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4 SUFFOLK COUNTY PLANNING COMMISSION  
5 Legislative Auditorium  
6 725 Veterans Memorial Highway  
7 Hauppauge, New York

7 -----x

8

9 March 7, 2007  
12:00 p.m.

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13

14 BEFORE:

15 JOHN CARACCIOLO, Chairman

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24 ACCURATE COURT REPORTING, INC.  
6 FRANCES LANE  
25 PORT JEFFERSON, NEW YORK 11777  
631-331-3753

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

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4 THOMAS ISLES, Director of Planning

5 DAVID CALONE, Town of Babylon

6 EDWARD J. PRUITT, Town of Brookhaven

7 DONALD J. FIORE, Town of Islip

8 JESSE R. GOODALE, Town of Riverhead

9 LINDA HOLMES, Town of Shelter Island

10 ADRIENNE ESPOSITO, Villages Once 5,000 Population

11 BARBARA ROBERTS, Town of Southampton

12 CHARLA BOLTON, At Large

13 SARAH LANSDALE, At Large

14 CLAIRE CHORNY, Secretary

15 JACQUELINE CAPUTI, ESQ.

16 DANIEL GULIZIO, Deputy Director of

17 Suffolk County Planning Department

18 ANDREW P. FRELENG, Chief Planner,

19 Suffolk County Planning Department

20 TED KLEIN, Senior Planner,

21 Suffolk County Planning Department

22 PETER LAMBERT, Principal Planner,

23 Suffolk County Planning Department

24 MICHAEL WHITE, Long Island Regional

25 Planning Board

ACCURATE COURT REPORTING, INC. - 631-331-3753

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

(Time noted 12:20 p.m. )

THE CHAIRMAN: This session of the Suffolk County Planning Commission is now in session.

Could you please lead us in the Pledge?

(WHEREUPON, the Pledge of Allegiance was recited.)

THE CHAIRMAN: The first item on the agenda is the approval of the minutes from December 2006. I believe everyone got them in their package.

And I had a request, if when we're speaking we could identify ourselves -- because remember we have a new court stenographer -- so if we could identify ourselves when we're speaking, that would be very helpful to them.

Are there any changes or corrections to the minutes from December

2 2006?

3 COMMISSIONER ESPOSITO: I'll make a  
4 motion to adapt --

5 THE CHAIRMAN: I have one minor  
6 change. I'm sorry, the pages are not  
7 numbered, but I'm identified on --  
8 they're not numbered, huh? On page 10  
9 they identified me as Legislator Cooper.  
10 I've been called many things, but  
11 Legislator Cooper is not one that will  
12 stick. So I'll just make that change.

13 COMMISSIONER ESPOSITO: I'll make a  
14 motion to accept as amended.

15 THE CHAIRMAN: Yes. Thank you.  
16 Second?

17 COMMISSIONER PRUITT: Second by  
18 Commissioner Pruitt.

19 THE CHAIRMAN: Thank you.  
20 All in favor?

21 (WHEREUPON, the members voted.)

22 THE CHAIRMAN: The next item on the  
23 agenda is the Public Portion. I will  
24 remind members of the public that are  
25 speaking, you have three minutes to

2 speak. I will try not to cut you off,  
3 but I will give you the high sign in  
4 three minutes.

5 Our first speaker is Brian  
6 Ferruggiani from Brookhaven.

7 Brian?

8 MR. FERRUGGIANI: Good afternoon,  
9 Mr. Chairman and Members of the Board.  
10 My name is Brian Ferruggiani. I'm with  
11 the applicant for the Brookhaven Walk  
12 project that is on the agenda today.  
13 This is from Rose-Breslin, L.L.C., with  
14 offices at One Executive Boulevard in  
15 Yonkers, New York.

16 We're just here to let you know  
17 that we're in the audience in the event  
18 that there's any questions that come up.

19 Thank you.

20 THE CHAIRMAN: Thank you, Brian.  
21 We appreciate your coming down.

22 Chic Voorhis?

23 MR. VOORHIS: I can make it very  
24 quick. I'm also here with the applicant  
25 for Brookhaven Walk, in case there are

2 questions on the environmental planning  
3 consulting.

4 You may have on the cards there as  
5 well, and if we can speak from the floor  
6 and just let you know -- I don't think  
7 that all of us have to come to the  
8 microphone, but we put in a card just in  
9 case there's a question and you'd like  
10 some input.

11 THE CHAIRMAN: Thank you. I  
12 appreciate that.

13 I guess, Jeff, same statement or  
14 you want to come on up?

15 MR. VOLLMUTH: I'm the project  
16 engineer for -- and planner for that  
17 project. Same thing, if you have any  
18 questions, we're here.

19 THE CHAIRMAN: Thank you, Jeff.  
20 Appreciate it.

21 Director's Report.

22 DIRECTOR ISLES: Thank you,  
23 Mr. Chairman.

24 Let me begin by noting that there  
25 is a revised agenda before you today.

2 Specifically what was changed is  
3 the original request by the Village of  
4 Sagaponack to have the opportunity to  
5 present their (inaudible) plan to the  
6 Commission. They've requested a  
7 postponement of that. They would like  
8 to come before the Commission in May for  
9 your May agenda, so we will reschedule  
10 for that time. The Village of  
11 Sagaponack is our newest village and  
12 they're adopting the plan for the first  
13 time and adopting their first zoning  
14 code as well.

15 Secondly, a change to the agenda,  
16 is we are honored to have -- the  
17 Executive Director of the Regional  
18 Planning Board is on the agenda next to  
19 introduce himself, just to bring that to  
20 your attention.

21 Let me begin with items of  
22 correspondence to bring you up-to-date  
23 on three applications that were  
24 previously considered by the planning  
25 Commission that were subsequently

2 requested for reconsideration. I  
3 received those on behalf of the  
4 Commission through the department and I  
5 just want to, here again, highlight each  
6 of those so you're aware of what  
7 transpired on this.

8 The first was the case of a  
9 referral from the Town of Southampton  
10 for a catering facility known as  
11 Trumpet's. It was actually heard on the  
12 December 6th meeting on which the  
13 minutes were just approved. That was a  
14 case whereby the Commission, upon  
15 review, recommended disapproval, and  
16 that recommendation of the Commission  
17 was sent back to the Town of  
18 Southampton.

19 We received, in the department, a  
20 letter from the attorney for the  
21 applicant requesting reconsideration of  
22 the matter by the Commission in  
23 consultation with the County Attorney.  
24 We advised the attorney that all  
25 referrals or requests for



2 reconsiderations must come through the  
3 Town. Subsequently, we did receive a  
4 letter from the Town transmitting the  
5 letter of the attorney.

6 Upon review and, here again, with  
7 consultation with the Department of Law,  
8 the Commission has three policies for  
9 the reconsideration of applications  
10 based on your adopted guidelines.

11 One is that if there's a  
12 significant change to the plan, and in  
13 this case there was no significant  
14 change to the plan, but if a plan  
15 materially changes, it can be  
16 reconsidered by the Commission.

17 Secondly, if there's a significant  
18 change to the law, such as the zoning  
19 law or subdivision law affecting the  
20 property, that would also be another  
21 basis for reconsideration.

22 And then third would be a change to  
23 a County policy, planning policy or  
24 State planning policy. Some other  
25 general circumstance of that nature that

2 would, here again, perhaps, change the  
3 Commission's review of an application.

4 So in the case of the referral by  
5 the Town of Southampton, the case of  
6 Trumpet's Cafe or Catering Hall, none of  
7 those criteria were met. It was the  
8 same referral that we received  
9 originally, so we -- I, on behalf of the  
10 department, notified the Town of  
11 Southampton that it was previously  
12 reviewed and considered by the  
13 Commission and did not meet the  
14 threshold for reconsideration.

15 The second request we received for  
16 reconsideration was in the  
17 25A moratorium in the Town of  
18 Brookhaven, Hamlet of Shoreham. In this  
19 case the Town Clerk referred material  
20 provided by a councilman, who actually  
21 appeared at our last meeting, requesting  
22 a reconsideration by the Commission.

23 The materials submitted was  
24 background information, prepared by the  
25 councilman, in what he felt were

2 important facts for the Commission.  
3 And, in particular, focusing on the  
4 KeySpan property on 25A and his feeling  
5 that that land is not protected by  
6 virtue of its ownership by KeySpan and  
7 that could be developed in the future.

8 Upon review, once again, in terms  
9 of the moratorium proposal, the law  
10 itself - moratorium law - was unchanged  
11 in the second referral to the  
12 Commission. In terms of the point  
13 regarding the KeySpan property, we're  
14 certainly not quarreling that the  
15 property could potentially be developed,  
16 it is in a ten-acre zoning category in  
17 the Town of Brookhaven. We think that  
18 continued planning by the Town is  
19 certainly always advisable and certainly  
20 if the Town wants to reexamine the  
21 ten-acre zone, certainly they can do  
22 that.

23 However, for the threshold for the  
24 moratorium in terms of a cessation of  
25 property rights, the dramatic impact of

2 the moratorium, from the information  
3 that was originally referred to the  
4 Commission to the new information, here  
5 again, none of those three thresholds we  
6 felt -- the department felt was  
7 triggered by that.

8 And then the last request was from  
9 the Town of Riverhead. And if you  
10 recall, several months ago, the  
11 Commission heard an application known as  
12 Headriver on County Road 58, across from  
13 Tanger, and it was for a Wal-Mart  
14 Department Store. The Commission  
15 reviewed that and the Commission did not  
16 reach a majority vote, we had a limited  
17 number of members present that day, so  
18 that went back to the Town as a no  
19 action by the Commission. There have  
20 been some staff comments prepared, so  
21 those were sent as well at the request  
22 of the Commission, but, here again, they  
23 had no binding effect.

24 The Town Attorney submitted a  
25 letter to me requesting reconsideration

2 by the Commission and providing  
3 additional information about the  
4 application, about the Town's  
5 destination retail zoning district and  
6 also about the Town's transfer and  
7 development rights program.

8 Here again, upon review of that and  
9 in consultation with the Department of  
10 Law and the criteria of the Commission,  
11 the fundamental application was  
12 essentially identical to the original  
13 referral in terms of the site plan  
14 application. And then in terms of the  
15 other criteria, in terms of changes to  
16 local law or changes to County policies,  
17 here again, there was no substantive  
18 change.

19 So based upon that, a letter was  
20 returned to the Town indicating that it  
21 was previously reviewed by the  
22 Commission and that there would be no  
23 further reconsideration based on adopted  
24 Commission guidelines.

25 So I bring that to your attention,

2 it's kind of unusual, we got three of  
3 those in one month, but we did. And  
4 certainly if there's anything new that  
5 comes in, I will certainly report that  
6 to you as well.

7 COMMISSIONER GOODALE: If I may?

8 DIRECTOR ISLES: Yes.

9 COMMISSIONER GOODALE: Wouldn't you  
10 think that it would be a different  
11 criteria -- when it is not a question of  
12 thinking about reversing a decision, but  
13 when there was no decision, wouldn't you  
14 think that your guidelines would be  
15 different under that circumstance?  
16 Simply because there was a lack of  
17 bodies, if you will, that this would  
18 offer us a second chance to actually  
19 determine one way or another on that  
20 particular project?

21 DIRECTOR ISLES: The Commission  
22 guidelines do not have an exception for  
23 that. And I guess the question that it  
24 brings up is the question of closure and  
25 when it -- at what point is the referral

2 requirements to the Commission satisfied  
3 that an applicant and community at large  
4 could then proceed with the knowledge  
5 and certainty of either it's done or  
6 it's not done kind of thing.

7 The Commission is given 45 days to  
8 review a matter. There was a review and  
9 consideration by the Commission. So  
10 based on current guidelines, we do not  
11 have an exception for that circumstance.

12 COMMISSIONER GOODALE: Even though  
13 the -- it is the Town itself that is  
14 asking for a reconsideration.

15 COMMISSIONER HOLMES: (Indicating)

16 THE CHAIRMAN: Yes.

17 COMMISSIONER HOLMES: Commissioner  
18 Holmes.

19 I was thinking the same point,  
20 because as I recall, the key person who  
21 was not able to be with us that day was  
22 the representative from Riverhead. And,  
23 perhaps, the Town became aware of that  
24 and realized that when we didn't have  
25 Commissioner Goodale's input, we might

2 have been able to deliberate more, might  
3 have been able to take action. And  
4 also, particularly because his absence,  
5 you know, made it necessary for -- for  
6 us to have a (inaudible) we might not  
7 have had otherwise.

8 I would think that we might be able  
9 to consider looking again at an  
10 application when our Commissioner from  
11 that Town had not been present to give  
12 us the local input.

13 DIRECTOR ISLES: Wasn't a point  
14 made by the Town in your letter to us --

15 COMMISSIONER HOLMES: No.

16 DIRECTOR ISLES: (Continuing) --  
17 that you're going to --

18 The only comment I would have, you  
19 know, setting up a situation where  
20 there's very -- there's this uncertainty  
21 over planning Commission decisions based  
22 on varying circumstances and -- does it  
23 apply, does it not apply, is it done, is  
24 it not done. And, certainly, I would  
25 certainly have to speak to the County



2 Attorney before the department  
3 represents to support that.

4 COMMISSIONER HOLMES: It might be  
5 something to explore.

6 COMMISSIONER FIORE: Commissioner  
7 Fiore, Town of Islip.

8 I would be against something like  
9 that. I mean, once the Commission makes  
10 a decision, it's very, very difficult or  
11 impossible to reverse a decision. If we  
12 were to do that and set a precedence of  
13 reversing decisions or revisiting an  
14 application, you leave yourself open for  
15 every application that comes by here  
16 that is disapproved or maybe even  
17 approved. So rather than -- you know, I  
18 would be against something like that.

19 THE CHAIRMAN: And I agree with  
20 you, Don. As my mother always said,  
21 when they're shooting at you, you know  
22 you're doing something right. And, you  
23 know --

24 COMMISSIONER ESPOSITO: Your mother  
25 said that?

2 THE CHAIRMAN: She's a cop. She's  
3 a cop.

4 COMMISSIONER CALONE: Excuse me,  
5 can I just ask a question?

6 THE CHAIRMAN: Yeah, just one  
7 second?

8 COMMISSIONER CALONE: Yeah.

9 THE CHAIRMAN: And, you know, with  
10 all respect to Jesse, you know, the  
11 notices do go out prior, and if it was  
12 something in Riverhead that was  
13 important to Riverhead, you know, Jesse  
14 did have the -- you know, the knowledge  
15 and the opportunity to be here to make  
16 that vote. And as, you know, Don said,  
17 you know, we can't go second guessing  
18 ourselves and be going back on the  
19 decisions.

