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SUFFOLK COUNTY PLANNING COMMISSION
Legislative Auditorium
725 Veterans Memorial Highway,
Hauppauge, New York
-----x

August 1, 2007
12:00 p.m.

BEFORE:
JOHN CARACCIOLO, Chairman

ACCURATE COURT REPORTING, INC.
6 FRANCES LANE
PORT JEFFERSON, NEW YORK 11777
631-331-3753

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A P P E A R A N C E S :

LINDA HOLMES, Vice Chairwoman,
Town of Shelter Island

THOMAS ISLES, Director of Planning

DAVID CALONE, Commission Member
Town of Babylon

EDWARD J. PRUITT, Commission Member
Town of Brookhaven

ADRIENNE ESPOSITO, Commission Member
Village Once 5,000 Population

BARBARA ROBERTS, Commission Member
Town of Southampton

SARAH LANSDALE, Commission Member
At Large

CONSTANTINE KONTOKOSTA, Commission Member
Villages Under 5,000 Population

JESSE R. GOODALE, Commission Member
Town of Riverhead

TOM MC ADAM, Commission Member,
Town of Southold

JENNIFER B. KOHN, Assistant County Attorney

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2 A P P E A R A N C E S (Continued):

3

DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department

5

ANDREW P. FRELENG, Chief Planner,
Suffolk County Planning Department

7

TED KLEIN, Senior Planner,
Suffolk County Planning Department

8

9

PETER LAMBERT, Principal Planner
Suffolk County Planning Department

10

11

CLAIRE CHORNY, Staff

12

13

JESSICA KALMBACHER, Staff

14

15 ABSENT MEMBERS:

16

CHARLA BOLTON, Secretary, Commission Member
At Large

17

18

DONALD J. FIORE, Commission Member
Town of Islip

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ROBERT BRAUN, Commission Member
Town of Smithtown

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2 (WHEREUPON, this hearing convened
3 at 12:00 p.m. Off-the-record
4 discussions ensued, after which the
5 following transpired:)

6 (Time noted 12:16 p.m.)

7 CHAIRMAN CARACCIOLO: If we're
8 ready, we'll start. The meeting of the
9 Planning Commission is now in session.

10 We'll start with the minutes of the
11 July 11th meeting, which we don't have,
12 so we will skip the minutes of
13 July 11th.

14 Public Portion -- I have no cards.
15 Claire, do I have a card? Okay.

16 MS. CHORNY: Two cards, possible.
17 (Handing)

18 CHAIRMAN CARACCIOLO: Lee Foster,
19 do you want to speak?

20 MS. FOSTER: Yes, actually, just to
21 introduce Don Louchheim and myself.
22 We're here from the Village of
23 Sagaponack for any questions that might
24 be asked of us later.

25 CHAIRMAN CARACCIOLO: Thank you for

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2 coming down, I appreciate it. And, Don,
3 you're going to stand on her notes?

4 MR. LOUCHHEIM: Absolutely.

5 CHAIRMAN CARACCIOLO: Okay. So --

6 MR. LOUCHHEIM: As much as
7 possible.

8 CHAIRMAN CARACCIOLO: Thank you.

9 The Director's Report -- sir?

10 DIRECTOR ISLES: Okay. Thank you.

11 The first item is to make you aware
12 that we have received a SEQRA
13 notification involving the
14 post-annexation out in the Village of
15 Greenport. This is something you may be
16 aware of.

17 If you recall from last year, the
18 Village of Greenport is seeking to
19 expand their municipal boundary to
20 incorporate a parcel that is proposed
21 for development. The Town of Southold
22 seems to be resisting that. There was
23 dispute then on lead agency
24 classification. And as a result of the
25 dispute, that went to the Commissioner

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2 of DEC, and DEC is now the lead agency
3 on the SEQRA process.

4 So we did get notice of the draft
5 scope, and just to keep you posted of
6 that, it's proceeding through the
7 process at this time.

8 I had advised you -- and, actually,
9 we do have a member of the Suffolk
10 County Farmland Committee here -- Lee
11 Foster, who's also with the Village of
12 Sagaponack, is on the County Farmland
13 Committee. I have advised you that the
14 County Farmland Committee is working on
15 a Greenhouse Policy. What I wanted to
16 make you aware of today, is that we did
17 meet on this on the Farmland Committee
18 last week.

19 The Department Planning will be
20 circulating this to the -- all the Towns
21 in the County that have farmland, which
22 is every Town except Babylon -- Babylon
23 does not have any County farmland and
24 County programs, so they'll be excluded.
25 We're going to circulate it for comments

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2 from both the --

3 (WHEREUPON, there was an
4 interruption in the proceeding, after
5 which the following transpired:)

6 DIRECTOR ISLES: So for comments
7 from the Towns that may be effected by
8 this, as well as any other staples that
9 have interest in it. And then we'll
10 bring it back to the Farmland Committee
11 for, hopefully, consideration and
12 possibly adoption in September --
13 likely.

14 Speaking of September, the Planning
15 Commission typically conducts two
16 meetings a year on the East End of the
17 County. Due to renovations that are
18 apparently happening at the Riverhead
19 Auditorium, we have not been able to use
20 that facility this year. Our suggestion
21 is that the next meeting be conducted at
22 the Cornell Horticultural Research
23 Center, which is in the Town of
24 Riverhead. It's relatively convenient
25 to the expressway and so forth. So with

2 your support, we'd like to go ahead and
3 schedule that. That would be
4 September 5th.

5 Cornell also offers the option of a
6 tour, if you would like it, either
7 before or after the meeting. It is a
8 pretty interesting facility with the
9 research they conduct, and they are very
10 important to -- this County is the
11 number one agricultural County in New
12 York State.

13 The next item I am circulating is,
14 a copy of our monthly report -- monthly
15 activities. Here again, just to keep
16 you updated on some of the things that
17 are being conducted on the departmental
18 level. It's not everything, but most of
19 the major items.

20 And the last item, just as an
21 informational item, is the Pine Barrens
22 Commission is taking up the issue of the
23 Land-Use Plan in the Pine Barrens. The
24 Land-Use Plan for the Pine Barrens was
25 adopted in 1995. The Central Pine

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2 Barrens incorporates portions of the
3 Town of Riverhead, Brookhaven and
4 Southampton Town. It's a rather
5 significant event in terms of the number
6 of issues that have come up over the
7 years with the Pine Barrens, focusing on
8 a number of issues in the Compatible
9 Growth area, including, for example, the
10 issue of Transfer Development Rights for
11 (inaudible) and so forth.

12 We are attending -- a number of the
13 department members are attending a
14 meeting tomorrow on that, we'll keep you
15 posted on that progress. It is a
16 regional initiative, therefore, it's
17 highly important.

18 So that completes it in terms of
19 the Director's Report, Mr. Chairman.

20 CHAIRMAN CARACCIOLO: Thank you,
21 sir.

22 The next item on the agenda is the
23 Adoption of the Suffolk County Planning
24 Commission Open Space Policy. If you
25 recall at the last meeting, we had a

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2 presentation, and we had the opportunity
3 prior to this meeting to review that,
4 and we'd like to vote on the resolution
5 to adopt the Open Space Policy Plan --

6 VICE CHAIRWOMAN HOLMES: May I just
7 add a couple of punctuation changes --

8 CHAIRMAN CARACCIOLO: On the
9 resolution?

10 VICE CHAIRWOMAN HOLMES: Yes.

11 CHAIRMAN CARACCIOLO: Okay.

12 VICE CHAIRWOMAN HOLMES: It's just,
13 after each "whereas," right before
14 "and," there should be a semicolon and
15 not a comma.

16 And the third "whereas," it would
17 be a colon because of the way the
18 sentence is done.

19 And on the fifth one, if -- in the
20 first "resolve," there's a capitol for
21 "planning," and the end of that phrase
22 should -- after the "and" should be, "be
23 it further resolved," or just "be it
24 further," at the end of that phrase.

25 CHAIRMAN CARACCIOLO: So I guess

2 you reviewed this.

3 VICE CHAIRWOMAN HOLMES: I -- I --
4 it's the editor at work.

5 So I would be happy to move the
6 adoption of this as --

7 CHAIRMAN CARACCIOLO: We have one
8 other comment prior to that motion.

9 VICE CHAIRWOMAN HOLMES: Okay.

10 COMMISSIONER MC ADAM: No, I was
11 just going to second the motion.

12 VICE CHAIRWOMAN HOLMES: Okay.

13 CHAIRMAN CARACCIOLO: You'll second
14 it with the punctuation changes?

15 COMMISSIONER MC ADAM: Sure.

16 CHAIRMAN CARACCIOLO: Okay.

17 All those in favor?

18 (WHEREUPON, the members voted.)

19 CHAIRMAN CARACCIOLO: Opposed?

20 (WHEREUPON, the members voted.)

21 CHAIRMAN CARACCIOLO: The motion
22 carries.

23 I'd like to reopen the Public
24 Portion. If any of the new attendees
25 who just walked in would like to speak,

2 I'll reopen the Public Portion.

3 MR. MC CARRICK: There is an
4 application before you for --

5 CHAIRMAN CARACCIOLO: Would you
6 just -- so we could --

7 MR. MC CARRICK: Well, actually, I
8 didn't know if I could speak during the
9 application for the Tall Grass or --

10 CHAIRMAN CARACCIOLO: We would
11 prefer that you speak during the Public
12 Portion.

13 MR. MC CARRICK: Okay.

14 CHAIRMAN CARACCIOLO: And so you
15 could do it now.

16 MR. MC CARRICK: All right. Well,
17 that will be fine.

18 My name is Kevin McCarrick, I'm a
19 Councilman for the Town of Brookhaven.
20 I represent Council District No. 2,
21 which comprises of Mt. Sinai to Wading
22 River, on the north shore of Coram to
23 the south.

24 An application before you is one
25 for the Tall Grass PDD in our Council

2 District, and previously this has been
3 before this Commission.

4 What I'd like to bring up is a few
5 points that might have been missed in
6 the first presentation that was brought
7 to the Commission. I'd also like to add
8 some additional comments that I had made
9 to the Suffolk County Central Pine
10 Barrens, and I have those comments. I
11 could just submit them for the record
12 if that would be okay. I won't take too
13 much time --

14 CHAIRMAN CARACCIOLO: That would be
15 great.

16 MR. MC CARRICK: First I'd like to
17 say this, the staff analysis that was
18 done on this, what's before you today,
19 is excellent. I totally agree with the
20 analysis of this project, and their
21 comments toward it. Frankly, some of
22 the things that were mentioned in the
23 analysis were brought back in -- last
24 year, frankly, and -- and they haven't
25 been addressed yet by the applicant.

2 Which brings me to some of the
3 concerns that I have with the
4 application, in that, now we have
5 accepted an FEIS in the Town of
6 Brookhaven, and we're going to be moving
7 into a stage two with this -- a phase
8 two.

9 Normally, in our Town business,
10 when we have such a large consideration
11 for a change of zone, we're very
12 considerate about the type of
13 application with the site plan, and the
14 mix, and use of all of the different
15 pieces that will be in it. Some of this
16 still seems to be in even flow. And on
17 a final FEIS, which we'd only just
18 received a few weeks ago, we're still
19 studying that now. We have a 30-day
20 comment period, we're trying to compile
21 all of the rest of our information and
22 put into our findings.

23 My question is, one of the things
24 that is in this report is that staff
25 recommends that -- for approval of this,

2 pending the different aspects that they
3 have brought up, the points that they
4 feel are very important to the Planning
5 Commission. However, after reviewing
6 this plan and working with the applicant
7 in the community for well over two
8 years, it would appear that it's not
9 very likely at all that these
10 conditions, that are staff
11 recommendations, will ever be part of
12 this application.

13 And so I'm wondering if there is a
14 consideration of approval, after and if
15 these recommendations become part of
16 this site plan, or is it just procedure
17 that you make recommendation that these
18 things get taken care of, and then if
19 they don't, they don't.

20 We're concerned about barriers of
21 the same aspects that you brought
22 forward. Not only the consideration of
23 community benefit/public benefit, in
24 lieu of Pine Barren Credits purchase --
25 because that's a major stumbling block

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2 that we have with this application. And
3 those are part of my Pine Barrens
4 consideration comments that you'll read
5 at a different time. The substitution
6 of these things have to do with
7 evaluation of the credits.

8 And, in fact, Suffolk County
9 Planning Commission -- you're previous
10 staff -- credits -- recommendations had
11 said to do an analysis of whether the
12 applicant's community benefits are
13 actually worth what the evaluation is
14 putting on them, and then compare them
15 to the Pine Barren Credits. In fact,
16 we've had very different ideas of what
17 the real public benefit is on some of
18 these things.

19 I won't bore you with all of the
20 details, but just one in particular that
21 we had had, was the implementation of a
22 discounted fee on the golf course. What
23 the applicant had suggested is that they
24 would reduce the fee for people in the
25 Town of Brookhaven, who are residents,

2 to play golf on the golf course. That
3 being a \$20 reduction, and they times
4 that by 10,000 rounds of golf per year
5 for the next 20 years and come up with a
6 figure of about \$11 million. That
7 \$11 million would be used against buying
8 Pine Barren Credits.

9 Very many things like this are all
10 part of the FEIS. Our own Planning
11 Director had said that he thought that
12 we should accept this. And I refused to
13 accept it, and when it came to the Town
14 Board for acceptance of the FEIS, I had
15 to stop and say that we can't accept it
16 because, in fact, we haven't seen it.
17 The FEIS was presented to us on a
18 Tuesday, the day that we were voting on
19 it. We'd held it off for two weeks and
20 just last Tuesday it was accepted.

21 There are a lot of troubling things
22 like this that come into play on the
23 application. And that's -- we're
24 looking at our Community Preservation
25 Fund in the Town of Brookhaven, and if

2 it's passed in November -- and I'm quite
3 sure it will be -- a big part of it is
4 our own TDR component. And I believe
5 that they're going to be overlapping in
6 Compatible Growth areas. And what we
7 feel is very important is the integrity
8 of the Pine Barren Credits and also our
9 own TDR.

10 And we feel at this time in
11 Brookhaven Town, with this being one of
12 our very first PDDs that we've done in a
13 while -- we have several more in the
14 hopper this year and then a few after
15 this year -- we're setting a precedent
16 here. And we feel if we allow
17 applicants to come in and do -- receive
18 public benefits as opposed to Pine
19 Barren Credits, and eventually Town of
20 Brookhaven Credits, that we will be
21 diminishing the value of the credit
22 system entirely. And I -- I saw that it
23 was recommended, in the staff report
24 here, that very same point (indicating).

25 So I'm asking you today if there's

2 a possibility that you can hold --
3 consider the idea of maybe holding off
4 on your recommendation. We're waiting
5 to hear from the Pine Barrens -- the
6 Clearinghouse on their recommendation on
7 how many Pine Barren Credits and/or
8 public benefits. And if they agree with
9 the analysis that the Town and the
10 applicant has on a substitution of both,
11 we'd be willing to go forward. But
12 we're so far apart on the perceived
13 public benefits that I think that it's
14 going to be a long road for us. And I
15 just would appreciate -- maybe -- once
16 we get this out to our public, who has
17 not yet seen the final plan.

18 As you know, what had happened in
19 the DEIS, there was one application that
20 was sent, and then in the FEIS, there
21 was a different one. According to your
22 own recommendations, that might be
23 consideration for asking them to start
24 over again and submit a new DEIS. Our
25 Planning Commissioner did not want to do

2 that, he just wanted them to revise the
3 DEIS into an FEIS. And that was done
4 within about a ten-day period.

5 Now we're looking at that, and
6 we're finally getting our community to
7 see it. And that's only being done by a
8 public meeting that I'm sponsoring in
9 September, because I want to be sure a
10 good amount of people finally get out
11 and see the plan. We have one shot
12 here. It's 320 acres. We want to make
13 sure that we get it right.

14 So what we're going to do is let
15 the community finally see it.
16 Hopefully, we're going to get our
17 comments from the Pine Barrens Clearing
18 to see what their interpretation of the
19 credits are. We would be interested in
20 having you keep this hearing open, maybe
21 having some of these things come into --
22 information you would receive before
23 rendering a decision, or accepting the
24 idea that with these conditions met,
25 that you approve this (sic). Because,

2 as I said, I believe most of the
3 conditions that you have will probably
4 not be met.

5 That concludes my remarks. I'll
6 give you my comments that I had given to
7 the Central Pine Barrens Committee, and
8 I thank you for your time today.

9 Thank you.

10 CHAIRMAN CARACCIOLO: Thank you,
11 Councilman, we appreciate it.

12 DIRECTOR ISLES: Well, we will be
13 having a staff presentation on this
14 matter. When it comes up on the agenda,
15 the Chief Planner, Andy Freleng, will
16 make his presentation.

17 Let me just make the point,
18 however, that the Commission, as you
19 know, is time barred on -- time limited
20 on the amount of time you have to review
21 an application, it's 45 days.

22 This did come before the Commission
23 about a year ago -- even more than a
24 year ago. At that time it was
25 determined by the Commission to be

2 incomplete, and then sent back to the
3 Town.

4 It's for you to decide the status,
5 but as you have limited authority to
6 postpone this -- if you want to approve
7 it, disapprove it, that's certainly your
8 prerogative. With conditions, that's
9 your prerogative, but the only way you
10 can delay it or extend the time period
11 would be to make a determination of
12 incompleteness. Here again, that's for
13 you to judge once you hear all the
14 facts, but it's not just simply a matter
15 of "we want more time," unless there's
16 consent to that by the referring
17 municipality. You don't have more time,
18 just so you know that.

19 CHAIRMAN CARACCIOLO: Thank you,
20 Tom.

21 All right. Andy, you want to start
22 us off with the proposal of the
23 Sagaponack Comprehensive Plan?

24 MR. FRELENG: The first regulatory
25 matter before the Suffolk County

2 Planning Commission is referred to us
3 from the Village of Sagaponack. The
4 action before the Commission is the
5 adoption of the Sagaponack Comprehensive
6 Plan, and the Zoning Ordinance. That is
7 the jurisdiction for the Commission.

8 Staff did mail out a copy of the
9 comprehensive plan to Commission
10 Members. Hopefully, you've had a chance
11 to take a look at that. With regard to
12 that then, the Basic Summary, where it
13 says "see attached," we did not get a
14 summary of the Plan from the
15 municipality, so we provided you the
16 entire Plan.

17 However, we can go through some of
18 the points of the Plan, as required by
19 general municipal law, and we'll touch
20 those.

21 With regard to the general
22 statement of goals with respect to the
23 Comprehensive Plan in the Village of
24 Sagaponack, there are five general
25 goals:

2 The first being to maintain the
3 rural character and quality of life.

4 The second being to protect and
5 support the Agricultural land economy.

6 The third being maintain historic
7 and scenic resources.

8 The fourth being promote protection
9 of natural resources.

10 And the fifth being provide
11 services and facilities to meet
12 population needs.

13 Maybe if I could back up a second,
14 I would say that the general basic
15 summary for the Village of Sagaponack's
16 Comprehensive Plan is that they have
17 adopted and tailored the best -- in
18 their opinion, the best of the Town of
19 Southampton's ordinance and their plan.
20 And they have tailored that to their own
21 Village. Knocked out stuff they didn't
22 feel was applicable and tweaked some of
23 the stuff that they did. So that's
24 essentially the basic summary of their
25 Plans.

