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SUFFOLK COUNTY PLANNING COMMISSION
ROSE CARACAPPA AUDITORIUM of the
WILLIAM ROGERS LEGISLATIVE BUILDING
725 Veterans Memorial Highway
Smithtown, New York

February 3, 2010
12:00 p. m.

FINAL

BEFORE:

DAVID CALONE, Chairman
Town of Babylon

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

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

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CONSTANTINE KONTOKOSTA, Vice Chairman,
Commission Member
Villages Under 5,000 Population

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

LINDA HOLMES, Commission Member
Town of Shelter Island

THOMAS McADAM, Commission Member
Town of Southold

VINCENT TALDONE, Commission Member
Town of Riverhead

MICHAEL KELLY, Commission Member
Town of Brookhaven

MATTHEW CHARTRAND, Commission Member
Town of Islip

A B S E N T M E M B E R S:

BARBARA ROBERTS, Commission Member
Town of Southampton

CHARLA BOLTON, Commission Member
At Large

SARAH LANSDALE, Commission Member
At Large

JOSHUA HORTON, Commission Member
At Large

JOB POTTER, Commission Member
Town of East Hampton

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

THOMAS A. ISLES, Director of Planning

DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department

ANDREW P. FRELENG, Chief Planner
Suffolk County Planning Department

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8 TED KLEIN, Senior Planner
Suffolk County Planning Department
9 PETER LAMBERT, Principal Planner
Suffolk County Planning Department
10 JOHN CORRAL,
11 Suffolk County Planning Department
12 LINDA SPAHR, County Attorney
13 TOM YOUNG, County Attorney
14 DOTTY SONNICHSEN, Staff
15

16 A L S O P R E S E N T:

17 JACK CAFFEY, Legislative Aide to
18 Presiding Officer Lindsey
19

20 G U E S T S P E A K E R S:

21 GERRY BOGACZ, Planning Director,
22 New York Metropolitan Transportation
23 Council
24
25

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2 (WHEREUPON, this proceeding convened at
3 12:00 p.m. Off-the-record discussions
4 ensued, after which the following
5 transpired:)

6 (Time noted: 12:14 p.m.)

7 CHAIRMAN CALONE: All right.

8 Welcome to the February meeting of the
9 Suffolk County Planning Commission. I would
10 note that we have a quorum, and would ask
11 that the Vice Chairman lead us in the Pledge.

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CHAIRMAN CALONE: Okay. The first item on our agenda is the adoption of the minutes. We have November and December indicated on the agenda, but we are going to, without objection, table the December minutes and only address the November minutes.

Editor-in-chief Holmes, do you have any comments on the November minutes?

COMMISSIONER HOLMES: There were very few corrections, and I have given them to Teri, and I'm very confident they will all be made.

CHAIRMAN CALONE: As am I.

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Any other comments or questions on the edits or additional edits to the minutes?

I can simply vouch that my edits were minor and typographical of nature. And so seeing no other comment, I'll entertain a motion to adopt the November minutes.

COMMISSIONER HOLMES: So moved.

CHAIRMAN CALONE: Moved by
Commissioner Holmes.

COMMISSIONER KELLY: (Indicating)

CHAIRMAN CALONE: Seconded by
Commissioner Kelly.

All in favor of adopting the November minutes as amended, please raise your hand.

(WHEREUPON, the members voted.)

17 CHAIRMAN CALONE: Opposed?
18 (WHEREUPON, there was no response.)
19 CHAIRMAN CALONE: That eight to zero.
20 The next item on our agenda is the
21 public portion. We have two speakers.
22 Jennifer Appel?
23 MS. APPEL: (Indicating)
24 CHAIRMAN CALONE: Ma'am, you're
25 recognized for three minutes. If you could

1 Suffolk County Planning Commission 2/3/10 6
2 just state your name and spell your last name
3 for the record.

4 SECRETARY ESPOSITO: You've got to hold
5 the button.

6 CHAIRMAN CALONE: And this is a degree
7 of difficulty, because you have to hold the
8 button while making your remarks.

9 MS. APPEL: My name is Jennifer Appel.
10 I'm an attorney in the firm of
11 Certilman, Balin, Adler & Hyman, located at
12 1393 Veterans Memorial Highway in Hauppauge,
13 New York.

14 I'll be rather brief. I am here -- we
15 represent the applicant on Competition
16 Realty, which is one of the matters on the
17 agenda for this afternoon.

18 I know that the -- the commission has a
19 very full record from the Town of Brookhaven
20 before it, so I'll try to be very brief.

21 The applicant is seeking a change of
22 zone from the Town of Brookhaven, from
23 A-1 Residence and J-2 Business to
24 J-5 Business, to allow it to relocate and
25 expand its service center that it currently

1 Suffolk County Planning Commission 2/3/10 7
2 runs out of its Toyota dealership located on
3 Middle Country Road.

4 The applicants really wanted to convey
5 to the commission, because you sometimes
6 can't -- cannot realize that from the
7 documents, that this has really been a
8 collaborative effort from both the
9 applicants, the planning staff through the
10 Town of Brookhaven, Councilwoman Kepert's
11 office, and the community and the civic
12 association to really we think provide a -- a
13 good development for this area of Middle
14 Island.

15 It is located in a transition zone of
16 the Middle Island, Coram, Ridge land use
17 plan. And although not fully consistent, we
18 do believe that the -- the service center
19 does complement the existing commercial uses
20 in the area. The -- as I said, the
21 dealership that the service center will be
22 apart of is located directly across the
23 street. And this is at the edge of the
24 downtown hamlet area, so we really have
25 created we -- what we believe is an

1 Suffolk County Planning Commission 2/3/10 8
2 architectural and aesthetically pleasing
3 building pushed further up to the road.
4 In as much as we're not fully consistent
5 with the land use plan, the town did ask us
6 to prepare a supplement to their
7 environmental impact statement done to the
8 land use plan, which is before you. And I'm
9 not going to go into full detail, I would
10 just like to highlight that there are some
11 benefits to this project that we believe
12 override any inconsistencies.
13 The fact that it will create additional
14 jobs to area, it will allow about --
15 approximately ten to 15 skilled jobs will be
16 added. It will allow Toyota to stay at this
17 location, which the community has
18 overwhelmingly -- which is in the record --
19 advised that they would like Toyota to stay.
20 And we do believe it will provide a customer
21 base for the other developments in the area
22 as far as businesses and other stores and --
23 and residential units in the area.
24 So having said that, I would just like
25 to add that we are in the compatible growth

1 Suffolk County Planning Commission 2/3/10 9
2 area, and that we -- there was a little bit

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of confusion, but we do now meet the
4 standards of the Pine Barrens Commission, and
5 we are providing approximately 2 acres of
6 undisturbed natural contiguous area.

7 So having said that, we -- we hope that
8 the commission would look positively upon our
9 application.

10 Thank you.

11 CHAIRMAN CALONE: Thank you. Thank you
12 for your time.

13 Next, we have Thomas Talbot from the
14 Middle Island Civic Association.

15 Mr. Talbot.

16 And I'll just note while you're walking
17 up here that we also have a letter from you
18 in support of this application that we will
19 peruse. So thank you for your letter. But
20 I'll let you --

21 MR. TALBOT: I should thank you.

22 CHAIRMAN CALONE: And if you could spell
23 your last name for the record.

24 MR. TALBOT: All right. First name's
25 Thomas, the last name is Talbot, T-A-L-B-O-T.

1 Suffolk County Planning Commission 2/3/10 10

2 I'm a resident of Middle Island, and I'm
3 currently president of the Middle Island
4 Civic Association.

5 I -- I could just sit here and echo what
6 Ms. Appel's said to you, but my real purpose
7 here today is to -- is to share with you that

8 the Middle Island Civic Association is
9 overwhelmingly -- it does, in fact, support
10 this proposal.

11 The Toyota dealer, Competition, has been
12 a -- a very good name for Middle Country
13 Road. And it's a well-landscaped piece of
14 property, they've been very active in the
15 community, and we were looking to see their
16 expansion. And they're expanding on a piece
17 of property that is not very attractive, and
18 it's going to wind up being a very net plus
19 for the community. Plus the fact that -- you
20 know, as we begin our interpretation of the
21 Middle Country Road land use plan, we think
22 that a building of this -- this stability is
23 going to encourage other pieces of
24 properties there that are very much in dire
25 need of redevelopment. And I -- and I thank

1 Suffolk County Planning Commission 2/3/10 11
2 you for your attention, and look forward to
3 coming back at another time with -- with more
4 positive things that we'll be trying to do on
5 Middle Country Road.

6 Thank you.

7 CHAIRMAN CALONE: Thank you, Mr. Talbot.
8 Thank you for coming down.

9 Unless there's any other comments from
10 the public, we'll close the public portion of
11 our meeting.

12 Next, we'll move on to the election of
13 officers for 2010.

14 The Nominating Committee had made their
15 nomination last month. And the nominations
16 were for the same officers we have now, which
17 is David Calone for chair, Constantine
18 Kontokosta as vice chair, and Adrienne
19 Esposito as secretary.

20 At this time I would ask whether there
21 are any other nominations from the floor for
22 any officership. Remember, the Nominating
23 Committee is not -- does not have the final
24 word. If anyone wishes to make a nomination
25 from the floor, they may do so.

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2 (WHEREUPON, there was no response.)

3 CHAIRMAN CALONE: Seeing none, we'll --
4 if I remember correctly, I'll ask our
5 counsel, but if there are only one nomination
6 for each of the three positions, I believe
7 the secretary is -- is instructed to cast one
8 vote on behalf of each of the individuals; is
9 that correct?

10 MS. SPAHR: Yes, the secretary may do
11 that.

12 CHAIRMAN CALONE: Okay.

13 So we'll ask Secretary Esposito to stuff
14 the ballot in her own favor --

15 (Laughter)

16 CHAIRMAN CALONE: -- but -- but -- but

17 to simply state into the record, casting one
18 vote for each of the three individuals for
19 the officerships.

20 SECRETARY ESPOSITO: Okay. So I'd like
21 to cast my ballot for chair of the Suffolk
22 County Planning Commission for David Calone.

23 I'd like to cast a second ballot for the
24 vice chair of the Planning Commission for
25 Constantine Kontokosta.

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2 And as secretary for Adrienne Esposito.
3 Thank you.

4 CHAIRMAN CALONE: Thank you, Madam
5 Secretary.

6 And we'll take up the rest of the other
7 items we have to deal with administratively
8 at the end of the meeting, but let me just
9 move on to the chair report and thank you all
10 for your confidence. And, as always, I look
11 forward to working with Constantine,
12 Adrienne, and all of you.

13 In 2009, we greatly expanded the role
14 that the commission plays in developing
15 policy in Suffolk County. From the launch of
16 the Comprehensive Plan by County Executive
17 Levy a few months ago to the creation of the
18 intermunicipal task forces. Our
19 relationships with the municipalities have
20 been strengthened. The commission was asked

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21 to present at the Village Officials
22 Association, the East End Supervisors and
23 Mayors Association. We testified at public
24 hearings in Brookhaven and Islip.
25 And I think we've also helped strengthen

1 Suffolk County Planning Commission 2/3/10 14
2 the relationships between the municipalities
3 in Suffolk County. One prominent town
4 councilman remarked at one of our task force
5 meetings that he'd never actually discussed
6 policy with his colleagues in the other towns
7 before the meetings that we pulled together.

8 For 2010, I've had a chance to sit down
9 with each of you over the last month to talk
10 about the commission and our priorities. And
11 what I heard was a desire to keep our
12 emphasis on county-wide priorities through
13 the task force effort, as well as through the
14 comprehensive plan process.

15 As you know, we'll be having our first
16 public meeting for the comprehensive plan
17 over the next five weeks; one in western
18 Suffolk and one in eastern Suffolk.

19 With regard to the task forces, I've
20 been asked to attend the next Supervisors
21 Association meeting to discuss with the
22 association, with -- with the town
23 supervisors, how they can more fully support
24 the task force effort. And I'm hopeful that
25 County Executive Levy will be joining me at

1 Suffolk County Planni ng Commi ssi on 2/3/10 15
2 that meeting as he is, as you know, a big
3 supporter of the work we're doi ng. And we'll
4 also use that opportuni ty to discuss with the
5 supervisors the comprehensive plan effort.

6 With regard to the task forces, my hope
7 for 2010 is that the Public Safety Task Force
8 can wrap up its work sometime in the first
9 half of this year;

10 That the Energy & Envi ronment Task Force
11 will be able to finish its work on model
12 solar and wind permit ting applications, as
13 well as proposals on storm water runoff and
14 native vegetation.

15 In fact, actually, Adrienne had a
16 meeting with DEC on the storm water runoff
17 proposal this week. I don't know if you
18 wanted to actually -- any update on that at
19 this point, or whether you'd rather hold that
20 until next time.

21 SECRETARY ESPOSITO: Well, we've
22 requested that the item be put on our agenda
23 for next month so we can look at something in
24 writing. We're dealing with native
25 vegetation -- or we're going to call it

1 Suffolk County Planni ng Commi ssi on 2/3/10 16
2 natural habi tat, actually, with the

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3 recommendation that came out of our meeting,
4 and storm water run off.

5 It was a very helpful meeting. We met
6 with members of the Pine Barren Commission,
7 Nature Conservancy, and the -- of course, the
8 DEC. And -- and, of course, Steve Jones from
9 the water authority was there as well.

10 So we discussed the various options and
11 ways to proceed forward, which I won't go
12 into now, but it was an hour-and-a-half
13 meeting that I thought was productive and --
14 and it helped me to guide us in the right
15 direction.

16 CHAIRMAN CALONE: Thank you, Adrienne.
17 And thanks for -- you know, and thank you
18 also for your leadership.

19 SECRETARY ESPOSITO: And Andy was there.

20 CHAIRMAN CALONE: Thank you, Andy, as
21 well.

22 SECRETARY ESPOSITO: Yes.

23 CHAIRMAN CALONE: And so -- so things
24 are moving with the Energy & Environment Task
25 Force.

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2 The Housing Task Force, obviously
3 Constantine's been working hard on that with
4 some others, and -- and we hope to have
5 recommendations over the next few months.
6 And, perhaps, the task force also may be
7 looking into revised residential energy

8 efficiency standard in conjunction with LIBI,
9 the Long Island Builders Institute, and the
10 US Green Building Council.

11 Finally, the Accessible Design & Smart
12 Growth Task Force has completed work on the
13 model code for incentivizing universal
14 design. We'll consider that later today. We
15 have a letter of support in your packets
16 from -- from the Long Island Builders
17 Institute.

18 I want to thank Mike Kelly for his help
19 in working that through the LIBI process to
20 get feedback from the developers.

21 And, Charla, as you know, was also
22 involved in this effort.

23 But more than anyone, Vince was the one
24 who took this and ran with it, and has done a
25 tremendous job. And so I want to thank Vince

1 Suffolk County Planning Commission 2/3/10 18
2 for all your hard work on this, I think this
3 is a tremendous step forward.

4 And there's other exciting news. I'll
5 let Vince share it with regard to
6 Assemblyman Alessi.

7 So if you want to let everyone know
8 what's going on with that.

9 COMMISSIONER TALDONE: Okay.

10 CHAIRMAN CALONE: And don't forget to
11 press the button.

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Just to note quickly that
Assemblyman Alessi's office has informed me
that they'd like to use our model code as the
basis for legislation in Albany. So they're
now in the process of converting our text
into a piece of legislation to introduce
this -- this session.

I'm pretty excited about that, and I'm
sure we all appreciate their -- their
interest.

CHAIRMAN CALONE: Thank -- thank you,
Vince. And, again, that's certainly an
exciting outcome.

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I would also say that the other way that
we're touching Albany with some of our task
force work is on the solar permitting.
Assemblyman Englebright has been a -- a major
push who's been doing -- leading a push to
try to create some standardization across the
state, has told us that he's probably going
to use what we come up with as kind of a
template for the -- for a statewide
legislation as well on the solar permitting.

So things are moving forward, and
congratulations to everyone for their work on
all of these issues.

Last thing I want to note on that -- on
the -- the task -- Vince's task force is that

17 we're going to change the focus of the task
18 force slightly, now that this issue is
19 looking to be behind us, to more of an
20 Economic Development & Smart Growth Task
21 Force. Among the things that we can pursue
22 this year is a model historic preservation
23 and Landmarks code. Charla has offered to
24 head that up this year. And also looking at
25 whether it might be possible to create an

1 Suffolk County Planning Commission 2/3/10 20
2 online building permit application portal for
3 all of Suffolk's municipalities.

4 Other ideas that we might be able to
5 pursue this year generally to provide
6 municipalities with the tools they need to
7 help further county-wide land use priorities
8 include:

9 Putting out a newsletter from the
10 commission summarizing interesting programs
11 in the municipalities. That's something that
12 the commission has done in the past and might
13 be something we wish to revive this year.
14 Put out a short newsletter, maybe once or
15 twice.

16 Also, there's a possibility that the
17 county executive may host an annual gathering
18 to share good ideas that municipalities are
19 coming up with across the county.

20 So we'll have to see what time and

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21 interest allows us to pursue those
22 possibilities, but I think we have an
23 exciting year ahead of us.
24 Three last items for you.
25 As you know, Islip took the commercial

1 Suffolk County Planning Commission 2/3/10 21
2 energy efficiency standards that we had
3 proposed in our 2009 Guidelines and used them
4 as a basis for their new standard in Islip,
5 and that's going to be effective on
6 March 1st. Just an FYI, there may be a press
7 conference on that in early March or late
8 February, and I'll certainly let you know if
9 that comes to pass.

10 Secondly, the county executive decided
11 to bifurcate our proposed Sewer Summit 2 and
12 do an informational session for the
13 municipalities this spring, which I refer to
14 as Sewer Summit 1.5, and then do Sewer
15 Summit 2 in the fall. Sewer Summit 2 would
16 still focus on optimizing sewer revenues and
17 including information from the county's sewer
18 RFP which is now in motion. So we expect to
19 probably be moving with regard to Sewer
20 Summit 1.5 relatively soon. And Adrienne has
21 actually reached out to EFC who's amenable to
22 doing an informational session on Long
23 Island, so thanks to Adrienne for getting the
24 ball rolling on that.

25 Lastly, I had the chance to meet with

1 Suffolk County Planni ng Commi ssi on 2/3/10 22
2 the three new supervi sors in Ri verhead,
3 East Hampton, and Southampton over the last
4 few weeks. They were eager to get involved
5 in the task force effort, and they were
6 particularly interested in this online
7 building permit appli cation idea. So we'll
8 see where we can take things with that.
9 That's the end of my chair report.
10 If anyone has any questi ons --
11 (WHEREUPON, there was no response.)
12 CHAIRMAN CALONE: And if not, we'll move
13 on to Di rector Isles --
14 COMMI SSIONER HOLMES: I don't have a
15 questi on --
16 CHAIRMAN CALONE: Yes.
17 COMMI SSIONER HOLMES: -- but I have a
18 comment that I'd like to get in the record.
19 I am so impressed with this leadership.
20 This team has been really putting us on the
21 map, because Adrienne and Constantine are
22 able to go to a lot of these gatherings with
23 Dave, and it's just been very impressive to
24 see.
25 So congratul ati ons to all of you.

1 Suffolk County Planni ng Commi ssi on 2/3/10 23
2 SECRETARY ESPOSITO: Thank you, Li nda.

3 CHAIRMAN CALONE: Thank you, Linda. And
4 thank you -- you know, it certainly wouldn't
5 be possible without the support of everyone
6 on this commission, and everyone on this
7 commission has been involved in the task
8 force effort and -- and in moving these
9 things forward. So it is truly a group
10 effort, so thank you.

11 SECRETARY ESPOSITO: Can I elaborate on
12 the Sewer Summit?

13 CHAIRMAN CALONE: Yes, absolutely.
14 Adrienne would like to talk about the
15 Sewer Summit.

16 SECRETARY ESPOSITO: I just want to
17 elaborate as the second on the upcoming Sewer
18 Summit, or whatever terminology is used to
19 actually name it. But it -- it should be
20 extremely good, because it's not only EFC,
21 which is the Environmental Facilities
22 Corporation in New York State, but also the
23 EPA, Environmental Protection Agency, and
24 also New York State DEC, also LIPA and NYPA
25 and NYSERDA are all in the planning process

1 Suffolk County Planning Commission 2/3/10 24
2 for two, if not, three of these types of
3 workshops or summits throughout New York
4 State. So one will be held in Westchester,
5 the second one on Long Island, and perhaps
6 another one in central New York or Syracuse.
7 But I think that this will be a very

8 comprehensive workshop and day that will
9 speak to the issues, the funding of the
10 issues, the availability of funding. And so
11 I think one of the roles we need to play to
12 really reach out to municipalities to
13 encourage and -- and prompt their attendance
14 so we can -- we, meaning, Long Island and
15 Suffolk County, can obtain a greater funding
16 than we did last year.

17 COMMISSIONER HOLMES: Would you say what
18 NYSERDA stands for.

19 SECRETARY ESPOSITO: NYSERDA -- I knew
20 somebody would ask that.

21 It's the New York State Research and
22 Development -- New York State --

23 DIRECTOR ISLES: Energy Research --

24 SECRETARY ESPOSITO: -- Energy Research
25 Development --

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2 DIRECTOR ISLES: Authority.

3 SECRETARY ESPOSITO: -- Authority.

4 DIRECTOR ISLES: Right.

5 COMMISSIONER HOLMES: Thank you.

6 SECRETARY ESPOSITO: You're welcome,
7 Linda.

8 CHAIRMAN CALONE: All right. And thank
9 you, Adrienne, that's a good point.

10 There's kind of a confluence --

11 SECRETARY ESPOSITO: Right.

12 CHAIRMAN CALONE: -- of ideas here. The
13 county executive had -- we've been talking
14 about the Sewer Summit 2. The county
15 executive had the idea of kind of breaking
16 that into two pieces. And at the same time,
17 the groups -- the various acronymed groups
18 that Adrienne mentioned were -- have been
19 talking about doing some of these things
20 around the state. So it actually times out
21 very well, we get everyone together and not
22 duplicate efforts. So that's going to be our
23 task over the next probably month or two as
24 that gets put together.
25 So thank you, Adrienne.

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2 Any other thoughts, comments?
3 (WHEREUPON, there was no response.)
4 CHAIRMAN CALONE: Again, thank you,
5 Linda, for your thoughts, and we'll move on
6 to the Director's Report.
7 DIRECTOR ISLES: Thank you,
8 Mr. Chairman.
9 Just on that note, on sewers, since
10 we're talking about that at this moment, I
11 think it's also appropriate. The commission
12 has talked about inviting representatives
13 from the Suffolk County Department of Health
14 Services to report on the status of the
15 comprehensive water resources management plan
16 update, which is done every 20 years in terms
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17 of looking at the future quality and quantity
18 of groundwater for Suffolk County residents.
19 That study is nearing completion, and I think
20 that's an important piece of information as
21 we look at groundwater protection and also
22 methods of sewage treatment, that you have
23 that background, and we have that background
24 information going into discussions on sewers
25 and water quality. We are seeking to

1 Suffolk County Planning Commission 2/3/10 27
2 schedule that perhaps in March or the April
3 meeting.

4 More to the point in the Director's
5 Report today, the first item I'd like to
6 bring to your attention on the matter of
7 correspondence is, I reported at the last
8 meeting that the department had some comments
9 regarding a recent study completed by the
10 Long Island Housing Partnership regarding
11 multiple family housing. We shared those
12 comments with the partnership and did receive
13 a replay with additional information, as well
14 as the report was modified to include
15 additional inventory within the Town of
16 Brookhaven.

17 So we were -- I was pleased with the
18 response, and what I have included for you in
19 the package is a copy of a letter that went
20 back to the partnership recently indicating,

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21 you know, here again, the satisfaction in
22 terms of the additional information and also
23 the interest in continuing dialogue with the
24 partnership. They're certainly an important
25 regional housing entity. As we proceed with

1 Suffolk County Planning Commission 2/3/10 28
2 the county comprehensive plan update, we
3 certainly would like to continue to work with
4 them. And we certainly do concur with the
5 fundamental point that diversity of housing
6 opportunities in Suffolk County is important.

7 On a couple of matters of update to the
8 commission.

9 Obviously, we're going to talk about the
10 comprehensive plan update later on in the
11 agenda today, so I'll save that for that
12 point.

13 We have kept the commission informed on
14 the Sagtikos Corridor Transportation Land Use
15 Study. And I'll just point out that that is
16 substantially funded through NYMTC, who is
17 here today in terms of providing assistance
18 on that predominant funding. So we have
19 selected a consultant for that job and we are
20 working at this point towards securing a
21 contract. Dan Gulizio is the project manager
22 and has initiated conversations with the --
23 and has one meeting already with the
24 consultants. So since the contract's
25 secured, we will then proceed with that job.

1 Suffolk County Planning Commission 2/3/10 29

2 That's approximately an 18-month study
3 period, looking at the transportation traffic
4 issues in the vicinity of Sagtikos Parkway
5 and the Expressway, which is one of the
6 identified growth areas in the county, and
7 indeed is the subject of the Heartland Town
8 Square application, which is the largest
9 development application in the history of
10 Suffolk County. So we will certainly keep
11 you posted, and we will certainly be
12 involving the four towns that consist of that
13 area.

