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SUFFOLK COUNTY PLANNING COMMISSION
H. Lee Dennison Building
100 Veterans Memorial Highway, 4th Floor
P.O. Box 6100
Hauppauge, New York

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April 4, 2007
12:00 p.m.

BEFORE:
JOHN CARACCILO, Chairman

ACCURATE COURT REPORTING, INC.
6 FRANCES LANE
PORT JEFFERSON, NEW YORK 11777
(631) 331-3735

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

- LINDA HOLMES, Vice Chairwoman,
Town of Shelter Island
- THOMAS ISLES, Director of Planning
- CHARLA BOLTON, Secretary, Commission Member
At Large
- DAVID CALONE, Commission Member,
Town of Babylon
- EDWARD J. PRUITT, Commission Member,
Town of Brookhaven
- DONALD J. FIORE, Commission Member,
Town of Islip
- ADRIENNE ESPOSITO, Commission Member,
Villages Once 5,000 Population
- BARBARA ROBERTS, Commission Member,
Town of Southampton
- SARAH LANSDALE, Commission Member,
At Large
- CONSTANTINE KONTOKOSTA, Commission Member,
Villages Under 5,000 Population
- ROBERT BRAUN, Commission Member,
Town of Smithtown
- DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department
- JACQUELINE CAPUTI, ESQ.
- ANDREW P. FRELENG, Chief Planner,
Suffolk County Planning Department
- TED KLEIN, Senior Planner,
Suffolk County Planning Department

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A P P E A R A N C E S (Continued):

PETER LAMBERT, Principal Planner,
Suffolk County Planning Department

CLAIRE CHORNY, Staff

JESSICA KALMBACHER, Staff

ABSENT MEMBERS:

JESSE R. GOODALE, Commission Member,
Town of Riverhead

TOM MC ADAM, Commission Member,
Town of Southold

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

6 (Time noted 12:17 p.m.)

7 CHAIRMAN CARACCIOLO: Okay. We'll
8 call the meeting to order. The regular
9 meeting of the Suffolk County Planning
10 Commission is now in session.

11 The first item on our agenda today
12 is -- there's no flag.

13 MEMBER BRAUN: It's rolled up on
14 top --

15 CHAIRMAN CARACCIOLO: All right.
16 Can we all please rise for the
17 Pledge?

18 (WHEREUPON, the Pledge of
19 Allegiance was recited.)

20 CHAIRMAN CARACCIOLO: Thank you.

21 All right. The first item on our
22 agenda is the minutes of the January
23 10th and February 7th meeting. After
24 much discussion prior to the meeting
25 about the minutes, what we are going to

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2 do is I'm going to make a motion that we
3 do not adopt these minutes because they
4 are -- they have a lot of errors and
5 then -- that we're going to have to take
6 a little more time and go over. After
7 discussing it with Director Isles, what
8 we're going to do is review it with
9 staff, because there were some -- some
10 things out of place -- we'll review it
11 with staff and resubmit the minutes that
12 the members will adopt hopefully at our
13 next meeting. So --

14 MEMBER ROBERTS: Is it appropriate
15 to ask one question?

16 About the meeting, for those of us
17 who weren't here, reading the
18 transcript, it wasn't clear to me of
19 what the final resolution was on the
20 Nominating Committee. I believe it said
21 that you were going to put -- that we
22 were going to put a committee together
23 by January -- by November, to report the
24 names January and then --

25 CHAIRMAN CARACCILO: That's

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2 correct. And I think in a package --
3 and you should probably get that package
4 that we had at the last meeting, there
5 was the new guidelines for the --

6 MEMBER ROBERTS: I don't have that,
7 I also found that out.

8 CHAIRMAN CARACCILOLO:
9 (Continuing) -- and it was -- yeah --

10 MEMBER ROBERTS: And so all new
11 members --

12 CHAIRMAN CARACCILOLO:
13 (Continuing) -- that was in there.

14 MEMBER ROBERTS: All new members
15 should have whatever was passed out at the
16 annual meeting.

17 CHAIRMAN CARACCILOLO: That is
18 correct.

19 VICE CHAIRWOMAN HOLMES: And I will
20 second your motion to have these
21 reviewed, but may I ask that in
22 reviewing -- when the -- page 2 --

23 CHAIRMAN CARACCILOLO: Which one, in
24 January or --

25 VICE CHAIRWOMAN HOLMES: Both of

2 them.

3 CHAIRMAN CARACCIOLO: Okay.

4 VICE CHAIRWOMAN HOLMES: When it
5 lists the members present, I think it
6 would be a good idea to have Charla
7 identified as our secretary and me
8 identified as vice chairman just so that
9 it's clear that we do have three elected
10 officers.

11 CHAIRMAN CARACCIOLO: Maybe to even
12 identify me as being here.

13 VICE CHAIRWOMAN HOLMES: Yes.

14 MEMBER ESPOSITO: I'd like to add
15 myself to the "here" list, because I'm
16 not on there as attending --

17 CHAIRMAN CARACCIOLO: We could
18 go -- we could through this --

19 MEMBER ESPOSITO: Okay. But I -- I
20 just want to add one more thing. I do
21 feel that -- I feel strongly -- I just
22 want to say for the record, that I --
23 she has down, whoever it was, as not
24 voting on any of the votes. So I want
25 the record to show that I was here and I

2 voted.

3 CHAIRMAN CARACCIOLO: Well, we know
4 because of the lunch menu --

5 MEMBER ESPOSITO: I don't get it.

6 CHAIRMAN CARACCIOLO: Okay. You
7 cooked.

8 MEMBER ESPOSITO: Oh, yeah. And
9 that's a joke.

10 CHAIRMAN CARACCIOLO: Yeah, we
11 could go over this for a long time so
12 let's just -- I made a motion, we have a
13 second. All those in favor?

14 (WHEREUPON, the members voted.)

15 CHAIRMAN CARACCIOLO: Thank you.

16 The next item on the agenda is the
17 Public Portion. We have two members of
18 the public here to speak.

19 First we have Rebecca Mowl.

20 Rebecca?

21 MS. MOWL: Yes.

22 CHAIRMAN CARACCIOLO: Hi.

23 If you can -- do you want to stand
24 right up front, and I'll just go over
25 the rules and regulations real quick.

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2 (WHEREUPON, Ms. Rebecca Mowl
3 approached and addressed the Board
4 Members.)

5 MS. MOWL: Rules and regulations?

6 CHAIRMAN CARACCIOLO: Rules and
7 regulations for speaking at the Suffolk
8 County Planning Commission. You have --

9 MS. MOWL: Okay.

10 CHAIRMAN CARACCIOLO: You have
11 three minutes.

12 MS. MOWL: Uh-huh.

13 CHAIRMAN CARACCIOLO: I'll try not
14 to cut you off, but I'm going to give
15 you the high sign if you --

16 MS. MOWL: Uh-huh.

17 CHAIRMAN CARACCIOLO:
18 (Continuing) -- if you start to go over.
19 Okay?

20 MS. MOWL: Okay.

21 CHAIRMAN CARACCIOLO: And it's not
22 a question an answer session, it's just
23 a plain session.

24 MS. MOWL: Right here?

25 (Indicating)

2 CHAIRMAN CARACCIOLO: Right there
3 is fine.

4 MS. MOWL: Good afternoon, ladies
5 and gentlemen.

6 My name is Rebecca Mowl, I'm with
7 the Long Island Federation of Labor, and
8 I'm here to speak about the Sag Harbor
9 Bulova Watch factory property.

10 The Long Island Fed believes that
11 this is one of the worst kind of
12 developments for Long Island, using
13 contractors who are -- who have a
14 well-established record of disregarding
15 the safety of their own workforce and
16 the health and well being of the
17 community.

18 The safety violations committed by
19 these asbestos removal companies is a
20 telling pattern of their disregard for
21 standards and regulations created by the
22 Department of Labor, OSHA and the New
23 York State DEP. This is typical of many
24 non-union contractors who fail to live
25 up to the standards we have worked hard

2 to live by.

3 These contractors are negative to
4 the workforce and the community. They
5 pay workers low wages, inadequate
6 training for the workforce and they have
7 no regard for the community specifically
8 that this property is located on.

9 There are needs and standards for
10 the community that these developers are
11 ignoring. At this point and time, the
12 Long Island Federation of Labor
13 encourages you and the Board today to
14 not approve this appeal.

15 Thank you.

16 CHAIRMAN CARACCIOLO: Thank you
17 for your time. Appreciate it.

18 (WHEREUPON, Ms. Rebecca Mowl
19 returned to her seat.)

20 CHAIRMAN CARACCIOLO: The next
21 member of the public, Eli Kent.

22 Mr. Kent?

23 (WHEREUPON, Mr. Eli Kent approached
24 and addressed the Board Members.)

25 CHAIRMAN CARACCIOLO: How are you,

2 sir?

3 MR. KENT: Good. How is everyone
4 doing?

5 CHAIRMAN CARACCIOLO: Very good.
6 Thank you.

7 MR. KENT: Good afternoon.

8 I've got something to pass out.

9 CHAIRMAN CARACCIOLO: Okay. Just
10 give it to Claire right in the back
11 there. (Indicating)

12 MR. KENT: (Handing)

13 Okay. So my name is Eli Kent. I'm
14 from Laborers Local 78. I'm also here
15 to speak about the Bulova Watchcase
16 Factory.

17 Now, the developers,
18 Sag Developers, LLC, they've expressed
19 their intentions to hire a contractor
20 called Asbestos and Lead Removal Corp.
21 You all will be getting a summary of
22 some of their violations over the last
23 few years. I mean, this contractor is
24 really the worst of the worst when it
25 comes to asbestos removal. They're just

2 a routine violator of the asbestos
3 regulations that are set up by the New
4 York State Department of Labor and also
5 EPA, and when they're working in New
6 York City, DEP.

7 That sheet right there
8 (indicating), like I said, a summary of
9 their violations. If you go to the web
10 site on there, www.local78.net, you can
11 find out more backup material.

12 Now, I'm bringing this up to you
13 all, the Planning Board, I believe it's
14 in your purview because this zone is in
15 a business district. There is -- across
16 the street there's several churches,
17 there's also a school right across the
18 street, a yoga studio -- it's a very
19 busy area. So the question is, having
20 an unsafe asbestos contractor going in,
21 doing the work -- okay -- could
22 potentially put thousands of people in
23 danger -- all right -- in harm's way.

24 What I'm asking you today is to
25 either -- to reject the proposal from

2 Sag Development or to approve it with
3 the amendment -- or on the condition
4 that, any asbestos contractor that's
5 hired to form asbestos abatement at this
6 site can show a history of at least
7 three years of compliance with OSHA
8 mandates that mandate that the -- that
9 any asbestos contractor has got to
10 provide the respirator, full-face and
11 half-face -- all right -- qualitative
12 and quantitative -- and quantitative fit
13 testing to make sure that the
14 respirators -- make sure the respirators
15 fit properly on the workers' face, and
16 also that they provide medical
17 surveillance. All those are mandated by
18 the Department -- by OSHA. All right.
19 And that's to ensure that the workers
20 are safe.

21 So I ask you that if you approve
22 this, to approve it upon the condition
23 that any contractor hired to remove
24 asbestos can show that they've actually
25 been compliant with those OSHA mandates.

2 All right. And that's all I have to say
3 right now.

4 CHAIRMAN CARACCIOLO: Thank you,
5 Mr. Kent.

6 MR. KENT: Okay. I'm sorry, an
7 also on that sheet, it's got the phone
8 number where you can get in touch with
9 me if you have any questions, and you
10 can check out the web site any time.

11 CHAIRMAN CARACCIOLO: Thank you.
12 Appreciate your time.

13 (WHEREUPON, Mr. Eli Kent returned
14 to his seat.)

15 CHAIRMAN CARACCIOLO: The next item
16 on the agenda is the Director's Report.

17 DIRECTOR ISLES: We have three
18 pieces of correspondence I'd like to
19 turn to your attention today dealing
20 with applications that were previously
21 reviewed by the Commission, and actually
22 one that's on for today.

23 So the first item is a letter from
24 Congressman Bishop, and it concerns
25 the -- what we know as the Wal-Mart

2 application in Riverhead. The formal
3 name of the application is Head River
4 Corporation. And this was the
5 application the Commission considered
6 along County Road 58, opposite the
7 Tanger Outlet Mall.

8 The Commission was not able to
9 render a majority vote either way. The
10 matter was then sent back to Town with
11 the comments at the direction of the
12 Commission.

13 As you will recall, at the last
14 meeting, I did point out to the
15 Commission that the Town of Riverhead
16 had once again referred the map to the
17 County Planning Commission, it was
18 reviewed by staff based on the
19 Commission guidelines and determined
20 that the changes were insignificant or
21 minor and certainly were not substantial
22 causing a reconsideration by the
23 Commission.

24 We also explained at that time --
25 and the basic purpose of having a

2 requirement for a substantial change to
3 a map as a basis for reconsideration is
4 to avoid repetitive referrals back to
5 the Commission, kind of a revolving door
6 until you get the answer you want or
7 something to that effect.

8 So it is something whereby
9 municipalities can make minor changes,
10 which is certainly expected, as they're
11 completing a project review and not have
12 to make a referral back to the
13 Commission.

14 So in the case of the referral that
15 we received last month, it was sent back
16 that it was insignificant or minor and
17 not subject to reconsideration by the
18 Commission.

19 So we did receive the letter
20 recently from Congressman Bishop. It
21 was addressed to the Supervisor of the
22 Town of Riverhead and the Town Board,
23 but copied to you as the Suffolk County
24 Planning Commission, making note of some
25 site plan changes, including changes to

2 the dimensions of the parking spaces.
3 Based on that, Mr. Bishop did encourage
4 the Town to resubmit the plan to the
5 Commission once again.

6 At this time we have not received a
7 re-referral from the Town. So if the
8 Town felt the changes were
9 significant -- and, here again, it's
10 their judgment -- that they have not
11 done so in this case. Once we do get
12 it, we then will make a determination
13 of, here again, where it falls.

14 Okay. The second letter is from
15 Legislator Edward Romaine, and this also
16 concerns the Head River Wal-Mart
17 application. It is addressed to
18 Chairman Caracciolo and to the Planning
19 Commission, and similar to the letter
20 from Mr. Bishop, notes the changes in
21 the parking dimensions for the Wal-Mart
22 site plan and asks that the Commission
23 consider re-reviewing the plan.

