

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Planning Department
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Thomas Isles, Director of Planning

August 6, 2008

NOTICE OF MEETING

The next meeting of the **SUFFOLK COUNTY PLANNING COMMISSION** will be held on **WEDNESDAY, August 6, 2008 at 12:00 P.M. at the Legislative Auditorium, 725 Veterans Memorial Highway, Hauppauge, NY**

The tentative **AGENDA** will include:

1. Adoption of minutes of the June 4, 2008 and July 2, 2008 and meetings
2. Public Portion
3. Presentation by Honorable Thomas Spota, District Attorney
4. Chairman's Report
5. Director's Report/Correspondence
6. Sections A-14-14 to 23 of the Suffolk County Administrative Code
 - Canon Americas Headquarters 0400 25400 0100 004000
 - Town of Southold: A Section 280-25,280-30, 240-10 B. (2) "Inclusionary Zoning Requirements in the Code of the Town of Southold (Resolution #658)
7. Commissioners' Roundtable
8. Other Business

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SUFFOLK COUNTY PLANNING COMMISSION.
MINUTES OF MEETINGS

AUGUST 6, 2008
12:00 p.m.

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

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:

080608SuffolkCountyPlanningBoard.txt
3 EDWARD J. PRUITT, Vice Chairman,
Town Of Brookhaven
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5 THOMAS ISLES, Director of Planning
6 ADRIENNE ESPOSITO, Secretary
Village over 5,000 Population
7 JOHN CARACCILO, Commission Member
Town of Huntington
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9 LINDA HOLMES, Commission Member
Town of Shelter Island
10 DONALD J. FIORE, Commission Member
Town of Islip
11
12 BARBARA ROBERTS, Commission Member
Town of Southampton
13 ROBERT BRAUN, Commission Member
Town of Smithtown
14
15 THOMAS MC ADAM, Commission Member
Town of Southold
16 CONSTANTINE KONTOKOSTA, Commission Member
Village under 5,000 Population
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18 SARAH LANSDALE, Commission Member
At Large
19 DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department
20
21 ANDREW FRELENG, Chief Planner
Suffolk County Planning Department
22 JACQUELYN CAPUTI, County Attorney
23 JOHN CORRAL, Suffolk County Planning
24 TED KLEIN, Senior Planner, Suffolk County Planning
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2 ALSO PRESENT:
3 THOMAS SPOTA, Suffolk County District Attorney
4 BETH FITENI, Neighborhood Network
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6 NOT PRESENT:
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1 Suffolk County Planning Commission 4
2 (WHEREUPON, this proceeding convened at
3 12:00 p.m.)
4 (Time noted: 12:10 p.m.)
5 CHAIRMAN CALONE: The August 2008,
6 meeting of Suffolk County Planning
7 Commission is now in session. I know that
8 we have a quorum. I will ask the Vice
9 Chairman to lead us in the Pledge of
10 Allegiance.
11 (WHEREUPON, the Pledge of Allegiance

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was recited.)

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CHAIRMAN CALONE: The first item on our agenda is the Adoption of the Minutes of the June 4, and July 2, meetings. Without objection, I would like to table that. There is some issues working through with those minutes. So, without objection, I would like to move on with the agenda.

I would like to say we have the honor today of having with us the District Attorney of Suffolk County, Thomas Spota. District Attorney Spota has been a tremendous help to us on putting together our public safety guidelines and we

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Suffolk County Planning Commission appreciate him being here, and I would like to give him the floor.

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MR. SPOTA: Thank you very much for affording me the opportunity to come over and also for sending me the draft of the public safety guidelines.

I should tell you that I had an opportunity to meet with the Chairman, and I had the opportunity to discuss some of these draft guidelines with members of my office, and I speak to you really from a law enforcement and public safety perspective only.

I am not a designer or a builder or anything like that. I don't know anything

17 about that stuff, but I do know something
18 about crime and I know something about the
19 ways that we should try to discourage crime
20 and I know some of the things that are going
21 on in Suffolk County with respect to crime
22 and I would like to address, very briefly,
23 some of those issues with you.

24 I don't think it should come as any
25 surprise to anybody given the present

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1 Suffolk County Planning Commission 6
2 economic conditions that burglaries
3 especially are on the increase. Thankfully,
4 crime itself in the way we are reporting
5 statistics show that we are a very, very
6 safe County but given what I said before,
7 the economic plight that many people are
8 seeing and it happens all the time,
9 nationally, there will be a spike in
10 residential and commercial burglaries and
11 that has happened in Suffolk County and it
12 is happening all over.

13 So, any time that we have suggestions
14 that conditions be imposed or suggested to
15 others regarding design and effective use in
16 new residential and commercial properties
17 that in any way would deter the likelihood
18 of a crime being committed. I can tell you
19 there is no question in my mind that, that
20 will be very well received by the law

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enforcement community in Suffolk County.

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Most criminals, and it should be obvious,
that most criminals decide to commit crimes
such as burglaries, robberies, drugs, and
criminal mischief based simply on the risk

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Suffolk County Planning Commission

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factor involved, that is to say, if there is
a risk that they might be in any way be
caught, why that obviously lowers their
desire to commit a crime in that particular
area.

I went through some of the public
safety suggested guidelines with your
Commission Chairman, and I just wanted to
point out a couple of things that I thought
were of interest, and I would strongly
encourage that these conditions be imposed.
These are some things that I noticed and
suggestions as to landscaping design to
allow unobstructed views of doors and
windows. It is very, very important. Many
people just do not understand or realize
that especially in residential burglaries.
If you have an obstructed view of a doorway
especially, or large shrubs next to
doorways; that is an open invitation for a
burglar to come in with a crowbar. I don't
care what kind of a door you have, they are
going to do just that. They are going to
pry that door open and most burglars in a

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1 Suffolk County Planning Commission 8
2 residential burglary are going to one
3 location only. They are going to go to the
4 master bedroom. Other than kids, they will
5 go to the master bedroom and they will be in
6 and out of that house in minutes -- minutes,
7 that is all it takes. They just look for
8 the jewelry, cash, and other items. You can
9 almost tell from the type of burglaries, the
10 type of criminals that committed the crime.
11 If you see computers taken or those games --
12 whatever they call those -- I don't know
13 X-Boxes or something like that -- well, that
14 is very clear that young kids would commit
15 that type of a burglary. The real
16 professional burglar are people who are
17 addicted to drugs. They are the ones
18 committing these burglaries. Master
19 bedroom, pillow case, and whatever they can
20 find -- jewelry and they don't discriminate.
21 Everything goes into the pillow case and
22 they are out the door and over the fence in
23 the matter of no time flat; that is the way
24 it works, unfortunately.
25 So, I noted something like that. Dusk

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1 Suffolk County Planning Commission 9
2 to dawn sensors is suggested in your

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3 guidelines, and I can tell you that almost
4 all of your guidelines are great. I just
5 happen to come up with that thinking of
6 burglaries because that is the problem that
7 we are having right now. It is a great
8 thing. The way you want to place common
9 areas such as pools or playgrounds in a area
10 where it can be viewed by others and
11 illuminate it. What does that do? Drug
12 activity, especially criminal mischief,
13 things such as that. That will greatly
14 deter those types of crimes.

15 One of the other things that I noted
16 and I want to talk about is the road design.
17 You have a guideline or a suggestion that
18 road design be such that it will discourage
19 cut-thru's and especially high speed traffic
20 in new residential and commercial
21 developments. Now, I don't have to tell
22 you. It has been highly publicized that
23 Commissioner Dormer our Suffolk County
24 Police Commissioner, and Major Heche
25 (Phonetic) who is in charge of Troop L in

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1 Suffolk County Planning Commission
2 the New York State Police and myself have
3 gotten together because we have something
4 close to an epidemic in regards to
5 pedestrians and motor vehicle fatalities
6 here in Suffolk County. Tragically and
7 unfortunately, we in Suffolk County

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8 continuingly lead the State in a number of
9 these types of fatalities. Teenage driving
10 -- teenage driving and teenage accidents and
11 teenage deaths are significantly on the
12 increase here in Suffolk County.

13 Contrary to popular belief, most people
14 think that it is alcohol and drugs
15 especially with respect to teenagers; it is
16 not. It is high-speed, driving inattention,
17 reckless driving, and the high risk that
18 teenagers will take in their automobiles
19 especially if other teenagers are in the
20 cars. So you give them that opportunity to
21 have a straight of way and unlike us,
22 they're going to increase their speed to as
23 high a speed as possible but not all of
24 time, obviously. They will take the risk as
25 we wouldn't take because we learned through

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1 Suffolk County Planning Commission 11
2 our experiences. They haven't and they
3 think they are invincible.

4 I will give you just a couple of very
5 stark examples of what I am talking about,
6 and I say this from, unfortunately, having
7 to sit down at least once a week or once
8 every two weeks with parents of young kids
9 that have been killed in car accidents.

10 I was Chief of the Homicide Bureau for
11 the District Attorneys office for over ten

12 years. I guess I have dealt with more
13 murders than anybody in Suffolk County but
14 there is -- it is a difficult job. It is a
15 highly emotional job. There is nothing
16 worse than having to sit down with the
17 parents of children -- teenagers who have
18 been killed in a car accident and explain to
19 them the laws or how we are trying to
20 prosecute cases and what happens -- what
21 happens. It is very, very difficult and it
22 is very emotional and we are going to do
23 something about it.

24 Just a few months ago, three miles from
25 here on Jericho Turnpike, a car with three

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1 Suffolk County Planning Commission 12
2 teenagers returning to school driving at 87
3 miles per an hour on a straight-of-way just
4 rounded a curb four solid lines -- four
5 solid lines you don't ever see four --
6 rarely, rarely, rarely do you see four solid
7 lines dividing the lanes of traffic and that
8 means four solid lines, very obviously,
9 means that this is an area of particular
10 danger. They crossed the four solid -- the
11 driver crossed the four solid lines of
12 traffic and hit another car head on. Two of
13 the boys in the car that the teenagers were
14 in were killed instantly. One was thrown
15 into the woods -- over one hundred feet into
16 the woods and they had their seatbelts on.

17 A young boy and his mom in another car --
18 the boy was killed and the mother survived
19 the accident. That is just one example.
20 What caused the accident? High-speed and
21 aggressive and reckless driving.

22 We had incident in January of this year
23 on the Southern State Parkway that New York
24 State police investigated the accident. The
25 car involving two kids traveling a 138 miles

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1 Suffolk County Planning Commission 13
2 an hour left the roadway and both of them
3 were killed.

4 In April of this year, a car with two
5 teenagers in the car. The parents of one of
6 the teenagers let his kid drive his BMW. He
7 was doing a 138 -- 141 miles an hour and hit
8 a tree by Deer Park Avenue on the Northern
9 State Parkway, I should say -- I am sorry
10 the Southern State Parkway -- hit a tree and
11 both of the boys were killed in that
12 particular accident. I think we actually
13 had to have trained dogs to find the body
14 parts. That is the type of stuff we are
15 talking about. It is incredible. So, what
16 we have done, the Commissioner and Major
17 Heche (Phonetic) and myself is that we are
18 trying to take a strong action. Not only to
19 prevent these things but to prosecute people
20 who are engaging in this type of reckless

21 driving and that is why any effort on your
22 part is so welcomed because it may be in a
23 residential area. It may be in a commercial
24 area, but I noticed in here when you are
25 talking about a design of a roadway perhaps

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1 Suffolk County Planning Commission 14

2 not just a straight-of-way but curved in
3 certain respects. That is that way I
4 interpreted it. That would reduce the
5 possibility of engaging in high-speeds
6 because that is just what happens in these
7 types of cases, and I really don't want to
8 take up much more of your time. I know we
9 have some other speakers here.

10 I just, again, wanted to thank you for
11 giving me the opportunity to review your
12 guidelines and to tell you how much I
13 support, and I think I speak on behalf of
14 all of the law enforcement community in
15 Suffolk County, and we all support your
16 efforts to include public safety values in
17 your work. It is truly greatly appreciated
18 and I want to thank you.

19 CHAIRMAN CALONE: Thank you, sir, we
20 appreciate that.

21 Commissioner Braun?

22 COMMISSIONER BRAUN: Is there anything
23 glaringly missing from the recommendations?

24 MR. SPOTA: No, only because I am not
25 familiar with it.

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1 Suffolk County Planning Commission 15
2 COMMISSIONER BRAUN: In terms of --
3 MR. SPOTA: I can't think of anything
4 that I would suggest that would be missing
5 from this. I don't go according to whatever
6 will be approved. I go only from a cost
7 factor, but some of the things that I
8 suggested are not great -- it seems to me
9 any way are not at a great cost.
10 CHAIRMAN CALONE: I think that is a --
11 I appreciate the District Attorney reviewing
12 those. One of the great things about
13 incorporated this kind of design, at the
14 very beginning, as they are, as you say, low
15 cost ways to approve public safety.
16 MR. SPOTA: That is the way I read it.
17 I really can't tell you right off the bat
18 something that I would suggest.
19 COMMISSIONER BRAUN: Well, can I ask
20 that if you or your staff come up with
21 anything let us know.
22 MR. SPOTA: Absolutely. I really want
23 -- my purpose was -- I just picked out just
24 a couple of things right before I came. I
25 spoke to Dave Calone about some of the

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1 Suffolk County Planning Commission 16
2 things I was particularly impressed with.

3 Again, I cannot emphasize enough the fact
4 that you are thinking about the road design
5 tells me -- you know, an awful lot.

6 CHAIRMAN CALONE: We appreciate that.

7 Any other questions for the District
8 Attorney? If not, sir, we appreciate your
9 time and also for you and your staff taking
10 the time to review the guidelines and also
11 we should note that Commissioner Dormer also
12 had a chance to review that and he came back
13 to us, as well and said he thought they were
14 great. So, we appreciate that and we also
15 appreciate your leadership on the aggressive
16 driving. It is sobering to hear those
17 stories, but it also good to know that in
18 our small way we can keep that in mind and
19 like you, work to stop crime before it
20 happens as best we can, so thank you.

21 We have our public portion. We have
22 Beth Fiteni, from the Neighborhood Network.
23 Welcome, Beth, come on up to the podium and
24 spell your last name.

25 MS. FITENI: Beth Fiteni, F-I-T-E-N-I.

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1 Suffolk County Planning Commission
2 I just wanted to introduce myself and
3 thank you for inviting me today. I am just
4 glad to see that the Planning Commission is
5 looking at the recommendation that buildings
6 that were referred to you meet higher energy
7 efficiency standards. My organization helps

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8 to work with the towns on the energy star
9 legislation that they have been adopting;
10 nine out of the thirteen towns now. Right
11 here looking at the one from Southampton
12 which is a big -- one of the best ones.

13 I also happen to be on the Board of the
14 US Green Building Council locally the Long
15 Island Chapter. I see you're looking at the
16 90.1 2004. That is the same standard that
17 they used for the LEED for new construction
18 for the energy portion. Some of this is
19 beyond my level of expertise, so if I cannot
20 help you directly with the issues that you
21 are working, I can certainly try and direct
22 you to someone that has more expertise in
23 these issues. Again, I am just glad that
24 you're looking at this because the more
25 people hear this from different authorities

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1 Suffolk County Planning Commission 18
2 the better.

