

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Planning Department
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5190 F: (631) 853-4044
Thomas Isles, Director of Planning

September 3, 2008

NOTICE OF MEETING

The next meeting of the **SUFFOLK COUNTY PLANNING COMMISSION** will be held on **WEDNESDAY, September 3, 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 & July 2, 2008 meetings (as amended) and Aug. 6, 2008
2. Public Portion
3. Chairman's Report
4. Director's Report/Correspondence
5. Demographic Trends Update: Seth Forman, Ph.D., AICP, Chief Planner
6. Housing update – Price Trends: Peter Lambert, Principal Planner
7. Sections A-14-14 to 23 of the Suffolk County Administrative Code
 - B.E.H. Properties 0600 12800 0300 031000
 - 513 NYS Rte 111 Office Complex (aka Hauppauge Office Complex) 0800 15600 0200 009006
8. Commissioners' Roundtable
9. Other Business

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SUFFOLK COUNTY PLANNING COMMISSION

100 Veterans Memorial Highway
Hauppauge, New York 11788

September 3, 2008
12:00 p.m.

COMMISSIONERS PRESENT:

DAVID CALONE, Chairman
THOMAS ISLES, Director of Planning
LINDA HOLMES
SARAH LANSDALE
CHARLA BOLTON
JOHN CARACCILO
CONSTANTINE KONTOKOSTA
BARBARA B. ROBERTS
THOMAS McADAM
DANIEL GULIZIO

LINDA SPAHR, County Attorney

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1 THE CHAIRMAN: The September 2008 meeting of
2 the Suffolk County Planning Commission is now in
3 session. I would note that we have a quorum present.

4 This time we are meeting -- the past few months, I've
5 turned to our vice chairman to ask him to lead us in the
6 pledge. Our vice chairman sadly passed away in the past
7 month. I remember when I had to ask him to lead the
8 pledge, I often had to find Ed around the table;
9 sometimes he sat here and sometimes he sat there.

10 I guess in many ways he was the conscience of
11 this commission. In many ways he owned this table.
12 That was right. Ed asked tough questions. He provided
13 wise counsel and he made sure our judgements were
14 consistent. The course the commission has set recently
15 was as much his vision as anyone else's.

16 He helped us extremely in our process. He
17 felt that the commission needed to leave to the towns
18 and villages the truly local issues and instead focus on
19 regional issues where we, as a commission,
20 representatives from every corner of the county, could
21 work to create and implement county-wide standards.

22 I enjoyed getting to know Ed, particularly as
23 we worked together as chair and vice chair for the past
24 six months, and I know I speak for everyone here when I

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1 say that I miss him both personally and professionally.

2 During the chairman's report I'll say a few
3 more words about how we can honor Ed, but I wanted to
4 just share with you a story. County Executive Levy
5 spoke at Ed's funeral and he told this. He said that he
6 had approached Ed about being his economic development
7 commissioner when he first became county executive. He
8 said Ed, you know, "this is going to be a six figure

9 job. Exciting work." Ed said, "I appreciate that,
10 County Executive, but no thanks." Then, a year or two
11 later he told Ed about another job that was exciting but
12 paid zero, being a member of this commission, and Ed
13 said, "sign me up."

14 In many ways, I feel for me that sums up Ed.
15 He was a man that loved his business and he loved being
16 a part of this group and contributing throughout the
17 county, as we all do. So I ask you to rise for the
18 pledge and ask you to join me in a moment of silence for
19 our vice chairman, Ed Pruitt.

20 (Recitation of the pledge of allegiance,
21 followed by a moment of silence.)

22 As a result of conversation we had regarding
23 the minutes, we are going to table the minutes. There
24 are a bunch of comments that Linda, in particular, has,

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1 Commissioner Holmes has regarding the June and July
2 minutes. And both she and I and a few others have
3 comments on the August minutes, which we will provide
4 directly to the stenographer and we will address those
5 minutes hopefully next month. There are no cards for
6 public comment, so we will move onto the chairman's
7 report. Obviously, it's been a tough couple weeks for
8 all of us. We have been thinking a little bit how we
9 can honor Ed and the work Ed did with us.

10 First, I want to thank Commissioner Holmes for
11 organizing a memorial that was in Newsday. Actually, I
12 have copies of that for those of you who did not see it.
13 It appeared in Newsday a few days after Ed died. It

14 reads, In sympathy, Ed Prui tt. The Suffolk County
15 Planning Commi ssi on deeply mourns the passing of our
16 vice chairman and extend our heartfel t condolences to
17 hi s family. Ed brought a thoughtfulness to our
18 deliberations and he will be sorely missed." I will
19 show that around for those of you that didn't see that.

20 His obi tuary talked a bit about the work Ed
21 with the Hauppauge Industrial Associati on, which was of
22 course a big part of hi s li fe. It did not include any
23 information about hi s contributi ons to the county, so
24 working with Adrienne, I wrote a letter to Newsday which

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1 they did not see fit to print, which simply acknowl edged
2 the work that Ed had done for the commi ssi on and how
3 active he was in pushing forward the agenda that we're
4 working on. I will share that letter with hi s wi fe,
5 talk to go Tom about doing a resoluti on in hi s honor and
6 invi ting hi s fami ly to our next meeti ng. Linda had an
7 idea of having a plaque.

8 MS. HOLMES: I think a plaque would be very
9 nice, where we can state something similar to what we
10 said in our memorial, because it was hi s sense of
11 balance and hi s perspective that was really so
12 outstanding. Ed always was really, as Dave said, the
13 conscience of thi s commi ssi on. Because we would be
14 about to do something, he'd say, wait a minute. Are we
15 being consistent, are we being fair, or words to that
16 effect. And he would say he wasn't comfortable with the
17 directi on we were taking and he was so concerned about
18 the fai rness and balance of our deli berati ons. And I

19 think that is what we will miss most.

20 I think that that would be very nice if we
21 could have a few words on a plaque, something useful
22 that he would treasure. I think -- (Crying)

23 THE CHAIRMAN: I think we can perhaps do
24 both. We can do a resolution or some kind of frame

6

1 thing honoring folks' service when they leave the
2 commission. Obviously this situation is different. But
3 certainly, anyone who wishes to speak to me on that,
4 please feel free to do so. It doesn't have to be here,
5 it can be off line. I think it would be great to give
6 it to his wife Cynthia and his son Matt, and we will
7 would like to dedicate the federation training which
8 will be dedicated to Ed's memory and we will consider
9 putting something in a booklet.

10 Lastly, I discussed this with Adrienne as well
11 as Tom, the vice chair position. We were thinking, give
12 our commission year will be ending in a few months and
13 we have a nominating committee starting in about two
14 months, in honoring Ed, I leave the position open.
15 Adrienne is able to step in if I'm not able to make it.
16 I appreciate your feedback on that. I don't want to
17 dictate that in any way, but I thought that might be
18 appropriate.

19 Lastly, I want to update you very briefly on
20 the goals. Filling the commission vacancy has been a
21 major goal of ours. For your information, the county
22 executive nominated two people to fill two seats on the
23 commission in Riverhead, nominated Vince Caldone, who I

24 think many of you met, former chairman of the

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1 Transportati on Advi sory Commi ssi on. At-lar ge seat, John
2 Thorton, Supervi sor of the Town of Southhold. Both
3 nomi nati ons wi ll be before the Legi slator thi s month.

4 I al so spoke wi th the county executi ve last
5 week. There i s an i ndi vi dual i denti fi ed from the East
6 Hampton seat. There are some noti fi cati ons that have to
7 go out wi th regard to some of the other candi dates. The
8 county executi ve i s going to move on that
9 expedi ti ously. I spoke to the county executi ve about
10 fi lli ng Ed' s seat from Brookhaven, ki nd of expressed the
11 desi re to have someone that expressed Ed' s perspecti ve
12 on busi ness as well as someone as well ground ed i n the
13 communi ty as Ed.

14 On the gui deli nes, as you al l know, we pushed
15 back the soci ety onto next month to tie up some loose
16 ends, wi th some legal review of the gui deli nes. That i s
17 ongoing as well. Later today we wi ll discuss the
18 standard that the staff i s proposi ng. Our thi rd goal i s
19 opti mi zi ng the commi ssi on. You can see from the agenda
20 the i mpact of the regi onal defi ni ti on conti nues to hone
21 the projects that we' re addressi ng. The other thi ng we
22 wi ll do later i s talk about the i ntermuni ci pal
23 agree ments, whi ch are a way for us to help mi ni mi ze what
24 the vi llages and towns are sendi ng to the Denni son

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1 Buildi ng that our staff needs to go through. We are

2 going to authorize staff to reach out to the
3 municipalities with that draft language to start talking
4 about who would be interested in participating. Of
5 course we will have the final say on approval of any
6 intermunicipal agreement in any municipalities,
7 letting the community know what we're doing.

8 I understand our Website will be up and
9 running by the end of the week. Everyone should get on
10 it by Monday to see if it's up and running. It's a
11 significant improvement over what we had in the past.
12 The important piece is not just passing the guidelines
13 and creating new standards but letting people know what
14 they are. That is something we will be working on in
15 the next couple of weeks. I met with Bill Nolan of
16 Islip a few weeks ago. He was supportive of the work
17 we're doing. He wants to join us on our tour of the
18 Heartland facility, which we tentatively scheduled for
19 October 1st. Linda and I will be meeting with the
20 supervisor of Shelter Island on Monday.

21 Lastly, the October training sessions, I
22 mentioned some of you expressed a desire to serve as
23 monitors and panelists. The agenda is pretty much set
24 on that. I will turn it over to Tom on that and for the

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1 Heartland.

2 MR. ISLES: Thank you, Mr. Chairman. Let me
3 begin by echoing the comments of the chairman regarding
4 commission member, Ed Pruitt. On behalf of the
5 department and on behalf of the staff, Ed was a
6 wonderful commissioner to work with, as stated by Dave

7 today. Ed was a really consummate commission member.
8 We heard the term well grounded. From a staff
9 standpoint, Ed was always there to help and guide. Ed
10 was always putting the interest of the county first. Ed
11 always had a balance to his perspective, as has been
12 mentioned today by Dave, that perhaps caused us to stop
13 and think further on actions that were proposed.

14 He will certainly be deeply missed by the
15 Planning Department as well. I would like to just point
16 to some staff changes within the Planning Department,
17 beginning with the planned retirement of Claire Chorney.
18 Claire served this commission for many years and has
19 done the job admirably and of highest excellence, and we
20 have come to take her for granted that she's always
21 there in setting up meetings. On behalf of the
22 department, we appreciate your service. This will be
23 her last meeting. She will be retiring at the end of
24 the month. Taking her place will be Dotty Sonnichsen,

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1 who is here today as an understudy to Claire, and will
2 be commencing with the meeting on October 1st. We wish
3 you well.

