

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Planning Department
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5192 F: (631) 853-4044
Thomas A. Isles, Director of Planning

January 29, 2009

Notice of Meeting

The next meeting of the **SUFFOLK COUNTY PLANNING COMMISSION** will be held on **WEDNESDAY, February 4th, 2009 at 12:00 P.M. at Suffolk County Legislative Auditorium in the William Rogers Building at the North County Complex in Hauppauge.**

The tentative **AGENDA** includes:

1. Adoption of minutes for October 1st and December 3, 2008
2. Public Portion
3. Organizational Items:
 - Election of Officers
 - Rules of Proceedings
 - Calendar of Meetings
 - SCPC Annual training
4. Chairman's report
5. Director's report
6. Presentation: Legislator Wayne Horsley
 - Wastewater Taskforce
7. Sections A14-14 to 23 of the Suffolk County Administrative Code
 - Port Jefferson Moratorium 0206- et al
 - Metro Terminals of LI, LLC 0600-135-01-1.3 et al
8. Section A 14-24 of the Suffolk County Administrative Code
 - Patricia Clarke Topping 0900-11600-0200-005001
9. Presentation: Peter Lambert, Principal Planner (Suffolk Dept. of Planning)
 - Demographic, Economic and Development trends.
10. Other Business

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February 4, 2009

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SUFFOLK COUNTY PLANNING COMMISSION

WILLIAM ROGERS BUILDING
LEGISLATIVE AUDITORIUM
725 Veterans Memorial Highway
Hauppauge, New York

February 4, 2009
12:00 p.m.

F I N A L

BEFORE:

DAVID CALONE, Chairman
Town of Babylon

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

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

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CONSTANTINE KONTOKOSTA, Vice Chairman,
Commission Member
Villages Under 5,000 Population

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ADRIENNE ESPOSITO, Secretary,
Commission Member
Villages Over 5,000 Population

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LINDA HOLMES, Commission Member
Town of Shelter Island

8

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JOHN CARACCIOLO, Commission Member
Town of Huntington

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BARBARA ROBERTS, Commission Member
Town of Southampton

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CHARLA BOLTON, Commission Member
At Large

13

ROBERT BRAUN, Commission Member
Town of Smithtown

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THOMAS McADAM, Commission Member
Town of Southold

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SARAH LANSDALE, Commission Member
At Large

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JOSHUA HORTON, Commission Member
At Large

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VINCENT TALDONE, Commission Member
Town of Riverhead

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

- THOMAS A. ISLES, Director of Planning
- DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department
- ANDREW P. FRELENG, Chief Planner
Suffolk County Planning Department
- TED KLEIN, Senior Planner
Suffolk County Planning Department
- PETER LAMBERT, Principal Planner
Suffolk County Planning Department
- JOHN CORRAL,
Suffolk County Planning Department
- DOTTY SONNICHSEN, Staff
- LINDA SPAHR, Counsel to the Planning
Commission

G U E S T S :

- JACK CAFFEY, Aide to
Presiding Officer Bill Lindsay
- WAYNE R. HORSLEY, County Legislator
14th District
- *** All other interested parties

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

(Time noted: 12:10 p.m.)

CHAIRMAN CALONE: Good afternoon.

If everyone could be seated, the February 2009 meeting of the Suffolk County Planning Commission is now in session. I'll note that we do have a quorum, and I would ask the secretary to lead us in the Pledge.

(Pledge of Allegiance)

CHAIRMAN CALONE: The first item on our agenda is the adoption of the October 1st and December 3rd, 2008 minutes. You all had those minutes and had a chance to review them.

Mrs. Holmes, do you have corrections to those minutes?

COMMISSIONER HOLMES: Yes. The October minutes, we got the corrected version, and it was like 99 percent. I think there were only a few additional,

1 which I've given to the court reporter,
2 so I would move the adoption of the
3 October minutes as -- as amended.
4

5 CHAIRMAN CALONE: Nothing short of
6 perfection for us. Appreciate your
7 efforts.

8 Any other comments or questions on
9 the October -- or additions to the
10 October minutes?

11 COMMISSIONER BRAUN: Second.

12 CHAIRMAN CALONE: Seeing none, and
13 accepting the second from Mr. Braun, all
14 in favor of adopting the October
15 minutes, raise your hands.

16 (WHEREUPON, the members voted.)

17 CHAIRMAN CALONE: Opposed?

18 (WHEREUPON, there was no response.)

19 CHAIRMAN CALONE: That passes
20 unanimously.

21 The next item is the adoption of
22 the December 3rd minutes.

23 Mrs. Holmes?

24 COMMISSIONER HOLMES: The December
25 minutes were a little more problematic.

1
2 I believe that today's reporter was not
3 the one who took the minutes last --

4 CHAIRMAN CALONE: You put that very
5 diplomatically.

6 COMMISSIONER HOLMES: -- and we
7 noticed the change. But between
8 Chairman Calone and myself, we had
9 several pages of corrections which I've
10 given to the court reporter. So I would
11 move that, perhaps, we could table the
12 December minutes and ask for a corrected
13 copy. That would be helpful, I think.
14 Because there are -- some of them
15 substantial and would require reviewing
16 the tape to see what was actually said.
17 Some of them were a little garbled.

18 CHAIRMAN CALONE: So you want to
19 table them, is that what you're saying?

20 COMMISSIONER HOLMES: I would move
21 that we table and -- and -- pending --
22 you know, look forward to a corrected
23 copy.

24 CHAIRMAN CALONE: Sure. Any
25 objection?

2 (WHEREUPON, there was no response.)

3 CHAIRMAN CALONE: Without
4 objection, we will table that -- table
5 the December minutes.

6 Thank you, Mrs. Holmes.

7 MR. FRELENG: Did we get a
8 second -- I'm sorry, Mr. Chairman, did
9 we get a second on that?

10 CHAIRMAN CALONE: It was without
11 objection, so --

12 The next item on our agenda is the
13 public portion. We do have
14 Legislator Horsley with us, and since I
15 think the public portion may go for a
16 little while, perhaps, Legislator
17 Horsley, if you are prepared to speak
18 for a few minutes on the Wastewater Task
19 Force, we'll let you do that.

20 First of all, thank you for letting
21 us use your table here.

22 LEGISLATOR HORSLEY: You look good
23 behind it.

24 Do you want me to --

25 SECRETARY ESPOSITO: We're not

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staying.

LEGISLATOR HORSELY: -- go up to
the podium?

(Laughter)

LEGISLATOR HORSELY: Come on,
Adrienne.

CHAIRMAN CALONE: If you -- if you
would use the podium, that probably --

LEGISLATOR HORSELY: Sure.

CHAIRMAN CALONE: -- would make
sense. And I appreciate your being here
and -- and the work that the task force
has done on -- on the wastewater issues
affecting the county.

LEGISLATOR HORSELY: I also brought
a show and tell, if you don't mind.

CHAIRMAN CALONE: No, we -- we
always like that.

LEGISLATOR HORSELY: There -- there
you go.

Good afternoon. Good afternoon.
I'm in -- I'm in a teaching mode,
I've -- this is -- I've been -- I've
taught two classes this morning already.

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CHAIRMAN CALONE: Well, we're happy to be the third.

LEGISLATOR HORSLEY: David, it's always a pleasure to see you, a fellow Babylon Village person, and that always warms my heart. That's my district and my home. And, actually, I brought -- if I -- if I do have a few minutes, I wanted to show you a -- a project that is -- that is being handled in the Babylon Village concerning wastewater runoff and sponges; and I brought a couple of them just to give you a little flavor, and it wouldn't take more than a couple of minutes.

But let me -- let me talk about the wastewater task force, which I see some of the members here were actually part of the task force; Sarah and Adrienne.

Am I missing any? Josh was not on it --

SECRETARY ESPOSITO: No, just us.

COMMISSIONER HORTON: I'm not on -- no.

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LEGISLATOR HORSLEY: And what we did -- and I'm going to pass this out to you.

Jack, would you help me maybe?

MR. CAFFEY: Absolutely.

LEGISLATOR HORSLEY: You're the man.

The only reason why it -- it's on my -- my paper -- on my heading here, is because that's how we send it out to the press, and -- and that's the reason why it was on here.

But we were a task force that was assigned by County Executive Levy, and I was asked to chair that task force to look at the sewers in Suffolk County. Particularly -- and this is both from the legislature as well from the county executive.

In particular, that we are concerning ourselves with the stimulus package that was coming to -- that we knew was coming down the line as we could see that -- problems in the

1
2 country was -- that we were -- that
3 we're facing financially, and we were --
4 we were -- we're actually planning for
5 it.

6 So back last year, at the beginning
7 of March, the county executive had a
8 sewer symposium or sewer -- what's the
9 right word for --

10 CHAIRMAN CALONE: He called it a
11 summit, I believe.

12 LEGISLATOR HORSLEY: Summit, there
13 you go. A sewer summit in -- in
14 which -- bringing together numerous
15 people from across the county to talk
16 about sewers.

17 As you know -- and I'm talking to a
18 group that -- that recognizes this,
19 because you are our planners, is that
20 70 percent of Suffolk County is not
21 sewerage. 70 percent, you know, in a
22 population of 1.5 million people.

23 And, as you know, Dave, I'm -- I'm
24 a history guy, so I -- I've always --
25 asked by that, I say, Do you know that

1
2 400 BC to 500 BC, ancient Rome had
3 sewers, and here, we in Suffolk County,
4 do not. And -- and, of course, all the
5 reasons that we -- that we need them;
6 and one is for economic growth.

7 If you are to talk about smart
8 growth, if you're talking about any sort
9 of reasonable planning where you are
10 trying to build your downtowns, if you
11 are going to concern yourself with the
12 environment, like, for instance, the
13 Forge River -- the Forge River in
14 Mastic, last -- several years ago, had a
15 fish kill that -- literally, the -- the
16 river spit back at us and said, We have
17 had enough of the nitrogen that is being
18 pumped into and leeching into the --
19 into the Forge River and killing itself
20 because of not having sewers. And the
21 list goes on and on.

22 And the task force recognized that
23 this -- there is going to be an
24 environmental calamity on -- on Long
25 Island; at some point it is going to

1
2 come to a head where we're going to have
3 to recognize that we have to -- we have
4 to deal with the situation. So that's
5 -- that's the overarching position that
6 all of us were concerned about on the
7 task force.

8 The task force was made up of
9 numerous peoples. I believe there are
10 14-15 people from across the -- across
11 the -- the -- the -- the landscape of
12 Suffolk County; environmental, business,
13 engineers, and county employees,
14 et cetera. And we took at -- and we
15 went across Suffolk County and talked to
16 those areas where we thought people
17 would be interested in listening and
18 talking about sewers.

19 And what we did is we asked our
20 supervisors and town mayors -- and
21 town -- village mayors, town
22 supervisors, to give us your priorities.
23 And we went to -- we spoke to just about
24 every elected official that wanted to
25 appear before us -- and they did, they

1 did exactly that. And it is -- it is
2 time that we address this issue, because
3 the supervisors and mayors all agree, we
4 have a priority -- we have a priority
5 list, and so they spelled that out.
6

7 And so as we met in -- in the
8 Mastics, as we met in Rocky Point, as we
9 met in Kings Park, as we met in Stony
10 Brook, we were told time and again that
11 this is a major priority for our
12 communities.

13 So that -- that being the case,
14 we -- we compiled this list. And during
15 that time, this financial crisis
16 confronted us, as we speculated off --
17 that we -- that this was going to
18 happen. Those ones at Janis &
19 Douglas (phonetic), we knew that there
20 may be a sting coming down the road.

21 Congressman Bishop as well as
22 Congressman Israel asked us to give them
23 a list of ready-to-go projects -- or
24 project. What are -- give us your
25 priorities, that was the original

1 charge. And we did, we put together a
2 list which is before you.

3
4 And what we had to do, once the
5 stimulus package was really right on top
6 of us, we had to put in ready-to-go
7 fashion what projects are ready-to-go.

8 The projects total more than
9 763 million; they yield a -- a -- a
10 cost -- a dollar amount of 4.7 billion
11 in economic activity, and would
12 stimulate growth of 36,242 jobs -- maybe
13 41. And I -- that's an accurate figure;
14 in other words -- Adrienne and Brendan
15 made that number up.

16 CHAIRMAN CALONE: We'll hold you to
17 that figure.

18 LEGISLATOR HORSLEY: Yeah, maybe
19 one more.

20 But that is -- so that is the kind
21 of numbers we are -- we are dealing
22 with. And some of those projects are --
23 as -- as noted in -- in the -- in the
24 press package here -- Brookhaven sewer
25 district, the Huntington sewer

1 district -- we tried to spread them out
2 as best we could across the county,
3 taking up the most -- the most
4 geographic area, and -- Northport
5 Village, Patchogue -- Patchogue, which
6 I'm going to talk about in a second --
7 Port Jeff Village, Sag Harbor,
8 Smithtown, Kings Park, and Wyandanch.
9 The -- there's not one that is more
10 important than the other.

11
12 They are -- these are projects that
13 Public Works said that they could put
14 together -- the projects within 90 days.
15 Do I believe that? Sure, we could.
16 Absolutely. We could -- we -- we could
17 put them together in 90 days.

18 But then there are other projects
19 of equal importance; Bellport, Lake
20 Ronkonkoma, Centereach, Rocky Point,
21 Southampton. Centereach is -- Mastic,
22 Riverhead, Sayville, and Yaphank, we
23 are -- we're -- we're in the preplanning
24 stages.

25 And, by the way, I see planning,

1
2 yesterday, delivered to the legislature
3 a book about that thick (indicating) on
4 the Mastics and Shirley. And on
5 their -- on their assessment of -- of
6 sewers and how we could move forward
7 with them.

8 I would be remiss if I didn't
9 mention that even with these ready-to-go
10 projects, which we delivered to the
11 county executive as well as the two
12 congressmen, there was a concern and a
13 ready-to-go project that would have been
14 added to this. And that ready-to-go
15 project would be the outfall pipe of
16 the -- the southwest sewer district.

17 I'm sure you've probably heard on
18 the news and Newsday, and most of you
19 know because you're all -- you're all
20 activists, that the pipe -- the outfall
21 pipe is in -- as the report stated, in a
22 state of failure. Not that it's
23 leaking -- it is not leaking -- and it's
24 my district and I was very, very careful
25 when I spoke to the Newsday reporter on

1 this -- on this, to make sure that
2 they -- people understand this is not a
3 situation where raw sewage is being
4 pumped into the Great South Bay, but
5 there is a major problem there.
6

7 The problem is that the pipe that
8 runs from the sewer district -- from the
9 sewer plant in West Babylon, Bergen
10 Point, to the Gilgo where their pipe
11 runs across into the ocean -- it goes
12 underground at -- at -- at the -- on --
13 on -- on the Ocean Parkway, and under
14 and out -- out into the ocean. The
15 air -- the pipe that's -- that's from
16 the ocean, from the -- from the -- to
17 the -- the Gilgo out into the ocean is
18 south, but the pipe in the bay is the
19 part that's deteriorating.

20 And how we knew this is one -- the
21 pipe -- how it's constructed. We --
22 there's been failures across the -- the
23 country and across the world. The pipe
24 that was used similar to this is pipe
25 that's wrapped in bands of wire --

1 strong wire, steel, whatever it may be.
2
3 And these bands -- and there's hundreds
4 and hundreds and hundreds of them. And
5 that's how -- that's how this pipe is
6 constructed, and that's the
7 reinforcement of the concrete itself
8 that keeps it together.

9 Well, they put a sound machine on
10 it -- for lack of many other words,
11 I'm -- I'm a simple guy, I use simple
12 language. They used -- they put the --
13 they put the sound equipment on it, and
14 all day long you could hear "ping, ping,
15 ping." And what this pinging is is the
16 bands popping and snapping.

17 So this -- this has got to be taken
18 care of. That is a ready-to-go project
19 that, really, we are in need of a -- of
20 a stimulus, because it's \$150 million.
21 The legislature has put -- put in the
22 budget -- in 2010, '11 and '12,
23 \$50 million in the capital budget to
24 handle 150.

25 Nobody knows when this thing will

1
2 actually fail, I mean, as far as the
3 leaking. And, again, the leaking is
4 not -- the leaking will not be sewerage.
5 What that is is treated effluent that
6 has left the plant and would be on its
7 way out into the ocean. So I just
8 wanted to make that perfectly clear.
9 But it's a project that has to be done.

10 And one of the things that the
11 engineers are telling us is that we've
12 got to -- we've got to look at how
13 we're going to put -- lay down this pipe
14 again. The environmental law, as you
15 all know, has changed since the '70s,
16 and they've changed a lot. And what
17 they're telling us is that it may not be
18 the -- the best way to go to get permits
19 to lay a pipe right next to the old
20 existing pipe. What they may have to do
21 is tunnel under the bay -- and that may
22 be more cost effective than if we lay
23 the piping in its existing place,
24 because you've got to deal with all
25 the -- the -- the clams and the -- and

1 the -- the harvesting and all the
2 shellfish and the environmental issues,
3 in by laying it in its present -- in
4 it's present location.
5

6 So that is something that Public
7 Works is going to have to deal with.
8 They're hiring consultants to -- to tell
9 us what they feel is the -- the best way
10 to go with that. So that is -- that is
11 the outfall pipe.

12 But let me backtrack to the
13 stimulus project itself. We have
14 gotten -- we have received word from the
15 congress on -- on what they're -- what
16 they have put in for wastewater
17 treatment. We were -- to put it in no
18 other terms, we were sorely disappointed
19 in the number that we heard coming out
20 of the congress. This is up, you know,
21 wastewater treatment --

22 Adrienne, do you know the -- the
23 exact figure? It was about --

24 SECRETARY ESPOSITO: Well, the
25 House's version of the bill, which

1 passed the Appropriations Committee last
2 week, had \$6 billion for wastewater
3 treatment, including the drinking water;
4 and then the Senate's version that
5 passed yesterday has only \$4 billion for
6 sewage treatment and 2 billion for
7 drinking water projects, which is, you
8 know, less than, obviously --

9
10 LEGISLATOR HORSLEY: Less --

11 SECRETARY ESPOSITO: -- 1 percent
12 of the entire submitted package. So I
13 would call it depressing. Actually --

14 LEGISLATOR HORSLEY: Yeah, I do,
15 too.

16 SECRETARY ESPOSITO: -- it's
17 rather disappointing.

18 LEGISLATOR HORSLEY: We were -- we
19 were sorely disappointed. And not for
20 any lack of effort, I'm sure, on our
21 local congression- -- congressmen,
22 but -- as well as Senator Schumer,
23 because all along we were -- we were
24 expecting a larger number for
25 wastewater.

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SECRETARY ESPOSITO: And if I
could --

LEGISLATOR HORSLEY: Yeah.

SECRETARY ESPOSITO: The only
glimmer of hope is that, as the bill now
goes to the Conference Committee --
Congressman Bishop is one of the members
of the Conference Committee, he worked
very aggressively to put an amendment on
the legislation when it was in the
House, to get it from 6 billion to
12 billion. Unfortunately, that
amendment failed. It also -- the same
amendment was put forth by
Congressman -- Senator Schumer --

LEGISLATOR HORSLEY: Right.

SECRETARY ESPOSITO: That failed by
two votes; it needed 60 votes and it was
58 yesterday.

LEGISLATOR HORSLEY: I hadn't heard
that. I was -- we were hanging out here
all day long, and I didn't get a -- get
an update, but that --

SECRETARY ESPOSITO: You had more

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fun here.

LEGISLATOR HORSLEY: Yeah, some --
some would say.

But it was -- it was -- and we're
upset that -- that they did not
recognize it as the priority we believe
it to be -- at least, what it is for
Long Island, but we still have hope.

Just quickly, the task force has a
second -- a second mission, and what we
have done --

Dave, are we doing all right on
time?

CHAIRMAN CALONE: (Head gesture)

LEGISLATOR HORSLEY: Thank you.

Whether -- what we've done is, we
are -- we gave these priorities to
the -- what is called the -- what the
legislature's put together, an RFP
Committee. The RFP Committee has been
supported by the legislature. They're
given \$1.25 million, and I think it's
probably going to need more than the day
to put together an RFP for, how do we

1
2 go if -- for a master plan of sewers in
3 Suffolk County. Let's -- let's put it
4 on the books so we're ready to go when
5 we're ready to go.

6 And this RFP is going to be bid
7 shortly. They are taking the
8 information of the task force and
9 they're using it as the -- as the
10 backbone of -- of the -- the sewer
11 question for Suffolk County.

12 CHAIRMAN CALONE: Legislator
13 Horsley, let me interrupt you for a
14 second.

15 LEGISLATOR HORSLEY: Sure.

16 CHAIRMAN CALONE: This commission
17 was charged, first of all, with coming
18 up with a comprehensive plan for the
19 county, and it's one thing I know the
20 county executive and the department plan
21 on --

22 LEGISLATOR HORSLEY: Uh-huh.

23 CHAIRMAN CALONE: -- accomplishing
24 this year, or starting to accomplish
25 this year. So what I would ask you to

1 do is to try to think -- and we can talk
2 about this, not necessarily with all
3 these folks waiting, but to think about
4 how we integrate, you know, and how we
5 work together. Because, obviously,
6 prioritizing wastewater treatment is a
7 critical issue with regard to the growth
8 of the county --

9
10 LEGISLATOR HORSLEY: Everything.

11 CHAIRMAN CALONE: -- but so are
12 the -- you know, how -- how -- how
13 school populations are working and how
14 the road -- you know, all the road
15 capacities, all that stuff, obviously,
16 feeds together.

17 So as the department and the
18 commission work this year towards
19 putting together a comprehensive plan
20 for the county, you know, obviously, it
21 makes abundant sense, I'm sure you'd
22 agree that -- the sharing information
23 and, of course, working together on
24 that. So --

25 LEGISLATOR HORSLEY: I agree. I

1
2 absolutely agree. I am on that RFP
3 Committee, and I will assure you that
4 that -- we've got to work on this issue
5 together. This is probably the most --
6 it is not probably -- in my mind, other
7 than the fiscal crisis we're in right
8 now, it is the number -- the number one
9 problem that we face as far as growth
10 on -- on -- in Suffolk County.
11 Otherwise, we're just going to blow it.
12 We're going to have more of the '60s
13 back in our lap again where we've got
14 poor planning and -- and so I -- I am --
15 we must do this.

