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SUFFOLK COUNTY PLANNING COMMISSION.
MINUTES OF MEETINGS

JUNE 4, 2008
12:00 p.m.

SUFFOLK COMMUNITY COLLEGE
CULINARY ARTS BUILDING
20 EAST MAIN STREET
RIVERHEAD, NEW YORK 11901

BEFORE: DAVID CALONE, CHAIRMAN

REPORTED BY: MELISSA POWELL, Court Reporter/Notary Public

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A P P E A R A N C E S:
Page 1

- 3 EDWARD J. PRUITT, Vice Chairman,
Town Of Brookhaven
- 4 THOMAS ISLES, Director of Planning
- 5 ADRIENNE ESPOSITO, Secretary
6 Village of 5,000 Population
- 7 JOHN CARACCILO, Commission Member
Town of Huntington
- 8 LINDA HOLMES, Commission Member
9 Town of Shelter Island
- 10 DONALD J. FIORE, Commission Member
Town of Islip
- 11 BARBARA ROBERTS, Commission Member
12 Town of Southampton
- 13 ROBERT BRAUN, Commission Member
Town of Smithtown
- 14 THOMAS MC ADAM, Commission Member
15 Town of Southold
- 16 CONSTANTINE KONTOKOSTA, Commission Member
17 Village under 5,000 Population
- 18 SARAH LANDSDALE, Commission Member
At Large
- 19 DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department
- 20 ANDREW FRELENG, Chief Planner
21 Suffolk County Planning Department
- 22 LINDA SPAHR, County Attorney
- 23 CLAIRE CHORNY, Staff
- 24 JESSE R. GOODALE, III, Commission Member,
Town of Riverhead
- 25 TED KLEIN, Senior Planner, Suffolk County Planning

1 Suffolk County Planning Commission 3
2 (WHEREUPON, this proceeding convened at
3 12:00 p.m. Off-the-record discussion
4 ensued, after which the following
5 transpired.)

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CHAIRMAN CALONE: The June meeting of the Suffolk County Planning Commission is now in session. Note that we have a quorum and I will ask the Vice Chairman to lead us in the Pledge.

(WHEREUPON, the Pledge of Allegiance was recited.)

CHAIRMAN CALONE: Thank you.

The first item on the agenda is the Adoption of the Minutes of the April 2 meeting.

It had some complications around the table, and there was significant problems with the minutes. In my mind, they're unacceptably poor quality and editor and chief Holmes, I think that was your --

MS. HOLMES: Well, it was confusing. There are -- but apparently there were portions that were out of sequence, and so

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Suffolk County Planning Commission
it was difficult to know who was speaking --
some of them. If you want me to go through
the list of just the word corrections, I
could do that.

4

CHAIRMAN CALONE: What I would suggest perhaps is that we -- I don't feel, and again, see what everyone else thinks, but I don't feel like they're leisure minutes that

10 we can vote on. So, perhaps you might be
11 able to provide those examples and perhaps
12 give us some direction. I would ask if
13 maybe the staff could talk to the
14 stenographer company and ask if they could
15 review the tape for that and see if they can
16 give us another version of that.

17 As Commissioner Holmes said, there were
18 speakers messed up, there was parts of the
19 public portion that was in the middle of the
20 transcript, and not only were my comments
21 garbled, which may not be surprising, but
22 Dan's were garbled, and I knew when I saw
23 Dan's comments being garbled, that something
24 was really wrong with this. (Laughing.)

25 So without objection, I ask that we

1 Suffolk County Planning Commission 5
2 move on and, again, maybe you can kind of
3 give it to the staff so they can help us out
4 in identifying where they might be.

5 MS. HOLMES: I would first like to have
6 a copy for all -- for the makeup on the next
7 version. I mean a copy of my corrections so
8 I can have them for --

9 CHAIRMAN CALONE: We can probably have
10 one made here, perhaps.

11 MR. ISLES: Just make a note that it
12 was separate from the current agency we are
13 using.

14 CHAIRMAN CALONE: The other thing which
15 we are trying to do a better job of is not
16 calling out -- out of turn and not having
17 everyone speak at the same time.

18 Okay, next item on the agenda. I would
19 like insert an item and that is doing one of
20 the things -- well, one of the most
21 important things we do which is honoring
22 those who served here with us and served the
23 people of Suffolk County and we have with us
24 here Jesse Goodell who has -- had to step
25 down from the Commission, but he was a

1 Suffolk County Planning Commission 6
2 member of this Commission for over two
3 and-a-half years, and I know, speaking
4 personally, I enjoyed his wit and
5 perspective around this table. So, Jesse,
6 we have for you a Certificate of
7 Appreciation signed by the members of the
8 commission and let me just read it.

9 It says, "Whereas, Jesse R Goodell, the
10 third, has served with dedication and
11 distinction on the Suffolk County Planning
12 Commission from September 2005 to April
13 2008. "Whereas, the Suffolk County Planning
14 Commission has benefited from his insight
15 and expertise aimed to serve the flag
16 commission and, whereas, Jesse R Goodell,
17 the third, input and contributions to the

18 deliberations of the Suffolk County Planning
19 Commission will be missed and be moving onto
20 new endeavors now, therefore, be resolved as
21 Suffolk County Planning Commission
22 acknowledges and thanks Jesse R. Goodell for
23 his positive and thoughtful contributions to
24 this project." (Applause.)

25 CHAIRMAN CALONE: I wish you all the

1 Suffolk County Planning Commission 7
2 best in your endeavors. (Handing.)

3 MR. GOODELL: Well, I have to say this
4 certificate is larger than my contributions
5 to the Suffolk County Planning Commission,
6 but I really do appreciate it and I just
7 wanted to say I am glad to see there is a
8 likely replacement, which is not quite
9 confirmed yet, but his particular expertise
10 is in transportation and we were discussing
11 before, we think there is big transportation
12 problems out here on the east and we're
13 hopefully that he is going to be able to
14 guide the County to the Planning Commission.

15 MS. ROBERTS: Introduce him by name to
16 us.

17 MR. GOODELL: Thank you very much. I
18 enjoyed my time here. In fact, I was sad
19 that I was unable to continue -- I would
20 have liked to the continue. Thank you very
21 much.

22 CHAIRMAN CALONE: As Jesse noted, we do
23 have the - the Supervisor of Riverhead has
24 worked with us to identify a strong
25 candidate and just so everyone knows the

1 Suffolk County Planning Commission 8
2 Supervisor has put forward Vincent Telton's
3 name. However, the County Executive Office
4 has not acted on it yet. So, Vince, we
5 appreciate you being here and seeing what we
6 do and, as always, this involves the County
7 Executive's approval, as well as approval
8 from the Legislature. So we are a little
9 early in the process, but none the less, we
10 appreciate you coming here today.

11 MR. TELDON: Thank you for inviting me.

12 CHAIRMAN CALONE: The next item on the
13 agenda is the public portion. Do you have
14 any comments?

15 MR. FRELENG: There are no members of
16 the public that wish to address the Board.

17 CHAIRMAN CALONE: So then we will open
18 and close the public portion without
19 objection and move onto the Chair report.

20 I just wanted to update you on a few
21 things. Three months ago, at the start of
22 the Commission year, we mentioned four goals
23 that came out of my discussion with all
24 of you -- four, I should say, immediate
25 goals for the Commission. One was to fill

1 Suffolk County Planning Commission 9
2 Commissioner Davis. Now, we met with the
3 County Executive's Office and the Town
4 Supervisor from each of the affected towns,
5 and I am happy to report that there is an
6 active search underway and names are
7 actually being discussed for each vacancy,
8 and also I wanted to report Commissioner
9 Braun was renominated by the County
10 Executive's, and is going through the
11 process right now. So we're hopeful for a
12 reappointment.

13 MR. BRAUN: In fact, I went before the
14 Commission of Legislator charged with that
15 responsibility the other day -- Director
16 Isles -- I think I have been reappointed.

17 MR. ISLES: The committee recognizes
18 your reappointment and it does fulfill the
19 Legislator --

20 MS. ESPOSITO: That is where they beat
21 you up. (Laughing)

22 MR. ISLES: It was just a few
23 questions.

24 MR. BRAUN: It was a process for which
25 I was completely unprepared for but --

1 Suffolk County Planning Commission 10
2 CHAIRMAN CALONE: You are a Lawyer,
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sir.

MR. BRAUN: And so we're moving along.

CHAIRMAN CALONE: Congratulations on your renomination.

As Jesse noted, we do have a potential name for the Riverhead vacancy, and I just wanted to thank Supervisor Cardinale for moving quickly to fill the vacancy left when Jesse stepped down.

So the bottom line of all of this, is that I'm optimistic that we're going to have a full Commission soon and we're hoping that sooner than later, but there is a process of the motion and we are excited about that. It will be nice to have every seat around this table filled.

MS. ESPOSITO: How many seats are not filled?

CHAIRMAN CALONE: There are three.

MS. ESPOSITO: Oh, three.

CHAIRMAN CALONE: Well, including Jesse's.

MS. ESPOSITO: East Hampton and what is

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Suffolk County Planning Commission
the other one, David?

CHAIRMAN CALONE: There's At Large.

MR. ISLES: East Hampton, Riverhead, at Large, and another one.

MR. FRELENG: I don't know why I feel
Page 9

7 there is --

8 CHAIRMAN CALONE: We have eleven look

9 for the it.

10 MR. FIORE: Do you we now how many

11 should be reappointed this year?

12 CHAIRMAN CALONE: I don't know. That

13 is a good question. Do you guys know?

14 MR. ISLES: Whether we know offhand,

15 Mr. Braun is the one that is now approved.

16 There will be a couple of members whose term

17 will expire at the end of this year,

18 December 31st.

19 MS. ROBERTS: Actually, I have the list

20 in front of me and it appears that

21 Constantine is the only one who has a

22 12/31/08 expiration date.

23 MS. KONTOKOSTA: I am too.

24 CHAIRMAN CALONE: Two people, Andy?

25 MR. FRELENG: Yes, Tom McAdam and

1 Suffolk County Planning Commission 12
2 Commissioner Kontokosta.

3 CHAIRMAN CALONE: So that was our first

4 goal getting a full table. Second,

5 completing our guidelines with the quorum.

6 We are certainly making real progress in

7 that each month. I know that Dan has

8 drafted some affordable housing guidelines

9 which we will discuss with the working group

10 after the meeting today, and I apologize for

11 short notice on that, but we will try to
12 have a working group meeting since Dan has
13 put together some bullet points for
14 discussion after today's meeting and anyone
15 certainly is invited to that meeting which
16 we will have with the workers group after
17 this meeting.

18 Our work on the Lead sustainability
19 Energy Star Guidelines is progressing. The
20 county Executive's Office has informed us
21 that they would like to work with us on
22 finalizing those. So that will be something
23 we will work on the next month or so. Third
24 goal that we talked about was optimizing our
25 Commission and staff and how to keep there

1 Suffolk County Planning Commission 13
2 time. The general idea behind that is
3 prioritizing the projects that come before
4 the Commission and reducing the
5 administrative burden on the staff so that
6 all of us can focus on the applications and
7 issues that have county wide impact or most
8 county wide impact.

9 So thanks to the Procedures Working
10 Group led by Vice Chairman Pruitt, and
11 Commissioner McAdam, we have a draft
12 definition of reasonable significant
13 projects which was distributed through
14 e-mail. I think there is also a hard copy on

15 your table, and we'll have a discussion
16 about that later today. That is an internal
17 definition for what projects have to come to
18 this table here.

19 The other aspect that we have against
20 -- sent out by e-mail and I think we have a
21 copy here today, is C-Draft Intermunicipal
22 Agreement -- like some language about that.
23 Basically, what that would do is limit the
24 number of applications for referrals that
25 town and villages need to send to our

1 Suffolk County Planning Commission 14
2 Planning Department Staff.

3 Our Planning Department Staff gets over
4 2500 referrals a year. We feel that we can
5 cut that down substantially, save them time,
6 and a lot of the folks on the most important
7 things. So we will also get a chance to
8 assess that later today.

9 Lastly, our focal was better convening
10 publicly what we do. A new website has been
11 launched for the County. As of the last
12 couple of weeks, and Barbara and Linda are
13 working on sketching out an updated
14 Commission page, and they've also
15 brainstormed the list of publicity
16 possibilities which we can also discuss
17 today. Again, you also got that on e-mail
18 and I believe there is a hard copy here to.

19 That's an update on our four general goals.

20 MS. HOLMES: Do you have a proposal I aw
21 on rehearing -- criteria for rehearing
22 plans?

23 CHAIRMAN CALONE: We have all those
24 things.

25 MS. HOLMES: Okay.

1 Suffolk County Planning Commission 15

2 CHAIRMAN CALONE: Linda is correct, we
3 have a couple of things to talk about, but I
4 think we probably will do that in our other
5 business at the end of the meeting and that
6 would include the rehearing standard, as
7 well as, some of things that I was just
8 mentioning regarding regional significant
9 standards etcetera, etcetera. That is my
10 update and -- Tom --

11 MR. ISLES: Thank you. Mr. Chairman.

12 A few items to bring the Commission
13 up-to-date on. From the Department's
14 perspective beginning with noting from the
15 last meeting recorded that our newly hired
16 assistant economist resigned. So we had her
17 for about five months and, unfortunately,
18 she went to a private sector. We wish her
19 well, but we will probably not be replacing
20 that position and we are working on
21 resigning that work to another department.
22 She was assisting us with special projects

23 including the Cornell Cooperative Extension
24 work.

25 I also have been made aware the County

1 Suffolk County Planning Commission 16
2 has -- the County Legislator and County
3 Executive have approved an early retirement
4 incentive program, and we have two other
5 professional staff members within the
6 Department who have indicated that they will
7 be taken that incentive.

8 So where that leave us is that we are
9 down about 30 percent on professional staff
10 at this point. We are dealing with some
11 severe fiscal issues in the County
12 Government and these are tough times. So
13 replacement will be probably postponed for
14 some time into the future.

15 MS. ROBERTS: Tom, what is the total?

16 MR. ISLES: 27.

17 MS. ROBERTS: That you have filled to
18 this date?

19 MR. ISLES: 27 positions. So we have
20 three vacancies and two more vacancies by
21 the end of July.

22 MR. ROBERTS: So 22 people?

23 MR. ISLES: Right. I will keep you
24 posted on that. What I will be doing with
25 this department is working on the adjusting

1 Suffolk County Planning Commission 17
2 to the changing staff load in terms of how
3 do we resign the work and do the best we
4 can? Or back burner work that is not as
5 critical to our core mission at this time?
6 We will adjust that the best we can.
7 I am also looking into other options
8 we have -- other staff possibilities within
9 other departments, so we will see how that
10 works.
11 Number one, regulatory review unit is
12 not affected by retirement, so we will be
13 okay in that regard.
14 A few other items, we have been asked
15 to participate in a committee group that is
16 looking at the LIPA site at Shoreham. This
17 is adjacent to what is now called National
18 Grid site. The total area of that 800
19 acres, LIPA owns about 50 acres where the
20 power plant was proposed years ago -- the
21 nuclear power plant. It now has some
22 natural gas fired peaking plants located
23 there. So the County has been asked to
24 participate in a study process on that, and
25 I will be serving as recommendation to the

1 Suffolk County Planning Commission 18
2 County Executive. I will keep you posted on

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3 how that goes in terms of finding that study
4 group.

5 MS. ESPOSITO: That is actually owned
6 now by National Grid, right?

7 MR. ISLES: Well, there are two parts.
8 Most of it is owned by National Grid. That
9 is the parcel primarily underdeveloped. The
10 actual parcel where the plant was right by
11 the inlet coming off of Long Island Sound is
12 owned by LIPA. That is approximately 50
13 acres. Then you have another 750 acres.

14 MS. ESPOSITO: But what they're looking
15 at is one --

16 MR. ISLES: The study group has,
17 specifically, tried looking at the LIPA
18 piece which is 50 acres of parcel, but
19 they're tied together in many ways,
20 generalized and so forth. So we're having
21 our first meeting next Friday. I think
22 they're connected and considered together
23 with specific charges on that.

24 That site also has been talked about
25 for a possible ferry site over the years and

1 Suffolk County Planning Commission
2 the extension of William Floyd Parkway
3 incoming site for pipelines and so forth.

4 Next item to bring to your attention is
5 the County Transfer Development Rights
6 Program. The County for the first time with

7 the SOS, Save Open Space Program -- back in
8 2004, the Legislator approved the removal of
9 sanitary waste water credits from open space
10 acquisition with the idea that they be made
11 available for affordable workforce housing
12 and to see regulatory review in it
13 administers that program, and we actually
14 have been banking these credits and holding
15 these credits for use for affordable
16 housing.

17 Two points to this: Number one, is
18 that although we have been receiving credits
19 and taking them up into open space parcels,
20 there hasn't been a lot of interest in using
21 the credits at this point. So they have
22 been piling up in the banks. The bank is
23 doing pretty well. The good news, however,
24 is we do we have our first application to
25 use credits, so that is in the Town of

1 Suffolk County Planning Commission 20
2 Huntington. It has been reviewed by the
3 County Planning Staff and the Health
4 Department, and we also met recently with
5 the Long Island Builders Institute and
6 working with the Department of Economic
7 Development Workforce Housing and promoting
8 the programs. So there is now starting to
9 be some movement in that regard.