4 MS. CHORNEY: Thank you very much. I'm
5 looking forward to my retirement.

6 MR. CARACCIOLO: Did you give her the lunch
7 menu?

8 MS. CHORNEY: That was priority. Dotty has
9 been instructed.

10 MR. ISLES: We have a new environmental
11 planner, Susan Filipowich. She started about a week ago

12 and is working within the Environmental Analysis Unit of
13 the county department. She will be working on some
14 aspects of the Peconic Bay system, Robinson Duck Farm
15 restoration project, the Gallo Duck Farm restoration as
16 well.

17 Susan has a degree in environmental science
18 from SUNY College of Environmental Science and Forestry
19 at Syracuse. She also has several years of experience
20 with New York State DEC as a wildlife biologist, so we
21 welcome her to the department and intend supporting the
22 commission in the budget appropriations to enable us to
23 do the hiring, and we welcome Susan today.

24 We have circulated in your package today a

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1 copy of the correspondence received from Sag Harbor
2 Board of Zoning Appeals. This is the twenty percent
3 affordability requirement. This received a certain
4 amount of local interest and was covered in the media.
5 There were a few meetings held on it, I think about
6 sixty or something. I think it was a very healthy
7 process. It wasn't clean and neat, but it was
8 important, and legally it certainly put the issue on the
9 radar screen, and I think on the commission level, it
10 was folded very well into the guidelines update in terms
11 of how the County Planning Commission wants to encourage
12 and raise the bar on affordable housing throughout the
13 county, and also recognizing opportunities regarding
14 choice among the municipalities. We provide that today
15 for your reference.

16 The chairman made reference to the Federation

17 event held on October 23rd. We have secured a location
18 at the Radisson Hotel, Exit 63 in Holtsville. We think
19 it will work out very well, from a location standpoint.
20 Dave Calone, Sarah Lansdale, will be organizing a
21 session on visioning. We are planning on doing a
22 session dealing with the new commission guidelines. We
23 think that is very timely and we would like to work with
24 the commission members on that. We also have

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1 opportunities for commission members to assist on
2 moderating, or at least doing introductions on panels.
3 So we have a total of nine panels that will be conducted
4 as separate classes. Any commission member that wants
5 to serve in a more active role, we would like to hear
6 from you. That would be appreciated.

7 We expect to have the calendar finalized by
8 the end of this week. We have some speakers and to
9 finalize and complete the mailing by the end of next
10 week. We did save the date a couple of months ago, so
11 people are waiting for it and expecting.

12 The last item is the Heartland site
13 inspection. We have been in touch with the Town of
14 Islip on this. They are the lead agency. From an
15 environmental standpoint, the application falls
16 completely within the Town of Islip; however, it is in
17 very close proximity to the Town of Huntington and
18 Smithtown and not too distant from the Town of Babylon.
19 So it is certainly a location that is intermunicipal in
20 terms of retention impacts. It is also certainly a
21 project of regional significance. It's probably the

22 largest project to come down since Levi ttown. It is a
23 scale that actually greatly overshadows the Lighthouse
24 projects at Nassau Coliseum.

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1 So the Town of Islip expects to conduct their
2 hearing on the Environmental Impact Statement in
3 October. There will then be a referral to the County
4 Planning Commission. I think it's wise for the
5 commission to prepare for that, to have the opportunity
6 to do the site inspection, so we are not in a situation
7 where the forty-five day clock is running and we have to
8 scramble to gather information and do the site
9 inspection. We will schedule the site inspection for
10 the morning of October 1st, the date of the next
11 planning commission meeting. We will provide the
12 details to you within the next week at the latest. But
13 the tentative program would call for us to assemble
14 probably the best here at the meeting facility.

15 We do have access to a bus, then, that we can
16 all get on and go to Heartland. Whether we meet at nine
17 or nine-thirty, we will lock that in the next couple of
18 days. I'm going to seek to have Gene Murphy present on
19 the tour to provide narration of the application. The
20 applicant has indicated that he is certainly willing to
21 assist the commission in any manner providing access to
22 the property. And I think we may provide an opportunity
23 for him to maybe address the commission for ten or
24 fifteen minutes, probably at the end of the bus tour we

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1 can do that. The idea would be to circle back here by
2 eleven-thirty so we can commence the October 1st
3 meeting.

4 If the commission members have any questions,
5 let me know, or any ideas they have. We expect to have
6 the new members on the commission as well from Riverhead
7 and at-large, so it will be a quick introduction for
8 them as well. It will be a full day. We will have the
9 guidelines on for that day for consideration as well.
10 We will do our best to accommodate the commission's
11 needs and have to go as smooth as possible at that
12 time. Thank you.

13 THE CHAIRMAN: Thank you, Commissioner
14 Isles. The question for you, the possibility has been
15 raised if Islip moves forward with Heartland and
16 Huntington interposes an objection, that that comes here
17 for final decision, what is the timing of that? How
18 would that work? Would that happen right after the
19 Islip hearing?

20 MR. ISLES: There is a provision in county
21 law for what happens if a decision is made, or when a
22 decision is made on the application. There is a
23 requirement that there be notification to the County
24 Planning Commission of Notice of Enactment of that

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1 zoning map amendment. The adjacent municipalities,
2 within twenty days they have the right to file an
3 objection with the County Planning Commission. So it is
4 something that follows the hearing and actually follows
5 the decision of the legislative body of the Town Board

6 of the Town of Islip, so it is very much at the end of
7 the process.

8 Here again, it's a very short time frame that
9 Huntington, if they were to make an objection to do so,
10 it would be a resolution of the Town Board of the Town
11 of Huntington would have to be then brought back to the
12 commission. This is not done frequently. The last one
13 was done 1987 when Islip objected to the formation of
14 the Town of Islandia. You then hold a public hearing on
15 it. Your authority advises within your area of
16 jurisdiction, which is within five hundred feet of its
17 boundary, so it's quite significant if exercised.

18 THE CHAIRMAN: I would like to welcome Susan
19 and thank you Claire, for your service.

20 MS. CHORNEY: I'm looking forward to my
21 retirement.

22 THE CHAIRMAN: I'm sure it's well deserved,
23 but we will miss you.

24 With regard to the Sag Harbor situation, I

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1 want to think Commissioner Roberts. She has been in the
2 eye of the storm in her backyard for the last year, and
3 thank her for her perseverance. We raised the issue of
4 affordable housing in that community and around the
5 Island with this application. The one thing we're
6 trying to do with the training is help get those
7 commissioners who want to be more involved, involved.
8 Please don't hesitate to stop by and let Tom know after
9 this meeting if you are interested in being involved.
10 We have some of our folks have been moderating some of

11 the classes, at the very least we can have some of the
12 commissioners introduce some of the panelists. My goal
13 is to have each class have an introduction by a member
14 of the commission. We will leave it at that.

15 Moving onto our next item, which I'm pleased
16 to have the Chief Planner, Seth Forman, with us. He
17 will be providing a demographic update. Welcome, Seth.

18 MR. FORMAN: Thank you, Mr. Chairman and
19 Director Isles. We're really in for a treat here this
20 morning. I'm going to let you in on a little sort of
21 inside baseball among demographers. I've handed out
22 some graphs, and some narrative on the recently released
23 population data from the American Community Survey.
24 Over the next few weeks, more data will be trickling out

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1 and I hope to address you regarding those data as well.
2 Right now we already have some interesting data, and
3 I'll let you know why I think it's really very exciting
4 for you to know about.

5 The first figure that you see on your handout
6 is the number of fifteen to twenty-four year olds. It
7 shows that between 2000 and 2007 there has been an
8 increase of seventy-two thousand six hundred sixty-five
9 people in this category since 2000. The reason it's
10 interesting is that there has been an ongoing debate on
11 Long Island among observers as to why there has been a
12 decline in the decade of the 1990's of eighteen to
13 thirty-four year olds. Obviously that is a very wide
14 category. But generally, we're talking about the loss
15 of a lot of people in the young working years. So

16 employers and other observers have talked a lot about
17 it. Many people attributed it to the high cost of
18 living, especially high housing costs on Long Island,
19 among others, and I argued that this was primarily the
20 result of a birth dearth that took place in the 1970's
21 in which there were a hundred forty thousand fewer
22 babies born than in the 1960's.

23 We also noted that after the birth dearth
24 there was a mini baby boom in the early '80's and soon

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1 after that, young adult population would be showing an
2 increase. We see that slowly but surely we see that is
3 kind of taking shape. I included Figure 2 on the first
4 page. I know it looks a little complicated, but you can
5 see the trend pretty clearly here if you can follow it.
6 If you look at the age zero to nine year old, you can
7 see in 1970 they went from four hundred fifty-eight to
8 three hundred forty-two in 1980. Obviously, there were
9 a hundred ten to you or so fewer children born.

10 Then if you look at the ten to nineteen year
11 old age group, which is the line above it, you see
12 almost the same exact slope going downward from four
13 hundred sixty-eight thousand in 1980 to three hundred
14 sixty-seven thousand in 1990. There is just about the
15 same loss of ten to nineteen year olds in the 1980's as
16 there were zero to nine year olds in the 1980's. If you
17 go one step further, the twenty to thirty year old age
18 group, the line on top, we see a similarly sloped
19 decline in 1990 to 2000, about a hundred twenty thousand
20 drop.

21 And that is that birth dearth going through
22 its life cycle for the most part. Now of course that
23 has evened out. I wanted to point out to you that we
24 may soon start to see, I'm guessing, somewhere on the

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1 order of a hundred thousand increase in the prime early
2 working years, say twenty-four, twenty-five to forty,
3 within the next five years or so. I also want to point
4 out on Figure 3, that we do lose people to other
5 counties, Northeast region, of almost all age groups.
6 We are doing a further study on that. I hope to have
7 better data on migration patterns within the next few
8 weeks.

9 We are a sending region to warmer, cheaper
10 Sunbelt areas. Like many of the counties in the
11 Northeast, number of twenty-five to thirty-nine year
12 olds has dropped significantly from five hundred
13 thousand to four hundred forty-eight thousand in 2007,
14 but again, we believe that, or at least I do, that the
15 primary reason is demographic. It's birth over deaths
16 and components like that rather than migration patterns.