16 COMMISSIONER ROBERTS: David, can I
17 ask a question --

18 CHAIRMAN CALONE: Barbara.

19 COMMISSIONER ROBERTS: -- please?

20 LEGISLATOR HORSLEY: Sure.

21 COMMISSIONER ROBERTS: I'm very
22 interested in learning a little bit more
23 on the process of how projects got on
24 this list and who's on the task force.

25 LEGISLATOR HORSLEY: Sure.

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COMMISSIONER ROBERTS: What's a particular concern to me is the Village of Sag Harbor has had a two-year building moratorium and comprehensive plan process, and our trustee has -- over and over has told us that looking at the sewage system was not necessary and we had more than adequate capacity. So to see that we're -- that Sag Harbor is on this list, I'm curious how that happened.

LEGISLATOR HORSLEY: It -- it happened, one, that -- it was mentioned by -- well, I'm not sure -- the village or the town.

Do you recall, Adrienne --

SECRETARY ESPOSITO: I think that the --

LEGISLATOR HORSLEY: -- Sarah?

SECRETARY ESPOSITO: -- village came to one of our meetings.

LEGISLATOR HORSLEY: The village -- I think it was the village. It was our East Hampton meeting, or our East End --

1
2 in our East End meeting, and in the note
3 we have is the village sewer system is
4 relatively small and includes --

5 COMMISSIONER ROBERTS: How can I
6 get --

7 LEGISLATOR HORSLEY: -- the Main
8 Street business area of 88 locations and
9 139 residential lots. A significant
10 amount of new construction of large
11 commercial buildings in the district may
12 eliminate the excess capacity in the
13 future. Rehabilitation with engineering
14 and construction assistance is
15 estimated to be \$3 million. The village
16 requested the county -- the village
17 requested it -- the county to evaluate
18 financial assistance and the creation of
19 a county district.

20 So there's a disconnect somewhere.

21 COMMISSIONER ROBERTS: There is.
22 Thank you.

23 LEGISLATOR HORSLEY: I'll let you
24 work out the details.

25 COMMISSIONER ROBERTS: I'll work

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that out locally. Thank you.

CHAIRMAN CALONE: Thank you, Legislator Horsley. And I don't want to cut you short because, obviously, it's a critical issue, but, you know --

LEGISLATOR HORSLEY: You've got more to do.

CHAIRMAN CALONE: Well, we do have a busy agenda here. But -- but I want -- want to thank you, first of all, for coming and kind of letting everyone know about the list and about the task force. And now the second step's actually going to be critical, obviously --

LEGISLATOR HORSLEY: Absolutely. The RFP and what we're going to -- and in that RFP, I want to make sure that's included in there, is an accurate GIS system, so that we know what's in the ground, where it is, where our drains are, and have it county-wide that can be shared by all municipalities. You know, and -- really, so we can have a full --

1
2 so when you do your mapping -- and I
3 used to run a zoning board and I used to
4 get your local determination letters and
5 stuff like, I'd go, uh -- but now I
6 understand the county history and how
7 important you really are. But that --

8 CHAIRMAN CALONE: We like to think
9 so, but that might spear our own
10 inflated sense of ego.

11 LEGISLATOR HORSLEY: But that is --
12 that is -- we want that as part -- as
13 part of this -- this project, and you'll
14 be hearing more about it, and I'll be
15 glad to update you in the future.

16 CHAIRMAN CALONE: Thank you.

17 COMMISSIONER HORTON: (Indicating)

18 LEGISLATOR HORSLEY: Are there any
19 other questions --

20 CHAIRMAN CALONE: Mr. Horton.

21 LEGISLATOR HORSLEY: Yeah, Josh.

22 COMMISSIONER HORTON: Just quickly,
23 obviously, as it -- as it relates to the
24 list.

25 I'm a resident of the Village of

1 Greenport and very active in -- in the
2 community. And I do know that the
3 Village of Greenport is reviewing its
4 capacity and does have major upgrade
5 needs to their sewer systems. So, with
6 your permission, I'll -- I'll ask the --
7 the village board to just reach out --

8
9 LEGISLATOR HORSLEY: Yeah, I don't
10 know why --

11 COMMISSIONER HORTON: -- to you and
12 your task force --

13 LEGISLATOR HORSLEY: -- the village
14 board was not -- I don't think they were
15 there that day. I know --

16 COMMISSIONER HORTON: Right.

17 LEGISLATOR HORSLEY: -- I do
18 recollect, Josh, that -- and I can tell
19 you that the -- the reaction from
20 Southold was the only one -- that's the
21 reason why I remember this, who said, We
22 don't need it.

23 SECRETARY ESPOSITO: We don't want
24 it.

25 COMMISSIONER HORSLEY: Right,

1 naturally. That's not surprising.

2 But the Village of Greenport has --
3 you know, it -- it's a very important
4 infrastructure that we -- in dire need
5 of upgrades, outfall as well as --

6 LEGISLATOR HORSLEY: Sure.

7 COMMISSIONER HORTON: I'll -- I'll
8 ask them to reach out to you.

9 Thank you.

10 LEGISLATOR HORSLEY: We'll be glad
11 to hear from them and that -- that makes
12 a whole lot of sense.

13 Dave, could I just --

14 CHAIRMAN CALONE: Yes, sir.

15 LEGISLATOR HORSLEY: Hey -- I just
16 wanted to do something very quickly, and
17 in a concept that I -- I am so -- that
18 I've very excited about. And any -- and
19 I know you as planners would be
20 concerned about the storm- -- stormwater
21 runoff into our bays, our rivers, our --
22 the -- the north -- the -- the sounds,
23 et cetera.

24 And a project that has come to pass
25

1
2 in Babylon Village -- we call it the
3 sponge technology. The -- the -- the
4 Public Works Department has not fully
5 signed off on this for the county,
6 they're -- they're -- they're using
7 Babylon Village as a testing ground,
8 they're not sure that it eliminates all
9 that they -- they want it to eliminate,
10 but to us, this is such a great start.
11 One of the major things that the sponges
12 eliminates is oil residue from the
13 roads, and that's -- and that's --
14 that's just huge in itself.

15 So what these things are is -- not
16 taking our drains, our -- our sewage --
17 our -- you know, our drains in our
18 streets, and when the water -- instead
19 of taking the action at the drains
20 itself, cleaning the -- cleaning the --
21 the -- the runoff water there, you bring
22 it all the way down to the point where
23 the bay -- where the -- the last
24 discharge goes into the bay, where that
25 pipe meets your canal. Right before

1
2 the -- that can -- that pipe that's
3 goes -- that hits the canal, they have
4 done a cutout, and I know I've got to
5 describe this.

6 It's a box that was engineered by
7 the Village of Babylon government, and
8 they've made several so far, and -- in
9 which the pipe is cut off on one end
10 and -- leaving a spot of about 60 foot
11 at -- right before the canal's entrance,
12 and they put this metal box in there
13 which has holders. And the holders
14 contain a series of sponges that when
15 the water runs through it, it takes out
16 the -- the oils, the -- those -- those
17 things that you want taken out from --
18 from -- from street runoff, and is
19 collected in the sponges.

20 And how you -- how you maintain
21 it -- you'd think that that would
22 require some really high maintenance.
23 Once these things are installed, all
24 the -- the -- the maintenance person
25 does, every six to maybe a year,

1
2 depending on how -- how big a road it
3 is, they take the -- the -- the front
4 sponge that is -- that is receiving the
5 most cleansing, they remove that one,
6 they take the -- the sponge from the
7 back, move it to the front, close it up,
8 and they're done.

9 It takes -- because the technology
10 that they've -- they've manufactured in
11 the Village of Babylon -- and, again,
12 this is -- this is more village stuff,
13 this is not the county, and maybe the --
14 the bigger roads would be much more
15 difficult, but, certainly, they have
16 started on a program that I think is
17 going to pay huge benefits as far as
18 the -- the water -- the waters in our
19 canals and the -- and the eventual
20 health of the Great South Bay if we
21 could spread this out.

22 The village received a grant from
23 the county this year, through the
24 Wastewater -- through our -- our
25 Quality -- Water Quality Waters, the

1 477 Account, of \$370,000, which I
2 believe they're going to be able to redo
3 the remaining pipes that are in Babylon
4 Village, which are about 90.

5 COMMISSIONER CARACCIOLO: Kind of
6 like a filtration system?

7 LEGISLATOR HORSLEY: This is --
8 it's a filtration system. That's what
9 this is. It's basically cut out, and
10 the water has to go through the -- the
11 sponges to get into the canal.

12 CHAIRMAN CALONE: And you have a
13 show and tell.

14 LEGISLATOR HORSLEY: And I have a
15 show and tell.

16 COMMISSIONER CARACCIOLO: Do you
17 have any dirty filtration --

18 LEGISLATOR HORSLEY: I have both a
19 dirty one --

20 COMMISSIONER CARACCIOLO: Before
21 and after.

22 LEGISLATOR HORSLEY: -- and a clean
23 one.

24 COMMISSIONER HOLMES: Do you have a
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SpongeBob animation?

LEGISLATOR HORSLEY: I'm an
all-purpose legislator.

(Laughter)

CHAIRMAN CALONE: Well, let me --
while you're --

LEGISLATOR HORSLEY: Yeah, while
I'm doing that, why don't you --

CHAIRMAN CALONE: -- just let me --
just, you know, thank you for coming
and, also, we look forward to working
with you this year. But distinctive is
the second step of the RFP, and as we
look towards prioritizing the wastewater
treatment projects around the county --
obviously, that's something that
dovetails very nicely with the need for
a comprehensive plan with the county,
and we look forward to working with you
on that.

LEGISLATOR HORSLEY: Thank you,
Dave.

CHAIRMAN CALONE: Yeah.

LEGISLATOR HORSLEY: This is a

1
2 dirty sponge that has -- was used for
3 approximately six months, if you want to
4 pass that around (handing).

5 (Laughter)

6 LEGISLATOR HORSLEY: I will do this
7 for you. It's about the size of a
8 baseball --

9 CHAIRMAN CALONE: Thank you, Vanna.
10 We appreciate it.

11 COMMISSIONER ROBERTS: It's like
12 a --

13 LEGISLATOR HORSLEY: Second base.
14 Yeah, second base. You step on it,
15 you'll need new shoes.

16 And as you can see, it's filled
17 with crud.

18 COMMISSIONER CARACCIOLO: Great.

19 LEGISLATOR HORSLEY: And let me
20 show you a clean one.

21 CHAIRMAN CALONE: How long does it
22 take to do that?

23 COMMISSIONER BRAUN: How many --
24 how many --

25 LEGISLATOR HORSLEY: Six months to

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a year.

COMMISSIONER BRAUN: And how many filters -- how many sponges in a box?

LEGISLATOR HORSLEY: There is, I believe, four.

COMMISSIONER BRAUN: And the two middle ones never change?

LEGISLATOR HORSLEY: And this -- and this would be -- this would be like what a clean one looks like (indicating).

CHAIRMAN CALONE: It really is from the little league around the corner there.

LEGISLATOR HORSLEY: Yeah, absolutely.

Anybody want to feel it?

CHAIRMAN CALONE: Well, I'll -- I'll give it a try.

LEGISLATOR HORSLEY: There you go, Dave. Humor me. (Handing)

CHAIRMAN CALONE: It feels like second base.

Thank you, Legislator, that -- that

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is amazing what can happen --

LEGISLATOR HORSLEY: Keep in
mind --

CHAIRMAN CALONE: -- what's in our
water -- in our runoff --

LEGISLATOR HORSLEY: Let's clean
the Great South Bay up.

CHAIRMAN CALONE: Amen to that.

Thank you very much, sir, for --

LEGISLATOR HORSLEY: Thank you.

Have a nice day.

CHAIRMAN CALONE: Thank you very
much, sir, for your comments.

I want to move now to the public
portion of -- of our agenda. We have
the mayor of Port Jefferson here, I want
to give him three minutes. Everyone,
just so they know, three minutes each,
and it will be very tight time because
we do have a bunch of folks to speak,
and -- but the mayor of Port Jefferson
is here, Mr. Harty.

MR. FRELENG: Excuse me,
Mr. Chairman. If you could just remind

1 the audience that if they do wish to
2 address the commission, that they need
3 to fill out one of these blue cards;
4 just in case somebody came late.

5 CHAIRMAN CALONE: Sure.

6 If anyone didn't hear that, there
7 are blue cards at the front table which
8 are needed to speak, and it's for three
9 minutes. If everyone could also just
10 state their name and spell their last
11 name for our court reporter, that would
12 be great.

13 MR. FRELENG: Thank you, sir.

14 CHAIRMAN CALONE: Mr. Harty.

15 (WHEREUPON, Mr. Brian Harty
16 approached the podium and addressed the
17 Planning Commission.)

18 (Time noted: 12:41 p.m.)

19 MR. HARTY: Thank you.

20 Brian Harty, B-R-I-A-N, H-A-R-T-Y.
21 I'm mayor of the Village of Port
22 Jefferson.

23 Thank you, Mr. Chairman and Members
24 of the Commission. I'm glad to be able
25

1
2 to come and speak before you today in
3 opposition to a proposed moratorium in
4 the village.

5 No moratorium is needed because the
6 potential code revisions can be done
7 without a moratorium. It takes away
8 property rights from property owners in
9 the village, at that point in time, at
10 least for a year. So no economic
11 activity could be generated as well.
12 And, as we all know, we're in very, very
13 bad economic times.

14 Vacancy rates in some of these
15 areas increased -- appear to be
16 increasing, so it's a deep concern to us
17 to -- to work with realtors to market
18 those properties, to get businesses
19 moving into blighted parts of Port
20 Jefferson as well.

21 The planning board and zoning board
22 of appeals opposes the moratorium as
23 it's presently constructed. There's no
24 severe or immediate development pressure
25 in any of the areas in the village.

1
2 The moratorium, as prepared, is
3 very, very broad. Hospitals are
4 included in the moratorium area, and
5 are -- are one of our key economic
6 engines in the region, as you might
7 expect. So if we don't allow them to --
8 to work on their properties and expand,
9 it could put them in a very parlous
10 economic position -- economic
11 competitive position.

12 We had a public hearing on this two
13 nights ago, and the testimony on that,
14 at that time, was two-to-one against to
15 moratorium. And, virtually, the village
16 is about 90 percent built out.

17 I'd like to highlight some things,
18 what I believe is needed.

19 When I ran for mayor two years ago,
20 and I was a trustee four years prior to
21 that in the village, a comprehensive
22 plan for uptown Port Jefferson, in the
23 most blighted part of the village, was
24 needed. We sat on an RFP for that
25 purpose over about -- over a year ago,

1 and we got about 25 companies that
2 responded to it. We put together a
3 citizens' group, a planner of zoning
4 board members and planning board members
5 as well, and reviewed that and narrowed
6 it down to five companies. We were
7 getting ready to move ahead with that in
8 September, and we had some local issues
9 that prevented that from happening. But
10 we look forward to getting that back on
11 track because I think it's absolutely
12 essential that we get that uptown part
13 of Port Jefferson rebuilt.

14
15 When I campaigned on that, I
16 knocked on a lot of doors, and those
17 people -- really, it's important to the
18 world, you go out and you see a lot of
19 people. Virtually every person I spoke
20 to said that the uptown portion of Port
21 Jefferson was absolutely the essential
22 and the top priority to get that
23 redeveloped. I ran on it and I won, so
24 that must tell you something.

25 Up there right now there are -- in

1 anticipation of this planning study
2 that's to be done, and we had budgeted
3 last year, as a matter of fact, there
4 are -- there have been three companies
5 that have come forward and said that
6 they're really interested in taking
7 position up there and looking at
8 redevelopment uptown, utilizing smart
9 growth principles, to work with the
10 planning board and to work with this
11 type of committee moving forward.
12

13 And I think it would be a very,
14 very healthy thing, between the railroad
15 tracks and North Country Road in Port
16 Jeff -- and I don't know how many of you
17 are familiar with that part of -- part
18 of -- of Port Jefferson, but it's an
19 area that really needs a great deal of
20 work.

21 We want to connect that part of
22 Port Jefferson with downtown; we want a
23 trolley, or a bus service, or something
24 like that. We had a trolley service
25 through a grant about four years ago,

1 and it worked quite well. So we want to
2 move ahead with these kinds of things.

3 We also want to update the master
4 plan. We want to generate workforce
5 housing and connect uptown Port
6 Jefferson -- because it's right near the
7 railroad, connect Stony Brook University
8 and the village. In that way, a number
9 of people that work in Stony Brook could
10 live in Port Jeff and have an easy
11 commute by train. It would be a
12 different experience in that regard.

13 I'd like to see an update of a
14 master plan. Some of the things move in
15 the village as well as mansion
16 prevention, a steep slope ordinance to
17 work with the planning board, and create
18 historic over the -- overlay district to
19 limit clusters and -- and to limit --
20 to -- to prevent -- to maintain our
21 historic heritage.

22 Just a couple of other points.

23 We have an infrastructure study
24 that was completed by Sidney Baum on
25

1 roadways and sidewalks, within the last
2 year. It indicates that we need
3 \$20 million worth of roadway work around
4 the village on our roadways and
5 sidewalks. We, like many other people
6 now, are trying to jump on the bandwagon
7 with that with our local legislators at
8 our federal level getting monies into
9 the village.
10

11 Parking downtown, there's lot
12 configuration and reconfiguration
13 downtown to -- to maximize yields in
14 there, as -- as well as we've put
15 parking meters in to manage parking, and
16 particularly in the heavy -- heavy-used
17 spots in the summertime.

18 On our marina waterfront district,
19 there is a planning group that got
20 together of -- of residents, business
21 owners, and property owners on the west
22 side of Port Jefferson Harbor. That
23 group met for an extensive period of
24 time, and has recommendations to the
25 village board now. The village board

1 needs to act on those recommendations,
2 or put it back to that study group.

3
4 So the idea of having an overall
5 moratorium in the village seems to me to
6 be not necessary at this point. Maybe
7 there's some new visions in the code,
8 there was originally a master plan in
9 1965, updated in 19-- 1983, updated
10 again in the '90s, and there was a
11 vision 2010 plan put forward, which was
12 not adopted in practice. It was -- it
13 was not adopted in -- by resolution, but
14 it was -- but it was implemented by
15 practice. So an awful lot of that work
16 has already been done.

17 So I thank you for your
18 consideration and your time, and I hope
19 you vote no on the moratorium.

20 Thank you very much.

21 CHAIRMAN CALONE: Thank you,
22 Mr. Harty.

23 We also have with us a trustee from
24 the Village of Port Jefferson,
25 Mr. Carmine DellAquila.

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Sir, you have three minutes.

(WHEREUPON, Mr. Carmine Dellaquila approached the podium and addressed the Planning Commission.)

(Time noted: 12:47 p.m.)

MR. DELLAQUILA: Carmine Dellaquila, and that's D-E-L-L, capital A, Q-U-I-L-A.

Thank you, Mr. Chairman and Members of the Commission.

Many of the comments that you just heard from Mayor Harty are correct, there are many studies, plans, updates, and many of the recommendations that were compiled in those studies were never implemented.

We are in a very unique situation.

We haven't had a true master plan, a total revision, including a total code scrubbing, as we like to call it, in years. There have been amendments after amendments. All of the amendments conflict with other amendments. It's been brought to my attention, on

1
2 numerous occasions, by the zoning and
3 the planning board as I attended those
4 meetings.

5 It's important to note that our
6 stormwater system is in a very
7 precarious situation at this point. We
8 have a main culvert that could cost the
9 village \$20 million or more, based on
10 estimates from our engineer, if it
11 collapses.

12 Further increased density in
13 development, especially in the uptown
14 area, which currently there are over
15 200 residences planned for a very small
16 area, would certainly put a burden on
17 traffic and other amenities to the
18 village.

19 What we have most recently is a
20 medical park on nine acres of
21 100,000 square feet that this
22 commission, in its own comments, said it
23 was too dense. And yet, we're looking
24 for yet even higher density within the
25 same area.

1
2 I believe that the board of
3 trustees voted to move forward -- after
4 considering all the factors, past and
5 present, to move forward for a
6 moratorium. With the help of
7 Mr. Freleng, we had a public hearing.
8 And I -- we would disagree on a number
9 of pros and cons, but, again, it was a
10 fully-vetted process and a hearing, as
11 laid out by Mr. Freleng. You can say
12 that there was -- many of the opponents
13 to the -- at the hearing were developers
14 and special interest groups. That does
15 not meet the needs for the best economic
16 stability for the residents of Port
17 Jefferson.

18 We have a responsibility to
19 preserve and develop. I believe we've
20 met the standards of submittal, and I
21 thank you for your time.

22 CHAIRMAN CALONE: Thank you,
23 Mr. DellAquila. Appreciate your time.

24 We also have with us Michael Watt
25 from the Long Island Builders Institute.

1
2 While Mike is coming up, let me
3 just thank you, sir, because your
4 organization's helped with our --
5 putting our guidebook together. We
6 appreciate LIBI's involvement with that,
7 and -- and I just wanted to thank you
8 for that.

9 (WHEREUPON, Mr. Michael Watt
10 approached the podium and addressed the
11 Planning Commission.)

12 (Time noted: 12:50 p.m.)

13 MR. WATT: Well, my pleasure, and
14 thank you for the opportunity to address
15 you this afternoon. And as a resident
16 of the Village of Babylon, I just want
17 to share with you how comforted I am to
18 know that my legislator is sponge
19 worthy.

20 (Laughter)

21 MR. WATT: The name is Michael
22 Watt, W-A-T-T. I'm the executive vice
23 president of the Long Island Builders
24 Institute, and I'd like to read into the
25 record a -- a letter that we sent on

1
2 behalf of the members of the institute
3 to the mayor of the Incorporated Village
4 of Port Jefferson.

