



# SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Planning Department  
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099  
T: (631) 853-5192 F: (631) 853-4044  
Thomas A. Isles, Director of Planning

## AGENDA

May 5, 2010  
12:00 p.m.

---

1. Adoption of minutes for January
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers :
  - Hon. Sean Walters, Supervisor, Town of Riverhead
  - Town of Brookhaven – Montauk Highway Corridor Study and Land Use Plan for Mastic and Shirley Phase II Paul Rogalle, Director of Planning, Diane M. Mazarakis, Principal Planner, Meg Shutka, Planner and Kathy Eiseman, Nelson, Pope & Voorhis
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
  - Montauk Highway Corridor Study and Land use Plan for Mastic and Shirley Phase II (Brookhaven)
  - TBOM-PR-1 @ Lake Ronkonkoma      0200 68800 0100 008000      (Brookhaven)
7. Section A14-24 of the Suffolk County Administrative Code
  - The Woods at Cherry Creek      0600 06400 0200 007047      (Riverhead)
  - Lorraine Anderson Estate      0901 00100 0200 001000      (North Haven)
8. Discussion
  - Long Island Comprehensive Regional Sustainability Plan
  - Comprehensive Plan
  - Guidebook Revisions-Clearing Restrictions
9. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **June 2, 2010, in the Brookhaven Auditorium in Brookhaven.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUFFOLK COUNTY PLANNING COMMISSION

FINAL

County Legislature Building  
Riverhead, New York

May 5, 2010  
12:00 p.m.

MEMBERS PRESENT:

- DAVID CALONE, Chairman
- CONSTANTINE KONTOKOSKA, Vice Chairman
- ADRIENNE ESPOSITO, Secretary
- MATTHEW CHARTRAND, Town of Islip
- VINCENT TALDONE, Town of Riverhead
- CHARLA BOLTON, At-Large
- BARBARA ROBERTS, Town of Southampton
- LINDA HOLMES, Shelter Island
- THOMAS McADAM, Town of Southold
- JOSHUA HORTON, At-Large
- SARAH LANSDALE, At-Large
- MICHAEL KELLY, Town of Brookhaven
- JOHN FINN, also present
  
- THOMAS A. ISLES, Planning Director
- THOMAS YOUNG, ESQ., County Attorney for  
Planning Department
- DANIEL J. GULIZIO, Deputy Planning Director

1  
2  
3  
4

May 5, 2010 Planning Commission  
THE CHAIRMAN: Good afternoon and welcome to  
the May 2010 meeting of the Suffolk County Planning  
Commission. I note that we have a quorum present and I  
Page 1

5 ask Secretary Esposito to lead us in the pledge.

6 (Recitation of the Pledge of Allegiance)

7 THE CHAIRMAN: We are going to take things a  
8 little out of order. We are privileged to have with us  
9 the supervisor of the Town of Riverhead, Sean Walter.  
10 Supervisor Walter spent the morning with us touring the  
11 Epcal site, and I appreciate you taking some time in  
12 that regard showing us what the plans are and allowing  
13 all of us to get a sense of place. I think when you're  
14 there, it's a little different than when you're looking  
15 at things on a piece of paper. Thank you, Supervisor,  
16 and thank your staff.

17 As you all know, this is our first meeting  
18 in this new room here in Riverhead. Traditionally, when  
19 we travel to the various towns during the year, we ask  
20 the supervisor of the town to come and give us an update  
21 on what he or she is working on, land use issues  
22 affecting the region. There's a lot of things going on  
23 in Riverhead, so Supervisor Walter, thanks for joining  
24 us.

25 SUPERVISOR WALTERS: I want to thank all of you

3

1 May 5, 2010 Planning Commission  
2 for coming to the Epcal site, taking a look. If you  
3 think I'm excited about Epcal, and I am, downtown Main  
4 Street is a gem. We have taken a completely different  
5 approach to downtown Main Street. Everything that you  
6 want to talk about Riverhead that is on Main Street,  
7 from the walkable community to the train station to the  
8 sewage treatment plant to the public water to the  
9 zoning, you need with workforce housing, high end

10 housing, office complexes, retail, but yet, if you have  
11 been there, it's not that great.

12 We probably have a sixty or seventy percent  
13 vacancy rate, so we did something completely different.  
14 Newsday, every time I talked to them about it, they're  
15 like, you're off the wall. Nobody is doing what you are  
16 doing. We took condemnation, for the most part, off  
17 the table. We have an IDA which the Town Board may be  
18 poised to take over. We have an economic development  
19 zone downtown and the CDA that is in charge of Epcal,  
20 and also the office that does a lot of work downtown.

21 You say what did we do differently. I  
22 realized very early on that I have to go find the people  
23 and bring them downtown. So the first thing we did was  
24 had this downtown summit. It really kind of blossomed  
25 into something more than I thought it would. All I was

4

1 May 5, 2010 Planning Commission  
2 interested in bringing bankers, lawyers, business  
3 owners, building owners and developers to talk to them  
4 about what we have. From there is a tremendous amount  
5 bubbling beneath the surface. The original approach to  
6 downtown was similar to what we have seen in Hempstead  
7 and other places, where one developer kind of comes in,  
8 buys up all of downtown and if condemnation is  
9 necessary, they will condemn part of it. We tried and  
10 it didn't work.

11 Here's the funny thing. People didn't  
12 understand, when you put all that zoning in place, when  
13 you condemn a piece of property, the value is based on  
14 highest and best use less your cost of demolition and

15 construction. We put five story, sixty foot buildings  
16 potentials down there, so we increased the value  
17 tremendously, so we killed ourselves because the  
18 condemnation costs, they don't work. Right now, I don't  
19 want to throw the names out loosely, but the people we  
20 are talking with Ron Parr, Wilbur Breslin, Antonasio,  
21 Zacarro Construction, there are three or four other ones  
22 that escape me now, that all have an interest in  
23 downtown.

24 The key, I believe, this hadn't come to  
25 fruition yet, but somebody mentioned here about medical

5

1 May 5, 2010 Planning Commission  
2 office complexes. I don't know if you understand  
3 Peconic Bay Medical Hospital. It went from Central  
4 Suffolk Hospital in 2002 and about three weeks away from  
5 filing bankruptcy, Andy Mitchell came in and signed on  
6 the dotted line as CEO. They hadn't paid their payroll  
7 taxes. To get a CEO and come sign that makes you  
8 personally responsible. Peconic Bay Medical Center is  
9 now in the black. It is a five star rated medical  
10 hospital for general surgery. It is in the top ten for  
11 New York State for general surgery. It is in the top  
12 ten percent for general surgery in the entire country,  
13 all within about a mile from downtown. They have  
14 affiliated themselves with Stony Brook Hospital, so when  
15 you go, you will see University Hospital at Stony Brook  
16 on everybody's, I should not say smock, but gowns.

17 There is going to be a relationship in what  
18 happens downtown, in my opinion, in that hospital. They  
19 are not landlocked is not the right word. They don't

20 have any more property where the hospital is. They only  
21 own the piece of property across the street where the  
22 parking lot is. They are looking for a skilled nursing  
23 facility, medical office space. They're doing some neat  
24 stuff with many local doctors and they're looking for  
25 affordable houses for the nurses and doctors.

6

1 May 5, 2010 Planning Commission

2 What we have been doing is reaching out to the  
3 Parris, Breslins, Antonasios, Zacarros. I tell them you  
4 have twelve hundred employees right here, and it's  
5 starting to click. We have a high end bakery we think  
6 is coming. We have a business school we think is  
7 coming. I have a furniture store. It may be a  
8 consignment store, but we have a different furniture  
9 store coming, Di Moumma has just invested on 1 East Main  
10 Street. It's a tremendous amount of money in a building  
11 that I never thought would go anywhere. She has this  
12 really great idea where it's going to be a restaurant on  
13 the bottom, restaurant take out bar. On the top floor I  
14 think there are six or eight, I'm not sure, they're live  
15 work units. So the first floor of the unit, you come  
16 into is your office. The second floor is a beautiful,  
17 and I mean a beautiful apartment. On the top floor she  
18 is putting in gardens. It's one of the tallest  
19 buildings, so you can see all of Riverhead.

20 We have a group of ladies that are doing  
21 community gardens downtown to rent spaces. So the  
22 elements are there. What I'm trying to do is get a  
23 meeting right now with Charles Dolan from Cablevision  
24 because I'm convinced that he's the guy to build the

25 movie theater in Riverhead. We don't have a movie

7

1 May 5, 2010 PI anni ng Commi ssi on  
2 theater here; the closest one is Mattituck, and it's an  
3 older theater. You have one in Westhampton beach which  
4 is also an older theater There is a relationship that  
5 I'm going to try to build with the Dolans for a movie  
6 theater downtown. We have things that other people  
7 don't have, franchise taxes from Cablevisi on so you know  
8 something that I learned, bulls make money, bears make  
9 money, pigs get slaughtered. We are not going to be  
10 slaughtered. We're not going to be a pig. I think Ron  
11 Parr was talking about Supervisor Jones in Islip, and  
12 how he bent over for a project. I said, "you have not  
13 seen a supervisor bend over for somebody." The key is  
14 jobs jobs, jobs, tax based jobs. We are really focused  
15 on that. Blackman Plumbing broke ground for a new forty  
16 thousand square foot building and the Hyatt Hotel, they  
17 have broken ground. They have put the pilings in and  
18 the foundation in.

19 I suspect in the next two or three years that  
20 Riverhead, you will want to come here for your meetings.  
21 I thank you all for coming. If you have questions, feel  
22 free to give me a call. I'll leave my cards here.

23 THE CHAIRMAN: Thank you, Supervisor. I  
24 appreciate you making time. Anybody have any questions  
25 for Supervisor Walter at this time? I know we had a

8

1 May 5, 2010 PI anni ng Commi ssi on  
2 chance to interact with him earlier. Seeing none, thank

3 you for being here and good luck with downtown and with  
4 the project.

5 Next item on the agenda is the adoption of the  
6 minutes for January. I have my comment here. There  
7 were a few minor typos. I think the editor-in-chief  
8 also had a few typos. Other than that --

9 COMMISSIONER HOLMES: It is. It's only  
10 fourteen little errors, and some of them I did not mark  
11 down because our Director of Planning has a very soft  
12 voice. And there were too many times in January where  
13 Terry put "inaudible," so I put this little note; Tom  
14 Isles needs to speak up. I do have a copy for the court  
15 reporter.

16 MR. ISLES: And Terry was coughing.

17 COMMISSIONER HOLMES: That was it, Terry was  
18 coughing.

19 THE CHAIRMAN: These were typographical  
20 errors.

21 COMMISSIONER HOLMES: I would move the  
22 adoption of the January minutes, pending the  
23 corrections, corrections that will be easy to make.

24 THE CHAIRMAN: Any other thoughts or comments  
25 on the January minutes? Seeing none, I'll entertain a

9

1 May 5, 2010 Planning Commission  
2 motion to adopt the minutes as amended.

3 COMMISSIONER HOLMES: So moved.

4 THE CHAIRMAN: All in favor, please raise  
5 your hand. Opposed? Abstentions? Even to zero.  
6 Next item on the agenda is the public portion. Randy  
7 Parsons is here. I want to welcome Randy from Nature

8 Conservancy. I want to give a shout out to Randy  
9 because he has done a tremendous amount of working on  
10 native vegetation and how do we do a better job.

11 First of all, raising the bar and also create  
12 standard for your county. Secretary Esposito has been  
13 working with Randy quite a bit. This is an ongoing  
14 project of ours and we made a lot of progress, thanks to  
15 Randy. I want to welcome Randy and try and tell  
16 everyone we try and limit it to three minutes.

17 MR. PARSON: Thank you for getting me in in  
18 the public portion. Hopefully, I will be around at the  
19 later part of the meeting when you discuss this. I know  
20 that first of all, I do want to express appreciation to  
21 all of the commission members and staff. I know that  
22 you guys spend a lot of time and a lot of miles to do  
23 this. It's an important role how to play.

24 The reason I'm here, the reason that I've been  
25 fortunate to work with Adrienne and David on your

10

1 May 5, 2010 Planning Commission  
2 subcommittee is that as you know, because the towns and  
3 villages have the zoning power, you can end up with a  
4 lot of different approaches to things in Suffolk  
5 County. The Planning Commission, of course, was set up  
6 to try and create, as David said, a bar or standard that  
7 we can all ascribe to or agree to, hopefully. It's in  
8 that spirit, really, that this native vegetation  
9 protection work was done.

10 Let me quickly say that, as you all know, I  
11 just want to set a little context. Part of the trend in  
12 the county, as Tom Isles and his staff well know, in

13 1900 there were less than a hundred thousand people  
14 here. Most people think the 2010 census is going to be  
15 north of one point five million, with possibly a  
16 seasonal population of two and a quarter million, so we  
17 have a substantial population growth, like we have a  
18 substantial increase in the amount of land that has been  
19 cleared and the amount of improvement.

20 The Nature Conservancy has been working on the  
21 three estuary systems in Suffolk County, Long Island  
22 sound Peconic and South Shore estuary, and toward that  
23 end, as most of you know, we acquired underwater land  
24 from the Blue Point Oyster Company in Great South Bay.  
25 It's about thirteen thousand acres of bay bottom and

11

1 May 5, 2010 Planning Commission  
2 we're looking to restore the shellfish and sea grass to  
3 that land.

4 One of the alarming facts that we have been  
5 looking at, and I know you have been looking at as well,  
6 is that in Great South Bay, in 1976 there was a harvest  
7 of seven hundred thousand four hundred sixty-five  
8 bushels of hard clams. It was over fifty percent of the  
9 United States supply of hard clams. That harvest was  
10 worth sixty-three point five million. It's a viable  
11 harvest. It's also an important recreational aspect for  
12 the county.

13 Hard clam harvest today in the Great South Bay  
14 is five to seven thousand bushels, again, from seven  
15 hundred thousand four hundred sixty-five bushels in 1976  
16 to five to seven thousand bushels in 2009. Similarly,  
17 in the Peconic estuary, we had a four hundred fifty

18 thousand pound bay scallop harvest up until 1986, again,  
19 a valuable crop providing approximately twenty-five  
20 percent of the United States supply of bay scallops. We  
21 are now at four point four percent of that four hundred  
22 fifty thousand pounds. We have come up to twenty  
23 thousand pounds last year, but we went down to a  
24 thousand pounds from four hundred fifty thousand pounds  
25 in the mid '80's to twenty-five -- to one thousand

12

1 May 5, 2010 Planning Commission

2 pounds in the early '90's.

3 Okay, so this was sort of the canary in the  
4 coal mine for a lot of people, and part of the reaction  
5 to this was the formation, in 1987, the federal  
6 government created the estuary program. They took  
7 the -- New York State passed the South Shore Estuary  
8 Protection Act for the South Bays. I think really  
9 that -- I know I want to keep it short -- really what  
10 the message is, is that we have done a lot in Suffolk  
11 County. We have a great open space program. We have a  
12 great planning department. We have a lot of cutting  
13 edge legislation, but we are not doing enough because  
14 the proof is in the bay.

15 Something is wrong, and one of the things that  
16 the three comprehensive management plans that have been  
17 done for the estuaries looks at is non-point source  
18 pollution in stormwater, and one of the best ways for --  
19 one of the best and most cost effective ways for the  
20 county to deal with stormwater contamination going into  
21 the estuaries is to retain vegetation on site and not  
22 clear the entire site.

23                   What we have done is look at the model used by  
24 the Pine Barrens Commission. The Pine Barrens  
25 Commission recognized, in the mid '90's, that they're

13

1                   May 5, 2010 Planning Commission  
2 going to use vegetation protection to protect  
3 groundwater quality. What we are suggesting is the  
4 planning commission take the standards out to certainly  
5 the three estuary water sheds, and Adrienne and DEC  
6 suggested everywhere you have jurisdiction, to include  
7 this.

8                   Thank you for your time and I hope I'm here  
9 later when you talk about it.

10                  THE CHAIRMAN: Thank you again. We are going  
11 to talk about it later. This will be a chance for us to  
12 review the work that has been done and to start to get  
13 some feedback on that. Thank you Randy and Adrienne as  
14 well. If there are no other public comments, we will  
15 close the public portion and move to the Chair's report.

16                  Thank you for those of you who went on the  
17 Epcal tour. I think it was enlightening. And our task  
18 forces, I'll try to just summarize it briefly. On  
19 public safety, we have a draft that Tom Mcadam worked on  
20 putting together information from other jurisdictions.  
21 Tom, myself and Ted are going to meet on that after the  
22 meeting briefly and the next step is to get it out to  
23 the elected officials for comment. Hopefully, we will  
24 have something on our agenda in June to have a first  
25 conversation on this.

14

2 Energy and environment, Sarah's task force.  
3 Sarah, unless you mind, I will breeze through this  
4 briefly. We, on the solar panel application, we have  
5 two calls in the last month. We are nearing consensus  
6 on the final form. LIPA played a significant role in  
7 that and they are carrying the ball. They have the  
8 baton right now in the race and are doing a good job  
9 working on that with a bunch of other elected officials  
10 participating in the calls. On the wind application,  
11 we have a draft permit form. We have been through one  
12 round of reviews and there is another revised version.  
13 I think we are going to call to review that next week.  
14 Native vegetation, we will discuss later.

15 Green building codes, as you know, Islip used  
16 our commercial code from the guidelines as a model for  
17 their efforts. As a result of that, Constantine and I  
18 have been invited to speak at the Long Island  
19 Association's Energy Committee in a couple of weeks. So  
20 we will be presenting on things the Commission is  
21 doing. Also, we will piggyback on Constantine's  
22 background in New York City and some of the things going  
23 on with the green buildings codes there. We will let  
24 you know how that goes in a few weeks.

25 On housing, we have some interesting

15

1 May 5, 2010 Planning Commission  
2 conversation going on in the Town of Brookhaven among  
3 the builders and environmental community about how do  
4 you trade off density for community benefit. I think  
5 Mike, you were there at one of the Town Board meetings a  
6 week or so ago. I understand there is some serious

7 contention going on about some of the things going on in  
8 Brookhaven. The question for us, can we be helpful.  
9 These issues are not limited to Brookhaven, although  
10 they may be rearing their head in Brookhaven most  
11 acutely right now.

