

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

NOTICE OF MEETING

DATE: September 1, 2010
TIME: 12:00 P.M.
LOCATION: Legislative Auditorium in Hauppauge

The tentative **AGENDA**

1. Adoption of minutes June 2010.
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers- Ryan Lynch, Senior Planner – Tristate Transportation Campaign; Complete Streets
6. Amendment – Suffolk County Planning Commission Guidebook
Native Vegetation Clearing
7. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - a) Town of Brookhaven Local Laws Amending Chapter 85 in regards to “Montauk Highway Transitional Area Overlay District for Mastic and Shirley”
 - b) The Hamptons Club @ Eastport 0200 56300 0100 005001 et al. (Town of Brookhaven)
 - c) St. Michaels Senior Housing a.k.a. Windmill Village HDFC 0300 17200 0200 008000 et al. (Town of E. Hampton)
 - d) Lowe's of South Huntington 0400 19800 0100 084000 et al. (Town of Huntington)
 - e) Windwatch Tower, LLC 0500 02800 0100 028002 (Town of Islip)
8. Section A14-24 of the Suffolk County Administrative Code
None
9. Request for reconsideration; Huntington Station Transit Oriented District (HSTOD)
10. Discussion:
 - a) Comprehensive Plan
11. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **October 6, 2010, at Shelter Island in the Board Room of Town Hall (subject to confirmation).**

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 - b) Amendment – Suffolk County Planning Commission Guidebook
 1. Native Vegetation Clearing
10. Other Business

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SUFFOLK COUNTY PLANNING COMMISSION
MINUTES OF MEETINGS

SEPTEMBER 1, 2010
12:00 p.m.

SUFFOLK COUNTY LEGISLATORS BUILDING
725 VETERANS MEMORIAL HIGHWAY
HAUPPAUGE, NEW YORK

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BEFORE: DAVID CALONE, CHAIRMAN

REPORTED BY: MELISSA POWELL,
Court Reporter/Notary Public

FIVE STAR REPORTING, INC.
90 JOHN STREET, SUITE 411
NEW YORK, NEW YORK 10038
631.224.5054

1 A P P E A R A N C E S:
2
3 THOMAS ISLES, Director of Planning
4
5 CONSTANTINE KONTOKOSTA,
6 Vice Chairman
7 ADRIENNE ESPOSITO, Secretary
8 Village over 5,000 Population
9
10 CHARLA BOLTON, Commission Member
11 At Large, AICP Municipal planning
12 LINDA HOLMES, Commission Member
13 Town of Shelter Island
14
15 MICHAEL KELLY, Commission Member
16 Town of Brookhaven
17 BARBARA ROBERTS, Commission Member
18 Town of Southampton
19
20 JOHN J. FINN, Commission Member
21 Town of Smithtown
22 THOMAS MC ADAM, Commission Member
23 Town of Southold
24
25 VINCE TALDONE, Commission Member
26 Town of Riverhead
27 SARAH LANSDALE, Commission Member
28 At Large
29
30 JOSH HORTON, Commission Member
31 At Large
32 JOHN CORRAL, Chief Planner
33 Suffolk County Planning Department
34
35 THOMAS YOUNG, County Attorney
36
37 TED KLEIN, Senior Planner, Suffolk County Planning
38
39 MATT CHARTRAND, Commission Member
40 Town of Islip
41 DOTTY SONNICHSEN, Secretary

1 (Time Noted: 12:04 p.m.)

2 CHAIRMAN CALONE: Good afternoon,
3 and welcome to the September meeting of
4 the Suffolk County Planning Commission.

5 I would mention that there is a
6 quorum present, and I would ask the
7 Secretary to lead us in the Pledge of
8 Allegiance.

9 (WHEREUPON, the Pledge of
10 Allegiance was recited.)

11 CHAIRMAN CALONE: Thank you.

12 The first item on our agenda is the
13 adoption of the Minutes from June 2010.
14 The Editor in Chief, I believe, has been
15 through those minutes.

16 Commissioner Holmes, have you been
17 through the minutes?

18 COMMISSIONER HOLMES: Well, I found
19 at least 23 errors, but I know there are
20 more because there were some punctuation
21 errors which, I believe, the Chairman
22 picked up. So, I would trust that these
23 would be corrected and if the Chairman
24 agrees, I would move the adoption of the
25 Minutes pending the corrections.

1 CHAIRMAN CALONE: Thank you,
2 Commissioner Holmes.

3 I would just see if anyone else has
4 added any comments to the June 2010
5 meeting?

6 (WHEREUPON, there was no response
7 from the Commission.)

8 CHAIRMAN CALONE: Seeing none,
9 subject to the minus edits that I have
10 made, as well as what Commissioner
11 Holmes has made, I enter a motion to --
12 you did make the motion; right?

13 COMMISSIONER HOLMES: Yes, I did.

14 SECRETARY ESPOSITO: I seconded the
15 motion.

16 CHAIRMAN CALONE: Seconded by
17 Secretary Esposito.

18 All in favor of adopting the June
19 2010 Minutes as amended, please indicate
20 by raising your hand.

21 (WHEREUPON, the Commission voted.)

22 CHAIRMAN CALONE: The vote is
23 eleven to zero.

24 COMMISSIONER HOLMES: Could we give
25 the corrections to the Reporter, and I

1 think there are more to come from the
2 Chairman. (Handing.)

3 CHAIRMAN CALONE: Next we will move
4 onto the public portion. We have a
5 number of speakers today.

6 Let me start off with Jeff Moss.
7 Mr. Moss, you have three minutes.
8 Please, come up and spell your last name
9 for the record.

10 MR. MOSS: My name is Jeff Moss. I
11 am a resident of Huntington Station and
12 my last name is spelled M-O-S-S.

13 I am here today to speak out
14 against the proposal for the Transit
15 Oriented District currently under
16 consideration with the Town of
17 Huntington.

18 I am a resident of Huntington
19 Station. I live in very close proximity
20 to the proposed overland district. If
21 this project is allowed to go forward,
22 this will irreversibly change the
23 character of Huntington in a negative
24 manner permanently.

25 I did not move to Huntington to

1 live in high density housing. The
2 density of the proposed project is not
3 in character with the surrounding
4 community. Most of the community --
5 many in the community are outraged, and
6 I have yet to find a single person who
7 supports this project who lives in
8 Huntington Station and in close
9 proximity to this.

10 Whether you may or not be aware,
11 the majority of affordable housing in
12 the Town of Huntington is located in
13 Huntington Station, to a degree, that it
14 will disproportion the rest of the
15 township. The only people who seem to
16 be favor of this project are those who
17 are being monetarily compensated by
18 Avalon Bay or who stand to gain
19 financially in terms of grants or
20 donations made to the organizations.

21 Other than that, I would really
22 hope that the Commission sees the
23 validity of my comments and would
24 recommend the disapproval of this
25 project in its entirety.

1 CHAIRMAN CALONE: Thank you,
2 Mr. Moss. The Commission
3 appreciates your time.

4 MR. MOSS: Thank you very much.

5 CHAIRMAN CALONE: Next speaker is
6 Steven Spucces.

7 Steven, please, spell your last
8 name for the record.

9 MR. SPUCCES: My name is Steven
10 S-P-U-C-C-E-S.

11 I am also a resident of Huntington.
12 This is actually my first endeavor with
13 something like this.

14 I am here to basically say that the
15 rezoning of our land has come without
16 any public benefit that can be proven.
17 I am under the impression, as a layman,
18 in the world of politics, that in order
19 for a zone to be changed or a law to be
20 changed, it needs to come with public
21 benefit.

22 Again, I stressed to my councilman
23 and my councilwoman to show me a single
24 benefit to my community and they have
25 yet to do so. I am here to ask someone

1 to stand up and say, "Look, if you want
2 to build something of this magnitude,
3 show us where the public will benefit in
4 the long run." That, I tell you, has
5 yet to be determined.

6 There just is no public benefit to
7 Avalon Bay especially with the density
8 that they're proposing, and it is
9 basically an injustice to the people of
10 Huntington; not Huntington Station, not
11 Huntington, not Greenlawn, not East
12 Northport, but the people of Huntington.

13 I would just hope that we have some
14 representation somebody will step up and
15 take the lead on this and tell these
16 people that you're not going to change
17 our laws unless you can prove that there
18 is some public benefit.

19 CHAIRMAN CALONE: Thank you, sir.
20 We appreciate your time.

21 Next speaker is Matt Harris.

22 MR. HARRIS: My name is Matt
23 H-A-R-R-I-S.

24 I am 30 year plus resident of
25 Huntington Station. I live in very

1 close proximity to this transit-oriented
2 development. The map that I have, I was
3 able to acquire from the Town of
4 Huntington Planning Commission. I was
5 told this map did not exist. It is
6 dated October 28, 2009. It was
7 obviously known to the Town Board before
8 the election last year. I am also
9 looking at your Commission Hearing from
10 March 10, and I question if there is
11 anyone here, on the dais, that actually
12 lives in the Town of Huntington? By a
13 show of hands, does anyone?

14 (WHEREUPON, members of the
15 Commission gave a show of hands.)

16 MR. HARRIS: Two people? I didn't
17 realize that.

18 There are hundreds of people -- I
19 mean hundreds of Huntington Station
20 residents that are so opposed to the
21 transit-oriented district.

22 By the way, and just to make it
23 clear, Avalon Bay's proposed property is
24 actually beyond the half mile limit.
25 Only a small piece of it touches this

1 half a mile, so I don't even know if the
2 property should be qualified for
3 transit-oriented development. There are
4 other properties much closer to the
5 train station and within walking
6 distance than the Bona Vita property on
7 East 5th Street. I want to make that
8 very clear.

9 I live a few blocks from that
10 property and let me tell you, I don't
11 want to see a thousand more cars or a
12 thousand more people in the
13 neighborhood. Our schools cannot
14 support this because we have a crisis
15 going on right now because one of our
16 schools was closed and it wasn't because
17 of low performance. It was because we
18 have a lot of crime in our area that
19 cannot be controlled by the Suffolk
20 County Police or our Code Enforcement
21 Bureau. We don't know what to do. We
22 spoke to Dormer. We spoke to Levy. We
23 tried to get the Town Board to do
24 something. Our crime issue has gotten
25 so out of control that this is the last

1 thing my community needs right now. We
2 don't need to drop another thousand
3 people into an area that has so many
4 other problems.

5 So, aside from being opposed to the
6 transit-oriented district, which is just
7 totally inappropriate, it is also taking
8 land away from the taxpayers. This
9 project is too dense -- eighteen
10 and-a-half units per acre. I don't want
11 to see 50 foot high buildings which is
12 included in the TOD. We have a maximum
13 of 25 foot buildings now. You're going
14 to double the size of our buildings.
15 Our roads cannot support it.

16 Park Avenue is a major thoroughfare
17 for our ambulances going down to
18 Huntington Hospital. It's just too
19 much. We can't support this. It's
20 going to be a tax negative to the other
21 taxpayers in our area because we're
22 going to have to support all the extra
23 children that we can't take right now
24 because we have no classroom space.

25 I just want to let everybody know

1 on the Commission that we don't want it.
2 We have hundreds of residents like
3 myself that don't want it. I know there
4 are low income advocates that want this.
5 We have 60 percent of the Section 8
6 Housing in Huntington -- right in
7 Huntington Station now.

8 CHAIRMAN CALONE: Thank you,
9 Mr. Harris. We appreciate your time.

10 The next speaker is Mr. Amper from
11 the Pines Barren Society.

12 Welcome, sir.

13 MR. AMPER: Good to be here.

14 CHAIRMAN CALONE: Are you and Beth
15 sharing time?

16 MR. AMPER: The way she put it to
17 me was, "If you can't say things
18 sufficiently, I will help you."

19 My last name is spelled A-M-P-E-R.
20 I am here to try and make sure that our
21 organization understands the rules of
22 the Suffolk County Planning Commission.

23 I am specifically referring, for
24 example, to the Sandy Hills application
25 which you have reviewed previously and

1 which has since been approved by
2 Brookhaven without a new submission. I
3 am just trying to get a sort of simple
4 -- not a legal interpretation of any
5 kind, but simply an understanding of the
6 rules of this Commission correctly.

7 Is it correct to conclude that
8 failure to meet any of the five
9 conditions that you established for
10 approval, would require a super majority
11 of the Town Board?

12 CHAIRMAN CALONE: I'm sorry. I
13 don't --

14 MR. AMPER: If there are conditions
15 to approval that are not met, that would
16 trigger the majority plus one; is that
17 correct?

18 CHAIRMAN CALONE: The standard is
19 that the Town -- whatever the
20 municipality needs to abide by the
21 conditions or override them by a super
22 majority.

23 MR. AMPER: Would it also be
24 correct to conclude that given the fact
25 that the applicant did not increase the

1 number, in this case of pine barrens
2 credits, required to be redeemed and
3 exchanged for the density despite the
4 Commission's requirement that there's a
5 substantial number of credits be retired
6 would that, in turn, trigger this
7 majority plus one requirement?

8 CHAIRMAN CALONE: We're not in the
9 position here today because I don't know
10 all the facts to respond to that. I see
11 we have a letter here and I'm -- can we
12 first review this?

13 MR. AMPER: Sure, no, I understand.

14 MR. CHAIRMAN: It indicates that
15 you're asking that question. So, I
16 think, it might be better if staff, in
17 conjunction with our counsel, reply to
18 you after we had a chance to review the
19 facts.

20 MR. AMPER: Well, am I correct in
21 understanding what the requirement for
22 workforce housing means to the
23 Commission? I know that we heard from
24 people describe workforce housing is
25 anything from 80 percent to 120 to 130

1 percent; could someone explain to me
2 what the Commission considers to be
3 workforce housing?

4 CHAIRMAN CALONE: The Commission
5 has a guidebook that's published and has
6 all of our policies and procedures in
7 it. It includes two sections on
8 affordable housing one with a specific
9 criteria.

10 MR. AMPER: Great.

11 Finally, in as much as the Sandy
12 Hills application was not resubmitted to
13 the Planning Commission, prior to a
14 revote on April 17, is it correct that
15 whatever your findings were in the
16 previous submission are still
17 applicable? In other words, this was
18 originally approved in April of 2009, by
19 the Brookhaven Town Board and then it
20 was resubmitted to the Town Board on
21 August 17, 2010. If it was not
22 resubmitted to you, is it fair to say
23 that the conditions that you imposed in
24 2009 are still applicable?

25 CHAIRMAN CALONE: I think that's a

1 fact dependant question. Whether it's a
2 new application or not, I think I would
3 defer to Counsel.

4 MR. YOUNG: It's not our purpose
5 here to make interpretations of the law.
6 The Commission has made a determination.
7 Now, anyone that wishes to act on that,
8 in any way, it's incumbent upon them to
9 interpret it and decide what they want
10 to do with it.

11 It's not the Commission's position
12 now nor their obligation now to justify
13 or explain the law to anybody. They
14 just make their determination based on
15 their -- our rules and that's that.
16 Anyone that wishes to go beyond that,
17 it's not something that is within the
18 purview of this Commission.

19 MR. AMPER: Well, I don't want to
20 go beyond that, and I don't want an
21 interpretation. If it did not apply to
22 this project at all, would it apply to
23 any project for which you granted
24 conditional approval? Is it fair to say
25 that if those conditions are not met,

1 that, that requires a majority -- I am
2 just trying to understand your rules.

3 MR. YOUNG: The rules are published
4 and are there for you to review. It's
5 not the Commission to --

6 CHAIRMAN CALONE: Mr. Amper's time
7 has expired and there is no time for
8 colloquy. If you want to take --

9 MS. MOTSCHENBACHER: He can have my
10 time.

11 MR. CHAIRMAN: Spell your last
12 name, please.

13 MS. MOTSCHENBACHER:
14 M-O-T-S-C-H-E-N-B-A-C-H-E-R.

15 CHAIRMAN CALONE: You've gone over
16 a minute or so, so two more minutes and
17 we will wrap it up.

18 I will say that we don't want to
19 answer questions of interpretation here.
20 If there is ever something about
21 interpretation, that's a matter for the
22 entire Commission to vote on; not the
23 Chair to opine on. We will follow the
24 lead of our staff, obviously, as well as
25 our legal counsel.

1 I see you have a letter that you
2 sent to us. If you would give us the
3 courtesy of having the chance to review
4 that letter and to be able to make a
5 formal response -- you know, the
6 questions that you raise, are germane.

7 MR. AMPER: I appreciate that.
8 Really, that's all we're asking for. I
9 am not asking you to apply some judgment
10 of interpretation. I just want to
11 understand what your rules are as they
12 might be applied to this determination
13 and you can like it or not like it. You
14 can think that they should have done it
15 or should not have done it. I would
16 agree with you that, that's not germane.
17 We're trying to understand how your
18 rules apply to what are called
19 conditional approval as opposed to
20 disapprovals.

21 The last two items I want to touch
22 on very briefly is the matter of the
23 Hamptons Club application which is in
24 front of you. This isn't the pine
25 barrens. The Pine Barrens Commission

1 gave it a hardship waiver and they're
2 back for a second one. There are
3 drinking water and other significant
4 issues here. There are no public
5 benefits that we can tell. There are
6 serious groundwater impacts and that is
7 something that we'd ask the Commission
8 to not grant a hardship waiver for and
9 we'd ask you to take that into
10 consideration.

11 As for the Avalon Bay, I would
12 point out, to the existing body, that
13 the Town has successfully issued
14 decisions -- decisions have been
15 rendered all the way to the level of the
16 Supreme Court concerning density and
17 dumping in the Huntington Station area.
18 We don't see the public benefits that
19 supposedly justify this. Even a payment
20 to the school district, for example, of
21 one million dollars would be more like
22 an impact fee -- the cost to the
23 district to do that rather than a public
24 benefit and we're seeing it around the
25 Island. I am sure it's going to come to

1 your attention in the future.

2 There are 60 in Brookhaven Town
3 alone for rezoning. There is no public
4 benefit and no exhaustion of pine
5 barrens credits, et cetera. If this
6 comes before you, I am sure you're going
7 to want to consider that and I thank you
8 for your time.

9 CHAIRMAN CALONE: Thank you,
10 Mr. Amper.

11 We're not going to comment,
12 obviously, on the Avalon Bay situation
13 but the materials that you provided to
14 this Commission were very instructive --
15 that you provided a couple of months
16 ago. It is a conversation that needs to
17 be had around the Island about when and
18 where, and I am sure that's something
19 that we're always going to work on
20 together going forward.

21 Thank you for your time.

22 MR. AMPER: You always know that,
23 at least, as well as I do. Thank you.

24 CHAIRMAN CALONE: Next we have
25 Kathleen Dickson.

1 Welcome and you have three minutes.
2 Please, spell your last name for the
3 record.

4 MS. DICKSON: My name is Kathleen
5 Dickson, D-I-C-K-S-O-N.

6 I am here on behalf of the
7 Hampton's Club of Eastport. I wanted to
8 just make sure that the Commission was
9 aware of the numerous benefits that the
10 Hampton's Club project is going to bring
11 to the Town of Brookhaven, County of
12 Suffolk.

13 As this Commission is probably
14 aware, this project site has already
15 been approved for 64 single-family
16 dwellings to be built on the site. The
17 application before the Town Board and
18 before this Commission, this afternoon,
19 is for a change in zone to allow
20 construction of 119 units which consists
21 of 116 attached single-family units and
22 three detached single-family units.

23 The new plan provides the Town and
24 the County with many benefits including
25 the diversity of housing types that, I

1 think, are part of the overall plan of
2 the Town and the County moving forward.
3 It also includes good quality
4 homeownership, opportunities that are
5 affordable for people who are both first
6 time home buyers, and single
7 professionals increasing in housing
8 stock in those areas where it is
9 severely lacking Long Island and Suffolk
10 County and Brookhaven in particular.

