

SUFFOLK COUNTY PLANNING COMMISSION

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

NOTICE OF MEETING

DATE: June 2, 2010
TIME: 12:00 P.M.
LOCATION: Brookhaven Auditorium, at One Independence Hill in Farmingville

The tentative **AGENDA** includes:

1. Adoption of minutes for February & April
2. Public Portion
3. Chairman's report – Swearing in of new member
4. Director's report
5. Guest Speakers :
 - a) Town of Brookhaven Supervisor Hon. Mark Lesko; Tullio Bertoli, Commissioner of Planning
 - b) Inc. Village of Old Field-Local Law No. 3-2010
 - c) Town of Brookhaven-East Patchogue Plan
6. Discussion:
 - a) Native Vegetation
7. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - a) Inc. Village of Old Field-Local Law No. 3-2010 (Chapter 121; Wind Energy Conversion Systems)
 - b) Revitalization Plan for the Montauk Highway Corridor, East Patchogue Town of Brookhaven
 - c) Pinnacle Hotel, LLC 0200 55400 0300 004049 Town of Brookhaven
 - d) Bluegreen Farms@Yaphank 0200 81400 0300 004000 Town of Brookhaven
 - e) Sherry Lane Associates 0900 13300 0100 005000 Town of Southampton
8. Section A14-24 of the Suffolk County Administrative Code

None
9. Discussion:
 - a) Comprehensive Plan
 - b) Flag Lots
10. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **WEDNESDAY, July 7, 2010, in the Legislative Auditorium in Hauppauge.**

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2 SUFFOLK COUNTY PLANNING COMMISSION

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4 Location: Brookhaven Town Hall

5 Farmingville, New York

6 Date: June 2, 2010

7 Time: 12:00 p.m.

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10 MEMBERS PRESENT:

- 11 DAVID CALONE, Chairman
- 12 CONSTANTINE KONTOKOSKA, Vice Chairman
- 13 ADRIENNE ESPOSITO, Secretary
- VINCENT TALDONE, Town of Riverhead
- BARBARA ROBERTS, Town of Southampton

- LINDA HOLMES, Shelter Island
- 14 THOMAS McADAM, Town of Southold
- JOSHUA HORTON, At-Large
- 15 SARAH LANSDALE, At-Large
- MICHAEL KELLY, Town of Brookhaven

- 16 JOHN FINN, Town of Smithtown
- THOMAS A. ISLES, Planning Director

- 17 THOMAS YOUNG, ESQ., County Attorney for
- Planning Department
- 18 DANIEL J. GULIZIO, Deputy Planning Director

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24 FIVE STAR REPORTING, INC.
 90 JOHN STREET, SUITE 411
 25 NEW YORK, NEW YORK 10038
 631.224.5054

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2 THE CHAIRMAN: Welcome to the June meeting,
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3 Suffolk County Planning Commission. We have a quorum
4 present and I would ask the vice chairman to lead us in
5 the pledge.

6 (Recitation of the Pledge of Allegiance)

7 THE CHAIRMAN: All right. First item on our
8 agenda is the adoption of the minutes for February and
9 April. I provided my own edits to the editor in chief,
10 Ms. Holmes. I don't know if you have anything to add.

11 COMMISSIONER HOLMES: Well, they were minor
12 for the February meeting. I only found four very small
13 errors, so that looked quite good, and for April, there
14 were about a dozen, and most of them were quite small.
15 A few of them were phrase changes, and the consistent
16 misspelling of "Adrienne." Both of those I would think
17 we could adopt, pending the changes.

18 THE CHAIRMAN: Any other conversation or
19 comments on the minutes; if not, Commissioner Holmes
20 found that the edits in both of the minutes were de
21 minimis in nature, and those kinds of things. I will
22 entertain a motion to adopt the minutes of February
23 2010.

24 COMMISSIONER HOLMES: So move.

25 COMMISSIONER ROBERTS: Second.

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2 THE CHAIRMAN: All in favor, please raise
3 your hand. (Show of hands) Eight to zero.

4 The April minutes, Commissioner Holmes
5 indicated the same. I would also vouch for the fact
6 that there are a few minor typographical errors. Motion
7 to adopt.

8 COMMISSIONER HOLMES: So move.

9 COMMISSIONER ROBERTS: Second.

10 THE CHAIRMAN: All in favor? Also passes
11 eight to zero.

12 MR. FRELENG: Ni ne.

13 THE CHAIRMAN: I'm going to ask Commissioner
14 Finn to abstain because he wasn't present at the
15 meeting. I will mark you down as abstaining.

16 The next agenda item is the public portion. I
17 would like to invite Mr. Amper come to the podium, and
18 you have three minutes.

19 MR. AMPER: My name is Richard Amper,
20 Executive Director of the Long Island Pine Barrens
21 Society in Riverhead. Couple of items of importance to
22 us. For convenience, I will put little colored spots on
23 the packages that I put in front of you. The first one
24 is the one with the green spot. It's a letter from the
25 New York Pine Barrens clearing house. It's in response

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2 to communication from the Long Island Builders Institute
3 in which they express objection to the proposal that the
4 Pine Barrens Commission Land Use Plan requires a
5 provision for transfer of development rights as part of
6 any rezoning that increases density.

7 The specific language is in the second half of
8 Paragraph 1. Specifically the clearing house recommends
9 that the land use proposals which increases density, or
10 intensity of development, including changes caused by
11 changes of zone redeem at least twenty-five percent of
12 the difference of occupied three hundred between the

13 project's density and the project's (inaudible) in the
14 form of Pine Barrens credits, we're asking the Pine
15 Barrens commission itself in its next meeting to adopt a
16 change to the Land Use Plan for that map because when
17 the Pine Barrens Act was passed, it was contemplated
18 that this is how we would provide value to these
19 credits.

20 If the municipalities are providing increased
21 density for increased density of use without the
22 requirements for these credits, these credits will lose
23 their value and will put the purposes of the act in
24 jeopardy. At the same time, they do not openly redeem
25 these credits over the life of the program. We will ask

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2 the commission to do that. But you as a group have from
3 time to time made recommendations as part of your
4 findings that Pine Barrens credits are being redeemed in
5 connection with a rezoning, most recently in the case of
6 the Sandy Hills matter. If you can find it to your
7 liking to apply this standard, that would provide sort
8 of a uniform way of getting these things done as part of
9 whatever public benefit becomes a part of any rezoning.

10 The second item is a list of proposed
11 rezonings, all of them, by the way, to increase density.
12 It's the one with the little blue spot on it. This is
13 Brookhaven alone. Our problem is that we are seeing too
14 many of these rezonings not at behest of the public
15 benefit. These appear to benefit the applicant, but do
16 not appear to us to have any significant public benefit,
17 and we think this is a granting away of something of

18 value owned by the municipalities in violation of the
19 New York State Tax Law. The simple requirement would be
20 that there must be something of public benefit in order
21 to grant the changes for increase in density; otherwise,
22 we are making a gift of the public wealth without a
23 public benefit.

24 We are working with the Town of Brookhaven,
25 also the Town of Southampton to make sure there are more

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2 public benefits, which leads me to the document with the
3 red spot. That is the recommendation where downzoning
4 occurs, which means increase in density, the kinds of
5 things that should happen, we think, in order for that
6 kind of density to be considered.

7 The final item that I have before you is I
8 have provided you with a copy of a white paper that we
9 issued a month ago. It is our annual assessment of the
10 state of land preservation here in Suffolk County and in
11 Nassau County as well. I'll summarize it very briefly.
12 It is really quite readable and useful.

13 Four years ago, when the Nature Conservancy
14 sought support, public support, private support,
15 business and environmental support and governmental
16 support for the proposal to -- I wonder if I can ask
17 someone in the audience to give me a couple of minutes.

18 THE CHAIRMAN: What is your name?

19 MS. ROSZDALE: Rebecca R-O-S-Z-D-A-L-E.

20 THE CHAIRMAN: Ms. Roszdale, are you willing
21 to yield three minutes to Mr. Amper?

22 MS. ROSZDALE: Yes.

23 THE CHAIRMAN: Go ahead.

24 MR. AMPER: As of that time in 2006, there
25 was a consensus that we try to preserve twenty-five

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2 thousand acres of open land and ten thousand acres of
3 farmland before final build-out. The rates at which the
4 county and towns are preserving land is significantly
5 lower than that, and it's been lower each year to the
6 point where if the present trend continues, we will not
7 preserve thirty-five thousand or half the unspoken for
8 land there are seven thousand acres up for grabs, we
9 will preserve only thirteen thousand acres.

10 It would be useful if the Planning Commission
11 used their influence to try to influence the towns and
12 county to increase the rate of land preservation. The
13 prices are low. An Island-wide poll and the public said
14 they wanted to maintain or expand the land preservation
15 rate because that is the right time to buy. The pricing
16 is low. There appears to be willing sellers in most
17 cases. We hear everybody else in the state, to the
18 individual towns especially indicating there are people
19 knocking the doors down for the purchase of last
20 resort. That would be something that would be useful if
21 that happened.

22 The Planning Commission, the reason for
23 wanting to come out here today, if after thirty some
24 years of land preservation there is a change in
25 disposition in government to proceed with the completion

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2 of the land preservation programs then some planning, it
3 would seem to us, part of that would be to consider what
4 the consequences of that would be. We are trying to
5 determine the right body that would undertake a
6 cumulative environmental impact study with such members
7 as what will the impact of saving only thirteen thousand
8 instead of thirty-five thousand, developing fifty
9 thousand acres instead of thirty-five. What impact will
10 it have on drinking water, on habitat. In addition,
11 what impact will it have on our economy, tourism,
12 fishing, farming. The staples of our economy are up for
13 grabs here.

14 Clearly the increase in residential
15 development would impact the cost of taxation. That is
16 an impact that we have to take into consideration as
17 well. I argue that we must consider the consequences.
18 Common sense simply says if we are going to do something
19 that profoundly different, we should consider the
20 consequences, and any help would be greatly
21 appreciated.

22 THE CHAIRMAN: Thank you. We appreciate the
23 thoughts. This is obviously a major issue. It is
24 germane, speaking just for myself, reading the report
25 and most importantly including in an analysis of our

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2 open space opportunities and needs in our Comprehensive
3 Plan in Suffolk County, which this commission is working
4 on, or now will be working on for the next several
5 months. Thank you for your presentation.

6 We have Rebecca -- I used your card. We have
7 from the Weber Law Group. I can't read the name Sy --
8 Mr. Cruza. Did you want to say anything affirmatively?
9 Come to the podium and state your name and spell it for
10 the record.

11 MR. GRUZA: Sy G-R-U-Z-A. I only asked to
12 speak if there were comments needed to be on the
13 Bluegreen Farm application before you today. There
14 haven't been. Unless the panel has any questions later,
15 there is no need to speak.

16 THE CHAIRMAN: Thank you, Mr. Gruza. The
17 last person we have is Mr. Parsons from the Nature
18 Conservancy on the native education.

19 COMMISSIONER ESPOSITO: Randy, are you able to
20 stay for that discussion?

21 MR. PARSONS: Yes.

22 THE CHAIRMAN: We will do that at the
23 appropriate time in the agenda, with the consent of the
24 commission. The next item on our agenda is the
25 Chairman's report. I want to thank particularly the

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2 Town of Brookhavne for hosting us. This is a
3 continuation of our effort started last year to hold our
4 meetings around the county and not just the county
5 centers. Last year we were in Southampton, Southold and
6 Islip. This year we are here and later in the year we
7 will be in Shelter Island and Babylon. At each of the
8 meetings we had the opportunity for the town supervisor
9 to give a presentation on the major issues affecting the
10 town. Today is no exception. Supervisor Lesko will be

11 here.

12 Also here from the Planning Department, Tullio
13 Bertoli. Thank you for being here as well. I wanted to
14 welcome our newest commissioner, John Finn from
15 Smithtown. I have his resolution here. He was
16 nominated to the board by the county executive, approved
17 by the county legislature, and it was signed by the
18 county executive on May 11th.

19 Mr. Finn, would you stand and I will swear you in.

20 (John Finn was sworn in by the Chairman.)

21 THE CHAIRMAN: Welcome aboard.

22 COMMISSIONER FINN: Thank you.

23 THE CHAIRMAN: Our two main goals this year,
24 one is the Comprehensive Plan, and we will have an
25 update on that later on in your agenda. The other thing

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2 is the intermunicipal task forces. We have the public
3 safety task force is going to have a meeting later today
4 with staff to review the staff's work, particularly on
5 how to put together a model of design standards for the
6 towns and villages so they can keep in mind public
7 safety aspects of design Tom, anything else you wanted
8 to comment on at this time?

9 COMMISSIONER McADAM: No.

10 THE CHAIRMAN: Our goal is to present,
11 probably at the next meeting, get feedback from the
12 members and hopefully send it out to government
13 officials and come up with a design standard, hopefully
14 by the end of the summer.

15 The design task force, we pulled the task

16 force together at the end of the month. I will give a
17 brief update. Couple of solar initiatives. We are in
18 final efforts on putting together a solar panel
19 application form. We have several towns working
20 together with us on that. We are hoping to get it done
21 I hope by the next month. This has dragged a little
22 bit.

23 LIPA is intimately involved with it. The hope
24 it is to put together a solar form. Go through a
25 process that is more narrowly tailored to putting solar

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2 panels on the roof and at the same time make sure that
3 the municipalities have the relevant information. We
4 are following right behind that with a model wind permit
5 application modeled on the solar panels one. We had
6 several calls on that in the last month. We are very
7 close to completing that. Those will all be coming your
8 way to the full commission in the next month or so.

9 Native vegetation, Adrienne and Randy Parsons
10 is here from the Nature Conservancy. Most importantly,
11 we need to get feedback from municipalities to make sure
12 that we are providing them useful information as they
13 put together the codes.

14 On the green building codes, as you know,
15 Islip used the commercial model code that we came up
16 with in the commission as a basis for their commercial
17 code. That was in December. Southampton recently
18 adopted a similar standard. It's a little bit different
19 than the one we proposed, similar in some way.
20 Constantine and I presented to the LIA Energy Committee

21 on the commissions effort on energy efficiency and what
22 else is going on elsewhere in the country.

23 Constantine and I have been asked to make a
24 similar presentation in July, to the Long Island Clean
25 Energy Leadership Task Force. I was asked to speak at

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2 the Long Island Bar Association on that, and I did last
3 night. If we had the bandwidth, I think it would be
4 helpful for us to bring some of the towns together to
5 discuss the standard of commercial code. Most of the
6 towns are on the same residential standard for building
7 energy efficiency.

