minimum lot area and other variances related to the proposal. The applicant contends that the current zoning is more inconsistent with the adjacent land uses and that the proposal is a "Smart Growth" principle project wherein the site is within a ¼ mile walking distance all on sidewalks of shopping, the post office, the library and a Long Island Railroad station. In addition, the petitioner acknowledges the precedent setting nature of the application and provides the "the property and project are unique enough to warrant approval" and that the project provides for young people and empty nesters that may comprise a component of the workforce in Suffolk County.

The petitioner contends that other institutional uses on the site are problematic and that they are not compatible with the Kings Park Jewish Center. The Kings Park Jewish Center chose the current proposal after considering over 60 alternate proposals. Finally, the petitioner acknowledges that the proposal is premature to the completion of the town master plan however the petitioner

contends that rezoning of the site would be in line with opportunities throughout the town to provide moderately priced housing and that the update would take this in context with the proposal and recommend to zone the site accordingly.

So in conclusion issues related to the subject application stem from the Commission's policies related to workforce housing, incompatible land uses and good site planning. Staff is recommending with the revised application submitted before the Commission approval with the following conditions. Number one, that no final approval be granted by the town until a parking plan is approved for the Kings Park Jewish Center that accounts for and relocates the displaced parking spaces as a result of this petition. As indicated, they're shifting some of the parking spaces over to the west and we would just like to make sure that the town is satisfied with that parking arrangement before they approve the change of zone.

MS. ESPOSITO:

Do we know how many spaces?

MR. FRELENG:

It was almost 50-49 I think it was; it's in the staff report in the beginning. I can track it down. The coordinated vehicular access with the Kings Park Jewish Center the second condition by the way is to be by a shared right-of-way to Rte. 25A and we're recommending that the Commission condition that that access have a minimum pavement width of 24 ft. They are proposing 28 so that should be okay. In addition, the width of the pavement within 25 ft. of the right-of-way with New York State Rte. 25A shall be increased to accommodate vehicles entering and leaving the joint properties at the same time. We believe that good site design would include that anyway; we just want to make sure that that's done. Also all necessary permits and approvals shall be obtained from and that should read the New York State Department of Transportation. We got a little parochial there.

Condition number 3, we're conditioning that 20% of the units within the proposed development shall be set aside for affordable housing purposes.

The applicants are already proposing that so that shouldn't be a problem. We're requiring that soundproofing in the residential structures be incorporated into the development.

We're recommending condition number five that a landscape earth berm be constructed along the eastern property line and that you can see is already in the site plan.

Condition number six, recommends to the town that they review the onsite parking presented by the petitioner to insure adequate parking for two cars for each unit. Garage space utilized for parking calculations has been found by the

Commission in the past to be problematic; as you know garage spaces tend to be filled with storage or they tend to be converted into extra living space. So we find that garage space is problematic. We would like the town to take the -- the town to take another look at that parking just to make sure. I just should point out that they do have a land bank parking spaces so they could always construct additional parking if they find that they're running short of parking because of the conversion of those garages.

Staff would also like to recommend a comment that is not on the staff report, but I'd like to present it at this time. A final review of the site plan with staff met with the Director we thought this comment would be appropriate that an internal pedestrian sidewalk to the Kings Park Jewish Center should be provided for in the townhouse development to allow for safe pedestrian passage between the two uses. We believe that it is possible that residents of the new development may actually practice or worship at the Temple and that there should be safe passage, pedestrian passage between the two land uses. Those are the recommendations of staff to the Commission.

MR. PRUITT:

Question, you listed in your report in the five bullets that the reason for disapproval the last time around what has changed? I'm just trying to make staff changes of these.

MR. FRELENG:

The discussions that staff had with the petitioner, the discussion the staff had with town the petitioners did add and what you don't have in front of you is the prior map they did shift buildings away from the Parks Department property. They did incorporate into their proposal soundproofing which was a recommendation of staff; they did include a berm which would buffer the property land use to the east the Parks Department to the residential component. We recognized that the update to the town plan is long in coming so that might not be a good reason to hold it back. And the recommendation of the institutional use on the site certainly over time nobody has proposed to the applicants to use that site for institutional use or something to that effect and we would agree with contention of the petitioner that and institutional use on that site would make situations rather worse than be a better land use. So those are the reasons that staff has recommended to reverse the prior decision.

CHAIRMAN CARACCIOLO:

Thank you, Andy. Any other questions from the board?

MS. HOLMES:

I have one question. Did the petitioner indicate any provision for it says to preserve four units for singles and couples without children; is there any provision on if a couple started a family would they be asked to leave or is the assumption that they would just want to move to something bigger. I mean, is

there a -- when you're limiting something like that do you have a provision for if that person's situation changes are they required to leave or --

MR. FRELENG:

Staff can't answer that directly, but I should point out that the applicants did one of the other reasons why we recommend approval is that the unit design was designed down to have no three bedrooms to have two bedrooms --

MS. HOLMES:

Right, yes, I see that.

MR. FRELENG:

I can only say --

CHAIRMAN CARACCIOLO:

One would assume that they would just they couldn't live there.

