

# 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: September 2, 2009  
TIME: 12:00 P.M.  
LOCATION: William Rogers Legislative Bldg., Rose Caracappa Auditorium  
DIRECTIONS: North County Complex, 725 Veterans Memorial Highway, Hauppauge

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### **The Tentative Agenda Includes:**

1. Adoption of minutes for July 1, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers - None
6. Sections A14-14 to 23 of the Suffolk County Administrative Code
  - Lloyd Harbor- Comprehensive Plan Amendment
7. Section A14-24 of the Suffolk County Administrative Code:
  - Rosh Industrial Park 0200 84600 0300 00500 (Brookhaven)
8. Discussion - Comprehensive Plan Update
9. Other Business
  - Certificate of Appreciation - Don Fiore

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **October 7** at 12:00 P.M. at the Southold Town Hall.

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## **AGENDA**

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  - Certificate of Appreciation - Don Fiore

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SUFFOLK COUNTY PLANNING COMMISSION

WILLIAM H. ROGERS BUILDING  
LEGISLATIVE AUDITORIUM  
725 Veterans Memorial Highway  
Hauppauge, New York

September 2, 2009  
12:00 p.m.

F I N A L

BEFORE:

DAVID CALONE, Chairman  
Town of Babylon

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

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

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CONSTANTINE KONTOKOSTA, Vice Chairman  
Commi ssi on Member  
Vi ll ages Under 5,000 Popul ati on

ADRI ENNE ESPOSITO, Secretary,  
Commi ssi on Member  
Vi ll ages Over 5,000 Popul ati on

LINDA HOLMES, Commi ssi on Member  
Town of Shel ter Isl and

CHARLA BOLTON, Commi ssi on Member  
At Large

THOMAS McADAM, Commi ssi on Member  
Town of Southol d

SARAH LANSDALE, Commi ssi on Member  
At Large

VINCENT TALDONE, Commi ssi on Member  
Town of Ri verhead

A B S E N T:

JOHN CARACCI OLO, Commi ssi on Member  
Town of Hunti ngton

BARBARA ROBERTS, Commi ssi on Member  
Town of Southampt on

JOSHUA HORTON, Commi ssi on Member  
At Large

JOB POTTER, Commi ssi on Member  
Town of East Hampt on

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

THOMAS A. ISLES, Di rector of Pl anni ng

ANDREW P. FRELENG, Chi ef Pl anner  
Suffol k County Pl anni ng Department

TED KLEIN, Seni or Pl anner  
Suffol k County Pl anni ng Department

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PETER LAMBERT, Principal Planner  
Suffolk County Planning Department

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JOHN CORRAL,  
Suffolk County Planning Department  
LINDA SPAHR, County Attorney  
DOTTY SONNICHSEN, Staff

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(WHEREUPON, this proceeding convened at  
12:00 p.m. Off-the-record discussions  
ensued, after which the following  
transpired:)

(Time noted: 12:12 p.m.)

CHAIRMAN CALONE: Good afternoon.  
Welcome to the September 2009 meeting of the  
Suffolk County Planning Commission. I'll  
note that a quorum is present.

I'm going to ask the Vice Chairman to

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12 lead us in the Pledge.  
13 (Pledge of Allegiance)  
14 CHAIRMAN CALONE: The first item on our  
15 agenda is the adoption of the minutes for  
16 July 1st. The Editor-in-Chief and I have  
17 both put in comments.  
18 Mrs. Holmes.  
19 COMMISSIONER HOLMES: Some of them  
20 overlapped, but --  
21 CHAIRMAN CALONE: Because great minds  
22 occasionally think alike.  
23 COMMISSIONER HOLMES: Right.  
24 We concurred that these were splendid, I  
25 only found 13 minor errors. And Theresa has

1 Suffolk County Planning Commission 9/2/09 5  
2 been given the corrections, and I'm sure they  
3 will be made. So I would move the adoption  
4 as amended.

5 CHAIRMAN CALONE: Before entertaining  
6 that, are there any other comments or  
7 questions about the minutes?

8 (WHEREUPON, there was no response.)

9 CHAIRMAN CALONE: Seeing none, the  
10 motion is by Mrs. Holmes to -- Commissioner  
11 Holmes, excuse me, to approve as amended.

12 All in favor, please raise your hand.

13 (WHEREUPON, the members voted.)

14 CHAIRMAN CALONE: Opposed?

15 (WHEREUPON, there was no response.)

16 CHAIRMAN CALONE: And that passes

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unani mousl y.

The next i tem on our agenda i s the  
publ ic porti on.

I s there anyone from the publ ic who  
wi shes to speak at the meeti ng?

(WHEREUPON, there was no response.)

CHAI RMAN CALONE: Seei ng none, and we  
have no cards --

Oh, we have one gentl eman.

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Pl ease.

MR. FRELENG: Mr. Chai rman, who seconded  
the mi nutes?

CHAI RMAN CALONE: I di d.

Si r, you have three mi nutes. I f you' d  
ju st state your name and spell your l ast name  
for the record.

MR. QUINN: My name i s Peter Qui nn, a  
l ongti me presenter at the Suffol k County  
Legi sl ative meeti ngs, as some of you may  
know.

I' m concerned about the potenti al. We  
al l know that we' re pl ayi ng -- payi ng  
extraordi nary rates for electri ci ty, and they  
certai nly have an i mpact on the county  
faci l i ti es, as well wi th high rates, and i t  
has bothered me that LIPA i s seeki ng to buy  
some of the generati ng pl ants from Nation al  
Gri d.

21 Now, when LILCO -- LIPA took over from  
22 LILCO back in 1998, KeySpan -- ultimately  
23 KeySpan, which was originally Brooklyn Union  
24 Gas, Genco, and then KeySpan, purchased all  
25 of those plants at book value. Twice during

1 Suffolk County Planning Commission 9/2/09 7  
2 Richard Kessel's CEO tenure, they attempted  
3 to buy the -- some of the generating plants  
4 at market value, which was substantially  
5 higher. As Bob Catell planned, he wanted  
6 \$2 billion when initially KeySpan, in the  
7 arrangement with the takeover, they purchased  
8 them for less than \$400 million.

9 It seems to me prudent to suggest that  
10 before any such purchase takes place, all of  
11 you should be aware that there is a thing  
12 called "thermal heat percentages." Now,  
13 there are 53 generating plants, if we're  
14 going to take over any of them, there  
15 certainly ought to be an evaluation of the  
16 thermal heat percentages of each of those  
17 plants.

18 Why? Because if you've got some  
19 generating plants that have an output of only  
20 13 percent, which makes them extremely  
21 inefficient, and, therefore, more costly to  
22 buy oil and natural gas for those plants,  
23 about which Kevin Law the current CEO says we  
24 can't do anything about oil and natural gas,  
25 that's a product of marketplace, and if we

1 Suffolk County Planni ng Commi ssi on 9/2/09 8  
2 discovered that several are below 20 percent,  
3 they are extraordinary i neffi cient and,  
4 therefore, shoul dn' t be used at all .

5 I would hate to think of ratepayers  
6 having to foot the bill for market value for  
7 any generati ng pl ants when they haven' t been  
8 repaired or i ncreased ever since the  
9 takeover, going back to the days of Li lco.

10 CHAIRMAN CALONE: Thank you, Mr. Qui nn.  
11 I' m going to ask you to --

12 MR. QUI NN: So I would urge --

13 Okay. So I would urge that you be --  
14 not only that I have kind of i nstructed you  
15 on being aware of i t, but I would urge you to  
16 challenge any effort by LI PA to purchase  
17 those pl ants wi thout knowing what the thermal  
18 heat percentages are for those generati ng  
19 pl ants.

20 Thank you very much. I appreciate your  
21 attentio n.

22 SECRETARY ESPOSITO: Thank you.

23 CHAIRMAN CALONE: Thank you, Mr. Qui nn.  
24 And I would urge you to also, of course,  
25 share your concerns wi th LI PA. The trustees

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2 meeti ng i s on September 24th i n Uni ondale at

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MR. QUINN: I go to those -- I have gone to those for years, but I've become so disappointed in what LIP- -- even despite the fact that I've made a lot of recommendations over the years, that I've stopped going. I've -- I've gone to their finance committee meetings as well --

CHAIRMAN CALONE: All right. Thank you, sir.

MR. QUINN: -- and I'm bothered by their bonding, but that's another issue.

Thank you.

CHAIRMAN CALONE: Thank you, sir.

Appreciate it.

All right. Thank you, Mr. Quinn.

Anyone else?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Seeing none and seeing no cards, we'll close the public portion and we'll move onto the Chairman's report.

A few things to update all of you on.

With regard to our two goals this year:

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One, of course, was to begin the Suffolk County Comprehensive Plan update.

Mission accomplished. We have a plan underway. We'll talk a little bit more about it later in the agenda. And the goal -- what we'll do going forward is, each month

8 actually have an update on the agenda so we  
9 can all be aware of where the Comprehensive  
10 Plan is, and be able to assist and guide the  
11 department in its work on that.

12 As some of you know, the county  
13 executive hosted a press conference two weeks  
14 ago to mark the launch. I want to thank  
15 Charla and Mike for being there kind of on  
16 last-minute notice, with me and Tom.

17 The county executive is working on an  
18 outreach plan to the county legislature, the  
19 town supervisors, and others over the next  
20 few months, and the director will update us  
21 on the launch of the plan and the progress of  
22 the department on that in a few minutes.

23 With regard to our task forces which was  
24 our second goal for the year, I think many of  
25 you may have seen the Newsday editorial

1 Suffolk County Planning Commission 9/2/09 11  
2 supporting the task force effort that came  
3 out about two weeks ago. Also, yesterday,  
4 the Long Island Regional Planning Council  
5 voted yesterday to endorse the task force  
6 effort.

7 Congressman Israel was interested in the  
8 task forces work, and I met with him about a  
9 week or so ago. He was very supportive and  
10 in fact asked the commission to co-host with  
11 him an Energy Efficiency Summit some time in

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12 October. The goal of which will be to  
13 inform the municipalities about their ability  
14 to issue federally-backed bonds called  
15 PACE bonds which can help create a revolving  
16 fund to pay for home energy retrofits. So  
17 we'll be working with his staff on that, you  
18 know, over the coming weeks.

19 The congressman and I talked about an  
20 idea to expand the Babylon Green Homes  
21 program county-wide. That's something that I  
22 am personally interested in, and have had a  
23 chance to speak with Babylon Supervisor Steve  
24 Bellone, the county executive, Kevin Law, and  
25 some people in the administration about in

1 Suffolk County Planning Commission 9/2/09 12  
2 Washington, and then we'll see where that  
3 goes over the next few weeks. But such an  
4 effort would be eligible for federal stimulus  
5 funds. So that certainly is a -- will be a  
6 good thing if it will be able to work out.