20 COMMISSIONER HOLMES: Would Jesse  
21 have had the opportunity to send a  
22 written comment if he knew he wasn't  
23 going to be here? We don't really deal  
24 with that usually, do we?

25 DIRECTOR ISLES: Any

2 commissioner --

3 THE CHAIRMAN: Any commissioner  
4 could do a written comment or, you know,  
5 call or have a statement read,  
6 absolutely. Absolutely.

7 Dave?

8 COMMISSIONER CALONE: Commissioner  
9 Calone.

10 I just had a quick question, and my  
11 question was just -- I think finality is  
12 generally an important goal. I still  
13 have a problem with the Brookhaven  
14 moratorium, because it sounds to me like  
15 the issue was that someone from the Town  
16 may have been misrepresenting the  
17 position of the Town and Town Board.

18 But putting that aside, my question  
19 was just, can we override our guidelines  
20 on a case-by-case basis? How are we --  
21 I mean, I understand the guidelines are  
22 our instructions to the department and  
23 the director on kind of how you should  
24 view things on a general basis, but I  
25 assume that if a particular situation

2 were to come up, this one or another  
3 one, we would be able to override and --  
4 and grant a rehearing on our own motion.  
5 Override our own guidelines, I guess,  
6 for certain situations.

7 DIRECTOR ISLES: The Commission  
8 adopts the guidelines at their annual  
9 meeting as the Commission deems  
10 appropriate to do so. But certainly we  
11 have had cases where on a -- let's say a  
12 site plan technicality or subdivision  
13 technicality where the Commission  
14 guideline is that a -- a cul-de-sac  
15 shouldn't be longer than a 1000 feet.  
16 You may look at the totality of the case  
17 and the circumstances and say, it's 1001  
18 feet and under the circumstances think  
19 these are not beyond our guidelines,  
20 that it warrants approval and so forth,  
21 but I think the -- so I guess in answer  
22 to your question, you probably can  
23 overrule your guidelines, they're your  
24 guidelines.

25 Once again, however, I think I

2 would just caution that the staff and I  
3 think the world at large uses the  
4 guidelines in terms of, "What is the  
5 Commission thinking? How should we work  
6 with the Commission?" Certainly we have  
7 a subcommittee that's now working on  
8 updating the guidelines and so forth,  
9 and I think in this whole process of,  
10 you know, reconsideration, it's a  
11 precedent that I think we have to take  
12 very carefully, you as the Commissioners  
13 take very carefully in terms of if  
14 someone doesn't get the answer they  
15 want, they would just keep coming back  
16 to the Commission.

17 I know it's the intent of the  
18 Commission to be fair, to have full  
19 understanding of the case and do the  
20 best possible job in rendering advise  
21 back to municipalities, but I think it  
22 should be a very high bar and the  
23 standard should be anything you think is  
24 relevant to your case should be included  
25 in your referral to the Commission

2 initially. And that's very important  
3 and that's -- we'd like to reenforce  
4 that as much as possible, and -- oh, we  
5 forgot to tell you this or forgot to  
6 tell you that --

7 COMMISSIONER CALONE: No, I think  
8 your -- your latter point --

9 DIRECTOR ISLES: Okay.

10 COMMISSIONER CALONE:  
11 (Continuing) -- is well taken.

12 My question is, just like, can we,  
13 if a situation rose to that level where  
14 we were -- we felt like we didn't have  
15 the right information or whatever, could  
16 we on a case-by-case basis decide --

17 DIRECTOR ISLES: I'll have to turn  
18 this over to Jackie.

19 MS. CAPUTI: If it's a subminimus  
20 (sic) variation from the guidelines, I  
21 think you could justify it on that  
22 basis. But anything substantial, I  
23 think there should be a clause in the  
24 guidelines that would allow you the  
25 authority to map out, modify the

2 guidelines on a particular instance.  
3 Without a clause like that in the  
4 guidelines, I don't think that you  
5 should or have the authority to modify  
6 them.

7 DIRECTOR ISLES: Thank you.

8 COMMISSIONER CALONE: Thank you.

9 COMMISSIONER ROBERTS: I'm  
10 Commissioner Roberts from Southampton.

11 One of the things that I found  
12 disturbing with the Riverhead incident  
13 was that -- the definition of quorum.  
14 At that time the issue was, we didn't  
15 have enough appointed members to this  
16 planning Commission so the quorum was  
17 just one person.

18 THE CHAIRMAN: No -- and we did --  
19 we did -- I do remember that  
20 conversation and we did check that, you  
21 know, prior to that vote, with counsel.  
22 And I think you could go back to those  
23 minutes and you'd see we did check that  
24 and we did have that verified. That  
25 quorum -- you know, the definition of

2 quorum. We did, Barbara.

3 COMMISSIONER ROBERTS: I understand  
4 that that was defined, but I think in  
5 the spirit of fairness to revisit some  
6 of our decisions that we should be -- we  
7 should re-look at that issue of what a  
8 quorum is.

9 THE CHAIRMAN: I think we did, if  
10 I'm not mistaken, at the --

11 COMMISSIONER ESPOSITO: I think we  
12 had enough people here.

13 THE CHAIRMAN: And we did -- right,  
14 it's in the County law on charter and I  
15 think we did that at the February  
16 meeting in the reorganization as well.

17 COMMISSIONER ESPOSITO: Right.

18 THE CHAIRMAN: Yeah. So that I --

19 COMMISSIONER ROBERTS: I apologize,  
20 I wasn't here --

21 COMMISSIONER HOLMES: Commissioner  
22 Holmes.

23 I think that the issue we're  
24 dealing with is the fact that we did not  
25 make a decision at -- with reference to



2 the Riverhead project. We took no  
3 action because we did not have a  
4 majority opinion of those present to  
5 make a decision to go along with the  
6 planning staff's recommendation; am I  
7 correct?

8 COMMISSIONER FIORE: I --

9 THE CHAIRMAN: Go ahead, Don.

10 COMMISSIONER FIORE: I believe so.

11 I believe what happened there --

12 Commissioner Fiore -- I believe what

13 happened there was an extension --

14 THE CHAIRMAN: Right, so we did

15 make a decision.

16 COMMISSIONER FIORE:

17 (Continuing) -- so we had a quorum.

18 THE CHAIRMAN: Yes.

19 COMMISSIONER FIORE: So we did make

20 a decision.

21 COMMISSIONER ESPOSITO: We had a

22 quorum, yes. We had a quorum.

23 COMMISSIONER FIORE: We can't keep

24 on going back and revisiting and

25 revisiting, this will get mischievous.

2 THE CHAIRMAN: Right.

3 COMMISSIONER FIORE: And it just --  
4 you'll take up all your time going back  
5 each time to revisit -- what's to  
6 prevent somebody who has been  
7 disapproved to keep on coming back and  
8 coming back?

9 COMMISSIONER HOLMES: Well, yeah,  
10 that's --

11 COMMISSIONER FIORE: Ad nauseum  
12 you're going to go over this.

13 THE CHAIRMAN: It's not -- that is  
14 a can of worms that we will be opening  
15 and I think we should -- we're done with  
16 this topic.

17 DIRECTOR ISLES: Okay. The other  
18 items are much easier I think.

19 To bring to your attention, the  
20 next meeting is on April 4th, I believe  
21 it is. We originally, in the calendar  
22 that the Commission approved the last  
23 month of the year, had that meeting  
24 scheduled for Riverhead. We've been  
25 advised that the Riverhead County Center

2 is not going to be available for pretty  
3 much most of this year. So, therefore,  
4 we are suggesting the scheduling of that  
5 meeting in Hauppauge, in the County  
6 Planning Department Office, and -- any  
7 changes to that, Andy?

8 MR. FRELENG: No. It will be in  
9 the Arthur Kunz Memorial Library, the  
10 conference room at the -- the 4th floor  
11 of the Dennison Building.

12 DIRECTOR ISLES: Now, we have  
13 circulated the calendar, the revised  
14 calendar and, here again, the meeting  
15 locations are shown on there and the  
16 variations with Riverhead are  
17 substituted, then, to the H. Lee  
18 Dennison Building.

19 I will point out, there are a  
20 couple of away meetings, and hopefully  
21 we can do those away meetings on the  
22 east end or the more central to the east  
23 end of the County, and we invite  
24 suggestions from Commission members on  
25 that.

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Let me also point out with the

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April meeting, that the Commission had

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talked at the last meeting of having a

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orientation/training-type session. We

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had indicated we would do that in April

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so we are going to do that that morning

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and then have the meeting at noon in the

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Planning Department Conference Room. So

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that will be at 10 o'clock. We will

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send out a notice to all the Commission

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members with the details on that. And

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let me just point out, too, is that with

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the change of the State law that went

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into effect this year, Commission

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members are required to have -- planning

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Commission members are required to have

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four hours of training per year. This

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would be conducted as a training

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session, so you would get credit for

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this if you attend. As said, we will

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send out more information on that to you

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directly.

24

A couple of other points of

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information, the legislature is

2 considering the appointment of two other  
3 members to the planning Commission. I  
4 believe I indicated a representative  
5 from Southold has been nominated, Tom  
6 McAdam (phonetic). His name was on the  
7 legislature for yesterday, although I  
8 don't know the outcome of that, and  
9 would be subject to approval by the  
10 County Executive.

11 And then secondly, a name has been  
12 submitted for the Smithtown seat, by the  
13 name of Robert Braun (phonetic), and  
14 that will go to committee next Monday  
15 and to the full legislature later on  
16 this month.

17 Next item is the County Planning  
18 Department is required to prepare a  
19 capital budget for the department. We  
20 have done so and we are making a request  
21 for funding to assist with the update to  
22 the County Comprehensive Plan. We have  
23 also applied for grants recently to  
24 assist in the funding of that, but one  
25 of the things we'd like to do is we've

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30

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done -- the County Planning Department

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has done, starting with Dr. Lee

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Copperman in the late '60s and early

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'70s, a number of very significant plans

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both with County and certainly with

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Dr. Copperman at the bi-county region

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involving matters of open space, of

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housing, of transportation, of

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groundwater protection and so forth.

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There have been a number of updates

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that have been done topically, what we'd

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like to do, with your -- and with the

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direct involvement of the Commission is

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a more broad-based comprehensive plan

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update beginning next year. And so we

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have put in funding requests for that,

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and the capitol budget process is fully

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unfolding over the next three months or

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so.

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And then the last item I'd like to

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bring to your attention, I believe I

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mentioned at the last meeting, the

24

department is going to be meeting with

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the ten towns in the County regarding

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open space planning and specifically the

3

coordination of our acquisition program.

4

Those meetings are scheduled now for

5

actually the end of this month, we're

6

doing a west-end day and an east-end

7

day. So if you hear anything through

8

your Towns in terms of coordination,

9

you're aware that that's going on.

10

Let me also point out, related to

11

that is that we will be completing and

12

issuing - probably before the next

13

meeting - an open space policy plan for

14

the County that we just finished up.

15

It's something that, here again, the

16

County Planning Department historically,

17

for decades, has been overseeing. Open

18

space policy, providing suggestions to

19

the legislature and the executive on

20

that.

21

Based on recent program development

22

by the decision makers, the executive

23

and the legislature, these new programs

24

that would come into effect - the SOS

25

Program, the new Legacy Program, there's

2 a pretty significant initiative,  
3 especially in the legislature now, for  
4 Hamlet Park Program - all of those have  
5 policy implications and program  
6 implications. And so we've done this  
7 latest Open Space Plan, which I would  
8 like to present to you at the April  
9 meeting, provide you with copies and  
10 that would then be submitted to the  
11 legislature for their consideration as  
12 well.

13 That completes it. Thank you.

14 THE CHAIRMAN: On that capitol  
15 budget, did you put a raise in for all  
16 staff?

17 COMMISSIONER ESPOSITO: Yeah, did  
18 you double our salaries?

19 MR. FRELENG: Mr. Chairman?

20 THE CHAIRMAN: Sure.

21 MR. FRELENG: If I might, at your  
22 leisure, we need the Commission to  
23 readopt the schedule so that we can  
24 amend the organizational meeting aspect.

25 THE CHAIRMAN: Okay. As the guy



2 from Huntington, no meetings in  
3 Riverhead, I make a motion to adopt the  
4 schedule.

5 COMMISSIONER ESPOSITO: I second.

6 THE CHAIRMAN: All those in favor?

7 (WHEREUPON, the members voted.)

8 MR. FRELENG: Thank you.

9 THE CHAIRMAN: The next item on the  
10 agenda, we'd like to bring up and  
11 introduce Michael White, the new  
12 Executive Director of the Long Island  
13 Regional Planning Board.

14 Congratulations on your new  
15 position -- I think.

16 MR. WHITE: Yes. Thank you, very  
17 much. And I don't have a big  
18 presentation prepared and I'd just like  
19 the opportunity to come and say hello.  
20 It's a great honor and privilege to  
21 serve in this new position as the  
22 Executive Director of the Long Island  
23 Regional Planning Board. I actually  
24 started the job this week. I am now on  
25 the County payroll, and it's been

2 exciting already. And, you know, I've  
3 had the opportunity to work with the  
4 County Executive. This is a great  
5 initiative. And, of course, with the  
6 help of both the Nassau County  
7 Legislature and the Suffolk County  
8 Legislature. A truly skilled board has  
9 been appointed for the new Long Island  
10 Regional Planning Board, and I'm looking  
11 forward for us to working with them.

12 And, you know, I know many of the  
13 people on the board here, on the  
14 Commission here, and I've had the  
15 opportunity to work with you and I'm  
16 sure all of you would agree that there  
17 are many problems out there that stand  
18 before us that truly call for regional  
19 solutions and a regional approach. And  
20 that will be our mission. We will be  
21 working with both counties, with the  
22 towns and villages in both counties and  
23 of course with all the stakeholders.  
24 And truly, I'll look for your  
25 involvement as well.

2 So thank you very much. And I  
3 won't take any more time from your  
4 important business.

5 THE CHAIRMAN: Thank you. We  
6 appreciate your coming down, we look  
7 forward to working with you.

8 MR. WHITE: Thank you.

9 THE CHAIRMAN: Thank you.  
10 Onto our business here.

11 Andy, do you want to start us off?

12 MR. FRELENG: Sure.

13 Okay. The first regulatory matter  
14 for the Commission comes to us from the  
15 Town of Brookhaven. This is the  
16 application of Brookhaven Walk.

17 Jurisdiction for the Commission is  
18 that the subject application is within  
19 500 feet of State Route 495, it's within  
20 500 feet of County Road 46 and is within  
21 the Central Pine Barrens region of  
22 Suffolk County.

