

## HUNTINGTON TOWN PLANNING BOARD

MEETING OF JANUARY 7, 1998

The following resolution was offered by **E. Pagano**

and seconded by **W.G. Asher**

WHEREAS, D & S Realty Development, L. P., 521 Route 111, Hauppauge, New York 11788, owner of fee title to land, has submitted a subdivision application for the JILL ESTATES property located between the Long Island Expressway (NYS 495), 34.94 feet west of Dillon Drive in Dix Hills, indicated as parcels 0400-263-02-72 & 0400-249-04-19 on the Suffolk County Tax Map, prepared by Jeffrey A. Hartman, P.E., Consulting Engineers, and

WHEREAS, the Huntington Town Planning Board caused a review of the subdivision plan to be made, pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), and Part 617 of the implementation regulations (6 NYCRR Part 617), and

WHEREAS, the Huntington Town Planning Board determined that significant environmental impacts may result from the implementation of the proposed plan and issued a Positive Declaration on August 16, 1995, directing the applicant to prepare a Draft Environmental Impact Statement, and

WHEREAS, a Draft Environmental Impact Statement was submitted and eventually determined to be adequate for public review, at which time a public hearing was scheduled and held on the DEIS pursuant to SEQRA Section 617.9 (a) and Town Law Sections 276 and 278 and substantive comments were received, and

WHEREAS, the Planning Board had caused the preparation of a Final Environmental Impact Statement which was filed on December 4, 1997 and received by the NYSDEC on December 9, 1997, and

WHEREAS, the Planning Board as lead agency has taken a hard look at the environmental aspects of the action pursuant to SEQRA and after considering the FEIS finds that the necessary requirements pursuant to SEQRA Section 617.11 (d) have been met; now, therefore be it

RESOLVED, that the Huntington Planning Board of the Town of Huntington hereby adopts the annexed Findings Statement and authorizes its filing in accordance with SEQRA, and be it further

RESOLVED, that the Planning Board finds that the application presented for subdivision does not conform to the requirements of Town Law and Town Subdivision Regulations and Site Plan Specifications and concludes that the alternative that would be most protective of the environment while insuring the adjoining community no loss in valuation is the 12-LOT MODIFIED plan, and be it further

RESOLVED, that the applicant shall submit in a timely fashion a subdivision map that conforms to the 12-LOT MODIFIED alternative, meeting all of the requirements of the Town Subdivision Regulations and Site Plan Specifications to the Planning Board for preliminary approval.

VOTE: 5      AYES: 5                      NOES: 0  
ABSENT: M. Sommer

The resolution was thereupon declared to be duly adopted.

# State Environmental Quality Review 617.11

## FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Huntington Town Planning Board, as lead agency, makes the following findings in regard to **JILL ESTATES**.

**Description of Action:** The proposed subdivision of a 20.59 acre site, zoned R-40 (minimum lot size 1 acre residential) and R-20 (minimum lot size 20,000 sf residential) for the subsequent construction of new single-family homes. The applicant's preferred plan [Preliminary Map & DEIS received 12/10/96, amended 1/15/97, revised (Sheet 3 of 3) 3/4/97] is for a 17 lot cluster configuration in the southerly portion of the site with approximately 13 acres to be retained as Town passive parkland. Public water connection and on site sewage disposal via septic tanks and leaching systems are proposed.

**Location:** Between Vanderbilt Motor Parkway and the Long Island Expressway (NYS 495) North Service Road, 34.94' west of Dillon Drive in Dix Hills; indicated as parcels 0400-263-02-072 and 0400-249-04-19 on the Suffolk County Tax Map.

<b>SEQRA Classification</b>	Type I
<b>SEQRA File Number:</b>	P1472600-00084
<b>Date FEIS Sent:</b>	December 4, 1997
<b>Date FEIS Filing Received and Entered in the SEQRA Repository:</b>	December 9, 1997

### Involved agencies:

Commissioner, NYSDEC, 50 Wolf Road, Albany NY 12233-001  
NYSDEC, Region 1 Office, Building 40, SUNY, Stony Brook, NY 11790-2356  
New York State Department of Transportation, NYS Office Building, Veterans Highway, Hauppauge, NY 11788  
Attn: Thomas F. Oelerich, P.E., Regional Traffic Engineer  
Suffolk County Department of Health Services, Wastewater Mgmt. Sect., County Center, Riverhead, NY 11901  
Attn: Stephen Costa, PE, Associate Public Health Engineer  
Suffolk County Department of Public Works, Yaphank Avenue, Yaphank, NY 11980 Attn: Richard J. La Valle, P.E.  
Suffolk County Planning Commission, 220 Rabro Drive, Hauppauge, NY 11788 Attn: Steven M. Jones, AICP  
NYNEX, 510 North Ocean Avenue, Patchogue, New York 11772, Attn: Thomas Breidenstein, Right-of-Way Engineer  
Thomas Mazzola, P.E. Town of Huntington Director of Engineering Services  
Dix Hills Water District, Caledonia Road, Dix Hills, New York 11746, Attn: Benjamin Bletsch, P.E.  
Applicant: D & S Realty Development, L.P., 521 Route 111, Hauppauge, New York 11788

### Interested agencies:

Long Island Regional Planning Board, 20 Rabro Drive, Hauppauge, New York 11788, Attn: Dr. Lee Koppelman  
Dix Hills Fire District, 115 East Deer Park Road, Dix Hills, New York 11746, Attn: Edward Kaleita, District Fire Marshal  
Dix Hills Woodlands Association, 18 Patri Court, Dix Hills, New York 11746, Attn: Donna Hepp  
Long Island Lighting Company, 175 East Old Country Road, Hicksville, NY 11801, Attn: William S. Davidson, Director of Government Relations  
Half Hollow Hills School District, 525 Half Hollow Road, Dix Hills, New York 11746, Attn: Kevin McGuire, Superintendent of Schools  
Huntington Town Conservation Board  
Huntington Town Fire Prevention Bureau

Facts and Conclusions in the FEIS relied upon to Support the Decision: **See Attached Report**

## **STATEMENT OF FINDINGS ON THE FINAL IMPACT STATEMENT FOR JILL ESTATES, HUNTINGTON, NEW YORK**

The proposed action is for a subdivision of a 20.59 acre site, zoned R-40 (minimum lot size 1 acre residential) and R-20 (minimum lot size 20,000 sf residential) for the subsequent construction of new single-family homes. The applicant's preferred plan [Preliminary Map & DEIS received 12/10/96, amended 1/15/97, revised (Sheet 3 of 3) 3/4/97] is for a 17 lot modified cluster alternative with approximately 12.95 acres to be retained as Town passive parkland.

The applicant's original plan had proposed development with 24 lots. After evaluating the action for conformance with Town of Huntington Subdivision Regulations and Site Plan Specifications; SEQRA Criteria for determining significance and SEQRA determinations involving similar projects (Vanderbilt Plat), the Town Planning Board issued a Positive Declaration on the action and directed the applicant to prepare a Draft Environmental Impact Statement (Resolution of August 16, 1995). On July 8, 1996, the applicant submitted a Draft EIS that included a preferred plan and four (4) alternatives. Subsequently revised and resubmitted on November 26, 1997 and again on January 15, 1997, the Planning Board accepted the DEIS as complete for public review, whereupon a public hearing was set for March 5, 1997. In response to concerns raised during the comment period, the Planning Board directed the Planning Department to prepare a FEIS (Resolution dated March 12, 1997). Accepted as complete on December 3, 1997; filed on December 4, 1997 and received by the NYSDEC on December 9, 1997, the FEIS incorporates by reference the DEIS; copies of the public's comments and the Planning Board's response. Part of this response is in the form of seven (7) additional alternative plans.

### **YIELD**

The general determinants of subdivision design include: The guidelines for community development as set forth in the Town's Comprehensive Plan and Regulations; the influence of existing peripheral development and the effect of the physical characteristics of the site. The application of these guidelines on a particular site are illustrated in the form of a yield map, which in turn establishes the number of dwelling units for development.

The subject site was designed for use as part of the proposed Bablyon-Northport Expressway. As a result, the majority of the site is relatively narrow, having a width of 200 feet for approximately 4,000 of its 4,600 foot length. This characteristic becomes a significant consideration in developing a yield map for the site. The effect is compounded by the site's restrictive R-40 & R-20 zoning requirements; the number and location of existing and required easements and the fact that a major noise source in the community, the Long Island Expressway, adjoins the site.

Yield studies indicate that no yield need be allocated to the R-40 component of the site for the applicant to receive a reasonable return on investment and for the proposal to be substantially in conformance with the yielding of Vanderbilt Plat. The applicant's own 17 lot yield study submission allocates no yield from the R-40 component of the property. With the similar Vanderbilt Plat all three lots on the final map conformed to the one-acre area requirement (all being at least 1.60 acres). The maintenance of all lots at Jill Estates conforming to the area requirement of the R-20 Residence District would be consistent with the mitigation imposed in the Vanderbilt Plat review for diminishing impacts to community character. Other factors that need to be considered are the general requirements and specifications for subdivision stipulated under Town regulations and the effect and relationship of the subdivision to existing peripheral uses such as the noise-incompatible LIE.

### **DESIGN**

Section §278 of Town Law states that a 'cluster development shall mean a subdivision plat or plats in which the applicable zoning ordinance or local law is modified to provide an alternative method for the layout, configuration and design of lots. In no case shall building lots exceed the number which could be permitted on the yield map'. While comments are on record in opposition to the introduction of modifications on the proposed plan, there are Planning Board approved modifications on existing lots adjoining Jill Estates. Rear yard setback modifications have been approved for existing lots directly adjoining the west side of the Jill Estates site—lots 7, 8, 9, 18, and 19

on the Map of Ronway Estates (FEIS, Appendix B) allowing 35 feet where 50 feet is required. One of these lots (#9) also had both side yards modified from 25 feet to 15 feet. It is probable that the rationale for such modifications rested on the uncertain future development of the subject site for residential use and the understanding that a portion of the state right-of-way, if developed with a road, would remain undeveloped buffer area. To maintain the intended protection of the existing off-site modified lots, specified natural buffer area or landscaping may be required where construction of new homes will remove more than 20 feet of shield vegetation. This can serve a dual purpose of reducing potential impacts to existing homes while providing a greater sense of privacy for the new dwellings to be constructed.

Similar planning tools employed at Vanderbilt Plat as mitigation may be of use at Jill Estates to increase distance between the proposed and existing homes. These could include modification of front yard setbacks to 35 feet to compensate for the 35 foot rear yard setbacks on adjoining parcels and orientation of matching yards (side yard to side yard; rear yard to rear yard) as perceived by the front yard orientation of the homes.

## **TRAFFIC**

The length and single ingress/egress access point of the proposed roadway was a concern with the applicant's original submission where the length of the proposed cul-de-sac (3,400 linear feet) had been deemed a safety hazard. Town of Huntington Subdivision Regulations and Site Improvement Specifications require that "Blocks shall not ordinarily exceed 900 feet in length nor shall be shorter than 400 feet, but the Planning Board may, in a particular instance, vary these dimensions". Although, the length has since been reduced with the applicant's preferred plan to 875 feet, further shortening of the roadway is desirable.

Traffic studies conducted as part of the FEIS review indicated that none of the alternatives presented would cause any roadway hazards or generate a significant increase in traffic volumes. Limited emergency vehicle access to the subject site only from the west bound North Service Road of the LIE was noted as a potential problem, but not an unusual condition, one that could be dealt with by the various emergency service agencies. Continued coordination of the project with the Town Department of Engineering Services Fire Prevention Bureau will ensure involvement of the local emergency service agencies in the review process and the mitigation of potential traffic impacts.

## **NOISE**

The subject site adjoins the Long Island Expressway (LIE), a major noise source in the community. Although, transportation sources such as the LIE are the most pervasive and continuing of noise sources, their impacts can be reduced. Overlaying the applicant's preferred plan (FEIS, Appendix C) with NYSDOT noise prediction data (FEIS, Appendix O) showed that the two lots closest to the LIE would be within the noise contour level of 67 dbA, an area considered unacceptable by the U.S. Department of Housing and Urban Development (>65 dbA) and the Federal Highway Administration (>67 dbA).

There are three basic approaches for mitigating high noise exposures. The first and best is to relocate noise sensitive uses out of high noise areas. The second is to prevent noise from reaching the noise sensitive user through some sort of barrier. And the third and least desirable approach is to provide attenuation for at least the interiors of any buildings located in the high noise areas.

## **TERRESTRIAL ECOLOGY**

Site vegetation includes approximately 13 acres of successional hardwoods, 7.18 acres of Oak-Tulip Tree Forest and 0.41 acres of Old Field habitat. No rare, threatened or endangered species were identified on the site. The applicant's preferred plan for a cluster configuration in the southerly, more disturbed portion and the retention of the more valuable northerly 13 acres as Town park preserve will mitigate impacts to vegetation and wildlife.

Additional mitigation may be obtained depending on the yield plan that is accepted and the type and number of modifications implemented. Use of the applicant's recommended project development measures (DEIS, Appendix D, page 35), such as marking of significant trees and replanting with native and near native landscaping will further reduce the level of impact.

## OPEN SPACE

Although not designated on the Town of Huntington Open Space Index, the property exists as a natural area serving to protect vegetation, habitat and groundwater. Open space also provides physical and psychological relief from the surrounding built environment. These amenities are often diminished, degraded or made inaccessible by development. Reservation of the majority of the site as park preserve will mitigate impacts to open space values.

## GROUNDWATER

Any of the alternatives presented in the DEIS/FEIS may adversely affect groundwater quality from the disposal of household wastewater. None of the alternatives, however, are expected to exceed Suffolk County Department of Health Standards. Review of the project by SCDHS will minimize wastewater impacts to groundwater resources. The introduction of fescue varieties of grass that require less irrigation and fertilizer will minimize additional sources of groundwater contamination.

## SURFACEWATER

Area soils were classified as "rapidly permeable" posing no restriction for home development or sewage disposal. Development will be confined to the southerly portion of the site where the natural grade is from north and south. Plans will be reviewed by the Town of Huntington Engineering Review Division to insure that stormwater from altered areas will continue in this direction for collection and recharge to the proposed basin at the southeast corner. The applicant may be required to supply soil borings to further define conditions at the site in designing drainage systems as deemed necessary by the Town Engineer.

## AIR QUALITY

The total air pollutant emissions from residential oil burners home with implementation of the applicant's preferred plan or any of the alternatives should not generate volumes significantly above present levels. Research conducted by the USEPA, US Department of Energy and Brookhaven National Laboratory show that modern oil burners are "clean burning" and not a major source of air pollution. Installation of efficient home heating systems (designated "Energy Star") will mitigate impacts to air quality.

## PESTS

Small rodents and insectivores such as mice, shrews and voles are expected to be the most abundant mammals on the site. Some mammals, such as rats and mice are common pests. Others are not pests in their normal habitats, but may become pests when their activities conflict with those of humans. Adherence to approved limits of clearing and good refuse storage techniques will minimize potential impacts from vectors.

## ALTERNATIVES

### *24 Lot Yield*

The 24-lot yield alternative is the applicant's original proposal that resulted in the issuance of a Positive Declaration. This plan proposes development of the entire parcel depicting a cul-de-sac approximately 3500 feet in length ending in a turn-around at the northerly end of the property (DEIS, Drawings F1 through F3).

### *17 Lot Modified Yield*

This plan was developed by the applicant to locate all development within the R-20 portion of the site. The plan proposes a cul-de-sac 1340 feet in length; 10.7 acres as parkland and a recharge basin in the southeast corner of the site (DEIS, Drawings M1 through M3). The plan, however, does not adhere to the basic design directives and standards of the Town of Huntington Subdivision Regulations and Site Improvement Specifications as it:

- Proposes a road more than 900 feet in length;
- Transforms existing lots adjoining the subject property into through lots, and
- Provides less than the minimum two hundred (200) foot horizontal radius required for proper street alignment.

### *17 Lot Modified Cluster (applicant's preferred plan)*

Based upon the applicant's modified yield alternative, this plan modifies thirteen (13) lots to approximately 1/3 of an acre; shortens the cul-de-sac to 875 feet and preserves approximately 10.9 acres as parkland (DEIS, Drawings 1 through 3). The plan was later revised (Sheet 3 of 3, dated 3/4/97) to show a reduced depth on the two most

northerly lots (16 & 17), increasing parkland to 12.95 acres. Although this alternative depicts a roadway length of less than 900 feet, it continues to make one adjoining lot a through lot and provides less than the minimum two hundred (200) foot horizontal radius required for proper street alignment.

#### ***17 Lot Attached Single Family Cluster***

Based upon the applicant's 17 lot modified yield alternative, this plan proposes a 17-lot townhouse configuration in the southerly portion of the site with access to be provided by a cul-de-sac approximately 700 feet in length (DEIS, Figure 7).

#### ***16 Lot Yield***

This plan (FEIS, Appendix J), developed by Planning Department Staff is a variation of the applicant's 17 lot yield plan. The plan, however, has many of the same design deficiencies with regard to roadway length and creation of through lots.

#### ***16 Lot Modified***

Based upon the 16 lot yield alternative, this plan reduces the length of the cul-de-sac, but continues to create through lots of properties to the east (FEIS, Appendix K).

#### ***12-Lot Yield***

The 12-lot scenario (FEIS, Appendix H) conforms to the basic design directives and standards of the Town as well as the concerns expressed by the community by :

- Restricting development to the wide more disturbed southern portion of the site.
- Proposing a road less than 900 feet in length;
- Providing a minimum two hundred (200) foot horizontal radius required for proper street alignment;
- Eliminating through lots and their associated impacts (truck traffic, lack of privacy, noise pollution in backyards, diminished property values);
- Developing the land in keeping with the surrounding community;
- Retaining as much trees and buffer area as possible;

#### ***12-Lot Modified***

Based upon the 12-lot yield alternative, this plan increases the separation between proposed development and existing lots and further mitigates the loss of habitat (FEIS, Appendix I).

#### ***10-Lot Yield***

The 10-lot yield scenario was developed to provide lots with houses set back from the Long Island Expressway (LIE) outside the 67 dba noise contour (FEIS, Appendix F). This alternative exhibits all the advantages associated with the 12-lot yield plan meeting all the design standards of the Town and community while maintaining a setback behind the noise contour of concern on the two lots adjoining the LIE Service Road.

#### ***10-Lot Modified***

Based upon the 10 lot yield alternative, this plan reduces the length of the cul-de-sac; the area on two lots (lots 2 & 3) and the radius at the turn-around (FEIS, Appendix G). It also provides set-back modifications commensurate with adjoining lots, affording greater separation between existing and future homes.

#### ***Rezoning the R-20 Portion of the Site to R-40 (5 Lot Yield Plan)***

Rezoning the R-20 portion of the subject property to R-40 and application of all the Town design standards results in a yield of 5 lots (FEIS, Appendix E). There would be less paved surfaces, stormwater, wastewater and traffic than any of the other development alternatives.

#### ***No Action***

This alternative considers no change in the current condition of the property.

## CONCLUSIONS

Analysis of the draft and final EIS and comments received during the subdivision review process have shown that the proposed project will result in adverse environmental impacts. Pursuant to 617.11(d) of SEQRA the Planning Board as lead agency has:

given consideration to the relevant environmental impacts, facts and conclusions disclosed in the FEIS;

weighed and balanced the relevant environmental impacts with social, economic and other considerations;

provided a rationale for its decision;

certifies that the requirements of SEQRA have been met, and

certifies that consistent with social, economic and other essential considerations, an alternative action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, by incorporating as conditions those mitigative measures that were identified in this Findings Statement, if the **12-Lot Modified** plan is approved.

Identification Number P1472600-00084

Name of Action JILL ESTATES

**CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE**

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

\_\_\_\_\_  
Name of Agency

\_\_\_\_\_  
Signature of Responsible Official

\_\_\_\_\_  
Name of Responsible Official

\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address of Agency

OR

**CERTIFICATION OF FINDINGS TO DENY**

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have not been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action denied is one which fails to adequately minimize or avoid adverse environmental effects to the maximum extent practicable; and/or
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process cannot be adequately minimized or avoided by the mitigation measures identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will not adequately achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

TOWN OF HUNTINGTON PLANNING BOARD  
\_\_\_\_\_  
Name of Agency

  
Signature of Responsible Official

RICHARD MACHTAY  
\_\_\_\_\_  
Name of Responsible Official

DIRECTOR OF PLANNING  
\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address of Agency

cc: Other Involved Agencies and the Applicant

# ENB Publication of SEQR Notices:

Please check all that apply

<input type="checkbox"/> Negative Declaration - Type 1	<input type="checkbox"/> Draft EIS
<input type="checkbox"/> Conditioned Negative Declaration	_____ with Public Hearing
<input type="checkbox"/> Draft Negative Declaration	_____ Generic
<input type="checkbox"/> Positive Declaration	_____ Supplemental
_____ with Public Scoping Session	<input checked="" type="checkbox"/> Final EIS
	_____ Generic
	_____ Supplemental

Region # 1 Contact Person: Richard Machtay, Director or Scott Robin, Environmental Review Division, Planning Department  
County: Suffolk Address: Huntington Town Hall, 100 Main Street, Huntington NY 11743  
Phone: (516) 351-3196  
E-Mail: srobin@town.huntington.ny.us

Lead Agency: Town of Huntington Planning Board  
Project Title: **Jill Estates [Subdivision Application]**  
Project Location: The subject property is located between Vanderbilt Motor Parkway and the Long Island Expressway (NYS 495) North Service Road, 34.94' west of Dillon Drive in Dix Hills; indicated as parcels 0400-263-02-072 and 0400-249-04-19 on the Suffolk County Tax Map.

Brief Project Description: The action involves the subdivision of a 20.59 acre site, zoned R-40 (minimum lot size 1 acre residential) and R-20 (minimum lot size 20,000 sf residential) for the subsequent construction of new single-family homes. The applicant's preferred plan (Preliminary Map & DEIS received 12/10/96, amended 1/15/97) is for a 17 lot cluster configuration with recharge basin in the southerly portion of the site to be accessed by a 875' long cul-de-sac from the North Service Road of the Long Island Expressway and 10.9 acres (northerly portion) to remain as passive parkland.

For Draft EIS: Public Comment Period:  
For Public Hearing: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location:

Copies of the Final EIS can be obtained at: Huntington Town Hall  
100 Main Street, Room 212  
Huntington, New York 11743  
and  
Half Hollow Hills Community Library  
55 Vanderbilt Parkway  
Dix Hills, New York 11746

This form must be submitted to Business Environmental Publications Inc.:  
US Mail: Business Environmental Publications, Inc. Fax: (518) 371-7419  
6 Sevilla Drive E-Mail: Compuserve - 71224,3324  
Clifton Park, NY 12065 Internet - 71224.3324@compuserve.com

\*All Notices must be received by close of business Wednesday, or by FAX by 11:59pm Wednesday, to be published in the following week's issue of the ENB.5/95.

617.21  
Appendix H  
State Environmental Quality Review  
**Notice of Completion of Final EIS**

**New York State Department of Transportation Case No. 97-56**

**Date: December 4, 1997**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Final Environmental Impact Statement [to include the Planning Board accepted DEIS and all its comments and attachments; the June 2, 1997 letter from Schneider Engineering (traffic consultants for the applicant), the August 5, 1997 letter from the New York State Department of Transportation and all plans, figures and appendices associated with the FEIS document] has been completed and accepted by the Huntington Town Planning Board, as lead agency, for the proposed action described below.

**Name of Action: Jill Estates [Subdivision Application]**

**Description of Action:** The action involves the subdivision of a 20.59 acre site, zoned R-40 (minimum lot size 1 acre residential) and R-20 (minimum lot size 20,000 sf residential) for the subsequent construction of new single-family homes. The applicant's preferred plan (Preliminary Map & DEIS received 12/10/96, amended 1/15/97) is for a 17 lot cluster configuration with recharge basin in the southerly portion of the site to be accessed by a 875' long cul-de-sac from the North Service Road of the Long Island Expressway (NYS 495) and 10.9 acres (northerly portion) to remain as passive parkland.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.) The subject property is located between Vanderbilt Motor Parkway and the Long Island Expressway (NYS 495) North Service Road, 34.94' west of Dillon Drive in Dix Hills, indicated as parcels 0400-263-02-072 and 0400-249-04-19 on the Suffolk County Tax Map

**Potential Environmental Impacts:** Please refer to the Draft and Final Environmental Impact Statements accepted by the Planning Board.

**A Copy of the Final EIS may be obtained from:**

**Contact Person:** Richard Machtay, Director of Planning, or  
Scott Robin, Environmental Review Division  
**Address:** Town of Huntington, Planning Department, 100 Main Street, Huntington, New York  
11743  
**Telephone Number:** (516) 351-3196

**A Copy of this Notice and the Final Environmental Impact Statement Sent to:**

- √ New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001, Attn: John P. Cahill, Commissioner
- √ New York State Department of Environmental Conservation, Division of Regulatory Affairs, Region I, SUNY, Building #40, Stony Brook, New York 11790-2356, Attn: Ray E. Cowen, Regional Director
- √ Office of the Chief Executive Officer of the political subdivision in which the action will be principally located -- *Town of Huntington Supervisor Frank P. Petrone*

- √ Town of Huntington, Office of the Town Clerk, Attn: Joanne Raia, Town Clerk
- √ Applicant - *D & S Realty Development, L.P., 521 Route 111, Hauppauge, New York 11788*

**All Involved Agencies:**

- √ New York State Department of Transportation, New York State Office Building, Veterans Highway, Hauppauge, New York 11788-5518, Attn: Thomas F. Oelerich, P.E., Regional Traffic Engineer
- √ Suffolk County Planning Commission, 220 Rabro Drive, Hauppauge, New York 11788, Attn: Steven M. Jones, AICP
- √ Suffolk County Department of Public Works, 335 Yaphank Ave., Yaphank, New York 11980, Attn: Richard J. La Valle, P.E.
- √ Suffolk County Department of Health Services, Wastewater Management Division, County Center, Riverhead, New York 11901, Attn: Stephen Costa, PE, Associate Public Health Engineer
- √ NYNEX, 510 North Ocean Avenue, Patchouge, New York 11772, Attn: Thomas Breidenstein, Right-of-Way Engineer
- √ Thomas Mazzola, P.E. Town of Huntington Director of Engineering Services
- √ Dix Hills Water District, Caledonia Road, Dix Hills, New York 11746, Attn: Benjamin Bletsch, P.E.

**All Interested Agencies:**

- √ Long Island Regional Planning Board, 20 Rabro Drive, Hauppauge, New York 11788, Attn: Dr. Lee Koppelman
- √ Dix Hills Fire District, 115 East Deer Park Road, Dix Hills, New York 11746, Attn: Edward Kaleita, District Fire Marshal
- √ Dix Hills Woodlands Association, 18 Patri Court, Dix Hills, New York 11746, Attn: Donna Hepp
- √ Long Island Lighting Company, 175 East Old Country Road, Hicksville, NY 11801, Attn. William S. Davidson, Director of Government Relations
- √ Half Hollow Hills School District, 525 Half Hollow Road, Dix Hills, New York 11746, Attn. Kevin McGuire, Superintendent of Schools
- √ Huntington Town Conservation Board
- √ Huntington Town Fire Prevention Bureau

**Copies of the Document can be Reviewed in:**

- Town of Huntington Planning Department (Rm. 212), 100 Main Street, Huntington, New York 11743
- Half Hollow Hills Community Library, Dix Hills Main Library, 55 Vanderbilt Parkway, Dix Hills, New York 11746

cc: Planning Board

## HUNTINGTON TOWN PLANNING BOARD

### MEETING OF DECEMBER 3, 1997

The following resolution was offered by K. Mackey

and seconded by A. Cisternino

WHEREAS, D & S Realty Development, L. P., 521 Route 111, Hauppauge, New York 11788, owner of fee title to land, has submitted a subdivision application for the JILL ESTATES property located between the Long Island Expressway (NYS 495), 34.94 feet west of Dillon Drive in Dix Hills, indicated as parcels 0400-263-02-72 & 0400-249-04-19 on the Suffolk County Tax Map, prepared by Jeffrey A. Hartman, P.E., Consulting Engineers, and

WHEREAS, said preliminary application was received on April 18, 1995 for the subdivision of a 20.59 acre property into twenty-four (24) lots, later revised to seventeen (17) lots, zoned R-40 & R-20 Residential and,

WHEREAS, the Huntington Town Planning Board caused a review of the subdivision plan to be made, pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), and Part 617 of the implementation regulations (6 NYCRR Part 617), and

WHEREAS, the Planning Board issued a Positive Declaration pursuant to SEQRA and the applicant submitted a Draft Environmental Impact Statement, which was found acceptable by the Board, and

WHEREAS, the Planning Board held a public hearing on March 5, 1997 and substantive comments were received, and a Final Environmental Impact Statement (FEIS) was prepared, now therefore be it

RESOLVED, that the Planning Board hereby accepts the FEIS, prepared by the Town of Huntington Planning Department, dated October 1997 as satisfactory with regard to its scope, content and adequacy, and be it further

RESOLVED, that the Planning Board hereby directs the Environmental Review Division of the Planning Department to prepare and file a Final Environmental Impact Statement Notice of Completion in accordance with SEQRA, and be it further

RESOLVED, that the Planning Board hereby instructs the Environmental Review Division of the Planning Department to draft a Findings Statement on the FEIS within 20 days.

VOTE: 6      AYES: 6      NOES: 0

The resolution was thereupon declared to be duly adopted.

**FINAL ENVIRONMENTAL IMPACT STATEMENT**

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**JILL ESTATES**

**DIX HILLS, TOWN OF HUNTINGTON  
SUFFOLK COUNTY, NEW YORK**

**OCTOBER 1997**

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**TOWN OF HUNTINGTON PLANNING DEPARTMENT  
100 MAIN STREET  
HUNTINGTON, NEW YORK 11742  
(516) 351-3196**

**COVER SHEET**

**TYPE:** Final Environmental Impact Statement

**PROJECT:** Jill Estates Subdivision

**LOCATION:** Between Vanderbilt Motor Parkway and the Long Island Expressway (NYS 495) North Service Road, 34.94' west of Dillon Drive in Dix Hills; indicated as parcels 0400-263-02-072 and 0400-249-04-19 on the Suffolk County Tax Map.

**LEAD AGENCY:** Town Planning Board  
Town of Huntington  
100 Main Street  
Huntington, New York

**CONTACT:** Richard Machtay or Scott Robin, Department of Planning  
(516) 351-3196

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**PREPARER OF FINAL:** Town Planning Department  
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Huntington, New York 11743  
(516) 351-3196

**PROJECT APPLICANT:** D & S Realty Development  
521 Route 111  
Hauppauge, New York 11788

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## SUMMARY

The following document is the Final Environmental Impact Statement (FEIS) for the Jill Estates Subdivision application in compliance with the NYS Environmental Quality Review Act (SEQRA). Pursuant to 6 NYCRR Part 617 (SEQRA) Section 617.9 (b) (8), a FEIS must consist of: the Draft Environmental Impact Statement (DEIS), including any revisions or supplements to it; copies or a summary of the substantive comments received and their source; and the lead agency's responses to all substantive comments. The DEIS may be directly incorporated into the FEIS or may be incorporated by reference.

The action is a proposal to subdivide a 20.59 acre site for the subsequent construction of seventeen (17) proposed new single-family homes. The site is bisected by a zone boundary line with 10.7 acres zoned R-40 (minimum lot size 1 acre residential) and 9.8 acres zoned R-20 (minimum lot size 20,000 sf residential), north and south respectively. Three easements intersect the site, two existing (slope and power/phone) and one proposed (water).

The project site is located between the North Service Road of the Long Island Expressway (LIE) and Vanderbilt Parkway (Suffolk County Road 67), 34.94 feet west of Dillon Drive in Dix Hills, designated on the Suffolk County Tax Map as #'s 0400-249-04-19 & 400-263-02-72. The subject property is a long, narrow parcel, approximately 4,000 feet by 200 feet, widening to approximately 500 feet where it meets the LIE. The property was acquired and configured in the early 1960's by New York State for use as part of the proposed Bablylon-Northport Expressway to connect the LIE with the Northern State Parkway. The State sold the property to Britt Realty Development in March 1995 who then sold it to the applicant, D & S Realty Development in November 1995.

The applicant's preferred plan (Cluster Map, revised 3/4/97) is for a cluster configuration in the southerly R-20 portion of the site, to be accessed by a 875' long cul-de-sac from the LIE. Proposed modifications include reductions in lot area and lot width at the required front-yard setback. Proposed dedications to the Town include 10.9 acres for parkland (north) and 32,400 square feet for a stormwater recharge basin (southeast). Dwellings will be serviced by public water supply and on-site sewage disposal systems via septic tanks and leaching pools. Total sanitary flow for the site is proposed to be within Suffolk County Department of Health Standards of 600 gpd/acre for conventional sewage disposal systems.

This FEIS incorporates by reference the DEIS; copies of the public's comments and the Planning Board's response. Part of this response is in the form of seven (7) additional alternative plans. With the five (5) layouts described in the DEIS [i.e. Full Yield Alternative, No Action, Modified Yield Alternative, Modified Cluster Alternative (applicant's preferred plan) and Attached Single Family Cluster], a total of twelve (12) actions have been analyzed. Section K provides a summary of ten (10) of these alternatives.

## RESPONSE TO COMMENTS

This section of the FEIS lists the responses to comments on the DEIS listed in Appendix A.

### A - LAND USE DESIGN CONSIDERATIONS

On its release of the subject property at auction the State of New York left all options open for the Huntington Planning Board. Its auction documentation clearly states: "The State shall convey said property subject to all zoning laws and the Purchaser understands that no representation is made by the State as to future permitted use, occupancy or zoning of the property." The land was quitclaimed by the State with the express understanding that the sale is subject to "laws and governmental regulations which affect the use and occupancy of the subject premises."

It is clear from review of the surrounding subdivisions that the former New York State Department of Transportation property, now known as Jill Estates, has played a role in determining their design configuration. It has either been deliberate as the property was acquired from some adjoining landowners to establish the state right-of-way on their subdivision or less guarded as the land was already set aside for the state purpose when the adjoining subdivision applications were made. An October 31, 1967 memo from then-Planning Director Harold Letson to Rubin Wagner, a developer responsible for much of the housing in the Jill Estates area, indicates that the circulation system and lot layout for all developments bounded by the Long Island Expressway, Carll's Straight Path, Vanderbilt Parkway, and Commack Road "were conditioned by the plans of the New York State Department of Public Works (now the Department of Transportation) for the Babylon-Northport Expressway." The letter continues:

"The proposed location of the Expressway, and our subsequent design requirements, affected the Village on the Hill development, and the Wareham Estates development as well as your own Tall Grass and Sweet Grass Estates maps. Our design requirements resulted in the establishment of a series of loops and cul-de-sac with no through streets. The system was developed to protect future residents in the area, and guard against disruption of the circulation system by eventual construction of the highway.

Had it not been for the Babylon-Northport Expressway, it is likely that the Planning Board would have approved an area circulation system with the major orientation being east-west. In all probability, the Board would have approved your original map, which showed a single design for the property which was later filed as Ronway Estates, Tall Grass Estates, and Sweet Grass Estates."

The Huntington Planning Board established a firm record for impact statement consideration of surplus state property that had been planned for highway purpose in this Dix Hills area through its review of Vanderbilt Homes (later renamed Vanderbilt Plat). The following subsections provide response to the substantive comments received, comparing the proposed Jill Estates subdivision (yield map and plan) with alternative options, the surrounding community development pattern, and the prior record established by the Planning Board for other filed subdivision maps adjoining or located within 200 feet of the subject property (The Cedars at Dix Hills; Princeton Park; Ronway Estates; Sweet Grass; Tall Grass; Village on the Hill; and Wareham). Comments received on the Jill

Estates Draft Environmental Impact Statement specific to proposed subdivision design comprise the majority of comments expressed and are the subject of a petition signed by numerous individuals. The comments are generally summarized, discussed and responded to by subtopic below.

### **R-20 Zoning Compliance/Modifications**

- Make all new lots at least a half-acre in size with no modifications;
- Every house around the neighborhood sits on more than a half acre, keep compliance with the zoning laws; and
- Cluster configuration will violate the half-acre zoning requirement.

