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SUFFOLK COUNTY PLANNING COMMISSION

H. Lee Dennison Building
Media Room
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York

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January 2, 2008
12:00 p.m.

BEFORE:

JOHN CARACCIOLO, Chairman

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

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

- LINDA HOLMES, Vice Chairwoman,
Town of Shelter Island
- THOMAS ISLES, Director of Planning
- CHARLA BOLTON, Secretary, Commission Member
At Large
- DAVID CALONE, Commission Member
Town of Babylon
- EDWARD J. PRUITT, Commission Member
Town of Brookhaven
- DONALD J. FIORE, Commission Member
Town of Islip
- ADRIENNE ESPOSITO, Commission Member
Villages Once 5,000 Population
- BARBARA ROBERTS, Commission Member
Town of Southampton
- ROBERT BRAUN, Commission Member
Town of Smithtown
- THOMAS MC ADAM, Commission Member
Town of Southold
- DANIEL GULIZIO, Deputy Director
Suffolk County Planning Department
- ANDREW P. FRELENG, Chief Planner
Suffolk County Planning Department
- TED KLEIN, Senior Planner
Suffolk County Planning Department
- PETER LAMBERT, Principal Planner
Suffolk County Planning Department

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

- JESSICA KALMBACHER, Research Technician
Suffolk County Planning Department
- JENNIFER KOHN, County Attorney
- JOHN PETROWSKI, County Attorney
- CLAIRE CHORNY, Staff

ABSENT MEMBERS:

- JESSE R. GOODALE, III, Commission Member
Town of Riverhead
- CONSTANTINE KONTOKOSTA, Commission Member
Villages Under 5,000 Population
- SARAH LANSDALE, Commission Member
At Large

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

6 (Time noted 12:11 p.m.)

7 CHAIRMAN CARACCIOLO: The meeting
8 of the Suffolk County Planning
9 Commission is now in session.

10 Can we all please rise for the
11 Pledge, and Linda, will you lead us?

12 (WHEREUPON, the Pledge of
13 Allegiance was recited.)

14 CHAIRMAN CARACCIOLO: All right.
15 The first item on the agenda is the
16 public portion. There are a couple of
17 speakers, and if you're ready to go --
18 I'm going to just let you know once
19 again that it's three minutes each,
20 unless you can allot your time, and then
21 it should only take a minute.

22 The first speaker is Chris Kelley,
23 and Chris -- well, Mr. Kelley, I see
24 that Doug Adams has given you his three
25 minutes, so you can take all six, sir.

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2 (WHEREUPON, Mr. Christopher Kelley
3 approached the podium, and addressed the
4 Planning Commission members.)

5 MR. KELLEY: Mr. Chairman and
6 Members of the Commission --

7 CHAIRMAN CARACCIOLO: I don't think
8 that's on.

9 MR. KELLEY: No? Okay, that should
10 make it a little better.

11 Christopher Kelley; Twomey, Latham,
12 Shea, Kelley, Dubin & Quartararo for the
13 Eastport Alliance.

14 Before I get started, I just want
15 to hand out a set of charts that I want
16 to review with all of you (handing).

17 So this application, as you know,
18 has been before you several times. I've
19 been here at least two times, possibly
20 three times on this. And it was --
21 there was a recommendation of denial --
22 denial for reconsideration motion;
23 brought up again for reconsideration
24 October 9th; and now in December,
25 apparently, there was a -- well, we

2 weren't here, I was notified that it was
3 before the Commission, and a vote was
4 taken to reexamine the issues.

5 Now, I want to focus today on the
6 fact that, you were right back in
7 December of 2006 when you recommended
8 denial. There was some information that
9 you were looking for from the applicant
10 based on that resolution. But the crux
11 of the substantive issue on the
12 application was whether there was
13 sufficient parking. I want to take you
14 through those numbers in the amount of
15 time we have, and also talk to you about
16 some of the zoning non-conformities,
17 specifically focusing on one that hasn't
18 been addressed.

19 With the insufficient parking, and
20 the lack of conformity to the zoning
21 requirements in the Town of Southampton,
22 I would submit that you're -- you were
23 dead on in December of 2006, and I would
24 ask that you adopt that same denial in
25 your acting on the application today.

2 So, let's go over the parking.

3 I've submitted to you a series of
4 charts, A through D, going through
5 various scenarios as we have analyzed
6 them, based on the numbers presented by
7 the applicant, and the numbers in the
8 Town Code. And we've done a continuum
9 of a liberal construction, starting with
10 chart A -- liberal meaning, best case
11 for the applicant -- to a more
12 conservative construction, which is
13 chart D and it's worst case for the
14 applicant.

15 We have a situation here -- I've
16 assumed for the sake of this argument --
17 again, we've disputed it in front of the
18 Planning Board, the Planning Board
19 record is now open, a public hearing
20 started in October, it's still going on.
21 But we've accepted, for the sake of this
22 argument only, that the application only
23 requires 49 parking spaces. There's
24 only 38 on the site. So, where is the
25 applicant going to come up with the

2 additional 11 parking spaces?

3 The proposal from the applicant is
4 to utilize the neighboring Marina,
5 which is under common ownership, to
6 provide that excess parking.

7 Well, our position is, even if you
8 do that, there's insufficient parking on
9 that Marina site. And why is that?
10 First of all, the Town Code requires for
11 you to consider parking as part of your
12 required off-site parking -- off-street
13 parking. All parking spaces have to be
14 improved to town specifications. That's
15 a section of the Code, it's cited in the
16 brief I've submitted to you, to the
17 Planning Board, it's cited in the
18 letters to the Planning Board and the
19 letter to you.

20 Second, none of those spaces can be
21 utilized for storage or other uses.
22 Now, again, to be very conservative,
23 very, very liberal to the applicant
24 here, we've assumed that all 67 improved
25 parking spaces could be utilized

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2 between the Marina use, and the Catering
3 Hall use. Even though during the
4 winter, and at some points at other
5 times of the season, some of those
6 parking spaces are used for storage.
7 We've demonstrated with aerial
8 photography, that we've submitted to
9 you, you have your own aerial photograph
10 in the file that shows those spaces are
11 used for storage. And under the Town
12 Code, again in the section that we cite,
13 you can't use -- it's double-dipping to
14 use those parking spaces for storage as
15 well as for parking.

16 So, let's go through chart A.
17 Chart A, you see, there are 67 improved
18 spaces, there are 72 boat slips at the
19 Marina site. Again, using the most
20 liberal construction, which is a .5
21 parking space per slip ratio, this is
22 the most conducive to the applicants
23 argument, and we'll get to it -- the
24 argument in a second as to why that is
25 not the appropriate ratio, but using

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2 that ratio, 36 of those 67 slips are
3 dedicated for the Marina use. This
4 additional 20 applicable to the marine
5 store. And that's based on the numbers
6 contained in the parking plan that's
7 been submitted to the Planning Board,
8 submitted to this Commission. An
9 additional two parking spaces goes to
10 employees -- have to be allocated to
11 employees of the Marina. The result is
12 58 spaces. Okay, we're operating
13 against the 67 improved. The proposal
14 here is to provide 11 parking spaces,
15 which is what's needed for the Catering
16 Hall site, and also four spaces have to
17 be dedicated, because of the connection
18 -- the interconnection between these two
19 sites, and are required by the Planning
20 Board. The bottom line is, is when you
21 deduct the spaces applicable to the
22 Marina use, and applicable to the
23 Catering Hall site, you come up -- in
24 the most liberal scenario, the one that
25 benefits the applicant the most, a

2 deficit of six parking spaces.

3 Now, let's move on to chart B.

4 Chart B, again, assumes the ratio most

5 favorable to the applicant, which is

6 .5 parking spaces per boat slip, but

7 adds into the equation the parking

8 spaces that the applicant has proposed

9 be utilized to support the commercial

10 use immediately to the south of the

11 Catering Hall, which is a Restaurant,

12 also under common ownership. I've

13 attached to the memorandum of law, that

14 you have in the file, a letter from

15 Helen Fehr to the Southampton Town

16 Building Department, in June of 2001,

17 where she says, to the Building

18 Inspector, who has requested additional

19 parking because of an expansion proposed

20 for the Restaurant, that we will

21 dedicate 15 to 20 parking spaces at the

22 Marina site for use by the Restaurant.

23 So, you can see in the second part of

24 the analysis, at the bottom, the parking

25 spaces -- there's still 11 overflow

2 spaces needed from the -- at the Marina
3 site to the Catering Hall, you have four
4 for the connection, you take away 20 off
5 of the town for the Restaurant use, and
6 you take away another four for the
7 connection, because now we have another
8 connection between the Restaurant site
9 and the Catering Hall site, and then we
10 have a connection between the Catering
11 Hall site and the Marina, you come up
12 with a deficit of 30 spaces. So, again,
13 insufficient parking.

14 CHAIRMAN CARACCIOLO: I don't want
15 to cut you off, Mr. Kelley, but I gave
16 you a very liberal six minutes. I know
17 you have a couple more things to do, so
18 please --

19 MR. KELLEY: I'll move along.

20 CHAIRMAN CARACCIOLO: -- just
21 finish up; okay?

22 MR. KELLEY: Okay.

23 Chart C and D use the same math,
24 the same analysis, only they apply the
25 ratio of 1.5 parking spaces per slip.

2 Which is the ratio in the Town Code,
3 required to be used in a Marina when
4 there's upland storage at the Marina.
5 And there is upland storage at this
6 Marina, as the photographic evidence
7 establishes. You can go out to the site
8 yourself and look at it. By the way,
9 this is -- the 1.5 ratio was utilized by
10 the Planning Board, the same Planning
11 Board reviewing the applications now,
12 when it last granted a site plan
13 approval for the Marina. It was
14 1.5 spaces per slip. And, again, you
15 run a deficit anywhere from 78 to 102.

16 So, the worst case analysis for the
17 applicant is 102 parking slip -- parking
18 space deficit, the best case is a six
19 parking space deficit.

20 Quickly I'll go over one other
21 point, which is nonconformity with the
22 Code. Several of them are outlined in
23 the submissions to the Planning Board,
24 which you have in front of you, but I'll
25 just talk about one, and that is the

2 front-yard setback.

3 The front yard in this property is
4 the water side of the property. A
5 60 foot setback is required. The
6 applicant's building is roughly
7 28.4 feet from the water's edge, and the
8 decking is right at the water's edge.
9 When asked about this, the Building
10 Inspector back in 2002 implied that
11 there was a grandfathering of the
12 setback because of a building that was
13 on the site. Of course, under the Town
14 Code, in order to get that
15 grandfathering, it has to be a
16 nonconforming building devoted to a
17 conforming use. And this building is
18 not -- building was not devoted to a
19 conforming use, it was devoted to a
20 marine laundry and retail, which is not
21 permitted in the RWB zone. That's the
22 first reason the analysis is wrong.

23 The second reason the analysis is
24 wrong is because, if you look at the COs
25 that were issued for the site, it was

2 for a multi-family dwelling, and it was
3 for a storage building. The
4 multi-family dwelling being the primary
5 use. Through inadvertence, I believe,
6 the Building Inspector, who's no longer
7 with the Town, said there was a
8 grandfathering. But what he did is
9 essentially give the primary use, the
10 Catering Hall, the grandfathering
11 benefit of a setback established by an
12 accessory structure, which you can't do.
13 It's as if I built my house and I had a
14 preexisting shed ten feet from my
15 neighbor's property line, and I decided
16 I could move my house up to that
17 ten-foot setback because the accessory
18 structure was there. We all know
19 that -- you guys are all familiar with
20 zoning, you've seen a hundred cases,
21 thousands of case -- that's not a
22 permissible way to grandfather
23 something.

24 CHAIRMAN CARACCILO: Okay --

25 MR. KELLEY: So --

2 CHAIRMAN CARACCIOLO: --

3 Mr. Kelley, I've got to --

4 MR. KELLEY: Okay.

5 CHAIRMAN CARACCIOLO: -- I've got
6 to cut you off now; okay?

7 MR. KELLEY: Those are my points.
8 I would --

9 CHAIRMAN CARACCIOLO: Thank you.

10 MR. KELLEY: -- submit to you that
11 you were right in December of 2006, and
12 you should stick to your guns.

13 Thank you very much.

14 CHAIRMAN CARACCIOLO: We appreciate
15 that.

16 MR. KELLEY: I'm happy to answer
17 any questions.

18 (WHEREUPON, Mr. Christopher Kelley
19 stood down.)

20 CHAIRMAN CARACCIOLO: Let's have
21 John Wagner.

22 (WHEREUPON, Mr. John M. Wagner
23 approached the podium, and addressed the
24 Planning Commission members.)

25 MR. WAGNER: Good morning,

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2 Mr. Chairman, Members of the Commission.

3 Respectfully, I'd like to give over my

4 time to Mr. Michael Walsh.

5 (WHEREUPON, Mr. John M. Wagner

6 stood down.)

7 CHAIRMAN CARACCIOLO: Okay, we'll

8 have Mr. Walsh come up, and he has

9 six minutes.

10 (WHEREUPON, Mr. Michael Walsh

11 approached the podium, and addressed the

12 Planning Commission members.)

13 MR WALSH: Thank you for hearing us

14 today. My name is Mike Walsh, and I

15 represent the applicant, H.T.L., L.L.C.,

16 before the Planning Board in the Town of

17 Southampton.

18 Many of the issues that were raised

19 by Mr. Kelley a moment ago, are

20 presently being addressed by the

21 Planning Board. We're in the mist of

22 hearings, we're going to continue

23 January 17th and hopefully we'll close

24 out on that date.

25 When we were last here, we were

2 able to get copies of the minutes from
3 your hearing on December 6th of 2006,
4 when you passed a resolution -- the
5 resolution to disapprove the
6 application.

7 We also got minutes of the October
8 meeting, where this was considered by
9 your Board for a redetermination, and
10 the application for the redetermination
11 was denied. And in those minutes, we
12 saw that your staff had actually
13 recommended an approval -- an approval
14 of this application. Not even a
15 referral back for local determination,
16 but an approval, subject to two
17 conditions.

18 The first condition spoke about
19 this question of whether or not a
20 variance was required for the items that
21 Mr. Kelley referred to, setback
22 variances, parking variances and such.
23 And the condition that was recommended
24 by staff, was that we present to you
25 proof from the Town's files that no

2 variances were required. We did that.
3 There's a memorandum from the Town
4 Attorneys Office that was part of the
5 original Planning Board approval from
6 back in 2002, and there's a memorandum
7 from the Building Inspector that
8 clearly -- clearly speaks to that issue.
9 There are no variances required for this
10 project.

11 It may be that the Eastport
12 Alliance and Mr. Kelley have a problem
13 with that, but, quite frankly, their
14 remedy -- if they're going to complain
15 about a determination by the Town
16 Attorney of the Town of Southampton, or
17 the Building Inspector of the Town of
18 Southampton, they should go to the
19 Zoning Board of Appeals and fight that
20 battle there. They did not do that.

21 What we see happening here, during
22 this proceeding, is an attempt by
23 Eastport Alliance to have a
24 micro-hearing, so to speak, before your
25 Board, and they're asking you to decide

2 issues that are properly outside of your
3 jurisdiction, respectfully. Anytime a
4 Building Inspector issues determination,
5 you have a complaint about it, go to the
6 Zoning Board of Appeals.

7 There are two memorandums in the
8 file, which have been submitted to you.
9 And I quote, from the Town Attorney's
10 memorandum: "There are no issues of
11 nonconformity concerning the H.T.L.,
12 L.L.C. site plan application at this
13 time. First, a determination has been
14 made by the Building Department that the
15 current plan does not require any
16 variances. The Building Department has
17 been given the responsibility of
18 interpreting the Town Zoning." That
19 memorandum's dated April 26th, 2002.
20 It's from the Town Attorney's Office,
21 Karen Pape, to Dave Wilcox, the
22 Principal Planner.

23 So, the issue of variances,
24 respectfully, is a matter for the Zoning
25 Board and for the Building Inspector.

2 That's been resolved.

3 The second condition that was
4 recommended by staff, when they
5 recommended approval for this
6 application to you, was that the Fire
7 Marshall reissue this Certificate of
8 Occupancy -- this occupancy certificate
9 for the building in issue, which is the
10 Catering Hall, to comply with the
11 condition in the original approval
12 adopted by the Planning Board, which set
13 the occupancy of the building at 119,
14 plus nine employees, for a total
15 occupancy of 128.

16 We have also transmitted that
17 document to you. The Fire Marshall did
18 indeed, in June of 2007, reissue that
19 Certificate of Occupancy. The maximum
20 occupancy for this building is 129.
21 That becomes important because the
22 occupancy of the building, 128, dictates
23 the number of parking spaces. It's all
24 set forth in the submissions we've made
25 to you, but it's a simple calculation.

2 You require 49 parking spaces because
3 you simply take the occupancy of 128,
4 you need one space for three patrons, so
5 it's 119 divided by three, plus nine
6 spaces. Occupancy's 128, we need
7 49 spaces.

8 The Town Code specifically --
9 specifically authorizes the Planning
10 Board to permit off-side -- off-site
11 parking on an adjoining site, in this
12 case the Marina, and you can park up to
13 one-third of the cars that you're
14 required to accommodate off-site.
15 One-third. The Planning Board
16 specifically granted us that relief.