7 I wanted to also give an opportunity for  
8 the heads of each of our task forces to maybe  
9 give a -- just a brief update on what's going  
10 on with the task forces.

11 Sarah, maybe if you can start with the  
12 Energy and Environment.

13 COMMISSIONER LANSDALE: Sure.

14 Thank you so much.

15 We've had several conference calls over  
16 the month of August with all of the different

17 subcommittees. We have about two dozen  
18 people participating in all of the various  
19 different subcommittees of this task force.

20 And I want to thank Constantine and  
21 Adrienne for -- and David, also, for  
22 participating and helping out and sharing  
23 some on those subcommittees.

24 So we plan to have some draft  
25 recommendations and a report by October, and

1 Suffolk County Planning Commission 9/2/09 13  
2 then we'll evaluate our next steps.

3 CHAIRMAN CALONE: All right. I think --  
4 oh, one other thought just on Energy and  
5 Environment. I know the members of the task  
6 force know this, but just to let all --  
7 everyone know.

8 Kevin Law is fully behind our effort to  
9 create a standard solar application process,  
10 and would like to maybe plan an announcement  
11 with the commission and possibly the Regional  
12 Planning Council for late in this year, if  
13 possible, maybe announcing a new standard and  
14 LIPA's support for that, including financial  
15 incentives to municipalities to get on board  
16 with a streamlined solar process.

17 So there are definitely hurdles to  
18 overcome in determining a process that makes  
19 sense, but there seems to be a growing  
20 consensus that that is something that is

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achievable and important. So that's one  
22 other note.

23 Housing. We have Constantine.

24 VICE CHAIRMAN KONTOKOSTA: Thank you,  
25 Mr. Chair.

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2 Yes, the Housing Task Force had a great  
3 kickoff meeting the beginning of August. We  
4 had almost 20 people in attendance, and I  
5 would like to thank Mike, Vincent, and Charla  
6 for being there, and -- and of course, the  
7 Chair for being there.

8 At this point now we're just finalizing  
9 our goals for the group, trying to narrow  
10 them down to things that we could manageably  
11 address in the next few months to six months,  
12 and we'll be holding another task force  
13 meeting in the coming weeks to begin to look  
14 into those in some more detail.

15 CHAIRMAN CALONE: Great. Thank you.

16 COMMISSIONER HOLMES: May I add a note  
17 to Constantine --

18 I'm sorry, I neglected to ask the staff  
19 to make copies, but I thought maybe  
20 particularly the task force might like these  
21 articles from the New York Times on that  
22 landmark Westchester Affordable Housing  
23 decision where the county had to agree that  
24 they had been lax in enforcing the affordable  
25 housing requirements and had taken money that

1 Suffolk County Planning Commission 9/2/09 15  
2 was actually not spent for affordable  
3 housing.

4 Some communities like my hometown of  
5 Scarsdale did authorize affordable housing  
6 and designate town property for it, but it  
7 never got built because neighbors were still  
8 complaining about traffic and whatnot.

9 But I thought maybe --

10 VICE CHAIRMAN KONTOKOSTA: Yes, thank  
11 you. I did notice that in -- of course, a  
12 very interesting and important case.

13 Other recent articles, actually, in the  
14 Times addressing kind of affordable housing  
15 have been quite interesting as well.

16 Connecticut kind of taking --

17 COMMISSIONER HOLMES: Yes.

18 VICE CHAIRMAN KONTOKOSTA: -- their own  
19 initiative to create affordable housing and  
20 not waiting for people -- individual  
21 developers to make the move.

22 So I think there's a lot going on in the  
23 region that --

24 COMMISSIONER HOLMES: Yes.

25 VICE CHAIRMAN KONTOKOSTA: -- that's

1 Suffolk County Planning Commission 9/2/09 16  
2 relevant definition.

3           COMMISSIONER HOLMES: I don't know if  
4 staff can make copies for the Housing Task  
5 Force --

6           CHAIRMAN CALONE: We'd probably find  
7 that online, maybe.

8           VICE CHAIRMAN KONTOKOSTA: Yeah.

9           CHAIRMAN CALONE: Yeah.

10          COMMISSIONER HOLMES: Yeah.

11          CHAIRMAN CALONE: Well, thank you to the  
12 representative from Scarsdale for sharing  
13 that. That's great. And it just illustrates  
14 why it's important that we have --

15          COMMISSIONER HOLMES: Yeah.

16          CHAIRMAN CALONE: -- a task force like  
17 that looking at these issues for the whole  
18 county.

19          COMMISSIONER HOLMES: Because that's  
20 going to be used -- that's going to be cited  
21 as case law all over the country, and I think  
22 everybody knows it.

23          CHAIRMAN CALONE: Thank you,  
24 Commissioner Holmes.

25          Next, we have our Accessible Design and

1 Suffolk County Planning Commission 9/2/09     17  
2 Smart Growth Task Force. Vince with an  
3 update.

4           COMMISSIONER TALDONE: Briefly, the  
5 accessible design and smart growth team has  
6 been working in terms of the smart growth and  
7 really exploring how we can better address

8 one of the key issues, which is the sewage  
9 question throughout the county.

10 Dave's been very active in this, and  
11 hopefully we'll be able to organize our first  
12 meeting with some solid ideas to be explored  
13 by the participants very shortly.

14 In terms of smart -- on the smart growth  
15 side, I want to also mention the proposed  
16 legislation by Bill Lindsay -- which I  
17 circulated only last night so I know not  
18 all of you have gotten to see it -- which  
19 allows the existing bank of approximately  
20 180 wastewater credits and future wastewater  
21 credits acquired by the county through its  
22 SOS and safe drinking water programs to be  
23 used in addition to affordable housing,  
24 expanding that to a -- a smart growth  
25 downtown revitalization or community

1 Suffolk County Planning Commission 9/2/09 18  
2 restoration program.

3 That's not entirely clear in my mind as  
4 to what that means. It sounds great to me.  
5 It sounds like the sort of thing we should be  
6 getting behind and showing our support for,  
7 but we need some clarity in terms of the  
8 actual definition of what is smart, because  
9 there's, of course, clever, and then, you  
10 know, smarter growth, and we would like to  
11 support, of course, the most intelligent of

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12 those designs. But, to me, it sounds like a  
13 great idea. And I understand the wastewater  
14 credit bank has not been utilized well at  
15 this point, and so this may be a way of not  
16 only helping downtowns to create more dense  
17 and smarter developments by applying those  
18 credits not just to housing but also to  
19 commercial developments.

20 On the accessible design side of the  
21 team, we have the Town of Brookhaven moving  
22 this month to public hearings where Charla  
23 and I will be participating in showing our  
24 support for a universal -- universal  
25 design -- I'm sorry, universal design permit

1 Suffolk County Planning Commission 9/2/09 19  
2 is the name of the building code change,  
3 which would create a specific permit for a  
4 new home or an alteration that includes  
5 specific accessible features, the four-key  
6 universal design features that we had  
7 included in our design guidelines. And we'll  
8 be going there to show our support for that  
9 bill. And that, you know, leads us further  
10 down the road, and we'll be back to talk  
11 about it in the future.

12 As all of these actions by different  
13 towns come together, we can start to evaluate  
14 them and try to develop the best practices or  
15 best code -- model code for our own adoption  
16 in the future. But that's where we are now.

17 CHAIRMAN CALONE: Thank you, Vince.  
18 And I think one thing that came up at  
19 the end of last meeting that we probably  
20 should just discuss off-line is what role we  
21 can play with regard to what other -- what  
22 the towns are doing. So maybe it's a  
23 conversation we could have with the counsel's  
24 office, you know, before we take any overt  
25 steps on that, just to get some clarity on

1 Suffolk County Planning Commission 9/2/09 20  
2 that, because I know Linda had raised, you  
3 know, some issues or some -- we need to be  
4 careful there. So --

5 If you want to say anything more on that  
6 now, fine. If not, I think we can probably  
7 have a conversation off-line about that.

8 COMMISSIONER TALDONE: Well, I just --  
9 quickly is that the -- in terms of the local  
10 code changes?

11 MS. SPAHR: (Head gesture)

12 COMMISSIONER TALDONE: Yes.

13 Well, that's why we actually -- I  
14 initially thought of an actual resolution --

15 CHAIRMAN CALONE: Right.

16 COMMISSIONER TALDONE: -- showing strong  
17 support. We sort of dropped that idea and we  
18 prefer just to go with individuals as members  
19 of this commission and discuss how, you know,  
20 we personally believe this is very important,

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et cetera, et cetera. Just leave it at that  
22 for now.

23 CHAIRMAN CALONE: It is certainly a fact  
24 that accessible design is included in the  
25 guidelines that we passed. I mean, those

1 Suffolk County Planning Commission 9/2/09 21  
2 kinds of things I would assume you could  
3 mention, but we should just have a  
4 conversation, just we're comfortable, before  
5 we do that. So why don't we just do that  
6 after the meeting with the counsel's office.

7 With regard to the smart growth, Vince  
8 and some of the others around this table had  
9 the idea of perhaps having a second sewer  
10 summit to build on what -- the one that had  
11 been done last year, but with more of a focus  
12 on optimizing sewer revenues, and as kind of  
13 a companion effort to the new sewer needs  
14 assessment that the legislature is doing.

15 I did take that idea to the county  
16 executive, who was very interested in it, and  
17 wanted to know whether the planning  
18 commission would be interested in co-hosting  
19 perhaps a sewer summit -- second sewer summit  
20 with him later this year.

21 And since I was meeting with  
22 Congressman Israel, I mentioned it to him  
23 and Assemblyman Sweeney as well, and so  
24 there's -- there seems to be some growing  
25 momentum about that.

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2 The county executive's office will take  
3 the lead on that, if they choose to, but  
4 certainly, you know, as we discussed around  
5 this table, it's an important thing, and next  
6 steps would include reaching out to the  
7 presiding officer and Legislator Horsley,  
8 who's been a leader in Suffolk County on  
9 sewers and who presented here to the planning  
10 commission just two months ago on that.

11 A couple other notes on that. From my  
12 conversations, Congressman Israel likes the  
13 idea of trying to come up with a localized  
14 funding source and is interested in funding a  
15 study on the feasibility of maybe a Long  
16 Island Infrastructure Bank to make sure that  
17 there's a local source of money for sewers  
18 and other infrastructure needs. So that is  
19 something that, you know, we'll be -- we'll  
20 be perhaps moving forward in the next few  
21 months.

22 Supervisor Bellone mentioned the  
23 importance -- when we're talking about smart  
24 growth, Vince -- about focusing on  
25 walkability and traffic calming, and he just

1 Suffolk County Planning Commission 9/2/09 23

2 said that that was one of the big things that

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3 he sees as being an impediment. And that  
4 kind of fits in with the idea of creating a  
5 model PDD for certain transit-oriented and  
6 downtown areas that could be a prerequisite  
7 for new sewer money or these wastewater  
8 credits or -- or anything. It's kind of  
9 creating some basic criteria that an area  
10 would have to meet.

