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SUFFOLK COUNTY PLANNING COMMISSION

Smithtown Village Hall  
Town Board Room  
Jericho Turnpike  
Smithtown, New York  
October 5, 2011

12:00 p.m.

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MEMBERS PRESENT:

DAVID CALONE, Chairman  
ADRIENNE ESPOSITO, Secretary  
CARL GABRIELSON, Town of Riverhead  
DIANA WEIR, Town of East Hampton  
LINDA HOLMES, Shelter Island  
MICHAEL KELLY, Town of Brookhaven  
JOHN FINN, Town of Smithtown  
MATTHEW CHARTRAND, Town of Islip  
BARBARA ROBERTS, Town of Southampton  
BILL SCHOOLMAN, At-Large

THOMAS YOUNG, ESQ., County Attorney for  
Planning Department

SARAH LANSDALE, Planning Director  
ANDREW FRELENG, Chief Planner  
ANDREW AMAKAWA, Planner



1 10/5/11 Suffolk County Planning Commission

2 THE CHAIRMAN: Welcome to the October  
3 meeting of the Suffolk County planning  
4 commission. I note that we have a quorum  
5 present and ask the secretary to lead us in the  
6 pledge.

7 (Recitation of the Pledge of  
8 Allegiance.)

9 THE CHAIRMAN: The first item on the  
10 agenda is adoption of the minutes for July,  
11 2011. I have reviewed them, as has the  
12 editor-in-chief. Commissioner Holmes,  
13 comments?

14 COMMISSIONER HOLMES: I found  
15 thirty-five errors. Most of them were not too  
16 bad, but some of them with the wrong word and  
17 whatnot. We can assume that the corrections  
18 will be made because we have given in the  
19 corrections, and we need to note that we are  
20 still awaiting from the service the corrections  
21 for the May minutes, which Judi said she did  
22 do, but they have not sent us the corrected  
23 copy. By mistake, apparently, they xeroxed the  
24 original draft and send it to us as the final  
25 by mistake. So we are hoping the service will



1 10/5/11 Suffolk County Planning Commission  
2 send us the corrected, and I hope we have not  
3 paid them for the May minutes.

4 THE CHAIRMAN: I know Judi said she  
5 gave them the revised version for May. It's on  
6 someone's computer and Judi will follow up with  
7 it for us.

8 MS. HOLMES: I would say that we can  
9 count on Judi to make the corrections for the  
10 July minutes and we would -- perhaps I could  
11 move that we would accept the July minutes  
12 pending the corrections.

13 THE CHAIRMAN: Are there any other  
14 comments on the July minutes? Any other edits  
15 that anyone else had? Seeing none, I agree  
16 with Commissioner Holmes that the minutes with  
17 the edits were de minimis in nature,  
18 typographical in nature and those kinds of  
19 things, and none of them changing any meanings  
20 of any of the minutes. So, unless there are  
21 any other thoughts on the minutes, I will  
22 entertain a motion to adopt the minutes as  
23 amended for July, 2011. Motion by Commissioner  
24 Holmes, second by Commissioner Weir. All in  
25 favor, please raise your hand. (Show of



1 10/5/11 Suffolk County Planning Commission  
2 hands.) Eleven to zero.

3 Next item is the public portion. We  
4 have our former colleague on the Commission,  
5 Mr. Robert Braun is here, and good to see you,  
6 sir.

7 MR. BRAUN: Good to see all of you,  
8 and those of you I don't know, it's nice to  
9 meet you and those of you I used to know, I  
10 miss you. I'm here on behalf of the county.

11 The second application you have  
12 before you is from referrals from Brookhaven,  
13 but the applicant for Brookhaven is Suffolk  
14 County. What it is that the county  
15 legislature, a few months ago, designated some  
16 of the land at the Yaphank County Center as  
17 surplus to the county's needs, and a decision  
18 has been made to try to sell some of that. In  
19 order to do so, we are trying to create a  
20 distinct lot. Over all property that we have  
21 in Yaphank is an amalgam of a number of lots.  
22 If you count both sides of Yaphank Avenue it  
23 totals something like a total of eleven lots on  
24 the original maps.

25 As you know, when the county owns



1        10/5/11 Suffolk County Planning Commission  
2        property, it's not constrained by the zoning of  
3        the town, so the county has used all of this  
4        area as part of the Yaphank County Center, which  
5        includes on the east side of Yaphank Avenue,  
6        Board of Elections, Department of Public Works.  
7        On the west side, some offices for the  
8        Department of Health Services, county jail, the  
9        John J. Foley Nursing Facility, and some other  
10       facilities.

11                The very southwestern most piece has  
12        been configured into a new lot called Lot 1.  
13        On the underlying map of the Town of  
14        Brookhaven, it's all zoned light industrial,  
15        and that is that you see on the proposed  
16        division map that is in your packet. That Lot  
17        1 is we're proposing to sell. In order to do  
18        so, we are trying to establish it as a single  
19        lot apart from the rest of the county's  
20        property.

21                The county is still the owner at this  
22        point. As to the remainder of the split zoned  
23        areas that the county will retain, the zoning  
24        really doesn't matter in there. As I said, the  
25        county doesn't need to follow the local zoning,



1 10/5/11 Suffolk County Planning Commission  
2 and this area in Yaphank has been used as the  
3 county center forever. I left out the police  
4 headquarters, also.

5 In any event, that is the reason for  
6 the application to Brookhaven, to give us a lot  
7 that we can sell, and we are hoping to do so  
8 rapidly, and I know that it's not the practice  
9 as ask for the speaker to answer questions.  
10 For old times' sake, if there is anything I can  
11 help you figure out, I'd be happy to do that  
12 and I thank you for your time.

13 THE CHAIRMAN: Thank you, Bob. Thank  
14 you for being here. I appreciate it. Good to  
15 see you.

16 Unless there are any other public  
17 comments, I'll close the comment period and  
18 move onto the next item on the agenda, which is  
19 the Chair report. I'll briefly update  
20 everyone.

21 Obviously, it's good to be here in  
22 Smithtown. We now completed the cycle by  
23 meeting in all ten towns in the last three  
24 years. I want to thank Supervisor Pat Vecchio,  
25 who most of you met earlier. He had to run



1 10/5/11 Suffolk County Planning Commission  
2 out. I appreciate his hospitality and Town  
3 Board for hosting us here as well as the  
4 Planning Department, and Frank DeRubeis is  
5 going to say a few words to update us on what  
6 is going on in Smithtown. I appreciate you  
7 letting us use your table here. I want to give  
8 a quick overview of the Planning Commission  
9 activities. Our goal this year is to focus on  
10 goals critical to Suffolk County's future, such  
11 as the development of the Comprehensive Plan  
12 and other related issues like housing, storm  
13 water management, et cetera.

14 On the Comprehensive Plan, earlier  
15 this year the Planning Commission, for the  
16 first time in thirty years, voted to release  
17 the draft of volume 1A. That draft has been  
18 presented to the legislature, we have a general  
19 time line to finish volume 1B by the end of  
20 this year and volume two by the end of next  
21 year. Volume 1B will be more baseline, a  
22 continuation of 1A, where are we as a county.  
23 volume two is where do you want to be, what are  
24 our goals, what policies might support those  
25 goals. We have our comprehensive plan steering



1 10/5/11 Suffolk County Planning Commission  
2 committee Roberts Holmes, McAdam Weir and  
3 Kelly. Since we thought it's been a little  
4 while we would have the staff do an entire  
5 update to the Commission in a few minutes on  
6 what is going on with the comprehensive plan.

7 With regard to the task force  
8 efforts. Solar permit streamlining which I  
9 sent to all of you, is now completed and in the  
10 hand of the municipalities, a letter went out  
11 to the two planning commissions and LIPA to the  
12 hundred three municipalities in Nassau and  
13 Suffolk laying out the requirements of the  
14 program and LIPA incentive, which is fifteen  
15 thousand dollares for each town and five  
16 thousand dollars for the first ten villages in  
17 each county who adopt the plan. The New York  
18 State Department of State endorsed the effort.  
19 They will look at this as a potential model to  
20 take around the state.

21 We had a press event and information  
22 session for the municipalities on September  
23 23rd at Molloy College in Farmingdale. We had  
24 elected officials from six of Suffolk's towns  
25 there. All of them spoke at the press



1       10/5/11 Suffolk County Planning Commission  
2 conference and indicated they would be  
3 introducing legislation to adopt the plan that  
4 we drew up. There were also staff from three  
5 of the other towns including the town of  
6 Smithtown there as well. A few towns already  
7 had public hearings on our solar streamlining  
8 plan including Riverhead and Southold. Several  
9 others have it on their agenda for their next  
10 meeting. The Town of Babylon already adopted  
11 it so we have our first mover on this effort.

12               Next item on the energy front is the  
13 East End Wind Code. We had several meetings to  
14 draft a model wind code we had board members  
15 from each of the east end towns involved in the  
16 effort. In particular we have staff from East  
17 Hampton and Southampton working on this  
18 diligently. We hope to have a final meeting on  
19 November 1st which will probably be in  
20 Southampton to finalize the proposed code.

21               I want to thank Commissioner Holmes  
22 and Commissioner Weir who have been assisting  
23 in that effort. They tell me that the birds of  
24 the east end have no bigger champion than  
25 Commissioner Holmes who has been consistent in



1       10/5/11 Suffolk County Planning Commission  
2 her advocacy to make sure that the birds aren't  
3 impacted too badly by the wind code. I  
4 appreciate the help of everyone that has been  
5 involved.

6               I'm going to jump to the economic  
7 development efforts. We have -- the our  
8 committee looked at kind of pushed the sewer  
9 bill which got done a few months ago. The next  
10 Director Lansdale is heading the committee that  
11 is going to draft specific criteria to use to  
12 make sure where it's going to go, to make sure  
13 it goes into the areas of the county where it's  
14 most needed and the Legislature identified as  
15 important to Suffolk County's future like  
16 workforce housing, public safety transit  
17 oriented building, I'm sure we will get an  
18 update from Director Lansdale on that shortly.

19               SUPP continues to progress. We had  
20 quarterly meetings and another meeting and the  
21 end of this month. while we got it started  
22 it's up to the county executive's leadership  
23 and thanks to his leadership that it's going  
24 and continuing to build. Director Lansdale is  
25 involved with that and I know several of you



1 10/5/11 Suffolk County Planning Commission  
2 continue to be involved with that. I think  
3 that is important.

4 Professional certification for  
5 commercial interiors, you will remember that  
6 the idea is to follow the lead of New York City  
7 and eliminate the need for building inspection  
8 for routine interior commercial alterations.  
9 ABLI has been interested, had asked us to look  
10 at this issue and this effort has their  
11 support. John Finn and Jennifer Casey have  
12 been helping to head up that effort. We have a  
13 draft plan that Farrell Fritz put together as a  
14 jumping off point. I spoke with the supervisor  
15 of Brookhaven yesterday he said they're eager  
16 to pilot the program. He's trying to get dates  
17 on his side as to when we can meet with them to  
18 start Rolling it out in the town of Brookhaven  
19 to marry it with what New York City is doing  
20 with the Brookhaven code. That is exciting.  
21 We will be working on this in the next month or  
22 two.

23 The next item is housing. We started  
24 working last month on planning the Suffolk  
25 County Housing Summit for January. I spoke



1       10/5/11 Suffolk County Planning Commission  
2       with the Village Officials Association  
3       Executive Committee, the head of the  
4       Supervisors Association; both of them want to  
5       co-host the summit with that. Also the Long  
6       Island Housing Partnership, the Long Island  
7       Business Institute are eager to support this.  
8       We are excited about that.

9               We have Commissioner Kontokosta,  
10       Weir, Kelly, Roberts and Casey are going to  
11       lead that event together. I ask all of them if  
12       we can meet for a few minutes after this  
13       meeting. I have a draft agenda that came out  
14       of your comments about what we should include,  
15       and we can discuss the things that make sense  
16       and should be included. Those are some of the  
17       things going on. The public safety effort, and  
18       native vegetation and other things.

19              The other thing we have coming up  
20       next week is the Planning Federation meeting,  
21       which is Wednesday, October 12th at Brookhaven  
22       National Lab. Our keynote speaker is Nancy  
23       Douzinas, the head of the Rauch Foundation, and  
24       Long Island Index. A number of you will be  
25       moderating panels at this event and a few of



1       10/5/11 Suffolk County Planning Commission  
2       you are presenting at this event. I ask you to  
3       stay after this meeting. We will do that  
4       first, to talk a few minutes with the  
5       moderators about what we are going to do. We  
6       will deal with that after the meeting.

7                It's coming to that time of year when  
8       we do our nominating committee slash rules  
9       committee. Please let me know if you want to  
10      serve. The way it works under the charter, we  
11      put together a nominating committee. They also  
12      look at our rules, focusing on nominating. We  
13      have three officerships. Under the county  
14      charter, the way it works, the nominating  
15      committee makes a report back to this  
16      commission in January with suggested officers.  
17      That does not preclude anybody from nominating  
18      themselves.

19               At the meeting in February, our  
20      organizational meeting where we elect officers  
21      and adopt our calendar and rules for the year,  
22      that is something we will need three people to  
23      serve on that nominating committee. Let me  
24      know.

25               Also, the guidelines committee has



1 10/5/11 Suffolk County Planning Commission  
2 been active. Commissioner Roberts, Kelly. I  
3 think Director Lansdale can give us an update  
4 on that. Last note, we are meeting next month  
5 at Port Jefferson Village Hall, continuing our  
6 effort to reach out with some of the larger  
7 villages. Please make a note of that and we  
8 will see if we can do a walking tour of Port  
9 Jeff. It might be a neat thing to do. We can  
10 probably get a quick tour like we did in  
11 Patchogue. That is an update for all of you.  
12 Any of you working on those things, I  
13 appreciate your efforts.

14 COMMISSIONER ROBERTS: Do we have a  
15 specific date in January for the housing  
16 summit?

17 THE CHAIRMAN: No, that is something  
18 I have to talk about. I want to coordinate  
19 with Town Board meetings as well.

20 COMMISSIONER WEIR: Vacations.

21 THE CHAIRMAN: We will talk about  
22 that off line afterwards. That is my report.  
23 Next is Director Lansdale with an update.

24 DIRECTOR LANSDALE: Thank you so  
25 much. I want to first thank off by



1 10/5/11 Suffolk County Planning Commission  
2 congratulating Chairman Calone for your  
3 wonderful op ed in the paper in weekend.  
4 (Applause) The Planning Department is busy  
5 planning for a sustainable future for the  
6 county. A couple of things we are working on.  
7 As the Chairman indicated, the guideline update  
8 for the Planning Commission. And thank you all  
9 for participating in that. Our next meeting is  
10 Friday, October 28th at ten a.m. and we are  
11 going to discuss the transfer of density  
12 requirements and parking and community  
13 character. The meeting after that will be  
14 Friday, November 4th, ten a.m. to discuss  
15 native vegetation, storm water runoff, water  
16 usage and sewers, all things that Adrienne is  
17 very interested in.

18 COMMISSIONER ESPOSITO: My favorite  
19 topics. DIRECTOR LANSDALE: We just had  
20 a meeting a few weeks ago to discuss affordable  
21 housing, night skies and universal design. I  
22 want to thank Mike Kelly and Chairman Calone  
23 for covering that fruitful discussion.

24 COMMISSIONER KELLY: We covered one  
25 topic.



1 10/5/11 Suffolk County Planning Commission

2 COMMISSIONER LANSDALE: I also want  
3 to thank Commissioner DeRubeis from the Town of  
4 Smithtown for participating in that as well.  
5 Thank you for all your thoughts and comments on  
6 affordable housing.

7 The next is the sewer advisory  
8 committee. As a result of the Protect and Grow  
9 Initiative that came out of the Planning  
10 Commission, out of the leadership of County  
11 Executive Steve Levy, an outgrowth was  
12 Resolution 625, which was passed by the Suffolk  
13 County Legislature utilizing the assessment  
14 stabilization reserve fund, to any surpluses in  
15 the fund to enhance sewer capacity. That  
16 created a sewer infrastructure committee.

17 The first meeting of that committee  
18 is occurring this Thursday at three-thirty in  
19 the Planning Department. Members of the  
20 committee include director of planning, the  
21 commissioner of the department of public works,  
22 commissioner of health services, commissioner  
23 of economic development and workforce housing,  
24 the presiding officer, minority leader county  
25 legislature, as well as county executive.



1 10/5/11 Suffolk County Planning Commission  
2 These meetings are open to the public and I  
3 encourage anyone interested in attending to  
4 participate. It's tomorrow at three-thirty.

5 COMMISSIONER ESPOSITO: Can we get  
6 advance notice if it's open?

7 DIRECTOR LANSDALE: Definitely can.

8 THE CHAIRMAN: I assume it's the  
9 first of several.

10 COMMISSIONER LANSDALE: This is the  
11 first meeting to establish criteria to begin to  
12 develop a merit based scoring system for  
13 applications.

14 COMMISSIONER ESPOSITO: Will there be  
15 minutes taken? I can't go tomorrow. How would  
16 I catch up, call you?

17 DIRECTOR LANSDALE: Please give me a  
18 call. There will be summaries of the meetings.

19 COMMISSIONER ESPOSITO: That would be  
20 great.

21 DIRECTOR LANSDALE: The next item I  
22 want to report on is the Comprehensive Plan. I  
23 invited Seth Forman, who is a member of the  
24 Planning Department to give an update. There  
25 are several chapters that the Planning



1       10/5/11 Suffolk County Planning Commission  
2       Department is working on currently, which is  
3       Volume 1B. Those chapters include energy,  
4       transportation, emergency management, housing,  
5       land use, natural resources and infrastructure.  
6       Any member of the commission would like to  
7       participate in the development of those  
8       chapters, please let me know.

9               We also are working on, under the  
10       headline of natural resources, agriculture as  
11       well. Carl has Commissioner Gabrielsen set up  
12       a meeting with many members, including the Farm  
13       Bureau under the Cornell Cooperative Extension  
14       later this week to discuss that. Thank you for  
15       your input on that.

16               There is an at-large vacancy in the  
17       Planning Commission and the county executive  
18       has nominated Glynnis Berry, a resident of  
19       Suffolk County, an expert in sewers and  
20       background in transportation planning, to join  
21       the Planning Commission.

22               THE CHAIRMAN: She is an architect?

23               COMMISSIONER LANSDALE: Yes. She is  
24       from East Marion.

25               THE CHAIRMAN: We need more Southold



1 10/5/11 Suffolk County Planning Commission  
2 people. Let the minutes reflect I was being  
3 sarcastic. I always joked, we have Tom and  
4 Constantine and Josh, one of our smaller towns.

5 COMMISSIONER KELLY: A third of the  
6 population.

7 COMMISSIONER HOLMES: She is from  
8 East Marion.

9 COMMISSIONER LANSDALE: She was  
10 before the Environment Planning and Agriculture  
11 Committee Monday, and the committee moved to  
12 advance her nomination to the full legislature  
13 on Tuesday. Moving on, in your  
14 packet you have the latest economic data that  
15 Peter Lambert, from the Suffolk County Planning  
16 Department, has prepared. I'm hoping that next  
17 meeting he will someone give a formal  
18 presentation of this data. It is quite  
19 interesting.

20 Moving on, we are in the Suffolk  
21 County budget process. And I just wanted to  
22 bring to everyone's attention that the budget  
23 that was recommended to the legislature  
24 includes four staff positions that would be  
25 eliminated. Which would be a tremendous drain



1 10/5/11 Suffolk County Planning Commission  
2 on the capacity of the department to continue  
3 to undertaking projects like the comprehensive  
4 plan and SUPP the Suffolk Unified Permit Portal  
5 some of the non mandated projects, just wanted  
6 to put that on the radar screen in the room.

7 COMMISSIONER HOLMES: May I ask a  
8 question? Who do we scream at.

9 COMMISSIONER LANSDALE: There will be  
10 a budget hearing on October 18th at one-thirty  
11 p.m. at the Suffolk County legislature.

12 THE CHAIRMAN: Obviously, we have  
13 been through this before. The Planning  
14 Department, as many of you know, has lost a  
15 third of the staff over the last couple of  
16 years, which makes it difficult to do smart  
17 long-term planning on a regional basis.  
18 Obviously, it's a major concern, particularly  
19 as we are trying to do more things regionally.  
20 Any effort you can make to mention this to  
21 legislators that you know, or certainly  
22 attending the hearing, I think it would be  
23 worthwhile.

24 DIRECTOR LANSDALE: These four  
25 identified positions that would be eliminated



1 10/5/11 Suffolk County Planning Commission  
2 are in addition to the already eliminated  
3 position of the county's commitment to the Long  
4 Island Regional Planning Council.

5 THE CHAIRMAN: The only good news is  
6 that none of you are getting a pay cut.

7 COMMISSIONER GABRIELSEN: They're  
8 cutting lunch.

9 DIRECTOR LANSDALE: Thank you for  
10 your attention and time.

11 THE CHAIRMAN: Commissioner Roberts.

12 COMMISSIONER ROBERTS: Sarah, there  
13 are a number of meetings that you mentioned  
14 that I would have liked to have known about.  
15 I'm wondering if it would be difficult for the  
16 staff to list the upcoming meetings for the  
17 month. When you send an e-mail out about this  
18 meeting, if you can list everything, such as  
19 the budget that is coming up for the month.  
20 Maybe date, time, place and topic. That would  
21 be really fantastic.

22 DIRECTOR LANSDALE: You got it.

23 COMMISSIONER ESPOSITO: I some of you  
24 may have an interest in attending, on October  
25 27th, from one to four in Melville, there will



1       10/5/11 Suffolk County Planning Commission  
2       be an educational forum on wind energy, both  
3       exploring the environmental benefits and  
4       technological advancements of onshore and  
5       offshore wind energy. I will be sending out an  
6       e-mail invitation.

7               THE CHAIRMAN: Are you sending it out  
8       from citizens?

9               COMMISSIONER ESPOSITO: Yes. October  
10       27th, one to five, it will be in Melville and I  
11       forget which hotel we booked.

12              COMMISSIONER HOLMES: Adrienne, did  
13       you see this op ed piece in the Times about  
14       Vermont?

15              COMMISSIONER ESPOSITO: I did, but  
16       thank you.

17              THE CHAIRMAN: One thing you may want  
18       to mention or talk about is the idea of trying  
19       to unify the wind code on the East End and use  
20       your discretion whether it fits well. Instead  
21       of having much different rules, to have the  
22       East End come up with something similar.  
23       Commissioner McAdam.

24              COMMISSIONER McADAM: Sarah, when you  
25       said they want to eliminate four positions, did



1 10/5/11 Suffolk County Planning Commission  
2 they say which, for what purpose?

3 COMMISSIONER LANSDALE: The positions  
4 are identified clearly in the budget. There is  
5 an A next to it.

6 COMMISSIONER McADAM: Is it  
7 identified with this commission?

8 COMMISSIONER LANSDALE: As one of the  
9 positions associated with the unit within the  
10 department that works with this commission.

11 THE CHAIRMAN: The other thing,  
12 everyone is sort of fungible in some ways. A  
13 lot of the things we are doing Sarah pulls from  
14 resources from other places.

15 COMMISSIONER McADAM: Would it be  
16 appropriate for us to do something as a  
17 commission, perhaps sending a letter to the  
18 legislature and signing a letter giving  
19 support, assuming everybody wanted to do that?

20 COMMISSIONER ESPOSITO: I think that  
21 is a good idea. I think that is something  
22 perhaps the Chairman can pen for us. I don't  
23 think it's appropriate for staff to do it.

24 THE CHAIRMAN: You're right. I would  
25 like to know some more facts before doing that,



1 10/5/11 Suffolk County Planning Commission  
2 if every one is comfortable with me doing that  
3 on behalf of the staff. Obviously.

4 COMMISSIONER CASEY: I think also we  
5 are all volunteers. Most town planning boards,  
6 they're paid for their positions. We need some  
7 type of support to do our jobs. I think that  
8 is important to point out.

9 COMMISSIONER ESPOSITO: I think that  
10 is an important point. You're not paying us.  
11 It's important to have a paid staff.

12 THE CHAIRMAN: Why don't we take that  
13 into account? If anybody has anything  
14 specifically that they want me to say, let me  
15 know.

16 COMMISSIONER HOLMES: I'll send a  
17 letter to my legislator, Ed Romaine.

18 THE CHAIRMAN: I'll send around what  
19 I write and you can add your own thoughts.  
20 That would be fine. I'll try to get that done  
21 soon. I'll circulate a draft amongst the  
22 Commission, so if anyone has any thoughts or  
23 edits they want to suggest. Thank you, Tom,  
24 it's a good idea.

25 DIRECTOR LANSDALE: Your support is



1 10/5/11 Suffolk County Planning Commission  
2 appreciated.

3 THE CHAIRMAN: Any other questions  
4 for Director Lansdale? If not, we will move on  
5 to our guest speakers. Thank you, Town of  
6 Smithtown for having us. We have Frank  
7 DeRubeis, who is the director of Planning and  
8 Community Development Department. I have had  
9 the pleasure of working with Frank in a number  
10 of capacities and projects, and thank you for  
11 having us at your home.

12 DIRECTOR DeRUBEIS: I'm happy that  
13 you're here. On behalf of Supervisor Vecchio  
14 and members of the Town Board, I'd like to  
15 welcome you to Smithtown. I'm Frank DeRubeis,  
16 Director of the Planning Department. We would  
17 like to welcome you to the town; it is first,  
18 by the way. I've known that the Commission has  
19 met before in Smithtown, but you normally met  
20 at some other outlying area.

21 During the meeting, by the way, you  
22 will be seeing people coming in and out. A lot  
23 of them are going to be members of my staff. I  
24 want them all to come over, including clerical,  
25 to see exactly who you people are and what



1 10/5/11 Suffolk County Planning Commission  
2 exactly you do. And we hear about you all the  
3 time. It's nice to put a face with the  
4 correspondence and local determination and  
5 whatever else that means.

6 Also, I would like to let you know  
7 that I have my senior staff with me today. I'd  
8 like to introduce them. Dave Flynn is my  
9 assistant director. Dave and I have been  
10 together since 1981, when I was community  
11 director. We worked together for a long time,  
12 thirty years. I have my principal planner with  
13 me, Elaine Leonard, and sitting next to her is  
14 soon to be my environmental planner, Allison  
15 Murray, who works on my staff. You will be  
16 seeing other members which I won't have time to  
17 introduce.

18 But, my brief presentation today I'd  
19 like to tell you a little bit about the Town of  
20 Smithtown. There are things you know about us  
21 and we will go through it briefly, and maybe  
22 some things that you don't know about us.  
23 Basically, the things that you do know, since  
24 you all deal with the county our size, about  
25 fifty-four square miles. That is an aerial



1 10/5/11 Suffolk County Planning Commission  
2 photograph of the town. Composed of about six  
3 hamlets, sometimes it's confusing as to what is  
4 a hamlet and what is a place name. We  
5 basically have six hamlets.

6 Our population is about a hundred  
7 twenty thousand. We have about a hundred  
8 thirty-six housing units. Median income is one  
9 of those things that is kind of fun to talk  
10 about today because it goes up and down, but  
11 it's in excess, for a family of four, of a  
12 hundred thousand. In the town, in terms of  
13 land use, we have a hundred twenty-one acres of  
14 industrial space. Our prime industrial space  
15 is the Hauppauge Industrial Park. It's the  
16 third largest industrial park in the nation.  
17 It's one of our, let's say, jewels in terms of  
18 our development that we have in town.

19 We also have a lot of retail space, a  
20 lot more than people think, about three point  
21 four million square feet of retail feet. Most  
22 of it concentrated in large shopping centers  
23 like the Smithaven Mall or the Commack Plaza.  
24 We have a lot of parkland in the town. Sixteen  
25 percent of the town is parkland. That is the



1       10/5/11 Suffolk County Planning Commission  
2 highest that we think in all of the ten towns  
3 in Suffolk County. A lot of this was done  
4 through the planning for the Town of Smithtown.

5               This is the part where I tell you  
6 about some of the things that you may not know  
7 about the town. I can give you our history.  
8 The Town of Smithtown was actually founded by  
9 the Smith family. Richard Smith to be exact.  
10 It's much more fun talking about the legend of  
11 the bull ride, which some of you may or may not  
12 know, but the legend goes like this: Richard  
13 Smith was drinking with the Indians and got the  
14 chief to admit to give him all the land that he  
15 could ride around in one day. They were pretty  
16 high that night. The next day he comes by with  
17 his fastest horse, and the Indians had sobered  
18 up and realized maybe they gave a little bit  
19 too much away. They said, we didn't tell you  
20 what you had to ride. They brought out a bull,  
21 and that is supposedly how we got our  
22 boundaries of the town today. We know it's not  
23 entirely accurate, but we like the legend  
24 anyway.

25               Basically, Smithtown predominantly up



1       10/5/11 Suffolk County Planning Commission  
2       until the late 1800's and a large part of the  
3       century was a mostly a farming community.  
4       Unlike other parts of Long Island, which  
5       developed towns and centers, most of Smithtown  
6       was basically due to farming. It wasn't until  
7       the railroad came out that you began to see  
8       some development, and in Kings Park with the  
9       development of the psych center that developed,  
10      that particular hamlet.

11               Flowerfield how, that got its name,  
12      that used to produce all the flowers for New  
13      York City. Up until the 1980's, we still had  
14      farms that functioned in that capacity in that  
15      area. They used to have their own train stop  
16      and they would load the flowers to bring into  
17      New York City on a daily basis.

18               Basically, the downtown area of  
19      Smithtown that you are in today is not the  
20      traditional old downtown. Actually, where the  
21      bull is, that was the downtown area of  
22      Smithtown. However, when the railroad came in,  
23      they could not put a stop at that location  
24      because of the topography, because it slopes  
25      down towards the river, and our station was



1       10/5/11 Suffolk County Planning Commission  
2       located over here, which was the area known as  
3       the Smithtown branch. Those of you that are  
4       familiar with the Village of the Branch, that  
5       refers to the Smithtown branch, not a tree.  
6       That is how they got their name.

7               In terms of the history about  
8       development and planning, the Town of Smithtown  
9       began its entrance into realizing that it was  
10      going to be developing back in 1932. That is  
11      when we first developed the zoning ordinance.  
12      Our zoning ordinance was developed by a  
13      gentlemen by the name of Edward Bassett, who  
14      wrote New York City's zoning ordinance. He  
15      established our Board of Zoning Appeals in the  
16      1930's.

17              One of the problems that we have,  
18      that is a problem that you have when you look  
19      at zoning. Zoning was an instrument an idea  
20      that first came about during the early term of  
21      the last century, but it was a rough idea in  
22      which we really didn't know exactly what we  
23      were doing. If you talk to planners today, we  
24      still have a legacy with regard to decisions  
25      that were made with the best of intentions that



1        10/5/11 Suffolk County Planning Commission  
2        at first blush of zoning, doesn't hold up, and  
3        it doesn't hold up. They over intensified a  
4        lot of land beyond what the land could hold.  
5        In Smithtown they allowed seventy-two units per  
6        acre. I know some builders that would like  
7        seventy-two units per acre. In terms of what  
8        suburbia could support, that was relatively  
9        high.

10                We had exuberance for zoning a lot of  
11        land for commercial purposes. At that time it  
12        was believed that any time you had a major  
13        corridor you had to strip zone the area for  
14        commercial purposes. That caused a lot of  
15        problems. Beginning after the war years, the  
16        town realized that it was not the most ideal.  
17        From the 1950's on through the 1960's, the town  
18        hired planning consultants that basically  
19        developed the entire town, and we began our  
20        comprehensive plan in 1957, and it was the  
21        final volume was published in 1961, which was  
22        about the time they established the Planning  
23        Department. The first planning director was a  
24        gentlemen by the name of Rich Deter, who works  
25        for the Regional Planning Association. He was



1       10/5/11 Suffolk County Planning Commission  
2       here for a couple of years. He was succeeded  
3       by Fred Meyer, who many of you know, he's still  
4       practicing by the way; he's not dead,  
5       unfortunately. Fred always shows up at a  
6       public hearing and reminds me when he was  
7       planning director, I tried to explain to him  
8       that I was planning director longer than he  
9       was. Obviously, I succeeded Fred Meyer and  
10      I've been planning director since 1985 in this  
11      town.

12                    What we have done in the Town of  
13      Smithtown, and I think a lot of people do not  
14      understand exactly how we approach planning,  
15      the Town of Smithtown has had a very strong  
16      relationship with planning, from the very  
17      beginning. Those of you who have been here  
18      know that in 1981 they actually abolished the  
19      department because of controversy, and  
20      reestablished eighteen months later, and we got  
21      a new town board after that deal. We are  
22      involved in a lot of controversy that never  
23      seems to end. The town has a strict philosophy  
24      in how we approach planning. We can go into a  
25      lot of details. I would like to describe to



1       10/5/11 Suffolk County Planning Commission  
2       you so you understand where we are coming from.  
3       We have a planning philosophy in this town and  
4       it's very strong. The tenets of this, you can  
5       see it throughout the town centralization. Our  
6       industrial park, that is deliberate. We  
7       designed that because we wanted most of the  
8       concentration of our industry in one place, in  
9       one location. If you take a look at our retail  
10      space, the latest incantations, we got a dumb  
11      growth award from one of the agencies, which we  
12      deliberately designed, was the area around Exit  
13      52 where we wished to cluster the big box  
14      stores, the Kohl's, the Target, the Costco,  
15      Walmart all in a very small area. This is  
16      basically how we do a lot of our planning here  
17      in town.

18               In terms of residential development,  
19      a lot of you may be familiar right across from  
20      the Watermill, the Galleria, where we basically  
21      took a sand pit that was located there. It was  
22      basically eighty-five acres. We put in  
23      fifty-five units of Avalon apartment,  
24      affordable units and about twenty thousand  
25      square feet of commercial space, forty-four



1       10/5/11 Suffolk County Planning Commission  
2 starter homes on seventy-five hundred square  
3 foot lots, and about ten single family homes.  
4 That is basically the philosophy of the town.  
5 We have always been before the term was coined  
6 against sprawl in this town. One of the things  
7 that we fight is that aspect.

8               We currently are doing our  
9 comprehensive plan update. Allison, we have a  
10 copy. I don't know if I have enough copies for  
11 everyone. We have a booklet street map for  
12 each of you, and a CD with a copy of the first  
13 volumes of our comprehensive plan. You have to  
14 bear with us. We don't have enough printed  
15 copies to go around. Each of the books cost us  
16 about thirty dollars to print. We have to give  
17 them out on CD's. What we have done is we  
18 started this in 2006, we started taking a look  
19 at our fifty year old plan and to see where we  
20 could go. A lot of things have changed in  
21 terms of what the society is like. From the  
22 start of our planning. But we don't think that  
23 the core ideas that we have which, our zoning  
24 focuses around centralization, has changed, but  
25 we know we have to adapt to some of the



1 10/5/11 Suffolk County Planning Commission  
2 changing times. I'll give you some examples.  
3 We are looking at our central location both the  
4 Hauppauge Industrial Park as well as the  
5 business centers, and trying to figure out what  
6 we can do to meet the demands of the coming  
7 future. One of the most recent aspects is we  
8 have gotten a sewer system to be expanded to  
9 cover the entire Hauppauge Industrial Park.  
10 For the town, that was the highest priority.  
11 That is our bread and butter area in terms of  
12 our core, but it's not the only area that we  
13 want. You heard the county exec and others who  
14 have championed us to get other extensions of  
15 sewers in here because one of the problems that  
16 we are facing in the North Shore, which is  
17 different than the South Shore, is our land use  
18 is dictated by the lack of sewers. If you have  
19 good ideas, like mixed use housing in your  
20 downtowns which we have the zoning in place for  
21 twenty years. You can't do it without sewers.  
22 So that is why we are in that stage now that  
23 you are seeing in town is reconstructing sewers  
24 in the area. I would point out that we also  
25 know that in the town we're not in the old



1       10/5/11 Suffolk County Planning Commission  
2       growth phase that you used to have. That you  
3       have vacant land and people are building  
4       buildings. We stopped that phase about twenty  
5       years ago. We have been in the redeveloped  
6       phase, and that is what we have been going  
7       through. Some of the examples of redevelopment  
8       is you see it in Smithaven Mall, tearing down  
9       half a wing and reconstructing it with free  
10      standing buildings. People are surprised when  
11      they hear in Smithtown is our housing. Since I  
12      have been director we have built four thousand  
13      housing units, what comes as a surprise is that  
14      sixty percent of those are taxed units of  
15      densities of six or more to the acre, when  
16      people here of that they think of Smithtown and  
17      say no that can't possibly be, basically the  
18      predominant pattern of Smithtown has been  
19      multi-family and will be in the coming years.

20                   What we are trying to do in our  
21      comprehensive plan update is trying to predict  
22      what is going to happen in the next twenty  
23      years which is like trying to figure out what  
24      is going to happen in the stock market in the  
25      next twenty years. It's hard right now. We



1       10/5/11 Suffolk County Planning Commission  
2       are in a recessionary period, but we see some  
3       trends. We will see more buildup in the  
4       central areas in the town towns we are focusing  
5       on that. We are working on keeping our  
6       Hauppauge industrial park up-to-date working  
7       with WiFi, fiber optics as well as other  
8       advanced items. Those are the kind of things  
9       we know of. We also have some objectives that  
10      we have that are environmental. One of the  
11      focuses of the comprehensive plan is no longer  
12      environmental preservation, that is has not  
13      worked to preserve land, it's not done so good  
14      in stemming some of the pollution problems that  
15      we have.