14 Next would be, as I mentioned, the
15 comprehensive water resources study. It's
16 heading towards completion. We believe, from
17 the information we've received from health
18 services, sometime this summer. This has
19 been a multiyear effort, but it contains a
20 lot of original research in terms of
21 groundwater sampling, groundwater flow
22 conditions, and contributing areas, and so
23 forth. We've provided a lot of county
24 planning department staff time towards this
25 effort. Not as much as the health

1 Suffolk County Planning Commission 2/3/10 30

2 department, certainly, but it's important for

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3 this commission to be aware of that. And
4 certainly it's important for us in the
5 comprehensive plan of the county to -- to be
6 aware of that and to use that information as
7 it becomes available.

8 And lastly, Sunrise Highway, in terms of
9 planning updates. As this commission knows,
10 we -- the department was directed by the
11 county executive to complete a study of
12 Sunrise Highway Corridor, with the direct
13 involvement of both the Towns of Islip and
14 Brookhaven, as well as New York State
15 Department of Transportation and Suffolk
16 County Department of Public Works.

17 That study has been completed in draft
18 form. We did receive a comment back from the
19 Town of Brookhaven that we are reviewing in
20 terms of some suggestive modifications to the
21 plan. So we are seeking to bring that to a
22 conclusion soon.

23 The next item related to Sunrise
24 Highway, the State of New York Department of
25 Transportation is also doing a corridor study

1 Suffolk County Planning Commission 2/3/10 31
2 on Sunrise Highway that is further to the
3 east of the main area that we studied.
4 Theirs has a little bit of a different focus
5 than ours, more directly related to
6 transportation issues. That is proceeding
7 and there are public meetings coming up later

8 on this month. Here again, Dan is serving as
9 the staff contact on that job as well.

10 Just a couple of environmental matters,
11 or general matters. I have indicated the
12 department has been charged by the county
13 executive and legislature with a number of
14 water quality improvement projects in terms
15 of feasibility planning efforts.

16 One of which was the Robinson Duck Farm
17 site next to the Wertheim Federal Wildlife
18 Refuge, a former duck farm that the county
19 purchased in 1991. It's sited in a critical
20 environmental area -- lower case letters on
21 that -- and -- but it is one that's directly
22 on the Carmans River and directly impacts
23 that.

24 So we have been working with a working
25 group of residents, of Wertheim Wildlife

1 Suffolk County Planning Commission 2/3/10 32
2 Refuge staff members, and so forth, the Town
3 of Brookhaven, and we are now in the process
4 of finalizing that study. It's been a
5 one-year planning effort that will be
6 completed in the end of -- at the end of
7 March, and we will certainly be happy to
8 share the outcome of that report with this
9 commission.

10 Similarly, we've been given direction to
11 do a similar study on feasibility of

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12 restoring, here again, a damaged site known
13 as the former Gallo Duck Farm on Mud Creek in
14 East Patchogue, where the county has
15 extensive holdings in that vicinity.

16 What's interesting, too, is that
17 although it was a very active duck farm for
18 many years, the duck farm closed probably
19 30 years ago, this is actually the only
20 indigenous trout population left in Suffolk
21 County. So this has not been genetically
22 mixed with introduced stock trout and so
23 forth. So it still has a high environmental
24 quality despite the impact of the duck
25 farming operation.

1 Suffolk County Planning Commission 2/3/10 33

2 So we do have funding to commence this
3 feasibility study. So as Robinson winds
4 down, we'll then move that to the design and
5 then ultimately the construction phase, Mud
6 Creek will now gear up in the feasibility
7 study.

8 In terms of the Yaphank County Center,
9 the county is proceeding with the development
10 of an environmental impact statement, which
11 the department will be administering that
12 process. The Suffolk County Legislature
13 yesterday issued a Positive Declaration.
14 Suffolk County is the lead agency. There was
15 a coordinated review and no other agency
16 stepped forward.

17 And also the resolution calls for the
18 preparation of an impact statement,
19 obviously, and also public scoping. So we're
20 now gearing up to commence scoping sometime
21 in the near future. Now, whether that's
22 going to be a month or two months, that will
23 be determined as we -- as we get into this a
24 little bit further, but, here again, I'll
25 keep the commission posted on that.

1 Suffolk County Planning Commission 2/3/10 34

2 And then, lastly, I'd inform the
3 commission on Chapter 8, which is the county
4 code that deals with the county's purchase of
5 development rights program. We've been
6 working probably for about the past 18 months
7 on updating that, not only from a
8 housekeeping standpoint but also from a
9 policy standpoint. For example, allowing for
10 the first time alternative energy systems on
11 county PDR. Within limits, but allowing wind
12 turbines, solar panels, geothermal, and so
13 forth, in support of agricultural operations.
14 That's one example of the new initiative
15 that's included in that package.

16 The county executive has taken the
17 recommendations that we provided and
18 introduced the bill yesterday to the
19 legislature to adopt these changes. So that
20 will go through a public hearing process with

21 02 03 10_Planning_Commission.txt
the legislature, with ultimate decision by
22 the legislature as to whether to enact or
23 not.

24 And then just the last general item is
25 in terms of the budget for this year.

1 Suffolk County Planning Commission 2/3/10 35

2 The department went through a couple of
3 budget cuts last year. The county executive
4 then submitted a budget that did provide for
5 additional funding for the comprehensive plan
6 and so forth. We're in very difficult times.
7 The ultimate budget that was adopted to the
8 budget process resulted in less funds than we
9 planned for, including -- pretty much,
10 there's no other funding left in the
11 comprehensive plan at this point. So -- we
12 had hoped to get a little extra funding in
13 terms of some assistance in undertaking that
14 effort.

15 We also got a directive, an executive
16 order about a week and a half ago indicating
17 that the current budget will be subject to a
18 10 percent cut on discretionary items. So
19 it's extremely tight. I'll just give you one
20 quick example. We had a certain amount of
21 money for paper and ink cartridges and things
22 like that. That was cut. But we have the
23 first bill of the year, just to -- here
24 again, just general restocking of those basic
25 supplies, and we've already spent 20 percent

1 Suffolk County Planni ng Commi ssi on 2/3/10 36

2 of that. So --

3 So it's going to be very tight. And the
4 only reason I'm mentioning that is we're
5 going to, obviously, live within our means.
6 And for certain things, I'll give you a
7 warning if we, you know, have limitations on
8 what we can do or provide; graphics and
9 things of that nature. We'll certainly do
10 the best we can, but we also understand
11 the -- the circumstances are pretty bad, and,
12 here again, we may have to limit products and
13 services that we can provide to some extent.
14 Just to put you on notice or make you aware
15 of that situation.

16 Thank you very much.

17 DEPUTY DIRECTOR GULIZIO: I was thinking
18 of --

19 COMMISSIONER HOLMES: May I ask --

20 DEPUTY DIRECTOR GULIZIO: -- passing
21 around a hat following most --

22 COMMISSIONER HOLMES: -- a question?

23 DEPUTY DIRECTOR GULIZIO: -- committee
24 meetings from now.

25 COMMISSIONER HOLMES: Should we donate

1 Suffolk County Planni ng Commi ssi on 2/3/10 37

2 our used cartridges?

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(Laughter)

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COMMISSIONER HOLMES: May I ask a question of --

CHAIRMAN CALONE: Yes, Commissioner Holmes.

COMMISSIONER HOLMES: Tom, in the acquisition area, we were told recently at a public hearing on Shelter Island --

DIRECTOR ISLES: Yeah.

COMMISSIONER HOLMES: -- that the county had indicated interest in purchasing an additional amount of property on the Ram Island Causeway. The county already owns the 33 acres there. And I wondered if you had any information on that interest. They are interested in partnering with the town, and we had -- I had earlier been told the town had used all its 2 percent money, but evidently, the town would be able to, you know, partner with the county on that.

Do you have any information?

DIRECTOR ISLES: This is the parcel wherein the name of the owner starts with a

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"Z," I believe it is?

COMMISSIONER HOLMES: Zagoreos.

DIRECTOR ISLES: Zagoreos.

COMMISSIONER HOLMES: Right. Yes.

DIRECTOR ISLES: I didn't remember the exact name.

8 COMMISSIONER HOLMES: Yes.
9 THE REPORTER: Zagoreos?
10 DIRECTOR ISLES: Can you spell that?
11 COMMISSIONER HOLMES: Z-A-G-O-R-E-O-S.
12 THE REPORTER: Zagoreos.
13 CHAIRMAN CALONE: Just look him up on
14 Facebook.
15 DIRECTOR ISLES: Yes, I am familiar with
16 the property. It was brought to my attention
17 about three weeks ago.
18 Our principal environmental analyst has
19 begun reviewing that. It does appear to be
20 consistent with the county's open space
21 acquisition program. As you indicated, there
22 are substantial county holdings in that
23 vicinity.
24 We typically don't buy developed lots.
25 However, under the open space program --

1 Suffolk County Planning Commission 2/3/10 39
2 however, we understand that structure was
3 damaged by fire and --
4 COMMISSIONER HOLMES: Right.
5 DIRECTOR ISLES: -- and is substantially
6 gone essentially. And, here again, it's in
7 a -- it's in a location where there's
8 substantial county holdings presently, where
9 it's environmentally sensitive in terms of
10 the wetlands in the immediate vicinity. It's
11 also in a flood hazard zone.

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COMMISSIONER HOLMES: Yes.

DIRECTOR ISLES: There's this spit that connects up to Ram Island and so forth. So we believe that there is a county interest in -- in pursuing a partnership purchase with the Town of Shelter Island. However, at this point, there is not a legislative authorization to do an appraisal and so forth, but that is -- that would be the next step.

So it appears to qualify based on county criteria. And, you know, over the next probably two or three weeks, we'll know if it's going to be introduced or not.

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Suffolk County Planning Commission 2/3/10 40

COMMISSIONER HOLMES: We are hoping --

The owner of the property was at this public hearing, and did indicate to the East End -- the group for the East End --

DIRECTOR ISLES: Right.

COMMISSIONER HOLMES: -- that he would be willing to sell the property. Because what he's asking the town board to do is to give him a permit to intrude further on the wetland to destroy -- to take down the house that's there. And then he made an application to build a new structure, which would have to be on stilts and nearer the road, but he indicated that he would be willing to sell the property.

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So j ust so you know.

18

DIRECTOR ISLES: Okay.

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COMMI SSI ONER HOLMES: Thank you.

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CHAIRMAN CALONE: Thank you,

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Commi ssi oner Hol mes.

22

Anyone el se wi th any comments or

23

questi ons for Di rector Isl es?

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(WHEREUPON, there was no response.)

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CHAIRMAN CALONE: Seei ng none, I' ll j ust

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Suffol k County Pl anni ng Commi ssi on 2/3/10 41

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take the opportuni ty to remi nd everyone that

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you are all i nvi ted to the State of the

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County Address toni ght, whi ch I bel i eve you

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shoul d have all received that i nvi tati on vi a

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e-mai l from the county executi ve's offi ce.

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And it wi ll be at 7 o' clock toni ght at the --

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at SUNY/Stony Brook, so it's requested that

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everyone be there by 6:45. So I hope to see

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some of you there toni ght.

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At thi s poi nt we' ll move on to our guest

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speakers. We' re honored to have Gerry Bogacz

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from the New York Metropol itan Transportati on

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Counci l, whi ch i s frequentl y, Teri, called

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NYMTC.

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But I' ll -- i ntroduci ng Gerry -- well, I

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bel i eve Bob Shi nni ck i s goi ng to come up and

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say hel lo or -- it's good to have Bob here,

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some of you know Bob.

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And so wel come, Mr. Shi nni ck, and thanks

21 02_03_10_Planning_Commission.txt
for being here.

22 DIRECTOR ISLES: Bob's the Director of
23 Transportation.

24 CHAIRMAN CALONE: Right. Sorry.

25 And Bob's the Director of Transportation

1 Suffolk County Planning Commission 2/3/10 42
2 for Suffolk. Yes.

3 MR. SHINNICK: Yeah, I'm Bob Shinnick,
4 Director of Transportation Operations with
5 the County Department of Public Works. Our
6 agency is responsible for basically
7 transportation planning. We do a number of
8 studies for the county on an ongoing basis.
9 We also operate and manage and plan the
10 county bus system, and we are responsible for
11 filing and administering federal transit
12 grants on behalf of the county and in
13 cooperation with towns and villages for
14 projects that they may wish to undertake.

15 And we're also on a daily basis --
16 actually, day-to-day basis, the
17 representative of the county to New York
18 Metropolitan Transportation Council, which is
19 an acronym, NYMTC. And in order for federal
20 money to flow to a project in a region,
21 federal requirements necessitate that certain
22 planning activities be undertaken. And, in
23 this case, by a Metropolitan Planning
24 Organization, an MPO. The MPO for the
25 New York Metropolitan area is NYMTC, which

1 Suffolk County Planning Commission 2/3/10 43
2 consists of New York City and the five
3 downstate surrounding suburban counties.
4 The council itself is represented by
5 principals from each of those counties, as
6 well as the planning commissioner from the
7 city as -- and the transportation committee
8 from the city. There are voting members also
9 that include the MTA, New York State DOT.
10 The council also is party to various
11 federal agencies that come in and sit and
12 help discuss and guide planning in the -- in
13 the region for transportation projects.
14 The -- the -- the council itself has
15 some very basic responsibilities, but they're
16 very broad. One is to establish a regional
17 transportation plan, which Gerry will be
18 presenting in a few minutes. That's updated
19 periodically, and it's basically every three
20 years. And it's an ongoing document, it's
21 amended constantly because the complexities
22 of the transportation issues in the region.
23 It also is a clearinghouse or the
24 gateway for projects to get onto what's
25 called the transportation improvement

1 Suffolk County Planning Commission 2/3/10 44
2 program. Through NYMTC, the projects are

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3 researched for their qualifications in terms
4 of whether or not they're eligible for
5 federal funding, and whether or not they're
6 part of the transportation plan.

7 And the other basic responsibility that
8 the agency has is to do the planning itself
9 using federal funding, and to make sure that
10 other planning activities related to
11 transportation are consistent with federal
12 guidelines and -- and what really the
13 community wants. And this is a big
14 community, the New York Metropolitan area, so
15 there's a lot of outreach activity that goes
16 on.

17 The agency has many committees.
18 There -- there -- anything imaginable with
19 road and freight and transit transportation
20 activities in the vicinity, believe me, with
21 NYMTC. The meetings are endless, but they
22 are very valuable and very productive.

23 I'm not going to take anymore of Gerry's
24 time. I know it's a -- it's a -- it's a very
25 interesting plan. I think you're going to

1 Suffolk County Planning Commission 2/3/10 45
2 find what he has to say is -- it's
3 challenging to the region financially and
4 otherwise, but it's a -- it's a plan that is
5 different than has been issued by any other
6 set of council members in the past. This
7 one, for the first time, has the active

8 involvement of all of the county executives
9 in the region, as well as, as I mentioned,
10 the principals in New York City.

11 So Gerry Bogacz is the Planning Director
12 for the New York Metropolitan Transportation
13 Council, and this is his presentation.

14 CHAIRMAN CALONE: Thank you, Bob. And
15 while Gerry's coming up, we'll look forward,
16 Bob, to having you back I think maybe next
17 month or the month after to talk about the
18 new bus plan, once you get that finalized.

19 MR. SHINNICK: Anytime you want.

20 CHAIRMAN CALONE: Great.

21 MR. SHINNICK: Happy to do it.

22 CHAIRMAN CALONE: Thank you, sir.

23 And welcome, Mr. Bogacz. If you could
24 just spell your last name --

25 Well, actually, you have that; right,

1 Suffolk County Planning Commission 2/3/10 46

2 Teri?

3 THE REPORTER: Yes, I do.

4 CHAIRMAN CALONE: Okay. We're good.

5 Please proceed.

6 MR. BOGACZ: So thank you to the
7 commission for your time this afternoon on
8 your agenda. I want to point out how much
9 Bob Shinnick actually does with NYMTC. It is
10 true we have a lot of meetings and committees
11 and so forth. He represents Suffolk County

12 very, very well, so we're -- we're lucky to
13 have him there.

14 What we've been doing is going around
15 the region, basically, talking to planning
16 commissions and planning boards in each of
17 the counties, as well as transportation
18 boards where they exist, and in New York
19 City, and other groups. We've talked to the
20 Long Island Regional Planning Council here
21 about this plan, which was developed with
22 Suffolk County's participation, as a way of
23 describing to people what's in it and what
24 the impacts are of what's in it, and also
25 to -- to get more information out there about

1 Suffolk County Planning Commission 2/3/10 47
2 this planning process, which is pretty
3 complicated, and it's important to each of
4 the member agencies of this council. So
5 that's what we've been doing, and this is one
6 of those steps, and we appreciate the
7 opportunity to do it here.

8 I just want to point out some people
9 here who had a hand in this, quickly.

10 Jan Khan --

11 Jan, if you just raise your hand.

12 He's our manager of long-range planning.
13 He did a tremendous amount of work over the
14 last three years to bring this thing
15 together.

16 Leslie Fordjour is a staff member of

17 Jan's who contributed to that.

18 And Nancy O'Connell right here runs
19 our -- our Long Island office. We do have
20 satellite offices and she's responsible for
21 our office here in Hauppauge.

22 So thank you for being here, folks, and
23 thanks for your contribution.

24 We do also had some handouts that went
25 around. Obviously, not everything in the

1 Suffolk County Planning Commission 2/3/10 48

2 slide presentation is going to be obvious, so
3 you have some backup and I'll try to refer to
4 that as we -- as we get into it.

5 So, John, I think we can go to the next
6 slide.

7 MR. CORRAL: (Compl ying)

8 MR. BOGACZ: What is NYMTC?

9 Well, Bob did a great job in descri bing
10 it.

11 Again, it's a regional council of
12 governance. There's over 350 of these bodies
13 throughout the country. They're required by
14 federal legislation. If you want to get
15 federal dollars for transportation, and
16 Metropolitan areas do, then you need to have
17 a regional council and follow the prescribed
18 process from the federal government. And
19 that's what NYMTC essentially does. Bob went
20 through the membership of NYMTC.

21

Next slide.

22

MR. CORRAL: (Compl ying)

23

MR. BOGACZ: This is the area we cover

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(indicating). Because of the diversity of

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this area, we are subdivided into standing

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Suffolk County Planning Commission 2/3/10 49

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committees called "Transportation

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Coordinating Committees," so there is --

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or TCCs. There is a TCC here out on

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Long Island. Some of the discussion happens

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at the TCC level, the rest of it happens at

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the regional level.

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Next slide.

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MR. CORRAL: (Compl ying)

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MR. BOGACZ: Now, long-range planning in

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our region is actually quite fragmented.

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You have the counties, the suburban

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counties, and -- and you're doing long-range

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planning for the parts of the transportation

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system that you're responsible for. In the

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case of Suffolk County, that's the bus

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system. You're also responsible for some

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number of county roads, some between mileage

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of county roads, and there may be other

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things in there, and you're doing your

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planning for that, as are all the other

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suburban counties.

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And then you have the city agencies and

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the state agencies. The city obviously, city

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planning, will keep focusing on their

1 Suffolk County Planni ng Commi ssi on 2/3/10 50
2 jurisdic tions in New York Ci ty, state roads
3 clearly ul travasive throughout the entire
4 area. And, finally, you have the two large
5 authori ties, the Port Authori ty in New Jersey
6 and the MTA, planni ng for what they're
7 responsi ble for.

8 So that's all happeni ng. And the
9 process that Bob and I are descri bi ng does
10 not supercede that in any way. Rather it
11 brings that together --

12 If you can push one more time.

13 MR. CORRAL: (Compl yi ng)

14 MR. BOGACZ: -- and brings that planni ng
15 together into the regional table. And
16 hopefully what results is -- is a document
17 and a process where the sum is greater
18 than -- I'm sorry, where the whole is greater
19 than the sum of its parts. That it's not
20 just segued together, a bunch of long-range
21 plans into a regional plan, and I think
22 you'll see that -- where there's value to
23 comi ng together wi th a regional table.

24 The planni ng process is complicated but
25 has been simpl i fied in thi s parti cul ar chart.

1 Suffolk County Planni ng Commi ssi on 2/3/10 51
2 The regional transportati on plan, obvi ousl y,

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3 is a foundation. It gives a long-range look.
4 It's a required product. All these products
5 are required by the federal government.

6 Once that long-range look is out there
7 and there are concepts in the long term, we
8 bring in federal planning dollars; some of
9 which funds the Sagtikos study that -- that
10 Tom mentioned. Also the bus study; right,
11 Bob, there's some federal dollars in that
12 through this process?

13 MR. SHINNICK: Yeah.

14 MR. BOGACZ: That -- that helps to
15 define the improvements for federal funding.
16 And those improvements then get to the
17 right-hand side to the transportation
18 improvement program. There are over
19 1,400 improvement projects in our current
20 program. And ultimately that leads to the
21 implementation.

22 So this entire process is really to
23 bring a region to a conclusion on what needs
24 to be funded, and ultimately -- federally,
25 and ultimately, to implement those projects.

1 Suffolk County Planning Commission 2/3/10 52

2 We did a lot of outreach with -- I mean,
3 this -- this -- taking the plan around to the
4 commissions and the boards and so forth is
5 only one step in the process. That happened
6 before the plan was adopted. And I'm not
7 going to go through the slide in detail, but

8 just know that this has been a three-year
9 process. It featured a number of points
10 where there was public community involvement
11 in the process.

12 The third bullet from the bottom, the
13 20 public workshops in September/October of
14 2008, we went out and we tried to get as much
15 information as we could from the interested
16 public stakeholders, the member agencies,
17 obviously, to bring all this information
18 together in this plan. So I just wanted to
19 underscore that there was a significant
20 amount of public outreach done here. Of
21 course, we would -- our challenge is to have
22 a conversation with 12 million people, which
23 is difficult.

24 One of the -- the themes of the plan is
25 that there is a shared future that involves

1 Suffolk County Planning Commission 2/3/10 53
2 growth. And the forecast that we're doing,
3 the forecast that our constituent members are
4 doing also, that there is going to be
5 significant growth in population, employment
6 in -- in the region over the next 25 years,
7 even in light of what's happening now with
8 the economy. And that is going to lead to
9 more travel, obviously. And -- and that's
10 the challenge.

11 That's the challenge of growth, because

12 we all know what the transportation system is
13 right now in terms of, you know, traffic
14 congestion, we have a unique (inaudible), and
15 you have -- actually have transit congestion.
16 There are even areas in the region where
17 there's pedestrian congestion.

18 So that is a major challenge, that's one
19 of the themes of the plan. And these slides
20 just show some of our forecasts of what's
21 going to happen with that congestion, in the
22 broad term. And we have these details in a
23 report that I'm not going to go through, but
24 it is a requirement that we do this.

25 You'll see on some of these, that,

1 Suffolk County Planning Commission 2/3/10 54
2 again, vehicle miles were traveled, all
3 forecasts to grow. On places like Long
4 Island, vehicle miles of travel are high now,
5 and they're going to get higher in these
6 forecasts. And that's going to cause
7 additional delays, additional person hours of
8 delay. This is all not very surprising, but
9 it's the type of context we have to do for
10 this planning document.

11 Keep going.

12 MR. CORRAL: (Compl ying)

13 MR. BOGACZ: And we also do -- we also
14 look at where travel is occurring in the
15 region. What's happening within -- within
16 the subareas, what's happening between the

17 subareas. Again, growth is forecasted.

18 This particular next slide shows auto
19 trips, the next slide shows transit trips.
20 Just to demonstrate to you that there's a lot
21 of technical background in this plan, and
22 that's really the basis for the planning.

23 Another context for the plan is
24 overarching issues. We did look out and say,
25 What is happening in the world that's going

1 Suffolk County Planning Commission 2/3/10 55
2 to affect what we're doing in this region,
3 both in terms of transportation and just
4 generally. And you can see the five themes
5 of overarching issues that we've identified
6 for the plan right here (indicating). None
7 of them are very surprising.

8 Next.

9 MR. CORRAL: (Compl ying)

10 MR. BOGACZ: Now, Bob did mention that
11 the principal members of NYMTC, which
12 includes County Executive Levy here in
13 Suffolk County, did collaborate and come to
14 consensus on a shared vision that is
15 represented in this plan. And the first part
16 of that shared vision are five shared
17 regional goals, and that's this next slide.

18 Pretty much motherhood and apple pie,
19 but they are statements that the county
20 executives agreed to and feel should become

02 03 10_Planning_Commission.txt
21 the framework of the planning process. So
22 we've done work to expand these into outcomes
23 and objectives that are represented in the
24 plan, and go beyond these five statements to
25 try to provide that framework, because that's

1 Suffolk County Planning Commission 2/3/10 56
2 what they want us to -- as a region, they
3 want us to look in this -- in these
4 dimensions.

5 So the five shared goals are the first
6 part of the shared vision.

7 The second part is, four foundation
8 projects.

9 Okay. These are major projects that
10 have passed through the planning process and
11 are on their way to implementation. And I'm
12 sorry that you can't see this in more detail
13 here, but they are Long Island Rail Road east
14 side access, between Grand Central Terminal;
15 the 2nd Avenue subway, the full length
16 2nd Avenue subway; the extension of the
17 Number 7 subway in midtown to the far west
18 side; and New Jersey transit's access to the
19 region's core tunnel from northern New Jersey
20 into Midtown Manhattan.