MR. FRELENG:

I was just about to say that --

MS. HOLMES:

Yeah, if it's only a one-bedroom apartment, yeah.

MR. FRELENG:

They would tend to grow out of those units and perhaps move out.

MS. HOLMES:

Thank you.

CHAIRMAN CARACCIOLO:

Thank you, Commission. Any other questions or comments?

MS. ESPOSITO:

I have a question.

CHAIRMAN CARACCIOLO:

Yes, Commissioner.

MS. ESPOSITO:

So what is staff's view of originally there was a concern that it sets a precedence nature of reclassifying that area; doesn't it still seem to do that?

MR. FRELENG:

Well, it does set a precedence however the petitioners have submitted to staff and staff would tend to agree that there's very limited R-6 zoning in the town and

that this property is unique enough to be able to stand aside from those old other R-6 properties.

MS. ESPOSITO:

Okay.

CHAIRMAN CARACCIOLO:

Don, did you have a question?

MR. FIORE:

Yeah, I had one question; I'm going to get back with what was just asked before about that new generation housing which says one-bedroom units meant to spread throughout the proposed development limited to young singles and couples without children. Now I'm going to ask again what the question was are they going to be asked to move out there if somebody comes in a family way? I mean, I'm sorry I wasn't talking into the microphone. I apologize for that, but it kind of limits that housing to only certain people.

MR. FRELENG:

Again, I can't answer directly for the applicant, but I can tell you that the applicant, the petitioner has submitted that they were going to try and restrict the dedication of these units within the parameters allowed by law. So to the extent that they can ask people to move out I would think that they might. I don't want to speak for the applicant, but I don't know if law would allow them to do that.

MR. FIORE:

Is that allowable by law?

MR. FRELENG:

I don't want to speak for the applicant, but I don't know if law would allow them to do that.

MR. FIORE:

Is that allowable by law?

MR. FRELENG:

I don't -- I can't speak for that I don't know, but they would like to limit those units to within the limits of the law and again, I can't speak to whether or not they can ask somebody to leave if they run afoul of maybe homeowner, homeowner association rules and regulations, but certainly if there is a homeowners association they could ask those folks to move out.

MR. ISLES:

It certainly, obviously, it has to be in compliance with the Fair Housing Act; it cannot discriminate against anyone. I think the basic content is that the structure be designed and arranged more towards a small family whether it be a single

person or an empty nester or couple, but in terms of children happening typically municipality can't unless it's limited to senior citizens which you can lawfully discriminate on the basis of age. So in the point I think being made here that this is not intended to be discriminatory from the best information we have that the arrangement and design of the units is more oriented towards small sized families; that's not full proof in the sense may there be children there may be. But with the market in Smithtown in particular being dominated by single family detached homes of multiple bedrooms and so forth there's a feeling having smaller units maybe fitting a need within the housing market in that location.

MR. PRUITT:

One other question. Are you aware of the process that's going to be taken to notify the public of this workforce housing? The availability of the four units how is that going to be done?

MR. FRELENG:

No, I'm not aware of it that certainly wasn't submitted to us. Maybe Tom could step, but they usually have a public notice and a lottery or something along those lines.

MS. HOLMES:

It's, it's prioritized for first time home buyers residing in the pink in the Kings Park Central School District, the Town of Smithtown, the County of Suffolk and the general public in that order. So apparently that's how they're prioritizing considering applications, but I suppose there has to be a public notice.

CHAIRMAN CARACCIOLO:

Thank you, Commissioner. Sara you have something?

MS. LANSDALE:

That's pretty standard process to do that.

MS. GALLAGHER:

Yes, and it's my understanding the Town of Smithtown has its own processes and procedure in place when situations like that arise. I know of in particular with the senior housing that's available because I've served on that committee in the past where the senior tenant selection. So I would assume, well, I haven't heard of one specifically for workforce housing yet because I don't think they have they'd have to set up something similar to their senior housing tenant selection process for say for workforce housing tenants.

MS. HOLMES:

Yeah, we had an affordable housing lottery a number of years ago on Shelter Island and indeed it was just that; people had to be working in the community. They had to have a job in the community and they had to be a resident and they

had to be a US citizen. Those were the major criteria and that's how they did the lottery.

CHAIRMAN CARACCIOLO:

Thank you, Commissioner. Anything else?

MR. KONTOKOSTA:

I appreciate the inclusion of workforce housing, but I'm just wondering if it has been determine how the initial sales prices of these units will be established.

MS. ESPOSITO:

Let me just – that's my question too because my understanding is workforce housing actually has a definition tied to the mean home value of the County. This isn't saying that; this is saying especially by design it would be generational housing and I wanted to get clearing on that.

MR. FRELENG:

Originally, I could just say that affordable housing in general is established by the localities based on their median income.

MS. ESPOSITO:

Right.

MR. FRELENG:

So to the extent that this is workforce or affordable housing I think that would be defined by the town itself.

MS. ESPOSITO:

But this isn't saying that it's going to be workforce or affordable –

MS. HOLMES:

New generation I think they're using.