2 With respect to the Village's
3 consideration of regional needs and the
4 official plans of other government units
5 and agencies, the plan is based on the
6 distillation of the existing planning
7 and zoning studies prepared by the Town
8 of Southampton as they apply to
9 Sagaponack, as I mentioned. They also
10 took a look at East Hampton's plan.
11 They are cognizant and aware of New York
12 State DEC regulations for coastal
13 erosion, wetlands, et cetera, as well as
14 Suffolk County Department of Health
15 Services Article 6 Regulations. So they
16 have looked at those regional plans as
17 well.

18 The existing and proposed location
19 and intensity of land uses: They are
20 not proposing in their visioning or
21 their comprehensive plan a significant
22 alteration of the land use pattern
23 within the Village.

24 With respect to the consideration
25 of agricultural uses, historic and

2 cultural resources, coastal and natural
3 resources and sensitive environmental
4 areas, the comprehensive plan is based
5 primarily on the preservation of those
6 above criteria.

7 With respect to the consideration
8 of population, demographic and
9 socio-economic trends and future
10 projection, if I can quote from the
11 comprehensive plan itself, "There is a
12 continuing trend toward a smaller
13 year-round, locally employed population,
14 and a growing second home population.
15 At the same time, more second homes are
16 being used as retirement homes by their
17 owners, and more second homeowners are
18 spending more time working out of these
19 homes and telecommuting electronically."

20 So it is the opinion of the
21 Comprehensive Plan of the Village that
22 they have a trend toward a smaller
23 year-round population, while at the same
24 time some of those second homes are
25 being occupied, and some of those

2 occupants are telecommuting to and from
3 work. So there's a balance there
4 between the trend towards the smaller
5 year-round population and then those
6 second homeowners are spending more time
7 in their homes. So they address that.

8 With regard to the location and
9 types of transportation facilities,
10 there is a County bus service along
11 Montauk Highway. The Village will
12 continue to incorporate the beach
13 shuttles that are run by the Town during
14 the summer. And the train -- the local
15 train station is in Bridgehampton.

16 Existing and proposed general
17 location of public and private utilities
18 and infrastructure: The Village has no
19 sewer district, they are not proposing
20 any public utility of that sort in the
21 Village. The Suffolk County Water
22 Authority serves a small portion of the
23 Village. There is no plan for
24 increasing the availability of public
25 water through the Water Authority, that

2 staff was able to pick up anyway. With
3 regard to any other major public
4 infrastructure or utilities, none are
5 proposed within the Village at this
6 time.

7 With regard to existing housing
8 resources and future housing needs,
9 including affordable housing, the fifth
10 goal of the comprehensive plan
11 indicates, agricultural labor housing is
12 going to be allowed as a special
13 exception use, and that will promote
14 workforce housing with -- I'm sorry --
15 and there's an additional itemization of
16 that goal that the Village will promote
17 workforce housing within close distance
18 to commercial centers in the Town of
19 Southampton. In addition, they plan on
20 working with the South Fork communities
21 to provide workforce housing.

22 So if I could just sum up a little
23 bit, to address workforce housing, the
24 Village is proposing an agriculture
25 labor housing program, if you will,

2 which would be allowed by special
3 exception use. And then they intend to
4 work with their neighboring communities
5 to address affordable housing in the
6 region.

7 Okay. With regard to the present
8 and future general location of
9 educational and cultural facilities,
10 historic sites, health facilities and
11 facilities for emergency services, there
12 are no changes contemplated to relocate
13 or add cultural facilities and historic
14 sites.

15 With respect to specific policies
16 and strategies for improving the local
17 economy in coordination with other plan
18 topics, the second major goal of the
19 comprehensive plan is to protect and
20 support Sagaponack's Agricultural land
21 and economy. And there are several
22 action items to perpetuate what staff
23 indicates as the status quo.

24 The last item, with regard to
25 239 Review, would be proposed measures,

2 programs, devices and instruments to
3 implement the goals and objectives of
4 the various topics within the
5 comprehensive plan. There are just too
6 many to enumerate here, but suffice it
7 to say that there are five major goals
8 in order to implement the comprehensive
9 plan, and 42 action items, which are
10 subsets of those five major goals.

11 Staff is recommending conceptual
12 approval of the Comprehensive Master
13 Plan. The staff is also recommending
14 that the Commission provide the Village
15 of Sagaponack the following comment:

16 That sound regional planning
17 advocates that each municipality provide
18 a range of housing that meets the needs
19 and tastes of all its residents. It is
20 the belief of the Suffolk County
21 Planning Commission that a greater
22 effort by the Village for future
23 affordable housing opportunities within
24 the incorporated municipal boundaries is
25 warranted.

2 Staff feels that the incorporation
3 of the municipality bears the burden of
4 all those health safety and welfare
5 issues. Public housing, affordable
6 housing or a range of housing is a
7 welfare issue. And we believe that the
8 Village of Sagaponack needs to pay more
9 attention to affordable and workforce
10 housing within their own boundaries.

11 That is the staff report.

12 CHAIRMAN CARACCIOLO: Thank you,
13 Andy, for a comprehensive review of the
14 plan.

15 Any questions or comments from the
16 staff?

17 (WHEREUPON, there was no response.)

18 CHAIRMAN CARACCIOLO: Motions in
19 order?

20 COMMISSIONER ROBERTS: Well --

21 CHAIRMAN CARACCIOLO: I'm sorry,
22 discussion?

23 COMMISSIONER ROBERTS: Can I
24 understand what our responsibility is
25 here? What we are doing exactly, what

2 we are approving. Are we able to add
3 suggestions or make comments, what
4 exactly are we -- is our responsibility
5 here?

6 DIRECTOR ISLES: This is really not
7 too different from a referral of the
8 plan development application. General
9 municipal law requires the municipality,
10 upon the adoption or amendment to the
11 comprehensive plan, or the adoption or
12 amendment of the zoning code, to refer
13 that to the County Planning Commission
14 for review. So that's the basis of
15 which it comes to you.

16 The overarching scope of your
17 review are matters of County-wide
18 interests and inter-municipal interests.
19 And what Andy's actually broken down
20 here, and I think these are probably
21 straight from GML in terms of simple
22 criteria here, are ways of actually
23 looking at those as a component of your
24 jurisdiction. Therefore, there's a
25 mandatory referral by the Village and

2 County Planning Commission, similar
3 with -- here again, with a zoning or
4 subdivision application, you have the
5 ability to approve, approve with
6 conditions or disapprove the matter.

7 Once it goes back to the Village,
8 they take it upon advice. They cannot
9 act until you act. They can accept or
10 reject the recommendations of the County
11 Planning Commission. If they go
12 contrary to the recommendations, they
13 must do so with a majority plus one vote
14 of the Village Board, and they must
15 state the reasons why they're going
16 contrary to it.

17 And just finally, in summarizing
18 your question, do you have the ability
19 to put conditions or comments on? You
20 do. What we've prepared, of course, is
21 a staff recommendation for your
22 consideration. You certainly can modify
23 that as you want to.

24 And once again, to note the
25 difference between a condition and a

2 comment, if you put it on as an approval
3 with conditions, if the Village goes
4 contrary to that condition, here again,
5 that requires an action to override any
6 explanation. A comment is advisory and
7 does not require an override.

8 COMMISSIONER ROBERTS: Yes. I also
9 understand that the staff got the actual
10 codes that we -- that I just got to see
11 this moment.

12 The thing that most concerns me is
13 the oceanfront and the wetlands, which
14 is very much the concern of this
15 Commission. And the whole history of
16 the Village of Sagaponack seceding from
17 Southampton was over the coastal erosion
18 tax act, and that there's enriched
19 people along the ocean who chose not to
20 participate in that tax.

21 So has the staff very carefully
22 reviewed the ocean and the title
23 wetlands, and is there any specific
24 recommendation that you would use to
25 tighten on that?

2 DIRECTOR ISLES: I'll turn it over
3 to Andy for a response.

4 MR. FRELENG: I have to say no, we
5 did not, in detail, review their coastal
6 erosion section. We reviewed what is in
7 the plan and took it at face value that
8 they were going to continue the
9 beach/sea policy of managing coastal
10 water plan.

11 But to answer your question
12 directly, no, we didn't take much more
13 of a harder look than that.

14 COMMISSIONER ROBERTS: Is there
15 anything we can do to add to that?

16 DIRECTOR ISLES: It has to meet the
17 State Coastal Laws --

18 MR. FRELENG: Well, they are --

19 COMMISSIONER ROBERTS: Okay.

20 MR. FRELENG: -- the Village is
21 obligated --

22 DIRECTOR ISLES: Yes.

23 MR. FRELENG: -- to meet those
24 State regulations, and to implement
25 those State regulations. I think it's

2 still up in the air how they intend to
3 do that, whether they're going to allow
4 Southampton to continue to regulate the
5 coastal erosion area or that they will
6 absorb that themselves.

7 COMMISSIONER ROBERTS: Yeah, that's
8 a very big issue to this Commission, and
9 it's very muddy. And I've been to some
10 of the public hearings, and it's not
11 clear, really, what the final
12 regulations are going to be about the
13 ocean bodies. So --

14 COMMISSIONER CALONE: Basically,
15 the Southampton Code is (inaudible), and
16 the Village wants to --

17 COMMISSIONER ESPOSITO: No.

18 COMMISSIONER ROBERTS: No, it's --
19 it's very -- it's very unclear what's
20 going on. It's just very unclear.

21 COMMISSIONER ESPOSITO: I'm a
22 little -- but the State regulations are
23 not unclear.

24 COMMISSIONER ROBERTS: Right.

25 COMMISSIONER ESPOSITO: They're

2 very specific.

3 COMMISSIONER ROBERTS: Right.

4 COMMISSIONER ESPOSITO: So is the
5 Village and/or the Town not following
6 State regulations, or are they trying to
7 make it stronger?

8 COMMISSIONER ROBERTS: I didn't --
9 the Town was trying to make it
10 stronger --

11 COMMISSIONER ESPOSITO: Stronger.
12 Okay.

13 COMMISSIONER ROBERTS: -- it's
14 actually -- you know, wanted to create a
15 tax district so that they could have a
16 fund to help in beach nourishment and
17 preservation. And the Village of
18 Sagaponack -- the residents chose --
19 that was an issue of contention for
20 them, and so that's sort of what led to
21 the Village seceding from the Town of
22 Southampton.

23 COMMISSIONER ESPOSITO: So was the
24 issue really beach nourishment or
25 restoration?

2 MR. LOUCHHEIM: That's not true.

3 VICE CHAIRWOMAN HOLMES: That's
4 not -- yeah.

5 (Overlapping conversations)

6 COMMISSIONER ROBERTS: Then what
7 was the correction on that?

8 MR. LOUCHHEIM: The Village of
9 Sagaponack --

10 THE REPORTER: Sir, your name?

11 MR. LOUCHHEIM: -- and ordered to
12 prevent (inaudible).

13 COMMISSIONER ROBERTS: But then why
14 did -- but the Village did override --

15 MR. LOUCHHEIM: The Village did
16 not --

17 COMMISSIONER ROBERTS: -- being
18 part of the --

19 CHAIRMAN CARACCIOLO: Sir, would
20 you just stand up, please?

21 COMMISSIONER ESPOSITO: We're
22 having trouble hearing you.

23 MR. LOUCHHEIM: My name is Don
24 Louchheim. I'm a Trustee of the Village
25 of Sagaponack. The coastal erosion zone

2 was a tax district comprised solely of
3 oceanfront property owners. And as in
4 any special tax district, it is required
5 to be submitted through referendum of
6 those property owners. It was just the
7 beach front property owners. The 53
8 properties along the ocean in the Town
9 who participated, out of the 921 in
10 Sagaponack.

11 Those parcels participated in a
12 referendum, and they opted not to be
13 included in the coastal erosion special
14 tax district.

15 COMMISSIONER ROBERTS: Right.

16 MR. LOUCHHEIM: And it has
17 absolutely nothing to do with what our
18 policies are going to be, and they do
19 not represent the entire Village.

20 COMMISSIONER ROBERTS: Okay. And
21 what are the policies going to be, and
22 how would you say they compare to the
23 Town of Southampton?

24 MR. LOUCHHEIM: We are currently in
25 discussions with the Town to achieve our

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2 objective of having an identical Coastal
3 Roads and Hazard Act, to the Town's
4 Coastal Erosion Hazard Act, with the
5 Town as the administrator. And the same
6 thing on the coastal wetlands.

7 COMMISSIONER ROBERTS: Okay. So it
8 would be the Town that would be -- the
9 Town standard is what would be in the
10 Village?

11 MR. LOUCHHEIM: If they agree to do
12 it.

13 COMMISSIONER ROBERTS: If they
14 agree. So the ball is in the court of
15 the Town of Southampton.

16 MR. LOUCHHEIM: If they want
17 uniformity, and the management and
18 administration of the Coast of
19 Sagaponack --

20 COMMISSIONER ROBERTS: Okay.

21 MR. LOUCHHEIM: -- which contiguous
22 to unincorporated areas of the Town, we
23 would like to give them that opportunity
24 to do it.

25 COMMISSIONER ROBERTS: Okay. And

2 then -- could I ask for another
3 clarification of --

4 CHAIRMAN CARACCIOLO: Go ahead.

5 COMMISSIONER ROBERTS: And then the
6 other issue on the horse farms, and ten
7 acres versus five acres for a horse
8 farm, is that -- what's the difference
9 between the Village and the Town on that
10 regulation?

11 MR. LOUCHHEIM: Okay. There is no
12 difference between the Village and the
13 Town on the regulation of commercial
14 horse farms. What is proposed in the
15 draft zoning code is also to regulate
16 private horse farms, i.e., farms with
17 less than five horses --

18 COMMISSIONER ROBERTS: Right.

19 MR. LOUCHHEIM: -- and to try and
20 create some dimensional requirements
21 based on the size of the lot and the
22 number of horses you can have.

23 That was met with great resistance.
24 And at the moment, the Village is
25 probably leaning towards just

2 eliminating that, and doing exactly what
3 the Town of Southampton did --

4 COMMISSIONER ROBERTS: Okay.

5 MR. LOUCHHEIM: -- and to wait
6 until there is a problem before we try
7 to solve it.

8 COMMISSIONER ROBERTS: Thank you.
9 Thanks for that clarification. Those
10 are my two biggest concerns.

11 And then my only last concern is a
12 suggestion, which I don't know if it's
13 appropriate for us, to be -- urge more
14 of how the zoning board is going to be
15 put together in this community. There
16 are only 540 permanent residents or
17 774 second home residents. So it's an
18 extremely small pool to go on the zoning
19 board.

20 I live in a similar community,
21 which is the Village of North Haven, and
22 it's very shady on how people go onto
23 the zoning board, and we had phenomenal
24 codes when we first incorporated, which
25 has been eroded because primarily real

2 estate people have gone on the zoning
3 board.

4 So is it appropriate for us to be
5 making a suggestion that their zoning
6 board be constructed the same way that
7 this Planning Commission is, that
8 different interest groups are
9 represented, that there's an effort to
10 try to get people from different areas
11 of the community? Is that something
12 that would be appropriate?

13 DIRECTOR ISLES: My opinion is that
14 it would be beyond the scope of the
15 Commission at this time. They're
16 obligated by State law. And certainly
17 if you want to pass that along
18 individually, I think that would be
19 fine, and as a representative of
20 Southampton, but I think that might be
21 out of our jurisdiction.

22 COMMISSIONER ROBERTS: Okay.
23 That's all my comments.

24 CHAIRMAN CARACCIOLO: We don't want
25 to be in that shady area.

2 COMMISSIONER ROBERTS: That's all
3 my comments.

4 CHAIRMAN CARACCIOLO: Did you have
5 a comment?

6 VICE CHAIRWOMAN HOLMES: I did.
7 I'm supporting the staff concerns
8 that the Village look further towards
9 creating affordable housing within the
10 Village. Because Shelter Island has a
11 similar problem in that we worry that
12 the year-round population of people who
13 provide services for the homeowners is
14 shrinking. And that's what we're
15 wrestling with.

16 And then when you have a
17 diminishing population of people who
18 provide services who can't live within
19 the Village, then you increase the trade
20 parade. You increase the people who
21 have to come from outside the Village to
22 perform the services there.

23 And I'm just wondering if the
24 Village is planning to -- to do -- I
25 mean promote the idea or create special

2 exceptions? It's like you're going to
3 create a way for migrant housing, but
4 you're not working on trying to find
5 more ways for people who provide
6 services to be able to live within the
7 Village.

8 Is that something that you could
9 comment on that would sort of assuage
10 our concerns a little?

11 CHAIRMAN CARACCIOLO: I really
12 didn't want to turn this into a --

13 VICE CHAIRWOMAN HOLMES: Yeah.

14 CHAIRMAN CARACCIOLO: -- you know,
15 have them -- that was the Public
16 Portion.

17 VICE CHAIRWOMAN HOLMES: Right.
18 But I just wondered --

19 CHAIRMAN CARACCIOLO: So -- I
20 understand.

21 Andy, can you address that, was
22 that in the summary of the report?

23 MR. FRELENG: No. The best I can
24 address that is that they create the
25 special exception use for agricultural

2 housing, and they expressly discuss the
3 fact that they're going to work with
4 Southampton and neighboring communities
5 to address the affordable housing topic
6 in the region.

7 VICE CHAIRWOMAN HOLMES: In the
8 region, but not necessarily within the
9 Village. I think that was --

10 DIRECTOR ISLES: But I think the
11 suggested comment is --

12 CHAIRMAN CARACCIOLO: Yeah, with
13 Andy's comment --

14 VICE CHAIRWOMAN HOLMES: Yeah.

15 DIRECTOR ISLES: -- in terms of
16 going back to the Village with a message
17 of saying, perhaps, there's more that
18 can be done. Carriage house
19 apartments and --

20 VICE CHAIRWOMAN HOLMES: Within the
21 Village.

22 DIRECTOR ISLES: -- things like
23 that --

24 CHAIRMAN CARACCIOLO: Right.

25 DIRECTOR ISLES: -- that might

2 create more affordable housing in the
3 community.

4 VICE CHAIRWOMAN HOLMES: Yeah. All
5 right.

6 CHAIRMAN CARACCIOLO: Right.

7 VICE CHAIRWOMAN HOLMES: I just
8 wondered if it was put in there. Okay.

9 COMMISSIONER ESPOSITO: I want to
10 say something positive about the plan.

11 I thought the plan was very good.
12 I thought there was very thoughtful and
13 comprehensive components to it. I like
14 the vision statement that was crafted.
15 I think the fact that it included even
16 such things as LEED standards and so
17 forth.

18 So I thought for a Village, it was
19 very comprehensive and complete, and
20 wanted to compliment them on that and
21 wish that more Villages would take time
22 to do this kind of lengthy, thoughtful
23 process for future planning.

