

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: October 6, 2010
TIME: 12:00 P.M.
LOCATION: Town of Shelter Island, Town Hall Board Room

The tentative **AGENDA**

1. Adoption of minutes July & August 2010.
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speaker- Jim Dougherty – Town Supervisor, Town of Shelter Island
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - a) Town of Brookhaven Amendment to Chapter 29 & 83 for Proposed Redevelopment Incentive Overlay District (Blight Code)
 - b) Pinnacle Hotel @ Yaphank 0200 55400 0300 004049 (Town of Brookhaven)
 - c) RAM Associates, LLC (Claire Rose) 0204 01300 0200 012000 et al. (Village of Patchogue)
 - d) Van de Wetering 0600 00900 0200 011000 (Town of Riverhead)
 - e) Central Square @ Wading River 0600 07500 0300 004000 (Town of Riverhead)
7. Section A14-24 of the Suffolk County Administrative Code
 - a) Two Trees Farm 0900 06700 0100 002010 (Town of Southampton)
8. Discussion:
 - a) Comprehensive Plan
 - b) Guidebook
9. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **November 3, 2010, at the Town of Babylon, Town Hall Board Room.**

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2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers- Jim Dougherty –Town Supervisor, Town of Shelter Island
Town of Brookhaven- Tullio Bertoli, Commissioner of Planning, Environment & Land Management
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
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SUFFOLK COUNTY PLANNING COMMISSION
Town of Shelter Island
Town Hall Board Room
October 6, 2010
12: 00 p. m.
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MEMBERS PRESENT:

- DAVID CALONE, Chairman
- CONSTANTINE KONTOKOSKA, Vice Chairman
- VINCENT TALDONE, Town of Riverhead
- BARBARA ROBERTS, Town of Southampton
- LINDA HOLMES, Shelter Island
- THOMAS McADAM, Town of Southold
- JOSHUA HORTON, At-Large (Until 2: 05 p. m.)
- SARAH LANSDALE, At-Large
- MATTHEW CHARTRAND, Town of Islip
- MICHAEL KELLY, Town of Brookhaven
- JOHN FINN, Town of Smithtown
- THOMAS A. ISLES, Planning Director
- THOMAS YOUNG, ESQ., County Attorney for Planning Department
- DANIEL J. GULIZIO, Deputy Planning Director
- ANDREW FRELENG, Planning Department
- JOHN CORRAL, Planning Department
- DOTTY SONNICHSEN, Administrative Assistant

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10/6/10 Suffolk County Planning Commission
 THE CHAIRMAN: Good afternoon, welcome to the October meeting of the Suffolk County Planning Commission. I would note that we have a quorum present and ask the vice chairman to lead us in the pledge.
 (Recitation of the Pledge of Allegiance.)
 THE CHAIRMAN: Thank you. The first item on the agenda is the adoption the minutes of July, 2010. The editor-in-chief, I believe, had a chance to look those over, as did I. Any comments?
 COMMISSIONER HOLMES: I only found about twenty-seven errors. They're all fairly minor, you know; spellings mostly. A few word things, but mostly spellings. So I would move the adoption of the minutes as amended, assuming they will be amended.
 THE CHAIRMAN: Any other comments on the minutes? Seeing none, I also concur with Commissioner Holmes, that the minutes, there are a handful of edits. I'll provide those to the court reporter on my end as well. I would vouch they're de minimis in nature, and I thought in general the minutes were quite well done. I appreciate that.
 Any other comments on the minutes? Seeing

24 none, Commissioner Holmes has moved adoption of the
25 minutes as amended for July, 2010. Second by

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1 10/6/10 Suffolk County Planning Commission
2 Commissioner Taldone. All in favor, please raise your
3 hand. (Show of hands) The minutes are unanimously
4 adopted. Without objection, we will table the adoption
5 of the August, 2010 minutes and move on to the rest of
6 the agenda.

7 Any cards? Seeing none, we will postpone the
8 public portion until after our guest speakers. I will
9 briefly update you on my report. First of all, it's
10 good to be here on Shelter Island.

11 COMMISSIONER HOLMES: Yes, Fantasy Island.

12 THE CHAIRMAN: Thank you, Supervisor
13 Dougherty, for having us here, as well as Commissioner
14 Holmes. As you know, we try, with the County Planning
15 Commission, try to have meetings around the county. My
16 understanding, it's been more than a decade since the
17 commission has been out on Shelter Island. It's good
18 for all of us to be here. We had a fantastic tour this
19 morning, led by Linda Holmes, a bus tour of the island
20 where we got to see Sylvester Manor as well as a handful
21 of other interesting places here on the island. Thank
22 you, Commissioner Holmes, for organizing that. Thank
23 you to the supervisor and town for the bus to take us
24 around; it was great.

25 We will also hear from Supervisor Dougherty in

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1 10/6/10 Suffolk County Planning Commission
2 a few minutes. One of the first things we wanted to do,
3 I know a lot of you give a lot of time to be here. This
4 is a volunteer position. It's one that certainly
5 involves quite a bit of time, not only traveling around
6 the county, but also trying to provide good analysis of
7 the land use applications as well as the bigger picture
8 of things going on around the county.

9 We have a guest here. He's a guest, but he's
10 a former colleague, Job Potter, a representative from
11 East Hampton. Had to step down from the commission a
12 few months ago. I wanted to ask Job to come up here.
13 We have a resolution for you, which I will read for the
14 record. Whereas Job Potter has served with distinction
15 and dedication on the Suffolk County Planning Commission
16 from April, 2009 to March 2010; whereas the County
17 Planning Commission has benefited from his insight and
18 expertise, gained from his service on the planning
19 commission; whereas the input and contributions to the
20 deliberations will be missed as he moves onto new
21 endeavors, now therefore be it resolved that the Suffolk
22 County Planning Commission acknowledges and thanks Job
23 Potter for his positive and thoughtful contributions to
24 this body. (Applause)

25 MR. POTTER: I may have been the shortest

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1 10/6/10 Suffolk County Planning Commission
2 serving member to receive a plaque. I want to wish
3 Diana Weir good luck. I know she will do a wonderful
4 job. Thank you.

5 THE CHAIRMAN: Best wishes to you, and please
6 stay in touch.

7 MR. POTTER: Thank you, I will.

8 THE CHAIRMAN: The county executive nominated
Page 2

9 Diana Weir, another former councilwoman from East
10 Hampton to fill the East Hampton seat. She has been
11 through the first committee in the legislature and goes
12 before the full legislature in the coming weeks. If the
13 legislature blesses the appointment, she will be joining
14 us at this table in the next few months. Diana, I look
15 forward to working with you. It's great to have such
16 strong leadership in East Hampton and look forward to
17 you fulfilling this role.

18 There are terms going up at the end of this
19 year, me, Mike Kelly, Vince Taldone and Charla Bolton.
20 If any of you want to be reappointed, I will let the
21 county executive's office know who would be like to be
22 considered for reappointment. A brief update. We had
23 the Suffolk County Planning Conference last week.
24 Congratulations to Andy and the staff on the fantastic
25 effort. (Applause) John Corral and Dotty and everyone

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1 10/6/10 Suffolk County Planning Commission
2 who contributed so much to it; it was great.

3 I want to thank the people around this table
4 who served as moderators, Commissioner Landsdale,
5 Secretary Esposito, who is not with us today,
6 Commissioners McAdam, Chartrand, Holmes, Finn, Vice
7 Chairman Kontokosta and Commissioner Roberts all served
8 as moderators at various panels. I heard that
9 Commissioner Roberts' panel was rocking. I wish I had
10 been at that one.

11 We had some great conversations and I think
12 Suffolk County was well served by the event. I want to
13 thank the panelists around this table who served on the
14 commission panel, Vice Chairman Kontokoska, Secretary
15 Esposito, Commissioner McAdam and Commissioner Taldone,
16 who did not one but two segments within the panel.

17 COMMISSIONER HOLMES: We need to know the
18 vice chairman has a fan club. You should have heard the
19 ladies in the ladies' room; isn't he handsome, is he
20 single.

21 THE CHAIRMAN: These minutes do get posted on
22 the Website.

23 COMMISSIONER HORTON: And in the local
24 press.

25 COMMISSIONER HOLMES: I couldn't resist.

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1 10/6/10 Suffolk County Planning Commission

2 THE CHAIRMAN: Thank you for the town having
3 candy. We go around to a lot of towns. There is not
4 one that gave us candy at the table. We appreciate
5 that. There are two things; one, the County
6 Comprehensive Plan, we will talk about that later in the
7 agenda. I want to give you a brief update on the task
8 forces and their efforts. On public safety, we are
9 working on finalizing the edited version of the design
10 codes that could go out to the electeds, hopefully this
11 month. Commissioner McAdam, anything else to add onto
12 that?

13 COMMISSIONER McADAM: No.

14 THE CHAIRMAN: We had the first energy task
15 force meeting in a while. Commissioner Landsdale,
16 anything you want to update about that? In general, we
17 talked about solar, awaiting final comments on the solar
18 permitting process from the task force members as well
19 as the state building inspectors association. We are

20 hoping to get some first adopter towns, Islip, Village
21 of Babylon are interested. We are hoping to do a press
22 conference on that in the next couple of weeks,
23 hopefully in November, with the towns and villages who
24 kind of agree to go first in adopting the solar
25 permitting process. LIPA is fully supportive of this

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1 10/6/10 Suffolk County Planning Commission
2 effort and they're planning on put some money and
3 resources behind it.
4 Our wind code effort, we have the model wind
5 code application, it's coming along. I particularly
6 want to thank Supervisor Dougherty. We have been
7 approached by a couple of the East End towns, how
8 they're struggling with how do you do a wind code, what
9 do you put in it, what are the major issues that go into
10 a putting in a robust code.

11 We had two moratoriums come through here from
12 villages in the Brookhaven area. A lot of
13 municipalities are grappling with the issue. The East
14 End Supervisors and Mayors association, which Supervisor
15 Dougherty heads, has agreed to join the commission and
16 LIPA in putting on a wind symposium on how to guide the
17 towns and villages on how to approach wind issues.

18 Four towns named council members to the
19 steering committee, Nancy Graboski from Southampton,
20 Dominick Stanzone from East Hampton, Jody Giglio from
21 Riverhead and Ed Brown from here on Shelter Island and
22 we're waiting on a Southold representative. Once we get
23 all the council members finalized, we will work on
24 getting together an agenda. The key is to make sure we
25 have an effort or gathering that answers the questions

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1 10/6/10 Suffolk County Planning Commission
2 of the elected officials. The town of Southampton
3 offered to host it at Hamptons Bay High School.
4 Adrienne will be involved. Sarah and Matt Chartrand
5 expressed an interest. If there are any East End
6 commissioners who would like to be involved at the
7 beginning stages, we would love to have your
8 involvement.

9 On native vegetation and natural habitat, at
10 our next meeting next month, we will approve the
11 guidance document. Consider the guidance document that
12 many of you have had a say in. It provides general
13 advice to the municipalities about storm water runoff.
14 We will discuss the clearing standard proposal. I'm not
15 expecting that we are going to vote on that. I think it
16 is something that needs a lot of discussion. The staff
17 is currently researching the current standards in all
18 the towns about clearing. We will have a good sense at
19 our next meeting where the various towns are on that.

20 We are hoping to sponsor, probably in the
21 spring, some kind of symposium on green methodologies
22 for storm water runoff. Adrienne will take a lead on
23 that. She will need some help on that for the green
24 methods for dealing with the very important issues of
25 storm water runoff.

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1 10/6/10 Suffolk County Planning Commission
2 The green building codes, Constantine is
3 heading up a brand new effort. He will be joined by
4 Commissioner Finn to discuss a standard energy

5 efficiency code for commrcial buildings around the
6 county. If we don't do it, everyone will do their own
7 thing. It's starting to head that way. Babylon is
8 interested, Huntington, Southampton, U.S. green building
9 code, LIPA, Long Island Association. We are hoping some
10 of the other towns will get involved with that as well.
11 We are hoping to get started in November.

12 On housing, Constantine presented, apparently
13 to great fanfare at the planning federati on last week.
14 I know we will move to finalizing the white paper. Is
15 there anything that you wanted to mention about the
16 housing effort?

17 COMMI SSIONER KONTOKOSKA: No.

18 THE CHAIRMAN: Economic development and smart
19 growth, historic preservation incentive that Charla is
20 hopefully working on and finishing up by the end of this
21 year. TOD best practices, we are waiting for a draft
22 report from Vision Long Island. We will pick up the
23 ball once they do the initial work. Sewer Summit 2,
24 which is something this commission is not only
25 sponsoring but is getting moving at the county level ,

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1 10/6/10 Suffolk County Planning Commi ssi on
2 the meeting is next Thursday. We need you to RSVP on
3 that. Director Isles is going to be presenting on the
4 challenges we will be facing as a county.

5 Environmentally, with regard to the need for
6 infrastructure, the vice chairman and I will do a
7 presentation on optimizing sewer revenues from the state
8 and federal level as well as looking at funding
9 sources. The next meeting is next Thursday at Suffolk
10 County Community College in Selden at two o'clock.

11 The last effort we have on the task forces, we
12 are sponsoring Suffolk Uni fied Permi t Portal. It makes
13 a difference if this commission and county standards get
14 into the process earlier. That way we can have a bigger
15 impact and kind of express county values and concerns at
16 the early stages of the process. Of course, it will
17 also help increase clarity and predictability to the
18 application system. Mike Kelly is the point person on
19 the effort. Barbara Roberts is also involved.

20 The good news is the Town of Brookhaven, who
21 is here today, is really taking the lead. Commi ssi oner
22 Bertoli has some fantastic ideas about how to get this
23 moving. The Towns of Islip, Smithtwon, Southampton and
24 Riverhead also expressed interest in pushing this thing
25 forward. This is not going to happen overnight. It's

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1 10/6/10 Suffolk County Planning Commi ssi on
2 going to be a long process. The good news is we have
3 leadership in the towns. The county executive is fully
4 behind us and eager to get this thing moving. I expect
5 we will get the annual report of the commission out this
6 month.

7 The Long Island Index sent a survey to all
8 the town planning departments last week asking about
9 their process, how do you go through the process of each
10 town. Each town is different. They asked the chairs of
11 the Nassau and Suffolk commi ssi ons to sign letters about
12 that, which I did, encouraging the towns and villages to
13 participate so we can all learn about the different
14 processes in the towns.

15 We have two commi ttees that we need to appoint

16 next month, so I ask you to think about this. We need
17 three people on each committee. We need a nominating
18 and rules committee. Under county law, the committee
19 needs to report in January. Our January meeting is
20 nominating for officers for next year. The second
21 committee is the guidelines committee. It's been two
22 years since we issued our guidelines. It's been ten
23 years before that. We would like to try every two years
24 to try and refresh them. Sarah and Constantine led the
25 charge two years ago. We need a couple of people to go

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1 10/6/10 Suffolk County Planning Commission
2 through the guidelines and refresh on that.
3 Lastly, my annual presentation to the East End
4 Supervisors and Mayors Association is next week. I
5 appreciate the invitation from Supervisor Dougherty. I
6 had a great experience last year. Lastly, our meeting
7 next month, FYI, Babylon Town Hall. We go from one end
8 of the county to the other. Please make a note of that.

