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MINUTES OF MEETING

SUFFOLK COUNTY PLANNING COMMISSION

February 6, 2008
12:00 p.m.

William H. Rogers Legislation Building
Rose Y. Caracappa Auditorium
725 Veterans Memorial Highway
Hauppauge, New York 11787

JOHN CARACCIOLO, Chairman

REPORTED BY:

Kim M. Mooney, Court Reporter

1 SUFFOLK COUNTY PLANNING COMMISSION

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

3 CHARLA BOLTON, Secretary, Commission Member
4 At-Large

5 DAVID L. CALONE, Commission Member
6 Town of Babylon

7 ADRIENNE ESPOSITO, Commission Member
8 Villages Over 5,000

9 DONALD J. FIORE, Commission Member
10 Town of Islip

11 LINDA HOLMES, Vice Chairwoman
12 Town of Shelter Island

13 CONSTANTINE KONTOKOSTA, Commission Member
14 Villages Under 5,000

15 SARAH LANSDALE, Commission Member
16 At-Large

17 THOMAS MCADAM, Commission Member
18 Town of Southold

19 EDWARD J. PRUITT, Commission Member
20 Town of Brookhaven

21 BARBARA B. ROBERTS, Commission Member
22 Town of Southampton

23 ROBERT A. BRAUN, Commission Member
24 Town of Smithtown

25 TOM ISLES, Director of Planning

 DAN GULIZIO, Deputy Director of
 Suffolk County Planning Department

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2 TED KLEIN, Senior Planner
3 Suffolk County Planning Department

4 ANDREW FRELENG, Chief Planner,
5 Suffolk County Planning Department

6 LINDA SPAHR, Suffolk County Attorney

7 CLAIRE CHORNEY, Secretary

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2 MR. CARACCILO: Do we have the minutes
3 for the January 2nd meeting?

4 MS. HOLMES: Yes, we do.

5 MR. CARACCILO: I will ask all the
6 members today to please state your name for the
7 court reporter.

8 MS. HOLMES: Linda Holmes, Shelter
9 Island. I'm the unofficial editor of our minutes.
10 There are just a few of the typos, and I try to
11 target only the things that would change the
12 meaning of the sentence.

13 On the appearance page, Adrienne Esposito is
14 Villages over 5,000 population and not Villages
15 once 5,000. The next one is on page 17 line 21,
16 the word should be "midst," M-I-D-S-T not "mist".

17 Page 23 line 15, the word is "and" not "in".

18 Page 28, line 15, the speaker must have been
19 using notes that he was addressing at a planning
20 board evening meeting. He used the word "night".
21 It should really be "today" to be consistant with
22 his addressing our meeting.

23 Page 30 line 7, the spelling of the word
24 should be compliant, C-O-M-P-L-I-A-N-T.

25 Page 39 line 22, there is a word omitted I

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2 think. On that line the word "needed" needs to be
3 inserted to make sense for the sentence, "Several
4 variances needed for the proposal" not "Several
5 variances for the proposal."

6 Page 41 line 6, the word should be "latest".

7 Page 56 line 2, "lessen" as in diminishing,
8 and not "lesson".

9 Page 63 line 4, it was a contraction
10 "they're, T-H-E-Y-'-R-E" and not "their"
11 T-H-E-I-R.

12 Page 136, Roy Fedelm needs to be spelt
13 correctly, F-E-D-E-L-M.

14 The final one is on page 162 line 6, it's
15 really a meeting and not a hearing.

16 Those were my corrections for the
17 January 2nd, meeting.

18 MR. CARACCILO: Okay.

19 MR. CALONE: David Calone from Babylon.
20 On page 112 on the infrastructure "loans" and not
21 "lots."

22 MS. HOLMES: 112 line 9.

23 MR. CARACCILO: Can I have a Motion to
24 accept?

25 MS. ROBERTS: I accept.

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2 MR. CARACCILO: First by Barbara
3 Roberts, Southampton. Second by Edward Pruitt.
4 All those in favor? Minutes accepted.

5 The public portion -- there is no one here
6 to speak. So we will be closing the public
7 portion rather quickly and it is on to the
8 Directors Report.

9 MR. ISLES: Thank you, Mr. Chairman.
10 First item of business is the annual report.
11 This is required by the County Administrative
12 Code. We have provided copies to you today.
13 Sometimes we have done this in a more of a
14 condensed form.

15 There are essentially two parts to this.
16 The first part deals with: We are required to
17 report on conditions in the county in terms of
18 demographic, economics, development, and so forth.

19 The second part of it deals with activities
20 of the commission and the department deals with
21 the referrals that come to the commission that
22 were sent in to the county and so forth. There is
23 an accounting of that that was prepared by Andy
24 Freleng's section on page 17.

25 There is also a summary of projects

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2 completed, activities and so forth. As well as
3 projects that are anticipated for next year.

4 If you have any questions as you go through
5 the report, you can contact me or bring it up at
6 the next meeting if you would like. That is the
7 first item.

8 The second is the jurisdictional map in
9 terms of: We have put together a map that depicts
10 the jurisdiction of the planning commission, and
11 it is intended as a tool for not only for the
12 department, but also for the municipalities in
13 helping to determine when cases need to be
14 referred to the commission.

15 So we did go through a public comment period
16 with that by sending it out to each of the
17 municipalities. We did receive comments back from
18 a couple of them. We are incorporating and
19 reacting to those comments and revising the map,
20 and then doing the formal questioning at the next
21 meeting.

22 There will be an adoption of that by the
23 planning commission, and then it will become an
24 official jurisdictional map of the Commission.
25 Then periodically on an annual basis, we will

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2 bring it back to you for amendments.

3 MS. ESPOSITO: Will we get that in
4 advance at the next meeting?

5 MR. ISLES: Sure. We have it
6 electronically and on c.d. We also have it on
7 paper.

8 MS. HOLMES: You did give it to us a long
9 time ago; didn't you? And are we going to get
10 Shelter Island's name off Greenport?

11 MR. ISLES: We are actually not using
12 that map anymore -- the Quogue map. So your
13 request has been received.

14 We will send you a paper, or c.d, whatever
15 you prefer before the next meeting. That will be
16 on the county website once it is adopted.

17 The next item deals with Inter-municipal
18 Agreement Amendment with Southampton Town, for
19 which I would like to ask Chief Planner Andy
20 Freleng, to give the board a briefing on the
21 amendment.

22 This is an existing I.M.A. that the County
23 Planning Commission had already approved with
24 Southampton and that we are seeking to modify at
25 this time.

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2 MR. FRELENG: Good afternoon, Members of
3 the Board. You may recall two years ago, I
4 believe it was, the commissions' desire to make
5 government work smarter. We began a process where
6 we can do an expedited review of certain matters
7 that the commission, when we discussed this,
8 predetermined that there was certain variances,
9 certain development applications of matters of
10 local concern only. The adding of an awning to a
11 facade, the change of the use of a particular
12 commercial building. There is no change in
13 parking or any other spin off of facts.

14 So we did go into an agreement with the Town
15 of Southampton. We provided you all with copies
16 of the agreement.

17 With regard to the Gabreski Airport Master
18 Plan, the County, as you know, has developed a
19 master plan with the Town of Southampton for the
20 development of the industrial component of the
21 Gabreski Airport. The Town has adopted the master
22 plan.

23 The county's role is, obviously, if there is
24 a site plan that is filed in the industrial park
25 in the airport, the town would refer that to the

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2 Commission. The staff of the commission has met
3 with the town and has worked out an agreement
4 where: If a site plan is in total compliance with
5 the master plan for the industrial park, there
6 would really be no reason for us to take a hard
7 look at it.