10 The second point I wanted to make is

11 that although the SOS program has now
12 expired, the quarter percent program that
13 was amended in November, also has the
14 provision to remove credits. So here,
15 again, we will be doing that analysis and
16 the bank will be increasing rather
17 substantially with the land.

18 We're going to be fine. So I bring
19 that out from an informational standpoint to
20 that we do want to get the word out that
21 those credits are available for Affordable
22 Workforce Housing Projects appropriately
23 signing consistency zoning and so forth.

24 The last two items I want to bring to
25 your attention today is, we also

1 Suffolk County Planning Commission
2 administered County Star Land Program which
3 is the 9,000 acres appointed that the County
4 Government has rights to. We also
5 administer Agricultural Grants Program. We
6 were successful in getting the largest grant
7 in New York State given to the County this
8 year. We are working for your information
9 on a significant overhaul to the County's
10 program, but now it's known as Chapter 8 in
11 the County Code. We do have a separate
12 County Farm Land Committee, but I think it
13 is something that the Planning Commission
14 should be aware of. It's part of the package

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15 of the planning function that occurs in
16 County Government and it is something that
17 the -- is looking at the -- it actually came
18 out of the PDA meeting the other day. We
19 you ensured the continuation of the County
20 Farmland Committee Preserved Land.

21 The kind of program says that you can't
22 develop it, but it didn't necessarily go the
23 extra mile to help encourage farming
24 activities and those properties. More and
25 more we are seeing some locations,

1 Suffolk County Planning Commission 22
2 especially on the South Fork, where
3 farming -- farms that have been protected,
4 are not being actively farmed. They're
5 being used for expensive backyards. They're
6 being used for recreational uses more
7 towards --

8 CHAIRMAN CALONE: Corn maze -- that
9 kind of thing.

10 MR. ISLES: Not even that. We have a
11 house going up on Scuttle Hull Road that
12 backs up to county farmland, and it's got a
13 tree nursery on it. So, basically, that's
14 scattered trees. The house which is about a
15 22,000,000 dollar house is within about 40
16 or 50 feet of the back of PDR, so this is a
17 rather extensive plan that's being used
18 essentially for an extension on the

19 backyard. So, the question would be, if
20 we're spending all this money to buy
21 development rights with the changing of
22 economics of the land especially on the
23 South Fork, how do we best ensure that that
24 agriculture is preserved and that it
25 perpetuated that industry here in Suffolk

1 Suffolk County Planning Commission 23
2 County.

3 The last point is: I would like to ask
4 Dan to just give you a brief update on two
5 other projects from County Planning
6 Department that we have been working on
7 here. One is a very significant project and
8 the second is the corridor which we spoken
9 on in the past.

10 Periodically, I like to bring some
11 other projects to engage into your attention
12 -- a little status update and I will pass it
13 over to Dan at this time.

14 MR. GULIZIO: The Sagtikos Corridor
15 Congestion Mitigation studies is a request
16 for a proposal we have been working on has
17 actually started before I came to the town,
18 a little over a year ago. We went out to
19 bid with the proposal. We received three
20 response to the RFP -- I should back up.

21 The purpose of the RFP is to look at
22 land use and transportation planning

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combined through the Sagtikos Corridor and
direct proximity to where the four towns
meet near the expressway. It's a grant.

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Suffolk County Planning Commission

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The study -- it is funded by NIM Tech, New York Metropolitan Transportation Counsel, again, with the eye towards encouraging irrational regional land use perspective considering all transportation and land use policies within the corridor and minimize existing congestion that's occurring. I assume for the study was the Tanger Outlet Center that was considered and opposed by Huntington and, ultimately, approved by Babylon, but there is also a host of the other projects that are either approved or pending within the Corridor including the 800 pound gorilla and the redevelopment of Pilgrim State Psychiatric Center by Jerry Warkoff (Phonetic) which is located in the Town of Islip.

It's 450 acre redevelopment plan. It is probably one of the largest privately held pieces in western Suffolk. Mr. Workoff right now is proposing 9,100 residential units be developed on the property along with about 5 million square feet of commercial office and industrial space.

1 Suffolk County Planning Commission 25
2 When you look at that in terms of what the
3 existing zoning permits, the properties are
4 currently zoned for a single-family one acre
5 or residential development. So you're going
6 from 400 units which to about 9100 units
7 verses 5 million square feet. So from a
8 density standpoint, it is unprecedented -- I
9 think is a fair statement -- and a real
10 opportunity in terms of seeking some type of
11 mix use trans-oriented development. It
12 helps the diversified housing and meet a
13 host of regional needs. So the Corridor
14 site will consider that project along with a
15 host of other studies and projects that we
16 are going to -- we were a little
17 disappointed, quite honestly, with the
18 response we got. We only got three
19 responses for RFP and none of the responses
20 were particularly acceptable. The one we
21 liked the most -- when I say "we" I mean the
22 election committee -- also change the tasks
23 as we proposed them. So part of the problem
24 we think is the complexity of the tasks as
25 they were originally envisioned by NIM Tech.

1 Suffolk County Planning Commission 26
2 So we ripped them from NIM Tech and proposed
3 revised tasks that streamline the

4 responsibilities of the bitter congestion
5 project -- sent those revised tasks up to
6 the county attorney office. They have been
7 approved by NIM Tech. We are just waiting
8 for a revised RFP to actually go out now so
9 we can get a more robust -- hopefully
10 selection of proposers or bidder.

11 So that is the Sagtikos Corridor
12 Congestion Mitigation Study. The other RFP
13 that we have been actively working on is the
14 Plaza Theater RFP, as it's known. There is
15 two components to it. Apply the theory --
16 for anyone who is not familiar with it, it
17 is located on the north side of East Main
18 Street in the Hamlet of East Patchogue just
19 outside the village within the Town of
20 Brookhaven. It was a movie theater within
21 the community for many years. It has now
22 been abandon or vacant probably as many
23 years as it was been opened. I think it
24 closed in 1982 or 1985 -- around there and
25 hasn't opened since. It is kind of a Lynch

1 Suffolk County Planning Commission 27
2 thing in terms of the life it has impacted
3 on the communities which passed on over the
4 years and discouraged the investment or
5 reinvestment in the community.

6 So the County has been working on
7 developing first an update to the life study

8 of the Town of Brookhaven Commissions back
9 in 2003, as well as in 2007.

10 In addition, the County is listing
11 through RPF a redevelopment plan for the
12 Plaza Theater and considering the use of
13 them in a domain to acquire the property in
14 order to facilitate its redevelopment.
15 After many years of both the Town and County
16 level trying to encourage voluntary
17 redevelopment of the property with the
18 property owner.

19 So that has been moving through the
20 process. Also, there was a community
21 meeting sponsored by the consultant. The
22 consultant finalized the light study and
23 redevelopment plan and Condonations Act is
24 also been proceeding now through the Court
25 system which is being handled as a separate

1 Suffolk County Planning Commission 28
2 issue by the County Attorney's office.

3 If there is any questions on either of
4 those, I would be happy to address them.

5 CHAIRMAN CALONE: Quick question, Dan.
6 With regard to the Brentwood -- the major
7 development in Islip -- the Warkoff property
8 -- what is the timeline on that and when can
9 we expect that coming through?

10 MR. GULIZIO: That's a great question.
11 The applicant has been pending at the Town

12 of Islip for a number of years now. They
13 didn't submit the application until about a
14 year and-a-half -- two years ago. They were
15 in discussion probably for about three years
16 before that -- before they formally
17 submitted an application.

18 It was originally being discussed when
19 I was with the Town of Islip back in 2002.
20 So it has been in planning stages for quite
21 a bit of time, but I think that is also a
22 reflection of the magnitude of the project.
23 They have submitted, I believe, a revised
24 secret document addressing some of the
25 States concerns from the Department of

1 Suffolk County Planning Commission 29
2 Transportation, as well as Town and County
3 concerns with the traffic analysis and the
4 overall structure of the draft environment
5 once that statement was submitted. I
6 believe they have submitted an addendum to
7 that study now to the Town; is that correct,
8 Tom?

9 MR. ISLES: That is correct.

10 MR. GULIZIO: (Continuing) -- and the
11 Town is considering that document. Once the
12 draft is complete, then I assume the Town
13 will then move to hold a public hearing on
14 the rezoning and the environmental impact
15 statement itself -- the draft EIS.

16 MR. ISLES: So that could potentially
17 happen in early Fall -- late Summer, early
18 Fall if that scheduled holds and the
19 referral to the Planning Commission
20 certainly is subject to review. It could be
21 possibly at the end of this year, certainly
22 sometime next year. It is hard to say, but
23 it certainly has been moving and we will see
24 it. We do want to keep it on the radar
25 screen. It is probably the single biggest

1 Suffolk County Planning Commission 30
2 project that I have every seen in Suffolk
3 County.

4 MR. GULIZIO: The fascinating aspect to
5 the review process also is that 99 9/10
6 percent of all the referrals we got are, in
7 fact, referrals for recommendations on the
8 individual applications. There is a
9 provision though in the County chart.

10 As we discussed before, if there is an
11 objection from an adjacent municipality and
12 the action is within 500 feet, then the
13 authority over that application transfers
14 from the Town to the Suffolk County Planning
15 Commission for final determination. So then
16 you become the lead agency over both the
17 secret document as well as the rezoning --
18 if there is an objection.

19 MR. FRELENG: Is there?

20 MR. GUZILIO: There hasn't been yet.
21 MR. ISLES: Last time that happened was
22 in 1987, just so you know.
23 CHAIRMAN CALONE: Every 21 years.
24 MS. ROBERTS: Can I suggest that we
25 have one of our meetings near there or at

1 Suffolk County Planning Commission 31
2 the site so we have the opportunity to see?
3 It would certainly be helpful.
4 MS. ESPOSITO: I think we have to tour
5 the site before that comes before us.
6 MR. GULIZIO: Fascinating piece of
7 property. It was the largest mental
8 institution in the world. It had a
9 residential population at its peak of about
10 15,000 residents. There are miles of
11 underground tunnels. It is a fascinating
12 facility.
13 MS. ESPOSITO: It rights near the
14 preserve. There is a very critical area for
15 brush planning which is that 888 acres of it
16 are for recharge for the South Shore of Long
17 Island. Warkoff was asked not to include
18 that area and leave it as a preserve in
19 tradeoff, and I don't know what the final
20 result was, but he think he ignored those
21 requests.
22 CHAIRMAN CALONE: We will see what the
23 referral is.

24 MS. ESPOSITO: I think we need to go
25 and see the property of this type of a

1 Suffolk County Planning Commission 32
2 magnitude proposal, so we can make some good
3 informal decisions.

4 MS. HOLMES: I am not going in a
5 tunnel.

6 CHAIRMAN CALONE: Linda will stay
7 outside while everyone else can go in.

8 Obviously, the magnitude of it is
9 unique and requires unique response from us,
10 so we should do that see how time.

11 MR. GULIZIO: It really is the type of
12 project that this Commission, I think, will
13 really recreate for a regional significant
14 project close proximity of the multiple
15 municipal boundaries.

16 MS. ESPOSITO: And will have a lasting
17 impact on Suffolk County.

18 CHAIRMAN CALONE: Absolutely.
19 Commissioner Fiore?

20 MR. FIORE: The project is supposed to
21 take a long period of time. Its not suppose
22 -- it is suppose to go over ten years. Is
23 the approval a onetime shot for disapproval
24 and that's it? Or does the approval go as
25 he is building out?

1 Suffolk County Planning Commission 33
2 MR. GULIZIO: Under the State
3 Environmental Review Act, the developer is
4 obligated to look at the accumulative total
5 amount of impact that we have generated in
6 conjunction with the application. So
7 ultimately, all phases of the development
8 should be considered at one time. They may
9 occur or be implemented over a period of
10 time, as any project would in either -- in
11 specific phases based upon say mitigation
12 measures in terms of the completion of
13 infrastructure improvements, but the
14 approval itself will be considered as one
15 application anticipating the least.
16 CHAIRMAN CALONE: Thank you, Dan.
17 Any other questions on that? If not,
18 just two things I wanted to remember to tell
19 you.
20 First of all, speaking of tours, there
21 is a tour of the Culinary Arts Center here
22 which they're going to conduct at the end of
23 our meeting. So if folks are interested,
24 there will be a ten minute tour and we will
25 also, of course, have our affordable housing

1 Suffolk County Planning Commission 34
2 working group tour -- I mean the affordable
3 housing working group meeting will also be

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4 afterwards, so we will have to coordinate
5 those.

6 Lastly, Linda Spahr from the County
7 Attorney's Office has done some research on
8 our public comment portion following the
9 comment and questions that we had, and she
10 is going to address that at the end of the
11 meeting. So there is probably a -- we will
12 step out after our meeting and have a legal
13 discussion with her about that. So we will
14 leave that until then.

15 If there is no further ado, I think we
16 are onto our regulatory agenda.

17 MR. FRELENG: The first regulatory
18 matter that comes before the Suffolk County
19 Planning Commission today is referred to us
20 from the Town of Brookhaven. This is the
21 matter of the DeChiaro Contracting.

22 The jurisdiction of the Suffolk County
23 Planning Commission is that the subject
24 property is within 500 feet of County of
25 Suffolk land.

1 Suffolk County Planning Commission 35

2 Subject property is located on the east
3 and west side of Grucci Lane which is a town
4 road. It is approximately 2,800 feet north
5 of Horseblock Road which is a county road
6 and the property is located in the Hamlet of
7 Yaphank.

8 The applicants are seeking Town
9 Planning Board site plan approval for the
10 construction of a concrete mixing or
11 batching plant. The subject parcels are
12 9.536 acres of the subdivision of Starlight
13 Properties at Brookhaven. That subdivision
14 was conditionally approved by the Suffolk
15 County Planning Commission on March 6, 2002.
16 The operation is to take place on
17 approximately 7.976 acres on the east side
18 of Gucci Lane. While the remainder 1.56
19 acres will constitute buffer area and that
20 is on the west side of Gucci Lane. There is
21 also a 110 foot deep buffer proposed on the
22 eastern side of the subject parcel.
23 Let's just go over to the site plan for
24 a second. Specifically, the process of the
25 proposed action consists of mixing -- I am

1 Suffolk County Planning Commission 36
2 sorry -- the mixture of sand, aggregate,
3 cement, and water in a batching plant.
4 Material is to be trucked to the site and
5 loaded into a screening plant with a pay
6 loader. The screening plant sifts the
7 materials by vibrating screens or meshes of
8 various sizes and sorts the material
9 according to the size. Sorted material is
10 then deposited onto a conveyor belt which
11 drops the different sized materials into

12 stockpiles that are used in the batching
13 process. The pay loader would collect the
14 smaller processed piles and place them into
15 larger stockpiles.

16 Proposed to be located on site is a 576
17 square foot construction trailer to monitor
18 the screening plant operation and concrete
19 plant; a 1,440 square foot office; storage
20 and parking for 11 trailers; 3 above-ground
21 1,000 gallon diesel tanks; and a 144 square
22 foot dumpster enclosure. A six-foot high
23 chain-link fence is to be situated around
24 the developed portions of the site. The
25 eastern buffer is to be outside the fenced

1 Suffolk County Planning Commission 37
2 area to ensure its protection.

3 Stockpiles and machinery are proposed
4 to be no taller than 50 feet in height. The
5 Town of Brookhaven Zoning Law total off
6 street parking stall requirements equate to
7 14 parking stalls and as many are provided.
8 We can go to the zoning map for a second.

9 A review in character of the land use
10 and zoning patterns in the vicinity
11 indicates that the subject property is
12 located within an L-2 heavy industrial
13 zoning designation. Surrounding the subject
14 property in all directions are lands in the
15 L-1 light industrial zoning designation.

16 Further to the east, lands in the ownership
17 of Suffolk County are zoned A-1 residential
18 and there is small piece -- it is not on the
19 map. It is L-1.

20 To the south of the subject parcel and
21 outside of the Starlight subdivision along
22 Horseblock Road are the Town of Brookhaven
23 municipal uses that include the Brookhaven
24 Animal Shelter and the Brookhaven Municipal
25 Landfill. Can we go to the aerial for a

1 Suffolk County Planning Commission 38
2 second?

3 So you can see just to step off the
4 staff report for a second, this is the
5 subject property. This is the subdivision
6 of Starlight Industries. This is land owned
7 by Suffolk County.

8 MR. BRAUN: What are those county
9 buildings there?

10 MR. FRELENG: Okay, well people who are
11 more familiar with the buildings than myself
12 -- let's see -- coming down over here is
13 the --

14 MR. GULIZIO: County farm.

15 MR. FRELENG: Health Department?

16 MR. GULIZIO: County Farm and police
17 station.

18 MR. ISLES: Police headquarters is
19 here. Department of Public Works; Board of

20
21 expansion right now; skilled nursing
22 facility; probation department; the Fire
23 Academy; sewage treatment plant for all of
24 this. The total area of building area is
25 million square feet that the County owns

1 Suffolk County Planning Commission 39
2 here. Total land area is about 880 acres.

3 CHAIRMAN CALONE: Just to give us a
4 scale. What is the approximate distance
5 from the edge -- the eastern edge of the
6 property we are talking about to the jail?