16                    What we are trying to do now is  
17      looking at some of the resources, like the  
18      Nissequogue River, what we were talking about  
19      is not preservation but restoration. We are  
20      doing storm water management to bring the areas  
21      back to where they should be. It's a  
22      complicated goal. Again, when you get down  
23      to the nuts and bolts, our objective is to turn  
24      that back. What we would like to see is bring  
25      back shellfish to the areas, bring back our



1 10/5/11 Suffolk County Planning Commission  
2 fishing industry that we once had. One of the  
3 problems for the town, which you may not know,  
4 is that the oxygen levels in Smithtown Bay, the  
5 blue area that you see in an aerial photograph,  
6 are lower than those in the East River. That  
7 is the something we have to take care of in the  
8 coming years.

9 COMMISSIONER ESPOSITO: What  
10 specifically are you doing about storm water?

11 DIRECTOR DeRUBEIS: What we are  
12 trying to do now is intercept one of the  
13 aspects, most of the storm water that is going  
14 blindly into the river. The second strategy is  
15 we are trying to take a look at what we can do  
16 with managing the land uses that are along the  
17 river. Like for example, one of the larger  
18 land uses that we have is the town country  
19 club, and we were looking at trying to develop  
20 environmental ways of maintaining a golf course  
21 that will not harm the river, in trying to keep  
22 both uses in check. We have a sewage treatment  
23 park in Kings Park, which we'd like to get  
24 their pipe out of the bay and possibly bring it  
25 onto land. These are the kind of things we are



1 10/5/11 Suffolk County Planning Commission  
2 trying to work on. We are working with the  
3 state, somewhat unsuccessfully today. A large  
4 part of their drainage system right now for 25  
5 goes into the river. They do have a step  
6 system, but it's going into the river. Those  
7 are the things we feel we have to do.

8 We have a coastal area that we are  
9 concerned about maintaining. There is a  
10 conflict between people who want to utilize  
11 that as a resource and possibly damage it,  
12 where they develop it versus trying to preserve  
13 it. That is an ongoing issue. I think it's in  
14 every town. I don't think it's unique to us.  
15 That is basically what we are trying to do.

16 What you are going to see in our  
17 Comprehensive Plan, which we hope to have  
18 completed by the end of 2012, it will itemize  
19 more details to those particular policies.  
20 That is where Smithtown is, that is where we  
21 are going. We welcome you to the town.

22 I note after your meeting, our office  
23 is right across the street. If you would like  
24 a tour, by all means stop by. We'll show you  
25 what the offices are like. It's the white



1 10/5/11 Suffolk County Planning Commission  
2 building with green shutters, again welcome to  
3 the Town of Smithtown. (Applause.)

4 THE CHAIRMAN: Thank you Frank, and  
5 thank you for the presentation, and as I  
6 mentioned earlier, and all the work you are  
7 doing. And Director DeRubeis has been involved  
8 with SUPP and Protect and Growth work, and  
9 thank for your regional leadership. Smithtown  
10 is a real opportunity and it needs that sewer  
11 financing. It was one of the top exhibits when  
12 we were talking about the need for local  
13 funding for sewers. It was like hey, we hear  
14 there is a great opportunity in Smithtown

15 COMMISSIONER HOLMES: Good luck  
16 with the DOT.

17 DIRECTOR DeRUBEIS: To be fair, we  
18 have been working on downtown Main Street  
19 itself. One of the reports that you also have,  
20 we recently released a study for the 25  
21 corridor, the entire length. It's both a land  
22 use and traffic study, because we have a lot of  
23 issues in that. That is our primary commercial  
24 corridor.

25 To answer your question about the



1       10/5/11 Suffolk County Planning Commission  
2       state DOT, we a recommending that 25 be  
3       converted to a boulevard for most of its length  
4       for a lot of reasons, safety, traffic calming.  
5       I will tell you that the state used to be a  
6       barrier to a lot of the ideas that we had. I  
7       had a lot of arguments with the state.

8               I would say, Frank Pearson and the  
9       new group that has taken over has been a breath  
10      of fresh air in terms of working with the state  
11      on the local levels. One of the things that  
12      you don't see that we see, we see planning in  
13      actually getting out into the dirt a lot more  
14      than you people do. We have to deal with  
15      Public Works, with the Health Department. We  
16      have to deal with building issues, engineers,  
17      crises on sites and everything else. We have a  
18      first hand look at it when I say that the state  
19      has changed in how it approaches things, it is  
20      much better.

21              COMMISSIONER HOLMES: Are you  
22      familiar with the Sunrise corridor study that  
23      the Planning Department did?

24              DIRECTOR DeRUBEIS: To be honest  
25      with you I know about it, I didn't read it. If



1       10/5/11 Suffolk County Planning Commission  
2       you are looking at what the state has done,  
3       this is in Brookhaven, I was impressed with how  
4       the state handled the 112 corridor south of 347  
5       between Ocean Avenue and 347. That was  
6       probably one of the worst designed corridors.  
7       When you talk about DOT twenty years ago, they  
8       would have ruined it in terms of their design.  
9       I think they came up with a really good design  
10      with the raised median and separation of  
11      traffic and safety on that road has improved  
12      tremendously. I'm really impressed with what  
13      the state has been doing lately.

14                COMMISSIONER WEIR: There is enough  
15      pesticides to maintain the grass and it only  
16      goes to a certain depth.

17                DIRECTOR DeRUBEIS: One of the  
18      problems that you are faced with when you do  
19      these kinds of things are the professionals.  
20      When you get out to the people that actually  
21      have to work with this, they have their own  
22      agendas that you also have to respect. The  
23      parks people have to manage the parks, the  
24      developers have to make a profit. You try to  
25      balance these concerns, you can't always



1 10/5/11 Suffolk County Planning Commission  
2 dictate.

3 Usually what happens is what we find  
4 is that most people are reasonable and are  
5 willing to work with you if they work within  
6 the context, and that is how we try to approach  
7 most of these things. When we talk about a  
8 long-term strategy, it will not be a top down  
9 managed idea. We will try to get into  
10 partnerships.

11 COMMISSIONER FINN: I'm happy to be  
12 here. After being isolated in our business  
13 world, getting on the Commission about a year  
14 and a half ago to get out and see the towns,  
15 since being on the Commission I've kind of  
16 opened my eyes to my community, and I get to  
17 see a lot of what is going on other than the  
18 commercial real estate. We have some economic  
19 impediments here in Smithtown. What is  
20 interesting about how the county can interface  
21 with what is going on, as Commissioner DeRubeis  
22 mentioned about the future of Smithtown,  
23 with the leadership of passing these  
24 resolutions such as 625, creating a financial  
25 mechanism for creating a sewer, Smithtown is



1 10/5/11 Suffolk County Planning Commission  
2 ripe for sewers. However, we need the town to  
3 take an initiative and adopt an updated plan.  
4 You mentioned -- when was the adopted plan?

5 DIRECTOR DeRUBEIS: '61.

6 COMMISSIONER FINN: With that being  
7 said, a lot has changed since '61. In order  
8 for us to go forward, we have to change. We  
9 have a great township area, with the  
10 Nissequogue River and all the other amenities  
11 that we have, but we don't have growth.

12 Right here on your page, we show  
13 population from 1980 to 2000 and we are pretty  
14 flat. One of the things that is going on the  
15 undercurrents, we are talking about closing  
16 elementary schools in Smithtown because the  
17 school age population is falling like a brick,  
18 and our tax obligations are going up.

19 Mr. Foreman came in the back room.  
20 He's an expert on where we are, numbers-wise.  
21 When you look at the numbers, it becomes the  
22 basis for which you have to use to create a new  
23 matrix going forward. With the implementation  
24 of sewer dollars, which we know are desperately  
25 needed because the federal government is not



1       10/5/11 Suffolk County Planning Commission  
2       there any more, the county has adopted, with  
3       the 625, what Smithtown has to do, in my  
4       opinion, you have to take this plan that you  
5       have been working on for the last couple of  
6       years and get it to the Town Board level and  
7       adopt it, so this can be looked at as a viable  
8       location for investing sewer infrastructure  
9       dollars. If Smithtown doesn't do it, there are  
10      other towns lined up to do it. Not in my  
11      backyard.

12                   Obviously, this is in my backyard.  
13      We have the zoning in place to do it. Let's  
14      see if we can get it done. We are missing some  
15      huge opportunities. We have some great sewer  
16      work that was done at the Hauppauge Industrial  
17      Park. It will create a huge economic motor  
18      that is going to continue humming, but the  
19      downtown is up to this point is a euphemism.  
20      Developing a downtown on Long Island is a  
21      euphemism, without sewer infrastrucutre and  
22      without zoning, which we, fortunately, have  
23      here in Smithtown.

24                   There is a lot of hard work that has  
25      to be done. We have to get the people, the



1       10/5/11 Suffolk County Planning Commission  
2 stakeholders at the table to come up with a  
3 game plan or nothing is going to pivot.  
4 Smithtown has a history of status quo. We have  
5 those six projects to become eighteen projects  
6 to keep this town in the great shape that it's  
7 been in the past and again moving forward.

8               THE CHAIRMAN: Thank you, Mr. Finn.  
9 The zoning having the zoning in place is  
10 actually unique. Let's move on. Thank you  
11 again to the town. Seth Forman is here. He  
12 will give us a two or three minute update on  
13 the county plan.

14              MR. FORMAN: Thank you, Chairman  
15 Calone and the rest of the Commission. This  
16 fall, the Suffolk County Planning Department is  
17 focusing on three elements of the Comprehensive  
18 Plan. We chose the three elements together  
19 because we think that they were integrated.  
20 They are very closely related; sometimes I feel  
21 it's hard to make separate chapters or elements  
22 from these three, but they are housing, energy  
23 and transportation.

24              The energy issues that we face on  
25 Long Island are well known. We have about



1       10/5/11 Suffolk County Planning Commission  
2       sixty-five hundred megawatts of capacity in  
3       terms of electric. Last July, there were  
4       several days in which we reached about  
5       fifty-eight megawatts of electric. So, we do  
6       have less of a buffer than we would like. We  
7       also know about the costs. Costs increased by  
8       kilowatt hour by thirty-seven percent since  
9       1999, although they have declined somewhat in  
10      the last year or two, about thirteen to eight  
11      dollars a kilowatt.

12               We also know that a lot of our energy  
13      producing plants are dirty, so we have air  
14      quality issues. So we focused the energy  
15      chapter around the four A's, abundance, access,  
16      affordability and air quality. That is not the  
17      only place that we use energy. Most people  
18      think energy plans only address electric power.  
19      We do consume about five billion gallons of  
20      petroleum product a year throughout the region.  
21      Probably a little more than half of that in  
22      Suffolk County.

23               We know that there are transportation  
24      and delivery choking points with that, and we  
25      want to address that in the plan as well.



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2 That, of course, is related to the  
3 transportation chapter, which the original plan  
4 called for corridors, clusters and centers,  
5 which worked fine when twenty-five or thirty  
6 percent of the workforce commuted to New York  
7 City. With the decentralization of business  
8 districts and sprawl of jobs, we know there are  
9 very few transportation hubs located close to  
10 to job centers. And we have to address that in  
11 the plan.

12 The other aspect is housing. We have  
13 five hundred seventy thousand housing units in  
14 Suffolk. Roughly eighty-three percent of them  
15 are single family detached units. We got some  
16 data out from the 2010 census. Homeownership  
17 is down in Suffolk County to about  
18 seventy-eight point seven percent; we have  
19 always been closer to eighty-five percent than  
20 we have to eighty percent. The real estate  
21 downturn had its effect. We had a peak year,  
22 eighty-six percent homeownership in 2007 and  
23 it's now seventy-eight percent. That is  
24 significant.

25 We have to address all of the housing



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2       issues and choices, create a ladder, and the  
3       public policies that go into that. How much  
4       should homeownership continue to be a goal.  
5       What would be a good distribution of housing  
6       units, in terms of multi-family, in terms of  
7       single family. And a lot of people don't  
8       realize what has been considered the American  
9       dream for eighty years, roughly since the  
10      1920's, was not always the American dream.  
11      Originally, the American dream was the family  
12      farm that people would own the family lot, work  
13      it and draw revenue from. There was no  
14      seperation between workplace and residence.  
15      Now, with suburbanization, there is a  
16      separation. You live here and work there.

17                Now there is a trend to try and  
18      combine the two again somewhat where homes that  
19      people own will be revenue generating, to some  
20      degree, by creating parts of that home that are  
21      workplace related and/or rented. That may  
22      require us to look at some changes in zoning  
23      and building code, which we hope to include in  
24      the chapter.

25                I'll tell you right off the bat, a



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2       couple of top of the line statistics. That is  
3       the median family home now is about three  
4       hundred fifteen thousand in Suffolk County.  
5       That is down from its peak in 2007 when it was  
6       four ten. However, we haven't given back all  
7       of that aggregate well.

8               THE CHAIRMAN: Twenty-five percent  
9       decrease.

10              MR. FORMAN: Yes. It's still higher  
11       than it was in 2000 when it was around one  
12       sixty. We are still seeing a doubling of  
13       prices in a decade. One good thing, if you  
14       consider this good, there is always a flip  
15       side. But the rule of thumb is always that  
16       affordability is around three times your  
17       income. In the middle of the 2000's we were at  
18       about four point seven times the median price  
19       of a home and median household income. That  
20       has now dropped down to three point nine  
21       percent. In reality we know that home  
22       ownership requires --

23              THE CHAIRMAN: You mean three point  
24       nine times.

25              MR. FORMAN: Yes, sorry. You can't



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2 get anything by this committee. It's nerve  
3 wracking.

4 COMMISSIONER FINN: One of the things  
5 you need to look at when you talk about income  
6 to median home value, what were the taxes on  
7 these homes in 2000 and what are the taxes now.  
8 Typically in Smithtown, taxes are double on  
9 what they were in most homes. As the rise in  
10 the real estate market went, so did the taxes.  
11 Now you start to see the numbers come down.  
12 It's not just the carry of the house, it's the  
13 carry of the taxes on the house.

14 MR. FORMAN: We don't have average  
15 property tax data, the most recent; you're  
16 right. It relates to the point that you were  
17 making before, which is school enrollment,  
18 which is it's going down, but the costs are  
19 still the same.

20 COMMISSIONER FINN: Here in  
21 Smithtown, I heard that the statistic is  
22 seventy percent of the single family homes in  
23 the town do not have school age children in the  
24 home.

25 MR. FORMAN: County-wide it's about



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2 twenty-eight percent that have school age  
3 children.

4 COMMISSIONER WEIR: That is about  
5 right.

6 COMMISSIONER HOLMES: With all aging  
7 communities, not just Shelter Island.

8 MR. FORMAN: There is nobody here to  
9 take our place. That is an issue. Those are  
10 the things that we are working on. Thanks for  
11 letting me update.

12 THE CHAIRMAN: I would ask Seth maybe  
13 what we can do going forward, we have our  
14 advisory committee for the plan, maybe we can  
15 set up a call next month. I think we should  
16 try and keep up with what you are doing so you  
17 can give us input as you go along.

18 Before we get onto the two items on  
19 the regulatory agenda, we have Kyle Rabin from  
20 GRACE that is going to give us an update on the  
21 water issues.

22 MR. RABIN: Chairman Calone and  
23 Director Lansdale, members of the Commission, I  
24 want to thank you for the inviting me in to  
25 describe to GRACE's water footprint calculator.



1 10/5/11 Suffolk County Planning Commission

2 I have a small --

3 COMMISSIONER ROBERTS: Can you please  
4 tell us what GRACE is?

5 MR. RABIN: GRACE is a  
6 not-for-profit that highlights the  
7 interconnections between food, water and energy  
8 between those three issues. And our big focus  
9 to sustainability, helping people make  
10 sustainable choices on these three topics. And  
11 we provide customers and again public members a  
12 time line source of tools and resources, fact  
13 sheets, and they're able to use that  
14 information to influence their decision making  
15 when it comes to clean water and energy.

16 H2O Conserve is a project of GRACE.  
17 H2O Conserve has the water footprint  
18 calculator. That is what it's best known for.

19 COMMISSIONER ROBERTS: Is that a  
20 national organization or local?

21 MR. RABIN: It's national.

22 COMMISSIONER HOLMES: GRACE stands  
23 for what?

24 MR. RABIN: It no longer stands for  
25 anything.



1 10/5/11 Suffolk County Planning Commission

2 COMMISSIONER WEIR: Probably

3 groundwater resource.

4 COMMISSIONER ESPOSITO: Your office

5 is based in New York City and has national

6 focus.

7 MR. RABIN: That's right. We work

8 in the New York City metropolitan area and

9 statewide and throughout the country.

10 Water footprint calculator, it's an

11 interactive tool that helps people understand

12 and estimate their water needs. Then to find

13 out how they can reduce their water

14 consumption, their water footprint. The water

15 footprint calculator has about fifteen, twenty

16 questions and they reflect the primary way that

17 water that is used in this country.

18 The top way, when I say used

19 withdrawn and consumed, two different

20 components with that. With thermal electric

21 power, water is withdrawn and put back in the

22 base. With the older plans, irrigation, public

23 supply the other two key components. So that

24 is what the questions on the calculator

25 reflect.



1 10/5/11 Suffolk County Planning Commission

2 So the water footprint, total amount  
3 of water an individual uses. There are two  
4 components to a water footprint, direct and  
5 indirect. Direct is turning on the faucet.  
6 What comes out of the shower head or what you  
7 use to water your lawn. Indirect, or virtual  
8 water, is the water used to produce the various  
9 products that we use. Food, textiles.

10 This gives you a graphic from our  
11 online water footprint calculator. This gives  
12 you examples of our indoor fixtures. I have  
13 direct or virtual water use that captures food  
14 production, electric generation, gasoline  
15 refining and another snapshot of what is  
16 featured in the calculator and household  
17 electricity.

18 One of the issues associated with  
19 this is by installing solar electric panels,  
20 are you able to reduce your solar footprint.

21 COMMISSIONER HOLMES: By the way, are  
22 you going to add hydro fracking to that  
23 calculation? They ruin water and they say they  
24 don't, but they do.

25 MR. RABIN: A big part of our water



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2 footprint has to do with what we eat. Water in  
3 a person's diet is generally the greatest water  
4 use component in his or her life. Different  
5 types of diets and how much water per day is  
6 associated with those diets.

7 COMMISSIONER ESPOSITO: Here's John  
8 Finn's diet.

9 COMMISSIONER KELLY: You look good.  
10 Legally you should be dead.

11 COMMISSIONER WEIR: But your skin is  
12 beautiful.

13 MR. RABIN: Hamburger, six hundred  
14 sixty gallons. Coffee is another example, and  
15 textiles.

16 THE CHAIRMAN: Each cup of coffee is  
17 thirty-seven gallons?

18 COMMISSIONER WEIR: We should stop  
19 drinking coffee.

20 COMMISSIONER SCHOOLMAN: How did you  
21 come up with the numbers?

22 MR. RABIN: We are using a number of  
23 verifiers and resources to generate this  
24 information. I can speak a little bit to that  
25 situation there. So, associated with with the



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2 calculator throughout taking the calculator,  
3 you have questions and at the end you have a  
4 number of tips about how you can reduce your  
5 water consumption. Some tips are relevant to  
6 reducing stress on the local water supplies and  
7 while others alleviate the strain on water  
8 resources hundreds or thousands of miles away.

9 Tips range from installing water  
10 reducing fixtures to installing on site -- the  
11 calculator will educate people about their  
12 water and where it comes from. It encourages  
13 people to think more about their water use and  
14 promotes stewardship.

15 COMMISSIONER CASEY: Do you do  
16 programs in the school so younger people see  
17 this?

18 MR. RABIN: A little bit of that,  
19 not a whole lot of our staff time can be  
20 devoted to that. But we produce the resources  
21 that others can use to teach in the school. We  
22 have an outreach tool called Aqua, about an  
23 eight year old girl that concerns her efforts  
24 to concern water at home. The Girl Scouts this  
25 used that.



1 10/5/11 Suffolk County Planning Commission

2 Once you have a more educated public,  
3 they're more interested in participating in the  
4 water resource planning process, and are more  
5 willing to listen to water related outreach  
6 that can be conducted.

7 COMMISSIONER FINN: Excuse me, have  
8 you looked at the water use specific to Long  
9 Island? Long Island has, because of its  
10 creation, I think we are a little unique  
11 compared to other parts of the country. If you  
12 speak to a planner from Arizona or even  
13 California and tell them that you have an  
14 aquifer based drinking system with no sewer  
15 system, they will look at you like you have six  
16 heads, but that is the lay of the land.

17 I just drove up to Cooperstown this  
18 past weekend, and if you drive upstate you  
19 drive past reservoir number one and reservoir  
20 number two. We are, as a county commission, we  
21 were trying to look more regionally. These are  
22 some of the issues that we are confronted with.

23 MR. RABIN: It is unique on Long  
24 Island. The use of water is a big sector in  
25 terms of Long Island. I don't have specific



1 10/5/11 Suffolk County Planning Commission  
2 numbers for that. I was looking into before I  
3 came here to get you specific data in terms of  
4 what sectors use that. Through the USGS we can  
5 probably find out in terms of how thermal  
6 electric power, how much water is used. In  
7 terms of industry, and it's hard to get those  
8 exact numbers. That said, there is a common  
9 thread that runs through different regions of  
10 the country.

11 We have a caveat that we set forth  
12 with the calculator that explains, this is very  
13 general. You have to take the calculator with  
14 that in mind. There are still a lot of tips  
15 that can ultimately help you reduce water,  
16 regardless of where you are in the country.

17 THE CHAIRMAN: Is that the average  
18 cost for cup of coffee, or is that the marginal  
19 cost? If I don't have a cup of coffee, I'm not  
20 saving that much money.

21 MR. RABIN: If you end up drinking  
22 twenty cups of coffee during the year, you can  
23 easily estimate your water use.

24 THE CHAIRMAN: Your calculations are  
25 number of cups of coffee divided by the amount



1 10/5/11 Suffolk County Planning Commission  
2 of water needed to create that cup of coffee.  
3 While it's important to teach folks, if we  
4 acted together, this is how much you would  
5 save. Of course, if one person does it, it's a  
6 marginal impact. It speaks to the need for  
7 collective action on these kinds of issues.  
8 Obviously, that only happens one person at a  
9 time.

10 MR. RABIN: There are a number of  
11 times that you can do that comprehensively,  
12 reduce your water consumption.

13 THE CHAIRMAN: We can all decide we  
14 want to use a lot less water in the shower and  
15 you will save a little bit. But the other  
16 impact is create a building code that requires  
17 low flow and those kinds of things and you can  
18 have have a much broader impact.

19 What are the societal changes that  
20 could happen from a building perspective,  
21 keeping in mind all these things have costs.

22 COMMISSIONER KELLY: Move to low flow  
23 toilets and water conserving shower heads,  
24 washers and dishwashers.

25 MR. RABIN: This is one tool in the



1 10/5/11 Suffolk County Planning Commission  
2 toolbox out of a number of ways. It's also  
3 a way to have a more educated customer base  
4 citizenry that would work with you on some of  
5 the broader policy planning issue.

6 COMMISSIONER SCHOOLMAN: Dave asked  
7 you if he had one less cup of coffee, how much  
8 water would he save.

9 COMMISSIONER KELLY: Eight ounces.

10 COMMISSIONER SCHOOLMAN: I'm  
11 having a little trouble trying to figure out an  
12 action plan. Should I take fewer showers?

13 THE CHAIRMAN: We encourage showers.

14 COMMISSIONER SCHOOLMAN: No more  
15 flushing the toilet.

16 COMMISSIONER ESPOSITO: I would like  
17 Kyle to finish the presentation. This is good  
18 because this is a good illustration. First you  
19 have the bigger picture before we understand  
20 the smaller picture. How much water are we  
21 going to save if we don't have a cup of coffee.  
22 I don't think that is what Kyle's presentation  
23 is about.

24 I think the presentation is to give  
25 us an in-depth understanding of the large



1 10/5/11 Suffolk County Planning Commission  
2 quantities of water that we need to sustain us  
3 in our daily lives and what we're going to do  
4 about it. I think we need to understand, if  
5 you eat a hamburger, it takes a lot of water.

6 THE CHAIRMAN: Your veggie burger  
7 takes less.

8 COMMISSIONER WEIR: It takes a lot of  
9 water to run the farm.

10 COMMISSIONER ESPOSITO: We probably  
11 wouldn't stop eating, but there are other  
12 things that we can do, but we can't understand  
13 what we can do unless we understand the big  
14 picture.

15 MR. RABIN: It's not the individual  
16 end so much, in terms of drinking coffee, it's  
17 about sustainable agriculture. There are so  
18 many things that you can do.

19 THE CHAIRMAN: Go to Carl's  
20 greenhouse, because I was impressed when I went  
21 there. I saw the low drip stuff.

22 COMMISSIONER GABRIELSEN: We use very  
23 little water.

24 MR. RABIN: These are the challenges  
25 that go into helping someone estimate. It's a



1 10/5/11 Suffolk County Planning Commission  
2 rough estimate. In terms of energy, we use  
3 DOE, USEIA, USGS information. At home we use  
4 Water Protection Agency, and there are a number  
5 of other sources listed here for food and  
6 outdoor. This gives you a sense of some of the  
7 entities using the water footprint calculator.  
8 Town of Smithtown and Babylon. I think they  
9 have a water calculator feature on their  
10 Website. Molloy College.

11 This is where I had a few slides on  
12 Long Island water resources. I didn't want to  
13 spend too much time on it. I think the biggest  
14 aspect that I can point to is there is an  
15 abundant amount of water in storage; however,  
16 only a small portion of that water is available  
17 for extraction. As water degrades further,  
18 there will be less and less water available to  
19 Long Islanders.

20 I included excerpts from the Suffolk  
21 County Sanitary Code. I'm sure you're familiar  
22 with this. It's in this particular excerpt I  
23 wanted to point to the educational aspect. And  
24 in the water resources management plan, it also  
25 makes the recommendation greater emphasis on



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2 public outreach. This is where the water  
3 calculator can be a tool in your toolbox. Here  
4 is my contact information. We welcome  
5 feedback. Take the calculator, let me know what  
6 you think is missing. Suggestions. Feel free.

7 THE CHAIRMAN: Thank you, Kyle. I  
8 would be interested to know what sort of code  
9 changes would be needed. Our job is to kind of  
10 reach out to the towns and identify regional  
11 issue and help them with code.

12 As Mike mentioned earlier, the low  
13 flow that has become more and more code  
14 regulated. There was a time when that wasn't  
15 the case. Your effort and others helps bring  
16 out its importance and it's now in code.

17 If there are other things that you  
18 feel are important for the next generation, we  
19 would be interested in hearing that.

20 COMMISSIONER KELLY: Do you have any  
21 recent data on household water usage in Suffolk  
22 County?

23 MR. RABIN: I wasn't able to get that  
24 information. I did reach out to experts in  
25 that arena.



1 10/5/11 Suffolk County Planning Commission

2 COMMISSIONER ESPOSITO: That would  
3 exist in the Suffolk County Water Authority.

4 COMMISSIONER KELLY: You can't get  
5 data.

6 COMMISSIONER ESPOSITO: That is true.  
7 That is part of the problem.

8 COMMISSIONER KELLY: An argument from  
9 our industry is the three hundred gallons a day  
10 for your sewer usage, do you use it? When you  
11 are building a sewer treatment plant, you have  
12 to design a plant for three hundred gallons a  
13 day per household. Actual flow is less than  
14 that. When you have to build it and it costs  
15 seventy dollars a gallon to build a plant.

16 COMMISSIONER ESPOSITO: I know we  
17 talk about regional perspective. In Nassau,  
18 there are over forty water districts in the  
19 county, none of which share data. If you were  
20 to ask what is the average water usage in the  
21 households in Nassau County, no one can answer  
22 that question. They can tell you what it is in  
23 Massapequa or Hewlett, but they couldn't tell  
24 you what it was on a county-wide average.

25 COMMISSIONER FINN: When you start



1       10/5/11 Suffolk County Planning Commission  
2       look at policy regionally, we have one water  
3       authority in Suffolk County. Each one of those  
4       districts that you mentioned is a taxing  
5       district. There are five hundred ninety taxing  
6       districts in Nassau. To Michael's point about  
7       after the debacle of the Southwest Sewer  
8       District the Suffolk County was painted with a  
9       three hundred and six hundred gallon a day  
10      zone. When you look at it, does a single  
11      family home produce three hundred gallons of  
12      water a day. You can't get a clear answer on  
13      it. When you talk about a sewer  
14      infrastructure, when you are going to build a  
15      sewer system based on these ratios.

16           COMMISSIONER GABRIELSEN: Being on a farm,  
17      all of the tractors, we equip them with  
18      waterless bathrooms. My wife was just asking  
19      about that. She said, how does that work. I  
20      said, well, you just turn around and go.

21           COMMISSIONER FINN: Being a  
22      commercial real estate developer and commercial  
23      office space, one of the issues you have is  
24      maintaining bathrooms for a large number of  
25      people. Since we instituted the gallon per



1 10/5/11 Suffolk County Planning Commission  
2 flush, they don't work to the point where one  
3 of the largest black market items in the  
4 country is the five gallon totem pole and they  
5 get imported from Canada. There is not enough  
6 water in the tank to push the waste through the  
7 lines.

8 THE CHAIRMAN: The thing I love about  
9 this commission is you have people that tell us  
10 what the commercial is like.

11 COMMISSIONER FINN: We don't tell  
12 tenants to go out the window.

13 THE CHAIRMAN: You have some systemic  
14 code recommendations, we would like to hear it.  
15 We should bring the Water Authority in.

16 MR. RABIN: We dabbled in local  
17 energy code. We don't currently have  
18 information on that, but an excellent source  
19 is the Association for Water Efficiency.  
20 They're a national group. Very well respected.  
21 They would be an excellent resource if you are  
22 not familiar with them.

23 THE CHAIRMAN: Thank you. We will  
24 ask our staff to check that out to see if there  
25 are any guides there. As we have been moving



1       10/5/11 Suffolk County Planning Commission  
2       around the county and making our appearances at  
3       the town halls and getting to know the town  
4       halls better, we also had the notion that we  
5       wanted to know our county legislators better.  
6       Many of you us have relationships with the  
7       county legislators from around their area. We  
8       are honored to have Suffolk County Legislator  
9       John Kennedy. I have to say you have been to  
10      our meetings one time before, way out in  
11      Riverhead it was a project.

12               LEG. KENNEDY:    I did, Mr. Chairman.  
13      As a matter of fact I was there before you  
14      regarding the Marion Carll farm, which is a  
15      preservation effort that we are still involved  
16      with. Let me, for the commission, first of  
17      all, echo the welcome from the Town of  
18      Smithtown and to point out to you I'm speaking  
19      to you today actually from the 13th Legislative  
20      District, Legislator Noyak's district. If we  
21      went to the other side of the street we would  
22      be in the 12th Legislative District, in my  
23      district. Nevertheless, Legislator Noyak and I  
24      work in good harmony, certainly with the town  
25      with Mr. DeRubeis, Supervisor Vecchio, the town



1 10/5/11 Suffolk County Planning Commission  
2 board to look at prudent and reasonable  
3 expansion and development.

4 The gentlemen before me spoke at  
5 great length about the issues of sewerage. I  
6 kind of got the moniker of being the sewer  
7 king. I have five Suffolk County sewer  
8 districts in my legislative district, the  
9 Hauppauge Industrial Association, Sewer  
10 District 18, which is undertaking a massive  
11 expansion, as you know. Again, with full  
12 cooperation and support of the town, so they  
13 should be commended to have that vision to go  
14 forward transferring some recharge basins for  
15 land area and creating that important  
16 flexibility for the commercial sector when it  
17 comes to expansion and use.

18 Main Street Smithtown, both Lynn  
19 Noyak and I filed the initial resolution for  
20 the review and then the sewer study. There has  
21 been almost two million dollars worth of County  
22 funding committed.

23 Taking a look at the expansion of SD  
24 6 right up on Nissequogue River in Kings Park,  
25 the challenge, as I was just talking with



1 10/5/11 Suffolk County Planning Commission  
2 Sarah, we are looking where to locate leaching  
3 fields. As you know, Long Island Sound Study  
4 prohibits any further effluent from being  
5 discharged into the Sound. I subscribe to  
6 that. It makes it incumbent on us at levels of  
7 government to look at appropriate uses of  
8 leaching fields.

9 Some may want to demonize that and  
10 look at it like some kind of intrusion. What I  
11 have said over and over again is look at five  
12 hundred fifty parcels in Suffolk County. There  
13 is a septic tank in the front. What a leaching  
14 field is is merely an aggregation of septic  
15 tanks. But it's put in places that are prudent  
16 places rather than having septic tanks that  
17 line the northeast branch of the Nissequoque  
18 corridor right in the heart of my district that  
19 have been subject to horrendous groundwater  
20 intrusion and uptick, so much so that it's  
21 actually been included in our FEMA hazard  
22 mitigation grant plan as an impacted area and  
23 one that we have now done probably about a  
24 million dollar's worth of work in between  
25 federal, county and state funding in order to



1 10/5/11 Suffolk County Planning Commission  
2 improve flow and for surface water and  
3 groundwater runoff.

4 I don't need to walk you through all  
5 of my districts. I guess I will stay on  
6 sewerage a little bit further to again point  
7 out some of the difficulties, if you will, that  
8 residents face. Sewer District 13 in Spring  
9 Meadow, it's on the south side of the my  
10 district on the south end of town and on the  
11 northern corridor of Islip. It's a sewer plant  
12 immediately adjacent to the old Blydenburgh  
13 landfill.

14 Spring Meadow is a condominium  
15 complex of about a hundred eighty units,  
16 occupied primarily by seniors, single families,  
17 and they have an on site STP that is in excess  
18 of thirty years old and is under consent order  
19 from the DEC. It's fallen apart and doesn't  
20 work any more. As a matter of fact, the condo  
21 has deferred all maintenance for the facility  
22 itself. Roofs have gone unrepaired, exterior  
23 furnishings are undone as the small unit  
24 struggled to try to establish a method to  
25 connect to the Blydenburgh sewage treatment



1 10/5/11 Suffolk County Planning Commission  
2 plant.

3 We have a direction that we are going  
4 through now, but the complex is still looking  
5 at a two hundred five million dollars  
6 connection fee beyond the capacity of what this  
7 small complex is. COMMISSIONER ESPOSITO:  
8 Do you know what the capacity is?

9 LEG. KENNEDY: I was going to say --  
10 let me go through the numbers for a second. I  
11 know we established that there is capacity in  
12 the plant in SD 13 without expansion. I'm  
13 going to say ten thousand. Ten thousand  
14 between ten and fifteen thousand.

15 COMMISSIONER KELLY: About  
16 twenty-eight thousand gallons, if it's a  
17 hundred eighty-five units, a hundred fifty  
18 gallons a day.

19 LEG. KENNEDY: I know it's within  
20 the capacity that we have in the STP in its  
21 existing configuration. There is a flow  
22 committed to the Holiday Organization  
23 associated with the condo tower that we  
24 proposed by the Hyatt, and there are also  
25 commitment to the project in Islandia, right by



1 10/5/11 Suffolk County Planning Commission  
2 the intersection of Vets Highway and Motor  
3 Parkway COMMISSIONER ESPOSITO: We  
4 approved that. LEG. KENNEDY: It's a  
5 multi-use. I can't think what the acronym is.  
6 There is commitment to flow in the plant for  
7 those two projects. Nevertheless DPS made the  
8 determination that there is a capacity for the  
9 condo to correct.

10 What is my point? My point is as we  
11 talk about a need for infrastructure and a need  
12 to go ahead and get away from individual  
13 residential sites, there a need to streamline  
14 and simplify of what has become a Herculean  
15 process to get approval and ultimately get  
16 connection. Our Suffolk County sewer agency  
17 does a good job, I've worked with them, but I  
18 will tell you for the last six years -- I've  
19 been in office for seven -- I battled to get  
20 Galleria connected, SD 4. It's a Suffolk  
21 County sewer district created in paper, and  
22 then there was a decision administrative or  
23 sought costs, if you will, were not properly  
24 built into what the cost per resident would be,  
25 the sewer rent. It would take -- it's



1 10/5/11 Suffolk County Planning Commission  
2 currently about a three to four hundred dollar  
3 currently annual charge and went to fourteen  
4 hundred dollars. That is rampant insanity to  
5 think that a municipality can migrate cost  
6 associated with operation of the bureaucracy  
7 and now place it within a sewer district.

8 As you know, sewer districts, in  
9 essence, are almost entities then unto  
10 themselves. They raise the rents and can only  
11 expand within the four corners of the district.  
12 You can't move it out, you can't move it in.  
13 I will offer to this Commission that that is  
14 something that continues to exist that has to  
15 be remedied. I would ask the Commission to  
16 take a look at that and point out how, with all  
17 of the support and discussion that we bring  
18 forward about creating sewerage and sewer  
19 districts, this are elements of cost that are  
20 embedded in there for operation that I offer to  
21 you don't belong there. If we are going to go  
22 in this direction we will go in this direction  
23 when developers come in, as with SD 4, as with  
24 Avalon and the DiCanio Organization, got the  
25 consent from the Suffolk County Health



1       10/5/11 Suffolk County Planning Commission  
2       Department with the proviso that it would be  
3       turned over to the county following completion  
4       and letting of all the units, and now we get  
5       the big switch. We had a hearing where it was  
6       four hundred eighty-five dollars a unit.  
7       Everybody said fine, we want quality of life,  
8       we know we need sewers, we're next to a flood  
9       zone, we know we can't put it in the ground.  
10      Here we are six years later. There is a need  
11      to get at some of the mechanics that have been  
12      put in place.

13                Let me shift gears for a second and  
14      talk about another issue that has risen in our  
15      town recently that involves sewers. That was  
16      an application by the Smithtown Fire Department  
17      to expand its substation on Plymouth Boulevard  
18      over in the western part of the area. Again,  
19      we split the fire district, Legislator Noyak  
20      and I. The fire district, when it put forward  
21      its expansion, triggered the increased sanitary  
22      requirements that are embedded with our Suffolk  
23      County Sanitary Code. How are we going to meet  
24      that?