11 Anyway, those were just side thoughts.

12 On Public Safety, we're going to --  
13 we're moving forward. As all of you know,  
14 Bob Braun had to step down from the  
15 commission in the last few weeks. And he was  
16 leading that effort, so we're going to have  
17 to get things started again. We could  
18 probably use one more commission member,  
19 perhaps, doing a little bit of work on that  
20 task force. But for now it's me and Tom  
21 McAdam, and Ted is helping us as well.  
22 And -- basically pulling together materials  
23 from around the country where they have  
24 done -- looking at public safety as it  
25 relates to land use and design. So we'll

1 Suffolk County Planning Commission 9/2/09 24  
2 have probably more of an update next month on  
3 that.

4 Our goals for the task forces for  
5 September, obviously, just to keep things  
6 moving, and, you know, we have some good  
7 momentum.

8 In terms of housekeeping, the county  
9 executive just nominated Matthew Chartrand,  
10 the President of the Iron Workers Local 361,  
11 as the new commission member from Islip.  
12 Matt, who's been at some of our meetings as a  
13 member of the audience, will have his  
14 legislative hearing next week and hopefully  
15 will be at our table starting next month.

16 Of course, he is filling the spot of Don  
17 Fiore who I see is in the audience, and maybe  
18 so Don doesn't -- Don doesn't have to sit  
19 through all this, maybe we could do a  
20 presentation to Don right now. Unless  
21 there's any objection, we'll take that out of  
22 order, and ask if Don would join us up here.

23 (WHEREUPON, Former Commissioner Donald  
24 Fiore approached the dais.)

25 CHAIRMAN CALONE: As you all know, we

1 Suffolk County Planning Commission 9/2/09 25

2 I like to honor those who've been with us.

3 And, Don, let me just read this into the  
4 record for you and just say personally,  
5 obviously, it was wonderful working with you,  
6 but --

7 "Whereas, Don Fiore has served  
8 with dedication and distinction on the  
9 Suffolk County Planning Commission from  
10 September 2005 to September 2009; and,

11 "Whereas, the Suffolk County Planning

09\_02\_09\_Planning\_Commission.txt  
12 Commission benefited from his insight and  
13 expertise gained from his service to the  
14 Planning Commission; and,

15 "Whereas, Donald J. Fiore's input and  
16 contribution to deliberations on the  
17 Suffolk County Planning Commission" --

18 FORMER COMMISSIONER FIORE: Imagine.  
19 (Laughter)

20 CHAIRMAN CALONE: -- "will be missed" --  
21 "will be and" -- "will be missed and  
22 certainly is missed as he moves on to new  
23 endeavors.

24 "Now, therefore, be it resolved that the  
25 Suffolk County Planning Commission

1 Suffolk County Planning Commission 9/2/09 26  
2 acknowledges and thanks Donald J. Fiore for  
3 his positive and thoughtful contributions to  
4 this body."

5 Thank you, Don.  
6 (Applause)

7 FORMER COMMISSIONER FIORE: I thank  
8 everybody here for -- and it was a pleasure  
9 working with all of you.

10 COMMISSIONER BOLTON: It was a pleasure  
11 working with you.

12 FORMER COMMISSIONER FIORE: And I'm a  
13 little lost for words, which I usually am  
14 never, but --

15 (Laughter)

16 FORMER COMMISSIONER FIORE: -- just keep  
Page 22

17 up the good work and -- and do your job as  
18 you've been appointed to do it, and that's  
19 all we can ever ask for --

20 COMMISSIONER HOLMES: We want you --

21 FORMER COMMISSIONER FIORE: -- from  
22 everybody here on the planning commission,  
23 you know.

24 So thank you very much, I appreciate it,  
25 and it's a pleasure working with all of you.

1 Suffolk County Planning Commission 9/2/09 27

2 COMMISSIONER HOLMES: Don --

3 FORMER COMMISSIONER FIORE: Yes.

4 COMMISSIONER HOLMES: -- we want you to  
5 read the August minutes when they're  
6 posted --

7 FORMER COMMISSIONER FIORE: Oh, jeez.

8 COMMISSIONER HOLMES: -- because we  
9 spent two hours on your project, and we were  
10 sorry you weren't here to hear it --

11 FORMER COMMISSIONER FIORE: That's all  
12 right.

13 COMMISSIONER HOLMES: -- but --

14 CHAIRMAN CALONE: Please let us know if  
15 you have any edits to those minutes.

16 (Laughter)

17 FORMER COMMISSIONER FIORE: All right.

18 Thank you very much, I appreciate it.

19 Thank you.

20 CHAIRMAN CALONE: Thanks, Don, it was a

21 09 02 09\_Planning\_Commission.txt  
pleasure. Thank you.

22 We also -- in addition to Don's seat  
23 being filled by Matt Chartrand, if the  
24 legislature approves, as I e-mailed all of  
25 you, Bob Braun has accepted a position in the

1 Suffolk County Planning Commission 9/2/09 28  
2 Levy Administration in the county attorney's  
3 office. As a result, he has needed to resign  
4 from the commission. And we certainly  
5 congratulate Bob on his new job, but I know  
6 we will all -- all miss him.

7 And we have a resolution here for him.  
8 So everyone, if you could sign that, and  
9 we'll get some of the others who aren't here  
10 to sign at our next meeting. I think Bob  
11 will -- I think is going to try to come to  
12 our next one, depending upon how hard Linda  
13 and everyone else in the county attorney's  
14 office is making him work.

15 A couple of last notes.

16 The Long Island Regional Planning  
17 Commission has their Long Island 2035 effort.  
18 They appointed a leadership advisory cabinet  
19 to advise that effort. I was asked to serve  
20 on that, along with about 20 others from  
21 across the Island. It's an interesting  
22 group, we had our first meeting yesterday.  
23 It includes the presidents of Stony Brook and  
24 Cold Spring Harbor, Tim Knight, the publisher  
25 of Newsday, Kevin Law from LIPA, Helena

1 Suffolk County Planning Commission 9/2/09 29  
2 Williams from Long Island Railroad, John  
3 Durso from Long Island Fed, and a few others.  
4 It's a good group, and I think it shows the  
5 importance of that regional planning effort  
6 that those folks -- not me, but those other  
7 folks are involved. And Supervisor Jon  
8 Kaiman from North Hempstead and I have been  
9 asked to head up the outreach to the  
10 municipalities with regard to the Long Island  
11 2035 plan, so I will keep you updated. And  
12 Tom is very -- Tom and the staff are very  
13 much involved in that plan as well. So --  
14 The Jurisdiction Committee, there's a --  
15 Vince, Barbara, Mike, Job, and myself -- we  
16 have a couple of people not here because of  
17 vacations, but I would suggest that maybe  
18 we'll set up a phone call for later this  
19 month with Linda -- with Linda Spahr and Dan  
20 and Andy and Tom to see if there's anything  
21 we could or should be doing about our  
22 jurisdiction.  
23 County Road 58, we'll be starting  
24 construction on Tuesday. I spoke with  
25 Gil Anderson the other day from DPW.

1 Suffolk County Planning Commission 9/2/09 30  
2 Supervisor Cardinale wanted to pass along his

3 thanks to the commission for the efforts in  
4 helping promote additional safety  
5 improvements on that road. And he actually  
6 would like to do a press conference this  
7 month to thank the commission for helping  
8 prompt those safety improvements, and we're  
9 going to coordinate with the county  
10 executive's office on that, and -- but that,  
11 you know, will likely be happening apparently  
12 in the next couple of weeks.

13 We've had some issues about what  
14 commission members can do outside of this  
15 commission. I got a call from Judge Lama at  
16 the Ethics Commission to let us know that  
17 they can't really provide us with broad  
18 guidance. That they would be able to address  
19 individual situations with an individual  
20 letter, but, unfortunately, we're not going  
21 to get kind of the broad brush that we may  
22 have preferred. And so if anyone has  
23 particular issues or particular questions,  
24 they -- you know, let me know, let Tom know,  
25 and we can forward on letters to Judge Lama

1 Suffolk County Planning Commission 9/2/09 31  
2 and the Ethics Commission and get clarity  
3 from them about particular situations. So  
4 that's where that stands, and let me know if  
5 you have any questions or particular  
6 situations you're concerned about.

7 The county attorney's office has done  
Page 26

8 with some research on the planning  
9 commission's role when a neighboring  
10 jurisdiction objects to a zone change passed  
11 by their neighbor on land within 500 feet of  
12 the municipal border. Linda Spahr did the  
13 research on that.

14 And, Linda, I don't know if you're  
15 prepared just to say a few words about what  
16 you concluded.

17 MS. SPAHR: Sure.

18 I think the primary question that has  
19 come up, and I understand that some of the  
20 adjoining municipalities -- and we're talking  
21 about Heartland, which is the proposed  
22 project that's really brought this to the  
23 commission's attention. Obviously, anything  
24 that I have to say applies in any situation  
25 where there might be a zoning change within

1 Suffolk County Planning Commission 9/2/09 32

2 500 feet of the border of another  
3 municipality. I don't want to pretend this  
4 isn't a specific question that came up.

5 The question, or one of the questions  
6 that was posed, was how does a municipality  
7 interpose an objection. And probably a lot  
8 of people have read the section of the  
9 Suffolk County Administrative Code that talks  
10 about the commission's power and authority.  
11 It's a little bit confusing in some parts, so

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12 we actually spent a substantial amount of  
13 time doing research, looking at the laws, and  
14 actually reading the cases that have been  
15 decided pursuant to this section of the  
16 county law, and also pursuant to the prior  
17 charter.

18 So the section of law having to do with  
19 the planning commission's authority, and it's  
20 really a veto power over certain zoning  
21 actions, has existed for a very long time.  
22 And it's been upheld by the Court of Appeals,  
23 which I guess everyone knows is the highest  
24 court in this state, so we're very  
25 comfortable with the results of our research

1 Suffolk County Planning Commission 9/2/09 33  
2 in terms of how this works.

3 All of you know -- and I don't want to  
4 beat a dead horse, but everybody knows that  
5 there are a number of different types of town  
6 actions that have to be referred to the  
7 planning commission before a town can take  
8 final action. And the types of actions that  
9 have to be referred are zoning actions, which  
10 would be adoption or amendment of zoning  
11 regulations, special permit applications,  
12 variance applications, subdivision  
13 applications, and site plan approvals that  
14 are anywhere within 500 feet of certain  
15 things; such as the rivers or county roads  
16 or, you know, the ocean or right-of-ways or

17 parklands, or, in this case, within 500 feet  
18 of the border of an adjoining municipality.