9 That is the Chair report. Anybody have any
10 questions? I will hand it over to Director Isles.

11 DIRECTOR ISLES: Thank you, Mr. Chairman. I
12 would like to begin by noting that in the Town of
13 Shelter Island, one of the functions of the County
14 Planning Department is to do open space planning and
15 farmland planning for the county, and work with the
16 Department of Energy and Environment very closely on
17 that. I have to say that in my time with the county,
18 Shelter Island has been a great partner throughout all
19 that time. Jim Dougherty is currently the supervisor,
20 but prior to that he served as a volunteer on the CPF
21 committee, open space committee. In every single one of
22 the dealings we also encountered problems, as is
23 typical, but we always found a way to get them done. The
24 cooperation and responsiveness of the town really makes
25 a difference.

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1 10/6/10 Suffolk County Planning Commission
2 This is one of the situations. Talk about the
3 sewer summit next week, Shelter Island has a critical
4 situation with groundwater. This is not a location that
5 has pipes and public water supply throughout. Most of
6 it is based on what is below your feet. It is critical,
7 in terms of public health and well-being and
8 preservation efforts that have occurred have been really
9 important to this county as well. Working with a great
10 partner, it's a great pleasure to be here today.

11 By way of update to the commission, one item I
12 would like to report on is the Sunrise Highway Corridor
13 Study, which has been almost as long running as Cats, I
14 think, in some way. It's an important study that began
15 back in 2007, directed by the county executive when he
16 was concerned about the fact that Sunrise Highway
17 extends through two towns. There is the border of
18 eleven communities, hamlets, that is ten percent of
19 Suffolk County population, and concerns in terms of the
20 integration of planning among the two towns, the county,
21 New York State Department of Transportation, and so we
22 had a very fruitful process of working with the Town of
23 Brookhaven, Town of Islip, Tullio Bertoli and his
24 department as well as Gene Murphy in Islip.

25 The issues weren't easy. I'm pleased to

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1 10/6/10 Suffolk County Planning Commission
2 report that after a lot of work, the report is ready for
3 release. It is an advisory document. The intent was to
4 get the partners together and also look at the big
5 picture as opposed to the fragments of Sunrise Highway
6 in terms of how it affects parts of communities, and
7 here again it's been looked at that way lots of times.
8 I would like to look at that as an example of
9 intermunicipal planning that can be facilitated with the
10 county and town planning process.

11 Next on the federation, to echo the Chair's
12 comments on that, that was the largest event we ever
13 held in the sense that we had ten training sessions,
14 then one mobile workshop, eleven sessions in total.
15 I'll also compliment the department on that. The report
16 that we printed was thirty-five thousand pages that we
17 ended up doing. It's a renewable resource. It's a lot
18 of work. We talked about otherwise that everybody can
19 turn up with their laptop and Wi Fi in. The purpose of
20 doing that was to show you the magnitude of the work
21 that goes into doing it. We appreciate the Commission's
22 efforts in setting that up and definitely your support
23 in the moderating and participating in the panel, we
24 appreciate that very much.

25 More to some specific items to update you on.

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1 10/6/10 Suffolk County Planning Commission
2 In Yaphank, in the Town of Brookhaven, the proposal to
3 declare surplus certain county lands, of course, is in a
4 SEQRA process. Just to report to you that the Council
5 on Environmental Quality, after review of over six
6 months, a public hearing was held in March. CEQ has
7 recommended approval of the final scope for that
8 project. It was presented to the environment, planning
9 and agriculture committee on Monday, and they also
10 recommended it. It will now be instituted as
11 legislation. That will be considered by the full
12 legislature in November. That will then lead to the
13 preparation of a Draft Environmental Impact Statement
14 going into the winter months.

15 Next, another project we have been working on
16 for a long time, about two and a half years, is Chapter
17 8 amending the county's farmland program. That was
18 considered by the legislature in September and approved.
19 It's extremely important in terms of the county's
20 farmland program. It's a total update and improvement
21 of that code, done with a lot of stakeholder input. So,
22 we are pleased that it was finally adopted. We are
23 pleased with the participation of all the involved
24 parties, and here again, it will help the administration
25 and implementation of that program going forward.

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1 10/6/10 Suffolk County Planning Commission
2 In addition, the legislature also approved the
3 additions to the agriculture district. Six hundred
4 seven new acres were added to the agriculture district's
5 program; another seventeen hundred acres were
6 recertified. About twenty-seven thousand acres in the
7 agriculture districts. That provides a number of
8 benefits to help continue farming in Suffolk County.

9 Aquaculture, two points I want to mention to
10 you at this time. That program was adopted by the
11 Suffolk County Legislature last year after quite a bit

12 of staff work to put that together. Cycle 1 on the
13 lease program has been essentially completed, and Cycle
14 2 is beginning with the public hearing next week. So
15 the program is moving along in a steady and fruitful
16 manner.

17 One point I want to mention to you is that the
18 county has a program to authorize leasing for underwater
19 lands for marine farming, sustainable farming on a very
20 small basis. We are facing very stiff resistance and
21 opposition from DEC. The individual tenants have to now
22 seek permits. Obviously, DEC has a right to their
23 jurisdiction. We believe that it's really fundamentally
24 threatening to the ability of this program to move
25 forward. We are going to continue to have engaged

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1 10/6/10 Suffolk County Planning Commission
2 conversations with DEC and other parties. We hope that,
3 here again, this is not a detriment of the program
4 overall given that the state legislature declared its
5 intent to support aquaculture in 2004 and the Suffolk
6 County Legislature unaniously adopted the program in
7 2009. We hope we have inter-agency cooperation
8 throughout.

9 THE CHAIRMAN: Is that something that you
10 wanted us to weigh in on? We discussed that program
11 and its importance for the East End and for making our
12 waterways economically viable and restoring the seabed.
13 If there is something that you want us to do, we can
14 talk about that next month.

15 COMMISSIONER ROBERTS: When and where is the
16 public hearing?

17 DIRECTOR ISLES: Next Wednesday evening, six
18 p.m. in the media center in the Dennis building.
19 This is Cycle 2 that involves grant lands and the
20 Peconic Bay system. We have received thirteen
21 applications to enable the holders of grants who
22 currently do oysters, to do other species. That is what
23 they're requesting at this point.

24 Two other quick items. The Long Island Index,
25 which you mentioned earlier, did release a report last

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1 10/6/10 Suffolk County Planning Commission
2 week. Commission Secretary Esposito requested a
3 presentation by the Long Island Index and Trust for
4 Public Land on the content of that report. What the
5 report -- and we will furnish you with copies of it --
6 it talks about open space and the value of open space.
7 This report talks about value of every open space to the
8 tune of about two point seven billion dollars a year.
9 This is something we think is important to share with
10 the Commission. We will provide copies of the reports
11 at the next meeting in Babylon.

12 THE CHAIRMAN: We will get a briefing in
13 Babylon also.

14 DIRECTOR ISLES: The county executive
15 submitted his budget to the legislature, including the
16 department's budget. It's essentially intact in terms
17 of what I submitted to the county executive for
18 consideration. We are remaining status quo in terms of
19 our funding and positions. In terms of the recent
20 retirements, we are seeking to do restoration of some
21 positions, we are down twenty-eight percent right now in
22 staffing with those circumstances happening.

23 Essentially in terms of funding levels, they're
24 essentially on target.
25 I do notice that County Executive Mangano is

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1 10/6/10 Suffolk County Planning Commission
2 proposing putting Planning into Public Works. I'm glad
3 we're not faced with that situation. They're faced with
4 consolidation issues, budget issues, which I understand.
5 I appreciate the county executive supporting an
6 independent Department of Planning and there is no
7 question of that in this budget.

8 THE CHAIRMAN: As do we. Comments,
9 questions?

10 COMMISSIONER TALDONE: Quick question, what
11 is the surplus property that the county was in the
12 process of declaring?

13 DIRECTOR ISLES: This is the property in
14 Yaphank that the county executive has discussed and
15 proposed to the legislature. About nine hundred acres;
16 he's seeking to surplus two hundred fifty acres in that
17 proposal.

18 THE CHAIRMAN: Anything else about the
19 director's report? We will move onto the next item.
20 It's wonderful to be here on Shelter Island. I've
21 gotten to know Supervisor Jim Dougherty in the last two
22 years. He's now in his second term. He's been a great
23 partner. I appreciate his leadership and appreciate you
24 having us. I'll turn over the floor over to you to talk
25 about Shelter Island.

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1 10/6/10 Suffolk County Planning Commission

2 SUPERVISOR DAUGHERTY: Thank you very much.
3 We are absolutely delighted and honored to welcome you
4 and host you folks here. We are proud to do it. You're
5 an outstanding body. We get regular reports from our
6 representative, Linda Holmes, and we are very
7 impressed. There is a high energy level in this room
8 and I see every seat is taken.

9 Volunteers are a big essential component of
10 Shelter Island life and I'm glad to see it's present at
11 the county level, so I salute you. I see you have a
12 very busy agenda.

13 Couple of items going forward. I'm delighted
14 Linda took you on the tour of Sylvester Manor, that is
15 our crown jewel on Shelter Island, two hundred
16 forty-three acres right in the middle of our island,
17 right over our aquifer. The original settlers came, I
18 think it's 1652.

19 COMMISSIONER HOLMES: Right.

20 SUPERVISOR DAUGHERTY: The original family
21 came, the Sylvester family; they're still here. They
22 want to return -- the current Sylvestors want to return
23 the manor to agricultural uses. We are so delighted and
24 honored to have a wonderful partner in Tom Isles in
25 Suffolk County to give the wherewithal to the owners to

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1 10/6/10 Suffolk County Planning Commission
2 give them buying rights and preserve our aquifer and
3 moderate development and all that.

4 I might mention that we have a four poster
5 program to eradicate Lyme disease that is in its final
6 year, Cornell Cooperative Extension and DEC are working
7 with it. I won't bore you what a four poster is. It's

8 about the size of this table, a very ugly thing, where
9 we persuade deer to eat corn and there are some rollers,
10 we put some insecticide on them and they eat it and it
11 kills ticks. It's been an outstanding success. That
12 may have been of interest to you folks in the rest of
13 the county. Lyme disease has been a real scourge on
14 Shelter Island and the incidents of ticks and disease
15 are down sharply, so the four poster program does work.
16 Its third and final year is up December 15th and we will
17 pick up the stations and put them in a warehouse
18 somewhere.

19 I thought I would let you know a few things.
20 I'm eternally grateful on a personal level to you
21 people. The first time I ran for office, I had a very
22 worthy opponent and we had a big debate over at the high
23 school. We are a small community and everyone comes and
24 that's where they decide who to vote for. She stood up
25 and said ticks, taxes and the aquifer. It looked like I

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2 lost the election. In three words she hit it. I told
3 you about the aquifer, I told you about ticks.
4 On taxes, I'm eternally grateful to you
5 people. We had almost an all day session yesterday in
6 this room on the budget for 2011; we will have an all
7 day session from nine to four or five tomorrow in this
8 room. I had to announce yesterday at the end of the
9 session, reluctantly, with deep regret I had to postpone
10 today's meeting.

11 I can't tell you, I feel thirty years younger,
12 I had an old buddy, Dale Bumpers, he got out of the
13 Senate about eight or nine years ago. He used to say to
14 me around this time, tax and budget time, everybody
15 wants to go to heaven, but nobody wants to die.
16 Everybody wants more services, how do you pay for it.

17 Anyway, thank you on a personal level; I'm
18 grateful. Most of all, we are very impressed with you
19 guys. We get wonderful reports from Linda and we're
20 delighted to host you today. Don't hesitate to call me.
21 I know you speak with Linda all the time. I'd be happy
22 to work with you on a closer basis.

23 COMMISSIONER HOLMES: The other reason Jim is
24 so happy we are here because it is the first time on
25 Shelter Island, this will be the only time his

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2 commissioner doesn't put in a voucher for mileage.

3 THE CHAIRMAN: Sean McClain from the Chamber
4 of Commerce, I don't know if you want to say a word or
5 two.

6 SUPERVISOR DOUGHERTY: No thank you. I know
7 many of you on the board. Jim pretty much summed it
8 up. We appreciate your work. If there is any kind of
9 programs that you are looking to implement county-wide,
10 that type of thing, the Chamber would be more than happy
11 to talk about participating.

12 COMMISSIONER HOLMES: One more thing, while
13 Jim is here, maybe he can explain to the Commission why
14 the Town of Shelter Island doesn't feel it can
15 participate in the intermunicipal agreement. We did
16 discuss it. I believe it was the town attorney who
17 first pointed out that because Shelter Island doesn't
18 have a planning department, the planning board would, in

19 their view, not have the expertise to know what to send
20 to the county and what not. Do you want to enlarge on
21 that?

22 MR. McCLANE: It's not an unwillingness to
23 work, it's one of the wrinkles of being a very tiny town
24 with a small infrastructure.

25 COMMISSIONER HOLMES: We have our planning

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2 board chairman, Paul Mobius. I think Laurie mentioned
3 the few projects that come through the planning board
4 where you even have to consider sending them to the
5 county commission.

6 MR. MOBIUS: Actually, it's less and less
7 these days. As a matter of fact, we have fewer
8 subdivision lot line changes than we had in the past.
9 It's decreasing as we speak. That is the situation
10 here.

11 THE CHAIRMAN: We have seen that across the
12 Island. I think we had twenty-five hundred referrals
13 three years ago. It's down significantly. Obviously,
14 the economy is taking its toll. That will change. Some
15 of the intermunicipal agreements that we put in place
16 with some of the larger towns help our staff look at the
17 bigger issues so we can use our time wisely and taxpayer
18 money wisely on bigger issues.

19 MR. MOBIUS: Also, we don't have adjoining
20 boarders with any other town.

21 THE CHAIRMAN: Thank you, Mr. Mobius, for
22 being here. The public portion, we have Commissioner
23 Bertoli to talk here for a few minutes about the Blight
24 to Light effort. When we were in Brookhaven Town Hall,
25 Supervisor Lesko showed us the video. Thank you for

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2 taking the ride out to Shelter Island. If nothing else,
3 this is one of the most beautiful corners of the county
4 to come to.

5 DIRECTOR BERTOLI: Tom, Planning is going
6 into Public Works in Nassau County, not the other way
7 around. I'm happy to be out here. I wanted to explain
8 a little bit about the Blight to Light initiative. The
9 Blight to Light code started in the front part of the
10 year when Mark called me upstairs, along with Jim Margo
11 and Paul Pontieri, and indicated that he wanted to
12 create some type of code ordinance. Took a lot of the
13 properties that we have across our township that had
14 been in disrepair, blight is the term that you might
15 want to use, and kind of craft a code that creates
16 initiatives for developers to come in.

17 So we all looked at the problem townwide, and
18 I can honestly say when I was in architecture school, we
19 had this little game in a boring class. Each of us
20 would be allowed to draw five lines and we gave it to
21 our classmate and it went around two or three times.
22 The idea was to come up with a design in a collaborative
23 sense a design that meant something.

24 That is what this code is. It started in
25 Planning, went up to Economic Development, went up to

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2 Law and went up to Tom Isles. What you see today, I
3 believe, is the culmination of a very thoughtful and

4 creative process that deals with the issue of blight. I
5 know it's something that Mark feels strongly as being
6 one of a number of initiatives that he is concerned
7 about getting through.