24 So similar to my prior comments
25 regarding Mr. Bishop's letter, at this

2 point we have not received the request
3 for the review, so there's no matter
4 before us to consider -- before you to
5 consider, and at this point, you know,
6 based on the description we've heard of
7 the changes considered by the Town, it
8 would not be significant changes.

9 So just to make you aware of that,
10 and certainly I'll correspond back to
11 Mr. Romaine indicating that we have not
12 received a referral from the Town at
13 this time and, therefore, no action is
14 required of the Commission either way,
15 whether to consider the matter again or
16 whether to send it back as previously
17 reviewed.

18 The third matter I'd like to bring
19 to your attention does deal with the
20 case that's before you today, which is
21 the Bulova Watch Factory case, and this
22 is correspondence from County Attorney,
23 Christine Malafi.

24 This addressed a question that we
25 raised at the staff level in terms of

2 the jurisdiction or requirements of this
3 case. What's interesting on this is
4 this referral was made by the Village of
5 Sag Harbor. Sag Harbor, to the best of
6 my knowledge, is the only village to be
7 bisected by two towns.

8 MEMBER ROBERTS: Right.

9 DIRECTOR ISLES: And it turns out
10 in this case, the Bulova Watch Factory
11 application is within 500 feet of the
12 municipal boundary of the town -- two
13 towns, East Hampton and Southampton.

14 So the question then came up, is
15 that is it then subject to those aspects
16 of review, including requirement for
17 notification of the adjacent
18 municipality. Even though the Village
19 has overall land-use jurisdiction
20 encompassing both towns, the County
21 Attorney did respond, and let me just
22 first point out that given the limit of
23 time that we have it -- as we talked
24 about in the previous training
25 session -- we did advise the Village to

2 notification anyway -- and they did --
3 and then, secondly, we did receive a
4 response from the County Attorney
5 indicating that a concurrence with the
6 Department's position to require
7 notification and pointing out that the
8 code sections that control this section
9 of the law make no distinction between
10 notice to adjacent towns when the
11 borders lie within a village.

12 So it's somewhat silent on that,
13 but the -- here again, the bottom line
14 is that in this circumstance, based on
15 this advise from the County Attorney,
16 notification should be provided.

17 The Attorney for the Village,
18 Mr. Anthony Tohill, did comment and
19 asked for a determination that it was
20 not subject to jurisdiction, and the
21 County Attorney has advised that that's
22 something for the Village to decide, not
23 for the County to decide as to how he
24 wants to -- how the Village wants to
25 interpret that.

2 So we have included a copy of that
3 in your package and, obviously, it's on
4 today, and we believe notification has
5 been satisfied.

6 That completes the correspondence
7 for today.

8 And just a couple of points of
9 information. As we talked about it in
10 training session earlier, for those
11 members who were not present, we do have
12 a new member to the County Planning
13 Commission, from the Town of Smithtown,
14 Mr. Robert Braun.

15 MEMBER BRAUN: Yes.

16 DIRECTOR ISLES: And in addition to
17 Mr. Braun, we also have a new member
18 from the Town of Southold, which is
19 Mr. Thomas McAdam. Unfortunately,
20 Mr. McAdam could not join us today based
21 on previous travel plans that he had.
22 He will be at the May meeting.

23 Two other points of information
24 regarding departmental activities and
25 commission relations.

2 As I indicated, the Department of
3 Planning as well as the Department of
4 Environment and Energy are working with
5 the towns on ongoing open space
6 preservation efforts and farmland
7 preservation efforts. We did meet with
8 the five west end towns last week, and
9 we are meeting with the five east end
10 towns tomorrow. The one exception,
11 Shelter Island, which we're actually
12 going to do as a separate meeting a
13 little bit later on, but the other four
14 towns will be getting together with us
15 tomorrow in Riverhead, with the idea of,
16 here again, coordinating the
17 acquisitions and also looking, in
18 particular, at the fact that more and
19 more of the County's programs --
20 acquisition programs -- including the
21 new program known as the Environmental
22 Lexy Program (phonetic), require 50
23 percent match or better from the
24 locality. So, more and more, these
25 acquisitions are being done in

2 partnership. And, more and more, it's
3 more important that we work closely with
4 them in targeting the most important and
5 most threatened sites as early as
6 possible.

7 MEMBER ROBERTS: Is this a public
8 meeting?

9 DIRECTOR ISLES: It is not a public
10 meeting. If any member of the
11 Commission would like to attend,
12 certainly, feel free to do so, but it is
13 a staff-level meeting with staff from
14 the individual towns.

15 Secondly, just to bring to your
16 attention, too, is the Commission had
17 authorized the Department to prepare a
18 study for the Village of Port Jefferson
19 last year regarding their marine
20 waterfront zoning and land use. We did
21 do that, we did provide a presentation
22 to the Commission.

23 We hadn't heard from the Village in
24 quite some time, but we did recently
25 hear from them and they had invited us

2 at the staff level to attend a Village
3 Board Meeting on Monday night to further
4 go over the actual zoning codes and the
5 recommendations for that plan. So we're
6 pleased to see that they are following
7 through and seem to have an interest in
8 seriously considering the
9 recommendations that were put forward in
10 that plan.

11 So with that, we've tried to keep
12 the agenda today relatively light given
13 the training session earlier, and we
14 appreciate participation of the
15 Commission in that training session.

16 And so that completes the
17 Director's Report, and we have no
18 special presentations beyond that based
19 on the prior training session today.

20 CHAIRMAN CARACCIOLO: Thank you.
21 And based on that and a couple of
22 members telling me that they're going to
23 have to leave soon, we're going to go
24 right into business. So, Andy, if
25 you -- we'll come back to the

2 Commissioners Roundtable. We'll take
3 that out of order, and, Andy, if you
4 could start us off?

5 MR. FRELENG: Okay. The first
6 regulatory matter comes to us from the
7 Town of Brookhaven. This is the
8 application of Lake Ronkonkoma
9 Starbucks. The jurisdiction for the
10 Commission is that the application is
11 within -- I'm sorry, it's adjacent to
12 Route 495 and County Road 29.

13 The Applicants are seeking Town
14 Board Special approval for a major
15 restaurant, outdoor seating and
16 drive-thru, as well as Planning Board
17 Site Plan approval to construct
18 1,741 square feet of a Starbucks. Area
19 variances are also required including;
20 site area, site width and dimensional
21 setbacks. In addition, a parking
22 variance will be required since
23 54 parking stalls are required and only
24 19 stalls are provided.

25 That's a view of the air photo

2 (indicating). We have something new
3 that we're going to be introducing to
4 the Commission on a regular basis.
5 These are oblique air photos.

6 CHAIRMAN CARACCIOLO: And I'm
7 confident that came out of a \$2 million
8 budget.

9 DIRECTOR ISLES: Actually, we got
10 it for free.

11 (Discussion held off the record)

12 MR. FRELENG: The subject property
13 is located on the southwest corner of
14 Long Island Expressway South Service
15 Road, otherwise known as Expressway
16 Drive South and Ronkonkoma Avenue,
17 County 29, in the hamlet of Ronkonkoma.

18 A review of the character of the
19 land use and zoning pattern is in the
20 vicinity -- go to the zoning map --
21 okay -- indicates that the subject
22 premises, zoned J-5, is located in a
23 mixed zoned area consisting of
24 predominantly C-Residential zoning.

25 This is a string of J-2 Business zoning

2 along the south -- along the west side
3 of County Road 29, and some J-4 Business
4 zoning along the south east corner of
5 New York State Route 495 and CR 29.

6 So you can see that it's
7 predominantly C-Residenced (indicating).
8 There's some J-2 down here (indicating).
9 The Applicant's requesting J-5. And
10 there's some J-4 here to the LIE that's
11 zoned up there (indicating).

12 The subject property abuts Fifth
13 Street -- if we could go to the site --
14 the subject property abuts Fifth Street
15 to the south. The area is improved with
16 predominantly single-family detached
17 homes with the exemption of commercial
18 uses on either side of County Road 29,
19 and the southeast corner of CR 29 and
20 Expressway Drive South is, like I said,
21 commercial uses. North of the subject
22 property is the right-of-way of the
23 state road.

24 Access to the proposed use will be
25 from three reconfigured curb cuts. The

2 prior use was a gas station, as you saw
3 in the air photo. One curb cut is
4 proposed to Expressway Drive South and
5 is to be an ingress/egress eastbound
6 only. The access to Ronkonkoma Avenue
7 is to be ingress/egress right turn
8 southbound only. Access to Fifth Avenue
9 is to be ingress/egress and has no turn
10 movement restrictions.

11 So if I could just go over that
12 real quick, we have westbound flow of
13 the LIE South Service Road, entrance and
14 exit (indicating), and just note that
15 it's all the way up here (indicating).
16 We have access southbound only going in,
17 southbound going out. This is a --
18 there's a median in the middle of the
19 road. And that's Fifth Street, and
20 there's no turn restrictions going in
21 and out of the access here (indicating).

22 With regard to environmental
23 conditions, there are no environmental
24 conditions of note. The property is in
25 Hydrogeologic Groundwater Management

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2 Zone I, which is a shallow-flow zone.

3 MEMBER ESPOSITO: Andy?

4 MR. FRELENG: Yes.

5 MEMBER ESPOSITO: Is the gas
6 station currently abandoned or is it
7 operating?

8 MEMBER FIORE: It's abandoned.

9 MR. FRELENG: It's --

10 MEMBER ESPOSITO: It is abandoned.

11 MR. FRELENG: (Continuing) --
12 abandoned -- yes.

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

20 Comprehensive plan recollection,
21 the Town of Brookhaven, their land-use
22 plan recommends Commercial use for the
23 subject site.

24 It's the belief of the staff that
25 the proposed "major restaurant" is an

2 unwarranted over-intensification of the
3 use of the premises. The proposed
4 parking stall shortfall is 64 percent of
5 that required by the Town of Brookhaven
6 Zoning Law. Section 85-352 of the Code
7 requires three parking stalls per
8 100 feet of building. Moreover, minimum
9 buffer requirements from arterial
10 highways are 60 feet where only 26 feet
11 is proposed. In addition, the buffer
12 requirements from adjacent residential
13 areas is 25 feet and only nine feet is
14 provided.

15 A proposed use is a high motor
16 vehicle trip generator and the curb cut
17 to Expressway Drive South should be
18 moved further to the west to avoid
19 impacting the safety and carrying
20 capacity of the intersection with County
21 Road 29.

22 They're proposing to put this curb
23 cut here (indicating). This would cause
24 some congestion as cars flow around and
25 move out and then cue up, particularly

2 if somebody's trying to make a
3 westbound -- I'm sorry, a northbound
4 turn movement and wants to get all the
5 way across. And the staff looked at
6 this and thought that if this site were
7 to be developed, this ingress/egress
8 should be way back here (indicating),
9 which obviously would trigger a whole
10 redesign of this -- one of the reasons
11 why we're not recommending a conditional
12 approval.

13 There appears to be no mitigations
14 to offset the lack of required buffering
15 to the residential dwellings adjacent to
16 the subject parcel. The proposed use
17 may be incompatible with adjacent
18 residences. The premises appear to have
19 no operational restrictions to
20 adequately protect nearby residence;
21 i.e., limited hours of operation for the
22 principle use and/or limited hours for
23 truck deliveries, garbage pick up,
24 limitations on the outdoor speaker
25 system, limitations on trash compaction,

2 et cetera. The adjacent residences may
3 be most susceptible to car idling
4 emissions and the lack of shielded
5 lighting from both motor vehicle
6 headlights or site lighting.

7 If I could just back up a second.
8 Okay you can see from the aerial that
9 there are a number of residences
10 directly adjacent to the site
11 (indicating), and the site plan is not
12 showing any real accommodation of
13 buffering these dwellings.

14 Staff is recommending disapproval
15 for the following reasons:

16 First, that it constitutes the
17 unwarranted over-intensification of the
18 use of the premises. And this falls to
19 the fact that there's a parking stall
20 shortfall of 64 percent over what is
21 required.

22 Reason No. 2 would be that it
23 diminishes -- the proposal diminishes
24 the safety and carrying capacity of
25 Expressway Drive South, and that's due

2 to the proposed access point being so
3 far up into this intersection.

4 Reason No. 3 would be that it
5 appears incongruous with remaining
6 nearby residentially zoned and improved
7 land. Particularly excerpted from the
8 staff report that no proposed
9 mitigations to offset the lack of
10 required buffering to the residential
11 dwellings adjacent to the subject parcel
12 have been proposed.

13 And, finally, the last reason for
14 disapproval is that it would tend to
15 establish a precedent for further such
16 land development patterns in the local.

17 That is the staff report and
18 recommendations of the staff.

19 CHAIRMAN CARACCIOLO: Thank you,
20 Andy.

21 Commission Members, any questions
22 or comments?

23 MEMBER FIORE: Yeah, I have a
24 comment. I've actually got several
25 comments.

2 No. 1: That's the exit at
3 Exit 60 -- Exit 60 off the Long Island
4 Expressway, and a lot of people use that
5 exit just to even go down to 61.

6 MEMBER ESPOSITO: Yeah. That's
7 true.

8 MEMBER FIORE: It's a horror show
9 just trying to go down to 61; that's
10 No. 1.

11 No. 2: That if you were to remove
12 that entranceway back further to the
13 west, I think you would create more of a
14 problem than what you have right now.
15 The problem that you have right now is
16 that people getting off that exit right
17 now may want to swing completely over
18 across the one, two -- could be the
19 third lane -- across three lanes, even
20 if they wanted to get a cup of coffee at
21 a Starbucks; that's No. 2.

22 No. 3: That's an old gas station.
23 And it wasn't just a pumping station, it
24 was an actual gas station itself that
25 did repairs and stuff like that. I

2 don't see anything here where there was
3 any type of an environmental study done
4 on this, if there's anything under
5 there -- and I know there were tanks
6 buried under there, but there is nothing
7 here, you know, and I'm going along with
8 the staff on that for a disapproval.

