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SUFFOLK COUNTY PLANNING COMMISSION

12:10 P.M.  
MAY 2, 2007

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

A P P E A R A N C E S

- 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

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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 Uni corp 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

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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 This would be redeveloped eliminating junkyards which are far outdated and industrial property in an area that's not suited to industrial any further.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.

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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

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document, I would offer it up. But there is

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no sense of my reading all of them

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individually. I would far exceed the three  
3 minutes.

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4

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

10

11

12

13

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

14

15

16

17

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.

18

19

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22

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.

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These uses are to serve people in the

24

area. Nobody drives from one town to another

25

to go to the drugstore. You are either

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passing by the site or you live in proximity.

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This is what this site is, very

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different from Tanger. But we recognize the

5

situation with the Commack Road corridor.

6

And in connection with the discussions

7

with the DPW which has issued its comments

8

saying it is comfortable with the job and in

9

connection with the Town of Babylon, we have

10

already, we have to iron out a few of the

11

dollar figures.

12

But we have already acknowledged that we

13

will be making a very sizable contribution to

14

roadway improvements in the area,

15

specifically making dedications on our site

16

and specifically improving that one

17

intersection, you know, where Nichols Road

18

which is the northerly town street comes into

19

Long Island Avenue.

20

So we believe that it will be a very

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positive development in this area and help

22

upgrade the area.

23

And I'm also, not in connection with

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traffic, we have more parking than is

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actually required on the site. And we have

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lights at Nichols Road and at Long Island

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Avenue.

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If the Board has any questions, we are

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here. But that basically concludes my

6

comments.

7

If the Board does not have a copy of the

8

Planning Board recommendation for approval,

9

I'll turn it in. If it does, there is no

10

reason to offer it again.

11

THE CHAIRMAN: Do you want that?

12

MR. FRELENG: I believe we have a

13

copy of that in the file.

14

THE CHAIRMAN: Thank you.

15

MR. BUZZELL: Thank you very much.

16

THE CHAIRMAN: Thank you, Counsel.

17

I appreciate your coming down. I'm going to

18

read the minutes of the March 7th meeting.

19

Did everyone receive their copy of the

20

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minutes and have you had the opportunity to  
21 review them?

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

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

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

11 THE CHAIRMAN: Anybody else?

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

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

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



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19

MS. BOLTON: Also on page 129 at

20

the bottom, Commissioner Roberts. He said, I

21

just want to clarify, page 129, line 23.

22

And it says, "I just want to clarify

23

this farm issue". And it's supposed to be

24

Coram issue.

25

THE CHAIRMAN: Thank you.

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MR. CALONE: On page 60, line 17,

3

it says, "The Town of Brookhaven is going to

4

be able to harbor here".

5

I think if I remember right it was the

6

Town of Brookhaven is going to be the

7

ultimate arbiter here. Thank you.

8

MS. HOLMES: What line is that?

9

MR. CALONE: That's 17 into 18 on page

10

60. Thank you.

11

THE CHAIRMAN: Anyone else?

12

(None.)

13

THE CHAIRMAN: A motion is in order

14

to accept the minutes.

15

MS. BOLTON: So move.

16

THE CHAIRMAN: Second?

17

MS. HOLMES: Second.

18

THE CHAIRMAN: All those in favor?

19

(Unanimous aye.)

20

THE CHAIRMAN: Motion carried.

21

Directors' report.

22

MR. ISLES: Thank you, Mr. Chairman.

23

Let me begin by noting that we do have a new

24

representative to the Planning Commission

25

from the Town of Southold. Mr. Thomas McAdam

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is joining us. And the Commission now has a membership of thirteen.

4

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.

8

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.

14

There has been a request. And typically

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15 if there is a request by a municipality, as a  
16 courtesy we do then put it on for the next  
17 available meeting of the Commission. And we  
18 would do so for the June meeting.

19  
20 There are a few things that I'd like to  
21 bring the Commission up to date on in terms  
22 of departmental activities and matters  
23 affecting the Commission.

24 The Commission was served with a lawsuit  
25 about two weeks ago or a week ago regarding a  
case that was considered in December.

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2 I know that at least one member was  
3 served at home as well. I'm not sure if any  
4 others were.

5 This has been referred to the Department  
6 of Law. And they will be handling the  
7 response on behalf of the Planning  
8 Commission.

9 This deals with the application of  
10 Trumpets LLC out in or, pardon me, the legal  
11 name is HTL, LLC which is the Trumpets  
12 Catering Hall in the Town of Southampton.

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13 At the last meeting, prior to the last  
14 meeting we did offer a training session for  
15 the Commissioners.

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

22 I think you can save that for your  
23 reappointment at the Legislature as well.

24 Related to that, the Legislature has  
25 passed a resolution directing the Department

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2 of Planning to contact all the towns and  
3 villages in the County which we have done to  
4 advise them that the Suffolk County Planning  
5 Federation is an entity that can provide  
6 training to County and Village Zoning Board  
7 members as well as to County Planning  
8 Commission members.