25                    COMMISSIONER KELLY: I'm waiting for



1 10/5/11 Suffolk County Planning Commission  
2 the punchline. I've been there.

3 LEG. KENNEDY: What I'm saying is  
4 what the fire department then went out and  
5 attempted to do procure, rightly turned out not  
6 to be something that was worth the development  
7 credit at all. It was a six thousand square  
8 foot piece of landlocked property, that is my  
9 opinion, that I don't think you could get  
10 approval to put a doghouse in, let alone a  
11 dwelling. That was seventy-five or eighty  
12 grand. Why should the residents of the fire  
13 district have to undertake the cost, if you  
14 will, associated with sterilizing the property.

15 I put forward a bill, IR 1840; as a  
16 matter of fact, it received the support of the  
17 Planning Department, that would allow for a  
18 mechanism created so fire and ambulance and  
19 emergency districts can make application to the  
20 Planning Department to procure a sanitary  
21 credit that fullfills the sanitary code  
22 requirements and then they get to undertake  
23 their expansion. Think about a firehouse. We  
24 are all lucky if it didn't get used at all. If  
25 it does, the sinks aren't getting used every



1 10/5/11 Suffolk County Planning Commission  
2 day, the toilets aren't getting flushed every  
3 day. To have to adhere to some kind of notion  
4 that there is this hard and fast outflow  
5 amount, we are not doing the right thing. By  
6 holding fast to formulas and methods that would  
7 dictate something other than reality.

8 This is a simple effort on our part  
9 to try to go ahead and help our ambulance and  
10 fire departments. More importantly, the  
11 citizens of Suffolk have paid for the fifty  
12 thousand acres and nine thousand credits that  
13 we have at this point. We paid through our  
14 various programs. Legacy, multi-phasing, all  
15 the programs that the residents of Suffolk  
16 County have put into place going back to John  
17 Klein when we had the groundbreaking  
18 agricultural protection programs. I think it's  
19 time to get a look at trying to now take what  
20 has been this benefit that we accrued and where  
21 appropriate, help make reasonable and modest  
22 accommodations and not thwart important public  
23 safety issues. I have to get off sewers.

24 What else is going on in the district  
25 that I can talk to you about. We have had good



1        10/5/11 Suffolk County Planning Commission  
2        success with some land preservation. The land  
3        over by Lake Ronkonkoma's, it's ninety-five  
4        acres in total, but six acres of property that  
5        dates back to 1801. We have a certified chain  
6        of title back to 1801. A very important  
7        acquisition. We have great support from the  
8        Planning Department on that. Could have  
9        yielded maybe five, six mcmansions. A lot of  
10       folks are happy that we have it preserved and  
11       it's a great use.

12                    Take a walk south of that a you get  
13        to Lake Ronkonkoma and the infamous Bavarian  
14        Inn. Fire rescue and emergency services has  
15        submitted an application to FEMA, this is the  
16        third one that was submitted, seeking one point  
17        one million dollars for acquisition and  
18        demolition of the building. The reason I think  
19        we will succeed this time is that the  
20        bankruptcy proceeding started the by the  
21        commercial lenders concluded in January. That  
22        had been in place for about three and a half  
23        years. We couldn't do anything; that asset was  
24        essentially frozen. We anticipate good things  
25        going forward with that. I think we will have



1       10/5/11 Suffolk County Planning Commission  
2       an enhanced and robust use of the lake. Also,  
3       the Commission should be aware of former  
4       Senator Brian Foley and Assemblywoman Ginny  
5       Fields got the lake included in the New York  
6       State Inland Harbors and Lakes Program  
7       administered by the Department of State. It is  
8       the first water body on Long Island to be  
9       included in that program. The importance of  
10      that program categorically we are now eligible  
11      for enhancement grants for development and  
12      tourism and those types of things and  
13      recreational use.

14                COMMISSIONER ESPOSITO: And the state  
15      is still giving grants for that.

16                LEG. KENNEDY: Lake Ronkonkoma Civic  
17      is taking the lead role in developing the  
18      Memorandum of Understanding and  
19      Inter-operability Agreement that has to be  
20      executed by the three surrounding towns. I can  
21      go on. You people traveled a long way.

22                COMMISSIONER HOLMES: I have a  
23      question. Will you support our vociferous and,  
24      you know, emphatic protest about the budget for  
25      the legislature cutting out four positions in



1 10/5/11 Suffolk County Planning Commission  
2 our already overworked Planning Department? We  
3 rely on them.

4 LEG. KENNEDY: As do we.

5 COMMISSIONER ESPOSITO: Is that a  
6 yes? I think I heard a yes there.

7 COMMISSIONER WEIR: In the middle of  
8 the comprehensive plan process; it's tough.

9 LEG. KENNEDY: To answer your  
10 question specifically, I'm the minority leader  
11 for the Republican conference. Legislator  
12 Noyak and I are the two Republican Legislators  
13 sitting on the nine member budget working  
14 group. We had three briefings from the Budget  
15 Review Office to date. The magnitude of the  
16 shortfall that the county faces at this point  
17 is the worst thing that I've seen in the seven  
18 years I've been in office. It's come about for  
19 a whole different variety of reasons.

20 This board has tried to promote  
21 things that we desperately need. We need new  
22 businesses, we need it to be a destination  
23 point, not a place that people migrate out of,  
24 not our kids, our seniors, certainly not our  
25 businesses. We are heavily dependent on sales



1 10/5/11 Suffolk County Planning Commission  
2 tax. Our property tax is the lowest that it  
3 has been in ten, fifteen years.

4 Nevertheless, most of my colleagues  
5 do not support any tax increase and certainly  
6 not a general tax fund increase. I'm an  
7 attorney by trade. I practice very little, but  
8 I do mortgage workouts, mortgage foreclosure  
9 delays, procure heat benefits for seniors in my  
10 district, fund food pantries. I deal with  
11 things now today that seven years ago, they  
12 weren't in my district. I deal with them.  
13 I will tell you that there is a general  
14 consensus among the working group that the  
15 seven hundred four layoffs included in the  
16 recommended budget by the county executive are  
17 true anathema. Our position is we didn't get a  
18 true balanced budget.

19 I can't tell you there will be no  
20 layoffs. That would be irresponsible. Some  
21 Legislator may. I know we have a great  
22 director here, and we are fortunate. She has  
23 proven herself personally to my office, the  
24 Marion Carll farm, and she and I had a  
25 conversation about many of these issues about



1 10/5/11 Suffolk County Planning Commission  
2 two, two and a half months back. She has been  
3 a great resource.

4 To the board -- I'm being a  
5 politician and lawyer. I'm not answering your  
6 question.

7 THE CHAIRMAN: We appreciate you  
8 being here and sharing with us your priorities.  
9 Just to follow up on Commissioner Holmes's  
10 comment, since we are all volunteers, without  
11 staff we can't do the long term planning.  
12 We will be writing a letter to the legislature  
13 expressing our concern. Thank for the question  
14 and thank you for your leadership in the  
15 county. I think we are on the same page in a  
16 lot of these things. I appreciate you coming  
17 here to visit us. (Applause.)

18 LEG. KENNEDY: Thank you good luck  
19 and good work.

20 THE CHAIRMAN: We have two items on  
21 the regulatory agenda. Colony Preserve at  
22 Shirley.

23 MR. FRELENG: As indicated, the first  
24 regulatory matter before the Suffolk County  
25 Planning Commission comes to us from the Town



1 10/5/11 Suffolk County Planning Commission  
2 of Brookhaven, Colony Preserve at Shirley.  
3 Jurisdiction is that the subject property is  
4 adjacent to County Road 46, otherwise known as  
5 William Floyd Parkway.

6 The applicants are requesting a  
7 change of zone from A-1 Residence to Planned  
8 Development District for the construction of  
9 two hundred twenty-five residential units on  
10 two hundred five point six four acres. Of the  
11 less dense units proposed one hundred fifty are  
12 intended to be two bedroom, age restricted  
13 units. The remaining seventy-five are proposed  
14 to be detached single family homes.  
15 Ninety-seven point eight three acres are  
16 proposed to be dedicated to the town of  
17 Brookhaven for public recreational open space.  
18 Clubhouse, pool, bocci courts, putting green  
19 are also provided for PRC development. In  
20 addition, ten point four acres of created  
21 wetlands would remain as town regulated  
22 wetlands.

23 Town of Brookhaven requirements for  
24 off street parking would be met relevant to  
25 this action. Stormwater drainage systems



1 10/5/11 Suffolk County Planning Commission  
2 include two recharge basins, leaching pools for  
3 the clustered lot component and subsurface  
4 leaching pools. Both residential components  
5 proposed to use as part of the stormwater  
6 drainage system, on site sanitary systems for  
7 the two residential components and is not  
8 proposing to construct or connect to a sewage  
9 treatment facility. The subject property has  
10 been improved, but is currently vacant.

11 The Links at Shirley golf course  
12 received a special permit from the town in 1998  
13 and was constructed in 1999 and closed in 2010.  
14 The Planning Department reviewed several  
15 referrals related to this property going back  
16 to 2007. This staff report itemizes the  
17 referrals and talked about a SEQRA referral  
18 that was never followed through. I'm not going  
19 to go through that.

20 In terms of the staff analysis on the  
21 proposal, with regard to General Municipal Law  
22 considerations, requires broad brush type  
23 overview for projects. This proposal intends  
24 to improve the vacant golf course and provide a  
25 use that is compatible to the land use



1       10/5/11 Suffolk County Planning Commission  
2       character of the area. We did want to take a  
3       look at the proposal in terms of whether or not  
4       it was concentrating any types of land use. We  
5       did just take a look real quick on the distance  
6       to any other planned retirement communities or  
7       any other age restricted communities. The  
8       closest one is about a half a mile away,  
9       Fairfield at Mastic, and the second closest  
10      planned retirement community is about two and  
11      half miles away, Rivers Edge at Moriches.  
12      Fairfield at Mastic is ninety-eight senior  
13      apartments and Rivers Edge is thirty-seven  
14      senior apartments. There are no owner occupied  
15      planned retirement community complexes in the  
16      area.

17               Town of Brookhaven under the local  
18      Comprehensive Plan recommendations, in 1996  
19      Comprehensive Plan identified the property as  
20      appropriate for land development. It is  
21      presumptively compatible with the 1996  
22      Comprehensive Plan. With respect to the  
23      Suffolk County Planning Commission guideline  
24      considerations, with respect to economic  
25      development, equity and sustainability, it is



1       10/5/11 Suffolk County Planning Commission  
2       indicated in the referral material that town  
3       and community concerns have led to this  
4       proposal, which is a downsizing of past  
5       proposals. Redevelopment of the subject parcel  
6       addresses economic development issues.

7               One concern of staff, however, is  
8       that there does not appear to be inclusion of  
9       affordable units and may touch on equity  
10      issues. Following up with that, Section 51 of  
11      the Suffolk County Planning Commission  
12      guidebook says that a minimum of twenty percent  
13      of all units be set aside as affordable units  
14      in change of zone applications. The current  
15      referral makes no mention of the provision of  
16      affordable housing units.

17              Notwithstanding that the proposal  
18      meets comprehensive planning goals of providing  
19      housing options for the growing senior  
20      population and that the project will generate  
21      fewer school age children than other  
22      development scenarios considered for this  
23      parcel, it is the belief of the staff that the  
24      workforce housing development should be  
25      modified to reflect Suffolk County Planning



1 10/5/11 Suffolk County Planning Commission  
2 Commission policy.

3 Energy efficiency policy of the  
4 Commission, the petitioners have indicated  
5 through the submitted materials that the  
6 proposal will utilize energy efficient design  
7 standards to minimize energy consumption at the  
8 site. The petitioner indicates that all  
9 residences under the proposed action would  
10 conform to the relevant energy efficiency  
11 requirements set forth in the town, but have  
12 not indicated a specific LEED standard goal.  
13 These standards can be further investigated,  
14 and therefore staff is not making a specific  
15 recommendation on that.

16 Public safety. The application  
17 materials did not make an in-depth analysis of  
18 public safety issues. These can be further  
19 investigated. With regard to the environment,  
20 the subject development is not intending to  
21 utilize an existing sewage treatment plant or  
22 connect to any existing district or regional  
23 treatment facility. The prior approved  
24 application was in conformance to the Suffolk  
25 County Department of Health Services for review



1 10/5/11 Suffolk County Planning Commission  
2 and approval for the treatment of  
3 methodologies.

4 The proposed PDD development intends  
5 to utilize recharge basins, creeated wetlands,  
6 catch basins, leaching pools and dry wells to  
7 handle stormwater runoff and drainage. The  
8 proposal indicates that all drainage is to  
9 remain on site and would conform to Article 6  
10 requirements by the use of individual sanitary  
11 systems, so no STP is anticipated to be  
12 necessary or required. It is the belief of  
13 staff that the proposed action would benefit  
14 from the review of the publication, Managing  
15 Stormwater through Natural Vegetation and Green  
16 Methodologies.

17 In terms of density offset via TDR or  
18 other means, while the proposed PDD does have  
19 more density in terms of the number of units,  
20 the intensity of development in terms of  
21 wastewater discharge is equivalent to the  
22 as-of-right use. The large percentage of open  
23 space may not justify the necessity of density  
24 shift as a result of this proposal.

25 Staff did a hard look at this



1       10/5/11 Suffolk County Planning Commission  
2       requirement and took a look at some terms.  
3       Density is the number of units for inhabitants  
4       or dwellings or the like per unit area.  
5       Intensity we define as the magnitude of a  
6       quantity. The Suffolk County Planning  
7       Commission guidebook speaks to density, not  
8       intensity. In this particular aspect that we  
9       don't believe that a TDR transfer would be  
10      required for the property, considering the  
11      large amount of open space and relative  
12      downsizing of the site.

13               Section 4.7 of the guidebook,  
14      Transportation, the traffic study prepared by  
15      the project's sponsor indicated that the  
16      proposed PDD will not result in an adverse  
17      traffic impact on adjacent street systems. It  
18      should be noted that the two residential  
19      components of the proposed PDD are physically  
20      separated and not connected. Moreover, the PRC  
21      is a gated community. In accordance with  
22      Suffolk County Planning Commission policy, the  
23      promotion of connectivity between internal  
24      components of the development and external  
25      developments in order to improve pedestrian and



1       10/5/11 Suffolk County Planning Commission  
2       vehicular access and circulation is  
3       recommended.

4               We also took a look at the  
5       walkability of the subject property.  
6       Internally, staff just wanted to make sure that  
7       the subject property could be considered a  
8       walkable property, since it has a planned  
9       retirement community element in it and one  
10      would anticipate that seniors, may need to be  
11      within walking distance to services. As you  
12      can see, the closest downtown is defined in our  
13      Downtown Business Study, is Mastic Beach,  
14      roughly a little less than a half a mile away,  
15      which comes into our walkability parameters.

16              This is an aerial that would show you  
17      in that area where the exits might be along  
18      112, walking to Mastic Beach may be  
19      problematic. In later stages of design we may  
20      be able to find a better path. We haven't  
21      looked at the site plan details. It's a change  
22      of zone application. We wanted to see if it  
23      was a good idea to put in a PRC. We have in  
24      the past rejected projects because they don't  
25      meet walkability criteria. In this project, as



1 10/5/11 Suffolk County Planning Commission  
2 the crow flies, it's less than a half a mile to  
3 Mastic Beach.

4 Taking a look at the referral  
5 material, staff recommends approval with the  
6 following modifications and comments: That the  
7 modification on the plan be required as twenty  
8 percent of the two hundred twenty-five  
9 residential units, that would be forty-four, be  
10 set aside for affordable housing purposes.  
11 This is in accordance with Commission policy.

12 Staff is also recommending that the  
13 Commission forward some comments along to the  
14 Town of Brookhaven, first that the proposed  
15 action would benefit from review of the  
16 publication on managing stormwater through  
17 green methodologies, and with regard to public  
18 safety issues, the applicant should look at the  
19 Commission's guidelines for public safety.

20 In addition, with regard to the  
21 energy consumption, Item 3, that the project  
22 would benefit from review of the Commission  
23 guidelines on energy efficiency. Then the  
24 fourth comment, recommendation to the  
25 Commission is that the applicant should note



1 10/5/11 Suffolk County Planning Commission  
2 the Suffolk County Planning Commission  
3 Guidebook and Guidelines for future referrals  
4 related to site planning and internal  
5 configuration of the development. That's the  
6 staff report.

7 THE CHAIRMAN: We have seen this  
8 several times, including not eight months ago.  
9 What are the major changes?

10 MR. FRELENG: From '07 you saw a --  
11 you saw a reduction to a hundred forty-eight  
12 from a hundred eighty-seven. The Commission  
13 initially approved that as well. Recently,  
14 while it does have the same job number. I  
15 think it was last year you saw a hundred  
16 fifty-five lot subdivision, which the  
17 Commission initially approved. Staff received  
18 a SEQRA coordination on a PDD application,  
19 which included commercial, retail and a much  
20 larger development proposal. The Commission  
21 did not see that.

22 What the Commission has seen has been  
23 subdivision applications, and the last one  
24 which does have preliminary approval with the  
25 town, is set at a hundred fifty-five single



1 10/5/11 Suffolk County Planning Commission  
2 family lots.

3 THE CHAIRMAN: It's for the same  
4 parcel?

5 MR. FRELENG: Yes, it's a  
6 reconfiguration of the open space.

7 COMMISSIONER KELLY: Does it have as  
8 much open space preserved or not?

9 MR. FRELENG: I don't believe it had  
10 the required Commission open space.

11 COMMISSIONER CASEY: This has a lot  
12 more open space.

13 MR. FRELENG: Also, what is  
14 interesting to note, there is seventy-five lots  
15 and the remainder are attached units.

16 COMMISSIONER WEIR: Are all those man  
17 made water features?

18 COMMISSIONER WEIR: They're man made  
19 water features for the golf course.

20 MR. FRELENG: They will all stay and  
21 they are regulated by the Town of Brookhaven as  
22 created wetlands.

23 COMMISSIONER FINN: Are they going to  
24 leave it as an abandoned golf course?

25 MR. FRELENG: It is going to be



1 10/5/11 Suffolk County Planning Commission  
2 a public recreational open space, which implies  
3 that the Town of Brookhaven may improve it in  
4 some way, shape or form, but we have no details  
5 on that.

6 COMMISSIONER FINN: As we look at  
7 projects of this size, given the fact that we  
8 have just talked about layoffs and budget  
9 constraints, to followup on Chairman Calone's  
10 op ed piece, the town is getting a hundred  
11 acres and not paying for it. We have economic  
12 development and tax generation here. Where you  
13 see that the county is on this process of  
14 buying open space, I think we have to try to  
15 figure out how to get more bang for our buck.

16 THE CHAIRMAN: This is what people  
17 were talking about. You keep a lot of open  
18 space and bottom line, we will not have money  
19 to spend on these acquisitions in the  
20 long-term. I think in general this is a  
21 positive project in many ways. It's a  
22 Brookhaven project. Commissioner Kelly.

23 COMMISSIONER KELLY: To follow up on  
24 the comment. I think it's good that you point  
25 out that builders are actually one of the



1 10/5/11 Suffolk County Planning Commission  
2 biggest preservationists in the county.  
3 Sizable chunk, a hundred acres set aside for  
4 open space or recreational space at the cost of  
5 nothing to the taxpayers. Good point.

6 MR. FRELENG: Clustering and TDR are  
7 two primary tools of the private sector to  
8 preserve open space without using public  
9 dollars.

10 COMMISSIONER KELLY: Are there  
11 development rights coming off of that?

12 MR. FRELENG: Yes.

13 THE CHAIRMAN: Commissioner McAdam.

14 COMMISSIONER McADAM: In January,  
15 2011, it was the Hamlet Preserve. I guess it's  
16 a procedural question. Back then we reviewed  
17 it we have a whole list of conditions that we  
18 set upon that particular project. So, I guess  
19 the question I have is whether we are imposing  
20 any of those conditions on this project.

21 MR. FRELENG: Staff reviewed the  
22 conditions as it evolved out of the  
23 application. Some of the other conditions of  
24 the Commission would be more appropriate for  
25 site planning phases of the project. So, the



1 10/5/11 Suffolk County Planning Commission  
2 next phases of the project should be referred  
3 to the Commission and when that is referred, we  
4 will take a look at those aspects of it. We  
5 did review the recommendations of the  
6 Commission prior.

7 COMMISSIONER McADAM: The other  
8 question I had was, they did a lot of  
9 discussion talking about sewerage in the Mastic  
10 Beach-shirley area. I was curious, when they  
11 develop a project like this now, do they  
12 develop it in such a way if sewers come in  
13 there, that this could easily hook up or would  
14 they have to go in and re-pipe the whole area?

15 MR. FRELENG: There are some projects  
16 that let you put in the dry lines of a sanitary  
17 system that you can phase out and connect to a  
18 waste water treatment system. This project  
19 does not require any kind of treatment plant  
20 because of the waste water flow of a one  
21 hundred fifty-five lot yield map coincides with  
22 the waste water flow of this proposal.

23 While the units may be more, a  
24 planned retirement unit uses less waste water.  
25 You essentially get two units planned



1       10/5/11 Suffolk County Planning Commission  
2 retirement to one single family home. When  
3 they did the math on the project, the sewer  
4 agency will take a look at that, the one  
5 hundred fifty-five lot yield approvable by the  
6 Suffolk County Department of Health Services  
7 has the same flow as the proposal. They're  
8 proposing to do individual sanitary treatment  
9 on the project and they're not proposing to  
10 hook up in the future.

11               COMMISSIONER ESPOSITO: I want to  
12 follow up. I think that is an excellent  
13 question. I understand it's not required and I  
14 understand the calculation of flow. I think  
15 forward thinking process, and it's nothing we  
16 can tackle today, would say okay, we know that  
17 the Forge River and Mastic Shirley area is, as  
18 the sewer queen, I predict it's going to be one  
19 of the three top priorities in the County of  
20 Suffolk for sewer infrastructure.

21               While it's not required today, it  
22 might be required tomorrow. These kind of  
23 projects, they're putting them in now, but five  
24 years from now they may have to do upgrading of  
25 their own infrastructure which will add to



1 10/5/11 Suffolk County Planning Commission  
2 costs, rather than do it today.

3 THE CHAIRMAN: You can add it as a  
4 comment, just raising that issue.

5 COMMISSIONER McADAM: Would that come  
6 up with the site plan?

7 COMMISSIONER ESPOSITO: It's a change  
8 of zone. Then I feel better putting it as a  
9 comment.

10 COMMISSIONER FINN: I think every  
11 time you do a project this size, you love to  
12 have it go out in a pipe and go in a sewer  
13 treatment plant. If you are going to define  
14 tomorrow, you have to define what tomorrow is;  
15 is it something in our lifetime?

16 COMMISSIONER KELLY: There is a  
17 tremendous cost to putting in a dry line. I  
18 don't know how many linear feet are internal  
19 to the roadways, but it's a significant dollar  
20 amount.

21 COMMISSIONER ESPOSITO: How much  
22 would it cost compared to putting it in five  
23 years from now?

24 COMMISSIONER KELLY: These are brand  
25 new septic systems. How long do they last,



1 10/5/11 Suffolk County Planning Commission  
2 thirty years?

3 COMMISSIONER ESPOSITO: They don't  
4 filter out nitrates, so if there is a TMVL done  
5 for that river and that is found to be a point  
6 source for nitrates, it won't matter if the  
7 septic system lasts for thirty years.

8 COMMISSIONER KELLY: There should not  
9 be any impact on it based on the acreage  
10 they're preserving. It's still one-to-one.

11 COMMISSIONER ESPOSITO: That is a  
12 nice theory, although I think that the theory  
13 is going to be shot to hell.

14 COMMISSIONER KELLY: These guys are  
15 complying with the laws that are set forth.

16 COMMISSIONER ESPOSITO: That  
17 particular area there is five or six  
18 simultaneous studies running parallel to each  
19 other including total maximum daily load for  
20 the river, watershed management plan, watershed  
21 characterization plan for the river and this is  
22 smack in the middle of the watershed of the  
23 river. It may conform to the laws of today, we  
24 were currently as we speak evaluating greater  
25 data and knowledge which might change them



1 10/5/11 Suffolk County Planning Commission  
2 tomorrow.

3 THE CHAIRMAN: Is there a chance that  
4 they would be forced to do retrofit? That is a  
5 massive expense.

6 COMMISSIONER ESPOSITO: There is a  
7 lot of discussion about how to do this, and one  
8 massive sewer infrastructure system would take  
9 a decade and would be too expensive, so do you  
10 do decentralized, focus -- I forgot the name  
11 for groupings of smaller kind of substations  
12 that can be sited, without the numerous -- and  
13 it's done quicker and not as expensive. There  
14 is some viable dialogue about how to do it on a  
15 better time line, a shorter time line in a cost  
16 effective way. This is still for tomorrow not  
17 today, but let us be cognizant of it.

18 COMMISSIONER KELLY: To the point of,  
19 I guess de-coupling a house from a septic  
20 system into a sewer system. It has been done.  
21 We did it in Talmadge Woods in Mount Sinai. It  
22 was based on the premise that we knew we had a  
23 treatment plant to tap into. Tom, if we knew  
24 that there was a plant going in up the road in  
25 close proximity of time and a short run that



1 10/5/11 Suffolk County Planning Commission  
2 the developer can understand, yes, this will  
3 benefit in the long run, but we don't know.  
4 The developer doesn't know.

5 COMMISSIONER McADAM: It's been under  
6 a lot of study right now.

7 COMMISSIONER KELLY: It was under  
8 study a long time ago.

9 COMMISSIONER McADAM: No, I have a  
10 history of sewer work. I know back when they  
11 started Southwest, there were other districts,  
12 but it never got past Southwest. I want to  
13 bring up a point, I have a sense of history. I  
14 have a couple of houses in the past where they  
15 used to put the sewers in the backyard. What  
16 happened was, I lived in Brookhaven at the  
17 time, they changed the plan and required that  
18 cesspools go in the front. In the event that  
19 sewers came in in that area in the future it  
20 would be easy to connect. There was some  
21 forward thinking even back then.

22 COMMISSIONER KELLY: There is more  
23 accessibility to replace it.

24 COMMISSIONER McADAM: Unfortunately,  
25 a lot of those areas, it never happened, but in



1 10/5/11 Suffolk County Planning Commission  
2 others it did.

3 THE CHAIRMAN: The cost feature.

4 COMMISSIONER KELLY: Future  
5 replacement of septic.

6 COMMISSIONER GABRIELSEN: Without  
7 getting Adrienne too excited, what I want to  
8 say it leads us into what they we're doing now.  
9 That they need to review the natural vegetation  
10 green methodology. It's a very important  
11 thing. We used to have on our farms, we  
12 planted up a lot of vegetation, we had swales  
13 for a lot of years. As a comment, I think that  
14 should be definitely in there. You can take a  
15 in-depth look.

16 THE CHAIRMAN: We can revisit this  
17 when it comes to site plan, if we chose to make  
18 it a condition. We usually make these soft  
19 conditions. If we see a site plan that doesn't  
20 indicate those kinds of things, we don't  
21 usually, I don't know that we have ever done  
22 anything other than a soft condition to any of  
23 those. At this stage, since we are at the zone  
24 stage, I believe it is appropriate as a  
25 comment.



1 10/5/11 Suffolk County Planning Commission

2 I think the comments are pretty much  
3 the ones we typically see. The conditions were  
4 the ones that we typically see. Anyone want to  
5 talk about that, Mike.

6 COMMISSIONER KELLY: With regard to  
7 the one, affordability. We talk about where  
8 it's located. I think the Mastic-shirley area  
9 probably has a large amount of affordable  
10 housing. I think this area does have  
11 sufficient affordable housing, that is why I  
12 think we should lower the percentage.  
13 Actually, I think we should take out the  
14 condition. One for the equity reasons and two,  
15 I think this application was made prior to the  
16 January 1, 2009 Long Island Workforce Housing  
17 Act requiring ten percent. I think the  
18 original application was made before that.

19 I think that the age restriction  
20 component will make it extremely difficult to  
21 find qualified buyers. I'll defer to our  
22 resident expert from the Housing Partnership to  
23 really walk us through the detail of filling  
24 the occupancies for the upper level of these  
25 affordable homes.



1           10/5/11 Suffolk County Planning Commission  
2                    COMMISSIONER WEIR: The senior  
3 development particularly, if you are targeting  
4 people to downsize, a lot of seniors that are  
5 downsizing now don't really want to purchase  
6 again. Rentals are much more successful in all  
7 age groups right now. I think all of the  
8 seniors that you have in Nassau County that you  
9 would think there would be a demand for a unit,  
10 we are selling for a hundred fifty thousand  
11 dollars. We are having a hard time selling  
12 them. There was an article in the New York  
13 Times, maybe seven or eight months ago, about  
14 the difficulty of homeownership senior attached  
15 units.

16                    COMMISSIONER KELLY: This is just a  
17 practicality issue.

18                    COMMISSIONER WEIR: I'm just talking  
19 about being able to sell them. The rentals are  
20 much more needed right now. They're under the  
21 law, they would have to do it. I don't know  
22 when the application was first put through.

23                    MR. FRELENG: Staff is confused. Are  
24 you saying that the market can't sell for sale  
25 units that are senior designated units. If you



1 10/5/11 Suffolk County Planning Commission  
2 designate them as making a certain percent  
3 affordable so more people can reach the  
4 affordability criteria, that is not good for  
5 the projects?

6 COMMISSIONER WEIR: I'm not the  
7 developer. COMMISSIONER KELLY: You  
8 can't fill those units. Nobody is going to go  
9 out and buy them with the restrictions with  
10 that unit, with the price points of the natural  
11 market has come down to a point that is  
12 affordable in a buyer's mind. So if a buyer  
13 has a choice of an affordable unit of a hundred  
14 fifty thousand dollars or hundred eighty  
15 thousand dollars or two hundred fifty thousand  
16 dollars, whatever the price range of  
17 affordability may be, the natural market has  
18 come down to a point where they go with a home  
19 that doesn't have the restrictions because the  
20 price point and the fact that interest rates  
21 are so low.

22 COMMISSIONER WEIR: That's any age  
23 group right, now not just seniors.

24 MR. FRELENG: Would you rather see a  
25 condition that requires rentals rather than for



1 10/5/11 Suffolk County Planning Commission  
2 sale units?

3 COMMISSIONER KELLY: I would lift the  
4 condition of twenty percent affordability on  
5 that component, and also on the fact that he  
6 made application prior to January 2007.

7 COMMISSIONER CASEY: Is it the same  
8 outfit?

9 MR. FRELENG: I don't know. There  
10 are several applications on this property.  
11 Staff is not aware of when this application was  
12 made to the Town of Brookhaven for this  
13 particular PDD. The only application that is  
14 open, to our knowledge, is the approved one  
15 fifty-five unit subdivision.

16 THE CHAIRMAN: Our standard has been  
17 twenty percent for a long time. We know we  
18 have to revisit it. I think it is difficult  
19 for us, in my opinion, to put a new standard or  
20 remove a standard that has been the regional  
21 standard for a very long time.

22 My question actually relates to its  
23 twenty percent if it's a change of zone with  
24 increased density. As-of-right, it's supposed  
25 to be ten percent consistent with the state law



1 10/5/11 Suffolk County Planning Commission  
2 and twenty percent, if it was going to be  
3 increased density change of zone. My question  
4 is is this really increased density from the  
5 staff's perspective. The number of units are  
6 about the same, the flow is about the same. As  
7 opposed to not as-of-right.

8 MR. FRELENG: It's a call the  
9 Commission has to make. Staff looks at the  
10 conditions in the guidebook and it says  
11 "density," and when we look up the definition  
12 of density, it's the number of units of  
13 measure. The Commission doesn't talk about  
14 intensity, which is the magnitude or the focus.  
15 Literally speaking, the Commission's guideline  
16 speaks to density. The density on the project  
17 is set at a hundred fifty-five single family  
18 units. Density changes to two hundred  
19 twenty-five units. It doesn't talk about  
20 intensity. You have a change in density.

21 There are mitigations or public  
22 benefits being offered that far and exceed  
23 other projects that we looked at. When we took  
24 a look at the intensity of the project based on  
25 how the Suffolk County Department of Health



1 10/5/11 Suffolk County Planning Commission  
2 would look at it, not withstanding the fact  
3 that they split some of the homes into two  
4 units, the intensity stays the same. So there  
5 is no increase in intensity through use of this  
6 project.

7 THE CHAIRMAN: It's interesting  
8 because it's different than a situation that we  
9 have seen before. It's more number, but  
10 smaller units. It's different than most of the  
11 things that we have where we had the twenty  
12 percent. It's a real increase in density.  
13 Right now, it's more units, but it's not a huge  
14 change in terms of the impact.

15 MR. FRELENG: If the Commission said  
16 there was a change of density, then staff would  
17 increase the TDR.

18 THE CHAIRMAN: Are you not looking at  
19 it as an increase in density?

20 MR. FRELENG: We are looking at the  
21 intensity of the project and mitigations being  
22 offered and history of development proposals on  
23 this property and feel in this particular  
24 instance, the Commission doesn't necessarily  
25 have to apply their guidelines. The guideline



1 10/5/11 Suffolk County Planning Commission  
2 says "should."

3 THE CHAIRMAN: We always have  
4 flexibility. We could take the twenty percent  
5 off at any time. We never have, except in  
6 extremely rare circumstances. One was about a  
7 month or two ago.

8 COMMISSIONER HOLMES: You don't have  
9 "should" in your modification. You use the  
10 word "shall."

11 MR. FRELENG: When we convert it from  
12 a guideline to a condition we will make it a  
13 "shall."

14 COMMISSIONER KELLY: Can I put forth  
15 a recommendation that we make the condition or  
16 modification a comment, and recommend approval.

17 THE CHAIRMAN: I ask that you hold  
18 off for a second. It's a question of some of  
19 the public benefit here and it's perhaps a  
20 unique circumstance. The twenty percent is  
21 something we traditionally stood by or in lieu  
22 of. The question is, with some of the public  
23 benefit and unique conditions where it's  
24 increased the number of units, but the  
25 intensity, the impact on the land isn't quite



1 10/5/11 Suffolk County Planning Commission  
2 as much. The question always has been where a  
3 developer is getting more, they should give  
4 something back to the community in the form of  
5 affordable housing.

6 COMMISSIONER KELLY: A hundred acres  
7 is pretty good.

8 MR. FRELENG: The Commission  
9 guideline with regard to affordability does  
10 not -- I'm sorry, only talks about a change in  
11 zone requires twenty percent. It doesn't say  
12 anything about density and intensity to my  
13 knowledge. The TDR component talks about  
14 density, intensity.

15 THE CHAIRMAN: As long as there is  
16 any change of zone, according to our  
17 guidelines, needs to be twenty percent. And  
18 that would have no major impact on the project.

19 MR. FRELENG: I don't think it was  
20 the Commission's intention for a downzoning to  
21 require any kind of affordable --

22 THE CHAIRMAN: I understand. The  
23 bottom line is the developer is getting stuff,  
24 an ability get to more bottom line, you are  
25 crowding out land, that helps the bottom line,



1 10/5/11 Suffolk County Planning Commission  
2 so you back a piece of that into affordable  
3 housing.

4 COMMISSIONER KELLY: I think that is  
5 what the initial application back in '07 was  
6 probably just that it was a hundred fifty units  
7 probably spread across the entire site.

8 COMMISSIONER HOLMES: It may not be  
9 the same developer.

10 COMMISSIONER KELLY: It doesn't  
11 matter.

12 COMMISSIONER FINN: I think a  
13 point to look at is we have two hundred six  
14 acres. If we were talking about A-1 zoning  
15 as-of-right, you are talking about two hundred  
16 six homes.

17 COMMISSIONER KELLY: Probably a  
18 hundred fifty units.

19 THE CHAIRMAN: Andy is saying it's a  
20 hundred fifty or so, and they're getting two  
21 hundred.

22 MR. FRELENG: The town approved yield  
23 map is currently a hundred fifty-five units on  
24 site.

25 COMMISSIONER KELLY: He's carving up  
the site and saying here's a hundred acres of



1 10/5/11 Suffolk County Planning Commission  
2 open area and we will maximize what we can  
3 through the open space issue.

4 THE CHAIRMAN: We look at housing as  
5 part of a community aspect, not in and of  
6 itself. The issue we had and the reason we  
7 always ask for twenty percent, we predicted a  
8 regional standard and that standard is known.  
9 We have always voted on a twenty percent  
10 standard with the knowledge that the township  
11 can decide whether they want to override us,  
12 and make that determination, they who are in a  
13 better position to understand the community  
14 benefit.

15 That is the decision that they should  
16 make. I think little idea for us is do we  
17 stand by the twenty percent standard until we  
18 change the guidelines? I think we should stand  
19 by the standard, let the township decide  
20 whether the community benefits and if anybody  
21 else in there is worth deviating. Any other  
22 thoughts?

23 COMMISSIONER KELLY: From a  
24 motivation standpoint, the next time I would  
25 like to make an application we can set aside a



1       10/5/11 Suffolk County Planning Commission  
2       hundred acres, it's a good motivator if you can  
3       get something for it. You have a developer  
4       right now setting aside a hundred acres and we  
5       are almost penalizing him for maximizing his  
6       return by restricting twenty percent of his  
7       inventory.

8               THE CHAIRMAN: I get that the  
9       question is, we are not in the final say on it.  
10      Your argument, I think, would be the right one  
11      for the town board saying that the Commission  
12      said there is a twenty percent standard. You  
13      know what, there is open space.