8 I think also the whole notion of blight, which
9 as the study tries to talk about, is to get flexibility
10 to the designers who take a parcel. We threw in a
11 component based upon the LEEDS criteria where there is a
12 series of tiers. There are certain things granted to
13 developers. If you have so many points, we used that
14 concept. More importantly, what it tries to do is give
15 flexibility to developers to come in, rearrange some of
16 the components, fast track some of the process, allows
17 you go to the planning board for administrative review.
18 It's kind of a jump start. Jeff Kasner is a project
19 manager. He can talk a little more about details. I
20 have Annette (inaudible) from the Law Department and
21 Inez Birbiglia, who gave me a crib sheet of notes before
22 that I was supposed to talk about.

23 MR. KASNER: What we looked at was blight as
24 an opportunity, to a certain extent. We realized that
25 market forces were not enough in many cases to stimulate

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2 the development of the blighted properties. When we
3 crafted the study from which the code came from, our
4 goal was to stimulate redevelopment and find out how the
5 properties that have been vacant for many years can be
6 redeveloped. We wanted to create volume quality
7 development to change the fabric of land use in a
8 positive way, particularly since a lot of the blighted
9 properties are in critical areas, in downtowns where we
10 wanted to try and advance our planning goals and foster
11 development that we need as we go forward.

12 So the heart of our initiative is really what
13 we call the four blight packages. Each one of the
14 packages offers different levels or types of initiatives
15 that will encourage development of the properties, so we
16 create these different levels. And we are going to rely
17 upon the property owners or applicants to come up with
18 different ways that they can achieve these different
19 packages.

20 In order to qualify for a particular package,
21 we came up with three different criteria, if you will.
22 One is the severity of the blight, and in the severity
23 of the blight we have a number of characteristics to
24 which we assign points because we wanted to be able to
25 target the properties that had the most severe blight.

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2 The second thing is realize is that location does
3 matter. We came up with a point system that will award
4 points based on where you are. Certain locations we
5 really want to encourage development more than, say,
6 others. The third thing we wanted to do, make sure that
7 the town and community got something back out of it. So
8 we came up with something known as redevelopment
9 benefits. This is a scoring system where you get points
10 for the number of jobs that you create, different types
11 of development.

12 By adding up the point score, severity of
13 blight, location characteristics and the benefits that
14 you're going to provide, that will give you the package

15 that you can qualify for. Again, the more points you
16 get, the more beneficial the initiative and project
17 that you can develop.

18 DIRECTOR BERTOLI: Bear in mind this is a
19 very progressive code. Someone said I've never seen a
20 code like this anywhere. I said that is exactly the
21 point. It's crafted much the same way that an architect
22 creates a particular design. It comes out of the
23 particular area, deals with the regional problems, and
24 so what we wanted to engage in today is questions or
25 concerns that you may have as you review this particular

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2 ordinance.

3 THE CHAIRMAN: Any comments or questions?

4 COMMISSIONER CHARTRAND: What is the
5 incentive, tax incentives, total incentive package?

6 DIRECTOR BERTOLI: You mean the various
7 levels?

8 COMMISSIONER CHARTRAND: Yes.

9 ASS'T TOWN ATTORNEY: It's not really tax
10 incentives. They would have to apply to be eligible
11 under the development agency's criteria. It mentions it
12 in the top. We plan to work hand in hand, and they have
13 been involved in the process. It wouldn't be tax
14 incentives as part of the guarantee. Some of the
15 projects will qualify with the IDA who can now do
16 residential development at this time.

17 MR. KASNER: For example, reduced building
18 development fees. Again, as a way of the creating
19 quality development. We want to fast track all the
20 proposals through the system, and then we also have
21 different ways that you can develop a project on a site
22 in different ways, so that you can have more
23 opportunity, if you will.

24 DIRECTOR BERTOLI: I think we heard, for
25 example, from the building committee, we always have

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2 problems getting approvals through the town board. No
3 surprise. When we crafted the ordinance, first it was
4 they said perhaps it should be me administratively. I
5 said I didn't think one person should have so much
6 power. We looked at the planning board as
7 administrator. We looked for things kind of out of the
8 box.

9 When Mark asked me to become planning
10 commissioner, he said, "I want you to think out of the
11 box," and coming from the private sector, I was never in
12 a box to begin with.

13 COMMISSIONER KONTOKOSTA: Is this commercial
14 and industrial or residential?

15 MR. KASNER: Commercial and industrial.

16 COMMISSIONER KONTOKOSTA: The LEEDS systems,
17 are you encouraging the reuse of existing buildings?

18 DIRECTOR BERTOLI: I'm big on LEEDS. I have
19 LEEDS certifications myself. A lot of my staff is
20 getting certified. I believe that is the wave in the
21 future. Even in normal site plan approvals, I'm
22 always looking at bioswales. I think it's fabulous.
23 You know, there are really different levels of LEEDS.
24 That is something that runs up our avenue.

25 We are looking at a LEEDS ordinance down the

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2 road as well. Not to the degree that they have but
3 looking for LEEDS criteria, that will be a separate
4 issue.

5 COMMISSIONER McADAM: Are you talking about
6 any particular area in Brookhaven, a weighted area?

7 MR. KASNER: We have identified a number of
8 locations that are priorities for us. We also believe,
9 with the system that we set up, where you can sort of
10 write our own property, this will encourage people that
11 have blighted properties to come to us and get a score
12 from us and develop an individual initiative. There are
13 some properties identified as monuments of blight. It's
14 going to be driven largely by the individual property
15 owners to see how they can develop their particular
16 property in a way that meets their particular needs and
17 providing they give certain things back to us in terms
18 of the benefit package.

19 COMMISSIONER McADAM: Are you going to
20 encourage neighborhoods to do this? You're saying
21 individual property owners. Are you looking for a
22 particular five or six acre area?

23 MR. KASNER: It's really going to be up to
24 the individual property owners to see whether or not
25 they want to take advantage of this particular program.

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2 COMMISSIONER FINN: Roughly how many parcels
3 are you talking about?

4 MR. KASNER: We have identified ten parcels
5 right now, but we know that there are a lot more parcels
6 out there. The way we structured it, we believe that
7 individual properties owners, once the code is adopted,
8 will look at their property and say I can get this
9 number of points based on the severity of the blight and
10 where it's located. I can get this number of points as
11 an incentive. We are hoping it's more market driven
12 rather than the town and we are just creating an
13 opportunity for them.

14 COMMISSIONER FINN: Is there any kind of
15 political will to create the zoning first and then the
16 developer will understand the end game before he starts
17 the process. Rather than go through the process and get
18 to zoning and then go back to step one.

19 ASS'T TOWN ATTORNEY: The way this code is
20 crafted, and the other amendments to Chapter 85, by
21 coming in with a blight application, appearing before
22 the planning board and being determined this property is
23 blighted and has a certain score, they will get other
24 uses, so they would not have to go through the zoning
25 process. They will not have to go through the change of

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2 zone because we allowed them in the zoning corridors if
3 your property is deemed blighted by special permit of
4 the planning board. That can be in some of these
5 projects.

6 COMMISSIONER KELLY: The preference is
7 commercial to commercial.

8 ASS'T TOWN ATTORNEY: There can be multi-use.
9 If you reach a very high number of points. So the worst
10 properties, the ones we want to see redeveloped the

11 quickest will get higher scores and they will get a
12 mixed use.

13 COMMISSIONER LANSDALE: The town has a long
14 tradition of community based planning. I'm excited that
15 this is the next step towards implementing the plans.
16 Has there been any thought to giving priority or
17 preference to reuse of properties, and that end of
18 reuse, rather if the community identified that they want
19 X use on X site and the person comes in, the applicant
20 comes in and says I want to build what the community
21 said they want, is there a preference given to that?

22 MR. KASNER: Yes, they will be given
23 additional points. We are going to encourage adaptive
24 reuse of the buildings. They will get points for that.
25 If they have gone out and done public outreach, they

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2 will get points for that. If it's consistent with a
3 hamlet plan, vision plan, they will get points for
4 that.

5 THE CHAIRMAN: The county has worked with the
6 town on developing this. Any further questions for the
7 Town of Brookhaven at this point? Seeing none, thank
8 you. We look forward to hearing the application. We
9 will close the public session and go on to the
10 administrative agenda. The first item is the Town of
11 Brookhaven application for an amendment to Chapter 85
12 for the proposed Redevelopment Incentive Overlay
13 District.

14 MR. FRELENG: Thank you, Mr. Chairman,
15 members of the commission. As noted, the first
16 regulatory referral from the Town of Brookhaven is the
17 amendment to Chapter 85, Redevelopment Overlay District.
18 Jurisdiction for the Commission is that this is
19 considered a code amendment. The application on the
20 town board's own motion for an amendment to the town
21 zoning law Chapter 85 to add a new section called
22 Redevelopment Overlay District, and further amendments
23 to Chapter 85 related to commercial J2, J4, J8 and L1
24 zoning districts to facilitate the redevelopment of,
25 quote, blighted properties.

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2 It's the purpose of the proposed zoning
3 overlay district to implement and achieve the objective
4 of the town board by providing clear guidance and
5 incentive to accomplish numerous objectives. Staff
6 outlined from the report eleven objectives. I don't
7 think you wanted me to go through them. The
8 redevelopment overlay is supported by a report entitled
9 Blight to Light. This was issued as a draft September
10 28, 2010. I believe it's close to being finalized.

11 The designation of Redevelopment Overlay
12 District apply to properties that meet one or more of
13 the following requirements; there are eight requirements
14 listed. I don't believe you need me to go through
15 those. It's an incentive based ordinance where
16 incentives are based on a point system related to the
17 severity of the existing blight and potential. Those
18 incentives include five years, three years, and the
19 ability to use J6 permitted uses on the site.

20 The petition is not considered a change of
21 zone petition, not change of use, but rather a site plan

22 application. That addresses some of the commission
23 comments. It's the belief of the staff that the
24 proposed amendment is generally acceptable and a
25 positive step towards the adaptive reuse of

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2 underutilized buildings and properties. Some discussion
3 by the Department of Planning staff considered the
4 possibility that there may be an over supply of retail
5 in Brookhaven compared to Suffolk County's average, and
6 that may be a contributing factor to underutilized
7 commercial properties. Staff also discussed that the
8 ordinance may have a potential to reward bad behavior by
9 property owners, but recognized the inclusion in the
10 ordinance of required findings by the planning board in
11 awarding the designation that such was not the case.
12 Staff also discussed the commission policy that the
13 intensification of property should be tied to the
14 preservation of non-contiguous land, but recognized that
15 the imposition of that policy may undermine the
16 incentives. Staff remains concerned regarding the
17 mechanism of application of the Redevelopment Overlay
18 District to individual properties and believes that
19 application of the zoning designation may require an act
20 of the town board. The town should further investigate
21 the ability of the planning board to apply the overlay
22 district to individual properties. It should be noted
23 that the development of any property after application
24 of the Redevelopment Overlay District will require site
25 plan approval by the planning board and will be

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2 subjected to the requirements of the General Municipal
3 Law Section 239 and the Suffolk County Administration
4 Code, Article XIV. As you know, the commission reserves
5 the right to review any site specific referral under the
6 Suffolk County Administrative Code and Suffolk County
7 Planning Commission Guidebook.

8 With the above in mind, staff is recommending
9 an approval with the two comments. First being it is
10 the belief of the commission that the proposed matter is
11 generally acceptable and a positive step towards the
12 adaptive reuse of underutilized buildings and
13 properties, and that second comment would be, without
14 rereading, that the town should be aware that the
15 applications would be further subject to site plan
16 review and referral to the commission, and the
17 commission reserves the right to comment on those in the
18 future. That is the staff report.

19 THE CHAIRMAN: This is a Town of Brookhaven
20 matter. Commissioner Kelly, any thoughts or comments?

21 COMMISSIONER KELLY: Tullio and Jeffrey
22 worked very hard on this. I know Supervisor Lesko
23 spearheaded this effort. On the way out, I was driving
24 on Sunrise Highway and going through the Bellport area,
25 and you look at the Bellport Center; that is totally

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2 boarded up. You look at this incentive program that
3 can hopefully kick start in some way shape or form. It
4 provides an incentive for a developer to get in there.
5 It provides a certainty of some type of expedited
6 process to hopefully not allow that blight to sit for

7 too long.

8 I commend the town for pushing this forward
9 and think it's a great plan. Congratulations.

10 THE CHAIRMAN: I know Commissioner Lansdale,
11 her organization has been leaders in the county in terms
12 of talking about reuse of properties that have gone
13 wrong I think that would be consistent on that.

14 Is there anything that you would like to add
15 to that?

16 COMMISSIONER LANSDALE: Thank you. We are
17 excited about the initiative by Supervisor Lesko and
18 Tullio. Thank you.

19 COMMISSIONER TALDONE: Two quick questions,
20 one comment in the question. How does the code provide
21 the floor area bonus; is there a certain number of
22 points that one attains in order to get an increased
23 yield of X? Is that something a developer can see and
24 answer?

25 MR. FRELENG: The way we understand the

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2 ordinance is there are several levels of bonuses, if you
3 will, depending on the severity of the blight. I cannot
4 recall off the top of my head the floor area of the
5 bonus, it's ten percent, depending on the category that
6 the revitalized property is falling into.

7 COMMISSIONER TALDONE: The category and has
8 to reach a certain level in order to qualify for --

9 MR. FRELENG: The ten percent.

10 COMMISSIONER TALDONE: The developer can come
11 in early and look at the property and have an idea, or
12 put together a plan on how to achieve that potential.
13 The other concern is how one protects the community in
14 the future from self-imposed hardships. The buildings
15 are out there and decayed. Five or seven years from
16 now, other sites could become decayed intentionally to
17 rev up the point count.

18 MR. FRELENG: Staff discussed that. There is
19 a clause in the ordinance that makes the planning board
20 have findings that it wasn't self-created or
21 self-imposed hardship.

22 COMMISSIONER TALDONE: Thank you.
23 Excellent.

24 COMMISSIONER KELLY: Make a motion to
25 accept.

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2 THE CHAIRMAN: Let me just say one thing. We
3 talked about -- Diana Weir was talking about this on
4 the bus tour, the notion of broken windows and the
5 impact that blight can bring down a whole community. It
6 starts with one property and spreads. This is kind of
7 the reverse of that. To put a shining light in a
8 community that is beaten down can hopefully start an
9 upward spiral.

10 COMMISSIONER McADAM: I'm not quite sure if
11 this falls in the plan. If I'm a property owner and I
12 have a blighted property and all I want to do is level
13 it, bring the property back to its virgin soil, is there
14 any incentive to do that, or any tax incentives? I'm
15 not sure if Andy can answer that or if the town is
16 permitted to answer that.

17 MR. FRELENG: Staff would rather defer to the

18 town for that fact based answer.
 19 THE CHAIRMAN: Without objection, if the town
 20 has a quick answer to the question.
 21 MR. KASNER: The point is we want to
 22 encourage readoption, so the way that you can redevelop
 23 it is come into a proposal to that. We encourage that
 24 because eliminating eyesores is a good thing. We want
 25 to go beyond that.