9 We have begun to hear from some of the  
10 towns. Historically we have done one

12

11 training event in October offering nine  
12 courses.

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

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

23 MS. ROBERTS: Do you have those dates  
24 yet?

25 MR. ISLES: We do have the date for

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2 October which I believe is October 25th.

3 MR. FRELENG: The 25th.

4 MR. ISLES: October 25th is set.

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

8 So we have to schedule that well in

9 advance. And the date for June is being  
10 settled now. And I think we have June 19th.

11 But we are trying to lock that in with  
12 the availability of space to conduct the  
13 training on that one. As soon as we do  
14 get it locked in here, again we will do a  
15 notice and get a card out on that one.

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

22 We submitted that to the Village of  
23 Port Jefferson. The Village Trustees invited  
24 the Department to a meeting earlier this  
25 month which we attended.

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2 And we spent probably about an hour and-  
3 a-half going over the recommendations with  
4 the Village and the analysis, the Trustees.

5 And I found it to be a very helpful  
6 meeting. And they seemed to appreciate the

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7 support of the County Planning Commission in  
8 providing the services to them.

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

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

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

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2 We are also working with the Health  
3 Department and the Medical Examiner's Office  
4 on a pandemic response issue and have

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provided some extensive work to them on that  
6 as well.

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

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

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

22 In many cases it involved areas that  
23 involved multiple jurisdictions of town or  
24 village governments or multiple jurisdictions  
25 of transportation agencies.

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3 Department to commence another study, a  
4 similar study, this time involving the towns  
5 of Brookhaven and Islip extending along  
6 Sunrise Highway.

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

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

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

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

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

25 What I would like to present to you

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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.

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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

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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.

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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

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available. What we would like to suggest is

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we are hoping to be able to present to you at

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that meeting, and if not at that meeting, the

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July meeting, our open space policy plan that

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the Department has been working on for some

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time.

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And we are in the final stages of

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presenting and the graphic presentation of

8

that plan at this time.

9

So the thought is that perhaps we could

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meet at one of the County parks, one of the

11

examples of or open space planning.

12

And in speaking to the Department of

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Parks, there are two possibilities. one is

14

Cold Spring Park in Yaphank and the other

15

being Cathedral in St. James.

16

So if you have a preference, we will go

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ahead and let you know and give you the

18

directions at that point.

19

MR. CALONE: You mentioned Yaphank. Is

20

there any way to kind of also do a look at

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the plan that you have for the development

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out there?

23

MR. ISLES: It's interesting that

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you raised that point. We actually or

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certainly could do something like that.

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The County did receive, the deadline is Monday by the way. I apologize for not

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mentioning that. We did receive two

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proposals back.

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We are just beginning the process of determining, number one, did they meet the

7

requirements of the RMP, and then, number

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two, it's a more substantive review of the

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actual ideas that are presented and the

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actual proposals.

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12

So in terms of presenting a plan at this

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point, there are some rough ideas. There are

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specific plans that are there that we will

15

begin to analyze.

16

And perhaps that might even stand alone.

17

We could certainly have a meeting at Yaphank

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at one of the facilities there.

19

There are certainly locations where we

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can do that. And as an alternative if you

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want to wait into the summer a little bit

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where these plans are more refined and you

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know where we are going, we would be happy to

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do that.

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THE CHAIRMAN: Okay?

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MR. ISLES: Yes.

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THE CHAIRMAN: Moving on to our

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business. Andy, do you want to start us off?

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MR. FRELENG: Okay. Good afternoon,

6

Mr. Chairman, members of the Board. The

7

first matter before the Suffolk County

8

Planning Commission is referred to us by the

9

Town of Babylon.

10

This is the application of VMD

11

Development Corp. Jurisdiction for the

12

Commission is at the subject property. It's

13

adjacent to New York State Route 109, locally

14

known as Babylon-Farmingdale Road.

15

The applicant seeks Town Board change

16

approval from GA industry and a residence to

17

multiple residences for the construction of

18

38 one bedroom units on 2.15 acres of land.

19

That equates to roughly 17.7 units per acre.



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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.

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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.

19

The land adjacent to the west is  
zoned GB industry and improved with a parking  
lot.

20

21

22

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

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

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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.

6

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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.

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16

There are no significant environmental  
constraints on the subject property. It

17 should be noted that the site is not in a  
18 minority or economically distressed  
19 community.