19 So in most of those referral  
20 situations -- and of course, now we're just  
21 going to talk about the zoning changes, but  
22 in most of the zoning change referrals, it's  
23 a very simple process. It's the same type of  
24 referral and the same type of rules that  
25 apply in virtually all of the matters that

1 Suffolk County Planning Commission 9/2/09 34  
2 you consider through referral matters, and  
3 that's basically that the town has to  
4 submit -- or the town or village has to  
5 submit a complete application, and you get to  
6 specify what's complete. And you've done  
7 that, in fact, in your latest planning  
8 guidelines -- or Planning Commission  
9 Guidebook that you put out, which is very  
10 helpful now.

11 After they submit their complete  
12 application, then you have 45 days to make a  
13 decision. In most cases, you've got  
14 guidelines about what you're going to  
15 actually hear -- what the commission is  
16 actually going to hear.

17 And then you have a choice within  
18 45 days. You can either approve the action,  
19 you can disapprove the action, you can  
20 approve it with conditions, or you can do

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21 nothing, which is -- is the same as an  
22 approval.

23 In order to disapprove or just to do  
24 anything other than just have it be an  
25 approval, you need a vote of the majority of

1 Suffolk County Planning Commission 9/2/09 35  
2 the board. And this is really important,  
3 especially if you're talking about absences  
4 or conflicts or situations where somebody has  
5 to recuse him or herself, because to do the  
6 action -- and, again, this is your ordinary  
7 activity -- you need to have the affirmative  
8 vote of a majority of the board; that's eight  
9 out of the 15.

10 If people are absent or they have a  
11 conflict, then they obviously can't vote.  
12 And it's -- there's case law decision on it  
13 that it's not a majority of those present,  
14 it's a majority of the entire board.

15 If it's a referral for a zoning action  
16 that's within 500 feet of a municipal border,  
17 there's two other rules that come into  
18 play -- that it may come into play.

19 One of them is that the commission, and  
20 it's really the department that does it, has  
21 to notify the adjoining municipality. And  
22 that's so that they can appear and give any  
23 information that they want to, even though  
24 it's not really a hearing that you're doing  
25 when you're reviewing the proposed action.

1 Suffolk County Planni ng Commi ssi on 9/2/09 36

2 And then the other thing is if the  
3 zoning action is going to have -- have to do  
4 with a development that's more than  
5 25,000 square feet of commercial development,  
6 then there's other notifications that have to  
7 take place by the developer, him or herself.  
8 Which means that in a situation like that,  
9 you could end up with a huge number of people  
10 at a meeting, which would be your -- just  
11 your ordinary review meeting, when you're  
12 reviewing that application.

13 If you disapprove or you approve with  
14 conditions, as you know, the town or the  
15 village can overrule you with their  
16 supermajority vote; so it has to be a  
17 majority plus one. You're required, as you  
18 know, to state your reasons for the  
19 disapproval or the reasons for the conditions  
20 that you're imposing. If you don't do  
21 that -- and maybe this is not clear to you --  
22 you always do, but if you don't do that, then  
23 it renders it a nullity. So even if you had  
24 a unanimous vote disapproving it and you  
25 didn't state your reasons, then the town

1 Suffolk County Planni ng Commi ssi on 9/2/09 37

2 board would n' t need a supermajority to pass

3 it. So you may not realize that you're doing  
4 the right thing, and there's your reason for  
5 doing the right thing.

6 CHAIRMAN CALONE: Well, we're usually  
7 lucky. Better lucky than good.

8 MS. SPAHR: Yeah, and you have been.  
9 I mean, it's obviously -- but it does have to  
10 be stated in there.

11 Okay. So that's your first step. The  
12 first time that you're going to be reviewing  
13 any proposed zoning change for Heartland,  
14 which is what we're talking about.

15 One of the other questions that came up  
16 was how do the adjoining municipalities have  
17 their concerns heard.

18 At that first stage, they're not really  
19 interposing an objection, they're just coming  
20 here because they have an opportunity to be  
21 heard. And, as I said, it could be a lot of  
22 people that want an opportunity to be heard  
23 at that stage. But that's not a formal  
24 objection. That's not the objection that --  
25 people have used -- kind of loosely used that

1 Suffolk County Planning Commission 9/2/09 38  
2 term, and I -- I've read some newspaper  
3 articles with towns talking about -- or  
4 community groups talking about interposing an  
5 objection to the referral. There is no  
6 formal objection at that referral stage, and  
7 that's before the town takes formal action.

8           The towns, on the other hand, can and  
9           should participate, as all people should  
10          participate, in the SEQRA process at the town  
11          stage, and that's going to be part of the  
12          record that will be referred to you when  
13          you're reviewing that proposed action. See,  
14          that's all the first stage.

15          The second stage -- and it's the part  
16          where people have been talking, and I think  
17          I've used the term "veto power." When it  
18          comes to an enactment of the zoning ordinance  
19          or a change in the zoning ordinance that is  
20          going to affect property that's within 500  
21          feet of a municipal border, after the town  
22          has adopted it, it does not take effect until  
23          it's been approved by the planning  
24          commission.

25          Now, the way this works is that the town

1           Suffolk County Planning Commission 9/2/09     39  
2           or -- or it could be a village -- the town  
3           has to, after they pass it -- and, again, it  
4           may have been with the majority plus one.  
5           But after they pass the zoning change, they  
6           have to refer it to the planning commission,  
7           and then a very, very quick series of events  
8           take place, and they're all very strictly  
9           adhered to.

10          Within 20 days of the referral to the  
11          planning commission, a town or a village

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12 would have an opportunity to interpose an  
13 objection. And, obviously, interpose  
14 several. What happens if the planning  
15 commission doesn't tell anybody? That would  
16 be a big mistake. But that, of course, would  
17 be a staff project, and I'm sure that's going  
18 to be the least of the issues in reviewing  
19 something like this.

20 So the adjoining municipalities would be  
21 notified that this law has been passed.

22 After they're notified, then they have  
23 an opportunity, 20 days, to file an  
24 objection. If no objection is filed within  
25 20 days, nothing happens. So the planning

1 Suffolk County Planning Commission 9/2/09 40  
2 commission has no authority or no  
3 jurisdiction to do anything in the absence of  
4 an objection being filed.

5 So if an objection is filed within  
6 20 days, then you have to have a hearing.  
7 And, in this case, it is a hearing. It's not  
8 just a session where you're considering and  
9 reviewing the record, you have to have an  
10 actual hearing. And there's a notification  
11 process where planning has to notify the  
12 adjoining -- specific people that have been  
13 notified about when it's going to take place  
14 and, you know, where it's going to be heard.

15 In order to -- and -- now, at the  
16 hearing stage, and this is really referred to

17 by the Courts as a veto power, the  
18 commission, after its hearing and, again,  
19 within the 45 days, by a two-thirds majority  
20 may veto or disapprove the zoning change.  
21 And the -- again, that number is really  
22 critical if you're talking about absences on  
23 the commission, or any conflicts that may put  
24 a commissioner in a position where they  
25 cannot vote for some reason. So it's

1 Suffolk County Planning Commission 9/2/09 41  
2 important to think about. But, in any event,  
3 it would require a vote of 12 members of the  
4 commission to veto a zoning action which has  
5 been adopted by a town within the 500 feet of  
6 a border.

7 Now, in the case of such a veto, there's  
8 no requirement and no reason to state your  
9 reasons.

10 Any questions?

11 (WHEREUPON, there was no response.)

12 MS. SPAHR: Okay.

13 MR. FRELENG: Just for clarification --

14 CHAIRMAN CALONE: Yes, Andy.

15 MR. FRELENG: -- if staff could ask  
16 counsel, the affect of that veto is only  
17 within 500 feet of the municipal border, or  
18 is that for the entire project and parcel?

19 MS. SPAHR: Well, it would only -- the  
20 way the law is written, it says it would not

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21 take affect for the property that lies within  
22 the 500 feet. The town would have to decide  
23 what they were going to do.

24 I mean, a PDD, presumably, is going to  
25 be kind of a larger picture thing, kind of

1 Suffolk County Planning Commission 9/2/09 42  
2 guesswork now, but it may not make sense to  
3 have that zoning -- the code may be written  
4 in such a way that it includes an entire  
5 area. So the town would have to decide what  
6 they were going to do at that point.

7 CHAIRMAN CALONE: Any other comments or  
8 questions?

9 (WHEREUPON, there was no response.)

10 CHAIRMAN CALONE: Thank you, Linda, for  
11 the research, because it's good to know where  
12 we stand. So thank you.

13 MS. SPAHR: You're very welcome.

14 CHAIRMAN CALONE: And on that --  
15 obviously, if people have questions that they  
16 think of --

17 COMMISSIONER HOLMES: May I --

18 CHAIRMAN CALONE: -- going forward, you  
19 certainly can ask Linda.

20 Yeah. Go ahead.

21 COMMISSIONER HOLMES: I am sure that the  
22 Commission Chair would think of this, but --

23 CHAIRMAN CALONE: Oh.

24 COMMISSIONER HOLMES: -- if we come to a  
25 hearing on anything, it would certainly be, I

1 Suffolk County Planning Commission 9/2/09 43  
2 think, imperative for not only the planning  
3 department but the Chair to notify all the  
4 commissioners that we must have 12 votes  
5 present, at least, for this hearing, in case  
6 we need to disapprove. That it's -- it's  
7 different from other times. So that it's  
8 imperative that commission members plan to be  
9 there or notify the Chair if they are unable  
10 to be there or unable to vote.

11 CHAIRMAN CALONE: I have no doubt that  
12 you all will be there.

13 But isn't two-thirds of 15 ten?

14 SECRETARY ESPOSITO: No, 12.

15 MS. SPAHR: Hold on.

16 CHAIRMAN CALONE: Well, that would be --  
17 it could be three-quarters. Three-quarters  
18 would be --

19 MS. SPAHR: Yeah, it was three- --

20 CHAIRMAN CALONE: -- is three-quarters?

21 SECRETARY ESPOSITO: No, I think you  
22 said two-thirds.

23 CHAIRMAN CALONE: Well, we can figure it  
24 out. Two-thirds is ten, but it could also  
25 be, you know --

1 Suffolk County Planning Commission 9/2/09 44

2 COMMISSIONER HOLMES: The numeral, I

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3 think you said 12 --

4 MS. SPAHR: I did say 12.

5 COMMISSIONER HOLMES: -- and I don't  
6 think you gave a fracture --

7 MS. SPAHR: No, I -- I did say 12, and,  
8 in fact, it's two-thirds. So I --

9 DIRECTOR ISLES: So it's ten.

10 CHAIRMAN CALONE: So it's ten.

11 MS. SPAHR: -- stand corrected.

12 CHAIRMAN CALONE: Okay.

13 MS. SPAHR: Math isn't one of my strong  
14 points.

15 CHAIRMAN CALONE: But thankfully law is,  
16 and we appreciate that.

17 So thank you. Thank you, Linda.

18 MS. SPAHR: And thank you for correcting  
19 me.

20 CHAIRMAN CALONE: Lastly, unless there  
21 are any other comments on the presentation --

22 COMMISSIONER TALDONE: Quickly, if I --

23 CHAIRMAN CALONE: Yes, Vince --

24 COMMISSIONER TALDONE: -- could.

25 CHAIRMAN CALONE: -- please.

1 Suffolk County Planning Commission 9/2/09 45

2 COMMISSIONER TALDONE: Just briefly.

3 In follow up to Andy's question, I  
4 didn't really understand the answer. If you  
5 want to do this later, I can. But if others  
6 would want to hear that review again, I  
7 mean --

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SECRETARY ESPOSITO: Yes.