8 Southampton would refer to us
9 electronically, based on our existing program, a
10 notification that they received the site plan and
11 that it is in full compliance with the master
12 plan. If they do that, we can send them back an
13 electronic LV.

14 So, basically, it is an expedited review,
15 and it decreases that administrative burden of the
16 commission and the staff in processing maps and
17 paper. This goes along the line with an expedited
18 review of the Inter-municipal Agreement that you
19 have with the town.

20 If you would like, I could read the
21 resolution. You all have a copy of it.
22 Essentially, though, the only addition or change
23 to the formal agreement is the last bulleted item
24 in the table which reads: Site Plans in
25 compliance with the goals, objectives, and

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2 standards of the Town of Southampton Gabreski
3 Airport Planned Development District Master Plan.

4 Obviously, would be a category that is
5 satisfied -- if the commission has had a chance to
6 review this and you have no questions, I ask that
7 you adopt this as a resolution.

8 I have been in contact with the Town of
9 Southampton. They are still talking about it with
10 their planning board. They have not officially
11 indicated that they wanted to go ahead with this.
12 Although, unofficially, they have indicated that
13 this would be a good idea.

14 I just want to say that this is being
15 spurred on by economic development. They would
16 like us to have an expedited due process in this.
17 So when they do get a lease agreement that they
18 can file with the town, the whole process is
19 expedited, particularly with us.

20 So having said that --

21 MR. CARACCILO: Are you aggressively
22 looking to do this with other towns?

23 MR. FRELENG: As a matter of fact, the
24 next item on the agenda is the Inter-municipal
25 Agreement with the Town of Islip. Yes, we are

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2 looking to cut down some of the superfluous type
3 of stuff.

4 MR. CARACCILOLO: So you need a Motion
5 from us to accept this for the Town of
6 Southampton?

7 MR. FRELENG: Yes, sir.

8 MR. CARACCILOLO: Make a Motion?

9 MS. ROBERTS: Yes.

10 MR. CARACCILOLO: Second?

11 MS. ESPOSITO: Yes.

12 MR. CARACCILOLO: All those in favor?

13 (A show of hands.)

14 MR. FRELENG: The same type of history,
15 the next item, Inter-municipal Agreement with the
16 Town of Islip.

17 Islip has asked us to go into a expedited
18 review of the Inter-municipal Agreement based on
19 the model that we did send out a couple of years
20 ago. So they had that model.

21 We have provided you with the background on
22 that and the proposed resolution, which we
23 received a resolution from the planning board for
24 the Town of Islip. As well as they have prepared
25 for us a review of the resolution which would

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2 allow the commission to go into the
3 Inter-municipal Agreement.

4 Again, this is for minor projects. Minor
5 additions of less than 1,500 square feet. There
6 was no change for the use of parking. The change
7 of one permitted use to another where there are no
8 actual changes in any of the design elements.
9 Minor facade improvements, parking improvements,
10 replacement of windows in-kind. Freezer
11 enclosures, fencing, awnings, small signs, and et
12 cetera. That is essentially the bulleted list.

13 If the commission does pass this resolution,
14 then that would be the third Inter-municipal
15 Agreement that we have in effect with the
16 municipalities of Suffolk County.

17 MR. CARACCILOLO: You are creating an
18 efficient government --

19 MR. FRELENG: The Commission is, yes.

20 MR. CARACCILOLO: Very good.

21 I think we will have a Motion now.

22 Sarah; Second by Linda.

23 All those in favor?

24 MR. ISLES: The next item we have is a
25 little bit different. It is an Open Space

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2 Acquisition.

3 It is included in your packet. It provides
4 a status report of Open Space Acquisitions that
5 are currently pending in Suffolk County. Some of
6 these may be relatively dormant, but it is a
7 rather complete list.

8 Why are we circulating this? The reason we
9 are circulating this is that this was an issue
10 that came up some years ago in terms of the County
11 Planning Commission at least being informed of the
12 property the County is considering in a general
13 sense. On the other hand, it is part of the
14 Regulatory Review function. We have to keep that
15 separate.

16 So it is basically for informational
17 purposes for the County Planning Commission
18 members. And here, again, you receive
19 applications from time to time on a regulatory
20 review process. Whether they are subject of an
21 Open Space effort to preserve the parcel. It is
22 not something that is material directly to the
23 regulatory review role.

24 This is a procedure that we developed a
25 couple of years ago to let the commission know of

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2 what it is pending in a general sense. If you
3 have any questions for that, let me know.

4 The next item is just to bring up the topic
5 of an Orientation Seminar. We've done this over
6 the past two years in either April or May, once a
7 year doing a training session.

8 We do still have two vacancies on the
9 Commission, and the County Executive's office is
10 aware of that, and I think pursuing filling the
11 two vacancies, one in East Hampton and one
12 At-Large.

13 With that understanding, we would like to
14 seek the schedule for April or May. Probably May.
15 Again, if you have any comments on that, please,
16 let us know. Probably the morning, maybe 9:30,
17 and start the meeting that day.

18 MS. HOLMES: Is that a May meeting?

19 MR. ISLES: We are thinking the May
20 meeting. It will give us time to get something
21 together and also we may have new members by that
22 time.

23 I do have a couple of items that are not
24 listed on the agenda. I did circulate to the
25 members an accounting of attendance with the

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2 Commission. This was done individually with the
3 members.

4 I am just bring this to your attention,
5 because the county law does state that you should
6 be attending 75 percent of the meetings in order
7 to be considered for reappointment. So what we
8 want to do is give you that information on a
9 regular basis as an update so you can keep track
10 of where you are. There are permitted excuses for
11 illness, death in the family, and so forth.

12 The second part of that is related to
13 training. New York State Law does require a
14 minimum of four hours of training per year for
15 your reappointment.

16 We did try to indicate whether you've
17 attended the two courses being held through County
18 Planning and the Planning Federation. Other
19 courses can also qualify for that. It is very
20 broad in terms of the type of training with the
21 county. Here, again, it is to just make you aware
22 of that and not come to you at the last minute on
23 that.

24 Then there are two other last items. We are
25 working with the subcommittee of the planning

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2 commission for the guidelines. We appreciate the
3 time and the effort that the subcommittee members
4 put into this. It has been rather thorough and
5 extensive. The staff stands ready to assist, and
6 they would actually like to even dedicate more
7 resources if we have to, to assist in the updated
8 guidelines.

9 I will say that we have some projects and
10 are working out a work plan for the department for
11 this year. We're pretty clear in terms of
12 assisting probably until May or the beginning of
13 June. But ideally, in terms of other work we
14 have, we would like to get as much of that work
15 done by springtime as we possibly can. So
16 whatever resources we can lend, we will be happy
17 to do so for that process.

18 The last item is we have retained a planner
19 that essentially replaces a position which was
20 occupied by Chris Reid who left that a year ago.
21 I did hire somebody on Monday. That person will
22 be starting later on this month as a junior
23 planner. He will be assisting in regulatory
24 review with Andy's section. That is the good
25 news.

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2 The not so good news is that we have also
3 been asked to cut the departmental budget by
4 ten percent. So we are working on that. The
5 total budget includes personnel.

6 We still have a couple of vacant positions,
7 including Mr. Fedelm leaving. So we are working
8 on that right now.

9 Unfortunately, with the economy being sort
10 of flat in terms of sales tax growth being flat at
11 this point and rising costs and so fourth, there
12 are significant issues that play that we have to
13 deal with. The County Executive will be speaking
14 to this issue tonight at the State of the County
15 Message, for which we have included an invitation
16 in your packet as well.