17 So, when it comes to the issues of
18 the variance, the maximum occupancy
19 certificate that's been cleared up by
20 the Fire Marshall, and the issue of the
21 required parking on the site, that's
22 wholly a matter for the Planning Board.
23 They decided that issue the first time
24 around, and there really are no issues
25 at this point.

2 As far as this document that was
3 handed up by Mr. Kelley, that may be the
4 Eastport Alliances' interpretation of
5 the parking regulation, but
6 respectfully, that is not a matter
7 that's before your Board at this time.

8 We also went back to the Eastport
9 Fire -- Board of Fire Commissioners, and
10 they submitted a letter dated
11 December 7th into the record --
12 December 7th of 2007, and they
13 specifically assert that there's never
14 been any parking problems, and I'll
15 quote, "The Board in Chief have never
16 been contacted regarding a parking
17 problem at this complex."

18 And I think most importantly,
19 this -- you have a unique situation in
20 that this project was approved back in
21 2002. It was CO'ed in December of 2005.
22 We have -- excuse me, December of 2004.
23 We've had three years of operating the
24 Catering Hall at this site to determine
25 whether or not there are any parking

2 problems.

3 And I think what's very, very
4 important here, is that the Eastport
5 Alliance has not come forward with any
6 photographs, any documentation
7 whatsoever that there's been any parking
8 problem.

9 If you're concerned, as a Regional
10 Planning Commission, is access to the
11 water, access to the bay at South Bay
12 Avenue where this site is located, and
13 parking is an issue, there hasn't been
14 one scintilla of proof brought to you.
15 And I challenge the Eastport Alliance,
16 and we did this at the Planning Board,
17 bring us some proof that there's been a
18 complaint about parking. Give us some
19 proof that there's been a photograph
20 taken of cars parking on the street.
21 The fact of the matter is, there have
22 been no parking problems.

23 CHAIRMAN CARACCIOLO: Let's start
24 wrapping it up here.

25 MR. WALSH: Okay. And the fact

2 remains that the Town of Southampton,
3 who retains jurisdiction, concluded in
4 2002 that this project should be
5 approved. We respectfully request that
6 you do the same, and we appreciate your
7 time.

8 CHAIRMAN CARACCIOLO: Thank you
9 very much for coming down. Appreciate
10 it.

11 (WHEREUPON, Mr. Michael Walsh stood
12 down.)

13 CHAIRMAN CARACCIOLO: Next speaker
14 is Jeffrey Vellmoth.

15 (WHEREUPON, Mr. Jeffrey Vellmoth
16 approached the podium, and addressed the
17 Planning Commission members.)

18 MR. VELLMOTH: Good afternoon.

19 CHAIRMAN CARACCIOLO: How do you
20 do?

21 MR. VELLMOTH: Happy New Year.

22 First, I'd like to point out to the
23 Board, my last testimony in -- I think
24 it was the October hearing, and I would
25 like that made part of this record. I

2 clearly went over all the parking
3 requirements that apply to this project.
4 Staff agreed on the record, at that
5 time, that my parking analysis was
6 correct.

7 You've heard testimony today about
8 a letter submitted from the owner of
9 Trumpets Restaurant, saying that
10 additional spaces would be provided on
11 the Marina property. If you look at the
12 records on that, that letter was issued
13 in 2001 to the Building Inspector, as
14 part of a deck application for seasonal
15 seating on the deck. At the time, they
16 were proposing a significant quantity of
17 seating on the deck.

18 Through the site planning process,
19 where the resolution was finally
20 approved by the Town of Southampton in
21 2003, the allowable occupancy on that
22 deck went to 11.

23 There are sufficient parking spaces
24 on the Restaurant site, by Code --
25 constructed spaces and land bank spaces

2 to satisfy the Restaurant. That
3 should -- that's not even part of this
4 application, but Mr. Kelley wants to
5 keep folding it back in.

6 There was no part in that
7 resolution that required that additional
8 parking be provided on the Marina
9 property. And there's no set-aside to
10 that, because by the time that plan was
11 finally approved, the number of seats on
12 the deck were significantly reduced,
13 they could provide it on-site.

14 The Town Board has the ability to
15 require land bank parking on that site,
16 on that -- be constructed. Like any
17 other Town in this County, they have the
18 right to require that. Land bank
19 parking was set-aside and not developed
20 on the Restaurant property.

21 Throughout this application
22 process, your first review and denial on
23 this plan was based on incomplete
24 information. It was an incomplete
25 referral. A major difference between --

2 one of the major differences between
3 your denial and today's application, is
4 that you have all the supporting
5 documentation. You're not relying on
6 information that we're still drafting,
7 and you have documents in your file that
8 are outdated by the final reports
9 submitted by staff, and they were
10 treated as if they still applied, where
11 we were still dealing with much higher
12 occupancy ratings.

13 The file continually gets stuffed
14 with paper at the last minute. It got
15 stuffed with paper again tonight, with
16 charts alleging all kinds of parking
17 issues again. The fact is, the parking
18 meets Code. The parking on the site is
19 39, not 38; the parking off-site is
20 sufficient. It's up to the Planning
21 Board to decide whether or not they --
22 to allow additional parking spaces on
23 grass. It's not up to Mr. Kelley's
24 determination, they can waive any
25 section of the Improvement Code they

2 want on the site plan process, without
3 requiring a variance.

4 So, what I encourage you to
5 consider is what Mr. Walsh said, and
6 that is that we've had an operating
7 facility for a number of years. This is
8 a unique application.

9 We've had all kinds of allegations
10 against these people that own this
11 property, as sneaking in additional
12 square footage.

13 That's absolutely not true.

14 We have allegations that there's
15 some kind of storm water impact to this
16 site.

17 It's completely compliant with Town
18 Code, it's completely compliant with New
19 York State Code. All the developed
20 storm water is disposed of on-site.

21 We have allegations regarding
22 sanitary (sic). You have proof on your
23 file that we're Article 6 compliant. He
24 may not agree with the County on
25 determination, but Suffolk County

2 determined we were Article 6 compliant.

3 The Trumpets Catering Facility
4 discharges less sanitary waste than the
5 preexisting use. The use that was there
6 before, the residential uses. We're
7 complaint with the Code.

8 For someone to submit applications
9 and ignore -- or materials, and ignore
10 the actual factual evidence in the same
11 file that he's pulling drafts from --
12 it's disingenuous. It doesn't present
13 the real case, you're looking at a
14 different case now. And that's why I
15 encourage you, I mean, to take a look at
16 what was submitted, the file's complete,
17 listen to staff, staff reported last
18 time that all your reasons for denial
19 are no longer applicable.

20 CHAIRMAN CARACCIOLO: Thank you,
21 sir.

22 (WHEREUPON, Mr. Jeffrey Vellmoth
23 stood down.)

24 CHAIRMAN CARACCIOLO: Next speaker,
25 Andrea Spilka.

2 (WHEREUPON, Ms. Andrea Spilka
3 approached the podium, and addressed the
4 Planning Commission members.)

5 MS. SPILKA: Good morning, and
6 Happy New Year.

7 I must admit, listening to the
8 speaker before me, I'm thinking, "Gee,
9 maybe there isn't anything to the" --
10 but I'm not so sure that that's the
11 case. And, the first thing I'm going to
12 ask, if it's possible, can I speak just
13 for two minutes, and give Chris my last
14 minute; is that possible?

15 CHAIRMAN CARACCILOLO: Chris has to
16 fill out a -- no, Chris --

17 MS. SPILKA: Chris Kelley?

18 CHAIRMAN CARACCILOLO: -- Kelley
19 spoke already.

20 No, he had six minutes. I'm sorry.

21 MS. SPILKA: He's not -- oh, okay.

22 MR. KELLEY: Can I get a rebuttal?

23 CHAIRMAN CARACCILOLO: No.

24 MS. SPILKA: But -- I'm here
25 representing the community. I'm an

2 advisor to the Speonk/Remsenburg Civic
3 Association. I have another copy of a
4 letter that they submitted to the Town,
5 and I'll submit that to you for the
6 testimony.

7 Basically, everyone likes Trumpets,
8 I don't think that's a question. But,
9 in driving here, I was thinking about,
10 what's a good analogy? And, the best
11 one I could come up with is a beautiful
12 package, that may have -- even have a
13 very good gift inside, but that has a
14 lot of other stuff associated with it, a
15 lot of packing, who knows what's inside
16 that package. And from the community's
17 standpoint, there's a potential danger,
18 in my mind, to what's inside that
19 package, when it comes to the parking,
20 to the noise, to the sanitary flow
21 pollution.

22 I don't -- SEQRA was never done on
23 this. I think it's very important that
24 we take a look at the potential impact.

25 It seems to me that this is a bigger box

2 than what we expected, and it was a
3 bigger box than what was applied for.
4 And, to that extent, we're very
5 concerned about the long-range
6 repercussions. There are too many areas
7 that -- you know, around us where it's
8 only years later that you see the
9 effects of a mistake.

10 And as much as we admire the -- the
11 Restaurant and -- and, you know, people
12 love the Catering facility,
13 everyone's -- it's -- it's a question
14 of, is the size appropriate? It's not
15 what was applied for -- as I understand
16 it, it's not what was applied for, it's
17 not what was approved. And, we see that
18 there's some real danger.

19 So I'm asking you to do a couple of
20 things:

21 No. 1: That you treat them as you
22 would any homeowner in the area. If any
23 of us had done something like this,
24 building -- you know, someone would have
25 been down on our backs immediately.

2 At this point, you guys are our
3 representatives for making sure -- this
4 is in my mind -- that this is
5 appropriate for the area; that it has no
6 long-range devastating impact; that due
7 diligence is done to protect the health
8 and the welfare of the community, and
9 I'm asking that you do that.

10 Thank you.

11 CHAIRMAN CARACCIOLO: Thank you for
12 coming down.

13 (WHEREUPON, Ms. Andrea Spilka stood
14 down.)

15 CHAIRMAN CARACCIOLO: I have no
16 more cards, so we'll close the public
17 portion, and we'll move on to Suffolk
18 County Administrative Code business.

19 The first item on the agenda is
20 H.T.L., L.L.C.

21 Andy?

22 MR. FRELENG: Thank you,
23 Mr. Chairman, Members of the Board.

24 The first matter -- regulatory
25 matter before the Commission is the

2 matter of H.T.L., L.L.C. This is
3 referred to us from the Town of
4 Southampton.

5 Jurisdiction for the Commission is
6 that the subject property is adjacent to
7 Seatuck Cove.

8 Suffolk County Planning Commission
9 received a referral from the Town of
10 Southampton in May of '06 on an existing
11 Catering Hall, with on-site parking for
12 39 vehicles. The plan was approved by
13 the Town Planning Board on May 23rd,
14 2002 and received a Certificate of
15 Occupancy on December 6th, 2004.

16 Referral of the application to the
17 Planning Commission, in December, was
18 via Court Order on the Town of
19 Southampton, in connection with a
20 procedural defect related to the
21 necessity of a New York State General
22 Municipal Law Referral, pursuant to the
23 site plan approval process.

24 I just want to go over a little bit
25 about the subject application, and just

2 take a little piece from the last staff
3 report, just to bring us back to ground
4 zero, if you will.

5 The applicants are seeking Town
6 Planning Board site plan approval for a
7 Catering Hall on 34,106 square feet,
8 that's .78 acres of land in the Resort
9 Waterfront Business Zone. The subject
10 property is located on the east side of
11 Bay Avenue, approximately 1,100 feet
12 south of River Avenue, in the Hamlet of
13 Eastport.

14 A review of the character of the
15 land use and zoning pattern in the
16 vicinity indicates that the subject
17 premises is situated in a Resort
18 Waterfront Business Zoning category.
19 The immediate area is zoned similarly,
20 however, the predominate zoning in the
21 vicinity is residential R-40, and that's
22 up to the north that you can't really
23 see (indicating).

24 The area is developed along Bay
25 Avenue, with residential along the west

2 side -- from what you can see, the area
3 is developed along Bay Avenue, with
4 residential along the west side, and a
5 Restaurant building abutting the subject
6 site to the south, and a Marina adjacent
7 to the subject property to the north.
8 The subject property fronts on
9 Bay Avenue to the west, and Seatuck Cove
10 to the east.

11 Access to the proposed site -- I
12 don't know if you can see that
13 (indicating) -- two access points to the
14 site -- I'm sorry, one access point to
15 the site here (indicating), and that is
16 to an existing curb cut to Bay Avenue to
17 the west.

18 The subject property is situated in
19 Hydrogeologic Management Zone 4. It is
20 not located in a special groundwater
21 protection area. The property is not
22 located in a Pine Barrens Region of the
23 County. The property is not located in
24 a critical environmental area. There
25 are no State or Federal wetlands which

2 occur on or adjacent to the subject
3 property, with the exception of a creek
4 to the east. And the parcel is bulk
5 headed, and is adjacent -- as I said,
6 adjacent to Seatuck Cove.

7 The Town of Southampton
8 1970 Comprehensive Plan recommends
9 Commercial for this site. The 1980 and
10 1997 Master Plan updates have no
11 specific recommendations for the
12 property.

13 When staff originally reviewed the
14 application, that has been testified
15 today, staff identified two specific
16 issues related to the subject referral.

17 The first being, that minimum lot
18 size in the RWB zone is 40,000 square
19 feet. And that necessitated several
20 variances, which staff believed.

21 Also, the second major opinion was
22 that the allowed occupancy of the
23 Catering Facility was contradictory to
24 an approval of the Planning Board, and a
25 determination of the Fire Marshall, and

2 staff looked to have that clarified.

3 It's the opinion of staff that
4 there is a substantive difference in the
5 materials submitted originally to the
6 Commission and the material that is
7 before the Commission today. At the
8 December 6th Suffolk County Planning
9 Commission meeting, after consideration
10 of the presented staff report and
11 testimony from the public, the Suffolk
12 County Planning Commission, after due
13 deliberation, resolved to disapprove the
14 referred action. As I indicated, staff
15 believes that there is substantive
16 difference to rehear this matter.

17 The Suffolk County Planning
18 Commission's, in December of 2006,
19 disapproval was for three principal
20 reasons:

21 First, that it appeared that there
22 were several variances for the proposal.

23 Second, that floor plans submitted
24 were not clear as to the gross floor
25 area, as it related to parking stall

2 requirements.

3 And third, that parking
4 arrangements provided by the petitioner
5 appeared to be inadequate, based on a
6 discrepancy between the rated occupancy
7 of the Town Fire Marshall and approval
8 of the Town Planning Board.

9 In a letter dated February 15th,
10 2007, from the offices of the referring
11 body, which is the Southampton Town, the
12 Southampton Town Planning staff
13 preferred rebuttal information supplied
14 by the petitioner, with respect to
15 points raised in the Commission's
16 disapproval. The petitioners argue that
17 no variance relief is required for the
18 subject property, and provided evidence
19 from the Town Attorney's Office relating
20 to that.

21 The current referral from the Town
22 of Southampton includes an updated site
23 plan, clarifying the as-built gross
24 floor area. Discrepancies in the
25 interpretation of the gross floor area

2 appeared to be derived from differences
3 between the proposed building plan,
4 architect's modifications and field
5 adjustments, as represented on the
6 lasted revised plan.

7 The Town Planning Board, in their
8 approval of the requested action,
9 limited the occupancy of the proposed
10 Catering Facility to less than that
11 rated by the Town Fire Marshall.

12 The February 2007 correspondence
13 from the petitioner provides evidence of
14 the validity and enforceability of the
15 reduced occupancy, as indicated by the
16 Town Planning Board.

17 Parking stall calculations are then
18 based on the rated occupancy, as
19 approved by the Town Planning Board.
20 The revised plan, referred to the
21 Suffolk County Planning Commission,
22 shows 39 on-site spaces. Plans on file
23 with the Suffolk County Department of
24 Planning for the adjacent Marina
25 demonstrate adequate area to accommodate

2 the required ten off-street parking
3 stalls for the Catering Facility, and
4 sufficient area to accommodate the
5 parking stalls for the Marina use.

6 It is the belief of the staff that
7 issues related to the Commission's
8 jurisdiction, with respect to
9 inter-municipal and regional
10 considerations of the proposed action,
11 have been addressed. The Commission was
12 concerned that issues related to
13 discrepancies in the required and
14 supplied off-street parking stalls, as a
15 result of the proposed action, would
16 overflow onto the public right-of-way
17 and make access to the regional water
18 body, at times, problematic for the
19 general public.

20 Upon consideration of the record to
21 date, staff believes that the record is
22 clarified and that adequate off-street
23 parking is provided for the proposed
24 Catering Facility.

25 Staff is recommending that the

2 matter be returned for local
3 determination.

4 That is the staff report.

5 CHAIRMAN CARACCIOLO: Thank you,
6 Andy.

7 Questions or comments from the
8 Commission?

9 COMMISSIONER ROBERTS: I have a few
10 comments.

11 CHAIRMAN CARACCIOLO: Barbara, why
12 don't you take the mic (handing).

13 COMMISSIONER ROBERTS: Barbara
14 Roberts, and I'm the Commissioner
15 representing Southampton.

16 Feeling that this was such an
17 important issue in front of the
18 Commission, I took it upon myself to
19 devote about eight hours of my Saturday
20 to very carefully read everything and
21 actually visit the site.