17 I thought that was interesting to point out
18 it's a little bit of inside baseball among
19 demographers. More straight forward, on Figure 4 and
20 Figure 5, which says there may be some issues regarding
21 schools and workforce in the years to come, because we
22 have seen a decline in the number of zero to four year
23 olds kids being born in the last seven years; since
24 2000. There are almost twenty-two thousand zero to four

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1 year olds and five to nine year olds has also declined.
2 You're talking about fifty thousand fewer people coming
3 through in the next ten years or so to the high
4 schools. That means in the next ten years, high schools
5 are going to have to possibly pare down and consolidate
6 like they did in the 1990's, and in the next twenty
7 years employers, may have some problem finding
8 employees. Nevertheless, troubling if we don't import
9 more from other regions.

10 In Figure 6 and 6B and 6C, I just give you
11 basically a racial composition, Nassau County between
12 2006 and 2007. You have all heard about the trends, so
13 there is nothing really different here. Non-Hispanic
14 whites has declined. It's only year over year data.
15 It's nothing dramatic. Sixty-nine point seven, 2006,
16 and sixty-nine percent of the total population in 2007.
17 We have Hispanics growing from twelve point one to
18 twelve point four of the population, blacks relatively
19 stable, eleven point two to eleven point three, Asians
20 six point six to six point eight, Native American and
21 other Pacific Islanders a slight decrease as well. Very
22 small population, so their percentage increase or
23 decrease tends to be insignificant.

24 One thing I wanted to point out, Nassau

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1 population is estimated to have declined, in the past
2 year, from one million three hundred twelve thousand to
3 one million three hundred six thousand, around a six

4 thousand person decline. Whites making up ten thousand
5 three hundred six decline and minorities, including
6 those claiming two or more races, increasing by eight
7 thousand two hundred twenty-nine. Even more
8 significantly, the Census Bureau estimates Nassau
9 population has declined by around twenty-eight thousand
10 between 2000 and 2007, with the non-Hispanic population
11 declining by ninety-one thousand and minorities
12 increases by sixty-three thousand.

13 I should point out that Nassau is challenging
14 this estimate, maintaining that housing units have
15 increased significantly while occupancy rates of those
16 housing units has remained stable. They have a right to
17 challenge the census and they will be submitting that
18 challenge application within the next couple of weeks,
19 so we will see what happens with that. I should point
20 out that the Census Bureau estimate difference from the
21 Long Island Power Authority's population survey, roughly
22 fifty or sixty thousand person difference. We're not
23 loving the Census Bureau estimates that much. We think
24 it diverged significantly in the last few years than

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1 what we're experiencing.

2 MR. CARACCILO: What is the methodology that
3 LIPA uses?

4 MR. FORMAN: The American Community Survey
5 and population estimates of the American Community
6 Survey was based on a household, survey which we think
7 is better than the population estimates program which
8 measures components of change, which include net

9 internal migration from within the country, net
10 international migration and births over deaths. And we
11 think that their estimates of net internal migration are
12 not that good. They have trouble tracking college
13 students that might move for the year to go away to
14 college, then return home. They have trouble tracking
15 military personnel. They have trouble tracking new
16 workers, people that come into the region and have not
17 yet filed a tax return with an address from Nassau and
18 Suffolk County.

19 So we don't love their component change
20 method. To be fair to them, they give you ample
21 opportunity to maintain to them, through household
22 units, such as electric data, which is what we're using,
23 that they're off, and they're very conciliatory, so they
24 give you the opportunity to show them that it's

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1 different.

2 MS. HOLMES: Doesn't LIPA, primarily I know
3 for Shelter Island, LIPA estimates an increase in
4 population based on the households that use their
5 electricity seasonally versus the households that use
6 electricity all year. That can be misleading because
7 there are a lot of weekend or summer people who use
8 their house all around sporadically on weekends and LIPA
9 counts them as part of an increase in our population.

10 MR. FORMAN: They do have methods by which
11 they try to adjust for seasonal population, but, they
12 also noted to us that fewer and fewer people completely
13 turn off their electricity. They do measure active

14 meters, you're right. But they also are careful to try
15 and adjust for that as well.

16 MR. CARACCILO: Does LIPA have a division
17 that does this? Is it data that comes out of their
18 normal course of operation?

19 MR. FOREMAN: They have done it since 1959;
20 they're excellent. They really are Keyspan employees,
21 they're not LIPA employees. They're very good
22 demographers.

23 I'll quickly show you the Suffolk numbers
24 which are similar, except whiter. We see similar

24

1 patterns, blacks going from seven point eight to seven
2 point nine percent of the population, Asians three point
3 three to three point four, and Hispanics showing the
4 largest increase in Suffolk, twelve point nine to
5 thirteen point three percent. Overall non-white
6 minorities, including those claiming two or more races,
7 twenty-four point five percent to twenty-five percent of
8 the population, non-Hispanic whites. Overall Suffolk
9 population is estimated to have declined over the last
10 year to one point three.

11 Of course again, with the white population
12 leading the decline and minorities increasing, Suffolk's
13 population, however, is estimated to have increased by
14 almost thirty-four thousand between 2000 and 2007, so
15 the Census Bureau still sees Suffolk as growing.
16 However, Suffolk County is challenging that as well, but
17 we think we're growing and LIPA agrees that we're
18 growing more substantially than the thirty-three

19 thousand.

20 LIPA Has us now over a million and a half
21 population. Again you're talking almost an identical
22 sixty thousand person difference between the census
23 estimate and our own or LIPA's, and we're almost done
24 filling out that application, and Suffolk County

25

1 Executive Steve Levy will make a formal challenge within
2 the next few weeks. There will more data coming out.
3 We have seen some significant declines. For example, in
4 the overall portrait, and believe it or not, a
5 substantial increase year over year in household and
6 family incomes. So we will be reporting that to you and
7 try to come up with some explanation for why numbers do
8 what they do.

9 Thank you. I'm glad to address the
10 commission.

11 THE CHAIRMAN: I pressure you coming here.

12 MS. ROBERTS: Have you done any work on the
13 aging of the population, and is that an issue in Suffolk
14 County?

15 MR. FORMAN: Yes.

16 MS. ROBERTS: Yes, it's an issue or yes, it's
17 on work.

18 MR. FORMAN: It's an issue for me because my
19 mother is an aging person within the county. We know
20 that the county continues to have an increase in
21 sixty-five year olds and older, which is not the same as
22 Nassau County. They have seen declines in that area.

23 THE CHAIRMAN: Is that a raw number or

24 percentage of popul ati on?

26

1 MR. FORMAN: As a raw number. Nassau County
2 has lost sixty-five and over. I don't remember the
3 exact number, but I remember the pattern, and Roy used
4 to say this all the time, he used to say Suffolk County
5 sends retirees to Florida and Nassau County sends them
6 to Suffolk. We have a slight growth in that popul ati on,
7 but we want to do more with it.

8 MS. ROBERTS: Even the fifty to sixty-five,
9 we're sensing this a big issue develop ing on the East
10 End of Suffolk County, that we have real challenges for
11 health coming and social services for older people that
12 actually even start at fifty.

13 MR. FORMAN: That is the growth demographi c.

14 THE CHAIRMAN: Have you looked at popul ati on
15 distri buti on wi thi n the counti es? The thing that I'm
16 concerned about is kind of the raci al segregati on
17 issues; that is kind of a mandate. Those trends are
18 happen ing, or are you simply looking at county-wi de?

19 MR. FORMAN: Thi s data is county-wi de.
20 American Communi ty Survey does and wi ll come out wi th
21 numbers for areas that are now going to be twenty
22 thousand. There, the criteri a was fifty thousand and
23 over. So most of our towns, obvi ously, quali fy for
24 that. They di d not release popul ati on esti mates for

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1 areas lower than that. They do have data, they call it
2 microuni ts that they do measure; it's a little less

3 accurate.

4 I myself have done some studies of school
5 district segregation. We will continue to do that
6 because I do obviously think that is an important issue,
7 but it's better or easier, at least, to look at data by
8 school district then by, say, hamlet.

9 MR. CARACCILO: I think under No Child Left
10 Behind they have to report all of that data.

11 MR. FORMAN: They have the data. What they
12 have found is pretty interesting, at least through 2004.
13 We have seen that -- they're called exposure indices --
14 is the typical white student exposed to
15 African-Americans and Hispanics and how much. So they
16 had exposure indices. The truth is, whites have become
17 slightly more isolated since the 1990's. Blacks and
18 Hispanics have become more exposed to each other.
19 Hispanics have actually become slightly more isolated.
20 That is a factor of their very fast growing population
21 because newcomers to regions often congregate,
22 obviously, to places with similar populations, so you
23 see them bunching up in places like Brentwood and things
24 like that.

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1 It used to be when the majority of the
2 immigrants to the country before World War II were
3 Europeans, who we just lump in with whites, there was a
4 great deal of segregation still between newcomers
5 between African and native born blacks. Now we see
6 newcomer Hispanic migrants are integrating very heavily
7 with foreign blacks. Is it for the non-whiteness or is

8 it still white prejudice? We don't know why. Hispanics
9 and blacks are integrating far more easily, it seems,
10 than newly migrated Europeans of the past.

11 MR. CARACCILO: Interesting.

12 MS. HOLMES: Following what Barbara raised,
13 have you done any work with the naturally occurring
14 retiring community? There is a newish thing where a
15 community gets designated, as Shelter Island has just
16 been designated, a naturally occurring retirement
17 community, which puts us supposedly in a position to
18 receive certain additional grant money for services and
19 programs we will want to do for seniors, including
20 housing, but health care and other issues. But, the
21 idea that a town like Shelter Island has a great many
22 people who were born there and lived there all their
23 lives and aged in place in the community, because the
24 balance on Shelter Island has shifted quite a bit, so

29

1 that we have an increasingly large elderly, frail
2 population.

3 It makes it challenging for us, but also being
4 designated allows us to apply for services. We finally
5 got a part-time nurse visiting Shelter Island, which was
6 a big deal. One of our nurses had to come up and lobby
7 the legislature for that.

8 MR. CARACCILO: Who is the designating
9 body?

10 MS. HOLMES: The New York program, I think,
11 is federally funded, if I'm not mistaken. Some New York
12 people came and met a few months ago on Shelter Island.

13 It was originally, they were only doing their
14 demographics for cities, for apartment buildings, but
15 they have begun to do it for communities that have
16 single family homes.

17 MR. FORMAN: This is the first I'm hearing of
18 it.

19 MS. HOLMES: I can put our senior services
20 people in touch with you. You might want to tap into
21 that.

22 MR. KONTOKOSTA: Thank you for your work on
23 this and your presentation. I know it can be fun
24 sometimes to go through these statistics. The problem

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1 with statistics is just as much about what you show and
2 how you say it to me, the numbers look very troubling to
3 the housing issues on Long Island and also the state of
4 the economy, to some degree. While the fifteen to
5 twenty-four might be increasing slightly, it would be
6 good to compare it to the overall population shift and
7 demographic shift throughout the country to see how much
8 might be caused by specific causes on Long Island.