3 CHAIRMAN CALONE: Thank you, Beth, we
4 appreciate your time.

5 I don't think we have any other cards,
6 so we will close the public portion.

7 Next up is the Chair Report. Just a
8 couple of things to bring you all up to
9 speed. The County Executive contacted me
10 and I met with him last week. He wanted us
11 to know that he was very supportive of our

12 efforts to streamline the way we do business
 13 and to focus on more county wide issues like
 14 public safety and energy efficiency and
 15 affordable housing. He also offers the
 16 support of the properties that we talked a
 17 little bit about and how we move our
 18 interests forward and that being updating
 19 our own guidelines, adopting or suggesting
 20 model codes to those who have ultimate
 21 responsibility, and how they can help push
 22 forward the county wide interests.

23 Lastly, to provide regular updates to
 24 the Board on the progress being made across
 25 the county on these critical issues of

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1 Suffolk County Planning Commission 19

2 affordable housing and energy efficiency.
 3 So that was the message from the County
 4 Executive in terms of looking forward to
 5 working with us on all of these and so we
 6 appreciate the support and look forward to
 7 working with him.

8 I want to update all of you on the
 9 progress we made on the four short term
 10 goals that we initially laid out earlier
 11 this year. One was to fill the Commission's
 12 vacancies and I am pleased to report that
 13 for the first time in more than a decade, we
 14 will have a full commission within the next
 15 month or so.

16 As you know, the Riverhead vacancy is
 Page 16

17 being filled by Vincent Taldone who is here
18 today. He is going in front of the
19 Legislature and again he was nominated and
20 the Legislature has not made -- has the
21 confirmation authority. Vince is the former
22 chair of the County's Transportation
23 Advisory Committee, and it will be great to
24 have him on and we hope -- we will see what
25 happens with that.

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1 Suffolk County Planning Commission 20
2 Just to vote that there are two other
3 vacancies that we have and in the last month
4 we had three different former elected
5 officials approach the County Executive
6 expressing interest in joining us. Now that
7 we are playing a more leading role on issues
8 of county wide significance, the County
9 Executive is going to be making some choices
10 among that group in filling one At Large
11 spot and a spot from East Hampton; so that
12 is good news to report there.
13 MS. ESPOSITO: Depending on who they
14 are.
15 CHAIRMAN CALONE: Four elected
16 officials is all I can say.
17 MS. ESPOSITO: We will talk later -- in
18 the next few weeks.
19 CHAIRMAN CALONE: So we do expect that
20 there will be nominations for all the spots

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in the next few weeks.

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Finishing our guidelines, our second goal is on track and we will take a final vote on that next month. The working group has been talking about four specific items.

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Suffolk County Planning Commission

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We will have a presentation later after we get through regulatory agenda on those and that is public safety guidelines, what the District Attorney had spoken about, affordable housing conditions, energy efficiency, and the reconsideration standards. So we are going to have a presentation on those four just briefly today and where we are at. And what we need to do is get feedback from anyone who didn't yet give feedback on any of those four relatively quickly -- in the next week, so we can work towards having a finished package to get out there so we can approve it hopefully at our next meeting in September.

Our third goal is to optimize how the commission and staff use their time and already you see the impact of the regional definition that passed last month if you look at our agenda. We have two significant items -- there are only two significant items thank God -- thank the committee for working on that and the entire commission

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1 Suffolk County Planning Commission 22
2 and, of course, that is an internal rule.
3 We can calibrate that all over time based on
4 the feedback from staff and make sure we get
5 all requests for projects. So we will keep
6 looking at that going forward.

7 The second step on that is passing --
8 agreeing with the municipalities on the
9 intermunicipal agreement that would cut down
10 on thousands of referrals that are sent by
11 the county or villages to our staff each
12 year. We will have a chance a little later
13 today to discuss the model agreement on
14 that, but that is something to be rolled out
15 over a couple of months and the staff will
16 be working with the villages.

17 Lastly, the fourth goal was letting the
18 public have a little better sense of what
19 the Commission is doing. You saw last month
20 the new website -- thank you, Barbara, for
21 organizing all the biographies of everyone
22 on the commission. Thank you everyone for
23 their prompt -- getting their information to
24 Barbara so she could put that together. I
25 think were some tweaks that occurred based

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1 Suffolk County Planning Commission 23
2 on some of the suggestions that all of you

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3 had. I believe it will go live in the next
4 couple of weeks. So that is an important
5 step.

6 There is going to be a working group
7 meeting, after this, briefly, about how do
8 we best get the word out about our new
9 guidelines. If anyone wishes to chat about
10 that after the meeting --

11 Lastly, I have been asked to be the
12 speaker at the annual meeting of the Suffolk
13 Village Official Association which is going
14 to be this Fall and that could be an
15 opportunity to discuss how we can -- how we
16 can help them promote these kind of issues
17 also how we can help them by cutting down
18 the work they have by sending all of these
19 referrals to our Commission; so that is
20 going on.

21 Those are the four goals. Just a
22 couple of things, lastly. Our October
23 training session is on schedule and Tom will
24 speak a little bit about that. Anyone on
25 the Commission interested in helping on that

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1 Suffolk County Planning Commission 24
2 please, let me or Director Isles know.

3 Heartland which is a major project in
4 the Town of Islip, as you all know. Some of
5 the Commissioner's last month suggested that
6 we make a site visit and thanks to Director
7 Isles, it looks like that is going to be

8 feasible. He spoke with the developer and
9 we're looking at October 1, the day of the
10 commission meeting. So that morning we are
11 going to do a site visit out to the Pilgrim
12 property. I give credit to Adrienne and
13 Barbara, as well for mentioning that
14 suggestion.

15 Charla?

16 MS. BOLTON: What is the date of the
17 training session?

18 CHAIRMAN CALONE: October 23.

19 MS. ESPOSITO: Do you happen to know
20 when the Town plans on holding the first
21 public hearing in September; do you have
22 idea about that?

23 MR. ISLES: We heard the same thing.
24 We have not received a date yet.

25 CHAIRMAN CALONE: Lastly, we are going

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1 Suffolk County Planning Commission 25
2 to start scoping out a potential strategic
3 plan for the County or how we go about
4 creating one of those. Staff is -- that is
5 one of the goals for the next couple of
6 weeks or a month or so. Of course, that
7 would provide a collective vision for the
8 County to assist -- an assistance in
9 evaluating and integrating some of the
10 regional thinking into their decision.

11 Just a couple of other things. I met

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with last month Commissioner Heaney

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(Phonetic) who just came on board and, of course, he wasn't able to make it today but we will reschedule with him. He is very supportive of our efforts on affordable housing. Depending on how the partnership will give a chance for leadership just to bring them up to speed on what are our guidelines. So that was what I had, and I will turn it over to Director Isles.

MR. ISLES: Thank you Mr. Chairman. Let me begin by noting on the minutes. We are working with the stenographic service on having a process to provide comments back

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Suffolk County Planning Commission
before the minutes are presented to the Commission. I especially appreciate the work of the Commissioner Holmes in identifying corrections that needed to be made.

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The first recommendation we have as best that we can is we need to speak into the microphone. I am the one most guilty of that and just try to enunciate clearly through the microphones. But we are going to work with the stenographic service and we will have these minutes back hopefully for the next meeting and try to make this run as smooth as possible.

Couple of updates on items. Let me
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17 begin with the County's Yaphank Project and
18 this is one I did make periodic updates on.
19 This is a situation where the County issued
20 a request for proposals for 255 acres in
21 Yaphank at the Yaphank County Center. Two
22 proposals were received on April 30 of 2007.
23 Those are under review by the evaluation
24 committee and some support staff from the
25 County for financial and so forth expertise

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1 Suffolk County Planning Commission 27
2 have been brought in. It is getting closer,
3 however, a firm has not been chosen at this
4 point in time. It is a priority of the
5 administration. It is one that we -- I will
6 keep you posted on and that is my number
7 one.
8 Number two is that the Department is
9 working with the Long Island Regional
10 Planning Board on two items that you may
11 have heard about which is to provide regular
12 updates on. One is known as the Long Island
13 2035 Project and this is a NYMTC funded, New
14 York Metropolitan Transportation Council,
15 and that is the transportation planning and
16 funding entity for this region. They
17 provide funding of about a half of a million
18 dollars to essentially begin the process to
19 envision what Long Island will be in 2035
20 which is, if you think back on that, it is

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27 years from now. Just makes me wonder since we are not that far off, but there are challenges that this Commission has to face. The key aspect is kind of to look at alternatives in terms of what happens if we

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Suffolk County Planning Commission

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do nothing with the traditional zoning and patterns of land development and continue on what happens to the Island, County support, transportation infrastructure. There is an impact on drinking water, coastal resources, and so forth. But then you can look at other alternatives such as compact redevelopment versus small development and those alternatives will be identified in the process using consultant services that have been brought in to aide the effort and most importantly they agree after public outreach is processed. That is expected to begin in early 2009.

Related to that, is another project on sustainability planning which is at this point modeled on the New York City plan that was done about two years ago. You may have read about this in one of the local newspapers. I know one of the Regional Planning Board has issued that in a request for proposals and is in that process right now.

The proposal are due back in September
Page 24

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1 Suffolk County Planning Commission 29
2 and that is going to follow the LI-2035 Plan
3 as being the next step -- Phase 2 of the
4 process to further define the plans and
5 prepare for implementation. The idea is in
6 terms of achieving a consensus in terms of
7 what types of developments would they need,
8 what are the strengths and opportunities
9 that should be reflected in selecting
10 choices in terms of land development growth
11 conservation moving forward to the year
12 2035.

13 At some point, I think, it would be
14 helpful to the Commission to have
15 presentation on this with a little bit more
16 detail, 2035, which is something we would
17 talk to the Commission about scheduling it
18 in October or November.

19 As far as this website moving on, we
20 are ready to move that live. We have had a
21 change in personnel and new staff members
22 have been trained and are now running the
23 website. We will be putting the biographies
24 on. We did receive those and filling in
25 some dates and so forth, and that is the

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1 Suffolk County Planning Commission 30
2 last aspect of this, so I will inform the

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Chair of when that is completed and when it is live. We appreciate the cooperation of the Commission with getting that information.

We did include a couple of articles in the package today only because they were mentioning the County Planning Commission, so just for informational purposes some of you may have seen them anyway. One deals with Energy Star. Another deals with the Greenport project which came to you about a year ago with mixed building in downtown Greenport. So here again just informational.

The Chair mentioned the Suffolk County Planning Federation Event. That is scheduled for October 23. We are probably going to have use of Touro Law school as we did last year though this is about to be finalized. We're not quite there yet, but we are getting closer. We have put together a program and we will be circulating that right after Labor Day.

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Suffolk County Planning Commission

The Chair indicated we are planning a program to deal with energy conservation as it relates to planning issues and energy star and these types of activities associated with land development.

Also looking at some of the other
Page 26

8 programs dealing with new housing act here
9 again still waiting for the signature of the
10 Governor which is known as the Long Island
11 Workforce Housing act. That was approved by
12 both houses in New York State Legislature and
13 will go into effect on January 1, and we
14 will have inclusionary zoning requirements
15 as far as municipalities of New York State
16 here again if the Governor signs that. So
17 we are going to set up that program, as well
18 as our customary session explaining case law
19 update fundamentals and so forth.

20 Lastly, from the staff's standpoint, as
21 I indicated, we did lose staff earlier in
22 the year to the early retirement incentive
23 program at the end of July, and we wish them
24 well. Carol Walsh and Ron Verbarg
25 (Phonetic) who have provided great service

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1 Suffolk County Planning Commission 32
2 to Suffolk County totalling about 75 years
3 between the two of them. I am happy to
4 report that we were successful in hiring an
5 environmental planner today, and she will be
6 taking over for someone who left about a
7 year and a-half-ago. It was a long process
8 but we are still getting some reinforcements
9 and we appreciate the work of the
10 administration and the legislature.

11 CHAIRMAN CALONE: First up to is Canon.

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

The first regulatory matter that comes before the Suffolk County Planning Commission is the referral of Canon Americas Headquarters which is located in the Town of Huntington. The location of the project is at the southwest corner of the Long Island Expressway which is New York State Route 495 and Walt Whitman Road.

The subject site is a 52 acre site where 44 acres of the site are to be developed. The subject property is a highly visible site from the state right-of-way

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Suffolk County Planning Commission particularly for eastbound travel. What is proposed is a five-story office building and a three -- three and-a-half story parking garages. The total gross flooring of the subject application is approximately 1.7 million square feet. The details of the proposal are in the staff report. The staff came up with several issues that were of concern.

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The first being that the subject property is adjacent to and north of Millennium Hills which is an affordable housing complex. You can see that south of the subject property right there (Indicating). The proposed parking garage

17 is about 125 feet from the closest homes.
18 We felt that was an issue to further
19 discuss. Also, the application was referred
20 to the Commission without the benefit of a
21 Motor Vehicle Traffic Study. New York State
22 DOT is certainly involved in this project
23 and it is warranted that the applicant speak
24 with them, if they have not already. There
25 is access points to Walt Whitman Road which

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1 Suffolk County Planning Commission 34
2 was found to be problematic. The applicant
3 is proposing -- you can see three access
4 points on Walt Whitman Road. This being the
5 main access point. This being an entrance
6 only. This being a full exit entrance
7 access point. (Indicating.)
8 Staff was concerned that the two access
9 points would be problematic in that their
10 proposing a second -- they are proposing
11 another traffic light which in conjunction
12 with this traffic light, may cause severe
13 backup problems. There are already
14 congestion issues with regard to this
15 intersection several times a day. So staff
16 felt that, perhaps, it would be better to
17 eliminate one of these two access points
18 creating a more controlled access point.
19 Also in the staff report, you will see
20 that there is some recommendation that

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perhaps two left bound turn lanes should be
put here to lessen the duration of the
signal when that is in operation.
(Indicating.) Again, that is further
detailed in the staff report.

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Suffolk County Planning Commission

There is nothing in the referral that
indicates that the application has been
reviewed for energy efficiency. There is no
LEEDS, or any of the other standards out
there.

Lastly, there are two proposed ponds
which staff notes that there was no
indication on how those ponds would be
constructed or whether or not they were
excavated into groundwater. We do not
believe that it is excavated into
groundwater because the groundwater there is
quite far, but we did take note of those
ponds.

So, in summary, the staff is
recommending approval with the following
four conditions: Number one, a traffic
study focusing on the impacts of the trip
generation related to the project be
submitted and reviewed. The second
condition is that the Town of Huntington
prepare or cause to prepare a visual
assessment that reviews the impacts of the
housing -- affordable housing project to the

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1 Suffolk County Planning Commission 36
2 south as the garages may impact the
3 development, as well as the visual impact of
4 coming down the expressway from the west.
5 This site that you will see when we take a
6 look at the pictures later on. This site is
7 significantly lower than the roadway here.
8 (Indicating.) As you travel eastbound from
9 the west, you look down onto this site and
10 staff felt that visually, that was something
11 that should be reviewed. In conjunction
12 with the next item requiring the review of
13 energy efficiency, we felt that greening the
14 tops of some of the buildings that are
15 proposed in terms of being a green design
16 but also lessen the visual impact of the 1.7
17 million square feet of development that is
18 going on this site.