14             COMMISSIONER KELLY: That is why I  
15      suggested a comment rather than modification.

16             COMMISSIONER ROBERTS: I think the  
17      senior citizen aspect of it has some practical  
18      implications. The spirit of the affordable  
19      housing component is to allow someone to have a  
20      first home who cannot afford it. If you think  
21      of a senior person who is going to go into to  
22      this community, one, it would probably be from  
23      selling a home, and the total lack of reality  
24      to think that a senior citizen is going to get  
25      a mortgage in this environment for an



1 10/5/11 Suffolk County Planning Commission  
2 affordable home.

3 I think the senior citizen aspect of  
4 this is, on a practical basis, making me think  
5 that we should not have this requirement.

6 COMMISSIONER WEIR: That is right.  
7 This is anecdotal from what you see. When you  
8 see the senior development with the affordable  
9 component, which is just the general rule.  
10 Seniors have a lot of assets if they're selling  
11 and downsizing.

12 THE CHAIRMAN: There is a range of  
13 seniors.

14 COMMISSIONER WEIR: Absolutely. Even  
15 the market rate is having problems with the  
16 senior communities. If they can't downsize  
17 when they can't get the price that they feel  
18 they should get for their home. The assets  
19 create a problem, even with the affordable  
20 seniors if they were downsizing.

21 COMMISSIONER McADAM: I know this came up last  
22 time. My opinion was there was so much  
23 affordable housing in that area you can kind of  
24 justify why you don't want to do ten or twenty  
25 percent. The problem is this is a specific



1 10/5/11 Suffolk County Planning Commission  
2 type of housing. I'm very familiar with that  
3 area. Most of the houses in that area are  
4 single family houses. Senior citizens, and I  
5 count myself as one, are not likely to move  
6 from one single family house to another.

7 If I was going to do it, I would move  
8 into a complex like this where you were  
9 targeting a specific type of person. You can't  
10 say well, if they don't want to live there,  
11 they can live two blocks over in that single  
12 family house.

13 I think if you are in other areas of  
14 Suffolk County where there is a lot of this  
15 type of housing, maybe that argument can stand.  
16 It's my opinion I think we should keep the  
17 affordable.

18 COMMISSIONER KELLY: You still have  
19 to qualify for that.

20 THE CHAIRMAN: When you set standards  
21 for affordability, they're forever. Obviously,  
22 the market today will be different than the  
23 market tomorrow. There may not be a need  
24 today, there may be a need tomorrow. That is  
25 why the Planning Commission is not the final



1 10/5/11 Suffolk County Planning Commission  
2 say. We can weigh it and say we understand the  
3 twenty percent.

4 COMMISSIONER CASEY: I think my  
5 concern is that I understand the whole issue of  
6 senior housing affordability. I'm sure there  
7 is a segment of the senior population that  
8 needs affordable housing. There are people  
9 that are struggling as seniors that don't have  
10 the resources. I know a lot of seniors like  
11 that. I think that is an important component  
12 of this. I think they did, by giving that  
13 property, is important. I think we need stick  
14 by what we have done in the past and keep some  
15 kind of standard until we change it.

16 THE CHAIRMAN: I understand the  
17 argument about why we should perhaps change it  
18 or integrate it with other considerations.

19 COMMISSIONER FINN: I think Tom  
20 brings up an excellent point. It's almost a  
21 eureka moment when you talk about  
22 affordability. By going through your example  
23 by building another type of housing that the  
24 seniors are going to want to move into. They  
25 will create affordable housing, by the house



1       10/5/11 Suffolk County Planning Commission  
2       that they leave behind to move into. This  
3       creates the supply side that we are failing  
4       miserably, we are creating a housing stock. By  
5       the government coming in and putting another  
6       restriction on the housing stock as it's  
7       brought to market as these projects take  
8       forever to get approved. A commission like  
9       this one comes and puts a twenty percent  
10      affordability tag on it at the end. That  
11      creates marketability restrictions and  
12      everything else.

13                What is going to happen you will not  
14      create the supply side. The question is how do  
15      you create an affordable house? It's not for  
16      the kid that just came out of college, it's to  
17      create a home. Then somebody who is already in  
18      that starter house can buy a middle income  
19      house and get into this one and then create an  
20      opportunity for someone to get into the  
21      market. We are not doing anything and everyone  
22      is in a status quo frozen position. That is  
23      what creates the supply and demand.

24                We are failing on the supply side.  
25      This guy is giving two hundred acres. It's



1 10/5/11 Suffolk County Planning Commission  
2 economics 101. Our director is fighting  
3 tirelessly against taxpayer money to buy  
4 property. There are nine thousand housing  
5 credits just sitting on a shelf.

6 MR. FRELENG: The only thing I would  
7 disagree with is this won't be a surprise  
8 to the developer. The Commission's guidelines  
9 have been available since 2009.

10 COMMISSIONER FINN: We have  
11 identified the guidelines and we are going to  
12 rewrite them. I'm not a housing expert, but I  
13 know there is no place in the country that has  
14 a sustainable level of more than ten years,  
15 regardless of all the other limitations that  
16 are put on these applications before they get  
17 to this point. Because we are seeing it at the  
18 perceived guideline.

19 MR. FRELENG: The guidelines are  
20 online.

21 COMMISSIONER FINN: That is all well  
22 and good.

23 THE CHAIRMAN: We have done a lot of  
24 outreach to the towns. This has been the  
25 Commission standard since Felix Grucci. We



1 10/5/11 Suffolk County Planning Commission  
2 changed it with the Barbara Roberts amendment  
3 and my guess we will change it again.

4 COMMISSIONER ROBERTS: With another  
5 Barbara Roberts amendment.

6 COMMISSIONER SCHOOLMAN: I support  
7 making a motion for the following reason. I'm  
8 against a restriction which forces a builder to  
9 invest in an asset that may not be marketable.  
10 The situation is today, the world is different  
11 than when you made that rule. Today's news is  
12 that the world is going into a global  
13 recession. Just because you have a rule  
14 doesn't mean that that rule is forever or that  
15 it's practical in the world in which we are  
16 going to face for the next three years. I  
17 think you have to think about that.

18 COMMISSIONER KELLY: I would like to  
19 make a motion to make it a comment.

20 COMMISSIONER HOLMES: I'll second it.

21 THE CHAIRMAN: Condition 1  
22 becomes Comment 1. We have a second. All in  
23 favor of the motion, please raise your hand.  
24 (Show of hands.) Opposed? One. Absentions?

25 COMMISSIONER McADAM: I'm against it



1 10/5/11 Suffolk County Planning Commission  
2 also.

3 THE CHAIRMAN: Motion to adopt with  
4 the five comments. Motion by Commissioner  
5 Schoolman. All in favor, please raise your  
6 hand. (Show of hands) Opposed? Abstentions?

7 COMMISSIONER ESPOSITO: Abstention.

8 THE CHAIRMAN: Eleven to zero to one.

9 MR. AMAKAWA: Next is the Suffolk  
10 County land division at Yaphank. Applicant  
11 seeks Brookhaven Planning Board approval for  
12 the division of the approximate five hundred  
13 eighty-four ninety-three acre subdivision  
14 property to create a two lot minor subdivision  
15 in the A-1 Residence and L-1 Industrial zone  
16 districts. Approximately four hundred  
17 sixty-eight acres of the subject property is  
18 forest land and approximately a hundred sixteen  
19 acres is developed land, which includes  
20 buildings, road, parking lots, landscaping.

21 The subject property is the site of  
22 the Suffolk County police headquarters, Yaphank  
23 jail and John J. Foley Nursing Facility on  
24 proposed Lot 2, consisting of four hundred  
25 ninety-one point three nine acres. Proposed



1 10/5/11 Suffolk County Planning Commission  
2 Lot 1, consisting of ninety-four point seven  
3 five acres is currently vacant land. There are  
4 no specific development proposals or plans  
5 submitted with this application.

6 The subject application consists of  
7 seven Suffolk County tax map parcels north of  
8 Horseblock Road County Road 16 and west of  
9 Yaphank Avenue in the Hamlet of Yaphank.  
10 Subject property falls within the jurisdiction  
11 of the Suffolk County Planning Commission since  
12 it's adjacent to Horseblock Road County Route  
13 16 and Yaphank Avenue County Road 21 as well as  
14 adjacent to county land.

15 The Suffolk property is situated in  
16 hydrogeologic groundwater management zone VI.  
17 The site is not located within the Central  
18 Suffolk special groundwater protection area, is  
19 not located in a state critical environmental  
20 area. This are no local state federally  
21 regulated wetlands on site. It's not located  
22 in a wild, scenic or recreational area.

23 Staff analysis. Regarding New York  
24 State General Municipal Law considerations,  
25 Section 239L provides for the Suffolk County



1 10/5/11 Suffolk County Planning Commission  
2 Planning Commission to consider inter-community  
3 issues, community character, public convenience  
4 and maintaining satisfactory community  
5 environment. Notwithstanding comments that  
6 will follow, the subject application appears to  
7 be generally consistent with the intent of the  
8 law. Based on current zoning, proposed Lot 2  
9 appears to be split zone, being A-1 Residence  
10 on the eastern portion of the lot and L-1  
11 Industrial on the western portion.

12 In accordance with standard zoning  
13 and subdivision practices, lot line  
14 considerations should conform with zoning  
15 boundaries to prevent conflict. It's  
16 recommended for any future subdivision along  
17 the zoning line should be created to achieve  
18 zoning. Also, any future subdivisions should  
19 consider implementing a buffer such as a  
20 natural wooded area or landscape wood berm  
21 along the zoning barrier's lot lines in  
22 accordance with the 2009 adopted Suffolk County  
23 guidebook Section 5.4.J.d policy guide. It  
24 should also be noted that the subject  
25 application for two lot land divisions does not



1 10/5/11 Suffolk County Planning Commission  
2 include, again, any specific development  
3 proposals at this time.

4 It is therefore recommended that  
5 ongoing operations and improvements for the  
6 County facilities be considered in the future  
7 layout of improvements on Lot 1. It should be  
8 noted that all future subdivision site plan or  
9 any other zoning action related to the current  
10 application are subject to referrals of the  
11 Suffolk County Planning Commission.

12 In regard to local Comprehensive Plan  
13 recommendations, the Town of Brookhaven 1996  
14 Comprehensive Land Use Plan identifies the  
15 subject property as appropriate for public and  
16 semi-public and industrial uses.

17 The subject parcels fall within the  
18 boundaries of the Carmans River Watershed  
19 Management Plan targeted for environmental  
20 protection per the Town of Brookhaven's  
21 accepted Draft Carman's River Watershed  
22 Protection And Management Plan, February, 2011.  
23 The subject property is not included in the  
24 expansion of the Pine Barrens Core Preservation  
25 Area and there are no specific recommendations



1 10/5/11 Suffolk County Planning Commission  
2 for the subject site.

3 A general recommendation to rezone  
4 all residentially zoned publicly owned lands to  
5 five acre residential A-5 may be applicable to  
6 the A-1 zoned portion of the subject property  
7 if the plan is ultimately approved by the Town  
8 of Brookhaven and Pine Barrens Joint Policy and  
9 Planning Commission.

10 The considerations, in terms of  
11 efficiency and safety, Suffolk County Planning  
12 Commission guidebook policy guideline  
13 highlights the importance of cross access  
14 between two or more properties to lessen curb  
15 cuts along county or state roads. The cross  
16 access which should be considered proposed lot  
17 one for future use in accordance with this  
18 guideline. In accordance with the 1998 adopted  
19 Suffolk County Section 9.B.1.n policy  
20 guideline, the access roads should have a  
21 minimum width of fifty feet to ensure adequate  
22 access by emergency and service vehicles.

23 The proposed land division layout  
24 should take into consideration any potential  
25 widening reconstruction or other improvements



1 10/5/11 Suffolk County Planning Commission  
2 of Horseblock Road which may be necessitated by  
3 future development or required in the future,  
4 in accordance with the Suffolk County  
5 Commission plan book Section 5.4.A.d.

6 Staff recommendation. Staff  
7 recommends approval with the following  
8 comments: Number one --

9 THE CHAIRMAN: You don't have to read  
10 all of them. If you want to give us a  
11 highlight for each of the five, that would be  
12 fine.

13 MR. AMAKAWA: Roadway and safety.  
14 Suffolk County policy island-wide, two or more  
15 properties to lessen curb cuts along county or  
16 state roads, which connect proposed Lot 1 to  
17 Lot 2 for future use.

18 Two, according to the 1998 adopted  
19 Suffolk County policy guideline, the access  
20 road should have a minimum width of fifty feet.

21 Three, based on current zoning,  
22 proposed Lot 2 appears to be split zoned  
23 between A 1-residence and WL, Industrial  
24 portion for any future subdivisions. To  
25 achieve uniform zoning to prevent central



1 10/5/11 Suffolk County Planning Commission  
2 conflict of use, implementing a buffer, such as  
3 a natural wooded area or natural wood berm, to  
4 preserve amenities in accordance with the 2009  
5 adopted Suffolk County Planning Commission  
6 guidebook.

7 Four, the proposed land division  
8 layout should take into consideration any  
9 potential widening or improvement to Horseblock  
10 Road County Road 16, which may be necessitated.

11 Last, Comment Number 5, it is  
12 recommended that ongoing operations and  
13 improvements of the county facilities be  
14 considered in the layout on Lot 1. It should  
15 be noted that all future subdivision, site plan  
16 or any other zoning action related to the  
17 current application are subject to referral to  
18 the Suffolk County Planning.

19 That is the staff report. Staff will  
20 try to address any questions.

21 THE CHAIRMAN: Thank you, and I want  
22 to note for the record we don't see  
23 subdivisions too often any more under our  
24 regionally significant standard, but this lot  
25 is so humongous, so it does meet other



1 10/5/11 Suffolk County Planning Commission  
2 triggers.

3 MR. BRAUN: It's only ninety-five  
4 acres on one side.

5 THE CHAIRMAN: It's fairly humongous.  
6 That is a technical term. This is a Brookhaven  
7 related project. Mr. Kelly.

8 COMMISSIONER KELLY: Brookhaven  
9 application, good report. Make a motion to  
10 approve.

11 THE CHAIRMAN: Any other comments?

12 COMMISSIONER KELLY: No.

13 THE CHAIRMAN: Thoughts?

14 COMMISSIONER ESPOSITO: I have a  
15 thought. My point is I want to raise, I don't  
16 know, that we have -- the area is in the  
17 groundwater area for Carmans River and a  
18 proposal in a watershed management plan that  
19 has been adopted by the town, county and state.  
20 The state passed legislation and it was signed  
21 by the governor about a week ago.

22 On the same token, usually what  
23 happens when you preserve land in a watershed  
24 of a major river, you don't put an industrial  
25 park in a state watershed. Just pointing that



1       10/5/11 Suffolk County Planning Commission  
2       out to us as we move along in this. There  
3       seems to be an inherent conflict in acting one  
4       way when there has been this massive effort  
5       that you probably read in the paper that has  
6       been undertaken by a large constituency of  
7       government agencies on every level of  
8       government to preserve the area as we have this  
9       discussion, and now Mike has regained his  
10      composure and will say something completely  
11      opposite, and I want you to remember the  
12      inherent conflict of what we are looking at.

13               THE CHAIRMAN: It's already zoned  
14      this way. It's not a change in zone. The  
15      wisdom of the zoning may be questioned.  
16      They're not coming for a change of zone. All  
17      they're asking to do is subdivide the property.

18               COMMISSIONER ESPOSITO: So they can  
19      sell it and have it become an industrial park.

20               THE CHAIRMAN: All of Lot 1 is  
21      already zoned. They are cordoning it off.  
22      Wisdom of having it an industrial park or not  
23      is not before us. If someone came in for a  
24      change of zone, or the governmental level may  
25      decide to buy it. Who knows? We will see what



1 10/5/11 Suffolk County Planning Commission  
2 happens down the line. Your point is?

3 COMMISSIONER ESPOSITO: Apparently  
4 moot.

5 THE CHAIRMAN: It's well taken.

6 COMMISSIONER CASEY: There is nothing  
7 you can do.

8 COMMISSIONER ESPOSITO: That is what  
9 we all say.

10 COMMISSIONER CASEY: Can we say you  
11 can't subdivide it.

12 COMMISSIONER ESPOSITO: Why do we  
13 have to subdivide it? Apparently, we are  
14 subdividing it so the county can sell it and  
15 make it an industrial park. I'm saying it's a  
16 conflict. It is a scientific conflict with the  
17 Carmans River Management Plan.

18 COMMISSIONER WEIR: How did that get  
19 put into the Carmans River?

20 COMMISSIONER ESPOSITO: It's in the  
21 five year influence for the river. It was  
22 zoned industrial way back.

23 COMMISSIONER KELLY: I think the  
24 Carmans was one of the parcels excluded from  
25 that contributory area.



1 10/5/11 Suffolk County Planning Commission

2 COMMISSIONER ESPOSITO: It was  
3 excluded based on political decision, not  
4 hydrogeologics.

5 COMMISSIONER KELLY: How do you know?

6 COMMISSIONER ESPOSITO: I do  
7 know.

8 COMMISSIONER KELLY: I sat  
9 on the group that put this that into plan.  
10 That was definitely a parcel that is excluded  
11 from the stock.

12 THE CHAIRMAN: Whether it was done  
13 for political reasons, for scientific reasons,  
14 still the matter before us is whether the  
15 subdivision is appropriate or not. Under our  
16 guidance, I don't know that there is any real  
17 issue with it.

18 COMMISSIONER FINN: To follow up on  
19 Commissioner Esposito's point on the Carmans  
20 River, that is a big issue. All the  
21 stakeholders worked very efficiently to adopt  
22 this plan in a short period of time. If they  
23 want to include this industrial park in part of  
24 it, I don't know how the parcels would get  
25 added or subtracted.

26 As we write letters to your



1 10/5/11 Suffolk County Planning Commission  
2 legislators about saving or preserving jobs,  
3 the sale of it is already on the books for the  
4 upcoming budget for the County of Suffolk. Not  
5 that this has any bearing on our decision.

6 The point is the county is looking at  
7 surplus land to sell to keep the ship afloat,  
8 or people are going to get laid off. Now  
9 they're selling this on an as-of-right. It's  
10 not going to have a tremendous amount of value.

11 THE CHAIRMAN: The subdivision is  
12 happening. I understand we all read the  
13 newspaper. There is a possibility of it being  
14 sold. Whether that comes to pass or not is  
15 sort of irrelevant to our issue. What becomes  
16 relevant if it's sold and if development is  
17 proposed on Lot 1, it comes back here at that  
18 point. We have a legitimate role in saying if  
19 it's Industrial 1. It is what it is. There is  
20 an opportunity to comment on that or condition  
21 on it that certain activities within L-1 are  
22 more or less impactful on the watershed.

23 I think that is a role that this  
24 commission can play when and if someone  
25 proposes it, which no one has yet. I don't



1       10/5/11 Suffolk County Planning Commission  
2       know that there is any reason for us to not  
3       move ahead with this. Adrienne's point is a  
4       fair one. If it was put aside from the Carmans  
5       for political reasons, then we have every  
6       obligation to look at it from a scientific  
7       perspective when and if someone wants to  
8       develop the property. Based on what is  
9       proposed to be used on the property, L-1 can  
10      have a whole range of uses, some of which would  
11      have an impact on the river, and had some of  
12      which would not. We don't know what is  
13      proposed.

14                   COMMISSIONER McADAM: Is staff  
15      willing to explain Lot 2 about future  
16      subdivisions. We are selling. I guess they  
17      plan on selling Lot 1                   COMMISSIONER

18      CASEY: They're using Lot 2, aren't they?

19                   COMMISSIONER WEIR: It's part of  
20      Legacy Village.

21                   THE CHAIRMAN: Any comment on about  
22      what is Lot 2?

23                   MR. AMAKAWA: I was describing the  
24      conditions. There is no specific information  
25      about development.



1 10/5/11 Suffolk County Planning Commission

2 THE CHAIRMAN: Any other thoughts,  
3 comments, considerations?

4 COMMISSIONER KELLY: Can I make a  
5 motion to adopt?

6 COMMISSIONER SCHOOLMAN: I second it.

7 COMMISSIONER KELLY: The staff  
8 report.

9 THE CHAIRMAN: All in favor of  
10 adopting staff report as written, raise your  
11 hand. (Show of hands.) Opposed.

12 COMMISSIONER ESPOSITO: Opposed.

13 THE CHAIRMAN: Ten to one. Thank  
14 you. Two things, those who are involved in the  
15 federation we will talk about that first for  
16 maybe five minutes. Then I have a handout for  
17 those involved in housing I want you to look  
18 at it. We haven't adjourned yet. I'll  
19 entertain a motion.

20 COMMISSIONER HOLMES: So move.

21 COMMISSIONER WEIR: Second.

22 THE CHAIRMAN: All in favor of  
23 adjourning, please raise your hand. (Show of  
24 hands.)

25 (Time noted: 3:30 p.m.)



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CERTIFICATION

STATE OF NEW YORK)

)

ss:

COUNTY OF SUFFOLK)

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

THAT this is a true and accurate  
record of the meeting held by the Suffolk  
County Planning Commission on October 5,  
2011, as reported by me and transcribed by  
me.

*Judi Gallop*

JUDI GALLOP



E R R A T A

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<p style="text-align: center;"><u>0</u></p> <p><b>07</b> 92:10 111:5</p> <hr/> <p style="text-align: center;"><u>1</u></p> <p><b>1</b> 5:12,17 103:16 119:21,22 121:2 123:7 125:16 126:14 128:20 131:17,19 132:17</p> <p><b>10/5/11</b> 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1</p> <p><b>101</b> 118:2</p> <p><b>112</b> 42:4 90:18</p> <p><b>12:00</b> 1:7</p> <p><b>12th</b> 12:21 68:22</p> <p><b>13</b> 71:8 72:12</p> <p><b>13th</b> 68:19</p> <p><b>16</b> 121:8,13 126:10</p>	<p><b>18</b> 69:10</p> <p><b>1800's</b> 29:2</p> <p><b>1801</b> 78:5,6</p> <p><b>1840</b> 76:15</p> <p><b>18th</b> 20:10</p> <p><b>1920's</b> 49:10</p> <p><b>1930's</b> 30:16</p> <p><b>1932</b> 30:10</p> <p><b>1950's</b> 31:17</p> <p><b>1957</b> 31:20</p> <p><b>1960's</b> 31:17</p> <p><b>1961</b> 31:21</p> <p><b>1980</b> 44:13</p> <p><b>1980's</b> 29:13</p> <p><b>1981</b> 26:10 32:18</p> <p><b>1985</b> 32:10</p> <p><b>1996</b> 85:18,21 123:13</p> <p><b>1998</b> 84:12 124:18 125:18</p> <p><b>1999</b> 47:9 84:13</p> <p><b>1A</b> 7:17,22</p> <p><b>1B</b> 7:19,21 18:3</p> <p><b>1-residence</b> 125:23</p> <p><b>1st</b> 9:19</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>2</b> 120:24 122:8 125:17,22 132:15,18,22</p> <p><b>2000</b> 44:13 50:11 51:7</p> <p><b>2000's</b> 50:17</p> <p><b>2006</b> 34:18</p> <p><b>2007</b> 48:22 50:5 84:16 106:6</p> <p><b>2009</b> 103:16 118:9 122:22 126:4</p> <p><b>2010</b> 48:16 84:13</p> <p><b>2011</b> 1:6 2:11 3:23 95:15 123:22 134:15</p> <p><b>2012</b> 39:18</p> <p><b>21</b> 121:13</p>	<p><b>239L</b> 121:25</p> <p><b>23rd</b> 8:23</p> <p><b>25</b> 39:4 40:20 41:2</p> <p><b>27th</b> 21:25 22:10</p> <p><b>28th</b> 15:10</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p><b>3</b> 91:21</p> <p><b>3:30</b> 133:25</p> <p><b>347</b> 42:4,5</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p><b>4</b> 73:20 74:23</p> <p><b>4.7</b> 89:13</p> <p><b>46</b> 83:4</p> <p><b>4th</b> 15:14</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p><b>5</b> 1:6 126:11 134:14</p> <p><b>5.4.A.d</b> 125:5</p> <p><b>5.4.J.d</b> 122:23</p> <p><b>51</b> 86:10</p> <p><b>52</b> 33:13</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p><b>6</b> 69:24 88:9</p> <p><b>61</b> 44:5,7</p> <p><b>625</b> 16:12 43:24 45:3</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p><b>9.B.1.n</b> 124:19</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p><b>a.m</b> 15:10,14</p> <p><b>A-1</b> 83:7 111:13 120:15 122:9 124:6</p> <p><b>A-5</b> 124:5</p> <p><b>abandoned</b> 93:24</p> <p><b>ability</b> 110:24</p> <p><b>able</b> 53:13 55:20 64:23 90:20 104:19</p> <p><b>ABLI</b> 11:9</p>	<p><b>abolished</b> 32:18</p> <p><b>Absentions</b> 119:24</p> <p><b>Absolutely</b> 114:14</p> <p><b>Abstention</b> 120:7</p> <p><b>Abstentions</b> 120:6</p> <p><b>abundance</b> 47:15</p> <p><b>abundant</b> 63:15</p> <p><b>accept</b> 3:11</p> <p><b>accepted</b> 123:21</p> <p><b>access</b> 47:15 90:2 124:13,16,20,22 125:19</p> <p><b>accessibility</b> 101:23</p> <p><b>accommodations</b> 77:22</p> <p><b>accordance</b> 89:21 91:11 122:12,22 124:17,18 125:4 126:4</p> <p><b>according</b> 110:16 125:18</p> <p><b>account</b> 24:13</p> <p><b>accrued</b> 77:20</p> <p><b>accurate</b> 28:23 134:12</p> <p><b>achieve</b> 122:17 125:25</p> <p><b>acquisition</b> 78:7,17</p> <p><b>acquisitions</b> 94:19</p> <p><b>acre</b> 31:6,7 36:15 120:13 124:5</p> <p><b>acreage</b> 99:9</p> <p><b>acres</b> 27:13 33:22 77:12 78:4 83:10,15,20 94:11 95:3 110:6 111:13,25 113:2,4 117:25 120:17,19,25 121:3 127:4</p> <p><b>acronym</b> 73:5</p> <p><b>across</b> 33:19 39:23 111:7</p> <p><b>Act</b> 103:17</p> <p><b>acted</b> 60:4</p> <p><b>acting</b> 128:3</p> <p><b>action</b> 60:7 61:12</p>
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<p>83:25 87:9 88:13 91:15 123:9 126:16</p> <p><b>active</b> 14:2</p> <p><b>activities</b> 7:9 131:21</p> <p><b>Actual</b> 65:13</p> <p><b>actually</b> 28:8 29:20 32:18 41:13 42:20 46:10 68:19 70:21 94:25 103:13 106:22</p> <p><b>adapt</b> 34:25</p> <p><b>add</b> 24:19 55:22 97:25 98:3</p> <p><b>added</b> 130:24</p> <p><b>addition</b> 21:2 83:20 91:20</p> <p><b>address</b> 47:18,25 48:10,25 126:20</p> <p><b>addresses</b> 86:6</p> <p><b>adequate</b> 124:21</p> <p><b>adhere</b> 77:3</p> <p><b>adjacent</b> 71:12 83:4 89:17 121:12,14</p> <p><b>adjourned</b> 133:18</p> <p><b>adjourning</b> 133:23</p> <p><b>administered</b> 79:7</p> <p><b>administrative</b> 73:22</p> <p><b>admit</b> 28:14</p> <p><b>adopt</b> 3:22 8:17 9:3 13:21 44:3 45:7 120:3 130:20 133:5</p> <p><b>adopted</b> 9:10 44:4 45:2 122:22 124:18 125:18 126:5 127:19</p> <p><b>adopting</b> 133:10</p> <p><b>adoption</b> 2:10</p> <p><b>Adrienne</b> 1:12 15:16 22:12 102:7</p> <p><b>Adrienne's</b> 132:3</p> <p><b>advance</b> 17:6 19:12</p> <p><b>advanced</b> 37:8</p> <p><b>advancements</b> 22:4</p> <p><b>adverse</b> 89:16</p> <p><b>advisory</b> 16:7 52:14</p>	<p><b>advocacy</b> 10:2</p> <p><b>aerial</b> 26:25 38:5 90:16</p> <p><b>afford</b> 113:20</p> <p><b>affordability</b> 47:16 50:16 103:7 105:4,17 106:4 110:9 115:21 116:6,22 117:10</p> <p><b>affordable</b> 15:20 16:6 33:24 86:9,13,16 91:10 103:9,11,25 105:3,12,13 110:5,21 111:2 113:18 114:2,8,19,23 115:17 116:8,25 117:15</p> <p><b>afloat</b> 131:7</p> <p><b>afterwards</b> 14:22</p> <p><b>against</b> 34:6 118:3 119:8,25</p> <p><b>age</b> 44:17 51:23 52:2 83:12 85:7 86:21 103:19 104:7 105:22</p> <p><b>agencies</b> 33:11 128:7</p> <p><b>agency</b> 63:4 73:16 97:4</p> <p><b>agenda</b> 2:10 6:18 9:9 12:13 52:19 82:21</p> <p><b>agendas</b> 42:22</p> <p><b>aggregate</b> 50:7</p> <p><b>aggregation</b> 70:14</p> <p><b>aging</b> 52:6</p> <p><b>ago</b> 4:15 10:9 15:20 36:5 42:7 43:14 81:11 92:8 101:8 104:13 109:7 127:21</p> <p><b>Agreement</b> 79:19</p> <p><b>agricultural</b> 77:18</p> <p><b>agriculture</b> 18:10 19:10 62:17</p> <p><b>ahead</b> 73:12 77:9 132:3</p> <p><b>air</b> 41:10 47:13,16</p> <p><b>Allegiance</b> 2:8</p> <p><b>alleviate</b> 57:7</p>	<p><b>Allison</b> 26:14 34:9</p> <p><b>allow</b> 76:17 113:19</p> <p><b>allowed</b> 31:5</p> <p><b>alone</b> 76:10</p> <p><b>already</b> 9:6,10 21:2 80:2 117:17 128:13,21 131:3</p> <p><b>alterations</b> 11:8</p> <p><b>AMAKAWA</b> 1:20 120:9 125:13 132:23</p> <p><b>amalgam</b> 4:21</p> <p><b>ambulance</b> 76:18 77:9</p> <p><b>amended</b> 3:23</p> <p><b>amendment</b> 119:2,5</p> <p><b>amenities</b> 44:10 126:4</p> <p><b>American</b> 49:8,10,11</p> <p><b>among</b> 81:14</p> <p><b>amongst</b> 24:21</p> <p><b>amount</b> 55:2 59:25 63:15 77:5 89:11 98:20 103:9 131:10</p> <p><b>analysis</b> 84:20 87:17 121:23</p> <p><b>anathema</b> 81:17</p> <p><b>and/or</b> 49:21</p> <p><b>ANDREW</b> 1:19,20</p> <p><b>Andy</b> 111:18</p> <p><b>anecdotal</b> 114:7</p> <p><b>annual</b> 74:3</p> <p><b>answer</b> 6:9 40:25 65:21 66:12 80:9</p> <p><b>answering</b> 82:5</p> <p><b>anticipate</b> 78:24 90:10</p> <p><b>anticipated</b> 88:11</p> <p><b>anybody</b> 13:17 24:13 112:20</p> <p><b>anyone</b> 3:15 17:3 24:22 103:4</p> <p><b>anything</b> 6:10 24:13 51:2 53:25 78:23 102:22 110:12 117:21</p> <p><b>anyway</b> 28:24</p>	<p><b>apart</b> 5:19 71:19</p> <p><b>apartment</b> 33:23</p> <p><b>apartments</b> 85:13,14</p> <p><b>apparently</b> 2:23 129:3,13</p> <p><b>Appeals</b> 30:15</p> <p><b>appear</b> 86:8</p> <p><b>appearances</b> 68:2</p> <p><b>appears</b> 122:6,9 125:22</p> <p><b>Applause</b> 15:4 40:3 82:17</p> <p><b>applicable</b> 124:5</p> <p><b>applicant</b> 4:13 91:18,25 120:10</p> <p><b>applicants</b> 83:6</p> <p><b>application</b> 4:11 6:6 75:16 76:19 78:15 87:16,24 90:22 92:18 95:23 103:15,18 104:22 106:6,11,13 111:5 112:25 121:5,6 122:6,25 123:10 126:17 127:9</p> <p><b>applications</b> 17:13 86:14 92:23 106:10 118:16</p> <p><b>apply</b> 108:25</p> <p><b>appreciate</b> 6:14 7:2,6 10:4 14:13 82:7,16</p> <p><b>appreciated</b> 25:2</p> <p><b>approach</b> 32:14,24 43:6</p> <p><b>approaches</b> 41:19</p> <p><b>appropriate</b> 23:16,23 70:7 77:21 85:20 95:24 102:24 123:15 130:14</p> <p><b>approvable</b> 97:5</p> <p><b>approval</b> 73:15 76:10 88:2 91:5 92:24 109:16 120:11 125:7</p> <p><b>approve</b> 127:10</p> <p><b>approved</b> 73:4 87:23 92:13,17 106:14</p>
---	--	---	--



<p>111:21 117:8 124:7  <b>approximate</b> 120:12  <b>approximately</b>  120:16,18  <b>Aqua</b> 57:22  <b>aquifer</b> 58:14  <b>architect</b> 18:22  <b>area</b> 5:4 6:2 25:20  29:15,18,21 30:2  31:13 33:12,15  35:11,12,24 38:5  39:8 44:9 54:8 68:7  69:15 70:22 75:18  85:2,16 89:4 90:17  96:10,14 97:17  99:17 101:19  103:8,10 112:2  114:23 115:3  121:18,20,22 122:20  123:25 126:3  127:16,17 128:8  129:25  <b>areas</b> 5:23 10:13  37:4,20,25 101:25  115:13  <b>arena</b> 64:25  <b>aren't</b> 10:2 76:25 77:2  132:18  <b>argument</b> 65:8 113:10  115:15 116:17  <b>arguments</b> 41:7  <b>Arizona</b> 58:12  <b>article</b> 88:9 104:12  <b>A's</b> 47:15  <b>aside</b> 86:13 91:10 95:3  112:25 113:4 132:4  <b>as-of-right</b> 88:22  106:24 107:7 111:14  131:9  <b>aspect</b> 34:7 48:12  63:14,23 89:8 112:5  113:17 114:3  <b>aspects</b> 35:7 38:13  96:4  <b>Assemblywoman</b> 79:4  <b>assessment</b> 16:13  <b>asset</b> 78:23 119:9</p>	<p><b>assets</b> 114:10,18  <b>assistant</b> 26:9  <b>assisting</b> 9:22  <b>associated</b> 23:9 55:18  56:6,25 72:23 74:6  76:14  <b>Association</b> 12:2,4  31:25 67:19 69:9  <b>assume</b> 2:17 17:8  <b>assuming</b> 23:19  <b>at-large</b> 1:16 18:16  <b>attached</b> 93:15 104:14  <b>attempted</b> 76:5  <b>attending</b> 17:3 20:22  21:24  <b>attention</b> 19:22 21:10  <b>attorney</b> 1:17 81:7  <b>authority</b> 65:3 66:3  67:15  <b>available</b> 63:16,18  118:9  <b>Avalon</b> 33:23 74:24  <b>Avenue</b> 4:22 5:5 42:5  121:9,13  <b>average</b> 51:14 59:17  65:20,24  <b>awaiting</b> 2:20  <b>award</b> 33:11  <b>aware</b> 79:3 106:11  <b>away</b> 28:19 57:8 73:12  85:8,11 90:14</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>Babylon</b> 9:10 63:8  <b>background</b> 18:20  <b>backyard</b> 45:11,12  101:15  <b>bad</b> 2:16  <b>badly</b> 10:3  <b>balance</b> 42:25  <b>balanced</b> 81:18  <b>bang</b> 94:15</p>	<p><b>bankruptcy</b> 78:20  <b>Barbara</b> 1:16 119:2,5  <b>Barrens</b> 123:24 124:8  <b>barrier</b> 41:6  <b>barrier's</b> 122:21  <b>base</b> 54:22 61:3  <b>based</b> 17:12 54:5  58:14 66:15 99:9  100:22 107:24 122:8  125:21 130:3 132:8  <b>baseline</b> 7:21  <b>basically</b> 26:23 27:5  28:25 29:6,18 31:18  33:16,20,22 34:4  36:17 39:15  <b>basins</b> 69:14 84:2  88:5,6  <b>basis</b> 20:17 29:17  44:22 114:4  <b>Bassett</b> 30:13  <b>bat</b> 49:25  <b>bathrooms</b> 66:18,24  <b>battled</b> 73:19  <b>Bavarian</b> 78:13  <b>bay</b> 38:4,24  <b>Beach</b> 90:13,18 91:3  <b>Beach-shirley</b> 96:10  <b>bear</b> 34:14  <b>bearing</b> 131:5  <b>beautiful</b> 56:12  <b>become</b> 46:5 64:13  73:14 128:19  <b>becomes</b> 44:21 119:22  131:15  <b>bedroom</b> 83:12  <b>begin</b> 17:11  <b>beginning</b> 31:15 32:17  <b>behalf</b> 4:10 24:3 25:13  <b>behind</b> 117:2  <b>belief</b> 86:23 88:12  <b>believe</b> 89:9 93:9  102:24</p>	<p><b>believed</b> 31:12  <b>belong</b> 74:21  <b>benefit</b> 77:20 88:13  91:15,22 101:3  109:19,23 112:14  <b>benefits</b> 22:3 81:9  107:22 112:20  <b>berm</b> 122:20 126:3  <b>Berry</b> 18:18  <b>best</b> 30:25 53:18  <b>better</b> 41:20 68:4,5  90:20 98:8 100:15  112:13  <b>beyond</b> 31:4 72:6  <b>bigger</b> 9:24 61:19  <b>biggest</b> 63:13 95:2  <b>bill</b> 1:16 10:9 76:15  <b>billion</b> 47:19  <b>birds</b> 9:23 10:2  <b>bit</b> 26:19 28:18 56:24  57:18 60:15 71:6  <b>black</b> 67:3  <b>blindly</b> 38:14  <b>blocks</b> 115:11  <b>blue</b> 38:5  <b>blush</b> 31:2  <b>Blydenburgh</b> 71:12,25  <b>board</b> 1:4 5:6 7:3 9:14  14:19 25:14 30:15  32:21 45:6 69:2  80:20 82:4 113:11  120:11  <b>boards</b> 24:5  <b>Bob</b> 6:13  <b>bocci</b> 83:18  <b>body</b> 79:8  <b>bolts</b> 37:23  <b>book</b> 125:5  <b>booked</b> 22:11  <b>booklet</b> 34:11  <b>books</b> 34:15 131:3  <b>bottom</b> 94:18</p>
--	---	---	---



