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SUFFOLK COUNTY PLANNING COMMISSION

COPY

Legislative Auditorium
725 Veterans Memorial Highway
Hauppauge, New York

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October 1, 2008
12:00 p.m.

BEFORE:

DAVID CALONE, Chairman

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

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

ADRIENNE ESPOSITO, Secretary,
Commission Member
Villages Once 5,000 Population

JOHN CARACCIOLO, Commission Member
Town of Huntington

LINDA HOLMES, Commission Member
Town of Shelter Island

DONALD J. FIORE, Commission Member
Town of Islip

BARBARA ROBERTS, Commission Member
Town of Southampton

THOMAS MC ADAM, Commission Member
Town of Southold

CONSTANTINE KONTOKOSTA, Commission Member
Villages Under 5,000 Population

SARAH LANDSDALE, Commission Member
At Large

JOSHUA HORTON, Commission Member
At Large

VINCENT TALDONE, Commission Member
Town of Riverhead

THOMAS ISLES, Director of Planning

DANIEL GULIZZIO, Deputy Director of
Suffolk County Planning Department

ANDREW P. FRELENG, Chief Planner
Suffolk County Planning Department

TED KLEIN, Senior Planner
Suffolk County Planning Department

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A P P E A R A N C E S (Continued):

PETER LAMBERT, Principal Planner
Suffolk County Planning Department

JOHN CORRAL,
Suffolk County Planning Department

LINDA SPAHR, County Attorney

DOTTY SONNICHSEN, Staff

ABSENT MEMBERS:

CHARLA BOLTON, Commission Member
At Large

ROBERT BRAUN, Commission Member
Town of Smithtown

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

(Time noted: 12:11 p.m.)

CHAIRMAN CALONE: Good afternoon. The October 2008 meeting of the Suffolk County Planning Commission is now in session. I would note that we have a quorum, and I would ask our Secretary, Adrienne Esposito, to lead us in the Pledge.

(WHEREUPON, the Pledge of Allegiance was recited.)

CHAIRMAN CALONE: Our first order of business is welcoming two new members to the Planning Commission: Vince Taldone from the Town of Riverhead, and Josh Horton from the Town of Southold, but representing -- taking an At Large seat. And both have been nominated by County Executive, approved by the Legislature. So, we're going to swear them in at this time.

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So I'll ask you both to rise, and repeat the oath here.

(WHEREUPON, Commissioner Horton and Commissioner Taldone rose, and the oath was read and repeated.)

CHAIRMAN CALONE: Thank you, and welcome aboard.

And it's good to have both of you aboard, and we'll give you an opportunity, if we have a chance at the end, to say a few words. But I know you had a chance to meet a lot of the members earlier today, and those you haven't met, I'm sure will introduce themselves either at this meeting or at future gatherings. So welcome.

Okay. The next item on the agenda is adoption of the minutes. We don't have the minutes yet of August 6th, I understand, but we have had an opportunity to review the minutes of June 4th and July 2nd.

Does anyone have any comments on the June 4th minutes?

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COMMISSIONER HOLMES: Yes, the June 4th minutes are substantially corrected. The substantial words are corrected, and nearly all of the other spelling words are corrected. So the June 4th minutes are okay, I think, as amended.

CHAIRMAN CALONE: Okay. Anyone else have any other comments or additions to the June 4th minutes?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Seeing none, I would entertain a motion to adopt the June 4th minutes.

COMMISSIONER CARACCIOLO: So moved.

COMMISSIONER HOMES: (Indicating)

CHAIRMAN CALONE: A motion by Commissioner Caracciolo and seconded by Commissioner Holmes.

All in favor, please say "aye."

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: Opposed?

(WHEREUPON, there was no response.)

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CHAIRMAN CALONE: Motion passes, the minutes of June 4th are adopted.

We now turn to the July 2nd minutes. Anyone have any comments about the July 2nd minutes?

COMMISSIONER HOLMES: The July 2nd minutes are quite substantially correct. All the major words that needed correcting are corrected. There are still a fair number of minor corrections that were not made, but they -- I think they stand well corrected as amended.

CHAIRMAN CALONE: Thank you, Commissioner Holmes.

COMMISSIONER HOLMES: And I would move their adoption.

CHAIRMAN CALONE: Okay.

Are there any other comments or -- on those July 2nd minutes?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Seeing none, I accept the motion by Commissioner Holmes, and seconded by Secretary Esposito.

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All in favor of adopting the July 2nd minutes?

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: All opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: And the minutes pass -- are adopted amicably.

And we will, as I indicated, defer the August 6th minutes to a future session, so we have time to review them.

The next item on our agenda, the Public Portion. I have one card from Diane Caudullo.

Ms. Caudullo, you have three minutes. Please use the microphone, and would you spell your last name for the reporter?

MS. CAUDULLO: Hello everyone. Diane Caudullo, C-A-U-D-U-L-L-O. I'm from the Centereach area, and Centereach/Selden together, we consider ourselves Middle Country. It's on your agenda today, the Sustainable Community

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Plan that you'll be, you know, looking at.

What I wanted to do is just to have somebody from the community meet here to speak about it. I know -- I don't think it's the norm that somebody comes to comment on it, but we just wanted you to know that the community is -- not only did we author it and study it and create it, but we're -- we're truly in support of it. And just to highlight a few things that have come from it:

One of the key things that will benefit from this -- the approval of this plan, is traffic safety. As you're all well aware, our section of Middle Country Road is -- is one of the worst in New York State. So, right now, because of the study, because of the work we've done, we have now initiated real progress in the elimination of curb cuts. We've had -- we have extensive curb cuts in our area -- in our area, and we have the -- what we call the area

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where there's a free-for-all lane. So we -- we have some areas of the free-for-all lane being eliminated, as well as the curb cuts --

CHAIRMAN CALONE: Is that an official planning term, Andy?

MS. CAUDULLO: I believe -- I believe that's right out of the textbook.

So we have the elimination of curb cuts, and -- and in some cases, willingly by the property owners, because they do appreciate the fact that it's very -- there's a significant problem.

Also coming out of our study, we have -- we have an open discussion now with the medians, with the DOT. Which was a topic that was untouchable a few years ago. We pushed and pushed and pushed, and now we're actually -- October 7th, one o'clock in the afternoon, Assemblyman Englebright, Senator Flanagan and the DOT, as well as

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the community will be at the table discussing the potential of putting the medians in.

If everything goes well, we'd like to eventually reconstruct Middle Country Road, it makes sense to do it all at the same time.

We also -- from studying this project over the years, we're also able to argue against certain businesses coming in. We have a over-saturation of gas stations, fast food and strip malls. So, at least when these developments come in, we can intelligently argue why those businesses are not really what's needed in Centereach. And, I'm sorry, I should say Centereach and Selden. I happen to come from the Centereach Civic side, so -- so we do consider ourselves as a -- as a village.

One other thing that we have learned from this -- this study, is we've identified needs of the area, such as, we do not have senior assisted

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living that is affordable for the actual seniors in our neighborhood. We are currently addressing that, we are working on a plan. We found the -- identified the needs, we found the property and now we found a company who is willing to come in and put the facility there. So that's moving along very well, that's in front of the town.

We also are aware of the fact that we do not have adequate workforce housing. Again, identified the needs, found the parcel and are now working with an organization to put workforce housing in the Selden area. So that's another success from our study. And it's nice, with the plan, that we can actually sit down at the table and say, "No, we do need this, and this is why." We have adequate information to back up our suggestions.

Lastly, I just wanted to highlight the fact that, if you're familiar with Centereach and Selden, we do not have

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anything that even closely resembles a downtown. We're actually sort of making our own, we're creating one where there isn't one. So we're focusing on what would be deemed the downtown of -- of each town, and then we're trying to instigate what would then be a town center. We certainly have the parcel, we certainly have the commercial and we certainly have the deed of asphalt. So from that, we are creating what will be our downtown, what will be our town center within the parcels that already exist.

So these are all items that we're focusing on, through this project. One of the -- one of the other benefits that we have gotten is, through this process, the town and the community, as well as some of the other various levels of government would really come together. We're now working on projects from the initial start. The developers come in, they come to us first. We discuss what

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we'd like, then the town comes in. We sort of work it out together, instead of everybody coming in at last the minute and then correcting what we thought we wanted.

So it's really a -- it's a progress that is really taking on a life of its own. I'm sorry, a process that's taken on a life of its own. And it's working very well. And now that we're -- actually, at a public hearing, it was at that moment that we said about the medians, and the State Assemblyman Steve Englebright jumped right on board and he said, "Now, that's something I can see funding."

So, it's things like this, this partnership has really just -- it's really become a great process.

So, I just hope as you're looking at it, getting a presentation from Sustainable Long Island, they're all partners in the project.

And I'd like to just add that

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Mr. Gulizzio, many years ago over at Brookhaven, was the one who sent us on this path many years ago. "You need to do this, you need to do this, you need to this and then get started," and we did exactly that. And now it's many years later, and -- and -- and it's -- true -- true to form, it is falling into place. And we'd just like -- we would like to ask that you approve this project -- you know, make recommendations if necessary, but we'd like you to approve it, so we can then take it to the next level and start really making the changes that you've heard.

CHAIRMAN CALONE: Diane, thank you for your comments. We appreciate them. We certainly encourage public participation. Not only here, but in the way you've shown, throughout the process.

Just so you know, Dan Gulizzio keeps us on the path too. So thank you,

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and thank you, Dan.

MS. CAUDULLO: Thank you.

CHAIRMAN CALONE: Seeing no other public comments, we'll close that section of our meeting.

The next item is Chairman's Report. I'll keep this brief in light of our agenda.

We have our training session coming up. The Planning Federation has a training session on October 23rd, and Tom will go into a little bit more detail on that. I simply want to note, from the Commission's perspective, that we have Commissioners serving in various capacities at the Training Federation Meeting. We've pulled together planners from all over the county. We have various Commissioners serving as introducers, moderators, panelists on various of the -- of the classes. I'll be introducing the keynote speaker. And one of the sessions will actually be on the Planning Commission, the County

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Planning Commission; our process, our draft guidelines and the role we play in the planning process.

So just please make a note of the October 23rd training.

We also have, in November, under our rules, the Nominating Committee for -- to nominate the officers of the commission, as well as to review the rules of the commission and go back with some suggestions on how we should go about our business. The Nominating Committee needs to be appointed at the November meeting. So if anyone is interested in serving on the Nominating Committee, please -- it's probably best, actually, to let Tom know if you're interested in serving on the Nominating Committee. We'll need a couple of folks from around the table here to serve on that committee.

Just briefly, the four goals we've laid out. We have -- in filling the vacancies, it's great to have Josh and

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Vince with us. We have someone -- the County Executive has identified an individual from the Town of East Hampton. That person has accepted -- I don't believe he's yet nominated, so -- but it's in the process, and the good news is that that is coming fruition. And the only seat then left to be filled would be the seat for Brookhaven, and that search is beginning for somebody to represent the category.

On our guidelines, this is our technical -- this year, we're continuing to hold off on a vote until we're ready, and everyone has a chance to fully review the guidelines. Later this meeting, if time permits, we're going to briefly go through some portions of the guidelines, so everyone's up to date. And then after the meeting, we'll have a brief guidelines working group to perhaps go into -- in a little more detail into some of the changes to the guidelines.

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We basically have some new reconsideration language that Dan has drafted, based on all the comments of everyone around the table here.

We have new energy efficiency guidelines. I want to thank Sarah for her efforts in putting that together. She brought together, in the last few weeks, a roundtable that included folks from LIPA, Long Island Builders Institute, architects -- you know, various environmental organizations, to get a roundtable and say, what makes sense for -- in terms of putting together a county standard for friends or just -- has made tremendous progress on that, and again, hats off to Sarah. Also thanks to Constantine for his input on that, and we're hoping to do that as part of our guidelines.

Lastly, the critical new piece of our guidelines is, what principles should we all use to apply to broader application? Like comprehensive plans,

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corridor studies and those kinds of things. We used to, in the past, were getting the -- the projects, and we know the criteria we apply to those. But now we're trying to look at broader planning instruments. What criteria should we use to look at comprehensive plans? What criteria should we use to look at hamlet studies? Those things should also be incorporated into our guidelines, and that's really the last piece that we need to put together before we can formally consider the guidelines.

We're hoping to do that in the next few weeks. And the good news is, this is most certainly now the most comprehensive review of the guidelines that's ever been done by the Planning Commission. And a lot of people around this table have been a part of that. So thank you all for that effort. Thank you, Dan, for helping lead it from the staff perspective, and we're going to

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get it done.

The other -- third goal we've had is optimizing efficient staff time. Last meeting we passed the inter-municipal agreement language, and the staff has now started to reach out to the towns and villages to let them know how we're trying to reduce the administrative burden on them, and to get them to sign on. We're going to use our training session in a few weeks as an opportunity to reach out to them. Josh is the former Executive Director of the Suffolk County Village Association, we'll use his connections to help reach out to -- to folks and the villages. So we're definitely moving in the right direction in terms of getting the word out there and trying to cut down on the amount of administrative work, both for our staff and for the municipalities.

You'll also see from our agenda that we're certainly focusing on much bigger projects and bigger issues than

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we ever have in the past. There are a lot of them on our agenda this week. But the good news is that we're trying to focus our time and effort on those projects as well.

Lastly, in terms of letting the public know what the Commission's doing on its path, the website's now up and running, so thank you to Tom and the staff for that.

The public relations working group, we're going to think about how we publicize the guidelines. That's a conversation we're going to need to have over the next few weeks. There's been talk about whether we should have maybe a media advisory. Go out and -- maybe to the local papers, when it's things like -- items on our agenda like comprehensive plans in Huntington, and those kinds of projects are in front of us, to let the media know what we're doing and what we're thinking, and the projects we're considering.

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I also did have the high privilege of going to Shelter Island in the last few weeks. And the answer to the question is, yes, Linda Holmes does know everyone on Shelter Island. And that includes the Supervisor, but we had a nice little twist with Supervisor Doherty. And we had a chance to kind of share with him what the Planning Commission's up to, and had a chance to talk about the unique challenges that Shelter Island faces, and some of the new ways they're trying to deal with issues like affordable housing. They have a new Community Housing Law that we reviewed with the Supervisor, and I'll -- the Supervisor actually sent me a copy of that, and I'll shoot that around on e-mail so everyone -- everyone can just see what's up on Shelter Island.

So again, thank you, Linda, for accompanying me on Shelter Island. It was good to visit your hometown with

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you.

And that's all I have. Thank you.

Next we have the Director's Report.

DIRECTOR ISLES: I'll try to be brief as well, given the full agenda today.

First item I'd like to bring to your attention is an item of correspondence we received to the Commission, and that concerns a matter in the Town of Riverhead. The Town of Riverhead is looking to amend their River Renewal Plan for downtown Riverhead. There was an inquiry made to the Department about a month ago as to whether that would be a referable item, meaning that, is it required to be referred to the County Planning Commission?

On behalf of the staff, we looked at it. We reviewed the regulations and the guidelines, and replied back to the town that we felt this was a referable item.

We did receive a letter a couple of days ago from the Counsel to the town, indicating that they believe it is not such a Planning referral, which they certainly have that prerogative to make that claim.

We have not asked for a formal opinion of the County Attorney, but at this point, we will at least consult with the County Attorney and the Department of Law as to whether or not any further action is required by the Commission.

We believe an urban renewal plan is part of the comprehensive planning process, and will be subject to that review.

In terms of items to bring the Board up to date on, and -- and to address, we have had a bit of an issue in this meeting with staff reports, and I apologize for that. We've had a number of circumstances going on thus far, and -- that have created that

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problem, and -- I think it's only a one-meeting event. So we do apologize. And, obviously, today's a full agenda, and also having three plans -- the comprehensive plans, the corridor study is a little unusual.

Secondly, just to bring you up to date, we are actively involved with the Farmland Program. We do administer that, and we do administer the Farmland Committee. The Planning Department put in for the open enrollment extension of the County Agricultural District Program. Which sounds as boring as white bread, I know, but it's actually quite important in terms of the county program. We've added on somewhere in the order of 18,000 acres to the Ag District Program. It is important for encouraging the continuation of farming.

Relating to that, we were successful last year in getting the largest Agricultural Land Acquisition

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Grant in the State of New York for Suffolk County. We just applied, two weeks ago, for this years cycle of grants at 1.7 million, and we're hopeful on that one.

To bring you up to date on just two items of the Long Island Regional Planning Board, Michael White was present today on our site tour of the Heartland Town Centre Site. Legislation has been put forward by the County Executive to do two things:

One is to modify certain legislation to enable the Regional Planning Board to become a Council. This has been talked about for some time. This would conform the -- basically, the authorizing legislation that Nassau got, authorizing resolutions, and enable the council then to be formed.

Related to that, the council is being expanded. The original Planning Board currently has three members from

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each of the two counties; that will be increased to six members from each of the two counties. Interestingly, the new legislation requires one town official and one village official. Supervisor Bellone has been nominated by the County Executive for that town position, and Mayor Pontieri has been recommended to the village position. Those will be considered by the Legislature on October 14th.

Two last items:

The one referral item is on for the agenda today from the Village of Patchogue. The Code Amendment has been taken off the agenda. We received a call from the village yesterday, and we're going to have a written request for a postponement of one month. The village wishes to provide further information to the Planning Commission.

And then lastly, we do have the next Commission Meeting in Riverhead. The standard location for that is at the

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Horticultural Research Center. Depending on the meeting, if we anticipate a large public portion, we would then seek another location. But absent that, we will be on Sound Avenue, the Horticultural Research Center. If there are any changes, we'll let you know.

The Chairman mentioned the Federation event on October 23rd. The notice to announce that went out about two weeks ago. We are getting a very strong response. This is supported by the County of Suffolk, and we appreciate that. It is at the Radisson Hotel, which at that time, by the way, is going to be the Crown Plaza, Long Island, they're changing their name, at Exit 53 in Holtsville. So we think it's going to be one of our best events in terms of the quality of the program, the speakers and so forth, and I appreciate the corporation of the Commission in planning that event.

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Thank you.

CHAIRMAN CALONE: Thank you, Tom.

Okay. Next we have the Comprehensive Plan Presentations. From the Town of Huntington, we have Anthony Aloisio.

(WHEREUPON, Mr. Anthony Aloisio approached the podium, and addressed the Commission Members.)

CHAIRMAN CALONE: Greetings, sir.

MR. ALOISIO: Good afternoon, Mr. Chairman and Board Members. My name is Anthony Aloisio, and I am the Director of Planning for the Town of Huntington.

It's basically taken the town about four years to get to where we are now in our comprehensive planning process. If you looked at the document at all, you'd notice that the first several sections deal with the community visioning process that went on. That was fairly extensive which involved, I believe -- although I wasn't there at the time --

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numerous community meetings, I think over 500 people participated, to really come up with what I'm sure many of you are familiar with, it's a typical visioning process of what do you see are the issues of the town today, with direction that you want to go, and what do you really expect from the planning process.

After that process was completed -- and again, the vision statement is included in the document, if you want to review. The Town Board appointed a 26-member Community Advisory Committee to -- again, to take a lot of the strategies that developed from the visioning session, and to try and turn them into some goals, strategies and actions that would then be incorporated into the plan.

All during that process, we were directed by our consultants, WRT at Philadelphia, who really did a great job, we believe, in taking what the

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community concerns were. The community issues identified during that process, and really turning them into a lot of really good strategic actions and goals, that could be really incorporated into really -- really what you would think of a traditional comprehensive plan. Stuff about transportation elements, community character, land use elements, housing, open space and recreation. All of those typical areas were addressed with specific strategies. They were really all based on that whole community planning process that started with the visioning statement.

I think essentially if you look at what came out of that visioning process, and what really started to be represented in the goals and strategies that came out of that community group that the Town Board had appointed, I -- you would -- you -- you would get really one overriding principle. The town wanted to basically maintain its

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development footprint as exists today, and really focus on number one, trying to develop land-use strategies that would focus on revitalization of those particular -- where there's corridors, hamlet centers, employment centers. And then in those areas outside of the existing development footprint, really try and have a very extensive preservation effort for open space, particularly in our residential areas, and -- and wherever we did have quality open space.

As you know, we do have a program for purchasing open space in town, and that's something that's talked about in the plan, and something that is really accented by the community. It's something that they want expanded.

So, they were pretty flexible in terms of development within the existing commercial footprint. But, generally, outside of that, they really wanted the plan to be preservation; preservation of

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open space areas, preservation of other residential areas.

One of the things that was interesting, and I think that's why the process is always so important in developing a comprehensive plan, is that a number of the -- a number of the initiatives that grew out of that community process, actually was even implemented before we got to the final adoption of the plan, because they were circulated, they felt they were good ideas, and, you know, it's something that the town thought they should move on earlier.

For example, we just adopted our Transfer Density Floor Program, which really came out of this process, and which really is a key component that we see for both preserving open areas that we feel that should be preserved, and trying to redevelop strategically those areas within our commercial footprint, where we think we can upgrade the land

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use.

So that really was adopted prior to the plan, but you'll see that it's used as a main technique in whether were trying to expand our commercial base, provide affordable housing and also provide incentive for maintaining open space.

