



# SUFFOLK COUNTY PLANNING COMMISSION

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

## AGENDA

April 6, 2011  
12:00 P.M.  
100 Main Street  
Huntington Town Board Room

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1. Adoption of minutes
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers:
  - Hon. Frank Petrone, Supervisor – Town of Huntington
  - Mitch Pally, Chief Executive Officer-Long Island Builder's Institute
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
  - Temporary Moratorium on Development in Causeway Areas (Shelter Island)
  - Amber Court Realty@Suffolk LLC 0800 10800 00400 001000 (Smithtown)
7. Section A14-24 of the Suffolk County Administrative Code
  - Westbrook Village 0500 21100 0100 005007 (Islip)
8. Discussion:
9. Other Business:
  - Review Draft of Suffolk County Comprehensive Plan, Volume I

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, May 4, 2011 in the Board Room in the Village of Patchogue.

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SUFFOLK COUNTY PLANNING COMMISSION

Huntington Town Hall

Huntington, New York

April 6, 2011

12:00 p.m.

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MEMBERS PRESENT:

DAVID CALONE, Chairman

CONSTANTINE KONTOKOSKA, Vice Chairman

ADRIENNE ESPOSITO, Secretary

VINCENT TALDONE, Town of Riverhead

DIANA WEIR, Town of East Hampton

LINDA HOLMES, Shelter Island

THOMAS McADAM, Town of Southold

SARAH LANSDALE, Town of Huntington

MICHAEL KELLY, Town of Brookhaven

JOHN FINN, Town of Smithtown

MATTHEW CHARTRAND, Town of Islip

BARBARA ROBERTS, Town of Southampton

THOMAS YOUNG, ESQ., County Attorney for  
Planning Department

DANIEL J. GULIZIO, Deputy Planning Director

ANDREW FRELENG, Chief Planner

ANDREW AMAKAWA, Planning Department

THEODORE KLEIN, Planning Department

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2 THE CHAIRMAN: Good afternoon, and welcome to  
3 the April meeting of the Suffolk County Planning  
4 Commission. It's good to be here in Huntington. First  
5 item on our agenda is the swearing in of two  
6 reappointed Planning Commission members, and since I'm  
7 one of those two, I'll ask the vice chairman to do so  
8 with myself and Commissioner Kelly.

9 (David Calone and Michael Kelly were sworn  
10 in.)

11 THE CHAIRMAN: Thank you, Vice Chairman  
12 Kontokoska. It's good to be back. Now I can take the  
13 acting title off my designation that I have had for the  
14 last two months, thank you for the County Executive and  
15 the Legislature seeing fit to have me and Mike back.

16 Next item is Pledge of Allegiance. I ask the  
17 vice chairman to lead us in that.

18 (Recitation of the Pledge of Allegiance)

19 THE CHAIRMAN: First item is the adoption of  
20 minutes, without objection, I'll table those. February  
21 minutes, we are still working on them. Any objection?  
22 We will table them, the February minutes.

23 Next item on the agenda is the public  
24 portion. I have Mr. Lifson. Sir, you are recognized  
25 for three minutes. State your name and spell your last

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2 name.

3 MR. LIFSON: Robert L-I-F-S-O-N, resident of  
4 the Town of Huntington for my entire life, virtually.  
5 I have a two part question, and depending on the  
6 response to it, a comment. I really am wondering if,  
7 given the history of the project which is proposed for  
8 East Fifth Street, Huntington Station, sometimes called  
9 the Avalon Bay project, which has already been reviewed  
10 in its prior iteration by the Planning Commission, if  
11 you still retain jurisdiction to review it. Part A..

12 Part B would be are there circumstances that  
13 would divest you of jurisdiction?

14 THE CHAIRMAN: I appreciate the question. I  
15 think it's a factual question. I'll ask Acting  
16 Director Daniel Gulizio.

17 MR. GULIZIO: The Avalon was originally  
18 referred to the Commission pursuant to County Law  
19 Section 239, which covers certain planning zones acts.  
20 What triggers referral to the Commission involved  
21 geographic parameters and types of applications,  
22 assuming it meets the same.

23 In all likelihood, it's a revised application  
24 as referred submitted to the Town. It will again be  
25 referred to the Commission.

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2 MR. LIFSON: What are the geographical I  
3 think it exceeds that. I was wondering how it came to  
4 the Planning Commission in the first instance, since  
5 it's more than a thousand feet.

6 MR. GULIZIO: I'm not certain what the  
7 specific trigger was in that particular application. I  
8 can get you an answer on that. I don't know if it's  
9 proximate to county road or state property or state  
10 parkland.

11 MR. LIFSON: Then are there circumstances  
12 that would divest you of jurisdiction?

13 MR. GULIZIO: Again, I don't want to speak  
14 as counsel for the Commission, but I don't believe,  
15 provided it meets the statutory requirement for the  
16 referral, that there are any circumstances, that I'm  
17 aware of, that would divest the Commission of  
18 responsibility to review the application.

19 MR. LIFSON: Thank you for the answer.  
20 There is no need for comment.

21 THE CHAIRMAN: Anthony Guardino. Come to the  
22 podium and spell your last name.

23 MR. GUARDINO: Anthony G-U-A-R-D-I-N-O.  
24 Farrell, Fritz. I represent Amber Court of Suffolk,  
25 LLC. It's a matter that the Board is going to be

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2 considering later today.

3 I'm just here to just explain to the Board  
4 exactly what this application is. It's an assisted  
5 living facility on about seven acres, a little less  
6 than seven acres in the Town of Smithtown, three  
7 stories in height, ninety thousand square feet,  
8 ninety-seven rooms, a hundred eighty-six beds.

9 The location seems to be a little bit  
10 controversial in the town, at least with respect to  
11 some of the neighbors. I wanted this commission to  
12 understand this is a light industrial property that the  
13 facility is going to be located on. We feel that this  
14 is a very, very appropriate transitional use between  
15 the existing light industry that is to the north and to  
16 the west of this site, and the single family residences  
17 that are located to the south and to the east of the  
18 site.

19 The Town of Smithtown planning staff has also  
20 agreed with us that this is an appropriate use for this  
21 area. We have an issue of a height variance that is  
22 necessary. But part of that issue is created by the  
23 fact that we are creating a sunken courtyard in the  
24 rear of the facility and also putting a parapet on the  
25 roof to make this building look less institutional and

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2 more residential in character, again, at the request of  
3 the Town, but the way the Town definition for height  
4 reads, measure from the very lowest point to the very  
5 highest point.

6 Once we dug the hole, we sort of got  
7 penalized for the height. When you look at the  
8 building, you will see three stories in height and not  
9 the forty-nine feet that is being requested. There  
10 will be a sewage treatment plant at the facility. So,  
11 it's going to be constructed with excess capacity.

12 We also, just closing, I want to mention that  
13 we have met with neighbors who are concerned. You  
14 probably read the papers. We are agreeing to create a  
15 significant landscaping berm. Right now the facility  
16 is located a hundred forty feet from the property lines  
17 there is a dedicated one hundred foot buffer between  
18 the facility and residences that will be landscaped so  
19 that the people will not see the structure in the way  
20 they think they might see it.

21 The other thing they asked is that we kind of  
22 flip the interior of the building because there is a  
23 single loading dock and kitchen, and they were  
24 concerned that this might be a little too close to the  
25 houses. My clients have agreed to flip it so it will



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2 be on the north side and a little bit further away from  
3 the houses. Thank you for your time.

4 THE CHAIRMAN: Mark McKee, is there anything  
5 affirmatively you wanted to say?

6 MR. McKEE: Mark Mc Capital K-E-E, from the  
7 architecture firm David Mammina, architect. We are the  
8 architects for the project. Mr. Guardino described it.  
9 I'm available if you have any questions.

10 THE CHAIRMAN: So the audience is aware,  
11 under the rules of the County, we are not able to give  
12 or take with the applicant. We do that with our staff  
13 reports. If there is anything in particular you want  
14 to say, we welcome it.

15 MR. McKEE: I don't have anything to add.

16 THE CHAIRMAN: I appreciate your time. Any  
17 other public comment? Seeing none, I'll close the  
18 public portion.

19 The Chairman's report. As I said, it's good  
20 to be here in Huntington. This is now the eighth Town  
21 Hall we visited over the last two years. In a few  
22 minutes supervisor Petrone will be the eighth  
23 supervisor to address the Board at this time about the  
24 land uses addressing the Town, and Mitch Pally of the  
25 Long Island Builders Institute, who will discuss LIBI's

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2 goals and priorities for this year.

3 The big news, as you all know, however, is  
4 that our fellow planning commissioner, Sarah Lansdale,  
5 has been nominated by the County Executive to be the  
6 fifth planning commissioner. We expect the legislature  
7 will take up that this later this month.

8 Our goal is to focus on land use issues  
9 critical to Suffolk's future. We are going to continue  
10 emphasizing major county-wide issues such as  
11 development of the Comprehensive Plan as well as  
12 related issues. With regard to the Comprehensive Plan,  
13 we hoped to be able to vote to release the draft  
14 publicly today for review and feedback. However, staff  
15 is still incorporating comments from various  
16 commissioners around the table, and we expect that to  
17 be on the agenda next month in Patchogue. I'm going to  
18 reschedule my appearance before the legislature on the  
19 Comprehensive Plan until after that meeting. We will  
20 probably have a meeting of our Comprehensive Plan  
21 steering committee at the time of our next meeting to  
22 discuss Volume 2 and the next steps of the County  
23 Comprehensive Plan.

24 With regard to the various task forces, on  
25 energy and environment, solar permit streamlining

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2       effort, I believe will be on the agenda at the Nassau  
3       County Planning Commission later this month, and the  
4       letter will go out to the municipalities from the two  
5       planning commissions and LIPA, hopefully by the end of  
6       this month, laying out requirements of the program, the  
7       LIPA streamlining program, and LIPA incentives  
8       associated with that.

9           There are a number of municipalities that  
10       indicated interest in signing on, particularly Babylon  
11       Village, Town of Babylon, Town of Islip and Brookhaven  
12       as well as the Town of Hempstead and perhaps the Town  
13       of Huntington as well.