<p>110:23,24,25  <b>boulevard</b> 41:3 75:17  <b>boundaries</b> 28:22  122:15 123:18  <b>box</b> 33:13  <b>branch</b> 30:3,4,5 70:17  <b>brand</b> 98:24  <b>Braun</b> 4:5,7 127:3  <b>bread</b> 35:11  <b>breath</b> 41:9  <b>Brian</b> 79:4  <b>brick</b> 44:17  <b>brief</b> 26:18  <b>briefings</b> 80:14  <b>briefly</b> 6:19 26:21  <b>bring</b> 19:22 29:16  37:20,24,25 38:24  64:15 67:15 74:17  101:13  <b>brings</b> 116:20  <b>broad</b> 84:22  <b>broader</b> 60:18 61:5  <b>Brookhaven</b> 1:14  4:12,13 5:14 6:6  11:15,18,20 12:21  42:3 83:2,17,23  85:17 91:14 93:21  94:3,22 101:16  106:12 120:11  123:13 124:8  127:6,8  <b>Brookhaven's</b> 123:20  <b>brought</b> 28:20 117:7  <b>brush</b> 84:22  <b>buck</b> 94:15  <b>budget</b> 19:21,22 20:10  21:19 23:4 79:24  80:13,14 81:16,18  94:8 131:4  <b>buffer</b> 47:6 122:19  126:2  <b>build</b> 10:24 65:14,15  66:14  <b>builder</b> 119:8</p>	<p><b>builders</b> 31:6 94:25  <b>building</b> 10:17 11:7  36:3 40:2 41:16  49:23 60:16,20  65:11 78:18 116:23  <b>buildings</b> 36:4,10  120:20  <b>buildup</b> 37:3  <b>built</b> 36:12 73:24  <b>bull</b> 28:11,20 29:21  <b>Bureau</b> 18:13  <b>bureaucracy</b> 74:6  <b>burger</b> 62:6  <b>business</b> 12:7 35:5  43:12 48:7 90:13  <b>businesses</b> 80:22,25  <b>busy</b> 15:4  <b>butter</b> 35:11  <b>buy</b> 105:9 117:18  118:3 128:25  <b>buyer</b> 105:12  <b>buyers</b> 103:21  <b>buyer's</b> 105:12  <b>buying</b> 94:14</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p><b>calculation</b> 55:23  97:14  <b>calculations</b> 59:24  <b>calculator</b> 52:25 53:18  54:10,15,24  55:11,16 57:2,11  59:12,13 63:7,9  64:3,5  <b>calendar</b> 13:21  <b>California</b> 58:13  <b>calming</b> 41:4  <b>Calone</b> 1:12 15:2,22  46:15 52:22  <b>Calone's</b> 94:9  <b>Canada</b> 67:5  <b>capacities</b> 25:10  <b>capacity</b> 16:15 20:2  29:14 47:2</p>	<p>72:6,8,11,20 73:8  <b>captures</b> 55:13  <b>care</b> 38:7  <b>Carl</b> 1:13 18:11  <b>Carll</b> 68:14 81:24  <b>Carl's</b> 62:19  <b>Carmans</b> 123:18  127:17 129:17,19,24  130:18 132:4  <b>Carman's</b> 123:21  <b>carry</b> 51:12,13  <b>carving</b> 111:24  <b>case</b> 64:15  <b>Casey</b> 11:11 12:10  24:4 57:15 93:11  106:7 116:4  129:6,10 132:18  <b>catch</b> 17:16 88:6  <b>categorically</b> 79:10  <b>caused</b> 31:14  <b>caveat</b> 59:11  <b>CD</b> 34:12  <b>CD's</b> 34:17  <b>census</b> 48:16  <b>center</b> 4:16 5:4 6:3  29:9  <b>centers</b> 27:22 29:5  35:5 48:4,10  <b>central</b> 35:3 37:4  121:17 125:25  <b>centralization</b> 33:5  34:24  <b>century</b> 29:3 30:21  <b>certain</b> 42:16 105:2  131:21  <b>certainly</b> 20:21 68:24  80:24 81:5  <b>certification</b> 11:4  134:2  <b>certified</b> 78:5  <b>certify</b> 134:10  <b>cesspools</b> 101:18  <b>cetera</b> 7:13</p>	<p><b>chain</b> 78:5  <b>Chair</b> 6:19  <b>Chairman</b> 1:12 2:2,9  3:4,13 6:13 14:17,21  15:2,7,22 17:8  18:22,25 20:12  21:5,11 22:7,17  23:11,22,24  24:12,18 25:3 40:4  46:8,14 50:8,23  52:12,22 56:16  59:17,24 60:13  61:13 62:6,19 64:7  67:8,13,23 68:12  82:7,20 92:7 93:3  94:9,16 95:13 98:3  100:3 102:3,16  106:16 108:7,18  109:3,17 110:15,22  111:18 112:4 113:8  114:12 115:20  116:16 118:23  119:21 120:3,8  125:9 126:21  127:5,11,13  128:13,20 129:5  130:11 131:11  132:21  133:2,9,13,22  <b>challenge</b> 69:25  <b>challenges</b> 62:24  <b>champion</b> 9:24  <b>championed</b> 35:14  <b>chance</b> 100:3  <b>change</b> 44:8 83:7  86:14 90:21 98:7  99:25 106:23  107:3,20 108:14,16  110:10,16 112:18  116:15,17 119:3  128:14,16,24  135:6,8,10,12,14,16,  18,20  <b>changed</b> 34:20,24  41:19 44:7 101:17  119:2  <b>changes</b> 49:22 60:19  64:9 92:9 107:18  135:2  <b>changing</b> 3:19 35:2  <b>chapter</b> 47:15 48:3</p>
--	--	--	--



<p>49:24</p> <p><b>chapters</b> 17:25 18:3,8 46:21</p> <p><b>character</b> 15:13 85:2 122:3</p> <p><b>characterization</b> 99:21</p> <p><b>charge</b> 74:3</p> <p><b>charter</b> 13:10,14</p> <p><b>CHARTRAND</b> 1:15</p> <p><b>check</b> 38:22 67:24</p> <p><b>chief</b> 1:19 28:14</p> <p><b>children</b> 51:23 52:3 86:21</p> <p><b>choice</b> 105:13</p> <p><b>choices</b> 49:2 53:10</p> <p><b>choking</b> 47:24</p> <p><b>chose</b> 46:18 102:17</p> <p><b>chunk</b> 95:3</p> <p><b>circulate</b> 24:21</p> <p><b>circulation</b> 90:2</p> <p><b>circumstance</b> 109:20</p> <p><b>circumstances</b> 109:6</p> <p><b>citizen</b> 113:17,24 114:3</p> <p><b>citizenry</b> 61:4</p> <p><b>citizens</b> 22:8 77:11 115:4</p> <p><b>City</b> 11:6,19 29:13,17 48:7 54:5,8</p> <p><b>City's</b> 30:14</p> <p><b>Civic</b> 79:16</p> <p><b>clean</b> 53:15</p> <p><b>clear</b> 66:12</p> <p><b>clearly</b> 23:4</p> <p><b>clerical</b> 25:24</p> <p><b>close</b> 6:17 48:9 100:25</p> <p><b>closed</b> 84:13</p> <p><b>closely</b> 46:20</p> <p><b>closer</b> 48:19</p> <p><b>closest</b> 85:8,9 90:12</p> <p><b>closing</b> 44:15</p>	<p><b>club</b> 38:19</p> <p><b>Clubhouse</b> 83:18</p> <p><b>cluster</b> 33:13</p> <p><b>clustered</b> 84:3</p> <p><b>Clustering</b> 95:6</p> <p><b>clusters</b> 48:4</p> <p><b>coastal</b> 39:8</p> <p><b>code</b> 9:13,14,20 10:3 11:20 22:19 49:23 60:16 63:21 64:8,11,13,16 67:14,17 75:23 76:21</p> <p><b>coffee</b> 56:14,16,19 59:18,19,22,25 60:2 61:7,21 62:16</p> <p><b>cognizant</b> 100:17</p> <p><b>co-host</b> 12:5</p> <p><b>coincides</b> 96:21</p> <p><b>coined</b> 34:5</p> <p><b>colleague</b> 4:4</p> <p><b>colleagues</b> 81:4</p> <p><b>collective</b> 60:7</p> <p><b>college</b> 8:23 63:10 117:16</p> <p><b>Colony</b> 82:21 83:2</p> <p><b>combine</b> 49:18</p> <p><b>comes</b> 28:16 36:13 53:15 55:6 57:12 69:17 82:25 90:15 102:17 117:9 131:14,17</p> <p><b>comfortable</b> 24:2</p> <p><b>coming</b> 12:19 13:7 21:19 25:22 33:2 35:6 36:19 38:8 82:16 95:11 117:5 128:16</p> <p><b>Commack</b> 27:23</p> <p><b>commended</b> 69:13</p> <p><b>comment</b> 6:17 82:10 91:24 94:24 98:4,9 102:13,25 109:16 113:15 119:19,22 126:11 131:20</p>	<p>132:21</p> <p><b>comments</b> 2:13 3:14 6:17 12:14 16:5 91:6,13 103:2 120:4 122:5 125:8 127:11 133:3</p> <p><b>commercial</b> 11:5,8 31:11,14 33:25 40:23 43:18 66:22 67:10 69:16 78:21 92:19</p> <p><b>commission</b> 1:3 2:1,4 3:1 4:1,4 5:1 6:1 7:1,8,15 8:1,5 9:1 10:1 11:1 12:1 13:1,16 14:1 15:1,8 16:1,10 17:1 18:1,6,17,21 19:1 20:1 21:1 22:1 23:1,7,10,17 24:1,22 25:1,18 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1,13,15 44:1 45:1 46:1,15 47:1 48:1 49:1 50:1 51:1 52:1,23 53:1 54:1 55:1 56:1 57:1 58:1,20 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1,9 68:1,16 69:1 70:1 71:1 72:1 73:1 74:1,13,15 75:1 76:1 77:1 78:1 79:1,3 80:1 81:1 82:1,25 83:1 84:1 85:1,23 86:1,11 87:1,2,4 88:1 89:1,7,22 90:1 91:1,11,13,22,25 92:1,2,12,17,20,22 93:1,10 94:1 95:1,24 96:1,3,6 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1,9,13 108:1,15,24 109:1 110:1,8 111:1 112:1 113:1,11 114:1 115:1,25 116:1 117:1,8 118:1,25 119:1 120:1 121:1,11 122:1,2</p>	<p>123:1,11 124:1,9,12 125:1,5 126:1,5 127:1 128:1 129:1 130:1 131:1,24 132:1 133:1 134:14</p> <p><b>commissioner</b> 2:12,14 3:16,23,24 9:21,22,25 12:9 14:2,14,20 15:18,24 16:2,3,21,22 17:5,10,14,19 18:11,23 19:5,7,9 20:7,9 21:7,11,12,23 22:9,12,15,23,24 23:3,6,8,15,20 24:4,9,16 38:9 40:15 41:21 42:14 43:11,21 44:6 51:4,20 52:4,6 53:3,19,22 54:2,4 55:21 56:7,9,11,18,20 57:15 58:7 60:22 61:6,9,10,14,16 62:8,10,22 64:20 65:2,4,6,8,16,25 66:16,21 67:11 72:7,15 73:3 75:25 79:14,22 80:5,7 82:9 93:7,11,16,18,23 94:6,22,23 95:10,13,14 96:7 97:11 98:5,7,10,16,21,24 99:3,8,11,14,16 100:6,18 101:5,7,9,22,24 102:4,6 103:6 104:2,16,18 105:6,7,22 106:3,7 109:8,14 110:6 111:4,8,10,11,16,24 112:23 113:14,16 114:6,14,21 115:18 116:4,19 118:10,21 119:4,6,18,20,25 120:4,7 127:8,12,14 128:18 129:3,6,8,10,12,18,2 0,23 130:2,5,6,7,17,18 132:14,17,19 133:4,6,7,12,20,21</p> <p><b>commissions</b> 8:11</p> <p><b>Commission's</b> 91:19</p>
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<p>107:15 110:20 118:8</p> <p><b>commitment</b> 21:3 72:25 73:6</p> <p><b>committed</b> 69:22 72:22</p> <p><b>committee</b> 8:2 10:8,10 12:3 13:8,9,11,15,23,25 16:8,16,17,20 19:11 51:2 52:14</p> <p><b>common</b> 59:8</p> <p><b>communities</b> 52:7 85:6,7 114:16</p> <p><b>community</b> 15:12 25:8 26:10 29:3 43:16 85:10,15 86:3 89:21 90:9 110:4 112:5,13,20 113:22 122:3,4</p> <p><b>commuted</b> 48:6</p> <p><b>compared</b> 58:11 98:22</p> <p><b>compatible</b> 84:25 85:21</p> <p><b>completed</b> 6:22 8:9 39:18</p> <p><b>completely</b> 128:10</p> <p><b>completion</b> 75:3</p> <p><b>complex</b> 71:15 72:4,7 115:8</p> <p><b>complexes</b> 85:15</p> <p><b>complicated</b> 37:22</p> <p><b>complying</b> 99:15</p> <p><b>component</b> 56:4 84:3 103:20 106:5 110:13 113:19 114:9 116:11</p> <p><b>components</b> 54:20,23 55:4 84:4,7 89:19,24</p> <p><b>Composed</b> 27:2</p> <p><b>composure</b> 128:10</p> <p><b>comprehensive</b> 7:11,14,25 8:6 17:22 20:3 31:20 34:9,13 36:21 37:11 39:17 46:17 80:8 85:18,19,22 86:18 123:12,14</p> <p><b>comprehensively</b></p>	<p>60:11</p> <p><b>computer</b> 3:6</p> <p><b>concentrated</b> 27:22</p> <p><b>concentrating</b> 85:4</p> <p><b>concentration</b> 33:8</p> <p><b>concern</b> 20:18 57:24 82:13 86:7 116:5</p> <p><b>concerned</b> 39:9</p> <p><b>concerns</b> 42:25 57:23 86:3</p> <p><b>concluded</b> 78:21</p> <p><b>condition</b> 102:18,22 103:14 105:25 106:4 109:12,15 119:21 131:20</p> <p><b>conditions</b> 95:17,20,22,23 102:19 103:3 107:10 109:23 132:24</p> <p><b>condo</b> 71:20 72:23 73:9</p> <p><b>condominium</b> 71:14</p> <p><b>conducted</b> 58:6</p> <p><b>conference</b> 9:2 80:11</p> <p><b>configuration</b> 72:21 92:5</p> <p><b>configured</b> 5:12</p> <p><b>conflict</b> 39:10 122:15 126:2 128:3,12 129:16</p> <p><b>conform</b> 87:10 88:9 99:23 122:14</p> <p><b>conformance</b> 87:24</p> <p><b>confronted</b> 58:22</p> <p><b>confused</b> 104:23</p> <p><b>confusing</b> 27:3</p> <p><b>congratulating</b> 15:2</p> <p><b>connect</b> 71:25 84:8 87:22 96:17 101:20 125:16</p> <p><b>connected</b> 73:20 89:20</p> <p><b>connection</b> 72:6 73:16</p> <p><b>connectivity</b> 89:23</p>	<p><b>consensus</b> 81:14</p> <p><b>consent</b> 71:18 74:25</p> <p><b>Conserve</b> 53:16,17</p> <p><b>conserving</b> 60:23</p> <p><b>consider</b> 50:14 122:2,19</p> <p><b>consideration</b> 124:24 126:8</p> <p><b>considerations</b> 84:22 85:24 116:18 121:24 122:14 124:10 133:3</p> <p><b>considered</b> 49:8 86:22 90:7 123:6 124:16 126:14</p> <p><b>considering</b> 89:10</p> <p><b>consistent</b> 9:25 106:25 122:7</p> <p><b>consisting</b> 120:24 121:2</p> <p><b>consists</b> 121:6</p> <p><b>Constantine</b> 19:4</p> <p><b>constituency</b> 128:6</p> <p><b>constrained</b> 5:2</p> <p><b>constraints</b> 94:9</p> <p><b>construct</b> 84:8</p> <p><b>constructed</b> 84:13</p> <p><b>construction</b> 83:8</p> <p><b>consultants</b> 31:18</p> <p><b>consume</b> 47:19</p> <p><b>consumed</b> 54:19</p> <p><b>consumption</b> 54:14 57:5 60:12 87:7 91:21</p> <p><b>contact</b> 64:4</p> <p><b>context</b> 43:6</p> <p><b>continuation</b> 7:22</p> <p><b>continue</b> 11:2 20:2 45:18 49:4</p> <p><b>continues</b> 10:19 74:14</p> <p><b>continuing</b> 10:24 14:5</p> <p><b>contributory</b> 129:25</p> <p><b>controversy</b> 32:19,22</p>	<p><b>convenience</b> 122:3</p> <p><b>conversation</b> 81:25</p> <p><b>convert</b> 109:11</p> <p><b>converted</b> 41:3</p> <p><b>cooperation</b> 69:12</p> <p><b>Cooperative</b> 18:13</p> <p><b>Cooperstown</b> 58:17</p> <p><b>coordinate</b> 14:18</p> <p><b>coordination</b> 92:18</p> <p><b>copies</b> 34:10,15</p> <p><b>copy</b> 2:23 34:10,12</p> <p><b>cordoning</b> 128:21</p> <p><b>core</b> 34:23 35:12 123:24</p> <p><b>Cornell</b> 18:13</p> <p><b>corners</b> 74:11</p> <p><b>correct</b> 73:9</p> <p><b>corrected</b> 2:22 3:2</p> <p><b>corrections</b> 2:17,19,20 3:9,12</p> <p><b>correspondence</b> 26:4</p> <p><b>corridor</b> 31:13 40:21,24 41:22 42:4 70:18 71:11</p> <p><b>corridors</b> 42:6 48:4</p> <p><b>cost</b> 34:15 59:18,19 73:24 74:5,19 76:13 95:4 98:17,22 100:15 102:3</p> <p><b>Costco</b> 33:14</p> <p><b>costs</b> 47:7 51:18 60:21 65:14 73:23 98:2</p> <p><b>Council</b> 21:4</p> <p><b>count</b> 3:9 4:22 115:5</p> <p><b>country</b> 38:18 54:9,17 58:11 59:10,16 67:4 118:13</p> <p><b>county</b> 1:3,17 2:1,3 3:1 4:1,10,14,16,25 5:1,3,4,8,21,23,25 6:1,3 7:1,22 8:1,17 9:1 10:1,13,22 11:1,25 12:1 13:1,13 14:1 15:1,6</p>
--	--	---	---



<p>16:1,10,13,24,25 17:1 18:1,17,19 19:1,15,21 20:1,11 21:1 22:1 23:1 24:1 25:1 26:1,24 27:1 28:1,3 29:1 30:1 31:1 32:1 33:1 34:1 35:1,13 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1,20 44:1 45:1,2 46:1,13,16 47:1,22 48:1,17 49:1 50:1,4 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1,20 59:1 60:1 61:1 62:1 63:1,21 64:1,22 65:1,3,19,21 66:1,3,8 67:1 68:1,2,5,7,8 69:1,7,21 70:1,12,25 71:1 72:1 73:1,16,21 74:1,25 75:1,3,23 76:1 77:1,16 78:1 79:1 80:1,16 81:1,16 82:1,15,24 83:1,4 84:1 85:1,23 86:1,11,25 87:1,25 88:1 89:1,6,22 90:1 91:1 92:1,2 93:1 94:1,13 95:1,2 96:1 97:1,6,19 98:1 99:1 100:1 101:1 102:1 103:1 104:1,8 105:1 106:1 107:1,25 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1,14 116:1 117:1 118:1 119:1 120:1,10,22 121:1,7,8,11,12,13,1 4,25 122:1,22 123:1,6,11 124:1,11,15,19 125:1,4,14,15,19 126:1,5,10,13,18 127:1,19 128:1 129:1,14 130:1 131:1,4,6 132:1 133:1 134:6,14</p> <p><b>county's</b> 4:17 5:19 7:10 10:15 21:3</p> <p><b>county-wide</b> 51:25 65:24</p> <p><b>couple</b> 15:6 20:15 32:2</p>	<p>45:5 50:2 101:14</p> <p><b>course</b> 38:20 48:2 60:5 84:11,24 93:19,24</p> <p><b>courts</b> 83:18</p> <p><b>cover</b> 35:9</p> <p><b>covered</b> 15:24</p> <p><b>covering</b> 15:23</p> <p><b>create</b> 4:19 44:22 45:17 49:2 60:2,16 114:19 116:25 117:14,15,17,19 120:14</p> <p><b>created</b> 16:16 73:21 76:18 83:20 93:22 122:17</p> <p><b>creates</b> 117:3,11,23</p> <p><b>creating</b> 43:24,25 49:20 69:15 74:18 117:4</p> <p><b>creation</b> 58:10</p> <p><b>credit</b> 76:7,21</p> <p><b>credits</b> 77:12 118:5</p> <p><b>created</b> 88:5</p> <p><b>crises</b> 41:17</p> <p><b>criteria</b> 10:11 17:11 90:25 105:4</p> <p><b>critical</b> 7:10 121:19</p> <p><b>cross</b> 124:13,15</p> <p><b>crow</b> 91:2</p> <p><b>crowding</b> 110:25</p> <p><b>cup</b> 56:16 59:18,19 60:2 61:7,21</p> <p><b>cups</b> 59:22,25</p> <p><b>curb</b> 124:14 125:15</p> <p><b>curious</b> 96:10</p> <p><b>current</b> 86:14 122:8 123:9 125:21 126:17</p> <p><b>currently</b> 18:2 34:8 67:17 74:2,3 84:10 99:24 111:22 121:3</p> <p><b>customer</b> 61:3</p> <p><b>customers</b> 53:11</p> <p><b>cut</b> 21:6</p>	<p><b>cuts</b> 124:15 125:15</p> <p><b>cutting</b> 21:8 79:25</p> <p><b>cycle</b> 6:22</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p><b>dabbled</b> 67:16</p> <p><b>daily</b> 29:17 62:3 99:19</p> <p><b>damage</b> 39:11</p> <p><b>data</b> 19:14,18 48:16 51:15 59:3 64:21 65:5,19 99:25</p> <p><b>date</b> 14:15 21:20 80:15 135:24</p> <p><b>dates</b> 11:16 78:5</p> <p><b>Dave</b> 26:8,9 61:6</p> <p><b>DAVID</b> 1:12</p> <p><b>day</b> 28:15,16 56:5 65:9,13 66:9,12 72:18 77:2,3</p> <p><b>days</b> 47:4</p> <p><b>de</b> 3:17</p> <p><b>dead</b> 32:4 56:10</p> <p><b>deal</b> 13:6 26:24 32:21 41:14,16 81:10,12</p> <p><b>debacle</b> 66:7</p> <p><b>DEC</b> 71:19</p> <p><b>decade</b> 50:13 100:9</p> <p><b>decentralization</b> 48:7</p> <p><b>decentralized</b> 100:10</p> <p><b>decide</b> 60:13 112:11,19 128:25</p> <p><b>decision</b> 4:17 53:14 73:22 112:15 130:3 131:5</p> <p><b>decisions</b> 30:24</p> <p><b>declined</b> 47:9</p> <p><b>de-coupling</b> 100:19</p> <p><b>decrease</b> 50:9</p> <p><b>dedicated</b> 83:16</p> <p><b>defer</b> 103:21</p> <p><b>deferred</b> 71:21</p> <p><b>define</b> 89:5 98:13,14</p>	<p><b>defined</b> 90:12</p> <p><b>definitely</b> 17:7 102:14 130:9</p> <p><b>definition</b> 107:11</p> <p><b>degrades</b> 63:17</p> <p><b>degree</b> 49:20</p> <p><b>delays</b> 81:9</p> <p><b>deliberate</b> 33:6</p> <p><b>deliberately</b> 33:12</p> <p><b>delivery</b> 47:24</p> <p><b>demand</b> 104:9 117:23</p> <p><b>demands</b> 35:6</p> <p><b>demolition</b> 78:18</p> <p><b>demonize</b> 70:9</p> <p><b>dense</b> 83:11</p> <p><b>densities</b> 36:15</p> <p><b>density</b> 15:11 88:17,19,23 89:3,7 106:24 107:3,4,11,12,16,18, 20 108:12,16,19 110:12,14</p> <p><b>department</b> 1:18 5:6,8 7:4 8:18 15:4 16:19,21 17:24 18:2 19:16 20:2,14 23:10 25:8,16 31:23 32:19 41:15,23 46:16 75:2,16 76:4,17,20 78:8 79:7 80:2 84:14 87:25 97:6 107:25</p> <p><b>departments</b> 77:10</p> <p><b>dependent</b> 80:25</p> <p><b>depth</b> 42:16</p> <p><b>derubeis</b> 25:12 38:11 40:17 41:24 42:17 44:5</p> <p><b>DeRubeis</b> 7:4 16:3 25:7,15 40:7 43:21 68:25</p> <p><b>describe</b> 32:25 52:25</p> <p><b>describing</b> 132:23</p> <p><b>design</b> 15:21 42:8,9 65:12 87:6 90:19</p> <p><b>designate</b> 105:2</p>
--	--	--	---



<p><b>designated</b> 4:15 104:25</p> <p><b>designed</b> 33:7,12 42:6</p> <p><b>desperately</b> 44:24 80:21</p> <p><b>destination</b> 80:22</p> <p><b>detached</b> 48:15 83:14</p> <p><b>detail</b> 103:23</p> <p><b>details</b> 32:25 39:19 90:21 94:4</p> <p><b>Deter</b> 31:24</p> <p><b>determination</b> 26:4 73:8 112:12</p> <p><b>develop</b> 17:12 38:19 39:12 96:11,12 132:8</p> <p><b>developed</b> 29:5,9 30:11,12 31:19 120:19</p> <p><b>developer</b> 66:22 101:2,4 105:7 110:3,23 111:9 113:3 118:8</p> <p><b>developers</b> 42:24 74:23</p> <p><b>developing</b> 30:10 45:20 79:17</p> <p><b>development</b> 7:11 10:7 16:23 18:7 25:8 27:18 29:8,9 30:8 33:18 69:3 76:6 79:11 83:8,19 85:20,25 86:6,22,24 87:20 88:4,20 89:24 92:5,20 94:12 95:11 104:3 108:22 114:8 121:4 123:2 125:3 131:16 132:25</p> <p><b>developments</b> 89:25</p> <p><b>deviating</b> 112:21</p> <p><b>devoted</b> 57:20</p> <p><b>dialogue</b> 100:14</p> <p><b>DIANA</b> 1:13</p> <p><b>DiCanio</b> 74:24</p> <p><b>dictate</b> 43:2 77:7</p> <p><b>dictated</b> 35:18</p>	<p><b>diet</b> 56:3,8</p> <p><b>diets</b> 56:5,6</p> <p><b>different</b> 22:21 35:17 54:19 56:4 59:9 80:19 108:8,10 115:22 119:10</p> <p><b>difficult</b> 20:16 21:15 103:20 106:18</p> <p><b>difficulties</b> 71:7</p> <p><b>difficulty</b> 104:14</p> <p><b>diligently</b> 9:18</p> <p><b>direct</b> 55:4,5,13</p> <p><b>direction</b> 72:3 74:22</p> <p><b>director</b> 1:19 10:10,18,24 14:3,23,24 15:19 16:20 17:7,17,21 20:24 21:9,22 24:25 25:4,7,12,16 26:9,11 31:23 32:7,8,10 36:12 38:11 40:7,17 41:24 42:17 44:5 52:23 81:22 118:2</p> <p><b>dirt</b> 41:13</p> <p><b>dirty</b> 47:13</p> <p><b>disagree</b> 118:7</p> <p><b>discharge</b> 88:21</p> <p><b>discharged</b> 70:5</p> <p><b>discretion</b> 22:20</p> <p><b>discuss</b> 12:15 15:11,14,20 18:14</p> <p><b>discussion</b> 15:23 74:17 96:9 100:7 128:9</p> <p><b>dishwashers</b> 60:24</p> <p><b>distance</b> 85:5 90:11</p> <p><b>distinct</b> 4:20</p> <p><b>distribution</b> 49:5</p> <p><b>district</b> 66:5,8 68:20,22,23 69:8,10 70:18 71:8,10 73:21 74:7,11 75:19,20 76:13 77:24 81:10,12 83:8 87:22</p> <p><b>districts</b> 48:8 65:18 66:4,6 69:8 71:5</p>	<p>74:8,19 76:19 101:11 120:16</p> <p><b>divided</b> 59:25</p> <p><b>division</b> 5:16 120:10,12 124:23 126:7</p> <p><b>divisions</b> 122:25</p> <p><b>DOE</b> 63:3</p> <p><b>doghouse</b> 76:10</p> <p><b>dollar</b> 74:2 98:19</p> <p><b>dollares</b> 8:15</p> <p><b>dollars</b> 8:16 34:16 44:24 45:9 47:11 65:15 69:21 72:5 74:4 75:6 78:17 95:9 104:11 105:14,15,16</p> <p><b>dollar's</b> 70:24</p> <p><b>done</b> 10:9 24:20 28:3 32:12 34:17 37:13 42:2 45:14,16,25 70:23 99:4 100:13,20 102:21 116:14 118:23 130:11</p> <p><b>DOT</b> 40:16 41:2 42:7</p> <p><b>double</b> 51:8</p> <p><b>doubling</b> 50:12</p> <p><b>Douzinis</b> 12:23</p> <p><b>downsize</b> 104:4 114:16</p> <p><b>downsizing</b> 86:4 89:12 104:5 114:11,20</p> <p><b>downtown</b> 29:18,20,21 40:18 45:19,20 90:12,13</p> <p><b>downtowns</b> 35:20</p> <p><b>downturn</b> 48:21</p> <p><b>downzoning</b> 110:20</p> <p><b>DPS</b> 73:7</p> <p><b>draft</b> 2:24 7:17 9:14 10:11 11:13 12:13 24:21 123:21</p> <p><b>drain</b> 19:25</p> <p><b>drainage</b> 39:4 83:25 84:6 88:7,8</p>	<p><b>draw</b> 49:13</p> <p><b>dream</b> 49:9,10,11</p> <p><b>drew</b> 9:4</p> <p><b>drinking</b> 28:13 56:19 58:14 59:21 62:16</p> <p><b>drip</b> 62:21</p> <p><b>drive</b> 58:18,19</p> <p><b>dropped</b> 50:20</p> <p><b>drove</b> 58:17</p> <p><b>dry</b> 88:6 96:16 98:17</p> <p><b>due</b> 29:6</p> <p><b>dumb</b> 33:10</p> <p><b>during</b> 25:21 30:20 59:22</p> <p><b>dwelling</b> 76:11</p> <p><b>dwellings</b> 89:4</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>eager</b> 11:15 12:7</p> <p><b>earlier</b> 6:25 7:14 40:6 64:12</p> <p><b>early</b> 30:20</p> <p><b>easily</b> 59:23 96:13</p> <p><b>east</b> 1:13 5:5 9:13,15,16,24 18:24 19:8 22:19,22 38:6</p> <p><b>eastern</b> 122:10</p> <p><b>easy</b> 101:20</p> <p><b>eat</b> 56:2 62:5</p> <p><b>eating</b> 62:11</p> <p><b>echo</b> 68:17</p> <p><b>economic</b> 10:6 16:23 19:14 43:18 45:17 85:24 86:6 94:11</p> <p><b>economics</b> 118:2</p> <p><b>ed</b> 15:3 22:13 24:17 94:10</p> <p><b>Edge</b> 85:11,13</p> <p><b>editor-in-chief</b> 2:12</p> <p><b>edits</b> 3:14,17 24:23</p> <p><b>educate</b> 57:11</p> <p><b>educated</b> 58:2 61:3</p>
---	---	---	---



<p><b>educational</b> 22:2 63:23</p> <p><b>Edward</b> 30:13</p> <p><b>effect</b> 48:21</p> <p><b>effective</b> 100:16</p> <p><b>efficiency</b> 67:19 87:3,10 91:23 124:11</p> <p><b>efficient</b> 87:6</p> <p><b>efficiently</b> 130:20</p> <p><b>effluent</b> 70:4</p> <p><b>effort</b> 8:18 9:11,16,23 11:10,12 12:17 14:6 20:20 64:15 68:15 77:8 128:4</p> <p><b>efforts</b> 8:8 10:7 14:13 57:23</p> <p><b>eight</b> 47:10 57:23 61:9 83:15 92:8 104:13</p> <p><b>eighteen</b> 32:20 46:5</p> <p><b>eighty</b> 48:20 49:9 71:15 76:11 105:14</p> <p><b>eighty-five</b> 33:22 48:19 72:17 75:6</p> <p><b>eighty-four</b> 120:13</p> <p><b>eighty-seven</b> 92:12</p> <p><b>eighty-six</b> 48:22</p> <p><b>eighty-three</b> 48:14</p> <p><b>Elaine</b> 26:13</p> <p><b>elect</b> 13:20</p> <p><b>elected</b> 8:24</p> <p><b>Elections</b> 5:6</p> <p><b>electric</b> 47:3,5,18 54:20 55:14,19 59:6</p> <p><b>electricity</b> 55:17</p> <p><b>element</b> 90:9</p> <p><b>elementary</b> 44:16</p> <p><b>elements</b> 46:17,18,21 74:19</p> <p><b>eleven</b> 4:2,23 120:8</p> <p><b>eligible</b> 79:10</p> <p><b>eliminate</b> 11:7 22:25</p> <p><b>eliminated</b> 19:25 20:25 21:2</p>	<p><b>else</b> 3:15 26:5 41:17 77:24 112:21 117:12</p> <p><b>e-mail</b> 21:17 22:6</p> <p><b>embedded</b> 74:20 75:22</p> <p><b>emergency</b> 18:4 76:19 78:14 124:22</p> <p><b>emphasis</b> 63:25</p> <p><b>emphatic</b> 79:24</p> <p><b>encourage</b> 17:3 61:13</p> <p><b>encourages</b> 57:12</p> <p><b>endorsed</b> 8:18</p> <p><b>energy</b> 9:12 18:3 22:2,5 46:22,24 47:12,14,17,18 53:7,15 63:2 67:17 87:3,6,7,10 91:21,23</p> <p><b>engineers</b> 41:16</p> <p><b>enhance</b> 16:15</p> <p><b>enhanced</b> 79:2</p> <p><b>enhancement</b> 79:11</p> <p><b>enrollment</b> 51:17</p> <p><b>ensure</b> 124:21</p> <p><b>entertain</b> 3:22 133:19</p> <p><b>entire</b> 8:4 31:19 35:9 40:21 111:7</p> <p><b>entirely</b> 28:23</p> <p><b>entities</b> 63:7 74:9</p> <p><b>entrance</b> 30:9</p> <p><b>environment</b> 19:10 87:19 113:25 122:5</p> <p><b>environmental</b> 22:3 26:14 37:10,12 38:20 121:19 123:19</p> <p><b>equip</b> 66:17</p> <p><b>equity</b> 85:25 86:9 103:14</p> <p><b>equivalent</b> 88:21</p> <p><b>errors</b> 2:15</p> <p><b>ESPOSITO</b> 1:12 15:18 17:5,14,19 21:23 22:9,15 23:20 24:9 38:9 54:4 56:7 61:16 62:10 65:2,6,16 72:7 73:3 79:14 80:5</p>	<p>97:11 98:7,21 99:3,11,16 100:6 120:7 127:14 128:18 129:3,8,12,20 130:2,6 133:12</p> <p><b>Esposito's</b> 130:18</p> <p><b>ESQ</b> 1:17</p> <p><b>essence</b> 74:9</p> <p><b>essentially</b> 78:24 96:25</p> <p><b>establish</b> 5:18 17:11 71:24</p> <p><b>established</b> 30:15 31:22 72:11</p> <p><b>estate</b> 43:18 48:20 51:10 66:22</p> <p><b>estimate</b> 54:12 59:23 62:25 63:2</p> <p><b>et</b> 7:13</p> <p><b>euphemism</b> 45:19,21</p> <p><b>eureka</b> 116:21</p> <p><b>evaluating</b> 99:24</p> <p><b>event</b> 6:5 8:21 12:11,25 13:2 101:18</p> <p><b>everybody</b> 23:19 75:7</p> <p><b>everyone</b> 6:20 10:4 23:12 34:11 117:21</p> <p><b>everyone's</b> 19:22</p> <p><b>everything</b> 21:18 41:17 117:12</p> <p><b>evolved</b> 95:22</p> <p><b>exact</b> 28:9 59:8</p> <p><b>exactly</b> 25:25 26:2 30:22 32:14</p> <p><b>example</b> 38:17 56:14 116:22</p> <p><b>examples</b> 35:2 36:7 55:12</p> <p><b>exceed</b> 107:22</p> <p><b>excellent</b> 67:18,21 97:12 116:20</p> <p><b>except</b> 109:5</p> <p><b>excerpt</b> 63:22</p>	<p><b>excerpts</b> 63:20</p> <p><b>excess</b> 27:11 71:17</p> <p><b>excited</b> 12:8 102:7</p> <p><b>exciting</b> 11:20</p> <p><b>excluded</b> 129:24 130:3,9</p> <p><b>Excuse</b> 58:7</p> <p><b>exec</b> 35:13</p> <p><b>executed</b> 79:20</p> <p><b>executive</b> 12:3 16:11,25 18:17 81:16</p> <p><b>executive's</b> 10:22</p> <p><b>exhibits</b> 40:11</p> <p><b>exist</b> 65:3 74:14</p> <p><b>existing</b> 72:21 87:21,22</p> <p><b>Exit</b> 33:12</p> <p><b>exits</b> 90:17</p> <p><b>expand</b> 74:11 75:17</p> <p><b>expanded</b> 35:8</p> <p><b>expansion</b> 69:3,11,17,23 72:12 75:21 76:23 123:24</p> <p><b>expense</b> 100:5</p> <p><b>expensive</b> 100:9,13</p> <p><b>expert</b> 18:19 44:20 103:22 118:12</p> <p><b>experts</b> 64:24</p> <p><b>explain</b> 32:7 132:15</p> <p><b>explains</b> 59:12</p> <p><b>exploring</b> 22:3</p> <p><b>expressing</b> 82:13</p> <p><b>Extension</b> 18:13</p> <p><b>extensions</b> 35:14</p> <p><b>exterior</b> 71:22</p> <p><b>external</b> 89:24</p> <p><b>extraction</b> 63:17</p> <p><b>extremely</b> 103:20 109:6</p> <p><b>exuberance</b> 31:10</p>
---	---	--	---