CHAIRMAN CALONE: Sure. Why not.

COMMISSIONER TALDONE: I -- I also didn't understand, because -- I assume in most cases the -- the rezoning rules would apply to land within the 500 feet and also outside of the 500 feet. So when we basically override -- when we veto it, we are vetoing the entirety or just the portion that's within the 500 feet?

MS. SPAHR: The way the law is written, the zoning law would not take effect for that area that's within 500 feet of the border.

COMMISSIONER TALDONE: Okay.

CHAIRMAN CALONE: But they would have to maybe subdivide it or -- well --

DIRECTOR ISLES: Yeah, that's the issue.

MS. SPAHR: They'd have to figure out

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Suffolk County Planning Commission 9/2/09 46  
what to do.

DIRECTOR ISLES: Right.

CHAIRMAN CALONE: Right.

DIRECTOR ISLES: It may be kind of messy.

CHAIRMAN CALONE: That gets crazy, and that sounds like lawsuits.

Okay. Any other comments or questions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, this isn't

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12 immanent, but it's good to know where we  
13 stand.

14 So thank you again, Linda.

15 The last item that I had to bring to  
16 your attention was the fall planning  
17 conference. Andy may have more to mention on  
18 this, but I just want to thank the commission  
19 members who signed up to be moderators. I  
20 think we now have moderators for all of our  
21 classes, and I will -- and by "moderator," I  
22 really mean introducer. For the most part,  
23 we have commission members doing the  
24 introductions at these classes, just like we  
25 did last year. In a few instances, we are

1 Suffolk County Planning Commission 9/2/09 47  
2 having commission members moderate specific  
3 panels. But I'll send out an e-mail with  
4 everyone's kind of assignments and the times,  
5 so everyone kind of knows exactly when things  
6 are happening.

7 We do have the class on our task force  
8 efforts that are going to spotlight town and  
9 village innovations. And I'll be moderating  
10 that, and need to work on that, and Andy and  
11 I can talk about that.

12 But is there anything else you want to  
13 bring up, Andy, with regard to the planning  
14 federation?

15 MR. FRELENG: I'm sure you all know that  
16 the conference is going to be at Brookhaven

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National Lab.  
New this year is a mobile workshop at  
1 o'clock for -- the Lab will host us at the  
Center for Functional Nanomaterials Building.  
It's a LEED-silver building. It also has  
particular design constraints because of the  
nanomaterial-type research that they do  
there, which is --  
SECRETARY ESPOSITO: A likely story.

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MR. FRELENG: I'm sorry?  
SECRETARY ESPOSITO: No, I'm kidding.  
MR. FRELENG: So that's new to the  
conference.  
APA is hosting a dinner buffet  
reception. So that will be something a  
little bit unique to the conference as well.  
And we have nine other courses that are  
being offered, ranging from SEQRA -- advanced  
SEQRA to basic planning board and zoning  
board courses.  
So we have a full spread of various  
different levels of expertise-type courses,  
as well as something a little different this  
year.  
CHAIRMAN CALONE: Thank you, Andy.  
Any other comments or questions?  
(WHEREUPON, there was no response.)  
CHAIRMAN CALONE: If not, I'll turn it

21 09 02 09\_Planning\_Commission.txt  
over to the director for the Director's  
22 report.

23 DIRECTOR ISLES: Thank you.

24 Just to follow up then on the federation  
25 event, I'd like to give credit to Andy for

1 Suffolk County Planning Commission 9/2/09 49  
2 his work on this. He's been putting a lot  
3 into it, and does a good job with it every  
4 year.

5 In terms of the program, we do want to  
6 get it out next week in terms of the  
7 registration form, so we appreciate the  
8 cooperation of the Chair and the commission  
9 in terms of identifying those slots where  
10 commission members will be serving as  
11 moderators.

12 Let me go next to the issue of Heartland  
13 since we talked about that a moment ago. The  
14 Town of Islip, as the lead agency, did  
15 circulate a draft generic environmental  
16 impact statement. The comment period for  
17 that came to a conclusion last week, and the  
18 department did submit comments. At this  
19 point, based on all preliminary review of the  
20 application as presented, the next step in  
21 the process is for the town to assess the  
22 comments, determine if they feel further work  
23 is necessary on the DGEIS, which some of the  
24 comments submitted have require- -- have  
25 suggested that they go back to the drawing

1 Suffolk County Planning Commission 9/2/09 50  
2 board on the document. The other alternative  
3 for the town then is to move forward with the  
4 preparation of a final generic environmental  
5 impact statement.

6 At some point, this will be referred to  
7 the commission, as, of course, we've been  
8 talking about. We have tried to remain in  
9 communication with the staff and the planning  
10 department of Islip to get a heads-up on that  
11 so we can get the commission members  
12 information in adequate time for review prior  
13 to commission consideration.

14 As also indicated, this will trigger the  
15 requirement for notification to property  
16 owners within 1,000 feet, so we'll have to  
17 make arrangements for that. We will keep you  
18 posted on that as we proceed.

19 A few other items.

20 The department is making a grant  
21 application to the New York State Department  
22 of Parks for an Environmental Protection Fund  
23 Grant for the acquisition of open space for  
24 the amount of \$600,000 for wetlands that are  
25 located in the Peconic River corridor. We

1 Suffolk County Planning Commission 9/2/09 51  
2 will be filing that application by

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3 September 14th, and we'll keep you posted on  
4 our progress on that.

5 The Chair mentioned the LI 2035 project  
6 being conducted by the Long Island Regional  
7 Planning Council. The first phase of that  
8 project is coming to a completion at this  
9 point. A draft document is being circulated  
10 among the involved committees, and should be  
11 wrapped up probably by October.

12 It would probably be suitable for this  
13 commission to get a presentation on that.  
14 Probably in October or November, I would  
15 suggest. It is an important step in the  
16 process going forward to the proposed  
17 sustainability plan. I believe the  
18 consultants did a good job in the process.

19 The shortcoming report at this point is  
20 that the -- there was a Phase II component  
21 that involved the idea of public outreach.  
22 Unfortunately, funding has not been adequate  
23 to support that at this time. I think there  
24 are discussions going on about trying to  
25 somehow address that going into the

1 Suffolk County Planning Commission 9/2/09 52  
2 sustainability plan. But the document that  
3 has been completed is important, it is a --  
4 something this commission should be aware of.  
5 And, here again, we'd like to schedule  
6 something on that, here again, in an upcoming  
7 meeting.

8           Moving along, the sustainability plan,  
9           as the Chair has indicated, has commenced.  
10          The Regional Planning Council has secured a  
11          consulting firm to assist with that, and as  
12          indicated, has set up certain advisory  
13          committees and councils.

14                 This is an extremely important component  
15          to the project. I think there are some  
16          fundamental questions out there that Long  
17          Island needs to answer, that this commission  
18          certainly has addressed in terms of how much  
19          growth is appropriate, how do we sustain our  
20          economy with a flattening of population going  
21          into the future. We grew easily and our  
22          economy expanded easily during the postwar  
23          growth period, but that's not going to be  
24          happening, obviously, in perpetuity. So in  
25          terms of dealing with maintaining quality of

1           Suffolk County Planning Commission 9/2/09     53  
2           Life through a vibrant economy, but also  
3           acknowledging constraints to Long Island,  
4           environmentally, transportation-wise, and so  
5           forth, it is my hope that the sustainability  
6           plan will begin to -- if not begin to, bring  
7           light to those issues, but also provide the  
8           regional focus through public participation,  
9           through stakeholder participation, that  
10          provides it with a more meaningful outcome.

11                 So we think that's very important, and

12 we think the commission -- the commission's  
13 role in that is important, and we'll continue  
14 to keep you advised. And, also, there should  
15 be some more direct presentations on that as  
16 well, I believe, in terms of, you know,  
17 getting into some of the substance of those  
18 matters.

19 Next item is, I have included in the  
20 handout package today a copy of the proposed  
21 amendments to what we call Chapter 8 of the  
22 County Code. This is the county's farmland  
23 code, so this deals with the case in which  
24 the county buys development rights to  
25 property for the purpose of protecting

1 Suffolk County Planning Commission 9/2/09 54  
2 farmlands.

3 The county's been doing this -- this is  
4 our oldest open space program in the county.  
5 It began in the 1970s.

6 What I have before you then is a summary  
7 sheet on the highlights of the changes. You  
8 know, we've gone, for example, from eight  
9 definitions to 37 definitions. There's a lot  
10 more clarity. We've added definitions for  
11 such things as alternative energy systems,  
12 which currently are not spoken of at all in  
13 the current code.

14 A lot of this also deals with issues  
15 of enforcement. The county has about  
16 10,000 acres of farmland presently.

17 Generally, it works very well, but there are  
18 cases where we have things that are going on  
19 that are of -- questionable as to whether  
20 they're permitted under the county's program;  
21 such as mining, such as ATV use, those types  
22 of things. So the definitions will help.

23 There's also some, you know, additional  
24 changes within the composition of the  
25 Farmland Committee. It still has strong

1 Suffolk County Planning Commission 9/2/09 55  
2 representations from the towns. There is a  
3 little bit more involvement of the various  
4 county departments now that it's becoming an  
5 operating program and some basic things about  
6 financial disclosure and so forth.

7 We're also suggesting an annual review  
8 program so that as new parcels are added to  
9 the program for consideration, that they're  
10 done in a more organized, planned fashion  
11 rather than ad hoc. So we've included that  
12 in the program.

13 Not to get into every little detail, but  
14 what I -- here again, circulating this for  
15 your consideration. Page 2 of the handout is  
16 a summary of the changes we've made since we  
17 started this, and we did do outreach to the  
18 farm towns in the county, to the Farmland  
19 Committee, to various open space and farmland  
20 committees out east where most of the farms

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are located.

22 So we're at the point right now where  
23 this draft is -- reflects considerable  
24 amendment and, we think, refinement and  
25 evolution. We welcome any comments the

1 Suffolk County Planning Commission 9/2/09 56  
2 members of this planning commission may have.  
3 We hope to file this bill within the next  
4 week or so, release it to -- submit it to the  
5 county executive for his consideration, and  
6 then during the fall months it would go  
7 through the -- through the legislature  
8 process.

9 So I'm providing this for your  
10 information. Certainly, if you have any  
11 questions or suggestions, please let me know.