9 CHAIRMAN CARACCIOLO: Do you want
10 to make --

11 MEMBER FIORE: I'll make a
12 motion --

13 CHAIRMAN CARACCIOLO:
14 (Continuing) -- any other questions or
15 comments?

16 MEMBER ESPOSITO: Well, can we add
17 his comments about lack of --

18 CHAIRMAN CARACCIOLO: Well, we're
19 just going to disapprove this.

20 DIRECTOR ISLES: Well, I suppose
21 you can add it.

22 MEMBER ROBERTS: Yeah, add a
23 comment.

24 VICE CHAIRWOMAN HOLMES: Yeah, as
25 referring to this morning.

2 MEMBER ROBERTS: Comment.

3 CHAIRMAN CARACCIOLO: Okay.

4 MEMBER ROBERTS: Yeah, we're going
5 to get really noisy --

6 CHAIRMAN CARACCIOLO: A little
7 training --

8 MEMBER ESPOSITO: A little training
9 goes a long way --

10 MEMBER FIORE: That's what you get
11 for training us.

12 CHAIRMAN CARACCIOLO: I don't know,
13 Don.

14 Andy, can you add that comment
15 about lack of --

16 MEMBER ESPOSITO: Groundwater and
17 soil --

18 CHAIRMAN CARACCIOLO:
19 (Continuing) -- groundwater --

20 MEMBER ESPOSITO: (Continuing) --
21 and soil testing, because I'm sure
22 that's what Don --

23 CHAIRMAN CARACCIOLO: Okay. And,
24 Don, you'll make that motion?

25 MEMBER FIORE: Yes, I'll make

2 motion.

3 MEMBER PRUITT: Second.

4 CHAIRMAN CARACCIOLO: Thank you.

5 All in favor of the staff report?

6 (WHEREUPON, the members voted.)

7 CHAIRMAN CARACCIOLO: Opposed?

8 (WHEREUPON, the members voted.)

9 CHAIRMAN CARACCIOLO: Any

10 abstentions?

11 (WHEREUPON, the members voted.)

12 CHAIRMAN CARACCIOLO: Okay. The
13 staff's motion carries.

14 MR. FRELENG: Okay. The next
15 application comes to us from the Town of
16 Islip. This is the application of
17 Denise Petroleum Incorporated. The
18 jurisdiction for the Commission is that
19 the subject property is to adjacent to
20 State Route 454 and with 500 feet of
21 Suffolk County land.

22 The Applicants are seeking Town
23 Board change of zone approval from
24 Industrial Corridor District to
25 Business-3 District and Special Permits

2 to expand an existing gas station, and
3 Town Board Special Permit to legalize,
4 expand and operate an existing
5 Convenience Store -- they're referring
6 to it as a mini-mart. This is a total
7 of 1,535 square feet. Site plan
8 modifications including area variances
9 are also requested as part of the
10 application. Parking requirement for
11 the proposed action is 15.32 spaces,
12 i.e. 16 spaces, where 15 are proposed.

13 The subject property is located on
14 the southeast corner of James Street,
15 which is a Town road, and Veterans
16 Memorial Highway, which is New York
17 State Route 454, in the hamlet of
18 Holbrook.

19 A review of the character of the
20 land use and zoning pattern in the
21 vicinity indicates that the subject
22 premises is located in a corridor of
23 Industrial Corridor District zoning.

24 And that's the oblique
25 (indicating). Go one more to the

2 zoning.

3 In house zoning information
4 indicates that the subject parcel is
5 already zoned B-3; however, this
6 information is contrary to Town referral
7 information and hence, the application
8 is being processed as requested.

9 Predominant zoning in the vicinity is
10 ICD, which is Industrial Corridor
11 District, and Industrial-1 in the
12 outlying areas. To the north, west and
13 east of the subject site, the land is
14 improved with industrial and commercial
15 buildings. South of the subject
16 property, across New York State
17 Route 454, is predominantly vacant land.
18 The subject site is adjacent to James
19 Street, which is a Town road, to the
20 north, and fronts on Vets. Memorial
21 Highway, State Route 454, to the south.

22 Back up a second, and you can see
23 that south and west of the subject
24 property is a bunch of open space
25 (indicating). These are residential

2 dwellings with commercial use here
3 (indicating), and if you went further up
4 and down Vets. Highway, you can see that
5 it's mostly commercial uses
6 (indicating).

7 Okay. Access to the proposed use
8 will be from two existing curb cuts; one
9 ingress only from the southern end of
10 the site and one egress only at the
11 north end.

12 They're proposing then to have one
13 access point here (indicating), one
14 access point here (indicating). From
15 the prior use, there was access through
16 James Street, and that is no longer
17 going to be open.

18 There are no environmental
19 conditions on the site, and the site is
20 not within an economically distressed or
21 minority community in Suffolk County.

22 The Comp. Plan for the Town of
23 Islip, the Community Identity Holbrook
24 study makes no specific recommendations
25 for the site.

2 It's the belief of the staff that
3 the proposed expansion of the gasoline
4 station and expansion of the convenience
5 store is an unwarranted
6 over-intensification of the use of the
7 premises. The change of zone request
8 would result in the premises not
9 complying with the minimum lot area and
10 lot width requirements for the B-3
11 District. The proposed use, while
12 coming close to the Islip Zoning Law
13 parking requirement of one parking stall
14 per 100 square feet of proposed use
15 would result in an unsafe off-street
16 parking arrangement. Several spaces are
17 problematic and in an unsafe location
18 with respect to the minimart and may
19 cause pedestrian-motor vehicle
20 conflicts. In addition, the Applicants
21 request relief from the front yard
22 setback and also request an additional
23 gasoline pump beyond which is allowable
24 pursuant to Islip Zoning Law. One pump
25 per 75 feet of footage -- of frontage,

2 and they're entitled to three, they're
3 requesting four.

4 The proposed change of zone is
5 inconsistent with the pattern of zoning
6 in the surrounding area and therefore
7 must be considered as spot zoning,
8 essentially undermining the
9 effectiveness of the zoning ordinance.

10 Approval of the requested zone
11 change, in the opinion of the staff, and
12 expansion of the nonconforming use would
13 constitute an unwarranted, inappropriate
14 non-comprehensive alteration of the
15 zoning pattern in the district -- in the
16 local, and would establish a precedent
17 for such future actions along the
18 Industrial Corridor District.

19 You can see for the most part that
20 the zoning along this corridor is
21 industrial commercial district
22 (indicating). There's some industrial,
23 too, along here (indicating). There's
24 some B-3, but that's mostly off of the
25 side street here (indicating). So this,

2 in conjunction with the whole corridor,
3 would be out of character with the
4 zoning of the corridor.

5 Staff is recommending disapproval
6 for the following reasons:

7 That the proposed expansion of the
8 gasoline station and expansion of the
9 convenience store is an unwarranted,
10 over-intensification of the use of the
11 premises.

12 The rationale which follows is
13 excerpted from the staff report
14 indicating that there's an unsafe
15 off-street parking arrangement.

16 I just wanted to point that out.
17 You can see that coming off of Vets.
18 Memorial Highway, you'd be coming in
19 here (indicating). And I don't know if
20 you can make them out -- you can make
21 them out in the staff report, but there
22 are parking stalls right here
23 (indicating), which if somebody's
24 backing out and somebody's coming in off
25 of Vets. Highway at the same time,

2 there's a conflict point. The addition
3 of an additional gasoline pumping
4 station brings traffic very close to
5 this ingress (indicating), so we believe
6 that this is a real conflict point.

7 In addition, this would be the
8 convenience store minimart (indicating).
9 You can see there's a handicap space
10 here (indicating), but the real parking
11 starts further off, as well as the
12 parking will start on the other side of
13 the dumpster over here (indicating). If
14 you have a motor vehicle coming in,
15 looking for a place to park, you have
16 somebody coming from the parking stall
17 going into the convenience store -- we
18 feel that this site is over-intensified.

19 Okay. The second reason for
20 disapproval -- staff's recommending
21 disapproval, the second reason is that
22 it is inconsistent with the pattern of
23 zoning in the area and undermines the
24 effectiveness of the zoning ordinance.

25 And the third reason for

2 disapproval is that the action would
3 establish a precedent, such use would be
4 a non-comprehensive alteration of the
5 zoning pattern.

6 That's the staff's report.

7 CHAIRMAN CARACCIOLO: Thank you,
8 Andy.

9 Are there any questions or comments
10 from the Commission Members?

11 (WHEREUPON, there was no response.)

12 CHAIRMAN CARACCIOLO: Motions in
13 order?

14 MEMBER ESPOSITO: Motion.

15 CHAIRMAN CARACCIOLO: Motion.

16 SECRETARY BOLTON: Second.

17 CHAIRMAN CARACCIOLO: All those in
18 favor?

19 (WHEREUPON, the members voted.)

20 CHAIRMAN CARACCIOLO: Opposed?

21 (WHEREUPON, the members voted.)

22 CHAIRMAN CARACCIOLO: Any
23 abstentions?

24 MR. FRELENG: Who made the second,
25 please?

2 CHAIRMAN CARACCIOLO: Charla.

3 Okay. That motion carries.

4 (Discussion held off the record)

5 MR. FRELENG: Okay. The next
6 application before the Commission is
7 coming to us from the Town of Smithtown.
8 This is the application of Hess
9 Corporation at Hillside Avenue.

10 The subject property is located on
11 the northwest corner of Middle Country
12 Road, which is New York State Route 25,
13 and Hillside Avenue. Jurisdiction for
14 the Commission is that the subject
15 property is adjacent to New York State
16 Route 25.

17 The Applicants are seeking Town
18 Board Change of Zone approval from
19 Wholesale and Service Industry, which is
20 WSI, and Retail to Neighborhood Business
21 for the demolition of an exiting
22 restaurant and the construction of a
23 gasoline filling station, including
24 eight pump islands. It's also
25 requesting a 4,410 square foot canopy,

2 two 20,000 gallon underground tanks, and
3 1,231 square foot convenience store.
4 Fifteen parking spaces are provided
5 where 13 are required.

6 As indicated the location is at the
7 northwest corner of Middle Country Road,
8 New York State Route 25, and Hillside
9 Avenue, which is a in Town road, and
10 this is in the hamlet of St. James.

11 A review of the character of land
12 use and zoning pattern in the
13 vicinity -- before I get to that, let me
14 just show you the oblique.

15 Subject property is right here
16 (indicating). Okay. Please take note
17 that this is New York State Route 345,
18 Nesconset Highway (indicating). This is
19 the off-ramp -- the westbound off-ramp,
20 in proximity to the subject property
21 (indicating). If you take a look at the
22 land use and zoning, that's the zoning
23 (indicating).

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

2 vicinity, indicates that the subject
3 premises is located in a corridor of WSI
4 zoning, being the eastern terminal end
5 of the northern side of the corridor
6 along Middle Country Road. The subject
7 site is split zoned with two-thirds of
8 the site in WSI and the rear third in
9 the R-10 District. East of the subject
10 property lands along Middle Country Road
11 are zoned Business-OB. North of the
12 subject site lands are zoned residential
13 R-10 with the minimum lot size at 10,000
14 square feet.

15 The subject site is adjacent to
16 Hillside Avenue, which is a Town road,
17 to the east, improved residential
18 detached dwellings to the north and New
19 York State Route 25 to the south. To
20 the west of the subject property, the
21 site abuts commercially improved WSI
22 zoned land.

23 Access to the proposed use -- let
24 me just flip back again to the site
25 plan -- access to the proposed use would

2 be from three reconfigured curb cuts.
3 The prior use was a restaurant.

4 We did a site inspection yesterday.
5 There actually are no curb cuts. It's
6 all a smooth access, so you can enter
7 the site from anywhere. There are no
8 curbs.

9 One curb cut is proposed to
10 Hillside Avenue and is to be a two-way
11 ingress/egress, and two two-way
12 ingress/egress curb cuts are proposed to
13 New York State Route 25.

14 So what we have here is an in and
15 an out (indicating). There is no
16 directional restriction, it appears,
17 from here (indicating), as well as an in
18 and an out over here (indicating), as
19 well as an ingress/egress to Hillside
20 Avenue (indicating).

21 I'm going to go back to that in a
22 second.

23 There are no significant
24 environmental constraints on the
25 property. The property is not in a

2 minority or economically distressed
3 community. And the Town of Smithtown
4 Comprehensive Land Use Plan makes no
5 specific recommendations for the site.

6 It is the belief of the staff that
7 the proposed change of zone to
8 Neighborhood Business for a gasoline
9 filling station and express store is
10 inconsistent with the pattern of zoning
11 in the surrounding area and therefore
12 must be considered as spot zoning. The
13 proposed use for a gasoline filling
14 station and convenience store, as well
15 as the range of uses permissible in the
16 NB zone, should this use fail, are high
17 trip generation uses and incompatible
18 with the location of the subject site
19 along the State right-of-way. Such
20 uses, which are allowed in the NB zone
21 include retails store, banks, personal
22 services, coin-operated laundromats,
23 funeral homes, et cetera, while the
24 Wholesale and Service Industry district,
25 pursuant to the Town of Smithtown Zoning

2 Law, is predominantly for non-nuisance
3 industry with low motor vehicle trip
4 generation multipliers.

5 I wanted to go back to this
6 particular air photo and again call your
7 attention to this off-ramp of 347 onto
8 State Route 25 (indicating). I want to
9 point out that this is a painted median,
10 this is not a raised median.

11 Moreover, the subject site is
12 located at a merge location of the
13 off-ramp for New York State Route 347,
14 which is Nesconset Highway, and
15 westbound lanes of New York State
16 Route 25. This area is a congested
17 intersection during rush hour, and
18 the -- or rush hours, and the proposed
19 site plan does not indicate an
20 accommodation of this fact. There are
21 two curb cuts to New York State
22 Route 25, and both do not appear to
23 limit directional movements for motor
24 vehicles. New York State Route 25 has
25 no raised median in front of the

2 proposed use, and motorists leaving the
3 subject property are likely to be
4 tempted to make turn movements eastbound
5 across the painted median. This in
6 conjunction with the fact that there are
7 two ingress/egress curb cuts to New York
8 State Route 25 makes for an array of
9 possible turn movements and motor
10 vehicle conflicts into, out of and
11 across the State road. Said conflicts
12 will adversely affect the motor vehicle
13 circulation patterns in the local.