14           With regard to wind siting and East End Wind  
15       Code, we had the third meeting of bringing the East End  
16       towns together to creating a common wind code hosted by  
17       Supervisor Walters in Riverhead. We hope to review  
18       their draft at a meeting hosted by Southold later this  
19       month.

20           On storm water runoff and native vegetation,  
21       the green methodologies for storm water runoff document  
22       has gone to the municipalities. We are working on two  
23       other aspects of that. We have our commission members  
24       are going to be meeting later this month to discuss the  
25       municipal clearing standards from around the county and

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2 potential for regional standards, and we'll be hosting  
3 a county symposium for green methodologies for storm  
4 water runoff. Secretary Esposito is heading that up.

5 With regard to economic development and smart  
6 growth, the committee has been active. At the  
7 suggestion of this Commission, the County Executive  
8 hosted a meeting a month or so ago among various  
9 stakeholder groups to focus on where we should grow,  
10 where we should preserve and how we should pay for  
11 infrastructure we need, as a county.

12 We have had an infrastructure financing group  
13 meet twice since then. Commissioners Lansdale, Finn  
14 and Kelly and I served on that as well as several  
15 others, and I think we came up with some ideas for  
16 that. We need to get the County Executive's backing on  
17 that.

18 On the Suffolk Unified Permitting Portal, as  
19 you know, this Commission did a lot of the early  
20 legwork on that idea. The County executive embraced  
21 it. It is moving forward. We had a quarterly meeting  
22 a few weeks ago and things are progressing. I spoke to  
23 Tony Alosio, the planning director here in Huntington  
24 is involved within that effort. That is going to be a  
25 multi-year process to get this thing to where it can be

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2 to where other places around the county have taken.

3 We have been working on the professional  
4 certification for commercial interiors idea. I want to  
5 credit Commissioner John Finn on that; he's been  
6 heading up that effort. His idea is to follow the lead  
7 of New York City and eliminate the need for building  
8 inspections of routine interior commercial alterations.  
9 At our request, John Racinelli of Farrell, Fritz put  
10 together a draft plan, which we are now reviewing and  
11 hope to get that moving within the next couple of  
12 weeks. The Town of Brookhaven has expressed an  
13 interest in piloting that program. --

14 On public safety, we have the draft design  
15 standards that Commissioner Tom McAdam worked on. We  
16 are waiting for feedback back from a few town council  
17 members. I will be meeting with Tom Spota later this  
18 month.

19 Lastly, on housing, we are looking at  
20 possibly doing a County housing summit in the latter  
21 part of this year. As you know, we have some of the  
22 leading thinkers and doers on housing on Long Island  
23 around that table. So time is ripe, and combined with  
24 the leadership with LIBI to focus on what we can do  
25 about housing. This is the update on the task forces.

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2 Miscellaneous things; the guidelines  
3 committee is going to meet after this meeting. If you  
4 read in Newsday, the Heartland application is likely  
5 coming our way in the next couple of months. I'm  
6 calling a special meeting on that, which will likely be  
7 in the evening. Our commission did a bus tour of the  
8 Heartland property a few months ago and may want to do  
9 another tour.

10 At the last meeting, I told you that the  
11 Nassau County Planning Commission requested a joint  
12 meeting with us this summer. I think as a first step  
13 we will have a lunch with the officers of the two  
14 commissions hopefully this month and figure out what  
15 the next steps are to be productive.

16 Our fellow commissioner, Josh Horton, decided  
17 to run for mayor of Greenport in May. Then he decided  
18 not to run for mayor, so we get to keep him, although  
19 he's out of town on business today.

20 Bill Schoolman, CEO of Classic Transportation  
21 and the Hampton Luxury Liner, has been confirmed by the  
22 Legislature as the newest member of the County Planning  
23 Commission. Bill had a preexisting commitment today  
24 and so he will be sworn in at our next meeting.  
25 We will be having our next meeting next month in

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2 Patchogue Village Hall. Mayor Pontieri will be taking  
3 us on a walking tour. I'm told that we will all fit,  
4 although we probably wouldn't have the cole slaw from  
5 Shelter Island.

6                   That is the Chair report. Any questions from  
7 the Commission members?

8                   COMMISSIONER HOLMES: For the wind energy  
9 draft, are you taking into account the protections that  
10 need to be built into that kind of regulation to  
11 protect birds?

12                  THE CHAIRMAN: We have had some presentations  
13 on that. Certainly with regard to where exactly it's  
14 going to be allowed to be sited on the East End, there  
15 has been the issue raised of perhaps a buffer zone,  
16 particularly coastal sensitivity areas, so that issue  
17 is certainly on the table. I appreciate you bringing  
18 it up.

19                  COMMISSIONER HOLMES: It's the migrating  
20 birds that seem to be a big problem, to not locate a  
21 wind farm or windmill in the path of bird migration. I  
22 think maybe that is one of the things we will be  
23 looking at.

24                  THE CHAIRMAN: To be clear, the group is  
25 drafting and I will tweak it. It would be interesting

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2 if you are aware of anything that is being done  
3 elsewhere on that. I think there is some work upstate  
4 on that as well as California of other codes around the  
5 country that take into account that issue.

6 Other thoughts, comments questions? If not,  
7 I want to thank all of you for your effort and the time  
8 that you are putting in on these projects. I would  
9 like to ask our acting director, Dan Gulizio, for a  
10 report.

11 MR. GULIZIO: One administrative item, just  
12 to bring you up to speed, at the last Commission  
13 meeting there was a question about overpopulation  
14 projections in the Town of Riverhead. The Town has  
15 done some work on that. There was potential of  
16 increase of population of about forty-eight thousand  
17 residents. The Town of Riverhead plan amendment  
18 indicated an estimate of about fifty-one thousand  
19 increase in population. That has since been revised  
20 pursuant to some code amendment and actions taking  
21 place and their revised estimate is about forty-one.

22 Most importantly, when we look at population  
23 projections, it's important to keep in mind the  
24 unpredictability or inaccuracies associated with these  
25 estimates. There could be wide discrepancies between



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2 projections and actual build-out. It's a good  
3 exercise. It's important information to look at. Just  
4 to stress to everyone, the potential for change of  
5 those numbers based upon change in zoning. Secondly, if  
6 one of the upcoming Commission meetings, we would like  
7 to bring Seth Foreman, one of our demographers on  
8 staff, to present some new census information related  
9 to the Long Island Regional Planning Council. It's  
10 incredibly helpful.

11 There is a tremendous amount of information  
12 to go through. Seth has done a nice job in summarizing  
13 that information. U.S. population increased nine point  
14 seven percent to approximately three hundred nine  
15 million. In Suffolk County, it was five point two  
16 percent as opposed to nine point seven percent. We  
17 have a population of about one million four hundred  
18 ninety-three thousand in Suffolk County. New York  
19 State's population now represents six point three  
20 percent of the U.S. population. That is a decrease and  
21 it's actually the lowest since 1900. New York City,  
22 now represents forty-two point two percent of the State  
23 population. That is also a decrease down from the peak  
24 of fifty-five percent in 1940.

25 Interestingly, Suffolk County now represents

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2 seven point seven percent of the State population, an  
3 increase of point two percent, significantly the  
4 highest percentage in the county system. The fifteen  
5 of the top twenty growth areas in Suffolk County are  
6 within the Town of Brookhaven or east of the Town of  
7 Brookhaven. The main towns, percentage-wise, that  
8 increased, Southold, Shelter Island, up from four.  
9 Brookhaven, East Hampton and Riverhead also  
10 percentage-wise.

11 One of the other significant issues in terms  
12 of where that growth is occurring, the outer counties  
13 in the New York Metropolitan region, with five point  
14 six percent. Inner counties less three point five  
15 percent. At the boroughs, two point one percent.

16 One of the things that we looked at as  
17 planners is the way that is reflecting a shift towards  
18 decentralizing growth as something we should certainly  
19 be aware of, cognizant of, and take into consideration  
20 as we consider policy.

21 That is all I have for the director's update.

22 THE CHAIRMAN: Thank you. It's good to know  
23 that we in Suffolk County are taking over New York  
24 State, two point three percent at a time. Any  
25 questions for Dan at this time? If not, we will move

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2           onto your guest speaker. We are privileged to have  
3           supervisor Frank Petrone here. He is in his fifth term  
4           as the supervisor of the Town of Huntington in  
5           bipartisan fashion and we want to thank you for having  
6           us and letting us use your table.

7                   SUPERVISOR PETRONE:    You're in my seat.  
8           Keep it warm. It's a pleasure to be here and seeing  
9           some familiar people, it brings back some of the old  
10          days. Some of the times that I spent in the County.  
11          Tom, we spent many a day, and it was very interesting  
12          and then some people that I work with today that are  
13          here. It's really a delight to have you in Huntington.  
14          Sarah, congratulations. We are assured that your  
15          nomination will go swiftly and your confirmation will  
16          proceed and we in Huntington support it, for the  
17          record.

18                   One of the things that I wanted to mention to  
19          you is that we deal with what you deal with. We are  
20          dealing with the of quality of life, and every day on  
21          every project that we think of or any area that we wish  
22          to work with, this constantly comes home to us and we  
23          have the struggles, as many do. We want to balance the  
24          environmental concerns. That is one of our major  
25          things.

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2 We have great resources in this town. We are  
3 a waterfront community and we want to keep those  
4 resources. We work with the community extensively to  
5 make sure that the resources are respected and we try  
6 and attempt to provide different types of  
7 infrastructure programs that will protect the  
8 environment. Very costly, as most of you know. It's a  
9 difficult task. But in terms of the Town of  
10 Huntington, we look at it in three different ways. We  
11 look at the downtown areas that we have. Cold Spring  
12 Harbor, Village of Huntington, per se, the East  
13 Northport community, Larkfield Road. And as we look at  
14 these, we say these are vital. This is the small  
15 downtown. This is really small business. That is what  
16 makes our communities thrive.

17 So our concern has been to protect that and  
18 to make sure that we continue this type of approach  
19 here in the Town, and we have been successful. And so,  
20 that has helped us, I think, retain businesses. It  
21 helped the economic base, and it certainly helped us as  
22 we looked to promote growth, because we are doing it in  
23 such a way that we are protecting existing downtown  
24 environments that people like. In fact, we are  
25 bringing them back to some of their former values.