12 Just two other items.

13 The IMAs are up and running. Obviously,  
14 this was a matter of significant involvement  
15 and direction by the commission upon  
16 resolutions you've passed to direct the  
17 department to contact all the municipalities  
18 in the county. And then, subsequently, at  
19 last month's meeting, you approved certain  
20 IMAs. So those are in effect as of  
21 August 21st.

22 We've seen a downturn in applications  
23 just from the recession. We will see a  
24 further downturn based on these de minimis  
25 matters that are now not required to be sent

1 Suffolk County Planning Commission 9/2/09 57  
2 to the commission. So we think that's  
3 positive. But, here again, your program is  
4 now up and running and open to most of the  
5 towns and a number of the villages at this  
6 point.

7 The last item is, I'd just like  
8 to bring up today is the issue of the  
9 TDR Program, and it was mentioned by  
10 Member Taldone, a bill that is pending in the  
11 legislature. The one thing I do want to tell  
12 you about that is the Environment, Planning,  
13 and Agriculture Committee has asked for a  
14 presentation on the issue of TDRs, not  
15 specific to the bill that was just discussed,  
16 at their meeting on September 11th, which is  
17 next Friday. So I will be attending, along  
18 with Chief Planner, Andy Freleng, as well  
19 as Commissioner Heaney, as well as  
20 Commissioner Gallagher.

21 So I think -- I'm not sure of the nature  
22 of the inquiry, but they've raised a couple  
23 of questions at the committee level in terms  
24 of the -- how many credits do we have  
25 pending. The answer to that is we've got

1 Suffolk County Planning Commission 9/2/09 58  
2 about 120 that are already in the bank,

3 meaning, we have closed on those properties  
4 and those credits are available for use, and  
5 we've got almost 200 that are pending -- that  
6 are approved, but pending closing because we  
7 don't actually put them in the bank until  
8 they're actually closed on the sale of  
9 property. So we're coming close -- we have,  
10 you know, potentially 300 credits.

11 In terms of credits that have been used,  
12 there have been zero credits used. There are  
13 a few that are being -- that are discussed,  
14 or the legislature's approved use of those  
15 credits, but, here again, they actually  
16 haven't been accessed at this point for  
17 affordable/workforce housing.

18 The reason for that is, you know, to be  
19 debated, but I know the Department of  
20 Economic Development has been doing extensive  
21 marketing and getting the message out, and  
22 that's something that, you know, certainly,  
23 we'll provide more information to the  
24 committee on that.

25 I think on a larger perspective, the one

2 thing we're cognizant of in the planning  
3 department is that we're a little bit  
4 concerned about TDR saturation. TDR is a  
5 great tool. We strongly support it. We  
6 think this is a good program, the county's  
7 program. There is, of course, regional TDR

8 that occurs with the Pine Barrens Program.  
9 And when the Pine Barrens plan was done, it  
10 was anticipated that the core would be  
11 protected 75 percent through acquisition by  
12 the public agencies -- state, county,  
13 towns -- and then 25 percent would be  
14 protected through TDR programs.

15 The actual number is about 97 percent in  
16 terms of protected through acquisition and  
17 3 percent through TDR. And the TDR Program  
18 in the Pine Barrens is viewed as a pretty  
19 successful program, but I think it just  
20 points to the challenge of it, and a lot of  
21 that depends on receiving sites and having  
22 fueling demand for credits.

23 And related to that, Andy Freleng as  
24 well as Dan Gulizio have been attending  
25 meetings of the Pine Barrens Advisory

1 Suffolk County Planni ng Commi ssi on 9/2/09 60  
2 Commi ttee.

3 The Pine Barrens Commi ssi on is updating  
4 their land use plan, and one of the issues  
5 that's being looked at is providing a better  
6 engine for the use of credits.

7 Right now -- and we dealt with this with  
8 the Tall Grass case in Brookhaven. Whereby  
9 it was in the CGA, the commission had  
10 suggested to the town and made a condition of  
11 their approval of that certain cred- -- that

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12 a certain number of Pine Barrens credits be  
13 retired as a condition of getting this  
14 increase in development. The town eventually  
15 approved of just three credits. The Pine  
16 Barrens Commission disapproved the plan for  
17 the clearance standards, and so that project  
18 didn't go forward.

19 So the effort now is to quantify and  
20 standardize the number of credits that would  
21 be retired.

22 So that's an example where that  
23 commission's looking to fine-tune it to  
24 provide a greater effectiveness of TDR.

25 The only other point on TDRs, and a

1 Suffolk County Planning Commission 9/2/09 61  
2 number of the towns, of course, have  
3 TDR Programs. Riverhead has a recent one  
4 that came out of their comprehensive planning  
5 process; Huntington just adopted one;  
6 Southampton has one; Shelton -- Southold.

7 So I think in terms of the county's  
8 role, I think it is a -- does have a role,  
9 but I think we have to be cognizant of  
10 creating a sufficient demand. And as we've  
11 seen with the county's program thus far,  
12 these credits are for free and we don't have  
13 too many takers at this point --

14 SECRETARY ESPOSITO: Or no takers.

15 DIRECTOR ISLES: -- or no takers. We  
16 have a couple of possibilities. But just to

17 keep that in mind that it's not in itself the  
18 pattern to create these, but to create a  
19 workable system whereby it works and we can  
20 actually put them to use and not just pile up  
21 credits in a bank at the various levels of  
22 government.

23 And that's it. I have a little bit of  
24 an update on the Comprehensive Plan, which  
25 I'll get into a little later.

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2 CHAIRMAN CALONE: Okay. Thank you,  
3 Director Isles.

4 Any questions --

5 COMMISSIONER HOLMES: May I just --

6 CHAIRMAN CALONE: Yes.

7 COMMISSIONER HOLMES: -- encourage the  
8 Director and staff by -- Director Isles  
9 mentioned the IMAs.

10 Shelter Island is one of, I think Dan  
11 said, four towns that have its problems.  
12 Finally, the planning chairman has come back  
13 from vacation, and the supervisor has cleared  
14 his agenda. So next Wednesday, a week from  
15 today, we will finally sit down with the  
16 zoning planning supervisor and building  
17 department, and they will pass the IMA.

18 DIRECTOR ISLES: That's good to know.

19 CHAIRMAN CALONE: Thank you.

20 Thank you, Commissioner Holmes.

21 And it would be good to kind of keep  
22 updating that last and maybe create a  
23 strategy of how we get the others.

24 I met with the mayor of Babylon who was  
25 very interested in this, but it kind of

1 Suffolk County Planning Commission 9/2/09 63  
2 hadn't gotten on his radar screen. So I  
3 think it may be the situation where we kind  
4 of have to re-ping people. He heard about  
5 it, he was like, Oh, we should definitely do  
6 that, but it just, you know, got lost in the  
7 mix I think.

8 So we should probably, maybe after -- at  
9 the next meeting, figure out where the list  
10 is and come up with a strategy to kind of do  
11 some outreach to get it done. I know having  
12 one standard would be a lot easier for you  
13 guys than having different ones.

14 COMMISSIONER TALDONE: Dave?

15 CHAIRMAN CALONE: Yes, sir.

16 COMMISSIONER TALDONE: Just one quick  
17 comment regarding the proposed legislation.  
18 And I know that Michael Fitcher is here in  
19 the audience now from Bill Lindsay's office.

20 I just would like to say that that bank  
21 of TDRs or wastewater credits previously was  
22 only available for workforce housing. So  
23 sort of a mixed-use downtown revitalization  
24 project really wouldn't qualify. And there's  
25 a lot -- I mean, I'm working on a project

1 Suffolk County Planning Commission 9/2/09 64  
2 right now in South- -- for the Town of  
3 Southampton which has a significant  
4 commercial component which would enable us to  
5 acquire very expensive property. The problem  
6 there is building a restaurant or any other  
7 type of, you know, large wastewater generator  
8 would be impossible without those types of  
9 credits. So we would, currently, not be able  
10 to access those credits for that portion of  
11 the project.

12 So this bill, to me, sounds like  
13 something that could help create a greater  
14 demand for the existing bank, which is very  
15 restricted in terms of its use. And that may  
16 well be other people's issues around the  
17 county in not being able to access it if  
18 their projects aren't exactly only an  
19 affordable housing site. It might --

20 CHAIRMAN CALONE: Right.

21 COMMISSIONER TALDONE: -- more than that  
22 in a downtown.

23 CHAIRMAN CALONE: All right. That  
24 makes --

25 Thank you, Vince. That's a good point

1 Suffolk County Planning Commission 9/2/09 65  
2 and it makes a lot of sense.

3                   COMMISSIONER TALDONE: I don't know if  
4 we could reopen the public portion, invite  
5 Mike to make a quick --

6                   CHAIRMAN CALONE: Well, we --

7                   COMMISSIONER TALDONE: -- if he'd like  
8 to or --

9                   CHAIRMAN CALONE: We're always allowed  
10 to invite government officials to assist us  
11 in our duties. I don't know if there are any  
12 particular questions regarding that --

13                   COMMISSIONER TALDONE: Okay.

14                   CHAIRMAN CALONE: -- but if -- if you  
15 want to say a few words, sir, I know you're  
16 from the -- you know, on behalf of the  
17 legislature -- we're using your table, so,  
18 thank you.

19                   MR. FITCHER: I'm sorry I'm so late  
20 getting here, I was at another press  
21 conference over in the Dennison Building.  
22 But I'd certainly be glad to answer any  
23 questions you might have about this.

24                   Vince, you had a question yesterday, and  
25 the answer to your question, which was how

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2                   the definition of smart growth is going to be  
3 defined, is going to be up to the planning  
4 department to determine those parameters.  
5 But, you know, Presiding Officer Lindsay  
6 thinks that this would be a wise use of the  
7 development rights. As you all know, none of

8           them have been used so far. So if you have  
9           any questions, I'd be glad to answer them.

10           CHAIRMAN CALONE: Well, first of all,  
11           it's certainly good to hear that the planning  
12           department will be involved in that. I think  
13           it makes a lot of sense. And as Vince  
14           probably has shared with you, you know, we  
15           have a smart growth task force that we put  
16           together to start looking at best practices  
17           with regard to what is -- you know, makes  
18           sense in our downtowns. So we probably  
19           can --

20           SECRETARY ESPOSITO: Merge those ideas.

21           CHAIRMAN CALONE: -- merge those --  
22           yeah. Kind of put that together so that that  
23           synthesis works well, I think. So --

24           COMMISSIONER TALDONE: Absolutely.

25           CHAIRMAN CALONE: So great.

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2           SECRETARY ESPOSITO: Look how happy  
3           Vince is.

4           COMMISSIONER TALDONE: I'm smiling all  
5           the way to the bank. The TDR bank.

6           CHAIRMAN CALONE: Any other comments or  
7           questions?

8           (WHEREUPON, there was no response.)