21 So they are all focused on the core of
22 the region, you know, but they pass through,
23 they are initial -- they are essentially the
24 region's top priorities right now, but they
25 are foundation projects. They are foundation

1 Suffolk County Planning Commission 2/3/10 57
2 projects for -- they are down payment on
3 improvements to mobility. And the planning
4 goes beyond, but this is an essential part.
5 The completion of these four projects is
6 something that the principal members have
7 committed to.

8 Interestingly and uniquely in this plan,
9 the principal members decided to look beyond
10 transportation and look at land use
11 regionally, and that took the form of ten
12 desired growth areas.

13 Now, as you know, there is no -- I mean,
14 it's a home rule state, land use decisions
15 are made at the local level. Apart from
16 New York City, that means local
17 municipalities. You are not directly
18 represented in this process. However, there
19 is master planning happening in all the
20 counties now, and out of that comes specific
21 land use emphases that can be used on a
22 region basis. That's what resulted in these
23 ten desired growth areas; five of them are in
24 New York City, and one each in the suburban
25 counties.

1 Suffolk County Planning Commission 2/3/10 58
2 And, again, the -- the principal

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3 members, including County Executive Levy,
4 have agreed that these are the regional level
5 desired growth areas. And that's not to say
6 that there aren't other desired growth areas
7 in the counties, these are the regional level
8 desired growth areas.

9 Given the growth that's projected to
10 occur, and the transportation system around
11 these areas, and from improvements that we're
12 proposing to make to that transportation
13 system, it's possible to more effectively
14 serve growth in these areas if it can be
15 directed there -- or incented there. And
16 that, in and of itself, will have an impact
17 on the future of the region, because at least
18 some of the growth will be -- will be
19 accommodated more efficiently in the
20 transportation sense. And our numbers right
21 now are showing that these ten areas should
22 accommodate about 25 percent of the projected
23 commercial development in the forecast for
24 the region.

25 So you're not talking about a majority

1 Suffolk County Planning Commission 2/3/10 59
2 of it, but you're talking about a significant
3 margin here, and even accommodating that
4 growth more efficiently will help the region
5 in the future.

6 So the next part of the shared vision
7 are the strategic regional investments.

8 These are the second generation investments
9 beyond the foundation projects. And these
10 are all mobility improvements, they're all
11 large projects.

12 The first set I'm going to show you here
13 on this map -- and, actually, you have
14 details about this in your handout, there are
15 lists that show all these projects.

16 This first set are related to the growth
17 areas. These are investments that are
18 suggested to make the growth areas possible
19 by optimizing the growth areas to accommodate
20 as much growth as possible in the growth
21 areas. The Long Island Rail Road third
22 track, the main line third track is very
23 common on Long Island there, as well as other
24 investments in the Nassau hub area, and the
25 Brentwood/Hauppauge area focused on the

1 Suffolk County Planning Commission 2/3/10 60
2 Sagtikos regional development zone.

3 These are the -- the consensus
4 investments -- large investments that will
5 make the desired growth areas possible and
6 make them the most efficient that they can
7 be.

8 The other set of strategic investments,
9 and there are 28 in total, are not related to
10 the growth area.

11 John, if you could just --

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MR. CORRAL: (Compl ying)

MR. BOGACZ: And they recognize the fact that there is overall regional growth. That, you know, not all the growth's going to be in the growth areas, there's going to be other ambient growth, and that has to be accommodated also. And so these projects are directed more at the overall growth. And they do include areas outside of our planning area, like Stewart Airport, which is important to the Hudson Valley down -- but it's not actually in the planning area. But still, its impact is -- is important, and that is -- that is captured in the plan. You

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can see some of the projects there that -- for Suffolk County that, as County Executive Levy thought, is very, very important for accommodating future growth.

The last part of the shared vision I'm not going to go through in a lot of detail. They did give us some strategic policy guidelines in areas related to regional decision making, other areas related to the design operations of the transportation system. A lot of detail about that in the plan, but not enough time to maybe go through them in detail, but you see what some of the topics are.

And, finally, there are other

17 investments in the plan. These -- these big
18 overarching 28 regional projects are not even
19 the sum total of what's identified in the
20 plan. One of the biggest messages in the
21 plan is that we have an enormous
22 transportation system. It tends to be old.
23 Both highways and transit and the state of
24 good repair costs are high due to that. And
25 there's an overhead in our region just to

1 Suffolk County Planning Commission 2/3/10 62
2 achieve and maintain a state of good repair,
3 and operate and maintain the system we
4 already have, which does, in fact, limit our
5 ability to improve that system and improve
6 mobility, but it's the reality of our vast
7 transportation system.

8 There are also other local projects,
9 proposals, and studies identified in the
10 plan, and we just gave you a -- this is an
11 example of one of our maps for Suffolk County
12 which these -- these also take the form of
13 lists in the plan, showing the types of
14 concepts, proposals, studies, and so forth
15 that the plan is identifying in Suffolk
16 County.

17 So it's not just those 28 regional
18 investments, there's also a catalog, smaller
19 needs and investments within the plan.

20 CHAIRMAN CALONE: Gerry, is that in our

21 02_03_10_Planning_Commission.txt
packet? I didn't -- I didn't see that.

22 MR. BOGACZ: The map is not.

23 CHAIRMAN CALONE: Okay. I'm interested
24 to see that if you guys could e-mail that at
25 some point.

1 Suffolk County Planning Commission 2/3/10 63

2 DIRECTOR ISLES: I think we have that.

3 CHAIRMAN CALONE: Okay.

4 DIRECTOR ISLES: We have a copy of this
5 presentation.

6 CHAIRMAN CALONE: Oh, great.

7 MR. BOGACZ: Okay. We'll do that.

8 Keep going.

9 MR. CORRAL: (Compl ying)

10 MR. BOGACZ: Now, the last thing I want
11 to talk about is one of the things that we're
12 required to do in the plan is to actually do
13 a long-range financial assessment for the
14 region. And I want to underscore that this
15 is not by any means a budget or a checkbook
16 or -- you know, it's a long-range assessment
17 which contains many, many assumptions about
18 all kinds of different aspects of both need
19 and resources. But it is required, and then
20 the reason it's required is that the federal
21 government wants us to demonstrate in a
22 planning sense that the region will have the
23 capacity to -- to achieve any investments it
24 decides to make. So when we bring --

25 The plan is basically divided into a
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1 Suffolk County Planni ng Commi ssi on 2/3/10 64
2 fi scally constrained element and a vi sionary
3 element. When we're bri ngi ng projects from
4 the vi sionary element into the
5 fi scally-constrained element, we have to
6 demonstrate that they could be accommodated.
7 And that, in fact, is the gate -- the
8 gatekeeper in a sense. It's the gate to the
9 federal fundi ng, because then that's telli ng
10 the federal government that yes, we think
11 we'll have the resources in the long term to
12 actually accompli sh whatever the project is.

13 So we had to go through thi s exerci se
14 and we had to actually age the system, the
15 entire transportation system in the regi on,
16 through the period of the plan. We had to
17 calculate the operati on of our maintenance
18 needs to the system. We had to, obvi ously,
19 estimate what the foundati on projects would
20 cost. And then there's a number of a smaller
21 safety and (i naudi ble) projects that are in
22 the fi scally-constrained plan or in the
23 depth. And when you add that all up, you
24 come out to total needs that approach a
25 trilli on doll ars up to a 25-year peri od.

1 Suffolk County Planni ng Commi ssi on 2/3/10 65
2 Those are in year-of-expendi ture doll ars,

02 03 10_Planning_Commission.txt
3 those are inflated to the year that the
4 expenditures would actually happen. So --
5 but it's still an interesting figure.

6 We forecast resources at about
7 \$998 million for that period, showing the
8 balance available of about 12.3 billion --
9 with a B -- billion, for everything else.
10 Okay. So, again, this -- this really
11 underscores the -- the state of good repair
12 overhead, because 96 percent of those needs
13 are focused on state of good repair
14 operations and maintenance because of the --
15 of the huge system that we have.

16 Go to the next slide.

17 MR. CORRAL: (Compl ying)

18 MR. BOGACZ: When we look at the
19 resource side -- and, again, you know,
20 there's a -- there's a whole host of
21 assumptions here about future federal
22 legislation and what we might get from that,
23 what's going to happen at the state level,
24 what about the local level -- you can see
25 some of the sources that we're forecasting in

1 Suffolk County Planning Commission 2/3/10 66
2 the future here; federal, state, MTA, local
3 municipalities. We also forecast some
4 potential travel-based revenues that would be
5 needed to supplement. These would be
6 capturing additional value from vehicular
7 travel, essentially. That's detailed in the

8 plan. The plan does not prescribe how to do
9 that, but it does indicate that there is a
10 need to supplement to be able to accommodate
11 all our needs and try to expand beyond those
12 needs.

13 CHAIRMAN CALONE: But that includes
14 things like subway fares, as well? I mean --

15 MR. BOGACZ: Well, subway fares are
16 actually considered to be part of the
17 operational revenues. These are above and
18 beyond subway fares. And they -- it is
19 focused on vehicles, not -- basically, it's
20 capturing additional value for each vehicle
21 mile of travel in the region.

22 CHAIRMAN CALONE: So these values are --
23 whether it's tolls or taxes or --

24 MR. BOGACZ: Right.

25 CHAIRMAN CALONE: -- whatever.

1 Suffolk County Planning Commission 2/3/10 67

2 MR. BOGACZ: It could be -- it could --
3 yeah. There's a whole host of -- of
4 potentials that are outlined in the plan, but
5 the members of NYMTC are not in a position to
6 say it should be this, that, or the other --

7 CHAIRMAN CALONE: Right.

8 MR. BOGACZ: -- but those are all
9 legislative actions that have to be made.
10 But it does underscore, if you look at that
11 in some detail, that there is a need for

02 03 10_Planning_Commission.txt
12 additional revenue here to even begin to meet
13 some of these mobility needs.
14 Next slide.
15 MR. CORRAL: (Compl ying)
16 MR. BOGACZ: But when you look at those
17 28 projects -- and -- and it's difficult to
18 put a real cost estimate on some of them,
19 because some of them are very conceptual at
20 this stage, and it's really you're taking an
21 estimated guess -- but there's at least
22 \$50 billion of -- of investments there, at
23 least. And, you know, if you look at the
24 long-range financial assessment, we're
25 showing that there's a balance of about

1 Suffolk County Planning Commission 2/3/10 68
2 12.3 available for things other than state of
3 good repair or operations and maintenance.

4 So we are saying in the long-term that,
5 essentially, we have about a quarter of the
6 resources that would be needed to make all
7 those strategic investments, and that's with
8 the additional capture from vehicle miles and
9 travel also.

10 So that's a major message coming out of
11 the plan, in addition, is that looking at
12 different ways to do those major investments
13 beyond the mainstream sources that we usually
14 plan for and use, it is an important thing to
15 look at down the road. And, of course, this
16 is a long-range plan, you're talking about

17 25 years down the road. We have problems
18 right in front of us right now, as we all
19 know, here in Suffolk County. So it's hard
20 to look 25 years down the road when you have
21 things in front of you.

22 But this is an exercise that we have to
23 do to plan. It's an interesting result for
24 the region to consider, and it has real
25 impact in terms of our ability to move these

1 Suffolk County Planning Commission 2/3/10 69
2 major projects through the planning process
3 to implementation because we're not showing
4 that we have the financial capacity to do all
5 \$50 billion worth of strategic investments,
6 and that's going to have an impact.

7 And so I think that's the last one;
8 isn't it, John?

9 MR. CORRAL: (Head gesture)

10 MR. BOGACZ: Yes. Well, other than the
11 further information, of course.

12 I just went through this very, very
13 quickly, and there's a lot more detail on the
14 plan; more detail than you'd ever want,
15 actually. So you can go to the Web site and
16 see different parts of this, and we'll get
17 you the -- the project list so you can get to
18 see that.

19 You can also contact Jan and he'll
20 answer any questions that you have. But that

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21 concludes the presentation in your agenda,
22 but I'll be happy to answer --
23 COMMISSIONER HOLMES: Could I ask --
24 MR. BOGACZ: -- I'm sure there are --
25 are some.

1 Suffolk County Planning Commission 2/3/10 70

2 COMMISSIONER HOLMES: -- a question?

3 CHAIRMAN CALONE: Yes.

4 Commissioner Holmes.

5 COMMISSIONER HOLMES: What is this

6 brouhaha I am hearing about the MTA

7 terminating rail service to Greenport?

8 MR. BOGACZ: I can answer that this

9 way -- I knew this was going to come up.

10 COMMISSIONER HOLMES: Did you know?

11 SECRETARY ESPOSITO: You're a psychic.

12 COMMISSIONER HOLMES: Yeah.

13 MR. BOGACZ: More than that.

14 COMMISSIONER HOLMES: He knows there are

15 East End people on this committee.

16 MR. BOGACZ: When we go back to that

17 financial forecast, when you're forecasting

18 the operational resources that might come

19 into a region, that's a forecast over

20 25 -- it's actually 26-year -- individual

21 budgets there. Budgeting is done on the

22 operations side on an annual basis, as you

23 know. So every year agencies are adopting

24 their operating budgets for whatever systems

25 they're responsible for. That includes the

1 Suffolk County Planning Commission 2/3/10 71
2 MTA, and a component of that is the
3 Long Island Rail Road.
4 Although there's a projection that's a
5 trend over time, that's going to go up and
6 down depending on economic conditions.
7 That's what -- what -- situations like the
8 one you're describing with the Long Island
9 Rail Road really are, those annual decisions
10 being made or those annual proposals being
11 made to be able to live within budgetary
12 constraints. Every agency goes through that
13 every year, basically. And some of the
14 proposals are popular, and some of them
15 aren't. So looking at it long-term --
16 COMMISSIONER HOLMES: They aren't.
17 MR. BOGACZ: -- but, you know, this
18 is -- when I -- when I was saying what's in
19 front of us now versus what's maybe in front
20 of us in 25 years or -- or down the whole
21 road, that's really what that's all about.
22 This is -- this is an immediate issue
23 that's -- that's come up that's been
24 proposed. There are operating issues --
25 issues with operating budgets across the

1 Suffolk County Planning Commission 2/3/10 72
2 board with -- with all the different

02 03 10_Planning_Commission.txt
3 upgrades, and there's a lot of struggle right
4 now to accommodate those budgetary
5 constraints.

6 COMMISSIONER HOLMES: Is it the MTA's
7 belief that the bus service will take up that
8 slack?

9 MR. BOGACZ: I -- I --

10 COMMISSIONER HOLMES: Is that part of
11 their thinking?

12 MR. BOGACZ: I can't speak --

13 COMMISSIONER HOLMES: Yeah.

14 MR. BOGACZ: -- to their thinking, I
15 really can't --

16 CHAIRMAN CALONE: Nor would you want to,
17 Gerry.

18 MR. BOGACZ: So I -- I don't know what
19 their rationale is there at this time.

20 COMMISSIONER HOLMES: Thank you.

21 CHAIRMAN CALONE: Gerry, if I can ask
22 you a question about the -- the trillion
23 dollars.

24 Two questions.

25 One, the sum of the foundation projects

1 Suffolk County Planning Commission 2/3/10 73

2 were part of that; correct?

3 MR. BOGACZ: Yes.

4 CHAIRMAN CALONE: Did that include the
5 ones aimed to the outlining counties, or is
6 that just the ones in the city?

7 MR. BOGACZ: That's just the four

8 foundation projects. The strategic
9 investments were not part of -- the two maps
10 I showed after that --

11 CHAIRMAN CALONE: Right.

12 MR. BOGACZ: -- those were 28 projects
13 that were not in the fiscal district, they're
14 not in the -- the projection of need.

15 CHAIRMAN CALONE: Okay. So the projects
16 that are foundational are the couple that
17 were, I think, clearly in Manhattan or --

18 MR. BOGACZ: Well, they're focused on --

19 CHAIRMAN CALONE: -- one crossed
20 Manhattan, one -- you know, the 2nd Avenue
21 Subway and others.

22 MR. BOGACZ: And one is the east side
23 access.

24 CHAIRMAN CALONE: Right. But things
25 like -- I mean, I saw the Tappan Zee Bridge

1 Suffolk County Planning Commission 2/3/10 74
2 was a \$16 billion expense. But that's --
3 that's not included as well as --

4 MR. BOGACZ: Not yet in the --

5 CHAIRMAN CALONE: -- the other
6 projects --

7 THE REPORTER: Okay. Stop. Stop.

8 MR. BOGACZ: Okay.

9 THE REPORTER: Stop talking over each
10 other. One at a time, please.

11 MR. BOGACZ: I'm a planner, that's what

12 02 03 10_Planning_Commission.txt
I do.

13 SECRETARY ESPOSITO: She does feel
14 better.

15 (Laughter)

16 CHAIRMAN CALONE: Teri's back.

17 MR. BOGACZ: I apologize.

18 CHAIRMAN CALONE: Okay. And then the
19 second question was, of the funding resources
20 that would allow us to get to a trillion
21 dollars over 25 years, you listed -- you
22 know, one of the bullet points was the
23 revenue enhancement from vehicular cost
24 add-ons, I guess.

25 SECRETARY ESPOSITO: That's a nice

1 Suffolk County Planning Commission 2/3/10 75
2 phrase.

3 CHAIRMAN CALONE: What percentage of
4 that -- I mean, you listed it as one of five
5 bullet points, but how much needs to come
6 from that from -- from -- from travelers?

7 MR. BOGACZ: We -- we estimate that --
8 our estimate in the plan is that if -- if
9 five -- an additional five cents is captured
10 for each vehicle mile of travel for a
11 15-year period, assuming a ten-year
12 start-up -- you can't -- you can't say that
13 this is just going to happen overnight. So
14 it would be a ten-year period where something
15 would be assembled, and then for 15 years of
16 the plan, we'd capture an additional five

17 cents for each vehicle mile of travel,
18 we'd -- you'd generate \$29 billion.

19 CHAIRMAN CALONE: And that's what's in
20 there?

21 MR. BOGACZ: That's what --

22 CHAIRMAN CALONE: Now, from five cents a
23 mile, I get 30 miles on my car per gallon, so
24 that's -- that's a -- that's a buck-fifty a
25 gallon extra. So that's, what? You know,

1 Suffolk County Planning Commission 2/3/10 76

2 almost doubling -- I mean, not doubling, but
3 it's -- you know, it's adding 50 percent at
4 least onto -- you know, the way you capture
5 that kind of -- conceptually, it's a
6 50 percent gas tax --

7 MR. BOGACZ: Well --

8 CHAIRMAN CALONE: -- or something like
9 that, on current -- on current --

10 MR. BOGACZ: -- I'm not --

11 I'm sorry, I'm talking over you.

12 I'm not sure that that's -- it's not --
13 you could do it through a gas tax, but it's
14 not -- getting 30 miles to the gallon is not
15 the same as traveling 30 miles.

16 SECRETARY ESPOSITO: Right.

17 CHAIRMAN CALONE: No, I was just doing
18 it from a --

19 MR. BOGACZ: So it's actually
20 five cents -- it's 30 miles to the gallon and

21 02 03 10_Planning_Commission.txt
you travel 30 miles --

22 CHAIRMAN CALONE: Right.

23 MR. BOGACZ: -- you know, that's how
24 you'd have to do that calculation.

25 CHAIRMAN CALONE: Yeah, I was just

1 Suffolk County Planning Commission 2/3/10 77
2 saying that then it costs me, you know,
3 whatever gas is now to travel 30 miles, and I
4 don't know -- you know, what is it, \$3 a
5 gallon, whatever.

6 So it costs me \$3 in gas -- you know, in
7 gas to travel that 30 miles. If you need to
8 take another five cents for each of my
9 30 miles, that's another buck-fifty --

10 SECRETARY ESPOSITO: Uh-huh.

11 CHAIRMAN CALONE: -- potentially. So
12 the cost that -- what now costs me \$3 --

13 That doesn't count wear and tear on my
14 car. I'm just saying, you know,
15 conceptually, costs me \$3 to travel 30 miles
16 now, it would cost me more like 4.50 or would
17 need to meet this kind of a projection.

18 MR. BOGACZ: Right. And we actually
19 calculated what it costs now, in a -- in a
20 planning sense, per vehicle miles of travel;
21 given the tolls that exist, the traffic that
22 exists, and so forth. Five cents is about --
23 something approaching an additional quarter
24 to a half more. In other words, a doubling
25 of what's there now over the 25-year period,

1 Suffolk County Planni ng Commi ssi on 2/3/10 78
2 given what we pay right now.
3 CHAIRMAN CALONE: Right. Right, right.
4 No, I -- okay. Gotcha.
5 That's --
6 MR. BOGACZ: It's difficult to describe.
7 CHAIRMAN CALONE: Yeah, yeah, no --
8 SECRETARY ESPOSITO: No, I think we're
9 getting it.
10 CHAIRMAN CALONE: -- I'm trying to
11 conceptualize it, too.
12 It's a lot, and then the other question
13 is whether there are other ways to go
14 about --
15 MR. BOGACZ: Right.
16 CHAIRMAN CALONE: -- getting that.
17 So --
18 MR. BOGACZ: And one of the things the
19 plan also does talk about -- I should point
20 this out, another way to approach it would be
21 to -- to look at each individual improvement
22 and to try to come up with financing plans
23 for each major improvement; which is
24 something that they're actually doing with
25 the Tappan Zee Bridge project right now,

1 Suffolk County Planni ng Commi ssi on 2/3/10 79
2 they're looking at financing options for

02 03 10_Planning_Commission.txt
3 that. It is -- you know, the preferred
4 alternative is something on the order of
5 \$16 billion, and it includes replacing the
6 bridge and transiting the corridor and so
7 forth. Some really big investments. It
8 equals the 2nd Avenue Subway.

9 So how would you finance that? Do you
10 take it out of these sources that we're
11 projecting or are there other ways? And
12 they're actually looking at that.

13 So the other way to approach it is to
14 look at each individual large improvement and
15 say, how are we going to finance that, and
16 look for different ways.

17 CHAIRMAN CALONE: Sure. I mean, that
18 makes sense. I mean, quite frankly, the
19 folks down here aren't really going to
20 benefit from the Tappan Zee. I mean, you
21 know, general scheme --

22 MR. BOGACZ: No, right.

23 CHAIRMAN CALONE: -- we do in kind of
24 economic development. The same -- same
25 degree that those folks up in AI -- you

1 Suffolk County Planning Commission 2/3/10 80
2 know, Westchester aren't really going to
3 benefit from the Sagtikos bypass. How do you
4 make sure everyone's paying for their own way
5 while recognizing that all that -- in
6 aggregate contributes to economic vitality of
7 the region?

8 MR. BOGACZ: Right. And that's one of
9 the beauties actually of using a travel-based
10 system, because, in fact, you're paying based
11 on your usage, which is probably the fairest
12 way to do it in terms of that regional, you
13 know, put and take of where the money is
14 going. You're using -- to a certain level,
15 you're paying based on that level. So --

16 But, again, the plan doesn't recommend
17 that, it -- it doesn't prescribe it. It says
18 that there are certain things that should be
19 considered, and -- and it gives a -- kind of
20 a menu of what might be done to -- to
21 increase the resources in the future.

22 VICE CHAIRMAN KONTOKOSTA: (Indicating)

23 CHAIRMAN CALONE: All right.

24 Vice Chairman --

25 VICE CHAIRMAN KONTOKOSTA: Have you

1 Suffolk County Planning Commission 2/3/10 81
2 also been considering tax increment of
3 financing; is that one of the mechanisms that
4 you've been exploring to finance this
5 project?

6 MR. BOGACZ: In the list of options that
7 we -- we provide for the major investment;
8 and it does show up. Yes, for regional
9 investments, it does show up. There are
10 certain projects that could -- that could use
11 that. As a matter of fact, the -- the

02 03 10_Planning_Commission.txt
12 extension of the Number 7 Subway to the far
13 west side of --

14 VICE CHAIRMAN KONTOKOSTA: Right.

15 MR. BOGACZ: -- Midtown Manhattan is
16 using a -- a form of that --

17 VICE CHAIRMAN KONTOKOSTA: Uh-huh.

18 MR. BOGACZ: -- and not using any
19 federal dollars at all. So that is one of
20 the arrows in the quiver.

21 VICE CHAIRMAN KONTOKOSTA: And then the
22 other question I had regarding the plan,
23 is -- is -- the gray areas on the map -- I
24 mean, it's nice to gray them out and perhaps
25 forget about them, but I wonder how -- how

1 Suffolk County Planning Commission 2/3/10 82
2 much coordination there is with New Jersey --
3 your counterparts in New Jersey and
4 Connecticut, because obviously they're very
5 integrated into --

6 MR. BOGACZ: Yeah. Absolutely.

7 VICE CHAIRMAN KONTOKOSTA: -- the
8 transportation patterns of the region?

9 MR. BOGACZ: It's a really good point,
10 and -- and, you know, clearly we have to --
11 you know, in a regulatory sense, we have to
12 focus on our planning area.