12 Is there a chance for us to lead here in terms  
13 of putting together standards on what are reasonable  
14 trade offs for density? We have talked about smart  
15 growth and there needs to be more density in certain  
16 places, but the question is at what cost and what kinds  
17 of infrastructure. That is something that the task  
18 force could pick up if they were interested in doing  
19 so.

20 Lastly our economic development and smart  
21 growth, universal design code has gone out to the towns  
22 and villages. I had a conversation with the supervisor  
23 of Shelter island about two weeks ago. He mentioned  
24 that they're looking at the issue and the code that we  
25 passed and they're anticipating taking it up sometime

16

1 May 5, 2010 Planning Commission  
2 this summer.

3 COMMISSIONER HOLMES: That long?

4 THE CHAIRMAN: On Shelter Island they move  
5 very quickly and Commissioner Holmes is disappointed.  
6 Maybe you can follow up. He said there are a lot of  
7 things they have to get through.

8 COMMISSIONER HOLMES: We have a flooding  
9 issue of major importance. It's been five weeks and the  
10 water is still there.

11 THE CHAIRMAN: He's a little occupied, but

12 that is something on their agenda. Particularly as  
13 Commi ssi oner Holmes menti oned Shel ter Isl and bei ng a  
14 natural ly occurri ng --

15 COMMI SSI ONER HOLMES: Natural ly occurri ng  
16 retirement communi ty, because a lot of people are agi ng  
17 i n pl ace on Shel ter Isl and.

18 THE CHAI RMAN: We have a press release that  
19 we drafted. County executi ve's offi ce i s revi ewi ng i t.  
20 We are hopi ng that that wi ll get out relati vel y soon.  
21 Charla has been headi ng up the hi stori c preservati on  
22 effort that got under way i n the l ast few weeks. Any  
23 brief update that you woul d l ike to share?

24 COMMI SSI ONER BOLTON: Very bri ef. We di d  
25 meet. The task force met on April 23rd. It was the

17

1 May 5, 2010 PI anni ng Commi ssi on  
2 consensus of the group that met after revi ewi ng vari ous  
3 opti ons that we mi ght pursue that woul d be most  
4 effecti ve and get backed up by the Suffol k County  
5 PI anni ng Commi ssi on, we deci ded to l ook at hi stori c  
6 preservati on i ncenti ves and the potenti al to create new  
7 i ncenti ves whi ch woul d create i nvestme nt i n hi stori c  
8 bui ldi ngs, whi ch woul d dovetai l wi th smart growth  
9 sustai nabl e efforts.

10 We feel hi stori c preservati on has a key rol e  
11 to pl ay and that may be a way to get i t up off the  
12 ground, so to speak. Thank you.

13 THE CHAI RMAN: Thank you, Charla. You wi ll  
14 keep us up to date on thi ngs as they progress. I f fol ks  
15 are i nterested, there i s work to be done. Please l et  
16 Charla know i f you want to help wi th that. The other

17 task force is kind of transit oriented development task  
18 force working on best practices. I know it's  
19 potentially a time consuming effort, so we will see  
20 what we are able to do with that. There is certainly  
21 the possibility of putting together parking codes or  
22 overlay zones or to provide density in smart growth and  
23 downtown and transit oriented areas.

24 On the sewer front, Adrienne and her  
25 organization as well as a few others are sponsoring. We

18

1 May 5, 2010 PI anni ng Commi ssi on  
2 had done an educational piece on May 21st at Farmingdale  
3 State. I think you received information on that and we  
4 will be sending that out to the municipalities. Make  
5 note of that. It starts at nine a.m.

6 COMMI SSI ONER ESPOSITO: Regi strati on is  
7 eight-thirty. Program is nine to three-thirty.  
8 Keynote speaker is Steve Levy. The purpose is to talk  
9 about sewer treatment upgrades and energy efficient  
10 design and how to fund such activities. It's funded by  
11 EFC, NYSERTA, EPA NYPERG and LIPA.

12 THE CHAIRMAN: Adrienne also hosted a meeting  
13 on sewers really with EFC. Environmental Facilities  
14 Corp. for the state is looking at the criteria used to  
15 provide financing for sewers and wastewater treatment  
16 facilities. One thing they have done with Adrienne's  
17 help is reach to a few folks here on Long Island. Sarah  
18 and Mike Kelly and I were involved with a conference  
19 call with EFC last week.

20 COMMI SSI ONER ESPOSITO: It was a meeting.  
21 You were there.

22 THE CHAIRMAN: I was there. Some people were  
23 on the phone. It was a partial in-person meeting. The  
24 important thing was that the conversation was about how  
25 to make smart growth criteria incorporated in to the

19

1 May 5, 2010 PI anni ng Commi ssi on  
2 cri teria for gi ving out money to sewers. Right now the  
3 formula really relates to envi ronmental problems. It  
4 makes sense, but as we know on Long Island, we have to  
5 incenti vi ze our devel opment in downtowns. To do that we  
6 need to have sewers. How do we incorporate smart growth  
7 princi pals into that. Adrienne, if you want to talk  
8 about the next steps.

9 COMMI SSIONER ESPOSITO: There will be a draft  
10 produced by EFC on new cri teria for allocations of  
11 fundi ng for upgrades. We will be able to look at that.  
12 I don't know if I will be allowed to circulate it, but  
13 certainly you will be allowed to look at it and help to  
14 continue to shape it before it goes to approval. It  
15 will be a lengthy process. The EPA has to approve it  
16 and the governor's offi ce. So we are movi ng along. I  
17 thi nk that is good. I thi nk that is great.

18 They came because they heard a lot of things  
19 that they don't hear from other areas in the state. We  
20 talked about the indi vi dual STP's, which we have one  
21 hundred ninety of that are kind of in no man's land.  
22 And we talked about smart growth and protection of  
23 estuari es, and it was a very good, I thought, thoughtful  
24 di scussi on of what they need to look at as they redesign  
25 the cri teria.

20

1 May 5, 2010 PI anni ng Commi ssi on

2 THE CHAIRMAN: Only people like us can talk  
3 about sewers for two hours and be excited about it.  
4 Thank you also, Sarah and Michael, for participating. I  
5 don't know if anybody wanted to add to that. We are  
6 planning a sewer summit 2 in the fall. Adrienne is the  
7 point person on that. The county executive's office is  
8 taking the lead in planning that.

9 The other project that we are starting to work  
10 on was the Suffolk Uni fied Permi tting Portal. Five  
11 towns expressed an interest, including Riverhead.  
12 Supervisor Walter was one of the driving forces on the  
13 idea. We got some good information from the Rauch  
14 Foundation, LIBI as well. We found out Massachusetts is  
15 doing something similar to this; it's not unique, but it  
16 is important.

17 I want to, as you mentioned earlier, Barbara  
18 is going to be our point person with Constantine's  
19 involvement as well. And Yves Michel, who is the new  
20 Commi ssi oner of Economic Development for the county,  
21 he's excited about it. He was on the bus with us. I'm  
22 sorry I didn't get to the introductions as well as I  
23 should have. I think that is good to think about how we  
24 might move towards electronic permi tting for Suffolk  
25 County.

21

1 May 5, 2010 PI anni ng Commi ssi on

2 I had a conversation with Di rector Isles and  
3 Commi ssi oner Roberts after the last meeting about the  
4 impact of IMA's on the East End. Di rector Isles has --

5 you can update on kind of conversations you had with  
6 folks on the East End about that. You all saw the  
7 e-mail from Dotty that our fall conference is going to  
8 be September 29th at BNL. It's nice of you to pick our  
9 anniversary. My wife may join us or not. It will be at  
10 BNL. We'll have a cake. Put that on your calendar. We  
11 will be working on the agenda for that. If any of you  
12 guys have ideas about classes we should have,  
13 obviously, we have some standard classes that we have  
14 every year. There are some electives that we have.

15 I think Commissioner Horton talked about doing  
16 something about projects going on in the East End,  
17 related projects. That is something we might want to  
18 follow up on. If anybody has any ideas about, any  
19 forty-five minute hour long classes that we should have.

20 The County Executive has nominated John Finn  
21 as the representative from Smithtown. John is with us  
22 today. He has not been confirmed. He was voted out of  
23 the EPA Committee yesterday or day before, but his  
24 nomination has yet to be approved by the full  
25 legislature. They will likely take it up in the next

22

1 May 5, 2010 Planning Commission  
2 few weeks. He will be probably joining us next month.  
3 Please introduce yourselves to John. He has a  
4 commercial real estate background with the Damianos  
5 Realty Group. We are glad to have the seat filled.

6 The annual report, I hope to have a draft of  
7 that to you next month. Our next meeting will be in  
8 Brookhaven Town Hall. Supervisor Lesko will be joining  
9 us as will the Planning Commissioner from Brookhaven who

10 has been on the job less than a year. They will be  
11 presenting to us at the Brookhaven meeting next month.

12 I want to flag one thing. I would like some  
13 feedback on this. There have been a handful of  
14 suggestions on folks we would like to present. If  
15 anybody has specific desires to hear from these folks,  
16 you can tell me off line. The Pine Barrens credit  
17 overview, Peter Lambert on the developable land in the  
18 groundwater management zones, Michael White from the  
19 Regional Planning Council. Yves Michel, the new  
20 Economic Development Commissioner for the county, and  
21 Bob Shinnick from the new county bus study and possibly  
22 a repeat performance from the water study. There is a  
23 bunch of folks that we can have address us. Our  
24 meetings are long enough, but we can space them out. If  
25 there are any others, please let me know so we can

23

1 May 5, 2010 Planning Commission  
2 organize it and space them out over the next couple of  
3 months.

4 Anybody have anything else? If not, I'll move  
5 on to Tom Isles.

6 MR. ISLES: Thank you, Mr. Chairman. A  
7 couple of items to update the Commission. The  
8 amendments to Chapter 8 of the code, the County Farmland  
9 Program, as I previously indicated, Suffolk County had  
10 the first purchase development rights in the nation back  
11 in '74-'75 with the intent of preserving a critical mass  
12 of farmland in the county. We have a little over thirty  
13 thousand acres of farmland left. The code that was  
14 created in 1981 to administer that program, has been

15 really outdated in a number of regards, and lacks any  
16 enforcement language, so we began a process to revamp it  
17 about two years ago with the assistance of the County  
18 Attorney's Office.

19 We did go before the Legislature in March with  
20 proposed amendments in this room, a number of comments  
21 that we are still trying to iron out with that. We have  
22 been working with the Long Island Farm Bureau for their  
23 side of the equation, as well as other interest groups  
24 that have weighed in on this. We are in the final  
25 stages of a redraft addressing some of the issues. Our

24

1 May 5, 2010 Planning Commission  
2 concern is frankly watering it down too much, and what  
3 we want to do is find the right balance between  
4 preserving the agricultural industry, but also looking  
5 at issues in terms of control of TDR properties in terms  
6 of development in terms of best management practices, in  
7 terms of groundwater issues, so our schedule right now  
8 is we are targeting the continuation of the public  
9 hearing, of the June 8th hearing of the Suffolk County  
10 Legislature.

11 The next item is we have on the agenda the  
12 Comprehensive Plan update. We have a brief presentation  
13 today ready, one of the sections of that plan dealing  
14 with local municipal plans. If time permits, Andy  
15 Freleng will be presenting that. If not, you have it as  
16 a document in your packet. At this point, we request  
17 that it not be distributed. What we will be doing is  
18 sharing that with each of the municipalities before  
19 obviously incorporating it into our Draft Comprehensive

20 Plan Update. It's a summary of plans on each of the  
21 forty-two municipalities in Suffolk County, at least the  
22 ones that have plans.

23 Next is the aquaculture program, a major  
24 initiative of the Planning Department. Last year, the  
25 county approved a leasing program of the Peconic Bay

25

1 May 5, 2010 Planning Commission  
2 system. To continue its authority, it must issue a  
3 lease before the end of the year. The aquaculture board  
4 approved a number of leases approximately two weeks ago,  
5 and we are in the process of formalizing those leases  
6 and surveys so it can be put into place. This is a  
7 groundbreaking program, and part of our aquaculture  
8 program in Suffolk County, and one that is in its  
9 infancy at this point, but one that will be launched in  
10 the next six months.

11 Other items in terms of the department and  
12 projects, the Sunrise Highway Corridor Study. This  
13 board received a presentation on -- received a copy of  
14 the draft plan probably a year and a half ago. We have  
15 not released the final report. There are some issues  
16 among the towns. It is a cooperative plan between Islip  
17 and Brookhaven as well as New York State DEC.

18 I did meet with the Commissioner of Planning  
19 for Brookhaven, Tulio Bertolli, Director of Planning,  
20 Paul Rogalle, as well as Islip Planning Commissioner  
21 Gene Murphy to see if we can iron out some of the  
22 language on issues that are out there. It appears we  
23 have done so -- I appreciate the cooperation of both  
24 towns in this effort. We are at the point where we will

25 incorporate the additional comments into the document

26

1 May 5, 2010 Planning Commission  
2 and present it to the county executive for his  
3 consideration, since he originally called for the  
4 report. I hope to get that to you in the June meeting  
5 as the final report.

6 Mr. Chariman, you mentioned the Suffolk County  
7 Planning event on his anniversary on September twenty  
8 nine we are in the planning with Andy Freleng who  
9 oversees that on behalf of the department. If the  
10 commission members have any ideas for programs we have  
11 essentially nine programs or classes that we do. We are  
12 reserving one for the planning commission specifically.  
13 If there are particular ideas that you want to put  
14 forward, we would be happy to receive those over the  
15 next few weeks. There is an East End planning  
16 conference occurring on June 9th. That is happening at  
17 the culinary center in downtown Riverhead and it is a  
18 program put on in conjunction with the American planning  
19 association of Long Island as well as American institute  
20 of Architects East End Chapter. Notices have gone out.  
21 If you haven't received a notice, we can certainly make  
22 that happen for you.

23 Continuing on. In terms of the department, we  
24 are preparing our 2011 budget. Obviously, we are in a  
25 constrained financial situation continuing. We

27

1 May 5, 2010 Planning Commission  
2 understand that. We are looking at the perhaps some  
3 reorganization of the budget. We are looking at change

4 in CEQ in terms of Jim Bagg, our chief environmental  
5 analyst, is likely retiring in the next couple of  
6 months. That will result in some changes in the  
7 department itself. I will keep you posted to the extent  
8 they impact departmental operations, but Jim has  
9 certainly served the county with great distinction, and  
10 obviously he is entitled to retire, and we will pick up  
11 the pieces and keep going forward as best as we can. It  
12 does have an impact on the responsibilities in the  
13 department. We have to shift around and loosen the  
14 load.

15 The Commission commenced IMA's, intermunicipal  
16 agreements in the East End. I think that has to be tied  
17 into the regional project threshold projects. At a  
18 post-meeting conversation with the Chair, it was  
19 requested that I contact each of the directors in the  
20 four East End towns. I did so. The reaction I got from  
21 two of the towns was that things were perfectly fine,  
22 but they're open to suggestions in terms of changing.  
23 Did not do it on Shelter Island because they don't have  
24 an IMA with us; they don't have a planning department.

25 THE CHAIRMAN: Must be the flood or

28

1 May 5, 2010 Planning Commission  
2 something.

3 MR. ISLES: I can report that more  
4 specifically to you afterwards. In general, the  
5 reaction I got from two of the towns was they think  
6 things are perfectly fine, but they are open to  
7 suggestions. In terms of the town of East Hampton,  
8 there was a suggestion that Marguerite Wolfson would

9 like to poll her board about it, but I think she is open  
10 to changes as well.

11 What were the thresholds of applications  
12 submitted to the Commission and what applications that  
13 we receive do you wish to appear before the Commission.  
14 I think we would like to look at both thresholds and go  
15 through that in a little more detail.

16 The last item is informational for the  
17 Commission; that is that the federal government is  
18 beginning the NEPA process for the discontinuance of  
19 Plum Island, eight hundred and forty acre property in  
20 the Town of Southold. They have scheduled a public  
21 hearing in Greenport on May 20th. We are going to try  
22 to get representation out there. We are also staying in  
23 touch with the Town of Southold in terms of their  
24 process. The property is not currently zoned. It's a  
25 project of regional significance and we will keep the

29

1 May 5, 2010 PI anni ng Commi ssi on  
2 commi ssi on updated as things proceed.

3 THE CHAIRMAN: Any questions for Di rector  
4 Isl es?

5 COMMI SSI ONER McADAM: The Plum Isl and  
6 meeting, can you tell me where that meeting would be  
7 hel d.

8 MR. ISLES: I did not see the l ocati on on the  
9 notice that I received. What I did see is it was in  
10 Greenport. They have one in Conneticut, I think on the  
11 15th and one on May 20th. I will get the details of the  
12 meeting and circulate it to the Commi ssi on members.

13 THE CHAIRMAN: Commi ssi oner Roberts.

14 COMMISSIONER ROBERTS: Did you happen to  
15 follow up the status of the County Road 39 report that  
16 the Town of Southampton might be working on?

17 MR. ISLES: I spoke to the director of  
18 planning for Southampton. He said in addition to being  
19 short staffed, he was hopeful of getting it done before  
20 the end of the year.

21 THE CHAIRMAN: That is the plan for that  
22 corridor?

23 MR. ISLES: It's a corridor study that the  
24 town is doing and principally a land use study. It's  
25 not too dissimilar from what we will be seeing in a

30

1 May 5, 2010 Planning Commission  
2 moment from the Town of Brookhaven on the Montauk  
3 Highway corridor, the existing zoning and what the  
4 zoning will lead to in terms of traffic impacts and so  
5 forth, and looking at specific terms for the Route 39  
6 corridor. Many towns are doing that, and rightfully  
7 so. They want us to articulate that. Hopefully that  
8 will result in some changes to actually implement that  
9 plan.

10 THE CHAIRMAN: Other thoughts, comments,  
11 questions? Seeing none, thank you, Director Isles, and  
12 we will move onto our presentation today from the Town  
13 of Brookhaven Planning Department. I want to thank Paul  
14 Rogalle and Diane Mazarakis.