9 Fifteen to twenty-nine year old, you're
10 talking about a large decline. These point very heavily
11 we're focused on a lot of the issues, one being
12 affordable housing. Can it can lead to some conclusions
13 that the people that need those kinds of units are the
14 most at risk, are the ones showing the most dramatic
15 shift over the last few years? This is very helpful. I
16 would like to see more on it. These strike me as very
17 troubling for a lot of issues for Long Island. If you

18 Look at Suffolk County itself, these shifts are actually
19 much more dramatic in terms of these age groups.

20 MR. FORMAN: In fact, the shift is much more
21 dramatic in Nassau County only because Suffolk County is
22 not an inner ring suburb. You don't know exactly why
23 movers move, but some of the characteristics that we
24 have seen should thus far contradict some of the

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1 Longstanding assumptions.

2 For example, I don't know if it's a majority,
3 many people move from here to areas that are even more
4 expensive in terms of housing, or about the same.
5 Manhattan, Connecticut and Northern New Jersey still
6 remain the highest migration places from here. So it's
7 not always so cut and dry why people are moving.

8 MR. KONTOKOSTA: Having distributed that by
9 age, is that the younger people or some of the older
10 population?

11 MR. FORMAN: We don't know that.

12 MR. KONTOKOSTA: That is going to shift.
13 Tangentially and anecdotally, the people that I know
14 that are under thirty-nine moved to places like Virginia
15 or the Carolinas where the cost of living is less; also
16 because of job opportunities.

17 THE CHAIRMAN: Particularly in terms of
18 tracking migration, which is something that you said you
19 are working on, that would be interesting to see, as
20 Commissioner Kontokosta is saying.

21 MR. McADAM: The LIPA numbers that you have
22 on Figure 7, one point five million, does LIPA divide

23 that number among towns or villages or hamlets?

24 MR. FORMAN: Yes.

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1 MR. McADAM: Do they have seasonal numbers
2 versus all year round numbers?

3 MR. LAMBERT: As far as the seasonal
4 population, LIPA's annual estimates incorporate the
5 seasonal, only as much as the data from the 2000 census
6 show. If it shows two percent of the housing units were
7 seasonal on Shelter Island, they keep that percentage
8 showing unless the next census data gives new
9 information. If it says there are a hundred new housing
10 units since 2000 on Shelter Island and fifty percent of
11 them are seasonal, they're still assuming fifty percent
12 of them are seasonal. That is the only way that comes
13 in to bypass estimates.

14 MR. McADAM: I know Shelter Island and the
15 South Fork have a similar situation. In Southold we
16 have a pool of a population, over fifty-five population
17 that seems to be heading to the north Fork In Riverhead
18 and in Southold. I was wondering is there any way of
19 capturing any information like that over a period of
20 time, say the last five years?

21 MR. FORMAN: Not until we start getting the
22 American Community Data for places smaller than
23 sixty-five thousand in population. That will happen the
24 next year when we finally get the data down to a small

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1 level of geographs. We will be able to track data year
2 to year. We don't have population for a five year age
3 group for a community like Southold.

4 MR. McADAM: Does the American Community
5 Service use 2000 as their base, also like LIPA?

6 MR. FORMAN: It's a sample, so there was only
7 data for the largest population areas for the counties.
8 Then each year, as new data comes out, the level of
9 geography gets smaller. By 2010, we will have all small
10 communities.

11 MR. McADAM: In 2010, when they do the new
12 census, how long does it take to get that information
13 from the Census Bureau, you know, say from the 2000 or
14 1990?

15 MR. LAMBERT: The first official measurement
16 comes out by the end of the year. The population counts
17 come out by December 31st by the end of each year. Then
18 additional more detail, socio-economic data came out a
19 year or two after that.

20 THE CHAIRMAN: Any other questions regarding
21 Seth's presentation? Thank you, Seth.

22 Next we have Peter Lambert has his update on
23 housing.

24 MR. LAMBERT: In your packet is a series of

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1 graphs with red lines on them and supporting data on
2 them. I want to go through the transient housing prices
3 in Suffolk County over the past year or two because this
4 is an important issue. The first graph actually shows a
5 longer time series, going back to 1985, that catches the

6 tail end of the last run up in housing prices in the
7 1980's, so you can see through the late 1980's increases
8 in the pricing. It doesn't look that dramatic; at the
9 time it was.

10 Once you come into the present when housing
11 prices are so high, it doesn't look that dramatic. At
12 that time we had increases twenty percent. We went
13 through a long period in the '90's when housing prices
14 were stagnant. That was not talked about so much, but
15 it's important to see that. Increases began 1999, ended
16 around 2006. We started to see a flattening of numbers
17 and sort of an up and down kind of a graph.

18 The following graphs shows a slightly
19 different source, New York State Association of
20 Realtors, that shows the upward trend since 2000, which
21 looked unstoppable until you get to the end of 2006.
22 Our home prices in Suffolk County, between three
23 seventy-five and four twenty-five. It sort of
24 plateaued. We have seen declines. Those can be seen on

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1 the next graph. They started to go below zero or
2 negative or lowering housing prices at the end of 2006,
3 so we are continuing to see some modest to moderate
4 lines in housing prices, between zero to ten percent.

5 When you look at a twelve month or one year
6 percentage changes overall, our prices in Suffolk County
7 median, the latest was about four hundred thousand as of
8 July 2008. The figures roughly are about ten percent
9 off their peak in late 2006, even going back to 2005, so
10 our housing prices right now are at 2005 levels. And

11 even though we have not had a year to year decline of
12 over ten percent yet, the cumulative decrease is about
13 ten percent of the housing prices.

14 The final graph shows the number of homes,
15 showed that is another factor people track in looking at
16 the housing market. We are seeing large ten to twenty
17 to thirty declines to the numbers of homes sold. When
18 you compare one month to the same month in the previous
19 year, it's not as bad as it is in other parts of the
20 country. We're seeing maybe a ten percent decline
21 overall in prices. Over other years, you have fifteen
22 to twenty percent declines from the peak 2005 and 2006.

23 THE CHAIRMAN: What is the last data?

24 MR. LAMBERT: July 2008 just came out the

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1 other day; Four hundred one thousand four. Four hundred
2 fifteen thousand for 2006, so it's a modest decline, but
3 we are seeing consistent declines in each of the
4 months.

5 THE CHAIRMAN: The most recent data indicated
6 a big increase down. I suppose that is good news.

7 MR. LAMBERT: You're seeing some reports in
8 the media that prices are increasing, but they tend to
9 increase in the summer and spring months of every year.
10 We have that happening now. Prices could be flat, but
11 they are going up in the middle of this year, but it's
12 not a bad sign, it's not a sign that everything is
13 turning around.

14 MS. HOLMES: Do you take into consideration
15 the very high number of people that take their houses

16 off the market when the fall and winter comes and put
17 them back on as a new listing in the spring, frequently
18 at a lower price, but still they take their house off
19 the market, so for a new home it's not being shown for
20 several months of the year. That tends to come through
21 on the number of homes sold, which tends to happen when
22 there are leaves on the trees, which is a real estate
23 term. People are not selling as much in the fall and
24 winter months.

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1 THE CHAIRMAN: Any comments or questions from
2 anyone?

3 MR. GULIZIO: Peter, the trend between 1999
4 and 2006 is a fairly dramatic increase going from, it
5 looks like a median used home price of a hundred fifty
6 thousand to four hundred thousand over that roughly six
7 year time period. Are there any parallels to that in
8 terms of increase in market value for median used home
9 prices to think that that would be sustained forever?

10 MR. LAMBERT: Although some people talked
11 about it or felt that it might never end, housing
12 prices, like the economy are cyclical. As we saw in the
13 1980's, the housing prices stopped and we had a period
14 of five or six or seven years of no increases. I
15 believe that is what is going to happen next. As we
16 have a decline, we will have a plateau for a while.

17 MR. GULIZIO: That is still an eighty or
18 eighty-five percent increase over five or six years ago,
19 even though it's a hundred one percent decline.

20 MR. LAMBERT: Our prices are almost double

21 the nation averages.

22 THE CHAIRMAN: It that also tied to income as
23 well as other variables?

24 MR. LAMBERT: The availability of mortgages.

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1 THE CHAIRMAN: That was before. The question
2 is for the Wall Street perspective. The credit is
3 obviously very tight. We will see how long that
4 persists. If it does persist, what that is going to
5 have on housing prices, particularly if median income
6 isn't increasing substantially. Incomes are stalling,
7 although some might have slightly different information
8 on that, nation-wide. Obviously, incomes are stalling.
9 That is driving the lack of growth in the pricing. The
10 real estate man commissioner.

11 MR. McADAM: In the numbers on the last
12 page, the median used home selling prices, do you know
13 if foreclosures tend to drag down the prices? We're
14 experiencing, I know in our area, if you have a house
15 for four hundred fifty thousand that say somebody is in
16 contract on, the appraisers come in they do appraisals
17 that find out that that same house sold in foreclosure
18 for four hundred ten thousand.

19 The four hundred ten thousand becomes the
20 comparable for that particular house. So I guess my
21 question is here whether or not, if you know, there are
22 significant number of foreclosures that would affect the
23 prices.

24 MR. LAMBERT: I'm not exactly sure of the

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1 methodology flows into these New York State Association
2 of Realtors numbers, but I think they take all arms
3 length sales, all standard home sales, including
4 foreclosures into account.

5 MR. McADAM: Thank you.

6 THE CHAIRMAN: Thank you, Peter, I appreciate
7 the presentation. It's interesting to see, looking at
8 affordable housing, what is the world looking like out
9 there as we try to think of policy that make sense.

10 Regular agenda, we have barely quorum. We are
11 going to act as a commission. We need to speak as one
12 voice, all of us.

13 MR. FRELENG: The first regulatory matter
14 referred to the commission comes to us from the Town of
15 Riverhead, the application of BEH Properties.
16 Jurisdiction for the commission is that the subject
17 property is within five hundred feet of New York State
18 Route 25.

19 The applicants are seeking town planning board
20 site approval for the demolition of nine hundred two
21 thousand square foot and erect a twenty-one thousand
22 square foot three story office building. The total of
23 four hundred forty off street parking stalls are
24 required by the Town of Riverhead, zoning law and none

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1 are provided on site.