Section 198-114 of the Zoning Code of the Town of Huntington (New York State Town Law § 278, formerly § 281) allows the Planning Board to modify the zoning regulations “to encourage the most appropriate use of land consistent with the character thereof and with the general welfare of the community, to afford adequate facilities for the housing, circulation, convenience, safety, health and welfare of the population to safeguard the appropriate use and value of adjoining property, or to conserve the general character and value of property in the district. Unless otherwise specified in this Article, any modification of the zoning regulations made by the Planning Board in connection with plat approval shall be limited to size of lot, minimum yard dimensions, locations of buildings, location and extent of parking and loading areas and provision of public recreation areas, including parks and playgrounds, or public school sites.”

**The subject site will be yielded in accordance with a fully-conforming plan consistent with all applicable regulations.** The Planning Board may then exercise its authority to provide enhanced design flexibility (per §278 of New York State Town Law) through application of modifications to preserve the natural and scenic qualities of the property. *By reducing vegetation removal to reserve more buffering woodland habitat/open space, impacts to the surrounding community can be similarly reduced.* If such a determination is made, the lead agency’s approval of such a plan must be in compliance with New York State Environmental Quality Review Regulations (SEQRA, 6 NYCRR 617), Town Law (§278), and Town Code (§198-114). Therefore, lots modified in accordance with the established standards will comply fully with zoning laws and requirements.

While comments are on record in opposition to the introduction of modifications on the proposed plan, there are Planning Board-approved modifications on existing lots adjoining Jill Estates. Rear yard setback modifications have been approved for existing lots directly adjoining the west side of the Jill Estates site—lots 7, 8, 9, 18, and 19 on the Map of Ronway Estates (Appendix B) allowing 35 feet where 50 feet is required. One of these lots (#9) also had both side yards modified from 25 feet to 15 feet. It is quite probable that the Planning Board’s rationale for such modifications rested on the uncertain future development of the subject site for residential use and the understanding that a portion of the state right-of-way, if developed with a road, would remain undeveloped buffer area. *To maintain the intended protection of the existing off-site modified lots, the Planning Board can reserve specified natural buffer area or require landscaping (e.g. double staggered line of evergreens) to a specific depth (e.g. 15-20 feet and/or fencing). This can serve a dual purpose of reducing potential impacts to existing homes while providing a greater sense of privacy for the new dwellings to be constructed.*

### **Character of Existing Community**

- No existing lot should end up with a road or driveway in its backyard;
- Proposal will change existing character of “dead-end” community and quality of life to surrounding neighbors;
- Develop the land in keeping with the surrounding community;

- Introduction of cluster housing or new houses on odd and contrived shape lots will damage the character of the mature, stable neighborhood;
- Proposed cul-de-sac pavement will be adjacent to existing houses causing increased impacts (truck traffic, lack of privacy, noise pollution) and dual frontage will diminish value of existing properties—unfair and undesirable design;
- End the cul-de-sac further south to not interfere with use and enjoyment of existing adjoining properties;
- Narrow and pie-shaped parcels adjoining the proposed development will be impacted more due to their shallow depth;
- Retain as much trees and buffer area as possible;
- Provide housing compatible with the stated “project purpose and need (“...to provide housing in conformance with the character and diversity of the existing surrounding community).”
- Restrict development to the wide southern portion of the site; and
- Further consider the no development alternative.

The proposed development will cause a change to the subject site as its use is converted from open space to accommodate new home sites. Removal of woodland habitat will eliminate some of the privacy now enjoyed by adjoining neighbors; however, the landowners have a right to reasonable use of property in compliance with all Town and State laws and policies. The SEQRA process is a balancing mechanism—designed to weigh impacts, insure mitigation, invite public participation, and allow a decision to be made which is the best option from among alternatives considered. It is a means of using consensus to drive creativity in design; however, sometimes it becomes a tool to effect change. The Dix Hills community has evaluated its neighborhood setting and presented numerous valid observations and concerns to assist the Planning Board in protecting existing community character.

The Town has existing design standards to encourage certain base consistency in design. The yield map which establishes how many lots can be created from a tract of land should reflect all relevant design standards. The Town of Huntington Subdivision Regulations and Site Improvement Specifications indicate that “block width shall provide for two tiers of lots, back to back, unless the Planning Board rules otherwise.” The applicant’s tentative yield study (Appendix C) does not adhere to this basic design directive as it depicts the proposed Jill Court in such a manner as to transform three existing lots east of the subject property into through lots. The applicant’s modified plan also makes one adjoining lot a through lot (Appendix D). New tentative 5, 10, 12 and 16-lot yield studies have been prepared for Planning Board consideration and are included in this FEIS (Appendices E, F, H and J). The five-lot scenario is based upon rezoning the R-20 portion of the property to R-40. The 10-lot scenario was designed to reflect the 67 dbA noise level contours from the roadway noise prediction data obtained from the New York State Department of Transportation (see Noise Impact Section D below for a discussion on this issue). The 12-lot scenario conforms to the concerns expressed by the community as does the associated modified plan (Appendix I) in that they do not depict the proposed new roadway directly contiguous to an existing residential lot. The approved Vanderbilt Plat yield study was presented in similar fashion (see Vanderbilt Plat Consistency discussion below). *None of the lots adjoining the proposed Jill Estates are presently through lots; therefore, the lead agency should consider that there is no precedent that would lead a shift from standard design policy.*

Article XII of the Town of Huntington Subdivision Regulations and Site Improvement Specifications contains a preferred design criterion of 900 feet maximum as a length for new blocks. The proposed new block scenario at Jill Estates is for access by a single cul-de-sac roadway. Review of the ten cul-de-sac roadways closest to the subject property (Red Oak Court, Patri Court, Maple Ridge Court, Corwin Court, Firelight Court, Caroline Court, Jordan Court, Sweetwater Court, Heather Court, and Villadom Court) indicates an average length of 700 feet (as

generally measured from the intersection with the adjoining road to the center point of the cul-de-sac). Three of the ten cul-de-sacs had a second access point, unlike the proposed subdivision, and exceeded 1,000 feet in length. Of the seven cul-de-sacs with singular access the average road length is 570 feet; one exceeded the 1,000 foot standard by approximately 30 feet (Patri Court). The final yield study for the Vanderbilt Homes development indicated a cul-de-sac roadway length of less than 1,000 feet. This was a radical departure from the originally submitted Vanderbilt Homes design with 4,300 linear feet of cul-de-sac length and the applicant's preferred plan on which the Vanderbilt DEIS was based which indicated 2,735 linear feet. Although the proposed Jill Court is shown on the applicant's preferred modified lots plan as about 875 feet in length, it is depicted on the applicant's tentative yield study as 1,350 feet—inconsistent with the surrounding development pattern for roadways with only one means of ingress and egress. *Reducing the length of the roadway from that which the applicant proposed can concentrate development at the southern portion of the site and diminish overall open space/natural habitat impacts.*

The Town of Huntington Subdivision Regulations and Site Improvement Specifications require a 62.5-foot radius turn-around at the end of a cul-de-sac, but allow for reduction of the turn-around radius in the R-20, R-40 and R-80 zones where no more than four houses have frontage thereon. The 10-lot modified plan (Appendix G) shows *that reducing the cul-de-sac turn-around radius to 50 feet may be an option for increasing separation of new homes from the residences on existing adjoining lot; therefore, further mitigating loss of habitat.* While a yield map must depict a fully-conforming 62.5-foot radius, *any of the design scenarios could incorporate a reduced roadway radius as a mitigating measure to relocate the roadway south of the town recharge basin property boundary and eliminate the potential for creating through lots.*

Review of the surrounding pattern of development indicates that nearly all of the lots which adjoin the subject site have rear yards touching the property. An exception are the end lots on Patri Court which have adjoining side yards and the flag lot at the north end of the property off Vanderbilt Parkway which actually adjoins with its technical front yard. All of the proposed lots on all of the alternative plans which have their main axis running east-west match rear yards to existing rear yards. Any proposed lots with their long axis running north-south will match side yards to rear yards.

#### Vanderbilt Plat Consistency

- Consider all criteria evaluated for Vanderbilt Plat, distinguish similarities and differences and whether a precedent had been set; and
- Examine the record of the Article 78 judgment re: Vanderbilt Plat and the corresponding decision of Judge Gowan and its relevance to the subject action.

There are several similarities and a number of differences between Vanderbilt Plat and the proposed Jill Estates. Among the parallels is that the land was planned to be used for the State Northport-Babylon Expressway, the properties are each comprised of two tax parcels bisected by utility lines; the adjoining pattern of development is clearly established and has all but precluded normalized development of the remaining 200-foot wide strip parcels in the R-40 community, and both applications include offers of park dedication.

On Vanderbilt Plat the applicant was limited by the practical difficulty of establishing yield with conforming frontage as LILCO owned a parcel which divided the site and the site was uniformly 200 feet in width for its entire 5000 ± foot length. Jill Estates is 531 feet wide at its boundary with the Long Island Expressway, providing a more conventional building area in at least one portion of the site.

The Town of Huntington Subdivision Regulations and Site Improvement Specifications hold that lots shall, in general, be rectangular, somewhat deeper than they are wide and irregularly shaped lots (lot #1 on the applicant's tentative yield study does not conform to this standard). With the one-acre zoning at Vanderbilt Plat (a.k.a. Vanderbilt Homes), it was a practical design difficulty to achieve a concept that ameliorated all concerns given the applicant's objective. The Planning Board accepted a three-lot yield map for the 20+ acre site. The entire 15.5-acre northern tract yielded only one lot (with its main axis north-south—enabling the lot to be deeper than it is wide on the yield map) with dual frontage (on Northern State Parkway and by easement across the LILCO land).

The existing adjoining lot configuration flanking Vanderbilt Plat was entirely comprised of conforming deep-lot (almost all greater than 300 feet) one-acre parcels; therefore, the 150-foot depth lots proposed along with the 50-foot right-of-way were clearly inconsistent with the existing pattern of development. In comparison, most of the lots which flank the southern component of the Jill Estates site are more comparable in depth to the proposed lots.

No modifications to area or to side yards were existent in the adjoining developed neighborhood when Vanderbilt Plat was reviewed. Nevertheless the Planning Board approved Vanderbilt Plat as a three-lot subdivision of modified design (maintaining conforming one-acre lot areas) to diminish impacts to site resources in accordance with SEQRA. The accepted yield study did show a 50-foot right-of-way along the western property boundary which in effect created "through lots" (double frontage) on four existing adjoining parcels on Red Oak Court. This road was never constructed, as the lots were modified to enable access by a single shared driveway.

The eight (8) alternative plans presented herein are generic in nature, providing a baseline for determining yield and possible modified layouts. Variations are almost unlimited. Consideration to the Vanderbilt Plat design, which incorporates a flag lot can possibly replace the extended cul-de-sac with a single driveway that can be buffered with evergreen plantings. Precedent for such flaglots has been established in the area, specifically, at the property adjoining the subject site to the west along its Vanderbilt Parkway frontage and at Vanderbilt Plat. Restrictive covenants were filed for Vanderbilt Plat requiring all three residences to utilize only the common driveway for access; only one access to Vanderbilt Parkway, and no further subdivision of any lot. *Similar to Vanderbilt Plat, the introduction of flaglots may reduce the overall roadway length and allow further vegetation retention as buffer.*

Jill Estates offers similar challenges, but also is quite different. Key are the split zoning (R-40 and R-20); the extended width of the southern portion of the property, and the confluence of the R-20 zoning with the wide part of the parcel. For Vanderbilt Plat the Planning Board determined that it would be impossible to configure lots of standard R-40 dimension that have a depth greater than their width (some 150' deep X 200 ± feet wide) in accordance with the Town of Huntington Subdivision Regulations and Site Improvement Specifications when limited by an overall property width of only 200 feet and the required provision of a 50-foot right-of-way. Therefore, yield was dramatically reduced from the applicant's original request. In contrast, there are opportunities for acceptable lot design in accordance with existing standards for the R-20 zoned area at Jill Estates. Tentative yield studies indicate that no yield need be allocated to the R-40 component of the site for the applicant to receive a reasonable return on investment and for the proposal to be substantially in conformance with the yielding of Vanderbilt Plat. The applicant's own yield study submission allocates no yield from the R-40 component of the property. The same flexibility that is introduced with the lesser area and dimensional requirements of the R-20 District does draw the proposed development closer to adjoining homes than it would with R-40 zoning; however, the same can be said for the existing homes that were built closer to the subject site than had they been zoned R-40. In the southern component of the site zoned R-20, this is the established pattern of development—lots conforming to the area requirement. Similarly, at Vanderbilt Plat all three lots on the final map conformed to the one-acre area

requirement (all being at least 1.60 acres). *The maintenance of all lots at Jill Estates conforming to the area requirement of the R-20 Residence District would be consistent with the mitigation imposed in the Vanderbilt Plat review to diminish impacts to community character.*

Previous subdivisions within the Town similar to Jill Estates and Vanderbilt Plat not involving the State Northport-Babylon Expressway were also examined. Three of the most conformant cases are summarized below. In each case access was provided to the site by a cul-de-sac from the Service Road of the Long Island Expressway.

NAME	ZONING	AREA (acres)	LOTS	MODIFICATIONS	LENGTH OF CUL- DE-SAC	APPROVED
Naomi Estates	R-40	7.2	6	No	< 1000 ft	3/97
Westminster Downs	R-40	12.44	8	Yes	< 1000 ft	3/94
Sleepy Hollow Estates	R-40	24.2	20	Yes	> 1000 ft	4/72

There is a perceived impact to land valuation from a reduction in the lot size through modification to lot area. The assessment for each new lot will be calculated based on the improvement to the property and the value of the land. The physical improvement is the major component for site assessment. In all likelihood the new homes to be built will be assessed higher than the immediately surrounding homes that are similarly zoned as the real estate market is supporting ever greater square footage. §198-114 cited above allows the Planning Board to modify the zoning regulations "...to safeguard the appropriate use and value of adjoining property..." It will be the Board's determination which proposal—the applicant's or one of the alternative designs considered thereto—best meets the Town Code directive, while weighing and mitigating all impacts pursuant to SEQRA.

Even if lot areas are kept conforming at the R-20 standard with a minimum of 20,000 square feet, there are other measures, including yield reduction and setback modifications that could diminish direct effects to on-site natural resources and adjoining properties. *Similar planning tools employed at Vanderbilt Plat as mitigation (as noted under the discussion of modifications above) may be of use at Jill Estates to increase distance between the proposed and existing homes. These could include modification of front yard setbacks to 35 feet to compensate for the 35 foot rear yard setbacks on adjoining parcels and orientation of matching yards (side yard to side yard; rear yard to rear yard) as perceived by the front yard orientation of the homes.*

**B - TAXES**

Refer to Appendix L of this document.

**C - TRAFFIC IMPACTS**

Concerns regarding increased traffic volumes, accidents and proper site access were addressed with review by the New York State Department of Transportation (NYSDOT) and the Town Departments of Engineering Services and Environmental Control (Appendix M). Many of the statements made during the public comment period centered on the potential for increased traffic "cutting through" local roads (e.g. Village Hill Drive, Campbell Drive, Colby Drive, etc.) and the restrictions one way access from the service road would have on emergency vehicles.

In order to evaluate these concerns, the NYSDOT requested a supplementary traffic study (Appendix N). Prepared by the applicant's consultant Schneider Engineering, the study concluded that proposed development

should not cause any additional roadway hazards. NYSDOT was in general accord with these findings, commenting only on the need for:

- A Suffolk County Department of Public works approved Traffic Maintenance and Protection Plan.
- Consideration with regard to the existing slope easement
- A noise advisory to potential homeowners for Lots 5 and 6.

The Town's review also determined that that there should be no significant safety problems with the applicant's proposed 17 lot project, provided a sufficient radius is provided at the end of the cul-de-sac (minimum of 50' of paved area) for a 31 yard capacity rear packer vehicle to turn around. Concerns regarding additional traffic on surrounding streets from the proposed 17 lots were anticipated to be minimal. Emergency vehicle access to the subject site was noted as a potential problem, but not an unusual condition, one that could be dealt with by the various emergency service agencies.

Residents have suggested that development of the site incorporate access from Vanderbilt Parkway. The Town of Huntington Subdivision Regulations and Site Plan Specifications require that streets shall be at least fifty (50) feet wide in residential developments (Article XVI, Section A). Similarly, State Law requires a road to be at least 3 rods or 49.5 feet wide. As the width of the subject property along Vanderbilt Parkway is only 39.54', this proposal would not be permitted under the Regulations.

## D - NOISE IMPACTS

### From Roadways

The DEIS states that existing noise levels at the northern and southern borders of the site should be in the interval of 30-80 dB. According to the latest U.S. Department of Housing and Urban Development (HUD) Interim Noise Assessment Guidelines, (The Noise Guidebook, 1991), the acceptable outdoor day-night average sound level (DNL) in decibels (dB) should not exceed 65 dB. HUD recommends where a DNL above 65 but not exceeding 75 dB, that siting modifications or barriers may be necessary between the site and prominent noise sources to make the outdoor environment acceptable. The most effective barriers include walls, earthen berms and buildings. According to the U.S. Department of Transportation (Highway Noise Fundamentals, September, 1980) 'Heavy, dense growth of woods can also provide a small useful amount of noise reduction. Where woods eliminate a clear line of sight, between the observer and source and if the tree height extends at least 5 meters above the line of sight, then a 5 db attenuation can be expected if the woods are 30 meters deep. For an additional depth of woods of 30m or more, an additional 5 db attenuation can be assumed; but the total for all such plantings will not exceed 10 db in any configuration. To be effective in both winter and summer, there should be a reasonable mix of both deciduous and evergreen trees. Also, the undergrowth or ground cover should be sufficiently dense and tall to provide attenuation of sound passing under the tree growth. A reduction of 3 db may be assumed with a single row of buildings where an effective visual barrier is formed between the roadway and the interior houses. Given site elevations and the vegetation proposed for removal (open canopy 20-25 feet in height and dense understory), noise attenuation between the Long Island Expressway and surrounding residents may be reduced. Barriers, site modifications and/or special home construction (e.g. increased building mass, triple-paned or thicker glass windows and acoustical blankets) may be necessary to ensure that future residents are sufficiently protected. A goal of 45 dB is suggested for interior noise levels. It is assumed that with standard construction any building will provide sufficient attenuation so that if the exterior level is 65 dB or less, the interior level will be 45 dB or less.

To define the type and degree of attenuation that may be necessary, noise level testing in the form of existing roadway noise prediction data was obtained from the New York State Department of Transportation (Appendix O). The study indicated noise level contours of 67 dbA extending 100 feet into the site. Examination of the Noise Analysis Map indicates that the 67 dbA contour increases slightly into the property due to the location of a barrier on the south side of the North Service Road as compared to areas without such wall construction. For illustration and comparative purposes, these contours have been overlaid on the applicant's proposed plan and Planning Staff Studies, Appendices D-K. According to Barrier Noise Reduction Concepts (The Noise Guidebook, Chapter 4), if the barrier walls are reflective, additional sound energy can reach the receiver by a reflection from this southerly wall. Placing a barrier wall along the property with sloped sides (forming angles greater than 10-15 degrees from the vertical) will generally eliminate multiple reflections. Use of earth berms is particularly effective, but will require greater right-of-way than a vertical wall. The most desirable mitigation approach is to relocate noise sensitive uses out of high noise areas. This would require locating proposed homes beyond the 65 dbA contour for making the outdoor environment acceptable.

In their August 5, 1997 comments, the State notes the 67 dbA value as the Noise Abatement Criterion for residential use established by the Federal Highway Administration. Slightly less restrictive than the HUD standard of 65 dbA, the State did not indicate a need for a noise barrier in front of the subject site. *However, it was recommended that potential purchasers for lots 5 & 6, the two parcels closest to the North Service Road of the Expressway be advised of the noise level impact.*

#### From Construction

The DEIS states that units will be built on a contractual basis, estimating a 3-5 year time frame for the project. The public commented that because of the narrow shape of the subject site, construction equipment will virtually be in neighboring backyards from 7:30 am for the next five years. A 3-5 year time frame for completion of the project appears protracted for the proposed 17-lot residential development and projections may be inordinate.

The Town of Huntington Code § 141-2 prohibits "any person, firm or corporation to make, **continue** (emphasis added) or cause to be made any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injuries or endangers the comfort, repose, health, peace or safety of others within the Town of Huntington". This includes the erection (including excavation) of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of emergency, and then only with a permit from the Director of the Department of Engineering, Building and Housing [§ 141-3(J)]. Further §156-8 of Town Code states "No person shall create or cause to be created a hazard and/or nuisance to the health, safety or general welfare of the people of the Town of Huntington by excavating, filling, removing vegetation or *leaving construction works unattended* (emphasis added) when the condition is declared to be a hazard and/or nuisance by the Director of Engineering, Building and Housing of the Town of Huntington.

#### **E - TERRESTRIAL ECOLOGY**

Based on the applicant's proposal for 17 lots, the Terrestrial Ecology Report by Charles Voorhis & Associates, Inc. (DEIS, Appendix D) and Planning Department Staff investigations have indicated that:

- No rare, threatened or endangered species were identified on the site.
- The applicant's proposal for 17 lots will remove 6.2 acres of natural vegetation (5.8 acres of Successional Hardwoods and 0.4 acres of Old Field).

- Clearing will be limited to the southern half of the site resulting in a reduction in the numbers and diversity of wildlife. Certain wildlife populations will relocate to the northern portion of the site and nearby lands and some will be reduced. Overall impacts to wildlife from the applicant's 17 lot proposal, was noted as not being significant, as the impacted area represents only a small portion of the forested habitat.
- Construction in the two areas of the site with steep slopes (over 10 percent) will be avoided.
- The applicant's proposal for 17 lots will preserve 14.4 acres of native vegetation of which 10.9 (now 12.95 per revised map dated 3/4/97) acres will be dedicated to the Town as parkland. This includes all of the valuable Oak-Tulip Tree Climax Forest and half of the Succession Hardwood Forest. Where possible, as dictated by grading requirements, vegetation will also remain around the perimeter of the southern half of the site during and immediately following construction.

Although the project site is not within the Pine Barrens, the following clearing standards developed by the Pine Barrens Review Commission (PBRC) may be considered in reviewing the application.

Residential Lot Size	Max. Recommended Site Clearance
10,000 s.f.	90%
15,000 s.f.	70%
20,000 s.f. (≈Half-acre)	60%
40,000 s.f. (≈One Acre)	57%
60,000 s.f.	46%
80,000 s.f. (≈Two Acres)	35%

These standards were designed to encourage preservation of native vegetation for minimizing severe soil erosion, excessive stormwater runoff and plant and wildlife habitat. *The applicant's 17 lot proposal will be within PBRC standards for the 6.2 acres or approximately 35 percent of the site to be cleared. Good quality native vegetation is proposed to be retained with minimal disturbance to the site's mature biomass. Decreasing clearing further is encouraged, but may not be practicable given the best options from among the alternative plans being considered.*

**F - SURFACE AND GROUND WATERS**

Long Island residents obtain their water from underground aquifers. A misnomer is that these aquifers are "underground lakes, rivers or streams". Although such systems exist, they are usually found in caverns in limestone bedrock. Aquifers on Long Island are created by groundwater that fills irregular spaces between particles of gravel, sand or clay. Water slowly enters the aquifer through permeable soils following rain and snow-melt and continues downward until it reaches a depth where all the openings (pores) in the soil are filled. The top of this saturated zone is called the water table. The water table rises and falls according to the season of the year and the amount of rain and snowmelt that occurs. It is typically higher in early Spring and lower in late Summer.

Once precipitation reaches the water table, it travels in a more horizontal direction, following the contours of the aquifer, eventually discharging into wetlands, lakes, springs and streams. The depth of groundwater can be determined with the use of water table and topographic maps. Pursuant to the Suffolk County Department of Health Services 1995 Water Table Map of Suffolk County and known land surface elevations obtained from the applicant and the U.S. Geological Survey (Greenlawn Quadrangle Map, 7.5 Minute Series), the elevation of the upper aquifer beneath the subject site is approximately 100 feet below grade. It is unlikely that at this depth the flow of the aquifer will be disrupted with the construction of new homes. The Suffolk County Soil Survey (United

States Department of Agriculture, Soil Conservation Service, April 1975), classifies soils in the area as primarily Riverhead and Haven soils, graded 0 to 8 percent slopes (RhB) with small areas of Haven loam, 2 to 6 percent (HaB) and Riverhead sandy loam, 8 to 15 percent slopes (RdC). In areas where residents (i.e. 129 & 131 Village Hill Drive, tax lots 32 & 33) have experienced flooding, drainage and cesspool problems, soils are similar to those in the subject site, primarily RdC and RhB. The Survey considers these soils as "rapidly permeable" posing no restriction for home development or sewage disposal. However, included with these soils may be strips of Haven loam that were too narrow to map separately. Other inclusions are Montauk soils that have a very weak fragipan 1 to 2 feet thick. This fragipan, a loamy, brittle subsurface horizon low in organic matter and clay but rich in silt or very fine sand, may impede the downward movement of water and cause the problems described by residents. The layer is generally mottled and is slowly or very slowly permeable to water.

### Stormwater

Development will be confined to the southerly portion of the site where the natural grade is from north to south. Plans will be reviewed by the Town of Huntington Engineering Review Division to insure that stormwater from altered areas will continue in this direction for collection and recharge to the proposed basin at the southeast corner of the site. The applicant may be required to supply soil borings to further define conditions at the site in designing drainage systems. If unsuitable material is at or below bottom elevation, excavation shall be carried down to good leaching material. Test holes as directed by the Town Engineer may be dug at this level to insure at least 6' stratum of good leaching material.

### Sanitary Wastewater

Other groundwater concerns included impacts from sewage disposal from the new homes. Pursuant to Article 6 of the Suffolk County Sanitary Code (SCSC), Section 760-605, individual sewerage systems may be approved provided that five (5) conditions are met. These include meeting the population density equivalent for the particular Groundwater Management Zone where the subdivision is located and having subsoil and groundwater conditions that are conducive to the proper functioning of the individual sewerage systems. In Groundwater Management Zone I, where Jill Estates is located, the subdivision must have a population density equivalent equal to or less than that of a subdivision of single-family residences in which all parcels consist of an area of at least 20,000 square feet. SCSC makes allowances for clustering of residences by accepting increased density in one area of a subdivision, provided a population density equivalent to that allowable on a conventional development is maintained by setting aside an open and uninhabited portion of the project. *Any of the alternatives presented in this document would meet the population density equivalent for the site.*

Turf and landscaping management practices and use of deicing salts by developers and individual homeowners are also significant issues in protecting groundwater. The most important recommendation for turf management relative to nitrate loading is the use of Fescue varieties of grass that require less irrigation and fertilizer. It is acknowledged, however, that keeping landscaping in a low maintenance mode and using a substitute for deicing salts cannot be successful without the cooperation of individual homeowners and local public works departments.

### G - HEATING OIL & AIR QUALITY

According to the Draft Environmental Impact Statement, the applicant's proposal for seventeen (17) homes will use 17,000 gallons of fuel oil per year. The main air pollutants produced by the combustion of fuel oil include particulate matter (smoke and soot), nitrogen oxides, sulfur oxides, carbon monoxide, hydrocarbons, carbon dioxide and methane. The table below compares emission rates for four of the key pollutants to the average

combustion source in the United States [United States Environmental Protection Agency (USEPA) Publication AP-42-4th Edition]:

AIR POLLUTANT	EMISSION RATE RESIDENTIAL OIL BURNERS (LBS/MILLION BTU)	AVERAGE COMBUSTION SOURCE IN U.S.
Particulates	0.018	0.095
Nitrogen Oxides	0.13	0.58
Carbon Monoxide	0.036	1.5
Hydrocarbons	0.02	0.215

As indicated, the rate of emissions from residential oil burners range from 1/4 to 1/43 of the average combustion source in the United States. Research conducted by the USEPA, US Department of Energy and Brookhaven National Laboratory show that modern oil burners are "clean burning" and not a major source of air pollution\*. The total air pollutant emissions from home heating units from any of the alternatives presented here should not generate volumes significantly above present levels. Regionally, ambient concentrations of criteria pollutants have either decreased or remained unchanged (NYSDEC Metropolitan Air Quality Control Region 1, Ambient Air Monitoring System Report, 1995). Particulate, nitrogen dioxide and nitrate concentrations have declined while carbon monoxide levels have remained unchanged for the past three years. Reductions have largely been achieved with implementation of more stringent emission controls and use of more energy efficient combustion systems.

## H - PESTS

Small rodents and insectivores such as mice, shrews and voles are expected to be the most abundant mammals on the site. Other species that may be present include: gray squirrels, norway rat, big brown bat, little brown bat, Keen's bat, red bat, eastern pipistrelle, silver haired bat, hoary bat, raccoon, red fox and eastern chipmunk. Some of these mammals, such as rats and mice are common pests. Others are not pests in their normal habitats, but may occasionally become pests when their activities conflict with those of humans. Rats are of special public health concern as they can be carriers of disease.

As indicated in the Terrestrial Ecology Report by Charles Voorhis & Associates, Inc. (DEIS, Appendix D), the proposed project will remove habitat resulting in the relocation of certain wildlife populations onto adjacent lands. *Assistance from the surrounding community will be an important part of any management program. For example, the reduction of food sources for rodents is a more important factor than the use of poisons and traps. Household garbage is a major source of food for rodents in a residential setting and good refuse storage techniques would need to be practiced by both the builder and the community for controlling populations.*

\* U.S. Environmental Protection Agency, AP-42, Fourth Edition, Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources, 1985; U.S Environmental Protection Agency, EPA-450/4-90-002, National Air Quality and Emissions Trends Report, 1988; U.S. Department of Energy, DOE/EIA-0214(88), State Energy Data Report, 1990

## **I - ADEQUACY/ACCURACY/CORRECTIONS**

### **1 - WETLANDS**

It is acknowledged that there may have been "at one time a small shallow pond" within the site behind 8 Campbell Drive. Review of New York State Freshwater Wetlands Map (Map 25 of 39, 1993) aerial photographs (Aero Graphics Corp., Photo 32-943, April 1976); Soil Conservation Service Map (Sheet 64, April 1975) and U.S. Geological Survey Quadrangle Map (Greenlawn Quadrangle, 7.5 Minute Series, 1967), however, did not indicate any wetlands downgradient or within 100 feet of the site (New York State's jurisdictional boundary) for the periods covered (1976-Present). Pursuant to Town Code §171-1(A), "No person, firm, corporation or other organization shall place fill in any stream, watercourse, creek or divert any stream or creek from its natural course or courses, or allow the draining of any pond or impoundment, unless and until a permit shall have been applied for and secured from the Board". If a wetland area was filled, it is likely that the site was owned by the New York State Department of Transportation and therefore, not subject to Town Code. With respect to the applicant's plans or any of the alternatives, no impact is proposed to this area as it will be preserved as Town parkland.

### **2 - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AIR QUALITY REPORT, AMBIENT AIR MONITORING SYSTEM**

The DEIS provided air quality measurements abstracted from a 1986 Ambient Air Monitoring System Report. The most recent NYSDEC report was issued for 1995 (1995 Annual DAR 96-1). Since 1986 the report has been divided into sections according to Environmental Conservation region, the same format used in the years 1990-1994. The nearest monitoring point to the project site is the Babylon station in Region 1. Air pollutants sampled included: Sulfur Dioxide, Inhalable Particulates and Ozone. During 1995 sulfur dioxide and particulate concentrations declined to their lowest level since sampling began in 1985 and 1990 respectively. Ozone was lower than corresponding 1994 concentrations.

### **3 - HALF HOLLOW HILLS SCHOOL DISTRICT ENROLLMENT**

The DEIS provided enrollment numbers for students and staff for three schools near the project site for the term 1986-1987. More recent information available for the 1994 school year indicates: Forest Park Elementary School on DeForest Road, with a staff of 33 and 461 students; Candlewood Junior High School on Carll's Straight Path, with a staff of 66 and 697 students and High School West on Wolf Hill Road, with a staff of 67 and 860 students.

### **4 - CORRECTION - PAGE 46 OF THE DEIS**

The correct quote from the DEIS, Land Use and Zoning section on page 46 is: "While the proposed action intends a clustered lot layout, which is dissimilar to the regular subdivision layout prevalent in the area, the nature of the site dictates such an arrangement, an environmentally acceptable conventional subdivision layout is not practicable". For a discussion on the issue of Land Use see Land Use Section A above.

### **5 - CORRECTION - PAGE 51 OF THE PUBLIC HEARING TRANSCRIPT**

Mr. Machtay's statement should be corrected to: "As I said, the Planning Board has to prepare the Final Environmental Impact Statement. After they prepare that, they have to prepare what is called a **Findings Statement**, and that is it".

### **6 - POSTING OF PUBLIC NOTICE SIGNS**

A Town inspection on March 6, 1997 determined that the project site was posted at each frontage in conformance with legal notice requirements. Other signs noted as being "buried" within the site were accessory and not required.

## **7 - SOIL AND NOISE TESTING**

Soil tests at the project site shall be conducted pursuant to Section 5-106, Subsoil and Groundwater Criteria for Subsurface Systems of Suffolk County Department of Health Services Standards for Approval of Plans and Construction for Sewage Disposal Systems (November 13, 1995). Soil tests may also be required as part of the technical review by the Planning Department pursuant to Town of Huntington Planning Board Regulations and Site Plan Specifications, Recharge Basins Excavations, Section E-100.7(b) and Horticultural Soil, Material, Section G-100.1(b) as deemed necessary by the staff. Noise testing at the project site is discussed in Section D, Noise Impacts above.

## **J - STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

SEQRA provides a list of criteria to assist the lead agency in determining whether a proposed Type I or Unlisted action may have a significant impact on the environment [§ 617.7 (c) (1)]. SEQRA recommends that this criteria be assessed in connection with the project's setting, its probability of occurrence; its duration; its irreversibility; its geographic scope; its magnitude and the number of people affected [§ 617.7 (c) (2)]. In addition the SEQRA Handbook recommends that the lead agency consider the review of prior SEQRA determinations involving similar projects or geographic locations in determining significance. On August 16, 1995 the Planning Board, as lead agency, approved a resolution issuing a Positive Declaration on the action, directing the applicant to prepare a Draft Environmental Impact. As indicated in the Planning Board's resolution, this decision was based upon SEQRA Criteria and the Positive Declaration issued on the similar Vanderbilt Homes project. As basic planning considerations, these same factors will be weighed by the Planning Board in determining whether to approve or deny the action.

## **K - SUMMARY OF ALTERNATIVES**

The following section describes and discusses the alternatives presented above and references the "No Action" scenario included in the Draft Environmental Impact Statement (DEIS).

### **Alternative 1: No Action**

The "No Action" alternative as indicated in the DEIS, would allow the project site to remain undeveloped with no increase in the use of utilities, paved surfaces, stormwater, wastewater or traffic.

### **Alternative 2: Rezoning the R-20 Portion of the Site to R-40 (5 Lot Yield Plan)**

The subject site is bisected by a zone boundary line with approximately 10.8 acres zoned R-40 and 9.8 acres zoned R-20, north and south respectively. This zone boundary line continues east and west of the subject property, providing matching R-40 and R-20 Districts to either side. Rezoning the subject property as proposed would result in a yield of 5 lots. There would be less paved surfaces, stormwater, wastewater and traffic than any of the other development alternatives. Also, the single cul-de-sac road would not create dual frontages for any existing lots on either side of the project. This alternative, however, would project an R-40 "finger" into the well established R-20 District, inconsistent with past zoning practices.

### **Alternative 3: 10-Lot Yield Plan**

The 10-lot yield scenario was developed to provide lots with houses set back from the Long Island Expressway (LIE) outside the 65 dba noise contour. Clearing would be about the same as the rezoning alternative. Similar to the rezoning proposal the cul-de-sac would end before creating dual frontages for existing lots. This alternative maintains a setback along the LIE that is well behind the noise contour of concern.

**Alternative 4: 10-Lot Modified Plan**

Similar to the 10-lot yield study, the 10-lot modified plan maintains future residences outside the 65 dba noise contour, but provides additional distance between the cul-de-sac and existing parcels and further mitigation to habitat. Modifications would involve reducing the area on two lots (lots 2 & 3) and a smaller right-of-way radius.

**Alternatives 5 and 6: 12-Lot Yield and Modified Plan**

The 12-lot scenario conforms to the concerns expressed by the community as does the associated modified plan in that they do not depict the proposed new roadway directly contiguous to an existing residential lot. Similar to Alternative 4, the 12-lot modified plan provides additional separation from existing lots and further mitigates the loss of habitat. However, both layouts show the two closest lots to the Long Island Expressway within the 65 dba noise contour.