15 MR. ROGALLE: Good afternoon, everybody,  
16 Mr. Chairman and members of the Commission, thank you  
17 for having us. My name is Paul Rogalle. I'm the  
18 Brookhaven Planning Director, and today I'm joined with

19 pl anni ng staff Di ane Mazaraki s, Pri nci pal Pl anni ng, as  
20 well as Meg Shutka, Pl anni ng, and al so joi ni ng us i s our  
21 consul tan t, Kathy Ei se man from Nel son, Pope & Voorhi s.  
22 We al l thank you for thi s oppor tui ni ty to provi de you  
23 wi th an overvi ew of the work that i s bei ng done i n the  
24 Montauk Hi ghway corri dor, i n the Shi rley - Masti c  
25 corri dor.

31

1

May 5, 2010 Pl anni ng Commi ssi on

2

MS. MAZARAKI S: Thi s i s the Montauk Hi ghway  
3 corri dor l and use pl an for Masti c and Shi rley, Phase 2.  
4 It address es the area be tween Shi rley to your l e ft and  
5 Masti c to the ri ght of the screen. The moti va ti on of  
6 the pl anni ng effort comes from a commu ni ty vi si on that  
7 was submi tted back i n 2002 that descri bed three cen tral  
8 busi ness di stri cts on thi s two mi le corri dor.

9

By way of back ground, once the di vi si on was  
10 accep ted, the town authori zed a moratori um, subse quently  
11 adop ted a l and use pl an for the corri dor, rezoned on the  
12 Town Board' s own moti on the two cen tral busi ness  
13 di stri ct that we showed you, but deferred on the  
14 rezoni ng i n be tween be cause i t be came very  
15 con trover si al, and the support for that cen tral busi ness  
16 di stri ct maybe wasn' t found ed.

17

We need ed to do exami ne that fur ther. The  
18 board asked to do that, to make sure we were able to  
19 support the retail nodes that the board rezoned i n  
20 Shi rley and Masti c and resolve the concerns of prop erty  
21 own ers, stakehol ders who parti ci pated i n the commu ni ty' s  
22 vi si on. So we knew we had to review the market forces  
23 and prepare whatever addi ti onal SEQRA docu men ta ti on

24 would be necessary. So the launching point for our  
25 Phase 2 plan was this 2004 land use plan brought

32

1 May 5, 2010 Planning Commission  
2 forward.

3 We had many successes in that plan prior to  
4 the adoption of the plan, or prior to the moratorium.  
5 This was a project -- it's a little grainy, but it's a  
6 strip commercial center in a central business district.  
7 We were able to influence that design and ultimately how  
8 that built out. We began to impose design standards and  
9 incentives in the zoning district that permitted this  
10 type of better quality construction. The CVS prior to  
11 the land use plan, the parking would be in the front  
12 yard. We were able to influence a different design  
13 standard.

14 This wasn't just architecture, this is a  
15 project that recently was demolished. We worked towards  
16 cross-access, creating parking in the rear and shared  
17 parking opportunities while reducing curb cuts. This is  
18 rear parking under construction today. That is the  
19 Friendly's on the other side of the white vans. As many  
20 of you know, creating contiguous parking lots in the  
21 rear of businesses is no small feat. It's almost lot by  
22 lot. We chip away to get this development. With that,  
23 we get reduced curb cuts.

24 I took this yesterday. This is a curb cut  
25 with a curb closing it. We reduced in this one block

33

1 May 5, 2010 Planning Commission

2 three curbs to one. Those are the small wins practicing  
3 planners live for.

4 With that, I would like to introduce Kathy  
5 Eiseman with the goals for the Phase 2 study.

6 MS. EISEMAN: I'm Kathy Eiseman with Nelson,  
7 Pope & Voorhis. I couldn't believe it when I saw the  
8 slides that said we were retained in May 2005; here we  
9 are five years later. There were a number of stops and  
10 starts on the project. That is another story. I'm  
11 happy to say that the project, the plan was adopted by  
12 the Town Board -- accepted by the Town Board, not  
13 adopted until we get a GEIS adopted.

14 One of the main things that occurred, you saw  
15 the two nodes on either side, Shirley near William Floyd  
16 Parkway and Mastic near the Forge River. There is a  
17 neighborhood center near the Mastic end, and more of a  
18 higher regional commercial area on the western end where  
19 Shirley is in the south shopping center. Many of you  
20 are probably familiar with that area; it's pretty busy.  
21 It's pretty well built out.

22 We have a lot of commercial sprawl. We have a  
23 number of parcels zoned J-2 and A-1. A lot of A-1, the  
24 residential zoned properties are actually built out with  
25 commercial. To influence redevelopment and create

34

1 May 5, 2010 Planning Commission  
2 distinction between the two downtown areas, we looked at  
3 a transitional zone. Before we could do that, we needed  
4 to see how much retail, general merchandise, apparel,  
5 furniture, et cetera development that the area overall  
6 could support. So first of all, does the area support

7 additional development and would it to be supported in  
8 that middle node.

9 So we did the market study. We found that  
10 there is development potential in the study area, and  
11 it's broken down with general merchandise, convenience,  
12 which includes supermarkets, eating and drinking,  
13 restaurants and home improvements, and that the most  
14 greatest potential was in the Shirley area, with  
15 neighborhood potential in the eastern Mastic area, with  
16 very weak potential in the middle.

17 There was a little bit of a caveat on the  
18 middle node. There isn't a connection from Sunrise  
19 Highway to Titmus Drive. That is where the middle node  
20 is. The market study showed if we had a connection to  
21 Sunrise Highway and had southbound traffic through that  
22 point, we would be able to support more retail in that  
23 area, but it would be still pretty much to support the  
24 local neighborhood.

25 MS. MAZARAKIS: This slide illustrates the

35

1 May 5, 2010 Planning Commission  
2 zoning map for that area. It's a chaotic mix of J-2,  
3 retail A-2, residential, split zone parcels and office  
4 parcels.

5 MS. EISEMAN: The red is A-6 that was rezoned  
6 after 2004. J-6 is the downtown Main Street area.

7 MS. MAZARAKIS: Business district zone.

8 MS. EISEMAN: So this map, pretty much this  
9 is the area between those two Main Street business  
10 districts. There is a map in the study. That copy of  
11 the land use plan that you have this is a little dark.

12 But this area is pretty well developed. There are a few  
13 vacant parcels. For the most part we have strip  
14 shopping centers with a few residences, very light  
15 industrial, post office, and a bank, and the shopping  
16 and restaurants and so forth. But the development is  
17 very much --

18 MS. MAZARAKIS: Chaotic.

19 MS. EISEMAN: Thank you. So what we were  
20 trying to do is create distinction for the two Main  
21 Street business districts. As you go from Brookhaven  
22 Hamlet into Shirley, there is a separation that you  
23 start seeing with the residential use and lawns in the  
24 front and just doesn't look like commercial use. You  
25 don't have that -- I can't think of the right word.

36

1 May 5, 2010 Planning Commission

2 What we wanted to do was discourage creating that kind  
3 of look.

4 MS. MAZARAKIS: While creating incentives for  
5 investment.

6 MS. EISEMAN: We came up with an overlay  
7 district. The overlay district is the transitional area  
8 overlay district and it provides a list of new permitted  
9 uses. It also allows the underlying zoning to apply,  
10 but incentivizes development under the new overlay  
11 district standards. It provides flexibility for parcels  
12 that have half J-2 or less than half J-2 split zone  
13 parcels. It applies some design standards towards  
14 residential appearance.

15 Many of the -- this provides a list of the new  
16 proposed uses. These are non-retail uses. Retail would

17 have to be an accessory use to a service related use.  
18 Mixed use buildings, a place of worship, funeral home  
19 single family or two families allowed. A bank without a  
20 drive-through. Small restaurant, not a drive-through.  
21 Educational center, small scale food, business support  
22 centers and accessory retail, accessory retail.

23 Special permit uses, we would allow larger  
24 scale restaurants, banks with a drive-through, private  
25 or public automobile parking field to allow additional

37

1 May 5, 2010 Planning Commission  
2 parking, and animal hospital.

3 MS. MAZARAKIS: The goal being to actually  
4 legalize some the uses that are out there that have  
5 organically grown and don't comply with zoning.

6 MS. EISEMAN: This is pretty much what I said  
7 earlier. We are trying to reduce the visual clutter  
8 between the two business districts and create the  
9 distinction. Residential style architecture is the goal  
10 and increasing landscaping in the front, parking to the  
11 rear, reducing curb cuts and shared parking, as Diane  
12 talked about earlier.

13 MS. MAZARAKIS: What we have done here is  
14 compared our existing zoning. This is a property that  
15 has been submitted for development. Our existing zoning  
16 to the proposed overlay district code over this  
17 particular part of the world. Hoover Court has off  
18 street parking areas designed in the old Shirley nodes.

19 On your left is the current code. On your  
20 right would be development under the proposed overlay  
21 district. In that area we had to go with a one foot

22 setback from the property line and increased FAR floor  
23 to area ratio a little bit. We wanted to provide  
24 incentives for investment and this type and  
25 archi tecture.

38

1 May 5, 2010 PI anni ng Commi ssi on

2 Next slide is another two story office project  
3 proposed with in the corri dor, very si mi lar desi gn  
4 out comes from the proposed code, with what we be lie ve is  
5 en hanced archi tecture. We provided in cen tives into the  
6 code that the board will be con si der ing, I think, in  
7 Au gust. Ma king these prop er ties, de vel op ment on these  
8 prop er ties eli gi ble for the in dus tri al com mer cial  
9 in cen tive plan with real prop erty tax re lief where  
10 ca pi tal im pro ve ments may have been fi fty thou sand  
11 dol lars. You're not fully as ses sed for ten years on  
12 your im pro ve ment as well as re duced park ing  
13 re qui re ments. That will be a lit tle bit of an in cen tive  
14 stream line project re vi ew.

15 We gave this pre sen ta ti on to the PI anni ng  
16 Board this mor ning; modi fied that a lit tle bit. But  
17 stream lined maybe just in our ad ver ti si ng re qui re ments.  
18 If you bring in a con form ing project that we want to get  
19 them through the build ing de part ment and out on the  
20 street so their dol lars are spent in archi tecture and  
21 ma te ri als and not in hold ing costs as they plug through  
22 the system. Also no change of zones will be ne ces sa ry  
23 if you fall with in the over lay dis tri ct. Those  
24 per mi tted uses are as-of-right. As long as you con form  
25 to the desi gn stan dards, you can have a re si den ti ally

39

1                   May 5, 2010 PI anni ng Commi ssi on  
2           zoned pi ece of property and you can put a small scale  
3           restaurant there.

4                   This is what is happening in the fi eld. We  
5           wanted to provide the i ncentives.

6                   Just a quick comparison with the Main Street  
7           business di strict, the J-6 to the transi ti onal area  
8           overlay di strict. In the downtown, we are looking to  
9           the fi ve to twenty-fi ve foot setback. This transi ti onal  
10          area between the Central Business Di strict where that  
11          area is really more of a plaza than a sidewalk, whereas  
12          the transi ti onal area, we wanted the visual relief of  
13          the twenty-fi ve foot front yard, landscaped setback with  
14          no additional retail. We fi rmly put to rest any  
15          applica ti ons for additional retail between the Central  
16          Business Di strict nodes.

17                   Kathy is going to speak about some of the  
18          other recommendati ons in the plan.

19                   MS. EISEMAN: The 2004 plan had general  
20          recommendati ons for open space muni ci pal parking and  
21          pedestri an and bi cycli ng connecti vi ty parks, road  
22          openi ngs and closi ngs. We took it a step further and we  
23          looked at speci fi c recommendati ons for all these thi ngs.  
24          There are maps in the land use plan that provide our  
25          recommendati ons for open space and recreati onal. There

1                   May 5, 2010 PI anni ng Commi ssi on  
2           are no parks in thi s area, even though there are over  
3           three thousand chi ldren, based on the 2000 census. I  
4           don' t expect that it would be much less, based on the  
5           2010 census. There are no parks in thi s area. There

6 are a lot of people that live here.

7 Part of the idea was to create a central  
8 recreational location, community center, active park.  
9 Also providing pedestrian and bicycle connection as bike  
10 routes and hopefully bike lanes, eventually.

11 MS. MAZARAKIS: We did something interesting  
12 here where we are proposing a secondary bicycle route  
13 and pedestrian route that doesn't always use Montauk  
14 Highway. It's one block north and one block south of  
15 Montauk Highway is where we would really expect maybe  
16 those younger bicyclists who aren't going to be out on  
17 CR 80 ride a bike in the bike lane because it's too  
18 dangerous. We would support those improvements for  
19 secondary pedestrian and bicycle routes.

20 MS. EISEMAN: Lastly, the last slide has to  
21 do with roadway connections. The idea is to prevent  
22 every person from having to come from the north or the  
23 south if they want to avoid going on County Road 80. It  
24 was to open the grade. We looked at roadway  
25 connections, looked at streets that are paper that

41

1 May 5, 2010 Planning Commission  
2 people are sort of using roadway connections anyway. We  
3 looked at simple ones and the harder ones, some  
4 requiring the acquisition of property. We were able to  
5 create a route that will get you from one side of  
6 Montauk Highway to the other.

7 MS. MAZARAKIS: The plan was adopted, not  
8 adopted, the plan was accepted and we are in an open  
9 public comment period now. The DGIS was not accepted  
10 last night, it was put off, but our next steps include

11 public hearings and ultimate adoption of the plan,  
12 again, accepted March 23rd. We hope to have the plan  
13 finally adopted in October. With that in summary --

14 MR. ROGALLE: If I may summarize the fact  
15 that we are continuing on the work done in 2004. We  
16 were successful in establishing those two CBD's and  
17 identifying the node, if you will, of the westerly being  
18 Shirley and the easterly being Mastic. Certainly this  
19 2010 project known as Phase 2 is what is in between,  
20 identifying and securing those two CBD's and provide  
21 overlay in between, and development of the potential of  
22 the properties in the transitional zone. And so it  
23 provides the community with what they want.

24 Thank you everyone for your attention. If  
25 there are any questions, we are more than happy to try

42

1 May 5, 2010 PI anni ng Commi ssi on

2 to answer them.

3 THE CHAIRMAN: Thank you, Paul and Nancy. I  
4 appreciate the presentation. Any questions?

5 COMMI SSI ONER BOLTON: My first question was  
6 really particularly how much depth were you really  
7 dealing in that transitional zone as an average.

8 MS. MAZARAKIS: About two hundred foot deep  
9 parcels.

10 COMMI SSI ONER BOLTON: I wondered if rental  
11 housing was given any consideration.

12 MS. MAZARAKIS: Permitted use is --

13 COMMI SSI ONER BOLTON: Was any thought given  
14 to rental housing, a sort of a transitional housing  
15 option to bring more consumers and future investors and

16 for single family houses that exists there, that kind of  
17 thing?

18 MS. EISEMAN: We had considered second story  
19 residential use for a mixed use building. We didn't  
20 feel at this time, without sewers in the area, that it  
21 was feasible. To put it on the books as a permitted use  
22 was sort of misleading. There are very few parcels that  
23 would support it at this time, but it is something that  
24 could be considered in the future.

25 This is an area that may be recommended for

43

1 May 5, 2010 Planning Commission  
2 sewerage. It's being studied by the county.

3 MR. ROGALLE: If I may add in general that  
4 multi-family type of development would be something that  
5 we are looking towards enhancing towards the Central  
6 Business District as well for the primary purpose of  
7 walkability for those occupants, if you will, with the  
8 services that are provided nearby. The transitional  
9 area is a distance away, maybe not overly, but certainly  
10 more of a distance away, so it's less of an enhancement  
11 for the walkability component that we are looking to  
12 achieve.

13 COMMISSIONER HORTON: Following up on  
14 Commissioner Bolton's point, I think that it's important  
15 that in the planning process to acknowledge things like  
16 lack of sewer, lack of water infrastructure to a  
17 particular area in considering how it may or may not  
18 develop, but I don't think in meeting the needs of a  
19 community under zoning that if there is a need or if  
20 there is a consensus that something to the effect of

21 multi-family housing or rental housing, if it's  
22 something that the community or town board feels it  
23 wants, I maintain I don't think that a municipality that  
24 has control over their zoning should not include it  
25 because of a lack of sewer and structure at this point.

44

1 May 5, 2010 Planning Commission

2 I think that perpetuates a game of maybe there  
3 will be sewers some day, maybe there won't, but there is  
4 nothing in the zoning that requires sewers at this time.  
5 If it's a good idea and need, with or without the  
6 infrastructure, certainly in the context of this day and  
7 age before smaller sewer facilities that are private are  
8 within the reach.

9 MS. MAZARAKIS: We did place housing in the  
10 business district. Our goal was to provide a less dense  
11 area yet still providing incentives for investment to  
12 make it more cohesive and not so chaotic.

13 COMMISSIONER McADAM: The Montauk Highway is  
14 being reconstructed in that area now. How does that fit  
15 into your plan? You mentioned curb cuts before. Are  
16 you reducing the number of curb cuts based on overlay  
17 plan?

18 MR. ROGALLE: If I may, our relationship with  
19 Suffolk County DPW is second to none. I meet with them  
20 on a regular basis to discuss long range planning  
21 initiatives as well as day-to-day with the curb cut and  
22 what the radius is going to be. I've been on the phone  
23 with the curb cut that was eliminated between Friendly's  
24 and adjoining business property because we sat down with  
25 all the property owners and the DPW representatives, the

1                    May 5, 2010 PI anni ng Commi ssi on  
2                    engineer in charge of the job. Everything is done in  
3                    conjuncti on and coordi nati on wi th each other.

4                    There are agreements that have been developed  
5                    as late as last week regarding the ability for shared  
6                    parking reducti on and el i mi nati on of curb cuts and  
7                    working day-to-day wi th the project engineer and chief  
8                    engineer on the level of improvements, locati on of  
9                    improvement, as we best could in coordi nati on wi th their  
10                    project. We have been very successful, I'd like to  
11                    report, in working wi thi n the constraints to accompli sh  
12                    common goals.

13                    THE CHAIRMAN: Thank you all for the  
14                    presentati on. It's a great segue because we wi ll move  
15                    onto the admi ni strati ve agenda, whi ch fi rst off is the  
16                    corri dor study. Mr. Frel eng.

17                    MR. FRELENG: Thank you, Mr. Chair man. As  
18                    indi cated, the fi rst regul atory referral is the Montauk  
19                    corri dor study and land use plan for Mastic-Shirley.  
20                    Thi s is an amendm ent to the Comprehensive Plan. I wi ll  
21                    go through the staff report on the details. I thi nk the  
22                    Town of Brookhaven presented the facts as we related  
23                    them in the staff report.