22 Basically, visiting this site, I
23 think something that I would very much
24 like to stress is, that it is an
25 incredibly beautiful and peaceful cove.

2 That the environment to things that this
3 could have an impact on are just
4 extraordinary (sic).

5 Your first impression when you come
6 to this site is, clearly, this facility
7 is way too close to the water. And in
8 my -- in visiting at 4 o'clock on
9 Saturday, it was very interesting that
10 there was virtually no parking available
11 at the Marina. That, as we've heard,
12 most of the parking space was covered
13 with boats.

14 Also, when I arrived at
15 4 o'clock -- evidently, the Trumpets
16 Restaurant opens at 5 o'clock, and when
17 I came into the Catering Facility -- the
18 Restaurant parking lot was totally
19 empty, but there were ten cars parked at
20 the Catering Facility, and it was
21 clearly the staff who were showing up to
22 work at the Restaurant.

23 So, the examples of not enough
24 parking in this facility, I personally
25 very much witnessed.

2 I also was very interested, and I
3 feel a little bit better hearing that
4 the Fire Marshall has now issued another
5 Certificate for 123 people. Because I
6 also spent a long time on the web
7 visiting Trumpets website, and also
8 other wedding sites for the East End.
9 And, it was very interesting to me, when
10 I went into Trumpets website, that
11 there's great photographs that show
12 extraordinary high-quality service, it
13 looks like it's a beautiful place for
14 weddings, but the pages "about us" or
15 accommodations or any page that
16 specifically told you how many people
17 were welcome into the site, it has -- it
18 specifically said "more information
19 coming."

20 Also on the website, they clearly
21 show the Restaurant and 119 spaces, but
22 the bar, which has the other 33 seats,
23 are still shown on the website. So,
24 this 152 number, in my opinion, is still
25 what the space can take.

2 I think the thing that most
3 concerned me is when I went into other
4 websites, I did find Trumpets on the
5 Gate prominently advertising, on a
6 wedding website, that said that these
7 are businesses that welcome over
8 150 guests.

9 Also, in another website, I found
10 an ad saying that it was white-glove
11 service. That it was catering on
12 premise. So again, I questioned how
13 this facility can be working with nine
14 employees. White-glove service to me
15 means one person per table; catering on
16 premise means there's a kitchen. I'd
17 like to know where the musicians park,
18 where the wedding planner parks, where
19 the florist parks. There's some common
20 sense here that -- it just doesn't feel
21 right for me.

22 So, to take a quote, I think, from
23 Chris Kelley's document, because after
24 reading him, I think it really is the
25 essence, "The original decision by the

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2 Planning Board makes it clear that the
3 majority wasn't interested in dealing
4 with the reality, and instead
5 constructed an elaborate fiction that
6 the applicant could avoid the necessary
7 parking by pretending it only needed
8 nine employees, and pretending that it
9 would limit its occupancy to
10 119 people."

11 I'm just still very concerned that
12 that's the reality.

13 CHAIRMAN CARACCIOLO: Thank you,
14 Barbara.

15 Any other comments or question from
16 the Commission?

17 (WHEREUPON, there was no response.)

18 CHAIRMAN CARACCIOLO: Then a motion
19 is in order.

20 COMMISSIONER FIORE: Motion --

21 CHAIRMAN CARACCIOLO: Motion to,
22 Don, accept the staff report, to send
23 back for local determination?

24 COMMISSIONER FIORE: Yes.

25 CHAIRMAN CARACCIOLO: Can I have a

2 second for that?

3 COMMISSIONER PRUITT: Second by
4 Commissioner Pruitt.

5 CHAIRMAN CARACCIOLO: Second by
6 Commissioner Pruitt.

7 A motion's on the table to accept
8 the staff report to send this
9 application back to the Town of
10 Southampton for local determination.

11 COMMISSIONER ROBERTS: Can I add a
12 comment?

13 CHAIRMAN CARACCIOLO: The motion's
14 on the floor now. Okay. So we need to
15 vote on that motion.

16 All those in favor of sending it
17 back for local determination?

18 (WHEREUPON, the members voted.)

19 CHAIRMAN CARACCIOLO: Seven.
20 Opposed?

21 (WHEREUPON, the members voted.)

22 CHAIRMAN CARACCIOLO: Two.
23 Any abstentions?

24 (WHEREUPON, the members voted.)

25 CHAIRMAN CARACCIOLO: One

2 abstention.

3 COMMISSIONER BOLTON: I'm
4 abstaining due to the fact --

5 CHAIRMAN CARACCIOLO: You don't
6 have to give me a reason.

7 COMMISSIONER BOLTON: Oh, okay.

8 CHAIRMAN CARACCIOLO: So, the
9 motion doesn't carry, but it goes back
10 to the Town with no comment, no action.

11 The next item is Pinewood
12 Development Corp.

13 (Pause in the proceeding)

14 MR. FRELENG: Mr. Chairman, are we
15 ready?

16 CHAIRMAN CARACCIOLO: Yes, sir.

17 MR. FRELENG: Okay. The next
18 matter before the Commission is the
19 referral of Pinewood Development Corp.
20 This comes from the Town of Huntington.
21 Jurisdiction for the Commission is that
22 the subject application is within
23 500 feet of Park Avenue and mapped
24 regulated wetlands associated with
25 tributary to Mill Pond.

2 The applicants are seeking Town
3 Board Change of Zone approval from I-4,
4 which is Light Industrial, to R-3M,
5 which is Garden Apartments Special
6 District, to permit the construction of
7 95 age restricted attached units. Ten
8 units are to be designated as
9 affordable, which is 10.5 percent.
10 190 parking stalls are required by Town
11 of Huntington Zoning Law, and 196 are
12 provided.

13 The subject property is located on
14 the south side of Arnold Drive, at its
15 terminal end, in the Hamlet of
16 Greenlawn.

17 A review of the character of the
18 land use and zoning pattern in the
19 vicinity, indicates that the subject
20 premise is located in a corridor of
21 light industrial zoning, with the
22 exception of property adjacent and east
23 of the subject site. North of the
24 subject property, detached single-family
25 dwelling residential zoning dominates

2 the area. Land use in the area is
3 reflective of the zoning pattern.
4 Adjacent and to the northeast exists
5 Suffolk County Water Authority property,
6 housing a well site and an elevated
7 storage tank.

8 Access to the proposed site is
9 intended from an existing town roadway
10 known as Arnold Drive. The subject
11 application is located at the southern
12 side of the roadway, and will extend the
13 road by approximately 150 feet eastward.
14 Internal circulation is to be via
15 private roadways within the development.

16 Okay. The subject property is
17 situated in Hydrogeologic Groundwater
18 Management Zone I. The site is not
19 located in a Special Groundwater
20 Protection Area. It is not located in a
21 State Critical Environmental Area.
22 There are no local, state or federally
23 regulated wetlands which occur on site.
24 However, freshwater wetland H-6, as
25 mapped by the New York State DEC, is

2 located to the northwest of the subject
3 parcel. The site is not located in a
4 Pine Barrens Region of Suffolk County.

5 If I could just take a breath for a
6 second and go back to the aerial, you
7 can see the wetland system here
8 (indicating). This is the subject
9 property (indicating), there's a well
10 site here (indicating). The existing
11 town street is right here (indicating).
12 They're going to extend the street, take
13 access in from the north. The Long
14 Island Railroad, I failed to mention but
15 I'll mention it now, it runs along the
16 south side of the property.

17 The Town of Huntington 1993
18 Comprehensive Plan is currently being
19 updated, and there are no specific
20 recommendations for the subject parcel
21 in the existing plan.

22 It is the brief of the staff that
23 the premises for the requested Change of
24 Zone, to 95 age-restricted attached
25 units, with ten units being set aside

2 for affordable housing purposes, is
3 remotely situated and possesses limited
4 area amenities desired for
5 multi-residence purposes. Attached unit
6 developments, particularly those that
7 include affordable and age-restricted
8 units, should be within a practical
9 distance from walkable services and
10 amenities. Usually this distance is
11 considered to be within a quarter to a
12 half mile. Review of the land uses in
13 the area indicates that there are no
14 walkable services in the vicinity.

15 It is also the belief of the staff
16 that the petition to change the zoning
17 district designation is inconsistent
18 with the pattern of zoning in the
19 immediate surrounding area and,
20 therefore, must be considered as spot
21 zoning. The proposal constitutes the
22 unwarranted, inappropriate,
23 non-comprehensive alteration of zoning
24 patterns in the locale. And information
25 as to why the premises cannot be

2 reasonably developed in accordance with
3 existing I-4 District requirements, is
4 absent in material referred to the
5 Commission.

6 Finally, it is the belief of the
7 staff that the petition for zone change
8 would result in a land use on site
9 incongruous with remaining nearby
10 industrially zoned lands. The petition
11 makes no attempt to buffer the
12 residential development from industrial
13 uses to the west.

14 If we move to the site plan, you
15 can see that there's no buffering along
16 the west, down here (indicating).

17 Okay. In fact, an amenity in the
18 form of a gazebo is proposed along the
19 western property line.

20 You can see that in the staff
21 report referred.

22 Other than an approximate 50 foot
23 setback from the property line, there is
24 no mitigation proposed, including
25 vegetative buffering or berming, to

2 lesson any adverse impact of the
3 adjacent industrial use. Moreover,
4 berming and buffering units along the
5 railroad right-of-way is also lacking in
6 the proposal. There should be a
7 vegetated berm along the property line,
8 with the railroad right-of-way, as well
9 as noise attenuation measures
10 incorporated into the design, and
11 construction of the residential units.

12 Staff is recommending, then,
13 disapproval for the following reasons:

14 The first reason being that the
15 change of zone request is remotely
16 situated and possesses limited area
17 amenities desired for multi-residence
18 purposes.

19 The second reason being that the
20 zone change is inconsistent with the
21 pattern of zoning in the immediate
22 surrounding area, and that must be
23 considered as spot zoning.

24 The third reason being that the
25 petition for the zone change would

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2 result in the land use on site, which is
3 incongruous with the remaining nearby
4 industrially zoned lands.

5 That is the staff report.

6 CHAIRMAN CARACCIOLO: Thank you,
7 Andy.

8 Any questions or comments?

9 COMMISSIONER ESPOSITO:

10 (Indicating)

11 CHAIRMAN CARACCIOLO: Adrienne?

12 COMMISSIONER ESPOSITO: Andy, is
13 the well field that you mentioned a
14 Suffolk County Water Authority well
15 field?

16 MR. FRELENG: Yes.

17 COMMISSIONER ESPOSITO: Okay. And
18 what is the distance between the
19 proposed development and the well field?

20 MR. FRELENG: I don't have that
21 scale.

22 COMMISSIONER ESPOSITO: I was just
23 curious.

24 MR. FRELENG: But you can see that
25 the housing units -- this is the well

2 field here (indicating), so the housing
3 units are right up to the back. I don't
4 know the scale here.

5 COMMISSIONER ESPOSITO: Okay.

6 The reason I'm raising it is, it
7 certainly appears, most likely, that the
8 zone of influence for the groundwater
9 quality at that well field would be
10 influenced by this development, and
11 there's no mention of it. So, I want to
12 add that as an issue of concern.

13 Because I don't know how they're dealing
14 with their storm water runoff, I don't
15 know if they're using pesticides,
16 fertilizers. But, whatever it is that
17 they are doing, it is in the zone of
18 influence for the groundwater quality
19 for that particular drinking water
20 supply.

21 MR. FRELENG: Okay, we definitely
22 can add that as a concern. We did check
23 the SWAP maps --

24 COMMISSIONER ESPOSITO: Okay.

25 MR. FRELENG: -- and it was not

2 very conclusive as to the cone of
3 influence on that. We did also make a
4 referral to the Suffolk County Water
5 Authority, asking for their --

6 COMMISSIONER ESPOSITO: Yes.

7 MR. FRELENG: -- input.

8 COMMISSIONER ESPOSITO: I think
9 that would be great.

10 MR. FRELENG: We haven't received
11 any.

12 COMMISSIONER ESPOSITO: Because the
13 groundwater flow in that area is from
14 south to north, as you know. So it
15 certainly seems it would be an area of
16 concern, as well as for the wetlands to
17 the west, because they are very close as
18 well. The well field would be pulling
19 that groundwater towards it. But on the
20 other side, the flow could easily impact
21 those wetlands too. So this seems to be
22 located in a very precarious spot.

23 COMMISSIONER BRAUN: This is
24 currently zoned for light manufacturing?

25 MR. FRELENG: That is correct.

2 COMMISSIONER BRAUN: Is there a
3 facility in operation there?

4 MR. FRELENG: There is an
5 existing -- there is an existing use on
6 the facility, although I don't know if
7 it is in operation.

8 COMMISSIONER BRAUN: Do we know
9 what they manufactured there or --

10 MR. FRELENG: I do not know.

11 COMMISSIONER BRAUN: Okay. Thank
12 you.

13 COMMISSIONER BOLTON: I just wanted
14 to mention that the R-3M Garden
15 Apartment Special District was
16 originally restricted to the urban
17 renewal area, and its purpose was to
18 build affordable housing there. And in
19 the late '80s, the Federal Court of
20 Appeals, because of an exclusionary
21 zoning claim, did find that the
22 R-3M Garden Apartment Special District
23 was exclusionary because of its
24 restriction to the urban renewal area,
25 and required that the town make that

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2 zoning classification available

3 throughout the town.

4 In addition, the fact that it's
5 considered a floating zone appears to me
6 that it would not be -- it would not
7 be -- I'm trying to think of the right
8 word -- it would not be spot zoning.

9 And, I'm wondering if it might be a good
10 idea to take a look at the Comprehensive
11 Plan that was drafted, I think it was
12 sometime in the end of the '80s, or
13 early '90s, it was an update --

14 MR. FRELENG: '93.

15 COMMISSIONER BOLTON: -- to the --
16 '93, thank you. And look at what they
17 talk about in terms of that district,
18 because -- I mean, the interpretation of
19 this is, that it's not spot zoning.
20 Whether, you know, it meets other
21 criteria, I -- it -- it -- I can't say,
22 not having looked at the ordinance for
23 quite a while.

24 Those are my comments.

25 MR. FRELENG: If it's the pleasure

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2 of the Commission, we can certainly drop
3 the second reason for disapproval. The
4 primary reason for the disapproval is
5 that the -- the attached unit complex
6 is, for want of a better term, just in
7 the middle of no place, it's not
8 walkable to a service.

9 COMMISSIONER BOLTON: I did have
10 one other comment. And that's, did you
11 check the bus routes?

12 MR. FRELENG: No, we did not --

13 COMMISSIONER BOLTON: Because I
14 think --

15 MR. FRELENG: -- no.

16 COMMISSIONER BOLTON: -- there's a
17 bus route that passes the corner of
18 Park Avenue and Arnold Drive, so you
19 might also want to check that.

20 Those are my comments.

21 CHAIRMAN CARACCILO: Thank you,
22 Charla.

23 Does anyone else have comments?

24 VICE CHAIRWOMAN HOLMES: Yes.

25 I am very equally concerned, with

2 staff, about plunking this affordable
3 housing development down in the middle
4 of nowhere, in terms of amenities,
5 because people -- particularly people of
6 limited incomes, who don't have
7 vehicles, they do need to walk locally
8 for things like groceries and other
9 basic services. And to place this in
10 literally an industrial area, without
11 any -- not only amenities nearby, but
12 I'm also very concerned about the lack
13 of buffering, particularly along the
14 railroad right-of-way. We've had quite
15 a few railroad accidents, and that
16 concerns me a great deal. It's just an
17 extremely poor spot to try and place
18 housing, and so I certainly agree with
19 the staff.

20 CHAIRMAN CARACCIOLO: Thank you,
21 Linda.

22 COMMISSIONER BOLTON: I have one
23 more comment, and I'll speak really
24 loud.

25 My greatest concern was that the

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2 R-3M District was conceived as an
3 affordable housing district, but in this
4 case, their only allocating ten percent
5 as affordable. And, if you are going
6 to, you know, use this zoning
7 classification to rezone two -- two
8 units which allow -- to a zone that
9 allows 14 units per acre, it would seem
10 to me that you really, based on the
11 history of this zoning classification,
12 need to allocate a larger percentage of
13 house -- a larger percentage to -- as
14 affordable units.

15 CHAIRMAN CARACCIOLO: Anything
16 else?

17 (WHEREUPON, there was no response.)

18 CHAIRMAN CARACCIOLO: Then are
19 motions in order?

20 COMMISSIONER FIORE: I make a
21 motion.

22 MR. FRELENG: Just to be clear, I
23 have a recommendation to add there's an
24 issue of concern regarding the location
25 of well fields, and to drop the second

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2 reason for disapproval, which is the
3 R-3M District --

4 CHAIRMAN CARACCIOLO: Spot zoning.

5 MR. FRELENG: -- as spot zoning.

6 CHAIRMAN CARACCIOLO: Is everyone
7 okay with that? That's agreeable?

8 That's great, Andy.

9 Motions -- Don, you made a motion?

10 COMMISSIONER FIORE: Motion.

11 CHAIRMAN CARACCIOLO: Second?

12 VICE CHAIRWOMAN HOLMES: I'll
13 second it.

14 CHAIRMAN CARACCIOLO: Linda.

15 All those in favor?

16 (WHEREUPON, the members voted.)