23 The applicants seek Town Planning  
24 Board site plan approval for the  
25 construction of an 850,000-square-foot

2 commercial retail "LifeStyle" Center  
3 including five principal anchor  
4 buildings, two "mini-anchor" buildings,  
5 seven subdividable retail buildings and  
6 two restaurants including 508 seats.  
7 Approximately 5,000 parking stalls are  
8 required where approximately 5,300  
9 spaces are provided. Of the parking  
10 stalls provided, approximately 1,500  
11 stalls are land-banked. Wastewater is  
12 to be pumped to an off-site sewage  
13 treatment plant.

14 The subject property is located on  
15 the northwest corner of William Floyd  
16 Parkway, which is County Road 46, as you  
17 can see from the aerial (indicating).  
18 It is also -- I'm sorry, it's at the  
19 northwest corner of William Floyd  
20 Parkway, County Road 46 and the Long  
21 Island Expressway, which is New York  
22 State Route 495. This is in the hamlet  
23 of Yaphank.

24 A review of the character of land  
25 use and zoning pattern in the vicinity

2 indicates that the subject premises is  
3 zoned "J-2" Business. The property to  
4 the west is zoned "Light-1" Industrial.  
5 The property to the north is zoned  
6 residential and has a "281" cluster  
7 overlay upon it (indicating). The  
8 property adjacent to the subject site  
9 and to the north are developed in an  
10 attached condominium development. The  
11 subject property is adjacent to William  
12 Floyd Parkway, County Road 46, to the  
13 east as indicated. The predominant land  
14 use to the east is vacant land under the  
15 control of Brookhaven National  
16 Laboratory. South and east of the  
17 subject property are lands zoned and  
18 developed with light industrial uses.

19 Ted, if you could just flip back to  
20 the aerial a second.

21 The properties here then are  
22 Brookhaven National Lab (indicating).  
23 This is the colonial woods or  
24 colonial -- colonial woods condominium  
25 project (indicating). This is property

2 formally of Parr Meadows, which is  
3 essentially vacant but disturbed  
4 (indicating). This is light commercial  
5 industrial (indicating), and you have  
6 some residential uses down here  
7 (indicating).

8 Access to the proposed use will be  
9 from four locations, as you can see from  
10 the site plan -- if you want to scroll  
11 ahead. From the north, access is  
12 proposed from an existing street known  
13 as Yaphank Woods Boulevard. This street  
14 provides access to the adjacent  
15 residential condominium development.  
16 From the east, access is proposed from  
17 two locations. At the north end of the  
18 subject site, there is proposed a  
19 southbound in and southbound out only  
20 ingress and egress. Also from the east  
21 is proposed to be the "main" access to  
22 the Lifestyles Center. No southbound  
23 traffic will enter at this location,  
24 only northbound ingress. Southbound  
25 egress to County Road 46 is also

2 proposed at this location. At the  
3 southwest corner of the subject site, a  
4 new access is proposed from the North  
5 Service Road of New York State Route  
6 495. This curb cut would be westbound  
7 ingress and egress only.

8 So we'll just take a look at that a  
9 second. North being over here  
10 (indicating). One access point would be  
11 to this existing road, Colonial Woods  
12 Boulevard (indicating). So you could be  
13 coming down -- there is a traffic light  
14 here (indicating), and the traffic could  
15 be directed in and out through here  
16 (indicating). Also, there's an access  
17 point here to the subject property from  
18 the North Service Road (indicating). As  
19 you can see, it's inbound and egress  
20 only. Okay. Also access here is  
21 proposed (indicating), there's a traffic  
22 signal being proposed which would not  
23 interrupt flow of traffic heading north,  
24 but traffic heading south would be  
25 interrupted to allow -- there's turning

2 lanes here (indicating), and would allow  
3 access into the -- into the development.  
4 And also there is -- did I get them all?  
5 Yes. One, two, three -- okay -- so  
6 those are the four locations, as you can  
7 see on the site plan.

8 The subject property is situated in  
9 Hydrogeologic Ground Water Management  
10 Zone III, pursuant to Article 6 of the  
11 Suffolk County Sanitary Code. The site  
12 is located in a Central Suffolk (West)  
13 Special Groundwater Protection Area  
14 (SGPA). The SGPA plan recommends  
15 "Planned Unit Development" for this  
16 parcel. The property is located in the  
17 Central Suffolk Pine Barrens region of  
18 the County. It is designated as being  
19 in the Compatible Growth Area of the  
20 Central Suffolk Pine Barrens as  
21 promulgated by the Central Barrens Joint  
22 Planning and Policy Commission. By  
23 letter dated December 21, 2006, the  
24 Central Pine Barrens Joint Planning and  
25 Policy Commission has determined that



2 the proposed action appears to conform  
3 to the Central Pine Barrens  
4 Comprehensive Land-Use Plan. The  
5 subject site is also located in the  
6 Middle Island-Yaphank State Critical  
7 Environmental Area. State regulated  
8 freshwater wetlands occur on the subject  
9 property at the eastern extreme.

10 They would be here (indicating),  
11 you can just make them out on that plan.

12 It should be noted that the subject  
13 application is not located in an  
14 economically distressed community or a  
15 minority community as defined by  
16 Commission guidelines and required to be  
17 reported pursuant to Resolution 102 of  
18 2006 of Suffolk County.

19 Comprehensive Plan Recommendations:  
20 Pursuant to the Town of Brookhaven 1996  
21 Comprehensive Plan, recommends Planned  
22 Development for the subject parcel.

23 A review of the history of the  
24 subject application indicates that the  
25 project has evolved from an original

2 proposal of approximately 1.6 million  
3 square feet. To height of the tallest  
4 structure since then has been reduced  
5 from 73 feet to 35 feet. As an aside,  
6 the project sponsors have indicated that  
7 they have sold of dedicated over 1,100  
8 acres for open space preservation and  
9 the sale and dedication of which has  
10 significantly reduced the amount of  
11 commercial and residential development  
12 that could be built in the local area.

13 As proposed, the Floor Area Ratio  
14 (FAR) is 13 percent. Town of Brookhaven  
15 zoning law allows a maximum of 20  
16 percent FAR. This is a voluntary  
17 reduction of 485,000 square feet of  
18 retail space from what is permitted  
19 as-of-right.

20 The applicants are proposing a  
21 fully wooded buffer adjacent to the  
22 nearest residential community, which, as  
23 I indicated, is Whispering  
24 Pines/Colonial Woods, some 330 feet to  
25 the closest curb and approximately 400

2 feet to the nearest building is proposed  
3 as a buffer. A minimum 100-foot buffer  
4 is proposed along County Road 46 as well  
5 as significant open space buffering  
6 along New York State Route 495. The  
7 majority of the proposed action will be  
8 constructed on areas of the site  
9 previously cleared. A total of  
10 40.42 percent of the subject site is to  
11 remain as "natural vegetation," which  
12 would equate to nearly 60 acres. In  
13 addition, there are to be re-vegetated  
14 and landscaped areas.

15 So as you can see from the site  
16 plan up on the screen, a good majority  
17 of the portion of the property is green,  
18 which indicates buffer and natural area  
19 (indicating).

20 All State wetland regulation are  
21 proposed to be adhered to, although it's  
22 not clear when the wetland was last  
23 flagged in the field. As indicated in  
24 the referral material, all stormwater  
25 runoff is to be kept on-site and

2 wastewater is to be pumped to an  
3 off-site sewage treatment plant,  
4 eventually to be discharged outside of  
5 the Pine Barrens region.

6 The Suffolk County Department of  
7 Health has taken a look at this  
8 application and they have indicated that  
9 so far as the project has evolved, it  
10 is -- it is satisfactory in their  
11 respect.

12 The applicant is currently  
13 negotiating with the Suffolk County  
14 Department of Public Works for  
15 wastewater treatment design and approval  
16 beyond the initial off-site treatment.

17 A review of the proposal leads  
18 staff to question whether there is a  
19 need for major additional retail space  
20 in Suffolk County. The addition of a  
21 new 850,000-square-foot regional  
22 shopping center where there is  
23 questionable need for such a retail  
24 shopping center is problematic and could  
25 lead to an increase in retail vacancy

2 rates in large shopping centers within  
3 ten miles of the site, contributing to  
4 possibly retail blight. In addition,  
5 the region is already presently  
6 adequately served by regional outlet  
7 shopping centers, including Tanger  
8 Outlet Center in Riverhead. The  
9 construction of the newly proposed Deer  
10 Park Tanger Outlet Center would further  
11 compound this concern.

12 We are taking this concern from the  
13 2006 retail study with the -- which the  
14 department has completed.

15 It is possible that this proposal  
16 would cannibalize sales at other  
17 shopping centers, possibly leading to  
18 retail blight and loss of property tax  
19 revenue in the affected municipalities.  
20 Furthermore, the proposal may be in  
21 conflict with initiatives along the  
22 Montauk Highway corridor in the  
23 Mastic-Shirley area of Brookhaven Town.  
24 However, notwithstanding the above, the  
25 proposed regional shopping center has

2 been in consideration for quite some  
3 time and is coming in as an as-of-right  
4 site plan. Now, the regional shopping  
5 center has always been considered in  
6 analysis of retail studies and, as  
7 indicated, it has been on the books for  
8 quite some time. With that  
9 consideration, there are little grounds  
10 at this time, considering the history of  
11 the subject application, staff believes,  
12 to deny the application.

13 Certain elements of the site plan  
14 design are, however, problematic to  
15 staff. The four entrances to the  
16 development funnel traffic to the  
17 immediate perimeter of the shopping  
18 center buildings. This design would  
19 cause conflicts between pedestrians and  
20 vehicles. Traffic entering the site  
21 should be directed to areas not in  
22 direct conflict with pedestrians.

23 Traffic flow should be diverted to the  
24 center of the parking areas or traffic  
25 signalization should be installed to

2 prevent a raceway effect around the  
3 perimeter of the shopping area and keep  
4 moving motor vehicles at a slow, safe  
5 speed for negotiating pedestrians.

6 One of the -- as you know, staff  
7 has a pet peeve with this type of  
8 design. We have the main access  
9 (indicating) which then funnels traffic  
10 directly in front of the building  
11 (indicating), which bifurcates, if you  
12 will, the parking area and how the  
13 pedestrians -- notwithstanding the fact,  
14 there are some pedestrian ways here  
15 (indicating) -- it makes a direct  
16 conflict with motor vehicle traffic  
17 moving around the perimeter of the  
18 buildings - right in front of the main  
19 retail buildings. And you have parking  
20 here (indicating), and all -- all  
21 pedestrians where -- if they're going  
22 here (indicating), have to travel across  
23 this raceway -- I'm sorry, across this  
24 roadway which could be used as a  
25 raceway.

2 It's not clear in the site plan  
3 whether there are stop signs, but it did  
4 not appear that there were any traffic  
5 control devices around here  
6 (indicating).

7 You can also see that there is some  
8 direction to interior parking from these  
9 alleys here (indicating), and that is  
10 intended to get to the Lifestyle Center  
11 nucleus in the middle here (indicating).  
12 So staff is concerned about the motor  
13 vehicle effect and the pedestrian  
14 conflicts around the outside of the  
15 building.

16 It is proposed by the applicant  
17 that a traffic light be installed on  
18 County Road 46 at the main entrance to  
19 the proposed shopping center. Staff was  
20 concerned that the installation of this  
21 signal would further decrease the  
22 limited access highway design of County  
23 Road 46 (there is an existing traffic  
24 signal north of the main entrance, as I  
25 indicated, that would be here



2 (indicating). So the applicants are  
3 proposing a traffic signal here  
4 (indicating) which, as indicated before,  
5 would stop the flow of traffic  
6 southbound.

7 Staff conversations with the  
8 Suffolk County Department of Public  
9 Works indicate however, that the design  
10 idea is to break up the flow of traffic.  
11 The design according to DPW is based  
12 upon what would be the most convenient  
13 entrance for motorists, it's the belief  
14 of the Suffolk County Planning  
15 Commission staff that this should be  
16 reexamined by DPW in an attempt to  
17 prevent the disruption of southbound  
18 traffic flow to New York State Route  
19 495.

20 So with all that in consideration,  
21 staff is making the recommendation for  
22 approval with the following conditions:

23 The first beings that the most  
24 landward limit of freshwater wetland  
25 vegetation be flagged in the field by a

2 qualified expert, verified by the  
3 appropriate regulatory agencies,  
4 surveyed by a licensed professional and  
5 indicated on all sketches, plans, maps,  
6 surveys, et cetera, and that all  
7 regulatory setbacks be taken from the  
8 field verified wetland boundary. It is  
9 quite possible that that has been done  
10 and not relayed to the Commission.  
11 Certainly if it's a State regulated  
12 wetland, the DEC will be out there to  
13 look at it, but staff likes to see the  
14 wetland boundary flagged on the site  
15 plan so we know that the setbacks are  
16 all in conformance with at least the  
17 Commission's own adapted guidelines for  
18 setbacks.

19 The second condition being  
20 recommended to the Commission is that  
21 the Town shall investigate with the  
22 Suffolk County Department of Public  
23 Works the possibility of eliminating the  
24 proposed traffic light on County Road  
25 46. Staff did have conversations with

2 DPW, they will reinvestigate that with  
3 the intent possibly of diverting all  
4 traffic to the traffic signal here  
5 (indicating).

6 We realize that there could be some  
7 issues with the residential community up  
8 here (indicating), and it may be the  
9 residential community which has tried to  
10 direct some of the traffic away from  
11 this route here (indicating). The DPW  
12 is aware, though, that if any members of  
13 this development were looking to get to  
14 the Long Island Expressway, there is a  
15 new entrance to the LIE along the  
16 backside of the project site.

17 The third condition recommended by  
18 staff to the Commission is that the Town  
19 examine the motor vehicle travel lanes  
20 in front of the perimeter buildings in  
21 order to slow the traffic and eliminate  
22 conflicts with pedestrians.

23 The paragraph which follows is an  
24 excerpt from the staff report. Also,  
25 the comment in your staff report relates

2 to what I read to you before with regard  
3 to the concern that this regional  
4 shopping area may impact some of the  
5 other regional shopping areas as well as  
6 possibly planning considerations along  
7 to Montauk Highway corridor in the  
8 Mastic-Shirley area. So that is a  
9 comment for the Town's consideration.  
10 It is not a recommendation or it's not a  
11 condition that staff is recommending to  
12 the Commission.