24                    I would like to go through some of the staff  
25                    concerns that the staff had when we reviewed it. Page

1                    May 5, 2010 PI anni ng Commi ssi on  
2                    3, the staff believes that the proposed transiti on area  
3                    overlay di strict in conjuncti on wi th the J-2 busi ness

4 district may undermine the successful creation of the  
5 two neighborhood centers. The reason we say that is the  
6 permitted uses in the underlying J-2 district where very  
7 similar to those allowed in the J-6 district that would  
8 lessen that type of development pressure in the  
9 neighborhood centers.

10 Further to the south we should not discount  
11 that as a competitor in the overall market for these  
12 types of uses. While the Phase 2 plan does allude to  
13 opportunities for alternative land use and site design,  
14 the staff indicated there are no specific  
15 recommendations, such as increase the FAR, tax  
16 incentives, reducing parking requirements or  
17 streamlining project review. Moreover, in our review of  
18 it, we didn't find those specifically identified in the  
19 implementation section of the document as an item of  
20 action by the Town Board or planning board. We think  
21 that section of the document should be revisited to  
22 outline those things a little bit more.

23 The area designated as the transition overlay  
24 district, in staff's opinion, really either should be  
25 rezoned to a less intensive use category in order

47

1 May 5, 2010 Planning Commission  
2 prevent some of the excess uses or programs. The J-2  
3 zone should be revisited, and some of the uses changed.  
4 Staff did indicate there are additional permitted uses  
5 in the J-2 zone that might be allowed, and staff feels  
6 these could be competitive to the successful completion  
7 or creation of nodes in either end of the transition  
8 district.

9 On summary, the staff believes that the  
10 Phase 2 plan is a reasonably good plan. We are behind  
11 the concept of the transitional overlay. We feel,  
12 though, however, that the transitional overlay as  
13 designed might actually provide competition for the  
14 neighborhood business district on the end rather than  
15 enhance that. Staff is recommending approval, subject  
16 to the following comments:

17 The first comment relates to the creation of  
18 overlay and competing land uses that are allowed in the  
19 overlay in J-2 as compared to J-6. We believe that the  
20 town should take another look at that. We believe  
21 that -- the second comment is that the Phase 2 plan  
22 alludes to opportunities that should be further fleshed  
23 out and identified in the implementation section of the  
24 plan. Third, that the town should take another look at  
25 the J-2 zone itself, perhaps either revise the uses or

48

1 May 5, 2010 Planning Commission  
2 even take a look at that overlay district and downzone  
3 the district to a zoning category that would not have as  
4 many competing uses to the neighborhood centers on  
5 either end. That is the recommendation of staff.

6 THE CHAIRMAN: That is a Brookhaven project.  
7 Mr. Kelly, do you have any thoughts on the project?

8 COMMISSIONER KELLY: In terms of a report or  
9 study that has been done, the Town of Brookhaven has  
10 done what I think is an exceptional job in trying to  
11 cover as many bases as possible. If you travel the  
12 corridor now there is a sense of vibrancy, and the area  
13 has really transitioned for the positive. I think the

14 further focus that the town is giving in this area will  
15 only help to make that area that much better, I think.  
16 Kudos are in order for the town.

17 In terms of competing uses, investment is  
18 going to happen in those areas. I think the town is  
19 really trying to make a statement by saying let's open  
20 as many opportunities as we can in this transitional  
21 area. When things compete, it usually makes things  
22 better between the transitional zone and downtown nodes.

23 I appreciate what staff is saying, but I think  
24 the competition, if there is any competition, versus the  
25 opportunity, I think the opportunity will win out. I

49

1 May 5, 2010 Planning Commission  
2 think it's been a very good job by the town and I  
3 appreciate their time.

4 THE CHAIRMAN: Thank you, Commissioner Kelly.  
5 Any other thoughts? Commissioner Holmes.

6 COMMISSIONER HOLMES: I was wondering, Andy,  
7 in your review, were you aware or did you learn today  
8 for the first time, as we learned, that the reason for  
9 expanding the permitted uses in the overlay district was  
10 to legalize some of the uses that have been taking place  
11 where a business is being operated in a residential  
12 zone. I wondered if there is intent, you know, as I  
13 believe it was expressed in the presentation, that their  
14 intent was to legalize some of what is already there and  
15 that is why the enhancement was taking place. Is that  
16 something that you factored in or not?

17 MR. FRELENG: It was something that we  
18 factored in when we took a look at some of the

19 recommendations. That is typical, when you do a zoning  
20 overlay, that sometimes you try and bring uses into  
21 conformance. Having said that, you want to look at the  
22 vision and intent of what is being proposed. While some  
23 of the uses there may be brought into conformance,  
24 again, those uses may actually be competing with what  
25 would happen in the downtown. So that was a minor point

50

1 May 5, 2010 Planning Commi ssi on  
2 that we considered. Some of the uses that are being  
3 brought into conformance by that incentive we noted, but  
4 our other concerns overrode that.

5 THE CHAIRMAN: Any other thoughts? Vice  
6 Chairman.

7 COMMI SSI ONER KONTOKOSKA: Andy, I was  
8 wondering if you could talk a little bit more about your  
9 thoughts, comments as to why you made these comments.  
10 They seemed pretty substantial as to the outcome of the  
11 study.

12 MR. FRELENG: It would be difficult, I  
13 suppose, to implement some of these. We felt that the  
14 intent of the Phase 2 plan was laudable, and if the town  
15 is active in channeling certain development into the  
16 downtown centers, we felt that it might not need a  
17 condition. Again, that's an observation that some uses  
18 allowed in J-2 are also allowed in J-6.

19 How the town negotiates those when the  
20 applications come in is another story. Our concerns did  
21 not rise to the level of that actually being a  
22 condition.

23 THE CHAIRMAN: It seems to me that -- I'm a

24 venture capitalist. I like competition too. But if you  
25 are going to have incentives to actually develop

51

1 May 5, 2010 Planning Commission  
2 downtown, you need some differentiation there so that  
3 the same things allowed in the downtown nodes are not  
4 allowed in the transitional node.

5 What I'm hearing is that there may be a  
6 difference, that the difference may be not sufficiently  
7 such a difference that would strengthen development into  
8 the node, right?

9 MR. FRELENG: That is right. The staff  
10 thinks that the town did a good job visually in  
11 attempting to create a differentiation between the nodes  
12 and transition area. Design constraints are good. The  
13 staff is concerned retail sales, if allowed in the  
14 transition zone, might potentially impact retail sales  
15 in the node.

16 THE CHAIRMAN: Retail sales were allowed as  
17 kind of ancillary to some of the other things that were  
18 allowed. I assume if you had a dance school you can  
19 have an ancillary retail use related to that.

20 MR. FRELENG: Retail is permitted as-of-right  
21 in J-2. To the extent that it's allowed, I think it's  
22 important to note that any of the J-2 uses can come in  
23 as-of-right and not take advantage of any of the  
24 incentives in the overlay transition corridor.

25 COMMISSIONER KELLY: It's a two mile stretch,

52

1 May 5, 2010 Planning Commission  
2 which is significant length. Also, what I think the

3 town is trying to do in the two east and west nodes in  
4 the business district, downtown districts is trying to  
5 create a critical mass by allowing multi-family in those  
6 zones. I think if there are competing interests in the  
7 overlay zones, the critical mass in the nodes would be  
8 enough to support the downtown.

9 In the transitional zone, there is still  
10 enough residential to support that. I think the  
11 economic report that was done seemed to indicate that.

12 THE CHAIRMAN: I guess the question is what  
13 is allowed in the downtowns that isn't allowed in the  
14 transitional zone that would create a differential. Do  
15 you have any sense of that, Andy?

16 MR. FRELENG: I couldn't give you a list.  
17 There are uses that are allowed and encouraged in the  
18 node areas that would give it that sense of place, but I  
19 can't give you those at the moment.

20 COMMISSIONER CHARTRAND: Andy, just a quick  
21 question regarding the nodes and residential capacity.  
22 Was any information provided to you that would indicate  
23 if it were to be built out as anticipated, the number of  
24 residential units of estimated build-out potential for  
25 the two nodes, like how many more multi-unit housing or

53

1 May 5, 2010 Planning Commission  
2 housing above stores would you get.

3 MR. FRELENG: I'm afraid I don't recall  
4 seeing any of that. I don't think that was in there. I  
5 don't think that was in there.

6 MR. ISLES: Just to comment on the question  
7 of whether there should be conditions or comments in the

8 staff recommendations, we are looking at Phase 2. Phase  
9 1 had come before the Commission back in 2002, 2003 that  
10 had the proposal for the three nodes with the idea that  
11 there would be rezonings and so forth.

12 As I believe, and what was stated today, the  
13 Town Board then considered certain rezoning actions to  
14 create the three nodes and ended up with two nodes and  
15 keeping the zoning in place in this in between area.

16 I think, in suggesting comments, this is the  
17 second time around of something. The first time around  
18 there was three nodes and cutting back on transitional  
19 zone that was requested by the Town Board, they decided  
20 not to do it. They kept the zoning as the J-2 zoning.  
21 I think it's good that the town is continuing in terms  
22 of what other alternatives. It sounds like we are on  
23 Plan B. The basic zoning is still in place. What else  
24 can be done to create the transitional effect. That was  
25 the basis for our comment.

54

1 May 5, 2010 Planning Commission

2 Even though we feel it's excessive in terms of  
3 the retail and potentially is going to be weakening the  
4 centers that are sought to be created, it's better than  
5 doing nothing. I think some of the design improvements,  
6 as Mr. Kelly remarked, it has been good. I travel this  
7 site very frequently. When you travel the distance,  
8 it's longer than the runway by three thousand feet,  
9 that runway we were on today. It's an auto oriented  
10 sprawl, weak commercial development. That was the basis  
11 for the staff's comments.

12 THE CHAIRMAN: Thank you, Director Isles.  
Page 45

13 Other thoughts or comments? Commi ssi oner McAdam.

14 COMMI SSI ONER McADAM: My feeling is that the  
15 J-2, J-6 problem, to me, it's not a problem because I  
16 feel that that area is so densely populated, and being  
17 somewhat fami liar with the area for many, many years,  
18 that most of the people shop locally. I think because  
19 of the populati on, because of the number of businesses  
20 that start, go out of business, start again, to me, I  
21 don't see that as being a problem between Montauk  
22 Highway and neighborhood roads. I just don't feel that  
23 the areas outside of Masti c-Shirley, that there is  
24 enough shopping outside that area that people would  
25 actual ly go to.

55

1 May 5, 2010 PI anni ng Commi ssi on

2 In fact, people that I spoke to there actual ly  
3 go to Riverhead to do shopping. That gives you the idea  
4 of the kind of distances that they go to do any kind of  
5 maj or shopping. There shoul d be a lot of competi ti on in  
6 the area.

7 THE CHAIRMAN: Any other thoughts, comments,  
8 questi ons? Seeing none, the staff recommendati on is for  
9 approval with the comments, three comments that in  
10 essence asks the town to think about is there enough of  
11 a di fferenti al between permitted uses, overlay or  
12 permitted uses and transiti on area with the nodes on  
13 either end. That is not a strong statement. It's a  
14 highli ghting of an issue for them that they can address  
15 if they want to. Anyway, that's the staff  
16 recommendati on so, unless there is any further  
17 conversati on or anyone that wants to amend the staff --

18 COMMISSIONER HORTON: So move.

19 COMMISSIONER HOLMES: Second.

20 THE CHAIRMAN: Motion is for adoption of the  
21 staff report for approval with three comments. All  
22 those in favor, please raise your hand. That is  
23 twelve. Twelve to zero to zero.

24 We will move onto the next item, Lake  
25 Ronkonkoma. That is Andy as well.

56

1 May 5, 2010 Planning Commission

2 MR. FRELENG: Thank you, Mr. Chairman,  
3 members of the board. This application also comes to us  
4 from the Town of Brookhaven. This is the Town Board's  
5 own motion for a change of zone for a parcel located in  
6 Ronkonkoma. This parcel has been the subject of an  
7 application known as Lake Shore Homes or Lake Shore  
8 Villas.

9 Couple of things. Jurisdiction for the  
10 Commission is that the subject property is adjacent to  
11 County Road 16, otherwise known as Portion Road. The  
12 subject of the application is for a change of zone for  
13 the construction of fifty-nine units. The change of  
14 zone would allow the construction of fifty-nine units,  
15 and an on-site sewage treatment plant. The parcel is  
16 located on the south side of Portion Road approximately  
17 five hundred thirty-three feet west of Ronkonkoma, in  
18 the Hamlet of Ronkonkoma.

19 If you take a look at the zoning pattern and  
20 land use in the vicinity, you will find that otherwise  
21 surrounded by a mix of various zoning districts. You  
22 can see different zoning districts. You have B-1, MF

23 across the street. There is some nursing home zoning  
24 over here then there is some commercial zoning in the  
25 area. Predominant land uses proximate to the subject

57

1 May 5, 2010 Planning Commission  
2 property are reflective of the zoning, including single  
3 family detached dwellings in the B and C districts to  
4 the west and north, large shopping center to the east in  
5 the J Business 2 District.

6 This is the, I think it's the Kohl's shopping  
7 center. Ronkonkoma Avenue coming up to Portion Road.  
8 Funeral home, Verizon building. These are abandoned  
9 dwellings, single family homes coming and to Old Portion  
10 Road. Windows on the Lake is on the corner here and  
11 couple of commercial properties, and I think there is a  
12 group home further up Lake Shore Drive.

13 There are no severe environmental constraints  
14 on the subject property. There are water bodies which  
15 exist on the property adjacent to the east of the  
16 subject property. These are stormwater retention areas.  
17 You can see them on the aerial right in here.

18 COMMISSIONER ESPOSITO: Andy, could you  
19 outline again the specific area we're talking about?

20 MR. FRELENG: The subject property is a bunch  
21 of tax map parcels. There are abandoned homes, single  
22 family dwellings; they're boarded up. This is one here  
23 that is quite large. It looks like it might have been  
24 some sort of commercial use before it was abandoned.  
25 There is a lot of greenhouse and atrium space in front

58

1  
2 of it. This is the drainage area. This is an existing  
3 drainage area and this is a proposed recharge.

4 COMMI SSI ONER ESPOSITO: That drainage area  
5 isn't a pond or kettle, it's a man made drainage area?

6 MR. FRELENG: That's correct. It's not  
7 mapped regulated by the fed or state at all.

8 COMMI SSI ONER ESPOSITO: Just because it's not  
9 mapped doesn't mean it's not a wetland.

10 MR. FRELENG: Does it function as a wetland?  
11 I don't know.

12 COMMI SSI ONER ESPOSITO: You may not know if  
13 it was created as part of past development as a drainage  
14 area or it's been there?

15 MR. FRELENG: I think it was created as a  
16 recharge basi n.

17 COMMI SSI ONER ESPOSITO: That is what I was  
18 aski ng. Thank you.

19 MR. FRELENG: The state does own it and it  
20 was i ndi cated as recharge basi n. You may recall in the  
21 January 26, 2010 meeti ng, the Commi ssi on di sapproved the  
22 l and use pl an. The reason for di sapproval was that "the  
23 study recommendati ons do not suffi ci ently advance the  
24 stated goals of reduci ng sprawl and encouragi ng  
25 developme nt of compact centers due to an i nadequate

1 May 5, 2010 PI anni ng Commi ssi on  
2 addressi ng of the excess retai l suppl y i denti fi ed wi th  
3 the study area."

4 Fol l owi ng di sapproval by the Commi ssi on, the  
5 Town Board overrode the Commi ssi on and approved the pl an

6 to change of zone to MF on the subject site to permit  
7 the site plan submission. There is a breakdown in the  
8 staff report on the size of the units on site.  
9 Sub-surface sewage treatment plant is proposed to handle  
10 sanitary waste water. A recharge basin is proposed for  
11 the northeast corner of the property. Proposed  
12 covenants and restrictions by the project sponsor  
13 include a minimum ten percent of the units be maintained  
14 in perpetuity as affordable units. Vegetated buffers of  
15 fifty feet for the front yard and forty feet for the  
16 side and rear yards.

17 The structure known as the Devabre Mansion,  
18 shall be adaptively reused as part of the recreational  
19 component for the multi family development. Structure is  
20 also allowed to have a residential dwelling unit and  
21 offices for leasing sales and management.

22 COMMISSIONER ESPOSITO: What would be on the  
23 main road, would that be the offices? I can't tell.

24 MR. FRELENG: This being the recreation  
25 building would be a mix of one residential unit,

60

1 May 5, 2010 Planning Commission  
2 recreational opportunities as well as office space for  
3 management of the facility homeowners association office  
4 space. Suffolk County Planning Commission standard of  
5 review for change of zone applications with respect to  
6 housing, affordable housing, is for twenty percent of  
7 the total dwelling units be set aside for affordable  
8 housing. Moreover, the Planning Commission policy for  
9 land use is that "increases in density should be tied or  
10 purchase of development and/or transfer of development

11 rights or to a one-on-one density offset through  
12 upzoning of vacant privately owned land." That is a  
13 policy out of the guidebook.

14 The B-1 zoning designation of the site would  
15 theoretically yield. The proposal for fifty-nine units  
16 is forty-eight units greater than what would be  
17 permitted in the existing zoning. The wastewater flow,  
18 you can see that the bonus of units is a little bit less  
19 but somewhere to the neighborhood of thirty-seven to  
20 forty-eight units is the bonus given to the subject  
21 application by the change of zone. The referral  
22 materials to the planning commission did not include any  
23 material on consideration for public safety or energy  
24 efficiency.

25 So the staff recommendation for this project

61

1 May 5, 2010 Planning Commission  
2 to the commission is for approval subject to the  
3 following conditions: First condition is the  
4 requirements of twenty percent of the units be set aside  
5 for affordable housing purposes. This is a change of  
6 zone application for increased density and that's the  
7 Commission policy. Number two, that the increase of  
8 density be tied to the purchase or development of  
9 transfer rights or one-to-one development. Again,  
10 that's a policy of the Commission. And the third  
11 recommendation is for a condition that the applicant  
12 incorporate energy efficiency and public safety  
13 considerations into the design of the site plan.