17 CHAIRMAN CARACCIOLO: Opposed?

18 (WHEREUPON, the members voted.)

19 CHAIRMAN CARACCIOLO: Abstentions?

20 (WHEREUPON, the members voted.)

21 CHAIRMAN CARACCIOLO: Motion
22 carries.

23 Next is Exxon Mobil, Andy?

24 MR. FRELENG: Yes.

25 The next matter before the

2 Commission, is the matter of Exxon
3 Mobil. This is referred to us from the
4 Town of Islip. Jurisdiction for the
5 Commission is that the subject property
6 is within 500 feet of Fifth Avenue,
7 which is County Road 13.

8 The applicants are seeking Town
9 Board Change of Zone approval from
10 Residence B and Business 3 Districts to
11 legalize and expand an existing
12 nonconforming gas station and small
13 retail store. Twenty-six off-street
14 parking stalls are required by the Town
15 of Islip Zoning Law, and only 15 parking
16 stalls are provided. This is a 42
17 percent shortfall in the required
18 amount.

19 The subject property is located on
20 the northeast corner of Fifth Avenue, as
21 indicated, which is County Road 13, and
22 Howells Road, which is a Town Road, in
23 the Hamlet of Bay Shore.

24 A review of the character of land
25 use and zoning in the vicinity indicates

2 that the subject premise is located in a
3 node of Business 1 zoning, surrounded
4 primarily by Residential B zoning. A
5 small parcel zoned Business 2 is located
6 south and west. Land uses generally
7 follow the zoning pattern.

8 We'll just take a quick look that,
9 you could see the land uses are
10 primarily residential detached
11 single-family homes (indicating), and
12 there are some commercial uses in
13 this -- in this node of commercial area
14 (indicating).

15 Okay. Access to the proposed use
16 is intended to be from two existing
17 two-way curb cuts; one to Fifth Avenue,
18 and one to Howells Road.

19 You can see that up on the site
20 plan (indicating).

21 Okay. There are no significant
22 environmental constraints on the subject
23 property. It should be noted that the
24 subject application is located in a
25 minority and/or economically distressed

2 community, as defined by Commission
3 Guidelines, and required to be reported
4 pursuant to Resolution 102 of 2006 of
5 Suffolk County.

6 The Town of Islip Comprehensive
7 Identity Plan for Bay Shore, makes no
8 specific recommendations for this
9 particular parcel.

10 It is the belief of the staff that
11 the requested change of zone is an
12 unwarranted over-intensification of the
13 use of the premises. The lot area for
14 the subject action is 28,518 square
15 feet. This is approximately 29 percent
16 short of the required 40,000 square
17 foot -- feet required for gasoline
18 filling stations. Moreover, the
19 petitioner proposes to expand the
20 gasoline filling station by adding two
21 pump islands and adding a 2,100 square
22 foot convenience mart, resulting in an
23 off-street parking requirement
24 42 percent greater than that can be
25 accommodated by the conceptual site

2 plan. Insufficient off-street parking
3 may necessitate the use of County
4 Road 13 or Howells Avenue for parking
5 purposes, thereby diminishing the safety
6 and traffic carrying capacity of the
7 roadways. The convenience store
8 building should be reduced in size until
9 the building to parking ratio, as
10 required in the Town of Islip Zoning
11 Law, is achieved.

12 Staff is recommending disapproval
13 for the following reason:

14 That the requested zone change is
15 an over-intensification of the use of
16 the premises, and the paragraph which
17 follows is excerpted from the staff
18 report.

19 CHAIRMAN CARACCIOLO: Thank you,
20 Andy.

21 Any questions or comments?

22 VICE CHAIRWOMAN HOLMES: I have one
23 comment.

24 Even though I'm not from Bay Shore,
25 I'm very familiar with this particular

2 intersection, because we used to go to
3 the orthodontist there all the time from
4 Shelter Island. And it is -- it was a
5 zoo 25 years ago, and it's got to be
6 worse now. Just the thought of
7 expanding a gas station facility at that
8 busy intersection, and not providing
9 enough parking is -- is a nightmare in
10 the making.

11 CHAIRMAN CARACCIOLO: You couldn't
12 find an orthodontist in Shelter Island?

13 VICE CHAIRWOMAN HOLMES: Nope.

14 COMMISSIONER ESPOSITO: So this --
15 Andy, this exists now?

16 MR. FRELENG: They -- a smaller
17 version of it exists.

18 COMMISSIONER ESPOSITO: That's
19 right. And the gas station's been there
20 how long, do we know?

21 MR. FRELENG: It's pre-existing
22 and --

23 COMMISSIONER ESPOSITO: Okay.

24 MR. FRELENG: -- I don't know.

25 DIRECTOR ISLES: Decades.

2 COMMISSIONER ESPOSITO: Decades.

3 All right.

4 So the application is for
5 expansion?

6 MR. FRELENG: That's correct.

7 Adding two pump isles -- two more
8 gasoline pump isles, and to expand this
9 tiny little block building (indicating)
10 into the size of a convenience store
11 that you can see in the site plan in the
12 staff report.

13 COMMISSIONER ESPOSITO: Okay.

14 Thank you, Andy.

15 COMMISSIONER CALONE: I'll just
16 make a motion to accept the staff
17 report.

18 CHAIRMAN CARACCIOLO: Second?

19 COMMISSIONER BOLTON: Second.

20 COMMISSIONER ROBERTS: Second.

21 CHAIRMAN CARACCIOLO: All those in
22 favor?

23 (WHEREUPON, the members voted.)

24 CHAIRMAN CARACCIOLO: Opposed?

25 (WHEREUPON, the members voted.)

2 CHAIRMAN CARACCIOLO: Motion
3 carries.

4 MR. FRELENG: Okay, the last zoning
5 matter before the Commission comes to us
6 from the Town of Smithtown. This is
7 Hamlet Estates at St. James.

8 Jurisdiction for the Commission is that
9 the subject property is within 500 feet
10 of New York State Route 347, and within
11 500 feet of the Town of Brookhaven.

12 The applicants are seeking Town
13 Board Change of Zone approval from R-21
14 Residential to RMGA, which is
15 Residential Multifamily Garden
16 Apartments, to permit the construction
17 of 262 attached units. Three hundred
18 and ninety-three parking stalls are
19 required by Town of Smithtown Zoning
20 Law, and 652 parking spaces are
21 provided.

22 The subject property is located on
23 the northwest corner of Nesconset/Port
24 Jefferson Highway, which is New York
25 State Route 347, and Moriches Road,

2 which is a Town street, in the Hamlet of
3 St. James.

4 A review of the character of the
5 land use and zoning pattern in the
6 vicinity, indicates that the subject
7 premise is located at the south eastern
8 fringe of the area predominated by
9 detached single-family residential
10 zoning. To the north and west --
11 predominated by detached single-family
12 residential zoning to the north and west
13 of the subject parcel.

14 I'm sorry, I confused myself. What
15 I'm trying to say is that predominantly
16 we have residential zoning north and
17 west of the subject piece. You can see
18 that it wraps around as well
19 (indicating).

20 Now, south of the subject parcel,
21 across Nesconset Highway, zoning is
22 commercial in nature. To the east,
23 zoning -- to the east, zoning is
24 commercial along the road corridor, and
25 residential further to the north. The

2 land use pattern is generally reflective
3 of the zoning in the area, with the most
4 notable feature being the Smith Haven
5 Mall commercial complex.

6 That's the land use pattern in the
7 area, and you can see the Mall to the
8 south and east (indicating).

9 Access to the proposed use is
10 intended to be from an existing access
11 point to Nesconset Highway. It is not
12 clear if secondary access can be
13 reasonably achieved from the existing
14 subdivision to the north. In any event,
15 an alternate emergency access should be
16 accommodated on the plan.

17 So, we'll take a look at the plan a
18 second -- this area here is the existing
19 approved subdivision (indicating), it's
20 Hamlet Woods. The proposed action is
21 this piece of property here
22 (indicating), Hamlet Estates. The
23 access for Hamlet Woods is this access
24 off Nesconset Highway (indicating), and
25 Hamlet Estates is going to break off and

2 come in here (indicating). Which you
3 can see, there's no alternate access
4 either from the subdivision to the north
5 or from Moriches Road (indicating).

6 COMMISSIONER CALONE: What's
7 that -- is that a sewage treatment
8 plant?

9 MR. FRELENG: This here
10 (indicating)?

11 COMMISSIONER CALONE: Yes.

12 MR. FRELENG: Yes, that is the
13 proposed location for the sewage
14 treatment plant.

15 Okay. There are no significant
16 environmental constraints on the subject
17 property, and the subject property is
18 not located in a minority or
19 economically distressed community.

20 Now, the Town of Smithtown
21 Comprehensive Plan is currently being
22 updated, and there are no specific
23 recommendations for the subject parcel
24 in any prior plans.

25 The subject parcel includes a

2 development of 262 attached units,
3 located in 19 two-story buildings. The
4 multifamily proposal is to be located
5 beyond the gatehouse of an existing
6 subdivision development. The subject
7 parcel was originally approved for
8 40 single-family detached homes, as part
9 of the map of Hamlet Estates at
10 St. James, Section 4. The entire Hamlet
11 Estates at St. James development
12 included 167 homes, of which 40 would
13 have been developed on the subject
14 parcel. As such, 127 lots of the
15 subdivision remain, and the 40 lots
16 yielded on site have been forsaken for
17 the 262 attached units. For the subject
18 23.38 acres, this would be an increase
19 in yield of 222 units.

20 So, just to recap, this piece here
21 had an approval for 40 more
22 single-family units (indicating), and
23 they have ditched that concept, and they
24 are now coming in for 262 attached
25 units, which is an increase in yield of

2 222 units.

3 COMMISSIONER ESPOSITO: Andy, are
4 any of those apartments, or are they all
5 co-op or tenant?

6 MR. FRELENG: I think it's all --
7 hold on a second.

8 MS. ROSEN-NIKLOFF: Homeownership.

9 MR. FRELENG: Yeah, I think it is
10 all for homeownership --

11 COMMISSIONER ESPOSITO: Okay.

12 MR. FRELENG: -- it's not for rent.

13 COMMISSIONER ESPOSITO: Okay.

14 MR. FRELENG: In addition to the
15 request for zone change to allow
16 262 units, the proposal also includes a
17 separate clubhouse, putting green,
18 swimming pools, half court basketball
19 court, tot lot and one tennis court.

20 Several ponds for recharge and
21 aesthetic purposes are proposed, as well
22 as a three-acre set aside, for a sewage
23 treatment plant to service the proposal.

24 So, that is there (indicating).

25 Of the 262 units proposed,

2 20 percent, or 52 units, have been set
3 aside as next generation/workforce
4 housing. It should be noted that the
5 proposed increase in unit density, over
6 that which has already been approved by
7 the Town, is approximately 555 percent,
8 or 222 units. Of the total 389 units of
9 the entire development -- and that would
10 be 127 detached homes and 262 attached
11 homes -- 20 percent would be 78 units.
12 It's not clear if the offered number of
13 workforce housing units constitutes a
14 substantial public benefit, warranting
15 the requested zone change.

16 COMMISSIONER CALONE: Wait, the
17 20 percent is of the entire development,
18 including parts we don't see?

19 MR. FRELENG: What they're
20 proposing is -- let's just back up so
21 that I'm clear --

22 COMMISSIONER CALONE: Because we
23 also have like 389 units.

24 COMMISSIONER BRAUN: No, it's
25 20 percent of the 262 --

2 MR. FRELENG: Well, what we're --
3 what we're saying is, of the -- the
4 20 percent is 52 units. So they're
5 requesting 262 units over here, if they
6 were to give 20 percent, that would be
7 52 units.

8 COMMISSIONER BRAUN: Right.

9 COMMISSIONER CALONE: So, of the
10 new development, they're allocating
11 20 percent towards next
12 generation/workforce housing.

13 I think your other comment in there
14 was about the 389 units, which were
15 throughout the entire development.

16 COMMISSIONER ESPOSITO: Is that
17 right?

18 MR. FRELENG: Well, let me just
19 re-read this, and then --

20 Of the 262 units proposed,
21 20 percent have been set aside as next
22 generation/workforce housing. So
23 they're proposing 262, they're putting
24 aside 52 units, which is 20 percent of
25 what they proposed.

2 Okay. It should be noted that the
3 proposed increase in unit density, over
4 that which has already been approved by
5 the Town, is approximately 555 percent,
6 or 222 units. Of the total 389 units of
7 the entire development, 20 percent would
8 be 78 units.

9 COMMISSIONER ESPOSITO: Oh.

10 MR. FRELENG: It's not clear if the
11 offered number of workforce housing
12 units, the 52 of the 262 proposed --

13 COMMISSIONER CALONE: So, of what
14 we're being asked to consider, they're
15 allocating 20 percent.

16 MR. FRELENG: They're allocating
17 20 percent of what they're asking.
18 Right. Staff is saying that maybe it
19 should be more.

20 COMMISSIONER FIORE: No.

21 MR. FRELENG: Okay.

22 COMMISSIONER FIORE: See, that's
23 the thing.

24 MR. FRELENG: That's -- they're --
25 that's what --

2 COMMISSIONER FIORE: Well, I
3 didn't -- I didn't get that. I didn't
4 get that. I thought there was -- I
5 thought that was the confusion as to
6 whether or not we were talking about
7 three hundred and -- three hundred
8 and --

9 COMMISSIONER ESPOSITO:
10 Eighty-nine.

11 CHAIRMAN CARACCILO: Eighty-nine,
12 yeah.

13 COMMISSIONER FIORE: -- eight-nine
14 units, but what I -- what I thought was
15 your proposal -- the proposal was for
16 262, and that only.

17 MR. FRELENG: I apologize for being
18 confusing, and we probably should have
19 gotten to this at the end. But, they're
20 asking for 262 units, and they're
21 proposing 52 of the 262.

22 Staff is wondering, is that a
23 substantial public benefit for a
24 555 percent increase in yield? Staff is
25 saying, maybe they should include the

2 entire development as a more reasonable
3 target, but we still wonder whether
4 that's a reasonable substantial public
5 benefit for a 555 percent increase in
6 yield. That's the gist of this
7 paragraph.

8 Okay. It's the belief of the staff
9 that the proposed zone change is
10 approaching an unwarranted
11 over-intensification of the use of the
12 premises. The increase in unit density
13 is 262 units can be anticipated to have
14 a coinciding increase in motor vehicle
15 and pedestrian trip generation. The
16 associated impacts from the development
17 may not be offset by the public benefit
18 of the provision of 52 workforce housing
19 units. The purported public benefit is
20 not considered to be substantial,
21 considering the increase in density.
22 While the associated motor vehicle trip
23 generation increase, and potential
24 congestion, is being addressed by the
25 New York State DOT, pedestrian

2 circulation to the amenities,
3 potentially desirable to individual
4 residents, remains problematic.

5 Attached unit developments,
6 particularly those that include
7 affordable housing, should be within a
8 practical distance from walkable
9 services and amenities. Usually this
10 distance is considered to be within a
11 quarter to a half mile. While
12 commercial services and amenities are
13 available within walking distance,
14 within one-quarter to a half mile -- we
15 probably should put the aerial back up.

16 While commercial services and
17 amenities are available within walking
18 distance, the existing road network
19 makes safe pedestrian travel
20 problematic. It is the belief of the
21 staff that the petitioner should offer a
22 significant and substantial public
23 benefit, as a result of the requested
24 increase in density on site. While
25 other impacts associated with the

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2 increase in density (motor vehicle trip
3 generation, congestion, increased
4 wastewater flow requiring a sewage
5 treatment plan, et cetera), these will
6 likely be addressed and required to be
7 mitigated by other agencies, the
8 relative isolation of pedestrian
9 residents (due to the volume of traffic
10 flow on neighboring roadways) -- so the
11 isolation of the attached unit
12 development from Suffolk County's
13 largest concentration of commercial
14 space, which is about 3 million square
15 feet of shopping center, this should be
16 rectified. The petitioners should work
17 with the local and state highway
18 departments to incorporate safe
19 pedestrian travel-ways across Moriches
20 Road and Nesconset Highway. The
21 pedestrian access across the State
22 Highway should consider alternatives,
23 other than at-grade crossings, and
24 review the possibility of a pedestrian
25 overpass to the south side of New York

2 State Route 347.

3 So, staff is recommending approval,
4 with the following conditions:

5 The first being that the
6 petitioners modify the proposed
7 subdivision to include no less than
8 20 percent affordable housing units,
9 based on the entire overall development
10 plan for the Hamlet Woods/Hamlet Estates
11 development.

12 The second condition being that the
13 proposed conceptual site plan be
14 modified to include amenities for
15 walkability to the shopping center areas
16 across Moriches Road and Nesconset
17 Highway.