7 MR. FRELENG: To the jail?

8 CHAIRMAN CALONE: Yes.

9 MR. FRELENG: We didn't scale that out.
10 I would say --

11 CHAIRMAN CALONE: Pick your first
12 landmark.

13 MR. BRAUN: There is a scale on the
14 bottom of the screen.

15 MR. FRELENG: The distance is maybe a
16 quarter of a mile.

17 MR. ISLES: It is about 1500 feet. The
18 edge of this property -- this area here is
19 about 1500 feet (indicating.) It is about a
20 third of a mile. So to answer your
21 question, the jail current location is about
22 a half a mile away. The jail is expanding
23 to the west, so it will be closer.

24 MR. CARACCI OLO: Tom, is the facility,
25 the Yaphank Project, the County Executive

1 Suffolk County Planning Commission 40
2 plan right here?

3 MS. GULIZIO: Yes.

4 MR. ISLES: Yes, it is.

5 MR. CARACCI OLO: Cement plant is on
6 top?

7 MS. GLITZIER: Cement plant is the red.

8 MR. FREEING: We have put together a
9 subdivision map of Starlight Industries for
10 you. This is the subject property. This is
11 the concrete mixing plant. We do not know
12 yet if there is an application on this lot.
13 This is Lot 2. This for a concrete
14 recycling plant. The asphalt of proposed
15 asphalt facility is to be on Lot 5 and Lot 1
16 is the remnants, if you will, of the Grucci
17 Fireworks Facility.

18 MR. CARACCI OLO: Remnants?

19 MR. FRELENG: I guess, office and
20 administrative facility is there.

21 MR. ISLES: Hold on a second, Andy.
22 John, could you back to the overall aerial
23 again?

24 To answer your question, Mr.
25 Caracciolo, the County plan that is being

1 Suffolk County Planning Commission 41
2 considered or the subject of the request for
3 proposal includes the following properties
4 up here by the expressway and Yaphank
5 Avenue. There is a parcel about 35 acres.
6 It is north of the Board of Elections that
7 is being considered for a arena with about
8 6,000 to 8,000 seats and commercial
9 development and some residential
10 development. Yaphank train station is right
11 here (Indicating.) So that is one part of
12 the RFP area. The second part is down here
13 by police headquarters. There is community
14 soccer fields here. This are right here --
15 CHAIRMAN CALONE: So that is to the
16 west of the remnants of the --
17 MR. ISLES: To the west, yes.
18 CHAIRMAN CALONE: Of the police
19 station?
20 MR. ISLES: Exactly. This area is
21 about 110 acres. This is proposed primarily
22 for residential use which is why the County
23 put in a requirement that any residential
24 development be at least a third of mile away
25 from the L-2 Zoning right here.

1 Suffolk County Planning Commission 42
2 (Indicating.) The third area is right here.
3 (Indicating.) Directly adjacent to
4 Starlight which is proposed for 30 acres of

5 recreational use, not residential use. Then
6 down in this end of the property is proposed
7 for industrial use consistent with the
8 current zoning of the property and the
9 nature in character of the developments on
10 Horseblock Road.

11 MR. BRAUN: Tom, just for a matter of
12 scale, how far west will the jail expand?

13 MR. ISLES: The jail will expand to
14 about here. (Indicating.)

15 CHAIRMAN CALONE: So about half way
16 towards the project?

17 MR. ISLES: Right.

18 MR. GULIZIO: That area has been
19 cleared already. The expansion is underway.
20 The aerial doesn't reflect existing
21 conditions, so that entire area to the west
22 of the existing jail has already been
23 cleared. Just for reference.

24 MS. ESPOSITO: The jail is doubling in
25 size?

1 Suffolk County Planning Commission 43

2 MR. ISLES: I think the first phase is
3 600 beds. That will be done in 2010. The
4 modular construction site they are beginning
5 the foundation work this Summer and then
6 there is a second phase if needed by the
7 County -- I am not certain of the number of
8 units I think there is going to be 500 in

9 addition to that.

10 MR. FRELENG: So from the aerial, there

11 is several uses along the Horseblock Road

12 that includes the Brookhaven Animal Shelter

13 and the Brookhaven Municipal Landfill. Also

14 situated along Horseblock Road are Long

15 Island Compost and Long Island Recyclable.

16 There is a strip retail development at the

17 corner of Horseblock Road and Sills Road --

18 tiny little strip center right there.

19 (Indicating.) Industrial development is

20 also present north of Horseblock Road on

21 Dock road.

22 Access to the industrial lot is to be

23 from a single point of access to an approved

24 Town public right-of-way known as Grucci

25 Lane.

1 Suffolk County Planning Commission 44

2 With respect to any environmental

3 conditions, there really aren't any

4 significant environmental constraints on

5 this subject property. It is not in a pine

6 barren zone. It is not in a deep recharge

7 zone or a special ground water projection

8 area. The Town of Brookhaven 1996

9 Comprehensive Land Use Plan designates this

10 area for industrial land use.

11 So, as we already discussed from the

12 staff analysis perspective, we want to

13 discuss that Suffolk is owner and intends to
14 develop adjacent lands to the northeast of
15 the subject site. It is the belief of the
16 staff that the proposed use may give off
17 obnoxious or disturbing dust, vibration, and
18 noise during operations that may impact
19 adjacent lands.

20 MR. BRAUN: I'm sorry -- this is
21 outdoors -- this is conducted outdoors?

22 MR. FREEING: That is correct.

23 MR. BRAUN: Not in the building?

24 MR. FREEING: No.

25 MR. BRAUN: It will all be conducted

1 Suffolk County Planning Commission 45
2 outdoors?

3 MR. FREEING: Yes. Essentially what
4 happens is material is trucked in and dumped
5 off in a pile. That material is loaded onto
6 a screener which separates out aggregate and
7 separates it out into several different
8 sizes. I don't know how they stockpile
9 that. Then that is mixed in with cement
10 dust, if you will, so the various different
11 size aggregate is mixed with the dust and it
12 comes out as concrete. So what goes in is
13 cement powder and aggregate water comes out
14 as concrete. So this is all done outside.
15 This is a big screening. It is either on
16 wheels or a flatbed truck or it is on tracks

21 have indicated that the law requires 75
22 decibels 100 feet from the noise source.
23 They indicated -- the noise ordinance
24 indicates that it should be 75 decibels at
25 the property line. It is 78 decibels 100

1 Suffolk County Planning Commission 47
2 feet from the structure. Go to the site
3 plan a second. So 100 feet from the
4 structure, they measured the decibels to be
5 78. They indicate though that noise in
6 intonation over distance would bring the
7 subject noise to within the Town standards.
8 However, there is a difference between
9 decibel and whether or not you can hear
10 something. So, you may hear a dog barking
11 in the neighborhood and it may not exceed
12 the legal decibel requirements but it could
13 certainly be annoying or obnoxious.

14 The project sponsors response to issues
15 raised by Suffolk County Planning
16 Commissions staff related to fugitive dust
17 by indicating that "A water truck will be on
18 site to spray down stockpiles and materials
19 on dry days." There is no further
20 elaboration of that.

21 In the opinion of staff, the response
22 is insufficient and does not indicate who is
23 to determine what a "dry day" is or what
24 frequency the spraying will occur on those

25

days or what is to be done on windy days

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Suffolk County Planning Commission

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when they determine it is not a dry day.

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So, there is a lot more detail that needs to

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be going into the issue of dust dispersion.

5

Analysis of the construction plan,

6

which is Sheet 2 of the submitted material,

7

indicates that the subject site is to be

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excavated and graded at the east end to an

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elevation of 70 feet above mean sea level.

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This in all likelihood has been done. It

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was on the staff site inspection. If we go

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to the map -- this is the current

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photography of the site. There is a

14

drop-off that goes to the east which puts

15

the rest of the Starlight subdivision in a

16

depression, but it does rise up to this site

17

here right where you can see the traffic

18

circle is for Grucci Lane. So, this

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property is relatively flat. There is a

20

couple of --

21

CHAIRMAN CALONE: So the operations are

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up on a hill?

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MR. FRELENG: No, the operations are

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coming out of the bowl and then it comes to

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a flat plateau. Over at this end of the

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property, however, it slows back away towards the County land. This here is the fence. (Indicating.) This is the 100 foot buffer. (Indicating.) So this is all wooded here but it does -- if you can start to see from this, but the rest slopes away. So our point in the staff report, is that this area is the stockpile location. It is exposed to the area -- it is exposed to the weather in that area, and essentially what we are saying is that if these stockpiles are subject to a significant rain event -- any storm water run off, is going to drain off of the stockpiles. You can see that there is drainage structure set up here for any stockpiles that would drain here and overflow would take it back south onto the Starlight property to this giant stockpile here. Any storm water or overflow or water that drains off from spraying, etcetera, is supposed to go to these catch basins and dry wells, but overflow from a monster storm with a 5 inch rainfall, may overflow these and then any excess sheet water runoff is

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Suffolk County Planning Commission
going to go onto the County land.
We don't know if the aggregate or cement dust or whatever is stockpiled here.

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It may have a an effect on the County Lands.

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So we do believe that there is a runoff impact associated with the unprotected stockpiles.

The subject site plan, in terms of its compatibility with potential land uses to the east on residentially zoned land and it's potential impact on proposed County uses, warrants additional mitigation measures beyond those proposed by the project sponsors. The location of the concrete plant and buildings should be relocated to the southern extreme of the lot and buffered from the east by the proposed office, trailer storage area, and stockpiles.

Sound attenuating devices such as mufflers should be equipped on the concrete plant and screener. The facility should be enclosed in a soundproof or deadening room. The concrete plant room should also include

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Suffolk County Planning Commission
a dust suppression system as an integral part of the plant to control fugitive dust emissions.

51

So, the screener which is a batching plant which is now an outdoor operation, we believe, should be better screened to the sensitive receptors which are going to be

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north and east of this particular site plan.

9
10 We feel that this possibly should be moved
11 further over and some of these structures
12 may be put on the other side so any noise or
13 dust or anything from the operation of this
14 is concealed or blocked. We are also
15 suggesting that the stockpile be placed in
16 some sort of enclosure that you see salt go
17 in that's owned -- like that of DPW or
18 highway departments use for their stockpile
19 materials, so those structures and buildings
20 are out there. It is not that unreasonable
21 to include stockpiles in the building. We
22 are suggesting that the screener operation,
23 in addition to being moved, also be enclosed
24 in the building that has filter mechanism
25 and sound detonations.

1 Suffolk County Planning Commission 52

2 Fuel storage on site should be in
3 accordance with the Suffolk Department of
4 Health Services regulations for the storage
5 of hazardous materials, and be designed in
6 such a way as to protect the groundwater
7 from leaking product.

8 The staff believes that without
9 additional mitigation to adequately protect
10 nearby property, the proposal would tend to
11 adversely affect permitted uses in the
12 adjacent A-1 Zone and establish a precedent

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13 for further such land development in the
14 locale.

15 Staff is recommending disapproval and
16 the reasons are as stated above. Without
17 the additional mitigation to adequately
18 protect nearby property, we believe that it
19 is of incompatible use and the comments --
20 staff would reiterate the comments that we
21 have mentioned in our staff report to you.
22 That is our staff report of the commission.

23 CHAIRMAN CALONE: Thank you, Andy.

24 Just so we're clear, the disapproval
25 and then -- but they are going to do what your

1 Suffolk County Planning Commission 53
2 comments are -- in how you can mitigate the
3 department mitigations?

4 MR. FRELENG: The Commission is aware
5 that you have to have reasons for a
6 disapproval. So rather than bulletin the
7 reasons, we were going to put those comments
8 in as comments so those would be the reasons
9 for disapproval.

10 Certainly to follow-up on your comment,
11 if they should revise their application and
12 resubmit it, we would have to take a look at
13 that based on our comments.

14 CHAIRMAN CALONE: Commissioner Fiore?

15 MR. FIORE: I just -- Andy, what was
16 the stockpile? What was in those stockpiles

17 that they said? It can't be concrete
18 because if it is acceptable to the weather,
19 than the concrete will just --

20 MR. FRELENG: It is our understanding
21 that --

22 MR. FIORE: (Continuing) -- if it is
23 just rock and sand -- I don't know what that
24 stockpile is.

25 MR. FRELENG: Let's go to the

1 Suffolk County Planning Commission 54

2 subdivision segment. They anticipate
3 bringing in crushed concrete. There is a
4 proposal which just came in --

5 MR. FIORE: I thought you said there
6 was going to be a crusher there?

7 MR. FRELENG: There is proposal on Lot
8 2 for a concrete crushing and recycling.
9 They will take crushed material and bring it
10 to Lot 4 and sort it. So the stockpiles are
11 going to be sorted, crushed concrete, as
12 well as sand that they may bring or whatever
13 other materials they need to bring in. Once
14 they batch the cement, it is my
15 understanding, that they are going to
16 stockpile it. But your observations are
17 correct, if it gets wet, it turns to hard
18 cement. So we are --

19 MR. ISLES: But there would stockpiles
20 of sand and aggregated materials from the

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MR. FRELENG: Yes, there will be stockpiles of materials from dust site particles up to chunks of concrete.

MR. FIORE: I agree with your findings.

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Suffolk County Planning Commission

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I just thought I had missed something in the stockpiling.

CHAIRMAN CALONE: Secretary Esposito?

MS. ESPOSITO: Did they submit any air monitoring protocols?

MR. FRELENG: No. The expanded environmental subject plan did not submit any air sampling or any kind of protocol, no.

MS. ESPOSITO: Because, I think, one thing we can suggest as the commission I mean this is type of operation with cement dust which is a potential public health concern. It would be adventitious particularly if such facility was to be in close proximity to residential neighborhoods that they were air monitoring devices set up around the perimeter, so they can really know for sure what, if anything, is leaving the facility. So the air monitoring protocol should include frequency of monitoring -- acceptable levels of dust and also height intervals.

25

1 Suffolk County Planning Commission 56
2 staff has recommended for the Commission to
3 consider that this facility be enclosed in
4 the buildings. In addition to that, we
5 would like to recommend the protocol for air
6 sampling or is that we would go off the
7 buildings? I just want to be clear.

8 MS. ESPOSITO: Well, if it is an
9 enclosed building, the applicants have much
10 less of a concern. If it is not, it is a
11 very large concern.

12 CHAIRMAN CALONE: So we can have a
13 comment that says, "If you are not enclosed
14 in the building, then we would recommend
15 having --

16 MS. ROBERTS: I don't think they should
17 have the option of not enclosing it.

18 CHAIRMAN CALONE: They always have the
19 options. Just to put you on board with
20 that.

21 MR. FRELENG: We can put the concept
22 that the Commission is extremely concerned
23 about air quality in the area and that the
24 town should address an air sampling protocol
25 to that extent. We will work on that.

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MS. ESPOSITO: Okay, thank you.

CHAIRMAN CALONE: Commissioner Holmes?

MS. HOLMES: One of the critical things I think is the hours of operation because we had a similar situation on Shelter Island for a number of years. One of our heavy equipment operators bid screening of sand and that process was done after hours in the evening and people had houses right across the way and in the vicinity, and there was constant complaints about it -- about his screening operation, and he finally had to stop doing it and stop doing it in the evening, in particular, but I think that is a very big component.

The screening operation is a constant noise and to have it happening during evening hours, in particular, is a very great concern so they haven't indicated hours of operation here.

MR. FRELENG: That's correct.

MR. CARACCILO: Aren't we denying the application?

MR. ISLES: Why don't we come up with

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Suffolk County Planning Commission
comments to --

CHAIRMAN CALONE: We are denying them. It has come up in the past that our reasons for denying them has to be somewhat

6 important if things come back. I agree that
7 we shouldn't spend too much time on it. If
8 there are significant issues that we want to
9 put it for reasons --

10 MS. HOLMES: I think hours of operation
11 might be --

12 MR. FRELENG: Staff is hearing what the
13 Commissioner is talking about. Staff will
14 be adding two more reasons for disapproval.
15 One is that the application did not include
16 air monitoring or some sort of air
17 monitoring protocol, and that the
18 application did not come with consideration
19 for restricting the hours of operation.

20 MS. HOLMES: Yes, that is good.

21 CHAIRMAN CALONE: Any objection to
22 that?

23 MR. ISLES: Just one comment I wanted
24 to make -- just to put this into perspective
25 and for the full information to the

1 Suffolk County Planning Commission
2 Commission.

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3 This property was owned by Suffolk
4 County up until about 1985, when the tragic
5 accident happened at the Grucci Facility in
6 Bellport. The County then did a swap of
7 land to make this available. So what was
8 done at that time was almost as a special
9 consideration to accommodate this use at

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this location.

Now that the fireworks manufacturing facility has relocated to another state, any dimensions requested much smaller part of the site for what appears to be an office used storage function, you should be aware that the time of the transfer from the County to the property owner, the Town Brookhaven rezoned the property from an L-1 to L-2. They did, however, put a condition on that stating that the Town reserved the right to revert the zoning back to L-1, in the event, the fireworks operation terminated and they could do so without permission of the owner.