14 I think, I guess the final comment that staff  
15 has is that affordable housing is a significant public

16 benefit and worthy of getting density. The adoption of  
17 the Long Island Housing Workforce Housing Act mandates  
18 affordable housing and mandates density for as-of-right  
19 usage. If you come into the project and are told that  
20 you have to build X number of voluntary ones, I guess  
21 the benefit is the ten percent bonus on this project to  
22 affordable units, is that really a voluntary public  
23 benefit. I don't know if I was clear on that. I don't  
24 want to put that out as you deliberate, is affordable  
25 housing really that type of public benefit that warrants

62

1 May 5, 2010 Planning Commission  
2 this type of density. This is the staff report.

3 THE CHAIRMAN: Start with Commissioner  
4 Kelly. Thoughts on the area or on the application.

5 COMMISSIONER KELLY: Just a couple of  
6 questions on the conditions. Andy, Number 2, the  
7 transfer of development rights, how many credits or  
8 development rights would this applicant have to  
9 purchase? Would he have to purchase thirty-eight?

10 MR. FRELENG: If you convert a development  
11 right to wastewater flow and divide by the number of  
12 units, thirty-seven would be a realistic number, I  
13 believe.

14 COMMISSIONER KELLY: Is it a sewer credit  
15 that he can acquire, or like a Pine Barren credit?

16 MR. FRELENG: It's a density credit, so it  
17 would be an offset from some other place. It isn't a  
18 sewer credit because the discussion of sewerage is  
19 relatively moot because they are providing a treatment  
20 facility, so it's the issue of density, whether or not

21 the project provides enough benefit to offset that  
22 densi ty.

23 COMMISSIONER KELLY: I don't know what a  
24 development right is trading at these days? Pine Barren  
25 credit is about eighty thousand dollars.

63

1 May 5, 2010 PI anni ng Commi ssi on

2 MR. FRELENG: Roughly speaking, a Pine Barren  
3 credit last traded for about eighty thousand dollars.

4 THE CHAIRMAN: Any insights on the area or  
5 anything that you want to share? It's up to you. I  
6 just want to give the opportunity.

7 COMMISSIONER KELLY: I have a lot of insight  
8 on the area.

9 COMMISSIONER ESPOSITO: No.

10 COMMISSIONER TALDONE: I would like to offer  
11 one comment. I agree with Condition 2. I think  
12 affordable units are, in fact, a public benefit. Even  
13 at eighty thousand dollars a credit, we don't want to  
14 make the developers go out and buy those credits which  
15 costs more and will need more subsidies, to provide the  
16 affordable housing. If it's possible in the policy and  
17 doesn't violate the policy, I suggest that the TDR's are  
18 purchased for the market rate units not for the  
19 affordable units. Just a thought.

20 COMMISSIONER HORTON: As I was remarking in  
21 the spirit of Taldone's contribution there, the reality  
22 is that the cost of the development right gets thrown  
23 into the entire pool of development costs and the  
24 development rights are going to, in their nature, going  
25 to drive up the cost of development overall, and that is

1                   May 5, 2010 PI anni ng Commi ssi on  
2                   going to have to be spread over the market and  
3                   non-market.

4                   THE CHAIRMAN:    It's more of a math exercise,  
5                   in terms of the credits and how much each unit would  
6                   have to absorb.  The rationale is, I think there is  
7                   certainly a plausible argument why increase it even  
8                   further?

9                   MR. FRELENG:    If I understand Commi ssi oner  
10                  Taldone's comment, if I can reread Condi ti on Number 2.  
11                  "Increase of densi ty beyond the number of permi tted  
12                  affordable housi ng uni ts shall be tied to the purchase  
13                  and/or transfer of devel opment ri ghts," (i naudi ble)  
14                  would that address the concern?

15                  COMMI SSI ONER TALDONE:    Just addi ng excepti ng  
16                  the affordable uni ts; they have would have to purchase  
17                  for the market uni ts, but not for the affordables.

18                  MR. FRELENG:    Ri ght.

19                  THE CHAIRMAN:    Personall y, I do not have a  
20                  problem wi th that.  That is kind of a di fferent poli cy  
21                  take on it than perhaps we have taken in the past.  That  
22                  is okay.  I just want to recognize that I thi nk, Andy, I  
23                  thi nk you sai d thi s came from the gui debook.  We were  
24                  tryi ng to remember where it is.

25                  MR. FRELENG:    I can poi nt it out to you after

1                   May 5, 2010 PI anni ng Commi ssi on  
2                   the meeti ng, if you wou ld l i ke.

3                   COMMI SSI ONER KONTOKOSKA:    We had thi s  
4                   di scussi on a coupl e of months ago.  You actual ly brought

5 up the great benefits of affordable housing, which you  
6 slipped in there, and was actually a huge discussion. I  
7 very much disagree. Is it still a community benefit  
8 even if the state requires it? The state recognizes it  
9 is a community benefit and it wasn't being provided in  
10 other ways, so they had to step in. Not to mention if  
11 you use the analogy of open space, a lot of people  
12 consider open space a community benefit, yet that is  
13 provided -- required in almost every subdivision  
14 application, but we don't all of a sudden say open space  
15 is no longer a community benefit.

16 I disagree in terms of your conclusions on  
17 community benefit and affordable housing.

18 The second thing this is really not a policy.  
19 It's my understanding of the position, I think the  
20 "shall" is too strong in this sentence. I thought it  
21 was a "should" or "may" or something else. I'm not sure  
22 if we have agreed, or maybe it's my recollection that  
23 was a done deal. I think that is an important  
24 consideration and we talked about this before.

25 Without a regional system for transferring

66

1 May 5, 2010 Planning Commission  
2 development rights this becomes ad hoc, not to mention  
3 the increased costs. If you are talking about eighty  
4 thousand a unit for forty units, you're talking about  
5 three point two million dollars added to this  
6 development. One, it's not going to happen. Two, there  
7 are other purposes for providing multi-family houses,  
8 that is to provide a diversity housing stock for a lot  
9 of people in different stages in their life cycle. If

10 you are raising the cost of eighty thousand dollars for  
11 each unit, you have a consideration of in terms of who  
12 can live where.

13 I'm not sure at this time we are ready to say  
14 you have to transfer development rights just to provide  
15 for multi-family housing. I think with respect to  
16 multi-family housing what we are trying to get to with  
17 all our studies and plans, if we have to start charging  
18 people to do it, that becomes a bigger problem. We have  
19 to look at it holistically, and rather than punishing  
20 individual developers who might be trying to provide  
21 multi-family housing on the town's own motion.

22 MR. FRELENG: I had this conversation this  
23 morning. The guidelines, they're not regulations.  
24 Certainly the Commission can weigh their guidelines and  
25 standards and adjust them. I think this deliberation is

67

1 May 5, 2010 Planning Commission  
2 constructive because you have two policies, one  
3 requiring a certain number of affordable units, when  
4 there is density shift and another policy and guideline  
5 that requires density to be transferred in so you don't  
6 have high density nodes and then dense transition areas,  
7 if you will. The Commission needs to strike a balance.

8 COMMISSIONER KONTOKOSKA: I agree. I think  
9 this is also a county issue in terms of a regional  
10 transfer of development rights. In the absence of that,  
11 it becomes very difficult to start charging individual  
12 project fees for transferring development rights from  
13 places where it may not exist.

14 MR. FRELENG: The Town of Brookhaven is in  
Page 56

15 the Central Pine Barrens Management Program. This  
16 property is a B-1 zone. As of right, it would not  
17 accept development rights, it's too small. As a change  
18 of zone it might be a site in that program. There is a  
19 regional program, it's called the Central Pine Barrens  
20 program that the Town of Brookhaven has changed their  
21 zoning and code in order to implement the plan. That is  
22 something I think they should consider.

23 COMMISSIONER KONTOKOSKA: That may or may  
24 not actually apply to this site. You don't actually  
25 reference it in your condition.

68

1 May 5, 2010 Planning Commission

2 MR. FRELENG: That's correct.

3 COMMISSIONER KONTOKOSKA: We are not sure it  
4 applies. If it applies, then it applies. Then that is  
5 how it is going to happen. In terms of conditioning  
6 this outside of that district, that becomes a different  
7 story. I personally can't see this as a condition,  
8 given the context.

9 MR. FRELENG: Staff has no problem with  
10 that.

11 COMMISSIONER KONTOKOSKA: We very much  
12 appreciate that.

13 THE CHAIRMAN: Why don't we know if this has  
14 Pine Barren credits?

15 MR. FRELENG: The size of the property -- I'm  
16 trying to figure it out. Seven point one. I think  
17 under the Pine Barrens plan, a B-1 zoned property has to  
18 be eight acres to be an as-of-right receiving area, so  
19 as-of-right, it can't receive credits, but they're

20 changing the zone for increased density, which brings up  
21 the whole discussion we just had.

22 COMMISSIONER TALDONE: I'd just like to  
23 explore one point a little further. The owner of the  
24 property purchased R-1 zoned land. The town is now  
25 granting the property owner a huge value now by

69

1 May 5, 2010 Planning Commission  
2 extension for multi-family. The owner has received a  
3 huge benefit from the Town Board for the zone change.  
4 We realize the TDR adds cost, but the government is also  
5 giving the owner of the property a huge windfall by  
6 changing the zoning to allow for the multi-family units,  
7 which I assume will generate greater profits than single  
8 family home development.

9 There is no point just to explore that. I  
10 don't have problem with the TDR requirements because  
11 this is primarily a market rate development. The owner  
12 didn't purchase multi-family zone property, but it was  
13 given to that owner by the town. I think it's  
14 appropriate to require TDR's if they're available. We  
15 should never go forward, and I acknowledge that clearly,  
16 and require or state that we require TDR's to be  
17 transferred to the site if there is no site that would  
18 qualify.

19 You said you can use Pine Barren credits from  
20 Brookhaven Town, which I think there are still plenty  
21 of.

22 MR. FRELENG: There are available Pine  
23 Barren credits out there.

24 COMMISSIONER KELLY: Just to follow up on

25 Vince, typically transactions like this would not be a

70

1 May 5, 2010 Planning Commission  
2 builder or developer going out to purchase that acreage  
3 and then seek rezoning. He's probably purchasing it  
4 subject to. He's probably not getting a windfall. That  
5 is how a transaction would work. It would be a subject  
6 to transaction, pending the town's rezoning process.  
7 He's probably paying what a market rate would be if that  
8 zoning came through.

9 THE CHAIRMAN: You don't know that, it's  
10 based on your experience. Do we read anything in the  
11 Town Board motion that that would be more likely the  
12 case?

13 MR. FRELENG: I think that the only thing you  
14 can read into it is that the town overrode your denial  
15 of the Portion Road corridor study and the Town Board  
16 feels that is an appropriate site for high density, not  
17 withstanding any comments the Commission might have  
18 made, so the only thing we can read into it is that they  
19 did their study and they feel it's appropriate.

20 THE CHAIRMAN: Thoughts, Mr. Horton.

21 COMMISSIONER HORTON: I think, at least from  
22 my perspective, Constantine wrapped everything up more  
23 articulately than I can. I think aside from my level of  
24 comfort or discomfort with us moving forward with the  
25 amendments or mandates or having stronger language in

71

1 May 5, 2010 Planning Commission  
2 the TDR program, I would like to say that I think there

3 is a broad lack of understanding throughout the County  
4 at many levels of the government, probably with the  
5 exception of the Planning Department and Tom Isles,  
6 which really understands the TDR's and how they can be  
7 applied and valued in so many ways and used for sewer  
8 credit, water credit or simply a density credit.

9 I think Commissioner Kontokoska hit it on the  
10 head where at this point in time us to recommend a TDR  
11 program for this or TDR requirement for this is  
12 premature because I think it is a topic of much, much  
13 greater depth than we can serve it here today. I would  
14 agree with everything that he said and move to not have  
15 that as a condition.

16 THE CHAIRMAN: Commissioner Holmes.

17 COMMISSIONER HOLMES: I'm wondering if it's  
18 appropriate to follow up on what Commissioner Kontokoska  
19 suggested, that we should use the word "should" instead  
20 of "shall," it is more the feeling of this commission  
21 that this should be a comment and not a decision.

22 THE CHAIRMAN: I'll let Mr. Kontokoska speak  
23 for himself.

24 COMMISSIONER KONTOKOSKA: Perhaps guidelines  
25 can be revised with respect to the wording. My concern

72

1 May 5, 2010 Planning Commission  
2 is we create policy on the backs of individual property  
3 owners, and I think that is an ineffective and not very  
4 equitable way of actually arriving at county level  
5 regional policy. If this is important enough that we  
6 feel it should be incorporated, then we should revisit  
7 this at a larger scale, higher level, but to try and

8 implement this on a case by case basis is not going to  
9 be effective.

10 MR. FRELENG: If I could just clarify the  
11 record. Chapter 4-E, specific land use policies of the  
12 Commission -- increases in density should be tied to the  
13 purchase and/or transfer of development rights, et  
14 cetera.

15 THE CHAIRMAN: Shall be. If you make it a  
16 condition it becomes a "shall." It's applying the  
17 policy in a particular way. I believe the wording is  
18 correct if it's a condition. But by making it a  
19 condition, I believe may be overstating where we want to  
20 go as a commission. Director Isles.

21 MR. ISLES: I certainly appreciate the  
22 complexity of this and weight of this. We're respectful  
23 of that, and obviously whatever direction the Commission  
24 wants to go, we will, of course, implement that in the  
25 decision.

73

1 May 5, 2010 Planning Commission

2 Let me make the point that the difficulty that  
3 we are facing here is that the Commission is looking  
4 county-wide at growth and development in the future of  
5 Suffolk County, and part of the process of forming the  
6 guidelines was to look at the future in terms of higher  
7 density and appropriate locations, and we believe this  
8 location is properly based on its proximity to services  
9 and hamlet center, and it goes also to the preservation  
10 on open areas, smart growth.

11 I think everybody in the abstract agrees with  
12 that, understands that. The tough part is how do you

13 apply that. Not that we want to put it on the back on  
14 an individual property owner and Town Board motion,  
15 necessarily. At some point it has to hit the ground.  
16 This is one example of an increase from B-1 residential  
17 zoning, whether it's a contract vendee or prior owner,  
18 whether it's a shopping center coming in on Sunrise  
19 Highway, at some point it has to be looked at in the big  
20 picture and say okay, we want to invest in our  
21 downtowns. We have to deal with preserving open space  
22 to preserve our farmland and preserve our drinking  
23 supply. We are doing that through acquisition, but we  
24 will not get that done unless we have other tools.

25 I know the Commission doesn't want to put

74

1 May 5, 2010 Planning Commission  
2 forth a condition that is going to be highly unworkable,  
3 just to understand I think at some point this has to hit  
4 the pavement, so to speak. At some point I think, for  
5 this whole process of how do we plan for the future of  
6 Suffolk County in terms of the reinvestment in downtowns  
7 and open areas, at some point it has to get to the hard  
8 decisions, whether through further steps of creating the  
9 land bank exchange banks that are more effective. Maybe  
10 we have to push more in that direction, maybe on the  
11 staff level.

12 I don't want to underscore it because it is  
13 really important, from the staff standpoint, that that  
14 kind of density shifting is really going to make a  
15 difference in the future of this county.

16 THE CHAIRMAN: I think this needs to be taken  
17 higher. I think that is probably something that

18 requires political will and political leadership because  
19 this is a crosstown regional issue and we are  
20 intertwined as a region when it comes to issues of  
21 density and Pine Barrens protection and so on. I think  
22 it would be fruitful as a commission to discuss it  
23 further. What we can do to bring the county and towns  
24 to talk together to consider the issues, and what you  
25 were talking about, for instance, some kind of regional

75

1 May 5, 2010 Planning Commission  
2 Land bank to develop beyond what it already has.

3 COMMISSIONER KONTOKOSKA: I agree entirely.  
4 That is critical. I hope our Comprehensive Plan will  
5 actually help to inform that going forward. Look at all  
6 the intertwined issues and also look at nodes of  
7 potential growth. Then we can come up with a more  
8 comprehensive program, an articulated program, rather  
9 than leave it to some municipality to figure it all out  
10 on one application when they have a developer breathing  
11 down their neck, trying to push that application  
12 forward. That kind of pressure usually backfires.

13 COMMISSIONER HOLMES: Then does that leave  
14 Condition Number 2 as a comment?

15 THE CHAIRMAN: I'll ask that, whether we want  
16 to amend the staff report. Any other comments?

17 COMMISSIONER KELLY: Just to follow up with  
18 Tom. I think the policy of the TDR and smart growth  
19 development in those nodes can be achieved together, but  
20 what happens is we lose track of how that smart growth  
21 development has to happen. That requires the sewer, and  
22 that sewer right now becomes a developer's obligation

23 because that is the only way that the development can  
24 work. I want to make sure, as policy is starting to be  
25 spoken of, I want to make sure is there some type of

76

1 May 5, 2010 PI anni ng Commi ssi on  
2 recognition in order for the smart growth to happen the  
3 sewer has to be there.

4 That is a major investment on a piece of  
5 property like this. This could be a million dollar  
6 investment or more with the engineering that goes along  
7 with it. With larger smart growth developments, it  
8 could be three to five million dollars. I want to make  
9 sure we agree. I want to make sure there is recognition  
10 to that extent. Otherwise, we can preserve a lot of  
11 land, but we won't be able to get the flip side of the  
12 smart growth development.

13 THE CHAIRMAN: Good point. Gosh, we can talk  
14 all afternoon about this.

15 COMMI SSIONER KELLY: Di dn' t we just do that?

16 THE CHAIRMAN: We will reci rcul ate and see if  
17 we can do something on this in terms of pulling  
18 together. Right now the issue before us is the proposal  
19 that Condi tion Number 2 be changed to a comment. That  
20 was the proposal. Any objecti on to changi ng the  
21 condi tion to a comment? If there is, we will vote on  
22 it. If not, we will except that and change Number 2 to  
23 a comment. Inherently, wi thout objecti on, I want to  
24 change the word "shall."

25 COMMI SSIONER TALDONE: I would still request

77

2 after it's changed to a comment that it except the  
3 affordable component, so for suggesting that they  
4 consider the transfer of development rights, accept or  
5 granting exception to affordable units. Whatever number  
6 of affordable units they decide, we are not asking them  
7 to consider TDR's for that.