11 In addition, the density of the
12 B-Residence is a good transition from
13 the higher density PRC immediately to
14 the west of the Encore Atlantic Shore
15 which is approximately 3.2 units per
16 acre. The new units are in keeping with
17 the current market demands for smaller
18 affordable trans-units. There are first
19 time homeowners that will receive the
20 benefits. 25 percent of the units will
21 be reserved, specifically, for first
22 time home buyers. They will have
23 geothermal heating involved with them.
24 The developer will pay the first two
25 years of taxes and common charges in

1 connection with the first time home
2 buyer units. We're going to work with
3 the Long Island Housing Partnership to
4 ensure that those remain for the first
5 time home buyer units going forward.

6 The biggest benefit is that this
7 project will be retiring 11 pine barrens
8 credits and will be utilizing 44
9 sanitary credits from the Oaks Project
10 which is a nearby project that was
11 slated for acquisition by the Town of
12 Brookhaven, and the purchase of these
13 credits will facilitate the permanent
14 preservation by the purchase of the Town
15 of the Oaks property.

16 I just wanted to make sure that the
17 Commission was aware of all these things
18 in contrary to what you may hear. There
19 are numerous public benefits especially
20 ones that are advancing and involved
21 with the Town and the County and it's
22 improving its housing status.

23 CHAIRMAN CALONE: Thank you. We
24 appreciate your time.

25 Next we have Charles Voorhis.

1 MR. VOORHIS: Yes, I'm here.

2 CHAIRMAN CALONE: Sir, you have
3 three minutes. If you could just spell
4 your last name for the record.

5 MR. VOORHIS: Thank you very much.

6 My name is Charles Voorhis,
7 V-O-O-R-H-I-S.

8 I am here on behalf of the
9 Hampton's Club. I have been the
10 Environmental Planning Consultant
11 throughout not only the current project
12 but also the previously approved
13 project.

14 Kathleen just touched on a number
15 of points. It is fairly quick to get it
16 all in, in three minutes but basically
17 we're looking to build within the exact
18 same approved area as the prior
19 subdivision. We are increasing the
20 number of units, but they're smaller
21 units and will, in fact, result in less
22 square footage than what could be built
23 under the current approved 64 lot plan.

24 You're planning decision makers,
25 and I am a professional planner. I see

1 many, many planners and environmental
2 benefits for this project. Kathleen hit
3 them quickly, but I think some of the
4 things that I look at very carefully are
5 the number of school age children
6 especially in districts that are a
7 little bit stressed.

8 This will reduce the number of
9 school age children from 72 to 31
10 children for a reduction of 41. It will
11 go from a significant tax revenue
12 deficit after the cost of educating
13 those children to a large tax revenue
14 benefit -- an increase -- a surplus. It
15 does increase overall taxes as a result
16 of this. It won't change the character.
17 The homes will be the same size, and
18 we'll build in two units in each
19 building as opposed to one unit making
20 it more affordable for the general
21 public. Kathleen mentioned the pine
22 barrens and sanitary credit transfer.

23 We have looked at the impact of
24 this project through a very detailed
25 draft environmental impact statement,

1 and the Town has adopted a final EIS.
2 That contains all the facts. We did all
3 the groundwater analysis. We supported
4 all the demographics and economic dates
5 that I presented today and that
6 information is available to you.

7 I have seen many recommendations
8 from staff to this Commission that looks
9 at land use plans, and does the property
10 conform with land use plans? The Town
11 has the County Road 51 Study and
12 recognizes that this project is
13 different than the one conceived at the
14 time of the 51 Study because it was
15 pending at that time as a single family
16 subdivision.

17 The purpose of this DEIS was to
18 look at out how this relates to changed
19 conditions and does it make sense? So,
20 the Town will determine whether it is
21 appropriate to modify the CR 51 land use
22 plan through the draft supplemental and
23 final EIS that looks at that alone. I
24 shouldn't say alone, but in connection
25 with all the other benefits.

1 So, I urge you to consider all
2 those points. As a planner, I believe
3 this is a great project. I am a
4 Certified Environmental Professional. I
5 see the many benefits from an
6 environmental and planning standpoint.

7 I thank you for your attention and
8 your upcoming decision.

9 CHAIRMAN: Thank you, sir. We
10 appreciate your time.

11 Next speaker is Jim Gleason. Mr.
12 Gleason, you have three minutes.

13 MR. GLEASON: (Approaching
14 Commission to hand documents.)

15 MR. CHAIRMAN: We're not allowed to
16 receive any materials on any of the
17 projects. Let me just check with
18 Counsel.

19 MR. YOUNG: Yes, the only
20 documentation is the submission that was
21 sent over.

22 MR. GLEASON: This is to aid my
23 comments. It's what I am going to refer
24 to when I am talking.

25 CHAIRMAN CALONE: Sir?

1 SECRETARY ESPOSITO: It's material
2 on the project.

3 CHAIRMAN CALONE: Yes, it's
4 material on the project so --

5 MR. YOUNG: Why don't you make your
6 presentation and see if they need any
7 additional information.

8 CHAIRMAN CALONE: I apologize.
9 Just so everybody knows, the rules of
10 the Planning Commission are that we're
11 not allowed to receive or take into
12 account materials other than those that
13 are provided to us by the applicant
14 which is the town or village, as the
15 case may be.

16 Mr. Amper did hand out a letter
17 just to be clear for the record. It
18 does relate to a particular application.
19 It was a question that he had about our
20 rules and he's already provided that to
21 our staff. It doesn't relate to the
22 merits of the project.

23 So, Mr. Gleason, we need to stand
24 by our rules and certainly you have
25 three minutes.

1 MR. GLEASON: It's going to be
2 difficult to not refer to the map, if
3 it's not in my hand, and it's not in
4 yours. I will certainly give it a try.

5 My name is Jim Gleason,
6 G-L-E-A-S-O-N. I am from East Moriches.
7 I am with the East Moriches Property
8 Owners Association.

9 Does anyone have any suggestions as
10 to what I can do with the microphone?

11 SECRETARY ESPOSITO: It works fine.

12 MR. GLEASON: I am getting an echo
13 and that's why I am hesitating. If it's
14 fine for you, that's what counts.

15 CHAIRMAN CALONE: It helps if you
16 can just speak loudly.

17 MR. GLEASON: If this works, I'll
18 do it this way.

19 This Commission started off very
20 well on this project because back in
21 2004, it disapproved a somewhat similar
22 plan. We would urge you to continue on
23 that tack and disapprove the change that
24 is being proposed which is to nearly
25 double the density of what was

1 disapproved back in 2004.

2 I can't cover everything. I am
3 going to talk about some of the policies
4 of this Commission and of the County
5 with respect to land use planning.

6 First of all, the Comprehensive
7 Plan that the Town of Brookhaven has
8 with respect to this is property and the
9 CR-51 land use plan that Mr. Voorhis has
10 mentioned clearly says one acre. Now
11 this particular proposal was underway
12 when the plan was adopted and that's
13 probably why it says one acre, but the
14 goals of that plan are consistent with
15 the County's goals which are to keep
16 this a rural area and to have vistas.

17 If you increase the density of
18 what's on this particular site, you're
19 going to have more traffic and you're
20 going to need more infrastructure and
21 that is going to be inconsistent with
22 the land use plan and inconsistent with
23 the County's goals.

24 As mentioned, the property is
25 within the pine barrens. If you had the

1 map that I was going to give you, you
2 would see that this particular property
3 is at the end of a piece of the
4 compatible growth area. It has core
5 above it. It has core to the east. It
6 has core below it. If you care about
7 the pine barrens, then this not the
8 project to put there.

9 Encore Shores, yes, is next door.
10 It is a PRC. It's high density. Some
11 people would say that, that was a
12 mistake. But it's there, true. It
13 doesn't justify putting greater density
14 into the compatible growth area right
15 next door to the already high density.
16 In fact, to protect the pine barrens,
17 what you do is not allow double density
18 on this particular site.

19 There is a scheme to use sanitary
20 credits from the Oaks property which is
21 something like a mile away. That is not
22 in the pine barrens. The bottom line
23 with respect to that proposal is to move
24 density from outside the pine barrens
25 into the pine barrens. That is not

1 consistent with the policies of this
2 County with respect to the pine barrens
3 to protecting the drinking water. It is
4 exactly what should not be done.

5 There are many other problems with
6 that particular proposal to use those
7 sanitary credits which I will not get
8 into.

9 It is a policy of the County to
10 have pedestrian and bicycle friendly
11 projects. This particular one, based on
12 what's been submitted so far, has no
13 bike paths inside the site. It has no
14 pedestrian walkways inside. If you look
15 at the location of this particular site,
16 it is not near anything other than the
17 gated community of Encore Shores next
18 door. It is not near the --

19 CHAIRMAN CALONE: Mr. Gleason, your
20 time has expired. We appreciate your
21 thoughts and your time.

22 MR. GLEASON: I believe that
23 someone will yield another three minutes
24 to me.

25 MR. CORMAN: I will.

1 CHAIRMAN CALONE: Say your name,
2 sir?

3 MR. CORMAN: Edward Corman,
4 C-O-R-M-A-N.

5 CHAIRMAN CALONE: Sir, you have
6 three additional minutes.

7 MR. GLEASON: This particular site
8 is not near the Hamlet of Eastport. You
9 cannot walk there on a sidewalk. You
10 can't even walk over to CR-51 or
11 Eastport Manor Road. It is essentially
12 isolated. If you wanted to get a bus,
13 which is something this County
14 encourages, you would have to go over to
15 CR-51, but there are no sidewalks to
16 walk onto. In fact, I didn't see a sign
17 for a bus stop anywhere near the
18 location.

19 So, in terms of pedestrians, in
20 terms of bicycles, and in terms of
21 transportation, this particular project
22 is all wrong. If somebody were to buy
23 there, and they wanted to get to their
24 homes, and if they were driving west on
25 Sunrise Highway, they could pull off of

1 Sunrise Highway and go in the entrance
2 into their home. If they were coming
3 from any other direction, they would
4 have to go around the block to get in.
5 They would have to spend gas to get in.
6 They would have to spend time and they
7 would have to use the County and the
8 State roads in order to get there
9 because the only entrance is located on
10 the one-way service road with limited
11 access.

12 This is totally contrary to the
13 policies of this County and this
14 Commission. It will put an unnecessary
15 burden on the County and the State
16 roads. In a nutshell, this proposal is
17 just sprawl. That's all it is. It's a
18 proposal for higher density in a
19 location not near anything; nobody is
20 going to walk. Nobody is going to
21 bicycle. Everybody is going to use a
22 car to go in and out of there. It
23 should not be allowed.

24 The reason that we got the proposal
25 for double the density is because this

1 particular developer made a mistake. He
2 bet on the market. He bet he could sell
3 mansions in this particular location
4 with this type of access. I don't know
5 why he thought that, but that's what he
6 did. He made a mistake. Now he is back
7 and asking the Town and the County and
8 the residents of Eastport and East
9 Moriches and all the surrounding areas
10 to bail him out. Why? That is
11 definitely not a policy of the County or
12 this Commission and should not be a
13 policy of the Town.

14 CHAIRMAN CALONE: Thank you, Mr.
15 Gleason.

16 We appreciate your time and thank
17 you for your thoughts on the project.

18 Next person on the list is Nick
19 Casone.

20 MR. CASONE: I won't be speaking.
21 Andrea will be speaking.

22 CHAIRMAN CALONE: Mr. Casone is
23 yielding his time to Andrea. If you
24 could spell your last name for the
25 record.

1 MS. SPILKA: Can I hold this up as
2 part of my presentation? (Indicating.)

3 CHAIRMAN CALONE: I will defer to
4 Counsel on that. What's that?

5 MR. YOUNG: It's the same sign as
6 before. It's not going into our
7 records; it will not be considered.

8 MS. SPILKA: Andrea Spilka,
9 S-P-I-L-K-A.

10 I did have a small map, as well
11 that I wanted to give out, as well as a
12 letter from another resident. Is it
13 possible for that letter to be put into
14 the record?

15 CHAIRMAN CALONE: I don't believe
16 so.

17 Counsel?

18 MR. YOUNG: The only documentation
19 that they can consider is to be
20 submitted by the applicant.

21 MS. SPILKA: Perhaps someone else
22 is here who can read it later on.

23 My name is Andrea Spilka. I am a
24 resident of Eastport. I have been
25 working to try to coordinate the

1 residents in a sense to fight not just
2 this development, but the over
3 developments in the area. To that, we
4 got this map, but I will show that to
5 you in a minute.

6 I am concerned about the Hampton's
7 Club. I am asking you to reject it for
8 a variety of reasons. Certainly not the
9 least of which is that Eastport is a
10 rural area and pretty much a great
11 community. Instead of 64 units, they're
12 asking for 119 units. The impact of
13 these additional units -- even the 64
14 units is not desirable, but certainly
15 119 is unacceptable. It will have a
16 negative impact on the community.

17 Jim talked about the precedent of
18 doubling the density which will only add
19 more density to the area and the effect
20 on the pine barrens. I want to focus on
21 the traffic.

22 I think that this is an important
23 aspect. Keep in mind, this is not a
24 as-of-right. We've had some of that but
25 this is what Eastport is under siege

1 with at the moment. If you're coming a
2 long with -- if you're coming along
3 Sunrise Highway, this is the only way
4 you can enter into the Hampton's Club --
5 along that Sunrise Highway extension or
6 service road, you're competing as you're
7 coming in with everyone else from the
8 east because that's also the only way
9 that they can come in and get onto --
10 get to the community of Eastport. You
11 keep traveling west, you have Encore
12 Shores and there are -- there is
13 additional exits here, so there may be a
14 few cars coming out. You keep coming
15 along and you get to a traffic light
16 which will be Eastport Manor Road. You
17 have two choices. You can go north to
18 County Road 51, which sadly is the scene
19 of numerous accidents at Eastport Manor
20 Road and County Road 51, or you can go
21 south to the Hamlet Center of Eastport
22 which, frankly, is about to be
23 overdeveloped.

24 CHAIRMAN CALONE: Ma'am, I just
25 want to let you know that you're halfway

1 through. You have three minutes, but
2 you might want to try and take your
3 finger off the microphone and just speak
4 up because I think you're having the
5 same problem Mr. Gleason had with the
6 feedback and I apologize for that.

7 MS. SPILKA: So, as you're coming
8 down here, you're at the traffic light
9 and you can go north to a very short
10 distance to County Road 51 along
11 Eastport Manor Road, or you travel south
12 along Eastport Manor Road and it goes as
13 far as, let's say, Montauk Highway which
14 is right over here.

15 So, you're talking about two lanes
16 for about 200 feet near the entrances to
17 Route 27 and from there on, it's one
18 lane in each direction. On either side,
19 you have existing homes and you have
20 scattering of homes and you have farm
21 stands.

22 Let's talk about what's just been
23 approved and what's about to be
24 approved. You have a 70 home
25 subdivision that was approved

1 as-of-right that will be coming off also
2 onto Eastport Manor Road. Then you have
3 a request for -- you have a request from
4 the Eastport Hamlet Center for
5 approximately 90 units of housing and
6 75,000 square feet. Yes, we will fight
7 it, but they have an as-of-right to some
8 development there. In addition, you
9 have a little strip-mall that has a King
10 Kullen, Rite Aide, and all the local
11 stores. They have just put in a request
12 to expand to go along Montauk Highway
13 and the end of Eastport Manor Road. I
14 think it's about four to six acres right
15 there and they're looking for additional
16 commercial area.

17 In addition, you have 50 homes that
18 have just been built. I don't think any
19 of them have been sold as of yet --
20 perhaps a few of them. By the way, I
21 spoke in favor to all of this because it
22 made sense. This additional development
23 does not make sense. We're talking
24 about an unsustainable situation on a
25 very small road in a very small

1 community. There is no reason to make
2 it worse. These two pictures of the
3 Heritage Square and the Oaks, which
4 again will be more problems for the
5 entire community, and we're grateful for
6 East Moriches for working with us.
7 There needs to be some kind of a study
8 done. I am encouraging you, besides
9 saying no to this development, to
10 encourage the Town of Brookhaven or
11 Suffolk County to do a real study for
12 this area. This amount of growth in
13 such a small rural community is
14 unacceptable.

15 If I have another -- one more
16 second, I would like to speak to the
17 benefit that Kathleen spoke too. I
18 think things have changed quite a bit
19 with this economy. Diversity of
20 housing, economically priced homes, and
21 support for people who have more modest
22 incomes to come into a condominium.
23 These are things that are not needed
24 right now. Things such as --

25 CHAIRMAN CALONE: Your time is up.

1 MS. SPILKA: (Continuing) -- under
2 priced homes than we know what to do
3 with. Thank you very much.

4 CHAIRMAN CALONE: The next person
5 on the agenda is Palma Casone.

6 MS. CASONE: I changed my mind.

7 MS. SPILKA: Would it be possible
8 for her to present the letter?

9 CHAIRMAN CALONE: That's up to her.
10 The next person is Ronnie Goldberg.

11 MS. GOLDBERG: I am going to yield
12 to Mr. Corman.

13 CHAIRMAN CALONE: Mr. Corman,
14 you're up.

15 Please spell your last name for the
16 record. Before you do that, just to
17 clear up the record, Ronnie Goldberg
18 yielded three minutes to Shelly Corman.

19 Spell your name for the record.
20 You have six minutes.

21 MS. CORMAN: My name C-O-R-M-A-N.

22 Good afternoon. I represent the
23 community that is adjacent to the
24 Hamptons Club. It's called Encore
25 Atlantic Shores. I represent

1 approximately 450 people. Most of whom
2 are opposed to the rezoning of this
3 property.

4 Some of them are here today. If
5 they would please raise their hands, you
6 can see.

7 (WHEREUPON, the audience members
8 raised their hands.)

9 MS. CORMAN: Its been nearly a year
10 since we heard about Mr. Casses and
11 Mr. Antonucci's intentions to change
12 plans and build a more dense community
13 than was originally proposed several
14 years ago.

15 We have no problem with the
16 community going up next door. We love
17 living in Eastport. It has lots of open
18 space. It has lovely farms and tall
19 trees. Why shouldn't others share in
20 the rural nature of our community?

21 Originally, there was supposed to
22 be 64 homes now Mr. Casses and Antonucci
23 want a 119 homes, and when all is said
24 and done, there could be as many as 144
25 units.

1 We voiced our concerns during
2 meetings with Mr. Bertoli, the
3 Brookhaven Planning Division
4 Chairperson. We voiced our concerns at
5 meetings with the developer. We voiced
6 our concerns at a meeting with
7 Supervisor Lesko, but all fell on deaf
8 ears; not one thing about the new plan
9 has been changed after all of these
10 meetings.

11 I know the idea of affordable
12 housing can cause many towns and even
13 county officials to be very excited and
14 that is just what the developer was
15 counting on when they first presented
16 this new plan. Affordable housing is a
17 wonderful idea. Too many young people
18 cannot afford to buy on Long Island
19 because of the inflated home prices of
20 not too long ago. So, we say, build
21 your affordable houses, but do it within
22 the original 64 homes. With there being
23 so many foreclosures within Suffolk
24 County right now, does it really make
25 any sense to increase the proposed

1 density by double the amount of homes
2 even if they're so called affordable
3 homes?

4 To allow the change of zone for
5 this project will be precedent setting
6 and an altogether terrible idea. It
7 would allow every developer who can't
8 sell his home because of the economy,
9 overpricing, or poor advertising to come
10 back and say, "Well, this isn't working.
11 Let's see if we can build more less
12 expensive homes and make a go of it."
13 That's exactly what these people for the
14 Hampton's Club are trying to do.

15 Who's to say that these less
16 expensive homes are going to sell? If
17 allowed to down zone this project as it
18 has been presented, it will impact the
19 people of Eastport in so very many ways.

20 According to an article in Newsday
21 on Tuesday, June 29, 2010, Carrie
22 Gallagher, the Suffolk County
23 Commissioner of Environment and Energy
24 said that this Fall the County will
25 release a water resources management

1 report that is expected to recommend
2 changes to the County's Sanitation Code
3 including limiting septic system
4 installation to properties of one acre
5 or larger.