14 So as I indicated before, what
15 they're proposing is an access point
16 here (indicating), which you can see is
17 very close to the ramp coming off of
18 347. Sitting here yesterday, doing our
19 site inspection, the cars were
20 definitely zipping off this road
21 (indicating). And they're also
22 proposing an access point here
23 (indicating). So with an access point
24 here, you have a busy gas station
25 (indicating), you're going to have cars

2 coming out, looking to turn this way
3 (indicating), turn that way
4 (indicating), a driveway here with cars
5 looking to go this way (indicating),
6 possibly tempted to cross the painted
7 median and go westbound -- I'm sorry,
8 eastbound, which would be something that
9 most people do -- and yet there's
10 another access point here (indicating)
11 with no directional restrictions -- so
12 you have three -- three non-controlled
13 access points at 25 at a very dangerous
14 location.

15 The staff is recommending
16 disapproval for the following reasons:

17 It's inconsistent with the pattern
18 of zoning in the surrounding area.

19 It would tend to substantially
20 undermine the effectiveness of the
21 zoning ordinance.

22 It constitute the unwarranted,
23 inappropriate, non-comprehensive
24 alteration of zoning patterns in the
25 local.

2 It would tend to establish a
3 precedent for such zone changes in the
4 local.

5 And that the premises could be
6 reasonably developed in accordance with
7 existing WSI District requirements.

8 The comment which follows is the
9 rationale excerpted from the staff
10 report.

11 CHAIRMAN CARACCIOLO: Thank you,
12 Andy.

13 Any questions or comments from the
14 Commission Members?

15 VICE CHAIRWOMAN HOLMES: I would
16 like to move the adoption of the staff
17 report with, perhaps, an additional
18 comment that the safety hazards for
19 motor vehicles are tremendous there. If
20 you could phrase that some way. I
21 think, you know, that's something that
22 you indicated in some ways but you
23 indicated more verbally to us, and I
24 would like to see that -- you know, as
25 part of our comment, is that the safety

2 hazard for motor vehicles are numerous
3 at that site and have not been
4 addressed.

5 MR. FRELENG: The second paragraph
6 of the comments does address that --

7 VICE CHAIRWOMAN HOLMES: It does
8 address that.

9 MR. FRELENG: (Continuing) -- and
10 I'll go through that and if it needs to
11 be made stronger, I can certainly do
12 that.

13 VICE CHAIRWOMAN HOLMES: If we
14 could, you know, emphasize it more, I
15 think -- you know, just to say that it's
16 hazardous.

17 MR. FRELENG: Okay.

18 CHAIRMAN CARACCILO: Like an
19 old-type --

20 VICE CHAIRWOMAN HOLMES: Yes.

21 CHAIRMAN CARACCILO:
22 (Continuing) -- maybe to do the trick.

23 Are motions in order? Linda, would
24 you like to make a motion?

25 VICE CHAIRWOMAN HOLMES: Yes, I --

2 I made --

3 MEMBER PRUITT: Second.

4 CHAIRMAN CARACCIOLO: Second by
5 Commissioner Pruitt.

6 All those in favor?

7 (WHEREUPON, the members voted.)

8 CHAIRMAN CARACCIOLO: Opposed?

9 (WHEREUPON, the members voted.)

10 CHAIRMAN CARACCIOLO: Any
11 abstentions?

12 (WHEREUPON, the members voted.)

13 CHAIRMAN CARACCIOLO: That motion
14 carries.

15 MR. FRELENG: We're trying some new
16 technology today, so we're going to have
17 some different kind of graphics. The
18 site plan -- just so you know, the site
19 plan for this particular application was
20 rather confusing. This is a multilevel
21 application. So we decided to give you
22 the rendering -- which, take into
23 account, renderings are always done with
24 a rubber ruler -- so it looks a lot
25 prettier than it may be. I'm not saying

2 that it is prettier than it could be,
3 but I'm saying it may be. So there's an
4 artistic talent added to that.

5 This is referred to us from the
6 Incorporated Village of Sag Harbor.
7 This is the application of Sag
8 Development Partners, LLC. Jurisdiction
9 for the Commission is that the subject
10 property is adjacent to Route 114 --
11 that's New York State Route 114.

12 Okay. As referred to the
13 Commission, the Applicant is seeking
14 Village Zoning Board of Appeals Special
15 Exception approval and Village Planning
16 Board Site Plan approval for the
17 conversion of an abandoned industrial
18 complex into 81 attached dwelling units.
19 The subject property is the former
20 Bulova Watchcase Factory. The existing
21 factory building is situated at the
22 northern portion of the approximate two
23 acre site with a paved parking area to
24 the south.

25 You can see that in a minute.

2 The existing 100,000 factory
3 building would be repaired and
4 rehabilitated to accommodate the
5 construction of 63 apartment units. The
6 parking area on the southern portion of
7 the site would be redeveloped with nine
8 duplex townhouses, a community center
9 and a glass enclosed swimming pool. A
10 landscaped terraced lawn is proposed as
11 passive recreational area for community
12 residents. Each duplex townhouse would
13 include a ground floor apartment facing
14 a landscaped courtyard and a
15 second-story apartment facing the
16 street. Parking for the 81 units would
17 be provided along the internal roadway,
18 18 at grade parking stalls, including
19 nine handicap spaces, as well as an
20 underground parking structure beneath
21 the southerly portion of the site,
22 providing an additional 110 parking
23 stalls, for a total of 128 parking
24 stalls -- typo.

25 VICE CHAIRWOMAN HOLMES: It's 128?

2 MR. FRELENG: It's 128.

3 MEMBER ESPOSITO: Andy, that
4 "underground," what does that mean? I
5 mean, does it go below grade or there --
6 it's going to be the first level really.

7 MR. FRELENG: Jumping ahead a
8 little bit --

9 MEMBER ESPOSITO: Do you want me
10 to -- I can wait.

11 MR. FRELENG: No, that's okay. Let
12 me point this out.

13 The factory building is pretty much
14 at grade with the streets.

15 MEMBER ESPOSITO: Yeah.

16 MR. FRELENG: The back end of the
17 property is dug into what would be the
18 rise in topography here (indicating).
19 So there are retaining walls -- I'm
20 going to take a guess -- 10 to 15 feet
21 along the back end of the property.

22 What they're going to do is --

23 MEMBER ROBERTS: It's also on a
24 hill.

25 MR. FRELENG: (Continuing) --

2 they're going to construct a street,
3 it's going to rise up from -- well, rise
4 down from Division Street over to, I
5 think that's --

6 MEMBER ROBERTS: Church.

7 MR. FRELENG: (Continuing) --
8 Church Street, and there's going to
9 be -- this lawn area here (indicating)
10 is the above part of the parking deck.
11 So you'll be going into a parking
12 garage -- just like this (indicating),
13 from Division Street into an
14 underground, if you will, parking deck.
15 So this is all, this grass here
16 (indicating), is terrace. This is above
17 the parking structure. And these units
18 here (indicating) are facing the street,
19 and then some of them have terraces
20 going out onto the back, and the lower
21 parts of these are in the parking
22 structure (indicating).

23 I think we have a better -- that's
24 the existing property as it exists
25 today. You can see the existing factory

2 building (indicating), and then, it's
3 hard to tell, but this part here
4 (indicating) is actually dug into the
5 landscaping, there are retaining walls
6 along here (indicating).

7 Okay. This is property owned and
8 operated by Peconic Land Trust
9 (indicating). This is parking from the
10 adjacent church (indicating).

11 MEMBER ESPOSITO: Wait, wait, wait.
12 What's owned and operated by Peconic
13 Land Trust?

14 MR. FRELENG: Peconic Land --

15 MEMBER ROBERTS: The church.

16 MR. FRELENG: (Continuing) -- Trust
17 owns this out parcel here (indicating).

18 MEMBER ESPOSITO: Oh, the out
19 parcel.

20 MR. FRELENG: There's some retail
21 and some --

22 MEMBER ROBERTS: It's actually a
23 church.

24 MR. FRELENG: (Continuing) --
25 dwellings.

2 Okay. The subject property is
3 located on Division Street -- I'm sorry,
4 let me just tell you that the -- I don't
5 know if I said this, but the Village of
6 Sag Harbor Zoning Law parking
7 requirement, pursuant to Section
8 55.11.6.C, is 81 spaces. So the parking
9 requirement for this, if they are
10 considered to be apartment buildings, is
11 one space per unit. So they're required
12 81, they're providing 128.

13 The subject property is located on
14 the southwest corner of Division Street,
15 which is New York State Route 114, and
16 Washington Street, which is a Village
17 road, in the Village of Sag Harbor.

18 The subject site is adjacent to
19 Division Street to the east, Church
20 Street, which is a Village road, to the
21 west, Washington Street, which is a
22 Village road, to the north, Sage Street,
23 which is a Village road, and lands owned
24 and improved by the Peconic Land Trust
25 to the south.

2 A review of the character of land
3 use and zoning pattern in the vicinity
4 indicates that the subject premises is
5 located at the southeast corner of the
6 Village Business Zoning District. South
7 and east of the subject premises lands
8 are zoned residential in the R-20
9 District.

10 The dividing line that Tom referred
11 to in the beginning of the meeting is
12 Division -- historical Division between
13 the Town of East Hampton and the Town of
14 Southampton. It runs right along
15 Division Street.

16 VICE CHAIRWOMAN HOLMES: Which is why
17 it's called Division Street.

18 MR. FRELENG: Which is why it's
19 called Division Street.

20 VICE CHAIRWOMAN HOLMES: That is
21 why it's call Division Street.

22 MEMBER ROBERTS: East Hampton
23 owns the water, Sag Harbor owns the --

24 MR. FRELENG: The subject property
25 is here (indicating), located in the

2 southeast corner of the Village Business
3 Zoning District, and this is the out
4 parcel that is the church that Peconic
5 Land Trust may or may not still have
6 interest in (indicating).

7 Okay. The properties surrounding
8 residential premises -- I'm sorry, the
9 property surrounding the subject
10 premises are improved with a mixture of
11 single-family dwellings, retail,
12 museums, churches, restaurants,
13 delicatessens, schools and other types
14 of village uses, the accessory parking
15 associated therewith and accessory
16 structures.

17 Okay. Let me get back to the site
18 plan. I don't know if I'm -- okay let's
19 take a look at the site plan for a
20 second.

21 Okay. Access to the proposed use
22 will be from two curb cuts. One
23 ingress/egress from Division Street, New
24 York State Route 114, and one
25 ingress/egress from Church Street, which

2 is a Village road. According to traffic
3 analysis prepared by Dunn Engineering,
4 the roadways surrounding the subject
5 site are adequate to handle the trip
6 generation associated with the proposed
7 use. Both curb cuts to the roadways are
8 beyond Commission requirements of
9 50 feet from the centerline of
10 intersections with other streets.

11 So we took a look at the location
12 of these access points and, as you can
13 see, they're well placed in the middle
14 of the street. So we have no issues
15 with congestion of the -- of unit
16 changes, particularly along the State
17 road.

18 Both curb cuts provide sufficient
19 lines of sight for safe ingress and
20 egress. The two entrances to the
21 subject property are to be connected by
22 a through street. The street would have
23 the character of a traditional village
24 street, using similar paving, historic
25 reproduction lamp-posts and street trees

2 similar in design and scale of the
3 village. It is proposed that the street
4 be open to the public for both motor
5 vehicles and pedestrians. The street
6 would have automobile drop-off access to
7 the factory building lobby. Motor
8 vehicles are proposed to enter the
9 underground parking garage from the
10 Division Street entrance, as I explained
11 before.

12 Okay. With regard to environmental
13 conditions on the subject site. The
14 subject property is situated in
15 Hydrogeologic Groundwater Management
16 Zone I, pursuant to Article 6 of the
17 Suffolk County Sanitary Code. It is a
18 shallow-flow aquifer. The site is not
19 located in a Special Groundwater
20 Protection Area. The subject site is
21 not located in a State Critical
22 Environmental Area. There are no local,
23 state or federally regulated wetlands
24 that occur on site. And the site is
25 not in a Pine Barrens region of Suffolk

2 County.

3 The subject property is an
4 individually designated historic
5 landmark, just so you know.

6 MEMBER ESPOSITO: Wait, the
7 building's a landmark or --

8 MEMBER ROBERTS: Yeah.

9 MEMBER ESPOSITO: (Continuing) --
10 the site?

11 MEMBER ROBERTS: The building.

12 VICE CHAIRWOMAN HOLMES: It's not
13 only that, but they did some very
14 important war work there.

15 MR. FRELENG: Yes. I have some of
16 that here.

17 The subject property was once the
18 Steam Cotton Mill built in 1850 and was
19 the first industrial building on site.
20 The mill was destroyed by fire in 1879.
21 Two years later, in 1881, the existing
22 brick factory building was built on site
23 and housed the Joseph Fayhs watch
24 factory until 1931. Bulova purchased
25 the building and it was used for the

2 manufacture of watch cases from 1936 to
3 1975. The watch manufacturing
4 operations included tooling, pressing,
5 forming, machining, soldering,
6 polishing, solvent cleaning and plating.
7 During the Second World War, the factory
8 also worked on several defense-related
9 projects, including manufacturing
10 telescope parts and airplane
11 instruments. Bulova owned the subject
12 property until 1981.

13 In 1987, the environmental
14 investigation of the subject property
15 led to the site being designated as a
16 "Class 2" Inactive Hazardous Waste Site
17 by the New York State Department of
18 Environmental Conservation due to soil
19 and groundwater contamination by
20 volatile organic compounds -- mostly
21 probably related to the solvent and
22 plating industry upon the site.

23 Between 1993 and 2005, soil and
24 groundwater remediation to address
25 contamination was performed in several

2 phases at the site under the supervision
3 of the New York State DEC. According to
4 referral material, an April 2000 New
5 York State DEC report indicated that
6 "groundwater from this site is
7 contaminated, and Suffolk County Water
8 Authority maps indicate that not all
9 homes in the area between the site and
10 Sag Harbor Cove are connected to public
11 water supply. Suffolk County Department
12 of Health Services sampled 10 private
13 water supplies in the area and found no
14 sites to have related contamination."

