

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

SUFFOLK COUNTY PLANNING COMMISSION
C/o Suffolk County Planning Department
100 Veterans Memorial Highway
Hauppauge, New York 11788

May 7, 2008
11: 30 A. M.

B E F O R E: Davi d Cal one
 Chai rman

1
2
3
4

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

John Caracciolo

5 Constantine Kontokosta
6 Charla Bolton
7 Robert Braun, Esq.
8 Linda Holmes
9 Edward J. Pruitt
10 Thomas Isles
11 Adrienne Esposito
12 Barbara Roberts
13 Sarah Lansdale
14 Thomas McAdam
15 Daniel Gulizio
16 Linda Spahr, Esq.

17

18 STAFF:

19 Andrew P. Freleng
20 Ted Klein
21 Claire Chorny
22 John Corral

23

24

25

1

2

3

MR. CALONE: The May meeting of the
Suffolk County Planning Commission is now
in session. We have a quorum.

6

I would ask the Vice-chair to lead
us in the pledge.

8

Please stand.

9

(Whereupon, all recited the pledge
of allegiance.)

10

11 I'm assured the food is on its way.
12 Fear not.

13 We'll endeavor to get through our
14 agenda. Maybe we'll have lunch
15 afterwards, depending on timing.

16 Do we have anything for the public
17 portion?

18 MR. FRELENG: No cards.

19 MR. CALONE: First, we'll deal with
20 adoption of the March fifth meeting.

21 MS. HOLMES: Just a couple of --
22 well, a few. Page two, Ed Pruitt is the
23 Vice-chairman, not the chairwoman.

24 On that same page, Adrienne
25 Esposito represents villages over, not

1
2 once; over five thousand.

3 And then page twelve, it is just
4 who's, not whose, w-h-o-s-e.

5 Page 14, line thirteen, it is the
6 same error.

7 Page sixteen, line twenty, I think
8 the word "of" was left out. I think they
9 meant "to see each of you."

10 And page thirty-five, line
11 seventeen, I think the number of gross
12 centers affected was omitted. I think
13 that was part of the phrase.

14 We have over -- gross centers in
15 the county. In there was a number that
16 was mentioned. We have over -- a number

17 -- of gross centers. That was Tom Isles
18 menti oning.

19 I think you did menti on a figure of
20 --

21 MR. ISLES: Over fi ve gross
22 centers. At least fi ve i denti fi ed.

23 MS. HOLMES: Page one twenty-three,
24 line 24 is the spirit of the law, not the
25 s-p-e-a-.

1
2 R, and then page one twenty-five it
3 is the same error.

4 Page one twenty-six it would be
5 well h-e-e-l-e-d, not as in spiritual.

6 Those were my corrections. If you
7 would approve them.

8 MR. CALONE: Thank you.

9 Anyone else have any edits to the
10 minutes?

11 (Whereupon, there was no response.)

12 If not, I need a motion.

13 MR. PRUITT: Moti on.

14 MR. CALONE: Moti on by Vi ce-chair,
15 Prui tt.

16 MR. BRAUN: Second.

17 MR. CALONE: Seconded by
18 Commi ssi oner Braun.

19 All in favor as amended, approving
20 the mi nutes?

21 (Whereupon, all responded in the
22 affi rmati ve.)

23

It passes unanimously. Thank you.

24

As indicated, I don't think we have

25

anyone here for the public portion. We'll

1

2

open and close that.

3

Next, Chairman's report, a couple

4

of things. First, I want to thank those

5

commissioners who stayed through a

6

marathon Commission meeting last month.

7

It went for more than three hours. The

8

former chair missed his first meeting in

9

two years. Excellent timing on his part.

10

I want to thank Vice-chair Pruitt,

11

Secretary Esposito, Robert Braun, Barbara

12

Roberts, Charla Bolton and Linda Holmes

13

for staying through the session.

14

The last item of business was

15

Patchogue's downtown redevelopment, which

16

was a very technical, involved application

17

involving a lot of consensus amongst the

18

eight of us. I appreciate all of you

19

working.

20

I think that the village, they know

21

the issues. I had a chance to speak to

22

the mayor afterwards. He expressed

23

interest in working with the Commission

24

and staff to help improve downtown

25

Patchogue.

1

2 We have a new open seat. As you
3 know, Bobby Goodale stepped down from
4 representing Riverhead. I met with
5 Supervisor Cardinale two weeks ago at Jim
6 Morgo's request. They are hoping to get
7 us -- get to the County Executive some
8 suggested replacements within the next few
9 weeks.

10 Supervisor Cardinale also expressed
11 interest in looking forward to working
12 with the Commission on new initiatives
13 that we're working on over the next
14 several months.

15 MS. ROBERTS: Did you hear anything
16 from East Hampton?

17 MR. CALONE: No. I did follow up
18 with the supervisor.

19 Did you have anything else?

20 MS. ROBERTS: Someone called me who
21 was approached. I think they are working
22 on it.

23 MR CALONE: Great. It is important
24 that we fill out the two or three
25 remaining seats as we create a

1
2 comprehensive plan for the County.
3 Actively working on that.

4 Tom and I met the chief planner of
5 Long Island Regional Planning Board. Tom,
6 maybe during your portion you could expand
7 on that.

8 Bottom line is that our Suffolk
9 County Comprehensive Plan will fit nicely
10 in with what the Regional Planning Board
11 is doing. It should time out well with
12 them. We'll keep working with them as we
13 approach our own vision for this County.

14 We had -- Tom and I met with Steve
15 Jones and Dave Berg. Steve Jones is the
16 CEO of the Suffolk County Water Authority,
17 and Cameron (phonetic) Associates is
18 involved in the American Planning
19 Association Long Island Region, and we
20 talked about our October training event we
21 hosted, the federation has hosted in the
22 past. Maybe the Commission can play a
23 larger role in that.

24 The question is how to do that. I
25 think going forward, we will have more

1
2 updates how we can do that and perhaps use
3 the fact that we have so many folks from
4 over 150 -- typically attend from all over
5 the County. We can use that as kind of a
6 summit or opportunity to discuss some
7 critical issues affecting the County;
8 affordable housing or whatever.

9 We have all folks from
10 jurisdictions in one place on one day in
11 October. We'll think about that. We
12 could probably use support from members on
13 that.

14 Lastly our working groups are -- we
15 have three working groups; press,
16 guidelines reform and procedural reform.
17 Two working group meetings will be on the
18 fourth floor after this meeting; the
19 procedural working group and the
20 guidelines working group, and maybe we can
21 figure out how to overlap those. We may
22 combine them.

23 I would ask them to do a brief
24 update, one or two minutes, so everyone
25 can hear what they're up to and get

1

2

into --

3

4

5

6

7

8

9

 First, let me ask Barbara and Linda
 to comment on the publicity working group
 which, as you know from discussions, on
 how the Commission should better inform
 the public as a whole about the activities
 and important work of the Planning
 Department.

10

 You can tag team this a little.

11

12

13

14

15

16

 MS. ROBERTS: We did have about a
 forty-five minute meeting with Dan Aug
 (phonetic) who is the Director of
 communications. He is new in his
 position; only been here six months. He's
 very interested in helping us.

17

18

19

 I think we outlined what -- we
 would like to improve our communications
 with three of our audiences. One would be

20 the local municipalities to get a better
21 understanding of exactly what our process
22 is and what we're looking for.

23 Second would be developers to have
24 more information out to developers when
25 they're first thinking about projects of

1
2 what should be included, and the public to
3 publicize some studies the Planning
4 Commission does.

5 Dan seemed to be most interested in
6 helping us soon on our map jurisdiction
7 and guidelines. Also interested in
8 helping us with anything about green
9 issues and then when we mentioned our work
10 on affordable housing, we left it he will
11 be back to us to tell us more on how we
12 can work together.

13 Linda, did I forget anything?

14 MS. HOLMES: John Callahan is also
15 formally of the Smithtown Press.

16 MS. ROBERTS: It's
17 C-A-L-L-E-G-A-R-I.

18 MS. HOLMES: Sorry, I didn't get
19 his card. I think that we did emphasize
20 -- I got there a little early -- we did
21 emphasize that we want the members of the
22 public and the community, the
23 municipalities to be more aware of the
24 Commission, of the make up of the
25 Commission County executive, Levy,

1

2

mandated, so that we have a tremendous
cross section of experience and talent,
from real estate to unions to
environmental to business to former
planners and what not.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

It's quite a process to be
appointed now to the Planning Commission
and that we do represent -- we have
fifteen members, and we represent all the
towns and villages, we have members at
large, so the make up of the Commission
and the jurisdiction -- we did speak, as
Barbara said, about jurisdictional map and
how that would be a very good tool for
planning and zoning boards within the
towns to know when they need to send a
project to us, because we have discovered
that in many instances, projects are not
reviewed by us because the municipal local
board doesn't realize that it comes under
our jurisdiction.

23

24

25

So we want to be able to, when the
Legislature approves the jurisdictional
map, which this Commission has already

1

2

3

4

approved, the Legislature will approve it
and the County Executive will sign off on
it.

5 At that time, it would be a good
6 time to have a press release about the
7 jurisdictional map and its importance to
8 the communities, and that was really --
9 our overall thrust was many times there
10 are projects that come before us that are
11 of regional interest and not just interest
12 to the community that submitted it, and
13 we're hoping that more communities will
14 think regionally and not locally when they
15 have a project; think how it's going to
16 impact the surrounding area.