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2 Architecturally, we are trying to do these  
3 things to promote the fact that it's a community, it's  
4 walkable, it's your downtown, it's your neighborhood.  
5 That is a big, big concern of ours. Another area that  
6 we looked at that is dramatically difficult is the  
7 corporate area, the Melville corridor. You are all  
8 familiar with that. We can kvell in bringing Canon  
9 here, because Canon is bringing other things with it.  
10 With that came stimulus money to redo Walt Whitman  
11 Road, which is vital. We are looking to redo the  
12 bridge over the Expressway. With Canon came the DOT  
13 and looking to that, that was done because Canon came.

14 Because if we look for any further growth,  
15 that is the area that it has to happen. As a result of  
16 that, we see that the Fed Ex building and TV 55, that  
17 is coming down. There will be an office building put  
18 in their place. That is on the drawing board. This is  
19 a product of bringing Canon. So, 110 corridor is  
20 alive.

21 We are working closely with DOT in terms of  
22 some of the improvements that have to take place, but  
23 our biggest concern and biggest struggle is Huntington  
24 Station. It's not a small downtown area, it's not a  
25 corporate site. It's not a residential base that is

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2 stable. And yet, it's in the middle of the town. You  
3 come through it, whether you are going north or south  
4 or east or west. The area itself deserves the  
5 attention.

6 We tried to launch a revitalization program  
7 several years back and it's been a slow process. Our  
8 agony basically has been much to do with the economy.  
9 We have a plan. How do we do this. And that has  
10 provided us with the greatest challenge. We are ready  
11 to embark on taking our plan and bringing it to the  
12 development community. We are looking in an RFQ  
13 perhaps to bring forth a next step in the planning  
14 process. That would include commercial, retail.

15 Residential, we feel, is very important.  
16 Avalon has resubmitted a scaled down project that many  
17 of us are excited about as scaled down. 1000 New York  
18 Avenue, the former repair shop is down. We did a  
19 condemnation; we took it down. Empire State  
20 Development through Restore New York, gave us a one  
21 point two million dollar grant, which we are working on  
22 and will be working with developers. People came to  
23 our meeting and took proposal packets that are  
24 interested. So we see some light, but the economy is  
25 really hindering us.

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2 What really hinders the entire quality of  
3 life, and I know you deal with it, because we deal with  
4 it every day, that is our infrastructure. We dealt  
5 with it in many meetings of the County. Remember that  
6 thing called the intermodal? We haven't heard too much  
7 more about it. That brought a tremendous amount of  
8 concern through probably four different supervisors,  
9 concern of the fact that do we have the proper  
10 infrastructure.

11 If we take a ride and we take a trip to  
12 Florida, we find that we see roads being built before  
13 anything else. If we come to Long Island, we find that  
14 we are looking to build projects before we improve the  
15 infrastructure. That is probably our most deep rooted  
16 concern, whether it's in my little village or whether  
17 it's down in the Melville corridor or along the  
18 Expressway, the Sagtikos Parkway.

19 Our concept of regionalization and working  
20 together is to be applauded, because if we are going to  
21 improve infrastructure, we have to do it as a group of  
22 people, as a region. Then we can possibly see some of  
23 these projects.

24 You mention the project in your discussion  
25 called Heartland. Town of Huntington had a problem

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2     with that.  Town of Huntington continues to have a  
3     problem.  Why?  Because it's not taking into  
4     consideration the regional impact.  There is talk now  
5     that Commack Road is going to be an access point.  
6     Commack Road is a nightmare at any given time.  This is  
7     great concern.  We've retained Gregory Peterson to do a  
8     study for us, and we certainly will make that  
9     information available to this Commission.  They're  
10    going to do an in-depth study because we do have  
11    concerns, and we are going to continue to have those  
12    concerns.

13                   That project, although, can be very helpful.  
14    It also can devastate economically, environmentally,  
15    and pit one town against another, and that certainly is  
16    not what any of us want, and so we ask you to look at  
17    this closely to work with us on this, and hopefully we  
18    can come to some solutions.  I think that the project,  
19    probably from just my early days in looking at it and  
20    briefly looking at it, the project does not have, in  
21    its paperwork, the concept of mitigation impact, which  
22    means spending money from a developer's point of view.  
23    And that project needs money to be spent in terms to  
24    improve any of the infrastructure around it.

25                   We said early out, and we said it in



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2   intermodal and say it again, the Sagtikos Parkway is a  
3   prime route that should be expanded and utilized for  
4   all these projects so there can be a good regional  
5   impact and a positive impact in terms of any of the  
6   environmental concerns.

7           So I want to just thank you. I don't want to  
8   take any more of your time. I can go on all afternoon,  
9   as Adrienne knows. I thank you for being here in  
10   Huntington and taking our concerns seriously, and we  
11   look forward to working with you on this project and  
12   other projects as we pursue them together and take your  
13   input seriously. Thank you.

14           THE CHAIRMAN: Anyone have any questions or  
15   comments for the Supervisor? If not, one thing I'll  
16   note is that 110 corridor, particularly around the  
17   Expressway, and obviously the potential there and the  
18   exciting development going on there, one of the issues  
19   we would like the Town to take a look at is the height  
20   issue. I think there is a height variance applied for  
21   the building 55. What kind of height makes sense there  
22   going forward. Certainly it's no longer a sleepy  
23   corner. It would be helpful for us to get a sense of  
24   what the Town thinks is appropriate from a height  
25   perspective.

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2 A lot of exciting things going on in  
3 Huntington. Huntington is a jewel of Suffolk County  
4 with its mix of downtowns and development like the 110  
5 corridor and historic -- if I didn't mention Charla  
6 Bolton, who was a leader of historic preservation here  
7 and elsewhere. She just retired from this commission a  
8 couple of months ago. This is one of the few towns in  
9 Suffolk's history that has massive development on the  
10 town line.

11 COMMISSIONER HOLMES: May I comment, I am  
12 wearing the Suffolk County tercentenary medallion  
13 designed by Rufus Langhans?

14 SUPERVISOR PETRONE: Yes, we do remember  
15 Rufus.

16 THE CHAIRMAN: I want to recognize the  
17 commissioner from Huntington.

18 COMMISSIONER LANSDALE: I want to say it's a  
19 pleasure being here. I want to recognize Supervisor  
20 Petrone's leadership in the smart growth and  
21 sustainable development movement on Long Island. He  
22 was one of the first supervisors on Long Island to  
23 actually do a community based planning process for  
24 Gerard Street just down the street, and I want to also  
25 thank you for all your efforts in revitalizing

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2   Huntington Station and also for taking a second look at  
3   Avalon Bay.

4                   THE CHAIRMAN: Thank you, Commissioner  
5   Lansdale and Supervisor Petrone. Next is Mitch Pally,  
6   who is the new CEO of the Long Island Builders  
7   Institute. We actually have someone who came in who  
8   missed the public portion who wishes to speak for three  
9   minutes. Without objection, I would like to reopen the  
10   public portion.

11                  MS. WONG: Thank you very much.

12                  THE CHAIRMAN: If you could spell your name  
13   for the record.

14                  MS. WONG: Thank you. My name is Vivienne  
15   Wong, W-O-N-G, first name V-I-V-I-E-N-N-E. My address  
16   is 12 Cameron Drive, Huntington, 11743. I just want to  
17   go over just quickly two or three points, maybe four.  
18   I'm the president of the Anokat Association. We have  
19   been around since 1946. We were one of the few planned  
20   communities. When the parcel was subdivided in 1946,  
21   there was issues made for land to be held for storm  
22   water runoff. We are right on the harbor.

23                  One of the things we are having right now in  
24   Huntington is that our town never completed, and I did  
25   chair for about ten years the board for local



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2 discussion of air quality. The Town has not had any  
3 discussions with any of the developments on the impact  
4 of air quality. Presently, the reviews I have read  
5 shows that our region is not complying with Federal  
6 standards. We have projects such as Avalon, which is  
7 scaled down, but that still will create about twelve to  
8 fifteen hundred cars a day. We have Heartland. In  
9 terms of the sewer treatment plants, I know, and I wish  
10 that I could show documents, that we are turning away  
11 trucks right now away at twelve noon.

12 The infrastructure is a mess, and please help  
13 the Town in getting the new department heads and  
14 getting the WFRP done. Thank you.

15 THE CHAIRMAN: Thank you, Mitch, and  
16 congratulations on your new leadership of LIBI.  
17 Everyone knows that Mike Kelly is the president of LIBI  
18 this year and we have a effective representative of the  
19 building community here. Mitch, I want to welcome you  
20 here.

21 MR. PALLY: Thank you very much. I want to  
22 first mention I was at the same presentation with  
23 Mr. Gulizio yesterday, and I found that the most  
24 interesting thing that I heard was of the ten largest  
25 metropolitan areas of growth in the country, between

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2   2000 and 2010, nine were in the South and Southwest.  
3   The ONLY one that was not, which was number five, was  
4   Fort Wayne, Indiana. Either they are doing something  
5   right or something wrong. I thought it was interesting  
6   that an area that is not assumed to be a growth area  
7   was the fifth largest metropolitan growth area in the  
8   last ten years. Something to take a look at in that  
9   regard.

10                  I did want to take a few moments to talk to  
11   you about the residential home building industry on  
12   Long Island, where it is, what we are concerned about  
13   and what we hope this Commission could be able to do in  
14   that regard. The residential home building industry on  
15   Long Island, as you can understand, is in one of the  
16   most difficult periods in many years from a variety of  
17   factors, the economy, government regulation and other  
18   factors have all interceded together to put the home  
19   building industry, and I don't just mean the single  
20   family home building industry, I mean multi-family and  
21   any components of it are at a crossroads.

22                  Residential permits are down significantly  
23   and local government revenue is off one hundred million  
24   dollars. That is revenue directly to the  
25   municipalities. That does not count the construction

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2 jobs and affiliated jobs which would have been created  
3 if we had just gone along at the usual permit process.