MS. ESPOSITO:

Yes and I think and somebody please correct me if I'm wrong, I'm happy to be wrong, this is different. We're saying workforce housing the applicant is not saying workforce housing.

CHAIRMAN CARACCIOLO:

I think Andy, did you put in your comments I mean, I think one of your comments is affordable I think that needs putting in is that correct, Andy?

MR. FRELENG:

Yes, I did. One of the conditions –

CHAIRMAN CARACCIOLO:

I agree with you Commissioner they're not saying that; I think in our comments we need to just specify that.

MS. ESPOSITO:

It needs to be very clear.

CHAIRMAN CARACCIOLO:

Yes.

MS. ESPOSITO:

And my understanding is and again please correct me if I'm wrong this is not affordable housing; this is more generational housing by design rather than tying it to the mean home value.

MR. ISLES:

No, you know, we're not going into a lot of details obviously, in the staff report just by way of background I'm aware that Mr. Morgo the Commissioner of Economic Development Workforce Housing in the County has met with this applicant and so my understanding when speaking with Mr. Morgo is that the intention is that these would be affordable workforce housing units.

MS. ESPOSITO:

Okay.

MR. ISLES:

I'm sure if we're actually going into the County's program or not which have County standards.

MS. ESPOSITO:

Right.

MR. ISLES:

But I think the intention is that they're actually dedicated workforce units.

MS. HOLMES:

They're specifying new generation; they want to attract young people to these four –

CHAIRMAN CARACCIOLO:

That's correct in the report, but in our in Andy's recommendations he does say affordable housing; it's a great point Commissioner and I think Andy would be very specific with that.

MR. FRELENG:

That is a good point; I would have to say that I sort of lumped that term into all the terms that we use for affordable housing because affordable housing tends to have with it a certain perception. So people are evolving away and using next generation housing and you know workforce housing and other terms so I interpreted this term next generation housing to be a play on affordable housing, but the condition does say affordable -- 20% affordable.

MR. ISLES:

Not to prolong this, but let me just add one thing; we talked today at our orientation session about the Commission guidelines, well, within the Commission guidelines is the topic of affordable housing. It's very dated and pretty much it relies on the localities to define that so it's says for example on a rezoning on apartments the Commission often recommends the 20% of the units be affordable. And it pretty much leaves it at that and lets locality decide how that should be done and how it should be defined and so forth. As we're getting more sophisticated, you know, as a population overall in this need perhaps in the guidelines in the future we may want to look at fine tuning that a little bit more than what we currently have. It's very broad right now and I think that's what this reflects.

CHAIRMAN CARACCIOLO:

Any other comments from the board? All right it's up for a motion, do I have a motion for the staff report. I'll make a motion to accept the staff report. Do I have a second?

MS. HOLMES:

I'll second it.

CHAIRMAN CARACCIOLO:

Commission Holmes second. All those in favor? Opposed?

MR. FIORE:

Opposed.

CHAIRMAN CARACCIOLO:

Any abstentions? It carries, thank you. **(Vote: 9-1-0-2 Opposed: Fiore, Absent: Bolton, Dietz)** Thanks Andy.

MR. FRELENG:

The next matter before the Commission is referred to us from the Town of Southampton. This is the Richmond Company, Inc. application. This was referred to the Commission for informational purposes only so there is no need for a resolution to adopt or approve the staff report. Just briefly, I can tell you that when we received this application staff noted and did discuss with the Town of Southampton that the application came along with a court ordered stipulated

settlement which mandated that the change of zone be approved and that the 50,000 sq. ft. Stop & Shop be approved as well. So this application came and tied the hands of staff; staff saw no practical reason to act on this matter other than to send back a local determination letter with comments.

So let me just go through the staff report quickly. As indicated the applicants are seeking Town Board Change of Zone approval from R-40 Residential to Commercial Industrial Planned Development District in order to construct a 50,000 sq. ft. supermarket. The subject referral is pursuant to a court ordered stipulation settlement mandating approval of the change of zone and approval of the 50,000 sq. ft. supermarket use.

The subject parcel is located on the North Side of Montauk Highway approximately 400 feet west of Flanders Road. The subject parcel also fronts onto the Sunrise Highway to the north and the subject property is situated in the hamlet of Hampton Bays and you can take a look at the air photo you can see how the property is situated. The subject parcel, I'm sorry, a review of the character of the land use and zoning patterns in the vicinity indicates that the subject parcel is in a corridor of Highway Business zoning. However the property is split zoned Highway Business and Residential the property is bound by retail food and Rte. 27A to the south. Let me just get that air photo back again. You've got McDonalds which is right here; there's a little chain, I'm sorry, a chair maker or a wicker cane store here and you've got a gas station Sunoco I think it is right over here. This being the subject property obviously. Okay, to the west is vacant land adjacent to the east is a shopping center that would be Macy's if you recall coming that Rte. 24 and you get to on to Montauk Highway. This would be the Macy's shopping center.