13 VICE CHAIRMAN KONTOKOSTA: Right.

14 MR. BOGACZ: But we do have a memorandum
15 of understanding between our surround- --
16 there are other organizations surrounding us

17 that are just like us. And, you know -- or
18 you can be one thing called the Tri-State
19 Regional Planning Commission, if you really
20 go back that far, but it's not, and so we
21 have a working relationship.

22 We're looking at boundary projects all
23 the time. The 287 corridor is just an
24 example of a boundary project between
25 Connecticut and New Jersey. And there are

1 Suffolk County Planning Commission 2/3/10 83
2 certainly impacts even on Long Island in
3 terms of Connecticut. You know, so --

4 So we're looking at boundary projects
5 all the time. We're also looking at a larger
6 regional agenda, what can we do on a
7 tri-state basis. Because this -- you know,
8 our planning area is pretty artificial; it's
9 just ten counties -- five boroughs and five
10 counties. And it's there in the corridor
11 region, but the region's much bigger than
12 that.

13 So we absolutely have to work with
14 our -- with our colleagues in the other
15 places, but we're required to do the plan for
16 this area to bring the federal money in, so
17 that's what we're going to do.

18 VICE CHAIRMAN KONTOKOSTA: Okay. Thank
19 you.

20 COMMISSIONER McADAM: (Indicating)

21 CHAIRMAN CALONE: Commissioner McAdam.
22 COMMISSIONER McADAM: Yeah.
23 I think the -- this week the President
24 just spoke about providing additional funding
25 for transportation, and I think he was

1 Suffolk County Planning Commission 2/3/10 84
2 talking about how antiquated the rail system
3 was.

4 Now, is that part of this program, or
5 could it become part of this program in any
6 way?

7 MR. BOGACZ: Sure. And -- and there
8 are -- there are projects in those 28 that
9 are related to the rail system, as it is
10 right now improving. And I -- I think that
11 probably the cheap one is the third mainline
12 third track on Long Island, but those funds
13 that could come from new sources --

14 We're making assumptions about
15 transportation. We don't even know what's
16 going to be in the next transportation bill
17 at this point, you know, which hasn't been
18 enacted. The current bill is expired,
19 we're -- we're operating on continuing
20 resolutions. It seems like they're going to
21 extend it -- the current bill for a year and
22 then reauthorize, and in the reauthorized
23 bill, we have no idea what the structure of
24 that bill's going to be and whether funding
25 sources will change in different emphasis

1 Suffolk County Planning Commission 2/3/10 85
2 areas.

3 So when you're looking down the road,
4 it's really hard to -- to know what the next
5 three bills are going to bring beyond that,
6 much -- you know, much less the next one.

7 So there's all kinds of emphases that
8 can change. It seems that rail is more of an
9 emphasis now, but we're working with the
10 state basically to -- to look at rail systems
11 throughout the state to try to take as much
12 advantage as possible of any additional money
13 that might be coming down for rail. It's an
14 important part -- there's a huge rail system
15 in our planning area. It's enormous, and we
16 need to make use of that money.

17 COMMISSIONER McADAM: Yeah.

18 The second question I had was how do you
19 coordinate this with the U.S. Senate, Members
20 of the House --

21 MR. BOGACZ: Right. That -- that's
22 another -- I mean, our members are clearly --
23 the -- the elected officials and appointed
24 officials in the region, not necessarily the
25 congress people or the state representatives,

1 Suffolk County Planning Commission 2/3/10 86
2 it's a challenge to do that. Basically,

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3 we're working with the member agencies. All
4 the member agencies have their own
5 relationships with the various
6 representatives in their areas. We need to
7 work through that to -- to get additional
8 mem- --

9 We just had a briefing of the
10 congressional delegation in December on this
11 basically laying out what our plan is
12 showing, and asking them to consider this as
13 they're going back and trying to reauthorize
14 the transportation legislation. You know,
15 that's a pretty general set of information
16 for them, and we're trying to do individual
17 briefings to follow up. But it is a big
18 challenge because there are a lot of elected
19 officials in our planning process, and they
20 need to know something about this. But they
21 don't have a direct role, interestingly, in
22 this planning process, even though it's a
23 federal planning process.

24 CHAIRMAN CALONE: The money goes to the
25 MPOs themselves to then divvy up?

1 Suffolk County Planning Commission 2/3/10 87

2 MR. BOGACZ: The money actually goes --
3 the federal system, the money comes to the
4 state, but then the MPO is called upon as an
5 organization to -- to make -- to plan for and
6 make a decision on how the money's going to
7 be used. But we don't have an account

8 somewhere, we don't actually get the cash.
9 That comes to the state and it's -- it's --
10 that's just the federal system. But in a
11 metropolitan area like ours, the federal
12 government relies upon the work of the MPO as
13 an organization, not the staff but the whole
14 organization, to program that money so that
15 it can be used. So, you know, it goes to the
16 state and comes through the process to get
17 the implementation.

18 CHAIRMAN CALONE: So it's not like
19 Congressman Israel, for instance, could, you
20 know, do a great job on the Appropriations
21 Committee and get, you know, billions of
22 dollars for Nassau County or --

23 MR. BOGACZ: Well, in the sense of --

24 CHAIRMAN CALONE: -- or -- or Suffolk
25 County?

1 Suffolk County Planning Commission 2/3/10 88

2 MR. BOGACZ: -- there are -- there are
3 high priority projects or earmarks. I mean,
4 you know, representatives can -- can -- they
5 can write projects right into the
6 appropriation --

7 CHAIRMAN CALONE: Right. Right.

8 MR. BOGACZ: -- legislation, and that
9 comes down to the process the same way.

10 CHAIRMAN CALONE: Gotcha.

11 MR. BOGACZ: But these fund sources that

02 03 10_Planning_Commission.txt
12 are identified in the federal legislation are
13 often competitive. And they have to follow
14 this process to get to what the improvement's
15 actually going to be, and that becomes the
16 responsibility of the MPO.

17 CHAIRMAN CALONE: Gotcha.

18 MS. BOGACZ: But, again, that -- you
19 know, again, I'm staff to the MPO, the MPO is
20 the members. That's -- that's really, really
21 important to keep in mind, so that the
22 decisions are being made by the counties, by
23 the city, by the state, by the MTA.

24 CHAIRMAN CALONE: All right. Any
25 other --

1 Suffolk County Planning Commission 2/3/10 89

2 COMMISSIONER CHARTRAND: (Indicating)

3 CHAIRMAN CALONE: Yeah, Matt.

4 COMMISSIONER CHARTRAND: Yeah, are they
5 looking to privatize any of these projects?

6 MR. BOGACZ: Potentially. I mean,
7 again, as you're looking at individual
8 financing plans -- and -- and I don't know
9 yet what's going to come out of the -- of
10 the -- the Tappan Zee -- to look at the
11 Tappan Zee, what they're doing now, but I --
12 I would imagine they're considering public
13 diverse partnerships in that. So that is a
14 possibility for these -- any of these
15 investments where it makes sense. I don't
16 think anything's off the table in terms of
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17 where resources might come from, because the
18 need clearly outstrip what we're likely --
19 and even with that additional revenue. So --

20 SECRETARY ESPOSITO: Do you have an
21 information of how many cars use the
22 Tappan Zee either per week, or per year, or
23 something like that?

24 MR. BOGACZ: Yeah, we do. I didn't -- I
25 didn't come with that in my head because --

1 Suffolk County Planning Commission 2/3/10 90

2 there's something like --

3 CHAIRMAN CALONE: Adrienne thinks very
4 broadly.

5 SECRETARY ESPOSITO: Well, we're --
6 we're discussing the Tappan Zee.

7 I mean, the reason I'm asking, just so
8 you know --

9 MR. BOGACZ: I want to say 180,000 a
10 year -- a day.

11 CHAIRMAN CALONE: 180-?

12 SECRETARY ESPOSITO: A hundred- --

13 MR. BOGACZ: 180,000 I believe is --

14 SECRETARY ESPOSITO: Per day?

15 MR. BOGACZ: I think something like
16 that.

17 It's about -- it's about two to three
18 times the design -- what the design was.

19 SECRETARY ESPOSITO: Okay. So it's
20 \$5 per car, and it's round up to 200,000 per

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21 day, it's a million dollars per day. So some
22 would ask instead of, you know, seeking
23 five cents additional miles per -- per
24 vehicle, is there a way we could be more
25 efficient with the multi-billion dollars that

1 Suffolk County Planning Commission 2/3/10 91
2 are produced from one --

3 MR. BOGACZ: Well, there is a toll on
4 the Tappan Zee Bridge now --

5 SECRETARY ESPOSITO: That's what I'm
6 saying, it's about \$5 per vehicle, and -- or
7 it's a little -- I'm just rounding.

8 MR. BOGACZ: Uh-huh, yes.

9 SECRETARY ESPOSITO: So it generates --
10 and I don't have the math in my head, but at
11 180,000 cars per day, I think that's around a
12 million dollars -- a billion dollars, with a
13 B, per year. So some, you know, consumers
14 would look back at the government and say,
15 Where is the billion dollars going, and can
16 that be used more effectively and more
17 efficiently?

18 That's one bridge.

19 MR. BOGACZ: Right.

20 SECRETARY ESPOSITO: And many of us say,
21 Multiple bridges, you know -- you know, to
22 use -- to and -- and some other areas. So
23 while we're looking for additional funds, we
24 need to reevaluate how these funds are being
25 used.

1 Suffolk County Planni ng Commi ssi on 2/3/10 92

2 MR. BOGACZ: Right, but I think -- and I
3 don't have a detailed -- the detailed
4 information about how each bridge is -- how
5 the money's used for each bridge, but
6 generally that money goes back into the
7 maintenance, state of repair of the bridge,
8 the operations of the facility. In the case
9 of the Tappan Zee, some of that money
10 probably goes to the two-way authorities --
11 to the other facilities and bay control. So
12 it's in there essentially.

13 SECRETARY ESPOSITO: I understand it's
14 in there, but I think it's a legitimate thing
15 for consumers to say, Where's the billion
16 dollars from the one bridge going, and how is
17 it used, and how can it be used better.

18 A billion dollars is still a lot of
19 money, even by today's standards. And we say
20 it goes to bridge maintenance, but that
21 bridge is not getting a billion dollars worth
22 of maintenance per year. I think we agree.

23 MR. BOGACZ: In operations.

24 SECRETARY ESPOSITO: In operations.

25 Well --

1 Suffolk County Planni ng Commi ssi on 2/3/10 93

2 MR. BOGACZ: No, that's -- I mean,

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3 you've got to factor in all the costs to
4 that. I mean, I -- I understand what you're
5 saying, and I think that's a legitimate
6 question for any consumer to ask --
7 SECRETARY ESPOSITO: Well, they'll be
8 asking --
9 MR. BOGACZ: -- is there an answer --
10 SECRETARY ESPOSITO: -- I'm sure.
11 MR. BOGACZ: -- is there an answer to
12 all that?
13 CHAIRMAN CALONE: All right.
14 COMMISSIONER TALDONE: (Indicating)
15 CHAIRMAN CALONE: Yes,
16 Commissioner Tal done.
17 MR. BOGACZ: Hi, Vince.
18 COMMISSIONER TALDONE: Thank you,
19 Chairman.
20 For the provincial view, contrary to the
21 regional view, I need to ask Gerry about, of
22 course, the East End, which doesn't seem to
23 factor in much in terms of the long-term
24 planning here except for -- for revenue
25 generation.

1 Suffolk County Planning Commission 2/3/10 94
2 That's just a little swipe. It's not at
3 your organization, clearly. But, of course,
4 you have to understand the bitterness of the
5 East End, which is now -- I guess in -- back
6 when my organization, Five Town Rural
7 Transit, started its effort to study where

8 the money was coming from and what it was
9 being spent on, we identified about
10 \$50 million a year in revenues out of the
11 East End that go to the MTA.

12 Now, with the new -- and that was during
13 flush time, so I'm sure it's a bit less now.

14 Now, of course, we have the payroll tax
15 on top of that, which I understand is
16 bringing about \$6 million a year from the
17 eastern five towns of Long Island. The MTA
18 now is saying, Well, thank you for that
19 money, we're going to shut down your -- your
20 rail line and cut back on service to the
21 Hamptons.

22 I know that you can't inter-- intervene
23 in this situation. And I'm sure Bob Shinnick
24 is concerned about what impact it would --
25 would mean make for him, because they're not

1 Suffolk County Planning Commission 2/3/10 95
2 off- -- I'm sure they're not offering Suffolk
3 County Transit additional funds in order to
4 run a shuttle along that North Fork to
5 connect us with Ronkonkoma.

6 But my -- my actual question for you is,
7 one of the very, very difficult tasks for
8 advocates is to actually find out what the
9 MTA is raising on the East End. They won't
10 tell us, they just say we don't report by
11 town, which is quite convenient, because then

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12 they don't have to say what they're providing
13 as -- in service as a comparison in terms of
14 what they're collecting in -- in revenues.

15 How on earth do we find out what the
16 total is that the MTA is sucking out of the
17 East End so that we can at least put it on
18 the table and say, This is what you're
19 getting? And now we're getting no service
20 whatsoever, and our bus system is in no way
21 subsidized, unlike, of course, Nassau County.

22 MR. BOGACZ: Well, to get at your
23 initial point, although the 28 investments
24 don't involve the East End, the major
25 investments, if -- and we'll send you the

1 Suffolk County Planning Commission 2/3/10 96
2 list. If you look at that list, the East End
3 has gotten a lot of focus from this planning
4 process in recent years, and there are
5 certainly smaller projects that involve --
6 that do involve the East End. So it's not
7 as if the regional plan is blind to the
8 East End.

9 On the other issue of tax revenues, it's
10 a really good point. I'm not sure where that
11 data would essentially come from. The
12 mechanism for collecting the taxes,
13 whatever -- whatever mechanism exists for the
14 individual tax that then ends up that the MTA
15 obviously records what is collected, and that
16 is a source for information that could be put

17 together into a total number. I'm not sure
18 if the MTA even knows that number. I hear
19 what they're telling you, but I'm not sure
20 that they know that.

21 So I think -- I think the information is
22 in the -- a system that collects those taxes.
23 I don't have that number with me, you know, I
24 don't -- we don't have that number at all, we
25 don't -- we're not even privy to that

1 Suffolk County Planning Commission 2/3/10 97
2 information, other than what we do, but that
3 should be public information also.

4 COMMISSIONER TALDONE: And that's -- my
5 question is specifically how can our MPO,
6 you -- do you have the jurisdiction, do you
7 have the mechanism for requesting and getting
8 that information by town?

9 I mean, I -- it -- clearly, if you're
10 collecting taxes by individuals in a ZIP code
11 through telephones, I think there has to be
12 an accountant out there who would say, Yes,
13 we can collect this and -- and tell you, as
14 planning organization, you know, roughly how
15 much money we're bringing in from these
16 different service areas, so that we can at
17 least evaluate the level of service against
18 the revenues.

19 Clearly, we have access to the city and
20 that's worth an enormous amount, certainly to

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21 me and -- and a lot of other folks. But in
22 terms of local mobility, and you know all
23 about our East End study, what are we -- how
24 is this working for us, being part of the
25 MTA, and how is our MPO serving us in terms

1 Suffolk County Planning Commission 2/3/10 98
2 of providing planning and -- and actual
3 statistical information that we can -- our --
4 our leaders can use to make decisions?

5 MR. BOGACZ: Sure. And -- and providing
6 information is part of what the MPO is
7 supposed to be doing. No question.

8 Now, we can always -- and I'll -- I'll
9 look into this more. We can always ask for
10 that information, if we can find out who to
11 ask; where it -- where it's being collected;
12 whether we -- they'll give it -- you know,
13 whether that's something that can be shared,
14 I don't know. You know, but we can
15 certainly -- you know, always ask for
16 information. So -- so let me go back and
17 look at that.

18 COMMISSIONER TALDONE: Thank you.

19 CHAIRMAN CALONE: Thank you,
20 Commissioner Taldone.

21 Any other comments or questions?

22 DEPUTY DIRECTOR GULIZIO: (Indicating)

23 CHAIRMAN CALONE: Deputy Director
24 Gulizio.

25 DEPUTY DIRECTOR GULIZIO: Just one very
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2 quick questi on.

3 Gerry, out of that 998 billion and
4 change number, how much of that is actually
5 devoted to -- and maybe you mentioned this,
6 but how much is devoted to ordinary repairs
7 and maintenance standards of good repair?

8 MR. BOGACZ: Right. Well, the -- the
9 needs were like 96 percent. Of the
10 resources, it's -- it's at least two-thirds
11 are -- are from those sources. And that
12 includes things like user fees -- that's all
13 wrapped in there. It's the operating
14 budgets, basically, over the agencies for
15 26 years.

16 CHAIRMAN CALONE: So that -- that
17 trillion dollars of revenue includes the
18 \$5 a car --

19 MR. BOGACZ: Yes.

20 CHAIRMAN CALONE: -- over the Tappan Zee
21 now --

22 MR. BOGACZ: Yes, because that's in an
23 operating budget --

24 CHAIRMAN CALONE: -- the questi on would
25 become what needs to be done in additi on to

1 Suffolk County Planni ng Commi ssi on 2/3/10 100

2 that?

3 MR. BOGACZ: Yes. That's -- that's the
4 essential question, and that's what we're
5 trying to lay out here. Of course, it's hard
6 to do on a slide, and -- and there's more
7 information in the plan itself, but that --
8 that's essentially it.

9 CHAIRMAN CALONE: And I think Adrienne's
10 point is, you now, how is it being used now
11 and whether there are better ways to do that,
12 but --

13 SECRETARY ESPOSITO: And if we can get
14 that number down, because if you use it more
15 efficiently, you'll have less money used.

16 CHAIRMAN CALONE: If you use what more
17 efficiently?

18 SECRETARY ESPOSITO: The money you have
19 right now.

20 DIRECTOR ISLES: The current revenue.

21 SECRETARY ESPOSITO: The current revenue
22 generated.

23 CHAIRMAN CALONE: Gotcha.

24 MR. BOGACZ: But I do want to point out
25 one thing, and that is the needs are the

1 Suffolk County Planning Commission 2/3/10 101
2 needs. It's not as if you can reduce the
3 needs without reducing -- without reducing
4 the size of the system somehow. I mean, the
5 needs are -- and the forecasts are what's
6 needed to maintain what we have.

7 SECRETARY ESPOSITO: Uh-huh.
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8 MR. BOGACZ: You can go on longer
9 maintenance cycles, but we know where that
10 leads. You can shut down parts of the system
11 and not make any at all, you know, to use
12 that number. But that needs number is kind
13 of a -- is kind of solid with the system that
14 we have right now. Understanding that's a
15 long-range forecast over something.

16 SECRETARY ESPOSITO: And I wasn't
17 questioning the needs, I was questioning
18 where the money goes.

19 CHAIRMAN CALONE: Right. So your point
20 being, if you -- if you -- if there was a way
21 to use the money more efficiently, then you'd
22 need less --

23 SECRETARY ESPOSITO: That's right.

24 CHAIRMAN CALONE: -- on top of that --

25 SECRETARY ESPOSITO: That's right.

1 Suffolk County Planning Commission 2/3/10 102

2 CHAIRMAN CALONE: -- to get to the needs
3 of --

4 SECRETARY ESPOSITO: Exactly.

5 CHAIRMAN CALONE: And that's a question
6 that I'm sure all of us will play a role in
7 answering over the next 25 years.

8 But anyone else have any thoughts or
9 questions?

10 (WHEREUPON, there was no response.)

11 CHAIRMAN CALONE: If not, I'll thank

12 02 03 10_Planning_Commission.txt
Gerry and his team for being here.

13 Thank you, and -- and thanks for your
14 time. I look forward to working with you.

15 I guess my last question is just what's
16 the next step here for you? Is it going
17 to -- you know, this has been formally
18 adopted, at this point.

19 MR. BOGACZ: It has.

20 CHAIRMAN CALONE: It's --

21 MR. BOGACZ: But, again, we -- we
22 produce a new plan every four years, so we're
23 starting the next plan. And members have to
24 be, you know, integral parts of that.
25 They're the ones putting these plans

1 Suffolk County Planning Commission 2/3/10 103
2 together.

3 So the next step is -- what we're hoping
4 for is, the knowledge of this process from
5 bodies like yours, and participation as much
6 as that could be arranged through Suffolk
7 County.

8 CHAIRMAN CALONE: Right.

9 MR. BOGACZ: What the county does in
10 this process.

11 CHAIRMAN CALONE: And, as you know, the
12 county executive is leading a comprehensive
13 plan effort that we are --

14 MR. BOGACZ: Yes.

15 CHAIRMAN CALONE: -- helping oversee,
16 and hopefully that will feed into your next

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plan, and --
MR. BOGACZ: And I think Tom and Bob both know that anything in this that they need to do their comprehensive plan, please, it's -- it's available. We're working for you in that regard.
CHAIRMAN CALONE: Thank you. Thank you --
DIRECTOR ISLES: Okay. Great.

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Thank you.
CHAIRMAN CALONE: Thank you for your time.
MR. BOGACZ: Thank you for your time, everyone.
CHAIRMAN CALONE: And thanks again to the team for being here.
We'll move on to the regulatory agenda. The first item on our -- of the three is Arnold Manor, and --
DIRECTOR ISLES: Andy.
CHAIRMAN CALONE: -- Andy has that one.
MR. FRELENG: Thank you, Mr. Chairman, Members of the Commission.
The first referral -- first regulatory matter comes to us from the Town of Babylon. This is the application of Arnold Manor.
The jurisdiction for the commission is that the subject property is adjacent to

21 02 03 10_Planning_Commission.txt
County Road 96.

22 The applicants are seeking Town Board
23 change of zone approval from E Business and
24 B Residence to Multiple Residence, or MR, for
25 the construction of 14 multi family units.

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2 This staff report shows the breakdown of
3 those units. This is proposed on .67 acres.
4 There is a 6 percent shortfall in the
5 Town of Babylon code required parking.

6 The subject property is located on the
7 northeast corner of Great East Neck Road,
8 which as indicated is County Road 96, and
9 Evergreen Street, which is a town road, and
10 this is in the hamlet of West Babylon.

11 The character of the land use and the
12 zoning pattern in the vicinity indicate that
13 the subject property is found in the southern
14 terminus of the B Residential District. To
15 the south across Evergreen Street is an area
16 of G Industrial backing on the Long Island
17 Rail Road right-of-way. Area to the west
18 across County Road 96 is mostly residential
19 zoning with the exception of a shopping
20 center district. Predominant land uses
21 proximate to the subject property is
22 reflective of the zoning, and that includes
23 single-family detached dwellings, a shopping
24 center to the west, and an industrial -- and
25 industrial uses to the south. There is

1 Suffolk County Planni ng Commi ssi on 2/3/10 106
2 apartments across County Road 96.
3 So just taking a look at the big screen,
4 we've got the subject property (i ndi cati ng).
5 You can see, thi s i s the county road
6 (i ndi cati ng) --
7 THE REPORTER: Andy --
8 MR. FRELENG: -- and thi s i s the --
9 THE REPORTER: I 'm sorry.
10 MR. FRELENG: I 'm sorry.
11 THE REPORTER: Just taking a look at the
12 subject property --
13 MR. FRELENG: Taking a look at the
14 subject property, you can see the county road
15 running north/south, and east/west i s the
16 town street.
17 Next slide, John.
18 MR. CORRAL: (Compl yi ng)
19 MR. FRELENG: An obli que photo j ust to
20 poi nt out again the county road, the local
21 town road, the subject project (i ndi cati ng).
22 At the time of thi s ai r photo, an existi ng
23 resi denti al dwel l i ng (i ndi cati ng). Across
24 the street i s the commerci al area i ndi cated
25 (i ndi cati ng). You cannot see, for some

1 Suffolk County Planni ng Commi ssi on 2/3/10 107
2 reason, the apartment complex that's right

02 03 10_Planning_Commission.txt
3 across the street right here (indicating).

4 Go ahead.

5 MR. CORRAL: (Compl ying)

6 MR. FRELENG: Okay. This is the zoning
7 (indicating). As you can see, the subject
8 property is two zone- -- two zoning districts
9 on the subject property, surrounded mostly by
10 residential. I don't know if you can see,
11 but there's some residential zoning here
12 (indicating), and this is a big industrial
13 corridor backing up on the rail road
14 (indicating).

15 This is the site plan (indicating), and
16 we'll stay there for a second.

17 The main access is proposed at the
18 southeast corner of the property to Evergreen
19 Street. There is no emergency access or
20 alternate access proposed, but you can see
21 that in the southeast corner you have an
22 unrestricted two-way in- -- access.

23 There are no significant environmental
24 constraints on the subject property. So
25 when we get down to the staff analysis, it's

1 Suffolk County Planning Commission 2/3/10 108

2 the belief of the staff that the subject
3 application is an unwarranted,
4 over-intensification of the use of the
5 premises.

6 And I do want to finish going through
7 the slides, John.

8 So when we did our site inspection, this
9 is looking at the subject property
10 (indicating). Across the street is the
11 commercial uses we mentioned in the staff
12 report (indicating). And as you can see,
13 along the road, this is a -- a busy parking
14 area. While we were there, this truck had
15 left (indicating). There was another truck
16 parked up here (indicating) that had left.
17 But trucks do come and go.

