SUFFOLK COUNTY PLANNING COMMISSION

12:10 P.M.
MAY 2, 2007

Legislative Auditorium
725 Veterans Memorial Highway
Hauppauge, N.Y.

APPEARANCES

JOHN CARACCIOLO, Chairman
JENNIFER KOHN, ESQ.
CONSTANTINE KONTOKOSTA
BARBARA ROBERTS
DAVID CALONE
LINDA HOLMES, Vice Chair
THOMAS ISLES, Director of Planning
ROBERT BRAUN
SARAH LANDSDALE
THOMAS MC ADAM
CHARLA BOLTON, Secretary
JESSE R. GOODALE, III
ANDREW P. FRELENG, AICP, Chief Planner

ACCURATE COURT REPORTING (631) 331-3753
THE CHAIRMAN: Good afternoon, everyone.
The Suffolk County Planning Commission hearing is now in session. If we could please rise for the Pledge of Allegiance.
(The Pledge of Allegiance was given.)
THE CHAIRMAN: All right, we'll start off with the public portion. We have one member of the public that wishes to speak, Joseph Buzzell.
MR. BUZZELL: Yes.
THE CHAIRMAN: I'll try not to cut you off but I'll give you the high sign in three minutes if you go a little long.
MR. BUZZELL: It will be brief. I am the attorney for Unicorp National Development which has a project pending in the Town of Babylon on Commack Road in the Deer Park section.
It has been subject to a lot of review by the Town. We have been in the system for a number of years now. The site is predominantly high industrial zone, industrial H which is heavy industrial.
The only other heavy H in the Town is in
the proximity of the landfill. This would be redeveloped eliminating junkyards which are far outdated and industrial property in an area that's not suited to industrial any further.

We have eliminated from the project fast food restaurants, gasoline service stations. We have downsized the square footage of the retail several times.

We are making a number of roadway improvements to the area, both dedicated to the Town of Babylon on the two streets and dedication to the County in terms of Commack Road.

We are contributing to off site improvements of the Commack Road area. Tanger is making a contribution in accordance with the size of the Tanger project.

We are making a contribution in terms of resignalizing, restriping and other roadway improvements in the area generally.

We will also be putting in a widening for a turning lane at the corner of Nichols and Deer Park Avenue.
Deer Park Avenue is basically the next large commercial thoroughfare going to the east. The Town of Babylon holds a piece of property there but they do not have the money to put in that improvement.

We will be putting in that improvement as well. We are doing some work directly appertinent to our society and then contributing the things that will be going on in the area.

We are also contributing to optical preemption systems in terms of lighting in the area. We are putting in a lot of, we have upgraded the landscaping multiple times.

But the Town of Babylon has adopted a negative declaration. The Town of Babylon has also adopted a resolution from its Planning Board with a recommending approval of the rezoning. There are quite a number of conditions and recommended covenants off the resolution.

If the Board does not have that
individually. I would far exceed the three minutes.

This is a project that has been around for quite some time. Heavy industrial zoned property in proximity to housing in an area which Long Island Avenue, a Town road, there's a lot of junkyards and a lot of old industries.

It is a local shopping center. It is not a regional draw. The uses, bank of Smithtown, a drugstore, there's an Office Max.

There's a mom and pop retail being relocated in an existing strip center that's on the property, not including the bar that's there, not including the OTB that's there.

But it's designed to serve the local uses very much contradictory to Tanger which is a regional mall which will bring in people throughout Nassau County and Suffolk County and then from the City.
These uses are to serve people in the area. Nobody drives from one town to another to go to the drugstore. You are either passing by the site or you live in proximity. This is what this site is, very different from Tanger. But we recognize the situation with the Commack Road corridor. And in connection with the discussions with the DPW which has issued its comments saying it is comfortable with the job and in connection with the Town of Babylon, we have already, we have to iron out a few of the dollar figures.

But we have already acknowledged that we will be making a very sizable contribution to roadway improvements in the area, specifically making dedications on our site and specifically improving that one intersection, you know, where Nichols Road which is the northerly town street comes into Long Island Avenue.

So we believe that it will be a very positive development in this area and help
upgrade the area.

And I'm also, not in connection with traffic, we have more parking than is actually required on the site. And we have

lights at Nichols Road and at Long Island Avenue.

If the Board has any questions, we are here. But that basically concludes my comments.

If the Board does not have a copy of the Planning Board recommendation for approval, I'll turn it in. If it does, there is no reason to offer it again.

THE CHAIRMAN: Do you want that?

MR. FRELENG: I believe we have a copy of that in the file.

THE CHAIRMAN: Thank you.

MR. BUZZELL: Thank you very much.

THE CHAIRMAN: Thank you, Counsel.

I appreciate your coming down. I'm going to read the minutes of the March 7th meeting.

Did everyone receive their copy of the
Copy of SUFFOLKC.txt

minutes and have you had the opportunity to

review them?

MS. HOLMES: I have just a couple of
typo corrections. The first one on page 30,
I know the transcriber was working
phonetically.

ACCURATE COURT REPORTING (631) 331-3753

But line 4, could we perhaps spell
Koppelman's name correctly? It's Koppelman.
I think we need to do that. He's such a
legendary person.

And then on page 129 there was, the
first paragraph, the next to last line, I
believe that should read, the proposal is for
floating zones, not closing zones. Those are
my only two things.

THE CHAIRMAN: Anybody else?

MR. BRAUN: I'm not sure the attendance
is complete on the second page.

THE CHAIRMAN: That was your first
meeting. That's good. And you wouldn't
get paid.

MR. BRAUN: I thought I would get
paid double.

Page 8
MS. BOLTON: Also on page 129 at the bottom, Commissioner Roberts. He said, I just want to clarify, page 129, line 23.

And it says, "I just want to clarify this farm issue". And it's supposed to be Coram issue.

THE CHAIRMAN: Thank you.

THE CHAIRMAN: A motion is in order to accept the minutes.

MS. BOLTON: So move.

THE CHAIRMAN: Second?
MS. HOLMES: Second.

THE CHAIRMAN: All those in favor?

(Unanimous aye.)

THE CHAIRMAN: Motion carried.

Directors' report.

MR. ISLES: Thank you, Mr. Chairman.

Let me begin by noting that we do have a new representative to the Planning Commission from the Town of Southold. Mr. Thomas McAdam is joining us. And the Commission now has a membership of thirteen.

So we have been making great headway in that regard in filling the vacancies. We have two remaining vacancies, one in the Town of East Hampton and one at large.

Let me just also begin with discussion on the correspondence. And I believe that we have received a letter regarding a request for a postponement on a matter that was originally scheduled for today which is known as Greenport Partners.

There has been a request. And typically
if there is a request by a municipality, as a courtesy we do then put it on for the next available meeting of the Commission. And we would do so for the June meeting.

There are a few things that I'd like to bring the Commission up to date on in terms of departmental activities and matters affecting the Commission.

The Commission was served with a lawsuit about two weeks ago or a week ago regarding a case that was considered in December.
At the last meeting, prior to the last meeting we did offer a training session for the Commissioners.

Many of the Commissioners did attend and we are providing you with certificates at the next meeting that will then document your attendance and can be used towards your requirement under the State Law for training as a Planning Commission member.

I think you can save that for your reappointment at the legislature as well.

Related to that, the legislature has passed a resolution directing the Department of Planning to contact all the towns and villages in the County which we have done to advise them that the Suffolk County Planning Federation is an entity that can provide training to County and Village Zoning Board members as well as to County Planning Commission members.

We have begun to hear from some of the towns. Historically we have done one
training event in October offering nine courses.

