

# COUNTY OF SUFFOLK



STEVEN BELLONE  
SUFFOLK COUNTY EXECUTIVE

## SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

David L. Calone  
Chairman

Sarah Lansdale, AICP  
Director of Planning

Date: September 2, 2015  
Time: 2:00 p.m.  
Location: Maxine S. Postal Auditorium  
Evans K. Griffing Building, Riverhead County Center  
300 Center Drive, Riverhead, New York 11901

### **Members Present (14)**

Ramon Accettella Jr. – Town of Babylon (left before Arboretum vote)  
Michael Kelly – Town of Brookhaven (left meeting before it ended)  
Samuel Kramer – Town of East Hampton  
Jennifer Casey – Town of Huntington  
Matthew Chartrand – Town of Islip  
Carl Gabrielsen – Town of Riverhead  
John Finn – Town of Smithtown  
Barbara Roberts – Town of Southampton  
Nicholas Planamento – Town of Southold  
Adrienne Esposito – Villages Over 5,000  
Michael Kaufman – Villages Under 5,000  
Kevin Gershowitz – At Large  
David Calone – At Large (arrived after meeting started @ 2:24 p.m.)  
Samuel Chu – At Large

### **Staff Present (6)**

Sarah Lansdale – Director of Planning  
Andrew Freleng – Chief Planner  
John Corral – Planner  
Ted Klein – Senior Planner  
Bosia Bradish – Assistant County Attorney (Acting Counsel to the Commission)  
Brittany Geloimino – Assistant County Attorney (Counsel In-training)

### Call to Order

- The Suffolk County Planning Commission meeting of September 2, 2015 was called to order by 1<sup>st</sup> Vice Chair Adrienne Esposito at 2:10 p.m (filling in for Chairman David Calone until he arrived).

### The Pledge of Allegiance

**Public Portion (taken out of order)** – Five members of the public spoke to the Commission about two applications on the agenda. In addition, during the public portion the 1<sup>st</sup> Vice Chair recognized Suffolk County Legislator Monica Martinez of the 9<sup>th</sup> Legislative District, inviting her to participate in the public portion of the meeting which she did, speaking in regard to the King and Queens Transload LLC application.

### David Calone arrived and assumed Chairmanship of the meeting (2:24 p.m.)

### Adoption of Minutes

- The adoption of the May 2015 Meeting Minutes. Motion to adopt as amended made by Commission member Kaufman, seconded by Commission member Roberts. Vote Approved: 14 ayes, 0 nays, 0 abstentions.
- The adoption of the June 2015 Meeting Minutes. Motion to adopt as amended made by Commission member Kaufman, seconded by Commission member Roberts. Vote Approved: 14 ayes, 0 nays, 0 abstentions.

**Chairman's Report** – Chairman Calone updated the Commission as follows (noting that there was no August meeting):

- On Agriculture; The Chair restated the Planning Commission's "farmers of the future" effort has been launched and the Commission is seeing the first applications from that, working with its partners in the County Executive's office and the Peconic Land Trust to award up to \$1 million from the State to help young and transitioning farmers afford the capital equipment that they need to get started. The Chair also announced that a new effort has been launched by the County Executive's office to improve education opportunities to get more people interested and prepared to farm, acknowledging that Carl Gabrielsen has been attending those meetings on behalf of the Commission and has been leading some of the work on the effort.
  - Commission member Carl Gabrielsen informed the Commission about the farming education effort known as the Ag Literacy Program being offered by way of a joint effort of the County, State Ag and Market Agency, along with local schools and municipalities; and announced that there will be a 2 day seminar being held in October, starting within greenhouses and then touring several open farming operations.