15 MEMBER ESPOSITO: You don't know
16 when that sampling occurred, do you?

17 VICE CHAIRWOMAN HOLMES: 2000.

18 MEMBER ESPOSITO: No, the DEC
19 report was 2000. The --

20 MR. FRELENG: It was --

21 MEMBER ESPOSITO: (Continuing) --
22 County did it in 2000 as well?

23 MR. FRELENG: It was in that -- it
24 was included in that 2000 report, so I
25 don't know if they did it in 1999 or if

2 they did it early 2000 --

3 MEMBER ESPOSITO: Okay. So it was
4 all --

5 MEMBER ROBERTS: Not recent.

6 MEMBER ESPOSITO: Okay.

7 MEMBER ROBERTS: Not recent.

8 MR. FRELENG: Okay. "The former
9 factory grounds have been remediated" --
10 this is a quote from the report. "The
11 former factory grounds have been
12 remediated to allow the site to be used
13 for residential purposes." The Site
14 Management Plan (SMP) has been filed
15 with the New York State DEC and sets
16 forth protocols and guidelines for soil
17 and wastewater management for activities
18 during and after excavation and
19 construction that requires soil
20 excavation, dewatering or
21 decontamination and/or any air quality
22 monitoring. The SMP also establishes
23 for the management of any
24 post-construction soil or on-site
25 soil-gas issues via engineering

2 controls. The site will also be subject
3 to an "Environmental Easement" with the
4 New York State DEC requiring compliance
5 with the SMP.

6 The proposed project has been
7 designed to incorporate
8 environmental-sustainable, green
9 building practices, including
10 state-of-the art strategies for energy
11 reduction, water savings, a high level
12 of indoor air quality and the use of
13 sustainable and recycled building
14 materials.

15 So let me just wander through some
16 of these slides a second. Here's
17 another picture of the site plan
18 (indicating). We probably should have
19 went to this sooner. You can see the
20 through street being proposed from
21 Division (indicating), access going into
22 the underground parking structure
23 (indicating). This is the terrace lawn
24 (indicating). This is the community
25 building (indicating). These would be

2 the -- what they're calling townhouses
3 (indicating). Okay. These would be the
4 attached units in the existing factory
5 building (indicating). There are
6 courtyards. There are terraces coming
7 off the back of the residential
8 building. There's a little public
9 courtyard at the corner here of Division
10 and Church (indicating). What else can
11 I point out? This is the pool being
12 proposed right there (indicating).

13 So at first I was under the
14 impression that there was going to be a
15 lot of excavation. But when staff went
16 out and did the site inspection, we
17 realized that the property had already
18 been excavated. So I don't know to what
19 extent there would be further
20 excavation. They probably will regrade,
21 so it might be minor, but the DEC has
22 that under --

23 MEMBER ESPOSITO: So there's really
24 nothing there anymore, except the
25 historic building?

2 MR. FRELENG: What you saw in the
3 air photo --

4 MEMBER ESPOSITO: Yeah.

5 MR. FRELENG: (Continuing) --
6 that's what's there.

7 MEMBER ESPOSITO: Okay.

8 MR. FRELENG: Okay. And I just
9 wanted to show you some of the
10 renderings. This would be what is
11 proposed, this would be the view from
12 Division Street (indicating). So that's
13 the exiting factory building. Again,
14 these are renderings. This is supposed
15 to show the continuation of the village
16 structures in the area.

17 I have to say that the street is
18 this populated (indicating). It's a
19 very busy street. One thing that you
20 don't see, though, at the time of day I
21 saw the subject property, there's a lot
22 of shadowing from this big structure.
23 It's a narrow street, and this structure
24 casts a big shadow and the street was
25 pretty dark.

2 This is a view of the south end of
3 the property showing what the
4 townhouses, quote, unquote, are supposed
5 to look like (indicating).

6 I think that's it.

7 I don't know if you can read that
8 (indicating) --

9 MEMBER ESPOSITO: Nope.

10 MR. FRELENG: (Continuing) -- but
11 those are some of the proposals for the
12 green leaf certification and the green
13 design. I highlighted them, maybe I can
14 do that real quick. They've got a cured
15 thermal heat pump system to regulate the
16 atmosphere. They've got a
17 landscaped-planted-green roof. They've
18 got rooftop solar panels. They've got
19 sustainable site landscaping and
20 plantings. They're using a lot of low
21 water indigenous-type plantings for the
22 rooftop. They're emphasizing daylight
23 and hues. They're recycling and reusing
24 the historic building and some of the
25 building materials. All the sites

2 rainwater drainage will be captured and
3 (inaudible) on site and dry wells.
4 They're looking for best building
5 practices for plumbing and electrical
6 fixtures. Best building practices using
7 natural and recycled building materials.
8 Bicycle storage and preferred parking
9 for hybrid vehicles.

10 These are things that are generally
11 above and beyond the jurisdiction of the
12 Commission, but I wanted to point them
13 out to the Commission because they are
14 being proposed as part of this project.

15 Okay. From the point of view of
16 the staff's analysis, the proposed
17 application is a modification of an
18 application originally approved by the
19 Village of Sag Harbor Zoning Board of
20 Appeals in 1981. The 1981 approval was
21 for 98 total residential units,
22 including 72 units within the factory
23 building and 13 duplex townhouses along
24 Church Street. The current proposal is
25 significantly less dense than the

2 originally approved plan. This would
3 equate to an approximate 17.3 percent
4 reduction in proposed residential
5 density. The number of off-street
6 parking spaces, originally was 128,
7 remains the same as the original 128.

8 There is a nuance in this
9 application that Commissioner -- Barbara
10 and myself are looking at, this has been
11 referred to us as a special exception
12 for apartments in the Village Business
13 zone. Residential (inaudible) are not
14 permitted under the Code. There is some
15 conflicting information with the
16 referral material that the Applicants
17 provided the Village that the, quote,
18 townhouses would be townhouses, which is
19 a condominium not an apartment. We were
20 talking about that a little bit this
21 morning. So the Zoning Board of Appeals
22 has referred 81 units to us as
23 apartments. What's going on at the
24 local level, we cannot comment on, but
25 we're processing this as 81 apartment

2 units.

3 The subject site has an area of
4 99,801 square feet. With the proposed
5 81 dwelling units, the density of the
6 subject application would be one
7 dwelling unit per 1,231 square feet,
8 approximately 36 units to the acre. The
9 density is consistent with the Village
10 of Sag Harbor Zoning Law for the Village
11 Business zoning district. It should be
12 noted that the subject property is
13 connected to the Village of Sag Harbor
14 sewage treatment facility.

15 As proposed, the subject action is
16 for 81 rental apartment units. Units
17 within the complex will range from
18 studio to three bedroom units. It is
19 envisioned by the project sponsors that
20 mostly non-residents would purchase,
21 quote, unquote, units to be used as
22 seconds homes, as the Village of Sag
23 Harbor is a highly desirable tourist
24 area. It is the belief of the staff
25 that while the project sponsors'

2 supposition may be accurate, a certain
3 number of rental apartments may be
4 year-round dwellings. Moreover, nowhere
5 in the referral materials do the
6 Applicants address affordable housing
7 requirements of the Village of Sag
8 Harbor and this actions' contribution to
9 the Village's need. Suffolk County
10 Planning Commission guidelines are for
11 20 percent of the proposed units be set
12 aside for affordable/workforce housing
13 purposes. This would equate to 17 --
14 16.2 -- say, 17 units of the proposed 81
15 units.

16 The projects sponsors should be
17 commended on the detailed design of both
18 the building elements and the "village
19 street" concept of the connector street
20 to Division and Church Streets.
21 However, there is concern by staff that
22 the connector street, while intended to
23 be a thru-street, may in actuality
24 become a bypass street and more to the
25 point, a speedway between Division and

2 Church Streets. The Village should look
3 into implementing some measure of
4 traffic calming in the roadway in order
5 to lessen safety issues between
6 motorists and pedestrians, particularly
7 those crossing the street. The use of
8 speed plates -- not speed bumps, but
9 speed plates --

10 SECRETARY BOLTON: What are "speed
11 plates"?

12 MR. FRELENG: Speed plates are a
13 flattened-out speed bump. And usually
14 as you approach the plate -- there is a
15 yellow and black striping -- so it gives
16 the illusion of a speed bump, but it's
17 not, and it raises your car up -- if you
18 hit it too fast, it may raise your car
19 up and lift you off the ground. It's
20 very uncomfortable to go over at high
21 speeds, but at slow speeds it's just
22 going up and down.

23 MEMBER ESPOSITO: I've never even
24 heard of these things.

25 MR. FRELENG: Speed bumps,

2 generally, municipalities don't like
3 them. They make a lot of noise and
4 wreck cars.

5 VICE CHAIRWOMAN HOLMES: Well,
6 aren't they only permitted on private
7 roads, speed bumps?

8 MR. FRELENG: Well --

9 DIRECTOR ISLES: Yes.

10 MR. FRELENG: (Continuing) -- yeah.

11 VICE CHAIRWOMAN HOLMES: And, also,
12 this pattern of a through-street is
13 consistent with other little through --
14 drive-through pedestrian streets along
15 that area, and people tend to go very
16 slowly because that's the only way they
17 can go. But there are other
18 drive-through lanes, really --

19 MR. FRELENG: Right.

20 VICE CHAIRWOMAN HOLMES:
21 (Continuing) -- in the area.

22 MR. FRELENG: Some other traffic
23 control devices may also be desirable;
24 for example, period stop lights on lamp
25 posts to interrupt motor vehicle speeds.

2 So, essentially, staff is concerned
3 that this may be a conflict between
4 pedestrians and motor vehicles, so we're
5 looking to get some traffic comment.

6 The project sponsors indicate in
7 referral material that the site is
8 located one block from Main Street and
9 that residents of the complex would be
10 able to walk to the multiple bus lines
11 which provide public transportation to
12 points on Long Island and Manhattan.

13 While this may be an accurate statement,
14 Suffolk County bus routes do travel
15 along New York State Route 114 and some
16 accommodation for hailing a bus along
17 the subject site should be investigated
18 between the Village, Suffolk County and
19 the Applicant.

20 We feel that if you're a resident,
21 you should be able to hail a bus outside
22 on the street, so maybe a bus shelter or
23 something minor -- maybe not a bus
24 turnoff, but maybe a shelter.

25 While the New York State DEC has

2 ultimate jurisdiction over issues of
3 environmental contamination and
4 remediation of the subject property,
5 staff is recommending that no final
6 approval should be given to the subject
7 application by the Village of Sag Harbor
8 until written confirmation of the
9 relative safety of the site for
10 residential purposes is received by
11 Village officials for the Office of the
12 New York State DEC.

13 That's a little unusual, but we
14 don't think that the Village -- it's a
15 burden for the Village to reach out to
16 DEC and ask specifically for some sort
17 of conclusion on that property.

18 So staff is recommending approval
19 with the following condition:

20 The condition being that 20 percent
21 of the units be set aside for
22 affordable/workforce housing purposes.

23 The paragraph which follows the
24 condition is excerpted from the staff
25 report.

2 Commission staff is also
3 recommending that the Commission forward
4 to the Village of Sag Harbor originally
5 three comments. One -- the first
6 comment being related to the through
7 street condition and the incorporation
8 of traffic calming into that street.

9 The second comment being that some
10 accommodation for hailing a bus along
11 Route 114 by the site should be
12 considered.

13 And that the third comment being
14 that while New York State DEC has the
15 ultimate jurisdiction over issues of
16 environmental contamination on the site,
17 that no final approval be given to the
18 subject application by the Village until
19 written confirmation of the safety of
20 the site has been received from the DEC.

21 That is the staff report to the
22 Commission.

23 CHAIRMAN CARACCIOLO: Thank you,
24 Andy.

25 Are there any comments or questions

2 from the Commission Members? And we'll
3 start on this side of the table with Don
4 and we'll go around (indicating).

5 MEMBER FIORE: I have --

6 SECRETARY BOLTON: Okay.

7 MEMBER FIORE: (Continuing) --

8 listed three -- possibly four things
9 here that you had talked about, Andy.

10 And the first one was, when you
11 were talking about "the watch
12 manufacturer operations including
13 tooling, pressing, forming, machinery --
14 machining, soldering, polishing, solvent
15 cleaning and plating," and then you had
16 mentioned that the -- if there was going
17 to be any type of contamination, there
18 would probably be something in the
19 polishing and the -- I mean, the solvent
20 cleaning and the plating. And I would
21 stretch that out a little further and I
22 would say the soldering and the
23 polishing -- depending on what type of
24 solder they used -- back then, when that
25 was taking place, the basis of soldering

2 was lead. That was the main ingredient
3 in solder --

4 MR. FRELENG: Right.

5 MEMBER FIORE: (Continuing) -- so
6 there's a good possibility of lead
7 contamination.

8 There's also -- the polishing, with
9 the -- the polishing stuff that they
10 used, that also had contaminants in it
11 also, so I'm not sure what was -- what
12 was done here.

13 The second was the -- my concern
14 was that through street, and I share
15 your concern that that through street
16 could become a speedway and a -- and a
17 bypass street to go between the two
18 streets.

19 MR. FRELENG: Right.

20 MEMBER FIORE: All right, bypassing
21 that one turn and going right -- and cut
22 right across.

23 My third problem is the DEC report,
24 which we -- we don't know anything
25 about.

2 And then I had just written down a
3 couple of things. I noticed -- on the
4 recycling and reusing of historic
5 building materials -- again, back
6 when -- when we're talking about the
7 building materials that was used back
8 then, two things come to my mind,
9 asbestos and also lead -- lead-based
10 paints. I'm not sure I go along with
11 the recycling and using of historic
12 building materials, especially if we
13 don't have or if there can't be proven a
14 good remediation of the asbestos that's
15 there and/or is there paint --
16 lead-based paint in there? Because it's
17 old and I -- I guarantee you the paint
18 was lead-based at that time.

19 So the asbestos is a big concern of
20 mine. It's a personal concern and it
21 is -- and a concern for the safety of
22 the people, whoever's going to move in
23 there or whoever's going to be working
24 around that area.

25 If that asbestos removal is not

2 done right and the person -- you know,
3 based on the stuff that we received
4 today about the -- from Local 78, the
5 people that are doing it, there's
6 various violations, that leads me to be
7 suspect that that's not going to be done
8 correctly. And I have a big problem
9 with that personally.