24 CHAIRMAN CARACCIOLO: Thank you,
25 Adrienne. Would you make a motion then?

2 COMMISSIONER ESPOSITO: Yes. I'd
3 like to make a motion that we adapt the
4 resolution of the staff recommendations.

5 COMMISSIONER ROBERTS: I'll second
6 it.

7 CHAIRMAN CARACCIOLO: All those in
8 favor?

9 (WHEREUPON, the members voted.)

10 CHAIRMAN CARACCIOLO: Opposed?

11 (WHEREUPON, the members voted.)

12 CHAIRMAN CARACCIOLO: Abstentions?

13 (WHEREUPON, the members voted.)

14 CHAIRMAN CARACCIOLO: The motion
15 carries.

16 MR. FRELENG: Okay. The next
17 application referred to the Commission
18 comes to us from the Town of Brookhaven.
19 This is the application of Tall Grass
20 Properties, LLC.

21 The jurisdiction for the Commission
22 is that the subject property is adjacent
23 to New York State Route 25A, otherwise
24 known as Sound Avenue locally, and that
25 the subject property is in the Central

2 Pine Barren Zone.

3 The applicants are seeking Town
4 Board Change of Zone approval from A-1
5 residential to PDD, which is Planned
6 Develop District, in order to construct
7 378 residential units and amenities;
8 175,000 square feet of Village Center, a
9 golf course and a sewage treatment
10 plant, all on 320 acres.

11 As indicated before in our
12 discussions during the public comment,
13 the Commission did receive this
14 application and deemed it incomplete,
15 April 3rd, '06, I believe. It was
16 deemed incomplete because it was lacking
17 a traffic analysis and a breakdown of
18 the building and unit count.

19 The Commission staff has since
20 received that information in the form of
21 a draft environmental impact statement,
22 as well as a final draft environmental
23 impact statement. While staff will draw
24 no conclusions on the conclusions of the
25 impact statement and the FEIS, it is

2 addressing those items that the
3 Commission deemed incomplete, and
4 therefore the Commission needs to
5 address the application.

6 The application is located on the
7 south side of Sound Avenue and New York
8 State Route 25A, as indicated, along the
9 east side of Randall Avenue, which is a
10 Town road. The subject property is
11 situated in the hamlet of Shoreham.

12 A review of the character and land
13 use and zoning pattern in the
14 vicinity -- let me just flip over to the
15 zoning map -- indicates that the subject
16 parcel is in an area of predominantly
17 residential zoning. There is some J-2
18 Business located immediately north and
19 adjacent to the subject parcel, which is
20 a bus yard, and another parcel across
21 the street, which is a strip shopping
22 center.

23 The subject property is currently
24 occupied by approximately 170.4 acres of
25 sod farm, and approximately 149 acres of

2 golf course.

3 The subject property is bound by
4 single family homes, a commercial bus
5 yard and New York State Route 25A to the
6 north. To the east and south, the
7 subject parcel is bound by residentially
8 vacant and improved lots. To the west,
9 the subject site fronts at several
10 locations along Randall Avenue,
11 interspersed with residentially zoned
12 and improved out parcels. Cooper
13 Street, which is a Town road, bisects
14 the subject property east to west.

15 Here's a copy of the site plan
16 (indicating), it's probably clearer in
17 the staff report.

18 Applicants seek Town Board Change
19 of Zone approval, as indicated, from A-1
20 residential to PDD, in order to
21 construct 378 residential units. The
22 units are proposed to be part of a
23 workforce housing complex, including the
24 following breakdown:

25 129 single family detached dwelling

2 units. 160 senior units. 18 of the
3 senior units would be for workforce
4 housing. There are 52 multifamily
5 units. And -- I'm sorry -- that was an
6 additional 18 would be workforce housing
7 units for the seniors. And an
8 additional 19 multifamily units are
9 proposed to be workforce housing. All
10 the senior units are proposed to be
11 condominium units at this time.

12 Of the total number of dwelling
13 units, 378 that is, the proposed 37
14 workforce units represent 9.8 percent of
15 the overall project. Moreover,
16 workforce housing units are to be
17 disbursed within the single-family
18 detached and senior housing units.

19 In addition, the petitioners
20 include in the PDD proposal
21 approximately 175,000 square feet of
22 commercial development. This is called
23 a "Village Center," and it's situated
24 along Sound Avenue. The Village Center
25 includes banks, restaurants, grocery

2 stores, office, retail and theater
3 space.

4 The commercial space is located at
5 the northeast corner of the subject
6 parcel.

7 So that would be this area right
8 here (indicating). Original proposals,
9 I think, included the Village Center
10 more westward, but it has shifted over
11 due to problem issues with moving the
12 bus company and some public lands that
13 are there (indicating). This is to
14 build 175,000 square feet of Village
15 Center. It's up in the northeast corner
16 (indicating).

17 An existing 146 acre, 18 hole golf
18 course is intended to be modified and
19 remain a public course, quote, unquote.
20 The existing 4,000 square foot clubhouse
21 and parking is to remain. The clubhouse
22 is down below. Right here (indicating),
23 that is proposed to remain. You can see
24 the golf course. It has been modified,
25 some of the holes have been moved up

2 here (indicating), which is this piece
3 (indicating). This is the sod farm
4 piece (indicating), this is the golf
5 course piece (indicating).

6 Okay. In addition, approximately
7 40 acres is proposed to be as open space
8 dispersed throughout the complex. A
9 multi-use "paseo" is also included, as
10 well as ball fields.

11 So quickly, if I could just point
12 out the ball fields, most of the ball
13 fields are located here (indicating).
14 There are community open space parks
15 disbursed throughout the area. There
16 are some buffer areas along the eastern
17 side, along the western side, as well as
18 some -- I'm not quite sure, but there
19 are other small pieces of open space
20 disbursed throughout the proposed
21 development.

22 Access to the proposed PDD is from
23 three points along Sound Avenue. That
24 would be one point here (indicating),
25 one point here (indicating), and there's

2 a loop, which would actually be an in
3 and out. So there's one, two, three
4 points along Sound Avenue.

5 One point of access along Randall
6 Road, as you see there (indicating), and
7 then five points of access to Cooper
8 Street. One, two, three, four, five
9 (indicating).

10 The 1996 Town of Brookhaven
11 Comprehensive Plan recommends a density
12 of one acre or less for this area of the
13 town. However, the more recent Shoreham
14 Hamlet Study envisions a mixed use
15 development as an alternative to a
16 single family subdivision.

17 Staff has gone around a couple of
18 times with the Town of Brookhaven, but
19 by reference, the Shoreham Hamlet
20 Study -- the original Hamlet Study was
21 adopted into the Town of Brookhaven
22 Comprehensive Plan. There were several
23 additional studies which were not
24 adopted. However, what was adopted did
25 speak to the concept of a plan

2 development district and the concept of
3 mixed use at the site.

4 So the rationale behind the PDD
5 recommendation of the Hamlet Study is to
6 provide a mixed use of commercial
7 development and housing types, to ease
8 the burden on the school district as
9 opposed to an as-of-right subdivision of
10 285 detached single-family homes.

11 A sewage treatment plan is proposed
12 to be constructed on approximately 4.5
13 acres in the northeast corner of the
14 property, adjacent to single-family
15 units and the golf course. The sewage
16 treatment plant has moved around a
17 couple of times, it is currently
18 proposed right here (indicating).

19 The sewage treatment plant is to be
20 offered to Suffolk County for dedication
21 as a public facility, to be operated and
22 maintained under the jurisdiction of the
23 Suffolk County Department of Public
24 Works.

25 The subject property is situated in

2 Hydrogeologic Groundwater Management
3 Zone III, pursuant to Article 6 of the
4 Suffolk County Sanitary Code. The
5 property is located in the Central
6 Suffolk Special Groundwater Protection
7 Area, and the Compatible Growth Area of
8 the Central Pine Barrens region as
9 further regulated by the New York State
10 Central Pine Barrens Joint Planning and
11 Policy Commission. There are no mapped
12 State or Federal wetlands which occur on
13 the subject property, however, the golf
14 course water hazards do occur on site.

15 The issues for the Commission stem
16 from the Commission's policies related
17 to smart growth and good site planning
18 and land use, as well as the
19 Commission's jurisdiction on New York
20 State Route 25A, and the Commission's
21 jurisdiction with respect to development
22 within Pine Barren regions of Suffolk
23 County.

24 It's the opinion of staff that
25 conceptually, a mixed use Planned

2 Development District at this location is
3 acceptable for the reasons stated in the
4 Shoreham Hamlet Study. However, there
5 are a number of design elements of the
6 conceptual plan that, in the opinion of
7 staff, are problematic. The overall
8 density of the proposal appears to
9 constitute an unwarranted
10 over-intensification of the use of the
11 premises. An as-of-right subdivision of
12 the property would yield 285
13 single-family units. The proposal
14 however, is for 378 residential units,
15 175,000 square feet of commercial space,
16 a public golf course, and amenities
17 including clubhouses and theaters.
18 Setting aside the amenities, a jump from
19 285 as-of-right single-family units to
20 378 residential units, a difference of
21 93 units, and 175,000 square feet of
22 commercial space is substantial. The
23 applicant proposes to provide public
24 benefits in order to allow an increase
25 in the residential density and provide

2 commercial/office development.

3 Specially, the public benefits put
4 forth by the applicant are as follows --

5 The staff's not going to reiterate
6 all those public benefits. Staff would
7 like to remind the Commission, though,
8 that the Town is actively working with
9 the developer on this project, and some
10 of the public benefits, the Town
11 realizes are -- are not really public
12 benefits, so there is some discussion
13 going back and forth between the
14 applicant and the Town.

15 All totalled, the proposed public
16 benefits on behalf of the applicant are
17 purported to have an economic benefit
18 now close to \$40 million. At the
19 specific time of the staff report, that
20 this was written, the public benefits
21 went from 51 million to 40 million, and
22 that is above and beyond the as-of-right
23 development of this site.

24 COMMISSIONER ESPOSITO: But who
25 estimated that? Was that a Town

2 estimated amount, or was that a
3 developer estimated amount?

4 MR. FRELENG: Yes, Commissioner,
5 the last \$40 million number was a
6 revision from Town staff --

7 COMMISSIONER ESPOSITO: Town staff.

8 MR. FRELENG: -- provided to
9 Commission staff.

10 COMMISSIONER ESPOSITO: Okay.

11 MR. FRELENG: It may be argued that
12 some of the proposed new benefits of the
13 development may not be new. And as I've
14 indicated, the Town of Brookhaven is
15 working with the developer on that. And
16 that some of the benefits are rather
17 negligible, the design of some of the
18 open space and the scenic vistas. For
19 example, as was mentioned by
20 Councilman McCarrick during the public
21 portion, the golf course is currently a
22 public facility, and its conversion may
23 be arguable. So the public benefit
24 coming from the golf course could be
25 arguable. The Commission staff did note

2 that the purported economic benefit to
3 the school district really overshadows
4 the examination of some of the more
5 fundamental planning issues.

6 Now, I'd like to skip through the
7 rest of the analysis in the staff
8 report, and go right to the staff
9 recommendation, because we reiterate the
10 analysis in the staff report when we
11 explain the rationale of our
12 recommendation.

13 Staff is recommending, then,
14 approval of the Planned Development
15 District Change of Zone request, with
16 the following conditions and comments:

17 The concept of the PDD at this
18 location is acceptable for the reasons
19 expressed in the Shoreham Hamlet Study.
20 The mix of residential uses on site is
21 good; however, the layout of the complex
22 is problematic.

23 Okay. So the first condition, is
24 that the ultimate density on the subject
25 parcel shall not be set until such time

2 as issues related to the use of the
3 appropriate number of Pine Barren
4 Credits is determined.

5 So just to clarify, staff is
6 recommending the change of zone be
7 approved, but not the ultimate density.
8 That density is being put off until the
9 Central Pine Barrens Commission can
10 wrestle with those issues.

11 It's important to reiterate that
12 the subject site is situated in the
13 Compatible Growth Area of the Central
14 Pine Barrens. And in accordance with
15 the Town of Brookhaven PDD Zoning Law, a
16 Planned Development District is to,
17 quote, help implement the Central Pine
18 Barrens Comprehensive Land Use Plan, by
19 providing a zoning mechanism designed to
20 facilitate the transfer of Pine Barren
21 Credits. No Pine Barren Credits are
22 proposed by the project sponsors to be
23 transferred to the subject property as a
24 proposed public benefit. Backing into
25 the proposed density by dividing the

2 waste water flow, the project sponsors
3 have determined that the requested
4 density is actually less than the lot
5 yield, and thus, requires no Pine Barren
6 Credits for the development.

7 The Central Pine Barrens Land Use
8 Plan anticipated that this 320 acre site
9 would absorb Pine Barren Credits at a
10 number equal to 20 percent of the
11 as-of-right yield of the site. The loss
12 of this acreage of receiving area may be
13 critical to the viability of the Pine
14 Barrens Land Use Plan. May be.

15 Clearly, it could be argued that
16 the Pine Barren Credits required to
17 achieve the required density is more
18 than zero -- submitted by the
19 applicant -- and may be closer to 51
20 Pine Barren Credits. Not to mention
21 those Pine Barren Credits that may be
22 required to achieve the 175,000 square
23 feet of commercial space requested. The
24 whole argument over the economic benefit
25 of the development, must be balanced

2 with the need to retire Pine Barren
3 Credits, pursuant to the Town PDD zoning
4 law. The loss of 320 acres to the ratio
5 of receiving areas to sending areas,
6 without the retirement of Pine Barren
7 Credits, pursuant to the Central Pine
8 Barrens Plan and Town Zoning Law, needs
9 to be more fully examined. The Town
10 should prepare, or cause to be prepared,
11 an analysis of the ratio of sending to
12 receiving areas in the Town, pursuant
13 to the regulations of the Central Pine
14 Barrens Plan. This analysis should be
15 presented to the Central Pine Barrens
16 Joint Planning and Policy Commission for
17 review.

18 So if I could just recap real
19 quick, it's unclear how many Pine Barren
20 Credits should be retired at this site
21 to achieve the requested density. We
22 believe that the Commission does not
23 have the expertise to calculate that.
24 We've looked at the environmental
25 reports, we've looked at our own

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2 analysis, but we feel that the Central
3 Pine Barrens Joint Planning and Policy
4 Commission is the agency that will have
5 to determine that.

6 And, therefore, one of the
7 conditions of approval would be that
8 prior to final approval, the Central
9 Pine Barrens Joint Planning and Policy
10 Commission rule on this.

11 CHAIRMAN CARACCIOLO: Would you
12 call this application incomplete because
13 it left that out, Andy?

14 MR. FRELENG: I would not.

15 CHAIRMAN CARACCIOLO: You would
16 not?

17 VICE CHAIRWOMAN HOLMES: You would
18 not?

19 COMMISSIONER CALONE: Were there
20 other grounds that you --

21 COMMISSIONER ESPOSITO: Well, I
22 might --

23 CHAIRMAN CARACCIOLO: Well, let's
24 just -- let's continue it --

25 COMMISSIONER ESPOSITO: -- let's --

2 let's --

3 CHAIRMAN CARACCIOLO: -- let's just
4 continue -- no, I'm just asking that,
5 you know, you wouldn't think that would
6 be something that would be required on
7 this, and seems, therefore, incomplete
8 because it doesn't have that.

9 MR. FRELENG: Staff may argue that
10 the Commission really doesn't have the
11 jurisdiction to set the number of
12 credits.

13 CHAIRMAN CARACCIOLO: We're not
14 asking that.

15 VICE CHAIRWOMAN HOLMES: No.

16 CHAIRMAN CARACCIOLO: We're just
17 saying --

18 MR. FRELENG: So --

19 CHAIRMAN CARACCIOLO: -- that it
20 should be in this, and it's not --

21 MR. FRELENG: If -- if it is the
22 disposition of the Commission right now
23 that you can't act until you know the
24 ultimate density --

25 VICE CHAIRWOMAN HOLMES: Yes.

2 MR. FRELENG: -- on the property --

3 VICE CHAIRWOMAN HOLMES: Yes.

4 CHAIRMAN CARACCIOLO: Well, let's
5 let Andy continue, and maybe we'll come
6 back -- let's just put checkmark next to
7 that one.

8 MR. FRELENG: Okay.

9 CHAIRMAN CARACCIOLO: Go ahead,
10 Andy.

11 MR. FRELENG: Mr. Chair, thank you.

12 The second condition of approval
13 would be that the ultimate density and
14 final conceptual layout shall not be set
15 until New York State Central Pine
16 Barrens Joint Planning and Policy
17 Commission issues, related to clearing
18 and fragmentation of open space, is
19 addressed.

20 Clearing restrictions within the
21 Compatible Growth Area of the Central
22 Pine Barrens are tied to the preexisting
23 zoning on the site, which is A-1
24 Residential. For this property, the
25 clearing restriction is up to 53 percent

2 of the site, or 169 acres, leaving
3 151 acres for open space. It is noted
4 that the site, as a result of previous
5 land use, is nearly void of all natural
6 vegetation. However, the proposed
7 40 acres of open space does not come
8 close to the intended goal of
9 development in the CGA of the Central
10 Pine Barrens, and that the project
11 sponsors put forth the argument that
12 active open space, ball field, parks,
13 area of the golf course, should be
14 counted toward the natural vegetation of
15 the clearing calculation.

16 The application will need to be
17 referred to the Central Pine Barrens
18 Joint Planning and Policy Commission for
19 an interpretation or a hardship permit
20 with respect to the status of clearing
21 on the subject property. It's the
22 belief of the staff that there should be
23 a greater effort by the applicant to
24 achieve the 151 acres of natural
25 vegetation by both providing a greater

2 amount of open space and through an
3 indigenous plant restoration plan.

4 As proposed, the open space is
5 fragmented and provides little in terms
6 of habitat and groundwater protection
7 pursuant to the Central Pine Barrens
8 Comprehensive Land Use Plan. Moreover,
9 soils on the subject property are
10 considered prime agricultural soils in
11 Suffolk County, and a greater effort
12 should be made to provide the open space
13 in a contiguous manner preserving the
14 integrity of these soils.

15 So that is the second condition of
16 approval. Again, the Central Pine
17 Barrens Joint Planning and Policy
18 Commission needs to rule on the clearing
19 requirement or the open space
20 requirement for the site.

21 The third condition is that at
22 least 20 percent of the overall final
23 number of dwelling units shall be set
24 aside for affordable housing purposes.

25 Staff did not feel that there was a

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2 need to elaborate on that, that's a
3 standard Commission Policy.

4 COMMISSIONER ESPOSITO: They're at
5 10 percent now, you're saying?

6 MR. FRELENG: They are at 9.8
7 percent, they're calling it 10 percent.

8 COMMISSIONER ESPOSITO: Okay.

9 MR. FRELENG: Condition number four
10 is that conceptual approval from the
11 Suffolk County Sewer Agency for the
12 location and design of the sewage
13 treatment plant, shall be required prior
14 to the approval of the PDD zone.

15 As I indicated --

16 COMMISSIONER ESPOSITO: Did they
17 mention what the capacity of the STP is
18 supposed to be?

19 MR. FRELENG: I am not aware of
20 that -- that capacity.

21 COMMISSIONER ESPOSITO: Well, I'm
22 just asking because, again, I hate -- I
23 sound very redundant, I know, but it's
24 an SGPA. So this isn't a small plant.