4 Home building is placed with an increasingly  
5 regulatory and community environment with numerous  
6 studies ready, willing and able to impose significant  
7 new restrictions upon any type of residential home  
8 building, including the Suffolk County Water Management  
9 Plan, new Pine Barrens land use amendments, the new  
10 mandatory Pine Barrens Credit Redemption Program, new  
11 DEC endangered species regulations, new DEC  
12 Environmental Assessment Forms, which are more complex  
13 and expensive, although they say they're simpler, new  
14 vegetation and clearing standards being proposed by  
15 this commission, no new sewage treatment plant  
16 capacity.

17 Unfortunately, a very great prejudice among  
18 many school districts to the thought of any new  
19 children coming to their community. It's as if  
20 children are an anathema to Long Island in the 21st  
21 century. What is needed is a new understanding of the  
22 viability and necessity of new housing starts and what  
23 this means to the local economy. The building  
24 community wants to build, it does not want to fight.  
25 That is why we have been part of the recent Carmans

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2 River Water Management Plan negotiations, which is  
3 predicated upon a working transfer of development  
4 rights program, which has not been easy to come by. By  
5 that I mean a working transfer of development rights  
6 program, not just a TDR program in name only, which we  
7 have in many places, including the Town of Brookhaven  
8 at the moment, which has had a TDR program on its books  
9 for the last five years for which zero credits have  
10 been issued at the moment.

11                   Unfortunately, unless there is an as-of-right  
12 requirement within the program, it will not work  
13 because everybody wants to live in a sending area and  
14 nobody wants to live in a receiving area. This is the  
15 specific reason why the Carmans River TDR program is  
16 created the way it is, with specific receiving areas on  
17 an overlay district on certain properties with a  
18 specific number of units allowed to be built  
19 as-of-right if they meet specific criteria. We can  
20 only hope the Town of Brookhaven will enact the  
21 resolution as negotiated by the building and  
22 environmental community.

23                   The builders on Long Island want to build in  
24 the downtown areas, but it is very difficult because of  
25 a lack of sewers in most areas. As I told the mayor of



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2 Patchogue the other day, we no longer use Patchogue as  
3 an example, Patchogue no longer exists because  
4 everybody uses Patchogue as the only example of where  
5 something happened. When someplace else does it  
6 we will use it as an example. We have great difficulty  
7 in putting enough land together to build sewage plants  
8 in the areas, which are necessary under the current  
9 Health Department regulations, let alone the new Health  
10 Department regulations. We want to build on the major  
11 road corridors, but the project is often negatively  
12 impacted by the lack of capacity in the new sewage  
13 treatment plants and the lack of ability to build new  
14 plants.

15                   Instead of putting new restrictions in place,  
16 the most important condition this Commission could  
17 create is a specific housing program for Suffolk County  
18 and create a specific mandatory requirement that each  
19 town and village create a specific number of housing  
20 units within their jurisdiction. Such a mandatory  
21 program has been working very well for the last fifteen  
22 years in Westchester County, created by their Planning  
23 Commission, passed by their County Legislature. LIBI  
24 would ask this Planning Commission to create such a  
25 mandatory program so each town and village would know

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2    how many units they would have to create and approve  
3    and so everybody is included in the program, so we  
4    don't rely on just one or two municipalities, such  
5    Patchogue, I violated my own rule, as the one where new  
6    housing units are created and very few other places do  
7    it. Only in this way will we be able to move our  
8    industry forward and create the jobs and economic  
9    activity which is so important.

10                   Second, LIBI would request that this  
11    Commission and the County itself be required to  
12    calculate the amount of lost tax revenues and jobs not  
13    being created when open space is acquired. This will  
14    allow all of us to understand completely all of the  
15    consequences of land purchases, both positively and  
16    negatively. LIBI looks forward to working with the  
17    Commission on any new standards which you may be  
18    considering now. We only ask you to let us be at the  
19    table, just as we were in Brookhaven on the Carmans  
20    River, so we could be part of the decision making  
21    process and be able to identify any and all positive  
22    and negative consequences.

23                   I thank you very much for the opportunity to  
24    participate in these discussions. I do have a few  
25    copies of a report which LIBI had done for us by the

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2       National Association of Home Builders on the economic  
3       consequences of home building, which I will give to the  
4       staff. I, unfortunately, do not have enough for  
5       everybody. I thank you very much.

6                   THE CHAIRMAN: Thank you and congratulations.

7                   (Applause)

8                   MR. PALLY: I'm glad nobody asked me about  
9       Long Island Bus, which we just solved.

10                  THE CHAIRMAN: Any questions or comments  
11       around the table at this time? Thank you, Mitch. I  
12       think one thing that Mr. Pally said that is  
13       particularly important is looking at what other people  
14       have done with regard to housing goals, we have seen  
15       this with comprehensive plans for various  
16       municipalities, some of them understand the issues that  
17       we have as a region and some of them don't. We are all  
18       in this together, to make sure that our kids can live  
19       here and our families can stay here. So I think it  
20       does require all municipalities to participate.  
21       We will be happy to look at what Westchester has done.  
22       I knew New Jersey has some kind of fair share. It's  
23       one of the reasons I would love to have us as a county  
24       have a county housing summit later this year and figure  
25       out what is the best outcome of that, and what is

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2 achievable, and certainly LIBI needs to be a part of  
3 that with the Housing Partnership and with regard to  
4 housing as well.

5 Any other comments? We will move onto the  
6 regulatory agenda. We have three items, Shelter Island  
7 and Smithtown and Islip. Shelter Island is up first.

8 MR. FRELENG: Thank you, Mr. Chairman and  
9 members of the Board. Just a clarification. If you  
10 have a copy of the agenda, pull New Frontier off the  
11 agenda. As of yesterday, four o'clock, the Town  
12 requested that that application be withdrawn.  
13 This is an application of a new moratorium of the  
14 causeway areas, the Town is proposing a temporary  
15 moratorium related to Chapter 133 of the Shelter Island  
16 zoning law for a four month moratorium applicable to  
17 properties designated as causeway areas. This is  
18 generally in the vicinity of upper beach and lower  
19 beach along the Ram Island Drive peninsula on Shelter  
20 Island.

21 In 2010, the town of Shelter Island adopted a  
22 moratorium on development within the underdeveloped  
23 coastal barrier districts described in Chapter 133 of  
24 the Shelter Island Town Code. The moratorium was due  
25 to expire on March 31, 2011. The moratorium was

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2 referred to the Commission and was deliberated at the  
3 April 7, 2010 regular meeting. The commission was  
4 unable to render a determination; therefore, no action  
5 was taken by the Commission.

6           During the past year, the Town of Shelter  
7 Island has had several public meetings and has drafted  
8 several versions of amendments to the rules. As a  
9 result of this effort, the Town has decided to narrow  
10 the focus of the original moratorium to the low lying  
11 areas along the Ram Island causeways indicated on the  
12 screen so the town has allowed the original broader  
13 undeveloped coastal barrier district moratorium to  
14 expire. The Town indicated that the draft legislation  
15 is close to completion but will not be finalized by the  
16 close of the current moratorium, so the Town has  
17 elected to allow the moratorium on development in the  
18 undeveloped coastal barrier district to expire and to  
19 establish a moratorium on development within the  
20 causeway areas to allow the draft legislation to be  
21 finalized.

22           Going to the staff report, the staff report  
23 does critique the proposed moratorium that they're a  
24 little light on the description of hazards along the  
25 coastal area, although it's believed that the hazards

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2 are well known and the Town should not be critiqued too  
3 severely for not enumerating those types of hazards.

4 Staff had some issues with regard to  
5 exceptions and hardships and made some comments related  
6 to that. I would like to point out that we had  
7 conversations with the Town of Shelter Island since  
8 this matter was brought before the Commission. The  
9 Town has adopted the proposed moratorium as of March  
10 18th. This moratorium was adopted. I had  
11 conversations with the Town, and they wish the  
12 Commission to proceed. Staff is recommending approval  
13 of the referred moratorium, subject to the following  
14 comments:

15 Comment Number 1 is related to the proposed  
16 local law should have a little more meat in it  
17 regarding the hazards of the coastal barrier area, and  
18 there should be provisions more explicit for hardship,  
19 and that was the second condition, second comment, I'm  
20 sorry, and the third comment, I juxtaposed the third  
21 comment, was related to impacts to the coastal barrier  
22 area and the second comment is they should clarify what  
23 is excepted by the proposed moratorium.

24 Three comments. They should really go into  
25 more detail on what is are hazards and what is the

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2 urgent reasons for the moratorium.

3 THE CHAIRMAN: I recognize the Commissioner  
4 from Shelter Island, Ms. Holmes.

5 COMMISSIONER HOLMES: Thank you. I think  
6 that the original moratorium was proposed and at that  
7 initial hearing quite some time ago it was very  
8 apparent that eighty percent of the coastal areas on  
9 Shelter Island are either undeveloped or County owned  
10 or Town owned, and including our four large beaches.  
11 So, people brought up at the first moratorium, that  
12 really we are only talking about the causeways, and it  
13 seems to me that the town has heard that and recognized  
14 that and worked with that thought.

15 So that now they are, I think, justified in  
16 making a new moratorium which focuses on the first and  
17 second causeway as shown. And it's apparent to me, and  
18 if you could put up the Zagoreos property photo again,  
19 I went down and looked at the Zagoreos property, which  
20 is the only piece of developed land on either causeway.  
21 It's on the first causeway and the property was, a good  
22 many years ago, back in the early '60's and many of us  
23 at the time thought it was illegal, but it turned out  
24 the owners had found a loophole in what was then the  
25 Town regulation which said that you had to have at

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2 least a six foot elevation. Since it did not restrict  
3 bringing in fill, the owners brought in eight feet of  
4 fill and built their house.

5 It was subject to a good deal of flooding  
6 periodically when Mr. Zagoreos bought it a few years  
7 back, there was a fire there last year. And so,  
8 Mr. Zagoreos wanted to repair the house. And there was  
9 a great deal of discussion about it. And finally, the  
10 Town allowed him, because the house was located too  
11 close to the wetlands of Coecles Harbor and the Town  
12 finally gave him a permit to intrude upon the wetland  
13 in order to demolish the original structure. Then the  
14 DEC told him that he could rebuild, but he would have  
15 to rebuild closer to the road.