**Alternatives 7 and 8: 16-Lot Yield and Modified Plan**

The 16-lot yield and modified plan would not be in keeping with the surrounding community. Existing lots would have a road or driveway adjoining their backyard causing increased impacts (truck traffic, lack of privacy, noise pollution) and dual frontage, diminishing property values. Two (2) future lots would be within the 65 dba noise contour.

**Alternatives 9 & 10: 17-Lot Yield and Modified Plan**

The applicant's 17-lot yield study and the associated modified plan does not meet the basic design directives of the Town of Huntington Subdivision Regulations and Site Improvement Specifications, as they depict unsuitable building lots (e.g. dual frontage, wider than deeper, noncontiguous easement crossings) and a street center line radius less than the 200 feet required.

**APPENDIX A - COMMENTS**

**This section of the FEIS lists the comments on the DEIS. Each comment is numbered to correspond with a category in the “Response to Comments” section of the FEIS.**

1. Marc S. Krieg - Written Statement
2. Suzanne Geosits - Written Statement
3. Allan A. Robbins - Affidavit
4. Thomas & Jean DiBella - Written Statement
5. Al Magrella - Written Statement
6. Harriet B. Roberts - Written Statement
7. Petition Against Cluster Housing
8. Transcript
9. Letter from Town of Huntington Supervisor Frank Petrone
10. Letter from the Town of Huntington Conservation Board
11. Testimony of Suffolk County Legislator Allan Binder

**APPENDIX B - MAP OF RONWAY ESTATES**

**APPENDIX C - APPLICANT'S YIELD STUDY**

**APPENDIX D - APPLICANT'S PROPOSED PLAN**

**APPENDIX E - PLANNING STAFF YIELD STUDY - 5 LOTS**

**APPENDIX F - PLANNING STAFF YIELD STUDY - 10 LOTS**

**APPENDIX G - PLANNING STAFF MODIFIED PLAN - 10 LOTS**

**APPENDIX H - PLANNING STAFF YIELD STUDY - 12 LOTS**

**APPENDIX I - PLANNING STAFF MODIFIED PLAN - 12 LOTS**

**APPENDIX J - PLANNING STAFF YIELD STUDY - 16 LOTS**

**APPENDIX K - PLANNING STAFF MODIFIED PLAN - 16 LOTS**

**APPENDIX L - COMMENTS FROM THE TOWN ASSESSOR**

**APPENDIX M - COMMENTS FROM THE NYSDOT AND TOH**

**APPENDIX N - TRAFFIC STUDY - SCHNEIDER ENGINEERING**

**APPENDIX O - LIE CAPACITY IMPROVEMENT PROJECT NOISE ANALYSIS**



## APPENDIX A - COMMENTS

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**KRIEG ASSOCIATES, P.C.**  
ATTORNEYS AND COUNSELORS AT LAW

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*Submitted at P.A. Hearing  
3/5/97*

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March 3, 1997

Town of Huntington Planning Board  
100 Main Street  
Huntington, New York 11743

ATTENTION: H. Jeffrey Virag, Chairman  
and Members of the Planning Board

**Re: Subdivision Application of Jill Estates at Dix Hills;  
Southerly Side of Vanderbilt Parkway (C.R. 67),  
193.02' Westerly From Village Hill Drive, Dix Hills  
in the Town of Huntington, New York**

Dear Chairman Virag and Members of the Planning Board:

I submit this statement in opposition to the proposed subdivision of Jill Estates at Dix Hills and in further opposition to purported conclusions of sufficiency contained in the applicant's Draft Environmental Impact Statement. It is respectfully submitted that the subdivision application, including its proposal for cluster housing and the development of nonconforming residential dwellings on lot sizes substantially less than the community required acre and half-acre zoning be denied in its entirety. To do otherwise would destroy the character of the community and would adversely effect neighboring property values. Moreover, the proposed subdivision would be highly detrimental to the well established environmental diversity of the land at issue. It is well within the capability of the Jill Estates Developer to submit a subdivision in keeping with the community's well established character with a minimal environmental impact. The subdivision proposal presently before the Board is instead a selfish attempt by a builder to achieve a windfall financial gain without concern for the long-standing interests and roots of the community at large. Accordingly, the Board should reject the subdivision application without prejudice to the developer submitting a far more downsized and reasonable plan at a future date. My detailed reasons follow.

In considering this statement, I wish the Board to be aware of the fact that I have been a resident of the area immediately impacted upon by the Jill Estates subdivision for over 25 years. My present dwelling, which I have occupied for the last 11 years, abuts the proposed site. I am fully familiar with the aspects of the community and its character and aspirations.

A copy of Justice Gowan's decision in its totality is annexed hereto and marked Exhibit D.

C. THE RATIONALE OF THE COURT IN DENYING THE VANDERBILT PLAT CLUSTER DEVELOPMENT ON THE NORTH SIDE OF VANDERBILT PARKWAY APPLIES WITH EQUAL FORCE TO THE ISSUES APPLICABLE TO THE JILL ESTATES CLUSTER HOUSING SUBDIVISION PROPOSAL.

4-1  
The Jill Estates subdivision proposal relates to the continuation of the Northport-Babylon Expressway right-of-way from the Vanderbilt Parkway intersection through to the north side of the Long Island Expressway. The 200-foot wide right-of-way cuts a swath through a wooded area of similar biological diversity and similar topography. While the Jill Estates subdivision contemplates ingress and egress from the north side of the Long Island Expressway, instead of Vanderbilt Parkway as was the case with the Vanderbilt plat, similar concerns of high speed, high density traffic apply with equally compelling force. The character of the community and neighboring property values will be impacted by the Jill Estates subdivision proposal in a manner similar to the findings set forth by Justice Gowan in his decision dated May 7, 1990. The consequences to the community flowing from the Jill Estates proposed development with its ancillary clustering is in no way distinguishable from those applicable to the Vanderbilt plat. The denial of the Vanderbilt plat proposal is in every way legally consistent with the request for denial of the Jill Estates proposal.

Indeed, the Town of Huntington Conservation Board by letter dated February 16, 1997 to Chairman Virag of the Town of Huntington Planning Board confirms and corroborates the overwhelming adverse environmental impact associated with the Jill Estates subdivision proposal. Conservation Board Chairperson Joy Squires highlighted her concern for subterranean aquifers, the use of the wooded site as a habitat for a wide spectrum of animal life and the need to preserve and protect the character of the community and its environment. She stated in relevant part her reservations to the clustering proposed in the subdivision as follows:

"We find that the Planning Department staff Scoping Checklist adequately identified issues for the DEIS to consider. The DEIS accurately describes the environmental setting of the site. There are a number of issues which concern this Board: the importance of avoiding clearing on steep slopes, the need to protect our groundwater resources, and the value of this wooded site as habitat for a variety to terrestrial and avian

species which provides an important corridor for more free ranging species to move between several linked woodland park or otherwise preserved areas. Five alternative actions are presented in the DEIS. Those alternates which call for development propose either 2 conventional or 17 modified residential units.

Of the development alternatives presented, we find that the Cluster Alternative, designated in the report as the Preferred Alternative, accomplishes the most in mitigating environmental impacts by preservation of the more critical portions of the site and transferring its ownership to the town. The attached unit cluster option does provide slightly less impact overall, but we note that such a plat would be significantly different from neighboring uses.

The Conservation Board greatly regrets the loss of open space and habitat. We have long supported the notion that cluster housing coupled with strong site planning and sensitive clearing requirements can mitigate impacts to a significant degree. However, this will require close continued working cooperation between the developer and the Town. To that end we recommend that larger trees in the portion of the site to be developed should be identified and noted on the final plan, and that strict guidelines for tree preservation, clearing, grading, and erosion and sediment control be developed in concern with Planning Department staff recommendations and implemented as to be readily enforced."

A copy of the February 16, 1997 recommendations of the Huntington Conservation Board is annexed hereto and marked Exhibit E.

The Planning Department of the Town of Huntington reviewed the Jill Estates proposal and similarly concluded that the precedents set in denying the Vanderbilt plat subdivision has substantial relevance to the consideration by the Planning Board of the merits of the Jill Estates' application. In this regard, the Planning Department stated in relevant part as follows:

*"The Planning Board should determine whether the alternatives are indeed viable given existing constraints. As a result of the Vanderbilt Homes analysis (DEIS→FEIS→Findings and, subsequently, Supplemental DEIS→SFEIS→Findings), it was determined that lots adjoining the subject parcel had established a clear pattern of community development. The narrow*

In addition, I am well acquainted with Zoning Board and Planning Board law and issues. I served as the Vice Chairman of the Zoning Board of Appeals of the Town of Huntington for 10 years commencing in 1978 and ending in 1988. I am a New York State Licensed Professional Engineer and have had that license since 1971. I have been admitted to the Bar of the State of New York as an attorney in good standing since 1972. By advantage of my education, experience, service to the Town of Huntington, and intimate knowledge of the area, I strongly oppose the subdivision proposal presently before the Planning Board.

**A. THE GENERAL LOCATION AND DESCRIPTION OF THE PROPOSED JILL ESTATES SUBDIVISION.**

A [ The Jill Estates subdivision application concerns property located between Vanderbilt Parkway and the North Service Road of the Long Island Expressway proximate to Dillon Drive. The subdivision encompasses approximately 21 acres zoned R-40 on the north end and R-20 on the south end. Jill Estates by its subdivision requests a 17-lot cluster configuration with an ancillary recharge basin in the southerly portion of the site accessed by a cul-de-sac nearly 900 feet long from the North Service Road. The subdivision proposal in its 17-lot cluster configuration would pervasively violate the half-acre mandated Town-planned community zoning requirement at the south end. Even though the 10.9 acre northerly portion of the subdivision is slated for passive heartland in a proposed dedication, this fails to adequately mitigate against the high-density home development slated for the south end of the parcel.

**B. THE PRECEDENT OF PLANNING BOARD FINDINGS AND DECISIONS SEVERELY CONSTRAINING DEVELOPMENT OF THE VANDERBILT HOME SUBDIVISION FOR VANDERBILT PLAT APPLIES WITH EQUAL FORCE TO THE JILL ESTATES SUBDIVISION PROPOSAL.**

In 1985, the Planning Board of the Town of Huntington had before it the application of "Vanderbilt Homes" to develop the Vanderbilt plat located on the north side of Vanderbilt Parkway (County Road 67) 385' West of Wagonwheel Lane. That proposal consisted of 14-lot layout involving the identical New York State arterial right-of-way. In rejecting the 14-lot layout, the Planning Board ultimately allowed three houses to be developed on 1-acre sites. The decision of the Planning Board was challenged by that developer. The Supreme Court of the State of New York upheld the decision of the Planning Board and agreed that the Planning Board properly exercised its discretion in reducing the allowable yield from the proposed 14 sites to only 3.

By interoffice memorandum dated March 19, 1985 from the Director of Engineering to the Planning Board, the reasons for rejecting the 14-lot Vanderbilt plat subdivision proposal were set forth.

The Department of Engineering stated in relevant part that the character of the community would be substantially undermined by the 14-lot proposal as follows:

"This narrow elongated parcel of land was set aside for road purposes by the Planning Board as requested by the New York State Department of Transportation. In taking this action the use of this property for one acre residential use with lots conforming to the depth and configuration of normal 1 acre lots was negated essentially forever.

This being the case, it would appear the original property owners should have been adequately compensated for their property by the State of New York. If this land is now no longer anticipated to be used for highway purposes by the State of New York, a letter from the State should be requested documenting their intentions.

In order now to protect the 1 acre zoning of the contiguous developed subdivisions, it would seem appropriate that the Town seek State assistance in setting aside this property for public purposes, such as a natural green belt area. If the retention of the land in the public domain is not desirable, possibly some arrangement could be found to dedicate or sell said land to contiguous home owners.

Although other uses might be considered, such as the Town houses suggested by the Director of Planning, there would still be a very negative impact on the existing contiguous developed 1 acre parcels. The introduction of a different type of housing in an area totally developed in accordance with single family one acre zoning, although reducing the environmental impact, could have a devaluating effect on adjacent properties."

Clearly, the Huntington Department of Engineering recommended rejection of the 14-lot Vanderbilt plat subdivision proposal on grounds of unacceptable environmental impact coupled with a development out of keeping with the character of the community.

The Department of Engineering further argued successfully to the Planning Board that the Proposed Northport Babylon Expressway site geometry was inappropriate for congested residential home development in the Dix Hills community. The Department of Engineering stated in relevant part as follows:

"As previously suggested we feel the State of New York has some responsibility to resolve this problem. At their request, the Planning Board created this unusual shaped parcel by approving 3 subdivisions between 1967 and 1970. The 200' elongated configuration would have served a functional use as a right of way for road purposes, but as previously indicated in this report and the report of the Director of Planning, it does not lend itself to the development of one acre lots and a conventional road system.

It should also be noted that this land, consisting of three parcels being shown on the three filed subdivision maps as the Proposed Northport Babylon Expressway was taken off the tax rolls in whole or in part in 1974-1975. In 1976 it was put back on the tax rolls."

A copy of the March 19, 1985 Engineering Department memo to the Planning Board is annexed hereto and marked Exhibit A.

Indeed, at a meeting of the Huntington Town Planning Board on March 4, 1987, the Planning Board concluded that the proposal by the Vanderbilt Homes for a 14-parcel Vanderbilt plat subdivision be rejected. The Planning Board concluded that the Babylon Northport Expressway was never intended to be developed for a high density single-family residential dwelling enterprise. The Planning Board in unanimously denying the Vanderbilt Homes subdivision proposal stated in relevant part as follows:

- "1. The lot was never intended to be developed for anything other than the proposed Babylon-Northport Expressway. During subdivision of the adjoining properties the then owner agreed to set aside this parcel for the future roadway.
2. A right-of-way zoned R-40 Residence District 200 feet in width, 4,736 feet in length is not suitable for residential development.
3. A proposed cul-de-sac street 4,300 linear feet in length violates the normal maximum length used as planning design criteria in this zoning district.

4. Due to the narrow width of the property, and a street system required to develop lots, 78% of the 16 acre site requires clearing for development.
5. A new street constructed on the property lines will have an adverse impact on the adjacent properties, now therefore be it."

A copy of the Resolution of the Planning Board dated March 4, 1987 rejecting the 14-home Vanderbilt plat development proposal is annexed hereto and marked Exhibit B.

Subsequently, a SEQRA review was submitted to the Planning Board and the Director of Planning, Richard Machtay, by Senior Environmental Analyst Margo Myles. The SEQRA review consisted of a "findings statement" submitted by Environmental Analyst Myles pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617. The submission was to the Planning Board as lead agency under the State Environmental Quality Review Act-SEQRA.

Under the SEQRA review, the Senior Environmental Analyst for the Town of Huntington concluded that cluster housing in Dix Hills was nonexisting and to authorize clustering would be incompatible with the character of the community and with the environmental appeal of its pristine woodland. The Findings Statement concluded in this regard in relevant part as follows:

"The Suffolk County Planning Commission, Suffolk County Department of Health Services' Office of Ecology, and the Town Planning Department's Environmental Review Division have advocated consideration of alternative design via clustering to limit development of steep slopes, maintain existing drainage patterns, reduce impervious surfaces, protect wildlife corridors, and conserve contiguous open space. The FEIS has documented that neither residential subdivision in the conventional mode, modified manner as proposed, nor further modified/cluster method (alternative 4) at the existing yield will result in a marked disparity of tax revenues generated to the benefit of the Town. The cluster alternative proposes to generate lesser revenues based on a smaller unit square footage (3,000 as compared to the 3,600 square foot conventional and proposed action scenarios).

No attached cluster housing has been built in the Hamlet of Dix Hills to date, and therefore, any such configuration of the subject site would be precedent-setting. However, given the unusually narrow configuration of this R-40 property, attached cluster housing could be implemented in a manner that is visually compatible with the surrounding neighborhood while reserving a major element of the present scenic woodland appeal, more so than conventional or modified development of detached housing on shallow lots as proposed."

In addition, the Senior Environmentalist's findings concluded that the plat should be developed with a maximum of only 4 one-acre sites on the 20.59 acre strip. This recommendation took the following form:

"The subject action affects 20.59 acres of vacant woodland. Though not designated on the Town of Huntington Open Space Index, since the time of the construction of the flanking developments, the property has served a "quasi-public" purpose as a greenbelt corridor. As mitigation, the preferred plan of the applicant has proposed that a portion of the site be reserved either in private ownership or dedicated to the Town of Huntington as park-preserve; however, additional open space may be reserved through public acquisition, actual yielding of the property and/or through implementation of a further modified subdivision plan.

Though it has not been formally nominated for consideration in a public acquisition program, it was referenced as an alternative in the FEIS (#1--no action/open space acquisition) and shown to pose the least environmental ramifications. This alternative was recommended by the Suffolk County Department of Health Services' Office of Ecology, by Town Councilwoman Sandra Triolo, and by a number of community residents. Establishing yield not to exceed four lots, a modified subdivision on not more than the 5.03-acre parcel south of the LILCO property would allow the applicant an opportunity to construct either attached or detached housing suitably buffered so as to diminish the proposed impacts to the existing community character and to reduce other associated impacts described herein. Locating any and all development on the southern portion of the property will allow reservation of the land north of the LILCO land as protected open space."

In addition, the Environmentalist raised substantial issues regarding traffic hazards and dangers associated with high density development of the Northport Babylon Expressway right-of-way strip. The Environmentalist documented the overwhelming traffic concern in relevant part as follows:

"More than any other issue, traffic concerns have been pivotal to the view of the Vanderbilt Homes subdivision. As a portion of the planned Northport-Babylon Expressway right-of-way, it was a traffic matter that resulted in the formation of the elongated property. Design of the surrounding residential communities was predicated on the retention of the narrow tract. In setting aside the 200-foot narrow subject property for road purposes, the potential for residential use compatibly configured with adjoining lots was forever dissolved. In the applicant's earliest submission for subdivision, the length of the proposed cul-de-sac (4,300 linear feet) had been deemed a traffic safety hazard. Such length of road with only one means of ingress and egress violated the 1,000 to 1,200 maximum length used as a design criteria in Huntington in conformance with regionally accepted standards. Though such length has been reduced due to the introduction of modified lots on the applicant's present preferred plan, at 2,735 linear feet (405 of which cross the LILCO right-of-way) the project markedly fails to meet the review standard of the lead agency for traffic safety. The Suffolk County Planning Commission reiterated such concern that the 'length of the cul-de-sac road is considered to be excessive.' Traffic studies conducted as part of the EIS review of the proposed plan indicate that the 14 homes will not generate a significant increase in traffic volume. Nevertheless, the alternative for conventional development of four homes will result in less than 30% of the average daily and peak hour projections. Sight distance is limited in the immediate vicinity of the property due to the existing topography, horizontal and vertical alignment of Vanderbilt Parkway (C.R. 67) and average motorist speeds in excess of the posted maximum. Area roadways contain sufficient capacity to handle the project traffic increase of 14 new vehicular trips per hour peak weekday, total of 141 projected new trip ends per day. However, accident reports for the immediate locale of the site indicate a greater than average accident rate and severity (injury accident)

rate for the portion of Vanderbilt Parkway (C.R. 67) between Deer Park Avenue and Commack Road. Notwithstanding the planned County rehabilitation of Vanderbilt Parkway aimed to reduce the traffic accident potential along the roadway, there is concern that any additional traffic volume may exacerbate the situation."

Most significantly, Environmentalist Myles highlighted compelling dangers to groundwater aquifers. The impact of a 14-lot cluster development subdivision on groundwater resources was deemed by the Environmentalist to be intolerable. The conclusion in this regard stated in relevant part as follows:

"The comparison of alternatives in the FEIS determined that the proposed action would result in among the largest volume of recharge of the alternatives considered under existing zoning, exceeded only by conventional subdivision and cluster development of 14 lots. However, both the no action/acquisition and four lot subdivision result, respectively, in the least impact to groundwater quality, citing projected recharge nitrate concentration and chloride loading. Limitations on turf area (minimizing application of nitrogenous fertilizers) are proposed to reduce detrimental impact on quality of groundwater recharge."

E Clearly, the concern of chloride ion and nitrate migration arising out of the use of deicing salts and fertilizers is a legitimate and justified concern to the integrity of groundwater and subterranean stream health.

A copy of the Environmentalist's findings dated on or about August 23, 1989 is annexed hereto and marked Exhibit C.

The Planning Board rejected the 14-lot subdivision of the Vanderbilt plat proposal and limited the development to 3 single-family dwellings each on a 1-acre parcel. The developer took an appeal from the Planning Board decision. The matter came on for a hearing before Supreme Court Justice James Gowan. By decision dated May, 1990, Justice Gowan sustained the determination of the Planning Board and dismissed the petition of the developer in its entirety.

Justice Gowan summarized the facts associated with the proposed subdivision, the SEQRA review thereof and the lead agency status of the Planning Board in evaluating the Draft Environmental Impact Statement. Justice Gowan stated this history in relevant part as follows:

"In January, 1985, petitioners applied to respondent Planning Board for preliminary approval of a conventional fourteen lot subdivision of the parcel. By resolution, dated August 21, 1985, the Planning Board declared that petitioners' proposed subdivision was subject to Article 8 of the Environmental Conservation Law (SEQRA), that the proposed subdivision would have a significant impact on the environment and that a positive declaration was appropriate. The Planning Board designated itself lead agency and notified petitioners that a Draft Environmental Impact Statement (DEIS) would have to be prepared by petitioners and accepted by the Planning Board before the application for subdivision approval would be considered.

By resolution, dated January 14, 1987, the Planning Board accepted petitioners' DEIS. Following a public hearing held on February 18, 1987, denied the Planning Board, in a determination dated March 4, 1987, denied petitioners' application for subdivision approval without prejudice to the submission of a revised subdivision application.

On June 1, 1987, petitioners submitted a proposal for a fourteen unit cluster development of the parcel. The following day petitioners filed a Notice of Claim pursuant to GML §50-e with the Town of Huntington demanding damages for the alleged unwarranted delay of the Planning Board in approving petitioners' subdivision plans.

In a determination, dated January 28, 1988, the Planning Board issued a positive declaration of environmental significance with regard to petitioners' revised subdivision application and directed that petitioners' DEIS be revised. Following a public hearing held on March 29, 1989, the Planning Board, in a determination dated September 13, 1989, denied petitioners' revised application for subdivision approval. On September 20, 1989, the Planning Board issued a modification of its September 13, 1989 determination, but adhered to its decision to deny petitioners subdivision approval."

Justice Gowan then defined the Planning Board's statutory power in evaluating subdivision plats as follows:

"The Planning Board is empowered to grant preliminary and final approval of subdivision plats for the purpose of providing for future growth and development of the town and affording adequate facilities for the housing, comfort, safety, health and welfare of its population. Van Euclid Co. v. Sargent, 97 A.D.2d 913, 470 N.Y.S.2d 750. The Planning Board's authority arises out of §§276 and 277 of the Town Law and Chapter 198 of the Code of the Town of Huntington. In exercising its authority to grant or deny approval of a subdivision, a planning board may consider the impact of the proposed development on traffic safety and the environment. See, Ozols v. Henley, 81 A.D.2d 670, 438 N.Y.S.2d 349, appeal dismissed 54 N.Y.2d 1023, 446 N.Y.S.2d 263; Currier v. Planning Board of the Town of Huntington, 74 A.D.2d 872, 426 N.Y.S.2d 35, affirmed 52 N.Y.2d 722, 436 N.Y.S.2d 274.

The Court will only substitute its judgment for that of the Planning Board when the board has abused its discretion or has acted arbitrarily or illegally. Where conflicting inferences may be drawn from the evidence, it is the duty of the Planning Board to weigh the evidence and to exercise its discretion in approving or denying approval to a subdivision plat. Currier v. Planning Board of the Town of Huntington, supra."

Justice Gowan then applied the facts to the law and concluded that the Planning Board as lead agency was justified in limiting the proposed 14-lot subdivision to only three based on considerations of traffic hazards, environmental impact, lack of consistency with the character of the community, and adverse impact on property values. Justice Gowan's findings in this regard were stated in relevant part as follows:

"Here, an examination of the record discloses sufficient evidentiary support for the Planning Board's determination that approval of the proposed cluster subdivision would not serve the convenience, comfort, safety, health and welfare of the surrounding community.

The sole method of ingress to and egress from the proposed development is via a 2,330 foot cul-de-sac which opens directly onto Vanderbilt Motor Parkway. The traffic studies on the record indicated that the parkway is a heavily traveled roadway with a high rate of severe accidents. The right rate of speed routinely

employed by vehicle operators on the parkway, in conjunction with the limited sight distances on the roadway resulting from the steep topography at the location of the proposed development, would create a safety hazard for drivers and pedestrians utilizing the parkway and the cul-de-sac. Moreover, the fact that the cul-de-sac is the sole approach to the housing units in the development makes the prospect of providing emergency services to the development an onerous one.

The record also supports the Board's conclusion that the projected construction would devastate and destroy the existing topography of the site and have a severe adverse impact on the environs. See, Oakwood Co. v. Planning Board of the Town of Huntington, 89 A.D.2d 606, 452 N.Y.S.2d 457.

In addition, there is evidentiary support in the record for respondent's determination that approval of the subdivision would have an adverse impact on the use and value of adjoining properties and would be inconsistent with the general character of the surrounding community.

The Planning Board's determination denying subdivision approval to the subdivision plat on the basis of safety and environmental factors is supported by the record. The determination thus had a rational basis and cannot be considered arbitrary or capricious."

Furthermore, Justice Gowan rejected the argument of a confiscatory taking predicated upon denial of approval of a cluster subdivision. His ruling in this regard is highly relevant and states in germane part as follows:

"In addition, petitioners' contention that the Planning Board's determination denying approval of the cluster subdivision is confiscatory is without merit. To succeed on this ground, the burden is on petitioners to establish beyond a reasonable doubt that they have been deprived of any use of their property to which it is adapted. The Planning Board has indicated its willingness to approve a subdivision of this parcel, albeit one of lesser magnitude than the one sought by petitioners. Petitioners have consequently failed to demonstrate that they have been deprived of the economic value of their property."

width of the parcel (only 200 feet) and required 50-foot wide right-of-way resulted in the requested layout of new lots with side yards adjoining existing lots' rear yards and creating double frontage for previously existing parcels. It was the Board's initial determination that the complete site yielded two parcels, later revised to three, with a sizable parkland dedication. Compatible with the Planning Board's prior action on the Vanderbilt Homes site, the presented yield scenarios for Jill Estates' R-40 acreage are questioned. The DEIS must present feasible options for development."

The Planning staff comments regarding the Draft Environmental Impact Statement for Jill Estates are annexed hereto in their entirety and marked Exhibit F.

It is clear from the foregoing, based on overwhelming agreement among experts in conservation, traffic, character of the community, adverse impact on neighboring property values, as well as reasoned judicial analysis that the Planning Board would be well within its rights and consistent with its statutory discretion in denying the Jill Estates subdivision with its cluster housing proposal.

**D. A FAIR FISCAL ANALYSIS OF THE ECONOMICS ASSOCIATED WITH THE PURCHASE BY JILL ESTATES CLEARLY ESTABLISHES A REASONABLE RATE OF RETURN TO THE DEVELOPER THROUGH A PROPOSAL FAR SHORT OF THE CLUSTERING IN A MANNER DETRIMENTAL TO THE CHARACTER OF THE COMMUNITY AND ITS NEIGHBORING PROPERTY VALUES.**

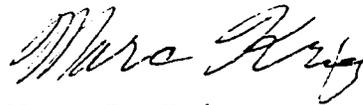
A  
Upon information and belief, the State of New York originally offered sale of the right-of-way in amounts exceeding \$1 million. With time, the State reduced its offer to the \$450,000 sum that the Jill Estates developer purchased the property for. Under such circumstances, the developer could propose a use of the land with residential single-family development conforming to existing zoning requirements without adversely affecting neighboring property values and in a manner consistent with the character of the community. Such a proposal would be reasonable in terms of traffic considerations, conservation, the environment and the health and safety of the community. Instead, the developer has assumed an attitude of attempting to achieve the maximum profit without care or sensitivity to the neighborhood. This developer is motivated by greed rather than social conscience and such an attitude should be scorned by the Planning Board.

**E. CONCLUSION**

In view of the foregoing, I respectfully request that the Planning Board ultimately reject the subdivision proposal of Jill Estates.

Respectfully submitted,

KRIEG ASSOCIATES, P.C.

A handwritten signature in cursive script, appearing to read "Marc S. Krieg".

Marc S. Krieg

MSK:jt  
Enclosures

EXHIBIT A

John of Huntington, N.Y.

Inter-Office Memorandum

Date: March 19, 1985

To: Planning Board  
From: Engineering  
Re: Vanderbilt Homes - Preliminary Map  
Location: N/S Vanderbilt Motor Parkway CR-67  
385'+ west of Wagonwheel Lane  
Data: Total Acreage-21  
4,736' long by 200' in width

Engineering Report As Requested:

The proposed 14 lot layout of this residual parcel created by previous subdivisions has engineering deficiencies and a road layout which shows a dead end road 4300' in length. This length of road with only one means of ingress and egress violates the normal 1000' to 1200' maximum length used as a design criteria. The horizontal and vertical alignment of Vanderbilt Parkway at this location would result in an undesirable intersection being created with any new road servicing the property in question from Vanderbilt Parkway.

→ This narrow elongated parcel of land was set aside for road purposes by the Planning Board as requested by the New York State Department of Transportation. In taking this action the use of this property for one acre residential use with lots conforming to the depth and configuration of normal 1 acre lots was negated essentially forever.

→ This being the case, it would appear the original property owners should have been adequately compensated for their property by the State of New York. If this land is now no longer anticipated to be used for highway purposes by the State of New York, a letter from the State should be requested documenting their intentions.

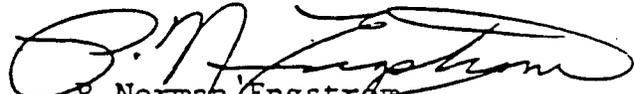
→ In order now to protect the 1 acre zoning of the contiguous developed subdivisions, it would seem appropriate that the Town seek State assistance in setting aside this property for public purposes, such as a natural green belt area. If the retention of the land in the public domain is not desirable, possibly some arrangement could be found to dedicate or sell said land to contiguous home owners.

Although other uses might be considered, such as the Town houses suggested by the Director of Planning, there would still be a very negative impact on the existing contiguous developed 1 acre parcels. The introduction of a different type of housing in an area totally developed in accordance with single family one acre zoning, although reducing the environmental impact, could have a devaluating effect on adjacent properties.

As previously suggested we feel the State of New York has some responsibility to resolve this problem. At their request, the Planning Board created this unusual shaped parcel by approving 3 subdivisions between 1967 and 1970. The 200' elongated configuration would have served a functional use as a right of way for road purposes, but as previously indicated in this report and the report of the Director of Planning, it does not lend itself to the development of one acre lots and a conventional road system.

It should also be noted that this land, consisting of three parcels being shown on the three filed subdivision maps as the Proposed Northport Babylon Expressway was taken off the tax rolls in whole or in part in 1974-1975. In 1976 it was put back on the tax rolls.

If this office can be of further assistance in the review of this proposal, please advise.

  
 P. Norman Engstrom  
 Ass't. Civil Engineer  
 For: Benjamin J. Bletsch  
 Director

PNE:md

	DIRECTOR	<input checked="" type="checkbox"/>
	ASST. DIRECTOR	
	CHAIRMAN	
<input checked="" type="checkbox"/>	AGENDA 4/3	<input checked="" type="checkbox"/>
	FILE	<input checked="" type="checkbox"/>

**RECEIVED**

MAR 21 1985

HUNTINGTON TOWN  
 PLANNING DEPT.

EXHIBIT B

VANDERBILT HOMES

PAGE TWO

1. The lot was never intended to be developed for anything other than the proposed Bayblon-Northport Expressway. During subdivision of the adjoining properties the then owner agreed to set aside this parcel for the future roadway.
2. A right-of-way zoned R-40 Residence District 200 feet in width, 4,736 feet in length is not suitable for residential development.
3. A proposed cul-de-sac street 4,300 linear feet in length violates the normal maximum length used as planning design criteria in this zoning district.
4. Due to the narrow width of the property, and a street system required to develop lots, 78% of the 16 acre site requires clearing for development.
5. A new street constructed on the property lines will have an adverse impact on the adjacent properties, now therefore be it

RESOLVED, that the application known as VANDERBILT HOMES is hereby denied without prejudice.

VOTE: 6

AYES: 6

NOES: 0

*Denied w/o Prejudice*

The resolution was thereupon declared to be duly adopted.

EXHIBIT C

TOWN OF HUNTINGTON, N. Y.  
PLANNING DEPARTMENT

Inter-Office Memorandum

Date: August 23, 1989

To: William Byrne, Chairman, and  
Members of the Planning Board  
Richard Machtay, Director

From: Margo Myles, Senior Environmental Analyst *mem*

Re: Vanderbilt Homes - Conclusion of SEQRA Review

Attached please find a draft findings statement for the proposed Vanderbilt Homes Subdivision. It is my opinion, as staff reviewer of the FEIS, that there are two separate conclusions, one of which the Board may reach for the proposed action. The draft findings statement contains these two determinations (marked alternates A and B, see pages 9 on). In order to give the Planning Board a full two weeks to evaluate the draft document, it is recommended that the item be placed on the **September 13th agenda for discussion**, for suggested revisions to the document, and for a final decision.

STATE ENVIRONMENTAL QUALITY REVIEW  
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Huntington Planning Board, as lead agency, makes the following findings.

Name of Action: Vanderbilt Homes Subdivision

Description of Action: The action proposed is the subdivision of a 20.59-acre property zoned R-40 Residence District into 14 lots and the subsequent construction of new homes on modified half-acre lots. Modification of the proposed lots will result in the retention of an 11.62-acre portion of the site which the FEIS indicates could be dedicated to the Town as park-preserve. Two parcels separated by the 200-foot LILCO-owned right-of-way comprise the 20.59-acre subject site. The entirely forested subject property had been the planned right-of-way of the Babylon-Northport Expressway which was never constructed. Approximately one-quarter of the wooded vegetation is to be removed during construction if the project is approved as proposed. The majority of the surrounding development has occurred in conformance with the R-40 zoning, without modification of lot area.

Location: North side of Vanderbilt Parkway (C.R. 67) approximately 400 feet west of Wagon Wheel Lane in the hamlet of Dix Hills, Town of Huntington, Suffolk County.

Suffolk County Tax Map Description:

District 400-Section 249-Block 2-Lots 31 and 32 &

District 400-Section 250-Block 2-Lot 01

Agency Jurisdiction(s):

Town of Huntington Planning Board, lead agency  
Suffolk County Dept. of Health Services, involved agency  
Suffolk County Dept. of Public Works, involved agency  
Suffolk County Planning Commission, involved agency  
New York State Dept. of Environmental Conservation,  
Fish and Wildlife Division, involved agency  
New York State Dept. of Transportation, involved agency  
Long Island State Parks Commission, involved agency

Date Final EIS Filed: July 20, 1989

Facts and Conclusions in the EIS Relied Upon to Support the Decision:

See attached report.

STATEMENT OF FINDINGS ON THE  
FINAL ENVIRONMENTAL IMPACT STATEMENT FOR  
VANDERBILT HOMES, HUNTINGTON, NEW YORK

A positive declaration was issued for the project in question by the Planning Board on January 27, 1988. A Draft Environmental Impact Statement was prepared by the applicant and accepted after revision on January 11, 1989. It was circulated for review and comment in accordance with SEQRA notice and filing requirements. A public hearing was held on March 29, 1989. A Final Environmental Impact Statement (FEIS) was accepted as complete on July 19, 1989, filed on July 20, 1989, and circulated for a 30 day period. Comments received from involved agencies, interested agencies, and the general public on the DEIS, FEIS and public hearing were used in evaluating the EIS and developing these findings.

POTENTIAL SIGNIFICANT IMPACTS

The following are the significant environmental impacts that could be posed by the subject project. These emerged from the formal scoping and from the comments received during initial and continued review by involved agencies and the general public:

1. Project yield and design configuration posing impacts to existing community character.
2. Loss of an open space greenbelt corridor and subsequent impact on individual NYS-protected plant species, natural woodland, and wildlife resources.
3. Impact on local traffic conditions.
4. Impact to existing drainage patterns, non-regulated wetland area, and potential for off-site sedimentation and stormwater loading.
5. Impact to visual resources.

These findings summarize the facts and conclusions of the FEIS with regard to these significant environmental impacts. The FEIS contains additional information on impacts of less consequence which are not necessary to include in these findings. However, the full content of the FEIS has been considered in identifying major impact areas, as well as in arriving at the conclusion and the recommendations associated with these findings. Mitigating measures stated are not necessarily those proposed by the applicant in the EIS proper, but instead may reflect comments of other reviewing agencies and individuals made a part thereof.