25 MR. FRELENG: No, I -- I believe it

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2 is designed to treat the capacity of
3 this project, and only this project.

4 COMMISSIONER ESPOSITO: Right.

5 MR. FRELENG: It's not designed to
6 absorb any other --

7 COMMISSIONER ESPOSITO: Right,
8 private accounts.

9 DIRECTOR ISLES: The other thing is
10 that the Health Department does require
11 (inaudible) --

12 MR. FRELENG: Yeah. So the Health
13 Department would --

14 DIRECTOR ISLES: -- so there is the
15 potential to expand and approximately
16 double the proposed size.

17 COMMISSIONER MC ADAM: Would that
18 allow other capacities being brought in
19 from (inaudible).

20 DIRECTOR ISLES: Technically, yes.
21 That's correct. That has occurred in
22 other projects.

23 MR. FRELENG: Staff is aware that
24 the Suffolk County Sewer Agency does
25 look at individual sewage treatment

2 plants to see if -- number one, if it's
3 necessary, and number two, if it could
4 tie in or absorb other developments in
5 the area.

6 What staff was more concerned
7 about, with regard to our own
8 jurisdiction, though, was that the
9 sewage treatment plant is now backing up
10 on some of these residential homes. So
11 we did not -- you know, there's so many
12 more -- your more original locations, I
13 think, were down here (indicating), and
14 were better buffered from the residents.

15 CHAIRMAN CARACCILOLO: See the
16 affordable housing they're putting into
17 that?

18 COMMISSIONER GOODALE: Yeah.

19 COMMISSIONER ESPOSITO: And the
20 leaching fields will be right next to
21 that?

22 COMMISSIONER GOODALE: They'll be
23 their lake.

24 MR. FRELENG: Yes.

25 Okay. The fifth condition of

2 approval that the staff is recommending
3 to the Commission goes to the site plan
4 aspects of the proposal. This proposal
5 will be developed in two phases,
6 essentially, with respect to the Town
7 process. They will get the change of
8 zone approval, which conceptually allows
9 them to change the zone on the site, but
10 then they'll have to go down to the nuts
11 and bolts of the detailed site plan.
12 The 239 requires that that site plan,
13 when it goes before the Planning Board,
14 be referred to the Commission as well.
15 So staff did not really go into the
16 nitty-gritty on a lot of the design of
17 the site plan, but we did want to
18 mention a few things.

19 As there remains concerns with
20 respect to the design of the, quote,
21 Village Center, the site plan for this
22 proposed use shall be referred to the
23 Suffolk County Planning Commission,
24 pursuant to GML 239, and the Suffolk
25 County Administrative Code at the time

2 it is submitted to the Town, a part of
3 the Phase 2 approval of the PDD.

4 The layout of the Village Center is
5 problematic, and there should be greater
6 attention placed on the design details.

7 As a, quote, Village Center, the
8 development is dominated by retail
9 space. There remains some question as
10 to the potential viability of commercial
11 uses, particularly retail, in this
12 manner of development, due to poor
13 visibility for the exposure to New York
14 State Route 25A. The addition of a
15 restaurant, bank, office space and the
16 theater is not necessarily revolutionary
17 for a Village Center. The addition of
18 second-story dwellings, and greater
19 attention to pedestrian walkability, is
20 desirable to make this proposal a model
21 for newly created Village Centers. The
22 main street design of the Village Center
23 is problematic and divides the center.
24 The Village might be better designed
25 around the theater/community arts

2 building as a center piece. The
3 location of the Village Center should be
4 moved to the west, opposite existing
5 strip commercial, to form a node or
6 nucleus for a commercial business
7 district or hamlet center. The Town
8 should more vigorously assist the
9 project sponsors in negotiations with
10 out parcels and the transfer of Town
11 open space, to achieve the true
12 commercial business district in the
13 hamlet. The location of this shopping
14 center, as it is now designed, precludes
15 all but a fleeting glimpse of open space
16 for passersby. Moreover, it is not
17 clear that the proposed Village Center,
18 as drawn, will meet off-street parking
19 requirements, and not congest the
20 center. Thereby, potentially becoming
21 problematic for the efficiency of the
22 intersection with New York State
23 Route 25A. In addition, it is not clear
24 that New York State DOT will permit
25 design of the proposed access to the

2 shopping area -- that's that loop.

3 The location of 164 Planned
4 Retirement Community units is placed in
5 an isolated location on the subject
6 property, and should be within easy
7 walking distance, a quarter mile to a
8 half mile to all amenities, including
9 the Village Center. The Planned
10 Retirement Community in relation to the
11 Village Center is over a mile away.

12 Let me start by going backwards.
13 There has been some discussions on
14 whether or not, as originally
15 proposed -- no -- as originally
16 proposed, this was to be a Planned
17 Retirement Community. Staff is aware of
18 some discussions with the Town, and we
19 believe now that the age-restricted
20 component of this has been eliminated,
21 and that seniors will be disbursed
22 throughout the entire community.

23 COMMISSIONER ESPOSITO: You make it
24 sound like they should be --

25 MR. FRELENG: So I do not -- my

2 choice of words, "disbursed."

3 COMMISSIONER ESPOSITO: Okay.

4 MR. FRELENG: So I do not believe
5 at this time that this is an
6 age-restricted community; however, if it
7 was to be an age-restricted community,
8 we believe that that comment is valid.
9 This is over a mile way from the
10 proposed Village Center, and it does not
11 appear to be exceedingly walkable in any
12 way.

13 Also, with regard to the location
14 of the Village Center, idealistic
15 planning goals, which say that the
16 Village Center should be here
17 (indicating). There's a retail --
18 there's retail across the street in a
19 strip shopping center. Ideally, you'd
20 want to put the commercial center over
21 here (indicating), and create a
22 commercial business center. There are
23 some land uses, though, that are in the
24 way.

25 COMMISSIONER ESPOSITO: What is

2 that?

3 MR. FRELENG: All right. There's a
4 bus depot and Town of Brookhaven land.
5 So there is a bus yard and Town of
6 Brookhaven land there (indicating). And
7 I guess there's an out parcel as well
8 over here (indicating).

9 Staff understands the difficulties
10 in negotiating with property owners,
11 particularly if they don't want to play
12 ball. We believe that the Town of
13 Brookhaven does have the muscle, if you
14 will, to help the applicants work this
15 problem out. And we believe that it's
16 still not impossible to work that
17 problem out.

18 So staff is recommending that the
19 Commission just forward this comment
20 along as a little prod that the Town
21 should work a little bit harder on
22 trying to resolve those land use issues,
23 and pull this commercial center over to
24 provide a better view of the open space.
25 The golf course would be here

2 (indicating), there'd be some golf
3 course here (indicating), and the view
4 would be much better -- ideally, the
5 view would be much better.

6 Okay. And again, the Village
7 Center -- staff has read in the papers
8 that this Village Center is being
9 purported to be the model Village Center
10 for all smart growth. Staff would just
11 like to reiterate that the Village
12 Center is a mix of typical land uses.
13 And what would make this Village Center
14 unique and the model, is if the housing
15 was actually disbursed within the
16 Village Center.

17 This staff member has been an
18 elected official in a Village, and has
19 lived downtown in a Village. And a
20 Village Center without the housing
21 component, is not a Village Center.
22 That's the opinion of this staff member,
23 but the comments are in the staff
24 report.

25 That is the staff report.

2 CHAIRMAN CARACCIOLO: Thank you,
3 Andy, for a very well thought out
4 comprehensive review of it.

5 Before we open it up to discussion,
6 I would like to throw on the table that
7 I think this application is incomplete.
8 I would like to see it with the number
9 of Pine Barren Credits, and I'd like to
10 know the ruling on open space clearing
11 from the Central Pine Barrens Joint
12 Planning Commission. And I also think
13 if we could do that, maybe we'd get the
14 Town -- as Andy says, maybe we could
15 work things out with the Town. And
16 they're looking to move forward with the
17 Town, and work it on their level. Maybe
18 we can buy them a little time.

19 COMMISSIONER ESPOSITO: And buy
20 them some time to get some clarity on
21 this whole public benefit --

22 CHAIRMAN CARACCIOLO: Right.

23 COMMISSIONER ESPOSITO: -- value of
24 issues --

25 CHAIRMAN CARACCIOLO: But we do

2 have a question --

3 DIRECTOR ISLES: Well, just one
4 question I want to ask Andy, since he's
5 our -- he's on the Pine Barrens Clearing
6 Council.

7 Just in terms of the Pine Barrens
8 Commission, they're taking this up as an
9 application of regional (inaudible).
10 But we're also looking at the SEQRA
11 change here; whereby, many of the
12 agencies cannot act until the lead
13 agency acts on the SEQRA side of this
14 thing. We're one of the few agencies
15 that can act before that.

16 Will the Pine Barrens Commission be
17 able to determine the number of credits
18 and, also, the clearing question before
19 they act on their (inaudible) getting
20 them back?

21 MR. FRELENG: In my opinion, the
22 Central Pine Barrens Commission cannot
23 act until they resolve those two issues,
24 the clearing issue and the Pine Barren
25 Credits issue. So they need to resolve

2 that before the Commission can. If I
3 understood your question.

4 DIRECTOR ISLES: Right. Well, I
5 just want to make sure that -- you know,
6 if the Commission determines that the
7 application presented is incomplete,
8 that they are requesting -- based on
9 what the Chairman said, at least -- to
10 the -- getting those numbers or getting
11 that information from the Central Pine
12 Barrens Commission of what is the number
13 of credits -- what are the number of
14 credits that should be retired as a
15 result of this, and what is the clearing
16 requirement, how should that be dealt
17 with -- is that something they can issue
18 before they make their decision?
19 Because, here again, they're not going
20 to be able to make their final decision
21 until Brookhaven acts. Brookhaven can't
22 act until this Commission acts. So I'm
23 looking at, kind of like, the chain of
24 events.

25 Will they issue some sort of

2 predetermination -- here's the number of
3 credits, here's the clearing
4 determination -- that this Commission
5 can then take under advisement, act and
6 then send it back to Brookhaven? I'm
7 just thinking about the mechanics.

8 MR. FRELENG: I do -- I understand
9 your question, and I don't know if they
10 will, but they should.

11 DIRECTOR ISLES: Okay.

12 MR. FRELENG: They need to resolve
13 those issues so they can make their
14 findings, pursuant to SEQRA, once the
15 Town of Brookhaven makes their findings.
16 So I think that it all rests -- the
17 whole development application,
18 currently, is going to rest in the lap
19 of the Central Pine Barrens Commission
20 to resolve those issues.

21 DIRECTOR ISLES: And do you feel
22 that they could do some sort of
23 intermediate decision? They can't make
24 a final decision until Brookhaven acts,
25 but they can do an intermediate

2 decision -- do you think or do you
3 believe they can, on those two points
4 anyway?

5 MR. FRELENG: I believe they can.

6 COMMISSIONER GOODALE: But if --
7 but if he's not correct, then, by us not
8 acting, we are in effect delaying this
9 whole process. If the Pine Barrens
10 Commission says, we can't act, we will
11 not give a determination of these
12 matters until Brookhaven acts, and
13 Brookhaven's not going to act until we
14 act --

15 MR. FRELENG: Right.

16 CHAIRMAN CARACCIOLO: Well, just
17 let them come back with that in that
18 regard. You know what I mean, for me,
19 it's like you said, they didn't even --

20 VICE CHAIRWOMAN HOLMES: Yeah.

21 CHAIRMAN CARACCIOLO: -- they
22 didn't even address it. So --

23 VICE CHAIRWOMAN HOLMES: Yeah.

24 CHAIRMAN CARACCIOLO: -- if they
25 could just address it -- if they come

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2 back with that answer, okay --

3 COMMISSIONER GOODALE: Well, the --

4 CHAIRMAN CARACCIOLO: -- we'll act.

5 COMMISSIONER GOODALE: The

6 applicant addressed it, he didn't say --

7 he didn't need any.

8 CHAIRMAN CARACCIOLO: No, you just

9 said the applicant did not address the

10 number of Pine Barren Credits.

11 MR. FRELENG: Well, they --

12 COMMISSIONER GOODALE: They did.

13 They addressed it. They said zero.

14 CHAIRMAN CARACCIOLO: They said

15 zero.

16 COMMISSIONER ESPOSITO: So I

17 can't --

18 COMMISSIONER GOODALE: It may not

19 be exactly wonderfully addressed, but

20 it's addressed.

21 COMMISSIONER ESPOSITO: Well,

22 Jesse --

23 CHAIRMAN CARACCIOLO: Go ahead,

24 Sarah.

25 COMMISSIONER LANSDALE: What's the

2 window of time? I mean, where are we in
3 that --

4 DIRECTOR ISLES: Good point.

5 COMMISSIONER LANSDALE: -- in the
6 time? You know, we have 30 days or --

7 DIRECTOR ISLES: You have 45
8 days --

9 COMMISSIONER LANSDALE: 45 days.

10 DIRECTOR ISLES: -- County Code.

11 COMMISSIONER LANSDALE: Uh-huh.

12 DIRECTOR ISLES: And quickly
13 checking today's date, it certainly is
14 not going to get us to September 5th,
15 which is our next meeting.

16 If it's incomplete, then the clock
17 is not running.

18 COMMISSIONER LANSDALE: Right.

19 DIRECTOR ISLES: It's not running
20 until it's deemed to be complete.

21 COMMISSIONER CALONE: By us.

22 CHAIRMAN CARACCILO: Right, by us.
23 And to me, I'm saying, I don't have that
24 information.

25 COMMISSIONER LANSDALE: Uh-huh.

2 CHAIRMAN CARACCIOLO: You know,
3 they could have requested it, and Jesse,
4 you're right, they can't -- they could
5 come back, but no, it's not here and I
6 don't have it.

7 DIRECTOR ISLES: We based it upon
8 the last consideration by the
9 Commission, in April of 2006. That was
10 the determination made. It was
11 incomplete because of the lack of the
12 traffic information.

13 Staff has reviewed the revised
14 submission, which included traffic
15 information. So for at least in terms
16 of the directions we were given in April
17 of '06, they've completed that.

18 COMMISSIONER ESPOSITO: But it has
19 changed a great deal since they've --

20 DIRECTOR ISLES: Yes.

21 COMMISSIONER ESPOSITO: -- yeah.

22 MR. FRELENG: Let me just jump in.
23 The 45 day clock would expire before the
24 September Commission --

25 COMMISSIONER GOODALE: Yeah.

2 That's right, yeah.

3 COMMISSIONER ESPOSITO: Uh-huh,
4 right. But if it's incomplete, then the
5 clock has to stop.

6 MR. FRELENG: If you deem it
7 incomplete again, that's correct, the
8 clock will stop.

9 COMMISSIONER MC ADAM: Yeah, the --
10 a different subject. The Suffolk County
11 Sewer Agency, do they determine the
12 location of the sewage treatment plant,
13 or do they -- in other words, does the
14 developer submit the proposal, this is
15 where it's going to be and they just
16 reject it, then come back again? The
17 size -- yeah, in connection with the
18 size, the location -- you know, my
19 question is whether they approve all
20 that.

21 DIRECTOR ISLES: Yes, they do. The
22 Suffolk County Sewer Agency -- you
23 cannot build a sewage treatment plant in
24 Suffolk County without the approval of
25 the Suffolk County Sewer Agency. That's

2 guided by the regulations of both the
3 Health Department and the Department of
4 Public Works. There are setback
5 requirements and so forth.

6 So if your question is will they
7 be -- will it be subject to the approval
8 of the Sewer Agency, as to the
9 permissibility of a plant at this
10 location, the location of the plant that
11 is subject to the approval of the Sewer
12 Agency, and then the respective
13 regulations that are attached to that in
14 terms of setbacks and so forth.

15 COMMISSIONER MC ADAM: Now, this
16 one is in the wrong location --

17 DIRECTOR ISLES: Pardon me?

18 COMMISSIONER MC ADAM: -- from what
19 Andy said, it should be in a buffered
20 zone. I mean, would they take something
21 like that into consideration, or is that
22 the Planning Commission?

23 MR. FRELENG: I think, as far as
24 the Sewer Agency is concerned, they're
25 going to locate the sewage treatment

2 facility in the optimum spot. Once
3 that's located, there's a buffer
4 requirement around that sewer plant.
5 They think it's up to the planners, both
6 locally and -- and this Commission, to
7 decide whether or not -- as they put the
8 rest of the development back in, whether
9 or not those units are buffered from the
10 sewage treatment plant.

11 So the Sewer Agency is only
12 concerned about the optimum location of
13 the sewage treatment plant, in terms of
14 (inaudible) and wastewater. They're not
15 concerned about how it fits into the
16 overall development. That would be a
17 site plan issue. Once we know the
18 location of the sewage treatment plant,
19 to get the site plan referred back to
20 us, we'd be able to say whether or not
21 the Commission feels it's in an
22 appropriate location.

23 DIRECTOR ISLES: Right.

24 MR. FRELENG: As it's proposed
25 right now, Commission staff feels that,

2 you know, sitting out in the middle here
3 (indicating), with houses all around it
4 and a golf course, it may not be the
5 ideal location in terms of the overall
6 development.

7 COMMISSIONER MC ADAM: See, I
8 wouldn't want to -- I'm just -- I just
9 wouldn't want to be in the position of
10 approving something where I know it's
11 going to be in the wrong position. And
12 then you find out it's in the wrong
13 place, then we're the ones that are --

14 MR. FRELENG: Well, we're not --

15 DIRECTOR ISLES: Well, one of the
16 points I think Andy made in condition
17 number five is that the action
18 purported -- there was a rezoning of the
19 PDD --

20 MR. FRELENG: Right.

21 DIRECTOR ISLES: -- that -- he's
22 expressing that it should come back --
23 it's required by law, but emphasizing
24 that the site plan's subject to further
25 review by this Planning Commission, that

2 would then look at the details of the --

3 MR. FRELENG: Building locations.

4 DIRECTOR ISLES: -- that building
5 location, roads and so forth.

6 COMMISSIONER ROBERTS: Can you
7 explain what would happen if we just
8 incomplete this. How would that play
9 out? Why is -- because there seems so
10 much here that, one, we not comfortable
11 with, so why not do a disapproval?

12 DIRECTOR ISLES: The Planning
13 Commission has the option --

14 COMMISSIONER ROBERTS: To submit
15 comments.

16 DIRECTOR ISLES: -- of disapproval.

17 COMMISSIONER ROBERTS: Right.

18 DIRECTOR ISLES: You could do
19 comments on a disapproval. You don't --
20 you can't do additions on a disapproval.

21 COMMISSIONER ROBERTS: Right.

22 MR. FRELENG: You have to provide
23 reasons for disapproval.

24 DIRECTOR ISLES: You have to
25 provide your reasons. And then, as I

2 mention before, what the Town would do
3 with that, the Town would then -- if
4 they go contrary to that, they'd have to
5 do so with a majority, they must express
6 the reasons why they're overriding the
7 County Planning Commission.