17 Those were things that Dan and John
18 were very interested in helping us
19 publicize and make media and communities
20 more aware of, what we're doing and when.

21 Thank you.

22 MR. CALONE: Thank you for your
23 efforts on those -- to that end.

24 I think I mentioned last time, Tom
25 Isles and I met with Jim Morgo about a

1
2 month ago. He was very supportive of the
3 new board and the things we're going to be
4 doing. He wants to get that up and inform
5 the public about our role and activities.

6 Next, the guidelines working group,
7 which focused on county-wide values that
8 deserve to be reflected in the County
9 guidelines. The ones we've been focusing
10 on is affordable housing, energy

11 efficiency and environmental sensitive
12 buildings and public safety.

13 Commissioner Lansdale and
14 Kontokosta, give us an update.

15 MS. LANSDALE: I'm heading up the
16 green guidelines or energy efficiency
17 guidelines, because building environment
18 has one of the largest impacts on our
19 carbon footprint and overall
20 sustainability of our region.

21 We're looking at the US Green
22 Building Council, their neighborhood
23 design guidelines, as well as town, local
24 town resolutions that have been passed on
25 Long Island; Town of Babylon, Town of

1
2 Brookhaven, that have encouraged green
3 buildings, as well as --

4 MR. KONTOKOSTA: Dave and I met the
5 week before with Kevin Law and Mike
6 Deering from LIPA to get their support to
7 move forward on these guidelines.

8 We have draft guidelines right now
9 to present.

10 MR. CALONE: Thank you.

11 MR. KONTOKOSTA: I guess in terms
12 of affordable housing guidelines, the ones
13 we have are conspicuously thin, and what
14 we're trying to do is develop them into a
15 comprehensive strategy that not only we
16 could use as guidelines for our decisions,

17 but developers and municipalities can turn
18 to as a set of model codes and standards
19 so that not each one of the forty-three or
20 forty-two towns and villages in Suffolk
21 County will have to fend for their own in
22 terms of developing their own standards.

23 Working closely with Sarah Lansdale
24 and the Chairman and Dan Gulizio, who has
25 been in the process of putting together an

1
2 housing element plan to give us more of an
3 in-depth study of housing issues currently
4 here in the County and to help us frame
5 and guide our policy.

6 Do you have an update, Dan?

7 MR. GULIZIO: One of the first
8 things we did was gather existing
9 information. There has been housing
10 studies done in recent years, the Rutger's
11 study, a study considered by the Long
12 Island Housing Partnership which includes
13 a tremendous amount of good data in terms
14 of housing trends status and regional
15 numbers in terms of the need for housing,
16 how severe that need is, demographically
17 where that is located in the region.

18 We pulled together information
19 through Economic Development work force
20 housing previously prepared by Long Island
21 Regional Planning Board.

22 We've organized all that

23 information so we have a base line of data
24 to base policy and recommendations upon.

25 We're also going through some

1

2

inventory in terms of land use throughout
3 the region. It is important that the
4 policy not be done in isolation or in a
5 vacuum.

6

7

We're mapping some of that
infrastructure and basing that information
8 in terms of how much industry land,
9 commercial land do we have? How much of
10 that acreage is located in downtowns
11 versus strip commercial zoning outside the
12 downtowns?

13

14

We're looking at town zoning laws
so we have accurate information putting
15 that al together.

16

That is where we're at.

17

MR. CALONE: Thank you.

18

19

The last piece of the guidelines is
a newer effort, thinking about whether or
20 not we should incorporate public safety
21 into the subdivision and site plan
22 guidelines. Sarah did work on that
23 recently.

24

25

I'm a former prosecutor here and
have an interest in that. I've discussed

1

2 that with District Attorney Spota. He has
3 a copy of a very early draft and is going
4 to get us comments and share that with the
5 police commissioner.

6 Staff is taking a look at those
7 guidelines also. Obviously they will soon
8 be sharing them more broadly once we have
9 fuller comments.

10 The key for us is how do we convey
11 the value of public safety and the notion
12 that it can be incorporated into community
13 design while not getting so bogged down in
14 details that we're tying the hands of
15 towns, developers, villages.

16 That is where the public safety
17 aspect is.

18 Lastly the Vice-chairman and
19 Commissioner McAdam are working on the
20 procedural working group.

21 Ed, give us an update.

22 MR. PRUITT: The purpose of our
23 procedural work group is to take a look at
24 the current things that the staff and that
25 the Commission is starting to work on in

1
2 order to better utilize the staff's time
3 and the Commission's time.

4 One of the ideas that we're working
5 on is trying to think about both the
6 Commission and staff spending more time on
7 significant projects with the work group,

8 get a draft definition on regional
9 significant projects, and we've got a work
10 group meeting today to further go through
11 those guidelines and fine tune them.

12 We should have something ready for
13 the next Commission meeting.

14 MR. MCADAM: I only now the
15 guidelines that have been E-mailed around
16 for the past two months. There's a
17 section on inter-municipal agreements.

18 Perhaps if we push that, try to
19 encourage the towns to become more
20 involved in that, that could also reduce
21 the workload that we would get, and
22 basically we would have more of the
23 important projects as opposed to some
24 minor projects.

25 MR. CALONE: Great idea, something

1
2 we can discuss later in more detail on all
3 that.

4 If you want to join us upstairs
5 after the meeting, procedural guidelines.

6 MS. ESPOSITO: Is the goal to have
7 the drafts available for the next full
8 meeting?

9 MR. CALONE: For which we have a
10 bunch of things in various degrees of. Ed
11 was saying maybe they'll have the regional
12 significant definition for the next
13 meeting.

14 Obviously if that would be
15 considered, it needs to go out a week or
16 two ahead of time.

17 MR. PRUITT: The process will be --
18 the goal is go through the draft document.
19 We have to try to fine tune that document.
20 Once the work group fine tunes that
21 document, we'll E-mail it to all the
22 Commission, and it will be open for
23 discussion at the next meeting.

24 MS. ROBERTS: One thing that hit me
25 was the size levels, in my opinion, were

1
2 too high for the east end. Just to be
3 aware that the east end of Long Island, we
4 typically -- all County roads are only two
5 lanes, and I also didn't see too much
6 about impact on the bay and ocean which,
7 of course, is critical.

8 I don't know how we can wrestle
9 with that, but I point out, the number of
10 housing units and whatever, we're really
11 too high for what is significant for the
12 east end.

13 MR. CALONE: We can discuss that at
14 the group later.

15 That wraps up the Chair's report.

16 MR. ISLES: A couple of items to
17 bring you up to date. I'll begin with
18 noting that we are proceeding with
19 significant staff efforts on the

20 agriculture project. We have completed a
21 water title search report which we're
22 presenting to the advisory committee next
23 week at meeting number fifteen of the
24 agricultural project.

25 This is a regionally significant

1

2 project. We are going to be in the SEQRA
3 phase. We had a public hearing two weeks
4 ago. I would like to give a full
5 presentation in July or August to the
6 Commission to bring you up to speed.

7 The intention is to have a program
8 recommendation to the County Executive and
9 Legislature in September. This has been a
10 multi-year effort of the Department. It's
11 important that the Commission be aware of
12 that.

13 A couple of other project updates.
14 I've advised you on the Sunrise Highway
15 study we're doing in cooperation with New
16 York State DOT, Suffolk County DPW and two
17 towns, Islip and Brookhaven, for a
18 thirteen mile stretch from Great River out
19 the Bellport.

20 That study is in its final stages,
21 and I would like to seek to schedule a
22 presentation to the Commission on that
23 study either June or July, depending on
24 the availability.

25 The next item would be we are

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

proceeding also on a planning study of the redevelopment of the Plaza Theater in East Patchogue. Dan Gulizio is overseeing that.

That study is also proceeding, and we hope to have some report back on that in the next thirty to forty-five days or thereabouts.

The Chair mentioned the Long Island Regional Planning Board, County Planning Department, working with them on two main projects that are going for regional planning; one being known as the twenty thirty-five study. That is under way.

At the moment, it's in its beginning stages, and there is, in fact, a meeting this afternoon on it that I'm going to and Sarah probably is. We are working with several partners on that one.

It is an important data gathering effort, and also we're beginning to set the stage for a process of defining regional vision and looking at the scenario tests in terms of, if we keep

1
2
3
4

everything the way it is in terms of transportation practices, land use practices, what happens to the growth and

5 -- we're facing options we have by
6 changing those scenarios.

7 We'll continue to keep you up to
8 date on the other projects done by the
9 Regional Planning Board, involving the
10 County Planning Department and other
11 agencies, similar to the plan that was
12 done in New York City last year.

13 The Regional Planning Board is
14 entertaining bids on that project as of
15 today and will be making a selection on a
16 consultant, probably within the next
17 couple of weeks.

18 I would like to bring you up to
19 date on a lawsuit that was filed against
20 the Commission last year which you
21 probably recall on a -- it involved a case
22 in the Town of Southampton, Trumpets, and
23 the Commission was sued on that one.

24 We were advised by the Department
25 of Law this week that the Plaintiff, the

1
2 opposing party, has agreed to terminate
3 the case against the County Planning
4 Commission, and County Department of Law
5 has advised us there is no further matter
6 pending against the Planning Commission.

7 We're off the hook on that. We
8 appreciate the help of the Department of
9 Law.

10 From a staff standpoint, I said I

11 would keep you up to date in terms of
12 hirings and retirements. We did have John
13 Cummings on the Board last month. I
14 regret to inform you that a relatively new
15 staff member, Alysa O'Driscoll, Assistant
16 Economist who started with us in October,
17 has announced her resignation. She's
18 taking a job in the private sector.

