

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Planning Department
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5192 F: (631) 853-4044
Thomas A. Isles, Director of Planning

Notice of Meeting

DATE: May 6th
TIME: 12:00 P.M.
LOCATION: Islip Town Hall
DIRECTIONS: 655 Main Street (2nd floor)
(Exit 56 south off the LIE), South on N.Y. State Route 111 to the end and Turn right, Town Hall is the second building on the right.

1. Adoption of minutes for February 4 & March 4th
2. Public Portion
3. Chairman's report
4. Director's report
5. Presentations:
 - Phil Nolan, Supervisor, Town of Islip
 - Michael Watt, Long Island Builders Institute
 - Wyandanch Urban Renewal Plan – Ann Marie Jones, Commissioner, Town of Babylon
Department of Planning & Development
6. Sections A14-14 to 23 of the Suffolk County Administrative Code
 - Wyandanch Urban Renewal Plan (Babylon)
 - Bellport Animal Hospital 0200955000500001000 (Brookhaven)
 - Downtown Patchogue Redevelopment LLC 0204009000500014000 et al (Patchogue)
 - Lowe's Home Centers, Inc. 0400198000100062000 et al (Huntington)
 - Summerwind 0600128000600081000 et al (Riverhead)
7. Section A 4-24 of the Suffolk County Administrative Code
 - The Little Plain 0301012000700006000 et al (Village of E .Hampton)
- 8 . Other Business

NOTE: The next meeting of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **June 3rd** at 12:00 P.M. in **Southampton Town Hall** (2nd Floor)116 Hampton Road in Southampton.

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Planning Department
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5192 F: (631) 853-4044
Thomas A. Isles, Director of Planning

AGENDA

1. Adoption of minutes for February 4th & March 4th
2. Public Portion
3. Chairman's report
4. Director's report
5. Presentations:
 - Phil Nolan, Supervisor, Town of Islip
 - Michael Watt, Long Island Builders Institute - "Status of L.I. Building Industry"
 - Wyandanch Urban Renewal Plan – Vanessa Pugh, Director of Downtown Revitalization
6. Consideration of the Commission's Annual Report
7. Sections A14-14 to 23 of the Suffolk County Administrative Code
 - Wyandanch Urban Renewal Plan (Babylon)
 - Bellport Animal Hospital 0200955000500001000 (Brookhaven)
 - Downtown Patchogue Redevelopment LLC 0204009000500014000 et al (Patchogue)
 - Lowe's Home Centers, Inc. 0400198000100062000 et al (Huntington)
 - Summerwind 0600128000600081000 et al (Riverhead)
8. Section A 4-24 of the Suffolk County Administrative Code
 - The Little Plain 0301012000700006000 et al (Village of E .Hampton)
9. Other Business

NOTE: The next meeting of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **June 3rd** at 12:00 P.M. in **Southampton Town Hall** (2nd Floor)116 Hampton Road in Southampton.

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

SUFFOLK COUNTY PLANNING COMMISSION

ISLIP TOWN HALL
BOARD ROOM
655 Main Street
Islip, New York

May 6, 2009
12:00 p.m.

FINAL

BEFORE:

DAVID CALONE, Chairman
Town of Babylon

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

♀

1
2

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

2

may final.txt

8 TED KLEIN, Senior Planner
Suffolk County Planning Department
9 JOHN CORRAL,
Suffolk County Planning Department
10 LINDA SPAHR, County Attorney
11 DOTTY SONNICHSEN, Staff
12

13 G U E S T S:

14 PHIL NOLAN, Supervisor, Town of Islip
15 MICHAEL WATT,
16 Long Island Builders Institute
17 VANESSA PUGH,
18 Director of Downtown Revitalization

19 *** All other interested parties
20
21
22
23
24
25

♀

1 Suffolk County Planning Commission 5/6/09 4
2 (WHEREUPON, this proceeding convened at
3 12:00 p.m. Off-the-record discussions
4 ensued, after which the following
5 transpired:)
6 (Time noted: 12:16 p.m.)
7 CHAIRMAN CALONE: Welcome to the May
8 2009 meeting of the Planning Commission, I'll
9 note that we have a quorum present. And if
10 you are able, please stand for the Pledge.
11 (Pledge of Allegiance)

12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN CALONE: Thank you.

The first item on our agenda is adoption of the minutes for February 4th and March 4th.

Editor-in-Chief Holmes, would you like to address the March 4th minutes -- excuse me, the February 4th minutes.

COMMISSIONER HOLMES: On the February minutes, our fantastic court reporter made all the correction that we had asked for, and they are just fine as amended.

CHAIRMAN CALONE: Okay. Any other comments or questions about the minutes?

SECRETARY ESPOSITO: Or the fantastic

†

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Suffolk County Planning Commission 5/6/09 5
court reporter?

CHAIRMAN CALONE: Sure.

Any other comments or questions?
(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Seeing none, I'll entertain a motion to adopt the February 4th minutes.

COMMISSIONER BOLTON: So moved.

CHAIRMAN CALONE: Moved by Commissioner Bolton.

COMMISSIONER HOLMES: Seconded.

CHAIRMAN CALONE: Seconded by Commissioner Holmes.

All in favor of adopting the February 4th minutes, please raise your hand.

may final.txt

17 (WHEREUPON, the members voted.)
18 CHAIRMAN CALONE: All opposed?
19 (WHEREUPON, there was no response.)
20 CHAIRMAN CALONE: It's unanimous.
21 Next, onto the March 4th minutes, which
22 I had the -- well, the pleasure of reading
23 this week, and I must say they were as
24 enjoyable as 250 pages of Commission minutes
25 could be.

†

1 Suffolk County Planning Commission 5/6/09 6
2 (Laughter)
3 COMMISSIONER HOLMES: 275.
4 CHAIRMAN CALONE: Well --
5 SECRETARY ESPOSITO: He didn't read all
6 of them.
7 CHAIRMAN CALONE: -- I didn't read every
8 page.
9 (Laughter)
10 CHAIRMAN CALONE: But thanks to Teri for
11 the great job she's doing with us.
12 But, anyway, I gave my comments to
13 Commissioner Holmes, so -- and I think you
14 forwarded those --
15 COMMISSIONER HOLMES: I incorporated
16 them, and I just gave Theresa the one
17 sheet, as there were only about a dozen
18 corrections --
19 CHAIRMAN CALONE: Good.
20 COMMISSIONER HOLMES: -- in that draft.

♀

1 Suffolk County Planning Commission 5/6/09 8
2 CHAIRMAN CALONE: -- as amended, please
3 raise your hand.
4 (WHEREUPON, the members voted.)
5 CHAIRMAN CALONE: That, too, passes
6 unani mousl y.
7 Thank you all .
8 We' ll now move to the public portion.
9 Do we have any cards? No.
10 MR. FRELENG: Mr. Chairman, there are no
11 cards.
12 CHAIRMAN CALONE: Thank you, Andy.
13 There' s no public comment. We' ll close
14 the public session and move on to the
15 Chair man' s Report.
16 Let me just briefly -- a few comments.
17 First of all , here we are in Islip.
18 It' s -- as you guys -- as people around this
19 table know, this is part of a broader effort
20 to get the Commission out around the county,
21 seei ng from di fferent parts -- seei ng
22 di fferent parts of the county and also
23 heari ng from leaders like Supervisor Nolan
24 who' ll be joining us in a few minutes.
25 So thank you to the folks from Islip for

♀

1 Suffolk County Planning Commission 5/6/09 9
2 hosti ng us, i t' s certainl y good to be here.

3 Just briefly, our two main goals for
4 this year were to begin the comprehensive
5 plan update for the county. Director Isles
6 will discuss that in a moment.

7 The second thing is to work towards
8 providing the towns and villages with the
9 tools they need to pursue county-wide land
10 use priorities that the Commission has
11 identified. To work towards developing
12 common standards and common approaches to
13 address the common land use challenges we
14 face as a county.

15 I'm pleased to let you know that the
16 task forces are moving forward from an
17 organizational perspective. We now have more
18 than a dozen elected officials in Suffolk
19 County who've now signed on to one of the
20 task forces. About half the town supervisors
21 have signed on, including Supervisor Nolan,
22 and I have a roster for the Commission
23 members of all the electeds and others who
24 are on each of the commissions -- excuse me,
25 each of the Commission's task forces.

♀

1 Suffolk County Planning Commission 5/6/09 10

2 Earlier this month, I met with the
3 East End Supervisors and Mayors Association
4 in East Hampton. They were very enthusiastic
5 about the effort, and both Supervisor
6 Cardinale and Supervisor Kabot are going to
7 jointly introduce a resolution of

8 endorsement -- for the next meeting of the
9 East End Supervisors and Mayors Association,
10 endorsement of this task force effort.

11 Just last night, Andy and John and I
12 were at the Suffolk Village Officials
13 Association, as was Josh wearing another hat.
14 We presented on the Commission last night,
15 and I had a chance to speak with the
16 president, Mayor Hairr from Lloyd Harbor, and
17 they're going to vote on formally endorsing
18 the task force effort at their annual meeting
19 in a few weeks from now.

20 In addition, a letter went out to all
21 the supervisors and mayors the end of last
22 week, signed by Constantine and Adrienne and
23 me, and we are starting to get some phone
24 calls back on additional folks who are
25 interested in being involved in the task

♀

1 Suffolk County Planning Commission 5/6/09 11
2 force effort. Actually, the Village
3 Officials Association is e-mailing out that
4 letter today.

5 The letter was approved by the county
6 executive, and so we want to thank the
7 administration for its support of this effort
8 as well.

9 The goal for the task forces for this
10 month will be to finalize our membership by
11 the elected officials and also the advisors.

12 We have, for each of these groups,
13 advisors -- kind of, experts here in the
14 county who are participating on the groups
15 and -- and providing expert advice to each of
16 the task forces. So that's much appreciated.

17 We're going to be finalizing the
18 membership of the Commission -- the task
19 forces, defining achievable goals, and
20 hopefully having our first meetings or phone
21 calls in the next few weeks.

22 So I wanted to ask each of the heads of
23 the task forces to just give a very brief
24 update, a minute or two, on the status of
25 their task force, kind of what's going on.

†

1 Suffolk County Planning Commission 5/6/09 12

2 So I'll start with Bob Braun from Public
3 Safety.

4 COMMISSIONER BRAUN: Yes. Thank, David.

5 We've had some preliminary discussions.
6 We've done a little research on information
7 and trends in the public safety aspect of
8 design, both on individual projects and on
9 the support services, roads and lighting --
10 street lighting and things like that. We are
11 trying to nail down a little tighter the
12 composition of the non-Commission members to
13 the task force, and we'll be proceeding.

14 CHAIRMAN CALONE: Great. Thank you,
15 sir.

16 Next, we have the group whose name has

17 changed a few times. In fact, the letter
18 that went out to the mayors and supervisors,
19 that the county executive signed off on, had
20 a slightly different name for the group that
21 Vince is heading up than it -- than it
22 actually is. But the name that we've settled
23 on is "Accessible Design and Smart Growth
24 Task Force."

25 COMMISSIONER TALDONE: That's it.

†

1 Suffolk County Planning Commission 5/6/09 13

2 CHAIRMAN CALONE: Right? Okay.

3 It is a -- it is a, you know -- well,
4 I'll let you speak to -- to where you're at.

5 COMMISSIONER TALDONE: Thank you.

6 And what's in a name? Of course,
7 everything, in this case.

8 (Laughter)

9 COMMISSIONER TALDONE: We initially
10 started looking into the accessible design
11 issues; making sites accessible to people
12 with disabilities or other mobility issues,
13 and improving walkability in communities,
14 which ties in quite nicely to smart growth or
15 is a component of smart growth. But smart
16 growth, of course, encompasses a lot more.

17 So we're basically working in two
18 different fronts that are very much related.
19 One, to see how we can improve site planning
20 in the -- by providing help to the localities

21 so that they will improve what they do so
22 that our sidewalks are connected to walkways
23 which we connected to accessible buildings;
24 and also to see what the County Commission
25 can do to move forward the -- the study and,

♀

1 Suffolk County Planning Commission 5/6/09 14
2 actually, policy plan that was adopted back
3 in -- I think it was 2000, and then 2003,
4 there was a county committee reviewing smart
5 growth. I don't believe there's been any
6 publication since then, so we'd like to take
7 a look at that report, what it had hoped to
8 see, and to see how we, through the county,
9 can support the local smart growth
10 initiatives that are occurring all across the
11 county.

12 So that's -- and we are in the process
13 of bringing together experts in both areas to
14 work on this.

15 CHAIRMAN CALONE: And I also would note
16 that you had a chance to, as I think everyone
17 here probably saw, the letter that we sent
18 out on supporting Judy Pannullo --

19 COMMISSIONER BOLTON: Yeah.

20 CHAIRMAN CALONE: -- and the effort --

21 COMMISSIONER TALDONE: Right.

22 CHAIRMAN CALONE: -- with regard to
23 universal design, which is a critical
24 component of what this task force is doing.

25 And I've got to say, in talking last

♀

1 Suffolk County Planning Commission 5/6/09 15
2 night with some of the village officials,
3 there was a lot of nodding heads when I was
4 talking about --
5 SECRETARY ESPOSITO: You mean --
6 CHAIRMAN CALONE: -- the universal --
7 SECRETARY ESPOSITO: -- they were --
8 CHAIRMAN CALONE: -- design issue.
9 SECRETARY ESPOSITO: -- nodding off?
10 CHAIRMAN CALONE: Well --
11 (Laughter)
12 COMMISSIONER BOLTON: Which direction?
13 CHAIRMAN CALONE: Yeah --
14 (Laughter)
15 CHAIRMAN CALONE: You can take that
16 however you want.
17 COMMISSIONER HOLMES: If I might add to
18 that.
19 CHAIRMAN CALONE: Yes, Linda.
20 COMMISSIONER HOLMES: As a member of
21 this task force, I hope to make a
22 presentation to the Shelter Island Town Board
23 next week on universal design. I had to wait
24 a couple of weeks because they just last week
25 had a presentation on green buildings, and

♀

1 Suffolk County Planning Commission 5/6/09 16
2 they were quite weary of that. They didn't

3 like the idea of adding so much -- a burden
4 on -- on a builder. But this is simpler and
5 I think it will go over better. So I'm glad
6 you saw nodding heads, Dave.

7 CHAIRMAN CALONE: Thanks, Linda.

8 I don't know if there's anything else,
9 but --

10 COMMISSIONER TALDONE: No, I --

11 CHAIRMAN CALONE: -- I just wanted to do
12 a brief update.

13 COMMISSIONER TALDONE: I wasn't
14 planning to go into that -- that aspect
15 because it's -- it gets kind of involved.
16 But yes, that -- we're definitely moving
17 forward with Judy Pannullo at the Suffolk
18 Community Council. They've applied for a
19 grant, we will work with them collaboratively
20 even -- or whether or not they get that
21 grant. But if they get the grant, of course,
22 we'll be able to do a lot more to raise
23 awareness in the county and to continue to
24 promote the universal design features that
25 we've adopted as part of our guidelines in

♀

1 Suffolk County Planning Commission 5/6/09 17
2 the towns and -- and other municipalities in
3 the county.

4 So we're looking forward to moving that
5 effort forward.

6 CHAIRMAN CALONE: Thank you, Vince.

7 Next, we have the -- our Energy and

8 Environment Task Force, speaking of green
9 building, Sarah.

10 COMMISSIONER LANSDALE: Yes, speaking of
11 green --

12 CHAIRMAN CALONE: Something we have work
13 to do in Shelter Island.

14 COMMISSIONER LANSDALE: Yes, I know.

15 We're actually taking up the charge,
16 green buildings and a number of big issues
17 that affect our island and our county.

18 We have a number of planning conference
19 calls with members of this -- this Commission
20 to plan for the larger meeting on May 27th at
21 10:00 a.m. And thank you, Adrienne, for
22 securing the location, it's going to be at
23 Brookhaven Town Hall. And I've just reached
24 out to a bunch of people in Suffolk County to
25 participate, and have been receiving

♀

1 Suffolk County Planning Commission 5/6/09 18
2 wonderful responses. So it's going to be a
3 great meeting. We have representatives from
4 the Town of Islip, and we've reached out to
5 the Town of Brookhaven and many other towns
6 across the county to participate, as well as
7 experts island-wide. So it's going to be
8 great.

9 CHAIRMAN CALONE: Thank you, Sarah.

10 Also, we have Affordable Housing, which
11 Constantine is heading up.

12 VICE CHAIRMAN KONTOKOSTA: Yes. Thanks,
13 Dave.

14 Our goals are really to look at the
15 range of affordable housing policies and
16 programs on Long Island, to figure out what's
17 working, what's not, and to try to put
18 together a list and a -- compile some
19 information on the best practices of
20 different programs, both inclusionary zoning,
21 preservation programs, housing trust fund
22 issues. So we're looking at a range of
23 topics.

24 So our goal really broadly is to provide
25 some foundation, some -- some kind of a

†

1 Suffolk County Planning Commission 5/6/09 19
2 platform, if you will, for towns and villages
3 to reassess or, perhaps, to rethink their
4 affordable housing strategy based on what
5 other people on Long Island are doing, other
6 places in the country as well, and also some
7 of our discussion on what the key issues are
8 and what the different sides and perspectives
9 are on those issues.

10 So right now in the near future we're
11 just finalizing our membership and our goals
12 for the coming months.

13 Thanks.

14 CHAIRMAN CALONE: Thank you,
15 Constantine.

16 The other initiative we have is the one

17 that Barbara's heading up on the -- heading
18 up, that's the Master Plan guide.

19 I don't know if you want to mention
20 anything about that now or save that for next
21 month. Your --

22 COMMISSIONER ROBERTS: I can --

23 CHAIRMAN CALONE: Your call.

24 COMMISSIONER ROBERTS: -- save it for
25 next month.

†

1 Suffolk County Planning Commission 5/6/09 20

2 CHAIRMAN CALONE: Okay.

3 COMMISSIONER ROBERTS: Thank you.

4 CHAIRMAN CALONE: But that's an ongoing
5 effort. And the Village Officials
6 Association is also working with us on that,
7 and they -- I spoke with them again last
8 night about that, and they were, you know,
9 eager to get working on that. And that --
10 the idea behind that, of course, is to
11 provide villages, in particular, with a
12 how-to guide to doing a master plan or a
13 comprehensive plan.

14 Obviously we have a lot of things going
15 on. Just a couple last notes for all of you.

16 Both Barbara and Job and I have met with
17 the East Hampton newspapers to introduce Job
18 as our new representative from East Hampton.
19 We had a nice reception out there. And both
20 Mike Kelly and I are going to try and do the

may final.txt
21 same thing with the Brookhaven papers now
22 that he's aboard for Brookhaven as well.
23 COMMISSIONER ROBERTS: David, I was
24 traveling --
25 CHAIRMAN CALONE: Yes.

♀

1 Suffolk County Planning Commission 5/6/09 21
2 COMMISSIONER ROBERTS: -- did we get any
3 press from that?
4 CHAIRMAN CALONE: Yeah, there were a
5 couple of articles in the --
6 COMMISSIONER ROBERTS: Oh, I didn't see
7 that.
8 CHAIRMAN CALONE: -- East Hampton paper.
9 COMMISSIONER ROBERTS: Okay.
10 CHAIRMAN CALONE: Yes.
11 Also, we have our annual report to the
12 county executive and the county legislature
13 on -- on -- it's called the Status of Suffolk
14 County, particularly with respect to land use
15 and the activities of this Commission.
16 You have a draft, I believe, here today?
17 DEPUTY DIRECTOR GULIZIO: We have them,
18 we'll hand them out.
19 CHAIRMAN CALONE: We'll hand them out at
20 the end. We have a draft.
21 What we'd like to do is get comments
22 from everyone back by the end of next week,
23 and then we'll vote -- the idea would be to
24 vote and finalize that issue that -- for the
25 county executive and the county legislature

♀

1 Suffolk County Planning Commission 5/6/09 22

2 at our June meeting next time.

3 Dan, did you want to add anything to
4 that or is that --

5 DEPUTY DIRECTOR GULIZIO: Well, again,
6 it's in draft form and we'll hand out copies
7 of it, again, at the end of the meeting. We
8 welcome any comments the Commission members
9 may have.

10 CHAIRMAN CALONE: Thank you, Dan.

11 DEPUTY DIRECTOR GULIZIO: And we welcome
12 any comments the Commission members may have,
13 Teri.

14 SECRETARY ESPOSITO: She told him to do
15 that. He didn't --

16 CHAIRMAN CALONE: Oh, oh, I see. I was
17 a little worried what's going on behind me
18 here.

19 (Laughter)

20 COMMISSIONER BRAUN: She was holding up
21 little rabbit ears.

22 (Laughter)

23 CHAIRMAN CALONE: That she always
24 does...

25 Our next meeting, just reminding

♀

1 Suffolk County Planning Commission 5/6/09 23

2 everyone, is in Southampton Town Hall in

3 June. Supervisor Linda Kabot will be giving
4 a presentation on the future of Southampton
5 Town. Susan Harder from the Dark Skies
6 Initiative will be talking about minimizing
7 light pollution. And depending upon our
8 agenda length, we may get an update on the
9 East End Transportation Initiative.

10 But that is the -- that is my report,
11 and Director Isles.

12 DIRECTOR ISLES: Thank you, Dave.

13 A couple of items to bring the
14 Commission up to date on regarding staff
15 activities, departmental activities.

16 Let me begin with reminding members of
17 the Commission, you should have received the
18 Annual Financial Disclosure form by now.
19 They are due by May 15th. If you need any
20 extensions or any assistance with that, just
21 let me know.

22 Secondly, to bring your attention,
23 especially since we're in Islip Town Hall
24 today, is that a significant application that
25 will be appearing before the Commission at

♀

1 Suffolk County Planning Commission 5/6/09 24
2 some point in the future is the Heartland
3 Town Center development in the Pine Air
4 section of Brentwood. The Town of Islip has
5 scheduled a public hearing to consider the
6 draft generic environmental impact statement,
7 as well as the zoning matter associated with

8 that. That hearing is scheduled for May 28th
9 at Brentwood High School. The County
10 Planning Department will be present at the
11 hearing, along with the County Department of
12 Public Works.

13 The next item is an item of
14 correspondence. We did receive one item of
15 correspondence, it deals with an agenda item
16 today, which is the Lowe's Home Center in
17 Huntington. I'll briefly -- it's a brief
18 letter, so I'll just quickly read it. It's
19 from Daniel Carpin. It's addressed to the
20 Suffolk County Planning Commission. It's
21 stated as follows:

22 "Memo from the Bullfrogs.

23 "Where in the EIS required by law for
24 the new Lowe's store at this site of the
25 Huntington Townhouse?"

♀

1 Suffolk County Planning Commission 5/6/09 25

2 So I'm not sure what that means.

3 CHAIRMAN CALONE: Where is it?

4 DIRECTOR ISLES: "Where is the EIS
5 required by law for the new Lowe's store at
6 this site of the Huntington Townhouse?"

7 SECRETARY ESPOSITO: Okay.

8 DIRECTOR ISLES: "You cannot act until
9 you have completed the SEQRA process.

10 "Yours truly, Daniel Carpin."

11 So to acknowledge that the Commission

17 board up to date on that.

18 The chair mentioned the issue of the
19 comprehensive plan and that project. I'm
20 pleased to report that the -- the department
21 was facing, as I informed you, a 16 percent
22 staff reduction with potential cuts as a
23 result of financial circumstances affecting
24 the county, as well as the rest of the world.
25 There was a lag payroll agreed to between the

†

1 Suffolk County Planning Commission 5/6/09 27
2 county and the union representing most county
3 workers. And as a result, there will be no
4 layoffs from the County Planning Department,
5 at least in the foreseeable future.

6 So with that we are able to commit to
7 the comprehensive plan project. We will be
8 using in-house staff at this point in time.
9 It may be possible that as we proceed with
10 this project and funding becomes available,
11 we can then expand the scope and speed or
12 rate of the project. But at this point we'd
13 like to get started, and we will be doing so
14 this month, here again, within the resources
15 available to the County Planning Department.
16 Dan Gulizio will be the project manager and
17 he'll be working with, basically, all of the
18 units within the County Planning Department,
19 primarily the Planning and Research unit.

20 I did circulate a proposed outline for

♀

1 Suffolk County Planning Commission 5/6/09 29
2 that, and we're happy to support that. And
3 we will, therefore, be able to put most of
4 our, here again, excess staff time into the
5 comprehensive plan.
6 I will also point out that Tom Frisenda
7 here from our Cartography unit, he's taking
8 photographs of the Commission. So he's a --
9 CHAIRMAN CALONE: So be sure to --
10 DIRECTOR ISLES: -- department member --
11 CHAIRMAN CALONE: -- be sure to smile.
12 DIRECTOR ISLES: -- and we'll be using
13 that in our annual report and other documents
14 as we produce reports of the Commission.
15 Cartographics will also be key to the
16 comprehensive plan in terms of the graphics
17 support to that project.
18 And that completes the director's report
19 this month.
20 CHAIRMAN CALONE: Thank you, Tom.
21 Appreciate that.
22 Any questions at this time about the
23 director's report?
24 (WHEREUPON, there was no response.)
25 CHAIRMAN CALONE: I would just note that

♀

1 Suffolk County Planning Commission 5/6/09 30
2 the letter, by the way, that Adrienne and

may final.txt

3 Constantine and I signed that went out to all
4 the supervisors and mayors is in your packet,
5 if you haven't had a chance to look at it.
6 That, as I say, literally hit the mail a few
7 days ago, after the county executive had a
8 chance to review it.

9 We're going to move onto our
10 presentations.

11 But before I do that, briefly, I just --
12 before I forget, I want to just ask whether
13 anyone needs to recuse themselves on any of
14 the projects here --

15 COMMISSIONER KELLY: (Indicating)

16 CHAIRMAN CALONE: -- today.

17 Michael.

18 COMMISSIONER KELLY: Yes, I -- I have to
19 recuse myself from the Downtown Patchogue
20 Redevelopment. I presently sit on the
21 Business Improvement District for the
22 Village, and we strongly support this
23 application, so it would be a conflict.

24 CHAIRMAN CALONE: Thank you, Mr. Kelly.

25 COMMISSIONER LANSDALE: (Indicating)

♀

1 Suffolk County Planning Commission 5/6/09 31

2 CHAIRMAN CALONE: Sarah.

3 COMMISSIONER LANSDALE: I'm going to
4 recuse myself from the Wyandanch Urban
5 Renewal Plan. The organization that I work
6 for has conducted work in Wyandanch, and we
7 strongly endorse the plan.

may final.txt

8 CHAIRMAN CALONE: Thank you, Sarah.
9 Anyone else?
10 (WHEREUPON, there was no response.)
11 CHAIRMAN CALONE: Okay. Seeing none,
12 we'll move onto our presentations.
13 We're honored to, first of all, be here
14 in Islip, but even more honored to have the
15 supervisor of the Town of Islip, Supervisor
16 Phil Nolan, here with us.
17 And, sir, thank you for your
18 hospitality, but also for, you know, giving
19 us a chance to hear from you, kind of where
20 your thoughts are on Islip, and where we're
21 going as a county. So please, if you would.
22 SUPERVISOR NOLAN: I think I'll have a
23 sandwich before I speak.
24 CHAIRMAN CALONE: There you --
25 (Laughter)

♀

1 Suffolk County Planning Commission 5/6/09 32
2 CHAIRMAN CALONE: That's right.
3 DIRECTOR ISLES: We've got a lot more
4 than we need.
5 CHAIRMAN CALONE: You'll probably make
6 some people happy back in the office.
7 COMMISSIONER HOLMES: It's your tax
8 dollars at work.
9 SUPERVISOR NOLAN: Not mine, I hope.
10 (Laughter)
11 SUPERVISOR NOLAN: Well, I just want to

12 thank you for bringing this esteemed group to
13 Islip Town Hall and Islip Township. I think
14 moving around the county's a good idea, we've
15 been trying to do some of that here in Islip
16 as well. The outreach is symbolic. It also,
17 actually, puts us in touch with each other in
18 a direct manner and that's all positive.