8 THE CHAIRMAN: You are not objecting to the  
9 first motion.

10 COMMISSIONER TALDONE: Right.

11 THE CHAIRMAN: Now it's a comment. The  
12 second suggestion to the comment is Vincent's suggestion  
13 to kind of carving out the affordable housing. Any  
14 objection to making that change?

15 COMMISSIONER BOLTON: It's still a comment?

16 THE CHAIRMAN: It's still a comment. Now we  
17 are working on the wording within the comment. Any  
18 objection? Seeing none, we will make that change. We  
19 now have approval with two conditions and one comment,  
20 which is amended, as well. Any other conversation about  
21 this? If not, I'll entertain a motion to approve as  
22 amended.

23 COMMISSIONER HOLMES: I move the adoption of  
24 the staff report as amended.

25 THE CHAIRMAN: Seconded by?

78

1 May 5, 2010 Planning Commission

2 COMMISSIONER KELLY: (Indicating)

3 THE CHAIRMAN: Commissioner Kelly. All in  
4 favor of adopting the staff report to approve with the  
5 two conditions and one comment as amended, please raise  
6 your hand. (Show of hands) Twelve to zero.

7 Next item on the agenda is the Woods of Cherry  
8 Creek. It's a Riverhead project.

9 MR. CORRAL: The first subdivision is the  
10 Woods of Cherry Creek, which is within the Hamlet of  
11 Riverhead. It's on the south side of Reeves Avenue just  
12 west of Roanoke Avenue. It's in the Agricultural  
13 Protection Zone. The uses are predominantly  
14 agricultural uses and also three golf courses in the  
15 proximity. Also some residential uses.

16 This is a closer in view of the parcel. Both  
17 to the east and to the west side is Suffolk County TDR  
18 property. We will talk later in the recommendations.  
19 There are conditions for protection of that property.  
20 The parcel itself is a hundred twenty-eight point three  
21 acre existing golf course. The existing golf course,  
22 the Woods of Cherry Creek has an existing clubhouse  
23 parking lot and eighteen hole golf course. The units  
24 that they're proposing are going to be right in this  
25 area.

79

1 May 5, 2010 Planning Commission

2 This is the zoning for the subject property,  
3 which is, as we mentioned before, agricultural  
4 protection zone to the south is residential RC and RA-40  
5 zoning. One of the comments we made in the  
6 recommendation sections is just this is an existing golf  
7 course in an agricultural protection zone, and as part  
8 of the application, a full yield of the property would  
9 be fifty-four units. The town board recently amended  
10 the agricultural protection zone to allow sixty-six  
11 percent of that density clustered with the golf course

12 remaining. So that it was a new amendment that happened  
13 with the Town of Riverhead in the beginning of 2009.

14 But just a comment that we had is the  
15 consideration of agricultural protection zone and the  
16 intent of that zone, and if putting residential units on  
17 will, in some ways, hamper that zone, and we have that  
18 as a comment in the recommendations.

19 This is the site plan of the subject property.  
20 It shows the existing golf course with the units on the  
21 north side of the property, There are the thirty units.  
22 The thirty-first unit is the golf course itself and  
23 they're clustered together on a private cul-de-sac.  
24 It's two thousand feet in length and eighteen feet  
25 wide. There is an access point to the south side of the

80

1 May 5, 2010 Planning Commission  
2 parking lot, but it's still thirteen hundred feet in  
3 length after that point and we have a comment about the  
4 length of the cul-de-sac.

5 THE CHAIRMAN: The road comes in from the  
6 northwest there.

7 MR. CORRAL: Yes. It touches or accesses on  
8 Reeves Avenue on the north side of the property and the  
9 existing access point to the existing parking lot will  
10 remain as proposed. This is the overview of the  
11 subdivision.

12 I guess the one other kind of larger point I  
13 would like to mention is the nitrogen loading for the  
14 parcel. It's an existing golf course, so there is the  
15 nitrogen from that and the clustered subdivision is not  
16 connected to a community sanitary system; it's

17 individual septic systems. There was some concern, from  
18 our point, the clustering of those sanitary systems  
19 close together. The application states that it meets  
20 Suffolk County Health Department regulations. Prior to  
21 approval we have a condition that it be approved by the  
22 Suffolk County Department of Health Services for the  
23 sanitary aspect.

24 That is kind of an overview of the staff  
25 recommendations with approvals, with the conditions and

81

1 May 5, 2010 Planning Commission  
2 comments. The first condition being that all required  
3 sanitary approvals shall be obtained from the Suffolk  
4 County Department of Health Services. The next two  
5 conditions are related to the farmland, DDR properties  
6 in the east and west, which are in the Commission  
7 guidelines to ensure noninterference and avoid conflicts  
8 between the farmers and occupants and visitors to the  
9 non-farmland areas.

10 All prospective owners shall be informed by  
11 means of the advisory covenant and a note on the  
12 development map of the location of active farmland, that  
13 the occupants may be subject to the noise, dust, odors  
14 and spraying applications normally associated with the  
15 agriculture activities.

16 The last two conditions, that this should be  
17 in conformance with the Planning Commission's affordable  
18 housing guidelines, and the fifth is that the applicant  
19 shall consult the Planning Commission energy guidelines  
20 and that is the staff report, and I will be glad to  
21 answer any questions.

22 THE CHAIRMAN: When we send out the letters  
23 with our decisions, can we include in those, when we  
24 have conditions like this, I'm not trying to prejudge  
25 the conversation, include a copy of the energy

82

1 May 5, 2010 Planning Commission  
2 guidelines and attach it to the letter? Vince, it's all  
3 you.

4 COMMISSIONER TALDONE: Thank you,  
5 Mr. Chairman. I fully support the staff report, with  
6 one change. On the condition for the affordable  
7 housing, this site is a golf course. It's going to  
8 have extreme luxury houses, primarily second homes.  
9 Other developments nearby are pretty much the same  
10 thing. I think it's kind of an inappropriate place for  
11 affordable housing and I think the town planning board  
12 will certainly override that requirement. I think you  
13 include Condition 2 from the previous side, which is the  
14 alternative options provided.

15 I would also add as a comment, that the  
16 planning board or town board consider the Southampton  
17 code, which permits alternatives, including the buyout  
18 option, whereby the developer pays to the town or its  
19 designated affordable housing developer they either buy  
20 up dilapidated housing or put up housing nearby that is  
21 more appropriate.

22 MR. CORRAL: Like Vince said, from the other  
23 subdivision applications, we have that kind of comment.  
24 I can read it to you or it's in the other subdivision.

25 THE CHAIRMAN: That is the proposal. So

83

1                   May 5, 2010 PI anni ng Commi ssi on  
2           everyone, knows the North Haven applicati on, which is  
3           the next one, just has an indi cati on -- reflects our  
4           gui deli nes wi th respect to al ternati ves to on si te  
5           constru cti on of affor dabl e. That is appropri ate in some  
6           pl aces and some proj ects, and Vi nce is asserti ng he  
7           bel i eves i t' s appropri ate here.

8                   Fi ne, we can have a discu ssi on on that. John,  
9           is there anythi ng el se?

10                  MR. CORRAL: Actual ly, no.

11                  THE CHAIRMAN: You raised the i ssue of whether  
12           there shoul dn' t be the al ternati ve to on si te affor dabl e  
13           hou si ng i n thi s case, and we wel come any comments on  
14           that or anythi ng el se as wel l.   Commi ssi oner McAdam?

15                  COMMI SSI ONER McADAM: I have a questi on about  
16           the agri cul tural protecti on zone. I know that the  
17           Ri verhead Town Board amended i t. I guess I' m confus ed  
18           as to why, i f i t' s an i n agri cul ture protecti on zone,  
19           why are we bui ldi ng on that propert y? Maybe i t' s  
20           somethi ng the way I thi nk about i t.

21                  The way I vi sual i ze i t, i t' s not for bui ldi ng  
22           i n the agri cul ture protecti on zone di stri ct.  
23           Ori gi nal ly, before the amendme nt had the provi si on for  
24           cl usteri ng to preserve agri cul tural l and or open space,  
25           thi s was added i n 2009 from my opi ni on, readi ng i t, to

84

1                   May 5, 2010 PI anni ng Commi ssi on  
2           preserve the gol f courses i n a si mi lar fashi on.

3                  MR. ISLES: Addi ng to that, thi s is an  
4           agri cul tural protecti on zone, the Town of Ri verhead

5 allows and permits agriculture, but they also allow  
6 residential. Previously, they allowed residential on  
7 one acre lots. Several years ago, the town created a  
8 transfer of development rights program whereby if you're  
9 going to build on site, they allow one house per two  
10 acres. They upzoned it. I think the reason for that,  
11 in terms of allowing any residential, is basically a  
12 constitutional issue in terms of having a return on the  
13 property that was strictly agriculture.

14 What they did was incentivized the transfer of  
15 a development away from it if you're going to take  
16 development to another site. For example, Wal Mart this  
17 commission reviewed On Route 58, which has still not  
18 been built, they were going to transfer development from  
19 a farm, APZ site one house per acre. If you are  
20 preserving the farmland and you transfer your  
21 development, can get a yield one per acre. If you were  
22 going to go on site, you have to have one house per two  
23 acres and you have to cluster.

24 It seems a little incongruous to have houses  
25 and golf course in APZ. That is just the background

85

1 May 5, 2010 Planning Commission  
2 that the larger farm areas were structured that way and  
3 they're are fitting within those guidelines.

4 COMMISSIONER HOLMES: I am a little puzzled  
5 about the nitrates that are already being used on the  
6 golf course, this being in an agricultural protection  
7 zone where they're still dealing with Temic. You say  
8 that the Department of Health hasn't yet given their  
9 approval, but these are individual septic systems.

10 MR. CORRAL: That is my understanding,  
11 looking at the site plan. I think they're clustered in  
12 two's. Instead of thirty, I think it's fifteen.

13 COMMISSIONER HOLMES: They all have  
14 individual septic systems, so they're anticipating they  
15 will get Health Department approval. I'm just concerned  
16 about water quality for residential uses.

17 MR. CORRAL: I think from staff's point of  
18 view, that is why we wanted to highlight that issue.  
19 Based on our analysis, it seems that under best  
20 management golf courses in stormways is equal to one  
21 house per acre than using that, the additional  
22 development based on sanitary levels, in our viewpoint,  
23 and from the data submitted by the applicant.

24 MR. ISLES: This is a zone that allows two  
25 houses per acre. They have the golf course, which is

86

1 May 5, 2010 Planning Commission  
2 where hypothetically they can do the houses, and still  
3 get to that six hundred gallons per acre. That has to  
4 be confirmed through the Health Department application.

5 COMMISSIONER HOLMES: The water quality issue  
6 is not really determined yet as far as the Health  
7 Department is concerned.

8 MR. CORRAL: It has to be reviewed by the  
9 County Department of Health.

10 COMMISSIONER ESPOSITO: Just to throw in,  
11 there is nothing we can do about it now. As the Suffolk  
12 County Water Management plan is evolved, we may want to  
13 see more of this and revisit some of our guidelines  
14 based on that. After having sat through another three

15 hour meeting on that comprehensive plan about two weeks  
16 ago, the data clearly shows if you do high density  
17 development in areas that don't have sewers, over time  
18 you are degrading water quality, particularly with  
19 nitrogen and nitrates as an indicating factor. Probably  
20 the Commission needs to look at that when it's done,  
21 give some good thought into good planning for our  
22 future.

23 THE CHAIRMAN: The first condition talks  
24 about the need to go through DOH. That highlights the  
25 issue, particularly when it comes to the East End and

87

1 May 5, 2010 Planning Commission  
2 the water quality. Any other thoughts, comments,  
3 questions? Seeing none, Vince had the suggestion we  
4 change Condition 4 to include off site planning  
5 language. Comment on that.

6 COMMISSIONER HOLMES: Leaving it as a  
7 condition?

8 THE CHAIRMAN: Leaving it as a condition, but  
9 I want to hear any thoughts on that.

10 COMMISSIONER KONTOKOSKA: I have a concern  
11 about explicitly stating it in the condition. I think  
12 it's part of our policy, if the applicant is diligent in  
13 reviewing our policy, they will see that is an option,  
14 and they will also turn to their local policies as well.  
15 My concern is that we actually -- I think there was  
16 collective decision that in lieu of fees for  
17 inclusionary zoning type housing is really counter to  
18 the intent of those laws; that we want to discourage  
19 that where ever we can.

20                   Although these might be expensive houses there  
21 because it's near a golf course, the next group of  
22 houses might be expensive because they're next to the  
23 water. And I think to use the excuse that the houses  
24 are too expensive to have poor people live near them is  
25 a problem. I know they're active constraints and I

88

1                   May 5, 2010 Planning Commission  
2 understand them. There should be provisions for  
3 handling those, but it's just a general concern of  
4 offering in lieu of option in this case, when we haven't  
5 done it in other cases. I'm just not sure if I'm ready  
6 to do that.

7                   THE CHAIRMAN: I think we have done that in  
8 one or two instances. I think was one in Southampton,  
9 and we are seeing that again in the next application,  
10 and it has been appropriate. Here it's multi-family.  
11 It wasn't thirty units, it's a substantial development.  
12 The question I have is there any public transit or  
13 anything like that in this area.

14                   COMMISSIONER KELLY: There is an 8A. It's a  
15 local circulator bus. It's about a five minute walk to  
16 the bus stop. There is no local shopping, there is no  
17 services at all. It's really pretty far away from the  
18 central shopping district. That one bus comes once an  
19 hour, but it's a pretty good walk for most people. I  
20 wouldn't consider it as a suitable site.

21                   I know the Town of Riverhead pretty well.  
22 It's a fairly conservative place. Most people would say  
23 I don't think affordable housing should be on the beach  
24 or a golf course with vistas worth a million dollars.

25 And the existing condition as presented will be ignored.

89

1 May 5, 2010 Planning Commission

2 If we want to impact them at all, we need to say  
3 something else.

4 COMMISSIONER KONTOKOSKA: I can understand the  
5 constraints and suitability of the site. My concern  
6 was explicitly carving out of the part of the policy  
7 language in the condition. It's part of the policy  
8 already. If you refer to the policy, that is part of  
9 what we already outlined.

10 My only concern would be explicitly stating it  
11 in this case when you haven't necessarily done it on  
12 similar cases. On the next application, we will talk  
13 about it when we get to it, of course, and there are  
14 different circumstances, kind of outlining coming out  
15 with some kind of different language for this  
16 application.

17 COMMISSIONER HORTON: As it relates to this  
18 specific discussion and application, I agree with what  
19 was conveyed by Constantine. I'm a little leery of the  
20 Commission getting into consideration of the social  
21 observations. I don't think that is our charge or an  
22 area where he should be daring to move. Also, that is  
23 our policy and the Town of Riverhead can review it and  
24 take it or leave it or there are appropriate actions  
25 they can take to address that.

90

1 May 5, 2010 Planning Commission

2 The only concern that I would have about your  
3 policy as it relates to this, I don't know the answer.

4 is this a golf course community, whereby it's part of  
5 the title and deed and the way the community is set up  
6 either as corporate entity or however it is formed, are  
7 there golf club membership requirements? I don't know  
8 the answer to that.

9 The other point that I think is really  
10 important is that I think a distinction has to be drawn  
11 between affordable housing and workforce housing and  
12 high density housing. I don't believe that affordable  
13 and high density has to be walking distance to a village  
14 or a town. High density housing should be as close to  
15 downtown centers as possible, or transportation  
16 centers. This notion that affordable housing cannot be  
17 in a remote or rural area, I think that is contrary to  
18 what we are promoting within our policies.

19 THE CHAIRMAN: That's a good point. The  
20 nexus is that depending on the income cutoffs, there  
21 might be transportation limitations with folks who, for  
22 lack of funds, would be more dependent on. It's a fair  
23 point. There is no reason why any part of the county  
24 shouldn't be able to host affordable housing.

25 COMMISSIONER KELLY: I believe there is a

91

1 May 5, 2010 Planning Commission  
2 clubhouse and other services to those who take the  
3 memberships to the golf course.

4 THE CHAIRMAN: It's a question of whether it  
5 is required.

6 COMMISSIONER KELLY: No, you can be locked out  
7 of the guesthouse and other facilities provided twenty  
8 feet from your house.

9 MR. FRELENG: I believe there is a clubhouse  
10 and other services to those who pay the membership to  
11 the golf course. You can be locked out of the golf  
12 course and all services provided to the wealthy  
13 neighbors to the sides of your house.

14 MR. CORRAL: I spoke to the town. They are  
15 all individual lots.

16 COMMISSIONER KELLY: You're not required to  
17 join it.

18 THE CHAIRMAN: I think that is where John was  
19 going with that.

20 MR. CORRAL: I didn't mention at the end of  
21 my recommendations there is also comments. I mentioned  
22 in the summary, but not exclusively.

23 THE CHAIRMAN: Does everyone see the comments  
24 with regard to access, the two emergency access  
25 conditions? Any changes to man made ponds should be in

92

1 May 5, 2010 PI anni ng Commi ssi on  
2 conformance with our guidelines. There has been  
3 conversation about the proposal, that we include some of  
4 the language from our guidelines regarding alternatives.  
5 Let me read it. It's in the other application.

6 The other application which Vince is referring  
7 to says that three lots should be set aside as  
8 affordable, and in accordance with our guidelines for  
9 affordable housing, as stated in the Commission  
10 guidelines, all the on site affordable units shall be  
11 considered being compelling and affordable (inaudible),  
12 alternatives, must involve the development of affordable  
13 housing developments elsewhere in the community or

14 payment of a fee to established trust to be used for  
15 housing units elsewhere in the county.

16 The proposal is to import that change into  
17 this condition. Any other comments or discuss about  
18 it? All in favor of importing this language into the  
19 decision, please raise your hand. This is seven.  
20 Opposed? Wait a second, who is voting against? I  
21 already got that. I want to make sure -- who is voting  
22 against? All those who voted for, raise your hand.  
23 That is eight. I vote yes. Motion passes. We will  
24 include the language into the condition. The condition  
25 reads as I read it. The other conditions are there.

93

1 May 5, 2010 Planning Commission

2 There are five conditions in total. That doesn't  
3 change? We only changed the wording on Number 2,  
4 wording on Number 4, there are four comments.