6 While the County Code allows septic
7 systems in some cases on half acre lots,
8 how do you feel about a two-family using
9 a single septic system? That's exactly
10 what this builder is planning. Each
11 duplex home would have a single septic
12 system. To me, this seems like a
13 disaster in the making.

14 When I lived in Nassau County with
15 just my husband and no kids, we would
16 often wake up to find our lawn
17 collapsed. With two families, with kids
18 using a single tank, I can say with
19 certainty that at some point the
20 groundwater is going to be effected and
21 the leaching of the chemicals are going
22 to go into the water which will impact
23 Eastport for generations to come.

24 The traffic would be affected
25 despite what the developer's EIS shows.

1 Many more cars would be introduced on
2 County Road 55 once they leave Sunrise
3 Highway's North Service Road. The road,
4 as it is now, is just not large enough
5 to accept such a drastic change. The
6 schools are not prepared to accept the
7 onslaught of students that would come
8 with the downsizing of this community;
9 not when you consider all the new
10 community centers to be built in
11 Eastport.

12 Yes, the people representing the
13 Hamptons Club can somehow assure us that
14 fewer children would come with 119 homes
15 than the 64 home. I just can't see how
16 this can be guaranteed. I, therefore,
17 implore this Board to protect the
18 bucolic nature of our little Hamlet of
19 Eastport and say no to this plan for the
20 Hampton's Club. Please, do not support
21 the rezoning of this property. Thank
22 you.

23 CHAIRMAN CALONE: Thank you for
24 your time.

25 Next we have Ann Youngerman.

1 Mrs. Youngerman, you have three
2 minutes.

3 Please, spell your last name for
4 the record.

5 MS. YOUNGERMAN: Anne Youngerman,
6 Y-O-U-N-G-E-R-M-A-N.

7 I have been a homeowner in Eastport
8 for 27 years. I don't live next door to
9 the proposed Hampton's Club, but I live
10 in the community.

11 In the last year, there has been a
12 an onslaught -- an onslaught and a tidal
13 wave of proposed development besides
14 what Andrea Spilka showed on the map.
15 It's an insane amount -- it's like a
16 descent of builders are trying to
17 develop the entire area. It's the wrong
18 time and the wrong place.

19 The only people that I see
20 benefiting from this whole thing are the
21 builders. Last week, they came out with
22 the figures and for July, the home sales
23 are down 27 percent. Another thing they
24 came out with is that people are
25 supposedly having smaller families. The

1 birthrate is declining. It's the lowest
2 in 100 years. So we have got 60 to 70
3 homes on the market in Eastport already,
4 and if you put this in there, it just
5 doesn't really make sense to me at all.
6 Who is benefiting from it?

7 I have family members that have
8 moved out of the area to North Carolina
9 and to Las Vegas because the cost of
10 living is too high here for them. I
11 just don't see where any of it makes
12 sense to downsize and build more when
13 there's already so many homes on the
14 market, and supposedly the birthrate is
15 even declining. It does not make any
16 sense to anyone except the proposed
17 builders.

18 The traffic problem would be a
19 nightmare. There is one small road as
20 they said linking the area to the
21 village. It's an isolated area and
22 you're going to have horrible traffic
23 conditions coming from Sunrise to
24 getting to the area. It just doesn't
25 make any sense. I think it should not

1 be downsized. I don't think it should
2 be built. It's a bail out for the
3 builders and that's my opinion.

4 CHAIRMAN CALONE: Thank you very
5 much. We appreciate you being here.

6 Next we have Kathy Catania.

7 MS. CATANIA: I'll pass.

8 CHAIRMAN CALONE: Next we have
9 Cliff Fredrickson.

10 MR. FREDRICKSON: Members of the
11 Commission, my name is Cliff
12 Fredrickson, R-E-D-R-I-C-K-S-O-N.

13 I am a resident of Brookhaven Town
14 for almost 40 years. I live in the
15 immediate adjacent property of 450
16 residents of Encore Atlantic Shores.

17 I have been very active in zoning
18 changes throughout Suffolk County for
19 most of my adult life here in Brookhaven
20 Town.

21 This particular application before
22 you is problematic, to say the least.
23 You heard some speakers talk already
24 about the traffic problems and the
25 density problems, et cetera. I would

1 like to have submitted my remarks to the
2 Secretary, if that's possible, otherwise
3 I will just read briefly from it.

4 I would commend to you the
5 comprehensive study of County Road 51
6 which has been supported by the towns
7 and supported by the community.
8 Thousands of dollars and thousands of
9 hours have been put into this corridor
10 study to try and bring some normalcy to
11 land use planning. You need to look at
12 it. I will point to Page 66 and Page
13 28, specifically. They deal with this
14 property. It is a property that is
15 located between two flood zones. FEMA
16 has designated it as an A1 flood zone.
17 The flow of the water into our estuary
18 of the south shore from the north and
19 high rising water from Little Sea Tuck
20 and Sea Tuck Creek.

21 The applicant is proposing the
22 installation of 119 units with septic
23 tank waste disposal units. The
24 hydrology of the proposed development
25 transports the water in a southerly

1 direction and ultimately empties into
2 the south shore estuary.

3 FEMA has determined that the
4 surrounding land area lies between two
5 A1 flood zones. These flood zones were
6 created from a northerly source; not
7 from the southern Sea Tuck Creek. The
8 proposed septic waste tank will increase
9 the nutrients of low nitrogen with an
10 already stressed estuary. The negative
11 influx will significantly impact the
12 health of the estuary and its economic
13 contribution of tourism including
14 fishing, boating, and ecological
15 enjoyment of the estuary.

16 In addition, the use of waste water
17 septic tanks circumvents the towns
18 intent to use sewer treatment plants in
19 high density development. Eastport, in
20 this particular area, is under siege
21 with zoning applications. It happened
22 that Encore has a sewage treatment plant
23 and that, perhaps, is the sensible way
24 to go.

25 This land was originally designated

1 agricultural under a hardship because
2 when this plan was beginning
3 development, they were granted
4 as-of-right with A1 Zoning, not B1
5 Zoning. This use of septic tanks in
6 this very sensitive area is a deep
7 recharge zone and it is just
8 irresponsible.

9 CHAIRMAN CALONE: Your time has
10 expired. Thank you very much for being
11 here. We appreciate you being here.

12 Our next speaker is Diane
13 Valentini.

14 Ms. Valentini, you have three
15 minutes. I would ask that you spell
16 your last name.

17 MS. VALENTINI: Good afternoon, and
18 thank you for meeting with us.

19 The last name is V-A-L-E-N-T-I-N-I.

20 I have two purposes here. One is
21 my own feeling on this and the other is
22 that I am going to read a letter from a
23 resident of Eastport.

24 My husband and I moved here to a
25 senior over 55 community from Nassau

1 County. Nassau County is terribly
2 congested, terribly tight together, and
3 terribly populated. We moved out here
4 knowing fully well that building would
5 continue. Technically, I think, that
6 Eastport is the far end of Brookhaven.
7 It's your last piece of property. It's
8 a hamlet. We love that factor. We love
9 all the openness knowing fully well this
10 is going to be developed. Now the
11 question is, how is it going to be
12 developed? You have the power to help
13 us develop this in a way that can make
14 it something wonderful and not another
15 congested area. It doesn't have to be
16 that. Having zoning and rezoning, is
17 that really the best way to function?
18 Is that the best development plan for
19 any given community? You have kind of a
20 clean slate here with Eastport. It's a
21 hamlet. It's a footpath to the
22 Hampton's. It's the last place for
23 Brookhaven to say, "We have something
24 special going on here" and there are
25 towns in Suffolk County that are just

1 charming and wonderful. Why can't ours
2 develop that way too? In this not
3 constant, but this regular pattern of
4 rezoning, we're not going to -- a
5 builder says, "I want this plan. I
6 bought this land, but I really can't do
7 what I thought I was going to do so give
8 me some permission to do something
9 else." That really has to stop. To
10 think that low income or lower income is
11 going to sell better at a time when
12 housing and financing and all of the
13 things that go long with it are so tight
14 for so many people, that's kind of la la
15 thinking. That's not concrete cognitive
16 thinking.

17 I would love for you all to please
18 listen to our pleas. I am talking not
19 as an Encore resident of the 55 and over
20 community, but as an old lady. I am
21 talking about a community called
22 Eastport that's going to have children.
23 It's going to have some of your children
24 coming to it so why not really put some
25 thought into it instead of saying

1 "rubber stamp."

2 So, enough from Diane Valentini.

3 This is a letter that I am going to read
4 from a resident named Joyce Warner
5 Kelley.

6 CHAIRMAN CALONE: You have about
7 ten seconds.

8 MS. VALENTINI: Maybe I should pass
9 this letter onto another reader.

10 CHAIRMAN CALONE: Last card I have
11 is Ms. Casone.

12 Ms. Casone, you put a card in,
13 therefore, you have the right to speak
14 if you like. If not, I will close the
15 public portion.

16 You may also give your time to
17 another.

18 MS. CASSONE: I will give my time
19 to Ms. Valentini.

20 MR. CHAIRMAN: Ms. Cassone, you
21 have yielded your three minutes to Ms.
22 Valentini.

23 MS. VALENTINI: This letter is from
24 Joyce Warner Kelley is the last name.

25 It's addressed to Suffolk County

1 Planning Commission Legislation
2 Auditorium, Hauppauge New York.

3 "To the Members of the Suffolk
4 County Planning Commission, I have lived
5 in Eastport all my life of 78 years. I
6 was born and raised on my grandfather's
7 duck farm. Chester Massey and his son
8 Paul and Kurt owned the farm along with
9 several others and are now the only
10 remaining duck farmers in Eastport.

11 I am totally opposed to the
12 overdevelopment which is going on in my
13 hometown. It is definitely going to
14 change the rural atmosphere which we so
15 much enjoy. If all of the projects that
16 are asking for change of zone from the
17 Brookhaven Town Board are approved, I
18 especially implore the idea of granting
19 the developer of Hampton's Club at
20 almost double the density. Why do
21 developers purchase land with the
22 express interest setting goals of
23 getting the zoning changed?

24 In the case of the Hampton's Club,
25 he has already been granted down zoning

1 for hardship reasons for this land in
2 the pine barrens, which, in itself, is a
3 huge concession. For what reason did he
4 acquire the land when he knew the zoning
5 that existed there?

6 To grant him a change for further
7 hardship increasing housing units from
8 65 to 119 is preposterous. A 119 units
9 with two to three bedrooms in each of
10 half of the duplexes would not only be
11 detrimental to the rural nature of
12 Eastport, but it will also significantly
13 add to traffic and to the police and
14 emergency services needed, as well as,
15 adding a great number to the student
16 body to the Eastport South Manor
17 elementary, junior, and senior high
18 school. The ripple effect of the change
19 of density would be disastrous. I am
20 imploring this body to disapprove the
21 character of this project.

22 When my grandchildren visit
23 Eastport in the future, I am hoping they
24 will recognize it as the lovely little
25 country village that they have heard

1 about; not another overcrowded suburb or
2 even a bustling metropolitan area.
3 Sincerely, Joyce Warner Kelley."

4 CHAIRMAN CALONE: Thank you,
5 Ms. Valentini. Your time has expired
6 and that does conclude the public
7 portion.

8 Director Isles and myself will each
9 keep ourselves to three minutes during
10 our reports given the time. We will
11 just do a quick update for the
12 Commission.

13 To our Task Force and Public Safety
14 Task Force, thank you to those who got
15 the comments back on the draft proposal.
16 We're going to rework that slightly and
17 get that out to the elected officials on
18 the task force this month.

19 As for our energy environment,
20 we're hoping to have a full task force
21 meeting in the next few weeks.

22 On solar, we're essentially done.
23 We're just waiting to hear back from the
24 State Building Inspector Association for
25 their final comments. Hopefully we'll

1 do an announcement with several
2 municipalities either in September or
3 October on the new solar panel
4 permitting process. Wind is on a
5 similar track. In addition, LIPA has
6 expressed an interest in doing an event
7 with the Planning Commission on the east
8 end this Fall to provide guidance for
9 Suffolk's towns and villages and how to
10 approach wind energy issues and other
11 issues to be aware of. That's something
12 we will discuss going forward.

13 Native vegetation will be discussed
14 later today. On the green building
15 codes, Constantine is going to be
16 heading up an effort to bring the towns
17 together to discuss standard energy
18 efficiency codes for commercial
19 buildings. As you know, there's good
20 standardization provided by the
21 residential buildings around the County
22 and there is a hodgepodge regulation
23 regarding commercial buildings. We can
24 do better, and we'll try to lead the way
25 there, and LIPA is initially working

1 with us on that.

2 On housing, Constantine is going to
3 make a presentation at the Federation
4 Training. Economic Development and
5 Smart Growth and the couple of
6 initiatives we have there. Charla is
7 going to start working again on the
8 historic preservation now that the
9 Summer is over.

10 As for transit-oriented
11 development's best practices, there is a
12 symposium on September 15, with the APA
13 and Vision Long Island are putting on.
14 Our plan was to kind of see what comes
15 out of that and figure out if we would
16 want to endorse, and how we would change
17 that to be a model for the villages and
18 towns here in Suffolk County.

19 On the Sewer Summit 2, the date has
20 been set for October 14. It is going to
21 be an event that's open to the public.
22 We have put that on the County
23 Executive's schedule and we're helping
24 in the planning and Adrienne has been
25 our point person on that.

1 Adrienne?

2 SECRETARY ESPOSITO: That event
3 will be held from 2:00 p.m. to 5:00 p.m.
4 and it will be open to the public.
5 We're asking and urging people to RSVP.
6 It will be held at the Ammerman Center
7 location at Suffolk County Community
8 College which is right off of Nicolls
9 Road in Selden.

10 CHAIRMAN CALONE: Thank you,
11 Adrienne. Thank you for your work in
12 planning that.

13 The idea behind this, again, is to
14 identify the problems we have here in
15 Suffolk County with regard to
16 environmental waste water, groundwater,
17 stormwater run-off issues, and to talk
18 about how we can do a better job
19 addressing all three of those issues
20 while incentivize and encourage economic
21 development in certain places. A big
22 piece of that is to talk about how do we
23 fund this stuff going forward? That's
24 going to be a big piece of our efforts.

25 Suffolk Unified Permitting Portal

1 efforts are moving. Tom, Dan G, and
2 myself met with Chris Kent and the
3 leaders of the Brookhaven Town Planning
4 Department a few weeks ago Brookhaven
5 has really stepped up to work on this
6 which is great given that they're our
7 largest town. We're going to put
8 together a steering committee to start
9 moving that forward in the next few
10 weeks.

11 Lastly, thank you for the comments
12 I got on the annual report. We will be
13 releasing that next month. There are a
14 few edits to do with that before we move
15 forward.

16 The Planning Federation meeting is
17 September 29, at the Brookhaven National
18 Lab. A number of you are down as
19 moderators for that event. We will talk
20 about that hopefully for a few minutes
21 at the end of this meeting about what
22 that means. I know many of you have
23 done it before. I won't get into
24 details now, but all of the classes are
25 being moderated by members of the

1 Commission, so we will just need to talk
2 about steps on that.

3 Lastly, we have our -- just a
4 reminder that our next meeting will be
5 held on Shelter Island on October 2. We
6 will be putting together a program for
7 that and Commissioner Holmes will be
8 hosting that, so we're looking forward
9 to joining everyone on Shelter Island.

10 COMMISSIONER HOLMES: Fantasy
11 Island.

12 CHAIRMAN CALONE: Are there any
13 other comments or questions?

14 (WHEREUPON, there was no response
15 from the Commission.)

16 CHAIRMAN CALONE: Seeing none, I
17 will ask Director Isles to give the
18 Director's Report.

19 DIRECTOR ISLES: Thank you,
20 Mr. Chairman.

21 In terms of the Planning Federation
22 Event, we have prepared tentatively the
23 assignment on moderators to the panel.
24 Certainly, if a member has a preference
25 towards serving on a different panel, we

1 can make those changes at the final
2 program that evening.

3 Very quickly, given the agenda
4 today, I want to report to you that we
5 did receive an municipal agreement
6 executed by the Village of Greenport, so
7 they have to adopt that initiative.

8 In addition, I just heard the new
9 Mastic Beach Village -- Number 33 in
10 Suffolk County was approved last night
11 so as we assisted Sagaponack -- as we
12 assisted Sagaponack and their
13 structuring of their local government
14 and the referral process, we will stand
15 ready to do so with that Village, as
16 well.

17 I do want to quickly bring to your
18 attention that the Legislature has
19 created an Equestrian Task Force. I
20 would like to report on that, perhaps,
21 at the next meeting in a little more
22 detail just on two issues in terms of
23 the local zoning issues and some model
24 codes to bring that to your attention to
25 discuss the initial role on that.

1 Next is the Fire Island Inlet to
2 Montauk Point Plan which is an US Army
3 Corp. Of Engineer Plan. It is moving to
4 the public phase. I indicated at the
5 last meeting, I am trying to -- we will
6 be ascertaining the dates and times of
7 the meetings. There have been a couple
8 of cancellations already, but I hope to
9 circulate that to the Commission members
10 in the event you wish to attend an
11 informational meeting within your
12 communities. That will be happening
13 over the next month or so, so I will get
14 those out to you by e-mail.

15 We do have a copy of the Energy
16 Code adopted by the Town of Brookhaven
17 for informational purposes. Lastly, we
18 do track building permits through the
19 census bureau and they would obviously
20 be going down considerably from 2005
21 which was the peak year. We had over
22 5,000 building permits issued in Suffolk
23 County. Last year, we hit the lowest
24 ever recorded in 60 years of 990
25 permits. For the first half of this

1 year, we were up 18 percent in building
2 permits. We haven't analyzed that, but
3 here, again, it's uptick whether it is a
4 new blip or whatever but something real
5 remains to be seen.

6 Thank you.

7 CHAIRMAN CALONE: Thank you,
8 Director Isles.

9 Any questions for Director Isles at
10 this time?

11 (WHEREUPON, there was no response
12 from the Commission.)

13 CHAIRMAN CALONE: Seeing none, we
14 will move onto the next item on our
15 agenda which is Ryan Lynch from Tristate
16 Transportation Campaign.

17 Ryan, thanks for hanging out. We
18 appreciate you being here.

19 MR. LYNCH: It's quite alright.

20 CHAIRMAN CALONE: Ryan is going to
21 talk about Complete Streets.

22 MR. LYNCH: Thank you for the
23 opportunity to speak here. I am going
24 to forego the microphone if that's okay.
25 It's easier for me.

1 Like the Chairman said, my name is
2 Ryan Lynch. I am the Senior Planner and
3 Long Island Coordinator for the Tristate
4 Transportation Campaign.

5 We are a nonprofit organization,
6 and just to give a little background,
7 we're dedicated to creating a more
8 balanced environmental friendly and
9 equitable transportation system in the
10 New York, New Jersey, and Connecticut
11 region.

12 On Long Island, we do a lot of work
13 ensuring transit funding, promoting
14 smart growth trans-oriented development,
15 and also working with the Department of
16 Transportation to created a more
17 balanced transportation planning system
18 throughout Long Island. We have kind of
19 grasped onto this Complete Streets idea
20 mainly because we have been finding that
21 Long Island continues to have the
22 dubious honor of having the most
23 deadliest roads for pedestrians and
24 cyclists in the region.

25 The two most dangerous roads in the

1 region were Hempstead Turnpike and
2 Sunrise Highway with 13 and 10
3 fatalities respectfully over a
4 three-year period in 2006 and 2008. In
5 terms of total pedestrians killed --
6 pedestrians and cyclist killed on Long
7 Island, we've seen 197 over the same
8 time period and over 7600 injuries over
9 the same time period on Long Island
10 roads. In Suffolk County, that breaks
11 out to 108 fatalities from 2006 to 2008
12 and 3234 injuries from over the same
13 time period for pedestrians and
14 cyclists. That's about 2600 a year on
15 Long Island. It's pretty bad.