17 MS. HOLMES: Thank you.

18 MR. CARACCILO: Moving on to the
19 commission of business.

20 Andy, are you going to start us off?

21 MR. FRELENG: Yes, sir.

22 The first regulatory matter before the
23 Suffolk County Planning Commission today is
24 referred to us from the Town of Riverhead. This
25 is the application to Hamlet Center. The

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2 jurisdiction for the commission is that the
3 subject property is adjacent to New York State
4 Route 25, Middle Country Road.

5 The applicants are seeking Town Planning
6 Board Site Plan approval for the construction of
7 three mixed-use buildings consisting of a total of
8 30,950 square feet of commercial use on the ground
9 floor and 32,000 square feet of residential use on
10 the second floor. Approximately 257 parking
11 spaces are proposed and are in excess of the Town
12 of Riverhead zoning law requirements.

13 The proposal is two-phased where the first
14 phase is the development of the mixed-use complex.
15 Phase 2 is proposed to be an eight-lot
16 subdivision. An on-site sewage treatment plant is
17 proposed to handle waste water. The subject
18 property is located on the north side of Middle
19 Country Road, which is New York State Route 25,
20 approximately 450 feet west of Fresh Pond Avenue,
21 which is Town Road.

22 A review of the character of the land use
23 and zoning pattern in the vicinity indicates that
24 the subject premise is located within a Hamlet
25 Center zoning designation along Middle Country

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2 Road. The subject parcel is also split-zoned,
3 with the rear of the site situated in the RB-40
4 zoning district.

5 Other zoning designations in the vicinity
6 are indicative of the land use history in the area
7 as shown by Agriculture Protection Zoning Use
8 District, Defense Institutional District, Light
9 Industrial and Industrial "C". Other more recent
10 zoning designations include, Calverton Office
11 Zoning Use District and the Rural Corridor Zoning
12 Use District.

13 Agriculture and lands developed and
14 undeveloped associated with the former Naval
15 Weapons Industrial Reserve Plant at Calverton are
16 the predominant land uses in the area.

17 You really can't see it from this air
18 photo, but if you pan back even more, you can see
19 to the south and southwest is the big Grumman
20 facility. The land off the screen to the left
21 even more is also land that are part of the
22 Grumman facility. The open-space lands that
23 surround the fence, if you are familiar with the
24 property.

25 Other land uses include a residential

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2 subdivision of which some of the lots, including
3 single family residents that are adjacent to the
4 subject site. You can see that along the north
5 back end of the subject property. Some of the
6 vacant land is adjacent to the property to the
7 east. As well as a retail and restaurant
8 development complex. Adjacent and to the west
9 exists an operating poultry farm.

10 We have the subject site, we have the
11 poultry farm. We have J.R. Steakhouse, and back
12 here is the mixed commercial use, antique retail.

13 Access to the proposed use is intended to
14 be from a new two-way curb cut to Middle Country
15 Road approximately center of the subject site.
16 Access into the intended Hamlet Center development
17 is also proposed to be the principal access to the
18 Phase 2 subdivision development. That would be
19 coming straight through to there and access over
20 here.

21 With regard environmental conditions,
22 there are no significant environmental constraints
23 on the subject property, but it should be noted
24 that the property is located in the Central
25 Suffolk Special Groundwater Protection Area.

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2 Comprehensive Plan Recommendations for
3 this site: The Town of Riverhead Comprehensive
4 Plan recommendation for this site is reflected in
5 the zoning designation.

6 It is the belief of the staff that the
7 application is conditionally approvable,
8 notwithstanding some design elements found to be
9 problematic. It is understood that the
10 residential subdivision aspect of the plan is
11 shown for demonstration purposes only. We are not
12 intending to develop that upon approval of this
13 plan.

14 However, elements of the commercial
15 mixed-use development site integrated with the
16 subdivision warrant discussion. The principal
17 concern is access to the subdivision. It is not
18 acceptable for various good planning reasons to
19 have the principal access to the subdivision to be
20 through the commercial center.

21 I can think of any number of reasons why
22 you don't want that. Snow emergency, no access
23 into the subdivision. Holiday weekend, there is a
24 lot of retail and shopping going on. There could
25 be a lot of congestion in the parking lot. The

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2 emergency vehicles might have to venture into the
3 subdivision. So there are a number of reasons you
4 would not want to have that principal access.

5 Access to the commercial center and the
6 rear portion of the lot reserved for single-family
7 homes, should be moved to the east or west along
8 the property line and created into a proper
9 street. We are suggesting redesign to this, and
10 bringing access along the property line so you can
11 either take access into the commercial center from
12 the street, that would be created that way. Or
13 through the south you can take the access to the
14 commercial center that way.

15 With this design, the residential parcel
16 is in some way a "flag lot" with the access "pole"
17 alongside the Hamlet Center. The commercial
18 "Hamlet Center" development can then be accessed
19 via the combined access roadway from the side-lot
20 line rather than directly from the State
21 right-of-way.

22 In the alternative, the residentially
23 zoned portion of the parcel can be covenanted
24 against development until such time that an
25 alternate access point can be established.

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2 So they are showing future access points
3 into the subdivision. They can certainly put a
4 covenant or a restriction on the development of
5 this parcel of the property until such time as
6 they need access to the adjacent parcel. This
7 would then be either an emergency or secondary
8 access or do both, and take access into here, into
9 the subdivision, and have access there. You see
10 that they can rearrange the access.

11 The transition between the proposed Hamlet
12 Center development and the Phase 2 residential
13 portion needs to be better buffered. There should
14 be a minimum of 50 feet of undisturbed vegetation
15 between the property line, in this case the zoning
16 line, of the commercial development and the
17 building envelope of any proposed residential lot.

18 It is not clear that the placement of the
19 sewage treatment system for the Hamlet Center
20 commercial development is appropriate in the RB-40
21 residential zoning district. A variance or some
22 relief from the Town may be necessary for the
23 placement of the system.

24 Staff believes this should be clarified
25 prior to final approval of the site plan at the

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2 local level. Also indicate a proper native
3 vegetative buffer of a minimum of 50 feet to any
4 building envelope should be established around the
5 perimeter of the sewage treatment facility.

6 So over here is where they propose to put
7 the sewage treatment facility. The zoning line is
8 here. This is RB-40, and this is Hamlet Center
9 development building zone. So they have the
10 sewage treatment facility in a residential zone.
11 I'm not clear if their local code would allow or
12 if they started making accommodations for that.

13 The three mix-use buildings are proposed to
14 contain 30 rental apartments, ranging in size from
15 865 square feet to 1,500 square feet. It is not
16 clear if there are "affordable" units included by
17 design or if 20 percent have been set aside for
18 affordable/workforce housing purposes in
19 accordance with Suffolk County policy.

20 Such information was lacking in the referral
21 to the Commission. Suffolk County Planning
22 Commission Policy is to set aside 20 percent of
23 all residential units for affordable housing
24 purposes.

25 Residents of mixed use buildings should be

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2 able to anticipate reasonably convenient and
3 accessible parking. Shared parking arrangements
4 and traditional parking allocations tend to
5 breakdown on weekends, special events, and
6 holidays.

7 It does not appear that accommodations for
8 residents living within the Hamlet Center
9 development have been made. At least 30
10 accessible off-street parking stalls within a
11 convenient distance to residential units should be
12 set aside for resident purposes only.

