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SUFFOLK COUNTY PLANNING COMMISSION.
MINUTES OF MEETINGS

JULY 2, 2008
12:00 p.m.

SUFFOLK COUNTY LEGISLATOR OFFICES
725 VETERANS MEMORIAL HIGHWAY
RIVERHEAD, NEW YORK 11901

BEFORE: DAVID CALONE, CHAIRMAN

REPORTED BY: MELISSA POWELL, Court Reporter/Notary Public

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A P P E A R A N C E S:
Page 1

- 3 EDWARD J. PRUITT, Vice Chairman,
Town Of Brookhaven
- 4 THOMAS ISLES, Director of Planning
- 5 ADRIENNE ESPOSITO, Secretary
6 Village of 5,000 Population
- 7 LINDA HOLMES, Commission Member
Town of Shelter Island
- 8 DONALD J. FIORE, Commission Member
9 Town of Islip
- 10 BARBARA ROBERTS, Commission Member
Town of Southampton
- 11 ROBERT BRAUN, Commission Member
12 Town of Smithtown
- 13 THOMAS MC ADAM, Commission Member
Town of Southold
- 14 CONSTANTINE KONTOKOSTA, Commission Member
15 Village under 5,000 Population
- 16 SARAH LANSDALE, Commission Member
At Large
- 17 CHARLA BOLTON, Commission Member
18 At Large
- 19 DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department
- 20 ANDREW FRELENG, Chief Planner
21 Suffolk County Planning Department
- 22 LINDA SPAHR, County Attorney
- 23 CLAIRE CHORNY, Secretary
- 24 TED KLEIN, Senior Planner, Suffolk County Planning
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2 A L S O P R E S E N T :

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5 MICHAEL DEERING Long Island Power Authority

6 TERRI ELKOWITZ Freudenthal & Elkowitz Consulting
Page 2

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8 DAVID WORTMAN Freudenthal & El kowitz Consul ting
Group
9 TIMOTHY SHEA Certi lman Bal in
10 NEAL LEWIS L. I. Neighbor hood Network
11 JULE HARGRAVE Central Pi ne Barrens Commi ssi on
12 THOMAS DECHI ARO DeChi aro Contracti ng
13 JOSEPH DECHI ARO DeChi aro Contracti ng
14 DEREK LEE PAPPAS Resi dent
15 DON EVERSOLL Eversoll Associ ates, LLC
16 JANICE SCHERER Town of Southampton
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1 Suffolk County Pl anni ng Commi ssi on 4
2 (WHEREUPON, thi s proceedi ng convened at
3 12:00 p. m.)
4 CHAIRMAN CALONE: Thank you, Mel i ssa.
5 Openi ng of the July 2, 2008, now i n
6 sessi on. Suffolk County Pl anni ng Commi ssi on
7 is now i n sessi on. I know that there is a
8 quorum, and on thi s day is the 232
9 Anniversa ry of the signi ng of the
10 Decl arati on of I ndependence. Credi t to
Page 3

11 Commi ssi oner Hol mes. I ask Secretary
12 Esposito to lead us in the pledge.

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

15 CHAIRMAN CALONE: First item on our
16 agenda is the Adoption of the Minutes of the
17 May 7, meeting.

18 Editor and Chief Holmes, would you like
19 take the lead?

20 MS. HOLMES: I only have five, but
21 maybe you will have others.

22 On Page 19 Line 14, Tom McAdam's
23 statement, "I am not sure what -- you know,
24 I think it was." There was a word left out.
25 He was saying -- the way reads is,

1 Suffolk County Planning Commission 5
2 Mr. McAdam is saying, "I only now -- the
3 guidelines."

4 MS. ESPOSITO: I think it should say,
5 "have now the guidelines."

6 MS. HOLMES: "Have now the guidelines,"
7 do you think that was what you were saying?

8 MR. MCADAM: Yes.

9 MS. HOLMES: Okay, "have" was what my
10 guess was.

11 Page 21 Line 10, it is "were" not "we
12 are" abbreviated -- not "we" apostrophe re.
13 Page 22 Line 19, it is to Bellport, not the
14 Bellport.

15 Page 27 Line 12, it is referring the
16 Dongan patent, that is D-0-N-G-A-N, not
17 Dunki n.

18 Page 29 Line 20, I think the word is
19 regul atory, not regul ar. Those were my
20 correcti ons that I spotted. You have some
21 others?

22 MS. ESPOSITO: Yes, I have just a few.

23 Goi ng back to Page 21 Li ne 20, and al so
24 agai n on Li ne 24, it says, "The agricul ture
25 project." It is actual ly aquacul ture.

1 Suffol k County Pl anni ng Commi ssi on 6

2 Page 46 Li ne 7, it says, "Thi s is
3 pursuant to 814." That shoul d be A14-25.

4 Al so, quickl y on Page 25 Li ne 13, it
5 says, "We di d have John Cummi ngs whi ch
6 shoul d say, "We di d have John come on the
7 Board." I don' t think there is a John
8 Cummi ngs, as far as we know. Wel l, at least
9 not on thi s Board. I am sure there is many
10 of them in the world.

11 The very last one that I have is on
12 Page 3 Li ne 20, it says, "Adopti on of the
13 March 5 Meeti ng." It shoul d say mi nutes.

14 CHAIRMAN CALONE: Thank you, Adri enne.
15 I just had a few others.

16 On Page 4 Li ne 21, Di rector Isles is
17 talki ng about the county growth centers not
18 thei r gross centers. G-R-0-W-T-H.

19 MS. HOLMES: What page was that?

20 CHAIRMAN CALONE: Page 4.

21 On Page 6, I was speaking and either
22 there was an error in transcription or an
23 error by me, the latter is probably more
24 likely, but either way, I was recognizing
25 those who stayed through our marathon

1 Suffolk County Planning Commission 7
2 meeting a couple months ago and Commissioner
3 Don Fiore's name is not mentioned. We could
4 have not have gotten through that agenda
5 without him there, so I think we should
6 certainly recognize it in the minutes.

7 On Page 15 -- actually, it has come up
8 a couple of times -- the minutes which who
9 the speaker was and when a Commissioner was
10 addressed, it says Mr. Kontokosta on Page 15
11 Line 4. I think Commissioner Lansdale was
12 referring to him. It wasn't him starting to
13 speak and the same thing happened on Page 28
14 Line 10. I was just referred to, I did not
15 speak.

16 On Page 79, we talked about recognizing
17 the minutes of the County Executive -- the
18 person who spoke before us was the County
19 Legislator.

20 MS. HOLMES: Yes.

21 CHAIRMAN CALONE: Page 81 Line 7,
22 again, I did not mean to speak. I was just
Page 6

23 addressed by Commissioner Esposito, and the
24 same on Page 82 Line 3.

25 Lastly, the same thing on Page 89 Line

1 Suffolk County Planning Commission 8
2 8, Commissioner Esposito was referred to,
3 but did not mean to speak. Those are the
4 rest of the changes that I had.

5 Any other comments?

6 MR. ISLES: We are working with the new
7 stenograph firm. Andy previously has
8 discussed with the stenographic company a
9 better method. This company is doing a much
10 better job as far as -- in terms of the
11 transcription. Many of these are obvious
12 errors in terms of not knowing the
13 terminology and so forth, and we will do the
14 review on that level. Prior to submission
15 of the Commission, it will be proofed
16 completely and I think that will help with
17 better coordination.

18 CHAIRMAN CALONE: And we can save time
19 here. Thank you.

20 So with those edits, I entertain a
21 motion to adopt those minutes as edited.

22 MS. ESPOSITO: I will make a motion.

23 MS. BOLTON: Second.

24 CHAIRMAN CALONE: Commissioner Esposito
25 motioned. It was seconded by Ms. Bolton.

1 Suffolk County Planning Commission 9
2 All the favor?
3 THE BOARD: Aye.
4 CHAIRMAN CALONE: All opposed?
5 (WHEREUPON, the Board voted.)
6 We now move onto the public portion --
7 we have a few cards.
8 First call is Timothy Shea representing
9 DeChiaro Contracting.
10 MR. SHEA: Timothy Shea, Jr., from
11 Certilman Balin representing DeChiaro
12 contracting.
13 CHAIRMAN CALONE: Let me just say for a
14 second, sir, that we have a three minute
15 limit on our presentations. I will keep on
16 an eye on the time.
17 MR. SHEA: I understand that.
18 Mr. DeChiaro also signed up, and he will be
19 forfeiting his to minutes to mine. I still
20 anticipate being done in three minutes.
21 This is the second lot that has come
22 before this Commission that is owned by
23 DeChiaro Contracting. Both lots are located
24 in the Starlight subdivision off Horseblock
25 Road in Yaphank, New York.

1 Suffolk County Planning Commission 10
2 The application of DeChiaro

3 Contracting, in this case, is for a special
4 permit before the Brookhaven Town Board for
5 a concrete crusher.

6 On June 4, this Commission issued a
7 denial with recommended mitigation measures
8 with regard to a site plan application by
9 the same applicant in the same subdivision.
10 Based on the comments made in the
11 Commission's decision, we feel that there
12 was either incomplete facts raised at the
13 previous hearing or perhaps misconception as
14 to the project itself and the proximity to
15 resident -- residential development by the
16 County in the area.

17 First, one misconception we believe is
18 the design of the crusher itself. There are
19 old style crushers and new style crushers
20 for concrete crushing. The old style
21 crushers were an open air crusher that fed
22 the concrete directly into jaws which would
23 slap closed and crush the concrete. Those
24 crushers did admit a large amount of noise
25 and dust. The crusher that the DeChiara's

1 Suffolk County Planning Commission
2 are going to use will be a fully enclosed
3 crusher. The concrete is fed on a conveyor
4 belt through a rubber curtain. The bulk of
5 the area is fully enclosed by metal and
6 plastic. The concrete is crushed and then

7 fed out a conveyor belt, again, on the back
8 end and dumped into a pile. As you will see
9 from a video that we will present here, the
10 crusher does not admit any great amount of
11 noise or dust, and we do not believe that
12 any noise or dust will affect any of the
13 neighboring developments, most particularly
14 the proposed residential development to the
15 north and the east.

16 Other items that were raised in the
17 June 4, letter, I would like to address now.
18 First, there was a reference to the
19 machinery being located at the northern
20 parcel of the other site and this site. The
21 original site plan did describe both all the
22 machinery on the north side of the property.
23 However, in the response to County concerns
24 and comments, we did move all machinery on
25 both sides to the southern side of both

1 Suffolk County Planning Commission 12
2 parcels. We have subsequently filed with
3 the Town updated site plans and the County
4 Planning Commission should have a copy of
5 the updated site plan together with our
6 expanded EAF which was requested by the
7 County Planning Department.

8 The second issue I would like to
9 address with regard to the June 4, decision
10 is the quote and this is a quote from the

11 letter, "The eastern grains are at the edge
12 of the 70 foot contour and overflow would
13 presumably run east down radiant onto county
14 land. This presumption is false. New York
15 State DEC regulations and Town of Brookhaven
16 regulations require that all on site
17 drainage remain on site. You must prove to
18 the Town and to the DEC by submission of a
19 storm water protection plan, that all
20 drainage will remain on site and will not be
21 stabilized or runoff onto adjacent property.

22 Lastly, the decision seems to imply
23 that residential development is in very
24 close proximity to this project. We have
25 recently updated the noise and dust analysis

1 Suffolk County Planning Commission 13
2 together with exhibits. Those exhibits
3 include an aerial photograph which will show
4 that the proposed county development of
5 housing is located over 2700 feet from this
6 site, and that is from the northern boundary
7 of this site, not from where the machinery
8 will be located. That is the equivalent of
9 eight plus football fields or a half of a
10 mile.

11 Further more, within that 2700 feet is
12 1,000 feet of mature trees that butt the
13 northern boundary of the subdivision leading
14 all the way up to the proposed county --

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edge of the county proposed devel opments.

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That is three plus football fi elds of mature trees that will stand in the way of any fugi tive dust or noise, although we do not believe any of it will even approach the northern end of the property as will be demonstrated by Ms. El kowitz and by the videotape.

Based on all of this, we kindly request that this Commi ssi on issue a local determination on this matter. We do not

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believe, in good faith, that this project will have any detrimental effect on any adjacent properties and most parti cularly, with the proposed residenti al project located 2700 feet away.

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I would like to bring up Ms. El kowitz to follow up.

CHAIRMAN CALONE: No, I control who comes up.

MR. SHEA: Oh, sorry.

CHAIRMAN CALONE: Is Mr. Pappas here on this project or another matter?

MR. PAPPAS: On a separate project. I will read this towards the end when everyone else has spoken.

CHAIRMAN CALONE: We will call you in a little bit. Ms. El kowitz and Mr. Wortman

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are next.

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MR. SHEA: Thank you very much.

MS. ELKOWITZ: Thank you, Mr. Chairman
and Members of the Commission.

For those of you who do not know me, my
name is Terri Elkowitz. I am a principal of
Freudenthal and Elkowitz Consulting Group

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Suffolk County Planning Commission
and we are Environmental Consultants to the
applicant.

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As Mr. Shea explained to you, we
prepared a very comprehensive environmental
assessment report which was dated March
2008, and my understanding is it has been
submitted by the Town to the Commission.

The town identified a number of issues
that we had to address which included
potential noise impact and dust impact and
impact to the County property, and this site
is 11.354 acres in size. The report that we
submitted in March '08, included a very
comprehensive noise assessment, and we have
located our proposed equipment on the south
western portion of the property -- the
furthest that we can get away from the
County property to the north. Our equipment
is going to be 325 feet from our property
line, and we add that to the 2790 feet from
our northern property line to the area that

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the County is proposi ng for residenti al

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developme nt; they' re over 3000 feet away.

When we di d our ini tial study, we used

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the manufacture speci ficati ons. We di d a
accumulati ve noi se assessme nt and we di d not
take any credi t for any insi nuati ng
features. The changes i n topography, the
stockpi les that woul d be on the si te, the
earth and burn that we are proposi ng from
north, or the vegetati on that existi s and
will conti nue to existi s.

When we di d the me asureme nts and the
calculati ons and you have the report, you
fi nd at that county li ne that i s desi gnated
for potenti al residenti al devel opme nt, you
ge t 57 deci bel s of noi se. 65 deci bel s i s a
commo n residenti al li mi t and that i s the
residenti al li mi t that i s i n the Town of
Brookhaven code. To confi rm our
predicati ons beca use there are al ways
questi ons about any sort of modeli ng or
predicati ons that you do, we took actual
l arge me asureme nts on June 22, at an
operati on that Mr. DeChi aro has i n the Town
of Baby lon. You wi ll see i n the vi deo that
Mr. Wortman wi ll present to you what the
condi ti ons are. They have stockpi les just

1 Suffolk County Planning Commission 17
2 Like we are proposing. At a 175 feet away,
3 which if you look our lot, we would still be
4 on our lot. We were at 56.2 decibels at 175
5 feet and at 225 feet, we were at 55.2
6 decibels, which is significantly less than
7 our predictions. You may ask why? Because
8 in the actual conditions, you have changes
9 in topography and you have stockpiles
10 similar to what we would have on the site
11 that we are proposing.

12 So, clearly there were no significant
13 noise impact. With respect to dust, it is a
14 closed system which you will see on the
15 video that the Mr. Wortman will propose, if
16 the Chairman will indulge him. There is
17 very little dust. I also would like to
18 point out to you that there is a watering
19 system built into this equipment. However,
20 when we did our measurements and we took the
21 video, that was not -- that sprinkler system
22 was not in use.

23 Thank you very much for your time, Mr.
24 Chairman and Members of the Commission.

25 CHAIRMAN CALONE: Mr. Wortman, you have

1 Suffolk County Planning Commission 18
2 three minutes.

3 State your name for the record, please.

4 MR. WORTMAN: Good afternoon. My name
5 is David Wortman of Freudenthal and Elowitz
6 Consulting Group, Senior Environmental
7 Planner.

8 As Terri mentioned, there was videos
9 taken at an existing operation facility of
10 Mr. DeChiaro in East Farmingdale. We intend
11 to show with the video that the construction
12 at the site reduced the noise levels
13 immediately surrounding that area. The
14 video was taken at 25 feet from the
15 operating equipment and at the property
16 boundary of the operation at 175 feet. At
17 500 feet from that property boundary or 675
18 feet from the equipment and, again, 1460
19 feet from the property boundary or 1635 feet
20 from the County. I believe the staff is
21 able to project this video.

22 CHAIRMAN CALONE: Mr. Wortman, do you
23 know whether the video was submitted to the
24 Town?

25 MR. WORTMAN: It has not been submitted

1 Suffolk County Planning Commission 19
2 to the Town.

3 CHAIRMAN CALONE: I would like to ask
4 Counsel for an opinion as to whether we can
5 hear the video.

6 MS. SPAHR: Since this is a review of
7 the Town hearing, and this is not an

8 evidentiary hearing or a fact-finding
9 hearing, and I don't think it would be
10 appropriate to listen to evidence or review
11 evidence that was not submitted to the Town
12 that actually made the findings.