8 So it is a prerogative. You have
9 three options, approve, disapprove or
10 approval with conditions.

11 COMMISSIONER CALONE: The zone's
12 just to make it a PDD, and then the
13 whole site plan, all the other issues --

14 COMMISSIONER GOODALE: Come back.

15 COMMISSIONER CALONE: -- are for
16 another day?

17 COMMISSIONER GOODALE: Yeah.

18 MR. FRELENG: The staff just wants
19 to reiterate that the referral is for a
20 change of zone. The staff also wants to
21 reiterate that the change of zone is in
22 a response to comprehensive planning in
23 the area, which is why staff is
24 recommending approval of the change of
25 zone. But there are -- and that's

2 conceptually the change of zone. But
3 what get's placed in the zone, the
4 design of what gets built, we believe
5 that there are problems with the design,
6 but not problems with the conceptual
7 change of zone.

8 COMMISSIONER ROBERTS: Right.

9 Right.

10 COMMISSIONER ESPOSITO: Well, can
11 I -- let's move on from change of zone.

12 MR. FRELENG: Okay.

13 COMMISSIONER ESPOSITO: What I am
14 not familiar with is how a benefits
15 package acts to increase density. Have
16 we ever dealt with that before, in the
17 last year since I've been here?

18 DIRECTOR ISLES: Well, I think it's
19 within their PDD, number one. And
20 number two, the way --

21 COMMISSIONER ESPOSITO: No, but
22 "we," meaning the Planning Commission.
23 Have we seen this -- something like that
24 before where they all have --

25 (WHEREUPON, there was a cell phone

2 interruption in the proceeding, after
3 which the following transpired:)

4 COMMISSIONER ESPOSITO: I was just
5 making an inquiry about -- I don't
6 recall -- I've only been on the
7 Commission, I think a year, but I don't
8 recall seeing an applicant where a
9 benefits package is used as incentive to
10 provide increased density. So I'm just
11 inquiring as to, is this something we
12 have seen and I missed it, or is it
13 unusual and -- where does it come from?

14 DIRECTOR ISLES: Okay. I don't
15 recall if we've had one of this nature,
16 in the past year --

17 COMMISSIONER ESPOSITO: Okay.

18 DIRECTOR ISLES: -- where a density
19 package is proposed. I'm going to turn
20 it over to Andy, but my understanding on
21 this is that -- the way the Town's Code
22 is written is that --

23 COMMISSIONER ESPOSITO: Okay.

24 DIRECTOR ISLES: -- must transfer
25 in credits or provide other good and

2 valuable benefits. I think what they're
3 saying, well, we're not going to bring
4 any credits in, but we've got, oh, this
5 whole package of benefits that will be
6 in lieu of actually purchasing a credit.

7 If that's incorrect, Andy, you can
8 correct me.

9 MR. FRELENG: No, that is correct.
10 And in my tour of duty and tenures here,
11 we've never brought to the Commission a
12 discussion of a benefits package in
13 terms of dollars.

14 CHAIRMAN CARACCIOLO: In valuing
15 that benefits package.

16 MR. FRELENG: Right. That's
17 correct.

18 COMMISSIONER CALONE: And that's
19 when we look at -- at the site plan --

20 MR. FRELENG: Well, if the
21 Commission --

22 COMMISSIONER CALONE: -- you know,
23 level 2 when it comes back; right?

24 MR. FRELENG: If the Commission is
25 disposed to take up that issue on

2 whether or not a substantial public
3 benefit is dollars, bricks or other
4 things. That's the prerogative of the
5 Commission. I think that that's pretty
6 much a local issue.

7 CHAIRMAN CARACCILO: Right, I
8 think that's more of a Town thing more
9 than ours.

10 COMMISSIONER CALONE: And the same
11 would be true with the density issue. I
12 mean, again, we could also do it with
13 the site planning.

14 My question really is, should we
15 focus here on the overarching issue,
16 which is this zoning change -- okay --
17 at a high level -- and maybe we'd say it
18 is; however, clearly there's a lot of
19 problems with this development. Is that
20 something that's better addressed when
21 we come to a site plan determination?

22 MR. FRELENG: Well, I believe that
23 was the recommendation of staff. To
24 approve the zone change, subject to
25 conditions that related to details of

2 the site plan. The last condition
3 being, the Town of Brookhaven be aware
4 that you must refer the site plan
5 anyway. So we will have the ability to
6 possibly deny the site plan --

7 COMMISSIONER CALONE: Right.

8 MR. FRELENG: -- because they
9 didn't work out the --

10 COMMISSIONER CALONE: Because of
11 any number of these issues that you
12 already --

13 MR. FRELENG: That -- that is
14 correct.

15 Let me just reiterate that the
16 jurisdiction for the Commission, in
17 terms of inter-community and regional
18 impacts, is the Central Pine Barrens
19 zone. The Commission is responsible for
20 maintaining the integrity of the Central
21 Pine Barrens.

22 The Central Pine Barrens zone, as
23 opposed to other Pine Barren regions in
24 Suffolk County, has this Pine Barren
25 Credit issue, that you transfer Pine

2 Barren Credits out of one area to
3 another. It's unique to the Central
4 Pine Barrens.

5 If we were talking about other Pine
6 Barrens -- for some reason they're all
7 escaping me at the moment --

8 DIRECTOR ISLES: The south fork.

9 MR. FRELENG: -- the south fork
10 Pine Barrens and all the other -- we
11 wouldn't be talking about the transfer
12 of development in order to achieve a
13 zone change.

14 But in this case, particularly with
15 a PDD, which is a local ordinance, it
16 requires the discussion, at a minimum,
17 for the retirement of Pine Barren
18 Credits.

19 COMMISSIONER CALONE: So the right
20 time to do that with the zoning, is at
21 this stage, not when it comes back as a
22 site plan.

23 MR. FRELENG: Well, staff is
24 recommending to defer it to those
25 agencies that have the jurisdiction to

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2 set in stone what those requirements for
3 Pine Barren Credits and clearing would
4 be. And then when that's set in stone,
5 we would get the site plan.

6 COMMISSIONER CALONE: And we still
7 have the opportunity to look at all of
8 the (inaudible) in the site plan.

9 MR. FRELENG: That's true.

10 CHAIRMAN CARACCIOLO: Do you have
11 any?

12 VICE CHAIRWOMAN HOLMES: I'm
13 concerned that we only today have
14 learned that the Town is looking for
15 more input, and that the Town is looking
16 for input from the Pine Barrens. And if
17 we weren't aware of this continuing Town
18 discussion, which may itself alter this
19 plan, then how can we consider it
20 complete?

21 MR. FRELENG: I don't -- I don't --
22 the staff is not of the opinion that any
23 of the discussions at the Town level,
24 with regard to -- maybe I'm not phrasing
25 this properly, but the application is a

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2 change of zone. At the local level, the
3 Town may want to set certain parameters
4 on density and other types of things
5 when they change that zone. However,
6 the application before us is the concept
7 of changing the zone on this particular
8 piece of property.

9 Does that answer your question?

10 I'm not sure if it did.

11 VICE CHAIRWOMAN HOLMES: It does
12 partially, because you're reminding me
13 that we're focusing on a zone concept.
14 And most of the problems we've been
15 wrestling with really have more to do
16 with what further the Town may amend
17 about other aspects of this site, not
18 necessarily the zone.

19 CHAIRMAN CARACCIOLO: It's still on
20 a zone --

21 VICE CHAIRWOMAN HOLMES: Yeah.

22 CHAIRMAN CARACCIOLO: -- on that
23 zone concept, it's still -- you know,
24 the credits --

25 COMMISSIONER ESPOSITO: The credits

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2 are at the heart of the zoning.

3 CHAIRMAN CARACCIOLO: -- are at the
4 heart of the zoning.

5 VICE CHAIRWOMAN HOLMES: Yeah.

6 CHAIRMAN CARACCIOLO: That's why I
7 think --

8 VICE CHAIRWOMAN HOLMES: That's why
9 I think it's incomplete.

10 CHAIRMAN CARACCIOLO: -- this
11 application is incomplete.

12 VICE CHAIRWOMAN HOLMES: Sure.

13 COMMISSIONER CALONE: What I'm
14 going to do is I'm going to vote in
15 favor of the -- of it's incomplete. And
16 if that fails, what I'll do is I'll vote
17 in favor of the proposal and then hope
18 that when it comes back, the site
19 plan --

20 COMMISSIONER PRUITT: One question.

21 CHAIRMAN CARACCIOLO: Oh, I'm
22 sorry, Ed.

23 COMMISSIONER PRUITT: I just have a
24 question. I do have concerns about us
25 deeming this incomplete for the second

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2 time. So I want to make sure that when
3 this application came to us the first
4 time and we deemed it incomplete, was
5 this issue of Pine Barren Credits in
6 there at that time and we just didn't
7 address it, or what?

8 MR. FRELENG: No, the issue of the
9 credits at the time was not part of the
10 incomplete. I could reread the
11 incomplete letter, but I believe it
12 was --

13 COMMISSIONER ESPOSITO: Traffic.

14 MR. FRELENG: -- three main --

15 COMMISSIONER PRUITT: Well --

16 MR. FRELENG: -- one main
17 parameter, which was traffic, and then
18 there were other issues --

19 CHAIRMAN CARACCIOLO: There were
20 other issues.

21 COMMISSIONER GOODALE: That's what
22 it is.

23 CHAIRMAN CARACCIOLO: Ed's making a
24 good point.

25 COMMISSIONER GOODALE: That's the

2 point.

3 COMMISSIONER PRUITT: Yeah, my
4 point is that, but was the issue -- did
5 the applicant talk about Pine Barren
6 Credits of zero -- was any discussion
7 about that in the application and we
8 didn't raise any concerns about it at
9 that point in time?

10 MR. FRELENG: Staff, in its
11 original staff report, which the
12 Commission disregarded and deemed the
13 application incomplete, did raise those
14 issues.

15 COMMISSIONER PRUITT: Okay.

16 MR. FRELENG: So it was in the
17 staff report and we did discuss it,
18 however, what we didn't have was traffic
19 information.

20 COMMISSIONER ESPOSITO: I remember
21 doing it.

22 COMMISSIONER PRUITT: So we didn't
23 deem it incomplete because of this issue
24 of the Pine Barren Credits before, only
25 because of the traffic.

2 MR. FRELENG: I'm going to
3 preliminarily say no, and I'm going to
4 go pull that incomplete letter right now
5 and I can read to you the reasons.

6 COMMISSIONER PRUITT: Okay.

7 COMMISSIONER CALONE: Well, what
8 is -- do we need to -- what
9 responsibilities --

10 CHAIRMAN CARACCIOLO: I mean --

11 COMMISSIONER CALONE: -- do we have
12 to --

13 CHAIRMAN CARACCIOLO: -- yeah. I
14 mean --

15 COMMISSIONER CALONE: -- itemize
16 everything that's --

17 CHAIRMAN CARACCIOLO: I hear what
18 you're saying, Andy, but, to me, it's
19 like -- if it didn't have the traffic,
20 it's incomplete. Now it comes back and
21 it doesn't have Pine Barren Credits --

22 COMMISSIONER PRUITT: Yeah, but
23 what's the -- I'm sorry. I guess my
24 point is --

25 CHAIRMAN CARACCIOLO: I'm not --

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2 I'm not --

3 COMMISSIONER PRUITT: -- I'm
4 concerned about the process. What's to
5 prevent the Commission from reviewing
6 the applications over and over and over?

7 CHAIRMAN CARACCIOLO: I agree.

8 COMMISSIONER GOODALE: Say they're
9 incomplete.

10 COMMISSIONER CALONE: You're right,
11 the best practice should be to have
12 everything in there.

13 DIRECTOR ISLES: Well, the
14 requirement in the County code --
15 actually in the State law too, it speaks
16 of having a full statement of the facts.
17 That's the term of art that's used. So
18 the question is, what is the full
19 statement of the app facts? And I'll
20 defer to Andy for his potential insight.

21 We don't always -- based on that
22 chain I talked about before where we've
23 got -- we're the first ones to act --
24 essentially, you are the first ones to
25 act. You know, we have every -- we're

2 supposed to have everything the
3 referring municipality has, it's
4 supposed to be sent to us. And so
5 that's the fundamental part of it. And
6 it should be complete in terms of, you
7 know, site plan, typical things.

8 If we, you know, get further out
9 there and say, well, we think you should
10 have a noise study, for example, and the
11 Town says, we don't require a noise
12 study, nor do we think one's necessary,
13 we can't then say, well, you need a
14 noise study.

15 So it gets a little bit gray, but
16 just so you understand, the full
17 statement of facts of the criteria and
18 so forth.

19 MR. FRELENG: Okay. So the full
20 statement of facts of the criteria was
21 indicated in this incomplete letter, and
22 then -- "Please provide a bedroom count
23 usually related to the following
24 tables." So we had a -- staff had a
25 difficult time trying to figure out what

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2 the bedroom count was. Because they
3 kept calling it workforce housing and
4 senior housing, this is going back. So
5 we wanted a bedroom count, a wastewater
6 flow --

7 VICE CHAIRWOMAN HOLMES: For sewage
8 flow purposes; right?

9 MR. FRELENG: -- for sewage flow
10 purposes. We were looking for a floor
11 area use breakdown for the 100- -- at
12 the time, 120,000 square feet of
13 commercial space. We were looking for a
14 copy of the correspondence from the
15 Suffolk County Department of Health
16 Services and the Suffolk County Sewer
17 Agency, with regard to the sewage
18 treatment plant. We were looking for a
19 status of review with the Central Pine
20 Barrens Joint Planning and Policy
21 Commission. Why don't I see traffic
22 here?

23 COMMISSIONER CALONE: So the letter
24 was incomplete.

25 MR. FRELENG: I'm sorry.

2 COMMISSIONER ROBERTS: The letter
3 is incomplete.

4 MR. FRELENG: I didn't read that
5 paragraph. "A full statement of facts,
6 pursuant to New York State GML 239 and
7 Suffolk County Administrative Code, has
8 not been submitted with respect to motor
9 vehicle traffic data. No motor vehicle
10 trip generation analysis or
11 correspondence from the Suffolk County
12 Department of Public Works was provided
13 to the Suffolk County Planning
14 Commission for the proposed action."

15 Those other items that we did not
16 have where comments, so you did not deem
17 it incomplete for that. So we
18 technically deemed it incomplete for the
19 traffic analysis.

20 COMMISSIONER ESPOSITO: But we
21 asked for that --

22 MR. FRELENG: We asked for a
23 discussion with the Central Pine Barrens
24 Joint Planning and Policy Commission as
25 a comment, but we didn't deem it

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2 incomplete because of that.

3 COMMISSIONER ESPOSITO: I think
4 it's a testament, though, to our
5 obligate. So we asked for that, we
6 didn't get it. We asked for STP flow,
7 we don't have that.

8 MR. FRELENG: That's a comment.

9 DIRECTOR ISLES: That's a comment.

10 COMMISSIONER ESPOSITO: I know,
11 but, I mean, we're still thinking the
12 same way we did a year ago, about what
13 we would need to know just to look at
14 this --

15 COMMISSIONER PRUITT: But we
16 didn't --

17 CHAIRMAN CARACCILOLO: Well --

18 COMMISSIONER PRUITT: -- we didn't
19 deem the application incomplete as --
20 the only reason we deemed the
21 application --

22 COMMISSIONER ESPOSITO: Oh, maybe
23 it's because we thought we could get it
24 within the --

25 CHAIRMAN CARACCILOLO: And I feel

2 we --

3 MR. FRELENG: Let me --

4 CHAIRMAN CARACCIOLO: Go ahead,
5 Andy.

6 MR. FRELENG: I just want to check
7 off these things, we did not -- we did
8 get the traffic stuff in the impact
9 statement. The unit breakdown kept
10 changing, but we do have a final unit
11 breakdown and a CIS, we have that. The
12 floor area breakdown for the commercial
13 area was alluded to, and probably could
14 be better. But I think we have that.
15 The correspondence with the Department
16 of Health Services, that we don't have.
17 And the Sewer Agency we don't have.

18 Again, those were comments. And
19 then the status of review with the
20 Central Pine Barrens Commission, we know
21 that they've made application to the
22 Central Pine Barrens Commission. We're
23 aware that the Commission is going to --
24 did hold a hearing. So we know that the
25 status of review is there before the

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2 Central Pine Barrens Commission.

3 So I think we have all the
4 information that we asked for in the
5 incomplete letter.

6 COMMISSIONER ESPOSITO: But --

7 CHAIRMAN CARACCIOLO: You're
8 saying --

9 COMMISSIONER ESPOSITO: -- that's
10 not what you said.

11 VICE CHAIRWOMAN HOLMES: No.

12 CHAIRMAN CARACCIOLO: -- it's --
13 how do we -- you just alluded to that.
14 You just said it's in review with the
15 Commission, we don't have that answer
16 yet.

17 MR. FRELENG: We asked for the
18 status of review.

19 CHAIRMAN CARACCIOLO: And -- at --
20 with the Central Joint -- Pine Barrens
21 Joint Planning --

22 VICE CHAIRWOMAN HOLMES: So they're
23 saying we applied, that's all they're
24 saying.

25 CHAIRMAN CARACCIOLO: Well, we

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2 don't have that answer.

3 VICE CHAIRWOMAN HOLMES: We don't
4 have the information, that we've been
5 made aware --

6 MR. FRELENG: Well, the status of
7 review is that they've made application
8 to the Central Pine Barrens Joint
9 Planning and Policy Commission.

10 CHAIRMAN CARACCIOLO: Right, and
11 I'd like to see that number before I --

12 MR. FRELENG: That's your
13 prerogative, I'm just trying to --

14 CHAIRMAN CARACCIOLO: No, I
15 understand.

16 MR. FRELENG: -- straighten out the
17 facts.

18 COMMISSIONER MC ADAM: Was that a
19 year ago now? They asked for it --

20 MR. FRELENG: This was dated
21 May 3rd --

22 COMMISSIONER MC ADAM: -- a year
23 ago and they didn't get it.

24 MR. FRELENG: This was dated
25 May 3rd, 2006, and we received the

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2 impact statement, the other information,
3 August 10th.

4 COMMISSIONER KONTOKOSTA:

5 (Indicating)

6 CHAIRMAN CARACCIOLO: Constantine?

7 COMMISSIONER KONTOKOSTA: Just a
8 quick question concerning consistency
9 again. We had a recent zoning meeting
10 last month, I believe, that involved
11 Pine Barren Credits.

12 MR. FRELENG: Yes.

13 COMMISSIONER KONTOKOSTA: And it
14 was up in the air in terms of the actual
15 number of public credits. How did we --
16 do you remember how -- if you could
17 refresh my memory of how we acted on
18 that.

19 MR. FRELENG: Yes. The Commission
20 approved the zone change on the
21 condition that a significant number of
22 Pine Barren Credits be retired on the
23 subject property, subject to review of
24 the Central Pine Barrens --

25 COMMISSIONER KONTOKOSTA: Okay. So

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2 I don't see how this is much different.

3 The exact number is still up in the

4 air --

5 MR. FRELENG: Right.

6 COMMISSIONER KONTOKOSTA: --

7 subject --

8 COMMISSIONER ESPOSITO: But wait,

9 was the --

10 MR. FRELENG: The only

11 difference --

12 COMMISSIONER ESPOSITO: -- was the

13 applicant making the argument that zero

14 needs to be retired?