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 2 COMMISSIONER McADAM: Not so much more the
 3 code but I guess it was a general question. If you
 4 wanted to eliminate blight, is there any other town
 5 program or incentive in the town that would encourage
 6 people to do that, not necessarily this program. If you
 7 know about it.
 8 DIRECTOR BERTOLI: To raze the property?
 9 COMMISSIONER KELLY: I think an answer would
 10 be would be if you raze your property, you would be
 11 taxed on vacant land at that point on reassessment.
 12 THE CHAIRMAN: I don't think we need to beat
 13 that point to death. That makes sense. Any other
 14 comments or questions?
 15 COMMISSIONER TALDONE: I know in Riverhead
 16 all one needs to do is board up the building to get your
 17 taxes reduced to vacant land. So I think part of the
 18 intention being, if they remove that blighted building
 19 that is not suitable for reuse, do they get any special
 20 support from the town to do that.
 21 THE CHAIRMAN: Mr. Freleng.
 22 MR. FRELENG: The way the code is set up, an
 23 applicant makes an application to the zoning board for a
 24 piece of property. I don't believe that the ordinance
 25 gives an incentive to raze the property. I think it

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 2 gives them an incentive to deem unavailable blight on
 3 the property and move ahead with the development plan.
 4 THE CHAIRMAN: It's interesting that
 5 Riverhead gives points for boarding up a building.
 6 Motion by Commissioner Kelly to approve the staff report
 7 for approval with two comments, second by Commissioner
 8 Holmes. All in favor, raise your hand. (Show of
 9 hands) Eleven to none.
 10 MR. FRELENG: Pinnacle Hotels, LLC. The
 11 jurisdiction for the commission is that the subject
 12 application is adjacent to New York State Route 495,
 13 otherwise known as the Long Island Expressway.
 14 Applicants seeking town planning board site plan
 15 approval for construction of two hundred seventeen
 16 thousand, one hundred twenty-five square foot two
 17 hundred room, seven story hotel, including a pool, one
 18 hundred twenty seat restaurant, sixty-seven seat
 19 occupant bar, meeting rooms and convention banquet
 20 space.
 21 Application of the Town of Brookhaven zoning
 22 law parking schedule to require the provision of four
 23 hundred twenty-one off street parking stalls. Two
 24 hundred fifty are proposed; of that, eighteen are land
 25 banked. An approximately forty percent -- that can't be

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 2 right. An approximate forty percent variance from the

parking.

The applicant is also requesting and has received from the Brookhaven Zoning Board of Appeals, a height variance. In addition, the application proposed buffers of fifty-three, forty and thirty-eight feet where one hundred feet is required, and has received a variance from the ZBA for same.

The subject parcel is located on the northeast corner of Roned Road, which is a town road, and Natcon Drive, which is also a town road in the Hamlet of East Yaphank. The subject property borders on the Long Island Expressway to the north. Review of the character of land use and zone in the area indicates that the subject property is located in the L1 zoning district. Let's go over to the zoning map. This is the subject property. There is the L1 zoning district to the north opposite to the Long Island Expressway. South of the central industrial park is A1 industrial zoning.

THE CHAIRMAN: If this looks familiar, we have seen this three times now.

MR. FRELENG: With regard to environmental conditions on the site, the site is located in the Suffolk New York State special groundwater protection

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10/6/10 Suffolk County Planning Commission area. The site is located in the compatible growth area Central Suffolk Pine Barrens Zone. The staff analysis reveals that the application has been heard by the Suffolk County Planning Commission twice before.

On August 5, 2009, approval to J Business 8 District to allow the proposal to proceed. The Suffolk County Planning Commission conditionally approved the referral. The Town of Brookhaven subsequently overrode each of the conditions of the planning commission and approved the change of zone petition. On June 2, 2010 the commission received and heard a referral from the Board of Zoning Appeals for a variance to approve the height of the hotel from four to seven stories. While one of the conditions was that the height of the hotel shall be limited to no more than fifty feet, the Planning Commission was unable to render a determination and returned the matter back to Brookhaven Town as a non-action.

The matter before the Planning Commission today is for site plan approval. It has consistently been the belief of the staff that the requested site plan results in an over-intensification of the use. The staff has also agreed with the concept that a hotel would be compatible use in the Light Industrial Zone.

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10/6/10 Suffolk County Planning Commission In order to achieve the proposed intensity on the site, the applicant requests a number of variances, the sum of which the proposed use is approaching an over-intensification of the property.

Application as proposed would require a height variance of fifty-eight percent. As indicated above, the Town of Brookhaven Board of Zoning Appeals has granted the requested relief.

The proposal also requires parking placement and parking stall quantity variances. This variance can be issued by the planning board and is still the subject of the Suffolk Count Planning Commission review. The

14 applicant has submitted a shared parking analysis,
15 indicating that the proposed parking supply will be able
16 to accommodate the parking demand associated with the
17 establishment. The applicant utilized the Institute of
18 Transportation Engineers Parking Generation database and
19 Urban Institute Shared Parking Manual. The applicant
20 put forth, as stated in the Transportation and Land
21 Development Manual, the recommended parking supply for
22 the hotel with convention space is one point two stalls
23 per room, or two hundred forty stalls, which is less
24 than the proposed supply.

25 In addition to the two hundred fifty-four

0047

1 10/6/10 Suffolk County Planning Commission
2 stalls proposed, it's proposed that during special
3 events, that valet parking service would be provided to
4 maximize the parking supply on site. In addition, a
5 local bus shuttle service would be provided.
6 Furthermore, the applicant proposes an off site
7 arrangement with Biodex Systems for an area of their
8 property for potential additional demand associated with
9 the hotel. It is the applicant's contention that the
10 utilization of shared parking principals, parking
11 optimization practices such as the valet parking and the
12 provision of off site surplus parking fields
13 accomplishes the goal of accommodating the peak parking
14 demand without impacting the circulation patterns of the
15 adjacent roadway.

16 It is the belief of staff that may be the
17 case. However, the proposal cannot be validated.
18 Moreover, a valet parking plan was not submitted with
19 the referral. Local shuttle and bus services is not
20 further discussed, and there is no known county transit
21 route to the area. The closest route is Suffolk County
22 Route 7D on Moriches Road. The proposed layout of the
23 hotel complex does not include emergency vehicle access,
24 nor does it include motor vehicle or pedestrian cross
25 easements to adjacent property. Pedestrian access

0048

1 10/6/10 Suffolk County Planning Commission
2 should be established to the properties adjacent and to
3 the east and west of the subject site for future
4 connection should the adjacent sites come under come
5 under site plan review. Moreover, the applicant should
6 be required to consult with Suffolk County Transit for
7 the possibility of a bus turn off at the location of the
8 site in the future.

9 There is no indication in the submitted
10 materials that the proposed project has been designed
11 with energy efficiency or public safety in mind. The
12 applicant should be directed to consult the Commission
13 guidelines on energy efficiency and public
14 safety. Staff is recommending approval with the
15 following conditions:

16 The first condition relates to the provision
17 of a valet parking plan. The paragraph which follows is
18 an excerpt from the staff report. Condition Number 2,
19 pedestrian and motor vehicle cross access should be
20 established to the property adjacent and to the east of
21 the subject site, and three, that the applicant shall be
22 directed to consult the Suffolk County Commission
23 guidelines on public safety.

24 THE CHAIRMAN: Thank you, Andy. Just to cut

25 to the chase, we have been through the other issues with
0049

1 10/6/10 Suffolk County Planning Commission
2 height. The town noted the change in zone. We are
3 focusing on the parking issues as issued by the
4 Institute of Public Safety. That is something we put in
5 the vast number of applications that come before us. The
6 Main issue is the parking and access issue. Let's keep
7 the discussion on that. It's a Brookhaven project.
8 Commissioner Kelly.

9 COMMISSIONER KELLY: The question is
10 regarding the sufficiency of parking on a day-to-day
11 basis, but there is a need for valet parking only for
12 special events. Is that how the valet parking plan
13 should be worded, it's only for special events?

14 MR. FRELENG: There is a deficiency foreseen
15 for the overall parking. As backup for that argument,
16 they're supposed to be providing a valet parking plan as
17 well as an agreement with Bi odex.

18 COMMISSIONER KELLY: It's not just special
19 events, it's day-to-day operations?

20 MR. FRELENG: We believe so.

21 COMMISSIONER ROBERTS: Which of the buildings
22 is Bi odex?

23 MR. FRELENG: Take a look at the air photo.
24 I believe it's this site here across the street.

25 THE CHAIRMAN: With regard to the cross

0050

1 10/6/10 Suffolk County Planning Commission
2 access, you're talking about the properties on the other
3 side.

4 MR. FRELENG: There is the site here.

5 COMMISSIONER TALDONE: I understand that;
6 we're not considering the height. I would just comment
7 from the last review, I think the height is outrageous,
8 particularly in that location as we enter the Pine
9 Barrens. Everyone knows when you drive along the
10 Expressway you notice you have reached the East End.
11 When you get to it now, there will be a huge hotel that
12 looks like you're in Melville.

13 My question is, how did we end up with
14 approval with this kind of project that requires a forty
15 percent variance for parking, not in any way reduced by
16 the availability of public transit, because in fact,
17 there is no public transit, so one must rely on
18 automobiles. An over-intensification of the use. A
19 whole number of comments.

20 The staff report seemed to indicate that there
21 is an improper use of this property, yet the
22 recommendation is for approval. Maybe this is just my
23 comment. It really isn't anything you need to say
24 unless you would like to, but I don't understand the
25 recommendation for approval considering all the

0051

1 10/6/10 Suffolk County Planning Commission
2 negatives. This is an underutilized light industrial
3 park which could be utilized for industry, but the
4 developer has selected a major hotel here. It's not a
5 suitable location from your perspective, based on your
6 comments in the report, as well as requiring all these
7 variances from normal building code and Suffolk
8 requirements of the town.

9 I don't know how this is an approval. I'll

10 Leave it with you if you would like to comment on that.
11 You can or not.

12 MR. FRELENG: Staff notes the comments of
13 Commissioner Taldone. This is the third time the
14 application has been before the Commission. The Town of
15 Brookhaven, as indicated, overrode the determination of
16 the Commission the first time. The zoning board of
17 appeals granted the height variance, so really the
18 issue, only issue left was how to deal with the
19 parking. Staff believes that should, notwithstanding
20 our other issues. should a valet parking plan be
21 submitted and accepted by the town if they can handle
22 the parking that would be off site that the parking
23 issues could be addressed. At this point if all the
24 other issues were still open staff would agree with this
25 commission member, but at this point staff is looking to

0052

1 10/6/10 Suffolk County Planning Commission
2 see how the plan would work. The staff would work with
3 those mitigations offered by the applicant.

4 THE CHAIRMAN: Let me make make one
5 comment. That is, I don't know that we should say that
6 we should require them to provide valet parking or
7 provide proper parking mitigation, which could include
8 that valet parking plan. I don't know if we want to
9 have one condition specifically on just a valet parking
10 plan or shuttle service or some combination.

11 MR. FRELENG: My comment to that is that the
12 applicant offered the valet parking plan. He offered
13 that as a mitigation.

14 THE CHAIRMAN: As well as some other
15 things.

16 MR. FRELENG: Yes, in total.

17 COMMISSIONER KELLY: I make a motion to
18 accept the staff's recommendation.

19 COMMISSIONER HORTON: Second.

20 THE CHAIRMAN: All in favor of accepting the
21 staff report, with the approval conditions, please raise
22 your hand. (Show of hands) Ten. Opposed? One. No
23 abstentions.

24 Next item is the RAM Associates, LLC, Village
25 of Patchogue. Mr. Kelly.

0053

1 10/6/10 Suffolk County Planning Commission

2 COMMISSIONER KELLY: Can I recuse myself?

3 THE CHAIRMAN: Commissioner Kelly is recusing
4 himself from this application. He will exit the
5 premises.

6 MR. FRELENG: Mr. Chairman, members of the
7 board, this application is the application of RAM
8 Associates, LLC otherwise known as Clare Rose. The
9 application comes to us from the Village of Patchogue.
10 The subject property is within five hundred feet of the
11 shoreline in Suffolk County i.e. the Patchogue River,
12 otherwise known as West Avenue.

13 The applicants are seeking village board of
14 trustee change of zoning approval from D5 Business
15 District to D2 Business District for a point two five
16 acre parcel of an overall twelve point acre assemblage
17 of parcels.

18 I'm go to the zoning map. I'll step off the
19 staff report a second. This piece down here is the
20 change of zone piece. You can see it's zoned

21 differently than everything else on site, and they're
22 going for a special permit application for the remainder
23 of the subject property. The applicant is
24 simultaneously -- the residential communities, these are
25 ownership units. The development will be disbursed into

0054

1 10/6/10 Suffolk County Planning Commission
2 eighteen buildings. Storm water retention swales,
3 undisturbed wetland area and internal landscaping
4 results in approximately four acres, approximately
5 thirty-two percent of open space.

6 Village of Patchogue law requires three
7 hundred sixty-seven spaces; however, sixty spaces are
8 land banked and thirty-five accounted for in garage
9 space. The proposed development is to be in two phases.
10 Phase 1 east of County Road 19. That is proposed to
11 include a common lawn, land swales. This is the Phase 1
12 part of the project. It includes the buildings here,
13 and as noted in the staff report, later on mostly
14 improvements to the road on the east.

15 Roadway improvements to Railroad Avenue, also
16 installed west side of Railroad Avenue, constructing a
17 new access drive to the proposed residential units down
18 here. This is the green space by the way. This is is
19 the new access over railroad. Providing decorative
20 lighting fixtures along the west side of the roadway,
21 sidewalk lighting fixtures, new access point here.

22 Phase 2 includes roadway improvements to West
23 Avenue, namely the reduction of the five lane roadway.
24 This is the current West Avenue photo. So, they're
25 proposing a reduction of the five lane roadway to two

0055

1 10/6/10 Suffolk County Planning Commission
2 lanes and installation of a new twelve foot wide curbed
3 island in the middle of the roadway, nine new pedestrian
4 crossways, four new stop signs. Phase 2 is wetland
5 vegetation restoration, Village River Walk for public
6 use. This is Phase 2.

7 As you can see, the character of the road now
8 has two lanes going in either direction. This is the
9 center median and these are the pedestrian crosswalks up
10 and down the roadway.

11 The subject property is located on the east
12 and west sides of West Avenue, as you can see,
13 approximately between South street and Sephton Street.
14 Review of the character of the land use and zoning
15 pattern, it's located in an area zoned for industrial
16 and commercial use. Majority of the parcels
17 comprising the subject site, Clare Rose distribution
18 facility. It is proposed that all structures on site be
19 removed. North and south of the subject site there are
20 commercial structures. At the northeast corner abutting
21 to the west of the subject site is the Patchogue River.
22 You can see we have the aerial, there is the subject
23 property. There are some single family residences which
24 are out parcels in the area. This is Railroad Avenue.
25 This would be Phase 1, this is Phase 2.

0056

1 10/6/10 Suffolk County Planning Commission
2 Phase 2 if you go to the site plan you will be
3 able to see in here is the adjacent area to the
4 wetlands. In this area are proposed storm water
5 retention areas and the Riverwalk, which is along the

6 shoreline, boardwalk concept from the village. Subject
7 application is to have six unsignalized, unrestricted
8 access points one along South Street, one along Railroad
9 Avenue and four on West Avenue. You can see the
10 intersections.