18 The paragraphs which follow are
19 excerpted from the staff report, and do
20 speak to the possibility of a pedestrian
21 overpass or tunnel across 347.

22 The third condition of approval is
23 that all the residential structures be
24 constructed using materials and
25 techniques that will reduce interior

2 noise levels, and that is due to the
3 proposed location of some of the
4 dwellings in the proximity of 347.

5 The fourth condition of approval is
6 that the man-made ponds be approved by
7 the appropriate regulatory agency, and
8 designed in accordance with the
9 publication Study of Man-Made Ponds in
10 Suffolk County, and that was released by
11 the Department of Planning in 1990.

12 And the fifth condition of approval
13 is that the site plan be modified to
14 indicate a secondary or emergency
15 access.

16 I skipped over a little bit in the
17 staff report, but I don't think there
18 was anything really substantive. It
19 was -- one piece was regarding parking
20 for the proposed attached unit complex.
21 And just so you know, the parking is
22 meeting code, and it's to be provided
23 via 14 building/below grade garages.
24 There are driveways on site, which will
25 accommodate some of the parking, and the

2 proposal exceeds the required parking.

3 And that's the staff report.

4 CHAIRMAN CARACCIOLO: Okay. Thank
5 you, Andy.

6 Questions?

7 MR. BRAUN: One quick question, I
8 don't think I'll need the mic.

9 Is there a sidewalk along the south
10 side of Route 347, adjacent to this
11 property?

12 MR. FRELENG: Not as it exists now,
13 no.

14 COMMISSIONER BRAUN: Is there one
15 planned?

16 MR. FRELENG: I cannot tell, but I
17 would -- I would presume that there will
18 be a sidewalk there, when New York State
19 DOT is done approving the project.

20 COMMISSIONER BOLTON: (Indicating)

21 VICE CHAIRWOMAN HOLMES: Okay.

22 COMMISSIONER BOLTON: No, I was
23 just going to move that --

24 VICE CHAIRWOMAN HOLMES: No, I have
25 a question.

2 COMMISSIONER BOLTON: Oh, okay
3 (handing).

4 VICE CHAIRWOMAN HOLMES: Thank you.
5 Andy, do I remember correctly that
6 some time ago -- possibly for the
7 original site development plan that came
8 before us, but some time ago, the
9 question of an overpass -- pedestrian
10 overpass was addressed by this
11 Commission?

12 DIRECTOR ISLES: Yes.

13 MR. FRELENG: There have been
14 several planning studies, which talk
15 about regional development and a
16 concentration of development throughout
17 the County, and one of the
18 recommendations that studies this area
19 was for the consideration of a
20 pedestrian overpass.

21 Tom, I don't know if you want to
22 jump in on that.

23 DIRECTOR ISLES: The last time this
24 Commission considered it was in -- about
25 two or three years ago when --

2 VICE CHAIRWOMAN HOLMES: Yes,
3 that's what I remember.

4 DIRECTOR ISLES: -- the State
5 Department of Transportation made a
6 referral to the County Planning
7 Commission on the proposed
8 reconstruction of State Route 347. Part
9 of that review -- Peter Lambert handled
10 the staff-end of that one. You
11 recommended that consideration be given
12 at Moriches Road, creating a pedestrian
13 overpass. Obviously, not just for this
14 development, but for all the neighbors
15 that did --

16 VICE CHAIRWOMAN HOLMES: Yes.
17 That's what I remember. Thank you.

18 DIRECTOR ISLES: You're correct.

19 VICE CHAIRWOMAN HOLMES: Thank you.
20 Is there some way we can underscore
21 that, in --

22 MR. FRELENG: Well --

23 VICE CHAIRWOMAN HOLMES: -- in the
24 approval, with the following conditions?

25 MR. FRELENG: Well, I can

2 certainly --

3 VICE CHAIRWOMAN HOLMES: Is there
4 some way we could underscore the
5 overpass in line with the previous
6 studies, and --

7 MR. FRELENG: Increase their
8 homes -- yes, we can do that.

9 VICE CHAIRWOMAN HOLMES: Yes.

10 MR. FRELENG: The approval with
11 conditions number two, the bottom of
12 that second paragraph said the
13 pedestrian access across the State
14 Highway should consider alternatives,
15 other than at grade crossings, and
16 review the possibility of a pedestrian
17 overpass or a tunnel...

18 VICE CHAIRWOMAN HOLMES: Yeah, or
19 in line with what Director Isles just
20 referenced, in line with the 2003 or --
21 you know, the State DOT study and the
22 other planning studies done by this
23 department.

24 CHAIRMAN CARACCIOLO: Can we go
25 back, Andy, to that report and just

2 reference --

3 VICE CHAIRWOMAN HOLMES: Just
4 reference --

5 CHAIRMAN CARACCIOLO: -- that we --
6 you know, this Board did approve that in
7 a previous report?

8 VICE CHAIRWOMAN HOLMES: Yeah.

9 MR. FRELENG: Yes.

10 VICE CHAIRWOMAN HOLMES: That would
11 make me happy.

12 CHAIRMAN CARACCIOLO: Dave, do you
13 have any?

14 COMMISSIONER CALONE: Yeah, just a
15 quick thing. I just wanted to commend
16 the staff for thinking about increasing
17 the affordable guidelines to more than
18 20 percent, which is kind of our -- you
19 know, been our standard. Obviously, a
20 unique opportunity here. And by
21 increasing it to encompass the entire
22 development, you're asking -- or we're
23 asking for 30 percent affordable for
24 that particular area. I don't think
25 that's unreasonable for this kind of a

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2 situation, so I want to commend the
3 staff for that. So, thank you.

4 CHAIRMAN CARACCIOLO: Are we asking
5 for 30, or we're just asking for 20 of
6 the whole number?

7 COMMISSIONER CALONE: Well --

8 MR. FRELENG: More like --

9 COMMISSIONER CALONE: -- I'm sorry.
10 Just to rephrase it, the way the numbers
11 were gathered, if you're putting it in
12 that spot, it's 30 percent --

13 COMMISSIONER ESPOSITO: 30 percent
14 of what the amount --

15 COMMISSIONER CALONE: -- of the
16 new --

17 CHAIRMAN CARACCIOLO: Okay.

18 COMMISSIONER CALONE: -- correct.
19 Which I don't think is unreasonable.
20 There can be, obviously --

21 COMMISSIONER ESPOSITO: Well,
22 especially for a 555 percent --

23 COMMISSIONER CALONE: Right.

24 COMMISSIONER ESPOSITO: -- increase
25 of --

2 COMMISSIONER CALONE: Exactly. And
3 that was my point.

4 COMMISSIONER ROBERTS: How old is
5 the old part?

6 MR. FRELENG: It's still under
7 construction.

8 COMMISSIONER ROBERTS: It's still
9 under construction. So, not that old.

10 CHAIRMAN CARACCIOLO: Okay.

11 Motions in order?

12 Charla, you were going to make a
13 motion --

14 COMMISSIONER BOLTON: I was, yes.

15 CHAIRMAN CARACCIOLO: -- to accept
16 the staff report.

17 VICE CHAIRWOMAN HOLMES: Second.

18 CHAIRMAN CARACCIOLO: You will now,
19 Linda will second.

20 All those in favor?

21 (WHEREUPON, the members voted.)

22 CHAIRMAN CARACCIOLO: Opposed?

23 (WHEREUPON, the members voted.)

24 CHAIRMAN CARACCIOLO: Abstentions?

25 (WHEREUPON, the members voted.)

2 CHAIRMAN CARACCIOLO: Okay.

3 Jessica?

4 MS. KALMBACHER: Good afternoon.

5 Our first subdivision is Gina
6 Valente. It's in the Town of Islip, in
7 the Hamlet of Islip Terrace. The
8 property is on the western side of Park
9 Place, and the southern side of Roslyn
10 Street. The property is zoned
11 Residence A, and that has a minimum lot
12 requirement of 11,250 square feet. The
13 current lot is 18,100 square feet, so
14 it's conforming.

15 The applicant proposes to subdivide
16 this property into two lots, which would
17 be substandard. Each lot would be
18 9,050 square feet, which is a 20 percent
19 deficit.

20 As you can see, the surrounding
21 area's primarily Residence A, with a
22 couple of Business 1 along Sunrise
23 Highway, that's our jurisdiction, and
24 there's also some other development on
25 the western portion of the street.

2 You can't really see this but, what
3 I was trying to convey here is that the
4 nature and character -- the nature and
5 character of the area. I tried to use a
6 green checkmark to indicate conforming
7 corner lots, and red X's to indicate
8 substandard lots (indicating).

9 This property is a corner lot, and
10 so, historically, corner lots are
11 oversized to mitigate the impacts of
12 dual frontage.

13 Okay. So when you look at all the
14 corner lots that run along Park Place,
15 which is the north and south street --
16 let me go on a different picture.

17 Okay. So, the street that goes
18 from Sunrise Highway north up to, I
19 believe it's Richard Avenue
20 (indicating).

21 There are 21 lots that are zoned
22 Residence A along this street. Of
23 those, ten are conforming, and 11 are
24 substandard. So that would be,
25 48 percent are conforming. However,

2 when you move within 500 feet of the
3 property, and you look at all the corner
4 lots that are zoned Residence A, you
5 find that seven out of 11 are
6 conforming, and only four are
7 substandard. So, within the area of the
8 parcel, a majority of the lots are
9 conforming.

10 So if you were to approve this
11 as -- or let it go back (inaudible)
12 permit it, what you would be doing would
13 be undermining the zoning district,
14 because you'd be allowing a conforming
15 lot then turn into a substandard lot,
16 which could potentially have owners of
17 other lots that are conforming come in
18 for subdivision applications which would
19 then increase the trip generation and
20 impact our State Road here (indicating),
21 27, there on Sunrise Highway, and also
22 Carlton.

23 So, analysis indicates that the
24 subject parcel conforms to the
25 Residence A zoning classification, and

2 is a corner lot that is consistent with
3 the surrounding residential development.
4 The proposed subdivision will create two
5 substandard lots, and is inconsistent
6 with the surrounding residential
7 development.

8 Staff recommends disapproval for
9 the reason that the proposed subdivision
10 creates two substandard lots.

11 Creation of substandard lots --
12 creation of a subdivision with
13 substandard lots, lots that -- whose
14 areas are less than the minimum required
15 by the zoning classification of the
16 property, constitutes an
17 over-intensification of the property in
18 an already densely developed area. Such
19 action could establish a precedent for
20 future subdivisions of this kind, which
21 would place an unreasonable burden on
22 existing infrastructure, and would
23 negatively impact the environment.

24 CHAIRMAN CARACCIOLO: Thank you,
25 Jessica.

2 Any questions or comments from the
3 Commission?

4 VICE CHAIRWOMAN HOLMES: Jessica,
5 do you happen to know whether the
6 applicant has filed with the Zoning
7 Board of Appeals, or is considering
8 doing that? Because the first thing
9 that comes to my mind, if we aren't
10 happy with it, first it goes to the DBA
11 and frequently gets a variance. Do you
12 know whether -- was that indicated?

13 MS. KALMBACHER: There is no
14 indication that an application has been
15 filed. However, they would require a
16 variance for the lot area. I had called
17 over there and, as far as we know, they
18 haven't submitted that yet, and we have
19 no record of --

20 VICE CHAIRWOMAN HOLMES: They're
21 waiting --

22 MS. KALMBACHER: -- a variance
23 application.

24 VICE CHAIRWOMAN HOLMES: -- to see
25 what we do probably.

2 Thank you.

3 MS. KALMBACHER: You're welcome.

4 COMMISSIONER ESPOSITO: I'll make a
5 motion to accept the --

6 COMMISSIONER CALONE: Second.

7 CHAIRMAN CARACCIOLO: Second by
8 Dave.

9 All in favor?

10 (WHEREUPON, the members voted.)

11 CHAIRMAN CARACCIOLO: Opposed?

12 (WHEREUPON, the members voted.)

13 CHAIRMAN CARACCIOLO: Abstentions?

14 (WHEREUPON, the members voted.)

15 CHAIRMAN CARACCIOLO: Motion

16 carries.

17 MS. KALMBACHER: Okay. The second
18 subdivision is Francis Pelkowski. It's
19 also in the Town of Islip; however, it
20 is in the West Islip Hamlet.

21 This lot is also zoned Residence A
22 and requires a minimum lot area of
23 11,250 square feet. The current lot is
24 conforming, it is 19,135 square feet.

25 The applicant proposes to subdivide the

2 property into two substandard lots; one
3 of 9,246 square feet, which is an
4 18 percent deficit, and one lot that
5 would be 9,888 square feet. They are
6 looking to demolish the current
7 structure -- the existing structure, and
8 build two new residential units.

9 You can see that this property is
10 located along a canal, which then feeds
11 into the Great South Bay. So our
12 jurisdiction is its proximity to the
13 Great South Bay, which I believe is
14 165 feet just north of that. The road
15 that it's on is Sequams Lane West, and
16 the canal, as far as I know, doesn't
17 have an official name.

18 You can see that the surrounding
19 development is all zoned Residence A,
20 and you can also see that the Town of
21 Babylon is just to the southeast over
22 there (indicating).

23 Again, I tried to show you the
24 conforming lots and the nonconforming
25 lots here (indicating). It's a little

2 bit difficult to see.

3 So, there are different ways to
4 look at the nature and character of the
5 neighborhood here. The first one we
6 could look at would be all the
7 properties, which are all zoned
8 Residence A, along Sequams Lane West,
9 which is the road that this lot is on.
10 Out of those properties, there are
11 30 lots, and 16 are conforming, which is
12 53 percent. Then what you could look at
13 is all of the properties that are along
14 the canal. And, so, that would be a
15 total of 28 lots, and 24 out of 28, or
16 86 percent, are conforming.

17 Okay. So then, when you close in
18 just a little bit more, you look at all
19 of the properties that are on the west
20 side of Sequams Lane, just like this
21 property, and also adjacent to the
22 canal, and you see that there are 12 of
23 them, and nine out of the 12, which is
24 75 percent, are conforming.

25 So this would then, if this were to

2 go forward and be approved, it would be
3 going against the nature and character
4 of the neighborhood, and potentially
5 creating the possibility of other lots
6 in the area to then subdivide.

7 So, therefore, the analysis
8 indicates that the subject property, as
9 is, confirms to the Residence A
10 classification, and is consistent with
11 the surrounding residential development.
12 The proposed subdivision will create two
13 substandard lots, and is inconsistent
14 with the surrounding residential
15 development.

16 Staff recommends disapproval,
17 because the proposed subdivision
18 creates, like I said, two substandard
19 lots.

20 The creation of a subdivision with
21 substandard lots, constitutes an
22 over-intensification of the property in
23 an already densely developed area. Such
24 action could establish a precedent for
25 future subdivision of this kind, which

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2 would place an unreasonable burden on
3 existing infrastructure, and negatively
4 impact the environment.

5 An additional comment that I would
6 like to add is, it is essential that
7 development contiguous to the Great
8 South Bay not be a detriment to the
9 South Shore Estuary. Instead,
10 development should promote the
11 protection and preservation of natural
12 resources, the expansion of public use
13 and estuary-related recreation, and the
14 sustainability and expansion of the
15 estuary-related economy.

16 Thank you.

17 CHAIRMAN CARACCIOLO: Thank you for
18 adding the "Adrienne clause" at the
19 bottom.

20 COMMISSIONER ESPOSITO: I like you,
21 Jessica.

22 CHAIRMAN CARACCIOLO: Adrienne,
23 would you like to enter a motion?

24 VICE CHAIRWOMAN HOLMES: Just one
25 thing.

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2 We have bumper stickers on the East
3 End that say, "Save what's left," and I
4 wish we could attach that to our
5 disapproval.

6 CHAIRMAN CARACCIOLO: We will put
7 that on the cover --

8 VICE CHAIRWOMAN HOLMES: Yes.

9 CHAIRMAN CARACCIOLO: -- okay?

10 All those in favor -- oh, Adrienne
11 made the motion, David second.

12 All those in favor?

13 (WHEREUPON, the members voted.)

14 CHAIRMAN CARACCIOLO: Aye.

15 Motion -- opposed?

16 (WHEREUPON, the members voted.)

17 CHAIRMAN CARACCIOLO: Motion

18 carries.

19 Okay. Moving right along on our
20 agenda, we are honored to have the
21 Director of Affordable Housing, Economic
22 Development and Workforce Housing with
23 us.

24 (WHEREUPON, Ms. Jill Rosen-Nikloff
25 approached the podium, and address the

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2 Commission members.)

3 CHAIRMAN CARACCIOLO: Good
4 afternoon.

5 MS. ROSEN-NIKLOFF: Hi there.

6 I'm Jill Rosen-Nikloff, I'm the
7 Director of Affordable Housing. Happy
8 to be here, and Happy New Year.

9 DIRECTOR ISLES: Just to introduce
10 Jill a little bit further.

11 The reason we asked Jill to come
12 here today, is that this was discussed
13 at the last meeting of the Commission,
14 that the County Executive had announced
15 a legislative package presented to
16 New York State, to provide more
17 affordable housing through an incentive
18 program. The Commission asked for more
19 details on that. Jill is the head of
20 Affordable Housing, and is here today to
21 provide that additional information.