19 I've been talking to Chairman Calone,
20 I've known Dave for a while, and you couldn't
21 have a better guy serving as chairman. And I
22 think some of the ideas that he's exploring
23 as far as interfacing with the towns to try
24 have electeds working directly with this
25 organization, this commission, is very

†

1 Suffolk County Planning Commission 5/6/09 33
2 positive. I plan to be on one of the
3 committees of more interest to me than
4 others, and -- but I think his real focus is
5 on trying to find a mechanism by which the
6 things that we're doing here in Islip, others
7 are doing in Brookhaven, Huntington --
8 there's a lot of ideas out there that are
9 very good ideas that we should be sharing,
10 and we're not. And we should be trying to
11 coordinate better with crosstown lines.

12 I'm very hopeful that I'll be able to do
13 a solid waste intermunicipal agreement with
14 the Town of Brookhaven that I've been talking
15 about for ten years in various positions that
16 I've held in government. And I can recall

17 the late '90s when I was the director of
18 environmental conservation in Huntington, and
19 each morning I would drive from my house here
20 on St. Mark's Lane right past this building,
21 20 minutes up to Huntington, serving in that
22 capacity. And then I would go to Saratoga
23 for conventions on solid waste, the best one
24 is at Sagamore, and I would see the Islip
25 guy, who at that time was Eric Hoffmeister

†

1 Suffolk County Planning Commission 5/6/09 34
2 whose picture's over there (indicating), and
3 a real big career professional. And he would
4 be the Islip environmental director, I was
5 the Huntington environmental director, and we
6 would grab Mike Cahill whose an Islip guy who
7 serviced the Town of Brookhaven and Islip in
8 the area of solid waste, and I was always
9 singing the same tune.

10 And the tune was, when is Islip going to
11 partner up with Brookhaven to do an IMA where
12 the Islip Resource Recovery Facility, Re:
13 Incinerator, is expanded to accommodate the
14 two towns' needs in solid waste, the burn
15 component, and the two towns' use,
16 Brookhaven's advantage, competitive
17 advantage, comparative advantage, of space
18 for the ash dump. And I talked about that
19 for ten years. And, frankly, one thing I'm
20 really happy about having this job for is the

21 opportunity to actually now do something with
22 that idea. And I'm really, really hopeful
23 that we're going to do that, because today --
24 and you guys are into this so I can actually
25 talk about this and you'll listen. Because

♀

1 Suffolk County Planning Commission 5/6/09 35
2 usually when I talk about this stuff,
3 people's eyes are glazed over for about a
4 minute and a half.

5 (Laughter)

6 SUPERVISOR NOLAN: But what attracts me
7 to this is the fact that you've got a guy
8 today -- and it is a guy. I don't think
9 there's any women driving garbage trucks.
10 Although, there probably is depending -- I
11 stand corrected. But they're picking up
12 garbage in, let's say, Bellport. They take
13 the garbage truck and they bring it to a
14 transfer station. Then it is dropped on the
15 ground, loaded into a trailer. The trailer
16 drives the garbage to Hempstead, Meadowbrook
17 Parkway, to be burnt. And another truck
18 then, maybe that truck, is loaded with the
19 ash residue, which is then -- brings back to
20 Brookhaven for disposal. What we're going to
21 have is a situation where that same guy, he
22 takes his garbage truck and goes right to the
23 burn plant a short distance away. The stuff
24 is burned there. Then that ash residue,
25 ultimately, is taken a short distance back to

♀

1 Suffolk County Planning Commission 5/6/09 36
2 its resting place in Brookhaven.
3 Over the course of time, because of the
4 magnitude of the amounts of trash that we
5 deal with, we're talking about hundreds of
6 thousands of barrels of fuel that are going
7 to be saved by this IMA. I'm proud of that.
8 I want that to happen. Now, I'm going to
9 take political lumps for it probably along
10 the way, and so will the Brookhaven guys, but
11 this is such good government. To produce all
12 that energy, save all that oil, we have to do
13 it. We have to put aside, you know, fears,
14 ignorance, lack of knowledge. It's not
15 ignorance, it's more just they don't know.
16 We have to educate the public as to what's at
17 play, what the issues are, and we have to --
18 we've got to -- we have to do this. This
19 makes too much sense not to do it.
20 But this group, this is what you guys
21 do. And the idea that you're going to
22 interface with the supervisors and the
23 councilmen in trying to bring good ideas
24 together, we all talk about doing that. We
25 all talk about intermunicipal agreements and

♀

1 Suffolk County Planning Commission 5/6/09 37
2 different layers of government cooperating,

3 we just don't do enough of it.

4 So this particular exercise is going
5 to take a lot of time and effort, but it
6 could -- could -- it holds great potential
7 for true savings to the public and true
8 advances in the governmental functions that
9 we all are involved with.

10 So I'm very -- I'm actually excited
11 about it, and I think that it's something
12 that I'm going to enjoy spending a few years
13 of my life to try to make a reality. And I
14 enjoy -- and I'll enjoy working with you
15 guys. Because I have little areas of
16 expertise, other guys have other little
17 areas, and the key is always -- I always say
18 this to all my people, keep your ears open.
19 You learn with your ears, not your mouth.

20 So, anyway, enough of my mouth.

21 (Laughter)

22 SUPERVISOR NOLAN: I just wanted to
23 welcome you here, thank you for coming, and
24 express my desire to work to make us better
25 at what we do. And I think we're all of that

♀

1 Suffolk County Planning Commission 5/6/09 38
2 mind, so -- but we have a lot of important
3 work to do, especially in these difficult
4 times.

5 The county got the lag payroll and
6 they're going to continue. I don't know if I
7 can close my budget gap with a lot -- with a

8 lot less payroll. So the notion of doing,
9 you know, more with less, we're going to wind
10 up maybe having to do less with even less.
11 And -- but that's what tests us, and that's
12 when we show what -- how -- what we -- how
13 good we are or not. And dealing with these
14 challenges right away is the only way.
15 Because every day you delay, the cuts become
16 deeper and the solutions become more elusive.
17 So, anyway --
18 CHAIRMAN CALONE: Thank -- thank you --
19 SUPERVISOR NOLAN: Yeah.
20 CHAIRMAN CALONE: Thank you, Supervisor.
21 I appreciate your time. I also appreciate
22 your leadership here in Islip. One reason we
23 are here is because you guys are -- you know,
24 are -- are innovating. And particularly when
25 things look -- that we're focused on with

♀

1 Suffolk County Planning Commission 5/6/09 39
2 regard to energy efficiency and -- and -- and
3 renewables and -- and a whole range of
4 things. So we appreciate --
5 SUPERVISOR NOLAN: And then there's
6 walk-offs.
7 CHAIRMAN CALONE: Yeah, well --
8 SUPERVISOR NOLAN: Heartland, Pilgrim.
9 CHAIRMAN CALONE: And then there's --
10 then there's Heartland, which as -- as Tom
11 mentioned will be coming through this body

12 after you all have a chance to take some more
13 steps as well. So --

14 SUPERVISOR NOLAN: May 28th --

15 DIRECTOR ISLES: Okay.

16 SUPERVISOR NOLAN: -- we're actually
17 going to have the first -- the hearing, the
18 beginning of the process. And, as you guys
19 know better than almost anyone around, it's
20 an enormous project. I -- I always -- you
21 know, and people are pushing it, "Oh, you got
22 to do it, you got to do it."

23 "Bureaucrats are holding it back."

24 "Well, when?"

25 Let's dwell on one statistic. He bought

†

1 Suffolk County Planning Commission 5/6/09 40
2 the prop- -- he bought the property with
3 3 million square feet of development attached
4 to it, and Tom knows this well.

5 DIRECTOR ISLES: Yeah.

6 SUPERVISOR NOLAN: He's asking us for 15
7 million square feet of development. I'd say
8 that that change in plans deserves a lot of
9 scrutiny, and it's going to get it.

10 CHAIRMAN CALONE: And we actually had
11 a --

12 SUPERVISOR NOLAN: But it's not that
13 we're not moving forward, because you know
14 what, we've instituted the phasing concept
15 with a -- we want to start, but we want to
16 have meaningful breaks in case his

17 suppositions on traffic capture, trip
18 capture, and wastewater are incorrect, which
19 they might be. But we have to have the way
20 to say, Whoa. And this is not going to be on
21 my watch, this is probably in 2015, '16, '18.
22 This is a 15-year build-out with commensurate
23 potential implications for our region. And
24 then there's the short-term idea of let's get
25 the pot cooking on a \$4 billion project.

†

1 Suffolk County Planning Commission 5/6/09 41

2 So, in a way, we're trying to have it
3 both ways. We'd like to get it going within
4 a reasonable envelop with the ability to have
5 an ongoing analysis of what it's doing in the
6 area, and whether the mitigation methods are
7 effective or not. And that's not going to be
8 easy. I just said that in a couple hundred
9 words, but, you know, there's books about
10 this tall (indicating) on this topic already,
11 there's more coming. So --

12 CHAIRMAN CALONE: It'll be --

13 SUPERVISOR NOLAN: -- that's what we do.

14 CHAIRMAN CALONE: It'll be a -- a
15 challenge. And -- and we -- we had an
16 opportunity to go tour the -- we took a bus
17 tour of the Heartland facility, a couple
18 months ago now, with Gene --

19 SUPERVISOR NOLAN: Is Kramer --

20 CHAIRMAN CALONE: -- Murphy --

21 SUPERVISOR NOLAN: -- the driver?
22 CHAIRMAN CALONE: What's that?
23 SUPERVISOR NOLAN: Is Kramer driving?
24 DIRECTOR ISLES: Right.
25 COMMISSIONER HOLMES: That was --

♀

1 Suffolk County Planning Commission 5/6/09 42
2 DIRECTOR ISLES: The reality tour.
3 SUPERVISOR NOLAN: The reality tour,
4 remember?
5 CHAIRMAN CALONE: But with -- with Gene
6 Murphy and -- and Joe DeVincent, and stuff.
7 So we had a -- a chance to kind of see it
8 firsthand and we'll look forward to, you
9 know, that project coming through, you know,
10 in -- in a few months here.
11 So -- but more importantly, I want to
12 thank you for your -- your time and -- and,
13 again, for your willingness and interest in
14 working with us on trying to come up with
15 some common solutions to our common problems
16 here in Suffolk County.
17 COMMISSIONER HOLMES: Could I ask a --
18 CHAIRMAN CALONE: So --
19 COMMISSIONER HOLMES: -- cultural
20 question?
21 CHAIRMAN CALONE: So thank you, but --
22 yeah, are there any questions for --
23 SUPERVISOR NOLAN: Cultural question?
24 COMMISSIONER HOLMES: Yes --
25 CHAIRMAN CALONE: Cultural.

♀

1 Suffolk County Planning Commission 5/6/09 43
2 COMMISSIONER HOLMES: -- could you give
3 us the --
4 CHAIRMAN CALONE: Oh, he's an expert in
5 culture.
6 COMMISSIONER HOLMES: -- of that
7 fantastic fixture you're standing under?
8 That is incredible.
9 SUPERVISOR NOLAN: Wrong guy.
10 (Laughter)
11 COMMISSIONER HOLMES: Wrong guy?
12 SUPERVISOR NOLAN: That's a light.
13 (Laughter)
14 COMMISSIONER HOLMES: And that frosted
15 glass --
16 COMMISSIONER BRAUN: Or asparagus.
17 COMMISSIONER HOLMES: -- is fantastic.
18 SUPERVISOR NOLAN: I can see what it --
19 you know, that it's got something more to it
20 than just, you know, lights --
21 (Laughter)
22 SUPERVISOR NOLAN: -- but I'm done at
23 that point.
24 DIRECTOR ISLES: Yeah, I think the --
25 SUPERVISOR NOLAN: I sit right there

♀

1 Suffolk County Planning Commission 5/6/09 44
2 (indicating) and I look at it, and every

3 meeting I don't know.
4 CHAIRMAN CALONE: Now, next time he sits
5 there, he's going to be thinking about that
6 now.
7 SUPERVISOR NOLAN: But now I might
8 actually --
9 COMMISSIONER ROBERTS: I think --
10 SUPERVISOR NOLAN: -- find out --
11 COMMISSIONER ROBERTS: -- Tom has the
12 answer.
13 Tom --
14 DIRECTOR ISLES: I do.
15 COMMISSIONER ROBERTS: Tom has the
16 answer.
17 DIRECTOR ISLES: It's an art deco
18 design, obviously. When this building was
19 built during the WPA project period, the --
20 the story behind it apparently is the -- the
21 Greek father who counseled his sons on the
22 idea of bundling the sticks together, that
23 each of you individually can be broken
24 easily, but if you together bound as a group,
25 have strength, that can't be broken. So

♀

1 Suffolk County Planning Commission 5/6/09 45
2 whatever that applies --
3 COMMISSIONER BRAUN: That's not
4 asparagus?
5 (Laughter)
6 CHAIRMAN CALONE: Anyway --
7 DIRECTOR ISLES: That might be part of

8 the myth.
9 SUPERVISOR NOLAN: And I thought it was
10 a light.
11 COMMISSIONER ROBERTS: That's relevant.
12 (Laughter)
13 CHAIRMAN CALONE: Well, with that story,
14 are there any other --
15 COMMISSIONER CARACCILO: That's why
16 you're the director. Okay.
17 (Laughter)
18 CHAIRMAN CALONE: Any other comments
19 or --
20 SUPERVISOR NOLAN: I didn't handle that
21 question too well. Any others I can't
22 handle?
23 Anyway --
24 CHAIRMAN CALONE: All right.
25 SUPERVISOR NOLAN: -- thanks again for

♀

1 Suffolk County Planning Commission 5/6/09 46
2 coming, and --
3 SECRETARY ESPOSITO: Thank you.
4 SUPERVISOR NOLAN: -- I look forward to
5 working with you all.
6 CHAIRMAN CALONE: Thanks again for
7 having us.
8 COMMISSIONER BRAUN: Thank you.
9 COMMISSIONER HORTON: You've done a nice
10 job matching the fans, too.
11 SECRETARY ESPOSITO: Yeah, the art deco.

12 SUPERVISOR NOLAN: I had nothing to do
13 that either.
14 CHAIRMAN CALONE: Thank you, Supervisor.
15 Next on the agenda is Michael Watt from
16 Long Island Builders Institute. Michael is
17 also working with us on the task force
18 projects, and -- and some of his members will
19 be key advisors to some of the task -- some
20 of the forces going forward. But he's here
21 to kind of give us an update on -- on, you
22 know, what he's seeing in the building
23 industry. And so I appreciate your time,
24 sir.
25 MR. WATT: I appreciate the invitation

♀

1 Suffolk County Planning Commission 5/6/09 47
2 to be here. It's nice to know this thing
3 doesn't come down on me if I speak for too
4 long. But maybe it does, I don't know. It's
5 a form of enforcing revenue.
6 Again, thank you very much. It's an
7 honor and a pleas- -- a privilege to speak in
8 front of the Commission. For those of you
9 who don't know, my name is Michael Watt. I'm
10 the executive vice president of the Long
11 Island Builders Institute. And when I got
12 the job, I came home and explained to my son
13 what I was going to be doing for a living.
14 And John --

15 MR. CORRAL: (Compl ying)

16 MR. WATT: He said, "What's a LIBI?" So
Page 40

17 I -- I use that as an introduction.

18 The Long Island Builders Institute was
19 formed in 1941. It's an association of
20 building industry professionals dedicated to
21 making Long Island a better place to live and
22 work by creating a balance between the
23 economy, the environment, and meeting the
24 housing needs of Long Islanders of all ages.
25 And I think it's important that that point be

†

1 Suffolk County Planning Commission 5/6/09 48
2 made early on because our builders and the
3 associates in the -- the industry is not just
4 people who build, it's people who supply the
5 industry. We live here on Long Island, we're
6 very involved in our local communities. And,
7 quite frankly, they don't need LIBI to exist,
8 they want to be a part of LIBI because they
9 want to be a part of a process that maintains
10 the quality of life that -- that makes
11 Long Island so special. And, quite frankly,
12 it's -- it's a privilege for me to represent
13 the builders and the associates because they
14 are that committed to the quality of life on
15 Long Island, and that's one of the reasons
16 why we're here. I'm so grateful for this
17 opportunity.

18 John.

19 MR. CORRAL: (Compl ying)

20 MR. WATT: LIBI represents more than 500

21 home builders, remodelers, and those people I
22 mentioned that are associated with the
23 construction industry. Financial planners,
24 insurance people, accountants, lawyers, your
25 neighbors, people who have a vested interest

♀

1 Suffolk County Planning Commission 5/6/09 49
2 in Long Island. And when we advocate for a
3 project, we advocate for that project because
4 we feel it's good for Long Island and it
5 helps meet the needs of Long Islanders, of --
6 of people who want to be a part of the Long
7 Island experience.

8 John.
9 MR. CORRAL: (Compl yi ng)
10 MR. WATT: Nope, back.
11 MR. CORRAL: (Compl yi ng)
12 MR. WATT: Back.
13 MR. CORRAL: (Compl yi ng)
14 MR. WATT: Back.
15 MR. CORRAL: (Compl yi ng)
16 MR. WATT: Well, we skipped one. Okay.
17 Fortunately, I have the low-type version
18 in front of me.

19 Yogi Berra years ago was asked about a
20 restaurant in Manhattan. He said, Nobody
21 goes there anymore, it's too crowded. If you
22 think about it, it doesn't make any sense.
23 But if you think about it, it really
24 represents Long Island. Long Island's too
25 expensive, it's too crowded, there's too many

♀

1 Suffolk County Planning Commission 5/6/09 50
2 taxes, too many -- too much this, too much
3 that. And yet, you look at the LIE in the
4 morning and there's a lot of people on there.
5 You know, if it was such a horrific place,
6 nobody would be here anymore, they would move
7 away. The people want to live on Long
8 Island.

9 Quite frankly, you look at any part of
10 the country, you show me any attractive place
11 to live that has low taxes and no traffic,
12 and I'm not a complete idiot, I'd move there.
13 Okay. If it's an attractive place to live,
14 you're going to have things to go along with
15 that, like traffic and, unfortunately, like
16 taxes. We have to adjust to them, we have to
17 recognize that there are certain things that
18 you have to deal with in building on Long
19 Island and being on Long Island.

20 Just keep going because they're in there
21 somewhere.

22 MR. CORRAL: (Compl ying)

23 MR. WATT: Keep going.

24 MR. CORRAL: (Compl ying)

25 MR. WATT: All right. With everything

♀

1 Suffolk County Planning Commission 5/6/09 51
2 that Long Island -- just hang on, I'll -- go

3 back to where we were and we'll play
4 catch-up.
5 MR. CORRAL: (Compl ying)
6 MR. WATT: Wi th everything that
7 Long Isl and has to offer -- okay -- the
8 ocean, the sound, the recreati ons, the great
9 school di stricts, the proximi ty to New York
10 Ci ty, qui te frankl y, our bi ggest probl em on
11 Long Isl and shoul d be what are we going to do
12 wi th all the peopl e who want to leave here --
13 who want to -- who want to live here. Okay.
14 Who want to come and be a part of the Long
15 Isl and experi ence. The numbers show
16 di fferent, though. The numbers show that
17 the -- the peopl e between the ages of 18 and
18 34 are leavi ng i n drasti c amounts. 25
19 percent of that popul ati on have moved off the
20 Isl and si nce 2000. Okay. There' s no place
21 for them to live, there' s no transiti onal
22 housi ng, there' s no workforce, affordabl e
23 housi ng, whatever you want to call i t.
24 There' s no place for the person to get out of
25 the house -- out of thei r parent' s house and

‡

1 Suffolk County Pl anni ng Commi ssi on 5/6/09 52
2 live where they can save money to buy what i s
3 a -- a house that -- buy the house that we
4 all want to live i n, that -- that
5 singl e-fami ly home on Long Isl and. So we --
6 we need to understand the bal ance and the
7 i mportance of -- of accommodati ng all the

8 needs of all the Long Islanders.
9 John, try back a couple.
10 MR. CORRAL: (Compl yi ng)
11 MR. WATT: The other way.
12 MR. CORRAL: (Compl yi ng)
13 MR. WATT: One, two --
14 MR. CORRAL: (Compl yi ng)
15 MR. WATT: All ri ght. Just go back one
16 and stay there, pl ease.
17 MR. CORRAL: (Compl yi ng)
18 MR. WATT: What happens, I -- of course,
19 I had two versions of the -- of the
20 PowerPoint on the disk that I gave John, and
21 we downloaded the wrong one. So please bear
22 with me, I will -- I'll banter, get my point
23 across the old-fashi oned way.
24 Wi thout any homes, we don' t have any
25 workforce. Wi thout a workforce, we don' t

♀

1 Suffolk County Pl anni ng Commi ssi on 5/6/09 53
2 have compani es. Wi thout compani es, we don' t
3 have an economy. It' s really that simple.
4 Pri or to my bei ng at the Long Isl and
5 Bui lders Insti tute, I worked for five years
6 representing the Long Isl and Partnershi p,
7 whi ch was an umbrell a organi zati on of all the
8 economi c devel opment groups on Long Isl and,
9 and my job pri mari ly was to help keep
10 compani es here on the Isl and. We have --
11 knock on wood (i ndi cati ng) -- a dri vi ng

12 economic base. Over 112,000 companies on
13 Long Island, 70 percent of which have ten or
14 fewer employees. That gives us a diverse
15 economy, which helps us get through times
16 like these.

17 The people that I met with, for whatever
18 reason, were looking to leave Long Island or
19 were looking to expand and they wanted to
20 stay on Long Island, but they were
21 frustrated. And to a man and to a woman,
22 they told us, We want to stay, but we can't
23 stay if we can't grow, and we can't grow if
24 we don't have the workforce, and we can't
25 keep the workforce here on Long Island.

†

1 Suffolk County Planning Commission 5/6/09 54
2 People -- they -- people who live -- I
3 use Grumman as an example. I met with Phil
4 Teal (phonetic) two -- a couple of years ago.
5 He said the average starting salary at
6 Grumman in Bethpage, \$55,000. He said the
7 majority of the Grumman employees live with
8 their parents. He goes, that's not a healthy
9 environment for any company. And the
10 companies want to stay here, they're being
11 heavily recruited outside of the region,
12 because the North Carolina's, the Arizona's,
13 the -- the -- the Florida's can come in and
14 say, Look, we can provide all kinds of space
15 and accommodations for your workforce, but
16 the manager wants to stay here because they

17 see the quality of life.
18 And I've also spent time teaching at the
19 local community colleges, and I've talked to
20 the students, and I ask them at the beginning
21 of every semester, How much -- how many of
22 you plan on staying on Long Island -- how
23 many of you plan on establishing roots on
24 Long Island. And in the five years that I
25 did that, I can count on one hand the number

†

1 Suffolk County Planning Commission 5/6/09 55
2 of hands that went up in the five years. And
3 I try to remind them, I say, Look, what you
4 hate about Long Island when you're 25, you're
5 going to love when you're 35. But the trick
6 is to keep that transition in place. And
7 then -- not for nothing, but those of us who
8 are more than 35, maybe a little bit older
9 like myself, want to be able to sell that
10 house in ten years or five years or 15 years.
11 And we can't sell the house to the next
12 generation of Long Islanders if they're down
13 in North Carolina or anywhere but Long
14 Island.

15 And as Matt Cross from the ELA points
16 out, it's not necessarily affordable
17 housing -- okay -- they're looking for a -- a
18 lifestyle that they can live with. Okay.
19 Some of the people are moving to Brooklyn or
20 into the city. So there's a desire to move

21 into a downtown area as well.

22 But the primary course, the primary
23 point that I'd like to get across at this
24 point is the key, why housing matters.
25 Housing matters because you cannot sustain a

♀

1 Suffolk County Planning Commission 5/6/09 56
2 healthy economy without viable living
3 accommodations for the -- for the Long Island
4 residents.

5 Where is the industry right now? As
6 recently as 2006, housing construction on
7 Long Island generated about \$3.6 billion in
8 economic activity. That's the jobs, that's
9 the purchase of goods, that's the taxes, the
10 permit applications that will apply that
11 we're -- fuel for the local municipalities.

12 Last year, housing starts on Long
13 Island, Nassau and Suffolk County combined,
14 maybe it went over a thousand. Okay. That's
15 in a couple years it's down drastically, and
16 it's pulling down the municipalities with
17 the -- with the funds of the municipalities
18 with -- without that house -- without those
19 people buying a house -- I'll use my
20 brother-in-law and my sister as an example.

21 They bought a house five years ago.
22 Since that time, they've had two kids; two
23 very active, very large kids. They need a
24 bigger house. And my brother-in-law wants to
25 buy the bigger house, but he's afraid if he

♀

1 Suffolk County Planning Commission 5/6/09 57
2 buys the bigger house, he won't be able to
3 sell the house he's in now, and he'll be
4 stuck with two mortgages. So he's not
5 moving. So he's not buying the bigger house,
6 the people living in the bigger house,
7 they're not moving either because my
8 brother-in-law's not buying his house. Okay.
9 So that's two people not moving. But guess
10 what, the people looking to buy my
11 brother-in-law's house, they're not moving
12 either because they can't buy the house. And
13 now you have three people who should be
14 moving, and if they do move -- trust me, if
15 my sister and my brother-in-law move, my
16 sister's going to be at Bed Bath & Beyond
17 stimulating the economy right after they
18 move.

19 (Laughter)

20 MR. WATT: Okay. Now you can see,
21 without these people moving, without this
22 transition taking place, the economy's going
23 to suffer. And we want -- we acknowledge
24 that what we want is to move into a house,
25 we'd love for him to move into a house that

♀

1 Suffolk County Planning Commission 5/6/09 58
2 has to be built, but that's our problem, not

3 yours. We need to encourage people, we need
4 to stimulate the economy and get housing back
5 on its feet.

6 And, also, without this activity,
7 without the homes being built, without the
8 apartment buildings being built, the
9 municipalities lose out on the -- on the
10 mortgage fees, the permit application fees,
11 the taxes and the sale taxes that are
12 generated, and the burden is then placed on
13 the people who are currently living in the
14 town, and that creates more burden there as
15 well. So it really is an important cog in
16 the economic machine that makes it viable to
17 live here on Long Island.

18 Now, what's really further complicating
19 matters in the industry is, historically, you
20 have -- you have home builders and you have
21 remodelers. And if you're not building,
22 you're hopefully at least remodeling. And
23 historically, when one was up, the other one
24 was -- was down. For the first time ever,
25 building is down and remodeling is down. And

♀

1 Suffolk County Planning Commission 5/6/09 59
2 it's really a manifestation of a couple of
3 things, lack of consumer confidence, also a
4 cutback on credit. Which, again, this
5 Commission has nothing to do with, but it --
6 it does create problems for our industry.

7 So you have the builders are down, and
Page 50

8 the remodelers are down. So it's not good.
9 Is it fatal? There's a heartbeat within the
10 industry, and our guys are cautiously
11 optimistic. I mentioned last year, the
12 number of housing construction applications
13 was the lowest ever in Suffolk County -- not
14 ever, since 1950. The lowest since 1950.
15 The industry has a heartbeat. Some of my
16 guys are reporting an uptake in -- an uptake
17 in business, and most of our guys are
18 cautiously optimistic that things will turn
19 around by the fall.