18 Next slide, John.

19 MR. CORRAL: (Compl ying)

20 MR. FRELENG: This is the commercial
21 business across the street -- directly across
22 the street from the subject application
23 (indicating). At the time of our inspection
24 it was rather cold out, so all these garage
25 doors were closed (indicating), but you can

1 Suffolk County Planning Commission 2/3/10 109
2 imagine in the summertime they would be open.

3 Next slide, John.

4 MR. CORRAL: (Compl ying)

5 MR. FRELENG: This is a yard directly
6 across the street from the applicant subject
7 property (indicating). This is the
8 industrial building with all the garage doors
9 closed (indicating). This picture really
10 doesn't do it justice, but this might be what
11 it would look like inside those garage doors

12 02 03 10_Planning_Commission.txt
with the type of commercial uses going on
13 there (indicating).

14 Okay. This is looking east down the
15 street (indicating). The subject property is
16 on the left side of the slide, and on the
17 right side is the industrial uses.

18 This is the subject property
19 (indicating). As I mentioned, that house was
20 there at the time of the aerial photo, but at
21 the time of our site inspection, the house
22 has been removed.

23 Again, another view of the site
24 (indicating). You can start to see a piece
25 of the county road here (indicating).

1 Suffolk County Planning Commission 2/3/10 110

2 Go ahead, John.

3 MR. CORRAL: (Compl ying)

4 MR. FRELENG: This is looking south down
5 Great East Neck Road, the county road
6 (indicating). This is at the intersection of
7 the town street and the county road.

8 Okay. Back up a slide.

9 MR. CORRAL: (Compl ying)

10 MR. FRELENG: This is, as you can see,
11 the train -- the railroad right-of-way, but
12 way to the west is the -- is the train
13 station (indicating).

14 Next slide, John.

15 MR. CORRAL: (Compl ying)

16 MR. FRELENG: Okay. This is the

17 apartment complex that's across the street
18 (indicating). I think what we see here is
19 that in our oblique photos, we had some
20 single-family homes or some use here, and
21 that has been removed, and now we have
22 apartment complexes here.

23 I want -- no, back up a second.

24 MR. CORRAL: (Compl ying)

25 MR. FRELENG: And just to point out,

1 Suffolk County Planning Commission 2/3/10 111
2 we'll go through this in the staff report,
3 but on this side of county road -- of the
4 county road, there are no industrial
5 commercial uses. On the subject property
6 side, there are commercial industrial uses
7 (indicating).

8 SECRETARY ESPOSITO: And what county
9 road is that, did you say? I'm sorry.

10 COMMISSIONER HOLMES: 96.

11 MR. FRELENG: 96.

12 SECRETARY ESPOSITO: 96.

13 Does it have another name?

14 MR. FRELENG: Great East Neck Road.

15 SECRETARY ESPOSITO: Oh, Great East Neck
16 Road. Okay. Okay.

17 MR. FRELENG: Okay. Again, this is
18 looking north now along the county road, the
19 subject property on the right (indicating).
20 You can see that there are some residential

21 02 03 10_Planning_Commission.txt
houses right along the -- the road there.

22 Okay. That's all of them.

23 Okay. So getting back to the staff
24 report, staff does believe that the
25 application is an unwarranted,

1 Suffolk County Planning Commission 2/3/10 112
2 over-intensification use of the premises.

3 The subject property is .67 acres in
4 area where the minimum lot size of the
5 requested MR zoning district, pursuant to
6 Town of Babylon Zoning Law, is 2 acres.
7 Maximum permitted density for the MR zone
8 pursuant to the Town of Babylon Zoning Law is
9 4,000 square feet per one bedroom unit. The
10 code further states that "in no event,
11 however, shall the number of separate
12 dwelling units exceed the rate of ten units
13 per acre..." The applicant is requesting a
14 density of approximately 21 units to the
15 acre. The permitted number of one bed- --
16 bedroom units on the site pursuant to the
17 MR zone, which is requested, would be 7.
18 Moreover, the effectiveness of the MR zoning
19 ordinance is undermined in so much as there
20 would be multiple dimensional variances that
21 would be required and would require relief
22 from the zoning board of appeals should the
23 MR zone be put in place and the proposed site
24 plan be considered.

25 The subject proposal for the high
Page 96

1 Suffolk County Planni ng Commi ssi on 2/3/10 113
2 density housing at this site appears to be in
3 conflict or to be conflicting with the land
4 uses across the street; those being the
5 industrial land uses that lie directly to the
6 south. The noise generated from the
7 industrial properties may potentially impact
8 health and/or welfare of the residents of the
9 proposed multi-residential complex.

10 Again, when staff was there, there was a
11 lot of noise coming from the industrial
12 buildings there. And, again, we'd note that
13 the garage doors were closed.

14 The proposed design of the complex
15 creates an amphitheater effect that would
16 intensify any significant -- significant
17 level of noise from the industrial
18 operations.

19 The petition of the applicant does not
20 make mention of any consideration of
21 affordable housing, public safety, or energy
22 efficiency. Our conversations with the staff
23 in the Town of Babylon, though, indicated
24 that the applicant did make a verbal offer of
25 two dwelling units that would be affordable.

1 Suffolk County Planni ng Commi ssi on 2/3/10 114
2 However, 20 percent -- just as a note of

3 02 03 10_Planning_Commission.txt
reference, 20 percent of the proposal would
4 be three dwelling units that would be
5 dedicated for affordable purposes.

6 So staff is recommending disapproval
7 then to the commission for the following
8 reasons:

9 One, that it constitutes the unwarranted
10 over-intensification of the use of the
11 premises, and that is reflective of the size
12 of the property and the minimum lot size of
13 the requested zone.

14 Number two is it would tend to
15 substantially undermine the effectiveness of
16 the zoning ordinance. And the rationale that
17 follows that is from the staff report, and
18 that goes to the multiple variances that
19 would be needed from the zoning board of
20 appeals.

21 Reason number three is that it appears
22 incongruous with nearby industrially-zoned
23 lands.

24 If you look at the site plan, you can
25 see that the shape of the -- of the buildings

1 Suffolk County Planning Commission 2/3/10 115
2 would capture any noise coming from the
3 industrial buildings on the other side of the
4 street. Depending on how thick the screening
5 would be, and, generally, it's not very
6 thick. That could temper that noise
7 somewhat, but we see that as a significant

8 issue.

9 So that is the staff report,
10 Mr. Chairman.

11 CHAIRMAN CALONE: Thank you, Andy.

12 As this is a Babylon matter, I will
13 simply -- I get to speak first for -- yeah,
14 for the first time.

15 I would just say that -- that my -- it
16 is an area where there's heavy indus- --
17 industry, or it is -- it's kind of a mix.
18 Residential certainly encroaching to that
19 area, and you saw that with the -- the -- the
20 apartment complex, you know, down the road
21 there. But this just seems to me to be a
22 very significant over-intensification, and --
23 and, therefore, I think, problematic.

24 But other than that, I -- from the
25 general area, it's simply -- it's a -- it's

1 Suffolk County Planning Commission 2/3/10 116

2 an area that does have a lot of industrial
3 uses, for sure. It's right on the train
4 track, et cetera. So --

5 Open it up, any thoughts, comments,
6 questions, other considerations?

7 COMMISSIONER KELLY: (Indicating)

8 CHAIRMAN CALONE: Mr. Kelly.

9 COMMISSIONER KELLY: Andy, what's the --
10 what's the yield on the apartment complex
11 across the street? One.

12 And two, are these for sale units, or
13 are they for rent, or do we know that?
14 MR. FRELENG: I do not know the yield on
15 the -- on the apartment complex across the
16 street, and I do not know if these are for
17 sale or for rent. It's coming in as a change
18 of zone, but I don't know. Don't know.
19 COMMISSIONER KELLY: (Head gesture)
20 SECRETARY ESPOSITO: I would like to
21 make a motion.
22 CHAIRMAN CALONE: She --
23 Secretary Esposito is recognized.
24 SECRETARY ESPOSITO: Thank you.
25 I'd like to make a motion to accept the

1 Suffolk County Planning Commission 2/3/10 117
2 staff's recommendations for disapproval for
3 the listed reasons.
4 CHAIRMAN CALONE: Do we have a second?
5 COMMISSIONER TALDONE: Second.
6 CHAIRMAN CALONE: Seconded by
7 Commissioner Tal done.
8 All in favor of adopting the staff
9 report as indicated for disapproval for the
10 three reasons that Andy indicated, please
11 raise your hand.
12 (WHEREUPON, the members voted.)
13 CHAIRMAN CALONE: And opposed?
14 (WHEREUPON, there was no response.)
15 CHAIRMAN CALONE: And that passes eight
16 to zero.

17 The next item on our agenda is
18 Competition Realty.

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

21 The next item is Competition Realty
22 Corp. This is referred to us from the
23 municipality of the Town of Brookhaven.

24 Jurisdiction for the commission is that
25 the subject property is adjacent to

1 Suffolk County Planning Commission 2/3/10 118

2 New York State Route 25, otherwise known as
3 Middle Country Road, and the project is also
4 within the Central Pine Barrens.

5 The issue before the Suffolk County
6 Planning Commission --

7 I should say first that the applicants
8 are seeking a Town Board change of zone
9 approval from A-1 Residence and J-2 Business
10 to all J-5 Business, and a Town Board
11 special permit for the construction of a
12 29,735-square-foot motor vehicle dealership,
13 slash, repair service center. If approved,
14 the petitioners will seek Planning Board
15 special permit approval for a motor vehicle
16 repair center and relief from the Town of
17 Brookhaven zoning board of appeals. The
18 applicant is also proposing outdoor storage
19 and display of motor vehicles. A total of
20 112 off-street parking stalls are required by

21 02_03_10_Planning_Commission.txt
Town of Brookhaven Zoning Law. The
22 petitioner has proposed 128 off-street
23 parking stalls, 85 of which are striped.
24 The issue before the Suffolk County
25 Planning Commission is the appropriateness of

1 Suffolk County Planning Commission 2/3/10 119
2 the change of zone request in light of the
3 planning initiatives in the Middle Country --
4 I'm sorry, in the Middle Island hamlet.

5 In 2006, the Town of Brookhaven adopted
6 the Middle Country Road Land Use Plan for
7 Coram, Middle Island, and Ridge. The
8 document effectively refined the 1996 Town of
9 Brookhaven Comprehensive Land Use Plan which
10 designated this parcel for commercial
11 purposes. The parcel is designated as being
12 a "Transition Corridor Overlay District" in
13 the Middle Country Road Land Use Plan. The
14 Overlay Districts' regulations specifically
15 indicate the intent to, quote, supplement the
16 regulation of the underlying zoning district.
17 Moreover, the development standards for the
18 Middle Country Road Land Use Plan explicitly
19 indicate that, quote, outdoor storage shall
20 be prohibited within the Transition Corridor
21 Overlay District.

22 In the first instance, the -- in the
23 opinion of staff, its request for a change of
24 zone to J-5 is an obvious disregard for the
25 planning process resulting in the adoption of

1 Suffolk County Planning Commission 2/3/10 120
2 the Middle Country Road Land Use Plan and the
3 resulting "overlay" of the existing zoning
4 for the property.

5 Let me stop here and let's just take a
6 look at the photos.

7 So here we have the subject property on
8 the aerial photograph (indicating). Just for
9 reference, this was the application of
10 Sandy Hills that the board reviewed a while
11 back (indicating). This is Artist Lake in
12 Middle Island (indicating). And then
13 county -- there's a county road that comes up
14 through here (indicating).

15 Next.

16 MR. CORRAL: (Compl ying)

17 MR. FRELENG: Okay. This is the zoning
18 around the subject property (indicating).
19 You can see the subject property has two
20 zones, J-2 and the residential zone. They
21 want to change the entire parcel to J-5.
22 There is not much in the way of J-5 in the --
23 in the subject area.

24 This is an oblique of the subject
25 property (indicating). You can see the Sandy

1 Suffolk County Planning Commission 2/3/10 121
2 Hills Subdivision (indicating). This is the

02 03 10_Planning_Commission.txt
3 existing Toyota dealership across the street
4 (indicating). The subject property is
5 very -- disturbed in some places
6 (indicating). This is the Middle Island Fire
7 Department right here (indicating), and this
8 is a -- an attached housing project in the
9 back (indicating).

10 This is the site plan as proposed
11 (indicating). We'll go back to that in a
12 little bit.

13 John.

14 MR. CORRAL: (Compl ying)

15 MR. FRELENG: This is the Middle Country
16 Road Corridor. This is at the subject
17 property looking across the street
18 essentially from the east end of the property
19 (indicating). This is PC Richard's, which
20 exists on the other side (indicating). And
21 this is the existing Toyota dealership.
22 Again, this is looking from the site looking
23 back east a little bit (indicating). Again,
24 looking from the site looking at the Toyota
25 dealership (indicating).

1 Suffolk County Planning Commission 2/3/10 122

2 I wanted to point out, under the
3 existing conditions of the existing
4 dealership, the outdoor display -- okay --
5 and the outdoor storage for vehicles, which
6 is typical for these types of uses
7 (indicating).

8 Next slide -- next slide.
9 MR. CORRAL: (Compl ying)
10 MR. FRELENG: Again, this is at the --
11 at the subject property looking directly
12 across the street (i ndi cati ng).
13 Next slide.
14 MR. CORRAL: (Compl ying)
15 MR. FRELENG: And then, again, looking
16 west down Middle Country Road (i ndi cati ng).
17 Next slide.
18 MR. CORRAL: (Compl ying)
19 MR. FRELENG: Again, this is from the
20 far west side of the subject property looking
21 east down Middle Country Road. The subject
22 property is in here (i ndi cati ng). And this
23 is the core character of the Middle Country
24 Road Corridor at its exact location
25 (i ndi cati ng). And just off the slide is a

1 Suffolk County Planning Commission 2/3/10 123
2 shopping center here (i ndi cati ng).
3 John.
4 MR. CORRAL: (Compl ying)
5 MR. FRELENG: Okay. This is looking
6 east. That's the subject property, that's
7 the county vehicle, and across the street
8 here is other land uses (i ndi cati ng).
9 This is the subject property adjacent to
10 the fire department (i ndi cati ng).
11 Okay. So those --

12 CHAIRMAN CALONE: My favorite picture of
13 all time is still you walking down the tracks
14 in that -- in that one we had in Southold.

15 MR. FRELENG: We're trying to get some
16 more dramatic shots, but --

17 SECRETARY ESPOSITO: I don't even think
18 I want to know what that means.

19 MR. FRELENG: Okay.

20 DIRECTOR ISLES: Me either.

21 MR. FRELENG: So in addition to the fact
22 that the -- that the request is contrary to
23 the planning initiatives along the Middle
24 Country Road Corridor, the petition before
25 the Town Board requires a Town Board special

1 Suffolk County Planning Commission 2/3/10 124
2 permit for the motor vehicle dealership and
3 its accompanying outdoor display of vehicle
4 storage areas that are -- these are too
5 contrary to the explicit intent of the Middle
6 Country Road Land Use Plan. If petitioners
7 further indicate to seek Planning Board
8 special permit approval for a service center.
9 This is not a permitted use in the existing
10 underlying J-2 zoning of the property, and
11 again, in contradiction with the intent of
12 the land use plan.

13 Finally, the proposed site plan for the
14 requested change of zone would require relief
15 from the Town of Brookhaven zoning board of
16 appeals. The subject application in total,

17 considering planning approval process, is
18 about four degrees of separation away from
19 the Comprehensive Land Use Plan for the Town
20 of Brookhaven as expressed through the
21 adoption of the Middle Country Road Land Use
22 Plan for Coram, Middle Island, and Ridge.

23 Total required off-street parking stalls
24 for the proposed change of zone as depicted
25 in the conceptual site plan is 112 stalls.

1 Suffolk County Planning Commission 2/3/10 125
2 The plan indicates only 85 striped off-street
3 parking stalls. The remainder of the
4 required off-street parking stalls is shown
5 as vehicle queue for the service area and
6 service area work bays. It's not clear that
7 this is an appropriate distribution of the
8 required off-street parking. Code
9 requirements are for designated areas for
10 employee and customer parking in addition to
11 outdoor display and vehicle storage areas.
12 In the event that the parking would need to
13 be replotted on the conceptual plan in
14 conformance with code requirements, relief
15 from dimensional requirements or clearing
16 restrictions may become necessary in addition
17 to the relief of already -- to the relief
18 already contemplated by the petitioner.

19 The unrestricted ingress/egress at the
20 southeast corner of the property is also

02 03 10_Planning_Commission.txt
21 contrary to the land use plan, especially
22 considering the potential to create a
23 combined access on Tudor Lane with
24 commercial -- with the commercial component
25 of the adjacent development to the west.

1 Suffolk County Planning Commission 2/3/10 126

2 Sandy Hills is proposing a commercial
3 component in the front of the subject
4 property -- okay -- and there is an
5 opportunity along Tudor Lane, which is
6 between the two sites, that have a combined
7 access, rather than having a separate access
8 for this site as well as the commercial site.

9 Granting the petitioners' request to an
10 automotive service station would deprive the
11 future Middle Island Hamlet Center node of
12 the desirable shopping, personal service
13 businesses, and eateries allowed as-of-right
14 in the J-2 zone that would complement the
15 development of the hamlet center.

16 So we're saying that the subject
17 property --

18 Go to the oblique --

19 MR. CORRAL: (Compl ying)

20 MR. FRELENG: Okay.

21 We're saying that the subject can
22 reasonably be developed in accordance with
23 the J-2 zone. The J-2 zone, as indicated,
24 has a bunch of uses that are permitted, which
25 are generally considered service or shopping

1 Suffolk County Planning Commission 2/3/10 127

2 or restaurant-type uses, eatery-type uses.

3 The hamlet plan envisions not strip
4 development -- and this goes to the next
5 paragraph -- but more of, I would say, a
6 campus-style development, where the J-2 uses
7 are allowed, it's just not allowed in a strip
8 along the corridor which we typically see,
9 but they would like to take the same floor
10 area ratio, the same density, and break that
11 up a little bit so you don't have your
12 typical Middle Country Road Corridor
13 appeal -- appearance.

14 So the intent of the Middle Country Road
15 Land Use Plan is to allow the as-of-right
16 uses in the underlying J-2 zoning category of
17 this Transitional Corridor Overlay District
18 to develop in a form other than the typical
19 motor vehicle corridor strip pattern.

20 Campus-style development, for example, would
21 be one form of a "modified configuration" of
22 commercial development that would be
23 applicable to the range of permitted uses in
24 the J-2 zone. It's not the intent of the
25 Transitional Corridor District to relate to

1 Suffolk County Planning Commission 2/3/10 128

2 the existing "street environment," but rather

02 03 10_Planning_Commission.txt
3 to relate to the vision of nodal development
4 separated by appropriately scaled/designed
5 architecture and green space. The petition
6 proposes to use that in conjunction with
7 existing uses -- I'm sorry.

8 The petition proposes a use that in
9 conjunction with the existing uses would
10 perpetuate the development pattern typical of
11 the New York State Route 25 corridor in
12 communities to the west.

13 So with all this in mind, staff is
14 recommending disapproval for the following
15 reasons:

16 One being that the change of zone
17 request constitutes the unwarranted,
18 non-comprehensive alteration of zoning
19 patterns in the locale. And, again, this
20 speaks to the fact that the town has a
21 comprehensive plan, they went through a
22 visioning process and adopted a Middle
23 Country Road Land Use Plan, and now an
24 application comes in which is directly
25 contrary to that.

1 Suffolk County Planning Commission 2/3/10 129

2 The second reason for disapproval is
3 that the change of zone would only tend to
4 substantially undermine the effectiveness of
5 the zoning ordinance. The applicant is
6 asking for a change of zone, but then needs
7 to go for special permits and variances to

8 implement the change of zone, and we believe
9 that that would undermine the effectiveness
10 of the MR zoning ordinance.

11 Approval of the change of zone request
12 would establish a precedent for similar
13 requests in the local. I think that would be
14 self-evident, that's the slippery slope
15 argument.

16 It is inconsistent with the
17 Middle Country Road Land Use Plan for Coram,
18 Middle Island, and Ridge. And we talked
19 about several reasons why that would be
20 inconsistent, and that rationale is
21 reemphasized.

22 The reason number 5 is that the proposed
23 conceptual site plan for this change of zone
24 application is an over-intensification of the
25 use of the premises. Again, staff questions

1 Suffolk County Planning Commission 2/3/10 130
2 the layout of the parking and whether or not
3 that's a realistic layout or whether it's
4 even in conformance with the code. And,
5 again, if that site needs to be relaid out,
6 they may run afoul with clearing restrictions
7 which would trigger Pine Barrens review, or
8 they may necessitate additional variances in
9 order to get everything on site.

10 The sixth reason for our recommendation
11 for disapproval is that the -- the Middle

02 03 10_Planning_Commission.txt
Country Road Land Use Plan indicated a
12 minimization of the individual site access
13 points along Route 25, and we believe that --
14 staff believes that there's an opportunity to
15 lessen those access points.
16

17 Point seven is that the premises can be
18 reasonably developed in accordance with the
19 existing J-2 district requirements in
20 accordance with the Middle Country Road Land
21 Use Plan for Coram, Middle Island, and Ridge.
22 And, again, from the position of the staff,
23 staff believes that there was a very long
24 planning process that involved the result of
25 this land use plan, it was evident that the

1 Suffolk County Planning Commission 2/3/10 131
2 overlay district was supposed to lay on top
3 of the existing zoning and allow the
4 as-of-right uses to develop just in a
5 different form. So we believe that the site
6 can be developed in accordance with the J-2
7 district requirements and in conformance with
8 the land use plan.

9 And the last reason for disapproval,
10 recommendation from the staff is that the
11 petition as proposed does not meet the
12 recommendations of the land use plan in terms
13 of the stated goal for the elimination of the
14 advancement of strip commercial development
15 in the Transition Corridor Overlay District.

16 In conclusion then, we believe that
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17 while the petitioners have rearranged the
18 site a little bit and attempted to meet the
19 transition district of the plan, we don't
20 believe that they have really embraced the
21 spirit of the plan.

22 That is the staff report.

23 CHAIRMAN CALONE: Thank you, Andy.

24 This is a Brookhaven project, and so
25 we'll ask Commissioner Kelly to give his

1 Suffolk County Planning Commission 2/3/10 132

2 thoughts on the area and any additional
3 comments he would like to make.

4 COMMISSIONER KELLY: Thank you,
5 Commissioner.

6 Thanks, Andy.

7 It's spot on in terms of analysis.
8 Andy did a fantastic job both with the plan
9 and the code itself.

10 What I again struggle with is the fact
11 that the civics leader can come in here
12 and -- and plead with us to say, Yes, please,
13 we -- we want this, we're going to create
14 jobs on the site. While -- while we are
15 aware it does not conform with the plan, we
16 do want this -- we do want this in our
17 community.

18 And while Andy's spot on on the
19 analysis, I -- I think we have to give some
20 deference to that civic group and -- and

21 02 03 10_Planning_Commission.txt
22 maybe make this a local determination where
23 we send it back to the -- the town to, you
24 know, resolve this.

25 MR. FRELENG: Commissioner Kelly, if I
may.

1 Suffolk County Planning Commission 2/3/10 133

2 I think the -- if -- if indeed the staff
3 report is spot on, then that might warrant
4 deliberation in the -- in the record of the
5 local municipality. The local municipality
6 can certainly override the commission if
7 there are extenuating local circumstances.
8 However, again, if you believe the staff
9 report is spot on, then the Town of
10 Brookhaven does need to make findings in
11 their decision as to why they believe that
12 this change of zone application, in light of
13 the planning initiatives, is -- is warranted.

14 CHAIRMAN CALONE: Right. If -- if this
15 were to be a local determination, we could
16 obviously include all of these as comments
17 and the information would be conveyed back --

18 COMMISSIONER KELLY: Right.

19 CHAIRMAN CALONE: -- to the town. If
20 this were to be a disapproval, with these as
21 the reasons, the town would be able to
22 override and -- and simply come to an
23 analysis, if they wanted to, as to why they
24 thought the local issues overrode these
25 concerns.

1 Suffolk County Planni ng Commi ssi on 2/3/10 134

2 MR. FRELENG: Yes. Staff' s only concern
3 is that in a local determination, it is not
4 clear to us whether or not local
5 determinations make it into the record other
6 than to the extent that the commission has
7 deemed this matter to be for a local
8 determination.

9 They -- they need to deliberate
10 conditions and override the conditions. It' s
11 not clear whether they need to deliberate
12 comments.

13 COMMI SSI ONER TALDONE: (Indi cati ng)

14 CHAI RMAN CALONE: Commi ssi oner Tal done.

15 COMMI SSI ONER TALDONE: Thank you,
16 Chai rman.

17 I would just like to express my concern
18 in relation to this particular application
19 because it differs dramatically from one we
20 considered not -- not too long ago where
21 there was, in fact, this corridor study that
22 the application was in conflict with, but it
23 was not in conflict with the underlying
24 zoning. And we did have someone ei ther from
25 the civi c or another communi ty associ ati on

1 Suffolk County Planni ng Commi ssi on 2/3/10 135

2 come in and say, Gee, we really do want this.