The plan also talks about a number of new zoning initiatives. We've generally cast a one-size-fits-all commercial zoning classification for our various hamlet centers and -- and commercial areas. And what we tried to do -- and there is a focus -- you'll see in the plan, on certain geographical focus -- focus areas, where we try and tweak the zoning to really represent what that particular area is, and what direction we want to take it in the future and not have one broad-based general commercial zone. And again, within the zone document, we'll talk about the zoning parameters for each of

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those particular areas, and -- so the zone actually moves past the general plan, almost as a specific plan in those areas, but we really felt that was necessary because the focus of the community was really on some of those commercial footprint areas.

One of the other issues that came out in the community group that was sort of implemented before the plan, there was obviously a focus on traffic congestion and transportation; always a big issue in suburban areas. And what we decided to do, we have a -- obviously, a bus system in the town, which is operated in one division. We decided to consolidate that into a traffic and transportation division, which would include the bus operation and transportation planning. And that sort of came out of this plan, and that's already been implemented.

There were a number of other proposals that I think really -- were

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really in the planning process, so, as I say, I think it's already benefiting the town.

There's also a very specific implementation strategy that's included at the back of the plan, I think it's about five or six pages, where each of the strategies that are outlined in the community plan process, are identified. We're given a certain time period in order to accomplish those strategies, and the interrelationship between the various categories in the plan, whether there's housing, land uses and underdevelopment, are all coordinated within that implementation plan.

One last thing that I'd like to point out, and I'll be happy to answer any questions, is that the -- the plan also identifies specific areas where we will need additional specific plans and sites.

We don't know -- well, right now we're facing a lot of the new

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development pressure. We know we've got issues with infrastructure, we know we've got issues with traffic and transportation. And the plan then identifies the parameters of the specific study that should be done to those areas, to really take Melville into the next generation and where we -- what we really want it to be. Away from the industrial-type zoning that we had, that really recognizes that there's a trend of development down in that area.

And it also identifies corridors. Specifically that we take -- we may need a specific corridor study, and again, the parameters of that study. And -- and, you know, it's funny, if you look at -- and -- and I really -- this really happens without me coaxing our consultants, but if you look at the land-use plan, where they identified node and cluster areas, where they -- on Jericho Turnpike, where two major intersections exist, if you go and

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look, I think it's the County Plan from 1960 maybe, where they talk about clusters and certain area centers, and avoiding strip development along our major arterials, it almost is reflective in -- in what this plan recommends.

So our hope is that -- and I know it's very difficult sometimes to turn back the clock in some of those -- some of those transportation areas, but you can use our -- our zoning incentives and our transfer flow benefits, maybe we can start to create those centers and elevate development from the areas in planning.

So that's really the focus of the plan. I'll be happy to answer any questions.

CHAIRMAN CALONE: Appreciate it. Thank you.

Any comments or questions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: I note your reference to the County Plan of 1960.

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That maybe --

MR. ALOISIO: Is it '60? I thought so.

CHAIRMAN CALONE: It might be about the last one the county has done. But seriously, it's been a long time since the county has done one. And one thing that's constructive for us to hear, kind of, your process, and the things you've learned from it. Because this Commission is responsible, under County Law, when you get in the County Comprehensive Plan, something that hasn't been done in 20-some-odd years, and something we're looking to do -- start working on after the New Year. So we appreciate not only your insights about Huntington, but also how the process worked for you, because that's something that we're hoping to start passing ourselves. So I appreciate your time and thoughts on that.

MR. ALOISIO: Sure.

CHAIRMAN CALONE: Any other --

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DIRECTOR ISLES: (Indicating)

CHAIRMAN CALONE: Tom?

DIRECTOR ISLES: Just two thoughts:

Number one, I'd like to express my appreciation to Tony Aloisio for coming down today. Really to congratulate the town that you don't have to do a comprehensive plan, it's a basis of law in terms of zoning and so forth. The definition is aloft in the State Law. So I think it's commendable of the Town of Huntington to be doing this. I think it's an important thing for this County Planning Commission to be -- in doing this, as mentioned by the Chair. We look at regional and inter-municipal issues and so forth, as we get to the crux of it.

The comprehensive plan also sets the stage, as Tony's alluded to, in terms of real change. That could be much more successfully achieved with a rational plan, done in a public process and so forth.

And then secondly, you know, the Chairman makes a good point about the county and the focus on the Planning Commission updating its comprehensive plan. It's certainly something the staff has strongly supported. We have certainly been doing planning on a project by project or issue by issue basis. We have extensive studies on the ground water and commercial development and so forth. We are getting to the point and the allocation of resources to be able to do that, that county-wide cluster scope, and we're hoping to embark on that in 2009.

CHAIRMAN CALONE: Thank you for your time, appreciate it.

MR. ALOISIO: Thank you.

CHAIRMAN CALONE: Look forward to having a discussion about the Huntington Plan.

(WHEREUPON, Mr. Anthony Aloisio left the podium.)

(Time noted: 12:44 p.m.)

CHAIRMAN CALONE: Next we have Jefferson Murphree from the Town of Southampton.

(WHEREUPON, Mr. Jefferson Murphree approached the podium, and addressed the Commission Members.)

CHAIRMAN CALONE: Thank you, Mr. Murphree for being here.

MR. MURPHREE: Thank you.

Good afternoon. Again, my name is Jefferson Murphree. I'm the Town Planning and Development Administrator for the Town of Southampton. And on behalf of Supervisor Kabot and the Town Board, I thank you for the opportunity to discuss some studies with you today.

This effort was really initiated by the area residents, not only within the Town of Southampton, but also within the Village of Sag Harbor. If you take a look at aerial photographs to my right, it's not a very attractive area. Where you see a large amount of land disturbance, and they really want the

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town to address this.

The town embarked upon this study -- we actually did this study in-house. We used our own long-range planning vision staff to prepare this study, and we used Cash and Associates to prepare this required environmental assessment.

This area is located immediately adjacent to the Incorporated Village of Sag Harbor, along the Bridgehampton Sag Harbor Turnpike. So if you've ever driven in to the Village of Sag Harbor, more than likely, you've driven through this study area.

CHAIRMAN CALONE: Jeff, could you just show -- it's a little far away, just kind of -- generally on the map, where the target area is and where downtown is there?

MR. MURPHREE: Yeah.

This is the Bridgehampton Sag Harbor Turnpike (indicating). This is the gateway that goes -- leads right

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into the Incorporated Village (indicating). The downtown area of Sag Harbor, if you just take this -- the Sag Harbor Turnpike, it becomes Main Street (indicating).

The area of the study area is this red dotted line -- I know it's difficult, it's far away from you -- is right here (indicating). It's approximately 7.75 acres. This is Mashashimuet Park, immediately to the north (indicating). This is Ligonee Brook (indicating), and the area that we see to the east, in this wooded area, is the Long Pond Greenbelt (indicating).

The subject area is predominantly zoned Highway Business, although there is one property that is split zoned, it has R-20, Half-Acre Residential zoning in the back.

Why do this? This property is zoned Highway Business. This is the zoning that was created in the 1960s, where auto-depended-land uses was the

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cutting edge planning, which is no longer relevant to today's desires and goals.

Highway Business allows 15,000 square foot buildings. I don't know if you can imagine putting a 15,000 square foot building immediately next to Ligonee Brook or Mashashimuet Park or Long Pond Greenbelt. It's just not consistent. Highway Business allows uses such as car dealerships, lumberyards, auto salvage yards. If you take a look at the aerial, that's what the planning for the 1960s allowed us to perceive.

This is a gateway into Sag Harbor. Obviously, the goals we were trying to come up with were guided by traditional neighborhood principles; walkable -- walkable communities.

We have a new zoning category called "Hamlet Office" that we want to rezone, you know, most of this area to. Hamlet Office includes professional

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office uses, with very limited retail. We did not want to compete with the downtown of Sag Harbor. Those at Sag Harbor just underwent a very thorough planning effort off on its own, about keeping retail in its downtown. Because when it's revealing trends, you loose retail and have professional offices and real estate offices take over. They identified a need for offices in the area. We see an area that would address their need for offices, at the same time, replace our Highway Business zonings.

The great thing about Hamlet Office, it allows apartments over the stores. We need affordable housing in this area, so providing smaller one or two bedroom units over the stores provides a great opportunity, and it's improving very successful on the town.

The third element that we want to include in the plan is more opportunities for affordable housing.

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And in the back portion of this area that you see, where it's a former sandpit, this area (indicating), that's where we want to put multifamily housing project. Small; 20 to 22 units.

We're looking at a minimum of 20 percent affordable. But we've been working with the property owners, and we really would like to have somewhere between 50 and 100 percent affordable housing units in that area.

The second goal is obviously to protect the environment. Where next to Ligonee Brook, which is this line right here (indicating), which obviously is in a really sensitive environmental area -- half the time the creek is dried up though. And why is that?

There's a lot of debris thrown in the brook right now. The ones that had planning, that is immediately adjacent to it (indicating). This other area is next to the Long Pond Greenbelt (indicating). It's obviously a great

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trailhead opportunity for this planning effort, and it's also next to the Mashashimuet Park (indicating).

The third element has to do with design guidelines. There are no design requirements for Highway Business. The Hamlet Office has very stringent design criteria. You cannot build a building more than 3,000 square feet in size, unless you provide apartments over the stores, unless you get -- you can go up to 6,000 square feet.

Residential design guidelines also require, it has to look like a house. When we take a look at the surrounding area, this is predominantly a residential area with very small houses.

What you see on this aerial is the result of 30 years of bad planning that was done 30 years ago, and I -- we hope to correct that. And I thank you for the opportunity to present it to you today, and I'll, of course, answer any questions you may have.

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CHAIRMAN CALONE: Thank you, sir. I appreciate your time.

Any comments or questions from anyone from the Commission?

COMMISSIONER ROBERTS: (Indicating)

CHAIRMAN CALONE: Commissioner Roberts.

COMMISSIONER ROBERTS: I haven't seen -- attended the last meeting of the Board, so what is the support from the area of Sag Harbor and the citizen's group?

MR. MURPHREE: They like it. They're the ones that are really pushing for it.

COMMISSIONER ROBERTS: This is totally consistent with them?

MR. MURPHREE: Yes.

CHAIRMAN CALONE: Great. We'll look forward to having a further discussion about it later.

SECRETARY ESPOSITO: (Indicating)

CHAIRMAN CALONE: Adrienne.

SECRETARY ESPOSITO: (Indicating)

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CHAIRMAN CALONE: I'm sorry, Don.

COMMISSIONER FIORE: Yeah, I'd just like to make a statement.

You made a statement about their planning 30 years ago. I think the demographics of that area 30 years ago were a lot different than what is now. So, you know, in defense of those planners, and I don't know who they were, believe me --

MR. MURPHREE: They're gone.

COMMISSIONER FIORE: -- I'm not sure --

COMMISSIONER ESPOSITO: They're gone.

COMMISSIONER FIORE: -- that they -- that was a bad plan, I think at the time that the plan might have been a good plan. So, you know, to take somebody's inventory like that, I don't know if that's wise.

MR. MURPHREE: Well, I hope the planners 30 years from now will look kindly on me.

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COMMISSIONER FIORE: That's what we're here for.

COMMISSIONER LANDSDALE: (Indicating)

CHAIRMAN CALONE: Commissioner Landsdale.

COMMISSIONER LANDSDALE: Thank you so much for your presentation. I just had a question about -- if you can give me some more insight into your thinking about creating 100 percent affordable housing in one concentrated area.

MR. MURPHREE: By 100 -- by affordable housing, you know, that's a very broad term. Eighty percent and -- for moderate income, plus the town of Southampton also has what's called "Middle Income," which allows up to 110 percent income. And that's typically your working class family, which are making 75-, $80,000 a year. So yes, it falls in within affordable housing definition, but it's not really fair to characterize it as the

traditional, you know, Section 8 Housing. It's not that type of project. It's providing a range of income housing, it's more than what we're looking at.

CHAIRMAN CALONE: Okay. Thank you, sir. Appreciate --

MR. MURPHREE: Thank you.

CHAIRMAN CALONE: -- you coming out, and I look forward, like I said, to discussing this a little bit later. Appreciate it.

(WHEREUPON, Mr. Jefferson Murphree left the podium.)

(Time noted: 12:52 p.m.)

CHAIRMAN CALONE: I think we're now going to move forward, Andy, on the regulatory agenda.

MR. FRELENG: Yes, thank you, Mr. Chairman.

Just a note, as you know, the Town of Brookhaven has requested to make their presentation later on. They had a work --

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CHAIRMAN CALONE: Right.

MR. FRELENG: -- session this morning.

CHAIRMAN CALONE: I should have mentioned that. We're not skipping them altogether, we're just moving them down the line.

MR. FRELENG: Okay.

CHAIRMAN CALONE: So the first thing we have is the Medical Office Building.

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

The first regulatory referral we have comes to us from the Town of Brookhaven. This is the application of Kolsch. It's a medical office building complex. The jurisdiction for the Commission is that the subject application is within 500 feet of New York State Route 25.

The applicants seek Town Planning Board Site Plan approval for the

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construction of two medical office buildings, each at 7,080 square feet, that totals 14,160 square feet, on the same lot as an existing day care center. Twenty-six stalls of the parking are to be land-banked along the southern property boundary, allowing for a 30 foot naturally vegetated buffer.

You have the details of the application in the staff report. For the sake of time, I'm going to abridge the staff report and only hit the highlights. So if there's something you want me to elaborate on, please interrupt me.

As you can see up on the -- on the screen, the location of the subject property is on the west side of Holbrook Road, which is a town road, and that's approximately 170 feet south of Middle Country Road in the hamlet of Centereach.

The property is located within a corridor of "J" business zoning. You

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can see on the map up there that -- and I'm sorry, I don't have a pointer. I didn't -- I forgot to bring it on the bus.

So you can see the smattering of "J" business zoning around the subject property, and obviously to the south is residential zoning.

The subject application -- if we take a look at the site plan -- is to take access from two existing curb cuts to Holbrook Road, which is, as I mentioned, a town road. Motor vehicle cross access is provided to the adjacent commercial lot to the west.

That's in the northwest corner, if you can see that. There are two sites there. The subject site is outlined in a heavy dark line. So you can see the adjacent cross access. There is no cross access proposed to the commercial lots to the north.

There are no significant environmental constraints on the subject

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property, and the Town of Brookhaven '96 Comprehensive Plan designates the parcel for commercial use. The Draft Middle Country Sustainable Community Plan has no specific recommendation for this parcel.

When staff analyzed this site, the main issue that we saw was that the southern portion of the property, where the parking is to be land banked, is also the buffer area to the residential lots to the south. Staff felt that there was a conflict there between land bank and parking and a buffer area. Potentially, if the parking is found inadequate as time goes on, that land-bank parking would be reclaimed, and they would put parking there, and there goes the buffer to the residential area. We believe that that's contrary to Town of Brookhaven zoning law, and we're recommending to the Commission that that be one of the conditions that you place on the application.

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The second issue is, motor vehicle cross access to the northern properties. When staff reviewed this, we felt that this would be an ideal time to get some motor vehicle cross access to the commercial properties to the north, and when those properties come in for redevelopment, as all properties eventually do, we could implement the cross access.

CHAIRMAN CALONE: What are those? What types of properties are those?

MR. FRELENG: I can't recall. There's some general commercial uses -- I don't know, Dan, if you have a better handle on that?

DEPUTY DIRECTOR GULIZZIO: The red roof structure is a Pizza Hut. The structure to the east of that is a gasoline service station with a convenience store. To the left of the Pizza Hut, I can't recall. But just west of that is a North Fork Bank or a now Capitol One Bank facility.

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MR. FRELENG: Just for a frame of reference, I probably should have mentioned this: If you're familiar with the stretch of Middle Country Road, if you're familiar where Harrow's is, if you're familiar where the Olive Garden is, this is right across the street. That shopping center on the northeast corner there, next to Mark Tree Road, is that big Harrow's/Olive Garden shopping center.

So, to sum up then, the staff is recommending approval of this application. The conditions recommended to the Commission are that the proposed medical office buildings be reduced in floor area to meet all Town of Brookhaven Zoning Law dimensional regulations, particularly the buffer areas to the residentially zoned land.

And what we're saying is that, you need to scale down the size of the buildings, so you have adequate parking, without needing to land bank and

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parking, and preserve the buffer areas.

The paragraph which follows is the analysis from the staff report.

Also, the second condition that staff is recommending is that motor vehicle cross access to the northern properties be investigated at this time.

That's the staff report.

CHAIRMAN CALONE: Thank you, Andy.

Any comments or questions about the application?

COMMISSIONER MC ADAM: (Indicating)

CHAIRMAN CALONE:

Commissioner McAdam.

COMMISSIONER MC ADAM: Andy, does this project fall in the parameters of the Middle Country Sustainable --

MR. FRELENG: No, sir. Later on you'll see, the section of the Middle Country Road Corridor Plan does not include the subject property.

CHAIRMAN CALONE: It's right there though, isn't it?

MR. FRELENG: This being the

subject property (indicating).

COMMISSIONER MC ADAM: Now, would they have to get -- if it was in that plan, would they have to get approval of the young lady that was here before, Diane Caudullo, and the town?

MR. FRELENG: I would have to guess no, I think she represents a civic association or a property owner's group. And their input would be part of the process of the plan, but I don't believe that they would have -- other than public comment periods, I don't think they would have any direct input into the development of the plan.

COMMISSIONER MC ADAM: Okay, thanks.

COMMISSIONER KONTOKOSTA: (Indicating)

CHAIRMAN CALONE: Commissioner Kontokosta.

COMMISSIONER KONTOKOSTA: The two means of access, is that -- there a reason for that, or they just choose,

since they had two curb cuts already, to go with that use?

MR. FRELENG: Yes, there's a -- I believe they chose to stick with what is there. There is an existing use on site, it's a drive-thru bank --

COMMISSIONER KONTOKOSTA: Okay.

MR. FRELENG: -- as well as the child care center. So they're -- they're leaving those access points as is.

COMMISSIONER KONTOKOSTA: Wouldn't it also, and possibly make sense, to have them restrict access to one of them? It seems like if they remove that driveway on the north side, for example, they would be able to get parking that they require, without having to land bank as many of the parking spaces.

MR. FRELENG: That might make sense, and that probably would be one of the concessions they would have to make in order to scale down the buildings and get the appropriate parking. Certainly,

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if the Commission is amenable to that, we can add that comment.

COMMISSIONER KONTOKOSTA: And the access -- the future access for the north -- properties to the north, how are those properties now being accessed? Along Middle -- from Middle Country Road?

MR. FRELENG: That's correct.

COMMISSIONER KONTOKOSTA: So essentially we're asking them to set aside this road for future use, for the benefit of other --

MR. FRELENG: Yes. Yes. Designate an area on the site plan to, in the future, have a connection to this.

COMMISSIONER KONTOKOSTA: Okay. Thank you.

COMMISSIONER FIORE: (Indicating)

CHAIRMAN CALONE:

Commissioner Fiore.

COMMISSIONER FIORE: I'm going to keep on that subject there. That road there that goes -- off of Holbrook Road,

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there's a roadway, is that -- that's existing, I -- I assume, now. The one that we see on that map there (indicating).

MR. FRELENG: On site or off --

COMMISSIONER FIORE: On site.

MR. FRELENG: -- to the east?

COMMISSIONER FIORE: On site, north.

MR. FRELENG: Yes. Yes, that is on site.

COMMISSIONER FIORE: Do you see? And that goes through --

MR. FRELENG: To the property to the west, yes.

COMMISSIONER FIORE: Okay. Is that a right-of-way or something like that? Because if that's somebody's -- if that's a piece of property that's owned separately -- how is that road in there? How did that get --

MR. FRELENG: It is -- as far as we can tell, it's not on the tax map as any particular right-of-way, so it is -- it

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is basically part of a parking arrangement on the site.

COMMISSIONER FIORE: Yeah, but not -- not for this new -- not for the new site, it appears to be to the site to the west -- wouldn't you say to the west of that?

MR. FRELENG: But it's all connected. It does have direct access from Holbrook Road to the site to the west, but also there is hard -- it may be hard to see there, but there is flow to the rest of the site.

COMMISSIONER FIORE: All right.

CHAIRMAN CALONE: Is that a dedicated right-of-way or something?

MR. FRELENG: No, it's not a dedicated right-of-way. It's just --

COMMISSIONER FIORE: But is it --

MR. FRELENG: It's just a driveway.

COMMISSIONER FIORE: -- a road -- is it a dedicated road to the Town or the State or --

MR. FRELENG: No. No, it's part of

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the -- the site. It's a driveway. It's not dedicated in any way.

COMMISSIONER FIORE: Was that put in as an egress for that other piece of property to the west of that?

MR. FRELENG: Well, we have no knowledge of the history of how it got there, but it does look like it's being used as an alternative to go on to 25 and then having to make a right-hand turn and go down Holbrook Road.

DIRECTOR ISLES: Doesn't it provide access to the bank drive-thru operation on that side presently?

MR. FRELENG: Well, as I indicated, it's all connected. So if you come on to the site and go through the bank drive-thru, you have the option of going west to the adjacent parcel, through that driveway.