8 There is no standard yet for commercial energy
9 efficiency. We put our model out. Islip obviously
10 did. Southampton is a little bit different. Babylon
11 kind of was ahead of the game. Brookhaven has a
12 standard that applies to some of the larger commercial
13 buildings. We run that risk unless we pull everyone
14 together, everyone is going to go off and do their own
15 thing. Speaking from the LIPA perspective as well, they
16 were interested in pulling everyone together.

17 Is there anything else that you wanted to add
18 at this point? Nothing on housing. Economic
19 development, smart growth, couple of things going on.
20 Charla has been heading up the work on model historic
21 preservation code. Charla is not here today; she is
22 under the weather. Vince, do you want to update us on
23 that?

24 MR. TALDONE: We are looking at various
25 incentive codes that have been written in other states

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2 and municipalities bringing them all together. Meeting
3 on the 17th of June at ten-thirty in the Planning office
4 in the Dennison building. Any members of the commission
5 interested or interested persons are welcome to join us
6 to explore who is already out there and what is working
7 and what is not.

8 THE CHAIRMAN: Thank you, Vince. I
9 appreciate that. Thanks, Charla in abstention for her
10 efforts on that. The other thing is transit oriented
11 development best practices. There have been some
12 discussions with local experts what may be useful in
13 local municipalities in that regard. Do you want to
14 say anything at this meeting?

15 COMMISSIONER TALDONE: I will save it.

16 THE CHAIRMAN: Okay. The planning for Sewer
17 Summit 2 is under way. You recall that the Sewer Summit
18 2 is the focus on optimizing revenues and identifying
19 funding sources. County executive is going to be
20 hosting that with us in the fall. Adrienne is our main
21 point person on that. Do you have anything to add?

22 COMMISSIONER ESPOSITO: The conversation is
23 still centering around the objectives that the county
24 wants to achieve by holding such a summit, and I will
25 keep you posted as progress is made.

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2 THE CHAIRMAN: The result of the sewer
3 education forum that this commission helped push for,
4 which was Adrienne, along with LIPA, and a few others;

5 it was a few weeks ago. And my understanding it was
6 very well attended and seemed to go well.

7 COMMISSIONER ESPOSITO: Yes.

8 THE CHAIRMAN: We had a meeting about the
9 Suffolk Unified Portal Permit idea. A number of towns
10 have been interested in exploring the idea. Last month
11 we hosted, along with the County, a brainstorming
12 session we had. People from seven towns were there.
13 County executive Levy joined us for a little while.
14 Commissioner Bertoli from Brookhaven was there. I want
15 to thank Commissioners Roberts, Kelly, Finn, showing
16 that it's never too early to jump right in. Also from
17 the department, Director Isles, Deputy Director Gulizio
18 and Andy Freleng were at the meeting. The county
19 executive was pleased about it.

20 We are working on the next steps now working
21 together to find out what kind of technology is
22 necessary to pull something like this off. What kind of
23 interactions are appropriate. There is no doubt in my
24 mind that the Town of Brookhaven, being the largest town
25 in the county, is going to be a major player. We have

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2 to figure out what makes sense, so we are working with
3 them on that. Commissioner Roberts, anything else you
4 wanted to add?

5 COMMISSIONER ROBERTS: No.

6 THE CHAIRMAN: Couple of last items. We are
7 probably going to do a training session for the new
8 commission members, probably before next month's
9 meeting. We will get you information on that. A bunch

10 of ideas have come out regarding the fall conference,
11 which is scheduled for September 29th. That is the
12 conference we have annually for all planning and zoning
13 boards in the county, have collected a bunch of ideas
14 from a number of you, whether technology in planning,
15 doing a TDA workshop, doing an East End issues session,
16 an overview of the task force efforts to share with the
17 municipalities, dealing with the Long Island index
18 presentation with regard to the downtown initiative and
19 a few others. Those are ideas that I have gotten from
20 you, that you sent to me.

21 Our annual report. It's kind of my fault,
22 hadn't gotten out as fast it should have, and I
23 apologize. Last year we passed it in our July meeting.
24 Our annual report is actually our report on Suffolk
25 County on the Planning Department. Our job is to

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2 present an annual job on the county. We have that in
3 the works. We will hopefully get that to the commission
4 for your consideration at the next meeting. Also the
5 next meeting I expect we will have Michael White from
6 the Long Island Regional Planning Commission, and if
7 possible, Bob Shinnick.

8 Lots of stuff going on and we have a busy
9 summer ahead of us. That is my report. Any comments or
10 questions? If not, I will turn to Director Isles for
11 the director's report.

12 MR. ISLES: Thank you, Mr. Chairman. To
13 update the board on a number of departmental activities
14 I have included in your packet today a report completed

15 by the planning and research section, which is an annual
16 residential rental survey. We present this to you each
17 year. We also share it with other entities. What you
18 will note in this, rents continue to climb in Suffolk
19 County, we broke it down by western and eastern Suffolk
20 county, not by dramatic numbers. One bedroom unit by
21 two percent, two bedroom unit by four percent. What is
22 interesting is where the residential sale market
23 declined by nineteen percent from 2006 to 2010, here
24 again, residential rental market did not suffer that
25 much. It's not subjected to the same speculation,

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2 mortgage and interest rate impacts and so forth.

3 We provided this for your information. If you
4 have any questions, feel free to ask. Let me also point
5 out that we provide data from Nassau as well. There are
6 services that Suffolk County provides by county, and
7 this is one example of that. The report is prepared by
8 Peter Lambert from the Planning Department. The
9 department has been asked by the Village of Greenport to
10 provide assistance in a planning of the Greenport
11 railroad station site in connection to the ferry over to
12 Shelter Island, to the Hampton Jitney as well as the
13 Suffolk County bus system as well as automobile
14 parking. They're looking to improve the functioning and
15 organization as well as the appearance and aesthetics of
16 that location.

17 The Suffolk County department will also be
18 involved, since the county does lease property to the
19 village in this location. We are just commencing that.

20 I will keep you advised as that proceeds. You will note
21 we are in the Town of Brookhaven today. The other
22 multi-modal site is out in the hub. The town has
23 circulated a request to the commission as well as other
24 entities that is an important project. Hats off to the
25 Town of Brookhaven for that initiative. It's a

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2 regionally significant project. We are glad to see it
3 moving along.
4 Another item important item for the county
5 farmland program was a recent case in federal bankruptcy
6 court affecting the Jerkowitz duck farm in Moriches on
7 Forge River. There are a number of issues, limiting to
8 the question of the bankruptcy matter one of the issues
9 that has been proposed by one of the creditors was to
10 have the ability to release the development rights that
11 both the county and Town of Brookhaven purchased in
12 2007. The county as well as the town provided a
13 forceful resistance to that in bankruptcy court and the
14 County Planning Department supported that with testimony
15 at that hearing and fortunately, the judge sided with
16 the public interest, and shut down the option of
17 including the sale of development rights when, in fact,
18 they were already sold and purchased by the two public
19 entities. We were concerned about that and the
20 precedent effect on the twenty thousand acres in
21 development rights that the county owns throughout
22 Suffolk County.

23 Moving to another duck farm, the former
24 Robertson duck farm, this is a county park about ninety

25 acres. The county planning department was given the

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2 task of overseeing a feasibility study to restore the
3 former duck farm to its natural habitat. That went
4 through a planning process and we are looking at final
5 report completion at the end of this month. DeWitt
6 Davies is overseeing the project. We will come forward
7 with a recommendation for implementing that plan.

8 The County closed last week on the purchase of
9 what is known as Eastport Properties, which is a farm in
10 Manorville at the intersection of County Road 51 and
11 Sunrise Highway. It's a large swath of open farmland.
12 we did apply for a grant from the State of New York and
13 after a lot of back and forth, we had approval of the
14 grant, it closed about two weeks ago, so we are pleased
15 to see that finally happen. We also received grants the
16 prior year, nine million dollars for farmland purchases
17 under the Environmental Protection Fund. I actually
18 signed the vouchers today. Here again we are doing very
19 well, one of the the top counties in the state in terms
20 of farmland funds.

21 The County Planning Department is a member and
22 provides assistance to two legislative committees; one is
23 the equestrian task force, chaired by Legislator
24 Eddington, looking at a variety of issues affecting the
25 horse industry or recreational equestrian interest in

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2 the county. There are some -- a range of topics we are

3 assisting with some planning and zoning issues,
4 specifically, as well as issues involved the county's
5 purchase and development rights program. That is set
6 for completion of the report by the end of this year.

7 The department also serves as a member of the
8 Suffolk County Gaming Commission, which is looking at
9 the issue of setting a casino somewhere in Suffolk
10 County. That commission is proceeding with its
11 investigations. One point that I would like to make to
12 this commission is there have been reports in the media
13 that the commission recommended sites and is identifying
14 sites. I attended every meeting of the commission and
15 I'm not aware of any commission discussion that
16 identified a site. There have been discussions in
17 general, but I'm not aware of any formally being
18 proposed at this time. That work is going on at this
19 time. The commission is meeting next week. The
20 department is providing technical assistance and
21 professional guidance to that process.

22 Two items of note for events coming up in June
23 that may be of interest to the commission, American
24 Planning Association, the American Institute of
25 Architects is hosting a conference on the East End at

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2 the culinary center at the Suffolk Community College
3 campus on June 9th. There is an announcement in the
4 package. There are three courses that are going to be
5 offered as part of the program. Second, the American
6 Planning Association is hosting a breakfast event in
7 honor of Arthur Kunz, former planning director, that

8 established a scholarship fund was set up when Arthur
9 passed away. That continues to benefit students as well
10 as junior planners in Suffolk and Nassau County. That
11 is scheduled for June 24th and that information is in
12 your package.

13 As far as staffing, I'm sure you're aware that
14 Jim Bagg, who was with the County overall for thirty
15 years, he actually predates SEQRA. He was here before
16 SEQRA existed, which is hard to imagine. He is retiring
17 in the near future. We will be assigning another staff
18 member to take over Jim's duties and we certainly
19 appreciate his outstanding service to Suffolk County.

20 Lastly, the department is prepared to conduct
21 a two hour training session prior to the next meeting in
22 July. We will start at nine-thirty in the morning and
23 be done by eleven-thirty. We will circulate and e-mail
24 to the members and ascertain your interest in attending
25 and if you are have specific interests in materials.

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2 We have provided sessions dealing with the referral
3 process with SEQRA, we will shape that to any materials
4 that you want to get into more detail on. I thank you.

5 THE CHAIRMAN: Thank you, Director Isles.
6 Any comments or questions regarding the report? I have
7 one question how have we publicized the apartment rent
8 study in the past, and do we have thoughts on how to let
9 the public know about it. It's certainly very
10 interesting.

11 MR. ISLES: I think in the past we shared a,
12 as I recall, with some business media. I don't know if

13 anything was formally done. Certainly, if you would
14 like to consider a press release or something, I would
15 be happy to work with you on that.

16 THE CHAIRMAN: We can certainly discuss that
17 after the meeting. One thing I would ask the staff for
18 as the task forces are starting to put out product, the
19 universal design model code was one of the first ones to
20 come out. I would like to know if we can put it out
21 more prominently on the Website. I was looking at it
22 the other day, and you have to know where to find it.
23 One of the commission's goals is to be of more service
24 to Suffolk County, and we want to make it as easy as
25 possible to direct them to the Website and direct them

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2 how to find specific items.

3 MR. ISLES: Chief Planner Freleng will be
4 meeting with our Web designer. That is an easy thing to
5 do. We will be happy to do that.

6 THE CHAIRMAN: The next item on the agenda is
7 our guest speakers. We have Mr. Bertoli, who is our
8 next speaker.

9 MR. BERTOLI: I was expecting Mark. I'll
10 fill in, though.

11 THE CHAIRMAN: My understanding is Mark is
12 dealing with feral cats right now.

13 MR. BERTOLI: Last time I was here, this room
14 was filled with about four hundred people a third was
15 the Portuguese soccer club application, then we had the
16 feral cat and the Audubon Society.

17 Welcome to Brookhaven. I am Tullio Bertoli,

18 Planning Commission. This is my one year anniversary
19 being here. People said that I wouldn't last a year,
20 not that I would be fired, but that I would get in my
21 car one day and drive and not come back out of
22 frustration. Over the year we have undertaken a number
23 of initiatives. We have finished our twenty-third
24 (inaudible) plan. It's set to go out for public
25 comments in the fall. It was scheduled for the summer,

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2 but we were told a lot of the civic groups don't meet.
3 We are going to reach out to Tom Isles to kind of have
4 him work more in doing something with your commission.
5 We have also have drafted a number of initiatives, one
6 is the Blight to Light code, which takes abandoned gray
7 field sites that have been a blight on communities we
8 crafted a code which ask the development community to
9 come in and basically rejuvenate those sites it was
10 presented in April. The code has been drafted it is now
11 in the law department for its review and it will be
12 coming out before your board shortly.

13 Another initiative last Thursday we presented
14 the Carmans River Protection Plan to a full house of
15 environmental groups. The intent of the Carmans River
16 plan is to create an overlay district which will have
17 specific performance criteria that each applicant will
18 be forced to adhere to. It does also create the water
19 preservation program which is our own version of the TDR
20 that will work around selected sites that are slated for
21 acquisition. We have also designated that as our
22 primary target area for acquisitions, on top of other

23 plans is a mandatory clustering, nitrate level
24 determination, things of that nature. We feel that this
25 is a plan which will, once it's enacted, protect the

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2 Carmans River for the future and hopefully create a
3 situation that did not occur in the Forge River.

4 Another initiative that we have July eight is a TOD
5 conference where we will uncover the Ronkonkoma
6 project. A series of guest speakers will come in. We
7 will have topics related to Bellport, Port Jeff, other
8 areas, but will focus primarily on the Ronkonkoma plan,
9 which is very sweeping in its nature. It involves
10 intermunicipal support of Suffolk County, Town of Islip,
11 MTA is involved. Oddly enough, of all the projects that
12 I worked at through the year, you would think this would
13 be the most complicated. It is the easiest thing I went
14 to the MTA and said would you like to get involved they
15 said yes. I went to Tom Isles and he said yes. It all
16 came together for us and July 8th we will present in a
17 two hour conference.

18 We have also undertaken a whole series of
19 other initiatives relative to redoing some of our zoning
20 codes to conform more to the twenty-thirty concept of no
21 development and the hamlet centers. Those will be
22 coming out after the twenty-thirty plan has been
23 enacted.