5 "Dear Mayor Harty,

6 "In a letter dated December 22nd,
7 2008, the Village of Port Jefferson
8 Deputy Clerk, Lynda Howell; Suffolk
9 County Director of Planning, Thomas
10 Isles; and Suffolk County Chief Planner,
11 Andrew Freleng wrote, 'A moratorium can
12 be argued to be the most extreme land
13 use action that a municipality can
14 take.'

15 "In a time of unprecedented
16 economic hardship across Long Island and
17 the rest of the country, it seems
18 contradictory to common sense for a
19 municipality to hold job- and
20 tax-generating development.
21 Particularly when it's generally agreed
22 upon that the municipality is close to
23 95 percent built out already.

24 "Because they live on Long Island,
25 Port Jefferson residents already deal

1
2 with onerous tax burdens. It does not
3 make sense for the village to add,
4 leaving greater tax-bearing pressure on
5 its residents, by restricting the
6 revenue stream creating activities that
7 could alleviate those burdens.

8 "The Long Island Builders Institute
9 urges you and the village board to
10 reject the proposed building moratorium,
11 if for no other reason than for the good
12 of your constituents.

13 "Thank you for your time and
14 interest regarding this matter."

15 I'd also like to suggest that our
16 builders and -- and their employees also
17 like to shop and -- and eat and dine and
18 enjoy the nightlife of Port Jefferson
19 Village, and I think it's important for
20 the village to understand that. And
21 suggest that in -- in past instances,
22 the commission has recommended that the
23 board in charge of making this decision
24 come -- have a vote of majority plus
25 one. So if something like that would

1
2 apply here, we'd -- we'd put that out as
3 a suggestion.

4 So, again, I thank you very much
5 for your time regarding this matter.

6 CHAIRMAN CALONE: Thank you,
7 Mr. Watt.

8 Next up we have Linda Wicks.

9 Is Ms. Wicks here?

10 (WHEREUPON, Ms. Linda Wicks
11 approached the podium and addressed the
12 Planning Commission.)

13 (Time noted: 12:52 p.m.)

14 MS. WICKS: Yes.

15 CHAIRMAN CALONE: Great.

16 Your name --

17 MS. WICKS: Good afternoon. I'm
18 Linda Wicks. And the name is spelled
19 with an I in the Linda, and it's
20 W-I-C-K-S.

21 CHAIRMAN CALONE: Welcome. You
22 have three minutes.

23 MS. WICKS: I have been a resident
24 of Port Jefferson for close to 35 years,
25 and I'm here to give my point of view

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regarding the proposed building moratorium.

This building moratorium has been proposed by the Port Jefferson Village government. It is my government, I helped elect this government, and it represents my interests.

The primary task of the village government is to preserve the quality of life for its residents. In fact, the preservation of village life is why this government was established. The village government is mandated to protect the quality of village life.

As it stands today, Port Jefferson is in dire need of an updated master plan. Our last comprehensive plan was written in the 1960s. A new master plan would be a critical tool for the village in carrying out its mandates to protect the quality of life of its residents.

Quite frankly, the village is in crisis now, because it is experiencing enormous development pressure. The

1
2 likes of which have been unimaginable
3 during all of the years I've lived in
4 Port Jefferson. We need to know where
5 we're going before our boat leaves the
6 dock.

7 Before you today is a proposal for
8 a building moratorium during this time
9 of great economic pressure. Our
10 village's elected officials are calling
11 for this moratorium, it is only for one
12 year, to give the residents time that is
13 needed to created the best possible
14 master plan.

15 If the moratorium is not put in
16 place, we will face out-of-control
17 growth, and all this over conflicts that
18 accompany out-of-control growth. We
19 will face anonymity.

20 The moratorium is temporary. It is
21 for now, while we devise a master plan
22 that will ensure safe and reasonable
23 growth in Port Jeff's future.

24 I ask you to not block this very
25 needed moratorium. If you vote against

1
2 it today, you are telling the residents
3 of Port Jefferson that home rule is
4 bogus. That the government, which most
5 intimately knows the citizens' needs, is
6 impotent. That we, the citizens, the
7 residents, have no voice in public
8 affairs when outsiders come into play.

9 I'm fully aware that we are in a
10 very deep economic recession, and some
11 have argued that a moratorium will harm
12 the local economy. This recession is
13 worldwide. It has no easy fixes. To
14 use it as an excuse to deny my village
15 the chance to determine its own master
16 plan for its own dreams would be
17 shameful.

18 CHAIRMAN CALONE: Thank you, ma'am.

19 MS. WICKS: Thank you very much.

20 CHAIRMAN CALONE: Appreciate your
21 time.

22 Next up is Kathy Matthews.

23 (WHEREUPON, Ms. Kathy Matthews
24 approached the podium and addressed the
25 Planning Commission.)

2 (Time noted: 12:55 p.m.)

3 CHAIRMAN CALONE: Kathy, you have
4 three minutes. Please just speak into
5 the microphone, and spell your last
6 name, please.

7 MS. MATTHEWS: Matthews with two
8 Ts, M-A-T-T-H-E-W-S.

9 I wear many hats, but as one of
10 those hats, I am the public information
11 officer for the Village of Poquott,
12 which shares the waterfront, shares the
13 LIPA plant, and now National Grid plant,
14 and our village residents -- oh, a
15 thousand of us -- do a lot of our
16 shopping and going to the theater and
17 entertaining within the village. So
18 that's one of the reasons I'm here.
19 Plus, my husband is buried in Cedar
20 Hills Cemetery in Port Jefferson.

21 My question is, first of all, what
22 do these people have in common:

23 Dr. Lee Koppelman, Director of
24 Regional Planning for the Center of --
25 at Stony Brook, and he's one of the

2 people of the year for the master plan
3 he created using a moratorium in
4 Terryville, Port Jefferson Station, and
5 he's also the chair of the Brookhaven
6 Open Space Committee;

7 Assemblyman, Steve Engelbright;

8 Council -- 1st District Councilman,

9 Steve Fiore-Rosenfeld;

10 Barbara Donovan, Mayor of Poquott;

11 Richard Amper, Pine Barrens

12 Society;

13 MaryAnn Johnston, the Association

14 of Civic Associations in Brookhaven,

15 Three Village Trust, the Long Island

16 Sierra Club.

17 What they have in common is that

18 they all agree that given the unique

19 problems in Port Jefferson -- the steep

20 slopes, the flooding, the transportation

21 hub that it could be, the waterfront to

22 which water travel, the fact that it is

23 95 percent built out, all of these

24 before allowing over 400 more units of

25 residential clustering and apartments

1
2 over other buildings. The problem being
3 that these developments are stationed at
4 both entrance/exits to the village. One
5 group -- actually, two groups of cluster
6 housing that they want to put in is at
7 the west entrance/exit to 25A, which
8 will increase the traffic going east
9 past our post off- -- we're going to end
10 up having to have a traffic light so
11 that we can get in and out of our
12 village. The other one is by the train
13 station, which already there are
14 humongous problems.

15 So these are -- these are problems
16 that can be solved, but they need to be
17 addressed slowly, not after the fact.
18 Not after everything is said and done.
19 And that's why we need a moratorium, in
20 order to address these problems.

21 The moratorium does not have to be
22 rigid. It can -- you know, we can look
23 into other things. You know, they can
24 revise some suggestions that came up at
25 the meeting -- the public hearing. Some

1
2 were very good, and I think some may end
3 up being incorporated into the
4 moratorium, such as giving the hospitals
5 the right to build more -- more room
6 that they need. So --

7 CHAIRMAN CALONE: I'm going to ask
8 you just to wrap up.

9 MS. MATTHEWS: Okay. So -- so I
10 would ask you to vote in favor of this
11 moratorium, it's temporary and it's good
12 for the village.

13 CHAIRMAN CALONE: Thank you for
14 your time.

15 Next is -- we have Tawaun Weber
16 from Vision Long Island.

17 (WHEREUPON, Ms. Tawaun Weber
18 approached the podium and addressed the
19 Planning Commission.)

20 (Time noted: 12:59 p.m.)

21 CHAIRMAN CALONE: Ma'am, you have
22 three minutes. If you could speak into
23 the microphone and spell your name for
24 the --

25 MS. WEBER: Good afternoon. I'm

1 Tawaun, T-A-W-A-U-N, last name Weber,
2 W-E-B-E-R. I'm here on behalf of Vision
3 Long Island, and I (inaudible).
4

5 Basically, Vision Long Island's a
6 smart growth organization, and we've
7 been involved in several community
8 plannings throughout Long Island, and we
9 just wanted to add to the written
10 opposition of the moratorium.

11 We have been, in the past, point of
12 several successful moratoriums; such as
13 Mastic/Shirley, Middle Island, Coram,
14 Farmingdale, Islandia, and Riverhead.
15 But what we feel -- what we found in our
16 staff assessments is moratoriums are
17 valid when communities (inaudible)
18 community-based plans, or for the
19 planning department and staff needing
20 more time to develop community plan
21 adjustments to their current voting, or
22 those particular areas where there's
23 applications that are heinous to the
24 community or an abuse to the community
25 which sometimes revamp what's planned

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for that area.

What we've discussed is that there's certain criteria that we feel that a moratorium should go through. And through the Village of Patchogue, they did a recent fix-up in the area, they did not necessarily need a moratorium to do development, but use the tools that they had at hand. And we thought that Port Jeff could do the same. But we have not seen hard evidence for a need for a moratorium, or alternatives, or a real time line of what the moratorium is to -- to accomplish.

We do want to note that we do believe that the Village of Port Jefferson does have a very good code. That they do have (inaudible) 2010, that they also have hired, through an RFP, an (inaudible) Cash & Associates, and that they do have some positive expectation, the workforce housing that will help the development area. And as we've

1
2 discussed, in this recession, we
3 understand that there's a lot of things
4 that have been coming up, especially
5 Long Island (inaudible) a lot of people
6 are leaving Long Island. And in the
7 area of Port Jefferson, it could really
8 be a thriving downtown area (inaudible)
9 to the downtown village, and workforce
10 housing is key in instruments like that.
11 So we'd like to see more attention to
12 that.

13 We'd also like to note that the
14 village also has open control, they have
15 a planning board, a ZBA, and
16 architectural reviews, they also have
17 several residents that do support -- are
18 both for their downtown, and we
19 understand how important that the
20 downtown is to the future of the
21 village. That in -- in our research,
22 that there is (inaudible) of the
23 residents that we have contacted that
24 have been opposed to the moratorium, and
25 decided to note that we are opposed to

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the moratorium.

CHAIRMAN CALONE: Thank you,
Ms. Weber, I appreciate your time.

Next we have Philip Schiavono?
(WHEREUPON, Mr. Philip Schiavone
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:02 p.m.)

MR. SCHIAVONE: Schiavone.

CHAIRMAN CALONE: Schiavone.

Sir, you're with the Port Jefferson
Planning Board, I understand.

MR. SCHIAVONE: Yes.

CHAIRMAN CALONE: Okay. We also --
we have a letter from the planning
board, which we had received, and I see
you're -- you're a signatory of that
letter as well.

MR. SCHIAVONE: Yes. And I'm
speaking on behalf of the board.

CHAIRMAN CALONE: Okay. You have
three minutes. Please spell your last
name.

MR. SCHIAVONE: S-C-H-I-A-V-O-N-E.

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2 We're on the record as being
3 opposed to the moratorium. We don't
4 feel there should be a village-wide
5 moratorium. We do see some specific
6 needs for the M-W zone and, perhaps, a
7 moratorium in that specific zone would
8 be appropriate. There's numerous public
9 hearings, committees, studies. I think
10 this board also made recommendations to
11 the M-W, and it's time that decisions
12 were made and those things were
13 clarified and -- and put into -- into
14 the code.

15 There's a potential need for
16 another moratorium in the C-2 zone,
17 which is the upper -- across the
18 railroad tracks that the mayor spoke
19 about. And I'm getting confused because
20 it's the second time I heard that Cash &
21 Associates were selected as the design
22 professionals. The last I heard, RFPs
23 went out, the committee short-listed it
24 to, I believe, five firms, and those
25 recommendations are awaiting some

1 decisions or interviews by the trustees.
2
3 So I'm not sure if that's accurate. If
4 it is, it's news to me, but I heard it
5 also at Monday night's hearing.

6 I think that's an important step to
7 undertake; redesign, redevelop, and
8 through a professional firm. And once
9 that firm is selected and a timetable is
10 developed, it may be appropriate for a
11 moratorium in that specific C-2 zone.
12 And that's somewhat addressed in our
13 letter, but I just added an addition to
14 that summary.

15 CHAIRMAN CALONE: When you say the
16 C-2 zone, are you talking about --

17 MR. SCHIAVONE: Upper Port. The
18 railroad tracks to -- pretty much to
19 North Country Road. There's a new
20 medical office complex that is to the
21 east, and to the west is the -- maybe a
22 little bit beyond a quarter of a mile on
23 Sheep Pasture Road. It -- it's a
24 critical area, and there are proposals
25 from developers that would only go ahead

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2 with major variances, which is not the
3 way to do it. But, again, a design
4 professional should be selected first.

5 Thank you.

6 CHAIRMAN CALONE: Thank you for
7 your time.

8 COMMISSIONER BRAUN: May I just ask
9 a question of Mr. Schiavone?

10 CHAIRMAN CALONE: Yes.

11 COMMISSIONER BRAUN: There are how
12 many members of the planning board in
13 the village?

14 MR. SCHIAVONE: Normally five.
15 Currently, we're one short; we have
16 four.

17 COMMISSIONER BRAUN: So all four
18 filled seats on the planning board --

19 MR. SCHIAVONE: Yes.

20 COMMISSIONER BRAUN: -- are
21 signatories to this letter?

22 MR. SCHIAVONE: That's correct.

23 COMMISSIONER BRAUN: Thank you.

24 CHAIRMAN CALONE: Thank you, Bob.

25 MR. SCHIAVONE: They should --

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aren't they listed, or not?

COMMISSIONER BRAUN: Yeah, I just
didn't know --

MR. SCHIAVONE: Oh, okay.

COMMISSIONER BRAUN: -- if that was
all of them.

MR. SCHIAVONE: Yes, that's --
yeah, we're one short.

COMMISSIONER BRAUN: Okay.

MR. SCHIAVONE: It's another thing
we're waiting to -- for someone to be
appointed.

COMMISSIONER BRAUN: I see.

CHAIRMAN CALONE: Thanks for your
time.

Next we have Ken Gaul.

(WHEREUPON, Mr. Ken Gaul approached
the podium and addressed the Planning
Commission.)

(Time noted: 1:05 p.m.)

MR. GAUL: Good afternoon. Ken
Gaul, G-A-U-L.

I'm here as a resident of the
village, and a resident that dates quite

1 far back, actually, from a family
2 perspective. I personally came to the
3 village in 1959. So I've been a village
4 resident for 50 years, between living in
5 the Village of Port Jeff and the
6 adjoining Village of Belle Terre. I
7 have a paternal great grandfather who
8 was the customs officer in Port
9 Jefferson when it was a customs site.
10 So, obviously, I've got a lot of
11 exposure and involvement in the Port
12 Jeff area.

14 I've lived there and I've worked
15 there. I was an administrator of
16 St. Charles Hospital for a number of
17 years; was involved as a special
18 interest at the (inaudible) Medical
19 Park, which was formally the Sunrest
20 Nursing Home. And I am a nursing home
21 operator. So, therefore, when my
22 involvement appeared there with the
23 nursing home of Sunrest, we made a
24 decision to make it a medical park.
25 Even though the commission decided not

1
2 to adopt it, it still was a less infuse
3 with respect to it being a nursing home
4 versus a medical park as it would impact
5 the sewer treatment plant. Just so that
6 you're aware, it would have had an
7 influent -- affluent impact.

8 So from the standpoint of being
9 involved in this specific issue of the
10 moratoria, I think you'll hear today
11 from the audience that there is a mixed
12 sense about should we have one, should
13 we not have one?

14 I think everyone on Long Island at
15 this point in time is very accustomed to
16 having master plans and periodic
17 moratoria, because they do serve a
18 purpose and there is an
19 over-intensification. What you'll hear
20 today, and what you'll continue to hear,
21 is that the village is 90 to 95 percent
22 built out. You do have certain specific
23 areas of great concern. The waterfront
24 being one of them. There's no question
25 about that. The uptown next to the

1 railroad station, being one of them.

2 As a matter of fact, when we were
3 involved -- and I might add, we went
4 through a very thorough vetting of the
5 project with the planning board and the
6 ZBA, with respect to the medical park.
7 And it was 96,000 square feet on over --
8 over ten and a half -- I think it was
9 ten and a half, 11 acres. So our
10 density was like 10,000 square feet per
11 acre of medical space. It wasn't an
12 over-intensification, in my estimation,
13 when you look at a planning statute
14 around the Island here. However, that
15 project -- we realized and had
16 discussions with the village members,
17 the planning board members at that time
18 as to the proximity of the medical park,
19 it would be an economic engine to uptown
20 revitalizations. There's no question
21 that there's a concerned group of people
22 within the village that want to see the
23 uptown revitalized in a proper way,
24 well-planned way, organized way.
25

1
2 However, I do think that the moratorium
3 was created because of a residential
4 application, which is still under
5 discussion --

6 CHAIRMAN CALONE: I'll ask you to
7 wrap it up, sir.

8 MR. GAUL: Just to wrap it up, I
9 just want to indicate to you folks that
10 I probably wear as many hats in the
11 village as one could possibly wear, and
12 I would speak to the fact that the
13 village works very well in terms of its
14 ministerial and procedural aspects, and
15 I don't think moratoriums are really the
16 answer at this point.

17 CHAIRMAN CALONE: Appreciate your
18 time. Thank you for coming.

19 Next, we have Linda Margolin.

20 Linda, if you'll come up here to
21 the microphone, you have three minutes,
22 and just spell your last name for the --
23 for the record, please.

24 (WHEREUPON, Ms. Linda Margolin
25 approached the podium and addressed the

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Planning Commission.)

(Time noted: 1:09 p.m.)

MS. MARGOLIN: Thank you,
Mr. Chairman. My name is Linda
Margolin, M-A-R-G-O-L-I-N. I'm an
attorney. I represent the owners of two
residential cluster subdivisions in Port
Jefferson Village. One is a 43-unit
development for residents over 55, that
has received final approval from the
planning board; and one is a six-unit
project that is supported for a vote
granting preliminary approval.

My clients have a very real
interest in the proposed moratorium,
both as it may affect their projects
which were first submitted to the
village some five years ago, but also
how it affects the village itself in the
village's economic health.

I am here today to ask you to issue
a recommendation against the adoption of
this village-wide moratorium.

Because of my clients interests, I

1
2 have carefully followed the actions of
3 the village in putting forth this
4 moratorium. The village is many months
5 behind in producing and approving
6 minutes of its meetings, but following
7 its actions require that you actually
8 have someone attend and review every
9 board meeting, the notices, and the
10 agendas.

11 On the basis of information that
12 has been reported to me by reliable
13 persons who have attended every public
14 board meeting, I want you to understand
15 that the Village Board of Trustees did
16 not adopt, as part of the local law --
17 proposed local law, any of the materials
18 that the clerk sent to this commission
19 as supplemental materials under her
20 letter of January 13th. Those materials
21 were only discussed as a mailer to go
22 out to village residents. They don't
23 form any part of the proposed local law,
24 which is the moratorium.

25 It is our position that they ought

1
2 to be completely disregarded by this
3 commission in terms of findings by the
4 village board, because there are not any
5 such findings at this time.

6 Let me turn now to the findings.

7 CHAIRMAN CALONE: I'll just ask
8 that you wrap up.

9 MS. MARGOLIN: Okay.

10 This law is the vaguest of the
11 vague. It stated that land use
12 regulations will permit a certain use in
13 development properties -- un- --
14 development of properties, completely
15 unspecified, which may not be in the
16 best interest of the village.

17 And then with respect to hardship
18 and exemptions, there are absolutely no
19 standards. You are supposed to get what
20 you need approved in order to get a
21 hardship ruling, and you are supposed to
22 get what is consistent with a particular
23 proposed use of development, consistent
24 with the goals and intention of the
25 board of trustees.

1
2 This law gives no hint as to what
3 that is. It has no effective message to
4 particular exemptions, that is not
5 completely subject to the rules of the
6 trustees. We urge you to vote against
7 approving this moratorium.

8 Thank you.

9 CHAIRMAN CALONE: Thank you, ma'am.
10 Appreciate your time.

11 Next, we have John LaValle.

12 (WHEREUPON, Mr. John LaValle
13 approached the podium and addressed the
14 Planning Commission.)

15 (Time noted: 1:11 p.m.)

16 CHAIRMAN CALONE: Welcome,
17 Supervisor.

18 MR. LAVALLE: Former.

19 CHAIRMAN CALONE: We still call him
20 Supervisor and --

21 COMMISSIONER HORTON: And I always
22 say --

23 MR. LAVALLE: Thank you,
24 Mr. Chairman, Members and Staff Members
25 of the Commission. My name is John J.

1
2 LaValle, L-A, capital V, A-L-L-E, with
3 law offices in Port Jefferson Station.

4 I represent Sunset View Village,
5 which is a mixed use next generational
6 workforce housing project in Upper
7 Port Jefferson. I'm a former resident
8 of Port Jefferson, and, hopefully, my
9 offices will return to Port Jefferson
10 sometime in the near future.

11 I am speaking in opposition to this
12 moratorium. As you well know,
13 moratoriums are the -- the last resort
14 that municipalities should pursue. And
15 in this instance, this particular
16 proposal is far too broad and far too
17 long in its duration.

18 The village is three square miles
19 with an existing master plan that's been
20 updated several times, and never
21 implemented. The reality is one year to
22 update something that already exists is
23 far too long. Far too long.

24 Besides the marine waterfront
25 district, there is absolutely no

2 environmental basis for this moratorium.
3 Everyone agrees that 95 percent of this
4 village is already built out, and it's
5 on sewers.