3 So, at that point, I was very conflicted on
4 what -- what to do.

5 Just as today now, we have someone
6 coming in from the civic contradicting what
7 had been approved through a very lengthy,
8 expensive, and involved process. But here
9 the difference is that it -- it does not
10 comply with underlying zoning.

11 So when I think in terms of the property
12 owner, if you're looking at developing that
13 property, you know this is not a permitted
14 use. You'd need to go and explore what else
15 is out there that might assist you in perhaps
16 changing that, you then stumble into a
17 corridor study that even further says this is
18 not what we want here.

19 So simply because a business -- a local
20 business can -- can go to its civic
21 association and find support for a local
22 business, should not shock us. But I think
23 that's -- that's pretty worrisome if we are
24 going to not only ignore the corridor study,
25 which we encourage all sorts of folks to get

1 Suffolk County Planning Commission 2/3/10 136
2 involved and spend lots of time to do, but
3 we're also ignoring the underlying zoning.
4 So here's the double whammy, in -- in my
5 opinion.

6 That's it.

7 COMMISSIONER McADAM: (Indicating)
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8 CHAIRMAN CALONE: Commissioner McAdam.

9 COMMISSIONER McADAM: Yeah.

10 Andy, the -- the current zoning, is that
11 consistent with the -- with the -- the land
12 use report?

13 MR. FRELENG: The Middle Country Road --

14 COMMISSIONER McADAM: The Middle Country
15 Road report.

16 MR. FRELENG: -- Coram, Middle Island,
17 and Ridge report specifically creates this as
18 an overlay district on the underlying zone.
19 So the report does recognize -- and I've --
20 I'm seeing questions, the report does
21 recognize the permitted uses in the J-2 zone
22 and would allow them to develop. It just
23 tailors how they would be developed rather
24 than a strip -- you know, one building with a
25 whole bunch of tenants, they would like to

1 Suffolk County Planning Commission 2/3/10 137
2 see it developed in a different type of
3 pattern.

4 COMMISSIONER McADAM: Okay. So it's not
5 a situation which we have had before where it
6 requires a change in zoning in order to
7 conform to a particular master plan?

8 MR. FRELENG: That is correct.

9 CHAIRMAN CALONE: Any other thoughts,
10 comments, questions?

11 COMMISSIONER KELLY: (Indicating)

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CHAIRMAN CALONE: Michael --

Commissioner Kelly.

COMMISSIONER KELLY: Andy, the overlay district allows this use?

MR. FRELENG: No, the overlay district does not allow the automotive dealership, which would be allowed under the requested zone, and then they want to modify that to a service station by special permit. So, no, it does not.

COMMISSIONER KELLY: It doesn't allow it.

COMMISSIONER TALDONE: If I may, one more?

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CHAIRMAN CALONE: Yes,

Commissioner Taldone.

COMMISSIONER TALDONE: And I want to be sure that I -- I'm clear on this as well.

So if they wanted to build this in this location, it would have to be theoretically in this campus-style, bringing it away from the -- the sidewalk, all the things you really wouldn't want for a car dealership. But theoretically it could comply, but you're -- I think what you're saying is that this proposed use can't comply with the underlying zoning or with the corridor study.

MR. FRELENG: The underlying zoning, the J-2 zone and the A-1 zone, do not permit an

17 automotive dealership or service stations, so
18 they are looking to change the zone in order
19 to get that use.

20 COMMISSIONER TALDONE: Right.

21 MR. FRELENG: The applicant believes
22 that they've worked with the community and
23 the town to shape that to look like what the
24 intent of the Middle Country Road Land Use
25 Plan wanted. However, they overlooked the

1 Suffolk County Planning Commission 2/3/10 139
2 fact that the land use plan specifically does
3 not want outdoor display, outdoor storage,
4 and specifically allows the underlying uses,
5 just with an overlay that modifies the
6 appearance of those uses.

7 CHAIRMAN CALONE: This brings us back to
8 a -- a problem we've had with the Town of
9 Brookhaven, and -- and I don't mean to be
10 pejorative. There's been a lot of changes in
11 the leadership there and different folks in
12 the planning department, et cetera. But I
13 think there needs to probably be a
14 conversation between the county and the town
15 as to -- as to, you know, what they're doing
16 with respect to their land use plans.
17 Because as -- as has been mentioned, this is
18 an extensive process, it's been done in a
19 number of parts of the town, and then we hear
20 that the town is on an ad hoc basis or an

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21 individual project basis looking to do
22 something different. And it puts us in a
23 difficult position. So I -- I just want to
24 express that notion generally for the record.

25 MR. FRELENG: If I could respond to

1 Suffolk County Planning Commission 2/3/10 140
2 that, Mr. Chairman.

3 My tour of duty at the local level, you
4 cannot stop an applicant from making an
5 application. So all we know is what the Town
6 of Brookhaven has referred to us. What they
7 did not refer was the support of the -- of
8 the civics or any other comments that you
9 heard today. But the -- the local
10 municipality has referred to us an
11 application they have received. They may
12 have been working with the applicant on the
13 size of the application, but at some point,
14 an applicant is going to make a filing with
15 the local municipality.

16 I just wanted to elaborate on your
17 point, we have no indication that the town
18 itself supports or doesn't support this
19 application. This is an application they
20 have received and referred to you, without
21 comment on whether or not they support it.

22 So we don't know what the town is up to
23 here, other than taking an application
24 they've received --

25 CHAIRMAN CALONE: Right.
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1 Suffolk County Planni ng Commi ssi on 2/3/10 141

2 MR. FRELENG: -- and referring it to
3 you. We're going to send back our comments.
4 They may agree 100 percent that this is not
5 an appropriate land use. They may not, but
6 we have no knowledge of that in the referral.

7 CHAIRMAN CALONE: Okay.

8 MS. SPAHR: (Indicati ng)

9 CHAIRMAN CALONE: Linda Spahr.

10 MS. SPAHR: If I could just add to that.

11 The town is required to refer these
12 matters to the commission prior to taking
13 action on them, and the commission may not
14 presume that the town is going to act in one
15 way or another. And the county's
16 relationship with the town can be relevant
17 (inaudi ble). The action in referring it is a
18 proper action. And then the commission needs
19 to make its decision based on its review of
20 the record.

21 COMMI SSI ONER CHARTRAND: (Indicati ng)

22 CHAIRMAN CALONE: Okay. Thanks.

23 Commi ssi oner Chartrand.

24 COMMI SSI ONER CHARTRAND: Do we know when
25 the applicant purchased the land? Was it

1 Suffolk County Planni ng Commi ssi on 2/3/10 142

2 before the comprehensive land plan in 1996?

3 MR. FRELENG: I don't have that
4 knowledge offhand, no.
5 COMMISSIONER McADAM: (Indicating)
6 CHAIRMAN CALONE: Commissioner McAdam.
7 Commissioner McAdam.
8 DIRECTOR ISLES: Just a point --
9 CHAIRMAN CALONE: Oh, sorry.
10 DIRECTOR ISLES: The Middle Country plan
11 is more recent -- right -- than 1996?
12 Just so we have the facts correct.
13 MR. FRELENG: They adopt- --
14 SECRETARY ESPOSITO: 2006.
15 DIRECTOR ISLES: Right.
16 SECRETARY ESPOSITO: Or two decades.
17 MR. FRELENG: 2006 was the Middle
18 Country Road Land Use Plan.
19 DIRECTOR ISLES: Thanks.
20 CHAIRMAN CALONE: Tom.
21 COMMISSIONER McADAM: Andy, do you know
22 offhand -- maybe it didn't come in through
23 the submission, but -- whether they're
24 expanding the existing dealership, or are
25 they closing one and opening another?

1 Suffolk County Planning Commission 2/3/10 143

2 MR. FRELENG: No. It's my understanding
3 that this is an expansion of the existing
4 dealership.
5 CHAIRMAN CALONE: Other thoughts,
6 comments, questions?
7 COMMISSIONER KELLY: (Indicating)

8 CHAIRMAN CALONE: Michael.

9 COMMISSIONER KELLY: Yeah.

10 Just going back to this whole Middle
11 Country Road study. There has been so much
12 effort by the local civics and the residents
13 to improve this area, that I -- I think we do
14 have to give them deference in -- in terms of
15 saying it's a local -- it's a local matter.
16 And we should -- we should let them and the
17 town work this out.

18 CHAIRMAN CALONE: Yeah. I mean, I think
19 the question there is, do you give deference
20 to the plan that they adopted, or do you give
21 deference to, you know, the letter we -- we
22 all received, and -- and perhaps a diff- --
23 slightly different thought than there was
24 three years ago when the plan was adopted.

25 COMMISSIONER HOLMES: May I ask, the

1 Suffolk County Planning Commission 2/3/10 144
2 letter was not part of the submission; is
3 that correct?

4 CHAIRMAN CALONE: That's correct, there
5 was a letter to the commission. You can
6 treat that kind of like the public portion, I
7 guess, really. And, of course, the same
8 gentleman who wrote the letter was also
9 here --

10 COMMISSIONER HOLMES: Yes.

11 CHAIRMAN CALONE: -- so it really said

12 02 03 10_Planning_Commission.txt
the same -- same thing.

13 COMMISSIONER HOLMES: But it was not
14 part of the town submission to us.

15 CHAIRMAN CALONE: That's true.

16 COMMISSIONER HOLMES: Yeah.

17 CHAIRMAN CALONE: That's true.

18 COMMISSIONER KELLY: (Indicating)

19 CHAIRMAN CALONE: Commissioner Kelly.

20 COMMISSIONER KELLY: Yeah. I believe
21 the -- the president of the civics was also a
22 former aid to Councilman Kepert -- or
23 Councilperson Kepert.

24 SECRETARY ESPOSITO: No.

25 COMMISSIONER KELLY: All right.

1 Suffolk County Planning Commission 2/3/10 145

2 DIRECTOR ISLES: Is that material?

3 CHAIRMAN CALONE: I don't know if
4 that's -- we don't know. And the bottom line
5 is he was here speaking on behalf of the --
6 the civic, and I don't believe that we have
7 any -- received any input from the elected
8 officials. Sometimes we do, but we haven't
9 in this case.

10 But here's the deal, we have eight of us
11 here. So, you know, unless it's -- it's
12 unanimous, this goes back as a no action.

13 So I'll -- I'm going to just defer to
14 Michael and see where you are on it.

15 COMMISSIONER KELLY: I would make a
16 request that this becomes a matter of a local

17 determination.

18 CHAIRMAN CALONE: If we were to --

19 VICE CHAIRMAN KONTOKOSTA: (Indicating)

20 CHAIRMAN CALONE: Yeah, Vice Chairman.

21 VICE CHAIRMAN KONTOKOSTA: Although I
22 respect the decision here on the economic
23 development side and a couple jobs and the
24 position of the civic association, obviously
25 we have to pay more deference to the plan

1 Suffolk County Planning Commission 2/3/10 146

2 where there were public hearings and the
3 process was followed and the civic
4 association had their opportunity to
5 participate, make comments, make suggestions.

6 And I'm really concerned about making
7 this a local determination, because, frankly,
8 you know, we spend four hours a day sitting
9 around this table or -- a month -- I guess
10 it's not that much on the whole grand
11 scheme -- but if we can't vote on this
12 application which has significant regional
13 impacts in terms of supporting an existing
14 adopted plan, changes of use that are not
15 consistent with the surrounding area, and a
16 possible development that will have massive
17 changes in -- will result in massive changes
18 in this area, I'm not exactly sure what we're
19 doing here.

20 You know, I -- I would really feel very

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21 uncomfortable leaving this to local
22 determination. There's nothing here that --
23 that would suggest, as vis-à-vis any other
24 application we see, why this would get local
25 determination and something else we would act

1 Suffolk County Planning Commission 2/3/10 147
2 on.

3 I think we have plenty of information to
4 act, the staff's done a great job analyzing
5 this. So I -- I would have to come to a vote
6 on this rather than local determination.

7 COMMISSIONER TALDONE: May I?

8 CHAIRMAN CALONE: Commissioner Tal done.

9 COMMISSIONER TALDONE: Thank you.

10 I raised this question before, and
11 I'm -- I'm still not quite clear on it.

12 When we send it back saying it's for
13 local determination, that -- that implies
14 that we -- we believe this should be decided
15 locally, when, in fact, what we're really
16 saying is we don't have enough information to
17 make this decision. I almost prefer no
18 action. We did nothing because we don't know
19 what to do in this situation. We don't have
20 an indication from the town. We have a -- a
21 huge plan that people spent months of their
22 lives doing that's being thrown to the side.
23 Perhaps there's a reason to do so, I'm not
24 aware of it.

25 COMMISSIONER HOLMES: We can't

1 Suffolk County Planni ng Commi ssi on 2/3/10 148
2 speculate. We can' t --
3 COMMI SSI ONER TALDONE: Ri ght. I don' t
4 want to speculate, but I don' t want to send
5 it back saying thi s i s something that' s a
6 matter for local determi nation. That i mpli es
7 we thi nk they shoul d deci de i t appropri ately.
8 SECRETARY ESPOSITO: Ri ght. And --
9 CHAI RMAN CALONE: There --
10 SECRETARY ESPOSITO: -- then why --
11 CHAI RMAN CALONE: There are --
12 SECRETARY ESPOSITO: -- woul d we be
13 here?
14 CHAI RMAN CALONE: There are two ways to
15 do thi s i f we' re not going to have ei ght
16 votes to uphol d the staff report.
17 One i s to take a vote on the staff
18 report, and i f i t doesn' t get ei ght votes,
19 then i t goes back as a no acti on. I f we want
20 to send any of these comments al ong i n a
21 formal capaci ty, my understandi ng -- though,
22 I woul d appreci ate bei ng correcte d i f I' m
23 wrong -- i s that we have to take an acti on i n
24 order to adopt the comments. So we woul d --
25 the way to send the comments back, obvi ously,

1 Suffolk County Planni ng Commi ssi on 2/3/10 149
2 ri ght -- you know, the mul tipl e pages here of

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3 concerns, would be to make it -- to vote in
4 favor of a local determination, and that
5 would -- could have -- the force of the
6 commission at least having the comments sent
7 along. I understand that that's certainly
8 not what I think most folks around the table
9 see as sufficient, but that is the reality.
10 So that's where we are.

11 MS. SPAHR: (Indicating)

12 CHAIRMAN CALONE: Linda.

13 MS. SPAHR: I didn't know if you wanted
14 me to review with you what the county code
15 said to -- they do and what may happen after
16 you refer it back to the town.

17 CHAIRMAN CALONE: Sure.

18 COMMISSIONER HOLMES: Yes.

19 CHAIRMAN CALONE: Yes. We are
20 requesting that legal advice.

21 MS. SPAHR: Okay. First of all, I just
22 want to reiterate that under Section 14-4C of
23 the code, "The Planning Commission shall not
24 assume for the purpose of its deliberation
25 that the municipal zoning action will be

1 Suffolk County Planning Commission 2/3/10 150
2 approved by department, town, or village."

3 So the referral is being made for you to
4 give input, and it's advisory input only.

5 "If the Planning Commission renders a
6 report indicating that the proposed action
7 has no significant county-wide or

8 intercommunity impact, or renders a report
9 approving the proposed action without a
10 change, then the town or village that
11 referred the proposal may adopt it in the
12 ordinary course of municipal business."

13 So if you say it has no, again,
14 intercommunity or county-wide impact, then
15 they can do what they want to do.

16 "If the Planning Commission renders a
17 report recommending changes in the action,
18 and approving the action with such changes,
19 then the town or village that referred the
20 proposal has to amend the proposed action in
21 accordance with your recommendation, and with
22 that amendment, they can adopt it in the
23 ordinary course of municipal business. Or
24 they can decline to adopt any one of your
25 recommendations, but only on the affirmative

1 Suffolk County Planning Commission 2/3/10 151
2 vote of the majority plus one of their entire
3 membership. And then they have to explicitly
4 state the reason that they're not going along
5 with your recommendations." So after each
6 one of the recommendations.

7 "If the Planning Commission renders a
8 report disapproving a proposed municipal
9 zoning action, then the town or village
10 may" -- and, again, it has to be upon an
11 affirmative vote of a majority plus one,

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12 adopt a resolution, but they have to
13 explicitly set forth their reasons for
14 rejecting your disapproval.

15 And if you do not act, then it will be
16 deemed an approval. So you don't really have
17 an option of saying, Oh, let's just decide
18 they should decide for themselves. It's just
19 not one of those things, if you don't act,
20 they will decide for themselves.

21 CHAIRMAN CALONE: Thank you.

22 SECRETARY ESPOSITO: (Indicating)

23 CHAIRMAN CALONE: Secretary Esposito.

24 SECRETARY ESPOSITO: Well, I think that
25 one thing that we do all agree on is that the

1 Suffolk County Planning Commission 2/3/10 152
2 staff rec- -- what I hear around the table is
3 that the staff recommendations are spot on
4 and we all agree with them. And I would ask
5 commissioners to consider that if we agree
6 with the staff recommendations, we should
7 provide them with the stature that they
8 deserve, I think, and send it back to the
9 town requiring that the recommendations be
10 evaluated and discussed. And I think we do
11 that by taking a vote on this and not issuing
12 a local determination, so that these
13 recommendations can and should be considered
14 one by one.

15 And, also, since we are a regional
16 planning entity, we do want to consider that
Page 130

17 perspective. And I don't think we -- and I
18 think we forego that obligation by doing an
19 LD on this.

20 And the third thing is just to
21 reiterate, the same civic organizations that
22 are supporting this are the same civics
23 that were intricately involved in crafting
24 those -- those plans for that area, for
25 the -- the land use plan for Coram and

1 Suffolk County Planning Commission 2/3/10 153
2 Middle Island. So it's a little bit of a
3 disconnect there, but it's not up for us to
4 judge, but I think there has been a lot of
5 input, a lot of deference given to civic
6 input, and it's our job to have the regional
7 perspective.

8 CHAIRMAN CALONE: Thank you,
9 Secretary Esposito.

10 Any other comments or thoughts?

11 MS. SPAHR: (Indicating)

12 CHAIRMAN CALONE: Ms. Spahr.

13 MS. SPAHR: If I can add just one other
14 thing that I didn't include from the code,
15 and this is just perhaps to help you focus on
16 the content of the report that you send back.

17 Section A14-17 of the code specifically
18 provides that "A report by the Planning
19 Commission disapproving a municipal zoning
20 action or recommending changes in the action

21 02 03 10_Planning_Commission.txt
and approving it with such changes shall
22 explicitly state the reasons for the
23 commissioners' conclusions. This statement
24 of reasons shall be designed to assist the
25 municipality to form its own judgment as to

1 Suffolk County Planning Commission 2/3/10 154
2 what action, if any, it should take with
3 respect to the municipal zoning action
4 involved."

5 So the presumption here and the law here
6 is that you're going to be heard before they
7 take action. And that's why you state your
8 reasons if you're going to be disapproving or
9 approving with the changes.

10 CHAIRMAN CALONE: All right. Let me --
11 Any other comments or --

12 COMMISSIONER McADAM: (Indicating)

13 CHAIRMAN CALONE: Yes,
14 Commissioner McAdam.

15 COMMISSIONER McADAM: I just wanted to
16 ask Linda a question.

17 If we send back -- I don't know the
18 number of disapprovals, but say there's 15,
19 and the town has to -- requires a
20 supermajority, do they vote separately on
21 each --

22 SECRETARY ESPOSITO: Yeah.

23 COMMISSIONER McADAM: -- of the 15, or
24 do they group them together?

25 MS. SPAHR: If you're saying -- if
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1 Suffolk County Planni ng Commi ssi on 2/3/10 155
2 there' s 15 speci fi c reasons?
3 COMMI SSI ONER McADAM: Yes.
4 MS. SPAHR: Then they would need to
5 state the reasons for overruling each and
6 every one of them.
7 CHAIRMAN CALONE: Okay. Thank you,
8 Linda.
9 Other -- other thoughts or comments?
10 (WHEREUPON, there was no response.)
11 CHAIRMAN CALONE: If not, I want to just
12 take an informal poll and see who' s inclined
13 to adopt the staff report.
14 (WHEREUPON, the members voted.)
15 CHAIRMAN CALONE: Michael , you' re firm
16 where you are?
17 SECRETARY ESPOSITO: Any wigg le room,
18 Michael ?
19 COMMI SSI ONER TALDONE: Turn thi s off.
20 MS. SPAHR: You can' t do it off --
21 CHAIRMAN CALONE: What -- what -- what?
22 MS. SPAHR: You can' t discuss it off the
23 record.
24 CHAIRMAN CALONE: No, no, no, no, no,
25 absol utel y not.

1 Suffolk County Planni ng Commi ssi on 2/3/10 156
2 SECRETARY ESPOSITO: He sai d i nformal .

3 COMMISSIONER TALDONE: Okay. Linda, may
4 I ask --
5 MS. SPAHR: You can't do it --
6 CHAIRMAN CALONE: Okay.
7 MS. SPAHR: -- informal off the record
8 either.
9 COMMISSIONER TALDONE: I can be formal.
10 CHAIRMAN CALONE: Okay. No, no, no. I
11 can informally poll the -- poll the
12 members -- all right, we've discussed that --
13 to get a sense --
14 MS. SPAHR: (Indicating)
15 CHAIRMAN CALONE: Okay. Counsel.
16 MS. SPAHR: I think you had asked me at
17 one point was it okay to talk about how
18 people were leaning, and I think --
19 CHAIRMAN CALONE: Right.
20 MS. SPAHR: -- I indicated you can talk
21 about anything that you want, but you can't
22 really take a pre-vote to your vote.
23 CHAIRMAN CALONE: I -- I think we
24 phrased it in a sense of who is leaning
25 towards -- or who is inclined, I think I

1 Suffolk County Planning Commission 2/3/10 157
2 said --
3 COMMISSIONER HOLMES: Yes.
4 CHAIRMAN CALONE: -- to -- to support --
5 COMMISSIONER HOLMES: You said inclined.
6 CHAIRMAN CALONE: -- the staff
7 recommendati on.

8 Is it better for me to poll each person
9 individually to do that, rather than ask them
10 to show hands?

11 SECRETARY ESPOSITO: No, she said don't
12 do that.

13 CHAIRMAN CALONE: No, no, no, I think I
14 can -- I can ask for inclinations,
15 absolutely.

16 Would you -- is that true?

17 MS. SPAHR: I think you have to vote.

18 CHAIRMAN CALONE: I'll ask each person
19 whether they're inclined to --

20 Well, we're past that point --

21 COMMISSIONER HOLMES: Yes.

22 CHAIRMAN CALONE: -- but I understand
23 your point, and I'll take care of it in the
24 future. I'll do it differently in the
25 future, if you want, and I understand your

1 Suffolk County Planning Commission 2/3/10 158
2 point.

3 COMMISSIONER KELLY: Commissioner?

4 CHAIRMAN CALONE: Yes,
5 Commissioner Kelly.

6 COMMISSIONER KELLY: Is there a way to
7 add a -- a comment to the conditions where
8 there is some type of recognition to the
9 civics? I guess the civics will actually
10 have their voice at the hearing anyway.
11 So --

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That's my --

CHAIRMAN CALONE: That's true.

COMMISSIONER KELLY: -- only concern. I want to -- I just want to make sure that they -- their voice is -- is heard on this application because there is such support for it.

CHAIRMAN CALONE: Right.

We can certainly add a comment --

COMMISSIONER HOLMES: Yeah.

CHAIRMAN CALONE: -- that would --

COMMISSIONER HOLMES: We can do that.

CHAIRMAN CALONE: -- that would reflect something that's saying that, you know -- you

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know -- I don't know, something like we understand that the local civics, you know, will have an opp- --

COMMISSIONER HOLMES: Or just say that we recognize that this -- naming this civic association, has come before us today to express their support. We can say we recognize that --

CHAIRMAN CALONE: That is a --

COMMISSIONER HOLMES: -- as a comment.

CHAIRMAN CALONE: That is a factual statement, and it's true, and we could -- I assume we could add that as a comment.