13 With respect to the off-street parking lot
14 to the north of the Hamlet Center building, more
15 treatment should be placed on the walkability
16 aspects for visiting patrons. Well-established
17 crosswalks from the lot to the campus of the
18 buildings should be incorporated into the parking
19 lot design. In addition, benches, planters and
20 additional sidewalks or safe walking routes should
21 be established on the east and west sides of the
22 parking lot.

23 Just to recap for a second. We've got 30
24 residential apartments in this mixed-use
25 development. We've got the ground-floor

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2 commercial, and the apartments are on top. It is
3 not clear whether or not there were any
4 "affordable units" by our policy.

5 Though the units do range in size from small
6 being 865 square feet, there are ten of those.
7 There are 12 units of 950 square feet and eight
8 units of 1,500 square feet. So somewhat of a
9 concern of whether or not they are affordable or
10 not.

11 The staff is recommending an approval with
12 the following conditions: Number one, access to
13 the Hamlet Center development and the future Phase
14 2 subdivision shall be separated.

15 The staff is also recommending, number two,
16 the transition between the proposed Hamlet Center
17 development and the Phase 2 residential portion be
18 better buffered.

19 The third condition for approval; 20 percent
20 of the residential units shall be set aside for
21 affordable housing purposes in accordance with
22 Suffolk County Policy.

23 The fourth condition, at least 30 accessible
24 off-street parking stalls within a convenient
25 distance to residential units shall be set aside

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2 for resident purposes.

3 Staff is recommending that the two comments
4 from the staff report be forwarded to the Town of
5 Riverhead. The first was a comment related to the
6 placement of the sewage treatment plant. It is
7 not clear that it is appropriate in the RB-40
8 zone. There is a need to rectify that and look
9 into it further.

10 The second comment is with respect to the
11 off-street parking lot to the north of the Hamlet
12 Center and crosswalks be added to the site plan.

13 That is the recommendation of the staff and
14 recommendation of approval for conditions and two
15 comments.

16 MR. CALONE: One thing I want to ask you
17 is whether you would consider --

18 MR. FRELENG: We looked at it, and the
19 staff saw that some of the units were small and
20 they may be retailed, if you will, certainly at an
21 affordable price. I forget the exact number, but
22 the 800 square-foot unit was certainly small by
23 design. We did not talk to the Town of Riverhead
24 staff about that.

25 However, commission policy is that all the

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2 developmental residential units have a 20 percent
3 affordability component. So, therefore, the staff
4 is putting that condition on your approval or
5 recommending that you put that condition on your
6 approval. It would be up to the Town of Riverhead
7 to comply on-site or to comply with if they have a
8 bonafide affordable housing program, they could
9 comply by taking money in lieu of.

10 MR. CALONE: But as a condition that the
11 Town of Riverhead do that since it is a county
12 policy. We want to make sure it is somewhat
13 addressed.

14 MR. CARACCILO: You're basically saying
15 that it is in there.

16 MR. FRELENG: It wasn't in the referral
17 material on whether or not they were considering
18 affordable housing approval. Your resolution of
19 approval would include a condition in the
20 affordable housing.

21 MS. HOLMES: I tend to agree. That if we
22 do a conditional approval, and the condition is
23 not only that they spell out affordable housing or
24 create affordable housing, but also they were
25 unclear about the location of the sewage treatment

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2 plant. I would very strongly feel that this is
3 incomplete. Because if we send it back with
4 conditional approval and the Riverhead Planning
5 Board decides to overrule us, they can't ignore
6 these important conditions.

7 I am also very sorry that Commissioner
8 Goodale is not here, because he is very familiar
9 with this property. He chaired a very intensive
10 Planning Committee for the Grumman property,
11 which, as you pointed out, is just adjacent. And
12 I sat on that committee with him.

13 I would say that it is incomplete and he may
14 know a great deal more about what the Riverhead
15 Planning Board may do. I just feel that these are
16 two very important points in that they do need to
17 spell these things out for us.

18 MR. FRELENG: The Suffolk County Planning
19 Commission cannot force the Town of Riverhead to
20 do affordable housing. The Suffolk County
21 Planning Commission, as they get a site in, can
22 put a condition on it.

23 If the Town of Riverhead feels that
24 affordable housing is not appropriate, they must
25 override the commission with findings and explain

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2 why, on this particular site, that affordable
3 housing is not appropriate, and then those
4 findings have to withstand the test.

5 MS. HOLMES: If we say that it is
6 incomplete and say we wish to address the issue of
7 affordable housing, and to let us know their
8 intent for this future residential development,
9 and that they address the issue of the location of
10 the sewage treatment plant and determine whether
11 it is in compliance with regulations. I think
12 those are two really very important reasons why it
13 is incomplete, and let them present us with
14 additional data.

15 MR. FRELENG: I understand your comments.

16 MR. FIORE: The approval of the following
17 conditions, and it does address the issue with the
18 20 percent, I believe that condition that you put
19 in there are addressing all the needs. I agree
20 with you about going back to the Town of
21 Riverhead.

22 So, I mean, I think it is fine the way it
23 is, and I ask for the Commissioner to approve this
24 and I make a Motion at this time.

25 MR. CARACCILO: Any other comments?

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2 MR. KONTOKOSTA: Two things. One, I
3 think this highlights some of the issues that we
4 are grappling with in regards to the guidelines.
5 This is an as-of-right application to apply the
6 20 percent criteria on this project as opposed to
7 the one we may not see right next door. It seems
8 that there might be some issues there.

9 But based on the previous history, I think
10 the affordable-by-design is not necessarily
11 sufficient. There are a lot of things that can
12 change the price. The size of the unit and the
13 development that will go on into this area.

14 Second point, with respect to the
15 subdivision that it is part of the same lot. A
16 legal lot I assume. Is this condition applicable
17 to the subdivision as well? Would that be how it
18 is construed or is it more narrowly --

19 MR. FRELENG: The application for
20 Commission is for the site plan approval for a
21 commercial center. So the conditions would relate
22 to the commercial center development at the time
23 that they provide a subdivision referral to the
24 Commission. The staff would recommend the same 20
25 percent requirement on the subdivision.

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2 MR. PRUITT: For demonstration purposes
3 only, the subdivision, would that be coming back
4 for the Review Commission as well?

5 MR. FRELENG: That should come back.

6 MR. CARACCILO: Anyone else?

7 MS. ESPOSITO: I think I need clarity.
8 You said that the sewage treatment plant would be
9 for the commercial section only?

10 MR. FRELENG: At this time.

11 MS. ESPOSITO: Then what happens with the
12 30 apartments in the other section?

13 MR. FRELENG: The staff meant to indicate
14 that it is for the mixed-use development in the
15 apartments and the commercial use aspect. I
16 apologize if you thought I was separating it.

17 MS. ESPOSITO: I thought you just
18 meant --

19 MR. FRELENG: It is for the development
20 of the Hamlet Development Center.

21 MS. ESPOSITO: And there is no recharge
22 on site that has been submitted. There is no
23 recharge basin.

24 MR. FRELENG: We have to keep in mind
25 that they will approve the sewage treatment plant.

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2 This particular site, I would guess -- I would
3 imagine that there is a point-source recharge on
4 site. That it is going to drain on site. If that
5 is your question, yes, there is a recharge on the
6 site for the waste water.

7 MS. ESPOSITO: Also keep in mind that it
8 is a special ground-water protection area. And a
9 special ground-water protection plan does
10 stipulate no new sewage treatment plans in
11 S.G.P.A. One of the goals of the planning
12 commission is to comply with these plans. This
13 would be out of compliance with the S.G.P.A. plan
14 which the county signed and adopted.

15 MR. ISLES: That is a recommendation of
16 the plan. It is not a requirement.

17 MS. ESPOSITO: How does the zoning
18 classification work? Does it specify housing
19 units can be substituted for commercial
20 development? How do you allocate those numbers?