11 Environmental conditions for the site.
12 Subject site is located in the coastal zone area, South
13 New York State Critical Environmental Area. Site
14 adjacent to regulated freshwater wetland identified by
15 the New York State DEC as the Patchogue 2 site. These
16 wetlands are associated with the Patchogue River. It
17 should be noted that the portions of the subject
18 property adjacent to the river are within the flood zone
19 with a base flood elevation of six feet. You can see
20 that the base flood elevation of six feet comes into the
21 center of the property on the Phase 2 portion of the
22 property. The it raises certain staff concerns that
23 includes the proposed construction in the flood zone,
24 substandard in terms of setbacks, land banked parking,
25 comparison to the character of other attached unit

0057

1 10/6/10 Suffolk County Planning Commission
2 projects recently approved by the Village of Patchogue
3 Board of Trustees and by comparison to Suffolk County
4 Planning Commission adopted policies and guidelines for
5 development.

6 Specific environmental policy of the Planning
7 Commission as specified in the guidebook indicates a
8 desire by the Commission for "discouragement of
9 development where it is not warranted within coastal
10 zones." In addition, Commission policy for actions that
11 have frontage on the shore line of the county is for --
12 the specific guideline -- "unless a greater setback is
13 required pursuant to applicable federal, state, county
14 or local regulations, minimum setback of one hundred
15 feet shall be required for all structures."

16 On the site plan, the applicants are proposing
17 a seventy-five foot setback from the most limited
18 vegetation. As indicated, the petitioner proposes a
19 seventy-five foot setback and would be in conformance to
20 the DEC regulations for the development adjacent to
21 wetlands. Four buildings on the western portion of the
22 development plan contradict a Suffolk County Planning
23 policy concerning the development nature of the subject
24 site and the proximity of the existing buildings to the
25 wetlands, which is generally less than twenty feet. If

0058

1 10/6/10 Suffolk County Planning Commission
2 you go to the aerial, most of the buildings along here
3 are twenty feet or so from the wetland vegetation. The
4 seventy-five foot setback as would be imposed by the New
5 York State DEC would be appropriate here, considering
6 how intensified the shoreline is. The staff realized
7 that application of that nature warrants a
8 consideration.

9 The petitioners have proposed to land bank
10 parking at the northwest corner of the site, which would
11 encroach into the Planning Commission's one hundred foot
12 setback if improved. Other land banked parking stalls
13 were disbursed. It is also the applicant has also
14 requested a variance from the village including the
15 reduction of parking stall size and setbacks. It should
16 be noted that the garage space tends to be an unreliable

17 parking accommodation, due to the fact that over time,
18 garages tend to be converted to storage or living
19 spaces.

20 In addition to the land banked parking stalls,
21 there is a bunch of land banked parking stalls that
22 would go over here. The rule with banked parking, if
23 you are going to land bank parking in the future if
24 necessary, if they have visitors, it tends to be
25 haphazard parking, they would open up the land banked

0059

1 10/6/10 Suffolk County Planning Commission
2 parking. If the land banked parking doesn't work
3 successfully, then the value is worthless. There are a
4 couple here, if you're coming in here and you have
5 parking spaces right here, that is pretty much unsafe.
6 These really aren't viable land banked spots. The land
7 banked parking tends to be slipped in in a lot of spaces
8 that really don't function very well. They're not very
9 functional.

10 Within the last two years, the Incorporated
11 Village of Patchogue approved three attached unit
12 projects with average density per acre of ten units.
13 That would be Pinewood Terrace, eight point eight units
14 per acre, Riverview, eight point eight units per acre,
15 Art Space with eleven point three per acre. The average
16 is nine point six three, or roughly ten. Other projects
17 approved by the village have a little more. A density
18 of ten units to the acre on a twelve point five acre
19 site would equate to one hundred twenty-five units. At
20 the density of the last project approved by the Village
21 of Patchogue, the density of the proposed action would
22 equate to a hundred forty-one units.

23 Taking into consideration the above points,
24 there appears to be sufficient rationale to reduce the
25 unit density on the subject site to provide more

0060

1 10/6/10 Suffolk County Planning Commission
2 flexibility in design of Phase 2 and to accommodate the
3 environmental constraints and parking space issues.
4 While the subject petition for zone change and
5 special permit proposes one hundred sixty-three units,
6 only four units are proposed to be affordable units.
7 That is two point five percent of the overall units. As
8 indicated before, there is only a small piece of this
9 property that is before this commission for a change of
10 zone. The remainder of the zone is before the Commission
11 for a special permit. Suffolk County Planning
12 Commission standard is that a minimum of twenty percent
13 shall be set aside for affordable units for change of
14 zone applications.

15 It is arguable if a special permit issued by
16 the Village Board of Trustees is an as-of-right use,
17 considering the discretionary standards found in the
18 Village of Patchogue zoning law. The special permit
19 action is not explicitly identified in the guidebook as
20 change of zone applications. For as-of-right
21 applications, the guidebook requires ten percent of all
22 units be set aside as affordable units; hence, the
23 simultaneous action of the change of zone on the smaller
24 parcel and the special permit for the two zoning
25 categories requires application of both of the

0061

1 10/6/10 Suffolk County Planning Commission

2 commi ssi on standards.

3 It's the belief of the staff that between ten
4 and twenty percent should be set aside as affordable.
5 This equates to between seventeen and thirty-seven
6 units. This should be dedicated in Phase 1.

7 County Road 19 is proposed to undergo major
8 renovation, as outlined above. There are some concerns
9 about the number of unsignalized pedestrian crossings.
10 As a regional resource, County Road 19 provides access
11 to the Fire Island National Seashore, the Long Island
12 Railroad station in Patchogue. County Road 65 is a
13 Suffolk County bus transit route connecting the train
14 station with the district court and is a principal
15 access route to the Town of Brookhaven ferry terminal to
16 Davis Park on Fire island.

17 Proposed new stop signs, motor vehicle left
18 turn movements and multiple pedestrian crossings on the
19 proposed one lane street are likely to congest progress
20 of motor vehicles attempting to reach the resoureces in
21 a timely manner. As a regional resource, County Road 19
22 functions as a north-south bypass of the downtown and is
23 the only effi cent means for travelers to reach points
24 south of Main Street from points north and vice-versa.
25 It's hard to see on this map, but the property line

0062

1 10/6/10 Suffolk County Planning Commi ssi on
2 here, the applicant proposes to redevelop signifi cant
3 portions of the county right-of-way with curbing,
4 walkway and some landscaping. As indicated before there
5 is a median that goes right down.

6 What concerns the staff is not withstanding
7 the volume of traffic that goes up and down the road,
8 which may or may not be a lot, a left turn movement at
9 one of these stop signs, it's hard to see. Vehicles
10 would back up the traffic down the street if you're
11 waiting for southbound traffic. We wanted to point that
12 out the Suffolk County Planning Commi ssi on, in their
13 guidebook, also has plans for development along a county
14 roadway. No intersection be less than one thousand feet
15 apart. The two proposed curb cuts on the county roadway
16 are four hundred seventy feet apart. These are the two
17 new curb cuts. It's only two hundred fifty feet to
18 Sephton Street, which is to the south. It's two hundred
19 fifty feet from the proposed curb cut to Sephton Street,
20 about four hundred seventy feet between the two proposed
21 curb cuts, and then to here it's another two hundred
22 eighty feet to South Street.

23 By commi ssi on gui delines, the curb cuts are
24 substandard. The substantial public benefit and
25 mi tigation is the construction of a Village Riverwalk

0063

1 10/6/10 Suffolk County Planning Commi ssi on
2 east of the Patchogue River for public use during Phase
3 2. The work would be constructed in accordance with the
4 approvals from the New York State DEC for the Village
5 Riverwalk as a whole. The construction of this amenity
6 relies on pace and sales of units in Phase 1. The
7 applicant would provide a contribution to the Village of
8 Patchogue for that portion of the Village Riverwalk to
9 be located on the subject property.

10 Patchogue River is a regional resource under
11 the juri sdi cti on of the Suffolk County Planning
12 Commi ssi on. However, constructi on of the Ri verwalk is

13 not only contingent on the New York State DEC approval,
14 but not intended to be constructed until the initiation
15 of Phase 2. Should Phase 2 not come to fruition, the
16 petitioner would have the benefit of construction and
17 sale of Phase 1 and no guidance as to the amount of
18 contribution the developer should make to the village.

19 It's the belief of staff that the petitioner
20 should work with the petitioner to provide a guarantee
21 beyond the condition of approval, that that section of
22 the Riverwalk could be constructed in the future.
23 Should the petitioner not construct Phase 2 or lose
24 control of the subject site, the Village of Patchogue
25 would still be in a position to call the bond and fund

0064

1 10/6/10 Suffolk County Planning Commission
2 the construction of this public amenity to connect with
3 other sections of the Village Riverwalk.

4 Aside from some references to site lighting,
5 incorporation of energy efficient methodologies,
6 universal design principles, the applicant should be
7 directed to consult the Suffolk County Planning
8 Commission guidebook for inclusion into the project
9 design these recommendations. Staff is recommending
10 approval subject to the following conditions:

11 The village shall consider reducing the number
12 of units associated with the current petition for the
13 zone change and special permit to allow for greater
14 flexibility in the design of Phase 2.

15 Condition 2, between ten and twenty percent of
16 all units be set aside for affordable housing. Three,
17 that the petitioner continue discussions with county DPW
18 especially related to the crosswalks, stop signs on the
19 roadway and the ability to accommodate left turn
20 movements of motor vehicles without the creation of
21 unsafe queuing of vehicles and unsafe travel delays,

22 Condition Number 4, that left turn lanes shall
23 be established from the median at the four proposed stop
24 signs on West Avenue. Staff believes if we put out a
25 turn lane at the proposed stop signs, that would keep

0065

1 10/6/10 Suffolk County Planning Commission
2 travel through and prevent major queuing.

3 Condition Number 5, that the village work with
4 the petitioner to establish a bonded, or some other form
5 of guarantee, monetary sum to guarantee, beyond the
6 conditions of approval, that the section of Riverwalk
7 offered as mitigation to this petition could be
8 constructed in the future.

9 Condition Number 5, that is the applicants
10 consult the guidebook on energy efficiency. Six, that
11 the applicants consult the guidebook on public safety.
12 Condition 7 is to the Model Universal Design Code,
13 applicant should look at that, which is on the
14 Commission Website. That is the staff report.

15 THE CHAIRMAN: I note that we have two
16 Conditions 5. We will call them six, seven and eight
17 instead of five, six, seven. Commissioner Kelly is
18 recused and Commissioner Esposito is not here. I
19 fashion myself as a Brookhaven person, since I grew up
20 there. I will say this about the site, one of my former
21 college roommates is from Patchogue, is kind of down on
22 the village. He said only Patchogue would put a huge
23 industrial site on one of its best assets, its river.

24 I have been to the property. It's probably
25 been ten years ago. It's certainly, it's industrial use

0066

1 10/6/10 Suffolk County Planning Commission
2 in an area where it could be something much better use.
3 It seems like they're heading in that direction.

4 MR. FRELENG: As always staff forgot to show
5 you the photographs. Staff was on site yesterday. Let
6 me go through and give you a quick pictorial. The
7 Patchogue sewer treatment plant is going through a major
8 renovation. This is the back end of the sewage
9 treatment plant on South Street. These are some of the
10 sites that would be on the northern property line.

11 The property to the west with the turrets will
12 not be removed. The property on the right side would be
13 removed. There is a piece of the Clare Rose site on the
14 same road. This is the wetland edge on the back end of
15 the parking lot of Clare Rose. It's highly disturbed
16 and the wetland drops off right in the crease. That is
17 the main office of the Clare Rose distributive facility.
18 That would be on the west side of West Avenue, otherwise
19 known as Clare Rose Boulevard. Another shot of Clare
20 Rose on the west side of the street, looking north.
21 There are four travel lanes and a turning lane in the
22 middle.

23 This is looking again looking north on Clare
24 Rose Boulevard from the other side of the street. You
25 can see some of the dwellings; I believe these are out

0067

1 10/6/10 Suffolk County Planning Commission
2 parcels. This is further on down. These are some of
3 the Clare Rose buildings on the east side of the
4 street. This is the east side. This is Railroad
5 Avenue. Phase 1 is to the left of the slide. This is a
6 railroad. You can see an existing townhouse here,
7 Copper Beech.

8 The proposal is a two story townhouse
9 development. This is the entrance to the Fire Island
10 National Seashore, which is south of County Road 16.
11 This is the access to Davis Park. They also have a
12 ferry terminal that runs to Fire Island. This is on
13 President Way, south end of the village.

14 The point, is County Road 19 is a route used
15 to get to the county park. This is the Patchogue train
16 station on Division Street. you can't see it, but
17 County Road 65 is labled here. The subject property
18 goes up that road to the right of the slide. This is
19 the Suffolk County 6th District Court at the north end
20 of West Avenue. This is in the district court. You can
21 see the transit going on here. This is the transit
22 station. There are four or six structures. They're at
23 the district court site. South of this site looking
24 straight into the slide is the subject property on the
25 other side of these buildings back here. Those are the

0068

1 10/6/10 Suffolk County Planning Commission
2 slides.

3 THE CHAIRMAN: I also should thank the staff
4 for a very detailed and thorough review. Any comments
5 or questions?

6 COMMISSIONER TALDONE: Actually, on two topic
7 areas. One on the affordable housing. Our guidebook
8 has a ten percent requirement. I'm also familiar with

9 other developments, such as Copper Beech, which is
10 entirely affordable, and other affordable units coming
11 into that immediate area of the village. I'm just
12 thinking about the mix of people that would be moving
13 in. I'm assuming this is considered more higher end
14 closer to the river, more luxury, creating a greater mix
15 of income people so people with different incomes can
16 live in the immediate area and enjoy the place.

17 I'm not going to object to it; it's in the
18 guidebook. I think that the commitment to affordable
19 housing in Patchogue has been strong, but I don't think
20 every building has to have affordable housing. You have
21 seen the pictures of it; it's a five lane highway.
22 Walking from the ferry terminal up to Main Street is a
23 frightening experience as a pedestrian. Crossing the
24 street is a nightmare. My nephew, who was a village
25 cop, was killed there five years ago, killed by a car

0069

1 10/6/10 Suffolk County Planning Commission
2 while trying to control the traffic.

3 I can understand why the mayor would want to
4 make it -- narrow it down, make it a more walkable
5 street. They don't need to speed down West Street as a
6 county resource to get to the ferry faster. I really
7 oppose even a comment about the village plan. I think
8 the village plan for West Street is exactly what we want
9 in a walkable community. I am more afraid that the
10 County DPW will ignore them and widen the highway
11 because they don't particularly care for pedestrian
12 safety. It's a walkable road. I think we should not be
13 opposed to that. I think most of our planning documents
14 are smart growth documents. Here you say you need a
15 road that gets cars faster to the terminanl. I don't
16 think we do.

17 THE CHAIRMAN: Which one are you talking
18 about, the left turn lane to be established?

19 COMMISSIONER HOLMES: Three.

20 THE CHAIRMAN: Your motion is to strike
21 that?

22 COMMISSIONER TALDONE: I would strike all of
23 it. You don't need the left turn lanes with a one lane
24 street. It will slow everyone down. That is the idea.
25 That is what I imagine.

0070

1 10/6/10 Suffolk County Planning Commission

2 DIRECTOR ISLES: So the Commission
3 understands, if there is no left turn lane, then the car
4 would stop in a travel way waiting to make a left turn
5 and cars would stack up behind it.