We will do that again this year in October. And we also will be seeing to do a shorter training program in January and we will get notices to all the members of this Commission as well as to the towns and villages in the near future if that comes together.

So we are trying to ramp up the training that we provide in accordance with or to respond to changes to state law.

MS. ROBERTS: Do you have those dates yet?

MR. ISLES: We do have the date for

ACCURATE COURT REPORTING (631) 331-3753

October which I believe is October 25th.

MR. FRELENG: The 25th.

MR. ISLES: October 25th is set.

And we have New York State Department of State coming down to teach some of the courses as well.

So we have to schedule that well in
advance. And the date for June is being settled now. And I think we have June 19th. But we are trying to lock that in with the availability of space to conduct the training on that one. As soon as we do get it locked in here, again we will do a notice and get a card out on that one.

Here again some other departmental items to bring you up to date on. I believe that I indicated at the last meeting the Commission had authorized the Department to complete a study of the Port Jefferson waterfront. We did that last year.

We submitted that to the Village of Port Jefferson. The Village Trustees invited the Department to a meeting earlier this month which we attended.
support of the County Planning Commission in providing the services to them.

Fundamentally what the Department related were some changes to their zoning codes regarding the waterfront zoning district. And that's now under consideration by the Village.

Just a couple of other points to bring you up to date on Departmental activity. One item is that the County Planning Department has been asked by the County Executive to assist in the location of housing for conditionally released sex offenders which you may have heard about.

We have actually done quite a bit of work on this in the Department in providing that information to the Department of Social Services and other agencies that are involved in that as well.

We are also working with the Health Department and the Medical Examiner's Office on a pandemic response issue and have
provided some extensive work to them on that as well.

And here again we are continuing some progress reports. As I believe I indicated in previous discussions with the Planning Commission, the Commission did issue a report last year on growth centers.

This was done at the request of the County Executive. And we identified five growth centers in the County that were the subject of either existing plans for growth such as the Pilgrimage State Hospital Development or zoning ordinances that allow substantial growth to occur even without specific zoning approvals.

So with that we identified all of the growth that's possible in those locations.

In many cases it involved areas that involved multiple jurisdictions of town or village governments or multiple jurisdictions of transportation agencies.
Department to commence another study, a similar study, this time involving the towns of Brookhaven and Islip extending along Sunrise Highway.

And we did meet, the Planning Department did meet with the Directors, the Commissions of those two planning agencies last week.

And we will be commencing the study as soon as we can get staff assigned to that, probably by the summertime.

So that will be another major study of growth of basically a six growth center in the County. And what we hope to do with this is to very closely involve the towns in that planning effort.

So it will be an effort of the County Planning Department but it will be an equal effort of the two Town Planning Departments as well.

And we hope that this can be basically the start of a real intra-municipal planning effort.

What I would like to present to you
today is just some recent information that we have developed. And this was put together by Peter Lambert in the Department. And it's just a little snapshot of building permits in the County.

And just to give you a little explanation of this. The U.S. Census Bureau does collect and consolidate building permit data.

We show here, we show both Nassau and Suffolk, what I will point out to you is the Suffolk County data.

And as you will see, 2006, the number of building permits for housing units issued for Suffolk County was 2,573.

This information has been collected since 1950. This is the lowest year ever.

So of those years 2006 was the lowest.

You can see 2005 is a little bit of a higher year.

If you go back a few years and look at the average as being in the $3,000 to $5,000 range, 2005 popped up to offer 5,000. Now we are back to $2,500.
But just so you know, it is a significant milestone in terms of it being the lowest number in fifty plus years.

MR. CALONE: Is this a request one trend for this year?

MR. ISLES: We did. That's on the last page that I handed out to you. And that's something Peter developed this week actually.

And overall for this year comparing from the last 2006 first quarter, we are down 30 percent county wide in building permits.

Some towns are higher, some are less. But the average is 30 percent. So we provided this to you for your information. And will be sharing this with other agencies including the Long Island Regional Planning Board.

Just a couple of things that are coming up. The Department will be conducting a public hearing tomorrow night on the agriculture project.

And this is actually a scoping hearing under SEQRA. We are conducting this with the
Council on Environmental Quality.

It will be conducted in the Town of Riverhead at, pardon me, in the Town of Southampton at the Riverhead campus of Suffolk Community College beginning at 7 o'clock in the evening.

We have had a number of public meetings on this in January and February of this year. And we are now beginning the formal process to prepare a draft environmental impact statement. If anyone would like to attend, they are certainly welcome to do so.

The next point is the County Executive, and you may have read about some of this as well, has asked the Department to prepare a suggested policy for the development of greenhouses on County owned farmland where we own the development rights to that farmland.

We did have a meeting of the County Farmland Committee last week where we initiated that discussion with the farm committee.
And we are now reaching out to the east end towns including the Town of Brookhaven as well as with other stakeholders in this issue to form a recommendation for greenhouse development policies.

And we plan to do this process of soliciting input on the development of greenhouses on County PDR to have it completed by the end of July.

So over the next three months the Department will be conducting meetings on this and doing research and developing recommended policy.

Here again any questions that any member of the Commission may have on that, certainly we would appreciate your thoughts on that as well.

The last point is the next meeting of the Commission is in June, June 6th I believe the date is. This is the date that we did not have a location specified.

This facility is being used on that date. The Riverhead facility is not
available. What we would like to suggest is we are hoping to be able to present to you at

ACCURATE COURT REPORTING (631) 331-3753

that meeting, and if not at that meeting, the July meeting, our open space policy plan that
the Department has been working on for some time.

And we are in the final stages of presenting and the graphic presentation of that plan at this time.

So the thought is that perhaps we could meet at one of the County parks, one of the examples of open space planning.

And in speaking to the Department of Parks, there are two possibilities. One is Cold Spring Park in Yaphank and the other being Cathedral in St. James.

So if you have a preference, we will go ahead and let you know and give you the directions at that point.

MR. CALONE: You mentioned Yaphank. Is there any way to kind of also do a look at the plan that you have for the development out there?
MR. ISLES: It's interesting that you raised that point. We actually or certainly could do something like that.

The County did receive, the deadline is Monday by the way. I apologize for not mentioning that. We did receive two proposals back.

We are just beginning the process of determining, number one, did they meet the requirements of the RMP, and then, number two, it's a more substantive review of the actual ideas that are presented and the actual proposals.

So in terms of presenting a plan at this point, there are some rough ideas. There are specific plans that are there that we will begin to analyze.

And perhaps that might even stand alone. We could certainly have a meeting at Yaphank at one of the facilities there.

There are certainly locations where we can do that. And as an alternative if you
want to wait into the summer a little bit
where these plans are more refined and you
know where we are going, we would be happy to
do that.

THE CHAIRMAN: Okay?

MR. ISLES: Yes.

THE CHAIRMAN: Moving on to our
business. Andy, do you want to start us off?

MR. FRELEN: Okay. Good afternoon,
Mr. Chairman, members of the Board. The
first matter before the Suffolk County
Planning Commission is referred to us by the
Town of Babylon.

This is the application of VMD
Development Corp. Jurisdiction for the
Commission is at the subject property. It’s
adjacent to New York State Route 109, locally
known as Babylon-Farmingdale Road.

The applicant seeks Town Board change
approval from GA industry and a residence to
multiple residences for the construction of
38 one bedroom units on 2.15 acres of land.

That equates to roughly 17.7 units per acre.
Demolition of an existing concrete block structure is also proposed.

The application also involves the construction of a 76 stall parking lot. And 76 parking stalls are required by the Town of Babylon zoning law.

Now 20 percent of the proposed units are to be affordable work force units. The subject property is located on the south side of Babylon-Farmindale Road.