2 Let's take a look at the air photo. The
3 subject property is located of the north side of West
4 Main Street, New York State Route 24. The site of the

5 property is approximately two hundred feet east of
6 Osborne Avenue in the Town of Riverhead. The you can
7 see that the subject property is located in the DC3
8 zoning category, and you can see around the subject
9 property. It's there are some subsets of that
10 designation.

11 If we look at some of the land uses in the
12 area, you can see that the subject property is
13 surrounded mostly by commercial. It should be pointed
14 out that the Suffolk County court complex is located to
15 the north of the subject property and the parking lot
16 for the court complex abuts the property on the
17 northeast corner.

18 With regard to environmental conditions, the
19 site is located in the Central Suffolk groundwater
20 protection area. Around the site is located an
21 economically distressed community as defined by
22 commission guidelines. I failed to point out that with
23 regard for access to the subject property, you can see
24 that the subject site plan provides no access for

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1 parking. There is no access to the site, no usual curb
2 cuts in the front. It appears that access for the
3 subject property is intended to be only for
4 pedestrians.

5 There is some street parking in front, but
6 it's very tight; certainly wouldn't provide the number
7 of parking stalls required. Staff is believing that
8 this application is an unwarranted over-intensification
9 of the use of the premises, particularly there are no

10 off site parking spaces. As many as a hundred forty
11 four, I believe, are required. A hundred forty off
12 street parking spaces are required.

13 It's not clear if there is available excess
14 capacity in the court complex. It's also not clear if
15 the applicant is intending to apply any of the
16 flexibility in the zoning ordinance, which provides for
17 shared parking. There was nothing written in the
18 application. We went out and did a site inspection.

19 MR. CORRAL: This is a picture looking from
20 Main Street north up to the subject parcel. This is
21 looking back south at the existing structure on the
22 parcel. This is looking to the lot to the east.
23 Another private lot showing the section between the
24 subject parcel and you can see in the distance the

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1 courthouse building, but no access to the parking lot
2 there.

3 This is just another picture looking to the
4 east to the lot there.

5 MR. FRELENG: So we have an application for
6 site plan approval here. They want to take this
7 building down, construct a three story office building.
8 Currently the access to the site comes off Main Street
9 and goes through here in the backyard. They have it
10 blocked off at the moment. They're taking access from
11 the east and storing vehicles there. They don't intend
12 to take access into the court complex or any excess
13 complex that may be available.

14 We tried to ascertain if there was an

15 agreement between town and county with regard to shared
16 parking. I don't believe we came to a conclusion.
17 Staff is recommending disapproval due to the fact that
18 the proposal is a little unwarranted over
19 intensification of the use of the premises. That is the
20 staff approval.

21 THE CHAIRMAN: What are we missing here? Do
22 you think the applicant just didn't give us the
23 application?

24 MR. FRELENG: It's hard to read beyond the

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1 application. The applicant filed an application with
2 the premise that there was going to be some negotiation
3 with regard to off street parking. It's obvious they're
4 short a hundred forty parking spaces. They make no
5 representation at all on how they intend to handle a
6 hundred forty off street parking spaces.

7 There are provisions in the code where they
8 can petition the Planning Board to waive some. They can
9 go to the Board of Zoning Appeals. There are no
10 intentions in their material.

11 THE CHAIRMAN: Either they have the intent
12 and we don't know anything about it, or they don't have
13 the intent.

14 MR. CARACCILO: It's a shame we don't have a
15 representative from Riverhead. It's unfortunate. It's
16 a needed addition to the town that is a little run
17 down. There is a large courthouse parking there. It
18 has ample parking and isn't there a municipal lot. The
19 one thing I never had a problem with is parking on Main

20 Street in Riverhead. It's a shame that we don't have
21 anybody on this commission in Riverhead to address
22 this.

23 MR. FRELENG: I'm not sure if you're talking
24 about the lot over here. That is the only lot I'm

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1 familiar with the court complex.

2 MS. ROBERTS: I agree there are no parking
3 issues in Riverhead. There is public parking. That is
4 a good point, John.

5 MR. CARACCILO: Without an agreement, we're
6 not going to assume.

7 THE CHAIRMAN: We can obviously raise this
8 issue. The town needs to make their own decision on
9 that.

10 MR. FRELENG: It's important to keep in mind
11 the accessibility of the parking spaces. It's an office
12 building, not retail where somebody might do some
13 shopping. You need to have parking for employees that
14 needs to be in a reasonable distance.

15 THE CHAIRMAN: Riverhead has municipal
16 parking, but it's a bit down the road. I don't know
17 what the distance is.

18 MS. HOLMES: Andy, I am confused. This is
19 not near that huge municipal lot behind the culinary
20 institute.

21 MR. FRELENG: That would be further east.

22 MS. HOLMES: That is off Roanoke and that is
23 off Osborne. I see.

24 MR. KONTOKOSTA: This application sort of

1 highlights one of the issues we ought to face with
2 trying to advocate for downtown growth. Parking is
3 often the issue. Here there would be a good example if
4 they provided some information of how they were going to
5 provide parking. That would be a good example of how
6 they're planning on improving a distressed downtown.

7 MR. FRELENG: This might have been a
8 premature submission to the commission. I'm sure when
9 the applicant and town chewed over the application,
10 there might have been more information sent over to us;
11 however, they sent it over to us in the early stages.

12 MR. CARACCIOLO: If that came to us with a
13 parking agreement, would you have looked at it
14 differently?

15 MR. FRELENG: Sure.

16 THE CHAIRMAN: There is nothing provided in
17 the application, but there are options here that should
18 be looked at.

19 MR. CARACCIOLO: Would you deem this
20 application incomplete?

21 MR. FRELENG: I wouldn't.

22 MR. CARACCIOLO: Because there was no mention
23 of parking? It was an omission, rather.

24 MR. FRELENG: The site plan looks like it's

1 designed to not provide parking or any access for the
2 parking. I think that is an oversight for the

3 designers. We are in the 21st Century. We're in an
4 auto oriented community. Even in a downtown you have to
5 have some parking, maybe not a hundred seventy spaces.

6 MR. CARACCI OLO: We don't know if that is
7 happening or not, so we need to judge it on what we
8 have.

9 MS. HOLMES: They're saying it's an office
10 building. What you're saying, if it's an office, the
11 people that are there are people that are going to be
12 commuting there to park all day.

13 MR. FRELENG: It could be in some sort of
14 shared parking arrangement. We don't know the intent.
15 We would like to provide some options to the applicant.
16 We don't know what the applicant's intent was.

17 MR. McADAM: Andy, the parking that is behind
18 the courthouse and slightly below it, is that all county
19 property or is that county and town property?

20 MR. FRELENG: I believe that is all county
21 property.

22 MR. McADAM: The property that runs down to
23 Main Street, is that also county property?

24 MR. FRELENG: I believe that is also county

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1 property. I believe that the county is working on an
2 arrangement with the town on some sort of shared parking
3 agreement with that lot.

4 MR. McADAM: How about the property to the
5 top left there; you can see some parking there, across
6 over there.

7 MR. FRELENG: We didn't go that far. I

8 don't know if you consider that convenient accessible
9 parking. I'm not quite sure what that is. I can look
10 at the tax map.

11 THE CHAIRMAN: It's close to the railroad
12 station there.

13 MS. LANSDALE: I think it's the library.

14 MR. FRELENG: This little piece is the Town
15 of Riverhead parking lot.

16 THE CHAIRMAN: There is a parking in the
17 general vicinity or the staff's position is. There
18 needs to be some kind of arrangement. That is what is
19 missing there.

20 MR. FRELENG: The one hundred forty parking
21 deficit needs to be addressed.

22 THE CHAIRMAN: Any comments or questions? If
23 not, I will entertain a motion.

24 MR. McADAM: One more question. Is there any

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1 way of approving this with the condition that they take
2 care of the parking, give a little more of a positive
3 spin such is assuming everyone would approve it.

4 THE CHAIRMAN: The answer is yes, we can do
5 it. We can take that approach. Andy, maybe you want to
6 give a perspective why you sought disapproval as opposed
7 to approval with a condition.

8 MR. FRELENG: From the town's perspective,
9 they can override us and give a reason why they override
10 us. Therefore, they override the commission. So they
11 can always do that. The information; the application
12 just came to us with a lack of information. I think it

13 was our interpretation that we can't look beyond the
14 application, it might have been all that was submitted
15 to the town. If we are providing guidance to the town's
16 staff, that is the strongest guidance we can provide,
17 don't move ahead on this application until you can
18 address the parking shortfall. It is a policy issue,
19 frankly, for the commission.

20 THE CHAIRMAN: It seems to me it's such a
21 lack it's not even addressed. I think maybe, as I
22 understand a message of disapproval, override us is the
23 same thing. It's such a lack. If they addressed half
24 of them, but zero and no indication of how they're going

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1 to address the problem seems to me at least that maybe a
2 little stronger message should be sent.

3 MR. FRELENG: It does require parking for one
4 space, for I believe it's a one hundred fifty feet of
5 gross floor area.

6 MR. CARACCILO: I agree with Andy. I think
7 if we assume and start redirecting the application, I
8 think it's dangerous. I make a motion to accept the
9 staff report.

10 MS. BOLTON: Second.

11 THE CHAIRMAN: All those in favor for
12 accepting the staff report for disapproval of parking
13 please indicate.

14 (Show of hands)

15 All opposed. It passes eight to zero. Andy,
16 we're on to the next one.

17 MR. FRELENG: And 513 New York State Route

18 111, office complex referred to in the past as the
19 Hauppauge Office Complex. Jurisdiction within five
20 hundred feet of Route 111.

21 Looking at the aerial, applicant seeking town
22 planning board approval for the construction of a total
23 of sixty-four off street parking stalls required by the
24 Town of Smithtown zoning law and those are provided; in

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1 fact, couple of extras.

2 The subject property is located southeast of
3 Nesconset-Port Jefferson Highway, New York State Route
4 347, and Hauppauge Road, which I indicated is New York
5 State Route 111. If we take a look at the land use and
6 zoning pattern in the vicinity, you can see that the
7 property is located within a corridor of neighborhood
8 business zoning. To the east there is some residential
9 zoning R-10 zoning category, and to the west of the
10 subject property abuts a stormwater recharge basin,
11 which is the neighborhood business zoning category.

12 Land use is a mix of commercial, with parking
13 lot of a former food and video rental store to the
14 north. South of the subject property is a three story
15 masonry office property, and to the east are three
16 improved detached residential dwellings.

17 The access is the issue for this application.
18 You can see the lot is a landlocked parcel. That is one
19 of the reasons why we don't like to create landlocked
20 parcels when we do subdivisions. There is no access to
21 the Route 111. What the applicants are proposing is to
22 take access from the southern lot and follow this

23 easement arrangement across New York State Land and
24 easement across this privately owned lot.