<p><b>eyes</b> 43:16</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>face</b> 26:3 46:24 71:8 119:16</p> <p><b>faced</b> 42:18</p> <p><b>faces</b> 80:16</p> <p><b>facilities</b> 5:10 123:6 126:13</p> <p><b>facility</b> 5:9 71:21 84:9 87:23 120:23</p> <p><b>facing</b> 35:16</p> <p><b>fact</b> 53:12 68:13 71:20 76:16 94:7 105:20 106:5 108:2</p> <p><b>facts</b> 23:25</p> <p><b>failing</b> 117:3,24</p> <p><b>fair</b> 40:17 132:4</p> <p><b>Fairfield</b> 85:9,12</p> <p><b>fairly</b> 127:5</p> <p><b>fall</b> 46:16 123:17</p> <p><b>fallen</b> 71:19</p> <p><b>falling</b> 44:17</p> <p><b>falls</b> 121:10</p> <p><b>familiar</b> 30:4 33:19 41:22 63:21 67:22 115:2</p> <p><b>families</b> 71:16</p> <p><b>family</b> 27:11 28:9 34:3 48:15 49:7,11,12 50:3 51:22 66:11 83:14 93:2 97:2 107:17 115:4,6,12</p> <p><b>fantastic</b> 21:21</p> <p><b>farm</b> 18:12 49:12 62:9 66:16 68:14 81:24</p> <p><b>farming</b> 29:3,6</p> <p><b>Farmingdale</b> 8:23</p> <p><b>farms</b> 29:14 102:11</p> <p><b>Farrell</b> 11:13</p> <p><b>fast</b> 77:4,6</p> <p><b>fastest</b> 28:17</p> <p><b>faucet</b> 55:5</p>	<p><b>favor</b> 3:25 119:23 120:5 133:9,22</p> <p><b>favorite</b> 15:18</p> <p><b>feature</b> 63:9 102:3</p> <p><b>featured</b> 55:16</p> <p><b>features</b> 93:17,19</p> <p><b>February</b> 13:19 123:22</p> <p><b>federal</b> 44:25 70:25</p> <p><b>federally</b> 121:20</p> <p><b>federation</b> 12:20 133:15</p> <p><b>fee</b> 72:6</p> <p><b>feedback</b> 64:5</p> <p><b>feel</b> 39:7 46:20 64:6,18 98:8 108:23 114:17</p> <p><b>feet</b> 27:21 33:25 98:18 124:21 125:20</p> <p><b>Felix</b> 118:25</p> <p><b>FEMA</b> 70:21 78:15</p> <p><b>fewer</b> 61:12 86:21</p> <p><b>fiber</b> 37:7</p> <p><b>field</b> 70:14</p> <p><b>fields</b> 70:3,8 79:5</p> <p><b>fifteen</b> 8:14 50:4 54:15 72:14 81:3</p> <p><b>fifty</b> 34:19 70:12 72:17 77:11 83:11 104:10 105:14,15 111:6,17,19 124:21 125:20</p> <p><b>fifty-eight</b> 47:5</p> <p><b>fifty-five</b> 33:23 92:16,25 96:21 97:5 106:15 107:17 111:22</p> <p><b>fifty-four</b> 26:25</p> <p><b>fight</b> 34:7</p> <p><b>fighting</b> 118:2</p> <p><b>figure</b> 6:11 35:5 36:23 61:11 94:15</p> <p><b>filed</b> 69:19</p> <p><b>fill</b> 105:8</p> <p><b>filling</b> 103:23</p>	<p><b>filter</b> 99:4</p> <p><b>final</b> 2:24 9:18 31:21 113:9 115:25</p> <p><b>finalize</b> 9:20</p> <p><b>financial</b> 43:24</p> <p><b>financing</b> 40:11</p> <p><b>fine</b> 24:20 48:5 75:7 125:12</p> <p><b>finish</b> 7:19 61:17</p> <p><b>Finn</b> 1:15 11:11 43:11 44:6 46:8 51:4,20 58:7 65:25 66:21 67:11 93:23 94:6 98:10 111:11 116:19 118:10,21 130:17</p> <p><b>Finn's</b> 56:8</p> <p><b>fire</b> 75:16,19,20 76:4,12,18 77:10 78:14</p> <p><b>firehouse</b> 76:23</p> <p><b>first</b> 2:9 7:16 8:16 9:11 13:4 14:25 16:17 17:9,11 25:17 30:11,20 31:2,23 34:12 41:18 61:18 68:16 79:8 82:23 91:14 104:22 113:20 133:15</p> <p><b>fishing</b> 38:2</p> <p><b>fits</b> 22:20</p> <p><b>five</b> 8:15 22:10 47:19 48:13 66:5 67:4 69:7 70:11 72:5 78:9 83:10 97:23 98:22 99:17 120:4,12 121:3 124:5 125:11 129:21 133:16</p> <p><b>fixtures</b> 55:12 57:10</p> <p><b>flat</b> 44:14</p> <p><b>flexibility</b> 69:16 109:4</p> <p><b>flies</b> 91:2</p> <p><b>flip</b> 50:14</p> <p><b>flood</b> 75:8</p> <p><b>flow</b> 60:17,22 64:13 65:13 71:2 72:21 73:6 96:20,22 97:7,14 107:6</p>	<p><b>Flowerfield</b> 29:11</p> <p><b>flowers</b> 29:12,16</p> <p><b>Floyd</b> 83:5</p> <p><b>flush</b> 67:2</p> <p><b>flushed</b> 77:2</p> <p><b>flushing</b> 61:15</p> <p><b>Flynn</b> 26:8</p> <p><b>focus</b> 7:9 53:8 54:6 100:10 107:14</p> <p><b>focused</b> 47:14</p> <p><b>focuses</b> 34:24 37:11</p> <p><b>focusing</b> 13:12 37:4 46:17</p> <p><b>Foley</b> 5:9 79:4 120:23</p> <p><b>folks</b> 60:3 78:10</p> <p><b>followup</b> 94:9</p> <p><b>food</b> 53:7 55:9,13 63:5 81:10</p> <p><b>foot</b> 34:3 76:8</p> <p><b>footprint</b> 52:25 53:17 54:10,14,15 55:2,4,11,20 56:2 63:7</p> <p><b>force</b> 8:7</p> <p><b>forced</b> 100:4</p> <p><b>forces</b> 119:8</p> <p><b>foreclosure</b> 81:8</p> <p><b>Foreman</b> 44:19</p> <p><b>forest</b> 120:18</p> <p><b>forever</b> 6:3 115:21 117:8 119:14</p> <p><b>Forge</b> 97:17</p> <p><b>forget</b> 22:11</p> <p><b>forgot</b> 100:10</p> <p><b>form</b> 94:4 110:4</p> <p><b>formal</b> 19:17</p> <p><b>Forman</b> 17:23 46:11,14 50:10,25 51:14,25 52:8</p> <p><b>former</b> 4:4 79:3</p> <p><b>formulas</b> 77:6</p> <p><b>forth</b> 59:11 87:11</p>
--	--	---	---



<p>99:15 109:14</p> <p><b>fortunate</b> 81:22</p> <p><b>fortunately</b> 45:22</p> <p><b>forty</b> 65:18</p> <p><b>forty-eight</b> 92:11</p> <p><b>forty-four</b> 33:25 91:9</p> <p><b>forum</b> 22:2</p> <p><b>forward</b> 44:8,23 46:7 52:13 69:14 74:18 75:20 76:15 78:25 91:13 97:15 101:21</p> <p><b>Foundation</b> 12:23</p> <p><b>founded</b> 28:8</p> <p><b>fourteen</b> 74:3</p> <p><b>fourth</b> 91:24</p> <p><b>fracking</b> 55:22</p> <p><b>Frank</b> 7:4 25:6,9,15 40:4 41:8</p> <p><b>Fred</b> 32:3,5,9</p> <p><b>free</b> 36:9 64:6</p> <p><b>FRELENG</b> 1:19 82:23 92:10 93:5,9,13,20,25 95:6,12,21 96:15 104:23 105:24 106:9 107:8 108:15,20 109:11 110:8,19 111:21 118:6,19</p> <p><b>fresh</b> 41:10</p> <p><b>Friday</b> 15:10,14</p> <p><b>Fritz</b> 11:13</p> <p><b>front</b> 9:12 70:13 101:18</p> <p><b>frozen</b> 78:24 117:22</p> <p><b>fruitful</b> 15:23</p> <p><b>full</b> 19:12 69:11</p> <p><b>fullfills</b> 76:21</p> <p><b>fun</b> 27:9 28:10</p> <p><b>functioned</b> 29:14</p> <p><b>fund</b> 16:14,15 81:6,10</p> <p><b>funding</b> 40:13 69:22 70:25</p> <p><b>fungible</b> 23:12</p>	<p><b>furnishings</b> 71:23</p> <p><b>future</b> 7:10 10:15 15:5 35:7 43:22 92:3 97:10 101:19 102:4 122:16,18 123:6,8 124:17 125:3,17,24 126:15 132:15</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>Gabrielsen</b> 18:11 21:7 62:22 66:16 102:6</p> <p><b>GABRIELSON</b> 1:13</p> <p><b>Galleria</b> 33:20 73:20</p> <p><b>gallon</b> 65:15 66:9,25 67:4</p> <p><b>gallons</b> 47:19 56:14,17 65:9,12 66:11 72:16,18</p> <p><b>GALLOP</b> 134:8,23</p> <p><b>game</b> 46:3</p> <p><b>gasoline</b> 55:14</p> <p><b>gated</b> 89:21</p> <p><b>gears</b> 75:13</p> <p><b>general</b> 7:18 59:13 81:6,13 84:21 94:20 114:9 121:24 124:3</p> <p><b>generally</b> 56:3 122:7</p> <p><b>generate</b> 56:23 86:20</p> <p><b>generating</b> 49:19</p> <p><b>generation</b> 55:14 64:18 94:12</p> <p><b>gentlemen</b> 30:13 31:24 69:4</p> <p><b>getting</b> 21:6 41:13 43:13 68:3 76:25 77:2 94:10 102:7 110:3,23 111:19</p> <p><b>Ginny</b> 79:4</p> <p><b>girl</b> 57:23,24</p> <p><b>given</b> 2:18 50:6 94:7</p> <p><b>gives</b> 55:10,11 63:6</p> <p><b>giving</b> 23:18 79:15 116:12 117:25</p> <p><b>global</b> 119:12</p> <p><b>Glynnis</b> 18:18</p>	<p><b>goal</b> 7:9 37:22 49:4 87:12</p> <p><b>goals</b> 7:10,24,25 86:18</p> <p><b>golf</b> 38:20 84:11,24 93:19,24</p> <p><b>gone</b> 71:22</p> <p><b>gotten</b> 35:8</p> <p><b>government</b> 44:25 70:7 117:5 128:7,8</p> <p><b>governmental</b> 128:24</p> <p><b>governor</b> 127:21</p> <p><b>GRACE</b> 52:20 53:4,5,16,22</p> <p><b>GRACE's</b> 52:25</p> <p><b>grand</b> 76:12</p> <p><b>grant</b> 70:22</p> <p><b>grants</b> 79:11,15</p> <p><b>graphic</b> 55:10</p> <p><b>grass</b> 42:15</p> <p><b>great</b> 17:20 40:14 44:9 45:15 46:6 69:5 78:7,11 81:21 82:3</p> <p><b>greater</b> 63:25 99:24</p> <p><b>greatest</b> 56:3</p> <p><b>green</b> 40:2 83:18 88:15 91:17 102:10</p> <p><b>greenhouse</b> 62:20</p> <p><b>ground</b> 75:9</p> <p><b>groundbreaking</b> 77:17</p> <p><b>groundwater</b> 54:3 70:19 71:3 121:16,18 127:17</p> <p><b>group</b> 41:9 67:20 80:14 81:14 105:23 130:8</p> <p><b>groupings</b> 100:11</p> <p><b>groups</b> 104:7</p> <p><b>Grow</b> 16:8</p> <p><b>growing</b> 86:19</p> <p><b>growth</b> 33:11 36:2 40:8 44:11</p> <p><b>Grucci</b> 118:25</p> <p><b>guess</b> 71:5 95:15,18 100:19 119:3 132:16</p>	<p><b>guest</b> 25:5</p> <p><b>guidance</b> 130:15</p> <p><b>guide</b> 122:23</p> <p><b>guidebook</b> 86:12 89:7,13 92:3 107:10 122:23 124:12 126:6</p> <p><b>guideline</b> 15:7 85:23 107:15 108:25 109:12 110:9 118:18 124:12,18,20 125:19</p> <p><b>guidelines</b> 13:25 91:19,23 92:3 108:25 110:17 112:18 118:8,11,19</p> <p><b>guides</b> 67:25</p> <p><b>guy</b> 117:25</p> <p><b>guys</b> 99:14</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>H2O</b> 53:16,17</p> <p><b>half</b> 36:9 43:14 47:21 78:22 82:2 85:8,11 90:14 91:2</p> <p><b>Hall</b> 1:4 14:5</p> <p><b>halls</b> 68:3,4</p> <p><b>hamburger</b> 56:13 62:5</p> <p><b>hamlet</b> 27:4 29:10 95:15 121:9</p> <p><b>hamlets</b> 27:3,5</p> <p><b>Hampton</b> 1:13 9:17</p> <p><b>hand</b> 3:25 8:10 41:18 119:23 120:6 133:11,23</p> <p><b>handle</b> 88:7</p> <p><b>handled</b> 42:4</p> <p><b>handout</b> 133:16</p> <p><b>hands</b> 4:2 119:24 120:6 133:11,24</p> <p><b>happen</b> 36:22,24 60:20 117:13</p> <p><b>happened</b> 101:16,25</p> <p><b>happens</b> 43:3 60:8 127:23 129:2</p> <p><b>happy</b> 6:11 25:12 43:11 78:10</p>
--	---	---	--



<p><b>Harbors</b> 79:6</p> <p><b>hard</b> 36:25 45:24 46:21 59:7 77:4 88:25 104:11</p> <p><b>harm</b> 38:21</p> <p><b>harmony</b> 68:24</p> <p><b>Hauppauge</b> 27:15 35:4,9 37:6 45:16 69:9</p> <p><b>haven't</b> 50:6 90:20 133:18</p> <p><b>having</b> 22:21 25:6,11 46:9 61:11 70:16 104:11 114:15 128:22</p> <p><b>hazard</b> 70:21</p> <p><b>head</b> 11:12 12:3,23 55:6</p> <p><b>heading</b> 10:10</p> <p><b>headline</b> 18:10</p> <p><b>headquarters</b> 6:4 120:22</p> <p><b>heads</b> 58:16 60:23</p> <p><b>health</b> 5:8 16:22 41:15 74:25 87:25 97:6 107:25</p> <p><b>hear</b> 26:2 36:11 40:13 67:14</p> <p><b>heard</b> 35:13 51:21 80:6</p> <p><b>hearing</b> 20:10,22 32:6 64:19 75:5</p> <p><b>hearings</b> 9:7</p> <p><b>heart</b> 70:18</p> <p><b>heat</b> 81:9</p> <p><b>heavily</b> 80:25</p> <p><b>held</b> 134:13</p> <p><b>hell</b> 99:13</p> <p><b>help</b> 6:11 10:4 59:15 64:11 77:9,21</p> <p><b>helping</b> 11:12 53:9 62:25</p> <p><b>helps</b> 54:11 64:15 110:25</p> <p><b>Herculean</b> 73:14</p>	<p><b>hereby</b> 134:9</p> <p><b>here's</b> 56:7 111:25</p> <p><b>herself</b> 81:23</p> <p><b>he's</b> 11:16 32:3,4 44:20 111:24</p> <p><b>Hewlett</b> 65:23</p> <p><b>hey</b> 40:13</p> <p><b>high</b> 28:16 31:9</p> <p><b>higher</b> 50:10</p> <p><b>highest</b> 28:2 35:10</p> <p><b>highlight</b> 125:11</p> <p><b>highlights</b> 53:6 124:13</p> <p><b>Highway</b> 73:2</p> <p><b>hired</b> 31:18</p> <p><b>history</b> 28:7 30:7 46:4 101:10,13 108:22</p> <p><b>hold</b> 31:2,3,4 109:17</p> <p><b>holding</b> 77:6</p> <p><b>Holiday</b> 72:22</p> <p><b>Holmes</b> 1:14 2:12,14 3:8,16,24 8:2 9:21,25 19:7 20:7 22:12 24:16 40:15 41:21 52:6 53:22 55:21 79:22 109:8 111:8 119:20 133:20</p> <p><b>Holmes's</b> 82:9</p> <p><b>home</b> 25:11 49:20 50:3,19,21 51:6,24 57:24 63:3 66:11 97:2 105:18 113:20,23 114:2,18 117:17</p> <p><b>homeownership</b> 48:16,22 49:4 104:14</p> <p><b>homes</b> 34:2,3 49:18 51:7,9,22 83:14 103:25 108:3 111:15</p> <p><b>honest</b> 41:24</p> <p><b>honored</b> 68:8</p> <p><b>hook</b> 96:13 97:10</p> <p><b>hope</b> 3:2 9:18 39:17 49:23</p>	<p><b>hoping</b> 2:25 6:7 19:16</p> <p><b>horrendous</b> 70:19</p> <p><b>horse</b> 28:17</p> <p><b>Horseblock</b> 121:8,12 125:2 126:9</p> <p><b>hospitality</b> 7:2</p> <p><b>hosting</b> 7:3</p> <p><b>hotel</b> 22:11</p> <p><b>hour</b> 47:8</p> <p><b>house</b> 51:12,13 100:19 115:6,12 116:25 117:15,18,19</p> <p><b>household</b> 50:19 55:16 64:21 65:13</p> <p><b>households</b> 65:21</p> <p><b>houses</b> 101:14 115:3,4</p> <p><b>housing</b> 7:12 10:16 11:23,25 12:6 14:15 15:21 16:6,23 18:4 27:8 35:19 36:11,13 46:22 48:12,13,25 49:5 86:16,19,24 91:10 103:10,11,16,22 110:5 111:3 112:4 113:19 114:23 115:2,15 116:6,8,23,25 117:4,6 118:4,12 133:17</p> <p><b>hubs</b> 48:9</p> <p><b>huge</b> 45:15,17 108:13</p> <p><b>humming</b> 45:18</p> <p><b>humongous</b> 126:25 127:5</p> <p><b>hundred</b> 8:12 27:6,7,12,13 34:2 47:2 48:13 50:4 56:13 65:9,12 66:5,9,11 70:12 71:15 72:5,17 74:2,4 75:6 81:15 83:9,10,11 91:8 92:11,12,15,25 94:10 95:3 96:21 97:5 104:10 105:13,14,15 107:17,18 110:6 111:6,12,14,17,19,2</p>	<p>0,22,25 113:2,4 117:25 120:12,16,18,24</p> <p><b>hundreds</b> 57:8</p> <p><b>Hyatt</b> 72:24</p> <p><b>hydro</b> 55:22</p> <p><b>hydrogeologic</b> 121:16</p> <p><b>hydrogeologics</b> 130:4</p> <hr/> <p><b>I'd</b> 6:11 25:14 26:7,18</p> <p><b>idea</b> 11:6 22:18 23:21 24:24 30:19,21 43:9 90:23 112:16</p> <p><b>ideal</b> 31:16</p> <p><b>ideas</b> 34:23 35:19 41:6</p> <p><b>identified</b> 10:14 20:25 23:4,7 85:19 118:11</p> <p><b>identifies</b> 123:14</p> <p><b>identify</b> 64:10</p> <p><b>I'll</b> 6:17,19 24:16,18,20,21 35:2 49:25 103:21 119:20 133:18</p> <p><b>illustration</b> 61:18</p> <p><b>I'm</b> 4:10 10:6,17 19:16 21:15 25:12,15 42:12 43:11 59:19 61:10 63:21 68:18 72:12 75:25 76:3 80:10 81:6 82:4,5 84:18 104:18 105:6 110:10 115:2 116:6 118:12 119:7,25 129:15</p> <p><b>immediately</b> 71:12</p> <p><b>impact</b> 60:6,16,18 89:17 99:9 108:14 109:25 110:18 132:11</p> <p><b>impacted</b> 10:3 70:22</p> <p><b>impactful</b> 131:22</p> <p><b>impediments</b> 43:19</p> <p><b>implementation</b> 44:23</p> <p><b>implementing</b> 122:19 126:2</p>
---	--	--	--



<p><b>implications</b> 113:18</p> <p><b>implies</b> 94:2</p> <p><b>importance</b> 64:16 79:9 124:13</p> <p><b>important</b> 10:15 11:3 24:8,10,11 60:3 64:18 69:15 77:22 78:6 102:10 116:11,13</p> <p><b>importantly</b> 77:10</p> <p><b>imported</b> 67:5</p> <p><b>imposing</b> 95:19</p> <p><b>impressed</b> 42:3,12 62:20</p> <p><b>improve</b> 71:2 84:24 89:25 94:3</p> <p><b>improved</b> 42:11 84:10</p> <p><b>improvement</b> 126:9</p> <p><b>improvements</b> 123:5,7 124:25 126:13</p> <p><b>incantations</b> 33:10</p> <p><b>incentive</b> 8:14</p> <p><b>include</b> 12:14 16:20 18:3 49:23 84:2 123:2 130:22</p> <p><b>included</b> 12:16 63:20 70:21 79:5,9 81:15 92:19 123:23</p> <p><b>includes</b> 5:5 19:24 120:19</p> <p><b>including</b> 9:5,8 18:12 25:24 92:8 99:19</p> <p><b>inclusion</b> 86:8</p> <p><b>income</b> 27:8 50:17,19 51:5 117:18</p> <p><b>increase</b> 81:5,6 108:5,12,17,19</p> <p><b>increased</b> 47:7 75:21 106:24 107:3,4 109:24</p> <p><b>incumbent</b> 70:6</p> <p><b>in-depth</b> 61:25 87:17 102:15</p> <p><b>Index</b> 12:24</p> <p><b>Indians</b> 28:13,17</p>	<p><b>indicate</b> 102:20</p> <p><b>indicated</b> 9:2 15:7 82:23 86:2 87:4,12 89:15</p> <p><b>indicates</b> 87:8 88:8</p> <p><b>indirect</b> 55:5,7</p> <p><b>individual</b> 55:3 62:15 73:12 88:10 97:8</p> <p><b>indoor</b> 55:12</p> <p><b>industrial</b> 5:14 27:14,15,16 33:6 35:4,9 37:6 45:16 69:9 120:15 122:11 123:16 125:23 127:24 128:19,22 129:15,22 130:22 131:19</p> <p><b>industry</b> 33:8 38:2 59:7 65:9</p> <p><b>infamous</b> 78:13</p> <p><b>influence</b> 53:14 129:21</p> <p><b>information</b> 8:21 53:14 56:24 63:3 64:4,24 67:18 132:24</p> <p><b>infrastructure</b> 16:16 18:5 45:8 66:14 73:11 97:20,25 100:8</p> <p><b>infrastrucutre</b> 45:21</p> <p><b>inhabitants</b> 89:3</p> <p><b>inherent</b> 128:3,12</p> <p><b>initial</b> 69:19 111:5</p> <p><b>initially</b> 92:13,17</p> <p><b>initiative</b> 16:9 44:3</p> <p><b>Inland</b> 79:6</p> <p><b>Inn</b> 78:14</p> <p><b>input</b> 18:15 52:17</p> <p><b>insanity</b> 74:4</p> <p><b>inspection</b> 11:7</p> <p><b>installing</b> 55:19 57:9,10</p> <p><b>instance</b> 108:24</p> <p><b>Instead</b> 22:20</p> <p><b>Institute</b> 12:7</p>	<p><b>instituted</b> 66:25</p> <p><b>instrument</b> 30:19</p> <p><b>integrate</b> 116:18</p> <p><b>integrated</b> 46:19</p> <p><b>intended</b> 83:12</p> <p><b>intending</b> 87:20</p> <p><b>intends</b> 84:23 88:4</p> <p><b>intensified</b> 31:3</p> <p><b>intensity</b> 88:20 89:5,8 107:14,20,24 108:4,5,21 109:25 110:12,14</p> <p><b>intent</b> 122:7</p> <p><b>intention</b> 110:20</p> <p><b>intentions</b> 30:25</p> <p><b>interactive</b> 54:11</p> <p><b>intercept</b> 38:12</p> <p><b>inter-community</b> 122:2</p> <p><b>interconnections</b> 53:7</p> <p><b>interest</b> 21:24 105:20</p> <p><b>interested</b> 11:9 15:17 17:3 58:3 64:8,19</p> <p><b>interesting</b> 19:19 43:20 93:14 108:7</p> <p><b>interface</b> 43:20</p> <p><b>interior</b> 11:8</p> <p><b>interiors</b> 11:5</p> <p><b>internal</b> 89:23 92:4 98:18</p> <p><b>Internally</b> 90:6</p> <p><b>Inter-operability</b> 79:19</p> <p><b>intersection</b> 73:2</p> <p><b>introduce</b> 26:8,17</p> <p><b>introducing</b> 9:3</p> <p><b>intrusion</b> 70:10,20</p> <p><b>inventory</b> 113:7</p> <p><b>invest</b> 119:9</p> <p><b>investigated</b> 87:13,19</p> <p><b>investing</b> 45:8</p> <p><b>invitation</b> 22:6</p> <p><b>invited</b> 17:23</p>	<p><b>inviting</b> 52:24</p> <p><b>involved</b> 9:15 10:5,25 11:2 32:22 40:7 68:15 133:14,17</p> <p><b>involves</b> 75:15</p> <p><b>IR</b> 76:15</p> <p><b>irrelevant</b> 131:15</p> <p><b>irresponsible</b> 81:20</p> <p><b>irrigation</b> 54:22</p> <p><b>Island</b> 1:14 12:6,24 21:4 29:4 45:20 46:25 52:7 58:9,24,25 63:12 70:3 79:8 103:16</p> <p><b>Islanders</b> 63:19</p> <p><b>Islandia</b> 72:25</p> <p><b>island-wide</b> 125:14</p> <p><b>Islip</b> 1:15 71:11</p> <p><b>isn't</b> 109:25</p> <p><b>isolated</b> 43:12</p> <p><b>issue</b> 11:10 39:13 52:9 61:5 64:11 75:14 98:4 104:17 112:3,6 116:5 130:16,19 131:15</p> <p><b>issues</b> 7:12 40:23 41:16 46:24 47:14 49:2 52:21 53:8 55:18 58:22 60:7 66:23 69:5 77:23 81:25 86:6,10 87:18 91:18 122:3</p> <p><b>item</b> 2:9 4:3 6:18 9:12 11:23 17:21 91:21</p> <p><b>itemize</b> 39:18</p> <p><b>itemizes</b> 84:16</p> <p><b>items</b> 37:8 52:18 67:3 82:20</p> <p><b>it's</b> 3:5 4:8 5:2,14 6:8,21 8:3 10:12,13,22,23 13:7 17:4,6,8 20:18 23:23 24:11,24 26:3 27:3,11,15,17 28:10,22 33:4 35:12 36:25 37:13,21 39:6,13,14,25 40:21 46:6,21 48:23 50:10</p>
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<p>51:2,12,18,25 53:18,21 54:10 59:7 60:3,5 61:2 62:15,16,25 63:22 64:16 70:15,20 71:9,11,19 72:16,19 73:4,20,25 77:18 78:3,11 80:8,18 90:21 91:2 93:3,5 94:21,24 95:15 97:13,15,18,21 98:7,19 99:10 100:13 101:5 102:10 103:8 106:23,24 107:8,12 108:7,8,9,10,12,13 109:18,19,23 111:18 113:2 115:16 116:20 117:6,15,16,25 119:15 121:12,21 122:15 127:3,5 128:13,14 129:5,15,20 131:9,16,19 132:19</p> <p><b>I've</b> 25:18 32:10 43:15 73:17,18 76:2 80:17,18</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>jail</b> 5:8 120:23</p> <p><b>January</b> 11:25 13:16 14:15 78:21 95:14 103:16 106:6</p> <p><b>Jeff</b> 14:9</p> <p><b>Jefferson</b> 14:5</p> <p><b>Jennifer</b> 11:11</p> <p><b>Jericho</b> 1:5</p> <p><b>jewels</b> 27:17</p> <p><b>job</b> 48:10 64:9 73:17 92:14</p> <p><b>jobs</b> 24:7 48:8 131:2</p> <p><b>John</b> 1:15 5:9 11:11 56:7 68:9 77:16 120:23</p> <p><b>join</b> 18:20</p> <p><b>Joint</b> 124:8</p> <p><b>joked</b> 19:3</p> <p><b>Josh</b> 19:4</p> <p><b>Judi</b> 2:21 3:4,6,9</p>	<p>134:8,23</p> <p><b>July</b> 2:10 3:10,11,14,23 47:3</p> <p><b>jump</b> 10:6</p> <p><b>jumping</b> 11:14</p> <p><b>jurisdiction</b> 83:3 121:10</p> <p><b>justify</b> 88:23 114:24</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>Kelly</b> 1:14 8:3 12:10 14:2 15:22,24 19:5 56:9 60:22 61:9 64:20 65:4,8 72:15 75:25 93:7 94:22,23 95:10 98:16,24 99:8,14 100:18 101:7,22 102:4 103:6 104:16 105:7 106:3 109:14 110:6 111:4,10,16,24 112:23 113:14 115:18 119:18 127:7,8,12 129:23 130:5,7 133:4,7</p> <p><b>Kennedy</b> 68:9,12 72:9,19 73:4 76:3 79:16 80:4,9 82:18</p> <p><b>key</b> 54:23</p> <p><b>keynote</b> 12:22</p> <p><b>kid</b> 117:16</p> <p><b>kids</b> 80:24</p> <p><b>kilowatt</b> 47:8,11</p> <p><b>kinds</b> 3:18 42:19 60:7,17 102:20</p> <p><b>king</b> 69:7</p> <p><b>Kings</b> 29:8 38:23 69:24</p> <p><b>Klein</b> 77:17</p> <p><b>knew</b> 100:22,23</p> <p><b>knowledge</b> 99:25 106:14 110:13 112:10</p> <p><b>known</b> 21:14 25:18 30:2 46:25 53:18 83:4 112:8</p> <p><b>Kohl's</b> 33:14</p> <p><b>Kontokosta</b> 12:9</p>	<p><b>Kyle</b> 52:19 61:17 64:7</p> <p><b>Kyle's</b> 61:22</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>L-1</b> 120:15 122:10 131:21 132:9</p> <p><b>Lab</b> 12:22</p> <p><b>lack</b> 35:18 113:23</p> <p><b>ladder</b> 49:2</p> <p><b>laid</b> 131:8</p> <p><b>lake</b> 78:3,13 79:2,5,16</p> <p><b>Lakes</b> 79:6</p> <p><b>Lambert</b> 19:15</p> <p><b>land</b> 4:16 18:5 27:13 28:14 31:4,11 35:17 36:3 37:13 38:16,18,25 40:21 58:16 69:15 78:2 84:25 85:4,20 109:25 110:25 120:10,18,19 121:3,14 122:25 123:14 124:23 126:7 127:23 131:7</p> <p><b>landfill</b> 71:13</p> <p><b>landlocked</b> 76:8</p> <p><b>lands</b> 124:4</p> <p><b>landscape</b> 122:20</p> <p><b>landscaping</b> 120:20</p> <p><b>Lansdale</b> 1:19 10:10,18,24 14:3,23,24 15:19 16:2 17:7,10,17,21 18:23 19:9 20:9,24 21:9,22 23:3,8 24:25 25:4 52:23</p> <p><b>large</b> 27:22 29:2 39:3 61:25 66:24 88:22 89:11 103:9 128:6</p> <p><b>larger</b> 14:6 38:17 92:20</p> <p><b>largest</b> 27:16 67:3</p> <p><b>last</b> 6:23 11:24 14:4 20:15 30:21 45:5 47:3,10 73:18 92:15,23 98:25 114:21 126:11</p>	<p><b>lasts</b> 99:7</p> <p><b>late</b> 29:2</p> <p><b>lately</b> 42:13</p> <p><b>later</b> 18:14 32:20 75:10 90:19</p> <p><b>latest</b> 19:14 33:10</p> <p><b>law</b> 84:21 104:21 106:25 121:24 122:8</p> <p><b>lawn</b> 55:7</p> <p><b>laws</b> 99:15,23</p> <p><b>lawyer</b> 82:5</p> <p><b>lay</b> 58:16</p> <p><b>laying</b> 8:13</p> <p><b>layoffs</b> 81:15,20 94:8</p> <p><b>layout</b> 123:7 124:23 126:8,14</p> <p><b>leaching</b> 70:2,8,13 84:2,4 88:6</p> <p><b>lead</b> 2:5 11:6 12:11 79:17</p> <p><b>leader</b> 16:24 80:10</p> <p><b>leadership</b> 10:22,23 16:10 40:9 43:23 82:14</p> <p><b>leads</b> 102:8</p> <p><b>leave</b> 93:24 117:2</p> <p><b>led</b> 86:3</p> <p><b>LEED</b> 87:12</p> <p><b>LEG</b> 68:12 72:9,19 73:4 76:3 79:16 80:4,9 82:18</p> <p><b>legacy</b> 30:24 77:14 132:20</p> <p><b>Legally</b> 56:10</p> <p><b>legend</b> 28:10,12,23</p> <p><b>legislation</b> 9:3 127:20</p> <p><b>legislative</b> 68:19,22 69:8</p> <p><b>legislator</b> 24:17 68:8,20,23 75:19 80:11 81:21</p> <p><b>legislators</b> 20:21 68:5,7 80:12 131:2</p>
---	---	---	---