19 The last condition that is being
20 proposed to the Commission is that the ponds
21 that are being constructed on the site plan
22 -- as represented on the site plan be in
23 done so in accordance with the Commission's
24 publication study of manmade ponds in
25 Suffolk County.

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1 Suffolk County Planning Commission 37
2 So, those are the recommendations of

3 staff and we can just take a look at some of
4 the photos. This is the subject site
5 looking west. This is the treeline that you
6 may note in the staff report that has been
7 referred to you and this is Millennium Hills
8 subdivision (Indicating.) There would be a
9 parking structure about a hundred and twenty
10 something feet away from here. You can see
11 the farm field is no longer farmed. The
12 aerial shows which is a 2004 aerial, and
13 then the oblique aerial is a 2006. It still
14 shows some farm structures on there, but
15 when we did our site inspections, there are
16 no longer any structures on-site. This is
17 another view looking further east. Again,
18 this is a 52 acre site where 44 acres of the
19 site will be developed. This is looking
20 west along the service road. What we were
21 trying to show here is you can see the
22 off-ramp onto the service road from the
23 expressway, and we are about -- if you go to
24 the site plan, we are roughly -- we are
25 roughly just north of the north parking

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1 Suffolk County Planning Commission 38
2 garage Phase 1. So, that is the staff
3 report and our recommendations.

4 CHAIRMAN CALONE: Thank you, sir. I
5 would like to give the floor to Commissioner
6 Caracciolo who is from the Town of
7 Huntington.

8 MR. CARACCIOLO: I will tell you that
9 the Canon has been -- this has been a
10 project going ongoing for a long time with
11 the Town. The Canon has been very
12 responsive and very open with the Town. I
13 speak on behalf of the Chamber of Commerce.
14 They have met with the business district.
15 This is a project that Huntington really
16 likes. They have had great conversations
17 with them, and as I said, the Canon has been
18 very responsive to every need of the
19 community, the business district, the Town
20 Board and the supervisor.

21 CHAIRMAN CALONE: Commissioner Holmes?

22 COMMISSIONER HOLMES: Maybe I should be
23 asking Commissioner Caracciolo instead of
24 you, Andy, but has any suggestions been made
25 in the Town discussions with Canon about

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1 Suffolk County Planning Commission
2 redesigning the project so that the garage
3 is not next to the Millennium Hills?

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4 MR. CARACCIOLO: When the Canon first
5 proposed this project, it did have a town
6 meeting and the Canon did discuss it in a
7 couple of open forums. I am not aware of
8 any specifics on the parking garage, but I
9 do know that the residents were invited to
10 the meeting about the parking; this has been
11 a long ongoing project.

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COMMISSIONER HOLMES: Did those residents -- you know, express concern about the parking garage being located right next to their development?

MR. CARACCILO: I am not aware of that, however, there has been so many ongoing discussions with that, again, so many opportunities for residents -- if you want to know as a resident of the town, as well this has been an ongoing project for a long time, and I think there is a lot of discussion with this.

CHAIRMAN CALONE: Commissioner Bolton?

COMMISSIONER BOLTON: What I have to

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Suffolk County Planning Commission
add is a question. I think I am probably going to ask Andy. The back -- the rear part of this lot -- this facility it backs up to what I thought was the Town of Huntington owned property? If so, I -- judging from the site plan, there is no way for them to dedicate additional land because I know at one time that was something that was under consideration in the Planning Department in Huntington.

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MR. FRELENG: We have no indication that that was considered in the referral to us. That may be ongoing at the local level.

COMMISSIONER BOLTON: Right, but you did know that the parcel next to it is town

17 property? Because it doesn't show on the
18 tax map, and I am wondering if there was
19 some issue because my understanding is that
20 it was dedicated?

21 MR. FRELENG: I seem to recall -- I
22 don't have it in front of me, but I seem to
23 recall that we do have something that
24 indicates that the Town owns land adjacent
25 to this site plan.

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1 Suffolk County Planning Commission 41

2 COMMISSIONER BOLTON: Yes, but there
3 was no discussion with anyone with respect
4 dedication of property about this piece?

5 MR. FRELENG: No, staff had no
6 discussion with Huntington about this.

7 COMMISSIONER BOLTON: Because the back
8 is very hilly, and I can see that most of it
9 is restricted for grading or appears to be?

10 MR. FRELENG: Well, there is an
11 existing tree line back there where Phase 1
12 doesn't go into it, but Phase 2 does
13 encroach into the treeline. You can see
14 the --

15 COMMISSIONER BOLTON: I see that.

16 MR. FRELENG: (Continuing) -- the north
17 parking garage does extend into the
18 treeline, so I am not sure that there was
19 much discussion at the local level on
20 preserving the --

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COMMISSIONER BOLTON: Would it be possible to have a condition that speaks to a question of retaining that wooded area -- trying to retain it or prevent it from being graded during construction or something like

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Suffolk County Planning Commission

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that?

MR. FRELENG: It is certainly possible. It is at the pleasure of the Commission.

CHAIRMAN CALONE: Be more specific about exactly what you are suggesting.

COMMISSIONER BOLTON: Okay, the rear part of the property -- if you have a topo map. It is not really easy to tell from this. It is quite steep and --

MR. FRELENG: It would be the top part. This would be the west end of the subject property and this would be the top end -- so we are talking about this area here. (Indicating.) This is the existing treeline. (Indicating.)

COMMISSIONER BOLTON: And the Town owns, I believe, that property right there that he is pointing to.

CHAIRMAN CALONE: That would be west of the expressway, sort of, but a little bit off.

COMMISSIONER BOLTON: And, I mean, there was like a seven acre dedication that was entrusted one time, and I can't vouch

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1 Suffolk County Planning Commission 43
2 for any recent discussions, but I thought --
3 you know, it might be worth saying that to
4 preserve those wooded hillsides there.
5 MR. FRELENG: We can say, this is just
6 a suggestion, "to the greatest extent
7 possibly the wooded area."
8 COMMISSIONER BOLTON: Yes, we don't
9 have enough information to be more specific
10 at this point.
11 CHAIRMAN CALONE: And the Town -- it is
12 town property and they are going to have a
13 final say on this anyway, so I am sure they
14 can look out for their own interest. If you
15 think it is something we should mention
16 then --
17 MS. ESPOSITO: I think it is important
18 what their interest is.
19 CHAIRMAN CALONE: Commissioner Braun?
20 COMMISSIONER BRAUN: I just have a
21 question about the diagram. What is that
22 finger? I don't understand that when you
23 compare it to the site plan.
24 MR. FRELENG: This here? (Indicating.)
25 COMMISSIONER BRAUN: Yes.

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1 Suffolk County Planning Commission 44
2 MR. FRELENG: This is an abandoned

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right-of-way. So, there was a right-of-way at one point that went from these properties here to the service road that was abandoned.

COMMISSIONER BRAUN: But if you look at the site plan, part of it is not included in -- the part that sticks out is not included in the site plan.

MR. FRELENG: This piece here?
(Indicating.)

COMMISSIONER BRAUN: Yes.

MR. FRELENG: Well, this is off-site. So all of this has been incorporated into the development of the property but this still remains all the same.

CHAIRMAN CALONE: And that is owned by -- well, I guess it really doesn't matter. It is off-site and maybe it is part of the town; right?

MR. FRELENG: I think the town owns it actually.

CHAIRMAN CALONE: I just had a question, Andy. I thought I read in the press that Canon was proposing something

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Suffolk County Planning Commission
very substantially environmentally sensitive, and I thought there was some kind of LEED certification they were trying to obtain.

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MR. FRELENG: I read that Huntington has a program for energy efficiency, and I

8 remember seeing the reports. You have them
9 here. There is nothing in the referral that
10 indicates that they have addressed that
11 issue.

12 MR. CARACCIOLO: Mr. Chairman, we did
13 meet with the Chamber of Commerce and the
14 representatives of Canon, and they did
15 assure us that they were going to look at
16 every option for energy efficiency and green
17 building.

18 CHAIRMAN CALONE: So, it would be fine
19 to include that as a -- as it is in the
20 staff recommendations that the project be
21 reviewed for that -- you know, an eye kept
22 on energy efficiency.

23 Any other -- Adrienne?

24 COMMISSIONER ESPOSITO: Andy, can you,
25 to the best of your ability, are those ponds

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1 Suffolk County Planning Commission 46
2 created for aesthetic purposes or are they
3 serving any kind of run-off collection
4 purpose -- what are the purposes of the
5 pond?

6 MR. FRELENG: First and foremost,
7 collection of storm water run-off and
8 secondly, decorative.

9 COMMISSIONER ESPOSITO: Okay, and I am
10 not familiar with the study of manmade ponds
11 in Suffolk County, New York. That one, I

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12 have not yet read. It is sitting on the
13 table in the office. But does that talk
14 specifically about not allowing stagnant
15 water in these ponds to allow for mosquito
16 breeding? The reason I am raising this is
17 because the Town of Huntington seems to be,
18 for some unknown reason, one of the areas in
19 the County, if not the area, where they most
20 frequently found affected pools of West Nile
21 virus this year. So, if there are two
22 ponds, what does this say about keeping them
23 aerated?

24 MR. FRELENG: Well, the guidelines do
25 speak to that. They also speak to lining

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1 Suffolk County Planning Commission
2 the ponds, preventing discharge into the
3 grounds or groundwater, and it also speaks
4 to working with New York State DEC who will
5 regulate these ponds once they are created
6 because they will be freshwater bodies; so
7 it does address that.

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8 COMMISSIONER ESPOSITO: The recharge
9 will come from groundwater for the pond?

10 MR. FRELENG: Right, storm water
11 recharges and minimum water from the
12 groundwater.

13 COMMISSIONER ESPOSITO: Waste of water.

14 COMMISSIONER HOLMES: Don't they
15 usually recirculate the water with a
16 fountain effect?

17 MR. FRELENG: That would be the
18 aeration aspect to keep it from going
19 stagnant. That is probably -- there are
20 many ways to aerate the pond. That, I
21 guess, is the most popular way.

22 CHAIRMAN CALONE: Commissioner
23 Lansdale?

24 COMMISSIONER LANSDALE: I just had a
25 question on the third condition of energy

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1 Suffolk County Planning Commission 48
2 efficiency on whether or not we are
3 consistent with the Town of Huntington's
4 recent adoption -- if this condition is
5 consistent with what the Town of Huntington
6 just passed with their energy efficiency.

7 MR. FRELENG: Well, we left it vague
8 and the condition is that the development
9 subject property shall be reviewed for
10 energy efficiency. We allude to LEED but
11 did not indicate or review whether or not it
12 was in compliance with Huntington's
13 ordinance. We left it vague so that the
14 locality can decide.

15 CHAIRMAN CALONE: The result of that is
16 simply they would meet that condition by
17 addressing the issue and apply their new
18 standard or whatever else they did.

19 MR. FRELENG: Yes.

20 CHAIRMAN CALONE: Any other comments or

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questions?

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Charla had a comment with regard to the slope -- actually the tree area.

COMMISSIONER ESPOSITO: Slope to tree area.

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Suffolk County Planning Commission

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COMMISSIONER BOLTON: Yes, steep slope as you go back into the site and both to preserve woodland and preserve the slope. So I don't know, is it a comment or a condition?

COMMISSIONER ESPOSITO: Let's make it a comment that they can keep the steeped sloped tree area in the back of the project to the greatest extent possible.

CHAIRMAN CALONE: Is there any objection to including that as a comment?

MR. FRELENG: I have a draft of that comment. I wrote it just now, if you want to hear it.

"To the greatest extent possible, the undisturbed steep sloped wooded area shall be preserved and designed to buffer the town owned woodland to the west."

CHAIRMAN CALONE: That could be a caption under your picture. (Laughing.)

So without an objection, we will add that as a comment. Seeing no objection, I would entertain a motion to approve the staff recommendations.

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1 Suffolk County Planning Commission 50
2 COMMISSIONER CARACCIOLLO: So motioned.
3 COMMISSIONER HOLMES: Second.
4 CHAIRMAN CALONE: Moved by Commissioner
5 Caracciolo and seconded by Commissioner
6 Holmes. The motion is to approve the staff
7 recommendations with adding an additional
8 comment that we just discussed on the steep
9 sloped area.
10 All in favor, please indicate.
11 All opposed?
12 Passes unanimously.
13 Thank you.
14 (WHEREUPON, the Board voted.)
15 CHAIRMAN CALONE: The next thing we
16 have up is the Southold Code and this is a
17 unique or somewhat different for the
18 Commission in reviewing a code. It
19 certainly is within our jurisdiction, and I
20 think Dan is going to talk a little about
21 our jurisdiction over the codes and how we
22 might look at the code as we review them.
23 It is likely that these will come up more
24 frequently now that we changed our regional
25 significance definition a bit, especially

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1 Suffolk County Planning Commission 51
2 when they are town wide issues like this.

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Dan?

DEPUTY DIRECTOR GULIZIO: Good afternoon.

This application is a reflection of some of the changes that the Commission has advocated for over the last several months in terms of the scope of applications that you would like to see. Certainly, in years past has seen a preponderance of applications like the one we saw previously of the subdivision and the site plan nature, and not so much in terms of zoning policy in the form of comprehensive plans, corridor studies, or code amendments.

One of the things we discussed with the Commission is that some of the code amendments will be, perhaps, limited in scope in terms of taxes or seemingly limited in terms of they don't have an effect on a particular site or particular application but have a significant impact none the less. We certainly -- I think we discussed this about affordable housing and workforce

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Suffolk County Planning Commission housing over the last couple of months and are an account reflection of that significance.

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So you will see this shift continuing, I think, in the months ahead in terms of less site plan applications, less

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workforce housing policies through a series
of code amendments.

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Andy, is going to go over the specifics of the code amendment with you for the Town of Southold, but just as a framework and to put it in context, what we are going to be doing from a staff's standpoint is looking at -- looking at the purpose of the ordinance, looking at the intent, seeing if the matter in which the ordinance is prepared and presented is actually consistent with that purpose and intent of its stated purpose and intent as sought after by the local municipality, and on the

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Suffolk County Planning Commission
second, and I think equally important level, how consistent is the purpose and intent of an ordinance with our regional planning standards and our regional policy here on the Commission and within the County as a whole.