## Community Character

### Yield

There are three distinct yield options presented in the FEIS: 14 lots (proposed action), 4 lots (1986 Planning staff recommendation), or 2 lots (no action/denial, the applicant having proven access to the northern parcel via the LILCO r-o-w which would still require ZBA approval to build on a private r-o-w). It has been shown in the FEIS that the physical impacts to the land resource are exacerbated as the yield is increased. The sole exception is that the FEIS shows that the physical impacts of 14 attached cluster units pose a comparable impact to four conventional lots--all placed on the southern parcel. Although greater tax revenues will be generated upon subdivision to 14 lots (regardless of configuration) than with the no action or four-lot scenarios, the impacts to community character and to services (solid waste management, roadways/traffic generation, etc.) will also exceed those at the lesser yield. Clearly, denial of the proposed subdivision poses the least detrimental impact to the character of the surrounding built community.

### Design

The Suffolk County Planning Commission, Suffolk County Department of Health Services' Office of Ecology, and the Town Planning Department's Environmental Review Division have advocated consideration of alternative design via clustering to limit development of steep slopes, maintain existing drainage patterns, reduce impervious surfaces, protect wildlife corridors, and conserve contiguous open space. The FEIS has documented that neither residential subdivision in the conventional mode, modified manner as proposed, nor further modified/cluster method (alternative 4) at the existing yield will result in a marked disparity of tax revenues generated to the benefit of the Town. The cluster alternative proposes to generate lesser revenues based on a smaller unit square footage (3,000 as compared to the 3,600 square foot conventional and proposed action scenarios).

No attached cluster housing has been built in the Hamlet of Dix Hills to date, and therefore, any such configuration of the subject site would be precedent-setting. However, given the unusually narrow configuration of this R-40 property, attached cluster housing could be implemented in a manner that is visually compatible with the surrounding neighborhood while reserving a major element of the present scenic woodland appeal, more so than conventional or modified development of detached housing on shallow lots as proposed.

From the construction perspective, it is more cost-effective for both the applicant to build attached housing and for the Town/Fire, Water, and School Districts to support such a new development with

services (fire protection, solid waste management, road maintenance, school enrollment, etc.). While fee title land acquisition of the entire property for public purposes diminishes environmental impacts to the greatest extent, such action may result in further economic impact to the Town's revenue base as it will eliminate both the land and any prospective improvements from its tax rolls. While public acquisition for passive park use would eliminate the need for most services, there would be a corollary increase in park management responsibility.

### Open Space

The subject action affects 20.59 acres of vacant woodland. Though not designated on the Town of Huntington Open Space Index, since the time of the construction of the flanking developments, the property has served a "quasi-public" purpose as a greenbelt corridor. As mitigation, the preferred plan of the applicant has proposed that a portion of the site be reserved either in private ownership or dedicated to the Town of Huntington as park-preserve; however, additional open space may be reserved through public acquisition, actual yielding of the property and/or through implementation of a further modified subdivision plan.

Though it has not been formally nominated for consideration in a public acquisition program, it was referenced as an alternative in the FEIS (#1--no action/open space acquisition) and shown to pose the least environmental ramifications. This alternative was recommended by the Suffolk County Department of Health Services' Office of Ecology, by Town Councilwoman Sandra Triolo, and by a number of community residents. Establishing yield not to exceed four lots, a modified subdivision on not more than the 5.03-acre parcel south of the LILCO property would allow the applicant an opportunity to construct either attached or detached housing suitably buffered so as to diminish the proposed impacts to the existing community character and to reduce other associated impacts described herein. Locating any and all development on the southern portion of the property will allow reservation of the land north of the LILCO land as protected open space.

Any land to be reserved as dedicated open space from the subject site should be dedicated as forever wild park-preserve land (conservation area per section 159-3 of Town Code) to be maintained in accordance with a conservation management plan. Additional covenanting of portions of the private area assigned to individual lot(s) to reinforce imposed limits of clearing will enable preservation of additional contiguous woodland buffer to the visual benefit of adjoining homeowners. No portion of such property is to be used for the sole benefit of a particular individual or in a manner degrading to the surface or underlying site resources. Any and all encroachment from off-site that may be existing shall cease.

## Flora/Fauna

The FEIS has identified on-site vegetation to include protected species under the New York State - Protective Native Plant Act. Such species occur in concert with the oak-dominated native woodland. The original Johnson Vegetation and Wildlife Study, the later Kramer-Voorhis Terrestrial Ecology Report, and the Schlauch Bioscientific Affidavit submitted by project opponents have all indicated remarkable avian diversity for such an unusually configured property and that the site contains exceptional perching bird habitat.

Mitigation has been proposed to lessen impacts to vegetation and wildlife; however, additional forest area may be retained through implementation of more modified design at the alternative density of four dwellings and further, with no increase in density, thus maintaining a proportionally greater amount of contiguous habitat. Reservation of the parcel north of the LILCO crossing is requisite to provide a protected corridor for wildlife movement between the Northern State Parkway, the LILCO rights-of-way, and neighboring Town parks (particularly DeForest Nature Park and Dix Hills Park). Low maintenance indigenous plant species to include NYS protected plant material should be used in relandscaping disturbed areas of the site for benefit to aesthetics, wildlife, and quality recharge facilitation. A conservation plan to be developed for the lands to remain natural shall serve to maximize benefit for local wildlife resources.

## Traffic

More than any other issue, traffic concerns have been pivotal to the review of the Vanderbilt Homes subdivision. As a portion of the planned Northport-Babylon Expressway right-of-way, it was a traffic matter that resulted in the formation of the elongated property. Design of the surrounding residential communities was predicated on the retention of the narrow tract. In setting aside the 200-foot narrow subject property for road purposes, the potential for residential use compatibly configured with adjoining lots was forever dissolved. In the applicant's earliest submission for subdivision, the length of the proposed cul-de-sac (4,300 linear feet) had been deemed a traffic safety hazard. Such length of road with only one means of ingress and egress violated the 1,000 to 1,200 maximum length used as a design criteria in Huntington in conformance with regionally accepted standards. Though such length has been reduced due to the introduction of modified lots on the applicant's present preferred plan, at 2,735 linear feet (405 of which cross the LILCO right-of-way) the project markedly fails to meet the review standard of the lead agency for traffic safety. The Suffolk County Planning Commission reiterated such concern that the "length of the cul-de-sac road is considered to be excessive."

Traffic studies conducted as part of the EIS review of the proposed plan indicate that the 14 homes will not generate a significant increase in traffic volume. Nevertheless, the alternative for conventional development of four homes will result in less than 30% of the average daily and peak hour projections. Sight distance is limited in the immediate vicinity of the property due to the existing topography, horizontal and vertical alignment of Vanderbilt Parkway (C.R. 67) and average motorist speeds in excess of the posted maximum. Area roadways contain sufficient capacity to handle the project traffic increase of 14 new vehicular trips per hour peak weekday, total of 141 projected new trip ends per day. However, accident reports for the immediate locale of the site indicate a greater than average accident rate and severity (injury accident) rate for the portion of Vanderbilt Parkway (C.R. 67) between Deer Park Avenue and Commack Road. Notwithstanding the planned County rehabilitation of Vanderbilt Parkway aimed to reduce the traffic accident potential along the roadway, there is a concern that any additional traffic volume may exacerbate the situation.

To facilitate safer traffic access to Vanderbilt Parkway, the Suffolk County Department of Public Works has indicated that only a single access drive will be considered and that all necessary procedures should be taken to provide for sufficient sight distance at the proposed drive, based on a 50 mph operating speed. To provide such sight distance, existing woodland growth along Vanderbilt Parkway may be disturbed to a depth as great as 50 feet as indicated in the FEIS.

The Suffolk County Planning Commission approved the proposed subdivision plat with conditions at its meeting of April 5, 1989. Several traffic safety requirements were specified, including:

- relocation of lot 1 and realignment of the access road to provide a less hazardous angle of intersection with Vanderbilt Parkway;
- no direct vehicular ingress and egress on Vanderbilt Parkway for any lot\*;
- provision of a short radius curve, preferably with a radius no greater than 20 feet, at the intersection of the proposed road with Vanderbilt Parkway to facilitate turns at the corner and to enhance the streetscape;
- containment of all stormwater on site to preclude potential flow onto the right-of-way of Vanderbilt Parkway\*;
- establishment of a buffer or conservation easement at least 50 feet in width along Vanderbilt Parkway to help preserve natural vegetation, to enhance aesthetics, preserve residential amenities from traffic activities and noise, minimize erosion potential, and preserve its historic character\*;
- coordination of subdivision plans with the Suffolk County Department of Public Works as construction or reconstruction of Vanderbilt Parkway is planned in the site vicinity;
- filing of conditions (asterisked above) as covenants and restrictions in the office of the County Clerk.

## Groundwater Resources

The Suffolk County Department of Health Services has indicated (FEIS) that the proposed action appears to conform with the minimum lot size requirements of Article VI of the Suffolk County Sanitary Code that may affect a property located in Groundwater Management Zone I. The site is not situated within a proposed special groundwater protection area per Article 55 (Sole Source Aquifer Protection) of NYS ECL. Health Department approval will be subject to test hole and test well data, public water supply availability and wastewater treatment design details necessary to accommodate the density of 14 homes on 20.59 acres. To preserve the groundwater recharge potential of the property natural area for recharge must be maximized. A lesser yield and/or further modified design on not more than the 5.03-acre southern parcel will enable the retention of a 15+ acre aquifer recharge zone in keeping with the generally accepted low density recommendations of the county (LIRPB), state (DEC), and federal governmental agencies relative to comprehensive groundwater management.

The comparison of alternatives in the FEIS determined that the proposed action would result in among the largest volume of recharge of the alternatives considered under existing zoning, exceeded only by conventional subdivision and cluster development of 14 lots. However, both the no action/acquisition and four lot subdivision result, respectively, in the least impact to groundwater quality, citing projected recharge nitrate concentration and chloride loading. Limitations on turf area (minimizing application of nitrogenous fertilizers) are proposed to reduce detrimental impact on quality of groundwater recharge.

## Drainage

The FEIS indicates that the subject property serves a collector purpose for local stormwater including a depression that contains freshwater wetland indicator plant species. Although the present woodland condition of the site has stabilized this situation, any disturbance to the land resources may result in accelerated off-site sedimentation during heavy rainfall. The greater the site yield, the greater the potential stormwater burden that must be channelled from the imposed impervious surfaces. The applicant has proposed submission of grading, drainage and erosion control plans which may include the use of an adjoining recharge basin for capture, retention, and return of stormwater on the site in conjunction with other individual catchment mechanisms.

## Visual Resources

The subject application represents a significant loss of a woodland buffer strip. The development of 14 new homes will result in a visible change in physical community character, greatly diminishing the scenic element of the woodland from the County road and from

the rear yards of adjoining homeowners now receiving the visual buffering benefit of the existing woodland. More tightly clustered development at the lesser yield of four lots would result in greater opportunity to reserve existing woodland to reduce visual impacts from adjoining roadways and neighboring residential lands. A zone may be designated to surround proposed homes that shall be restricted by covenant to remain as natural buffer in perpetuity to further shield such improvements. The larger expanse of acreage in the northern section of the property may be maintained intact by development (transfer) of the full site yield, as determined by the Planning Board, to the southern parcel and requiring protection in private or public ownership in keeping with a conservation master plan for the site.

CONCLUSIONS - ALTERNATE A

Analysis of the DEIS, FEIS, and comments received have shown that the proposed project will result in adverse environmental impacts. Pursuant to 617.9(c) of SEQRA, it has been found that:

It is the conclusion of the Planning Board that the alternative that is most protective of the environment while insuring the adjoining community no loss in assessed valuation, is the no action alternative (#1 presented by the applicant in the FEIS). Such alternative minimizes all projected impacts to the subject site to the maximum extent practicable.

It shall remain the option of the applicant to develop the property with a yield of two homes (subject to ZBA approval on the northern parcel for building on a private right-of-way) on the two parcels as separated by the LILCO corridor. However, it is the conclusion of this review that the most acceptable means of developing the site would involve the transfer of the assigned yield for the northern parcel to the southern parcel for construction of two homes with access shared via a common drive on Vanderbilt Parkway. Such action would require ZBA approval for two residences on one lot.

EXHIBIT D

MEMORANDUM

SUPREME COURT, SUFFOLK COUNTY

TRIAL TERM

PART 7

In the Matter of the Application  
of,

THE WOODS AT DIX HILLS, INC. and  
JEAN ROSS,

Petitioners,

-against-

THE PLANNING BOARD OF THE TOWN OF  
HUNTINGTON and THE TOWN OF  
HUNTINGTON,

Respondents.

BY: GOWAN, J. S. C.

DATED: May 7, 1990

INDEX NO.: 89-20090

CDISPSUBJ

CORWIN & MATTHEWS, ESQS.  
Attorneys for Petitioners  
71 New Street  
Huntington, NY 11743

ARLENE R. LINDSAY, ESQ.  
Attorney for Respondents  
100 Main Street  
Huntington, NY 11743

In this Article 78 proceeding petitioners seek a judgment annulling and reversing a determination dated September 20, 1989, by respondent Planning Board of the Town of Huntington which denied petitioners' application for subdivision approval and an award of monetary damages alleged to have resulted from respondent Planning Board's violation of petitioners' civil rights. Respondents have moved for a dismissal of the petition, or in the alternative, for an order converting this Article 78 proceeding into a plenary action.

Respondents' motion is granted to the extent that petitioners' claims asserted under 42 USC §§1983 and 1985 are severed, converted into a plenary action and continued. The remaining portion of the Article 78 proceeding challenging the Planning Board's denial of petitioners' application for subdivision approval is considered on its merits and is dismissed.

Petitioner corporation is the owner of an undeveloped 20.59 acre parcel of real property located between the Vanderbilt Motor

Parkway (CR 67) and the Northern State Parkway, west of Wagon Wheel Lane in Dix Hills. The property, situated in an R-40 (1 acre minimum) zoning district, is long and narrow in shape measuring 200 feet by 4,736 feet. The parcel had been intended to serve as the right-of-way for the proposed Babylon-Northport Expressway; a project which has presently been abandoned by New York State.

In January, 1985, petitioners applied to respondent Planning Board for preliminary approval of a conventional fourteen lot subdivision of the parcel. By resolution, dated August 21, 1985, the Planning Board declared that petitioners' proposed subdivision was subject to Article 8 of the Environmental Conservation Law (SEQRA), that the proposed subdivision would have a significant impact on the environment and that a positive declaration was appropriate. The Planning Board designated itself lead agency and notified petitioners that a Draft Environmental Impact Statement (DEIS) would have to be prepared by petitioners and accepted by the Planning Board before the application for subdivision approval would be considered.

By resolution, dated January 14, 1987, the Planning Board accepted petitioners' DEIS. Following a public hearing held on February 18, 1987, the Planning Board, in a determination dated March 4, 1987, denied petitioners' application for subdivisional approval without prejudice to the submission of a revised subdivision application.

On June 1, 1987, petitioners submitted a proposal for a fourteen unit cluster development of the parcel. The following day petitioners filed a Notice of Claim pursuant to GML §50-e with the Town of Huntington demanding damages for the alleged unwarranted delay of the Planning Board in approving petitioners' subdivision plans.

In a determination, dated January 27, 1988, the Planning Board issued a positive declaration of environmental significance with regard to petitioners' revised subdivision application and directed that petitioners' DEIS be revised. Following a public hearing held on March 29, 1989, the Planning Board, in a determination dated September 13, 1989, denied petitioners' revised application for subdivision approval. On September 20, 1989, the Planning Board issued a modification of its September 13, 1989 determination, but adhered to its decision to deny petitioners subdivision approval.

Petitioners commenced the instant Article 78 proceeding challenging the Planning Board's determination, dated September 20, 1989 as arbitrary, capricious, unlawful and confiscatory. Petitioners also alleged that respondent Planning Board's unwarranted delay in granting subdivision approval to petitioners constituted

a violation of petitioners' civil rights. Petitioners seek redress including monetary damages pursuant to 42 USC §§1983 and 1985.

Petitioners' claims for monetary damages arising out of the alleged violation of their civil rights may not properly be interposed in this proceeding. CPLR §7806 permits damages to be awarded in an Article 78 proceeding only if two conditions are met. First, the damages must be "incidental to the primary relief sought", and second, the relief must be such as the petitioner "might otherwise recover on the same set of facts in a separate action or proceeding suable in the supreme court against the same body or officer in its or his official capacity." CPLR §7806. Damages for civil rights violations are not incidental to the primary relief sought and such claims cannot be properly raised in an Article 78 proceeding. See, Davidson v. Capuano, 792 F.2d 275 and the cases cited therein.

The Court directs, therefore, that petitioners' civil rights claims under 42 USC §§1983 and 1985 be severed from this Article 78 proceeding and be continued as an independent action. Petitioners shall have twenty days from the date of service of a copy of this decision with notice of entry to serve an amended pleading in the plenary action. Respondents shall have an additional twenty days following service of petitioners' amended pleading to serve an answer.

Petitioners' allegations to the effect that the Planning Board acted arbitrarily, capriciously and unlawfully in its determination, dated September 20, 1989, denying petitioners' application for subdivision approval are properly interposed in this Article 78 proceeding. CPLR §7801, et seq; Town Law §282. There is before the Court a motion to dismiss the petition for insufficiency as a matter of law. Respondents have served an answer and made their return and the matter is before this Court as of the return day. Thus, it appears that there is no material issue of fact requiring a trial and the Court should summarily dispose of the proceeding. At this point in the proceeding, therefore, it is proper for the Court, in the first instance, to assume the truth of the allegations of the petition and of the uncontroverted new matter presented by the answer and, upon such basis, determine whether or not, as a matter of law the petitioners are entitled to the relief sought. See, Application of Hooker, 208 Misc. 188, 143 N.Y.S.2d 750.

The Planning Board is empowered to grant preliminary and final approval of subdivision plats for the purpose of providing for future growth and development of the town and affording adequate facilities for the housing, comfort, safety, health and welfare of its population. Van Euclid Co. v. Sargent, 97 A.D.2d 913, 470 N.Y.S.2d 750. The Planning Board's authority arises out of §§276 and 277 of the Town Law and Chapter 198 of the Code of the Town of

Huntington. In exercising its authority to grant or deny approval of a subdivision, a planning board may consider the impact of the proposed development on traffic safety and the environment. See, Ozols v. Henley, 81 A.D.2d 670, 438 N.Y.S.2d 349, appeal dismissed 54 N.Y.2d 1023, 446 N.Y.S.2d 263; Currier v. Planning Board of the Town of Huntington, 74 A.D.2d 872, 426 N.Y.S.2d 35, affirmed 52 N.Y.2d 722, 436 N.Y.S.2d 274.

The Court will only substitute its judgment for that of the Planning Board when the board has abused its discretion or has acted arbitrarily or illegally. Where conflicting inferences may be drawn from the evidence, it is the duty of the Planning Board to weigh the evidence and to exercise its discretion in approving or denying approval to a subdivision plat. Currier v. Planning Board of the Town of Huntington, supra.

Here, an examination of the record discloses sufficient evidentiary support for the Planning Board's determination that approval of the proposed cluster subdivision would not serve the convenience, comfort, safety, health and welfare of the surrounding community.

The sole method of ingress to and egress from the proposed development is via a 2,330 foot cul-de-sac which opens directly onto Vanderbilt Motor Parkway. The traffic studies on the record indicate that the parkway is a heavily traveled roadway with a high rate of severe accidents. The high rate of speed routinely employed by vehicle operators on the parkway, in conjunction with the limited sight distances on the roadway resulting from the steep topography at the location of the proposed development, would create a safety hazard for drivers and pedestrians utilizing the parkway and the cul-de-sac. Moreover, the fact that the cul-de-sac is the sole approach to the housing units in the development makes the prospect of providing emergency services to the development an onerous one.

The record also supports the Board's conclusion that the projected construction would devastate and destroy the existing topography of the site and have a severe adverse impact on the environs. See, Oakwood Co. v. Planning Board of the Town of Huntington, 89 A.D.2d 606, 452 N.Y.S.2d 457.

In addition, there is evidentiary support in the record for respondent's determination that approval of the subdivision would have an adverse impact on the use and value of adjoining properties and would be inconsistent with the general character of the surrounding community.

The Planning Board's determination denying subdivision approval to the subdivision plat on the basis of safety and environmental factors is supported by the record. The determination thus had a rational basis and cannot be considered arbitrary or capricious.

In addition, petitioners' contention that the Planning Board's determination denying approval of the cluster subdivision is confiscatory is without merit. To succeed on this ground, the burden is on petitioners to establish beyond a reasonable doubt that they have been deprived of any use of their property to which it is adapted. The Planning Board has indicated its willingness to approve a subdivision of this parcel, albeit one of lesser magnitude than the one sought by petitioners. Petitioners have consequently failed to demonstrate that they have been deprived of the economic value of their property.

Accordingly, the portion of this proceeding which sought relief pursuant to 42 USC §§1983 and 1985 has been severed and converted into a plenary action. The portion of this proceeding seeking to annul and reverse the Planning Board's determination, dated September 20, 1989, is dismissed.

Submit judgment.

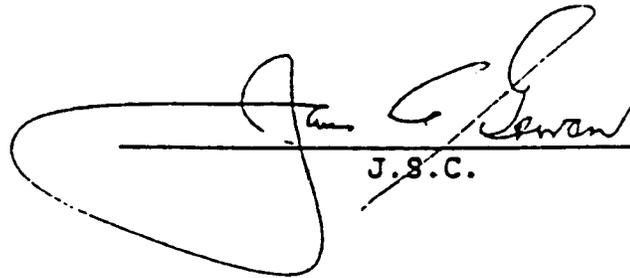
  
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J.S.C.

EXHIBIT E

# TOWN OF HUNTINGTON



FRANK P. PETRONE, *Supervisor*

100 MAIN STREET, HUNTINGTON, N.Y. 11743-6991

CONSERVATION BOARD  
516-351-3192

February 16, 1997

Mr. Jeffrey Virag, Chairman  
Town of Huntington  
Planning Board  
100 Main Street  
Huntington, NY 11743

RE : Jill Estates  
SCTM #0400-429-04-019 & 0400-263-02-072

Dear Mr. Virag:

DIRECTOR	<input checked="" type="checkbox"/>
ASST. DIRECTOR	<input type="checkbox"/>
CHAIRMAN	<input type="checkbox"/>
ADD	<input type="checkbox"/>
SIR	<input type="checkbox"/>
AGENDA	<input checked="" type="checkbox"/>
FILE	<input type="checkbox"/>

RECEIVED  
 PLANNING DEPARTMENT  
 TOWN OF HUNTINGTON, N.Y.  
 97 FEB 19 PM 4:19

The Huntington Conservation Board has completed its review of SEQRA documentation and the Draft Environmental Impact Statement for the referenced project.

While this 20.6 acre parcel is certainly a significant open space tract, it apparently was not formally incorporated into the Town Open Space Index in 1974, due to the fact that it was in State ownership at the time, for its future use for the proposed Babylon-Northport Expressway. Therefore it would appear that this is the first time that the Conservation Board has reviewed the environmental merits of the site.

The property consists of a northern 9.8 acre portion currently zoned at R-40 and a southern portion of 10.8 acres zoned R-20. A yield map submitted with the DEIS indicates that the property might be developed for 21 single family lots incorporating on site stormwater disposal via a recharge basin and a central open space allowance which could conceivably meet the park set-aside requirement. Based on the Environmental Assessment Form, it would appear that this yield map was similar, if not identical, to the original application's preliminary map.

Within the DEIS, a Preferred Plan alternate is submitted which proposes 17 clustered single family lots ranging in size from 12,500 to 56,610 square feet. In this alternate a 32,400 square foot recharge basin area is shown. Most significantly, the northernmost 10.9 acres are proposed as a Town Parkland dedication. This dedication preserves all of the older forested portion of the site, and frees steeper portions of the property from clearing. All development alternatives incorporate public water supply to all homes, and sewage disposal via standard on-site septic systems and leaching pools.

We find that the Planning Department staff Scoping Checklist adequately identified issues for the DEIS to consider. The DEIS accurately describes the environmental setting of the site. There are a number of issues which concern this Board: the importance of avoiding clearing on steep slopes, the need to protect our groundwater resources, and the value of this wooded site as habitat for a variety of terrestrial and avian species which provides an important corridor for more free ranging species to move between several linked woodland park or otherwise preserved areas.



Five alternative actions are presented in the DEIS. Those alternatives which call for development propose either 2 conventional or 17 modified residential units.

Of the development alternatives presented, we find that the Cluster Alternative, designated in the report as the Preferred Alternative, accomplishes the most in mitigating environmental impacts by preservation of the more critical portions of the site and transferring its ownership to the town. The attached unit cluster option does provide slightly less impact overall, but we note that such a plan would be significantly different from neighboring uses.

The Conservation Board greatly regrets the loss of open space and habitat. We have long supported the notion that cluster housing coupled with strong site planning and sensitive clearing requirements can mitigate impacts to a significant degree. However, this will require close continued working cooperation between the developer and the Town. To that end we recommend that larger trees in the portion of the site to be developed should be identified and noted on the final plan, and that strict guidelines for tree preservation, clearing, grading, and erosion and sediment control be developed in concert with Planning Department staff recommendations and implemented as to be readily enforced.

These findings were accepted and this report approved by the Conservation Board by unanimous vote at its February 4, 1997 meeting.

It is respectfully requested that the Planning Board give due consideration to this report in reaching a conclusion on the subject property.

Very truly yours,

  
Joy S. Squires  
Chairperson

JSS:PP:ak

cc: Ms. P. Del Col, Director, DEC  
Mr. R. Mactay, Director of Planning  
Mr. E. Boozer, Director, Parks & Recreation

EXHIBIT F

PLANNING STAFF COMMENTS

ON THE

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR JILL ESTATES

(Received by the Planning Department on July 8, 1996)

1. Cover Sheet: The contact person for the Town should be Richard Machtay/Scott Robin as Planning Department contacts.
2. Page 11, paragraph 2: A road width of 35' is indicated. The Town requires 36'.
3. Page 11, paragraph 3: It is stated that drainage will be provided using on street dry wells. Dry wells are not acceptable for a site of this size. In general, a tributary area of eight (8) acres or more, shall be deemed to necessitate a storm water recharge basin (Subdivision Regulations and Site Plan Specifications § A-101.2).
4. Page 11, paragraph 3: It is stated that a copy of a preliminary map can be found at the "conclusion" of the DEIS. No copies were included in any of the copies submitted to the Town.
5. Page 13: The heading "Sound Attenuation" and the text below does not correspond.
6. Page 13, paragraph 3: It is stated that "Letters of Insignificant Impact" were received from the Dix Hills Water District and Lilco. These documents should be included in the appendix.
7. Page 15: The Construction & Operation schedule should be expanded to include the following important processes: erosion control, soil stabilization, recharge basin installation.
8. Figures 2 & 3: These SEQRA charts were no longer valid as of January 1, 1996. They should be replaced with the attached updated versions.
9. Page 19, paragraph 2: The description given of the SEQRA process is not complete. It should be stated that: When the Planning Board as lead agency has determined that a draft EIS prepared by a project sponsor is adequate for public review, the lead agency must prepare, file and publish a notice of completion of the draft EIS and file copies of the draft EIS in accordance with the requirements set forth in section 617.12 of SEQRA. The minimum public comment period on the draft EIS is 30 days, beginning with the first filing and circulation of the notice of completion.
10. Page 19, paragraph 3, line 1: Reference is made to the Planning Board's "281 Charter". The Planning Board does not have such a charter. Perhaps the intent was to refer to §278 of New York State Town Law.

11. Page 19, paragraph 3, line 3: It should be qualified that Suffolk County Department of Health Services has (SCDHS) "Subdivision" approval is for wastewater disposal. Reference to SCDHS septic system approval (line 7) would then be redundant requiring removal.
12. Page 20, paragraph 1, line 1: The list of agencies that "the Town will solicit comments from..." should include all involved agencies (i.e. New York State Department of Environmental Conservation, New York State Department of Transportation, Suffolk County Department of Public Works, Suffolk County Department of Health Services, Dix Hills Water District & Suffolk County Planning Commission, New York Telephone).
13. Page 20, paragraph 1, line 3: The statement that public hearings will be held after SEQRA review should be qualified to read: When the Planning Board as lead agency has determined that a draft EIS prepared by a project sponsor is adequate for public review, the lead agency will determine whether or not to conduct a public hearing concerning the action. In determining whether or not to hold a SEQRA hearing, the lead agency will consider: the degree of interest in the action shown by the public or involved agencies; whether substantive or significant adverse environmental impacts have been identified; the adequacy of the mitigation measures and alternatives proposed; and the extent to which a public hearing can aid the agency decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment.
14. Page 21: The site slope configuration shown in Figure 4 gives approximate information on area topography for the Modified Yield proposal. To fully evaluate impacts to natural resources, a map should be provided that depicts elevations at two foot contour intervals.
15. Pages 22-26: Section (B) (1) on Groundwater Resources was excluded during the scoping session and should not have been included in the DEIS.
16. Page 25: Use of the BURBS model for calculation of nitrate/nitrogen in groundwater recharge has been recognized consistently as a conceptual tool only in prior EIS evaluations by the Department.
17. Pages 27-30: Section (C) (1) on Air Resources was excluded during the scoping session and should not have been included in the DEIS.
18. Page 32: Section 2, Land Use Plans should include reference to the general recommendations made in the 1993 Town of Huntington Comprehensive Plan, April 1993 (i.e. Summary Chapter on Transportation, Environmental, Housing, etc.).

19. Page 45, paragraph 1: Table 5 and Appendix G (described in the text) are not included in any of the copies of the DEIS submitted to the Town. The Table of Contents only indicates Appendices A-D and Tables 1-4. Are appendices E and F also missing?
20. Page 46, paragraph 2: Section (D) (2) on Historic, Architectural and Archaeological Resource was excluded during the scoping session and should not have been included in the DEIS.
21. Page 48: This page lists the Adverse Environmental Effects if Project is Implemented. Pursuant to the Scoping Checklist the following sections should also have been provided:
  - A) Mitigation Measures to Minimize Environmental Impact
  - B) Irreversible and Irrecoverable Commitment of Resources
22. In 6 NYCRR 617.9(5)(v) SEQRA instructs that all draft EISs must include as a required element: "a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor..."

*The Planning Board should determine whether the alternatives are indeed viable given existing constraints. As a result of the Vanderbilt Homes analysis (DEIS→FEIS→Findings and, subsequently, Supplemental DEIS→SFEIS→Findings), it was determined that lots adjoining the subject parcel had established a clear pattern of community development. The narrow width of the parcel (only 200 feet) and required 50-foot wide right-of-way resulted in the requested layout of new lots with side yards adjoining existing lots' rear yards and creating double frontage for previously existing parcels. It was the Board's initial determination that the complete site yielded two parcels, later revised to three, with a sizable parkland dedication. Compatible with the Planning Board's prior action on the Vanderbilt Homes site, the presented yield scenarios for Jill Estates' R-40 acreage are questioned. The DEIS must present feasible options for development.*

While Jill Estates is comprised of two tax parcels, the northern parcel cannot yield any lots fully-conforming to both the requirements of the R-40 Residence District and the Subdivision Regulations and Site Improvement Specifications of the Town of Huntington (i.e., cul-de-sac length, lot orientation--deeper than wide, minimum street frontage). It appears only the southern, mostly R-20-zoned parcel adjoining Dillen Place can provide conforming access and layout for lots, while not exceeding the recommended cul-de-sac design specifications. A 17-lot yield, eliminating potential yield from the northern R-40 parcel, should be included in the consideration of alternatives. This would protect more of the Oak-Tulip vegetation which are the major mature woodlands on the site.

Once yield is established, Town Code §198-114 enables the Planning Board to make "any reasonable modification of the zoning regulations applicable to the land so platted as authorized by §278 of the Town Law and as specified in this Article. Any such modification of the zoning regulations shall be made to encourage the most appropriate use of land consistent with the character thereof and with the general welfare of the community, to afford adequate facilities for the housing, circulation, convenience, safety health and welfare of the population to safeguard the appropriate use and value of adjoining property; or to conserve the general character and value of property in the district."

The applicant proposes access from Vanderbilt Parkway via a single curb cut to the County roadway. It should be determined whether prior action of the Suffolk County Legislature has direct influence on any development of the Jill Estates site requiring access to the County road. The Suffolk County Legislature approved on August 29, 1989 and the County Executive signed on September 13, 1989 an enactment (resolution 1882-89) prohibiting the County Department of Public Works from clearing any portion of the County right-of-way of shrubbery between Wagon Wheel Lane and Red Oak Court "unless such work is explicitly approved by a duly enacted resolution of the County Legislature directed solely and exclusively to that purpose."

If the Planning Board renders a determination that the most appropriate use of the northern parcel is as open space/passive parkland, any single lot yield that might be derived as the result of a future ZBA grant and/or Suffolk County Legislature approval may be expressed on the southern parcel in accordance with §278 of Town Law and the Board could accept the R-40 zoned northern parcel as parkland/mitigation.

22. Page 49: Reference is made to a Table VIII-1 which presents an impact review of the alternatives. Is this the same as Table 4, Environmental Impacts? Table 4 provides a comparative assessment of impacts to land (pervious vs. impervious), water resources and power for each alternative. Pursuant to the Scoping Checklist areas of comparison should also include:
- Cost
  - Site layout (location of access routes, parking for proposed Town parkland)
  - Orientation (compatibility with slope and drainage patterns, local zoning, buffers and the Town Comprehensive Update)
  - Construction/Operation Scheduling
  - Alternative Land Use
23. Figs. 8 & 9: If public parkland dedication is to be considered for any alternatives, it should be accessible. The alternatives depict parkland and the narrative explains that it will be accessed by a 12-foot easement. If this is the sole access route (an easement across private land), it is likely to be considered an "extension" of their yard and/or may create management/access difficulties in the future. As a "stand-alone" parcel, public access rights should be fee simple. It should be clarified why parkland dedication has not been included in the preferred proposal.

24. Page 51, paragraph 3: The Multiple Family Unit Alternative should more appropriately be identified as "Attached Single-Family Cluster". To call it multi-family will lead community perception that this is not a single-family alternative, when the only difference is that the housing units are attached so that more of the site can remain in its natural state. All references to "Multiple Family Unit Alternative" in text, tables and figures should be revised accordingly.
25. Appendix D: The study of the site's floral and faunal features states that the proposed subdivision plan is the plan referred to as the cluster alternative. However, the proposed plan, according to the DEIS, is a conventional subdivision without any park reservation and the cluster plan discussed in the study is an alternative. Therefore the statement on page 24, last paragraph of this study, which concludes that 13.3 acres (64.6 percent) of the site will remain as natural vegetation misrepresents the amount of the site's natural vegetation, which will be protected.

While the terrestrial ecology review is lengthy, it relies significantly on outside data. The report does not truly qualify which habitat type is more locally-significant (i.e., more threatened in Huntington), thus more deserving of protection by retention as public parkland or in natural buffer areas. The models are worst-case scenarios that assume extensive removal of vegetation. The comparison of proposed and existing habitats (Table B) is misleading to the uninformed reader, reflecting the loss in natural habitat area and corresponding increased impervious surface, landscaped and recharge basin area, with a 0.00 overall acreage change. The main document notes the anticipated removal of 75% of the natural vegetation on site.

26. Attached are comments from the State of New York Department of Transportation. Although, according to the Scoping Checklist no transportation issues were to be addressed, such comments, if substantive, must be considered by the Planning Board in their findings statement and decision on the action.

encl.