22 MS. ROSEN-NIKLOFF: I also --
23 primary drafter of this legislation,
24 which doesn't mean I have all the
25 answers, but we'll do our best.

2 Essentially, it's a very unique
3 initiative for a few reasons.

4 First of all, it's called the
5 "Downstate Suburban Workforce Housing
6 for Economic Sustainability Act," which
7 is mouthful, but really does say it all.
8 And it's unique for several reasons.
9 For the first time -- first of all, for
10 the first time in New York Legislation,
11 you combine the concept of economic
12 development with good planning and
13 workforce housing. That's never been
14 done before. You usually see -- you've
15 heard of the Balboni-DiNapoli Bill,
16 which is just, straight down the throat,
17 inclusionary zoning. This has a lot of
18 good concepts that -- that planners and
19 experts and -- and advocates in the
20 housing industry all believe, it's the
21 best way to go.

22 It's also unique in that -- how we
23 did this, I don't know, but we have
24 the collaborate -- we've collaborated
25 with seven Downstate Counties: Nassau,

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2 Suffolk, Dutchess, Orange, Rockland,
3 Putnam and Westchester. We managed to
4 get experts and advocates from -- and --
5 and government officials from all those
6 counties together, and come up with this
7 proposal. So, there's a lot of
8 things -- there's a lot of expertise
9 that went into coming up with this
10 proposal.

11 And it's also unique because, as
12 Tom pointed out, it's sort of bottom-up
13 approach. It doesn't infringe, it
14 doesn't step on the toes of local
15 municipalities. You know, home rule is
16 a very big thing, particularly on Long
17 Island. What it does is it encourages
18 municipalities to provide workforce
19 housing by giving them economic
20 incentives.

21 Let me just tell you very quickly
22 how it works. First, there's a creation
23 of a Regional Planning Council. Which
24 is going to be comprised of the
25 Downstate Commissioner for Economic

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2 Development, and three representatives
3 from each of the seven counties. They
4 then have one year to come up with a
5 housing plan, which sets goals and
6 targets for each of the municipalities
7 in each of the counties. They then get
8 submitted to those municipalities. It's
9 completely voluntary on the
10 municipalities part as to whether they
11 want to participate or not.

12 If they wish to participate and --
13 and follow up further, they can then
14 apply to the housing -- the New York
15 State Housing Finance Agency for a
16 planning grant, which will help them put
17 it all together; take the information
18 that the Planning Council has given
19 them, do their environmental
20 assessments, traffic assessments,
21 whatever they need to do, and decide at
22 that point whether this is a program
23 they really want to buy into.

24 If they do, they then create
25 housing -- what we call "housing

2 opportunity areas." Places that are
3 conducive to smart growth, and in which
4 at least 20 percent of all the housing
5 developments must be workforce housing.
6 In addition, in each housing opportunity
7 area, there has to be an increase in
8 density of at least 25 percent.

9 If they meet all those criteria,
10 they can then submit their application
11 to the New York State Housing Finance
12 Agency. In exchange for which they will
13 get certain financial incentives.

14 There is one other hurdle they have
15 to meet in order to qualify for the
16 financial incentives. They have to
17 elect to adopt four out of nine programs
18 to further incentivize (sic) workforce
19 housing. Meaning -- and this is sort of
20 a nod to the inclusionary zoning
21 people -- they can either -- one of the
22 choices is, they can adopt inclusionary
23 zoning for areas outside that -- the
24 housing opportunity areas; they can
25 implement fast-tracking, like we do in

2 Suffolk County; they can waive certain
3 fees and permits. Those kinds of things
4 that are sort of easy for them to adopt
5 four out of the nine.

6 We don't think that many of them
7 will go for adopting the inclusionary
8 zoning, but we've given them sort of
9 easier ones to choose, so that they can
10 meet those hurdles.

11 And once they do that, and they get
12 approved by the State -- this is where
13 the good part comes: For each
14 affordable housing unit that they build,
15 they will get -- for each building
16 permit issued, they will get a monetary
17 compensation.

18 That amount has not been
19 determined. Connecticut has a similar
20 statute, and Massachusetts does, they
21 range from five to 2,000. We're not
22 sure how it works out in New York State,
23 that's going to be part of a legislative
24 process when we -- when we get a sponsor
25 and submit it.

2 The second thing that they get
3 is -- and this is -- this is the really
4 good thing, because anybody who's ever
5 been out there advocating for affordable
6 housing, knows that one of the major
7 obstacles is the school district. They
8 say, oh, no, no, no, you can't build,
9 you can't build. It will have an
10 adverse economic impact on our school
11 district, and, oh, my God, woe is the
12 taxpayer. Well, what this bill does, is
13 it makes the school district whole
14 through any adverse economic impact on
15 the school district.

16 Now, in reality, anybody who's in
17 housing, studies show that when you have
18 a multifamily attached, you almost never
19 have a negative impact on the school
20 district. But, nevertheless, that
21 argument is very, very strong, and
22 people who don't want workforce housing,
23 always use it. But what we've done now,
24 if this passes, we've pulled the rug out
25 from under that argument. That -- and

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2 it's a major one. So this -- that's --
3 that's a major part of this legislation.

4 The problem --

5 COMMISSIONER ESPOSITO: So -- can I
6 ask a question?

7 So, then, if that's true what
8 you're saying, then how will they
9 quantify a major impact --

10 MS. ROSEN-NIKLOFF: There's an
11 annual assessment that's made between
12 the Commissioner of Economic Development
13 and the Commissioner of Education. It's
14 an annual assessment.

15 COMMISSIONER ESPOSITO: Okay.

16 MS. ROSEN-NIKLOFF: They're going
17 to have to work it out. You know, we
18 can't -- we couldn't -- as -- as
19 detailed as this legislation is, a lot
20 of things you can't --

21 COMMISSIONER ESPOSITO: I know.

22 MS. ROSEN-NIKLOFF: -- put into it
23 as you want to put in, you really want
24 to leave it to the regulatory process,
25 and let them figure out how it's done.

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2 But, basically, you know, net increase
3 and net decrease -- how they decide. We
4 leave that sort of up to them to give
5 their -- and they're going to want that
6 (sic).

7 Okay. The third thing is that we
8 will give them zero interest
9 infrastructure lots. Because obviously,
10 if we're saying to them, increase your
11 density by 25 percent -- you know, in
12 Suffolk County you can say that, but you
13 won't get the approvals that you need,
14 because of the -- you know, the -- the
15 groundwater management zones, you simply
16 can't get that density. So, in order to
17 get there, it's implicit that you have
18 to have some kind of infrastructure;
19 Chromaglass, sewage treatment plants,
20 something like that.

21 So these are -- even though we --
22 we considered doing grants, but we
23 didn't think, given the -- the -- the
24 feedback we were getting, that that
25 would fly, so we went with -- we started

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2 with two percent loans, we went to one
3 percent loans, and we ended with
4 zero-interest loans. So, it does have
5 to get paid back, but it's without
6 interest. And that's at least a -- an
7 investment that, if a municipality is
8 very serious about doing workforce
9 housing, should be willing to do.

10 And the last thing we do -- the
11 last thing that the bill does, is it
12 provides -- once they're in the system,
13 it provides technical assistance,
14 through grants to not-for-profits, to
15 come in and help them implement it.
16 Okay, so now -- now we've got this
17 money, now we're in the program, now we
18 do want to build all these things. How
19 do we do it? How do we monitor it? How
20 do we bring in leverage of all the other
21 subsidies from -- from New York State to
22 make the units affordable? So there's a
23 lot of things in there to incentivize
24 (sic) the local municipalities.

25 COMMISSIONER ESPOSITO: Another

2 question.

3 MS. ROSEN-NIKLOFF: Sure.

4 COMMISSIONER ESPOSITO: Can they
5 use those zero incentives as well to
6 upgrade existing sewage treatment
7 plants --

8 MS. ROSEN-NIKLOFF: Yes.

9 COMMISSIONER ESPOSITO: -- as well
10 as capacity and quality?

11 MS. ROSEN-NIKLOFF: Uh-huh. Sure.
12 And, you know, it's not just for -- it's
13 for streets and lights and, you know,
14 drainage and all kinds of things. But,
15 in reality, if we're going to get
16 densities up, it's really got to grow to
17 sewer treatment plants and --

18 COMMISSIONER ESPOSITO: So it could
19 be --

20 MS. ROSEN-NIKLOFF: -- systems like
21 that.

22 COMMISSIONER ESPOSITO: But it
23 could be applied to existing ones, and
24 not just --

25 MS. ROSEN-NIKLOFF: Yeah.

2 COMMISSIONER ESPOSITO: -- new ones
3 that need to be constructed?

4 MS. ROSEN-NIKLOFF: Yeah.

5 COMMISSIONER ESPOSITO: Okay.

6 MS. ROSEN-NIKLOFF: Absolutely.

7 VICE CHAIRWOMAN HOLMES: I think
8 one of the critical things that some of
9 us, in some of our Towns that have been
10 wrestling with this issue, want to know,
11 and I'm dying to know, if the
12 legislation provides definitions? The
13 difference -- the definition created to
14 define affordable housing and define
15 workforce housing. Because as one of
16 our Commissioners pointed out a couple
17 of months ago, unfortunately, most of
18 the affordable housing being built is
19 middle-income housing. And this is
20 something that is confusing to the
21 municipalities, because there really are
22 two types of housings that we're trying
23 to address in Suffolk. And I'm
24 wondering, does the legislation's
25 proposal help us define --

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2 MS. ROSEN-NIKLOFF: It does. It
3 does. Workforce housing is under
4 120 percent of the HUD area median
5 income, adjusted to families per size,
6 of which, 50 percent has to be under
7 80 percent.

8 VICE CHAIRWOMAN HOLMES: Yeah.

9 MS. ROSEN NIKLOFF: Except for
10 rentals. All rental -- all rentals have
11 to be under 80 percent.

12 COMMISSIONER CALONE: What's AMI
13 now? 70 --

14 VICE CHAIRWOMAN HOLMES: Yeah --

15 MS. ROSEN-NIKLOFF: For --

16 VICE CHAIRWOMAN HOLMES: -- and
17 that was my next question.

18 COMMISSIONER CALONE: For, you
19 know --

20 VICE CHAIRWOMAN HOLMES: Are we
21 going to wait --

22 MS. ROSEN-NIKLOFF: Same thing.

23 VICE CHAIRWOMAN HOLMES: -- for
24 Mayor Bloomberg's initiative to
25 redefine -- I was very surprised to see

2 that the poverty standard that is being
3 used is from the '60s, and it's very
4 outdated. And, if the City of New York
5 is proposing to update the poverty
6 standard -- and that will impact all of
7 us, because what we're operating under
8 is a poverty level definition that's
9 way, way out of date, and I'm wondering,
10 has the legislation addressed that at
11 all?

12 MS. ROSEN-NIKLOFF: No, it does
13 not.

14 VICE CHAIRWOMAN HOLMES: Okay.

15 MS. ROSEN-NIKLOFF: Ours is
16 strictly geared to the HUD guidelines.

17 VICE CHAIRWOMAN HOLMES: Yeah.

18 MS. ROSEN-NIKLOFF: Which, if you
19 lived any place else, but -- in Nassau
20 or Suffolk County -- and there they're
21 pretty significant, you were going to
22 ask me what they are, I'll just give you
23 an example. For a family of four, it's
24 almost 100,000 -- it's \$93,800.

25 You know, in the rest of the

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2 country, if you make more than 90,000,
3 you're in the top 6 percent.

4 COMMISSIONER CALONE: Sure.

5 MS. ROSEN-NIKLOFF: But it's a
6 whole different ball game here.

7 COMMISSIONER ROBERTS: That's
8 Suffolk County?

9 MS. ROSEN-NIKLOFF: Uh-huh.
10 Nassau/Suffolk Median Income.

11 COMMISSIONER ROBERTS: Nassau --
12 the whole Long Island.

13 MS. ROSEN-NIKLOFF: Yeah.

14 COMMISSIONER ROBERTS: Okay.

15 COMMISSIONER CALONE: So you're
16 talking about 127 --

17 COMMISSIONER ROBERTS: There's a
18 median inference at --

19 MS. ROSEN-NIKLOFF: Eight -- I'm
20 going to give you another example --
21 I'll give you another example.

22 Let's go to 80 percent, which is
23 considered low income -- anything from
24 80 percent up is moderate, low is
25 80 percent to 50 percent, and under

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2 50 percent is considered very low.

3 But -- so 80 percent, a family of two,
4 two -- two kids that just get out of
5 college -- I can give you an example, my
6 niece and her boyfriend. It's 60,050
7 bucks. That's -- that's more than
8 they're making combined, and they're --
9 they're just starting out as
10 professional.

11 So, the numbers are very workable,
12 it's just that it's because we're
13 here.

14 And that's why we've combined with
15 those seven other counties -- six other
16 counties, because we're in a similar
17 economic situation. More some, than
18 others. Mostly in Nassau, Suffolk and
19 Westchester. Dutchess and Rockland
20 County came in, they do have the same
21 problem, but, you know, we have -- we
22 have jobs, and we have -- but we
23 don't -- we don't have housing. You
24 know, Upstate New York, they have
25 housing, no jobs. So we -- we face a

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2 particular situation, and that's one of
3 the reasons that bound us together.

4 And, hopefully, it's one of the reasons
5 that will give this bill the kick it
6 needs, because you've now got seven
7 counties who -- who have -- well, are
8 mostly committed to it.

9 So, that's essentially what it
10 does.

11 I will tell you also that there is
12 this concept of inclusionary zoning.
13 You've heard of the Balboni/DiNapoli
14 Bill, and the LIA is pushing a -- a
15 simpler inclusionary zoning bill.
16 There's a possibility that we may submit
17 two proposals, one which does include
18 inclusionary zoning, but only outside
19 the housing opportunity areas. And
20 that's really just a nod to the
21 inclusionary zoning. But if you do the
22 numbers, it doesn't get you where you
23 want to be, it can certainly be part of
24 comprehensive housing program. So, it
25 may work out.

2 And we don't know, once we get into
3 legislature, they -- they could change
4 the whole thing. You know, we don't
5 know. But we feel that the concept is
6 sound. We put together a coalition of
7 respected organizations, and on
8 Friday -- this Friday, in fact, the
9 County Executive meets with its
10 coalition to basically say, okay, now,
11 we've announced it, it's drafted, here
12 are some form letters to your state
13 assemblymen and senators and the
14 governor. Let's get our feet on the
15 ground, and start pushing it.

16 If we don't do something like
17 this -- well, you know, we're going to
18 have serious trouble down the road.

19 And that is essentially the -- the
20 legislation.

21 I brought with me a summary --

22 VICE CHAIRWOMAN HOLMES: Oh,
23 wonderful.

24 MS. ROSEN-NIKLOFF: -- but I didn't
25 want to give it to you before, because

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2 then you'd ask me too many questions.

3 VICE CHAIRWOMAN HOLMES: That's
4 right.

5 MS. ROSEN-NIKLOFF: And I only
6 brought the inclusion -- the incentive
7 proposal, I didn't bring the
8 inclusionary one. But, if you want it,
9 I can certainly give it to you. But,
10 all it says is, for any development of
11 more than five units, 10 percent has to
12 be affordable housing.

13 VICE CHAIRWOMAN HOLMES: Do you
14 have your contact information on that?
15 Because our incoming supervisor is going
16 to want to contact you.

17 MS. ROSEN-NIKLOFF: No. No.

18 VICE CHAIRWOMAN HOLMES: No?

19 MS. ROSEN-NIKLOFF: No, I -- I get
20 no credit on that one.

21 VICE CHAIRWOMAN HOLMES: Oh, well,
22 can I have -- can I have your --

23 MS. ROSEN-NIKLOFF: Yes.

24 VICE CHAIRWOMAN-HOLMES: -- contact
25 information?

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2 MS. ROSEN-NIKLOFF: Sure, I'll
3 write it down for you.

4 COMMISSIONER ROBERTS: What's the
5 exact status of this legislation, Jill?

6 MS. ROSEN-NIKLOFF: It's been
7 drafted, we are seeking sponsors. We
8 believe we have the support of
9 Senator Mellow.

10 COMMISSIONER ESPOSITO: You
11 believe, or you do?

12 MS. ROSEN-NIKLOFF: We believe.

13 COMMISSIONER ESPOSITO: Okay.

14 MS. ROSEN-NIKLOFF: Yeah. It's
15 being worked on. I mean, I -- I've had
16 conversations with their staff, but
17 things happen politically, you don't
18 know.

19 COMMISSIONER CALONE: The other
20 thing we need is buy-ins from
21 municipalities here. What's your sense
22 on that?

23 MS. ROSEN-NIKLOFF: Well, we've met
24 the supervisors. I went and spoke to
25 them about it, and they liked it better

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2 than inclusionary zoning. Home rule is
3 a huge thing down here. It's a very
4 huge thing.