16 So, what's even worse is that the
17 majority of these fatalities and
18 injuries that are occurring on Long
19 Island roads are preventable and they're
20 most likely a direct result of poor
21 design and a design that is kind of
22 prioritized through automobile traffic
23 over other modes of transportation.

24 For years and years, our roads are
25 built to move cars as fast as possible

1 through downtowns and it's really kind
2 of destroying neighborhoods and
3 communities in the process. We have
4 been working with the Department of
5 Transportation for many years to try to
6 address this. We helped them establish
7 the Local State Street and Traffic
8 Common Grant Program about seven years
9 ago and more recently, we worked with
10 them to establish a Safe Seniors Pilot
11 Program which identified two particular
12 areas on Long Island roads that are
13 particularly hostile to seniors in
14 Hempstead, and also downtowns like
15 Smithtown. I think we worked in the
16 downtown Smithtown area because there
17 are a disproportion number of people
18 that are being killed on our roads or
19 injured on our roads, as well as seniors
20 and children. We're trying to create a
21 safe environment for people of all ages.

22 This has kind of let us really
23 focus on the Complete Streets Policy and
24 what that means is that a compete --
25 we're trying to push policies that when

1 you're conducting transportation
2 projects, you're incorporating all users
3 into -- incorporating accomodation of
4 all users into the roadways. So that
5 means planning for pedestrians,
6 cyclists, drivers, but also transit
7 users and transit vehicles and for
8 people of all ages and abilities,
9 meaning seniors and young people, and
10 the aim is essentially to create a
11 connected network between as many
12 different transportation options that we
13 want to promote and that means making
14 sure that we have accommodations and
15 safe environments for everyone that's
16 using the road.

17 To connect that, everyone needs to
18 be flexible so we need to create this
19 flexible system that is contact
20 sensitive and it works within each
21 community constructed upon what they
22 want their community to look like. At
23 the very base level, we want to see
24 these incorporated into what we -- the
25 transportation projects that cover the

1 three R's on roadways, which we say, are
2 resurfacing, reconstruction, and
3 rehabilitation. Many policies have gone
4 above and beyond that and we think that
5 those policies are even better than when
6 they do that but at the very base level,
7 we want to see them use these three R's.

8 Good complete streets policies are
9 very tightly worded meaning that they're
10 very direct and they incorporate
11 language that says "Shall require"
12 instead of "Will consider." So, we're
13 trying to get these agencies and
14 municipalities and governments to really
15 prioritize all these different
16 accommodations for different users of
17 the roads and a good policy incorporates
18 the best and latest designs standards.
19 We always want to be up to the best in
20 terms of the best practices out there
21 and ideally we would see some policies
22 that establish good performance
23 standards and performance metrics.

24 These types of policies, like I
25 said, they are at every level of

1 government -- well, almost every level
2 of government at this point in time, but
3 we're looking at complete streets policy
4 at a municipal level, regional level,
5 county level, state level, and ideally
6 there is a federal bill that we're
7 working with. It is kind of in concert
8 with the new authorization that
9 hopefully will happen soon to
10 incorporate these kinds of ideas into
11 the federal bill.

12 Regardless of what types of levels
13 of government there is, these policies
14 are happening throughout the country.
15 As of yesterday, there were 152
16 jurisdictions in the country that have
17 adopted a complete streets policy within
18 a very short time period. That's double
19 from two years ago. So, in 2008, there
20 were 70, so we made some good progress
21 on this and --

22 SECRETARY ESPOSITO: How many of
23 those are on Long Island? We were just
24 wondering.

25 MR. LYNCH: I'm getting there.

1 CHAIRMAN CALONE: You might knock
2 on the door of Mastic Beach this
3 morning.

4 (WHEREUPON, there was laughter.)

5 MR. LYNCH: Yes, but these types of
6 policies throughout the country are
7 happening in different ways.

8 The internal policies in the region
9 that we're seeing are in the New Jersey
10 Department of Transportation in which,
11 last year, they adopted an internal
12 policy that directs their agency to
13 adopt complete street measures. Plans
14 and design manuals that you see in New
15 York City have both a plan and design
16 manual that incorporates complete
17 streets policies into their
18 transportation infrastructure. As for
19 tax ordinances, you can see in San Diego
20 County trans-net tax extension. As for
21 legislation, the first ever complete
22 streets policy was passed in 1971. In
23 Oregon, of all places, all good things
24 of planning are coming out of Oregon; so
25 they had to lead the way on this.

1 The resolutions are most recently
2 seen in the Town of Babylon and the Town
3 of Islip in which they adopted the two
4 first policies of complete streets
5 policies on Long Island. What we're
6 seeing is that these are good policies
7 and when reading the language of them,
8 they're both policies which incorporate
9 all users, but also it goes above and
10 beyond just pedestrian and motorists.
11 They incorporate transit infrastructure
12 and transit users. They incorporate not
13 only the three R's, but they also
14 incorporate complete streets designs, a
15 whole planning design, programming
16 construction retrofit operations,
17 maintenance, activities, and products
18 and they foster mobility in a flexible
19 manner.

20 Babylon has adopted a part of
21 language there that said they're going
22 to use the best practice designs for
23 sustainable complete streets which is
24 also another great component of good
25 complete streets policy.

1 On the legislative side, most
2 recently in the region and actually the
3 first in the region to adopt a complete
4 streets policy was in Connecticut. Last
5 year, we worked very closely with
6 Connecticut Legislators to get this
7 policy adopted. Much like the Babylon
8 and Islip resolution, it accounts for
9 transit users which is great. It also
10 established a bike pedestrian advisory
11 board which works with the Department of
12 Transportation of Connecticut to
13 prioritize bike and pedestrian projects
14 on their roadways and bikeways. It also
15 set up a performance measure where the
16 DOT has to report twice a year on all
17 the bike and pedestrian infrastructure
18 projects that they're working on. It
19 was a very broad legislature win for us
20 and we're very excited to see it happen.
21 We're hoping to use it as a catalyst for
22 policies throughout the region.

23 Another component of it is it
24 dedicates a minimum of one percent of
25 all funding to any highway projects that

1 the state funds or any local
2 municipality funds to incorporating
3 biking and pedestrian infrastructure
4 into roadway designs and buildings.

5 Regardless of all the different
6 policies and levels of policies, the
7 fact of the matter is that these
8 policies are kind of widespread and
9 happening throughout the country and
10 happening in regions like Connecticut
11 and New York City.

12 This is what a street in New York
13 City looked like before they created a
14 safe route for seniors program and the
15 after is a bigger crosswalk, a nice big
16 pedestrian island, and a better
17 pedestrian infrastructure on the far
18 side where it essentially took that side
19 street away and just made it a
20 pedestrian only which is good a example
21 of urban complete streets policy. It
22 doesn't only have to be urban. This is
23 the great thing about complete streets.
24 It's very flexible and context
25 sensitive.

1 If you look at a suburban area in
2 Cincinnati, Ohio or a rural area in
3 Cincinnati, Ohio and what strikes me
4 about this is not only do they have a
5 bike lane and a sidewalk, but it also
6 looks like eastern Long Island to me --
7 you know, like going out to Montauk.
8 This actually looks like any road that
9 could accommodate a bike and pedestrian
10 infrastructure.

11 Again, this is a suburban
12 construction in Portland, Oregon.
13 Having grown up in Northport and Fort
14 Salonga, this looks like my old
15 neighborhood or St. James or Smithtown
16 where they can create safe walking
17 environments for everybody by decreasing
18 the length of the crosswalk. It is just
19 very helpful.

20 The complete streets policy concept
21 is happening on Long Island, in
22 addition, in Islip and Babylon. As for
23 resolutions, the local state streets and
24 traffic common ground programs, we have
25 been able to see Great Neck Village go

1 from this to this or this to this.

2 (Indicating.) It's just really kind of
3 slowing down traffic to a safer
4 environment for everybody including
5 motorist because we're reducing speed
6 for motorist and it also saves lives.

7 The action items that we would love
8 to see going forward are important
9 because, like I said, these are
10 exceptions to the rule on Long Island.
11 We want this to become the rule. There
12 are two things that we're hoping,
13 perhaps, the Commission can help us
14 with. There is a federal bill. There
15 is a Senate and a House version, as
16 well. They're both good bills. They're
17 in committees and subcommittees as it is
18 right now but, unfortunately, we haven't
19 had a lot of Long Island backing. We
20 have only had Senator Gillibrand has
21 been the only sponsor from New York.
22 From the House side, only Congressman
23 Bishop. So we would like to get more of
24 the federal delegation from Long Island
25 to support these bills.

1 At the State side, it is incredible
2 that the Senate actually passed
3 something 57/4 but, yes, they passed it
4 57/4. In the Senate side, Senator Craig
5 Johnson and Senator Foley both
6 cosponsored this bill and every elected
7 official in the Senate from Long Island
8 with the exception of Senator LaValle
9 supported the bill, but it is stuck in
10 the assembly which is mind blowing to
11 us. We don't understand why this is
12 happening, but it is stuck in a
13 committee. Again, the Long Island
14 support for this has been muted. Of the
15 20 or so assembly members, we only have
16 five which are cosponsors; Assemblyman
17 Englebright; Theile; Sweeney;
18 Weisenberg; and Senator Shimel. They're
19 cosponsoring it, but we would love to
20 get more Long Island assembly members in
21 support of this bill.

22 So that's what we would love to see
23 happen. To really kind of push through
24 these final phases and hopefully they
25 can get it done before the election. We

1 will see, but we always have to kind of
2 keep the pressure on it to make sure
3 these bills go through.

4 I only have a short period of time
5 to talk about it, but if you want more
6 resources the Complete Streets Coalition
7 down in Washington D.C. has great fact
8 sheets and alliances for biking and
9 walking and they have great kinds of
10 advocacy tools that could help implement
11 policies at various levels.

12 Like I said, in the Complete
13 Streets Coalition, there is several fact
14 sheets that talk about economic
15 revitalization and safety environment.
16 So there is a broad array of different
17 issues that Complete Streets can help
18 put forward.

19 CHAIRMAN CALONE: Thank you, Ryan.
20 We appreciate the presentation.

21 It strikes me that Complete Streets
22 has allowed you to create a sense of
23 place as opposed to a place as opposed
24 to just a place to pass through which is
25 creative. Obviously, kudos to Babylon

1 and Islip for moving forward with that.

2 As you know, one of the roles of
3 the Planning Commission is to help
4 spread good ideas across the towns and
5 villages who are often not aware of what
6 each other are doing across Suffolk
7 County at least. So, to the extent that
8 we can be helpful, maybe I will ask
9 Commissioner Taldone from Riverhead to
10 connect the views to the local
11 transportation experts and to maybe dive
12 in a little bit further on this -- a
13 little more of detail and perhaps at our
14 next meeting, we can discuss policies
15 that we would want to support as a
16 Commission and encourage the towns and
17 villages in Suffolk County to take a
18 look at it.

19 The second piece of that is that
20 the County itself has responsibility
21 over the roads. As you may know, we had
22 some disagreements with the County
23 Executive regarding one of the roads --
24 the bypass in Riverhead. I think as a
25 result of that disagreement, we came up

1 with a little bit better pedestrian
2 friendly attributes of the road. But
3 certainly to the extent that we can be
4 helpful to the county, we would like to
5 do that again pending a kind of more
6 deeper dive with Vince to make sure this
7 is a policy that we want to be
8 supportive of.

9 MR. LYNCH: I think that's a point
10 that the town policy and counties
11 policies are great, but they only
12 account for town and county roads which
13 is why we're really pushing for not only
14 the towns -- we're trying to see the
15 towns move forward on this and the
16 county's to perhaps create a ground
17 swell of support to try and get that
18 tipping point over to the assembly level
19 -- you know, any kind help on this would
20 be welcomed.

21 CHAIRMAN CALONE: Great.

22 Any comments or questions for Ryan?
23 Commissioner Finn?

24 MR. FINN: Yes. I just want to
25 make a comment, Ryan. Thank you for

1 coming in today and making the
2 presentation.

3 When we look at the policies and
4 how they're created, one of the things
5 that often -- that were always -- I
6 always look at the results and
7 limitations. When you mentioned that
8 most communities here on Long Island
9 have towns, county, and state roads so
10 really have a crossover. If there is a
11 major city, you kind of have to weave
12 and navigate to get to certain
13 limitation. You mentioned Smithtown in
14 your report to us several times. Being
15 a resident of Smithtown and mindful of
16 the traffic situations, it seems near
17 and dear to my heart.

18 Last year, we lost Courtney Sikes
19 who was a young beautiful woman who was
20 tragically struck down in a strip of
21 land in the Town of Smithtown that
22 everybody in the ballpark knows doesn't
23 work and the idea of implementation is
24 at a standstill because it is a State
25 road that comes through. I know we have

1 our panelist from Riverhead who is much
2 in tune with the DOT and the traffic
3 concerns, but I think that the
4 Commissioner has learned more about it,
5 and again thank you for your
6 presentation. I think this is something
7 that can make our communities safer. We
8 have to really look at how we can move
9 traffic through the area and make them
10 pedestrian friendly, so we don't have to
11 repeat the tragedy such as Courtney's.

12 I look forward to working with the
13 Commission to see how we can make this
14 situation better.

15 MR. LYNCH: I believe that fatality
16 occurred right where they're trying to
17 incorporate the Safe Senior's Program.
18 Was that down on Main Street in downtown
19 Smithtown?

20 MR. FINN: Absolutely. There has
21 been a complete overlay of that area
22 that's been brought to the town
23 supervisor's attention. Senator
24 Flannigan and his district and that --
25 there has been three fatalities in the

1 last four years and that is one too
2 many. If you ever drive through that
3 area, as a person getting through Main
4 Street, it's a parking lot. If there's
5 a way to create an overlay so that the
6 pedestrians and cars can move freely,
7 that would be great.

8 Again, it's getting down to the
9 Town's implementations. Everybody can
10 talk about it, but how do we get it
11 done? I think that's something that we
12 have to be mindful of.

13 MR. LYNCH: Yes, I agree.

14 CHAIRMAN CALONE: Thank you,
15 Commissioner Finn. Thank you, Ryan.

16 Commissioner Taldone?

17 COMMISSIONER TALDONE: Just quickly
18 because I know we're short on time.

19 Ryan, I would be happy to discuss
20 this with you at more length. I do have
21 a quick comment -- actually a question
22 and a comment.

23 The Federal Legislation is fine,
24 but the State Legislation will
25 supercede the county and town law as I

1 understand it; is that your
2 understanding, as well?

3 MR. LYNCH: Yes, it would. The
4 State Legislation --

5 SECRETARY ESPOSITO: If the State
6 Legislation is stronger.

7 MR. LYNCH: Yes. It would effect
8 the funding streams so any road projects
9 that receives state dollars, would have
10 to incorporate a complete streets
11 policy.

12 COMMISSIONER TALDONE: And that's
13 the current bill?

14 MR. LYNCH: Yes.

15 COMMISSIONER TALDONE: I also
16 understand that Marc Alessi is a
17 cosponsor; am I correct?

18 MR. LYNCH: I checked yesterday. I
19 didn't see his name but I --

20 COMMISSIONER TALDONE: I will get
21 on that right away.

22 MR. LYNCH: Forgive me if I omitted
23 him.

24 CHAIRMAN TALDONE: Commissioner,
25 the main issue here for us is that this

1 Legislature -- that Suffolk County never
2 gave this Commission authority to review
3 its decision on the roads. So we have
4 no jurisdiction over any roadway systems
5 in the County whether its town, county,
6 anything. Also, we have the county
7 government that is going in the opposite
8 direction -- County Road 39 and County
9 Road 58. We did our best to get from
10 within those budgets, improvements which
11 I think are significant and we did have
12 a positive impact and we're very happy
13 that the Commission was able to do it.
14 But that was pretty much at the good
15 grace of the county government which
16 didn't have to listen to us at all. So
17 I am not sure how we, as a Commission,
18 within our jurisdiction can effect this
19 change other than just being there and
20 speaking out about it. I am very
21 anxious to see what we can do in terms
22 of town's passing laws that would at
23 least handle town roads, but I am most
24 concerned about what the County has been
25 doing and how we can turn that around.

1 Any ideas you have on that, I would
2 be thrilled to hear.

3 MR. LYNCH: Sure. I would be happy
4 to talk to you on that.

5 CHAIRMAN CALONE: Thank you again.
6 Thank you, Ryan, for being here and for
7 your work on it, and we look forward to
8 working with you on this going forward.

9 MR. LYNCH: Thank you for the
10 opportunity.

11 CHAIRMAN CALONE: The next item on
12 our agenda is a request for
13 reconsideration by Huntington Station
14 regarding the Huntington Station
15 Trans-oriented District.

16 If you recall, we had two
17 applications in March of 2010, and the
18 Town of Huntington has requested that we
19 reconsider one of those two applications
20 and pointed to some of the conditions
21 where they provided more information.
22 Let me read to you the reconsideration
23 and standards of the Commission. As you
24 recall, we did not have the standards.
25 We did not have the standards on some of

1 letter to the Commission requesting
2 reconsideration. This is the first time
3 we have been so requested by a
4 municipality. The first aspect of the
5 requirements are met. The question for
6 this Commission is whether the Town of
7 Huntington asserts that "Material of
8 facts were omitted or material of facts
9 that were used in the determination were
10 erroneous."

11 I want to yield this to Director
12 Isles for his comments on the letter
13 that we received.

14 DIRECTOR ISLES: Thank you.

15 Just to make it clear, as the Chair
16 has indicated, this is only a question
17 that the Commission feels is warranted
18 for reconsideration. If the Commission
19 votes, by a majority of votes, this
20 matter will then be scheduled for a
21 subsequent meeting of the Commission for
22 a report and consideration.

23 So, specifically, as the Chair has
24 indicated, the Commission has received
25 the letter which is the reason it was

1 placed on the agenda. As the Chair has
2 indicated, there were two referrals at
3 the same time in this matter. One being
4 the creation of the new zoning ordinance
5 of the Huntington Station
6 transit-overlay district or HSDOT.

7 The second one is an actual
8 rezoning of specific property. This
9 only applies to the code change. There
10 has been no request for reconsideration
11 on the actual specific parcel zoning
12 change. So the specific conditions of
13 the Planning Commission for which
14 additional information is submitted by
15 the Commissioner of Planning and
16 Environment for the Town of the
17 Huntington which is Mr. Anthony Alosio
18 relates to condition Number 1, which was
19 the question as to the rationale for the
20 creation of the HSDOT shall include an
21 examination of the distribution of
22 higher density for affordable housing
23 throughout the town beyond the policy
24 and strategies that were outlined in the
25 2020 Comprehensive Plan update and a

1 development of town outline with
2 strategy is strongly suggested.

3 Certainly, the letter provided by
4 the Town speaks for itself. The
5 Commission can judge as to whether it
6 constitutes a material change or
7 information that was omitted, but in the
8 explanation provided in the letter, the
9 Town argues that the expanded
10 environmental assessment forms for the
11 TOD and related document did not
12 sufficiently provide material facts
13 behind proposed zoning district, and
14 housing development policy.

15 Mr. Alosio, in the letter, goes on
16 to give explanatory material beginning
17 with a discussion of the access to
18 sewers within the Town of Huntington.
19 Specifically, how it relates to the
20 communities in the Town of Huntington
21 and how train stations would be suitable
22 locations for transit-oriented
23 development.

24 The discussion continues with
25 commentary on the Cold Spring Harbor

1 train station area and the Greenlawn and
2 Northport railroad station areas and
3 discusses two principal aspects. One
4 being certain environmental concerns and
5 the other being the lack of presence of
6 sewers in both locations presently. He
7 also talks generally about the nature of
8 development in the Town of Huntington in
9 terms of a new development. It provides
10 some examples of larger lot development
11 that the Town has approved.