13 CHAIRMAN CALONE: Thank you, Counsel.
14 Any further comments?

15 Mr. Wortman, you have a minute
16 and-a-half.

17 MR. WORTMAN: Well, as Ms. Elkowitz had
18 mentioned, the purpose of the visit was to
19 take noise readings at several locations
20 within and without the operating facilities
21 in East Farmingdale. The noise levels, as
22 she stated, reduced significantly at the
23 distance of a 175 feet or 56.2 as a result
24 of the material stockpiles situated between
25 the operating equipment and that noise

1 Suffolk County Planning Commission 20
2 monitoring location, and that these
3 conditions would be similar to those
4 proposed at Lot 2 by Mr. DeChiaro.

5 CHAIRMAN CALONE: Thank you, Mr.
6 Wortman.

7 Mr. Pappas, you have three minutes.

8 MR. PAPPAS: My name is Derek Pappas.
9 My address is 96 Moriches Road, Lake Grove.
10 I am also a resident of Smithtown Citizens
11 and Bordering Location.

12 I did mention that I would bring my
13 comments to a later point in time unless
14 there are other people who do want to speak.

15 CHAIRMAN CALONE: You're up.

16 MR. PAPPAS: I would like to discuss
17 with the Commission a series of comments, as
18 well as statements that should have been
19 presented to the Commission by Mr. Freleng
20 from the Suffolk County Planning Department.
21 I don't if you have reviewed that.

22 MR. ISLES: We do have it and it will
23 presented during the correspondence
24 calendar.

25 MR. PAPPAS: This is primarily about a

1 Suffolk County Planning Commission 21
2 Cosco Development -- actually, an extension
3 of Cosco which is to extend their location
4 further towards Moriches Road.

5 Moriches Road is a village road but
6 since it is a village road, and it
7 intersects a county road, the village -- the
8 village is an incorporated village,
9 therefore, no town has direct oversight over
10 this particular village.

11 Now, Cosco Corporation wants to create
12 an ingress/egress from Moriches Road putting
13 in another stoplight at that location. This
14 is directly adjacent to DSW Plaza, as well
15 as the main entrance to the Smithhaven Mall.

16 An extended stoplight at that location is
17 going to create a major bottleneck in that
18 location. There is already high accident
19 rate in this region. Lighting from the
20 state is not properly timed. There is two
21 separate directions of traffic and it will
22 cause major impact on traffic, as well as
23 safety issues at this location since there
24 are so many vehicles that come here to the
25 Smithaven Mall by way of Old Nichols Road

1 Suffolk County Planning Commission 22
2 onto Moriches Road. But the discussion that
3 I would like to present is in regard to not
4 allowing or recommendation from the County
5 -- to not allow a stoplight in that location
6 even though, theoretically, through Nelson
7 couple and which is a engineering
8 organization that looks at traffic and
9 safety states that there is no problem. The
10 theory verses practice and the theory verses
11 human nature are two separate issues. Human
12 nature and this location -- I live right
13 near it. It is constant issues with traffic
14 conditions, constant issues with accidents,
15 constant issues with high traffic flow
16 especially during seasonal periods, and this
17 would create even more bottlenecking. There
18 is already two separate lights in this
19 location, and it would recreate a bottleneck

20 from a corporate environment into a
21 residential environment.

22 A SEQRA has not been apparently done,
23 and apparently was not presented to the
24 Village of Lake Grove. Smithtown, itself,
25 is under the jurisdiction for SEQRA

1 Suffolk County Planning Commission 23
2 development. They're recommending why not
3 put a lighted intersection -- an
4 egress/ingress there because it benefits
5 them economically. It doesn't benefit the
6 Village of Lake Grove economically but it
7 creates more havoc for village residents for
8 that location.

9 CHAIRMAN CALONE: Sir, I would just ask
10 that you wrap it up.

11 MR. PAPPAS: Sure. Separately from
12 this particular incident, for the general
13 regards to planning in Suffolk County.

14 Over a period of three or four years, I
15 have dealt with the Village of Lake Grove,
16 Smithtown, Brookhaven, the County District
17 Attorneys Office, as well as Federal
18 Government, FBI, and met with the State
19 Attorney General's Office in regards to a
20 lot of issues that are occurring with the
21 Windwood Oaks development that is on
22 Moriches road.

23 There has been a lot corruption in
Page 20

24 regards to that particular development, and
25 a lot of issues with legislators including

1 Suffolk County Planning Commission 24

2 Patchogue --

3 CHAIRMAN CALONE: Your time has
4 expired.

5 MR. PAPPAS: I would like review of
6 these situations, and a little more, if
7 possible, jurisdictional intercedence with
8 these issues.

9 CHAIRMAN CALONE: Thank you for coming
10 down.

11 No other cards. I am closing the
12 public portion.

13 As for the Chairmans' s Report, briefly,
14 I just want to update all of you on our
15 progress on four short term goals.

16 One was to fill Commissioner vacancies.
17 We now have -- I understand that there are
18 identified individuals for two of the three
19 vacancies, and I am pleased to report that.
20 It appears that we are only one seat away
21 from having a full commission. That seat is
22 East Hampton, and we will continue our
23 efforts there to work with Counsel and
24 others to get a Commissioner from East
25 Hampton.

1 Suffolk County Planning Commission 25

2 Secondly, we talked about our second
3 goal which was completing our guidelines
4 form. The Affordable Housing Working Group
5 met for this meeting. We will have a
6 presentation by Dan in the conference room a
7 little later, and our goal is get final
8 comments from all the Commissioners with the
9 goal of voting on this at the next meeting.

10 We also have been working on our Energy
11 Star and Public Safety Guidelines. We have
12 Michael Deering here from LIPA today to talk
13 a little bit about the Energy Star Program.
14 We have the working group meeting after this
15 meeting to discuss Energy Star and Public
16 Safety Guidelines, and we hope that proposal
17 for review at our next meeting. We are
18 waiting for District Attorney Spota's input
19 on Health Safety Guidelines. We hope to
20 have those in September along with the
21 entire guidelines.

22 Lastly, I would just note that the
23 standards for the hearing applications is
24 ready for a vote today, so we will get to
25 that later.

1 Suffolk County Planning Commission 26

2 The third goal we have is to optimize
3 our commission and staff with their time

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4 with the goal of changing our procedures so
5 we can focus on the application issues that
6 have county wide impact.

7 Thanks to the work of the procedural
8 working group and the input of some of you,
9 the final version of our regional
10 significance definitions and our internal
11 screening rule are ready to be voted on
12 today, and we will do that later, as well.

13 We also have a drafted municipal
14 agreement which is ready for discussion
15 today which is designed for redividing the
16 referrals that the municipality have today
17 to the commission and have to be reviewed by
18 the Commission staff.

19 Lastly, in regards to better conveying
20 publicly what the commission does, our
21 fourth goal. We do have a drafted new
22 website, so if someone has computer access
23 -- can you bring that up, John? While that
24 is being done, we would also note that we
25 are going to have a discussion with the

1 Suffolk County Planning Commission 27
2 publicity folks about strategies for
3 September when our guidelines are released
4 and when we would should inform the public
5 about that.

6 I would also note that Commissioner Mc
7 Adam and I met with Supervisor Russell in

8 Southold last week -- actually, last month.
9 I have had the opportunity to sit down with
10 four supervisors which came out of a meeting
11 in regarding some of our vacancies, and we
12 would welcome the opportunity to keep doing
13 that with any Commissioners that wish to
14 meet with the supervisors in the area. It
15 is a good opportunity to discuss the
16 guidelines that we are doing and the
17 Comprehensive Plan that we are hoping to
18 launch before too long, and the work this
19 commission is doing. So that is that and do
20 we have a website?

21 MR. ISLES: Carol, do you want to give
22 an explanation regarding this site?

23 MS. WALSH: It is a mockup of what we
24 have received from the Commission. This
25 would be the homepage of the Suffolk County

1 Suffolk County Planning Commission 28
2 Planning Commission. It basically has the
3 information that was in the original e-mail
4 that I was given.

5 Basic description of what the Planning
6 Commission is and where it is mandated from.
7 There are click-able links. One which goes
8 to the monthly meeting schedule and that --
9 we do have that up on the website right now.
10 What happens here is you have the planning
11 commission meeting schedule, and once the

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minutes have been approved, then those

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minutes are posted right to the schedule.
So you get both the minutes, and the
schedule at the same time. There was also
-- it was requested that there be a place
for the next couple of meetings, agendas, or
notice of meetings. So there is a
click-able link there and that will come up
as a PDF file, and this is the one for
today's meeting. Then there is also a link
to the Suffolk County Planning Commission
Jurisdictional Map. This is just the first
page of that map. This is a key map for the
jurisdictional map. That could also be PDF

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Suffolk County Planning Commission
format. Then there would be a place also
for the latest news or any types of press
releases that the Commission might want to
post there.

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Finally there is a click-able link to
the members of the Suffolk County Planning
Commission, and that would have the list of
all of the Commissioners and then each one
of Commissioner's biographies. You just
click on that Commissioner, and it will come
up and go directly to that particular
biography.

So this all one page. It is much
easier to maneuver -- get into the -- into

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the biography part of that page.

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CHAIRMAN CALONE: Thank you so much for your work on this. Great job and it is a quantum leap for the Commission. We appreciate it.

Also we want to recognize you as this is your last few weeks with the Planning Department. I wanted to wish you well with your future endeavors.

MS. WALSH: Thank you.

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CHAIRMAN CALONE: And most of all for your service and also for doing that so quickly for us before you leave us.

Everyone -- is this available on worldwide web now or this just internally?

MS. WALSH: No, this is just internally because I don't have your biography yet.

CHAIRMAN CALONE: I am just going to ask -- maybe what we can do is get a screen shot or something and e-mail that around.

MS. WALSH: Actually, I can -- I can send you the link because you can get to it.

CHAIRMAN CALONE: Well, the one thing and I will refer to Commissioner Roberts on this, but let me understand that it would be great with regard to a link. If everyone will send it around and everyone can comment on that and see if they want to suggest

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something about the website.

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Commissioner Roberts, do you have a comment?

MS. ROBERTS: David asked me to volunteer to get the bio's organized for all of us. As you saw on the website, we have a

Suffolk County Planning Commission
limited amount of space, so I would think it is about five or six sentences tops, Carol, is that right?

MS. WALSH: It will be whatever you decide.

CHAIRMAN CALONE: It could be forever.

MS. WALSH: We can accommodate you.

MS. ROBERTS: I will start a format, and you will get an e-mail from me within 24 hours, and I assume the deadline is probably about a week or -- for you to be able to get them up before you go, right? So if you want to be on the website, please respond to my e-mail about our biographies.

MR. ISLES: She probably has about 15 deadlines right now.

CHAIRMAN CALONE: I can imagine that the hard thing about retirement is that you're indispensable.

MS. HOLMES: May I suggest as long as a couple of Commissioner's aren't here. Could you underscore in your e-mails that we do

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24 want a biography from everyone because it
25 will look terrible if we don't have from

1 Suffolk County Planning Commission 32
2 some of them. It will be like they have a
3 criminal background or something.

4 CHAIRMAN CALONE: I think we found our
5 enforcer.

6 Carol, thank you so much and thank you
7 too Tom for his support of that effort and I
8 think -- I guess -- couple of a little
9 housekeeping things.

10 We are going to start thinking about
11 pursuing comprehensive plans provided by
12 divisions of the county. We are going to
13 assist towns and villages on integrated
14 regional thinking about their applicable
15 decisions. We probably will have more of
16 discussion about that.

17 Also for those of you who weren't here,
18 we discussed having a new time for our
19 meetings going forward, but we decided to
20 keep it where it is just because it didn't
21 work for everyone to change the time.

22 Also we have been invited to Chris
23 Bateman (Phonetic) advisory committee of the
24 Long Island Sound Study. As you know, our
25 jurisdiction is anything along the sound --

1 Suffolk County Planning Commission 33
2 adjacent to the Long Island Sound and the
3 EPA runs an advisory committee with respect
4 to the Long Island Sound Study which
5 basically provides updates on environmental
6 issues relating to Long Island Sound. There
7 is quarterly meetings and I would like
8 attend. If there is also a second member to
9 attend, let me know.
10 MS. HOLMES: I will unless she is
11 going.
12 CHAIRMAN CALONE: Actually, Adrienne
13 should be reporting to --
14 MS. ESPOSITO: But I do go.
15 CHAIRMAN CALONE: I am just throwing it
16 out there. No need for discussion really.
17 Just if anyone is interested in being
18 involved in the Long Island Sound Study or
19 at least the Systems Advisory Committee, let
20 me know.
21 We have the October training session.
22 Tom will talk a little bit more about that.
23 We received co less around the theme of
24 energy efficiency. We were talking about
25 standards in the towns and villages and the

1 Suffolk County Planning Commission 34
2 county, and the implementation of those
3 standards. What we are hoping to do is
4 highlight our guidelines and potential model

5 codes we might be develop between now and
6 then on energy efficiency.
7 Particularly, there are a 150 attendees
8 or so from every jurisdiction in Suffolk
9 County, and we probably will need some help
10 from some Commissioner's as we go forward
11 and as we get closer to the planning
12 training sessions. So we would appreciate
13 if you let me or Tom know.
14 MS. ROBERTS: David, why wouldn't we
15 not include affordable housing?
16 CHAIRMAN CALONE: I guess we certainly
17 could. We kind of discussed with some of
18 the other sponsors a month or two or ago
19 picking one theme and that seems to be one
20 that is easy; that does not mean it preclude
21 us during some things on affordable housing
22 over there, and also having other meetings
23 about affordable housing.
24 Lastly, we have the public portion. I
25 know not all of you were present, but we

1 Suffolk County Planning Commission 35
2 essentially came to a conclusion thanks to
3 some legal advice that the public portion is
4 as it is and we do incorporate the
5 information as go and decision making as we
6 wish, but that is how it needs to be. That
7 is the only thing I have.
8 I wanted to now ask Michael Deering

9 from Long Island Power Authority to come
10 forward and talk about the Energy Star
11 Program and what LIPA is thinking regarding
12 the energy plan.

13 MR. DEERING: Good afternoon, and thank
14 you, David.

15 I apologize for Kevin. Kevin would
16 have liked to been here himself.
17 Unfortunately, a couple of things going on
18 these days, so he asked me to step in. It
19 is nice to be back here at the Suffolk
20 County Legislator, and it is actually nice
21 and cool in here.

22 MS. ESPOSITO: It is freezing. Is this
23 energy efficient, Michael?

24 MR. DEERING: It is comfortable, let's
25 put it that way.

1 Suffolk County Planning Commission

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2 MS. HOLMES: Only because you are
3 wearing three layers. I am freezing.

4 MR. DEERING: We do not -- we are not
5 celebrating a lofty goal as you celebrated
6 early this morning. LIPA is ten years old
7 now, and I bring that up only because
8 according to context of where oil and gas
9 prices are today which will lead into where
10 we are going and why energy star and some of
11 the efficiency measures, David, you
12 mentioned briefly are important.

13 Ten years ago when LIPA was created,
14 oil was \$14 a barrel. Today, I think it
15 \$141 a barrel. That is about a 800 percent
16 increase in the last ten years. Oil prices
17 have doubled in the last year. So when I
18 was asked to come onto to LIPA at a
19 challenging and exciting time, I didn't
20 realize how exciting and challenging it
21 would be. That is the oil side and gas,
22 well, not going up as much. It has gone up
23 about 500 percent in that same period of
24 time. So some of the things that folks
25 talked about idealistically a number of

1 Suffolk County Planning Commission 37
2 years ago today, make even more sense than
3 they did back then. It goes to kind of the
4 five areas in which LIPA and this
5 administration is proceeding as we go
6 forward in terms of regional planning for
7 our electric production.

8 One is updating our energy master plan.
9 Many of you in this room, Adrienne and a
10 number of others, have provided comments to
11 us as we go down that road in trying to
12 figure out what exactly is going to our
13 integrated plan over the next 20 years or
14 so. We have some tremendous feed back. We
15 are putting that together and we will be
16 going out to public hearings later on in the

17 year, and having more discussions about
18 that. Our planning effort is coinciding
19 with Governor Patterson's effort to develop
20 a state energy plan which we are working on,
21 as well. In fact, the Energy Plan Working
22 Group will be having a meeting here on Long
23 Island next week, and a number of folks will
24 be invited to provide some testimony.