24 The last commission that I want to talk about,
25 I'm moving the entire department to the second floor and

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2 blurring the lines of distinction between divisions and
3 going to a team approach. There will be a series of
4 four teams, each consisting of eight to nine people. In
5 that team you will have the various analysts who will be
6 involved in a few projects, Traffic, Environmental,
7 Planning. They will all be in the same group. And I
8 envision sending out an umbilical cord to Tom and you
9 guys to bring you in earlier to the process, it is
10 through Brookhaven probably cumulatively handles more
11 projects in the year than all the other townships
12 combined, so it's critical that we reach out to each
13 other. The last year it's been difficult just getting
14 in-house people together for me.

15 We have been planning this over the summer and
16 I will sit down with Dan and Tom and see how we can
17 advance this approach. It ties in nicely to what David
18 has been talking about, the portal approach in general.
19 We see that as an initiative which for us is the next
20 step.

21 I saw by your reaction that Mark was here.
22 Anyway, those are some of the things that we have going
23 on here. It's been an exciting year. I look forward to
24 many years to come here. It's a very exciting place.
25 With that, I guess I'm the opening act for Mark Lesko.

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2 THE CHAIRMAN: Thank you. Congratulations on
3 your anniversary. One of the things we talked about at
4 the meeting in the county executive's office a few days
5 ago was how different towns deal with projects
6 internally. One of the things we will do as part of

7 that unified portal is share best practices. Certainly
8 the idea of breaking down the barriers I think is
9 unique. It's an exciting perspective on it.

10 MR. BERTOLLI: I like to run the department
11 very democratically. I don't have an open door policy,
12 I took down the walls. It's reaching out to your
13 commission and the Suffolk County; staff has to happen.
14 That is the next logical step.

15 THE CHAIRMAN: Anyone has any questions we
16 will hold those until after the supervisor has the
17 chance to make his presentation. As the commissioner
18 mentioned, Supervisor Lesko is here. First of all,
19 thank you for letting us use your table here. We
20 appreciate that. You have been in office for more than
21 a year. A lot of exciting things going on in
22 Brookhaven. We appreciate the support you have been
23 giving us and we look forward to hearing from you,

24 SUPERVISOR LESKO: Thank you, Mr. Chairman.
25 I don't think I have ever spoken to the dais from this

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2 perspective. Apologize for speaking late. We had an
3 issue with the landfill. What we wanted to give you was
4 an overview of what we view as an incredibly important
5 issue in the town. It's an initiative that has regional
6 application because while we were always locked in a
7 traditional battle over individual development projects,
8 whether they be mega development projects or smaller
9 ones, I, in my fourteen months in office, realized very
10 quickly that we are losing sight of the big picture and
11 particularly the big picture as it applies to

12 Brookhaven.

13 That is the corrosive effect of suburban
14 blight that has taken hold in many of our communities.
15 While I'm doing the traditional dance over individual
16 projects, we are letting the seas of asphalt, seas of
17 parking lots, these empty big box stores, outdated big
18 strip malls basically lay fallow. I don't think it's
19 responsible. We have a multi-faceted approach called
20 Blight to Light Initiative. I want to save suburbia.
21 If we don't act now, we will continue to be locked in a
22 state of inertia and we will become a monument to
23 suburban blight.

24 There are those in the planning profession who
25 take field trips to Brookhaven to see how not to plan a

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2 suburban community, to see how blight can engulf
3 particular communities. You hear about lawsuits filed
4 against the town regarding various development
5 projects. We now have a lawsuit challenging the town
6 because of inaction at various locations. So it's a new
7 paradigm, it's a new dynamic. I am actually excited
8 about it. I think blight presents opportunity. Blight
9 presents the most exciting opportunity for redevelopment
10 as opposed to new development. It's where you achieve
11 community consensus. It's where you can make
12 transformational differences. I'm excited about this
13 initiative. I think it's going to be transformational.

14 I hope Brookhaven will lead the way in
15 redeveloping our blighted properties as opposed to the
16 paradigm where we develop virgin lands. Let me give you

17 a sense of what we're talking about; then I'll play the
18 video that I think graphically illustrates the problem,
19 and also in the end gives you a glimpse of how the
20 township should look and feel in the 21st century. When
21 you talk about blight, you need to know where it exists.
22 We issued a white paper that made the fairly simple
23 point, but one that escapes people; often, not all
24 blight is the same. Some blighted properties are good
25 for redevelopment. Some are blighted for a reason; it

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2 was a failed model then and it will be a failed model
3 now and we shouldn't repeat that going forward.

4 We took that to heart. One of the things we
5 decided to do is we employed a grading system with a
6 score sheet and criteria so we can grade our blighted
7 properties. In simple terms, the grading system looks
8 at three factors, the severity of the blight, the
9 history of the property and so forth, potential for
10 redevelopment, looking at the history of the property,
11 number of violations, so forth. Looking at criteria, is
12 it a hamlet center, sewerage, so forth. Location issues
13 which addresses the issue was it a poor location from
14 the outset for what was located there, whether it be
15 retail or office space.

16 We came up with a score. Then we used that
17 score to decide whether a certain blighted parcel or
18 corridor is eligible for one of four incentive packages.
19 They're all playing off the notion of blight. They all
20 have these various names, but it's essentially a tiered
21 system where certain parcels could be eligible for a

22 series of incentives, anywhere from fast-tracking, to
23 tax abatements, to forgiving permit fees, increasing FAR
24 where appropriate. At the end of the day, the hope is
25 to provide an incentive package that provides incentive

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2 for development.

3 Before you get to that point, you have to know
4 where the blight exists. We are going to do a town-wide
5 blight study that will assess, look at our corridors,
6 particularly major retail corridors, and really identify
7 where our pocket of blight is. The other thing we are
8 going to do is have acute understanding of where our
9 infrastructure exists. One thing that we need to have a
10 grasp on is where are our sewer assets located. Again,
11 we discussed the macro issue of sewerage. Let's face
12 it, if we collectively held our breath and waited for
13 federal dollars to fund new sewer districts, we will all
14 expire. We need to understand where our current assets
15 exist, both public and both in the Village of Port
16 Jefferson and Village of Patchogue, the sewage treatment
17 plants and the private sewage treatment plants around
18 the existing assets and see if we can do some
19 expansions, which is what we are doing in East
20 Patchogue.

21 East Patchogue, we designated a portion of
22 East Patchogue as blighted. We used stimulus funded
23 bonds to drop dry sewers in Main Street, and the
24 individual will pay tie-in fees to tie into those
25 lines. That model, I think, will work in East

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2 Patchogue. I'm confident where sewer assets exist, it
3 will work elsewhere. That is, in essence, the
4 initiative.

5 What I did initially is basically what every
6 other politician does, I put it in a long forty-two page
7 Power Point. We decided to visit the Rauch Foundation.
8 We wanted to preview our Power Point response; the clock
9 was ticking. About twenty-two pages into the Power
10 Point, they made the good suggestion that we can shorten
11 it down to a film graphically portraying the problem
12 rather than boring them to death. They were right. We
13 thank them for that decision. We took it to the RDA.

14 The result is the Blight to Light video. We
15 think it makes the point in a punchy way. I think we
16 just won, I don't know the name of the outfit, Economic
17 Development Conference upstate, just won an award for
18 the film. We hope that is a harbinger of things to
19 come. The last plug, the New York Times wrote an
20 editorial about the Blight to Light issue and the film,
21 and although I will tell you that the editorial board of
22 the Times, because I met with him, is rather jaded about
23 the future of Long Island, very pessimistic, we did give
24 them a glimmer of hope, glimmer of light in that
25 otherwise dark perspective when it comes to Long

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2 Island.

3 Again, the future is now. We are in the
4 middle of the great recession. Now is the time to

5 change the mindset and focus on the properties that we
6 all agree need to be focused on for redevelopment. I
7 would like to introduce the video. Unfortunately, I
8 have to run upstairs for a meeting. It's an honor to
9 speak before you and we appreciate the opportunity to
10 come before you. Thank you very much.

11 THE CHAIRMAN: Thank you for coming here.
12 Thanks for your leadership and unique ideas that you are
13 coming up with. It can certainly be a model for all of
14 Suffolk County and all of us here. We appreciate
15 working with you and your staff in the future.

16 COMMISSIONER HOLMES: Mr. Supervisor, I was
17 very pleased myself to read the New York Times editorial
18 and the mention of the Rauch Foundation. I had the
19 pleasure of working with Mr. Rauch for the Diocese of
20 Long Island. He was truly a visionary. It was nice.
21 I asked Mr. Freleng to Xerox that and circulate that to
22 the commission members because it was nice to see.

23 SUPERVISOR LESKO: It was intentionally
24 provocative and thankfully so. People are listening to
25 what they're saying. They're not the only voice out

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2 there, but they're certainly a powerful voice and
3 hopefully we will all change our minds.

4 COMMISSIONER HOLMES: Maybe that is partially
5 because Punch Sulzberger lives full time in Southampton
6 now.

7 COMMISSIONER ESPOSITO: Do you have a time
8 line either in the RFP or self-imposed time line of when
9 the work will be completed?

10 SUPERVISOR LESKO: We hope by the fall. I
11 left one thing out we are proposing the creation of a
12 redevelopment overlay district. That will take effect
13 after a public hearing in the fall. We hope the sewer
14 analysis, the blight study, redevelopment overlay
15 district and any codified system and any incentive
16 packages that need to take place will all coincide at
17 the same time. We hope to get it done by the early
18 fall.

19 THE CHAIRMAN: Thank you again your time. I
20 appreciate it.

21 SUPERVISOR LESKO: Thank you.

22 (The video was played at 1:05 p.m.)

23 THE CHAIRMAN: Thank you. Thank you for
24 sharing that. I don't know if that is going to be in
25 Sundance, but certainly it's a great way to capture the

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2 opportunity. Hats off to the town for their
3 initiative.

4 Commissioner Bertoli, I think -- were you done
5 did anyone have any questions for Commissioner Bertoli
6 at this time? If not, thank you for being here, for
7 presenting, for your leadership here in the Town of
8 Brookhaven. We enjoy working with you and look forward
9 to a partnership going forward.

10 The next item is the Village of Old Field. I
11 don't believe we have anyone here, so we will skip
12 that. Town of Brookhaven, Town of Patchogue plan.

13 MR. ROGALLE: Mr. Chairman, members of the
14 commission, my name is Paul Rogalle, Town Director of

15 Planning. Diane will give the presentation regarding
16 the rezoning plan the package for potential for
17 redevelopment along the East Patchogue corridor. We do
18 have a slide presentation.

19 MS. MAZARKIS: Diane Mazarkis. We will be
20 quick as possible for your benefit and review. Thank
21 you for this opportunity to share our planning effort in
22 the East Patchogue corridor. The Revitalization Plan
23 for the corridor was adopted and accepted by the town
24 October 15, 2009.

25 In order to prepare the plan, we reviewed a

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2 number of studies, available planning maps, compiled
3 them, looked for trends. We reviewed the Suffolk County
4 DPW Transportation Improvement Project for the CR 80
5 corridor. We looked at existing conditions, looked at
6 the excessive vacancies, parking, the lack of
7 landscaping, street trees. We looked at architectural
8 standards, pedestrian amenities, evaluated the existing
9 zoning, completed inventories of existing first and
10 second story uses. We looked at the demographic trends,
11 disposable household income and those trends, compared
12 the town as a whole in Suffolk County. Looked at
13 homeownership and compared it to the 2008 American
14 Communities Surveys and understood the pent up present
15 demand, as well the need for homeownership
16 opportunities.

17 This was an interesting thing to look at.
18 How many people that live near the downtown actually had
19 cars to commute with and how much of their disposable

20 income or housing income they spent on household
21 expenses. Assessed existing blight conditions,
22 potential development options. This happens to be the
23 Plaza Theater between Case and Avery. We prepared
24 nineteen revitalization recommendations. First and
25 foremost the rezoning the downtown to J-6 Main Street

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2 Business Zone that would permit those types of uses that
3 occurred, such as personal service shops, restaurants,
4 second story residential uses. That would allow us, by
5 adopting rezoning to the J-6 Main Street Business
6 District, we would be able to put forward redevelopment
7 standards or design standards for redevelopment. The
8 recommendations included facilitating redevelopment of
9 certain blocks and supporting medical and arts
10 initiative in the downtown.

11 The County Center serves forty-seven thousand
12 residents annually, employs one hundred two technical
13 service personnel and has an annual budget of eight and
14 a half million dollars, so that is something we want to
15 see supported. This is a group of people called the
16 East Patchogue Civic that brought forward media arts
17 concepts where the Plaza Theater is actually restored
18 and used to show art films. We looked at how we could
19 redevelop blocks. As perhaps you know, Tru Value has
20 now been demolished. The block is half empty. We
21 worked on forming a sewer district, extending it from
22 the Village Plaza.

23 The supervisor spoke about dry sewers, parking
24 plans, funding a community development facade matching

25 program. Public land to support public plazas and

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2 parks, increasing code enforcement and compliance and
3 additional recommendations -- I'm sorry I'm going so
4 fast, I hope it's okay -- additional recommendations,
5 including additional funding sources that would be
6 available. Support funds in the town's Improvement
7 District in the village, in the East Patchogue downtown,
8 which could not be with the villages BID because it's a
9 separate taxing entity, so we would have to form our own
10 in the Town of Brookhaven, as well as working on the
11 downtown marketing strategy and looking at brownfield
12 opportunity grants that would support redevelopment in
13 the East Patchogue area, the proposed land use map after
14 looking at environmental resources that would need some
15 protection.

16 We looked at remnant industrial zoning that
17 had been involved as single family residential
18 development. We are proposing a number of rezonings,
19 total of sixty-nine acres, a hundred twenty-five
20 individual parcels. We plan to have that public hearing
21 on June 22nd. Just to give you a sense of what some of
22 these rezonings look like. EP-20 happens to be park
23 property presently zoned J-2 commercial and we are
24 proposing to bring that to a residential zone. EP-25 is
25 Nessenger Chevrolet, sits on the Swan River. It's a J-2

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2 business we are proposing to take it to a J business
3 district. The EP-34 is a J-2 business and industrial

4 parcel that we are proposing to take to J-6 Main Street
5 Business District, and it would be in conformance with
6 its existing use. EP-44 is L-1 properties that we
7 propose to take to A-1 Residential District. It will be
8 rezoned in conformance with their existing uses.

9 This area A-1 Residence, L-1 Industrial to A-1
10 Residence. For closing this would be a J-2 A-1 split
11 zone property. It will be zoned to J-6 Main Street
12 Business District. That is acquiring the private
13 theater.