13 That is the staff report.

14 THE CHAIRMAN: Thank you, Andy.

15 Questions or comments from the --

16 COMMISSIONER GOODALE: (Indicating)

17 THE CHAIRMAN: (Continuing) --

18 Jesse?

19 COMMISSIONER GOODALE: Yeah.

20 What is the guidelines that we use  
21 when we deal with the economic impact of  
22 a particular project?

23 I understand the planning process,  
24 but I'm a little bit uneasy if we, as a  
25 planning Commission, make an economic

2 judgment upon whether or not this  
3 project was successful or would hurt  
4 another business or stuff like that.

5 Can we have set guidelines about  
6 how we handle this matter?

7 DIRECTOR ISLES: Your point is well  
8 taken, and certainly the planning aspect  
9 of the economic impact of a project is  
10 one that has to be done very carefully.  
11 But I think what it goes back to is what  
12 is planning and what is zoning, and  
13 zoning is the rational allocation of  
14 land uses. So a community has the right  
15 to consider how they want to grow up,  
16 how they want to develop, how they want  
17 to allocate land use, residential,  
18 commercial, industrial and so forth.

19 So I think, here again, the point's  
20 well taken in terms of it's not to  
21 interfere with or judge the marketplace,  
22 but I think it's from the complexion or  
23 the side of it in terms of how does this  
24 impact on the growth and development of  
25 our communities, are we doing planning

2 decisions that are going to be  
3 consistent with community objectives  
4 that are going to avoid deterioration of  
5 existing centers that are planning to be  
6 commercial centers and so forth.

7 So that's the way we would look at  
8 it, is that it is within a zoning  
9 prerogative to allocate land uses, and  
10 if there's a oversaturation, does that  
11 start to undermine that plan, and look  
12 at it from the land development  
13 standpoint theory.

14 And I understand your point that,  
15 here again, it's not to be making  
16 economic decisions but the two by nature  
17 do overlap in many ways. The base, the  
18 core is the planning decision.

19 COMMISSIONER GOODALE: So therefore  
20 we should view this from the staff's  
21 point of view as -- how could we say --  
22 a word to the wise to the Town that  
23 they, perhaps, ought to be careful about  
24 what they're doing here, and their  
25 zoning -- it meets zoning, if I

2 understand correctly.

3 DIRECTOR ISLES: Absolutely. It  
4 does meet zoning, and as you're  
5 correctly stating, this is a comment,  
6 it's a caution to them. I think it's a  
7 caution for the record, too, because  
8 it's something -- the department's  
9 report, the consistent actions of the  
10 department in terms -- and this  
11 Commission indeed in terms of -- there  
12 is a concern about all the proliferation  
13 of retail development in Suffolk County.  
14 Numerous studies that the department has  
15 done in terms of how much do we need,  
16 how many do we have and so forth, we've  
17 tracked that very carefully. Are there  
18 adverse consequences, public  
19 consequences to -- of the region? Yes.  
20 And so I think that's something we feel  
21 has to be put into consideration in  
22 terms of the slanting decision of the  
23 law and that's where we feel it should  
24 be mentioned.

25 COMMISSIONER GOODALE: Thank you.

2 THE CHAIRMAN: Charla?

3 COMMISSIONER BOLTON: Commissioner  
4 Bolton.

5 Andy, I just wanted to ask you,  
6 could you clarify these -- the plans  
7 slightly concerning land bank parking  
8 spaces? It seems like there's a large  
9 number of land bank spaces, and they  
10 seem to be included in the buffers, but  
11 it's real hard for me to really see  
12 exactly what's being envisioned here.

13 MR. FRELENG: Yes. As you can see,  
14 you've got two shades of green up here  
15 (indicating).

16 COMMISSIONER BOLTON: Yeah.

17 MR. FRELENG: This light shady  
18 green is the land bank parking, most of  
19 this is land bank parking along here  
20 (indicating). It's a local decision on  
21 whether or not the proposed retail  
22 center provides adequate parking;  
23 however, Code compliance is required.  
24 Now, they do comply -- it's our  
25 understanding that they do comply with



2 code required parking; however, in order  
3 to further beautify the project, if you  
4 will, they've land-banked this with  
5 local approval (indicating). Yes, it  
6 does cut into the buffer a little bit,  
7 but I do not believe that they would --  
8 it would run a foul, if you will, of any  
9 clearing restrictions pursuant to the  
10 County guidelines or the Center Pine  
11 Barrens guidelines.

12 COMMISSIONER BOLTON: So my  
13 understanding is then that those  
14 particular spaces are going to be held  
15 in ownership by the developer or  
16 subsequent owners for potential future  
17 parking, if necessary?

18 MR. FRELENG: That is our  
19 understanding, yes.

20 COMMISSIONER BOLTON: Okay. Thank  
21 you.

22 COMMISSIONER HOLMES: Just  
23 following up -- Commissioner Holmes.

24 Just following up on Commissioner  
25 Goodale's concerns, if I'm not mistaken,

2 what staff is trying to do is help Towns  
3 to plan regionally because what we keep  
4 running into is Towns doing a plan for  
5 their own Town and not thinking about  
6 the fact that all of these retail areas  
7 are really regional, people come from  
8 elsewhere to shop in these centers. And  
9 when we've already got one big one and  
10 another one planned for the same area,  
11 that your concern was this as a third  
12 plan might make difficulty for some of  
13 the already existing -- am I correct  
14 that that was what you meant was a  
15 regional comment?

16 MR. FRELENG: Yes. That's a good  
17 point, Commissioner Holmes. From a  
18 regional perspective we were looking at  
19 that. The department periodically does  
20 do a retail study, along with other  
21 studies that we do, office park studies,  
22 things like that, and based on vacancy  
23 rates, based on other criteria, the  
24 department comes up with a conclusion  
25 that there may or may not be a flood of

2 retail space.

3 When you reach a certain carrying  
4 capacity, if you will, there is the  
5 possibility that they start to  
6 cannibalize each other. And this is a  
7 word to the wise, as was mentioned  
8 before, from a regional perspective,  
9 there is the possibility that this  
10 proposal may impact other regional  
11 shopping malls. As we discussed when  
12 the Tanger proposal came before us.

13 THE CHAIRMAN: Dave?

14 COMMISSIONER CALONE: I guess that  
15 leaving it at a comment in some ways  
16 troubles me. I mean, I think  
17 Commissioner Holmes' point is well  
18 taken. I mean, this is -- this seems to  
19 be the only place where kind of that  
20 holistic, macro-level kind of thinking  
21 is ever going to happen as this project  
22 goes along, because you have a Town  
23 board who's thinking about their own  
24 things, and we could comment to them,  
25 but in some ways I think this is a rare

2 situation. I mean, many of the cases we  
3 look at are, you know, clearly very  
4 localized kind of issues, we want to  
5 make sure the parking is fine,  
6 et cetera, but this seems to be unique  
7 and I think we -- if we care about  
8 regional planning in the sense of how  
9 the County is looking, how the County is  
10 developing, I would think we -- for me,  
11 we should weigh in more strongly than  
12 just saying, you know, the Town of  
13 Brookhaven should think about this.

14 So in my mind I'm actually inclined  
15 to vote against this, because I think  
16 that I understand that the Town of  
17 Brookhaven is going to be able to harbor  
18 here, but in some ways I want to raise  
19 the bar for them so that they take a  
20 serious look and think about whether  
21 this is something that, you know, is  
22 crucial for them and kind of convey  
23 our -- and speaking for myself, my  
24 concern, because this does have an  
25 impact on Riverhead and the other

2 developments, you know, west of --  
3 et cetera.

4 So my thought on this is that we  
5 should send a stronger message that this  
6 is a concern and that when -- in the  
7 rare case when this kind of situation  
8 arises, if we feel strongly about it, we  
9 should speak in a more meaningful way  
10 than approval with a comment.

11 MR. FRELENG: Commissioner Calone's  
12 comments are well noted, however,  
13 just to -- staff would like to reiterate  
14 that the site is zoned for the use and  
15 this is a site plan that comes before  
16 the Commission, it is not a change of  
17 zone application.

18 Irrespective of standards on a  
19 regional aspect, staff is reviewing it  
20 as a site plan application pursuant to  
21 the existing zoning.

22 DIRECTOR ISLES: Just to add to  
23 that, too. In the retail studies we've  
24 done, which, actually, Peter Lambert is  
25 the principal researcher on, we factored

2 in this shopping center for many years,  
3 and including the most recent study in  
4 2006 that we did. So we think that this  
5 is okay in terms of what we see right  
6 now. We -- there is a potential for  
7 impact on what was mentioned, the larger  
8 centers, we're probably getting close to  
9 that edge, but just -- not to be unclear  
10 about it, based on the regional planning  
11 perspective, on Peter's study, and then  
12 based upon the as-of-right, as Andy  
13 mentioned, that was the basis of the  
14 recommendation.

15 We looked at this very closely.  
16 Obviously, whatever the Commission wants  
17 referred back into Town, we respect.  
18 But, just so you know the basis of what  
19 we did, the basis upon both the regional  
20 study that we did as well as the  
21 as-of-right zoning.

22 COMMISSIONER CALONE: Thank you.

23 THE CHAIRMAN: You know, going back  
24 to the staff before, there are little  
25 grounds this time, considering the

2 history of the subject application, to  
3 deny this application. And I think  
4 that's, you know, the point you made in  
5 your comments in strong consideration  
6 of.

7 Ed, did you have anything?

8 COMMISSIONER PRUITT: No, not at  
9 this time.

10 THE CHAIRMAN: Adrienne?

11 COMMISSIONER ESPOSITO: Yes. Two  
12 points.

13 One is, I just want to build on the  
14 commentary or the "words to the wise" as  
15 Jesse said. I think that we should make  
16 the comment even stronger, if we have to  
17 limit it to a comment, because it's not  
18 just potentially something that may  
19 impact the Riverhead Outlet Center, but  
20 there's the Bellport Outlet Center right  
21 there which is not doing too well. And  
22 as the Commissioner who's representing  
23 Villages Under 5,000 Population, there's  
24 potential for it to impact the village  
25 economies, such Bellport Village and

2 Patchogue Village.

3 I've heard from some of the civic  
4 groups that they're very concerned it  
5 may undermine the revitalization efforts  
6 for the Mastic-Shirley area. And since  
7 the comment earlier was that as we  
8 proceed we want to keep in mind the  
9 community input and the community goals  
10 that they had set for different  
11 villages, so this -- you know, I think  
12 more towards what Commissioner Calone  
13 said, has a broader impact, and although  
14 we're reviewing it as a site plan, I  
15 think the comments can be expanded out  
16 and broader about our concerns of its  
17 impact to downtown areas and other  
18 existing commercial areas.

19 THE CHAIRMAN: I think he -- you  
20 know, I respect that and I agree with  
21 that, but I think he said that in the  
22 comments.

23 COMMISSIONER ESPOSITO: Well, I'd  
24 like us to add in some of the downtown  
25 villages and --



2 THE CHAIRMAN: Okay.

3 COMMISSIONER ESPOSITO:

4 (Continuing) -- the Bellport Outlet --

5 THE CHAIRMAN: How would you like  
6 to see it read, Adrienne?

7 COMMISSIONER ESPOSITO: Well, it  
8 could say, for instance, "In addition,  
9 the region is already presently  
10 adequately served by regional shopping  
11 centers, including Tanger Outlet Center  
12 in Riverhead, Bellport Outlet Center and  
13 downtown villages of Bellport and  
14 Patchogue regional centers."

15 THE CHAIRMAN: Okay. So you want  
16 to add in some village centers as well  
17 and village walkways and things like  
18 that.

19 Andy, could you --

20 COMMISSIONER FIORE: Could I just  
21 say something?

22 THE CHAIRMAN: Sure.

23 COMMISSIONER ESPOSITO: Yeah. I  
24 still have another comment, though.

25 COMMISSIONER FIORE: I just want --

2 I believe that outlet is just about done  
3 with any way, the Bellport Outlet.

4 So --

5 COMMISSIONER ESPOSITO: Well, now  
6 it will be put under.

7 COMMISSIONER FIORE:

8 (Continuing) -- I don't know if you want  
9 to put that in there or not because  
10 you're talking about something that's --  
11 I believe it's closed. I'm not going  
12 to --

13 COMMISSIONER ESPOSITO: I don't  
14 think it's closed, but I think this is  
15 an example of why they open and close.

16 THE CHAIRMAN: Well, I think what  
17 your point is, is -- as well --  
18 Adrienne, is, you know, downtown -- some  
19 of the downtown villages and some of the  
20 walking villages and walking shops and  
21 getting that comment in there as well?

22 COMMISSIONER ESPOSITO: Yes.

23 THE CHAIRMAN: Andy, could you add  
24 something like that --

25 MR. FRELENG: Yes.

2 THE CHAIRMAN: (Continuing) -- to  
3 include the downtown villages and some  
4 downtown retails?

5 MR. FRELENG: Yes. If it's the  
6 pleasure of the Commission, we could  
7 certainly add that. And that would  
8 still be a comment; right?

9 THE CHAIRMAN: Correct.

10 MR. FRELENG: Okay. And also, I  
11 wanted to clarify in the staff report,  
12 we just learned that there is no sewage  
13 treatment plan being required or  
14 necessary for this project. It conforms  
15 to Article 6, Discharge Standards  
16 Without a Sewage Treatment Plan.

17 COMMISSIONER ESPOSITO: But isn't  
18 it a SUPA?

19 MR. FRELENG: It is, but apparently  
20 the Health Department believes that it  
21 meets the requirements.

22 COMMISSIONER ESPOSITO: And it's  
23 right by the headwaters of a wetland --  
24 I'm sorry, right by the wetlands?

25 MR. FRELENG: It is by a wetland to

2 the east, yes.

3 COMMISSIONER ESPOSITO: So what  
4 would be the water use -- do we have a  
5 per day use?

6 MR. FRELENG: No, I don't -- not --  
7 not off hand, I don't have a water  
8 demand.

9 DIRECTOR ISLES: Limited to 300  
10 gallons an acre.

11 MR. FRELENG: That would be the  
12 discharge, 300 gallons per acre.

13 COMMISSIONER ESPOSITO: I'm sorry,  
14 that's acreage.

15 MR. FRELENG: Yeah.

16 THE CHAIRMAN: Okay. If we have no  
17 other comments or questions, a motion is  
18 in order. And I'll make a motion to  
19 accept the staff report.

20 Any seconds?

21 MR. FRELENG: As amended.

22 THE CHAIRMAN: Second by Jesse.

23 All those in favor of accepting the  
24 staff report, signify by raising your  
25 hand, please.

2 (WHEREUPON, the member voted.)