As indicated, it's New York State Route 109. And that's approximately 572 feet west of Arnold Avenue which is a town street in the Hamlet of West Babylon.

A review of the land use and zoning pattern indicates that the subject premises is located in a mixed zoning area along Route 109.

Let me just take a look at the zoning map real quick. You can see that there is a bunch of zoning maps in the area. The zoning one is in purple. This would be the industrial zoning.
The land adjacent to the west is zoned GB industry and improved with a parking lot.

To the south lands are zoned residence C and approved with attached single family dwellings.

To the east and adjacent to the subject site, the property is zoned GA industry and improved with a commercial building. This is the air photo.

The subject site abuts Babylon-Farmingdale Road to the north. The area is generally residential in nature with the exception of the light industrial mode in this area.

Access to the proposed use will be from two curb cuts to New York State Route 109. The western curb cut is to the eastbound ingress only while the eastern curb cut is to the exit right turn eastbound only. There are no significant environmental constraints on the subject property.
should be noted that the site is not in a minority or economically distressed community.

The Town of Babylon 1998 land use plan recommends ultra light industry for this site.

It is believed by the staff that the proposed change of zone is inconsistent with the pattern in the surrounding area and therefore must be considered a spot zoning.

The Babylon land use plan designates this area for light industry and the GA zoning is an appropriate designation. Approval of the zone change would tend to establish a precedent for such down zoning in the locale.

Moreover, a change in zoning will constitute an unwarranted, inappropriate location of zoning patterns in the locale. The proposed 38 one bedroom units on two acres would constitute the unwarranted over intensification of the premises.
The Town of Babylon zoning law for the unmarked district allows ten dwelling units per acre. That would equate to 21 units for the site.

As indicated, 38 units are proposed which are 16.5 units over the maximum allowed density for the MR district.

The proposal involves a significant increase of approximately 80 percent over the allowed unit density for the site.

The Town of Babylon states that the town is in the process of reviewing affordable housing. This would include increased density in the multiple zone in exchange for an affordable work force housing component. In this case the applicant has agreed to lower sales based on the established formulas for 20 units. That would equate to eight affordable units.

The aforementioned code amendment has not yet been adopted by the Town and therefore approval of this request based upon
an unadopted code would be premature.

Approval would tend to establish an undesirable precedent, further such dwelling unit densities existing and proposed MR district classifications throughout the Town of Babylon.

Staff is recommending disapproval for the following reasons. The first reason being that it is a spot zoning. The paragraph which follows has excerpted it from the staff report.

The second reason for disapproval is that the subject proposal is an unwarranted overintensification of the use of the premises.

The paragraph which follows that is rationale from the staff report. And that is the recommendation of staff.

THE CHAIRMAN: Thank you, Andy.

Questions or comments from the Commission? (None.)

THE CHAIRMAN: A motion is in order.
MS. HOLMES: I move we adopt the staff report.

THE CHAIRMAN: Second?

MS. LANDSDALE: Second.

THE CHAIRMAN: All those in favor?

(Unanimous aye.)

THE CHAIRMAN: Motion carried.

MR. FRELENG: Thank you. The next matter is also referred to us from the Town of Babylon. This is the application of Unicorp National Development.

Jurisdiction for the Commission is that the subject property is adjacent to County Road 4 which is Commack Road.

The applicant seeks Town Board change zone approval from industrial H and residence C to business E for the construction of approximately 96,749 square feet of retail space in six buildings on approximately ten acres of land.

The proposal involves a demolition of existing structures and the elimination of a
In addition, the proposal includes the construction of 527 parking stalls, 36 of which are land banked. There are only, I'm sorry, the Town of Babylon zoning law requires only 496 parking stalls. And 527 are proposed. The subject property is located on the northwest corner of Long Island Avenue which is a Town road and Commack Road which is County Road 4 in the hamlet of Deer Park.

A review of the character of the land use and zoning pattern in the vicinity indicates that the subject premises is located in a corridor of G industrial zoning. You can see that up on the screen.

South of the subject property is Long Island Avenue which is a Town road. And this property is zoned and improved for light industrial uses. West of the subject site are light industrial uses as well. The subject property fronts on Commack
Road which is County Road 4 as indicated.
And that is to the east. And beyond the
right of way are commercial and light
industrial uses.

The properties to the northwest,
however, are zoned for and improved with
single family detached dwellings. Could we
see the aerial a second?

The subject site abuts Nichols Road
which is the Town road to the north. So you
can just see from this aerial that we have
some residential up in the northwest here and
mostly commercial uses with the exception of
some, like I said, residential up here.

We'll take a look at the site plan.

Access to the proposed use will be from three
curb cuts.

Access from Commack Road will be north
and southbound ingress and southbound egress

Access from Long Island Avenue is to the
westbound egress only and east and westbound
egress.

The Nichols Road curb cut is to be eastbound exit only. So you can see Nichols Road up here to the north.

There is an exit right there. You can just barely make it out which is curved. And that would be eastbound only. There is access here to the site as well as access right there to the site.

There are no significant environmental constraints to mention with regard to this property with the exception of the fact that staff just mentioned that the site was a former junkyard.

So there may be some phase one environmental audits being conducted or there may be some soil contamination issues. We are not aware of any at this time, however.

It should be noted that the application is not located in a minority or economically distressed community.
Babylon, the 1998 comprehensive land use plan recommends ultra light industry for this site.

With regard to the staff analysis, it is the belief of the staff that the proposed change of zone would tend to substantially undermind the effectiveness of the zoning ordinance.

Another large retail center in the opinion of staff is not needed in Deer Park. Deer Park already has 160 stores and 21 shopping center totaling approximately 650,000 square feet in a central business district with 56 stores.

Neighboring north Babylon contains another 550,000 square feet of shopping centers.

The Town of Babylon comprehensive plan recommends the reestablishment of Deer Park’s central business district concentrated on Deer Park Avenue.

This proposed shopping center could possibly sap the vitality of the district of
the central business district by encouraging existing business districts from the central business district to relocate to this proposed shopping center.

Staff is of the opinion that the proposed change of zone is inconsistent with the pattern of zoning in the surrounding area and therefore must be considered as spot zoning.

The Babylon use plan designates this property for ultra light industry. And the zoning designation would be an appropriate designation for this site.

The proposed development would encroach into the residential zoning extending and expanding development forthwith.

The proposal is inconsistent with the Town of Babylon land use plan which designates this area for ultra light industry as indicated.

The property can be easily redeveloped in the zoning in the opinion of staff. It is the opinion that the development of the proposal shopping center will adversely
affect motor vehicle circulation patterns in
the locale.

It will increase generation beyond what
it is now and beyond what would exist if the
property were to be developed fully under
existing zoning.

This increase in traffic will affect the
traffic carrying capacity of the roads, even
with another traffic light as proposed, added
mid-block specifically to this development.

Staff is recommending disapproval for
the following reasons. The first reason
being that the proposal would undermine the
effectiveness of the zoning ordinance.
The paragraph which follows is the rationale
from the staff report.

The second reason for disapproval is
that the change of zone is inconsistent with
the pattern of zoning in the surrounding area
and therefore must be considered a spot
zoning.

And the third reason for disapproval
would be that the proposed shopping center
will adversely affect motor vehicle
circulation patterns in the locale.

And the third reason for disapproval would be that the proposed shopping center will adversely affect motor vehicle circulation patterns in the locale.

So if I can just go backwards. Go back to the site plan. You can see the traffic site plan here.

This is the proposal in the various different buildings. I showed you the access points. If you can go backward for me.

This is the zoning map. You can see the industrial zoning in the area. This is the change of zone proposal.

This is the residential component of the change of zone that would bump the industrial, I'm sorry, the retail establishment into the residential zone. If you can back up one. Thank you.