21 MR. FRELENG: The allocation of the
22 units, the code permits residential apartments
23 only above commercial space. So they cannot
24 separate. If they want to do apartments, they
25 have to develop the commercial space.

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2 MR. ISLES: Just in general, in terms of
3 the question that the commission is considering in
4 terms of complete or incomplete due to the lack of
5 the information on affordable housing on this
6 location. But by way of past practice by both the
7 state laws and county laws speaks a full statement
8 of the facts submitted by the municipalities.

9 So in this case, it is required that
10 anything that they have, we must have. If they
11 have not yet, I'm not sure we can compel them to
12 do so.

13 To my knowledge in the past, we have not
14 deemed the application incomplete due to the lack
15 of information for affordable housing. I just
16 share that information to you.

17 The other point I will make: As a planner
18 for 20 years in my town, what I always found most
19 helpful is getting the comments back from the
20 Commission while the planning is still going on.

21 MR. CARACCILO: Any other comments?

22 I want you to keep in mind that we are
23 accepting, and with this approval of the
24 application, I want to be sure that we do want
25 these comments to go back.

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2 Motion is in order?

3 All those in favor of approval of the staff
4 report; 11. All those in disapproval of the staff
5 report; one. Any abstains? No.

6 The Motion carries.

7 MR. FRELENG: The next matter before the
8 Commission is referred to us from the Town of
9 Huntington. This is the subdivision application
10 of Brian Plat. The jurisdiction for the
11 Commission is that the application is within 500
12 feet of the Town of Smithtown municipal boundary
13 line.

14 The applicant proposes to subdivide a 4.41
15 acre parcel into two oversized lots, while
16 preserving the two existing dwellings on Lot 1,
17 and constructing one additional dwelling on Lot 2.

18 The subject property is located on the west
19 side of Bread & Cheese Hollow Road, opposite and
20 north of Bryan Meadow Road, which is a cul-de-sac,
21 in Fort Salonga. The property is surrounded by
22 low density residential development.

23 Bread and Cheese Hollow Road is a two-lane
24 town road and straddles the municipalities of the
25 townships of Huntington and Smithtown. Directly

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2 to the south, the property is bordered by
3 privately held vacant residential land.

4 Access is proposed to be from one existing
5 driveway and a second proposed driveway and a new
6 curb cut onto Bread & Cheese Hollow Road.

7 It is hard to see on the plan up there. You
8 have the existing access drive up here and a
9 proposed second access up here.

10 MS. HOLMES: Do you have a spare copy?

11 MR. FRELENG: It was e-mailed to you.

12 (Handing.)

13 With regard to the environmental conditions
14 on this site -- the only significant environmental
15 issue is steep slopes. So we should keep that in
16 mind.

17 The 1993 Town of Huntington Comprehensive
18 Plan recommends low density residential
19 development for this area. This proposal conforms
20 to that recommendation.

21 The Town of Huntington amended their code
22 and subdivision requirements in 2006 regarding
23 development on "Hillside Areas", whereas parcels
24 containing average slopes of 25 percent or greater
25 require a minimum lot area of two acres. This

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2 proposal conforms to that requirement.

3 As indicated before, the site does contain
4 steep slopes, 25 percent or greater. There was no
5 slope analysis submitted because it was not
6 necessary. The two lots were in conformance and
7 do meet the largest minimum lot area requirement
8 under the town's hillside area development
9 ordinance. So there are no extraordinary local
10 requirements for the slope analysis.

11 Lot 2 proposes to take access via an
12 easement over Lot 1 to avoid a straight, steeply
13 sloped driveway onto Bread & Cheese Hollow Road,
14 but in exchange will have to clear and re-grade a
15 larger area leading to a loss of native vegetation
16 and possible excessive soil erosion and surface
17 water runoff onto Bread & Cheese Hollow Road.

18 So the real issue of this subdivision is how
19 do you get access to the lot? The lot is in
20 conformance with the slope ordinance. There is
21 reasonable grading that would have to go on. The
22 access though, in order to prevent access coming
23 from straight in off of Bread & Cheese Hollow
24 Road, they decided to work with the sloping --
25 which is typical --

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2 What staff would think though is that all of
3 this cutting and clearing is not necessary. You
4 can bring the common driveway in like this. You
5 can make a common point of access with a small
6 easement here, and then the continued access into
7 the driveway. You may get a better angle here.

8 Staff is recommending approval subject to
9 the following two conditions: The first condition
10 being that an easement shall be created to provide
11 for one common driveway for both lots to access
12 Bread & Cheese Hollow Road at the point of the
13 existing curb cut. The second condition is that
14 the subject property shall be considered to be
15 fully yielded and is not to be further subdivided.

16 That is a recommendation to the staff.

17 MR. CARACCILO: Thank you, Andy. Any
18 questions or comments?

19 Motion is in order?

20 MS. HOLMES: I'll move to adopt that the
21 staff report the two conditions.

22 MR. CARACCILO: Thank you, Linda.

23 Second; Charla Bolton.

24 All those in favor? Opposed?

25 Motion carries.

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2 MR. ISLES: Next item on the agenda, a
3 new representative from the Department of Law who
4 is joining us. Linda Spahr. She has many years
5 in the district attorney's office, and the
6 Environmental Crime Scene in the D.A.'s office,
7 and as well as the Deputy Regional Director of the
8 New York State Department on Long Island. She
9 will be the Commissions' counsel from this point
10 forward.

11 MR. CARACCILO: Welcome.

12 On to organizational items. Did anyone have
13 an opportunity to look at the scheduled meetings?

14 MR. BRAUN: We have Saturday, March 8th
15 on the schedule.

16 MR. CARACCILO: Let's make that change
17 to March 5th.

18 MR. FRELENG: The staff just wants to
19 point out that the Riverhead meetings, we cannot
20 hold them in the legislative auditorium as of yet.
21 It is still under construction.

22 It is proposed that we hold them at the Long
23 Island Horticulture Research and Extension Center
24 on 3059 Sound Avenue, Riverhead. However, if
25 there is any other suggestions of where you would

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2 like to meet --

3 MR. CARACCILO: Can I have a Motion to
4 accept the schedule, please? Barbara Roberts.

5 Second? All those in favor?

6 Motion carries.

7 On the By Laws. Has everyone had an
8 opportunity to look at the By Laws?

9 MS. ESPOSITO: Can I make a comment?

10 MR. CARACCILO: Please.

11 MR. BRAUN: I have three different
12 versions.

13 MS. ESPOSITO: Couple of quick comments.
14 Item two says that the Commission shall hold 12
15 regular meetings annually. We may want to
16 consider changing that to a minimum of 11. We
17 only had 11.

18 The reason I say that is also because of
19 item number seven, where if we have absence of
20 quorum, it says the meeting will be canceled or
21 rescheduled. Those two could be in conflict of
22 each other.

23 I remember one year we did not have a
24 meeting in August. So we had 11 meetings and not
25 12.

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2 MR. CARACCILOLO: I don't recall that.