12 So there is explanatory
13 information. Again, the conditions and
14 purpose of the conditions and the
15 submission, at this time, as I
16 understand it, was to at least have the
17 Town weigh this and consider this in
18 their decision making and consider the
19 rationale behind it from the town's own
20 comprehensive plan standpoint, and that
21 was in the opinion of the Commission
22 based on this condition and it was not
23 sufficiently explained in the original
24 referral.

25 In terms of the second and last

1 item and in terms of the conditions that
2 are contained in this letter and were
3 made reference to, it indicates the
4 Commission made a recommendation that
5 the ordinance should be revised to
6 include a smaller minimum lot size
7 requirement based on both the character
8 and conditions. It fosters a
9 continuation proposal for
10 transit-oriented development.

11 In the response, the material facts
12 that are pointed out by the Town are
13 three facts. The first of which is the
14 comprehensive update. The Town has
15 proposed a new zoning district in the
16 Hamlet of Huntington Station Hamlet
17 Center that would specifically allow
18 mixed commercial residential development
19 -- more like a Main Street configuration
20 and would not have a minimal lot size.
21 A minimum lot size was an aspect of the
22 Commission's recommendation because the
23 code, as proposed, has ten acres for the
24 lot size.

25 The first fact was brought to the

1 attention of this Commission in this
2 letter and then that the Comprehensive
3 Plan did indeed contemplate and have
4 proposed this new zoning district, in
5 addition, to the one before you use the
6 HSDOT and that code had no minimum lot
7 size.

8 The second fact that the Town
9 brings forward is that the intention
10 that for the proposed district not only
11 support the extended housing
12 opportunities but also promote economic
13 development efforts in this area by
14 granting additional density at transit
15 acceptable locations in exchange for
16 community benefits. So there is some
17 elaboration of that for you to judge as
18 to the significance of that.

19 The third is the most significant
20 in their mind. It is that it supports a
21 large minimum lot size in preservation
22 of existing residential neighborhoods.
23 The Town did not want to create a zoning
24 district that can be applied to any
25 locations in close proximity to the

1 train station and many local residents
2 have expressed concern that potential
3 developers would purchase these small
4 properties and convert them to high
5 density housing. The paragraph goes on
6 to further elaborate upon that condition
7 and that was the concern of the Town.

8 So, in summary, you have before a
9 report or a request from the
10 Commissioner of Planning that elaborates
11 and responds to the Commission's
12 decisions and conditions. If there are
13 any questions from an environmental
14 standpoint, we'll address those
15 questions.

16 CHAIRMAN CALONE: Thank you,
17 Director Isles.

18 One thing I wanted to make sure I
19 mentioned is that Commissioner Lansdale
20 from the Town of Huntington and
21 Commissioner Kelly from Brookhaven both
22 recused themselves on this matter and
23 stepped off the dais.

24 Under our rules, you guys have the
25 ability to state why for the record, if

1 you'd like.

2 COMMISSIONER LANSDALE: No comment.

3 CHAIRMAN CALONE: I think you both
4 made clear last time that you had
5 personal conflicts relating to your
6 work.

7 The other thing I want to make
8 clear to everyone is -- if there's
9 reconsideration -- while the Town has
10 raised the two conditions just so
11 everyone is clear, our vote at the last
12 meeting was approval of four conditions.
13 If this is reconsidered, we will
14 reconsider -- our reconsideration will
15 not be limited to those conditions. The
16 question for us is whether there are
17 other material facts that were raised.
18 So the issue before us today isn't the
19 substance about what we should or
20 shouldn't do with respect to this
21 project, but whether the standards have
22 been met here. Clearly and obviously
23 the referring agency has made the
24 request -- the Town of Huntington and
25 they assert material of facts have been

1 omitted. It is up to the Commission,
2 however, to decide whether that is or
3 not the case.

4 I would like to defer to Charla, if
5 she wishes to speak on that first.

6 COMMISSIONER BOLTON: No, I would
7 not.

8 CHAIRMAN CALONE: I apologize.
9 We're going to take a two minute break.

10 (WHEREUPON, a brief recess was
11 taken.)

12 (Time Noted: 2:55 p.m.)

13 CHAIRMAN CALONE: We're back in
14 session. We have a quorum back.

15 We're back on the agenda with the
16 request for the reconsideration of
17 Huntington Station transit-oriented
18 district. I think you were asked -- I
19 was just saying that it's now open for
20 discussion around the Commission's
21 table.

22 I think the last thing I said was
23 our main issue for conversation today is
24 just whether or not to reconsider and
25 whether the standard of material fact is

1 met, et cetera.

2 Charla, is from Huntington and we
3 would defer to her for comments.

4 COMMISSIONER BOLTON: On today's
5 agenda, the Town has asked the Suffolk
6 County Planning Commission to entertain
7 a request for reconsideration relative
8 to the proposed Huntington TOD district.
9 No merit of application will or should
10 be addressed by the Commission today.
11 The question is, has the Town of
12 Huntington supplied additional
13 information which is material to
14 determination by the Commission? It
15 appears they have done that with respect
16 to both conditions one and two.

17 CHAIRMAN CALONE: Any questions
18 from Commission?

19 COMMISSIONER TALDONE: Chairman, I
20 would just like to concur. I read the
21 letter from the Town. I reviewed the
22 old staff reports. I do believe this is
23 the material information that we should
24 be considering when rendering a decision
25 for the project, so I am leaning towards

1 the support for the reconsideration of
2 this project and I think we should do
3 it.

4 CHAIRMAN CALONE: Any other
5 thoughts, comments, or questions?

6 (WHEREUPON, there was no response
7 from the Commission.)

8 CHAIRMAN CALONE: Do you have any
9 questions about the material? All we
10 have is the material in front of us; so
11 that's -- you have the letter so --

12 SECRETARY ESPOSITO: I did want to
13 ask a question for clarity.

14 Is this information just that the
15 Town either failed to provide or is it
16 new after we considered the application?

17 COMMISSIONER HOLMES: They failed
18 to provide it.

19 SECRETARY ESPOSITO: They failed to
20 provide it. Okay, that clarifies it.

21 CHAIRMAN CALONE: Actually, the
22 tone from Mr. Alosio was a -- if I can
23 characterize it in my own words, it is
24 kind of a "may I help" sort of thing.
25 That's my own interpretation of it.

1 Any other thoughts or comments?

2 (WHEREUPON, there was no response
3 from the Commission.)

4 CHAIRMAN CALONE: Seeing none, I
5 will entertain a motion to adopt the
6 reconsideration.

7 COMMISSIONER TALDONE: I'll make
8 the motion.

9 COMMISSIONER HOLMES: If you want
10 to make the motion, I will second it.

11 CHAIRMAN CALONE: Motion by
12 Commissioner Taldone.

13 Again, I want to read this into the
14 record.

15 "This is a motion to reconsider the
16 application to the town board amendment
17 to the zoning code and the request was
18 made by the Town of Huntington. The
19 motion would be that the Commission find
20 that it has met the requirements for
21 reconsideration."

22 Are you making that motion?

23 COMMISSIONER TALDONE: Yes.

24 CHAIRMAN CALONE: Seconded by
25 Commissioner Holmes.

1 All in favor of adopting that
2 resolution for reconsideration, please
3 raise your hands.

4 (WHEREUPON, the Commission voted.)

5 CHAIRMAN CALONE: That's 10 to 0.

6 Next item on the agenda -- oh, so,
7 we will direct staff to put this on the
8 agenda for the next meeting without
9 objection and we will rehear this
10 application -- this one application
11 about the zone change.

12 The next item on the agenda is the
13 Town of Brookhaven Local Law amending
14 Chapter 85 in regards to Montauk
15 Highway.

16 Director Isles, will be making that
17 presentation.

18 COMMISSIONER BOLTON: I just have a
19 request to leave at this time.

20 CHAIRMAN CALONE: Granted. Feel
21 better.

22 DIRECTOR ISLES: Good afternoon.

23 We're here today to review a
24 regulatory matter that was referred from
25 the Town Board of the Town of

1 Brookhaven.

2 This is the matter that's been
3 before the Commission on several
4 occasions, and it deals with the Mastic
5 Shirley County Road 80 corridor in the
6 central southern part of the Town of
7 Brookhaven.

8 As you may recall, the two prior
9 reviews by this Commission, most
10 recently, were in May of this year and
11 prior to that was in 2004. There is a
12 history here of planning at the town
13 level of this corridor dating back to
14 the early part of this decade of 2001 to
15 2002 when the Town began a visioning
16 initiative to look at the corridor and
17 to look at ideas for taking what is a
18 very fragmented weak strip of commercial
19 corridor and looking for ways of
20 improvement. This was tied in with the
21 County redevelopment of Montauk highway
22 which is nearing completion at this
23 time.

24 In May of this year, the Commission
25 did recommend approval for what's known

1 as the Montauk Highway Corridor Phase
2 Two Plan and that plan was a recognition
3 of a significant change that occurred
4 from the original plan in 2004.

5 If we go to this map, this is the
6 overall study area. This is Sunrise
7 Highway to the north. This is the Long
8 Island Railroad to the south and
9 essentially William Floyd Parkway and
10 Forge River on either side of the
11 property. (Indicating.)

12 At that time, back in 2004, the
13 plan called for the creation of three
14 nodes of development; one in either end
15 and one in the middle. Subsequently,
16 the Town Board did implement that plan
17 creating a main street business district
18 -- adjacent district to the two outer
19 zones, but did not do so on the inside
20 zone -- the third node in the middle of
21 this area.

22 Phase 2, then looked at what to do
23 with this transitional area. As you may
24 recall, what the plan called for was the
25 idea of creating an overlay zoning

1 district with certain incentives which I
2 will discuss in just a moment. So an
3 implementation of that plan, which was
4 adopted by the Town Board, they're now
5 moving forward with an actual zoning
6 amendment within the transition area.
7 So we now get more specific to this
8 central portion of the corridor which
9 has a distance of about 4500 feet or a
10 little less than a mile which is
11 currently a fragmented strip commercial
12 type of characteristic to it and what
13 the Town is proposing to do is to put an
14 overlay district which specifically
15 means that this zoning would be in
16 addition to the underlying zoning to the
17 existing zoning which is J2 and A1
18 resident zoning -- predominantly the J2
19 category. This category, here again,
20 would be added on top of that.

21 The express purpose is to enhance
22 the aesthetic and visual character of
23 Montauk Highway corridor to provide
24 visual definition between the Hamlet
25 Center and Shirley and Mastic. The

1 basic planning idea is to reinforce the
2 nodes on either end and to define main
3 street type hamlet centers and then
4 making this very transitional in terms
5 of its use and appearance.

6 We have provided to you a staff
7 analysis for this proposal. The
8 principal concern of the Planning
9 Department at the time of the plan
10 review last May was the amount of
11 commercial and specifically retail
12 development in the corridor. Our
13 concern is that the intent is to have
14 these two nodes of concentrated
15 development. You don't want to dilute
16 that or weaken that with a lot of
17 commercial development in between. That
18 comment was passed along to the Town in
19 your referral back in May.

20 At the present time, the plan seeks
21 to address that with the zoning code by
22 using an incentive driven program that
23 would have three purposes. One would be
24 to expand the uses permissible within
25 this zone and with an attempt to get

1 away from retail uses and to give it a
2 greater array of uses of offices,
3 daycare, and the lists of uses is
4 included in your report.

5 Secondly, to allow for an increase
6 of floor area ratio and there is a
7 process of determining the yield base in
8 the existing zoning, so that someone is
9 not penalized for having a lower yield
10 for the overlay zoning.

11 Thirdly, is to provide some parking
12 relief for a second story development --
13 office or residential development. The
14 parking is calculated at a potentially
15 lower rate per square foot so there is
16 less parking required.

17 We feel that the proposal is
18 reasonable. We feel the proposal is in
19 implementation of the plan. Here again,
20 I would characterize the 2004 plan as
21 Plan A, which was a firmer definition of
22 a hamlet center and much more removal of
23 retail uses of the transition. That
24 plan was vetted and considered by the
25 community and the town board. It was

1 determined not to be the best plan at
2 the time. The Town Board has now come
3 up with this alternative that would
4 allow for some increase in commercial
5 and retail development beyond the
6 existing zoning of about 60,000 square
7 feet according to the information
8 provided by the Town. This is about a
9 12 percent increase in potential
10 development over the existing zoning.
11 It is, however, a 17 percent decrease
12 from the 2004 plan.

13 So, in summary, we feel the Town
14 has taken reasonable steps to encourage
15 a transfer of retail uses or retail
16 zoning to non-retail uses by providing
17 these incentives. It is not going to
18 eliminate retail, but will incentivize
19 alternative uses. They're specifically
20 allowing mixed uses as an example.

21 We are recommending to you today
22 approval with several comments. Number
23 1, we do think the Town should consider
24 the alternatives in terms of trying to
25 deal with that excess commercial.

1 Possibly revisiting the 2004 plan which
2 perhaps they have but taking note of
3 that. Another alternative would be to
4 consider a TDR arrangement of
5 transferring yield from the transition
6 zone to the hamlet center zone.

7 Third, would be other incentives to
8 reduce retail which might be expedited
9 permit review for non-retail projects.

10 These are comments. The Town may
11 very well consider them in their
12 process, but we just wanted to reiterate
13 those in terms of the 2004 plan
14 recommendation before moving onto other
15 ideas.

16 The second comment is that this is
17 proposed under New York State Town Law
18 for incentive zoning to 61-B. We just
19 want to make note of two things for the
20 Town.

21 Number 1, this was the subject of a
22 generic environmental impact statement.
23 State Law requires them that the Town
24 have a system to charge back the cost of
25 that environmental review for projects

1 that come in for incentive zoning down
2 the road as this is developed. So we
3 would suggest that the Town take that
4 under advisement and potentially include
5 it in the code.

6 Secondly, 267-B also has a
7 requirement essentially that speaks to
8 the Town considering the impact on
9 affordable housing. The idea behind
10 that public policy from a state level
11 was that if there were lower moderate
12 income housing, for example, in New York
13 City and the intent was to convert those
14 to high end apartments, the loss of that
15 affordable housing is a public policy
16 issue and it requires municipalities to
17 address that -- either to replace that
18 affordable housing.

19 It is just a comment to the Town.
20 This is primarily a commercial district.
21 The Town should at least examine that
22 and include that in their records.

23 Three other quick comments is that
24 the Town is proposing a parking fund as
25 an alternative. If a person cannot

1 provide full parking and if the Town
2 deems it appropriate that a parking
3 waiver or a parking variance is
4 appropriate, the Town has the option of
5 having a requirement that there is a
6 payment in lieu of the parking put into
7 a fund.

8 SECRETARY ESPOSITO: Has that been
9 done before, Tom?

10 DIRECTOR ISLES: Yes.

11 CHAIRMAN CALONE: What is the fund
12 used for?

13 DIRECTOR ISLES: We would suggest,
14 that, that be somehow expressed by the
15 Town Board either in the code itself or
16 in a separate resolution of the Town
17 Board. Again, the Town may very well be
18 doing that, but our experience is having
19 a set schedule which is better than
20 negotiating each individual one along
21 the way.

22 Fourth comment is that the Town has
23 done a great job in restructuring the
24 corridor with new development in terms
25 of getting buildings up close to the

1 roadway. That is a result of the
2 visioning process coming back 2001 and
3 2002. You can actually see its
4 difference. There is a Friendly's that
5 opened up and a public plaza there. It
6 is working. So their idea of getting
7 close to the road and more pedestrian
8 orientation is very good and they're
9 reflecting that in this code.

10 We would suggest, however,
11 consideration. We're also including
12 incentives to setback line -- a build to
13 line. One option -- someone can meet
14 the setback for 25 foot landscaping, but
15 essentially still good for parking in
16 the back. The Town does have language
17 that does speak to encouraging parking
18 to the side and the back but a build-to
19 line might be a more effective way of
20 ensuring that buildings maintain that
21 street line presence.

22 Last comment is a comment that this
23 action be coordinated with the Suffolk
24 County Department of Public Works which
25 is coordinating the improvement of the

1 road in terms of the 12.4 percent
2 increase and build-out, that wouldn't
3 result over the existing zoning from
4 this plan. That consultation with
5 Department of Public Works may have
6 occurred already, but we would suggest
7 that if it hasn't, that it do occur.
8 Also, any issues in terms of capacity or
9 safety be appropriately addressed upon
10 that consultation.

11 If you have any questions, I will
12 try to address those.

13 CHAIRMAN CALONE: Thank you,
14 Director, Isles.

15 This is a Brookhaven project and as
16 such, Commissioner Kelly, did you have
17 any opening comments or thoughts?

18 COMMISSIONER KELLY: Thank you,
19 Director Isles.

20 Again, the Town of Brookhaven has
21 worked extensively on reviewing this
22 area and based on the report from
23 Director Isles, I would recommend that
24 we approve this report and decision.

25 CHAIRMAN CALONE: Thank you.

1 Any other comments around the
2 table?

3 Commissioner Taldone?

4 COMMISSIONER TALDONE: Thank you,
5 Mr. Chairman.

6 I recognize these are only
7 comments, but my question is for
8 Director Isles.

9 The Town Law of 261.B3D is
10 highlighted here which appears to
11 suggest or require that the cost of that
12 environmental impact statement be borne
13 by the applicant under the incentive
14 code. Are there other sections of the
15 town code -- town law which recognizes
16 that the township might want to waive
17 that charge or economic development
18 reasoning for the distressed area or are
19 they excluded?

20 DIRECTOR ISLES: I am not aware of
21 any exclusions, however, I wouldn't want
22 to speak on a legal question. Perhaps
23 that can be referred to the town
24 attorney as to whether or not through
25 another process or local law or

1 something that, that can be addressed.

2 COMMISSIONER TALDONE: Then can we
3 change that language to should they
4 review whether that is required other
5 than suggesting that they charge back
6 the cost of the EIS?

7 DIRECTOR ISLES: The staff was not
8 suggesting that they charge back. The
9 staff was bringing this to the attention
10 of the Town only. However, they deem
11 they would like to deal with it, we feel
12 it's their call.

13 COMMISSIONER TALDONE: Got it.
14 Thank you.

15 CHAIRMAN CALONE: Any other
16 thoughts or comments?

17 Commissioner Mc Adam?

18 COMMISSIONER MC ADAM: Director
19 Isles, I have a question about the
20 parking funds.

21 Does it say, specifically, that the
22 payment in lieu of parking would be put
23 in a fund to use specifically for this
24 area? Does it go into the town fund and
25 used for parking in the entire town?

1 DIRECTOR ISLES: My recollection is
2 that it's part of the overlay district.
3 It's intended -- we can check the
4 language, specifically, for parking
5 within this area.

6 CHAIRMAN CALONE: Thank you.

7 Any other thoughts, comments, or
8 questions?

9 (WHEREUPON, there was no response
10 from the Commission.)

11 CHAIRMAN CALONE: If not, I will
12 entertain a motion to adopt the entire
13 staff report.

14 COMMISSIONER KELLY: I'll make the
15 motion.

16 COMMISSIONER LANSDALE: Second.

17 CHAIRMAN CALONE: Motion by
18 Commissioner Kelly and seconded by
19 Commissioner Lansdale.

20 All in favor of adopting the staff
21 reports for approval with the comments,
22 please raise your hand.

23 (WHEREUPON, the Commission voted.)

24 CHAIRMAN CALONE: That's 11-0.

25 The next item on the agenda is the

1 Hamptons Club of Eastport.

2 I believe John Corral will be
3 giving the presentation of that.

4 Commissioner Kelly?

5 COMMISSIONER KELLY: I would just
6 like to recuse myself from the
7 application.

8 CHAIRMAN CALONE: He is recusing
9 himself from the application. For the
10 record, he will step away from the
11 table.