DIRECTOR ISLES: Or to the bank, if you want to go there.

MR. FRELENG: Or vice-versa, correct, if you --

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COMMISSIONER FIORE: It's going to be utilized as road.

MR. FRELENG: It's --

COMMISSIONER FIORE: It's not being part of a drive system, it's going to be utilized as a road; right?

MR. FRELENG: Well, I wouldn't characterize it as a road, I would more or less characterize it as a driveway or an aisle within a site, to Holbrook Road.

CHAIRMAN CALONE: Well, I think Don's point is well taken. It may be used as a road, and it may well be now.

COMMISSIONER FIORE: See, my thinking on this, if it's used as a road, then a road is a road. You know, if it looks like a duck, walks like a duck, it's a duck. But --

MR. FRELENG: Right.

COMMISSIONER FIORE: -- if not, it's just a driveway, a single lane driveway there, the -- you know, the entrance and the egress out of there,

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would that cause a problem with that -- with that planning, or does that roadway have to be widened out? And if you do widen that out, what are they doing for parking?

MR. FRELENG: Let's take a look at the site plan for a second.

It is a pretty substantially wide aisle. If you would imagine, it maybe as an aisle in a shopping center parking lot or something like that, and it would function similar to that.

I don't know if it's striped, I don't think it is, but again, it -- it -- I don't know if it functions as a road, it functions more like an aisle or a -- or a drive within a commercial area. However, if the Commission is pre -- or disposed to add comments or clarification to the staff report, we have no issue with that.

DIRECTOR ISLES: If I could just add -- I just have a comment on that too. You even heard from the speaker

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earlier that spoke on the Middle Country Road plan, that one of the issues they talked about in the community was traffic safety and closing curb cuts on Middle Country Road. So one aspect of this is what's called "Access Management." That's on a busy-road corridor, each curb cut is a point of conflict. And that's what she said at one point, conflict. The more curb cuts, the more cars going in and out, left turn movements and so forth.

The one goal is to reduce those points of conflict on the main travel way, and to have other means of access to sites. So that, if someone's going to the bank and Pizza Hut, let's say, they don't have to get on Middle Country Road, they can take the driveway and come in the back.

So there are planning purposes and traffic safety purposes behind this. At this level, we're not getting too much into design dimensions, but as a

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concept, we think it makes sense to recommend to the town that they seek to get that connection -- that they go through this corridor. But certainly in this case, it's a logical connection as it directly takes you through the driveway.

CHAIRMAN CALONE: It seems like the recommendation here is, I'll use the words, shall be investigated. It's really a suggestion that they look at it, if possible.

MR. FRELENG: Well, it's an order that they look at it.

CHAIRMAN CALONE: Correct. It's an order that they look at it. What they do after that is --

MR. FRELENG: Locally decided.

CHAIRMAN CALONE: Okay. Comments? Questions?

COMMISSIONER TALDONE: (Indicating)

CHAIRMAN CALONE: Commissioner Taldone. Welcome.

COMMISSIONER TALDONE: My question

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relates to the access to a Middle Country Road bus stop. I know the S58 runs right by here. How would a person in a wheelchair get from that bus stop into the facility, without using the automotive turning lane? Are there sidewalks? I can't see the level of detail on that -- on the diagram we received in the packet.

MR. FRELENG: I cannot recall whether there are sidewalks there, so I can't answer your question directly. I don't know if -- Dan, if you have more familiarity with that area there.

DEPUTY DIRECTOR GULIZZIO: I'm not certain if there's a -- there's certainly a sidewalk in front of the Capitol One Bank, former North Fork Bank, due west of this property. And this property, the driveway was used in conjunction with the Capitol One Bank for the drive-thru facilities of the bank. In addition, more recently, there was construction of a day care center on

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this property. So there has been mutual shared access across this property in recent years, due to the development of the day care center.

I believe there is also some -- at least a partial sidewalk system in front of Pizza Hut as well as the gasoline station. However, the gasoline station, due to the number of curb cuts, I wouldn't say it's an ideal setting for pedestrian activity.

In terms of this particular location, this is also probably -- and again, Sarah, correct me if I'm wrong, but it's probably the most congested section of Middle Country Road through the community of Centereach. Because of the number of conflict points and because of the number of signal-light intersections, one of the recommendations that the town has considered over the years is to actually realign the intersection, from north to south, and possibly eliminate one of

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those two uses on the south side of the property, or reconfigure the north side of the property where the former Olive Garden is. That Olive Garden is actually abandoned now or vacant.

Just one other point of reference, is that large site to the north of -- roughly, northeast of this subject property, is one of the downtown centers that Diane Caudullo, the civic member, was talking about as a redevelopment site to their downtown. So this is a critical section among the plan. This property is located within that portion of the corridor that has been addressed as part of the plan. And so, in terms of providing that connectivity or interconnectedness, it seems this site and the site to the north is something that's been advocated by the town, and I think incorporated as one of the recommendations within the plan.

COMMISSIONER TALDONE: Yeah, I understand your description of not

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seeing a sidewalk on this site plan, or any access other than the driveway, for a person using a wheelchair or walking into this site.

So when the town provides you with the site plan, are you not getting a sidewalk plan from them?

DIRECTOR ISLES: The site plan does show the sidewalk in the subject parcel. What it doesn't show is the connection to Middle Country Road. Would you like --

COMMISSIONER TALDONE: Well, you follow the sidewalk -- you follow the rest of the sidewalk up to Country Road, just by following Country Road.

DIRECTOR ISLES: Right.

COMMISSIONER TALDONE: So assuming that first lot, we have no, you know, jurisdiction over that at that moment, but this comes in for an application. This second lot off of Middle Country Road does not have a sidewalk that can take us and leave us there into the lot.

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So there isn't a single ADA compliant --

SECRETARY ESPOSITO: You can add that as a comment.

CHAIRMAN CALONE: Yeah.

COMMISSIONER TALDONE: Trying to find a way to --

CHAIRMAN CALONE: Yeah. What we can do is we could -- and your point being that there is a sidewalk on Holbrook Road, but once you make that turn or walk to turn in, you're turning into a driveway.

COMMISSIONER TALDONE: Right. You're coming off the sidewalk, and you're turning in a turning lane to get in the parking lot.

CHAIRMAN CALONE: Okay.

COMMISSIONER TALDONE: Once you're in the parking lot, of course, people see a parking lot all the time with cars. But once you're coming in off the road, that's where there's the danger of coming --

CHAIRMAN CALONE: Sure. Okay.

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Well, we could certainly -- the way we deal with that is we add conditions, and any Commissioner can suggest a -- a condition to any application. And so, if you would like, we can add a condition that it would be on the lines of -- they would -- is it an ADA requirement to have that or --

COMMISSIONER TALDONE: It's in the design guideline, it's not --

SECRETARY ESPOSITO: Although I will point out, it is a medical building.

COMMISSIONER TALDONE: No, I caught that. And I always bring this point up in Riverhead, when these plans come in. That the language we typically use is there, and they determine how and what design is going to work for them. There should be one ADA compliant access from the sidewalk on Middle Country Road to the facility.

CHAIRMAN CALONE: That sounds like a condition that we can use.

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COMMISSIONER TALDONE: And they put it wherever they want it. Next to the -- next to the driveway, somewhere else, whatever. Once they get into the parking lot, everyone expects pedestrians walking in the parking lot to their car. It's really to get from the road into the parking lot. One ADA compliant pathway or a pedestrian pathway -- one ADA compliant pathway --

CHAIRMAN CALONE: From Holbrook Road.

COMMISSIONER TALDONE: -- from Holbrook Road onto the site -- onto the site.

CHAIRMAN CALONE: Any objection?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Seeing none, we'll add that.

Any other comments or questions?

Constantine, was there any condition that you wanted to suggest?

COMMISSIONER KONTOKOSTA: Well, maybe in reference to number one. I

just -- the goal here is to preserve the buffer to the residential land; is that correct?

MR. FRELENG: Yes.

COMMISSIONER KONTOKOSTA: Because there's other ways that's actually possible. They don't necessarily have to have -- the applicant wouldn't have to decrease the entire building, maybe just reconfigure their parking arrangements.

MR. FRELENG: Yes.

COMMISSIONER KONTOKOSTA: Or do you feel there's no way to reconfigure the parking lot?

MR. FRELENG: Well, I think it's getting close, that it's pretty tough to reconfigure anything without shrinking the size of the buildings. But I didn't -- we didn't put that in the papers, so I can't really answer that.

COMMISSIONER KONTOKOSTA: All right, so there might be some other flexibility in terms of how -- how that

goal --

MR. FRELENG: Yes.

CHAIRMAN CALONE: So, just to be clear, I mean, your point is that the condition really should be that the town should take reasonable steps to maintain the buffer area, which could include reducing the floor area?

COMMISSIONER KONTOKOSTA: If they close an access point (inaudible) --

MR. FRELENG: Okay. So, if I understand, you want -- just want me to reword the first condition, that the site shall be reworked in order to meet all dimensional regulations. Right? You want me to drop the language on shrinking the size of the building?

CHAIRMAN CALONE: You know, let us just make sure everyone's on board here, but -- but I don't know if you can potentially delete it, other than say -- you can go along the path you're saying, then say, which could include, you know, shrinking --

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MR. FRELENG: Okay.

CHAIRMAN CALONE: -- shrinking the -- in the area of the building, if you think that seem to be kind of probably the most logical way of doing it. Again, we're just suggesting that as a possibility. The main thing is that -- the main overall, actually, goal is that the buffer be preserved.

MR. FRELENG: Okay. We can reword that.

CHAIRMAN CALONE: Any objections in rewording it in that manner?

COMMISSIONER TALDONE: (Indicating)

CHAIRMAN CALONE: Commissioner Taldone.

COMMISSIONER TALDONE: One more quick question for you.

I'm not clear on what the buffer requirement is. I know your initial comments were they're approaching an over-intensification of the use, and that the land-banked parking, if needed, would reduce the size of the buffer.

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Would it then reduce the size of the buffer to half of what the town requires, 90 percent of the what the town requires; I mean, do you know how much the deficiency would be?

MR. FRELENG: They're providing a 30 foot buffer. I not sure of the exact requirements, I can't recall off the top of my head, but if they do put in the parking, there would only be ten feet left of the vegetated buffer. So that is not significant, when you're talking about commercial uses adjacent to residential areas.

So the required buffer I believe, Dan --

DEPUTY DIRECTOR GULIZZIO: Yes, just to be clear, I believe the required buffer for standard retail or office use is 25 feet adjacent to the residential use. So the reduction would be substantial for a ten, instead of the required 25.

MR. FRELENG: Right.

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COMMISSIONER TALDONE: But they needed their parking spaces, with more than half of their required buffer --

MR. FRELENG: Yes.

COMMISSIONER TALDONE: -- right?

CHAIRMAN CALONE: And we don't need to get into how much their buffer is or isn't. The bottom line is, reducing the buffer, and that's what the concern here is.

COMMISSIONER TALDONE: Okay. Thank you.

CHAIRMAN CALONE: Okay. Any other comments or questions? If now, a motion is in order.

COMMISSIONER HOLMES: I move that we adopt the staff report as amended by the Commissioners.

COMMISSIONER CARACCIOLO: (Indicating)

CHAIRMAN CALONE: Okay. Commissioner Caracciolo seconds the motion by Commissioner Holmes.

Okay. All in favor of adopting the

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staff report with the amendments, including an alteration to the first condition, to emphasize the buffer area, being -- for preservation of the buffer area being the primary goal, maintenance with the approval -- continuation of condition two, and the addition of condition number three, relating to ADA access.

All in favor, please raise your hand.

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: All opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Abstentions?

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: We have nine in favor, none opposed and two abstentions.

Okay. The motion carries. We'll move on to our next project.

MR. FRELENG: Ted's going to do that.

MR. KLEIN: The next application is the Walmart Store in East Patchogue, referred to the Commission by the Town of Brookhaven.

It's located on the north side of Sunrise Highway, between the east side of Hospital Road and the west side of Sipps Avenue, in the hamlet of East Patchogue.

Jurisdiction for review is Sunrise Highway, State Route 27, and the Brookhaven Hospital Heliport.

The applicant is seeking Site Plan approval to construct a 120,000 square foot department store on 16.64 acres of parcel of vacant land, zoned J-2 Business for general commercial use.

In addition to the building, the application calls for simple site improvements: Parking fields, drainage, landscaping and three points of ingress and egress. Off-site improvements include road modification on Hospital Road, a traffic light at the point of

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ingress, and two points, one point ingress, one point egress, along the North Service Road of Sunrise Highway.

According to Town Code, the building -- a building this size would require 686 stalls. The applicant is proposing 516 parking stalls, which is a deficiency of 25 percent. And they would require a variance for that.

More importantly, the site plan proposal does not seem consistent with several of the goals set by the Town of Brookhaven's Comprehensive Plan. Division space, entitled "Issues and Opportunities," which states, goals are Preserving Open Space, Maintaining a Sense of Place and Supporting Main Street Development.

Furthermore, there is a Sunrise Highway Corridor Study being drafted by the Suffolk County Planning Department, which has identified six major commercial nodes along Sunrise Highway, which should be maintained as principle

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retail locations, whether in-filling or expansion of the existing commercial developments, and that outside commercial developments -- excuse me, commercial development outside of the identified nodes should be avoided.

The subject property is located outside of these identified commercial nodes, and therefore the proposed site plan would be inconsistent with the recommendations of this study.

It is the belief of the staff that the proposed site plan would tend to substantially undermine the effectiveness of the regional planning of the area. And if built as proposed, the development will have a regional impact.

Other than the commercial zoning classification of the parcel, there is no comprehensive plan use which recommends the subject location as appropriate for commercial development of this size.

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Preliminary findings of the Town's Comprehensive Plan recommends -- and recommendations of the Sunrise Corridor Study, both indicate that this type of development, this location, should be avoided.

The proposed large retail development could -- could possibly sap the vitality of the downtown Business districts, the Central Business districts, the major commercial nodes identified in the Sunrise Highway Corridor Study, and other existing shopping centers along Sunrise Highway, by siphoning off their existing consumer base.

It is the belief of the staff the proposed development, by its nature as a retail development, would increase traffic generation beyond what exists now along the roadway, and affect a capacity of the local roads, Sunrise Highway, of course, and Hospital Road.

Finally, the proposed development

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is of regional significance, without including this parcel in a long range planning of the Sunrise Highway Corridor, potential harm could be done to the region.

Staff recommends disapproval for the three reasons mentioned in the report.

Would you like me to read those reasons or --

CHAIRMAN CALONE: No, I think we can all read them. Appreciate that, Ted.

Anything else.

Well, we'll pepper you with questions.

Thank you.

Any comments or questions regarding the Walmart, East Patchogue application?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Maybe we won't pepper you with questions.

Ted remains un-peppered.

Anyone else -- my main concern with

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this is simply, honestly, with regard to the Sunrise Highway Corridor Study. And while it hasn't been formally adopted by the Commission, I know it's something that the staff has done a tremendous amount of work on, and -- trying to emphasize where there should be development and how we can plan for the future of Sunrise Highway in an intelligent way. And I think one of our jobs is to maintain the integrity of those kinds of documents by stating, and stating strongly where necessary, if something doesn't -- isn't consistent with a regional plan or a corridor study like this.

Is there anything else that the staff would like to add about the corridor study, or any other --

DEPUTY DIRECTOR GULIZZIO: (Indicating)

CHAIRMAN CALONE: Dan.

DEPUTY DIRECTOR GULIZZIO: Just one quick comment.

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While staff has been responsible in -- substantially for the drafting of the report, and Peter Lambert has been the lead staff author on the study, it's critical to note that the intent of the study from its inception was to not only have it be a county-based-land-use Corridor Study, as well as to be a town-based study, ultimately adopted by each of the individual towns; Islip and Brookhaven in this case also.

This is really the first study, that I'm aware of, that truly inter-municipal effort, the intent of which to have adopted not simply by the county, but also by the towns.

DIRECTOR ISLES: Just to further that, we've actually actively have had the towns involved in the study. From day one, they've assisted with the collection of data, providing data, research and policy discussions, as well as the State of New York Department of Transportation and the Suffolk County

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Department of Public Works. So it has been closely integrated on working, as well as the ultimate recommendations going through the respective layers of government.

CHAIRMAN CALONE: Just a question for you guys that -- so if the Corridor Study says it shouldn't be retail, what's recommended for this site?

DEPUTY DIRECTOR GULIZZIO: I believe the preliminary recommendations are either for additional office space to support the hospital development to the south, or as an alternative, some type of cluster residential development.

COMMISSIONER HORTON: (Indicating)

CHAIRMAN CALONE: Commissioner Horton. Welcome.

COMMISSIONER HORTON: Just so I understand, the Corridor Study that you're talking about, that's being worked on within Islip and Brookhaven Townships. They are onboard as we -- through this zoning -- through this

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Corridor Study, there will be zoning recommendations in the towns that are able to, once again -- that they will entertain, as I understand it?

DEPUTY DIRECTOR GULIZZIO: The study does include recommendations on a type-specific level to rezone within the Corridor. Those recommendations are being evaluated by each of the towns right now.

COMMISSIONER HORTON: That's only going to be a zone change then, with that --

DEPUTY DIRECTOR ISLES: Correct.

DIRECTOR ISLES: Well, in addition to the issues on the land use, a fundamental issue that Ted pointed out, there's a 25 percent variance in parking. That in itself would be sufficient in the staff recommending disapproval on this site. But -- so, here again, whether this goes forward based on that only, that's an issue that --

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SECRETARY ESPOSITO: (Indicating)

DIRECTOR ISLES: -- we also felt it was important, from the role of this Commission and the Regional (inaudible), to point it out that this is in the mist of a period of time of not only the Sunrise Highway Corridor Study, but also the Town Comprehensive Plan and -- and, you know, you're right, it may also be a planning decision by the town, but the instant decision of whether the town offers parking along this -- this site, could cause problems in the long run.

CHAIRMAN CALONE: Commissioner Esposito.

SECRETARY ESPOSITO: I think it's worth noting that this whole inter-municipal study was really generated and driven by the civics in both towns, Islip and Brookhaven, exactly because of this type of proposal that they keep seeing over and over again along the Sunrise Highway Corridor. So I believe, and Tom will

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correct me if I'm wrong, this is the first multi-jurisdictional study for, you know, a Highway in Suffolk County. So, I think it has a lot of value, sets a lot of precedent, and it specifically was generated because of this type of -- a potential type of project that keeps being proposed.

COMMISSIONER HOLMES: (Indicating)

CHAIRMAN CALONE:

Commissioner Holmes.

COMMISSIONER HOLMES: Do we know, Andy, the timing of this? Was this application submitted to the town of -- after the study was underway? I mean, it looks to me like Walmart is trying to jump in and get something approved ahead of a study which would really disallow this type of use.

MR. FRELENG: We have no knowledge of when it was submitted to the town. I would imagine it was submitted several months ago, considering the local process and all. Just be reminded that

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once there's a moratorium, there is nothing to stop an applicant from coming in and doing it as a as-of-right use.

COMMISSIONER HOLMES: But --

CHAIRMAN CALONE: Nor do they actually have to -- nor do they have to kind of get in before the Corridor Study --

COMMISSIONER HOLMES: Well, I mean, that's what I'm wondering. Was the Corridor Study underway for sometime, prior to this application? Because it sounded to me like the Corridor Study and the civic group's input and whatnot has been ongoing for quite some time. But, you know, it still has not been reviewed enough to be adopted. And it -- this just reminds me of what happened with the Town of Southold some years ago, when they put a moratorium on further shopping center developments. And because they had to announce the moratoriums, there was a flood of applications -- remember Chuck -- where

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people who were only vaguely thinking about doing such a shopping center, threw in applications. And as a result, several of them were built along the North Road in the Town of Southold. And to this day, many of them sit, you know, two-thirds vacant or -- with a lot of turnover. And I certainly, for one, would support the staff's report for disapproval, because it -- it just seems to be so contrary to what the people in the region are working so hard to prevent.

CHAIRMAN CALONE: Okay.

Any other comments or questions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Okay, if not, a motion's in order.

SECRETARY ESPOSITO: (Indicating)

CHAIRMAN CALONE: And Secretary Esposito makes the motion.

COMMISSIONER HOLMES: I'll second it.

CHAIRMAN CALONE: Seconded by

Commissioner Holmes.

And the motion is to adopt the staff report as indicated, disapproving the project for the reasons indicated to you by the Sunrise Highway Corridor Study, and the adverse traffic circulation pattern, and the over-intensification and its impact on parking.

All in favor of approving the staff report, please raise your hand.

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: All opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: And abstentions?

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: Ten to zero to one. Thank you. We are two down and six to go.

MR. FRELENG: The next application, Deputy Director Gulizzio is going to present to the Commission.

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DEPUTY DIRECTOR GULIZZIO: Good afternoon, Mr. Chairman, Members of the Commission.

In light of the hour and the volume of applications still in front of us, I will try to keep my comments brief, and be available for any questions that you may have in conjunction with this application.