19 So we regret that she's leaving,
20 and I will be talking with Chief Deputy
21 County Executive, Mr. Morgo, on options
22 for replacing that position.

23 Currently we're down three
24 professional staff positions, and we have
25 two more that are imminent, we think, in

1
2 the next month or two. It is something --
3 in terms of the work demand, we're trying
4 to fulfill the expectations of the Board,
5 as well as the Legislature and the County
6 Executive. We will continue to strive to
7 do as much as we can with what we have and
8 seek whatever resources we can get.

9 Finally, the Planning Commission is
10 scheduled to meet next month in Riverhead.
11 We have reserved the Cornell Horticultural
12 Research Center building. At the
13 direction of the Chairman, we were asked
14 to look in to the possibility of having
15 the meeting at the culinary center
16 operated by Suffolk Community College in

17 downtown Riverhead.

18 It appears that is available, and
19 we're processing the paperwork to secure
20 that location. We will, of course, keep
21 you fully advised on the exact location
22 prior to the meeting.

23 MR. BRAUN: We might actually get
24 lunch.

25 MS. ROBERTS: We have to make it

1

2 oursel ves.

3 MR. CALONE: I want no one to show
4 the minutes to my wife that I insisted we
5 have it there, but thank you.

6 MS. HOLMES: Can I ask a question?
7 About the underwater title search report,
8 I would think would be of tremendous
9 interest, particularly in the east end,
10 because for forty years I know of, we've
11 struggled with towns owning the bay bottom
12 and the Duncan patent and towns in the
13 east end that have had trustees since
14 colonial times.

15 They have a much clearer idea, but
16 there are some other towns like ours that
17 don't, that will be of major importance to
18 the towns, particularly this shoreline.

19 MR. ISLES: To clarify, the scope
20 of the title search work was on those
21 lands that are presently or formerly State
22 of New York controlled lands. It starts a

23 thousand feet offshore.

24 It essentially looked at private
25 land grants that the State issued in 1884

1
2 wherein almost fifty thousand acres of
3 underwater lands in the Peconic Bay system
4 were granted to private individuals or
5 corporations.

6 A number of those went into --
7 reverted back to or came to Suffolk County
8 on tax default, and a number became very
9 murky as to ownership.

10 MR. CALONE: There was an enormous
11 effort. The report belies the amount of
12 effort that went into that. Believe me,
13 we had great cooperation from the
14 Department of Real Estate Title Search,
15 Riverhead.

16 There were cases and cases of deeds
17 that were examined. It's significant
18 information, but it does give us a good
19 fact base of information in terms of
20 ownership out there.

21 MS. ESPOSITO: Does it only cover
22 the Peconic Estuary or does it go north in
23 to that Plum Island area and --

24 MR. ISLES: It does go to Plum
25 Island. It does include --

2 MS. ESPOSITO: That was a very
3 large area of bottom lands by the DEC.
4 They have expressed interest in having a
5 shellfish lease as well.

6 That is an issue, because the
7 initial review by the -- I'll leave it at
8 a that.

9 MS. ROBERTS: Can we have copies of
10 this?

11 MR. ISLES: Yes.

12 MR. CALONE: Any other comments?

13 I would note we have a couple of
14 other issues. We'll see how time permits,
15 including timing of the meeting, how high
16 a bar should be for rehearing, how to
17 handle the public portion of our meetings.

18 Let's move on to the regulatory
19 part of the business.

20 MR. FRELENG: The first regular
21 matter before you is the application of
22 Astro Realty LLC. This was referred to us
23 from the Town of Islip jurisdiction.

24 The subject property is adjacent to
25 New York State Route 27, New York State

1
2 Route 27A and within 500 feet of New York
3 State land.

4 The applicants seek Town Board
5 Change of Zone approval from Industrial 2
6 District in order to maintain and
7 redevelop a portion of the parcel for

8 research and industrial and develop the
9 remainder for mixed senior and non-senior
10 multiple family residential purposes.

11 Specifically, the proposal is to
12 expand the existing office and industrial
13 space with a four-story office building at
14 the northwest corner. On the southern
15 portion of the parcel is proposed the
16 construction of 357 dwelling units, senior
17 condominiums, owner-occupied town homes,
18 one-bedroom apartments, two-bedroom
19 apartments.

20 Also on the facility is proposed a
21 four thousand square foot club house, a
22 pool is proposed, as well as an 800 square
23 foot maintenance building. Overall
24 density on the 47.8 acre residential
25 portion of the property equates to nine

1
2 point four units per acre.

3 Suffolk County Planning Commission
4 staff has been in touch with Islip staff,
5 planning staff. They have been working
6 with the applicant to reduce the yield and
7 density on the subject property. We now
8 -- they're working with them now. There's
9 not a final number on ultimate density.
10 We're processing 357 dwelling units on the
11 37.8 acre site.

12 It is proposed by the petitioner
13 that ten percent of the residential units

14 be affordable. Town zoning law requires a
15 total of 3,469 parking stalls and as many
16 are provided. Six hundred forty six
17 stalls are land-banked in order to provide
18 a great lawn along the northern property
19 boundary.

20 Sanitary effluent from the proposed
21 PDD is to be directed to the Southwest
22 Sewer District via a connection at
23 Jefferson Street. The subject property is
24 located on the south side of Sunrise
25 Highway, New York State Route 27,

1
2 approximately 575 feet east of Connetquot
3 Avenue, which is a town road, in the
4 Hamlet of Great River.

5 A review of the character of the
6 land use and zoning pattern in the
7 vicinity indicates that the subject
8 property is located within a mixed zoning
9 area predominated by single family
10 detached residential zones. That would be
11 the triple A, double A, B and C.

12 A node of business one and three
13 exists to the northwest, and a node of CAA
14 and CA, which is two-family and
15 multi-family dwellings, exists to the
16 southwest.

17 This is the subject property. This
18 is the research industrial portion. There
19 is a commercial area down here, business

20 one. There is a strip area with a bar and
21 deli, as well as a pizza place, I think,
22 on this end, a bar over here, and I don't
23 recall what was up there; small commercial
24 areas north and south to the west side of
25 the subject property. You can see it is

1

2 predominantly residential zoning.

3 Now, land uses in the immediate
4 vicinity include the East Islip Soccer
5 Complex on land owned by Bayard Cutting
6 Arboretum to the east over here. To the
7 south is the Islip Little League Complex
8 on land owned by the Town of Islip, and to
9 the west is single family residences
10 fronting on the west side of Connetquot
11 Avenue.

12 Access, motor vehicle access to the
13 proposed use is intended to be from three
14 existing access points. It would appear
15 from the submitted site plan that
16 principal access to the research
17 industrial park is to be from an existing
18 right turn only access exit to the south
19 service road of Sunrise Highway.

20 Take a look at the site plan a
21 second. You can see up here from the
22 overall development, you have the access
23 point to Sunrise Highway. There is an
24 existing access point into the industrial
25 park. Alternate motor vehicle access to

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

the research industrial park is proposed to be from Connetquot Avenue opposite Westbury Street.

So this is Westbury Street right here, there is an existing secondary access that's currently gated. That is to be a second access to research industrial park.

Motor vehicle access to the proposed attached multi-family component of the development plan is to be from a point of entry from the south, currently an unnamed town road utilized for access to the Islip Little League Complex.

Now we went out there to do a site inspection. That road is Wheeler Road. That would be the access point from Montauk Highway from the south. In addition, access to the residential portion of the PDD is proposed from the north as an extension of the access to the research industrial park.

The principal access to the RI park is here in Sunrise. You would take access

1
2
3
4

into here. This is also proposed through this round-about which you can barely make out; access into the residential component

5 of the property.

6 MR. CALONE: Round-about?

7 MR. FRELENG: Traffic circle.

8 MR. CARACCILO: Where is the
9 Little League park?

10 MR. FRELENG: Down here.

11 Pedestrian access is linked via a walking
12 path to Connetquot Avenue at the southwest
13 corner of the subject property right here.
14 You can make out a small pedestrian access
15 which connects to the roadway, then
16 Connetquot.

17 There are no real environmental
18 constraints on the property. It's not
19 located in the Pine Barrens region. While
20 the site is proximate to the Connetquot
21 River corridor, it is not within the State
22 Wild Scenic and Recreational River
23 Corridor management area. There are no
24 local, state or federally regulated
25 wetlands on site.

1

2 The nearest mapped wetland, West
3 Brook Pond C-8, mapped by the DEC is over
4 a thousand feet to the east from the
5 property boundary.

6 MR. CALONE: Is that park land to
7 the right?

8 MR. FRELENG: Just off -- the pond
9 is just off, maybe on the -- just off
10 site, well over a thousand feet.

11 MS. ESPOSITO: The major highway,
12 what is that?

13 MR. FRELENG: This is a piece of
14 Montauk Highway. This is that existing
15 access to the ball fields here. They're
16 extending Wheeler Road up.

17 With respect to comprehensive plan
18 recommendations, currently on-going is an
19 inter-municipal planning study of the
20 Sunrise Highway corridor involving the
21 Towns of Islip, Brookhaven, Suffolk County
22 and NY State.

23 Although the project site lies on
24 the extreme western end of the defined
25 area for the study, the subject project

1
2 may affect the content of the study,
3 particular in terms of transportation
4 issues.