10 I have a big problem with that
11 because nobody -- nobody -- should be
12 exposed to asbestos without their
13 knowledge of it. And people going in
14 there would not have the knowledge of
15 that asbestos, whether it was removed
16 right or wrong. And then when that --
17 once that thing gets started, if it
18 wasn't removed right, it's just
19 helter-skelter there and -- and God
20 knows what will be done. So, I've got
21 to tell you, I've got a big problem with
22 that --

23 MR. FRELENG: Well, your point --
24 your points noted, and the Commission
25 has no jurisdiction, really, and staff

2 has no expertise when it comes to
3 this -- these issues. We did note,
4 though, that -- in this middle material,
5 they did indicate that the DEC has been
6 regulating this property, and I can only
7 presume that as it moves forward, the
8 State will require the most current
9 regulations --

10 MEMBER FIORE: And that --

11 MR. FRELENG: (Continuing) -- when
12 they use these materials.

13 MEMBER FIORE: And you could be
14 commented on that; however, I believe it
15 would be the Commission that would be
16 concerned also with what's going on
17 there as to whether or not that is being
18 done. And, you know, for us -- for me
19 to put my stamp on it and say, yes, go
20 ahead -- let's go ahead and do it -- I
21 mean, it's a concern.

22 SECRETARY BOLTON: Can I ask you a
23 question?

24 CHAIRMAN CARACCILO: Charla, you
25 want --

2 SECRETARY BOLTON: I just wanted to
3 ask Tom -- if there -- does the Suffolk
4 County Planning Department, in reviewing
5 this material, if -- and the Planning
6 Commission, now, when we receive
7 comments like this from citizens, are
8 those things coordinated with the DEC?
9 I mean -- and would you take it upon
10 yourself to take this and send it to the
11 DEC to alter them that there might be an
12 issue? I mean, is that something that
13 can be done?

14 DIRECTOR ISLES: It's something
15 that can be done --

16 SECRETARY BOLTON: Through the
17 Department.

18 DIRECTOR ISLES: (Continuing) --
19 but let me just caution, too, that the
20 materials that we consider in the review
21 of an application are those that are
22 referred to the municipality.

23 SECRETARY BOLTON: Right.

24 DIRECTOR ISLES: It becomes a
25 little bit problematic -- and certainly

2 we respect the public comment that's
3 provided today --

4 SECRETARY BOLTON: Right.

5 DIRECTOR ISLES: (Continuing) --
6 but, number one, we haven't had a chance
7 to review it; number two, we haven't
8 given it a chance for the municipality
9 to come in --

10 SECRETARY BOLTON: Right.

11 DIRECTOR ISLES: (Continuing) -- on
12 it either, and whether there are any
13 counterpoints that need to be made.

14 So I think it's informational,
15 though, we caution about putting too
16 much reliance on it in terms of facts at
17 this point. I'm not saying whether it
18 is or isn't, but just that it hasn't
19 been reviewed.

20 But as far as your point, if the
21 Commission would like us to certainly
22 pass this onto the municipality, I would
23 say yes, we should definitely be
24 doing that. And, further, if you'd like
25 it passed onto the DEC, we can do that

2 as well.

3 SECRETARY BOLTON: Because, I mean,
4 they can take their own action, they're
5 obviously going to look at this in terms
6 of its validity --

7 DIRECTOR ISLES: Right.

8 SECRETARY BOLTON: (Continuing) --
9 or non-validity. That's not our
10 position to even --

11 DIRECTOR ISLES: Right.

12 SECRETARY BOLTON: (Continuing) --
13 look at that. So I don't see the
14 difficulty with sending it to them.

15 DIRECTOR ISLES: No.

16 CHAIRMAN CARACCIOLO: Barbara?

17 MEMBER ROBERTS: I think it's
18 appropriate for me to talk a little bit
19 about the history. I am a resident of
20 Sag Harbor and I think, as you saw, that
21 parking lot has looked like that since
22 1980.

23 There has been at least 10 other
24 projects that have been put in front of
25 the community, and first I would say

2 that this is going over very, very well
3 with community. It's being extremely
4 closely watched for environmental and
5 how the project is going to be done.

6 A couple of things that I was --
7 that was very surprising to me today is,
8 within the media, this is being
9 presented totally as a condo project.
10 And when Andy and I were reviewing the
11 Code, the wording is that an apartment
12 building can be in the center of Town,
13 and Andy's taking the position that
14 "apartment building" means only rental.

15 I called the Sag Harbor Mayor's
16 office and they're saying they don't
17 know which it is. So that's kind of --
18 it makes me wonder, do we have to look
19 in, but the media definitely believes
20 it's a condo. Which the number one
21 concern in the community is whether or
22 not there's going to be affordable
23 housing in this development. And if
24 there's -- it's rental, I certainly can
25 see we can push for 20 percent

2 affordable housing, but if it's a condo
3 project, it becomes difficult to see how
4 that could happen.

5 MEMBER ESPOSITO: Yeah, but why?
6 Why is difficult for 20 percent
7 affordable -- if it's a condo?

8 MEMBER ROBERTS: How to --

9 VICE CHAIRWOMAN HOLMES: Because
10 people have to buy it.

11 MEMBER ROBERTS: How to make a
12 condo project work is -- you know, is --

13 MEMBER CALONE: Financially.

14 MEMBER ROBERTS: (Continuing) --
15 is --

16 MEMBER KONTOKOSTA: This project
17 will work fine financially. Twenty
18 percent affordable housing --

19 MEMBER ROBERTS: I'm totally --
20 yeah -- I just -- again --

21 MEMBER KONTOKOSTA: (Continuing) --
22 this is Sag Harbor property, this --

23 MEMBER ROBERTS: It's our
24 understanding in the community there's
25 nothing we can do to make that happen.

2 So that's -- I'd love to hear from the
3 Planning Commissioners and those who
4 have more experience of how to push,
5 because we want that to happen.

6 On that through street, I don't
7 think there's concern about that being a
8 speedway. It's a one-way street up
9 Church. There are two other streets
10 that are far more convenient for cutting
11 across. The Washington and Sage, that
12 takes you to -- right over to Main
13 Street. Church, actually, there isn't a
14 cut all the way to Main Street. So in
15 actual fact, the traffic flow does not
16 concern us on that street because people
17 go down the other two streets.

18 I would also say that there is more
19 concern in the community, however, on
20 traffic on Route 114. That that's a
21 major bypass now with Route 27 on
22 weekends, and so I think the community
23 would like a stronger statement of
24 concern on adding that -- this building
25 to 114.

2 We're very excited about having
3 parking underground, but we are
4 concerned because that vacant property
5 has been used for parking in the Town.
6 So is there enough attention being paid
7 to the fact that if this community goes
8 into this area, what's going to happen
9 with parking? Which is a very big
10 concern. There's some people who are
11 talking about -- that we may have to put
12 a four- to five-story parking lot if
13 that goes. So I think that might be
14 something that we might add.

15 I think those are my main things,
16 but do anything you can to help us on
17 affordable housing would definitely be
18 something to help the community.

19 On the two letters that we heard
20 about, we've had a number of public
21 hearings in Sag Harbor and neither of
22 these issues have ever been brought up
23 before.

24 So, first, on the non-union
25 contractors, I think those of us in the

2 community would like our local
3 contractors to be used on this project.
4 There are not very many union
5 contractors in the Hamptons. So I would
6 not recommend anything on that.

7 And certainly on asbestos removal,
8 as a citizen, I personally would like to
9 bring that to the attention of the
10 community. Okay.

11 CHAIRMAN CARACCIOLO: Thank you,
12 Barbara.

13 MEMBER KONTOKOSTA: Andy, you
14 mentioned in here the affordable housing
15 requirements of the Village of Sag
16 Harbor. Are there formal requirements?

17 MR. FRELENG: I couldn't find any
18 formal requirements for --

19 MEMBER KONTOKOSTA: Okay. Well, I
20 think as we mentioned, this project kind
21 of highlights something that's in the
22 Suffolk County guidelines about
23 affordable housing, about the difficulty
24 and the kind of ambiguous nature in
25 which it's listed in the guidelines

2 about how we're able to acquire
3 affordable housing.

4 I mean, from my perspective, this
5 is an incredible opportunity to get
6 20 percent affordable housing --

7 MEMBER ROBERTS: Absolutely.

8 MEMBER KONTOKOSTA: (Continuing) --
9 in Sag Harbor, whether it be ownership
10 or rental units. I mean, ownership
11 units have they're samples all across
12 Long Island, there are condominium
13 projects that have done this.

14 My concern here is if the Village
15 doesn't have the institution or the
16 apparatus or the structure in place to
17 handle the allocation, the maintenance,
18 the observation, oversight of these
19 units, how are we able to enforce them
20 without our own kind of apparatus to do
21 that? So what happens now is that we
22 have 20 percent affordable -- or we're
23 proposing 20 percent affordable, but do
24 we have strict guidelines of what income
25 levels we're looking for? Like how --

2 how the units will be disbursed among
3 the affordable requirement, who's going
4 to allocate these units. I mean, these
5 are all concerns that need to be worked
6 out.

7 DIRECTOR ISLES: Okay. I mean,
8 typically, it's been the policy of the
9 Commission -- and certainly the
10 Commission is considering revisions to
11 the guidelines on that particular point,
12 but the policy of the Commission has
13 been to push this forward in terms of
14 encouraging as a condition of approval,
15 but leaving it up to the municipalities
16 and localities to decide locally what
17 they consider to be affordable, what the
18 needs are, the greatest needs.

19 And then in terms of the
20 administrative structure, many
21 communities have to wrestle with that,
22 including the big towns, but now also
23 the smaller villages are having to deal
24 with -- including Patchogue, for
25 example, and there are ways of doing

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2 that, and, in fact, our Department of
3 Economic Development and Workforce
4 Housing in the County has taken an
5 active role.

6 So, you're right, there would have
7 to be an ongoing administrative
8 structure. Many used their community
9 development offices for contracted
10 community development agencies to do it.

11 The staff's position is now based
12 on the guidelines of the Commission as
13 they presently exist. It should be
14 20 percent, and that allowing the
15 communities to interpret and fine tune
16 that as they see fit.

17 We certainly don't see the
18 Commission in the role of second
19 guessing their determination of
20 what's --

21 MEMBER KONTOKOSTA: Of course.

22 DIRECTOR ISLES: (Continuing) --
23 affordable, nor do we see the Commission
24 in a role of administering this or
25 enforcing it.

2 If you feel that there should be
3 further elaboration in the comment in
4 terms of the affordability plus look at
5 the ongoing management of that,
6 certainly, that's something we'd be
7 happy to do.

8 MEMBER KONTOKOSTA: Well, I guess
9 the concern -- I mean, the County has
10 done and made great strides in pushing
11 affordable housing, it's just
12 unfortunate the County can't do more at
13 kind of that -- at that structural level
14 and support level to actually help out
15 small villages and towns like Sag
16 Harbor, that may not have the necessary
17 personnel to really --

18 MEMBER ROBERTS: There is --

19 MEMBER KONTOKOSTA: (Continuing) --
20 manage --

21 MEMBER ROBERTS: There is a
22 committee who has been formed that is
23 trying --

24 MEMBER KONTOKOSTA: Okay.

25 MEMBER ROBERTS: (Continuing) -- to

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2 put together a policy for the Town, but
3 I totally agree that that being one of
4 the projects that we take up as the
5 Planning Commission to help.

6 Just one other thing that I thought
7 of, too, going back to this morning.
8 The basic Code in Sag Harbor has not
9 been revised since the early '80s. So I
10 also would very strongly urge adding a
11 clause onto here that Sag Harbor look at
12 updating their comprehensive plan and
13 their zoning. We have a couple of other
14 condominium projects coming up, so it
15 would be helpful that -- if there was a
16 plan in place.

17 DIRECTOR ISLES: The only comment,
18 if I could, on that is I'm -- I'm not
19 sure if we can make the reasonable nexus
20 to go into that large a question.

21 MEMBER ROBERTS: Okay.

22 DIRECTOR ISLES: Just speaking of
23 the Department, if you want to think
24 about how we would approach the Village.

25 I wouldn't want to either offend

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2 the Village or kind of get off message
3 in terms of this application. So I'd
4 just like the chance --
5 MEMBER ROBERTS: Okay.
6 DIRECTOR ISLES: (Continuing) -- to
7 think about that --
8 MEMBER ROBERTS: Or encourage --
9 maybe encourage then --
10 DIRECTOR ISLES: (Continuing) --
11 assess the livery of that.
12 MEMBER ROBERTS: Maybe use the word
13 "encourage" an update or something --
14 MEMBER KONTOKOSTA: But maybe not
15 as a comment here, you're saying?
16 DIRECTOR ISLES: Yes.
17 MEMBER ROBERTS: Right.
18 VICE CHAIRWOMAN HOLMES: Picking up
19 on what Commissioner Roberts noted about
20 the concern in the community and the
21 fact that the asbestos issue has not
22 come up, I would hope that we can, in
23 our comments, address the asbestos
24 issue. And I'm encouraged to think that
25 you're going to pass the letters on to

2 the community because one of the things
3 that struck me, with what Don was
4 saying, was not only the people working
5 there or the people coming to live, but
6 as we all know and as we tragically
7 found out with 9/11, among other things,
8 asbestos particles get into the area and
9 travel in the air. There was a large
10 parochial elementary school just up the
11 block, and the concern about asbestos, I
12 think, is multifaceted and I would like
13 to see us, you know, have some sort of
14 comment that more deeply addresses that
15 particular concern, along with the lead.

16 MEMBER FIORE: (Indicating)

17 CHAIRMAN CARACCIOLO: Don?

18 MEMBER FIORE: Just to go a little
19 further, asbestos will stay airborne for
20 72 hours, that's number one; and number
21 two, asbestos does not get you early in
22 life --

23 VICE CHAIRWOMAN HOLMES: No.

24 MEMBER FIORE: (Continuing) --

25 asbestos gets you later on in life. And

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2 if you have nothing to fall back on, you
3 are considered a -- you're lost. It's
4 done. It's finished.