What I will tell you as a brief aside, is Diane Caudullo, the President of the Centereach Civic Association, I actually met her during my tenure as the Commissioner of Planning for the Town of Brookhaven, at a time when civics were, I think in their view, largely disenfranchised from town government, felt they didn't have a voice in local government, unaware of what rights they had as civic members or what tools were within their resources at the town to consider -- to protect their community. At that point there, I think it's fair to say that Middle Country Road through

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Selden and Centereach was probably one of the most blighted commercial corridors in Suffolk County, in terms of strip commercial zoning. It is also one of the least safe roadways in all Suffolk County, in terms of the number of accidents that occur along that stretch of the roadway, and in particular, between Centereach and Selden.

So the need for a plan, the incorporation of the civics into the planning process is something that I think is long overdue, and something the town should be commended for achieving.

The plan, just in brief, has six basic chapters, including community profile --

CHAIRMAN CALONE: Dan, let me interrupt you for a second.

As Andy just pointed out, maybe we should wait until the Town of Brookhaven, who's coming, has a chance to say a few words. So, if you don't

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mind, we'll hold off, without objection from this -- we'll move on.

Thank you, Andy. Good point.

And instead, the Village of Patchogue Amendment is no longer on the agenda, so we're on to the New Gerard Company.

Thanks, Dan. Sorry to interrupt.

MR. FRELENG: Sorry, Dan. It didn't occur to us until after you started.

So, the New Gerard Company, LLC application is going to be presented by Ted.

DEPUTY DIRECTOR GULIZZIO: Again, I just want you to know for the record, I'm going to repeat everything I said.

CHAIRMAN CALONE: The court reporter's simply going to cut and paste the minutes.

DEPUTY DIRECTOR GULIZZIO: I'll be begging your indulgence.

CHAIRMAN CALONE: Okay. You know, why don't we do New Gerard while the

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Town of Brookhaven's getting situated. So, Ted, why don't you move forward?

MR. KLEIN: Okay. The next application is New Gerard Company, LLC, referred to the Commission by the Town of Huntington.

This property's located on the south side of Gerard Street, between New York Avenue and Wall Street. It was considered downtown Huntington.

The character of the area is a vibrant downtown. The subject plan is apparently to improve the one-story commercial building, which is to be removed. Also on this site is a newly constructed two-story mixed use building, on the corner of Gerard and New York Avenue.

In this picture, you can see just vacant there, and it's been approved for a two-story building (indicating).

The zoning of the parcel is C-6 Commercial, which was the one-size-fits-all, as referred to you by

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Director Gulizzio, which from Ms. Jones' excuse, with no falter area setback requirements, except for the building height limited to three stories.

If applicant is seeking a "Special Use Permit" to utilize a municipal parking lot, to satisfy 100 percent of the parking requirements. And according to Town Law, they would need 58 spaces, and they're proposing zero.

Once again, the details will be in the report.

The parking calculations were based on a 12 apartment proposal on the second and third floor, and 7,860 square feet of retail on the first floor. The existing building does not -- will not be exempt from the proposed first floor retail -- so the parking calculations -- since it will be demolished.

The on-site parking requirement on a parcel can be satisfied if a municipal parking lot is within 300 feet of the

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subject property, which it is. That's why they're asking for a "Special Use Permit." But staff feels the three-story mixed use proposal is considered substantial for this site and the area.

The applicant has provided a minimal parking analysis that states, "An additional parking demand, as a result of the proposed parking, would not have a substantial negative impact on the community." The staff considers this analysis insufficient to make such a determination.

It is the belief of the staff that the proposed redevelopment of the property with a three-story mixed-use building for retail and apartment purposes, without providing off-street parking, is an unwarranted over-intensification of the property. Without a local parking study of the availability and alternative off-street parking at this location, the use is

considered perhaps incompatible with its location along a heavily traveled roadway, and a high parking demand area.

Furthermore, there is a great amount of uncertainty whether the site is suitable for a three-story building so far from Main Street, and if it will adversely affect the character of the neighborhood and the development pattern.

So, as you see from the aerial, there is a two-story building existing (indicating). The actual site of the proposal is to the right (indicating).

This would be the site (indicating), so you can visualize a three-story building at that location. The code does permit three-story buildings, and I -- you know, at this site it could work, but, however, it's too close, the sidewalk is only like six to eight feet wide. There are very few three-story buildings, in fact, in the downtown Huntington area. And the ones

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that do exist are either on wide sidewalks on Main Street, or there is a setback on the second and third floor.

So, there's an issue regarding diminishment of air and light on the sidewalk.

Congestion and hazardous traffic conditions could result on the public roadway on which the property fronts, the cross street of New York Avenue, from drivers looking for places to park.

Notwithstanding the above, it is the belief of the staff that the proposed use is consistent overall with the Comprehensive Plan, but the appropriateness of the scale of the proposal is a concern for the downtown area. And as I say in the field -- field observation, there are very few actual three-story buildings in downtown Huntington. And when they were there, there was a setback or wide sidewalks.

Therefore, the staff recommends disapproval for the five reasons stated

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in the report. They're brief, I'll read them, if that's okay with you.

CHAIRMAN CALONE: That's okay. We can -- we're okay. We can read them, and I'm sure everyone has reviewed the report. And appreciate -- appreciate that. Thank you, Ted.

I have some comments that Charla sent to me about this. About -- I'll share with you -- John, you --

COMMISSIONER CARACCIOLO: I apologize, Mr. Chairman --

CHAIRMAN CALONE: -- pretty much --

COMMISSIONER CARACCIOLO: -- that Sarah, Josh and I were just having a debate, but it is really my belief, and I think Sarah agrees with me, that that building on the corner of Gerard and New York Avenue is a three-story building. It has retail on the first, and I don't -- I don't think it is. And I think two floors of -- and then we're all disagreeing, but and I pass by it every day. So unless you're considering

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that --

MR. KLEIN: You have to look at a picture. Look at the photograph that maybe I took. Maybe it shows the --

CHAIRMAN CALONE: Well, it looks like there's two stories and maybe a -- maybe a --

COMMISSIONER CARACCIOLO: That's -- that's --

CHAIRMAN CALONE: -- third area --

COMMISSIONER CARACCIOLO: That's not the building we're talking about.

CHAIRMAN CALONE: Okay.

COMMISSIONER CARACCIOLO: The building we're talking about is the -- Josh, you'd say to the left; correct?

COMMISSIONER HORTON: Yeah, to the north.

COMMISSIONER CARACCIOLO: To the -- to the east. To the east. That's on the corner, and it looks like it's three stories to me, and I'm so positive, I'll get in my car right now and I'll take a picture.

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CHAIRMAN CALONE: We need a quorum.

MR. KLEIN: I respectfully disagree with that.

CHAIRMAN CALONE: John, from your perspective, how does that impact your feelings about this project?

COMMISSIONER CARACCIOLO: I think this building is -- it's a beautiful building in the corner, I think -- if it is a two-story building, Ted, then it's doing something like, you know, 12 or 15 foot ceilings.

MR. KLEIN: (Inaudible) like the -- the fascia, and you can see the rooftop is kind of like -- I don't know, there's a wall around the roof.

COMMISSIONER CARACCIOLO: It's very deceiving in this picture. You know, clearly with that building, it is a tall structure. It's probably the tallest structure in that area there.

Sarah, would you --

COMMISSIONER LANDSDALE: Yes.

COMMISSIONER CARACCIOLO: It's the

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tallest structure in that area, and I think something, you know, in that one-story spot would blend in nice.

CHAIRMAN CALONE: I think that -- that's a good -- that may be a good point in terms of its height. The question I think that all -- still remains is our pertinent issue.

I will say though that Charla thought that, obviously, having a building in that area would be ideal, and exactly what we want to kind of promote; however, her thought was the scale was a little too big and then the parking problem.

COMMISSIONER CARACCIOLO: And then we go back -- or I go back to that incident -- the report we had in Greenport, it's the same thing. It's a downtown, municipal parking -- a lot of municipal parking in this area, and that's in use. I think it will blend in very nicely and it's much needed.

So I'm going to go on record saying

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that I believe it's a three-story building.

MR. FRELENG: Maybe -- I think -- perhaps, Mr. Chairman, I think everybody is right. If you take a look at this picture here --

CHAIRMAN CALONE: Andy's really like Switzerland over here.

MR. FRELENG: Right.

SECRETARY ESPOSITO: He can pull this off.

MR. FRELENG: The building is actually a two-and-a-half-story building. If you look at this picture here (indicating), the -- it's a flat-roofed building. And what goes around the exterior of the building, is a sloped false third story.

If you go to the picture that Ted took while he was there, you get the impression it's a three-story full-use building, but it's really a two-and-a-half-story building. And behind the peek --

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(Overlapping conversations)

CHAIRMAN CALONE: Hold up. Hold up. One at a time.

MR. FRELENG: -- behind the peek, it drops off to a flat-roof building.

CHAIRMAN CALONE: Okay. John, you want to comment on the picture.

COMMISSIONER CARACCIOLO: That's not the building that -- that may be the building -- that's not the building we're talking about. The building we're talking about is to the left of that Verizon truck.

CHAIRMAN CALONE: Okay. But the Verizon truck, though, the very left side of the picture, is in front of a building. And you're saying that's not the building?

COMMISSIONER CARACCIOLO: Correct.

CHAIRMAN CALONE: Okay.

MR. KLEIN: Yes, it is.

CHAIRMAN CALONE: Why don't we go back to the picture of the --

MR. CORRAL: (Complying)

COMMISSIONER CARACCIOLO: See how that building -- where's that Verizon truck?

MR. FRELENG: It wouldn't be there.

CHAIRMAN CALONE: Well, here's the thing: There's a vacant space to the right, and then there's a low -- lower building, and then to the left is a higher building. I would -- it would seem that maybe that Verizon truck was parked at that -- at the very edge of that building on the -- on the corner; is that possible?

COMMISSIONER LANDSDALE: (Indicating)

CHAIRMAN CALONE: Okay, Sarah.

COMMISSIONER LANDSDALE: It is. That is the building. The Verizon truck is in front of the building.

COMMISSIONER CARACCIOLO: Two-and-a-half.

CHAIRMAN CALONE: Okay. The building is what it is. The bottom line is, it appears to be higher than the

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two-story buildings. It is -- and with respect to the character of the community, it would seem the three-story building would not be out of place in that area. Because all they're doing is really -- would be building up the one-story building and adding another floor.

But that doesn't change the parking issue. And that's a separate issue I think we need to think about and look at.

COMMISSIONER LANDSDALE: Can I comment on the parking issue? There's actually a new municipal lot just to the north of this site, and people can cut through the municipal lot and through the back lot. It's like a two-minute lot to this building.

CHAIRMAN CALONE: I will say that, just to throw Charla's comment in here, she said that the lot -- the nearest municipal lot wasn't that far. She thought it was something ridiculous to

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walk.

SECRETARY ESPOSITO: (Indicating)

CHAIRMAN CALONE:

Secretary Esposito.

SECRETARY ESPOSITO: This is a commercial building, which means that it's not -- it's not --

DIRECTOR ISLES: Retail on the first floor.

SECRETARY ESPOSITO: I would think, and I know the planning people will correct me, but for retail, it's advantageous to have parking, specifically for that building. But if there's other commercial office -- I think that, you know, people will park two to three blocks away and walk, because you have to. I'm not quite sure then in this mix, who -- it seems it would be beneficial to have parking available very close to the structure.

MR. FRELENG: I think -- if I might. From staff's perspective, when you don't have residential uses, it's

okay to have parking surrounding the area. But this use is proposing residential uses, and think of yourself living in that building, having to walk two, three minutes to get to your car, in the rain and the snow with groceries. So on-site parking for mixed-use buildings, I believe is very important.

CHAIRMAN CALONE: And we did see that in Greenport, where even though it wasn't -- didn't have as many as the quota suggested, there were some --

SECRETARY ESPOSITO: Yes.

CHAIRMAN CALONE: -- if I remember right, there were some parking spaces.

COMMISSIONER FIORE: I believe there was two parking spaces, and I questioned that --

COMMISSIONER HOLMES: Four.

SECRETARY ESPOSITO: It was four.

COMMISSIONER FIORE: Four, two -- I questioned it because of the amount of apartments there, and I -- and we were told it was -- this was standard as what

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we should do, you know, because the parking was a block away. And we mentioned the rain, we mentioned everything, and yet we approved it.

COMMISSIONER HORTON: (Indicating)

CHAIRMAN CALONE:

Commissioner Horton.

COMMISSIONER HORTON: In a third-floor -- in a third-story walk up in a village in a building with absolutely no parking, I just -- I don't think this is one person's perspective. There's a expectation of parking in an apartment in -- in a downtown building area. If you have to park two or three blocks, that's -- that's part the experience, and that's part of what you get when you live in an apartment in the downtown area. And also argues that, generally speaking, you know, retail uses have parking tenants at very different times then residential parking tenants. And they seem to overlap nicely, without much conflict to each

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other, with the exception of perhaps the (inaudible). I would think the municipality provides parking in areas (inaudible). I just think the expectation of on-site parking for mixed use in a downtown area can be -- tends to be deemed more unreasonable.

COMMISSIONER HOLMES: (Indicating)

CHAIRMAN CALONE:

Commissioner Holmes.

COMMISSIONER HOLMES: I remember with the Greenport application, the developer said, because they were trying to create some affordable units, that if they had to increase the parking, they would have to decrease the number of units they could offer. And therefore it wouldn't be as feasible -- it wouldn't be feasible for them financially to go forward with it. There also was the subject brought up that in the plan use in Greenport, that there might very well be quite a few residents who did not own cars, or who

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did not drive cars at all, and would be doing most of their walking around in the village. That you can't assume, especially in a downtown area, that everybody who lives in such a residential unit is someone who drives a car. So that was something that mitigated our decision.

MR. KLEIN: Can I point --

CHAIRMAN CALONE: Let me --

MR. KLEIN: -- something out?

CHAIRMAN CALONE: Sorry. Ted, please.

MR. KLEIN: Okay. In the Town of Huntington, according to the Code and regarding the -- to parking in the downtown district, an applicant could apply for the "Special Use Permit" to satisfy part or all of their parking requirements. And in the case that they are applying for partial relief, where they might require 20 parking stalls but only can provide ten, the town looks favorably on that, because the Code

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requires that any parking that they do provide on site, it becomes shared parking; meaning, other people can use it.

So I think that's an interesting concept to consider, because even if they -- they didn't provide any. Zero. So there's no contribution to that, you know, community parking.

If they could scale it back and provide some parking, as they did on the other part of that lot, where they provided 13 spots -- that used to be a gated lot. It's no longer gated. It's open to the public for parking.

So maybe the Commission might consider the -- you know, something like that where they -- a condition that they downsize -- re-scale the building and provide some parking, make some contribution to the parking situation in that downtown district.

Because we have no study going on right now. There's no parking study,

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and they have that municipal lot. The only -- there's only maybe like 80 to 90 stalls, and all the property owners in that area are using this to satisfy their parking requirements. So there is some point of saturation you have to consider.

CHAIRMAN CALONE: From a public perspective, I think what we need to focus on is how -- would this have an enormous impact on the downtown area of Huntington? If we could -- what John pointed out is true. People may not expect themselves to have -- it would be -- might be fine for an individual person -- I'm renting an apartment, I don't have a parking lot, I don't have to walk too far. So that's a choice I could make, when I want to rent that apartment, as part of my calculation.

But our focus is then on, what's the impact of that to the community? And does that matter that there's no parking spaces located on site.

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One thing we could do is, because we do want to encourage downtown development, is approve this application with the condition that they analyze the impact of the parking on -- or -- or this particular development on the overall parking situation, and consider having asking for a contribution from the building. Depending upon how that study works out.

COMMISSIONER KONTOKOSTA: (Indicating)

CHAIRMAN CALONE: Commissioner Kontokosta.

COMMISSIONER KONTOKOSTA: I think that's actually a great point in terms of that study, and I think a lot of what we've been trying to do in terms of our overall planning goals is to encourage downtown development. It doesn't get very much more downtown than this. These are some of the hard choices that we, of course, have to make to encourage standard development. But we can't

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discourage it in one place and then not equally try to encourage what we supposedly want in a downtown such as this.

And I think the "Special Use Permit" is a very different situation than what was going on in Greenport, and I think there's very important technical differences in this application and what we have to evaluate.

And the last thing is, I agree with the Chair that this should be an approval with conditions on this, absolutely. But I would add the condition, of course, that this is a great opportunity to provide affordable housing, no question. Twenty percent standard would be ideal here. And you could get two-and-a-half, three units -- three units out of this -- probably out of this for affordable housing purposes.

CHAIRMAN CALONE: I think the affordable housing point is well taken. My only question would be, can we make

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that a condition to a "Special Use Permit?"

DIRECTOR ISLES: (Head gesture)

CHAIRMAN CALONE: Great.

All right, other thoughts, comments, considerations?

COMMISSIONER TALDONE: (Indicating)

CHAIRMAN CALONE: Vince.

COMMISSIONER TALDONE: I would just like to say that I agree completely in terms of the response being that the town take a look at the parking needs in this area.

And I think the Patchogue project, which we'll deal with another time, I personally know how underutilized those municipal lots are in Patchogue. So I come to this table with some knowledge.

I don't know downtown Huntington, and what Huntington needs, and whether those lots are filled up at night. And so it's hard for me to address that. But I agree, it's an excellent location for this type of housing, for people who

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may not own cars, to rent those apartments, because they get to the railroad station, get on the bus, which is right on the corner, and travel wherever they want to go, and (inaudible) buy a house and have some place to park.

So I -- I agree with your recommendation to add that. The town needs to look at the utilization there. I think, at this point, we should leave it up to them.

CHAIRMAN CALONE: Any other thought, comments, questions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, we seem to be maybe circling around the idea of approval, with two conditions. The conditions include 20 percent affordable housing; the conditions would include the -- that the town look at -- do an analysis of the parking situation, and determine whether this particular building would adversely affect the

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parking situation in the downtown area; and if so, consider asking for a contribution along the lines of --

MR. KLEIN: Can I make one other point today? It includes this photograph (indicating).

This is the sidewalk at the corner of Gerard and New York Avenue (indicating). The width of the sidewalk is between six and eight feet, which is pretty narrow. The three-story building that is on Main Street, which is the Wachovia building, the sidewalk there is 12 feet.

My concern, just as a three-story building -- if you look at your report, there is a profile of the building -- that three-story building with a six to eight foot wide sidewalk, is going to -- you know, it'll seem like you're walking through a canyon, and the sun will never shine on that part of the street.

CHAIRMAN CALONE: We'll get a site plan on this, won't we?

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MR. FRELENG: A special exception site plan. This is -- this is -- the site plan is a special exception.

DIRECTOR ISLES: Well, what are you saying, Ted?

MR. KLEIN: I'm saying --

DIRECTOR ISLES: Consider very strongly --

MR. KLEIN: -- maybe consider an additional -- maybe like conditions for some architectural review to, you know, determine, you know, what this is going to look like and whether it's going to deprive this side -- this sidewalk, the width, for traveling people walking back, down and forth. Even, you know, with strollers or wheelchairs, something like that, it could be a situation. And that the -- the no being of light and people -- you know, it would just be a dark side of the road. A condition just -- some architectural reviews to -- you know, to determine whether it would be --

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DIRECTOR ISLES: (Inaudible)

CHAIRMAN CALONE: Yeah. Why don't you say that, Tom?

DIRECTOR ISLES: You know, with Special Permit, rather than waiting for the site plan -- when the site's all drawn up and designed and engineered, if you have a comment -- if the Commission wants to adopt a comment to push the building back, or somehow address architecturally that issue that Ted's pointing out, I think it's better to do it now. It certainly would be a condition, but if you have a concern about it, if you agree with, let's say, Ted's point on it, if you want to make a comment that the Commission draws attention to the issue of the narrow sidewalks and the concerns for the proportion to the height of the building and the size of the building, and you suggest that the town considers either additional setbacks or relocations or other architectural considerations to

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address that problem.

CHAIRMAN CALONE: Okay. Any --

COMMISSIONER KONTOKOSTA: (Indicating)

CHAIRMAN CALONE: Commissioner Kontokosta.

COMMISSIONER KONTOKOSTA: Yeah, just a thought on that. I mean, just looking at a perspective, the building behind the Verizon truck, as it's come to be known, with its two-stories and -- or two to three (inaudible) group, I mean, you're talking, even with this building reaching the elevation they're showing, a difference of a couple feet. So I'm not -- it doesn't look that -- that dark there (indicating). And again, I'm not sure that that -- having a three-story building there is really going to necessarily impact the light and air there, on the sidewalk. That -- that --

MR. FRELENG: The --

CHAIRMAN CALONE: My concern's more

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the width of the sidewalk. It's --

COMMISSIONER KONTOKOSTA: Right.

CHAIRMAN CALONE: -- narrow for anyone with --

SECRETARY ESPOSITO: Especially for Huntington.

MR. FRELENG: Just for a point of reference, the cross-sectional view in the staff report, comes from the applicant. This is the applicant's perception of the height of the building relative to the other buildings on the street.

DIRECTOR ISLES: It's about half a story higher.