5 Any other conversation about the proposal?  
6 Seeing none, I'll entertain a motion to adopt.

7 COMMISSIONER TALDONE: Mr. Chairman. I also want to  
8 mention again my comment referring, suggesting that a  
9 comment to refer the Town to Southampton's buyout  
10 option, to consider Southampton's, I think it's called  
11 alternative site, I honestly don't know the name of it.

12 THE CHAIRMAN: The concern about that is we  
13 have gotten -- when you say "buyout," that there be  
14 payment of a fee to the housing trust fund?

15 COMMISSIONER TALDONE: Yes, or whatever.

16 THE CHAIRMAN: Our guideline says payment of  
17 a fee to an established housing trust be used for the  
18 development of --

19 COMMISSIONER TALDONE: I'm sorry, my comment  
20 is withdrawn.

21 THE CHAIRMAN: Any other thoughts, comments  
22 or questions? Seeing none, a motion to adopt the staff  
23 report as amended. (Show of hands) Passes.

24 That last regulatory item, Lorraine Anderson  
25 Estate. John is handling that. It's in the Village of

94

1 May 5, 2010 Planning Commission  
2 North Haven.

3 COMMISSIONER HORTON: My firm, the Corcoran  
4 Group, represents the sale, or the potential sale of the  
5 property. I have to recuse myself.

6 MR. CORRAL: This subdivision is the  
7 Lorraine Anderson Estate. It's a six lot subdivision on  
8 fifty-five acres in the most northeast corner of the  
9 Village of North Haven. This is just a little closer  
10 view of the property. You can see there is a  
11 significant wetlands on the property, and actually water  
12 itself on the property.

13 It's surrounded by residential units to the  
14 north, the Shelter Island Sound. There is also  
15 presently a number of docks and coastal structures.  
16 This is just another close up view of the property.  
17 Just to go back for a second, the regional significance  
18 of this, it's a disturbance of land of more than six  
19 point six acres along the water. The parcel itself, we  
20 did a little analysis of the size parcel in Southampton.  
21 There is only sixteen other parcels in Southampton based  
22 on our GIS review of residential parcels greater than  
23 thirty-six acres in Southampton.

24                   It's a sizable residential parcel. The zoning  
25                   for parcel is R-1 for the Village of North Haven, which

95

1                   May 5, 2010 Planning Commission  
2                   allows two acre zoning, technically eighty thousand  
3                   square foot per lot. This is the site plan for the  
4                   subdivision. When it came in, when we scanned it in,  
5                   it's a little dark. We colored it. The green is the  
6                   conservation easements over the parcel and that amounts  
7                   to thirty-four acres. The light blue is the tidal  
8                   wetland, the mapped tidal wetlands. The darker gray are  
9                   actual ponds on the property. The orange are the  
10                  building lots, and these narrow areas are the proposed  
11                  common driveways to the residential lots.

12                  COMMISSIONER ESPOSITO: Are those proposed  
13                  building lots or do they exist now?

14                  MR. CORRAL: They're currently on site, four  
15                  existing parcels. It seems, based on the review of the  
16                  the aerials, that they don't.

17                  MR. CORRAL: Response to the building lots?  
18                  So, there is also two more residential lots being  
19                  added. The parcels and size are between six and eleven  
20                  acres. It fronts, the subject property fronts on South  
21                  Ferry Road, which is New York State Route 114, which is  
22                  an important road because it goes up to the ferry to  
23                  Shelter Island. It's kind of a regionally significant  
24                  road. We will address those in the staff  
25                  recommendations.

96

1                   May 5, 2010 Planning Commission

2 As part of the staff recommendations, we said  
3 to approve the application with the following  
4 conditions: First condition being that the access to  
5 Route 114 is limited to what is currently proposed.  
6 That will also be approved, which is standard, but  
7 approved by the New York State DOT, just to coordinate  
8 the access onto this important road and limit to where  
9 it's proposed.

10 COMMISSIONER ROBERTS: Aren't those existing  
11 right now?

12 MR. CORRAL: This one here is existing, this  
13 one here is proposed. Our second condition for this  
14 property is that it's within the -- one lot of the  
15 subdivision shall be set aside as affordable, in  
16 accordance with the Suffolk County Planning Commission  
17 guidelines, because of the location of the parcel in a  
18 completely residential area kind of far from services.  
19 It's all residential surrounding it. No public  
20 transportation. We added in the second part, which was  
21 mentioned in the previous application, which has been  
22 stated.

23 The third condition is that the applicant  
24 shall be directed to the Suffolk County Planning  
25 Commission's Energy Efficiency and Public Safety

97

1 May 5, 2010 Planning Commission  
2 Guidelines. We have comments, more kinds of site  
3 specific comments related to there are steep slopes on  
4 the parcel, so locating the lots on the slopes less than  
5 ten percent, unless approved by using techniques  
6 allowing building on the steeper slopes.

7 Our second comment, related to the runoff on  
8 the property and ensuring that all the runoff stays on  
9 the property. The third is that the way it's currently  
10 configured, the flag lot poles are not located over the  
11 common access point, so the staff recommended  
12 reconfiguring the lot lines into the common driveway,  
13 access driveway in the event there is a dispute over the  
14 common access driveway running over the center of the  
15 lot.

16 That's the staff report. Any questions, I'd  
17 be glad to address them.

18 THE CHAIRMAN: Commissioner Roberts, any  
19 thoughts you want to share with us?

20 COMMISSIONER ROBERTS: I actually live in the  
21 Village of North Haven, so I know the property very  
22 well. It's a spectacular piece of property. I think  
23 the staff understated how regionally significant it is.  
24 This is the property that has been marketed for the two  
25 or three years as Tindell Point. Owner of the property

98

1 May 5, 2010 Planning Commission  
2 has tried to market it as a one family complex and to  
3 keep it all intact.

4 We had a number of celebrities look at it and  
5 the intent is very much to keep it together. At the  
6 public hearings, the owner stated that it is being  
7 divided for estate purposes. He also stated that there  
8 will be covenants so that the lots can only be sold in  
9 parcels of three, so there are only three parcels that  
10 actually would be sold.

11 If you look at your map, Lots 1 and 2 would be

12 one parcel, and Lot 3 and Lot 5 and 6 would be parcels.  
13 The intent is so the children could have a family  
14 complex and put a second home on the lot. That is 114.  
15 That is either a guest house or caretaker's home.

16 The community is extremely pleased with how he  
17 has worked for the conservation easement. It's that  
18 piece of property that anyone coming into the Hamptons  
19 that came over on the Orient Point and Shelter Island  
20 property sees as you come off the ferry. It's a  
21 beautiful piece of property that you see as you come off  
22 the ferry, so the physical beauty is critical to the  
23 area and the owner, we believe, has done a fantastic job  
24 of being sure that buildings will be virtually-non-seen  
25 from the water or the road.

99

1 May 5, 2010 Planning Commission

2 I have to say that I personally have a problem  
3 with the language of one lot set aside for affordable  
4 housing. The idea that a ten acre lot be set aside for  
5 affordable housing, obviously I can see the headline in  
6 the Sag Harbor Express this week. I don't know how we  
7 are going to work this through. Clearly, particularly  
8 for estate planning purposes, perhaps rewording this so  
9 we are talking more about the possibility of a fee into  
10 housing trust if it's sold outside of the family. I  
11 really would have trouble, personally, voting on  
12 something that actually said one of these ten acre lots  
13 should be set aside for affordable housing. I would  
14 also be concerned how the owner would react to the  
15 language and also the possibility that they might come  
16 back with another proposal for more lots, so I don't

17 think that language is in our best interest for this  
18 situation.

19 THE CHAIRMAN: Thank you, Commissioner  
20 Roberts. Any other thoughts, comments?

21 COMMISSIONER HOLMES: I believe you said,  
22 John, that in justifying the fact that it isn't a good  
23 area for affordable housing, you said the lack of public  
24 transportation. There is A County bus that runs along  
25 Route 114.

100

1 May 5, 2010 Planning Commission

2 MR. CORRAL: I stand corrected on that then.

3 THE CHAIRMAN: Still may not be a good place  
4 for affordable housing. Secretary Esposito.

5 COMMISSIONER ESPOSITO: Just a few comments.  
6 This is just a comment. I think we really have to stop  
7 associating affordable housing solely with busing.  
8 There are people that need affordable housing who  
9 drive. I want to say, as someone who grew up with  
10 working class America, we drive.

11 I understand the connection, but we should not  
12 only link that connection. People who need affordable  
13 housing drive cars too.

14 THE CHAIRMAN: You are right.

15 COMMISSIONER ESPOSITO: I have a question.  
16 Perhaps I'm wrong. I might be remembering on my days of  
17 the Pine Barren Review Commission. I thought our slope  
18 standard was fifteen percent; am I wrong on this? That  
19 is ten.

20 MR. CORRAL: No, that is how it is in our  
21 guidelines, ten percent.

0505PI anni ng. txt  
22 COMMISSIONER ESPOSITO: Okay. I'm also  
23 unclear, maybe I missed this, but we have here, "unless  
24 technical review shows additional care has been taken in  
25 design of stabilization measures and erosion control."

101

1 May 5, 2010 Planning Commission

2 Is that new to us?

3 MR. CORRAL: No, I believe that is taken from  
4 the guidelines.

5 COMMISSIONER ESPOSITO: I don't like the  
6 guidelines. The whole purpose for having standards for  
7 slope control is because it's somewhat controversial  
8 that artificial stabilization can be achieved. The  
9 whole idea is to stay away from large slopes because of  
10 what they can offer and what they intend to do, rather  
11 than feel we can build on them and everything is okay.  
12 That is my problem with that.

13 I'm not sure; we went through this a little  
14 quickly. It doesn't say anything about obtain DEC  
15 permits for being in an area so close to freshwater  
16 wetlands.

17 MR. CORRAL: I do know that the building  
18 setbacks are more than a hundred feet from the tidal  
19 wetlands in the application. The only other thing, they  
20 were proposing docks. They mentioned they would have to  
21 be approved by all the agencies involved.

22 THE CHAIRMAN: We can take a look at our  
23 steep slope guidelines. They're about a year and a half  
24 old.

25 COMMISSIONER ESPOSITO: Huntington Town is

102

1 May 5, 2010 PI anni ng Commi ssi on  
2 fi fteen percent.

3 THE CHAIRMAN: Andy and John are checking on  
4 that. The guidel ines are a year and a half old. They  
5 should be looked at periodically every two years. We  
6 will make a note of that when we put our guidel ines  
7 through revision, probably the second half of this year.

8 The good news, Sarah and Constantine did so  
9 much work on it, we can just edit it. It's a lot easier  
10 than it was two years ago. This is a good thing.  
11 Barbara made some comments about Condition Number 2,  
12 which is about the affordable guideline language. I  
13 don't know if this solves the issue, but we certainly  
14 could say something like while acknowledging under the  
15 guidel ines, a development of this type would typically  
16 require one lot be kept affordable, so we say a sort of  
17 a goal statement, under extenuating circumstances the  
18 Commi ssi on guidel ines provide for, in quotes. We use  
19 the language that is in there. Would that be --

20 COMMI SSIONER ROBERTS: That flies better;  
21 thank you.

22 THE CHAIRMAN: Any objection to changing the  
23 language in that regard, given what Barbara mentioned?  
24 Seeing none, we will add that to the condition. Any  
25 other thoughts or comments?

103

1 May 5, 2010 PI anni ng Commi ssi on

2 COMMI SSIONER LANSDALE: John, just a question on  
3 the language for Condition Number 2. The compelling and  
4 exceptional hardship. In this condition, do you think  
5 that estate planning purposes, that the condition that

6 Commi ssi oner Roberts i denti fied consti tutes a compelling  
7 and exceptional hardshi p?

8 MR. CORRAL: It's my opini on, or staff's  
9 opini on that it would be interpreted that way, based on  
10 the size of the lots, size of the acreage bei ng  
11 preserved, preserved that one lot bei ng, when  
12 thi rty-fi ve acres is put under conservati on easement,  
13 one lot as affordable could be viewed in that way.

14 COMMI SSI ONER TALDONE: Mr. Chairman, I just  
15 have a quick comment regarding our automoti ve users.  
16 Houses are i ntended for folks of no more than eighty  
17 percent of medi an. Even typi cally owners of those  
18 housesholds often drove ten or twenty year old cars, so  
19 it's typi cally good to live near a bus route in case the  
20 car breaks down. While it's not a pre-conditions to  
21 having affordable housing, it's not a bad idea if we can  
22 direct that housing is near transportati on services. If  
23 not, we do what we can. That is just a comment.

24 COMMI SSI ONER ESPOSITO: Going back to the  
25 comments under the second one for stormwater runoff, I

104

1 May 5, 2010 PI anni ng Commi ssi on  
2 thi nk thi s is a perfect exampl e of a devel opment  
3 proposa l that should be utili zing green infra structure  
4 to filter stormwater runoff before it gets into the bay  
5 and marine area. I propose to add on the second  
6 sentence, stormwater should be retained on si te wi th  
7 adequate drai nage structures. I thi nk we mi ght want to  
8 put in there for green infrastru cture as defi ned by the  
9 U.S. EPA to retain and filter stormwater, so that --  
10 conti nue on wi th the rest of the sentence, Comment

11 Number 2, dealing with stormwater run off from the  
12 devel opment.

13 THE CHAIRMAN: Which we will talk about in  
14 about five minutes.

15 COMMISSIONER ESPOSITO: It's connecting them  
16 to the new administrative designs that are effective and  
17 meaningful rather than regular old drainage structures.

18 THE CHAIRMAN: Any thoughts or objections to  
19 adding that language into the comment and raising the  
20 issue that there are better, more environmental ways of  
21 doing this now? Any other thoughts or comments?

22 COMMISSIONER McADAM: Back to Condition 2,  
23 David, can you tell me how that ended up? You kind of  
24 went over that first paragraph so fast.

25 THE CHAIRMAN: The wording was basically

105

1 May 5, 2010 PI anni ng Commi ssi on  
2 keeping the second half, everything in quotes, just  
3 changing the part before the quotations to say that  
4 while under this subdivision, under Suffolk County  
5 PI anni ng Commi ssi on gui del ines would be required to set  
6 aside one lot as affordable; however, then you go into  
7 the quotes. Basically it's saying --

8 MR. CORRAL: How about after extreme  
9 extenuating circumstances?

10 THE CHAIRMAN: I don't know about the word  
11 "extreme."

12 MR. CORRAL: Extenuating circumstances.

13 THE CHAIRMAN: Don't know whether we should  
14 be using the phrase.

15 COMMISSIONER BOLTON: Can't we use the

16 guideline language?

17 THE CHAIRMAN: Thank you for bringing it up  
18 again because I was imprecise in the language. So do we  
19 say "under the guidelines one lot would be required;  
20 however," and you go into the quotes? I think that  
21 addresses your concern, but also what Charla mentioned.  
22 Then use the -- just use the language and the guidelines  
23 rather than anything we used around the table to  
24 describe the situation. Commissioner Esposito.

25 COMMISSIONER ESPOSITO: Comment. The first

106

1 May 5, 2010 Planning Commission  
2 one, I would like to propose removing the second  
3 paragraph, construction on slopes in excess of ten  
4 percent may be approved, showing I think you either have  
5 slope or you don't. It's such a high intensity  
6 sensitive area there that they should avoid slopes of at  
7 least ten percent or more, I believe more, but that is  
8 not what the guidelines say.

9 THE CHAIRMAN: Construction on slopes in  
10 excess of ten percent.

11 COMMISSIONER HOLMES: Remove that-

12 THE CHAIRMAN: What do our guidelines say on  
13 that? Are those the guidelines?

14 MR. FRELENG: Yes.

15 MR. CORRAL: I guess I just mentioned by  
16 being ten percent or more kind of covers more of the  
17 slopes.

18 MR. FRELENG: Ten percent is more restrictive  
19 than fifteen percent.

20 COMMISSIONER BOLTON: It's ten percent on

21 up.

22 COMMISSIONER ESPOSITO: Perhaps I'm reading  
23 it differently. Even on bigger slopes, if you do it  
24 well, it's okay. I'm saying I think it's stronger if  
25 they look at areas ten percent or more for development

107

1 May 5, 2010 Planning Commission  
2 as opposed to ten percent or more. That is the way I'm  
3 interpreting it.

4 THE CHAIRMAN: Our guidelines are just that,  
5 they're guidelines. If there is a situation like that,  
6 proximity to the water, or where we say even here,  
7 anything over ten percent is inherently a problem, as  
8 Adrienne is saying. If it's inherently a problem, then  
9 we can take that out. That is why I was asking. The  
10 guidelines are just guidelines. This is not in the  
11 middle of nowhere, it's adjacent to a body of water.

12 Any objections to Adrienne's edit to delete  
13 the second paragraph, which is just one sentence of  
14 comment? Any objection to that? Seeing no objection,  
15 okay. Any other comments or questions about this?  
16 Commissioner McAdam.

17 COMMISSIONER McADAM: It's actually about  
18 that paragraph, but I don't have a objection to it.  
19 What if it's a situation where a town or village has  
20 stricter guidelines than we have?

21 THE CHAIRMAN: That would trump ours. If the  
22 standard on anything is higher in the town, that would  
23 be what governs the property. Anything else? Seeing  
24 none, we have a proposal that has an edited condition to  
25 just change the introductory wording on that. We

1                    May 5, 2010 PI anni ng Commi ssi on  
2                    amended Comment 1 to delete the part about constructi on  
3                    in slopes of excess of ten percent and added language to  
4                    the comment to the drainage structures. We added  
5                    language with regard to green infrastructure. That is  
6                    how we played with this.

7                    Anything else to add or change? Seeing none,  
8                    entertain a motion. Motion by Commi ssi oner Roberts,  
9                    seconded by Commi ssi oner Bol ton. All in favor of  
10                    adopting the resolution for approval, with the  
11                    conditions and comments as amended, please raise your  
12                    hand. Ten to zero. Thank you, everyone.

13                    Couple of things to wrap up. Regional  
14                    sustainabili ty plan, they're all high level comments and  
15                    goals, they're all relevant. One questi on I had for  
16                    staff was the planning council at all recommending any  
17                    addi ti onal responsibili ties or requirements of the  
18                    county planning commi ssi on in this? I don't know; this  
19                    is an early stage draft. I note regional planning  
20                    council is asserting that they're going to play  
21                    di fferent roles; that is fine. I was wondering if we  
22                    were going to do anything.