5 All right. That's why it's so -- I
6 have to tell you, it's personal with me,
7 my father died from asbestos-related
8 cancer --

9 VICE CHAIRWOMAN HOLMES: So did my
10 brother-in-law.

11 MEMBER FIORE: (Continuing) -- his
12 lungs, and it happened to him 40 years
13 after he was --

14 VICE CHAIRWOMAN HOLMES: The same
15 with my brother-in-law --

16 MEMBER FIORE: (Continuing) --
17 exposed to it.

18 VICE CHAIRWOMAN HOLMES:
19 (Continuing) -- in the Navy.

20 MEMBER FIORE: You know, so it's
21 something that I'm very concerned -- not
22 just for myself -- you know, he's been
23 dead a long time now, so it's not just
24 for myself, it's for people, period,
25 that are exposed. Once that stuff gets

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2 into the air it stays in the air.

3 VICE CHAIRWOMAN HOLMES: Right.

4 Everybody on --

5 MEMBER FIORE: And --

6 VICE CHAIRWOMAN HOLMES:

7 (Continuing) -- the street --

8 MEMBER FIORE: And asbestos will
9 not -- the fibers of asbestos will
10 not -- will not -- and cannot be removed
11 from your lungs.

12 VICE CHAIRWOMAN HOLMES: That's
13 true.

14 MEMBER FIORE: All right. There --
15 it's like a -- almost like a barbed --
16 like you have in a fish hook, that's
17 what the asbestos are like. Once it
18 gets in, it penetrates, it can't pull
19 out.

20 MEMBER CALONE: Well, I think we
21 have a comment in there that -- Andy, is
22 that DEC comment going to help address
23 that in terms of, you know, making sure
24 that whatever our State experts are and
25 environmental --

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2 MEMBER ESPOSITO: No, I think --

3 MR. FRELENG: My notes --

4 MEMBER ESPOSITO: I think it has to
5 be more, because the DEC --

6 MR. FRELENG: Yeah.

7 MEMBER ESPOSITO: (Continuing) --
8 was really referring to -- in their --
9 their remediation with soil and
10 groundwater.

11 VICE CHAIRWOMAN HOLMES:

12 Groundwater.

13 MEMBER ESPOSITO: I don't think
14 they tackled the issue of the asbestos
15 remediation.

16 CHAIRMAN CARACCILO: But, Andy,
17 you had mentioned that, you know, it's
18 not in our jurisdiction to be the
19 administrators of DEC or to monitor what
20 contractors -- or to monitor lead paint
21 or that. But I also believe that this
22 Board has a responsibility to the
23 citizens and the residents of Suffolk
24 County that we -- you know, if
25 information, as Don has brought up -- I

2 mean, that we have to address that maybe
3 in a statement of concern, you know, in
4 this proposal. Because, you're right,
5 this is a good application and it -- you
6 know, as we've mentioned, it does look
7 like it's a good project, you know, in a
8 community that has community support,
9 but there are definitely some issues.

10 Now, this is a landmark. Is that
11 requirement that they have to use
12 certain -- is there a requirement
13 because it's a landmark that they have
14 to use certain walls, certain fixtures,
15 certain --

16 MR. FRELENG: I'm not sure what the
17 requirements are --

18 CHAIRMAN CARACCILO:
19 (Continuing) -- that is a landmarked
20 building.

21 MR. FRELENG: (Continuing) -- it's
22 a landmark, I don't know.

23 VICE CHAIRWOMAN HOLMES: I think if
24 it's a landmarked building, the exterior
25 can't be changed.

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2 SECRETARY BOLTON: Generally, it's
3 the exterior --

4 CHAIRMAN CARACCIOLO: Right.

5 SECRETARY BOLTON: (Continuing) --
6 of the building.

7 MR. FRELENG: I will expand -- I'm
8 sorry.

9 SECRETARY BOLTON: And I was
10 looking for the line in here where it
11 said use of historic material --

12 CHAIRMAN CARACCIOLO: Right.

13 MEMBER FIORE: No, it was on the --

14 SECRETARY BOLTON: I think --

15 MEMBER FIORE: (Continuing) -- he
16 had brought it up on the screen.

17 SECRETARY BOLTON: Oh, okay.

18 CHAIRMAN CARACCIOLO: On the
19 green --

20 SECRETARY BOLTON: Because --

21 MEMBER FIORE: Right.

22 SECRETARY BOLTON: (Continuing) --
23 you're not talking about keeping lead
24 paint, you're talking about keeping
25 architectural features, should they be

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2 there.

3 MEMBER ESPOSITO: Like the windows.

4 SECRETARY BOLTON: That's really
5 what -- so -- and -- and even that, in
6 many landmark laws, the interior's not
7 protected in any way.

8 CHAIRMAN CARACCIOLO: Right. Okay.

9 SECRETARY BOLTON: Basically,
10 you're looking at a facade.

11 MEMBER ROBERTS: There's virtually
12 nothing left in the interior of the
13 building. It is only brick walls
14 standing. In fact, the reason -- the
15 brick walls are starting to come
16 tumbling down.

17 MEMBER ESPOSITO: Right.

18 MEMBER ROBERTS: It's become a
19 hazard that people are concerned, the
20 brick was --

21 CHAIRMAN CARACCIOLO: Right.

22 MEMBER ROBERTS: (Continuing) --
23 coming down. So even -- I made -- I'd
24 like to even check the fact of asbestos,
25 if this -- this was possible -- I went

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2 on the site myself and all you -- all
3 that's there is brick, even inside so --
4 MEMBER FIORE: Right. And, you
5 know, I'd like to say something on that.
6 MEMBER ROBERTS: Yeah.
7 MEMBER FIORE: If you'll notice
8 over in Pilgrim State --
9 MEMBER ROBERTS: Uh-huh.
10 MEMBER FIORE: (Continuing) -- they
11 did some demolition over there. That
12 demolition now stays in place and has
13 not been moved. The reason why it has
14 not been moved is because some of the
15 paint that was on the brick and some of
16 the brick itself was made with asbestos.
17 MEMBER ROBERTS: Right.
18 MEMBER FIORE: And now they don't
19 know what to do with it.
20 MEMBER ROBERTS: Uh-huh.
21 MEMBER FIORE: Now, I'm not saying
22 that brick at Sag Harbor has asbestos in
23 it --
24 SECRETARY BOLTON: Has a --
25 MEMBER ROBERTS: But it's just

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2 something to raise.

3 MEMBER FIORE: (Continuing) -- but
4 it's something that has never been
5 brought up here before.

6 MEMBER ROBERTS: Yeah.

7 MEMBER FIORE: I'm not -- it was
8 brought up here today --

9 MEMBER ROBERTS: Yeah.

10 MEMBER FIORE: (Continuing) -- with
11 the asbestos. You know, my concern
12 is -- is a lot of things, but lead paint
13 is lead paint. Now, we know we're not
14 going to keep paint on the walls that
15 was from --

16 SECRETARY BOLTON: Right.

17 MEMBER FIORE: (Continuing) -- from
18 historic -- you know, we're going to
19 take this stuff down, we'll go down to
20 brick walls and then we're going to put
21 up whatever we have to put up there or
22 they have to put up there. I'm just
23 concerned with -- with a -- I don't
24 know, it seems like almost like a
25 cavalier -- don't take me --

2 MEMBER ROBERTS: I --

3 MEMBER FIORE: (Continuing) --
4 wrong now, please.

5 MEMBER ROBERTS: (Continuing) --
6 totally agree.

7 MEMBER FIORE: It was almost
8 like -- and, Andy, it has nothing to do
9 with you -- it's almost like that the
10 developers or whoever's presenting the
11 plan to almost have this cavalier-type
12 thing where they're saying, we're going
13 to build this building, we want to do
14 this, we're going to give 20 percent
15 housing, we'll have 81 parking -- or
16 128 parking spaces and everything; when
17 the real issue is, listen, is this place
18 clean enough for us to do this? And
19 that's what I'm not satisfied with.

20 All right. I've got to tell you
21 right now, nothing to do with anything
22 else other than the safety of the
23 people, the safety of the citizens of --
24 the residents of Sag Harbor. You know,
25 if it gets to where I live, asbestos

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2 fibers from where I live, we've got some
3 problems. But, you know, it shouldn't
4 happen -- it shouldn't happen to where
5 you live.

6 MEMBER ROBERTS: I live one mile
7 away --

8 MEMBER FIORE: And it shouldn't
9 happen --

10 MEMBER ROBERTS: (Continuing) --
11 from here so I -- thank you, Don.

12 MEMBER FIORE: And it shouldn't happen
13 to where the school children are.

14 VICE CHAIRWOMAN HOLMES: He's
15 right.

16 MEMBER ROBERTS: And there's a
17 school one mile away, you're
18 absolutely right.

19 CHAIRMAN CARACCILO: Wait, wait --

20 MEMBER FIORE: So that's how I
21 feel. I'm getting emotional now --

22 MEMBER ROBERTS: I understand
23 and --

24 MEMBER FIORE: (Continuing) -- so I
25 apologize.

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2 CHAIRMAN CARACCIOLO: Let's get
3 back in order.

4 MEMBER FIORE: That's right. I
5 apologize.

6 CHAIRMAN CARACCIOLO: Back in
7 order --

8 MEMBER FIORE: Put me back in
9 order, would you?

10 CHAIRMAN CARACCIOLO: All right.

11 MEMBER ESPOSITO: Put me back in
12 order.

13 MEMBER ROBERTS: I guarantee this
14 will be brought to everyone's attention.

15 MEMBER FIORE: Thank you so much,
16 Barbara.

17 MEMBER KONTOKOSTA: Just -- just on
18 that note, I mean, the asbestos issue is
19 very important, of course. Just, the
20 concern also is, though, that, if
21 nothing's done, then you have more of an
22 issue of environmental contamination --

23 MEMBER FIORE: No --

24 MEMBER KONTOKOSTA: (Continuing) --
25 if no one responsibly moves in and --

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2 MEMBER FIORE: I didn't --

3 MEMBER KONTOKOSTA: (Continuing) --
4 remediates.

5 MEMBER FIORE: (Continuing) --
6 you're right. Right. You're right.
7 But what I'm trying to say is, get the
8 thing done right now --

9 MEMBER KONTOKOSTA: Absolutely. I
10 agree.

11 MEMBER FIORE: (Continuing) -- so
12 we can get the project done.

13 Do I agree with the project? It's
14 a beautiful project. I know where it
15 is --

16 SECRETARY BOLTON: Yeah.

17 MEMBER FIORE: (Continuing) -- I
18 have some good friends who live in Sag
19 Harbor. I know exactly where it is,
20 been there, looked at it, saw it. I
21 just don't want to have problems, that's
22 all.

23 MEMBER CALONE: So write a comment
24 on that?

25 SECRETARY BOLTON: Yeah, you're

2 right.

3 CHAIRMAN CARACCIOLO: Yeah, I
4 think -- Andy -- and -- and we can, and
5 we are in -- within our right, and as I
6 say, to protect the citizens of Suffolk
7 County, that, you know, we can very
8 strongly emphasize that this project --
9 the DEC report and the project has to be
10 done correctly, and it has to be done up
11 to standards and they -- and they -- and
12 transfer that back.

13 MEMBER ROBERTS: That's good.

14 SECRETARY BOLTON: That's good.

15 MR. FRELENG: Mr. Chairman, what
16 I'm proposing to do is rewrite the third
17 bullet under comments, if that's the
18 consensus of the Commission. Also, I
19 would need to know if you want to change
20 that to some sort of condition or do you
21 want to leave it as a comment?

22 CHAIRMAN CARACCIOLO: I think
23 absolutely the feeling amongst this
24 Board is to have it as a condition.

25 MEMBER FIORE: Condition.

2 VICE CHAIRWOMAN HOLMES: Condition.

3 CHAIRMAN CARACCIOLO: I mean, does
4 the Board agree?

5 VICE CHAIRWOMAN HOLMES: Yes. And
6 underscore the DEC jurisdiction does not
7 include air quality, because of the
8 asbestos concern.

9 The air quality for the residents
10 of the Village as well as the workers
11 and the ultimate residents in the
12 project is of great concern to us.

13 CHAIRMAN CARACCIOLO: That's a good
14 point.

15 (Overlapping conversations)

16 MEMBER FIORE: The asbestos
17 licenses are given out by the Department
18 of Health.

19 MEMBER ESPOSITO: It's New York
20 State DOH.

21 VICE CHAIRWOMAN HOLMES: Let's put
22 it Department of Health.

23 CHAIRMAN CARACCIOLO: Okay. And I
24 think, you know, our other main concern
25 is that residents or the workers, it

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2 goes -- goes in with eyes wide
3 open, that they know what this was, what
4 was there and they have access to the
5 reports from the Department of Health
6 and Environmental.

7 VICE CHAIRWOMAN HOLMES: Yes.

8 CHAIRMAN CARACCIOLO: The DEC.

9 VICE CHAIRWOMAN HOLMES: The
10 Department of Health would be a very
11 good addition.

12 MR. FRELENG: Okay. We'll make
13 that change.

14 MEMBER ROBERTS: Okay.

15 MR. FRELENG: Okay. So with that
16 change --

17 CHAIRMAN CARACCIOLO: All right.
18 So are there any other comments on --

19 VICE CHAIRWOMAN HOLMES: Let's get
20 Barbara to move the staff report.

21 CHAIRMAN CARACCIOLO: Barbara, want
22 to --

23 MEMBER ROBERTS: Yes.

24 CHAIRMAN CARACCIOLO: Dave, you
25 want to second that?

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2 MEMBER ROBERTS: Thank you.

3 MEMBER CALONE: Yes.

4 MEMBER ESPOSITO: (Indicating)

5 CHAIRMAN CARACCIOLO: Adrienne?

6 MEMBER ESPOSITO: Well, I just -- I
7 have to say this is a little befuddling.
8 Okay. It says between -- you know, it's
9 designated -- it was designated a "Class
10 2" Inactive Waste Site in 1987. Then
11 "between 1993 and 2005, soil and
12 groundwater remediation" -- you know,
13 was underwent and was achieved. But in
14 the middle of that groundwater and soil
15 remediation, in the year 2000, DEC
16 reported groundwater is contaminated,
17 but the Suffolk County Water Authority
18 did tests and didn't find anything.