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1 All four parcels involved in the application
2 are not owned by a common owner.

3 THE CHAIRMAN: I happen to get my Starbucks
4 there a lot. That easement would go right through that
5 Starbucks, which has its a drive-through Starbucks,
6 which is why I like it.

7 MR. FRELENG: It's not going to change any of
8 the access that is going on here already the access is
9 right here, anything that exists in that area is going
10 to remain the same.

11 THE CHAIRMAN: There is an access point out
12 to Route 111; doesn't affect my Starbucks.

13 MR. FRELENG: Correct. What they're looking
14 to do is a create a forty-four foot access easement here
15 right on to the site. All this remains the same. So
16 the only difference is this access easement onto the
17 site there.

18 There is also a future assess easement
19 proposed to the adjacent property to the north, where
20 there was a Blockbuster I guess. There are no
21 significant environmental issues on the site.

22 It's important to note the recharge basin.
23 The subject application is not located in a minority or
24 economically distressed community. It's the belief of

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1 the staff that the subject site plan application is

2 approvable with the conditioned attached secured to the
3 lot in perpetuity.

4 One of the reasons we don't create landlocked
5 lots is in the future, you're stuck. The applicant has
6 a right to even return on his property. If you're
7 denied access, you're going to have issues. The only
8 issue is access. The issue of access over adjacent
9 properties is something in the future may be a problem
10 with their neighbor and decides to block access either
11 physically or legally.

12 We try to lock these easements in perpetuity
13 if you can. We suggest that no final approval be
14 granted until such as a covenant for motor vehicle
15 access easement irrevocable and in perpetuity to the
16 extent that you can do it. And also that the buffer or
17 what is left of the vegetation be left in perpetuity.
18 We took some photos.

19 MR. CORRAL: This is the parcel, shows the
20 dense vegetation. This is looking northeast, seeing
21 little glimpses of the residential community to the east
22 of the subject parcel, and the last picture is the lot
23 to the south of the proposed access.

24 MR. FRELENG: Right there where the car is

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1 parked. I was going to say that the conclusion of the
2 staff report, we're recommending conditional approval
3 with the two with conditions.

4 MR. CARACCI OLO: How does that work for that
5 property? When they purchased the property, did they
6 know there was a chance of an easement going through

7 there.

8 MR. FRELENG: Taking the easy part first,
9 oftentimes you do buy properties that have guaranteed
10 rights of access to it, or granting rights to adjacent
11 properties. We are not privy to what this individual's
12 indeed looks like. We don't know if there was ever
13 access granted to the north.

14 THE CHAIRMAN: His access is being proposed
15 here, and they may have an agreement to do that. If
16 they don't have a pre-determined agreement, access to
17 this property is worth a lot of money to this land owner
18 and certainly could be negotiable.

19 THE CHAIRMAN: Good point. Any comments or
20 questions?

21 MS. HOLMES: Does an applicant usually
22 mention whether they have an easement or whether they
23 know of an easement? It seems a very large omission to
24 present before you a landlocked lot and no information

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1 on whether they believe they have an easement or whether
2 the deed shows an easement.

3 MR. FRELENG: I would agree with you that
4 would be an act of an omission, if they had been granted
5 right of access, to assume they don't have it, that that
6 is going to be negotiated. Often that is a condition.
7 If they can't meet it, they can't go ahead with the
8 application.

9 MR. McADAM: The sump, is that state
10 property?

11 MR. FRELENG: Yes.

12 MR. McADAM: The right of way runs across the
13 state property.

14 MR. FRELENG: And only to across the state
15 land and to the project lot.

16 MS. LANSDALE: The design of the property
17 looks like it's going to be largely paved. Was there
18 any mention in the report about the use of pervious
19 pavement or things like that to reduce the amount of
20 stormwater runoff into the discharge basin?

21 MR. FRELENG: No, there was no indication
22 that they were going to be using any pervious pavement
23 or anything like that. All the drainage would have to
24 be kept on site. It wouldn't be allowed to drain into

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1 the recharge basin. We believe that the basin is so
2 large because we believe it's taking drainage off 347
3 and 111. They would not be allowed to drain into the
4 state recharge basin.

5 THE CHAIRMAN: Are there things they have to
6 do to mitigate that?

7 MR. FRELENG: The level we don't get into is
8 however they plan on treating it on site the town is
9 obligated to meet the EPA Phase 2 stormwater
10 regulations. They're obligated to maintain all
11 stormwater runoff on site. That is in your guidelines,
12 by the way.

13 THE CHAIRMAN: We have our new stormwater
14 guidelines.

15 MR. FRELENG: Expansion of that simple
16 statement, yes.

17 THE CHAIRMAN: Any other thoughts, comments,
18 questions or considerations? Commissioner Holmes moves
19 approval for the staff report. Commissioner McAdam
20 seconds it. All those in favor of approving the report
21 with the two conditions in the report, raise your hands.
22 (Show of hands)

23 THE CHAIRMAN: All those opposed?
24 Abstentions? Passes eight to zero. Thank you, Andy.

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1 We have a couple of things we need to do. Let me
2 do the one we really need to do first, before anyone
3 needs to go talk about the intermunicipal agreement. We
4 move to round table a little bit later, which you should
5 all have a copy of.

6 Our attempt to reduce the volume of referrals
7 that municipalities are required to send to the
8 commission, we looked at this before. It's the one I
9 sent out by e-mail, Suffolk County Commission planning
10 process. You have seen this before, the one thing that
11 has been added to what John is passing out that our
12 jurisdiction includes within five hundred feet of
13 waterways and airports, I believe.

14 The part is on the second page, the draft
15 recommendations. The draft recommendations are staff's
16 view of basically how we can help cut down the amount of
17 referrals made from the municipalities that villages and
18 towns need to put together to send to staff, and then
19 staff need to review and then simply typically, as I
20 understand, back.

21 Our goal here today is to give these a last
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22 review and authorize staff to start talking to the towns
23 and villages about implementing the intermunicipal
24 agreement along those lines. Again, the only operative

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1 part on the document is on the second page. The first
2 part is really just background for us. That is not
3 being sent out. That is to give you a sense of where
4 our jurisdiction lies, but the top of the document talks
5 about how we get twenty-three hundred applications a
6 year.

7 The idea is to cut down on the majority of
8 those that don't have county-wide impacts. The way to
9 cut it down would be the four bullet points on Page 2,
10 that will help staff focus on the most regionally
11 significant applications. Andy, do you want to say
12 anything about that? I'm trying to summarize.

13 MR. GULIZIO: I think out of the applications
14 we receive, I think there are about eighteen hundred
15 that are variances for single family homes. That will
16 change the number of referrals that the local towns or
17 villages are required to send to us. From a more
18 selfish standpoint, the number of referrals that staff
19 would have to comb through and review and even send
20 letters on matters of local determination, a simple and
21 effective method of dramatically reducing the number of
22 referrals.

23 THE CHAIRMAN: Anything else?

24 MR. ISLES: We will put this into a form of

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1 resolution. If the commission takes action on it, we
2 will draft that based on whatever action you take
3 today.

4 THE CHAIRMAN: I think the way -- does it
5 need to work that each town that comes before us we have
6 to do a resolution with respect to that town?

7 MR. ISLES: Yes, and the commission has done
8 so for a couple in the past. We have a few in place
9 right now. Each requires specific authorization from
10 the planning commission. There have been other
11 discussions with the county attorney's office about
12 another approach that might be taken down the road. We
13 can still move ahead with this.

14 THE CHAIRMAN: Anybody have any questions or
15 comments about the draft recommendations? Again, we get
16 the final look at this when the town actually comes
17 back. If someone wants to negotiate this, we get to
18 approve it or not approve it. Commissioner McAdam.

19 MR. McADAM: Granted I didn't get a chance to
20 read this. But the second page refers to variance
21 associated with single family residences and so on.
22 What about if that property is say, next to a waterway
23 or what about if the thousand square feet -- never mind,
24 I think I found it.

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1 MS. ROBERTS: The asterisk is the exception.

2 THE CHAIRMAN: Yes, the way it's drafted
3 doesn't supply an exception. If it sits next to a
4 waterway that doesn't abut state or county water land,

5 I think such a minor change to one house -- obviously,
6 if it's a building that you put up next to a creek,
7 something more substantial than a single family
8 residence, the commission would want to take a look at
9 it. This is a minor change to a single family house
10 that is not significant in our eyes. Anyone else?

11 What I would like to do is entertain a motion
12 to authorize staff to pursue agreement with these
13 recommendations, I guess, with intermunicipal growth
14 with the towns and villages and entertain a motion.
15 Commissioner Roberts makes a motion, seconded by
16 Commissioner Holmes.

17 MS. HOLMES: Next Monday when you meet with
18 the Shelter Island supervisor, he's going to be very
19 interested.

20 THE CHAIRMAN: Hopefully, he's happy. All
21 those in favor. Opposed? That was eight zero. That
22 passes and we ask staff to report back to us on the
23 progress over the next few months.

24 MR. GULIZIO: One very quick point on that,

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1 so the board is aware. Our intent is to hopefully
2 secure not only support, not only have the towns and
3 villages, to have a consistent standard imposed. If the
4 staff level requires, at the local municipal level,
5 requires forty-two different methods of implementing
6 this agreement, that is going to entail more work.

7 THE CHAIRMAN: Good point. The idea is not
8 to negotiate it, just to say this is what we're going to
9 do.

10 MR. FRELENG: Mr. Chairman, these
11 intermunicipal agreements would supercede the
12 intermunicipal agreements that we have with Southampton,
13 Islip and Babylon. These were expedited for review.
14 It's my feeling those would be dropped off. I think
15 that would be a good idea.

16 THE CHAIRMAN: As part of our guidelines, we
17 are going to have a new reconsideration standard. We
18 talked about this a little bit. Staff has put together,
19 kind of bobbed together what they think is an
20 improvement, based on comments from folks around this
21 table at previous meetings. Everyone should have that
22 one page, three bullet points, just a short paragraph.

23 I know there were a couple of quick comments
24 that some folks had. Any comment on that? John will

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1 bring around extra copies in case you folks don't that
2 it in front of them.

3 MS. HOLMES: I think it certainly
4 incorporates what we have been wrestling with these past
5 few months.

6 THE CHAIRMAN: We haven't had a
7 reconsideration too much, maybe once or twice in the
8 last few years, but we have a standard that makes it
9 clear. I know Ms. Roberts had a suggestion or two which
10 I think is appropriate.