20 Where are we headed trend-wise? We're
21 all familiar with the Long Island index, the
22 survey they did about a year or so ago.
23 65 percent of Long Islanders saying they
24 would -- they'd be -- 65 percent of Long
25 Islanders between the ages of 18 and 34 said

♀

1 Suffolk County Planning Commission 5/6/09 60
2 they're likely to move off of Long Island
3 over the next five years. 82 percent of our
4 housing units are single-family houses, but
5 one in three of those people surveyed said
6 they prefer to live in a condo, townhouse, or
7 apartment. And the really exciting news is
8 Long Island's downtowns could accommodate at
9 least a hundred thousand additional housing
10 units, which is roughly half the housing
11 totaled units needed over the next 25 years.

12 So there are outlets. There are ways
13 that we can get around this notion that we
14 have to plow over the fields and build one
15 house on an acre. And the Long Island
16 Building -- the Long Island Builders
17 Institute is very cognizant of that and very
18 open to working with organizations like the
19 Suffolk County Commission in looking for
20 creative ways to meet the housing needs.

21 All right. The housing needs of today's
22 Long Islander are very different than the
23 housing needs of the Long Islanders coming
24 out here in the -- in the early '50s, coming
25 back from the war, with Levittown and

‡

1 Suffolk County Planning Commission 5/6/09 61
2 whatnot. Okay. There's a much different
3 demand, and we're ready, willing, and able to
4 look at the ways that we can meet this demand
5 that -- that we can keep all the parties
6 happy, because, again, we understand the need
7 for balance between aesthetics and
8 development.

9 But let's say the turnaround comes
10 summer, fall, early next year, are we
11 ready -- are we ready as an industry, and are
12 the local municipalities ready to accommodate
13 an uptake in the economy? Let's say, and
14 then we can only hope this is the case, all
15 of a sudden it's -- we're off to the races
16 again like we were in the -- in the late

17 '90s, early 2000s, are the municipalities
18 ready to accommodate this sudden influx of
19 new business? We're concerned about that.
20 We're encouraged.

21 The Town of Brookhaven recently
22 conducted a Red Tape Committee at -- at the
23 behest of Councilwoman Connie Kepert, where
24 they brought in the planners and the builders
25 from the town, and they also, to their

†

1 Suffolk County Planning Commission 5/6/09 62
2 credit, brought in representatives of the
3 building community.

4 And I just want to allude to something
5 that Supervisor Nolan said before. We have a
6 lot of areas of expertise within our
7 organization as well. We have guys who are
8 so knowledgeable about many different phases
9 of the building process. And the debere part
10 is, they're ready, willing, and able to share
11 that knowledge with the commissions and with
12 the local municipalities. Whether we have
13 it -- it's a Red Tape Committee, or a liaison
14 group, or a commission like this, but
15 anything that we could do, any -- any
16 intelligence that -- and experience we could
17 share that can encourage smart growth, we
18 would welcome those opportunities.

19 And I'll use that as an example. Last
20 summer, Southampton had a very aggressive,

21 ambitious legislation in terms of green
22 building on Long Island. And, quite frankly,
23 some of the provisions in the bill just
24 weren't achievable. Okay. They were
25 well-meaning, the -- the legislation was

♀

1 Suffolk County Planning Commission 5/6/09 63
2 extremely well-meaning, but it wasn't
3 achievable. And -- you know, part of it was
4 they demanded -- you know, if that house was
5 a certain size, you'd have to go off the grid
6 and use alternative energy, most likely
7 solar. Well, if you go solar, guess what,
8 you're going to have to cut down trees.
9 Well, we don't want to cut down trees.
10 Well -- you know, there are things you've got
11 to think through.

12 To their credit, Supervisor Kabot
13 reached out to the Long Island Builders
14 Institute. We sat down with a couple town
15 officials, we went through, worked with them
16 on the legislation, and we -- we came to a
17 product that was viable for the legislators
18 to propose to the town council people who
19 proposed -- who proposed it, but is also more
20 viable and -- and more effective and more
21 efficient for the builders.

22 So we welcome that opportunity to be a
23 part of the process. We welcome the
24 opportunity to look at ways that the
25 different towns conduct their building and

♀

1 Suffolk County Planning Commission 5/6/09 64
2 planning processes and say, Look, this
3 doesn't work, this works great, let's
4 encourage this, here's what other towns --
5 Supervisor Nolan also talked about sharing
6 ideas. Okay. We work with all the towns
7 across Suffolk County. We'd love to come to
8 the table and say, Look, this is what's
9 working over in Southampton, this is what's
10 working over in Shelter Island, this is
11 what's working over in Southold -- okay --
12 and bring those ideas to the table, and --
13 and -- and -- and learn -- shorten the
14 learning curve for the people in the
15 individual towns and for the people on the
16 Commission here.

17 So we -- we extend that out there --
18 that offer, and we certainly look forward to
19 being a part of the process. I do want to
20 share with everybody, though, our concerns
21 about -- a big part of the process is the
22 decision-making process.

23 You mentioned the Wolkoff properties.
24 Okay. There's a lot at stake. It's more than
25 just the approval of that process -- the

♀

1 Suffolk County Planning Commission 5/6/09 65
2 approval of that application. There are far

3 rang- -- far ranging implications. When you
4 deny something, they have to go back to the
5 town, it requires a supermajority. The
6 longer it takes for these things to go
7 through -- and we're not looking for
8 shortcuts, we're not looking to skirt any
9 regulations, but the longer it takes for
10 these decisions to be given, the more
11 expensive the process becomes.

12 And the ultimate irony in the housing is
13 it's, the housing itself -- the construction
14 of the house is probably the least expensive
15 part of the process. It's the delays, it's
16 the inability to -- for the municipality to
17 properly project the time frame that it's
18 going to take.

19 One of my guys just got a -- a permit
20 application approved in one of the towns 13
21 years after the fact. There's not a budget
22 in the world or a projection in the world
23 where he or she can project a business plan
24 for 13 years to get a permit approved.

25 So we just -- we want to be a part of

♀

1 Suffolk County Planning Commission 5/6/09 66
2 the process. We encourage you to recognize
3 that un- -- unnecessary delays are very, very
4 expensive, and they're not conducive to the
5 developments that this -- Suffolk County so
6 sorely needs.

7 So I thank you very much, and judging by
Page 56

8 Mr. Cal one, I went way over my time.

9 CHAIRMAN CALONE: No, no, I -- well, I
10 appreciate your being here. And, two things.

11 One, appreciate, you know, your
12 leadership in terms of being involved with
13 the task forces that we put together this
14 year, best practices across the towns that's
15 just being launched now. And, you know, we
16 look forward to having you all at the table
17 during those conversations. As Supervisor
18 Nolan said, there's good ideas around here,
19 we just need to make sure that everyone knows
20 about them. And that's the whole point of
21 this Planning Commission Task Force effort.

22 And the second thing is that with regard
23 to the amount of time it takes to -- to move
24 through -- through projects. That's one
25 reason why this Commission is proposing to

♀

1 Suffolk County Planning Commission 5/6/09 67
2 the towns and villages that we cut back by
3 about 75 percent the referrals that need to
4 come here. That saves for each of those
5 projects 45 days to two months in the -- in
6 the approval process. And so reception has
7 been real good on that from the towns and
8 villages, and hopefully the builders
9 appreciate the fact that we're trying to, you
10 know, not add extra burden and try to really
11 reduce burden where we can at the county

12
13
14
15
16
17
18
19
20
21
22
23
24
25

level.

MR. WATT: Well, that 45 days, 60 days, that's two extra months of -- of interest payments on the loans that are needed --

CHAIRMAN CALONE: Right.

MR. WATT: -- to secure (inaudible).

So any other questions?

CHAIRMAN CALONE: All right. Yeah, any other questions, comments?

COMMISSIONER BOLTON: (Indicating)

DIRECTOR ISLES: (Indicating)

CHAIRMAN CALONE: Tom has something then -- oh, no, Charla --

DIRECTOR ISLES: Commission members --

♀

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Suffolk County Planning Commission 5/6/09 68

CHAIRMAN CALONE: -- go ahead.

DIRECTOR ISLES: -- first.

CHAIRMAN CALONE: Yeah, sure.

COMMISSIONER BOLTON: Yes.

You had mentioned that the downtowns could absorb a hundred thousand more housing units. My question is, where is the -- where is that statistic coming from, who did that calculation, and does it include provision or accommodation of sewer plants, or whatever?

MR. WATT: No, it -- it --

COMMISSIONER BOLTON: Sewer systems.

MR. WATT: Everything -- anytime there's a growth in Suffolk County, it is really predicated on the assumption that we will

17 sewer the rest of the county. You're not
18 going to add another -- a hundred thousand
19 units if we don't -- we have to address the
20 infrastructure problem in Suffolk County, and
21 we are. You know, LIBI I know is working
22 closely with Congressman Bishop beginning his
23 infrastructure plans here. I believe it's
24 either the LIE index or the Suffolk County
25 Planning --

†

1 Suffolk County Planning Commission 5/6/09 69
2 Tom, you could --
3 The Suffolk -- the report that Suffolk
4 County Planning --
5 COMMISSIONER BOLTON: On downtown
6 departments.
7 MR. WATT: -- Committee --
8 COMMISSIONER BOLTON: Departments.
9 MR. WATT: -- the Long Island Regional
10 Planning Board --
11 DIRECTOR ISLES: Right.
12 COMMISSIONER BOLTON: The hundred
13 thousand units.
14 MR. WATT: Yeah.
15 COMMISSIONER BOLTON: But that's
16 predicated upon producing better in sewer
17 treatment.
18 MR. WATT: Yes. And, you know, one of
19 those things that developers can bring to the
20 table in certain instances, the private

21 sector can make the sewers happen a lot
22 faster than the public sector. And in
23 exchange for different components, perhaps
24 density in the appropriate area, we can -- we
25 can -- we can make sewers happen sooner

♀

1 Suffolk County Planning Commission 5/6/09 70
2 rather than later.

3 COMMISSIONER BOLTON: Thank you.

4 MR. WATT: And then, again, that's just
5 an element of what we can bring to the table.

6 COMMISSIONER BOLTON: Thank you.

7 CHAIRMAN CALONE: Thank you, Charles.

8 Director Isles.

9 DIRECTOR ISLES: Okay. I'd like to
10 thank Michael for coming down today as well.
11 And also to recognize Matt Whalen, he's
12 president of LIBI as I understand it, and
13 also with AvalonBay Communities. We do
14 appreciate your time and your presentation.

15 I'd like to just make a couple of
16 points. Michael made the point about density
17 shifting, which is the idea of putting new
18 development in our downtowns. It's a very
19 important point. And I think it's an
20 important point in terms of, the idea is not
21 just to further saturate and sprawl Suffolk
22 County, and harm resources -- natural
23 resources, drinking water and so forth, but
24 to intelligently plan. And I -- I appreciate
25 your point and understand for the Commission,

♀

1 Suffolk County Planning Commission 5/6/09 71
2 it's maybe more at one location, less at
3 another, the transfer of development rights
4 idea and so forth. But it's an important
5 point.
6 Secondly, in terms of the -- the changes
7 in population, of our young population,
8 certainly that's been a key concern and
9 remains so. What is interesting is that our
10 demographic, as reported actually in the
11 draft annual report, is that there's a subset
12 of that group that is increasing rapidly,
13 which is the 20 to 24 age group, has actually
14 gone up about 25 percent since the year 2000.
15 That's a function of births in terms of
16 the -- the cycle of baby boomers, baby bust
17 periods and so forth. It's not to say that
18 we shouldn't be concerned about that young
19 population. I have two that happen to fit
20 into that group myself, two sons, and their
21 future is important. But I think the point
22 is, is that that -- that cohort, by the way,
23 is -- is actually increasing. And, here
24 again, just for consideration, just so we're
25 all on the same page in terms of the

♀

1 Suffolk County Planning Commission 5/6/09 72
2 information.

3 Just a last point, too. The supervisor
4 as well as -- as Michael spoke upon the
5 Wolkoff project and the -- the timing of that
6 project. The Supervisor, I think on behalf
7 of the town, has done an excellent job with
8 his agencies, his planning department and so
9 forth, in doing what they need to do to
10 review it carefully.

11 Obviously, we're looking at it that
12 Wolkoff purchased the property in 2002, filed
13 his application in 2003, and say, My gosh,
14 how could this take so long? But just in
15 fairness to the town, let me point out that
16 if an application was filed on the Central
17 Islip Psychiatric Center in 2003 as well, it
18 was five developers that put an application
19 in. The town said, You've got to do an
20 updated master plan, you've got to do a
21 generic environmental impact statement. They
22 got together, the developers, they did it.
23 The town approved the project and it's 80
24 percent built.

25 So I think public sector shares some

♀

1 Suffolk County Planning Commission 5/6/09 73
2 blame for delays. There's no question about
3 that. But I think it's -- just in terms of a
4 simple statement that it's automatically the
5 public sector fault, I think it depends on
6 the circumstances. I'm just being fair to
7 everybody, Mr. Wolkoff included. But I think

8 in this case the Town of Islip has shown that
9 with cooperation -- that's often a big
10 consideration -- that things can move in an
11 expeditious and -- and timely manner.

12 MR. WATT: Well, one of the things
13 that -- thank you.

14 One of the things that came out of the
15 Brookhaven Red Tape Committee was it also
16 gave the public sector a chance to explain to
17 the private sector that you've got to fill
18 the forms out properly, and you have to
19 submit them. And like -- like -- like Tom
20 said, it's not always -- and I -- if I gave
21 you the impression of blaming the public
22 sector completely, I apologize. I painfully
23 understand that sometimes the builder doesn't
24 do --

25 DIRECTOR ISLES: Okay.

♀

1 Suffolk County Planning Commission 5/6/09 74

2 MR. WATT: -- exactly what he or she is
3 supposed to do. In fact, one of my favorite
4 exercises when I was running the partnership
5 with people screaming about the health
6 department, a lot of times it was a matter of
7 the professional didn't submit the paperwork,
8 they just blamed it on the health department.
9 With that said, the health department also
10 has come up recently with some very arbitrary
11 decisions that are going to greatly imperil

12 the ability of some of our projects to go
13 forward. We're meeting with them on Friday
14 to discuss that.

15 And, again, we would welcome the -- to
16 be a part of that process so that we can
17 avoid after-the-fact stuff and just get it
18 right the first time so that the public
19 sector is a lot more efficient and effective,
20 and the private sector can get to what it
21 needs to get to quickly and more effectively
22 so that we can all kind of work more closely
23 together. And a huge component is people
24 being in a room talking to each other and
25 working things out as opposed to shooting

♀

1 Suffolk County Planning Commission 5/6/09 75
2 spitballs over the transit.

3 So, again, I welcome the opportunity to
4 be a part of it.

5 CHAIRMAN CALONE: It's a good point, and
6 we look forward to trying to lower that
7 transit a little, whatever role we play here.

8 Michael --

9 MR. WATT: You're too young to know what
10 a transit is.

11 (Laughter)

12 CHAIRMAN CALONE: Thank you for being
13 here.

14 Any other comments or questions for
15 Michael?

16 (WHEREUPON, there was no response.)

17 CHAIRMAN CALONE: If not, we'll move on.
18 But thank you. And thank you also
19 to -- to Mr. Whalen for -- for being here as
20 well. Thank you, sir.
21 Next, we have -- which we're starting to
22 get into our projects, we have the Wyandanch
23 Urban Renewal Plan. Vanessa Pugh from the --
24 from the Town of Babylon. She's the director
25 of Down- --

†

1 Suffolk County Planning Commission 5/6/09 76
2 COMMISSIONER CARACCILO: Mr. Chairman,
3 before we begin, could I just ask a
4 procedural question?
5 CHAIRMAN CALONE: Yes, sir.
6 COMMISSIONER CARACCILO: Why would --
7 is it -- is it common that we would have a
8 presentation on something that we were going
9 to be voting on, and why wouldn't this be in
10 public portion rather than now? I just -- I
11 just don't recall ever doing that.
12 DIRECTOR ISLES: Yeah, on a -- on
13 comprehensive plans, we often invite in the
14 local town or municipality to provide a
15 presentation on it because they're rather
16 extensive in scope. Obviously, the pleasure
17 of the board on this is we'll yield to that.
18 COMMISSIONER CARACCILO: I mean, I -- I
19 just don't know if it's a public -- is it a
20 public portion, or is it a --

21 CHAIRMAN CALONE: No, it's not --
22 they're not members of the public, they're
23 invited -- under the law, we're allowed to
24 invite governments in to participate in
25 our -- in our -- you know, in our -- in

♀

1 Suffolk County Planning Commission 5/6/09 77

2 our --

3 COMMISSIONER CARACCILO: And the --

4 DIRECTOR ISLES: Deliberation.

5 CHAIRMAN CALONE: -- deliberation.

6 COMMISSIONER CARACCILO: And the

7 Downtown Revitalization is a government --

8 DIRECTOR ISLES: Yes.

9 CHAIRMAN CALONE: This is the Town of

10 Babylon --

11 COMMISSIONER CARACCILO: Oh, okay.

12 CHAIRMAN CALONE: -- she works for the

13 Town of Babylon.

14 COMMISSIONER CARACCILO: The Town of

15 Babylon --

16 CHAIRMAN CALONE: You're the director of

17 the Downtown Revitalization --

18 MS. PUGH: Yes.

19 CHAIRMAN CALONE: -- for the Town of

20 Babylon.

21 COMMISSIONER CARACCILO: Okay.

22 CHAIRMAN CALONE: Thanks, John.

23 COMMISSIONER CARACCILO: Thank you.

24 CHAIRMAN CALONE: Welcome.

25 MS. PUGH: Good afternoon to the chair

♀

1 Suffolk County Planning Commission 5/6/09 78
2 and members of the Commission. Thank you for
3 the opportunity to address you today.
4 So I'm here to give not so much the
5 detail of the urban renewal plan, but to give
6 you the overall goals and objectives of this
7 revitalization plan.
8 So without me going through every single
9 solitary slide, I'm going to make the
10 assumption that you actually know where
11 Wyandanch is. It's in the Town of Babylon,
12 bordered by North Lindenhurst, North Babylon,
13 West Babylon, et cetera.
14 What we see is some of the key
15 opportunities on this project are (sic)
16 (indicating). The presence of the Long
17 Island Rail Road in the middle of the
18 downtown, and access to every major highway
19 from Wyandanch by less than 15 to 20 minutes.
20 Next slide.
21 MR. CORRAL: (Complying)
22 MS. PUGH: So, generally, statistics
23 that everyone already knows (indicating),
24 Wyandanch was described by the Suffolk County
25 Planning Department as the most economically

♀

1 Suffolk County Planning Commission 5/6/09 79
2 distressed community on Long Island.

3 So we've been at this for roughly -- I
4 can't count -- almost seven years
5 (indicating), and Sarah can speak to that.
6 The visioning process was actually conducted
7 by the Sustainable Long Island in 2002.

8 Going forward, the town adopted the
9 recommendations by Sustainable Long Island,
10 which is the Wyandanch Hamlet Plan, and that
11 plan forms the basis of the rest of the
12 studies that we have undertaken since that
13 time.

14 So to give you a general idea of some of
15 the improvements that have already happened
16 to the -- in the downtown (indicating). And
17 we're showing you the beautiful clock and the
18 flowers because they're thanks to the Suffolk
19 County Downtown Revitalization Ground, I
20 believe it's number 3.

21 So, generally, the area that we focused
22 on is along the spine of Wyandanch, which is
23 the Straight Path Corridor (indicating). The
24 urban renewal plan does not encroach on any
25 of the residential areas. We stayed

♀

1 Suffolk County Planning Commission 5/6/09 80
2 specifically on Straight Path, avoiding all
3 residences. Our boundaries are essentially
4 Garrison to the south, and Nicolls Road --
5 just above Nicolls Road to the north.

6 You're all familiar with the new post
7 office in Wyandanch (indicating), and that's

8 only important because it's an indication of
9 the type of development that we're looking
10 for, built to the street front without the
11 traditional setbacks that you would see in
12 Wyandanch presently.

13 So we have a number of partners in this
14 effort (indicating). That includes the
15 federal government; obviously, environmental
16 protection agencies; federal transit
17 administration, consecutive for -- earmarked
18 for transit feasibility studies, preliminary
19 engineering and design for the construction
20 of an intermodal facility.

21 Again, we have also partnered with the
22 state on a number of grants to help advance
23 this effort. And obviously we've already
24 talked about Suffolk County and our
25 philosophic partners.

♀

1 Suffolk County Planning Commission 5/6/09 81

2 So where we are now and the reason that
3 I'm here today is that one of the work
4 products that we were able to produce as part
5 of our Brownfield Opportunity Area Program
6 grant was an urban renewal plan. What we
7 recognized is that in order to advance the
8 type of development that the community has
9 expressed a desire for, we would need to take
10 some regulatory measures to ensure that that
11 type of development could happen.

may final.txt

17 how the space would be used and what we
18 envision in terms of the way the downtown
19 would function, with a portion of that site
20 acting as an anchor (indicating).

21 Site B presently --

22 CHAIRMAN CALONE: This is all just
23 conceptual, right? This isn't --

24 MS. PUGH: This is all very --

25 SECRETARY ESPOSITO: No --

†

1 Suffolk County Planning Commission 5/6/09 83

2 MS. PUGH: -- conceptual.

3 SECRETARY ESPOSITO: -- that's all
4 there, Dave.

5 (Laughter)

6 CHAIRMAN CALONE: We missed that the
7 last time I drove through.

8 MS. PUGH: Site B is this -- at this --

9 SECRETARY ESPOSITO: (Indicating)

10 MS. PUGH: Yes.

11 SECRETARY ESPOSITO: Of the 2,000
12 spaces, were you talking specifically for the
13 intermodal?

14 MS. PUGH: Specifically for the
15 intermodal, but the garage would hold
16 2,000 spaces.

17 SECRETARY ESPOSITO: Okay.

18 MS. PUGH: At present there are roughly
19 4,000, some legal, some not, on-surface
20 spaces around the train station.

21 SECRETARY ESPOSITO: Okay.

22 MS. PUGH: That site, which -- and I
23 don't know how familiar you are with -- with
24 Wyandanch, but it is an absolute blight on
25 the community. It houses a number of

♀

1 Suffolk County Planning Commission 5/6/09 84
2 industrial uses. Primarily, truck -- truck
3 repair and rebuilding, I believe, are the
4 uses there. And that this is one of the
5 properties that was identified both in our
6 EPA grant and also called out in our BOA
7 application to the state. And we believe
8 that the majority of the units -- I'm sorry.
9 That that site would yield roughly 280 units,
10 with roughly 10,000 square feet of retail
11 space.

12 So on site D -- site C, I'm sorry.
13 Again, roughly 336 units. Now, this
14 particular site runs just -- just south --
15 just north of the post office, and just
16 before the Long Island Avenue and Wyandanch
17 intersection. And that particular site, we
18 believe, has the potential to yield roughly
19 336 units of housing. The projections from
20 our consultant, obviously, we're looking at a
21 mix of both market rates and affordable
22 units, some rental and some ownership.

23 SECRETARY ESPOSITO: But there's no --
24 is there sewage infrastructure up there?

25 MS. PUGH: No.
Page 72

♀

1 Suffolk County Planning Commission 5/6/09 85
2 SECRETARY ESPOSITO: No.
3 MS. PUGH: I'm getting to that.
4 SECRETARY ESPOSITO: Okay. Okay. Okay.
5 MS. PUGH: Site D, which in -- in part
6 is considered to be the gateway to the -- for
7 the downtown. At this point, Suffolk County
8 actually has a project to straighten the
9 intersection. One of the things about the
10 community is that all of the streets are at a
11 regular angle, and that one is a particularly
12 difficult intersection. And that particular
13 site, we believe, would have less housing
14 units on it, roughly 149.
15 And that's actually a picture of the
16 site where there was a fire, and probably the
17 structure has to be demolished (indicating).
18 Further south, something that, according
19 to our information, the community grew up
20 around. Which is, I guess, brickyard, for
21 lack of a better description, sand, gravel.
22 The community developed around it. It
23 remains there. It's certainly not compatible
24 land use. So while it is not -- we do not
25 consider that to be in the first phase of the

♀

1 Suffolk County Planning Commission 5/6/09 86
2 development, we know that that is a site that

8 presently.

9 CHAIRMAN CALONE: And that's the train
10 station down at the bottom.

11 MS. PUGH: And that is the train station
12 down at the bottom.

13 Now, if we had our way, it would be nice
14 to relo- -- oh, look (indicating). That's
15 terrific.

16 (Laughter)

17 MS. PUGH: So from the very tip to just
18 about here, that would be the footprint of
19 both the actual garage, housing, and any
20 retail (indicating).

21 CHAIRMAN CALONE: Gotcha.

22 SECRETARY ESPOSITO: And -- I'm -- can
23 you just go back?

24 MS. PUGH: Uh-huh.

25 SECRETARY ESPOSITO: So what is that --

♀

1 Suffolk County Planning Commission 5/6/09 88

2 what is that right now? Is that --

3 CHAIRMAN CALONE: Back.

4 MS. PUGH: Okay. I'm not aiming.

5 SECRETARY ESPOSITO: I'm sorry.

6 MS. PUGH: What is this (indicating)?

7 SECRETARY ESPOSITO: I'm -- no, over to
8 your -- my -- your left.

9 CHAIRMAN CALONE: The big -- the large
10 building.

11 SECRETARY ESPOSITO: Yeah, what's that

12
13
14
15
16
17
18
19
20
21
22
23
24
25

right now?

MS. PUGH: That is the former Grumman Fairchild building.

SECRETARY ESPOSITO: Okay.

MS. PUGH: And I'm not sure what the very legal uses are that are actually taking place on the site. We believe that there are cars being parked, and the -- a number of things that the county is trying to clear up.

SECRETARY ESPOSITO: Okay.

CHAIRMAN CALONE: Thank you, Vanessa. Appreciate it.

MS. PUGH: Okay.

CHAIRMAN CALONE: So -- sorry.

♀

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Suffolk County Planning Commission 5/6/09 89

MS. PUGH: I can wrap --

CHAIRMAN CALONE: Go ahead.

MS. PUGH: I can wrap it up here --

CHAIRMAN CALONE: Go ahead.

MS. PUGH: -- and it actually would be a lot easier for me to do it this way.

We fully recognize that none of this happens without sewers. And so the town is working on a strategy to fund and install sewers.

CHAIRMAN CALONE: Okay. To be determined.

Okay. Thank you very much. An interesting overview.

Anyone else have any questions? We're
Page 76

17 going to have a -- well, Andy will do a
18 little summary of this, though I think we've
19 seen a lot of it, in a few moments when we --
20 when we look through the project, but does
21 anyone have any questions for Vanessa?

22 COMMISSIONER BOLTON: (Indicating)

23 CHAIRMAN CALONE: Charla.

24 COMMISSIONER BOLTON: I'm not sure
25 looking at the photograph or the aerial

†

1 Suffolk County Planning Commission 5/6/09 90

2 photograph, are you anticipating any
3 clearance of housing units -- existing
4 housing --

5 MS. PUGH: No.

6 COMMISSIONER BOLTON: -- at all?

7 MS. PUGH: No. We would not --

8 COMMISSIONER BOLTON: No.

9 MS. PUGH: We -- we -- based on the way,
10 at this point in the plan, it's non-taxing.
11 We would not have to demolish any existing
12 housing.

13 COMMISSIONER BOLTON: Okay.

14 MS. PUGH: We were very careful to stay
15 away from what is essentially a relatively
16 solid housing (inaudible).

17 COMMISSIONER BOLTON: And the other
18 question, just -- I'm sure it's in the
19 material somewhere, but I didn't see it.
20 What -- why is it a brownfield site? What's

21
22
23
24
25

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

wrong with it?
MS. PUGH: So, in total, in the entire study area, which essentially would be the entire hamlet of Wyandanch, 4.4 square miles, there are over 300 brownfield sites. And in

Suffolk County Planning Commission 5/6/09 91
our core study area, which is the area that was identified from Garrison at the south with Nicolls being the northern boundary, there are roughly 225.