This is the oblique aerial. This shows the site as it existed I believe last year.

You can see that there's been a lot of cleanup on the site. We did a staff
inspection yesterday. There is some activity going on in the site.

They are in the processing of remediating or doing something on the site. You can go back one more. This is the way the street historically looked in the past.

That's the staff report.

THE CHAIRMAN: Thank you, Andy. Any questions or comments?

MS. BOLTON: I have a question. Do you want the rationale is for having seven separate buildings?

MR. FRELENG: No, I do not. It's a design consideration of the project sponsors I would think.

MS. BOLTON: It's much more than it needs to be. That's one thing. The other question which is applicable to the previous staff report is, has the County or has the Planning Department done a study of this kind of railroad industrial zoning that is done all over Long Island in terms of its future?

I mean, I'm noticing that they are
saying ultra high. And that's probably consistent with the light technology, small technology uses.

I'm wondering if the County, if the Planning Department has looked at, you know, is this zoning needed. Because it's not just a problem with Babylon. It's a problem all over the place. If it's a problem at all.

And, you know, I think that's something that is more comprehensive in nature to really consider that. You know, what's the future of Long Island?

Is it in the small industrial pocket? Or is it in a much larger industrial park or what?

MR. ISLES: Okay. A couple of answers to that question or comments on that question. I think, number one, we begin with the Town plan, whatever they recommend, what do they see.

And we note that the Town's plan which was completed in 1998 recommends that it
Secondly, we have looked at this in reference to our retail study that we completed last year where we did an inventory of all shopping centers and downtowns in the County, over 12,000 storefronts.

In analysis of that, do we need more retail development in Suffolk County? Generally speaking the answer is no. In some cases the answer may be yes. But in looking at both the Town plan which called for industrial, the Town plan which called for reenforcement of their existing commercial corridor, especially the one along Deer Park Avenue, the County plan that looked like the amount of retail that exists in the County as being probably sufficient for Suffolk County.

And beyond that in terms of the industrial land use policy, it certainly is something that the Department has looked at over probably the past thirty years in different ways.
It was a pattern of land use especially in the 1950's to take the railroad corridor and zone it for industrial. In some cases that works out fine. In some cases it was problematic. And where neighborhoods then grew up around those locations, there were conflicts. And I think that it was also based on the premise that railroad access would be provided to those industrial sites and the reality was that in most cases access was by truck.

However, I think that there may have been over expansion in industrial zoning at that time. I think the concern that we have now is almost the opposite which is the continued loss of industrial. And where locations exist that are suited to industrial where there is good access, where it is part of a balance of land uses in a community for job generation, for tax based generation and so forth, there is definite pressure in many communities to
convert industrial sites to either retail, to
condominiums and so forth.

So we would have some caution about
that. And, you know, that's part of the
basis for the recommendation that Andy
presented today.
a resolution relating --

MR. FRELENG: The Planning Board recommendation to the Town Board was to approve the change of zoning request.

MR. CALONE: Got you. And the Town Board has not taken any action on that?

MR. FRELENG: No, the Town Board is waiting for us.

ACCURATE COURT REPORTING        (631) 331-3753

MR. CALONE: Okay.

THE CHAIRMAN: Anyone else?

( None. )

THE CHAIRMAN: A motion is in order.

MS. BOLTON: I make a motion.

THE CHAIRMAN: To adopt the staff report?

MS. BOLTON: Yes.

THE CHAIRMAN: Second?

MS. ROBERTS: Second.

THE CHAIRMAN: All those in favor?

( Unanimous aye. )

THE CHAIRMAN: Opposed? Extensions?

Motion carried.
MR. FRELENG: Thank you. The next item referred to the Commission comes to us from the Town of Huntington. This application is a 7-Eleven store number 33545.

Jurisdiction for the Commission is that the subject property is adjacent to New York State Route 110. The applicants are seeking Planning Board Site Plan approval for the construction of a 2,940 square foot convenience store.

The proposal involves the demolition of an existing Jiffy Lube service station. The Town of Huntington zoning law requires 15 parking stalls and 21 stalls are provided.

The subject property is located on the west side of New York Avenue approximately 457 feet north of West Fourth Street in the hamlet of Huntington Station.

A review of the character of land use and zoning pattern in the vicinity indicates that the subject premises is located in the
14           corridor of C6 zoning.
15                North of the subject parcel is improved
16           C6 land with an auto repair parts store.
17           Let's go back to the aerial a second.
18                West of the subject site are municipal
19           parking lots in the I5 district associated
20           with the Long Island Rail Road.
21                The subject property abuts the
22           Huntington Public Library which is in the C6
23           district to the south.
24                East of the subject site abuts New York
25           Avenue which is New York State Route 110 at
proposed at the southern extreme of the site as north and southbound ingress and southbound egress only.

There are no significant environmental constraints on the subject property. And the property is not located in a minority or economically distressed community.

The Town of Huntington comprehensive land use plan recommended neighborhood use business for the site.

It is the belief of the staff that the proposed site plan would be an unwarranted over intensification of the use of the premises.

The intersection of New York Avenue and Depot Road is a congested interchange during most times of the day. Let me just stop a second and go to the aerial photo. That one works.

So we have the proposal which is to demolish this building, relocate it I think it's up here, relocate it up to the north a
little bit.

There is an existing curb cut here. I can just barely make it out. And they are proposing to make access to the south end of the property here.

They are also proposing to open up an access point to the railroad parking lot. The train station is up here and there is a big giant railroad parking lot here. So I just want to point that out.

North of the subject site, Second Street intersects with New York Avenue further complicating motor vehicle turn movements and conflicts in the area.

In addition, the proposed convenience store would require nearly daily deliveries.
Moreover, it is proposed that a second access point at the west side of the subject premises be open to the municipal parking lot.

It is the belief of the staff that while the opening of this access point may improve motor vehicle access to the street, the opening may tend to cause commuters to cut through the subject site in order to make a southbound trip onto New York Avenue.

The motor vehicles using the site as a cut through may pose safety issues for pedestrians utilizing the south parking stalls and walking to the convenience store.

The cross access should be established to the site for pedestrian use only in the opinion of the staff.
It is the belief of the staff that the premises could be reasonably developed in accordance with the C6 district requirements with the less intense trip generating use.

So let's just look at the site plan access. So you can see that the proposed access point has been moved to the south end of the property.

The building has been demolished and moved, I'm sorry, to the northeast corner. Right here you can see where they are proposing to open up access into the train station parking lot.

The staff believes that if a patron is parked here and is walking across the 7-Eleven and you have somebody that just gets off the train and they are zipping through to make a southbound trip, there would be a conflict between motor vehicles and the pedestrians on site.

Moreover, this intersection with Depot
Road, let's go back up to the aerial, please, which really they intersect right here is very problematic.

In my opinion and the staff's opinion this access point is much better than down here. Somebody wanting to get to 7-Eleven no matter what is going to come up and try and do a U-turn or go through this intersection in some way and try and get into this southbound only access point.

Or worse yet, somebody is going to try and make a northbound trip out of this ramp and cut across going through this difficult intersection.

So we believe that a convenience store at this location is inappropriate. Staff is recommending disapproval for the following reasons.

The first reason being that the proposal is an unwarranted over intensification and use of the premises. The paragraph which follows is excerpted from the staff report.
The second reason for disapproval is that the premises can reasonably be developed in accordance with the existing C6 district requirements.

And then staff provided a comment with regard to the second access point of going to the railroad parking lot indicating that we believe that this is a conflict with the pedestrians on site. That is the staff report.

THE CHAIRMAN: So what you are saying, Andy, is Jiffy Lube, 7-Eleven, Long Island Railroad parking lot is an over intensification?