The applicant is referred to Suffolk County Planning Commission bound by conditions imposed by a court order stipulation -- stipulated settlement as indicated above. While the petition raises several concerns among the staff of the Commission disapproval or a conditional approval of the map by the Suffolk County Planning Commission would place the town board of the Town of Southampton in a position to have to override the Commission without the needed deliberation over the Commission's points and would rather be an override in order to avoid being in contempt of court. For this reason staff is returned the matter for local determination with comments pursuant to the attached local determination letter. Since the subject petition involved a change of zone for a Planned Development District on property in the Compatible Growth Area of the Central Pine Barrens and within 500 ft. of three State roadways the staff wanted the Commission to be aware of this action. However, as indicated this review is for informational purposes. So if we can flip through the local determination letter at the end of the staff report just to follow-up on our orientation this morning this is the format of a local determination letter. It usually consists of the headings and the top paragraph and maybe a comment or two.

This one is unusual in that there are several pages of comments. I would just like to highlight our staff comments back to the Town of Southampton.

Number one, we believe this change of zone constitutes unwarranted inappropriate non-comprehensive alteration of the zoning pattern in the locale. The Town of Southampton did complete a Comprehensive Land Use Plan in 1999; they also did some several spin off studies on that and to the extent that all the recommendations for this property were for plan development district, but it was not for a shopping center. In fact, all the recommendations tried to steer away from some sort of shopping center type use. However, that was not what the applicant won in court; the applicant did win the change of zone to this commercial plan development district and therefore that is what is before the Commission.

The Commission staff is recommending though to the town that a market analysis prepared by the applicant be prepared in order to demonstrate that the area can support two supermarkets. There are a number of supermarkets in the area; a King Kullen to the west just went out of business because a King Kullen in downtown Hampton Bays opened. The correlation doesn't prove causation, but a King Kullen in downtown Hampton Bays a brand new one opened up and months later the one to the west closed. What is being proposed here is a Stop & Shop which could impact the downtown King Kullen as well as within seven miles several other supermarkets. We did not receive and we do not believe in the impact statement process that there was any kind of market analysis on whether or not there's a saturation to the number of supermarkets that can be supported in this area. So we believe the town should take a look at that.

The staff also believes that the proposed Hampton Bays West Commercial Industrial Planned Development District is inconsistent with the pattern of zoning in the surrounding area for several reasons this is important to note. The adjacent parcels to the west are contemplated to be high density residential development pursuant to the Central Pine Barrens Comprehensive Land Use Plan and town zoning. You can see the town zoning is for R-40; they have not changed the zoning so any kind of development to west of this property here would be residential development. There is some highway business down here, however, this site in conjunction with this big piece here is what's known as a residential receiving area district which is a predetermine site to received Pine Barren credits and as-of-right can have extra density on site. So if this site was to receive a change of zone this parcel here is still intended to be high density residential housing. We believe that those might be not compatible land uses. A minor point, but we believe that the town should take another look at that.

Topic number three is that the subject property is located in the compatible growth area of the Central Pine Barrens and that is designated as a residential receiving area district. Well, to piggyback onto the fact that this is proposed to be high density residential at the time in 1995 when the Central Pine Barrens Plan

was adopted by the Central Pine Barrens Joint Planning and Policy Commission. The three towns with the Central Pine Barrens Plan efforts at to ratify the plan and adopt their zoning to implement the plan. This site was designated as a residential receiving area district as I stated to receive high density credits. The town has to maintain a balance between development rights that are being sent out of the core or the preservation area and the receiving sites within each school district. So there's a balance and that balance has to be 2 1/2 times to one. What happens here is there is the potential that that balance is changed; that the ratio has changed because they've removed an as-of-right receiving area spot. So we're recommending to the town that this may be a fatal flaw in their review; that they really need to go back and do a recalculation of the sending to receiving area ratio and demonstrate that they are still in compliance with the Central Pine Barrens Plan. We're recommending that that analysis be forwarded to the Central Pine Barrens Joint Plan and Policy Commission for review and approval since all the zone changes originally had to be approved by the Commission itself.

So we believe that that is a significant analysis that should be undertaken as part of the environmental review in the approval process of this thing. The courts did not analyze that and neither did the environmental impact statement. So we believe that they missed a big issue with regard to the development of this property. There are a number of elements in the site plan if you could slip back to the site plan. What we received this was rather complicated; the courts mandated that the change of zone be approved as well the ordinance that allows the change of zone had to be approved as well because planned development districts in the Town of Southampton require a specific zone change and a code amendment. So they forwarded to us their draft code amendment; in the code amendment were certain requirements for lane width, sidewalks, landscaping. The plan that was submitted by the applicant did not comply with a number of those items. So we pointed out the number of inconsistencies between the proposed legislation and the conceptual plan and those are pointed out in item number four.

Let see, in those items were basically with regard to passive park required to have a passive park in the southeast corner of the property. They've designed the passive park if you can see from the site plan in your staff report; they provide no convenient accessible parking to the passive park. So if you just look at the, the way the traffic travel land are in the site plan anybody particularly with the stroller or small children trying to get from where they parked to the passive park it would be a game of leap frog if you will. If you remember that game. So it would be a little hazardous; we don't believe that that's convenient accessible parking to the park area.