So with the definition being in properties, real or perceived contamination, some of them do have on-site contamination, and some of them, it's really just more physical light and the condition of the actual property.

COMMISSIONER BOLTON: And is it anticipated that -- that all -- any cleanup issues will be taken care of in the process of redevelopment?

MS. PUGH: We're thinking through that now. We actually have consultants working with us to identify the best possible way to make the properties ready for development without the town --

COMMISSIONER BOLTON: I see.

MS. PUGH: -- bearing --

COMMISSIONER BOLTON: Okay. Thank you.

CHAIRMAN CALONE: Any other questions for Vanessa?

♀

♀

1 Suffolk County Planning Commission 5/6/09 92

2 (WHEREUPON, there was no response.)

3 CHAIRMAN CALONE: If not, thank you very
4 much for the overview. Appreciate that. And
5 we'll move on to our -- to the projects to be
6 reviewed. And we'll start with the -- since
7 we're -- since it's fresh in our minds, we'll
8 start with the Wyandanch Urban Renewal Plan,
9 which is an amendment to the comprehensive
10 plan, which Vanessa's given us a pretty
11 detailed overview, but, Andy, maybe you could
12 hit the highlights from staff's perspective.

13 MR. FRELENG: Thank you, Mr. Chairman,
14 members of the Commission.

15 The first regulatory matter before the
16 Suffolk County Planning Commission is the
17 urban renewal plan for the revitalization of
18 downtown Wyandanch. This is referred to you,
19 as you know, from the Town of Babylon.

20 Jurisdiction for the Commission is that
21 this is a comprehensive plan amendment
22 technically, and the subject project area is
23 along County Road 2 -- or County Route 2,
24 which is Straight Path.

25 And there is a two-page staff report,

♀

1 Suffolk County Planning Commission 5/6/09 93

2 I'm just going to highlight it.

may final.txt

3 This is a referral from the Town of
4 Babylon currently undergoing a planning
5 process seeking to facilitate the
6 redevelopment and revitalization of downtown
7 Wyandanch. Maybe I'll -- I'll just take a
8 pause here and run through these slides real
9 quick in case you want to go back to any of
10 them.

11 This is an aerial of the study area, as
12 you can see (indicating). It goes roughly
13 from the north to the south, from 9th Avenue
14 to Garrison Avenue.

15 Next slide.

16 MR. CORRAL: (Compl ying)

17 MR. FRELENG: Again, this is the project
18 area map --

19 Next slide.

20 MR. CORRAL: (Compl ying)

21 MR. FRELENG: -- with the road names on
22 it (indicating).

23 This is the brownfields opportunity map.
24 It's hard to see in here, but you can see the
25 shaded areas which have been identified in

♀

1 Suffolk County Planning Commission 5/6/09 94
2 the brown- -- in the study area as brownfield
3 opportunities (indicating). As indicated,
4 some of these sites are gas stations which
5 need remediation, or an industrial site which
6 may have had a spill or something discharged
7 into the ground. Others are perceived to be

8 brownfields in terms of very blighted
9 conditions or an abandoned commercial
10 building where it's still unknown if there's
11 any contaminants on site.

12 Next slide, John.

13 MR. CORRAL: (Compl ying)

14 MR. FRELENG: Okay. This is the
15 proposed zoning as a result of the various
16 studies (indi cating). It's hard to read from
17 here, but there are various di fferent
18 densiti es which I'll talk about as I go
19 through the si te plan.

20 Next slide, John.

21 MR. CORRAL: (Compl ying)

22 MR. FRELENG: This is a collage of all
23 the maps.

24 CHAIRMAN CALONE: That's very pretty,
25 Andy.

♀

1 Suffolk County Pl anni ng Commi ssi on 5/6/09 95

2 (Laughter)

3 MR. FRELENG: We di dn' t -- we di dn' t
4 take photographs, we were hopi ng that when
5 Vanessa came she had some si te-speci fi c
6 photos. When we went through the area the
7 other day, it was rai ni ng so we di dn' t take
8 any photos.

9 But back to the staff report then, as
10 part of the ini ti a ti ve, the town is taki ng
11 acti on to return contami nated, abandoned,

12 underutilized, or vacant properties to active
13 use and includes recommendations for the
14 urban renewal area in terms of land use,
15 zoning, community facilities, transportation,
16 infrastructure, and utilities, as well as
17 environmental remediation. This is the plan
18 itself.

19 The plan is based on continuous
20 initiatives beginning with the 2002 Wyandanch
21 Raising Study, which is a comprehensive and
22 community-based program for economic
23 revitalization, there was the Wyandanch
24 Hamlet Plan in 2002, and various other
25 studies, the town's Pre-Nomination Study and

†

1 Suffolk County Planning Commission 5/6/09 96
2 the Wyandanch Blight Study.

3 As indicated in the aerial, the boundary
4 of the urban renewal area encompasses an
5 approximate 105-acre area, largely comprising
6 the downtown business core area of Wyandanch
7 hamlet, extending approximately 300 feet east
8 and west of Straight Path, from 9th Street on
9 the north, to Garrison Avenue on the south,
10 and -- as well as several lots along Long
11 Island Avenue, roughly stretching from Elk
12 Street to the east and 22nd Street on the
13 west. The area includes 281 tax map parcels.
14 So as you can see, it is a large undertaking.

15 To meet the town's overall goals of
16 rehabilitating and revitalizing downtown

17 Wyandanch, the plan proposes a number of land
18 use recommendations for the overall project
19 area, as well as specific -- site-specific
20 recommendations. These include smart growth
21 and transit-oriented development techniques,
22 priority for infill development of vacant
23 lots and buildings, green building
24 techniques, parking structures, multi family
25 housing, and a call for the creation of a

†

1 Suffolk County Planning Commission 5/6/09 97
2 sewer connection to the southwest sewer
3 district number 3.

4 To achieve the objectives of the plan,
5 the town board, pursuant to appropriate laws,
6 proposes possible uses of land acquisitions
7 through eminent domain, and the demolition
8 and removal of certain structures. There is
9 also a transfer of air rights program that is
10 being contemplated. There is also concepts
11 such as transit-oriented development.

12 Possible zoning districts include
13 high-density mixed-use zoning, which is a
14 retail, office, and residential mixed-use
15 category, a medium-density mixed-use, which
16 is a residential, retail, as well as an
17 office use category of a lower height and
18 lower intensity, and a low-density mixed-use,
19 which is a combination of retail and
20 residential, and mixed-use institutional,

♀

1 Suffolk County Planning Commission 5/6/09 99
2 comp plan change, then comes, of course, any
3 zoning recommendations that undoubtedly will
4 be coming, and then, of course, the
5 individual plans themselves. So this is the
6 first step in what will be a long process,
7 but it's been a long process in Wyandanch,
8 and it's moving forward, thanks to the
9 efforts of Vanessa and -- and the other folks
10 in town hall. So -- so that's all I want to
11 say on it.

12 Any other questions or comments?

13 COMMISSIONER BOLTON: (Indicating)

14 CHAIRMAN CALONE: Commissioner Bolton.

15 COMMISSIONER BOLTON: I didn't see any
16 statement in your presentation, or yours,
17 regarding the improvement in the tax phase,
18 and I'm wondering if that was the particular
19 way of looking at this in terms of
20 financing -- additional financing for
21 schools.

22 MR. FRELENG: I'll defer.

23 MS. PUGH: It's actually partially
24 computed in the -- I believe it's either
25 chapter four or five in the market

♀

1 Suffolk County Planning Commission 5/6/09 100
2 trends -- trends and analysis (inaudible).

3 COMMISSIONER BOLTON: Okay. Was that a
4 goal to try to enhance --

5 MS. PUGH: Absolutely.

6 COMMISSIONER BOLTON: -- the school
7 district?

8 MS. PUGH: Absolutely.

9 COMMISSIONER BOLTON: Thank you.

10 CHAIRMAN CALONE: Thank you, ma'am.

11 Any other comments or questions about
12 the Wyandanch Urban Renewal plan?

13 COMMISSIONER TALDONE: (Indicating)

14 CHAIRMAN CALONE: Vince.

15 COMMISSIONER TALDONE: One quick
16 question I had, I don't know who it should be
17 addressed to, but I'm -- in just looking at
18 the map, I know Suffolk County Transit runs
19 bus routes through there, and of course the
20 Long Island Rail Road is available right in
21 the heart of this, which is really wonderful,
22 but I was wondering if you're also working
23 with Long Island Bus out of Nassau County
24 that could actually make it sort of a
25 one-seat ride from the intermodal hub to

♀

1 Suffolk County Planning Commission 5/6/09 101
2 facilities in -- or employment centers for
3 the most part in Nassau County?

4 MS. PUGH: I would answer by saying that
5 the -- under the FTA grant, that's the
6 Federal Transit Administration, the first
7 phase for us was actually in analysis and

8 alternatives in the feasibility study. We
9 believe that in the second phase, preliminary
10 engineering and design, that that is one of
11 the things under consideration for -- by the
12 consultants.

13 CHAIRMAN CALONE: Great. Thank you.
14 Thank you, ma'am.

15 Any other comments or questions?
16 (WHEREUPON, there was no response.)

17 CHAIRMAN CALONE: If not, I'll entertain
18 a motion --

19 COMMISSIONER BOLTON: I'll move it.

20 CHAIRMAN CALONE: Commissioner Bolton
21 moves approval of the -- of the staff report.
22 Second?

23 SECRETARY ESPOSITO: (Indicating)

24 CHAIRMAN CALONE: Seconded by Secretary
25 Esposito.

♀

1 Suffolk County Planning Commission 5/6/09 102

2 The recommendations is conceptual
3 approval of this first step, the comp plan
4 change.

5 All in favor, please raise your hand.
6 (WHEREUPON, the members voted.)

7 CHAIRMAN CALONE: And those opposed?
8 (WHEREUPON, there was no response.)

9 CHAIRMAN CALONE: And we have one
10 abstention. Oh, wait, no, no, no. It's
11 different; right?

12 VICE CHAIRMAN KONTOKOSTA: Recusal.
13 CHAIRMAN CALONE: Recusal. One recusal.
14 So I didn't count the numbers, but,
15 Constantine, you can count better than I can.
16 All right. Job, are you --
17 COMMISSIONER POTTER: No, no, it wasn't
18 me, it was --
19 CHAIRMAN CALONE: No, no, no, no. Are
20 you -- are you --
21 COMMISSIONER POTTER: At 2:00 I have to
22 run.
23 CHAIRMAN CALONE: Okay.
24 Without objection, I'd like to move the
25 East Hampton item up on the agenda.

‡

1 Suffolk County Planning Commission 5/6/09 103
2 Ted, you will just have to wait.
3 SECRETARY ESPOSITO: So close, Ted.
4 CHAIRMAN CALONE: But, John --
5 MR. CORRAL: Yeah.
6 CHAIRMAN CALONE: -- I'm surprised that
7 you --
8 So -- yeah.
9 (Discussion held off the record)
10 CHAIRMAN CALONE: Okay. Just -- I want
11 to report the vote on the last one, that was
12 12 to zero to 1.
13 Next up is the Little Plain project in
14 East Hampton.
15 John, please continue.
16 MR. CORRAL: Okay. The application

17 before you is the Little Plain, and they're
18 seeking Village of East Hampton Planning
19 Board approval for a five-lot subdivision on
20 20.8-acre parcel.

21 The project is located in the Village of
22 East Hampton on the north and east side of
23 Apaquogue Road. The jurisdiction for this
24 property is less than 500 feet from the
25 Atlantic Ocean. It's also next to Lily Pond

†

1 Suffolk County Planning Commission 5/6/09 104
2 which has New York State mapped freshwater
3 wetlands.

4 In terms of our guidelines, the Suffolk
5 County Planning Commission Rule Book, it's
6 regionally significant because it's the
7 alteration of over 6.6 acres within 500 feet
8 of the Atlantic Ocean.

9 Just a little -- just a little about the
10 land itself. Prior to 1990, it was used for
11 potato farming. After 1990, it has been open
12 grassland. There's no structures on the
13 property. And on the east side you can
14 see -- just -- the east side of the property,
15 it just connects to the Lily Pond which is
16 the mapped New York State freshwater
17 wetlands.

18 The property basically where they're
19 proposing the houses are level slopes, in
20 that it slopes down to Lily Pond on the east

21
22
23
24
25

side of the property.
The property is zoned Residential -160,
so minimum lot size is 160,000 square feet.
You can see to the north -- all around that
is also Residential -160. To the northeast is

♀

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

Suffolk County Planning Commission 5/6/09 105
Residential -80, so it's half -- half a lot
size.
So the proposed subdivision is for five
lots. Each lot is between 161- and 197,000
square feet. Subtracting the mapped
freshwater wetlands, it's 160,000 square feet
or greater, which is required by the Village
of East Hampton planning -- zoning board.
There's also a 5.2-acre conservation
easement. That's the darker shade that runs
along Lily Pond right there (indicating).
And then to the east of that, also running
north/south, is a viewshed easement; that's
4.5 acres. The conservation easement is
125 feet, or in some places a little greater,
from the edge of the mapped freshwater
wetlands; and then the viewshed easement runs
north and south along -- kind of along a few
of the properties.
All of the lots have frontage on
Apaquogue Road, and there's not proposed
driveways yet.
SECRETARY ESPOSITO: What approximately
is the distance from where the lot is

♀

1 Suffolk County Planning Commission 5/6/09 106
2 proposed to the edge of the wetlands area?
3 MR. CORRAL: Right. Well, the lots --
4 SECRETARY ESPOSITO: On average.
5 MR. CORRAL: Yeah. The lots --
6 SECRETARY ESPOSITO: That may vary.
7 MR. CORRAL: -- run all the way to the
8 wetlands, but the --
9 SECRETARY ESPOSITO: I see 5 does.
10 MR. CORRAL: Right.
11 CHAIRMAN CALONE: The building envelop,
12 yes.
13 MR. CORRAL: The building envelops --
14 it's 125 feet to the edge of the conservation
15 easement --
16 SECRETARY ESPOSITO: Okay.
17 MR. CORRAL: -- and then the building
18 envelops approximately 175 square feet to the
19 east.
20 SECRETARY ESPOSITO: Is that edging --
21 as it comes down further south along this, it
22 gets less and less.
23 MR. CORRAL: Right. The bottom south
24 lot there (indicating), is -- is a little bit
25 less than 200 feet, but it's above all of the

♀

1 Suffolk County Planning Commission 5/6/09 107
2 building envelops (inaudible).

3 CHAIRMAN CALONE: But --
4 SECRETARY ESPOSITO: Now, you just
5 said --
6 CHAIRMAN CALONE: Just a question, when
7 you said 200 feet --
8 SECRETARY ESPOSITO: No, you didn't mean
9 that.
10 CHAIRMAN CALONE: Hold on a second.
11 When you said -- well, how far is the
12 building envelop from lot 5 from the -- from
13 the water?
14 MR. CORRAL: I believe -- I believe
15 it's over 150 feet, and a little less than
16 200 feet.
17 SECRETARY ESPOSITO: Well, you said the
18 first one was 125, how could the --
19 CHAIRMAN CALONE: Well, I think --
20 SECRETARY ESPOSITO: -- last one be 200?
21 What -- I might not have --
22 CHAIRMAN CALONE: No, he said from the
23 conservation easement --
24 MR. CORRAL: Yeah.
25 CHAIRMAN CALONE: -- it was --

♀

1 Suffolk County Planning Commission 5/6/09 108
2 MR. CORRAL: Yeah.
3 COMMISSIONER HOLMES: The conservation
4 easement.
5 SECRETARY ESPOSITO: Oh, okay.
6 MR. CORRAL: The -- the border of the
7 conservation easement to the -- the mapped

may final.txt

8 freshwater wetlands is at least 125 feet.

9 CHAIRMAN CALONE: We asked two different
10 questions, actually.

11 SECRETARY ESPOSITO: Okay.

12 CHAIRMAN CALONE: I asked to the water,
13 not to --

14 SECRETARY ESPOSITO: Oh, okay.

15 CHAIRMAN CALONE: So, obviously, on the
16 map, it's a very minimal distance from the
17 building envelop to the conservation easement
18 itself.

19 MR. CORRAL: In -- in lot 5.

20 CHAIRMAN CALONE: Right. In lot 5,
21 right.

22 DEPUTY DIRECTOR GULIZIO: John, just to
23 be clear --

24 MR. CORRAL: Yeah.

25 DEPUTY DIRECTOR GULIZIO: -- there's

♀

1 Suffolk County Planning Commission 5/6/09 109
2 three lines. The dark line is the line of
3 the wetlands, which is closest to the pond --

4 MR. CORRAL: That's right here
5 (indicating).

6 DEPUTY DIRECTOR GULIZIO: -- and there's
7 a --

8 SECRETARY ESPOSITO: Oh, okay.

9 DEPUTY DIRECTOR GULIZIO: -- scenic
10 easement adjacent to that?

11 MR. CORRAL: The conservation easement

12 is right here (indicating), that's the border
13 of it, and that runs from here to the mapped
14 freshwater wetlands (indicating). Then
15 there's viewshed easement of the conservation
16 easement still going --

17 SECRETARY ESPOSITO: Okay.

18 DEPUTY DIRECTOR GULIZIO: Thank you.

19 CHAIRMAN CALONE: Okay.

20 MR. CORRAL: So in terms -- the lots
21 conform with the town zoning and the New York
22 State DEC wetlands regulations. All the lots
23 have access to roads.

24 From this -- from the planning
25 department's point of view, the -- we

†

1 Suffolk County Planning Commission 5/6/09 110
2 recommend approval of the subdivision with
3 the following condition. And that is, and
4 I'll just read it, that one lot in this
5 subdivision shall be set aside as affordable
6 in accordance with the Suffolk County
7 Planning Commission Guidelines on Affordable
8 Housing.

9 We also have a comment --

10 CHAIRMAN CALONE: Go ahead, I'm
11 listening.

12 MR. CORRAL: We also have a comment,
13 just to remind them as we've been doing with
14 subdivisions, about the New York State
15 Affordable Housing Law. That doesn't apply
16 to this one, though, in their approval.

may final.txt

17 CHAIRMAN CALONE: And it doesn't apply
18 because of the timing of it --

19 MR. CORRAL: Right.

20 CHAIRMAN CALONE: -- I believe; right?

21 MR. CORRAL: Right.

22 CHAIRMAN CALONE: Okay.

23 Thank you, John.

24 Mr. Potter, this is your neck of the
25 woods, would you like to give us --

†

1 Suffolk County Planning Commission 5/6/09 111

2 COMMISSIONER POTTER: It is.

3 CHAIRMAN CALONE: -- some background on
4 it. Comments.

5 COMMISSIONER POTTER: This is a -- as
6 I'm new on the Commission, this is a case
7 where I have to remind myself I'm not a town
8 or village planning board member, but I'm a
9 Commission member. So I -- I -- just to get
10 this off my chest, if I were on the village
11 planning board, I would vote against this
12 map. I think that it really should have been
13 clustered. It's a very beautiful, special
14 place. It should have been significantly
15 large -- actual set asides of reserve areas.
16 And it does not in any way protect the views
17 from the long side where all the houses are
18 strung along Apaquogue Road, which is a
19 beautiful view through the field --

20 CHAIRMAN CALONE: Right.

21 COMMISSIONER POTTER: -- down to the
22 pond. And, actually, this lot 5 -- thank you
23 for pointing -- asking that question. If you
24 look at it, also blocks the view, which I
25 under- -- most of the view from the lower end

♀

1 Suffolk County Planning Commission 5/6/09 112
2 of Apaquogue. It's the same road down in the
3 corner. So, you know, just from a local
4 perspective, I think it's unfortunate.

5 This had a 30-year term easement with
6 the Peconic Land Trust which ran out, and the
7 problem here -- and now, let me address --
8 segue into actually what we're here to do.

9 This is probably arguably some of the
10 most valuable real estate in the United
11 States anywhere. It's extraordinary. Each
12 one of these lots could easily be worth 6 or
13 \$8 million a piece. So the chances of the
14 county or the town or the village buying any
15 of these for protection is fairly low. There
16 may be the chance that this family ultimately
17 will not proceed with this development and
18 protect some of it themselves.

19 So now -- this here is where I need your
20 guidance. I think that the -- my concern
21 with our condition, one lot in the
22 subdivision shall be set aside as affordable,
23 I think it's clear that the village planning
24 board will have no problem overriding that
25 requirement. And if -- if really a five-acre

♀

1 Suffolk County Planning Commission 5/6/09 113
2 lot worth \$6 million for affordable housing
3 is kind of a slam dunk for an override -- so
4 I would ask you, is there an -- so that we
5 don't get nothing, is there an alternative
6 here that would perhaps be palatable to the
7 village planning board and ultimately to the
8 owners where we could generate something for
9 some affordable housing in the village?
10 CHAIRMAN CALONE: Good -- good point.
11 DIRECTOR ISLES: (Indicating)
12 CHAIRMAN CALONE: Director Isles.
13 DIRECTOR ISLES: Okay. Well, the
14 Commission Guidelines adopted in January do
15 provide an alternative -- or, actually, two
16 alternatives. One would be the option for
17 the off-site development of affordable
18 housing; the third option would be a payment
19 in lieu of --
20 COMMISSIONER BOLTON: Right.
21 DIRECTOR ISLES: -- the on-site or
22 off-site affordable housing.
23 The priority of the Commission, as
24 expressed in the guidelines, was to have it
25 on-site to integrate affordable housing

♀

1 Suffolk County Planning Commission 5/6/09 114
2 throughout the hamlets in Suffolk County;

3 but, here again, those other options were
4 discussed.

5 I believe that's what's alluded to in
6 the second paragraph of the condition. If
7 the Commission would like us to make that a
8 little more explicit, we certainly can. This
9 is the --

10 COMMISSIONER BOLTON: Yeah.

11 DIRECTOR ISLES: -- new language we've
12 been developing for --

13 COMMISSIONER POTTER: Yeah. I -- I
14 think that -- particularly because I'm sure
15 East Hampton Village has never probably dealt
16 with this rule at all, if the second sentence
17 could actually, as specifically as possible,
18 lay out what the options would be.

19 Maybe you could tell us, Tom, what --
20 what would -- would that -- what kind of
21 money would be involved, or would it be
22 buying a -- a vacant lot in the village, or
23 what sorts of alternatives are there?

24 CHAIRMAN CALONE: Yeah, we usually --
25 the trick here from the county perspective

♀

1 Suffolk County Planning Commission 5/6/09 115
2 is, of course, conveying the value that
3 affordable housing needs to be a piece of
4 every development, but at the same time
5 leaving it to the localities as to the
6 intricacies and nuances of the particular
7 project, particular -- particular land.

8 So -- and, actually, that's one reason
9 why we have our task force, quite frankly,
10 that's Constantine's leading, to put together
11 some guidance for the villages of how you
12 would put together an in lieu of formula to
13 begin with. We don't have that yet.

14 But what we can say to them, along the
15 lines of your comment is, you know, we put
16 together these guidelines which do provide
17 for alternatives, and we could list those two
18 alternatives that Tom mentioned that -- the
19 off-site or some kind of in lieu of -- in
20 lieu of fee as well.

21 So, I don't know, do you have any
22 thoughts on that or --

23 COMMISSIONER ROBERTS: (Indicating)

24 CHAIRMAN CALONE: Sure, Barbara.

25 COMMISSIONER ROBERTS: I would strongly

♀

1 Suffolk County Planning Commission 5/6/09 116
2 recommend that we use just the general
3 language that's specifically in our
4 guidelines.

5 But, Job, I'd also like to come back
6 more on the preservation trust. Is there
7 anything that you could imagine us putting in
8 to encourage something more along those
9 lines; and would it be appropriate also to
10 raise that in this instance that we might,
11 you know, not require affordable housing if

12 there was a movement to preservation?
13 VICE CHAIRMAN KONTOKOSTA: I don't -- I
14 don't think --
15 COMMISSIONER HOLMES: No, we can't
16 expect --
17 VICE CHAIRMAN KONTOKOSTA: -- I, for
18 one, would not want to get into that --
19 COMMISSIONER ROBERTS: Okay.
20 VICE CHAIRMAN KONTOKOSTA: -- trade
21 off --
22 COMMISSIONER ROBERTS: Yup.
23 VICE CHAIRMAN KONTOKOSTA: -- between
24 environmental protection and affordable
25 housing. I think it comes down too much to

♀

1 Suffolk County Planning Commission 5/6/09 117
2 that, and to quantify that directly, I think
3 is a bad precedent.
4 COMMISSIONER HOLMES: (Indicating)
5 CHAIRMAN CALONE: Commissioner Holmes.
6 COMMISSIONER HOLMES: I agree, we can't
7 speculate on what they might do. But I
8 believe Job mentioned that there was a
9 30-year preservation plan with the Peconic
10 Land Trust which has expired?
11 COMMISSIONER POTTER: Expired, correct.
12 COMMISSIONER HOLMES: So that's done.
13 And I -- I feel quite strongly that the point
14 Job raised about scenic overview, is
15 California possibly the only state which
16 allows people to take someone to court when

17 they block neighbors' scenic overview?
18 But -- I mean that's a very important thing
19 when this is a beautiful spot, where everyone
20 has enjoyed the scenery.

21 I would rather see us suggest
22 clustering. I think that would be a very
23 useful suggestion, pointing out that it would
24 preserve the scenic overview, which really is
25 incredibly important to people.

†

1 Suffolk County Planning Commission 5/6/09 118

2 CHAIRMAN CALONE: Well, we certainly --
3 as Job pointed out, we can't vote for --
4 against this in that regard, but we certainly
5 can put on a condition or comment --

6 COMMISSIONER BOLTON: Comment.

7 CHAIRMAN CALONE: -- in that regard.

8 COMMISSIONER BRAUN: Comment.

9 COMMISSIONER ROBERTS: Comment.

10 COMMISSIONER BRAUN: I think that's a
11 comment.

12 CHAIRMAN CALONE: If that's the will of
13 the Commission, we can make that a comment --

14 COMMISSIONER HOLMES: For them to
15 consider --

16 CHAIRMAN CALONE: -- that, you know, we
17 do see --

18 COMMISSIONER HOLMES: -- clustering.

19 CHAIRMAN CALONE: -- this particular
20 layout as being, you know --

21 COMMISSIONER HOLMES: I deal for
22 clustering in order to preserve the scenic
23 overview.

24 CHAIRMAN CALONE: All right. I think
25 that's --

♀

1 Suffolk County Planning Commission 5/6/09 119

2 COMMISSIONER BOLTON: (Indicating)

3 CHAIRMAN CALONE: -- that's an
4 original --

5 Charla, do you have a comment about
6 that?

7 COMMISSIONER BOLTON: I have -- yes.

8 CHAIRMAN CALONE: Okay. Then please go
9 ahead.

10 COMMISSIONER BOLTON: Actually, with
11 respect to the conservation easement plan as
12 it's depicted now.

13 CHAIRMAN CALONE: Okay.

14 COMMISSIONER BOLTON: I would say -- I
15 would -- based on my experience in the Town
16 of Huntington, when you put lot lines through
17 conservation easements, it encourages people
18 to not observe that conservation easement,
19 and to use it for additional accessory uses
20 such as swimming pools, et cetera, et cetera.
21 It's very hard to regulate. And I think for
22 that reason, I would prefer to see a cluster
23 plan that formally designates the common
24 area, so to speak, and protects it in some
25 better way than this. Because I just don't

♀

1 Suffolk County Planning Commission 5/6/09 120
2 see the compliance in the future.
3 CHAIRMAN CALONE: Okay. That's a good
4 point.
5 COMMISSIONER HORTON: (Indicating)
6 CHAIRMAN CALONE: I want to just stay on
7 this until we kind of resolve this.
8 Josh, is your comment related to this
9 issue generally?
10 COMMISSIONER HORTON: Yes.
11 CHAIRMAN CALONE: Good.
12 COMMISSIONER HORTON: I have two points,
13 just let me know when I can --
14 CHAIRMAN CALONE: Go for it.
15 COMMISSIONER HORTON: On the note of
16 clustering, I'm not quite sure our role in
17 making suggestions, you know, if -- if
18 there's -- if a -- a project is within the
19 confines of -- of, you know, the zoning
20 and -- and what have you, that, you know --
21 if -- if it's allowed by zoning. You know,
22 obviously, our comments are -- are important
23 suggestions, but I think if we were to make a
24 comment about clustering -- and I'm not
25 suggesting that we do, but if we were to go

♀

1 Suffolk County Planning Commission 5/6/09 121
2 down that road, I think -- you know,

3 viewsheds are fine, they're nice, they have
4 their place in society. But I think that,
5 you know, the stronger argument might be the
6 potential for land to be put back into
7 agriculture, from a -- you know, from an
8 agricultural industry perspective. I
9 understand that it hasn't been for quite some
10 time. And perhaps five clustered homes --
11 Lily Pond and East Hampton might not want
12 agriculture. But I think there is -- I think
13 that's probably the strongest argument to be
14 made about, you know, promoting clustering.
15 And, quite frankly, that's really the genesis
16 of clustering on the East End, was to
17 preserve as much farmland as possible, and
18 viewsheds are an ancillary benefit of
19 farmland.