20 The Town of Babylon 1998 Land use plan  
21 recommends ultra light industry for this  
22 site.

23 It is believed by the staff that the  
24 proposed change of zone is inconsistent with  
25 the pattern in the surrounding area and

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1  
2 therefore must be considered a spot zoning. 26  
3 The Babylon Land use plan designates  
4 this area for light industry and the GA  
5 zoning is an appropriate designation.  
6 Approval of the zone change would tend  
7 to establish a precedent for such down zoning  
8 in the locale.  
9 Moreover, a change in zoning will  
10 constitute an unwarranted, inappropriate  
11 location of zoning patterns in the locale.  
12 The proposed 38 one bedroom units on two  
13 acres would constitute the unwarranted  
14 overintensi fication of the premises.

15           The Town of Babylon zoning law for the  
16 unmarked district allows ten dwelling units  
17 per acre. That would equate to 21 units for  
18 the site.

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

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

25           The Town of Babylon states that the town

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2           is in the process of reviewing affordable  
3 housing. This would include increased  
4 density in the multiple zone in exchange for  
5 an affordable work force housing component.

6           In this case the applicant has agreed to  
7 lower sales based on the established formulas  
8 for 20 units. That would equate to eight  
9 affordable units.

10           The aforementioned code amendment has  
11 not yet been adopted by the Town and  
12 therefore approval of this request based upon

13 an unadopted code would be premature.

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

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

24 The second reason for disapproval is  
25 that the subject proposal is an unwarranted

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2 overintensi fication of the use of the  
3 premises.

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

7 THE CHAIRMAN: Thank you, Andy.  
8 Questions or comments from the Commission?

9 (None.)

10 THE CHAIRMAN: A motion is in order.

11 MS. HOLMES: I move we adopt the staff  
12 report.

13 THE CHAIRMAN: Second?

14 MS. LANDSDALE: Second.

15 THE CHAIRMAN: All those in favor?

16 (Unanimous aye.)

17 THE CHAIRMAN: Motion carried.

18 MR. FRELENG: Thank you. The next

19 matter is also referred to us from the Town of  
20 Babylon. This is the application of Uni Corp  
21 National Development.

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

25 The applicant seeks Town Board change

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2 zone approval from industrial H and residence  
3 C to business E for the construction of  
4 approximately 96,749 square feet of retail  
5 space in six buildings on approximately ten  
6 acres of land.

7 The proposal involves a demolition of  
8 existing structures and the elimination of a

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junkyard.

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

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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  
Page 31

Copy of SUFFOLKC.txt

7 Road which is County Road 4 as indicated.  
8 And that is to the east. And beyond the  
9 right of way are commercial and light  
10 industrial uses.

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

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

21 We'll take a look at the site plan.  
22 Access to the proposed use will be from three  
23 curb cuts.

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

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2 only. 31

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



5 egress.

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

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

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

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

23 It should be noted that the application  
24 is not located in a minority or economically  
25 distressed community.

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3 Babylon, the 1998 comprehensive land use plan  
4 recommends ultra light industry for this  
5 site.

6 With regard to the staff analysis, it is  
7 the belief of the staff that the proposed  
8 change of zone would tend to substantially  
9 undermine the effectiveness of the zoning  
10 ordinance.

11 Another large retail center in the  
12 opinion of staff is not needed in Deer Park.  
13 Deer Park already has 160 stores and 21  
14 shopping center totaling approximately  
15 650,000 square feet in a central business  
16 district with 56 stores.

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

20 The Town of Babylon comprehensive plan  
21 recommends the reestablishment of Deer Park's  
22 central business district concentrated on  
23 Deer Park Avenue.

24 This proposed shopping center could  
25 possibly sap the vitality of the district of

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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

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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

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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

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inspection yesterday. There is some activity

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going on in the site.

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They are in the processing of

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remediating or doing something on the site.

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You can go back one more. This is the way

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the street historically looked in the past.

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That's the staff report.

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THE CHAIRMAN: Thank you, Andy. Any

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questions or comments?

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MS. BOLTON: I have a question. Do

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you want the rationale is for having seven

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separate buildings?

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MR. FRELENG: No, I do not. It's a

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design consideration of the project sponsors

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I would think.

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MS. BOLTON: It's much more than it

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needs to be. That's one thing. The other

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question which is applicable to the previous

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staff report is, has the County or has the

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Planning Department done a study of this kind

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of railroad industrial zoning that is done

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all over Long Island in terms of its future?

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I mean, I'm noticing that they are

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saying ultra high. And that's probably

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consistent with the light technology, small

ACCURATE COURT REPORTING (631) 331-3753

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technology uses.

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I'm wondering if the County, if the

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Planning Department has looked at, you know,

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is this zoning needed. Because it's not just

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a problem with Babylon. It's a problem all

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over the place. If it's a problem at all.

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And, you know, I think that's something

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that is more comprehensive in nature to

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really consider that. You know, what's the

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future of Long Island?

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Is it in the small industrial pocket?

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Or is it in a much larger industrial park or

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what?