25 The second area is increasing our

1 Suffolk County Planning Commission 38
2 percentage of removable fuels. We have --
3 as many of you have heard, a couple of
4 months ago approved additional off island
5 renewable power -- hydro-power and land
6 filled gas, and last month we issued a
7 request for proposal to generate 50 mega
8 watts as a starting point of solar power
9 on-island directly back to our grid. So we
10 have had tremendous interest in that from
11 national firms and local firms. We
12 anticipate a very good response for that RFP
13 and like I said, hopefully that will be the
14 start of additional efforts on-island to
15 generate removable sources of power.

16 We are also looking to improve our
17 system with new technology. This is an
18 exciting area, of course, technology is
19 changing so quickly and we are seeing it in
20 every avenue when we talk about geothermal,

21 when we talk about solar, when we talk about
22 wind and many of the others, we are seeing
23 tremendous technological changes. We are
24 involved in some of those. Obviously, the
25 Smart Metering Program. Kevin announced

1 Suffolk County Planning Commission 39

2 Last week with Congressman Israel, we are
3 going to begin at the Hauppauge industrial
4 area, as well as an area in Bethpage. Both
5 of those areas incorporated both business,
6 as well as residence. So we are going to
7 start out that way, and anticipate doing the
8 entire Island over the next few years.

9 The difficulty with Smart Metering is
10 any new technology is when do you go? New
11 technology is moving very quickly, as well.
12 So, we are going to start with those two
13 areas and then we are going to continue to
14 pick up from there.

15 The other area that we are looking at,
16 we are involved in a super conductive
17 transmission line operation. Right now,
18 that's a cooperative venture with the
19 Department of Energy. That is going to be
20 much more efficient, much more high speed,
21 much more advance, if it proves successful;
22 that is going on right now. That will go on
23 for a number of years.

24 When we talk about efficiency and we
Page 34

25 talk about reducing our losses, we have an

1 Suffolk County Planning Commission 40
2 aggressive program in terms of reducing our
3 losses along the transmission line. The
4 average, I believe, is about seven percent
5 loss along transmission lines. Mike Harvey
6 (Phonetic) who runs our distribution and
7 transmission operations is looking for a
8 number of ways in which to resolved a number
9 of ways to try to and reduce that loss. It
10 can be quite significant, as well. So when
11 we think efficiency, we think of it in
12 commercial and residential, it is also along
13 the lines, as well.

14 We are also involved in a number of
15 studies dealing with modernizing and
16 re-powering our generation plants. As you
17 -- I am sure you are aware, we do not own
18 our generating plants. Those are owned
19 right now by National Grid. We do have the
20 option to purchase one or more or none of
21 four of those plants. We are involved in
22 doing some diligence and environmental and
23 economical analysis on those four plants.
24 We are also involved in a re-powering study
25 for the Port Jefferson and Northport plants

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that we do not have an option to buy, but clearly as these facilities get older, we have decisions to make as to how we are going improve those and what are our options going to be. So there are two separate studies that we have going on, in parallel, to help us make those decisions as to where we are going to go in the future.

Finally, and I will get to the energy star in a minute, is investing in energy efficiency. As you may have read, we do have a fairly aggressive efficiency program for the last ten years -- clean energy initiative. That was funded at about 355 million dollars over the ten years. Kevin has discussed and we will be implementing almost a one billion dollar clean air initiative for energy efficiency, and while it is a significant increase over the previous, it is even more significant because our renewable programs will not be funded out of those. This will be a straight efficiency program. So our solar pioneer program and any of our research and

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development and some of the other components that were funded under the CI form, will be funded separately. This is truly a very

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5 significant investment in efficiency. I can
6 go into that, if you'd like.

7 The other exciting part of this as you
8 probably have read, the legislator and we
9 have been involved and others have been
10 involved, have finally passed a commercial
11 net metering bill. LIPA is the first one
12 out of the box on that. We have filed our
13 request to change our pattern to provide for
14 commercial net metering. So we will be
15 going through that process. We are excited
16 about that. We have gotten a number of
17 calls from commercial folks saying, "When
18 can we go?" So that is going to provide
19 another avenue of bringing back some of the
20 resources to us and reducing energy costs
21 for larger commercial businesses which is
22 exciting for us.

23 One of the efficiency measures and all
24 too often we know that Long Island has been
25 put criticized for not being able to be a

1 Suffolk County Planning Commission
2 leader in terms of town governments because
3 of our overlapping jurisdiction and lack of
4 coordination, but I think the energy star
5 issue is one where we have shown that with
6 cooperation and strong outside support and,
7 again, I give tremendous credit to Neil
8 Lewis and Adrienne and Don Eversoll

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10 Builders, came together -- put together what
11 was a very sound ordinance to give to towns
12 to say, "While you're approving residential
13 developments, incorporate this requirement
14 that it be energy star efficient." It makes
15 sense. Yes, there is a little bit of a cost
16 premium to the builders which is, I believe,
17 significantly been reduced since the
18 proposal was first put forth, but there is
19 still a little bit of a premium, but it is
20 better for the consumer. In fact, it is
21 better for the consumer in that these homes
22 are about 30 percent more energy efficient
23 than the standard traditional home, which
24 means while you may pay a little bit more
25 upfront, your operations and maintenance and

1 Suffolk County Planning Commission 44
2 energy costs are going to be significantly
3 lower which means in the long run, you are
4 going to save tremendous amounts of money.

5 Right now eight of the thirteen towns
6 have moved forward on this. The majority of
7 them have virtually the same legislation. I
8 believe Southampton is a little bit
9 different. There are two more towns that
10 are on the precedence of doing it.
11 Smithtown, I am pleased to see is about to
12 do that, as well as North Hempstead. That

13 does leave a few other towns that we are in
14 contact with. I know Neil Lewis has been
15 talking to, as well and we would anticipate
16 them coming around soon.

17 I think in terms of this body, your
18 regional perspective and your guidance that
19 you can provide to the Town in pushing -- in
20 helping us convince those towns that have
21 not done this first step, to take that step
22 would be extremely helpful, and as you look
23 towards potential model ordinances and other
24 ways in which you can help towns and
25 villages move forward in the terms of their

1 Suffolk County Planning Commission 45
2 development ordinances -- their town or
3 village ordinances to encourage or require
4 in some places whether it is alternative
5 energies or newer technologies or more
6 energy efficient homes that would be a
7 tremendous asset, and we are to help you in
8 anyway that we can.

9 With that, I will be glad to take
10 questions. I don't want to hold you up any
11 longer than you need to be.

12 CHAIRMAN CALONE: I appreciate it. Any
13 questions or comments?

14 MS. ESPOSITO: As I'm sure you know,
15 the first power purchase agreement for
16 offshore wind power was signed by Blue Water

17 for the State of Delaware, and that will be
18 12 miles out and over 250 mega watts clean,
19 safe, renewable power for Delaware.

20 How are we doing with that on Long
21 Island?

22 MR. DEERING: We continue to be
23 extremely interested in it. There are some
24 private companies now that are proposing or
25 at least the initial stages of putting

1 Suffolk County Planning Commi ssi on 46
2 together proposals for offshore land. We --
3 as Kevin has said, we are extremely
4 interested in doing it. The metrics, the
5 numbers on the previous proposal that came
6 in even with the cost of oil and gas today,
7 were much more expensive and di dn' t work
8 out. We are hoping and encouraged by some
9 of the proposals that are out there now that
10 they will come in an economic matter. We
11 are ready to pay a premium, if we need. We
12 will pay a premium on the offshore renewable
13 that we did a couple of months ago. We
14 anticipate that we may have to pay a premium
15 for the onshore removable, as well but as
16 you know, there are avoided costs that we
17 will not have to pay by doing this. So we
18 continue to be interested in it, and we
19 continue to talk to them about their
20 proposals because there will be

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21 interconnecti on i ssues that wi ll be i nvol ved
22 i n; so i t i s something we are l ooking at.

23 The other thi ng we are l ooking at are
24 potenti al for some sm all onshore wi nd
25 programs. There may be some opportuni ties

1 Suffol k County Pl anni ng Commi ssi on 47
2 out on the east end -- some waterfront
3 property owners -- you know, sm aller types
4 of operati on, but we conti nue to be hopeful
5 that we can get i t offshore.

6 MS. ESPOSITO: I am sure you know that
7 Blue Water Wi nd i s stati ng on the record
8 that thei r -- not only wi ll they not need a
9 premi um, but there offshore wi nd power wi ll
10 come i n at l ess than current water costs.
11 So there won' t be a premi um, there wi ll be a
12 savi ngs i nvol ved wi th that wi nd generati on.

13 MR. DEERING: We hope to see that here.

14 MS. ESPOSITO: We sure do.

15 CHAIRMAN CALONE: Are you fi ndi ng that
16 the cost -- the cost i n constructi on per
17 kilowatt i s turni ng downward i n wi nd, I
18 assume?

19 MR. DEERING: We are seei ng that i n
20 other areas. I thi nk the part of the
21 di ffi cul ty i s the l ack of federal -- wi th
22 the l ack of a national poli cy, we tend to be
23 -- you know, behi nd the ei ght ball i n terms
24 of getti ng producti on. Even i n solar area,

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1 Suffolk County Planning Commission 48
2 brought over to Europe right now, and from
3 the discussions we have had with some of the
4 large companies is that, that is half their
5 problem -- they're five, six years out in
6 terms of being able to get the material
7 up-to-date to able to get it up and running.
8 So, I think that will be the challenge for
9 the next administration to come up with a
10 cohesive and coherent national energy
11 policy. I mean one of the things that we
12 are extremely concerned about right now is
13 there are federal tax credits for solar
14 installation which expire at the end of this
15 year.
16 MS. ESPOSITO: And wind.
17 MR. DEERING: Our solar program is
18 probably one of the models in terms of
19 helping transform the market and weighing
20 and reducing the cost of new technology, and
21 the federal and state tax credit have a
22 significant role in bringing the price down.
23 Without federal tax credit, those numbers
24 change and that is problematic. So there
25 are still discussions. There is still some

2 hope that, that will happen but we are
3 keeping our fingers crossed and working on
4 it and hoping that they will continue.

5 CHAIRMAN CALONE: Linda?

6 MS. HOLMES: Michael, does LIPA have a
7 one or two page summary of energy star
8 guidelines that are perhaps sent to
9 municipalities -- to building departments so
10 that the town can have an easily or
11 referable sheet of information to give to
12 local builders, and I wonder -- I presume
13 our planning staff has a summary of energy
14 star that we could incorporate as we update
15 our guidelines? I mean your timing is
16 wonderful.

17 MR. DEERING: We will get you that, if
18 you don't have it. It is not necessarily a
19 sheet, but it is -- part of what LIPA has
20 done in terms of the partnership is provide
21 \$25,000 to towns who adopt the Energy Star
22 Program and we have now continued that
23 program, and that was specifically for what
24 you are alluding to is the training and
25 education for their building department to

1 Suffolk County Planning Commission
2 be able to go out and certify these homes
3 and energy star is not something that is
4 just a piece of paper. It needs to be built
5 to certain specifications. It needs to be

6 certified. There needs to be an analysis
7 and that is the component that we had
8 provided to the town.

9 MS. HOLMES: Does the individual
10 builder or the individual homeowner get any
11 sort of credit the way they would with
12 solar? Do they get any sort of credit for
13 having a certified energy star home?

14 MR. DEERING: What you are seeing is,
15 there is a market advantage to them. In the
16 towns -- that is a good question -- in the
17 towns that have the energy star programs,
18 our incentives that we would be providing
19 which can be significant are actually for
20 efforts that go beyond energy star and
21 making the houses more efficient. So that
22 becomes the baseline for building in that
23 particular jurisdiction, but you know from
24 what I have heard, builders are using this
25 as part of their advertising; just as we are

1 Suffolk County Planning Commission 51
2 seeing builders in the construction industry
3 using our programs, our rebates and
4 incentives as added value when they are
5 going out and talking to customers, and we
6 hope to see even more of that.

7 CHAIRMAN CALONE: Thank you, Michael.
8 I appreciate your time.

9 Any further questions?

10 MR. FRELENG: Can staff ask a question?
11 I am just curious how many homes 250 mega
12 watts would power?

13 MR. DEERING: 50 mega watts would be
14 about 6500 homes on an annual basis, and if
15 my numbers are correct, it would reduce
16 carbon emissions at about 20,000 homes on an
17 annual basis, so if you do the math --

18 MS. ESPOSITO: I don't think that is
19 right. When we are talking about the wind
20 farm, 140 mega watts would power
21 approximately 44,000 homes.

22 MR. DEERING: We have to look at like
23 it. The numbers we are using, we are
24 looking at a 6500 at 50 mega watts.

25 MS. ESPOSITO: That is a traumatic

1 Suffolk County Planning Commission 52
2 difference from last year. In the Blue
3 Water Wind case in Delaware, they were
4 saying that one mega watt will power
5 approximately a thousand homes.

6 MR. DEERING: I will have to look at
7 that.

8 CHAIRMAN CALONE: Fair enough. We look
9 forward to working with you on the -- as we
10 think about putting together energy star
11 guidelines for the County and we appreciate
12 your time.

13 MR. DEERING: Thank you.

14 CHAIRMAN CALONE: Next on the agenda we
15 have from the Town of Southampton, Janice.

16 Please state your name for the record,
17 and we appreciate you being here.

18 MS. SCHERER: Good afternoon. For the
19 record, I am Janice Scherer. I am here from
20 the Town of Southampton. I am the Principal
21 Planner in the Long Ridge Planning Division.

22 Thank you for giving us the opportunity
23 to present the Riverside Hamlet Center Mixed
24 Use PDD for you today. It is on your agenda
25 as a referral from us based on we have been

1 Suffolk County Planning Commission 53
2 doing a SEORA review on the draft generic
3 impact statement phase and that has been
4 referred to your office, as well as the
5 other involved and interested agencies.
6 Just briefly the location of this is on
7 the south side of State Road 24 which is
8 locally known as Flanders-Riverhead Road.
9 Just to orient anyone who is not familiar
10 with the area, it is just east of the
11 traffic circle in Riverhead and there is a
12 new Suffolk Credit Union that was just
13 recently constructed on the site. You can
14 see Peconic River to the north. This study
15 which is called the Riverside Hamlet Center
16 Mixed Use District Strategy Study. It has
17 been conducted over several years. It is

18 basically an implementation of our 1999
19 Comprehensive Plan update. We also had a
20 2004 Flanders North Hampton Riverside
21 Revitalization Study, and then this study
22 followed that to achieve the objective of
23 fitting a new hamlet center for Riverside.

24 The intent is to have a downtown -- to
25 have social interaction, mix of economic

1 Suffolk County Planning Commission 54
2 investment, and revitalization
3 opportunities; promote tax rateable
4 developments and local employment prospects;
5 expand and diversify the town housing stock
6 by providing more work opportunities; to
7 improve transportation and provide a
8 pedestrian friendly atmosphere; and that
9 will be here by creating a nice new district
10 that has commercial, industrial, civic,
11 recreational, and residential land uses.

12 The way that we have structured our
13 code, which is a plan development
14 constructed of its own separate code, and it
15 has sort of all its own guidelines in there,
16 so that division is really understood and
17 can be implemented because, as you know,
18 sometimes you can write a code and what
19 comes out of it, is not exactly what we
20 intended. So we spent a lot of time working
21 on this code and also a supplemental design

22 guideline booklet to go along with it so
23 that the division is really implemented. So
24 the way we structured our code is sort of a
25 hybrid between a conventional code and a

1 Suffolk County Planning Commission 55
2 smart code, and it has a diagrams, charts,
3 and things and we separated it into three
4 blocks. You will see Block 3 is actually --
5 this was an old drive-in movie theater site
6 and Block 3 was a L-40 of our industrial
7 zoning -- 40,000 square feet per lot and it
8 was subdivided and sort of half of it will
9 remain that white by Block 3 (Indicating).
10 Block 1 is now the beginning of the Hamlet
11 Center where you see a main road coming in
12 and sort of loops around to Enterprise Zone
13 Drive. These are just names that we made up
14 to facilitate the code. Block 2, to the
15 left, is a residential townhouse
16 development. Block 2A, as you see there,
17 that is also held by the same landowner, so
18 that Block 2A has already been subdivided.
19 It is a residential subdivision, but
20 basically it would have to adhere to our
21 design standards.

22 So, just to briefly tell you about our
23 possible impacts. This is really -- we are
24 in the SEQRA phase as we mentioned. The
25 land use -- you know, it is much more

1 Suffolk County Planning Commission 56
2 intense than a LI-40 district, but because
3 adhering to small fronts in Riverside and
4 some of it is depressed area and we hope to
5 revitalize it and create an identity
6 somewhat to our other hamlet centers, and
7 create an area where people have civic pride
8 and ability to sort of leave work and walk
9 around as I mentioned.
10 Just to mention the traffic impacts.
11 We are close to Riverhead here. The traffic
12 impact study which is in Volume 2 and Volume
13 3 of the TGIF shows that the warrant for Old
14 Quogue Road is just a little bit west of the
15 site -- sort of cut off in that picture.
16 There would need to be a traffic light at
17 Old Quogue Road and Route 24, and there
18 would also need to be a double-lane
19 mitigation at the traffic circle, and we
20 have referred this plan to the Town of
21 Riverhead. They're currently undergoing
22 their downtown urban renewal plan, so we
23 been sort of -- our traffic study has been
24 referred to them, and we are trying work
25 cooperatively with that so that we don't

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create more of a traffic issue.