20 CHAIRMAN CALONE: Right. Well, we could
21 certainly, in the context of a comment about
22 clustering, say that the rationale for that
23 is, you know, the viewsheds, but also to
24 maintain the future viability of --

25 COMMISSIONER HORTON: If that's --

♀

1 Suffolk County Planning Commission 5/6/09 122

2 CHAIRMAN CALONE: -- agriculture.

3 COMMISSIONER HORTON: -- realistic, I'm
4 just making that point.

5 CHAIRMAN CALONE: Right. No, I think
6 it's a good point.

7 Any other thoughts on this issue?

8 SECRETARY ESPOSITO: (Indicating)

9 CHAIRMAN CALONE: Adrienne.

10 SECRETARY ESPOSITO: Well, this is
11 the -- you know, to me, at the risk of making
12 John jump out of his seat, this is the -- you
13 know, the kind of development that is, you
14 know, a little heartbreaking. Because I
15 would venture to guess, and it's a guess,
16 that the village residents are not seeing
17 this as gaining five more million dollars
18 homes, but rather seeing it as a loss of a
19 vista and -- and a pond area and a natural
20 area that has been, you know, a part of their
21 community for decades.

22 So -- and I don't know what we could --
23 I agree with Josh's comments and -- and of
24 course Job's, which is, you know, this could
25 be laid out better, it could be done better

♀

1 Suffolk County Planning Commission 5/6/09 123
2 in order to preserve -- add greater detail in
3 preserving the wetlands and also the
4 integrity of the pond, and we'd, you know,
5 look to see how we could do that. But this
6 is -- you know, I -- I think it's problematic
7 as far as the long-term preservation of that
8 area concerned.

9 The second thing just to mention is,
10 that area's been farmed for potatoes -- used
11 as a potato farm for so long, you know, the

12 residents would probably want to do some soil
13 testing before they moved in, because that's
14 probably pretty much saturated with a variety
15 of pesticides.

16 CHAIRMAN CALONE: Well, it's certainly
17 true that -- well, again, I think this is an
18 as-of-right --

19 DIRECTOR ISLES: Yes.

20 CHAIRMAN CALONE: -- development, so
21 that's, you know, another thing, obviously,
22 that balances on the other side.

23 COMMISSIONER BRAUN: (Indicating)

24 COMMISSIONER KELLY: (Indicating)

25 CHAIRMAN CALONE: Bob, and then Mike.

♀

1 Suffolk County Planning Commission 5/6/09 124

2 COMMISSIONER BRAUN: Yeah, a real quick
3 question.

4 What is the reserved area in the
5 northeast part of this?

6 THE REPORTER: What is the reserve
7 area --

8 COMMISSIONER BRAUN: In the northeast.

9 DIRECTOR ISLES: In the northeast.

10 SECRETARY ESPOSITO: In the northeast.

11 COMMISSIONER BRAUN: In the northeast,
12 that little tail sticking down that looks --

13 MR. CORRAL: This (indicating)?

14 COMMISSIONER BRAUN: -- like Florida
15 sort of.

16 Yeah.

17 MR. CORRAL: It -- it used to -- there
18 used to be two very small lots in this
19 northeast area; one was here, the other was
20 here (indicating). So they -- they -- in the
21 negotiations with the village, those two lots
22 were added so that the reserve area, it has
23 the same -- it falls in under with the
24 conservation easement and the viewshed
25 easement.

†

1 Suffolk County Planning Commission 5/6/09 125

2 COMMISSIONER BRAUN: And who's going to
3 have title to that?

4 MR. CORRAL: The -- the way it was
5 proposed in the application is it would be a
6 common --

7 COMMISSIONER BRAUN: Like a homeowners'
8 association?

9 MR. CORRAL: Yeah, like a homeowners' --
10 so each of the five lots would be
11 responsible --

12 SECRETARY ESPOSITO: They can't build on
13 that area anyway, can they?

14 MR. CORRAL: No.

15 SECRETARY ESPOSITO: No.

16 COMMISSIONER HOLMES: If it's reserved,
17 no.

18 MR. CORRAL: Right.

19 COMMISSIONER BRAUN: No, but I just -- I
20 want to know who's responsible for it.

21 SECRETARY ESPOSITO: Right.

22 CHAIRMAN CALONE: Sure. It's a fair
23 question.

24 Okay. Mike, did you want to say
25 anything? You were --

♀

1 Suffolk County Planning Commission 5/6/09 126

2 COMMISSIONER KELLY: Yeah, just going
3 along your comment in terms of the
4 as-of-right development that this landowner
5 has, and, Job, maybe you can explain. Is it
6 the same owner as when the property was with
7 the trust?

8 COMMISSIONER POTTER: Yeah, same family.

9 COMMISSIONER KELLY: Same family.

10 Okay. So, obviously, the -- the
11 landowner has worked with the -- with the
12 preservation trust in the past, and, you
13 know, now he's going back to his as-of-right
14 development. You know, he's -- he is taking
15 quite a bit of a -- of a loss in terms of
16 if -- if this was clustered, there -- there
17 would have -- I would imagine there would
18 have to be some type of compensation.
19 Because you -- you go from a \$6 million lot,
20 you're estimating right now, if he clustered
21 this, those lots would be worth significantly
22 less. So that's something that I think we --

23 CHAIRMAN CALONE: True.

24 COMMISSIONER KELLY: I wouldn't want to
25 go down that road and try to put a value on

♀

1 Suffolk County Planning Commission 5/6/09 127

2 that.

3 COMMISSIONER CARACCILO: (Indicating)

4 CHAIRMAN CALONE: I understand.

5 Okay. Mr. Caracciolo.

6 COMMISSIONER CARACCILO: Adrienne is so
7 correct that things like this do make me jump
8 out of my seat. Because you have a landowner
9 that has the property for 30 years, obviously
10 worked with the town, preserved it, and now
11 this is his right to develop his property.

12 And, you know, are we a board that can
13 infringe on his right when -- when, in fact,
14 everything is in -- in place and is -- is to
15 the law. But Job brings up a great point.

16 So maybe our alternative, Adrienne,
17 because I, too, do like a view, is send it
18 back for local determination, because Job
19 does bring up a great point. And it seems
20 like East Hampton knows more about this than
21 we do. We look at it as -- you know, our
22 staff looks at it with the law, with zoning,
23 and with everything in place, and yes, it --
24 it should be passed, but there is a very
25 strong local concern on the East End, and

♀

1 Suffolk County Planning Commission 5/6/09 128

2 it's great to have somebody from East Hampton

3 here to represent that because --
4 COMMISSIONER POTTER: Thank you, John.
5 COMMISSIONER CARACCILO: -- if Job
6 wasn't here, I think it would have been
7 (indicating) --
8 Maybe we do send it back for local
9 determination.
10 MR. CORRAL: If I could just mention
11 just --
12 CHAIRMAN CALONE: Please, John.
13 MR. CORRAL: -- something about the
14 ownership.
15 In 1977, that 30-year conservation -- or
16 viewshed easement was placed on the land to
17 the Village of East Hampton. The owner then
18 died and the property was given to his
19 family. So -- so his family --
20 COMMISSIONER CARACCILO: Still, it's --
21 you know, it's in the family and the family
22 made that deal with the town --
23 CHAIRMAN CALONE: Right.
24 COMMISSIONER CARACCILO: -- and you've
25 got to -- they honored that deal.

♀

1 Suffolk County Planning Commission 5/6/09 129
2 CHAIRMAN CALONE: And -- and that's been
3 pointed out, there is as-of-right. And then
4 there is -- there is -- the -- the result of
5 that is that the town either -- the village
6 can buy the land or we can maybe, you know,
7 make some recommendations that there be some

may final.txt

8 negotiation with the applicant with regard to
9 clustered zoning. But -- excuse me,
10 clustered plan. But yes --

11 COMMISSIONER HOLMES: I'm confused, I
12 thought Commissioner Potter said that there
13 was -- what I had thought he was talking
14 about was an option with the Peconic Land
15 Trust.

16 COMMISSIONER POTTER: (Head gesture)

17 SECRETARY ESPOSITO: No.

18 COMMISSIONER HOLMES: No, there was --

19 COMMISSIONER BOLTON: No.

20 SECRETARY ESPOSITO: No.

21 COMMISSIONER HOLMES: -- an easement of
22 which expired.

23 SECRETARY ESPOSITO: It's done.

24 COMMISSIONER POTTER: It was a --

25 COMMISSIONER HOLMES: And why did it

♀

1 Suffolk County Planning Commission 5/6/09 130
2 expire? Was there a --

3 COMMISSIONER POTTER: It was written
4 as -- it was a --

5 COMMISSIONER HOLMES: As a term --

6 COMMISSIONER POTTER: -- term -- term
7 easement with a 30-year term --

8 COMMISSIONER HOLMES: With 30 years.

9 CHAIRMAN CALONE: As part of the future
10 tax planning.

11 COMMISSIONER HOLMES: I see.

12 COMMISSIONER POTTER: You know, which
13 allowed for 30 years of growth --
14 COMMISSIONER HOLMES: I see.
15 COMMISSIONER POTTER: -- value of the
16 property.
17 CHAIRMAN CALONE: Yes. Good move, quite
18 frankly.
19 SECRETARY ESPOSITO: (Indicating)
20 CHAIRMAN CALONE: Commissioner Esposito.
21 SECRETARY ESPOSITO: Are there -- would
22 this be private wells?
23 MR. CORRAL: No --
24 COMMISSIONER POTTER: Public water.
25 MR. CORRAL: -- it's public.

†

1 Suffolk County Planning Commission 5/6/09 131
2 SECRETARY ESPOSITO: It's public water.
3 COMMISSIONER HORTON: And you've got a
4 whole pond right there.
5 SECRETARY ESPOSITO: Thanks, Josh.
6 Helpful.
7 CHAIRMAN CALONE: The issue with local
8 determination would be that we would not be
9 able to convey some of these, you know,
10 comments. So, I mean, I think --
11 COMMISSIONER CARACCILO: We could
12 always do local determination with comments,
13 they just don't have to at that point --
14 you're -- you're not talking about a comment,
15 you're talking more about a requirement.
16 CHAIRMAN CALONE: Yeah, that's right.

17 There is -- you -- you're right in the sense
18 that the staff is recommending one condition,
19 that being the affordable housing condition.
20 So if we do local determination, obviously,
21 we can't do -- there's no condition.

22 COMMISSIONER CARACCILO: We can do a
23 comment.

24 CHAIRMAN CALONE: That would have to
25 become a comment.

†

1 Suffolk County Planning Commission 5/6/09 132

2 COMMISSIONER CARACCILO: Correct.

3 COMMISSIONER POTTER: Could I --

4 CHAIRMAN CALONE: Yes, sir.

5 COMMISSIONER POTTER: Do you mind if I
6 sort of pull this together from what I'm
7 hearing?

8 SECRETARY ESPOSITO: That would be very
9 nice.

10 CHAIRMAN CALONE: That would be fine.

11 COMMISSIONER POTTER: Just because I'm
12 running out to pick up a child an hour and a
13 half away.

14 I would be greatly appreciative if we
15 could put in a -- in our comments kind of a
16 sense of -- of the Commission with respect to
17 the viewshed and to the clustering idea,
18 bring in the -- the agricultural -- put those
19 points as -- as a comment, which they're free
20 to ignore. And then in the conditions,

♀

1 Suffolk County Planning Commission 5/6/09 134
2 CHAIRMAN CALONE: -- future
3 possibilities in the viewsheds.
4 COMMISSIONER POTTER: Right. And if
5 they do nothing with it, that's up to them.
6 CHAIRMAN CALONE: Well, that's always
7 the case; right?
8 Are you making that motion?
9 COMMISSIONER POTTER: Yes, I am.
10 CHAIRMAN CALONE: All right. That's the
11 motion.
12 COMMISSIONER HOLMES: I'll second it.
13 CHAIRMAN CALONE: Seconded by
14 Commissioner Holmes.
15 All in favor of adopting approval of the
16 subdivision with the condition indicated and
17 the comment indicated, please raise your
18 hand.
19 (WHEREUPON, the members voted.)
20 CHAIRMAN CALONE: We have 11.
21 Opposed?
22 (WHEREUPON, there was no response.)
23 CHAIRMAN CALONE: Abstentions?
24 MR. KELLY: I'm not an abstention, but
25 I'm opposed.

♀

1 Suffolk County Planning Commission 5/6/09 135
2 CHAIRMAN CALONE: Opposed. Okay.

may final.txt

3 SECRETARY ESPOSITO: A little late.
4 CHAIRMAN CALONE: That's okay.
5 So it's 11 to 1, and that passes.
6 Thank you.
7 COMMISSIONER POTTER: Thank you. I have
8 to run.
9 CHAIRMAN CALONE: Thank you, Job.
10 COMMISSIONER POTTER: Thank you,
11 everybody.
12 SECRETARY ESPOSITO: Thank you.
13 CHAIRMAN CALONE: And thank you for
14 taking the hour and a half drive to be here.
15 COMMISSIONER HOLMES: I hope you get
16 there in time.
17 COMMISSIONER POTTER: Oh, he'll be all
18 right.
19 CHAIRMAN CALONE: Okay. We're going to
20 move quickly on to the next thing, which is
21 the Bellport Animal Hospital.
22 I think, Ted, you're up on that.
23 MR. KLEIN: Yes.
24 COMMISSIONER BRAUN: Quickly, Ted.
25 CHAIRMAN CALONE: Yes, Ted, quickly.

♀

1 Suffolk County Planning Commission 5/6/09 136
2 MR. KLEIN: Okay.
3 THE REPORTER: Not too quickly.
4 CHAIRMAN CALONE: Not too quickly, but
5 quickly.
6 MR. KLEIN: On the Bellport Animal
7 Hospital, it is referred to us by the Town of
Page 116

8 Brookhaven. It is located on the south
9 side -- South Service Road of Sunrise Highway
10 between Route 112 and Hospital Road -- here
11 we go -- and also between the off-ramp of
12 Sunrise Highway, which is right here
13 (indicating), and then there's Hewlett --
14 Hewlett Road.

15 Jurisdiction for review is State
16 Route 27, Sunrise Highway, and Brookhaven
17 Hospital heliport.

18 The application is considered by the
19 staff a matter of regional significance
20 because the nature of the proposal is
21 incompatible with the Town of Brookhaven's
22 Comprehensive Plan 2030 and the County of
23 Suffolk's Sunrise Highway Corridor Study.

24 The applicant is seeking a change of
25 zone from A-1 Residence to J-2 Business of a

♀

1 Suffolk County Planning Commission 5/6/09 137
2 two -- of a two-acre rectangular-shaped
3 parcel in order to get site plan approval for
4 a veterinarian hospital.

5 The subject parcel is currently improved
6 with two modular homes and a garage. It is
7 not located in a critical environmental area.

8 Prior to this current application, the
9 Commission has disapproved two prior requests
10 for changes of zone to J-2/J-5 Business in
11 2002, and all J-2 -- J-5 Business -- J-5

12 Business in 2004 in order to put up a
13 proposed gas station.

14 Phase I of the town's comprehensive plan
15 does not make any recommendations specific to
16 the subject property. However, the change of
17 zone application is inconsistent with some of
18 the goals stated in the plan; particularly
19 maintaining a sense of place and supporting
20 main street development.

21 The County Department of Planning's
22 Sunrise Highway Corridor Study identified six
23 major commercial nodes along Sunrise Highway
24 which would remain as principal retail
25 locations, whether with infilling or

♀

1 Suffolk County Planning Commission 5/6/09 138
2 expansion of that commercial development, and
3 that commercial development outside of these
4 nodes should be avoided.

5 The subject property is located outside
6 of these commercial nodes, and therefore the
7 proposed change of zone to J-2, which is
8 considered one of the most permissible by the
9 Town of Brookhaven, would be inconsistent
10 with the recommendations of that study.

11 It is the belief of the staff that the
12 proposed change of zone would tend to
13 substantially undermine the effectiveness of
14 the regional land use planning in the area.

15 Can we go --

16 MR. CORRAL: (Compl ying)
Page 118

17 MR. KLEIN: That's the site
18 (indicating), and that's a shot of the
19 site --

20 CHAIRMAN CALONE: It's probably the most
21 visible thing you see on Sunrise Highway.

22 SECRETARY ESPOSITO: It's the only
23 thing.

24 MR. KLEIN: In fact, the town has
25 recently approved, by its own motion, a

†

1 Suffolk County Planning Commission 5/6/09 139
2 change of zoning for two large parcels to the
3 west of the subject property. The town
4 changed the zone from J-2 Business to A-1
5 Residence and L-1 Light Industrial, a 50/50
6 split zone, which is proposed for development
7 by St. Joseph's as a college athletic complex
8 under the A-1 Residence zone via special
9 permit.

10 Can you show the next --

11 MR. CORRAL: (Compl ying)

12 MR. KLEIN: There's -- there is the
13 overall zoning on the parcel (indicating),
14 and you can see the two parcels to the west
15 have been rezoned. St. Joseph's is being
16 developed under a more restrictive A-1 zoning
17 per the town's 75 percent rule, but in there
18 was a future proposal for a change of use to
19 be -- on the permitted L-1 Light Industrial
20 zone, the A-1 Residence zoned portion would

21 have to be then dedicated to the town for
22 open space. According to the information
23 provided by the town, the portion of the
24 St. Joseph's property which abuts the subject
25 property parcel is the portion that is now

♀

1 Suffolk County Planning Commission 5/6/09 140
2 zoned Light Industrial.

3 So this is the part that is zoned Light
4 Industrial (indicating).

5 John, can you go to the next slide,
6 please.

7 MR. CORRAL: (Compl ying)

8 MR. KLEIN: Here we go.

9 This is the St. Joseph parcel
10 (indicating). The white area is zoned L-1
11 Light Industrial, and the shaded area is
12 zoned Residential 1 (indicating). This is
13 the subject parcel up here (indicating).

14 The next slide, John, please.

15 MR. CORRAL: (Compl ying)

16 MR. KLEIN: This slide shows the
17 proposed development of the St. Joseph's
18 Sports Complex (indicating). It's not part
19 of this application, but I'm -- I'm showing
20 it for information purposes.

21 I would like to point out also that --
22 to the Commission that other than J-2
23 Business, the Light Industrial zone is the
24 only other zoning classification in the Town
25 of Brookhaven which permits a veterinary

♀

1 Suffolk County Planning Commission 5/6/09 141
2 hospital use, along other -- other viable
3 non-retail uses.

4 J-2 Business is inconsistent with the
5 recommendations of the Sunrise Highway
6 Corridor Study which recommends reinforcing
7 the six major commercial nodes and not
8 creating new ones. Also, according to the
9 study, the expansion of potential retail uses
10 outside the existing nodes does not appear to
11 be warranted given the limited population
12 growth in the area, which is only 6 percent
13 from 2000 to 2006.

14 Also, please note, J-2 Business permits
15 a wide range of general commercial uses.
16 Neither the applicant nor the municipality
17 has indicated that the proposed action would
18 provide a substantial community benefit.

19 The abutting lands to the west have
20 recently been zoned -- rezoned not to permit
21 commercial uses, and preliminary findings of
22 the town's comprehensive plan has indicated
23 that the J-2 Business zone at this location
24 should be avoided.

25 The proposed change of zone could

♀

1 Suffolk County Planning Commission 5/6/09 142
2 potentially introduce new retail use like a

3 shopping center at this location, which is
4 neither warranted or desired if the proposed
5 animal hospital does not remain on the
6 parcel. This could possibly harm the
7 vitality of the downtown business districts,
8 of the central business districts, and other
9 existing shopping centers along Sunrise
10 Highway by siphoning off business of their
11 existing customer base. A future retail use
12 or shopping center on this location could
13 also adversely affect motor vehicle patterns
14 and significantly increase traffic volume
15 along this portion of the South Service
16 Roadway.

17 Staff recommends disapproval for the
18 following reason:

19 The proposed change of zone to J-2 and
20 potential future use of the parcel for
21 commercial purposes would be inconsistent
22 with the findings of the Sunrise Highway
23 Corridor Study drafted by the County of
24 Suffolk Department of Planning, and the Town
25 of Brookhaven's Comprehensive Plan, which

♀

1 Suffolk County Planning Commission 5/6/09 143
2 both indicate that a future retail/commercial
3 use at this location would not be
4 appropriate.

5 And, also --

6 CHAIRMAN CALONE: Okay.

7 MR. KLEIN: -- staff would like to add a
Page 122

8 suggestion.

9 It is suggested that the following
10 comment pertaining to this proposed zoning
11 action be offered to the town board for its
12 consideration and use:

13 A reasonable alternative to this
14 proposal may be to approve a change of zone
15 of the subject parcel to L-1 Light
16 Industrial, which would permit the proposed
17 veterinary hospital. This alternative change
18 of zoning would also be contiguous with
19 the -- the other Light Industrial zoning
20 lands directly to the west, and would not
21 allow for a future retail/commercial use on
22 the property.

23 CHAIRMAN CALONE: Thank you, Ted.

24 Appreciate it.

25 So the bottom line, there's an

♀

1 Suffolk County Planning Commission 5/6/09 144
2 alternative here, another -- a different zone
3 classification that would make sure that
4 there are no alternative uses other than the
5 veterinary hospital, as opposed to the one
6 that is being proposed; right?

7 MR. KLEIN: Well, the alternative would
8 not permit retail use which is --

9 CHAIRMAN CALONE: Which is the
10 concern --

11 COMMISSIONER BOLTON: Yes.

12 CHAIRMAN CALONE: -- and which is
13 inconsistent with the comp plan and, of
14 course, the Sunrise Highway Corridor Study.
15 Okay. Michael, anything else from the
16 Brookhaven perspective on this you want to
17 add?

18 COMMISSIONER HOLMES: He's recusing
19 himself, isn't he?

20 CHAIRMAN CALONE: No, he's -- he's --

21 COMMISSIONER KELLY: No, no, Patch--

22 CHAIRMAN CALONE: -- from Patchogue.

23 COMMISSIONER HOLMES: All right.

24 CHAIRMAN CALONE: Adrienne, I don't know
25 if there's anything you want to add from

†

1 Suffolk County Planning Commission 5/6/09 145
2 being down there. I think -- I think this is
3 probably a pretty well-known parcel.

4 SECRETARY ESPOSITO: (No response)

5 CHAIRMAN CALONE: Any comments or
6 questions --

7 COMMISSIONER BRAUN: A quick question.

8 CHAIRMAN CALONE: Mr. Braun.

9 COMMISSIONER BRAUN: Yes.

10 What other than the veterinary hospital
11 is permissive -- permissible -- permissible in
12 the L-1 zone?

13 In other words, what could they put next
14 to these athletic fields other than this?

15 SECRETARY ESPOSITO: If they --

16 MR. KLEIN: They could put --

17 COMMISSIONER BRAUN: No, if we were
18 to --
19 MR. KLEIN: -- an office, a research
20 development facility -- light industrial -- a
21 bank, daycare, church.
22 COMMISSIONER BRAUN: Okay.
23 Okay. Nothing that would adversely
24 impact on the athletic fields?
25 MR. KLEIN: Well, that zoning on the

†

1 Suffolk County Planning Commission 5/6/09 146
2 athletic fields --
3 SECRETARY ESPOSITO: It's L-1.
4 MR. KLEIN: -- it's the same as what --
5 COMMISSIONER BRAUN: Right. No, it is
6 L-1, but -- we know what it's being used for,
7 I just want to know what they could put next
8 to it if we suggest that that this become L-1
9 as well.
10 SECRETARY ESPOSITO: Okay.
11 MR. KLEIN: Show that -- John, show the
12 sketch of the athletic field.
13 MR. CORRAL: (Compl ying)
14 CHAIRMAN CALONE: Well --
15 MR. KLEIN: It would be abutting the
16 apartment --
17 COMMISSIONER BRAUN: Yeah, there -- in
18 the -- in the northeast corner there.
19 CHAIRMAN CALONE: I think the question
20 was, and I think you've sort of answered

21 it --
22 COMMISSIONER BRAUN: Yeah.
23 CHAIRMAN CALONE: -- that you can put
24 another hospital, you can put a church, you
25 can put some --

♀

1 Suffolk County Planning Commission 5/6/09 147
2 COMMISSIONER BRAUN: Okay.
3 CHAIRMAN CALONE: -- light office --
4 office --
5 SECRETARY ESPOSITO: Right.
6 CHAIRMAN CALONE: -- that kind of thing.
7 DIRECTOR ISLES: Which would not appear
8 to be in conflict --
9 CHAIRMAN CALONE: Right.
10 DIRECTOR ISLES: -- with the other --
11 MR. KLEIN: Not a Starbucks or --
12 CHAIRMAN CALONE: Which aren't in
13 conflict with the athletic use and aren't
14 inconsistent with the comp plan, which is the
15 big issue here --
16 COMMISSIONER BRAUN: Right.
17 CHAIRMAN CALONE: -- right?
18 DIRECTOR ISLES: (Head gesture)
19 CHAIRMAN CALONE: Okay.
20 SECRETARY ESPOSITO: Okay.
21 COMMISSIONER BRAUN: You can move on to
22 the next thing.
23 CHAIRMAN CALONE: Comments --
24 COMMISSIONER KELLY: (Indicating)
25 CHAIRMAN CALONE: -- questions?

♀

1 Suffolk County Planning Commission 5/6/09 148
2 Mr. Kelly.
3 COMMISSIONER KELLY: Is this the
4 previous comp plan? It's not the 2030 plan;
5 right?
6 MR. KLEIN: It's Phase I of the 2030.
7 COMMISSIONER KELLY: Okay. Has that
8 been adopted?
9 DIRECTOR ISLES: No.
10 MR. KLEIN: I don't believe it has --
11 DIRECTOR ISLES: It hasn't been adopted.
12 MR. KLEIN: -- but I got -- no.
13 SECRETARY ESPOSITO: It's not adopted.
14 CHAIRMAN CALONE: It's not adopted.
15 DIRECTOR ISLES: No, it's not.
16 CHAIRMAN CALONE: That's right.
17 It's a good question.
18 The Sunrise Highway Corridor Study has
19 been -- was a project -- a direct project of
20 the -- of the town and -- both towns and the
21 county.
22 DIRECTOR ISLES: Right.
23 CHAIRMAN CALONE: Comments, questions,
24 other considerations?
25 COMMISSIONER TALDONE: (Indicating)

♀

1 Suffolk County Planning Commission 5/6/09 149
2 CHAIRMAN CALONE: Mr. Tal done.

3 COMMISSIONER TALDONE: A quick question.

4 Was the corridor study adopted?

5 DIRECTOR ISLES: It has not been

6 adopted.