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MR. ISLES: Okay. A couple of answers

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to that question or comments on that

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question. I think, number one, we begin with

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the Town plan, whatever they recommend, what

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do they see.

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And we note that the Town's plan which

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was completed in 1998 recommends that it

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remain industrial.

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Secondly, we have looked at this in

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reference to our retail study that we

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completed last year where we did an inventory

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of all shopping centers and downtowns in the  
County, over 12,000 storefronts.

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In analysis of that, do we need more  
retail development in Suffolk County?

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Generally speaking the answer is no.

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In some cases the answer may be yes.

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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.

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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.



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It was a pattern of land use especially

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in the 1950's to take the railroad corridor

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and zone it for industrial.

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In some cases that works out fine. In

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some cases it was problematic. And where

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neighborhoods then grew up around those

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locations, there were conflicts.

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And I think that it was also based on

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the premise that railroad access would be

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provided to those industrial sites and the

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reality was that in most cases access was by

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truck.

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However, I think that there may have

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been over expansion in industrial zoning at

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that time. I think the concern that we have

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now is almost the opposite which is the

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continued loss of industrial.

14

And where locations exist that are

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suited to industrial where there is good

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access, where it is part of a balance of land

17

uses in a community for job generation, for

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tax based generation and so forth, there is

19

definite pressure in many communities to

20 convert industrial sites to either retail, to  
21 condominiums and so forth.

22 So we would have some caution about  
23 that. And, you know, that's part of the  
24 basis for the recommendation that Andy  
25 presented today.

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2 MS. BOLTON: Thank you.

3 THE CHAIRMAN: Anyone else?

4 MR. COLONE: I think the over retail  
5 invasion of that area is a big concern. And  
6 I commend the staff for high priority on  
7 that.

8 My only question relates to what the  
9 speaker had, the public speaker had  
10 mentioned. That was what exactly the Town  
11 itself had sent to us on that and their  
12 prospective on that. Or what exactly their  
13 communication was.

14 MR. FRELENG: I'm sorry. With respect  
15 to what?

16 MR. COLONE: To the zoning. The  
17 speaker said that the Town, maybe they passed

18 Copy of SUFFOLKC.txt  
a resolution relating --

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

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

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

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2 MR. CALONE: Okay.

3 THE CHAIRMAN: Anyone else?

4 (None.)

5 THE CHAIRMAN: A motion is in order.

6 MS. BOLTON: I make a motion.

7 THE CHAIRMAN: To adopt the staff  
8 report?

9 MS. BOLTON: Yes.

10 THE CHAIRMAN: Second?

11 MS. ROBERTS: Second.

12 THE CHAIRMAN: All those in favor?  
13 (Unanimous aye.)

14 THE CHAIRMAN: Opposed? Extentions?  
15 Motion carried.

16 MR. FRELENG: Thank you. The next  
17 item referred to the Commission comes to  
18 us from the Town of Huntington. This  
19 application is a 7-Eleven store number  
20 33545.

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

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2 convenience store.

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

7 The subject property is located on the  
8 west side of New York Avenue approximately  
9 457 feet north of West Fourth Street in the  
10 hamlet of Huntington Station.

11 A review of the character of land use  
12 and zoning pattern in the vicinity indicates  
13 that the subject premises is located in the

Copy of SUFFOLKC.txt  
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

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2 the intersection with Depot Road. Depot Road  
3 is a Town road.  
4 Areas further to the east are improved  
5 with commercial establishments. Access to  
6 the subject premises will be from two curb  
7 cuts.  
8 It is proposed that on the west side of  
9 the subject site motor vehicle access is to  
10 be opened to the Town municipal parking lot.  
11 On the east side access to Route 110 is

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12 Copy of SUFFOLKC.txt  
13 proposed at the southern extreme of the site  
14 as north and southbound ingress and  
15 southbound egress only.

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

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

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

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

7 So we have the proposal which is to  
8 demolish this building, relocate it I think  
9 it's up here, relocate it up to the north a

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little bit.

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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.

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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.

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

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In addition, the proposed convenience store would require nearly daily deliveries,

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some by tractor trailers.

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The larger 18 wheelers may have difficulties maneuvering around and out of the site which attempting to make deliveries.

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This may further exacerbate conflicts with vehicular circulation patterns in the

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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.

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The proposed convenience store is perhaps the most intense use in terms of motor vehicle trip generation from the spectrum of uses allowed as of right in the



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C6 district.

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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

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pedestrians on site.  
Moreover, this intersection with Depot

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Road, let's go back up to the aerial, please,  
5 which really they intersect right here is  
6 very problematic.

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

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

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

22 The first reason being that the proposal  
23 is an unwarranted over intensification and use  
24 of the premises. The paragraph which follows  
25 is excerpted from the staff report.

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2 The second reason for disapproval is  
3 that the premises can reasonably be developed  
4 in accordance with the existing C6 district  
5 requirements.