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Also, we are trying to create connections so that there can be a way in from Route 104, so no one has to go up to Route 24 and around into the site. This plan also is -- in terms of flow -- septic flow, obviously, we need Suffolk County Health Department approval. There was several different ways we can work with that. The flow -- conventional flow that exists, a lot is about approximately 17,000 gallons per day and Block 3 would just stay the way it is. Because it has been subdivided, there would still be conventional septic there. Block 1 and Block 2 is are really what we are focusing on and we can either -- you know, and that we can either do two systems. Obviously, that would need board of review approval. This is a TDR receiving area, so that way there is possibility to transfer some credits in either in Riverhead or Southampton or we can, obviously, scale back from the development in order to accommodate

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Suffolk County Planning Commission
the excess flow.

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So we are happy to incorporate your recommendations and comments into our FGERS, and I am here if you have any questions.

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CHAIRMAN CALONE: Thank you very much.

Anyone have any questions at this time?

We will hearing this application very shortly. Thank you.

Next we have Director's Report.

MR. ISLES: First item is to note correspondence received to the Commission that was referred -- that correspondence is from Derek Lee Pappas referred to earlier. I can circulate this among the commission members. It includes a letter to the Planning Commission that also includes a copy of a letter to New York State Department of Transportation, Mr. Frank Pierson, and as Mr. Pappas had spoken on today is issues concerning generally two areas: One would be the specific matter of the Cosco application that was referred to by the Town of Smithtown. To bring the Board up-to-date on that, that is a matter

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Suffolk County Planning Commission that would require referral for the site plan to the County Planning Commission based on Legislative Resolution 1243-2007, that would trigger public notification of your meeting -- of commission meeting for all properties, businesses, and residents within a 1,000 feet.

So there would be a public notification

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10 rather than a public meeting upon receipt of
11 the completed application, so you will see
12 that at a later date.

13 The second part of this letter deals
14 with all the issues also addressed by Mr.
15 Pappas in terms of concerns for approval
16 projects including the Windwood Oaks and
17 possible problems with those approvals.

18 So I can provide this letter, as well
19 as the attachment of Mr. Pappas letter to
20 Mr. Frank Pierson, Regional Traffic Engineer
21 for New York State Department of
22 Transportation.

23 The second item is very briefly today
24 since we have a full meeting. Planning
25 Federation Session referred to by the

1 Suffolk County Planning Commission 60
2 Chairman, is scheduled for October 23; save
3 the date cards were sent out yesterday --
4 said they would be going out. Our mailing
5 list is about 800 people. All the Town
6 Planning Department and ZBA and so forth and
7 the County -- the program itself as the
8 Chairman indicated is being finalized, and
9 we plan to have a special program for the
10 agenda right after Labor Day.

11 MS. ROBERTS: The time?

12 MR. ISLES: The time is 3:30.

13 MS. ROBERTS: Of the October meeting?

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CHAIRMAN CALONE: Its been a long meeting, but it hasn't been that long.

MR. ISLES: Three o'clock.

MR. KLEIN: Three o'clock.

MR. ISLES: We are trying to get a location, but we will know that soon. We do need money for that. That is one issue if anybody has any creative ideas. So that is a challenge for us in terms of our budget, but we will do our best.

Next is just to bring to your attention, comfortable planning efforts by

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Suffolk County Planning Commission
two towns that are country to the County Planning Department. Recently one, the Town of Smithtown is doing a significant update to their comprehensive plan. This is the update of a plan that was completed in 1960. We submitted an another element to the plan with community facilities. Prior elements have included environmental and natural resources, houses, and so forth. This the matter that is subject to review by the Commission upon completion of the traffic report and referral by the Town will be presented to you. Just keeping you informed of that matter. It is actively on its way.

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Secondly, the Town of Brookhaven engaged in Comprehensive Plan update. They

18 had a public meeting a few months ago. They
19 are now in the SEORA phase, as well, and are
20 seeking the agency status of that plus
21 progressing and ultimately will require
22 referral to the County Planning Commission
23 prior to adoption by the Town Board.

24 Lastly, as I have noted at previous
25 meetings with the Commission, we have an

1 Suffolk County Planning Commission 62
2 unfortunate loss of staff members. We lost
3 Frank Dowling. Last year, we lost Ray
4 Fedelman to retirement. Earlier this year,
5 Alysa O'Driscoll left in May for another
6 opportunity, and with deep regret, we are
7 also losing two other Senior and
8 accomplished planners of the County Planning
9 Department. One being Carol Walsh. Carol
10 has served on the County Planning Department
11 for 37 years. She started when she was ten
12 years old, I believe. She has done an
13 incredible job writing "how to plans" and
14 demographic work and report work and has
15 always been true to holding the Department
16 to the highest standard of professionalism,
17 and she will be totally missed and
18 completely irreplaceable certainly through
19 the County of Suffolk. Another Senior
20 staffer leaving Ron Verbarg our
21 environmental analysis unit and Ron has also

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22 carried enormous wei ght of responsi bi liti es
23 and duties in the Department and also he
24 will be a irreplaceable asset also to
25 Suffol k County. So we recogni ze thei r

1 Suffolk County Pl anni ng Commi ssi on 63
2 service and we certainly wi sh them well in
3 there retirement. Thank you.

4 CHAIRMAN CALONE: Thank you, Tom. The
5 Commi ssi on joins in wi shi ng them all well.

6 Let' s move onto our admi ni strati ve
7 agenda.

8 Andy?

9 MR. FRELENG: Good afternoon, Mr.
10 Chair man and Ladies and Gentlemen of the
11 Board.

12 The fi rst regul atory i tem before the
13 Suffol k County Pl anni ng Commi ssi on comes to
14 us from the Town of Brookhaven. Thi s is the
15 appli cati on of DeChi aro. As you know, thi s
16 is Lot 2 of the i ndustri al subdivi si on of
17 Starli ght properti es. Juri sdi cti on for the
18 Commi ssi on is that the subj ect property is
19 wi thi n 500 feet of County of Suffol k land.

20 The appli cant seeks town board speci al
21 permit approval for the constructi on of
22 concrete crushi ng faci lity in accordance
23 wi th 85-31 and 85-320 of the Town of
24 Brookhaven Zoni ng Law. The subj ect parcel s
25 are approxi matel y 11.3 acres and thi s,

1 Suffolk County Planning Commission 64
2 again, is a subdivision of Starlight
3 Properties of Brookhaven.
4 The operation is to take place on
5 approximately 8.88 acres of the subject
6 parcel on the east side of Grucci Lane.
7 While the remaining 2.5 acres will
8 constitute buffer area on the west side of
9 Grucci Lane. A 110 foot deep buffer is also
10 proposed on the eastern side of the subject
11 parcel.
12 The subject property is proposed to
13 contain a number of components that consist
14 of the concrete crushing facility. A
15 parking/loading area is to be situated at
16 the western parcel boundary consisting of
17 seven parking stalls and one handicap stall
18 in conformance with the Town of Brookhaven
19 parking requirements. A small office
20 building is proposed to be situated south of
21 the proposed parking loading area. It is
22 very small. The facility will also consist
23 of screener, grinder, and crusher machines
24 in the southwest portion of the property.
25 Three stockpile areas are shown to be

1 Suffolk County Planning Commission 65
2 situated on the site. Two on the eastern
Page 56

3 portion of the site and one on the western
4 portion of the site east of the
5 parking/loading area. The stockpiles which
6 contain sand and aggregate are proposed to
7 be limited to 50 feet in height.

8 Specifically, the process of the
9 proposed action on site is described by the
10 project sponsors as called "concrete
11 crushing and grinding." Materials to be
12 used in the process also consist of sand,
13 dirt, gravel, concrete, raw wood, and water
14 as described in the submittal materials.
15 Solid material which is to be used in the
16 concrete crushing operation will be
17 stockpiled and piled, again, not to exceed
18 50 feet in height. It is not clear if the
19 stockpiles for this material is in the three
20 described areas. So while we have three
21 shown areas on the plan, materials going
22 through the screener, the grinder, and the
23 shredder will also have small stockpiles
24 around them. So we believe that, in
25 addition to these three areas, there are

1 Suffolk County Planning Commission
2 additional stockpiles in the areas.

3 Water is used during the crushing
4 process and is intended to hydrate the
5 crushed concrete. Water is part of a dust
6 suppression system on the crusher. It is

7 indicated that no effluent is created during
8 the crushing process, as all moisture is
9 absorbed by the material, due to its porous
10 nature. Again, that is the contention of
11 the applicant.

12 Process for the grinder and screener
13 proposed on site is not detailed in this
14 proposal, however, the screening process may
15 be similar to that proposed on Lot 4, which
16 occurred last month, for the Starlight
17 subdivision and was described as thus:

18 "The screening plant sifts the
19 materials by vibrating screens or meshes of
20 various sizes and sorts the material
21 according to size. Sorted material is then
22 deposited onto conveyor belts which drops
23 the different sized material into stockpiles
24 and a payloader would collect the smaller
25 processed piles and place them into larger

1 Suffolk County Planning Commission 67
2 stockpiles."

3 So, as I mentioned before, the material
4 goes through this process here (indicating)
5 -- small stockpiles around and then they
6 move to larger stockpiles. Stockpiles and
7 machinery, once again, it has been
8 reiterated several times that none of these
9 stockpiles are to exceed 50 feet in height.

10 As mentioned, the subject site is
Page 58

11 Located on Grucci Lane in the Hamlet of
12 Yaphank. You can see that this was the
13 former site of the industrial subdivision.
14 It is now subdivided out. The industrial
15 Grucci Lane comes in and wraps around the
16 cul-de-sac. So we heard last month Lot 4,
17 this is Lot 2. The process operates on this
18 part of the property. It is indicated that
19 there is a buffer back here, and as well,
20 this parcel here -- the two and-a-half acres
21 is now an open space area.

22 A review of the character of the land
23 use and zoning pattern in the vicinity
24 indicates that the subject property is
25 located within an L-2 heavy industrial

1 Suffolk County Planning Commission 68
2 zoning designation. Surrounding the subject
3 property in all directions are lands in the
4 L-1 light industrial zoning designation.
5 Further to the east, lands in the ownership
6 of Suffolk County are zoned A-1 Residential
7 and L-1.

8 To the south of the subject parcel and
9 outside of the Starlight subdivision along
10 Horseblock Road are Town of Brookhaven
11 municipal uses that include the Brookhaven
12 Animal Shelter and the Brookhaven Municipal
13 Land Fill. Also situated along Horseblock
14 Road are Long Island Compost and the Long

15 Island Cycle Park. There is a strip-retail
16 development at the corner of Horseblock Road
17 and Sills Road. Industrial development also
18 is present north of Horseblock Road on Dock
19 Road. It is proposed that a signal point of
20 access be to the concrete facility. So the
21 single point of access comes from the -- off
22 of Grucci Lane to the south and then enter
23 the property.

24 There are no significant environmental
25 constraints on the subject property. The

1 Suffolk County Planning Commission 69

2 Town of Brookhaven Comprehensive Plan --
3 this is the 1996 Plan that recommends
4 industrial land use for this property.

5 The staff analysis is a little lengthy,
6 so I will try and go through as quickly as
7 possible.

8 Suffolk County is owner and intends to
9 develop adjacent lands to the north and east
10 of the subject site. Town of Brookhaven
11 Zoning Law Section 85-31.2 B Special Permits
12 indicates, among other things, that "No
13 special permit be granted by the Town Board
14 unless it shall determine: A) that the use
15 will not prevent the orderly and reasonable
16 use of adjacent properties B) that the use
17 will not prevent the orderly and reasonable
18 use of permitted uses in adjacent

19 properties. Moreover, making such
20 determination, the Town Board shall pursuant
21 to 85-31 B including F and G give
22 consideration, among other things, to
23 whether the proposed use causes disturbing
24 dust vibration or noise or whether the
25 operation in pursuance of the use will cause

1 Suffolk County Planning Commission 70

2 undue interference with the orderly
3 enjoyment of recreational facilities if
4 proposed by other competent governmental
5 agencies.

6 It is the belief of the staff that the
7 proposed use may give off obnoxious or
8 disturbing dust, vibration, and noise during
9 operation and may impact adjacent land uses.
10 It is not demonstrated to the satisfaction
11 of the staff that the proposed mitigation
12 measures for the operation of the proposed
13 facility will adequately protect adjacent
14 properties from the adverse effects of the
15 operation of the facility. It is the belief
16 of the staff, that the proposed concrete
17 grinding and crushing facility may have
18 significant adverse impacts to the orderly
19 and reasonable use of A-1 residentially
20 zoned County lands.

21 The proposed crushing facility is an
22 outdoor process. Machinery utilized in the

23 process is located at the southern property
24 boundary. Project sponsors have submitted
25 material indicating that noise, as measure

1 Suffolk County Planning Commission 71
2 in decibels, will not exceed regulatory
3 levels at the property line or at several
4 potential sensitive receptor locations.

5 The project sponsors did not dispute,
6 however, that the sound from the machinery
7 will be audible from adjacent properties and
8 that the distinguishable sound may have an
9 adverse impact on the welfare of future
10 residents of adjacently zoned residential
11 land.

12 It is put forth by the project sponsor
13 that a water truck will be used on site to
14 spray down stockpiles and material on dry
15 days. In the opinion of the staff, the
16 response is insufficient and does not
17 indicate who is to determine what a "dry
18 day" is or at what frequency the spraying
19 will occur or what is to be done on windy
20 days.

21 The project sponsors also indicates
22 that there is a dust suppression system on
23 the crusher that creates no effluent during
24 the crushing process. It is not apparent
25 though that the screener and grinder on site

1 Suffolk County Planning Commission 72
2 will have similar dust suppression systems.
3 Analysis of the Construction Plan
4 submitted indicates that the subject site is
5 to be excavated and graded at the east end
6 to an elevation of 52 feet above mean sea
7 level. This is the area of the stockpiles
8 locations that are to be watered down.
9 Draining water from the spraying operation
10 and storm water runoff is apparently to run
11 to the one drywell system south of the
12 stockpiles. Overflow water from the drywell
13 system is intended to "pond on-site east of
14 the proposed equipment."
15 In the opinion of the staff, from the
16 point of view of public health, the ponding
17 of storm water runoff may contribute to the
18 promotion of disease carrying vectors,
19 particularly insect vectors such as
20 mosquitos.
21 The subject site plan, in terms of its
22 compatibility with potential land uses to
23 the east on residentially zoned land and its
24 potential impact on proposed county uses,
25 warrants additional mitigation measures

1 Suffolk County Planning Commission 73
2 beyond those proposed by the project

3 sponsors in order to meet the Special Permit
4 test as detailed in the Town of Brookhaven
5 Zoning Law. Sound attenuating devices such
6 as mufflers should be equipped on the
7 grinder, crusher, and screeners. The
8 facility machinery should be enclosed in a
9 sound proof or deadening room or rooms. All
10 three machinery rooms for the crusher,
11 grinder, and screener should also include a
12 dust suppression system as an integral part
13 of the plant to control fugitive dust
14 emissions.

15 Stockpiled material should also be
16 enclosed in a shelter to protect the
17 material from the elements and prevent the
18 migration of dust and runoff. The shelter
19 should be equipped with dust suppression
20 systems.

21 Any anticipated fuel storage on site
22 should be in accordance with Suffolk County
23 Department of Health Services regulations
24 for the storage of hazardous material and be
25 designed in such a way to protect the

1 Suffolk County Planning Commission 74
2 groundwater from leaking product.

3 It is the opinion of staff that without
4 the additional mitigations to adequately
5 protect nearby property, the proposal would
6 tend to adversely affect permitted uses in

7 the adjacent A-1 zone land and establish a
8 precedent for further such land development
9 in the locale.

10 The staff is recommending disapproval
11 for the above reasons.

12 CHAIRMAN CALONE: Thank you, Andy.

13 MR. ISLES: One additional point.
14 There was testimony earlier in the public
15 portion about the additional information and
16 research provided by the applicant. Have we
17 received that information? When did we
18 receive it? And did staff have a chance to
19 review that?

20 MR. FRELENG: We did receive that
21 information. We received that information a
22 little bit after twelve noon yesterday.
23 Staff had the opportunity to glance through
24 it, but we did not analyze it. We did not
25 have the ability to talk to the Town about

1 Suffolk County Planning Commission 75
2 the context of that material. The Town did
3 indicate in their transmittal, that the
4 material did come from the Town and that
5 they had not had the chance to look at it
6 prior to it being referred to us.