5 COMMISSIONER ROBERTS: Before you
6 finish, the first question of where you
7 are in the legislation --

8 MS. ROSEN-NIKLOFF: Oh, sure.

9 COMMISSIONER ROBERTS: -- so you
10 don't have any sponsors yet?

11 MS. ROSEN-NIKLOFF: I'm going to
12 say no, only because I haven't spoken to
13 the County Executive or the Chief Deputy
14 County Executive as of today, but they
15 were working on that today. They may
16 well have one, I just haven't been told.

17 COMMISSIONER ESPOSITO: And the
18 legislation hasn't even started yet this
19 year, so --

20 MS. ROSEN-NIKLOFF: Right. But if
21 they don't, the conversations have been
22 started, we feel that we -- there is
23 support out there for this concept.

24 COMMISSIONER CALONE: I think it's
25 admirable that you guys are -- you know,

2 this is great in the sense of putting
3 proposals forward. I mean, the fact
4 that you have to make \$100,000 a year to
5 live on Long Island is ridiculous. And
6 that's -- that's a sign of the crisis,
7 and -- you know, personally speaking,
8 I'm glad that the County Executive and
9 you guys are addressing it.

10 We've also been looking, from our
11 guidelines perspective, at this -- these
12 issues, whether inclusionary at -- in
13 the zoning or density bonus issues.

14 And, you know, I wonder whether it makes
15 sense, of course, to talk about these
16 things, but whether it doesn't make
17 sense to do something for our County.

18 You know, pull together a summit of some
19 kind. Kind of get all the -- the folks
20 together on it. And it's something we
21 could probably talk about, you know, off
22 line, but, you know, the Planning
23 Commission can try to make sure that
24 it -- what it's doing is consistent with
25 the kind of things you're pushing on

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2 the -- on the state-wide --

3 MS. ROSEN-NIKLOFF: Well, yeah, and
4 that's -- and we've had conversations
5 with Tom and Dan about that. For
6 example, the St. James project that you
7 were just working on. The County has a
8 program that we -- we could fund
9 infrastructure and land acquisition
10 costs for affordable housing. Most
11 likely, my money's going to go into that
12 program.

13 In fact, I just got an application
14 from them, and they want me to go to
15 the -- the Smithtown Planning Board on
16 February 20th to make a case, saying
17 that the County supports the program.
18 And I'm -- and I've spoken to the people
19 that are in -- I -- I know that the
20 20 percent is -- you know, they always
21 come in at the minimum, they think. But
22 if we say to them, oh, you know,
23 30 percent -- you know what, we'll help
24 to fray the land costs a little bit and
25 we'll help to fray the sewer costs a

2 little bit, then it becomes more
3 economical for them.

4 So --

5 VICE CHAIRWOMAN HOLMES:

6 (Indicating)

7 MS. ROSEN-NIKLOFF: -- yes.

8 VICE CHAIRWOMAN HOLMES: Your
9 contact information --

10 MS. ROSEN-NIKLOFF: I'll write it
11 down for you.

12 COMMISSIONER ROBERTS: Jill, is
13 there any update on the affordable
14 housing issues with the Bulova Watch
15 Factory in Sag Harbor, and are you
16 very --

17 MS. ROSEN-NIKLOFF: Yes.

18 COMMISSIONER ROBERTS: -- involved
19 in that?

20 MS. ROSEN-NIKLOFF: Yes. Here's my
21 take on it: It's going to be
22 impossible, as hard as we've tried, to
23 build affordable units on site. When --
24 we've looked at the numbers, we've had
25 numerous meetings. The cost per square

2 foot is astronomical there, because of
3 the environmental -- because they
4 restored it instead of just knocking it
5 down. It's over a thousand dollars a
6 square foot.

7 COMMISSIONER ROBERTS: Right.

8 MS. ROSEN-NIKLOFF: Plus the
9 maintenance costs. It's almost
10 impossible. We've tried plugging it up
11 with the -- there aren't even enough
12 subsidies to make it affordable.

13 So, what the County's position is,
14 they will put in a large -- I think it's
15 \$2,750,000 that they're going to put in,
16 to put 13 units into a housing trust
17 fund, and we have the Mayor's commitment
18 that they will use that to either find
19 another site -- well -- well, for --
20 anywhere within the Sag Harbor School
21 District. So -- not just within the
22 Village, because there's no land there,
23 and for redevelopment of their
24 Commercial Downtown Center as part of
25 their housing plan.

2 In other words, when their
3 retail -- their second-floor retails
4 expire, they want to turn that into
5 apartments.

6 COMMISSIONER ROBERTS: And that's
7 been approved by the --

8 MS. ROSEN-NIKLOFF: It hasn't been
9 approved, but that's part of the -- the
10 Mayor's plan. And --

11 COMMISSIONER ROBERTS: There's a
12 very big hearing on this in Sag Harbor
13 in the next two weeks, are you aware of
14 that?

15 MS. ROSEN-NIKLOFF: Yes.

16 COMMISSIONER ROBERTS: Will you be
17 there?

18 MS. ROSEN-NIKLOFF: I think Jim
19 Morgo's going, I don't think I'm going.

20 COMMISSIONER FIORE: Did you just
21 say that you're -- the County -- you're
22 talking about Suffolk County putting in
23 2.5 --

24 COMMISSIONER ROBERTS: No.

25 MS. ROSEN-NIKLOFF: No, we're

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2 not --

3 COMMISSIONER ROBERTS: -- the
4 developer.

5 MS. ROSEN-NIKLOFF: -- it's the
6 developer, because --

7 COMMISSIONER FIORE: Oh, the
8 developer. I'm sorry.

9 MS. ROSEN-NIKLOFF: Yeah, he's
10 putting it into a trust fund.

11 COMMISSIONER ROBERTS: If you
12 remember, the Commission put in that
13 20 percent affordable housing, and it
14 was incredibly interesting how that
15 triggered conversation throughout the
16 East End on --

17 MS. ROSEN-NIKLOFF: Oh, yes.

18 COMMISSIONER ROBERTS: -- that
19 issue. We should be very proud of what
20 we've triggered.

21 I think the community, definitely,
22 has had the consensus that, because of
23 the asbestos removal costs -- and what
24 they're basically doing -- that to do
25 affordable housing on site is not a

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2 practical solution. But it looks like
3 it's playing out very well, and it could
4 be an interesting sort of prototype of
5 how this could work.

6 I'm still concerned exactly how the
7 trust fund is going to work and --

8 MS. ROSEN-NIKLOFF: Yes.

9 COMMISSIONER ROBERTS: -- where
10 they're going with things, but it's a
11 conversation.

12 MS. ROSEN-NIKLOFF: Well, the
13 housing partnership is a consultant on
14 it. So they'll be drafting the
15 parameters of the trust funding, you
16 know, in their commitment to building
17 affordable housing. And, I guess
18 they'll put some kind of time limit on
19 it, it has to be used within a certain
20 period of time.

21 I mean, when you look at the
22 inclusionary -- if you guys have two
23 more minutes?

24 When you look at the inclusionary
25 zoning bill that was proposed, it says

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2 that, you know, you have to build -- for
3 every subdivision that we approve over
4 five units, you've got to put in
5 10 percent. But -- and this is the part
6 that I don't quite get, but it says --
7 then it goes on to say, after we've
8 approved it, this increased density --
9 so, now we've approved 20 units on a
10 site that would normally have ten,
11 but -- and you have to put 10 percent
12 workforce housing units on there, but if
13 it turns out that the workforce housing
14 units would somehow impact the -- the
15 environment or health or some other
16 reasons, then we'll let you put money
17 into the fund.

18 So, just think about the concept.
19 The municipality is saying, we're going
20 to approve the number of increased
21 density, but if that portion that's
22 applicable to the workforce housing
23 somehow impacts the environment, then
24 you can't do it.

25 Tell me how workforce housing has

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2 more of an effect on the environment
3 than market rates, when usually they're
4 less than 1,200 square foot.

5 COMMISSIONER ESPOSITO: Okay, now,
6 we've been saying that for decades.

7 MS. ROSEN-NIKLOFF: Well, if you
8 just read the legislation that was
9 proposed in inclusionary zoning --

10 COMMISSIONER CALONE: Was it the
11 LIA --

12 MS. ROSEN-NIKLOFF: -- not that I'm
13 against it, I'm just telling you, it
14 makes no sense.

15 COMMISSIONER ESPOSITO: The LIA.

16 MS. ROSEN-NIKLOFF: It's a lawsuit
17 waiting to happen, in my opinion.

18 COMMISSIONER ESPOSITO: LIA.

19 COMMISSIONER CALONE: Was it the
20 LIA proposal?

21 MS. ROSEN-NIKLOFF: Yes.

22 COMMISSIONER CALONE: I mean, to
23 give it a general --

24 MS. ROSEN-NIKLOFF: Yes. Yes.

25 Yes, but just -- you know, logically, it

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2 doesn't make any sense to me, but that's
3 what it says.

4 It's different -- like in the
5 Bulova case, where you simply can't do
6 it, and the builder himself says, I
7 can't do it, but let me put one into a
8 fund, but it's different when the
9 municipality says, well, workforce
10 housing, no, that's going to impact the
11 environment, even though it's less
12 square footage and the footprint's less,
13 it's going to be more of a problem, so
14 now, put it -- put it over there. It's
15 just a strange concept.

16 So, that's it. I'll give you my
17 contact information.

18 CHAIRMAN CARACCIOLO: Thank you,
19 Jill.

20 MS. ROSEN-NIKLOFF: Okay.

21 CHAIRMAN CARACCIOLO: Appreciate
22 your coming down today.

23 MS. ROSEN-NIKLOFF: You're welcome.

24 (WHEREUPON, Ms. Jill Rosen-Nikloff
25 stood down.)

2 CHAIRMAN CARACCIOLO: Okay, next
3 item on the agenda is the Nominating
4 Committee Report. And, I will just tell
5 you that the three of us have e-mailed
6 back and forth, that we will have -- we
7 have two candidates right now for
8 consideration. We will be talking to
9 everyone this week and next week via
10 e-mail, and calling you, and get you
11 more information on that.

12 Director's Report.

13 DIRECTOR ISLES: Okay. Just very
14 quickly, the first item is to make you
15 aware that the County Legislature has
16 approved an amendment to the
17 notification requirements for the
18 Commission actions that are greater than
19 25,000 square feet, involved in
20 commercial structures within 500 feet of
21 a municipal boundary. The most recent
22 example of that was the Whole Foods
23 application in Lake Grove. So the -- we
24 had requested changes to simplify and
25 make it more orderly. That notification

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2 process has now been approved.

3 CHAIRMAN CARACCIOLO: Good.

4 DIRECTOR ISLES: I thank Andy for
5 his help on that as well, as well as the
6 County Attorney's office.

7 Secondly, just to let you know that
8 one of our Senior Planners in the
9 Department -- actually, a Technical
10 Planner, Roy Severland (phonetic), is
11 retiring this month. He's been with us
12 for 30 years. He has also been a key
13 person working with Long Island Regional
14 Planning Board, and providing essential
15 and economic counsel to them, as well as
16 to the Department of County Planning
17 Commission. Just to make you aware of
18 that, and obviously we wish him well.

19 The last thing is just on the
20 Commission Guidelines. The struggle
21 continues, and there's been a lot of
22 work on that, headed up by Dan Gulizio.
23 We did circulate the latest version, I
24 guess a couple of weeks ago. And I
25 realize it's holiday time, or was

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2 holiday time. Where we are with this at
3 this point is, that most of the changes
4 to the guidelines have been addressed.
5 There are editing and some clean-up
6 things that we still want to -- will be
7 doing as well.

8 The item that's out there --

9 COMMISSIONER ROBERTS: Tom, was
10 that circulated to us --

11 DIRECTOR ISLES: Yes.

12 COMMISSIONER ROBERTS: -- because I
13 haven't seen it.

14 VICE CHAIRWOMAN HOLMES: Well, I
15 think it was sent by e-mail. It was
16 73 pages, and I made the mistake of
17 printing it out --

18 MR. GULIZIO: I'll send it out
19 again.

20 VICE CHAIRWOMAN HOLMES: -- but it
21 was circulated by e-mail.

22 COMMISSIONER ROBERTS: I definitely
23 did not get that.

24 VICE CHAIRWOMAN HOLMES: But the
25 summary -- the summary has come to all

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2 of us, has it, Dan?

3 MR. GULIZIO: I'll send the summary
4 again, and the -- and the guidelines
5 update again to everyone. And just let
6 me know, if you haven't received it by
7 the end of tomorrow, then give me a buzz
8 and I'll make sure you get it.

9 COMMISSIONER ROBERTS: Thank you.

10 DIRECTOR ISLES: I mean, we can
11 send hard copies --

12 COMMISSIONER CALONE: PDF. A PDF
13 file, please.

14 DIRECTOR ISLES: Now, with that,
15 one area that has been subject to
16 ongoing discussion, is the area of
17 affordable housing. So that one --
18 there is a subcommittee that has been
19 meeting -- Mr. Calone, Mr. Kontokosta
20 and Sarah Lansdale have all met on that,
21 and that's a --

22 VICE CHAIRWOMAN HOLMES: And me.

23 DIRECTOR ISLES: Did I miss anybody
24 else?

25 MR. GULIZIO: Well, Barbara and

2 Charla also.

3 DIRECTOR ISLES: Okay. The point
4 being, however, is that that has -- as
5 we've heard with -- with Jill's
6 presentation, some of this is -- gets a
7 little bit tricky in the actual
8 execution of this. We have 42
9 municipalities in this County. The
10 original intent of this -- and my
11 recollection goes back in 1991, when the
12 Commission felt that there should be an
13 encouragement of affordable housing,
14 based on the need for putting the
15 20 percent requirement.

16 What has served as a very good
17 example, was the Bulova case. I think
18 it's a good example where it at least
19 raises the bar on that topic.

20 Interestingly, developers offered a
21 contribution that, I think, doubled or
22 more than doubled, over the courses of
23 those discussions --

24 COMMISSIONER ROBERTS: It started
25 at 1.3, and the community has pushed and

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2 pushed and pushed. We heard in the
3 community it was 2.3, so it's
4 interesting to hear that it is 2.75 now,
5 that's very --

6 MS. ROSEN-NIKLOFF: Don't quote me
7 on that, I just think.

8 DIRECTOR ISLES: Right.

9 COMMISSIONER ROBERTS: But I've
10 heard that a couple of times recently --

11 MS. ROSEN-NIKLOFF: Oh, you have.
12 Okay.

13 COMMISSIONER ROBERTS: -- so I
14 think it may be there.

15 MS. ROSEN-NIKLOFF: Yeah.

16 DIRECTOR ISLES: So, my point then
17 is that, on the -- in most of the
18 guidelines, we've requested comments
19 from the Commission. Certainly, we'll
20 take additional comments as we review
21 the document this week and next week.

22 As far as the affordable housing,
23 there's a strong effort to try to get
24 that resolved, that seems to be still
25 somewhat open.

2 If you would like to consider, in
3 your organizational meeting which comes
4 in February, the adoption revised
5 guidelines, it's something that you may
6 want to consider doing. If you are
7 ready to act on the affordable housing,
8 fine. If you feel you want to put that
9 part off a little bit and continue to
10 work on it, that's up to you.

11 I do understand from staff's
12 standpoint, this has been going on for a
13 while, and -- and unfortunately it got
14 affected by other priorities in the
15 office. So, we want to give this as
16 much attention as this Commission needs
17 to, to get it to the point that's
18 satisfactory to you.

19 So, with that, just closing with
20 the organizational meeting, the Chairman
21 mentioned the Nominating Committee. You
22 also will be asked to consider the
23 adoption of your calender. We do that,
24 typically, the first Wednesday of the
25 month, modifying vacations and the

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2 holidays that are -- that it may
3 conflict with.

4 And also, the adoption of your
5 Bylaws. Those were changed pretty
6 significantly about two years ago, and
7 the public portion was introduced where
8 you could allocate the time period. If
9 there are any other changes you want,
10 and you want to let us know about that,
11 we'll try to incorporate it. But that
12 is an important meeting at that point.

13 Okay, that's it.

14 CHAIRMAN CARACCIOLO: Thank you.

15 Back on to the agenda, we have --
16 we tabled last month the adoption of the
17 November minutes, because Linda did not
18 get her copy, and I'm thinking --

19 VICE CHAIRWOMAN HOLMES: Yes. I
20 got it, unfortunately, two days after
21 our meeting.

22 Just -- I don't know if you have a
23 copy handy.

24 There was just one word, on
25 page 26. The word should be

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2 "re-grading," not "regrating." Grating
3 is cheese.

4 And, the other is really a question
5 for all of the Commissioners, or maybe
6 for our Counsel. Whether or not our
7 minutes for November should include, on
8 page 35, where the court reporter made
9 note that we went into executive
10 session. Should our minutes also
11 reflect the fact that the court reporter
12 left the room, and the tape recorder was
13 turned off? Do you think that's
14 important to note in our official
15 minutes?

16 MS. KOHN: Did the minutes --

17 VICE CHAIRWOMAN HOLMES: They
18 don't --

19 MS. KOHN: -- say who was in the
20 meeting? I didn't get a copy --

21 VICE CHAIRWOMAN HOLMES: No,
22 they -- the --

23 MS. KOHN: Did they --

24 VICE CHAIRWOMAN HOLMES: -- wait a
25 minute, I'll find page 35 for you, and

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2 read you what it says.