MR. FRELENG: I said that, yes.

THE CHAIRMAN: Thank you.

MS. BOLTON: Don't forget the day labor site on the other side of Depot.

THE CHAIRMAN: Any questions or comments?

MR. KONTOKOSTA: Mr. Chairman?

THE CHAIRMAN: I'm sorry.

MR. KONTOKOSTA: I just want to clarify this. This is an allowable under the C6
section?

MR. FRELENG: That's correct.

MR. KONTOKOSTA: And it meets the parking requirements as well?

MR. FRELENG: That's correct.

MR. KONTOKOSTA: I just have a concern with respect to the rights of the property owners. It seems like any number of units would have a similar kind of trip generation issues.

MR. FRELENG: Well it is a site plan application. So that the use is pursuant to the zoning.

As of right it is of the spectrum of uses permitted in the C6 zone. The convenience store would just be a high trip generator as opposed to an official or some lower generating use.

MR. KONTOKOSTA: Thank you.

MS. BOLTON: Can I ask a question about the clarification of it not being a minority or economically depressed area? I believe that it doesn't meet the threshold for economic distress.
It is my understanding that it was found at least not too long ago to be highly concentrated in terms of minority residents.

MR. FRELENG: If you recall a while back, Roy Fenland presented to you criteria.

MS. BOLTON: I do.

MR. FRELENG: And this community did not trigger that criteria I guess in terms of density. It's not mapped.

MS. BOLTON: Right.

MR. LAMBERT: Peter Lambert. The percentage of minority didn't put it in ten or twelve communities.

MR. ISLES: Was that defined --

MR. LAMBERT: Yes.

MR. ISLES: It's on a larger community scale.

MS. BOLTON: Maybe that should be recalculated. Because that kind of watered down the data to use a designated place.

MR. ISLES: The resolution directed the Commission to take this into consideration. It states that the Commission
must provide this extra consideration to communities with a high minority population or economically disadvantaged. So we were instructed in the resolution to do it by community use. That's where the data came from.

Certainly I think the Commission, the whole idea of that is that the Commission have an increased awareness of how an application may affect those communities. Since they may not have the kind of oversight that perhaps other communities have.

Certainly if you want to apply extra standards, if you feel in this case in Huntington Station that there is some other consideration that you feel we should be taking into consideration, sure.

In this case we are recommending disapproval. So we are not recommending moving forward.

MS. BOLTON: I have a problem with the recommendation. I didn't want the staff report to have things in it that doesn't seem
to be totally erroneous in terms of what we are

MR. ISLES: Well I don't think it's
erroneous based upon the fact that we are
asked to do it on a community scale.

MS. HOLMES: The presence of minority
people at a hiring spot right near, are these
residents? These are people who are living
there. They are not just gathering in that
area.

MS. BOLTON: Residences and businesses
actually.

MS. HOLMES: Really?

MS. BOLTON: Because there are a number
of Hispanic groceries in that area.

MS. HOLMES: Was Roy's study based on a
consensus from some years back? Has there
been an increase in very recent times?

Is that what you are noticing?

MS. BOLTON: I realize now what the
difficulty is. That is was calculated based
on census designated places which takes into
consideration next a very large population.

And so it brings the threshold down.

MS. HOLMES: I see.

MR. ISLES: Again County law requires that you take that into consideration based on the criteria. If you want to apply it to other communities based on your feelings, you can do so.

MS. BOLTON: At a day labor site right there?

THE CHAIRMAN: Any other questions or comments?

(None.)

THE CHAIRMAN: Motion is in order.

MS. ROBERTS: Move to accept.

THE CHAIRMAN: Second?

MR. CALONE: Second.

THE CHAIRMAN: All those in favor?

(Nine in favor.)

THE CHAIRMAN: Opposed?

(One.)

THE CHAIRMAN: Motion carried. That would be 9-1-0.
MR. LAMBERT: I'm sorry. There was an opposed vote?

THE CHAIRMAN: Yes.

MR. FRELENG: Those are my staff reports.

MR. GULIZIO: Dan Gulizio.

THE CHAIRMAN: Use the microphone, Dan.

MR. GULIZIO: I'll talk loud. The subject application of Christine Meola is located in the Village of West Hampton Dunes. It's located on the south side of Dune Lane just north of County Road 89 which is also the basis for the Commission's jurisdiction.

The property is zoned in the R-40 one acre residential zoning district.

The application before the Commission is for a subdivision of the 10,000 square foot lot into two 5,000 square foot lots. Just backing up one second.

The R-40 district requires a minimum lot area for each parcel of 40,000 square feet.
feet. So the subject property as it currently exists with one single family home on it is 75 percent below the minimum required lot area.

What the applicant is seeking to do is to further subdivide that property into two 5,000 square foot parcels, thereby increasing the lot area variance from 75 percent to 87 and-a-half percent.

In addition, the required lot is 50 feet. The proposed lot is 50 feet. That would again involve a relaxation of 66 percent.

In addition, there is a side yard variance requested, total side yard variance requested and a pyramid law variance. The pyramid law is a requirement that the setback for the structure be consistent with the maximum permitted height of the structure. In other words, for every foot of height, the structure setback is one foot also.
Each application before the Commission

involves a fairly different set of standards for review. This application is for a variance.

The variance task is enumerated under Town Law 267 for towns, 267B. It's essentially a five part test.

And maybe if you could just pull up that screen. It's very hard to read on that.

But in summary, the five part test requires the Commission to apply a balancing standard, balancing the benefits to the applicant with approval of the application versus the impact to the community where the variance is approved.

That balancing test involves five basic components, the first of which is whether or not approval of the variance will result in an undesirable change in the character of the community.

When one looks at the aerial photograph, if you just back up one second, you will see that there are several large 10,000 square
foot and larger parcels within the area.

Approval of this application would in our view establish a dangerous precedent for future similar applications, thereby undermining the spirit and intent of the zoning ordinance and resulting in a fairly dramatic change to the nature and character of the developer in the area.

Pointing out also that this is a barrier beach system and thereby we are talking about 5,000 square foot lots or very high density form of single family zoning in an area that is at the greatest risk for storm events. And also it's one of the environmentally sensitive areas in terms of development.

The second prong of that five part test is whether or not the benefits could be achieved by some other method. Again the applicant is maintaining a reasonable use of the property for one single family home.

The third part of the test is whether or
not the variances are substantial. I would submit to the Commission that variances of 66 percent and 87 and-a-half percent are significant indeed and thereby it should be weighed accordingly.

The fourth part of the test is whether or not there would be an adverse effect on the physical and environmental conditions within the neighborhood or the street, again undermining the spirit and intent of the zoning ordinance resulting in lots of 5,000 square feet where 40,000 square feet is required.

And where 10,000 square feet is a majority of the lot conditions, we feel that would result in an adverse effect. The final part of the test which is not determinative but it still is a factor to be weighed is whether or not the hardship is self-created.

Again in this case they are maintaining a reasonable use of the property for one
single family home. The subdivision is a self-created action and therefore we feel that this would be a self-created hardship. In summary we feel that the impact associated with the application outweighs the potential benefit to the applicant. And we are respectfully recommending disapproval of the action.

THE CHAIRMAN: Thank you, Dan.

Questions or comments.

MR. BRAUN: Can we go back to the aerial photograph? Are those other ones, assuming those oriented more to the northeast, are those 50 foot lots as well?

MR. GULIZIO: There are seven or eight lots which are 10,000 square foot lots. There are some that are larger. There are also a number of lots that are 50 foot in width. And I would say if I had to hazard a guess that it's about 60-40 in terms of the percentage.