3 MR. BRAUN: As an alternative to that,
4 why don't we say that the commission will schedule
5 12 meetings.

6 MS. ESPOSITO: I don't recall August.

7 MR. CARACCILOLO: We might not have had it
8 because we did not have a quorum.

9 MS. HOLMES: Let's use the word
10 "schedule".

11 MS. ESPOSITO: If we use the word
12 "schedule," it doesn't hold us to it.

13 MR. CARACCILOLO: Strike "hold" and put
14 "schedule".

15 MS. ESPOSITO: And my last comment --

16 MR. PRUITT: There is nothing in law that
17 requires that we hold a meeting.

18 MR. CARACCILOLO: We have to work within
19 the timetable which is 45 days. Right, Andy?

20 MR. FRELENG: That is correct.

21 MS. ESPOSITO: I don't know if we need
22 this, but I do recall some confusion and we asked
23 for a legal clarification of what constitutes a
24 pass or fail of a vote. Was it a majority of a
25 quorum or was it a majority of those present. I

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2 was hoping we could have that clarified in these
3 rules so that we don't need to keep seeking that.
4 Even if we are not here four years from now or
5 five years from now.

6 MS. HOLMES: Item six addresses what a
7 quorum is. It's a quorum of a total membership
8 and we should have mailed Jim Morgo this morning
9 to say, "When are you going to make those last two
10 appointments?" A total of the number of
11 commission seats instead of a number of
12 commissioners who are with us.

13 MS. ESPOSITO: But my question was -- not
14 even a question. I just wanted a point of
15 clarification with the rules. If we could spell
16 out what constitutes passing a vote.

17 A quorum majority of the total membership of
18 the planning commission constitutes a quorum
19 thereof, and I think even if there is just another
20 sentence, "All votes must include total Quorum".

21 MS. HOLMES: We said of the total of 15
22 seats of the planning commission?

23 MS. ROBERTS: Yes.

24 MS. HOLMES: The statute does. But our
25 own rules we would like to clarify it so that --

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2 MR. FRELENG: Just use the language
3 from the Bill.

4 MS. HOLMES: What we need is to spell out
5 the total membership. Meaning the total seats.
6 We keep thinking it's the total membership of the
7 number of commissioners who are appointed.

8 MR. CARACCILOLO: You're right. Put that
9 line in to make Linda happy. Add that line --

10 MS. HOLMES: The total membership of 15
11 seats.

12 MR. CARACCILOLO: All right. Thank you
13 for writing everything down.

14 MR. MCADAM: We will do that change,
15 Linda.

16 MS. HOLMES: There is one that I thought
17 of, and I don't know if -- it was not really
18 addressed.

19 When we take a vote, we do approval,
20 disapproval, and abstentions. And I would like to
21 see us have our own internal policy, that if a
22 vote is coming up and a commissioner plans to
23 abstain, that that commissioner say that.

24 We had a situation last month where we were
25 having a very important vote, because it was in a

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2 matter under litigation and the staff recommended
3 that we refer it back to the Town of Southampton.
4 And because of the fact that one commissioner
5 member abstained after we had done our approval
6 and disapproval, the vote failed because there was
7 not enough approval votes.

8 I for one would have voted for approval if I
9 knew that somebody was going to abstain and,
10 therefore, the motion would not have passed.

11 MR. CARACCILOLO: What you're asking is to
12 have us state if we are going to abstain prior to
13 the vote?

14 MS. HOLMES: Yes.

15 MR. BRAUN: What happens to a vote that
16 is abstained? Does it add to the majority or is
17 it just ignored.

18 MS. ESPOSITO: The By-Laws require a pass
19 or fail.

20 MS. HOLMES: I'm not familiar with the By-
21 Laws. As a general rule, if the By-Laws require
22 an affirmative vote, than the counseling --
23 becomes an affirmative vote.

24 MR. CARACCILOLO: And the extension is
25 ignored.

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2 MS. HOLMES: Except that we do not have a
3 full commission seated, sometimes, and this
4 happened last month, because we only had some of
5 our members present, the number of voting of
6 approval together with the two that disapproved
7 and the one afterwards abstained, then the
8 approval vote did not carry and we were not able
9 to approve the staff recommendation to return the
10 matter for local jurisdiction. Which was
11 extremely important to us, because it was part of
12 a litigation.

13 MR. CARACCILO: What you are asking is
14 to have an extension prior to the vote?

15 MS. HOLMES: No, I'm not. I'm asking if
16 a member is planning to abstain when we are ready
17 to take a vote, that that member say so. We don't
18 want that vote to fail.

19 MR. CARACCILO: If the vote failed and
20 this commission feels strongly enough if they want
21 to reopen that vote, you can make a Motion --

22 MS. HOLMES: I asked to reopen it and --
23 I voted against it and I wanted to revote.

24 MR. CARACCILO: You could have done
25 that, but you did not have a Second on that.

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2 Let's just address what is on the table.
3 And I think Linda's comment -- I think your
4 question is presented in Robert's Rules.

5 MS. HOLMES: Yes, but it would have been
6 easier for us. And I didn't even notice that all
7 of us were not voting until the one Commissioner
8 said, "I'm going to abstain." I didn't realize
9 that a commissioner had not voted.

10 MR. CARACCILOLO: I want to hear the whole
11 application.

12 MS. HOLMES: When you are calling for the
13 vote, if someone had already made up their mind
14 that they are going to abstain. Then if they
15 would say so, it would help the rest of us.

16 MR. CARACCILOLO: That could be a job for
17 the new chairman. He could ask for abstentions
18 first. Say: Are there any abstentions? All
19 those approve? All those disapprove. That should
20 be a discretionary voting procedure.

21 MR. FIORE: I disagree. I think the
22 voting has to go: All in favor? All against?
23 All abstentions. I just don't see how you can do
24 that. It should be each person here. Each
25 commissioners' right to vote the way he or she

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2 feels that they should vote.

3 If it is an abstention vote, so be it. But
4 to have the abstention first, I think would
5 cloud the issue of the positive and negative vote.
6 I can't go along with that.

7 MR. CARACCILO: It is not going to be a
8 rule. And I think that you have the ability in
9 Robert's Rules to reopen. And you can reopen and
10 you can do that.

11 MS. HOLMES: We moved too fast last time
12 because now I found out that someone else
13 abstained to it.

14 MS. ROBERTS: Today we allowed
15 conversation after someone made a Motion. At the
16 last meeting we said that it could not happen. I
17 want to understand what is the Rules of Order. If
18 you make a motion, what happens?

19 MR. CARACCILO: Let me address that.
20 That was my fault. I agree with you 100 percent,
21 that we have to have all our comments done prior
22 to making a motion. It is hard in the horseshoe.
23 That was my fault.

24 MS. ROBERTS: I want to make sure all
25 comments are out. The thing that happened before,

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2 I felt snowballed a little at the last meeting
3 because all comments were not out.

4 MS. LANSDALE: Are you still accepting
5 comments on the meeting?

6 MR. CARACCILOLO: Yes, we are still
7 accepting comments.

8 MS. LANSDALE: I would like to say that
9 on point eight on the meeting, is it possible to
10 include the Notice of the meeting on the county's
11 website?

12 MS. HOLMES: Yes, that would be great.

13 MS. LANSDALE: And possibly the agenda of
14 the meeting?

15 MR. CARACCILOLO: Sure.

16 MR. FRELENG: I just ask that you keep in
17 mind that the agenda is not a formal agenda. It
18 is a Notice of a meeting and tentative agenda.

19 MR. CARACCILOLO: Any comments on the
20 rules?

21 MR. PRUITT: The question I have on point
22 17, I don't know whether this text came in for the
23 year 2000.

24 MS. HOLMES: I can clarify that.

25 Last year there was a recommendation by a

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2 couple of commissioners that we consider having
3 term limits. And we were told that the county
4 legislature would have to pass a resolution,
5 setting term limits for this commission.

6 So because we brought it up and because we
7 now informally are instituting term limits by our
8 own decision of the sitting officers, the
9 commission -- the nominating committee could
10 recommend next year that we would be recommending
11 to the legislature that they consider setting term
12 limits.