3 It says, "Whereupon, the Planning
4 Commission engaged in Executive Session,
5 after which the following transpired:"
6 And then the note of when we resumed was
7 1:28.

8 That's all it says. It doesn't
9 make reference to the fact that the
10 court reporter left the room, and the
11 tape recorder was turned off. And I
12 thought, perhaps, that was something we
13 might want to have noted in our official
14 minutes.

15 MS. KOHN: What I would make a note
16 of is who attended the Executive
17 Session.

18 VICE CHAIRWOMAN HOLMES: Okay,
19 "...engaged in Executive" --

20 MS. KOHN: The Commission
21 members --

22 VICE CHAIRWOMAN HOLMES: -- "the
23 Planning Commission engaged in" --

24 MS. KOHN: Commission members,
25 staff --

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2 VICE CHAIRWOMAN HOLMES: So,
3 Commissioners engaged in Executive
4 Session --

5 MS. KOHN: Right. And --

6 VICE CHAIRWOMAN HOLMES: -- and
7 staff, and -- and staff.

8 MS. KOHN: And then, yeah --

9 VICE CHAIRWOMAN HOLMES: Yeah.

10 MS. KOHN: -- you could say that
11 the tape recorder was turned off.

12 COMMISSIONER ROBERTS: Actually, at
13 our --

14 VICE CHAIRWOMAN HOLMES: Right.

15 COMMISSIONER ROBERTS: -- Planning
16 Commission training class, I was just
17 totally immersed in the legal --

18 VICE CHAIRWOMAN HOLMES: Yes.

19 COMMISSIONER ROBERTS: -- sayings.
20 And at that class, they taught that when
21 we, quote, went into Executive Session,
22 we should say we're going into Executive
23 Session because of legislation, because
24 we have to give a valid thing. And then
25 when we return, we should -- we have to

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2 state that there were no motions or --

3 VICE CHAIRWOMAN HOLMES: Right.

4 COMMISSIONER ROBERTS: --

5 whatever --

6 VICE CHAIRWOMAN HOLMES: And -- and

7 John did that, he said, "A motion was

8 made to come out of Executive Session by

9 Don, seconded by Barbara." It was

10 unanimous, we had no vote in Executive

11 Session, and we're going to resume the

12 regular meeting.

13 COMMISSIONER ROBERTS: I think

14 there's a problem, because I was not at

15 that meeting.

16 VICE CHAIRWOMAN HOLMES: You -- you

17 seconded the motion.

18 COMMISSIONER ROBERTS: Oh --

19 VICE CHAIRWOMAN HOLMES: Yes, you

20 were there.

21 COMMISSIONER ROBERTS: -- in

22 December?

23 VICE CHAIRWOMAN HOLMES: In

24 November.

25 COMMISSIONER ROBERTS: Oh,

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2 November, I'm sorry --

3 VICE CHAIRWOMAN HOLMES: November.

4 COMMISSIONER ROBERTS: I'm sorry.

5 VICE CHAIRWOMAN HOLMES: Yes.

6 CHAIRMAN CARACCIOLO: You were
7 there.

8 COMMISSIONER ROBERTS: I was there
9 in November, I'm sorry.

10 VICE CHAIRWOMAN HOLMES: Yes.

11 So, what would be adequate would be
12 to say "...the Planning Commissioners,
13 Staff and Counsel went into Executive
14 Session." Or "...the Planning
15 Commissioners went into Executive
16 Session, and Staff and Counsel were also
17 present."

18 MS. KOHN: Yes.

19 VICE CHAIRWOMAN HOLMES: Is that --
20 would that be --

21 MS. KOHN: Yeah, I think that would
22 be fine. And did the motion indicate
23 the --

24 VICE CHAIRWOMAN HOLMES: No.

25 CHAIRMAN CARACCIOLO: Yes, it did.

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2 The motion --

3 (Overlapping conversations)

4 VICE CHAIRWOMAN HOLMES: The motion
5 was made and seconded -- we're going --
6 yes, we're going -- the -- the Executive
7 Session, the Chairman noted, was to
8 discuss the pending litigation.

9 MS. KOHN: Okay. That's good.

10 CHAIRMAN CARACCIOLO: Okay. So
11 we're good. Make those changes --
12 anything else, Linda?

13 VICE CHAIRWOMAN HOLMES: No, that's
14 it.

15 CHAIRMAN CARACCIOLO: Okay, a
16 motion to accept those minutes --

17 COMMISSIONER ESPOSITO: As
18 corrected.

19 COMMISSIONER CALONE: (Indicating)

20 CHAIRMAN CARACCIOLO: Second, Dave.
21 All those in --

22 VICE CHAIRWOMAN HOLMES: As
23 corrected.

24 COMMISSIONER ROBERTS: As
25 corrected.

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2 CHAIRMAN CARACCIOLO: -- as
3 corrected, with Adrienne and Dave.

4 All those in favor?
5 (WHEREUPON, the members voted.)

6 CHAIRMAN CARACCIOLO: Opposed?
7 (WHEREUPON, the members voted.)

8 CHAIRMAN CARACCIOLO: Okay.
9 Commissioners Roundtable.

10 Charla, why don't you start us off?

11 COMMISSIONER BOLTON: I'm -- I
12 don't have anything that serious --

13 CHAIRMAN CARACCIOLO: Okay.
14 Barbara?

15 COMMISSIONER ROBERTS: I have lots
16 to talk about Sag Harbor, but I'll save
17 that for another meeting.

18 CHAIRMAN CARACCIOLO: I so
19 appreciate --

20 COMMISSIONER ROBERTS: There is an
21 awful lot about that.

22 COMMISSIONER BRAUN: Happy New
23 Year, all.

24 COMMISSIONER FIORE: From Islip,
25 there's been some changes there, as we

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2 all know. And there'll continue to be
3 some changes --

4 COMMISSIONER ROBERTS: Yeah.

5 COMMISSIONER FIORE: -- as time
6 goes on, and we'll see how this all --
7 this all shuffles out.

8 CHAIRMAN CARACCIOLO: Linda?

9 VICE CHAIRWOMAN HOLMES: I just
10 want to again thank Commissioner Roberts
11 for her site visit to the TLC site
12 (sic), and I'm sorry that in raising my
13 hand in opposition to the majority vote
14 that -- my primary thought was, that had
15 this proposal come to us before the
16 building was built, I have no doubt that
17 we would have been able to be much more
18 clear in -- at that time, either sending
19 it back for the more information or
20 disapproval. I -- I just wish that it
21 had come to us before the structure was
22 done.

23 CHAIRMAN CARACCIOLO: Thank you,
24 Linda.

25 Tom?

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2 DIRECTOR ISLES: Nothing.

3 CHAIRMAN CARACCIOLO: Adrienne?

4 COMMISSIONER ESPOSITO: I have two
5 quick things.

6 CHAIRMAN CARACCIOLO: Oh, great.

7 COMMISSIONER ESPOSITO: Okay.

8 One of the things I think we
9 should -- I just want to recognize
10 John's letter to the Editor in last
11 Sunday's Newsday.

12 VICE CHAIRWOMAN HOLMES: Oh, was it
13 in? I missed it --

14 COMMISSIONER ESPOSITO: Yes. It
15 was really good --

16 CHAIRMAN CARACCIOLO: And they
17 edited very -- they edited very hard on
18 me.

19 COMMISSIONER ROBERTS: Can that be
20 e-mailed to us?

21 COMMISSIONER ESPOSITO: Oh, wait,
22 John just said he got edited.

23 COMMISSIONER BRAUN: Yeah, exactly.

24 VICE CHAIRWOMAN HOLMES: I told him
25 that would happen, didn't I? I told

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2 you --

3 CHAIRMAN CARACCIOLO: Yes.

4 VICE CHAIRWOMAN HOLMES: -- that
5 would happen.

6 COMMISSIONER ROBERTS: Okay, so we
7 should send that around to the Board
8 members --

9 VICE CHAIRWOMAN HOLMES: Yes,
10 please.

11 COMMISSIONER ESPOSITO: The point
12 was that you can get intelligent,
13 dedicated Board members without paying
14 them large salaries or health --

15 COMMISSIONER BRAUN: Or small ones.

16 COMMISSIONER ESPOSITO: --
17 insurance.

18 VICE CHAIRWOMAN HOLMES: His point
19 was that we have a group of dedicated
20 volunteers --

21 COMMISSIONER ESPOSITO: Yes.

22 VICE CHAIRWOMAN HOLMES: -- and I
23 thought that was --

24 COMMISSIONER ESPOSITO: Yes, it --
25 it was very good, and worth noting here.

2 CHAIRMAN CARACCIOLO: Appreciate
3 it.

4 COMMISSIONER ESPOSITO: And the
5 second thing is, just as we're on the
6 topic of affordable housing, it's worth
7 mentioning that, you know, the Pulte
8 projects, people might be familiar with
9 them in Patchogue, the local papers
10 there are advertising that they're
11 dropping the price of the housing units.
12 I believe it said \$110,000 per unit. So
13 some dramatic price --

14 VICE CHAIRWOMAN HOLMES: Where is
15 that?

16 COMMISSIONER ESPOSITO: In
17 Patchogue Village.

18 VICE CHAIRWOMAN HOLMES: Patchogue.

19 COMMISSIONER ESPOSITO: Well,
20 it's, you know, the train station and
21 south by the water, one block by the
22 water.

23 So affordable housing may be coming
24 our way shortly, and it's quite a
25 (inaudible) market, but there was a

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2 pretty dramatic decrease, I thought, in
3 last week's local events.

4 MS. ROSEN-NIKLOFF: Is that in
5 the -- the Pulte project, or the one
6 that's further down on Ocean Avenue?

7 COMMISSIONER ESPOSITO: No, I
8 think it's the Pulte one that's a little
9 bit north of the one on the ocean, but
10 the one on -- the Great South Bay --
11 it's having the same difficulty as --

12 MS. ROSEN-NIKLOFF: Right.

13 COMMISSIONER ESPOSITO: -- a lot of
14 them are.

15 MS. ROSEN-NIKLOFF: It's
16 interesting that you could drop the sale
17 price 100,000, and still make money;
18 right?

19 COMMISSIONER ESPOSITO: Yes, it was
20 actually a little bit shocking, I'd have
21 to say.

22 COMMISSIONER CALONE: Yeah, I have
23 two points:

24 One was John's letter. What I
25 liked about it was the fact that --

2 CHAIRMAN CARACCIOLO: I'm sorry,
3 what?

4 COMMISSIONER ESPOSITO: Say that
5 again, we want that on the record.

6 COMMISSIONER CALONE: We want it on
7 the record.

8 No, I just wanted to -- my comment
9 I had on John's letter, was just that we
10 appreciate -- I appropriate, at least,
11 his emphasis on the professionalism of
12 the group, and I think that's part of
13 what makes us special. Particularly, as
14 I understand the history of this group,
15 this group is a special group because of
16 its professionalism, and because of the
17 various backgrounds we all come from.
18 So, I appreciated him saying that, and
19 hopefully the County knows what they
20 should know, that we're all here working
21 for them.

22 My second thing was, I just had a
23 couple of suggestions on -- for our
24 rules for next month, and I don't know
25 if I should do that at the Nominating

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2 Committee or what, but just a couple of
3 little --
4 CHAIRMAN CARACCIOLO: Probably the
5 staff --
6 VICE CHAIRWOMAN HOLMES: Bring that
7 up at our --
8 CHAIRMAN CARACCIOLO: -- that
9 should go to staff.
10 COMMISSIONER CALONE: Okay. Just a
11 couple of quick little things.
12 CHAIRMAN CARACCIOLO: Okay.
13 Ed?
14 COMMISSIONER PRUITT: Nothing to
15 report.
16 COMMISSIONER MC ADAM: I just also
17 wanted to acknowledge my appreciation
18 for your letter.
19 CHAIRMAN CARACCIOLO: Thank you.
20 (Overlapping conversations)
21 COMMISSIONER MC ADAM: I just had
22 one other question about the -- and
23 maybe that comes up also in the rules,
24 about the public hearing. When a -- not
25 the public hearing, but the public

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2 portion. Can we, in the rules, speak to
3 them at that point or --

4 COMMISSIONER ESPOSITO: That's what
5 I'd like to know.

6 CHAIRMAN CARACCIOLO: What we
7 talked about is, the current guidelines
8 prohibit us from taking any action on
9 any testimony that they make. We're
10 supposed to take action only on the
11 staff recommendations.

12 VICE CHAIRWOMAN HOLMES: We're
13 supposed to be listening.

14 COMMISSIONER CALONE: No, you see,
15 because there's -- we -- it says in
16 there that we can obtain information
17 from government officials --

18 CHAIRMAN CARACCIOLO: Right.

19 COMMISSIONER CALONE: -- but we
20 can't get it from -- from the public.

21 CHAIRMAN CARACCIOLO: So it really
22 is -- you know, as Tom had mentioned
23 when we started the public portion, it
24 really is -- you know, how can you not
25 act when somebody gives testimony like

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2 that? It's almost like, thankfully, you
3 know, the jury has to strike what they
4 just heard. So it's difficult, and I
5 choose, as the Chairman, not to really
6 engage, because I don't know that we're
7 necessarily experts in that -- in that
8 field or in that -- in that -- you
9 know -- I'm not going to go against, you
10 know, a guy like Chris Kelley
11 unprepared, and I choose not to do that.
12 I don't know what the guidelines say
13 about that.

14 VICE CHAIRWOMAN HOLMES: The usual
15 guidelines for a public hearing, which
16 is, I think, what we are following for
17 the public portion, for a public
18 hearing, you are there to hear the
19 public, you are not there to comment.
20 And your comment comes later in your own
21 session.

22 COMMISSIONER BRAUN: And, you know,
23 we've been referring this as testimony,
24 but it really isn't --

25 VICE CHAIRWOMAN HOLMES: Yeah --

2 COMMISSIONER BRAUN: -- it's
3 argument.

4 VICE CHAIRWOMAN HOLMES: -- it's
5 public portion.

6 CHAIRMAN CARACCIOLO: Right.

7 DIRECTOR ISLES: The only comment
8 I'd like to add to that is, this -- the
9 new procedure was put into effect a
10 couple years back. It's by directive of
11 the County Executive, for good reason
12 and so forth.

13 The concern, though, we have from
14 the staff's standpoint, is that, we
15 always try to stay fair and balanced.
16 And that is, if we just have one side
17 appearing -- appearing and presenting
18 information that we have not yet had a
19 chance, from the staff's standpoint, to
20 verify or at least validate, we would
21 take that with a lot of caution.

22 So, obviously, I guess we can't
23 completely discount it, because we're
24 hearing it and so forth, but I guess,
25 getting back to Mr. McAdam's question of

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2 engaging and then asking questions, you
3 know, that's something you can decide
4 what to do in your bylaws, but I think
5 the concern then is that we start to
6 create these lopsided meetings, and
7 giving only all the weight to certain
8 points, if no one's really had a chance
9 to check and verify them.

10 VICE CHAIRWOMAN HOLMES: Because
11 there was an issue, a few months ago,
12 where one entity of a town said that
13 they had not been notified that we were
14 having their issue on our agenda, and
15 had they been -- known, they would have
16 come. And, therefore, we had only
17 people coming and speaking on the other
18 side of the issue, and they were, you
19 know, quite distressed about that.

20 CHAIRMAN CARACCILO: Okay, Dan,
21 anything?

22 MR. GULIZIO: No.

23 COMMISSIONER ROBERTS: Can we also
24 just clarify one thing?

25 What is our process of when we add

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2 to the staff report before it went to
3 motion (sic)? Like today, we moved that
4 it was an approval, but there was no
5 opportunity to add anything. So before
6 we go into motion, we have to say --

7 CHAIRMAN CARACCIOLO: Correct.

8 We're making a motion --

9 COMMISSIONER ROBERTS: -- okay.

10 CHAIRMAN CARACCIOLO: Correct,
11 we're making a motion --

12 VICE CHAIRWOMAN HOLMES: So the
13 comments are all supposed to be made
14 before the motion.

15 COMMISSIONER ROBERTS: And, so if
16 you want anything to change --

17 VICE CHAIRWOMAN HOLMES: Yeah.

18 COMMISSIONER ROBERTS: -- you have
19 to say it.

20 CHAIRMAN CARACCIOLO: Right. We've
21 got to stop here to make a motion to --

22 COMMISSIONER ROBERTS: Right.

23 CHAIRMAN CARACCIOLO: -- make
24 another motion.

25 I motion we adjourn.

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2 COMMISSIONER FIORE: I'll second.

3 CHAIRMAN CARACCIOLO: Okay. All
4 those in favor?

5 (WHEREUPON, the members voted.)

6 (WHEREUPON, this hearing was
7 adjourned at 2:13 p.m.)

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C E R T I F I C A T E

5

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

9 That the witness whose examination is
10 hereinbefore set forth, was duly sworn, and that
11 such examination is a true record of the testimony
12 given by such witness.

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

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 2nd day of January, 2008.

19

20

21

THERESA PAPE

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