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

12 THE CHAIRMAN: So what you are saying,  
13 Andy, is Jiffy Lube, 7-Eleven, Long Island  
14 Rail Road parking lot is an over  
15 intensification?

16 MR. FRELENG: I said that, yes.

17 THE CHAIRMAN: Thank you.

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

20 THE CHAIRMAN: Any questions or  
21 comments?

22 MR. KONTOKOSTA: Mr. Chairman?

23 THE CHAIRMAN: I'm sorry.

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

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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.

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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

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must provide this extra consideration to  
communities with a high minority population  
or economically disadvantaged.

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So we were instructed in the resolution  
to do it by community use. That's where the  
data came from.

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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.

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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.

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

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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

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to be totally erroneous in terms of what was

ACCURATE COURT REPORTING (631) 331-3753

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there.

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

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

11

MS. BOLTON: Residences and businesses  
12 actually.

13

MS. HOLMES: Really?

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

16

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

19

Is that what you are noticing?

20

MS. BOLTON: I realize now what the  
21 difficulty is. That is was calculated based  
22 on census designated places which takes into

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consideration next a very large population.

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And so it brings the threshold down.

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MS. HOLMES: I see.

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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.

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

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9

THE CHAIRMAN: Any other questions or comments?

10

11

(None.)

12

THE CHAIRMAN: Motion is in order.

13

MS. ROBERTS: Move to accept.

14

THE CHAIRMAN: Second?

15

MR. CALONE: Second.

16

THE CHAIRMAN: All those in favor?

17

(Nine in favor.)

18

THE CHAIRMAN: Opposed?

19

(One.)

20

THE CHAIRMAN: Motion carried. That

21

would be 9-1-0.



22

MR. LAMBERT: I'm sorry. There was

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an opposed vote?

24

THE CHAIRMAN: Yes.

25

MR. FRELENG: Those are my staff

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reports.

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MR. GULIZIO: Dan Gulizio.

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THE CHAIRMAN: Use the microphone,

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Dan.

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MR. GULIZIO: I'll talk loud. The

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subject application of Christine Meola

8

is located in the Village of West Hampton

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Dunes. It's located on the south side of

10

Dune Lane just north of County Road 89 which

11

is also the basis for the Commission's

12

jurisdiction.

13

The property is zoned in the R-40 one

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acre residential zoning district.

15

The application before the Commission

16

is for a subdivision of the 10,000 square

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foot lot into two 5,000 square foot lots.

18

Just backing up one second.

19

The R-40 district requires a minimum

20

lot area for each parcel of 40,000 square

21 feet. So the subject property as it  
22 currently exists with one single family  
23 home on it is 75 percent below the minimum  
24 required lot area.

25 What the applicant is seeking to  
ACCURATE COURT REPORTING (631) 331-3753

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

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

10 In addition, there is a side yard  
11 variance requested, total side yard variance  
12 requested and a pyramid law variance.

13 The pyramid law is a requirement that  
14 the setback for the structure be consistent  
15 with the maximum permitted height of the  
16 structure. In other words, for every foot of  
17 height, the structure setback is one foot  
18 also.

19

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

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

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

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

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

15 When one looks at the aerial photograph,  
16 if you just back up one second, you will see  
17 that there are several large 10,000 square

18 foot and larger parcels within the area.

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

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2 Pointing out also that this is a barrier  
3 beach system and thereby we are talking about  
4 5,000 square foot lots or very high density  
5 form of single family zoning in an area that  
6 is at the greatest risk for storm events.  
7 And also it's one of the environmentally  
8 sensitive areas in terms of development.

9 The second prong of that five part test  
10 is whether or not the benefits could be  
11 achieved by some other method.

12 Again the applicant is maintaining a  
13 reasonable use of the property for one single  
14 family home.

15 The third part of the test is whether or  
Page 60

16 not the variances are substantial. I would  
17 submit to the Commission that variances of 66  
18 percent and 87 and-a-half percent are  
19 significant indeed and thereby it should be  
20 weighed accordingly.

21 The fourth part of the test is whether  
22 or not there would be an adverse effect on  
23 the physical and environmental conditions  
24 within the neighborhood or the street, again  
25 undermining the spirit and intent of the

ACCURATE COURT REPORTING (631) 331-3753

1 58  
2 zoning ordinance resulting in lots of 5,000  
3 square feet where 40,000 square feet is  
4 required.

5 And where 10,000 square feet is a  
6 majority of the lot conditions, we feel that  
7 would result in an adverse effect.

8 The final part of the test which is not  
9 determinative but it still is a factor to be  
10 weighed is whether or not the hardship is  
11 self-created.

12 Again in this case they are maintaining  
13 a reasonable use of the property for one

14 single family home. The subdivision is a  
15 self-created action and therefore we feel  
16 that this would be a self-created hardship.