PLANNING STAFF COMMENTS

ON THE

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR JILL ESTATES

(Received by the Planning Department on July 8, 1996)

1. Cover Sheet: The contact person for the Town should be Richard Machtay/Scott Robin as Planning Department contacts.
2. Page 11, paragraph 2: A road width of 35' is indicated. The Town requires 36'.
3. Page 11, paragraph 3: It is stated that drainage will be provided using on street dry wells. Dry wells are not acceptable for a site of this size. In general, a tributary area of eight (8) acres or more, shall be deemed to necessitate a storm water recharge basin (Subdivision Regulations and Site Plan Specifications § A-101.2).
4. Page 11, paragraph 3: It is stated that a copy of a preliminary map can be found at the "conclusion" of the DEIS. No copies were included in any of the copies submitted to the Town.
5. Page 13: The heading "Sound Attenuation" and the text below does not correspond.
6. Page 13, paragraph 3: It is stated that "Letters of Insignificant Impact" were received from the Dix Hills Water District and Lilco. These documents should be included in the appendix.
7. Page 15: The Construction & Operation schedule should be expanded to include the following important processes: erosion control, soil stabilization, recharge basin installation.
8. Figures 2 & 3: These SEQRA charts were no longer valid as of January 1, 1996. They should be replaced with the attached updated versions.
9. Page 19, paragraph 2: The description given of the SEQRA process is not complete. It should be stated that: When the Planning Board as lead agency has determined that a draft EIS prepared by a project sponsor is adequate for public review, the lead agency must prepare, file and publish a notice of completion of the draft EIS and file copies of the draft EIS in accordance with the requirements set forth in section 617.12 of SEQRA. The minimum public comment period on the draft EIS is 30 days, beginning with the first filing and circulation of the notice of completion.
10. Page 19, paragraph 3, line 1: Reference is made to the Planning Board's "281 Charter". The Planning Board does not have such a charter. Perhaps the intent was to refer to §278 of New York State Town Law.

11. Page 19, paragraph 3, line 3: It should be qualified that Suffolk County Department of Health Services has (SCDHS) "Subdivision" approval is for wastewater disposal. Reference to SCDHS septic system approval (line 7) would then be redundant requiring removal.
12. Page 20, paragraph 1, line 1: The list of agencies that "the Town will solicit comments from..." should include all involved agencies (i.e. New York State Department of Environmental Conservation, New York State Department of Transportation, Suffolk County Department of Public Works, Suffolk County Department of Health Services, Dix Hills Water District & Suffolk County Planning Commission, New York Telephone).
13. Page 20, paragraph 1, line 3: The statement that public hearings will be held after SEQRA review should be qualified to read: When the Planning Board as lead agency has determined that a draft EIS prepared by a project sponsor is adequate for public review, the lead agency will determine whether or not to conduct a public hearing concerning the action. In determining whether or not to hold a SEQRA hearing, the lead agency will consider: the degree of interest in the action shown by the public or involved agencies; whether substantive or significant adverse environmental impacts have been identified; the adequacy of the mitigation measures and alternatives proposed; and the extent to which a public hearing can aid the agency decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment.
14. Page 21: The site slope configuration shown in Figure 4 gives approximate information on area topography for the Modified Yield proposal. To fully evaluate impacts to natural resources, a map should be provided that depicts elevations at two foot contour intervals.
15. Pages 22-26: Section (B) (1) on Groundwater Resources was excluded during the scoping session and should not have been included in the DEIS.
16. Page 25: Use of the BURBS model for calculation of nitrate/nitrogen in groundwater recharge has been recognized consistently as a conceptual tool only in prior EIS evaluations by the Department.
17. Pages 27-30: Section (C) (1) on Air Resources was excluded during the scoping session and should not have been included in the DEIS.
18. Page 32: Section 2, Land Use Plans should include reference to the general recommendations made in the 1993 Town of Huntington Comprehensive Plan, April 1993 (i.e. Summary Chapter on Transportation, Environmental, Housing, etc.).

19. Page 45, paragraph 1: Table 5 and Appendix G (described in the text) are not included in any of the copies of the DEIS submitted to the Town. The Table of Contents only indicates Appendices A-D and Tables 1-4. Are appendices E and F also missing?
20. Page 46, paragraph 2: Section (D) (2) on Historic, Architectural and Archaeological Resource was excluded during the scoping session and should not have been included in the DEIS.
21. Page 48: This page lists the Adverse Environmental Effects if Project is Implemented. Pursuant to the Scoping Checklist the following sections should also have been provided:
  - A) Mitigation Measures to Minimize Environmental Impact
  - B) Irreversible and Irrecoverable Commitment of Resources
22. In 6 NYCRR 617.9(5)(v) SEQRA instructs that all draft EISs must include as a required element: "a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor..."

*The Planning Board should determine whether the alternatives are indeed viable given existing constraints. As a result of the Vanderbilt Homes analysis (DEIS→FEIS→Findings and, subsequently, Supplemental DEIS→SFEIS→Findings), it was determined that lots adjoining the subject parcel had established a clear pattern of community development. The narrow width of the parcel (only 200 feet) and required 50-foot wide right-of-way resulted in the requested layout of new lots with side yards adjoining existing lots' rear yards and creating double frontage for previously existing parcels. It was the Board's initial determination that the complete site yielded two parcels, later revised to three, with a sizable parkland dedication. Compatible with the Planning Board's prior action on the Vanderbilt Homes site, the presented yield scenarios for Jill Estates' R-40 acreage are questioned. The DEIS must present feasible options for development.*

While Jill Estates is comprised of two tax parcels, the northern parcel cannot yield any lots fully-conforming to both the requirements of the R-40 Residence District and the Subdivision Regulations and Site Improvement Specifications of the Town of Huntington (i.e., cul-de-sac length, lot orientation--deeper than wide, minimum street frontage). It appears only the southern, mostly R-20-zoned parcel adjoining Dillen Place can provide conforming access and layout for lots, while not exceeding the recommended cul-de-sac design specifications. A 17-lot yield, eliminating potential yield from the northern R-40 parcel, should be included in the consideration of alternatives. This would protect more of the Oak-Tulip vegetation which are the major mature woodlands on the site.

Once yield is established, Town Code §198-114 enables the Planning Board to make "any reasonable modification of the zoning regulations applicable to the land so platted as authorized by §278 of the Town Law and as specified in this Article. Any such modification of the zoning regulations shall be made to encourage the most appropriate use of land consistent with the character thereof and with the general welfare of the community, to afford adequate facilities for the housing, circulation, convenience, safety health and welfare of the population to safeguard the appropriate use and value of adjoining property; or to conserve the general character and value of property in the district."

The applicant proposes access from Vanderbilt Parkway via a single curb cut to the County roadway. It should be determined whether prior action of the Suffolk County Legislature has direct influence on any development of the Jill Estates site requiring access to the County road. The Suffolk County Legislature approved on August 29, 1989 and the County Executive signed on September 13, 1989 an enactment (resolution 1882-89) prohibiting the County Department of Public Works from clearing any portion of the County right-of-way of shrubbery between Wagon Wheel Lane and Red Oak Court "unless such work is explicitly approved by a duly enacted resolution of the County Legislature directed solely and exclusively to that purpose."

If the Planning Board renders a determination that the most appropriate use of the northern parcel is as open space/passive parkland, any single lot yield that might be derived as the result of a future ZBA grant and/or Suffolk County Legislature approval may be expressed on the southern parcel in accordance with §278 of Town Law and the Board could accept the R-40 zoned northern parcel as parkland/mitigation.

22. Page 49: Reference is made to a Table VIII-1 which presents an impact review of the alternatives. Is this the same as Table 4, Environmental Impacts? Table 4 provides a comparative assessment of impacts to land (pervious vs. impervious), water resources and power for each alternative. Pursuant to the Scoping Checklist areas of comparison should also include:
- Cost
  - Site layout (location of access routes, parking for proposed Town parkland)
  - Orientation (compatibility with slope and drainage patterns, local zoning, buffers and the Town Comprehensive Update)
  - Construction/Operation Scheduling
  - Alternative Land Use
23. Figs. 8 & 9: If public parkland dedication is to be considered for any alternatives, it should be accessible. The alternatives depict parkland and the narrative explains that it will be accessed by a 12-foot easement. If this is the sole access route (an easement across private land), it is likely to be considered an "extension" of their yard and/or may create management/access difficulties in the future. As a "stand-alone" parcel, public access rights should be fee simple. It should be clarified why parkland dedication has not been included in the preferred proposal.

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encl.

# TOWN OF HUNTINGTON



FRANK P. PETRONE, *Supervisor*

100 MAIN STREET, HUNTINGTON, N.Y. 11743-6991

CONSERVATION BOARD  
516-351-3192

February 16, 1997

Mr. Jeffrey Virag, Chairman  
Town of Huntington  
Planning Board  
100 Main Street  
Huntington, NY 11743

RE : Jill Estates  
SCTM #0400-429-04-019 & 0400-263-02-072

Dear Mr. Virag:

DIRECTOR	<input checked="" type="checkbox"/>
ASST. DIRECTOR	<input type="checkbox"/>
CHAIRMAN	<input type="checkbox"/>
ADD	<input type="checkbox"/>
SR	<input type="checkbox"/>
AGENDA	<input type="checkbox"/>
FILE	<input checked="" type="checkbox"/>

RECEIVED  
 PLANNING DEPARTMENT  
 TOWN OF HUNTINGTON, N.Y.  
 97 FEB 19 PM 4:19

The Huntington Conservation Board has completed its review of SEQRA documentation and the Draft Environmental Impact Statement for the referenced project.

While this 20.6 acre parcel is certainly a significant open space tract, it apparently was not formally incorporated into the Town Open Space Index in 1974, due to the fact that it was in State ownership at the time, for its future use for the proposed Babylon-Northport Expressway. Therefore it would appear that this is the first time that the Conservation Board has reviewed the environmental merits of the site.

The property consists of a northern 9.8 acre portion currently zoned at R-40 and a southern portion of 10.8 acres zoned R-20. A yield map submitted with the DEIS indicates that the property might be developed for 21 single family lots incorporating on site stormwater disposal via a recharge basin and a central open space allowance which could conceivably meet the park set-aside requirement. Based on the Environmental Assessment Form, it would appear that this yield map was similar, if not identical, to the original application's preliminary map.

Within the DEIS, a Preferred Plan alternate is submitted which proposes 17 clustered single family lots ranging in size from 12,500 to 56,610 square feet. In this alternate a 32,400 square foot recharge basin area is shown. Most significantly, the northernmost 10.9 acres are proposed as a Town Parkland dedication. This dedication preserves all of the older forested portion of the site, and frees steeper portions of the property from clearing. All development alternates incorporate public water supply to all homes, and sewage disposal via standard on-site septic systems and leaching pools.

We find that the Planning Department staff Scoping Checklist adequately identified issues for the DEIS to consider. The DEIS accurately describes the environmental setting of the site. There are a number of issues which concern this Board: the importance of avoiding clearing on steep slopes, the need to protect our groundwater resources, and the value of this wooded site as habitat for a variety to terrestrial and avian species which provides an important corridor for more free ranging species to move between several linked woodland park or otherwise preserved areas.



Five alternative actions are presented in the DEIS. Those alternatives which call for development propose either 2 conventional or 17 modified residential units.

Of the development alternatives presented, we find that the Cluster Alternative, designated in the report as the Preferred Alternative, accomplishes the most in mitigating environmental impacts by preservation of the more critical portions of the site and transferring its ownership to the town. The attached unit cluster option does provide slightly less impact overall, but we note that such a plan would be significantly different from neighboring uses.

The Conservation Board greatly regrets the loss of open space and habitat. We have long supported the notion that cluster housing coupled with strong site planning and sensitive clearing requirements can mitigate impacts to a significant degree. However, this will require close continued working cooperation between the developer and the Town. To that end we recommend that larger trees in the portion of the site to be developed should be identified and noted on the final plan, and that strict guidelines for tree preservation, clearing, grading, and erosion and sediment control be developed in concert with Planning Department staff recommendations and implemented as to be readily enforced.

These findings were accepted and this report approved by the Conservation Board by unanimous vote at its February 4, 1997 meeting.

It is respectfully requested that the Planning Board give due consideration to this report in reaching a conclusion on the subject property.

Very truly yours,

  
Joy S. Squires  
Chairperson

JSS:PP:ak

cc: Ms. P. Del Col, Director, DEC  
Mr. R. Mactay, Director of Planning  
Mr. E. Boozer, Director, Parks & Recreation

Suzanne Geosits  
5 Dillon Drive  
Dix Hills, New York 11746

**STATEMENT TO THE HUNTINGTON PLANNING BOARD  
REGARDING: "JILL ESTATES"**

As a lifelong resident of Dix Hills, I am concerned about the development of the property behind my home. My parents bought their home on Dillon Drive in 1967, and have resided there since. If this development is allowed to proceed as-is, these new homes will be directly in the backyards of adjacent homeowners. The properties in Dillon Court are approximately 1 acre properties, but our land is cut in "pie shape", which results in more land in the corners of the property than directly behind our homes.

This land has been virtually undisturbed for the past twenty years. We have enjoyed this land as a buffer from the pollution and noise from the Long Island Expressway, and as well, from the recent expansion of the LIE Service Road.

**I. GENERAL PROBLEMS WITH THE DRAFT EIS STATEMENT**

I  
I-3  
As the planning board will no doubt notice even by a cursory review of the EIS submitted by Jill Estates, there are numerous inconsistencies throughout the report. It is noteworthy that all of the studies relied upon, with the exception of the DOT traffic study from 1994, were done prior to the expansion of the LIE Service Road. This results in inaccurate data which the developer should not be allowed to rely on in order to bolster his preferred development. As a quick example, the school impact study relies on enrollment numbers from the 1986 - 1987 school year. I was just beginning the tenth grade at High School West at that point.

**A. Construction**

D  
The developer states that the units will be built on a contractual basis, estimating a 3-5 year time frame for completion of the project. Because of the way this narrow strip of land is situated, that means that we, as neighboring land owners, will have backhoes and dump trucks, cement trucks and other construction vehicles virtually in our backyards at 7:30 am at least for the next five years. That is an unacceptable disturbance to our quiet enjoyment of our property.

**B. Groundwater**

F  
In his own environmental setting section, (section 5 of the EIS), the developer states environmental recommendations for the area with respect to the hydrogeologic properties of the land. The developer's own report contends that this land is a part of a deep aquifer recharge center and a primary source of drinking water for Long

Island. The recommendations that are applicable to this sort of protected land include:

#3 -- Minimize population density by encouraging LARGE LOT development, preferably, 1 DWELLING PER 1+ ACRES, wherever possible to protect the groundwater from future pollutant loadings. This recommendation is easy to fulfill for this land, while allowing the developer to make a profit.

This is excerpted from section 5 of the developer's own report, and his ignorance of these recommendations suggests a lack of concern for the protection of our environment.

F Other suggestions in this section are questionable at best. The developer suggests that they should promote the use of low maintenance lawns and reduce the use of fertilizer to preserve the groundwater. This is a flawed suggestion, because there is no mechanism for enforcement of such a suggestion. If you have ever driven through Dix Hills, especially in the spring/summer months, you can usually spot at least one landscaping/lawn maintenance company at work every day per street. To suggest that these homeowners refrain from maintaining their property the way the rest of the community does is simply ridiculous.

The developer also suggests that, in section VI "Mitigation Measures", that water resources could be preserved by "mandatory sprinkler restrictions could be imposed by the Water District for potable water reduction." This is another instance of the developer passing the buck to others to preserve the environment. Clearly, this suggestion is contingent upon initiation and enforcement by the Dix Hills Water District, and does not require the developer to do a single thing.

As well, in the Community Resources sub-section of the "Mitigation Measures" on page 46, the developer recommends that chloride loading could be eliminated by the use of a no-salt material such as sand in the wintertime. Once again, the developer is passing the buck on protecting our water supply by suggesting that homeowners and the town could eliminate the use of all salt during our winter season. Obviously, this developer was not in the community during the snowstorms we had in 1995-1996, or the ice storms of the past years, or he would know that this is highly unlikely.

## II. TRAFFIC

2 The developer's preferred alternative includes 17 homes. This will result in a minimum of 34 automobiles trafficking the one narrow street "Jill Court." Because these 34 cars will only be able to access their properties through the one way North Service Road, they will have to travel down to Commack Road to come back up to their homes. More likely than not, once these homeowners become familiar with the community, they will be "cutting through the Dillon Drive

access to the Service Road. Dillon Drive cannot handle the additional traffic -- we already have additional traffic which resulted from the expansion of the Service Road.

As well, emergency access to these homes will be severely restricted. Although the nearest Fire Station is not even a mile away on Carl's Straight Path, Fire Trucks and EMS vehicles will either be forced to take extra time and travel down to Commack Road to come back up to Jill Court or dangerously "Back down" the one way service road in the wrong direction.

Finally, traffic on the North Service Road has increased dramatically in the morning hours during rush hour. I have seen many traffic backups on the service road due to accidents on the LIE, and there are limited egresses off the service road between Dillon Drive and Deer Park Avenue. To add more cars, not to mention 5 years of construction vehicles attempting to gain access to the site, is dangerous. The North Service Road is a two-lane road, with an average speed of 55 - 65 miles an hour. Construction vehicles attempting to gain access to this site could unwittingly lead to numerous accidents while traveling at speeds much lower than the average, and blocking lanes of traffic while construction is underway.

**III. WILDLIFE**

This area is 85 - 95% developed according to recent appraisals of Dillon Drive homes. We have little to no open space left in the vicinity of our homes. This land is the last refuge of the wildlife in our neighborhood. As a result, we have some beautiful specimens of wildlife in this 20 acre field. We have squirrels, cotton-tail rabbits, bats, owls, moles, possum, field mice, snakes, salamanders, box turtles, toads, woodpeckers, pheasants, and dozens of bird species. In our backyard, at any given hour, you can see at least 4 or 5 cardinals, 2 bluejays who have taken up residence, sparrows, and dozens of unidentifiable baby birds. We have rabbits that regularly appear as well as a few moles that seem to like the area around our pool. Perhaps most significantly, we recently discovered an owl this summer. This owl has eliminated any mice in our backyard, even with bird seed around.

What is most significant about the developers report on the terrestrial ecology of the property is the wildlife that will "relocate" to our homes, and the other animals that will disappear. The EIS statement suggests that the rats, raccoons, mice, and chipmunk populations will increase during this construction, and that this populations tend to flee to lands adjacent to the subject property. While these "pest" populations will increase, the owls, crows, and other predators of these animals will decrease.

These wildlife creatures that we have grown to enjoy and appreciate will be disturbed during this construction. What is most disturbing about the construction is the lack of other open space for these animals to which these populations can relocate. They will most likely end up as "road-kill" on the North Service Road. According to the developers report, these populations will

eventually return to the subject property, but how can they return if they are killed off during the construction phases???

Another huge disturbance to the wildlife will be the destruction of beautiful trees. There are numerous species of trees, rose bushes, and other plant life in this acreage. I remember picking strawberries in the field with my grandmother as a child. These trees and bushes provide a much needed buffer to the noise and pollution of the LIE and the Service Road. If these trees are removed, all the neighboring property owners can expect to have more noxious odors from the trucks on the Expressway and increased noise pollution.

#### IV. CONCLUSION

First and foremost, we would like to continue to see this land undisturbed and remain in its natural state. Assuming the developer is allowed to develop this land in some manner, he should be required to develop the land in keeping with the community. This would require R-20 and R-40 zoning regulations to remain in place. This developer should not be allowed to disturb the surrounding communities and wildlife, and force them to endure over 5 years of construction, directly in their backyards.



disruption of this stream could have profound environmental implications. Indeed, upon information and belief, it is my understanding that the Lead Agency has directed the Jill Estates developer to prepare a full Environmental Impact Statement as a condition precedent to a submitted proposed development subdivision. This requirement resulted from a positive SEQRA declaration.

4. The basis of my belief regarding the existence of an underground stream flowing into and through the Jill Estates proposed development strip derives from conversations I have had with Huntington Town building inspectors, private engineering consultants and contractors retained by my neighbors attempting to remediate water drainage and flooding problems.

5. Specifically, the original owner at 129 Village Hill Drive experienced chronic garage flooding and cesspool malfunctions as well as foundation problems growing out of the flow of the underground water stream. Indeed, at that site, three cesspools are in place to attempt to accommodate the severe subterranean water flow. In addition, the south wall of my property at 131 Village Hill Drive is frequently flooded with a water buildup aggravated by the underground water condition.

6. The problems associated with the underground water flow persist to date. My present neighbor at 129 Village Hill Drive continues to suffer from cesspool failures and flooding as do I.

J

IN VIEW OF THE FOREGOING, it is respectfully requested that the developer of the Jill Estates project be required to prepare detailed Environmental Impact Statements for any and all existing and future subdivision proposals in accordance with the SEQRA legislative intent together with such other and further relief as to the Planning Department and Planning Board of the Town of Huntington deem proper under the circumstances.

\_\_\_\_\_  
 Alan A. Robbins

Sworn to before me this  
 3<sup>rd</sup> day of  
 December 1995.

William King  
 Notary Public

To: Huntington planning Board  
Richard Machtay-Planning Director  
100 Main Street  
Huntington, New York 11743

From: Thomas & Jean DiBella  
22 Jordan Court  
Dix Hills, New York 11746

My Name is Thomas DiBella and I live at 22 Jordan Court, in Dix Hills on 0.60 acres of land, which is zoned R-20-1/2 acre. My wife Jean and I purchased this home 4 1/2 years ago to escape the congested confines of Queens, N.Y.. We found this beautiful neighborhood with big pieces of property, well manicured landscapes, safety, and good schools to raise our son Nicholas. We want him to play like Tom Sawyer in the nearby wooded areas with the other children. But now, a developer is trying to destroy this fuzzy dream by applying to the Planning Board to put up 17 new homes in a very small area. The builder is petitioning the Planning Board to cluster build homes on less than 1/2 acre. This is an outrage! Every house around this neighborhood sits on more than 1/2 acre. The overall town plan protects communities by making zoning laws, for instance R-20. In the R-40 area, the houses exceed 1 acre. As a member of this community, I feel that the Planning Board should protect the integrity of the neighborhood, by keeping compliance with the R-20 zoning laws.

A

Other concerns were raised at our Civic Community Group "The Dix Hills Woodlands Association":

- 1. There was a precedent set when the northern part of the Babylon/Northport Expressway was sold off. The Planning Board only approved three homes because of community activism. Also, there was a LILCO easement by the property.
- 2. There is a plethora of wildlife that will be destroyed. Red foxes are present, raccoons, beautiful birds, rabbits, possums, bats, etc. They will have no where to go. Vermin will be forced out into the Residential areas.
- 3. Underground aquifers exist. With 17 new homes, this will block or divert aquifers a different way, maybe into a basement.
- 4. The trees and brush will be cleared causing more noise from the already loud Expressway.

J

E

F

D

F  
5. The added cesspools, water, and salt run off, will overload the infrastructure. The culvert that runs east to west on the L.I.E. service road will be taxed. This will cause pooling of water and infestation of disease carrying mosquitoes. Since the bat population will be decreased, the mosquito population will be unchecked.

C  
6. The extra road cut in and out from the L.I.E service road just west of the one-way access of Dillen Rd will be very dangerous. If a traffic signal is put there, trucks will then stop there and idle at 3:00 o'clock in the morning. It already is dangerous on the L.I.E. Service Road from Dillen Road. Now with an extra two way entrance/exit from the new development on to the Service Road just west of Dillen Road, will make it even more dangerous to west bound traffic.

7. How will the Fire Dept Rescue put out fires here? There is an entry/exist proposed off of a one Long Island Expressway Northern Service Road.

I-7  
8. The Environmental impact study was a "canned" study base on other comparable Environmental studies from the engineer's archives with disclaimers. There wasn't any soil testing, test holes or noise testing, etc.

9. The builder is not a local person. He is from Manhattan. He is not going to be a member of this community. He is trying to maximize his profits like anyone else would. But Dix Hills, N.Y. is not like NYC. We do not want houses right on top of one another in our community

In closing, I, as a tax paying member of the "The Dix Hills Woodlands Association", ask the Planning Board to consider the ramifications of this proposed development and the severe impact it will have on the surrounding neighborhood. Please consider the effect on the balance of nature, area home values, traffic, safety, drainage changes, and total infrastructure impact. I understand this builder wants to make a return on his investment, but he should be compelled to play by the rules and adhere to local zoning laws.

Thanking you:

*Thomas DiBella*

Thomas DiBella  
22 Jordan Court  
Dix Hills, New York 11746



RECEIVED  
PLANNING DEPARTMENT  
TOWN OF HUNTINGTON, N.Y.

97 MAR 14 PM 4:24

3/6/97

Al Magrella  
4 Campbell Dr.  
Dix Hills, NY 11746

H. Jeffrey Virag, chairman  
Town of Huntington Planning Board  
100 Main St  
Huntington, NY 11743

Re: Jill Estates Subdivision

Dear chairman Virag:

This letter is for the purpose of documenting the comments I made during the recent planning board meeting regarding Jill Estates, and to add some comments I neglected to make.

According to the applicant, he intends to "...provide housing in conformance with the character...of the ...surrounding community" and "...accommodate a need for increased housing". The existing community calls for 1/2-acre zoning. Additionally, all homes in the existing surrounding community have underground utilities, (phone, electric, gas). I can't believe this Planning Board would allow a situation where our neighbors would have to look into their backyards at telephone poles and wires.

The DEIS also mentions an attempt to "...accommodate a need for increased housing..." in the area. Having lived in the area for 16 years, I can honestly say there is no need for increased housing. On Village Hill Dr., Campbell Dr. and McCollough alone there are plenty of houses for sale, and frankly, they're not exactly selling like hotcakes. This statement by the applicant is a self-serving attempt to con this board and force an eyesore upon the community's current residents.

The DEIS quotes air quality data from 1986. There were exceedances of air quality standards then, and I find it hard to believe that there are no air quality studies more recent than 1986. The applicant projects a 17,000 gal/year home heating oil requirement. I believe this board is entitled to recent air quality studies and pollutant projections which take into account the burning of and additional 17,000 g/y.

There were comments made during the recent meeting addressing the applicants profit and a right thereto. In my opinion, the applicants profit/loss is not this boards problem and should not figure into your decision at all. In the DEIS submitted by the applicant, he admits "...an environmentally acceptable conventional subdivision layout is not practicable." This being the case he should not have purchased the property. If I'm wrong about this, please let me know so I can go into the real estate business. After all, I opened an automotive restoration shop in 1987. The Town of Huntington was not the least bit concerned about my profit, and when I had to purchase frame straightening equipment, a \$30,000.00 decision, it was my problem to make sure it would fit my needs. I would much rather be in a business where this board would help me make a profit!

Yours truly,

*Al Magrella*  
Al Magrella

- cc. Richard Mactry, Director of Planning
- Ellen B. Pagano, Vice Chairman
- W Gerard Asher
- Andrew L. Cisternino
- Tracey C. Edwards
- Kirk C. Mackey
- Robert Bontempi

DIRECTOR	
ASST. DIRECTOR	
CHAIRMAN	
AGENDA	
FILE	

8 Campbell Drive  
Dix Hills, N. Y. 11746  
March 5, 1997

To: Huntington Town Planning Board  
H. Jeffrey Virag, Chairman  
From: Harriet B. Roberts (Williams)  
Re: JILL ESTATES

I realize that part of what follows in this communication may be a repeat of statements made by others. I would sincerely hope that you read it to its conclusion since I believe some factors may not have been brought to your attention.

I respectfully request the Planning Board to consider the many concerns my neighbors and I are experiencing regarding the proposed plans to subdivide the land known as Jill Estates.

For 31 years I have owned and resided on a property adjoining the parcel under consideration. I have been proud to be a resident of Huntington, a beautiful town where crowding together of homes has been prevented by wise zoning regulations. This has enabled us to enjoy the beauty of our surroundings, to maintain a well balanced ecology and yet allow for controlled development of housing. Our attractive and comfortable community on both sides of Jill Estates, with well maintained buildings and grounds has greatly increased in value over time. We fear that the introduction of "cluster" housing or a large number of new houses on odd and contrived shape lots would damage the character of this mature, stable neighborhood.

The proposed plans (including the revised ones) for developing Jill Estates display a lack of respect for a tract of land that abounds with beautiful trees, shrubs, grasses, small wildlife, songbirds and gently sloping terrain.

At one time a small shallow pond located behind my property (8 Campbell Drive), enjoyed by children for ice skating, was filled in with gravel and sand when the property was owned by the State. The Environmental Impact Statement makes no mention of water in that location, which raises questions about the thoroughness and accuracy of the Statement.

Because of the narrowness of most of the property, one of the builder's proposals for a road immediately adjacent to the back yards of existing houses would create a situation in which there would be roads both in front and in back of these houses. The "back" road would then serve for the new development the necessary access for garbage trucks, mail trucks, school buses, fire engines,

ambulances, delivery trucks, etc., etc. This invasion of our privacy with the accompanying noise and pollution would not stop in one direction, but since these vehicles would have to turn around and exit by the same route the problem is compounded. Furthermore, our existing properties, with roads both in front and back, are bound to experience loss of monetary value as well as degradation of character of the community.

In another proposal by the builder, the road would be considerably shortened. Here, however, the "turn-around" would affect two existing houses in the same way as described above. That is, the pavement of the "turn-around" would be immediately adjacent to the existing houses. Even though only two houses are affected, this is still an unfair and undesirable design.

In view of the environmental considerations and other conditions noted above, an alternative solution suggests itself that may be worthy of consideration by the Planning Board. We respectfully suggest that the problems could be resolved if the development of the property was restricted to the wide southern portion (off the Expressway Service Road) and the number of houses confined to as many as can be provided with half-acre sites.

Thank you for this opportunity to express my views. I have a strong personal interest in this matter and look forward to a solution that would protect and preserve my community as well as to maintain the high standards of the Town of Huntington.

Sincerely yours,

*Harriet B. Roberts (Williams)*

Harriet B. Roberts (Williams)

cc: Richard Machtay, Director  
Town of Huntington Planning Dept.

PETITION AGAINST CLUSTER HOUSING  
 OPPOSITION TO JILL ESTATES DIX HILLS DEVELOPMENT PROPOSAL

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NAME

ADDRESS

Joanne Finelli	3 Campbell Dr. Dix Hills
Anthony Finelli	3 Campbell Dr. Dix Hills
Ursula Viterelli	4 Campbell Dr. Dix Hills 11746
Robin Pettinato	4 Campbell Dr. Dix Hills
Alfred	4 Campbell Dr. Dix Hills
Eve Sample	2 Campbell Dr. Dix Hills
Joseph	2 Campbell Dr. Dix Hills
John Angelo	3 Campbell Dr. Dix Hills
Colin Kissel	99 Village Hill Dr. Dix Hills
Diane Kissel	99 Village Hill Dr. Dix Hills NY 11746
Robert Kissel	99 Village Hill Dr. Dix Hills NY 11746
Terri Williams	8 Campbell Dr. Dix Hills NY 11746
Robert Williams	8 Campbell Dr. Dix Hills NY
John	4 Campbell Dr. Dix Hills NY
Louise	4 " " " " " "
John	7 Campbell Dr. Dix Hills

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NAME	ADDRESS
Laura Woodward	10 Corwin Ct, Dix Hills
<del>Michelle</del>	9 Corwin Ct Dix Hills
Robt H	4 Corwin Ct Dix Hills
<del>Paula</del>	2 Corwin Court Dix Hills
<del>John</del>	2 Corwin Court Dix Hills
S. Suber	3 Corwin Ct Dix Hills
T. Suber	3 Corwin Ct Dix Hills
T. Suber	7 Corwin Ct Dix Hills
Debra	7 Corwin Ct Dix Hills
<del>John</del>	9 Corwin Ct
<del>John</del>	11 Corwin Ct
Joe Barra	19 Corwin Ct
Gail Barra	19 Corwin Ct
Low Troopp	16 Corwin Court
Michelle Low Troopp	16 Corwin Ct
Ann Suber	18 Corwin Ct Dix Hills





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NAME

ADDRESS

<u>Ed Stord</u>	<u>7 COLLATON DR. DIX HILLS, N.Y.</u>
<u>John Kelly</u>	<u>8 GALLATIN DR. DIX HILLS NY</u>
<u>Ed Polkey</u>	<u>" " "</u>
<u>W. H. Keen</u>	<u>17 Gallatin Dr</u>
<u>Ann Keen</u>	<u>17 Gallatin Dr.</u>
<u>James T. Keen</u>	<u>18 Gallatin Dr.</u>
<u>Stacia Keen</u>	<u>14 Gallatin Dr.</u>
<u>Ed Alvert</u>	<u>18 Gallatin Dr.</u>
<u>Walter Alvert</u>	<u>15 Gallatin Dr.</u>
<u>Walter</u>	<u>14 Gallatin Dr.</u>
<u>Walter</u>	<u>14 Gallatin Dr.</u>
<u>Walter</u>	<u>13 Gallatin Dr. D.H.</u>
<u>James L. Gerdman</u>	<u>15 Gallatin Dr. D.H.</u>
<u>Walter Gerdman</u>	<u>16 Cranford Dr.</u>
<u>Alfred Gerdman</u>	<u>16 Cranford Dr.</u>
<u>Anthony</u>	<u>73 EAST ROQUES PATH</u>



**PETITION AGAINST CLUSTER HOUSING  
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NAME	ADDRESS
<i>[Signature]</i>	14 Jordan Ct. Dix Hills
<i>Pula Lino Bocchialini</i>	20 Jordan Ct. Dix Hills
<i>[Signature]</i>	7 Green Lane E. NPT
<i>John Monte</i>	7 Green Lane E. NPT
<i>Karen Montaldo</i>	7 Green Lane East Northport
<i>[Signature]</i>	20 Jordan Ct. Dix Hills
<i>- Mr. A. Y. Spill</i>	15 Beth. Court
<i>Jan DiSella</i>	22 Jordan Court
<i>Nicholas D. Bella</i>	22 Jordan Court
<i>NICK GUARINO</i>	44 LINCOLN Ave
<i>Thomas DiSella</i>	22 JORDAN COURT, DIX HILLS
<i>Alex Jordan</i>	16 JORDAN CT DIX HILLS NY
<i>[Signature]</i>	16 " " " " "
<i>Pat Walling</i>	7 Jordan Ct. Dix Hills, N.Y.
<i>Al Falussy</i>	9 Jordan Ct Dix Hills N.Y.
<i>M. F. Kienierouln</i>	11 Jordan Ct. Dix Hills.