14 We actually got permission from Urban
15 Advantage to use these photos because this looks so much
16 like East Patchogue downtown today. Of the nineteen
17 revitalization recommendations, we feel there is no
18 reason why we can't transform something that looks like
19 the top photo to something that look like the bottom
20 photo, so the next steps are the public hearings for the
21 Revitalization Plan as well as the fifty-three separate
22 public hearings on a hundred twenty-five parcels for
23 rezoning. With that, I would like to close.

24 MR. ROGALLE: On behalf of the Town of
25 Brookhaven as well as regarding other applications that

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2 you have been hearing today, we will remain in case you
3 have any questions, and we will come up to try and
4 answer the questions. We have members of the staff
5 here. We can hopefully answer any questions you have
6 either now or later this afternoon. Thank you. Welcome
7 to Brookhaven.

8 THE CHAIRMAN: Thanks for having us. Next
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9 item is not even on the agenda, is a brief conversation
10 on native vegetation. Adrienne is going to update us on
11 what the task force is working on. Materials were
12 handed out last time.

13 COMMISSIONER ESPOSITO: What the committee
14 has done, I think some of this I mentioned, the Readers
15 Digest condensed version is we have evaluated how we go
16 about protecting native vegetation and what would be the
17 consistent planning tool for all the towns and for the
18 commission.

19 First thing we did is looked at the estuary
20 plans. We overlaid them on a map. Randy is not here,
21 but if he was here he would say that he overlaid them on
22 a map and looked to see what areas in Suffolk County
23 fell within the estuary zones of watershed and
24 protection, and it's a vast majority of the county
25 especially, overlaid with the prime areas of protection

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2 zone. So the objective, obviously, is to protect native
3 vegetation for several reasons. One is to protect
4 waterways, estuaries and rivers. Second is to also
5 protect groundwater. The more native vegetation you
6 have, the better the quality and quantity of the
7 groundwater.

8 The quality of our water in our waterways.
9 The objective is to prevent problems before they occur.
10 The way to do that, protect native vegetation. It's
11 well established in scientific literature. It's not
12 rocket science. We were looking for the best way to do
13 that. One of the ideas we hit upon when we met with

14 Andy and representatives from other agencies, including
15 the DEC and Pine Barrens Commission, the Pine Barrens
16 Commission was updating their native vegetation
17 standards. We thought why should we just have a native
18 vegetation standard for the Pine Barrens. Perhaps have
19 something we can extend out to other areas throughout
20 the county.

21 It's a tried and true standard. It's one that
22 held up against the test of the courts and the test of
23 science. Perhaps that is the standard that should be
24 extrapolated out and extended to other areas across the
25 Island to provide the same protection to estuaries and

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2 drinking water supplies as provided for in the Pine
3 Barren zone. That was the goal. We are going to
4 present something to this commission. I wanted to get
5 you that information first that was in sync with and in
6 line with what the Pine Barrens Commission is already
7 doing so we would have obviously a symbiotic
8 relationship.

9 Andy, do you have anything else?

10 MR. FRELENG: No, I don't think there is
11 anything. I just want to point out the commission does
12 have clearing standards for projects within the Pine
13 Barrens. It's very similar with the exception to lot
14 size to the recommended changes of the Pine Barrens
15 Commission. It would be a simple amendment, if you
16 wanted to amend existing standards. They apply to Pine
17 Barrens zones.

18 As Adrienne mentioned, we could deliberate to
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19 see if you wanted to extend the jurisdiction to outside
20 the Pine Barrens.

21 THE CHAIRMAN: The other piece of that from
22 the task force perspective is the towns and villages out
23 there. Ultimately, the idea is to get it in their codes
24 and that kind of becomes the standard. That way, we
25 make sure the native vegetation plays the role it's

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2 supposed to play. I think the next step is to bring it
3 to Sarah's task force.

4 I think also the solar and wind, the process
5 it's about eighty percent done with them. Bring the
6 task force; there are a number of elected officials on
7 that. It might be a good idea to have a meeting of the
8 task force itself where we can present the information,
9 get feedback from the municipalities themselves.

10 COMMISSIONER ESPOSITO: I think before we
11 get feedback from the municipalities, I would like to
12 get feedback from the commission. I have a sense that
13 we're of one mind. If this is a way the entire
14 commission would like to proceed, the committee feels
15 this is a good way to go and a good recommendation to
16 the commission, but I need to get further input into
17 from the commission members.

18 THE CHAIRMAN: Any further comments or
19 thoughts on that? We have quite a -- the bottom line,
20 as Randy and others have briefed us on, is to let nature
21 do its thing. One of the consequences of sprawl is not
22 just blight but also impacting the natural world around
23 us.

24 Andy, from the staff perspective any, thoughts
25 or suggestions to us on that idea of taking the native

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2 vegetation standards that are primarily used inside the
3 zone and kind of bringing that across the county?

4 MR. FRELENG: I think it's a logical
5 extension of the commission standards in the Pine
6 Barrens. I think something you might want to consider
7 is providing discretion to staff or providing some sort
8 of -- what is the word I'm looking for -- a way or
9 exclusion for certain parcels that may be -- it's not
10 appropriate to apply, for example, to apply clearing
11 restrictions on a forty by a hundred lot in the middle
12 of Babylon, let's say. There may be some instances
13 where it may be reasonable not to apply clearing
14 restrictions. You might want to consider that and
15 deliberate that a little.

16 From the staff's perspective, I don't see that
17 it's unreasonable to apply clearing restrictions. I
18 think it's logical, obvious, everything we can do to
19 preserve groundwater table and habitats is something
20 that --

21 THE CHAIRMAN: We also heard, from the water
22 presentation two or three months ago, that the natural
23 filtration is the best way.

24 COMMISSIONER ESPOSITO: I think people don't
25 realize how much money we spend each year on restoration

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2 of estuaries, Peconic, Long Island Sound. You add it
3 all up, you're talking real money. If we can put
4 together planning tools to protect them so the
5 restoration costs are not as onerous. It's also
6 economic.

7 COMMISSIONER HOLMES: I know we wrestled with
8 this on Shelter Island when we had a specially appointed
9 committee to draft legislation for controlling
10 stormwater runoff from people's properties. We wound up
11 getting the town to enact an amendment to the code that
12 said that, you know, you did need to leave a buffer of a
13 certain amount around your property when doing
14 landscaping or clearing, but as Andy pointed out, we had
15 to make the exception for a very small lot because large
16 equipment can't get in to build a house if they can't
17 clear a certain amount, which is too bad, but the
18 ordinance has been observed more in breach than the
19 observance.

20 We couldn't even get our Building Department
21 to pass out the excerpt of the new ordinance to people
22 coming in for new building permits because they said
23 they didn't have time. It's there. They just are
24 assuming that people will apprise themselves of it when
25 they're doing building, which is a little bit too vague.

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2 COMMISSIONER ROBERTS: Can I have a little
3 bit more clarity of what you are asking us? Is it you
4 want to write something for our guidelines or absolutely
5 adopt that everything be simply clear? What are you
6 asking us to support?

7 COMMISSIONER ESPOSITO: We want to present a
8 modification to the existing guidelines which would
9 expand, basically, the clearance and native vegetation
10 existing guidelines.

11 THE CHAIRMAN: To areas outside the Pine
12 Barrens.

13 COMMISSIONER ESPOSITO: We already have in
14 our code, as far as our code is concerned, we want to
15 expand our code. We want to enhance our guidelines;
16 when I say "our," the commission.

17 COMMISSIONER ROBERTS: You're asking for some
18 assurance, if you do the time and work, it will not be
19 disapproved by the commission. Should we do a
20 resolution on it?

21 COMMISSIONER ESPOSITO: Not yet. We are
22 commencing this. I would like to share things early in
23 the process.

24 THE CHAIRMAN: Because there has been -- to
25 your credit, you have done a bit of work, had a variety

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2 of meetings. There are two pieces, our guidelines that
3 we put in as the commission. Second piece of that is
4 what are we saying to the municipalities as
5 recommendations about their own codes.

6 The whole idea of the task force is to get
7 things in the town and village code. It's actually
8 incorporated into the law of the land. I think that is
9 we can take these original issues like this and say to
10 the town and villages hey, this is important, and this
11 is what you can use to deal with those issues.

12 COMMISSIONER KELLY: How many towns and
13 villages have clearing restrictions now in their code?

14 COMMISSIONER ESPOSITO: I have no idea.
15 Randy, do you know?

16 THE CHAIRMAN: Let's defer to staff on that.

17 MR. FRELENG: The East End towns have
18 clearing restrictions. Brookhaven has clearing
19 restrictions. Some towns further west have clearing
20 restrictions more particular to the applications
21 involved and less code defined. Most municipalities, if
22 not all, consider drainage and off site runoff as an
23 issue to preserve vegetation in the most cost effective
24 way.

25 COMMISSIONER KELLY: Are we talking about

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2 going beyond that, or are we thinking about
3 municipalities that do not have regulations in place in
4 terms of what you are going to study or going to
5 propose?

6 COMMISSIONER ESPOSITO: Those municipalities
7 should have regulations in place. What we are
8 encountering is there are wide ranges. They are
9 mandated by state and federal law to address stormwater.
10 Some of them still are addressing it by the proverbial
11 catch basin, but they also could address it this way
12 with native vegetation standards.

13 So to answer your question, I think we were
14 thinking -- I will take guidance from the commission --
15 we were thinking of having a standard from the
16 commission that we could then provide to villages and

17 towns, municipalities that they can hopefully emulate.

18 COMMISSIONER KELLY: So a best practice?

19 COMMISSIONER ESPOSITO: Yes.

20 COMMISSIONER KELLY: That code or regulation
21 may be existing right now. Your goal it is to get a
22 uniform code throughout the county.

23 COMMISSIONER ESPOSITO: Yes. I think that is
24 part of the goal of our subcommittees is exactly that.

25 THE CHAIRMAN: There are a lot of

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2 federally -- you talk about by bioswales and new
3 techniques. I don't even know all the stuff.

4 COMMISSIONER ESPOSITO: That was good,
5 David.

6 THE CHAIRMAN: Some municipalities may be
7 pushing them and know about them and others don't.

8 COMMISSIONER HOLMES: Is part of the purpose
9 to get some information, some regulations to the towns
10 that they can use to implement the mandate that native
11 vegetation preservation is a way to implement it?

12 COMMISSIONER ESPOSITO: I think that will
13 help them, but we are not doing it with an eye towards,
14 but yes, it would help them. I want to thank Randy for
15 all his work on this.

16 COMMISSIONER McADAM: I have a question. The
17 New York State DEC, do they, especially on waterfront
18 properties, do they require certain amount of
19 vegetation, certain type of vegetation and certain
20 amount of depth?

21 COMMISSIONER ESPOSITO: The DEC regulates

22 clearing. It is very clear standards with regard to
23 wetlands, wetlands that are actually mapped wetlands and
24 are four acres or more. Has certain footage away from
25 the wetlands, but it doesn't require certain types of

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2 vegetation to exist, doesn't require a certain amount of
3 clearing.

4 MR. FRELENG: What you have received up until
5 now? If you don't have it, certainly you have the
6 commission guidebook which has the clearing standards on
7 the Pine Barrens. What we provided to you was the
8 existing Central Pine Barrens clearing guidelines as
9 well as the proposed amendments to the clearing
10 guidelines, so you have that to compare. You also know
11 the jurisdictional limit and extent of the planning
12 commission, so you can't count every single property in
13 Suffolk County that can be developed. But it will
14 remind the municipalities that do have jurisdiction.
15 You already have that kind of information in front of
16 you. Staff's opinion, it's a simple amendment. One you
17 table, two, you add a paragraph, that it shall apply to
18 other areas of jurisdiction.

19 COMMISSIONER ESPOSITO: I focus a lot on the
20 river protection. I think it's also consistent with the
21 comprehensive management program that the county is
22 producing, as well I think this is the kind of planning,
23 one that's consistent with different agencies and
24 different goals of the county, and this moves forward
25 with multiple goals.

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2 THE CHAIRMAN: Any other thoughts or
3 comments? Randy, anything you wanted to add? You
4 didn't have a chance. We had a chance to hear from you
5 last month. I know you have been working on this. I
6 think, without objection, we will move forward. Any
7 parting thoughts?

8 MR. PARSONS: I did want to tell you kind of
9 where Adrienne has said this came from a number of the
10 origins of this. The towns, by and large, have
11 protected their deep groundwater recharge areas, as has
12 the Pine Barrens Act. When we look at the estuary
13 watersheds, Long Island Sound, Peconic, South Shore, the
14 clearing limitations don't apply there. They're outside
15 of the Pine Barrens, and yet a similar benefit is
16 derived from keeping the plants up.

17 In an effort to implement that, you have three
18 comprehensive management plans for the estuaries, all of
19 which say stormwater runoff is a major problem. They
20 point to leaving vegetation in place. Actually, it's
21 not only the native vegetation, but even the phragmites
22 and some of the other species do good work for the
23 water. They don't do the same good work for the
24 habitat. So I think what what Andy said, certainly
25 there are going to be properties where it doesn't make

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2 sense, I guess.

3 I don't want you to think that the towns and
4 villages have it covered right now because it's -- East
5 Hampton probably has the most restrictive clearing

6 limitations. Then Southampton has protected its water
7 recharge areas and wetlands. Once you get to the bigger
8 watersheds of the estuaries, there isn't a town in
9 Suffolk County that has the limitations in place in
10 those watersheds.

11 Quickly, some of the other things that other
12 places around the country and the world have found is,
13 you get the water benefit, you get the carbon -- there
14 are studies that show the cost to cool and heat
15 buildings, it goes down when you leave vegetation up.
16 The scenic aspects.

17 THE CHAIRMAN: It might be helpful to include
18 exactly what you are talking about, the benefits that
19 may be most obvious in the runoff situation, but there
20 are the handful of benefits that accrue also.

21 MR. PARSONS: It shows residential property
22 values are enlarged by leaving vegetation up. If you
23 look at the standards and get into the nitty-gritty,
24 they're not so stringent. Like even on a one acre lot,
25 for example, they're calling for trying to protect fifty

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2 percent, which leaves you twenty thousand square foot
3 cleared building envelope to use on a one acre lot.
4 There is plenty of room for other things, improvements
5 of lawn and pools. In a house, tennis court and lawn
6 and drive way on twenty thousand square feet. I'm
7 trying to think if there is anything else.

8 I think that as to the question about whether
9 you guys provide lead the towns and villages try to
10 follow or vice versa. I think because of the way zoning

11 works where they all have their own jurisdiction, that
12 the planning commission as a regional body can really
13 help to say here is sort of a minimum standard.