SECRETARY ESPOSITO: I just want to say I am deeply moved by Commissioner Kelly's

17 support for local civic input.
18 COMMISSIONER KELLY: Thank you, and I'm
19 glad that's on the record.
20 COMMISSIONER McADAM: Can we attach the
21 letter?
22 CHAIRMAN CALONE: No.
23 SECRETARY ESPOSITO: No.
24 CHAIRMAN CALONE: No, I don't think we
25 can. It's not our job to do that, and I'm

1 Suffolk County Planning Commission 2/3/10 160
2 sure they will send their own --
3 COMMISSIONER HOLMES: But --
4 CHAIRMAN CALONE: -- you know --
5 COMMISSIONER HOLMES: -- we could use --
6 CHAIRMAN CALONE: -- people there.
7 COMMISSIONER HOLMES: -- the word
8 "recognized" --
9 CHAIRMAN CALONE: Yeah, we could -- we
10 could add a comment that says we recognize
11 that the local civic association has
12 indicated to us that they are, you know,
13 generally supportive of this application. I
14 think that's something that -- it's factual,
15 and it's something we could add as a comment.
16 Is there any objection to adding that as
17 a comment?
18 COMMISSIONER HOLMES: We need to name
19 the civic association.
20 SECRETARY ESPOSITO: No, I don't think

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21 we do. We could just say --
22 CHAIRMAN CALONE: Well, let's just --
23 let's just -- let's just call it the local
24 civic association.
25 COMMISSIONER HOLMES: A local. A -- a

1 Suffolk County Planning Commission 2/3/10 161
2 local.

3 CHAIRMAN CALONE: Fine. A local civic
4 association.

5 Any objection to adding that as a
6 comment?

7 COMMISSIONER TALDONE: I have --

8 CHAIRMAN CALONE: Seeing none --

9 COMMISSIONER TALDONE: I have a -- no, I
10 just --

11 CHAIRMAN CALONE: Oh, I'm sorry. Yes --
12 sorry -- Vince -- yep.

13 COMMISSIONER TALDONE: Sorry.

14 This is a question for our counsel.

15 I understood from the past that we could
16 not consider evidence or -- we'll call it
17 evidence -- information provided at our
18 hearing, we have to consider the application
19 that was submitted by the town, which did not
20 include support from the civic association.

21 Am I mistaken?

22 MS. SPAHR: You know, we've gone back
23 and forth on this, and the -- the county law
24 provides that any meeting at which a
25 government agency or commission is going to

1 Suffolk County Planning Commission 2/3/10 162
2 be conducting business has to have an
3 opportunity for the public to be heard. They
4 can come in, they can talk about the
5 particular application, they can talk about
6 other initiatives that you have going. The
7 law says that you have to consider the
8 application that's been submitted to the
9 town.

10 The problem with listening to and -- and
11 I appreciate your not calling it testimony,
12 because it's something -- people walked in
13 the door just to be heard in public session.

14 The problem with giving -- the problem
15 determining how to consider that information
16 that you may hear and the comments you may
17 hear in a public session is that since it's
18 not a hearing and people don't have a formal
19 opportunity to be heard, you're not looking
20 at the whole record, you have no way of
21 judging whether a person who walked through
22 the door is a best friend or a brother of a
23 person or an applicant. You haven't had the
24 town -- or the person who disagrees with the
25 speaker hasn't had an opportunity to come in

1 Suffolk County Planning Commission 2/3/10 163
2 and say, What are you kidding? That civic

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3 association may think it's great, but I
4 belong to three others who have been really
5 fighting against this type of development.
6 So because you're an advisory body and
7 you're not making the ultimate decision, the
8 way the cases describe what your job is, is
9 you're supposed to be kind of taking a step
10 back from that local process. And I hear you
11 all thinking really hard about how you
12 include the -- the local -- the citizens, the
13 local businesses, the local economy, and all
14 of that in your -- your decision-making
15 process, all of that really is supposed to
16 take place on the town --
17 COMMISSIONER HOLMES: Right.
18 MS. SPAHR: -- on the municipal level --
19 COMMISSIONER HOLMES: Right.
20 MS. SPAHR: -- where they're doing the
21 environmental impact study, they're doing
22 zoning -- they're looking at zoning overall,
23 they're looking at how their -- their towns
24 and municipalities are developing.
25 So that kind of microanalysis is

1 Suffolk County Planning Commission 2/3/10 164
2 supposed to be taking place at the town where
3 there is due process, they have a hearing
4 within Article 78, you can challenge their
5 decision.

6 Your decision, you're supposed to be
7 bringing a broader perspective, a broader

8 impact in deciding in a -- larger in this
9 respect to the town. And that's why you've
10 got to be more careful. I'm not saying
11 ignore what people say when they come in the
12 room, maybe they give you cause to think,
13 they give you a different perspective, they
14 help to praise or consider what you want to
15 be telling the town or the -- or the village,
16 but you shouldn't really be, quote, unquote,
17 relying on that as --

18 SECRETARY ESPOSITO: I think that's
19 fair.

20 MS. SPAHR: -- the final word.

21 COMMISSIONER HOLMES: Correct.

22 MS. SPAHR: If that helps.

23 COMMISSIONER TALDONE: I have one last
24 question --

25 CHAIRMAN CALONE: Yes, sir.

1 Suffolk County Planning Commission 2/3/10 165

2 COMMISSIONER TALDONE: -- if I may.

3 And this question is actually for the
4 staff.

5 Andy and others, is there -- is there
6 anything that you can think of in terms of
7 creative writing where we could approve this
8 with conditions that force them on some level
9 to review that corridor study, look at what
10 they had --

11 COMMISSIONER HOLMES: No.

12 COMMISSIONER TALDONE: -- said
13 originally, and kind of consider it?
14 I don't want to say approve. I don't
15 want to say local determination.
16 CHAIRMAN CALONE: You want --
17 COMMISSIONER TALDONE: But approve with
18 the condition that they do something very
19 specific which relates to this study.
20 Can you think of --
21 MR. FRELENG: Well --
22 COMMISSIONER TALDONE: -- any language
23 that might help?
24 CHAIRMAN CALONE: I think Director Isles
25 wants to --

1 Suffolk County Planning Commission 2/3/10 166
2 DIRECTOR ISLES: Yeah. As far as the
3 staff, we have completed a review, and as
4 indicated, Andy, I think, did a great job on
5 this. We're not prepared at this point to
6 make any other recommendation than what we've
7 prepared today. If the commission wants to
8 adopt a different recommendation, obviously,
9 that's your -- your call, but we stand behind
10 the recommendation we made at this point.
11 CHAIRMAN CALONE: Okay.
12 MR. FRELENG: Just to add to that.
13 The application before the commission is
14 a change of zone to this particular zone J-5.
15 There are other uses that are allowed in J-5
16 that if this particular use didn't come to
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17 fruition, once the zone is changed, there are
18 other uses that would be allowed.

19 CHAIRMAN CALONE: All right.

20 Okay. The recommendation on the table
21 was to add a comment relating to just that
22 there's been a factual indication from
23 them -- the local civic association, their
24 support of the project.

25 Does that make a difference to the folks

1 Suffolk County Planning Commission 2/3/10 167

2 down at the end of that table?

3 (WHEREUPON, there was no response.)

4 CHAIRMAN CALONE: Okay.

5 All right. I'll entertain a motion to
6 adopt the staff report with the amendment
7 of -- the addition of the comment as an
8 amendment.

9 SECRETARY ESPOSITO: I'll make the
10 motion.

11 CHAIRMAN CALONE: Motion by
12 Secretary --

13 COMMISSIONER HOLMES: I'll second it.

14 CHAIRMAN CALONE: -- Secretary Esposito.

15 Seconded by Commissioner Holmes.

16 All in favor, please raise your hand.

17 (WHEREUPON, the members voted.)

18 CHAIRMAN CALONE: Okay. That's
19 eight-zero.

20 The next item on our agenda is the

21 02 03 10_Planning_Commission.txt
Belanger application.
22 DIRECTOR ISLES: Which is Ted.
23 CHAIRMAN CALONE: And that's Ted.
24 MR. KLEIN: Okay. The application, as
25 you said, is Belanger.

1 Suffolk County Planning Commission 2/3/10 168

2 SECRETARY ESPOSITO: Yeah, as you said.
3 MR. KLEIN: It was referred to the
4 commission by the --
5 CHAIRMAN CALONE: Thank you, Ted.
6 SECRETARY ESPOSITO: That's nice of you,
7 Ted.

8 THE REPORTER: Ted --
9 MR. FRELENG: Speak into the microphone.
10 THE REPORTER: -- speak into the mike.
11 MR. KLEIN: Okay. Can you hear me?
12 Okay. I -- speak into the mike.

13 Edward Belanger. It was referred to the
14 commission by the Town of Brookhaven.
15 Commission's jurisdiction for review is that
16 it's within one mile of Brookhaven Airport,
17 and within 500 feet of Agricultural District
18 No. 3.

19 The applicant seeks multiple area
20 variances in connection with a four-lot
21 subdivision in the hamlet of Manorville.
22 The subject parcel consists of two tax map
23 parcels, totalling the area of about
24 five acres, and it consists of wooded land
25 with one house -- you can't see from the

1 Suffolk County Planning Commission 2/3/10 169

2 aerial, but there's a dilapidated house
3 present on this site. The land is situated
4 in A-1 Residence zoning district, where the
5 minimum lot area is 40,000 square feet.

6 So I said, the application is a -- a
7 four-lot subdivision. Three of those four
8 lots that are being proposed are flag-shaped
9 lots having only 15 feet of road frontage,
10 whereas the zoning classification of this
11 property requires 175 feet. The three
12 proposed flag lots would have access strips,
13 or pole portions of the flag, ranging in
14 length from 320 feet, Lot 3, to 870 feet,
15 Lot 1, all the way to the west. And -- and
16 the flagpoles along the western portion, as
17 you can see.

18 The location of the property is located
19 along the westerly side of Weeks Avenue, a
20 two-lane dead-end road --

21 Could you go back to the aerial, John.

22 MR. CORRAL: (Compl ying)

23 MR. KLEIN: Yeah, that's a -- that's
24 actually a dead-end road there (indicating).
25 It -- it terminates to the south.

1 Suffolk County Planning Commission 2/3/10 170

2 The surrounding properties consist of

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3 vacant and improved residential lands, some
4 agricultural land, which is used for like
5 equestrian purposes, like greenhouses.
6 There's also a large planned residential
7 community zoned property directly to the
8 west. And the location of the property would
9 be appropriate for residential development.

10 The subject parcel has adequate frontage
11 along Weeks Avenue. The applicant is
12 proposing access via a common 16-foot-wide
13 asphalt driveway within a 30-foot-wide
14 easement.

15 Go back to the plan, please, John.

16 MR. CORRAL: (Compl ying)

17 MR. KLEIN: Thanks.

18 So each of those pole strips are 15 feet
19 wide, and there's an easement right down the
20 middle of the 30 feet for utilities and
21 access.

22 According to commission guidelines,
23 access strips should not exceed 300 feet, and
24 that a 50-foot-wide right-of-way suitable for
25 dedication should be used when a common

1 Suffolk County Planning Commission 2/3/10 171
2 access is proposed for three or more lots, as
3 is the case of this application.

4 There are no environmental constraints
5 indicated or observed, except the property is
6 within a Pine Barrens ecosystem that is
7 adjacent to the Suffolk County Central Pine

8 Barrens zone to the north.

9 As far as the comprehensive plan
10 recommendations go, the town rezoned many
11 of the parcels along Weeks Avenue from
12 L-3 Industrial, that's Heavy Industrial, to
13 A-1 Residence back in 2001. And the current
14 comprehensive plan would support a
15 residential subdivision of this type.

16 In the staff analysis, the variance
17 application seeks relief. Typically, the
18 staff would have recommended a local
19 determination in accordance with the
20 commission's regionally significant criteria.
21 However, as the commission has resolved to
22 send a strong message to the local referring
23 municipalities that to approve variances of
24 this nature permitting the creation of
25 subdivisions with excessively long access

1 Suffolk County Planning Commission 2/3/10 172
2 strips over narrow easements would be
3 contrary to commission guidelines and good
4 planning principles. Therefore, the staff
5 recommends disapproval for the following
6 reasons:

7 Flag lots shall not be created where the
8 length of the flag strip is greater than
9 300 feet. Excessive driveway length over the
10 flag strips may cause difficulties for
11 emergency vehicles and equipment in

12 attempting to reach the residence on the main
13 portion of the parcel. There is concern that
14 the present tendency to create lots with
15 exceedingly long flagpoles or panhandles can
16 result in safety problems for the residents.
17 Should a fire sweep through the area, as it
18 does in a Pine Barrens ecosystem, residents
19 can be cut off and not be able to be reached
20 by -- reach safety. In the event of a house
21 fire, the fire department may have difficulty
22 in locating the house from Weeks Avenue,
23 thereby losing precious time. There is also
24 the potential for disputes over the use and
25 maintenance of the right-of-way.

1 Suffolk County Planning Commission 2/3/10 173

2 The second reason for disapproval, the
3 applicant has not demonstrated compliance
4 with applicable variance criteria.
5 Specifically, that the benefits sought cannot
6 be reached by other physical means --
7 feasible means, and therefore, the applicant
8 has not shown "practical difficulty" in order
9 to justify granting the variance.

10 Also, it is suggested that the following
11 comments pertaining to this proposed zoning
12 action be offered to the town for its
13 consideration and use:

14 It is recommended that a 50-foot-wide
15 right-of-way be created where a common
16 access is proposed over the adjacent

17 panhandles of -- of three or more lots. The
18 right-of-way should be suitable for
19 dedication to the town and/or reserved for
20 future highway use.

21 Consideration should be given to a
22 "cluster" layout, reducing the size of the
23 lots and concentrating the lots closer to
24 Weeks Avenue. This would result in quicker
25 access to the structures by fire equipment

1 Suffolk County Planning Commission 2/3/10 174
2 through quicker identification of the
3 properties. This would also reduce the
4 amount of road required, reduce the amount of
5 storm runoff, and eliminate the need for long
6 panhandles and the resulting long driveways.

7 As an alternative to the flag-lot design
8 concept in this area, the commission also
9 suggests utilizing a "Block Study" in order
10 to guide subdivision actions and provide for
11 alternatives to ad hoc development patterns
12 in the area. A block study would allow the
13 town an opportunity to design a rational
14 street network. Block studies also provide
15 valuable predictability for individual
16 property owners and developers while allowing
17 development costs to be equitably shared.
18 This seems especially warranted given the
19 mass re-zoning of the area -- the subject
20 area within the past decade. A large open

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21 space could then be created as part of the
22 block which would preserve existing natural
23 habitats.
24 That's the staff report.
25 Thank you.

1 Suffolk County Planning Commission 2/3/10 175

2 CHAIRMAN CALONE: Thank you, Ted.
3 How long is that flag lot, again? Or
4 the -- how long is the driveway?
5 MR. KLEIN: The longest one?
6 CHAIRMAN CALONE: Yeah.
7 MR. KLEIN: 800- -- I think it was --
8 COMMISSIONER HOLMES: 870 feet.
9 MR. KLEIN: 870 feet, that's right.
10 Thank you.
11 CHAIRMAN CALONE: Okay. So that's
12 two -- almost three times the general --
13 DIRECTOR ISLES: Recommended amount.
14 CHAIRMAN CALONE: -- recommended amount.
15 Okay.
16 MR. KLEIN: Almost three.
17 CHAIRMAN CALONE: I'm sorry, what's
18 that?
19 MR. KLEIN: Almost three.
20 CHAIRMAN CALONE: Yeah, almost three.
21 MR. KLEIN: And they're relatively
22 narrow, too.
23 CHAIRMAN CALONE: Right. Right.
24 Okay. This is a Brookhaven project, so,
25 Commissioner Kelly?

1 Suffolk County Planni ng Commi ssi on 2/3/10 176

2 COMMI SSI ONER KELLY: Thank you,
3 Commi ssi oner.

4 Ted, do you know if there's any shared
5 access agreement or shared maintenance
6 agreement on the -- on the shared driveway?
7 Was that submit ted?

8 MR. KLEIN: Other -- you mean access to
9 utility easements proposed?

10 COMMI SSI ONER KELLY: I'm assumi ng for
11 the -- for the indi vi dual homeowners.

12 Is there anything in place yet, or are
13 we expecti ng that that would be in place if
14 thi s was approved.

15 MR. KLEIN: That would be quoted on the
16 fili ng of the map, I guess, in the future.

17 COMMI SSI ONER KELLY: It looks like
18 there's already two flag-lot parcel s just to
19 the -- one to the north, one to the south.
20 How -- how do we balance the -- the
21 recommendati on -- today's recommendati on wi th
22 those approval s?

23 DI RECTOR ISLES: Dan coul d talk.

24 COMMI SSI ONER HOLMES: Di d they approve
25 those?

1 Suffolk County Planni ng Commi ssi on 2/3/10 177

2 DI RECTOR ISLES: Dan gave a presentati on

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on this a while ago.

DEPUTY DIRECTOR GULIZIO: If I could jump in for a second. That's one of the reasons why we brought this application to the commission.

Weeks Avenue running south from the expressway has approximately 60 individual lots which all could submit similar applications for relief of flag lots to allow for what we would believe would be a very chaotic land use pattern. What we've suggested to the town in the past in reference to at least two other flag-lot-type subdivisions is to consider a different approach. Map in a paper street so you could have a rational development pattern for a subdivision; consider clustered subdivisions; consider the mapping in of roads to town standards, and then vary the improvement requirements within those roads so at least we could have a proper roadway setup, and it's not just simply an increase in density based upon a -- a smaller requirement between

Suffolk County Planning Commission 2/3/10 178
new improvements.

CHAIRMAN CALONE: Right.

DEPUTY DIRECTOR GULIZIO: So based upon the policy that's associated with this and this pattern of development that's occurring here, we felt it was important to bring this

8 application. And that would be, to us, a
9 more rational approach.

10 CHAIRMAN CALONE: I think that's an
11 important point.

12 This isn't just a stand-alone -- well,
13 from my perspective, it's -- it's long to
14 begin with. I mean, you know, it's 300 feet,
15 the right number, that's the standard. You
16 know, if something's 400 feet, is that a big
17 deal? You know, we can debate that, but,
18 this is almost 900 -- no, I'm sorry, not
19 square feet, 900 feet in length, and it's
20 also in an area where safety issues do
21 potentially come up because of the Pine
22 Barrens issue. And also the fact that --
23 kind of from Michael's point, the flip side
24 of Michael's point I think is that, literally
25 you can have that up and down this whole

1 Suffolk County Planning Commission 2/3/10 179
2 strip, which -- which would be a concern to
3 the -- the piling on effect.

4 COMMISSIONER HOLMES: May I ask, was
5 Commissioner Kelly's question as to whether
6 we, as a commission, had previously approved
7 those other flag lots that are already in
8 place?

9 Was that your question?

10 COMMISSIONER KELLY: Yes.

11 COMMISSIONER HOLMES: Yes. Thank you.

12 DEPUTY DIRECTOR GULIZIO: Well, to
13 answer that, there are a number of flag lots
14 that would be a matter of local
15 determination. However, the commission also
16 authorized staff, under the director, to send
17 out a letter to the -- to the town planning
18 staff recommending alternatives such as block
19 studies, clustered subdivisions, and
20 alternatives to flag lots, which we have
21 sent to the commissioner of planning.

22 COMMISSIONER HOLMES: Well, what -- what
23 about the previous lots, were they before the
24 commission? Did we approve those? No?

25 DEPUTY DIRECTOR GULIZIO: In what --

1 Suffolk County Planning Commission 2/3/10 180
2 what we elected to do in connection with
3 those was we recommended to the commission
4 they be deemed matters of local
5 determination --

6 COMMISSIONER HOLMES: I see.

7 DEPUTY DIRECTOR GULIZIO: -- but that
8 they be accompanied by a letter recommending
9 a more sound planning process.

10 COMMISSIONER HOLMES: I see. Okay.

11 CHAIRMAN CALONE: So this is reflecting
12 the change in policy just because of the
13 concentration of these in that area?

14 DEPUTY DIRECTOR GULIZIO: This is the
15 third one on this street alone in the last
16 couple of months --

17 COMMISSIONER HOLMES: Oh, dear.
18 DEPUTY DIRECTOR GULIZIO: -- the
19 commission has had referred to it.
20 COMMISSIONER HOLMES: Oh, dear.
21 CHAIRMAN CALONE: All right. Comments,
22 questions, thoughts?
23 (WHEREUPON, there was no response.)
24 CHAIRMAN CALONE: If not, I'll entertain
25 the motion.

1 Suffolk County Planning Commission 2/3/10 181
2 COMMISSIONER HOLMES: I'll move the
3 adoption of the staff report.
4 CHAIRMAN CALONE: Motion as for approval
5 of the staff report (indicating).
6 Second?
7 COMMISSIONER McADAM: (Indicating)
8 CHAIRMAN CALONE: Commissioner McAdam.
9 COMMISSIONER McADAM: Yeah.
10 CHAIRMAN CALONE: All in favor of
11 adopting the staff report for the reasons
12 indicated, please raise your hand.
13 (WHEREUPON, the members voted.)
14 CHAIRMAN CALONE: Eight and zero.
15 Okay. Thank you, Ted. Thank you, Andy.
16 The next item on the agenda, we -- we'll
17 probably be another 15 minutes or so. Some
18 of these are quicker than others.
19 The next item on the agenda is the
20 comprehensive plan.

21
22
23
24
25

DIRECTOR ISLES: Thank you.

Let me just make note of one thing before getting to that, and that is -- and I neglected to mention it in my Director's

1 Suffolk County Planning Commission 2/3/10 182
2 Report. Included in your package today is a
3 list of open space parcels that are already
4 in consideration by Suffolk County. It's
5 identified as "Planning steps by
6 legislature" -- it should be "legislative
7 district not closed."

8 The reason you're given this is we
9 customarily provide this to you once a year.
10 And this goes back to an issue a number of
11 years ago where the legislature felt it was
12 important for the commission to be aware of
13 what was in the pipeline; although, you're
14 not allowed and you should not apply this to
15 consideration of individual applications. So
16 it's for your general information. If you
17 have any questions, certainly feel free to
18 contact me.

19 And just very quickly on the
20 comprehensive plan, we have furnished notice
21 of the two public meetings that are coming
22 up, and the notices have been corrected. The
23 first meeting is February 23rd, which will be
24 right here; the second meeting is March 11th.
25 The meetings will be conducted by the

1 Suffolk County Planning Commission 2/3/10 183
2 commission. I would appreciate if you could
3 let me know if you're attending either or
4 both, and the county executive is intending
5 to come to the first meeting at least, and
6 possibly the second meeting, to kick off the
7 meetings themselves. The county planning
8 department staff will be prepared to provide
9 an overview presentation to the commission,
10 to the public, to frame the issues. But
11 these are essentially scoping meetings to
12 start to engage the public --

13 SECRETARY ESPOSITO: Okay.

14 DIRECTOR ISLES: -- and to inform them
15 on -- on where we are with this process.

16 Secondly, as I previously indicated, the
17 department is also meeting with the planning
18 directors in the towns in the county. Those
19 meetings have been scheduled, we will be
20 informing them, and those will be taking
21 place before the public meetings.

22 We intend to use the planning directors
23 as almost our technical advisory group, and
24 we really want to be connected to them in
25 terms of ensuring that we have their points

1 Suffolk County Planning Commission 2/3/10 184
2 of view under consideration in what we're

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3 doing, and that whatever this commission and
4 whatever Suffolk County may do with the plan,
5 that it has traction with the localities as
6 well. We also intend to involve the
7 villages.

8 And then finally, relating to the -- the
9 towns and villages, what we are planning,
10 too, is, probably in the fall, to hold
11 individual working group meetings in each of
12 the ten towns in the county as we're, here
13 again, working on this effort.

14 And then the last item to report on the
15 comprehensive plan is that we are progressing
16 with the actual body of the plan in the work.
17 A number of divisions in the -- the office
18 are working on it, including regulatory
19 review, and -- so we are making progress.
20 However, the -- it is challenging in terms
21 of, here again, the resources being very
22 limited and the other commitments in terms of
23 the Sagtikos study, the Yaphank EIS, and so
24 forth. So we -- we are making progress. We
25 are going to -- to complete this, but just to

1 Suffolk County Planning Commission 2/3/10 185
2 Let you know that, you know, there will be
3 challenges along the way in -- in getting it
4 done. So we'll do the best we can.

5 COMMISSIONER HOLMES: May I --

6 DIRECTOR ISLES: Thank you.

7 COMMISSIONER HOLMES: -- ask a question?

8 CHAIRMAN CALONE: Commissioner Holmes.

9 COMMISSIONER HOLMES: Tom, you mentioned
10 local planning directors. Do you mean
11 planning departments in the towns, because
12 Shelter Island doesn't have a planning
13 department?

14 DIRECTOR ISLES: Right, I am aware of
15 that. And in the case of Shelter Island, we
16 have invited the planning board chair to the
17 meeting. So we have the nine towns which do
18 have directors, and then Shelter Island, we
19 have Paul Mobius attending.

20 COMMISSIONER HOLMES: Okay. Thank you.

21 DIRECTOR ISLES: Thank you.

22 CHAIRMAN CALONE: And this is for
23 the -- this is for the open house -- I mean,
24 not -- the -- the event on the --

25 DIRECTOR ISLES: Well, for the

1 Suffolk County Planning Commission 2/3/10 186
2 directors' meetings.

3 CHAIRMAN CALONE: The separate
4 directors' meetings. Gotcha.

5 Thank you, Director Isles.

6 Obviously, that is -- this is further
7 proof positive that things are moving forward
8 with the comprehensive plan.

9 We are going to do this as a -- it's not
10 going to be an official commission meeting,
11 but certainly it's important for all

12 commission members to -- to be there if you
13 can. Particularly the one in your area, but
14 I would encourage everyone to be at -- at
15 both of them, if possible. It's important
16 for us to show that this is something that's
17 important to Suffolk County and important to
18 this planning commission.