6 What these proposals, that some
7 people fret, aim to do is redevelop
8 exactly what this commission, the Long
9 Island Regional Planning Board,
10 virtually every municipality and very
11 planning entity has said we need to do
12 on Long Island. This should be a
13 process of the carrot and the stick, not
14 just the stick.

15 I'm concerned that this county's
16 recent expansion of the Suffolk County
17 Sewer District, District Number 1,
18 approximately 300,000 gallons, if this
19 moratorium is instituted, it will be
20 gone. There will be no redevelopment,
21 there will be no next generation housing
22 in Upper Port, because, quite frankly,
23 there won't be the capacity to do it.

24 The current code in the Village of
25 Port Jefferson mandates, for the project

1
2 that they're concerned about,
3 conditional use permits, variances. The
4 village has every opportunity to control
5 height, density, architecture, setbacks,
6 public benefits. They should deny that
7 which doesn't fit.

8 The existing master plan to be
9 looked at -- and the reality is, as I'll
10 wrap up, as my time has come to an end.

11 You know, it comes to a question:
12 At what point in time -- when we talk
13 about workforce housing and quality of
14 life and the future of Long Island, at
15 what point in time will government stand
16 with progress and not in its way?

17 I urge you to vote in opposition to
18 this moratorium, and I thank you for
19 your time.

20 CHAIRMAN CALONE: Thank you, Former
21 Supervisor. Appreciate you coming down.

22 Michelle Spronck is next.

23 Hi, Michelle. Just come up to the
24 podium and spell your last name for the
25 record, please.

(WHEREUPON, Ms. Michelle Spronck
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:14 p.m.)

MS. SPRONCK: Hi, my name's
Michelle Spronck, S-P-R-O-N-C-K. I
currently work for Wells Fargo Home
Mortgage. I've been in the real estate
industry in Port Jefferson for the past
eight years. I oppose the current
moratorium, I believe stopping any
construction will just contradict
materials that our economy so
desperately needs.

Thank you.

CHAIRMAN CALONE: Appreciate
your -- appreciate your thoughts.

Next, we have Jim Tsunis.

(WHEREUPON, Mr. Jim Tsunis
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:15 p.m.)

CHAIRMAN CALONE: Sir, you know how
this works. If you'd just spell your

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last name for the record.

MR. TSUNIS: Jim Tsunis,

T-S-U-N-I-S.

My name is Jim Tsunis. I've lived in Port Jefferson for over 50 years. I'm also the managing member of Liberty Meadows.

Liberty Meadows, which has the final approval for 43 condominiums, which when built, will preserve about 50 percent of the property.

Last year, I served as a member of the Terryville Hamlet Study. I worked hand in hand with Dr. Koppelman. Recently, I met face-to-face with Dr. Koppelman, and as he put it, the village is 95 percent built out and doesn't need a moratorium to develop a master plan.

There was a moratorium put in effect on all the nonresidential zones with many exemptions for the Terryville Hamlet Study. The study focused on the identity of the Main Street and vacant

1
2 parcels of land, some with acreage over
3 100 acres.

4 The proposed moratorium from the
5 Village of Port Jefferson is
6 unwarranted, and was carelessly put
7 together with absolutely no input from
8 the Port Jefferson Planning Board. As a
9 matter of fact, the planning board, as
10 you know, read a letter against the
11 moratorium at Monday night's hearing.

12 The village is 95 percent built
13 out, and there is only one vacant parcel
14 of land over seven acres, and it's owned
15 by Maryhaven.

16 As you can see, there is very
17 little to study in the Village of Port
18 Jefferson. This moratorium was
19 sponsored by two recently elected
20 trustees, without any referrals, as I
21 said, from the planning and ZBA.

22 I was at the meeting Monday night,
23 and it was the residents, and a lot of
24 them, not the developers, that spoke
25 loud and clear that they didn't want the

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moratorium, and the planning board has also said they want no moratorium.

I ask this board today to vote against the moratorium.

I have one letter from the ZBA Chairman, Lee Rosner, 2 Dock Court. He's been a resident for over 50 years in the village.

He says, "I have deep reservations concerning the necessity of the proposed moratorium for the following reasons:

"The village is 95 percent built out. A comprehensive master plan can be developed and implemented without a moratorium.

"The moratorium law, as written, is ambiguous at best and is far too broad in scope.

"I have reason to believe that the moratorium proposal is being pushed by the majority of the trustees for personal and political reasons.

"Our current zoning codes are comprehensive and well-captured. We

1
2 have competent planning and zoning
3 boards, as well as the professional
4 staff building department, to adequately
5 ensure the village is not overrun with
6 lambent and hazardous development
7 projects.

8 "This moratorium law, in its
9 present form, would prohibit renovations
10 to any existing commercial space
11 throughout the village. Due to the
12 current economic crisis, this moratorium
13 would have a devastating negative
14 economic impact on our community."

15 Thank you. Sorry I went over time.

16 CHAIRMAN CALONE: Thank you --

17 MR. TSUNIS: Bye-bye.

18 CHAIRMAN CALONE: -- for coming
19 down. Appreciate it.

20 Next, we have Alexia Zamek, who I
21 understand, is yielding her time to
22 Scott Zamek?

23 MS. ZAMEK: Yes.

24 CHAIRMAN CALONE: Are you sure you
25 want to do that?

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MS. ZAMEK: Yes. Is that okay?

(WHEREUPON, Mr. Scott Zamek
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:18 p.m.)

MR. ZAMEK: Does she have to step
up?

CHAIRMAN CALONE: No, no.

MR. ZAMEK: Okay.

Good afternoon. My name is Scott
Zamek, Z-A-M-E-K. I am, basically, a
life-long resident of the Village of
Port Jefferson. I'm also an attorney.

You've heard a number of people
speaking, I don't want to be redundant
on those things.

I am opposed to the proposed
moratorium as drafted. It's poorly or
anarchically drafted, at best. It's far
too encompassing. It doesn't provide
for necessary exemptions within the
commercial area. There are many
vacancies downtown in Port Jefferson,
and there are a number of restaurants

1 and freestanding buildings that are
2 looking for tenants, looking for buyers.
3 Obviously, if this moratorium is
4 enacted, it will place a chill on
5 turning those properties over, and, in
6 fact, turning over any other commercial
7 tendency space in the village.
8

9 You know, there is proceeding set
10 forth for a hardship exemption. As
11 explained, there is no criteria for it.
12 It's also akin to the various
13 proceedings before the ZBA, which is
14 obviously going to now present a time
15 problem, a money problem, and a
16 complication problem for anyone that's
17 looking to get into a new space.

18 I believe it will -- it will do
19 nothing but render the vacant spaces --
20 continued vacancies under the liable it
21 will result in newer -- newer vacancies
22 coming up, not being able to be turned
23 over.

24 I would like to read a letter into
25 the record from Michael Schwarting. He

1
2 is an architect, an urban designer. He
3 has a business, and he's a resident of
4 Port Jefferson, he couldn't be here
5 today.

6 "I very strongly believe in
7 comprehensive plans. I and my students
8 have been involved with several of the
9 Hamlet Studies conducted by
10 Dr. Koppelman for the Town of
11 Brookhaven. The village has had four
12 plans since 1965 and a 2010 report in
13 2002. There is no doubt that there
14 should be an update of this work. I
15 have met with Dr. Koppelman to discuss
16 this and he has always said that it has
17 always been Suffolk County's position,
18 that during a master plan process, a
19 moratorium is necessary if there is the
20 possibility that development might occur
21 that is related to the issues being
22 studied. He also told me and wrote to
23 the mayor and trustees that all projects
24 that are in the planning process should
25 be exempt from the moratorium.

1
2 "It seems to me that very few of
3 the 24 factors on the Port Jefferson
4 Web site could be addressed in a
5 comprehensive plan and that many have
6 been started and could be completed on
7 their own."

8 I believe the board has received a
9 copy of the 24-point writing that the
10 village has put out as backup for -- of
11 a moratorium. Mr. Schwarting then
12 responds to each and every one of those,
13 and I will repeat those now.

14 Comment Number 1. "Yes, let's
15 update the master plan, but it would be
16 wise to update these by a careful and
17 deliberate process, not under the time
18 constraints of a moratorium.

19 "2. The committee that I was on
20 for the marine waterfront zoning has
21 completed the study and this could be
22 resolved independently and quickly.

23 "3. The Lawrence Aviation plume is
24 already in the hands of the EPA and they
25 are working on a 30-year plan.

1
2 "4 and 6. The Heritage Inn, Island
3 Boat, Beach Street, High Street cluster,
4 Liberty cluster, Texaco Avenue, are all
5 in the planning process and would be
6 exempt from a moratorium according to
7 Dr. Koppelman.

8 "5, 7 and 8. The steep slope code
9 has been studied since the 1987 Master
10 Plan and could be enacted very quickly
11 on its own. Open space studies are
12 important but not an emergency.
13 Historic building and/or district
14 studies are important but should be a
15 study on its own with the proper
16 expertise.

17 "9. The RFP for an eight-month
18 study of Upper Port could also be
19 achieved on its own.

20 "10. There is an infrastructure
21 study ready to be enacted and could be
22 expanded if necessary.

23 "11, 16, 17, 18. Code revisions,
24 zoning map changes, planning/building
25 procedures, staffing, space needs,

1
2 update fee schedules, could be done by
3 the zoning board, planning board, a
4 village planner and the building
5 department. Some could be part of a
6 comprehensive plan but none are an
7 emergency.

8 "12, 13, 14, 15" --

9 CHAIRMAN CALONE: Sir, I'm going to
10 ask you to wrap this up.

11 MR. ZAMEK: -- "19, 21, 22, 23.

12 Considering ratables and assessments,
13 inspect and assess apartments, shared
14 services impact and cost analysis,
15 assess LIPA re-powering, homeland
16 security issues, lawsuits, district
17 attorney and special council are not
18 master plan issues.

19 "20. Sidewalks and parking are
20 appropriate comprehensive plan items but
21 are not emergencies.

22 "24. Workforce housing issues
23 should be studied by a village planner.

24 "I believe that my comments to the
25 above 24 points demonstrate that there

1
2 is no emergency and that a comprehensive
3 plan is a good idea that can proceed
4 without a moratorium.

5 "I do not believe that a good and
6 thorough master plan could be achieved
7 and adopted in 12 months."

8 CHAIRMAN CALONE: Thank you,
9 Mr. Zemek.

10 MR. ZEMEK: Thank you very much. I
11 appreciate your time.

12 CHAIRMAN CALONE: Appreciate it.

13 Next, we have Nick Poulos.

14 (WHEREUPON, Mr. Nick Poulos
15 approached the podium and addressed the
16 Planning Commission.)

17 (Time noted: 1:23 p.m.)

18 MR. POULOS: My name is Nick
19 Poulos, last name P-O-U-L-O-S. I have
20 lived in and around Port Jefferson most
21 of my life, my family still has property
22 just over the western border in Poquott.
23 I do want to echo some of the sentiments
24 you've heard already.

25 I'm against of the moratorium

1
2 because of the broad scope of the
3 moratorium. This moratorium is not
4 directed at new -- at new buildings, it
5 doesn't seem to have a specific target.
6 I have dealt with moratoriums before as
7 a developer. I've never seen one like
8 this where it can affect existing uses
9 which have already been entertained by
10 current zoning and building codes.
11 Changing those uses now is obviously an
12 abuse of any -- very basic landowner
13 rights.

14 I also have concerns about the
15 exemption clause, there is an exemption
16 clause in here. Besides the fact that
17 there are no parameters for what
18 determines exactly what would cause you
19 a problem, there's also no time frame in
20 it.

21 I have dealt with an exemption, in
22 fact, under Supervisor LaValle, and in
23 that exemption clause, the town had
24 30 days to give the exemptions. The way
25 this is worded, this could literally go

1 on forever, absolutely killing any
2 viability in some of these projects.

3 I'm also concerned with the timing
4 of the moratorium. After years and
5 years of rare considered building, where
6 they did not request a moratorium, now
7 they're building -- and as dead as it's
8 been, and who can remember how long,
9 they want a moratorium. It seems to me
10 that's definitely in closing the barn
11 doors long after the horse has left the
12 barn and is now galloping down the
13 street, in fact.

14 Also, because of the fact that
15 there's really not much building going
16 on, it's hard for me to imagine that the
17 village doesn't have the resources to
18 reevaluate the 5 percent of properties
19 that's not improved, while they continue
20 with other processes that have been
21 going on for years.

22 I also have had some dealings in
23 Port Jefferson, and one of the deals
24 that I was in on, we were in planning
25

1
2 for over two years. Therefore, making a
3 one-year moratorium, it seems,
4 absolutely irrelevant, to me. And
5 clearly shows that there are other
6 avenues that the village has to slow
7 down the process if they need to.

8 And I want to say lastly, to bring
9 this into some very real sense, that
10 last week, I was forced to withdraw in
11 negotiations to buy a commercial
12 building in Port Jefferson. One that's
13 been there for at least 60 or 70 years.
14 The business that was leasing that
15 property is now out of business, the
16 owner wishes to sell. The building
17 needs some work and I had an interest in
18 it, and I, in fact, had come very close
19 to terms with its owner.

20 It is the language of this
21 moratorium that made me withdraw from
22 those negotiations, there would be no
23 way for me to proceed with this. So
24 even the proposal of such a moratorium
25 has already had a very negative

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financial impact on the village.

I thank you for your time.

CHAIRMAN CALONE: Thank you for your time, sir. Appreciate your coming down.

Next, we have Tim Shea.

AUDIENCE MEMBER: He left.

CHAIRMAN CALONE: He left. Well, that makes it shorter for us.

Mr. Voorhis.

(WHEREUPON, Mr. Chick Voorhis approached the podium and addressed the Planning Commission.)

(Time noted: 1:26 p.m.)

CHAIRMAN CALONE: Thank you for coming, sir. Spell your name, and you have three minutes.

MR. VOORHIS: Very well.

Good afternoon, my name is Chick Voorhis. The last name is spelled V as in Victor, O-O-R-H-I-S. And I moved to the Village of Port Jefferson in 1981 and have been a resident of the area since. I'm here as a concerned member

1
2 of the community, and I've also been a
3 professional environmental planner on
4 Long Island for 30 years.

5 I'd like to address you regarding
6 the proposed moratorium in Port
7 Jefferson, and indicate that a
8 moratorium, especially if it is
9 village-wide, is the wrong action at the
10 wrong time for the wrong reasons. I
11 don't believe that a moratorium is
12 justified or necessary.

13 A number of reasons why this action
14 is inappropriate have been offered this
15 afternoon, and I'd like to stress that a
16 moratorium should be the last resort as
17 it takes away the rights of property
18 owners. I don't see the reason in place
19 to support a moratorium, and I ask that
20 the County Planning Commission please
21 recommend that this proposed moratorium
22 be denied.

23 A number of factors have been
24 offered by the village in support of the
25 new moratorium. And these are posted on

1
2 our village trustees' Web site, and are
3 in general circulation, and have been
4 responded to this afternoon. But most
5 of these factors, if not all of them,
6 don't require a moratorium to address
7 them.

8 The perception that the village
9 will be subject to rapid, unplanned
10 development is not true. There are a
11 handful of pending projects, but they
12 mostly involve redevelopment of existing
13 sites. And these are important projects
14 that could help to revitalize parts of
15 Port Jefferson, including Upper Port.

16 Many issues have been identified on
17 a site-specific basis, and in these
18 cases, particularly with regard to
19 traffic and drainage, issues can be
20 addressed site specifically. You don't
21 need a village-wide moratorium or
22 even -- cover that in a village-wide
23 plan.

24 The village has a number of
25 administrative issues that have been

1 identified by clients of mine, residents
2 and -- and property owners in the
3 village, and these need to be addressed
4 regardless of a moratorium.
5

6 The village currently has a
7 professional planner, but it's not
8 actively fulfilling your job duties, in
9 the village that -- of dedicated zoning
10 and planning boards that are experienced
11 in addressing projects you use. They
12 should be permitted to perform their
13 duties.

14 There are also a number of studies
15 and plans, as well as -- as RFPs, you've
16 heard about many of them this afternoon,
17 that would assist and address any
18 perceived issues.

19 In closing, I have five summary
20 points:

21 Number 1, that the focus of the
22 village moratorium is not clear to me at
23 this time.

24 2. There does not appear to be an
25 emergency that would justify a

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moratorium.

3. There is no realistic timetable or task list to ensure that a moratorium will be followed up with sound planning solutions.

4. The current economic conditions create a situation where a moratorium would stifle beneficial redevelopment and needed investment at the village at the wrong time.

5. And lastly, the use of a moratorium does not appear to be reasonable and necessary, and will deprive property owners of their rights.

If you apply sound planning principles, I believe you'll find that a moratorium is not warranted in this instance. A master plan can be completed and initiatives underway can be implemented without a moratorium. I feel the current planning and zoning review should be permitted to continue, and we should not stifle redevelopment at this critical time.

2 Thank you for your time.

3 CHAIRMAN CALONE: Appreciate your
4 time, sir.

5 Next, Kevin Reilly.

6 (WHEREUPON, Mr. Kevin Reilly
7 approached the podium and addressed the
8 Planning Commission.)

9 (Time noted: 1:30 p.m.)

10 CHAIRMAN CALONE: Sir, you have
11 three minutes. Spell your last name.

12 MR. REILLY: Good afternoon. Last
13 name is spelled R-E-I-L-L-Y.

14 Now, I sincerely believe that the
15 moratorium is unnecessary, and I partly
16 join all those people who have spoken in
17 opposition to it. What I want to point
18 out is a particular result -- a
19 particular onerous result that I believe
20 will occur if the moratorium is enacted.

21 Our commercial zone, both the
22 downtown and the uptown, are virtually
23 filled with what I refer to as
24 storefronts. These are vast majority
25 owned by single and -- I'm sorry, the

1 vast majority are occupied by single
2 ground floor commercial use, many of
3 them are owned by our residents. For
4 those people, these buildings represent
5 probably the most significant investment
6 and greatest source of income that they
7 have. Unlike a shopping center or a
8 mall, the people are reduced to relying
9 on not only the income, but on, hey,
10 being able to make those properties
11 available for use.

12
13 Now, as proposed, the moratorium
14 could cripple the continued viability of
15 our commercial zones. That's because
16 our -- that's because our zoning code
17 requires that occupants obtain site plan
18 approval for any change in use. Any
19 change in use in a building, even a
20 change of use from one permitted use to
21 another. As drafted, the moratorium
22 would prevent the planning board from
23 entertaining applications for such a
24 change in use.

25 Now, in addition, it would also

1 prevent the planning board from
2 considering applications for conditional
3 uses. Uses that are generally allowed
4 in the district, but subject to
5 reasonable conditions that the planning
6 board may choose to impose.

7
8 Now, for example, in our C-1, our
9 downtown district, we have six permitted
10 uses and 11 conditional uses. So right
11 off the bat, this moratorium is
12 eliminating 11 uses that people who want
13 to move into the -- to the village,
14 either to buy or to rent, could choose
15 from.

16 Now, the potential damage to that,
17 I think, is enormous.

18 Also, we have to face the fact that
19 the zoning code also requires planning
20 board approval just for a simple change
21 in use, like I indicated. But look at
22 the consequence of that. If we're no
23 longer able to go and apply for a change
24 in use, effectively, we're limiting a
25 new tenant to the same use that failed

1 at that location in the first place. It
2 seems completely inconsistent with what
3 appropriate development would fit.
4

5 CHAIRMAN CALONE: Mr. Reilly, I'll
6 just ask you to wrap up.

7 MR. REILLY: Okay.

8 We used to be a thriving village.
9 Now we look like a village that's going
10 out of business. I did some counting
11 this morning, I figure there's
12 approximately 20 vacancies --
13 20 vacancies in the downtown area, and
14 about 11 vacancies in the uptown area.
15 These vacancies, I think, are an
16 epidemic, and -- that breed more lack of
17 interest in this area.

18 I respectfully request that you
19 deny or disapprove the moratorium in
20 general. But if you're not so inclined,
21 at least please insist that provisions
22 be made to protect the individual owners
23 of properties from not being able to
24 apply for a change of use or for a
25 conditional use for those --

2 CHAIRMAN CALONE: Thank you for
3 your time, appreciate it. Appreciate
4 your coming down.

5 Doug Norton.

6 (WHEREUPON, Mr. Douglas Norton
7 approached the podium and addressed the
8 Planning Commission.)

9 (Time noted: 1:33 p.m.)

10 MR. NORTON: My name is Douglas
11 Norton, N-O-R-T-O-N. Thank you for your
12 time.

13 CHAIRMAN CALONE: Thank you. You
14 have three minutes.

15 MR. NORTON: I've been a past
16 president of the Chamber of Commerce,
17 I've also -- I'm the founding president
18 of the business improvement district.

19 I also own and operate property in
20 the village, small properties. And it's
21 good that I'm following Mr. Reilly,
22 because the way this moratorium is
23 written right now, if -- if one of those
24 tenants, my smaller retail tenants, were
25 to go out tomorrow or next month, I

1 could not move an application forward
2 for a site plan change on a -- on a
3 small retail store, whatsoever. It
4 would be stopped for at least a year, if
5 not two years. That would have a
6 significant impact on not only me but
7 the whole commercial district.
8

9 We have 280 members in the Chamber
10 of Commerce. I've lived in the village
11 since 1978. We care about what happens
12 in the village, it's extremely
13 important, it is our -- that's the place
14 where we live, we raised our families.
15 These are very important decisions
16 that -- that you are being asked to
17 make.

18 The trustees, a few of them, have
19 decided in -- in -- and maybe for some
20 of the right reasons, that -- that this
21 should -- that a moratorium is
22 necessary. I've sat on every one of
23 these since 1978. Every planning study,
24 and I can tell you they're not
25 necessary.

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What needs to be done in the
village --

CHAIRMAN CALONE: (Indicating)

MR. NORTON: Okay. Thank you.

What needs to be done in the
village can be done without a
moratorium. And I would suggest very
strongly that you oppose this
moratorium, and thank you very much for
your time.

CHAIRMAN CALONE: Thank you,
Mr. Norton. Appreciate your coming
down.

Next, Alan Wunderlich.