PETITION AGAINST CLUSTER HOUSING  
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NAME

ADDRESS

Carolyn San	41950	8 JORDAN CT.	Dix Hills 11746
Patricia A. Stephens		7 Caroline Dr.	D.H. 11746
Paul [unclear]		1 JORDAN CT	Dix Hills 11746
Phyllis Bonvillian		20 Judah Ct	Dix Hills, NY 11746
Paul [unclear]		20 Jordan Ct	Dix Hills 11746
Paul [unclear]		4 Jordan Ct.	Dix Hills 11746
Michael Torregg		3 Judah Ct	Dix Hills 11746
[unclear]		3 Scream Ct	Dix Hills 11746
Juliana Torregg		3 Jordan Ct	Dix Hills NY 11746
Paul Santog		8 Jordan Ct	Dix Hills, NY 11746
Robert [unclear]		10 Judah Ct.	Dix Hills
Jill [unclear]		10 Judah Ct	D.H.
Steve Weisbach		5 Jordan Ct	D.H. 11746
John M. [unclear]		14 JORDAN CT.	Dix Hills 11746
James [unclear]		14 JORDAN CT.	Dix Hills 11746
George [unclear]		14 JORDAN CT.	Dix Hills 11746



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NAME

ADDRESS

<u>Carmela Russo</u>	<u>1028 COLLIS STR. PO Box DIX HILLS, NY 11746</u>
<u>Georgina Russo</u>	<u>1028 COLLIS STR. PO Box DIX HILLS, NY 11746</u>
<u>Lawrence Silverman</u>	<u>3414 65 Salem Ridge Dr. Huntington, NY 11743</u>
<u>Steve Keating</u>	<u>5 Kethan Court Dix Hills NY 11746</u>
<u>Kathleen Boade</u>	<u>24 Kellum Street Huntington NY 11746</u>
<u>John P. Boade</u>	<u>24 Kellum St Huntington NY 11746</u>
<u>Edenfeld</u>	<u>11 Gaston Dr. Melville NY 11747</u>
<u>Denise Cohen</u>	<u>45 Cawfield Ln. Melville, NY 11747</u>
<u>Kenneth Cohen</u>	<u>45 Cawfield Ln. Melville NY 11747</u>
<u>Sandy DiPina</u>	<u>55 Village Hill, Dix Hills, NY 11746</u>
<u>Tony DiPina</u>	<u>55 Village Hill Dix Hills, NY 11746</u>
<u>Angelle Friedman</u>	<u>17 Ellen Place Huntington NY 11746</u>
<u>Tami Friedman</u>	<u>17 Ellen Place Huntington NY 11746</u>
<u>Barbara Conroy</u>	<u>7 Kilkenny Dr. Huntington NY</u>
<u>Brian Conroy</u>	<u>7 Kilkenny Dr. Huntington NY</u>
<u>James Conroy</u>	<u>10 Ellen Place Huntington Station, NY 11746</u>



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NAME

ADDRESS

<u>[Signature]</u>	<u>3 Heather Ct. Dix Hills</u>
<u>P. Harpold</u>	<u>2 Heather Ct. Dix Hills</u>
<u>[Signature]</u>	<u>2 Heather Ct. Dix Hills</u>
<u>Melba King</u>	<u>5 Heather Court Dix Hills</u>
<u>Linda King</u>	<u>5 Heather Court Dix Hills</u>
<u>Hendi King</u>	<u>5 Heather Court Dix Hills NY 11746</u>
<u>Kathleen Secreti</u>	<u>4 Heather Ct. Dix Hills, NY 11746</u>
<u>Jason Secreti</u>	<u>4 Heather Ct Dix Hills NY / 11746</u>
<u>Dana Secreti</u>	<u>4 Heather Ct. Dix Hills</u>
<u>Joey Secreti</u>	<u>4 Heather Court Dix Hills</u>
<u>Fran Barkan</u>	<u>5 West Dorcas Lane Dix Hills</u>
<u>Jay Barkan</u>	<u>5 West Dorcas Lane Dix Hills</u>
<u>John Musacchia</u>	<u>6 Heather Ct Dix Hills</u>
<u>Gioran Musacchia</u>	<u>6 Heather Ct. Dix Hills</u>
<u>Fernando Musacchia</u>	<u>6 Heather Ct Dix Hills</u>
<u>Nily Chai</u>	<u>6 Heather Ct Dix Hills</u>

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NAME	ADDRESS
Sofia C. Adams	29 Dillon Dr. Dix Hills, N.Y. 11746
Sally Ann Adams	29 Dillon Drive Dix Hills, N.Y. 11746
Tom Scaf	23 Crawford Drive, Dix Hills, N.Y. 11746
Theresa Scaf	23 Crawford Dr. Dix Hills, N.Y. 11746
Gabriele Chippetta	18 Crawford Dr. Dix Hills, N.Y. 11746
Don Chippetta	18 Crawford Dr. Dix Hills, N.Y. 11746
Suzanne Chippetta	" " " "
M. Tuttle	31 Talisman Drive Dix Hills, N.Y. 11746
Dr. D. Chippetta	18 Crawford Dr. Dix Hills, N.Y. 11746
L. Bus	7 Dillon Dr. Dix Hills, N.Y. 11746
A. Friedell	7 Dillon Dr. Dix Hills, N.Y. 11746
J. YANNONIS	11 DILLON DR. DIX HILLS
A. J. Lane	23 Dillon Dr. Dix Hills, N.Y. 11746
Nancy Lane	23 Dillon Dr., Dix Hills, N.Y. 11746
Nancy Lane	23 Dillon Dr., Dix Hills, N.Y. 11746

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**NAME**

**ADDRESS**

<u>Joseph Thronts</u>	<u>5 Dillon Dr. Dix Hills, NY</u>
<u>Eric Thronts</u>	<u>5 Deacon Dr., Dix Hills, NY</u>
<u>Joseph Thronts Jr.</u>	<u>5 Deacon Dr. Dix Hills, NY</u>
<u>Annmarie Thronts</u>	<u>5 Dillon Dr. Dix Hills, NY</u>
<u>Gene Tenney</u>	<u>45 Kinross St., Dix Hills</u>
<u>Robert Cameron</u>	<u>10 Pinridge Bl., Melville, NY</u>
<u>Peter Rai Russo</u>	<u>41 Dillon Drive Dix Hills NY</u>
<u>A. PRATTSON</u>	<u>15 Dillon Dr., Dix Hills NY</u>
<u>Albert Bern</u>	<u>" " "</u>
<u>Mario Romano</u>	<u>17 DILLON DR DIX HILLS NY 11746</u>
<u>Diane Ferro</u>	<u>19 Dillon Dr Dix Hills NY 11746</u>
<u>Cosimo</u>	<u>19 Dillon Dr Dix Hills NY 11746</u>
<u>Paul A. Gelf</u>	<u>21 Dillon Dr Dix Hills NY 11746</u>
<u>Andre</u>	<u>27 Dillon Dr. Dix Hills NY 11746</u>
<u>Mitch Plein</u>	<u>29 Dillon Dr Dix Hills NY 11746</u>
<u>J. Malone</u>	<u>29 Dillon Dr. Dix Hills NY 11746</u>







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ADDRESS

<u>Raymond Gale</u>	<u>123 Village Hill Dr. Dix Hills</u>
<u>Richard [unclear]</u>	<u>181 Village Hill Dr. Dix Hills</u>
<u>Harry Goldson</u>	<u>121 VILLAGE HILL DR. DIX HILLS</u>
<u>Elizabeth [unclear]</u>	<u>121 Village Hill Dr Dix Hills</u>
<u>Howard K. Beebe</u>	<u>112 Village Hill Drive, Dix Hills</u>
<u>Shirley [unclear]</u>	<u>112 Village Hill Drive Dix Hills</u>
<u>[unclear]</u>	<u>127 Village Hill Dr Dix Hills</u>
<u>[unclear]</u>	<u>127 Village Hill Dr Dix Hills</u>
<u>Louise Roe</u>	<u>133 Village Hill Dr Dix Hills</u>
<u>[unclear]</u>	<u>133 VILLAGE HILL DR</u>
<u>[unclear]</u>	<u>115 Village Hill Dr, Dix Hills NY 11746</u>
<u>[unclear]</u>	<u>Frances Bae 116 Village Hill Dr. Dix Hills NY</u>
<u>[unclear]</u>	<u>Lynn A. Labore DDS 116 Village Hill Dr. Dix Hills NY</u>
<u>[unclear]</u>	<u>123 Village Hill Dr - Dix Hills, N.Y.</u>
<u>[unclear]</u>	<u>114 Village Hill Dr Dix Hills NY 11746</u>
<u>Rachel Greenfield</u>	<u>11 Waydale Dr., Dix Hills, NY 11746</u>

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NAME

ADDRESS

Lucy Adams

129 Village Hill Dr, Dix Hills NY 11746

Ilma Robbins

131 Village Hill Dr Dix Hills NY 11746

Marcello Romanelli

34 RIDER AVE DIX HILLS NY 11746

Trace Romanelli

34 Rider Avenue Dix Hills, N.Y. 11746-6123

Anton Romanelli

34 RIDER AVE DIX HILLS NY 11746

Envelope Rusty

110 Village Hill Dr Dix Hill, NY 11746

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NAME	ADDRESS
Jo Ferlino	12 Campbell Dr. Dix Hills
SAL CAROLITANO	26 Wagon Wheel Ln Dix Hills
John J. Baron	42 Schuyler St. Connetquot N.Y.
Tom Santor	44 Talis Dr. Dix Hills N.Y.
Kon Santor	44 Talis Dr. Dix Hills N.Y.
Anthony Santor	31 McLane Drive Dix Hills N.Y. 11746
Thomas J. Lyons	38 Antares Dr Deer Park
James Schmitt	12345 W. Hill Lane Deer Park
Thomas Lyons	38 Antares Dr Deer Park
Pat Ferlino	12 Campbell Dr Dix Hills N.Y. 11746
Mike Ferlino	12 CAMPBELL DR. Dix Hills N.Y. 11746
H. Gaiola	P.O. Box 34 Deer Park 11729
Marie Cordano	187 Oakfield Ave Dix Hill N.Y. 11746
Blauche McCabe	141 DeForest Rd - Dix Hills, N.Y. 11746
Rev. Sidney Sannino	35 Service Rd Pix Rd.
M.A. Loppolo	32 Talmage Dr.

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NAME

ADDRESS

THOMAS & XENIA WALSH	10 GALLATIN DR. DIX HILLS NY 11746
Hyde, Elupe	14 Campbell DR. Dix Hills, N.Y. 11746
Steven & Wendy Levy	16 Campbell Dr. Dix Hills, NY 11746
Edward W. [unclear]	18 E. [unclear] Drive Dix Hills 11744
Anna Sargudo	17 Campbell Dr. Dix Hills. NY. 11746
Michael & Olivia Shapiro	24 Campbell Dr. Dix Hills, N.Y. 11746
Michael + Paula D'Agostino	22 Campbell Dr. Dix Hills 11746
Stuart & Linda Steenberg	28 Campbell Dr. Dix Hills NY 11746
Holly & Larry Gordon	30 Campbell Dr. Dix Hills NY 11746
Julia Casuto	26 Campbell Dr. Dix Hills, N.Y. 11746
[unclear] Shepov	10 Campbell Dr. Dix Hills NY 11744
[unclear] [unclear]	10 [unclear] DR Dix Hills NY 11746
[unclear] Hafner	34 Chalk Hill Rd Connack NY 11625
[unclear] Chieffo	36 Campbell [unclear]
J. Nili	33 Campbell Dr. NY 11746
<del>[unclear]</del>	



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PUBLIC HEARING BEFORE AND BY THE PLANNING  
BOARD OF THE TOWN OF HUNTINGTON, HELD ON THE  
5TH DAY OF MARCH, 1997 AT 8:30 P.M., AT TOWN  
HALL, 100 MAIN STREET, HUNTINGTON, NEW YORK,  
IN THE MATTER OF JILL ESTATES, PURSUANT TO  
NOTICE OF HEARING, AND BEFORE SHEILA PARISER,  
R.P.R., A NOTARY PUBLIC OF THE STATE OF NEW YORK.

PRESENT:

H. JEFFREY VIRAG, Chairman

ELLEN PAGANO, Vice-Chairwoman

W. GERARD ASHER  
ROBERT J. BONTEMPI, JR.  
ANDREW L. CISTERMINO  
TRACY A. EDWARDS  
KIRK C. MACKEY

RICHARD MACHTAY, Director of Planning  
JOHN CONDON, Deputy Director of Planning

WILLIAM F. BONESSO, ESQ., Planning Board Counsel

IRENE BARRETT, Secretary to Planning Board

6011102111:09  
SECRET

*Modern Shorthand*

1 [THE HEARING WAS CALLED TO ORDER BY THE  
2 CHAIRMAN, H. JEFFREY VIRAG, AT 8:50 P.M.]

3  
4 MR. VIRAG: Good evening and welcome to the  
5 Planning Board. This is March 5th. This  
6 is the public hearing for Jill Estates. If  
7 you are here for something else, you are in  
8 the wrong room.

9 I would ask someone on the Board  
10 to make a motion to forego the reading of  
11 the public notice.

12 MR. MACKEY: So move.

13 MR. CISTERNINO: Second.

14 MR. VIRAG: Motion by Mr. Mackey; seconded by  
15 Mr. Cisternino.

16 All in favor?

17 [WHEREUPON THE MOTION MADE AND SECONDED WAS  
18 VOTED UPON AND UNANIMOUSLY CARRIED.]

19 MR. VIRAG: If you would like to read the  
20 public notice, the young lady to my right  
21 is holding it up and if you wish to read  
22 it, you can come up and examine it at any  
23 time.

24 I am assuming that everyone is  
25 here for Jill Estates. I would like to

*Modern Shorthand*

261 WOODBURY ROAD, HUNTINGTON, N. Y. 11743

421-2288

692-7383

1 start by saying this Board is not here to  
2 answer questions regarding this  
3 subdivision. We are here to gather facts.  
4 Your input is encouraged, and we welcome  
5 your comments.

6 We would ask you not to repeat  
7 constantly the same objections or pro  
8 comments that you may have to this  
9 application, and I am going to ask you to  
10 adhere to it because if I see it is coming  
11 up that the same thing is being said, I  
12 will ask you to stop.

13 So, right now, I am going to ask  
14 the applicant or its representatives to  
15 step forward and when you do, I am going to  
16 ask you to state your name, and your  
17 address and your capacity.

18 MR. HARTMAN: My name is Jeffrey Hartman. I am  
19 a Registered Professional Engineer in the  
20 State of New York. I prepared this  
21 Environmental Impact Statement. My address  
22 is 8 Elwin Place, East Northport, New York.

23 Mr. Chairman, members of the  
24 Planning Board, I will make it as brief as  
25 I possibly can because I know a lot of

*Modern Shorthand*

1 people want to speak about it.

2 This application that was  
3 presented to you or Draft Environmental  
4 Impact Statement was prepared on the basis  
5 of a full yield map which we originally  
6 presented to the Board for twenty-four  
7 units, and we then presented a cluster -- I  
8 should say another map -- that was  
9 conforming with a thousand foot road, which  
10 yielded seventeen units. We then clustered  
11 those seventeen units in order not to have  
12 any what would constitute through lots.

13 The purpose of this was to have  
14 only backyards in any of the impacted  
15 parcels adjoining Jill Estates. There is  
16 no -- nothing on the map that we are  
17 presenting is a preferred alternative --  
18 this is the one that we are actually  
19 presenting, that has a roadway in the rear  
20 of any of the existing parcels. That was  
21 the intent of the cluster.

22 I would, at this time, and have  
23 been authorized by my client, the Jill  
24 Estates developer, to ask the Board's  
25 indulgence and ask that we be allowed to

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1 modify our preferred alternative to  
2 decrease the size of the two conforming  
3 lots. There are two lots that are located  
4 at the northerly end of the cul-de-sac, and  
5 those two lots are, at the current time,  
6 over -- are quite large. They are at  
7 seventy thousand square feet.

8 We are asking that we dedicate  
9 some additional land to the Town. This  
10 additional land would be part of the  
11 northern parkland, whatever, the Town  
12 decides to do with it, and that we bring  
13 the lot sizes of Parcels Numbered 16 and 17  
14 down to approximately a half an acre or  
15 twenty-two thousand six hundred square  
16 feet.

17 Since these are conforming lots,  
18 these would be conforming lots and they  
19 would also add some additional parkland.

20 That would bring the total amount  
21 of the dedication to the Town, potential  
22 dedication to the Town that we would wish  
23 to dedicate at 12.95 acres, leaving the  
24 total amount of the subdivision 7.64 acres,  
25 and we hope this will help to enhance or

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1 enhance the community and, also, to add  
2 some additional parkland to the Town.

3 We would be willing to dedicate  
4 this parcel with a covenant that it never  
5 be developed in the future if the Town so  
6 wishes. We have no problem with dedicating  
7 the parkland in the future.

8 In relation to the plans that we  
9 came forward with, I would like to make a  
10 few comments. First of all, the  
11 subdivision that is presented does not go  
12 to any -- the roadway does not go through  
13 any existing community. The roadway comes  
14 from the North Service Road of the Long  
15 Island Expressway, which is the westbound  
16 Service Road, and it is totally autonomous.  
17 It leads into approximately an eight  
18 hundred seventy-five foot roadway. That  
19 roadway then ends in a cul-de-sac.

20 The emphasis was to provide for a  
21 cul-de-sac long enough that it would be  
22 acceptable by the Fire Department and in  
23 conformance with other cul-de-sacs that  
24 have been approved by the Town.

25 Again, there is no entrance on

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1 the preferred plan to this subdivision  
2 through the community. It is strictly  
3 coming through an arterial road, a major  
4 road, the New York State road, the North  
5 Service Road of the Long Island Expressway.

6 Not only will the people not be  
7 seeing this as they drive into other parts  
8 of the community, but this will basically  
9 be a totally self-contained community.  
10 There is no access at all to the rest of  
11 the Dix Hills community between Commack  
12 Road and Straight Path.

13 In terms of the actual impact  
14 through the North Service Road, we did a  
15 study of the traffic patterns in this area,  
16 and there were a sufficient amount of gaps  
17 between cars on the North Service Road to  
18 allow for this subdivision to take place  
19 without having any effect on the service  
20 level of the roadway.

21 Seventeen units and the amount of  
22 traffic that is going to be entering into  
23 the North Service Road as a result of the  
24 seventeen units will not affect the service  
25 capacity of the Long Island Expressway.

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1                   In addition to this, we did a  
2                   water balance of the amount of drainage  
3                   into the groundwater, and again, there was  
4                   a minimal or negligible effect on any  
5                   nitrate levels or anything going into the  
6                   groundwater. There was a negative  
7                   environmental impact as to the effect on  
8                   the water.

9                   The effect to the schools and the  
10                  community services can well be handled by  
11                  this small seventeen unit cluster. There  
12                  is ample water service in the area to be  
13                  able to handle it. There is ample school  
14                  service in the area, and the net effect on  
15                  the community is negligible.

16                 Looking at the other alternatives  
17                 that were presented, there is the zero  
18                 alternative, which would mean having  
19                 absolutely no development. One of the  
20                 other alternatives which was an opinion,  
21                 which was dropped by the State, was to make  
22                 this -- and I think the Board was well  
23                 aware of this -- this was supposed to be  
24                 part of the Northport-Babylon Expressway,  
25                 which would have had a much higher impact

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1 on the community due to truck traffic, car  
2 traffic, trailers on this roadway and,  
3 obviously, that impact would have been much  
4 greater than this particular impact.

5 This was State land. It could  
6 have been institutionalized, it could have  
7 been used for institutions since the State  
8 does not have to comply with the Town  
9 zoning.

10 This is basically an upscale type  
11 of community with this particular  
12 development that is going to be built, as  
13 an upscale community and it is single-  
14 family units.

15 Basically, we don't see any major  
16 or even minor impacts on the community as a  
17 result of this development.

18 There were some other  
19 alternatives that we looked into, which was  
20 also a cluster into multiple family  
21 residence along this roadway. We felt that  
22 that should not be the preferred  
23 alternative since this isn't -- the Dix  
24 Hills areas is an upscale area, and we  
25 would like to provide a community that

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1 would be basically in conformance with the  
2 rest of the Dix Hills community.

3 I think that's basically it.

4 MR. VIRAG: Thank you, Mr. Hartman.

5 Mr. Machtay, could you come here  
6 for a second?

7 [DISCUSSION OFF THE RECORD]

8 MR. VIRAG: At this time, if anyone wants to  
9 speak regarding the Jill Estates, please  
10 raise your hand, and the guy in the back,  
11 last row, step forward. Step up at the  
12 microphone, state your name and address for  
13 the record, and again let me repeat, we are  
14 asking you to make comments. We are not  
15 here to answer questions about the  
16 developer's intentions. We don't know  
17 that.

18 What we are going to do is invite  
19 your comments and, please, we ask that you  
20 not be repetitive. We would certainly  
21 appreciate that.

22 MR. HENDRICKS: My name is Bob Hendricks, and I  
23 am at 96 Village Hill Drive, at the  
24 intersection of Village Hill Drive and  
25 Campbell Drive. I have been there thirty-

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1 one years, bought there when the taxes were  
2 twelve hundred dollars a year, lived there  
3 and the taxes are eighty-five hundred  
4 dollars a year.

5 Now, how can somebody buy in  
6 quarter acres, pay taxes on quarter acres,  
7 I guess, and send the same amount of kids  
8 to school? My kids have gone a long time  
9 ago, and I am going to take their tax  
10 burden. They are going to give the land to  
11 the Town. I don't think that the Town is  
12 going to collect taxes on that land.

13 So, therefore, you know, the  
14 burden falls back on me again.

15 The noise from the Expressway is  
16 terrible. It would be the only reason I  
17 would leave Dix Hills. The barriers didn't

18 work. Everybody accessing that land will  
19 come down Village Hill Drive, go to Dillon  
20 and make a right turn onto the Service Road  
21 and enter there. That's what's going to  
22 happen, as much as thirty-four different  
23 cars owned by the people there. The whole  
24 thing doesn't make sense to me.

25 If they would want to live there,

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1                   they should have to be a quarter acre -- I  
2                   mean a half acre or full acre. That's it.  
3                   There should be no change. [APPLAUSE]

4   MR. VIRAG:                   Please; please. Go ahead. Do  
5                   you have more to say?

6   MR. HENDRICKS:               I guess that's about it. I could  
7                   probably stand up here for an awfully long  
8                   time because I am incensed by this.

9                   We live in a dead-end community  
10                  as it is. Village Hill Drive is a speedway  
11                  as it is, and it just gets worse all the  
12                  time.

13   MR. VIRAG:                   Thank you. I appreciate it.  
14                   They are all members of your  
15                  community, and we recognize that. I would  
16                  ask you all please to hold the applause.  
17                  We have to gather all you say. We have to  
18                  make note of it, and we are recording it.  
19                  When people start clapping over someone  
20                  speaking, it gets lost.

21                  I would appreciate your holding  
22                  the applause down.

23   MR. KRIEG:                   Good evening. My name is Marc  
24                   Krieg.

25                   Chairman Virag, members of the

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1 Board, I have prepared a written statement  
2 or brief. Annexed to it are Exhibits A  
3 through F, and I refer that to the Board.

4 I am an attorney at law. I am a  
5 resident in the area in question. My home  
6 on Heather Court abuts the property at  
7 issue.

8 In addition, Mr. Chairman, I am a  
9 Professional Engineer. Moreover, I sat as  
10 Vice-Chairman of the Zoning Board of  
11 Appeals of the Town of Huntington for ten  
12 years, from 1978 to 1988. I have offered  
13 hundreds of decisions on zoning in the  
14 community, and I present myself to you not  
15 only as a concerned resident and in  
16 opposition to the application of Jill  
17 Estates, but also as an expert on zoning  
18 and the issues associated with this  
19 proposal.

20 In my statement, Mr. Chairman, I  
21 have documented the history of the area and  
22 I focused in large measure on a collateral  
23 application, the application of the  
24 Vanderbilt Plat, the Vanderbilt property  
25 development which, as you know, is an

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1 extension of this two hundred foot wide  
2 road right of way, but that part of it that  
3 is on the north side of Vanderbilt Parkway,  
4 and the reason I have focused on that is  
5 because this Town has addressed the  
6 viability of the development of that parcel  
7 in accordance with a proposal by another  
8 builder to develop that parcel, that two  
9 hundred foot wide parcel with fourteen  
10 houses. That proposal was reviewed by the  
11 Department of Planning, the Department of  
12 Engineering, environmentalists and the  
13 Planning Board as lead agency on a SEQRA  
14 review.

15 The ultimate result of that  
16 application, Mr. Chairman, was that  
17 rejection of a fourteen acre development  
18 and permission to develop with only three  
19 lots. That decision of this Board was  
20 appealed by that developer to the Supreme  
21 Court of the State of New York pursuant to  
22 an Article 78 proceeding, and in that  
23 proceeding, the developer alleged a  
24 confiscatory taking, the developer alleged  
25 arbitrary, capricious and unreasonable

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action by this Planning Board.

Those issues were addressed by Supreme Court Justice Gowan, and I will go into them a little later, but he upheld the decision of this Board.

The court addressed issues of environmental impact, traffic, health, safety, character of the community, neighboring property values.

In every single legal issue of pertinence and relevance, Justice Gowan upheld this Board.

Why is his decision so compelling in this Board's review of Jill Estates? Because the considerations, both legal and factual, are identical.

What I would like to do is, if I could, just have you follow generally my presentation and my statement dated 3/3/97.

MR. VIRAG: You are not going to read this, Mr. Krieg?

MR. KRIEG: No way, no how, Mr. Chairman. I am just going to highlight certain portions and I would also like you to take notice of this turnout. The people here and the

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1 petition that we had submitted, which  
2 totals nearly three hundred I would venture  
3 to say, are all in opposition to Jill  
4 Estates' application, and would also ask  
5 for this Chairman to take note of the fact  
6 that SEQRA criteria allows this Board and  
7 encourages this Board to consider physical  
8 presence of the community in applications  
9 presented to you of this type.

10 Let me just refer you to what the  
11 Department of Engineering in this Town said  
12 regarding the similar development proposal  
13 of the Vanderbilt Plat.

14 They said that, "This narrow  
15 elongated parcel of land was set aside for  
16 road purposes by the Planning Board as  
17 requested by the New York State Department  
18 of Transportation. In taking this action,  
19 the use of this property for one acre  
20 residential use with lots conforming to the  
21 depth and configuration of normal one acre  
22 lots was negated essentially forever."

23 The Department of Engineering  
24 also said, in its findings and  
25 presentations in March of 1985 that,

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1 "Although other uses might be considered,  
2 such as the townhouses suggested by the  
3 Director of Planning, there would still be  
4 a very negative impact on the existing  
5 contiguous developed one-acre parcels. The  
6 introduction of a different type of housing  
7 in an area totally developed in accordance  
8 with single-family, one-acre zoning,  
9 although reducing the environmental impact,  
10 could have a devaluating effect on adjacent  
11 property." So said the Town's Department  
12 of Engineering.

13 I address the Planning Board's  
14 determination and findings and conclusions  
15 back in its resolution of 3/4/1987. Your  
16 predecessors, Mr. Chairman, said:

17 "The lot was never intended to be  
18 developed for anything other than the  
19 proposed Babylon-Northport Expressway.  
20 During subdivision of the adjoining  
21 properties, the then owner agreed to set  
22 aside this parcel for the future roadway.

23 "A right of way zoned R-40  
24 Residence District, two hundred feet in  
25 width, four thousand seven hundred thirty-

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1 six feet in length is not suitable for  
2 residential development."

3 This Planning Board further  
4 found, "A proposed cul-de-sac street four  
5 thousand three hundred linear feet in  
6 length violates the normal maximum length  
7 used as planning design criteria in this  
8 Zoning District."

9 I am not saying this proposal has  
10 a cul-de-sac that long, but other findings  
11 of this Planning Board are particularly  
12 relevant.

13 This Board said, "Due to the  
14 narrow width of the property and a street  
15 system required to develop lots, seventy-  
16 eight percent of the sixteen acre site  
17 requires clearing for development.

18 "A new street constructed on the  
19 property lines will have an adverse impact  
20 on the adjacent properties," and then the  
21 Board unanimously rejected fourteen lots  
22 and allowed three.

23 There was a consideration by this  
24 Board then. The memo of the Town's  
25 Environmentalist, Margo Myles was the name,

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1 and she pointed out to the Board that the  
2 proposed development would add chlorides  
3 and nitrates to the soil, and would likely  
4 foul the aquifers.

5 The Environmentalist stated:

6 "The comparison of alternatives  
7 in the Environmental Impact Statement  
8 determined that the proposed action would  
9 result in among the largest volume of  
10 recharge of the alternatives considered  
11 under existing zoning, exceeded only by the  
12 conventional subdivision and cluster  
13 development of fourteen lots. However,  
14 both the no action/acquisition and four lot  
15 subdivision result, respectively, in the  
16 least impact to groundwater quality, citing  
17 projected recharge nitrate concentration  
18 and chloride loading. Limitations on turf  
19 area, minimizing application of nitrogenous  
20 fertilizers, are proposed to reduce  
21 detrimental impact on quality of  
22 groundwater recharge." So said this Town's  
23 Environmentalist in opposing fourteen  
24 houses on the mirror image of what is  
25 proposed here.

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1 I want now to read what Supreme  
2 Court Justice Gowan said in relevant parts  
3 when he sustained this Planning Board's  
4 1987 decision. Justice Gowan first talked  
5 about the positive dec that was issued by  
6 this Board, as lead agency, when it  
7 considered the Vanderbilt Plat. He said:

8 "In a determination dated January  
9 28, 1988, the Planning Board issued a  
10 positive declaration of environmental  
11 significance with regard to petitioners'  
12 revised subdivision application, and  
13 directed that petitioners' DEIS be  
14 revised." The same thing happened here.

15 "Following a public hearing held  
16 on March 29, 1989, the Planning Board, in a  
17 determination dated September 13, 1989,  
18 denied petitioners' revised application for  
19 subdivision approval.

20 "On September 20, 1989, the  
21 Planning Board issued a modification of its  
22 September 13, 1989 determination, but  
23 adhered to its decision to deny  
24 petitioners' subdivision approval."

25 Then, Justice Gowan, in upholding

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1 this Board said very significant things  
2 which uphold, which apply with equally  
3 compelling passion to Jill Estates. He  
4 said:

5 "Here, an examination of the  
6 record discloses sufficient evidentiary  
7 support for the Planning Board's  
8 determination that approval of the proposed  
9 cluster subdivision would not serve the  
10 convenience, the comfort, safety, health  
11 and welfare of the surrounding community."

12 Justice Gowan went on. He said,  
13 "The record also supports the Board's  
14 conclusion that the projected construction  
15 would devastate and destroy the existing  
16 topography of the site and have a severe  
17 adverse impact on the environs."

18 Mr. Chairman, I see nothing of a  
19 material nature to distinguish Justice  
20 Gowan's findings on the north side of  
21 *A* Vanderbilt Parkway from what is being  
22 proposed on the south side of Vanderbilt  
23 Parkway.

24 MR. VIRAG:

25 Mr. Krieg, you have been speaking  
for fifteen minutes, and I have to cut you

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1 off because I have ninety other people that  
2 might want to speak.

3 You have everything in the  
4 record. I guarantee it is going to be  
5 digested and it is going to be discussed.

6 MR. KRIEG: Can I just have three minutes?

7 MR. VIRAG: I will give you one minute to  
8 wind up.

9 MR. KRIEG: Okay. I also want to point out  
10 that in this parcel there is diverse animal  
11 and vegetative life, and this Town's  
12 Conservation Board documented that, and  
13 that is contained in Exhibit E or F of this  
14 statement, which I do commend and I do hope  
15 that you will read.

16 In short, Mr. Chairman, I  
17 strongly urge, as do the people contained  
18 in this large turnout, that this  
19 application be denied.

20 I am not saying no to  
21 development. I am saying that a reasonable  
22 rate of return has to be considered, and in  
23 considering what a reasonable rate of  
24 return is, I want you to consider the fact  
25 that this property was originally offered

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1 by the State for close to two million  
2 dollars, and there were no buyers, no  
3 buyers for years and years.

4 This builder obtained this  
5 property for only four hundred fifty  
6 thousand dollars and now seeks a windfall  
7 profit based on a clustering configuration  
8 that would destroy the community and only  
9 profit him.

10 Thank you, Mr. Chairman.

11 [APPLAUSE]

12 MR. VIRAG: Sir, please step forward. State  
13 your name and your address for the record.

14 MR. CASALE: My name is Francis X. Casale. I  
15 live at 6 Firelight Court, Dix Hills. My  
16 block is contiguous to this proposed  
17 development.

18 I was listening to a learned  
19 rendition by my colleague -- I am also an  
20 attorney -- my colleague, Mr. Krieg, and he  
21 has the case law. He cited the case law,  
22 and he cited the legal arguments here.

23 I want to zero in on the concept  
24 of quality of life and the only quality of  
25 life that's going to be enriched here and

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1 is going to be maintained here is that of  
2 the developer.

3 What we have here is a man that  
4 speculated, bought land at so far below  
5 face value it's scary, and is coming in  
6 here and is looking -- looking for a  
7 windfall profit that boggles the  
8 imagination.

9 What he is doing here, though, is  
10 he is affecting everybody in this room. He  
11 is affecting our property values, he is  
12 affecting our quality of life -- our  
13 quality of life.

14 What we have here is a proposal  
15 to jam as many houses as he possibly can  
16 into this property for his own self-  
17 aggrandizement. That's all.

18 I have lived in this area for  
19 about eight years now. I have seen the  
20 Expressway come in, I have seen the Service  
21 Roads come in, I have seen the noise in  
22 this area increase tenfold to the point  
23 where sometimes I can't walk into my own  
24 backyard and hear something that's going on  
25 in my own front yard.

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What he is proposing to do here is to cut down the trees, cut down what's left of the barrier over there.

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We have had a rodent infestation to the point where we are afraid to put our children in the backyard after that Expressway was built.

His planner comes here, and I am sure he was paid a lot of money, but he is not paid the money I am going to lose. He is talking about maintaining an upscale area, but he is coming in with housing that's on half the plot that we own. How upscale is that area going to be maintained -- how is that going to be maintained? It is not.

What he is looking to do here is to come in, make a profit and get out. We are going to be stuck with it. We are going to be stuck with the traffic, we are going to be stuck with the noise and we are going to be stuck with the diversity, all for his profit.

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In my opinion, no development is the best alternative here. Now, we have

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1 heard from the planner who was hired to  
2 come here and speak about this, that  
3 whatever is built would have less impact  
4 than a road. That was denied twenty years  
5 ago because of its economic impact, because  
6 of the environmental impact and because of  
7 its effect on the community.

8 It is a false argument. It's  
9 garbage. What we have is somebody who  
10 speculated four hundred fifty thousand  
11 dollars, and is looking to increase his  
12 profit over twentyfold. That's what's  
13 going on here.

14 It is devaluing my property; it  
15 is crowding my neighborhood. For the same  
16 investment, I am losing the property value  
17 of my property so I can enrich him and  
18 enrich everybody that's building with him.

19 This area is beginning to  
20 resembles Queens. There is so much spot  
21 building going on in this area. You go  
22 down Carll's Straight Path in the morning,  
23 it's a highway. But the Town Board let it  
24 happen, and now we have somebody here who  
25 is looking to enrich himself and he is

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coming back to the same Town Board, who is taking the nature and the character of this neighborhood and flushing it down the toilet for his own self profit.

Nobody here is going to profit from this. It is not going to help our land values, it is not going to help our community. It is not upscale. He is going to jam in as many properties as he possibly can. Some of these properties are less than a quarter of an acre.

I have a house on a half an acre. I am proud of that house. I worked for that house, and that was my dream. I don't need my dream and my investment to be hurt because he might lose four hundred fifty thousand dollars.

MR. VIRAG: Do you have any more to add?

MR. CASALE: No, I am finished. Thank you very much. [APPLAUSE]

MR. VIRAG: Come on up.

MR. CASUTO: Mr. Casuto. I live at 26 Campbell Drive. I have been living there for twenty-seven years.

We fought the mall in 1971.

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1                   The only way going in, if you are  
2 familiar with the Service Road, is one way  
3 going westbound. The only way to get into  
4 that place would be to go through Village  
5 Hill to Crawford to Dillon, or west on the  
6 Expressway or McCulloch, going south to  
7 Village Hill or Crawford back to Dillon. I  
8 brought the map here.

9                   I am against this particular  
10 parcel because it is going to be, just like  
11 the gentleman said, it is going to be a  
12 speedway. That's exactly what it is going  
13 to be.

14                   There are a lot of children  
15 living there. The houses have been turned  
16 over a couple of times. You have infants,  
17 children playing in the streets, and this  
18 is going to be a speedway.

19                   If you want to see the map, I  
20 will give it as Exhibit A.

21 MR. VIRAG:                   Give it over to Mr. Machtay, and  
22 he will enter it into the record.

23 MR. CASUTO:                   That's all I have to say. I am  
24 against it.

25 MR. VIRAG:                   Thank you. I want everyone to

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1 understand, again I want to remind you,  
2 that this Board is before you to gather  
3 information. I want to give you what I  
4 have gathered. I haven't consulted with  
5 the other members.

6 The main concerns here are taxes,  
7 noise, traffic flow, wildlife and quality  
8 of life. The message has been given to us.  
9 If you are going to repeat it again, I am  
10 going to cut you off because I want you to  
11 understand it hasn't been ignored; property  
12 values, I'm sorry, it's up here at the top.

13 The lady in the red jacket, step  
14 forward and state your name and address for  
15 the record.

16 MRS. SLEZAK:

17 Yes. My name is Rosaline Slezak.  
18 Five years ago, we had an up road in our  
19 community in regards to the access road  
20 going into the Service Road. The State of  
21 New York came in and wanted to make the  
22 Expressway, the Service Road, go east and  
23 west, and at that time, Dillon Drive fed  
24 right in to get in and out of Dillon Drive  
25 to go into any of the inside communities  
which fed into Gallatin Drive, McCulloch,

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1 so it made it easier for everybody to get  
2 out of the community by going up Dillon  
3 Drive. Then they ended up closing  
4 McCulloch Drive and finally we ended up  
5 having one way out.

6 There is only two ways to get in  
7 and out of the Village Hill community;  
8 either you approach it from Vanderbilt  
9 Parkway or you approach it from the other  
10 side, which is McCulloch. In order to get  
11 out, you can only go through Dillon Drive  
12 and that gets you to the Expressway.

13 What happened is when Dillon  
14 Drive was made an exit out, a lot of people  
15 in the community said there was no other  
16 recourse because the Expressway was being  
17 built and it was going east to west. What  
18 could have been done was in order to get to  
19 the Village Hill Drive community from  
20 Commack Road, what you could have done is  
21 to come down Commack Road and make a right  
22 on the Service Road, and then you could  
23 have entered through Dillon Drive; but  
24 because the traffic pattern was so busy  
25 going down the Service Road, they said

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1 absolutely not, we will not allow that.

2 So, the only way of exiting out now was  
3 through Dillon Drive. Okay?

4 You cannot enter into Dillon  
5 Drive because the people on the Dillon  
6 Drive street said, "We will not have that  
7 kind of traffic, these people zooming down  
8 the Service Road to get in."