14 COMMISSIONER ESPOSITO: That is the whole
15 goal.

16 MR. PARSONS: You guys can take it and
17 customize it.

18 THE CHAIRMAN: That is exactly what we are
19 trying to do. There is no other body that can play that
20 role in Suffolk County. All the things that we are
21 talking about.

22 COMMISSIONER KELLY: One question. We are
23 going to look at that clearing limit. Would that be in
24 conjunction with any setback easing that exists right
25 now for municipalities? In your example, it's not that

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2 cut and dry that twenty thousand square foot --

3 MR. PARSONS: When you get down, I think it's
4 very important to get down on when this hits the road,
5 the limitations hit again. There is a whole kind of
6 art, and each area is going to want to implement it in
7 each way. You need the implementation. Do you try to
8 have a strip of vegetation across all the back yards of
9 the lots; that is another way to do it.

10 The Pine Barrens Commission is attempting to
11 aggregate as much of the green space as it can so it's
12 not little pieces here and there. I think you raise a
13 very good point. There are a lot of ways to do it.
14 What do you do with the protected land? What can you do
15 to it? All that kind of detail is very important. I

16 don't think you guys need to get into that level.

17 THE CHAIRMAN: The important thing is, I'm
18 flexible enough that a municipality or individual site
19 plan, or for that matter a developer can play with it
20 and decide what works best for the site, while at the
21 same time supporting the overall goal. I think you
22 probably accomplished a lot on that.

23 MR. PARSONS: I know you don't want to keep
24 coming back to this. Is there anything else?

25 THE CHAIRMAN: I think we are prepared to

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2 move forward. I think that means that unless there is
3 an objection, it will be for Adrienne to try and fine
4 tune that a little better. Come back with a proposal to
5 vote on. I think it's important that we get feedback
6 from the municipalities, and the best way to do that is
7 through the task force. Let's get it to them and see if
8 there is any feedback from them on that. With that
9 objection.

10 COMMISSIONER ESPOSITO: We will draft
11 something, then present it to the task force.

12 THE CHAIRMAN: You guys have already done a
13 bit of drafting.

14 COMMISSIONER ESPOSITO: We can draft, Randy,
15 with your assistance, draft a modification to our
16 existing code and present that to the municipalities.

17 THE CHAIRMAN: To the extent that what you
18 are proposing is the (inaudible) to the code.

19 COMMISSIONER LANSDALE: I would like to
20 offer that we compiled a lot of background information

21 that our intern last summer put together so I would be
22 happy to share that that were the subcommittee.

23 THE CHAIRMAN: Thank you. Jason did
24 incredible work for us. In my mind, there were two
25 things. One is changing our own guidelines. That is a

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2 separate thing than saying here is what we recommend to
3 the towns and villages in terms of best practices. That
4 certainly should flow through a task force. Does that
5 make sense?

6 COMMISSIONER ESPOSITO: We will talk about
7 it.

8 MR. PARSONS: Any other questions? I'd be
9 happy to answer why has it bubbled up, because it has
10 bubbled up over twenty years to get you to guys. It's
11 not on a whim.

12 THE CHAIRMAN: You gave us the history last
13 time. I appreciate all your work on it and as well as
14 Adrienne and the rest of it the on the regulatory
15 agenda. We have the Old Field moratorium on wind
16 energy.

17 MR. FRELENG: Mr. Chairman, I want to make
18 sure there is no one here from the Incorporated Village
19 of Old Field here to present their argument.

20 THE CHAIRMAN: I don't see anyone.

21 COMMISSIONER HORTON: I want to recuse
22 myself from the issue due to my relationship with the
23 village officials association.

24 MR. FRELENG: This is a referral from the
25 Incorporated Village of Old Field, an amendment to their

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2 Chapter 121, wind energy conversion systems. Staff did
3 provide you a staff report and was forwarded a copy of
4 the local law being proposed. I'll try to be brief.

5 In the staff report, staff does not want to
6 make the argument for the village, but it should be
7 noted that it did receive today at ten o'clock their
8 supporting information which backs up their findings.
9 The Village Board of Trustees, on their own motion, is
10 proposing an amendment to the code of the village as it
11 relates to wind energy conversions systems, or WECS.

12 It's the intent of the local law to preserve
13 the scenic beauty and character of the village by
14 prohibiting WECS from being constructed on any property
15 located within village boundaries. It's based on the
16 village's own research and public hearings. The village
17 held a public hearing on the moratorium for wind energy
18 conversion systems in December 2009 that laid out intent
19 of the moratorium was that consideration must be given
20 to adopt implementing regulations which regulate and
21 control the construction and installation of WECS on the
22 properties in the village. That was the intent of the
23 moratorium when it was referred to the Suffolk County
24 Planning Commission.

25 Planning commission looked at the supporting

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2 material at the time it was provided when the moratorium
3 was being considered. We discussed that internally as

4 well. We returned a letter of local determination to
5 the village with the comment from the Suffolk County
6 Planning Commission that a task force was working on
7 drafting a model wind energy conversion code and
8 permitting application and further requested that the
9 village join the task force and provide their
10 expertise.

11 We are not aware whether or not the village
12 did reach out to the task force. Nevertheless, Suffolk
13 County has a policy on energy efficiency, the policy to
14 encourage the design and construction of energy
15 efficient buildings to reduce air, water and land
16 pollution and environmental impacts from energy
17 consumption. There is a specific energy policy that the
18 commission has adopted which indicates "all new
19 residential, commercial and industrial buildings should
20 be designed and constructed to reduce energy consumption
21 and improve environmental quality." End quote.

22 The planning commission has no specific
23 guidelines on the construction of residential wind
24 energy conversion systems. Staff would recommend that
25 the commission task force reach out to the village and

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2 try and incorporate what they have learned in the
3 process of environmental code. All staff is
4 recommending to the commission is a local determination
5 with the following comment: essentially reiterating the
6 commission policy on energy efficiency and requesting
7 that the village join the task force and provide their
8 expertise to the initiative.

9 THE CHAIRMAN: I thought this was important
10 just to bring up at the table here. It's rather out of
11 context. The Nassau County Planning Commission has been
12 in fights with some of the villages in Nassau County
13 about the moratorium they're putting on renewable
14 energy, particularly relating to solar. Some of the
15 villages in Nassau County have been putting a moratorium
16 on solar. Solar is a little different than wind.
17 Solar, obviously doesn't matter where you are, there is
18 a sun shining. With wind, it's obviously a little
19 different.

20 Obviously a lot of places are limiting -- are
21 concerned about the aesthetics; that is a factor. I
22 think from the perspective of, personal perspective,
23 someone looking at the big issue, it's not inappropriate
24 for a locality to put limitations on it. Actually, the
25 wind happens to be poor there. It's pretty hilly. The

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2 Locality itself is not particularly good for the wind.
3 The problem is that we have too many places doing that.
4 We have a problem where you have limited availability
5 for wind generation in general.

6 I personally would support the staff report
7 regarding the local determination. I think perhaps
8 importantly they will make technological advances down
9 the road that will allow an area now with minimal wind,
10 it may in the future change. Certain places in the
11 County where it works, maybe in some other parts it
12 doesn't work now. Maybe with technology it will work in
13 the future. Do you have anything else on that?

14 MR. FRELENG: We did a wind flow survey
15 yesterday of Old Field. We tried to get a
16 characterization of the village, but it's very hard to
17 see anything from the road. Lots of vegetation, it's
18 hilly terrain. We tried to show you aerials what
19 typical lots look like in the neighborhood. You see in
20 the village's own findings there are hedges and trees,
21 various different things that would block the flow of
22 wind, in their estimation.

23 THE CHAIRMAN: Any other thoughts or
24 comments?

25 COMMISSIONER ESPOSITO: I would like to

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2 reject it. I would like to tell them no. This is a
3 nonsensical proposal that to me typifies a myopic
4 thought plan of municipalities who don't want to be in
5 the millennium, who don't understand what it is going on
6 with energy issues. Yes, I understand very well you
7 need a certain wind speed in order to make residential
8 or all wind projects successful and economic. I get
9 that. So does the homeowner. If there isn't the
10 necessary wind in the area, the homeowner is going to be
11 hard pressed to go out and spend the money if you're not
12 going to get a return on the investment. This a village
13 that claims to have done research, but it's misguided,
14 it is ill conceived. It is the wrong way of village to
15 be going now and I'm going to vote no.

16 COMMISSIONER KONTOKOSKA: I would like to
17 echo Adrienne's remarks. It does have a very immediate
18 impact, especially since from a national perspective and

19 regional perspective we are trying to limit our
20 dependence on crude oil. It creates jobs for the
21 county. This may not be a primary concern in the
22 Village of Old Field, but for a lot of homeowners the
23 options of reducing energy costs by producing energy on
24 site is a viable financial aspect to the household. I
25 see no reason whatsoever to prohibit wind systems. A

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2 regulation that is properly designed will limit certain
3 impacts. The research is, I don't know where they got
4 the research about killing birds; that is just not true.
5 Feral cats kill more birds than wind turbines in most
6 areas. The wind velocities have to be measured in a
7 site specific conditions. To say this is an
8 inappropriate place for wind in an incorrect
9 generalization.

10 COMMISSIONER LANSDALE: I agree with
11 Constantine. I think this is a bizarre proposal and one
12 that is really shortsighted. I question whether any of
13 the materials that were referred to the county if there
14 is any sort of public input, because I'm surprised that
15 this would come before us, not the referral, but that
16 there was not any public outcry against or in support.
17 I would like to a local sense of upset.

18 MR. FRELENG: Staff does not know what the
19 municipality received during the public hearing but we
20 know they held a public hearing on the moratorium.

21 COMMISSIONER ESPOSITO: I know you said it
22 earlier can, I recall reiterate the technology is
23 rapidly changing. Turbines or whatever they're being

24 called these days are becoming smaller and smaller. The
25 household units now they have some that I have seen at

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2 various conferences, you can put them up and even pack
3 them up and bring them in when you don't want them
4 outside. There is a wide range of it, it's not just
5 your dad's windmill any more, they are architecturally
6 designed, they are smaller. Some of them are made to
7 mimic kinetic art, so there is a wide range of them with
8 a wide range of wind speeds that are needed. I think to
9 cast a blanket "no" over all of them I think is
10 outrageous.

11 COMMISSIONER HOLMES: Would there be a way
12 for the commission, if we do decide to say this is
13 bizarre or whatever, to indicate that it would behoove
14 the town to revisit this issue periodically, in view of
15 all the technological advances that are being made? And
16 also, I was a little bothered by Adrienne's assumption
17 that a homeowner isn't going to do this if they don't
18 have enough wind power. That requires some expert
19 evaluation by someone for an individual homeowner. I
20 don't know how we can incorporate that into any sort of
21 comment. So to me that is key. You have a person who
22 wants to consider this has to rely on a great deal of
23 expertise from someone who does know what they are
24 talking about.

25 THE CHAIRMAN: Thoughts, comments or

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2 questions? It seems we have a consensus for negative

3 recommendation. Any other votes or thoughts or
4 additional thoughts?

5 COMMISSIONER ROBERTS: I agree with the
6 staff's local determination. I don't think that we have
7 enough of our own work and discussion on this. I know
8 we have experts sitting on the commission who perhaps
9 know a tremendous amount, but I don't feel that we, as a
10 commission, have looked at this carefully to understand
11 what would be a very good guideline. I think it would
12 be better to have our own guideline before saying it
13 just doesn't work. I know that in the communities that
14 I live in, there are feelings against allowing wind at
15 this stage because the technologies, in many people's
16 minds, haven't developed enough to be aesthetically
17 pleasing, so I personally would support the staff's
18 position.

19 COMMISSIONER KONTOKOSKA: My feeling is that
20 is not that we know best what is the perfect code. I
21 think we know enough to say that prohibiting them
22 outright is not the way to do it. There are a lot of
23 ways to regulate in such a way that it minimizes and
24 mitigates all the potential impact to the property
25 owners and surrounding property owners to the community.

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2 I think it would be good to perhaps revisit it, so there
3 isn't an explicit prohibition. I think with the current
4 code and height requirements, it probably isn't allowed
5 anyway. This is a just making an exclamation point that
6 I don't think is appropriate to be made.

7 THE CHAIRMAN: One possible way would be to
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8 recommend language along the lines that a blanket rule
9 is -- if the commission feels a blanket rule is not
10 appropriate at this time, that there are efforts to come
11 up with model codes, that the Village of Old Field
12 should be part of that effort as part of the
13 disapproval. Most people are saying they're in favor of
14 disapproving. I would welcome other thoughts if there
15 are any.

16 COMMISSIONER McADAM: I think we would be
17 setting a bad precedent by voting down something where
18 we don't have guidelines. I agree with Commissioner
19 Roberts, if we had guidelines, it's clear this was out
20 of line with those guidelines, I would feel more
21 comfortable.

22 Right now, I personally feel more comfortable
23 with the staff report and probably until we have
24 guidelines, fully understand what the latest technology
25 is, what the height requirements are, what the wind -- I

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2 go out to Southold, they just put up a system right at
3 Down's Farm. It cost about a hundred thousand dollars.
4 He's using that particular system to generate power for
5 the chiller for the wine cooling operation. Some of
6 them are very specific and they are expensive too, and I
7 can see what a hundred thousand dollars cost. It's
8 merely a pole with a fin.

9 I personally would feel more comfortable
10 having guidelines and maybe fully exploring this before
11 we just turn down the Village of Old Field.

12 THE CHAIRMAN: Commissioner Holmes.
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13 COMMISSIONER HOLMES: Aren't we really
14 focusing on what the town is planning to do, and what
15 are we really more concerned about with telling the
16 town, that doing a blanket negative is not the way to
17 go. That to me is we are looking at a specific
18 ordinance from a specific municipality. Really, most of
19 us are inclined to just relay to that municipality that
20 a blanket statement is not the way to go in view of the
21 technological advances that are going on.

22 MR. ISLES: Just to make one comment. There
23 are no specific economic guidelines. It does mention in
24 the report that there is general language. It does
25 say, "all new residential commercial and industrial

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2 buildings should be designed and constructed to reduce
3 energy consumption and improve the environmental
4 quality."

5 In a general sense, the current commission
6 guidelines state -- the general language, conservation
7 is recommended. If you want to point to specific
8 guidelines, there are none. I think there is something
9 in there if you wanted to go in that direction.

10 THE CHAIRMAN: That section primarily relates
11 to the energy efficiency of the building itself.
12 However, you are right. There is some. I think that
13 section related to kinds of energy efficiency of the
14 building; that is a fair point.