So, it is not mandatory that it is

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Suffolk County Planning Commission
reverted back, but it in there to reserve that option. That is something the County has been interested in. We have discussed that with Brookhaven. There has been no action to revert the zoning, but we do see this as -- we believe, our understanding, an open door to have it as an intent outdoor storage zone. It was the intent to accommodate this situation that happened in 1985, and then to phase it back to L-1 at some point in the future when the circumstances change with the fireworks

14 manufacture. Just a little background.

15 CHAIRMAN CALONE: Thank you, sir.

16 Commissioner Landsdale, did you have a
17 question?

18 MS. LANDSDALE: Yes. Just building off
19 of what Commissioner Holmes comments about
20 hours of operation. Also there is concern
21 about public safety and how there -- was
22 there any mention in the application about
23 security systems or anything like that?

24 MR. FRELENG: No, there was not.

25 MS. LANDSDALE: That always a problem

1 Suffolk County Planning Commission 61
2 in large industrial parks. How you monitor
3 the site after hours of operation if it's
4 particularly during evening hours -- public
5 safety.

6 CHAIRMAN CALONE: Well, we have not yet
7 gotten to our public safety guidelines.
8 That is certainly something that we will be
9 discussing -- that notion certainly will be
10 included in the comments unless there is an
11 objection to that.

12 Linda, yes?

13 MS. SPAHR: Just a comment on the
14 impact of including for the disapproval.
15 The Board should keep in mind the more that
16 you say about the reasons to your
17 disapproval, the more it would intend to or

18 could impact whether super majority could be
19 gotten together to overrule. So really
20 explaining the reasons for disapproving an
21 application has value.

22 CHAIRMAN CALONE: Any other comments or
23 questions about this application? Tom?

24 MR. MCADAM: Andy, are the stockpiles
25 on a concrete slab all the time?

1 Suffolk County Planning Commission 62

2 MR. FRELENG: No, I do not believe so.
3 We do not have any information on whether or
4 not those stockpiles themselves are on
5 concrete slabs. I do not believe they are.

6 MR. GULIZIO: Unless it rains, then
7 there might be a fairly concrete hill.

8 MS. ESPOSITO: It might have to even.

9 MR. BRAUN: Or a giant Hershey's kiss.

10 CHAIRMAN CALONE: Anything else? If
11 not, a motion is in order.

12 MR. PRUITT: A motion for disapproval.

13 CHAIRMAN CALONE: Vice Chairman Pruitt
14 made the motion.

15 MS. HOLMES: Second.

16 CHAIRMAN CALONE: All in favor of
17 approving the staff recommendation which is
18 for disapproval for the reasons indicated in
19 the staff report, however, also including
20 indication that there is a lack of
21 information on air monitoring protocols,

22 concerned about hours of operation, as well
23 as public safety issues with respect to the
24 site.

25 (WHEREUPON, the Members voted.)

1 Suffolk County Planning Commission 63

2 All those in favor, please indicate?

3 All those opposed? Abstentions and the
4 motion passes unanimously.

5 MR. FRELENG: I just wanted to show you
6 up here. This is an oblique of a 2006,
7 photo. You can see how the property rises.
8 This here is the ridge line. So this area
9 of the property is in a depression and then
10 it rises up and then this area is relatively
11 flat and it slopes off to the County land to
12 the east. (Indicating.)

13 The next application is also referred
14 to us from the Town of Brookhaven. This is
15 an application of Manorville Plaza. The
16 applicant seeks Town Planning Board Site
17 Plan approval for the development of a
18 75,791 square foot mixed use office and
19 retail complex.

20 The subject development includes a
21 pharmacy with a drive-thru. It includes a
22 -- that drive-thru will need a special
23 permit from the Planning Board at a later
24 date. There are three general retail
25 buildings. There are three non-medical

1 Suffolk County Planning Commission 64
2 office buildings. The Town of Brookhaven
3 zoning law requires 480 off-street parking
4 stalls and 480 stalls are provided. 127
5 parking stalls are land-banked in the
6 southern end of the property.
7 The subject property is an assemblage
8 of five lots located at the southeast corner
9 of Eastport Manor Road which is County Road
10 111 and Bauer Avenue which is a town road
11 and this is in the Hamlet of Manorville.
12 A review of the character of the land
13 use and zoning pattern in the vicinity
14 indicates that the subject property, is
15 zoned J-2 business, and it is located within
16 the corridor of J-Business Zoning along the
17 south side of County Road 111. Five parcels
18 on the north side of County Road 111 are
19 zoned J-2 Business at either end of the
20 commercial business corridor, on the south
21 side of County Road 111 are parcels zoned
22 for J-5 Business. The majority of the
23 vicinity is zoned A-2 Residential.
24 The land uses in the area include
25 several gas stations; a bank; several

2 non-conforming retail uses; a restaurant;
3 and a shopping center. To the south and
4 west of the site are residentially developed
5 lands. The subject site backs Bauer Avenue
6 to the west and vacant land that should lead
7 into the major shopping center to the east.

8 Okay, so this is all one lot. This is
9 part of this large shopping center which is
10 east of the subject property -- two
11 different parcels. This is the zoning map
12 that we are looking at. This is the subject
13 site. Do you see the J-5? This is a gas
14 station here. (Indicating.) There is also a
15 gas station here. (Indicating.) This is an
16 existing bank for those of us who are old
17 timers and remember Grace's Hotdogs that
18 used to be right here. Now it is a bank.
19 These are nonconforming uses up and down the
20 strip.

21 MS. ROBERTS: Andy, that triangle on
22 the bottom, is that protected wetlands?

23 MR. FRELENG: This piece here?

24 MS. ROBERTS: Yes.

25 MR. FRELENG: Well, this is a recharge

1 Suffolk County Planning Commission
2 basin that takes storm water run off from
3 County Road 111. It is a mapped wetland,
4 but protected in terms of whether or not --
5 how do I say it? It is subject to Article

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MS. ESPOSITO: It is not 12.4 acres.

MR. FRELENG: It is part of the system. There is a larger system. You can see the stream here. (Indicating.) So it is part of the -- we don't have the wetlands map up, but it is part of the larger system. There are wetlands that run through here, as well.

CHAIRMAN CALONE: Through J-2?

MR. FRELENG: Yes, if you can go to the aerial. Just to make out that here is the stream. (Indicating.) So this is map of the wetlands. This is part of that stream. I am not sure how far down the mapping goes but this is also part of that system. We will get to that in the environmental constraint section.

Subject property, as I indicated, is an assemblage of five lots located on the southeast corner of Eastport Manor Road and

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Suffolk County Planning Commission
Bauer Avenue. Access to the site is proposed to be from Eastport Manor Road. If you go to the site plan a second. There is a two-way, ingress-egress access point. Two-way access is also proposed to Bauer Avenue. So there is a two-way access point to Bauer Avenue right here. (Indicating.) The main access point is from County Road

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The subject property is situated in a Hydro-geologic Groundwater Management Zone-3. The central Suffolk Ground Water Protection Area, SGPA, the New York State critical environmental area which is the Southampton Town Aquifer Protection Overlay District. It is located in the Central Pine Barren Zone of Suffolk County. It is also in the Compatible Growth Area of the Central Pine Barrens Region as identified by the Central Pine Barrens Joint Planning and Policy Commission.

No local, state, or federally regulated wetlands occur on site. However, adjacent to the site is a recharged basin and

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Suffolk County Planning Commission naturally occurring wetlands mapped by the New York State Department of Environmental Conservation as part of the wetland system R-5.

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The Town Brookhaven 1996 Comprehensive Land Use Plan designates this area for commercial uses.

Jurisdiction for the Suffolk County Planning Commission stems from the project sites along Eastport Manor Lane which is County Road 111. The roadway at this location can become heavily traveled

14 particularly during Summer months. It is
15 the belief of the staff that the proposal is
16 reasonable and in conformance with the sites
17 history and restrictive covenants placed on
18 it during a prior zone change process. That
19 process was old prior to 1995, which is the
20 milestone and active of the essential pine
21 barrens joint planning and policy commission
22 planned. It is interesting to note that had
23 this property been zoned residentially, for
24 example, the yield of the subject property
25 would have been restricted to the

1 Suffolk County Planning Commission 69
2 residential yield. Also with the clearing
3 of the site would have been restricted to
4 the A-residential site. So we checked that.
5 But since the adoption of the central pine
6 barrens plan, the site has been a
7 commercially zoned site that reflects the
8 amount of clearing that is allowed.
9 Remaining, however, to the issues of this
10 site plan is the issue of motor vehicle
11 congestion and the multiple turn movements
12 onto and off of the county roadway in the
13 area.

14 It is the opinion of the staff that
15 greater attention should be placed on
16 connecting the subject development, both in
17 terms of motor vehicles and pedestrians, to

18 the major shopping center to the east. It
19 is understood that there may be wetland
20 considerations on vacant lands between the
21 proposed development and the shopping center
22 to the east. The Town may wish to consider
23 a special right-of-way across town owned
24 land for this purpose. If motor vehicle
25 access is not possible between the two

1 Suffolk County Planning Commission 70
2 developments through the vacant land, well
3 appointed pedestrian access should be
4 seriously considered.

5 So if we take a look at the aerial
6 photo for a second. If you recall the site
7 plan, the parking lot pretty much ends down
8 here where the land bank parking is.
9 (Indicating.) Commission staff believes
10 that this shop, this office of commercial
11 complex should be connected to this
12 commercial complex through a back way. We
13 drove back here -- you can certainly make a
14 connection -- a spill over connection and
15 get to this part or get out to Chapmen
16 Boulevard to the east, but we don't know the
17 extent of the wetland flagging back here and
18 whether that's possible. This is a Town
19 owned land, so it is possible maybe to jog
20 something down across town owned land.

21 In the alternative, the Town should

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22 consider opening up Pioneer Place which is a
23 town road to the south to create an
24 alternative route to Chapman Boulevard. So,
25 there has been some discussion in the

1 Suffolk County Planning Commission 71
2 development of the shopping area with the
3 town whether or not Pioneer Place should be
4 opened to provide an alternate route to get
5 to this shopping center so we wouldn't have
6 to go out onto the congested County Road.
7 At the minimal, staff believe that
8 there should be some sort of pedestrian
9 connection from this complex to the shopping
10 center to the east and maybe they can worm
11 it around wetland system as part of a nice
12 walk and trail. We do believe there should
13 be some sort of a connection to the property
14 line to Chapman Boulevard.
15 So whether or not you can get a motor
16 vehicle connection across that wetland area,
17 or whether it should be across that town
18 area or whether they should improve the
19 street, Pioneer Road, that would leave the
20 option of the town. We do believe the town
21 should make the connection to the east. It
22 is the belief of the staff that since this
23 site is located in the Central Pine Barrens,
24 it would be appropriate to reiterate the
25 Suffolk County Commissions guidelines for

1 Suffolk County Planning Commission 72
2 the clearing of vegetation and the uses of
3 fertilizer dependent landscaping floral.
4 Because the site has always been zoned
5 commercial reaching back ten years or so,
6 the applicants are allowed to clear the site
7 up to 65 percent. So we would reiterate
8 that -- we would also reiterate that no more
9 than 15 percent of landscaping on site
10 should be placed in fertilizer dependant
11 vegetation.

12 So staff is recommending approval with
13 the following conditions: The first
14 condition being that the development should
15 be connected to the shopping center to the
16 east. The paragraph which follows is a
17 rational from the staff report.

18 Condition two: That no more than 65
19 percent of the site shall be cleared of
20 naturally occurring vegetation.

21 Condition three: Is that no more than
22 fifteen percent of the subject site shall be
23 placed in fertilizer dependant vegetation.

24 The fourth condition: We added on
25 through various discussions about the site

1 Suffolk County Planning Commission 73
2 plan segment. While nobody has ever said

3 that this has been a smart growth proposal ,
4 staff did feel that there should be more
5 pedestrian connectivity and amenities. What
6 we say in the staff report, well appointed
7 amenities, in other words, benches;
8 lighting; signs to direct you to various
9 different buildings. Maybe signs that
10 direct you to the walking trail that goes
11 across the east, but we do believe that on
12 site there should be better pedestrian
13 circulation amenities. That is the staff
14 report.

15 CHAIRMAN CALONE: Thank you, Andy.

16 One thought on your conditions. I
17 don't know if the last one, the greater
18 attention shall be placed as an appropriate
19 condition as opposed to the policy. There
20 is no standard, in other words, they can't
21 vote to override it? Has been your attention
22 on it?

23 MR. FRELENG: We throw that out because
24 it is easy for the town to comply and get
25 the issue out there. It certainly can be a

1 Suffolk County Planning Commission 74
2 comment as a condition it that makes them
3 address the issue on the record and tell the
4 commission, theoretically, why they
5 overruled or decided that, that is not
6 appropriate.

7 CHAIRMAN CALONE: My other comment
8 would be just that I think we should put
9 pursuant to the Suffolk County Planning
10 Commission Pine Barrens Guidelines for two
11 and three, so that there is that
12 understanding that there is excess amount of
13 work.

14 MR. FRELENG: Okay.

15 CHAIRMAN CALONE: Mr. Braun?

16 MR. BRAUN: Could we go back to the
17 aerial, please -- that notch out in the
18 upper left there. (Indicating.)

19 MR. FRELENG: This here?

20 MR. BRAUN: Yes, what's in there?

21 MR. FRELENG: There is an existing
22 residential dwelling --

23 MR. BRAUN: No, I am sorry. That's one
24 of the five lots.

25 MR. FRELENG: That's here. Looks like

1 Suffolk County Planning Commission 75
2 there is some rumble or remnants of single
3 family dwelling.

4 MR. BRAUN: That is not part of this
5 application? That is not part of this
6 proposal?

7 MR. FRELENG: That is correct.

8 MR. BRAUN: Somebody else is going to
9 wind up -- what? Land locked in there or
10 something?

11 MR. FRELENG: Well, they have access.
12 You can see just barely there is a driveway
13 access that goes to the site. So that
14 wouldn't exactly be land locked if there's
15 a driveway here.

16 MR. GULIZIO: It is just an irregularly
17 shaped lot.

18 MR. BRAUN: But that's one lot in
19 there?

20 MR. FRELENG: That is correct. That is
21 one lot.

22 CHAIRMAN CALONE: Commissioner Holmes?

23 MS. HOLMES: Where is the fairly large
24 nursery along Manorville Road adjacent to
25 this site?

1 Suffolk County Planning Commission 76

2 MR. FRELENG: That would be here.
3 (Indicating.)

4 MS. HOLMES: Oh, down there. Okay,
5 thank you.

6 CHAIRMAN CALONE: Commissioner
7 Landsdale?

8 MS. LANDSDALE: Is there public
9 transportation provided to that site?

10 MR. FRELENG: There is a county bus
11 transit route that goes up and down County
12 Road 111. I do not recall reviewing the
13 material or reviewing the site plan that
14 there was actually a turnout for the bus.

19 suggest that we -- suggest even a traffic
20 light or something at that intersection.

21 MR. FRELENG: To just comment
22 backwards, staff did feel that traffic
23 issues were a significant issue. We know
24 that Suffolk County DPW has been working
25 with the applicant on that, but the

1 Suffolk County Planning Commission 78
2 commission staff felt that certainly getting
3 that access over to Chapman Boulevard would
4 be something that the Commission had the
5 jurisdiction to warrant. So we do agree
6 with you that traffic is an issue. To
7 answer your first one, staff did not do any
8 -- the Planning Commission staff did not do
9 an economic analysis of the proposal and
10 there was no economic analysis submitted by
11 the applicants through the local agency. So
12 we can't address your comment.

13 CHAIRMAN CALONE: Any other questions?

14 MR. GULIZIO: Just to make it clear,
15 staff cannot legally ask for additional
16 information if it hasn't already been
17 required of the applicant.

18 MR. FRELENG: That is correct.

19 CHAIRMAN CALONE: Commissioner
20 Kontokosta?

21 MS. KONTOKOSTA: Just one question in
22 terms of validity, if that is the right

23 word, but how are we able to commission the
24 approval on something the applicant has no
25 control over? In terms of number one, they

1 Suffolk County Planning Commission 79
2 incidentally don't have control over the
3 sites to the east or any public lands, so
4 how can we commission the application if
5 they have no ability to affect that?

6 MR. FRELENG: Well, the referring
7 agency is the Town of Brookhaven. Our
8 conditions are through the Town of
9 Brookhaven approval. They certainly do have
10 the authority to implement those conditions.