(WHEREUPON, Mr. Alan Wunderlich
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:35 p.m.)

CHAIRMAN CALONE: Sir, if you'd
spell your name for the record, and you
have three minutes.

MR. WUNDERLICH: Alan Wunderlich,
A-L-A-N, W-U-N-D-E-R-L-I-C-H.

I'm a long-time resident of Port

1 Jefferson, my family moved here in 1953,
2 and I want to speak against the
3 moratorium. It's completely
4 unnecessary. I believe it's overkill.
5 I believe a lot of this is personally
6 motivated.
7

8 I'm involved with the Liberty
9 Meadows project, and I think that
10 partially the moratorium is designed to
11 try to stop projects which are -- have
12 been in the process for many years in
13 Port Jefferson.

14 And I thank you for listening.
15 Thank you.

16 CHAIRMAN CALONE: Thank you for
17 your time, sir.

18 We have Michelle Lennon.

19 (WHEREUPON, Ms. Michelle Lennon
20 approached the podium and addressed the
21 Planning Commission.)

22 (Time noted: 1:36 p.m.)

23 CHAIRMAN CALONE: Welcome, ma'am,
24 and you have three minutes.

25 MS. LENNON: Thank you.

2 CHAIRMAN CALONE: Please spell your
3 last name.

4 MS. LENNON: My last name is
5 L-E-N-N-O-N.

6 My name is Michelle Lennon, I've
7 been a resident of Port Jefferson for
8 23 years.

9 First, I just wanted to say,
10 Carmine DellAquila just stated to this
11 Committee that the moratorium was vetted
12 with residents. Yet I was at Monday
13 night's meeting, and the only hearing
14 that was ever held, and the trustees --
15 excuse me, they refused to answer any
16 questions posed by many residents; over
17 250 showed up to get information.

18 From what I can see, the planning
19 board has done an excellent job, and we
20 have a beautiful village to show for it.

21 I don't know what precipitated this
22 moratorium. Whether we need time --
23 time to meet all the economic stimulus
24 we can get -- I see no overgrowth in the
25 village. I oppose this moratorium, and

1
2 so do many of the neighbors that cannot
3 be here today.

4 Thank you for letting me speak.

5 CHAIRMAN CALONE: Thank you for
6 your time, ma'am.

7 I don't have any further cards,
8 without any further indication of public
9 comments, I'll close the public portion
10 of our session. Just for those in the
11 audience, just so you're aware, we have
12 a few things on our agenda which we will
13 be dealing with for a few minutes, and
14 we'll be getting to the Port Jefferson
15 project shortly.

16 First on the agenda is the election
17 of officers. The Nominating Committee
18 has made a recommendation for officers
19 for this year.

20 Barbara, would you repeat that just
21 for the record.

22 COMMISSIONER ROBERTS: For the
23 record, we are renominating David Calone
24 for our chair, Adrienne Esposito for
25 secretary, and for our unfilled spot of

2 vice chair, Constantine -- I can't
3 pronounce your last name.

4 COMMISSIONER KONTOKOSTA:

5 Kontokosta.

6 COMMISSIONER ROBERTS: Kontokosta.

7 Kontokosta. I had a senior moment
8 there.

9 CHAIRMAN CALONE: Thank you,

10 Barbara.

11 Anything else with regard to
12 nominations?

13 COMMISSIONER HOLMES: Can the
14 attorney advise us as to whether the
15 sitting chair can conduct this election?

16 CHAIRMAN CALONE: Ms. Spahr.

17 MS. SPAHR: He absolutely may.

18 CHAIRMAN CALONE: Then I absolutely
19 will.

20 I'll open the floor for any other
21 nominations for officers; either the
22 chair, vice chair, or secretary.

23 (WHEREUPON, there was no response.)

24 CHAIRMAN CALONE: There being none,
25 I'll move to close the Board's

1
2 nominations. And the way I understand
3 this works, since there are no other
4 nominations, the secretary is to cast
5 one vote for each of the three officers.

6 I'd ask you to do that at this
7 time.

8 SECRETARY ESPOSITO: I vote yes on
9 the chair, yes on vice chair, and yes on
10 secretary.

11 CHAIRMAN CALONE: Well done, and
12 thank you.

13 COMMISSIONER HOLMES: And I'll
14 second it.

15 CHAIRMAN CALONE: Okay. I think --
16 I think actually that's --

17 COMMISSIONER BRAUN: That's not --

18 CHAIRMAN CALONE: -- not necessary,
19 but I appreciate --

20 COMMISSIONER HOLMES: You directed
21 the secretary to --

22 CHAIRMAN CALONE: Yes. The
23 secretary has been directed and she has
24 fulfilled her duties.

25 We'll move on to the next item on

1 the agenda, which is the Rules of
2 Proceedings.
3

4 We've been through these last
5 month. I don't believe there's --
6 there's one item that's has been
7 suggested, and that is at the request of
8 Commissioner Roberts, that we reduce the
9 percentage for East End projects from
10 50 percent to 33 percent. My
11 understanding is that there's some
12 consensus along with that with regard to
13 our members of the East End.

14 I personally don't have an
15 objection to that, with one caveat, that
16 if it turns out we're getting a lot of
17 applications from the East End, we're
18 going to -- we have the ability to
19 reopen our rules and to vote to raise
20 that -- raise that bar again.

21 COMMISSIONER ROBERTS: That's
22 totally --

23 CHAIRMAN CALONE: So --

24 COMMISSIONER ROBERTS: That's
25 totally our feeling, too. Let's try a

1
2 third, and then if it's too low, we'll
3 revisit that.

4 CHAIRMAN CALONE: Is there any
5 objection from a staff perspective, Tom?

6 DIRECTOR ISLES: No. Under that
7 premise, that's great.

8 CHAIRMAN CALONE: Okay.

9 So without objection, we'll make
10 that change to the rules -- or at least
11 I should say the proposed rules. And as
12 the proposed rules are circulated, and
13 you have them now --

14 COMMISSIONER HOLMES: Um --

15 CHAIRMAN CALONE: Yes.

16 COMMISSIONER HOLMES: There was one
17 other item that you were going to expand
18 upon, the -- our recommendation that the
19 chair give commissioners an opportunity
20 to say why if they choose to abstain on
21 a vote.

22 CHAIRMAN CALONE: Right. That is
23 currently I believe in number --

24 COMMISSIONER ROBERTS: It's there.

25 CHAIRMAN CALONE: Yeah, it's

1
2 number -- number 9. It now reads, If a
3 commission member chooses to abstain on
4 a recorded vote, the chair will allow
5 the abstaining commission member to give
6 the reason for their abstention if they
7 wish to do so.

8 Is that appropriate?

9 COMMISSIONER HOLMES: Yes, that's
10 fine.

11 CHAIRMAN CALONE: Okay.

12 Any other additions or changes to
13 the rules -- the proposed rules?

14 COMMISSIONER ROBERTS: We changed
15 everything to chair and not chairman.

16 CHAIRMAN CALONE: Yes, it is now --
17 now gender neutral, and it's true for
18 vice chair as well.

19 Any --

20 COMMISSIONER McADAM: (Indicating)

21 CHAIRMAN CALONE: Mr. McAdam.

22 COMMISSIONER McADAM: Yeah. I
23 don't have a change in the rules, but is
24 it legal to change the rules in midyear?
25 Is that the same as -- not too long

1
2 ago -- and we might have changed the
3 rules, you know, can we do it --

4 CHAIRMAN CALONE: Yes, my instinct
5 is we can, but I'll just refer to --

6 MS. SPAHR: (Head gesture)

7 COMMISSIONER HOLMES: She nodded.

8 CHAIRMAN CALONE: Yes.

9 COMMISSIONER HOLMES: She nodded.

10 CHAIRMAN CALONE: For the record,
11 counsel has nodded and we are able to
12 change the rules as -- as we need to
13 during the course of the year.

14 COMMISSIONER BRAUN: I move the
15 rules as --

16 CHAIRMAN CALONE: Mr. Braun moves
17 the rules.

18 All -- second?

19 COMMISSIONER BOLTON: (Indicating)

20 CHAIRMAN CALONE: Seconded by
21 Commissioner Bolton.

22 All in favor of adopting the 2009
23 rules, please raise your hands.

24 (WHEREUPON, the members voted.)

25 CHAIRMAN CALONE: All those

1
2 opposed?

3 (WHEREUPON, there was no response.)

4 CHAIRMAN CALONE: Abstentions?

5 (WHEREUPON, there was no response.)

6 CHAIRMAN CALONE: And that passes
7 unanimously.

8 Next, we have our calendar of
9 meetings, you can see that in front of
10 you.

11 It is our goal to have four
12 meetings on the East End, and the idea
13 is at least two of those -- or two of
14 those would be in Riverhead, but that
15 two of those will be elsewhere in the --
16 on the East End. And we're going to
17 need to work on exactly where, but I do
18 think it's important that we -- you
19 know, we show our faces around the
20 county.

21 The one caveat, I would say,
22 there's a possibility we may need to do
23 the May meeting back in Hauppauge.
24 We'll need to figure that out in the
25 next few weeks, but I'll ask you just

1 to, unless there's some objection, adopt
2 the schedule of the meetings. It is
3 our -- as -- as our practice, it's
4 always the second -- excuse me, the
5 first Wednesday --

6
7 COMMISSIONER HOLMES: May I --

8 CHAIRMAN CALONE: Yes.

9 COMMISSIONER HOLMES: Does the
10 director of planning have any indication
11 of a time frame for when the Riverhead
12 County Center renovations are going to
13 be? Because we need to go back --

14 DIRECTOR ISLES: No. No, I don't.

15 COMMISSIONER HOLMES: I will be
16 patient.

17 CHAIRMAN CALONE: Okay. So without
18 objection, we'll consider the Calendar
19 of Meetings adopted.

20 The next item is the annual
21 training, which Director Isles is going
22 to be running us through.

23 DIRECTOR ISLES: Okay. The
24 Planning Commission is -- the department
25 will receive training. We've

1 historically done it in the spring of
2 each year. I do realize that this is in
3 addition to the annual training seminar,
4 which the commission has put on with the
5 general public; however, we do -- we do
6 want to offer that and suggest that in
7 the month of April, we host a training
8 session in the county planning offices,
9 or perhaps here, to go over items on the
10 Planning Commission in terms of the
11 procedure, state law, questions of
12 policy and so forth.

14 So if the commission would like,
15 the department can schedule that. We
16 were thinking of a two-hour time slot at
17 the April meeting, just here in
18 Hauppauge. We would start at 9:30, end
19 at 11:30, have a little break, and then
20 start the meeting at 12 o'clock. So we
21 offer that. And, here again, we have
22 put together a program that is available
23 to the commission. It helps to satisfy
24 your training requirements under state
25 law, as well as, here again, advancing

1
2 minor concerns with the commission,
3 procedure, policy, and planning
4 practices.

5 COMMISSIONER ROBERTS: And it's
6 April Fool's Day.

7 DIRECTOR ISLES: Well, it's not on
8 purpose.

9 CHAIRMAN CALONE: Thank you,
10 Director Isles.

11 Okay. So that's -- that's
12 something that we'll be working on
13 coordinating the timing of.

14 I think that's the end of the
15 organizational items. Next up is the
16 chairman's report, and I want to just
17 thank all of you for a vote of
18 confidence, and I look forward to
19 working with Constantine and Adrienne
20 and all of you this year.

21 I had a chance to sit down with all
22 of you over this last month, and -- at
23 the Starbucks in downtown Huntington to
24 the Starbucks in downtown Greenport,
25 and -- and many Starbucks in between,

1 and -- and enjoyed our conversations.
2
3 And the temperance is that we, as a
4 commission, should maintain our focus on
5 bigger picture planning actions, like
6 master planning, and on land use issues
7 with broader county-wide impacts like
8 energy efficiency, affordable housing,
9 public safety, and universal design.

10 And I must tell you that the
11 meetings that I've had in the last month
12 or so from this (inaudible), I think,
13 very positive about the role this
14 commission is starting to play in the
15 county, in terms of reducing the
16 administrative burden on the towns and
17 villages, as well as in terms of
18 providing leadership on issues with
19 county-wide impact.

20 Dan and I were at the Suffolk
21 County Village Officials Association a
22 few weeks ago, and they seem very
23 interested in our efforts. Josh was
24 there, and I don't know if there was any
25 feedback from that, but --

2 COMMISSIONER HORTON: Very positive
3 feedback. It was received very well.

4 DEPUTY DIRECTOR GULIZIO: I think
5 the beverages that were served during
6 the course of the evening might have had
7 something to do with the positive
8 outlook --

9 (Laughter)

10 CHAIRMAN CALONE: I agree with
11 that.

12 Anyway, the good news was, for
13 whatever reason, the Village Officials
14 Association did seem to -- the village
15 officials were certainly very interested
16 in our efforts.

17 I also met with
18 Supervisor Cardinale from Riverhead. He
19 invited me to speak at the -- about the
20 commission's efforts at the April
21 meeting of the East End Supervisors and
22 Mayors Association, and I'm going to ask
23 him to invite all of our East End
24 representatives to join me there so you
25 have a chance to -- to meet all the

1 supervisors and mayors.

2
3 From the conversations so far, it's
4 clear that there's a desire among many
5 municipal officials in this county to
6 make their towns and villages safer,
7 more energy-efficient, and with a
8 housing mix that's more affordable.
9 There's a general recognition that
10 nothing that we can -- well, there's
11 nothing that we can do apart that can
12 have so much impact as what we can do
13 together. And that's -- that doesn't
14 mean that one size fits all, but rather
15 that we have a common set of major
16 goals, and a common starting point to
17 accomplish this.

18 Quite frankly, every jurisdiction
19 in the county needs to be a part of the
20 solution for our county-wide issues.
21 Because any development project that
22 does not further these goals, increases
23 the burden in other parts of the county.
24 And at the end of the day, no matter
25 what town or village we all come from,

1
2 there is far more that unites us as one
3 county than divides us as different
4 jurisdictions.

5 On Long Island, there's no doubt
6 that we have a single future. Where we
7 can play a role as a commission and as
8 the only planning body that touches the
9 whole thing. Is to, one, identify
10 county-wide priorities, as we've done in
11 the commission guidebook, which was
12 formally released today; and, two, to
13 provide the towns and villages the tools
14 they need to help address those
15 priorities. We can do this in three
16 ways: One, model codes; two, being a
17 clearinghouse for good ideas; and three,
18 provide the training.

19 With regard to model codes, our
20 next step is to establish model code
21 working groups on energy issues, public
22 safety, affordable housing, and
23 universal design. These working groups
24 can, using our new guidebook as a
25 starting point, identify best practices,

1
2 determine what's possible, and produce
3 codes that municipalities can use to
4 advance these county-wide issues.

5 Each member from this commission
6 will be asked to serve on the working
7 groups, who will also include village
8 and town officials. And this is truly a
9 collaborative effort in this
10 collaborative study. We've already
11 received interest from town supervisors,
12 mayors, town council people, and state
13 assembly members who would like to be
14 involved in the effort.

15 Our affordable housing working
16 group will be headed by
17 Vice Chairman Kontokosta, and will build
18 on the work that he and other members of
19 this commission did in putting together
20 our guidelines. This working group will
21 have the challenge of creating codes
22 that will provide to a variety of
23 housing options throughout our county.

24 Our energy working groups can focus
25 not only on energy efficiency, but also

1 on discrete energy generation issues
2 like solar access, solar panel
3 standards, and wind generation, things
4 like green parking spaces and other --
5 and other aspects of energy.

6
7 Every new building in Suffolk
8 County should be energy-efficient,
9 period. With the right model code, we
10 can ensure that every jurisdiction is on
11 board to making that happen.

12 Sarah Lansdale has offered to help
13 lead this effort, and our noted
14 Secretary Esposito has offered to help
15 matters as well.

16 Our public safety working group can
17 look at design principals in our
18 guidebook, as well as other public
19 safety-related best practices. I note
20 the police department as well as the
21 district attorney's office are
22 interested in working with the -- as we
23 develop these model codes. Our former
24 assistant district attorney and fellow
25 Commission Member Bob Braun has offered

1
2 to lead that effort.

3 And our universal design working
4 group will look at simple ways that
5 residences and other buildings can be
6 designed and built to allow people to
7 age in place. As the average age of
8 Suffolk County increases, simple design
9 steps will allow -- will enable us to
10 save tremendous amounts of taxpayer
11 dollars by reducing nursing home and
12 hospital stays, and provide
13 accommodations for our returning injured
14 veterans. The universal design working
15 group will be headed up by Vince Taldone
16 from Riverhead, appreciate his efforts
17 and look forward to his help on that.

18 And, again, all members of this
19 commission are urged to get involved in
20 any of those working groups, or as many
21 as they wish.

22 Our second idea was making this
23 commission a clearinghouse for good
24 ideas and best practices. We can start
25 to do that simply by making an

1 occasional report to the municipal
2 leaders in Suffolk County, sharing the
3 good ideas that are going on around
4 Suffolk County, sharing the good ideas
5 that are going around Nassau County, and
6 around our states and around our
7 country. There are a lot of good ideas
8 out there on economic development,
9 environmental records, et cetera, that
10 typically, villages and towns around the
11 county don't know about. We can help be
12 a clearinghouse for -- for good ideas
13 and best practices.

14
15 And, lastly, we need to focus on
16 training. We do have our annual fall
17 training program. We should try to use
18 that fall training session to spotlight
19 municipalities that are doing good
20 works, and allow them to share their
21 ideas with others around the county.

22 Our other major efforts for this
23 year will be to start a comprehensive
24 plan update. Our job, under the law, is
25 to plan. Not just project by project,

1 but holistically. Ask not just what an
2 individual parcel plan should look like
3 ten or to 20 years from now, but what
4 should our county look like. If we
5 don't lead on this, no one will.

6
7 There has not been a full
8 comprehensive plan update in Suffolk
9 County in 30 years. But we'll be ending
10 that streak this year by starting a
11 comprehensive plan update, under the
12 leadership of Director Isles and the
13 Planning Department staff. This effort
14 will allow all of us to work together as
15 we sketch a vision for Suffolk's future,
16 and provide county-wide goals in terms
17 of these issues.

18 Given the economic climate, now is
19 the time to set Suffolk's land use
20 priorities to position Suffolk to use
21 competitive force for the decades ahead.
22 We certainly look forward to the
23 leadership of the department as well.

24 In conclusion, let me just say that
25 through our efforts last year, and

1
2 released from our guidebook today, we
3 put ourselves in a position as a
4 commission to fulfill our obligation
5 under the law and provide leadership on
6 the major land use issues in the county,
7 and to provide a vision for the overall
8 county development. I look forward to
9 working with the department and all of
10 you on that.

11 Let me just wrap up by doing a
12 few -- bringing up, you know, a few
13 other items.

14 Barbara had mentioned in my meeting
15 with her that we should bring Skip
16 Heaney over from Economic Development
17 and Workforce Housing, and -- to
18 understand what -- what role we should
19 play with respect to economic
20 development. It's a good idea, and
21 we'll try to get that going.

22 Another idea was to bring over some
23 folks from the health department so we
24 can get their general perspective on the
25 projects that we're looking at.

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I want to update you on the vacancies.

Joe Potter's nomination to the East Hampton seat is working its way through the process.

The county executive has selected an individual for the Brookhaven seat, and he'll be introducing that person's name shortly.

And so the only remaining vacancy is the Islip seat, vacated just last week by Don Fiore, and we'll be on the lookout for a union leader from Islip as -- as soon as we know. But the real value of this commission is the fact that we are required by law to have many different backgrounds. And Don was our union representative, and we'll need to fill his seat with another union leader.

We started to get back to intermunicipal agreements. It may not surprise you, but the towns and villages are pretty happy about having us cut down on the administrative work they

1 need to do. And I would just ask the
2 staff, if they could, maybe to just
3 compile a list for the next meeting
4 about which municipalities haven't
5 gotten back to us, so we can maybe start
6 following up on those respective
7 areas -- following up to make sure that
8 those get signed off on.

9
10 I need your help with our annual
11 reports. We are required by law to
12 issue an annual report to the county
13 executive and the county legislature on
14 the status of the county. Staff is
15 working on that right now, and if any of
16 you are interested in helping on that,
17 we're hoping to get that out in March or
18 April. As you know, our goal is to
19 start using that annual report as a way
20 to identify the progress that's being
21 made across the county in meeting the
22 key priorities that we've identified.
23 If anyone wishes to work with me on --
24 on that, I'd appreciate it.

25 Lastly, I just want to update you

1 on some infrastructure prioritizations
2 that Legislator Horsley was talking
3 about a little bit. It's unclear what
4 role this commission is going to play
5 with regard to prioritizing
6 infrastructure projects that will be
7 funded, hopefully, by the federal
8 stimulus package. The Regional Planning
9 Council has stepped forward on this.
10 However, we are the lead county planning
11 agency, and so I think that there should
12 be some role for the commission to play
13 and the department to play to prioritize
14 the projects that are here within the
15 county. So we'll let you know how
16 that -- how that plays out.

17
18 So that's my report, and unless
19 there's any questions or --

20 COMMISSIONER ROBERTS: David, I do
21 have a question.

22 CHAIRMAN CALONE: Yes, Barbara.

23 COMMISSIONER ROBERTS: What's the
24 plan to release the guidebook, and the
25 press, and whatever; is that in Tom's

1 report or is that --

2
3 CHAIRMAN CALONE: Yes.

4 Yeah, okay. Breaking news: The
5 press release was -- is actually going
6 out as we speak. And you have the
7 guidebook in front of you, and I believe
8 we started mailing them out as of a day
9 or so ago. Is that correct to --

10 COMMISSIONER ROBERTS: And who
11 exactly --

12 CHAIRMAN CALONE: Hold on just one
13 second.

14 DIRECTOR ISLES: (Inaudible)

15 CHAIRMAN CALONE: Okay.

16 COMMISSIONER ROBERTS: Yeah, and
17 who exactly are they being mailed to;
18 just the mayors, heads of planning
19 boards, who will be getting our
20 guidebook?