3 THE CHAIRMAN: So, let's do a  
4 count.

5 So we have one, two, three, four --  
6 four.

7 All those against?

8 (WHEREUPON, the members voted.)

9 THE CHAIRMAN: Against the  
10 motion. So we have four against.

11 We have one abstention.

12 COMMISSIONER ESPOSITO: Two  
13 abstentions.

14 THE CHAIRMAN: Let's do that again.

15 All those in favor of the staff  
16 report?

17 DIRECTOR ISLES: As amended.

18 THE CHAIRMAN: As amended, with the  
19 new comment.

20 (WHEREUPON, the members voted.)

21 THE CHAIRMAN: Okay. So we have  
22 one, two, three and Barbara, four.

23 Okay. All those opposed to the  
24 staff report?

25 (WHEREUPON, the members voted.)

2 THE CHAIRMAN: Okay. One, two,  
3 three, four. And we have two  
4 abstentions.

5 COMMISSIONER FIORE: Could I ask a  
6 question?

7 THE CHAIRMAN: Sure.

8 COMMISSIONER FIORE: When you amend  
9 something, don't you first vote on the  
10 amendment --

11 THE CHAIRMAN: It was --

12 COMMISSIONER FIORE:  
13 (Continuing) -- and then vote on the  
14 staff report?

15 THE CHAIRMAN: It was a comment --  
16 at the pleasure of the Commission, he  
17 just amended the comment. He just  
18 changed his comment. The comment was  
19 still in there and he just added some  
20 more into the comment.

21 COMMISSIONER FIORE: I'm still  
22 under the impression that you have to  
23 vote on an amendment, because the staff  
24 report is what the staff report is and  
25 it should stand on its own unless you

2 choose to amend it. If you choose to  
3 amend it, anything that has to be  
4 amended, to --

5 THE CHAIRMAN: I understand --

6 COMMISSIONER FIORE:

7 (Continuing) -- my knowledge, has to be  
8 voted on.

9 THE CHAIRMAN: I don't believe it  
10 was the -- on the -- it was a staff  
11 recommendation, it was just a comment.  
12 It was just -- we just amended the  
13 comment. I didn't think we had to vote  
14 on a comment.

15 COMMISSIONER FIORE: I don't  
16 know --

17 THE CHAIRMAN: Counsel?

18 MR. GULIZIO: Procedurally the  
19 staff report --

20 MS. CAPUTI: I believe that --

21 THE CHAIRMAN: We need counsel to  
22 use the microphone.

23 COMMISSIONER FIORE: It wasn't --  
24 when I abstained from the vote, the vote  
25 was confusing at best, as to whether we

2 were talking about the staff report,  
3 which I think he did a bang-up job on,  
4 or we were talking about the amendment.  
5 So, I mean, I'm confused as to how we're  
6 operating here.

7 MS. CAPUTI: Okay. Well, maybe we  
8 can seek clarification first, but if --  
9 if you are going to abstain, then you  
10 shouldn't comment on the vote that's  
11 going to be taken --

12 COMMISSIONER FIORE: Counsel, I  
13 believe I can abstain on one and vote on  
14 another. When I don't agree with what  
15 the Commissioner is doing, I should be  
16 able to abstain on that or not vote for  
17 it, and then when it comes to the actual  
18 vote for the thing or for the approval  
19 or disapproval, I believe I have the  
20 right to either abstain, vote "yea" or  
21 vote "nay."

22 THE CHAIRMAN: You're right, but I  
23 thought we would vote -- well, Counsel,  
24 the first thing I need is -- is that we

25 amended the comment, I mean, can I amend



2 the comment without a vote?

3 MS. CAPUTI: Mr. Freleng's comment?

4 THE CHAIRMAN: Yes. The comment.

5 Not a staff recommendation, but just a  
6 comment on a staff report.

7 MR. FRELENG: Commissioner  
8 Caracciolo, Mr. Chairman, the staff  
9 report is a recommendation from staff to  
10 the Commission. Procedurally the  
11 Commission either adopts the staff  
12 report as recommended or they adopt it  
13 as you amend it. So the staff report is  
14 the staff report from the department to  
15 the Commission. It stands by itself.

16 THE CHAIRMAN: Which is what I  
17 thought, Don, that we'd work -- because  
18 it's a, you know, organic document that  
19 we'd work together. Once we finalize  
20 that document based on our comments,  
21 questions and additions, then we make a  
22 motion to adopt that --

23 MR. FRELENG: Document.

24 THE CHAIRMAN: (Continuing) --  
25 report. That's the way I'm reading it.

2 COMMISSIONER ESPOSITO: We've never  
3 done it differently before. We've  
4 always taken it, made it our own and  
5 then voted on it.

6 THE CHAIRMAN: Correct.

7 COMMISSIONER ESPOSITIO: Right.

8 COMMISSIONER ROBERTS: But what if  
9 one person on the Commission does not  
10 agree with or has -- or everyone on the  
11 Commission were not to agree with what  
12 Adrienne --

13 THE CHAIRMAN: Well, Adrienne did  
14 make that point and no one commented on  
15 it.

16 COMMISSIONER ROBERTS: No one --

17 COMMISSIONER ESPOSITO: You're  
18 supposed to say at the time you --

19 THE CHAIRMAN: Right. Adrienne did  
20 make the point, we -- we manipulated  
21 it -- manipulate is a bad word -- we  
22 modified Andy's comment and then voted  
23 on that modified staff report.

24 COMMISSIONER FIORE: But that  
25 should have been a recommendation. That

2 shouldn't have been a statement made by  
3 the Commissioner and everybody should go  
4 along with them.

5 THE CHAIRMAN: Well, we --

6 COMMISSIONER FIORE: A  
7 recommendation for a change in the  
8 approval or disapproval -- I should say  
9 the staff report --

10 COMMISSIONER ESPOSITO: So do you  
11 want me to rephrase?

12 COMMISSIONER FIORE: No, no, no,  
13 no, no --

14 THE CHAIRMAN: No, but I thought --  
15 I thought we did -- we did have that  
16 conversation back and forth. If I went  
17 too fast, I apologize, but I thought  
18 we --

19 COMMISSIONER FIORE: No, no. Maybe  
20 I'm a little slow --

21 COMMISSIONER CALONE: John, you  
22 might just say, you know, without  
23 executive -- without objection, we're  
24 going --

25 THE CHAIRMAN: Yeah. And I thought

2 it was an open conversation, Dave --

3 COMMISSIONER PRUITT: Commissioner  
4 Pruitt here.

5 Are there any objections to the  
6 modification that Adrienne suggested?

7 THE CHAIRMAN: To add villages and  
8 walkways in here?

9 (WHEREUPON, there was no response.)

10 COMMISSIONER PRUITT: Okay.

11 THE CHAIRMAN: No, I didn't think  
12 so. I mean, that's why we moved  
13 forward.

14 COMMISSIONER FIORE: I -- I -- all  
15 right.

16 THE CHAIRMAN: Maybe -- I'm just  
17 trying to, you know, go for time here.

18 DIRECTOR ISLES: So the motion is  
19 yes.

20 THE CHAIRMAN: So the motion --  
21 well, let me go back. Would that have  
22 changed your opinion on it at all, Don?

23 COMMISSIONER FIORE: No, because I  
24 have interest in it.

25 THE CHAIRMAN: So the motion did

2 not carry, so it does go back for --

3 COMMISSIONER FIORE: Yeah, one had  
4 nothing to do with the other as far as I  
5 was concerned.

6 THE CHAIRMAN: Okay. All right.  
7 Yeah, it's good to hear that.

8 So the motion did not carry, so it  
9 goes back to no action.

10 Okay.

11 MR. FRELENG: Now, this brings up  
12 the issue on whether or not the comments  
13 in the staff report would go forward to  
14 the Town.

15 COMMISSIONER HOLMES: Don't we  
16 always ask that the comments go --

17 THE CHAIRMAN: No, we don't -- we  
18 don't do that. I mean, if that's at the  
19 pleasure of the Commission, we could  
20 have Andy send that.

21 DIRECTOR ISLES: Yes. Here again,  
22 we did that in some cases where we just  
23 haven't been able to muster enough votes  
24 but we essentially have the majority  
25 opinion of the Commission. It appears,

2 in this case, we don't have the majority  
3 opinion, we have a 4:4:2. If you feel  
4 that they represent the intent of the  
5 Commission, you'd like us to send them,  
6 we'll be happy to do so. I'm not  
7 convinced that they do. That's you're  
8 call.

9 THE CHAIRMAN: Yeah, I'm not  
10 convinced that they do either because  
11 it's a 4:4:2. I mean, we always did  
12 that when somebody abstained and we were  
13 short one vote and it was the pleasure  
14 of the Commission to go one way or  
15 another. I mean, it seems like we are  
16 split on this, so to send back comments,  
17 I think, is a moot point.

18 COMMISSIONER CALONE: Can I at  
19 least make a motion that we send the  
20 comments, because for me it was more the  
21 macro issue and I think the message is  
22 not -- it's not a problem with the staff  
23 comments, which I think if this project  
24 is to go forward, as I suspect it will,  
25 that there -- you know, some of these

2 issues about the parking, et cetera, ar  
3 very well taken, they -- it should be  
4 taken into account by Town board. So I  
5 would at least move, despite the fact  
6 that we're not making a formal  
7 recommendation or we're taking a  
8 (inaudible), that the comment at least  
9 be sent to the Town so that they have  
10 the expertise of the plan --

11 THE CHAIRMAN: If you want to make  
12 that motion, Dave, you could make that  
13 motion.

14 MR. CALONE: I make that motion.

15 THE CHAIRMAN: I'm going to -- I'm  
16 going to not second that motion. If  
17 somebody else wants to --

18 MS. HOLMES: I will second the  
19 motion.

20 THE CHAIRMAN: (Continuing) --  
21 because it's my point -- just one  
22 second, Linda.

23 It's my point that, you know, we  
24 are split on this. I mean, I think this  
25 project should go forward and I think,

2 you know, Andy and the staff has looked  
3 at the economic issue of this project  
4 and I think it should go forward. So to  
5 almost have our cake and eat it too and  
6 say, "Well, we're not going to go  
7 forward with it, we're going to send a  
8 comment."

9 So if somebody wants to second that  
10 motion, they can.

11 COMMISSIONER HOLMES: I would like  
12 to second it -- Commissioner Holmes --  
13 because we were split. And there was  
14 almost an equal feeling on the  
15 Commission, and yet we all felt, at the  
16 time we were discussing it, that the  
17 comment was a valid comment and should  
18 be modified and added to. So for that  
19 reason, I would second the motion to --

20 THE CHAIRMAN: But to deny an  
21 application based on comment and  
22 language that we couldn't agree on just,  
23 to me, doesn't make sense.

24 COMMISSIONER HOLMES: We're not  
25 denying it.



2 THE CHAIRMAN: But we are, we're  
3 not accepting the staff report --

4 COMMISSIONER HOLMES: Well, we're  
5 taking no action, isn't that a different  
6 category of -- we're not denying --  
7 we're not voting no to the staff report,  
8 we were split so evenly that we had to  
9 take no action --

10 THE CHAIRMAN: No.

11 COMMISSIONER HOLMES:  
12 (Continuing) -- but I thought at the  
13 time we were discussing the comments  
14 that we were quite well in agreement  
15 that the comment was valid and could be  
16 strengthened and amended. And I thought  
17 we all felt that; am I incorrect?

18 THE CHAIRMAN: I -- I don't --

19 MR. FRELENG: Mr. Chairman --

20 THE CHAIRMAN: (Continuing) --  
21 yeah, I think so. I mean, I think -- I  
22 think if we had language -- if everyone  
23 was good with the application and we  
24 were debating language on a comment, I  
25 would go back and say, "Okay, let's open

2 up that discussion again and debate the  
3 language on that comment." If we're  
4 disapproving -- I mean, I don't think it  
5 was an equal split, we voted -- half  
6 voted against the application, half  
7 voted for the application. I don't  
8 think we were voting for or against the  
9 comments; am I mistaken?

10 DIRECTOR ISLES: No, you're right.  
11 The comment had been agreed to.

12 THE CHAIRMAN: Right. Right.

13 COMMISSIONER ROBERTS: But we do  
14 have a motion on the floor --

15 THE CHAIRMAN: We do have a motion  
16 to send the comment, and we do have a  
17 second to send that, so all those in  
18 favor of sending comments back to the  
19 Town, please signify by saying "aye,"  
20 raise your hands, please.

21 (WHEREUPON, the members voted.)

22 THE CHAIRMAN: Three, four, five.

23 And all those against sending  
24 comments back to the Town?

25 (WHEREUPON, the members voted.)

2 THE CHAIRMAN: Two.

3 And abstentions?

4 (WHEREUPON, the members voted.)

5 THE CHAIRMAN: So it's 4:2:2 --  
6 5:2:2. So that doesn't carry either;  
7 correct? No, you need eight.

8 COMMISSION PRUITT: Mr. Chairman,  
9 one other question.

10 I know we've had a long debate on  
11 this, I just want to make one  
12 understanding. If we're to go along  
13 with the staff recommendation, if  
14 everyone voted, would we send the  
15 comment?

16 THE CHAIRMAN: Yes. If the  
17 application passed and the application  
18 goes back to the Town, then those  
19 comments on the staff report is  
20 meaningful. Right now it goes back with  
21 no action taken.

22 COMMISSIONER PRUITT: So I guess my  
23 question is, for some of the other  
24 Commissioners, are we better off going  
25 along with staff recommendations and

2 sending back the comments versus voting  
3 against staff recommendations?

4 THE CHAIRMAN: I don't think we can  
5 go back and open this up now --

6 COMMISSIONER PRUITT: I think we  
7 can have a motion to -- yes, we can, to  
8 reconsider.

9 THE CHAIRMAN: Well, I mean --

10 COMMISSIONER HOLMES: After the  
11 clarification.

12 THE CHAIRMAN: Let's all talk one  
13 at a time.

14 I think we understand the impact of  
15 our votes and our decision, we've done  
16 this for a while, and, you know, we made  
17 a -- the Commission has made a ruling  
18 based on this application and now to go  
19 back and say, "Well, it didn't go that  
20 way, I want to change it," I just don't  
21 think --

22 COMMISSIONER PRUITT: No  
23 misunderstanding, Mr. Chairman, in the  
24 past we have taken votes to reconsider.

25 THE CHAIRMAN: I mean, we've taken

2 votes before when it's been close or  
3 when somebody abstained and it was --  
4 you know, we made our -- we made our  
5 decision.