11 MR. GULIZIO: And just to add to that,
12 I believe both sites are in the same
13 ownership?

14 MS. KONTOKOSTA: Oh, they are?

15 CHAIRMAN CALONE: Yes. Secretary
16 Esposito?

17 MS. ESPOSITO: Are they going be
18 hooking into an existing --

19 MR. FRELENG: I believe that they are
20 going to be hooking into the existing sewage
21 treatment plant over here, but we did not
22 take part with that. I do not know the
23 correct answer to that. That is the
24 jurisdiction of the Health Department and
25 there is no indication that they are

1 Suffolk County Planning Commission 80
2 proposing a sewage treatment plant. So if I
3 had to guess, just thinking back about
4 material, I would probably second guess what
5 I just said and probably discharge it on
6 site.
7 MR. ISLES: The staff report says
8 septic tanks and leeching pools?
9 MR. FRELENG: We probably have them on
10 one of the sheets that we looked at real
11 quick when we were filling out the data
12 cover sheet on the staff report.
13 CHAIRMAN CALONE: Thank you. Dan?
14 MR. GULIZIO: Just one of the
15 difficulties of this -- if you go to the
16 aerial again. Keeping in mind that this
17 site is already zoned for this use. There
18 are already covenants placed on this
19 property in connection with that rezoning to
20 determine how big this shopping center could
21 be and what the buffers will require it to
22 be so that the application before you is
23 essentially already preordain, that is,
24 simply the site plan instrumentation of the
25 prior zoning application that occurred back

1 Suffolk County Planning Commission 81
2 in the 1980's. So it is difficult, I think,

3 both the Town perspective and the County's
4 perspective you may look at this and
5 justifiably say, "Has there been a portion
6 increase of population in Manorville to
7 justify the increase in the amount of retail
8 of this size or is this inconsistent with
9 actually the amount of growth in their
10 experience and, therefore, will have other
11 economic impacts on existing retail
12 developments throughout this community? But
13 the zoning does exist and absent -- an overt
14 act was done by the Town to rescind that
15 zoning which does have legal authority to
16 do, you are stuck with what you have in many
17 respects.

18 CHAIRMAN CALONE: Any other comments or
19 questions about the application?

20 MS. SPAHR: That was depressing. Thank
21 you, Dan.

22 MR. GULIZIO: On a brighter note, we
23 probably won't see it again.

24 CHAIRMAN CALONE: We will count our
25 blessings.

1 Suffolk County Planning Commission 82

2 MS. ESPOSITO: Shopping centers are a
3 great need right now.

4 CHAIRMAN CALONE: Any other comments or
5 questions?

6 MS. LANDSDALE: The Town of Brookhaven

7 is updating their town wide comprehensive
8 plan so another comment might be to make
9 sure that this is consistent with the
10 update. I don't know where the Town of
11 Brookhaven is in their update of some
12 comprehensive plan, but it might be worth
13 looking into this consistency between the
14 proposed uses and the revised comprehensive

15 MR. ISLES: Would you like that as a
16 comment, not as a condition?

17 MS. LANDSDALE: Comment.

18 CHAIRMAN CALONE: Any objection to
19 adding that as a comment?

20 Okay, a motion is in order.

21 MR. PRUITT: Motion that.

22 CHAIRMAN CALONE: Second.

23 MS. HOLMES: I will second.

24 CHAIRMAN CALONE: Thank you,
25 Commissioner Holmes.

1 Suffolk County Planning Commission

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2 WHEREUPON, the Members voted.)

3 Before us is a motion to approve the
4 staff report which calls for approval with
5 the conditions indicated and adding the
6 comments that Commissioner Landsdale noted
7 about the Brookhaven Town Comprehensive
8 Plan.

9 All those --

10 MR. ISLES: Does it also include the

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11 condition we spoke of and had a discussion
12 about providing the bus turnout as well?

13 MS. HOLMES: Bus, yes.

14 MR. FRELENG: I have that.

15 MR. ISLES: That is included subject
16 to approval of DPW.

17 CHAIRMAN CALONE: So the condition is
18 subject to DPW approval -- that there be
19 local public transit access.

20 All those in favor?

21 ALL: Aye.

22 CHAIRMAN CALONE: All opposed?

23 Abstentions none.

24 (WHEREUPON, the Members voted.)

25 MR. FRELENG: This is a subdivision

1 Suffolk County Planning Commission 84
2 matter, so I am going to turn it over to Mr.
3 Klein.

4 MR. KLEIN: The first subdivision for
5 your consideration is Robert and Patrick
6 Adipietro. It is sent to the Commission by
7 the Town of Southold. This property is on
8 the north side of Peconic Lane. It is south
9 of Middle Road in the Hamlet of Peconic.

10 The Commission of jurisdiction is
11 County Road 48 -- Middle Country Road is
12 here. (Indicating.) The property is located
13 along the east side of Peconic Lane. If you
14 can see the railroad track right back here.

15 The subject parcel consists of a little over
16 two acres approximately 88,788 square feet
17 of the most clear and lovely land and the
18 property is presently approved with fairly
19 large dwelling and a barn in the rear.
20 There are no wetlands on the property it and
21 there are no current uses on the property.
22 The applicant does not own any of the other
23 surrounding properties. Zoning on the
24 parcel is H-B which is the town of business
25 which does permit high density residents, as

1 Suffolk County Planning Commission 85
2 well as commercial properties which are
3 often commercial properties around. If you
4 went back to the aerial real quick, this is
5 like a little downtown area; wine tasting
6 shop; antique shops; across the tracks is a
7 bakery; post office; laundromat with a
8 apartments above. Unfortunately, you cannot
9 see that and a local contractors have a
10 business here.

11 This is the site that is oblique. This
12 is the house. It is fairly big. It was
13 under reconstruction after the fire and the
14 barn is to be removed.

15 MR. BRAUN: What is the third thing
16 there?

17 MR. KLEIN: It's a trailer, but it is a
18 trucking trailer, I believe.

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MS. ESPOSITO: It's a Ford.

CHAIRMAN CALONE: It's a very good spot from here.

MR. KLEIN: The applicant is proposing to subdivide the 18,780 square feet to three residential building lots.

Lot 1 will contain existing structure

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Suffolk County Planning Commission

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and that is approximately 20,229 square feet. Lot 2, over here, is proposed to be 37,603 square feet, and it will contain a 25 foot driveway easement. Lot 3 will contain 30,956 square feet and will not have access to the existing proposal road and, therefore, it is by Commission definition land locked. It's access is proposed over the right-of-way of Lot 2. Therefore, the Commission might recommend disapproval or the Commission creates a land locked parcel which is contrary to subdivision principals which creates potential access problems for emergency vehicles and potential disputes may arise over the future use of maintenance of the easement.

The staff also will offer a suggestion maybe or as a comment to be local planning board they may wish to redraw the application -- have the applicant redraw the map in a way to create two flagpole parcels

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23 so all three lots will have direct road
24 frontage on the existing roadway.

25 CHAIRMAN CALONE: Anything else?

1 Suffolk County Planning Commission 87

2 Commissioner McAdams, this is your backyard?

3 MR. MCADAM: I have no comments.

4 CHAIRMAN CALONE: Commissioner Braun?

5 MR. BRAUN: Is there sufficient lot
6 area if that easement -- the right-of-way
7 were to be instead of dedication, to make
8 that a street or --

9 MR. KLEIN: Well, it is 25 feet wide
10 now --

11 MR. BRAUN: (Continuing) -- or would
12 it be substandard?

13 MR. KLEIN: Now this sufficient area on
14 the parcel itself to put a road on there but
15 that might not be the best alternative maybe
16 just flagpole lot with a common point of
17 access and then you can share the easement
18 but each lot would have to have physical
19 road frontage in the event that it decided
20 to part ways and create their own frontage.

21 CHAIRMAN CALONE: Okay, thank you. Any
22 other comments or questions?

23 Commissioner Kontokosta?

24 MS. KONTOKOSTA: My concern is if this
25 application goes to the consistency of our

1 Suffolk County Planning Commission 88
2 recommendations, the application that
3 follows this on our agenda has an approval
4 recommendation but also suffers from land
5 locked parcels in making that a condition as
6 reconfigure or provide other sects to the
7 lots so why is -- why are we not
8 conditioning the approval on reconfiguring
9 that lot fairly?
10 MR. KLEIN: Well, in the past this
11 Commission has made approval subject to its
12 condition and in a lot of cases there is
13 some public benefit involved in subdivision
14 perhaps like a cluster plan. With the
15 following application, there is clearly a
16 public benefit. With this one, there isn't
17 a fair public benefit.
18 MR. FRELENG: Also, if I can just jump
19 in. Also in this one there is an
20 alternative to designing this map.
21 MR. KLEIN: Several ones.
22 MR. FRELENG: The commissioner did
23 mention that another 25 feet further goes
24 and brings it to here so you can bring in a
25 road that would compromise the integrity of

1 Suffolk County Planning Commission 89
2 this house, but you could create Lot-2 as a
3 flag lot as created. Lot 3 to be created as
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4 a flag lot running along this way giving it
5 legal frontage. Physically in the field,
6 you can still have this, but if there is
7 ever a dispute between these two lot owners,
8 Lot 3 still has physical access to the
9 public right-of-way. So there is a logical
10 alternative to this map. The following map,
11 there may not be a logical alternative for
12 an alternative access, therefore, we might
13 not want to deny it.

14 MS. KONTOKOSTA: But that plan makes
15 substandard Lot 1, so there are some
16 additional difficulties. I think ultimately
17 in this case, the developer -- the owner
18 could --

19 MR. FRELENG: Is it subsidiary?

20 MR. KONTOKOSTA: It would be if you
21 took out a chunk of easement below 20,000
22 square foot threshold.

23 MR. FRELENG: The easement wouldn't
24 attract from the overall lot area. The
25 easement is still continuously --

1 Suffolk County Planning Commission 90

2 MS. KONTOKOSTA: Well a flag lot would
3 actually have to be an actual quarter of a
4 lot so that would reduce the area of Lot 1.

5 MR. FRELENG: Well, I didn't want to
6 take away from Ted, but there is enough lot
7 area on all three parcels to completely

8 treat conforming subdivided lots.
9 MS. KONTOKOSTA: Okay, that plan that
10 you discussed, we were creating a
11 substandard lot in Lot 1. But, okay, its
12 just going to process to with this. It just
13 seems we have two very similar applications
14 withstanding public benefit not referenced
15 and we will get to that similar situations
16 in terms of the land lock nature of the
17 parcels and two very different approaches in
18 terms of staff recommendation.
19 MR. FRELENG: I would agree. The
20 Commission guideline is addressing land
21 locked parcels. Staff took in the
22 consideration of other issues that balance
23 out the guidelines.
24 CHAIRMAN CALONE: Thank you.
25 Commissioner McAdam?

1 Suffolk County Planning Commission 91
2 MR. MCADAM: We use this quite often
3 and that's the width of the right-of-way to
4 accommodate emergency vehicles, fire trucks
5 and so on. Is there any source for what the
6 width of the right-of-way should be in,
7 other words, has any of the fire
8 jurisdictions indicated what they think a
9 right-of-way should be? Because I know fire
10 trucks are getting wider and longer in that
11 particular way.

12 MR. FRELENG: You may recall from the
13 discussion that we had about the two PD's
14 two meetings ago. Fire departments are
15 constantly contacting the town and the
16 planning department saying that we need
17 wider pavement for our outriggers. So as
18 fire equipment evolves, and the requirements
19 for roads evolve, to our knowledge, there is
20 no one single standard for the width of a
21 driveway or a common driveway. Those are
22 all individualized within various
23 municipalities. So our guidelines suggest,
24 I believe, for a common driveway or road is
25 16 or 18 feet pavement and, to my knowledge,

1 Suffolk County Planning Commission 92
2 that is still within the outrigger distance
3 of the trucks I heard them talk about.

4 MR. MCADAM: This right-of-way is how
5 wide?

6 MR. FRELENG: It is 25 foot
7 right-of-way. We don't know how wide the
8 pavement needs to be in size.

9 CHAIRMAN CALONE: Deputy Director?

10 MR. GULIZIO: Just to add to that. The
11 standard right-of-way for most
12 municipalities in Suffolk is a 50 foot
13 right-of-way with a 34 foot of pavers for a
14 dedicated roadway or even a private roadway
15 provided it meets the town standards. So a

16 50 foot right-of-way with 34 foot pavement
17 and 18 on either side of that pavement area
18 or curbside walkways and utilities. So that
19 is the standard right-of-way. With a
20 subdivision like this, just getting back on
21 your earlier comments, what you would
22 typically want to see would determine
23 whether or not you can modify the lot line
24 to disperse the yield map showing a
25 conforming road from a cul-de-sac which,

1 Suffolk County Planning Commission 93
2 again, that varies also from municipality to
3 municipality but the standard radius is 50
4 to 60 feet of cul-de-sac or a 100 to 120
5 foot in diameter. So, I think one of things
6 you would see if you apply that to the
7 actual standard right-of-way with a standard
8 cul-de-sac from this map is probably lose a
9 lot which I think is an important
10 distinction in terms of the next subdivision
11 in terms of how actual ample areas developed
12 to the conforming lots and then modifying
13 the plan to address potential environmental
14 considerations and environmental impact. So
15 where there are similarities in that there
16 both land locked issues and flag lot issues,
17 I think one of things that was argued more
18 for the staff's disapproval recommendation
19 on this is that, it is essentially trying to

20 squeeze out another lot through a
21 substandard access.

22 CHAIRMAN CALONE: Thank you, Dan. Any
23 other comments or questions?

24 MS. HOLMES: Just to follow up on
25 Commissioner McAdam's comment. Always the

1 Suffolk County Planning Commission 94
2 Local fire commissioner seems to get
3 involved with the local planning board and
4 sometimes are at great odds when someone
5 wants to have a private road or an easement
6 road and the fire commissioner say, "that's
7 not wide enough, and trees need to be
8 cleared and what not." They go into quite a
9 bit of detail usually. Sometimes they get
10 very upset if the planning board indicates
11 that it is going to approve this little
12 country road anyway and probably for the
13 reasons you pointed out -- you know, the
14 fire equipment is getting bigger.

15 CHAIRMAN CALONE: Andy?

16 MR. FRELENG: Just a short story. When
17 I did my tour of duty as Chief planner for
18 the Town of Southampton.

19 Every couple of months we -- fire
20 chiefs would take us to the various
21 different firehouses and we would talk about
22 access. What I got from that was that the
23 volunteer fire departments will get to a

24 fire no matter what. If they have to drive
25 across a hedge, if they have to fill in your

1 Suffolk County Planning Commission 95
2 pool to get to the fire, they will do it.
3 But what they like to show us is the
4 scratches, the ripped off mirrors, the
5 busted bubbles, and all the damage that
6 happens to the fire trucks. So they say to
7 us, "you do what you have to do. We will
8 get to the fire, but we would like to have a
9 road with a maintenance agreement where they
10 trim off the shrubbery or widen roads where
11 the shoulders are raveled so they put the
12 outriggers out." So they will get there but
13 there are constant discussions between local
14 planning and fire departments on what needs
15 to be done.

16 CHAIRMAN CALONE: Perhaps any further
17 comments or questions?

18 MR. PRUITT: I just wanted to say that
19 I share Commissioner Kontaskous' view on
20 this application regarding the consistency
21 or lack of consistency between our positions
22 and the application. I recall having
23 discussed -- having seen this before when
24 we determine whether or not we are going to
25 disapprove an application verses approving

1 Suffolk County Planning Commission 96
2 an application with conditions, I thought
3 that the County guidelines was that if there
4 was minor adjustment that could be made to
5 the application, we would approve it with
6 conditions. If there were significant
7 modifications that were required, then we
8 won't be up for disapproval and it appears
9 as though this particular application could
10 be -- the land locked conditions could be
11 resolved with minor modifications, so I am a
12 little bit confused about that.

13 MR. KLEIN: I do believe that can go
14 either way with it. I will be more than
15 happy to write it as a commission's
16 approval.

17 MR. PRUITT: I just think it is
18 consistent with what we have done in the
19 past.

20 CHAIRMAN CALONE: Tom, do you have
21 any --

22 MR. ISLES: Obviously, but the reason
23 for the staff recommendation was that we
24 considered it to be a little bit more than
25 minor outside the judgement call, but

1 Suffolk County Planning Commission 97
2 whether it would be flag lots which are less
3 than ideal or not conforming subdivision and

4 then seeing what we actually could be -- we
5 are thinking it needs a little bit more
6 work. These are always a little bit
7 problematic just a portion -- the
8 subdivision we spend a lot of time on these
9 things, so any further guidance you have on
10 how you would like to handle that, we
11 certainly would appreciate it but in staff
12 review, we meet on these internally and call
13 for them. We thought this one needed,
14 perhaps, nothing more serious surgery to
15 change it, but we'll discuss whatever your
16 decision is.

17 MR. PRUITT: My criticism is based
18 perhaps more so for me. I am trying to use
19 some guidelines when I am making judgement
20 on these particular applications. So I am
21 looking for some guidelines as to what
22 determines when something is disapproved or
23 when it is approved? I cannot find that
24 ground, I guess. I am wondering if there is
25 some deficiencies in that and I wouldn't

1 Suffolk County Planning Commission 98
2 doubt it. I'm just listening though.

3 CHAIRMAN CALONE: Commissioner Roberts?

4 MS. ROBERTS: I would just comment on I
5 went on site and it is substantially
6 different then what we are looking at. I
7 think when we get to that case we will

8 appreciate that they really are very, very
9 different even though when we read about
10 them, they are the same but I also agree
11 with you, Ed, that maybe this one should be
12 approval with conditions.