15 MR. FRELENG: No. The difference
16 between Sandy Hills and this project is,

17 Sandy Hills was a straight change of

18 zone. They were not asking for a PDD.

19 Therefore, there was no mandate to talk

20 about Pine Barren Credits. It happened

21 to be in the Central Pine Barrens, and

22 it happened to be a potential receiving

23 site, just like this. But the

24 distinction with Tall Grass, is that the

25 plan development district tool for

2 change of zone specifically talks about
3 Pine Barren Credits.

4 COMMISSIONER ESPOSITO: And, I
5 think, in addition, the further
6 distinction is that the applicant is
7 taking the clear argument that zero
8 credits are needed. So I think that
9 complicates this to a higher degree than
10 last month's.

11 MR. FRELENG: Well, the applicant
12 implied that in Sandy Hills, by not
13 going for a PDD, he was just going for a
14 straight change of zones to avoid the
15 whole PBC discussion, in my opinion.

16 CHAIRMAN CARACCILOLO: Okay. Any
17 more discussion?

18 COMMISSIONER GOODALE: Why would
19 this be the case that we -- as we have,
20 we made it a condition of acceptance
21 that the -- the Pine Barrens Commission,
22 which is the Commission of jurisdiction
23 over these matters -- I don't know what
24 expertise we're going to bring to this
25 matter once they determine how many, if

2 any, Pine Barren Credits are needed.
3 The application's been made, they're
4 going to rule -- make a ruling on it of
5 some type I would suspect. I'm not too
6 sure what exactly -- once that number is
7 known, what additional information
8 that's going to be for our deliberation,
9 since we are not -- we don't deem
10 ourselves competent to make our own
11 independent decision on how many Pine
12 Barren Credits are required.

13 VICE CHAIRWOMAN HOLMES: Well, we
14 were talking about Pine Barren Credits
15 and the status of what that
16 determination was to be. And we are
17 given a status report that they've made
18 an application, but --

19 COMMISSIONER GOODALE: They've had
20 a hearing as well, yeah.

21 VICE CHAIRWOMAN HOLMES: -- but we
22 don't know what their figure is. And
23 what we're dealing with is an allegation
24 of zero, and we're not comfortable with
25 accepting that as part of the zoning

2 change.

3 COMMISSIONER GOODALE: Are you
4 comfortable accepting the decision of
5 the Pine Barrens Commission?

6 VICE CHAIRWOMAN HOLMES: When we
7 know what that is.

8 COMMISSIONER GOODALE: Well, no. I
9 mean, would you accept it if --

10 VICE CHAIRWOMAN HOLMES: Yes.

11 COMMISSIONER GOODALE: -- because
12 they are --

13 VICE CHAIRWOMAN HOLMES: Yeah.

14 COMMISSIONER GOODALE: -- the
15 Commission of --

16 VICE CHAIRWOMAN HOLMES: I know.

17 COMMISSIONER GOODALE: --
18 competence in this area.

19 CHAIRMAN CARACCIOLO: What she's
20 saying is if the Pine Barrens Commission
21 came back and said zero, then we have to
22 say okay, zero.

23 COMMISSIONER GOODALE: So why would
24 we deem it -- the point is, why would we
25 want to deem it incomplete rather than

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2 approve it with this as a condition?

3 CHAIRMAN CARACCIOLO: Because what
4 we're approving is just the density on
5 it; correct? We're not approving the
6 zone change.

7 (Overlapping conversations)

8 CHAIRMAN CARACCIOLO: We're
9 approving the zone change, but the
10 condition is the density.

11 DIRECTOR ISLES: The density's --

12 VICE CHAIRWOMAN HOLMES: Yeah.

13 DIRECTOR ISLES: -- subject to --

14 COMMISSIONER PRUITT: That's
15 correct.

16 DIRECTOR ISLES: -- that process.

17 CHAIRMAN CARACCIOLO: But we're
18 approving the zone change.

19 COMMISSIONER PRUITT: That's
20 correct. That's what the staff
21 recommendation is.

22 CHAIRMAN CARACCIOLO: Correct.

23 COMMISSIONER GOODALE: I just worry
24 about --

25 COMMISSIONER PRUITT: Unless

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2 there's a motion to deem this
3 incomplete, I'd like to make a motion to
4 accept the staff recommendations.

5 CHAIRMAN CARACCIOLO: Does anyone
6 want to second that motion?

7 COMMISSIONER GOODALE: Second.

8 CHAIRMAN CARACCIOLO: Thank you,
9 Jesse.

10 All those in favor of accepting
11 staff report?

12 (WHEREUPON, the members voted.)

13 CHAIRMAN CARACCIOLO: All those
14 opposed to the staff report?

15 (WHEREUPON, the members voted.)

16 CHAIRMAN CARACCIOLO: Are you
17 opposed or --

18 COMMISSIONER PRUITT: Let's do it
19 again.

20 COMMISSIONER ROBERTS: Higher
21 hands, baby --

22 COMMISSIONER PRUITT: Higher hands.

23 COMMISSIONER ROBERTS: -- higher
24 hands.

25 CHAIRMAN CARACCIOLO: All those in

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2 favor of accepting the staff report?

3 (WHEREUPON, the members voted.)

4 CHAIRMAN CARACCIOLO: Okay. All

5 those opposed to the staff report?

6 COMMISSIONER ROBERTS: As

7 incomplete, though.

8 COMMISSIONER ESPOSITO: As

9 incomplete.

10 CHAIRMAN CARACCIOLO: As

11 incomplete.

12 VICE CHAIRWOMAN HOLMES: As

13 incomplete.

14 (WHEREUPON, the members voted.)

15 MR. FRELENG: Wait, wait, wait,

16 wait. We need to clarify the vote.

17 VICE CHAIRWOMAN HOLMES: Yes.

18 MR. FRELENG: We have six in favor

19 of approving the staff report, and four

20 opposed to adopting the staff report as

21 recommended. We do not have a vote on

22 the floor --

23 CHAIRMAN CARACCIOLO: That's

24 correct.

25 COMMISSIONER ESPOSITO: Yeah --

2 MR. FRELENG: -- deeming it
3 incomplete.

4 CHAIRMAN CARACCIOLO: That's
5 correct.

6 MR. FRELENG: Okay.

7 CHAIRMAN CARACCIOLO: That is
8 correct. We're opposed to --

9 DIRECTOR ISLES: Motion to
10 approve -- adopt the six to four vote.
11 To not carry --

12 CHAIRMAN CARACCIOLO: Not carry the
13 six to four vote. Correct.

14 So I make a motion we open it back
15 up for discussion.

16 COMMISSIONER ESPOSITO: I second
17 that motion.

18 CHAIRMAN CARACCIOLO: Is everyone
19 okay with reopening this back up for
20 discussion?

21 (WHEREUPON, there were no verbal
22 responses.)

23 CHAIRMAN CARACCIOLO: Okay.

24 All right. Andy, can you word this
25 on a condition, not a comment, any

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2 stronger in -- for the Pine Barren

3 Credits and for that clearing --

4 VICE CHAIRWOMAN HOLMES: And the

5 clearing problems --

6 CHAIRMAN CARACCIOLO: -- the ruling

7 on the open space clearing, could you

8 word that any stronger in a comment that

9 would affect the zone change?

10 COMMISSIONER ESPOSITO: And can we

11 throw in the comment there, as to

12 continuing to get the information from

13 the sewage authority -- sewer authority.

14 MR. FRELENG: Yes, and yes. The

15 regulations that this Commission

16 promulgates --

17 CHAIRMAN CARACCIOLO: I'm sorry. I

18 did say "condition," right, not

19 "comment"?

20 COMMISSIONER ESPOSITO: You said

21 condition.

22 MR. FRELENG: You said the -- a

23 condition of approval with regard to the

24 clearing, I believe you said.

25 The regulations that this

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2 Commission promulgates are the adopted
3 regulations of the Suffolk County Pine
4 Barrens Commission. It does have
5 clearing standards.

6 This Commission could simply say
7 the project does not meet the County
8 clearing standards -- you could say
9 that, and you could rule one way or the
10 other on that. But this property is
11 very problematic, and then that would
12 mean that this Commission would have to
13 decide what's natural vegetation and
14 what's not natural vegetation. We
15 couldn't do that in the time frame that
16 we have, because we'd have to call in
17 some experts.

18 As Commissioner Goodale has
19 mentioned, the board or the agency with
20 the expertise is the Pine Barrens
21 Commission.

22 So I don't know if I've answered
23 your question, John. We can certainly
24 strengthen that condition, that they
25 didn't comply with our clearing

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2 restrictions, as we see them. And,
3 therefore, you can deny it or approve it
4 on the condition that they meet --

5 CHAIRMAN CARACCIOLO: Right.

6 MR. FRELENG: -- Suffolk County
7 clearing restrictions --

8 CHAIRMAN CARACCIOLO: Right.

9 MR. FRELENG: -- but I think we
10 would need to clarify what -- you know,
11 what's cleared and what's not cleared on
12 the property.

13 COMMISSIONER ROBERTS: Is it
14 possible to use language that we are --
15 to make it clear that we're approving
16 the zoning change, but have very strong
17 problems with this actual project?

18 MR. FRELENG: We could reword that,
19 but the last condition pretty much
20 says --

21 COMMISSIONER ROBERTS: Yeah, but
22 even right -- even -- yeah.

23 VICE CHAIRWOMAN HOLMES: Yeah.

24 MR. FRELENG: I mean, I could --

25 VICE CHAIRWOMAN HOLMES: We could

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2 emphasize it in our wording.

3 COMMISSIONER ROBERTS: Emphasize
4 it -- yeah.

5 CHAIRMAN CARACCIOLO: I mean,
6 that's a comment more, right, in five,
7 Andy?

8 MR. FRELENG: Well, number five is
9 a condition that it has to be referred.
10 It's pretty redundant, they know --

11 COMMISSIONER ROBERTS: Yeah.

12 MR. FRELENG: -- they have to --

13 COMMISSIONER ROBERTS: Okay.

14 MR. FRELENG: -- refer it, but the
15 comment underneath talks about the whole
16 design of the Village Center.

17 DIRECTOR ISLES: I think that's
18 helpful to the municipality in terms
19 of --

20 MR. FRELENG: What they expect --

21 DIRECTOR ISLES: -- to get our
22 comments through (inaudible).

23 If you'd like the Department to
24 embellish any of these suggestions --

25 CHAIRMAN CARACCIOLO: I like

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2 Barbara's suggestion, embellishing the
3 development.

4 VICE CHAIRWOMAN HOLMES: Yeah.

5 COMMISSIONER ROBERTS: Even in the
6 first sentence there's exactly --

7 VICE CHAIRWOMAN HOLMES: Yeah.

8 COMMISSIONER ROBERTS: -- it's
9 crystal clear that we approve the
10 zoning --

11 DIRECTOR ISLES: The Commission is
12 considering a PDD --

13 COMMISSIONER ROBERTS: -- change --

14 DIRECTOR ISLES: -- the development
15 plan is --

16 COMMISSIONER ROBERTS: -- that --

17 CHAIRMAN CARACCIOLO: Problematic.

18 COMMISSIONER ROBERTS: Problematic.

19 DIRECTOR ISLES: -- needs a lot of
20 work --

21 CHAIRMAN CARACCIOLO: Yeah.

22 DIRECTOR ISLES: -- and is subject
23 to --

24 CHAIRMAN CARACCIOLO: Could you put
25 that, like, as condition one, Andy?

2 DIRECTOR ISLES: Yes, we can.

3 MR. FRELENG: I can.

4 CHAIRMAN CARACCIOLO: Okay. So
5 let's put another motion on the table.

6 MR. FRELENG: Okay. Just so staff
7 is --

8 CHAIRMAN CARACCIOLO: I'm sorry.

9 MR. FRELENG: Just so staff is
10 aware, we would approve the project --
11 the concept of the PDD at this location
12 is acceptable for the reason expressed
13 in the Shoreham Hamlet Study. The mix
14 of residential site on site is good;
15 however, layout of the complex is
16 problematic.

17 The first condition then would be
18 with regard to the -- an expression that
19 we're approving the PDD, and with regard
20 to issues related to the design of the
21 site plan.

22 Then the second condition would be
23 related to the ultimate density being
24 set by --

25 CHAIRMAN CARACCIOLO: Uh-huh.

2 MR. FRELENG: -- the Pine Barrens
3 Commission.

4 CHAIRMAN CARACCIOLO: Correct.

5 VICE CHAIRWOMAN HOLMES: Yes.

6 MR. FRELENG: The third condition
7 being the ultimate clearing being set by
8 the Pine Barrens Commission.

9 Four, affordable, and five being
10 Sewage Agents.

11 CHAIRMAN CARACCIOLO: Thank you.

12 COMMISSIONER CALONE: Councilman
13 McCarrick raised the issue of
14 force-ability (sic) of our conditions,
15 and I just wondered how is that -- how
16 that -- who makes sure that our
17 conditions are met before the Town
18 Board?

19 CHAIRMAN CARACCIOLO: Great
20 question.

21 MR. FRELENG: I'd have to say
22 litigation. Referral to the Suffolk
23 County Planning Commission is a
24 procedural requirement. And if they
25 fail in any one of those procedural

2 requirements, then it is procedurally
3 defective. So they are required to make
4 referrals, pursuant to General Municipal
5 Law 239. If they fail to make a
6 referral, that's a fatal flaw with no
7 time bar. So this could come up later
8 on when they're about to put shovels in
9 the ground.

10 COMMISSIONER CALONE: And the same
11 thing with the conditions? If one of
12 the five or six conditions we've
13 indicated isn't met for some reason --

14 MR. FRELENG: If they --

15 COMMISSIONER CALONE: -- can they
16 still go ahead and --

17 MR. FRELENG: Well, if they fail to
18 override the Commission for the reasons
19 set forth, then that could be
20 procedurally defective. If the
21 conditions aren't met -- I mean, if they
22 approve the map with all the conditions
23 that we request, and then the map is
24 built but they don't comply with the
25 conditions, I'm afraid that's a local

2 enforcement issue. The Commission would
3 have no -- is not empowered in any way
4 to enforce it. The only enforcement
5 that this Commission has, I'm afraid, is
6 through a procedural defect of the
7 process.

8 DIRECTOR ISLES: Right. So if
9 there was a condition that they over
10 road without actually taking the action,
11 overriding the Planning Commission, but
12 they approve it, and 10 percent
13 affordability without specifically
14 overriding the Commission's
15 recommendation of 20 percent, they would
16 then be exposed to a procedural defect
17 of the process (sic).

18 So they're following the process at
19 the present time by making the referral.
20 If they choose to override the
21 conditions, there's a process to do
22 that. Whether it be the main decision
23 or any of the conditions within the
24 decision.

25 The other option, too, is to make

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2 the language on the Pine Barrens
3 condition a little more stronger.

4 COMMISSIONER ROBERTS: Yes. I'd
5 like to see that.

6 DIRECTOR ISLES: We have language
7 in here on, you know, the final
8 determination of review would be
9 proceeded by the determination of
10 credits, by the Central Pine Barrens.
11 But, here again, making that a little
12 more explicit when we add to that --
13 just making that part of the
14 condition -- condition the approval of
15 the Central Pine Barrens (sic).

16 VICE CHAIRWOMAN HOLMES: I think
17 that --

18 COMMISSIONER CALONE: That would be
19 great.

20 COMMISSIONER ROBERTS: Yes.

21 VICE CHAIRWOMAN HOLMES: Yes.

22 MR. FRELENG: To make this
23 stronger?

24 VICE CHAIRWOMAN HOLMES: And where
25 would that be? What --

2 CHAIRMAN CARACCIOLO: He said that
3 was number two.

4 VICE CHAIRWOMAN HOLMES: Would that
5 be number two?

6 DIRECTOR ISLES: Yeah, that's
7 number two.

8 CHAIRMAN CARACCIOLO: A new motion
9 is in order to accept -- I'm sorry,
10 Councilman McCarrick --

11 MR. MC CARRICK: I'm sorry, I --

12 CHAIRMAN CARACCIOLO: -- do you
13 have a comment.

14 MR. MC CARRICK: -- I don't want to
15 give a comment right now, other than --
16 I know that the public spoke earlier.

17 There was one basic thing that --
18 if I could just make one brief statement
19 about something. It was an internal --
20 very important portion of the
21 presentation from the beginning that's
22 been missed, and I apologize because I
23 didn't mention it earlier.

24 Basically, it's been referred from
25 the very beginning of the application

2 about the Shoreham Hamlet Study, and I
3 don't believe that people have really
4 gotten an opportunity to review the
5 Hamlet Study. I think all of the
6 comments from the Hamlet Study has been
7 coming from the applicant.

8 What I'd like to be able to do is
9 give this Commission a copy of the
10 Shoreham Hamlet Study, because, in fact,
11 this is what the Hamlet Study says.
12 It's quite different than what's been
13 represented.

14 The Hamlet Study had made a
15 recommendation that if, in fact, when
16 this piece of property gets developed,
17 which is a sod farm, what they would
18 like to do is see and consider a plan
19 development district. This was done
20 under the consideration that they
21 thought there would never be any public
22 money for acquisition, so then they're
23 faced with a "what if" scenario. So it
24 was always the consideration, well, if
25 we're going to build something there,

2 let's build something that makes sense,
3 and a Smart Growth project would make
4 sense on that property.

5 In the Shoreham Hamlet Study, it
6 specifically talks about the golf
7 course. And what it says is that,
8 they're recommendation was for the Town
9 to change the zone on the golf course.
10 They wanted the Town to change the zone
11 to commercial recreation. And
12 specifically in the Hamlet Study it
13 says, the reason for it is, they never
14 want development on that golf course.
15 And it would take away from the
16 development rights of the golf course
17 ever coming into the hamlet and
18 affecting the school system.

19 Well, in effect, what we're looking
20 at here is an application that takes the
21 entire density from the golf course, and
22 the density from this open space, and
23 puts it into a project that is much,
24 much larger.

25 And then we're also dealing with

2 the fact that the Shoreham community has
3 time and time again said, the number one
4 priority for this property is
5 preservation.

6 So if we were allowed this change of
7 zone -- and this is on the Town level,
8 this isn't on your level, but
9 understanding my predicament, if we
10 allow a change of zone on this property
11 and allow this to happen, we are doing
12 exactly what the people in Shoreham
13 specifically said in the Hamlet Study
14 that they did not want. And I have got
15 a great concern about that.

16 What I would like to do is give you
17 copies of the Shoreham Hamlet Study.
18 You can read it, it's quite clear. The
19 number one concern that they had in the
20 Hamlet of Shoreham was overdevelopment
21 and loss of open space. And this
22 application hits both of them right on
23 the head, and it was in the
24 90 percentile ratio.

25 I don't believe you've ever been

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2 given that information. And I apologize
3 for not making it earlier in my
4 presentation, but because it's part of
5 the cornerstone of the application, I
6 think you needed to know. And I'll send
7 that off.

8 CHAIRMAN CARACCIOLO: Thank you,
9 Councilman, I appreciate it.

10 MR. MC CARRICK: Thank you.

11 CHAIRMAN CARACCIOLO: I'm going to
12 have to give David Woods his opportunity
13 to speak. You've got three minutes if
14 you want.