7 CHAIRMAN CALONE: And as for the
8 Brookhaven project, do you have --

9 MR. BRAUN: Is the application complete
10 now that the Town has more information?

11 MR. ISLES: They did refer to us what
12 the Town has, but I think the issue is that
13 we haven't had a chance to review it. In a
14 way it seems to reset the clock in terms of
15 having a 45 day period of review. We are
16 concerned about the lack of insufficient
17 time in which to review the material which I
18 wanted to bring to your attention. Staying
19 in mind, the testimony of the applicant, but
20 here again we are not in a position to
21 respond to that without looking at the
22 material.

23 CHAIRMAN CALONE: We can certainly put
24 in there that we made this based upon our --
25 you know, what staff doesn't analysis, we --

1 Suffolk County Planning Commission 76

2 MS. ESPOSITO: But it states the clock.

3 CHAIRMAN CALONE: Well, I don't think
4 -- can we reset the clock?

5 MS. HOLMES: I wanted to ask if the
6 Town had officially notified staff that the
7 Town also just received the additional
8 information and has not had an opportunity
9 to review it; is that what you wanted to
10 say?

11 MR. ISLES: Yes, that is what happened
12 in terms of your options for action at this
13 point. You can deem you have sufficient
14 information on which to act -- you know,

15 staff is recommendi ng di sapproval . You may
16 then consider the alternative of deeming the
17 matter to be incomplete and return it to the
18 Town saying, we need 45 days to start it at
19 this point. The Town has not requested that
20 we extend it at this point, so I just wanted
21 to make that clear.

22 MS. HOLMES: Yes, that is what I wanted
23 to know.

24 CHAIRMAN CALONE: Any comments from the
25 Brookhaven perspective on this project?

1 Suffolk County Pl anni ng Commi ssi on 77

2 MR. PRUITT: No.

3 CHAIRMAN CALONE: Any comments on what
4 the -- what we should do here?

5 MS. HOLMES: I think I am a little
6 confused. If the Town has informally
7 notified staff that they also just received
8 the additional information but the Town has
9 not -- the town would need to formally
10 request of us an extension; is that the
11 usual procedure, or is it just that they
12 have made you aware that they haven't had
13 the chance to review it either? Do we just
14 anticipate they might revise their referral
15 to us or is that what we would take the
16 initiative to do?

17 MR. FRELENG: I think from my
18 discussions with the clerk's office from the

19 Town of Brookhaven, I don't think that we
20 should anticipate another referral of this
21 site plan. The clerk was hard pressed by
22 the applicant to submit this material to the
23 Planning Commission. So the clerk submitted
24 simultaneously the information to the
25 Planning Commission, as well as the Town

1 Suffolk County Planning Commission 78

2 Planning Department, but there was no
3 request to extend the time frame by either
4 the former planning or the clerk's office.

5 CHAIRMAN CALONE: Commissioner Fiore?

6 MR. FIORE: I would think that this
7 thing be incomplete then? The status is
8 incomplete because it's just not there.
9 It's not what we have.

10 CHAIRMAN CALONE: Well, here's the
11 tricky thing. I think we have everything
12 the Town sent us. Maybe we should get
13 Linda's read on this because but can you
14 shove something under the door at the last
15 second and call this complete.

16 Linda?

17 MS. SPAHR: The question would be
18 whether or not the Town intends to consider
19 the information that was submitted in its
20 determination, and if it does intend to
21 consider it and it was submitted to you
22 yesterday, then you have 45 days from

23 yesterday to make your determi nati on whi ch
24 would presumably give you another month to
25 do it. I am just a little bit confused. If

1 Suffolk County Planni ng Commi ssi on 79
2 thi s stuff was just sent over with a request
3 to get it here knowing that the i nformati on
4 could only be received if it were a referal
5 from the Town; that would really be the
6 questi on. Was it accepted by the Town for
7 the purpose of us consi deri ng it?

8 MR. FRELENG: We have no knowl edge.

9 MS. SPAHR: Or did they already have
10 the heari ng?

11 MR. FRELENG: Thi s is an ongoing
12 process in the Town of Brookhaven. I am
13 sure -- I would state that I am sure the
14 applicant would be looking to present thi s
15 i nformati on to the Town. Having said that
16 though, the Town did not i ndicate that they
17 i ntend, in their correspondence to us, they
18 di dn' t i ndicate that they i ntended to
19 rereview thi s materi al or that they hadn' t
20 already materi al si mi lar to thi s. So, I
21 don' t know the status of thi s materi al in
22 relati onshi p to the local process.

23 CHAI RMAN CALONE: I am sure that ei ther
24 way, we received the appli cati on only
25 yesterday. I mean, the Town has the

1 Suffolk County Planning Commission 80
2 information and they sent it to us for our
3 consideration, and we got it yesterday -- at
4 least the last piece of it.

5 MR. FRELENG: We received additional
6 information relative to the EAF yesterday,
7 yes.

8 CHAIRMAN CALONE: Obviously, the
9 applicant is looking for us to consider it
10 and my assessment counts in order to
11 consider it.

12 MR. BRAUN: When the Town sent it over,
13 did they say here is another part of the
14 application we already sent you?

15 MR. FRELENG: Frankly, the clerk called
16 this office and said what do we do? The
17 applicant is hard pressed and pushing us to
18 accept this information and relay it to you,
19 what do we do? I said, "It is a local
20 determination -- pardon the expression --
21 but it is a local determination on whether
22 or not you are going to accept this material
23 as part of your file or are you going to
24 hear it at a hearing. I cannot make that
25 decision." So the clerk said, "You know

1 Suffolk County Planning Commission 81
2 what I will do, I will send to you and make
3 the applicant happy, but I will also refer

4 it to the reviewing body." They make take
5 it under consideration or they may say, we
6 already know this or they may not -- I don't
7 know. If I may put forward, I believe the
8 staff has sufficient information to render a
9 recommendation to the Commission, as well as
10 the Commission has sufficient information to
11 recommend an advisory opinion to the Town.

12 MR. BRAUN: The one thing that concerns
13 me, and I know it is not part of the
14 submission, is that the applicant's attorney
15 said, "Despite our characterization of this
16 process as being outdoor and unenclosed,"
17 that it is enclosed, and maybe there is
18 something in that further submission or
19 punitive solution, whatever it is, that says
20 that.

21 MS. HOLMES: No, they said the
22 structure was enclosed. They didn't say
23 outdoor enclosed.

24 MR. BRAUN: Whatever it is, they said
25 we characterized this as Lot 4 as being in

1 Suffolk County Planning Commission 82
2 the open air and it isn't, and this isn't
3 either and we sent you some stuff.

4 CHAIRMAN CALONE: The bottom line is we
5 are saying it isn't minor thing to talk
6 about it. It goes to the heart of the
7 issue, and if they are giving us additional

8 information that goes to the heart of the
9 issue, I think it is appropriate to deem it
10 incomplete, but I don't want to -- Linda, do
11 you have any say?

12 MS. SPAHR: Can you give me one moment?

13 CHAIRMAN CALONE: Anyone else have any
14 comments while we are waiting?

15 Linda?

16 MS. SPAHR: I think that the Commission
17 has to keep in mind that the Commission's
18 role is to review the material, if the Town
19 is reviewing in making its determination.
20 The Commission takes -- it makes advisory
21 findings, not the complete findings. If
22 that application was complete and this was
23 simply a clerk trying to figure out what to
24 do and putting something in the mail, then
25 the failure to make your recommendations,

1 Suffolk County Planning Commission 83
2 whatever those recommendations might be,
3 would be deemed unapproved. So, I think
4 that you have to keep in mind, if the
5 information that you think you might review
6 -- see you are not a fact-finding body. You
7 are not having a hearing. You are not
8 calling witnesses to argue either side or
9 cross-examine -- you know, people that came
10 to talk to you today. You are reviewing the
11 same information that the Town is reviewing

12 in making its determination. So, I think --

13 CHAIRMAN CALONE: So it comes down to
14 whether it was part of the application or
15 something else they through in the mail?

16 MS. SPAHR: Sounds like it is something
17 they through in the mail? I mean, no.

18 CHAIRMAN CALONE: That is a fact in and
19 of itself.

20 MS. SPAHR: I don't know if that is the
21 case. I didn't see the letter. The
22 application was submitted by the Town. If
23 the Town didn't tell you that, that
24 application is now -- that they have amended
25 or that they are deeming that former

1 Suffolk County Planni ng Commi ssi on
2 applicati on complete -- you have it before
3 you.

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4 MS. ESPOSITO: Don't we have an
5 obligati on to review complete applicati ons?

6 MS. SPAHR: Yes, but additi onal
7 informati on is not necessari ly part of the
8 applicati on. You have to review --

9 CHAIRMAN CALONE: Well, I think the
10 problem is that becomes a fuzzy line. I
11 think -- I am just going to throw this out
12 there -- I think we should say that
13 counsel ing additi onal informati on for us to
14 consider it, then it is part of the
15 applicati on. We should draw a bright line.

16 MS. SPHAR: If I may, the Town Clerk --
17 I am reading from a letter of June 30, and
18 it says, "Attached is a copy of a letter
19 this office has received from Mr. Shea
20 regarding the above application.

21 Mr. Shea has requested that the clerk's
22 office forward the letter to your office
23 along with a booklet from Freidenthal and
24 Elkowitz Consulting Group. As per our
25 conversation, I have forwarded the same one

1 Suffolk County Planning Commission 85
2 to the Planning Department for their
3 review." I don't see pushing it a bit to
4 consider this as part of the application
5 unless the Town Clerk generally forwards the
6 application. Do they?

7 MR. FRELENG: Yes, the Town Clerk will
8 forward changes on this application or any
9 applications that the Town Board is
10 considering?

11 CHAIRMAN CALONE: So going forward, we
12 wouldn't need to make this situation rise
13 again. We know the question asked to the
14 Town Clerk which is in this part of the
15 application. Yes or no? We know our
16 answer, but given the gray area and the fact
17 that the critical part of the application
18 itself --

19 MR. FRELENG: Maybe I am pointing out
Page 74

20 the obvious, but I think that if the
21 Commission failed to act that the applicant
22 will argue that the 45 days has expired. I
23 think that if the Commission chooses to deem
24 incomplete, the applicant will argue that --
25 I am sorry -- if the Commission deems it

1 Suffolk County Planning Commission 86
2 incomplete, I think that the applicant will
3 argue that the 45 day clock has expired.

4 CHAIRMAN CALONE: They can't move on it
5 until we pass it, right?

6 MS. SPAHR: Yes, they can. There can
7 be challenge. Keeping in mind, as we talked
8 about during our first session after the
9 last meeting, there is a very -- when the
10 law was enacted -- when they County Law was
11 enacted and imposed a 45 day deadline, it
12 was intended to be a very, very straight
13 deadline. So the presumption is going to be
14 that it was passed. You always have the
15 option -- if it turns out that the Town is
16 deeming this a new part of the submission,
17 they could refer it back to you and say,
18 "You know what? We considered this. This
19 was really important." And I will allow you
20 an opportunity to open it up again.

21 CHAIRMAN CALONE: I guess we could
22 hypothetically say, it is incomplete but in
23 the alternative, here is our --

24 MS. SPAHR: I don' t think you can do
25 that, no.

1 Suffolk County Pl anni ng Commi ssi on 87

2 CHAIRMAN CALONE: Commi ssi oner Fi ore?

3 MR. FIORE: I am sti ll confused wi th
4 thi s now. Andy, if you receive thi s paper,
5 are you obliged to look at thi s and report
6 back to the Commi ssi on or you j ust haven' t
7 had the time to do that?

8 MR. FRELENG: Well, frankl y, we
9 received the materi al yesterday, so we are
10 reporting to the Commi ssi on that we received
11 thi s i nformati on.

12 MR. FIORE: So if we make a rul ing
13 based on what we have i n font of us, what
14 happens to that -- if we follow your rule
15 and say we di sapprove, what happens? Where
16 does i t goes from there?

17 MR. ISLES: It goes back to the Town.

18 MR. FIORE: Wi ll that come back to us
19 wi th the new papers?

20 CHAIRMAN CALONE: Onl y i f --

21 MR. FIORE: Wi th the new stuff that we
22 di dn' t see or you di dn' t get a chance to
23 look at?

24 MR. FRELENG: I don' t anti ci pate that
25 the Town woul d re-refer the second

1 Suffolk County Planning Commission 88

2 application, no.

3 MR. FIORE: Will it be squashed or
4 would it come back?

5 MS. SPAHR: They would need to have a
6 majority plus one vote to act. Whatever you
7 say or do, if you disapprove it or approve
8 it with recommendations, they can still act
9 with the majority plus one vote. You're
10 just an advisory -- all of these cases that
11 I have been reading are saying, you are
12 merely an advisory or an opinion -- advisory
13 board, so the Town can always -- well, there
14 are some situations where it is a two
15 thirds, but the Town can choose to approve
16 the site plan with or without your
17 recommendations with a majority plus one.

18 CHAIRMAN CALONE: Commissioner Isles?

19 MR. ISLES: We made a point of
20 additional information because it was
21 referred to by the applicant today and -- or
22 I should say the applicant and the Town of
23 Brookhaven. As Andy indicated, there has
24 been no review of this matter. The facts
25 before us -- the staffs analysis is based on

1 Suffolk County Planning Commission 89

2 the recommendations to you. We are
3 concerned about the 45 day clock. As Andy

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4 pointed out, we are also concerned about

5 last minute situations disrupting the smooth
6 and efficient referral process and the
7 municipality of the County, the day before
8 or two days before by just dropping new
9 information is not something -- really the
10 way to proceed, and I think that is a
11 concern in terms of having -- rendering
12 violence to this whole process in regional
13 planning. So we feel that -- we felt we
14 should take note of it, but the planning
15 review commission has been extensive in the
16 case in putting in the five staff
17 recommendations.

18 CHAIRMAN CALONE: That is the
19 alternative. We move on it without access
20 to any information?

21 Ed?

22 MR. PRUITT: The way I understand it,
23 the Commission's clock -- the 45 day clock
24 starts upon receipt of completed
25 application, correct?

1 Suffolk County Planning Commission 90

2 MR. FRELENG: Upon receiving a
3 "full-statement of facts."

4 MR. PRUITT: If the Town just recently
5 submitted new facts to us, would that not
6 start the 45 day clock?

7 MR. FRELENG: Well, that is what we are

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8 deliberating here now. We don't know if the

9 Town Planning Board upon being -- getting
10 this information whether they will review it
11 or find it substantive to their review.

12 MR. PRUITT: I guess my question is,
13 are we considering this part of the
14 application? I think we have to because it
15 came from the clerk, yes?

16 CHAIRMAN CALONE: I think that the
17 question is, for better or worse, our advice
18 from Counsel is that, it is not an addition
19 to the application, therefore, the clock
20 would run. We can say it is incomplete all
21 we want, but they can ignore that and treat
22 it as an approval.

23 MS. SPAHR: Just to clarify. I am not
24 saying that it is not part of the
25 application. I am saying that it does not

1 Suffolk County Planning Commission 91
2 -- there is something in the paperwork that
3 suggests that it is part of the application.
4 It has not been resubmitted.

5 CHAIRMAN CALONE: Does the paperwork
6 have something on it that says this is an
7 application number and all these other
8 things?

9 MS. SPAHR: I just read the entire
10 letter to you before. The other -- as a
11 practical matter, and I think that you can

12 consider that if you did look at the videos
13 or read the materials, they would say
14 eventually what was said during the public
15 portion such as x-number of decibels at the
16 border of the property, and if that is the
17 case, is that going to affect your
18 determination? That seems to be consistent
19 with the information that was provided in
20 the application in the first place.

21 CHAIRMAN CALONE: Well, we also -- this
22 Commission relies on staff to help us inform
23 our judgment and getting something in the
24 day before, at the very least, we should not
25 consider it. Is at most incomplete.

1 Suffolk County Planning Commission 92
2 Commissioner Holmes?

3 MS. HOLMES: I certainly need to very
4 much -- to accepting the staff report
5 possibly with a comment that Counsel advised
6 us that we could not look at the video the
7 applicant brought to us today because it was
8 not submitted by the Town, nor can we
9 consider the additional information because
10 it was not officially submitted as part of
11 the application. Maybe we can do some
12 comment that underscores that we cannot
13 process this additional information as part
14 of the original application.

15 MS. SPAHR: I am sorry, Commissioner,

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16 but I coul d not possi bly advi se you the way
17 that you j ust sai d i t. You are goi ng to
18 have to make your own deci sions. All I can
19 do i s gi ve you my best.

20 CHAI RMAN CALONE: We can put any
21 comment we want.

22 MS. HOLMES: You sai d the vi deo woul d
23 not be appropria te for us to see the vi deo
24 because i t di d not come from the Town.