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The affordable housing, as we have discussed over the last several months, is difficult in that we have 42 municipal entities in the town, I mean, in the County some towns have 52 individual hamlets like the Town of Brookhaven but we certainly have a great diversity of community types and one size fits all is a difficult standard to apply. So on one hand, we do want to

17 advocate for a regionally consistent policy
18 to help guide issues like affordable
19 housing, open space preservation, traffic
20 mitigation, natural resource protection
21 because we are all linked to those natural
22 resources. Groundwater doesn't know any
23 municipal boundaries. Open space
24 preservation is something that, I think, all
25 county residents have -- have a minimal need

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1 Suffolk County Planning Commission 55
2 for affordable housing and sometimes that
3 affects all residents across all of our
4 jurisdictional boundaries. So as much as we
5 support and endorse the idea of authority
6 and the great diversity of communities that
7 we have, it is still important to keep a
8 focus in terms of having a regional guide or
9 a regional set of policies from all
10 municipalities so hopefully it follows so
11 that we can meet our regional need and at
12 the same time as protecting local interests.

13 That being said, the referral that you
14 have before you in terms of its scope is
15 addressing a number of ongoing concerns that
16 the Town has with their affordable housing
17 program. A number of years ago they adopted
18 an affordable housing code that was fairly
19 ambitious from what we have seen of all the
20 other municipalities that start to -- say

21 that all developments with five or more
22 units should reserve a minimum of 25 percent
23 of those units as affordable units. There
24 is -- as Andy will get into a whole
25 assortment of complicated issues I felt were

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1 Suffolk County Planning Commission 56

2 all goals. How do you define affordable
3 housing? What are we shooting for? Are we
4 looking for residents that are at 50 percent
5 of median income, 80 percent of median
6 income, 120 percent of median income? In
7 this particular instance even though it is
8 not incorporated within the language you
9 have before you, it is referenced in another
10 chapter of the code and this is actually
11 aimed at residents that are making a 120
12 percent of median income. So just for
13 background, this is one of the contexts to
14 keep in mind as you are looking at it.

15 One of the other provisions in the code
16 is something that has been very popular in
17 our discussions here and has been a pleasure
18 to listen to the debate involves whether or
19 not all the affordable housing should be
20 built on site? Whether there should be some
21 provision or relief valve that develops on
22 affordable housing on other properties or
23 whether there should be some provision for
24 the payment or fee in lieu of development of
25 affordable housing either on-site or

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1 Suffolk County Planning Commission 57
2 off-site? It could be used for a whole host
3 of issues. How do you determine that fee is
4 also another important issue is one of the
5 concerns that we have with the ordinance and
6 I think, Andy, will go into that with
7 greater detail and that it states a regional
8 policy point. Number one, that payment for
9 a fee in lieu of the development of
10 affordable housing on-site should be
11 consistent with the amount of subsidy that
12 one would anticipate on-site or affordable
13 housing on-site and if that standard should
14 be consistently applied from application to
15 application. That is one of the things --
16 again, Andy, will go into it in greater
17 detail, is lacking with some levels of
18 specificity under the ordinance.

19 One of the other issues is always worth
20 a decent amount of debate and that is that
21 many of these local codes also have what is
22 called commonly known as local preference
23 requirements. Meaning that there is a
24 higher priority given to the selection
25 process for local residents, local workers,

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1 Suffolk County Planning Commission 58
2 and sometimes emergency service personnel

080608SuffolkCountyPlanningBoard.txt
3 are given a higher status. Sometimes senior
4 citizens are given a higher status in the
5 selection process, and that is something
6 that is certainly worth some discussion from
7 the Board Members. In many respects, it
8 makes some sense that you would want local
9 residents to benefit from the locally
10 supported affordable housing; so there is
11 also an issue of that.

12 I was attending a meeting at the Long
13 Island Regional Planning Board yesterday.
14 There are also issues in terms of local
15 preferences and to perpetuate some of the
16 segregated nature of our housing now by
17 giving greater preference to those people
18 who are already living in the community. It
19 is an important issue and I don't mean to
20 make light of it one way or the other. It
21 is an important issue and is certainly
22 worthy of some discussions.

23 The ordinance also addresses -- again,
24 Andy, will get into it in more detail of
25 some of the others and basic parameters in

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1 Suffolk County Planning Commission
2 terms of making sure that the appearance is
3 consistent with the overall subdivision.
4 Making sure the units are dispersed
5 throughout the subdivision. Again, just in
6 terms of background, it is a new animal. I
7 apologize for going on a little bit, but it

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8 is important to be in context as we go into
9 somewhat of a new direction in terms of
10 focusing on these regional policy issues as
11 opposed to individual nuts and bolts
12 situations with individual applications.

13 Again, just as backdrop, please pay
14 attention if you haven't already to the
15 incentives. Whether or not the incentives
16 developed for affordable housing are
17 adequate. This code specifically references
18 the labor and fees with specific reference
19 to those fees associated with affordable
20 units themselves without the overall fees.
21 Again, the standard by which you can opt out
22 of being required to build housing on-site
23 is another big picture item. The nature of
24 that fee. Who the housing is earmarked for
25 in terms of the local preference, as well as

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1 Suffolk County Planning Commission 60
2 what income groups.

3 Again, Andy, will give you a much more
4 detailed version of the nuts and bolts, but
5 big picture, you are going to see a lot more
6 of these applications in terms of code
7 amendments for a whole host of issues, as
8 well as comprehensive plans, corridor
9 studies, and other long range planning
10 documents.

11 CHAIRMAN CALONE: Thank you, Dan.

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Andy?

MR. FRELENG: Mr. Chairman, Members of the Board, and Deputy Director Gulizio.

This referral comes to us from the legislative body in the Town of Southold. This is a town board own motion for amendment of the inclusionary zoning requirements in the code in the Town of Southold. Our jurisdiction as was indicated is New York State General Municipal Law 239-M which requires that local laws can be referred to the Suffolk County Planning Commission.

Briefly, the applicant proposed a local

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Suffolk County Planning Commission Law amending the inclusionary zoning requirements in the code as I indicated. Their intent is to advance the goal of increasing affordable housing opportunities within the Town, while at the same time, providing greater flexibility for the subdivision applicant. It is indicated in the local law that the inclusionary zoning ordinance in the book is not effective if it is not being applied. So they are proposing to make amendments to that.

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There are nine amendments to the ordinance that they are proposing. I don't know if you want me to detail them, but they are detailed in the staff report.

17 CHAIRMAN CALONE: I am sure everyone
18 can read this. If there is anything that
19 you want to point out particularly, please
20 don't hesitate.

21 MR. FRELENG: The only thing to
22 indicate in the staff analysis is that
23 something appears that this ordinance, as
24 well as similar ordinances, I am familiar
25 with the Town of Southampton's inclusive

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1 Suffolk County Planning Commission
2 zoning ordinance for subdivisions which
3 gives a density incentive for affordable
4 units. That is rarely used in the Town of
5 Southampton, as well. So we do know that
6 there are density incentive ordinances that
7 are out there that are not being utilized.
8 Staff took a look at this, and I believe
9 that it incorporates some of the flexibility
10 that exists in the pending state legislation
11 for affordable housing.

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12 Staff is recommending approval with the
13 follow comments: What we did notice was
14 that while they provide flexibility, they
15 pretty much leave it up to committee
16 decision, if you will, or debate as to what
17 some of the standards for implementing some
18 of the flexibility should be and that is
19 where staff felt was their largest weakness.
20 For example, there are no standards of

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criteria for setting the value of the
affordable units in case you want to do
payment in lieu of, so there should be some
standard value that the Deputy spoke to.
There should be consideration for criteria

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Suffolk County Planning Commission

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allowing payment in lieu of, so once you
have established what the value of these
units should be, there should be some
criteria when you would be allowed to pay
instead of building on the site. We also
believe that there should be some criteria
for the approval of off-site construction,
so the site that is selected for off-site
construction, we believe, should go through
some sort of triage, if you will, a
check-list that the site would be suitable
and better than the subject parcel where the
development -- where the affordable units
are derived from.

Lastly, we believe that, as the Deputy
indicated, that there are potential impacts
associated with local preference and we
believe that the Town Board should take a
look at those issues once again and provide
us with some sort of an assessment on
whether or not that local preference program
would be valuable to the Town.

CHAIRMAN CALONE: Andy, in light of the
things you have been mentioning about more

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Suffolk County Planning Commission
specifics and that Deputy Director Gulizio
has been mentioning in terms of specifics
that don't seem to be in code, was there any
specific suggestions that you would have or
either of you would have in regard to things
that we might add to these comments in terms
of giving them a little more flesh?

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MR. FRELENG: Well, I will refer to the
Deputy on that but we can certainly -- I
don't think we have any "in the wings" where
we certainly have developed some standards
for some of these things, but I would refer
to Dan on that.

DEPUTY DIRECTOR GULIZIO: We can
certainly discuss that language now -- the
proposal language. Again, I can say but
certainly at the outset we propose these as
comments. It is certainly within this
Commission's discretion and, again, it is
hard for us to predict which is your
preference ahead of time, but based upon
some of the discussions we had during our
work session and previous discussions and
meetings, conditions are certainly

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Suffolk County Planning Commission
appropriate and we can certainly convert

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080608SuffolkCountyPlanningBoard.txt
that into the format.

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CHAIRMAN CALONE: Convert the comments into conditions?

DEPUTY DIRECTOR GULIZIO: Correct.

CHAIRMAN CALONE: Commissioner Braun?

COMMISSIONER BRAUN: Yes, I have a question about our action on this type of a matter rather than a subdivision or zoning and that is -- the question is this, if we were to attach conditions and say we would like the statute to say A, B, C, and D instead of what it currently says and then it goes back to the Town Board, are they then bound by the same super majority requirements they would be bound by on any other kind of a regulatory application?

MR. FRELENG: Yes, they would be.

CHAIRMAN CALONE: I believe -- Counsel, do have anything contrary on that?

MS. CAPUTI: I am not sure. I would have to take a look but it is a good question.

MR. FRELENG: Staff's impression that

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Suffolk County Planning Commission this is a 239 referral. A change of zone comes from the Town Board, and it includes that to deny the change of zone they would have to override the Commission. This is a 239 referral, so they would have to attach reasons to their referral to override those

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condi ti ons.

COMMISSIONER BRAUN: It would be in the same way as the zoning change or --

MR. FRELENG: That is my belief, yes.

CHAIRMAN CALONE: Director Isles, do you have anything to add on that?

DIRECTOR ISLES: No.

CHAIRMAN CALONE: I want to give the microphone to Commissioner McAdam. Before that, I didn't know if you, Dan, had anything you wanted to add in terms of anything else you would suggest that would be included in this language?

DEPUTY DIRECTOR GULIZIO: Just to reiterate. That general law municipal law provision that requires a super majority override for a change of zone or a site plan is within the same paragraph as any other

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Suffolk County Planning Commission
zoning action. We consider this to be a zoning action referenced under general municipal law. It is the same paragraph that requires that the super majority override a subdivision or site plan. Again, with deference to Counsel's further research, it seems to us it would be reasonable to conclude that it would require the super majority to override.

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CHAIRMAN CALONE: And with specific

12 reference to the comments or conditions that
13 are here on your staff report, was there any
14 -- I mean, Andy referred to in regard to --
15 is there any particular thought we should
16 add or do that you recommend adding?

17 DEPUTY DIRECTOR GULIZIO: Well, I think
18 you can rephrase quite honestly. Again, I
19 don't mean to do it to the Commission on a
20 fly but I think if you want to put it in the
21 form of a condition you can simply rephrase
22 say the first bullet instead of saying,
23 "consideration should be given toward
24 developing standard criteria," you can say,
25 "the proposed ordinance should be amended

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1 Suffolk County Planning Commission
2 through the incorporation of standards and
3 criteria for setting the values for the
4 pricing of affordable units." Instead of
5 saying, "consideration should be given for
6 developing standard criteria for allowing
7 payment," should say -- it could say, "the
8 ordinance shall be or should be amended to
9 include standard criteria establishing the
10 basis for permitting payment in lieu to
11 development on-site affordable housing
12 units," and so on down the line. It is -- I
13 would be happy to write those out a little
14 bit, if the Commission would take an
15 intermission or go on to further business.
16 So I --

17 CHAIRMAN CALONE: Well, if there are
18 specific suggestions you have that is great,
19 but I wanted to know what they were and then
20 I was going to recognize Commissioner McAdam
21 because he is from Southold and I should
22 have recognized him first.

23 COMMISSIONER MCADAM: I kind of want to
24 move away from the technical aspect and you
25 give you an idea of what I think is going on

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1 Suffolk County Planning Commission
2 out there since I lived out there for about
3 16 years.

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4 First of all, over the past five years
5 the Town has undertaken a hamlet study and
6 really the purpose of the hamlet study is to
7 determine where they wanted to grow. Right
8 now, growth is kind of staggered along the
9 towns, along the sound on the bay side, and
10 basically it is a decision they made through
11 a number of citizens groups. It was to
12 focus most of the development in the hamlet
13 areas and to do that they have to make
14 modifications -- they will have to make
15 modifications to the code for accessory
16 parking, converting one-family houses to
17 two-family houses, and subdividing
18 properties within the hamlet area.

19 The affordable component is trying to
20 direct into that area but not exclusively.

21 The Southold, as many of you know, has a
22 considerable amount of land. Most of it is
23 farm land. I can't say how much of it is
24 protected but maybe half of it is protected,
25 but there are still large residential acres

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1 Suffolk County Planning Commission 70
2 available to handle any kind of affordable
3 issues that will come up in the future. So
4 I think their -- again, their main focus is
5 to preserve the farmland, to preserve the
6 vineyards, and try to work with the Health
7 Department and with the Suffolk County Water
8 Authority and make some kind of concessions
9 in the hamlet area where you can increase
10 density and provide housing for senior
11 citizens that are now moving from larger
12 homes into smaller homes within the area and
13 they want to stay in Southold.

14 Secondly, and I don't know if it is
15 more importantly, is that they have a large
16 blue collar population that services not
17 only Southold, Riverhead, but the whole
18 South Fork, and they want to keep their sons
19 and daughters of their ancestors in the
20 towns instead of having to move to other
21 parts of the County. So they are -- it is a
22 very local, I guess, you can call it the
23 local preference part of it, but that is
24 their local preference to keep the seniors
25 there and house the -- the small houses that

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1 Suffolk County Planning Commission 71
 2 they move out of, they would have their
 3 local blue collar workers or service workers
 4 moving into those homes keeping the seniors
 5 happy and keep their sons and daughters in
 6 the area.

7 So that is my take on the whole social
 8 aspect of what is going on out there.

9 CHAIRMAN CALONE: I appreciate that
 10 background. Thank you.

11 Commissioner Holmes and then
 12 Commissioner Roberts?

13 COMMISSIONER HOLMES: I am fully aware
 14 of and support what Commissioner McAdam is
 15 saying, and I had thought in reading the
 16 staff recommendations. I was rather happy
 17 to see that they were comments and not
 18 conditions because as Commissioner McAdam
 19 has pointed out, the Town has reasons for
 20 moving in this direction and although we can
 21 comment on asking them to focus or consider
 22 these four points. To make them conditions
 23 bothers me because I am so aware that the
 24 local community is in a better position to
 25 determine what their affordable criteria

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1 Suffolk County Planning Commission 72
 2 needs to be and the fact that they are

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recognizing that what they have now hasn't been working and they are moving toward doing something that makes more sense.