15 MR. WOODS: Just a couple of
16 things. One of the things that you've
17 been grappling with are things that --
18 let's see, this is my 14th month on --
19 as Planning Commissioner, 13-and-a-half
20 months I've been dealing with this.

21 One of the issues is on the Pine
22 Barrens Commission, which is the chicken
23 and the egg. The Pine Barrens
24 Commission can't act until the Town
25 Board acts. The Town Board can't act

2 until this body acts. This body can't
3 act until the Town Board acts, until the
4 Pine Barrens acts. You know, it's like
5 this whole circular thing and, you know,
6 at some point we've got to say, stop
7 here and then move it forward
8 (indicating).

9 Again, this is a change of zone
10 application, and the final environmental
11 impact statement and findings will
12 include some of those things. The
13 applicant has stated to us, and in
14 public, that we are going to -- you
15 know, we know we need Pine Barren
16 Credits. We just don't know, you know,
17 do we want to spend \$6 million for Pine
18 Barren Credits. You know, and I said to
19 them back, why didn't you tell them --
20 they wanted a negotiating tool. It's
21 kind of ridiculous, but sometimes you
22 think this.

23 The second thing is -- so --
24 just -- I just -- I don't -- I think
25 you -- the report is -- is good.

2 Several things we've talked about that
3 are -- publicly, at the meeting we said,
4 there is no -- the part that they had
5 is -- the gate's out and they're
6 expanded throughout. That's something
7 that's happening.

8 And affordable housing, the PDD
9 Code does not require affordable housing
10 as part of it. We're in a process of
11 changing our zoning code to clarify
12 definition specifically. It's not that
13 it -- and it was a huge effort, and just
14 was not able to be completed, and some
15 of those things where we're trying to
16 adjust and such. So it doesn't say
17 that.

18 The Shoreham Hamlet Study, the
19 issue of actual jurisdiction,
20 Mr. Goodale's absolutely correct. We
21 don't have the jurisdiction, you don't
22 have the jurisdiction, so we're in a
23 circular process.

24 CHAIRMAN CARACCIOLO: All right.
25 Thank you, Mr. Woods. Appreciate it.

2 MR. FRELENG: I think with regard
3 to the time frame, the Town of
4 Brookhaven has adopted the FEIS. So
5 there's a certain amount of time that
6 they need to have for their finding.

7 MR. WOODS: 30 days.

8 MR. FRELENG: 30 days. So in
9 30 days, the Central Pine Barrens
10 Commission will be free to move and act.
11 So, you know, I don't know what the time
12 frame is, but the Central Pine Barrens
13 Commission now is free to move ahead on
14 what they need to do.

15 COMMISSIONER GOODALE: Unless they
16 say they can't act because we haven't --

17 MR. FRELENG: No, this -- no agency
18 is bound by this Commission's decision.
19 This Commission is free and clear of
20 SEQRA, and free and clear, really, of
21 all agency decisions. You can make your
22 decision -- I'm sorry, they -- I'm
23 sorry, I take that back. The Town can't
24 act until we act --

25 COMMISSIONER CALONE: Yeah.

2 MR. FRELENG: -- but the Central
3 Pine Barrens is not bound by this agency
4 at all.

5 COMMISSIONER GOODALE: But are they
6 bound by the Town's action?

7 COMMISSIONER CALONE: Yeah.

8 MR. FRELENG: The Central Pine
9 Barrens can't act until SEQRA's
10 complete, and the Town is the lead
11 agency on SEQRA.

12 COMMISSIONER GOODALE: So then the
13 Town can't do that unless we act on this
14 petition.

15 MR. FRELENG: The Town can complete
16 SEQRA but they can't act on the
17 matter --

18 COMMISSIONER GOODALE: Right.

19 MR. FRELENG: -- until we act, but
20 they can't act on the matter until the
21 Central Pine Barrens Commission acts on
22 the matter as well.

23 COMMISSIONER GOODALE: Well, that's
24 clear.

25 CHAIRMAN CARACCILO: Is there any

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2 other discussion on this?

3 (WHEREUPON, there was no response.)

4 CHAIRMAN CARACCIOLO: All right.

5 Let's --

6 COMMISSIONER ESPOSITO: I just want
7 to vote.

8 CHAIRMAN CARACCIOLO: Yes. Let's
9 put a new motion --

10 COMMISSIONER CALONE: I want to
11 move the staff report as amended with
12 the new conditions and comments.

13 CHAIRMAN CARACCIOLO: Okay. That's
14 the motion --

15 COMMISSIONER ROBERTS: Second.

16 CHAIRMAN CARACCIOLO: Second.

17 All those in favor of accepting
18 that?

19 (WHEREUPON, the members voted.)

20 CHAIRMAN CARACCIOLO: Opposed?

21 (WHEREUPON, the members voted.)

22 CHAIRMAN CARACCIOLO: Abstentions?

23 (WHEREUPON, the members voted.)

24 CHAIRMAN CARACCIOLO: The motion
25 carries.

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2 What time is it?

3 COMMISSIONER ESPOSITO: Ten to 2.

4 CHAIRMAN CARACCIOLO: Ten to 2.

5 All right. Can we move through the
6 others real quick, Andy?

7 MR. FRELENG: Yes, we can.

8 CHAIRMAN CARACCIOLO: Okay. You
9 know what, can we move on the -- can you
10 just take that Huntington one out of
11 order --

12 COMMISSIONER ESPOSITO: Oh, the
13 Huntington -- yeah.

14 CHAIRMAN CARACCIOLO: All right.

15 COMMISSIONER ESPOSITO: Yeah.

16 CHAIRMAN CARACCIOLO: Can you do
17 the MGMT Realty?

18 COMMISSIONER ESPOSITO: Real quick.

19 MR. FRELENG: Yes, but it's not
20 mine.

21 CHAIRMAN CARACCIOLO: Okay.

22 MR. GULIZIO: MGMT Realty is an
23 application referred from the Town of
24 Huntington. It's located on the east
25 side of New York Avenue, opposite the

2 cemetery. For those familiar with
3 Huntington, this is the south end of
4 downtown Huntington and it's an area in
5 somewhat transition. It's south of
6 downtown, but it's certainly north of
7 Huntington Station in and around the
8 train tracks.

9 The subject property is about
10 7,840 square feet in lot area. There's
11 an existing building on, it was formally
12 an antique furniture supply company.
13 The building is approximately
14 4,000 square foot in gross floor area.

15 The zone on the property is C-6,
16 which is a commercial zoning district
17 for downtowns. The rear portion of the
18 property, the easterly portion, there's
19 also a sliver of R-5 residential zoning.

20 What the applicant is seeking to
21 do, is to adopt delivery use to the
22 structure as a restaurant. A restaurant
23 is permitted within the C-6 zoning
24 district, so it's permitted use within
25 the existing zoning district.

2 Parking required in connection with
3 the application is based upon the square
4 footage of the building. One parking
5 space for every 50 square feet of gross
6 floor area. At 4,000 square foot,
7 according to the Town Code, that's
8 80 parking spaces required.

9 That brings us to the one
10 outstanding issue associated with the
11 application. There's no parking
12 provided on site. There is a parking
13 area under the former use of the
14 property, the eastern side of the
15 property, that's the driveway you see
16 along the south side or the bottom
17 portion of the illustration on the
18 screen. (Indicating)

19 For some reason the applicant has
20 elected not to provide any on-site
21 parking. There is some limited
22 on-street parking. However, from a
23 staff standpoint, we have concerns due
24 to the complete lack of on-site parking.
25 At least the provision of a parking plan

2 in close proximity would justify the
3 complete waiver of a parking connection
4 with the application.

5 For those reasons, we're
6 recommending disapproval of the
7 application, absent of the Town or the
8 applicant coming forward either with an
9 off-site parking plan or some type of
10 mitigation for the lack of parking
11 provided on site.

12 Again, I do that somewhat
13 reluctantly -- or we do that somewhat
14 reluctantly because, first and foremost,
15 we want to promote development in and
16 around our downtowns. Because this is
17 actually an important area, I think,
18 within the Town of Huntington, or the
19 southern portion of the Town, to promote
20 development. It is struggling somewhat
21 in terms of the mixture of uses, and the
22 quality of those uses. So we don't want
23 to discourage redevelopment, but absent
24 some type of parking plan, we would
25 recommend disapproval.

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2 If the Commission has any
3 questions, I'd be happy to try to
4 address them.

5 CHAIRMAN CARACCIOLO: Any questions
6 or comments?

7 (WHEREUPON, there was no response.)

8 CHAIRMAN CARACCIOLO: Motions in
9 order?

10 COMMISSIONER CALONE: I move the
11 staff report.

12 VICE CHAIRWOMAN HOLMES: I second.

13 CHAIRMAN CARACCIOLO: Second,
14 Linda.

15 All those in favor?

16 (WHEREUPON, the members voted.)

17 CHAIRMAN CARACCIOLO: Opposed.

18 (WHEREUPON, the members voted.)

19 CHAIRMAN CARACCIOLO: And I
20 abstain.

21 MR. FRELENG: Okay. We can go back
22 to -- we're going back to Northwestern;
23 right?

24 CHAIRMAN CARACCIOLO: Yes.

25 MR. FRELENG: This is the

2 application of Northwestern Consultants.

3 It's referred to us from the Town of

4 Islip. Your jurisdiction's within

5 500 feet of Union Boulevard, which is

6 County Road 50.

7 Applicants seek Town Board change

8 of zone approval on 1.22 acres from

9 Industrial-1 to Residential

10 Redevelopment District for the

11 construction of 24 townhouses. They

12 require modifications to parking

13 requirements and landscape requirements.

14 (WHEREUPON, Commissioner Esposito

15 left the hearing room.)

16 (Time noted 1:58 p.m.)

17 MR. FRELENG: The property is

18 located on the southeast corner of

19 Second Avenue, which is a Town street,

20 and the Long Island Railroad in the

21 hamlet of Bay Shore.

22 The land use and zoning pattern in

23 the vicinity indicates that the subject

24 premises is located in an area

25 predominantly Industrial-1 zoning.

2 So you can see the subject property
3 in that area of Industrial-1 zoning up
4 on the screen. (Indicating)

5 Land use in the vicinity appears to
6 be a mix of industrial and residential
7 uses.

8 So you can see a mix there of some
9 light commercial and residential uses.
10 (Indicating)

11 Let's see, access will be from two
12 points on the site plan. One from
13 Second Avenue to the west, and one from
14 First Avenue to the east. Both streets
15 are local Town streets, and the newly
16 created access points are connected by
17 an internal road.

18 There's the western access
19 (indicating), eastern access
20 (indicating). Here's the internal road
21 that connects the two (indicating).

22 The subject property is situated in
23 Hydrogeologic Groundwater Management
24 Zone VII, pursuant to Article 6 of the
25 Suffolk County Sanitary Code. There are

2 no other significant environmental
3 constraints on the site.

4 It should be noted that the subject
5 application is located in a minority
6 and/or economically distressed
7 community, as defined by Commission
8 Guidelines and are required to be
9 reported.

10 The Town of Islip Comprehensive
11 Plan makes no specific land use
12 recommendations for the parcel.

13 It's the belief of the staff that
14 the proposed zone change is inconsistent
15 with the pattern of zoning in the
16 surrounding area, and therefore must be
17 considered as spot zoning. Approval
18 would only tend to substantially
19 undermine the effectiveness of the
20 zoning ordinance, and tends to establish
21 a precedent for such rezonings.

22 Moreover, the proposed 20 units to
23 the acre density constitutes the
24 unwarranted over-intensification of the
25 use of the premises. Applicants are

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2 requesting parking modification approval
3 for the design of the internal street
4 system. The two-way traffic lane is
5 proposed to be only 16 feet wide -- so
6 this two-way traffic lane is only
7 16 feet (indicating). Parking stall
8 modifications are also requested whereby
9 the width of the stalls are reduced to
10 7 feet in some instances, the majority
11 of the parking stalls are 9 feet in
12 width.

13 In addition, the thru lane from
14 Second Avenue to First Avenue is
15 designed in such a way that speeding of
16 motor vehicles within the complex is
17 possible, and thereby creating an unsafe
18 pedestrian environment.

19 The over-intensification is also
20 evident through the request of the
21 petitioner to relax landscaping
22 requirements.

23 It's the belief of the staff that
24 the subject premises is remotely
25 situated to downtown services, and

2 possesses limited amenities desired for
3 multi-residence purposes.

4 It is also the belief of the staff
5 that any contemplated zone change to
6 multifamily density should only be
7 effectuated with an accompanying
8 20 percent requirement for
9 affordable/workforce housing.

10 The staff is recommending
11 disapproval. Reason one being that it's
12 a spot zoning.

13 Reason two, that it's an
14 unwarranted over-intensification of the
15 use of the premises, as is evident by
16 parking and landscaping relaxation
17 requests.

18 Condition number three is that the
19 premises is remotely situated.

20 Condition number four is that any
21 zone change should have a 20 percent
22 affordable/workforce housing component.

23 That's the staff report.

24 CHAIRMAN CARACCIOLO: Thanks, Andy.

25 Any questions or comments?

2 (WHEREUPON, there was no response.)

3 CHAIRMAN CARACCIOLO: Are motions
4 in order?

5 COMMISSIONER GOODALE: So moved.

6 CHAIRMAN CARACCIOLO: Jesse.

7 COMMISSIONER PRUITT: Second.

8 CHAIRMAN CARACCIOLO: Second, Ed.

9 All those in favor?

10 (WHEREUPON, the members voted.)

11 MR. FRELENG: Dan, you're up.

12 MR. GULIZIO: The next application
13 is Lisa Baker. It is located in the
14 Town of Riverhead, in the community of
15 Jamesport. It's located on the south
16 side of Bayside Avenue.

17 The property maintains a lot area
18 of 14,210 square feet, and the zoning
19 district here requires a minimum lot
20 area of 40,000 square feet.

21 The applicant is seeking to take a
22 detached garage, which is currently
23 located on the property, and convert
24 that to a second residence on the
25 property. That would, thereby, reduce

2 the minimum required lot area,
3 potentially from the existing
4 14,000 square feet to 7,105 square foot,
5 per lot, in a zoning district that
6 requires a minimum lot area of
7 40,000 square feet.

8 In view of the fact that this also
9 doesn't involve a subdivision, it's
10 questionable whether or not it's even
11 permitted under the existing zoning
12 district. And, therefore, it may
13 involve a use variance, which is
14 permission to use the property for
15 something other than what the zoning
16 permits, which would be one
17 single-family home.

18 Based upon the magnitude of the
19 relief requested, the degree of relief
20 both to the existing property, as well
21 as from both properties or both lots or
22 both units in conjunction with the
23 proposed application, we would recommend
24 disapproval of the application.

25 CHAIRMAN CARACCILO: Any questions

2 or comments?

3 VICE CHAIRWOMAN HOLMES: Certainly,
4 we have seen a lot of this on Shelter
5 Island, and I think you're right that
6 they would need a use variance. But it
7 is a very troublesome thing when
8 somebody wants to double the amount of
9 use of one lot, because you're doubling
10 the sewage discharge and everything like
11 that. And I certainly would strongly,
12 strongly move to disapprove.

13 MR. GULIZIO: A more appropriate
14 result or direction would be for the
15 Town, on its own motion or through an
16 application process, consider rezoning
17 this area.

18 VICE CHAIRWOMAN HOLMES: Right.

19 MR. GULIZIO: If there's an intent
20 to increase the density within the
21 shorefront, that's a perfectly
22 permissible policy option from the Town;
23 however, that should be done through an
24 application process for rezoning.

25 VICE CHAIRWOMAN HOLMES: Right.

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2 They haven't done it yet, and there's --
3 is there any indication --

4 COMMISSIONER GOODALE: No, there
5 isn't.

6 VICE CHAIRWOMAN HOLMES: -- in
7 talking to them that they were planning
8 to do this?

9 COMMISSIONER GOODALE: This is
10 absurd and --

11 CHAIRMAN CARACCIOLO: Are you
12 making a motion, Jesse?

13 COMMISSIONER GOODALE: -- this is
14 going -- and put an "Oh, please" after
15 this. Stop sending this stuff up here
16 because this is killing us.

17 CHAIRMAN CARACCIOLO: Second, Ed?

18 COMMISSIONER PRUITT: Yes.

19 CHAIRMAN CARACCIOLO: All those in
20 favor?

21 (WHEREUPON, the members voted.)

22 MR. GULIZIO: The next application
23 is the Community Preservation Fund for
24 the Town of Brookhaven. It's
25 interesting, this is in many respects

2 potentially a more impacting and more
3 significant application than the Tall
4 Grass application that was just
5 considered.

6 The Community Preservation Fund, as
7 most of you are probably aware, is a
8 real estate transfer tax -- a 2 percent
9 real estate transfer tax, used to fund
10 the acquisition or preservation of
11 identified properties as part of a
12 community preservation project plan.

13 The purpose of the actual statute
14 is to allow for the development of
15 what's called the "Community
16 Preservation Project Plan" to establish
17 a bank to acquire interests in real
18 estate, to transfer interests in real
19 estate and to establish a management and
20 stewardship program, along with a number
21 of other purposes as a part of the
22 change in Town Law, which was submitted,
23 pursuant to 64-f of the Town Law.

24 What Community Preservation is, is
25 also defined as a part of the amendment

2 that is being considered here today, and
3 being consider by the Town of
4 Brookhaven. It's broadly defined to
5 encompass a whole host of acquisition
6 and preservation techniques. From the
7 preservation of open space and
8 environmentally sensitive properties,
9 preservation of historically significant
10 properties, the acquisition of scenic
11 easements -- a whole host of activities
12 are permitted as Community Preservation,
13 as defined by the act or the proposed
14 act.

15 At the outset, it should be pointed
16 out that a Community Preservation Fund,
17 or a CPF, is one of many tools that a
18 Town can utilize in order to promote a
19 particular type of development, preserve
20 its community character and preserve
21 open space.

22 Other tools that a Town can use,
23 and should use, are cluster subdivision
24 techniques in order to allow all the
25 developments to occur on a portion of

2 the property, as opposed to all
3 development occurring on all the
4 property. As well as the transfer of
5 development rights, or the purchase of
6 development rights, that can be used
7 also as a tool or as a technique to help
8 to check community character, to help
9 promote development where it's warranted
10 and to help discourage development where
11 it's not warranted.

12 Some basic features about the CPF
13 proposed in the Town of Brookhaven, I
14 think are important to note, because
15 they are somewhat different from the
16 other Community Preservation Funds that
17 have been enacted in the five East End
18 Towns.

19 I should also state that the five
20 East End Towns have preserved
21 approximately 6,000 acres through a CPF
22 of community preservation funds and have
23 raised approximately \$400 million since
24 their enactments (sic).

25 The first item that's worth

2 mentioning is that there is a first-time
3 home buyer's exemption incorporated as a
4 part of Brookhaven's CPF. That's not
5 included as a part of the community
6 preservation funds, or CPFs, in the East
7 End Towns. What that means is, if you
8 are a first-time home buyer, as defined
9 as meaning you haven't owned a primary
10 residence in the last three years, and
11 you don't currently own a vacation home
12 as a first-time home buyer, and, in
13 addition, you meet the income limits and
14 the purchase price limits, as
15 established under the statute, that
16 you're exempt from this real estate
17 transfer tax.