6 I think the point is, there is a fair amount
7 of volume; we are not disputing the point that it needs
8 to be calmed down, a five lane road is excessive
9 here. Understanding that there will be backups, there
10 will be delays, there will rear end collisions.

11 COMMISSIONER TALDONE: There will be bumper
12 damage, but they won't be moving all that fast. Right
13 now, most of the time that road is deserted; cars fly
14 down that street.

15 DIRECTOR ISLES: The idea of putting in a
16 left turn lane maintains safety without compromising the
17 goal of calming of the road. You are still knocking
18 down from four lanes to two lanes.

19 COMMISSIONER TALDONE: The left turn lanes

20 makes it harder for the town to put in a raised median,
21 which we lost in Riverhead because the county wanted
22 more, faster left turns which creates extra movement to
23 watch out for at every intersection as a pedestrian.

24 This village is trying to create a walkable
25 communi ty. We are saying no, we want to express these

0071

1 10/6/10 Suffolk County Planning Commission
2 cars into the parking places so they can get to the
3 beach.

4 DIRECTOR ISLES: There would be some shortage
5 of the distance of the median. An example would be
6 Carleton Avenue in Central Islip, medians were put in
7 and the turning lanes were put in; both were
8 accommodated.

9 COMMISSIONER TALDONE: The county doesn't do
10 that.

11 DIRECTOR ISLES: They did it in Central
12 Islip.

13 COMMISSIONER TALDONE: Anyway, that is my
14 comment.

15 THE CHAIRMAN: Are you making a motion to
16 strike three and four then?

17 COMMISSIONER TALDONE: Yes, both.

18 COMMISSIONER HORTON: Is that the motion?

19 THE CHAIRMAN: I'll keep that as a proposed
20 amendment. Is there any objection to that?

21 COMMISSIONER McADAM: I do.

22 THE CHAIRMAN: We have an objection, so we
23 will take a vote on it. The proposal is to strike three
24 and four. All in favor, please raise your hand. (Show
25 of hands.)

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1 10/6/10 Suffolk County Planning Commission

2 Three opposed. So it does not pass. Any
3 other edits or suggestions with regard to the staff
4 report?

5 COMMISSIONER McADAM: Constitutionally on the
6 same subject, it is a county road. Regardless of
7 whether you have this condition or comment in here,
8 anyway, the county will basically do what they want.
9 That is why I didn't think it will make that much of a
10 difference. They have jurisdiction over the road.
11 They basically have the responsibility of providing
12 safety.

13 COMMISSIONER TALDONE: I was hoping we would
14 back up our own smart growth policy decisions that
15 oppose what we are now recommending, so we are
16 contradicting our own longstanding policy, which we do
17 regularly. With flowery language, Village of Patchogue
18 expressed its thoughts. A lot of work to plan this
19 road, fix this problem, wild cars on West Street and the
20 threatening nature of the street to pedestrians. They
21 have come up with a plan that I think is terrific. It
22 will cause during peak times slower traffic. Great
23 idea.

24 COMMISSIONER HOLMES: I didn't realize that.
25 Can I change my vote?

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1 10/6/10 Suffolk County Planning Commission

2 COMMISSIONER TALDONE: I can make it a motion
3 to change it from a condition to a comment.

4 COMMISSIONER HORTON: Make a motion to accept

5 the staff report.
6 COMMISSIONER TALDONE: Which motion?
7 COMMISSIONER HORTON: That is the only motion
8 that has been made.
9 THE CHAIRMAN: Motion is to amend the staff
10 report. Any desire to continue discussion? There is a
11 motion on the floor. The motion is to basically move
12 the staff report and cut off discussion. Is there a
13 second to that. Seeing none, Commissioner Finn?
14 COMMISSIONER FINN: Wanted to make a point.
15 We just heard from the Town of Brookhaven on their
16 battle of Blight to Light. This has all the makings,
17 once they vacate this facility, a vacated industrial
18 facility of this nature is going to quickly
19 deteriorate. So, I want to make the point about are we
20 saying that we are asking them to consider the density
21 reduction, or is that part of the -- okay.
22 THE CHAIRMAN: That is one of our weaker kind
23 of conditions. Just think about it. I think Andy
24 described it, in my mind, well. It doesn't infringe on
25 our guidelines, but there are mitigating circumstances

0074

1 10/6/10 Suffolk County Planning Commission
2 on the wetlands. You already have the darn thing on the
3 edge of the river. It's better, even though it's not
4 quite to the hundred percent in our guidelines. I think
5 it's appropriate to keep that kind of balance. That is
6 what staff has done, saying consider it, but it's not a
7 strong condition.
8 COMMISSIONER HOLMES: I would support the
9 idea of making three and four as comments and not
10 conditions. They're things that staff feels the village
11 should consider. But, you know, Vince makes a rather
12 eloquent point that these two portions are things that
13 we have advocated. I don't think I realized that when I
14 voted before.
15 THE CHAIRMAN: That is final. The motion is
16 to make those in comments. I would say it's moving it
17 from a five lane highway to two lane, one point. They
18 might want to consider a left turn lane because of the
19 point Director Isles made. I don't think it tracks the
20 overall staff report, but I'll defer to you.
21 DIRECTOR ISLES: Although the idea of making
22 it a comment is all right, the idea of making this is a
23 two lane highway, DPW has not finalized that view.
24 Planning supports the idea of traffic calming, the idea
25 of taking this straight dragway, so we are in

0075

1 10/6/10 Suffolk County Planning Commission
2 concurrence with the Commission's adopted guidelines and
3 the statements of Commissioner Taldone.
4 We feel we have to back up the Department of
5 Public Works in terms of, we don't know how it's going
6 to turn out until comments are reviewed. That is still
7 an issue that has to be resolved as the process
8 continues.
9 THE CHAIRMAN: There is a motion to amend the
10 staff report to make three or four comments. Any
11 objection to that? Seeing none, we will make three and
12 four comments. There is no motion on the table. Any
13 other --
14 COMMISSIONER LANSDALE: I'll second the
15 motion.

16 THE CHAIRMAN: You seconded the motion, but
 17 is there no motion on the table.
 18 COMMISSIONER TALDONE: Made the motion.
 19 COMMISSIONER HORTON: Second the motion.
 20 THE CHAIRMAN: Motion is to adopt the staff
 21 report as amended with six conditions now, and old
 22 Number 3 and 4 conditioned comments. That is the
 23 motion. Second by Commissioner Horton. All in favor of
 24 adopting the staff report as amended raise your hand.
 25 (Show of hands) That is ten to zero. Next item is Van

0076

1 10/6/10 Suffolk County Planning Commission
 2 de Wetering, Town of Riverhead.
 3 MR. FRELENG: Next referral is the
 4 application of Van de Wetering Capital, LLC coming from
 5 the Town of Riverhead. Jurisdiction to the Commission
 6 is the subject application is within 500 feet of
 7 Agricultural District Number 7. Applicant seeks town
 8 planning board site plan approval for the construction
 9 of eighty-three thousand one hundred fifty-nine square
 10 feet for permanent glass greenhouse space, and ten
 11 thousand five hundred eighty-four square feet of
 12 temporary corridor space on an existing thirty-four acre
 13 agricultural operation.
 14 Subject parcel located on the north side of
 15 Sound Avenue in the Hamlet of Jamesport. Character of
 16 the area and subject property is located in an area
 17 north of Sound Avenue dominated by residential zoning.
 18 If you take look behind you, you can see the attached
 19 housing along the bluff and single family detached way
 20 to the west. These are agricultural district
 21 properties. These two properties here are in the Ag
 22 District as well as the subject property itself. To the
 23 north of the subject property are unimproved lands in
 24 the New York State park system up here.

25
0077

1 10/6/10 Suffolk County Planning Commission
 2 point of unsignalized, unrestricted ingress-egress to
 3 the subject property from Sound Avenue. No significant
 4 environmental constraints on the subject property. In
 5 terms of the staff analysis then, the site is in an
 6 agricultural district, District Number 7, east and
 7 adjacent to parcels in the same agricultural district.
 8 All the proposed structures are comprised of glass and
 9 therefore not exempt from the definition of building as
 10 outlined in Section 372 of the New York State Executive
 11 Law.
 12 The subject action is not subject to review of
 13 the Suffolk County Farmland Committee, not being a
 14 county purchase for reference; however, the committee's
 15 policy on greenhouses are presented here. Suffolk
 16 County Farmland Committee for agricultural operations on
 17 County PDR land, typically requires that an applicant
 18 installing greenhouse structures prepare a storm water
 19 mitigation plan in accordance with the USDA Natural
 20 Resources Conservation Service.
 21 In addition, the Suffolk County Farmland
 22 Committee has prepared guidelines for greenhouse
 23 structures on parcels with county purchased development
 24 rights. It is recommended that the town planning board
 25 consult this publication for further and future guidance

0078

1 10/6/10 Suffolk County Planning Commission
2 on the construction and location of agricultural
3 greenhouses.

4 Staff recommended approval subject to the
5 following comment and condition, which is deemed
6 necessary for good planning and land use. The condition
7 is one that a storm water mitigation plan be prepared in
8 accordance with the USDA Natural Resources Conservation
9 Service, and the comment is town planning board should
10 take a look at the farmland committee's guidelines on
11 constructing greenhouse structures. That is the staff
12 report.

13 THE CHAIRMAN: Commissioner Tal done, this is
14 a Riverhead project. Any comments?

15 COMMISSIONER TALDONE: Actually, none, just
16 to say that the town is totally unhappy with the way the
17 plan presented storm water management, so your comment,
18 condition is perfect. That's it.

19 THE CHAIRMAN: Anyone else have any other
20 comments on this application? Seeing none, it seems
21 pretty straightforward. Motion.

22 COMMISSIONER HOLMES: Second.

23 THE CHAIRMAN: Second by Commissioner Holmes.
24 All in favor of adopting the staff report on the Van de
25 Wetering, raise your hand. (Show of hands) Passes

0079

1 10/6/10 Suffolk County Planning Commission
2 unanimously. Central Square, Wading River.

3 MR. FRELENG: As mentioned by the Chair, the
4 referral comes from the Town of Riverhead. The
5 application is adjacent to New York State Route 25A,
6 which gives the Commission jurisdiction. The applicant
7 seeks planning board site plan approval for the
8 construction of a fifty-six thousand two hundred
9 seventy-two square foot commercial retail center
10 consisting of retail, office, medical office and
11 restaurant distributed among five buildings. The parcel
12 is located on the south side of Port Jefferson Riverhead
13 Road, New York State 25A, in the Hamlet of Wading River.

14 Let's take a look at some of the photos.
15 Staff was out there, so I wanted to show you quickly
16 some photos. This is the subject property in its
17 current state. This is the adjacent CVS Pharmacy
18 adjacent and to the east of the subject property.

19 MR. CORRAL: To the west.

20 MR. FRELENG: I'm sorry, to the west of the
21 subject property. Further west of the subject property
22 is a much larger shopping center.

23 THE CHAIRMAN: It's across from the old pick
24 your own farm.

25 MR. FRELENG: This is looking east from the

0080

1 10/6/10 Suffolk County Planning Commission
2 subject sidewalk by the subject property. You can see
3 the character of the roadway. This is across the
4 street. This is the vacant property across the street
5 from the subject property. To the south is the Boy
6 Scout Camp Wauwepex. Going back to the aerial photo,
7 that is the aerial. The property to the west, that's
8 the CVS, that shopping center, and the four corners of
9 Wading River, Route 25A, Camp Wauwepex is to the south.

10 THE CHAIRMAN: There are some commercial
11 office parks along here.

12 MR. FRELENG: There is a shopping center in
 13 here and that is probably the oldest shopping center in
 14 Wading River. There are two points of unsignalized,
 15 unrestricted access to the subject property off 25A.
 16 There is a proposed access from the commercial site to
 17 the west. The cross access to the adjacent commercial
 18 site is to the west. In terms of environmental
 19 conditions, the site is located in the Central Suffolk
 20 New York State Special Groundwater Protection Area. The
 21 site is located in the Central Suffolk Pine Barrens,
 22 Critical Environmental Area. Located in the compatible
 23 growth area of the Central Pine Barrens Land Use Plan,
 24 designated on the subject property.

25 It is split zoned as a result of court action

0081

1 10/6/10 Suffolk County Planning Commission
 2 reverting the post comprehensive plan of the Town of
 3 Riverhead back to the preceding zone designation. There
 4 was a prior zoning before the town plan. The town then
 5 changed the zone to PV. There was litigation which
 6 reverted the zoning back again to Business PC and Zoning
 7 A only on the area fronting on New York State 25A and
 8 leaving the remaining nine acres as permanent
 9 undeveloped open space.

10 Suffolk County Planning Commission standard
 11 would allow sixty-five percent of a commercially zoned
 12 site to be clear. From the perspective of Commission
 13 policy and guidelines, the subject application does not
 14 address pedestrian circulation in great detail and mass
 15 transit options are also not addressed. In addition,
 16 the proposed application does not address energy
 17 efficiency or public safety. The following conditions
 18 are deemed necessary for good planning and land use:

19 Greater attention to pedestrian circulation
 20 should be incorporated into the site plan, including ADA
 21 compliant sidewalks and crosswalks. Two, that the
 22 applicant should consult in writing with the Department
 23 of Public Works Transit Division to investigate the
 24 possibility of a bus turn out or some other bus
 25 accommodation.

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1 10/6/10 Suffolk County Planning Commission
 2 Three, that the subject property's proximity
 3 to the Central Pine Barrens zone makes the attention to
 4 height and placement of luminaires necessary. Site
 5 lighting shall not bleed off the site is the condition.

6 Condition Number 4 is that the applicant be
 7 directed to review and accommodate into the site plan,
 8 where practicable, Suffolk County guidelines on energy
 9 efficiency, and five, that the applicant shall be
 10 directed to review and accommodate into the site plan,
 11 where practicable, Suffolk County Planning Commission
 12 guidelines on public safety.

13 COMMISSIONER TALDONE: With the town's
 14 review of this project, there will be significant
 15 changes, so I think we will be getting it back fairly
 16 shortly. Otherwise, no comment on this. It's fine as
 17 written.

18 THE CHAIRMAN: I had a question. It says,
 19 "greater attention to pedestrian circulation matters."
 20 In terms of a condition, while that is a light
 21 condition, kind of points them in the direction, I
 22 wonder if there are any specific problems you want to

23 point out to the town.
24 MR. FRELENG: Buildings 1 and 2, there is
25 little connectivity to the parking lot. There doesn't

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1 10/6/10 Suffolk County Planning Commission
2 appear to be -- I can't recall if they're pavers or
3 parking.

4 DIRECTOR ISLES: They're pavers.
5 MR. FRELENG: There is no sidewalk in
6 here. It would be difficult for a pedestrian to make
7 their way to the buildings. Compared to other site
8 plans, there is not a lot of attention paid to
9 pedestrian movement.

10 MR. TALDONE: Part of the town's issues or
11 the planning department is the issue of pedestrians
12 coming from the sidewalk and the buildings being way in
13 the back. I think they're looking to move the buildings
14 up closer, easier pedestrian movement, get the cars in
15 the back and providing more green space as well. Our
16 comment actually dovetails nicely with theirs.

17 THE CHAIRMAN: That reinforces that.

18 COMMISSIONER McADAM: Along the same lines,
19 I'm very familiar with that area. The existing shopping
20 center on the corner has the same problem. You take
21 your life into your hands walking across there. There
22 is a shopping center across the street and getting
23 across Route 25A and Wading River Road, it is very
24 dangerous. They will have to do something there at some
25 point.