9           CHAIRMAN CALONE: If not, sir, thank you  
10           very much, and we'll obviously take a look  
11           at -- and give you any comments that anyone

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12 around this table has quickly, because I  
13 understand this will be coming up very soon;  
14 right?

15 MR. FITCHER: Yes, it will, and we  
16 certainly would appreciate your support.

17 Thank you.

18 CHAIRMAN CALONE: Thank you.

19 COMMISSIONER TALDONE: Thank you.

20 CHAIRMAN CALONE: Okay. Without any  
21 other comments or questions, we'll move on to  
22 our one regulatory item of the day, which is  
23 the Rosh Industrial Park, and John.

24 MR. CORRAL: Okay. The application  
25 before you is the Rosh Industrial Park.

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2 The applicant is seeking a 22-lot  
3 industrial subdivision on a 50.4-acre site.

4 The site is located on the north side of  
5 Horseblock Road, which is County Road 16, and  
6 about 1,700 feet west of Yaphank Avenue,  
7 another County Road, 21. It's located in the  
8 hamlet of Yaphank, and it's the Town of  
9 Brookhaven.

10 The property surrounding the site to  
11 the -- to the west is Suffolk County land  
12 that's currently vacant. To the north is  
13 Suffolk County municipal buildings. To the  
14 east is a private composting facility. And  
15 to the south is the Town of Brookhaven  
16 landfill.

17           The Suffolk County Planning Commission's  
18           jurisdiction for this subdivision is the  
19           County Road, Horseblock Road, it's adjacent  
20           to it. And then adjacent to County Road --  
21           I'm sorry, county land to the west and to the  
22           north.

23           The project's regionally significant  
24           with the commission's -- in the commission's  
25           view because it's over 20 acres of disturbed

1           Suffolk County Planning Commission 9/2/09      69

2           land.

3           The property -- this is just a side view  
4           of the property (indicating), it's wooded.  
5           There's no wetlands or water bodies on the  
6           property, and it's quite level.

7           The property is currently zoned L-1,  
8           light industrial, which allows a variety of  
9           indoor industrial uses, non-residential uses.  
10          To the north and the south it's zoned  
11          residential.

12          Just the history of the subdivision.

13          The planning commission has received  
14          this before in 2005. It was a 46-lot  
15          industrial subdivision, and the commission  
16          disapproved it due to -- it was a series of  
17          cul-de-sacs, and that was against commission  
18          guidelines -- cul-de-sacs in an industrial  
19          subdivision.

20          In 2007, the commission received it

21 09 02 09\_Planning\_Commission.txt  
again as a three-lot industrial subdivision,  
22 which they determined to be a local  
23 determination.

24 So now we've received it again as a  
25 22-lot industrial subdivision.

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2 The two kind of issues to look at, in  
3 our eyes, are the access points. They're  
4 taking proposed access on what they're  
5 referring to as "Nelson Avenue," which is  
6 right here off Horseblock Road (indicating),  
7 and that is the location that the Suffolk  
8 County Department of Public Works has  
9 recommended because that is opposite the  
10 entrance into the Town of Brookhaven  
11 landfill. So they'll be utilizing that  
12 signal.

13 The one issue we've had, though, with it  
14 is that the -- the land that they're taking  
15 the right-of-way over is on, according to the  
16 Suffolk County 2009 Tax Map, Suffolk County  
17 land. So we want it just to -- for it to be  
18 clarified with the County Department of Law  
19 that they do have access to that property and  
20 can use it.

21 And the other issue we wanted to talk  
22 about is the temporary cul-de-sac, right here  
23 (indicating). So it's -- it's -- the current  
24 design is for it to be paved up to that point  
25 (indicating), and then go around and end in a

1 Suffolk County Planni ng Commi ssi on 9/2/09 71  
2 temporary cul -de-sac, and then in the future  
3 be devel oped along "Nel son Avenue"  
4 (i ndi cati ng). There wasn' t i nformati on i n  
5 the appli cati on, though, when -- when that  
6 woul d be devel oped. So that was our other  
7 i ssue i n the recommendati ons, we talked about  
8 that.  
9 Just a few pictures of what i t looks  
10 l i ke.  
11 Thi s i s l ooki ng east wi th the property  
12 on the ri ght-hand si de there (i ndi cati ng),  
13 and that' s the si gnal that they' ll be  
14 uti l i zi ng (i ndi cati ng).  
15 That' s the entrance to the Brookhaven  
16 Landfi ll , opposi te the si te (i ndi cati ng).  
17 That' s from Brookhaven Landfi ll l ooki ng  
18 back at the si te (i ndi cati ng), and that woul d  
19 be the entrance goi ng -- the proposed  
20 entrance poi nt to the subdivi si on.  
21 And that' s j ust l ooki ng east al ong  
22 Horsebl ock Road wi th the subdivi si on si de on  
23 the l eft (i ndi cati ng).  
24 And then the compost faci l i ty to the  
25 east (i ndi cati ng).

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2 So our recommendati on for thi s

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3 subdivision is to approve it with the  
4 following two conditions, and I'll just read  
5 the two conditions.

6 The first is, Prior to final subdivision  
7 approval, legal access to "Nelson Avenue"  
8 shall be demonstrated to the satisfaction of  
9 the Town of Brookhaven and the Suffolk County  
10 Department of Law.

11 And then the second condition is, The  
12 proposed temporary cul-de-sac shall be  
13 eliminated as soon as possible by continuing  
14 the paved roadway through the right-of-way of  
15 "Nelson Avenue" to create a connecting looped  
16 roadway.

17 As a temporary measure, the proposed  
18 cul-de-sac shall be enlarged to provide  
19 adequate area that would accommodate the  
20 circulation movement of traffic, particularly  
21 large trucks and tractor-trailers. The  
22 enlarged cul-de-sac should not be a "sea of  
23 asphalt," but rather designed with a  
24 landscaped center and a clear "lane" for  
25 travel through the cul-de-sac sufficient for

1 Suffolk County Planning Commission 9/2/09 73  
2 the maneuverability of tractor-trailer  
3 trucks.

4 Okay. So that's our staff report, and  
5 if there are any questions --

6 CHAIRMAN CALONE: Thank you, John.  
7 Appreciate that.

8 This is a Brookhaven matter.  
9 Commissioner Kelly, do you have any thoughts  
10 or insights on the area or the project?  
11 COMMISSIONER KELLY: Just as John had  
12 mentioned, this area along Horseblock Road is  
13 truly an industrial area. Not to mention the  
14 landfill, but the other industrial uses over  
15 there. So this application seems to be  
16 consistent with what is happening in that  
17 area, so I think it makes sense and it is a  
18 good analysis.  
19 CHAIRMAN CALONE: Thank you, Michael.  
20 COMMISSIONER BOLTON: (Indicating)  
21 CHAIRMAN CALONE: Charla.  
22 COMMISSIONER BOLTON: I have one  
23 question and --  
24 CHAIRMAN CALONE: Charla, if you could  
25 just be sure to speak up a little bit and --

1 Suffolk County Planning Commission 9/2/09 74  
2 I don't know if your mic is on there --  
3 SECRETARY ESPOSITO: Is the light on?  
4 CHAIRMAN CALONE: Remember, everyone,  
5 you have to hold that button down.  
6 COMMISSIONER BOLTON: Oh, no -- okay.  
7 SECRETARY ESPOSITO: There you go.  
8 COMMISSIONER BOLTON: The land that  
9 belongs to Suffolk County that's adjacent to  
10 the subject site, is there a specific use in  
11 mind for that property?

12 MR. CORRAL: That's currently being  
13 proposed for the county development project  
14 in Yaphank, and directly to the west is, as I  
15 understand it, an industrial planned use.

16 DIRECTOR ISLES: Right. The property in  
17 question, Commissioner Bolton, that the  
18 county owns to the west --

19 COMMISSIONER BOLTON: Yes.

20 DIRECTOR ISLES: -- is zoned industrial,  
21 and under the RFP that the county issued, is  
22 planned to be developed for industrial.

23 COMMISSIONER BOLTON: And I assume that  
24 it would be relatively the same level of  
25 industrial development, meaning the same

1 Suffolk County Planning Commission 9/2/09 75  
2 class of industrial development, or --

3 DIRECTOR ISLES: It's in --

4 COMMISSIONER BOLTON: -- I don't have a  
5 real feel for that -- when you say  
6 "industrial development," that covers a broad  
7 spectrum --

8 DIRECTOR ISLES: Right. The zoning is  
9 L-1 industrial, so it would have to comply  
10 with the restrictions of that zone within the  
11 Town of Brookhaven.

12 In addition, on the county parcel as  
13 part of the RFP, it had requirements for  
14 alternative energy utilization. So that  
15 would be self-sufficient from an energy  
16 standpoint or generate sufficient energy to

17 cover its energy --  
18 COMMISSIONER BOLTON: Right.  
19 DIRECTOR ISLES: -- usage --  
20 COMMISSIONER BOLTON: Yeah.  
21 DIRECTOR ISLES: -- as well as green  
22 building design and so forth.  
23 But, otherwise, as far as land use, it  
24 would be within the L-1 category.  
25 COMMISSIONER BOLTON: Thank you.

1 Suffolk County Planning Commission 9/2/09 76  
2 COMMISSIONER LANSDALE: (Indicating)  
3 CHAIRMAN CALONE: Commissioner Lansdale.  
4 COMMISSIONER LANSDALE: Do our green  
5 building guidelines apply to this project?  
6 MR. CORRAL: They would apply with our  
7 guidelines. We didn't put it in as a  
8 condition, but --  
9 CHAIRMAN CALONE: But we can certainly  
10 do that if that's -- if you'd like that, or  
11 if --  
12 COMMISSIONER LANSDALE: I would like  
13 that, yeah.  
14 CHAIRMAN CALONE: Okay.  
15 Without objection -- any objection to  
16 adding our green building guidelines into --  
17 we do have industrial-related green building  
18 guidelines, so without objection -- okay.  
19 COMMISSIONER MC ADAM: (Indicating)  
20 CHAIRMAN CALONE: Commissioner McAdam.

21                   COMMISSIONER MC ADAM: Yeah, John, the  
22 road -- that "Nelson" -- "Nelson Avenue,"  
23 now, the developer is going to build that  
24 road and then turn it over to the county; is  
25 that the plan?

1                   Suffolk County Planning Commission 9/2/09       77

2                   MR. CORRAL: The plan that we received  
3 in the application is that they would  
4 construct up to this point (indicating),  
5 which is 450 -- in from Horseblock Road, but  
6 then there was no further information on who  
7 or when the -- the rest of "Nelson Avenue"  
8 would be constructed.

9                   DIRECTOR ISLES: But I think the  
10 anticipation is that when the county  
11 property's developed, that they would then,  
12 you know, continue the road, complete it, and  
13 that would provide access to both industrial  
14 subdivisions.

15                  CHAIRMAN CALONE: Okay. Any other  
16 thoughts?

17                  (WHEREUPON, there was no response.)