25 MS. SPAHR: Because i t woul dn' t --

1 Suffol k County Pl anni ng Commi ssi on

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2 MS. ESPOSITO: That' s on the record
3 now.

4 MS. SPAHR: Yes, and i t woul dn' t be a
5 full heari ng. I mean you woul d be li steni ng
6 to one si de of the story about somethi ng
7 that the Town i s reconfi deri ng.

8 CHAI RMAN CALONE: Thi s goes back to the
9 probl em when we had someone up here talki ng
10 and you are al so gi vi ng one si de of the
11 story wheth er i t i s on a vi deo or someone i s
12 readi ng.

13 MS. SPAHR: Exactl y.

14 CHAI RMAN CALONE: So I don' t have a
15 probl em wi th what Li nda i s sayi ng whi ch
16 l et' s look at i t and say there i s addi ti onal
17 i nformati on provi ded, but i t i s way to l ate
18 for us to look at.

19 MS. ROBERTS: I was thi nki ng al so i f

20 this gets disapproval and the information is
21 really valid, then you will be able to override
22 the local law.

23 CHAIRMAN CALONE: The Town always has
24 the option to override it. Apparently, they
25 have the same thing we have.

1 Suffolk County Planning Commission 94

2 Any comments -- why don't we hear this
3 thing rather than risk not having said that.

4 Any comments on the application based
5 on the information we have?

6 MS. ESPOSITO: Andy, I just want to get
7 some more clarity on this. So as I
8 understand it, there is an enclosed
9 structure pulverizing the material and
10 making it into the fine powder and then as I
11 understand as to what was testified to
12 today, it is then goes into a shoot which
13 puts it in "piles" outside of the enclosure.

14 MR. FRELENG: Yes, that is correct.
15 There is conveyor belts that bring the
16 material into a box about the size of this
17 table. It is crushed in that table and then
18 out the other end is another conveyor belt
19 outside of the box.

20 MS. ESPOSITO: Is there an any kind of
21 a limit or any kind of determination of how
22 many piles? What size they are? What
23 governs that?

24 MR. FREEING: The only information that
25 we have is that the material comes off the

1 Suffolk County Planning Commission 95
2 end of the conveyor belt into a small pile.
3 It is picked up by a payloader and then
4 brought into the larger piles which will not
5 exceed 50 feet in height. There is no
6 description of its width -- you know, how
7 much area it is going to take up, and I
8 would imagine that, that would fluctuate
9 depending on the supply and demand.

10 MS. ESPOSITO: So then it is those 50
11 feet or less piles that get watered down; is
12 that what they are saying?

13 MR. FRELENG: Yes, that would be
14 watered down by a truck that drives around
15 the side and sprays the piles. How it gets
16 to the top of 50 feet, I don't know. But it
17 does spray the piles and keeps it moist so
18 dust doesn't blow off the piles.

19 MS. ESPOSITO: And that is where they
20 are claiming there would be no loss of
21 water?

22 MR. FRELENG: No, no. In the box of
23 the crusher, there is a spray system. So
24 you get a big chunk of recyclable concrete
25 that goes into the box and it is crushed at

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Suffolk County Planning Commission

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the same time they're misting it; so it stays together. Then apparently it comes out in a form that falls off, I guess, it is not wet but not dry. It is in a state that keeps the fine particulars theoretically from blowing off.

MS. ESPOSITO: Thank you.

CHAIRMAN: Any other questions?

MS. BOLTON: My question is about the zoning itself. Generally, rezoning heavy rezoning, and it looks like it is in a pocket of residential zoning -- like it is an artifact, and I am wondering if there is any evidence on the part of the Town thinking about the whole zoning scheme, and how to approach that in the future because clearly the two pieces aren't matching.

MR. ISLES: That is an interesting point. There has been discussions with the Town on that. This was rezoned to L-2 to accommodate the Grucci Fireworks Facility back in 1985 or 1986. At that time, the Town of Brookhaven put a condition on the zoning stating that the Town reserved the

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Suffolk County Planning Commission

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right to revert the zoning back to L-1, if the fireworks operation terminated, and they can do so without the consent of the owner

5 which they can do anyway -- we talked about
6 that in the past. So, it is an issue that
7 has been discussed with the Town. At this
8 point, the Town has not taken any action
9 that way, but it is something the County at
10 another level has communicated to the Town
11 on.

12 MS. BOLTON: Obviously, the County has
13 interest in the more compatible zoning?

14 MR. ISLES: Right, we agree with that
15 comment too.

16 MS. BOLTON: So that is part of our
17 comment?

18 MR. ISLES: I am not sure if it is an
19 issue on this matter of special permit. It
20 is something on general planning reasons.
21 We had conversations with the Town on that,
22 and expressed our concern from the exact
23 points you just mentioned. That is time to
24 consider reverting that zoning back based on
25 the determination of the fire.

2 MS. BOLTON: If we are recommending
3 special permit -- I mean, we are not
4 recommending, we are just disapproving, but
5 can we add a comment saying we feel that
6 this really should be looked at exclusively
7 and that -- you know, reverting from L-1
8 then to L-2 -- you know, obligated with the

9 need for another word which I think would
10 change our recommendation, perhaps, in the
11 future; maybe that is too much. I am trying
12 to get -- you know, passed the details to
13 the bigger issues.

14 CHAIRMAN CALONE: We certainly can add
15 a comment for anything we want. It could
16 also be conveyed informally by staff --
17 sounds like maybe it is -- that this is a
18 concern of the County with a comment saying
19 the Town of Brookhaven has the right to
20 change the note on this, and to consider
21 that.

22 MS. BOLTON: Well, in view of the
23 interest of the County, for example, what is
24 the County's plan? I mean, it is A-1 but
25 what is the County thinking?

1 Suffolk County Planning Commission 99

2 MR. ISLES: That is something that is
3 in progress right now. The County is
4 contemplating -- Number 1, we have County
5 uses that are existing there. There County
6 uses that are expanding in this area, and
7 there is a proposal for possible other uses.
8 So the County has been in conversation with
9 the Town of Brookhaven on the land use
10 planning in this area.

11 The Town has also been involved with a
12 plan update, and we also plan to communicate

13 with the Town many other issues, as well. I
14 am not sure if it is appropriate to put it
15 in as a comment at this point. The
16 discussion with permit is an administrative
17 review, not a legislative act, and I am not
18 sure -- maybe a little bit more than
19 necessary looking at the other side of table
20 there, but we understand the point and agree
21 with you in general. I am not sure if it
22 applies specifically.

23 CHAIRMAN CALONE: Any other comments or
24 questions?

25 MR. KONTOKOSTA: I just wanted to

1 Suffolk County Planning Commission 100
2 identify that the firm that I am involved
3 with is hired for continue services. I just
4 wanted to point that out.

5 CHAIRMAN CALONE: Okay, any more
6 comments or question?

7 A motion is in order.

8 MR. FIORE: I'll make a motion to
9 approve the staff findings.

10 MS. HOLMES: I will second that.

11 CHAIRMAN CALONE: All in favor of
12 accepting staff recommendations for
13 disapproval for the reasons indicated?

14 (WHEREUPON, the Board voted.)

15 MR. BRAUN: Did we amend the comments
16 as Commissioner Holmes suggested at the

17 appropriate objection?

18 CHAIRMAN CALONE: Were there any
19 objections to including the comments that
20 Commissioner Holmes suggested? You want to
21 restate that?

22 MS. HOLMES: Just that we were not able
23 to review the material that was just
24 submitted 24 hours before our meeting, and
25 that it was not part of the original

1 Suffolk County Planning Commission 101
2 application, and we could not consider that
3 as part of our determination.

4 CHAIRMAN CALONE: Thank you.

5 I think we can certainly include that
6 unless there is an objection. I think
7 making it real simple, is that we can have a
8 very simple sentence saying we were not able
9 to consider the materials that were
10 presented in the last 24 hours.

11 MR. PRUITT: I would object to adding
12 that note. If we are not going to consider
13 the information, why are we making a note?

14 MS. ESPOSITO: I don't think we should
15 raise it.

16 MR. PRUITT: As far as I am concerned,
17 it doesn't exist.

18 MS. HOLMES: It is part of our public
19 record of today's minutes that this
20 additional material was submitted, and for

21 that reason, I felt that we should make
22 reference to it in upholding our disapproval
23 because our disapproval is on the original
24 application and this material was not
25 officially submitted by the Town. That was

1 Suffolk County Planning Commission 102

2 I wanted to underscore.

3 MR. ISLES: Understood.

4 CHAIRMAN: Any other comments on the
5 proposal? We will take a vote on whether to
6 add that comment.

7 The comment would be that we are unable
8 to -- we did not consider the material that
9 was referred -- that were sent to the staff
10 --

11 MS. HOLMES: 24 hours ago because they
12 were submitted officially by the Town.

13 CHAIRMAN CALONE: Okay, period. That
14 is the statement. All in favor including
15 that as a comment, please raise your hand?

16 THE BOARD: (No response.)

17 CHAIRMAN CALONE: All those opposed?
18 Okay, keep it out.

19 (WHEREUPON, the Board voted.)

20 The motion on the floor for
21 disapproval. Thank you, Bob for suggesting
22 appropriate motion for disapproval. We have
23 a second. All those in favor of accepting
24 staffs report, please indicate.

25

(WHEREUPON, the Board voted.)

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Suffol k County Pl anni ng Commi ssi on

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CHAIRMAN CALONE: All those opposed?

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One, so it was ten to one. Did I count

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right? Ten to one and the staff report is

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agreed to disapproval.

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Moving right along.

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MR. FRELENG: Mr. Chairman, the next

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item before the Suffol k County Pl anni ng

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Commission is referred to us from the Town

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of Southampton. This the Ri versi de Hamlet

11

Center Mixed Use pl an devel opment di strict.

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Juri sdi cti on for the Commi ssi oner is that

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the subject proposal is located in the

14

Central Pine Barrens, and adjacent to New

15

York State Route 24.

16

This is an applicati on on the Town

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Board own moti on for amendment to the Town

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Zoni ng Code Chapter 330, by addi ng Secti on

19

248T enti tled "Ri versi de Hamlet Center Mixed

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Use Pl anni ng Devel opment Di strict."

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Amendment to the ordi nance wi ll rezone and

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establ ish desi gn gui del ines for

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approximatel y 52.8 acres from Li ght

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I ndustri al , Hi ghway Busi ness, and

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Resi denti al zoni ng desi gnati ons and to

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further create a, "Design Standard Overlay District," in two locations adjacent to the subject PDD site affecting approximately an additional 12.74 acres.

The subject PDD is divided into four blocks. Block 2 and Block 2-A are intended to be for mixed housing type residential development. Block 1 is intended for mixed use commercial and residential development or Block 3 is intended for business, commercial, and non-manufacturing light industrial uses.

It is further proposed in the ordinance that a minimum of 20 percent of any residential component be set aside for senior housing units. Moreover, 30 percent of all residential units are required to be "community benefit" units.

Incorporated into the MUPDD language is the ability for a "major deviation" in the allocation of building size up to 10 percent from the gross floor area specified in Block 1. The major deviation process will require Town Board approval.

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This PDD is applicable approximately 66 acres located on the south side of the Riverhead-Hampton Bays Road which is New

5 York State Route 24 at the intersection of
6 Enterprise Zone Drive. You can see the
7 outlined subject parcel in red. The blue
8 outlines the overlay areas for the design
9 standard overlay district. You can see the
10 subject property is located on the south
11 side of Route 24 looking off to the right of
12 the screen.

13 Analysis of the character of the area
14 indicated that the affected land includes 43
15 parcels situated within the target area with
16 land uses consisting of community service
17 institution, public service, residential,
18 commercial and recreation, and
19 entertainment. There are also several
20 parcels that are unoccupied or undeveloped.

21 Zoning for the target area consists of
22 a mix of zoning districts including Light
23 Industrial, Country Residence, and Highway
24 Business. The majority of the target area
25 is zoned for residential with some Highway

1 Suffolk County Planning Commission 106
2 Business use zoning along the roadway
3 corridor.

4 Access to the target area proposed from
5 New York State Route 24 at two locations.
6 One eastern location is for ingress/egress
7 to the residential component while the
8 western location is to be for ingress/egress

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to the mixed use Light Industrial

9
10 components. They're going to have that
11 mixed up with the east entrance. If you go
12 into the mixed use and the light industrial
13 and the western entrance here is to go into
14 the residential component. Okay, the
15 roadways are connected internally.

16 With regard to environmental
17 constraints on the subject property, the
18 targeted area is situated in the
19 Hydrogeological Ground Water Management Zone
20 3, pursuant to Article 6 of the Suffolk
21 County Sanitary Code. The target area is
22 located in the Central Suffolk Special
23 Groundwater Protection area. It is located
24 in the Town of Southampton Aquifer
25 Protection Overlay which is also a state

1 Suffolk County Planning Commission 107
2 critical environmental area. The subject
3 area is also located in the Compatible
4 Growth Area of the Central Pine Barrens. It
5 should be noted that there are no state or
6 federal regulated wetlands which occur
7 on-site, however, local mapped, freshwater
8 wetlands, and swales totaling approximately
9 18,000 square feet are found to be part of a
10 small periodically wet red maple swamp
11 system on site.

12 Town of Southampton Comprehensive Plan

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recommendations: This adoption of the

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RHCMUPPD is intended to implement various aspects of the towns Comprehensive Plan update, the Flanders-Northampton Riverside Revitalization study and a more specific land use plan established in the Riverside Hamlet Center Mixed Use Plan Development District Strategy Study which was 2005/2008.

It is the belief of the staff that the Town of Southampton Riverside Hamlet Center Mixed Use Planned Development District has met the intent of the of recommendation of past planning studies. The incorporation of

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Suffolk County Planning Commission
"form based code" design standards -- if I can just stop for a second -- you have a copy of the ordinance. I believe it was mailed to you. If you flip through that ordinance, you will see something rather unique and cutting edge in terms of land use codes, and that is pictures and diagrams showing how the facade and the form of the building should be. We thought that was "cutting edge" and will aid in creating a sense-of-place for the PDD. There are several issues that warrant further consideration prior to the adoption of the proposed amendment.

108

The proposed PDD ordinance has no nexus

17 for the increase in yield from that which is
18 allowed in "Block 1" of the baseline PDD.
19 The ordinance provides that "The total gross
20 floor area listed may be deviated a maximum
21 of 10 percent." While the provision of
22 "Community Benefit Units" and senior housing
23 is a substantial public benefit. The
24 difference in permitted GFA and the ten
25 percent bonus should not be left for

1 Suffolk County Planning Commission 109
2 subjectivity. Approximately 240,000 square
3 foot of gross floor area is permitted by the
4 ordinance in Block 1. A bonus of 10 percent
5 would allow an addition of 24,000 square
6 feet of gross floor area. An objective
7 design standard should be incorporated in
8 the ordinance.

9 It should be noted that the subject
10 site is designated as a Residential
11 Receiving Area District or RRAD pursuant to
12 the Central Pine Barrens Comprehensive Land
13 Use Plan as ratified by the Town Board of
14 Southampton in June of 1995. The PDD site
15 is the only as-of-right receiving area
16 district for the Town of Southampton in the
17 Riverhead School District. Receiving areas
18 are pre-approved density enhanced sites,
19 wherein, density may be increased to double
20 the groundwater management zone limitations

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transferred to the PDD.

Adoption of the RHCMUPDD without
specific recommendations for the retirement
of PBC's on site would be a significant

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Suffolk County Planning Commission

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impact to the intent of the plan. The Pine
Barrens Credit Program is based on the
premise of supply and demand. If there are
no receiving sites to transfer credits to
as-of-right, then the credits would not be
in demand. Demand on credits is what keeps
the dollar value on credits at a fair market
value. Two studies the Western GEIS which
was done by the Town of Southampton in 1985,
and the Central Pine Barrens Comprehensive
Land Use Plan which was ratified by the Town
of Southampton 1995 have analyzed the
Riverside-Flanders area for receiving sites
of density in order to preserve the critical
sole source aquifer in Hydrogeological Zone
3.

It was determined that the subject PDD
site is the only suitable receiving site for
additional density in the Riverside School
District. Properties across New York State
Route 24, along the river, are encumbered by
too many environmental constraints to be
viable development sites. Other sizeable

1 Suffolk County Planning Commission 111
2 undisturbed Pine Barrens woodlands or in
3 Core Preservation areas.

4 For each Pine Barren Credit retired on
5 site, for example, an applicant could be
6 entitled to a 2 percent bonus in floor area
7 up to 10 percent. This is simply an example
8 of demonstrating an objective means for
9 allowing a change in floor area ratio. An
10 increase in density without the retirement
11 of Pine Barren Credits may undermine the
12 effectiveness of the Central Pine Barrens
13 Plan.

14 Secondly, the proposed RHCMPDD
15 requirement should stipulate that the
16 mandatory "Community Benefits Units" shall
17 remain affordable in perpetuity. This is in
18 line for some of the discussions that have
19 been undergoing with the guidelines
20 committee.