13 CHAIRMAN CALONE: Okay, Commissioner
14 McAdams?

15 MR. MCADAM: I just wanted to point out
16 in Southold especially with properties that
17 are bordering the Long Island Sound and they
18 will have right-of-ways going through
19 farmlands --

20 CHAIRMAN CALONE: You mean the railroad
21 or the sound?

22 MR. MCADAM: Road -- two particular
23 subdivisions along the Long Island Sound.
24 The roads very often are 18 inches -- 18
25 feet rather because I can go up that road

1 Suffolk County Planning Commission
2 and then there be a car coming the other way
3 you actually have to pull over because it is
4 not only the road itself but it is the brush
5 that comes along side the road -- any trees
6 that are there. So it does make it rather
7 difficult to get to someone's property and
8 that's for the cars. So I cannot imagine
9 driving a rescue vehicle or a fire truck
10 down some of these roads and the problem is
11 that seems to be what they wanted. They

12 seem to be approving that type of flag lot
13 subdivision quite often with a very narrow
14 road, and for the life of me, I don't
15 understand why. I go to their meetings and
16 for some reason when the vote comes up, that
17 is what they do. They approve it. I don't
18 agree with it. I agree with what our
19 standards are, but I don't know if this
20 particular feeling that they have to keep
21 everything small and quaint.

22 MS. HOLMES: Rural standards.

23 MR. ISLES: Good point. We think
24 that's fine for locality to make their
25 judgment, but we think, however, the

1 Suffolk County Planning Commission 100
2 Planning Commission would be to look at the
3 larger picture. The county suggestion as to
4 how developments occur and respecting that
5 they can modify that if they seem under
6 those circumstances but I don't think that
7 we should displace and say with locality
8 like substandard access, therefore, we
9 should like it. Now I think we have a right
10 to suggest how you think development should
11 occur and they did have a right to overrule
12 that if they want.

13 MR. FRELENG: Just to add one more
14 thing.

15 When it comes to all the commissioners

16 standards, I think the land locked parcels
17 standard, to me, I vote to disapproval on a
18 land locked parcel because the owner of a
19 land locked lot has -- gets all sorts of
20 problems getting public utilities to the
21 site, maintain access to the site. So the
22 increase in the land locked site is probably
23 a big no, no, I can think of out of all our
24 standards. Having said that sometimes you
25 don't have an alternative and we will see in

1 Suffolk County Planning Commission 101
2 the next case. So you know the guidelines
3 are guidelines. We try to stick to those
4 guidelines but in terms of land locked
5 parcels, I always vote for disapproval on a
6 land locked site unless there is some other
7 overriding circumstance.

8 MR. PRUITT: So just to understand you,
9 you're saying if there is no alternative,
10 you would look for disapproval?

11 MR. FRELENG: We would tend to try and
12 make it as best we can, but if there is no
13 alternative, then yes, we would look to
14 recommend them.

15 MR. PRUITT: But when there is another
16 alternative, then you will default for
17 disapproval?

18 MR. FRELENG: Yes in black and white.

19 CHAIRMAN CALONE: Just preferably

20 speaking, the conquest isn't that different,
21 but if we approve it with conditions, the
22 town needs override by -- well, they either,
23 if they wanted to abide those conditions,
24 they can do so and majority approval to
25 prove the problem. If they decide to ignore

1 Suffolk County Planning Commission 102

2 our conditions, they need super majority.

3 Andy, is that correct?

4 MR. FRELENG: Correct.

5 CHAIRMAN CALONE: So either way, they
6 need super majority to override whether it
7 is disapproval with comments or approval
8 with conditions. If there going to say, we
9 want to do something different either way,
10 they need a super majority.

11 MR. FRELENG: That's correct.

12 Sometimes from the perspective -- my
13 perspective sometimes it is difficult for a
14 board to override individual conditions,
15 then it is for them to override a denial.
16 So if you approve with conditions, sometimes
17 they will take item one, they will
18 deliberate. There may not be a consensus on
19 that and they may not be able to override
20 item one but when you get to item two,
21 three, four, items then they can. If it was
22 just a straight denial, for example, with no
23 conditions, then they could override the

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24 denial and not necessarily hit each and
25 everyone of those reasons.

1 Suffolk County Planning Commission 103

2 CHAIRMAN CALONE: So, in some ways it
3 is more for us to do approval with
4 conditions?

5 MR. FRELENG: I believe it is difficult
6 for the locality to override a whole bunch
7 of conditions. It is much more difficult
8 for them to do that, then it is to override
9 a denial for reasons then they won't
10 necessarily have to address all these
11 reasons.

12 CHAIRMAN CALONE: Sir?

13 MR. MCADAM: I just want to make a
14 motion.

15 CHAIRMAN CALONE: Yes, please make a
16 motion. Say it again?

17 MR. MCADAM: I would like to make a
18 motion to approve the staff report as
19 written.

20 CHAIRMAN CALONE: As written?

21 MR. MCADAM: Yes.

22 MS. ESPOSITO: I will second that.

23 CHAIRMAN CALONE: Second by Secretary
24 Esposito.

25 All in favor of approving the staff's

1 Suffolk County Planning Commission 104
2 recommendations which is for disapproval for
3 the reasons indicated, please raise your
4 hand.
5 And all opposed and abstention?
6 Okay, we are back on to our last
7 project, Cow Neck Farms.
8 MR. KLEIN: Referred to the commission
9 by the Town of Southampton. This property
10 is located on the west side of North Sea
11 Road along Peconic Bay which is here.
12 (Indicating.) Island Creek and West Coast
13 Creek and Scallop Pond is here.
14 Commissioners jurisdiction for review
15 are the shorelines I just mentioned. The
16 property is located in the Hamlet of North
17 Sea, and it is quite unique and quite large.
18 The access is along North Sea Road. The
19 subject contains about 540 acres, so it
20 quite large. It is probably the single
21 largest parcel in the Town of Southampton.
22 MS. ESPOSITO: Only one owner?
23 MR. KLEIN: One owner. He also had
24 some other interest surrounding the
25 property, as well. This property which is

1 Suffolk County Planning Commission 105
2 relatively unique is presently improved with
3 the number of structures and use for private
4 recreation and preservation purposes. The
Page 91

5 polo fields are here -- there is some
6 agricultural fields here and here. As you
7 can see wetlands, freshwater, and tidal
8 marshal wetlands over here.

9 There is certainly a conservation
10 easement existing over this property which
11 limits the creation of no more than five
12 additional single-family building lots.

13 MR. BRAUN: Is there a house on there?

14 MR. KLEIN: There are several on the
15 property. It is zoned CR-120 which is
16 country residence that permits single-family
17 dwellings on 120,000 square feet.

18 When it first came into the
19 conservation, I think, there was a 30 lot,
20 but possibly it could be more like 50. The
21 applicants proposing subdividing 540 acres
22 into a five single-family building lots and
23 one conservation easement open spaced lot
24 which is designated as Lot 6. The proposed
25 building lot will range in size from 3.8

1 Suffolk County Planning Commission 106
2 acres to 9 acres. The open spaced lot
3 designates Lot 6, will have an area of
4 approximately 508 acres.

5 CHAIRMAN CALONE: And Lot 6, everything
6 is not in red there, right?

7 MR. KLEIN: Yes. The open lot area is
8 designated as Lot 6 and 508 acres privately

9 held conservation recreation of gaming
10 management.

11 MR. BRAUN: What happened with the polo
12 field?

13 MR. KLEIN: They didn't come out too
14 well. You wanted to know what the
15 improvement is on the property currently?

16 Currently exists and shall remain -- go
17 back to the oblique pictures. Over here is
18 mostly the equestrian compound and then over
19 here is the game compound where they keep
20 their hunting rifles, hunting dogs, and
21 stuff like that. So the improvement -- this
22 is a pre-dwelling -- they call it a lodge,
23 cottage, and the game keepers house. There
24 is also barns; stables; garage; kennel;
25 boathouse; and several equipment sheds. The

1 Suffolk County Planning Commission 107
2 proposed right-of-way if you go to the
3 subdivision map -- the proposed right-of-way
4 will be on the Lot 6. It is proposed to be
5 a private right-of-way, but it does meet
6 town specifications. It is 50 feet wide
7 with about a mile and three quarters long.
8 Now, if you have any questions, jump in.
9 They are proposing five single-family
10 lots. Three will not have direct road
11 frontage on the proposed road. That is an
12 issue that was brought up before.

13 Therefore, they are creating that one lot
14 which is contrary to commission guidelines
15 regarding the subdivision layout. However,
16 the town has granted the variance relief for
17 the zero road frontage, so we have those and
18 we have the town variance.

19 The applicants representative stated
20 that upon the land trust who are the
21 grantees of the conservation easement prefer
22 this layout because -- therefore, Lot 6
23 would have more continuity. The open space
24 will be more continuous. They wouldn't have
25 to cross over somebody else's tax map for

1 Suffolk County Planning Commission 108
2 site inspection management of the property.
3 They have received DEC wetlands permits for
4 the road or any civilization of said road
5 which is not going to be an approval on just
6 the gravel stone road.

7 New York State Office of Parks and
8 Recreation Historic Preservation has
9 reviewed the site, and they approved it as
10 standing regarding the archeological
11 existence we might have.

12 So all things considered, staff does
13 recommend approval for this reason. The
14 proposal is a good plan. It offers
15 significant conservation values compared to
16 as the right development. Large portions of

17 the subject parcel remain in their natural
18 open agricultural state with most of the
19 environmentally sensitive portions being
20 excluded and buffered from the development.
21 The staff feels it is a good tradeoff,
22 however, there is the issue of creating land
23 locked parcels. If the commission wishes,
24 they can offer a comment regarding the
25 reconfiguration of the other parcel creating

1 Suffolk County Planning Commission 109
2 a panhandle or a flag lot or you could just
3 approve it as it is.

4 CHAIRMAN CALONE: One of the main
5 reasons -- are you concerned about land
6 locked parcel because you are worried about
7 someone else -- another owner providing
8 access over to the subject property, right?

9 MR. KLEIN: Right.

10 CHAIRMAN CALONE: That would seem to
11 not be the case here. I mean other than it
12 happens to be another lot because of carved
13 out easement -- environmental easement. I
14 would think less of issue regarding this
15 project, but I would appreciate your
16 thought.

17 MR. KLEIN: Initially, I thought that
18 it should be approved with conditions for
19 that creation of polls to be extended to
20 meet the roads in the event that the town --

21 the private road was dedicated to the town
22 and offered a newly created lot would have
23 physical road frontage public roadway, but
24 after review of it, I'm -- it is unique --
25 it is a unique situation. It is not like

1 Suffolk County Planning Commission 110
2 straight forward.

3 CHAIRMAN CALONE: Commissioner Roberts,
4 you got an unique opportunity to see this
5 property?

6 MS. ROBERTS: This is an incredible
7 unique piece of property to put it in
8 perspective. It is owned by Louis Vacan who
9 is a sole proprietor who also owns Robert's
10 Island.

11 Basically, what they are trying to do
12 is put five houses on the property for his
13 five children and the documentation shown in
14 town of environmentalist coming in and
15 actually telling them precisely where this
16 property should be is just phenomenal. So
17 basically what we are talking about a
18 private road that family members would be
19 using that basically the Peconic Land trust
20 has the easement of so that is the practical
21 issue here. It appears to be minimal and
22 certainly I would imagine the intent would
23 be that the main road would stay private for
24 as long as the family holds together.

25

CHAIRMAN CALONE: Any thoughts?

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Suffolk County Planning Commission

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MR. BRAUN: Could we go back to the

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subdivision. Those darker orange branches

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from the main right-of-way, are they -- that

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just happens to be mostly different color or

6

are they different their character?

7

MR. KLEIN: That is a 20 foot wide

8

easement over Lot 6.

9

MR. BRAUN: So the right-of-way itself

10

is a 50 foot standard road, but that

11

easement from that to the individual

12

building lots where they are 20 foot ones.

13

MR. KLEIN: Right. Three lots.

14

MR. BRAUN: What is the significance of

15

the actual survey?

16

MR. KLEIN: I did that when I was

17

reviewing it. I did highlight it and

18

certainly it wouldn't come out when we

19

scanned them on the computer. It looks

20

pretty good showing where the tidal marsh

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is.

22

MR. ISLES: Just to follow-up on Mr.

23

Braun's question on the easement that was

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approved by the Zone of Board of Appeals

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already.

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MR. BRAUN: That was?

MR. KLEIN: Yes, all of -- the applicant is following all procedural requirements. They have not yet C.O. and all certificates of occupancy on all the structure and they have variances that would be nonconforming.

MR. ISLES: But on easement, the ZBA approved them?

MR. KLEIN: Yes, they got those and they also got CDC permit for the road which is significant.

CHAIRMAN CALONE: Obviously, this is a unique project. Is there any other comments or questions?

MR. FIORE: It is not even residential. This is just going to hang out there every once in a while.

CHAIRMAN CALONE: Sir, do continue.

MR. FIORE: I am going to go along with the staff's report but make an offer application for approval.

CHAIRMAN CALONE: Any other comments about the application?

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MR. PRUITT: I do have a comment.

I just wanted to be clear and understand that we're applying here -- that

6 reasonable options to remedy a landlocked
7 conditions, we would approve it with
8 conditions. Is staff stating that there are
9 no reasonable options to remedy the land
10 locked conditions on this lot?

11 MR. KLEIN: I don't believe that is the
12 case. There is no alternative.

13 MR. PRUITT: All I am doing is going
14 back to what was described in the previous
15 application.

16 MR. KLEIN: I understand. Like I said,
17 at first glance, I said they should put this
18 with conditions -- flagpoles that extend.
19 That is up to the discretion of the
20 commission, I believe. After reviewing it
21 and talking to the parties knowledgeable to
22 this site and county land trust, this is
23 only secondhand but the kind of land trust
24 preferred doesn't slice up to the
25 conservation.

1 Suffolk County Planning Commission 114

2 CHAIRMAN CALONE: Bottom line is that
3 we will be taking away from the easement if
4 we drew additional lines down to the road.
5 In this situation, I think this very unique.
6 Commission, Holmes?

7 MS. HOLMES: I think probably what
8 we're really looking at is what staff

9 understood was that there -- it isn't that
10 there isn't any alternative, there does not
11 appear to be a need to require a flag lot
12 because this is private estate ownership and
13 this is one family and that is what makes it
14 unique. There isn't a need to require
15 people who are not related.

16 MR. ISLES: I am going to agree that.

17 MR. KLEIN: For the future --

18 MR. ISLES: I just wanted to make a
19 point that that's not the basis of the staff
20 recommendation. There is not a need in the
21 sense of it being single-family compound.
22 As Mr. Braun pointed out, subdivision would
23 give them ability to sell these lots
24 individually and so they could be
25 transferred to someone else. The staff

1 Suffolk County Planning Commission 115
2 point of view is thinking that the
3 significant voluntary reduction of yield
4 significant environmental constraints to the
5 this site with an extraordinary attempt by
6 the applicant and the town of Southampton to
7 navigate a development -- a site of limited
8 development that has the least impact on the
9 environment and then fundamentally public
10 safety aspect access and so forth. Belief
11 being that has been satisfied with the
12 number one right-of-way going through the

13 site. The board of appeals approval of the
14 limited location where's there is the 20
15 foot access point. So, we believe in some
16 total, as this is the case, as Dan mentioned
17 earlier, this is the case where we felt
18 should have seen the eyes of the commission
19 on it and it is not a clear cut case but in
20 some total the information we review where
21 we felt that these represent suitable and
22 safe development of parcels.

23 CHAIRMAN CALONE: Thank you, Director.
24 Does anyone else --

25 MR. ISLES: The only other point I just

1 Suffolk County Planning Commission 116
2 wanted to make in closing -- sorry -- not to
3 get too caught up in this at the moment but
4 to frame the further discussion that we will
5 have later on today about affordable
6 housing. One of the other points the staff
7 looked at is that should this have onsite
8 affordable housing? Should it be a
9 contribution to affordable housing? This is
10 an as of right subdivision which should get
11 pointed as an example. In contrast, it is
12 not a site that typically would be close to
13 a downtown. It is just rated as a point of
14 marker in terms of an extreme case of high
15 volume subdivision, how should our rate
16 guidelines relate to affordable housing in

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this is whether we should have the comments

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-- whether they should redraw it a little
bit.

Do you have any perspective on that,
Commissioner Roberts? Have you seen the

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Suffolk County Planning Commission

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property?

MR. ROBERTS: (No response.)

CHAIRMAN CALONE: The comment just says
that the applicant should withdraw the --
redraw the proposed subdivision maps. All
the lots have additional frontage in case --
since you have not seen it.

MS. ROBERTS: I don't feel it is
necessary, but I do respect the town and the
county perspective with more very long term
if this could be issues 10, 20 years from
now. I am comfortable that, that not
holding -- not requiring that.

CHAIRMAN CALONE: If there is no
further comment, a motion is in order.

MS. ROBERTS: Are we going to leave it
in or take it out?

CHAIRMAN CALONE: Well, it actually --

MR. FIORE: You can make a motion right
now.

CHAIRMAN CALONE: The language is that
they should redraw or we think they should
or no, take it out.

25

MR. KLEIN: We shall --

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MS. HOLMES: Might consider redrawing

3

it out.