19 MR. FRELENG: In the wells.

20 MEMBER BRAUN: In the residential
21 wells.

22 MR. FRELENG: In the private supply
23 wells.

24 MEMBER ROBERTS: They were testing
25 the wells.

2 SECRETARY BOLTON: The
3 surroundings.

4 MEMBER ESPOSITO: Yeah, no, I
5 understand. But that's unlikely just --
6 it defies a little bit of logic,
7 because, as you know, groundwater
8 doesn't stay on site, it doesn't know
9 site boundaries. So it's a little --
10 I'm just raising it, it's a little -- it
11 doesn't really make a lot of sense,
12 what's happening.

13 And then the last sentence in that
14 paragraph states that the Site
15 Management Plan established
16 "post-construction soils or on-site
17 soil-gas issues via engineering
18 controls." That's, you know, kind of
19 code for if they find the intrusion,
20 they'll vent. That's the way I would
21 interpret that.

22 DIRECTOR ISLES: Right.

23 MEMBER ESPOSITO: So it's a
24 little -- I don't know.

25 MR. FRELENG: I can only say that

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2 this is a summary of the summaries --

3 MEMBER ESPOSITO: I know.

4 MR. FRELENG: (Continuing) -- and
5 reports that came to us. And one
6 logical explanation might be that the
7 plume is deeper than the supply -- water
8 supply was for those individual homes.
9 I don't know, but I quickly
10 summarized --

11 MEMBER ESPOSITO: That would be
12 unlikely, though, given that it's so
13 close to the water.

14 MR. FRELENG: It's shallow. You're
15 right.

16 MEMBER ESPOSITO: It's shallow.
17 That would be an answer if it wasn't in
18 the location it's in.

19 DIRECTOR ISLES: The other factor,
20 too, it's being cleaned up to certain
21 standards. And so it may be within the
22 standards but there still may be
23 pockets, as in doing excavation and so
24 forth, materials that are released that
25 may also require venting on site at that

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2 time.

3 There is a lot to this --

4 MEMBER ESPOSITO: I know.

5 DIRECTOR ISLES: (Continuing) --

6 the referral was rather substantial --

7 MR. FRELENG: Yes.

8 DIRECTOR ISLES: (Continuing) --

9 and it is the obligation of the lead
10 agency of the Village to consider that.

11 MEMBER ESPOSITO: Right. I know.

12 DIRECTOR ISLES: And so we agree
13 with it.

14 CHAIRMAN CARACCIOLO: Andy, so we
15 do have a motion, we have a second on
16 the floor. If there are no other
17 comments, I'd like to go with that
18 motion and that second.

19 Okay. All those in favor of
20 accepting the staff report --

21 MS. CAPUTI: With the comments --

22 CHAIRMAN CARACCIOLO: With the
23 comments and the additions.

24 Thank you, Counselor.

25 All those in favor, please raise

2 your hands.

3 (WHEREUPON, the members voted.)

4 CHAIRMAN CARACCIOLO: Ten. Okay.

5 And any opposed?

6 (WHEREUPON, the members voted.)

7 CHAIRMAN CARACCIOLO: No opposed.

8 Any abstentions?

9 (WHEREUPON, the members voted.)

10 CHAIRMAN CARACCIOLO: The motion

11 carries.

12 MR. FRELENG: Okay. Those are the

13 municipal zoning actions.

14 CHAIRMAN CARACCIOLO: All right.

15 Peter, we're all set.

16 MR. LAMBERT: Okay. We have one

17 subdivision for your review, and it's

18 actually a resubmission. This is

19 something that came in two months ago.

20 It's called F.S.C.P. Plat, from the

21 Town of Huntington. It is adjacent to

22 State Route 25A, which is here

23 (indicating), and also within 500 feet

24 of lands owned by Suffolk County.

25 The zoning classification on the

2 property is R-40, which is one acre
3 residential. And there's currently one
4 house on the property here (indicating).

5 The character of the site is mostly
6 wooded with a very sloping topography.
7 It's lower here and it goes up to here
8 (indicating), like a plateau.

9 So what we needed last time -- two
10 months ago, the Commission deemed the
11 application incomplete because there
12 wasn't enough information about the
13 slopes on the site, which we now did
14 receive. The elevation within the site
15 is between 54 and 132 feet above sea
16 level.

17 The range of slopes is mostly 15 to
18 35 percent, and at the top, it's just 3
19 to 8 percent. So it's very steep here
20 (indicating), up to sort of a plateau
21 all the way in the back.

22 The area of the tract is 3.72
23 acres. The Applicants propose to
24 subdivide the three lots and
25 actually reconfigure them into two lots

2 with the new lot line going right here
3 (indicating). Demolish this residence,
4 build a new residence here (indicating)
5 and another one on the other lot, and
6 reuse its existing driveway.

7 This is the site plan (indicating).

8 So demolish a residence here
9 (indicating), build this (indicating),
10 build this one (indicating), reuse this
11 driveway here (indicating), sort of
12 expand it and repave it.

13 The property located on the south
14 side of State Route 25A, opposite and
15 east of Makamah Road and Fort Salonga.
16 The property is generally surrounded by
17 low density residential development.
18 Directly to the southeast -- that's the
19 slope analysis (indicating) -- to the
20 south and east we have a residential
21 development, mostly around -- this is a
22 LIPA right-of-way here (indicating).

23 Access is proposed to be from two
24 existing driveway points to Route 25A --
25 one here (indicating) and one here

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2 (indicating) for the other resident.

3 This site contains extensive steep
4 slopes that you can see from the slope
5 analysis provided by the Town of
6 Huntington. It's actually a little hard
7 to see it. This is the actual map that
8 they showed -- that they gave us.

9 All of the areas that are shaded
10 are more than 15 percent slope. So the
11 County Plan Commission guidelines really
12 don't allow for development on clearing
13 of areas less than 50 percent. So they
14 did provide this (indicating), and
15 that's the basis for our decision.

16 MEMBER ESPOSITO: Once again, it
17 violates their own orders.

18 CHAIRMAN CARACCIOLO: It violates
19 the 10 percent order of the Town of
20 Huntington, right.

21 Why don't we sum this one up, Pete.

22 MEMBER ESPOSITO: Yeah, let's bring
23 it home.

24 CHAIRMAN CARACCIOLO: Bring it
25 home.

2 MR. LAMBERT: The slope analysis
3 submitted to the Commission by the Town
4 of Huntington shows how extreme the
5 slopes are on the property. Lot 2,
6 which is over here (indicating),
7 contains no possible building envelope
8 where slopes are less than 15 percent,
9 which is the limit allowed by Commission
10 guidelines. A large area would have to
11 be cleared and re-graded leading to a
12 loss of native vegetation and possible
13 excessive soil erosion and surface water
14 runoff onto State Route 25A right here
15 (indicating).

16 The site is also located on State
17 Route 25A, where traffic moves at a
18 pretty rapid pace, and the road is also
19 very steep and hilly. The two
20 preexisting curb cuts on Route 25A are
21 going to be the proposed access to from
22 25A to the property. The map retains
23 both curb cuts. However, these
24 driveways access the state route at a
25 severe angle. For safety purposes, any

2 driveway to the state road should make
3 an approximately 90 degree angle with
4 the road. And that's one of the
5 Commission policies.

6 So we're recommending disapproval
7 because of the steep slopes on most of
8 the property, and also because the two
9 driveways access Route 25A at a severe
10 angle.

11 CHAIRMAN CARACCIOLO: Thank you,
12 Peter.

13 Motions in order?

14 MEMBER FIORE: (Indicating)

15 MEMBER ESPOSITO: Oh, I make a
16 motion --

17 CHAIRMAN CARACCIOLO: Don.

18 Seconded by Adrienne.

19 All those in favor?

20 (WHEREUPON, the members voted.)

21 CHAIRMAN CARACCIOLO: Opposed.

22 (WHEREUPON, the members voted.)

23 SECRETARY BOLTON: I have to
24 abstain.

25 CHAIRMAN CARACCIOLO: And one

2 abstention.

3 Thank you.

4 For the Commissioners Roundtable,

5 we'll go real quick.

6 Don, I just want to --

7 MEMBER FIORE: Nothing --

8 CHAIRMAN CARACCIOLO: I just want

9 to thank you for leading us in a very

10 active and important discussion.

11 MEMBER FIORE: I don't know how

12 active and important --

13 CHAIRMAN CARACCIOLO: That was --

14 that was very important. It really was

15 to bring to light the issues that -- you

16 know, sometimes we have to look at. And

17 in the training -- I know you weren't

18 here for the training -- they did go

19 over, you know, tests -- like how we put

20 certain applications -- the tests that

21 we put the applications through, and one

22 item that was on the test was the moral

23 and ethical, you know, issue, and I

24 think you brought that up and brought

25 that to life.

2 MEMBER FIORE: Well, it is, but,
3 you know, there were other tests -- you
4 know.

5 CHAIRMAN CARACCILO: It was gut
6 checked. Appreciate it. Thank you.

7 MEMBER FIORE: Thank you.

8 MEMBER ESPOSITO: Gut checked.

9 MEMBER KONTOKOSTA: Nothing to
10 report.

11 MEMBER CALONE: A quick question or
12 a quick, just, suggestion.

13 I was wondering if we could get an
14 update on the subcommittee's work at
15 some point, maybe the next meeting or
16 two. I think I'd raised the issue once
17 to have the subcommittee look at like
18 the economically disadvantaged and
19 minority kind of areas and what things
20 we should be considering with that. And
21 I know -- I think Edward raised last
22 time, kind of the economic impacts in
23 these larger developments, and I think
24 these might be new items for the
25 subcommittee's agenda, but also

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2 wondering what other things they're
3 tackling. So if we can get an update,
4 that would be great.

5 CHAIRMAN CARACCIOLO: Okay Don.

6 Thank you.

7 (WHEREUPON, Member Fiore left the
8 proceeding.)

9 (Time noted 1:55 p.m.)

10 MEMBER ROBERTS: Can I ask what the
11 subcommittee needs to referred to, is it
12 just something from the annual meeting
13 with --

14 CHAIRMAN CARACCIOLO: Yes.

15 DIRECTOR ISLES: From the
16 guidelines.

17 CHAIRMAN CARACCIOLO: From the
18 guidelines we set up to subcommittee
19 one -- a nominating subcommittee and
20 a --

21 MEMBER CALONE: I think there was
22 set up before I was a member.

23 DIRECTOR ISLES: Yeah, and that
24 committee is looking at the revisions to
25 the guidelines, or update to the

2 guidelines.

3 CHAIRMAN CARACCIOLO: Okay. So --

4 DIRECTOR ISLES: I believe that --

5 MEMBER CALONE: Right. And that's

6 why I think that some of the issues

7 might -- how we look at certain things

8 could be addressed by that subcommittee

9 so I was just wondering --

10 DIRECTOR ISLES: Okay.

11 MEMBER CALONE: (Continuing) -- how

12 things were going with that.

13 DIRECTOR ISLES: We'll provide an

14 update at the next meeting.

15 MEMBER CALONE: Great.

16 MEMBER PRUITT: Nothing to report.

17 VICE CHAIRWOMAN HOLMES: Nothing.

18 CHAIRMAN CARACCIOLO: Oh, my gosh.

19 Adrienne?

20 MEMBER ESPOSITO: Nothing, but I

21 have a small request. I'd like to know

22 if we can have each of the Planning

23 Commission get notified of the Long

24 Island Regional Planning Board meetings.

25 DIRECTOR ISLES: Sure.

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2 MEMBER ESPOSITO: I used to be on
3 the mailing list, but then somehow got
4 bounced off and --

5 CHAIRMAN CARACCIOLO: I wonder why.

6 MEMBER ESPOSITO: (Continuing) --
7 apparently -- yeah -- well, Sarah did,
8 too, so I felt better.

9 DIRECTOR ISLES: Well, we'll bounce
10 you back on; okay?

11 MEMBER ESPOSITO: Yeah, this way we
12 can have notice of it.

13 CHAIRMAN CARACCIOLO: Sarah,
14 anything?

15 MEMBER LANDSDALE: Nothing to
16 report.

17 CHAIRMAN CARACCIOLO: You have a
18 very interesting event coming up --
19 program.

20 MEMBER LANDSDALE: Oh, yes, we
21 have -- thank you.

22 CHAIRMAN CARACCIOLO: No problem.

23 MEMBER LANDSDALE: Sustainable Long
24 Island is hosting a conference on
25 April 20th on sustainable development on

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2 Long Island, and there's a number of
3 panels with respect to green design,
4 municipal corporations with community
5 groups, so on and so forth. I have
6 invitations if anyone would like one.

7 CHAIRMAN CARACCIOLO: Thank you.

8 MEMBER ROBERTS: So I was just
9 hoping at a future meeting that we can
10 hear more about this special work that
11 the Commission does and have a
12 discussion of some of the work such as
13 developing plans for affordable housing
14 that would be helpful to our community.

15 CHAIRMAN CARACCIOLO: Thank you.

16 Charla?

17 SECRETARY BOLTON: Nothing to
18 report.

19 CHAIRMAN CARACCIOLO: Bob, what we
20 usually do is just go around the table
21 and --

22 MEMBER BRAUN: I figured that out.

23 CHAIRMAN CARACCIOLO: Why don't you
24 use the opportunity to --

25 MEMBER BRAUN: I'd just like to say

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2 hello to everybody, and I'm flattered to
3 be here and hope to become an active
4 participant as soon as I figure out
5 what's going on.

6 CHAIRMAN CARACCIOLO: Thank you.
7 It's good to have you on board.

8 MEMBER BRAUN: Thank you.

9 CHAIRMAN CARACCIOLO: Counselor,
10 are we good?

11 MS. CAPUTI: We're good, but --

12 CHAIRMAN CARACCIOLO: Okay.

13 MS. CAPUTI: (Continuing) --
14 Jennifer Kohn will be attending most of
15 the meetings from now on.

16 CHAIRMAN CARACCIOLO: Are there
17 motions in order to adjourn?

18 MEMBER PRUITT: Motion to adjourn.

19 CHAIRMAN CARACCIOLO: Help me, Ed.

20 MEMBER CALONE: Second.

21 CHAIRMAN CARACCIOLO: Thank you,
22 Dave.

23 (WHEREUPON, this proceeding was
24 adjourned at 1:58 p.m.)

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C E R T I F I C A T E

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

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

12

13

14

15

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

16

17

IN WITNESS WHEREOF, I have hereunto set my
hand this 4th day of April, 2007.

18

19

20

21

THERESA PAPE

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