9 Now you are talking about the  
10 same situation developing if you have that  
11 cul-de-sac. There is going to be two ways  
12 of getting in there, there is going to be  
13 the Service Road and there is going to be  
14 the Village Hill Drive; and if I lived in  
15 that community, I would not want -- I lived  
16 in that prospective cul-de-sac, the one  
17 this builder is wanting to build, I would  
18 not want to zoom down the Service Road. I  
19 would take Vanderbilt, Village Hill,  
20 Campbell and go down Dillon Drive.

21 So, you are going to impact those  
22 roads, and the majority of the problem is  
23 going to be at the intersection of Village  
24 Hill Drive and Campbell.

25 I know. I take my kids to school

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1 every day. The buses come down, the people  
2 go zooming down. Now, what you are going  
3 to do if you are having a new community  
4 coming in, you are having seventeen,  
5 fourteen houses, each one of those houses  
6 is going to have two cars for sure. I know  
7 I have two cars -- I have three cars. I  
8 know all the people on my street have two  
9 or three cars. You are going to tell me  
10 that these people in this community are  
11 going to have one car? I have no idea what  
12 they are expecting. I find that hard to  
13 believe.

14 All I can tell you is I moved  
15 into this community twelve years ago. I  
16 moved into it for two reasons; I loved the  
17 area, it was woody; and I wanted my  
18 children to be brought up in an area where  
19 the zoning was upscale.

20 Now what's happened is you are  
21 asking me to have a builder come in -- I  
22 have to tell you, I don't know this  
23 gentleman who just spoke, but it  
24 infuriates me to know that I worked my tail  
25 off and to have somebody come in and put in

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1 a quarter acre zone houses when I worked my  
2 tail off to live in a community where I  
3 have a half acre zoning, I am not going to  
4 allow it. I will tell you that right now.  
5 I don't know what the rest of the community  
6 feels, but I think it is up to us to stick  
7 together and let this builder know how we  
8 all feel. [APPLAUSE]

9 MR. VIRAG: Yes, young lady. I am trying to  
10 win some friends here. [LAUGHTER]

11 Apparently, I am being accused of  
12 being a developer.

13 MRS. WILLIAMS: I have a beautiful letter, but I  
14 don't dare to read it because everything  
15 has been said. I do have a couple of  
16 points that I would like to make.

17 MR. MACHTAY: My name is Machtay. May I  
18 interrupt for a moment?

19 MR. VIRAG: Sure.

20 MR. MACHTAY: All of the comments that are made  
21 tonight have to be addressed in the Final  
22 Environmental Impact Statement. The  
23 Planning Board has to prepare that  
24 document. They will be reviewing that  
25 document over and over again, so all of

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1 your comments, everything that's been  
2 handed in, your letter, whatever it is,  
3 will be read a number of times by the  
4 Planning Board.

5 The minutes of this meeting,  
6 everything that's being said here, will be  
7 part of the Environmental Impact Statement,  
8 the Final Environmental Impact Statement,  
9 and the Planning Board will be seeing that  
10 a number of times before they finally put  
11 their name as authorizing that document.  
12 They are not going to say they are  
13 authorizing a document that they haven't  
14 read and they haven't completely  
15 understood. That's the process here.

16 MRS. WILLIAMS: I appreciate that, but there are  
17 a couple of issues that haven't been  
18 mentioned.

19 My name is Harriet Roberts  
20 Williams. I live at 8 Campbell Drive, Dix  
21 Hills.

22 I want to start with at one time,  
23 a small, shallow pond located behind my  
24 property, 8 Campbell Drive, enjoyed by the  
25 children for ice skating, was filled in

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with gravel and sand when the property was owned by the State. The Environmental Impact Statement makes no mention of water in that location, which raises questions about the thoroughness and accuracy of the Environmental Impact Statement.

That is one thing, and I will be glad to show this area to anyone who cares to come behind my house.

Another thing that I wanted to mention, and I believe has not been discussed tonight, has to do with one of the plans, and I think the revised plan, to have a turnaround in the middle of this very long piece of property, and I am talking now for two people I don't even know, but their houses will be right next to the turnaround.

A

If their property is right next to the turnaround, it means that their backyard would be the recipient of the trucks, the fire engines, of the school buses, etcetera, that would be coming around there to go back to the exit.

I really feel that that plan to

*Modern Shothead*

1 have a turnaround where it was described in  
2 the so-called new thing is very unfair to  
3 these people, and would bring to their  
4 backyards a total lack of privacy and, of  
5 course, the noise and the pollution in our  
6 beautiful, beautiful area, which we love  
7 and which I have been living in for thirty-  
8 one years, and I would like to stay there  
9 for the next thirty-one.

A

10 Thank you.

11 MR. VIRAG:

This man over here.

12 DR. HYDE:

My name is Dr. Matthew Hyde, and

13 I live at 14 Campbell Drive, and I just  
14 wanted to point out that the developer said  
15 with this plan there are no roadways in  
16 people's backyards.

A

17 Well, the way it is set up, from  
18 my backyard the cul-de-sac will be  
19 approximately 12.5 feet away from my fence.  
20 To me, 12.5 feet is having a road in my  
21 backyard, and that is not an acceptable  
22 situation.

23 MR. VIRAG:

Thank you. Just hold one second.

24 We do it by fingers and we do it by tape.

25 So, now you may begin.

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1 MR. LANE:

2 Mr. Chairman, members of the  
3 Board, my name is Gerald Lane. I live at  
4 23 Dillon Drive, which has the brunt of  
5 everything in this whole area over this  
6 period of years.

7 I bought this house in 1965. I  
8 had farms in the back of me, farms on both  
9 sides. The Service Road was not open and  
10 the Expressway wasn't there yet.

11 At present, we got one of the  
12 major roads out of the whole area. Five  
13 years ago, we came down here and fought to  
14 have McCulloch open because that's what  
15 these plans originally showed, with the  
16 thruway going through and everything.

17 When I bought my house, McCulloch  
18 and Dillon Drive were supposed to be open  
19 to the Service Road, and the thruway was  
20 going through. Now, as it turns out,  
21 everything is on Dillon Drive, which is a

22 joke. I don't understand why they can't  
23 open up the Vanderbilt Parkway.

24 C All we heard five years ago with  
25 all the arguments, is that the Fire  
Department did not have proper access just

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1 coming off the Service Road. So, how are  
 2 they going to do this now? They had a  
 3 million firemen screaming they couldn't get  
 4 in and out if Dillon Drive is closed, and  
 5 now they are going to give you one entrance  
 6 on this parcel, and that's okay.

7 That's all I can say.

8 MR. VIRAG: Thank you.

9 Young lady? ,

10 MRS. GEOSITS: I prepared a written statement.

11 MR. VIRAG: Please state your name and  
 12 address.

13 MRS. GEOSITS: Suzanne Geosits; 5 Dillon Drive.

14 My parents bought our home on  
 15 Dillon Drive in 1977 -- '67. I have lived  
 16 there all my life.

17 On the map it shows we actually  
 18 have about an acre even though we are zoned  
 19 for half an acre. We are cut on a pie  
 20 shape, and all of the houses on Dillon  
 21 Drive actually have an acre.

22 I also brought some pictures to  
 23 show how close the State property is  
 24 actually to our home because the way it is  
 25 cut, the corners have the most land because

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1  
2 A  
3 our houses actually don't have that much  
land behind it where this development will  
be.

4 On that map it also shows our  
5 house at 5 Dillon Drive. We have not one,  
6 but two lots behind us and a recharge  
7 basin. That's going to amount to backhoes,  
8 cement trucks, dump trucks in our backyards  
9 at seven o'clock in the morning for upwards  
10 of five years of construction, according to  
11 that DEIS. He estimates three to five  
12 years of construction based on selling  
13 homes on a contract basis. That means five  
14 to seven years of disruption for us.

15 There is some impact. The most  
16 significant impact I thought was the fact  
17 that the recommendations that are  
18 applicable to this land, which is a deep  
19 aquifer land, which is a primary source of  
20 drinking water, was to minimize population  
21 density by encouraging large lot  
22 development, preferably one dwelling per  
23 one acre, wherever possible, to protect the  
24 groundwater from future pollutant loadings.

25 This is in the developer's own

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report, and it is his ignorance of his own recommendations for this land that clearly shows he is not out to protect the neighboring community, but he is just out to make a buck.

The other things in this section which are simply ridiculous. I am not an environmentalist, I am not an engineer.

He suggests that they should promote the use of low maintenance lawns and reduce the use of fertilizer to preserve this groundwater, which, in our community, is ridiculous; which, if you drove through -- you are expecting these homeowners not to compete with the other homeowners. You will see a landscaper on these streets no doubt.

He said the water resources could be preserved by mandatory sprinkler restrictions that could be imposed by the Water District for the potable water reduction.

Once again, he is passing the buck off to the Water District, and we have to depend on the Water District to protect

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1 our land so it is not going to affect our  
2 groundwater.

3 The only other thing I want to  
4 talk about briefly is the traffic. There  
5 are going to be at least thirty-four cars  
6 cutting through Dillon Drive right to the  
7 Service Road. I live right on the edge of  
8 that Service Road.

9 Since that Service Road has  
10 opened up, the traffic in the morning from  
11 seven to nine is unbelievable. Rush hour,  
12 when we were leaving the house to come here  
13 today, someone came ripping around the  
14 corner. Every single car is going to cut  
15 through Dillon Drive, Village Hill down to  
16 Dillon Drive.

17 The other thing that's going to  
18 be a problem are construction vehicles.  
19 You have five years of construction. You  
20 are going to have construction vehicles in  
21 and out of that one roadway in traffic that  
22 goes fifty-five to sixty-five miles an hour  
23 regardless of the Service Road zone.  
24 People go fifty-five and sixty-five.

25 In that section they are

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C

predicting seventeen homes. There are a few streets on the South Service Road that are also small courts. One of them is Sterling Court, but that has only three homes, so it is a significantly less -- has a significantly less impact on the community.

The other court that has been there for years has five homes. There is nothing like this seventeen home development that's going to be impacting on the traffic.

The final thing I want to talk about is the wildlife, which has been talked about a little bit.

E

Recently, we had appraisals done on our homes, and it establishes that eighty-five to ninety-five percent of the community is already developed. There is no open space left in the vicinity of our homes. It is the last refuge of wildlife in our neighborhood. As a result, we have beautiful specimens of wildlife in this twenty acre field. We have squirrels, cottontail rabbits, bats, owls, moles,

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opossum, field mice, snakes, salamanders, box turtles, toads, woodpeckers, pheasants and dozens of bird species. In our backyard, you can see at least four or five cardinals, two blue jays who have taken up residence, sparrows and dozens of unidentifiable baby birds.

E

We also have rabbits that regularly appear, as well as a few moles that seem to like the area around our pool. Perhaps most significantly, we recently discovered an owl this past summer. This owl has eliminated any mice in our backyard, even with birdseed around.

What is most significant about the developer's report on the terrestrial ecology of the property is the wildlife that will relocate to our homes, and the other animals that will disappear.

H

The EIS Statement suggests that the rats, raccoons, mice and chipmunk populations will increase during this construction, and that this population tends to flee to lands adjacent to the subject property. While these pest

1 populations will increase, the owls, crows  
2 and other predators of these animals will  
3 decrease. They run through your trash,  
4 fight with domestic animals and they are a  
5 hazard to children.

6 This is going to increase the  
7 other animals, the owls are going to  
8 increase. The problem with this is there  
9 is no open space left for the good animals  
10 that are currently in that area to relocate  
11 to. They are never going to be able to  
12 come back to the subject property, which  
13 the developer talks about, five or six  
14 years when the development is finished,  
15 they will relocate.

16 They will never relocate because  
17 they will be dead. They are going to be on  
18 the service road as "road kill."

19 The final thing I wanted to talk  
20 about is the trees in the neighborhood.  
21 They have been undisturbed for twenty or  
22 thirty years. My parents can't even  
23 remember if I was born when they cleared  
24 the land, and I am twenty-five. It was  
25 quite awhile ago.

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1                   There are trees, rose bushes back  
2                   there. I remember picking strawberries  
3                   back there with my grandmother when I was  
4                   little.

5                   If these trees are removed, all  
6                   the property owners are going to have more  
7                   noise from the Expressway. We have a lot  
8                   of noise already as everybody has said.  
9                   Those buffers are going to be completely  
10                  removed.

11                   Thank you.

12                  MR. VIRAG:                   Thank you.

13                   I want to warn you, I am starting  
14                   to hear repeating stuff. So --

15                  MR. DENINO:                   [INTERPOSING] My name is Joe  
16                   Denino. I live at 10 Campbell Drive.

17                   A year or two ago, we had a stop  
18                   sign put in front of my house. One side of  
19                   my driveway is in front of the stop sign  
20                   and the other side is behind the stop sign.  
21                   I almost got hit several times going out of  
22                   my driveway from people who didn't stop at  
23                   the stop sign.

24                   If -- if the only entrance into  
25                   this development is going through Dillon

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C

and Campbell Drive is now a speedway, with the additional cars, there is going to be a great deal of problems because nobody stops for that stop sign and there is no police there. You are adding an additional dangerous situation.

MR. VIRAG:

Thank you.

State your name and address.

MRS. RHODES:

My name is Louise Rhodes, and I live at 133 Village Hill Drive.

I-7

It was my understanding that this meeting, the signs were supposed to be posted. They were supplied by the Town Board, and the builder was supposed to post them. If I am wrong, correct me; but right outside my home on Village Hill Drive there was a sign that was buried. It was deceiving. Nobody could see it. I have photographs of it. I would like you all to see the way it was posted.

MR. VIRAG:

Give it to Mr. Machtay. An Inspector will go out there tomorrow morning and confirm.

Anybody else?

MRS. RHODES:

I'm sorry. The point is there

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1 were trees up in front where they could  
2 have posted the sign and it could have been  
3 seen.

4 MR. VIRAG: They will investigate it  
5 tomorrow, I assure you.

6 MR. MAGRELLA: My name is Al Magrella. I have  
7 been there for sixteen years on Campbell  
8 Drive, and I just wanted to point out a  
9 couple of things that I did not hear were  
10 spoken about tonight, which I feel are  
11 inconsistencies in the environmental study.

12 Quoting from the study, the  
13 purpose and need, it says, "The developer  
14 wants to provide housing in conformance  
15 with the character of the existing  
16 surrounding community," and the first thing  
17 they do is propose housing that's not in  
18 character with the existing community.

19 On Page 25 they quote air quality  
20 data from 1986, saying that's the most  
21 recent year from which data was available.  
22 I can't believe that there is no air  
23 quality data available from anything more  
24 recent than eleven years ago.

25 MR. VIRAG: I don't think there is any air

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MR. MAGRELLA:

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quality up by the Expressway, is there?

No, there is not, but there should be some data to back that up.

Also, on Page 48 they predict a seventeen thousand gallon per year home heating oil requirement. I think we should have some air pollutant projections based on that requirement and a more recent study than something that was done eleven years ago.

3

On Page 46, again quoting from the applicant's document, it states, "Nature of the site dictate such an arrangement and an environmentally acceptable subdivision layout is not practicable."

I-4

They should have known that before they bought the property. In 1987, I went into business. There was no Board to guarantee I made a profit. I don't think the Board is here to guarantee they make a profit.

I-2

I would like to say -- at a scoping meeting in 1986 they found the air not suitable for residential development.

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1 Personally, I think it is also not suitable  
2 for residential development, but the man  
3 bought the property and he should be  
4 allowed to develop it in accordance with  
5 existing laws and requirements. If he can  
6 do that, I don't have a problem with it.

7 MR. VIRAG: Thank you, sir.

8 Come on up and state your name  
9 and address for the record. I implore you  
10 not to repeat.

11 MRS. KRIEG: Good evening. Linda Krieg; 5  
12 Heather Court, Dix Hills.

13 Good evening, Mr. Chairman and  
14 members of the Planning Board. I am Linda  
15 Krieg. I live presently at 5 Heather  
16 Court, Dix Hills for the last eleven years  
17 and Village Hill Drive for the previous  
18 thirteen years, for a total of twenty-four  
19 years in this neighborhood.

20 The Dix Hills Woodland  
21 Association appreciates your attention this  
22 evening. I have three pictures to show  
23 you.

24 This 20.6 acre parcel of land  
25 which was previously owned by the State is

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1 beautifully wooded from Vanderbilt Parkway  
2 to the Service Road. Because the builder's  
3 preferred proposed subdivision is on the  
4 one-half acre portion, two of the labeled  
5 pictures show the beautiful trees in this  
6 location.

7 I have also included a picture of  
8 two of the many birds which live in the  
9 wooded area.

10 I invite the Planning Board to  
11 visit this property behind forty-eight Dix  
12 Hills homes. I would ask that the Board  
13 use the information in this packet I am  
14 going to present to you in considering my  
15 opposition.

16 The packet contains neighborhood  
17 petitions of two hundred sixty-six names.  
18 You have already received Marc S. Krieg's  
19 dated March 3, 1997 letter, a letter from  
20 Harriet Roberts is in here, Williams, dated  
21 March 5, 1997; an Affidavit from Allen  
22 Roberts dated December 8, 1995, and the  
23 article in Suffolk Life newspaper is dated  
24 March 5, 1997.

25 Thank you.

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1 MR. VIRAG: You are welcome, and as stated  
 2 before by the Director, everything that is  
 3 entered into the record will be considered,  
 4 read and reread.

5 While we are doing that, is there  
 6 anyone else that would like to speak? One  
 7 more.

8 FLOOR: Question.

9 MR. VIRAG: I am not going to answer  
 10 questions for you. I am going to sit here  
 11 and take information.

12 MR. D'AGOSTINO: My name is Mike D'Agostino. I  
 13 live at 22 Campbell Drive, Dix Hills.

14 What is the next step?

15 MR. MACHTAY: As I said, the Planning Board has  
 16 to prepare the Final Environmental Impact  
 17 I-5 Statement. After they prepare that, they  
 18 have to prepare what is called a Planning  
 19 Statement, and that is it.

20 MR. D'AGOSTINO: There was a statement about signs  
 21 being posted. I drive through the  
 22 I-6 neighborhood every day and I have not seen  
 23 any signs posted.

24 MR. VIRAG: We will investigate that. We  
 25 will turn it over to Code Enforcement and

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I-6-

have them send a car out.

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MR. D'AGOSTINO: It will probably be collected before tomorrow morning.

MR. VIRAG: I can't help that. I can't drag the guy out of bed.

MR. D'AGOSTINO: I am aware of that, but I am just stating a fact.

MR. DRUBELLA: My name is Thomas Drubella, and I live at 22 Jordan Court.

Basically, all my friends and neighbors said what I wanted to say, so I don't really want to add to the repetitiveness, but I would like to submit something for the record.

MR. VIRAG: Please do. It will be duplicated and distributed.

MR. DRUBELLA: Another thing I would like to note that I didn't hear said here.

F

Supposedly, in the Environmental Impact Study, it is stated that there were underground aquifers that are presently all over Long Island. Were there any test holes dug or any type of data received about the impact of houses that might block the flow of the culvert that runs east to

*Modern Shorthand*

1 west along the Expressway?

2 The reason why I am bringing up  
3 this concern is there could be a diversion  
4 of the underground aquifer, which could  
5 result in somebody's basement -- I have  
6 seen it before. I work for LILCO. I am an  
7 engineer, and I lay out all these  
8 developments in the area.

9 Basically, this development is in  
10 my area. A lot of developments I have seen  
11 have water problems because of the  
12 diversion, in Hauppauge and other areas.

13 II  
14 The topographic survey shows  
15 there is a hill in the middle of the  
16 development. Basically, also, the water  
17 might come up and cause, like, mosquito  
18 infestation that could be limiting the bat  
19 problem in the area, that eat the  
20 mosquitoes. I am not trying to be an  
21 environmental wacko, but I have a young  
22 child and I hear there is encephalitis out  
east now and moving westerly.

23 I just hope you consider these  
24 issues we all have brought up here.

25 MR. VIRAG:

We are going to do it now. Thank

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you.

Okay. No one else having  
comments, I would like to make one.

I want to personally, on behalf  
of the Board, thank each and every one of  
you. It has been said that Dix Hills is an  
acre apart, but seventy miles apart from  
each other.

I thank you for your coming out  
and participating with your community. I  
think you should all look at each other and  
congratulate each other, and I thank you.

This hearing is closed.

[WHEREUPON THIS HEARING WAS CONCLUDED AT  
9:50 P.M.]

oOo

*Modern Shorthand*





# Town of Huntington

## Long Island, New York

**FRANK P. PETRONE**  
Supervisor

March 5, 1997

RECEIVED  
PLANNING DEPARTMENT  
TOWN OF HUNTINGTON, N.Y.  
97 MAR -5 PM 1:02

Jeffrey Virag, Chairman  
Members of the Planning Board  
Town of Huntington  
100 Main Street  
Huntington, New York 11743

RE: Jill Estates Subdivision  
Planning Board Public Hearing - March 5, 1997

Dear Mr. Virag & Members of the Planning Board

Having recently met with a civic leader and discussed the above referenced project with Richard Machtay, Director of Planning, I would like to express my views on the application.

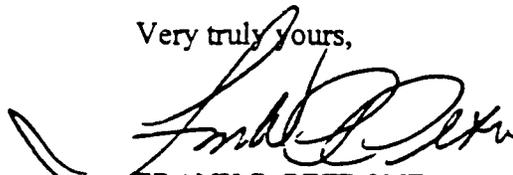
I understand that the subject property is zoned R-20 or one-half acre residential. It is also my understanding that one of the proposals for the development of the Jill Estates Subdivision is to modify the lots such that there are some that are less than one-half acre in size.

A

I urge the Planning Board to ensure that all the lots in this subdivision are at least one-half acre in size. I also implore the board to ensure that no existing lot end up with a road or driveway in it's back yard. This will assure that the character of the neighborhood will be preserved and that impacts from development will be minimized.

Thank you for your consideration.

Very truly yours,

  
FRANK P. PETRONE  
Supervisor

DIRECTOR	
ASST. DIRECTOR	
CHAIRMAN	
AGENDA	
FILE	

FPP:lms

# TOWN OF HUNTINGTON



FRANK P. PETRONE, *Supervisor*

100 MAIN STREET, HUNTINGTON, N.Y. 11743-6991

CONSERVATION BOARD  
516-351-3192

February 16, 1997

Mr. Jeffrey Virag, Chairman  
Town of Huntington  
Planning Board  
100 Main Street  
Huntington, NY 11743

RE : Jill Estates  
SCTM #0400-429-04-019 & 0400-263-02-072

Dear Mr. Virag:

DIRECTOR	<input checked="" type="checkbox"/>
ASST. DIRECTOR	<input checked="" type="checkbox"/>
CHAIRMAN	<input checked="" type="checkbox"/>
ADD	<input checked="" type="checkbox"/>
SR	<input checked="" type="checkbox"/>
AGENDA	<input checked="" type="checkbox"/>
FILE	<input checked="" type="checkbox"/>

97 FEB 19 PM 4:19

RECEIVED  
PLANNING DEPARTMENT  
TOWN OF HUNTINGTON, N.Y.

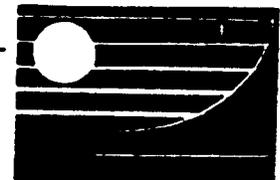
The Huntington Conservation Board has completed its review of SEQRA documentation and the Draft Environmental Impact Statement for the referenced project.

While this 20.6 acre parcel is certainly a significant open space tract, it apparently was not formally incorporated into the Town Open Space Index in 1974, due to the fact that it was in State ownership at the time, for its future use for the proposed Babylon-Northport Expressway. Therefore it would appear that this is the first time that the Conservation Board has reviewed the environmental merits of the site.

The property consists of a northern 9.8 acre portion currently zoned at R-40 and a southern portion of 10.8 acres zoned R-20. A yield map submitted with the DEIS indicates that the property might be developed for 21 single family lots incorporating on site stormwater disposal via a recharge basin and a central open space allowance which could conceivably meet the park set-aside requirement. Based on the Environmental Assessment Form, it would appear that this yield map was similar, if not identical, to the original application's preliminary map.

Within the DEIS, a Preferred Plan alternate is submitted which proposes 17 clustered single family lots ranging in size from 12,500 to 56,610 square feet. In this alternate a 32,400 square foot recharge basin area is shown. Most significantly, the northernmost 10.9 acres are proposed as a Town Parkland dedication. This dedication preserves all of the older forested portion of the site, and frees steeper portions of the property from clearing. All development alternatives incorporate public water supply to all homes, and sewage disposal via standard on-site septic systems and leaching pools.

We find that the Planning Department staff Scoping Checklist adequately identified issues for the DEIS to consider. The DEIS accurately describes the environmental setting of the site. There are a number of issues which concern this Board: the importance of avoiding clearing on steep slopes, the need to protect our groundwater resources, and the value of this wooded site as habitat for a variety of terrestrial and avian species which provides an important corridor for more free ranging species to move between several linked woodland park or otherwise preserved areas.



Five alternative actions are presented in the DEIS. Those alternatives which call for development propose either 2 conventional or 17 modified residential units.

Of the development alternatives presented, we find that the Cluster Alternative, designated in the report as the Preferred Alternative, accomplishes the most in mitigating environmental impacts by preservation of the more critical portions of the site and transferring its ownership to the town. The attached unit cluster option does provide slightly less impact overall, but we note that such a plan would be significantly different from neighboring uses.

The Conservation Board greatly regrets the loss of open space and habitat. We have long supported the notion that cluster housing coupled with strong site planning and sensitive clearing requirements can mitigate impacts to a significant degree. However, this will require close continued working cooperation between the developer and the Town. To that end we recommend that larger trees in the portion of the site to be developed should be identified and noted on the final plan, and that strict guidelines for tree preservation, clearing, grading, and erosion and sediment control be developed in concert with Planning Department staff recommendations and implemented as to be readily enforced.

These findings were accepted and this report approved by the Conservation Board by unanimous vote at its February 4, 1997 meeting.

It is respectfully requested that the Planning Board give due consideration to this report in reaching a conclusion on the subject property.

Very truly yours,

  
Joy S. Squires  
Chairperson

JSS PP:ak

cc Ms. P. Del Col, Director, DEC  
Mr. R. Mactay, Director of Planning  
Mr. E. Boozer, Director, Parks & Recreation

SECRETARY	✓
ASST. SECRETARY	
CHAIRMAN	
AGENDA	
FILE	✓

RECEIVED  
 HUNTINGTON TOWN DEPARTMENT  
 HUNTINGTON, N.Y.  
 02 MAR 12 PM 1:44

**TESTIMONY OF LEGISLATOR ALLAN BINDER  
 SUFFOLK COUNTY LEGISLATURE - 16TH DISTRICT  
 TO THE HUNTINGTON PLANNING BOARD HEARING MARCH 5, 1997**

\*\*\*\*\*

MEMBERS OF THE PLANNING BOARD, THANK YOU FOR TAKING MY TESTIMONY. I APPEAR BEFORE YOU TODAY AS A MEMBER OF THE SUFFOLK COUNTY LEGISLATURE, BUT MORE IMPORTANTLY A REPRESENTATIVE OF THE PEOPLE WHO LIVE IN THE AREA OF DIX HILLS BEING DISCUSSED TODAY.

IT IS IMPORTANT TO START MY TESTIMONY BY STATING CLEARLY THAT I AM VEHEMENTLY OPPOSED TO THE CURRENT PROPOSAL FOR JILL ESTATES.

TO BE SPECIFIC ABOUT MY OPPOSITION, I AM OPPOSED TO ANY NEW ROAD BEING CONSTRUCTED BEHIND ANY PREEXISTING RESIDENCES. ALSO, I FEEL YOU WOULD BE DOING THE COMMUNITY A GREAT DISSERVICE IF YOU ALLOW CONSTRUCTION OF HOMES ON ANYTHING LESS THAN HALF (1/2) ACRE PLOTS AS IS CURRENTLY THE ZONING REQUIREMENTS IN THE AREA.

IN THE CURRENT PROPOSAL, THE CUL-DE-SAC, THAT IS INCLUDED IN THE DRAWING, CLEARLY BACKS UP TO A PROPERTY IMMEDIATELY TO THE EAST -- SPECIFICALLY BEHIND THE "LEVY" PROPERTY. THIS IS UNACCEPTABLE AND THE BUILDER MUST BE REQUIRED TO END THE CUL-DE-SAC FURTHER TO THE SOUTH SO AS NOT TO INTERFERE WITH THE USE AND ENJOYMENT THAT THE LEVY'S CURRENTLY HAVE WITH THEIR PROPERTY.

ADDITIONALLY, THE AREA HAS BEEN ZONED 1/2 ACRE MINIMUM AND THE INTEGRITY OF THAT ZONING MUST BE MAINTAINED. THE RESIDENTS IN THE AREA, WHEN THEY BOUGHT THEIR HOMES, HAD NO REASON TO EVER THINK THAT THE TOWN OF HUNTINGTON WOULD ALLOW ANYONE TO BUILD ON SMALLER LOTS, WHICH NEGATIVELY IMPACTS THEIR COMMUNITY, AS WELL AS THEIR PROPERTY VALUES.

IN EFFECT, IF BOTH OF THE FORGOING POINTS ARE FOLLOWED BY YOUR BOARD, THIS WOULD HAVE THE AFFECT OF LOWERING THE YIELD THE BUILDER WILL BE ABLE TO ACHIEVE. I DO NOT BELIEVE THAT UPON BUYING THIS LAND -- FOR THE REDUCED PRICE OF \$450,000, SUBSTANTIALLY BELOW THE APPRAISED VALUE OF \$1.85 MILLION -- THE BUILDER IS GUARANTEED ANY PARTICULAR YIELD. EVEN WITH THE LOWER YIELD THE BUILDER WILL REALIZE A SUBSTANTIAL PROFIT ON HIS INVESTMENT.

IT IS MY UNDERSTANDING THAT THE BUILDER THREATENS TO EXPAND HIS PROPOSAL NORTH TO VANDERBILT MOTOR PARKWAY -- A COUNTY ROAD --

IF HIS CURRENT PROPOSAL DEMANDS ARE NOT MET. THIS WOULD NECESSITATE CONSTRUCTION OF A ROAD THAT WOULD RUN BEHIND SEVERAL HOUSES, WHICH AGAIN IS TOTALLY UNACCEPTABLE TO THE COMMUNITY, AND I WOULD HOPE, TO THIS BOARD. ADDITIONALLY, IF THE BUILDER THINKS HE WILL BE ABLE TO ACHIEVE A CURB CUT ON VANDERBILT MOTOR PARKWAY, I THINK HE IS GRAVELY MISTAKEN. THAT AREA IS VERY DANGEROUS AND I WILL WORK TIRELESSLY TO SEE THAT DOES NOT HAPPEN.

I HAVE CONFIDENCE THAT THIS BOARD WILL DO WHAT IS NECESSARY TO PROTECT THE INTEGRITY OF THE DIX HILLS COMMUNITY. I URGE YOU TO REJECT THE CURRENT PROPOSAL FOR JILL ESTATES AND REQUIRE THE REASONABLE PERAMETERS THAT I HAVE OUTLINED TODAY.

THANK YOU FOR YOUR CONSIDERATION.

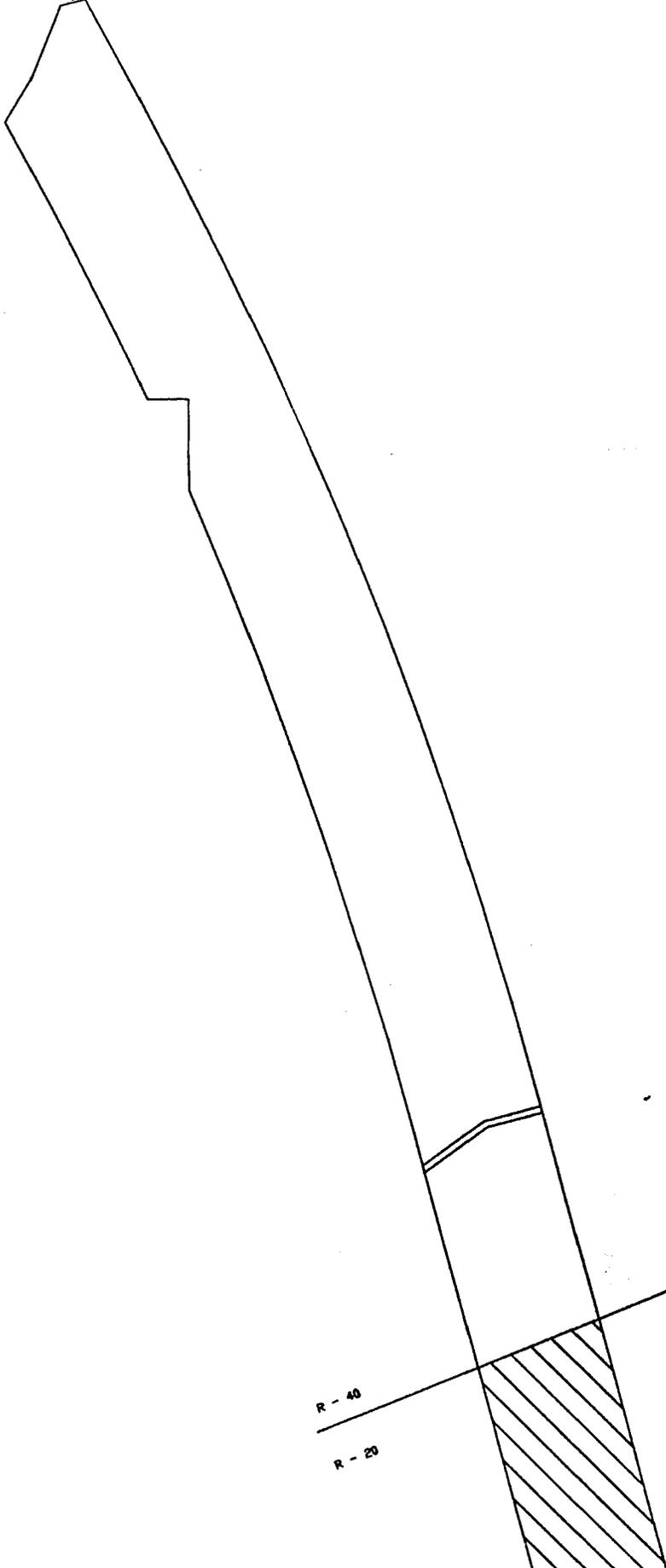
B.