7 COMMISSIONER TALDONE: So neither the

8 comp plan or the corridor study that we're

9 citing are adopted?

10 DIRECTOR ISLES: No, they're not

11 adopted. There are recent studies -- the

12 Sunrise Highway study was done as a

13 partnership effort with the county, plus the

14 Town of Brookhaven and the Town of Islip.

15 There is -- finalization right now will be

16 submitted to the towns for consideration.

17 MR. KLEIN: These -- these are

18 consistent with the towns' review of the

19 Sunrise Highway Corridor Study.

20 COMMISSIONER TALDONE: But you said

21 they're inconsistent with the --

22 MR. KLEIN: Avoid --

23 COMMISSIONER TALDONE: -- comp plan --

24 MR. KLEIN: -- avoid the --

25 COMMISSIONER TALDONE: -- is not

♀

1 Suffolk County Planning Commission 5/6/09 150

2 correct.

3 MR. KLEIN: -- commercial retail use at

4 this site.

5 COMMISSIONER TALDONE: Pardon me?

6 MR. KLEIN: To avoid a retail use at

7 this site.

may final.txt

8 COMMISSIONER TALDONE: Under -- assuming
9 it possibly will be adopted in the next plan
10 submitted.

11 DIRECTOR ISLES: Or on the draft plan.

12 COMMISSIONER HOLMES: Proposed --

13 COMMISSIONER TALDONE: The draft plan.

14 COMMISSIONER HOLMES: -- or should we
15 say proposed?

16 COMMISSIONER TALDONE: Okay.

17 CHAIRMAN CALONE: Is there anything
18 that's been adopted that this isn't
19 consistent with?

20 MR. KLEIN: Uh-huh. The change of
21 zoning for the larger parcel to the west, the
22 St. Joseph's Sports Complex --

23 CHAIRMAN CALONE: Yeah.

24 MR. KLEIN: -- that occurred last month
25 where they took the large J-2 and rezoned it

♀

1 Suffolk County Planning Commission 5/6/09 151
2 to A-1 and L-1.

3 CHAIRMAN CALONE: And that's consi- --
4 well, that will -- okay. So that's
5 consistent with the Sunrise Corridor Plan.

6 MR. KLEIN: Uh-huh.

7 CHAIRMAN CALONE: I guess the question
8 was just, is there anything with regard to
9 this particular parcel that -- is there any
10 kind of adopted comp plan that currently
11 over -- you know, impacts that parcel?

12 MR. KLEIN: That -- a change of zoning
13 to J-2 would be inconsistent with the two
14 plans that are drafted --

15 CHAIRMAN CALONE: Right. No, I
16 understand that. I got that.

17 COMMISSIONER BOLTON: But he's saying --

18 CHAIRMAN CALONE: The question is just
19 whether is anything --

20 COMMISSIONER BOLTON: -- an existing
21 plan.

22 CHAIRMAN CALONE: -- putting aside the
23 proposals, because they're only just
24 proposals, is there anything that -- the last
25 comp plan they did --

♀

1 Suffolk County Planning Commission 5/6/09 152

2 DIRECTOR ISLES: The 1996 --

3 COMMISSIONER BOLTON: No.

4 DIRECTOR ISLES: -- Brookhaven plan, was
5 that -- was there any specific recommendation
6 we know of?

7 MR. KLEIN: No, there was a blanket
8 recommendation --

9 THE REPORTER: I can't hear anything.

10 DIRECTOR ISLES: There was a blanket
11 recommendation for an industrial --

12 COMMISSIONER LANSDALE: (Indicating)

13 CHAIRMAN CALONE: Okay.

14 Sarah.

15 DIRECTOR ISLES: So it appears, then,
16 that the 1996 plan did not recommend, to the

17 best of our knowledge, rezoning to retail on
18 this property, and it is without question
19 that a rezoning of this property to retail
20 would be inconsistent with the county-wide
21 retail policy plan that was adopted --

22 CHAIRMAN CALONE: Uh-huh.

23 DIRECTOR ISLES: -- considered and
24 adopted in 2007 as the county-wide plan. And
25 more recent studies, with the active

†

1 Suffolk County Planning Commission 5/6/09 153
2 engagement of the Town of Brookhaven,
3 including a presentation to the Brookhaven
4 Town Board with specific recommendations
5 provided in Appendix A of that report by the
6 Town of Brookhaven directly, this would be
7 inconsistent with that effort as well.

8 COMMISSIONER TALDONE: And I move that
9 we --

10 SECRETARY ESPOSITO: Can we --

11 CHAIRMAN CALONE: Sarah, do you want to
12 add anything?

13 COMMISSIONER LANSDALE: My -- you
14 answered my question on what the current town
15 comprehensive plan says regarding this site.

16 CHAIRMAN CALONE: Okay. I think we've
17 heard that there's a number of --

18 DIRECTOR ISLES: Okay.

19 CHAIRMAN CALONE: -- things to -- that
20 we can hang our hats on here.

21 may final.txt
 Comments, questions?
22 COMMISSIONER TALDONE: (Indicating)
23 CHAIRMAN CALONE: Vince.
24 COMMISSIONER TALDONE: I would just like
25 to ask Tom to repeat that language for the

♀

1 Suffolk County Planning Commission 5/6/09 154
2 record, or make sure that it is in the record
3 because --

4 (Overlapping conversations)
5 CHAIRMAN CALONE: Okay. Okay.
6 There is a county plan that this is
7 inconsistent with, and there is a previous
8 Brookhaven plan which this is at least
9 generally inconsistent with, and there's a
10 Sunrise Corridor Study which Tom was
11 indicating is more than just a vague
12 proposal --

13 DIRECTOR ISLES: Right.

14 CHAIRMAN CALONE: -- it's actually come
15 through some kind of formalized process in --

16 DIRECTOR ISLES: Right.

17 CHAIRMAN CALONE: -- Brookhaven, though
18 it has not been formally adopted.

19 So, with that, what do I hear?

20 COMMISSIONER HOLMES: Vote to adopt the
21 staff report --

22 COMMISSIONER BRAUN: Second.

23 CHAIRMAN CALONE: Moved by --

24 SECRETARY ESPOSITO: I'll second.

25 CHAIRMAN CALONE: Moved by

♀

1 Suffolk County Planning Commission 5/6/09 155
2 Commissioner Holmes, seconded by
3 Commissioner --
4 COMMISSIONER BOLTON: Esposito.
5 CHAIRMAN CALONE: -- Braun.
6 COMMISSIONER BOLTON: Okay.
7 CHAIRMAN CALONE: All in favor of
8 adopting the staff report, and including the
9 staff comment -- the comment suggested by
10 staff, by the way, that there is an
11 alternative here, please raise your hands.
12 (WHEREUPON, the members voted.)
13 CHAIRMAN CALONE: Opposed?
14 (WHEREUPON, there was no response.)
15 CHAIRMAN CALONE: Abstentions.
16 (WHEREUPON, there was no response.)
17 CHAIRMAN CALONE: 12-zero. Okay.
18 Thank --
19 COMMISSIONER CARACCILO: I'm going
20 to -- I'm abstaining from that.
21 CHAIRMAN CALONE: Oh, I'm sorry. And --
22 and 1 --
23 COMMISSIONER BRAUN: So it's 10-zero --
24 10-zero-1.
25 CHAIRMAN CALONE: Thank you for checking

♀

1 Suffolk County Planning Commission 5/6/09 156
2 my math, sir.

3 It's 10-0-1.
4 Thank you, Ted.
5 Let's move onto Patchogue. That's Dan.
6 We have one abstention.
7 John, if you wish to provide -- tell us
8 the reason you're abstaining, you may.
9 COMMISSIONER BRAUN: John --
10 CHAIRMAN CALONE: If you wish.
11 COMMISSIONER CARACCILO: I was in
12 discussions to buy the property prior, so --
13 COMMISSIONER HOLMES: Oh, I see. Okay.
14 CHAIRMAN CALONE: Thank you, John.
15 Okay. Dan, Patchogue.
16 DEPUTY DIRECTOR GULIZIO: Good
17 afternoon, members of the Commission.
18 The subject application -- Teri, I can
19 use this for a visual effect, if that helps
20 (indicating).
21 THE REPORTER: Thank you, Dan.
22 (Laughter)
23 CHAIRMAN CALONE: If that makes you feel
24 better, Teri.
25 DEPUTY DIRECTOR GULIZIO: All right.

♀

1 Suffolk County Planning Commission 5/6/09 157
2 This subject referral involves two
3 aspects. It involves a change of zone from
4 D-2 and D-3 Districts to Downtown
5 Redevelopment District, along with site plan
6 approval. The Commission previously
7 considered a code amendment in connection

may final.txt

8 with this application. You may recall, this
9 is one of the marathon sessions we had, I
10 believe, out east or moved eventually to a
11 warehouse at Cornell Cooperative Extension.

12 (Laughter)

13 CHAIRMAN CALONE: We're trying not to
14 make this the same kind of thing.

15 DEPUTY DIRECTOR GULIZIO: I was standing
16 in front of a podium of fertilizer at the
17 time checking my pockets.

18 (Laughter)

19 COMMISSIONER HOLMES: That's right, you
20 did.

21 SECRETARY ESPOSITO: Not that that made
22 an impression on certain people.

23 DEPUTY DIRECTOR GULIZIO: This
24 application involves 13 parcels
25 approximately, and totaling 4.82 acres. In

♀

1 Suffolk County Planning Commission 5/6/09 158
2 addition, there's a roughly half acre parcel
3 which is on the north -- north side, excuse
4 me, of Lake Street, which you see outlined in
5 red on your aerials.

6 The application involves a mixed-use
7 redevelopment within the core of the Village
8 of Patchogue downtown. The site area, again,
9 that includes 13 parcels on 4.82 acres. The
10 applicant is proposing 240 residential
11 units, along with a 111-room hotel, and

12 28,460 square feet of mixed-use retail and
13 restaurant space.

14 There are many -- I should point out
15 also, in terms of the residential units, a
16 total of 30 or 72 units are proposed to be
17 set aside as workforce housing units.

18 There are many, many, many positive
19 aspects about this application. A
20 reinvestment in an existing downtown being
21 one; a mixed-use, quote, unquote, smart
22 growth proposal, even though I -- I have a
23 personal distrust with that term due to its
24 overuse. But this is truly a mixed-use
25 development with retail and commercial space

♀

1 Suffolk County Planning Commission 5/6/09 159
2 on a lower, and a hotel and residential units
3 above, along with associated parking. All
4 very positive aspects.

5 To cut to the chase, staff is
6 recommending approval of the application with
7 conditions. The conditions relate
8 essentially to four basic concerns that the
9 staff would like to express to the Commission
10 in connection with the request.

11 The first is scale. Patchogue Village
12 is a traditional downtown, I think,
13 consistent with what we envision as a
14 downtown on Long Island within Suffolk
15 County. There is a mixture of scale within
16 the downtown that varies between, say, one

17 story up to approximately three stories. I
18 would say it's fair to say that the majority
19 of structures within the village are one to
20 two stories in height.

21 The proposal involves a significant
22 increase to that, from three to six stories.
23 The facade along the south side of the
24 project adjacent to Montauk Highway will be
25 approximately six stories in height. The

†

1 Suffolk County Planning Commission 5/6/09 160
2 streetscape along the north side of the
3 project adjacent to Lake Street will be
4 approximately five stories in height, along
5 with parking underneath.

6 So the scale of the project raises some
7 concerns in terms of its compatibility with
8 the nature and character of development
9 within the village. Also, more importantly,
10 we just want to make sure the village is
11 cognizant and carefully scrutinizes the
12 ability of the infrastructure to accommodate
13 that type of development within the village,
14 not just within this site, but also within
15 other locations within the site due to the
16 potential precedence associated with this
17 application.

18 One of the other aspects we'd like to
19 point out to the Commission is associated
20 with the idea of a TDR, the transfer of

21 development rights. Anytime there's a
22 significant increase in development density,
23 one of the things we've been recommending and
24 one of the things we recommended previously
25 with the code amendment associated with this

♀

1 Suffolk County Planning Commission 5/6/09 161
2 application is the idea that increases in
3 density be linked to the preservation of open
4 space or the transfer of development rights.
5 One of the things we don't want to see is to
6 go down the road, implementing smart growth
7 projects like this, is that ultimately we'll
8 just end up with higher density sprawl. I
9 think one of the critical aspects to really
10 successfully implementing smart growth is the
11 idea of either tying or linking increases in
12 density to the transfer of development rights
13 so that we not only get compact,
14 pedestrian-oriented hamlet centers that are
15 viable and active and vibrant, but we also
16 get that parallel preservation of open space
17 that's so critical to environmental quality
18 and community character.

19 So one of the things we'd like the
20 village to consider, again, which we
21 recommended last time, was the idea of
22 ensuring they at least take a look at the
23 idea of linking transfer of development
24 rights to these increases in density.

25 Just to give you a perspective, the --
Page 138

♀

1 Suffolk County Planning Commission 5/6/09 162
2 the average density in terms of units per
3 acre associated with this project is probably
4 something around a hundred units to the acre,
5 once you allocate a certain amount of land
6 for the hotel and for the retail space. So
7 that's something I think is a significant
8 increase. Again, very -- many positive
9 aspects of the application, we just want to
10 make sure the village takes a careful look at
11 that issue of linking TDR to increases of
12 development density.

13 A third comment we would make,
14 respectfully, to the Commission involves
15 parking. There is a total of 433 parking
16 spaces proposed in connection with this
17 application. 219 spaces are proposed to be
18 dedicated for village use. That would be
19 associated with the retail and restaurant
20 space, as well as -- excuse me, of the retail
21 and restaurant space. The other 214 spaces
22 are proposed to be dedicated to the hotel, a
23 111-room hotel, as well as the 240
24 residential units.

25 One of the concerns that we have from a

♀

1 Suffolk County Planning Commission 5/6/09 163
2 planning standpoint is not only do we want to

3 encourage development in the downtown, we
4 also want to make sure there's adequate
5 infrastructure including parking and sewer
6 capacity to accommodate this type of
7 development. A total of 214 spaces for 240
8 units and a 111-room hotel is not a lot of
9 parking to accommodate those uses. There may
10 be other opportunities for parking within the
11 immediate area, as you can see from the
12 aerial, to the west of the subject property.
13 There is additional municipal parking, so we
14 do want to make sure that the village takes a
15 careful look at that in order to ensure that,
16 in the long term, the economic viability of
17 the downtown won't be hampered by a lack of
18 available parking.

19 Finally, the last comment we would
20 respectfully make to the Commission involves
21 the idea of diversifying the housing types
22 within the village. The Village of Patchogue
23 happens to have one of the highest rental
24 rates within Suffolk County in terms of the
25 percentage of their housing stock is devoted

♀

1 Suffolk County Planning Commission 5/6/09 164
2 to rental units. As I recall, after meeting
3 with village officials, and this is going
4 back probably about ten years, at one point
5 the rental rate was about 70 percent within
6 the village, which is certainly greatly
7 higher than any other location that I'm

8 familiar with within Western Suffolk.

9 So it's one of the things we would ask
10 the village to just take a careful look at to
11 ensure that the mix of housing types within
12 this development, 240 residential units, that
13 there's an adequate mix in terms of ownership
14 and rental as needed based upon the
15 village -- considerations by the village
16 during the review of this application.

17 I've gone on a little bit so I don't
18 want to take up more of the Commission's
19 time. If you have any questions, I'd be
20 happy to try to address them. But, again,
21 we're respectfully recommending approval of
22 these applications; again, a change of zone,
23 as well as site plan approval in conjunction
24 with this site in downtown of Patchogue.

25 CHAIRMAN CALONE: Thank -- thank you.

♀

1 Suffolk County Planning Commission 5/6/09 165

2 Thank you, Dan.

3 DEPUTY DIRECTOR GULIZIO: I'm sorry,
4 just a footnote. As Andy has correctly
5 pointed out to me, there is also a request
6 for relaxation of parking included as a part
7 of this application.

8 CHAIRMAN CALONE: Thank you, Dan.

9 Adrienne, would you like to comment on
10 the --

11 SECRETARY ESPOSITO: Well, just that --

12 CHAIRMAN CALONE: -- Patchogue and the
13 proposal?

14 SECRETARY ESPOSITO: Yeah, just a couple
15 of points I think worth noting.

16 Right now what's actually in that space
17 is a lot of vacant buildings. So this is an
18 area known throughout the village, or used to
19 be known throughout the village as the four
20 corners, which meant that it was really the
21 heart of the village. The four corners have
22 been vacant. After Swezey's pulled out and
23 relocated, and then subsequently closed, it
24 really negatively impacted this particular
25 area. No one has filled that spot, that's

†

1 Suffolk County Planning Commission 5/6/09 166
2 one of the -- the main corners there that
3 borders Main Street, and -- and now there's
4 a -- there's a lot of vacant space there. So
5 it helps really, I think, remedy what has
6 been a persistent problem, I think for the
7 last decade since Swezey's moved. So
8 that's -- that's one thing.

9 The second thing is that I think part of
10 the parking thing, which we can discuss, is
11 the -- I think there's somewhat of an
12 anticipation, and please correct me if I'm
13 wrong, that the hotel may be more -- used
14 more widely in the summer as part of the
15 connection with the ferry services that are
16 in Patchogue, both Davis Park Ferry, for

17 those of you that might not know, but also
18 the National Seashore Ferry.

19 So the National Seashore right now is
20 undergoing a little bit of the facelift. I
21 think we're maybe one of the only locations
22 in the nation where you don't actually know
23 there's a national park right there, and
24 there's no real indicator that it's there.
25 So they're building a larger ferry terminal,

†

1 Suffolk County Planning Commission 5/6/09 167
2 and they'll be more signage, and there's some
3 other negotiations going on to highlight that
4 feature that I believe and many believe
5 should be and could be highlighted.

6 So I think part of the thinking is that
7 the hotel will attract people to take ferry
8 trips over to Fire Island during the summer
9 months. I don't know what they're going to
10 do with the hotel in the winter months, but
11 I'm just raising that with you.

12 MR. FRELENG: The theatre. The theatre.

13 SECRETARY ESPOSITO: The theatre.

14 MR. FRELENG: And the proximity to the
15 airport.

16 SECRETARY ESPOSITO: Well, the airport,
17 I know. But I think -- I do think the hotel
18 would be used more in the summer because of
19 the additional Fire Island thing.

20 CHAIRMAN CALONE: That certainly makes

21 more sense. ^{may final.txt} That makes sense, but the issue,
22 I think, is just the fact that we had --
23 there's a hundred-some-odd rooms, so when
24 we're in the summer --

25 SECRETARY ESPOSITO: 111.

♀

1 Suffolk County Planning Commission 5/6/09 168

2 CHAIRMAN CALONE: 111.

3 When you're in the summer and those are
4 being occupied, hopefully, what -- what's
5 your view on the parking situation in
6 Patchogue, you know, if that hotel is
7 actually operating?

8 SECRETARY ESPOSITO: Well, there are
9 some other municipal lots, which I'm sure you
10 scoped out, in the back of the library which
11 is right on Main Street. The parking has not
12 been a problem in our village for quite some
13 time.

14 CHAIRMAN CALONE: Gotcha.

15 SECRETARY ESPOSITO: You know, I will --
16 the village is coming back now on Friday
17 nights, but I've lived there 20 years, I've
18 never had a problem finding a parking spot
19 ever in 20 years.

20 CHAIRMAN CALONE: Okay.

21 Other thoughts or comments?

22 COMMISSIONER KELLY: (Indicating)

23 CHAIRMAN CALONE: Yeah.

24 COMMISSIONER KELLY: Just a comment on
25 the parking.

♀

1 Suffolk County Planning Commission 5/6/09 169

2 In the future, if you ever do get a
3 chance to --

4 CHAIRMAN CALONE: I think if you're
5 going to recuse --

6 SECRETARY ESPOSITO: Yeah, I don't think
7 you can --

8 CHAIRMAN CALONE: -- you can't actually
9 comment on it. So I think -- that's all
10 right.

11 COMMISSIONER ROBERTS: (Indicating)

12 CHAIRMAN CALONE: Yes, Barbara.

13 COMMISSIONER ROBERTS: I find the
14 language you're using and the way you wrote
15 this report a little different than usual.

16 Dan, we're using the word "condition,"
17 but we're saying the village should
18 "carefully consider." So are we asking the
19 village to do a supermajority to override
20 just considering this, is the way this is
21 written, or that they have to do this or they
22 need to vote a supermajority?

23 COMMISSIONER BRAUN: Or -- or are
24 these --

25 COMMISSIONER ROBERTS: Or are they

♀

1 Suffolk County Planning Commission 5/6/09 170

2 comments?

3 COMMISSIONER BRAUN: Or are they
4 comments?
5 COMMISSIONER ROBERTS: Comments.
6 So I'm just --
7 COMMISSIONER BRAUN: That was my point,
8 too.
9 DEPUTY DIRECTOR GULIZIO: The
10 language --
11 COMMISSIONER ROBERTS: Yeah. I think we
12 have to be more careful whether it's a
13 condition, and if it's a condition, then we
14 should be telling people -- then they have to
15 do it; right?
16 CHAIRMAN CALONE: Well, my big
17 concern --
18 DEPUTY DIRECTOR GULIZIO: (Indicating)
19 CHAIRMAN CALONE: Yeah, Dan.
20 DEPUTY DIRECTOR GULIZIO: Just to be
21 clear, I've used the language in the past,
22 and I used it carefully, actually.
23 On one hand, you know, we look at the
24 opportunity to provide very strong or strict
25 conditions, it would need to be overridden.

♀

1 Suffolk County Planning Commission 5/6/09 171
2 And on the other hand, we wanted to make it
3 something more substantive than just a
4 comment that could simply be ignored.
5 We could make the language stronger, you
6 could change it into a comment. Quite
7 honestly, it's very easy to comply with the

8 condition because all we're asking them to do
9 is consider it. But that was specifically
10 intentioned based upon, again, the many
11 positive aspects to the application --

12 CHAIRMAN CALONE: But I guess what
13 you're saying is that if -- if you make it a
14 condition, at least by saying consider, they
15 actually have to have some kind of
16 conversation about it, as opposed to a
17 comment where it's on a piece of paper and we
18 could -- they could ignore it.

19 DEPUTY DIRECTOR GULIZIO: They
20 actually -- still as a condition, even though
21 it's a soft condition, they would still have
22 to, again, go on the record and explain in
23 detail why they're not going to consider
24 that, or why they think the parking is
25 reasonable, or why they think a TDR should

♀

1 Suffolk County Planning Commission 5/6/09 172
2 not be included --

3 CHAIRMAN CALONE: Right.

4 DEPUTY DIRECTOR GULIZIO: -- as part of
5 the application. And, again, there's many, I
6 think, reasonable explanations for that.
7 Again, if the workforce housing component of
8 this is a very positive component, and maybe
9 that's a sufficient public benefit that
10 warrants, you know, eliminating the idea of
11 transferring development rights in this

may final.txt
12 downtown location.
13 COMMISSIONER ROBERTS: Right. So the
14 intent is to force the conversation.
15 DEPUTY DIRECTOR GULIZIO: Correct, but
16 not dictating a conclusion.
17 CHAIRMAN CALONE: I personally don't
18 have a problem with that, the only thing I
19 think that's actually tricky is when you say
20 carefully consider this happening --
21 (Laughter)
22 DEPUTY DIRECTOR GULIZIO: I can say
23 somewhat concerned.
24 CHAIRMAN CALONE: I'm sure there are
25 people on the village board who will debate

♀

1 Suffolk County Planning Commission 5/6/09 173
2 whether there's a lot of care going on or
3 not.
4 COMMISSIONER BOLTON: Dave?
5 CHAIRMAN CALONE: Yes, ma'am.
6 COMMISSIONER BOLTON: I have a question.
7 CHAIRMAN CALONE: Charla.
8 COMMISSIONER HOLMES: And Josh has a
9 question.
10 DEPUTY DIRECTOR GULIZIO: I'll carefully
11 consider your questions.
12 COMMISSIONER BOLTON: Okay.
13 Actually, it's two questions --
14 CHAIRMAN CALONE: Oh.
15 COMMISSIONER BOLTON: -- because there's
16 nothing in this description that tells me how
Page 148

may final.txt

17 a -- a series of six-story buildings are
18 going to work with a generally very low-scale
19 community. And I'm wondering if, number one,
20 there's any sort of transitional effort to
21 sort of step down to the outer perimeters of
22 the site, and two, whether there's any sort
23 of built-in architectural controls talked
24 about in the overall development plan.

25 DEPUTY DIRECTOR GULIZIO: The highest

†

1 Suffolk County Planning Commission 5/6/09 174
2 portion of the development, or the tallest
3 portion of the development, is the
4 southeastern corner, which is kind of the
5 heart of the four corners that Adrienne was
6 referring --

7 COMMISSIONER BOLTON: Okay.

8 DEPUTY DIRECTOR GULIZIO: -- to earlier.
9 And I think that is probably the most
10 appropriate location for --

11 COMMISSIONER BOLTON: Uh-huh.

12 DEPUTY DIRECTOR GULIZIO: -- the tallest
13 portion of the development, because it is a
14 part of the commercial district.

15 The area to the north which is five
16 stories in -- in design along Lake Street, it
17 should be pointed out there's -- there's
18 three structures immediately north of the
19 northeast corner of the property; one is a --
20 a one-story structure or a two-story

21 structure, I believe, like a residence, the
22 other two are -- look to be like apartment
23 buildings that are three stories in height.
24 Then there's a considerable amount --
25 If you go, actually -- I'm sorry, John,

♀

1 Suffolk County Planning Commission 5/6/09 175

2 go back one more.

3 MR. CORRAL: (Compl ying)

4 DEPUTY DIRECTOR GULIZIO: One more --

5 MR. CORRAL: (Compl ying)

6 DEPUTY DIRECTOR GULIZIO: -- to that.

7 You can see immediately north of the
8 central portion of the site is actually a
9 parking area, and then a structure that's set
10 back from the parking area. And then there
11 are kind of traditional framed residences two
12 stories in height moving further west along
13 Lake Street.

14 So the impact is something that I think
15 needs to be carefully looked at. There are
16 some elevations that we could supply the
17 Commission also that were included in the
18 packet, but they were fairly long, 8 1/2 by
19 11, so --

20 COMMISSIONER BOLTON: I was just hoping
21 that it wasn't sort of a monolithic kind of
22 thing, you know.

23 DEPUTY DIRECTOR GULIZIO: No, I think --
24 and, again --

25 COMMISSIONER BOLTON: That there was

♀

1 Suffolk County Planning Commission 5/6/09 176
2 enough variety in -- in scale.
3 DEPUTY DIRECTOR GULIZIO: I'm not an
4 architect, I think there is a -- a
5 significant amount of variety in scale.
6 And I'd also point out on Main Street,
7 on Montauk Highway, the bank is kind of
8 situated as an out parcel in the middle of
9 this --
10 SECRETARY ESPOSITO: Yeah.
11 DEPUTY DIRECTOR GULIZIO: -- which is a
12 very tall two-story structure, Greek Doric
13 columns in the front of it, the white bank
14 and drive-thru. It's kind of in the center
15 part of your -- your screen -- oh, I have
16 one -- I forgot.
17 CHAIRMAN CALONE: There it is, you can
18 see it.
19 DEPUTY DIRECTOR GULIZIO: -- and I'll
20 try not to blind you. Shield your eyes.
21 SECRETARY ESPOSITO: Shield your eyes.
22 DEPUTY DIRECTOR GULIZIO: That's the
23 bank right there (indicating), and that is
24 probably one of the taller structures in --
25 in the area. Then you have the Brickhouse to

♀

1 Suffolk County Planning Commission 5/6/09 177
2 the west of that.

may final.txt

3 The existing development proposed to be
4 demolished is three stories in height right
5 there, that's the four corners that Adrienne,
6 again, was referencing.