17 In summary we feel that the impact  
18 associated with the application outweighs the  
19 potential benefit to the applicant. And we  
20 are respectfully recommending disapproval of  
21 the action.

22 THE CHAIRMAN: Thank you, Dan.

23 Questions or comments.

24 MR. BRAUN: Can we go back to the aerial  
25 photograph? Are those other ones, assuming

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2 those oriented more to the northeast, are  
3 those 50 foot lots as well?

4 MR. GULIZIO: There are seven or eight  
5 lots which are 10,000 square foot lots.  
6 There are some that are larger.

7 There are also a number of lots that  
8 are 50 foot in width. And I would say  
9 if I had to hazard a guess that it's about  
10 60-40 in terms of the percentage.

11 THE CHAIRMAN: Any other questions or  
Page 62

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comments?

(None.)

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?

(None.)

THE CHAIRMAN: Motion carried.

MR. GULIZIO: The next application  
is entitled Frances Zito. It's in the Town

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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 foot of the municipal boundary  
line being the Village of Lindenhurst.

The subject property is located on the  
Page 63

10 northwest corner of Wellwood and 44th Street.  
11 It maintains a lot area of 8,776 square feet.

12 What the applicant is seeking to do is  
13 to subdivide this property. The property is  
14 located in a Residence C district.

15 Residence C district zoning requires a  
16 minimum lot area of 7,500 square feet. And  
17 again the subject property maintains a lot  
18 area of about 1,000 square feet larger than  
19 it might be. It's 8,876 square feet.

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

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

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2 In addition, the applicant is seeking  
3 front yard and rear yard setback relaxations  
4 of 47 percent and 62 percent respectively.

5 Similar to the last application, this is  
6 a request for a variance which requires the  
7 application of the five part test discussed



8 in conjunction with the last application.

9 Again first whether or not an  
10 undesirable change would be or would occur in  
11 the nature and character of the development  
12 in the area.

13 Whether or not the benefits sought to be  
14 achieved by the applicant could be achieved  
15 in any other way.

16 Whether or not the degree of variances  
17 are substantial.

18 Whether or not approval would have  
19 adverse effect on the physical and  
20 environmental conditions in the community and  
21 whether or not it involves a self-created  
22 hardship.

23 Again when we look at the minimum  
24 zoning requirement of 7,500 square feet and  
25 the actual lot area as it currently exists is

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2 8,800 square feet, and that as a result of  
3 the proposed subdivision you are dealing with  
4 lots that are roughly 55 and 64 percent of  
5 what the minimum requirements are, it causes

6 concern.

7 We feel that that degree of relief is  
8 certainly substantial. That it would result  
9 in an adverse change in the nature and  
10 character of the development within a  
11 community.

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

16 THE CHAIRMAN: Thank you.

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

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

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

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2 So certainly when this is heard by the  
3 Board of Zoning Appeals at the Town, they

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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.)

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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

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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

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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

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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

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analysis is for conditional approval subject

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to the following five conditions.

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

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

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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.

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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.

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Number three is that sidewalks should be created on at least one side of the proposed

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street in this neighborhood.

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Additionally, sidewalks or walkways

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should connect this residential development

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with sidewalks along William Floyd Parkway

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and with a walkway and gate to the school

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property to the northeast.

5

In case some of the school children

6

who live here are going to the schools right

7

in this area, it would be nice if they would

8

be able to walk to school connecting this

9

property with the school property.

10

Number four, the final map shall state

11

that the open areas of this subdivision are

12

to be dedicated to the Town of Brookhaven for

13

open space purposes or to the Homeowners

14

Association. This was not really indicated

15

on the subdivision map.

16

A restrictive covenant shall state that

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no further subdivision of any land in this

18

subdivision may occur.

19

And our fifth recommendation is that 20

20

percent of the lots in the subdivision should

21

be set aside for work force housing. And

22

that is our staff report.

23

THE CHAIRMAN: Thank you, Peter. Any

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questions or comments from the Commission?

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MS. HOLMES: I would like to commend

ACCURATE COURT REPORTING (631) 331-3753

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the staff for doing a lot of work that the

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developer should have undertaken for this

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subdivision.

5

My question is for environmental

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conditions. Has there been water testing

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on this site?

8

Because if it has been previously

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used as a golf course, chances are that

10

there has been a lot of pesticide and

11

fungicide and stuff like that reaching into

12

the ground water for quite some time. And I

13

know that it's a very shallow ground water

14

table in that area.

15

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

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that?

17

MR. ISLES: Public water.

18

MR. LAMBERT: I think some materials

19

were submitted about that. But I am not

20

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a hundred percent certain. I would have to

21

check on that.

22

MR. ISLES: The water supply would not

23

come from this site.

24

MR. LAMBERT: Right. It would be

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public water definitely.

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MS. HOLMES: Okay.