5 The 1986 Town of Islip Sunrise
6 Highway Corridor Study recommended the
7 elimination of strip commercial zoning
8 along Sunrise Highway and reducing
9 industrial zoning in Oakdale in favor of
10 condominium and apartment development.
11 That study did not cover the Great River
12 area, but by extension, we thought some of
13 those issues would be relevant for the
14 Commission to consider.

15 The 1976 Town of Islip
16 Comprehensive Plan Community Identity

17 Study recommends industrial for the
18 subject property.

19 Staff analysis, it is the belief of
20 the staff that said proposal can be
21 generally supported with conditions
22 applied to address certain problematic
23 items.

24 The first item is with respect to
25 smart growth. It is being touted as a

1
2 smart growth project. While it does have
3 some merit, it doesn't meet all accepted
4 criteria. It is not in downtown, doesn't
5 have mixed use within the buildings.

6 It does contain some beneficial
7 components of smart growth design,
8 including diversified housing stock and
9 proximity to recreational areas and a
10 train station.

11 I forgot to mention the Oakdale
12 train station is just off site, a small
13 commercial area over here. However, the
14 site seems less well suited for senior
15 housing as there are few amenities in the
16 vicinity for senior citizens.

17 With respect to public benefits,
18 the applicant is indicating that while his
19 development is a little more intense than
20 as of right zoning, there would be an
21 addition of 0.36 percent to the overall
22 square footage.

23 The petitioner is indicating that
24 the warehouse and office space allowed as
25 of right are typically taller structures

1
2 and require more parking than the
3 proposal. Moreover, the petitioners are
4 offering that this type of residential
5 development will yield a fiscal surplus to
6 the town and school district.

7 In addition, petitioners are
8 offering ten percent of the residential
9 units for affordable housing purposes. No
10 other substantial public benefits are
11 being proposed which would equate for the
12 change in zone and intensification of the
13 site.

14 Motor vehicle trip generation from
15 the proposed project and its impact on
16 area roadways is a significant concern.
17 The applicant has prepared a traffic
18 impact study and is consulting with the
19 town and the New York State Department of
20 Transportation with regard to this
21 project.

22 They do have a traffic impact
23 study.

24 MS. ESPOSITO: Is it done?

25 MR. FRELENG: They did the study.

2 They're working with the town now, and
3 state.

4 With regard to the issues in the
5 traffic study, they are recommending
6 several mitigation measures, including
7 traffic signals and turning lanes.

8 With respect to the project, the
9 applicant has prepared a traffic impact
10 study and is consulting with the town and
11 the New York State Department of
12 Transportation. It is the applicant's
13 contention that the proposed use has less
14 of a motor vehicle trip generation than an
15 as of right development.

16 The single point of motor vehicle
17 entry into the residential component of
18 the proposal is problematic, and an
19 alternate means of access should be
20 provided. The access point opposite
21 Westbury Street on Connetquot Avenue may
22 be an appropriate alternate access point.
23 That would be this spot right here.

24 They're using it as an alternative
25 means into the industry component. It

1
2 certainly would make an alternate access
3 point into the residential, either an
4 emergency or actual secondary access.

5 The north-south road connecting
6 Sunrise Highway to the subject property
7 and then to Montauk Highway on the east

8 side of the property can become a viable
9 through means of public access to the
10 eastbound Sunrise Highway, as long as the
11 office portion of the site is not closed
12 off from vehicular access by means of a
13 gate or guard post.

14 It is also worthy of discussion
15 that this road provides access to these
16 ball fields. If it is intended this road
17 provide access into the residential
18 component, there is going to be
19 significant amount of trip generation
20 going up and down this road.

21 Staff believes that the parking
22 currently on the east side of this road
23 should be switched over to accommodate a
24 more safe environment for motor vehicle or
25 pedestrians while motor vehicles go up and

1

2

down.

3

4

5

6

7

8

9

10

MS. ESPOSITO: That is an under
statement.

11

12

13

MR. FRELENG: That is my forte.
Staff believes that this road is
problematic, and the town needs to take a

14 harder look at how access will be
15 addressed.

16 Further, staff believes there is no
17 real convenient pedestrian office
18 connections between the residential and
19 office sections. There should be more
20 pedestrian connectivity in this smart
21 growth concept.

22 A certain segment of folks that
23 live in a residential portion will find
24 employment in the industrial research
25 complex, all things being equal, so we

1
2 would like to see more pedestrian
3 connectivity between the two components of
4 the site.

5 In addition, this particular area
6 where you can see, it is wooded, and we
7 feel a lot of attention should be paid to
8 making this a safe connection.
9 Consideration should be given to providing
10 a well lit, convenient pedestrian access,
11 some pedestrian amenities, something that
12 would make this a useable connection
13 between the whole complex and that
14 commercial area down there.

15 Now, lastly, from staff's
16 perspective, the site has been an
17 industrial site associated with the
18 aerospace industry. We did a cursory
19 review of historical aerial photos for the

20 overall site. We didn't see any real
21 evidence of dumping or land filling or
22 lagoons.

23 However, there is a recharge basin
24 over here, and there is a disturbed area
25 here. We weren't quite sure what was

1
2 going on historically, so staff believes
3 that there is no evidence of hazardous
4 materials or the storing, stockpiling or
5 land filling of industrial waste.

6 It is recommended that an
7 environmental assessment for hazardous
8 materials on site, particularly the
9 residential portion of the parcel be
10 undertaken, if it hasn't been already.

11 That is if the town hasn't required
12 that, we recommend it, particularly the
13 residential area. Staff is recommending
14 approval with the following conditions:

15 One being that 20 percent of the
16 total residential units shall be set aside
17 for affordable housing purposes or an
18 equivalent amount in lieu of contributed
19 to an approved and operating local
20 affordable housing program.

21 Staff recognizes what the
22 Commission has been wrestling with that
23 particular requirement, so we recommend
24 language that an equivalent amount in lieu
25 of contributed to an approved and

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

operating local affordable housing program.

Second, staff is recommending that you condition a bus/van shuttle or some other means of providing transportation to residents, particularly senior citizens, to local services and amenities, such as shopping centers or medical facilities. We believe that the residential component should have a shuttle/van service.

Now, the third condition, an alternate means of access shall be provided to the interior of the residential portion of the PDD. It should be indicated that the access opposite Westbury Street would be a logical location.

The fourth condition being that greater attention to detail shall be placed on pedestrian circulation, connectivity, particularly with respect to access to the Great River train station.

The fifth condition is that the subject property be deemed free and clear

1
2
3
4

of surface and hazardous material. That is a requirement for the town to follow up and do a phase one.

5 Staff is also recommending a sixth
6 condition that's not in the staff report.
7 That is, pursuant to 814-25 of Suffolk
8 County Administrative Code, a detailed
9 site plan shall be issued to the Planning
10 Commission prior to final approval by the
11 Town of Islip.

12 As you know, this is a change of
13 zone referral. General Municipal Law and
14 Administrative Law of Suffolk County
15 requires site plans to be referred. We
16 want to reiterate, we're looking for a
17 detailed site plan.

18 We can check all those conditions.

19 MR. CALONE: Have we had
20 discussions with the town in that regard?

21 MR. FRELENG: No, but we want to
22 reiterate this.

23 Finally, the Commission should
24 forward a comment along to Islip. This is
25 particularly with respect to taking a hard

1
2 Look at north-south Wheeler Road, making
3 sure pedestrian mobility is safe, and that
4 it does become a north-south connector
5 street and they make appropriate
6 modifications to the plan.

7 MR. CALONE: Thank you.

8 MR. ISLES: One other point you
9 mentioned that could be added in terms of,
10 you made comments about density and yield

11 of the property as still being reviewed at
12 town level. I would concur with some
13 questions on that.

14 As it relates to traffic impact,
15 would that be further evaluated by the
16 town, just as a comment in the final
17 determination of the ultimate yield?

18 MR. CALONE: Basically the impact
19 on traffic of?

20 MR. ISLES: He made the point, 357
21 units are proposed. We looked at it. It
22 may be appropriate to scale that back.

23 MR. CALONE: I have one question.
24 You talked about Sunrise Highway studies.
25 What impact would that have, whether that

1
2 would change things on that?

3 MR. FRELENG: Regulatory is not
4 working on that. I would hazard, not
5 knowing where the towns are going, trip
6 generation traffic and flow and impact to
7 roadways is the first and foremost impact,
8 and how that would rollover or the
9 collateral effect on the study.

10 Dan, do you want to add to that?

11 MR. GULIZIO: I don't think the
12 study -- I don't think the Commission's
13 consideration of this application would
14 adversely impact the on-going study.
15 They're aware of the site.

16 MR. CARACCIOLLO: Can you show me

17 where they're entering into the Little
18 League parks right now; using that unnamed
19 road?

20 MR. FRELENG: For this section
21 here, I believe they're -- there is an
22 access point here. You drive in and park
23 along here, accessing these parks here.

24 MR. CARACCIOLLO: The main entrance,
25 they're going to use the unnamed road off

1
2 to Wheeler Road, so you would be cutting
3 right past those ball fields and using the
4 same entrance as the ball fields?

5 MR. FRELENG: Correct.

6 MS. ESPOSITO: I want to add to
7 condition number five that it is recommend
8 that the residential portion, I would
9 propose we add particularly groundwater
10 tests for south of the recharge basin.

11 MS. BOLTON: Andy, has there been
12 any efforts to look at the number of
13 school children that may be generated by
14 the new housing units, and if so, has the
15 school district responded in any way as to
16 this possibility of being able to handle
17 these children or not?