You know, it's certainly a detail that's typically beyond the County Planning Commission normally, but I certainly wouldn't make a condition tonight. And I don't disagree with you, Constantine, that in analysis -- closer analysis, you know, certainly pushing the building back is an issue in itself, it starts to break the building line,

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plan and so forth. So it's -- you know, we're not automatically saying that this has to be done in a certain way. And -- but I think just causing -- bringing it to their attention, and they can look at it more closely and say, it's perfectly fine. But -- but, here again, it is bigger, and I think it's, you know, worth the comment.

It's not something we'd normally do at the County Planning Commission level, and I'm a little bit concerned about getting to that kind of level of micro-detail. We really don't have that information here.

So, a comment is okay; beyond that, it's beyond the authority, I think, of the -- really is losing our focus on the -- on the bigger picture.

CHAIRMAN CALONE: Okay. That's a good point. We want to maintain our -- our high-level review, and not get down into the nitty-gritty.

DIRECTOR ISLES: Yeah.

CHAIRMAN CALONE: Right.

DIRECTOR ISLES: I wouldn't.

COMMISSIONER HORTON: I would --

CHAIRMAN CALONE: Commissioner Horton.

COMMISSIONER HORTON: -- sorry.

I would lobby to just leave it out. Because I think that the municipality probably has an architectural teamwork, they probably have that money to do the sidewalk, and --

CHAIRMAN CALONE: What we can do is we can make it a comment, which simply just raises the issue, rather than making an issue or condition to the -- to the application. That would at least allow, I think, just to flag it as an issue and -- there's nothing they need to do about that, this is just a concern that we noted.

Is there any objection to doing it that way?

COMMISSIONER HORTON: No.

CHAIRMAN CALONE: Okay. So, I

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guess we'd entertain a motion to approve the application with the condition that there's -- there would be a -- that the town enter some kind of study to ease the impact of this project on downtown parking, and that, if necessary, consideration be made to adjusting the size of the building, such that they could make a contribution.

COMMISSIONER HOLMES: Which would be a condition in which we could comment.

MR. FRELENG: Staff has three conditions: Twenty percent affordable; town look at parking analysis; and three, consider asking for some on-site parking. And then the comments being, drawing attention to the sidewalk proportion of the building.

CHAIRMAN CALONE: I think that's fine. The only thing I would say, is we're not conditioning that they make any contribution, I think it's just the point that --

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MR. FRELENG: Consider asking for on --

CHAIRMAN CALONE: Yeah.

MR. FRELENG: -- on-site parking, yes.

CHAIRMAN CALONE: Right. I think that's more --

MR. FRELENG: You want that as a comment or a condition? Condition being, consider on-site parking, or a comment to consider on-site --

COMMISSIONER CARACCIOLO: I would say a comment, because it's impossible to do. So it's -- I don't think it can be done. So, I think --

SECRETARY ESPOSITO: He's just saying consider though. That's the --

COMMISSIONER HORTON: It should be a comment.

MR. FRELENG: The wording and how you want it is the pleasure --

CHAIRMAN CALONE: Right.

MR. FRELENG: You just tell us how you --

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CHAIRMAN CALONE: It should be a comment because we shouldn't --

(Overlapping conversations)

CHAIRMAN CALONE: -- there's nothing they could do --

COMMISSIONER CARACCIOLO: The approval is not based on that.

CHAIRMAN CALONE: Right.

MR. FRELENG: Okay, two conditions, two comments.

CHAIRMAN CALONE: Okay. I'll entertain a motion on that.

COMMISSIONER HOLMES: (Indicating)

COMMISSIONER CARACCIOLO: (Indicating)

CHAIRMAN CALONE: Moved by Commissioner Holmes, seconded by Commissioner Caracciolo.

All in favor of approving this application as indicated -- as read by Andy, raise your hands please.

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: 11-zero.

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Okay, three down, five to go.

MR. FRELENG: That would be you, Dan.

The next item on the agenda is the Horizons 2020 -- 2020 Comprehensive Plan Update, and that would be Deputy Director Gulizzio.

CHAIRMAN CALONE: Are the folks of Brookhaven here?

MR. FRELENG: They are, yes.

CHAIRMAN CALONE: Why don't we do that, and allow them to speak and --

MR. FRELENG: Okay.

CHAIRMAN CALONE: Okay. So next up, we'll have the presentation -- the brief presentation from the Town of Brookhaven, regarding Middle Country Road.

Whoever is speaking should come up to the podium, and, obviously, introduce yourself, please.

(WHEREUPON, Mr. Paul Rogalle approached the podium, and addressed the Commission Members.)

CHAIRMAN CALONE: Just so everyone -- everyone knows on the Commission, that a new -- there's a new staff report, you have it and it was handed out here on the table.

Okay, sir.

MR. ROGALLE: Good afternoon, all. Thank you very much for having us. Mr. Chairman, Members of the Commission, my name is Paul Rogalle, I'm the Town Director of Planning in the Town of Brookhaven. Joining me this afternoon is Diane Mazarakis, Principal Planner, also at the Town of Brookhaven, and joining both of us is Wayne Tomac from -- Senior Planner from the firm of Sustainable Long Island.

CHAIRMAN CALONE: Thank you. Welcome, and we look forward to your presentation.

MR. ROGALLE: Yes, thank you. And in -- we'll be brief. Just -- this is in regard to the proposed Middle Country Sustainable Community Plan for the

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Centereach and Selden area, in the Town of Brookhaven.

On that note, I will defer to Diane Mazarakis for the presentation.

Thank you.

CHAIRMAN CALONE: Thank you.

(WHEREUPON, Ms. Diane Mazarakis approached the podium, and addressed the Commission Members.)

MS. MAZARAKIS: Thank you.

I'm going to be as brief as possible, the documents are about four inches thick. By way of background, the plan was initiated in 2002, when a group of -- from the Centereach Civic Association, as well as business leaders from the Greater -- the Middle Country Coalition for Smart Growth, from 2005, elicited funding from the State, the county and the town to address issues regarding the plan for New York State DOT 25, Transportation Project, as well as their concerns of chaotic development and lose of community character.

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The --

CHAIRMAN CALONE: We don't have one, I apologize.

MS. MAZARAKIS: Could you advance please?

MR. CORRAL: Sure.

MS. MAZARAKIS: By way of context, I want to take the opportunity to let the Commission have some context of this particular community-based plan.

There's a number of initiatives throughout the town. I'm sorry this graphic doesn't have the border of the Town of Brookhaven. Yet, those colors represent different community planning initiative visions, as well as community plans, land use plans, some that are in various stages of implementation (indicating). But it's -- we wanted to show that the town's -- Brookhaven's commitment to soliciting immediate involvement as we get ready to -- as we're preparing the Brookhaven 2030 -- the Town's Comprehensive Plan.

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So that's just by way of context. The Middle Country Selden Center is represented by that sort of gray color in the middle of the map, New York State Route 25.

Leave it there please.

MR. CORRAL: (Complying)

MS. MAZARAKIS: We can go right through this, as the town, the State and the county have all contributed funding towards this -- in 2005, once the funding was obtained, the coalition interviewed applicants and finalized with Sustainable Long Island to solicit that community's input and document it, and -- and prepare it in a form that the Town Board could -- could adopt in this county.

The study area was brought forward by the community, not as a Corridor Study, it's important -- it was a Corridor Study, it's actually represented by the two zip codes of Selden and Centereach.

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John?

MR. CORRAL: (Complying)

MS. MAZARAKIS: The -- that's the zoning map represented on the left-hand side (indicating). Strip corridor-type zoning on the 25 corridors in Selden and Centereach, that you typically have to say in one word, because they don't have a sense or place in either community.

The zoning is residential and commercial. Commercial strip and 9,000 square foot single family, as well as a 16,000 square foot single family, represented in those two shades of yellow (indicating).

The issues were throughout Brookhaven, actually; light in poverty, vacant, underutilized. An auto-centric development pattern, where there was no sense of place, there's no hamlet center, it was really just -- which was represented throughout Brookhaven. Represented with no certain for pedestrians, getting kids to school,

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recognizing a hamlet in any shape or form.

I think the next slide allows -- I'd like Wayne to speak about that community planning process, and what that entails.

(WHEREUPON, Mr. Wayne Tomac approached the podium, and addressed the Commission Members.)

MR. TOMAC: Thank you, everyone.

So the -- the process that we entailed here is a little bit different than the typical building process.

Sustainable Long Island and I called this a "Stable Community Planning Process", because it's meant to be very comprehensive and ensure that the community has a significant role. Not only in the process of developing the plan, but also in implementing the plan.

So we began with a capacity-building process, where we form a local group made up of all the local stakeholders. They meet -- they met

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for -- it would be a year-and-a-half before we even engaged the greater community.

So they guide the process a little bit, then they go into the -- a visioning. We have an extensive outreach process, I'll just give the details to that: It includes -- you can actually go to the next slide here.

MR. CORRAL: (Complying)

MR. TOMAC: It's includes three education workshops to focus on local topics. Transportation, the economy, smart growth, safety, tailored to this community. Then we do what we did -- seven focus groups for the community. The picture you see there is actually the elected officials (indicating). The County Legislators were very involved in this process. Early on, it was Legislator Caracappa, and now it's Legislator Beedenbender who's been very supportive.

Then we have, of course, the design

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weekend, that engaged community members both in walking tours and actually designing. What they like to see then through -- a use summing. You see there in the school, got very engaged into this process (indicating). And then a community presentation with the community saw the initial idea and accepted them, told us to move forward into adopting the plan.

Okay. So these are the main goals the community developed through this process. I won't go through all of them, they're -- they're fairly simple, they're very specific; beautification and recreation, transportation, public safety. Pedestrian safety was a very big one, because the State Route 25 is one of the most dangerous roads in New York State, and that was really much of the precipitous through this process, to make that safer for kids who must cross to go to school. And then, of course, creating that sense of place.

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So we rounded this into a document. As Diane said, it's about a 150 pages long and over 60 recommendations are in it. They are all for the town, and as I said, part of our process being different. It focuses also on the community, to make sure that they have a role in the implementation of this process. And in keeping with sustainable development and Sustainable Long Island Commission, we focus on the three Es of economic, environment control and social equity.

MS. MAZARAKIS: I'd like to speak to these particular recommendations.

Sustainable Long Island was a pleasure to work with. They actually were very attunative (sic) to what the town needed to do. In my -- my line of work, I really look at zoning. What do we need to do to make these visions reality? I mean, local land use is a town responsibility, as you know.

So, I brought forward the --

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this -- this is an important recommendation that we can actually implement in town government. We'll have to do -- it will be -- involve rezoning passage, we'll be involved in local legislation, as well as environmental -- SEQRA compliance.

But these are the recommendations for -- this is where Selden and Centereach's hamlet centers begin. We think we'll be able to use our J -- J-6 Main Street Business District zoning to define the -- the look of the downtown. And then, something interesting came out -- came out of this process. Turning some of these larger gray fields (indicating) -- first there's the Walmart in Centereach, or the Independence Plaza/Home Depot Shopping Center in Selden, into more of a walkable ped friendly -- pedestrian friendly retail center, with mixed use rather.

MR. TOMAC: I just wanted to add to

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that. I said that the community was very involved in planning this plan, and the community has actually been moving forward, per the last year -- since the visioning, on a number of recommendations. We'll point out a couple here, but the town centers is one of them. The community has been meeting with the property owners of both of these town centers, and some of the business that -- that currently have leases there, and they have engaged in and -- and -- and have actually moved forward on -- and actually, it appears, just this morning, met with the -- Walmart, who's very interested in seeing what they can focus on, in terms of redevelopment on that site.

MS. MAZARAKIS: And that meeting, actually, Walmart's going to commit the money for designs, for turning their gray field large shop -- parking lot into more of a mixed-use setting. So, it's interesting, this relationship, we

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haven't even formalized it yet, the community's been empowered to bring ideas forward.

This is a graphic representation of how the gray field -- Centereach Town Center -- that's the Walmart Shopping Center (indicating), might be redesigned to be more pedestrian friendly, so they are more economically viable.

Selden: We're actually meeting extensively with this landowner, they're very committed to redevelopment. And using public benefit funds through different projects that come through such as Omnipoint, where the cell provider went through making commitment towards central gazebos for the community, where they -- where they staged their parade.

Other recommendations that were very important: This community had -- had actually -- absolutely no open space bond money for the last town bond initiative spent in the -- in Selden and

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in this area. It is improving this in parts, staying and looking at every opportunity.

MR. TOMAC: In moving on, so this is another place where the town and the community's worked very closely with one another (indicating). You see on the -- the Bald Hill expansion on the left there? The Councilwoman -- Councilwoman Walsh has been moving forward on that, and it's a big one for this community.

In the bottom right there, Hobbs Farm is a traditionally black-owned farm (indicating), and the last remaining on Long Island. It was vacant at the time, but we made this recommendation to revitalize it as a working organic farm in a community center. So the community learned about organic farming, sustainable development and the black heritage that exists there. And this has amazing collaboration. It is working. The local middle school has already planted their own organic plants

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there, and then -- then shown their -- their parents in the fall, what has become of it. It's growing very well. The community has all been engaged in working on that, and the town has worked on this as well and has just recently approved buying the development rights to a portion of the property to make sure that this is a protected farm.

MS. MAZARAKIS: And this LIPA right-of-way, which no one can speak about this ever in public, yet we had actually -- this is a recommendation that we were very concerned was going to come forward. Linear park, using the LIPA right-of-way for recreation. Unheard of. LIPA didn't particularly like us to talk about it. Yet we have some experience within, and certainly used throughout the country. Yet we are going to focus on this particular development-type scenario in our October charette for the Brookhaven 2030 Comp Plan, where we do a town-wide charette.

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And one of the development scenarios we're going to lay out is a "Linear Greenway." Choose some LIPA right-of-way being improved with asphalt. Should it be dirt; should it be lit; should it be a watering station; should there be exercise trials? So this type of plan is actually propelling us forward in other ways that we think we'll be able to realize.

Transportation improvements: We work with DOT, we meet monthly with DOT who's very interested in this project.

MR. TOMAC: Just let me have -- this was very central, the safety of Middle Country Road Corridor to its plan. There's a number of pedestrian safety improvements in it, and I want add -- build on what Diane just said.

DOT, when we started this process, was very hesitant to work with communities involved in this process. They have since really come onboard. They're very supportive. They even

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supported all the -- all the ideas we put in here, including installing medians. We're already working with them on an existing project that's already moving forward on construction, to eliminate some of the curb cuts along the corridor. So it's a great partnership that we formed with them.

MS. MAZARAKIS: We did, however, have to agree to meet their present planner stage. We weren't allowed -- we agreed not to set them back on their reconstruction plans. Use that as a base, so they could plan future changes. So that was sort of how we negotiated that -- their consensus.

Town responsiveness: Certainly the industrial commercial incentive corridor is a county plan. It promotes -- it gives tax relief for a quick site and commercial development where -- located as per land use plan. TDRs, using TDRs in the hamlet center, so that we can make some less dense areas outside the

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hamlet centers. Reverse the appearance of commercial sprawls, it's not actually near the commercial sprawls.

There's design guidelines. Very important. Something that we asked Sustainable, even in the application in doing this work, let's make sure we don't homogenize Brookhaven. We want to know, what of the design guidelines Selden and Centereach identify with.

MR. TOMAC: And that's all.

Although, I did want to mention -- as I said before, the recommendations are already being moved forward on mostly obtaining -- there's a couple of studies as well. We are moving forward with a market analysis that -- which actually is in draft form now, and a access management plan is also being conducted at the moment.

Thank you.

CHAIRMAN CALONE: Great. Thank you. Thanks to all of you.

Oh, sorry. Please.

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MR. ROGALLE: I was going to say thank you as well, but -- certainly, we were encouraged by the work that's been done, and we're certainly excited about the -- the actions of planning and development in the future. So, we're looking forward to that.

Thank you to Sustainable Long Island in assisting us with this endeavor. And certainly, thank you for this opportunity, Members of the Commission, to present this information to you. We look forward to your favorable considerations. So thank you again.

CHAIRMAN CALONE: Thank you. It's obviously an impressive effort which led to quite a -- impressive visions in that area.

So, any other comments or questions at this point?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, I think we'll let Dan move ahead with his

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presentation.

Thank you all very much, and we'll be discussing it further.

(WHEREUPON, Mr. Paul Rogalle, Ms. Diane Mazarakis and Mr. Wayne Tomac left the podium.)

MR. FRELENG: The Huntington Horizons 2020? Finish that one that you started or --

CHAIRMAN CALONE: We haven't started Horizons, why don't we move over to Middle Country? It's fresh in everyone's mind. And, Dan, maybe they saved you a bit of your overview by their presentation.

DEPUTY DIRECTOR GULIZZIO: Absolutely.

One of the first points I would make, is just to reiterate the contrast between this process and the previous planning process used in the town.

It should again be noted that the -- the amount of public outreach that was generated through this process

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is almost unprecedented in terms of direct mailings, creation of the website, community meetings, educational forums, newsletters, public service announcements. So I think that's something that the town should be commended on, and certainly Sustainable Long Island for creating that process as part of the comprehensive planning effort.

I also think it should be noted and stressed that that level of engagement is actually necessary when one looks at the history and development patterns along that four mile stretch of Middle Country Road. Again, one of the least safe roads, not only in the region but in the state.

And again, I think when community members, planners and civics identify their community by "the Walmart" as their community identity or a focal point, it underscores the point that it's -- it's not a traditional downtown

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in the sense of having a community identity, such as many of our -- our traditional pedestrian-oriented downtowns do. And the commitment the town has made to improve upon the scope environment, I think is something that they should be commended for.

The plan includes 11 basic goals, which Wayne touched on, in terms of recreation, entertainment, transportation, pedestrian opportunities and other goals. The centerpiece, as the plan indicates, is the development to town centers. One in Centereach and one in Selden. The one in Selden is adjacent to Boyle Road, the one in Centereach is adjacent to Mark Tree Road. Mark Tree Road is adjacent to the prior application that was discussed on -- involving the Medical Office development, that was on the south side of the street.

The one comment that we would like to provide in reviewing the plan,

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touches on two points that Wayne made. One deals with TDRs, and the other deals with market analysis in terms of the amount of retail viability that exists along this portion of the corridor within the communities.

So specifically, we feel that smart-growth principles, sustainable development patterns should incorporate, in addition to the creation of compact pedestrian-oriented downtowns, the transfer development rights in outlining regions, who are particularly (inaudible) between communities, to better articulate individual community identity, and to increase roadway safety by transitioning from the high density compact downtown centers, to lower intensity, transitionally which doesn't allow sidewalk centers.

I think that's the development pattern that we're all most familiar with. When you think about our pedestrian-oriented downtowns further

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east on the north fork and south fork, certainly, we see those patterns. You know when you're in Mattituck, you know you're in Cutchogue. You know when you're leaving those areas, because the amount of commercial zoning is restricted to the downtown property.

So one of the -- the comments that we would have is just to ensure that the town take all necessary steps, not only in creating these pedestrian-oriented downtown centers, but also provide community identity, apart from the location of the Walmart or another store, but also to address the zoning patterns that go outside of these areas so that we have less strip-commercial zoning, in addition to creating compact high-density development.

We don't want to ultimately end up with this high-density sprawl. Ultimately, we'd like to see the preservation of viable pedestrian-oriented downtowns,

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surrounded by decreasing levels of density and ultimately, open-space before another community center will surface.

The last point we would make, from the staff comments, deals with market analysis. One of the things we've noticed in our retail analysis on the regional level, is that those towns, the most successful downtowns, have the majority of their retail zoning within the downtown.

For instance, in the Town of Southold, for every acre of development outside the downtown, there's about an acre-and-a-half of development in the downtown for commercial space.

If we look at Brookhaven, on the other hand, our figures indicated that for every acre of development in the downtown, there's about 18 acres of commercial going outside of the downtown.

So, one of the things, again, we

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would urge the town to consider as it continues on this comprehensive planning effort, as this, obviously, is a continuing process, is to take careful look at those retail numbers outside the downtown; similarly, the application you saw on Sunrise Highway earlier in the presentation on the agenda. I'm just looking for the -- the Walmart in East Patchogue.

Again, we commend the town on concentrating development within hamlet centers, even though this community doesn't have a traditional hamlet center. We would urge them to carefully consider the amount of commercials on the outside of the town center, and also to address those vulnerable patterns outside the town center. Part of the two-way approach. Rezone properly within the town centers, but also make sure there's appropriate zoning patterns outside of those centers.

If the Commission has any comments

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or questions, I'll be happy to try to address them.

CHAIRMAN CALONE: Any thoughts or comments, questions?

Dan, I have a question as to what -- what specifically is the staff recommending with regard to this application? Are you suggesting that we should have approval with conditions or some comments --

DEPUTY DIRECTOR GULIZZIO: We're recommending approval. If the Commission thinks that the more appropriate condition or a comment -- that would definitely be at the discretion of the Commission. Certainly, a condition has a little bit more weight to it, but that -- we'll leave that to the discretion of the Commission.

CHAIRMAN CALONE: And to be clear, the condition or comment would be that there be appropriate steps taken with regard to going outside of the proposed

downtown centers, so it doesn't detract from the increasing -- the ability -- the emphasis on complete retail in the area.