23                    MR. ISLES: Not that I have seen. What you  
24                    have is what I have. The council has a number of  
25                    technical studies and reports to back this up. At this

1                    May 5, 2010 PI anni ng Commi ssi on  
2                    point, they have not shared that with us. Once we get  
3                    that, it would be helpful to understand the

4 0505PI anni ng. txt  
recommendati on.

5 COMMI SSI ONER LANSDALE: Not looking for more  
6 reading, I wanted to know, it looks like on Page 3, this  
7 is a hundred and eleven page document or something along  
8 those lines. What were printed out was around  
9 twenty-four pages. Is it possible to receive the full  
10 document to make fuller comments?

11 MR. ISLES: We didn't receive the full  
12 document ourselves. You are exactly right. There are a  
13 number of pages missing in this report as well as the  
14 other reports. We asked for it. As soon as I get it, I  
15 will be happy to share it with you.

16 THE CHAIRMAN: Any comments? Commi ssi oner  
17 Lansdale indicated she will be provi di ng some comments  
18 by e-mail. There are some things that should be  
19 reviewed further. Some are great ideas, some, I think  
20 we would have questi ons on. From the staff standpoint  
21 they are calling for a regional water agency by county  
22 that would handle both water di stri buti on as well as  
23 wastewater.

24 MR. ISLES: In fact, one of the things it  
25 talks about is raising water rates in order to pay for

110

1 May 5, 2010 Pl anni ng Commi ssi on  
2 seweri ng; an idea. Just a poi nt that they're looki ng  
3 at. Important ideas. Maybe they're very good, maybe  
4 they're not. I feel this commi ssi on and the Nassau  
5 County Commi ssi on, for that matter, has been i nvolved  
6 and aware of that.

7 Mr. Chai rman, you i ndi cated Mi chael Whi te may  
8 come down and address the board, and I feel that would

9 be appropriate. Other considerations, tax freeze as  
10 well as a tax cap, would be something that the  
11 Commission would want to weigh in or not. Where would  
12 the service come from.

13 Another aspect, a deep water port on the East  
14 End, they haven't specified the location. Other things  
15 that may be important to the county commission as well  
16 as the bi-county planning agency.

17 We are reviewing that. If you would like to  
18 bring forth comments or have interaction with the  
19 regional council, they discussed the school tax and tax  
20 freeze issue. They did not take any action, they just  
21 debated among themselves. It looks like it's going to  
22 take a little time.

23 THE CHAIRMAN: To Sarah's point, it's  
24 difficult to review the first couple of pages. Gives a  
25 high level overview of their general policy and

111

1 May 5, 2010 Planning Commission  
2 thoughts. A lot of them don't relate necessarily to  
3 planning functions, but a lot of them do. Some of the  
4 things we have been talking about, like streamlining the  
5 permitting process, or dedicating a funding source for  
6 things like sewers, and protecting Long Island Sound  
7 beaches and bays; I don't know anybody that is opposed  
8 to that.

9 COMMISSIONER ESPOSITO: You would be  
10 surprised. It is difficult to have review a document  
11 that is missing pages. Did they have that at the  
12 regional planning meeting?

13 MR. ISLES: They did not. I will go back to

14 them and say the Commi ssi on requested the whole document  
15 in order to review.

16 THE CHAIRMAN: I'm assuming it's a work in  
17 progress. Why would they jump from Page 15 to 40?

18 COMMI SSI ONER MCADAM: What exactly do we  
19 have to do with it? Do we have to approve it?

20 THE CHAIRMAN: No. The fact that the  
21 Regional Planni ng Commi ssi on approves it doesn't mean  
22 anything, except that it sets parameters for policy  
23 which doesn't really mean anything. Our role really is  
24 most meaningful when we do things like the Comprehensive  
25 Plan, like guidelines, which is to try and push the

112

1 May 5, 2010 Planni ng Commi ssi on  
2 towns and villages and things like the task forces.

3 I think we have to play a role in probably  
4 implementing some of these things if we think they're  
5 worth implementing, particularly in the Comprehensive  
6 Plan and trying to get the town and villages to work  
7 together.

8 COMMI SSI ONER BOLTON: Are we going to be  
9 weighing in on the questions, for example, of multiple  
10 jurisdictions versus the tax cap kind of question,  
11 because those are really two sides of the same coin and  
12 one is not the ultimate answer and the other is  
13 politically unpopular. Is that part of what we doing,  
14 even to weigh in on these things?

15 THE CHAIRMAN: This hasn't been done before.  
16 I don't know if we are in a position to analyze the tax  
17 cap. We may have feelings about that ourselves. We  
18 will point out issues that impact our jurisdiction.

19 It's hard to make that judgment now, given the  
20 information that we have.

21 To your point, we can respond however we  
22 want. We can vote on issues that we would like to  
23 address in a letter, and staff will help us put a letter  
24 together to let them know the particular issues that we  
25 are concerned about. I am on the leadership cabinet

113

1 May 5, 2010 Planning Commission  
2 with this, as is Director Isles. We have a little way  
3 to get information and provide information through that  
4 channel.

5 COMMISSIONER TALDONE: This is actually a  
6 request of Director Isles. I would like to see the work  
7 explored. Transportation jurisdiction be given to the  
8 town planning agency. If I'm not mistaken, Nassau does  
9 not have the power to review transportation projects,  
10 highways, roads, bus routes, like us. In many other  
11 states agencies, county agency does review, not with  
12 authority, but at least consultative, the same sort of  
13 authority that we have now. You can be overridden by  
14 the authority, but you can review the process, if it's a  
15 sustainability process. Is that it would be if you want  
16 to invite me to the next meeting I will bring it up  
17 myself.

18 THE CHAIRMAN: We can do that if you want to  
19 do a letter. Director Isles, you're saying this will be  
20 a few months before they have this investigated enough  
21 to have a serious conversation. The question to you  
22 is when the best time for us to opine?

23 MR. ISLES: I think we have at least until

24 June 3rd or 4th when the next meeting of the council is.  
25 What I will do is request of Michael White, the

114

1 May 5, 2010 Planning Commission  
2 executive director, the full report so I can share that  
3 with the Commission. Number two, I'll ask what the time  
4 frame is. It seems to me the Commission would want two  
5 or three months to digest it and deliberate and submit  
6 comments. I will let you know in terms of what the time  
7 is for conditioned response. If it's a rush, we will  
8 accelerate.

9 THE CHAIRMAN: We need to have one meeting in  
10 between so we can vote on the application, if we want to  
11 have a meeting to discuss the things that we might play  
12 a role in.

13 Anything else on the Long Island 2035? If  
14 not, Andy is going to do a brief update on the  
15 Comprehensive Plan.

16 MR. FRELENG: I can do it in three minutes if  
17 you want, or I can make a comment. As part of the  
18 Comprehensive Plan initiative, the regulatory review  
19 unit was assigned the task of going through the  
20 Comprehensive Plans of Suffolk County in all the  
21 municipalities. There are forty-two municipalities in  
22 Suffolk County. The rationale behind this analysis was  
23 basically the dovetailing or hand in glove concept.

24 As you can see, the Regional Planning Council  
25 is preparing a bi-county regional plan. When we prepare

115

1 May 5, 2010 Planning Commission  
2 our plan, should really dovetail into the regional plan,

3 and going down the plan, essentially the villages should  
4 dovetail in.

5 In an ideal world, everybody's plan is  
6 reflecting everybody's goals. As you can see from Table  
7 1, the history of town planning goes way back. The  
8 oldest plan in your text, by the way, Page 2, Figure 1,  
9 has some anomalies in it that we corrected, but you  
10 don't have that. Town of Huntington has a 1933 plan.  
11 We are trying to check that. To the best of our  
12 knowledge, the oldest plan is the Smithtown plan they  
13 adopted in '57. They have done a review.

14 COMMISSIONER HOLMES: May I just add, Andy,  
15 the Shelter Island Comprehensive Plan is now being  
16 updated, so that should be an in process, too.

17 MR. FRELENG: We are working on this table  
18 and will get it up to date. This was done a while ago  
19 by the research unit. We just noted in the document  
20 and didn't check it enough. We are doing that now.

21 The Figure 2 shows the state of the  
22 comprehensive plans in Suffolk County as well as the  
23 rest of the state, as well as some of the planning tools  
24 used throughout the state and Suffolk County. For  
25 example, a hundred percent of the municipalities in

116

1 May 5, 2010 Planning Commission  
2 Suffolk had zoning and site plan and review process and  
3 zoning board. All towns have a comprehensive plan. The  
4 difference lies with the villages in Suffolk. Only  
5 thirty-one percent of the villages have adopted a  
6 comprehensive plan. For example, say Rockland County, a  
7 hundred percent, state-wide, sixty-six percent, and even

8 Nassau County forty percent of their villages have  
9 adopted comprehensive plans. Suffolk lags behind  
10 comparable counties in village comprehensive plans.

11 Nassau County, their townships, only one of  
12 their three towns has an adopted comprehensive plan.  
13 That is the town of Oyster Bay.

14 Table 3, we started to look at the work flow  
15 that came into the Department of Planning. We did a ten  
16 year analysis. The work referrals peaked in 2007 for  
17 Suffolk County. That was around twenty-three hundred  
18 applications for the year. Since 2007, the applications  
19 have been dropping off. We are about eighteen hundred  
20 applications a year. As of the end of '09, roughly a  
21 hundred twenty or so applications a month that would be  
22 processed. You can see that the applications are  
23 trailing off. In the report, there is suggestion of why  
24 that might be.

25 Figure 4 shows percentage total of Suffolk

117

1 May 5, 2010 Planning Commission  
2 County zoning referrals by municipality. Historically,  
3 the Town of Brookhaven has been the town that referred  
4 us the most applications. You can see as of 2007 that  
5 started dropping off, yet in the Town of Huntington  
6 applications started to rise.

7 THE CHAIRMAN: They went from zero. They  
8 forgot to refer things in 1999.

9 MR. FRELENG: That is just what the data  
10 shows. Figure 5 is hard to read. The percent  
11 composition of referrals to the Commission, the highest  
12 percent of the referrals that come in is variances, and

13 even though we had a decline in the percentage of  
14 variances that come in to the Commission's offices,  
15 variances by far still lead the percentage of referrals  
16 that come into the Commission.

17 So, just in terms of staff recommendations  
18 with regard to what we found. We found that there  
19 appears to be a good opportunity to work with the  
20 villages and county toward assisting the development of  
21 comprehensive plans. Seventy percent of the villages  
22 don't have one. That does not mean they don't have  
23 planning tools, they have zoning subdivision  
24 regulations. Some of the villages use Local Waterfront  
25 Revitalization Program as their planning document.

118

1 May 5, 2010 Planning Commission  
2 Technically speaking, it's not a comprehensive plan. It  
3 may not talk about housing, even though  
4 Head-of-the-Harbor and Old Field uses it. It's not a  
5 master comprehensive master plan, so we count that as  
6 zero.

7 There is still a huge market for the  
8 villages. We believe, we said this over and over again,  
9 that the county should modify the Suffolk County  
10 Planning Federation as an educational arm. We believe  
11 that the Commission should press for the Federation to  
12 be funded so we can continue our training programs.

13 THE CHAIRMAN: Fund from the county.

14 MR. FRELENG: That would be ideal. Regularly  
15 funded.

16 THE CHAIRMAN: That is an impressive  
17 document. I look forward to reading through. Any over

18 arching kind of themes?

19 MR. FRELENG: I see that the towns in Suffolk  
20 County are relatively sophisticated. Some of the issues  
21 that the Planning Commission are looking at are housing,  
22 environmental protection, a lot of the regional things  
23 that we have been looking at. So the towns are in  
24 relatively good shape.

25 In conclusions, the villages are not. Zoning

119

1 May 5, 2010 Planning Commission  
2 is local. The villages are in control of their land  
3 use. If we want affordable housing and energy  
4 efficiency and public safety, there are thirty-two  
5 villages out there that are incubators for that kind of  
6 stuff that are not addressing that in their plans.

7 THE CHAIRMAN: Those tend to be the places  
8 where the development is going to be targeted because of  
9 the downtowns.

10 MR. FRELENG: In fairness, sophisticated  
11 villages like Port Jefferson have addressed it. There  
12 are others that have not addressed affordable housing at  
13 all, yet each municipality is responsible for addressing  
14 affordable housing throughout the region.

15 COMMISSIONER ROBERTS: It appears that you  
16 didn't do a summary of the Comprehensive Plan.

17 MR. FRELENG: We didn't get to complete all  
18 the reviews. The appendix in the back is review of all  
19 the town and villages. This is a draft document.

20 COMMISSIONER ROBERTS: Tom, I would think  
21 maybe at our planning conference we do one session on  
22 comprehensive planning for the village and maybe have a

23 few of the best practices people.

24 COMMISSIONER BOLTON: I know Andy that is  
25 going to make your day, but I have a copy of the 1933

120

1 May 5, 2010 Planning Commission  
2 Comprehensive Plan for Huntington.

3 MR. FRELENG: That should be laminated and  
4 bronzed because the staff didn't have it.

5 COMMISSIONER BOLTON: I have the original,  
6 too.

7 MR. FRELENG: There is no institutional  
8 memory for this sort of stuff. Resolutions get passed.  
9 If it's not part of the document, it gets lost. Thank  
10 you. It was adopted by the Town of Huntington in 1933?

11 COMMISSIONER BOLTON: Absolutely. I can give  
12 you a lot of details, but I think I can put my hands on  
13 the plan itself because I'm almost certain I have a  
14 copy.

15 COMMISSIONER KELLY: In the quick reviews  
16 that you have done, any municipality talking about  
17 housing goals? We talk about housing requirements for  
18 affordable housing but never a housing goal in terms of  
19 number of permits that they should be issuing.

20 MR. FRELENG: I can't recall any  
21 comprehensive plan that talks about quotas for housing.  
22 They all speak about doing their fair share and various  
23 different tools.

24 THE CHAIRMAN: That actually was kind of my  
25 original question, that I didn't word as eloquently as I

121

1  
2 should have. Are there commonalities that exists in  
3 these?

4 MR. FRELENG: Speci fics are lacki ng because  
5 the Comprehensive Plan is a guidance document. There  
6 are none in the ways of statistics and speci fic numbers.  
7 In most of these plans that is relatively common.

8 COMMI SSI ONER BOLTON: Is that something that  
9 Suffolk County Comprehensive Plan will provide,  
10 guidance? If you have a comprehensive plan, these are  
11 the elements that the plan should contain.

12 THE CHAIRMAN: That is a different exercise.

13 MR. FRELENG: I'm not project manager on  
14 that. The bi -county commi ssi on should desi gn some  
15 goal s.

16 THE CHAIRMAN: We should take this and do a  
17 separate product, which is what Barbara talked about. A  
18 simple memo here is what they should have. Here's what  
19 yours doesn't have. You should have X, Y and Z. I  
20 think you can put together a simple memo to get out to  
21 the town and villages.

22 MR. FRELENG: The Di rector indi cated as part  
23 of the process we will be taking the summaries and  
24 sharing them with the municipali ty to make sure we have  
25 them right. When we have them right, we can draw

122

1 May 5, 2010 PI anni ng Commi ssi on  
2 concl usi ons and pass i t around.

3 COMMI SSI ONER McADAM: Andy, do you know if  
4 federal and state aid, whether it's for redevelop ment in  
5 a village or sewers or any other infrastructure

0505Planning.txt  
6 improvements? Do they require that a village or town  
7 have a comprehensive plan?

8 MR. FRELENG: I don't believe it's a  
9 requirement. It might be a goal. I don't believe it's  
10 an actual requirement that would prohibit you from  
11 getting any kind of aid.

12 COMMISSIONER ESPOSITO: You might get a  
13 couple of points on the grade system, but it's not a  
14 requirement.

15 THE CHAIRMAN: Thank you Andy. Thank you,  
16 Director Isles, yourself and project manager Gulizio for  
17 your efforts in that regard. We will keep having it on  
18 the agenda each month as we do updates.

19 The last item is clearing restrictions,  
20 stormwater runoff. We will put Adrienne on the timer  
21 for three minutes.

22 COMMISSIONER ESPOSITO: Number one, I'd like  
23 to request that we put this topic on next month's agenda  
24 as the first item instead of the last item. The reason  
25 I'd like to request that, it's going to have to take

123

1 May 5, 2010 Planning Commission  
2 some brain power, which I don't have right now. Also,  
3 some thought and discussion.

4 Two things you need to know. We brought the  
5 topic up. There to two native vegetation clearing  
6 standards. Basically the Pine Barrens Review Commission  
7 is updating their clearing standards. We thought it  
8 would be good for our commission to review; how far do  
9 we want to expand it, if we want to expand that out to  
10 other areas.

11 One thing Randy did, which was terrific, he  
12 did on overlay for us of all, the watersheds of the  
13 three estuary management plans, which basically comes  
14 out to the vast majority. I think it was ninety percent  
15 of all of Suffolk County. You can see that you're  
16 impacting Suffolk County water bodies with stormwater  
17 runoff native vegetation. As many of you know, that is  
18 a strong filter and buffer of preventing that type of  
19 contamination.

20 The second thing, which was distributed in  
21 your packet, is a draft. It became clear that would be  
22 a little too complicated to do a draft model ordinance  
23 for stormwater runoff. I think in order to apply to all  
24 purpose, it would have to be too vague. What we want to  
25 do now is craft a guidance document that we can use on

124

1 May 5, 2010 Planning Commission  
2 the county's Website that talks about the importance of  
3 stormwater runoff and give links to them and so the  
4 municipality can go to a model code for stormwater that  
5 will assist them in their particular town and  
6 municipality.

7 The first thing you have is a draft. I wanted  
8 you to have a draft of what the thought process is. I  
9 don't want it to be more than ten pages. We are in the  
10 process of doing that. Let's discuss it more next  
11 month, if that is okay with you folks.

12 THE CHAIRMAN: Let's all look through it. We  
13 will have a full discussion at the top of the agenda  
14 next month. Next month we will be in Brookhaven Town  
15 Hall. I'm done. Motion to adjourn.



21  
22  
23  
24  
25

---

JUDI GALLOP

126

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0505PI anni ng. txt