## Chairman's Report (continued)

- On the issue of "North Fork Traffic", Chairman Calone indicated that the Commission has talked about putting together a working group to look at how it can help improve North Fork traffic flow during the busiest tourist times of the year. The Chair stated that after the tragic accident, the Commission has discussed expanding that effort to include traffic safety. Chairman Calone noted talking to the Ag community, Legislator Al Krupski, the Supervisors of Riverhead and Southold, as well as the Trustees of the Village of Greenport, and indicated that the working group would get going soon – perhaps this month. The Chair also identified a potential source of funding for this effort as the Long Island Wine Council.
- On "Public Safety" the Chair indicated that the County Executive's office is eager for the Commission to complete this project and the State Attorney General remains interested in being involved and rolling this out state-wide. The Chairman stated that Governor Cuomo's former head of Public Safety for New York State also wants to help. He mentioned that the Commission already has a few towns, including Brookhaven and Babylon, where the Supervisors have expressed an interest in taking the Commission's public safety design code to provide guidelines for their own planning boards to keep public safety principles in mind when evaluating site plans. The Chair noted that the Commission conceptually approved the effort last year, and that the Commission just needs to incorporate final stakeholder feedback before finalizing it.
- On the 'Utility Solar' effort; Chairman Calone stated that the Commission has been working with the Towns of Brookhaven, Riverhead, Southampton and Smithtown on creating a model zoning code to establish best practices for utility solar. And the Chair was pleased to announce that the Town of Brookhaven adopted the Planning Commission's utility solar model code in August. The Chair indicated that the Town of Riverhead is also looking at amending their code to conform to the Commission's model code. Chairman Calone also said that back in July he met with PSEG regarding the recommendations about how they can better incorporate land use considerations into their RFP process.
- With regard to the Comprehensive Plan; Chairman Calone acknowledged that it has been years in the making, and that he and the Commission were very happy that it is done, adopted by the County Legislature unanimously and signed by the County Executive. The Chair stated that this is the first time in more than 40 years we have a strategic master plan for the County. The Chair thanked Planning Director Sarah Lansdale and all the staff for their work on it, adding they did a great job. Chairman Calone also indicated that soon briefings on the Plan will begin around the county to bring the visions outlined in the Plan to the local municipalities within the county.
- Regarding other Commission business;
  - Chairman Calone announced that the next Commission meeting is to be held on October 7<sup>th</sup> at the Huntington Town Hall at 2 p.m.
  - The Chair reminded the Commission they have discussed creating a "regionally valuable" designation that the Commission could establish to support development projects that are particularly worthwhile and important – "we will hope to work on some draft criteria based on our existing guidelines for discussion at the next Commission meeting".

**Chairman's Report** (continued)

- Regarding other Commission business (continued);
  - Another new idea Chairman Calone mentioned was a "Development Retrospective Event" – that would look back at a few projects that have been proposed and completed over the last few years, looking back to see what the claims were made by developers and what were the claims made by those opposed to the project, and see actually what impacts have come to pass. The Chairman believed that the Commission would be the best place to take a neutral and objective look at projects that have now been in place for a few years so the Commission can look back to see if the traffic impact concerns manifested, or what the actual number of children or jobs were produced; or if the environmental impacts projected from both sides were accurate.
  - Chairman Calone announced the date of the next Planning Federation Conference as being on October 14<sup>th</sup>, and that it will likely take place in Hauppauge at the H. Lee Dennison Building.

**Director's Report** – The Planning Director Sarah Lansdale informed the Commission about recent activities within the Division including the following:

- Director Lansdale acknowledged the completion of the County's Comprehensive Plan thanking all those who worked on it, and stated that the County will now be looking towards its implementation.
- The Director added that the staff will be working on the 'affordable housing survey' and the 'development retrospective' that the Commission has suggested.
- Director Lansdale also indicated that the staff was working on finishing up revisions to the County's Farmland Protection Plan, and indicated that it would be beneficial that the Commission members reviewed it, particularly Commission member Carl Gabrielsen, before the Plan was introduced for public comments.
- Speaking on the County Executive's "Reclaim Our Water" initiative, Director Lansdale indicated that the third innovative alternative septic system has been installed, being the third of nineteen planned; and a 2<sup>nd</sup> septic lottery program for the innovative alternative septic systems is being scheduled for the residents of the Village of Mastic Beach in the coming months. The Director also noted that there are several locations within the County where newly introduced innovative shallow-narrow drain field systems are to be constructed instead of the traditional leaching pool systems; and that one is planned to be installed in connection with one of the new innovative alternative septic systems in the Village of Mastic Beach.

## Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **King and Queens Transload LLC (taken out of order);** referred by the Town of Islip, received on August 6, 2015 – the Commission's jurisdiction for review is that the application is adjacent to NYS Sagtikos Parkway R.O.W.. Applicants seek area variance approval from the Islip Town Board Zoning Board of Appeals to operate a scrap metal processing facility not having the required 500 feet distance from a residential use or zone. The variance sought is for relief from the 500' distance requirement in accordance with the Town of Islip zoning code, which states that the proposed use would only be permitted in an Industrial 2 zoned district provided that it is not within 500 feet of any residential use or zone. The subject application proposes a distance of only 338 feet from a residential use or zone, a requested relief of 32.4%.