VANDERBILT PK WAY

39.54



REZONED TO R-40

R - 40

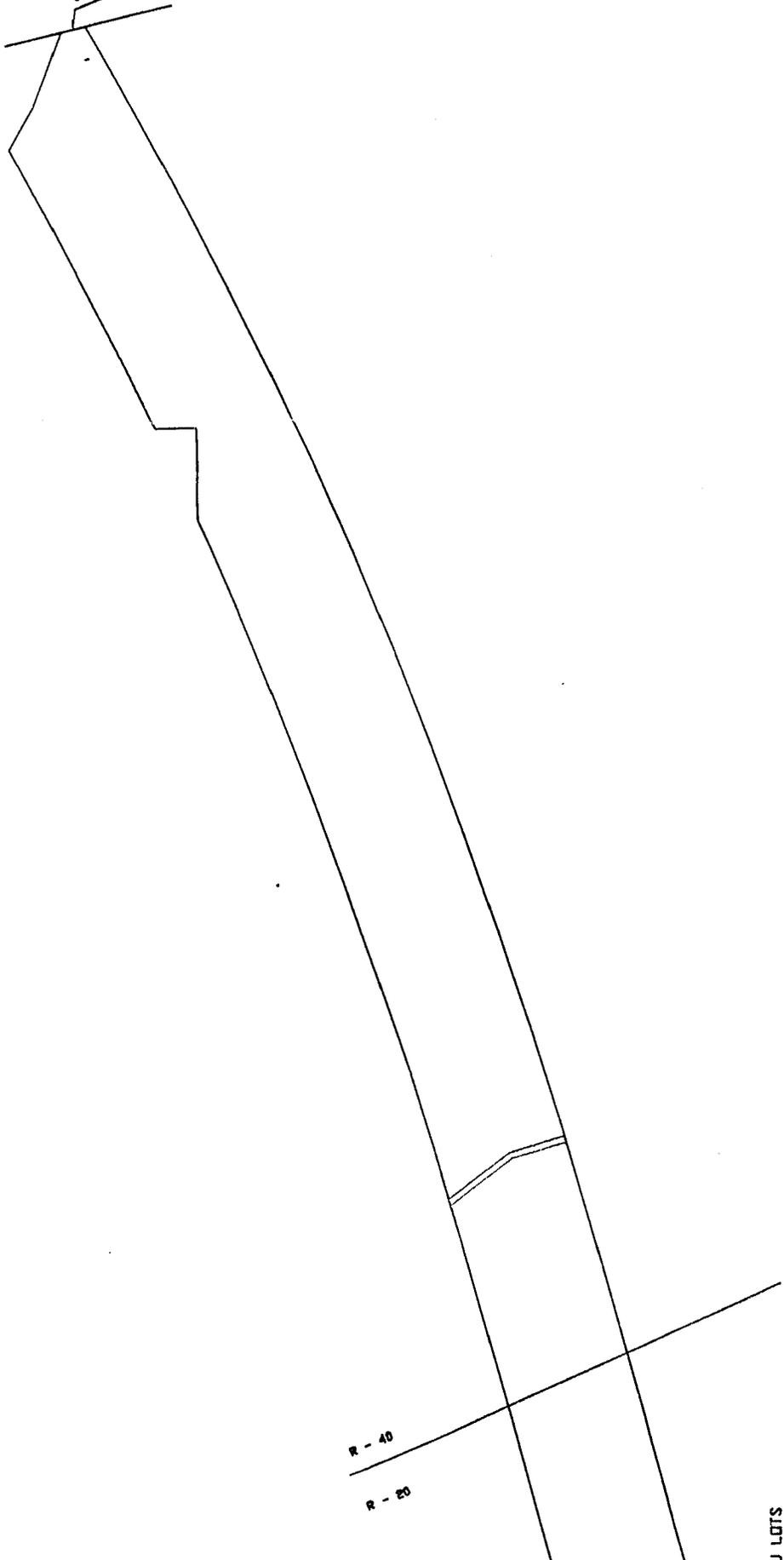
R - 20

IS

JILL ESTATES  
5 R-40 LOTS - YIELD MAP

VANDERBILT PK WAY

39.54



JILL ESTATES

10 LOTS YIELD

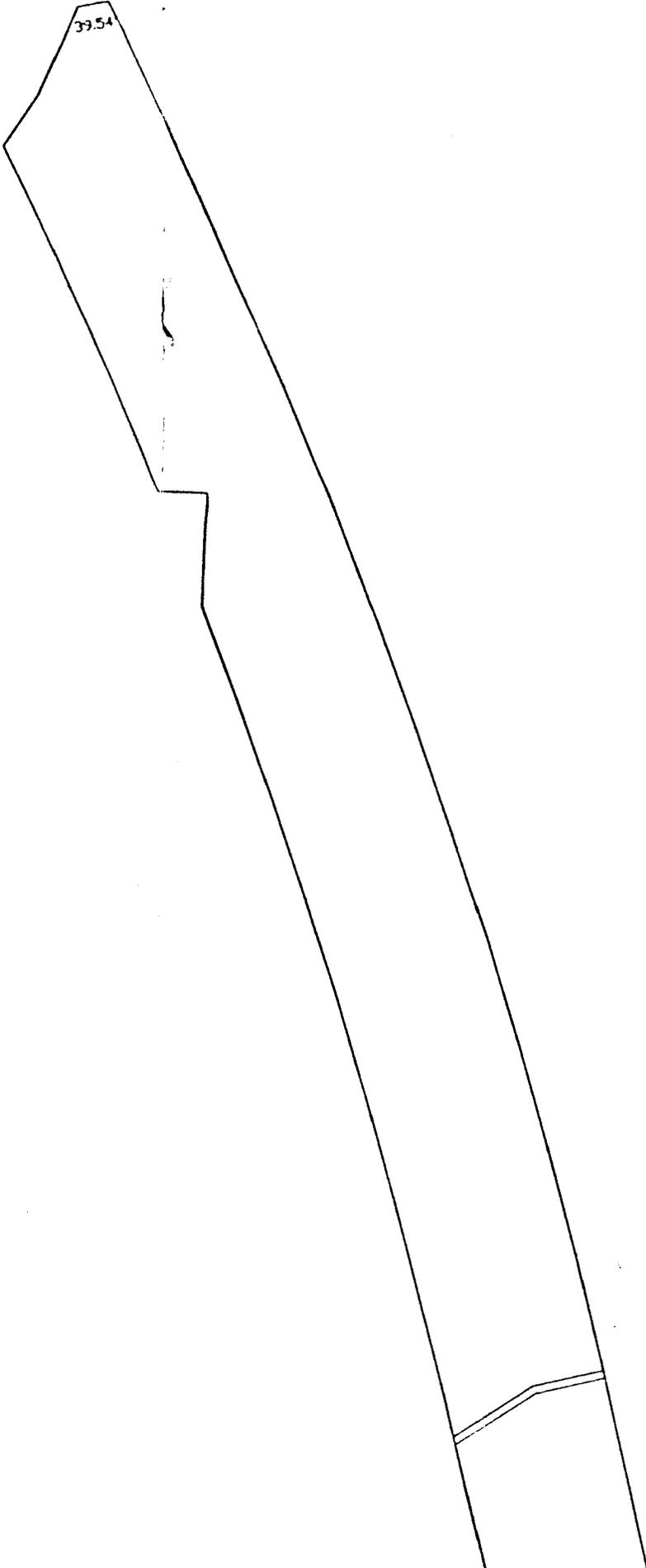
R - 40

R - 20

J LOTS

VANDERBILT PK WAY

39.54



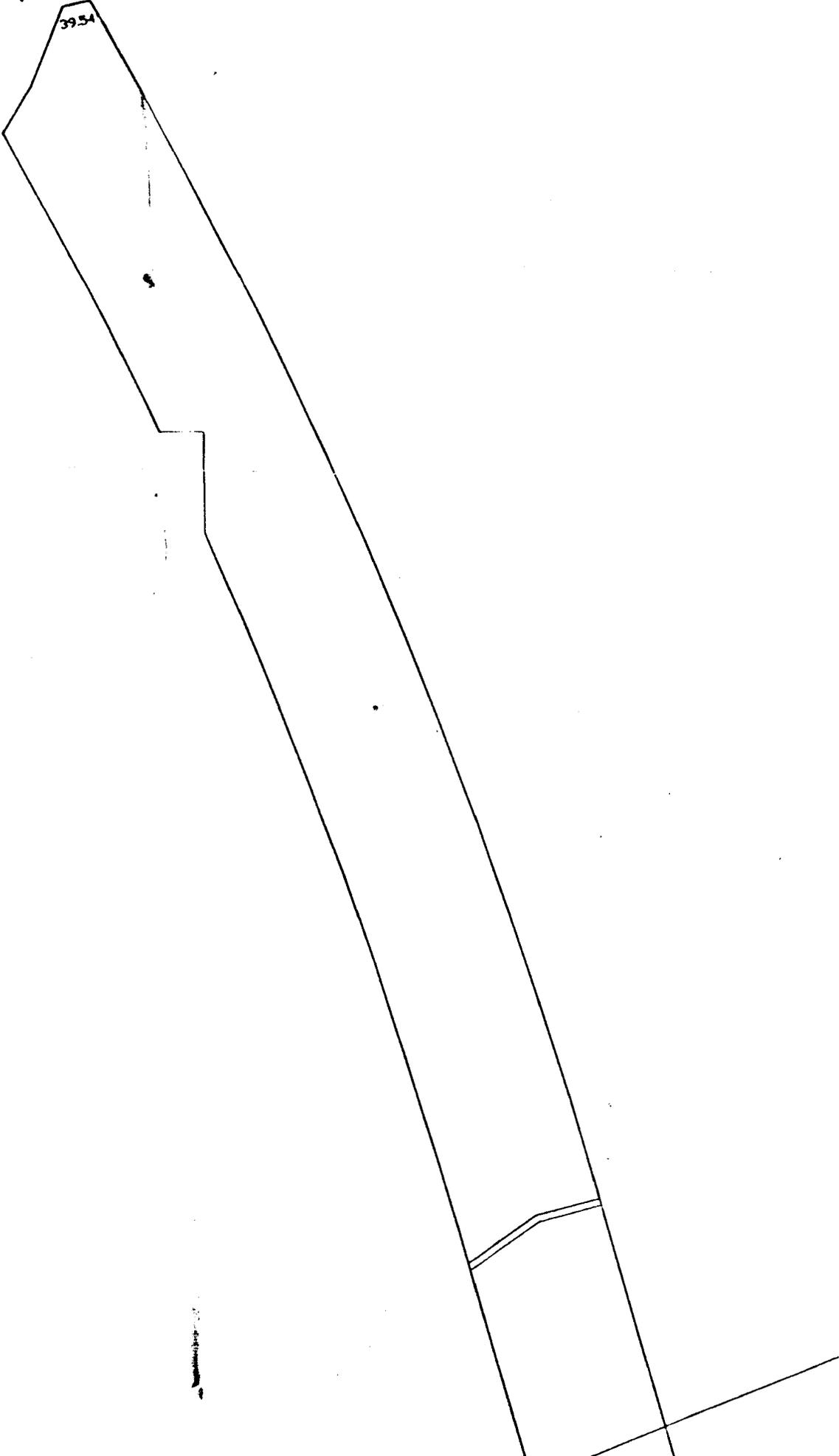
PROPOSED

JILL ESTATES

17 MODIFIED

VANDERBILT PK WAY

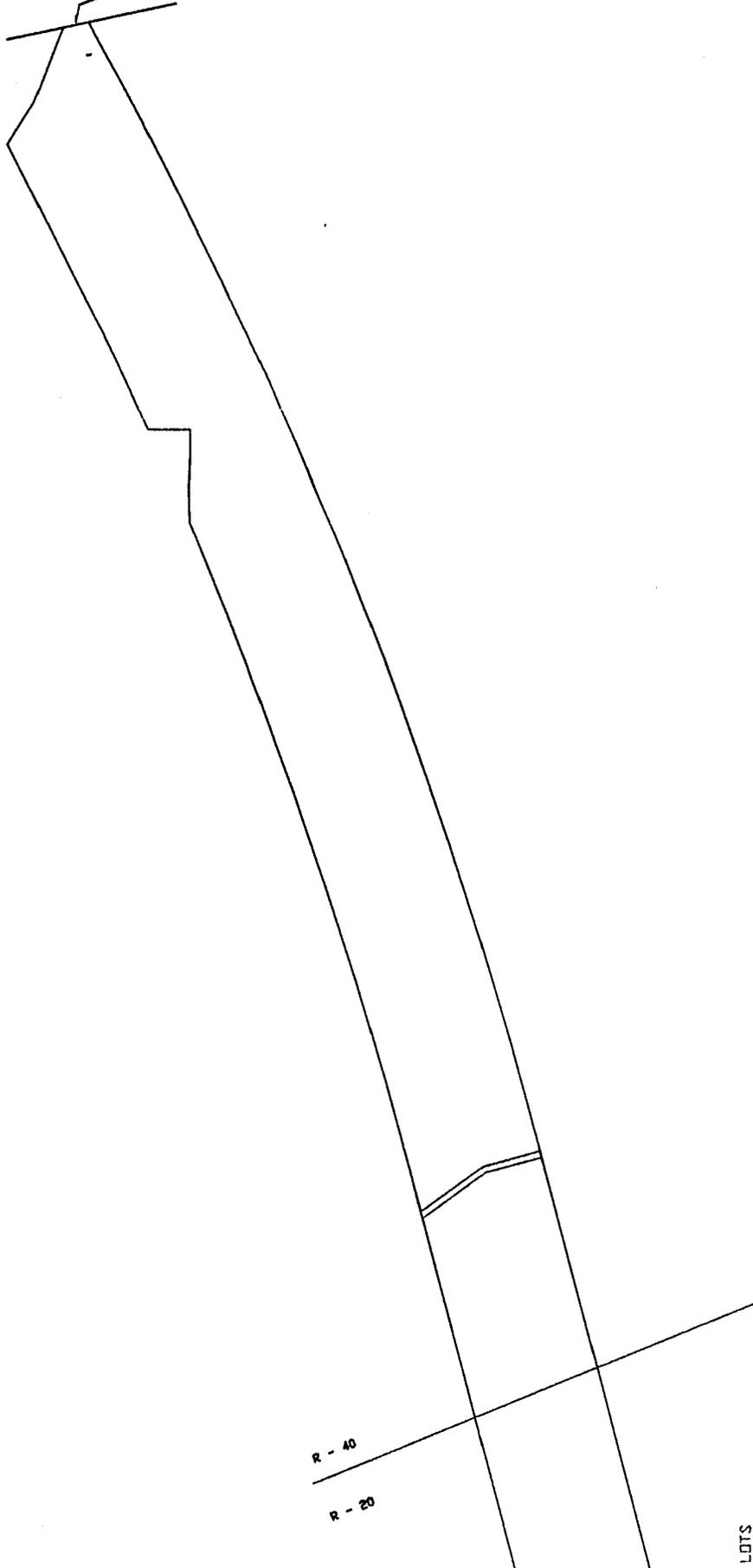
39.54



PROPOSED

VANDERBILT PK WAY

39.54



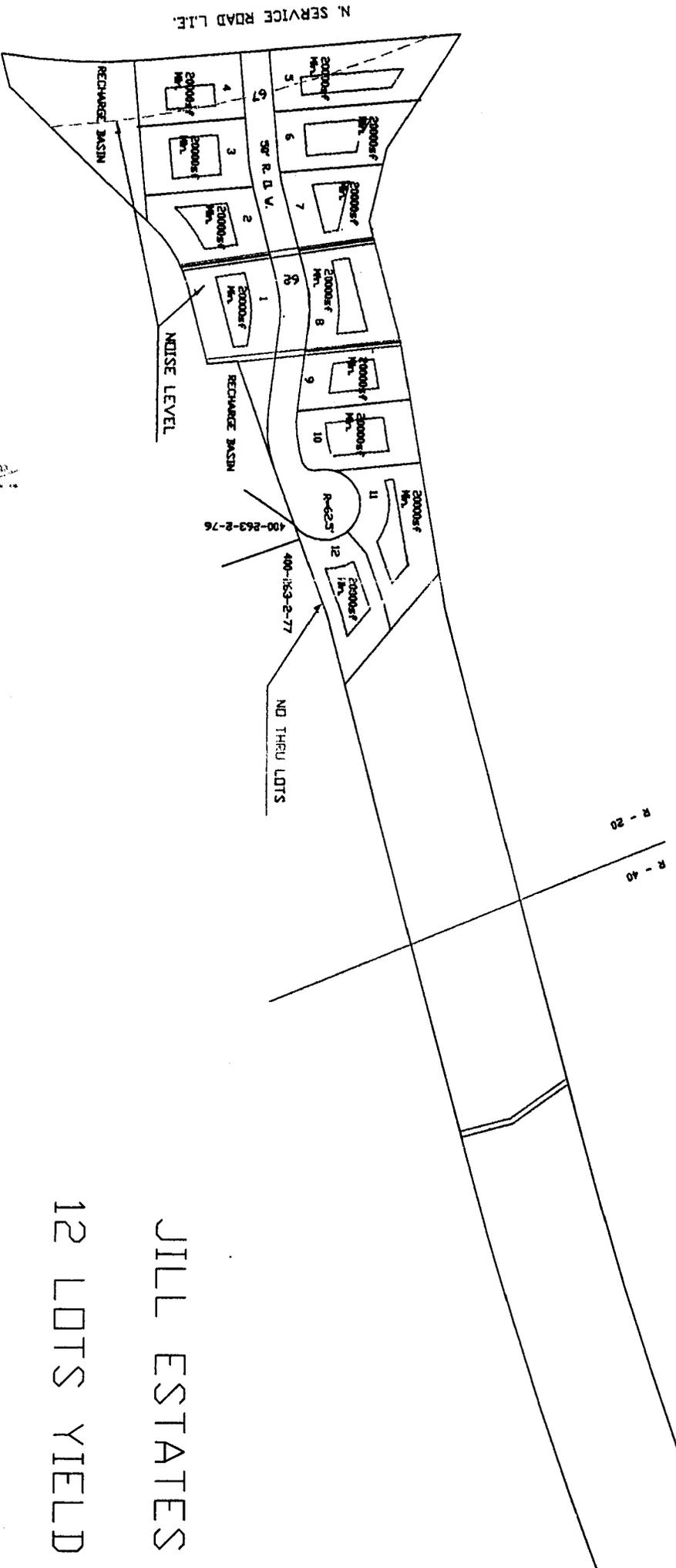
R - 40

R - 20

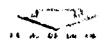
LOTS

JILL ESTATES

10 MODIFIED LOTS



SCALE 1"=250'

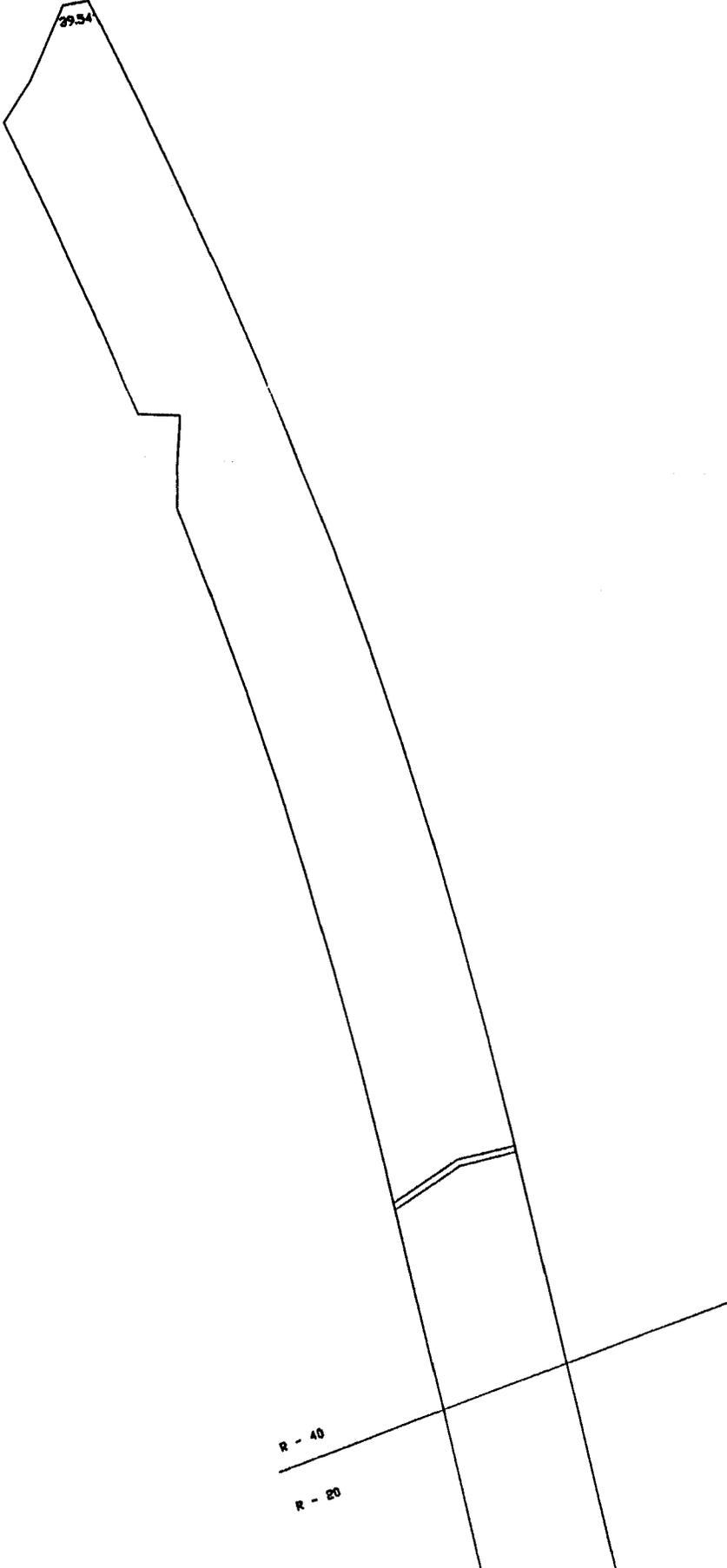


JILL ESTATES  
 12 LOTS YIELD  
 PLANNING STAFF S.

January 16, 1997

VANDERBILT PA

29.54

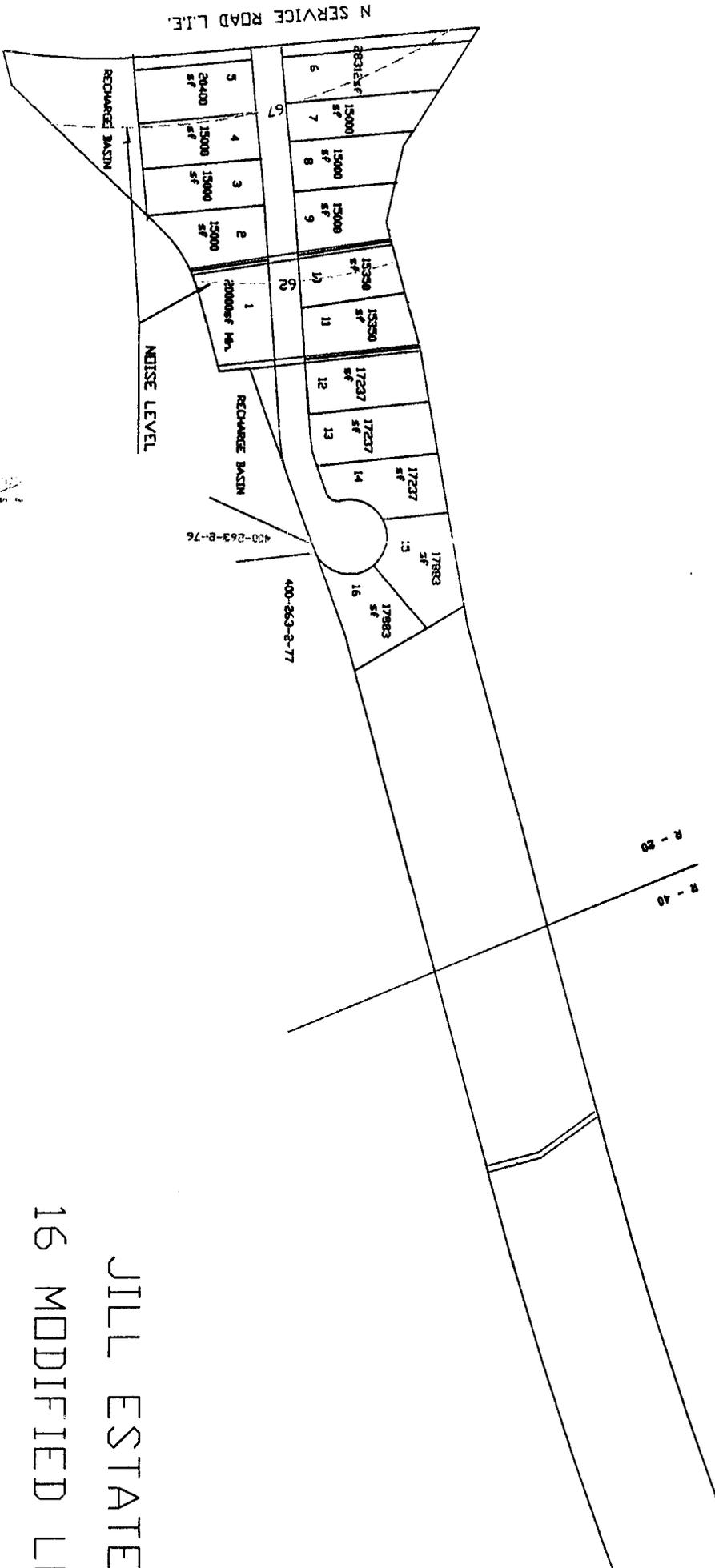


R - 40

R - 20

JILL ESTATES





SCALE 1"=250'

JILL ESTATE  
 16 MODIFIED LOTS  
 PLANNING STAFF

January 16, 1997





**TOWN OF HUNTINGTON, NY**  
**Inter-Office Memorandum**

DATE: March 21, 1997

TO: Richard Machtay, Director of Planning

FROM: Thomas A. Mazzola, P.E., Director of Engineering Services *TAM*

RE: Jill Estates

In response to the Mr. Robin's memo of March 17, 1997 on the above-referenced subdivision, I offer the following comments:

1. If the proposed intersection with the LIE Service Road is properly designed, there should be no significant safety problem involving ingress and egress for the subject site. The plan will have to be approved by the New York State Department of Transportation and/or Suffolk County Department of Public Works depending on which agency is responsible for this section of the service road.
2. The proposed intersection should have no impact on Dillon Drive.
3. Additional traffic on surrounding streets resulting from the subject subdivision will be minimal.
4. Emergency vehicle access to the subject site may be impacted by the one-way service road, but this is a condition which exists at many locations and must be dealt with by the various emergency services.

If you have any questions pertaining to the above, please feel free to contact me.

TAM:dp

DIRECTOR	<i>M</i>
ASST. DIRECTOR	
CHAIRMAN	
AGENDA	
FILE	

RECEIVED  
PLANNING DEPARTMENT  
TOWN OF HUNTINGTON, NY  
97 MAR 25 PM 1:31

# Town of Huntington Inter-Office Memorandum

**To:** Scott Robin, Sr. Environmental Analyst

**From:** Audrey Gallo, Recycling Coordination Aide *AMG*

**Date:** April 8, 1997

**Re:** Jill Estates

---

In response to your memo of March 17, 1997, seeking comments regarding curbside refuse, recycling and yardwaste collection, I can offer you the following information. An additional 17 homes will not adversely affect the collection vehicle or disposal facilities capacity. However, for obvious safety reasons, since the road is over 600 feet long there should be sufficient turning radius in the cul de sac for a 31 yard capacity rear packer vehicle to turn around rather than back out.

If you require further information, you can reach me at 754-5794.

AMG

cc: P. Del Col

DIRECTOR	<i>M</i>
ASST. DIRECTOR	
CHAIRMAN	
	<i>SR</i>
AGENDA	
FILE	

97 APR 10 AM 10:51

RECEIVED  
PLANNING DEPARTMENT  
TOWN OF HUNTINGTON, VA.

.95



STATE OF NEW YORK  
 DEPARTMENT OF TRANSPORTATION  
 STATE OFFICE BUILDING  
 250 VETERANS MEMORIAL HIGHWAY  
 HAUPPAUGE, N.Y. 11788-5518

**RECEIVED**

AUG 8 1997

HUNTINGTON TOWN  
 PLANNING DEPT.

CRAIG SIRACUSA, P.E.  
 ACTING REGIONAL DIRECTOR

JOSEPH H. BOARDMAN  
 COMMISSIONER

August 5, 1997

Mr. Scott Robin  
 Town of Huntington Planning Board  
 100 Main Street  
 Huntington, New York 11743-6991

DIRECTOR	
ASST. DIRECTOR	
CHIEF	
AGENDA	
FILE	

*SR*

Your June 10, 1997 Submission  
Jill Estates  
Route I-495, Dix Hills  
SCTM No. 0400-24904-019 and 0400-263-02-072  
Our Case No. 97-56

Dear Mr. Robin:

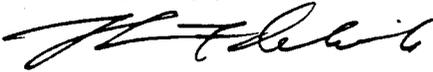
This is in regard to the Traffic Impact Study and site plan submission for the referenced project. The Department's comments follow:

1. We are in general accord with the conclusions presented in the applicant's Traffic Impact Study.
2. The Service Road through this area is maintained by Suffolk County. Highway Work Permits for work associated with this project must be secured through the Suffolk County Department of Public Works. A Maintenance and Protection of Traffic plan should be included.
3. There is a permanent slope easement across the site frontage of this property. How will this applicant address the easement conditions across this site?
4. As a result of a noise study conducted for the HOV project on mainline Route 495 a noise barrier was constructed on the south side of the North Service Road. However, proposed lots 5 and 6 shown on the applicant's site plan will be impacted with a noise level of 67dba.

Mr. Scott Robin  
August 5, 1997  
Page 2

This value is the Noise Abatement Criterion for residential use as established by the FHWA. While a noise barrier is not needed in front of the subject development, the developer should be aware that lots 5 and 6 are impacted with a noise level of 67dbA so he can advise potential homeowners of this situation.

Very truly yours,



THOMAS F. OELERICH, P.E.  
Regional Traffic Engineer

cc: Paul Campagnola, Suffolk County Department of Public Works

TFO:JL:JS



# SCHNEIDER ENGINEERING

- Civil Engineering
- Site Plan Development
- Traffic and Transportation Engineering
- Accident Analysis and Reconstruction

Steven Schneider, P.E.

June 2, 1997

Mr. Jeffrey Hartman  
8 Elwin Place  
E. Northport, New York 11731

RE: State Route I-495  
Dix Hills, New York

*re: JILL ESTATES*

67 JUN - 9 AM 1997  
RECEIVED

Dear M. Hartman:

At your request, Schneider Engineering has prepared a traffic study to address the concerns of both the Town of Huntington and the New York State Department of Transportation (NYSDOT) for the subject property located on the Long Island Expressway's North Service Road approximately 1200 feet east of Carl's Straight Path, Dix Hills, New York.

From the comments received by the two agencies, it appears that their major concerns include the traffic that will be generated to the site during construction, their ability to ingress and egress the future site, their relationship to the traffic generated by Dillon Drive and traffic accident concerns.

In order to address these issues, we made several site visits and performed traffic turning movement counts at the intersection of Dillon Drive and the Long Island Expressway's North Service Road. Our counts were taken during the roadway and site traffic generated peak hours which are during the midweek morning 7 – 9 AM and the evening 4:30 – 6:30 PM periods. These hours are the peak journey-to-work and journey-from-work time periods.

Main Office  
356 Middle Country Road  
Coram, N.Y. 11727 Suite 204  
Office: (516) 698-6200  
Fax: (516) 698-6299

3 Trading Post Trail  
P.O. Box 2300  
Medford Lakes, N.J. 08055  
Office: (609) 654-1334  
Fax: (609) 654-4704

P.O. Box 281  
Bloomingdale Road  
Tilson, N.Y. 12486  
Office: (914) 658-9042  
Fax: (914) 658-8246

8362 Pines Boulevard  
Pembroke Pines, Fla. 33024  
Suite 228  
Office: (305) 436-9992  
Fax: (305) 436-9924

During the construction period, there will be a minimal amount of site generated traffic. It will probably be less than one vehicle per hour, and will not effect traffic on the Service Road.

The LIE's North Service Road, at our study location, is straight and level with a full size shoulder lane along the adjacent north side. The sight visibility both on the Service Road and out of our site drive far exceeds the safe stopping requirements. Our accident records indicate no accidents have occurred at our site location during the last three years. With the minimal amount of traffic that will be generated to the site as well as its sight concerns, the new site should not cause any additional roadway hazards. (It should be noted that there is currently permitted right turns out of Dillon Drive onto the Service Road. There are no right turns permitted into Dillon Drive from the Service Road.)

Based on the turning movement count taken on Thursday May 15<sup>th</sup>, during the 7:30 – 9:30 AM peak period, there was a total of 713 vehicles traveling through the intersection of Dillon Drive and the LIE North Service Road. A total of 61 vehicles turned out of Dillon Drive (one vehicle made an illegal right turn in). Therefore, 652 vehicles were traveling straight west on the LIE North Service Road.

On Friday May 16<sup>th</sup>, the turning movement counts for the 4:30 –6:30 PM peak period shows a intersectional total of 259 vehicles. A total of 25 vehicles made the right turn out of Dillon Drive(three vehicles made the right turn in). Therefore, a total of 234 vehicles were traveling straight west on the Service Road.

At the Jill Estates property there are 15 single family homes proposed for this location. There will be a curb cut added to the Service Road approximately 440 feet west of Dillon Drive and will not effect the vehicles currently exiting Dillon

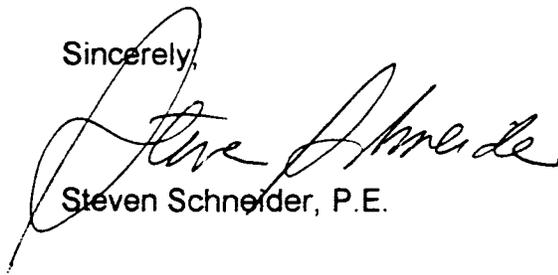
Drive. According to the NYSDOT standards for curb cut design, this is more than an acceptable distance between two adjoining curb cuts.

According to the Institute of Transportation Engineers (ITE), the nation-wide standard for trip generation study data, there will be a total of 11 cars (total in and out) generated by the proposed site use for the AM peak hours and 15 cars for the PM peak traffic hours. Therefore, the proposed use of the site will generate only 1.5% more vehicles to the total traffic for the AM peak traffic hours and only 5.7% more vehicles of the total PM peak traffic (there is only one-half the volume for the PM period). Based on the Highway Capacity Software (HCS), also the industry standard, the unsignalized intersection of Dillon Drive and the LIE North Service Road is currently operating at a LOS of "A", which is the optimum intersection LOS possible for a roadway. Adding the site generated traffic to the North Service Road, it will still function at a LOS of "A".

According to the turning movement counts, trip generation figures and the intersection capacity analysis software their will be little impact on the roadway do to the proposed 15 single family homes at the Jill Estates parcel.

If you have any questions or need further information, please do not hesitate to call.

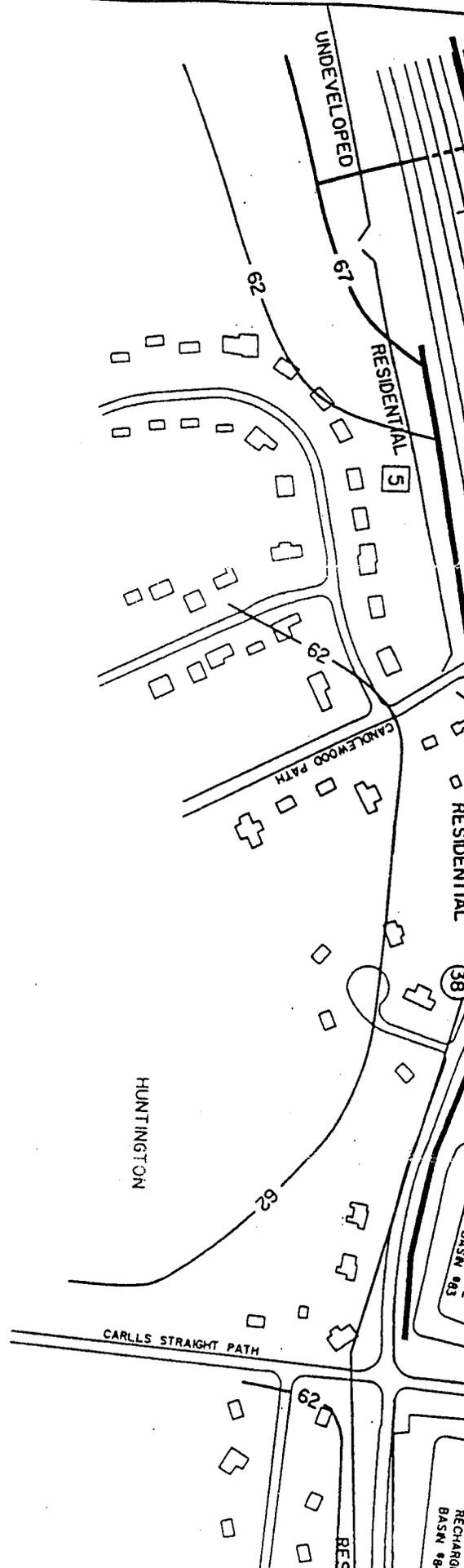
Sincerely,



Steven Schneider, P.E.

7055T;SS:apn





1990 EXISTING L<sub>50</sub> (1 HOUR) NOISE CONTOURS FOR THE NOISE CRITICAL HOUR

**NEW YORK STATE**  
**DEPARTMENT OF TRANSPORTATION**  
**Parsons**  
**Brimckerhoff**

**LONG ISLAND EXPRESSWAY**  
**CAPACITY IMPROVEMENT PROJECT**  
P.I.N. 0228.43

**PARSONS**  
**BRINCKERHOFF**

**NEW YORK STATE**  
**DEPARTMENT OF TRANSPORTATION**

**LONG ISLAND EXPRESSWAY**  
**CAPACITY IMPROVEMENT PROJECT**

P.I.N. 0228.43

2015 HOV ALTERNATIVE L<sub>90</sub> (1 HOUR) NOISE CONTOURS FOR THE NOISE CRIT