18 The purchase price limit, as
19 established, relate to SONYMA
20 guidelines. That includes 460,000 for a
21 new development, and 467,000 for
22 existing development.

23 The income limits for one and two
24 person households are -- let me just get
25 my numbers right -- \$93,000--and change;

2 for a three person and up family
3 household size, that's 107,000. So,
4 again, in order to qualify for the
5 first-time home buyer exemption, you
6 can't own a primary residence or have
7 owned a primary residence within the
8 last three years, and you can't have a
9 vacation home currently.

10 In addition, you need to meet both
11 purchase price limits, roughly 460- to
12 467,000. And, in addition, your income
13 can't exceed the income guidelines
14 established by SONYMA, which vary
15 depending upon family size or household
16 size between 93,000 and 107,000.

17 Another important feature of the
18 CPF is that there's also an exemption
19 for the first 250,000 of the purchase
20 price for existing development. So if
21 your house that is being purchased is
22 300,000, you could -- that 2 percent tax
23 only applies to that portion above
24 250,000, or that \$50,000.

25 For vacant property, that exemption

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2 is 150,000, in the Town of Brookhaven
3 CPF.

4 There are other exemptions provided
5 for government transfers, for open space
6 transfers and for agricultural
7 transfers. So there are a series of
8 exemptions. But the primary exceptions
9 are the first-time home buyers exemption
10 and the price exemption depending upon
11 whether it's vacant or developed
12 property.

13 Importantly, it can only be used in
14 conjunction with a willing seller in
15 terms of the acquisition of property.
16 The 2 percent transfer tax is paid by
17 the buyer under Brookhaven's program.

18 Ten percent of the funds used in
19 conjunction with the CPF can also be
20 used for management and stewardship of
21 the lands that are acquired. And that's
22 maximum. The maximum of 10 percent of
23 those funds can be used.

24 Significantly -- well, I'll get to
25 that in just a minute.

2 There's also an advisory board
3 created under the Community Preservation
4 Project plan to consider the acquisition
5 and manage programs. That will be set
6 up as part of the statute.

7 There's also an offset under the
8 plan, which is a component of some of
9 the other East End Town plans. Whereby,
10 if there is a certain percentage of
11 property that is owned publicly within
12 the school district, there's an offset
13 or a payment that can be made to the
14 school district as a part of the CPF
15 funds. So there's a way to mitigate
16 potential impacts to those school
17 districts that have significant amounts
18 of open space in order to compensate so
19 much of the loss of tax rateables.

20 Probably most importantly, there
21 are a number of code amendments that are
22 also included as part of the CPF. The
23 most important of which is a transfer of
24 development rights program. The East
25 End Towns CPFs do not include this

2 element. What Brookhaven is proposing
3 is to take 25 percent of all the
4 development rights that are acquired.
5 They're estimating that during the
6 lifetime of the program, they'll acquire
7 approximately 5,000 acres of the
8 development rights. Based upon that,
9 they're estimating that approximately
10 25 percent, or 1,250 credits, will be
11 preserved and be utilized for the
12 transfer of credits throughout the Town
13 in order to encourage development or --
14 encourage development of such things as
15 senior housing, affordable or workforce
16 housing, or a downtown revitalization as
17 a tool, in order to promote land use
18 throughout the Town in a way that makes
19 sense to the Town Board members.

20 It's important to note that the TDR
21 component also involves a series of
22 multipliers. And I apologize, I wish I
23 could simplify this for you better, but
24 the fact of the matter is it's a fairly
25 complicated set of code amendments in

2 addition to the actual CPF plan, and the
3 code amendments to the project fund
4 itself.

5 The multipliers involve the
6 following:

7 If you are going to use the
8 credit -- purchase the credit and use it
9 for the development of attached housing,
10 for every credit you buy, you get two
11 credits.

12 If you're going to purchase a
13 credit and use it for the development of
14 detached housing, you'll get one credit
15 for each credit. So there's no
16 multiplier for attached housing (sic).

17 If it is what the project plan is
18 calling "stacked housing," meaning it's
19 multiple-story housing, you will get
20 three credits for every credit that you
21 buy. So generally speaking, if it's a
22 multiple family development or a planned
23 retirement community and it's more than
24 one story, you're essentially going to
25 get three credits for every credit that

2 you buy.

3 In addition, if it's an affordable
4 unit, you will get three credits for
5 every credit that you buy. However,
6 it's also important to note for the
7 affordable unit, you're also going to
8 purchase them at 75 percent of the value
9 for a credit as established by the Town.
10 So, in effect, for an affordable unit,
11 based upon price as well as multiplier
12 considerations, you're going to get four
13 credits for every credit that you
14 purchase.

15 In addition, if you are going to
16 use your credit in conjunction with a
17 redevelopment, which the Town wants to
18 encourage -- which, from a planning
19 standpoint, we would also recommend as a
20 laudable planning goal, you would get an
21 additional credit for every credit that
22 you purchase on top.

23 And they can be used in
24 combination. So, for instance, if you
25 were going to do an affordable

2 development as redevelopment, you would
3 get the three credits at 75 percent,
4 plus an additional credit on top of
5 that, or four credits.

6 If you were going to do stacked
7 housing as a redevelopment, meaning
8 you're going to do a two-story
9 multiple-family housing development, or
10 a two-story planned retirement district
11 housing, you would get three credits,
12 plus an additional credit on top of
13 that, or four credits.

14 As I mentioned earlier, the CPF and
15 the utilization of a TDR program are a
16 couple -- one of a series of tools that
17 you can use in order to help preserve
18 open space.

19 It's important to make a
20 distinction between a CPF, though, and a
21 transfer development rights program.
22 Specifically, in conjunction with a
23 transfer development rights program,
24 there's no obligation to compensate a
25 property owner for the transfer of that

2 credit.

3 For instance, if the Town wanted to
4 establish a program where they said we
5 didn't want to see development in
6 certain areas in the Town, and we wanted
7 to designate those areas as sending
8 zones, the Town could do that provided
9 it also designates a receiving zone for
10 those areas. There's no compensation
11 that goes to those properties that are
12 designated as sending zones. Their sole
13 compensation is the ability to sell
14 their credits or relocate their credits
15 elsewhere.

16 The one concern that we have -- or
17 I should say the primary concern that we
18 have from the staff's standpoint, is
19 that when you look at the multipliers
20 that are being used in conjunction with
21 the CPF program.

22 And I'll just -- it's easiest to
23 use it by example. If I buy four
24 development credits, as the Town, I'm
25 going to sterilize three of those

2 credits and preserve one of those
3 credits. However, that one credit, it
4 could then be multiplied by three if
5 it's a workforce or affordable housing
6 unit, and then if it's redeveloped, you
7 can add another one on top of it, which
8 is four. And, again, because this is a
9 75 percent cost reduction, potentially
10 there's five for the amount of money
11 that's going to be spent.

12 One of the things that we're most
13 concerned with, as far as Town policy,
14 they can recommend, as they see fit,
15 what type of development they want to
16 promote throughout the Town. If they
17 want to promote affordable housing,
18 which would make sense to us, they ought
19 to do that, and this is one way of doing
20 that. If they want to promote
21 redevelopment, again, another laudable
22 planning goal, they ought to be able to
23 do that as part of this program.

24 The concern that we have is, number
25 one, from an environmental standpoint.

2 As they're going through a SEQRA process
3 and looking at the impact associated
4 with the CPF, we need to look at it from
5 the worst-case scenario. Of taking
6 those 1,250 credits that are potentially
7 in play, and doing the multipliers where
8 all the credits could potentially be
9 used for senior housing and/or
10 redevelopment housing, at the end of the
11 day, there's a potential that you would
12 end up with either close, the same, or
13 even potentially more credits than what
14 you're actually acquiring as part of the
15 CPF.

16 If that were the case, then one of
17 the things that the Town ought to
18 consider as a part of this program is,
19 number one, looking at the potential
20 impacts from a density standpoint.
21 Where are all of these rights going to
22 land, but also the feasibility of
23 (inaudible) coming out of the TDR
24 program where you're not expending
25 hundreds of millions of dollars in order

2 to acquire those rights, when we can
3 multiply them and then transfer them
4 someplace else and actually preserve
5 that.

6 So from our standpoint, from a
7 staff's standpoint, we're recommending
8 approval of it, with the comment that
9 the Town very carefully consider the
10 potential impacts associated with the
11 TDR program before it gets incorporated
12 as a part of this CPF.

13 Just in closing, one of the other
14 changes that's occurring as part of the
15 CPF is that the Town is also increasing
16 the base densities within the
17 multiple-family housing and planned
18 retirement codes, as well as the planned
19 retirement congregate housing community
20 codes.

21 Right now, in the Town of
22 Brookhaven, there's no base density or
23 minimum density that somebody's entitled
24 to as a part of an MF or a PRC rezoning.
25 The Town Board can say you're only

2 entitled to one unit per acre or two
3 units per acre, three units per acre,
4 et cetera. What these code amendments
5 do, in conjunction with the CPF, are
6 establish base levels so that if you're
7 in a primary zone, which is the
8 primary -- where towns -- a Town wants
9 to see development of a planned
10 retirement community and multi-family
11 housing codes, the base density will now
12 be four units per acre. If you're in a
13 secondary zone, the base density will
14 now be three units per acre.

15 So in terms of the potential impact
16 of these code amendments, that's also
17 something that should be carefully
18 considered during the SEQRA process so
19 that those increases in base densities,
20 as well as the multipliers included
21 within the TDR components, are all
22 adequately assessed and reviewed and
23 considered by the Town prior to making a
24 final determination on the CPF.

25 If the Commission has any

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2 questions, I'd be happy to address them.

3 CHAIRMAN CARACCIOLO: Thank you,
4 Dan.

5 Do we have any questions or
6 comments?

7 COMMISSIONER MC ADAM: The pilot
8 payments, is that going forward now? In
9 other words, it's not -- this isn't
10 going to be retroactive in any other
11 properties that where quiet before
12 this --

13 MR. GULIZIO: No.

14 COMMISSIONER MC ADAM: --
15 acquisition?

16 MR. GULIZIO: No, it would be
17 moving forward upon the establishment of
18 the act, which would occur in January if
19 it gets passed as part of the
20 referendum.

21 COMMISSIONER MC ADAM: And the
22 other question I had was, what's the
23 significance of the three years for the
24 first-time home buyer? Are there any --

25 MR. GULIZIO: Those are SONYMA

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2 guidelines, and that's what they're
3 copying. So they're State of New York
4 Mortgage Agency guidelines, and they're
5 just copying those guidelines.

6 COMMISSIONER MC ADAM: So you're
7 considered a first-time home buyer, even
8 though you had a property three years
9 prior?

10 MR. GULIZIO: From the Town's
11 standpoints, I guess, they could come up
12 with their own definition of the
13 first-time home buyer, and try to have
14 that addressed, all the potential
15 issues. But it's a fairly thorny issue,
16 and I can see the logic in simply
17 copying other programs that are already
18 out there.

19 CHAIRMAN CARACCIOLO: Any other
20 questions or comments?

21 COMMISSIONER KONTOKOSTA: Yes, just
22 a quick one. Are there any land use
23 changes associated with this?

24 MR. GULIZIO: In terms of -- well,
25 there's --

2 COMMISSIONER KONTOKOSTA: Like
3 zoning changes or any -- I mean, you
4 talked about increases in minimum or
5 based densities for multiple-family and
6 planned retirement zones, but are they
7 increasing the number of those zones?

8 MR. GULIZIO: No, not as a part of
9 this action.

10 COMMISSIONER KONTOKOSTA: The land
11 area and all that.

12 MR. GULIZIO: No, that would still
13 be at the discretion of the Town Board
14 on a case by case basis.

15 COMMISSIONER KONTOKOSTA: Okay.

16 CHAIRMAN CARACCIOLO: Any other
17 questions or comments?

18 (WHEREUPON, there was no response.)

19 CHAIRMAN CARACCIOLO: Are motions
20 in order?

21 COMMISSIONER PRUITT: Motion to
22 approve it.

23 CHAIRMAN CARACCIOLO: All right.

24 COMMISSIONER CALONE: Second.

25 CHAIRMAN CARACCIOLO: Dave, second.

2 All those in favor?

3 (WHEREUPON, the members voted.)

4 CHAIRMAN CARACCIOLO: Opposed?

5 (WHEREUPON, the members voted.)

6 CHAIRMAN CARACCIOLO: Abstentions?

7 (WHEREUPON, the members voted.)

8 CHAIRMAN CARACCIOLO: Motion

9 carries.

10 Okay, Peter. Bring us home here,
11 brother.

12 MR. LAMBERT: Okay. The
13 subdivision is Mosswood, it's located in
14 the Town of East Hampton. The
15 Commission's jurisdiction is that the
16 property is within 500 feet of County
17 Roads 59 and 113, and within 500 feet of
18 State Road 114.

19 The property is zoned A-5
20 Residential, which sets a minimum lot
21 area of 200,000 square feet. The
22 present land use is basically vacant,
23 except for this out parcel that has a
24 residence on it (indicating). So the
25 parcel's primarily wooded. In the

2 southern portion, it looks like
3 farmland.

4 The applicant proposes to subdivide
5 approximately 33 acres into six
6 residential lots, and also create an
7 undisturbed reserve open space area and
8 an agricultural reserve area in the
9 southern portion, which is currently
10 farmland.

11 The subject property is located in
12 East Hampton, on the south side of Two
13 Holes of Water Road, and the west side
14 of Stephen Hands Path.

15 (WHEREUPON, Commissioner Goodale
16 left the hearing room.)

17 (Time noted 2:22 p.m.)

18 MR. LAMBERT: The property is
19 bounded on the north, west and south by
20 low density residential development, and
21 on the east by agricultural lands whose
22 development rights have been purchased
23 by the Town of East Hampton.

24 Two driveway access easements are
25 proposed for this subdivision off of Two

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2 Holes of Water Road. One of them comes
3 through here (indicating) -- actually,
4 here (indicating), bends, and then has
5 access to this property (indicating).
6 The other one gives access to these two
7 properties (indicating), which --

8 COMMISSIONER ROBERTS: Can you show
9 me where Stephen Hands Path is, please?

10 MR. LAMBERT: Right up here
11 (indicating).

12 COMMISSIONER ROBERTS: Great.

13 MR. LAMBERT: Oh, Stephen Hands --

14 COMMISSIONER ROBERTS: Stephen
15 Hands.

16 MR. LAMBERT: -- I'm sorry. It's
17 this one, I believe (indicating). Two
18 Holes of Water is on the north.

19 VICE CHAIRWOMAN HOLMES: It's is
20 very hard to read this map.

21 COMMISSIONER ROBERTS: Yeah.

22 MR. LAMBERT: Yeah.

23 The proposed subdivision will
24 result in the creation of two landlocked
25 parcels -- this one (indicating), and

2 this one (indicating). It is
3 acknowledged that two common driveways
4 are proposed - one to access lots 1 and
5 2, and another to access lots 3, 4, 5
6 and 6. However, disputes over the use
7 and maintenance of the right-of-way over
8 adjacent parcels may arise, and the
9 access easement could conceivably be
10 extinguished in the future. The
11 creation of landlocked lots is contrary
12 to good subdivision layout principles,
13 and creates access problems for
14 emergency and service vehicles.

15 Lots 4 and 5 could be reconfigured
16 as flag lots, taking access here to this
17 street (indicating), and that way we
18 could still have a common driveway but
19 every parcel would have an access to a
20 public street.

21 So our recommendation is for
22 disapproval for the reason that the
23 subdivision creates two landlocked
24 parcels. We also add two comments, that
25 in the future the subdivision map should

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2 specify whether a reserved area is to be
3 dedicated either to the Town of East
4 Hampton or to a homeowners association,
5 to ensure that it remains excluded from
6 future development.

7 Comment number two is that
8 appropriate steps should be taken by the
9 Town of East Hampton to ensure that the
10 agricultural reserve area remains
11 undeveloped, except for those
12 agricultural-related structures that are
13 permitted to be constructed within a
14 suitable building envelope. Such a
15 building envelope should be detailed on
16 the subdivision map.

17 And that is the staff report.

18 CHAIRMAN CARACCILO: Thank you,
19 Peter.

20 Any questions or comments?

21 VICE CHAIRWOMAN HOLMES: Just a
22 strong way of supporting your reserved
23 area comment -- both your comments. But
24 we had, on Shelter Island, a filed map
25 that had had a reserved area for 15 or

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2 20 years, and the Town allowed a new
3 developer to come in and put that area
4 back on the map for development, which
5 is illegal. And we abandoned our loss
6 because we didn't want to sue the Town,
7 because we knew we'd win. And it was a
8 very problematic thing, it's still
9 problematic.

10 So I'm surprised that East Hampton
11 hasn't taken that step, and I certainly
12 hope that they will. Also, they should
13 know better than to have an agricultural
14 district that isn't in perpetuity,
15 because that's been happening too --

16 MR. LAMBERT: Right. So hopefully
17 that will be on the final subdivision.

18 VICE CHAIRWOMAN HOLMES: Good.
19 Good. I would certainly move the
20 adoption.

21 CHAIRMAN CARACCILO: Yes.

22 COMMISSIONER ROBERTS: I'll second
23 that.

24 VICE CHAIRWOMAN HOLMES: Okay.

25 CHAIRMAN CARACCILO: All those in

2 favor?

3 (WHEREUPON, the members voted.)

4 CHAIRMAN CARACCIOLO: Opposed?

5 (WHEREUPON, the members voted.)

6 CHAIRMAN CARACCIOLO: Abstentions?

7 (WHEREUPON, the members voted.)

8 CHAIRMAN CARACCIOLO: Motion

9 carries.

10 Do we have any other business?

11 VICE CHAIRWOMAN HOLMES: Yeah,

12 just --

13 CHAIRMAN CARACCIOLO: Okay.

14 VICE CHAIRWOMAN HOLMES: -- just so

15 everybody agrees that we'll go to

16 Cornell, on beautiful Sound Avenue, 2.2

17 miles east of Edwards Avenue.

18 CHAIRMAN CARACCIOLO: We all agree;

19 right?

20 VICE CHAIRWOMAN HOLMES: Yes. And

21 although a tour of Cornell -- which has

22 been a very important component to --

23 nationwide for many, many years, they'll

24 be doing the tour, but your tour of the

25 wine district is on your own afterwards.

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2 CHAIRMAN CARACCIOLO: Okay. Thank
3 you, Linda.

4 Motion to adjourn?

5 COMMISSIONER PRUITT: (Indicating)

6 CHAIRMAN CARACCIOLO: Thank you,
7 sir.

8 (WHEREUPON, this hearing was
9 adjourned at 2:26 p.m.)

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C E R T I F I C A T E

5

6 I, THERESA PAPE, a Shorthand Reporter and
7 Notary Public of the State of New York, do hereby
8 certify:

9 That the foregoing is a true and accurate
10 transcription of the stenographic notes taken
11 herein.

12 I further certify that I am not related to
13 any of the parties to this action by blood or
14 marriage; and that I am in no way interested in the
15 outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 1st day of August, 2007.

18

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20

21

THERESA PAPE

22

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