4

MS. ROBERTS: It is not a condition and

5

it right to take it out.

6

CHAIRMAN CALONE: Ted, are you

7

comfortable with taking it out?

8

MR. KLEIN: Yes.

9

CHAIRMAN CALONE: Then a motion is in

10

order.

11

Commissioner Roberts, do you want make

12

a motion to approve this?

13

MS. ROBERTS: Motion made.

14

CHAIRMAN CALONE: To approve this

15

application for approval with no comments or

16

conditions. Second by all those in favor?

17

All those opposed? Abstentions is none.

18

Thank you all.

19

Here is what we have in front of us. I

20

know some of you have to go. Just a couple

21

of things before we continue. I wanted to

22

ask this question because we have issues

23

about what time we meet and I would like to

24

know if any of you all have a concern

25

because some of you come from New York City

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Suffolk County Planning Commission

120

2 and some of you come from far out east, and
3 there is a suggestion that we meet in the
4 10:00, 10:30, 11:00 range. I would like to
5 get some feedback from whether there is
6 problems -- so the two of you have to leave?

7 MR. CARACCILO: I am good with that.

8 MR. FIORE: I have problem with that.

9 CHAIRMAN CALONE: Are you leaving?

10 MR. FIORE: Yes. If it is 10:30, then
11 I can make it but before that I have another
12 meeting.

13 CHAIRMAN CALONE: Maybe we can look at
14 meeting at 11:00.

15 MR. BRAUN: Then I have to get to where
16 my meeting is. This is the right time for
17 me.

18 CHAIRMAN CALONE: Anyone else have any
19 comments or questions? Frankly, if gets in
20 anyone's way --

21 MS. HOLMES: What about 11:00?

22 MR. BRAUN: If a meeting is in
23 Hauppauge -- well, it depends if I am in
24 Riverhead that morning and the meeting is at
25 11:00, I can make it. If is in Hauppauge, I

1 Suffolk County Planning Commission 121
2 probably won't be able to.

3 CHAIRMAN CALONE: The other option is
4 to put it later in the day, so people would
5 have mornings to do their jobs.

6 MS. ESPOSITO: I prefer in the morning
7 or the afternoon, so it is not in the middle
8 of the day. That would be my preference.

9 CHAIRMAN CALONE: Any thoughts about
10 two o'clock? Something like that? We will
11 discuss it with staff and see what works for
12 you guys.

13 MR. ISLES: Okay.

14 CHAIRMAN CALONE: Or later or something
15 --

16 MR. BRAUN: What was that?

17 MS. ROBERTS: If it is two o'clock, we're
18 in the rush hour traffic.

19 CHAIRMAN CALONE: You will be against
20 it, won't you?

21 MS. ROBERTS: It's everywhere.

22 CHAIRMAN CALONE: Leave it as it is so
23 we will just do that for now.

24 The other thing I think is important
25 that we discuss is the definition of

1 Suffolk County Planning Commission 122
2 projects of regional significance and Ted
3 and Tom and the working group have done
4 quite a bit of work on that and maybe you
5 can briefly go over that with Dan's input on
6 what we are thinking just to recap the
7 problem with the regional significance is
8 the filter of what comes to us.

9 It is just internal standard that we
Page 106

10 can always change and modify as we go. We
11 are going to try to identify the things with
12 most regional impact.

13 MR. PRUITT: First of all, I just want
14 thank the Board that Commissioner McAdams
15 and the adulthood on this particular project
16 in defining regional projects. I think
17 there is two things I want to point out. I
18 know that commissioner's got the e-mail, all
19 of you got the e-mail and hopefully you had
20 the opportunity to read some specific
21 details but the thing that I would like to
22 point out is that this is not meant to be a
23 ecstatic document. This is a literary
24 document. I would like to try and get
25 something out there so that we can apply the

1 Suffolk County Planning Commission 123
2 filters as soon as possible what the
3 commissioner has reviewed.

4 The second thing that I would like to
5 point out is that I think that the working
6 group did a good job. They set a different
7 standard for East Hampton.

8 MS. HOLMES: Yes, I like that very
9 much, Ed.

10 MR. PRUITT: I just wanted to point
11 that out, as well.

12 CHAIRMAN CALONE: Mr. McAdam's, any
13 comments?

14 MR. MCADAM: No, he said it very well.

15 CHAIRMAN CALONE: Thank you both Vice
16 Chairman and Commissioner McAdams for
17 leading the charge on that.

18 Dan, did you have anything that you
19 would like to say? My thought on this is to
20 get feedback and then have it for the next
21 meeting, so we can apply and go forward but
22 I certainly want to know because people have
23 to leave.

24 Any comments? Dan, is there anything
25 you want to add on it?

1 Suffolk County Planning Commission 124

2 MR. GULIZIO: No, from the staffs
3 standpoint, we are comfortable with it. It
4 is a minimum for the application we think
5 you want to see, but it doesn't mean you
6 won't see other applications on our own
7 list. As Commissioner Pruitt said, it
8 certainly doesn't mean you can't change it
9 if you are not comfortable with it.

10 CHAIRMAN CALONE: I have one comment,
11 if I may suggest, on whether we shouldn't
12 have on the water --

13 MR. GULIZIO: Right.

14 CHAIRMAN CALONE: (Continuing) -- a
15 body of water would maybe just have a higher
16 -- would kind of automatically violate.

17 MS. ROBERTS: I think we should use the
Page 108

18 same language that is in the Atlantic Ocean,
19 Long Island Sound, or any significant bays
20 of Suffolk County.

21 MR. BRAUN: We are in the water.

22 MS. ESPOSITO: I don't think we can say
23 Atlantic Ocean because most of Suffolk
24 doesn't touch the Atlantic Ocean.

25 CHAIRMAN CALONE: She is saying only

1 Suffolk County Planning Commission 125
2 part of its borders.

3 MR. GULIZIO: I will --

4 CHAIRMAN CALONE: We will bring
5 something back. Tom can get something to us
6 next time. We will move forward with that.

7 MR. PRUITT: Is there any other
8 comments other than the one we just added?
9 Staff has put a lot of work into this
10 document from real significant projects, and
11 I would like to really try to close it out
12 without sending out another set of e-mails
13 for review.

14 CHAIRMAN CALONE: I agree.

15 MS. ROBERTS: Commissioner Holmes, I
16 appreciate that we have a lower standard for
17 the east end I don't know --

18 MS. HOLMES: It is higher.

19 MS. ROBERTS: Lower in different
20 standard capacity. I am concerned it is
21 still high. We -- the east end only has ten

22 percent of the population. We have a 160
23 thousand people on the east end verses 1.6
24 on the western end of Suffolk County. So,
25 again, when I here numbers of people, it

1 Suffolk County Planning Commission 126
2 just seems a little high for me.

3 CHAIRMAN CALONE: In here it says there
4 a 50 percent threshold. Basically, all the
5 things in here would be cut in the half.

6 MS. ROBERTS: It still seems high.
7 3,000 people and 50,000 square feet.

8 MR. GULIZIO: 48 percent.

9 CHAIRMAN CALONE: Tom?

10 MR. MCADAM: Half of the population
11 from Southold is out-of-town. You can't
12 necessarily, for example, the Southold
13 population is about 43,000 but all year
14 round, it is about 20,000. So I don't know
15 if that --

16 MR. PRUITT: Again, I would suggest
17 that as we said before, this is not an
18 ecstatic document. I think if we can start
19 with the threshold and see if things escape
20 that we want to include then we go back and
21 modify it.

22 CHAIRMAN CALONE: That is a good point.
23 Not only do you escape and don't meet
24 this -- Director Isles and Secretary
25 Esposito they are all going to say to us,

1 Suffolk County Planning Commission 127
2 "Hey, we really think you should see this,"
3 and we can see it. Nothing is going to be
4 carved out but this is kind of a default and
5 maybe we can raise the bar a bit.
6 MS. HOLMES: Maybe I am intellectually
7 challenged, but the way I read it was that
8 that is good because anything that east end
9 -- in the east end that even half as
10 changeable as the rest of Suffolk should be
11 reviewed because, for example, on Shelter
12 Island there isn't any land left and you
13 know for development and people have to do
14 things with property they already own and so
15 everything is a town -- like Shelter Island
16 is quite significant.
17 CHAIRMAN CALONE: You are right that
18 this raising the bar, if you will. The
19 question is, can we raise it even higher in
20 terms of should be lower standard things?
21 MS. ROBERTS: My gut is 30 percent.
22 MS. HOLMES: 30?
23 MS. ROBERTS: 30 percent.
24 MR. PRUITT: I think that is
25 argumentive.

1 Suffolk County Planning Commission 128

2 CHAIRMAN CALONE: Any fact percent is
3 argumentive.

4 MS. HOLMES: I mean, Tom's point of the
5 fact that the Town of Southold covers all
6 the way -- you know, all the way out to
7 Orient and so the varying populations within
8 those hamlets add up to the Town of
9 Southold. So, you know, it is like hurting
10 cats too.

11 CHAIRMAN CALONE: Why don't we do this?
12 Why don't we keep it at 50 percent and see
13 what's escaping staff, and know that this is
14 a sensitive issue and then say, "you know
15 what? We are getting a lot of things that
16 are not quite there and we think you should
17 see. Then we can always change that? Is
18 that all right?

19 MR. GULIZIO: Keep in mind, I don't
20 think there is too many applications that
21 you would want to see on the east end that
22 you don't already with no standard.

23 MS. HOLMES: That is true. Well
24 stated.

25 CHAIRMAN CALONE: So, if anybody has

1 Suffolk County Planning Commission 129
2 major issues particularly bring it back next
3 time.

4 We have a couple of other things we
5 have --

6 MR. PRUITT: I am sorry. The document
7 with that intermunicipal agreement. There
8 are two parts trying to fill out some of the
9 work that comes to the commission. The
10 other half we will try and reduce the
11 workload on the staff and try to do that
12 intermunicipal agreement. So I would like
13 to go to that next and try to discuss that
14 next.

15 MS. ROBERTS: That is a referral
16 process?

17 MR. PRUITT: Yes.

18 CHAIRMAN CALONE: And maybe, Dan, you
19 were the private director of that so maybe
20 you can -- I know it is an early draft so it
21 is not something that we -- -

22 MR. GULIZIO: So early that Counsel
23 hasn't even received it. As I have been
24 reminded, but the idea would be that if we
25 are going to ultimately potentially bring

1 Suffolk County Planning Commission 130
2 more applications to the commission for
3 review based upon the staff limitations and
4 restraints that Tom referenced earlier and
5 that we that we rustle with on a daily
6 basis, that we continue to process the 2500,
7 2400, 2600 applications a year is not really
8 going to be feasible and our time over there
9 would be better spent reviewing applications

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10 as opposed to sending notices of local
11 determination back and forth.

12 So the global intermunicipal group
13 would be an attempt to try and filter out
14 the number of applications the town or
15 village would actually have to send us in
16 the first place, and just to take one side,
17 if we were to eliminate variances associated
18 with single-family homes which I think by
19 and large the commission does not want to
20 see. That would eliminate close to 1800 or
21 1900 application referrals.

22 MS. ESPOSITO: Then our job is done.

23 CHAIRMAN CALONE: Well, hopefully staff
24 has time for additional things like more
25 effort into some of the regional things.

1 Suffolk County Planning Commission 131

2 MR. GULIZIO: What we try to do just to
3 kind of stimulate the discussion is we try
4 to put together a list of really de minimus
5 types of referrals that we get including
6 variances for single-family homes, site
7 plans, site plans below a certain threshold
8 in terms of square footage and minor
9 alterations to commercial structures and say
10 well maybe we don't need to have these sent
11 to us all in the first place. If you are
12 comfortable with that ultimately, we would
13 sit down with the towns and villages and say

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stop sending us these applications.

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MS. ROBERTS: Dan, I just want to point out that we are missing the ocean fronts from the list -- from the list on the 500 feet fronts. That is one of the outstanding credentials -- this piece of paper.

CHAIRMAN CALONE: So I guess the process is feedback from everyone who is just probably laughing at this because the other day feedback from Counsel and maybe we can come back with something -- this is not a complicated thing but it needs to be done

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Suffolk County Planning Commission
-- done right. So maybe we can have a follow-up conversation on the next meeting and potentially move on it at the next meeting. I don't know how we feel about that.

132

MR. ISLES: I think that will be great and I think what we could develop is a model IMA and then seek to do some promotion among the municipalities to let them know that and get the word to out and offer to meet with them to discuss IMA.

CHAIRMAN CALONE: I am along the lines of meeting with the Executive Director of the Suffolk County Village Association today, and let them know we are exploring this notion and I think they will be excited

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about that so -- without going into details.

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MR. PRUITT: Anything else?

CHAIRMAN CALONE: There are two things we really need to do with today. One is looking at the reconsideration standard for our applications and the second is for those who will stay and chat with Linda for a few minutes about the public comment portion.

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Suffolk County Planning Commission

133

So those two things definitely do -- you also have a press ideas which I think are important, but I think we can keep moving on those without -- we need formal commission approval on that. I think there should be feedback on going dialog of what we are doing. So let's review the reconsideration of the application. There are two standards you can consent. One is pretty much along the lines of our existing guidelines with a little bit of an addition with regard to the last pull, I believe. The second one the staff has worked on some of the language that kind of streamed lined a bit.

So the number one thing is what staff has put together as kind of a summary. The issue is also whether we do a two thirds majority or majority, if you were here. Commissioner Holmes?

MS. HOLMES: I very much prefer the

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proposal of Number Two. I think the

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language is much more clearer and would be
much easier for municipalities to understand
because we wanted to disseminate this to the

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Suffolk County Planning Commission
municipalities, and I just very much think
that Number Two is a much better wording for
our -- for clarity.

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CHAIRMAN CALONE: I wanted to ask Dan
or Andy if they had comment. Andy, I know
you had some thoughts earlier. Dan, you
helped draft this. Do either one of you
want to add anything?

MR. GULIZIO: No, I just think -- to
add to what Commissioner Holmes has said, I
think there is a certain simplicity to the
second alternative that, I think, is
appealing.

MR. FRELENG: I think we learned
yesterday during our discussions that
logistically it might be problematic to
implement the second alternative due to the
45 day clock imposed on us by the
administrative code. The Suffolk County
administrative code allows the Planning
Commission 45 days to review an application
upon receipt of a full statement of facts.
Problematically, I guess, in order for staff
to bring the application to the Commission,

1 Suffolk County Planning Commission 135
2 it is presumed that there is a full
3 statement of facts for you to review so --
4 CHAIRMAN CALONE: So the clock is
5 running?
6 MR. FRELENG: So the clock is running.
7 That's right. So if we were to bring a
8 request for reconsideration to the
9 Commission, presumably, we have a full
10 statement of facts we need to consider.
11 If you at that point vote to rehear the
12 super majority vote, you have to make a
13 decision then.
14 CHAIRMAN CALONE: We have to stay,
15 "This is coming out to read as a referral or
16 as a rehearing." Staff believes it may be
17 appropriate for the Commission to hear. The
18 question is does the Commission want to hear
19 this?
20 MR. FRELENG: That is right. Then you
21 take the vote and we have the staff report
22 and you have to act that day.
23 MS. HOLMES: You mean voting to rehear
24 it? Not doing the rehearing that day?
25 MR. BRAUN: No, rehearing that day.

1 Suffolk County Planning Commission 136
2 MR. FRELENG: If you pass the motion to
Page 118

3 rehear, you have to hear the matter. Then
4 you would have to take an action that
5 meeting.

6 MS. HOLMES: Well, would that be --

7 CHAIRMAN CALONE: That because of the
8 45 days.

9 MS. HOLMES: I see but then would that
10 be problematic if staff were recommending a
11 rehearing to the Commission for them to
12 consider it at their next regular meeting?
13 Would staff be notifying the municipality
14 involved and have them prepared to present
15 or would the additional date already be in
16 your hands so that we can -- you know, I am
17 just thinking of people from the
18 municipality.

19 MR. FRELENG: The proper procedure
20 would be the local municipality would
21 request of the Planning Commission to rehear
22 the matter. They would refer it with
23 presumably a full statement of facts.

24 MR. BRAUN: They also have to
25 re-advertise it.

1 Suffolk County Planning Commission

2 MR. FRELENG: No, the locality
3 depending on what it is. If they are doing
4 a change of zone and they have notice it,
5 then they will notice it willfully. We are
6 just talking about regular matters that we

7 acted on -- we may have already acted on.
8 There was some situation at the local level
9 where they would like us to rehear it. They
10 asked us in a new submittal to rehear it.
11 The staff brings it to the Commission that
12 presumable as a full-statement of facts. It
13 can't be incomplete. So a rule to rehear
14 it, then you will have to hear that day and
15 make a decision that day.

16 CHAIRMAN CALONE: The applicant will
17 come in assuming that we are going to review
18 it and decide -- I think we should have a
19 little higher bar to rehearing it.

20 MR. FRELENG: Now, we can certainly if
21 we are bringing it to the Commission to
22 rehear it. We can advise the locality, it
23 is going to be brought before the Commission to
24 be reheard. We can't guarantee it will be
25 reheard, but if they want to be present, you

1 Suffolk County Planning Commission 138
2 can be present.

3 MS. HOLMES: That what I was striving
4 at and presumably you would be presenting us
5 with the additional information that the
6 town brought to your attention.