In addition, we believe that the supermarket is poorly situated. This is suppose to be a planned development district wherein this is suppose to be a campus style development with the properties to the east and properties to the west. We

felt that this property, I'm sorry, this building would be better situated down here and there were alternatives in the impact statement as well as in the several spin off documents that the town did to study this area which situated the building further down to the south and west. We believe that that's a better location for the building so it could dovetail and interplay into the site design much better.

Cross Access was required in the stipulated settlement. You can see in the site plan that was submitted that they did not achieve cross access to the property to the east. They provide parking, parking lots that go up to the property line to west so you could always break that open and make access to the properties to the west. However we believe that they were a little bit disingenuous with their cross access attempt up here and the easily dismissed and took out of there proposal this particular property here. They originally had an application for this property as well; they found out that the gas station had a small leak and there's some contaminated soil and rather than calculating what the cost would be to remediate and cleanup that site they just took that property out of their mix. We don't believe they took a hard enough look at that. The court stipulated that this property be part of the change of zone. So we're recommending that they take another look at this property and do an analysis on the cost to remediate that site.

What's the impervious coverage briefly, they're required to have a certain amount of -- they're allowed to have a certain amount of impervious space. The applicant basis their impervious analysis on a commercial/industrial zoning which would allow 65% of the site to be cleared however, in 1995 the site was not zoned commercial/industrial. This site was zoned residential and highway business. There are two different clearing restrictions for those two zones so it's not really obvious what the clearing restriction is on the property; that needs to be interpreted. We recommend that it be reinterpreted and sent to the Central Pine Barrens Joint Planning and Policy Commission for approval. I am going rather fast through this thing; there was a detailed report. If you have any questions please I'd be happy to answer them.

And then the last thing is that when all is said and done and they approved the zone change and they get the ordinance in place the site plan when it is filed with the town planning department it must be referred to the Planning Commission. So this four page local determination letter will set the background on which we will review the site plan on. So I just wanted to point that out as well; so that for informational purposes is the Town of Southampton, Richmond Company, Inc. referral.

CHAIRMAN CARACCILO:

This only for informational purposes; we can't act on this at all. This is a determination made by the court, correct?

MR. FRELENG:

It was a determination to approve it made by the court. Staff through your authority delegating to staff determine that we should deem this for local determination with comments.

CHAIRMAN CARACCIOLO:

Under those circumstances.

MR. FRELENG:

Under these circumstances that is correct.

MS. HOLMES:

So we would approve the staff report today?

MR. FRELENG:

There's nothing to approve.

CHAIRMAN CARACCIOLO:

No, there's nothing to approve; this is for informational purposes only. That being said if this application came before you would you approve or disapprove this application?

MR. FRELENG:

I wouldn't want to prejudice staff's review on this thing. We would look at base it on the merits and certainly any other analysis that we've put in.

CHAIRMAN CARACCIOLO:

That was a very political answer Andy.

MR. FRELENG:

Thank you. We are on the record.

MS. HOLMES:

I want to commend the staff for doing such a through analysis here. I do hope the town will take your comments into consideration. I do hope they will refer it to the Pine Barrens.

CHAIRMAN CARACCIOLO:

Commissioner, do you have a comment?

MR. GOODALE:

Yeah, again this is pretty more my benefit in the future since we're not voting on this. One of Riverhead Building supplies facilities is directly across the street on Montauk Highway. Now if we were to vote, what are the rules about me voting on that matter? Is there any rules about if I own property in this case that close to is there some kind of rule or not?

CHAIRMAN CARACCIOLO:

Counselor?

MS. FARRELL:

Do you feel that you –

CHAIRMAN CARACCIOLO:

Speak into the mike Counselor this is your big opportunity.

MS. FARRELL:

If you feel you have a direct pecuniary interest then you should recuse yourself from the matter.

MR. GOODALE:

Other than that could state the situation and if I felt I could still participate then I could; it would be my judgment on that matter?

MS. FARRELL:

It would be in your best interest if just under the code you have responsibilities the Suffolk County Code of Ethics. You also disclose any type of interest at all.

MR. GOODALE:

Right.

MS. FARRELL:

So you're probably best just to recuse yourself.

MR. GOODALE:

It would be best in this case probably to recuse.

MS. FARRELL:

Yes.

MR. ISLES:

In my experience and I'm not an attorney, but if you have to ask the question then you should recuse yourself.

CHAIRMAN CARACCIOLO:

When in doubt sub it out. Okay.

MR. GOODALE:

Thank you very much.

CHAIRMAN CARACCIOLO:

Thank you. Next on the agenda is Afati Realty.

MR. WREDE:

Right. It's referred by the Town of Smithtown's Zoning Board of Appeals. The applicant seeks variance for a proposed 3,335 sq. ft. addition to an existing 1,836 sq. ft. building for retail use. The subject parcel is located on the south west corner of Main Street and Lawrence Avenue in the hamlet of Smithtown. Our jurisdiction for the application is it's within 500 ft. of the SR 25A and the Incorporated Village of the Branch. The red line shown on the aerial photo is outlines the Village of the Branch and the outside there is all the Town of Smithtown property.