18 MR. ISLES: I have some general
19 information from my prior experience on
20 the specific project.

21 MR. FRELENG: I can say that we
22 have a three volume environmental impact

23 statement in the office, and the
24 petitioners put forward their analysis of
25 school age children and make an argument

1
2 that the type of residential style that
3 they're proposing and mix of units, that
4 they will have a small to moderate impact
5 on the school district.

6 There was some correspondence going
7 back and forth with the District. I'm not
8 sure how that was resolved.

9 MR. BRAUN: Which district?

10 MR. ISLES: East Islip. It's
11 typically done as part of impact review.
12 I'm certainly agreeing with the point Andy
13 noted from the study in terms of smaller
14 units generate fewer children.

15 Two points. One is that work by
16 the Long Island Housing Partnership has
17 reflected that an analysis of multiple
18 family developments in much of Suffolk
19 County, they generate more in revenue to
20 the school districts than cost, service
21 costs.

22 Secondly, it is one of my
23 experiences with the Town of Islip, East
24 Islip School District has focused on that
25 quite extensively in terms of tax impact

2 of development, so I'm sure they're on it.

3 I think the analysis would have to
4 be generated further in terms of cost pros
5 and cons.

6 Another point, I think it would
7 have to be considered in relation to what
8 happens in that school district with
9 population overall, where they are in
10 terms of growth or decline.

11 Many districts are starting to
12 taper off and from the baby boom, they
13 experienced very few growing up, such as
14 perhaps Longwood.

15 MR. CARACCILO: This is for a zone
16 change. This final site plan will come
17 back to us?

18 MR. FRELENG: It should.

19 MR. CALONE: Procedurally.

20 MR. CARACCILO: With the changes
21 you recommended?

22 MR. FRELENG: Yes.

23 MR. PRUITT: I can't find the Great
24 River train station on this.

25 MR. FRELENG: It's off the aerial,

1
2 I'm afraid, to the southwest of the
3 subject site.

4 MR. ISLES: The extension of the
5 railroad tracks is right there. There is
6 a gap between Montauk Highway along
7 Hawthorne Avenue.

8 MS. HOLMES: It is down at the
9 bottom, Long Island Railroad.

10 MR. PRUITT: Would that be within
11 walking distance of the development?

12 MR. FRELENG: Yes. Out of the
13 southwest corner here, certainly.

14 MR. CALONE: Staff's concern was
15 the access, not distance, but the path --

16 MR. FRELENG: Not a formalized
17 access. If you want a walkway lit and
18 safe, you need to address it.

19 MR. PRUITT: That is in the staff
20 report.

21 MS. ROBERTS: I would like -- we're
22 comfortable on this affordable housing
23 language? Again, from our crazy
24 experience in Sag Harbor, this seems a
25 little more confusing.

1

2

3

4

5

6

7

8

9

10

11

12

13

I'm thinking we may want to add
language "an equivalent amount of off site
units or cash in lieu of contributive --"
I'm curious where you're going with
policy.

MR. KONTOKOSTA: I was going to
chime in on that. My feeling is what
we're doing by having these twenty percent
requirements is creating, whether we have
the authority to pass them or not, housing
ordinances.

With most things, the "in lieu of

14 fees" are problematic and to be avoided,
15 only in extreme hardship conditions. In
16 terms of this wording, I would object to
17 this strongly. It creates extreme
18 administrative hurdles for the local
19 municipality in terms of who, what and
20 where in approving affordable housing
21 plans.

22 You get involved in land
23 availability issues, and the point here is
24 to develop affordable housing in mixed
25 income, integrated communities and develop

1
2 affordable housing, not to generate more
3 fees and funds for another administrative
4 body that has to figure out what to do.

5 We're going into this in the
6 guidelines.

7 MR. CALONE: Where we are now, what
8 is in the guidelines isn't sufficient, and
9 we need to go somewhere that works. We're
10 in the interim months here.

11 The question is interim language --

12 MR. KONTOKOSTA: Compromise, it is
13 hard to say. There needs to be some
14 hardship provision. If for some extreme
15 reason -- I can't foresee one -- why they
16 can't provide affordable housing on site,
17 there is some alternative remedy to make
18 it a simple "either or" situation.

19 MR. CARACCIOLLO: Do we have to come

20 up with that now since this is a zone
21 change?

22 MR. ISLES: I think it should be
23 part of the zone change. It is a
24 discretionary approval. Site plan is an
25 administrative approval.

1

2 MS. HOLMES: Didn't the staff try
3 to provide for that by saying in lieu of
4 contributions to an approved and operating
5 local affordable housing program?

6 It seems to me that would make it
7 doable in the sense that you could not
8 make a contribution to a program that
9 wasn't already in place and operating,
10 because I know often there is a hurdle of
11 what is this contributing to, some sort of
12 fund which the town doesn't have the
13 opportunity to buy space or that somebody
14 is not prepared to provide space for
15 affordable housing, but you can have
16 contributions in lieu.

17 Make it in lieu, contributions to a
18 program that is already approved and
19 operating. It would seem to me that would
20 cover that concern.

21 MR. ISLES: The Town of Islip had
22 the Windwatch Hotel located in Hauppauge.
23 They applied and received approval for a
24 twelve story residential building next to
25 the hotel. The County Planning Commission

1

2

put in a condition saying twenty percent
of the units should be affordable.

3

4

5

6

7

8

9

The town chose to act differently,
and they required a donation of funds that
then were used by the town Community
Development Agency for the development of
affordable housing in other parts of the
town.

10

11

12

13

14

The town has experience with that.
From staff's standpoint, we're wide open
to whatever you would like to do. We
tried to provide flexibility beyond a
strict twenty percent on site.

15

16

17

18

19

20

21

If the Commission has a preference
for other language, we're more than happy
to take that into consideration,
understanding we came up with this based
on Commission discussions and guidelines
and with Islip's prior action on a
previous Commission matter.

22

23

24

25

MS. ROBERTS: The Board's decision
as part of the Sag Harbor situation, we
did discover that under New York State
Village Law, there is a very specific

1

2

3

4

clause which reads that if the village
board of trustees determines that a
suitable community benefit is not

5 immediately feasible or otherwise not
6 practical, the board may require in lieu,
7 a payment to the village of a sum to be
8 determined by the board, and that
9 basically -- that money has to be
10 exclusively used for that benefit.

11 It states in New York State law
12 that there is the option for a village to
13 request cash.

14 MR. KONTOKOSTA: We're not
15 questioning that, the option the
16 municipality may have. I'm questioning
17 that we don't want to make it too easy an
18 option, because that would defeat the
19 purpose of what we're trying to
20 accomplish.

21 Either with the example he gave --
22 leave it the way we've always done it
23 until we finalize the guidelines, and let
24 them come up with an alternative solution
25 or situation. I would rather stick with

1
2 that.

3 My suggestion is leave the
4 recommendation for affordable housing the
5 way we have been doing it in the interests
6 of consistency and not trying to draft our
7 guidelines right now with this one
8 condition.

9 If the alternate situation needs to
10 be crafted about site plan approval, so be

11 it. The part of the Village Law you
12 referred to gives the municipality the
13 application to come up with their own fee
14 without us making it an "either or"
15 situation.

16 MS. ROBERTS: That sounds good.
17 Because this is the zoning change, we're
18 giving the developer a warning; whatever
19 has to come back to us in the plan
20 addresses that, which is what we want.
21 Agree with you.

22 MS. ESPOSITO: Do you think it is
23 helpful or too redundant to add a line
24 that affordable units, both condos and
25 rentals, stay affordable in perpetuity?

1

2

Is that necessary?

3

4

MR. KONTOKOSTA: I think that has
kind of been the standard that everyone
has been using. That is a County standard
that has certain time guidelines.

6

7

That is another thing that in our
guidelines, we're addressing.

8

9

10

MR. CALONE: So many variables here
that there seems to be a growing consensus
to keep what we have.

11

12

13

14

MR. CARACCILO: We shouldn't try
to rewrite these guidelines with that
application.

15

16

MS. ESPOSITO: We've used that
before.

17 MR. CALONE: Frankly, by the time
18 there is a site plan back on this, we're
19 going to have more comprehensive --

20 MS. ESPOSITO: Promise?

21 MR. CALONE: Count on it, just like
22 there is lunch.

23 MR. FRELENG: It is here.

24 MR. MACADAM: Maybe I misheard.
25 Did you say that this site would not be

1
2 suitable for seniors?

3 MR. FRELENG: It is less desirable
4 as a senior citizens site, because there
5 are not amenities that are walkable or
6 convenient, particularly for seniors.
7 There is no medical care facilities in a
8 reasonably close area.

9 For that matter, there's no real
10 grocery stores in a walkable area. In
11 terms of seniors are limited in terms of
12 driving, getting around, this is a less
13 desirable site.

14 MR. MCADAM: Public transportation?
15 You referred to Jitney.

16 MR. FRELENG: We're not able to
17 confirm whether or not the County bus
18 service stops along Montauk Highway in
19 that area, but there are bus routes in the
20 area.

21 MR. ISLES: There is a train.

22 MR. CALONE: Anyone else?

050708PC.txt

23 (No response.)

24 Any objection to her comment about
25 the groundwater testing?

1

2 (No response.)

3 Any objections to Constantine's
4 suggestion that we strike the rest of
5 approval condition one after the word
6 purposes, 20 percent purposes?

7 (No response.)