13 MR. CARACCILOLO: I think that the wording
14 is a little loose there, and we want to have the
15 nominating committee explore that option.

16 MS. HOLMES: And perhaps discuss it with
17 some of our legislators and what not.

18 MR. PRUITT: Why is that in the rules for
19 government --

20 MR. CARACCILOLO: We wanted to create a
21 nominating committee. And we did that last year
22 for the first time as well.

23 MR. PRUITT: I agree with the nominating
24 committee. And I think because the By-Laws are
25 set and the Rules are set, we are electing

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2 officers every year.

3 MS. HOLMES: It's because we just set up
4 a nominating committee. We are memorializing it
5 by having it as one of our internal rules. We
6 will now have a nominating committee forever, we
7 hope.

8 MR. CARACCILOLO: And I understand your
9 point and I made that point myself last year.

10 MR. PRUITT: The term is one year.

11 MS. HOLMES: It was really to memorialize
12 having a nominating committee. And to spell out
13 what --

14 MR. CARACCILOLO: I felt that way. Don't
15 force me for two years.

16 MR. FRELENG: Staff would recommend then
17 that since that was last year's recommendation, if
18 you don't want to carry that forward, then
19 you drop that from these rules of proceedings --

20 MS. HOLMES: No, I don't want to drop it,
21 but we do want to explore it. Because it would
22 require an act of the legislature.

23 MR. FRELENG: I understand. That charge
24 was last years charge. So if you want to keep
25 exploring it, then you keep it in your Rules of

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2 Proceedings.

3 MS. HOLMES: "Explore" is a good word.

4 MR. BROWN: When you say "Officers," do
5 you mean the chairman, and vice chairman, and
6 secretary, but not the commissioners?

7 MS. HOLMES: Yes.

8 MR. CARACCILOLO: And the commissioners
9 have a term.

10 MS. HOLMES: Set by the legislature.

11 MR. BROWN: But not term limits.

12 MR. CARACCILOLO: They are term limits.

13 MS. HOLMES: You have to go before the
14 Environment Committee again, and you have to be
15 appointed again.16 MS. ROBERTS: This is very minor, but the
17 suggestion is to pull out the last sentence in 17.
18 Maybe it should read, "Other committees" and not
19 "Nominating committees"?

20 MR. CARACCILOLO: Do you have that, Dan?

21 MR. GULIZIO: Yes.

22 MR. CARACCILOLO: Take the last sentence
23 of 17 and just make that point 18.

24 Sarah?

25 MS. LANSDALE: Point 14, do we need to

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2 update that in light of the earlier meeting, that
3 Inter-Municipal Agreements that were executed
4 between the county and the towns --

5 MR. FRELENG: The revised guidelines will
6 have such expedited Inter-municipal Agreements.
7 As long as we say it is in accordance with our
8 guidelines, then that would cover it. The issue
9 here is that the only adopted subdivision
10 guideline by extension of policy, the Commission
11 uses those guidelines for zoning actions. So when
12 we do adopt the guidelines, we have to amend this
13 14.

14 MR. CARACCILOLO: Any other comments?

15 MR. PRUITT: I'm still on point 17. I
16 would like to make a Motion that we delete the
17 section regarding term limits --

18 MS. HOLMES: Can't we explore it?

19 MR. PRUITT: Remove it.

20 MR. CARACCILOLO: Say that one more time?

21 MR. PRUITT: The sentence says: The year
22 2008, the Nominating Committee shall also explore
23 and make recommendations on terms limited for
24 officers of the planning committee. I would like
25 that removed.

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2 MR. CARACCILOLO: I'm going to take a
3 two-minute recess.

4 (WHEREUPON, a break was taken.)

5 MR. CARACCILOLO: Back on the record.

6 Commissioner Pruitt, just explain your
7 reasoning for that.

8 MR. PRUITT: I just don't believe we
9 should be enforcing term limits. My objection is
10 that if we have a chairman, or vice chairman, or
11 secretary, that if this commission wants to
12 reelect for a multiple term, we should be able to
13 do that.

14 MR. CARACCILOLO: I understand your point.
15 I think one of the things that the County
16 Executive did that made this Board so great, is
17 that he put limits and terms and he rotated it. I
18 think that is a really good choice. Prior boards
19 had a chairman here that was here for years and
20 years and that didn't change.

21 I do also understand that we do vote every
22 year. Voting every year is your opportunity for a
23 term limit. Our term limits are set for a year.

24 MS. HOLMES: May I comment. We had a
25 rather long and torturous process on this. What

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2 the County Executive did, which I think John is
3 referring to; number one, he said, "Nobody is
4 sitting on any town, board, or even a political
5 party officership -- no board, no zoning, no
6 planning, no town, no political could sit on this
7 Planning Commission. That knocked out a lot of
8 people that had overlapping interest shall we say.
9 So he did that and reconstituted this Commission.

10 He also said he wanted diversity and he
11 wanted someone representing the Union, somebody in
12 Development. He made a lot of criteria that gave
13 a diversity to us. But within our internal rules,
14 which is what this is addressing, in our internal
15 rules, we never ever before this year had a
16 nominating committee.

17 If you look on the posted minutes on the
18 county's website, you can only go back ten years,
19 but you can look at the organizational meeting
20 every year. People would be sitting as chairman,
21 vice chairman, and secretary. It would be a
22 little dance, "I don't want to be reelected," and
23 the person would say, "Yes." Sometimes a
24 commissioner would say, "What is this for life?"
25 And the vice chairman would laugh and say, "Yes, I

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2 hope it's for life." But it gave no one else an
3 opportunity.

4 What we are trying to do is give people an
5 opportunity. We are not enforcing -- whether a
6 nominating committee might recommend to the
7 Legislature that they set term limits for our
8 officers as well as term limits for the members,
9 that might be a stretch.

10 MR. CARACCILOLO: Do we have to debate
11 this anymore?

12 MS. ROBERTS: I feel more comfortable
13 about possibly taking that sentence out if I had a
14 better idea of how a nominating committee is
15 selected. We started possibly a tradition now
16 that the officers become the nominating committee.
17 So if that was going to be our tradition going
18 further, I would have more concern about the term
19 limits. I personally would like to see the
20 sentence there, because I'm not sure of the
21 process of how we are going to be selecting the
22 nominating committee.

23 MR. CARACCILOLO: I think that is up to
24 the next chair. If he can make that selection and
25 have people confront him on it.

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2 MS. ESPOSITO: If we change the verbiage
3 in that sentence to simply say "May" instead of
4 "Shall," does that meet the needs --

5 MR. CARACCILOLO: The word "Explore" is in
6 there. I was comfortable with the word "Explore."

7 It is up to you Ed?

8 MR. PRUITT: I will accept that change.

9 MR. CARACCILOLO: Any other suggestions on
10 the guidelines?

11 MR. MCADAM: I have a question on item
12 13. I remember at least one occasion that we had
13 a speaker that handed out information. I'm not
14 sure how that would fit into this.

15 MR. CARACCILOLO: Great point, and we
16 always debated that. When a speaker just comes
17 up, a member of the public, they just fill out a
18 card or just wants to hand us something, is that
19 something that we should accept or is that
20 something that we shouldn't accept. That is a
21 vary good point.

22 MR. ISLES: It used to be a public
23 process.

24 MR. FRELENG: Any time we receive the
25 correspondence directly from an applicant, we

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2 require the applicant to notify the town and that
3 the town acknowledge that the transmittal had been
4 sent to us. When it is submitted at a public
5 hearing, you can take it for what it's worth. But
6 it is not an official submittal until we get
7 acknowledgment from the locality that it had been
8 submitted to.