21 DIRECTOR ISLES: Yes and yes. So
22 yes, they would go to the mayors and the
23 supervisors. We will also be sending to
24 the chair of the zoning board of
25 appeals, the planning boards, and also

1
2 to any planning directors at existing
3 municipalities. We will also send it to
4 the county legislature, the county
5 executive, and any other interested
6 parties. It is available on the County
7 Web site already, as of this week,
8 and -- you know, so hardcopies or
9 electronic copies will be tentatively
10 distributed.

11 COMMISSIONER ROBERTS: And the
12 press release is -- do we have a copy of
13 the press list that -- who will be
14 receiving that, with the guidebook or
15 the press release?

16 DIRECTOR ISLES: The guidebook
17 would not. The press release is being
18 released through the county's press
19 office, and then it will --

20 COMMISSIONER HOLMES: Do we know
21 it's a list of --

22 DIRECTOR ISLES: I offhand don't
23 know the list, but it's a broad list of
24 county executives (inaudible).

25 CHAIRMAN CALONE: And we are --

there's a reference in the press release
to its online location --

DIRECTOR ISLES: Right.

CHAIRMAN CALONE: -- in context to
the planning department, so people can
reach out to the -- people who don't
have copies, it is online in a PDF
format.

Unless there's any further
questions or comments, Director Isles.

DIRECTOR ISLES: Thank you,
Mr. Chair.

Okay. A couple of items to report
to the commission.

We had previously mentioned that a
resolution had been introduced by
Legislator Schneiderman, known as
Introductory Resolution 2026. This
would require the Planning Commission to
serve notice of application to
applicants phoning or having control of
those applications. We expressed
concern, Mr. Calone -- Chair Calone and
myself did speak with

2 Legislator Schneiderman. We're happy --
3 I'm happy to report that
4 Mr. Schneiderman has modified the bill,
5 an amended copy was filed in
6 mid-January. It was considered by the
7 Environment Committee last week, and
8 acted upon. And what the resolution now
9 calls for are two things primarily.

10 One is the posting of the tentative
11 agenda of the commission on the county
12 Web site, which we have been doing by
13 authorization and direction of the
14 commission; and then, secondly, it also
15 requires notification to the
16 municipality and to the applicant.

17 So we will be doing that, here
18 again, if this is approved by the
19 legislature, which probably occurred
20 yesterday.

21 I will point out that the amended
22 copy is included in your packet. It's
23 tagged with the yellow tab.

24 Let me just take a little side note
25 on that. We have tried to organize the

2 materials for you a little bit better,
3 and I give credit to Andy Freleng and
4 Dotty Sonnichsen for organizing that.
5 We'll continue to work on improving that
6 in terms of the information we present
7 to you.

8 So that's the yellow tab.

9 The next item, we'll go to -- the
10 purple tab is a report -- brief report
11 prepared by Peter Lambert, Principal
12 Planner in County Planning, reporting on
13 building permit activity in both Suffolk
14 and Nassau Counties. And we do serve
15 roles as -- for the Long Island Regional
16 Planning Council; hence, we do go across
17 the border periodically.

18 The information to bring to your
19 attention is residential building
20 permits in the county for 2008 were
21 about 1,600. These records have been
22 kept since 1950. This is the lowest
23 number we've ever had. So in 50 years
24 almost --

25 CHAIRMAN CALONE: And that includes

2 when we were about 90 percent smaller.

3 DIRECTOR ISLES: Yeah, exactly.

4 Such is, obviously, the effect of the
5 global recession on Long Island.

6 Nassau County did go up, which is
7 kind of interesting. Here again, it may
8 be certain golden age zoning or
9 apartment zoning, we can't explain that,
10 but, here again, we just provide that
11 for your information.

12 Related to that, I'd just like to
13 point out, County Planning Department's
14 assistance to the Regional Planning
15 Council, here again, with efforts of
16 Peter Lambert and Seth Foreman, on the
17 census challenge that was successfully
18 filed through the two county executives
19 recently, and did result in an
20 adjustment to the numbers of both
21 counties, including another 48,000 or so
22 residents in Suffolk County that were
23 not originally counted in the census
24 estimates.

25 So that was a successful effort,

1 and, here again, with the help of the
2 County Planning Department on that.

3 The chair mentioned the
4 intermunicipal agreements. That is
5 going very well.
6 Deputy Director Dan Gulizio is
7 overseeing that. We've received a great
8 response from the municipalities, we've
9 had a lot of feedback -- positive
10 feedback. We've had a number of
11 resolutions passed by the local levels
12 to adopt the IMAs. We are following up
13 as well, and we will report back next
14 month with an accounting of where we
15 stand on that.

16 The next item I'd like to mention,
17 just two more items, would be, the
18 Regional Planning Council met yesterday,
19 and one of the projects we are
20 participating in on that is what's known
21 as the LI 2035 project. There are two
22 events coming up on that. This is --
23 the purpose of this project is to put
24 together baseline information that will
25

1 serve as a foundation to a Regional
2 Comprehensive Plan Update. It will also
3 do some scenario testing. Meaning, what
4 happens on Long Island if we stay the
5 way we are in terms of our planning and
6 development and conservation policies,
7 what sort of status quo result would
8 that bring. We'll also look at
9 alternatives of hamlet-oriented growth
10 versus sprawl and so forth.

11
12 The project is well underway. The
13 next significant event is February 26th,
14 there's meetings of the Municipal and
15 Stakeholders Committee that will be
16 served -- will serve to advise this
17 process.

18 And then on March 26th, there'll be
19 a larger group meeting, more of a
20 visioning session in terms of looking at
21 some of those scenarios and modals of
22 growth.

23 Any member of the County Planning
24 Commission is invited to participate.
25 Just contact me and let me know, and I

1 can make sure your name is on the
2 attendance list, and give you
3 directions, the location and so forth.

4
5 The time frame for this is that it
6 would be -- it's expected to be
7 completed in June and folded into the
8 sustainability plan, also underway by
9 the Regional Council. And, here again,
10 we are working with them. And the
11 efforts that we're doing at county
12 planning level, as explained by the
13 chair, in terms of the county
14 comprehensive plan, is being coordinated
15 at the regional level as well.

16 And the last item is, as I've
17 mentioned on a number of occasions, the
18 county executive has directed the
19 department to work on a request for
20 proposals for the -- certain surplus
21 properties in Yaphank. We are doing
22 that and spending quite a bit of time on
23 that. And the county executive has
24 recently indicated that we are close to,
25 potentially, an announcement on that

2 project. So that may happen before the
3 next meeting, so just to make the
4 commission aware of that.

5 I would like to provide a briefing
6 to the commission following the
7 announcement on what that project
8 entails and where we are with that.

9 And that completes the -- the
10 report today.

11 Thank you.

12 CHAIRMAN CALONE: Thank you,
13 Director Isles.

14 COMMISSIONER ROBERTS: (Indicating)

15 CHAIRMAN CALONE: Barbara.

16 COMMISSIONER ROBERTS: Tom, is
17 there any plan to put out some of this
18 information as a press release;
19 particularly, like, the housing numbers
20 and the change in census? I mean, I
21 think that would be of great interest to
22 the public.

23 DIRECTOR ISLES: Yeah, the census
24 challenge information was released as
25 public information in that form.

2 Certainly, on the building permit
3 data, we -- we could certainly do that
4 as well.

5 CHAIRMAN CALONE: That's the new
6 information that Peter put together --

7 COMMISSIONER ROBERTS: Yeah.

8 DIRECTOR ISLES: Right.

9 CHAIRMAN CALONE: That's -- that's
10 fresh stuff.

11 DIRECTOR ISLES: That's fresh, yes.

12 CHAIRMAN CALONE: Okay. Are there
13 any other comments or questions for
14 Director Isles?

15 (WHEREUPON, there was no response.)

16 CHAIRMAN CALONE: If not, we'll
17 move onto our regulatory portion of our
18 agenda. The first item on the agenda
19 is the Port Jefferson Moratorium.

20 Deputy Director Gulizio, I believe,
21 is presenting that.

22 DEPUTY DIRECTOR GULIZIO: Good
23 afternoon, Mr. Chair and Members of the
24 Commission.

25 The first item on the agenda today,

1 under the regulatory review section,
2 involves the Village of Port Jefferson,
3 as you've heard earlier this afternoon.

4 The Village of Port Jefferson is
5 approximately three square miles in
6 area. They maintain a population,
7 according to the 2000 census, about
8 7,800 residents. There's about
9 3,074 households within the village,
10 including a couple of hospital and two
11 nursing facilities.

12 There are approximately 12 zoning
13 districts included within their existing
14 zoning code. I believe the staff report
15 referenced 13. I don't know if I got
16 the count wrong or if they've added a
17 district, but I counted 12 according to
18 the zoning code that we had on file here
19 within the office.

20 The item referred from the village,
21 as stated previously, involves a request
22 for a moratorium. The discussion
23 earlier today reminds me of the saying,
24 there's no such thing as a simple zoning
25

1 application on a local level. It also
2 reminds me vividly of one of the reasons
3 why my blood pressure is a lot lower now
4 that I'm at a regional planning office
5 as opposed to a local municipal planning
6 office.
7

8 One of the things that I think is
9 important in -- when considering the
10 moratorium, we can agree or disagree on
11 whether or not -- from an ideological
12 standpoint, whether it makes sense or it
13 doesn't make sense, and I think it's
14 understandable to have honest
15 disagreements on these issues, but it's
16 important to get the facts right, I
17 think, first. So in looking at the
18 facts, while it's been discussed as a
19 town-wide moratorium, there are a couple
20 of important caveats to that.

21 First, principally, the moratorium
22 does not involve properties used for
23 single-family or two-family purposes.

24 In looking at the variety of zoning
25 districts under the village code --

1
2 And, John, could you just show
3 them, maybe, the land use map?

4 MR. CORRAL: (Complying)

5 DEPUTY DIRECTOR GULIZIO: That
6 means all the yellow, light brown, tan,
7 and -- and -- colors on the zoning map
8 would be excluded from the moratorium.
9 About 80 percent of the village is zoned
10 for single-family or two-family
11 purposes. So while we're talking about
12 a village-wide moratorium, that does
13 exclude all single-family and two-family
14 properties.

15 In addition, there are exemptions
16 for demolition permits needed in the
17 interest of public safety, as well as
18 extensions in time for existing building
19 permit applications -- or existing
20 validly-issued building permits.

21 In looking at a moratorium, it's
22 important also to note that under town
23 law or village law, there's actually no
24 statutory reference for a moratorium.
25 It's implicit under a local municipality

1 zoning authority, or is considered to be
2 one of the police powers that it can
3 effectuate and implement a moratorium.
4

5 Because there is no statutory
6 reference, that does not mean that there
7 are no standards with which to consider
8 a moratorium. Typically, the courts
9 will look at a number of issues in order
10 to determine the reasonableness,
11 appropriateness, or -- or legality
12 associated with a moratorium.

13 A number of the factors they will
14 look at are, number one, the term of the
15 moratorium or the time frame associated
16 with the moratorium.

17 In this case, the moratorium is
18 proposed for 12 months or one year. The
19 term alone is not a determining factor,
20 though; however, there are moratoriums
21 that happen to be invalid that have
22 lasted three years duration; there are
23 moratoriums that have lasted or have
24 been proposed for a year in duration
25 that have been determined to be

1 unreasonable in the view of the court.

2
3 Other factors that the court will
4 consider in addition to the terms, is
5 the scope of the moratorium or the
6 number of properties that are caught
7 within the moratorium's neck. And,
8 again, the broader the moratorium, the
9 more difficult it is to defend from a
10 legal standpoint. And as I've just
11 mentioned, the purpose of this
12 moratorium, while it is village-wide,
13 does exclude all existing single-family
14 and two-family properties.

15 According to the map, which you
16 would then see then in purple, is the
17 professional office zoning district,
18 that's where the hospitals are located.

19 The light pink, which is along
20 Route 112, it's a little difficult to
21 see, but it connects the downtown
22 central business district, which is the
23 C-1 residential district right there by
24 the water.

25 The residential office is the pink

1 area in between that.

2
3 And then what was discussed
4 previously is the Upper Port commercial
5 district, or the C-2 commercial
6 district, which is at the bottom of that
7 image on the screen, and is also a shade
8 of red or -- or pink.

9 Forgive me for my lack of exactness
10 with colors. I'm not color blind, but
11 it's not one of my specialities, as they
12 say.

13 So in terms of the properties that
14 would be captured by the moratorium,
15 certainly, the C-1 commercial district,
16 which is the downtown, would be
17 captured. The professional office
18 district, which includes the hospitals
19 indicated in purple; the residential
20 office district, which is the area
21 connecting the commercial district; and
22 the Upper Port commercial districts
23 would all be captured by the moratorium.

24 In addition to the exemptions that
25 are included in the moratorium, the

1
2 language, as presented to the staff and
3 submitted to the staff, includes what's
4 called a "hardship provision." And
5 that's one of the other qualifications
6 that courts like to see to provide a
7 relief mechanism or a relief valve for
8 those properties which, due to their
9 nature, would experience an undue
10 hardship in connection with the
11 establishment of a moratorium.

12 And that goes to the reasonableness
13 of the moratorium, which is really the
14 third factor in consideration of a
15 moratorium.

16 So we talked about terms; we talked
17 about the scope of the moratorium in
18 terms of the properties that are
19 captured. The other significant factor
20 that the courts are going to look at is
21 the reasonableness to the moratorium.

22 Is this the most effective and most
23 appropriate mechanism with which to deal
24 with the problem the village is
25 experiencing.

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There has been no doubt, and I think there is no doubt even based upon the testimony today, that a moratorium properly structured with a proper term, reasonable in nature, is one of the many tools that a municipality can use in order to effectuate its land use control powers. The question comes down to, I guess, a question of judgment in terms of whether or not the scope of this moratorium as proposed is reasonable under the extent of the circumstances.

The initial submission that staff received in connection with the moratorium, in fairness, lacked what we considered to be the necessary elements in order to properly defend a moratorium. There are portions that we consider to be overly vague, overly broad, and potentially ambiguous with respect to how the moratorium would impact the various properties within the district. And we made a recommendation that those items be addressed prior to

1
2 staff determining that we had a full
3 statement of facts in connection with
4 the application.

5 There were two subsequent
6 submissions of information from the
7 village to the staff that ultimately
8 allowed staff to determine, based upon
9 our belief, that there was a sufficient
10 amount of information released to the
11 commission to render a decision in
12 conjunction with the referral
13 application. That included a seven-page
14 question and answer response which you
15 have as part of your packets, along with
16 a set of 24 factors supporting the need
17 for a moratorium to update the master
18 plan in the village.

19 It was the belief of staff that
20 additional information did constitute a
21 full statement of facts, from our
22 position -- again, recognizing,
23 respectfully, that it's ultimately the
24 determination of the commission as to
25 whether or not those, in fact,

2 constitute a full statement of facts --
3 we felt it was sufficient with which to
4 schedule the application.

5 I will say that I am somewhat
6 troubled by some of the testimony that
7 we heard here today earlier as to
8 whether or not these seven questions and
9 answers that were submitted by the
10 village, through the village clerk's
11 office, as well as the 24 factors
12 supporting it were not, in fact,
13 submitted on behalf of the majority of
14 the village board. I can't comment on
15 that, I -- as a planner representing the
16 county, I don't think it's my position
17 in particular to determine whether or
18 not we should, in fact, consider that
19 information as it's been submitted by
20 the village, or whether or not it should
21 be sent back. I would leave that to the
22 commission to deliberate or, perhaps,
23 our counsel to commit on.

24 Assuming that the information is
25 something that we can consider as part

1 of our evaluation, we recommended a
2 number of comments with respect to the
3 submission of the moratorium, with the
4 additional information.
5

6 Number one, we thought that the
7 village should give strong consideration
8 to the idea of further expanding the
9 scope of exemptions from the moratorium.
10 If -- for instance, if the hospital
11 properties, the professional offices
12 indicated in purple on the zoning map
13 that you see before you, are not subject
14 to some of the concerns and
15 considerations that are currently under
16 discussion with the village, then,
17 perhaps, that is something that should
18 reasonably be exempted from the
19 moratorium. If there are other existing
20 changes in use or minor applications at
21 the municipal level that also would not
22 adversely impact the goals and -- and
23 considerations that are under discussion
24 with the village, that they should also
25 be given strong consideration in -- in

2 order to expand the potential scope of
3 exemptions that are submitted in
4 conjunction with this request.

5 In addition, the hardship relief,
6 as it's been detailed right now,
7 indicates that anyone could apply for a
8 hardship, provided it is consistent with
9 the goals and intentions of the board of
10 trustees, and effectuating orderly
11 development in growth within the
12 village. To us, from a planning
13 standpoint, respectfully, that seems
14 somewhat vague. We would strongly
15 recommend that if they were to proceed
16 with the adoption of a moratorium, that
17 they consider the adoption of more
18 specific standards that are included
19 within the staff report presented to you
20 here this evening -- excuse me, today --

21 CHAIRMAN CALONE: Not yet.

22 SECRETARY ESPOSITO: Almost.

23 DEPUTY DIRECTOR GULIZIO: -- in
24 order to provide a more effective and
25 objective and predictable hardship

1 process, both for applicants, as well as
2 representatives within the village, as
3 well as residents within the village.

4
5 I will also point out for the
6 record, from a historical standpoint,
7 this -- the Planning Department has
8 considered eight moratoriums since 2007.
9 All eight of those moratoria have been
10 deemed matters of local determination.
11 They have ranged in scope. Some of
12 those moratoria have been very specific,
13 effecting, say, just wireless
14 communication facilities; others have
15 been more broad in scope, effecting
16 historic districts, such as the one
17 referenced in Terryville, in the Town of
18 Brookhaven, as well as broader moratoria
19 in the Town of Riverhead.

20 In considering the application, the
21 referral before you here this afternoon,
22 there are four possible alternatives to
23 a recommendation in conjunction with
24 this relief:

25 One is to recommend approval of the

1 referral;

2
3 The second is to recommend
4 disapproval of the referral;

5 A third is to recommend approval of
6 the referral with conditions or
7 qualifications.

8 And I point out for the record, if
9 there were conditions that were
10 considered in conjunction with a
11 recommendation of approval, they would
12 also require a supermajority vote from
13 the village in order to overturn those
14 conditions or -- or comments -- excuse
15 me, conditions.

16 A fourth and final alternative is
17 simply recommend this matter be referred
18 back to the village as a matter for
19 local determination.

20 It's challenging to listen to all
21 of the comments that are here today and
22 to try to make an objective
23 determination as to whether or not the
24 village should or should not, in fact,
25 proceed with the moratorium. I think

1
2 it's important to point out, from
3 staff's standpoint, the roles of the
4 staff in reviewing this application was
5 not to determine whether or not the
6 moratorium was necessary, but whether,
7 in fact, it had regionally significant
8 implications that would result in
9 intercommunity or county-wide concerns
10 that adversely interfered with either
11 state or county planning objectives.

12 In looking at the moratorium and
13 the scope of the moratorium, with the
14 comments that we have provided here
15 today, it is our recommendation,
16 respectfully, that this be considered a
17 matter for local determination, subject
18 to consideration that the exemptions be
19 expanded in order to have a more -- a
20 limited scope or impact throughout the
21 village;

22 Number 2, the hardship criteria be
23 also enhanced, consistent with staff
24 recommendations included within the
25 staff report, in order to make it a more

1
2 predictable, objective, and consistently
3 applied process.

4 If the commission members have any
5 questions, I'd be happy to try to
6 address them.

7 CHAIRMAN CALONE: Let's address,
8 first and foremost, what -- the context
9 of the additional information that we
10 received, because that seems to me to be
11 a threshold issue.

12 SECRETARY ESPOSITO: Yeah.

13 CHAIRMAN CALONE: Andy, could you
14 provide some color about what
15 information -- additional information we
16 received from the village, and what
17 the -- you know, what was represented to
18 us by whomever sent it to us.

19 MR. FRELENG: Mr. Chairman, in the
20 staff report are the attachments that
21 the village clerk forwarded to the
22 commission, which includes the item,
23 "Questions and Answers Regarding the
24 Proposed Building Moratorium," as well
25 as "Factors Supporting the Need for a

1
2 Moratorium to Update Master Plan in the
3 Village of Port Jefferson," so that --
4 that statement was provided to the
5 commission as well, and then the
6 statement, "Why Prepare a Comprehensive
7 Plan?" Those three items were referred
8 to the commission as a result of the
9 incomplete notice that they received.

10 DIRECTOR ISLES: And if I could
11 just --

12 CHAIRMAN CALONE: Tom.

13 DIRECTOR ISLES: If I could just
14 make the point, too, that the -- it's
15 customary then that we receive
16 information, in the case of Port
17 Jefferson, through the village clerk.
18 We receive an assortment of information.
19 And, just so you know, that we don't
20 normally require a resolution on
21 everything that comes in that certifies
22 it as being authorized by the board of
23 trustees. We realize it's a valid
24 question, we just want you to know that
25 the test is did this come from the

1
2 village, did it come from the village
3 clerk. So we took it in as being an
4 official submission and provided it to
5 you as a recognition of the full
6 statement of the facts. We don't
7 consider ourselves to be in a position
8 to be a judge in terms of the fine line
9 of what is or isn't sanctioned by the
10 council, we base it on what they submit
11 to us.

12 CHAIRMAN CALONE: Okay. And that's
13 consistent with what we've done in the
14 past?

15 MR. FRELENG: That is correct.

16 CHAIRMAN CALONE: Counsel, do you
17 have anything that you wanted to add on
18 this or any -- any thoughts? Not to put
19 you on the spot or anything.

20 MS. SPAHR: Only that I don't
21 recall hearing anybody say anything
22 during the public comment period that
23 would lead me to believe that there was
24 a fraudulent submission, or that the
25 information was falsified in -- in some

1 respect. I think there was a question
2 raised as to whether or not it was,
3 quote, unquote, adopted by the Board,
4 and I don't -- I'm not aware, at this
5 point, of any requirement that something
6 be adopted by the Board.