DEPUTY DIRECTOR GULIZZIO: Exactly. Again, with the basis being, not only encouraging development where you want it, discouraging development where you don't want it.

And the second condition would be that the town ensure -- I believe a retail analysis is currently being conducted, that the additional retail development, commercial development proposed as part of this plan be consistent and appropriate with the population projections for the town.

CHAIRMAN CALONE: Okay. Thank you.

Anyone have any thoughts on whether this should be done as a condition or a comment? It seems to me it may be fundamental to -- would be having those kinds of thinking outside the downtown centers. In my mind it certainly could

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be a condition, but if anyone feels any differently -- I don't mean to dictate this.

You know, we don't have a Brookhaven representative, unfortunately, in more ways then one, but any other --

SECRETARY ESPOSITO: (Indicating)

CHAIRMAN CALONE: -- okay. We do have -- Adrienne, any comment from --

(Discussions held off the record.)

CHAIRMAN CALONE: Okay. So, the suggestion is that we make -- make the approval, given all the work and the impressive amount of collaboration and the vision in the -- putting the -- with the condition that there be, as Dan indicated, population -- reflect the population, as well as appropriate zoning in the non-downtown areas.

COMMISSIONER KONTOKOSTA: (Indicating)

CHAIRMAN CALONE: Constantine.

COMMISSIONER KONTOKOSTA: Very

specifically, there may be opposition on making it a comment. Obviously, there's been a tremendous amount work done on this, and a tremendous amount of comprehensive work. So, we're looking at connections between different entities here, planning and economic development. So as a condition, it may be too specific.

I think that as a comment -- obviously, there's an extremely good-faith effort here to do what's best in terms of planning. So as a comment, I'm sure -- it being raised and then would be addressed in what -- what everyone -- the actual stakeholders involved raised that fact, they determined it to be anywhere up -- resolve it in the way that they determine to be the best way. Our condition may not necessarily --

CHAIRMAN CALONE: Be the best way.

COMMISSIONER KONTOKOSTA: -- be the best way to accomplish those same

goals --

CHAIRMAN CALONE: Right.

COMMISSIONER KONTOKOSTA: -- and it's obvious that we have a lot of competent people working on this, and perhaps it's better if we let them figure out the best way to achieve that goal.

CHAIRMAN CALONE: That's certainly reasonable.

COMMISSIONER HORTON: (Indicating)

CHAIRMAN CALONE: Josh.

COMMISSIONER HORTON: I would just add to that. We're looking at the scope of this particular initiative without knowing what other zoning studies or initiatives are taking place. So a condition may not be the best almost practical conclusion.

CHAIRMAN CALONE: Good.

Any other thoughts or comments?

COMMISSIONER TALDONE: (Indicating)

CHAIRMAN CALONE: Vince.

COMMISSIONER TALDONE: Along the

same lines, in terms of making a recommendation and leaving -- leaving the work to be done by the locality.

There's a reference to TDR use, and I immediately started thinking of the East Patchogue Walmart. The one way to take something that is zoned for that use, and convince somebody to move their store into a center, intensifies that acquisition of land use in the center where you want the store, and makes a bump up in their development rights.

There's so many ways to do it. I -- I don't know what would be appropriate here. But I -- I would think we would want to encourage them to -- for all of today's, encouraging acquisitions from what's downtown zoned to what we -- we see going along 25. And we move that development into the sections where they want it. There is lots of TDR, there is lots of --

CHAIRMAN CALONE: Sure.

So maybe the point is, sending a

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comment simply that says that, the town needs to take appropriate action to make sure the downtown is property incentivized, and how they go about that -- you know, it's a flexible tool that they are best left to determine. So, I think that's fine.

Any objections on that?

(WHEREUPON, there was no response)

CHAIRMAN CALONE: All right. So the proposal from staff is to make -- to approve. Our notion is to make a comment regarding the emphasis on -- on downtown, and take the appropriate steps in the non-downtown area to make sure it doesn't detract from the downtown centers.

And then the other comment was, Dan, with regard to population exportation?

DEPUTY DIRECTOR GULIZZIO: Again, if it gives the Board any comfort, we were merely recommending that the town consider those two issues:

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Number one would be, zoning outside -- again, the downtown be evaluated properly.

Number two, that adequate analysis be performed in order to ensure the amount of resale stores conjunctive with the plan, in connection with the population projections.

CHAIRMAN CALONE: Okay. Great.

We're all for Sustainable Long Island capitalizing on this.

Okay. I'll entertain a motion then to approve with the two comments.

MR. FRELENG: Staff has --

CHAIRMAN CALONE: I need a new motion, because we've changed it a little bit.

COMMISSIONER FIORE: (Indicating)

CHAIRMAN CALONE: Don.

SECRETARY ESPOSITO: And I second that motion then.

CHAIRMAN CALONE: All in favor of approving with the two comments, please raise your hand.

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(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: Ten.

Opposed?

(WHEREUPON, there was no response)

CHAIRMAN CALONE: Abstentions?

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: One, Sarah.

Okay. Four down, four to go.

We will move quickly to the Horizons Huntington Plan.

Thanks again to those -- the folks who worked -- appreciate it. Good work.

(WHEREUPON, there was a pause in the proceeding, after which the following transpired:)

CHAIRMAN CALONE: Okay. Dan, we onto Horizons 2020, the Huntington Comprehensive Plan.

DEPUTY DIRECTOR GULIZZIO: We already had a presentation from this from the Town Planning Director, so again, I will be brief.

I will just state for the record that New York State Law defines a "comprehensive plan" as the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material.

It's all a part of your packet. If you'd like a copy of it, I can give it to you.

But just to be clear, a comprehensive plan does not just include a traditional comprehensive plan, but all the studies, hamlets that are planned, corridor plans, it could go along with the comprehensive plan or be developed as a result of the creation of the comprehensive plan.

Huntington's Horizons 2020 Comprehensive Plan Update is an update to the previously adopted 1993 Comprehensive Plan for the town. It was completed in three phases, including a community visioning phase, a policy and

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strategy development phase, and a third phase which involved the preparation of the draft plan itself.

Consistent with New York State Law and proper comprehensive planning, it also involved substantial public input with a 26 member community advisory committee. There are five chapters within the plan, including Introduction, Vision Statement, Plan Elements, a Geographical Focus Area section and an Implementation Section.

The Plan Elements, which is the substance of the plan, is broken up into seven individual chapters, including Environmental Resources and Open Space, Community Character, Community Facilities, Land Use, Economic Development, Transportation and Housing.

All those are referenced sections of concern. The State Law -- so they plan on a whole, consistent with the statutory requirements associated with the comprehensive plan. It includes the

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necessary public input, also required in the development of a comprehensive plan.

I point out to the geographical focus areas, are specific areas in the town that may be subject to additional development. Three identified areas include expanding the Walt Witman Mall, the location at the intersection of Larkfield Road and Route 25 on Middle Country Road, and the location of the intersection of New York Avenue and Route 25.

There are three general goals to the plan, including preserving those assets that exemplify Huntington's essential community character and quality of life, counteracting trends that threaten the character and quality of life in Huntington, and implementing strategies to maintain and enhance community assets and replace undesirable or obsolescent land uses with new ones that meet community needs.

There are a number of specific

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goals in the plan also, including the development of stronger environmental regulatory unfolds, the adoption of design standards, the adoption of new municipal facilities Master Plan, modified zoning requirements, the adoption of the Melville Employment Plan, the adoption of a transportation plan, the adoption of a bike and pedestrian plan.

All of these things, I should note for the record, are future planning efforts that are recommended by the Comprehensive Plan.

In addition, the Comprehensive Plan identifies the needs and the commitment on the town to state the conjoint planning among other interested inter-municipal agencies, such as the Town of Islip, the Town of Babylon and the Town of Smithtown, and significantly addresses (inaudible) corridor development zone, which is a great interest to the county as a whole.

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So we're happy to see that requirement in the Comprehensive Plan, and the commitment of the town, particularly, on a regional basis, and development applications and a land-use interest to affect inter-municipal county-wide interest.

The only comment we would recommend in -- in -- from the staff's standpoint in recommending approval of the Comprehensive Plan, is to provide a comment just to remind the town that all the sub-studies or future planning efforts recommended and offered as a part of this plan -- that they use all due diligent in order to ensure that the general goals in the Comprehensive Plan are ultimately implemented to the adoption, a specific plan touching on individual issues within the town.

Again, another example of good regional planning, which we commend the town for, based upon raw public input.

If the Commission has any questions

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or comments, I'd be happy to try to address them.

Again, we're recommending approval with a simple comment that the town pursue diligently the adoption and completion of all the individual studies that are recommended in the Comprehensive Plan.

CHAIRMAN CALONE: Thank you, Dan.

And Commissioner Caracciolo --

COMMISSIONER CARACCIOLO: Since we had a presentation earlier today from the Director of Planning, I would approve Dan's recommendations.

COMMISSIONER FIORE: Second.

CHAIRMAN CALONE: Any other comments or questions?

COMMISSIONER TALDONE: Yeah, I --

CHAIRMAN CALONE: Yes, Vince.

COMMISSIONER TALDONE: One quick question, because I'm not sure about the process here. We are approving the language that's currently before us --

CHAIRMAN CALONE: Just to be clear.

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This is a staff report. It's a little bit disjointed -- this particular one is a little bit different than most that we've seen in the past. But what we would be approving is the plan itself.

Obviously, as it's been described in various ways. What we would be adding -- indicating our approval of the Comprehensive Plan, but adding the comment that Dan suggested with regard to reminding them of --

COMMISSIONER TALDONE: In terms of the transportation section, the one public transit company who works there for public transport, that would have been the -- what is required there?

CHAIRMAN CALONE: I think the question we could ask Dan would be, is there more to the establishment of this -- what is the plan?

DEPUTY DIRECTOR GULIZZIO: That specifically goes to the comment of the staff. One of the concerns -- minor -- well, concerns that we have with the

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plan is that many of the recommendations are very general in content. But then they speak to the adoption of more specific plans, and specifically in the adoption of the transportation plan. But we would like to see those specific comments of what pedestrian improvements -- what they are actually specifically going to incorporate as part of their local codes, but they are not included as part of this plan at this time. They keep to the development and adoption of future plans, and that's the -- the basis of the comment.

CHAIRMAN CALONE: It seems to me also that they need to think about affordable housing. The devil is always in the details in terms of these programs, and -- as we've found --

DEPUTY DIRECTOR GULIZZIO: Right, I've learned. Right.

CHAIRMAN CALONE: -- as we've found.

But, you know, here it -- you know,

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it's very general. You know, it seems more of a goal statement rather than an action statement.

And the same really could be said of the energy efficiency building. You know, come up with really sustainable development, you know, rebuilding codes, which, you know, sounds good in theory, and, of course, again the devil is in those details.

DEPUTY DIRECTOR GULIZZIO: Okay. So --

COMMISSIONER TALDONE: I would love to see more -- more specific effort, such as either explore or determine the means of coordinating public transition, pedestrian pathways. I mean, there's four different transit agencies running in and out of Huntington. I sometimes think I have to take my passport out before crossing over the border. It's fairly inefficient, it's not all that smooth. I'm sure they're going to block that out and encourage more people to

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keep those cars at the municipal lots or possibly their -- their apartments, and take the bus. But if they're changing from one company to another, from MTA to Long Island Bus to Long Island Railroad to Suffolk County Transit, hardly -- hardly, all operating in the same system --

DEPUTY DIRECTOR GULIZZIO: That's right. Right.

COMMISSIONER TALDONE: That's what comes to mind when I read work on it. So that's what I'd be working on, how to rezone that.

COMMISSIONER CARACCIOLO: And I agree a hundred percent, the transit system should be pursued. And one of the things the Director of Planning did mention, and it was important in their Master Plan and their in Comprehensive Plan, was developing into one system and forming a Transportation Authority, for the Town of Huntington, that could incorporate all of -- assisted by cars.

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Better known per taxi (inaudible) one agency, and try to put it together to one -- so you don't (inaudible).

COMMISSIONER TALDONE: And I'm happy with that knowledge, because I've seen this before in other towns.

CHAIRMAN CALONE: And another important point. And I guess the question here is, if there will be these sub-studies that'll be adopted into the Comprehensive Plan, those will come before us; wouldn't they?

That's a question to both of you.

DEPUTY DIRECTOR GULIZZIO: Yes. As amendments to the Comprehensive Plan, I would anticipate those being referred also.

Just one quick point for the record, this is a learning process for the staff also. Typically I think, in years past, the idea of redoing a town-wide comprehensive plan was something that was issued -- a matter of local determination resolution, not an

extensive review. And to try to get down to the detail level in terms of adding the specific elements to the plan, is going to be something we continue to work at. But at the same time, we want to provide the Commission, in the time allotted, with this broad overview -- with general principles of the plan. Certainly, the devil will be in the details, and we're going to continue to work, make sure that we advise you with both the general overview, as well as specific identification of all the issues that are critical to the plan. But it is a work in progress, I will tell you.

CHAIRMAN CALONE: In terms of the staff, how we're approaching it --

DEPUTY DIRECTOR GULIZZIO: How we're going to incorporate those comments, yes.

CHAIRMAN CALONE: -- to our analysis. That's -- that's fine I think.

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COMMISSIONER TALDONE: I try to think of this in terms of a county-wide (inaudible), and I know what it's like to go from Riverhead to Centerport on those two lines. The town right next to where -- the line ends, you have to get out, and there's no -- there's no reason to get out and change buses, but you change jurisdiction. And in people's lives, that's a meaningless detail.

So I'm thinking county-wide, the towns that are -- eventually cross over into Nassau. And some of the service runs from Nassau to Suffolk to avoid that problem at the borders. So, we're just hoping -- and I understand that they're going to be talking about that, and I'll be happy to do that.

CHAIRMAN CALONE: And we'll also have a chance, when they do do it -- and I think that the comment is valid, because the point is, we're asking them to make sure they do it, and when they

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do do it -- if they amend that -- yeah.

Okay. Any other comments, questions, considerations.

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, I'll entertain a motion to approve, with the comments as indicated.

COMMISSIONER CARACCIOLO: (Indicating)

COMMISSIONER HOLMES: (Indicating)

CHAIRMAN CALONE: Motion by Commissioner Caracciolo, seconded by Commissioner Holmes.

All in favor, please raise your hand.

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Abstentions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Eleven to zero to zero.

Thank you, and we're moving on to

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the next one, which is the Lobster Inn in Shinnecock. We're about to start the Southampton portion of our agenda.

MR. FRELENG: Thank you, Mr. Chairman. And if you can bear with me with the Lobster Inn because it's a rather detailed application, I promise you that the next two that follow, I could go through real quickly because I think they're rather straightforward.

CHAIRMAN CALONE: Of course.

(WHEREUPON, Commissioner Fiore left the Legislative Auditorium.)

(Time noted: 2:40 p.m.)

MR. FRELENG: Okay. So the -- the Lobster Inn application comes to us from the Town of Southampton. It's located within 500 feet -- actually, adjacent to New York State Route 27 and County Road 39, within 500 feet of Cold Spring Pond.

The applicants seek Town Zoning Board of Appeals approval for the elimination of an existing restaurant

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use, and the establishment of a Residential Yacht Club Community, with 22 to 30 units, an associate clubhouse, an approximate 50 slip marina and a 16 foot high noise attenuation wall.

The off-street parking analysis isn't that detailed at this time, so we believe it would be adequate, but we have not -- we don't have the information to give a conclusive determination.

The application before the ZBA though, is a three-part request:

The first part being the interpretation of Section 330-244H, which is entitled "Expiration of Approval," and this applies to the Shinnecock Hills Maritime Planned Development District, which was approved for the site in the past, and the period for implementation of that approval has expired in accordance with the applicant's contention.

The second part is the application

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of 330-167B of the Town of Southampton zoning code, which is entitled "Change of a Non-Conforming Use."

And the third is the application of Section 330-109A (3) which is "Height of Walls."

It's the applicant's general contention that the proposed realignments of the area roadways makes the current non-conforming use on the subject site unviable.

Let me just talk -- speak to that for a minute. If you're familiar with the Lobster Inn, access to the Lobster Inn from the west -- if you travel down what is labeled Sunrise Highway, 27, then it becomes North Road -- you see the big black letters "North Road" -- you make a left right after that -- or a northbound turn right after that, into the Inlet Road entrance point, to the Lobster Inn, which is on the east side of Inlet Road. You can see it's the building adjacent to the marina

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(indicating).

On the other side of Inlet Road, and I'll speak to that in a minute, is the remainder of the subject property. The applicants are contending that State DOT and the county are redesigning that area of roadway, and what they're intending to do is close the northbound turn onto Inlet Road, and redesign that area into a service road, running from Inlet Road -- I'm sorry, from Boathouse Road to the west, past Inlet Road West, and then past the channel there or the pond there, to Inlet Road East. So that would be a service road area that would eventually connect back to Sunrise Highway. But the applicant is contending that, by closing off this northbound turn into the subject site, it makes the restaurant unviable. Again, that's the applicant's contention.

Okay. So the subject property's on the northeast and the northwest corners

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of Inlet Road West, and it's at that intersection with Sunrise Highway, County Road 39, and this is in the hamlet of Shinnecock Hills.

The two parcels, it's 6.9 acres on the west parcel, and it's 1.9 acres on the eastern parcel.

Okay. The -- can we look at the zoning for a second?

MR. CORRAL: (Complying)

MR. FRELENG: Okay. As you can see, the zoning in the -- in the area of the subject parcel, most of the area is zoned R-20 to the north of the property, and the other side of the highway is zoned R-40. So that's 20,000 -- minimum 20,000 square foot lots north of the highway, and 40,000 square foot lots south of the highway. You can see the application of the subject site is zoned MPDD, which Maritime Plan Development District. That application did come through to the Commission, and the Commission did approve it at that time.

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It was never implemented, and the applicant contends that that zoning designation has expired, and the underlying R-20 zoning then is what is in effect.

If we take a look at the aerial for a second, you can see that the land use in the area is predominantly residential north of the subject property. Those are all residential lots. West of the subject property is a motel and a cottage community, which borders Boathouse Road.

CHAIRMAN CALONE: Andy, when you say it expires, is there a time limit on the --

MR. FRELENG: Yes. Yes, in the local code, I think it's three years, but if you do not implement your zoning approval in a certain timeframe, then that approval expires and lapses.

COMMISSIONER HOLMES: And reverts to the previous --

MR. FRELENG: And -- and it

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typically reverts to the underlying zoning.

CHAIRMAN CALONE: Thank you.

MR. FRELENG: Sure. Sure.

So we're just taking a look at the land use pattern in the area. It's pretty rural by county standards. And you can see, most of those lots to the north border Cold Spring Pond.

Inlet Road, that the subject property is on, that's Inlet Road West, and you can see that you can -- if you were traveling westbound on Inlet Road, you can actually make a -- a southbound turn onto Boathouse Road, and then continue to travel westbound on North Road, County Road 39.

Heading east, after the service road is completed, you would make a -- a eastbound turn onto the service road, and then, in order to continue, you would go to Inlet Road East and move your way through.

Okay. So that's the land use.

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Okay. So, there is no direct access to the county road or the -- or the state roadway system, as proposed by the applicant. All access is going to be from -- from of the subject parcels to Inlet Road.

We believe that the -- let me just show you this before I do that.

John, you want to go back to --

MR. CORRAL: (Complying)

MR. FRELENG: That is -- the applicant has provided two development plans. This being a cottage plan -- I'm just jumping ahead of myself here -- and this is one of the two plans. This is the 22 unit cottage plan, and if you skip ahead a second --

MR. CORRAL: (Complying)

MR. FRELENG: -- that is the 30 unit attached unit plan that they're proposing. And again, access to Inlet Road is from both sites.

Okay. So staff believes that the subject application, one of the two

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alternatives, is approvable in concept but problematic in design. Now, staff is in general agreement with the applicant's contention that the PDD zoning on the subject property has expired in accordance with the Town Zoning Law.

Back in '98, that was referred to you, as I indicated, and you did approve it. Without going into the specifics, we believe that the staff's argument before the ZBA, that the mixed -- the Maritime Plan Development District Zoning has expired. So we're not going to take up that issue.

CHAIRMAN CALONE: Does it automatically revert to the R-20, like Linda was saying, or --

MR. FRELENG: It would automatically revert to the R-20 zone. The reason why the applicant is even bringing it up, because the zoning maps do not indicate that. They still indicate the Maritime Plan Development

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District Zoning.

CHAIRMAN CALONE: I see.

MR. FRELENG: So they want to make clear, before they proceed, that that zoning has indeed reverted. So that should be --

SECRETARY ESPOSITO: Can I just ask for clarity?

So, did the Town Board officially adopt the Maritime Zoning?

MR. FRELENG: Yes.

SECRETARY ESPOSITO: And then, just the -- the agency didn't implement it?

MR. FRELENG: No, the applicant didn't implement it.

SECRETARY ESPOSITO: The applicant didn't.

CHAIRMAN CALONE: Someone owned the property, got it rezoned --

SECRETARY ESPOSITO: Okay.

CHAIRMAN CALONE: -- and didn't do what they --

MR. FRELENG: Had approval to do. That's correct.