<p><b>legislature</b> 4:15 7:18 10:14 16:13,25 19:12,23 20:11 23:18 79:25 82:12</p> <p><b>legitimate</b> 131:18</p> <p><b>lenders</b> 78:21</p> <p><b>length</b> 40:21 41:3 69:5</p> <p><b>Leonard</b> 26:13</p> <p><b>less</b> 47:6 60:14 61:7 62:7 63:18 65:13 83:11 90:14 91:2 96:24 131:22</p> <p><b>lessen</b> 124:14 125:15</p> <p><b>let's</b> 27:17 45:13 46:10</p> <p><b>letter</b> 8:10 23:17,18 24:17 82:12</p> <p><b>letters</b> 130:25</p> <p><b>letting</b> 7:7 52:11 75:4</p> <p><b>level</b> 45:6 103:24 118:14 128:7,24</p> <p><b>levels</b> 38:4 41:11 70:6</p> <p><b>Levy</b> 16:11</p> <p><b>lieu</b> 109:21</p> <p><b>life</b> 56:4 75:7</p> <p><b>lifetime</b> 98:15</p> <p><b>lift</b> 106:3</p> <p><b>light</b> 5:14</p> <p><b>likely</b> 115:5</p> <p><b>limitations</b> 118:15</p> <p><b>LINDA</b> 1:14</p> <p><b>line</b> 7:19 14:22 50:2 53:12 70:17 94:18 98:17 100:15 110:23,24,25 122:13,17 129:2 135:5</p> <p><b>linear</b> 98:18</p> <p><b>lined</b> 45:10</p> <p><b>lines</b> 67:7 96:16 122:21</p> <p><b>Links</b> 84:11</p> <p><b>LIPA</b> 8:11,14</p> <p><b>list</b> 21:16,18 95:17</p>	<p><b>listed</b> 63:5</p> <p><b>listen</b> 58:5</p> <p><b>Literally</b> 107:15</p> <p><b>little</b> 8:3 26:19 28:18 47:21 56:24 57:18 58:10 60:15 61:11 62:23 71:6 81:7 90:14 112:16</p> <p><b>live</b> 49:16 115:10,11</p> <p><b>lived</b> 101:16</p> <p><b>lives</b> 62:3</p> <p><b>load</b> 29:16 99:19</p> <p><b>local</b> 5:25 26:4 40:12 41:11 53:20 57:6 67:16 85:17 121:20 123:12</p> <p><b>locate</b> 70:2</p> <p><b>located</b> 30:2 33:21 48:9 103:8 121:17,19,21</p> <p><b>location</b> 29:23 33:9 35:3 45:8</p> <p><b>long</b> 12:5,6,24 21:3 26:11 29:4 45:20 46:25 58:8,9,23,25 63:12,19 70:3 79:8,21 82:11 98:25 101:3,8 103:16 106:17,21 110:15</p> <p><b>longer</b> 32:8 37:11 53:24</p> <p><b>long-term</b> 20:17 43:8 94:20</p> <p><b>lost</b> 20:14</p> <p><b>lot</b> 4:20 5:12,16,19 6:6 23:13 25:22 27:19,20,24 28:3 31:4,10,14 32:13,22,25 33:16,19 34:20 40:22 41:4,6,7,13 43:17 44:7 45:24 47:12 49:7,12 57:19 59:14 60:14 62:5,8 78:9 82:16 84:3 92:16 93:11 94:17 96:8,21 97:5 100:7 101:6,25 102:12,13 104:4 114:10 115:14</p> <p>116:10 118:23 120:14,24 121:2 122:8,10,13,21,25 123:7 124:16 125:16,17,22 126:14,24 128:20 131:17 132:15,17,18,22</p> <p><b>lots</b> 4:21,23 34:3 93:2,14 120:20</p> <p><b>love</b> 67:8 98:11</p> <p><b>low</b> 60:17,22 62:21 64:12 105:21</p> <p><b>lower</b> 38:6 103:12</p> <p><b>lowest</b> 81:2</p> <p><b>luck</b> 40:15 82:18</p> <p><b>lucky</b> 76:24</p> <p><b>lunch</b> 21:8</p> <p><b>Lynn</b> 69:18</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p><b>magnitude</b> 80:15 89:5 107:14</p> <p><b>Main</b> 40:18 69:18</p> <p><b>maintain</b> 42:15</p> <p><b>maintaining</b> 38:20 39:9 66:24 122:4</p> <p><b>maintenance</b> 71:21</p> <p><b>major</b> 20:18 31:12 92:9 110:18 127:24</p> <p><b>Mall</b> 27:23 36:8</p> <p><b>man</b> 93:16,18</p> <p><b>manage</b> 42:23</p> <p><b>managed</b> 43:9</p> <p><b>management</b> 7:13 18:4 37:20 63:24 99:20 121:16 123:19,22 127:18 129:17</p> <p><b>managing</b> 38:16 88:14 91:16</p> <p><b>mandated</b> 20:5</p> <p><b>map</b> 5:13,16 34:11 96:21 111:22 121:7</p> <p><b>maps</b> 4:24</p> <p><b>marginal</b> 59:18 60:6</p>	<p><b>Marion</b> 18:24 19:8 68:14 81:24</p> <p><b>market</b> 36:24 51:10 67:3 104:24 105:11,17 114:15 115:22,23 117:7,21</p> <p><b>marketability</b> 117:11</p> <p><b>marketable</b> 119:9</p> <p><b>marry</b> 11:19</p> <p><b>Massapequa</b> 65:23</p> <p><b>massive</b> 69:10 100:5,8 128:4</p> <p><b>Mastic</b> 85:9,12 90:13,18 91:3 96:9 97:17</p> <p><b>Mastic-shirley</b> 103:8</p> <p><b>material</b> 86:2 91:5</p> <p><b>materials</b> 87:5,17</p> <p><b>math</b> 97:3</p> <p><b>matrix</b> 44:23</p> <p><b>matter</b> 5:24 68:13 71:20 76:16 82:24 99:6 111:11 130:13</p> <p><b>MATTHEW</b> 1:15</p> <p><b>maximize</b> 112:2</p> <p><b>maximizing</b> 113:5</p> <p><b>maximum</b> 99:19</p> <p><b>may</b> 2:21 3:3,5 20:7 21:24 22:17 28:6,11 33:19 38:3 49:21 70:9 81:21 86:9 88:23 90:10,18,19 94:3 96:23 97:24 99:23 105:17 111:8 115:23,24 119:9 124:5 125:2 126:10 128:15,24</p> <p><b>maybe</b> 21:20 26:21 28:18 52:12,14 78:9 104:13 115:15 133:16</p> <p><b>mcadam</b> 22:24 23:6,15 95:14 96:7 98:5 101:5,9,24 114:21 119:25 132:14</p> <p><b>McAdam</b> 8:2 22:23 95:13</p>
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<b>mcmansions</b> 78:9	88:3,16 91:17	109:9,16 113:15	<b>municipality</b> 74:5
<b>Meadow</b> 71:9,14	<b>methodology</b> 102:10	<b>modifications</b> 91:6	<b>Murray</b> 26:15
<b>mean</b> 50:23 119:14	<b>methods</b> 77:6	<b>modified</b> 86:25	<b>myself</b> 115:5
<b>meanings</b> 3:19	<b>metropolitan</b> 54:8	<b>Molloy</b> 8:23 63:10	<hr/>
<b>means</b> 26:5 39:24 88:18	<b>Meyer</b> 32:3,9	<b>moment</b> 116:21	<b>N</b>
<b>measure</b> 107:13	<b>MICHAEL</b> 1:14	<b>Monday</b> 19:11	<b>Nancy</b> 12:22
<b>mechanics</b> 75:11	<b>Michael's</b> 66:6	<b>money</b> 59:20 94:18 118:3	<b>Nassau</b> 8:12 65:17,21 66:6 104:8
<b>mechanism</b> 43:25 76:18	<b>middle</b> 50:17 80:7 99:22 117:18	<b>moniker</b> 69:6	<b>nation</b> 27:16
<b>median</b> 27:8 42:10 50:3,18,19 51:6	<b>migrate</b> 74:5 80:23	<b>month</b> 10:21 11:21,24 14:4 21:17,19 52:15 109:7	<b>national</b> 12:22 53:20,21 54:5 67:20
<b>meet</b> 4:9 11:17 12:12 35:6 75:23 90:25 126:25	<b>Mike</b> 15:22 64:12 103:5 128:9	<b>months</b> 4:15 10:9 32:20 82:2 92:8 104:13	<b>native</b> 12:18 15:15
<b>meeting</b> 2:3 6:23 9:10,18 10:20 12:13,20 13:3,6,19,20 14:4 15:9,13,20 16:17 17:11 18:12 19:17 21:18 25:21 39:22 134:13	<b>mile</b> 85:8 90:14 91:2	<b>moot</b> 129:4	<b>natural</b> 18:5,10 88:15 102:9 105:10,17 122:20 126:3
<b>meetings</b> 9:13 10:20 14:19 17:2,18 21:13,16 68:10	<b>miles</b> 26:25 57:8 85:11	<b>Moreover</b> 89:20	<b>nature</b> 3:17,18
<b>meets</b> 86:18	<b>million</b> 27:21 69:21 70:24 72:5 78:17	<b>Moriches</b> 85:11	<b>neat</b> 14:9
<b>megawatts</b> 47:2,5	<b>mind</b> 59:14 60:21 105:12	<b>mortgage</b> 81:8 113:25	<b>necessarily</b> 108:24
<b>Melville</b> 21:25 22:10	<b>minimis</b> 3:17	<b>mostly</b> 29:3	<b>necessary</b> 88:12
<b>member</b> 17:23 18:6 80:13	<b>minimize</b> 87:7	<b>motion</b> 3:22,23 119:7,19,23 120:3,4 127:9 133:5,19	<b>necessitated</b> 125:2 126:10
<b>members</b> 1:11 9:14 16:19 18:12 25:14,23 26:16 52:23 53:11	<b>minimum</b> 86:12 124:21 125:20	<b>motivation</b> 112:24	<b>necessity</b> 88:23
<b>Memorandum</b> 79:18	<b>minor</b> 120:14	<b>motivator</b> 113:2	<b>nerve</b> 51:2
<b>mention</b> 20:20 22:18 86:15	<b>minority</b> 16:24 80:10	<b>motor</b> 45:17 73:2	<b>Nevertheless</b> 68:23 73:7 81:4
<b>mentioned</b> 21:13 40:6 43:22 44:4 64:12 66:4	<b>minute</b> 46:12	<b>Mount</b> 100:21	<b>news</b> 21:5 119:11
<b>merely</b> 70:14	<b>minutes</b> 2:10,21 3:3,10,11,14,16,20,2 1,22 8:5 12:12 13:4 17:15 19:2 133:16	<b>move</b> 3:11 6:18 25:4 46:10 60:22 74:12 115:5,7 116:24 117:2 128:2 132:3 133:20	<b>newspaper</b> 131:13
<b>merit</b> 17:12	<b>miserably</b> 117:4	<b>moved</b> 19:11	<b>nice</b> 4:8 26:3 99:12
<b>met</b> 6:25 25:19 83:24	<b>miss</b> 4:10	<b>mover</b> 9:11	<b>night</b> 15:21 28:16
<b>method</b> 71:24	<b>missing</b> 45:14 64:6	<b>moving</b> 19:13,20 46:7 67:25	<b>nine</b> 50:20,24 77:12 80:13 118:4 120:25
<b>methodologies</b>	<b>mistake</b> 2:23,25	<b>multi-family</b> 36:19 49:6	<b>ninety</b> 66:5
	<b>mitigation</b> 70:22	<b>multi-phasing</b> 77:14	<b>ninety-eight</b> 85:12
	<b>mitigations</b> 107:21 108:21	<b>multi-use</b> 73:5	<b>ninety-five</b> 78:3 127:3
	<b>mixed</b> 35:19	<b>Municipal</b> 84:21 121:24	<b>ninety-four</b> 121:2
	<b>model</b> 8:19 9:14	<b>municipalities</b> 8:10,12,22	<b>ninety-one</b> 120:25
	<b>moderating</b> 12:25		<b>Ninety-seven</b> 83:15
	<b>moderators</b> 13:5		<b>ninety-three</b> 120:13
	<b>modest</b> 77:21		<b>Nissaquogue</b> 37:18
	<b>modification</b> 91:7		<b>Nissequogue</b> 44:10 69:24 70:17
			<b>nitrate</b> 99:4,6



<p><b>nobody</b> 52:8 105:8</p> <p><b>nominated</b> 18:18</p> <p><b>nominating</b> 13:8,11,12,14,17,23</p> <p><b>nomination</b> 19:12</p> <p><b>non</b> 20:5</p> <p><b>none</b> 3:15,19 21:6 65:19</p> <p><b>normally</b> 25:19</p> <p><b>north</b> 35:16 121:7</p> <p><b>northeast</b> 70:17</p> <p><b>northern</b> 71:11</p> <p><b>Notary</b> 134:8</p> <p><b>note</b> 2:4,19 14:4,7 39:22 91:25 93:14 126:22</p> <p><b>noted</b> 89:18 122:24 123:8 126:15 133:25</p> <p><b>not-for-profit</b> 53:6</p> <p><b>nothing</b> 46:3 95:5 97:15 129:6</p> <p><b>notice</b> 17:6</p> <p><b>notion</b> 68:4 77:3</p> <p><b>Notwithstanding</b> 86:17</p> <p><b>November</b> 9:19 15:14</p> <p><b>Noyak</b> 68:23 69:19 75:19 80:12</p> <p><b>Noyak's</b> 68:20</p> <p><b>numbers-wise</b> 44:20</p> <p><b>numerous</b> 100:12</p> <p><b>Nursing</b> 5:9 120:23</p> <p><b>nuts</b> 37:23</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>objective</b> 37:23</p> <p><b>objectives</b> 37:9</p> <p><b>obligation</b> 132:6</p> <p><b>obligations</b> 44:18</p> <p><b>Obviously</b> 6:21 20:12,18 24:3 32:9 45:12 60:8 115:21</p> <p><b>occupancies</b> 103:24</p>	<p><b>occupied</b> 71:16 85:14</p> <p><b>occurring</b> 16:18</p> <p><b>Ocean</b> 42:5</p> <p><b>October</b> 1:6 2:2 12:21 15:10 20:10 21:24 22:9 134:14</p> <p><b>offer</b> 74:13,20</p> <p><b>offered</b> 107:22 108:22</p> <p><b>office</b> 39:22 54:4 66:23 73:19 80:15,18 81:23</p> <p><b>officer</b> 16:24</p> <p><b>officers</b> 13:16,20</p> <p><b>officerships</b> 13:13</p> <p><b>offices</b> 5:7 39:25</p> <p><b>officials</b> 8:24 12:2</p> <p><b>offset</b> 88:17</p> <p><b>offshore</b> 22:5</p> <p><b>okay</b> 97:16</p> <p><b>old</b> 6:10 29:20 34:19 35:25 57:23 71:12,18</p> <p><b>older</b> 54:22</p> <p><b>ones</b> 103:3,4</p> <p><b>one-thirty</b> 20:10</p> <p><b>one-to-one</b> 99:10</p> <p><b>ongoing</b> 39:13 123:5 126:12</p> <p><b>online</b> 55:11 118:20</p> <p><b>onshore</b> 22:4</p> <p><b>onto</b> 6:18 38:25 52:18</p> <p><b>op</b> 15:3 22:13 94:10</p> <p><b>open</b> 17:2,6 83:17 88:22 89:11 93:6,8,10,12 94:2,14,17 95:4,8 106:14 112:2,3 113:13</p> <p><b>opened</b> 43:16</p> <p><b>operation</b> 74:6,20</p> <p><b>operations</b> 123:5 126:12</p> <p><b>opinion</b> 45:4 76:9</p>	<p>106:19 114:22 115:16</p> <p><b>opportunities</b> 45:15</p> <p><b>opportunity</b> 40:10,14 117:20 131:20</p> <p><b>opposed</b> 107:7 119:24 120:6 133:11,12</p> <p><b>opposite</b> 128:11</p> <p><b>optics</b> 37:7</p> <p><b>options</b> 86:19</p> <p><b>order</b> 4:19 5:17 44:7 70:25 71:18 89:25</p> <p><b>ordinance</b> 30:11,12,14</p> <p><b>organization</b> 53:20 72:22 74:24</p> <p><b>organizational</b> 13:20</p> <p><b>oriented</b> 10:17</p> <p><b>original</b> 2:24 4:24 48:3 103:18</p> <p><b>Originally</b> 49:11</p> <p><b>others</b> 9:9 35:13 57:7,21 64:15 102:2</p> <p><b>otherwise</b> 83:4</p> <p><b>ounces</b> 61:9</p> <p><b>outdoor</b> 63:6</p> <p><b>outfit</b> 106:8</p> <p><b>outflow</b> 77:4</p> <p><b>outgrowth</b> 16:11</p> <p><b>outlying</b> 25:20</p> <p><b>outreach</b> 57:22 58:5 64:2 118:24</p> <p><b>override</b> 112:11</p> <p><b>overview</b> 7:8 84:23</p> <p><b>overworked</b> 80:2</p> <p><b>owned</b> 124:4</p> <p><b>owner</b> 5:21 85:14</p> <p><b>ownership</b> 50:22</p> <p><b>owns</b> 4:25</p> <p><b>oxygen</b> 38:4</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>p.m</b> 1:7 20:11 133:25</p>	<p><b>packet</b> 5:16 19:14</p> <p><b>page</b> 44:12 82:15 135:5</p> <p><b>paid</b> 3:3 24:6,11 77:11,13</p> <p><b>painted</b> 66:8</p> <p><b>panels</b> 12:25 55:19</p> <p><b>pantries</b> 81:10</p> <p><b>paper</b> 15:3 73:21 128:5</p> <p><b>parallel</b> 99:18</p> <p><b>parameters</b> 90:15</p> <p><b>parcel</b> 86:5,23 93:4 130:9</p> <p><b>parcels</b> 70:12 121:7 123:17 129:24 130:23</p> <p><b>park</b> 27:15,16 29:8 33:6 35:4,9 37:6 38:23 45:17 69:24 127:25 128:19,22 129:15 130:22</p> <p><b>parking</b> 15:12 83:24 120:20</p> <p><b>parkland</b> 27:24,25</p> <p><b>parks</b> 42:23</p> <p><b>Parkway</b> 73:3 83:5</p> <p><b>participate</b> 17:4 18:7</p> <p><b>participating</b> 15:9 16:4 58:3</p> <p><b>particular</b> 9:16 29:10 39:19 63:22 89:8 95:18 99:17 106:13 108:23</p> <p><b>particularly</b> 20:18 104:3</p> <p><b>Partnership</b> 12:6 103:22</p> <p><b>partnerships</b> 43:10</p> <p><b>pass</b> 131:14</p> <p><b>passed</b> 16:12 127:20</p> <p><b>passing</b> 43:23</p> <p><b>past</b> 46:7 58:18,19 86:4 90:24 101:12,14 116:14</p>
--	---	--	--



<p><b>Pat</b> 6:24</p> <p><b>Patchogue</b> 14:11</p> <p><b>path</b> 90:20</p> <p><b>pattern</b> 36:18</p> <p><b>pay</b> 21:6</p> <p><b>paying</b> 24:10 94:11</p> <p><b>PDD</b> 88:4,18 89:16,19 92:18 106:13</p> <p><b>peak</b> 48:21 50:5</p> <p><b>Pearson</b> 41:8</p> <p><b>pedestrian</b> 89:25</p> <p><b>pen</b> 23:22</p> <p><b>penalizing</b> 113:5</p> <p><b>pending</b> 3:12</p> <p><b>people</b> 13:22 19:2 25:22,25 27:20 32:13 36:3,10,16 39:10 41:14 42:20,23 43:4 45:25 47:17 49:7,12,19 53:9 54:11 57:11,13,16 66:25 67:9 79:21 80:23 94:16 104:4 105:3 116:8 131:8</p> <p><b>per</b> 31:5,7 56:5 65:13 66:25 73:24 89:4 123:20</p> <p><b>perceived</b> 118:18</p> <p><b>percent</b> 27:25 36:14 47:8 48:6,14,18,19,20,22, 23 50:8,21 51:22 52:2 86:12 91:8 103:17 105:2 106:4,17,23,25 107:2 108:12 109:4,20 110:11,17 112:7,9,17 113:6,12 114:25 116:3 117:9</p> <p><b>percentage</b> 88:22 103:12</p> <p><b>perhaps</b> 3:10 23:17,22 109:19 116:17</p> <p><b>period</b> 6:17 37:2 130:21</p> <p><b>permit</b> 8:8 20:4 84:12</p>	<p><b>person</b> 60:5,8 113:21 115:9</p> <p><b>personally</b> 81:23</p> <p><b>person's</b> 56:3</p> <p><b>perspective</b> 60:20 65:17 107:5 132:7</p> <p><b>pesticides</b> 42:15</p> <p><b>Peter</b> 19:15</p> <p><b>petitioner</b> 87:8</p> <p><b>petitioners</b> 87:4</p> <p><b>petroleum</b> 47:20</p> <p><b>phase</b> 36:2,4,6 96:17</p> <p><b>phases</b> 95:25 96:2</p> <p><b>philosophy</b> 32:23 33:3 34:4</p> <p><b>photograph</b> 27:2 38:5</p> <p><b>physically</b> 89:19</p> <p><b>picture</b> 61:19,20 62:14</p> <p><b>piece</b> 5:11 22:13 76:8 94:10 111:2</p> <p><b>pilot</b> 11:16</p> <p><b>Pine</b> 123:24 124:8</p> <p><b>pipe</b> 38:24 98:12</p> <p><b>pit</b> 33:21</p> <p><b>pivot</b> 46:3</p> <p><b>places</b> 23:14 70:15,16</p> <p><b>plan</b> 7:11,14,25 8:6,17 9:3,8 11:13 17:22 20:4 31:20 34:9,13,19 36:21 37:11 39:17 44:3,4 45:4 46:3,13,18 47:25 48:3,11 52:14 61:12 63:24 70:22 80:8 85:18,19,22 90:21 91:7 98:6 99:20,21 101:17 102:17,19 123:8,12,14,19,22 124:7 125:5 126:15 127:18 129:17 130:8,21 132:17</p> <p><b>planned</b> 83:7 85:6,10,15 90:8 96:24,25</p> <p><b>planner</b> 1:19,20</p>	<p>26:12,14 58:12</p> <p><b>planners</b> 30:23</p> <p><b>planning</b> 1:3,18,19 2:1,3 3:1 4:1 5:1 6:1 7:1,4,8,15 8:1,11 9:1 10:1 11:1,24 12:1,20 13:1 14:1 15:1,4,5,8 16:1,9,19,20 17:1,24,25 18:1,17,20,21 19:1,10,15 20:1,13,17 21:1,4 22:1 23:1 24:1,5 25:1,7,16 26:1 27:1 28:1,4 29:1 30:1,8 31:1,18,22,23,25 32:1,7,8,10,14,16,24 33:1,3,16 34:1,22 35:1 36:1 37:1 38:1 39:1 40:1 41:1,12,23 42:1 43:1 44:1 45:1 46:1,16 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1,4 59:1 60:1 61:1,5 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1,17,20 77:1 78:1,8 79:1 80:1,2 81:1 82:1,11,25 83:1 84:1,14 85:1,23 86:1,11,18,25 87:1 88:1 89:1,6,22 90:1 91:1 92:1,2,4 93:1 94:1 95:1,25 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1,25 116:1 117:1 118:1 119:1 120:1,11 121:1,11 122:1,2 123:1,11 124:1,9,11 125:1 126:1,5,18 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:14</p> <p><b>plans</b> 47:18 54:22 121:4</p> <p><b>plant</b> 65:11,12,15</p>	<p>71:11 72:2,12 73:6 87:21 96:19 98:13 100:23,24</p> <p><b>planted</b> 102:12</p> <p><b>plants</b> 47:13</p> <p><b>play</b> 131:24</p> <p><b>Plaza</b> 27:23</p> <p><b>please</b> 3:25 13:9 14:7 17:17 18:8 53:3 119:23 120:5 133:23</p> <p><b>pleasure</b> 25:9</p> <p><b>pledge</b> 2:6,7</p> <p><b>Plymouth</b> 75:17</p> <p><b>point</b> 5:22 11:14 24:8,10 27:20 35:24 45:19 48:18 50:18,20,23 51:16 63:14,23 66:6 67:2 68:18 71:6 73:10 74:16 77:13 78:16 80:16,23 83:10,15,20 94:24 95:5 99:5 100:18 101:13 105:11,18,20 111:12 116:20 118:17 120:25 121:2 127:15 129:2 130:18 131:6,18 132:3</p> <p><b>pointing</b> 127:25</p> <p><b>points</b> 47:24 105:10</p> <p><b>pole</b> 67:4</p> <p><b>police</b> 6:3 120:22</p> <p><b>policies</b> 7:24 39:19 49:3</p> <p><b>policy</b> 61:5 66:2 87:2,3 89:22 91:11 122:23 124:8,12,19 125:14,19</p> <p><b>political</b> 130:3,12 132:5</p> <p><b>politician</b> 82:5</p> <p><b>pollution</b> 37:14</p> <p><b>pool</b> 83:18</p> <p><b>pools</b> 84:2,4 88:6</p> <p><b>population</b> 19:6 27:6 44:13,17 86:20 116:7</p>
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<p><b>Port</b> 14:5,8</p> <p><b>Portal</b> 20:4</p> <p><b>portion</b> 4:3 63:16 122:10,11 124:6 125:24</p> <p><b>position</b> 21:3 81:17 112:13 117:22</p> <p><b>positions</b> 19:24 20:25 22:25 23:3,9 24:6 79:25</p> <p><b>positive</b> 94:21</p> <p><b>possibility</b> 131:13</p> <p><b>possibly</b> 36:17 38:24 39:11</p> <p><b>potential</b> 8:19 124:24 126:9</p> <p><b>power</b> 47:18 54:21 59:6</p> <p><b>practical</b> 113:17 114:4 119:15</p> <p><b>practicality</b> 104:17</p> <p><b>practice</b> 6:8 81:7</p> <p><b>practices</b> 122:13</p> <p><b>practicing</b> 32:4</p> <p><b>PRC</b> 83:19 89:20 90:23</p> <p><b>preclude</b> 13:17</p> <p><b>predict</b> 36:21 97:18</p> <p><b>predicted</b> 112:7</p> <p><b>predominant</b> 36:18</p> <p><b>predominantly</b> 28:25</p> <p><b>preliminary</b> 92:24</p> <p><b>premise</b> 100:22</p> <p><b>prepared</b> 19:16 89:14</p> <p><b>present</b> 1:11 2:5</p> <p><b>presentation</b> 19:18 26:18 40:5 61:17,22,24</p> <p><b>presented</b> 7:18</p> <p><b>presenting</b> 13:2</p> <p><b>preservation</b> 37:12,19 68:15 78:2 123:24</p> <p><b>preservationists</b> 95:2</p> <p><b>preserve</b> 37:13 39:12</p>	<p>82:21 83:2 95:8,15 126:4 127:23 128:8</p> <p><b>preserved</b> 78:10 93:8</p> <p><b>preserving</b> 99:10 131:2</p> <p><b>presiding</b> 16:24</p> <p><b>press</b> 8:21,25</p> <p><b>presumptively</b> 85:21</p> <p><b>pretty</b> 28:15 44:13 103:2 110:7</p> <p><b>prevent</b> 122:15 125:25</p> <p><b>price</b> 50:18 105:10,16,20 114:17</p> <p><b>prices</b> 50:13</p> <p><b>primarily</b> 71:16</p> <p><b>primary</b> 40:23 54:16 95:7</p> <p><b>prime</b> 27:14</p> <p><b>principal</b> 26:12</p> <p><b>print</b> 34:16</p> <p><b>printed</b> 34:14</p> <p><b>prior</b> 87:23 96:6 103:15 106:6</p> <p><b>priorities</b> 82:8 97:19</p> <p><b>priority</b> 35:10</p> <p><b>private</b> 95:7</p> <p><b>probably</b> 9:19 14:10 42:6 47:21 54:2 59:5 62:10 70:23 103:9 111:6,7,16 113:22 128:5</p> <p><b>problem</b> 30:18 65:7 114:19,25</p> <p><b>problematic</b> 90:19</p> <p><b>problems</b> 30:17 31:15 35:15 37:14 38:3 42:18 114:15</p> <p><b>procedural</b> 95:16</p> <p><b>proceeding</b> 78:20</p> <p><b>process</b> 19:21 58:4 73:15 80:8 94:13 97:15</p> <p><b>procure</b> 76:5,20 81:9</p> <p><b>produce</b> 29:12 55:8</p>	<p>57:20 66:11</p> <p><b>producing</b> 47:13</p> <p><b>product</b> 47:20</p> <p><b>production</b> 55:14</p> <p><b>products</b> 55:9</p> <p><b>Professional</b> 11:4</p> <p><b>professionals</b> 42:19</p> <p><b>profit</b> 42:24</p> <p><b>program</b> 8:14 11:16 79:6,9,10</p> <p><b>programs</b> 57:16 77:14,15,18</p> <p><b>progress</b> 10:19</p> <p><b>prohibits</b> 70:4</p> <p><b>project</b> 53:16 68:11 72:25 86:20 90:25 91:21 94:21,22 95:18,20,25 96:2,11,18 97:3,9 98:11 107:16,24 108:6,21 110:18 127:7</p> <p><b>projects</b> 20:3,5 25:10 46:5 73:7 84:23 90:24 94:7 96:15 97:23 105:5 107:23 117:7</p> <p><b>project's</b> 89:15</p> <p><b>promote</b> 80:20</p> <p><b>promotes</b> 57:14</p> <p><b>promotion</b> 89:23</p> <p><b>properly</b> 73:23</p> <p><b>properties</b> 124:14 125:15</p> <p><b>property</b> 4:20 5:2,20 51:15 76:8,14 78:4 81:2 83:3 84:9,15 85:19 89:10 90:5,7,8 106:10 108:23 116:13 118:4 120:14,17,21 121:10,15 123:15,23 124:6 128:17 132:8,9</p> <p><b>proposal</b> 84:21,23 85:3 86:4,17 87:6 88:8,24 92:20 96:22 97:7</p>	<p>127:18</p> <p><b>proposals</b> 86:5 108:22 121:4 123:3</p> <p><b>proposed</b> 5:15 9:20 72:24 83:11,13,16 84:5 87:9 88:4,13,18 89:16,19 91:14 120:24,25 122:8 124:16,23 125:16,22 126:7 131:17 132:9,13</p> <p><b>proposes</b> 131:25</p> <p><b>proposing</b> 5:17 84:8 97:8,9</p> <p><b>Protect</b> 16:8 40:8</p> <p><b>protection</b> 63:4 77:18 121:18 123:20,22</p> <p><b>protest</b> 79:24</p> <p><b>proven</b> 81:23</p> <p><b>provide</b> 53:11 84:24</p> <p><b>provided</b> 83:19</p> <p><b>provides</b> 121:25</p> <p><b>providing</b> 86:18</p> <p><b>provision</b> 86:15</p> <p><b>proviso</b> 75:2</p> <p><b>proximity</b> 100:25</p> <p><b>prudent</b> 69:2 70:15</p> <p><b>psych</b> 29:9</p> <p><b>public</b> 4:3 5:6 6:16 9:7 10:16 12:17 16:21 17:2 32:6 41:15 49:3 53:11 54:22 58:2 64:2 77:22 83:17 87:16,18 91:17,19 94:2 95:8 107:21 109:19,22 122:3 123:15 134:8</p> <p><b>publication</b> 88:14 91:16</p> <p><b>publicly</b> 124:4</p> <p><b>published</b> 31:21</p> <p><b>pulls</b> 23:13</p> <p><b>punchline</b> 76:2</p> <p><b>purchase</b> 104:5</p> <p><b>purpose</b> 23:2</p>
---	--	---	---



<p><b>purposes</b> 31:11,14 91:10</p> <p><b>push</b> 67:6</p> <p><b>pushed</b> 10:8</p> <p><b>puts</b> 117:9</p> <p><b>putting</b> 83:18 97:23 98:8,17,22 117:5</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p><b>qualified</b> 103:21</p> <p><b>qualify</b> 115:19</p> <p><b>quality</b> 47:14,16 75:7</p> <p><b>quantities</b> 62:2</p> <p><b>quantity</b> 89:6</p> <p><b>quarterly</b> 10:20</p> <p><b>queen</b> 97:18</p> <p><b>question</b> 20:8 40:25 65:22 79:23 80:10 82:6,13 95:16,19 96:8 97:13 106:22 107:3 109:18,22 110:2 113:9 117:14</p> <p><b>questioned</b> 128:15</p> <p><b>questions</b> 6:9 25:3 54:16,24 57:3 126:20</p> <p><b>quick</b> 7:8 14:10 85:5</p> <p><b>quicker</b> 100:13</p> <p><b>quite</b> 19:18 109:25</p> <p><b>quo</b> 46:4 117:22</p> <p><b>quorum</b> 2:4</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p><b>Rabin</b> 52:19,22 53:5,21,24 54:7 55:25 56:13,22 57:18 58:23 59:21 60:10,25 62:15,24 64:23 67:16</p> <p><b>radar</b> 20:6</p> <p><b>railroad</b> 29:7,22</p> <p><b>raise</b> 3:25 74:10 119:23 120:5 127:15 133:10,23</p> <p><b>raised</b> 42:10</p>	<p><b>raising</b> 98:4</p> <p><b>rampant</b> 74:4</p> <p><b>range</b> 57:9 105:16 114:12 132:10</p> <p><b>rapidly</b> 6:8</p> <p><b>rare</b> 109:6</p> <p><b>rate</b> 114:15</p> <p><b>rates</b> 105:20</p> <p><b>rather</b> 70:16 98:2 105:24,25 113:15</p> <p><b>ratios</b> 66:15</p> <p><b>Rauch</b> 12:23</p> <p><b>reach</b> 14:6 64:10,24 105:3</p> <p><b>reached</b> 47:4</p> <p><b>real</b> 40:10 43:18 48:20 51:10 66:22 85:5 108:12 130:15</p> <p><b>reality</b> 50:21 77:7 113:23</p> <p><b>realize</b> 49:8</p> <p><b>realized</b> 28:18 31:16</p> <p><b>realizing</b> 30:9</p> <p><b>really</b> 5:24 21:21 30:22 42:9,12 103:23 104:5 107:4</p> <p><b>reason</b> 6:5 78:18 112:6 119:7 132:2 135:7,9,11,13,15,17, 19,21</p> <p><b>reasonable</b> 43:4 69:2 77:21</p> <p><b>reasons</b> 41:4 80:19 103:14 130:12 132:5 135:3</p> <p><b>received</b> 76:16 84:12 92:17</p> <p><b>recent</b> 35:7 51:15 64:21</p> <p><b>recently</b> 40:20 75:15 92:13</p> <p><b>recession</b> 119:13</p> <p><b>recessionary</b> 37:2</p> <p><b>recharge</b> 69:14 84:2</p>	<p>88:5</p> <p><b>Recitation</b> 2:7</p> <p><b>recommend</b> 109:16</p> <p><b>recommendation</b> 63:25 87:15 91:24 109:15 124:3 125:6</p> <p><b>recommendations</b> 67:14 85:18 96:5 123:13,25</p> <p><b>recommended</b> 19:23 81:16 90:3 122:16 123:4 126:12</p> <p><b>recommending</b> 41:2 91:12</p> <p><b>recommends</b> 91:5 125:7</p> <p><b>reconfiguration</b> 93:6</p> <p><b>reconstructing</b> 35:23 36:9</p> <p><b>reconstruction</b> 124:25</p> <p><b>record</b> 126:22 134:13</p> <p><b>recreational</b> 79:13 83:17 94:2 95:4 121:22</p> <p><b>redeveloped</b> 36:5</p> <p><b>redevelopment</b> 36:7 86:5</p> <p><b>reduce</b> 54:13 55:20 57:4 59:15 60:12</p> <p><b>reducing</b> 57:6,10</p> <p><b>reduction</b> 92:11</p> <p><b>reestablished</b> 32:20</p> <p><b>referral</b> 84:17 86:2,15 91:4 126:17</p> <p><b>referrals</b> 4:12 84:15,17 92:3 123:10</p> <p><b>referred</b> 96:2,3</p> <p><b>refers</b> 30:5</p> <p><b>refining</b> 55:15</p> <p><b>reflect</b> 19:2 54:16,25 86:25</p> <p><b>regained</b> 128:9</p> <p><b>regard</b> 8:7 30:24 84:21 87:19 91:17,20</p>	<p>103:6 110:9 123:12</p> <p><b>regarding</b> 68:14 121:23</p> <p><b>regardless</b> 59:16 118:15</p> <p><b>region</b> 47:20</p> <p><b>regional</b> 20:17 21:4 31:25 40:9 64:10 65:17 87:22 106:20 112:8</p> <p><b>regionally</b> 20:19 58:21 66:2 126:24</p> <p><b>regions</b> 59:9</p> <p><b>regulated</b> 64:14 83:21 93:21 121:21</p> <p><b>regulatory</b> 52:19 82:21,24</p> <p><b>rejected</b> 90:24</p> <p><b>related</b> 7:12 46:20 48:2 49:21 58:5 84:15 92:4 123:9 126:16 127:7</p> <p><b>relates</b> 51:16 106:22</p> <p><b>relationship</b> 32:16</p> <p><b>relationships</b> 68:6</p> <p><b>relative</b> 89:11</p> <p><b>relatively</b> 31:8</p> <p><b>release</b> 7:16</p> <p><b>released</b> 40:20</p> <p><b>relevant</b> 57:5 83:24 87:10 131:16</p> <p><b>rely</b> 80:3</p> <p><b>remain</b> 83:21 88:9</p> <p><b>remainder</b> 5:22 93:15</p> <p><b>remaining</b> 83:13</p> <p><b>remedied</b> 74:15</p> <p><b>remember</b> 11:5 128:11</p> <p><b>reminds</b> 32:6</p> <p><b>remove</b> 106:20</p> <p><b>rent</b> 73:25</p> <p><b>rentals</b> 104:6,19 105:25</p> <p><b>rented</b> 49:21</p>
---	---	--	---