11 MS. ROBERTS: I that we had discussion that
12 we had to use a majority of the commission, not majority
13 of who was present. I think that was advice of
14 counsel.

15 THE CHAIRMAN: That was at a Riverhead
16 meeting, that the commission can only act when the
17 majority of its members, not who is present or anything
18 else, as members, vote in favor. I think that is to be
19 consistent with counsel's recommendation. We will make
20 that change.

21 MS. ROBERTS: The last line.

22 THE CHAIRMAN: Delete the word "present."

23 MS. ROBERTS: Change in town or village
24 policy, whether or not we should add the word "county."

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1 If we had these new referral agreements, would that mean
2 we ruled against something that is a single family home,
3 and if we changed our guideline on this, that all those
4 go mute? I'm trying to think this out.

5 THE CHAIRMAN: I think the bottom line, these
6 are pretty much things we have never seen. The things
7 in these four categories have never arisen to the
8 commission.

9 MS. ROBERTS: If we change our policy, should
10 not someone have the right to come back, or if there is
11 county legislation or something.

12 THE CHAIRMAN: Valid point. Any thoughts?

13 MS. HOLMES: Wouldn't the town have to be
14 made aware of our change and then to resubmit based on
15 our change? Wouldn't the town have to initiate that?

16 MR. FRELENG: The town would have to make the
17 referral for us to weigh the reconsideration standards,
18 yes.

19 THE CHAIRMAN: I guess Barbara's point, it

20 could be a change in county policy. Some in a
21 situation where there is a change in county policy, they
22 can say hey, now that you changed your policy, we would
23 like you to hear this.

24 MR. CARACCI OLO: Barbara is a hundred percent

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1 right.

2 MR. FRELENG: But the applicant has to make
3 its case to the town or village, whatever the case may
4 be, to make that referral.

5 THE CHAIRMAN: Point being, when it comes to
6 me, what criteria we apply to whether or not we want to
7 hear it would include a county change.

8 MR. KONTOKOSTA: I think that is a valid
9 point. I wonder what happens if we pass new affordable
10 housing guidelines, does that mean anyone that had an
11 application before us preferably would have the
12 opportunity for us to hear it for reconsideration?

13 MS. LANSDALE: Should we have a time line on
14 how long we will reconsider applications? Also, I
15 thought that the first bullet point of significant
16 change in the application, should there be further
17 definition of what constitutes a significant change?

18 THE CHAIRMAN: I think that gets, into some
19 ways, the discretion we will have in each case, would be
20 do we think it's significant. I think every case is
21 going to be different. And I think that we probably
22 need to maintain flexibility, that it's a high standard,
23 but each of us will apply our own internal definition as
24 to whether that should come back to us.

1 MS. HOLMES: Didn't that happen where someone
2 in the community came to us, said to us that I don't
3 think that you have been presented with all the facts
4 here. That community person asked us to reconsider and
5 we said that we could not reconsider unless the town
6 asked us to reconsider. Would that cover your concern
7 or not?

8 THE CHAIRMAN: Town needs to make a
9 determination whether they're going to refer it back to
10 us; you're right. If it comes back to us --

11 MS. HOLMES: In other words, the community
12 people would have to demand of the town that certain
13 salient facts are not presented to us and ask the town
14 to ask us to reconsider.

15 THE CHAIRMAN: Or ask us on their own.

16 MS. ROBERTS: Adding a sentence so it's clear
17 that only the town or village can refer, I think that
18 takes away some of these other issues that we're talking
19 about.

20 THE CHAIRMAN: That is certainly the case,
21 that the only way that a referral comes to us is through
22 a town or village.

23 MS. HOLMES: The facts used by the town to
24 support.

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1 THE CHAIRMAN: No, a town can do it, whether
2 they have facts or they just feel like it.

3 MR. FRELENG: If I could jump in. If we have
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4 a change of zone application for a hundred fifty units,
5 we may get from the town later on a similar change of
6 zone application. Maybe they have to reconsider, it
7 there might be some changes to the map, they might have
8 rearranged the one hundred forty units. We will send it
9 back that we have heard it already, we are not going to
10 rehear it.

11 That is not a substantive change in the map.
12 We already heard it. The commission, in that case, it's
13 obvious to staff anyway that just rearranging a couple
14 of buildings around or moving the pool or something like
15 that isn't a substantive issue. We get a lot of those
16 kind of referrals where staff makes a snap judgment that
17 it's not substantive.

18 If something else comes in, we bring a
19 recommendation to the commission saying we think that
20 you should or should not hear it. Sometimes the
21 applicant doesn't ask it, sometimes at the local level
22 sixty-two days after the hearing has expired, they have
23 to rehear it, and in the process they have moved a
24 couple of things. Some things we get that are just

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1 referred procedurally.

2 MR. ISLES: I don't think we need to put in
3 it's the obligation of the town or village for the
4 referral. We say in the first item, significant change,
5 we should probably have that same adjective, to kind of
6 separate out a minor change from major change. This is
7 certainly not perfect, but it's trying to improve on the
8 language we currently have.

9 THE CHAIRMAN: I tend to agree. Counsel?

10 MS. SPAHR: I think that it's important to
11 make sure that you're focusing on that the change in
12 circumstances or the change in facts or the case law
13 talks about substantially different layouts and site
14 plans and that kind of stuff. That it has to be a
15 change that would have supported or changed the
16 referring agency decision.

17 You also have to go back to if something
18 changed and caused them to have another hearing, if it
19 was substantially different. It's information that was
20 presented.

21 Remember, all of the information that the town
22 or village uses to make its decision has to be presented
23 to you. That is why what the complete statement of
24 facts is -- everything they relied on has to be

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1 presented to you so you can review their decision
2 making. If they then receive additional information
3 that is causing them to rethink their decision or them
4 to have another hearing, then that would cause the
5 referral.

6 THE CHAIRMAN: Can we assume that they're
7 saying we need your guidance on this? The town has to
8 make the decision that we think this is worth referring
9 to the commission, because we get a dozen of these
10 probably. Which ones are we going to say, you know
11 what, whatever we said stays, or which ones are we going
12 do say we will hear it again?

13 MS. SPAHR: If they think it's important

14 enough because they have been rethinking it and the
15 community is pressuring, they will, because
16 circumstances changed. They have the ability to
17 overrule you. You have to have the majority plus one so
18 they always have the ability to rethink things just
19 based on the information they did have in the first
20 place.

21 I think the important thing is in the first
22 bullet you say if there is significant change in the
23 application, including facts used to support the
24 commission determination. That should maybe relate to

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1 the facts used to support the referring agency's
2 determination.

3 THE CHAIRMAN: How do we know what facts
4 they're relying on?

5 MS. SPAHR: All you can do is rely on the
6 facts that they relied on. You can't go back because
7 you thought it was a bad idea.

8 THE CHAIRMAN: If there is a fact in there
9 that says to us that is a different fact than the fact
10 that was in there during the first referral, is there a
11 fact that would change our recommendation back to them?
12 We have had situations where there are factual changes,
13 or like Andy said, sometimes there is a redesign.

14 MS. SPAHR: You can cover that in the IMA's,
15 by the way, where there has been a significant or minor.
16 You might be able to find some way that it doesn't have
17 to be referred.

18 MS. HOLMES: Isn't that what counsel is

19 saying, that the suggestion would be to say or add the
20 phrase if there has been a significant change in the
21 application, including the fact used by the referring
22 agency. That is what you're saying, is that the
23 referring agency would indicate that there were new
24 facts that they wanted to use in rethinking their

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1 decision and they wanted us to see those new facts in
2 judging whether we could reconsider.

3 MS. SPAHR: Like the record they're
4 presenting to you is different than the record that they
5 presented to you before.

6 MS. HOLMES: If we say "referring agency," I
7 think that clarifies it a little bit more.

8 MR. ISLES: Everything comes from the
9 referring agency. A lot of times we get a resubmission
10 before a determination is made. These applications can
11 go on for months, if not years. Until a map enters in a
12 public process or SEQRA process or new facts come in
13 even before the commission has it, I think it's not
14 black and white. If we are going to change the
15 language, I think it's implied that everything is from
16 the referring agency because that is the only way they
17 can take cases. I think changes in facts used to
18 support the commission's determination, we're not going
19 to go out hunting for changes in facts.

20 THE CHAIRMAN: You can't.

21 MR. ISLES: What happens a lot too is a
22 municipality is not sure if it's a significant change,
23 they just send it in. That is when Andy is going to say

24 it's not significant and sends it back. We just want to
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1 make sure that the filter at that top level is
2 sufficient so that if there is something material, that
3 we can then have a basis on which to come back to you
4 and represent it.

5 THE CHAIRMAN: We can continue this
6 discussion off line. We need to have language by
7 October. I think the things we need to be agreeing on
8 it is the catalyst bullet adding the wording "county."
9 Constantine made an issue and Sarah also mentioned time
10 limit. We can simply apply it going forward. It has to
11 be recent applicants that came before us and is coming
12 back I don't know if that works, but I'll throw that out
13 as an idea.

14 MR. GULIZIO: The background of this, as I
15 recall, really trumpets the reason why it's a change in
16 the facts used to support the commission's consideration
17 is because the basis was trumpets the commission's
18 review of the facts, the parking statistics. It wasn't
19 a change in the facts used to support the local
20 determination, it was a fact used for the commission's
21 determination.

22 In terms of this being a Pandora's box to open
23 up a whole host of the prior applications, it's only
24 applicable if there is an adverse decision by the

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1 commission not overridden by the local municipality.

2 It's highly unlikely that we will get a run of
3 applicants requesting reconsideration because they can
4 simply overrun us anyway.

5 One final point in terms of what we're talking
6 about, it's important to distinguish substantial changes
7 to a prior referral to what warrants a new referral,
8 which is a new application to be referred. It's not the
9 same referral any longer, and reconsidering the same or
10 largely the same application based upon an adverse
11 application from the commission, that is a very
12 different animal. Maybe the problem with the language
13 is that it technically establishes criteria for both,
14 but there is an important distinction there. If there
15 is a such a substantial change in the application that
16 it warrants a referral, it's a new referral, it's not a
17 reconsideration of a prior application.

18 What we're trying to do is just allow very
19 limited circumstances to reconsider an application
20 largely identical to a prior referral, and under what
21 circumstances we will consider it, so it won't be
22 anybody that got an adverse decision, simply send the
23 same application and request an opinion from the
24 commission.