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COMMISSIONER ROBERTS: So the applicant is the current owner of the Lobster Inn?

MR. FRELENG: That is correct.

COMMISSIONER ROBERTS: And where exactly on this property is the Lobster Inn right now?

MR. FRELENG: (Perusing)

COMMISSIONER ROBERTS: No, on the drawing here. Is it where the pool is and --

MR. FRELENG: This is the existing Lobster Inn restaurant at the moment (indicating). They plan to revert that to a clubhouse.

COMMISSIONER ROBERTS: All -- and all the rest of the property is not developed at all right now; right?

MR. FRELENG: If we take a look at the aerial a second to -- prior to the master plan -- plan development district, I should say, the applicant did receive approval on the western parcel, the larger parcel, to do

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agriculture. It was their intention to grow crops on the property -- kind of a PR attempt -- grow crops on the property and use them in the restaurant, at the Lobster Inn.

So, in accordance with that, they built several farm buildings. Buildings that they were going to bring the produce to and kind of show it up and everything. So there are a couple of farm structures on the property, but it was never developed for any other use. And, as I indicated, that aspect of the -- their request, they didn't implement that as well. So they never cleared the property, they never did farming on it, they just built some buildings there and a gravel parking lot.

SECRETARY ESPOSITO: So the Lobster Inn is that white structure, over on the water; is that --

MR. FRELENG: Yes, that is correct.

Apparently, some Board Members have

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not been to the Lobster Inn, and --

SECRETARY ESPOSITO: Well, I have but -- just not from an aerial standpoint.

CHAIRMAN CALONE: Well, our next bus tour will be --

MR. FRELENG: Right.

Well, I can attest that in the past it was a very good restaurant, but I cannot speak to it now. So --

Okay. So we've indicated that it's the applicant's contention that the redesign of the roadway system make -- it's his contention that it's going to make the Lobster Inn unviable as a restaurant. Indeed, the Suffolk County Department of Public Works have already contacted the applicant, to secure and obtain the road dedications along the frontage of the parcels that he has. So that would indicate to him, at least, that this is a done -- I don't want to say done-deal, but that the roadway improvements are certainly going to be

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implemented.

Okay. A small nuance with regard to Section 330-167B, and that's the second point in the applicant's petition to the Zoning Board of Appeals. That Section in the Code allows one non-conforming use to be converted to another non-conforming use, as long as the degree of non-conformity is decreased.

So that Section of Southampton Zoning Law says that if you have a preexisting non-conforming use, the restaurant -- now that we've reverted back to R-20, the restaurant is preexisting and non-conforming to the R-20 zone. They would like to use that Section of the Code and say, we had a non-conforming use, we would like to go to another non-conforming use, which is the Residential Yacht Club.

Okay. We don't have an argument with that contention of the applicant. The only problem with that is that we

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believe that they've used Area Variance criteria to make their argument, and they should have used Use Variance criteria to make their argument. That's a small detail, but we believe that it would make the record clearer and accurate.

Okay. The as-of-right density, under the R-20 zoning, would be about fifteen 20,000 square foot units. The proposal, as indicated, was for 22 to 30 units. This is an increase of seven to 15 units, or 46 to 100 percent over the as-of-right density in the R-20 zoning district. It's the opinion of the staff that the proposal has no real nexus to the increase in density. We do not believe that they're providing a substantial public benefit. They are indicating that they will allow the bay keeper to keep his boats at the marina, once it's converted over, and then there are a non-determined number of slips that would be left over that

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they would let the public use; transient boaters that would come in and go out. That is currently the existing condition now at the marina. There's an indeterminate number of slips that transients use.

So we don't believe that the change from the as-of-right density to what is requested, either of the two proposals, provides any substantial public benefit to warrant the increase in density on the property.

Now, the petitioner also proposes that the unit sizes will vary between 2,200 square feet to 2,400 square feet for the 22 unit cottage concept plan, or 1,195 square feet for the 30 unit villa plan. The applicant prefers the 22 unit cottage plan, but they believe that if affordable or moderate income housing issues come up, they contend that they're -- I'm sorry. They prefer the 22 unit plan -- yes -- and if affordable housing issues come up, they would

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prefer then the 30 unit plan, which provides smaller floor areas for the units, and therefore would be more -- they would be priced lower. Market value would be lower.

So they're not proposing affordable units, they're proposing smaller units that may be affordable; if you understand that little bit of --

DIRECTOR ISLES: Wrap it up now, Andy, please.

MR. FRELENG: Sure.

So staff is recommending then approval of the Change of Use, with a condition that 20 percent of the units be set aside for affordable housing purposes.

The second condition be that a substantial public benefit be derived for the proposed project to offset the potential adverse impacts of the increase in as-of-right yield of up to 100 percent.

And that is the two conditions that

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we're recommending.

We're recommending, with regard to the petitioners contention that the approval has expired, that that be a local determination from the Suffolk County Planning Commission.

And that also, with regard to the Height of Walls, that Section 330-190A, that the Commission recommend a local determination with regard to that.

Staff is recommending to the Commission that the application of 330-167B, which is the Change of a Non-Conforming Use, use the Use Variance criteria for the argument and not the Area Variance criteria.

So that's the cliff notes version of the staff report.

CHAIRMAN CALONE: Okay.

COMMISSIONER ROBERTS: (Indicating)

CHAIRMAN CALONE: Barbara.

COMMISSIONER ROBERTS: Andy, my biggest problem with this project is the wall. For those of you who don't know

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where this is, this is literally the first piece of property that you see, as you come into -- off the highways into the entire Hampton community.

That area -- the highway right there is extremely busy, and they are totally redoing how the traffic is going to flow. But the idea that -- on the right-hand side, the county has just put up a ten feet by 20 foot sign of a cop with a radar gun (indicating), because they changed all of the speed zones into that area that you have to go to 35 miles an hour, and it -- he literally looks like he's shooting you.

COMMISSIONER CARACCIOLO: And you're worried about a wall.

COMMISSIONER ROBERTS: Yeah, I am worried -- I'm worried about that wall because, with these particular unit local determinations, is that that whole strip is this kind of development or housing or hotels. And if it's allowed there, I would imagine that for -- out

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in the Hamptons, Route 27, we could be seeing these walls going up.

So that -- I wanted to hear a little bit more about what the wall issue is, because that actually is the thing that most disturbed me when I looked at this.

MR. FRELENG: We did not provide you a detail of the wall, but the wall is not like any sound barrier wall you've ever seen. I believe it's a 15 foot wall --

COMMISSIONER ROBERTS: It says 16 here (indicating).

MR. FRELENG: -- a 16 foot wall. Half of that wall would be brick -- in one way, shape or form, some sort of decorative brick. The top remaining half of that would be a Plexiglass or a transparent feature. So it's not --

CHAIRMAN CALONE: Like a hockey cage.

MR. FRELENG: So it's not like what you see along the LIE, it's not like

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what you see anywhere else, it is a new and improved sound barrier wall.

Off the record, so to speak, I did have discussions with the applicant's attorney, and they do not believe that they will push the wall. So, as of this moment, that's probably going to drop out of the application. The Town of Southampton's also indicated, they're not keen on the wall. But as the application was referred to the Commission, the wall was a part of the application.

SECRETARY ESPOSITO: And where does the wall go; can you tell us on that -- on that --

MR. FRELENG: (Indicating)

SECRETARY ESPOSITO: Along Sunrise Highway.

MR. FRELENG: Yes.

SECRETARY ESPOSITO: Oh, so right in the front there.

CHAIRMAN CALONE: Block those houses.

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SECRETARY ESPOSITO: Oh, so the whole way.

That's a big wall.

COMMISSIONER CARACCIOLO: The great wall.

SECRETARY ESPOSITO: The great wall of Southampton.

MR. FRELENG: The gray line on the south side of those buildings there.

COMMISSIONER ROBERTS: I would really recommend that we have stronger language against that wall.

COMMISSIONER MC ADAM: (Indicating)

CHAIRMAN CALONE: Okay. Commissioner McAdam.

COMMISSIONER MC ADAM: Andy, this is nine acres of property --

MR. FRELENG: Approximately nine acres.

COMMISSIONER MC ADAM: -- is that correct?

If the property remained in R-20, under Southampton rules, how many houses would there be on that property?

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MR. FRELENG: Fifteen. Approximately 15.

COMMISSIONER MC ADAM: So if they want affordable -- if we insist on affordable housing, and they want to increase the number of units, under this proposal, the 30 -- the 30 --

MR. FRELENG: Right. They've submitted two plans. And they prefer the lesser of the units, but they believe that if, you know, the town is looking for affordable units, they would go to the 30 unit plan. The smaller -- the 30 unit plan with the smaller floor area per unit.

COMMISSIONER MC ADAM: The other question I have, before -- it's in proximity to a body of water there.

MR. FRELENG: Yes.

COMMISSIONER MC ADAM: But, do you know what the Health Department proposed, as far as handling two separate --

MR. FRELENG: Under the existing

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restaurant, they have a sanitary system that treats the wastewater.

Under the proposed Maritime Plan Development District, they were going to collect all the wastewater that was part of the development, and treat it in an on-site sewer system that would be approvable by the Suffolk County Department of Health Services.

This proposal proposes on-site sewage treatment. But they believe that they have the density approved, because they went to the Health Department for the Maritime Plan Development District. So their argument is, is that even though the wastewater flow would be greater than as-of-right, if you will, they believe that they've already been to the Health Department, worked that out, and the sewage treatment plant, or treatment system that they designed for the Maritime Plan Development District would be suitable for this.

So they're proposing on-site septic

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discharge, but in accordance with what was approved previously.

Does that answer your question?

COMMISSIONER MC ADAM: Okay. I know what Cromaglass is.

MR. FRELENG: Right.

COMMISSIONER MC ADAM: Okay.

MR. FRELENG: It would be something --

COMMISSIONER MC ADAM: Now, are we --

MR. FRELENG: -- like that.

COMMISSIONER MC ADAM: Is it Cromaglass, or are we talking about on-site septic? Because I often hear that as being cesspools. Okay, on-site --

MR. FRELENG: Right.

COMMISSIONER MC ADAM: So I'm not sure, are we talking about having cesspools that close to a body of water?

MR. FRELENG: Not under either of the two proposals by the applicant. They're proposing a community sewage

system, that would probably be of Cromaglass or a sequence in -- some sort of new technology that the Health Department would approve.

COMMISSIONER MC ADAM: Okay. Thank you.

MR. FRELENG: Okay.

COMMISSIONER HOLMES: (Indicating)

CHAIRMAN CALONE: Commissioner Holmes.

COMMISSIONER HOLMES: I think the staff's notation about the incorrect type of variance being applied for is very important, because we just had a brouhaha on Shelter Island about a preexisting non-conforming use. And the attorney from Howard Finkelstein's firm very well articulated that if the use proposed is less in density, then it can be, you know, a variance. But this is clearly not less in density. And I kind of would like to see that addressed also in -- in our recommendations or our conditions or our comments, because that

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is really very important. They really are applying for the wrong kind of variance, and I think it's --

MR. FRELENG: Well --

COMMISSIONER HOLMES: -- very important to make note of that.

CHAIRMAN CALONE: Well, I think --

MR. FRELENG: Not --

CHAIRMAN CALONE: -- that would be reflected by the comment, that's a good --

COMMISSIONER HOLMES: Yeah.

CHAIRMAN CALONE: -- point, and --

MR. FRELENG: I just want to clarify: Notwithstanding -- if they didn't have that section in their local code, it would be a straight non-conforming use to another non-conforming use. Southampton allows that though, as long as you decrease the --

COMMISSIONER HOLMES: And I believe that is a state requirement; is it not? No? As long as it's a decrease in use.

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MR. FRELENG: I don't believe so, no.

COMMISSIONER HOLMES: Because when it came up on Shelter Island, it turned out there had been a prior case where they allowed the change because it was a decrease in -- in use in density.

MR. FRELENG: In density right.

CHAIRMAN CALONE: Okay. I think that's a good point, and the comment does reflect that and we'll be sure to include that.

Any other comments or questions --

COMMISSIONER ROBERTS: Will this be coming back --

CHAIRMAN CALONE: Yes, Barbara.

COMMISSIONER ROBERTS: -- to us? Because all we're talking about is the Change of Use; right?

MR. FRELENG: Yes. Yes. Once the Zoning Board of Appeals makes their determination, they would have to go for site plan approval.

COMMISSIONER KONTOKOSTA:

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(Indicating).

CHAIRMAN CALONE: Okay. Constantine.

COMMISSIONER KONTOKOSTA: In addition to the three variances that are in the staff report, two that we're dealing with locally in each sense; right?

MR. FRELENG: Except that I believe the Commission would like to turn one of those local determinations into a disapproval --

COMMISSIONER KONTOKOSTA: There's really a --

MR. FRELENG: -- over the sound barrier.

COMMISSIONER KONTOKOSTA: Okay. There's really a fourth too, and area variance to allow for increased density as well.

MR. FRELENG: Well, again, they are using a section of the local code which allows them to do that. In the local code, they have to prove two points.

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And then they go on to use Area Variance criteria to further argue those two points. The code does not require them to go through Use Variance criteria or Area Variance criteria just -- in order to make their argument, they have to prove two points; and I didn't write them down. But in order to elaborate on those two points, they went ahead and used Area Variance criteria and not the Use Variance criteria.

COMMISSIONER KONTOKOSTA: So the legal standard for Use Variance is usually unnecessary hardship. I mean, we're really approving an unnecessary hardship improvement in this case, to warrant an increase in use of the property? I'm not sure --

MR. FRELENG: Well, they certainly are allowed reasonable use of the property, but -- they've made a good argument, but, you know, this is all economics on whether or not the restaurant would be viable or not, or

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whether or not any other development of this site would be viable. Staff did not go into that in any context.

COMMISSIONER KONTOKOSTA: Did they provide any information to justify why --

COMMISSIONER HOLMES: The county is doing improvements on County Road 39 --

CHAIRMAN CALONE: Right. The question is --

COMMISSIONER HOLMES: -- they're cutting off that --

COMMISSIONER KONTOKOSTA: But that --

CHAIRMAN CALONE: But that -- that's --

COMMISSIONER KONTOKOSTA: -- does it mean --

CHAIRMAN CALONE: That's a fact, but that's not a conclusion as to that economic question.

COMMISSIONER KONTOKOSTA: Okay. That seems unresolved to me in some degree.

And why else are they increasing their density above what's allowable? I'm not sure why we're even considering that.

I'm all for increasing density, but when they're through the proper procedures, then -- and like the -- like where they're offering substantial public benefits. Neither of that is happening.

MR. FRELENG: Well, I did race through the staff report. And I should point out to you that, the applicant believes that because the county and the town have made the overtures to acquire pieces of the property -- the applicant is also in negotiations with the town for the town to acquire the property in total, they felt that an application to the Town Board for a change of zone would not be -- they wouldn't get a -- they just wouldn't get a fair shake because there are a lot of things going on. They felt going to the Zoning Board

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of Appeals for the -- under that section, for another non-conforming use would allow an objective review -- that their contention would allow an objective review. So they used a little bit of artwork and found a section of the code where they could go from one non-conforming use to another non-conforming use. It wouldn't typically be the vehicle that you would use for something of this intensity, but that's where they're going.

And what staff's pointing out, is notwithstanding whatever vehicle you use, you're going from as-of-right 15 units to possibly 30 units, which is a hundred percent increase, and, you know, there should be some sort of nexus or some sort of rationale on why you would get that improvement.

COMMISSIONER KONTOKOSTA: I mean, I possibly empathize with the applicant's situation, but, at the same time, I don't understand why the application --

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COMMISSIONER HOLMES: I believe the applicant mentioned, didn't they, that if the town asked for a certain amount of those units to be affordable, then they would want 30 units instead of 15.

COMMISSIONER KONTOKOSTA: I would want a hundred units there, but that's --

COMMISSIONER HOLMES: Yeah.

COMMISSIONER KONTOKOSTA: -- not necessarily their decision to make.

COMMISSIONER HOLMES: That was their rationale, what they put forth, as I understand it.

CHAIRMAN CALONE: At a minimum, they've asked for 22. No matter --

MR. FRELENG: Right. But the history --

CHAIRMAN CALONE: -- they may have --

MR. FRELENG: -- the history --

CHAIRMAN CALONE: -- gone beyond --

MR. FRELENG: -- of the site is, they have approval for a Maritime Plan

Development District, which had a significantly higher density than what they're proposing. So their argument is, well, you gave us an approval for this Maritime Plan Development District, this is less than that development, so maybe you can --

CHAIRMAN CALONE: Of course, Andy, that was done in 1988, which was 20 years ago.

MR. FRELENG: '98.

COMMISSIONER HORTON: That's expired.

CHAIRMAN CALONE: And either way, it's expired.

MR. FRELENG: Right.

CHAIRMAN CALONE: You know, there's a couple of options here:

One, we could approve the Change of Use, then it would be disapprove it -- or should I say just approve it, or -- "A" we're going in this direction, but "B" for the reasons listed. But I don't know.

Any thoughts on how to pursue this?

COMMISSIONER HORTON: It seems to me that what Constantine raised is an interesting point, because this does feel and it looks and it smells like an Area Variance. But given this unique -- and I'm not -- given this unique structure within the code that allows you to apply for a different, slightly less intense intensification of use. That -- we're not looking at an Area Variance, we're looking almost at a lateral move. And I have -- which (inaudible) not a formal use, I want a different one. Which I think is --

CHAIRMAN CALONE: Well, the code is what it is; right?

COMMISSIONER HORTON: Exactly. But we're not looking at an Area Variance. It does have a slight disadvantage, because it is an increase in density above and beyond R-20. But the move isn't from R-20 as proposed. So this will mean planning --

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MR. FRELENG: Right, from that development district.

COMMISSIONER CARACCIOLO: So send it back for local determination. Seeing as there's a lot of local issues in here, give the applicant -- if you want, to send it back for local determination, and let them make that determination.

CHAIRMAN CALONE: We could do that.

What is the -- any thoughts, comments on that?

COMMISSIONER HORTON: Well, their attorney is citing political reasons for (inaudible). So it seems as though it actually is quite political.

COMMISSIONER CARACCIOLO: Right.

CHAIRMAN CALONE: It is local -- it is local -- I think what we -- it is local determination, based on the fact that it's ZBA. So that's where they're applying it to, the ZBA, which is where they want it to be. The way it's written and done, is to get before the ZBA to move forward with things.

COMMISSIONER KONTOKOSTA:

(Indicating)

CHAIRMAN CALONE: Yes.

COMMISSIONER KONTOKOSTA: Just one other thing. I guess in terms of another alternative, I would defer to the passing of judgment on this, saying -- saying that, they have met all the requirements for the specific Town Code, and for the Change of Use. Assuming that they have met those criteria, I mean, we could approve it. But instead of stuffing substantial benefits and increasing density, it has to meet the current zoning requirements, rather than -- the project would have to meet the current zoning requirements of 15 units.

MR. FRELENG: Well, that would be a disapproval then of what they have referred to us. They have referred a plan which is either -- they referred to us a -- I forget the terminology that they used, but they referred to us a

cluster plan --

COMMISSIONER KONTOKOSTA: Why can't --

MR. FRELENG: -- obviously.

COMMISSIONER KONTOKOSTA: -- that be a disapproval. Considering they gave us two to choose from already, why can't we design a third that meets zoning --

MR. FRELENG: Well --

CHAIRMAN CALONE: Well, you need us to file a disapproval or an approval, with the conditions that you have.

COMMISSIONER KONTOKOSTA: Yeah, right.

MR. FRELENG: Well, I guess it's --

CHAIRMAN CALONE: (Inaudible)

MR. FRELENG: Well, I guess it's semantics --

CHAIRMAN CALONE: Right.

MR. FRELENG: -- because if you're going to disapprove the applicant's request for 22 units and restrict him to 15 units, essentially you've disapproved

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his plan.

CHAIRMAN CALONE: That's your --

COMMISSIONER ROBERTS: We're only --

MR. FRELENG: I'm his -- I'm sorry?

COMMISSIONER ROBERTS: We're only talking about the Change of Use today.

MR. FRELENG: Right. The application before the ZBA, notwithstanding the clarification, is for a change of the use from the Lobster Inn Restaurant Marina to a cluster development of the 15 or 30 units.

CHAIRMAN CALONE: Which we could say, as Josh pointed out --

MR. FRELENG: Twenty-two or 30 units.

CHAIRMAN CALONE: -- fine, you found a way to do this, but the condition would be, asking 15 units for that, in keeping with the --

MR. FRELENG: Yeah. But then -- but then they would just not even need to go to anybody, they would just file a

subdivision application as-of-right for 15 units. They wouldn't be before the Commission at all. You would not -- you would see the subdivision for 15 units.

CHAIRMAN CALONE: Right. Well, I -- but I guess the bottom line, because the zoning -- the zoning indicates that 15 units would be consistent with --

COMMISSIONER CARACCIOLO: The area.

CHAIRMAN CALONE: -- with the area.

COMMISSIONER HOLMES: I would like to see us be able to mention that we think they should conform with the Town Zoning Law.

MR. FRELENG: Okay, just remember the history, that the town did approve a Maritime Plan Development District on this site.