12 MR. CORRAL: The application is for
13 the Hampton's Club of Eastport. It is
14 an application from the Town Board for
15 approval of a change of zone from
16 A1-resident which has a minimal lot size
17 to 40,000 square feet to B-resident
18 which has a minimal lot size of 15,000
19 square feet on a 76.4 acre parcel in the
20 Hamlet of Eastport in the Town of
21 Brookhaven.

22 This property is located on the
23 south side of County Road 111. The
24 north side of State Highway or Sunrise
25 Highway State Road 27 and just to the

1 east of County Road 51.

2 CHAIRMAN CALONE: Where's the gas
3 station?

4 SECRETARY ESPOSITO: On the right
5 side. (Indicating.)

6 MR. CORRAL: Suffolk County
7 Planning Commission's jurisdiction for
8 this is Sunrise Highway State Road 27
9 and County Road 111.

10 County Road 51 is within the pine
11 barrens and also within one mile of the
12 Spadaro Airport.

13 The nature of the site -- this is
14 an aerial photograph taken before 2007
15 when the subdivision began being
16 developed. Currently, the subject
17 property has been approved for a 65 lot
18 residential subdivision and a 64 lot
19 residential one lot for a recreational
20 building lot. It was approved in 2007
21 by the Town Planning Board, and it has
22 currently been cleared and graded with
23 three model houses constructed and
24 partially constructed roadway systems
25 and excavation for the artificial pond.

1 Prior to the development of the
2 subdivision, this property was farmland
3 which was considered a cleared area with
4 a wooded area on the eastern and western
5 portions of the property.

6 The history of this application
7 with the Suffolk County Planning
8 Commission is that in 2004, a 65 lot
9 subdivision received by the Suffolk
10 County Planning Commission was
11 disapproved for the reasons being that a
12 tighter cluster resident lot should be
13 arranged so that a greater area of open
14 space was provided. In 2005 and 2006,
15 an amended subdivision plan for the 65
16 lot subdivision was received with a
17 tighter cluster subdivision that Suffolk
18 County Planning Commission staff
19 believes that it is within the planning
20 commission guidelines and determined to
21 be a local determination. That
22 subdivision did do the tighter
23 clustering within the Planning
24 Commission's guidelines.

25 In 2010, SEQRA information was

1 received by the Suffolk County Planning
2 Commission including notification from
3 the lead agency by the Town of
4 Brookhaven and the Suffolk County
5 Planning Commission replied that it has
6 no objection to the Town of Brookhaven
7 assuming lead agency.

8 The current zoning -- this is a
9 current zoning map for the Town of
10 Brookhaven and also from the Town of
11 Southampton which is to the east. This
12 is the Town of Southampton zoning. This
13 is the town of Brookhaven zoning. The
14 current zoning for the property, as
15 mentioned before, was A1-residential.
16 Just to the west is a planned retirement
17 community zoning and surrounding to the
18 north south east is predominantly a low
19 density residential zoning. There are
20 some small parcels of commercial
21 industrial zoning, as well as, horse
22 farm and a nursing home zoning section,
23 but predominantly the surrounding areas
24 are low density residential zoning.

25 The Comprehensive Plan for this

1 year -- in 1996, the Town of Brookhaven
2 comprehensive plan recommended one acre
3 residential density for the subject
4 property. In 2007, the County Road 51
5 land use plan that the Town of
6 Brookhaven did identify the property as
7 the Hampton's club of Eastport but makes
8 no specific recommendation for that
9 subject property.

10 Here is the proposed application
11 site plan for change of zone. It shows
12 the change of zone from A1-residential
13 which was 40,000 square feet to
14 B-resident which has a minimum lot size
15 of 15,000 square feet. The proposal is
16 for 119 residential units. 86 would be
17 duplex units. 30 would be first time
18 home buyer units and three units would
19 be the existing build of model homes
20 from previously approved subdivision.

21 Also included is a recreation
22 building and pool. The applicant
23 proposes it to be private community with
24 a gate house and private roadways
25 maintained by a homeownership

1 association.

2 The site plan also shows the open
3 space parcel of 34 acres. In the
4 application material, also referenced is
5 29 acres of open space. So, I just
6 wanted to note that the open space
7 dedication in the application is between
8 21 and 34 acres.

9 It also shows three artificial
10 ponds that will be used for stormwater
11 recharge. The footprint of the proposed
12 plan is on the 2007 approved subdivision
13 footprint with the exception of three
14 lots to the north which would now become
15 open space. These lots are -- these two
16 -- one right there -- but aside from
17 that, the roadway system and the
18 proposed lots are in the same location
19 as the 2007 approved subdivision.

20 Just to elaborate with a few
21 pictures are three model homes which
22 would be located on the eastern side of
23 the development portion of the proposed
24 zone.

25 SECRETARY ESPOSITO: They're three

1 bedroom homes?

2 MR. CORRAL: I believe -- I have
3 the data. I believe it is three, four,
4 and five bedroom homes. I have the
5 data.

6 This is a close up view of those
7 model homes that have been constructed.
8 This is the proposed access point from
9 the subdivision off the north side of
10 State Road 27's north service road, and
11 this is a view looking back at the north
12 service road with both the entrance and
13 the exit -- the entrance into the
14 community is on the left and the exit
15 being on the right. (Indicating.)

16 The subject property is located in
17 a compatible growth area of the central
18 pine barrens with a lighter green or
19 beige shading of compatible growth area.
20 The pine barrens -- the dark green areas
21 are the core areas of the pine barrens.
22 Also, there is the groundwater
23 management zone three which is a deep
24 recharge groundwater management zone,
25 and you can see that as the green line

1 differentiates groundwater three and the
2 groundwater management site.

3 Because the property is in
4 groundwater management zone three, it is
5 based on the Suffolk County Sanitary
6 Code that requires parcels to be 40,000
7 square feet using individual sanitary
8 septic systems. The improved 2007
9 subdivision was in conformance with the
10 65 lots proposed residential -- 64 lots
11 proposed -- this would be -- the 65 lots
12 would be the maximum proposed under the
13 Sanitary Code.

14 This proposal is for 119 units so
15 to satisfy the Article 6 Code, the
16 applicant proposes a transfer of
17 sanitary credits and pine barren credits
18 into the subject property which would be
19 11 pine barrens credits and 44 sanitary
20 code credits. This would have to be
21 approved by the Board of Review of the
22 Suffolk County Department of Health
23 Services and has not been approved as of
24 today.

25 The site that the applicant has

1 mentioned where the transfer of the
2 credits is the Oaks project. The Oaks
3 is a 54 acre parcel that has received
4 preliminary town approval for 62 lots --
5 residential lots.

6 So the information provided by the
7 Town, from the applicant, is that they
8 would transfer 44 waste water credits
9 and 11 pine barrens credits to be
10 transferred from the Oaks property to
11 the subject property. It should be
12 noted that this approval -- this
13 transfer would need to be approved and
14 it does not have approval as of today.
15 The information in the application also
16 noted that it is possible that this
17 transfer would not happen and waste
18 water credits would have to be taken
19 from another location and then approved
20 by the Board of Review of the Suffolk
21 County Health Services.

22 From the Suffolk County Planning
23 Commission staff's perspective, this
24 project has two major regionally
25 significant issues. Both the protection

1 of the deep recharge in the Long Island
2 Aquifer -- Suffolk County Aquifer and
3 also the housing diversification and
4 affordability components of this
5 project.

6 The Pine Barren Act was designed so
7 that credits would be transferred from
8 the core area to the boundary areas.
9 This project would do the opposite by
10 transferring the zone into the pine
11 barrens. This is counter to establish
12 state, county, and town public policy
13 and potentially establish a bad
14 precedents.

15 The regional significance of the
16 housing stock is that the 65 unit
17 proposed subdivision was proposed as
18 single family homes. This is proposing
19 smaller units -- duplex units and first
20 time home buyer units with 25 percent of
21 the units designated for first home
22 buyer as compared with the original
23 single family home residential
24 subdivision.

25 It is the belief of the staff that

1 the regional significance of protecting
2 the pine barrens and protecting the
3 aquifer outweighs the positive both with
4 more diversification of the housing
5 stock and affordability.

6 In addition, it is against the
7 Suffolk County Planning Commission's
8 policy to locate higher density
9 residential away from hamlet centers,
10 downtowns, and areas with convenient
11 access to public transportation.

12 It is, therefore, the belief of the
13 staff -- therefore, it is the staff's
14 position to recommend disapproval for
15 the following reasons and I would like
16 to read the three reasons:

17 The change of zone proposes to
18 transfer wastewater credits from outside
19 of the central pine barrens to the
20 subject parcel. This is contrary to the
21 intent of the New York State Pine
22 Barrens Protection Act and the Central
23 Pine Barrens Land Use Plan and threatens
24 an important regionally significant
25 groundwater resource.

1 The second reason is that the
2 proposed change of zone for increased
3 residential density is not consistent
4 with Suffolk County Planning
5 Commission's policy. It states that
6 increases in residential density should
7 be in close proximity to downtown,
8 hamlet centers, and areas with
9 convenient access to commercial and
10 community services and public
11 transportation.

12 Third, the proposed change of zone
13 for increased density is not consistent
14 with the Suffolk County Planning
15 Commission's environmental policies
16 including the specific policy to promote
17 development where it is warranted in
18 downtowns, hamlet centers, and adjacent
19 to transportation and retail services
20 and discourages development where it is
21 not warranted within coastal zones,
22 environmental sensitive areas such as
23 the Pine Barrens, unique ecological
24 habitats, and designated open spaces.

25 That is the end of the report and I

1 am happy to take any questions.

2 CHAIRMAN CALONE: Thank you, John.
3 Director Isles?

4 DIRECTOR ISLES: Just to add to
5 John's presentation, the staff report
6 goes into more detail. John brought up
7 in terms of the pine barrens and there
8 is one thing that I want to further
9 emphasize on.

10 The pine barrens support is a major
11 regional initiative. 52,000 acres were
12 set aside as core areas that were
13 intended to be permanently protected and
14 preserved for the purpose of preserving
15 our largest aquifer in Suffolk County.
16 In order to make that occur -- not only
17 based on sound resource protection
18 standards, but also with legal standards
19 and so property owners within the core
20 had to be -- their property rights had
21 to be protected in that process. A
22 system was arrived at where there would
23 be three ways of protecting private
24 property interest in the core.

25 One, is that there will be public

1 acquisition for voluntary purchases of
2 voluntary sales within the core area and
3 there has been a lot of that, that has
4 occurred.

5 The second was a transfer of
6 development rights. So if the
7 government was saying "You can't use
8 your land," the government gave those
9 property owners the option of selling
10 that credit -- there is an active market
11 in that, so that the development could
12 go either into compatible growth area or
13 other parts outside of the pine barrens.

14 Third, was the hardship -- extreme
15 hardship variance situation which is
16 extremely difficult to obtain. So I
17 wanted to emphasize the whole aspect or
18 key aspect of preserving the central
19 pine barrens of 52,000 acres. The idea
20 was to come up with a system that
21 protected the resources and protected
22 the private property of the rightful
23 landowners.

24 So, in a case here, if this was
25 just simply pine barrens credits -- we

1 heard 11 credits are being moved out.
2 To me, and to the Department, that's
3 consistent with the program. It is
4 moving credits from the core out of the
5 core. The problems we have found from
6 the staff's standpoint is taking credits
7 that are not in the pine barrens, not in
8 the core, not in the CGA and bringing
9 them into this property. It's going in
10 the opposite direction as John pointed
11 out.

12 So, I just wanted to underscore
13 what we feel is regionally a significant
14 issue with this application in terms of
15 the modification of the transferring
16 development program known as the Pine
17 Barrens Credit Program that we think is
18 noteworthy to you.

19 CHAIRMAN CALONE: Thank you,
20 Director Isles.

21 This is a Brookhaven project.
22 Adrienne, if you have any initial
23 thoughts on it? Mr. Kelly has recused
24 himself on this.

25 SECRETARY ESPOSITO: Just another

1 point of clarification for Tom.

2 This clearly would set a new
3 precedent of transferring credits from
4 outside the primary zone into it; is
5 that correct?

6 DIRECTOR ISLES: We believe it
7 could do that.

8 SECRETARY ESPOSITO: I have never
9 seen that done before.

10 Well, there are so many concerns
11 regarding this. Let me ask you this.
12 Will it be septic? Is that correct?
13 Did you touch on that?

14 DIRECTOR ISLES: Yes, it is
15 individual sanitary septic systems.

16 SECRETARY ESPOSITO: Article 6
17 mandates, I would think, because you had
18 said that 65 units was the maximum that
19 would be allowed via Article 6, and
20 because they were asking for 119 units,
21 so it would be -- because it is in the
22 SGPA and also in hydrological zone
23 three, it would also not meet that
24 standard.

25 DIRECTOR ISLES: Let me just add to

1 our knowledge by the Board of Review.
2 So in terms of your concern, we
3 understand that but there is a process.
4 We just feel the overriding issue is the
5 Pine Barrens Protection Act is severe
6 enough to cause question here.

7 SECRETARY ESPOSITO: Just for
8 clarification for the members of the
9 Commission, the hydrological zone three
10 has much greater value than parts
11 underneath that recharge zone than
12 hydrological zone six. So, I think,
13 that's important to the members when
14 they're looking to transfer in a zone
15 when it's segregated when you're at the
16 higher value while protecting the
17 underdeveloped area.

18 Those are my questions so far.

19 CHAIRMAN CALONE: Thank you,
20 Adrienne.

21 Commissioner Taldone?

22 COMMISSIONER TALDONE: My question
23 is actually quite simple. I don't
24 disagree with the staff's report in any
25 way, but I need to understand the need

1 to transfer the waste water credits. If
2 the original project approved 64 single
3 family homes and this is now duplexes --
4 I'm assuming they're a one bedroom
5 apartment -- accessory apartment
6 dwellings and a larger two bedroom or
7 three bedroom dwelling together, they
8 can still constitute what would be a
9 four bedroom house for 61 of the 64
10 original units. Can you address what is
11 the size of the units that are proposed?

12 MR. CORRAL: There are three model
13 homes which are three bedroom, four
14 bedroom, and five bedroom. The 31 first
15 time home buyer units are two bedrooms
16 with the square footage of 1150 square
17 feet. The duplexes are 40 -- they're
18 broken up into -- there are 80 total and
19 40 would be two bedroom units with 1400
20 square feet and 40 would be three
21 bedroom units at 1800 square feet.

22 COMMISSIONER TALDONE: Okay.
23 That's why.

24 CHAIRMAN CALONE: Any other
25 thoughts or questions around the table?

1 SECRETARY ESPOSITO: I have a small
2 one. The three artificial ponds which I
3 am never for artificial ponds, but just
4 as a small note and I know there are
5 much bigger problems, but I just think
6 we need to get away from building
7 artificial ponds. In light of this
8 year's West Nile Virus pool, we have
9 over 150 infected mosquito pools on Long
10 Island. It is the highest ever in
11 history of monitoring since 1999. When
12 you create a pond, you just create a
13 breeding habitat for the freshwater
14 mosquito. They're the vast majority of
15 the carriers for it, so these ponds --
16 you know, we find to be -- I find to be
17 unnecessary and potentially problematic
18 to homeowners. That's my two cents.

19 CHAIRMAN CALONE: I think we
20 probably want to address that for a
21 larger context.

22 SECRETARY ESPOSITO: Yes. They're
23 not maintained and need to be cleaned
24 and if they're not they become stagnant.

25 CHAIRMAN CALONE: Constantine?

1 MR. KONTOKOSTA: Can you talk about
2 the first time home buyer units? What
3 does that mean?

4 MR. CORRAL: There wasn't specific
5 information with the 31 first time home
6 buyer units as to prices. There was the
7 size of the unit which would be two
8 bedroom at 1150 square feet and there
9 was information in the application that
10 the applicant would pay the first two
11 years of taxes, but there is not
12 specific information about the cost of
13 the units.

14 MR. KONTOKOSTA: Nothing about
15 prices or control restriction or resale
16 or anything like that?

17 MR. CORRAL: That was not provided
18 to us. We just know that 25 percent of
19 the units would be the first time home
20 buyer which is 31 units.

21 CHAIRMAN CALONE: Okay. Thank you.
22 Commissioner Finn?

23 COMMISSIONER FINN: Just a couple
24 of points of clarification.

25 With regard to the home buyer --

1 first time home buyer program, was that
2 something that was going to be -- we
3 heard testimony and public comment that
4 the applicant would be administrative to
5 the Long Island Housing Partnership; is
6 that in any of your paperwork or any of
7 your information there?

8 MR. CORRAL: That was also
9 mentioned in the application. I can't
10 quote the exact words. However, it was
11 that it may be administered by that
12 organization.

13 COMMISSIONER FINN: Just a couple
14 of notes of clarity is that the site in
15 this current condition is zoned an
16 approved 65 homes and they plan on doing
17 a cluster develop to tighten up the site
18 plan and then to give 34 acres as open
19 space of this property. How many acres
20 is their property to which they're
21 proposing to transfer the credits? What
22 is the acreage of that property?

23 MR. CORRAL: (No response.)

24 COMMISSIONER FINN: I think you
25 referenced 44 units, but I don't think

1 you said the size of the property.

2 MR. CORRAL: They discussed
3 transferring the waste water credits
4 from the approved subdivision which is a
5 54 acre site which has preliminary town
6 approval for a 64 lot residential
7 subdivision.

8 COMMISSIONER FINN: So that would
9 be 54 acres? You said 54 plus 34 which
10 is 88 acres of open space as a result of
11 what the particular applicant is
12 proposing; is that correct?

13 DIRECTOR ISLES: It's not certain
14 to us, in review of the file, that all
15 of the 54 acres would be preserved. What
16 it does indicate is 11 pine barrens
17 credits and 44 sanitary waste water
18 credits from that property would move
19 over to this property. In terms of how
20 many credits would remain after that,
21 there is apparently some claim to file a
22 map for many more waste water credits
23 then 62 on the primary subdivision
24 approval. So, it's not clear in the
25 review of the file exactly what the

1 disposition of that would be other than
2 removal of those credits. We're
3 assuming there is some sort conservation
4 program or interest of acquisition by
5 the Town of Brookhaven and it's
6 remaining rights, but the materials
7 provided aren't one hundred percent
8 clear as to what that would be.

9 COMMISSIONER FINN: So for that
10 matter, we also had public comment from
11 the residents in the units next door,
12 but what is the age range of that and
13 the number of units that they have on
14 that property?

15 MR. CORRAL: It's a planned
16 retirement community. I don't have the
17 number of units or the size of the
18 parcel.

19 COMMISSIONER FINN: Is it more or
20 less than what this applicant is
21 proposing?

22 MR. CORRAL: I can't answer that.

23 DIRECTOR ISLES: We're going to
24 check the tax map.

25 CHAIRMAN CALONE: Is that on the

1 southwest side?

2 COMMISSIONER FINN: That's the
3 Encore development; correct?

4 CHAIRMAN CALONE: That's the one
5 you're talking about; right?

6 COMMISSIONER FINN: Yes.

7 CHAIRMAN CALONE: The parcel size
8 does look similar.

9 While they're looking it up, are
10 there any other comments or questions
11 around the table? We will get back to
12 you.

13 Secretary Esposito?

14 SECRETARY ESPOSITO: I just want to
15 kind of respond to one comment.

16 When we talk about land
17 preservation, I don't think there is
18 only one way to quantify how many acres
19 and how we preserve it. There are many
20 reasons and many value assigned to why
21 we preserve land and one of the
22 compelling reason -- compelling values
23 is the Drinking Water Quality Protection
24 Program and if you're preserving land in
25 a hydrological zone that's not valuable

1 to recharging and replenishing the deep
2 flow recharge of our water system. So
3 if you save land there, it's not equal
4 to land saving in the deep flow recharge
5 zone from groundwater protection
6 purposes. So I guess it raises -- you
7 know, that not only land preservation in
8 terms of how many acres and what values
9 does it provide for the sustainability
10 of Long Island in terms of drinking
11 water protection or ecological
12 boundaries or some other things
13 assigned.