8 I'll entertain a motion.

9 MR. FRELENG: We're going to add
10 condition six and additional comments?

11 MR. CALONE: Right.

12 MR. CARACCILO: I make a motion.

13 MR. CALONE: Motion by John.

14 MS. BOLTON: Seconded.

15 MR. CALONE: Seconded by Charla
16 Bolton.

17 All in favor of approving the staff
18 recommendation with the edits identified?

19 (Whereupon, all responded in the
20 affirmative.)

21 All opposed?

22 (No response.)

23 Passed. Thank you.

24 (Whereupon, there was a recess for
25 lunch, after which the following

1

2 transpired:)

3 MR. CALONE: The Planning
4 Commission is back in session.

5 Next up we have A14-24 application.

6 MR. KLEIN: First and only
7 application is Shawn Tully, referred to
8 the Commission by the Town of Southold.
9 Commission's jurisdiction for review is
10 the shoreline of Long Island Sound. The
11 property is located in East Marion.

12 It is located approximately 1,478
13 feet north of Kayleigh Court and also
14 south of Star Road. Kayleigh Court ends
15 about 1,400 feet north of the subject
16 property, so the property is accessible
17 from a common driveway or long private
18 right of way.

19 The subject parcel consists of
20 eleven point four acres of mostly cleared
21 and level land. The parcel's currently
22 landlocked, meaning it does not have
23 access from any existing or proposed
24 public road.

25 The property is improved with a

1
2 relatively modest single family house.
3 There are no wetlands on the property. It
4 contains low lying bluff and beached area
5 along Long Island Sound. There is
6 presently no public water accessible to
7 the property.

8 There is no current easements on
9 the property, and the applicant does not
10 own any interest in any adjacent parcels.
11 Zoning is R 80 residence which permits
12 single family residence on lots having a
13 minimum area of 80,000 square feet.

14 According to zoning, the property
15 could be developed with five lots, multi
16 waterfront land development. It would
17 require DEC approval.

18 The applicant is proposing to
19 subdivide the eleven point two acres into
20 two residential building lots. Lot one is
21 3.7667 acres, of which one point six acres
22 would be placed in a reserve and zero
23 point three nine acres is classified as
24 beach and bluff area.

25 Proposed lot two would have a total

1
2 area of 7.6751 acres, of which four point
3 six acres would be placed in a reserve and
4 zero point four acres is classified beach
5 and bluff area.

6 The top of the bluff, as well as
7 the coastal erosion area, has a line
8 depicted on the map and a building
9 envelope is required; setbacks of 100
10 feet.

11 The parcel is presently landlocked.
12 That condition is not proposed to change.
13 The applicant is proposing to increase the

14 number of landlocked lots. The one
15 smaller of the two is to be landlocked by
16 lot one and abutting the parcel to the
17 east.

18 Access to lot one is proposed over
19 the common driveway easement over lot two
20 of approximately 1,400 square feet, in
21 addition to the already common driveway of
22 1,478 feet long now, a common driveway
23 from Kayleigh Court of almost a half mile
24 easement to access lot two.

25 Staff recommends disapproval for

1
2 the reasons mentioned in the staff report,
3 particularly that the proposal will result
4 in creation of additional landlocked
5 lot, which is contrary to good planning
6 principles.

7 That is the staff report.

8 MR. MCADAM: Being from Southold, I
9 have to have make a disclosure. This
10 particular lot is part of a larger
11 subdivision that is located right before
12 the causeway going into East Marion. I'm
13 sorry, right into Orient at that point.

14 The original subdivision there -- I
15 worked for Prudential Real Estate and a
16 broker. That broker had most of this
17 property here and also worked in my
18 office.

19 Number two, Shawn Tully, who is the

20 applicant, I spoke to him on several
21 occasions, not about specific things, but
22 just about general things and not even
23 about this particular property.

24 So I just want to disclose that
25 before we go on with it.

1

2

MR. CALONE: Thank you.

3

Any other comments or questions?

4

(No response.)

5

6

MS. BOLTON: You said there is a
modest house on the property now. How is
that house being accessed now?

8

9

10

11

MR. KLEIN: It is being accessed
over the existing easement that is from
Kayleigh Court, approximately 1,478 square
feet. That is not going to change.

12

13

The new lot would access over the
larger of the lots.

14

15

16

MR. BRAUN: The house, can you show
me on the aerial where the house is and
where is Kayleigh Court?

17

18

MR. KLEIN: Go back to the zoning
map. Right here.

19

20

21

22

23

MR. BRAUN: In other words, that
existing house is at the far end of what
would be the two lot subdivision. You
have to pass the new lot to get to the
existing house; is that right?

24

25

MR. KLEIN: You have to pass -- the
existing house is to be removed. I'm

1

sorry if I didn't mention that.

2

3

MR. BRAUN: Okay.

4

MS. HOLMES: This was originally
farm land, right?

5

6

MR. MCADAM: No, it was one large
parcel of land with an older house on it,
but it is heavily treed. There's a -- the
County or town owns property adjacent to
it on the east.

7

8

9

10

11

MR. KLEIN: Peconic Land Trust
manages that property under a different
owner. It is preserved property.

12

13

14

MR. CALONE: To the east?

15

MR. KLEIN: Yes.

16

17

MS. HOLMES: A preserve to the east
and, Commissioner McAdam, you mentioned
that this parcel was part of a larger
subdivision. It was part --

18

19

20

MR. MCADAM: It is part of a larger
subdivision. I think that was approved,
say, within the last six years. It was a
lengthy process.

21

22

23

24

MS. HOLMES: So this is a gradual
and additional project of an original

25

1

overall project?

2

3

MR. MCADAM: Yes.

4

MR. BRAUN: Are there others in

5 this subdivision, Tom, if you know, or
6 Ted; are there additional landlocked
7 parcels like this?

8 MR. KLEIN: As you can see,
9 directly to the east there is an identical
10 lot that is also taking access from
11 Kayleigh Court over that easement.

12 MR. CALONE: How would anyone use
13 those pieces of land, if not -- in any
14 manner?

15 MS. HOLMES: And the developer does
16 not own that easement?

17 MR. KLEIN: The easement is
18 probably deeded over, you know, that
19 property to the north. Own it, no.

20 I would say maybe potential.

21 MS. HOLMES: The easement is from
22 another property owner.

23 MR. KLEIN: Possibly they could
24 make an agreement with the adjacent owner
25 to the west. That is part of the most

1
2 desirable point of access, because it is
3 only 320 feet.

4 MS. HOLMES: Has the local East
5 Marion or Orient fire department commented
6 on this? Do we know anything about their
7 input?

8 MR. KLEIN: We've not gotten any
9 information on that.

10 MS. HOLMES: I would think they

11 would be very concerned.

12 MR. BRAUN: Follow through a couple
13 of points. The existing house was
14 constructed after the subdivision was made
15 or it was always there and they put the
16 subdivision around it, kind of?

17 MR. MCADAM: I'm not sure about
18 that particular house. There is another
19 one there that was part of it, but I'm not
20 sure if it's that one.

21 MR. BRAUN: My question is this.
22 If people are already using the full
23 length of that easement to reach the house
24 that is existing, even if they're taking
25 down that house and they're cutting the

1
2 property more or less in half east to
3 west, they haven't changed the fact that
4 they still have to go that far on a
5 non-public access road.

6 So all they're doing is adding an
7 additional family that will be using that
8 same access.

9 Am I misunderstanding this?

10 MR. FRELENG: In the first
11 instance, the problem is the access. It
12 is extremely long. Emergency vehicles may
13 have difficulty finding it.

14 You're compounding it by adding
15 another house, compounding the problem and
16 there is as likely an opportunity for

17 something to go wrong.

18 MR. BRAUN: That is true.

19 MR. FRELENG: It is bad management.
20 What staff would recommend is perhaps the
21 Commission should recommend to the town
22 they do a mini-block study for those lots
23 and to develop appropriate access so the
24 remainder of those lots can have
25 appropriate public access.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

It would seem to me any one of
those long common driveway easements or
something should be developed into some
sort of public right of way and get public
water and other amenities if you want to
develop that land.

MR. CALONE: My concern is there is
no good answer from a planning
perspective.

MS. BOLTON: Not on a lot by lot
basis, but on a block study basis, you may
be able to develop it in a way that makes
sense.

MS. HOLMES: Additionally to what I
mentioned, historically privately people
want to keep the roads private and rural
and what not, but along the way or down
the road as we would say, there very often
comes a real problem, especially if it's a
dirt road and needs grading.

The people who own the property,

23 although alongside, begin to be very
24 reluctant to pay for maintenance and
25 improvement of those roads, and we've had

1
2 that a number of times on Shelter Island.

3 I'm sure they have in East Marion
4 and Southold, too.

5 MR. FRELENG: The Commission is
6 aware, I'll remind you, that we have a
7 compromise between the western end and the
8 eastern end of Suffolk County when it
9 comes to access.

10 Particularly on the east end where
11 they like their common driveways and dirt
12 roads, we've always recommended that that
13 common driveway, dirt road, be replaced by
14 50 foot wide easement.

15 Within that easement, you develop a
16 country lane specification which is
17 basically a common driveway, which is a
18 little bit more -- got shoulders,
19 amenities, so fire trucks can put the rigs
20 out. We like to see fifty foot wide
21 easements suitable for dedication in the
22 future with some sort of specified country
23 lane.

24 MS. ESPOSITO: I think just because
25 there isn't a good way to segment this

2 parcel doesn't mean we should accept a bad
3 way to do it. We should take Andy's
4 suggestion and put as part of this
5 application, the recommendation that they
6 do a block study. Mini?