CHAIRMAN CALONE: Tom, do you have anything?

COMMISSIONER MC ADAM: Yes.

Andy, you said that it's an

as-of-right for 15 units?

MR. FRELENG: Yes.

COMMISSIONER MC ADAM: Wouldn't as-of-right be for the R-20s?

MR. FRELENG: R-20 yields 15 units, yes.

COMMISSIONER MC ADAM: So it wouldn't be clustered though, because --

MR. FRELENG: Well, they may suggest a clustered plan, or they may just go with a standard 15-unit subdivision and not cluster. Clustering can go anywhere from smaller than 20,000 square foot lots to attached units. So there's a big range in clustering.

COMMISSIONER MC ADAM: Now, if we -- let's assume we disapprove it and it goes back to the town, where I got confused before and I don't know if you can answer it, is it going back to the ZBA, or is it going back --

MR. FRELENG: Yes. It goes back to the Zoning Board of Appeals.

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COMMISSIONER MC ADAM: And do they go through the same process the Planning Board would usually go through? Would they have to override us?

MR. FRELENG: Yes, they would have to override us. They call that super majority.

COMMISSIONER MC ADAM: Okay.

COMMISSIONER CARACCIOLO: And as you said, it seems that's where they want to be.

MR. FRELENG: I'm sorry?

COMMISSIONER CARACCIOLO: As you said, it seems that's where they want to be.

COMMISSIONER HOLMES: They want to be --

MR. FRELENG: They want to be before the ZBA because --

CHAIRMAN CALONE: And they've structured --

DIRECTOR ISLES: Well --

CHAIRMAN CALONE: -- before for the ZBA.

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MR. FRELENG: Right.

CHAIRMAN CALONE. And that's something we do -- we're just questioning how our application goes back to the ZBA.

MR. FRELENG: Right.

CHAIRMAN CALONE: The ZBA can project from here and there and say you're in the wrong place, but it seems like they threaded the needle and found the right way to do it.

So -- Director Isles, did you want to say something?

DIRECTOR ISLES: I don't know if I really want to add more to it, but I would just say, summarize -- the summary from the Department's standpoint is that we see this application overall as being reasonable, in terms of a conversion of this use that appears not to be unsuccessful going into the future. We have concerns about the density and -- either reduction to density or lose of public benefits. And we have concerns

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about the wall and the sounds, in terms of a regional impact on the highway, in terms of impeding that highway. And then if the wall is not going to go in, another mitigation comes through (inaudible) and so forth.

So I guess to get to the bottom line then, although this has a very unique path from -- very unique circumstances have been brought out by Andy. Fundamentally, we think the zoning as proposed and the use as proposed is acceptable.

As far as the density, there could be some public benefit to offset that.

As far as the wall, generally, a local determination. But, here again, I think we would suggest that some continuation or mitigation of the units be considered, and an alternative to the wall, if that's going to be done.

And local determination on the other matter, dealing with the Maritime District and whether that's reverted or

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not.

CHAIRMAN CALONE: Okay. So the motion is approving the Change of Use, with the condition that there be 20 percent -- that there be a substantial benefit, if there's going to be an increase in density; and we're adding a little bit local determination into that here. I mean, we're going to add something different on the height of the wall, and that -- that will be a condition as well that they consider -- which is a little bit of a weak condition, but it's that they consider alternatives of noise concerns.

COMMISSIONER KONTOKOSTA: One question I have: To what plan are we approving; 22 units, 30 units, whatever anyone wants? I mean, this is a grab bag of (inaudible). I'm not exactly deviating from the as-of-right 15 units, but are we going to determine --

CHAIRMAN CALONE: We require the

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20 percent affordable housing, although they still say they just want 22 units. Under that -- under this recommendation, the ZBA really (inaudible). We're not really putting our foot down on density. Other than to say that if there is an increase in density on -- we're not speaking to whether 15 should be used -- you know. Is that the right number or --

COMMISSIONER KONTOKOSTA: It seems to me, the condition seems to say that we're okay with whatever the -- 22 or 30, but we need to have some benefit associated with that.

CHAIRMAN CALONE: Maybe we should word that more --

COMMISSIONER HORTON: The only difficulty I have with that is that they are using a legitimate piece of code. So they're not -- this application isn't about the R-20 as-of-right, it is about the lateral move from one non-conforming use to another. So while I agree in

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principal with what Constantine's saying, that is not what this application -- they haven't filed an application for the R-20 as-of-right.

Do I understand this correctly?

MR. FRELENG: That is correct, they're not.

COMMISSIONER HORTON: That's not even put before us to vote on. I'm not obviously making a consideration --

CHAIRMAN CALONE: We can make anything we want to be a condition. So we can say, your method of going about it is -- is fine and we're going to approve that, but because we care about the surrounding area and how this begins, we want to condition it (inaudible) and the approve the as-of-right --

COMMISSIONER HORTON: And if we do that, we probably shouldn't put a number on it, because it simply may not be an as-of-right deal to them.

DIRECTOR ISLES: That's true.

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MR. FRELENG: Well, that's the theoretical yield based on mathematical calculation.

COMMISSIONER KONTOKOSTA: It seems like, obviously, we have the Change of Use issue that seems to conform with the Town Code. And then we have the actual density of the project issue, which seems, if we were in congress, this would be what Republicans call an earmark. Right? They're trying to tack on two extra units here, on top of a Change of Use application. So I think we need to just rein it back in to say, okay, with the Change of Use, but we don't really necessarily see where the practical difficulties come in by additional density as well as --

CHAIRMAN CALONE: Above as-of-right.

COMMISSIONER KONTOKOSTA: -- above as-of-right.

CHAIRMAN CALONE: Maybe not use the numbers but say, as-of-right. And so --

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COMMISSIONER HORTON: And using the language that Constantine mentioned that we haven't seen, at least that has been proven to us, what the hardship is that rendered this property --

COMMISSIONER KONTOKOSTA: (Inaudible) when you see this site plan, when it comes back with 22 units, then they have to justify, well, we're adding six extra affordable housing units, and then we get to sign off on it --

CHAIRMAN CALONE: Right.

COMMISSIONER KONTOKOSTA: So it's best to stick with what the code allows, and just kind of try and focus in on the Change of Use application we received and we're all in agreement with that they met appropriate --

CHAIRMAN CALONE: So the -- I guess condition one would say the same, because we still believe that, from all of our comments, 20 percent is appropriate for the time.

For the second one, we would say

that the condition is that they abide by their as-of-right yield. But that if -- I guess --

COMMISSIONER HORTON: Why don't we just disapprove it and say -- the disapproval then should be based on -- we feel it should be based on the as-of-right yield, not on this language of the code that affords the ability of a lateral move from one unit to another.

I think it's a very -- if we say as-of-right, then I think we're really just issuing a disapproval. Which I'm not opposed to but -- do I make sense?

MR. FRELENG: I would agree. The application before the ZBA is for a Change of Use to a Residential Yacht Club Community, they're proposing 22 to 30 units. That's what their request is before the ZBA.

If we -- if we --

CHAIRMAN CALONE: I guess what we're saying here, is Residential Yacht Club, that's all fine, except that our

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concern (inaudible) absent -- you know, a substantial --

COMMISSIONER KONTOKOSTA: Well, Mr. Chair, if I could just jump in and make an analogy. The first application we saw today, I mean, obviously the applicants wanted a 14,000 square foot building. Our condition was to limit the size of the building to maintain a buffer.

So that's the equivalent of some -- these dimensions. And we made that a condition. I'm not even sure why this is a different situation.

COMMISSIONER HORTON: Well, because if it goes as-of-right, then it doesn't need to go before the ZBA.

COMMISSIONER KONTOKOSTA: But the change of zone is what's -- the change of use is what's before us. So that is the main issue, and we seem to think that that is an approvable request. Now --

COMMISSIONER HORTON: But if we

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were to say, you know, we support this Change of Use based on a number, then it would probably, you know, be a little unclear. But if we were say no, it should be based on an as-of-right, then that's a very different concept.

COMMISSIONER KONTOKOSTA: But really, I don't see where the difference is, why we can't approve the change of use for an as-of-right residential development.

MR. FRELENG: Again, the request is for a Residential Yacht Club Community for 22 to 30 units. That's their request.

If you want to disapprove that, the applicant can go back and get a subdivision approval, remove the clubhouse, restaurant, whatever you want to call that, and get 15 units. All you need to do --

COMMISSIONER KONTOKOSTA: Well, that's why we have to segment this to some degree. Right?

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We have the change of use to the -- to the residential marina use, which is an acceptable change of use -- all right -- and then the question is, what should the density of that be, and here, here's a copy -- conditioning our approval on saying, well, you should consider what as-of-right zoning would allow.

CHAIRMAN CALONE: Either way the practical result is that they'll get a copy of this disapproval, or approval with a condition, and they have to -- well, this goes to something that we talked about in the Commission already, we'll make the approval with the condition a little stronger, because they actually have to analyze that particular condition and override that particular condition. And then -- all right, you --

MR. FRELENG: So --

CHAIRMAN CALONE: -- Andy.

MR. FRELENG: So if the will of the

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Commission is to approve the change of use to a Residential Yacht Club Community, with the condition that the density shall not exceed 15 units?

CHAIRMAN CALONE: As-of-right.

MR. FRELENG: The density shall not exceed as-of-right.

COMMISSIONER KONTOKOSTA: Without substantial reduction and public benefit. I mean, it's very much a similar thing.

SECRETARY ESPOSITO: That's fine.

COMMISSIONER KONTOKOSTA: It just -- it starts us from as-of-right, as opposed to starting --

CHAIRMAN CALONE: Yeah, I think --

MR. FRELENG: Now, do you want to also require -- I'm sorry, Mr. Chairman.

CHAIRMAN CALONE: Josh, do you want to add something?

COMMISSIONER HORTON: Well, I just think the only place that that doesn't make sense -- and here I -- I understand that. But the only place that doesn't

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make sense is that we're approving the Change of Use. So what as-of-right entity are we talking about? The as-of-right R-20, (inaudible)?

CHAIRMAN CALONE: The zone still has reverted back to R-20; is that right?

MR. FRELENG: Yes, and they have a non-conforming use --

CHAIRMAN CALONE: Right.

MR. FRELENG: -- on the site.

CHAIRMAN CALONE: Okay. So we still could say the as-of-right yield is 15 actual units.

COMMISSIONER HOLMES: Or you could just say, as it reverts to as-of-right, and not specify a number.

CHAIRMAN CALONE: That's what we'll do.

We'll have condition one as we indicated, and two as of -- of -- the condition will be, the as-of-right residential yield, unless there's substantial public benefit.

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MR. FRELENG: Before you --

CHAIRMAN CALONE: And for number three --

MR. FRELENG: Mr. Chairman?

CHAIRMAN CALONE: Yes?

MR. FRELENG: I have, approval with a Change of Use request for a Residential Yacht Club Community with the following conditions:

1. Density shall not exceed the as-of-right residential yield, unless substantial public benefit is provided.

2 -- do you want 20 percent of those units to be affordable?

SECRETARY ESPOSITO: Yes.

COMMISSIONER ROBERTS: Yes.

MR. FRELENG: Two you changed -- okay, so we're just going to drop 2 and make it that. Okay. My mistake. Thank you.

CHAIRMAN CALONE: And number three, we're going -- for number three we're going to make the height of the wall (inaudible).

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Thank you.

So, the other aspect we'll vote on separately, the expiration of (inaudible), we'll vote on that separately.

Okay. So the motion is to approve the Change of Use, with the three conditions that we just outlined.

I'll entertain a motion for that.

COMMISSIONER ROBERTS: (Indicating)

COMMISSIONER HOLMES: (Indicating)

CHAIRMAN CALONE: A motion by Commissioner Robert, second by Commissioner Holmes.

All in favor of approving the Change of Use with the three conditions, please raise your hand.

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: Okay, unanimous.

Next, I just want to entertain a motion to make a local determination of the expiration of the -- interpretation of Section 330, the expiration of the

approval. And that -- that's a local determination.

COMMISSIONER CARACCIOLO: (Indicating)

COMMISSIONER ROBERTS: (Indicating)

CHAIRMAN CALONE: Motion by Commissioner Caracciolo, second by Commissioner Roberts.

Okay. Okay.

The only thing that we haven't done would be the comment on the application Section 330, Change of the Non-Conforming Use.

COMMISSIONER HOLMES: You have to reopen and close this.

CHAIRMAN CALONE: Good enough.

COMMISSIONER HOLMES: We'll let that go.

MR. FRELENG: That's still a comment then on -- still a comment; right?

Okay.

CHAIRMAN CALONE: Two to go. They'll be quick.

MR. FRELENG: Okay, the next application is Arborview at Tiana. This is otherwise known as RTW Residential PDD. Adjacent to New York State Route 27.

The applicant is seeking Town Planning Board Site Plan approval for the construction of a 50-unit age-restricted condominium plan, with a recreational building, pool, associated parking on 8.24 acres. Fifteen or 30 percent of the 50 units are to be set aside for affordable housing purposes. There are more than enough parking spaces provided, in accordance with the Town Code.

You can see where it's located in the hamlet of Tiana (indicating). If you take a look at the site plan, the issues for the staff -- again, this has been through a long history. The Change of Zones was referred, the Commission approved it. We're now at the site plan stage. This is what they're proposing.

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The only issue that we see is that there's no alternative access into the development, and that they need to maintain a buffer along the areas that are commercial in this case. So again, it's opposite of what we were looking at earlier. We want to maintain the buffer on this commercial piece -- I'm sorry, on this residential piece, to buffer it from the commercial.

So really, staff is -- considering the history of this, staff is recommending approval; that an alternate emergency access be established in the proposed residential condominium development; and that the buffer be preserved in a natural state in perpetuity.

CHAIRMAN CALONE: Thank you, Andy.

Commissioner Roberts, anything from Southampton?

COMMISSIONER ROBERTS: Nope, I'll go with the staff.

CHAIRMAN CALONE: Okay. Any other

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comments or questions?

COMMISSIONER TALDONE: Yes, a question.

CHAIRMAN CALONE: Yes.

COMMISSIONER TALDONE: Are these units that are -- are they affordable? Will they be rentals? Are they condominiums? What are they?

MR. FRELENG: I think it's a mix. I can't answer your question specifically, but I believe Southampton has a program for affordable housing, which requires a certain amount to be rentals, a certain amount to be owner-occupied; and again they -- they split that to 80 percent and 100 --

CHAIRMAN CALONE: Ten, I think.

MR. FRELENG: One hundred and twenty percent.

CHAIRMAN CALONE: Okay. If there aren't any other comments or questions, I'll entertain a motion to approve --

COMMISSIONER ROBERTS: (Indicating)

COMMISSIONER HOLMES: (Indicating)

CHAIRMAN CALONE: Motion by Commissioner Roberts, seconded by Commissioner Holmes.

All in favor of approving the staff report with the two conditions as indicated, please raise your hand.

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Abstentions?

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: So we have ten to zero to one.

And we'll move on to the last one, which is Sag Harbor.

MR. FRELENG: Okay, in the Sag Harbor Gateway Plan, I don't think I need to reiterate what the Town Planning Development Administrator Murphree presented to you.

Essentially, my staff went out there. We found a relatively

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underutilized area of lands. There are some commercial uses, a few auto repair shops and things of the like, which they would like to have as permitted uses in the Gateway to the Village of Sag Harbor.

Staff took a look at what they presented, and believe that it is approvable in its current form, and staff is recommending approval.

CHAIRMAN CALONE: Anything else, Andy?

MR. FRELENG: No. Staff is recommending approval.

CHAIRMAN CALONE: Okay.

Commissioner Roberts, anything from the Southampton perspective on this?

COMMISSIONER ROBERTS: We've gotten a lot of (inaudible) forever, so what happens --

MR. FRELENG: It becomes a --

COMMISSIONER ROBERTS: -- in reality?

MR. FRELENG: It becomes a

non-conformance.

COMMISSIONER ROBERTS: Can they stay there after -- can they stay?

MR. FRELENG: They can stay. If they discontinue their use, most local ordinances say, if you discontinue use for a certain amount of period, that expires, or they could go and apply that section of the code that requests another non-conforming use.

COMMISSIONER ROBERTS: Okay.

COMMISSIONER HORTON: Then you'll have another Lobster Inn.

COMMISSIONER ROBERTS: Exactly.

CHAIRMAN CALONE: Any other comments on the Sag Harbor Gateway Plan?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, I'll entertain a motion to approve the staff report.

COMMISSIONER ROBERTS: (Indicating)

COMMISSIONER HOLMES: (Indicating)

CHAIRMAN CALONE: Motion by Commissioner Roberts, seconded by

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Commissioner Holmes.

All in favor, please raise your hand.

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: All opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: It passes unanimously.

I just want to note for the record, for the previous vote on Tiana project, it was Commissioner McAdam who abstained for the record.

Thank you all for getting through a very long agenda, it's been a long day. Let's just -- just -- in five minutes now, because it is important, for us to just talk briefly about the guidelines.

And, Dan, maybe you can give a brief overview; where we are, the parts that we have left to work on, and our time frame for -- to try to move through it.

DEPUTY DIRECTOR GULIZZIO: As the

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Commissioners are aware of, as part of the Commission effort, there was a draft set of guidelines. They were electronically submitted to everyone several months ago, or a number of months ago. We have been working on reforming -- reformatting those guidelines into a format that's a bit more streamlined, a little bit more succinct, while keeping all of the nuts and bolts that are necessary and were originally developed by staff.

The most important update to provide the Commission with, is we're also working on a -- as the Chair has indicated, on the development as a set of policies or guidelines. It could be used as a yardstick in conjunction with an analyses of individual comprehensive plans, corridor studies or hamlets that are planned.

Again, the current guidelines contain a number of very important and appropriate site specific level

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standards, which we use typically in conjunction with individual application reviews. However, with the increased emphasis on comprehensive plans and broad regional planning studies, we felt it was necessary to also incorporate some broad regional policies the Commission might use -- adopt, as in effect, their own guidelines to use as a yardstick for individual plans submitted to the Commission.

We are endeavoring completed drafts of that for the Commission Members as quickly as possible, so that you can start commenting on that. And then we can wrap up that final provision of the guidelines.

If there's any questions -- again, a very brief overview -- I'll be happy to try to address them.

CHAIRMAN CALONE: Any questions -- Dan, do you have those handouts, so we can refer to those chapters at length?

DEPUTY DIRECTOR GULIZZIO: Yes, I

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have a handout of the first three chapters. I also have the latest draft of the affordable housing conditions.

CHAIRMAN CALONE: Why don't we pass those out so folks can have a look at them at their leisure --

DEPUTY DIRECTOR GULIZZIO: Sure. Sure.

CHAIRMAN CALONE: -- but -- but, you know, the first three chapters, as everyone knows, is actually just kind of a procedures. And the guidelines have been, over the years, lobbed onto and, you know, built up, a big conglomerate.

What Dan has done is really streamline them down to a few pages, and it's very well done. But everyone should take a look at them and make sure that they, you know, are comfortable with them.

The policy part is the part that needs to be finished up. We have policies for individual projects, and now what's being worked on is policies

for how we look at comprehensive plans, and those kinds of big picture plans. That's the work we have left to do, and we're going to move as quickly as we can to get that done.

If anyone has time and wants to stand around for a few minutes afterwards about the -- talk about the next steps on the guidelines, if you'd like to do that, but I understand it's been a very long day.

I'd like to chat also with Josh and Vince just briefly after the meeting.

And we typically do a Commissioners' Roundtable, it's been such a long meeting, does anyone have anything crucial they want to raise?

COMMISSIONER HOLMES: I only want to clarify, because I brought up last month, we had a big dust up with our ZBA about a -- a preexisting non-conforming use that wanted to change to a rehab center, and after 400 people turned out for the meeting, the next day, the owner

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of the Ram's Head Inn went into our Supervisor and said we are withdrawing our application to allow someone to lease the property for a rehab center. So a certain amount of calm has returned to Shelter Island.

CHAIRMAN CALONE: Thank you.

Thank goodness, because Shelter Island was -- I was there, it was actually a few days later, and it was the big news of the year on Shelter Island.

Remember we have our training on October 23rd. I know a lot of you are involved, and all of you need your planning credits. So we'll see you all there.

And I would entertain a motion to adjourn.

COMMISSIONER HOLMES: So moved.

COMMISSIONER CARACCIOLO: (Indicating)

CHAIRMAN CALONE: Holmes. Caracciolo second.

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All in favor?

(WHEREUPON, the Commission Members voted.)

CHAIRMAN CALONE: See you guys in a few weeks.

(WHEREUPON, this proceeding adjourned at 3:35 p.m.)

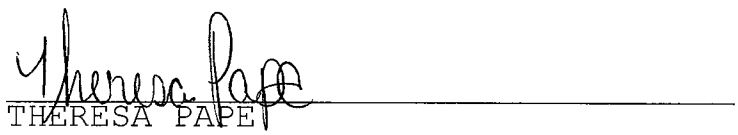
C E R T I F I C A T E

I, THERESA PAPE, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the foregoing is a true and accurate transcription of the stenographic notes taken herein.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of October, 2008.



THERESA PAPE

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