THE CHAIRMAN: Any other questions or
THE CHAIRMAN:  A motion is in order.
MS. HOLMES:  I move the adoption of the staff report.
THE CHAIRMAN:  Second?
MS. ROBERTS:  Second.
THE CHAIRMAN:  All those in favor?
(Unanimous aye.)
THE CHAIRMAN:  Opposed?
(Unanimous aye.)
THE CHAIRMAN:  Motion carried.
MR. GULIZIO:  The next application is entitled Frances Zito. It's in the Town of Babylon or in the Town of North Lindenhurst.

The basis for the Commissioner's jurisdiction is proximity to County Road 3 which is Wellwood Avenue. And it's also within 500 feet of the municipal boundary line being the Village of Lindenhurst.

The subject property is located on the
northwest corner of Wellwood and 44th Street. It maintains a lot area of 8,776 square feet.

What the applicant is seeking to do is to subdivide this property. The property is located in a Residence C district. Residence C district zoning requires a minimum lot area of 7,500 square feet. And again the subject property maintains a lot area of about 1,000 square feet larger than it might be. It's 8,876 square feet.

The proposed subdivision would result in two lots, one being 4,095 square feet, one being 4,781 square feet.

Those are relaxations from the minimum code requirement of 55 and 64 percent respectively.

In addition, the applicant is seeking front yard and rear yard setback relaxations of 47 percent and 62 percent respectively. Similar to the last application, this is a request for a variance which requires the application of the five part test discussed.
in conjunction with the last application. Again first whether or not an undesirable change would be or would occur in the nature and character of the development in the area. Whether or not the benefits sought to be achieved by the applicant could be achieved in any other way. Whether or not the degree of variances are substantial. Whether or not approval would have adverse effect on the physical and environmental conditions in the community and whether or not it involves a self-created hardship. Again when we look at the minimum zoning requirement of 7,500 square feet and the actual lot area as it currently exists is

ACCURATE COURT REPORTING (631) 331-3753

8,800 square feet, and that as a result of the proposed subdivision you are dealing with lots that are roughly 55 and 64 percent of what the minimum requirements are, it causes
We feel that that degree of relief is certainly substantial. That it would result in an adverse change in the nature and character of the development within a community.

And as a result, we respectfully recommend to the Commission that they adopt the resolution disapproving the requested action.

THE CHAIRMAN: Thank you.

MR. GULIZIO: If the Commission has any questions I would be happy to answer them.

MS. HOLMES: I have a question. Do we know whether or not the neighbors were notified and indicated any agreement or opposition to the proposed subdivision?

MR. GULIZIO: I don't know if they were notified. State law requires notification for all variance applications.
will be notified.

MS. HOLMES: I see. We don't have any indication yet?

MR. GULIZIO: No.

MR. FRELENG: Typically these applications are referred to us when they schedule the hearing. So they would not at this time, to the best of my knowledge they have not had a hearing or received any testimony.

MS. HOLMES: They are Island wide where they don't submit them at all.

MR. FRELENG: Right.

MS. HOLMES: Thank you.

THE CHAIRMAN: Anyone else?

(None.)

THE CHAIRMAN: Motion is in order.

MR. CALONE: Motion to accept the recommendation.

MS. HOLMES: Second.

THE CHAIRMAN: All those in favor?

(Unanimous aye.)
THE CHAIRMAN: Opposed?

( None. )

THE CHAIRMAN: Motion carried. Peter, you're up.

MR. LAMBERT: Yes. Good afternoon. I have one subdivision for your review. The application is Hamlet Preserve. It's located in the Town of Brookhaven. And our jurisdiction is that it is adjacent to County Road 46, William Floyd Parkway.

The zoning classification for this property is A1 residential which is a single family residential on 40,000 square foot lots.

The present land use is recreation as you can see from the aerial photo. There are actually two golf courses on the site.

The existing structures include two clubhouse buildings and a maintenance building. There are three manmade ponds and a manmade stream on the property.

The application is for a major subdivision curving linear street layout with

ACCURATE COURT REPORTING (631) 331-3753
a cluster treatment.

The number of lots is 182 on a 205 acre parcel. The lots range in area from 19,890 square feet to 41,455.

But most of the homes are approximately one half acre. So that's how the clustering ends up reducing the size of the lots.

The open space is 87.9 acres of what is called common area. There are several roads proposed for the subdivision. And access to these roads will be from William Floyd Parkway on the west side of the property.

There is an existing traffic signal there now which coincides with the entrance to the golf courses.

So there are three existing but there will be ten planned manmade ponds on the property mostly for recharge purposes.

So there will be a total of 13 lined manmade ponds covering 16.2 acres.

Individual septic systems are proposed for each of the lots.

The existing golf course which was built only around 1999 would not be retained. We
would just have housing on the site.

The subject property is located in Shirley on the east side of William Floyd Parkway approximately two miles south of Montauk Highway.

The property is generally surrounded by medium density single family residential development. That we can see on the aerial.

To the northeast we have several school buildings. And a half mile to the north which you can't quite see on the aerial but there is a large shopping center containing a home center, a supermarket and drugstore.

As for comprehensive plan recommendations, the 1996 Town of Brookhaven comprehensive plan recommended planned development for this site.

It is proposed that this residential community will have a putting green, lighted tennis courts and restrooms at its center.

That would be in this area here.

So it will apparently be a gated community with one access point to William Floyd Parkway and one emergency access point
in the southwest portion of the site which is here.

No emergency access exists to the east or the north. Some of the cul-de-sacs are in excess of 2,000 feet in length where 1,000 feet is the limit by Planning Commission standards.

No apparent conservation easement exists to buffer the residential. On William Floyd Parkway some of the lots are a little bit close to the County road.

And there also appears to be no sidewalks proposed in the residential development and no pedestrian linkages to the northeast are shown on the subdivision as well.

In addition, the community will apparently be gated. Thus the open space created as a result of the moderate clustering of units will not be accessible to the public.

So our staff recommendation based on our
At least one additional emergency access point shall be created preferably on the east side or the north side of the property.

Emergency access roads allow access for emergency vehicles in the event that alternative roadways are blocked by storm damage or floods, for example.

So there are all these streets in the existing residential areas to the north, to the east, to the south where they could add an additional emergency access.

And so the cul-de-sacs would not be unusually long in the case of an emergency.

Conservation easement of at least 50 feet in width along William Floyd Parkway shall be created to help preserve the natural vegetation along the road so as to enhance the aesthetics of the road and to buffer them from noise.

Number three is that sidewalks should be created on at least one side of the proposed
street in this neighborhood.

Additionally, sidewalks or walkways should connect this residential development with sidewalks along William Floyd Parkway and with a walkway and gate to the school property to the northeast.

In case some of the school children who live here are going to the schools right in this area, it would be nice if they would be able to walk to school connecting this property with the school property.

Number four, the final map shall state that the open areas of this subdivision are to be dedicated to the Town of Brookhaven for open space purposes or to the Homeowners Association. This was not really indicated on the subdivision map.

A restrictive covenant shall state that no further subdivision of any land in this subdivision may occur.

And our fifth recommendation is that 20 percent of the lots in the subdivision should be set aside for work force housing. And
that is our staff report.

THE CHAIRMAN: Thank you, Peter. Any questions or comments from the Commission?

MS. HOLMES: I would like to commend the staff for doing a lot of work that the developer should have undertaken for this subdivision.

My question is for environmental conditions. Has there been water testing on this site?

Because if it has been previously used as a golf course, chances are that there has been a lot of pesticide and fungicide and stuff like that reaching into the ground water for quite some time. And I know that it's a very shallow ground water table in that area.

MR. LAMBERT: I am not certain. What's that?