0084

1 10/6/10 Suffolk County Planning Commission

2 COMMISSIONER TALDONE: Unfortunately, that is
3 the State DOT.

4 THE CHAIRMAN: One other thing I want to
5 remind the staff about is particularly with four and
6 five, this should hold true for the other applications
7 as well -- that we should be sending copies of the page
8 in our guidelines that reflect that. While it would be
9 nice to think they have it on their bookshelves readily
10 accessible, we should make it accessible. It's more a
11 reminder than anything, the last comment is.

12 I don't have a problem with Number 3
13 necessarily. I think what we need to do is when we do
14 the guidelines is come up with some better standards for
15 us to apply. We don't have standards, I think, on dark
16 skies. I think saying review the literature is
17 fine. The point about site lighting should not bleed
18 off site I think is fine. I think we need to come up
19 with some standards generally about what that means.

20 We had the presentation from the Dark Sky
21 Society in East Hampton. There is the debate; they have
22 the dark skies legislation. When do you apply that.

23 COMMISSIONER ROBERTS: I think they
24 overturned it.

25 COMMISSIONER HOLMES: Diana is nodding.

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1 10/6/10 Suffolk County Planning Commission

2 THE CHAIRMAN: A suggestion might be to make
3 that a comment rather than a condition because we don't
4 have a standard on it. I'm a little nervous about
5 making things that we don't have a standard on. I don't
6 think anybody would disagree that wherever possible,
7 there should be more dark skies compliant than not. I

8 just throw that out. I don't feel strongly about it.
9 If anybody else feels strongly about it, we can make it
10 a comment. I think it's okay the way it is. Anybody
11 have any thoughts on that?

12 COMMISSIONER TALDONE: I know the
13 Wading River community came out angry about the King
14 Kullen being built that had lighting that probably can
15 be seen from Mars. I don't know if we need to have a
16 guideline. Maybe we can soften the language and keep it
17 as a condition.

18 THE CHAIRMAN: The condition is relatively
19 soft as it is. Lights should not bleed off site; it's
20 hard to know what that means.

21 COMMISSIONER HOLMES: It leaves too much to
22 their discretion.

23 COMMISSIONER FINN: Generally when you do a
24 commercial site plan, you have to do an illumination and
25 show your site lighting, and on the property perimeter

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1 10/6/10 Suffolk County Planning Commission
2 you have to show zero candle power. I'm not sure if
3 that is that they mean about dark sky. And have it be
4 properly illuminated, especially with banking laws that
5 are already on the books. Perhaps that is what they
6 mean about dark skies, when you get to the perimeter of
7 the property, it's zero candles, that you're not
8 illuminating anything other than your property.

9 THE CHAIRMAN: I hear what you're saying.
10 It's sort of a different thing, whether it's bleeding
11 off. I can hold a piece of paper up off the property
12 and read by it. I think one of the things that they're
13 dealing with in East Hampton is you can see a light a
14 half a mile away and it obscures the night sky.

15 Vince's point, I think it's fine, to keep it
16 the way it is. I wanted to raise it around this table
17 and say it's probably something we want to have in our
18 guidelines. We have to refresh them in the next few
19 months anyway.

20 COMMISSIONER TALDONE: It reinforces what the
21 town is going to do. I think we're on the same page,
22 whether it's a condition or comment. I would leave it
23 the way it is.

24 THE CHAIRMAN: Unless anyone feels strongly
25 that it be.

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1 10/6/10 Suffolk County Planning Commission
2 COMMISSIONER KONTOKOSKA: As it stands, it's
3 too vague. The dark sky standards reflect a number of
4 standards about illumination not just bleeding off the
5 site. This is too vague. I think a comment would be
6 more appropriate here. As we develop a standard, I
7 think this would go a long way.

8 THE CHAIRMAN: There is is a Dark Sky Society
9 that says one thing.

10 COMMISSIONER KONTOKOSKA: There are just a
11 lot of elements with it.

12 MR. FRELENG: Staff has no real issue with
13 the discussion going on. Keep in mind as a commission,
14 the law requires when you make it a condition, the town
15 needs to deliberate and put findings in. When you make
16 a comment, the town has no obligation to discuss the
17 comment. Sometimes you want a condition there just to
18 get on the record the deliberations of the locality and

19 get certain issues put into the record. On this
20 particular point, staff has no issue.

21 THE CHAIRMAN: Maybe we should make it a
22 comment for this purpose. I think we should talk about
23 in our guidelines how to make it a little bit more
24 definitive. So applications after this year we can
25 actually point to specific language, and to your point,

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1 10/6/10 Suffolk County Planning Commission
2 make the town say something about it. Maybe we can put
3 something together if this comes back.

4 COMMISSIONER McADAM: Does the town have it
5 in their code already?

6 COMMISSIONER CHARTRAND: Southampton does.

7 THE CHAIRMAN: Any objection to making it a
8 comment?

9 COMMISSIONER TALDONE: None.

10 THE CHAIRMAN: Seeing none, we will make this
11 a comment. We have a staff report with four conditions
12 and one comment. Any other comments? Seeing none, I
13 will entertain a motion. Motion by Mr. Taldone for
14 approval with four conditions and one comment, seconded
15 by Commissioner Roberts. All in favor? (Show of
16 hands.) Ten nothing.

17 Last item on the agenda, Two Trees Farm from
18 the Town of Southampton.

19 MR. CARROLL: The applicant seeks planning
20 board subdivision approval for an eighteen lot clustered
21 subdivision with two agricultural reserve areas that
22 total seventy-one acres on a total one hundred thirteen
23 point nine acre property. The location of the property,
24 it's on the southeast corner of Hayground Road and
25 Scuttle Hole Road in the Hamlet of Bridgehampton in the

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1 10/6/10 Suffolk County Planning Commission
2 Town of Southampton.

3 The jurisdiction, is it's Agricultural District
4 Number 4 and also there is freshwater wetland mapped by
5 the DEC adjacent to Long Pond on the eastern portion of
6 the property. The existing conditions of the property,
7 currently active and existing horse farm and the horse
8 farm is proposed to remain with very few changes.
9 They're moving the polo field. The horse farm is
10 proposed to remain on the agricultural reserve areas.
11 There are two agricultural reserve areas of seventy-one
12 acres, which we will see in the site plan.

13 There is a patometry photograph of the horse
14 farm looking south. Currently there are eighty-nine
15 horses being stabled on site. There are two riding
16 arenas. The largest is to the left side of the
17 photograph as you look at it. There is an eight unit
18 staff dwelling as part of the horse farm. You can see
19 the enclosed areas for horses.

20 The zoning for the property is CR-80 or
21 Country Residence 80. This requires minimum lot size of
22 eighty thousand square feet and allows horse farms in
23 the district with a special exception permit. As you
24 can see in the subdivision, there are eighteen
25 residential lots. They range in size; they're clustered

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1 10/6/10 Suffolk County Planning Commission
2 in terms of two areas. They range in size between
3 sixty-seven thousand square feet and a hundred eight

4 thousand square feet on the parcel. The information
5 submitted states that the eighty-nine horses will be
6 maintained on the seventy-one acre agricultural reserve.

7 Special exception allows for two horses per acre, so
8 this is under the requirement of the Town of Southampton
9 special exception permit.

10 Here is the proposed subdivision. There is
11 the agricultural reserve area to the north. That is
12 about nine acres. Then the larger sixty-one acre
13 reserve area here, and it connects down to the southern
14 portion there. These are the eighteen residential lots
15 proposed. The access is off of Hayground Road with a
16 twenty foot wide county road within a fifty foot wide
17 right-of-way. Then the same type of county road for the
18 southern lots. There is also one residential lot
19 proposed right adjacent to Hayground Road here.

20 Just the history of the subdivision in front
21 of the Suffolk County Planning Commission. It was
22 received twice before on separate applications. It
23 first was in March 2008, which was similar to this but
24 the agricultural reserve area was different. The
25 drainage areas were different. The location of the lots

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1 10/6/10 Suffolk County Planning Commission
2 were slightly different also.

3 Since that point, the Suffolk County Planning
4 Commission has adopted the guidebook with updated
5 policies. It was also received in 2008 for minor lot
6 line modification which was kind of setting up the
7 subdivision that we see here. That is the history.

8 From a regionally significant or county-wide
9 standpoint, the staff felt that the two large issues is
10 the preservation of the farmland agricultural area, with
11 the seventy-one acres of agricultural reserve area. And
12 then the kind of in concert, the protection of the
13 environment. So in terms of the agricultural reserve
14 area, we felt the two important things is how the town
15 defines an agricultural reserve. It can be done in
16 different ways.

17 From the county staff's perspective, it's
18 important to have a condition ensuring that the
19 agricultural preserve areas now and in the future is
20 anything that is done is in agreement with the town law
21 and agricultural reserves. The second is that the
22 residential owners are notified of the agricultural land
23 that they will be adjacent to, just to minimize the
24 conflicts both for the residences and existing horse
25 farm.

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2 In terms of the environmental protection,
3 there is fifteen residential lots. The town and
4 applicant agreed to a yield through a stipulated
5 settlement of forty-nine -- forty-eight lots. There is
6 a reduction in lots, but there also is the horse farm.
7 The information presented from the applicant states that
8 the wastewater levels will be below what is the maximum
9 required, but that would be required to be approved by
10 the Suffolk County Department of Health Services.

11 Also, as part of the preliminary approval,
12 there is setbacks, there is wetlands located on the
13 eastern portion of the property here. So there is a
14 hundred twenty-five foot setback requirements for

15 buildings, and a hundred fifty foot setbacks for
16 sanitary. I think it's a hundred seventy-five feet
17 setbacks for sanitary systems in terms of protecting the
18 wetlands. They did that. That is in the final
19 subdivision approval.

20 Not in this plan, but in the details of the
21 plans on other sheets as part of the preliminary
22 approval is the fifteen percent maximum fertilizer
23 dependent vegetation. That is part of the preliminary
24 approval in terms of protecting the aquifer. Other
25 Suffolk County regionally significant considerations are

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1 10/6/10 Suffolk County Planning Commission
2 affordable houses with the eighteen new lots and energy
3 efficiency and public safety guidelines.

4 The staff's recommendation is to approve the
5 subdivision with four conditions and one comment. The
6 conditions are, I'll just read the first one. Covenants
7 and restrictions should be placed on agricultural
8 reserve areas to insure that the reserve areas remain
9 undeveloped except for the agricultural related
10 structures and activities permitted by town law.

11 The second deals with notifying the
12 prospective owners of adjacent residential lots of
13 agricultural activities. The third is with the Suffolk
14 County Planning guidelines on affordable housing, that
15 ten percent of the new residences as-of-right
16 development should be affordable. That equates to two
17 lots. The applicant shall be directed to consult the
18 Planning Commission's energy efficiency and safety
19 guidelines.

20 One comment. Two proposed and fairly enlarged
21 recharge areas. The comment is that the town should
22 consider green methodologies to reduce the larger
23 recharge areas currently proposed. That is the staff
24 report. If there are any questions.

25 THE CHAIRMAN: Any questions? Barbara, any

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1 10/6/10 Suffolk County Planning Commission
2 initial thoughts?

3 COMMISSIONER ROBERTS: When you go back to
4 that aerial photo, one gets a sense that this is a bit
5 of tragedy that this is happening. This is absolutely
6 in the heart of the Hamptons. It's an extraordinarily
7 beautiful area. Everything around it is open fields,
8 farms, vineyards, absolutely a premium location,
9 equidistant location, Sterling Harbor, Southampton.
10 It's too bad that there hasn't been some agricultural
11 preservation on it. It's not clear to me, this is sold
12 as lots; the people do their own homes on it?

13 MR. CORRAL: It would be separate.

14 COMMISSIONER ROBERTS: Just I have a common
15 sense problem with the idea of putting aside two lots
16 for affordable housing. I'm not a real estate
17 professional, but my feeling for the value of the lots,
18 John, could be a million dollars. I think this is an
19 incidence where having a financial payment in lieu of on
20 site housing would be a greater benefit to the
21 community. We would get larger CPC monies that could
22 benefit more than two families.

23 Certainly the need in the Town of Southampton
24 is more rentals. There are an awful lot of homes coming
25 up foreclosures and there is an issue in our community

0095

1 10/6/10 Suffolk County Planning Commission
2 that mortgages are not available because we are deemed
3 as a second home community. I would hope that we put
4 our clause in that a financial payment is a
5 possibility. That is the only suggestion that I would
6 make.

7 THE CHAIRMAN: Our guidelines do reference
8 that as a possibility. So while it will does say ten
9 percent or two lots set aside as affordable, our
10 guidelines do talk about in lieu of. We could mention
11 that in the conditions, but that is subject to further
12 conversati on.

13 COMMISSIONER HOLMES: I agree with
14 Commissioner Roberts. This property is literally in the
15 middle of nowhere. This is not suitable for affordable
16 housing. There is no walkable retail nearby. There is
17 nothing there. It's kind of ridiculous to talk about
18 setting aside for affordable housing when it's in such a
19 pristine remote location.

20 I would urge that it maybe becomes a comment
21 that in lieu of affordable housing, that a fee be
22 paid. I just don't see the condition.

23 THE CHAIRMAN: Let me make one point on that.
24 Your point is well taken. Affordable housing doesn't
25 mean the people don't have cars. Eighty percent of

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1 10/6/10 Suffolk County Planning Commission
2 median is still a good amount of money. It's a good
3 idea to incentiveize affordable housing in the town
4 community. It can and does work well. It doesn't mean
5 that we shouldn't do affordable housing in other ways.

6 Affordable housing doesn't mean Section 8
7 housing, it means it's a little more geared to the
8 working class folks. That is not to say that we should
9 not say something about in lieu of. It doesn't mean it
10 has to be downtown.

11 COMMISSIONER HOLMES: The point about
12 mortgages is well taken. Tell that to the Bridgeton
13 National Bank; they're not going to give mortgages.

14 COMMISSIONER ROBERTS: I would urge you to
15 keep it as a condition that there is at least a fee. I
16 would like to see that happen.

17 COMMISSIONER TALDONE: I don't know if that
18 is a sensible thing it do. I absolutely support
19 Commissioner Roberts and Commissioner Holmes as well
20 with respect to this particular property. I believe
21 these properties will sell for close to a million
22 dollars each. I don't know what the transfer fee is.
23 If the developer wanted to opt out of building the
24 affordable housing here, I don't know what he or she
25 would be required to pay to the town. If that is

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2 something approaching the value of those properties, as
3 the development director of Southampton's Housing
4 Authority, I can tell that you that million dollars
5 would go a long way towards affordable housing, not in
6 the poorest neighborhoods in the town.

7 It may not be the Housing Authority that ends
8 up with the money, it may be Long Island Housing
9 Partnership or some other good group, but the town's
10 policy is to disburse that throughout the town,

11 specifically to avoid that from happening wherever a
12 wealthy community pays the fee and it ends up in the
13 poorer community. I think you should have a condition,
14 consider opting out for transfer of affordable housing
15 in other parts of the town. I don't know, to specify
16 that it not be concentrated --

17 THE CHAIRMAN: To the extent you speak to
18 alternatives, it is in there. I question whether to
19 highlight it or not.