6 All right. Moving on to the next  
7 application.

8 The Wooley Family Trust.

9 MR. FRELENG: Okay. The next  
10 application comes to us from the Town of  
11 Islip. This is the application of  
12 Wooley Family Trust. Jurisdiction for  
13 the Commission is that the application  
14 is within 500 feet of County Road 100.

15 Applicants seek Town Board change  
16 of zone approval from Residence AAA and  
17 Business 1 District to all Business 1  
18 District for the conversion of an  
19 existing retail building to a  
20 convenience store. Applicants also  
21 request special exception approval to  
22 operate the convenience store. Site  
23 plan modifications, including  
24 landscaping, buffers and parking  
25 relaxations are also requested. Parking

2 requirement for the proposed action is  
3 25 spaces where 15 spaces are proposed.

4 The subject property is located on  
5 the northwest corner of Suffolk Avenue,  
6 which is County Road 100, and Adler  
7 Avenue, which is a Town road in the  
8 hamlet of Brentwood.

9 A review of the character of the  
10 land use and zoning pattern in the  
11 vicinity indicates that the subject  
12 premises is split-zoned, predominantly  
13 Business 1 District with Residential AAA  
14 at the rear fifth of the site.

15 If you take a look at the zoning  
16 map up there you can see that right  
17 there (indicating) you can see right  
18 there is the -- it's really not clear on  
19 the map, but that -- on other  
20 information we have is Residence AAA  
21 right there (indicating).

22 The subject site is in a corridor  
23 of Business zoning along Suffolk Avenue.  
24 Property to the west is zoned Business 1  
25 and is improved with a gasoline service

2 station. Property to the north is zoned  
3 residential and has a County-owned  
4 stormwater recharge basin located on it.  
5 The subject site is adjacent to Alder  
6 Avenue which is indicated as a Town road  
7 to the east -- I'm sorry, it's adjacent  
8 to Alder Avenue to the east and fronts  
9 on Suffolk Avenue to the south. East of  
10 the subject site are residentially  
11 improved parcels and south of the  
12 subject parcel is improved commercial  
13 land.

14 Access to the proposed use will be  
15 from three existing curb cuts; two from  
16 County Road 100 and one to Alder Avenue.

17 With regard to environmental  
18 conditions, the subject property is  
19 situated in Hydrogeologic Ground Water  
20 Management Zone 1 pursuant to Article 6  
21 of the Suffolk County Sanitary Code.  
22 The site is located -- the site is not  
23 located in a Special Groundwater  
24 Protection Area (SGPA). This site is  
25 not located in a Suffolk County Pine

2 Barrens Zone. The subject site is not  
3 located in a State Critical  
4 Environmental Area and there are no  
5 wetland which occur on-site; however, a  
6 County-owned recharge basin is located  
7 adjacent and north of the property as  
8 indicated.

9 It should be noted that the subject  
10 application is located in a minority and  
11 economically distressed community as  
12 defined by Commission guidelines and  
13 required to be reported pursuant to  
14 Resolution 102 of 2006 of Suffolk  
15 County.

16 The comprehensive plan  
17 recommendations for the Town of Islip,  
18 this would be the Community Identity  
19 Brentwood recommendations, and this  
20 recommends commercial development for  
21 the subject parcel.

22 It's the belief of the staff that  
23 while the proposed zoning change is  
24 minor and may warrant consideration, the  
25 request for special exception approval



2 and parking variance constitute an  
3 overintensification of the use of the  
4 premises. Parking requirement for the  
5 proposed action is 25 spaces where  
6 15 are proposed. This would be a  
7 40 percent deficiency in the parking  
8 requirement. Moreover, a landscape  
9 relaxation is also being requested as  
10 the total portion of the site to be  
11 landscaped is 14 percent while  
12 20 percent is required. The applicants  
13 also propose to utilize a curb cut  
14 location on Alder Avenue that is very  
15 close to the intersection with Suffolk  
16 Avenue, not meeting the 25-foot local  
17 requirement or the 50-foot Suffolk  
18 County Planning Commission guideline.  
19 The proposed use, which would be a high  
20 motor vehicle trip generating use with  
21 many turn movements, would be an  
22 inappropriate use at this location, in  
23 the staff's opinion.

24 Staff is recommending then  
25 disapproval of the Special Exception

2 request and parking variance for the  
3 following reasons:

4 The first being, the proposal  
5 constitutes the unwarranted  
6 overintensification of the use of the  
7 premises.

8 The second being it would tend to  
9 necessitate the use of the surrounding  
10 roadways, including County Road 100 for  
11 parking purposes thereby diminishing the  
12 safety and traffic-carrying capacity of  
13 said roads.

14 The third, it would tend to  
15 establish a precedent for further such  
16 land development patterns in the locale.

17 And fourth, the premises could be  
18 reasonably developed in accordance with  
19 the existing B1 District requirements.

20 If we could go back to the aerial  
21 for a second, Ted.

22 So we have an existing building as  
23 indicated. It is currently operating as  
24 Audio Sales, sound system sales. They'd  
25 like to convert that to a convenient

2 store which would theoretically be in  
3 conjunction with this gasoline service  
4 station here (indicating).

5 We're at the intersection of a Town  
6 street. Their access is about 25 feet  
7 off of this intersection and they are  
8 deficient in parking. So pursuant to  
9 Commission guidelines, the deficiency in  
10 parking would leave one to believe that  
11 the parking would start to line up on  
12 the street, maybe even on the County  
13 roadway. And certainly the level of  
14 service at this intersection here would  
15 decrease and there would be an  
16 overintensification of the use of the  
17 premises (indicating).

18 That is the staff report.

19 THE CHAIRMAN: Thank you, Andy.

20 Motions in order?

21 I'll make a motion to approve the  
22 staff report.

23 COMMISSIONER PRUITT: Second by  
24 Commissioner Pruitt.

25 THE CHAIRMAN: Thank you, Ed.

2 All those in favor?

3 (WHEREUPON, the members voted.)

4 THE CHAIRMAN: Opposed?

5 (WHEREUPON, the members voted.)

6 THE CHAIRMAN: Abstained?

7 (WHEREUPON, the members voted.)

8 THE CHAIRMAN: The motion carries.

9 There you go, moving at the speed  
10 of light.

11 MR. KLEIN: The next application  
12 for your consideration is DML  
13 Properties. It's sent to us by the Town  
14 of Huntington.

15 Commission's jurisdiction for  
16 review is the parcels adjacent to State  
17 Route 110, that's New York Avenue, which  
18 the property fronts. The property also  
19 fronts Creek Road to the west, and it's  
20 also boarded by Hill Place to the north.

21 The Commission reviewed this  
22 application back in July. Presently the  
23 parcel is zoned C-4 commercial, this is  
24 the neighborhood business zoning, and  
25 R-3M Residential which is a multifamily

2 residence.

3 The Commission reviewed the change  
4 of zoning application back in the July,  
5 which they denied, and the Town went  
6 ahead and approved.

7 The property consists of 2.34  
8 acres, split-zoned. It's currently  
9 approved with an industrial-type  
10 building. It's used to be the old  
11 Pennysaver Building, if anyone's  
12 familiar with the area. It's currently  
13 being utilized as storage and medical  
14 office space. There is wetlands  
15 contained on the property that runs  
16 right through the property, and I'll  
17 show you another picture later of those  
18 wetlands.

19 The applicant is seeking several  
20 variances with the intention of  
21 demolishing the existing building and  
22 subdividing the property into two uses.  
23 One would be a pharmacy building on --  
24 which fronts New York Avenue, and a  
25 residential use, consisting of a 19-unit

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townhouse development. The variances sought in conjunction with the pharmacy or the retail use are several.

The first one's a front-yard setback: The Town requires 20 feet and the applicant is only proposing three feet. That's this variance here (indicating).

Another one is the diminished parking: The Town required 75 stalls and the applicant is only proposing 53 parking stalls.

And the other variance for that commercial parcel is a parking area buffer between the commercial and residential zoned districts. The Town required ten feet, and the applicant is only proposing five here (indicating).

The variances sought in connection with the residential portions are as follows:

There are several front-yard setback variances. Anywhere from 13 feet to 19 feet are proposed, where

2 the Town requires 30 feet. Also the  
3 setback requirement where the Town  
4 requires 25 feet, the applicant is only  
5 proposing over 12 -- just over 12.

6 And another variance that they're  
7 seeking is diminished parking. The Town  
8 would require 47 parking stalls, that's  
9 three stalls per unit, the applicant is  
10 only proposing 38 units.

11 Access to the proposed property,  
12 along the retail portion, the applicant  
13 is proposing two ingresses and  
14 egresses -- actually, one ingress and  
15 egress here along New York Avenue  
16 (indicating), and then an egress only  
17 with no left-hand turn, and a second  
18 ingress and egress along Hill Place.

19 Hill Place is currently closed.  
20 Along here (indicating), there's a  
21 bridge that caved in some years ago, and  
22 it was never improved again.

23 Accesses to the residential portion  
24 are proposed along Creek Road. There's  
25 two egresses and ingresses here

2 (indicating) proposed.

3 As I mentioned, there are wetlands  
4 on the property. There is a -- the  
5 applicant is proposing a wetlands  
6 restoration project which the Town is  
7 going to oversee.

8 The townhouse portion of the  
9 application is taken place on 1.3 acres,  
10 which includes wetlands. Nineteen units  
11 on 1.3 acres, so that's a yield of 14.5  
12 units per acre, which is in accordance  
13 with the R-3M Residence District which  
14 requires 3,000 square feet per unit.

15 COMMISSIONER ESPOSITO: Can you  
16 just point out where the wetlands are as  
17 you're talking?

18 MR. KLEIN: Okay. I'm going to  
19 show you a picture of the wetlands.

20 COMMISSIONER ESPOSITO: Okay.

21 MR. KLEIN: Here are the wetlands  
22 (indicating). That's outside of the  
23 property, here's the edge of the  
24 property and they go right through the  
25 building. I include that picture



2 because you don't get to see that too  
3 often where there's actually a stream  
4 running underneath the building.

5 Okay. Like I said, the residential  
6 portion does conform to zoning; however,  
7 the applicant is requesting a multitude  
8 of front- and side-yard setbacks, and a  
9 33 percent reduction in the number of  
10 require parking stalls.

11 It should be noted that the garage  
12 space is being utilized for the proposed  
13 parking calculations, which is not  
14 practical since garages tend to be used  
15 for storage and are often converted to  
16 living space.

17 Given the permissive yield on the  
18 property but the impractical use of the  
19 wetlands, and the relative shape of the  
20 residentially zoned portions, the  
21 proposed deficiencies in setbacks and  
22 parking should have been reasonably  
23 predicted; and the Town's open space and  
24 parks preservation requirements of ten  
25 percent would have likely absorbed much

2 of the wetlands area. Sufficient  
3 on-site parking, that's three parking  
4 stalls per unit, is considered a  
5 necessary because it is likely that  
6 Creek Road would be utilized for the  
7 overflow parking -- overflow parking  
8 purposes and Creek Road is a narrow,  
9 winding road, as you might be able to  
10 tell from the aerial, and could not  
11 safely handle or is not suitable for  
12 on-street parking.

13 The commercial portion of the  
14 application is proposing a  
15 13,013-square-foot pharmacy on a little  
16 over one acre, and according to Town  
17 Code would require 66 parking spaces.  
18 That's one space for every 200 square  
19 feet of building. The proposal only  
20 provides for 56 spaces which is a 15  
21 percent deficiency. The applicant is  
22 also proposing to provide a front-yard  
23 set back of only three feet where 20  
24 feet required. This is a deficiency of  
25 80 percent -- let me get rid of these

2 (indicating).

3 Currently the subject has no curb  
4 cuts along New York Avenue, and the  
5 applicant proposes two ingresses and  
6 egresses along New York Avenue. The  
7 applicant's proposing -- excuse me --  
8 he's proposing only egress here with no  
9 left-hand turn (indicating), as I  
10 pointed out before. The proposed curb  
11 cuts, along with the proposed -- and the  
12 proposed reduction in building setback  
13 and parking would increase the  
14 likelihood of on-street parking to  
15 occur, and this would diminish the  
16 safety and traveling capacity along New  
17 York Avenue.

18 The proposed parking buffer in the  
19 rear of the pharmacy project is  
20 considered unwarranted and could  
21 compromise the restoration of the  
22 wetlands here -- so that's over here,  
23 this is the wetlands (indicating).

24 The applicant is proposing to  
25 reopen Hill Place and construct a

2 bridge. There is no proposed --

3 THE CHAIRMAN: So you're  
4 recommending disapproval, Ted?

5 MR. KLEIN: Sorry. Yes, I am  
6 recommending disapproval.

7 THE CHAIRMAN: Tell us why.

8 MR. KLEIN: Okay. Thanks.

9 THE CHAIRMAN: I'm just trying to  
10 help you out.

11 MR. KLEIN: Okay. Disapproval for  
12 the following reasons:

13 The requested variances are  
14 substantial and the application would be  
15 considered an unwarranted  
16 overintensification of land use.

17 Specifically, the residential  
18 portion of the proposed application has  
19 a 33 percent parking deficiency and  
20 numerous dimensional variances being  
21 sought.

22 The commercial portion of the  
23 proposed application has a 15 percent  
24 parking deficiency, along with the  
25 significant front-yard setback reduction

2 of 85 percent, and the parking buffer  
3 reduction of 50 percent being sought is  
4 substantial and unwarranted.

5 The diminished parking would tend  
6 to necessitate the use of the  
7 surrounding roadways for parking  
8 purposes which would create traffic  
9 safety problems.

10 The practical difficulties were  
11 self created. Shortly after the  
12 purchase of the property, the applicant  
13 requested and was granted a change of  
14 zone on the subject parcel from I-4  
15 Industrial and R-5 Residential to C-4  
16 Commercial and R-3M Residential by the  
17 Town of Huntington on September 26,  
18 2006. So they requested this zoning.  
19 The property can be reasonably developed  
20 in accordance with the new zoning by  
21 reducing the number of retail buildings  
22 and the number of townhouse units.

23 And as a final comment, a number of  
24 curb cuts proposed along New York Avenue  
25 are two and should be reduced to one or

2 maybe zero as to avoid diminishing the  
3 safety and traffic-carrying capacity of  
4 the road.