7 COMMISSIONER BOLTON: Okay.

8 DEPUTY DIRECTOR GULIZIO: I'm sorry,
9 it's not a great answer, but, you know --

10 COMMISSIONER BOLTON: No, no, it's a
11 helpful answer. And the only question
12 further was the question of whether there
13 actually will be some sort of overall
14 architectural, you know, kind of concept
15 that -- part of the plan.

16 SECRETARY ESPOSITO: They provided nice
17 renderings for the village and for the
18 village meetings. There's a lot of
19 architectural review going on for it.

20 COMMISSIONER BOLTON: Okay.

21 DEPUTY DIRECTOR GULIZIO: I'm not
22 certain, but I think the village -- I don't
23 know if anybody from the village is here.

24 Is there an architectural review board
25 at the village?

♀

1 Suffolk County Planning Commission 5/6/09 178

2 UNIDENTIFIED SPEAKER: Yes, there is.

3 DEPUTY DIRECTOR GULIZIO: So you have
4 that, too.

5 COMMISSIONER BOLTON: Okay.

6 COMMISSIONER HORTON: (Indicating)

7 CHAIRMAN CALONE: Josh.

8 COMMISSION HORTON: I just have a -- a
9 few points I'd like to make.
10 My blanket point is that I think that
11 these -- within the staff recommendation,
12 these conditions should be comments at -- at
13 best. I don't think they should be any
14 stronger than comments. Particularly in
15 regard to the suggestion of transfer of
16 development rights. I think what you have
17 here is a very rare moment in time on Long
18 Island where you have a mayor and a village
19 board that's really willing to utilize sewer,
20 water, and -- and move forward with
21 revitalization, and you may -- have all those
22 mechanics work together -- public/private
23 sectors working together with infrastructure
24 to revitalize an obviously starving downtown.
25 SECRETARY ESPOSITO: It's not that bad,

♀

1 Suffolk County Planning Commission 5/6/09 179
2 Josh.
3 COMMISSIONER HORTON: No, it is. I
4 mean, I spent a lot of time in Patchogue,
5 and -- and -- and, quite frankly, it's -- you
6 know, there are a lot of vacant stores --
7 SECRETARY ESPOSITO: It's not Greenport.
8 COMMISSIONER HORTON: -- and it's really
9 unnerving. And I think that --
10 SECRETARY ESPOSITO: We're no Greenport.
11 COMMISSIONER HORTON: -- the transfer

12 of -- well, it's happening in Greenport,
13 too -- the transfer of development rights,
14 it's very, very tricky because on Long
15 Island, by and large, with the exception of
16 Pine Barrens Credits, it's a relatively
17 untested, unused planning tool.

18 And I think when you -- particularly in
19 the context of crossing municipal lines where
20 you have a village, a village government, and
21 having to try to coordinate pulling
22 development rights from a township into a
23 village, I think that is a notion, honestly,
24 to implement to take years if not decades of
25 study and planning and -- not that it's not

♀

1 Suffolk County Planning Commission 5/6/09 180
2 worth pursuing, but I think in the context of
3 this project where you have sewer, you have
4 water, and you have the political will to
5 entertain something of this nature, I think
6 transfer development right as a condition
7 could really put this application in
8 jeopardy.

9 COMMISSIONER BOLTON: So you want to
10 change the word to comments?

11 CHAIRMAN CALONE: Yeah, okay.

12 (Overlapping conversations)

13 CHAIRMAN CALONE: Not yet.

14 COMMISSIONER HORTON: So -- so my -- I
15 would like to see that removed all together.
16 If it stays in, I would like to see it as a

may final.txt

17 comment, not a condition. Because I do think
18 these things are worth looking at, and I'm
19 sure there are things that the village board
20 or the planning --

21 CHAIRMAN CALONE: Okay.

22 COMMISSIONER HORTON: -- department has
23 considered, but --

24 CHAIRMAN CALONE: All right. That's one
25 thing, and we'll come back to that. But why

†

1 Suffolk County Planning Commission 5/6/09 181
2 don't you finish your other points you want
3 to make and we'll come back to --

4 COMMISSIONER HORTON: My other points
5 are, I guess, which I would just say a
6 blanket that these should be comments not --
7 not conditions to the application.

8 CHAIRMAN CALONE: Okay. So that's
9 your --

10 COMMISSIONER HORTON: Yeah.

11 CHAIRMAN CALONE: -- that's your --
12 Okay. So let's -- let's hold that,

13 let's get some discussions going on that.

14 COMMISSIONER CARACCILO: (Indicating)

15 CHAIRMAN CALONE: John.

16 COMMISSIONER CARACCILO: I'm sorry,
17 Mr. Chairman, one more procedural question.

18 CHAIRMAN CALONE: Yes, sir.

19 COMMISSIONER CARACCILO: And I think
20 it's for counsel.

21 If somebody recuses themselves, are they
22 recused from the vote, just the vote, or
23 recused from the discussion as well?

24 MS. SPAHR: If you recuse, you recuse
25 from the discussion as well.

♀

1 Suffolk County Planning Commission 5/6/09 182

2 COMMISSIONER CARACCILO: So can you
3 recuse yourself going forward -- not --
4 not -- not in this instance, but just for my
5 information, can you recuse yourself after
6 the discussion just at the vote and still
7 participate in the discussion?

8 MS. SPAHR: No, if it was an ethical
9 violation, it would be a straight-out ethical
10 violation.

11 COMMISSIONER CARACCILO: Thank you,
12 Counselor.

13 Mr. Chairman.

14 CHAIRMAN CALONE: Thank you, sir.

15 SECRETARY ESPOSITO: Nice try.

16 CHAIRMAN CALONE: Always good to
17 clarify, and thank you for -- for being here.

18 MS. SPAHR: I wanted to make it nice and
19 clear.

20 COMMISSIONER CARACCILO: You did,
21 Counselor. My friend is very happy.

22 VICE CHAIRMAN KONTOKOSTA: (Indicating)

23 CHAIRMAN CALONE: Okay. Constantine.

24 VICE CHAIRMAN KONTOKOSTA: Dan, I know
25 you -- you put a lot of thought into this, so

♀

1 Suffolk County Planning Commission 5/6/09 183
2 hopefully I'll ask you some thoughtful
3 questions just to challenge you a little bit
4 on this one.

5 The one question to start, the DRD
6 District, is that -- is that designed --
7 you'll have to refresh my memory on -- on it.
8 Is that a floating zone, or is that designed
9 to be mapped, or how is that actually going
10 to be --

11 DEPUTY DIRECTOR GULIZIO: It was --

12 VICE CHAIRMAN KONTOKOSTA:

13 -- implemented?

14 DEPUTY DIRECTOR GULIZIO: My
15 recollection is it was designed specifically
16 to be mapped for this location.

17 VICE CHAIRMAN KONTOKOSTA: Okay. So
18 during the discussions about the DRD zone and
19 the adoption of that, and I assume this
20 project -- this proposal meets the -- the
21 bulk requirements of all that, so I think
22 that addresses the first question -- the
23 first point in terms of scale development
24 consistent with community character. It
25 seems like that already would have been

♀

1 Suffolk County Planning Commission 5/6/09 184
2 discussed with the adoption of the actual

3 zoning district that was already planned for
4 this specific area, so it might be a little
5 bit of -- kind of redundancy in terms of
6 having that discussion on this. But that --
7 that's the one point.

8 The second point is the -- the parking,
9 240 spaces, some odd are being dedicated to
10 the village. Can you explain that a little
11 bit more?

12 DEPUTY DIRECTOR GULIZIO: As I read the
13 proposal, there are 433 parking spaces
14 proposed.

15 VICE CHAIRMAN KONTOKOSTA: Right.

16 DEPUTY DIRECTOR GULIZIO: 219 of which
17 would be dedicated to the village for public
18 parking -- parking purposes. They would
19 reserve the remaining 214 spaces for use by
20 the hotel and the residential development.

21 VICE CHAIRMAN KONTOKOSTA: Okay. Is
22 there a reason for that dedication? Because,
23 obviously, there's not a parking problem if
24 we're not dedicating -- if they're -- the
25 prop- -- the -- whoever is not dedicating

♀

1 Suffolk County Planning Commission 5/6/09 185

2 the -- the parking spaces.

3 DEPUTY DIRECTOR GULIZIO: I'm not --
4 again, I'm not sure what the motivation was
5 for that. I assume it's to accommodate,
6 again, the retail and restaurant space with
7 the public space proposed with the rest --

8 with the rest of the development district.

9 VICE CHAIRMAN KONTOKOSTA: Okay. And
10 then in terms of the TDRs, again, I -- I --
11 you know, I think that's an important issue,
12 but I think that's something that should have
13 been discussed at the change -- at the zoning
14 level, at the creation of the district and
15 not on this case-by-case basis on the -- on
16 the individual project, it probably would
17 have been a better time for it.

18 But the last question I have is, this is
19 also a site plan approval, so why don't we
20 have anything on-site plan -- why don't we
21 have a site plan in our application?

22 DEPUTY DIRECTOR GULIZIO: It -- it is a
23 site plan, we do have a site plan actually as
24 part of the proposal. Also, as I mentioned
25 in the beginning, it is a change of zone and

♀

1 Suffolk County Planning Commission 5/6/09 186
2 site plan approval. There is a -- a parking
3 variance that's requested as part of that
4 site plan approval. It's about 20 spaces as
5 I recall from the (inaudible). So it's not a
6 significant parking relaxation.

7 Again, I think the basis for that is in
8 that district, the parking requirements, the
9 scale, the setbacks were all designed
10 around --

11 VICE CHAIRMAN KONTOKOSTA: You -- you

12 said it was 20 parking spaces shortfall?
13 DEPUTY DIRECTOR GULIZIO: Yeah. I
14 apologize, I can verify an exact number, but
15 it was not a significant number --
16 VICE CHAIRMAN KONTOKOSTA: So it's the
17 minimums.
18 CHAIRMAN CALONE: It's the minimums.
19 VICE CHAIRMAN KONTOKOSTA: Okay.
20 CHAIRMAN CALONE: And just a quick
21 question on the site plan, that Havens
22 Avenue, it's just going to be maintained as
23 kind of a half street, as kind of a --
24 DEPUTY DIRECTOR GULIZIO: There's a --
25 CHAIRMAN CALONE: -- full length --

♀

1 Suffolk County Planning Commission 5/6/09 187
2 DEPUTY DIRECTOR GULIZIO: -- portion of
3 it that's proposed to be abandoned, and a
4 portion of it will be maintained for access
5 to the -- to the property.
6 CHAIRMAN CALONE: Okay.
7 SECRETARY ESPOSITO: (Indicating)
8 CHAIRMAN CALONE: Adrienne.
9 SECRETARY ESPOSITO: I wanted to add
10 another fact which I just recalled about the
11 parking. Part of the thinking also is that
12 because the hotel users will come from the
13 airport, there will be curtesy vans and not
14 parking spaces needed.
15 And the second thing is that part of the
16 thinking also is that since the train station

17 is one short block south of the hotel or
18 south of Montauk Highway there, there are
19 numerous people who take the train to the
20 ferry terminals. So they also would not need
21 parking to utilize the hotel. So that was
22 part of the thinking, too, that many
23 people -- not many, but a portion of the
24 people who would be utilizing the hotel would
25 clearly have other means of transportation

†

1 Suffolk County Planning Commission 5/6/09 188
2 who they're thinking would be, you know,
3 participating in this.

4 CHAIRMAN CALONE: Okay. Thank you.
5 Any other thoughts or comments?

6 We still have Josh's suggestion out
7 there.

8 Any com- -- any -- Josh's suggestion
9 was really just to change the four conditions
10 into comments; right? I mean, that's --

11 COMMISSIONER HORTON: And remove the TDR
12 comment --

13 CHAIRMAN CALONE: And remove the TDR --

14 COMMISSIONER HORTON: -- al together.

15 CHAIRMAN CALONE: -- al together. We'll
16 probably take these -- we'll have to take
17 these each one by one, but --

18 COMMISSIONER TALDONE: (Indicating)

19 CHAIRMAN CALONE: Vince, do you have any
20 comments about the last thing on our -- here,

21 open, is Josh's suggestion. So if you have
22 any comments on that, please --

23 COMMISSIONER TALDONE: That's what my
24 comment is on.

25 CHAIRMAN CALONE: Please, go ahead.

♀

1 Suffolk County Planning Commission 5/6/09 189

2 COMMISSIONER TALDONE: Actually, I agree
3 with Commissioner Horton. I was actually --
4 I'd just like to say that if you're going to
5 keep the TDR paragraph in as a comment, I
6 would still want to change it so that it does
7 not apply to the affordable housing. I don't
8 know why we would want to raise the cost of
9 building affordable housing by requiring
10 development rights to be applied to those.

11 So if you were to keep it as a comment,
12 I think it should apply -- and, again, it's
13 only a comment, and I realize that. But I
14 don't think we should be -- components of
15 applying TDRs to affordable housing because
16 it just raises the costs.

17 COMMISSIONER BRAUN: That's true, we're
18 already giving -- recommending density
19 increases --

20 DIRECTOR ISLES: We -- we don't disagree
21 with that.

22 COMMISSIONER BRAUN: Yeah.

23 CHAIRMAN CALONE: Okay. Well, let's get
24 to the threshold issue, whether we're even
25 going to have that as a comment.

♀

1 Suffolk County Planning Commission 5/6/09 190

2 So what -- what the proposal is --
3 I -- I was thinking this one by one. We'll
4 do this without objection, but if someone has
5 an objection to this, Josh's suggestion, let
6 us know on each one.

7 For number one, the suggestion is that
8 we make that a comment.

9 SECRETARY ESPOSITO: Can I just --

10 CHAIRMAN CALONE: Yes, Adrienne.

11 SECRETARY ESPOSITO: Does it -- I mean,
12 does it matter? Because each -- if we look
13 at each one individually, it says "should
14 carefully consider" on one, "should carefully
15 consider" on two, "should consider" on three,
16 and "should consider" on four. None of these
17 are really --

18 COMMISSIONER BOLTON: Mandatory.

19 SECRETARY ESPOSITO: -- mandatory
20 conditions, but rather considerations --

21 CHAIRMAN CALONE: As Dan expressed, I
22 mean, I think this is the lightest kind of
23 condition --

24 SECRETARY ESPOSITO: Right.

25 CHAIRMAN CALONE: -- you could have.

♀

1 Suffolk County Planning Commission 5/6/09 191

2 SECRETARY ESPOSITO: Yes.

3 CHAIRMAN CALONE: It simply would --
4 requires someone to actually have a
5 conversation --
6 SECRETARY ESPOSITO: To have a
7 conversation.
8 CHAIRMAN CALONE: -- but not to do
9 anything in particular.
10 SECRETARY ESPOSITO: That's all I'm --
11 CHAIRMAN CALONE: That's true.
12 SECRETARY ESPOSITO: I don't think
13 that's overly burdensome given the scale and
14 scope of this particular application. And
15 we're just asking them to consider and have a
16 thoughtful review conversation, which they
17 should be prepared to do on these topics.
18 COMMISSIONER HORTON: (Indicating)
19 CHAIRMAN CALONE: Josh.
20 COMMISSIONER HORTON: I may
21 misunderstand this -- I may not understand
22 this process as well as I should, but my
23 understanding is if the municipality -- the
24 planning board or the town board, if they are
25 going to vote and -- in contrast to what the

♀

1 Suffolk County Planning Commission 5/6/09 192
2 conditions are, they -- it requires a
3 supermajority.
4 CHAIRMAN CALONE: If they are -- they
5 also could --
6 COMMISSIONER BRAUN: That's the way this
7 is written --

8 CHAIRMAN CALONE: -- fulfill the
9 conditions.
10 COMMISSIONER BRAUN: -- right?
11 SECRETARY ESPOSITO: Yeah, that's the
12 way it's written.
13 CHAIRMAN CALONE: Just to be clear,
14 there's -- there's two options they could do.
15 One, they could meet the conditions right,
16 and then those conditions are met. And if
17 they do not meet those conditions, they would
18 have to vote to overturn them.
19 In this proposal, because the Commission
20 is only to consider something rather than to
21 do something -- in other words, it's not
22 change the plan to do X, it's think about
23 doing X or talk about doing X.
24 SECRETARY ESPOSITO: Discuss it.
25 CHAIRMAN CALONE: It's actually a very

♀

1 Suffolk County Planning Commission 5/6/09 193
2 easy condition to meet. It simply -- what
3 Dan's saying -- the reason he's proposing it
4 be more than a comment is it actually will
5 force them to talk about the issue. And by
6 that, by subduing, they would meet the
7 condition.
8 Does that make --
9 COMMISSIONER BOLTON: Yes.
10 CHAIRMAN CALONE: -- sense?
11 COMMISSIONER BRAUN: Yeah, I hope they

12 understand it that way, but --
13 CHAIRMAN CALONE: Well --
14 COMMISSIONER HORTON: Perhaps, or if
15 they have to defend something that -- it --
16 it's very nebulous, and I -- I don't -- I
17 think it opens up a potential challenge or a
18 door that is very negative and contrary to
19 their efforts.
20 CHAIRMAN CALONE: Okay.
21 COMMISSIONER LANSDALE: (Indicating)
22 CHAIRMAN CALONE: Sarah.
23 COMMISSIONER LANSDALE: I have a quick
24 question.
25 What's the legal threshold for them to

♀

1 Suffolk County Planning Commission 5/6/09 194
2 satisfy these conditions?
3 COMMISSIONER HORTON: Who's going to
4 vote on who carefully considered what and --
5 so if it's so -- what Sarah's saying, if it's
6 so nebulous anyway, why not make them
7 comments? And let's just make it black and
8 white and not grey.
9 CHAIRMAN CALONE: And that's -- I think
10 that's Josh's point.
11 COMMISSIONER HORTON: Exactly.
12 CHAIRMAN CALONE: I think that's Josh's
13 point.
14 COMMISSIONER HOLMES: I'm --
15 CHAIRMAN CALONE: Commissioner Holmes.
16 COMMISSIONER HOLMES: Also, I am taking

17 note of Josh's concern that it is so rare
18 that a municipality is making such an effort,
19 that we didn't want to use verbiage that
20 would in anyway impair their effort. And I
21 think that's important, because of the way he
22 phrased it that it is so rare for them to be
23 making such a coordinated effort to improve
24 their downtown, we don't want to throw up any
25 roadblocks, but we -- you know, to ask them

†

1 Suffolk County Planning Commission 5/6/09 195
2 to consider these -- they can all read, you
3 know, and --

4 CHAIRMAN CALONE: Yup, I -- I think
5 that's certainly a fair point.

6 COMMISSIONER BOLTON: Yeah.

7 CHAIRMAN CALONE: Are there any
8 other -- the way I'd like to handle this, by
9 the way, is I'm going to raise each one of
10 these, and if there's an --

11 COMMISSIONER HOLMES: Yes.

12 CHAIRMAN CALONE: -- objection to
13 changing it, then we'll vote whether we're
14 changing it from a condition to a comment --
15 no, excuse me, from a comment to a condition.

16 VICE CHAIRMAN KONTOKOSTA: (Indicating)

17 CHAIRMAN CALONE: Constantine.

18 VICE CHAIRMAN KONTOKOSTA: Okay. On the
19 comment --

20 COMMISSIONER BRAUN: The other way.

21 COMMISSIONER ROBERTS: A condition to a
22 comment.
23 COMMISSIONER BRAUN: You said it right
24 the first time.
25 CHAIRMAN CALONE: Sorry.

♀

1 Suffolk County Planning Commission 5/6/09 196
2 VICE CHAIRMAN KONTOKOSTA: All right.
3 We'll get to comments -- I guess we'll handle
4 it your way on the comments.
5 The one condition or one other thing,
6 not to muddy the waters here, is that in our
7 guidelines we've made a lot of effort to
8 recruit -- include energy efficiency
9 standards for new construction, and I don't
10 see that mentioned.
11 DEPUTY DIRECTOR GULIZIO: It's not in
12 effect until July.
13 CHAIRMAN CALONE: Yeah, the ones that
14 were --
15 VICE CHAIRMAN KONTOKOSTA: So we're
16 still in that grandfather phase?
17 DEPUTY DIRECTOR GULIZIO: I can ask them
18 to consider it.
19 (Laughter)
20 CHAIRMAN CALONE: We can --
21 COMMISSIONER BRAUN: We can make it a
22 comment.
23 CHAIRMAN CALONE: We can definitely make
24 that a comment, we just can't make it a
25 condition under our -- or well, sorry. We

♀

1 Suffolk County Planning Commission 5/6/09 197
2 can always make conditions; however, our
3 guidelines have -- have indicated that we
4 would not make it a condition until July 1st.
5 So to be consistent with that, we would
6 keep -- make that a -- keep that as a
7 comment, or make that as a comment.

8 COMMISSIONER CARACCILO: In the effort
9 of moving things along, Mr. Chairman.

10 CHAIRMAN CALONE: Okay. The proposal is
11 to change number 1 from a condition to a
12 comment.

13 Is there any objection to that?

14 (WHEREUPON, there was no response.)

15 CHAIRMAN CALONE: Seeing none, we'll
16 change it to a comment.

17 The proposal is to change condition 2
18 from a condition to a comment.

19 Is there any objection to that?

20 (WHEREUPON, there was no response.)

21 CHAIRMAN CALONE: We'll make it a
22 comment.

23 Number 3, the actual proposal was to get
24 rid of it altogether; wasn't it?

25 Was that what your proposal is, Josh?

♀

1 Suffolk County Planning Commission 5/6/09 198

2 COMMISSIONER HORTON: That was my first

may final.txt

8 CHAIRMAN CALONE: Thank you.

9 Well, we've got to deal with it one way
10 or the other. Someone think of how we should
11 deal with it.

12 SECRETARY ESPOSITO: All right. We're
13 punting 3, what are we going to do with 4?

14 CHAIRMAN CALONE: 4, the proposal is to
15 make it a comment.

16 Any objection to making it a comment as
17 opposed to a condition?

18 (WHEREUPON, there was no response.)

19 CHAIRMAN CALONE: Seeing none, the 5th
20 proposal is that we make --

21 COMMISSIONER BOLTON: Energy --

22 CHAIRMAN CALONE: -- an energy -- a
23 reference to energy efficiency as a comment.

24 Is there any objection to that?

25 COMMISSIONER BRAUN: No.

♀

1 Suffolk County Planning Commission 5/6/09 200

2 COMMISSIONER BOLTON: No.

3 CHAIRMAN CALONE: So back to number 3,
4 the proposal was to eliminate it altogether.
5 I think we'll do an up and down vote on that.
6 And if people would like to keep it in, then
7 they could decide -- then we can debate
8 which -- which it should be.

9 The proposal is to eliminate number 3.

10 Is there any objection to eliminating
11 number 3?

12 COMMISSIONER BRAUN: Well, eliminating
13 it?

14 CHAIRMAN CALONE: Yes, deleting
15 number 3.

16 Okay. We'll take a vote on eliminating
17 number 3.

18 SECRETARY ESPOSITO: So the vote's
19 against elimination?

20 CHAIRMAN CALONE: Yes. You can always
21 vote to put it back in, by the way.

22 No, no, no, sorry, sorry, the vote is --
23 the proposal is to eliminate it.

24 COMMISSIONER BOLTON: Wow.

25 CHAIRMAN CALONE: The -- the --

♀

1 Suffolk County Planning Commission 5/6/09 201

2 SECRETARY ESPOSITO: Eliminating.

3 CHAIRMAN CALONE: I need you to vote in
4 favor of --

5 SECRETARY ESPOSITO: Of elimination.

6 CHAIRMAN CALONE: -- whether to
7 eliminate it or not.

8 All in favor or eliminating number 3
9 altogether, please raise your hands.

10 (WHEREUPON, the members voted.)

11 CHAIRMAN CALONE: Eight.

12 All those opposed to eliminating it?

13 (WHEREUPON, the members voted.)

14 CHAIRMAN CALONE: Okay. 8 to 3, and
15 it's eliminated.

16 Now, we need to vote on the entire

may final.txt

17 thing. It is now approval with the -- with
18 the following comments.

19 SECRETARY ESPOSITO: Right.

20 CHAIRMAN CALONE: Number 1 as a comment,
21 number 2 as a comment, number 4 as a comment,
22 and the new number 5 as a comment.

23 I'll entertain a motion to adopt that.

24 COMMISSIONER ROBERTS: (Indicating)

25 SECRETARY ESPOSITO: (Indicating)

†

1 Suffolk County Planning Commission 5/6/09 202

2 CHAIRMAN CALONE: Moved by Commissioner
3 Roberts, seconded by Secretary Esposito.

4 All in favor of adopting the
5 recommendation as amended, please raise your
6 hand.

7 (WHEREUPON, the members voted.)

8 CHAIRMAN CALONE: And opposed?

9 (WHEREUPON, there was no response.)

10 COMMISSIONER BRAUN: And one recusal.

11 CHAIRMAN CALONE: And with one recusal.

12 Okay. I think that's 10 to zero to 1.

13 Without objection I'd like to move

14 Summerwind up on the agenda because of
15 people's schedules, and because that deals
16 with the East End.

17 So, being no objection, Dan, could you
18 move forward with Summerwind, which is the
19 Riverhead project.

20 DEPUTY DIRECTOR GULIZIO: Yes.

21 CHAIRMAN CALONE: And then we'll save --
22 the Lowe's will be the last one that we do.
23 DEPUTY DIRECTOR GULIZIO: The subject
24 referral involves a request for site plan
25 approval in a DC-1 District, which is the

♀

1 Suffolk County Planning Commission 5/6/09 203
2 Downtown Center 1 District. It is located on
3 the east side of Peconic Street, south of
4 Main Street, in the heart of downtown
5 Riverhead. The subject property maintains a
6 lot area of 14,245 square feet.

7 The applicant is proposing to redevelop
8 this site, which is actually comprised of
9 three lots, partially improved with
10 commercial development. Part of the
11 development has already been demolished.

12 The proposal is to redevelop the site
13 with a five-story mixed-use residential and
14 commercial development consisting of a
15 100-seat restaurant, 5,700 square feet of
16 retail, and 52 rental apartment units. The
17 rental apartment units will all be one
18 bedroom and will vary in size between 600 and
19 800 square feet in size.

20 There are many, again, positive aspects
21 to this application, which we commend the
22 town and the applicant on, including
23 redevelopment property within the heart of
24 downtown proposing a mixed-use project, and
25 proposing a 100 percent workforce housing

♀

1 Suffolk County Planning Commission 5/6/09 204
2 development.

3 The one issue that we would bring -- or
4 I should say a couple of the issues that we
5 would bring to the Commission's attention are
6 similar in -- in style to the last
7 application.

8 The first involves parking. We looked
9 at the parking associated with this
10 application. There are 929 parking spaces
11 provided within the downtown parking
12 district, according to the town.
13 Approximately 433 of those are occupied
14 according to a parking study that was done
15 with a generic environmental impact statement
16 associated with the downtown redevelopment
17 plan. In looking at the immediate property
18 surrounding the subject site, there are
19 approximately 160 parking spaces within the
20 municipal parking lot east of the subject
21 property and south of Main Street.

22 One of our concerns with the application
23 is that according to site plan submitted with
24 the application, there are a total of 141
25 parking spaces required in connection with

♀

1 Suffolk County Planning Commission 5/6/09 205
2 this development based upon the use of the

3 property, and only 160 spaces provided for
4 not only that property, but also the
5 surrounding commercial development to the
6 north, along the east side of Peconic Street,
7 and to the south along Main Street.