7 MR. FRELENG: Right, mini plan or
8 master plan or block study. We'll word
9 it.

10 MR. CALONE: I defer to staff on
11 the nomenclature, but just to
12 comprehensively have access to these
13 parcels.

14 Any objection to including language
15 like that?

16 (No response.)

17 I would note it's "exacerbate"
18 rather than "exasperate."

19 MS. HOLMES: I didn't want to bring
20 up something else. I'm glad you said it.

21 MR. CALONE: We're exasperated by
22 virtue of them exacerbating it.

23 Any other comments or questions or
24 I'll entertain a motion.

25 MS. HOLMES: I move for the

1

2

adoption of the staff report.

3

MR. CALONE: Seconded by?

4

MR. BRAUN: With the --

5

MS. HOLMES: With the additional
6 recommendation.

7

MR. CALONE: And change in word.

8 Seconded by?
9 MS. ESPOSITO: Seconded.
10 MR. CALONE: Our secretary.
11 All in favor of approving the staff
12 report as amended?
13 (Whereupon, all responded in the
14 affirmative.)
15 Opposed?
16 (No response.)
17 That is unanimous.
18 We have time for a round table. I
19 would like to take ten minutes to address
20 some other issues after that.
21 MR. CARACCIOLLO: Nothing to report,
22 thank you. I will leave you now. I have
23 an appointment.
24 MR. PRUITT: I need to have a brief
25 discussion with him. Nothing to report.

1
2 MR. KONTOKOSTA: Nothing to report.
3 MS. BOLTON: Nothing.
4 MR. BRAUN: Nothing.
5 MR. CALONE: There is a former
6 prosecutor on the board.
7 MR. BRAUN: Counsel as well. We
8 have them covered.
9 MS. HOLMES: Just one little note,
10 that in case anybody wondered whether we
11 are in a recession, there are 350 rental
12 units available on Shelter Island for the
13 summer, and usually the good ones are gone

14 by March.

15 To have that many available as we
16 approach Memorial Day means it is an
17 economic recession.

18 MS. ESPOSITO: Lower them to
19 affordable rental units.

20 MR. CALONE: At least twenty
21 percent.

22 MS. ESPOSITO: Nothing to report.

23 MS. ROBERTS: I'll give you an
24 update on Bulova, the latest saga. On the
25 very night we thought that we were going

1
2 to get it approved, the developer came in
3 and at really the eleventh hour, asked
4 there not to be a vote on this ZBA.
5 Basically he asked that the project be
6 tabled for 60 days.

7 There is very big concern in Sag
8 Harbor that the project is totally off the
9 table now. One of the evidences is that
10 the developer has asked to get out of the
11 lease of the Main Street store which they
12 were going to use as rental office.

13 Personally, it has been a very
14 difficult time where I personally and the
15 Commission has been publically sort of
16 cited that because of us using that strict
17 wording on affordable housing, we are the
18 cause of a hundred million dollar project
19 being put on the back burner.

20 The latest development --
21 obviously, this is about the economy and
22 financing, but the latest situation is the
23 Group for the East End has triggered a
24 lawsuit that even after 55 meetings of
25 discussing every issue under the sun, that

1
2 the Village did not do a proper SEQRA
3 process, so the heat is off us and a
4 little on the East End Group.

5 I'm sensing there is some hope they
6 will come back on a smaller scale or come
7 back to us, but the next meeting is June
8 11th, and as of now, we're very concerned
9 that this project may be dead.

10 MS. ESPOSITO: I think it is just
11 appropriate to throw in the comment that
12 the economy is driving a lot of these
13 projects differently than when we looked
14 at them.

15 I think if a developer or
16 commentator or any kind of comment like
17 that don't recognize that, they're not
18 based in reality.

19 MS. LANSDALE: I would report that
20 the Long Island Index came out with an
21 interesting survey that's available on
22 their web site at Long Island index dot
23 org. It talks about energy trends and
24 consumption and things like that.

25 Interesting to look at.

1

2

MR. MCADAM: No comments.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. CALONE: A couple of things, one in particular. Some members have suggested we consider moving the timing of meetings during the day from the noon hour to more midmorning, so it doesn't take the entire part of the day.

I would like to get --

MS. ESPOSITO: Adrienne was one of those.

MR. CALONE: We thought would be make it late enough that those from the east end and traveling a distance wouldn't have to sit in traffic in the morning rush, but not have it go as deep in the afternoon.

MS. ROBERTS: What time were you thinking?

MR. CALONE: 10:30. I would like to get feedback, not necessarily right here, but E-mail to get folks' perspective on that. We'll leave it at that.

The other thing I want feedback on is how we handle the public portion of our

1

2

3

4

meetings. You remember the last meeting did go on for a while.

I personally was kind of not sure

5 of what made sense in terms of recognizing
6 the County Executive, letting him answer
7 questions.

8 Because of our unique status, we
9 are only allowed to hear the facts as
10 presented to us by the town, but we had
11 someone very knowledgeable about the
12 project standing there.

13 If I could get some feedback off
14 line, that's fine. An E-mail would be
15 great or a phone call; get some people's
16 thoughts on how to handle the public
17 portion.

18 The County Executive put in a
19 public portion so we could hear from them,
20 but we have a lot of questions and should
21 we limit ourselves to not asking questions
22 of people? If we do, how do we limit the
23 time?

24 MS. HOLMES: Are you talking about
25 moving the public portion on the agenda,

1
2 so that it is further along or what -- the
3 way the County Legislature does the public
4 portion?

5 MR. CALONE: Immediately before the
6 particular project?

7 MS. ESPOSITO: No, that is what
8 they should do.

9 MS. HOLMES: Sometimes they have
10 had the public portion at the end, but

11 now --

12 MS. ESPOSITO: They will have an
13 open public portion in the morning, the
14 first thing. However, that is what we do.

15 However, they also then, if they
16 have specific public hearings on specific
17 pieces of legislation, they begin in the
18 afternoon at 2:30.

19 If you're going there to testify on
20 a bill --

21 MR. CALONE: Broadwater or
22 something.

23 MS. ESPOSITO: Or underground
24 storage tanks, they will open a public
25 hearing for that and close it. That

1
2 afternoon they will be voting on those
3 bills.

4 I believe it makes sense to talk a
5 bit about how we maximize the value of
6 that.

7 MR. CALONE: Which I felt you acted
8 very appropriately last month, but I felt
9 it would be good for us to talk about it
10 now.

11 Our goal is to be informed and have
12 as much input as we can. I don't know how
13 to do that.

14 It wasn't so much advocacy as kind
15 of facts that maybe help us think about a
16 project. Other cases, we've heard an

17 attorney or advocate a particular
18 position, but I felt we were getting
19 honest feedback.

20 MR. MCADAM: If the public brings
21 up an issue contrary to what staff says,
22 then staff is in a position where they're
23 going to have to defend themselves.

24 I personally prefer more
25 information, but I could see with that

1
2 could be a problem say.

3 MR. FRELENG: Somebody says
4 something and he knows it is quite to the
5 contrary, you're going to have that.

6 MR. CALONE: We could get
7 information from staff. Maybe if we get
8 something substantive, did that on the
9 fly, that we hold it over as incomplete
10 until staff has a chance to react to it.

11 MS. ESPOSITO: We have a time
12 limit.

13 MR. ISLES: The situation we were
14 dealing with was based on resolution three
15 ninety-six, which requires notification to
16 a thousand foot radius on applications
17 that involve retail development in excess
18 of twenty-five thousand square feet.

19 We understand the purpose of that,
20 to get public comment. However, we felt
21 from staff's standpoint last month, there
22 was new information presented on the spot

23 we did not have the opportunity to review
24 and verify to then advise you whether it
25 would change our recommendation or not.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

We feel in that case -- this is relatively new -- that it was new information, we think it resets the clock, and we respectfully feel that doing the job we're supposed to be doing professionally, we need time to review that.

Therefore, it would go to the next meeting. The public comment at one meeting, if made, we would have a chance to check that with the municipality or whatever, see how that affects the analysis and report it back to you at the following meeting.

MS. HOLMES: Are we able to reset the clock?

MR. ISLES: You do. The application is deemed to be incomplete.

MR. FRELENG: The law says your regulatory clock starts on a full statement of facts.

If you're having a public section where you're receiving facts, you don't have a complete application.

1

2 MR. CALONE: We would have to vote
3 that it is incomplete.

4 MR. FRELENG: As soon as we get a
5 referral that triggers that law, we send
6 back an incomplete notice, because the
7 petitioners have to notify everyone within
8 a thousand feet. That is going to take
9 research.

10 As soon as we get that, we give
11 them a two month incomplete for them to
12 prepare their affidavits and get all those
13 mailings out. Then we would have the
14 public session.

15 They're going to provide whatever
16 testimony or have other parties providing
17 testimony. We still don't have a full
18 statement of facts yet until that public
19 session is closed.

20 MS. ESPOSITO: This is a critical
21 discussion and maybe one that should be
22 expedited. We may have some very big
23 proposals coming before us next month.

24 We may want to have something a
25 little more in place by then for us to be

1
2 able to consider those proposals properly.

3 MR. CALONE: We think there is some
4 likelihood of that?

5 MR. ISLES: At least a possibility
6 of one significant new application coming
7 to you. It puts staff at a disadvantage.

8 We're doing review analysis based
9 on information we have. We have to react
10 the day of the meeting. It is not fair.