7 MR. FRELENG: That is correct.

8 MS. HOLMES: That would be something
9 that would be clearly spelled out to us as
10 to why you thought we might want to

11 reconsider rehearing it because of this
12 additional information.

13 CHAIRMAN CALONE: We would have to make
14 a decision that's worth rehearing because it
15 if meets one of these criteria, the staff
16 might say we think it is worth you
17 rehearing.

18 Let's get the legal opinion.

19 MS. SPAHR: I have a question. Are you
20 using -- this is not in the context of your
21 procedures, so I don't know where this is.

22 CHAIRMAN CALONE: This will part of our
23 guidelines.

24 MS. SPAHR: Guidelines, okay, I'm
25 sorry. Are you referring to a situation

1 Suffolk County Planning Commission 139
2 where there presumably has been a
3 determination by the Commission not to
4 approve something and the municipality is
5 now asking you to reconsider it?

6 MR. FRELENG: I mean that would be one
7 instance that the Commission has disapproved
8 something and something has happened where
9 the locality would like us to reconsider it.

10 MS. SPAHR: And I understand --

11 MR. FRELENG: That is not the only
12 circumstance but that is one circumstance.

13 MS. SPAHR: I just want to make sure
14 that I understand where this fits in.

15 CHAIRMAN CALONE: Just so you know that
16 first part is in the guidelines now
17 essentially a little bit between but that's
18 what the guidelines say.

19 MS. SPAHR: Okay, that is what I wanted
20 to say. Is that the section that I have to
21 look at?

22 CHAIRMAN CALONE: So if Number two --
23 if we go with it, it will replace that.

24 MS. SPAHR: Are you anticipating that
25 there might be situation where you of your

1 Suffolk County Planning Commission 140
2 own volition on your own motions so to speak
3 want to call something back that you already
4 decided. Is that the part you are talking
5 about?

6 MR. FRELENG: No, I do not believe the
7 Suffolk County Planning Commission has the
8 ability to call back an item.

9 MS. SPHAR: I agree. That is what I
10 was looking for. Just so I can read this
11 clearly. This is if the municipality wants
12 you to take another look at something you
13 already decided on? Whether you said yes,
14 no, conditions?

15 MR. FRELENG: Right.

16 MS. SPHAR: The only other comment I
17 would make and I am looking at this for the
18 first time is that, I don't think that the

19 Commission can do anything on a majority
20 vote who is not present.

21 CHAIRMAN CALONE: I think we can
22 because it is an internal rule. It is
23 whether we are going to rehear it or we
24 cannot act on it, you are right, without a
25 majority of --

1 Suffolk County Planning Commission 141

2 MR. BRAUN: The seats.

3 CHAIRMAN CALONE: (Continuing) the
4 seats, but we have eight people but I think
5 internal rule we can act by the majority of
6 -- you know, it is an internal rule, so it
7 is are we going to listen? Not how are we
8 going to decide? But are we going listen?
9 So I appreciate your Counsel on that but
10 that is my reading on that.

11 MS. SPAHR: I will look at it. This is
12 the first time I have seen it. I will look
13 at it again and get back to you.

14 CHAIRMAN CALONE: Great, I appreciate
15 that.

16 Dan?

17 MR. GULIZIO: I am not sure if there is
18 a request for reconsideration, it is not
19 technically a referral is it? So then,
20 therefore, the 45 days doesn't really start
21 ticking?

22 MR. BRAUN: That is a good question.

23 MR. GULIZIO: And if the municipality
24 is asking for the referral, wouldn't it be
25 right to extend whatever time is necessary

1 Suffolk County Planning Commission 142
2 for us to reconsider it?

3 MS. SPAHR: Good question.

4 MR. GULIZIO: Every once in a while --
5 what is that saying, "Even a blind chicken
6 can peck a piece of corn once in a while."

7 CHAIRMAN CALONE: Commissioner Roberts?

8 MS. ROBERTS: Just a couple of things.
9 I always like to think of a reality when I
10 am looking at sort of copies and I think
11 most trumpet and the bull of a situation
12 where we have that stringent affordable
13 housing rule is what's coming to my mind as
14 I am talking, so I have a couple of
15 comments.

16 CHAIRMAN CALONE: Does it make sense to
17 kind of take that back? I am just asking
18 from a legal perspective whether we should
19 speak hypothetically rather than about
20 specific projects?

21 MS. ROBERTS: I am not going to talk
22 specific projects. There is my backdrop of
23 my comments.

24 First I have a problem with the two
25 thirds majority present that it would

1 Suffolk County Planning Commission 143
2 fluctuate so much. So when we are at
3 fifteen members, it would take twelve -- 15
4 members showed up, then 12 people would
5 decide one day if we rehear and then if
6 there was only eight members here and
7 another day only six people are deciding if
8 we rehear so one option might be if 2, 8 or
9 two thirds of the members present so that
10 there is some logic to what we are doing but
11 that is a very big problem to me depending
12 on how many members are here is the decision
13 on whether or not we rehear it. I actually
14 had an urge to use the eight as the
15 constant. I also --

16 MS. ESPOSITO: Before you go, can I
17 just comment. I am just a little concerned
18 about that because I am kind of a believer
19 of the old adage -- if you want to be in the
20 game, you show up. I wouldn't want us to be
21 constrained to do the right thing because we
22 didn't have adequate -- or we do have
23 adequate attendance, it is just not meeting
24 some guidelines that which we put down. So
25 I just wanted to throw that out there as you

1 Suffolk County Planning Commission 144
2 go along.

3 MS. ROBERTS: Does two thirds or eight
4 make sense to you, whichever is less?
5 CHAIRMAN CALONE: So if we had nine
6 people here, six people could vote to see if
7 there were --
8 MS. ESPOSITO: That is what it is now.
9 MS. ROBERTS: I am just concerned
10 because one day we have 14 members here and
11 we are going to have bar of 12 or 11 votes
12 to here. If only 8 are here, then that day
13 then only six is the bar on whether we are
14 going to hear something. That doesn't make
15 sense to me.
16 CHAIRMAN CALONE: If we only have eight
17 people here, then it has to be majority or
18 unanimous.
19 MS. ROBERTS: That's true so then eight
20 may be what we want to --
21 MR. BRAUN: Just a majority of this
22 seat.
23 MS. ROBERTS: All of our decisions are
24 based on eight.
25 MR. PRUITT: I guess the only question

1 Suffolk County Planning Commission
2 I have is this new standard form -- I guess,
3 two thirds majority. Why do we feel it is
4 necessary? Why are we deviating from the
5 stand we used in the passed any resolution
6 which is the majority of Commission members?

7 MS. ROBERTS: Eight.
8 CHAIRMAN CALONE: We can do here
9 because this is our rule, so we kind of -- I
10 think -- said pretty much anything we want.
11 It is just a question of should we raise the
12 bar higher for rehearings. So that is the
13 only indication.
14 MR. PRUITT: I guess my question is why
15 do we feel it necessary to do that?
16 MS. ESPOSITO: When did the current
17 rule become a problem?
18 CHAIRMAN CALONE: There hasn't been
19 with a rule that we actually voted on.
20 MS. ESPOSITO: Okay, go ahead, sorry.
21 CHAIRMAN CALONE: Well, I take that
22 back. There is a rule. It was just a
23 little unclear and we decided to reformulate
24 and when the issue is raised in the interest
25 of finality from additional prospective,

1 Suffolk County Planning Commission 146
2 that it has to meet a little higher bar if
3 we are going to rehear it. That was the
4 issue and we decided to move on. I think
5 these comments are all fair. I interrupted,
6 Commissioner Roberts.
7 MS. ROBERTS: Again, getting back to
8 the core problem. I think not having a
9 definition of significant is the core
10 problem. So that, I think, that we should

11 work hard at least giving some guidelines to
12 the municipality or whatever what we are
13 considering to be significant. I do have
14 this -- I don't see how this is actually
15 ever going to happen if we are only taking
16 referrals from municipality because I would
17 imagine that when things would be up for
18 referral is when typically a municipality
19 could not get a super majority to override
20 when of our conditions and if then the super
21 majority -- if they had to vote then to
22 refer it back to us, I just don't think --
23 so whether or not the developer could also
24 trigger a request for a referral, I might
25 myself very much wanted to reopen the bulk

1 Suffolk County Planning Commission
2 of the situation because of that stringent
3 wording. So my concerns are not so much on
4 this majority. My concerns are definition
5 of significance and really making it clear
6 of how something can come up again and what
7 the process has to be.

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8 CHAIRMAN CALONE: Any other comments
9 from the staff on that?

10 MR. FRELENG: The only comments from
11 staff from my perspective is that if we get
12 request to rehear a matter, it is coming
13 from the local body. That might be
14 accompanied with request from the applicant

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15 to the town to refer to the county to be
16 reheard.

17 CHAIRMAN CALONE: How often does this
18 happen?

19 MR. FRELENG: Well, let me put that
20 aside and finish -- so anything that comes
21 to my office from the local municipality, I
22 would consider a referral and the referral
23 would be a request to rehear so that
24 addresses one issue.

25 I would say maybe less than five

1 Suffolk County Planning Commission 148
2 percent but we do get a number of matters
3 that are sent to the Commission after we
4 have acted on them. Let's say we've
5 approved a subdivision five or six years
6 later and they didn't take an act on the
7 subdivision, then it is re-referred. We
8 open up the old map open up the new map,
9 they're essentially the same. We send back
10 the form letter that says the project has
11 been previously reviewed. There is no
12 subsequent change. We are not going to take
13 a look at it. That is kind of a paraphrase
14 of the guidelines for reconsideration. So
15 we get quite often -- we do get a map that
16 is re-referred for whatever reason it is
17 referred. The one that is significantly
18 different, we bring to the Commission unless

19 they -- again, unless, we condition things.
20 They revised the map. They met all the
21 conditions of our approval or denial for
22 reasons and if they send it exactly the way
23 the Commission wanted it from the staffs'
24 prospective, why bring it to the Commission.
25 It is what you wanted, so we will LD it.

1 Suffolk County Planning Commission 149

2 So there is number of times I can't put
3 certain amount to it. It is not half. It
4 is not a quarter, but we do get often times
5 referrals.

6 CHAIRMAN CALONE: Commissioner McAdams?

7 MR. MCADAM: I have a guess a practical
8 question under the first proposal, Andy.
9 Would you have to prepare a report or would
10 that be a situation where something came in,
11 it didn't fall under the guidelines, and
12 then you just tell the town?

13 MR. FRELENG: If staff felt that there
14 was no significant change, then we would
15 send it back and there would be no report.
16 If we felt there was a significant change,
17 we would prepare a report and bring it to
18 the Commission asking you to reconsider the
19 matter. Under Option 1, you don't vote not
20 to hear it. We are bringing back saying it
21 is a rereferral.

22 MR. MCADAM: Now, under Option 2, you

23 would be preparing the report period. That
24 means, you would preparing a report and then
25 we would have to either vote a majority or

1 Suffolk County Planning Commission 150
2 two thirds majority, so we can hear it? Is
3 that correct?

4 MR. FRELENG: To answer your question,
5 yes. In Option 2, would have to prepare
6 staff reports to bring to the Commission in
7 the event that the Commission approves the
8 matter to be reheard. In the first
9 instance, 99 percent of the time we are
10 going to prepare a staff report anyway
11 because the staff has determined that it has
12 met the criteria so we determine it has met
13 the criteria and we are bringing to you for
14 reconsideration. So really the only
15 difference is in the second option, is
16 saying, "no, we don't want to hear it." So
17 staff prepared a staff report for no reason.

18 MR. MCADAM: In the first option, you
19 have a right to reject it?

20 MR. FRELENG: At the staff level, yes.

21 MR. MCADAM: Before you get it?

22 MR. FRELENG: That's correct.

23 MR. MCADAM: We should try to keep in
24 mind the workload that you have. Instead of
25 going through the whole report and then on

1 Suffolk County Planning Commission 151
2 option , we don't vote to even hear it. You
3 did a report and --
4 MR. FRELENG: Well, I think Option 2
5 the staff is still going to read it. I mean
6 if it is obvious that there is no
7 significant change, why would -- I think
8 option two, pretty much solidifies the
9 process that we have right now really.
10 MR. ISLES: We probably shouldn't say
11 that staff betting first to /T0*R.
12 CHAIRMAN CALONE: The reason is -- the
13 Commission has to actually approve a
14 rehearing that is what the rule is and I
15 think it is fine to say and the staff will
16 you know --
17 MS. SPHAR: The courts have made
18 determination about what constitutes a new
19 application. If there are significant
20 changes, it has to be re-referred -- it has
21 to be submitted as a new application. And
22 if it is submitted as a new application, and
23 you make a decision that is not significant,
24 that is not really a decision not to rehear
25 it. It is a decision, "Nope, there is no

1 Suffolk County Planning Commission 152
2 significant change and our original opinion
3 stands. "

4 CHAIRMAN CALONE: That's true. It
5 basically becomes an LD or a no action
6 class.
7 MS. SPHAR: And, I mean, the guidelines
8 or procedures or whatever you want to call
9 them, are important so that other people
10 know what the rules are, but they really
11 should reflect what the Courts have decided.
12 They should reflect the code of the local
13 law and that includes that you really can't
14 do it just by a majority of the people
15 present or two thirds. Sorry guys, I mean,
16 the law says that the Commission takes
17 action by majority vote and majority vote is
18 a majority of the board. If you are making
19 a decision to change a decision that you
20 already made, that decision is an action of
21 the Board. It is a motion of the Board. It
22 has to be by the majority of the Board.
23 CHAIRMAN CALONE: What we are talking
24 about is two different things. One whether
25 we hear it or not. Two whether we do

1 Suffolk County Planning Commission 153
2 anything. I totally agree with you.
3 Anything we do it, you do have to --
4 certainly -- I know Commissioner Holmes has
5 been waiting.

6 MS. HOLMES: I think where some people
7 are a little confused. I think that is

8 where Commissioner Roberts raised the
9 question about what is significant.
10 I believe that point three is Option
11 Number 2 covers that because if there is a
12 change in the application, that is one
13 thing, but what we are confronted with
14 sometimes is if subsequent to our -- our
15 rehearing and our voting, if we learn later
16 and if the Town or village brings to our
17 attention later that their policy has
18 changed with respect to a particular
19 project, that significantly changes the
20 project and the criteria. In other words,
21 we didn't know about that criteria when we
22 were making our first consideration and the
23 Town wants us to know that their criteria
24 changed, subsequently, and that would be a
25 basis for us to consider rehearing

1 Suffolk County Planning Commission 154
2 something. That's what I like about the
3 three simple points of Option Two -- is that
4 the town policy change is something that
5 would be one of our consideration and that
6 would be significant.

7 CHAIRMAN CALONE: Why don't we --

8 MR. FRELENG: I think that one thing we
9 should require is that the municipality
10 explains to us in a cover letter why we
11 should rehear it.

16 month. Will that be alright with everyone?

17 MR. ISLES: Sure.

18 CHAIRMAN CALONE: Lastly, you can stay.

19 Linda has a brief update on public comments

20 portion. We also have a tour -- I don't

21 know if that is even on.

22 MR. FRELENG: Is anybody interested in

23 the tour?

24 (WHEREUPON, there was no reply.)

25 CHAIRMAN CALONE: We can also do it

1 Suffolk County Planning Commission 156

2 next time we are here. Please apologize. I

3 know they were kind of waiting for us and

4 thank them for this great facility.

5 Lastly, Dan has some notes on

6 affordable housing so why don't we -- so

7 through working group so why don't we

8 entertain a motion to --

9 MR. PRUITT: Adjourn.

10 CHAIRMAN CALONE: Vice Chairman makes a

11 motion. Andy?

12 MR. FRELENG: No, I can't. Just before

13 the working group sessions that you have,

14 are they subject to the Sunshine Law? Are

15 they open to the public, or are they not

16 open to the public?

17 MS. SPHAR: Working group sections are

18 open to the public, consultation with

19 Counsel is not.

20 MR. FRELENG: Okay, so we have working
21 group session which is open to the public
22 and we have consultation with Counsel which
23 is not open to the public.

24 CHAIRMAN CALONE: Right. Working group
25 does not need to have a transcript but the

1 Suffolk County Planning Commission 157
2 subcommittee does. Working group is open to
3 the public and so we will first go and speak
4 with Linda and ask those who are not members
5 of the Commissioner Staff to leave and then
6 we will proceed to the affordable housing
7 work group.

8 The motion was to adjourn. Second was
9 by Commissioner Landsdale.

10 All in favor? Opposed?

11 (WHEREUPON, the Members voted.)

12 Thank you very much.

13 (WHEREUPON, the meeting was adjourned
14 at 3:10 p.m.)

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

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STATE OF NEW YORK)
: SS
COUNTY OF SUFFOLK)

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13

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

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15
16

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

17
18
19

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.

20
21

IN WITNESS WHEREOF, I have hereunto set my hand this 4 day of June, 2008.

22
23
24
25

MELISSA POWELL