8 It should be pointed out that we did
9 discuss this issue with representatives of
10 the town, and one of the issues they pointed
11 out to us, which I think is important to
12 point out to the Commission, is that the
13 original development of the property actually
14 had a higher parking requirement than that
15 which is proposed for the redevelopment of
16 the property. So even though there's not a
17 lot of municipal parking to accommodate this
18 use, even though it involves a significant
19 increase in terms of the scale of the
20 development, going from one and two stories
21 to five stories in development, there's
22 actually a lower parking requirement for the
23 residential, restaurant, and retail use than
24 what currently exists based upon the existing
25 COs for the property which included a bar, a

♀

1 Suffolk County Planning Commission 5/6/09 206
2 restaurant, and other commercial space.

3 So it's an issue that we'd like to point
4 out to the town as a comment, that they ought
5 to consider carefully the parking
6 requirements and the parking availability
7 within the downtown parking district. We

8 would also recommend that the town consider
9 the idea of a parking impact fee in order to
10 offset potential future parking shortfalls,
11 based upon existing applications that are
12 coming in, not just the applications that
13 will come in in the future when there already
14 is a parking shortfall.

15 We'd also like the town to consider,
16 again, looking carefully not only at the
17 adequacy of the overall parking district, but
18 looking at the adequacy of the parking
19 supplied in close proximity to the subject
20 property.

21 And a final comment, similar again to
22 the last application, is to look at the
23 diversity of residential types in order to
24 ensure the proper mix is being met and there
25 is not too many rental versus not enough

♀

1 Suffolk County Planning Commission 5/6/09 207
2 ownership units being provided in the -- in
3 the downtown of Riverhead.

4 With that, again, in light of the late
5 hour, we're respectfully recommending to the
6 Commission approval with comments as provided
7 in the staff report.

8 If the Commission has any questions, I'd
9 be happy to try to address them.

10 CHAIRMAN CALONE: Thank you, Dan.

11 I'd like to recognize Vince first from

12 Riverhead, if there's any comments you'd like
13 to make on the project.

14 COMMISSIONER TALDONE: Sure. Thank you.

15 Well, one, a quick question for our
16 counsel. I serve on the Landmarks
17 Preservation Committee, and this project is
18 in the landmark district, it's in the
19 downtown district. Does that -- should I
20 recuse myself from voting on or speaking
21 about the project?

22 MS. SPAHR: If -- if you take
23 action -- I'm not familiar with the district
24 or what the -- your role is in that other
25 capacity, but if in that other capacity you

†

1 Suffolk County Planning Commission 5/6/09 208
2 have to make a determination or, you know, a
3 judgment or take action that would be part of
4 the -- the -- the change of approval for this
5 process --

6 COMMISSIONER TALDONE: It is.

7 CHAIRMAN CALONE: Is it advisory or is
8 it --

9 MS. SPAHR: -- then --

10 COMMISSIONER TALDONE: Well, the town
11 board can overrule it, but --

12 COMMISSIONER BRAUN: Well, does he have
13 to recuse himself from both?

14 MS. SPAHR: No, no, you would -- you
15 would have to recuse yourself from --

16 COMMISSIONER TALDONE: One or the other.

may final.txt

17 MS. SPAHR: -- one or the other.
18 COMMISSIONER TALDONE: So I could recuse
19 myself at the Landmarks Commission.
20 MS. SPAHR: You're making a real --
21 (Laughter)
22 MS. SPAHR: I don't even know what they
23 do --
24 COMMISSIONER HORTON: Save yourself a
25 lot of headaches if you --

†

1 Suffolk County Planning Commission 5/6/09 209
2 CHAIRMAN CALONE: Yeah, right.
3 MS. SPAHR: If there's a conflict, it is
4 a conflict. You can potentially impair the
5 legitimacy of these actions of one board or
6 another if you're sitting within two
7 different capacities on the same project.
8 So --
9 COMMISSIONER TALDONE: Okay. So I
10 should recuse myself.
11 Okay. So I'm going to recuse myself.
12 CHAIRMAN CALONE: Okay. We prefer not
13 to impair our legitimacy, so --
14 COMMISSIONER TALDONE: Yeah, that
15 sounded pretty bad to me, I agree.
16 CHAIRMAN CALONE: You know, I'm fairly
17 familiar with the project, but, you know, the
18 bottom line is there is -- there is not a ton
19 of parking down in Riverhead, or at least
20 right in the immediate vicinity of this

may final.txt
21 particular project. However, Riverhead is
22 very much like Patchogue. It's had the
23 same -- you know, needs the same
24 infrastructure.

25 This is a project that the county is

♀

1 Suffolk County Planning Commission 5/6/09 210
2 very supportive of, I should say the Levy
3 administration is very supportive in -- with
4 regard to providing funding for this
5 particular project with regard to affordable
6 housing. And so that, you know, should
7 weight in, you know, I think significantly in
8 how we look at this, despite the fact that
9 there may be -- you know, the parking is, you
10 know, certainly an issue. But the parking
11 right now is not an issue because there's
12 very little happening in downtown Riverhead.
13 It's -- it becomes an issue only if the whole
14 place gets developed, and I guess that's a
15 good problem for Riverhead to have. This may
16 get them a step on the way, so --

17 COMMISSIONER ROBERTS: (Indicating)

18 CHAIRMAN CALONE: Anyway, that's just my
19 thoughts on it.

20 Barbara --

21 COMMISSIONER ROBERTS: Actually, Josh
22 performs in the space right next to it, so we
23 all got to see the --

24 DIRECTOR ISLES: Very well.

25 COMMISSIONER ROBERTS: Very well.

♀

1 Suffolk County Planning Commission 5/6/09 211
2 COMMISSIONER HORTON: The parking lot
3 was full.
4 (Laughter)
5 COMMISSIONER HORTON: It wasn't enough.
6 CHAIRMAN CALONE: So I guess that's an
7 issue if Josh will or will not be performing
8 there again, the parking problems.
9 COMMISSIONER ROBERTS: It actually was
10 very empty that night, which is very typical.
11 CHAIRMAN CALONE: Other than the people
12 there for the concert.
13 COMMISSIONER ROBERTS: Anyway.
14 Just from a regular person in Riverhead,
15 I -- I --
16 SECRETARY ESPOSITO: A regular person?
17 COMMISSIONER ROBERTS: -- it's
18 reasonable at this stage, but, of course,
19 consistent over -- over time. And we're
20 putting it as comment, so it seems, to me,
21 appropriate that it's approval with comments
22 about the future.
23 VICE CHAIRMAN KONTOKOSTA: (Indicating)
24 COMMISSIONER ROBERTS: Thank you.
25 CHAIRMAN CALONE: Constantine.

♀

1 Suffolk County Planning Commission 5/6/09 212
2 VICE CHAIRMAN KONTOKOSTA: I would

3 just -- and for the sake of being consistent,
4 add also a comment on energy efficiency
5 standards for this as well.

6 CHAIRMAN CALONE: I think that's
7 appropriate.

8 Any objection to adding the energy
9 efficiency?

10 (WHEREUPON, there was no response)

11 CHAIRMAN CALONE: Okay.

12 COMMISSIONER HORTON: (Indicating)

13 COMMISSIONER KELLY: (Indicating)

14 CHAIRMAN CALONE: Josh, and then
15 Michael.

16 COMMISSIONER HORTON: The only thing I'd
17 also say is that Riverhead, after they
18 adopted their downtown master plan and their
19 new zoning that allowed buildings to go up to
20 five stories, they then were -- conducted an
21 entirely separate review on parking that
22 concluded through their environmental impact
23 statement, which many property owners and
24 developers in the downtown area also
25 participated in the financing of. And there

♀

1 Suffolk County Planning Commission 5/6/09 213
2 was a two-and-a-half, if not, three-year
3 parking review that they undertook and
4 allowed no projects to move forward over
5 the -- you know, really from 2005 to 2000- --
6 through 2008. So they -- to what extent --

7 CHAIRMAN CALONE: That period's now over
Page 182

8 and --

9 COMMISSIONER HORTON: It's over and
10 they've adopted their environmental impact
11 statement and now are entertaining an
12 application for further proceedings, but they
13 have done an elaborate parking review.

14 CHAIRMAN CALONE: Right. I thought the
15 comment was well thought -- well put, that --
16 you know, to consider things like downtown
17 parking funds, especially if Riverhead does
18 comes back, of course, we hope it will.

19 SECRETARY ESPOSITO: You mean when it
20 comes back.

21 CHAIRMAN CALONE: Right.

22 Michael.

23 COMMISSIONER KELLY: Yes, not if, but
24 when.

25 CHAIRMAN CALONE: Right.

♀

1 Suffolk County Planning Commission 5/6/09 214

2 COMMISSIONER KELLY: In that regard, the
3 impact fee, it's my understanding that a
4 significant amount of money has already been
5 paid into this to establish the parking
6 district. So I would -- I would make a
7 comment -- or I would like to see that the
8 impact fee or the comment to -- to keep the
9 impact fee in there, I would like that
10 removed because the district's already formed
11 and it's my understanding that, you know,

may final.txt

17 COMMISSIONER KELLY: -- to hit them
18 again with another impact fee is a bit
19 onerous.

20 CHAIRMAN CALONE: Yup. Well -- well,
21 here's the thing, I mean, this is a comment
22 that they should just consider. I mean --

23 COMMISSIONER BRAUN: Right.

24 CHAIRMAN CALONE: -- it isn't -- it
25 certainly isn't a condition in any way, it

†

1 Suffolk County Planning Commission 5/6/09 216
2 isn't -- and at some point out, the issue is
3 whether it's sufficient or not.

4 Look, this is a comment, so we shouldn't
5 belabor it too much. But, Michael, if you
6 feel strongly about making a motion to remove
7 it, we certainly can do that.

8 COMMISSIONER TALDONE: I'm going to sit
9 on my hands.

10 COMMISSIONER KELLY: Well -- and, again,
11 I think it's -- you know, we're dealing with
12 workforce housing and the positive benefits
13 of that, and to add another fee on top is --

14 COMMISSIONER HOLMES: Yeah. I agree.

15 COMMISSIONER ROBERTS: Yeah.

16 CHAIRMAN CALONE: Fine.

17 So the -- the -- the suggestion is to
18 eliminate the words "import" -- just take out
19 the impact fee part of it?

20 COMMISSIONER KELLY: No, I think you

♀

1 Suffolk County Planning Commission 5/6/09 218
2 CHAIRMAN CALONE: Okay. Opposed.
3 (WHEREUPON, there was no response.)
4 CHAIRMAN CALONE: And abstentions.
5 (WHEREUPON, there was no response.)
6 CHAIRMAN CALONE: Charla, you are in
7 favor; right?
8 COMMISSIONER BOLTON: Yes.
9 CHAIRMAN CALONE: So the vote is 10 to
10 zero to zero; right?
11 SECRETARY ESPOSITO: I have to leave in
12 eight minutes.
13 CHAIRMAN CALONE: 11 to zero to zero.
14 COMMISSIONER BRAUN: To 1 -- to 1.
15 SECRETARY ESPOSITO: To 1.
16 CHAIRMAN CALONE: 10 to zero to 1.
17 SECRETARY ESPOSITO: Okay.
18 CHAIRMAN CALONE: Okay. We have one
19 project left --
20 THE REPORTER: Give me two seconds.
21 CHAIRMAN CALONE: -- and Teri needs two
22 seconds.
23 (WHEREUPON, there was a pause in the
24 proceeding, after which the following
25 transpired:)

♀

1 Suffolk County Planning Commission 5/6/09 219
2 CHAIRMAN CALONE: Okay. Dan.

3 DEPUTY DIRECTOR GULIZIO: Energy
4 efficiency is included as a comment also in
5 the Patchogue application?

6 ALL: Yes.

7 DEPUTY DIRECTOR GULIZIO: Sorry.

8 CHAIRMAN CALONE: Okay. We're on to
9 Lowe's.

10 Andy, it's Lowe's in Huntington, which
11 as everyone -- probably familiar with the
12 townhouse there --

13 SECRETARY ESPOSITO: Yeah.

14 CHAIRMAN CALONE: -- it's that property.

15 SECRETARY ESPOSITO: Actually, that's
16 where they want to put --

17 MR. FRELENG: This referral comes to us
18 from the Town of Huntington. It's the Lowe's
19 Home Center, Incorporated. The jurisdiction
20 for the Commission is it's adjacent to New
21 York State Route 25.

22 The applicants are seeking town board
23 approval for a change of zone from C-6, which
24 is general business, to C-10, which is
25 planned motel, and R-5 --

♀

1 Suffolk County Planning Commission 5/6/09 220

2 CHAIRMAN CALONE: Andy, hang on a
3 second.

4 THE REPORTER: Hold on a second.

5 CHAIRMAN CALONE: We're having technical
6 difficulties.

7 (WHEREUPON, there was a pause in the
Page 188

8 proceeding, after which the following
9 transpired:)

10 MR. FRELENG: Okay. So the applicants
11 are seeking a change of zone from C-6 to C-10
12 and R-5 to construct a two-story,
13 170,790-square-foot Lowe's Home Center on an
14 assemblage of 17.94 acres. The abandonment
15 and conveyance of Iceland Drive, otherwise
16 known as Ackerly Court, is also proposed.

17 The Town of Huntington Zoning Law
18 requires 925 off-street parking stalls. The
19 applicant proposes a second-story parking
20 deck of 518 stalls, a service parking lot,
21 and two locations where parking is to be
22 land-banked. A total of 81 off-street
23 parking stalls are proposed, an approximate
24 six percent shortfall of the code
25 requirement.

♀

1 Suffolk County Planning Commission 5/6/09 221

2 The subject parcel is located on the
3 south side of Jericho Turnpike, approximately
4 275 feet east of New York Avenue. As
5 indicated, this is the site of the Huntington
6 Townhouse which is no longer in operation.

7 If you look at the zoning map for a
8 second, you can see that the character of the
9 land use and zoning pattern in the vicinity
10 indicates that the subject property is
11 located in an assemblage of C-6, C-10, and

12 R-5 zoning. A corridor of C-6 zoning
13 district is located on either side of the
14 state right-of-way. Landward of the corridor
15 R-5 zoning predominates. Land use in the
16 area is generally reflective of the zoning
17 designations with commercial uses along
18 Jericho Turnpike, backed by detached
19 residential housing.

20 If you go to the site plan a second --

21 MR. CORRAL: (Compl ying)

22 MR. FRELENG: Okay. The access for the
23 subject application is in three locations
24 along Jericho Turnpike. The easternmost
25 access proposes to be a right-turn-only

†

1 Suffolk County Planning Commission 5/6/09 222
2 ingress/egress, that would be located way at
3 the eastern part of the subject lot. The
4 principal access proposes to utilize an
5 existing signalized intersection. It's
6 unrestricted in all turn movements, so that
7 would be approximately right of center of the
8 subject property. The western most access
9 appears to be a right turn only
10 ingress/egress, and that's way at the western
11 corner of the property, and that is primarily
12 for truck delivery.

13 There are no significant environmental
14 constraints on the site, with the exception
15 of steep slopes which are found at the
16 southerly end of the subject property. This

17 area's to be left as open space and an
18 undisturbed area. There are two structures
19 and a driveway which will be removed and
20 allowed to be reverted to natural conditions.

21 If you take a look at the aerial for a
22 second, you can see the roof of one of the
23 structures, the other one is hidden here, and
24 there's a little curve in the wood line that
25 you can see that is the driveway that goes

†

1 Suffolk County Planning Commission 5/6/09 223
2 down to Ackerly Court (indicating).

3 Okay. From the opinion of the staff and
4 our staff analysis indicates that the request
5 of zone change is reasonably appropriate
6 notwithstanding some of the following issues:

7 Is westernmost land-banked parking area
8 is problematic -- if you take a look at the
9 site plan a second, it's probably easier to
10 see in the site plan that was submitted with
11 the staff report, but there's a number of
12 land-banked parking stalls in the far western
13 edge of the subject property. Staff believes
14 that these are really not practical in terms
15 of functioning parking.

16 Again, you really can't see in the
17 reduced site plan, but there's a median that
18 is proposed down the middle, the first
19 100 feet or so, down this access strip, and
20 there are parking stalls which are on either

21 side (indicating). So, frankly, if you come
22 in and you parked at the very last stall
23 here, and you have a tractor trailer rolling
24 in from -- from the west coming into that
25 site, it's a very problematic parking

♀

1 Suffolk County Planning Commission 5/6/09 224
2 arrangement (indicating). And there's a
3 bunch of stalls here that are problematic.
4 We would like the -- the town to take another
5 look at that in terms of land-banking.

6 Again, as proposed, they're only
7 6 percent shy, so they may be able to
8 eliminate some of that parking.

9 Again, this is land-banks, so it's not
10 to be physically constructed at the time, but
11 we plan for a worse-case analysis -- that's
12 why we have smoke detectors and fire escapes,
13 so in a worse-case, if they needed to provide
14 additional parking for the site, these would
15 not be functioning parking spaces, they'd be
16 very unsafe. So we need the town to take
17 another look at that.

18 Okay. So that's one issue that the
19 staff has with the site plan.

20 The currently zoned C-10 planned motel
21 district portion of the subject site was
22 rezoned in November of 2001 to accommodate a
23 178,000-square-foot conference center with
24 overnight accommodations. The conference
25 center facility was contemplated in addition

♀

1 Suffolk County Planning Commission 5/6/09 225
2 to the existing and then operating townhouse
3 catering establishment. The Suffolk County
4 Planning Commission reviewed and disapproved
5 the requested C-10 zone change at the time,
6 October 2001. Subsequently the town overrode
7 the Commission and approved the C-10 request.
8 The approval opened the way for the
9 construction of a conference center with
10 overnight accommodations, which included
11 230 guest rooms, health and fitness
12 facilities, and over 900 parking spaces in
13 two parking structures. The total permitted
14 square footage would have been approximately
15 316,300 square feet.

16 Although the conference facility was
17 never constructed, the zoning left in place
18 would currently allow 42 residential units,
19 280,300 square feet of office space, as well
20 as 149,300 square feet of hotel. So what the
21 zoning left is even more intense than what
22 was proposed for the change of zone.

23 The applicant's current argument is that
24 this proposal to redevelop the site is less
25 intensive and will generate less traffic than

♀

1 Suffolk County Planning Commission 5/6/09 226
2 the uses previously contemplated and approved

8 Lowe's business would make it unlikely to see
9 much customer traffic from buses; however,
10 employees may use the mass transit system to
11 get to and from work. The applicant should
12 be required, in the staff's opinion, to
13 construct a bus stop along the frontage of
14 the property and include a shoulder to allow
15 buses to stop outside of the lanes of
16 traffic.

17 There was no information on energy
18 efficiency or public safety submitted with
19 the subject application, and staff believes
20 that those should be either comments or
21 conditions in the Commission's determination.

22 So, in conclusion, staff is recommending
23 approval subject to the following conditions
24 and comments deemed necessary for good
25 planning and land use:

♀

1 Suffolk County Planning Commission 5/6/09 228

2 First and foremost, that a bus stop and
3 shoulder be constructed along the frontage
4 with New York State Route 25. The paragraph
5 which follows is the rationale from the staff
6 report.

7 The second condition is that the
8 premises be encumbered by appropriate
9 operational restrictions to adequately
10 protect nearby residences, which are up and
11 around, just over the hill here (indicating),

12 so to adequately protect nearby residences
13 from potential adverse effects, potentially
14 lighting should be shielded, the hours of
15 operation should be reviewed, the routes of
16 truck deliveries should be restricted to
17 certain hours of the time of day, forklifts,
18 trucks backing up, garbage pick-up, all those
19 types of things that have beeping backup
20 alarms which tend to be disturbing to
21 residential communities, so that type of
22 stuff, we believe that the Commission ought
23 to recommend conditioning some of the
24 operational uses there.

25 Condition number 3, which staff will

†

1 Suffolk County Planning Commission 5/6/09 229
2 remove and make a comment pursuant to some of
3 your other discussions, the applicant shall
4 be directed to review the Suffolk County
5 Planning Commission Guidelines on energy
6 efficiency and incorporate appropriate energy
7 efficiency measures. We'll make that a
8 comment.

9 Condition number 4 recommends from staff
10 is that the applicant be directed to review
11 the Suffolk County Planning Commission
12 Guidelines on public safety and make any
13 changes to the conceptual plan as necessary.

14 And then the final comment in the staff
15 report that the staff would like to relay
16 forward is that the westernmost land-banked

17 parking area is problematic and should be
18 re-reviewed in order to provide safe and
19 sufficient parking.

20 CHAIRMAN CALONE: And your
21 recommendation of that would be a comment,
22 Andy?

23 MR. FRELENG: Yes.

24 CHAIRMAN CALONE: Okay.

25 John, this is a Huntington thing. Any

†

1 Suffolk County Planning Commission 5/6/09 230
2 comments or thoughts about it?

3 COMMISSIONER CARACCIOLLO: As a taxpayer
4 of Huntington and a member of the Chamber of
5 Commerce, I can tell you that the people that
6 we have spoken to are eagerly anticipating
7 this application going through. They -- this
8 is a great piece of property that's, you
9 know, high visibility, and it's an eyesore
10 that's been sitting there for a long time. I
11 think this is a welcome relief to the -- a
12 project that was planned and was -- and did
13 not go through.

14 So as a member of the Town of Huntington
15 Chamber of Commerce, I can tell you that
16 everybody is -- is for this project. And I
17 like Andy's comments and the staff's comments
18 on -- on the -- protecting the property
19 owners from the --

20 CHAIRMAN CALONE: Yeah, some of the --

21 COMMISSIONER CARACCILO: -- louder
22 noises --
23 CHAIRMAN CALONE: Right.
24 COMMISSIONER CARACCILO: -- and truck
25 deliveries, and I think that would work just

♀

1 Suffolk County Planning Commission 5/6/09 231

2 fine.

3 MR. FRELENG: Mr. Chairman, we do have
4 some more photos I forgot to --

5 CHAIRMAN CALONE: If there's anything in
6 that -- particular you want to show us, I
7 guess --

8 MR. FRELENG: Just in the -- just the
9 state of the --

10 CHAIRMAN CALONE: All right.

11 MR. FRELENG: That's the -- that's the
12 easternmost part of the property where the
13 bulk of the facility will go (indicating).

14 John, next slide.

15 MR. CORRAL: (Complying)

16 MR. FRELENG: That's Ackerly Court
17 (indicating). If you could look at the site
18 plan you could figure out that the bulk of
19 the Lowe's Home Center will probably straddle
20 this part of the road that is abandoned.

21 Next slide, John.

22 MR. CORRAL: (Complying)

23 MR. FRELENG: This is the back end of
24 the Huntington Townhouse. What you can't see
25 are the broken windows. In a relatively

♀

1 Suffolk County Planning Commission 5/6/09 232
2 short amount of time -- three years maybe --
3 CHAIRMAN CALONE: Yeah.
4 MR. FRELENG: -- it's been
5 unoperational. The building is going into
6 severe disrepair.
7 This is from the other side of the
8 street (indicating). You can see the mass of
9 the Huntington Townhouse, how high it
10 actually goes. So the two-story Lowe's would
11 probably only be this high as opposed to the
12 height of the existing structure
13 (indicating). And that will all be
14 demolished and come down.
15 COMMISSIONER CARACCILO: Andy, did
16 you -- just to comment on your notion of
17 Iceland Drive and Ackerly Court, closing that
18 off, that's going to be a very positive thing
19 for the community as well. That was always a
20 bad cut through. And -- you know, you talk
21 about the noise and -- and -- that the Lowe's
22 is going to bring, I'll take that noise over,
23 you know, 900 people leaving a party on a
24 Saturday night and all cutting down -- you
25 know, trying to cut down that court. So --

♀

1 Suffolk County Planning Commission 5/6/09 233
2 CHAIRMAN CALONE: Any other comments

8 MR. FRELENG: It is not proposed to be
9 used for any of the other businesses. There
10 is nothing -- there's an office building --
11 an enveloped building, I think, being
12 constructed here to the west (indicating), I
13 don't recall exactly what it is, but it
14 doesn't really look like there's an
15 opportunity --

16 COMMISSIONER CARACCILO: There's really
17 no opportunity as it's set up now --

18 COMMISSIONER BRAUN: It's gated now.

19 COMMISSIONER CARACCILO: -- and it's --
20 it's gated now, yeah, but I don't think it's
21 anything -- nobody's parking there and
22 running down the block.

23 MR. FRELENG: Just to follow
24 Commissioner Kelly's thought process, though,
25 it might not be a bad idea to require some

♀

1 Suffolk County Planning Commission 5/6/09 235
2 sort of future cross access for the property
3 to the east. We can list that as a comment.

4 CHAIRMAN CALONE: That's a suggestion
5 we've got, and I don't -- I think that's fine
6 as a comment. I mean, I don't think we want
7 to submit it in any way, but just raising
8 the issue.

9 COMMISSIONER BRAUN: Yeah.

10 COMMISSIONER CARACCILO: Yeah.

11 CHAIRMAN CALONE: Any objection to

may final.txt

12 adding that as comment, just that they might
13 want to consider cross access?

14 (WHEREUPON, there was no response.)

15 CHAIRMAN CALONE: Seeing none, we'll add
16 that.

17 Any other comments or --

18 COMMISSIONER TALDONE: (Indicating)

19 CHAIRMAN CALONE: Yes, Vince.

20 COMMISSIONER TALDONE: Just a quick
21 suggestion in terms of item 1 on the
22 conditions, to change the word "shoulder" to
23 "turn out" --

24 COMMISSIONER BRAUN: Yeah.

25 COMMISSIONER TALDONE: -- because there

♀

1 Suffolk County Planning Commission 5/6/09 236
2 may well be a shoulder required, but a turn
3 out give them an extra 20 inches or so to get
4 the bus out of the way of moving vehicles.

5 And then at the end I would say, make it
6 conditional, if deemed appropriate by Suffolk
7 County DPW Transit Operations Division,
8 because this goes to State DOT for review,
9 and the DOT Transit Operations people might
10 not see it until it's too late in the design
11 process. So this immediately tells the
12 planning department in the town to send it
13 over to -- to them for a comment.

14 CHAIRMAN CALONE: Any objections to
15 that? I don't --

16 (WHEREUPON, there was no response.)

may final.txt

17 CHAIRMAN CALONE: -- I think that's
18 fine.
19 COMMISSIONER TALDONE: Okay.
20 DIRECTOR ISLES: Fine.
21 CHAIRMAN CALONE: Thank you, Vince, for
22 that.
23 Any other comments or questions about
24 this application?
25 (WHEREUPON, there was no response.)

†

1 Suffolk County Planning Commission 5/6/09 237
2 CHAIRMAN CALONE: If not, we will
3 entertain a motion.
4 COMMISSIONER CARACCILO: (Indicating)
5 COMMISSIONER BRAUN: So moved.
6 CHAIRMAN CALONE: A motion by Former
7 Chairman Caracciolo, seconded by --
8 COMMISSIONER BRAUN: Me.
9 CHAIRMAN CALONE: -- Commissioner Braun.
10 All in favor of adopting the staff
11 report as amended, please raise your hand.
12 (WHEREUPON, the members voted.)
13 CHAIRMAN CALONE: 11 to zero.
14 Any other business -- thank you,
15 Adrienne.
16 A long meeting, but thank you all.
17 I'll entertain a motion to adjourn.
18 VICE CHAIRMAN KONTOKOSTA: (Indicating)
19 COMMISSIONER HORTON: (Indicating)
20 CHAIRMAN CALONE: A motion by

1 Suffolk County Planning Commission 5/6/09 239

2

3

4

C E R T I F I C A T E

5

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

9 That the foregoing is a true and accurate
10 transcription of the stenographic notes taken
11 herein.

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

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 6th day of May, 2009.

18

19

20

21

THERESA PAPE

22

23

24

25