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MS. LANDSDALE: I know that there was

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a hamlet plan constructed after the '96

5

comp plan. How does this relate to the goals

6

outlined in the Mastic-Shirley hamlet plan?

7

MR. LAMBERT: I did not consult with

8

that plan. Do we have a copy of that? We

9

do. I didn't check on that. But I ought to

10

do that.

11

MR. ISLES: That's the envisioning

12

site on the Montauk Highway corridor.

13

MS. LANDSDALE: It was not a dotted

14

plan by the Town of Brookhaven but it was a

15

community plan. It was Mastic and Shirley.

16

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

17

this far down.

18

MR. GULIZIO: This property was not

19

part of the overall vision that took place  
20 on Montauk Highway.

21

MR. MCADAM: Have they considered other  
22 septic systems?

23

24

MR. LAMBERT: I would suspect but none  
of these individual systems. What seems to  
25 be a gated community, you would think that

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they may attempt that. But there was no  
3 indication of that.

3

4

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

5

6

MR. LAMBERT: Yes.

7

8

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

9

10

MR. LAMBERT: They generally look at it  
after we get it. It's 40,000 square foot  
11 lots. The overall intensity confirms that.

11

12

Even though many of the lots are  
13 smaller, the clustering treatment probably  
14 they would okay it.

15

THE CHAIRMAN: Go ahead.

16

MR. CALONE: The zoning standard is

17 Copy of SUFFOLKC.txt  
for one acre of 40,000 square feet?

18 MR. LAMBERT: Yes.

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

24 MR. LAMBERT: It is factored in.  
25 The 208 study that was done in the 1970's,

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

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

13 MR. CALONE: It's appropriate given the  
14 amount of open space.

15

MR. LAMBERT: Roughly.

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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.

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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.

13 MR. KONTOKOSTA: The proposal highlights  
14 two issues for me which is kind of, I know  
15 it's somewhat lower density or higher density  
16 than what is allowed there.

17 But still to me in a low residential  
18 development, it seems to me that this  
19 project, as of right it's a subdivision  
20 approval application, is that right?

21 MR. LAMBERT: Right.

22 MR. KONTOKOSTA: It seems like it's  
23 really a missed opportunity. It seems  
24 like if there's most clustering, perhaps a  
25 mixture of housing types, some attached unit

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2 mixed in with single family homes that you  
3 would be able to serve a much wider range of  
4 housing needs and households.

5 Single family homes typically are more  
6 expensive of course. Everyone knows that.

7 They are also going to be larger.  
8 So that younger families or older families  
9 won't necessarily benefit from this project.

10 So it seems to me that it's unfortunate

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11 that there wasn't more collaboration to try  
12 and come up with a more interesting proposal.

13 Along with that too is, this is obvious  
14 from the site plan that it is the  
15 environmental impact.

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

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

25 And that has been a topic that I am

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2 quite interested in and I know that we are  
3 working on it and the Planning Department is  
4 working on it.

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

8 I am not sure how that would be done.



9 I think that might be something that would be  
10 a bit more complicated than is affordable  
11 housing for and the type of units.

12 So I think that's something that we need  
13 to address going forward.

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

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

24 MR. LAMBERT: I think this staff  
25 certainly agrees with all the comments that

ACCURATE COURT REPORTING (631) 331-3753

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2 you made.

3 THE CHAIRMAN: Very good points. Thank  
4 you. Any other questions or comments?

5 (None.)

6 THE CHAIRMAN: A motion is in order.

7 MS. HOLMES: Do we want to incorporate  
8 any of these further comments into this?  
9 THE CHAIRMAN: I think that's difficult  
10 to do. I think the Commissioner said that  
11 his comments are a great advisory comment  
12 that the developer and builder should have  
13 done prior.

14 MS. HOLMES: Yes.

15 THE CHAIRMAN: I think that would be  
16 to change the plan and the whole outlook  
17 of this project. As I said, it's a missed  
18 opportunity.

19 MS. HOLMES: Yes.

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

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2 MR. CALONE: To aggregate the open  
3 space.

4 THE CHAIRMAN: Right. That is a great

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5 point. Anything else from anyone?

5

(None.)

6

THE CHAIRMAN: A motion is in order.

7

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

8

THE CHAIRMAN: Second?

10

MS. HOLMES: Second.

11

THE CHAIRMAN: All those in favor?

12

(Unanimous aye.)

13

THE CHAIRMAN: Opposed? Abstentions?

14

(None.)

15

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

16

17

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20

MR. GOODALE: Nothing in particular.

21

THE CHAIRMAN: Okay.

22

MS. BOLTON: Nothing.

23

THE CHAIRMAN: Welcome aboard to the  
24 Commissioner's roundtable. We usually  
25 go around and hear any concerns in our

24

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communi ty. Why don't you take this as an

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3 opportunity to introduce yourself to us?