I would like to see these left as comments for that reason.

COMMISSIONER ROBERTS: Either way I am comfortable with making the first three conditions. The fourth, I wasn't and I was interested in hearing Dan's thoughts. I am a little bit confused on what kind of things you would be talking about from considering things that might mitigate potential impact of local residents. I wasn't clear on what kind of things one would look for in reviewing that.

DEPUTY DIRECTOR GULIZIO: Well, one of the things that could be considered, again, it is a policy question for the Commission and I want to be clear about that.

One of the things is when the criteria for preference are so overwhelming aimed at local residents, there is really a limited opportunity for anyone else to participate

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Suffolk County Planning Commission in those types of housing opportunities which tend to perpetuate some of the segregated aspects of our housing right now. So, you want to, I think, if you want to lessen that potential you would lessen the preference for local residents and expand

8 the scope a little bit to potential
9 candidates for these types of housing
10 opportunities.

11 CHAIRMAN CALONE: It would seem to me
12 that what Linda is saying and what Tom is
13 saying isn't necessarily and what Barbara
14 was saying earlier about being consist, that
15 may be a very local decision and clearly a
16 preference to but the first bullets as
17 Barbara pointed out, I feel that they should
18 be conditions because without those things,
19 a policy fails and without having some set
20 guidelines or some set standards, for
21 instance, clear standards of when you can
22 opt out or when someone can make that
23 payment and what that payment is. It
24 becomes a code without any teeth, without
25 any bite. So, just thinking from myself, I

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1 Suffolk County Planning Commission 74
2 actually agree with Commissioner Roberts
3 that maybe the first three may deserve to be
4 conditions, but I do agree with Commissioner
5 Holmes that the fourth one is a very local
6 and, I think, Tom, you were saying there was
7 a very local flavor to it.

8 The other thing I would say and I think
9 I am picking up on what Dan said is that,
10 there is no increase, there is no real
11 incentive here for the village to do this.

12 The only thing that is in the code is the
13 waived fee with respect to the affordable
14 housing project, but that is only 20 percent
15 of the project fees and half of the fees
16 need to be paid by the developer. So that
17 is just one thing we may want to include
18 consistent with what you were saying, Dan,
19 is pointing out to the Town that they need
20 some kind of incentive with building here or
21 we're not going to do it. Whether it is a
22 density bonus like virtually every town has
23 or waiving the fees for the whole project as
24 an incentive. Maybe the Town will come up
25 with what makes sense for them but --

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1 Suffolk County Planning Commission 75

2 DEPUTY DIRECTOR GULIZIO: I have the
3 fast track applications which is another
4 opportunity that can be put in or another
5 provision that can be incorporated.

6 CHAIRMAN CALONE: Maybe we could
7 consider saying, "We think there needs to be
8 additional incentives here," and there is a
9 couple of ways we can do it. You could list
10 density bonus, waiving of all fees, fast
11 tracking it. The town will pick what makes
12 sense for it. So from my -- if I was
13 developer, I don't know if I would do this
14 because there is no incentive for me to do
15 so.

16 Commissioner Lansdale?

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21 question goes to the purposes of this local
22 ordinance. When I read sections of the town
23 board of the Town of Southold and that is
24 the legislation of 2004, required
25 development for a standard subdivision

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1 Suffolk County Planning Commission 77
2 included provisions for affordable housing
3 in a subdivision. Since that time, no
4 affordable homes have been built pursuant to
5 the requirements and developers have pursued
6 other options; what other options?

7 DEPUTY DIRECTOR GULIZIO: One of the
8 other options is to do something other than
9 a standard subdivision. Do a conservation
10 subdivision or seek some other type of
11 zoning relief.

12 CHAIRMAN CALONE: Andy?

13 MR. FRELENG: My experience in the Town
14 of Southampton where they have density
15 incentives, if the subdividers choice not to
16 go for extra density they put them in as an
17 as-of-right subdivision.

18 VICE CHAIRMAN PRUITT: So the purpose
19 of this legislation is to advance the goal
20 in increasing housing opportunities for
21 families and individuals in the Town of
22 Southold. So how does this work --
23 encourage more affordable housing to be
24 built?

25 MR. FRELENG: I can think of a

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1 Suffolk County Planning Commission 78
2 scenario. This is totally hypothetical
3 where a developer comes in and says he wants
4 to move the project and the municipality
5 says, we want you to build an X number of
6 units on site and the developer, for
7 whatever reason, decides if those units
8 would be marketable or wouldn't be able
9 market the other units, so he says, "what if
10 I do this? How about if I give you money
11 instead and I just forget the affordable
12 units and just build as-of-right project?
13 So the ordinance wasn't specific in what
14 those other options are, but speculators
15 come in and they look at the site and they
16 size it up and then they take other options
17 depending on their bottom line.

18 VICE CHAIRMAN PRUITT: So, I guess my
19 question is why did the original law fail
20 and what in this act of the new amendment
21 are we imposing or at least suggesting that
22 they correct that?

23 MR. FRELENG: I would apologize and
24 prepare staff. We didn't read the original
25 ordinance recently, but apparently, there

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1 Suffolk County Planning Commission 79
2 was not flexibility in the original

080608SuffolkCountyPlanningBoard.txt
3 ordinance. It either was you do or you
4 don't.

5 CHAIRMAN CALONE: Deputy Director?

6 DEPUTY DIRECTOR GULIZIO: Just to add
7 to that. I would surmise that one of the
8 problems with the original ordinance is that
9 it lacked sufficient incentives to actually
10 encourage people to participate, number one.
11 One of the biggest fears we have from a
12 staff standpoint with the modified ordinance
13 is that it goes to the other extreme in
14 allowing essentially no standards to
15 consider when someone might just pay the fee
16 instead of just paying. There was no
17 participation previously and the incentives
18 have not been increased that much other than
19 a decrease percentage in the total number of
20 25 percent to 20 percent. It seems like it
21 is going to essentially encourage people to
22 just pay the fee every time and won't result
23 in additional affordable housing in
24 developing in terms of actual units. That
25 is one of our biggest fears when there are

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1 Suffolk County Planning Commission
2 no standards of criteria for opting out of
3 the program then to just write a check.
4 Then it seems like most people, if they
5 haven't participated already, they simply
6 just write a check and that leads to a
7 problem. You are going to run out of more

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8 and more opportunities or sites to actually
9 construct the units, and then you end up
10 having higher and higher concentrations of
11 affordable housing units as opposed to
12 trying to equally disperse them on a town
13 wide basis throughout the town.

14 CHAIRMAN CALONE: Commissioner Braun?

15 COMMISSIONER BRAUN: Do we know if --
16 in your summary, Andy, you say the funds for
17 the opt out go into the town housing fund
18 and then what happens with them? Do they
19 sit there forever? Does the town build
20 housing with that money? What happens?

21 MR. FRELENG: Well, the Town of
22 Southold and I don't know the specifics, but
23 they do have housing programs. One thing
24 that the County is involved with the Town is
25 the transfer of properties where they

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1 Suffolk County Planning Commission 81
2 transfer properties to the town and they
3 would build an affordable unit and they
4 would use the money that they collected
5 through -- in lieu of payments, I would
6 imagine. They would subsidize mortgages or
7 the extent that that money then becomes
8 leverage so they would do other things
9 throughout the town.

10 COMMISSIONER BRAUN: This fund already
11 exists? Do we have any experience with what

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they have actually done with it?

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MR. FRELENG: I don't have any knowledge as to what they have done with it and I don't want to speak, but I do believe that they do have a housing program.

CHAIRMAN CALONE: Commissioner McAdam?

COMMISSIONER MCADAM: I just have one more question about affordable housing.

They did complete the cottages in Mattituck and that is affordable units. I was just there yesterday, and I can't remember if it was ten or fifteen units and -- so they are directing their money into affordable units. It took them two years to

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Suffolk County Planning Commission get approval since it was in the middle of a residential area in the town itself in the Hamlet of Mattituck. They took considerable amount of time to get through it, but they did stick with it and they finished some beautiful units. The other question is that they do have a housing department and they have a director and he has been pretty active over the past five years -- you know, looking for different housing options.

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CHAIRMAN CALONE: Anyone else have any comments or questions about the --

Charla?

COMMISSIONER BOLTON: I just have a question.

17 I mean these laws on a town level are
18 under the police power; right? So why is
19 this so sort of lousy goosy? Can't you just
20 require -- I mean this is the late stage of
21 development on Long Island. We do not have
22 enough affordable housing. Why is there
23 even a question about just making it
24 mandatory -- for the town to make it
25 mandatory to require that units -- a certain

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1 Suffolk County Planning Commission 83
2 percentage of units be built on-site. I
3 mean, I don't understand why this is sort of
4 -- for example, in 2004, I haven't seen that
5 law but why was it unsuccessful? Did they
6 just not require it? Well, if they don't
7 require it, they are not going to be built.
8 If anybody has -- I mean, I just don't
9 understand the thinking exactly.

10 COMMISSIONER CARACCILO: Director
11 Isles, is that about going to the
12 Legislature for prior approval?

13 DIRECTOR ISLES: Partly, I think we
14 have a set of questions in light of 2004
15 where it didn't work. We don't know
16 precisely why. Perhaps the incentive was
17 not enough of an incentive. Maybe the
18 option to develop with less than the maximum
19 density was more attractive. In terms of
20 why don't we just mandate anyway? That is

080608SuffolkCountyPlanningBoard.txt
21 really a policy question and as Commissioner
22 Caracciolo makes a point about the
23 legislation pending --
24 COMMISSIONER CARACCILO: Still pending
25 from 2004; right?

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1 Suffolk County Planning Commission 84
2 DIRECTOR ISLES: But even that, we had
3 contact provisions. It really gets back to
4 the bulk of our argument that they created a
5 local -- strong problem locally. So that is
6 a policy decision and the Commission's part
7 in terms of should there be an absolute one
8 solution mandated percentage which is what
9 we have been doing up until now or should it
10 be here again reflection of the
11 municipalities which reverts to communities
12 and circumstances we have here in Suffolk
13 County and should be something that has
14 flexibility to it.
15 COMMISSIONER BOLTON: I am not saying
16 to erase all flexibility. I am just saying
17 there has to be some way in which people
18 take this requirement seriously and do not
19 say, "Well, I just don't want to do that" --
20 you know, because what we are really talking
21 about is trying to get affordable housing
22 dispersed throughout the County and not just
23 fixed in certain places that nobody else
24 wants to live in.
25 CHAIRMAN CALONE: We have a certain

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1 Suffolk County Planning Commission 85
2 mandate and I think that we working
3 seriously on improving our guidelines to
4 make them seem more flexible and a more
5 competent program. If the State would like
6 to mandate ten percent or whatever they
7 decide to do. If the Governor signs it,
8 they can do that. The town themselves can
9 also say we want ten percent, fifteen
10 percent, whatever. That is within their
11 power and -- you know, the County Executives
12 Office has been working on this, as you
13 know, but for us being here as an advisory
14 or with the little bit of teeth work, I
15 think, our goal is trying to get something
16 that will move the ball here towards having
17 more rational standard and more
18 comprehensive planning without creating a
19 situation where one sentence doesn't make
20 sense.

21 Dan?

22 DEPUTY DIRECTOR GULIZIO: One important
23 distinction to make also on that is we
24 should distinguish as-of-right applications
25 such as subdivisions where somebody is

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1 Suffolk County Planning Commission 86
2 simply trying to develop a piece of property

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in accordance with the existing zoning and someone who is seeking a change of zone for a legislative act where they're receiving a benefit in return for the rezoning. Statutes have been on the books in towns in Suffolk County and in the Town of Islip, Town of Brookhaven and other towns that require a minimum percent of affordable units in conjunction with rezoning applications for decades now. There isn't a town on Long Island that I am aware of that actually requires that -- other than the ordinance we are talking about in conjunction with as-of-right subdivisions without any density bonuses or anything. Is something that I don't think really has been touched to date.

Again, I am not an expert on it. There have been challenges in other states in conjunction with that. There is absolutely no incentive and there is just a mandate for as-of-right applications but something needs to be cognizant of. I think that is part of

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Suffolk County Planning Commission
the issue in conjunction with the
subdivision type applications.

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CHAIRMAN CALONE: Counsel?

MS. CAPUTI: The municipalities have to want to buy into so they have been looking at ways to give incentives to

8 municipalities. Tax breaks, significant
9 school tax breaks, real estate taxes, and
10 incentives that will be a good benefit for
11 the municipalities, in addition, to the
12 developers. They have to give incentives to
13 encourage affordable housing throughout the
14 towns.

15 CHAIRMAN CALONE: I appreciate that.

16 COMMISSIONER BOLTON: I don't think
17 there is a taking issue at all because you
18 are not guaranteed the highest return on
19 your property and that is really the crux of
20 the taking issue. A lesser return as long
21 as you have a reasonable return on the
22 property; it is not a taking. So, I just
23 feel it has been a failure really for the
24 most part, and I just want to summarize by
25 saying, I really don't feel comfortable

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1 Suffolk County Planning Commission 88
2 voting for this at all -- this Southold law.

3 CHAIRMAN CALONE: Any other comments or
4 questions?

5 There seems to be some consensus
6 perhaps around making the first three
7 bullets comments -- sorry -- and this refers
8 to both conditions and leaving the fourth
9 comment as it is and potentially adding
10 something regarding the need to look at
11 increasing incentives. Are there any

080608SuffolkCountyPlanningBoard.txt
12 objections to that? I want to make it is
13 formally -- I don't want in any way propose
14 that or suggest that is the way we
15 necessarily should go. Is there any
16 objections to that?

17 Tom?

18 DIRECTOR ISLES: If we make the first
19 three conditions and the last a comment,
20 when this goes back for being approved and
21 this goes back to the town, they need a
22 super majority.

23 CHAIRMAN CALONE: With respect to the
24 three conditions?

25 COMMISSIONER BRAUN: Unless they agree

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1 Suffolk County Planning Commission 89
2 with you. If they choose to override.

3 COMMISSIONER CARACCIOLO: I have a
4 question on that. Maybe I missed it but
5 this sort of has been approved by the Town
6 and we are trying to get them to now go back
7 and -- I mean, am I reading the adopted --
8 they adopted it at a town board meeting.
9 The public comment on the 29th. So they
10 already approved this and now we are going
11 back to ask them -- they did not approve it?

12 DIRECTOR ISLES: No.

13 COMMISSIONER CARACCIOLO: So I am
14 reading it wrong or what?

15 DEPUTY DIRECTOR GULIZIO: The
16 resolution was adopted to set the public

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hearing.

COMMISSIONER CARACCILO: The public hearing was July 29.

COMMISSIONER BRAUN: That is not the adoption of the ordinance; that is just a public hearing.

COMMISSIONER CARACCILO: It says, "adopted" on top.

COMMISSIONER HOLMES: Where are we

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Suffolk County Planning Commission 90
reading this adopted --

CHAIRMAN CALONE: Page -- the last page, it does say, "result adopted unanimous."