16 You can see the stakes, which I was surprised  
17 to see that he had actually gone in and demolished the  
18 original dwelling and has staked out where the new  
19 dwelling will go because many of us believed that  
20 Mr. Zagoreos was trying to hold out to get the Town or  
21 County to purchase the property from him, thereby  
22 solving the issue of no building on the causeways.

23 It appears to be that the provisions of the  
24 new moratorium, focusing just on the causeway, that the  
25 provisions are designed to accommodate Mr. Zagoreos so



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2           that he can go ahead with the permits from the Town and  
3           the DEC. And those appear to be the reasons to me  
4           behind the language of the new moratorium. And so, I  
5           sort of take a little issue. I can understand the  
6           staff's concern, but to me, it's quite well known  
7           within the Town why these provisions are made as they  
8           are.

9                   Since there has been a great deal of  
10          controversy about the flooding of the causeways and  
11          unsuitability of them for building for many many years,  
12          I can think of thirty years where this issue has come  
13          up repeatedly, so I think the Town is moving in a good  
14          direction here and I would certainly support the staff  
15          report, except I sort of question the concerns, some of  
16          the concerns the staff has because I think they're very  
17          well known on Shelter Island.

18                   THE CHAIRMAN: Staff report indicates that  
19           these are comments.

20                   COMMISSIONER HOLMES: They're just comments.

21                   THE CHAIRMAN: I think that is an important  
22           difference also. This is sort of our standard  
23           moratorium kind of concerns, to use Andy's phrase,  
24           where it has fingers and toes. I think by narrowing  
25           the scope of this and making the extension more

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2 palatable of the moratorium, for a very short period  
3 and with the comments, I think they're appropriate  
4 comments, it's consistent with what we said in the  
5 past.

6 Did we take the bus tour past this?

7 COMMISSIONER HOLMES: Yes, we did. At the  
8 time the dwelling was still there, the damaged dwelling  
9 was still there. That is why I was really surprised to  
10 see how he moved ahead.

11 THE CHAIRMAN: Thank you, Commissioner  
12 Holmes. Other comments or thoughts about the staff  
13 report? Seeing none, I'll entertain a motion to adopt  
14 the staff report.

15 COMMISSIONER HOLMES: So move.

16 COMMISSIONER ROBERTS: Second.

17 THE CHAIRMAN: All in favor, please raise  
18 your hand. (Show of hands) That is twelve to none.  
19 Thank you. Motion adopted.

20 Next item on the agenda is the Amber Court in  
21 Smithtown.

22 MR. FRELENG: Thank you, Mr. Chairman and  
23 members of the Board. Amber Court Realty referred from  
24 the Town of Smithtown. Jurisdiction is the property is  
25 within five hundred feet of New York State Route 347.

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2 Applicants are seeking town board special exception  
3 approval for the construction of three thousand nine  
4 thousand square foot assisted living facility  
5 consisting of ninety-seven living units. Proposal  
6 requires seventy-three off street parking stalls and  
7 seventy-five are proposed. The petition includes the  
8 construction of a one story sewage treatment plant for  
9 the processing of sanitary waste.

10 The subject property is located on the west  
11 side of Lake Avenue approximately a hundred fifty feet  
12 north of Nesconset Highway, Route 347, in the Hamlet of  
13 Nesconset. The pattern of land use and zoning in the  
14 area, as you can see up on the screen that the subject  
15 property is at the southern end of a light industrial  
16 district, some interspersed whole scale industry  
17 zoning. South and east, R-15 residential zoning,  
18 minimum lot size ten thousand square feet. And in the  
19 south in the R-10 zoning, with lot size of ten thousand  
20 square feet.

21 The land use in the area is generally  
22 representative of the zoning pattern. Warehouse  
23 distribution and professional parks abut the property  
24 to the west and north. To the south the property abuts  
25 the rear yards of residential dwellings on Park Avenue.

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2 I'll go through some of these slides. That is looking  
3 at subject property from Lake Avenue looking west from  
4 the subject site. You can see in the staff report,  
5 there is an existing structure on the site. You can  
6 see in the back it's a shed-like structure.

7 Again, that is another view from the street  
8 looking at the subject property. This is the property  
9 to the north, which is the -- this is the sign to the  
10 property to the north. It's a light industrial park.  
11 This is looking from the subject site across the street  
12 to some of the single family detached dwellings. That  
13 is looking at the subject site. There is an existing  
14 dwelling on the site. Again, some structures on the  
15 site.

16 Let's go to the site plan. The applicant is  
17 proposing to have one unrestricted access to Lake  
18 Avenue. There is no alternate or emergency access  
19 proposed. There are no environmental constraints on  
20 the property.

21 In terms of the staff analysis, we note that  
22 is the petition is for the proposed assisted living  
23 facility and sewage waste water treatment plant. The  
24 property is not located in an existing municipal sewer  
25 district or adjacent to an existing private sewage

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2           treatment plant. There are, however, some sewage  
3           treatment plants in the east in the Lake Grove area,  
4           and to the west in the Village of the Branch. In order  
5           to regionalize waste water treatment toward the further  
6           preservation of the potable groundwater table, the  
7           applicant should hold discussions with the Suffolk  
8           County Department of Health Services and Suffolk County  
9           Department of Public Works to investigate connections  
10          to existing treatment facilities or options for on-site  
11          facility capacity expansion for possible future  
12          connections.

13                   We are recommending this if they haven't done  
14          that already. We believe currently looking at regional  
15          sewering, we believe there should be discussions on  
16          whether or not that plant is necessary. Whether it  
17          could connect to existing facilities or whether those  
18          facilities could be expanded or whether the facility  
19          proposed could accommodate future expansion in the  
20          area.

21                   Regarding equity and housing diversity, it is  
22          the understanding of Commission staff at the time of  
23          writing this staff report believed that the entire  
24          project could be considered affordable. We since had  
25          some discussion with the applicant and Town. That has

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2 been clarified. The affordability component for the  
3 project is eighty percent. I wanted to clarify that  
4 from what was indicated in the written report.

5 There is no indication in the referred  
6 material to the Commission that the petitioner has  
7 considered energy efficiency in the layout and design  
8 of the proposed development. The applicant should be  
9 required to hold discussions with the Suffolk County  
10 Department of Public Works Transportation Division.

11 There is no indication in the referral  
12 material that the petitioner considered public safety  
13 in the layout or design of the project. We are  
14 recommending that the applicant take a look at the  
15 Planning Commission's guidelines on incorporating  
16 public safety into this project.

17 It's been argued that the proposed assisted  
18 living facility is a good transitional use. Staff does  
19 not necessarily disagree with that. However, we  
20 believe that buffering with fast growing evergreens  
21 should be planted to screen the facility from the  
22 adjacent residents and the three story facility. Their  
23 buffer could include a raised berm, and we believe that  
24 the applicant is proposing a raised berm at this time,  
25 and fast growing evergreen trees for maximum screening

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2 effect.

3 At the same time, the property line on the  
4 north end of the property should also be buffered to  
5 protect the residents from noise light and impact of  
6 the light industrial uses. The height of the proposed  
7 assisted living facility is to be forty-nine feet or  
8 three stories, requested. It's the belief of staff  
9 that the proposed building may not be in character with  
10 the surrounding community and may be an aesthetic  
11 impact to the Lake Avenue corridor.

12 Staff is recommending that the applicant take  
13 another look at that and that the building be reduced  
14 in height where the desired gross floor area may be  
15 achieved by enlarging the gross footprint.

16 The staff is recommending approval of the  
17 application, subject to the following conditions and  
18 comments:

19 The first condition is that the petitioner  
20 hold discussions with DPW and Department of Health  
21 Services regarding the sewage treatment plant, and the  
22 second condition that the petitioner be directed to  
23 review the Suffolk County Planning Commission guidebook  
24 for guidelines on incorporating energy efficiency into  
25 this project.

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2 Third condition, the petitioner be directed  
3 to review the Planning Commission Guidelines on public  
4 safety. And the staff is recommending that the  
5 Commission forward four comments for this project.

6 The fourth comment was related to the  
7 affordability component. We would like to drop that  
8 comment or revise it. We do understand that eighty  
9 percent of the project is considered affordable. We  
10 believe they should discuss with the Department of  
11 Economic Development Workforce Housing for any  
12 opportunities that would enhance the proposal.

13 There is no bus turn off or drop off. We  
14 recommended holding discussions with DPW Transportation  
15 Division to investigate the need for transit service  
16 adjustments.

17 And the third comment is regarding adequate  
18 buffering. That is a raised berm with fast growing  
19 evergreens should be planted. We believe that the  
20 applicant is ahead of us on that comment and is working  
21 with the Town on that.

22 And that the applicant consider reducing the  
23 height by expanding the footprint. Again, that is a  
24 comment. That is the staff report.

25 THE CHAIRMAN: Thank you, Andy. I



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2 appreciate the notes about what we might change. This  
3 is a Smithtown project. Commissioner Finn.

4 COMMISSIONER FINN: Thank you, Andy and the  
5 staff for that detailed thorough report. I'm happy to  
6 report that is the first Town of Smithtown application  
7 that this Commission has seen. I happen to know the  
8 area pretty well. I must commend the Town of Smithtown  
9 for doing some infrastructure work. Southern  
10 Boulevard, which was always a mainly or north-south  
11 road, has been expanded to include sidewalks, and even  
12 though it's not -- this property doesn't front on that  
13 road, it kind of spurred a hub of development here  
14 which has been has seen one project more successful  
15 than the next.

16 All the while, Smithtown has what has been  
17 defined as automobile row, which has a WSI zone, which  
18 Andy mentioned, which they continue to struggle with  
19 vacancies. This project is at the tail end and getting  
20 up to the major roadway of 347.

21 Proposed use, I agree with the staff report  
22 having to be a transitional use and that being a  
23 favorable usage for a commercial site internally as it  
24 abuts up to the residences. I don't see anything in  
25 our package about the elevation, the details. I don't

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2 know if we have a rendering. Would the staff have a  
3 rendering of what the facade of the structure is going  
4 to look like?