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

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

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

23 Because over the years I worked with  
24 the professionals in the Planning Department.  
25 And, you know, they had great vision. And

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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

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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

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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

1  
2 the Village of Sagaponic on the agenda today.  
3 They canceled at the last moment because  
4 they had not put their zoning in front of the  
5 Trustees yet which I personally think  
6 probably is a good idea.  
7 Unfortunately I cannot attend next  
8 month's meeting because of a pre-existing  
9 obligation that I have to be in California.  
10 But I just wanted to share a few things  
11 with you that you can keep an eye on when  
12 this is presented just to give you a real  
13 fast history.  
14 The history of the subsection of the  
15 Village of Sagaponic was triggered because  
16 the Town of Southampton passed some quite  
17 stringent coastal erosion laws.  
18 So all of the communities along the  
19 ocean in Southampton tried to secede under  
20 the name of Dunes Hampton and that case was  
21 thrown out of court.  
22 And the second group that came together  
23 was a group of oceanfront properties in



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Sagaponic. But they also went inland.

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So at least in their town there is seven

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under the poverty level household.

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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

23 they have not wrestled with the really sticky  
24 i ssue.

25 The one version that I saw has nothing  
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1 85  
2 about the coastal erosion. It's very little  
3 about the environment.

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

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

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

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

19 We used to have phenomenal zoning.  
20 And over the years only builders and real

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estate people ended up on the Board.

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And variances are just given out with a

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blink. Whoever can pay the most.

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So I would hope that we would look to

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urge them to have a board such as we have

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been reconstituted that people are encouraged

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to have different kinds of backgrounds and

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that there is a process of how people apply

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to the Board.

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And then the third thing I think to keep

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an eye on is that the State says that they

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have to have new laws by September 30th.

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Again their laws, the laws of Sagaponic

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are going to be for smaller houses and

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respect the historical district.

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It's my understanding that there is a

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rush of property owners in the community to

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get approval under the current Southampton

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laws.

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There is discussion that there should be

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a moratorium and I think that's another thing

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that hopefully you can raise if they don't.

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So again I apologize that I can't be

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20 here. But Tom suggested that it was  
21 appropriate that I share these thoughts with  
22 you.

23 THE CHAIRMAN: Thank you. I appreciate  
24 it.

25 MR. KONTOKOSTA: Nothing.

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

5 MS. KOHN: Sure.

6 THE CHAIRMAN: Counselor.

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

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

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

18 And the motion system is a way of  
Page 92

19 keeping the meeting on track. Because once  
20 you have a motion on the floor, you can't  
21 discuss any other business other than that  
22 that relates to the motion.

23 And the basic procedure for making the  
24 motion is that the member is recognized by  
25 the Chair. The motion is made. Someone else

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2 seconds the motion. The Chair restates the  
3 question.

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

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

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

16 There are some types of motions that are  
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17 incidental to the main motion. These types  
18 of motions you generally would consider  
19 immediately.

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

23 Some of these incidental main motions  
24 pertain to in some way consideration of the  
25 main motion. Some of them are a motion for a

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2 point of order which is to bring the Chair's  
3 attention to a breach of the rules.

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

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

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

14 You can ask for a particular kind of  
Page 94

15 vote. There is a motion called division of  
16 assembly which is to order a standing vote.

17 Other kinds of votes would be roll call  
18 votes, a vote by a ballot or a standing vote.

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

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

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

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

10 MS. KOHN: Well I guess the question  
11 would be referred to the Chair. I mean, I  
12 can try to remember to bring the book. I'm

13 definitely not an expert. Although I have  
14 looked at Robert's Rules --

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

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

20 And I am not going to discuss the issue  
21 of a quorum today. But I know that is one  
22 question which has come up and which I'm  
23 going to be bringing up at a later meeting.

24 As long as you comply with those basic  
25 rules, your by-laws can set up procedure.

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2 MR. CALONE: Right.

3 MS. KOHN: Then there are secondary  
4 motions which can be considered while the  
5 main motion is pending. I never knew all  
6 this until I looked at Robert's Rules.

7 These have to be voted on prior to  
8 any other business except for a privileged  
9 motion. Generally they are made and seconded  
10 in the same way that you make other kinds of



11 motions.

12 And then these types of motions  
13 supersede the main motion. And then they  
14 become the pending business that you have to  
15 address your comments to.

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

19 MS. KOHN: Okay.

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

24 MS. KOHN: Okay.

25 THE CHAIRMAN: Thank you, Counsel.

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2 MS. KOHN: Okay.

3 THE CHAIRMAN: Any other questions?  
4 (None.)

5 THE CHAIRMAN: A motion to adjourn.

6 MS. BOLTON: So move.

7 THE CHAIRMAN: We don't even have to  
8 have a vote on that. It was so moved. Thank



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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.

\_\_\_\_\_