The subject parcel is located in a corridor of commercial property along the state right-of-way. To the north the subject property abuts Jericho Turnpike; to the west the Smithtown Theater. To the south improved commercial property and to the east the property abuts Lawrence Avenue. This is showing the zoning all central business, it's basically downtown Smithtown. The parcel is 14,039 sq. ft. in size and improved with an existing 1,836 sq. ft. building. Site inspection indicated that the applicant is retaining this portion of the property. There's an existing restaurant and nail salon in there. They're demolishing the portion of the property that is attached and again, they're proposing this building proposed in, well, it's shaded yellow, you can't see that.

The requested variances associated with the application are outlined in your staff report. Issues related to the subject applicant stem from the Commission's policies regarding good site planning and land use.

We're recommending disapproval for the variances for the following reasons. The propose application constitutes the unwarranted over intensification of the use of the premises. Granting the variances may be detrimental to nearby properties. Patrons of this proposed commercial building may utilize other available parking in the surrounding locale. This is especially prevalent in this portion of the property in the Village of the Branch. Site inspection, I had gone over to this parking lot here there are at least five rather large signs where it indicates that, you know, this property is for parking for this strip center only, you know, illegal patrons will be towed. They are spread out throughout here so it appears to be a parking problem along Smithtown here and the state right-of-way. We feel that because the parking deficiency is so significant they are going to utilize the property across the street and it will be detrimental.

The variance related to the parking deficiency is substantial. The proposed application has a 73% deficiency in onsite parking in accordance with the Town of Smithtown's requirement for retail use. We realize, staff realizes that this is, you know, situated in downtown Smithtown however the off street parking there's not too many areas that are available. There is parking along the north side of Jericho Turnpike; there's none on the south side. In addition to on Lawrence Avenue there is a no parking sign from Jericho Turnpike basically to the end of

the subject property. You can kind of see there's no cars on site on Lawrence Avenue here, but there are – you are allowed to park further down.

The practical difficulty was self created. The applicant has proposed a rather significant addition a net increase of 82% to the existing commercial building and that's the recommendation of the staff.

CHAIRMAN CARACCIOLO:

Thank you, Chris. Commissioner's any comments or questions?

MS. GALLAGHER:

I would just strongly reinforce what the staff has determined in terms of the, you know, the deficiency in parking space; that is my downtown business district that is where I do my shopping and there's constantly parking problems in that adjacent parking lot the {Daffy's} Walgreens of that shopping center there.

CHAIRMAN CARACCIOLO:

Seems like they have a little problem they're towing cars.

MS. ESPOSITO:

(inaudible)

CHAIRMAN CARACCIOLO:

That was off the record. You have to be careful with that. Any other comments or questions? It's up for a motion.

MR. PRUITT:

Motion to accept staff report.

CHAIRMAN CARACCIOLO:

Mr. Pruitt. Second?

MS. ESPOSITO:

Second.

CHAIRMAN CARACCIOLO:

All those in favor? Opposed? Abstain? Motion carries. **(Vote: 10-0-0-2 Absent: Bolton, Dietz)** Section A14-24, Ted you're up with Oak Ridge Acres.

MR. KLEIN:

We have one subdivision to consider; it's the application Oak Ridge Acres sent to us by the Town of Smithtown. The applicant is proposing to subdivide four acres into four lots in the hamlet of Nesconset. The proposed subdivision lies within two residential zoning districts R-10 and R-15 zoning categories which permits single family development on minimum lot sizes of 10,000 and 15,000 sq. ft. respectively. The proposed subdivision will create four residential lots ranging in

size from 30,519 sq. ft. to 43,578 sq. ft. These areas include the land having some very steep slopes in excess of 15% that are designated environmentally sensitive by the town. However they may have been man-made prior to, you know, the previous subdivision which I will get to, but anyway they're not contributing to the yield, but they do have sufficient area to yield out four lots in accordance with zoning.

The subdivision parcel is presently vacant land, partially wooded with a cleared area of land on the northeast portion. There are indications that the cleared area approximately the location of Lot #2. Can you show the subdivision, Chris? It's hard to read. Over here is Lot 2; there are indications that this area may have been used for some dumping at one time. Some of the slopes have an area as I said are in excess of 15% and likely man-made as a result of the commercial development to the north.

MS. ESPOSITO:

What's the greatest slope, do you know. I mean, I know you said in excess of 15%, but how high does it go?

MR. KLEIN:

I would say in excess of 25.

MS. ESPOSITO:

Pretty steep.