14 In this case, the concern to me is
15 that clearly they're changing -- they're
16 using numbers, but not really and that
17 does not give us an end result in the
18 sense of drinking water. It actually
19 leads to drinking water deprivation in
20 preserving some acres of land. I just
21 think that is something we should be
22 mindful of when we look at this project
23 and other ones.

24 COMMISSIONER FINN: Thanks for that
25 point. I am mindful of it, but I just

1 want to get some of the data on it and I
2 didn't get to finish my comment because
3 you do bring up a kind of cross between
4 different hydrological zones. I didn't
5 get a chance to make that point.

6 Generally, if you're going to do
7 that, you want to do it within some
8 ecological area. Again, I am just
9 trying to get a sense of which project
10 as it pertains to surrounding areas
11 because the point -- as John is looking
12 for his data would be that as time goes
13 on, we have these single family homes
14 that are no -- this is an as-of-right
15 which a developer is going to come and
16 take his best case scenario which is an
17 as-of-right, but given the market
18 conditions and the economic conditions,
19 the as-of-right is not marketable,
20 moreover, as it translates to what the
21 community is because if he gets the 65
22 homes here, he's going to get 65 homes
23 or whatever the other homes are on that
24 other pieces, and that piece is going to
25 be developed. So it's not like this is

1 a magic double density that this
2 developer is asking for. There is going
3 to be transfer of development credits
4 from the pine barrens which have no
5 effect on this property and its current
6 zone condition. It's going to,
7 therefore, basically sterilize another
8 subdivision that's already on the board
9 for 62 homes.

10 Thirdly, the issue that everybody
11 talks about on Long Island but nobody
12 will drill down on it is the physical
13 delivering of affordable units and not
14 affordable for a period of time but
15 affordable perpetuity because next door
16 is a 55 and over and there is no young
17 people living in that development. We
18 have to start setting aside and
19 incentivize these development
20 communities to allow first time home
21 buyers. There is a lot of win-win
22 scenarios that are factored into this
23 reapplication other than just a normal
24 and customary five bedroom McMansion on
25 a farm piece where, I think, with some

1 Nonetheless, this is exactly the kind of
2 thing this Commission has tried to push
3 with the proper codes so we can't get
4 applications that are inappropriate.

5 Vince, I think you and then Sarah
6 and if you guys have any answers, we
7 will get to that after that.

8 COMMISSIONER TALDONE: Just a quick
9 question and first a comment.

10 When I was a child coming up that
11 road, it seemed like the dullest place
12 on earth. Today, I cherish that there
13 are so few roads like it left where it
14 actually looks like the old east end --
15 they way I remember it from my
16 childhood. The western side of Route
17 51, if you recall, the compatible growth
18 zone is that -- so the County and the
19 Town don't particularly acquire
20 properties in compatible growth zones,
21 but I was wondering has that been
22 considered in this instance along the
23 westerly parcel of Route 51?

24 DIRECTOR ISLES: Along the west
25 side of County Road 51 on this

1 particular parcel, there was an interest
2 in potentially preserving this as a farm
3 going back prior to the subdivision that
4 has been referred to. The County, as I
5 recall, did approach the property owners
6 at that time and it was a voluntary
7 program and they chose not to
8 participate. That was one record where
9 the County did proceed. In terms of
10 your general question about if the
11 County buys the land in the compatible
12 growth area? The answer is yes.
13 Primarily we do it in core, but we have
14 certainly done it in CGA where other
15 benefit resources are protected, as
16 well. It certainly not the primary
17 objective, but there are times when it
18 is warranted, we think.

19 COMMISSIONER TALDONE: Thank you.

20 Mainly because of the rural
21 corridor, I would just love to see it
22 preserved assuming the property owner
23 were interested, the property owner
24 could approach the County to purchase
25 this property.

1 DIRECTOR ISLES: Well, at this
2 point, I think the farmland program
3 would have to get it back established as
4 a farm with commercial agricultural
5 production underway. If that were the
6 case, then it probably would be a good
7 candidate for the County program.

8 As far as open space, we have not
9 evaluated it for that in terms of how it
10 would rank in the County system, but
11 your point is well taken. In fact, on
12 the east side of County Road 51, it is
13 core and protected on all those aspects
14 with protection of the core. In terms
15 of public acquisition and through
16 development rights out or the only way
17 it can develop is under extreme hardship
18 and, here again, it's very limited.

19 CHAIRMAN CALONE: Commissioner
20 Lansdale.

21 COMMISSIONER LANSDALE: Just a
22 couple of question.

23 One, I just want to report
24 nationwide there is the latest
25 Agricultural census. We have more

1 farmers now these days wanting to farm
2 land then we had in the past 30 years.
3 So, there's been an uptake in people who
4 want to farm which is exciting.

5 I also want to ask -- access to
6 public transportation, and how far this
7 is from the downtown? Because usually
8 density and creating kind of a range of
9 housing opportunities is -- many of the
10 best practices support doing this in
11 downtowns with access to public
12 transportation. I was just wondering if
13 you could point that out.

14 MR. CORRAL: The distance to
15 Eastport -- the staff -- the Suffolk
16 County Planning Commission staff
17 measured approximately 4,000 feet taking
18 roads -- approximately 6,000 feet at the
19 smallest distance from the closet part
20 of the property to the hamlet of
21 Eastport.

22 COMMISSIONER CALONE: The second
23 part of that question was about public
24 transportation.

25 MR. CORRAL: With respect to the

1 public transportation, I believe, there
2 is public transportation that runs on
3 County Road 51, but I don't have any
4 further clarification.

5 CHAIRMAN CALONE: Vince?

6 COMMISSIONER TALDONE: That's what
7 I would like to speak to. There is Exit
8 66 for County Road 51 and if you haven't
9 seen it, there is nothing there to stop
10 for and there has been no request for a
11 stop. That will become a stop -- it
12 will end at the county center or what is
13 about to be extended to downtown
14 Riverhead where all the local buses for
15 shopping, medical centers, and so on.
16 So, theoretically, it seems accessible
17 for a public transit zone. It's really
18 not near any walkable downtown of any
19 kind.

20 CHAIRMAN CALONE: Another minute
21 for John, and then I want to wrap this
22 up.

23 MR. CORRAL: I did go through the
24 application material and our files. I
25 do not have the acreage per the unit,

1 but property that, John, you spoke to
2 about is directly to the west of the
3 subject property and the zoned
4 retirement community. I don't have the
5 data on that site.

6 COMMISSIONER FINN: Well, it's just
7 -- I think that would be -- just for
8 future reference, it would definitely be
9 some substantial information. It looks
10 from an aerial standpoint that it's more
11 dense than what this developer is
12 proposing on this parcel.

13 I just want to make another comment
14 about the downtown or desire to develop
15 a downtown area. I think as time has
16 gone by, everybody has their opinions
17 with their downtowns, but especially in
18 Suffolk County the idea is there, but
19 the actual implementation is not. We
20 don't have the resources such as sewers,
21 parking, and political will to get some
22 of these projects done.

23 That is my opinion. It is an
24 example of how a developer wants to take
25 a project that he develops out in the

1 middle of nowhere and try to jump start
2 it and get something that's going to
3 become economically viable.

4 CHAIRMAN CALONE: Thanks.

5 Any other comments or questions?

6 (WHEREUPON, there was no response
7 from the Commission.)

8 CHAIRMAN CALONE: Seeing none, I
9 will entertain a motion.

10 COMMISSION HOLMES: I would move to
11 adopt the staff's report.

12 CHAIRMAN CALONE: Motion by
13 Commissioner Holmes to adopt the staff
14 report which is for disapproval for the
15 three reasons indicated.

16 SECRETARY ESPOSITO: Second.

17 CHAIRMAN CALONE: Seconded by
18 Commissioner Esposito.

19 All in favor of adopting staff
20 report, please indicate by raising your
21 hand.

22 (WHEREUPON, the Board voted.)

23 CHAIRMAN CALONE: Nine in favor,
24 opposed -- one, and no abstentions.

25 Next item on the agenda is the St.

1 Michael's Senior Housing in East
2 Hampton.

3 MR. KLEIN: The next application is
4 for St. Michael's Housing also known as
5 Windmill Village. It was referred to us
6 from the Town of East Hampton. The
7 jurisdiction for review is State Route
8 27 Montauk Highway.

9 The application meets the threshold
10 for regional significance because it is
11 the construction of 25 or more
12 residential units in an east-end town;
13 not to be connected to an existing
14 public community sewage treatment plant.

15 It is located in the Hamlet of
16 Amagansett along the south side of
17 Montauk Highway east of Lake Avenue.
18 The property consists of 6.3 acres
19 mostly cleared and generally leveled.
20 Currently, there is a church building
21 and a parcel. The zoning for this
22 property is A-residential --
23 A-residential district with an
24 affordable housing overlay district.

25 Referral of the site plan is through

1 a special permit application to develop
2 the property with a 40 unit senior
3 affordable housing community, a
4 community center, a manager's apartment,
5 maintenance shop, and a new relocated
6 parsonage for the church. This
7 affordable housing development is a
8 special permit use. The parsonage is
9 single family residence and is a
10 permitted use and the church is a
11 special permit use with semi-public
12 facilities; both of these uses are
13 preexisting.

14 In conjunction with the site plan
15 for special permit application, the
16 applicant has also filed for a Lot Line
17 Modification to be able to separate the
18 church building and the parsonage which
19 would be 40 units -- 40 affordable
20 housing units.

21 The project also includes an
22 application to the Town's Affordable
23 Housing Credits Program and Transfer
24 Development Program limiting it to
25 affordable housing as 13 credits are

1 needed to satisfy the sanitary flow.

2 So the property will consist of 40,
3 600 square foot apartments for seniors
4 ages 62 and over located in a five
5 cluster structure of eight apartments
6 each. Each cluster is proposed to be a
7 two-story building. The community
8 center will also contain a resident
9 manager unit on the second floor.

10 A review of the character of the
11 land use and zoning pattern in the
12 vicinity indicates a wide variety of
13 uses ranging from single family
14 residential to typical highway business
15 uses and retail professional uses such
16 as a shopping center development with a
17 grocery store across the street from the
18 subject property with a liquor store and
19 fish market.

20 Also directly across the street is
21 the local post office. The property is
22 located on a transit line -- Suffolk
23 County transit and also a short walking
24 from the Amagansett Train Station.

25 MR. KLEIN: This property, as you

1 can see -- this parking lot is the
2 grocery store IGA right there. This is
3 the post office and the train station is
4 right here. (Indicating.)

5 Access to the subject property as
6 proposed is one single ingress/egress
7 point of access along Montauk Highway
8 providing access for both the church and
9 the housing development. It is not
10 signalized. It is not directly across
11 from another exiting access point. The
12 point of access is relatively close to
13 the bend in the road possibly making
14 sight distance an issue.

15 That you see is the church,
16 obviously. (Indicating.) This is the
17 bend in the road that I was talking
18 about. That bend is roughly where the
19 point of access would be. It is noted
20 in the referral that New York State DOT
21 has stated that a traffic light may be
22 required if the subject parcels access
23 point was placed directly across from an
24 existing access point.

25 A middle turning lane exists along

1 this portion of Montauk Highway directly
2 in front of the subject parcel. The
3 proposed site plan indicates a sidewalk
4 with a crosswalk on Montauk Highway and
5 a median as a possible traffic calming
6 measure.

7 Also, I would like to note that it
8 has been proposed that an alternative
9 emergency access be part of this site
10 plan application.

11 As for groundwater management zone
12 regarding this application, the
13 groundwater management zone is Zone 4.
14 The site is not located in the special
15 groundwater protection area nor a
16 critical environmental area. The site
17 is not in the center of the pine barrens
18 zone or the Suffolk County Pine Barren
19 zone nor do State or Federal wetlands
20 seem present on the wetland property.

21 As a point of information, in the
22 referral a letter was submitted to the
23 record from the Town's Director of
24 Natural Resources stating that the
25 subject property is 100 percent clear of

1 natural vegetation with only vegetation
2 existing is a dense cluster of mixed
3 natural vegetation on the eastern
4 portion of the property.

5 The Town of East Hampton's 2005
6 Comprehensive Plan analyzes Land Use by
7 Hamlet Planning Area, whereas the school
8 district boundaries serve as the Hamlet
9 or planning area boundaries. The
10 proposal of 40 affordable senior
11 apartments appears to conform to many of
12 the stated goals of the plan for
13 Amagansett including providing
14 affordable housing for full-time
15 seniors, protecting natural resources
16 particularly groundwater through the
17 reducing of total build-out via the
18 requirement of the Town's Affordable
19 Housing Credit Transfer Program.

20 In addition, the proposal will
21 incorporate ways to reduce reliance on
22 the single occupant automobile by
23 providing shuttle service being located
24 in walking distance to public modes of
25 transportation --

1 SECRETARY ESPOSITO: But you like
2 that?

3 MR. KLEIN: Yes. I like that a
4 lot.

5 It is the belief of the staff that
6 the premises is adequately situated for
7 multi-residence purposes. It is a
8 practical distance from walkable
9 services and amenities such as a grocery
10 store, personal services which is
11 usually within a quarter of a mile to a
12 half-a-mile. It is a great location for
13 that and very walkable.

14 The project proposes to be energy
15 efficient and also to conform to the
16 East Hampton "dark sky" requirements.

17 The staff's recommendations are for
18 approval with the following comments:

19 The applicant should be directed to
20 the Suffolk County Planning Commission
21 Guidelines on public safety. The
22 applicant should be directed to
23 construct and maintain a cleared walkway
24 through a proposed vegetated buffer,
25 sidewalks along Montauk Highway, and a

1 bus shelter with a turnout. Permit
2 authorize agency consideration to
3 require the applicant to provide an
4 alternative emergency means of access to
5 the subject property. Analyze the
6 possibility of a cross access agreement
7 with the abutting parcel to the east of
8 the subject property for either
9 emergency or alternative access
10 purposes. Due to the curve in the road,
11 adequate steps should be taken to
12 monitor and ensure adequate sight
13 distance at the point of access to
14 observe approaching and exiting
15 vehicles.

16 The access strip to the proposed
17 church lot should be clearly depicted on
18 the site plan even though it is not
19 proposed to be used or developed as
20 access in the foreseeable future. You
21 can't see it, but there is an access
22 strip. It's not very clear but to avoid
23 creating a landlocked lot by the church,
24 it should be a clear access strip.

25 Consideration should be given to

1 require the applicant to include a
2 provisional site land that would allow
3 for the future connection of the subject
4 property with the vacant and/or
5 underutilized parcels to the south.

6 This underdeveloped land to the
7 south which they may wish to agree to in
8 a future contract.

9 I just wanted to give you an
10 example of some -- these are the roads.
11 This is the train station. These are
12 other Windmill Village outlets in the
13 Town of East Hampton. This is Windmill
14 One and Windmill Village Two. They're
15 both in remote locations.

16 CHAIRMAN CALONE: They're proposing
17 something like this.

18 MR. KLEIN: I think this is a
19 two-story. It is the same organization
20 for the developer.

21 That's the staff's report.

22 CHAIRMAN CALONE: Thank you. I
23 appreciate it.

24 This is a south fork project.
25 Barbara, any thoughts on the area or any

1 initial comments?

2 COMMISSION ROBERTS: It's East
3 Hampton and not Southampton? Are these
4 rentals?

5 MR. KLEIN: They're apartments that
6 are 600 square foot.

7 COMMISSIONER ROBERTS: I think we
8 definitely need it. This area is
9 relatively remote. It is beyond the
10 traffic of East Hampton. I know the
11 area very well. It would fit well in
12 there. My only concern is it is a bit
13 of a distance from Southampton Hospital
14 and medical issues would be my only
15 slight concern in this area. They're
16 kind of lax in even basic medical
17 services, so this community has to
18 address that.

19 CHAIRMAN CALONE: And I'm sure the
20 folks who live there are aware of that.

21 COMMISSIONER HOLMES: Is East
22 Hampton Medical Clinic still operating?

23 COMMISSIONER ROBERTS: Yes, but
24 this is Amagansett -- it is more of as
25 you get to Montauk. It's really a bit

1 out of town.

2 CHAIRMAN CALONE: It is pretty far.

3 COMMISSIONER ROBERTS: The South
4 Hampton Hospital on Route 27, on the
5 weekend, would be an issue.

6 CHAIRMAN CALONE: You would need a
7 helicopter for that.

8 SECRETARY ESPOSITO: They can't fly
9 over there.

10 COMMISSIONER CALONE: That's for
11 sure.

12 Other thoughts or comments on this
13 project?

14 Commissioner McAdam?

15 COMMISSIONER MC ADAM: John, is
16 this the church that is developing this
17 property or is it separate from the
18 church?

19 MR. KLEIN: This is separate from
20 the church, but the church will share
21 the community. It is a central location
22 but two separate operations.

23 COMMISSIONER MC ADAM: So it's not
24 tax exempt in any way?

25 MR. KLEIN: I don't know.

1 COMMISSIONER HOLMES: Separate
2 organizations.

3 CHAIRMAN CALONE: Vince?

4 COMMISSIONER TALDONE: Actually, I
5 am familiar with this project, and it is
6 sponsored by the church and may well be
7 tax exempt because I believe it is
8 limited to low income seniors. I am not
9 sure. This was the discussion. I don't
10 know what the final decision was on
11 that, but it's a terrific project.

12 I just had a suggestion that we add
13 a comment to Number 1, "universal
14 designs" at the end of the sentence.

15 CHAIRMAN CALONE: Excellent
16 comment.

17 COMMISSIONER TALDONE: I am in the
18 process now of retrofitting a building
19 in Southampton for seniors that was not
20 built handicap accessible.

21 CHAIRMAN CALONE: Let's say that --
22 let's be clear about one thing. We
23 don't have a guideline for universal
24 design. We should say that we drafted
25 -- Counsel, if we can just change one

1 thing about that first part of that
2 comment. It says, "Applicant should be
3 directed to consult -- you had the word
4 "consult" and not to nitpick but we have
5 that general formulation -- the County
6 Planning Guidelines on public safety and
7 the County Planning Commission policy
8 on --

9 COMMISSIONER TALDONE: Well, one
10 might say consider the model code, but I
11 think in our guidelines we have the four
12 principals. They're in the guidelines.

13 COMMISSIONER CALONE: I think the
14 principals are there.

15 COMMISSIONER TALDONE: Except for
16 the four keys features that are in the
17 guidelines.

18 CHAIRMAN CALONE: Any objection to
19 those?

20 (WHEREUPON, there was no response
21 from the Commission.

22 CHAIRMAN CALONE: I stand corrected
23 and they're in the guidelines. If we
24 just say "consult the guidelines on
25 public safety and universal design."

1 Any objection to that?

2 (WHEREUPON, there was no response.)

3 CHAIRMAN CALONE: Seeing none,
4 other any comments or questions with
5 respect to the application?

6 (WHEREUPON, there was no response
7 from the Board.)

8 CHAIRMAN CALONE: Seeing none, I
9 will entertain a motion.

10 MR. CHARTRAND: Motion.

11 CHAIRMAN CALONE: Motion by
12 Commissioner Chartrand for approval of
13 staff's report with comments indicated
14 as amended.

15 COMMISSIONER ROBERTS: Second.

16 CHAIRMAN CALONE: Seconded by
17 Commissioner Roberts.

18 All in favor, please raise your
19 hand.

20 (WHEREUPON, the Commission voted.)

21 CHAIRMAN CALONE: 11 in favor it
22 is.

23 Next item on the agenda is the
24 Lowe's of South Huntington.

25 We have seen this before; right?

1 (WHEREUPON, there was no response.)

2 CHAIRMAN CALONE: Maybe you can
3 highlight the differences here in terms
4 of focusing on the staff report. I
5 believe your recommendations are very
6 similar to what it was last time so
7 maybe you can just focus on that aspect.