<b>rents</b> 74:10 <b>re-pipe</b> 96:14 <b>replace</b> 101:23 <b>replacement</b> 102:5 <b>report</b> 6:19 13:15 14:22 17:22 84:16 92:6 126:19 127:9 133:8,10 <b>reported</b> 134:15 <b>reports</b> 40:19 <b>Republican</b> 80:11,12 <b>requesting</b> 83:6 <b>require</b> 49:22 96:19 110:21 <b>required</b> 88:12 89:10 91:7 93:10 97:13,21,22 101:17 125:3 <b>requirement</b> 89:2 114:5 <b>requirements</b> 8:13 15:12 75:22 76:22 83:23 87:11 88:10 <b>requires</b> 50:22 60:16 84:22 105:25 110:11 <b>requiring</b> 103:17 <b>rescue</b> 78:14 <b>reserve</b> 16:14 <b>reservoir</b> 58:19 <b>residence</b> 49:14 83:7 120:15 122:9 <b>residences</b> 87:9 <b>resident</b> 18:18 73:24 103:22 <b>residential</b> 33:18 73:13 83:9 84:4,7 89:18 91:9 124:5 <b>residentially</b> 124:4 <b>residents</b> 71:8 76:12 77:15 <b>resolution</b> 16:12 69:19 <b>resolutions</b> 43:24 <b>resource</b> 39:11 54:3 58:4 67:21 82:3	<b>resources</b> 18:5,10 23:14 37:17 53:12 56:23 57:8,20 63:12,24 116:10 <b>respect</b> 42:22 85:22,24 <b>respected</b> 67:20 <b>rest</b> 5:19 46:15 <b>restoration</b> 37:19 <b>restricted</b> 83:12 85:7 <b>restricting</b> 113:6 <b>restriction</b> 103:19 117:6 119:8 <b>restrictions</b> 105:9,19 117:11 <b>result</b> 16:8 88:24 89:16 <b>retail</b> 27:19,21 33:9 92:19 <b>retain</b> 5:23 <b>retirement</b> 85:6,10,15 90:9 96:24 97:2 <b>retrofit</b> 100:4 <b>return</b> 113:6 <b>revenue</b> 49:13,19 <b>review</b> 69:20 80:15 87:25 88:14 91:15,22 96:5 102:9 <b>reviewed</b> 2:11 84:14 95:16,21 <b>revised</b> 3:5 <b>revisit</b> 102:16 106:18 <b>rewrite</b> 118:12 <b>rezone</b> 124:3 <b>Rich</b> 31:24 <b>Richard</b> 28:9,12 <b>ride</b> 28:11,15,20 <b>rightly</b> 76:5 <b>rights</b> 95:11 <b>ripe</b> 44:2 <b>rise</b> 51:9 <b>risen</b> 75:14 <b>river</b> 29:25 37:18 38:6,14,17,21 39:5,6 44:10 69:24 97:17	99:5,20,21,23 123:18,21 127:17,24 129:17,19,21 130:19 132:11 <b>Riverhead</b> 1:13 9:8 68:11 <b>Rivers</b> 85:11,13 <b>road</b> 42:11 83:4 100:24 120:20 121:8,12,13 125:2,20 126:10 <b>roads</b> 124:15,20 125:16 <b>Roadway</b> 125:13 <b>roadways</b> 98:19 <b>Robert</b> 4:5 <b>Roberts</b> 1:16 8:2 12:10 14:2,14 21:11,12 53:3,19 113:16 119:2,4,5 <b>robust</b> 79:2 <b>role</b> 79:17 131:18,23 <b>Rolling</b> 11:18 <b>Romaine</b> 24:17 <b>Ronkonkoma</b> 78:13 79:16 <b>Ronkonkoma's</b> 78:3 <b>Roofs</b> 71:22 <b>room</b> 1:4 20:6 44:19 <b>rough</b> 30:21 63:2 <b>roughly</b> 48:14 49:9 90:14 <b>Route</b> 121:12 <b>routine</b> 11:8 <b>ruin</b> 55:23 <b>ruined</b> 42:8 <b>rule</b> 50:15 114:9 119:11,13,14 <b>rules</b> 13:8,12,21 22:21 <b>run</b> 6:25 62:9 100:25 101:3 <b>running</b> 99:18 <b>runoff</b> 15:15 71:3 88:7 <b>runs</b> 59:9	<hr/> <b>S</b> <hr/> <b>safety</b> 10:16 12:17 41:4 42:11 77:23 87:16,18 91:18,19 124:11 125:13 <b>sake</b> 6:10 <b>sale</b> 104:24 106:2 131:3 <b>sales</b> 80:25 <b>sand</b> 33:21 <b>sanitary</b> 63:21 75:21,23 76:20,21 84:6 88:10 96:16 97:8 <b>Sarah</b> 1:19 21:12 22:24 23:13 70:2 <b>sarcastic</b> 19:3 <b>sat</b> 130:7 <b>satisfactory</b> 122:4 <b>save</b> 60:5,15 61:8,21 <b>saving</b> 59:20 131:2 <b>saw</b> 62:21 92:10,11,15 <b>scenarios</b> 86:22 <b>scenic</b> 121:22 <b>school</b> 44:17 51:17,23 52:2 57:16,21 86:21 <b>Schoolman</b> 1:16 56:20 61:6,10,14 119:6 120:5 133:6 <b>schools</b> 44:16 <b>scientific</b> 129:16 130:12 132:6 <b>scoring</b> 17:12 <b>Scouts</b> 57:24 <b>scream</b> 20:8 <b>screen</b> 20:6 <b>SD</b> 69:23 72:12 73:20 74:23 <b>second</b> 3:24 4:11 38:14 72:10 75:13 85:9 109:18 119:20,22 133:6,21 <b>secretary</b> 1:12 2:5 <b>Section</b> 86:10 89:13
--	--	--	--



<p>121:25 122:23 124:19 125:5</p> <p><b>sector</b> 58:24 69:16 95:7</p> <p><b>sectors</b> 59:4</p> <p><b>seeing</b> 3:15 25:22 26:16 35:23 50:12 118:17</p> <p><b>seeking</b> 78:16</p> <p><b>seeks</b> 120:11</p> <p><b>seems</b> 32:23 128:3</p> <p><b>seen</b> 80:17 92:7,22 108:9</p> <p><b>segment</b> 116:7</p> <p><b>sell</b> 4:18 5:17 6:7 104:19,24 128:19 129:14 131:7</p> <p><b>selling</b> 104:10,11 113:23 114:10 131:9 132:16,17</p> <p><b>semi-public</b> 123:16</p> <p><b>Senator</b> 79:4</p> <p><b>send</b> 2:24 3:2 21:17 24:16,18</p> <p><b>sending</b> 22:5,7 23:17</p> <p><b>senior</b> 26:7 85:12,14 86:19 104:2,14,25 113:17,21,24 114:3,8,16 115:4 116:6,7</p> <p><b>seniors</b> 71:16 80:24 81:9 90:10 104:4,8 105:23 114:10,13,20 116:9,10,24</p> <p><b>sense</b> 12:15 63:6 101:13</p> <p><b>sent</b> 2:22 8:9</p> <p><b>separate</b> 46:21</p> <p><b>separated</b> 89:20</p> <p><b>separation</b> 42:10 49:16</p> <p><b>seperation</b> 49:14</p> <p><b>September</b> 8:22</p> <p><b>septic</b> 70:13,14,16 98:25 99:7 100:19</p> <p><b>septics</b> 102:5</p>	<p><b>SEQRA</b> 84:17 92:18</p> <p><b>serve</b> 13:10,23</p> <p><b>service</b> 2:20,25 124:22</p> <p><b>services</b> 5:8 16:22 78:14 87:25 90:11 97:6</p> <p><b>session</b> 8:22</p> <p><b>Seth</b> 17:23 46:11 52:12</p> <p><b>setting</b> 113:4</p> <p><b>seven</b> 48:18 50:18 73:19 80:17 81:11,15 104:13 121:2,7</p> <p><b>seventy</b> 48:13 51:22 65:15</p> <p><b>seventy-eight</b> 48:18,23</p> <p><b>seventy-five</b> 34:2 76:11 83:13 93:14</p> <p><b>seventy-two</b> 31:5,7</p> <p><b>several</b> 9:8,13 10:25 17:9,25 47:4 84:14 92:8 106:10</p> <p><b>sewage</b> 38:22 71:25 84:8 87:21</p> <p><b>sewer</b> 10:8 16:7,15,16 35:8 40:10 43:25 44:24 45:8,15,21 58:14 65:10,11 66:7,13,15 69:6,7,9,20 71:8,11 73:16,21,25 74:7,8,18 97:3,18,20 98:12 100:8,20 101:10</p> <p><b>sewering</b> 69:5 71:6 74:18 96:9</p> <p><b>sewers</b> 15:16 18:19 35:15,18,21,23 40:13 44:2 75:8,15 77:23 96:12 101:15,19</p> <p><b>shape</b> 46:6 94:4</p> <p><b>share</b> 65:19</p> <p><b>sharing</b> 82:8</p> <p><b>sheets</b> 53:13</p> <p><b>shelf</b> 118:5</p>	<p><b>shellfish</b> 37:25</p> <p><b>Shelter</b> 1:14 52:7</p> <p><b>shift</b> 75:13 88:24</p> <p><b>ship</b> 131:7</p> <p><b>Shirley</b> 82:22 83:2 84:11 97:17</p> <p><b>shopping</b> 27:22</p> <p><b>Shore</b> 35:16,17</p> <p><b>short</b> 100:25 130:21</p> <p><b>shorter</b> 100:15</p> <p><b>shortfall</b> 80:16</p> <p><b>shortly</b> 10:18</p> <p><b>shot</b> 99:13</p> <p><b>shower</b> 55:6 60:14,23</p> <p><b>showers</b> 61:12,13</p> <p><b>shows</b> 32:5</p> <p><b>shutters</b> 40:2</p> <p><b>sides</b> 4:22</p> <p><b>SIGNATURE</b> 135:24</p> <p><b>signed</b> 127:20</p> <p><b>significant</b> 48:24 98:19 126:24</p> <p><b>signing</b> 23:18</p> <p><b>similar</b> 22:22</p> <p><b>simple</b> 77:8</p> <p><b>simplify</b> 73:14</p> <p><b>simultaneous</b> 99:18</p> <p><b>Sinai</b> 100:21</p> <p><b>single</b> 5:18 34:3 48:15 49:7 51:22 66:10 71:16 83:14 92:25 97:2 107:17 115:4,6,11</p> <p><b>sinks</b> 76:25</p> <p><b>sir</b> 4:6</p> <p><b>site</b> 57:10 71:17 84:6 87:8 88:9 89:12 90:21 92:4 95:25 98:6 102:17,19 111:7,23,25 120:21 121:17,21 123:8 124:2 126:15</p> <p><b>sited</b> 100:12</p>	<p><b>sites</b> 41:17 73:13</p> <p><b>sitting</b> 26:13 80:13 118:5</p> <p><b>situated</b> 121:15</p> <p><b>situation</b> 56:25 108:8 119:10</p> <p><b>six</b> 8:24 27:2,5 36:15 46:5 56:13 58:15 66:9 73:18 75:10 76:7 78:4,9 83:10 99:17 111:12,15</p> <p><b>sixteen</b> 27:24 120:18</p> <p><b>sixty</b> 36:14 50:12 56:14</p> <p><b>sixty-eight</b> 120:17</p> <p><b>sixty-five</b> 47:2</p> <p><b>Sizable</b> 95:3</p> <p><b>size</b> 26:24 94:7 98:11</p> <p><b>skies</b> 15:21</p> <p><b>skin</b> 56:11</p> <p><b>slash</b> 13:8</p> <p><b>slides</b> 63:11</p> <p><b>slopes</b> 29:24</p> <p><b>smack</b> 99:22</p> <p><b>small</b> 33:15 53:2 63:16 71:23 72:7</p> <p><b>smaller</b> 19:4 61:20 100:11 108:10</p> <p><b>smart</b> 20:16</p> <p><b>Smith</b> 28:9,13</p> <p><b>Smithaven</b> 27:23 36:8</p> <p><b>Smithtown</b> 1:4,5,15 6:22 7:6 9:6 16:4 25:6,15,19 26:20 28:4,8,25 29:5,19,22 30:3,5,8 31:5 32:13,15 36:11,16,18 38:4 39:20 40:3,9,14 43:19,22,25 44:16 45:3,9,23 46:4 51:8,21 63:8 68:18 69:18 75:16</p> <p><b>snapshot</b> 55:15</p> <p><b>sobered</b> 28:17</p> <p><b>societal</b> 60:19</p>
---	---	--	--



<b>society</b> 34:21	123:2,25 132:24	<b>stands</b> 53:22,24	<b>streamlining</b> 8:8 9:7
<b>soft</b> 102:18,22	<b>specifically</b> 24:14 38:10 80:10	<b>start</b> 11:18 34:22 51:11 65:25	<b>street</b> 34:11 39:23 40:18 68:21 69:18 83:24 89:17
<b>solar</b> 8:8 9:7 55:19,20	<b>spend</b> 63:13 94:19	<b>started</b> 10:21 11:23 34:18 78:20 101:11	<b>stress</b> 57:6
<b>sold</b> 131:14,16	<b>spirit</b> 113:18	<b>starter</b> 34:2 117:18	<b>strict</b> 32:23
<b>somebody</b> 117:17	<b>split</b> 5:22 75:19 108:3 122:9 125:22	<b>state</b> 8:18,20 39:3 41:2,5,7,10,18 42:2,4,13 70:25 79:6,7,14 106:25 121:19,20,24 124:15 125:16 127:19,20,25 134:4,9	<b>strip</b> 31:13
<b>someone</b> 19:17 62:25 113:19 117:20 128:23 131:24 132:7	<b>spoke</b> 8:25 11:14,25 69:4	<b>statewide</b> 54:9	<b>strong</b> 32:15 33:4
<b>someone's</b> 3:6	<b>sponsor</b> 89:15	<b>station</b> 29:25	<b>struggled</b> 71:24
<b>somewhat</b> 39:3 47:9 49:18	<b>sprawl</b> 34:6 48:8	<b>statistic</b> 51:21	<b>struggling</b> 116:9
<b>sorry</b> 50:25 110:10	<b>spread</b> 111:7	<b>statistics</b> 50:2	<b>studies</b> 99:18
<b>sort</b> 23:12 64:8 131:15	<b>Spring</b> 71:8,14	<b>status</b> 46:4 117:22	<b>stuff</b> 62:21 110:23
<b>sought</b> 73:23	<b>square</b> 26:25 27:21 33:25 34:2 76:7	<b>stay</b> 13:3 71:5 93:20	<b>subdivide</b> 128:17 129:11,13
<b>Sound</b> 70:3,5	<b>ss</b> 134:5	<b>stays</b> 108:4	<b>subdividing</b> 129:14
<b>source</b> 53:12 67:18 99:6	<b>stabilization</b> 16:14	<b>steering</b> 7:25	<b>subdivision</b> 92:16,23 106:15 120:13,14 122:13,16 123:8 126:15 130:14 131:11
<b>sources</b> 63:5	<b>staff</b> 8:4 9:4,16 19:24 20:15 21:16 23:23 24:3,11 25:23 26:7,15 57:19 67:24 82:11 84:16,20 86:7,23 87:14 88:13,25 90:6 91:5,12 92:6,17 95:21 104:23 106:11 107:9 108:16 121:23 125:6 126:19 132:14 133:7,10	<b>stemming</b> 37:14	<b>subdivisions</b> 122:18 125:24 126:23 132:16
<b>south</b> 35:17 42:4 71:9,10 78:12	<b>staff's</b> 107:5	<b>step</b> 39:5	<b>subject</b> 70:19 83:3 84:9 86:5 87:20 90:5,7 120:17,21 121:6,10 122:6,24 123:10,15,17,23 124:2,6 126:17
<b>Southampton</b> 1:16 9:17,20	<b>stage</b> 35:22 102:23,24	<b>sterilizing</b> 76:14	<b>submitted</b> 78:15,16 87:5 121:5
<b>Southold</b> 9:8 18:25	<b>stages</b> 90:19	<b>Steve</b> 16:11	<b>subscribe</b> 70:5
<b>Southwest</b> 66:7 101:11,12	<b>stakeholders</b> 46:2 130:20	<b>stewardship</b> 57:14	<b>substation</b> 75:17
<b>southwestern</b> 5:11	<b>stand</b> 112:17,18 115:15	<b>stick</b> 116:13	<b>substations</b> 100:11
<b>space</b> 27:14,19 33:10,25 66:23 83:17 88:23 89:11 93:6,8,10,12 94:2,14,18 95:4,8 112:3 113:13	<b>standards</b> 87:12 106:16,19,20,21 112:8,10,17,19 113:12 116:15 118:25 122:12 126:24	<b>stock</b> 36:24 117:4,6 130:10	<b>subsurface</b> 84:3
<b>speak</b> 56:24 58:12 99:24	<b>standing</b> 36:10	<b>stood</b> 109:21	<b>subtracted</b> 130:24
<b>speaker</b> 6:9 12:22	<b>standpoint</b> 112:24	<b>stop</b> 29:15,23 39:24 56:18 62:11	<b>suburbanization</b> 49:15
<b>speakers</b> 25:5		<b>stopped</b> 36:4	<b>suburbia</b> 31:8
<b>speaking</b> 68:18 107:15		<b>storage</b> 63:15	<b>succeed</b> 78:19
<b>speaks</b> 60:6 89:7 107:16		<b>stores</b> 33:14	<b>succeeded</b> 32:2,9
<b>special</b> 84:12 121:18		<b>storm</b> 7:12 15:15 37:20 38:10,13	<b>success</b> 78:2
<b>specific</b> 10:11 14:15 58:8,25 59:3 87:12,14 114:25 115:9 121:4		<b>stormwater</b> 83:25 84:5 88:7,15 91:16	<b>successful</b> 104:6
		<b>STP</b> 71:17 72:20 88:11	<b>sufficient</b> 103:11
		<b>strain</b> 57:7	<b>Suffolk</b> 1:3 2:1,3 3:1
		<b>strategy</b> 38:14 43:8	
		<b>streamline</b> 73:13	



<p>4:1,13 5:1 6:1 7:1,10 8:1,13 9:1 10:1,15 11:1,24 12:1 13:1 14:1 15:1 16:1,12 17:1 18:1,19 19:1,15,20 20:1,4,11 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1,3 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1,16 47:1,22 48:1,14,17 49:1 50:1,4 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1,20 64:1,21 65:1,3 66:1,3,8 67:1 68:1,8 69:1,7 70:1,12 71:1 72:1 73:1,16,20 74:1,25 75:1,22 76:1 77:1,11,15 78:1 79:1 80:1 81:1 82:1,24 83:1 84:1 85:1,23 86:1,11,25 87:1,24 88:1 89:1,6,22 90:1 91:1 92:1,2 93:1 94:1 95:1 96:1 97:1,6,20 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1,25 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1,14 116:1 117:1 118:1 119:1 120:1,9,22 121:1,7,11,15,18,25 122:1,22 123:1,11 124:1,11,19 125:1,4,14,19 126:1,5,18 127:1 128:1 129:1 130:1 131:1,4 132:1 133:1 134:6,13</p> <p><b>Suffolk's</b> 8:24</p> <p><b>suggest</b> 24:23</p> <p><b>suggested</b> 13:16 113:15</p> <p><b>Suggestions</b> 64:6</p> <p><b>summaries</b> 17:18</p>	<p><b>summit</b> 11:25 12:5 14:16</p> <p><b>Sunrise</b> 41:22</p> <p><b>supervisor</b> 6:24 11:14 25:13 68:25</p> <p><b>Supervisors</b> 12:4</p> <p><b>SUPP</b> 10:19 20:4 40:8</p> <p><b>supplies</b> 57:6</p> <p><b>supply</b> 54:23 117:3,14,23,24</p> <p><b>support</b> 7:24 11:11 12:7 23:19 24:7,25 31:8 69:12 74:17 76:16 78:7 79:23 81:5 119:6</p> <p><b>supposed</b> 106:24</p> <p><b>supposedly</b> 28:21</p> <p><b>sure</b> 10:2,12,17 63:21 90:6 116:6</p> <p><b>surface</b> 71:2</p> <p><b>surplus</b> 4:17 131:7</p> <p><b>surpluses</b> 16:14</p> <p><b>surprise</b> 36:13 118:7</p> <p><b>surprised</b> 36:10</p> <p><b>surrounding</b> 79:20</p> <p><b>sustain</b> 62:2</p> <p><b>sustainability</b> 53:9 85:25</p> <p><b>sustainable</b> 15:5 53:10 62:17 118:14</p> <p><b>swales</b> 102:12</p> <p><b>switch</b> 75:5</p> <p><b>system</b> 17:12 35:8 39:4,6 58:14,15 66:15 84:6 96:17,18 99:7 100:8,20</p> <p><b>systemic</b> 67:13</p> <p><b>systems</b> 83:25 84:6 88:11 89:17 98:25</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p><b>table</b> 7:7 46:2</p> <p><b>tackle</b> 97:16</p> <p><b>tag</b> 117:10</p>	<p><b>taking</b> 34:18 57:2 69:23 79:17 91:4</p> <p><b>talk</b> 13:4 14:18,21 22:18 27:9 30:23 42:7 43:7 51:5 65:17 66:13 73:11 75:14 77:25 103:5,7 107:13,19 116:21 133:15</p> <p><b>talked</b> 84:17 94:8</p> <p><b>talking</b> 28:10 37:18 40:12 44:15 69:25 94:17 96:9 104:18 111:13,14</p> <p><b>talks</b> 110:10,13</p> <p><b>Talmadge</b> 100:21</p> <p><b>tank</b> 67:6 70:13</p> <p><b>tanks</b> 70:15,16</p> <p><b>tap</b> 100:23</p> <p><b>Target</b> 33:14</p> <p><b>targeted</b> 123:19</p> <p><b>targeting</b> 104:3 115:9</p> <p><b>task</b> 8:7</p> <p><b>tax</b> 44:18 51:15 81:2,5,6 94:12 121:7</p> <p><b>taxed</b> 36:14</p> <p><b>taxes</b> 51:6,7,8,10,13</p> <p><b>taxing</b> 66:4,5</p> <p><b>taxpayer</b> 118:3</p> <p><b>taxpayers</b> 95:5</p> <p><b>TDR</b> 88:17 89:9 95:6 108:17 110:13</p> <p><b>teach</b> 57:21 60:3</p> <p><b>tearing</b> 36:8</p> <p><b>technical</b> 127:6</p> <p><b>technological</b> 22:4</p> <p><b>ten</b> 6:23 8:16 15:10,14 28:2 34:3 50:6 72:13,14 81:3 83:20 103:17 106:25 114:24 118:14 133:13</p> <p><b>tenants</b> 67:12</p> <p><b>tenets</b> 33:4</p>	<p><b>term</b> 30:20 34:5 82:11 127:6</p> <p><b>terms</b> 27:12,17 30:7 31:7 33:18 34:21 35:11 41:10 42:8 47:3 49:6 58:25 59:3,5,7 62:16 63:2 84:20 85:3 88:17,19,20 89:2 108:14 124:10</p> <p><b>textiles</b> 55:9 56:15</p> <p><b>thank</b> 6:12,13,24 9:21 14:24,25 15:8,22 16:3,5 18:14 21:9 22:16 24:23 25:5,10 40:4,5,9 46:8,10,14 52:24 64:7 67:23 82:13,14,18 126:21 133:13</p> <p><b>thanks</b> 10:23 52:10</p> <p><b>That's</b> 54:7 92:5 105:22</p> <p><b>themselves</b> 13:18 74:10</p> <p><b>theory</b> 99:12</p> <p><b>therefore</b> 87:14 123:4</p> <p><b>thermal</b> 54:20 59:5</p> <p><b>theYaphank</b> 5:4</p> <p><b>they're</b> 11:15 21:7 24:6 53:13 58:3 67:20 93:18 97:7,9,23 99:10 104:20 111:19 114:10 115:21 128:16,17 131:9 132:18</p> <p><b>third</b> 19:5 20:15 27:16 78:16</p> <p><b>thirteen</b> 47:10</p> <p><b>thirty</b> 7:16 26:12 34:16 48:5 71:18 99:2,7</p> <p><b>thirty-five</b> 2:15</p> <p><b>thirty-seven</b> 47:8 56:17 85:13</p> <p><b>thirty-six</b> 27:8</p> <p><b>THOMAS</b> 1:17</p> <p><b>thoughts</b> 3:21 16:5 24:19,22 112:22 127:13 133:2</p>
--	--	---	---



<p><b>thousand</b> 8:15,16 27:7,12 33:24 36:12 48:13 50:4 72:13,14,16 76:7 77:12 104:10 105:14,15 118:4</p> <p><b>thousands</b> 57:8</p> <p><b>thread</b> 59:9</p> <p><b>three-thirty</b> 16:18 17:4</p> <p><b>throughout</b> 33:5 47:20 54:9 57:2</p> <p><b>thumb</b> 50:15</p> <p><b>Thursday</b> 16:18</p> <p><b>thwart</b> 77:22</p> <p><b>tips</b> 57:4,5,9 59:14</p> <p><b>tirelessly</b> 118:3</p> <p><b>title</b> 78:6</p> <p><b>TMVL</b> 99:4</p> <p><b>today</b> 26:7,18 27:10 28:22 29:19 30:23 39:3 68:19 81:11 97:16,21 98:2 99:23 100:17 115:22,24 119:10</p> <p><b>Today's</b> 119:11</p> <p><b>toilet</b> 61:15</p> <p><b>toilets</b> 60:23 77:2</p> <p><b>token</b> 127:22</p> <p><b>Tom</b> 19:3 24:23 100:23 116:19</p> <p><b>tomorrow</b> 17:4,15 97:22 98:14 100:2,16 115:23,24</p> <p><b>tool</b> 54:11 57:22 60:25 64:3</p> <p><b>toolbox</b> 61:2 64:3</p> <p><b>tools</b> 53:12 95:7</p> <p><b>top</b> 40:11 43:8 50:2 54:18 97:19</p> <p><b>topic</b> 15:25 21:20</p> <p><b>topics</b> 15:19 53:10</p> <p><b>topography</b> 29:24</p> <p><b>total</b> 4:23 55:2 78:4 99:19 113:23</p>	<p><b>totals</b> 4:23</p> <p><b>totem</b> 67:4</p> <p><b>touch</b> 86:9</p> <p><b>tough</b> 80:8</p> <p><b>tour</b> 14:8,10 39:24</p> <p><b>tourism</b> 79:12</p> <p><b>towards</b> 29:25</p> <p><b>tower</b> 72:23</p> <p><b>town</b> 1:4,13,14,15,16 5:3,13 7:2 8:15 9:5,10 11:18 14:19 16:3 24:5 25:5,14,17 26:19 27:2,12,18,24,25 28:4,7,8,22 30:8 31:16,17,19 32:11,12,15,21,23 33:3,5,17 34:4,6 35:10,23,25 37:4 38:3,18 39:14,21 40:3 44:2 45:6 46:6,11 51:23 63:8 68:3,17,24,25 69:12 71:10 75:15 82:25 83:16,21,23 84:12 85:17 86:2 87:11 91:14 92:25 93:21 94:3,10 106:12 111:21 113:11 123:13,20 124:7 127:19</p> <p><b>towns</b> 6:23 8:24 9:5,6,15 19:4 28:2 29:5 37:4 43:14 45:10 64:10 79:20 118:24</p> <p><b>township</b> 44:9 112:10,19</p> <p><b>tractors</b> 66:17</p> <p><b>trade</b> 81:7</p> <p><b>traditional</b> 29:20</p> <p><b>traditionally</b> 109:21</p> <p><b>traffic</b> 40:22 41:4 42:11 89:14,17</p> <p><b>train</b> 29:15</p> <p><b>transcribed</b> 134:15</p> <p><b>transfer</b> 15:11 89:9</p> <p><b>transferring</b> 69:14</p>	<p><b>transit</b> 10:16</p> <p><b>transportation</b> 18:4,20 46:23 47:23 48:3,9 89:14</p> <p><b>traveled</b> 79:21</p> <p><b>treatment</b> 38:22 65:11 71:25 84:9 87:21,23 88:2 96:18,19 97:8 98:13 100:23</p> <p><b>tree</b> 30:5</p> <p><b>tremendous</b> 19:25 98:17 131:10</p> <p><b>tremendously</b> 42:12</p> <p><b>trend</b> 49:17</p> <p><b>trends</b> 37:3</p> <p><b>tried</b> 32:7 80:20</p> <p><b>triggered</b> 75:21</p> <p><b>triggers</b> 127:2</p> <p><b>trouble</b> 61:11</p> <p><b>true</b> 65:6 81:17,18 134:12</p> <p><b>try</b> 4:18 24:20 42:24 43:6,9 49:17 52:16 71:24 77:9 94:14 126:20</p> <p><b>trying</b> 4:19 5:18 11:16 20:19 22:18 35:5 36:20,21,23 37:16 38:12,15,19,21 39:2,12,15 58:21 61:11 77:19</p> <p><b>Tuesday</b> 19:13</p> <p><b>turn</b> 37:23 66:20</p> <p><b>turned</b> 75:3 76:5</p> <p><b>turning</b> 55:5</p> <p><b>Turnpike</b> 1:5</p> <p><b>twenty</b> 27:7 33:24 35:21 36:4,22,25 42:7 54:15 59:22 86:12 91:7 106:4,17,23 107:2 108:11 109:4,20 110:11,17 112:7,9,17 113:6,12 114:24 116:3 117:9</p> <p><b>twenty-eight</b> 52:2</p>	<p>72:16</p> <p><b>twenty-five</b> 48:5 50:8 83:9 91:8 107:19</p> <p><b>twenty-one</b> 27:13</p> <p><b>type</b> 24:7 84:22 115:2,9,15 116:23</p> <p><b>types</b> 56:5 79:12 85:4</p> <p><b>typically</b> 51:8 103:3,4</p> <p><b>typographical</b> 3:18</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p><b>ultimately</b> 59:15 73:15 124:7</p> <p><b>undercurrents</b> 44:15</p> <p><b>underlying</b> 5:13</p> <p><b>understand</b> 32:14 33:2 54:11 61:19 62:4,12,13 97:13,14 101:2 110:22 112:13 116:2,5,16 131:12</p> <p><b>understanding</b> 61:25 79:18</p> <p><b>undertake</b> 76:13,22</p> <p><b>undertaken</b> 128:6</p> <p><b>undertaking</b> 20:3 69:10</p> <p><b>undone</b> 71:23</p> <p><b>unfortunately</b> 32:5 101:24</p> <p><b>Unified</b> 20:4</p> <p><b>uniform</b> 125:25</p> <p><b>unify</b> 22:19</p> <p><b>unique</b> 39:14 46:10 58:10,23 109:20,23</p> <p><b>unit</b> 23:9 71:23 75:6 89:4 96:24 104:9 105:10,13 106:15</p> <p><b>units</b> 27:8 31:5,7 33:23,24 36:13,14 48:13,15 49:6 71:15 72:17 75:4 83:9,11,13 86:9,13,16 88:19 89:3 91:9 93:15 96:23,25 104:15,25 105:8 106:2</p>
---	---	---	---



<p>107:5,12,18,19 108:4,10,13 109:24 111:6,17,22</p> <p><b>universal</b> 15:21</p> <p><b>unless</b> 3:20 6:16 62:13</p> <p><b>Unlike</b> 29:4</p> <p><b>unrepaired</b> 71:22</p> <p><b>unsuccessfully</b> 39:3</p> <p><b>unto</b> 74:9</p> <p><b>upcoming</b> 21:16 131:4</p> <p><b>update</b> 6:19 7:5 8:5 10:18 14:3,11,23 15:7 17:24 34:9 36:21 46:12 52:11,20</p> <p><b>updated</b> 44:3</p> <p><b>upgrading</b> 97:24</p> <p><b>upon</b> 95:18</p> <p><b>upper</b> 103:24</p> <p><b>upstate</b> 58:18</p> <p><b>uptick</b> 70:20</p> <p><b>up-to-date</b> 37:6</p> <p><b>usage</b> 15:16 64:21 65:10,20</p> <p><b>USEIA</b> 63:3</p> <p><b>USGS</b> 59:4 63:3</p> <p><b>usually</b> 43:3 102:18,21 127:22</p> <p><b>utilize</b> 39:10 87:6,21 88:5</p> <p><b>utilizing</b> 16:13</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p><b>vacancy</b> 18:16</p> <p><b>vacant</b> 36:3 84:10,24 121:3</p> <p><b>Vacations</b> 14:20</p> <p><b>value</b> 51:6 131:10</p> <p><b>variety</b> 80:19</p> <p><b>various</b> 55:8 77:14</p> <p><b>Vecchio</b> 6:24 25:13 68:25</p> <p><b>vegetation</b> 12:18 15:15</p>	<p>88:15 102:9,12</p> <p><b>veggie</b> 62:6</p> <p><b>vehicles</b> 124:22</p> <p><b>vehicular</b> 90:2</p> <p><b>verifiers</b> 56:23</p> <p><b>Vermont</b> 22:14</p> <p><b>version</b> 3:5</p> <p><b>versus</b> 39:12</p> <p><b>Vets</b> 73:2</p> <p><b>VI</b> 121:16</p> <p><b>via</b> 88:17</p> <p><b>viable</b> 45:7 100:14</p> <p><b>Village</b> 1:4 12:2 14:5 30:4 132:20</p> <p><b>villages</b> 8:16 14:7</p> <p><b>virtual</b> 55:7,13</p> <p><b>vision</b> 69:13</p> <p><b>visit</b> 82:17</p> <p><b>vociferous</b> 79:23</p> <p><b>volume</b> 7:17,19,20,21,23 18:3 31:21</p> <p><b>volumes</b> 34:13</p> <p><b>volunteers</b> 24:5 82:10</p> <p><b>voted</b> 7:16 112:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p><b>waiting</b> 75:25</p> <p><b>walk</b> 71:4 78:12 103:23</p> <p><b>walkability</b> 90:5,15,25</p> <p><b>walkable</b> 90:8</p> <p><b>walking</b> 14:8 90:11,18</p> <p><b>Walmart</b> 33:15</p> <p><b>war</b> 31:15</p> <p><b>washers</b> 60:24</p> <p><b>wasn't</b> 29:6 64:14,23</p> <p><b>waste</b> 67:6 96:18,20,22,24</p> <p><b>wastewater</b> 88:21</p> <p><b>water</b> 7:13 15:15 37:20 38:10,13 52:21,25</p>	<p>53:7,15,17 54:10,12,13,14,17,2 1 55:2,3,4,7,8,11,13,2 3,25 56:2,3,5 57:5,6,7,9,12,13,24 58:4,5,8,24 59:6,15,23 60:2,12,14,23 61:8,20 62:2,5,9,23 63:4,7,9,12,15,16,17 ,18,24 64:2,21 65:3,18,20 66:2,12 67:6,15,19 71:2 79:8 93:17,19 96:18,20,22,24</p> <p><b>waterless</b> 66:18</p> <p><b>Watermill</b> 33:20</p> <p><b>watershed</b> 99:20,22 123:18,21 127:18,23,25 131:22</p> <p><b>ways</b> 23:12 38:20 61:2 94:21</p> <p><b>Website</b> 63:10</p> <p><b>we'd</b> 38:23</p> <p><b>Wednesday</b> 12:21</p> <p><b>week</b> 12:20 18:14 127:21</p> <p><b>weekend</b> 15:3 58:18</p> <p><b>weeks</b> 15:20</p> <p><b>weigh</b> 116:2</p> <p><b>Weir</b> 1:13 3:24 8:2 9:22 12:10 14:20 42:14 52:4 54:2 56:11,18 62:8 80:7 93:16,18 104:2,18 105:6,22 114:6,14 129:18 132:19 133:21</p> <p><b>welcome</b> 2:2 25:15,17 39:21 40:2 64:4 68:17</p> <p><b>We'll</b> 39:24</p> <p><b>wells</b> 88:6</p> <p><b>we're</b> 5:17 35:25 62:3 75:8 102:8</p> <p><b>west</b> 5:7 121:8</p> <p><b>western</b> 75:18 122:11</p> <p><b>wetlands</b> 83:21,22</p>	<p>88:5 93:22 121:21</p> <p><b>whatever</b> 26:5 105:16</p> <p><b>whatnot</b> 2:17</p> <p><b>whether</b> 22:20 85:3 95:19 112:11,20 130:11,13 131:14</p> <p><b>white</b> 39:25</p> <p><b>whole</b> 57:19 80:19 95:17 96:14 116:5 132:10</p> <p><b>widening</b> 124:25 126:9</p> <p><b>width</b> 124:21 125:20</p> <p><b>wife</b> 66:18</p> <p><b>WiFi</b> 37:7</p> <p><b>wild</b> 121:22</p> <p><b>William</b> 83:5</p> <p><b>willing</b> 43:5 58:5 132:15</p> <p><b>wind</b> 9:13,14 10:3 22:2,5,19</p> <p><b>window</b> 67:12</p> <p><b>wing</b> 36:9</p> <p><b>wisdom</b> 128:15,22</p> <p><b>wish</b> 135:2</p> <p><b>wished</b> 33:13</p> <p><b>withdrawn</b> 54:19,21</p> <p><b>withstanding</b> 108:2 122:5</p> <p><b>WITNESS</b> 135:24</p> <p><b>WL</b> 125:23</p> <p><b>wonderful</b> 15:3</p> <p><b>wondering</b> 21:15</p> <p><b>wood</b> 122:20 126:3</p> <p><b>wooded</b> 122:20 126:3</p> <p><b>Woods</b> 100:21</p> <p><b>work</b> 39:2 40:6,8 42:21 43:5 45:16,24 49:12,16 54:7 61:4 66:19 67:2 68:24 70:24 71:20 82:19 101:10</p> <p><b>worked</b> 26:11 37:13 48:5 73:17 130:20</p>
--	---	---	--



<p><b>workforce</b> 10:16 16:23 48:6 86:24 103:16</p> <p><b>working</b> 9:17 11:21,24 14:12 15:6 18:2,9 25:9 37:5,6 39:2 40:18 41:10 45:5 52:10 80:13 81:14</p> <p><b>workouts</b> 81:8</p> <p><b>workplace</b> 49:14,21</p> <p><b>works</b> 5:6 13:10,14 16:21 23:10 26:15 31:24 41:15</p> <p><b>world</b> 43:13 119:10,12,15</p> <p><b>worst</b> 42:6 80:17</p> <p><b>worth</b> 69:21 70:24 76:6 112:21</p> <p><b>worthwhile</b> 20:23</p> <p><b>wracking</b> 51:3</p> <p><b>write</b> 24:19 130:25</p> <p><b>writing</b> 82:12</p> <p><b>written</b> 133:10</p> <p><b>wrong</b> 2:16</p> <p><b>wrote</b> 30:14</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p><b>xeroxed</b> 2:23</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p><b>Yaphank</b> 4:16,21,22 5:5 6:2 120:10,22 121:9,13</p> <p><b>yea,s</b> 36:23</p> <p><b>yesterday</b> 11:15</p> <p><b>yet</b> 131:25 133:18</p> <p><b>yield</b> 96:21 97:5 111:21</p> <p><b>yielded</b> 78:9</p> <p><b>York</b> 1:5 8:17 11:6,19 29:13,17 30:14 48:6 54:5,8 79:5 104:12 121:23 134:4,9</p> <p><b>YOUNG</b> 1:17</p> <p><b>younger</b> 57:16</p> <hr/> <p style="text-align: center;">Z</p> <hr/>	<p><b>zero</b> 4:2 120:8</p> <p><b>zone</b> 31:13 66:10 75:9 83:7 86:14 90:22 98:8 102:23 106:23 107:3 110:11,16 120:15 121:16 122:9 128:14,16,24</p> <p><b>zoned</b> 5:14,22 124:4,6 125:22 128:13,21 129:22</p> <p><b>zoning</b> 5:2,23,25 30:11,12,14,15,19 31:2,10 34:23 35:20 45:13,22 46:9 49:22 111:13 122:8,12,14,17,18,2 1 123:9 125:21,25 126:16 128:15</p>		
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