COMMISSIONER BRAUN: Yes, but what they adopted was a resolution to hold a hearing.

CHAIRMAN CALONE: Andy, is that your understanding on this?

MR. FRELENG: Yes, that is the way we get those. They adopt a resolution, hold a hearing, and then they refer it to us.

COMMISSIONER CARACCILO: I appreciate the clarification, Deputy Director.

COMMISSIONER HOLMES: Then it does make sense to do what we are --

CHAIRMAN CALONE: Okay, I think we are back to where we are. I appreciate the point but Commissioner Roberts, you're up.

COMMISSIONER ROBERTS: David, the issue

080608SuffolkCountyPlanningBoard.txt
with the incentives should be a condition
because I think we all are thinking, what is
going to make this happen? And it's kind of
waste of time and effort, if we don't.

CHAIRMAN CALONE: So you are saying

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1 Suffolk County Planning Commission 91
2 create a new Number 5 and make that a
3 condition. Keep Number 4, as a comment and
4 the rest will be -- just to be clear, the
5 Number 5, will be vaguely saying to the town
6 that they -- there needs to be a review for
7 increase in the incentives with respect to
8 the code for --
9 COMMISSIONER HOLMES: In other words,
10 to increase the incentive to include
11 incentives from a whole project as fast
12 tracking or --
13 CHAIRMAN CALONE: Or we could put
14 examples there.
15 COMMISSIONER HOLMES: In other words,
16 incentive saying -- showing that we would to
17 keep the incentives broadened, so that they
18 include -- wanted to do the project in the
19 first place and not just the affordable
20 housing complex.
21 CHAIRMAN CALONE: The incentive could
22 be a number things. I think we should leave
23 that for the town but we might put let's
24 say, "the incentives could include the
25 density bonus, waiving fees for the entire

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1 Suffolk County Planning Commission 92
2 project rather than just for the affordable
3 housing --
4 COMMISSIONER HOLMES: Or fast tracking
5 the application process.
6 CHAIRMAN CALONE: And fast tracking.
7 Those are the three we mentioned here today.
8 MR. FRELENG: Is the condition that the
9 town shall look at increasing incentives or
10 is it the conditions that the town shall
11 include incentives? You are either asking
12 them to look at them --
13 CHAIRMAN CALONE: I mean they have an
14 incentive in there. I think the point here
15 was the decision that if the incentive is in
16 there is just -- you don't have to pay the
17 fees for the proportion of that affordable
18 housing. So, I think what maybe we are
19 saying is that the incentive needs to be
20 increased and they can figure out how they
21 want to do that and it could increase those
22 incentives with the three possibilities that
23 we mentioned or other --
24 MR. FRELENG: They shall look to
25 increase incentives and these are some

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1 Suffolk County Planning Commission 93
2 examples.

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CHAIRMAN CALONE: Right.

Again, with enough flexibility that we are not telling them how to do that. Those are just some examples.

Dan?

MS. LANSDALE: Chairman?

CHAIRMAN CALONE: Yes.

COMMISSIONER LANSDALE: Can you just have a clarification or add so that when we send back for comment on the last -- that the only comment on this was the person receiving this information understands what the potential mitigated -- the potential impacts are associated with the local preferences but there is a sharper point on that. The point is racial segregation.

CHAIRMAN CALONE: And socioeconomics?

COMMISSIONER LANSDALE: Right, racial and socioeconomic segregation. For instance, consideration would be given toward mitigating potential impact that includes racial and socioeconomic segregation associated with local

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Suffolk County Planning Commission preferences. Just so that the person receiving that from the town understands our intent.

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CHAIRMAN CALONE: Your point is to mitigate.

COMMISSIONER LANSDALE: Exactly, it can
Page 80

8 be congestion or other things.
9 CHAIRMAN CALONE: Any objection to
10 having that clarified language?
11 COMMISSIONER MCADAM: Just as an
12 example --
13 CHAIRMAN CALONE: We can do "such as."
14 COMMISSIONER LANSDALE: "Such as."
15 CHAIRMAN CALONE: No objection to
16 making the first three conditions, adding a
17 fifth condition and making the fourth --
18 COMMISSIONER ROBERTS: Maybe racial and
19 ethnic.
20 COMMISSIONER HOLMES: I like the way
21 Sara worded it because it was -- you know,
22 including and not so much targeting.
23 CHAIRMAN CALONE: Right, it is not
24 exclusive.
25 COMMISSIONER HOLMES: Can you read that

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1 Suffolk County Planning Commission 95
2 again, Sara?
3 COMMISSIONER LANSDALE: I think the
4 three words I wanted to insert after
5 mitigating potential impact "such as" or
6 "for instance" whatever the language the
7 Commission chooses to use such as racial and
8 socioeconomic segregation.
9 CHAIRMAN CALONE: Any objection to
10 that? Seeing none.
11 Okay, Commission, now I think we have

080608SuffolkCountyPlanningBoard.txt
12 gotten ourselves around the conditions and
13 comments, therefore, I will entertain a
14 motion.

15 COMMISSIONER MCADAM: Motion made.

16 COMMISSIONER HOLMES: Second.

17 CHAIRMAN CALONE: Motion to approve the
18 staff report as amended here was made by
19 Commissioner from Southold, Mr. McAdam and
20 was seconded by the Commissioner of Shelter
21 Island, Commissioner Holmes.

22 All those in favor of approving the
23 staff report as amended by the Commission,
24 please raise your hand.

25 (WHEREUPON, the Board voted.)

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1 Suffolk County Planning Commission

96

2 CHAIRMAN CALONE: We have seven.

3 All those opposed and abstentions?

4 We have seven to four.

5 I will switch my vote to against and
6 move to rehear.

7 Are there any conversations -- I know
8 Constantine with --

9 MR. FRELENG: Mr. Chairman, we just
10 need a tally of that vote.

11 CHAIRMAN CALONE: Six to one vote. I
12 vote against, and I will move to reopen and
13 I would entertain a second.

14 COMMISSIONER ROBERTS: Second.

15 CHAIRMAN CALONE: Second by
16 Commissioner Roberts.

17 I know Constantine is -- needs to
18 abstain. The other was --

19 COMMISSIONER BOLTON: Mine was not a
20 abstention. I was voting against.

21 CHAIRMAN CALONE: I apologize. I
22 thought you were abstaining. So you are
23 opposed?

24 COMMISSIONER BOLTON: Yes.

25 CHAIRMAN CALONE: Andy, I was wrong.

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1 Suffolk County Planning Commission 97

2 It was six to two to three.

3 MR. FRELENG: Who opposed? Chairman
4 Calone and Commissioner Bolton. And the
5 abstentions were Commissioner Caracciolo and
6 Commissioner Fiore and Commissioner
7 Kontokosta; that is two.

8 CHAIRMAN CALONE: So we have added a
9 move to rehear. I just wanted to open the
10 floor and say to those who are abstaining,
11 do you wish to in any way -- any comments
12 they would like to make in any way?

13 COMMISSIONER FIORE: I want to say
14 something, but I wanted to make sure it
15 comes out correctly because I am really
16 perplexed with this whole thing.

17 Commissioner Holmes made a statement
18 earlier on which I was all for. If it was a
19 comment, it is fine but once we started
20 instituting conditions, I am not sure that I

21 understand everything that is going on in
22 the Town of Southold. So, for me to make a
23 condition on something that is going on in
24 the Town of Southold, the town should
25 decide. I don't think it is -- I don't

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1 Suffolk County Planning Commission 98

2 think I can do that. I just don't believe I
3 can move forward with something like that
4 and if it was comments, I could go by -- I
5 am going with the staff recommendations. As
6 a comment, I can handle that. As a
7 condition, I don't think I can handle that.

8 CHAIRMAN CALONE: John, do you have
9 anything you want to say?

10 COMMISSIONER CARACCIOLO: Mr. Chairman,
11 I disagree with what is affordable in
12 Southold, what is affordable in Southampton.
13 As a comment, that is fine. I would say I
14 would approve it as it is, but when we start
15 putting mandated conditions on it for the
16 town, I think local knows a little better
17 than us and I would approve their transcript
18 of it. Again, Andy, I would approve the
19 original transcript of it.

20 CHAIRMAN CALONE: Thank you. Any other
21 staff comments? Anything you wanted to say?

22 COMMISSIONER BOLTON: I certainly would
23 rather see it as conditions than as a
24 comment. If it is to be adopted, I mean,
25 yes, adopted I am uncomfortable with it. It

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1 Suffolk County Planning Commission 99
2 is not really consistent with any of the
3 guidelines we are contemplating.
4 CHAIRMAN CALONE: I think one thing
5 that speaks to me about this is that --
6 COMMISSIONER BOLTON: That is where I
7 have a problem.
8 CHAIRMAN CALONE: (Continuing) -- I
9 felt that once we made some changes that
10 maybe more consistent with what we are
11 talking about on our guidelines. One of the
12 issues here is, of course, our guidelines as
13 haven't been approved which actually would
14 be as proposed at least somewhat consistent
15 with things as we now change them a little
16 bit.
17 Commissioner Braun?
18 COMMISSIONER BRAUN: In line with what
19 Commissioner Fiore said, I am somewhat
20 conflicted because on the one hand, you are
21 right, Southold knows what is going on in
22 Southold much better than we do. We weren't
23 elected by the people of Southold. On the
24 other hand, if we are going have any county
25 wide consistency, any oversight kind of

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1 Suffolk County Planning Commission 100
2 authority or at least ability to recommend,

3 then it shouldn't be just -- and suppose the
 4 town board of Southold decided we just
 5 wanted to have segregation here and we are
 6 going to do everything kind of quietly under
 7 the table to keep it that way and just let
 8 everybody out of all of these requirements
 9 all of the time and we will look like on
 10 paper we are doing what we should do but in
 11 reality we are not.

12 County wide, we should try to do
 13 something about that. I am not certainly
 14 not impugning anybody's integrity; that was
 15 just an example. County wide, we should do
 16 something about that and if they really feel
 17 that strongly about that, then they need a
 18 super majority to tell us to mind our own
 19 business.

20 COMMISSIONER FIORE: If they wanted to
 21 do that, that is fine. I have questions in
 22 my head. I come from the Town of Islip.
 23 What is affordable in the Town of Islip may
 24 not be affordable in the Town of Southold
 25 and I don't mean it will be lower. I would

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1 Suffolk County Planning Commission
 2 think it would be higher. If we move into
 3 the more affluent areas in the Town of -- on
 4 Long Island -- excuse me -- what is
 5 affordable in one area, and I am not going
 6 to pick any area where there is more
 7 affluence than the other. When we start

8 making conditions for affordable housing,
9 what is affordable on Robin's Island? Is it
10 the same amount of money that is affordable
11 in the Town of Islip? I don't think so.
12 Okay, so when I start making conditions for
13 affordable housing in somebody's area, I
14 take that into consideration. When I say,
15 "I" I mean as the representative of the Town
16 of Islip and I take that into consideration.

17 COMMISSIONER BRAUN: All we are asking
18 to do is --

19 COMMISSIONER FIORE: That's where I am
20 coming from, and I have the right, last I
21 heard, to vote the way I wanted to vote. I
22 stand by that right and also I stand by your
23 right to say something, but I voted the way
24 I thought I should vote, and I will continue
25 to vote the way I think I should vote;

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1 Suffolk County Planning Commission 102
2 whether it is for the Town of Islip or the
3 Town of Southold or Sag Harbor.

4 CHAIRMAN CALONE: Thank you. I
5 appreciate that.

6 Commissioner Braun?

7 COMMISSIONER BRAUN: There is no
8 question about that. It is just that,
9 again, I have a different perspective and
10 that is that the Town can still do what it
11 wants to do but it now needs to consider

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more seriously that the County has a slightly different idea. We still permit them to set the standards, we just say it should be set, not that it should be left off, loose end, and undefined.

CHAIRMAN CALONE: That is fine and I --

COMMISSIONER CARACCILO: Well, I agree. I think we should set a County standard. If that is what we want to do, then let's set the County standard and put some teeth into it and distribute it to each town rather than take something that the town did and try to manipulate without knowing what they did.

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Suffolk County Planning Commission
I do agree with you a hundred percent. We should set a county standard and it is disgusting that we don't and if we are sitting here and debate it, then go back and forth and try to manipulate, bad word, but try to change something that the Town did on a local level and go in and now dissect this piece of this document, that's wrong. I agree with your big picture, that they discussed it and we don't have that in the hearing.

CHAIRMAN CALONE: Thank you, Commissioner Caracciolo for that and certainly one of things that we have been charged with is trying to work towards that

17 and revising our guidelines. One of the
18 frustrating things about this for me is that
19 if we had our guidelines and this came up a
20 few months ago, we would take our time and
21 we would say, "Okay, Southold, according to
22 this, this doesn't quite work and here is
23 why." And we are in this middle area here,
24 so I think for me personally, we can inform
25 our judgement about what Southold's doing

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1 Suffolk County Planning Commission 104
2 based upon what we know that this is kind of
3 the best practice out there and that is my
4 perspective.

5 COMMISSIONER HOLMES: I am sorry, but I
6 do not think it is fair for us to make these
7 as conditions. I fully agree with
8 Commissioner Fiore. They should stay as
9 comments because -- precisely because we
10 have not adopted our new guidelines. The
11 Town of Southold does not have the benefit
12 of knowing our new guidelines when they
13 adopted their new affordable housing or when
14 they are moving towards that -- when they
15 are moving towards having a public hearing
16 -- you know, it isn't fair to say, "These
17 need to be conditions. They don't fit in
18 with our new guidelines," with which we are
19 all familiar but nobody else and until they
20 are adopted -- once they are adopted and out

21 there and made known, then maybe we might
22 begin to make conditions when a municipality
23 revises this affordable housing guideline.
24 But I don't think it is fair to make them
25 conditions now and if changing it back to

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1 Suffolk County Planning Commission 105

2 comments would enable us to be able to
3 approve the staff recommendations, at least
4 there is first some input to the Town of
5 Southold because then I would be in favor of
6 doing that because for the way we just
7 voted, it will come out as no action and
8 that is the worst thing we could do. It
9 happened before and it is unfortunate when
10 it happens but I don't see why we have to
11 let it happen again. Why can't we just stay
12 as comments?