11 MS. HOLMES: That is what I'm
12 saying. We would be able to determine if
13 we get new facts at a meeting where the
14 staff has not already been able to
15 determine that something is incomplete, if
16 we get new information at a meeting, we
17 could then say it makes it incomplete.

18 MR. BRAUN: Can we ask counsel to
19 think about that, making the application
20 incomplete if somebody stands up and says,
21 "You didn't know that." We thought we had
22 a complete application, didn't send a
23 notice.

24 It is incomplete, yet somebody is
25 presenting testimony which is part of the

1
2 record, I guess. If it's information we
3 never looked at before, can we start
4 again, do the forty-five days start again?

5 MR. CALONE: If you wouldn't mind,
6 we'll talk off line about the parameters
7 of that research. Maybe we can have the
8 County Attorney -- and I will get back
9 with Tom and the Chair before the next
10 meeting.

11 One issue would be we have all this
12 information. We don't know what people
13 are going to say. "We don't like the

14 traffic," that may not rise to the level
15 of letting us hold off, but if it is more
16 substantive, we may say it has reached a
17 bar that is incomplete.

18 MS. BOLTON: Technical question.
19 What is the difference between a public
20 session and a public hearing?

21 Because if it is not officially a
22 public hearing, is it required to be dealt
23 with the way, in the manner you're
24 proposing?

25 MS. HOLMES: This is the public

1

2

portion of our meeting.

3

MS. ESPOSITO: This is the only one
4 we have. The public portion we have is
5 the only one we have.

6

7

MR. CALONE: The point is the
7 definition may matter; public hearing,
8 public session. Perhaps you could look at
9 the law as passed by the Legislature, see
10 what ours is considered and determine if
11 that makes a difference to us.

12

13

14

15

16

17

18

19

MR. MCADAM: My question was if you
13 have a member of the public, not the
14 applicant, who is a member of the public
15 and he or she is here or his
16 representative, they make a statement, say
17 that information is different than what
18 the Planning Board has, wouldn't that
19 start the clock again because they're

20 submitting new information?

21 Versus somebody who just lives down
22 the street and they come over and say, "I
23 don't want all the traffic." I think
24 there might be.

25 You might have to take into

1

2

consideration who the speaker is.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MS. HOLMES: It seems to me that
the public portion is part of our regular
monthly meeting. A public hearing is
scheduled and advertised in advance as a
public hearing.

None of our meetings contain a
public hearing, but, I mean, the public
portion is giving the public the
opportunity to comment on matters that are
on our agenda before our meeting, but that
certainly shouldn't be confused with a
scheduled public hearing.

MR. CALONE: I think you may be
right. If counsel could give us
information.

MS. ESPOSITO: Whether it is a
public hearing or public session, I'm not
sure how that matters. I think what was
important, which we started the
conversation, is that if there was
testimony that was brought to us that gave
us new information or different
information than we had, does that trigger

1

2

another forty-five day beginning time

3

line?

4

5

That is what, to me, we need to
find out. Does that public portion and
that new information allow us to do that?

6

7

8

Number two, we need to ascertain
how we can conduct those public portions.
Can there be interaction of questions and
answers, and what are the parameters for
that if this Commission felt that was a
useful part of our process?

9

10

11

12

13

14

15

MR. CALONE: Likely to be or I
think we can, but should we because it
would trigger certain things.

16

17

18

19

20

21

22

23

24

25

MR. GULIZIO: One of the practical
distinctions that the members and, I
think, we try to keep in mind between a
public hearing and a public meeting, when
you're at a public hearing, typical at a
local level on a change of zone, site
plan, there is an open public hearing.

A hundred percent of the comments
that can be received have the opportunity
to be presented at that public hearing.

1

2

3

4

You're hearing from the developer,
from concerned residents, from
professional staff, from other interested

5 agencies. The applications that you see
6 before you on a typical day, they're all
7 public meetings. It is not a public
8 hearing. No notice is sent around the
9 world.

10 Anybody who has an interest in the
11 application can come and comment on the
12 application. You're getting a slice, and
13 frankly a small slice, of all potential
14 public comments out there. When you
15 solicit additional comments, one concern
16 that I think needs to be kept in mind;

17 A developer shows up, say, or a
18 particular property owner, from our
19 position, that has a tendency to skew the
20 discussion on the application, in some
21 ways unfairly, towards that one or two
22 individuals that happen to show up because
23 they're aware of it.

24 It does need to be balanced in the
25 general scheme, that there is still a

1
2 whole genre of individuals who can only be
3 heard, honestly, through the information
4 we received from the town or village.

5 MR. FRELENG: The unique set of
6 animals referred to us under thirteen
7 fifty-four, a local public hearing notice
8 has about two hundred feet from the
9 property line, maybe five hundred feet.
10 This public -- this is a public notice

11 that goes out to residents within a
12 thousand feet. That is notifying more
13 people than any local public notice.

14 To the extent Dan is saying
15 everybody and their brother has been
16 advised of this particular action, that is
17 unique than a regular Commission meeting
18 which has a public session. This is an
19 advertised public meeting or call it what
20 you will.

21 MR. CALONE: Different under the
22 statute.

23 MS. BOLTON: Do our bylaws have a
24 definition of public meeting? Is there
25 anything in the bylaws?

1

2 MR. CALONE: It will be a code for
3 that. Our guidelines are kind of informal
4 rules for us internally.

5 MS. BOLTON: We don't have any
6 official thing that guides what we should
7 consider and what -- how we should act
8 understand those circumstances?

9 MR. CALONE: We can set new rules,
10 but the only rules in the bylaws are the
11 three minute limitation, you can give six
12 minutes total per person. That is our own
13 personal rules.

14 MR. FRELENG: The bylaws don't
15 indicate how we hold public sessions, but
16 in the guidelines, in the administrative

17 code as well, I believe, is a procedure on
18 how we would hold a public hearing.

19 If an adjacent municipality or
20 state agency objects, that sets up a
21 public hearing.

22 MR. CALONE: That is a very
23 specific kind of application.

24 MR. FRELENG: The administrative
25 code recognizes that the Commission may

1
2 hold a public hearing. Our public
3 meetings and things relevant to it are --
4 thirteen fifty-four are different animals
5 than a public hearing.

6 MR. CALONE: Ask Linda to get back
7 to us.

8 MS. ESPOSITO: The point is well
9 taken. We have major controversial things
10 coming through.

11 MR. FRELENG: I'll remind the Board
12 and counsel that from staff's perspective,
13 our applicants are a municipality is
14 referring us a package.

15 If we get extraneous information,
16 we're going to have to check with that
17 municipality and say, "Do you guys have
18 this or agree with this?"

19 When we have public information
20 sessions, if anybody presents information
21 to us that the municipality hasn't
22 presented, we have to go back to them and

23 say, "What do you think about this?"

24 We may discount it if the

25 municipality doesn't feel it is a valid

1

2

submi ssi on.

3

MR. CALONE: That is why we want to
4 make it an incomplete determination.

5

Lastly, there is an issue with
6 regard to our guidelines, what the bar
7 would be for having a rehearing.

8

I think rather than have a
9 discussi on now, do you have copies of
10 that?

11

MR. GULIZIO: I do.

12

MR. CALONE: Look over what is in
13 the draft. We'll talk about it next
14 month. It is not a lot of discussi on.

15

Should we have a majority vote or
16 two-thi rds vote to have a rehearing?

17

That is the only issue we have
18 outstanding. Look at the language. It
19 may say two-thi rds, but it is a draft. We
20 can change that if it's something we
21 shoul d.

22

MS. HOLMES: Two-thi rds of involved
23 members or fi fteen?

24

MS. ROBERTS: Two-thi rds of people
25 attendi ng, whi ch I thought was strange if

1

2 we only have eight.

3 MS. HOLMES: If we didn't have a
4 quorum, we couldn't vote.

5 MR. CALONE: It might be an
6 internal procedure, so we could act within
7 our own rules, short of a quorum.

8 Don't have to have a majority of
9 the entire board. It is an internal rule.
10 We may be able to have more flexibility
11 than the law when voting on a particular
12 application.

13 MR. GULIZIO: First paragraph is
14 existing language within the most recent
15 draft of guidelines. The second paragraph
16 is the same language except for the three
17 criteria.

18 We simplified the criteria instead
19 of what is currently in guidelines. We
20 said if there was a substantial change in
21 the nature of the application or
22 substantial change in the law as applied
23 to the application or substantial change
24 in policy, town or village policy, as
25 applied to the application.

1
2 Those would be the three bases for
3 reconsideration. General rule is whether
4 it is a simple majority or two-thirds
5 majority.

6 MR. CALONE: Which of those
7 paragraphs should we use, and it should be

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

two-thirds or majority. We'll try to address this at the next meeting.

We want to get the guidelines done. We have two working groups upstairs.

I'll entertain a motion to adjourn.

MR. PRUITT: I make a motion.

MS. HOLMES: Second.

MR. CALONE: Motion by Mr. Prui tt, seconded by Li nda Hol mes.

Thank you.

(TIME NOTED: 2:00 P. M.)

1
2
3
4
5
6
7
8
9
10
11
12
13

CERTIFICATION

I, DONNA L. SPRATT, a Notary Public in and for the State of New York, do hereby certify:

THAT the foregoing is a true and accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have

050708PC. txt

14
15
16
17
18
19
20
21
22
23
24
25

hereunto set my hand thi s 19th day
of May 2008.

DONNA L. SPRATT