20 COMMISSIONER KONTOKOSKA: I respectfully
21 disagree. We all make rational points. We, in our
22 guidelines, account for in lieu of payments. They're
23 strongly discouraged and only on a localized basis we
24 have a for pay. It's a matter that needs to be
25 discussed and resolved. I don't want to highlight the

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1 10/6/10 Suffolk County Planning Commission
2 site because we're claiming these are million dollar
3 plus lots, that they should go other places.
4 This is the root of the problem and the root
5 of why Suffolk County is one of the most segregated
6 residential counties in the country. It's up to the
7 applicant and town to prove that it's a hardship. I
8 would love for the town to have some mechanism to make
9 that determination we don't have that now. I think we
10 stick with the guideline that requires ten percent of
11 the lots -- we use that as a standard, how the applicant
12 meets that. I think it's a matter for determination at
13 that level, and some kind of proof of exceptional
14 injury, they can't do it on site.

15 The purpose is to be on site. One of the main
16 goals of these policies is neighborhood integration.
17 It's a component of it and let it resolve itself.

18 COMMISSIONER KELLY: Do you know when this
19 application was filed?

20 MR. CARROLL: I think it originally was 1980.
21 Then there was legal action on it. I think the was
22 legislation the stipulated settlement happened in 2008.

23 COMMISSIONER KELLY: I think one of the other
24 components that we have to consider, while I will agree
25 our guideline is ten percent and it should be on site,

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1 10/6/10 Suffolk County Planning Commission
2 I think the tax implications or annual tax on a piece of
3 property of that size in that area would probably be
4 substantial without some type of off site by the town or
5 municipality. That is something that definitely speaks
6 to the affordable workforce units on site.

7 I agree that should be on site. I think in
8 cases like this, we have to keep this in mind. Say we
9 get somebody that may be able to qualify on the house,
10 but can they maintain the taxes, let alone whatever they
11 are to pay to maintain the parcel itself.

12 COMMISSIONER KONTOKOSKA: I understand we
13 have ten minutes and four pages to determine the merits
14 of the application. There are a lot of unknowns. There
15 is an easy opt out for this application as opposed to
16 other applications. We have to be consistent. Our
17 guidelines do call for -- it clearly says in accordance
18 with the Suffolk County guidelines, and our guidelines
19 call for in lieu payment in certain circumstances.

20 COMMISSIONER KELLY: Doesn't spell it out in
21 that condition.

22 COMMISSIONER TALDONE: Limit it to the ten
23 percent.

24 THE CHAIRMAN: Hold on. The guidelines,
25 which Andy will send to the municipality as is our new

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1 10/6/10 Suffolk County Planning Commission
2 standard operating procedure, is a page long and it says
3 ten percent and other things like for the town to
4 consider in lieu of, in rare circumstances, I forget the
5 exact wording, makes. Our guidelines talk about those
6 options. Well, you need to make sure that the towns
7 have that as part of our submission back to the towns,
8 MR. FRELENG: Understood.

9 THE CHAIRMAN: It's not spelled out in the
10 condition.

11 COMMISSIONER TALDONE: That is our concern.
12 I think our counsel should take a look at this. It
13 references the guidelines, but it says it shall be ten
14 percent. I'm understanding this to mean this is what
15 you should do, don't consider other things that are in
16 our guidelines. I think if you limit the condition that
17 states that it be consistent with our guidelines,
18 whatever the section is that allows the town to decide
19 whether they want million dollar houses with a little
20 affordable houses on them or they want multi unit
21 developments; it's up to them.

22 COMMISSIONER HOLMES: How would you word this?

23 COMMISSIONER TALDONE: Just pursuant to our
24 affordability guideline number --

25 THE CHAIRMAN: We will provide it to them

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1 10/6/10 Suffolk County Planning Commission
2 anyway.

3 COMMISSIONER TALDONE: Shall comply with.

4 THE CHAIRMAN: Shall comply with the
5 affordable housing guidelines.

6 COMMISSIONER HOLMES: Affordability shall
7 with the Commission guidelines.

8 THE CHAIRMAN: Applicant has to comply with
9 it.

10 COMMISSIONER ROBERTS: Without specifying ten
11 percent or two units.

12 COMMISSIONER TALDONE: I had lengthy
13 conversations with the town's assessor, who agrees that
14 because of the resale restrictions, the value of the
15 property will be reduced by some factor, whether it's
16 twenty percent from its free and clear market value. If
17 its free and clear market value is a million dollars and
18 he reduces the value of the lot to six hundred thousand
19 dollars, that still creates an almost unaffordable
20 property tax for that residence.

21 COMMISSIONER ROBERTS: And then there are
22 increases in the future.

23 THE CHAIRMAN: I think we are probably
24 dancing around the same issue. It's a question of
25 whether we highlight in the condition the ten percent.

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1 10/6/10 Suffolk County Planning Commission
2 The guideline says ten percent. The only question is
3 what are we actually saying in the condition itself.

4 COMMISSIONER McADAM: Two lots or meet other
5 conditions, not take that out or meet other conditions.

6 THE CHAIRMAN: Other alternatives consistent

7 with the guidelines.

8 COMMISSIONER KELLY: Just going back to the
9 filing date, what would supercede the New York State law
10 mandating ten percent, our guideline mandating ten
11 percent or the fact that this was filed prior to the New
12 York State law so that there is no requirement?

13 DIRECTOR ISLES: New York State law would
14 apply. It predates that. The Commission had a
15 guideline since 1991, beginning at twenty percent. We
16 did the revisions ten years ago. We said as of right
17 ten percent.

18 THE CHAIRMAN: To your point, no, New York
19 State law does not apply. The only thing that applies
20 is the Commission guidelines, and that does apply unless
21 the town overrules with a super majority.

22 COMMISSIONER HOLMES: Could we say the ten
23 percent affordable lots shall conform to our Commission
24 guidelines, something like? The affordability provision
25 shall conform to our Commission guidelines without

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1 10/6/10 Suffolk County Planning Commission
2 specifying they shall do ten percent.

3 THE CHAIRMAN: There are three options. One
4 is leaving them as it is. The second one is stripping
5 out the specificity of the ten percent and number of
6 lots and say the applicant shall abide by the affordable
7 housing guidelines. The third option, which is what Tom
8 was saying, which includes both should do ten percent or
9 in lieu of, either of which is consistent with the
10 Suffolk County planning guidelines. Those are the three
11 options.

12 COMMISSIONER HOLMES: Tom's is good.

13 THE CHAIRMAN: Anyone else want to discuss
14 the merits of those three options?

15 COMMISSIONER KONTOKOSKA: That is the next
16 question, what is the threshold for when we include
17 additional information in our conditions versus no?
18 When do we include the in lieu of phrase or section and
19 when do we not? I think you are raising a substantial
20 consistency issue here in terms of how you apply it.
21 That I would be very leary of.

22 The second question is, since 1991 we have had
23 a twenty percent standard on all residential projects.
24 It's been spelled out that way for twenty years. I
25 think you will weaken it quite a bit. That is

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1 10/6/10 Suffolk County Planning Commission
2 discussion on how you apply it. My concern is taking
3 the applications and saying that is how this is going to
4 read and change it on the next application.

5 COMMISSIONER TALDONE: My concern is not so
6 much with what we present in the language and what the
7 result is going to be. There is no way that the town is
8 going to make this developer put aside. So the end
9 result will be something else.

10 THE CHAIRMAN: I don't want to change what you
11 are saying. County law specifically says we don't take
12 into account what the town will or will not do on any
13 application. We can't prejudge what what a town or
14 village will do with respect --

15 COMMISSIONER TALDONE: I can rephrase that.
16 I think to best promote the positive outcome from this
17 we should give the option as a condition if they

18 decide. They decide, so they must refer to the actual
19 guideline and they must write back to us and say well,
20 we thought we didn't need to do that in either case,
21 and they have to override, rather than perhaps do
22 nothing in this instance.

23 THE CHAIRMAN: Are you advocating one of the
24 three choices?

25 COMMISSIONER TALDONE: Like Tom's.

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1 10/6/10 Suffolk County Planning Commission
2 Preference is the ten percent.

3 COMMISSIONER HOLMES: Could Tom phrase what
4 he was -- could you do a Word Perfect on the thing?

5 THE CHAIRMAN: I was going to recognize
6 Barbara first.

7 COMMISSIONER ROBERTS: I think this is such
8 an extreme situation that common sense just kind of says
9 that you you have to put both these options in, and it's
10 a good decision for this, and I very much like the
11 direction of putting both the ten percent and the other
12 phrase.

13 THE CHAIRMAN: Your comment was that the
14 applicant must abide by the requirements of the Suffolk
15 County Planning Commission's affordable housing
16 guidelines by either providing ten percent, two lots or
17 providing in lieu of fee.

18 COMMISSIONER McADAM: That's fine.

19 DIRECTOR ISLES: How about an equivalent in
20 lieu of fee?

21 THE CHAIRMAN: That is fine. The
22 municipality can determine what equivalency is.

23 COMMISSIONER ROBERTS: Don't they also have
24 the option of them building on another site?

25 THE CHAIRMAN: Yes. It's also off site.

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1 10/6/10 Suffolk County Planning Commission
2 Abide by the guidelines by providing ten percent on
3 site, off site alternative or equivalent in lieu of
4 fee.

5 COMMISSIONER LANSDALE: I have a question.
6 Speaking of Constantine's points about consistency of
7 language, what has been the typical phrase that we use
8 in applications; is it language proposed by staff?

9 MR. FRELENG: That would be the typical
10 language.

11 DIRECTOR ISLES: This can change going
12 forward if that is that you would like to do.

13 COMMISSIONER TALDONE: I think we have to
14 defer to the expertise of individual members who will
15 look at a lot and say that is a million dollar lot. We
16 want to broaden the possibilities.

17 MR. FRELENG: This may be obvious,
18 notwithstanding that, the Town of Southampton is going
19 to override the condition and say we have a housing
20 policy in conformance with state and county law. Thank
21 you very much.

22 The practical matter is, that the Town of
23 Southampton is likely to override the condition and go
24 to their own housing policy, which includes --

25 DIRECTOR ISLES: The Chair said the

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1 10/6/10 Suffolk County Planning Commission
2 Commission is not supposed --

3 MR. FRELENG: So the staff is recommending
4 that you stick with your standard policy, which requires
5 ten percent, and the locality will deliberate that and
6 provide affordable housing.

7 THE CHAIRMAN: I appreciate that. Let's test
8 if we have a majority on this. The motion is to amend
9 the staff report with respect to Condition 3 as I
10 verbalized it with the three alternatives. Abide by the
11 commission's guidelines. All in favor of amending the
12 staff report for Condition 3 in that regard, please
13 raise your hand. (Show of hands) Eight to two.

14 COMMISSIONER KONTOKOSKA: I'm voting no.

15 THE CHAIRMAN: We will amend the staff report
16 in that regard. I think some good issues were raised
17 because all we have done here is spell out the three
18 options in the plan.

19 COMMISSIONER TALDONE: Follow-up to what
20 Constantine said earlier, I wish there were a program
21 the town would be required to turn the money over to
22 county for a program to ensure that the housing was
23 disbursed throughout all the communities. That to me
24 would actually be a better protection for us. Every
25 town will do what it will with that money and we can't

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1 10/6/10 Suffolk County Planning Commission
2 control it.

3 THE CHAIRMAN: This is a good conversation to
4 have off line.

5 COMMISSIONER TALDONE: Understood. That is
6 the end of that comment.

7 THE CHAIRMAN: I think we are around the same
8 idea. The question is, how do we approach it going
9 forward. I ask that you, Andy, that you actually
10 provide the guidelines themselves to the municipality as
11 a matter of course. Any other comments on the
12 application?

13 COMMISSIONER TALDONE: On the very last
14 comment, making that an actual condition. I know
15 actually the town has a policy to do more progressive
16 storm water management designs. Maybe it's fine to
17 leave it as a comment. I think as a condition it is
18 much stronger supporting sensitive groundwater area.

19 COMMISSIONER ROBERTS: I think that is a good
20 idea.

21 THE CHAIRMAN: Any objection to making the
22 last comment into a condition? It isn't requiring
23 anything, it's highlighting the issue.

24 COMMISSIONER FINN: It is not in your
25 guidelines.

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2 COMMISSIONER TALDONE: Now they can write
3 back to us they considered it and thought it was bad for
4 whatever reason.

5 THE CHAIRMAN: Seeing no objection, we will
6 change that from a comment to condition. We have five
7 conditions. Third one has been edited slightly. Any
8 other comments or questions or suggestions about this
9 application? Seeing none, I'll entertain motion to
10 adopt as amended.

11 COMMISSIONER HOLMES: Motion.

12 COMMISSIONER ROBERTS: Second.

13 THE CHAIRMAN: All in favor of adopting the

14 staff report as amended, raise your hand. (Show of
15 hands.) That is ten to zero. Last item on the
16 agenda.

17 DIRECTOR ISLES: Seth Forman has completed
18 another chapter of the report dealing with race and
19 migration. He is prepared to present that in the
20 meeting in Babylon, assuming the agenda can accommodate
21 it. Meanwhile, we are working on completing volume one.
22 It is in graphic production right now. We are putting
23 it together, getting it ready for distribution as a
24 draft report. Will be done easily by November.

25 Lastly, we will be contacting the towns to

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2 have town meetings. Dan will coordinate that. We will
3 send out the letters shortly to make arrangements with
4 each of the towns for a town meeting.

5 THE CHAIRMAN: We ask that each of the
6 commissioners from the towns be made aware when the
7 meetings are, to the extent possible, so they can be
8 active in regard to their town.

9 Any other comments or questions? If not,
10 thanks again, Commissioner Holmes, for having us here.

11 COMMISSIONER HOLMES: We did lobby for
12 Shelter Island, remember, a few years ago when we
13 proposed to come to Shelter Island. And they said oh,
14 it's too far.

15 COMMISSIONER McADAM: I have two questions
16 that maybe sometime in the future maybe staff can help
17 with. At the planning conference last week, special
18 permits, a question came up and there was no real time
19 to discuss it about comprehensive plan adoption in the
20 town and village law, and design standards.

21 The case was, you can have a comprehensive
22 plan, but if you didn't have design standards and there
23 was a lawsuit, you could lose the lawsuit. I may have a
24 problem with understanding this, because it's kind of
25 outside my area. The question I have, if that is

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1 10/6/10 Suffolk County Planning Commission
2 correct, when we get staff reports and it says it's in
3 Suffolk County, not Suffolk County, Brookhaven Town
4 comprehensive plan, the question is, let's say it's a
5 condominium complex, should we know if the town has a
6 design standard for condominium complexes when we are
7 reviewing a project?

8 DIRECTOR ISLES: I don't know all the facts
9 of the things you're talking about, the circumstances in
10 terms of the general questions that would an application
11 for rezoning for attached residential units or special
12 permit --

13 COMMISSIONER McADAM: That was a special
14 permit.

15 DIRECTOR ISLES: We need to determine if
16 there are design guidelines and if the project is
17 consistent with that.

18 COMMISSIONER McADAM: That's correct.

19 DIRECTOR ISLES: If there are guidelines,
20 they're advisory. If there is an architecture review
21 board and that is a requirement of the local code, it
22 would have to go through that. Typically that would be
23 done after the zoning phase, after the site plan and
24 building permit phase. I get the sense I'm not hitting