5 MR. FRELENG: No.

6 COMMISSIONER FINN: I can only guess, but I  
7 would imagine this would be similar to some of the  
8 other projects that are proposed in or about the area,  
9 which would be colonial in nature. This project,  
10 amongst others, that are proposed, as we age here on  
11 Long Island, this is a use that we have to make sure we  
12 provide for the elderly and hope our seniors can stay  
13 in the community, because they add a level of history  
14 and if it leaves Long Island, that history is gone.  
15 The fact that we can capture that and have them stay,  
16 most of the residents that are going to be here are  
17 going to be residents of the Town of Smithtown.

18 With all that being said, I think the report  
19 is thorough. The only thing about the contact with  
20 DPW, I don't know that there is any sewage treatment  
21 plant in the Village of the Branch.

22 MR. FRELENG: We reviewed the reference  
23 documents that we have indicated that there were sewage  
24 treatment plants in the Village. I didn't identify  
25 which ones they were. I will have to go back and find

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2 out what they are.

3 COMMISSIONER FINN: I would like to know. We  
4 are probably the largest landlord in the Village of the  
5 Branch, and I would like to know. The fact that  
6 they're going to accommodate the wastewater on the  
7 site, I would recommend that we approve the report that  
8 the staff as noted.

9 THE CHAIRMAN: Thanks, John. Andy, how far  
10 is the Village boundaries from this project?

11 MR. FRELENG: I wouldn't know.

12 COMMISSIONER FINN: The Village boundary,  
13 this is the Town of Smithtown. The Village boundary  
14 for the Village of the Branch starts at the  
15 intersection of Terry Road and Middle Country Road, and  
16 goes west. There is a sewer treatment plant west of  
17 the site on Terry Road and Nesconset Highway, which is  
18 linked up to the Avalon Bay apartment complex. That  
19 is the closest that I know of. From the village it's  
20 probably a mile and a half, two miles.

21 THE CHAIRMAN: It remains to be seen whether  
22 it's feasible or not. Ask them to look into it. I  
23 think the state is that we have twenty or thirty  
24 percent of the STP plants in New York are here in  
25 Suffolk County. Certainly there is nothing wrong with

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2 directing the applicant to have this conversation.  
3 Andy mentioned with regard to edits, the Comment Number  
4 1 says that the entire facility is affordable. Can you  
5 clarify that information, that it really should be the  
6 majority of the facility. I ask, without objection,  
7 that we make that a comment.

8 The last thing, the height language in the  
9 staff report. I'll just throw this out, see if others  
10 agree. The second half of Comment Number 4 talks about  
11 the building should be reduced to height and that the  
12 same area may be achieved by enlarging the building's  
13 footprint. I don't think that is the thing we want to  
14 affirmatively say.

15 I think it's more appropriate, I think the  
16 first few sentences are fine in regard to the character  
17 of the area. Perhaps where it says it's the belief of  
18 the County Planning Commission that the building is not  
19 in character. We didn't see a draft facade. I think  
20 it's hard to say that, given the dips and depressions  
21 in the land, but I think it's appropriate to raise the  
22 issue the Town should consider the impact.

23 My suggestion would be after you note the  
24 character or setting of the area, we add a sentence,  
25 delete the rest of it, and add the Town should

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2 carefully consider the potential impact associated with  
3 the proposed height variance, period. That would sort  
4 of allow us to avoid making judgements on it.

5 COMMISSIONER CHARTRAND: I agreed with it. We  
6 agree with you in Huntington with the 55, to let it go  
7 back to the Town.

8 THE CHAIRMAN: We are limited to what is on  
9 the record.

10 COMMISSIONER WEIR: I just want to note that  
11 half of the area on the north is commercial, hard  
12 commercial, so I don't think it's right to say it's not  
13 in character. It is a transitional area, the property  
14 on the west side.

15 THE CHAIRMAN: I think that the staff  
16 recommendation is sort of in line. The height  
17 characteristic is a little bit different than the norm,  
18 which is true. That is why I think you want the Town  
19 to consider that issue. At least keep it in mind, in  
20 determining the flow of property.

21 MR. FRELENG: The commercial buildings to the  
22 north are one story buildings.

23 COMMISSIONER HOLMES: I agree with your thought to  
24 delete the second part of Comment 4 and simply say the  
25 Town should consider the impact of the height of the

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2 surrounding area and let it go at that. I agree with  
3 that.

4 MR. GULIZIO: I think it supports the staff  
5 in connection with its potential impacts associated  
6 with the height while drawing attention to the issue  
7 with the Town. I think it's an appropriate comment.

8 COMMISSIONER KELLY: Regarding the height, I  
9 just want to go back to Andy's point regarding the  
10 setback or the position of the building, with regards  
11 to the neighboring properties. Looks like from this  
12 aerial that we have, it looks like there is some  
13 significant setbacks on at least three of the sides.  
14 One side doesn't look like there is much of a setback,  
15 it looks like it's abutting a commercial property. The  
16 position of the building in regard to the property  
17 boundaries itself, plus the screening requirement that  
18 Andy discussed with the buffer and the landscaping, I  
19 think should be in context with whatever that height  
20 comment you want to address.

21 I think it's got to be clearly spelled out  
22 that personally, I don't see the height being much of  
23 an issue, based on the fact that Andy's required  
24 screening, the buffer and landscaping along with the  
25 fact that it's positioned within the parcel itself.

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2 Seems to be not obtuse.

3 THE CHAIRMAN: Let me read what I'm  
4 suggesting, if you want to suggest any addition to  
5 that. Then this is the way it will read: "Referral  
6 information submitted to Office of the Suffolk County  
7 Planning Commission indicates that the height of the  
8 proposed assisted living facility is proposed to be  
9 three stories. This requires relief from the Smithtown  
10 Board of Zoning Appeals. The Town should carefully  
11 consider proposed impacts associated with the proposed  
12 height variance."

13 Does anyone have any objection to making that  
14 edit?

15 COMMISSIONER WEIR: None.

16 THE CHAIRMAN: Seeing that, we will make that  
17 edit.

18 COMMISSIONER KELLY: I think that is fine.

19 Do we see this on the ZBA?

20 MR. FRELENG: It should be referred to the  
21 Commission. When it goes before the Zoning Board of  
22 Appeals for height variance, it should come before the  
23 Commission again when it goes before the Planning Board  
24 for height variance.

25 It's a ninety thousand square foot three

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2 story building. It's rather massive. There should be  
3 some buffering.

4 THE CHAIRMAN: Any additional recommendation  
5 with regard to the comment? Seeing none. Any other  
6 thoughts or comments, questions? Seeing none,  
7 entertain a motion to adopt the staff report as  
8 amended. Motion by Commissioner Finn, seconded by  
9 Commissioner Weir. All in favor, please raise your  
10 hand. (Show of hands) Adoption of the staff report as  
11 amended eleven to zero.

12 MR. FRELENG: I just want to introduce Andrew  
13 Amakawa, who will be giving his first presentation to  
14 the Commission today.

15 THE CHAIRMAN: It's twelve zero.

16 MR. AMAKAWA: Hello to the Commission. This  
17 is Westbrook Village. This is a subdivision  
18 application. Applicant Astor Realty is proposing a six  
19 lot subdivision on a thirty-seven point eight acre  
20 parcel. It's in the Town of Islip.

21 The subject property is located west of  
22 Montauk Highway, east of Connetquot Avenue, falls  
23 within the Commission's jurisdiction since it's located  
24 within five hundred feet of New York State Route 27,  
25 27A and New York State land in a planned development



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2 district.

3 I took a couple of photos. That is the  
4 property looking north. You can see a majority of the  
5 property is undeveloped, with the exception of a couple  
6 of left over industrial buildings for the aerospace  
7 industry. Also has a parking lot. For the most part  
8 it's undeveloped.

9 In this shot is taken off Wheeler Road to the  
10 east of the property. This would be a main access to  
11 the proposed development for three hundred twenty unit  
12 residential development. Looking down there, you can  
13 see on the south side of the road, that is where the  
14 majority of the land is. That is looking south. As  
15 you enter the entrance you can look south and see the  
16 property is abutted to the east by recreational  
17 baseball fields.

18 Moving into the property more you will see  
19 left over parking lot and warehouse buildings, sort of  
20 north central. The last shot is taken, it's going to  
21 be main thoroughway running north and south connecting  
22 Sunrise Highway to the north to Montauk Highway to the  
23 south. You can see, this is the undeveloped area that  
24 is on the southern portion of the site, and on the  
25 northern portion is the existing office industrial

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2 space, also known as Long Island Business Technology  
3 Center, I believe.

4 MR. GULIZIO: I know this is your first time.  
5 I don't know you have longer you have. I'm just  
6 kidding, take your time.

7 MR. AMAKAWA: I'll speed this up slightly.  
8 I want to give you a little bit of history of the  
9 project. It came before the Commission in May 2008 as  
10 a change of zone. Request by the applicant was for  
11 change of zone from Industrial 2 District to  
12 Residential AAA. The request was to rezone it to the  
13 Great River Planned Development District. It was a two  
14 step request to establish the Great River Planned  
15 Development District and to rezone this property into  
16 the district.

17 Just to give you a quick summary of what is  
18 taking place, the Commission reviewed this initial  
19 request the change of zone was obviously reviewed by  
20 the Commission with conditions approved. It then went  
21 back to the Town and the Town adopted the Great River  
22 Planned Development District and rezoned this property.  
23 There were filed deed and covenant restrictions for the  
24 site.

25 Getting back to what you see before you, this

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2 current application is the subdivision request. Again,  
3 it is for six lots, and the Town has indicated that the  
4 applicant is requesting this subdivision specifically  
5 for the southern portion of the property, not the  
6 northern portion. Due to current economic conditions,  
7 financing entities require significant percentage of  
8 units to be sold before seeing the funds.

9 I think it's important to mention some  
10 critical issues, mitigation measures that have been  
11 addressed by the applicant in coordination with the  
12 Town. One of those issues was density. Since this  
13 application last became before the Commission, they  
14 have actually reduced the density quite a bit. The  
15 previous development proposal would be equated to nine  
16 point five units per acre and it was reduced to eight  
17 point five unit per acre under their proposal for  
18 development. That would be for the southern portion.