18                  CHAIRMAN CALONE: One other thing I  
19 wanted to raise is just that we do have  
20 public safety guidelines that also apply to,  
21 you know, industrial facilities that are  
22 specific to that. And so, unless there's an  
23 objection, I'd like to make a motion that we  
24 just add that condition that they consult  
25 with the Planning Commission's Public Safety

1 Suffolk County Planning Commission 9/2/09 78  
2 Guidelines as it relates to industrial  
3 properties -- developments.  
4 Seeing no objection, we'll add that.  
5 Any other comments or questions?  
6 COMMISSIONER TALDONE: (Indicating)  
7 CHAIRMAN CALONE: Commissioner Tal done.  
8 COMMISSIONER TALDONE: Just a very quick  
9 question regarding the cul-de-sac.  
10 I note your -- the request to -- or  
11 the condition that the cul-de-sac have a  
12 center, either planted, I guess -- to avoid  
13 the sea of asphalt.  
14 How large is this radius? I can't  
15 actually make out the number on the map.  
16 MR. CORRAL: I believe the radius is  
17 75 feet, the current cul-de-sac radius.  
18 COMMISSIONER TALDONE: Okay. So I just  
19 want to be sure it's large enough for a  
20 tractor-trailer to go around and not be  
21 impeded by a decorative stone garden or --  
22 MR. CORRAL: Right.  
23 COMMISSIONER TALDONE: -- okay.  
24 MR. CORRAL: Right.  
25 CHAIRMAN CALONE: I don't think it will

1 Suffolk County Planning Commission 9/2/09 79  
2 be impeded so much as trampled over.

3 SECRETARY ESPOSITO: Yeah, yeah, yeah.  
4 It would be crushed stone.  
5 COMMISSIONER TALDONE: Right, it would  
6 be crushed stone.  
7 CHAIRMAN CALONE: Okay. Thank you.  
8 Okay. Any other comments or questions?  
9 (WHEREUPON, there was no response.)  
10 CHAIRMAN CALONE: If not, I'll entertain  
11 a motion to approve the staff report.  
12 COMMISSIONER KELLY: (Indicating)  
13 CHAIRMAN CALONE: Motion by  
14 Commissioner Kelly.  
15 COMMISSIONER MC ADAM: (Indicating)  
16 COMMISSIONER HOLMES: I'll second it.  
17 CHAIRMAN CALONE: Seconded by  
18 Commissioner McAdam.  
19 The motion is to adopt the staff report  
20 as amended with the two additional  
21 conditions. So that would be a total of four  
22 conditions now.  
23 All in favor of approving the staff  
24 report with the four conditions, please raise  
25 your hand.

1 Suffolk County Planning Commission 9/2/09 80  
2 (WHEREUPON, the members voted.)  
3 CHAIRMAN CALONE: And opposed?  
4 (WHEREUPON, there was no response.)  
5 CHAIRMAN CALONE: That passes nine to  
6 zero.  
7 Okay. That ends our regulatory agenda.  
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8 Mr. Director wants to briefly update us  
9 on the Comprehensive Plan. It's the last  
10 item on our agenda.

11 The one question I had, actually,  
12 though, was actually on Heartland, that I  
13 just thought of, which is, what's our sense  
14 of timing on that?

15 DIRECTOR ISLES: In terms of the timing  
16 for Heartland, we don't know exactly. We,  
17 here again, have been maintaining contact  
18 with Islip to try to get a sense of that. It  
19 could be as short as a couple of months, or  
20 it could go into next year sometime depending  
21 on which path the town takes, if they feel  
22 they have enough information for the planning  
23 board to send it up to the planning  
24 commission.

25 We will try to give the commission

1 Suffolk County Planning Commission 9/2/09 81  
2 members a heads-up as soon as we have a  
3 better idea.

4 CHAIRMAN CALONE: Okay. Thank you, Tom.

5 DIRECTOR ISLES: With regard to the  
6 Comprehensive Plan, yes, we have commenced  
7 that project in the department. We're  
8 actually excited about it and consider it to  
9 be probably one of the most important things  
10 that we can be doing at this time. And, here  
11 again, it's coordinated with the regional

09 02 09\_Planning\_Commission.txt  
12 efforts as well as with the Nassau County  
13 plan update.

14 A couple of specific items.

15 I am requesting money in the budget for  
16 next year to help us a little bit. We're  
17 going to be doing I think most of the  
18 planning work in-house, and I think we have,  
19 you know, superb staff that can conduct that  
20 very well. So I don't think we have anything  
21 lacking in that regard other than time.

22 But we are looking for some help  
23 potentially with the public outreach part of  
24 it. I have requested funding. It's  
25 obviously a very challenging year -- time for

1 Suffolk County Planning Commission 9/2/09 82  
2 funding, but I have my fingers crossed.

3 Secondly, speaking of public outreach,  
4 we would like to have a public meeting of  
5 sorts sometime in November and -- to at least  
6 initially roll out this effort, to let the  
7 public know and to maybe get some almost like  
8 scoping comments on it. So we will be  
9 working on that to look at ideas for  
10 scheduling that.

11 The second thing related to that is  
12 the -- the front part of this project is a  
13 lot of information gathering, so we will be,  
14 here again, doing some public outreach. But  
15 most of the -- a lot of the public outreach  
16 will occur in the second part of the project

17 when we have information in front of us, and  
18 as we start to analyze and shape the plan and  
19 look at policy options.

20 The planning commission has indicated  
21 that some members would be forming a  
22 subcommittee. I would like to start meeting  
23 with those members. Whether the commission  
24 members want to do it associated with a  
25 regular meeting, but I would like to get

1 Suffolk County Planning Commission 9/2/09 83  
2 together, if possible, at the October  
3 meeting, right before or after the meeting,  
4 for at least a little while to start that  
5 part of the process.

6 And then lastly is, the department is  
7 also going to initiate some targeted  
8 stakeholder meetings at this point. We are  
9 going to begin with the town planning  
10 directors and -- here again, informing them  
11 on the project, and also seeking their  
12 cooperation and participation. We'd like to  
13 get information from them, we'd like to get  
14 their involvement in this, so that's  
15 something else we intend to launch in the  
16 near future.

17 So that's a quick update. Dan Gulizio  
18 is the project manager. He's off today, but  
19 he will be doing the day-to-day management of  
20 the project. And, obviously, here again,

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21 many of the planners in the department will  
22 be working on specific sections and aspects  
23 of the plan.

24 Thank you.

25 CHAIRMAN CALONE: Okay. Any thoughts or

1 Suffolk County Planning Commission 9/2/09 84  
2 comments? I think we'll -- obviously, we can  
3 put together a meeting with the group before  
4 or after the October meeting. And,  
5 obviously, I think, to the extent you need  
6 any of our help with any of these things, you  
7 know, we're all -- you know, let us know.

8 DIRECTOR ISLES: That would be great.

9 CHAIRMAN CALONE: All right. Remember,  
10 next meeting is in -- in Southold. So we get  
11 to enjoy the fall harvest. So we'll send out  
12 directions, obviously. It's Southold Town  
13 Hall, a little bit hard to find if those of  
14 you haven't been there before. It's the  
15 only -- you'll be on the right road, but  
16 you'll probably pass it. I missed it four  
17 times the first time I was there.

18 Anyway, any other comments or questions?

19 (WHEREUPON, there was no response.)

20 CHAIRMAN CALONE: If not, if Sarah and  
21 Adrienne and Vince could stay just for a  
22 minute, I just need to chat for a few moments  
23 with you guys.

24 COMMISSIONER TALDONE: I just have a --

25 CHAIRMAN CALONE: Yes, please.

1 Suffolk County Planni ng Commi ssi on 9/2/09 85  
2 COMMI SSI ONER TALDONE: One qui ck  
3 questi on, agai n, regardi ng thi s bi ll that' s  
4 movi ng very qui ckly through the legi slature.  
5 Cou ld we consi der a moti on to express  
6 our support for the -- the legi slati on or  
7 support for the concept, provi ded that the  
8 planni ng departme nt i s -- ends up as the  
9 arbi ter of what smart i s?  
10 I' d l i ke to go to the hearing. I' d l i ke  
11 to express my support for that legi slati on,  
12 but I can only go as an i ndi vi dual unles s  
13 the -- the enti re commi ssi on authori zes me to  
14 say that I speak on thei r behal f.  
15 CHAI RMAN CALONE: Ri ght.  
16 I thi nk the hard thi ng i n doi ng that  
17 wou ld be that we haven' t had a chance to al l  
18 review i t and to talk about i t. So  
19 certai nly, I thi nk i t' s fi ne for you to, you  
20 know, express your personal opi ni ons. I t' s  
21 certai nly fi ne to say you' re a member of the  
22 commi ssi on, but you don' t speak for the  
23 commi ssi on.  
24 COMMI SSI ONER HOLMES: I n hi s other --  
25 weari ng one of hi s other --

1 Suffolk County Planni ng Commi ssi on 9/2/09 86  
2 CHAI RMAN CALONE: And you --

09\_02\_09\_Planning\_Commission.txt  
COMMISSIONER HOLMES: -- 500 hats.

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CHAIRMAN CALONE: Right. You also wear -- that's a good point. You wear other hats, and those could also, of course, be mentioned.

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It's a little interesting, the question which also comes up, whether it's different, that there's county legislation whether we're commenting on as opposed to a town where we actually have review authority over town projects and don't over county projects. So that's a -- you know, something that the lawyers would be able to debate about whether it makes a difference. But I think either way for this, given the timetable, I don't think there's much we can do --

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COMMISSIONER TALDONE: Yeah.

CHAIRMAN CALONE: -- unless there's some overwhelming consensus to the contrary on that.

My understanding is that it might -- you know, might take a little while, there might be some debate over this over some time.

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SECRETARY ESPOSITO: I don't think it's going to be passing at the next --

CHAIRMAN CALONE: Adrienne has whipped the votes and --

SECRETARY ESPOSITO: No.

CHAIRMAN CALONE: All right. Any other

8 comments or questions?  
9 (WHEREUPON, there was no response.)  
10 CHAIRMAN CALONE: If not, I'll entertain  
11 a motion to adjourn.  
12 SECRETARY ESPOSITO: (Indicating)  
13 CHAIRMAN CALONE: A motion by  
14 Secretary Esposito.  
15 COMMISSIONER HOLMES: I second it.  
16 CHAIRMAN CALONE: Seconded by  
17 Commissioner Holmes.  
18 All in favor?  
19 (WHEREUPON, the members voted.)  
20 CHAIRMAN CALONE: We'll see you all in  
21 Southold.  
22 (WHEREUPON, this meeting of the Suffolk  
23 County Planning Commission adjourned at  
24 1:30 p.m.)  
25

1 Suffolk County Planning Commission 9/2/09 88

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C E R T I F I C A T E

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 2nd day of September 2009.

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\_\_\_\_\_  
THERESA PAPE

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