5 THE CHAIRMAN: Thank you --

6 MR. KLEIN: That's the staff  
7 report.

8 THE CHAIRMAN: (Continuing) -- Ted.  
9 I appreciate it.

10 Sarah, you have a comment?

11 COMMISSIONER LANSDALE: I do.

12 Didn't we see this before, about a  
13 year ago?

14 MR. KLEIN: They never mentioned  
15 that.

16 MR. FRELENG: Yes, you did.

17 THE CHAIRMAN: And then why is the  
18 application here again, Andy?

19 MR. FRELENG: The application was  
20 before you for, I believe, a change of  
21 zone --

22 MR. KLEIN: Change of zoning, which  
23 I -- I thought --

24 MR. FRELENG: (Continuing) -- and  
25 staff -- staff recommended denial.

2 THE CHAIRMAN: Okay.

3 COMMISSIONER BOLTON: Okay. Can we  
4 include -- Commissioner Bolton -- can we  
5 include some reference to the flooding  
6 conditions in this area? Not only are  
7 they really severe and have been for  
8 many, many years, and they continue to  
9 be, but in addition to which was the new  
10 development further north in Halesite,  
11 the Prime Restaurant, specifically, with  
12 the addition of further impervious  
13 surface being created -- it created more  
14 flooding. So my feeling here is that  
15 with the amount of parking that is being  
16 required and needs to be required  
17 because of the number of units and the  
18 square footage of the pharmacy, that  
19 this would only make a very difficult  
20 and possibly unfixable problem worse.

21 MR. KLEIN: I proposed -- I  
22 recommended denial for the application.

23 THE CHAIRMAN: So we're denying the  
24 application.

25 COMMISSIONER BOLTON: So -- I

2 understand that, but just to emphasize  
3 to this -- I don't know, but to  
4 emphasize to the Town that they have --  
5 that, for example, that's a good reason  
6 to -- you know, your comment where you  
7 say shortly after purchasing the  
8 property, et cetera, under practical  
9 difficulties were self-created, that --  
10 you know, the Town -- I mean, if they  
11 could fix this application and possibly  
12 make it so that it wouldn't be more of a  
13 threat to the roadway in terms of  
14 flooding.

15 THE CHAIRMAN: You want a line in  
16 there about the extreme flooding that's  
17 in the area already?

18 COMMISSIONER BOLTON: Yes.

19 THE CHAIRMAN: Okay. Could you add  
20 something like that, Ted, and see what  
21 you could --

22 COMMISSIONER ESPOSITO: As a  
23 comment.

24 THE CHAIRMAN: As a comment. It's  
25 just a comment. The application is



2 being denied and in the comments, in the  
3 comment line where there's two curb  
4 cuts, add this, you know, area is prone  
5 to extreme flooding already.

6 MR. KLEIN: Okay.

7 THE CHAIRMAN: Does anyone have any  
8 objection to that?

9 COMMISSIONER PRUITT: Oh, we're  
10 learning.

11 THE CHAIRMAN: Okay. We're good  
12 with that. Motions in order?

13 COMMISSIONER CALONE: I'll make a  
14 motion to accept the --

15 THE CHAIRMAN: Thank you, Dave.  
16 Second?

17 COMMISSIONER HOLMES: I'll second.

18 THE CHAIRMAN: Linda.

19 All those in favor?

20 (WHEREUPON, the members voted.)

21 THE CHAIRMAN: The motion carries.

22 MR. KLEIN: Okay. The next  
23 application for your consideration is  
24 Flynn and Croke, sent to us by the Town  
25 of East Hampton. Commission's

2 jurisdiction through you is County  
3 Road 40, which is North Main Street, on  
4 which the property fronts. It's located  
5 in the hamlet of East Hampton. The  
6 property is zoned Neighborhood --  
7 split-zoned Neighborhood Business and  
8 A-Residential. This parcel here  
9 (indicating). Neighborhood Business  
10 requires 10,000 square feet and  
11 A-Residence requires 40,000 square feet.  
12 The property is currently improved with  
13 a multifamily residence and a detached  
14 garage.

15 The subject property contains  
16 43,246 square feet. It's flagged  
17 shaped. As I mentioned, it's improved  
18 with a two-family residence. The front  
19 portion is where the dwelling is  
20 located, it's situated in a Neighborhood  
21 Business. The rear portion is  
22 A-Residence. The applicant is proposing  
23 to subdivide the parcel approximately  
24 along the zoning boundary line. Lot 1  
25 is supposed to consist of the

2 Neighborhood Business zoning and contain  
3 16,537 square feet, excluding the flag  
4 and the access easement. The minimum  
5 lot size in a Neighborhood Business is  
6 10,000 square feet. Proposed Lot 2  
7 consists of A-Residence zoning and is to  
8 contain only 20,000 square feet, where  
9 the minimum lot area is 40,000 square  
10 feet. The applicant is seeking a lot  
11 area variance on Lot 2.

12 Access is existing along North Main  
13 Street, and access to proposed Lot 2  
14 would be via an easement over a common  
15 driveway and along the north portion of  
16 the property. So it would wind around  
17 this way (indicating).

18 The applicant is seeking a lot area  
19 variance on Lot 2, which would create a  
20 lot having 50 percent less area than  
21 required.

22 The variance sort is significant  
23 and would create a substandard lot.  
24 Also, the only access to Lot 2 would be  
25 over an easement; therefore they're

2 creating a "land lock lot," which does  
3 not have frontage on an existing public  
4 road.

5 Staff recommends disapproval.

6 The application is an unwarranted  
7 overintensification of land use.

8 Creation of the subdivision --  
9 excuse me -- the subdivision would  
10 create a substandard lot, it would  
11 constitute an overintensification of  
12 land use, establish a precedence for  
13 future subdivisions and essentially  
14 circumvent the Town code.

15 Also, the proposal will result in  
16 the creation of landlocked parcels,  
17 which is contrary to good subdivision  
18 layout principles, create potential  
19 access problems, disputes over  
20 maintenance of the property, and it may  
21 also affect the adjacent neighbors to  
22 the easement.

23 That's the staff's report.

24 THE CHAIRMAN: Thank you, Ted.

25 Motions in order?

2 COMMISSIONER ESPOSITO: Motion to  
3 accept the staff report.

4 THE CHAIRMAN: Everyone's making  
5 the motions now, huh?

6 COMMISSIONER LANSDALE: Second.

7 THE CHAIRMAN: All in favor?

8 (WHEREUPON, the members voted.)

9 THE CHAIRMAN: Motion carries.  
10 Okay. Peter?

11 MR. LAMBERT: Good afternoon. I  
12 have two subdivisions for your review,  
13 they're both in the Town of Riverhead on  
14 undeveloped farmland.

15 The first subdivision is from an  
16 applicant by the name of North Winds  
17 Homes, and our jurisdiction is that the  
18 parcel's within 500 feet of an  
19 agricultural district. The zoning  
20 classification on the property is RB-80  
21 Residential on a minimum lot size of  
22 80,000 square feet. The present land  
23 use is, obviously, farmland,  
24 agriculture, and existing on the lot are  
25 several greenhouses, a residence, a

2 barn, a garage and a shed.

3 The cover is active farmland and  
4 landscaped near the residence. Soil  
5 types include Haven loam and Riverhead  
6 sandy loam.

7 Okay. It's a major subdivision and  
8 the layout is an agricultural cluster.  
9 The proposed access is for One Loop Road  
10 with one access point to Hulse Landing  
11 Road. The access point is here and the  
12 road loops around like that  
13 (indicating).

14 So the applicant proposes to  
15 subdivide two tax map parcels zoned B-80  
16 comprising 27.8 acres into 26 lots.  
17 Twenty-four residential lots and  
18 seven-acre farm lots would be created,  
19 one with the existing greenhouses and a  
20 residence.

21 So we have the greenhouses down  
22 here (indicating), another farm lot  
23 proposed here (indicating), and 24  
24 residential lots proposed here  
25 (indicating).

2           The subject property is located in  
3           Wading River, on the northeast corner of  
4           Hulse Landing Road and Sound Avenue.  
5           The property is bounded on the west by  
6           farmland in the Suffolk County  
7           Agricultural District, in this area here  
8           (indicating), to the south by other  
9           farmlands, and to the north and east by  
10          single-family residences here  
11          (indicating).

12           Access to the proposed subdivision  
13          is proposed via a new street, Andrews  
14          Way, which would have one access point,  
15          as I said, to Hulse Landing Road.

16           As far as comprehensive plan  
17          recommendations, the 2003 Town of  
18          Riverhead Comprehensive Plan recommends  
19          residential development for this  
20          property, and the property is not a TDR  
21          Receiving Overlay Zone.

22           Our analysis shows that the  
23          subdivision contains no alternate means  
24          of access. An alternative access point  
25          would allow access by emergency vehicles

2 in the event that the access road in the  
3 subdivision is blocked in a storm, for  
4 example. The subdivision map should be  
5 redrawn so that this proposed  
6 subdivision connects with the  
7 subdivision to the east. There's a  
8 street here in the existing subdivision  
9 that does not connect to this proposed  
10 subdivision. Kristen Place, in the  
11 subdivision to the east, was created  
12 just for this purpose. This subdivision  
13 should connect to Kristen Place.

14 According to the Town of Riverhead  
15 Comprehensive Plan, this property is not  
16 in a TDR Receiving Overlay Zone.  
17 However, the applicant proposes to  
18 purchase 13 TDRs, increasing the number  
19 of lots in the subdivision from an  
20 as-of-right 13, to 26.

21 Staff is recommending disapproval  
22 for the following reasons:

23 That the subdivision contains no  
24 alternate means of access. The  
25 subdivision map should be redrawn so



2 this proposed subdivision connects with  
3 the subdivision to the east, via Kristen  
4 Place, and retains access to Hulse  
5 Landing Road so that there is more than  
6 one access to these 24 homes.

7 And as a comment, a restrictive  
8 covenant should be established stating  
9 that no further subdivision of the farm  
10 lots shall be permitted.

11 That's the staff report.

12 THE CHAIRMAN: Thank you, Peter.

13 Motions in order?

14 COMMISSIONER FIORE: (Indicating)

15 THE CHAIRMAN: Motion, Don. I'll  
16 second, Caracciolo.

17 All those in favor?

18 (WHEREUPON, the members voted.)

19 THE CHAIRMAN: Opposed?

20 (WHEREUPON, there was no response.)

21 THE CHAIRMAN: Zero. Okay. That's  
22 going to --

23 COMMISSIONER GOODALE: I better  
24 abstain.

25 THE CHAIRMAN: Oh, okay. Sorry.

2 So that's going to be -- what do we  
3 have, one, two, three, four, five --  
4 okay. 9:0:1.

5 The next one you have, Old Field,  
6 Peter?

7 MR. LAMBERT: The second  
8 subdivision is an applicant by the name  
9 of Old Field in the Town of Riverhead.  
10 Our jurisdiction, again, is within  
11 500 feet of an agricultural district -  
12 which I left off the staff report. And  
13 also within 500 feet of State Route 25A  
14 which is down here (indicating).

15 The zoning classification of the  
16 property, also, is RB-80, which is a  
17 residential zone with a minimum lot area  
18 of 80,000 square feet per lot.

19 Present lands use, as you can see,  
20 is agricultural. We have three farm  
21 buildings and a farm residence existing  
22 on the property. The farmland is  
23 actively farmed and the soil types  
24 include Haven loam, Riverhead sandy  
25 loam, Plymouth loamy sand, Carver and

2 Plymouth sands.

3 We have a major subdivision and  
4 agricultural cluster, once again. And  
5 on the proposed subdivision, we have six  
6 internal roads with one access point to  
7 Hulse Landing Road.

8 This is the main entrance here to  
9 this subdivision from Hulse Landing Road  
10 (indicating). You have one cul-de-sac  
11 here (indicating), and another one that  
12 comes all the way down here.

13 The applicant proposes to subdivide  
14 one tax map parcel zoned Residence B-80  
15 comprising 100 acres into 48 lots,  
16 including one farm lot, which would be  
17 retained in this area here (indicating).

18 The subject property is located in  
19 Wading River on the northwest corner of  
20 Route 25A and Hulse Landing Road. The  
21 property is bounded on the east and west  
22 primarily by agricultural lands, and on  
23 the north by a small residential  
24 subdivision. Calverton National  
25 Cemetery lies directly across Route 25A

2 to the southwest, in this area  
3 (indicating).

4 COMMISSIONER CALONE: I missed  
5 where you said that the agricultural --

6 MR. LAMBERT: The agricultural lot  
7 is this lot right here (indicating).

8 COMMISSIONER CALONE: Thank you.

9 MR. LAMBERT: Access to the  
10 proposed subdivision is proposed via a  
11 new street, Old Field Road, which is up  
12 here (indicating), and which would have  
13 one access point to Hulse Landing Lane.

14 The Town of Riverhead Comprehensive  
15 Plan recommends agriculture for this  
16 property as it is located in an  
17 Agricultural Overlay Zone and TDR  
18 Sending Zone.

19 This subdivision contains a  
20 cul-de-sac, Old Field Road, which  
21 exceeds 1,000 feet in length.

22 COMMISSIONER ESPOSITO: Peter, I'm  
23 sorry --

24 MR. LAMBERT: Yes.

25 COMMISSIONER ESPOSITO:

2 (Continuing) -- how could it be a TDR  
3 Sending Zone --

4 MR. LAMBERT: Right.

5 COMMISSIONER ESPOSITO:

6 (Continuing) -- if it's also recommended  
7 to be Agricultural?

8 MR. LAMBERT: It's supposed to  
9 send -- it's supposed to send its  
10 (inaudible) out and retain -- and remain  
11 as agricultural.

12 COMMISSIONER ESPOSITO: Oh, out.  
13 I'm sorry.

14 MR. LAMBERT: Yes.

15 COMMISSIONER GOODALE: It's  
16 sending --

17 MR. LAMBERT: Yes.

18 COMMISSIONER GOODALE:  
19 (Continuing) -- not receiving.

20 MR. LAMBERT: Right.

21 COMMISSIONER ESPOSITO: I'm sorry.  
22 I heard receiving --

23 MR. LAMBERT: Yes.

24 COMMISSIONER ESPOSITO: Okay.

25 MR. LAMBERT: This subdivision also

2 contains no alternate means of access.  
3 In additional access point to Hulse  
4 Landing Road should be provided,  
5 possibility down in this area here  
6 (indicating), in that some sort of loop  
7 and possibly still retain agriculture.

8 The subdivision also contains two  
9 small cul-de-sacs which could be  
10 classified as "sunbursts," these little  
11 knuckle courts, here's one of them  
12 (indicating), the other one is here  
13 (indicating). These are designed to  
14 provide minimum lot frontage and  
15 maximize the number of lots on the site.  
16 Such sunbursts encourage haphazard  
17 parking, increase highway maintenance  
18 costs, and increase stormwater runoffs.