13 CHAIRMAN CALONE: Charla?

14 COMMISSIONER BOLTON: I was just going
15 to say as far as the conditions are
16 concerned, the conditions are not telling
17 them what to do there. I mean telling them
18 a broad outline which is -- the Town has to
19 sit down in order to consider those. We are
20 not saying you have to do X or Y --

21 COMMISSIONER HOLMES: You do if you
22 make those conditions, but if it is a
23 comment your point is very well taken.

24 CHAIRMAN CALONE: Let me say this. If
25 Commissioner Holmes is now going to not vote

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1 Suffolk County Planning Commission 106
2 for a condition, then I think that the only
3 way to salvage something here is to make it
4 a comment. So, unless any other comments or
5 questions --
6 COMMISSIONER BOLTON: I would vote for
7 it as a condition.
8 CHAIRMAN CALONE: What we have before
9 us is the staff recommendation for approval
10 with comments -- four bullets and I would
11 without objection add a comment for the
12 incentive as was discussed earlier.
13 Any objection to adding the incentive
14 as a comment?
15 Hearing none, I entertain a motion to
16 pass the staff report with the items -- the
17 five bullet comments. I am seeking a motion
18 on that.
19 COMMISSIONER MCADAM: Motion is made.
20 COMMISSIONER HOLMES: Second.
21 CHAIRMAN CALONE: Motion made by
22 Commissioner McAdam and seconded by
23 Commissioner Holmes.
24 All those in favor of passing --
25 COMMISSIONER CARACCIOLO: Mr. Chairman,

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1 Suffolk County Planning Commission 107
2 I am sorry, could you give me the fifth

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comment, please?

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CHAIRMAN CALONE: Sure. It was to --
Andy, would you read that back? That is
probably the --

MR. FRELENG: I had it sketched out to
increase incentives with respect to the
affordable housing.

COMMISSIONER CARACCILO: Increase
incentives?

CHAIRMAN CALONE: Right, and I think
there was just three examples which were
increasing density, waiving fees for the
whole project, or fast tracking. That is
just an example that I -- since it is a
comment, it really doesn't matter.

All in favor of passing staff
recommendations with five comments, please
indicate.

(WHEREUPON, the Board voted.)

CHAIRMAN CALONE: Nine.

All opposed?

One.

Abstentions?

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Suffolk County Planning Commission
One, Commissioner Kontokosta.
Thank you.

We have a couple of important things to
do, and I will let Dan get to it. Basically
a brief overview of each of the three main
substantive guidelines. We now have a draft

8 and all of you should have one. I think we
9 have extra copies somewhere; does everyone
10 have one?

11 Again, while Dan is getting settled,
12 let me just mention the public safety
13 guidelines. You have them all in front of
14 you. District Attorney Spota obviously
15 commented on them. Like I indicated Police
16 Commissioner Dormer and his staff have gone
17 through them.

18 I want to thank, Sarah, for her work on
19 this. She is the one who got the ball
20 rolling on the codes -- different codes in
21 this country from Virginia Beach and that
22 having worked with the district attorney to
23 keep in mind these public safety issues when
24 we are looking at new residential and
25 commercial codes.

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1 Suffolk County Planning Commission 109

2 If anyone has any questions about that
3 you can discuss that right now.

4 COMMISSIONER CARACCIOLO: Do you need a
5 vote on that?

6 CHAIRMAN CALONE: No, my thoughts on
7 that and I would appreciate input. Just as
8 long as everyone is okay with the comments,
9 we can pass the guidelines altogether in the
10 next month.

11 COMMISSIONER CARACCIOLO: No objection

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from what I read.

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DIRECTOR ISLES: Just one comment in terms of how staff is looking at this and perhaps we would get clarification when this is considered next month, formally. We just want to make sure that we understand this is an intention to make this part of the guidelines with attached conditions on approval. It is intending to be more advisory to the municipalities. The only point -- the reason we make that point is that when you get to some of the standards that are outlined in some of the guidelines before us, including the public safety

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Suffolk County Planning Commission
guidelines, sometimes presenting information that we all will not have such as location of doors and windows would not be on a subdivision planning, for example. It is good to see you are aware of that at the level of time when a referral is made to the County Planning Commission.

110

So, certainly, the point has been made well today in terms of the important public safety guidelines is one example. Our understanding from staff's standpoint is that this will be an advisory thing that could impact the municipalities for their consideration. If the Planning Commission is otherwise moved to have that clarified

17 and then directed as to how we should
18 prepare our staff report to reflect that.

19 CHAIRMAN CALONE: This could be a work
20 in progress but just to speak for myself, I
21 think you can certainly have the guidelines
22 as advisory to the towns and certainly new
23 information that shows -- then there is no
24 -- if we had something that we don't know,
25 and seems to shock us -- here is really a

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1 Suffolk County Planning Commission 111
2 problem with respect to those guidelines,
3 then it might be something we can bring up
4 as a condition or a comment with respect to
5 future projects.

6 DIRECTOR ISLES: I think that is a good
7 point and also it also takes into
8 consideration that there may be times when
9 we are looking at competing interests such
10 as public safety versus other considerations
11 such as dark skies initiatives to reduce
12 excess lighting and energy use and also, for
13 example, the comment about having through
14 connections and not having dead end
15 development -- pardon me -- the
16 recommendations aims to not have thru
17 streets and some cases, on the other hand,
18 certain smart growth planning calls for
19 interconnection in neighborhoods and so
20 forth.

21 So, obviously, we would be looking at
22 the big picture with respect to interest.
23 Again, just understanding that we said on a
24 case-by-case basis when you apply it as a
25 work in progress where we are two hours --

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1 Suffolk County Planning Commission 112
2 invested hours that we bring this to your
3 attention to your Commission and forming our
4 staff recommendations.

5 CHAIRMAN CALONE: We are lucky we have
6 a great planning staff, so I think you guys
7 can constantly review for these kinds of
8 things. The one thing I would say is that
9 there are -- most of these, you get them out
10 ahead of time as people noted to consider
11 them.

12 DIRECTOR ISLES: There may be
13 situations where we say, "Look this is so
14 kind of contrary to what your guidelines
15 say." Maybe you at least should bring a
16 comment to the Town and say, "Okay, you're
17 doing X, but consider the tension between
18 doing this. It is contrary to maybe public
19 safety and at least the Town needs to think
20 about this.

21 CHAIRMAN CALONE: Any other comments on
22 that?

23 (WHEREUPON, there was no response.)

24 Again, I want to at least run through
25 the affordable housing and energy

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1 Suffolk County Planning Commission 113
 2 efficiency. Just a few minutes on each just
 3 to get a sense of where we are and try to
 4 find out from folks if they have any
 5 objections or concerns.

6 VICE CHAIRMAN PRUITT: Mr. Chairman, I
 7 have to say, I have to leave at this point.

8 CHAIRMAN CALONE: I don't think there
 9 is anything that we need to vote on. It is
 10 just more informational for the Commission.
 11 We will be voting next month. So one thing
 12 I would just say is if you in reviewing
 13 yourself any of the comments or concerns, we
 14 better get that out in the next week or
 15 so -- - we'll figure that out before we come
 16 to the next meeting.

17 Deputy Director?

18 DEPUTY DIRECTOR GULIZIO: Before the
 19 wounds heal, I may as well start talking
 20 about affordable housing.

21 You have received to from the Chairman
 22 a set of revised conditions to be considered
 23 in conjunction with affordable housing or
 24 workforce housing applications. This was
 25 combed from a larger more expansive list of

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1 Suffolk County Planning Commission 114
 2 guidelines that Commissioner Kontokosta

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3 prepared previously. It was incredibly
4 thorough and well researched and well
5 prepared. But in looking at the list and
6 speaking with the commission members since
7 the last meeting, the idea was to -- what we
8 attempted to do was cull from that last list
9 specific conditions that could be
10 incorporated as a part of the boards review
11 of an application. It does not mean that
12 those broader subjects, those broader
13 guidelines could not be incorporated within
14 our guidelines but these would be conditions
15 and could be incorporated as conditions of
16 approval in conjunction with an individual
17 application.

18 Just to walk very quickly through them.
19 They would set a minimum percentage of
20 support ability based on the application
21 type with a higher percentage of
22 affordability required for applications that
23 are seeking increases in density for a
24 change of zone process, for instance. There
25 would be a lower percentage of affordable

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1 Suffolk County Planning Commission
2 units required for as-of-right applications
3 such as this subdivision. There will be
4 distinctions made for the income guidelines
5 set for ownership units versus rental units
6 based upon the unique aspects of each of
7 those developments. On a minor point, there

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8 was one affordable unit required to make a
9 lower income guideline. Whether it is a
10 rental unit or a ownership unit. There is
11 an extended control period proposed of
12 thirty years. That is about the extent of
13 what most local codes have conceded at this
14 point. As much as we discussed the idea of
15 maintaining these units in perpetuity while
16 that can be done for rental units. For
17 ownership units, it raises a number of
18 issues in terms of refinancing and actually
19 securing the financing for the projects.

20 There is a standard criteria for the
21 establishment of the initial sales price or
22 the initial rental price but, again, with
23 the idea of first we want to target who
24 should be eligible for the units and second,
25 we would want to target as conditions of

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1 Suffolk County Planning Commission 116
2 approval and what those starting prices
3 should be for whether it was ownership unit
4 or a rental unit.

5 In addition, there are conditions
6 proposed that would address the distribution
7 of the affordable units throughout the
8 development in an equal fashion. The
9 appearance of those affordable units they
10 would be seamlessly within the community.
11 We don't want a situation where -- where we

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wouldn't recommend that there be a situation
where you can easily and quickly identify
the affordable units from the market rate
units within a planned development.

Also, allowing for flexibility for the
builder in terms of the interior finishes to
make the development of the affordable units
reasonable.

The last two conditions, Item Number 6
is one that has been debated previously and
I assume, it will be continued to be debated
in the future. Without the lack of some
flexibility for this development of these
units outside for the payment of the fee in

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1 Suffolk County Planning Commission 117
2 In lieu of the development of the units
3 on-site. I think it was -- we saw both of
4 those examples in the Southold ordinance
5 where in some instances a builder may want
6 to because they own another piece property
7 to control another piece of property and
8 develop those affordable units in a
9 different location other than the subject
10 property.

11 There should be some guidelines and we
12 think some reasonable restrictions and
13 control in those situations. Also, those
14 circumstances such as Sag Harbor where it
15 may be appropriate to actually pay a fee in
16 In lieu of the development of the units either

17 on-site or off-site. I think another good
18 example of that is by way of referencing
19 extreme examples or to say none the less is
20 the application the Commission recently
21 considered in a town that -- in the Town of
22 Southampton where there was a 548 acre
23 property and it was proposed to be developed
24 for five-single family homes the sixth lot
25 was dedicated for conservation purposes. In

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1 Suffolk County Planning Commission 118
2 that situation, the development of
3 affordable housing units on-site has one of
4 the five lots completely detached from any
5 of the services. Either public
6 transportation or retail. Something we
7 would like to see for a housing development
8 particularly an affordable and moderate
9 income housing development or for some type
10 of flexibility from a strict standard of
11 requiring all developments to be on-site.

12 Again, the seventh item on the list you
13 have before is just for reference to the
14 other guidelines that the Commission has
15 previously discussed. It could be also
16 incorporated the day of comment or just
17 incorporate it within the --

18 COMMISSIONER BRAUN: I don't understand
19 that.

20 DEPUTY DIRECTOR GULIZIO: There was --

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the original document was submitted for
distribution. It had eleven or twelve pages
of comments. We combed that down to six or
seven conditions, but there is still a whole
host of other guidelines. I think were

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1 Suffolk County Planning Commission 119
2 helpful the local municipalities has their
3 design ordinances as they are considering
4 affordable applications and we would still
5 want to incorporate those by reference as a
6 comments not as conditions to approve.
7 COMMISSIONER BOLTON: Dan, I have one
8 question. Are we going to include a
9 definition of compelling or --
10 DEPUTY DIRECTOR GULIZIO: That is a
11 great question. What we're proposing now is
12 to not include a strict definition so as to
13 allow some flexibility at the local level
14 knowing that it is something of Pandora's
15 box. Our concern is that if we had one
16 standard, that that one strict standard
17 would really not fill all the particular
18 local circumstances. So we want to make it
19 clear through the language, that it should
20 be a compelling and exceptional hardship
21 meaning that our preferences to have those
22 units developed on-site but, again, under
23 certain limited circumstances to be spelled
24 out by local municipality there should be
25 some flexibility for those rare instances

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1 Suffolk County Planning Commission 120
2 where it is inappropriate to develop those
3 on-site. So the short answer is no.
4 COMMISSIONER HOLMES: Did we -- maybe
5 before this earlier today, did we mention or
6 a demonstrated community benefit; did we
7 discuss adding that phrase?
8 CHAIRMAN CALONE: I think that is
9 something we could do. I know it was
10 mentioned. I don't know if everyone agrees
11 on that.
12 COMMISSIONER HOLMES: Maybe that would
13 help us develop a town focus on what their
14 options would be -- you know, an exceptional
15 hardship or a demonstrated community
16 benefit.
17 CHAIRMAN CALONE: I don't think we need
18 to make it -- I don't disagree with that. I
19 just think you need to make it something
20 exceptional in a density community benefit
21 or -- you know, for instance, "Saving a
22 beautiful building downtown," and other
23 pieces to that but maybe saying like a
24 significant public benefit or some adjective
25 that makes it clear that it is not just any

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1 Suffolk County Planning Commission 121
2 old --

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COMMISSIONER HOLMES: Maybe

demonstrated that this is a good --

COMMISSIONER ROBERTS: Again, that opens a can of worms. Then, of course, you give the fire department all the new vehicles or they get new baseball field. Is that something that we would -- that really helps the issue of housing. I think wording it more something about housing, so it is not a trade for something that is not.

CHAIRMAN CALONE: Deputy Director?

DEPUTY DIRECTOR GULIZIO: I am sorry. Just one of the other comments to make in conjunction with that is that if the board -- if the Commission were to consider community benefit criteria, however it is worded, you may also wish to consider respectfully just saying that -- contain that that in addition to having it compelling and exceptional hardship because I don't think you necessarily want to trade the dire need for affordable housing for some other community benefit that is not

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Suffolk County Planning Commission related as Commissioner Roberts said so --

COMMISSIONER HOLMES: It would be added.

DEPUTY DIRECTOR GULIZIO: I just handled compliance for twenty-one years at a local level. If you give someone the

8 opportunity to provide a benefit without
9 strictly defining it. In Brookhaven, they
10 were just wrestling with whether or not to
11 give to Pavers as a community benefit
12 requiring additional density; whether
13 reducing fees on the golf course in
14 conjunction with the plan development
15 district for local residents as a community
16 benefit.

17 They counted that as a \$400,000,000
18 community benefit based upon fees generated
19 over a thirty-year anticipated time period.
20 So, just my fear of once you let -- open
21 that box a little bit, it does become
22 something of an issue in the long term.

23 CHAIRMAN CALONE: And the reason we
24 have this in here is we don't want too many
25 to opt out or the opt should be a

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1 Suffolk County Planning Commission 123
2 significant --

3 DEPUTY GULIZIO: The preference should
4 be for on-site and the exception for
5 overwhelming issues.

6 CHAIRMAN CALONE: Dan, maybe you can
7 work on the language a little bit as to what
8 was discussed here and we are going to
9 recirculate this all anyway in the next week
10 or so --

11 Commisioner McAdam?

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COMMISSIONER MCADAM: Dan, was -- and I am not quite sure when I heard about this but there has also been a concern that when individuals or a family buys an affordable unit and then they sell it twenty-years later and ten-years later and making a windfall on it -- one of the things that I heard is that the government could actually buy the land or some agency or some other person and then the person would actually or the family would just sell the house and then it to avoid that problem -- I know, I used to live in Brooklyn and Queens and Broad Channel did that. The federal

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Suffolk County Planning Commission government owned the property and then people use to lease the houses. So I don't know if that fits into this anywhere or if that is being addressed.