15 I think that the bottom line is that we are
16 looking at it in a broad way. We speak about a lot of
17 things in our guidelines, we don't speak of energy

18 generation in a meaningful way. Certainly the tenor of
19 the guidelines is supportive of reducing the carbon
20 footprint and trying to reduce energy consumption. The
21 task force is working on those in model forms. We will
22 have something on that probably in a few months. We
23 don't have anything specific about in our own guidelines
24 just because we --

25 COMMISSIONER ESPOSITO: It doesn't mean that

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2 we can't provide the spirit of our guidelines. So it
3 may not be verbally laid out in the guidelines, but I
4 think there has been a tenor, spirit of energy
5 efficiency, reducing energy consumption. That is why we
6 have the wind task force and solar task force. Those
7 are things I thought we were working towards, and had
8 agreement amongst ourselves that we wanted to have more
9 of a role, as a county commission, in advancing these
10 things.

11 This is the classic battle. We have villages
12 that don't want to be brought along. I think it's our
13 role to stand up and say no, you need to be brought
14 along in these things and closing the door is not the
15 right way to go. You want to put together an ordinance,
16 but closing the door, it's extreme.

17 THE CHAIRMAN: Other thoughts or comments?

18 COMMISSIONER TALDONE: Just a quick question
19 for Ms. Esposito. The Class 3 designation, are you
20 saying it's actually too general and it doesn't apply to
21 parts of the village; is that inaccurate, that it's an
22 inefficient place to be putting wind turbines? They

23 come up with this report. It tells us it's a Class 3
24 affair. I guess after that, it's poor, meaning not
25 great for wind, and certainly wouldn't be able to

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2 achieve the height necessary to make it an efficient
3 operation.

4 COMMISSIONER ESPOSITO: There are two ways to
5 answer that. One is in today's technology that might be
6 true. Without exaggerating, next month something else
7 could come out. We need to go back to Constantine's
8 point. Wind is -- there is not a generalization of wind
9 patterns. You can find tunnels and spots where wind is
10 greater in one area and less, where it's quite close
11 together. Old Field is not a large village. I would
12 venture an educated guess there are variations in the
13 wind patterns. Even if not, technology is advancing to
14 the level, especially for certain communities, that can
15 capture wind and convert it into energy.

16 COMMISSIONER TALDONE: I'm thinking more of
17 consumer protection in terms of the village, because
18 energy companies are salespeople too. I had one solar
19 company come to my house and say what a great location
20 for solar panels, and another come and do measurements
21 and say it isn't because of my trees.

22 I'm not sure what the village is looking to
23 achieve here. They want a moratorium on any locations
24 that is a Class 3, I guess. I just don't understand it
25 myself. In that case, I guess I couldn't support the

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2 moratorium. It doesn't make sense to me, so I withdraw
3 it.

4 THE CHAIRMAN: No need withdraw it. Any
5 other thoughts or comments?

6 MR. FRELENG: I know you all know this, but I
7 want to put this out here. The applicant would have to
8 go before the Zoning Board of Appeals for a use
9 variance and make an argument that he's in a particular
10 area that would be suitable for a wind energy conversion
11 system. I want to remind the board that the applicant
12 has another option. The guidelines also point to
13 consider alternate energy sources. You are looking to
14 avoid land pollution as well. I think the village might
15 make an argument that the base system that does the
16 conversion, the propeller to make energy, turbine,
17 whatever it is, actually requires a ground footprint in
18 some way, shape or form.

19 I don't want to argue on behalf of the
20 village, I just want it out there.

21 COMMISSIONER ESPOSITO: It sounds like you
22 are arguing in favor of the village. It's not
23 necessarily true. It's a minimal footprint. In some of
24 the newer designs, it's as small as if someone would put
25 in a small garden or a small slab.

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2 The other thing, I don't think that residents
3 should have to go to the Zoning Board of Appeals every
4 time they want to do something good. Why don't we make
5 it easy for people to do something good and make it hard

6 to do something bad? We are watching the death of the
7 Gulf Coast for the next two generations and you have a
8 village that wants to close the door on renewables.

9 COMMISSIONER ROBERTS: Certain people in
10 small villages are concerned about the aesthetics with
11 that. That is the main motivation here. They are
12 ugly.

13 COMMISSIONER ESPOSITO: That should not be
14 the main motivation. I'm sorry, I feel very strongly
15 about this. That's part of the problem.

16 THE CHAIRMAN: You can judge people's
17 motivation. There is no doubt that that is a part of
18 the motivation. We don't need to decide that debate now
19 unless any further comment or questions?

20 COMMISSIONER KONTOKOSKA: Just one last point
21 before I make a motion. Protecting aesthetics, it's
22 been shown, I think the problem with most of this
23 particular proposal application, it's simply too
24 generalized and too one sided. There are ways of
25 crafting a code, just like in any other case, to limit

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2 the aesthetic impact, limit the location. The applicant
3 would have to meet various requirements. There are
4 various ways of accomplishing this.

5 There are probably places in the village
6 where a wind turbine would be very effective and nobody
7 would see them. It's too much of an over arching policy
8 that doesn't actually address the specific components of
9 what they are trying to achieve, and in a way it's
10 unfair to the property owners.

11 So, I guess at this point I'll make a motion
12 to disapprove on the basis of one, discussion we had in
13 terms of this being too broad a policy. There are other
14 ways to accomplish the same goals and plus roll out some
15 flexibility in the regulation, and two, this does have
16 regional significance and regional impacts. Our general
17 goal is to reduce energy consumption across the county
18 and our reduction in fossil fuel energy consumption
19 sources of energy nationally and regionally.

20 COMMISSIONER ESPOSITO: Second it.

21 THE CHAIRMAN: The motion is disapproval for
22 the two reasons indicated. One, the overbreath and two,
23 the regional significance of renewable energy for
24 economic development. That is the motion. All in favor
25 of adopting the motion, please raise your hand. (Show

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2 of hands) Eight. All opposed? Two. It's eight to
3 two. The motion is adopted.

4 Next item, the Revitalization Plan of Montauk
5 Highway Corridor. That is Andy.

6 MR. FRELENG: Thank you, Mr. Chairman. This
7 is referred to us by the Town of Brookhaven. This is
8 the Revitalization Plan for the Montauk Highway
9 Corridor, East Patchogue jurisdiction of the commission.
10 That is a comprehensive plan amendment. The Town of
11 Brookhaven was here and presented the proposal to you.
12 The staff report will be brief.

13 Revitalization Plan Montauk Corridor, East
14 Patchogue and rezoning of one hundred twenty-five
15 associated parcels. As the board knows, the location of

16 the study areas is bounded on the west by the eastern
17 boundary of the Incorporated Village of Port Jefferson
18 and to the east by South Country Road.

19 THE CHAIRMAN: I thought you said it's in
20 Patchogue.

21 MR. FRELENG: I'm sorry, the western boundary
22 is the eastern boundary, Village of Patchogue.
23 Environmental conditions, there are no environmental
24 concerns in the proposed area. There is a wetland
25 system across the eastern boundary that is the Swan

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2 Lake, Swan River corridor. That is noted in our
3 environmental conditions.

4 With regard to the Comprehensive Plan, 1986
5 Brookhaven plan recommends commercial use in the study
6 area. However, there are several studies that led up to
7 this recommendation. The Revitalization Plan for the
8 Montauk Highway Corridor contains removal of J Business
9 2 zoning designation and rezoning the remaining area J
10 Business, which is the Main Street Business District.
11 One hundred twenty-five individual parcels are
12 recommended for rezoning and will permit the owners to
13 redevelop the parcels without the need for code changes,
14 special permit hearings. The majority of the parcels
15 are considered split zone and would be considered
16 residential by the town. By putting them into a J-6
17 conformance, it releases the constraints on these
18 parcels and allows a windfall on properties that would
19 otherwise be developed at a lower intensity.

20 It's the concern of the commission staff that

21 the current trend for overdevelopment increases density
22 in the node, but does not adequately address areas
23 outside of the node, and allows the old land use pattern
24 in the connecting areas to develop into traditional
25 highway business strip mall pattern. Moreover, it is

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2 the expressed written policy of the Planning Commission
3 that increases in density should be tied to purchase
4 and/or transfer of development rights or to a
5 one-for-one density offset through upzoning of vacant
6 privately owned land.

7 The resulting pattern of land development
8 along these road corridors without implementation of
9 this policy would be high density points connected by
10 strip retail and sprawl. Notwithstanding the
11 conclusions of the retail and non-retail market analysis
12 done by the Town of Brookhaven, the proposal does not
13 appear to be supportable by local income, especially
14 with downtown Patchogue close by. The staff believes
15 less J-6 and more J-4, which is professional and office,
16 would be preferable to reduce potential
17 cannibalization of the existing downtown Patchogue area.

18 Staff is recommending approval of the
19 Revitalization Plan, subject to the following comments:
20 Generally staff would like the commission to relay to
21 the town that they need to address two inconsistencies.
22 The first parcel proposed specifically for the J-6
23 designation is releasing the constraints, and the town
24 is not really addressing the transitional areas or the
25 areas between the nodes.

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2 The second comment is too much J-6 zoning is
3 being proposed and too large a downtown is being created
4 in the downtown Patchogue area. Staff is also
5 recommending conceptual approval of the rezoning of a
6 hundred twenty-five parcels subject to the following
7 comments; the first being that the commission reserves
8 the right to comment on the individual site plan
9 applications. It's difficult for the commission to
10 review a hundred and twenty-five parcels. The request
11 in a forty-five day time period. Conceptually, we
12 believe what they are doing is okay, with the exception
13 of what we noted. However, the commission should
14 reserve the right, when an application comes for the
15 site plan, we review the parcels to make sure they're
16 not over intensified use of these parcels.

17 The second comment relating to the commission
18 reserving the right under SEQRA referral to make
19 comments relative to SEQRA. That is the staff report.

20 THE CHAIRMAN: We had the presentation from
21 the members of the Town Planning Department as well to
22 give us an overview of what is going into that plan.
23 This is a Brookhaven matter. Michael, any initial
24 thoughts or suggestions?

25 COMMISSIONER KELLY: Some thoughts. I wanted

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2 to start out by commending the Planning Department in
3 the town for taking this initiative and the entire
4 town. East Patchogue is a place in desperate need for

5 redevelopment. First, running the sewer line down there
6 in coordination with the village, was a great start
7 now. Following up with this report and these
8 recommendations, it will make a tremendous improvement
9 for that area. In terms of some of the conditions --

10 THE CHAIRMAN: It's comments. It does make a
11 difference.

12 COMMISSIONER KELLY: The comments, I think I
13 believe the J-6 does allow office space on the second
14 floor, which may offset some of the need for J-4, or the
15 comment on J-4. I think the town has done a real good
16 job trying to balance these rezonings. This initiative
17 is something that in the past we always struggled with
18 where the town comes with a plan, but the implementation
19 of the plan never went as far as rezoning properties.
20 This is something that can really make that difference.
21 I agree with you.

22 THE CHAIRMAN: Adrienne, any thoughts?

23 COMMISSIONER ESPOSITO: As someone who lived
24 in Patchogue for twenty-two years, thank God. This
25 place is in desperate need of revitalization. We are

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2 thrilled.

3 THE CHAIRMAN: I have a question for staff.
4 There is a revitalization plan which you are
5 recommending approval and conceptual approval of the
6 rezoning. Is that because the rezoning has to come
7 through here parcel by parcel?

8 MR. FRELENG: No, because staff does not have
9 the time to review one twenty-five changes on

10 applications, a majority being split zone applications
11 encroaching into residential areas others are
12 down-zoning, so we don't have the time to give it that
13 hard look. We are expressly indicating that we reserve
14 the right to reject a zone plan.

15 THE CHAIRMAN: I guess my question is just
16 from sort of a legal perspective. Can we conceptually
17 approve rezoning?

18 MR. FRELENG: We can refer to counsel. The
19 administrative code speaks to referrals of individual
20 applications. We have a referral in the package of a
21 hundred twenty-five change of zones. I don't know how
22 you treat that. We can drop the word "conceptual
23 approval," but still the point is when the site plan
24 comes, we will take a hard look at these things.
25 Notwithstanding the fact it's an overall plan, we can

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2 still have a bad site plan.

3 THE CHAIRMAN: We get two bites of the apple
4 on that, the separate apple on that. Tom, any thoughts
5 on that issue at all?

6 MR. YOUNG: Unfortunately, I walked out of
7 the room. But it will come back for site plan review.
8 You are talking about hundreds of rezonings. I say you
9 conditionally approve. You really don't have them in
10 front of you now. You are passing on a concept.

11 THE CHAIRMAN: We are approving a plan. The
12 plan kind of incorporates and relates to the rezoning,
13 doesn't it?

14 MR. FRELENG: I would agree. It was

15 structured so you would have two separate actions, you
16 would have the approval plan and approval of the one
17 hundred twenty-five change of zones.

18 COMMISSIONER HOLMES: This is really
19 conditional approval because we are not putting
20 conditions, we are making comments.

21 MR. FRELENG: That is correct.

22 MR. YOUNG: You're either approving or you're
23 not approving.

24 THE CHAIRMAN: Bottom line is we are not
25 looking at them one by one. The question is, this is a

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2 legal question. I don't know if you can kind of do a
3 blanket approval for a hundred twenty-five referrals.
4 This is no such thing as conceptual approval under the
5 law. The question is, we can also look -- we are
6 approving it, which means that there is not a lot of
7 legal difference.

8 MR. FRELENG: Wordsmithing. We have no
9 problem dropping the word "conceptual."

10 MR. ISLES: If I understand your point, we
11 can certainly modify the language to just be approval on
12 some account for here. This is the larger submission as
13 the comments you speak to, subject to further
14 subdivision site plan. We will make that change.

15 COMMISSIONER HOLMES: We just want to say
16 "approval subject to the following comments," and then
17 the final comment being a reiteration of the Suffolk
18 County Planning Commission reserves the right to comment
19 on the individual.

20 THE CHAIRMAN: I'll leave it the way it is,
21 since we are approving it. We can have a law school
22 debate whether or not you can approve a hundred
23 twenty-five parcels.

24 COMMISSIONER KELLY: I think regarding the
25 site plan, the town put forth a conceptual aesthetic

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2 policy to say that there are some guidelines in place
3 that you are going to build in this area. There is
4 design criteria that is already involved.

5 THE CHAIRMAN: It doesn't obviate the
6 referral to come for the site plan.

7 MR. YOUNG: I want you to understand if, in
8 fact, you passed on the site plan, not on the rezoning.

9 COMMISSIONER McADAM: What about in the final
10 analysis; say we approve this plan in reality, if only
11 half the zone changes take place.