8 CHAIRMAN CALONE: Okay. Thank you.

9 Well, then we'll -- we'll start --
10 you know, unless there was anything
11 else, Dan, you had on your presentation?

12 DEPUTY DIRECTOR GULIZIO: No.

13 CHAIRMAN CALONE: Okay.

14 DEPUTY DIRECTOR GULIZIO: I'm done.

15 CHAIRMAN CALONE: The -- the --
16 the -- our protocol is that the person
17 who's responsible for the area has the
18 first opportunity to comment.

19 Adrienne Esposito represents the
20 villages over 5,000 population.

21 So, Adrienne, is there anything
22 you'd like to comment about or -- or
23 share?

24 SECRETARY ESPOSITO: Just a
25 comment, and then -- then I think we

1 need to open up for questions as well.

2 CHAIRMAN CALONE: Of course.

3 SECRETARY ESPOSITO: Okay.

4 I just want to reflect on something
5 Dan said, and that is that the last
6 eight plans that -- master plans that we
7 got, we put back for local
8 determination. And I think, though,
9 that --
10

11 COMMISSIONER ROBERTS: Moratoriums.

12 SECRETARY ESPOSITO: Moratoriums.

13 COMMISSIONER ROBERTS: Moratoriums.

14 SECRETARY ESPOSITO: Thank you.

15 That was supposed to lead to a
16 master plan, we put back to local
17 determination. And -- however, I think
18 just because we've done something in the
19 past is not a reason to continue doing
20 it in the future. So I think we should,
21 you know, be open-minded about this,
22 look at the facts before us, and base
23 our decision on what we know as factual.

24 I do think it's very concerning
25 that -- for me at least, that the

1 hospitals are included in this
2 moratorium. Especially, at a time right
3 now where we know there are hospitals
4 throughout the State of New York that
5 are closing, or considering closing. I
6 think it's the worst time ever to -- to
7 anticipate or hope that there's no
8 expansion for a hospital, I think it
9 would be just the opposite. So that was
10 a red flag that went up that I'd like us
11 all to consider as well.

12
13 And, again, I think the question
14 before us right now is that is this
15 moratorium, whether you believe it's
16 needed -- needed or not, is it properly
17 structured? And I think that's the
18 question before us.

19 And the other one for me is, would
20 such a moratorium lead to a sound
21 planning process at the end? What is at
22 the end of any moratorium?

23 I also think Port Jefferson is
24 different from other areas, because it
25 does have a regional significance for

1 Suffolk County. There is -- it's a
2 connection for communities and
3 county-wide concerns because it is --
4 because of the ferry. And I know
5 myself, and I see everyone's head
6 shaking here, when you go to
7 Connecticut, you go to Port Jefferson.

8 COMMISSIONER HORTON: Not me.

9 SECRETARY ESPOSITO: So --

10 CHAIRMAN CALONE: Well, our friends
11 in Southold --

12 SECRETARY ESPOSITO: Okay, not
13 Southold. I'm sorry.

14 So half of us here. But I think --
15 I think there is that large scale
16 regional significance associated with
17 the transportation availability that
18 Port Jefferson offers us here on Long
19 Island. And so that's another reason I
20 think to give this intense scrutiny and
21 concern.

22 But I do want to -- I guess what's
23 still unclear to me -- if I could just
24 throw out a question to Dan and then
25

1
2 open it up.

3 Was it -- is the intent of the
4 moratorium to lead to a village master
5 plan, a harbor front revitalization
6 plan? And is there indications
7 associated with the -- you know,
8 actually, put your foot on the gas
9 pedal, they're going to get going with
10 those plans?

11 CHAIRMAN CALONE:
12 Deputy Director Gulizio.

13 DEPUTY DIRECTOR GULIZIO: I -- I
14 think if you look at the information
15 that's been submitted on behalf of the
16 village -- and, again, I can only speak
17 to the expression of -- of interest from
18 the village is their intent is to
19 undertake a comprehensive plan during
20 this one-year moratorium in order to
21 update some of the previous
22 comprehensive planning efforts that have
23 already been -- been done but not
24 adopted as policy by the village, to
25 look at their review procedures and to

1 update their review procedures for
2 permitting actions, to look at
3 inconsistent provisions within their
4 zoning code and to address those
5 inconsistencies within the zoning code.
6 They've also mentioned that they want to
7 look at some of their stormwater
8 activities in order to ensure that they
9 can continue to comply or secure
10 compliance with a stormwater remediation
11 requirements.
12

13 So the answer to your question is
14 yes, I think, based upon the information
15 we have before us, it is their intent to
16 conduct a comprehensive planning effort
17 during the tenure of the moratorium.

18 CHAIRMAN CALONE: Thank you, Dan.

19 Anyone --

20 COMMISSIONER CARACCIOLO:

21 (Indicating)

22 CHAIRMAN CALONE:

23 Commissioner Caracciolo.

24 COMMISSIONER CARACCIOLO: Thank
25 you, Mr. Chairman.

2 You know, I've sat on this board
3 for about eight years, a couple of years
4 as -- as the chairman, and I've always
5 looked at the moratorium as like the
6 nuclear weapon for planning. I mean, it
7 should only be used when no other option
8 exists. I mean, this is a tool that
9 strips the property owners' rights, that
10 basically puts a complete hold on
11 commerce and development in the town,
12 and it's not something that should be
13 used lightly or carefree.

14 I've looked over this application
15 very well. Everything they're asking
16 for in this application can be done
17 without a moratorium. We're talking
18 about a village that experts -- even
19 people here that testified said, you
20 know, it's 90 to 95 percent built out,
21 and -- and there's no compelling reasons
22 to take it, I think, to this magnitude.

23 And, I think, for that matter, what
24 a dangerous precedent we would set if,
25 you know, you think about the.

1 Consequences of launching into
2 something of this magnitude, where we're
3 looking at the facts in front of us.
4 And if we allow this pass, we're
5 basically sending a message that if a
6 village board doesn't agree, a planning
7 board doesn't agree, a zoning board
8 doesn't agree, a mayor doesn't agree,
9 and you have this difference of opinion,
10 is that enough reason for us to use the
11 most extreme land action that a
12 municipality can take.

13 And, you know, I go back to my, you
14 know, nuclear warhead. It's like using
15 a nuclear warhead to kill a swarm of
16 mosquitoes. You know, this moratorium's
17 going to hurt growth, it's going to
18 punish the village -- you know, ongoing
19 village projects. And it seems to me
20 this moratorium was cobbled together
21 without an adequate study to research
22 its impact, and its -- you know, it's so
23 important right now, in this economic
24 climate, and I think it was put together
25

1 because of a disagreement. And
2 everything in this application that
3 they're asking for can be done without a
4 moratorium, without stripping the rights
5 of landowners to use their properties.
6 And I don't think in good conscience we
7 can let this pass.
8

9 I think we have to deny this. I
10 think we need to take the action of
11 denial and deny this application, let it
12 go back to their board for a
13 supermajority to override us. And if
14 that's the case and that's the tool,
15 then -- then so be it. I mean, a
16 tool -- a tool of this level, a
17 moratorium, should require a
18 supermajority. It should require the
19 input of the people, it should require
20 the input of planning directors, it
21 should have a focused action of a plan
22 that would be taken place during that
23 blackout period. And I think we, as a
24 commission, need to act responsibly and
25 think about the consequences of a

1
2 village surviving in this economy.

3 So I say let's deny this
4 application, and let's send it back to
5 them to work on some options, because
6 their options are right there.

7 CHAIRMAN CALONE:
8 Commissioner Roberts.

9 COMMISSIONER ROBERTS: Yes, I'd
10 like to also -- on what John said. I'm
11 speaking from two perspective.

12 One, that I was appointed to this
13 commission primarily because of my
14 activism for small business; and second,
15 from the personal experience of seeing
16 what some of the outcomes were in Sag
17 Harbor as a result of our 18-month
18 moratorium. And I certainly think, in
19 this economic environment, it's
20 extremely important for us to be looking
21 at the economic impact of our decisions.
22 And I certainly will say, from personal
23 experience, that a moratorium this
24 broad, without more clarity, certainly
25 could be detrimental further to the

2 economy and small businesses.

3 I also strongly believe that this
4 is an issue for the county to undertake.
5 That being more involved with
6 comprehensive plans, moratoriums, is
7 certainly something that is part of the
8 vision of our reconstituted commission.
9 And so, echoing Adrienne, that because
10 we haven't done this before, I certainly
11 believe it's time to do it.

12 CHAIRMAN CALONE: Let me just make
13 sure I get this side, too.

14 Commissioner Horton.

15 COMMISSIONER HORTON: I don't think
16 I'm going to say anything that's
17 particularly original or hasn't been
18 said thus far today, but I would agree,
19 I think we should disapprove this
20 application, issue a denial.

21 And I think that, when we look
22 at -- regardless of whether there's a
23 disagreement, how this got to -- came --
24 you know, came to pass, is irrelevant to
25 me, and to us at large, I would think.

1 But there isn't an acting or a sitting
2 planning director in Port Jefferson
3 right now, as far as I understand.

4 The planning board --

5 DIRECTOR ISLES: He's been
6 suspended.

7 COMMISSIONER HORTON: He's been
8 suspended. So that -- that department
9 is rudderless.

10 The planning board has sent us a
11 letter disagreeing this -- with -- with
12 this, the board of trustees is split on
13 it. So I think what's before us right
14 now is something that hasn't been hashed
15 out at the local level, rendering us in
16 a position where we can't support this
17 because of the things I've stated, but
18 also because of, you know, the fact that
19 it would have county-wide significance.
20 Let alone in the context of the -- the
21 current development and economic
22 climate, but, you know, we're being
23 asked to review something that cannot
24 physically be reviewed by the applicant
25

2 in Port Jefferson itself.

3 I'm very uncomfortable with moving
4 this forward without that foundation of
5 resources, experience, and support at
6 the village level. I, for one, am
7 adamantly opposed to moving this forward
8 given those points.

9 CHAIRMAN CALONE: Thank you,
10 Mr. Horton.

11 Commissioner Holmes.

12 COMMISSIONER HOLMES: I just wanted
13 to ask Deputy Director Gulizio to
14 clarify.

15 When you mentioned that the
16 planning department has reviewed eight
17 moratoria, was that, did you say, in the
18 last two years since 2007, or how -- how
19 long a time frame?

20 DEPUTY DIRECTOR GULIZIO: 2007.

21 COMMISSIONER HOLMES: 2007, as I
22 thought you said.

23 And you -- were any of those
24 moratoria -- because I don't recall
25 discussing them. But, I mean, if you

1 sent them back for local determination,
2 it might well mean that we, as a
3 commission, did not review them; is that
4 correct?
5

6 DEPUTY DIRECTOR GULIZIO: I -- I
7 know -- during my tenure here, I know we
8 reviewed the moratorium in the Town of
9 Brookhaven involving the Port
10 Jeff/Terryville area.

11 COMMISSIONER HOLMES: I see.
12 And did the commission review that,
13 or did the department review it?

14 DEPUTY DIRECTOR GULIZIO: Both.

15 CHAIRMAN CALONE: Well, let's --

16 COMMISSIONER HOLMES: Okay.

17 CHAIRMAN CALONE: -- let's be
18 clear, we've also changed our --

19 DIRECTOR ISLES: Exactly.

20 CHAIRMAN CALONE: -- our regional
21 significance --

22 COMMISSIONER HOLMES: Right.

23 CHAIRMAN CALONE: -- definition.

24 COMMISSIONER HOLMES: Right.

25 CHAIRMAN CALONE: So, in the past,

1 moratoriums did not necessarily come to
2 us --

3 COMMISSIONER HOLMES: I see. Yeah.

4 CHAIRMAN CALONE: -- now they do.

5 COMMISSIONER HOLMES: Now they
6 do --

7 CHAIRMAN CALONE: Correct.

8 COMMISSIONER HOLMES: -- I see.

9 Because my question was, were any
10 of those eight as vague as this one and
11 as absent of local input, including
12 other local boards? Were any of those
13 eight as -- as vague as this?

14 DEPUTY DIRECTOR GULIZIO: Again, I
15 would say, based upon the fact that
16 staff initially deemed the initial
17 submission to be an incomplete
18 submission, no.

19 And -- and, again, just by way of
20 reference, to clarify in terms of the
21 change in policy of the commission,
22 previous comprehensive plans were deemed
23 matters of local determination in years
24 past also. And, again, that's -- that's
25

1 not a criticism of any past decisions in
2 terms of how these requests were
3 handled, but just a change in policy on
4 the part of the commission.
5

6 CHAIRMAN CALONE: Director Isles.

7 DIRECTOR ISLES: Yeah, the only
8 other moratorium, I just wanted to bring
9 to Commissioner Holmes' attention, is
10 the -- the Shoreham moratorium in the
11 Town of Brookhaven, which did come
12 before you. And your question was, were
13 there any others that were as vague. In
14 the opinion of the department, that was
15 vague, and then we recommended
16 disapproval to the commission, the
17 commission did turn it down. That was
18 the only one that was actually rejected.

19 COMMISSIONER HOLMES: Okay.

20 DIRECTOR ISLES: We found and staff
21 reviewed that with the additional
22 information supplied, as we said, it had
23 all the fingers and toes of what a
24 moratorium should have from staff's
25 standpoint in the case of the Port

2 Jefferson application.

3 COMMISSIONER HOLMES: Thank you.

4 CHAIRMAN CALONE: Thank you, Tom.

5 Commissioner Braun.

6 COMMISSIONER BRAUN: Yes. Not to
7 further beat the dead horse, but I've
8 been trying to focus on the findings in
9 the -- in the moratorium.

10 When I first heard about this, my
11 question -- my first question was, why
12 do they need to do it this way, why
13 isn't there some other procedure. This
14 has been said various times, so I'll
15 make it quick. But the findings don't
16 seem to indicate why a moratorium is
17 required in order to do the review, to
18 study the impact of use and development
19 of properties, to ensure orderly growth
20 and development and so forth.
21 Especially, in as much as everybody's
22 telling us that the village is 90 to 95
23 percent built out.

24 It seems to me that the findings --
25 if -- if the moratorium is the way to

1 going, the findings need to say why
2 there's no less drastic way to do this.
3 And absent that, I would also be opposed
4 to our approving this, but rather to
5 disapproving it.
6

7 CHAIRMAN CALONE: Thank you, Bob.

8 Commissioner Lansdale.

9 COMMISSIONER LANSDALE: I'd just
10 like to echo the comments that have
11 already been made.

12 You know, representing an
13 organization that promotes
14 community-based planning, I've reviewed
15 this application extensively. And in my
16 experience in creating community-based
17 plans and comprehensive plans across
18 Long Island, I'm also opposed to
19 adopting this moratorium. I think it's
20 an extreme action, I think it's vague,
21 and it's really not -- it's loosely
22 associated but not linked directly to an
23 ongoing community-based planning
24 process. So I'm -- I'm opposed to this.

25 CHAIRMAN CALONE: Thank you, Sarah.

2 Mr. McAdam.

3 COMMISSIONER McADAM: Yeah, I have
4 a question for -- for the director.

5 There's --there's been discussion
6 about -- because the -- you know, the
7 village is built out 95 percent, or
8 90-95 percent. Does that automatically
9 assume you don't need a master plan or
10 you don't need any kind of planning?

11 DIRECTOR ISLES: No. You know,
12 obviously, it's a local determination in
13 terms of what's needed. But, certainly,
14 the fact that a community is heavily
15 built out, in itself, I don't think is a
16 reason to say, well, there's no need to
17 do further planning, there's no need for
18 a moratorium. I think it's
19 case-specific.

20 And one could submit -- look at New
21 York City where there's continual
22 regeneration, rebuilding, and so forth.
23 And, in fact, in Suffolk County,
24 especially in western Suffolk County,
25 redevelopment's the name of the game.

2 So that, in itself, in terms of the
3 amount of land that's available for
4 development, a small percentage,
5 5 percent, we feel is not a compelling
6 case by itself. That there could be
7 further planning needed, most certainly;
8 there could be a need for a moratorium.

9 Here again, I am certainly -- maybe
10 you're finding in this case there wasn't
11 sufficient basis to establish a need for
12 a moratorium here, but just simply on
13 its face, we don't think that, in
14 itself, is enough. And, yes, further
15 planning is -- could be necessary, and a
16 moratorium, certainly, could be
17 necessary, too.

18 COMMISSIONER McADAM: Now, just to
19 follow up on this beat, the plans that
20 have been completed or -- or in progress
21 in the town -- in the village, are they
22 based on a redevelopment, or is it based
23 on a new area -- a new area that they
24 intend to develop?

25 DIRECTOR ISLES: You're talking

1
2 about the plans that they've done?

3 COMMISSIONER McADAM: The plans
4 that they've done, yes.

5 DIRECTOR ISLES: I'm familiar with
6 a couple of them. We worked on one in
7 the waterfront, and that -- in that
8 case, that was done on a mixture of
9 developed and undeveloped properties in
10 the harbor front area. So my --
11 certainly in that one example, is based
12 on both developed and undeveloped
13 properties and from what I've heard
14 today. We've heard a lot about uptown
15 Port Jefferson which has been developed
16 for -- ever since the railroad got out
17 there, over a hundred years ago. So,
18 certainly, that involves a
19 redevelopment, primarily over vacant
20 lots and so forth.

21 COMMISSIONER McADAM: Now, the
22 other thing is that if -- if there are
23 individual plans for the village --

24 DIRECTOR ISLES: Yes.

25 COMMISSIONER McADAM: -- can one

1
2 plan be adopted, or do they have to be
3 combined as a comprehensive plan?

4 DIRECTOR ISLES: No, one plan could
5 be adopted. You could do plans in
6 sections and different elements of a
7 plan. That's, here again, a local
8 determination. But they certainly could
9 adopt an uptown redevelopment plan, they
10 could adopt a harbor front improvement
11 plan, that's certainly an option at the
12 local level.

13 CHAIRMAN CALONE: And, in fact,
14 we -- this commission actually adopted a
15 plan for the -- Port Jefferson two years
16 ago, which, I believe, has not been
17 implemented by the village board.
18 But -- so, yes, certainly can do it in
19 sections or different areas.

20 Vice Chairman Kontokosta.

21 How's that sound?

22 VICE CHAIRMAN KONTOKOSTA: It
23 sounds long.

24 (Laughter)

25 VICE CHAIRMAN KONTOKOSTA: I guess

1
2 I will just, maybe, sum up what we've
3 been talking about.

4 I think here on the commission --
5 overall, is to evaluate planning issues,
6 looking at it from a perspective of
7 sound policy, as well as there are
8 regional impacts.

9 I think the regional significance
10 and impacts here are -- are pretty
11 obvious, not only with the
12 transportation connections and other
13 access, but also we have to keep in mind
14 that the actions, or, in this case,
15 perhaps, nonaction taken by the
16 municipality has impacts on the
17 surrounding municipalities as well. So
18 the development that does not incur in
19 the Port Jefferson area may impact the
20 surrounding villages, and -- and will
21 shape how things happen and will affect
22 people in those surrounding areas. So
23 that's one reason for our -- our
24 concern, which is expressed in our new
25 guidelines. I think we've -- we've

1 highlighted some of our new concerns
2 with economic development and affordable
3 housing and others in the document that
4 was released today.

5
6 In terms of sound policy, I think
7 the -- the concern here, of course, is
8 justifications for this, and I think
9 it's obvious, from all the comments,
10 that people feel that the proper
11 analysis wasn't done to necessarily
12 justify such an extreme land use
13 measure, and I -- I would agree to that.

14 The other would be -- and I think
15 this is probably related, a concern, and
16 I think is also somewhat a -- a
17 result, is that it doesn't appear that
18 the proper process has been -- or the
19 necessary process has been undertaken in
20 terms of we don't -- in order to
21 evaluate and create a comprehensive
22 plan, you don't need to stop everything
23 to begin that process. You could start
24 thinking about it now. You could have
25 a -- a -- a clear set of goals, a clear

1 set of time lines, guidelines about what
2 you will intend to do. Because, of
3 course, the current concern, also with
4 moratoriums, once they're enacted, is
5 that they extend. And -- and the
6 history of moratoriums across this
7 country, and Long Island as well, is
8 that they tend to last a lot longer than
9 their initial prescribed length. So --
10 and especially when something is rather
11 unfocused and vague, there's a greater
12 concern for this extending on and on, as
13 more time is needed, to -- to get a
14 handle of what the actual process
15 entails.
16

17 So I think for those reasons, I --
18 I'm obviously opposed to the -- the --
19 or disapprove the -- the application.

20 CHAIRMAN CALONE: Let me -- let me
21 just, if I could, summarize. I mean,
22 I -- I -- I think the statements here
23 indicate, I think, a -- a consensus.
24 But my concern is that, if we reject
25 this, I just want to make sure that

1 we're also laying out some reasons why
2 we're doing it, so that we can -- the
3 village can understand the rationale
4 and, perhaps, change things and come
5 back, or -- or at least know there's
6 a -- know that there's a rational basis
7 for our decision.
8

9 So I've made a note of some of the
10 things that have been saying -- that --
11 that have been said.

12 You know, one, there's no -- no --
13 no justification for a moratorium, that
14 it is an extreme land use action;

15 Two, that it's not tied to a
16 master -- not explicitly tied, at least,
17 to a master plan process, and that is --
18 is vague in many respects.

19 My question to this commission is,
20 the -- the staff has outlined two
21 comments that they had:

22 One, expanding the list of
23 exemptions;

24 And, two, the hardship provisions
25 that they felt were inadequate.

1 I would just be interested to know,
2 and I -- if anyone objects to this, let
3 me know, whether -- whether we could
4 also include those in terms of it's --
5 it's -- the inefficacy of the -- of the
6 app- -- of the moratorium.
7

8 Is there any objection to that?

9 COMMISSIONER HORTON: (Indicating)

10 CHAIRMAN CALONE: Yeah, Josh.

11 COMMISSIONER HORTON: I think in a
12 context of denying or disapproving the
13 moratorium application --

14 CHAIRMAN CALONE: Uh-huh.

15 COMMISSIONER HORTON: -- I think
16 those two points of information are very
17 irrelevant, because it's -- that's more
18 detail of the current moratorium that's
19 proposed --

20 CHAIRMAN CALONE: Uh-huh.

21 COMMISSIONER HORTON: -- at least
22 from my perspective.

23 COMMISSIONER CARACCILO: Right,
24 I --

25 COMMISSIONER HORTON: I'm opposing

1 it outright.