9 MR. CARACCILOLO: Is it a policy that we
10 not accept that from the public when they come up?
11 Should that be part of our guideline? When
12 someone is standing up here to speak and starts
13 handing this stuff to me --

14 MR. ISLES: I don't think we cannot
15 accept it. We do have go through the referring
16 agency for validation of the material.

17 MR. FRELENG: When I get a request, if I
18 know in advance that there are requests to speak
19 to the commission, I advise them that anything
20 that they want to submit to the commission has to
21 also be submitted to the town. And the town has
22 to acknowledge the submittal.

23 MR. ISLES: Good point.

24 MR. BRAUN: In other words, if somebody
25 comes here to talk about trumpets again and they

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2 are against it and they want to hand us something,
3 when is their opportunity to submit that to the
4 town?

5 MR. FRELENG: At the town's local
6 process.

7 MR. BRAUN: Somebody may not have
8 participated in that and want to come here.

9 MR. FRELENG: And if they submit
10 information to the commission, we require them to
11 submit that to the town and the town has to
12 acknowledge that it was submitted as part of their
13 record.

14 MR. CARACCILOLO: If someone came tomorrow
15 and wanted to talk about the trumpet again and
16 wanted to hand us something --

17 MR. FRELENG: Well, in the first
18 instance, it would be irrelevant. We've already
19 acted. In the second instance, we would have them
20 send that information to the Town of Southampton
21 and Southampton would send us an acknowledgment.

22 It's very awkward, because as Tom indicated,
23 the commission did not deal with the public. Now
24 we have to deal with the public, and we also have
25 real procedural issues on when we can stop

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2 accepting information.

3 The problem is when you are dealing with the
4 public, you are pulled down into the local process
5 and the Suffolk County Planning Commission is not
6 a local process. The Suffolk County Planning
7 Commission oversees the 42 municipalities and
8 makes sure that they are doing what they are
9 supposed to be doing in accordance with their
10 Code.

11 MR. CARACCILOLO: Any other questions or
12 comments on the Rules? No? Great.

13 I need a Motion to accept the Rules? Thank
14 you, Robert. Second? Linda. All those in favor?
15 Opposed? Any abstentions?

16 MS. HOLMES: We will all get copies of
17 the amended?

18 MR. CARACCILOLO: Yes.

19 Before we get onto the -- The Nominating
20 Committee had a meeting, and we have a selection
21 of three officers for you. Before we make that
22 selection to you, I want to just tell you that it
23 has been my pleasure to serve as the Chairman for
24 the past couple of years. I think the leader is
25 only as strong as the people that he has around

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2 them. I was blessed to have such a strong
3 membership and such strong staff. You guys made
4 me look very, very good. I appreciate it very
5 much, and I appreciate the support.

6 The Nominating Committee has slated three
7 candidates for your consideration. For Chairman,
8 we have David Calone from the Town of Babylon, for
9 Vice Chairman, we have Edward Pruitt, and for
10 Secretary, Adrienne Esposito.

11 MS. HOLMES: We were wondering whether
12 the chair of the nominating committee, who also
13 happens to be the chairman of the commission,
14 under Robert's Rules of Order, could conduct the
15 election.

16 MR. CARACCILOLO: It's one candidate for
17 each. It is unanimous.

18 Are there any other nominations from the
19 floor?

20 The nomination portion is closed.

21 And now, since it's one candidate for each,
22 the secretary -- the secretary cast one vote.
23 Dave Calone for Chairman.

24 MS. BOLTON: This is just for Dave?

25 MR. CARACCILOLO: Yes.

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2 MS. BOLTON: I move that the nomination
3 be closed with respect to Dave, and I cast one
4 vote.

5 MR. CARACCILOLO: For Vice Chairman, Ed
6 Pruitt, the nomination has been closed. Can you
7 cast one vote, please.

8 MS. BOLTON: Likewise, I cast one vote
9 for Ed Pruitt.

10 MR. CARACCILOLO: For Secretary, the
11 nomination is Adrienne Esposito, and it has been
12 closed. Can you cast one vote, please?

13 MS. BOLTON: I cast one vote for Adrienne
14 Esposito.

15 MR. CARACCILOLO: I wish my incoming
16 officers good luck.

17 MR. ISLES: Onto the Commissioners'
18 Roundtable.

19 MS. BOLTON: This is a little
20 self-serving, but this week I'm going to be
21 receiving two Historical Preservation Awards. One
22 given by Bellport/Brookhaven which is a regional
23 preservation award. With it comes a check in the
24 matter of \$1,000. So I am so rewarded.

25 And the Society for the Preservation of Long

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2 Island Antiquities, their board voted to give me
3 the award called the Howard C. Sherwood Award. It
4 is a Lifetime Achievement and Preservation Award.
5 So I feel humbled by both.

6 MR. CARACCILO: Congratulations.
7 Robert?

8 MR. BRAUN: I have nothing to report.

9 MS. ROBERTS: I want to thank John and
10 Charla for their extraordinary leadership and all
11 the extra time they have given to us.

12 MR. FIORE: Nothing to report.

13 MS. HOLMES: Nothing as great as that,
14 but for the one and only time in my life, one of
15 my neighbor's took a half-page ad out in the
16 Shelter Island Reporter:

17 To Linda Holmes, thank you for speaking up
18 for those who have no voice. She was talking
19 about the deer population.

20 Somebody with a nuisance permit slaughtered
21 nearly all the deer on Shelter -- slaughtered all
22 the deer on my end of Shelter Island. I brought
23 this rather forcibly to the town board's
24 attention. And as of last Monday, they canceled
25 all the nuisance permits.

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2 So the few deer that are still living will
3 remain living. It is an issue that has been very
4 overlooked, and it factors into the Four Poster
5 Program, which we all worked so hard in getting
6 county and state funding, and private funding to
7 have an experimental program in controlling the
8 deer ticks on the deer.

9 Now someone from Cornell is coming next week
10 to start counting the deer, and we are very afraid
11 that they are going to say there are not enough
12 deer left on Shelter Island to do the Four Poster
13 Program. So, oh dear.

14 MR. CARACCILOLO: Thank you, Linda.

15 Congratulations.

16 David?

17 MR. CALONE: Thank you, John, for having
18 nominated me.

19 First of all, I want to echo what Barbara
20 said, I want to thank John and Charla ask that you
21 join me in thanking them. I look forward to
22 working with all of you.

23 I have nothing to report.

24 MS. ESPOSITO: I have nothing to report.

25 MR. PRUITT: I am honored to serve in the

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2 Commission. I know Linda Holmes, you did a
3 fantastic job during your term, but there is no
4 way that I'm going through the minutes as thorough
5 as Ms. Holmes did.

6 MR. CARACCILO: I think we will keep
7 Linda as our official editor.

8 MR. KONTOKOSTA: I have nothing to
9 report.

10 MR. MCADAM: Nothing to the report.

11 MR. GULIZIO: Nothing to report.

12 MS. SPAHR: Nothing to report.

13 MR. CARACCILO: Motion to close the
14 meeting? Ed Pruitt. Second? Don Fiore.

15 Thank you.

16 (Time noted: 2:00 p.m.)

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C E R T I F I C A T I O N

I, KIM MOONEY, Court Reporter and
Notary Public of the State of New York, do hereby
certify:

That the within transcript was prepared by me
and is a true and accurate record of this hearing, to the
best of my ability.

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

IN WITNESS WHEREOF, I have hereunto set my hand
this 21ST day of February, 2008.


KIM MOONEY