12 THE CHAIRMAN: Then only half the zone
13 changes take place. The town board can do what it wants
14 on this by approving this. The way we play a role, we
15 provide impediments by -- we are saying we are not going
16 to put the impediment; you can do whatever you want to
17 the town.

18 COMMISSIONER TALDONE: I have a question for
19 the staff regarding the downzoning of the entire area.
20 Do you know if there is a connection between the need
21 for sewage customers? A lot of of money is being spent
22 to extend the sewer line in support of the higher
23 density. I was assuming from the beginning, when I saw
24 this, that the greater density in regard to that narrow

25 corridor would be in the sewer system. Is there any

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2 conversation from the town or village about that need?

3 MR. FRELENG: This staff had no conversation
4 with the Town of Brookhaven. Any need to extend the
5 sewer area, I think it's commonly accepted that economic
6 development between the County of Suffolk and Town of
7 Brookhaven endorses the extension of the sewer through
8 East Patchogue. You have the revitalization of the East
9 Patchogue Theater. I think the county and town are on
10 board with the exception that the extension over that
11 sewer will allow the J-6 to develop.

12 COMMISSIONER TALDONE: That is my point.
13 Once they agree to extend the sewer line, they need to
14 have the density to support the sewer.

15 MR. FRELENG: I think it's all in
16 coordination with the Patchogue Sewer District. I think
17 this revitalization project is a shot in the arm.

18 COMMISSIONER McADAM: Is the entire village
19 sewer or partial village?

20 MR. FRELENG: Not the entire village, no.

21 COMMISSIONER TALDONE: They agreed to extend
22 sewer lines outside the village?

23 MR. FRELENG: Yes.

24 COMMISSIONER McADAM: If they decide to sewer
25 the rest of the village, are they going to have the

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2 capacity to do that?

3 MR. FRELENG: Staff doesn't know.

4 COMMISSIONER ESPOSITO: The plant is being
5 operated below treatment capacity and also quantity, so
6 it will have the ability to, even with the addition of
7 the East Patchogue corridor incorporated into the SPDT,
8 it still has excess capacity to incorporate other areas
9 of development, including the four corners, another
10 condo, so the capacity that they are preparing for and
11 upgrading to is (inaudible)

12 THE CHAIRMAN: I'll entertain a motion on the
13 first one, which is the approval of the plan.

14 COMMISSIONER HOLMES: I'll second it.

15 THE CHAIRMAN: The motion is for approval of
16 the Revitalization Plan to the Patchogue Corridor. All
17 in favor, raise your hand. (Show of hands) Ten.

18 Second one is the approval of rezoning of a
19 hundred twenty-five parcels and the comments are we will
20 include a review of the site plans down the road.

21 Motion by Commissioner Kelly. Second by Commissioner
22 Esposito. Please raise your hand. Motion carries.

23 MR. KLEIN: Pinnacle Hotels, LLC, sent to us
24 by the Town of Brookhaven for review.

25 Jurisdiction is the Long Island Expressway. The

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2 application triggers the regionally significant
3 threshold because it's development of a hundred thousand
4 square feet of floor area. Its located at the northeast
5 corner of Roned Drive and Natcon Drive in East Yaphank,
6 supported by the Long Island Expressway and adjacent
7 right-of-way. Z-3 is the Pinnacle Hotel. The large

8 percentage of the properties are currently vacant lands.
9 The subject property is vacant land approximately six
10 point three four acres in size.

11 The applicant requested certain variances.
12 This was referred to the commission by the Board of
13 Zoning Appeals. The commission considered and resolved
14 on August 5, 2009 to approve a change of zone for the
15 subject parcel from Light Industrial L to J-8 Business
16 Motel District. The applicant is proposing construction
17 of a seven story, two hundred room hotel, including a
18 pool, restaurant-bar, meeting rooms and banquet room.
19 The proposed height of the hotel is approximately
20 eighty-one feet where the maximum permitted is fifty
21 feet.

22 The Brookhaven Town Board granted a change of
23 zoning from L-1 Industrial to J-8 Business on April 20th
24 of this year which basically permits development of a
25 full service hotel. The hotel would be in accordance

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2 with this zoning classification, subject to the
3 following conditions:

4 The subject shall be developed with a full
5 service hotel, including but not limited to convention
6 facility-banquet room, meeting rooms and restaurant.

7 Two, the hotel may exceed four stories subject
8 to a Board of Zoning Appeals variance, but shall not
9 exceed seven stories. And the property owner shall
10 provide adequate parking and/or parking services for
11 conventions facility/banquet room events.

12 The applicant proposes buffers of

13 fifty-three, forty and thirty feet, where one hundred
14 feet natural buffer is required. Also note variance
15 relief is required for number of parking stalls and to
16 use the front yard for parking purposes. These are
17 variances that would be a matter of the Planning Board
18 and aren't currently part of the application.

19 The staff agrees that a hotel would be
20 compatible use at this location, as indicated by the
21 commission's resolution to approve, with conditions, the
22 change of zoning. However, it still has to meet a
23 number of conditions. The requested variances indicate
24 unwarranted over intensification, overuse of the
25 premises. The applicant requests a number of variances,

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2 the sum of which indicate that the proposed use is an
3 unwarranted over intensification of the property.

4 The application as proposed requires a height
5 variance of approximately sixty-two percent, or seven
6 story structure of where fifty feet is allowed. The
7 property requires buffering variances and keep in mind
8 there is also additional variances for parking that
9 would be forthcoming in a later application.

10 Staff recommends disapproval for the following
11 reasons: The planning commission agrees a hotel would
12 be a permitted use. It is our belief that the degree of
13 variance would result in unwarranted over
14 intensification of the use of the premises. The staff
15 report reiterated what I say. I was just talking about
16 the degree of variance sought.

17 Also, approval of the height variance request

18 as proposed as being substantially inconsistent with the
19 J-8 district zoning ordinance, and may tend to undermine
20 the effectiveness of the zoning ordinance, would tend to
21 establish -- be a precedent for such land development
22 patterns, especially with respect to height.

23 Comment pertaining to the proposed action is
24 offered to the town for its consideration. That comment
25 directly directed towards energy efficiency and public

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2 safety. That is the staff report.

3 THE CHAIRMAN: Thank you, Ted. We have seen
4 this before not that long ago. The commission has
5 opined on it. This is another Brookhaven matter.
6 Michael, any thoughts on the application?

7 COMMISSIONER KELLY: We discussed this
8 previously when we had this application before us. I do
9 believe there is a Courtyard Marriott. It is a seven
10 story hotel, Exit 61, the south side of the Expressway.
11 I think the town has approved similar applications in
12 terms of height. In terms of the fact that the town has
13 already, on their last application, already overrode our
14 comments and our recommendations, I want to know if it's
15 appropriate to go back to them again with a disapproval.

16 I would offer a suggestion, that we make this
17 a local determination and let them determine on their
18 own.

19 THE CHAIRMAN: Okay. Other thoughts?

20 COMMISSIONER McADAM: Do you know where
21 Calabro Airport is, where in relation to that? I know
22 the airport is somewhere.

23 MR. FRELENG: It's going to be way south of
24 here.

25 COMMISSIONER ROBERTS: What exit is this?

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2 MR. FRELENG: 68. William Floyd Parkway.

3 THE CHAIRMAN: It's up here, the Expressway.

4 We have seen all sorts of applications for this
5 location.

6 MR. KLEIN: I scaled the distance from the
7 Expressway where the road actually ends and took it to
8 the proposed building. It's two hundred thirty feet
9 from the road to edge, road's edge to the proposed
10 building. To the property line of the hotel, it's only
11 a hundred thirty. It's really close up to the
12 Expressway.

13 THE CHAIRMAN: The economics of it, if we can
14 opine from a regional perspective, whether there was an
15 economic rationale. The developers are investing their
16 money, but who knows better than them?

17 MR. KLEIN: I discussed this with the town.
18 There is a lot of community support for it, particularly
19 from Brookhaven National Laboratory and Dowling
20 College.

21 MR. FRELENG: Just from point of reference,
22 Mr. Chairman, this is probably going to be the last
23 hotel site towards the end of the Expressway.

24 COMMISSIONER HOLMES: Was this the proposal
25 where earlier the developer came to us and said there

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2 were no other hotels in the area and there are quite few
3 other hotels?

4 THE CHAIRMAN: Depends on how you define the
5 area.

6 MR. FRELENG: There were hotels west of, none
7 east of here until you get to Riverhead.

8 THE CHAIRMAN: Someone came, I don't remember
9 the application, I remember, of course, that is
10 unfiltered testimony. That is just the developer's
11 opinion about that, no matter which application it was.

12 MR. FRELENG: I think it was the Atlantis
13 application, the hotel at Atlantis.

14 COMMISSIONER HOLMES: It was near Brookhaven
15 Lab. I think it was an earlier iteration of this. The
16 developer came before us and said we need to do this
17 because there are no other viable hotels in the area.
18 There are.

19 MR. GULIZIO: That was the application. I
20 presented the application to the commission. Timothy
21 Shea was the attorney for the applicant, just by way of
22 history.

23 THE CHAIRMAN: Some background. The other
24 hotel was built at a time when there was a different
25 code. The town has changed the code where it reduced

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2 the height from seven stories to four stories sometime
3 in 2003. There are also two other hotels, one on the
4 south side and one on the north side.

5 COMMISSIONER FINN: Just a comment. Would
6 this fall under the purview of the Town of Brookhaven

7 program, due to the size of the construction of the
8 project?

9 THE CHAIRMAN: I don't know the answer to
10 that.

11 COMMISSIONER FINN: Apprenticeship program,
12 would that apply to hotels as well when you talk about
13 economic development. A forty percent unemployment
14 among the building trades on Long Island. You can see
15 why there would be some support of a project of this
16 size.

17 COMMISSIONER McADAM: I just wanted to ask
18 Andy a question. Do you know why the town reduced it
19 from seven down to four stories in 2003?

20 MR. GULIZIO: I think it was 2002 or
21 thereabouts, which is prior to my tenure at the town. I
22 don't know the specific legislative purpose behind the
23 change. I assume it was to reduce the size and
24 intensity, the size and scale.

25 THE CHAIRMAN: The town board has already put

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2 on them covenants and restrictions actually allowing it
3 to be more than four stories. It shall not exceed seven
4 stories, it says. Basically, you have a covenant with
5 the land that allows something in that range.

6 Michael raised a point of making a local
7 determination. We spoke on this once. Question is, do
8 we speak on this again and express concern about the
9 over intensification from the height perspective, or do
10 we -- I do think the comment that we make down on the
11 bottom is important. That is energy efficiency and

12 public safety. We cannot say enough. I think that is
13 to try and get these things in their codes.

14 COMMISSIONER KELLY: Does the town have an
15 energy standard right now, energy STAR standard?

16 THE CHAIRMAN: For residential, it's energy
17 STAR, for commercial, it's bigger, I believe. It's
18 commercial.

19 COMMISSIONER McADAM: I have a specific
20 question on the parking. What are the parking
21 requirements for the seven stories?

22 MR. KLEIN: I may note there is a parking
23 variance required, but it's not in front of the
24 commission today. It will come later as a referral from
25 the Planning Board. This is from the Board of Zoning

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2 Appeals.

3 COMMISSIONER McADAM: Would you know how many
4 parking spaces you need for a seven story hotel?

5 MR. KLEIN: Yes.

6 THE CHAIRMAN: Any other thoughts? Anyone
7 feel strongly we should reiterate the approval?

8 MR. KLEIN: Four hundred twenty stalls
9 required and they will provide two hundred fifty-four.
10 We will require a variance for that too.

11 COMMISSIONER TALDONE: I would just like to
12 say that I think you should reiterate our previous
13 determination and not turn back on that and support the
14 towns staff's recommendation for disapproval.

15 THE CHAIRMAN: For consistency purposes, we
16 spoke once on this, the facts haven't changed. The town

17 has the right to go a different way on it. They may,
18 but there is no reason why they should not reiterate our
19 concern.

20 MR. FRELENG: You will get a referral from
21 the Planning Board on the parking variance as well as a
22 site plan referred to us prior to the change of zone.
23 There is still site plan referral pending on this.

24 MR. KLEIN: I want to clarify the parking
25 requirement for hotel use alone, two hundred hotel

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2 rooms, two hundred thirty parking stalls. They would
3 basically meet the parking requirements for the hotel,
4 but it's the banquet and convention use that they go
5 over.

6 THE CHAIRMAN: We can get into that at the
7 site plan stage.

8 COMMISSIONER FINN: As this island evolves, I
9 think the commission must address the need for height,
10 especially when you talk about open space preservation.
11 I think that is something that, as we look at projects,
12 we should take that into consideration. It's not like
13 we don't have the life safety. It's been brought out
14 here on Long Island we have some of the best fire
15 equipment in the world. We have hundred foot ladders in
16 almost every firehouse, and we have at least thirty-five
17 foot height. It's something to be mindful of.

18 COMMISSIONER ROBERTS: I think we should take
19 in economic development issues and certainly employment
20 issues in the community and the need for a convention
21 center and hotel. That should be a consideration. I

22 again recommend local determination on this.

23 COMMISSIONER LANSDALE: Is there a great -- I
24 know we have a second proposal back for local
25 determination. I wanted to know if the call for local

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2 determination by members on this commission meets the
3 local determination criteria that this commission has
4 set forth. For local determination, can you do it under
5 our guidelines?

6 MR. FRELENG: Two things. Number one, that
7 can't be denied anything unless the commission brought
8 it to you. I forget the second point. What was the
9 question?

10 THE CHAIRMAN: Local determination is
11 typically things that don't have regional significance.

12 MR. FRELENG: Even when provided staff, the
13 criteria to bring it to you for deliberation, we don't
14 provide LD criteria. If the project doesn't reach
15 regional significance, we assume it could be an LD
16 project. We only have regionally significant criteria,
17 but no criteria for what would be a local
18 determination.

19 THE CHAIRMAN: We can make anything an LD.

20 MR. FRELENG: The comment that you only need
21 to make a finding, why you LD the height now, you need
22 to make a direct finding.

23 THE CHAIRMAN: That is a good point. Quite
24 frankly, comments that were made, we did talk about it
25 last time. We made it more narrow. Height does not

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2 mean that we are opposed to the project. It just points
3 out it's significantly different than what the code is.

4 MR. FRELENG: I believe the commission should
5 deliberate and create policy on height. There are also
6 aesthetics, what is the impact of height. As you are
7 driving in Suffolk County, what visual impact are you
8 willing to tolerate. Maybe we should set a policy on
9 height.