The staff report recommended disapproval of the variance for two (2) reasons stating that 1) to grant variance would have an altering effect on the land use pattern in this community, and approval of the diminished distance in accordance with the Code requirements for this type of 'special permit' use would tend to substantially undermine the effectiveness of the intention of the zoning ordinance to maintain sufficient distance between incompatible uses and would tend to establish a precedent for further such uses within close proximity to residential uses and zones; and 2) there was insufficient information to address issues of traffic concerns relating to the proposal. The Staff also offered one (1) comment for consideration and use by the Town of Islip. After deliberation the Commission resolved to agree with the staff report and disapprove the application for the two (2) reasons stated and offer the one (1) comment.

The motion to disapprove the variance application and provide the two (2) reasons with the one (1) comment for its consideration and use by the Town of Islip was made by Commission member Chartrand and seconded by Commission member Accettella, vote to Disapprove; 13 ayes, 0 nays, 1 abstention (Gershowitz).

- **Anaerobic Digester at L.I. Compost Corp./Great Gardens LLC (taken out of order);** the application is referred by the Town of Brookhaven, received on August 20, 2015 - the Commission's jurisdiction for review is that the application is adjacent to Horseblock Road (CR 16) and Suffolk County land. The applicant seeks Special Permit approval from the Town Board for the construction and operation of an approximate 90,500 SF Anaerobic Digester (AD) facility on approximately 10.88 acres within an existing 62.06 acre operating composting facility in the hamlet of Yaphank.

The staff report recommended approval of the Anaerobic Digester at L.I. Compost/Great Gardens LLC Brookhaven Town Board Special Permit and offered three (3) comments for their consideration and use by the Town Board. After deliberation the Commission resolved to generally agree with the staff report and approve with four (4) comments.

The motion to approve the Special Permit application with four (4) comments for their consideration and use by the Brookhaven Town Board was made by 2<sup>nd</sup> Vice Chairman Kelly and seconded by 1<sup>st</sup> Vice Chair Esposito, vote to Approve; 14 ayes, 0 nays, 0 abstentions.

**Section A14-14 thru A14-25 of the Suffolk County Administrative Code** (continued)

- **Solar Liberty Babylon LLC;** the application is referred by the Town of Babylon, received on July 27, 2015 – the Commission's jurisdiction for review is that the application is adjacent to Straight Path (CR 2) and Suffolk County lands. The applicant seeks Site Plan and Special Exception approvals from the Town of Babylon Planning Board for the construction of a solar energy production facility on approximately 50.26 acres in the hamlet of West Babylon. The proposed solar energy facility would be on a portion of a 114.70 acre parcel of the Saint John Cemetery property. The proposal indicates that only approximately 40 acres will contain solar arrays and the remaining 10 acres will consist of grassland. The proposed facility would produce approximately 8 megawatts of electricity to be sold to PSEGLI.

The staff report recommended approval of the proposed solar energy production facility and offered three (3) comments for consideration and use by the Town of Babylon Planning Board. After deliberation the Commission resolved to agree and approve the application with the three (3) comments.

The motion to approve the Site Plan and Special Exception application with three (3) comments for their consideration and use by the Town of Babylon Planning Board was made by Commission member Accettella and seconded by Commission member Casey, vote to Approve; 14 ayes, 0 nays, 0 abstentions.

- **The Arboretum at Farmingville;** the application is referred by the Town of Brookhaven, received on August 12, 2015 – the Commission's jurisdiction for review is that the application is adjacent to Horseblock Road (CR 16) and Suffolk County land. The applicant seeks Change of Zone approval from the Brookhaven Town Board for the redevelopment of 65.24 acres in the hamlet of Farmingville, from A-1 Residence and J-2 Business to Multi-family Residence District-Secondary Zone and J-2 Business. The proposal intends to redevelop the property for mixed-use purposes with 292 residential units and a 7,500 SF clubhouse; 24,000 SF of commercial space, and a 7,728 SF on-site sewage treatment plant (expandable to 150,000 gallons per day capacity).

The staff report recommended approval of the proposed change of zone from A-1 Residence and J-2 Business to Multi-Family Residence District (MFRD) and J-2 Business on 65.24 acres for the Arboretum at Farmingville' proposed mixed-use residential community and commercial development, and offered seven (7) comments for consideration and use by the Brookhaven Town Board. After deliberation the Commission resolved to generally agree with the staff report and approve with eight (8) comments.

The motion to approve the change of zone application with eight (8) comments for their consideration and use by the Brookhaven Town Board was made by Commission member Gershowitz and seconded by Commission member Kramer, vote to Approve; 12 ayes, 0 nays, 1 recusal (Kelly)

Noted: Commission member Accettella left the meeting before vote.

**Meeting Adjournment** (5:10 p.m.)

The motion to adjourn the meeting was made by Commission member Kaufman and seconded by Commission member Gershowitz. The motion was approved.