21 Three, greater attention should be paid
22 to Smart Growth parameters with respect to
23 pedestrian circulation and amenities.
24 Walkability within and without the site
25 should be characterized in the ordinance and

2 speci fic design performance standards and
3 requirements for pedestrian lighting, pocket
4 parks, benching, et cetera should be
5 accounted for.

6 Four, full build out of the RHCMUPDD
7 should be incorporate milestone measures for
8 the opening of alternate access points south
9 to Old Quoque Road. The proposed PDD
10 ordinance should speak to the aligning of
11 these roadways. If you take a look a second
12 and go head to the block plan. The block
13 plan anticipates an extension out to Old
14 Quoque-Riverhead Road here (Indicating) and
15 I believe that some of the material that we
16 have here -- the studies and SEQRA
17 documents, the extension of this road south
18 of Old Quoque Road, as well. There are two
19 access points to Route 24, but no alternate
20 access point south. Anybody wanting to
21 travel to point south east will go out to
22 Route 24, make a left hand turn around, and
23 then go back down Old Quoque Road. At full
24 build out that would be very problematic.

25 The environmental review for the

1 Suffolk County Planning Commi ssi on
2 proposed PPD ordinance is vague and
3 accumulative effects of the development at
4 this target area in conjunction with the
5 Town of Riverhead plans for redevelopment of

6 their "downtown" Riverhead. The Town of
7 Riverhead is currently undergoing planning
8 initiatives for urban renewal of the
9 downtown. While the subject RHCMUPDD is
10 separate from the Town of Riverhead by the
11 Peconic River, the downtown, and the subject
12 PDD are located in the same school district
13 and are not geographically or
14 socioeconomically isolated. Further
15 development of the downtown Riverhead area
16 may affect the type of development in the
17 PDD and vice-versa. Commercial uses should
18 not compete to the extent practical to avoid
19 cannibalization of each municipality
20 sustained economic growth effort.

21 Moreover, the subject PDD is located in
22 the Central Pine Barrens SGPA.
23 Recommendation for the SGPA include the
24 discouragement of discharge of sewage
25 treatment plant effluent into the

1 Suffolk County Planning Commission 114
2 groundwater table. The Town of Southampton
3 and the Town of Riverhead should work in
4 conjunction with the Suffolk County Health
5 Department Services and the Suffolk County
6 Department of Public Works toward an
7 expansion of the Riverhead Sewer District.

8 Those are the analysis and
9 recommendations of staff. That is the staff

10 report. Staff is recommending by the way I
11 am sorry staff is recommending approval with
12 the above five comments.

13 CHAIRMAN CALONE: Thank you, Andy. I
14 think with the Southampton issue, I would
15 ask Barbara if she has any comments.

16 MS. ROBERTS: I guess my only comment
17 is whether some of the comments should be
18 conditioned rather than commented.
19 Particularly the one on the Pine Barrens
20 Credit Program. I thought that should
21 consider upgrading on that. Perhaps the
22 affordable perpetuity of those since we
23 haven't closed those guideline and we have
24 to be positive about that. But I am
25 interested in hearing discussions and

1 Suffolk County Planning Commission 115
2 getting more information about, perhaps,
3 some of them should be conditioned.

4 CHAIRMAN CALONE: Thank you, Barbara,
5 good point.

6 Commissioner Holmes?

7 MS. HOLMES: A question, Andy. Isn't
8 this adjacent to the Sears Bellow Park?

9 MR. FRELENG: No, I don't believe it
10 is, no.

11 MS. HOLMES: Is that further down the
12 road?

13 MR. FRELENG: It is way further down in
Page 100

14 Flanders. As long as I have the microphone
15 for a second, let me go through some of the
16 graphics that we did put up here. This, as
17 you know, the aerial -- it is a dated
18 aerial. It still shows the drive-in
19 theaters site. That would be where you
20 would park and review the screen. This is
21 oblique. This is a more updated aerial.
22 You can see the industrial park that was
23 approved as an industrial subdivision. This
24 is the Commerce Bank site which is now fully
25 developed and in operation. This is

1 Suffolk County Planning Commission 116
2 mini-storage -- I think this is a dive shop,
3 and there is a gas station. This is road
4 for the gas station and other uses up this
5 way.

6 This, obviously, is the zoning map. It
7 shows a collage of zoning pattern in the
8 area and as stated this is intended to bring
9 this all into one zoning district of PDD.

10 These are two overlay areas for the
11 design standards as was indicated in
12 testimony earlier. This area has been
13 subdivided, but I don't believe it has been
14 filled up as of yet.

15 This is the proposed PDD. This is the
16 existing Commerce Bank as its been
17 developed. As you can see, design standards

18 have been applied to this property. The
19 Town of Southampton does a great job when it
20 comes down to site planning. This is
21 another view showing some of the vegetation
22 and buffering. Again, another view from
23 another angle of the Commerce Bank site.
24 This is the view heading down into the
25 industrial park, so you can see there has

1 Suffolk County Planning Commission 117
2 not been much clearing and there is a lot of
3 roadwork to the drive-in theater -- it has
4 been abandon for quite a long time.

5 This is an industrial building that is
6 being built in the Light Industrial portion
7 of the PDD. They look like tray contractor
8 park buildings. There is a garage here, and
9 a door. That is repetitive up and down
10 between two buildings.

11 CHAIRMAN CALONE: I just wanted to
12 react to what Barbara said. My -- I have a
13 concern. The Commission is explicitly in
14 County Law -- is put in a place of
15 protecting the Pine Barrens
16 jurisdictionally, as well as,
17 psychologically, therefore, we have
18 jurisdiction over the Pine Barrens to
19 protect them, as well as in the receiving
20 zoning. So, one significant issue I have is
21 with the pine barren credit program, and I

22 tend to actually agree with Barbara on this
23 -- especially on that to make that a
24 condition emphasis that this a county wide
25 value that we strongly need to ask the Town

1 Suffol k County Pl anni ng Commi ssi on 118

2 to deal wi th.

3 I welcome any other comments.

4 MS. ESPOSITO: I am going to agree with
5 you because odd is the regional perspective,
6 and the County perspective and that
7 certainly will reflect that mandate.

8 CHAIRMAN CALONE: Tom?

9 MR. MCADAM: If we do make that a
10 condition, is that Item Number 5 -- is that
11 the second paragraph?

12 CHAIRMAN CALONE: I was thinking
13 actually the first paragraph.

14 We have to actually carve out maybe the
15 last two sentences of the first paragraph of
16 Number 1 -- actually the second paragraph.

17 MR. FRELENG: I think the content of
18 both paragraphs is you what you want to talk
19 About. I think you just need a bulleted
20 item that says, "Approve of the following
21 conditions: The Town of Southampton shall
22 require or establish retiring Pine Barren
23 Credits," and then the two paragraphs is the
24 rational it involves.

25 CHAIRMAN CALONE: Barbara raised the
 Page 103

1 Suffolk County Planning Commission 119
2 issue of affordable housing. I would tend
3 to agree that conditions certainly are
4 appropriate than the comments about the need
5 for affordable continuity.

6 Constantine, did you have any thoughts
7 on that?

8 MR. KONTOKOSTA: Well, I have a couple
9 of questions. The community benefits units
10 I assume are affordable units -- I can't
11 keep with up terminology -- I was just
12 wondering if there was any guidelines in
13 terms of targeting incomes and their own
14 restrictions?

15 MR. FRELENG: I am not -- I don't know
16 if I got the section right. Section 216, in
17 the Town Southampton Zoning Code -- Town of
18 Southampton Code does have a requirements
19 for Community Benefit Units. I can't, off
20 the top of my head, tell you what those
21 ratios are, but I do have a detailed section
22 in the their ordinance.

23 MR. KONTOKOSTA: In that respect, I
24 mean -- I don't see making it a condition
25 perpetuity if they have their own

1 Suffolk County Planning Commission 120

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established plan in that respect. The

2
3 question I had though -- I do have the
4 microphone -- with respect to the Senior
5 Units that were mentioned not in your report
6 but in the other documents, I believe the 20
7 percent you set aside for senior housing --
8 my understanding of the Fair Housing Law and
9 the exemption for Seniors is that there has
10 to any condominium facility or any type of
11 multi family housing -- that at least 80
12 percent of the units would have to be set
13 aside for 55 and older, or can't have that
14 exemption. I am just wondering how that
15 exemption took us to 20 percent to actually
16 apply?

17 MR. FRELENG: Well, I understand your
18 comment. The development of the site would
19 require 20 percent Senior Units as stated.
20 I don't know if they go for an exemption in
21 taxing or not. Maybe --

22 MR. KONTOKOSTA: It is not exemption of
23 taxing, it is exemption of Fair Housing
24 Laws. Otherwise, it is a discrimination
25 based on aged. So I am just wondering about

1 Suffolk County Planning Commission 121
2 the legal matter but --

3 MR. FRELENG: Staff cannot address
4 that. I don't know.

5 CHAIRMAN CALONE: Janice?

6 MS. SHEER: Just for the record, my
7 name is Janice Scherer from the Town of
8 Southampton.
9 Just to answer your question --
10 actually, the full structure of the law was
11 to require that senior housing is 20 percent
12 and we just had a public hearing June 24, in
13 fact, the community wants all senior housing
14 in the townhouse Block 2. So, the Town
15 Board is sort of trying to grab whole of it
16 -- creating some diversified housing. What
17 came out of the public hearing so far was
18 that the community would support mixed ages
19 in the apartments above the stores, et
20 cetera, and then in that townhouse making it
21 100 percent senior housing. So, I am not
22 sure how they're going handle that because
23 it is still in the SEQRA phrase but just so
24 you know, that might be a very real thing to
25 create -- it might switch and be 80 percent,

1 Suffolk County Planning Commission 122
2 actually, senior housing. I think that
3 would make more sense.

4 MR. KONTOKOSTA: Block 2, is that under
5 one ownership?

6 MS. SHEER: Yes, sir.

7 MR. KONTOKOSTA: Just from past
8 experience and knowledge, senior housing
9 would be able to provide senior housing and

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10 make it only available to people 55 and over
11 requires that 80 percent of the project be
12 senior housing. So, I am just concerned
13 that the 20 percent requirement may be
14 impossible and against the intended fair
15 housing laws. So, I am just --

16 MS. SCHERER: No, we appreciate that
17 comment. That is actually important
18 information for the Town Board to consider,
19 and I think that based on what happened at
20 the public hearing just a couple of weeks
21 ago, that might be a very real possibility.
22 It is just a matter of really wanting to
23 ingrate some other aged housing so that way
24 it is a 24 hour sort of vibe going on there
25 and not gentrified.

1 Suffolk County Planning Commission 123

2 MR. KONTOKOSTA: That is a great goal.

3 MS. ROBERTS: Some of us that are 55
4 and over are still cooking.

5 MR. FRELENG: Can staff get a
6 clarification on Number 2 -- are we dropping
7 that or leaving it as a comment?

8 CHAIRMAN CALONE: Number 2, I think the
9 comments we heard is that we just leave it
10 the way it is, as a comment.

11 Constantine, did you want to add
12 comments here about the Fair Housing Law?

13 MR. KONTOKOSTA: We can add a comment.

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With conditions, it is just a legal matter.

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CHAIRMAN CALONE: Just bring the attention of the Town.

MR. KONTOKOSTA: It just might undermine what we are trying to do here. So, from a legal perspective, I wanted to raise that comment.

CHAIRMAN CALONE: We will add that comment and will we add value to that comment?

Any other comments?

MR. MCADAM: Okay, I am back to the

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Suffolk County Planning Commission
last paragraph. It does refer to the Central Pine Barrens, but it also refers to the connection to the Riverhead Sewer District and I think this is quite important, especially since it is in the Pine Barrens area, and I would like to suggest that we make that a condition also.

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CHAIRMAN CALONE: The last part or the whole paragraph?

MR. MCADAM: Just the moral of the topic.

CHAIRMAN CALONE: The second paragraph of that.

MR. FRELENG: Just for clarification, that is the Special Ground Water Protection Area, SGPA. It is not indicating Pine

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18 Barrens. I mean, I can reword that, but I
19 think I heard you say Pine Barrens.

20 MR. MCADAM: It says, Central Pine
21 Barrens, SGPA.

22 MR. FRELENG: I am sorry that is a
23 typo. It should say Central Suffolk, SGPA.

24 MR. ISLES: There is a lot of
25 uncertainties with the connection to the

1 Suffolk County Pl anni ng Commi ssi on 125
2 Riverhead Pl anni ng -- capaci ty bei ng one
3 issue. It requires the approval of the Town
4 of Riverhead and Suffolk County Sewage. We
5 strongly support that. That is why we have
6 the report. It has to be something that is
7 stressed. It part of the SEQRA process, as
8 well. The only cauti on, I guess, would be
9 that we don't want to create a si tuati on
10 where the Town is so locked in that we have
11 di ffi cul ti es amendi ng thi s pl an. They can
12 overri de it -- the commi ssi on certai nly, but
13 it may very well be in a si tuati on where
14 they will have to be on a si te pl an, but I
15 agree with trying to push them as much as
16 possi ble and encourage that as much as
17 possi ble, but it may not be easy.

18 CHAIRMAN CALONE: One thing might that
19 might be problemati c with making that a
20 condi ti on is, if it isn't a standard that is
21 really enforceable by the Town, Southampton

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22 should really work together towards an
23 expansion.

24 MS. ESPOSITO: Let me just expand on
25 that. The unfortunate part of that is that

1 Suffolk County Planning Commission 126
2 SGPA plan is also merely that advisory
3 document that was adopted by that Town. So,
4 I don't know and I don't believe, actually,
5 that our Commission could make an
6 enforceable standard based on advisory
7 documents. I would like that, but I just
8 don't think we can do that.

9 CHAIRMAN CALONE: Tom, would you have
10 any objection if we kept it as condition?
11 Maybe what we can do is make that a separate
12 Number 6. It does get lost in five.

13 MS. ROBERTS: A separate comment?

14 CHAIRMAN CALONE: Yes, a separate
15 comment. Make that Number 6, so it will
16 stand out a little more and we would have
17 for Number 1, a one sentence condition with
18 the explanation that would continue the
19 existing Number 1 now.

20 Any other comments or questions?

21 Commissioner Landsdale?

22 MS. LANSDALE: I have a question about
23 whether or not this project was coordinated
24 or is the Commission committee work --
25 coordinating with the Department of State

1 Suffolk County Planning Commission 127
2 DOT to do roadway improvements along Route
3 24? There was concerns or comments made by
4 staff about the difficulty of making a
5 left-hand turn out onto Flanders Road.
6 MR. FRELENG: There was some traffic
7 analysis submitted. There are mitigations
8 proposed, and there are impacts on the local
9 roadways, but we do know the applicant is
10 working with the State and the Town on that.
11 MR. BRAUN: The applicant is working
12 with the Town?
13 MR. FRELENG: The Town is working with
14 -- there are several property owners but the
15 initiative is being worked on in terms of
16 traffic analysis with the State.
17 CHAIRMAN CALONE: One thing I wanted to
18 mention here is just the economic impact
19 with respect to the Town of Riverhead, and I
20 understand from everything you said, that
21 they are working together which is great. I
22 think that is something we need to
23 constantly need to keep an eye because,
24 again, something that we do is getting a
25 regional perspective but we are also here to

1 Suffolk County Planning Commission 128
2 keep an eye on the interests of the Town of
Page 111

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Riverhead in case they won't have a say.

So, I think it is appropriate that we put it in as a comment. If we had heard from you that they were -- there wasn't any interaction, I wouldn't even have any suggestion to make it a condition that they discussed about the impacts on the Town of Riverhead. I just wanted to just throw that -- that generally is part of our purview, but I think it is appropriate if we left it as it is.

Commissioner Braun?

MR. BRAUN: Is this within the distance that requires notice to Riverhead that Southampton is planning this?

MR. FRELENG: I believe it is more than 500 feet to the Peconic River which would be the boundary line. In fact, I know it is more than 500 feet to the Peconic River which would be the boundary line between the two towns.

CHAIRMAN CALONE: But it is the kind of thing where it is big enough to get closer

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MR. FRELENG: I do understand that Southampton did refer to Riverhead.