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DEPUTY DIRECTOR GULIZIO: It is a great comment. We are doing a review of all the local ordinances. Right now, the 10,000 in Suffolk and whatever else we can find either locally or what the State of New Jersey recently adopted.

Community Land Trust which is the idea of folding the land in trust and allowing individuals to own the unit and sell the unit but have a right of refusal on resells is one of the options we are looking at. It

17 hasn't been actively used in Suffolk County.
18 There are a whole spectrum of other options
19 that we are researching. The right of first
20 refusal on resells, the limitations on the
21 amount of profit or equity that someone can
22 take with them when they resell within a
23 certain prescribed time period, and
24 Huntington has a prorated schedule that the
25 earlier you sell after the initial

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1 Suffolk County Planning Commission 125
2 acquisition of the affordable unit, the more
3 equity you are obligated to get back to the
4 town as part of the fund to maintain
5 affordability.

6 Honestly, just as a process of
7 examining all of those, I have a kind of a
8 cursory knowledge of them but that is
9 hopefully information I can circulate in the
10 next week or so -- comprehensively in terms
11 of what is going on in Suffolk County.

12 CHAIRMAN CALONE: Just to be clear
13 where that fits in, I mean, our conditions
14 are the kind of thing we apply to a project;
15 but our next step is try and to come up with
16 a model code which is to expand all of these
17 things as suggestions that deal with each of
18 these many, many issues you could deal with
19 on affordable housing. So that is kind of
20 our next step would be to kind of bring out

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21 best practices like the best ones here on
22 Long Island and the best ones elsewhere. So
23 that is all part of it; not these bullet
24 points for the next step.

25 COMMISSIONER KONTOKOSTA: There really

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1 Suffolk County Planning Commission 126
2 is a control period and that is if we have
3 to re-include it to the resale price
4 calculations because that control period
5 actually means that you would have to -- if
6 you sell within that control period, then
7 they leave it subject to certain price
8 reductions. So there is no windfall. The
9 purpose of that control is to keep that unit
10 -- preserve that unit as an affordable unit
11 and keep the price affordable for the next
12 family. That we have seen, so we know we do
13 have to that address that in the beginning.

14 CHAIRMAN CALONE: Anything else on the
15 affordable housing?

16 Dan.

17 DEPUTY DIRECTOR GULIZIO: Nothing I
18 wanted to bring up.

19 CHAIRMAN CALONE: Anyone else --
20 Commissioner Roberts?

21 COMMISSIONER ROBERTS: I still have a
22 little bit of an issue. I wasn't sure where
23 we left off on the conversation on the
24 income criteria and if there is a way to get
25 it more local than the county wide area?

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1 Suffolk County Planning Commission 127
2 The second point is that I am still a little
3 concerned that the for sale units, the
4 percent numbers that we are using are almost
5 too low to be reasonable. I am just looking
6 at documentation from content that Sag
7 Harbor is working on. The median income in
8 Sag Harbor is \$53,000 and there is a
9 statement there that the median house price
10 in the Town of Southampton has gone from
11 \$265,000 since 1999 to \$737,000. So, if you
12 think about building costs being a hundred
13 foot or whatever, I mean, just someone at
14 that low income level what could anybody
15 possibly build on that. I am thinking maybe
16 80 percent of median income and a 120
17 percent in some communities for sale and
18 rentals, I think the total number --

19 COMMISSIONER KONTOKOSTA: The point
20 there is really -- I mean, I think that is
21 where -- the one thing that we have to
22 believe is that to some degree to go to the
23 authority with the incentives. I think the
24 way that you are able to get those costs on
25 a average basis but is the project low

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1 Suffolk County Planning Commission 128
2 enough where it provides some sort of

3 density incentive or fast tracking or
 4 something to that effect. That is why
 5 recommending the change so that costs were
 6 low enough on project as a whole that you
 7 could provide a deeper sensitivity to people
 8 who are making less -- lower incomes
 9 because, frankly, if we start talking
 10 everything towards 80 or 120 percent median
 11 income, we are going to have a lot of people
 12 -- a huge population in Suffolk County that
 13 are simply not going to have many options
 14 such as federal subsidies or other very
 15 limited opportunities. So the point here is
 16 to try and sympathize enough so that we are
 17 able to subsidize and produce affordable
 18 housing that meets all of our target income
 19 ranges.

20 COMMISSIONER ROBERTS: I am sorry, but
 21 I still have a problem with the for sale.

22 DEPUTY DIRECTOR GULIZIO: Just one last
 23 comment related to that is the problem --
 24 one of the other problems with moving the
 25 for sale numbers up higher is that while it

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1 Suffolk County Planning Commission
 2 addresses the equities perhaps in more
 3 affluent areas, it does promote the
 4 development in a greater concentration of
 5 numbers in a less affluent areas because
 6 then you can actually situate it the value
 7 of the unit is above what the market would

8 allow anyone. So they're getting whatever
 9 incentives and windfalls through the
 10 increase density without any real community
 11 benefits in terms of affordability versus
 12 what we talked about with the Village of
 13 Patchogue. Those units that are a 120
 14 percent of median income are well above what
 15 the market would allow any way.

16 CHAIRMAN CALONE: There are just some
 17 areas where not quite every detail is pretty
 18 far down the line.

19 Any other comments or questions?

20 If not, why don't we move to Sara. If
 21 you want to give us a quick update on the
 22 energy efficiency. The point is get
 23 everyone on the same page.

24 COMMISSIONER LANSDALE: Just in the
 25 interest of time, I am just going to give a

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1 Suffolk County Planning Commission 130
 2 brief overview because I know we had a
 3 meeting prior to this as the guideline
 4 commission meeting subcommittee. I just
 5 want to acknowledge Beth from Neighborhood
 6 Network. I know you gave public comments
 7 earlier but thank you for working with us
 8 from the Neighborhood Network.

9 We also have been working with the Long
 10 Island Power Authority, the Long Island
 11 Builders Institute and also through Beth's

12 help, the US Green Building Council, the
13 Long Island Chapter to track the energy
14 efficiency guidelines. So if there are any
15 comments on this, I welcome them in the next
16 -- whenever the Chair would like to set that
17 deadline.

18 CHAIRMAN CALONE: I think we need to
19 hear comments back in the next -- certainly
20 by the end of next week, but we also know
21 there might be some fluctuation with what
22 you are working on. Maybe we can ask people
23 to get comments back as fast as they can on
24 the other thing and then -- you know, maybe
25 a goal for you and for everyone else working

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1 Suffolk County Planning Commission 131
2 on it -- the energy efficiency thing is kind
3 of a new product. And then in two weeks we
4 can say here is kind of what we are going
5 with and get comments back on those.

6 COMMISSIONER LANSDALE: Definitely.
7 Also, a new revision once we have the
8 conversations and consultations with the
9 groups I just mentioned.

10 CHAIRMAN CALONE: Can we expect that in
11 the next week or so?

12 COMMISSIONER LANSDALE: I do.

13 CHAIRMAN CALONE: Everyone obviously
14 appreciates the energy efficient deadline.

15 Anything you want to point in kind of a
16 big picture, Sarah?

17 COMMISSIONER LANSDALE: Well, just the
18 big picture is the proposed guidelines
19 attributed today are drawn from several
20 sources. One is the LEED standards for new
21 construction. It is specifically for
22 non-residential buildings. Many of the
23 guidelines that have passed locally on Long
24 Island just address residential construction
25 and when I was looking at drafting

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1 Suffolk County Planning Commission 132
2 guidelines, I wanted to make sure it was
3 comprehensive. That it not only included
4 residential, but also commercial. So we
5 drew the residential guidelines from the
6 recently passed Town of Southampton
7 guidelines, as well and we are getting
8 comments back from these agencies and groups
9 -- their thoughts on that. We want them --
10 our goal is to make sure this is embraced by
11 everyone.

12 CHAIRMAN CALONE: Was there some push
13 back in Southampton that you are aware of?
14 I saw an e-mail about that and I don't know
15 what else happened with that.

16 COMMISSIONER LANSDALE: Yes, we are
17 circling back with the Long Island Builders
18 Institute and some other groups just to get
19 their full feedback and we also heard from
20 other groups that maybe these guidelines are

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21 not stringent enough; so there is a middle
22 ground.

23 CHAIRMAN CALONE: I understand that
24 this is a draft and not likely the final
25 version, but hopefully it is a building

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1 Suffolk County Planning Commission 133
2 block for the final version.

3 Barbara, did you have anything you
4 wanted to add on Southampton -- any
5 discussion on that?

6 COMMISSIONER ROBERTS: Nothing comes to
7 mind.

8 CHAIRMAN CALONE: Any other comments
9 about energy efficiency? If not, I just
10 want -- again, if there are any comments to
11 get them back -- on any of these three as
12 soon as possible.

13 My goal is not to have a debate in
14 September. My goal is vote. So I want to
15 have any conversations beforehand, if there
16 are any points people have.

17 COMMISSIONER LANSDALE: I just also
18 want to add we also have been working with
19 Neil Louis from the Neighborhood Network too
20 -- he is a member of the Nassau County
21 Planning Commission and his Nassau County
22 Planning Commission is meeting a day after
23 when we meet in September and his goal is to
24 pass whatever we pass for Nassau County, as
25 well; so that it will be a one two punch for

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1 Suffolk County Planning Commission 134
2 the Island.

3 CHAIRMAN CALONE: And I will also
4 comment that the folks at LIPA were very
5 excited to hear about this. So that is a
6 possibility. No pressure now that we
7 decided to vote for both counties.

8 We can do a very brief update before we
9 go for like two minutes. Anyone have
10 anything -- Bob, anything on the charter?

11 COMMISSIONER BRAUN: I have had the
12 privilege of also serving on the Charter
13 Division Commission. We heard from Director
14 Isles not too long ago on some planning
15 issues. It is an interesting process that
16 is required to be done every ten years under
17 the county charter. We have to look at what
18 is maybe obsolete or needs a revision in the
19 way that the county government operates and
20 make a recommendation and then the
21 Legislature is free to completely ignore us
22 if they want to anyway. So it doesn't
23 really amount to much but the Planning
24 Commission has spent years in developing
25 what was -- based on a mandate from the

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1 Suffolk County Planning Commission 135
2 Legislature what was suppose to be an

3 official map of the county and then Tom came
 4 before the Commission and said, "Well, we
 5 have this map and we ask you not to adopt or
 6 we ask you to recommend that it not be
 7 adopted by the Legislature because every
 8 time there is going to be curb cut or a pond
 9 developed someplace or whatever, we have to
 10 go back before the Legislature and have the
 11 map adopted again. So based on the fact
 12 that it is kind of an old line planning tool
 13 rather than a current planning tool, as far
 14 as planning issues are concerned, the one
 15 thing that we agreed on the Charter Division
 16 Commissioner is to recommend that the County
 17 not adopt a map that the planning department
 18 has worked on all this time.

19 Some other interesting things whether
 20 the County Treasurer and County Controller
 21 and the County Sheriff and the County Clerk
 22 should remain elected position or should
 23 become appointed positions and whether the
 24 county which has three separate budgets: A
 25 capitol budget, expense budget, county

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1 Suffolk County Planning Commission
 2 community college budget, what the sequence
 3 are of approval of a budget should be and
 4 all other kinds. It is interesting so that
 5 is what the Charter Revision Commission does
 6 on a monthly basis.

7 CHAIRMAN CALONE: So you sit around
 Page 116

8 this table more than once?
9 COMMISSIONER BRAUN: Yes.
10 CHAIRMAN CALONE: Commissioner Holmes?
11 COMMISSIONER HOLMES: Well, Shelter
12 Island had a real dust up with LIPA last
13 week because -- Mike Deering who was before
14 us last month -- lucky he was on vacation --
15 their Chief of Operations, Michael Hervey
16 (Phonetic) came and made a two and-a-half
17 hour presentation at our town board work
18 session and for two and-a-half hours he
19 fielded questions both from the town board
20 and from the audience because LIPA has
21 suddenly let us know they want to build a
22 substation on Shelter Island and they want
23 to build it right on our state road and want
24 to acquire not only a business lot, but a
25 residential lot behind it, and they have

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1 Suffolk County Planning Commission 137
2 announced to us that under the Public
3 Authority Law, LIPA is subject to state and
4 federal regulations but not to county and
5 local regulations. So any of our zoning
6 laws or any of our very strong town code
7 laws that say you cannot use a residential
8 lot for business purposes and essentially
9 they are saying we don't have to pay
10 attention to that, but we want to make nice
11 and we want to work with you, but it was a

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12 very contentious meeting and their work is
13 going to be quite hard for them even though
14 they say Shelter Island is the only
15 community in the county that doesn't have a
16 substation. I don't know whether that is
17 true, but they say that it is and,
18 unfortunately, they want to build it right
19 on the state road because that is where the
20 transmission lines are buried although there
21 might be some benefits to it. Primarily our
22 substation will be benefitting the
23 surrounding area, so Bridgehampton and
24 Southold and not so much Shelter Island but
25 it is -- as our supervisor said, "To be

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1 Suffolk County Planning Commission 138
2 Continued," and he made the comment that he
3 doesn't believe LIPA has any business
4 acquiring a residential lot. So it was very
5 contentious meeting which I had the
6 privilege of taking notes on a legal point
7 but I haven't recovered.
8 CHAIRMAN CALONE: Sorry. Thank you,
9 Linda.
10 Sarah?
11 COMMISSIONER LANSDALE: I just want to
12 make a comment that Adrienne Esposito and I
13 sit on the Waste Water Task Force which is
14 chaired by Legislator Wayne Horsley and this
15 is a task force that talks about sewers and
16 there is going to be two public hearings one

17 next Monday, August 11, in Riverhead, and
18 this is to receive public comments about
19 communities that want sewers or that don't
20 want sewers and then there is a second
21 hearing on the following Monday, on August
22 18, right here at one o'clock, and I just
23 wanted to make sure everyone is aware of it.

24 CHAIRMAN CALONE: I appreciate that,
25 Sara. Also, to let everyone know I met with

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1 Suffolk County Planning Commission 139
2 Legislator Horsely in the past couple of
3 weeks and we talked about how we will be
4 working together and I think he will be
5 before us at some point in the next month or
6 two. So just to kind of update the
7 Commission on the Waste Water Task
8 Commission is doing. Good to know we have
9 our own representatives.

10 Last thing we have for those who are
11 interested -- anyone who is interested -- we
12 are going to speak for five minutes
13 afterwards and talk about our public
14 awareness and what we should do to help get
15 the guidelines if they pass in September out
16 to the public. So if anyone would like to
17 join us that is great and so I ask for a
18 motion to adjourn.

19 COMMISSIONER BRAUN: So move.

20 COMMISSIONER HOLMES: Second.