19 So as Tom said, we'll probably send
20 around an e-mail, but we'll need to get to
21 know who's coming to which one.

22 COMMISSIONER HOLMES: I'll need
23 directions to Speonk-Riverhead Road from the
24 LIE.

25 CHAIRMAN CALONE: We can get directions

1 Suffolk County Planning Commission 2/3/10 187
2 to everyone.

3 COMMISSIONER McADAM: (Indicating)

4 CHAIRMAN CALONE: Yes,
5 Commissioner McAdam.

6 COMMISSIONER McADAM: Regarding the
7 comprehensive plan, I should have mentioned
8 this before, but the public safety portion of
9 it, I expect to have a draft e-mailed to
10 everybody by next week. The problem is that
11 we have so much information, trying to
12 consolidate it has gotten to be a problem.
13 So we have some good information from good
14 sources, and, you know, again, I'll try to
15 have it next week in your e-mail.

16 The second thing, which has nothing to
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17 do with this -- with the county comprehensive
18 plan, I just wanted to announce that the Town
19 of Southold has started a comprehensive plan,
20 and this week, they have had and are still
21 having public hearings on the vision
22 statement. They expect to bring the public
23 in extensively during the entire process. So
24 Southold is on its way.

25 COMMISSIONER HOLMES: If I might add,

1 Suffolk County Planning Commission 2/3/10 188
2 Shelter Island has had a comprehensive plan
3 committee reviewing our present comprehensive
4 plan, and recommending updates. And that is
5 now being considered by our town board.

6 CHAIRMAN CALONE: Sounds like there's a
7 lot of activity out east, and the rest of us
8 in the west should --

9 COMMISSIONER HOLMES: Right.

10 CHAIRMAN CALONE: -- well, we need to be
11 catching up.

12 But one thing I would say to that, Tom,
13 with regard to the --

14 Well, first of all, Southold, you guys
15 have a long history with your hamlet studies
16 and other things of thinking comprehensively.
17 So that's great.

18 With regard to the public safety aspect
19 of the task force, I think it remains to be
20 seen whether the task force work is really

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21 going to be folded into the comprehensive
22 plan or whether those will just be kind of
23 standalone recommendations to the
24 municipalities. But, certainly, progress on
25 that, you know, will be great.

1 Suffolk County Planning Commission 2/3/10 189

2 COMMISSIONER McADAM: Some of the --
3 some of the material that we were looking at,
4 they -- they actually called them
5 "guidelines." It's a -- it's a separate
6 book, and it just deals with public safety
7 and environmental impediments and things like
8 that. So it -- it could very well go
9 separate.

10 CHAIRMAN CALONE: Yeah. Okay. Thank
11 you for that. And --

12 MS. SPAHR: (Indicating)

13 CHAIRMAN CALONE: -- and counsel.

14 MS. SPAHR: Just for the purposes of
15 your own planning, the -- you're doing the
16 public meetings now, so there's no
17 requirement for a quorum. Although,
18 obviously, the preference is to have as many
19 of the commissioners as possible.

20 When it comes to the actual adoption of
21 the plan, before the plan could be adopted by
22 the commission, you have to have two public
23 hearings. So that's going to be after you
24 have a draft report, the comprehensive --
25 whether a draft comprehensive plan that's

1 Suffolk County Planning Commission 2/3/10 190
2 shared with the community, there has to be a
3 notice of public hearing, and you have to
4 hold two public hearings. For those
5 purposes, you will require a quorum, and then
6 you have to have a meeting and it has to be
7 adopted by a two-thirds vote. So two-thirds
8 of you will have to have either been at or
9 reviewed the minutes for all of the -- the
10 hearing -- both of the hearings that are held
11 after the plan is drafted.

12 So if you have questions when the time
13 comes, we can talk about how that's going to
14 work, but just keep that in the back of your
15 mind.

16 CHAIRMAN CALONE: Thank you, Linda.
17 Appreciate that.

18 All right. Unless there's any other
19 comments or questions on the comprehensive
20 plan, we will see you all on February 23rd
21 right herearound these -- around this table.

22 We'll move on to other business.

23 We have the consideration of the
24 universal design incentive model code. As we
25 mentioned, Vince is -- Vince and others have

1 Suffolk County Planning Commission 2/3/10 191
2 done a lot of work on this. We actually

02 03 10_Planning_Commission.txt
3 reviewed this, we went through the model
4 code, I believe, at our December meeting,
5 when Vince unfortunately couldn't be with us.
6 But --

7 COMMISSIONER TALDONE: I need 30 seconds
8 to talk with you.

9 CHAIRMAN CALONE: Yes, I agree.

10 And we also got a letter, which I would
11 recommend to you in our packet from the
12 Long Island Builders Institute. It's the
13 same letter that I had e-mailed out to you
14 yesterday, but it's a letter to the
15 commission indicating their support for the
16 incentive code.

17 What I'd like to do is just take a
18 five-minute break. And I apologize for doing
19 that, but we do need to talk about one aspect
20 before we vote on it. So if everyone wants
21 to stretch their legs for five minutes, use
22 the restroom, we will need about ten minutes
23 when we return to finish.

24 So we're adjourned for five minutes.

25 (WHEREUPON, a brief recess was taken,

1 Suffolk County Planning Commission 2/3/10 192

2 after which the following transpired:)

3 (Time noted: 3:02 p.m.)

4 CHAIRMAN CALONE: Okay. We're going
5 to just hold onto the universal design for a
6 second.

7 Let's move to the adoption of the
Page 164

8 calender. You have the proposed calender in
9 front of you. The only highlight is, of
10 course, we're trying to continue our tour
11 around Suffolk County; and we'll do that this
12 year by going to Brookhaven, Shelter Island,
13 and Babylon.

14 SECRETARY ESPOSITO: Will Linda be
15 hosting us for lunch in Shelter Island?

16 CHAIRMAN CALONE: Linda --

17 COMMISSIONER HOLMES: Sure, picnic on
18 the lawn in front of my colonial house.

19 CHAIRMAN CALONE: You heard it here
20 first.

21 And, of course, we have our -- our twice
22 annual trip to Riverhead. Which just on the
23 note there, we're back in the Suffolk County
24 Legislative auditorium in Riverhead, which we
25 haven't been in years. So --

1 Suffolk County Planning Commission 2/3/10 193

2 I'm just going to entertain a motion to
3 adopt the schedule -- unless anyone has any
4 comments or questions, I assume there's none.

5 SECRETARY ESPOSITO: (Indicating)

6 CHAIRMAN CALONE: Motion to adopt by
7 Secretary Esposito --

8 VICE CHAIRMAN KONTOKOSTA: (Indicating)

9 CHAIRMAN CALONE: -- and seconded by
10 Vice Chairman Kontokosta.

11 All in favor of adopting the

12 02 03 10_Planning_Commission.txt
13 commission's schedule, please raise your
14 hand.

15 (WHEREUPON, the members voted.)

16 CHAIRMAN CALONE: Thank you. That is
17 eight-zero.

18 The rules of proceedings are also in
19 your -- your packet. I sent them around.
20 There are only three little additions, which
21 were things that have come up during the
22 course of the year that we just took note of
23 and put in the -- put in the rules. They are
24 I think new numbers 21, 22, 23. They're
25 issues that, you know, we've -- we've kind of
come up in varying circumstances. The

1 Suffolk County Planning Commission 2/3/10 194
2 recusal, which is 23; the conversations with
3 private applicants, which is 22; and 21, just
4 the public comments if you're speaking at a
5 public hearing or -- or anything kind of
6 public gathering.

7 Any comments or questions about those?

8 MS. SPAHR: (Indicating)

9 CHAIRMAN CALONE: Counsel.

10 MS. SPAHR: With respect to proposed
11 rule 21, which is the commissioners' public
12 comments.

13 CHAIRMAN CALONE: Yes.

14 MS. SPAHR: What I would suggest is that
15 you look at the two parts of that sentence.

16 It says that if any commission member speaks
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17 publically about any specific project or
18 potential project within the commission's
19 jurisdiction or any Suffolk land use and
20 planning issues in general, then they have to
21 make it clear that the opinions are their
22 own.

23 What I would suggest is that a
24 commission member should not be speaking
25 publically about any specific project within

1 Suffolk County Planning Commission 2/3/10 195
2 the commission's jurisdiction, that that
3 would be a prohibited thing to do. However,
4 if you're going to be speaking in general
5 about Suffolk land use and planning issues
6 where, for instance, you come up with model
7 plans or the IMAs or the initiatives, then so
8 long as the commission agrees that somebody's
9 going to be speaking about the commission
10 policies, then certainly you could be
11 speaking on behalf of the commission.

12 So I think that you should look at those
13 two issues separately. That would be my
14 recommendation.

15 CHAIRMAN CALONE: Okay. That's -- I
16 think that's a -- that's a fair point.

17 Certainly, things that have been
18 approved by the commission or consideration
19 by the commission, it's appropriate, I agree,
20 to convey that. You know, we're working on a

02 03 10_Planning_Commission.txt
21 draft code that says X, Y, and Z, or we've
22 approved a -- you know, a model code or --
23 or -- or the comprehensive plan may include
24 X, Y, and Z.

25 MS. SPAHR: Right. And I would

1 Suffolk County Planning Commission 2/3/10 196
2 distinguish between privacy and matters under
3 the -- the commission's jurisdiction. So if
4 you have taken or have to take action or may
5 take action with respect to a particular
6 project or a referral item, then you should
7 not be speaking about that outside of your
8 formal communication as a commission.

9 CHAIRMAN CALONE: Uh-huh.

10 MS. SPAHR: But if it's a matter of
11 policy and your initiatives and planning, and
12 all of the really good stuff that you've been
13 looking to do over a last year, and -- and
14 moving especially now into the next year or
15 so with the -- the comprehensive plan, then
16 certainly talk about who's going to be
17 speaking on behalf or make a presentation on
18 behalf of the commission. All of that would
19 seem to me to be perfectly acceptable, as
20 long as you all agree when someone's speaking
21 on behalf of the commission.

22 CHAIRMAN CALONE: Any thoughts or
23 comments on that?

24 COMMISSIONER CHARTRAND: I have a
25 comment.

1 Suffolk County Planni ng Commi ssi on 2/3/10 197

2 May I speak?

3 CHAIRMAN CALONE: Yeah. Yeah.

4 Commi ssi oner Chartrand.

5 COMMISSIONER CHARTRAND: Yeah, how do
6 you determine something that's a potential
7 project coming up? You know, we don't know
8 what's coming down the road.

9 MS. SPAHR: Any land use or zoning
10 matter that's going to be referred --
11 potentially be referred under the code to the
12 commission, so under the commission's
13 jurisdiction. So it's a particular project.
14 You shouldn't be talking about a particular
15 project or you could run into a conflict
16 situation.

17 CHAIRMAN CALONE: And there certainly
18 are examples of that. We know the projects
19 like Heartland will be coming at some point.
20 We know they're certainly under our
21 jurisdiction. And we know that there is --
22 there -- anything that kind of fits our
23 jurisdiction, which would be 500 feet within
24 a road, you know, in all -- a state or county
25 road and other things like that.

1 Suffolk County Planni ng Commi ssi on 2/3/10 198

2 MS. SPAHR: And it would be a referral

02 03 10_Planning_Commission.txt
3 matter. So --

4 COMMISSIONER HOLMES: Yeah. So what
5 we're doing is distinguishing between
6 projects and policies.

7 MS. SPAHR: Yes.

8 COMMISSIONER HOLMES: We could reword
9 this. You know, it needs a little editing.

10 CHAIRMAN CALONE: Well, we have an
11 editor here.

12 MS. SPAHR: I'm sorry, that also kind of
13 ties in to number 22. You were talking
14 about -- and Heartland is a really good
15 example, because I know that the
16 commission -- I was -- I was also invited and
17 attended when you took a road trip, if you
18 will, to Heartland. And you did have contact
19 with the town, and there was a description of
20 what the application area was and all of
21 that. So that was appropriate.

22 I would just caution a little bit of
23 care. The -- the language of item 22 says,
24 "To prevent any perceptions of impropriety,
25 commission members should not have any

1 Suffolk County Planning Commission 2/3/10 199
2 discussions with a private applicant about a
3 particular project..." I think you should
4 put a period there. Or "within the
5 commission's jurisdiction..." kind of put a
6 period there.

7 Without a member of the County Planning
Page 170

8 Department present --
9 CHAIRMAN CALONE: Uh-huh.
10 MS. SPAHR: Yeah, but, it should be a
11 very, very rare --
12 CHAIRMAN CALONE: Right.
13 MS. SPAHR: -- situation when commission
14 members are in direct contact with somebody
15 about a matter that's under the -- the
16 commission's jurisdiction.
17 COMMISSIONER HOLMES: So eliminate the
18 phrase beginning with "without."
19 MS. SPAHR: I would put a period at the
20 end of "jurisdiction."
21 COMMISSIONER HOLMES: Yeah.
22 MS. SPAHR: And then it's not really a
23 conversation if it's an official visit.
24 CHAIRMAN CALONE: Right. Like if we had
25 gone to Heartland and the -- the developer

1 Suffolk County Planning Commission 2/3/10 200
2 was asked -- supposed to, I think, join us at
3 some point and it didn't work out, but, you
4 know, if he had come and said a few words,
5 that's less of an issue.
6 MS. SPAHR: Right. And at least that
7 would have been clear and would avoid an
8 appearance of impropriety in the rules
9 themselves.
10 CHAIRMAN CALONE: Okay. So --
11 SECRETARY ESPOSITO: I -- I -- I'm

12 02 03 10_Planning_Commission.txt
sorry.

13 CHAIRMAN CALONE: Yeah, Adrienne.

14 SECRETARY ESPOSITO: I want to get
15 clarification on what you're saying about
16 number 21.

17 So are you saying that if a commission
18 member speaks publicly about any specific
19 project -- a potential project, they just
20 can't do so as a member of the commission,
21 but can they do so in their private
22 professional capacity?

23 So if I give testimony, for instance,
24 which I did on the Heartland DGIS, and just
25 spoke about deficiencies identified in the

1 Suffolk County Planning Commission 2/3/10 201
2 DGIS in my professional capacity, nothing to
3 do with this planning commission, that's not
4 what 21 is saying; is that correct?

5 MS. SPAHR: You're right into an area
6 where you may need to recuse yourself at that
7 point. So, yeah, I would say you -- you
8 shouldn't be talking about matters that are
9 under the commission's jurisdiction if -- in
10 a professional basis or in -- on any basis
11 where you're a member of a board or a
12 commission or a private entity or anything
13 else, if you intend to participate and review
14 that project as a commissioner.

15 CHAIRMAN CALONE: Well, why don't we --
16 why don't we table 21, and --

17 COMMISSIONER HOLMES: Well, we could
18 just --
19 CHAIRMAN CALONE: -- and work on that.
20 COMMISSIONER HOLMES: We could leave it
21 with the period, you know, and then add the
22 sentence, Anything approved or under
23 consideration by the commission as a policy
24 can be mentioned.
25 CHAIRMAN CALONE: Why don't -- why don't

1 Suffolk County Planning Commission 2/3/10 202
2 we do this, and -- and I think that might be
3 a good edit, but just because of the time,
4 and I don't know that we need --
5 COMMISSIONER McADAM: And I -- I have a
6 question, too, on it, so --
7 CHAIRMAN CALONE: Okay. Why don't we --
8 if folks have suggestions about how they
9 would change it, we have counsel's opinion on
10 that, and I know certain members here
11 actually have filed ethics, you know, letters
12 to get some clarification about this as well.
13 So we want to be consistent with the existing
14 ethics opinions that are out there on this,
15 and it is, you know, an area where we need to
16 walk the line carefully.
17 Why don't we -- why don't we hold off
18 on -- on this item for now?
19 COMMISSIONER HOLMES: Okay.
20 CHAIRMAN CALONE: I think -- I didn't

21 02 03 10_Planning_Commission.txt
see any objection to -- to Linda's suggested
22 change on 22 just about not having --
23 COMMISSIONER HOLMES: 21.
24 CHAIRMAN CALONE: We're at --
25 COMMISSIONER HOLMES: Oh, oh --

1 Suffolk County Planning Commission 2/3/10 203

2 CHAIRMAN CALONE: -- 22.
3 SECRETARY ESPOSITO: 22, yes.
4 CHAIRMAN CALONE: With the deletion of
5 the last few words there, and 23 I think --
6 Linda, did you have anything on 23, as
7 long as we're going through the list with
8 recusal? I think that was --
9 MS. SPAHR: 23 looks good.
10 CHAIRMAN CALONE: -- kind of right out
11 of your -- one of your suggestions.
12 So what I would suggest is that we
13 postpone adoption of the rules, and we'll --
14 we'll have some offline conversation about
15 21, and then we can adopt these next -- at
16 our next meeting. But I think we're just
17 focusing on this one last rule, at this
18 point.
19 Is that acceptable to everyone?
20 (WHEREUPON, the members agreed.)
21 CHAIRMAN CALONE: Okay. Then we will --
22 on the agenda it talks about the adoption of
23 the guidebook. We don't need to do that.
24 Our guidebook just kind of exists.
25 COMMISSIONER HOLMES: Yeah.

1 Suffolk County Planning Commission 2/3/10 204

2 CHAIRMAN CALONE: It's really -- I had a
3 question for staff, which we don't need to
4 answer now, which is just whether there was
5 anything staff was suggesting that we tweak
6 in the guidebook. But we can take that --
7 tackle that in a -- in a future meeting, I
8 think.

9 Okay. And last, and certainly not
10 least, we have consideration of the universal
11 design incentive model code. Again, we're
12 back to that.

13 We went through it. There have been
14 slight tweaks.

15 Vince, if you want to just take a minute
16 and -- and tell us what changes there have
17 been since that early December meeting that
18 we had and the things that we just discussed.

19 COMMISSIONER TALDONE: Sure. Thank you,
20 Mr. Chairman.

21 I would like to thank first the members
22 of the commission staff who've assisted in
23 pulling this together. We now have a draft
24 dated January 24th, which I will e-mail
25 around with an update for today's date, that

1 Suffolk County Planning Commission 2/3/10 205

2 has a couple of corrections from what you saw

02 03 10_Planning_Commission.txt
3 back in December. One under Section V, which
4 begins "Provisions," the para- -- the several
5 paragraphs before that, under the heading of
6 "Universal Design Incentives," should be the
7 beginning of Section -- I'm sorry,
8 Section VI -- forgive me, Subsection 4, not
9 Section VI. So Section IV should begin
10 Provisions, Universal Design Incentive.
11 That's just -- just a mistake here. I'll
12 send that around to everyone, but I want to
13 correct it for the record.

14 Also, under Section V, which is the
15 temporary exemption for a wheelchair ramp or
16 a lift, we're actually going to put into the
17 heading -- I'll read it as it should be read,
18 or --

19 VICE CHAIRMAN KONTOKOSTA: Actually,
20 Vince, if I could just jump in.

21 COMMISSIONER TALDONE: Yeah.

22 VICE CHAIRMAN KONTOKOSTA: I had a
23 different thought from what we just spoke
24 about, which was that we should actually be
25 defining accessible entryway in the

1 Suffolk County Planning Commission 2/3/10 206
2 definition section as an accessible ramp or
3 handicap lift, rather than trying to include
4 it here in the -- kind of such as ADA
5 compliant.

6 COMMISSIONER TALDONE: That's different.
7 We may need to wait a month, I can't do

8 this --
9 VICE CHAIRMAN KONTOKOSTA: Okay. All
10 right.
11 COMMISSIONER TALDONE: Do you want to
12 hold this until March?
13 CHAIRMAN CALONE: No.
14 VICE CHAIRMAN KONTOKOSTA: Whatever he
15 wants to do.
16 CHAIRMAN CALONE: Well, what's the --
17 VICE CHAIRMAN KONTOKOSTA: Vince, I'm
18 sorry -- I'm sorry, go ahead.
19 COMMISSIONER TALDONE: Well, either way,
20 it's more than a ramp or a -- or a lift.
21 There are other issues such as the doorway
22 width, how do you get in through the doorway,
23 is there enough room there for the wheelchair
24 to turn. It's --
25 VICE CHAIRMAN KONTOKOSTA: Okay.

1 Suffolk County Planning Commission 2/3/10 207
2 COMMISSIONER TALDONE: It's just more
3 complex than throwing a --
4 VICE CHAIRMAN KONTOKOSTA: I understand,
5 but I was referring it to the -- specifically
6 into -- into current Section Roman Numeral V
7 where we had that confusion regarding what
8 this exemption applied to. But however you
9 feel comfortable with this is fine with me.
10 I apologize for interrupting.
11 COMMISSIONER TALDONE: That's quite all

12 02 03 10_Planning_Commission.txt
right.

13 I'm going to read Section V's heading,
14 it's "Exemption from dimensional regulation
15 for construction of temporary accessible
16 entryway to an existing single-family
17 dwelling unit."

18 Later on in that paragraph, we make it
19 clear that that is an ADA-compliant
20 wheelchair or lift, and that it is for the --
21 it exists -- that permission exists for the
22 life of the qualifying individual resident,
23 to be clear that it's not for just anyone who
24 might want to stop by.

25 This is intended, in -- in many cases,

1 Suffolk County Planning Commission 2/3/10 208
2 when an urgent need comes up, sudden
3 disability or temporary disability where
4 people need a ramp or they need a lift and
5 break a leg, by the time the -- they get the
6 ZBA variance in place, their legs heal. So
7 the idea is to be able to put that in place
8 for as long as they need it, but if they want
9 a permanent change to the front of their home
10 which encroaches into their yard or a ramp,
11 that goes through the normal ZBA process;
12 buildings department, architectural review
13 committees, whatever the local municipality
14 has. But we're giving them a quick way to
15 put in a ramp that would not be a violation
16 of the building code. And that's suggested
Page 178

17 in our incentive code.

18 Gentlemen, did we change anything else?

19 CHAIRMAN CALONE: Did you -- you talked
20 about moving the definition down, Vince?

21 COMMISSIONER TALDONE: Yeah. Yeah.

22 CHAIRMAN CALONE: Right. That was the
23 other thing that I had.

24 And the other thing I would just note,
25 and this is just a typo thing that --

1 Suffolk County Planning Commission 2/3/10 209

2 COMMISSIONER TALDONE: Right.

3 CHAIRMAN CALONE: -- the page before,
4 that should be number -- Roman Numeral IV,
5 next to accessible bathroom or adaptable
6 powder room on ground, first floor.

7 COMMISSIONER TALDONE: Right. The
8 beginning of our universal design incentive
9 of -- here to be a definition rather than the
10 beginning of our section. It's a tramp on my
11 part, but after reading it so many times, it
12 actually looked correct.

13 And those would be the only changes that
14 I would --

15 CHAIRMAN CALONE: Okay. Yeah.

16 I just wanted to -- what I was talking
17 about with IV was non-Roman Numeral IV. It's
18 just -- it's just missing a number on the
19 list of the four items --

20 COMMISSIONER HOLMES: Oh.

21 CHAIRMAN CALONE: -- that are -- the
22 four requirements. That's all. We'll just
23 add that in. It's a -- it's a --
24 COMMISSIONER TALDONE: Right.
25 CHAIRMAN CALONE: It's a typo.

1 Suffolk County Planning Commission 2/3/10 210

2 Okay. Vince, thank you again for all
3 your work on this.

4 SECRETARY ESPOSITO: Good job, Vince.

5 CHAIRMAN CALONE: It's something that
6 Vince has been -- has just been mentioning,
7 we're just -- clarifications that were
8 suggested to us and we're incorporating it at
9 the last minute. But it's good to -- if we
10 have some suggestions of how to clarify it, I
11 think it was worth taking a few minutes to
12 clarify it. So appreciate all your
13 indulgence in that regard.

14 So, Vince, thank you, and we will --

15 I'll entertain a motion to adopt the
16 model code as -- as just amended here.

17 I'll let Vince make that motion.

18 COMMISSIONER HOLMES: I'll second it.

19 CHAIRMAN CALONE: Seconded by -- by
20 Commissioner Holmes.

21 All in favor of adopting the model code,
22 please raise your hand.

23 (WHEREUPON, the members voted.)

24 CHAIRMAN CALONE: And opposed?

25 (WHEREUPON, there was no response.)

1 Suffolk County Planni ng Commi ssi on 2/3/10 211
2 CHAIRMAN CALONE: It passes eight to
3 zero.
4 What we'll do now with the model code is
5 we'll work -- we'll work with staff to put
6 that up on -- on our Web site, as well as
7 talk about ways to get that out to the
8 municipalities.
9 So thank you again for everyone's work.
10 Unless anyone has anything else to add
11 or issues to raise, I think we -- I'll
12 entertain a motion to adjourn.
13 COMMISSIONER HOLMES: So moved.
14 CHAIRMAN CALONE: Moved by
15 Commissioner Holmes --
16 COMMISSIONER KELLY: (Indicating)
17 CHAIRMAN CALONE: -- and seconded by
18 Commissioner Kelly.
19 All in favor?
20 (WHEREUPON, the members voted.)
21 CHAIRMAN CALONE: Thank you guys. We'll
22 see you on the 23rd here.
23 (WHEREUPON, the meeting of the Suffolk
24 County Planni ng Commi ssi on was adjourned at
25 3:18 p. m.)

1 Suffolk County Planni ng Commi ssi on 2/3/10 212
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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 3rd day of February 2010.

THERESA PAPE