CHAIRMAN CALONE: It is great to hear that, and that is the kind of thing we like

7 to hear.
8 Any other comments?
9 MS. ESPOSITO: Just again, a quick
10 question for clarification. Perhaps you
11 said this and I missed it, the wetlands that
12 are not mapped but yet have been identified
13 -- I think it was 18,000 square feet which
14 are intermittent -- well, according to the
15 document here which I calmly characterize as
16 what are the significance meaning that they
17 maintain the system and the local ecology of
18 the area. Is there anything in the
19 application which talks about protection of
20 them or mitigation or anything of the such?
21 MR. FRELENG: It's my understand that
22 the wetlands are on the Commerce bank site
23 and they have been -- I am sorry -- Suffolk
24 Credit site -- I shouldn't specify -- on the
25 bank site, the wetlands occur and I believe

1 Suffolk County Planning Commission 130
2 that the are setbacks and buffers.

3 CHAIRMAN CALONE: We will recognize the
4 representative of Southampton.

5 MS. SCHERER: Thank you. There are
6 small pockets of wetlands also. And in the
7 local law we ask for buffers and sort of
8 setbacks from that -- no pesticide or
9 fertilizer uses -- just try to maintain it.
10 They are mostly just sort of wet depressions

11 or drainage swells. We will just stay away
12 from them all together.

13 CHAIRMAN CALONE: Thank you, Janice.

14 We entertain a motion to approve the
15 staff report with the first item being a
16 condition and Paragraph 5 of the -- I should
17 say Comment 5 being split in two separate
18 comments.

19 MS. ESPOSITO: One condition and five
20 comments?

21 MS. HOLMES: And adding the comment
22 from Commissioner Kontokosta.

23 CHAIRMAN CALONE: Thank you for
24 reminding me. Adding the comments from
25 Commissioner Kontokosta regarding the senior

1 Suffolk County Planning Commission 131
2 housing and 80 percent limitation.

3 MR. KONTOKOSTA: Just the allocation of
4 it.

5 CHAIRMAN CALONE: Do you want to word
6 it?

7 MR. KONTOKOSTA: No.

8 MR. FRELENG: Staff is going to work
9 with Commissioner Kontokosta on wording it.

10 CHAIRMAN CALONE: Who will entertain
11 that motion?

12 MS. ROBERTS: I will make a motion.

13 CHAIRMAN CALONE: The Commissioner of
14 Southampton.

15 MS. LANSDALE: Second.
16 CHAIRMAN CALONE: Commissioner from
17 Shelter Island second.
18 All in favor?
19 THE BOARD: Aye.
20 CHAIRMAN CALONE: All opposed.
21 (WHEREUPON, the Board voted.)
22 CHAIRMAN CALONE: Let's move on.
23 MR. KLEIN: The next application is AF
24 Plumbing, Pidge Group LLC. It is referred
25 to the Commission by the Town of Huntington.

1 Suffolk County Planning Commission 132
2 It is located on the south east corner of
3 West Jericho Turnpike and Cager Place in the
4 Hamlet of Huntington Station.
5 Commissioners jurisdiction for review
6 is the Jericho Turnpike also known as State
7 Route 25. The character surrounding area
8 consists of various businesses along Jericho
9 Turnpike which is a major commercial
10 corridor in the area and has significant
11 traffic volume. Then there is single family
12 residence to the south up Cager Place and
13 the connecting streets. Zoning of the
14 subject is C-6 Commercial which permits
15 general business and are five residents.
16 Residential permits single family dwelling
17 with a minimum lot area of 5,000 square
18 feet.

19 This zoning map -- John, go to the site
20 plan. The applicant is seeking to modify
21 the existing building, and use it for retail
22 and office purposes in connection with a
23 plumbing supply business. The applicant is
24 requesting a business depth extension from a
25 C-6 Business into the R-5 Residential

1 Suffolk County Planning Commission 133
2 district, and also relief from the number of
3 parking spaces required for the proposed
4 use. The depth extension sought could be
5 considered necessary given certain
6 conditions and there are provisions in the
7 local code to allow for reasonable use of
8 this property and staff considers this a
9 matter for local determination. As far as
10 variance for parking space relief, the
11 applicant is proposing 17 parking spaces
12 where 55 parking spaces are required in
13 accordance with town code which requires one
14 space for 200 square feet of retail office
15 space. That is a deficiency of 38 stalls or
16 69 percent. The location and nature of the
17 property could not appropriately and safely
18 support overflow parking onto the streets,
19 and there is not a municipal parking lot
20 nearby.

21 The traffic on Jericho Turnpike is very
22 heavy. There is now a shoulder but there is

23 no provisions for on-site parking. Access
24 onto to the subject that exists will remain
25 on Cager Place which as you go south on

1 Suffolk County Planning Commission 134

2 Cager Place, it is residential in nature.

3 Staff believes the proposed use of the
4 existing building for retail office purposes
5 would be an unwarranted over-intensification
6 of the use of the premises. The proposal
7 would create a 69 percent parking
8 deficiency. The applicant has provided a
9 parking analysis with the intention of
10 demonstrating that the proposed number of
11 parking spaces to be constructed would be
12 adequate for the proposed use. However,
13 staff reviewed the analysis and decided the
14 information provided was inconclusive based
15 on the number and times of operations. The
16 actual type of use of the comparable
17 property utilized analysis did not clearly
18 state any location of influence and the type
19 of potential customers that would be
20 comparable, therefore, we felt that it was
21 not a Comprehensive Analysis. On-site
22 congestion resulting from this inadequate
23 parking and circulation may lead to overflow
24 parking onto Cager Place and West Jericho
25 Turnpike, thereby, adversely impacting the

1 Suffolk County Planning Commission 135
2 flow and carrying capacity, as well as the
3 safety of said roadways, and may also
4 diminish the quiet enjoyment of the
5 residential properties to the south along
6 Cager Place.

7 Staff recommendations -- staff
8 recommends disapproval for the following
9 reasons: The proposed request for the
10 parking variance constitutes the unwarranted
11 over-intensification of the use of the
12 premises. Two, approval of the variance may
13 necessitate the use of Cager Place, a local
14 residential street, and/or West Jericho
15 Turnpike, a major state roadway, for parking
16 purposes, thereby diminishing the
17 residential character of Cager Place, and
18 also the safety and traffic carrying
19 capacity of the state road.

20 CHAIRMAN CALONE: Thank you, sir.

21 Any comments or question about the
22 application?

23 Commissioner Mc Adam?

24 MR. MCADAM: The building or -- I
25 guess, the property to the east, I see quite

1 Suffolk County Planning Commission 136
2 a bit of parking to the left. I am not sure

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3 which directi on that is -- can you tell me
4 what that is?

5 MR. KLEIN: It is a strip-retail
6 building. It is actually the zoning line.
7 So that is just a retail strip store.

8 MR. MCADAM: Thank you.

9 CHAIRMAN CALONE: Any other comments or
10 questi ons? Di d you have something else you
11 wanted to say about that?

12 MR. MCADAM: No.

13 CHAIRMAN CALONE: Entertain a moti on.

14 MS. BOLTON: Moti on.

15 MS. HOLMES: Second.

16 CHAIRMAN CALONE: Moti on by
17 Commi ssi oner Bol ton and second by
18 Commi ssi oner Hol mes. All in favor the staff
19 report, please indi cate.

20 THE BOARD: Aye.

21 CHAIRMAN CALONE: All opposed. The
22 count is eight to zero.

23 (WHEREUPON, the Board voted.)

24 MR. KLEIN: The next appli cation is a
25 subdivi si on appli cation enti tled Vi llage on

1 Suffol k County Pl anni ng Commi ssi on
2 the Sound. It has been referred to us from
3 the Town of Brookhaven. The property is
4 located on the north side of Lower Rocky
5 Point along the Long Isl and Sound. The
6 Commi ssi ons juri sdi cti on for revi ew is Long

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The property is located in the Hamlet of Sound Beach. It is sandwiched between two beach front communities. One to the west which is known as Scott's Beach which is a private road. It has frontage along several roadways including Lower Rocky Point Road and then also several little points of road frontage and this is Sound Road and then it has frontage along the roadway. It subdivided a long narrow 9.895 waterfront parcel. The character surrounding area in the neighborhood is densely developed residential single family homes narrow streets and the topography is deeply sloped. The property is relatively unusual in shape as you can see and the geographically characteristic looks like it was just pulled apart -- two communities.

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There are substantial slopes leading to the bluff from the beach. The beach has wetlands on the property. The third property is located in the area designated as Coastal Zone Area 1 by the Town of Brookhaven and also by the State Critical Environmental Area. The subject parcel contains steep slopes, and is part of a larger watershed and is adjacent to the Long

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neighborhoods adjacent to it, will slope into it.

The parcel is situated in the B-1 resident zoning district for a single family dwelling permitted on lots having a minimum area of 22,500 square feet. There was yield map provided that demonstrated the conformance of the zoning requirements by the town as you can see and property yield 15 lots and the applicant is proposing a 15 lot cluster subdivision with the concentration of the proposed lot being situated on the northern half of the property on some of the steepest slopes land

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Suffolk County Planning Commission
of the bluff. The applicant is proposing access to the proposed via a 1500 foot long cul-de-sac the proposed cul-de-sac is presumed to private because it is within a designated common area. There are no other proposed means of access to the subdivided lot, however there are several existing tap streets on both the east and west sides of the subject property that are not being connected to.

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The proposed map will create three double frontage lots. That is Lot 1, 5, and 6. They have frontage on their existing tap

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15 streets, but by creating a lot it would
16 eliminate any future designs to connect
17 those roads.

18 Prior to this application, the proposal
19 to subdivide the property was reviewed by
20 the Commission in August of 1991. The prior
21 map was virtually identical to the current
22 proposal and in that case, the Commission
23 resolved to approve that application subject
24 to the following conditions: That access
25 should be taken from a loop street off of

1 Suffolk County Planning Commission 140
2 Woodmere through Quoque Road. That would be
3 this kind of a scenario. (Indicating)

4 That is what they are proposing; then
5 a cul-de-sac would extend south. The
6 proposed access from Lower Rocky Point Road
7 shall be eliminated. That condition was not
8 met and the proposed map has not been
9 significantly changed. So, the staff
10 reviewed the application in accordance with
11 current subdivision guidelines, but in
12 particular, the proposed cul-de-sac is
13 excessively long and does not take the
14 opportunity to connect with the existing tap
15 street to shorten its length and reduce the
16 use of impervious surfaces. There are no
17 alternative means of emergency points of
18 access provided on the proposed map. The

19 placement of proposed Lot 3, will make it
20 almost impossible not to build within 100
21 feet of the top of the bluff. That is Lot 3
22 and the bluff-line, basically, is setback.
23 Since there are slopes greater than 15
24 percent contained within the proposed lot,
25 clearing envelopes should have been drawn on

1 Suffolk County Planning Commission 141
2 the map to minimize the disturbance of the
3 slopes to the great extent possible.

4 Creation of double frontage lot should
5 be avoided and if not possible, extra depth
6 should be provided to buffer the houses on
7 the lots from the traffic on the roads.

8 Storm water runoff should never be
9 discharged down the face of the bluff.
10 Sorry, I skipped over that point.

11 MS. ESPOSITO: That is a big point.

12 MR. KLEIN: I didn't address it before
13 because it wasn't in the staff report. The
14 applicant is proposing to litigate storm
15 water runoff by using catch basins and
16 leeching pools for two inch rainfall, and
17 then the overflow of that will go into a
18 recharge basin for three inches to five
19 inches of rainfall, and anything excess of
20 that will be directed over the bluff into
21 Long Island Sound.

22 So that is a reason -- that is a good

23 point now. The steep bluff areas are not
24 only subject to a sense of surface runoff;
25 this would be sort of an erosion. They are

1 Suffolk County Planning Commission 142

2 also more subject to more rapids and
3 wildfires than flat ground.

4 Ideally, all land clearing and
5 construction should be confined to sites
6 where the slopes are no greater than 15
7 percent which is the case on the lands
8 making up the majority of the southern
9 portion of the property which is closer to
10 Lower Rocky Point Road. This is the flatter
11 section of that.

12 Staff recommendation is for disapproval
13 for the following reasons: Proposed
14 drainage system is designed to discharge
15 storm water runoff via an overflow pipe down
16 the face of the bluff into the Long Island
17 Sound.

18 Number two, development of this
19 property should occur upon the more
20 southerly flatter portion of the parcel,
21 therefore, preserving more of the areas
22 containing the steepest slopes that are
23 adjacent to the shoreline of the Long Island
24 Sound.

25 Reason three, proposed subdivision will

1 Suffolk County Planning Commission 143
2 result in the creation of an excessively
3 long cul-de-sac the maximum length of a
4 cul-de-sac within a residential subdivision
5 should not be permitted to exceed 1,000
6 feet.

7 Reason four, the placement of the
8 proposed roadway has not been designed to
9 minimize disturbance to steeper slopes and
10 too little effort has been made to protect
11 this Critical Environmental Area.

12 Reason five, the proposed map would
13 create a lot, as proposed in Lot 3, that
14 would be reasonable to anticipate -- that
15 would require that any new residential
16 structure or any other sanitary disposal
17 system to be constructed within 100 feet of
18 the top of the bluff.

19 Reason six, the proposal will create
20 double frontage lots -- proposed Lots 1, 5,
21 and 6 -- without providing extra depth to
22 buffer the residence on the proposed lots
23 from the traffic activity on the roads, and
24 this would also eliminate any future
25 activity to the existing roadways.

1 Suffolk County Planning Commission 144
2 CHAIRMAN CALONE: Any comments or
3 questions?

4 MS. ESPOSITO: I will make a motion to
5 disapprove with staff recommendations.

6 MS. BOLTIN: Second.

7 CHAIRMAN CALONE: Second by Ms. Bolton.
8 All in favor?

9 THE BOARD: (No response.)

10 CHAIRMAN CALONE: I will accept the
11 staff report. All opposed?

12 (WHEREUPON, the Board voted.)

13 CHAIRMAN CALONE: Lastly, there were a
14 couple of things we were going to do. I
15 think in the interest of time, we can punt
16 our rehearing standard and our municipal
17 agreement discussions is one thing I think
18 we should do. The Regional Significant
19 Project -- Ed, do you want me to do this?

20 MR. PRUITT: Yes.

21 CHAIRMAN CALONE: The working group led
22 by Vice Chair Pruitt and Commissioner Mc
23 Adam have put together a regional
24 significance definition. A couple of other
25 questions or comments on it. We have it

1 Suffolk County Planning Commission 145
2 front of us and unless there are any
3 comments or questions, I would like approve
4 on this so we start the projects. The good
5 thing here is that we can always change it.
6 This is an internal rule for us -- for staff
7 going forward, but obviously if there are

8 comments or questions about it, now would be
9 the time.

10 MS. ROBERTS: The last point where we
11 say 50 percent of the Atlantic Ocean, was
12 the east end than 25 percent than 50 percent
13 of this threshold. Do you see what I am
14 saying? Which is very good. I think it
15 should be smaller, but I just wanted to
16 clarify that.

17 CHAIRMAN CALONE: I think, essentially,
18 as long as we have that second glass bullet
19 as a kind of a last thing then approving it.

20 MS. ROBERTS: Let just reverse that.
21 That would be great.

22 MS. HOLMES: You're reversing those
23 last two?

24 CHAIRMAN CALONE: Basically, that does
25 accomplish everything that we were talking

1 Suffolk County Planning Commission 146
2 about and we will see how that works.

3 MR. PRUITT: Vice Chair motion to
4 approve. Second by Commissioner Mc Adam.
5 All in favor?

6 THE BOARD: Aye.

7 CHAIRMAN CALONE: All opposed? Eight
8 to zero.

9 (WHEREUPON, the Board voted.)

10 CHAIRMAN CALONE: One last thing,
11 Charla inadvertently voted for the Riverside
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12 Project, she meant to vote against it. I
13 will put that on the record. It does not in
14 anyway change our recommendation for the
15 outcome of the vote.

16 MS. BOLTON: I apologize.

17 CHAIRMAN CALONE: Charla, just on
18 behalf of all of us, we appreciate having
19 you back.

20 MR. FRELENG: Mr. Chairman, can you
21 clarify that again, please -- restate what
22 you said with regard to her vote.

23 CHAIRMAN CALONE: Oh, she accidentally
24 voted in favor of the staff report.

25 MS. BOLTON: I really honestly thought

1 Suffolk County Planning Commission 147
2 that we were voting on something else. I
3 wanted to vote against. I had intended to
4 vote against it and I lost my focus and I am
5 very tired right now.

6 MR. FRELENG: Did we change the report
7 to then?

8 CHAIRMAN CALONE: Without objection, it
9 doesn't change the outcome.

10 We have the Commissioner's Roundtable.
11 Does anyone have any comments?

12 The affordable housing group -- if
13 anyone has two minutes to stay after to talk
14 about our next steps instead of doing a
15 whole presentation.

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MR. PRUITT: Motion to adjourn.

MS. HOLMES: Second.

CHAIRMAN CALONE: Vice Chair Pruitt makes a motion to adjourn. Seconded by Comissioner Holmes. All in favor?

THE BOARD: (No response.)

CHAIRMAN CALONE: Thank you everyone.

(WHEREUPON, this meeting was adjourned.)

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

STATE OF NEW YORK)

: ss

COUNTY OF SUFFOLK)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 4 day of July, 2008.

MELISSA POWELL

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