19 THE CHAIRMAN: Is that a planning  
20 term, "sunburst"?

21 MR. LAMBERT: Yeah, it's in -- it's  
22 in the subdivision guidebook, actually.  
23 I've heard them called "knuckle courts,"  
24 too.

25 There's no provision on the map for

2 open space or planting easements to be  
3 dedicated as open space or to remain  
4 natural in perpetuity.

5 So the staff is recommending  
6 disapproval for the following reasons:

7 That the proposed subdivision  
8 contains a cul-de-sac which exceeds  
9 1,000 feet in length.

10 That, number two, this subdivision  
11 contains no alternate means of access.

12 And, number three, this subdivision  
13 contains two small cul-de-sacs which  
14 could be classified as "sunbursts,"  
15 which is contrary to Commission  
16 guidelines.

17 And, in addition, a comment, same  
18 as before, a restrictive covenant should  
19 be established stating that no further  
20 subdivision of the farm lot shall be  
21 permitted.

22 That's the staff report.

23 THE CHAIRMAN: Any questions?

24 COMMISSIONER HOLMES: Yes.

25 Commissioner Holmes.

2 Is this property part of some of  
3 the land that has had tax relief because  
4 it was having agricultural use? I know  
5 there has been a great deal of  
6 controversy in Riverhead about people  
7 who got agricultural tax breaks, now  
8 trying to return some of the property  
9 for development.

10 MR. LAMBERT: I'm not sure of that.  
11 Do you mean that it is in an  
12 agricultural district?

13 COMMISSIONER HOLMES: Well, there  
14 are people who have had agricultural  
15 land and they have been getting tax  
16 relief because of the pledge that it  
17 would remain agricultural. And in some  
18 of the cases, some of these people have  
19 been, in recent years, wanting to return  
20 that land to development use. And  
21 they've had --

22 THE CHAIRMAN: Are you aware of  
23 that?

24 COMMISSIONER HOLMES:

25 (Continuing) -- their agricultural tax



2 breaks.

3 COMMISSIONER ESPOSITO: I think  
4 that's at the Town of Brookhaven.

5 COMMISSIONER HOLMES: Well,  
6 Riverhead had it big time.

7 COMMISSIONER GOODALE: It would be  
8 mine, without knowing -- absolutely  
9 sure, it's quite sure that that required  
10 Town board action on the part of  
11 Riverhead to allow them to do that.

12 COMMISSIONER HOLMES: Right.

13 COMMISSIONER GOODALE: There have  
14 been applications to do that.

15 COMMISSIONER HOLMES: Right. The  
16 Tallmadge family is --

17 COMMISSIONER GOODALE: I have no  
18 knowledge that this is part of --

19 THE CHAIRMAN: You have no  
20 knowledge of that --

21 COMMISSIONER GOODALE: I have no  
22 knowledge either --

23 COMMISSIONER HOLMES: Yes.

24 COMMISSIONER GOODALE:

25 (Continuing) -- but it would require

2 action by the --

3 COMMISSIONER HOLMES: It would.

4 COMMISSIONER GOODALE:

5 (Continuing) -- Town to take off the --

6 COMMISSIONER HOLMES: Because I  
7 remember when they had a public hearing.

8 COMMISSIONER GOODALE: And,  
9 furthermore, to pay all the taxes that  
10 they didn't pay --

11 COMMISSIONER HOLMES: Yeah.

12 COMMISSIONER GOODALE:

13 (Continuing) -- the years that they --

14 THE CHAIRMAN: Thank you, Jesse.

15 All right. Motions in order?

16 I'm sorry. Go ahead, Dave.

17 COMMISSIONER CALONE: Just a  
18 question for you, Peter. How do you  
19 think about it when you have a situation  
20 where you -- if you created a second  
21 access road, you're essentially cutting  
22 that --

23 MR. LAMBERT: Right.

24 COMMISSIONER CALONE:

25 (Continuing) -- how do you kind of weigh

2 that against the -- you know, I  
3 understand --

4 MR. LAMBERT: Right.

5 COMMISSIONER CALONE:

6 (Continuing) -- on the other side.

7 MR. LAMBERT: That would be an  
8 issue, I did think of that, because I  
9 wouldn't want access to be on Route 25A,  
10 the State certainly wouldn't like that.  
11 So the other access would have to be on  
12 Hulse Landing Road also. But I think  
13 that a subdivision could be designed  
14 such that you can preserve farmland in  
15 this section (indicating). Even if you  
16 have a loop that comes around like that  
17 (indicating), you should be able to  
18 preserve a large enough farm lot in such  
19 a large area.

20 COMMISSIONER CALONE: That's  
21 something you weighted. It's sounds  
22 like something you considered.

23 MR. LAMBERT: Yeah, I did think  
24 about it a little bit.

25 THE CHAIRMAN: All right. Motions

2 in order?

3 COMMISSIONER CALONE: I make a  
4 motion --

5 THE CHAIRMAN: Thank you, Dave.  
6 Second?

7 COMMISSIONER HOLMES: Second.

8 THE CHAIRMAN: Thank you,  
9 Commissioner Holmes.

10 All those in favor?

11 (WHEREUPON, the members voted.)

12 THE CHAIRMAN: Opposed?

13 (WHEREUPON, the members voted.)

14 THE CHAIRMAN: And -- okay. So  
15 it's 9:0:1 again, Commissioner Goodale  
16 abstaining.

17 Okay. Next item on our agenda is,  
18 Peter, you have a presentation on the  
19 Analysis of Reconstruction of State  
20 Road 111.

21 (WHEREUPON, Commissioner Goodale  
22 exited the room.)

23 THE CHAIRMAN: Thank you, sir, for  
24 sticking it out.

25 MR. LAMBERT: I will keep this

2 brief --

3 THE CHAIRMAN: Thank you.

4 MR. LAMBERT: (Continuing) --

5 although the report was about three  
6 inches high, I'll try to reduce it to  
7 three minutes or so.

8 The applicant is the New York  
9 Department of Transportation. We're  
10 talking about State Route 111 within the  
11 Town of Islip, bordering Brentwood and  
12 Central Islip.

13 The State is proposing to  
14 reconstruct Route 111 for an area of 0.8  
15 miles, from Dame Street to Ocean Avenue,  
16 all within the Town of Islip. The  
17 reconstruction work includes an  
18 intersection of State Route 111 with  
19 Suffolk Avenue which is County  
20 Route 100.

21 The objective of the project is to  
22 address existing safety, capacity and  
23 pavement deficiencies that exist within  
24 the project limits. So this is just a  
25 standard reconstruction of a State road.

2 The project is funded with 5.4  
3 million dollars of Surface  
4 Transportation Projects funds, STP  
5 funds, within a proposed letting date of  
6 February 2008 and completion by 2009,  
7 the spring.

8 Route 111 is north-south arterial  
9 that serves the area between the hamlets  
10 of Smithtown in the north and Islip on  
11 its south end. It is an important  
12 arterial for accessing downtown  
13 Smithtown, the County and State  
14 governmental centers in Hauppauge, the  
15 industrial and office centers in  
16 Hauppauge, the Long Island Expressway  
17 and also Southern State Parkway, and, in  
18 addition, it's an important connector  
19 to the significant railroad stations on  
20 the main line of the Long Island  
21 Railroad.

22 In recent years, traffic volumes on  
23 Route 111 have increased modestly, but  
24 by 2028, traffic volumes are projected  
25 to increase by 30 percent on this

2 segment of Route 111, and that's the  
3 statistic provided by the State.

4 Congestion is prevalent throughout  
5 this project area, and based on existing  
6 conditions and growth expectations, the  
7 traffic-carrying capacity of Route 111  
8 should be improved, we feel. Support  
9 for the proposed improvements to the  
10 roadway's design is therefore  
11 recommended. This project is not  
12 expected to produce significant changes  
13 to regional transportation or mobility,  
14 but will provide localized improvements  
15 in the flow of people and goods.

16 The project seems necessary in  
17 order to restore the pavement in this  
18 part of Route 111 to good condition, to  
19 correct safety deficiencies and reduce  
20 accidents, and improve capacity south of  
21 Suffolk Avenue.

22 So our staff recommendation is for  
23 conceptual approval.

24 THE CHAIRMAN: Do you need a vote  
25 on that from us?

2 MR. LAMBERT: That's up to Tom  
3 Isles.

4 DIRECTOR ISLES: Yes.

5 THE CHAIRMAN: Okay. I'll make a  
6 motion that we accept the conceptual  
7 approval in the staff report.

8 COMMISSIONER HOLMES: I second  
9 that.

10 THE CHAIRMAN: Second by  
11 Commissioner Holmes.

12 All those in favor?

13 (WHEREUPON, the members voted.)

14 THE CHAIRMAN: Opposed.

15 (WHEREUPON, the members voted.)

16 THE CHAIRMAN: No abstentions.

17 Thank you, Peter.

18 Commissioners' Roundtable.

19 Sarah?

20 COMMISSIONER LANSDALE: Nothing to  
21 report.

22 COMMISSIONER BOLTON: Nothing to  
23 report.

24 COMMISSIONER HOLMES: Just to say  
25 that we finally had a public hearing on



2 Shelter Island about affordable housing.  
3 It was a long time in the making and a  
4 committee made a very detailed report  
5 and there was a great deal of comments.  
6 So now, the plan will be modified and  
7 represented for another public hearing,  
8 but -- and the proposal is for closing  
9 zones for --

10 THE CHAIRMAN: Affordable housing?  
11 Where are you putting affordable housing  
12 on Shelter Island?

13 COMMISSIONER HOLMES: Well, that's  
14 it, we don't have any place so we have  
15 to do them on a case-by-case basis. And  
16 there -- there was a great deal of  
17 public interest and input, so we finally  
18 are on our way with that.

19 THE CHAIRMAN: Thank you.  
20 Barbara?

21 COMMISSIONER ROBERTS: I hate to  
22 hit a dead horse, but I just want to  
23 clarify this farm issue. I'm reading  
24 the procedures and whatever and --

25 THE CHAIRMAN: Let's go back to the

2 procedures.

3 COMMISSIONER ROBERTS:

4 (Continuing) -- and it says, "The  
5 majority of the total membership." So  
6 what is it -- what is total membership?

7 THE CHAIRMAN: Total membership is  
8 15.

9 COMMISSIONER ROBERTS: Okay. And  
10 how many are currently appointed?

11 THE CHAIRMAN: There are currently  
12 11 appointed.

13 COMMISSIONER ROBERTS: So what  
14 can -- I mean, I don't think we're going  
15 to do anything interesting on this  
16 Commission until we have many, many more  
17 people appointed, because we need eight  
18 people to do anything --

19 THE CHAIRMAN: Welcome to our  
20 world.

21 COMMISSIONER ROBERTS:

22 (Continuing) -- okay. So what can we do  
23 to get this pushed?

24 THE CHAIRMAN: Write your  
25 congressmen and talk to your legislator.

2 What can we do to get more members and I  
3 think the Director --

4 COMMISSIONER ROBERTS: Did you take  
5 an action step on --

6 THE CHAIRMAN: I think the Director  
7 and we have contacted our legislators,  
8 and I understand Legislator Romaine has  
9 written a letter --

10 COMMISSIONER ROBERTS: So  
11 essentially we can write letters on  
12 this?

13 THE CHAIRMAN: Names have been put  
14 forward and it's just a matter of moving  
15 it through the process. We all feel  
16 your pain, believe me --

17 COMMISSIONER ROBERTS: I know you  
18 do, I just -- I'm an action lady, so I  
19 just wanted to know if any more  
20 members --

21 DIRECTOR ISLES: We should have --

22 COMMISSIONER ROBERTS: I'm sorry?

23 DIRECTOR ISLES: We should have two  
24 more members at the next meeting.

25 THE CHAIRMAN: Thank you, Barbara.

2 Dave?

3 COMMISSIONER CALONE: Nothing.

4 THE CHAIRMAN: Ed?

5 COMMISSIONER PRUITT: Yes, I do  
6 have something.

7 I'm just going to say this. You  
8 know, I'm very pro-business. I --  
9 what -- and when I joined this  
10 Commission, I -- I think as  
11 Commissioners on this Planning  
12 Commission, we should be acting  
13 regionally, because I think this is the  
14 way we're set up, we're the only group  
15 with enough jurisdiction and enough  
16 authority to send messages. I do not  
17 believe that it is smart growth or smart  
18 planning to continue to build more  
19 retail outlets and watch others go dark.

20 COMMISSIONER HOLMES: Here, here.

21 THE CHAIRMAN: And I agree with you  
22 a hundred percent, and, you know, back  
23 to that last application, I think that  
24 you're referring -- I mean, I agree;  
25 however, I think that there was a study

2 done in that application that's been in  
3 the works for 20 years. So -- I do  
4 agree with you that, you know, you see  
5 strip malls go dark and, you know, more  
6 come in, and then that should be our job  
7 and we should take some economic, you  
8 know, ownership on the decisions that we  
9 make. I agree with you.

10 COMMISSIONER PRUITT: Because we're  
11 supposed to be in the public interest,  
12 you look at that Bellport Mall, you  
13 drive by and it's dark -- this is my  
14 commissioner roundtable so --

15 THE CHAIRMAN: Right.

16 COMMISSIONER PRUITT:  
17 (Continuing) -- I mean, my point of view  
18 is that, how do we continue to  
19 perpetuate these things?

20 THE CHAIRMAN: Right. And I just  
21 don't want -- I just want to make sure  
22 that we're very careful not to react on  
23 gut and gut instinct. And that, you  
24 know, Peter and the staff -- and they do  
25 an excellent job of presenting the facts

2 to us. And I know if I wanted to react  
3 on gut, we'd build nothing in Suffolk  
4 County. I'd concrete everything. So  
5 it's just -- Adrienne would love that.  
6 But, you know, we have these resources  
7 and we have to use those resources.

8 I'm agreeing with you.

9 Adrienne?

10 COMMISSIONER ESPOSITO: I'm done.

11 THE CHAIRMAN: A motion's in order  
12 to adjourn.

13 COMMISSIONER FIORE: I make a  
14 motion --

15 THE CHAIRMAN: And I second.

16 (WHEREUPON, this proceeding  
17 adjourned at 2:10 p.m.)

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C E R T I F I C A T E

5

6 I, THERESA PAPE, a Shorthand Reporter and  
7Notary Public of the State of New York, do hereby  
8certify:

9 That the foregoing is a true and accurate  
10transcription of the stenographic notes taken  
11herein.

12 I further certify that I am not related to  
13any of the parties to this action by blood or  
14marriage; and that I am in no way interested in the  
15outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto set my  
17hand this 7th day of March, 2007.

18

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THERESA PAPE

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