19 Another issue that I think is worth  
20 mentioning that has been addressed, again by the Town,  
21 in coordination with the applicant, is affordable  
22 housing. The Great River Planned Development District  
23 code amendment, which was adopted, requires now a  
24 minimum of twenty percent of total dwellings be deemed  
25 affordable. This project has also filed a deed and

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2 covenant restriction has been filed with the property,  
3 which would require the applicant to build sixty-four  
4 non-age restricted units affordable, of which  
5 thirty-two would be rental.

6 The next item to be brought to the  
7 Commission's attention would be traffic mitigation.  
8 Consistent with the proposed development, there are two  
9 identified traffic corners that would require new  
10 traffic signals at the intersection of Union Boulevard  
11 and Montauk Highway and Montauk Highway and Wheeler  
12 Road. I thought it was worth bringing it to your  
13 attention as your environmental conditions, this  
14 property is not located in a special groundwater  
15 protection area or in the Pine Barrens region.  
16 Westbrook Pond is over a thousand feet from the  
17 property's eastern boundary.

18 I will move onto staff analysis and  
19 recommendations. Staff generally supports this  
20 application with conditions applied to six identified  
21 areas. The first area would be the access,  
22 accessibility within the future residential development  
23 on existing road. Staff would recommend that common  
24 access easement be created for all internal roads  
25 designed to ensure adequate access throughout the site

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2 for emergency vehicles, consistent with Commission  
3 guidelines. Commission guidelines specifically  
4 recommend that no parcel should be landlocked, which  
5 could compromise the health and safety of future  
6 residents. And it also would create a common easement  
7 which would potentially avert disputes between property  
8 owners of the internal roads.

9 Moving onto the next condition that staff  
10 recommends is a stormwater pollution prevention plan be  
11 implemented to manage stormwater runoff, pursuant to  
12 New York State's discharge elimination program  
13 requirements. This is in accordance with policy  
14 guidelines which highlight New York State requirements  
15 to develop the SWPP for construction sites of one acre  
16 or larger. The construction site obviously would be --  
17 the requirements with approximately two point nine  
18 acres proposed office space and seven point nine acres  
19 of residential space.

20 The next condition, subject property should  
21 be deemed to be free and clear of surface and  
22 subsurface hazardous material. This condition was  
23 previously included in the review for change of zone  
24 for the property. I think that should be repeated.  
25 Subject property has been an industrial site for the

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2 aerospace industry and it's recommended that  
3 environmental assessment of the hazardous materials on  
4 the site should be undertaken.

5                   Condition 4, the applicant should be  
6 directed to consult the guidebook of the Suffolk County  
7 Planning Commission for details on universal design  
8 features of buildings to improve access for all members  
9 of the community. Based on the applicant's proposed  
10 development plan in which a hundred of the three  
11 hundred twenty-five units will be age restricted senior  
12 owner-occupied units, it makes sense to require design  
13 elements specific to an aging population.

14                  Five, that staff recommends that the  
15 applicant consult the Commission's guidebook on energy  
16 efficiency. The reason why the Town has, in  
17 conjunction with the applicant, has addressed energy  
18 efficiency on the northern part of the property, which  
19 does not apply to the current application and they went  
20 so far as to file a deed and covenant requiring the  
21 future applicant to submit an energy efficiency plan  
22 for the northern portion of the site. I felt it would  
23 be appropriate to also consider the southern portion,  
24 considering how much development will be taking place  
25 in terms of residential development on the southern

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2 portion of the property, so the recommendation is to  
3 consult the energy efficiency design section of the  
4 guidebook.

5 As for Condition Number 6, the applicant  
6 should facilitate the convenient and safe pedestrian  
7 connections between the residential and  
8 office/industrial portions of the property.  
9 Preliminary site plan indicates safe pedestrian  
10 connections.

11 I understand the Town is still developing a  
12 final site plan. It's just a recommendation that staff  
13 believes that the applicant should consider in the  
14 final site plan.

15 I just have one last at condition to the  
16 staff report, which isn't included in the staff report  
17 you have. But I would like to add it as a comment.  
18 Staff believes the applicant should clarify the correct  
19 acreage of land for the dedication to the Town of Islip  
20 for recreation purposes since there is a discrepancy  
21 between the subdivision plan and what is indicated on  
22 filed deed covenant. The applicant submitted a  
23 subdivision plan which indicates a four acre lot, that  
24 is the southwestern corner where proposed dedication to  
25 the Town would occur. However, there is also a filed

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2 deed covenant that indicates a dedication of  
3 approximately only three acres. There is a discrepancy  
4 between the subdivision indicating four acres and for  
5 the southwestern lot and covenant and restriction  
6 indicating only approximately three acres being  
7 indicated. I think that should be corrected if needed.  
8 That would be the staff report. (Applause)

9 THE CHAIRMAN: Good job, Andy. Good to have  
10 you aboard. This is an Islip project. Commissioner  
11 Chartrand, any comments that you would like to provide?

12 COMMISSIONER CHARTRAND: First I would like  
13 to thank Andy. Great job. I don't know if they were  
14 clapping because you were done or because it was such a  
15 good job. It's a good job.

16 The area is an eyesore of the community,  
17 especially when you come up on Montauk Highway. With  
18 regard to the location, it's a great location to walk  
19 to the train station there. I appreciate the input  
20 that you put into the with the sidewalks. It will help  
21 the community and lessen some of the traffic in the  
22 area.

23 As far as the hazardous material, that  
24 language should be a little bit stronger because of the  
25 site that was previously there, the aerospace, that's



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2 it on the comment.

3 THE CHAIRMAN: You are saying Condition  
4 Number 3, Matt?

5 COMMISSIONER CHARTRAND: A little bit  
6 stronger language.

7 THE CHAIRMAN: We want to indicate that needs  
8 to be deemed by the Town free and clear as opposed to  
9 just deemed. Indicates who needs to deem it.

10 COMMISSIONER TALDONE: Now I will present an  
11 alternative. I'm actually concerned that the language  
12 is too strong in that are we concerned there being any  
13 hazardous material, whether it's hazardous to human  
14 health or not, just that it's there from ancient  
15 history when the site was used for aerospace uses.

16 If we add something on the end of the  
17 sentence hazardous material that poses a risk to human  
18 health, that kind offsets the standards a little higher  
19 rather than just deemed to be free and clear of any  
20 hazardous material, or is that already assumed? That  
21 is really a question. Is that already assumed, if we  
22 deem it hazardous, that it's hazardous to human health?  
23 I'm trying to get the language clean so we don't end up  
24 making the restriction tougher than what is needed to  
25 provide a safe place for people to live.

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2 THE CHAIRMAN: I'll ask Director Gulizio.

3 MR. GULIZIO: Should be deemed free and clear by  
4 the Town of surface and subsurface materials in  
5 accordance with all Federal and State and Local  
6 guidelines.

7 MR. FRELENG: If I could add to that, deemed  
8 free and clear by the appropriate agencies.

9 COMMISSIONER HOLMES: I think we should spell  
10 it out.

11 THE CHAIRMAN: Andy's point is that it's not  
12 necessarily the Town, whatever the appropriate agency.

13 COMMISSIONER HOLMES: The wording Dan gave is  
14 good because it spells out the regulations.

15 THE CHAIRMAN: I agree that makes sense with  
16 regard who should be deeming. Commissioner Kelly.

17 COMMISSIONER KELLY: Just on point is that  
18 our jurisdiction or the Health Department jurisdiction  
19 when approving the site; is that the Department of  
20 Environmental?

21 COMMISSIONER ESPOSITO: We have added that  
22 before. It's not a standard for us, but we have  
23 mentioned it before. I remember in specific we looked  
24 at a couple of the high houses; for instance we spoke  
25 about that there should be an examination or

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2 characterization of groundwater contamination of the  
3 pesticide examination. We raised it when it was a  
4 glaring issue, but it's not necessarily a standard  
5 issue for us.

6 COMMISSIONER KELLY: Our policy would be to  
7 raise it to the Town or to the Health Department if it  
8 would go to the Health Department for site plan  
9 approval anyway, free of hazardous materials. I do not  
10 know. That is all I'm asking.

11 MR. GULIZIO: I think the best way to  
12 address it, the Town is the ultimate permitting agency  
13 in connection with this application, recognizing that  
14 there are overlapping government agencies that may play  
15 a role in the application. I think it's appropriate to  
16 say that the Town shall, in light of the previous  
17 history of the property, the Town shall determine  
18 prior issuance of any permits that are deemed free and  
19 clear of surface and subsurface of hazardous material  
20 in accordance with all applicable Federal, State and  
21 Local regulations. I think it places responsibility of  
22 where it ought to be, at the Town.

23 THE CHAIRMAN: I think what Commissioner  
24 Kelly raises, since other agencies are going to look at  
25 it, should it be duplicative. I don't think it's

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2   duplicative, in that we are bringing it to the  
3   attention of the Town. This is a particular site where  
4   there have been issues, and we want to make sure that  
5   the residential buildings should be built on places  
6   that have been -- I think the issue that you're  
7   raising, I don't know that we have the time to have  
8   that conversation now.

9                   COMMISSIONER HOLMES: Doesn't the Town have  
10   to pretty well certify to the Department of Health that  
11   they have made sure that the property is free of, or is  
12   Mike saying that it's the Department of Health that has  
13   to certify, make that certification? I thought that  
14   the Town had to do the investigation and make the  
15   certification to the Health Department. Am I wrong?

16                  COMMISSIONER ESPOSITO: I think we are  
17   getting a little bit too analytical. I think the  
18   purpose is to raise it as a valid point and then the  
19   Town will do their judicious work in knowing who needs  
20   to do what, when and where. For us, it's important to  
21   raise it because we have a known issue here, or  
22   potential issue.

23                  As we have done in the past, we can just  
24   leave it at that without getting too much into the  
25   reason about who needs to do what. I think the Town

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2 will know that. I think we want them to know that this  
3 is something to raise and we have that concern.

4 THE CHAIRMAN: One part of the rationale that  
5 I'm a little concerned about, remember, we want to be  
6 clear about what our condition is. Our first sentence  
7 is identified to be the condition, so the Town knows  
8 it, complies with the condition. It does not need a  
9 super majority. If it chooses to abide by that, it  
10 does not need a super majority.