8 MR. KLEIN: I will be more than
9 happy to be as quick as I can.

10 MR. ISLES: One paragraph summary.

11 MR. KLEIN: The application is for
12 Lowe's of South Huntington. This is the
13 same town as before. It is located in
14 the same location. It has the same
15 regional significance. The property
16 consists of the same amount of land.
17 The only thing that has changed is the
18 zoning on the property. Prior to this
19 the application was for a change of
20 zoning from C-6, C-10, which is motel
21 hotel use to R-5 to predominately C-6
22 and R-5 zoning.

23 The Commission approved this with
24 conditions and those conditions were
25 basically adhered to by the Planning

1 Board. They approved the change of
2 zoning with the conditions and also
3 established adopted a negative
4 declaration on the property with the
5 same conditions provided a bus stop with
6 regulating the hour of operation, and
7 directing the applicant to consult with
8 the Suffolk County Planning Commission
9 guidelines for public safety.

10 The applicant seeks Zoning Board of
11 Appeals approval in order to construct a
12 free-standing Lowe's Retail building of
13 approximately 151,104 square feet which
14 includes storage and mezzanine offices,
15 garden -- outside garden area, outside
16 storage. They need variances -- one
17 parking variance. They're proposing 480
18 parking stalls, 202 land bank stalls,
19 and 97 stall parking variance. A
20 special use permit is needed to provide
21 overnight parking of commercial vehicles
22 that permit -- they're looking for some
23 sign permits to reduce the allowable 50
24 wall signs and contemplating monument
25 signs at the entrance.

1 Also, we're looking for relief from
2 the design standards. In order to
3 preserve the steepest slope on the south
4 side of the property, they're requesting
5 to dispense away the landscape median of
6 the parking lot, also known as
7 residential development retaining walls.
8 They're applying for permission to
9 establish -- like I said, a
10 free-standing noise visual attenuation
11 wall in and about the receiving areas
12 for deliveries -- as to screen this area
13 from adjoining properties and in
14 sections to the southwest of the
15 property which are closest to the
16 groundwater.

17 The Conditional Use Permit for
18 outside storage or for display of
19 inventory products and other materials
20 which I assume are for sale including
21 the garden center and also the outside
22 -- proposed displays from the lawn
23 equipment and things like that and a
24 propane exchange area.

25 So those are the variance

1 applications that they're seeking.
2 Access to the property is proposed as
3 three points of access. Basically, it
4 hasn't changed much since the prior
5 application issued by the steeper slopes
6 of the southward R-5 Zoning District
7 which is located -- will be not
8 developed and those houses that exist
9 there will be removed and the property
10 will be allowed to return it to its
11 original state.

12 According to the Comprehensive Plan
13 for a commercial corridor along Jericho
14 Turnpike, it is the belief of staff that
15 the requested variance and design
16 standards are unreasonable and
17 appropriate not withstanding the
18 following wishes:

19 According to the site plan that
20 they submit a bus turnout there. There
21 was a bus stop to the west of the
22 property that's close to the
23 intersection of New York Avenue and
24 Jericho Turnpike with the existing TDF.
25 As of now there are no provisions for a

1 bus turnout on the site plan. So that's
2 an issue. You can't stop a bus in that
3 section of Jericho Turnpike.

4 So staff recommends conditions
5 deemed necessary for good planning land
6 use:

7 Create bus stop with a shoulder
8 turnout for the bus to get outside the
9 traffic lane. The same conditions;
10 premises should be encumbered to
11 operating restrictions. The applicant
12 shall be directed to review the Suffolk
13 County Planning Commission's Guidelines
14 for energy efficiency measure and as
15 before the applicant shall be directed
16 to review the Suffolk County Guidelines
17 for public safety and make any changes
18 to the preliminary site plan as
19 necessary. That's the staff report.

20 CHAIRMAN CALONE: Thank you, Ted.

21 This is an application that we have
22 seen before. I believe it to be the
23 same basic conditions we put on to zone
24 -- you know, the planning guidelines,
25 obviously, are our typical energy

1 efficiency and public safety. So we
2 appreciate it.

3 Sarah, any initial thoughts? I
4 think it is pretty straight forward.

5 COMMISSIONER LANSDALE: I think it
6 is pretty straight forward. It is the
7 old Huntington Townhouse. If many
8 remember, it's been vacant for several
9 years and its more of a welcoming to a
10 new property use.

11 CHAIRMAN CALONE: Thank you,
12 Commissioner Lansdale.

13 Any other thoughts, comments, or
14 questions?

15 Commissioner Taldone?

16 COMMISSIONER TALDONE: Just a quick
17 one.

18 I suggested a revision to condition
19 one to add "if deemed appropriate -- in
20 this case, I believe it is the Suffolk
21 County transit jurisdiction here --
22 let's say, "If deemed by appropriate by
23 the transit agency."

24 DIRECTOR ISLES: The transit highway
25 agency would be the --

1 COMMISSIONER TALDONE: Just in case
2 it's not a safe place to stop or the
3 Suffolk County transit -- that's not a
4 safe place to stop keeping the developer
5 in mind.

6 CHAIRMAN CALONE: So the edit is --
7 proposed edit is at the end of the
8 sentence after Route 25, "If deemed
9 appropriate by the transit and highway
10 agency."

11 Any objection?

12 (WHEREUPON, there was no response
13 from the Commission.)

14 CHAIRMAN CALONE: Seeing none, we
15 will amend the conditions in that
16 regard.

17 Any other thoughts on the
18 application?

19 (WHEREUPON, there was no response
20 from the Commission.)

21 CHAIRMAN CALONE: Seeing none, I
22 will entertain a motion to approve.

23 COMMISSIONER KELLY: Motion.

24 CHAIRMAN CALONE: Motion by
25 Commissioner Kelly.

1 COMMISSIONER LANSDALE: Second.

2 CHAIRMAN CALONE: Seconded by
3 Commissioner Lansdale.

4 All in favor of adopting the staff
5 report to approve all four conditions
6 indicate, please by raising your hand.

7 (WHEREUPON, the Commission voted.)

8 CHAIRMAN CALONE: 11 to 0.

9 The last item on our regulatory
10 agenda is the Windwatch Tower. I will
11 provide a little background on this.

12 We had voted for disapproval on
13 this a while ago, and we had put on
14 various conditions. They wanted to move
15 forward with the project. The issue
16 that came up with regard to this project
17 is we cannot, under our Commission's
18 rules, do an LD after hearing a denial
19 without staff bringing it to our table.

20 Staff had asked me for the
21 substantive -- what they're talking
22 about is a change in the covenant which
23 is normally not for us to get involved
24 with at all. But because our rules do
25 say staff can't LD a proposal after it

1 has gone through any kind of
2 disapproval, staff needs to send it back
3 to us.

4 John, with that background, if you
5 could spend a minute or two on the
6 material.

7 MR. CORRAL: In 2009, the
8 Commission denied a modification of the
9 covenant. The Town of Islip then
10 adopted and modified the open space
11 covenant. The applicant has now decided
12 to modify the covenant again and we
13 received the application from the Town
14 of Islip. The applicant is the
15 Windwatch Tower LLC. The modification
16 is to covenant 18 and if they add a
17 privilege in that instead of mitigation
18 to the open space to be used exclusively
19 for the purchase of open space, they
20 added or improvement to recreation
21 included but not limited too access to
22 those facilitates.

23 So, the Planning Department staff
24 said it is a local determination with
25 the comments that the proposed

1 modification covenant Number 18 does not
2 appear to be a major change to the LLC
3 project. It is a matter of regional
4 significant impact. Instead the change
5 to Covenant 18 appears to be a matter of
6 local determination in how the Town of
7 Islip utilizes the open space mitigation
8 fee subject to the acquisition of open
9 space of the promotion of recreational
10 parkland.

11 So that summarizes the staff report
12 and I'll be glad to answer any
13 questions.

14 CHAIRMAN CALONE: Any questions?
15 This is an Islip matter. Matt, I don't
16 know if you want to say anything given
17 what it is?

18 COMMISSIONER CHARTRAND: I agree
19 with the staff report. It is up to the
20 Town Board to decide what they want to
21 do with the mitigation fee. I totally
22 agree with staff's report.

23 CHAIRMAN CALONE: Any other
24 comments or questions?

25 Vince?

1 COMMISSIONER TALDONE: A quick
2 question.

3 Expressive nurture project where
4 their requirements are to provide
5 funding for acquisitional space that can
6 then be reverted to pay salaries, fix
7 the broken curbs in the park, et cetera.
8 That's not really the intent of the
9 covenant; so I think this is a
10 significant change. I mean as long as
11 the Commission has no objection to it,
12 but it is significant to change the
13 covenant. We would want to consider
14 that carefully. One of things I am sure
15 -- one of the issues that led to the
16 determination that this project should
17 move forward is that this is a
18 significant benefit to have funds to
19 help mitigate the project by having
20 those funds available to purchase
21 additional land.

22 CHAIRMAN CALONE: Staff wanted to
23 comment on that.

24 DIRECTOR ISLES: If I could just
25 comment on the covenant.

1 line of what Vince was suggesting?

2 (WHEREUPON, there was no response
3 from the Commission.)

4 CHAIRMAN CALONE: Seeing none, I
5 will entertain a motion.

6 COMMISSIONER KELLY: Motion.

7 CHAIRMAN CALONE: Motion by
8 Commissioner Kelly to approve the
9 Staff's report.

10 COMMISSIONER CHARTRAND: Second.

11 CHAIRMAN CALONE: Seconded by
12 Commissioner Chartrand.

13 All in favor, please raise your
14 hand.

15 (WHEREUPON, the Commission voted.)

16 CHAIRMAN CALONE: 11 to 0.

17 That ends our regulatory agenda.

18 There are two things I want to
19 spend five minute on.

20 One is native vegetation, which as
21 you all know, has been the caboose here
22 a number of times. However, I think,
23 that having reviewed it and I know a few
24 people around this table reviewed it and
25 mentioned some comments to me. I think,

1 it will be instructive if we get some
2 guidance on this.

3 If anyone has any particular
4 thoughts they would like to share. I
5 will start because Adrienne is not going
6 to be here next month, so we can't do it
7 so the next conversation won't be until
8 November. So it would make sense to me
9 to add some feedback now because there
10 is additional work to be done that will
11 be done.

12 I will just start with one comment.
13 That comment is that I don't have any
14 problems with amending our native
15 vegetation standards located in the pine
16 barrens to be consistent with the Pine
17 Barrens Commission. It would only
18 affect a few percentage points, and I
19 don't think that makes sense on two
20 different standards.

21 I think there is substantial issues
22 with taking that standard and applying
23 it to the rest of the County. One
24 question I had in terms of information,
25 that would be helpful for me, is what we

1 could gather over the next week few
2 weeks is what exactly the planning
3 standards are for at least the major
4 towns around the County?

5 In the packet that Adrienne put
6 together for us, by the way, was very
7 well researched and very well
8 documented.

9 East Hampton has a pretty strict
10 clearing standard, but they focus that
11 on the particular areas they only
12 acquire. It would be helpful to know
13 what other towns are doing in that
14 regard. So if we are adding additional
15 standards, at least we know what the
16 baseline is so -- you know, that's
17 something I would suggest to the staff
18 to make a connection with Adrienne as
19 she is working on it over the next eight
20 weeks.

21 I know other people want to make
22 comments -- just a minute or two on
23 those comments that you would like to
24 share. If not, we'll hold it.

25 Anyone?

1 COMMISSIONER FINN: Just regarding
2 this direction of what is going on.

3 Obviously, when you see the notion
4 of taking what the clearing limits are
5 from the pine barrens and then from
6 that, paint that brush throughout all of
7 Suffolk County. Basically, we have to
8 be mindful of economic growth, property
9 rights, and land value preservation as
10 such and how that may present a -- how
11 that balances what the proposed clearing
12 is. Obviously, from -- if you boil down
13 to an actual site plan, you're
14 automatically affecting the property
15 value and that may be something of a
16 legal matter as you look at that going
17 forward with condemning properties
18 without compensating for it.

19 CHAIRMAN CALONE: Thank you, John.
20 Good point.

21 Anyone else?

22 I suggest we think about it in the
23 next month or two.

24 SECRETARY ESPOSITO: Just as a
25 point of clarity, I know it has been so

1 long since we talked about this and I am
2 surprised we're talking about it now.
3 Really, what I meant is because it's
4 late in the day, but what the committee
5 didn't start out saying was let's do
6 this or we ended up here because our
7 process is going to request, for
8 instance, an agreement to establish a
9 comprehensive measure plan, Long Island
10 Sound Comprehensive measure plan, and
11 the Peconic plan. We did overlays all
12 over Suffolk with each one of those
13 estuary watershed boundaries, as well
14 pine barren boundaries and illustrated
15 to us that there was scientific
16 justification for expanding the guidance
17 in native vegetation principals.

18 So I just wanted to -- because
19 we're jumping around a little bit that
20 it actually came from somewhere other
21 than we go back and forth when we
22 actually ended up there after evaluation
23 and consideration of other planning
24 tools.

25 COMMISSIONER FINN: The point of

1 understanding what the need is for
2 preserving the natural vegetation is
3 whether it be both stormwater runoff. I
4 think there is a larger factor that
5 needs to be addressed which would be not
6 so much the natural vegetation clearing,
7 but the serious need for the
8 implementation of sewers in Suffolk
9 County. I think once we address that
10 issue, then that is, in fact, addressing
11 the vegetation clearing because I think
12 one route is to achieve and solve the
13 problem. We all know we need sewers in
14 Suffolk County. 30 percent of the
15 County is now sewer, where Nassau County
16 is 90 percent. We have issues with
17 beach closings right now currently. We
18 have to address the sewer issue, in
19 addition, to whatever the direction is
20 of the natural vegetation.

21 SECRETARY ESPOSITO: Just for
22 clarity, each one of those strategic
23 plans, if you read them specifically,
24 identify polluted stormwater runoff as
25 either the most important component or

1 the second most important component to
2 degradation of estuary based water, but
3 also included in the Number 1, is the
4 reason for the beach closings; not only
5 on Long Island but in the State of New
6 York.

7 Sewage is one issue but stormwater
8 runoff is contained in parts of the
9 treatment issues, but it's another whole
10 issue in and of itself that's need to be
11 addressed through studies that show the
12 most effective way for native vegetation
13 preservation.

14 CHAIRMAN CALONE: I think the other
15 thing that the task force did, which I
16 think a lot of us would agree is really
17 good stuff, was simply help define what
18 some of this stuff means because a lot
19 of towns and village don't have good
20 knowledge on what the heck some of these
21 terms mean.

22 The other thing was providing kind
23 of information about the newer maybe
24 more environmentally sensitive ways of
25 going about this stuff. So there are

1 things the towns and villages should be
2 putting into their code. That doesn't
3 even touch the coverage issue -- that's
4 a separate issue, but there may be
5 better ways of doing what they're doing
6 now and we should know about it. I
7 think that is a very viable thing that
8 we should get behind no matter what.

9 The very separate is the clearing
10 issue and whether it is appropriate to
11 take the percentage of the usual pine
12 barrens and take it elsewhere. They
13 might say, "Let's take inventory of
14 what's going on around the County and ID
15 some outliers from the towns." Some
16 may be considerably off the charts and
17 we might want to say to them, "You're
18 falling way behind." Maybe we want to
19 say we think everyone should increase
20 coverage percentage but that's a
21 different conversation for further down
22 the road. We need more information
23 about where the towns are now in
24 general.

25 Commissioner Kelly and then

1 Commissioner Holmes?

2 COMMISSIONER KELLY: This is a
3 pretty big topic for the end of the day
4 after a long meeting and -- you know,
5 but with the watershed boundaries, if
6 you look at the boundaries that are
7 proposed they're very significant. I
8 just think it will take a lot of
9 dialogue to come to some reasonable
10 balance, but I think we should start
11 with dialogue.

12 CHAIRMAN CALONE: That is a very
13 fair point.

14 The reason I wanted to bring it up
15 now was because if there is issues with
16 regard to that dialogue and if you were
17 to say I have question about where that
18 watershed boundary is, we can look at
19 it. That would be the kind of thing
20 where maybe we can ask staff to look at
21 it over the next two months.

22 SECRETARY ESPOSITO: We have maps.
23 We need to provide maps with all three
24 of them and the pine barrens themselves.

25 CHAIRMAN CALONE: I guess my point

1 being is that there are other issues and
2 I would like to know more about X, Y, Z,
3 and how it relates to this topic so we
4 can have a fuller conversation. We may
5 as well take advantage of the fact that
6 we're happy to discuss this again in the
7 two months to let staff know specific
8 questions or perspectives to make more
9 sense. We should get everything rolling
10 that needs to get rolling now rather
11 than having so many questions two months
12 from now.

13 Commissioner Holmes?

14 COMMISSIONER HOLMES: I think also
15 the issue needs to take into
16 consideration the fact that all towns in
17 New York State are now mandated by State
18 MS4 to control runoff in their towns and
19 one of the key ways or the key way is
20 native vegetation buffering around
21 properties, so I think that's something
22 that factors in here.

23 CHAIRMAN CALONE: Commissioner
24 Taldone?

25 COMMISSIONER TALDONE: Just if I

1 can candidly comment for future
2 consideration that we somehow maintain
3 some flexibility in the process, and I
4 think that's where the key will lie
5 because in the projects that I have
6 worked on in Southampton, we retained a
7 lot native vegetation and removed stuff
8 that is not desirable so we actually
9 disturbed the area in order to get the
10 house built especially with modulars
11 there and access requirements and so on,
12 but we were able to restore it and
13 actually save most of the native
14 vegetation, replant it, and it was fine.
15 We were able to build and protect
16 against stormwater runoff. Some
17 municipalities are just not all that
18 cooperative and they're very rigid with
19 surveys and inspections and it will
20 drive you crazy. I just think -- that's
21 just my comment that flexibility could
22 make this work for all parties and I
23 hope we're able to do that.

24 CHAIRMAN CALONE: That's enough on
25 that.

1 The last item is the Comprehensive
2 Plan. Tom, any updates you want to
3 share?

4 DIRECTOR ISLES: We're ready with
5 another presentation to the Commission
6 as I indicated. Step one has completed
7 another step in the comprehensive plan
8 so whenever it can be scheduled with the
9 Commission, we will go head and do so.

10 We are nearing completion of Volume
11 1, which is inventory information and we
12 will have a draft to you within 60 days,
13 if not sooner.

14 CHAIRMAN CALONE: Put it on the
15 agenda tentatively for Shelter Island
16 and then we will see how many
17 applications come in.

18 Thank you.

19 SECRETARY ESPOSITO: Tom, will the
20 Commission members receive a copy of the
21 response to the Long Island Pine Barrens
22 Society and their inquiry?

23 DIRECTOR ISLES: We can certainly
24 do that, so we will do that.

25 CHAIRMAN CALONE: If there's policy

1 here, we may want to have it come before
2 the Commission itself. If it's just a
3 legal answer, Tom, that's certainly
4 something that can wait.

5 SECRETARY ESPOSITO: I don't think
6 it is a legal answer.

7 CHAIRMAN CALONE: I have not --

8 DIRECTOR ISLES: If we do a
9 response, I will make sure the
10 Commission gets a copy.

11 CHAIRMAN CALONE: I would like to
12 have input on that before it goes out.
13 Motion to adjourn.

14 COMMISSIONER KONTOKOSTA: Motion.

15 COMMISSIONER MC ADAM: Second.

16 CHAIRMAN CALONE: All in favor?

17 (WHEREUPON, the Commission voted.)

18 (WHEREUPON, the Suffolk County
19 Planning Commission meeting of September
20 1, 2010, was concluded at 3:33 p.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)

:ss

COUNTY OF SUFFOLK)

I, MELISSA POWELL, a Shorthand Reporter and
Notary Public of the State of New York, do hereby
certify:

That the within transcript was prepared by me and is
a true and accurate record of this hearing, to the best
of my ability.

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

IN WITNESS WHEREOF, I have hereunto set my hand this
1st day of September, 2010.

MELISSA POWELL

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