MR. KLEIN:

Yeah, it's pretty steep. You know, I'll address that later. Actually, you'll see the steepest slopes are over here and if you go back to the aerial, Chris. There's a fence right here that basically protects people from falling down the slopes and if anybody's wondering over there. Okay. It should be noted that this property that's presently being proposed for subdivision contains parcels that were created as a result of a previous subdivision that occurred along the zoning district line which is this line right here the zoning to the north is a neighborhood business. The Suffolk County Planning Department records indicate that this previous subdivision application was deemed incomplete and no additional material was ever referred in order to consider it complete. It appears the town went ahead and approved it anyway. The property currently being proposed for subdivision is a result of that approval. So, do we have a tax map – no, we don't have a tax map here do we up to show? Okay. In your packet you'll see the tax map in the staff report.

Access to the proposed subdivision will be from the existing public right-of-way, Graham Place which has a predominate width of 30 ft., but only 16 ft. in width at the place that will serve as the point of access to the proposed subdivision. These widths are considered substandard; the town requires 30 ft. of pavement within a 50 ft. right-of-way. The 16 ft. width of access is considered inadequate

to service more than one lot. To compound the deficiency of the road width, the angle at which the road turns is considered problematic and also does not meet town standards. The character of the area surrounding the subject property is predominately residential with commercial to the north.

Staff recommendations are disapproval for the following reasons. No map should be approved with proposed right-of-way does not meet town highway design standards. The proposed right-of-way is of insufficient width and has a bend in the road that is inadequate with respect to public health, safety and welfare. Furthermore, it is suggested the following comments pertaining to this proposed subdivision be offered to the Planning Board for its consideration and use. Because the town approved the previous subdivision of this parcel without having first submitted a complete referral to the Suffolk County Planning Commission to act on, the current application may be procedurally defective. That is the staff report.

CHAIRMAN CARACCIOLO:

Thank you, Ted. Comments or questions from the board.

MR. GOODALE:

Yeah, I just one point of clarity. The original subdivision plan had this kept vacant as far as you understand?

MR. KLEIN:

No.

MR. GOODALE:

The original one.

MR. KLEIN:

No. The original one including the commercial parcel --

MR. GOODALE:

Yes.

MR. KLEIN:

And then residential lots on this parcel

MR. GOODALE:

And that's a subdivision plan that was approved by Smithtown, but as far as we can determine was never approved by us, passed by us.

MR. KLEIN:

No, that wasn't approved; that was referred to us back in '99. That particular version was not approved. Some other version was approved that created the commercial parcels. They basically divided it along zoning district lines.

MR. GOODALE:

Gotcha.

MR. KLEIN:

But I'd like to point out that those slopes and the fence encroaches on the current parcel, you know, that we're considering really is more associated with the commercial development too.

MR. GOODALE:

Gotcha, thank you.

MR. KLEIN:

Thank you.

CHAIRMAN CARACCIOLO:

Thank you, Commissioner. Any other comments or questions? A motion's in order.

MS. HOLMES:

I move to approve the staff report.

MR. FIORE:

Second.

CHAIRMAN CARACCIOLO:

Second, Don. All those in favor? Opposed? Abstain? Motion carries. **(Vote: 10-0-0-2 Absent: Bolton, Dietz)**

MS. HOLMES:

Before you adjourn I'd like to request since I can't be here next month that you table any further consideration of election until June when I can be here.

CHAIRMAN CARACCIOLO:

So noted.

MS. HOLMES:

Thank you.

CHAIRMAN CARACCIOLO:

It shouldn't be a problem.

MR. FIORE:

Yeah, I'd like to talk about that and the process on how it goes down. I'm not sure the process of electing officers. Now I've been around enough to know what the processes of electing officers, somebody nominates you, somebody

seconds you. If the field out there feels that the person should be in there in, but I was troubled with was what appeared to be and correct me if I'm wrong, but a behind the scene type thing.

MS. HOLMES:

You're quite right on that --

MR. FIORE:

And I am troubled with that because it doesn't give the people that are sitting here whether you were contacted or not contacted by anybody any level playing field.

MS. HOLMES:

You're quite right I appreciate that.

MR. FIORE:

And I'm taken back by that and I know I believe I can speak everybody here about their integrity. I know their integrity is without question, but I believe that the process or how the process operates is somewhat flawed or maybe it's just me not understanding how the process work in this type of thing.

MS. HOLMES:

No, it's not just you. There had been prior conversations between John and myself going back almost three months when we realized that Mr. Martin was not going to be reappointed. And John and I discovered that we were the two senior members now of the Planning Commission and I telephoned John and I said I would be happy to nominate him for Chairman if he would nominate me for Vice Chairman and he agreed to do that. And we talked about it again last month and that agreement was still in place and if I had been consulted before the meeting today I don't think we would have had this embarrassment, but an explanation is in order, John.

MR. FIORE:

Let me further -- let me go on a little bit further. You know that in its self is troublesome to me where somebody contacts somebody and says, you know, I can understand that, but I can't understand the rest of the Commission here not being involved in and who is asked to vote on.

MS. HOLMES:

Right, right.