10 THE CHAIRMAN: Any other thoughts or
11 comments? I will personally support a disapproval. I
12 believe that is consistent with what we have been
13 saying. I do think that the town will probably take
14 consistent steps. If they don't, they are free to do
15 that under the law. If no one will make a motion, I'll
16 make a motion.

17 COMMISSIONER KONTOKOSKA: Make a motion to
18 move with the staff recommendation for disapproval.

19 COMMISSIONER ESPOSITO: I'll second it.

20 THE CHAIRMAN: All in favor? All opposed?
21 One. Abstain? Seven in favor. Opposed to the motion
22 is three. The vote is seven-three. That goes to the
23 town as a no action. The commission needs eight votes
24 to take any action.

25 We will move onto Bluegreen Farms, Yaphank is

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2 our last item. Andy, this is yours.

3 MR. FRELENG: Thank you. As detailed, this
4 is the referral of Bluegreen Farms, Yaphank coming to us

5 from the Town of Brookhaven. This is Brookhaven day.
6 Jurisdiction; the property is adjacent to County Road 16
7 otherwise known as Horse Block Road. Aquaculture and
8 aquaponics facility to raise fish and vegetables.

9 Staff provided to you the narrative that came
10 attached to the application from the sponsors;
11 therefore, we won't go into too much detail on it.
12 North side of Horse Block Road approximately forty-five
13 feet west of Calument Avenue. Property is located in an
14 area dominated by light industrial zoning. There is a
15 motor cross facility to the west of the subject
16 property. The property also is surrounded by some
17 industrial uses on Old Dock Road and Zorn Boulevard.

18 If you look at the zoning, you can see the
19 zoning pattern in the area. What is the land use
20 pattern there. The subject property intends to have
21 access off Zorn Boulevard. What you can't see today,
22 since the Zorn Boulevard extends up and around the
23 subject property, the Cathness project is about here.
24 Why don't we look at it now? That is the motor cross
25 facility which shows up as the patch next to the subject

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2 property. The next slide is looking at the terminus of
3 Zorn Boulevard that ends in a cul-de-sac. To the left
4 of the screen is part of the Cathness power station.
5 That is a picture as it currently exists as of
6 yesterday.

7 The Comprehensive Plan 1996 recommended
8 industrial uses for the site. It's the belief of staff
9 that the subject application is reasonably appropriate.

10 There are major concerns that that would require further
11 analysis. Applicants proposed creation of complex
12 structured pools to raise fish. Suffolk County Planning
13 Commission adopted guidelines for the ponds. The
14 applicant stated that the depth of groundwater on site
15 is twenty-seven feet below surface with a seasonal
16 variation of one to two feet. The EAF indicates that
17 the greatest depth at excavation is twenty-two feet.

18 Taken at face value, it looks like the property may
19 actually excavate to groundwater, that the groundwater
20 is being exposed, and the Suffolk County Planning design
21 criteria for artificial ponds reads "no artificial ponds
22 shall be permitted within fifteen feet of existing
23 groundwater," so we have an issue there.

24 In terms of fill and excavation on site, there
25 is approximately twenty-one thousand cubic yards of sand

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2 that would be removed from the site. The appropriate
3 regulatory agencies should be contacted through the
4 activity and ensure groundwater table is not exposed.
5 The applicants did agree to dedicate to the town the
6 portion of the property that would be necessary to
7 extend Zorn Boulevard that you see on the site plan. It
8 extends on another cul-de-sac here.

9 What the applicant proposes to do is provide
10 an easement that goes across the property that would
11 allow Zorn Boulevard to extend. Town as well as the
12 county should take a careful look of any road
13 improvements that come off the site.

14 Referral material did not include any

15 indication that the project was designed with energy
16 efficiency in mind. Staff recommended approval subject
17 to the following conditions that would be necessary for
18 good planning and land use:

19 No artificial pond shall be permitted within
20 fifteen feet of the groundwater. Second condition is
21 that New York State DEC shall be contacted to review the
22 potential mining activity related to the proposed
23 facility. I will recommend the paragraph as policy that
24 indicates that it's not approached by -- the third
25 condition is that roadway improvements related to motor

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2 vehicle passenger and truck traffic shall be provided
3 consistent with the traffic analysis acceptable to the
4 Suffolk County Department of Public Works and Town of
5 Brookhaven. They are not proposing an access on to
6 County Road 16.

7 The applicant shall be directed to incorporate
8 any of the energy efficiency elements, and the final
9 comment is related to possibility of odors coming from
10 the facility. The project sponsor has provided us with
11 assurances odor would not be a problem on the site.
12 There is no fishing. Those of us that have had fish
13 tanks may know that there may be an odor that comes from
14 the fish tank. If something bad happens, we want to be
15 sure there would be no off site and sensitive
16 reception. That is the staff report.

17 THE CHAIRMAN: Thank you. Commissioner
18 Kelly, any comments or thoughts?

19 COMMISSIONER KELLY: Condition Number 1, the

20 artificial pond and groundwater, looks like the data is
21 showing that you wouldn't be able to -- physically be
22 able to get it to aquaponics. Is that what this is
23 telling you, you happen to be too close to groundwater?

24 MR. FRELENG: There is a question whether
25 it's too close to groundwater. The adopted criteria of

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2 the commission is fifteen feet above groundwater. If
3 they were to comply with that, they would have to design
4 the pool so the bottom of the pool is fifteen feet above
5 elevation.

6 COMMISSIONER KELLY: He still would be able
7 to achieve what he is looking for in the operation of
8 his business.

9 MR. FRELENG: Staff can't comment on whether
10 or not he can physically operate. He can create a pond
11 that is not physically in contact with the --

12 COMMISSIONER HOLMES: Doesn't he say that he
13 wants it down deep so he can raise striped bass and not
14 just tilapia?

15 COMMISSIONER KELLY: Bear in mind in that
16 pond it will --

17 COMMISSIONER ESPOSITO: Was there any mention
18 in the application of any type of additives they might
19 be putting in this pond for any purpose?

20 MR. FRELENG: They take supply water. It's a
21 closed loop system. There would be some evaporation.
22 There are two ways to remove the chlorine, either adding
23 a de-chlorinator or add vitamin C to the water. To the
24 extent they're treating the water, I believe they're

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only removing the chlorine.

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2 COMMISSIONER TALDONE: I'm wondering if there
3 is any way to work language into that, they would have
4 to demonstrate depth of more than to groundwater if it's
5 approved, that such a depth, there would be no intrusion
6 into the groundwater.

7 THE CHAIRMAN: The way to do this without
8 saying fifteen feet above; it sounds like they can't do
9 that. Are there technical possibilities to create the
10 depth, even though they're close to the groundwater?
11 The line is to prevent any intrusion in the
12 groundwater.

13 THE CHAIRMAN: I don't think we can speculate
14 on the aquaculture.

15 COMMISSIONER TALDONE: Other than tilapia, I
16 think it's tilapia, stripe striped bass, would be mainly
17 a tilapia production facility. That has to be fixed in
18 the third line.

19 THE CHAIRMAN: They're just saying that the
20 pool is needed because the indoor other facility is a
21 tank and they're raising something different. This one,
22 the water concern is there for a reason and we all know
23 we have groundwater issues.

24 My personal thing, we don't dictate business
25 based on a risk of groundwater. If there was a good way

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2 too --

3 COMMISSIONER HOLMES: Doesn't the applicant
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4 say right in the application of their Environmental
5 Assessment Form that the greatest depth that he wanted
6 to go to is thirty-two feet, whereas the building that
7 the groundwater is on site is twenty-seven feet below
8 the surface. That is the heart of the discussion. We
9 want to say at least fifteen feet above groundwater
10 line. There is no proposal.

11 COMMISSIONER ESPOSITO: Striped bass is a
12 cold water fish. Putting it outside in shallow water, I
13 believe, will present various challenges to them.

14 ME. FRELENG: The standard comes from the
15 study of man-made ponds that the commission adopted in
16 1990. Things may have changed since then. Certainly
17 the town has the ability to override the Commission.
18 The Environmental Assessment Form may have been
19 carelessly prepared. There was a conversation as to
20 proper depth. Depending on what the applicant meant or
21 what the applicant found, we only have maps and stuff to
22 look at. But the town indicated and town inferred that
23 after groundwater is only seven feet; that is the
24 highest point.

25 If you excavate out the recharge basins, we

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2 start sixty feet above sea level, if you excavate thirty
3 feet down, you end up at your water table.

4 COMMISSIONER ESPOSITO: Also, it's been a
5 period of a very high water table, so it could be worse
6 than you think.

7 THE CHAIRMAN: Putting aside this addition
8 relating to an outdoor pool, I think it's an exciting

9 application pertaining to the outdoor development. We
10 all had a chance to opine. The county executive
11 supported it. Certainly it's an industry well suited to
12 our building, notwithstanding solve the details that
13 need to be ironed out. That is also a good location for
14 this. The Cai thness plant is right there. It's not a
15 residential area; it's meant for kind of industrial.

16 I support the notion about the smell, but
17 there is no one there at least now. This is a positive
18 application, not withstanding the groundwater.

19 COMMISSIONER McADAM: Does the Health
20 Department and DEC, are they involved in doing the soil
21 boring? They haven't any involvement at all?

22 MR. FRELENG: I'm not sure where the DEC
23 would fit in this application. But we raised the issue
24 of exposing of the groundwater table. I think it would
25 be prudent of both the town and applicant to contact the

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2 DEC and investigate those issues.

3 COMMISSIONER FINN: On the application
4 itself, do they have experience or do they have other
5 facilities that they have actually built and operate
6 that they can point to? Then the other issue is, would
7 the removal of the sand, I think there is a long history
8 of cases where there has been removal of sand.
9 Generally, if the applicant has a history of operation,
10 what the track record is.

11 MR. FRELENG: We don't have any knowledge of
12 the project sponsor's experience with this type of
13 project.

14 COMMISSIONER ESPOSITO: I think that is a
15 good question. In the EAF, is there any chemical
16 additive in the non-tilapia pool? I don't know anything
17 about growing fish. If they are close to groundwater,
18 even if they're not, I'm hard pressed to believe that
19 pool structure will not allow for any seepage of water,
20 even though it's a closed system.

21 I'm wondering in the EAF, if there was any
22 kind of chemical additive they were talking about.

23 MR. FRELENG: The only thing that they
24 indicated was to remove the chlorine. The other issue
25 is waste that comes from the tank and the sludge that

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2 accumulates on the bottom. Our knowledge of tilapia is
3 that tilapia is a waste fish. We theorize that the
4 pools that have striped bass and free swimming tilapia
5 pick up the waste. I'm not an expert; I don't know.

6 In the brief time that we looked at
7 aquaponics, they wouldn't add any kinds of chemicals.
8 The striped bass is different than the entire operation
9 that is being proposed. This may be an experiment; I
10 don't know. They only mention treating for chlorine.

11 THE CHAIRMAN: My firm is one of the major
12 investors in aquaculture in the country. I'm somewhat
13 familiar with it. Although we don't have any
14 investments in the eastern part of the country, to my
15 knowledge, the companies we invested in, they do not
16 typically put chemicals in the water. There is a
17 variety of feed, but generally, frankly, nature, for the
18 most part they use. To my knowledge, that is something

19 that we have seen.

20 COMMISSIONER TALDONE: If I can say in the
21 nine years that I have had my pond, I have never used
22 any chemicals other than a chlorine neutralizing effect.
23 It's a million pounds of tilapia grown here instead of
24 shipped up from the south, the waste to be used to grow
25 vegetables. It seems like a pretty smart production.

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2 I'm happy this kind of activity is happening on Long
3 Island rather than importing the same fish from the
4 south.

5 THE CHAIRMAN: Any final comments or
6 questions?

7 COMMISSIONER KELLY: Make a motion to approve
8 the staff report.

9 COMMISSIONER TALDONE: Second.

10 THE CHAIRMAN: All in favor of adopting the
11 staff report? That is unanimous.

12 MR. GULIZIO: Work on the inventory
13 continues. Peter Lambert and Seth Forman are working
14 on individual sections of the inventory chapter. Any
15 specific questions, I'll be happy to address them.

16 THE CHAIRMAN: What is inventory?

17 MR. GULIZIO: Series of chapters, analysis of
18 existing conditions being the first chapter. We have
19 done a report of the demographic component. We are
20 working on the economy section and quality of life
21 section right now. We are anticipating transportation,
22 land use, environmental, natural resources,

23 THE CHAIRMAN: The issue raised today by

24 Mr. Amper regarding open space is an important one. I'm
25 anxious to hear staff's analysis of it.

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2 THE CHAIRMAN: One last thing. John is going
3 to mention something about flag lots.

4 MR. CORRALL: We had an application for a
5 three lot subdivision. It's not regionally significant.
6 Two point three acres to be developed. In the past we
7 brought discussion items about flag lots. There is
8 another subdivision of flag lots; it's a three lot
9 subdivision in the Hamlet of Ronkonkoma, approximately
10 three acres. They have a yield map that conforms to
11 standards, but they are doing two flag lots that require
12 variances.

13 Our guidelines also with lots that are less
14 than forty square feet, each one of the lots should use
15 flag lots. This has come a few times from different
16 towns about using common driveways rather than creating
17 a road right-of-way, so we thought we would bring this
18 to your attention.

19 The subdivision as proposed is the black
20 lines. The red is the fifty foot right-of-way easement
21 with the inside that can be a common driveway built in
22 the town or village specifications. So we thought we
23 have seen these a few times. We thought we would bring
24 this to your attention.

25 THE CHAIRMAN: We sent a letter about two

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2 months ago to the town. Have we gotten a response to
3 it?

4 MR. CORRALL: I'm not aware of a response
5 from the town.

6 THE CHAIRMAN: Here we are. Maybe we can
7 meet afterwards. There seems to be a lot of flag lots
8 coming out of the Town of Brookhaven, more than are
9 coming out of other places. Thank you, John, for
10 bringing it up.

11 Any other comments? If not, I'll entertain a
12 motion to adjourn.

13 COMMISSIONER HOLMES: Motion.

14 COMMISSIONER FINN: Second.

15 THE CHAIRMAN: We will see you next month.

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

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4 STATE OF NEW YORK)
5) ss:
6 COUNTY OF SUFFOLK)

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

THAT this is a true and accurate transcription of the Suffolk County Planning Commission meeting held on June 2, 2010.

I further certify that I am not related, either by blood or marriage, to any of the parties in this action; and

I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

JUDI GALLOP

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