MR. ISLES: Public water.

MR. LAMBERT: I think some materials were submitted about that. But I am not
a hundred percent certain. I would have to check on that.

MR. ISLES: The water supply would not come from this site.

MR. LAMBERT: Right. It would be public water definitely.

MS. HOLMES: Okay.

MS. LANDSDALE: I know that there was a hamlet plan constructed after the '96 comp plan. How does this relate to the goals outlined in the Mastic-Shirley hamlet plan?

MR. LAMBERT: I did not consult with that plan. Do we have a copy of that? We do. I didn't check on that. But I ought to do that.

MR. ISLES: That's the envisioning site on the Montauk Highway corridor.

MS. LANDSDALE: It was not a dotted plan by the Town of Brookhaven but it was a community plan. It was Mastic and Shirley.

MR. ISLES: I'm not sure if it came this far down.

MR. GULIZIO: This property was not
part of the overall vision that took place on Montauk Highway.

MR. MCADAM: Have they considered other septic systems?

MR. LAMBERT: I would suspect but none of these individual systems. What seems to be a gated community, you would think that they may attempt that. But there was no indication of that.

MR. ISLES: This would have met County Health Department standards.

MR. LAMBERT: Yes.

MR. BRAUN: Has the County Health Department had anything to say about this?

MR. LAMBERT: They generally look at it after we get it. It's 40,000 square foot lots. The overall intensity confirms that. Even though many of the lots are smaller, the clustering treatment probably they would okay it.

THE CHAIRMAN: Go ahead.

MR. CALONE: The zoning standard is
for one acre of 40,000 square feet?

MR. LAMBERT: Yes.

MR. CALONE: Do you treat a lot like
this where the lots are 50 percent smaller
but this is a significant amount of smaller
space? The open space is kind of factored
in.

MR. LAMBERT: It is factored in.

The 208 study that was done in the 1970's,

there were some sort of guidelines or factors
that that study came up with that showed
generally how many lots could you get
depending on the zoning after you factor in
recharge basins and roads and other public
areas.

And for one acre zoning, I believe the
factor is 0.9. So if you multiply the
acreage, 205 acres, by 0.9 you come out with
approximately 182 lots which is what they are
proposing.

MR. CALONE: It's appropriate given the
amount of open space.
MR. CALONE: One last question. With the recommendation that there be a 20 percent work force, this is just a general question. Is there a kind of essential definition as to what that means as to criteria? Or is it up to the developer?

MR. LAMBERT: Our Commission guidebook leaves it a little bit open ended. I think that's one of the issues that's been worked on in updating the guidebook.

MR. ISLES: So right now it's a recommendation back to the Town and it's up to the Town as to what they consider to be affordable.

The County up until now has not gotten too specific feeling that it should be worked out locally.

THE CHAIRMAN: You don't feel that they could do affordable housing in a gated community?

MR. CALONE: I don't know. Thank you.
MR. KONTOKOSTA: The proposal highlights two issues for me which is kind of, I know it's somewhat lower density or higher density than what is allowed there. But still to me in a low residential development, it seems to me that this project, as of right it's a subdivision approval application, is that right?

MR. LAMBERT: Right.

MR. KONTOKOSTA: It seems like it's really a missed opportunity. It seems like if there's most clustering, perhaps a mixture of housing ties, some attached unit mixed in with single family homes that you would be able to serve a much wider range of housing needs and households. Single family homes typically are more expensive of course. Everyone knows that. They are also going to be larger. So that younger families or older families won't necessarily benefit from this project. So it seems to me that it's unfortunate
that there wasn't more collaboration to try and come up with a more interesting proposal. Along with that too is, this is obvious from the site plan that it is the environmental impact.

If you had more of a clustering that you could preserve much more of this open space which would be then possibly indicated to the town or whatever for use by all the residents instead of just having this kind of rather convoluted site plan.

So again it's a missed opportunity from my perspective. The other point is with regard to the work force housing.

And that has been a topic that I am quite interested in and I know that we are working on it and the Planning Department is working on it.

But I find it very problematic to require affordable housing on a subdivision that's just creating lots.

I am not sure how that would be done.
I think that might be something that would be a bit more complicated than is affordable housing for and the type of units. So I think that's something that we need to address going forward.

MR. LAMBERT: I know that the Town of Southhold in their affordable housing development, those are detached single family homes, I believe. So it is doable.

MR. KONTOKOSTA: I'm saying if these were let's say the owner or the developer just decided to sell off the lots, you would have to sell the lots with some sort of deed restriction which again gets kind of, it might get a little more complicated.

MR. LAMBERT: I think this staff certainly agrees with all the comments that you made.

THE CHAIRMAN: Very good points. Thank you. Any other questions or comments? (None.)

THE CHAIRMAN: A motion is in order.
MS. HOLMES: Do we want to incorporate any of these further comments into this?

THE CHAIRMAN: I think that's difficult to do. I think the Commissioner said that his comments are a great advisory comment that the developer and builder should have done prior.

MS. HOLMES: Yes.

THE CHAIRMAN: You can put missed opportunity in there. I think that is a good point. Put those comments in there as a comment that the site could have been further developed, you know, to get a better picture of the housing and affordable.

MR. CALONE: To aggregate the open space.

THE CHAIRMAN: Right. That is a great
(None.)

THE CHAIRMAN: A motion is in order.

MR. CALONE: Motion to accept with the additional comments.

THE CHAIRMAN: Second?

MS. HOLMES: Second.

THE CHAIRMAN: All those in favor?

(Unanimous aye.)

THE CHAIRMAN: Opposed? Abstentions?

(None.)

THE CHAIRMAN: That's it for our business today. We'll go on to the Commissioner's roundtable. Do you want to start us off?

MR. GOODALE: Nothing in particular.

THE CHAIRMAN: Okay.

MS. BOLTON: Nothing.

THE CHAIRMAN: Welcome aboard to the Commissioner's roundtable. We usually go around and hear any concerns in our community. Why don't you take this as an...
opportunity to introduce yourself to us?

MR. MCADAM: My name is Tom McAdam from Southold Town. For about 29 years I worked for Suffolk County Development and Government. And during that time I was a professional in budget and finance.

And primarily my responsibility was in the operating budget, the capital budget and the capital program. So during that time I worked with the Planning Department, the Planning Commission that sat at that time, the legislative branch and the executive branch. So I have been in this room many, many times before it was remodeled.

What I would like to do, my own personal feeling is I hope that the experience that I have learned up to this point in my life is that I can bring to the Commission and bring some ideas to the experts that we have both here and in the Planning Department.

Because over the years I worked with the professionals in the Planning Department.

And, you know, they had great vision. And
they had great ideas. We had some pretty difficult projects going on at the time. And they all seemed to work out. So I'm just happy to be here. And thank you.

THE CHAIRMAN: Very happy to have you.

Sarah had no one to sit next to.

MS. LANDSDALE: Nothing to report.

MR. BRAUN: Neither do I.

MS. HOLMES: Well I just would like to thank Andy Freleng for sending me the information which I passed down to our Zoning Board of Appeals.

That under general municipal law and the county code, our ZBA is supposed to be sending individual lot area variance requests to this Commission.

Some of our ZBA members are very surprised to learn that they are supposed to be doing that. Because I gather that they have not been.

And there is involved a problematic lot that Andy gave them a window to make some further consideration on.

And we appreciate it because that
area has always been a steep slope problem for many years. And the two owners in a row have been unwilling to stay within the building envelope. And it gives them a little more reason to do that. Thank you.

THE CHAIRMAN: Dave.

MR. CALONE: I guess I'm happy with the workings of Shelter Island.