MR. FIORE:

See if you didn't ask to vote on it that's one thing, but --

MS. HOLMES:

We only were conferring because we realized there was a crisis where we were not going to have a Chairman and we needed to nominate and elect an acting chairman to run our meeting. Bobbie, you had a --

MR. GOODALE:

I would say that I think this can be easily resolved leaving the specifics situation as it will develop. It seems to me that the clear thing to do in these matters is that there be a nominating committee and the nominating committee report to the committee at the proper time a slate of officers that they are recommending to the board and then have the board at one meeting and have the board at the next meeting vote on that slate or bring alternatives to it. And therefore this question of anything going on not on a public meeting can be avoided. It would seem to me that this is frankly 101 to do it this way rather than the way it is. Oh, I understand the problem here is because of the great turnover of this board.

CHAIRMAN CARACCILO:

I think the great turnover and also the unknown factor of who can, who's a holdover --

MR. GOODALE:

Exactly.

CHAIRMAN CARACCILO:

Who could be in -- who could be on and who could be off --

MS. HOLMES:

That's why we tabled it --

CHAIRMAN CARACCILO:

And that did change constantly. And I think I would be willing to have, you know, an open discussion prior to the next meeting if you'd like and lets, you know, lets do that in executive session, you know --

MS. HOLMES:

Except that I can't be here at the next meeting and my understanding if I understand correctly, Sara, was you requested to be nominated for Vice Chairman, you requested of John?

SPEAKER:

(inaudible)

MR. ISLES:

I'm not sure this is the time to go back--

MS. HOLMES:

No, I think Sara and John --

MR. ISLES:

-- and interview people for what they were saying. In terms of the question of coming to executive session for the discussion of officers is not permitted under open meetings law; that's not an exception that allowed. So you can have discussions among yourselves if you feel to choose --

MS. HOLMES:

That should have happened today --

MR. ISLES:

But specifically to executive session that's only for limited purposes and the discussion of officers is not one of them.

CHAIRMAN CARACCIOLO:

(inaudible)

MS. HOLMES:

It could have been avoided if there had been some discussion between you and Sara and myself.

CHAIRMAN CARACCIOLO:

Well, I think as well as Donald saying no. No, absolutely not.

MS. HOLMES:

No, I mean, because Sara apparently requested that she be nominated --

CHAIRMAN CARACCIOLO:

I think as Don said lets table it to the meeting that you're at which would be June and lets have an open lets, you know, if you want to get here a little earlier so -- or we get our business done first. Let's agree to have our business done first in June and then have an open discussion on the record.

MR. FIORE:

Yeah, that's fine. That's fine as long as I believe that the Commissioners are part of the process.

MS. HOLMES:

Yes, it should be.

MR. FIORE:

If we're going to vote on it we ought to know what we're voting.

CHAIRMAN CARACCIOLO:

Yes, that's a great point Don and I agree.

MS. HOLMES:

Yeah, it was unusual – you're quite right it was an unusual situation which Tom brought to our attention because we were not going -- all of a sudden we were going to have a chairman – we weren't even going to have our Acting Chairman here. And so that the entire process was to have taken place last month and under our rules it should have taken place last month, but did not and so the Vice Chairman and even secretary was held over to this month, but there had been discussions.

MR. FIORE:

Right and I thank you for that, but I wasn't even voting last month –

MS. HOLMES:

Right.

MR. FIORE:

And you know chairman is fine as far as I'm concerned, but I didn't even know that it was an acting chairman –

MS. HOLMES:

Yes.

MR. FIORE:

And I don't know if that was brought up or not –

MS. HOLMES:

Yes, and it should have been brought out earlier.

MR. FIORE:

I don't know, but if it was brought up shame on me because I missed it, all right.

MS. HOLMES:

No, it should have been clarified last month when the nomination took place and the wording, the verbiage was not quite correct, not technically correct.

MR. ISLES:

So based on what the Chairman's indicated the staff will place us on the agenda for the June agenda as there's been a request accepted.

CHAIRMAN CARACCIOLO:

The June agenda.

MR. ISLES:

And so we will go ahead and do that however, the board wants to handle this I will point out that this is a historical change that has occurred to the Commission with some unusual circumstances with the staff appointments and it is what it is. Obviously, staff will respect the direction of the board. If could just in closing the meeting mentions two other quick points and that is requesting once again those of you return your cards; we appreciate it. It is very helpful to us and Claire follows down on all those so please return your card with whether you can attend meetings because we are still running a little bit close in terms of making sure we have quorums so we appreciate your cooperation on that.

And then secondly, as we start leading into the warmer months typically and historically the Commission has like June, July and August gone out through other parts of the County so if you have suggestions please pass them along. Historically we've done Fisher's Island in August from time to time and we go with the Southold Town Board; they have whole event for that. So that's an option you have as a Commission; so feel free to pass on any suggestions along to me and we can work on setting those up. It's an opportunity to get out and see other parts of the County and discuss with local officials and so forth as you may desire. Thank you.

CHAIRMAN CARACCIOLO:

A motion to close the meeting.

MS. HOLMES:

Second.

MS. HOLMES:

John I still want to speak to you and Sara.

CHAIRMAN CARACCIOLO:

I will have that conversation with you.

(Having no further business the Planning Commission adjourned at 2:06 P.M.)

{denotes spelled phonetically}