11 The Number 3 talks about environmental  
12 assessment or hazardous materials on site. I'm  
13 worried that that says something a little different  
14 than what the condition says. It can lead to confusion  
15 in potential policies. I think the Town can rely on  
16 other agencies for doing that work to convey to them  
17 whether they consider them standards. The sentence  
18 that it's recommended as environmental assessment, I  
19 would be interested to hear the staff's thought about  
20 it.

21 MR. GULIZIO: I think there is a very well  
22 known site to the town the town is familiar with the  
23 history of the property. And my guess, although I  
24 can't say on the record that I'm assuming there was an  
25 Environmental Impact Statement done in connection with

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2     the application before the Town Board for change of  
3     zone, again, with the comments, I think it's really  
4     just making sure that the Town is aware of the concerns  
5     of the property, the Commission concerns associated it.  
6     It's more for informational purposes.

7                   In terms of the specific second paragraph  
8     about the stockpiling material and requirement that an  
9     assessment be made of that, if the Commission's  
10    preference is to make that a comment as opposed to a  
11    condition, I don't believe staff would have an  
12    objection to that. Andrew, are you comfortable with  
13    that?

14                  MR. AMAKAWA:     Sure, are we submitting it?

15                  MR. GULIZIO:    I think it's something for the  
16    Commission to consider. I think either way, condition  
17    or comment.

18                  THE CHAIRMAN:   I recommend that the language  
19    of the entire explanatory portion should be made a  
20    comment rather than a condition, would be my personal  
21    feeling. What we could do, the condition part of 3,  
22    the first sentence is just, what Dan said I think you  
23    prefaced it in light of the history of the parcel,  
24    comma, the subject property shall be deemed by the Town  
25    to be free and clear of subsurface and surface

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2 hazardous materials according to the appropriate State  
3 and Federal regulations.

4 Forget the Town part, just State and Federal.  
5 I'll make the first motion to take the language out of  
6 the bottom of 3, everything except the first sentence,  
7 and make that a comment. Any objection to making that  
8 a comment and not a condition? I see a hand down  
9 there.

10 COMMISSIONER WEIR: I was just going to  
11 second it.

12 THE CHAIRMAN: Without objection, we will  
13 make that part a comment, the edit which I just read  
14 to the condition. Is there any objection to rephrasing  
15 the condition the way Dan originally described and I  
16 just articulated? Seeing none, we will make that edit  
17 a condition. Any other thoughts or comments?  
18 Commissioner McAdam.

19 COMMISSIONER McADAM: Andy, there is a  
20 section on parking that says GRPDD code adopts a  
21 minimum of two point two parking stalls per residential  
22 unit and then the office area is three point five  
23 stalls per one thousand. I assume that that is okay.  
24 You didn't say one way or the other whether or not that  
25 falls within the general guidelines.

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2 MR. AMAKAWA: That is according to your  
3 adopted code.

4 COMMISSIONER McADAM: Is it reasonable; that  
5 is the question.

6 MR. AMAKAWA: I believe it's reasonable.

7 MR. FRELENG: We looked at the parking and we  
8 believe the parking as proposed within the code is  
9 reasonable.

10 COMMISSIONER FINN: Again, I want to echo the  
11 thoughts of the other commissioners. Andrew, for your  
12 first presentation you did a great job in presenting  
13 this application. One point I want to highlight and  
14 make comment on was the density, and physical impact.  
15 I don't know if you have seen this paragraph in any  
16 prior reports.

17 I think it's something we should note,  
18 especially in the environmental, where everybody is  
19 concerned about property taxes and economic impact.  
20 The example here, I notice in the report, I think it's  
21 something of note that we should highlight projects  
22 something on one that has a tax positive such as this.  
23 It's a mixed generational project, it's not just  
24 senior, but it's something we should be mindful of as a  
25 commission on both the tax impact and we don't have to



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2 quantify it here in the reports.

3 What is the economic impact basically from a  
4 construction standpoint from origination of this  
5 project. You may want to highlight some of these  
6 bullets because they're pertinent facts on the growth  
7 and tax positive, increase of the tax base.

8 COMMISSIONER KONTOKOSKA: Thank for putting  
9 this together and thanks for having a name like Andrew  
10 so we have two. Did you do the analysis or did you  
11 pull the information?

12 MR. AMAKAWA: Most of the information that  
13 you see in the report is pulled from the combination of  
14 the Draft EIS and Final EIS.

15 COMMISSIONER KONTOKOSKA: Most of the impact  
16 that comes up here, when we look at the cost, average  
17 cost difference from the marginal cost is usually  
18 something that comes up that the marginal cost is lower  
19 because if you have for example, a classroom, if you  
20 add another student to the classroom, the fixed costs  
21 aren't necessarily (inaudible). This is would be upper  
22 bound of actual student costs.

23 When we look at the physical impact of tax  
24 revenues, we have to look at the actual student  
25 expenditures. This is always something that comes up.

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2 Communities opposing don't always refer back to this  
3 and no one gets the numbers right, what it actually  
4 costs to have an extra child in school. I just wanted  
5 to point that out.

6 COMMISSIONER KELLY: On that regard, the  
7 report that you refer to, the Rutgers Study, there is  
8 another study that came out more recently than Pearl  
9 Kamer, that actually studied the actual children in  
10 schools of Long Island that count is a little bit lower  
11 than the Rutgers Study. It's based on actual  
12 multi-family projects here on Long Island. That might  
13 be something to consider as well.

14 THE CHAIRMAN: Certainly valid points and  
15 important, particularly as we hear projects that raise  
16 those issues of student density. As Mitch Pally said,  
17 it's sort of ironic that more students is all of a  
18 sudden a bad thing. We understand the politics. The  
19 bottom line is that section of the staff report is not  
20 included in the proposal.

21 I would like to get back to that and see if  
22 there are any other comments on the staff  
23 recommendation. One thing I want to clarify that was  
24 the comment that you were suggesting. I want to make  
25 sure we have the language right. I think it was

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2 basically, one, discrepancy between the deed covenant  
3 on the subdivision map with regard to what is being set  
4 aside.

5 MR. AMAKAWA: Correct, for the recreational  
6 uses.

7 THE CHAIRMAN: Period. The applicant should  
8 clarify which acreage is correct, right? Clarify the  
9 discrepancy.

10 MR. AMAKAWA: Right.

11 THE CHAIRMAN: That is just a comment. Two  
12 would be the amended piece to Number 3. Anyone else?

13 COMMISSIONER WEIR: Just on the same thing  
14 whether jurisdiction on Condition Number 2, it says  
15 they must comply with the SPDES that is required. You  
16 think that is kind of redundant? We don't really have  
17 the jurisdiction. It's a State requirement that all  
18 plans have to go through. That might be a comment or  
19 description in the beginning because we don't have  
20 that. They have to comply with that now through the  
21 State, or otherwise they wouldn't get their permit.

22 THE CHAIRMAN: Again, as Commissioner Kelly  
23 raised, I think it's part of the broader conversation.  
24 The Commission has included these kinds of things where  
25 it feels there is, even though someone else is setting

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2 the standards where it pertains to land use and has a  
3 regional impact, like the Connetquot River, they have  
4 put in this kind of language.

5 It is true that it is redundant in the sense  
6 that we have to do it in order to move forward. It's a  
7 way of this Commission emphasizing the importance of  
8 those issues.

9 It's a valid point to come up. I don't think  
10 we want to have that conversation now as a category. I  
11 don't think there is any harm in including it as we  
12 have in the past. I see the point in sort of the  
13 bigger picture. There are a few things that we mention  
14 a lot that aren't necessarily there within our  
15 jurisdiction because they're land use, but someone else  
16 is going to be signing off on them.

17 COMMISSIONER WEIR: It's just a comment.

18 THE CHAIRMAN: Anybody feel strongly about  
19 taking it out? I think it's a good point.

20 COMMISSIONER WEIR: Just a comment.

21 THE CHAIRMAN: Any other thoughts or  
22 comments? Seeing none, that will --

23 COMMISSIONER TALDONE: I would just like to  
24 quickly support the concerns expressed by Constantine  
25 regarding the students. I'm aware of a couple of

1                   April 6, 2011 Planning Commission  
2       districts in which I have couple of family members  
3       living where student enrollment is falling and they  
4       have long term fixed costs, so actually adding students  
5       is actually a benefit to the district, so you really  
6       need to know the district before you have an estimated  
7       cost of adding students.

8                   We have to be careful about how we present  
9       that.

10                  THE CHAIRMAN: I'll entertain a motion to  
11       adopt the staff report as amended.

12                  COMMISSIONER HOLMES: Motion.

13                  COMMISSIONER CHARTRAND: Second.

14                  THE CHAIRMAN: All in favor of the staff  
15       report as amended with the edits to Condition 3, the  
16       addition of the comment on the discrepancy of the  
17       parcel to be dedicated, as well as the new comments on  
18       the hazardous materials pulled from the bottom of  
19       Condition 3.

20                  All in favor of adopting that, raise your  
21       hand. (Show of hands) Opposed? Twelve-zero. That ends  
22       our regulatory agenda.

23                  Couple of last comments. We are in Patchogue  
24       next month, as indicated. We will be on a walking tour  
25       before that. Let me invite any of you that wish to

1 April 6, 2011 Planning Commission  
2 spend more time with me today to join us for the  
3 guidelines committee meeting. Entertain a motion to  
4 adjourn.

5 COMMISSIONER KONTOKOSKA: Motion.

6 COMMISSIONER LANSDALE: Second.

7 THE CHAIRMAN: All in favor. We are  
8 adjourned.

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

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CERTIFICATION

STATE OF NEW YORK)  
 )  
COUNTY OF SUFFOLK)

ss:

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

THAT this is a true and accurate record of  
the hearing held by and before the Enforcement  
Bureau of the Suffolk County Office of Pollution  
Control, as reported by me and transcribed by me.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 6th day of April, 2011.

\_\_\_\_\_  
JUDI GALLOP

1

2

ERRATA SHEET

3 PAGE/LINE

CORRECTION

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