MS. ROBERTS: I would like to talk about two things for a few minutes if I could. First I would like to follow up on what happened with Sag Harbor and the watch factory and the asbestos. Because we spent so much time at the last meeting. First I think as we are beginning to recognize, more work on this affordable housing is certainly something that we should continue to keep a top priority.

You should note that the papers in the community are quite vocal negatively against us. We added that into the requirements.

There is conversation that the developer
does not feel that he can go through with this project with that requirement. But I think that this could just be towards Clark in the beginning of the discussion.

So there also seems to be a bit of a commotion developing in Sag Harbor whether the Trustees or the Zoning Board is the entity that really has to tackle this. So it's going to be interesting to keep an eye on.

The second issue is the asbestos issue. And I do want to report that the union people who are here today did hold a press conference in Sag Harbor. It was very well attended.

There seems to be a dispute as to whether or not the contractor really had an issue or whether it was them versus the union.

But the bottom line is the asbestos issue in Sag Harbor is definitely front and center and being watched by the community.

The other thing that I wanted to talk
The Village of Sagaponic on the agenda today.

They canceled at the last moment because they had not put their zoning in front of the Trustees yet which I personally think probably is a good idea.

Unfortunately I cannot attend next month's meeting because of a pre-existing obligation that I have to be in California.

But I just wanted to share a few things with you that you can keep an eye on when this is presented just to give you a real fast history.

The history of the subsection of the Village of Sagaponic was triggered because the Town of Southampton passed some quite stringent coastal erosion laws.

So all of the communities along the ocean in Southampton tried to secede under the name of Dunes Hampton and that case was thrown out of court.

And the second group that came together was a group of oceanfront properties in
Sagaponic. But they also went inland.

So at least in their town there is seven

under the poverty level household.

The community that they have created is

made up of roughly 750 homes. The value of

the property in the last census was 2

trillion. That's twofold by nine zero.

Forbes Magazine has reported that it is

the most expensive place in America to live.

So with those few residents and that much

money at stake, I have attended the public

hearing on the zoning.

My opinion is that what I heard, they

are taking the best of all the communities.

Two positive things that I heard in the

presentation is that they definitely are

threatening the historic preservation laws

and keeping the core there.

They also are suggesting a smaller house

size amazingly as the top limit for the

different acreage.

My big concern, however, is in the

zoning that you are going to hear about
they have not wrestled with the really sticky issue.

The one version that I saw has nothing about the coastal erosion. It's very little about the environment.

And the committee who volunteered to put this legislation together recommended that these issues be covered by trustee law.

So one question I had from Tom, would that kind of thing come in front of the Planning Commission or is it only zoning per the regulations that come in front of the Planning. That's something that we really have to watch.

The second big concern for me is how people are going to be appointed to these boards.

Again it's a very small community. I live in a similar town that seceded many years ago, the Village of North Haven.

We used to have phenomenal zoning. And over the years only builders and real
And variances are just given out with a blink. Whoever can pay the most.

So I would hope that we would look to urge them to have a board such as we have been reconstituted that people are encouraged to have different kinds of backgrounds and that there is a process of how people apply to the Board.

And then the third thing I think to keep an eye on is that the State says that they have to have new laws by September 30th.

Again their laws, the laws of Sagaponic are going to be for smaller houses and respect the historical district.

It's my understanding that there is a rush of property owners in the community to get approval under the current Southampton laws.

There is discussion that there should be a moratorium and I think that's another thing that hopefully you can raise if they don't.

So again I apologize that I can't be
here. But Tom suggested that it was appropriate that I share these thoughts with you.

THE CHAIRMAN: Thank you. I appreciate it.

MR. KONTOKOSTA: Nothing.

THE CHAIRMAN: Counselor, are you going to give us a little one on one lesson briefly?

MS. KOHN: Sure.

THE CHAIRMAN: Counsel.

MS. KOHN: Okay. Tom has asked me to just prepare a short summary of procedure for motions.

I realize that I haven't been here before at the Planning Commission. So some of this may be a little more formal than your normal procedure.

A motion is a formal proposal to take some kind of action. There are two kinds of motions. One is the main motion which brings business to the floor.

And the motion system is a way of...
keeping the meeting on track. Because once
you have a motion on the floor, you can't
discuss any other business other than that
that relates to the motion.

And the basic procedure for making the
motion is that the member is recognized by
the Chair. The motion is made. Someone else
seconds the motion. The Chair restates the
question.

Then you would discuss and debate the
motion. The Chair would restate the
question. You would have a vote and the
Chair then will announce the results and
tally the vote.

One exception to this rule would be if
you have a motion made by unanimous consent.
For example, approving minutes.

You might, the Chair might say if there
is no objection we will approve the minutes.
Then you could dispense with going through
all those steps.

There are some types of motions that are
Incidental to the main motion. These types of motions you generally would consider immediately.

But you would also yield to privileged motions which I'll go into in a minute or a motion to lay on the table.

Some of these incidental main motions pertain to in some way consideration of the main motion. Some of them are a motion for a point of order which is to bring the Chair's attention to a breach of the rules.

A motion for an appeal which would be an appeal of the Chair's ruling on a question. And this would bring the issue to a vote of the whole group.

A motion to suspend the rules. Some other types of incidental main motions are an objection to considering the question.

You can ask that a question be considered specifically paragraph by paragraph or consider amendments separately.

You can ask for a particular kind of
vote. There is a motion called division of assembly which is to order a standing vote. Other kinds of votes would be roll call votes, a vote by a ballot or a standing vote.

A motion for nomination would be an incidental motion. Point of information or parliamentary procedures, request to modify or withdraw a motion. A motion to excuse someone from a particular duty or a motion to read some papers.

THE CHAIRMAN: Do we have a handbook to give out?

MS. KOHN: It's Robert's Rules. That why I kind of skimmed all these. Just to give you an idea of what kind of motions you could make.

MR. CALONE: There is no parliamentarian. There is no parliamentary motion. You could always make that to the Chair.

MS. KOHN: Well I guess the question would be referred to the Chair. I mean, I can try to remember to bring the book. I'm
definitely not an expert. Although I have looked at Robert's Rules --

MR. CALONE: We can also create our own internal rules.

MS. KOHN: Yes, you can have by-laws. As long as you comply with the general rule that majority votes.

And I am not going to discuss the issue of a quorum today. But I know that is one question which has come up and which I'm going to be bringing up at a later meeting. As long as you comply with those basic rules, your by-laws can set up procedure.

MR. CALONE: Right.

MS. KOHN: Then there are secondary motions which can be considered while the main motion is pending. I never knew all this until I looked at Robert's Rules. These have to be voted on prior to any other business except for a privileged motion. Generally they are made and seconded in the same way that you make other kinds of
motions.
And then these types of motions supersede the main motion. And then they become the pending business that you have to address your comments to.

THE CHAIRMAN: I think I'm more confused now. We are going to get the sheet from you. Then we are going to digest that sheet.

MS. KOHN: Okay.

THE CHAIRMAN: And then we'll probably come back with questions. If we are going to do that, I don't think we'll ever get out of here.

MS. KOHN: Okay.

THE CHAIRMAN: Thank you, Counsel.

ACCURATE COURT REPORTING (631) 331-3753

MS. KOHN: Okay.

THE CHAIRMAN: Any other questions? (None.)

THE CHAIRMAN: A motion to adjourn.

MS. BOLTON: So move.

THE CHAIRMAN: We don't even have to have a vote on that. It was so moved. Thank
you.
(Whereupon the meeting was concluded
at 1:40 p.m.)
York, do hereby certify;

That I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true and accurate record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my
hand this ____ day of ________________, 2007.

________________________

ACCURATE COURT REPORTING (631) 331-3753