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1 THE CHAIRMAN: The idea is what is going to
2 be coming to this table to be reheard. We're not going
3 to keep doing this. Maybe it makes sense, given some of
4 Barbara's comments and some things we heard, to maybe
5 tweak it a little bit and send it around again and talk
6 about it further about her concerns. Commissioner

7 McAdam.

8 MR. McADAM: What if a town takes, for
9 example, the application we had from Riverhead, and
10 after I think more about it, I'm not quite sure about
11 the question. They omitted the parking in that
12 particular application, but say the town had a plan for
13 the parking and never submitted it to the commission.
14 We turned it down based on the fact that there was no
15 provision for the parking. How would they address
16 that?

17 THE CHAIRMAN: Chances are good that the town
18 overrides us because they know there is a plan. If they
19 didn't override us, there could be a resubmittal with
20 the parking plan and here's the deal, sorry we didn't
21 include it last time. If we thought it was a
22 significant change, hypothetically we can look at that
23 and say we can decide right here whether we want to
24 rehear it and decide how to advise on it.

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1 MR. McADAM: I want to do a follow-up. As
2 far as the process goes, once an application is sent
3 back again, I don't remember, does the commission staff
4 do a report before we vote on it or after we vote on it?

5 MR. ISLES: I think it depends. Let's say in
6 the Riverhead case they get the application back. Let's
7 say in a hypothetical case of a project comes in without
8 any parking goes, back to the municipality after adverse
9 disapproval recommendation from the commission. There
10 is then a revised plan submitted that shows parking.
11 That is then referred back to the commission, staff

12 looks at it and says they addressed the commission's
13 concern and probably do a local determination.

14 MR. FRELENG: There are options. That is one
15 option. We can bring it back to the commission since
16 they denied it and ask them to approve it.

17 THE CHAIRMAN: The idea behind this paragraph
18 Andy, what criteria is Andy applying when he looks at
19 it. These are kind of the standards that we have kind
20 of said, these are the kind of things that we will
21 hear. Bottom line, is the town is going to hear it.

22 MS. ROBERTS: How do we imagine this is going
23 to apply to affordable housing guidelines? As we build
24 these affordable housing guidelines, we do have the

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1 clause that we will consider other options. Do we want
2 to say all of them have to come back? Is it going to be
3 case by case? I think that is one the kind of instance
4 that we want to think about. What are the implications
5 here.

6 MS. HOLMES: I would think that they have
7 notified us that they have overridden our decision
8 because they want to deal at the local level with the
9 new information.

10 MS. ROBERTS: Except that it was stalled in
11 Sag Harbor there for a very long time because three
12 people wanted to accept the trust fund and because of
13 our override requirement, it really slowed it down where
14 the village would have probably liked to have sent it
15 back to us with the trust fund and had it reconsidered.

16 THE CHAIRMAN: One of the reasons those

17 guidelines are kind of vague saying there are
18 alternatives, if you come up with those alternatives,
19 fine, it doesn't have to come back. We don't want to be
20 micro-managing each application; that is not our role.
21 Assuming we adopt the guidelines as written, if you
22 can't do it this way, you can do it this way. We are
23 vague in our language purposely because we are
24 advisory.

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1 MS. SPAHR: Just want to point out with
2 respect to the question of parking, if you had a
3 situation where there was no provision for parking and a
4 site plan and it came back where you did have an
5 application for parking, that you can reasonably
6 consider a significant change, so it would warrant a new
7 application.

8 I think I would advise you to think very
9 carefully about setting up a procedure where you would
10 have staff basically overruling or changing a decision
11 on a matter that you did consider that actually has
12 come.

13 THE CHAIRMAN: At least we should, at this
14 table, should decide whether they're hearing it again.

15 MS. SPAHR: I think so, as a practical matter
16 because you're looking at procedures for moving forward
17 on questions, whether you have parking plans or
18 different types of materials submitted, whether it's a
19 complete statement that is submitted. That could be
20 covered in your planning guidelines that you're sending
21 out.

22 One of the things you could do, I don't know
23 what is actually submitted, there could be a cover memo
24 or cover letter of some kind that is required to be

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1 submitted that staff would be able to look at that says
2 is there a parking plan, is there this or that. Maybe
3 they get basically a checklist so they have a rational
4 basis for saying it's a premature referral. I'm
5 throwing it out.

6 The other thing is, again I would just ask you
7 to keep in mind with respect to this notion of
8 reconsideration. I don't see legal authority for
9 reconsidering something where you already made a
10 decision and it's past the forty-five day deadline,
11 unless there has been a referral.

12 THE CHAIRMAN: I think all of them are
13 re-referred.

14 MS. SPAHR: Dan was distinguishing between
15 re-referral and reconsideration, the rational,
16 reasonable things are there to talk about. I think you
17 need to keep in mind when the county law was passed that
18 imposed the forty-five day deadlines, they made it
19 clear, the legislative intent uses language about an
20 ironclad forty-five day limit on the actions of the
21 commission. You have to do the decisions within those
22 forty-five days.

23 THE CHAIRMAN: I think we're on the same page
24 on that, that it's a re-referral.

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1 MS. SPAHR: Just some thoughts.

2 THE CHAIRMAN: There has been some good
3 discussion. I think we have some good thoughts on where
4 to go on this. We can get behind it next month.
5 Lastly, we did not, in our working group meeting, have a
6 chance to discuss affordable housing. I would suggest
7 those interested in having that discussion staying five
8 minutes. I don't think we need to do it with everyone
9 sitting around.

10 Commissioners' roundtable; Tom, start with
11 you.

12 MR. McADAM: I just want to bring up
13 something that Linda mentioned before about a plaque for
14 Ed. How do we go about doing that? What is the
15 process?

16 THE CHAIRMAN: Coordinate that with the
17 department, if anyone wants to help putting that
18 together.

19 MR. ISLES: Especially on the text.

20 THE CHAIRMAN: Let Linda and me know if
21 you're interested in helping so you can be on an e-mail
22 chain.

23 MS. ROBERTS: I think everyone would like to
24 be included. I would like to stress all of our ideas in

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1 reference to Ed I thought were spectacular and on the
2 mark. I'm sure you have a hundred percent backing.

3 MR. KONTOKOSTA: I would like to reiterate
4 the kind words about Ed at the meeting and also the
5 funeral. It was very sad and also uplifting. I think

6 it was a real testament to who he was as a person and he
7 will be missed.

8 MR. CARACCI OLO: Just include me on
9 everything. If there are private donations needed on
10 the plaque, don't hesitate to ask.

11 MS. HOLMES: I second and third everything.
12 I did want to mention, because the Planning Commission
13 was mentioned last Wednesday, we had a very lengthy and
14 contentuous major media event where our zoning board of
15 appeals had a two and half hour hearing on an
16 application by a local inn, which is a preexisting
17 nonconforming business in a residential neighborhood,
18 and they were trying to allege as of right they can
19 change their business use to a rehab center.

20 This has caused a lot of consternation. We
21 had nearly four hundred residents on Shelter Island. I
22 think every adult human on Shelter Island came. Year
23 round and summer people, they just kept pouring into the
24 school auditorium. I took notes for the League of Women

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1 Voters that is posted on our Website.

2 They did mention that the town attorney, who
3 was sitting with the zoning board, mentioned that the
4 building department, I believe, had referred the Ram's
5 Head Inn because they consider it a change of use. And
6 the way they quoted the planning staff, whereas that we
7 would not dream of interfering with a local law, but if
8 the zoning board agreed with the building department
9 that it was a change of use, which would mean that it
10 would go to the town board for a special exception

11 permit, then if it were deemed to be a permitted use, it
12 would have to go to the commission. It was quite
13 fascinating to see the lawyers.

14 MS. SPAHR: But it did go on a long time.
15 Also the town board has filed a formal challenge to
16 LIPA's determination that they have the right, under
17 state and federal law, to create a substation on Shelter
18 Island, and the town has filed that a SEQRA review is
19 needed and that the town wishes to be lead agency for
20 that. So it's not over yet.

21 THE CHAIRMAN: Thank you. Exciting times on
22 Shelter Island.

23 MS. BOLTON: I was just wondering if it would
24 also be appropriate, in Ed's memory, to make a donation,

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1 for the commission to make a donation to the Long Island
2 APA chapter to support programs. I would like to see
3 something besides a plaque. It's nice for the family,
4 but I think it would be nice to do something in his
5 memory that really served a greater public purpose.

6 MS. HOLMES: Wasn't he very involved in local
7 community coaching? Would there be an organization
8 within the community?

9 THE CHAIRMAN: We can certainly ask his
10 wife.

11 MS. BOLTON: I think everyone would be
12 pleased to be able to do that.

13 THE CHAIRMAN: Why don't we talk about, as
14 Linda, said he was very involved with the Little League,
15 PAL and those kind of things. Collectively on a

16 personal --

17 MR. KONTOKOSTA: E-mail basis.

18 MS. BOLTON: David, I just want to thank you
19 are for your leadership on this commission and for all
20 your ideas to honor Ed's memory. If there is anything I
21 can, please let me know.

22 MS. ROBERTS: Do you want to talk about the
23 meeting in your office?

24 MS. BOLTON: Yes, there is going to be a

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1 meeting to continue the work on the energy guidelines,
2 September 11th, eleven o'clock. And I'll send out a
3 conference call number for people that can't make it to
4 my office, or directions as well. I'll send that out
5 later today. My office is in Bethpage.

6 MS. ROBERTS: If I could add, the Town of
7 Southampton is trying to take the lead on some new
8 energy code initiatives, and there has been a tremendous
9 push back with the trustees that they didn't do enough
10 education of themselves and hearing the different sides
11 and what issues could be there. The meeting that Sarah
12 is putting together is to have experts come and give us
13 advice and discussion and brainstorming of what this
14 should look like.

15 THE CHAIRMAN: Great idea to have this
16 meeting. I think it speaks to the amount of effort that
17 goes into these guidelines, that reaches out to all of
18 the folks on all of both sides of these issues to make
19 sure that what we propose makes sense.

20 The item that we have the most work to do

21 probably in the next couple of weeks is probably the
22 energy efficiency standards. If anyone wants to
23 participate, it's certainly highly encouraged.

24 Unless there is anything further, I'll

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1 entertain a motion to adjourn.

2 MR. CARACCI OLO: Motion.

3 MS. HOLMES: Second.

4 THE CHAIRMAN: Meeting is adjourned. Thank
5 you all.

6 (Time noted: 2:15 p.m.)

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CERTIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

I, JUDI GALLOP, a Stenotype Reporter
and Notary Public for the State of New
York, do hereby certify:

THAT this is a true and accurate transcription
of the Suffolk County Planning Commission meeting
held on September 3, 2008.

I further certify that I am not
related, either by blood or marriage, to
any of the parties in this action; and

I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of October, 2008.

JUDI GALLOP

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