2
3 COMMISSIONER CARACCIOLO: I agree
4 with Josh, and I'd -- I'd like to make a
5 motion -- I mean, I would like to make a
6 motion, if someone seconds it --

7 CHAIRMAN CALONE: Okay.

8 COMMISSIONER CARACCIOLO: -- but I
9 would like to make a motion that, you
10 know, we deny this application and deny
11 the staff recommendation, and I make
12 that motion.

13 COMMISSIONER ROBERTS: I would
14 second it.

15 CHAIRMAN CALONE: Okay.

16 The motion's made by
17 Mr. Caracciolo, seconded by
18 Commissioner Roberts.

19 The -- what I -- what I wanted to
20 get at was -- was simply our rationale.
21 I guess it's on the record, so that's --
22 that's fine for doing so. But the
23 motion's been made. There is a second.

24 The motion is to disapprove the
25 application of Port Jefferson for a

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moratorium.

All in favor of disapproval should raise their hands, please.

(WHEREUPON, the members voted.)

CHAIRMAN CALONE: Twelve -- 12 to zero. It's unanimous.

Thank you all for that.

The next item on our agenda is the Metro Terminals of Long Island.

COMMISSIONER CARACCIOLO:

Mr. Chairman, I'm going to head out.

CHAIRMAN CALONE: Thank you, John.

Metro Terminals of Long Island. I don't know who's doing that. Andy?

DIRECTOR ISLES: Andy is doing it.

CHAIRMAN CALONE: Andy.

MR. FRELENG: Okay. Then the next matter before the Suffolk County Planning Commission is the application of Metro Terminals of Long Island, LLC. This comes to us from the municipality of Riverhead.

Jurisdiction for this commission is that the subject property is within the

2 Pine Barrens Zone.

3 (WHEREUPON, Commissioner Caracciolo
4 left the Legislative Auditorium.)

5 (Time noted: 2:42 p.m.)

6 MR. FRELENG: The applicants are
7 seeking Site-Plan approval for a
8 two-phase rehabilitation of abandoned
9 and vacant buildings at lot number 28 of
10 an industrial subdivision situated at
11 the former Naval Weapons Industrial
12 Reserve Plant at Calverton.

13 Phase I of the proposal includes
14 renovation of a 10,706-square-foot
15 concrete building for truck repair, the
16 construction of a 60 by 80 canopy over a
17 truck refueling area, and the
18 construction of 61 by 62 concrete
19 containment dike around the refueling
20 area.

21 Phase II includes the construction
22 of two 500,000 gallon, 40-foot high fuel
23 tanks, containment and additional
24 renovations to a 1,050-square-foot
25 building. Currently, there exists two

1 fuel tanks on -- on the site of the same
2 size and height as those proposed. All
3 required parking appears to be in
4 conformance with the Town of Riverhead
5 Zoning Law.
6

7 With regard to the location, the
8 property's located on the west side of
9 Scott Avenue, which is an interior loop
10 street in an approved industrial
11 subdivision at the Calverton area
12 redevelopment; otherwise known as EPCAL.

13 SECRETARY ESPOSITO: Okay. Andy,
14 could you just clarify, would these
15 replace the old ones, or be in addition
16 to the old ones?

17 MR. FRELENG: These would be in
18 addition to the two existing tanks.

19 Just quickly with regard to the
20 environmental conditions, it should be
21 noted that the property is located in
22 Hydro-geologic Zone III, which is a
23 deep-flow aquifer. It's located in the
24 Central Suffolk New York State Special
25 Groundwater Protection Area. The site

2 is located in the Central Pine Barrens
3 zone of Suffolk County. There are no
4 state or federally-mapped wetlands on
5 site; however, there are unregulated
6 freshwater wetlands which occur off-site
7 to the south of the subject lot.

8 If I could just go through the --
9 the slides that we have and just show
10 you that this is the site plan
11 (indicating). These are the two
12 existing tanks (indicating). This is
13 one building that is proposed for
14 redevelopment (indicating). This is a
15 second building proposed for
16 redevelopment (indicating).

17 Go -- go to the next slide.

18 MR. CORRAL: (Complying)

19 MR. FRELENG: Okay. This is a
20 oblique shot. You could see the
21 adjacent land to the west, relatively
22 wooded (indicating). This is the
23 wetland system that I mentioned prior
24 (indicating). These are the tanks
25 (indicating), these are existing tanks

2 off site but adjacent to the facility
3 (indicating). Existing structure,
4 existing structure, existing pavement
5 (indicating).

6 I should just note that this area
7 of the property is the former power
8 area -- power plant area for the former
9 EPCAL or former Grumman facility
10 (indicating).

11 Next slide.

12 MR. CORRAL: (Complying)

13 MR. FRELENG: Okay. This is an
14 aerial view again of the whole EPCAL
15 facility (indicating). This is the
16 subject property in relation to the
17 overall site (indicating). You can see
18 the old industrial area, which is now --
19 has been subdivided into an industrial
20 park.

21 Next slide, please.

22 MR. CORRAL: (Complying)

23 CHAIRMAN CALONE: Andy, could you
24 just show us, just because I know folks
25 were wondering, where the proposed

2 development -- the commercial
3 development was going to be?

4 MR. FRELENG: Yes, I can show you
5 that.

6 CHAIRMAN CALONE: Just -- just so
7 everyone gets a context of it.

8 MR. CORRAL: (Inaudible)

9 MR. FRELENG: Oh, okay. We
10 inadvertently left out the site plan in
11 the overlay. If you'd go to -- there
12 are -- in your staff report, there is a
13 copy of the site plan.

14 Two tanks are proposed to be here
15 (indicating). The two new additional
16 tanks in this cleared area (indicating).
17 This building is proposed to be
18 renovated, this building is proposed to
19 be renovated, and this piping system is
20 proposed to be rehabbed and extended to
21 the new tanks (indicating).

22 Would you go to the next slide,
23 John. Go back to where we were, John.

24 MR. CORRAL: (Complying)

25 MR. FRELENG: All right. This is

1 the zoning (indicating). Of note --
2 this is the subject property in the
3 planned industrial park zoning
4 (indicating). This, you can see, is the
5 underlying layout on the subdivision
6 map. Adjacent to the property, it
7 should be noted, that this is the
8 planned recreational park zoning
9 (indicating), and we just wanted to
10 point out the boundary between the
11 subject property and the planned
12 industrial park -- planned retirement --
13 recreation park, I'm sorry (indicating).

14 Okay. These are the existing tanks
15 on-site.

16 Next slide.

17 MR. CORRAL: (Complying)

18 MR. FRELENG: These are some of the
19 conditions of the distribution piping
20 (indicating), you can see the tanks are
21 rusting out, so they are in need of
22 either replacement by the proposed new
23 tanks or rehabilitation.

24 Next slide.

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MR. CORRAL: (Complying)

MR. FRELENG: Okay. Again, that's a shot of the piping area. The two new tanks are to go in this grass field, just north of the existing tanks (indicating). This is a shot -- the canopy will come from this building (indicating) and go out over this paved area, you saw in the aerial that this was paved (indicating). And these are adjacent pipings that are going to be rehabbed (indicating).

Next slide.

MR. CORRAL: (Complying)

MR. FRELENG: Okay. This is the area that the canopy will extend from (indicating), this building which is going to be rehabbed. Trucks will come in, they will refuel, the -- the -- the fuel will come from the tanks and go into the trucks, the trucks will come around and go out. You can see that from the site plan, there's a blue streak.

2 Next slide.

3 MR. CORRAL: (Complying)

4 MR. FRELENG: Okay. This is the
5 second smaller building that's going to
6 be rehabbed (indicating).

7 Next slide, please.

8 MR. CORRAL: (Complying)

9 (WHEREUPON, Commissioner Lansdale
10 left the Legislative Auditorium)

11 (Time noted: 2:47 p.m.)

12 MR. FRELENG: Okay. And that,
13 again, is the side of the second
14 building to be rehabbed (indicating).

15 But, basically, essentially, just
16 to wrap up, the real issue with this
17 property, with respect to staff, is the
18 location of the refueling terminal
19 adjacent to the planned recreation park
20 zoning. We felt that -- first and
21 foremost, this is a rehabilitation of an
22 existing refueling area, so we felt that
23 the proposal was relatively appropriate
24 to readapt -- adapt a reuse of an
25 existing facility.

Go back to the oblique or the --

MR. CORRAL: (Complying)

MR. FRELENG: Okay.

But what we felt was, since this was planned recreation park zoning, and there are several proposals in the Town of Riverhead for development of the planned recreation area, we felt having a facility -- refueling facility, in the worse case scenario, that might have an accident, may jeopardize any uses that are going on in the recreation park. So we felt that it was significant to make sure that there was substantial buffering, or significant buffering between the redevelopment area and the adjacent PRP.

There is 150-foot designated open space area in the back of the property that would remain undeveloped. There is some open space area down at the bottom, here on the west side (indicating). However, the bulk of this wooded area does fall within the site, and Suffolk

2 County Planning Commission Guidelines
3 for development in Pine Barrens zones
4 allows 65 percent of the site to be
5 cleared of natural vegetation, which
6 would leave 35 percent of the site
7 remaining in natural vegetation. It's
8 not clear -- well, it certainly is not
9 shown 35 percent preserved in the two
10 open space areas, so that leaves the
11 remaining area here for debate
12 (indicating).

13 But staff is recommending that the
14 application or referral be approved
15 subject to the following conditions:

16 Number 1, that a minimum of
17 35 percent of the naturally-occurring
18 vegetation on site remain undisturbed,
19 and that some covenant or restriction go
20 on to make sure that that is remained in
21 perpetuity, and that it is blocked
22 somehow or contiguously linked to the
23 adjacent open area.

24 The second recommendation of staff
25 would be a condition placed on a

2 conditional approval that the Suffolk
3 County Department of Health Services be
4 in contact for compliance with
5 Articles 7 and 12 with regards to the
6 storage and distribution of hazardous
7 waste. Again, a second worst case
8 scenario could be a leak or a rupture of
9 one of the tanks, and then that fuel
10 would go into the ground.

11 SECRETARY ESPOSITO: Did you just
12 say that it is in conformance with
13 Article 7?

14 MR. FRELENG: We're not aware of
15 that.

16 SECRETARY ESPOSITO: It's not in
17 conformance.

18 MR. FRELENG: We are making it a
19 condition to recommend that the
20 applicant go to the health department to
21 guarantee that it is in conformance with
22 7 and 12.

23 SECRETARY ESPOSITO: It's not in
24 conformance, I would never --

25 CHAIRMAN CALONE: Let him finish.

2 SECRETARY ESPOSITO: But I -- I --
3 I guess my question is --

4 CHAIRMAN CALONE: All right. Andy,
5 are you done?

6 MR. FRELENG: I only had one
7 comment, that the development of the PRP
8 land to the west be reviewed for
9 compatibility issues with the fuel
10 terminal location.

11 And that's the staff report.

12 CHAIRMAN CALONE: Okay. The first
13 comment goes to the representative from
14 Riverhead, Mr. Taldone, if you'd like to
15 say anything.

16 COMMISSIONER TALDONE: I'm in total
17 agreement with the staff report.

18 CHAIRMAN CALONE: Okay. Then
19 anyone else?

20 Adrienne, I know had a comment, and
21 then Linda.

22 SECRETARY ESPOSITO: I guess I'm a
23 little confused how -- this is not in
24 compliance with Suffolk County Sanitary
25 Code Article 7 which limits the use of

1 storage of toxic wastes over
2 Hydrological Zone III because it's a
3 deep flow -- a recharge zone. So -- and
4 I'm -- I'm not sure if I'm remembering
5 right, but I'm pretty sure it won't be
6 in compliance -- 500,000 gallons, as
7 this says, for two of them, which would
8 lead us to a million gallons.

9
10 Now, I know Article 7 was amended
11 sometime in the past eight years, and
12 I'm not sure what the new gallonage was.
13 But, originally, when it was adopted
14 back in the '80s, it was 2,000 gallons
15 of hazardous materials was the limit.

16 So if this is out of compliance,
17 how would the Planning Commission then
18 approve it?

19 MR. FRELENG: Well, this staff
20 member is not aware that it's not in
21 compliance, we'll take -- you know,
22 we'll take your expert advice on that.
23 But we did believe that the application
24 should go to the proper regulatory
25 agency for that review, and that is the

2 Suffolk County Department of Health
3 Services. We -- we -- the commission
4 has no jurisdiction over Article 7 or
5 Article 12.

6 CHAIRMAN CALONE: Linda.

7 COMMISSIONER HOLMES: I just wanted
8 to mention that Vince's predecessor,
9 Jesse "Bobby" Goodale, formed -- at the
10 request of the Town of Riverhead, he
11 formed a commission of representatives
12 from each of the five East End towns,
13 and we met sometimes weekly. Later on,
14 a little less frequently, but we met for
15 over a year trying to find ways to
16 advise the Town of Riverhead what to do
17 with this property.

18 Because for those of you who aren't
19 completely familiar, this 6,000-acre
20 parcel was turned over by the Navy to
21 the Town of Riverhead. It was
22 3,000 acres of buffer, and 3,000 acres
23 of the Naval Weapons Development site,
24 which, among other things, the famous
25 F-14 Grumman Hellcat.

1
2 And when the Navy wanted to turn it
3 over to Riverhead, literally, the town
4 didn't know what to do with this
5 property, and it was a tortuous thing
6 for us to be able to identify to the
7 Town of Riverhead all of the
8 requirements that they would need to
9 have -- they were really quite afraid of
10 taking this on. And it was given to
11 them, so they had to scramble around and
12 decide what to do. And it's been a
13 multiple year effort for Riverhead to
14 come up with any approved uses of any
15 part of this site.

16 And one of the big things, which
17 Adrienne touched on, was that we had a
18 real hassle with the Department of the
19 Navy to get them to clean up a site at
20 the edge of the property which they had
21 been using to dump paint and other --
22 oil and other toxic waste for years and
23 years. And we had to really literally
24 wrestle the Navy to the ground to make
25 them clean up that area before the Town

1 of Riverhead could accept the entire
2 site.
3

4 And, if you may remember, it -- it
5 had -- among -- this is the power plant,
6 as Andy pointed out. But the site
7 itself is still huge, and there are
8 many, many unused buildings. The
9 hanger -- the huge hanger was the only
10 place that TWA 800 could be reassembled,
11 when it crashed off Moriches and it was
12 reassembled here.

13 So it's -- this is only a little
14 part of -- of the overall site which
15 Riverhead is trying to make uses of.
16 And I think the idea of keeping a larger
17 buffer is very key, because there are
18 plans -- there are many plans to use the
19 so-called recreational area for --

20 CHAIRMAN CALONE: And we will --

21 COMMISSIONER HOLMES: -- anything.

22 CHAIRMAN CALONE: We will be
23 blessed with seeing those plans, I
24 think --

25 COMMISSIONER HOLMES: Yes. Yes.

2 CHAIRMAN CALONE: -- before too
3 long.

4 COMMISSIONER HOLMES: But this -- I
5 agree with the staff report.

6 CHAIRMAN CALONE:
7 Commissioner Braun.

8 COMMISSIONER BRAUN: Yes. I -- I
9 apologize because I was out of the room
10 for part of your original presentation,
11 Andy. So if I'm going over something
12 you already answered, I -- forgive me.

13 CHAIRMAN CALONE: We'll cut you
14 off.

15 COMMISSIONER BRAUN: Is this a --
16 is this a permitted use in this planned
17 industrial park, or is this a variance
18 from the permitted uses in the planned
19 industrial park?

20 MR. FRELENG: No, this is being
21 referred to the commission as a site
22 plan, which implies it's a permitted use
23 in the industrial park.

24 COMMISSIONER BRAUN: Okay. So some
25 of the issues that were dealt with in

1
2 the past about relocating silos and
3 things like that wouldn't apply in -- in
4 this kind of a situation because --
5 al- -- al- -- although, this is already
6 abandoned.

7 COMMISSIONER HOLMES: Yes.

8 MR. FRELENG: This is a facility --

9 COMMISSIONER BRAUN: It's not
10 current- --

11 MR. FRELENG: -- that has been
12 abandoned, yes.

13 COMMISSIONER BRAUN: And who
14 would -- this is proposed to repair
15 whose vehicles and to fuel whose trucks?
16 Is it --

17 MR. FRELENG: It was not explicit
18 in the application --

19 COMMISSIONER HOLMES: Metro oil --

20 MR. FRELENG: -- it's just being
21 referred as a --

22 COMMISSIONER HOLMES: -- it's a
23 local oil --

24 MR. FRELENG: -- truck refueling
25 and repair facility.

1
2 COMMISSIONER BRAUN: So this is, in
3 other words, a depo for home heating
4 oil, or we don't know?

5 COMMISSIONER HOLMES: Yes, Metro
6 Regional is -- it's -- it's a regional
7 heating oil distribution --

8 MR. FRELENG: Staff wasn't familiar
9 with the company Metro Terminals, but --

10 COMMISSIONER HOLMES: Yes.

11 MR. FRELENG: -- if Member Holmes
12 is then --

13 COMMISSIONER HORTON: I'm not sure
14 it's actually very large, a little more
15 than just a local company.

16 COMMISSIONER HOLMES: That's right,
17 it is --

18 COMMISSIONER BRAUN: So that's what
19 it is, it's --

20 COMMISSIONER HOLMES: -- regional,
21 I think.

22 COMMISSIONER BRAUN: -- it's fuel
23 oil to be distributed?

24 MR. FRELENG: Yes.

25 COMMISSIONER BRAUN: Thank you.

1 CHAIRMAN CALONE: Okay.

2 MR. FRELENG: Just to -- excuse me,
3 Mr. Chair.

4 Just to follow up, this is a site
5 plan referral, and the commission does
6 have the ability to move things around
7 the site, if that is your -- you know,
8 if you believe that is necessary.

9 COMMISSIONER BRAUN: On that view,
10 those two buildings, more or less, will
11 be removed and moved somewhat to the
12 east?

13 MR. FRELENG: No -- no, sir. The
14 buildings will remain in place and just
15 be retrofitted and -- and revamped.

16 COMMISSIONER BRAUN: Oh, I see. So
17 they'll be right at the edge of the
18 property.

19 MR. FRELENG: Right where they are,
20 yes.

21 Go to the -- go to the --

22 MR. CORRAL: (Complying)

23 MR. FRELENG: No, there's one
24 that --

2 MR. CORRAL: (Complying)

3 MR. FRELENG: Yeah.

4 So they're not exactly on the edge,
5 but they're a little bit set back.

6 The -- the smaller of the two buildings
7 is set a lot further back.

8 COMMISSIONER BRAUN: Right.

9 MR. FRELENG: There is -- they are
10 far from the planned recreation park,
11 but we felt that they should just leave
12 the vegetation as much as possible.

13 CHAIRMAN CALONE: And the buffer
14 is -- you addressed the buffer in the
15 staff recommendations.

16 MR. FRELENG: Yes. If you look at
17 the site plan in the staff report, you
18 can make out -- on the west side of the
19 site plan there is -- there is a line
20 you can see, that is a reserved area,
21 and then below, you can see there's a
22 horizontal line, that is another
23 reserved area. The stuff in between
24 where it says, "naturally wooded area
25 lot 28" is still part of -- of that

1 wooded area you see.

2
3 So they are proposing two open
4 space areas, but the two open space
5 areas in total is less than the
6 35 percent --

7 CHAIRMAN CALONE: Right.

8 MR. FRELENG: -- they're supposed
9 to leave --

10 CHAIRMAN CALONE: So the condition
11 is to increase --

12 MR. FRELENG: -- so they need to
13 leave a little bit more.

14 CHAIRMAN CALONE: Right. Okay.

15 COMMISSIONER HORTON: I just have
16 one question --

17 CHAIRMAN CALONE: Mr. Horton.

18 COMMISSIONER HORTON: -- regarding
19 the tanks.

20 When the tanks are replaced, is
21 there a requirement that these two tanks
22 be properly abandoned? Is that
23 something that we even have the ability
24 to --

25 MR. FRELENG: If -- if they propose

2 to abandon the tanks, the health
3 department and the DEC will make sure
4 that they're properly abandoned.

5 COMMISSIONER HORTON: Thank you.

6 SECRETARY ESPOSITO: But that's not
7 the application, to abandon them,
8 though; right?

9 MR. FRELENG: No, the application
10 before us is just for the construction
11 of two new tanks. It is not clear
12 whether they intend -- they did not
13 indicate that they were demolishing or
14 refurbishing --

15 COMMISSIONER BRAUN: Oh, I thought
16 that's what you said.

17 SECRETARY ESPOSITO: No.

18 COMMISSIONER BRAUN: No, okay.

19 SECRETARY ESPOSITO: No, no, no.

20 COMMISSIONER BRAUN: Okay. Then
21 I -- okay.

22 CHAIRMAN CALONE: Okay.

23 COMMISSIONER McADAM: (Indicating)

24 CHAIRMAN CALONE: Mr. McAdam.

25 COMMISSIONER McADAM: Andy, do you

1
2 know if the Pine Barrens Commission has
3 to vote in on this, or is that land
4 excluded?

5 MR. FRELENG: That -- that is up in
6 the air. The Central Pine Barrens
7 Commission and the Town of Riverhead is
8 litigating the jurisdiction of the
9 Central Pine Barrens Commission over the
10 EPCAL property.

11 SECRETARY ESPOSITO: That's been
12 going on for a long time.

13 MR. FRELENG: So I don't -- I don't
14 believe that they have reviewed this
15 property.

16 COMMISSIONER McADAM: So how can --
17 how would the project -- if it's in
18 litigation, how would the project move
19 along then?

20 MR. FRELENG: Well, that -- they --
21 they would have to handle that locally,
22 under advice of their town attorney.

23 COMMISSIONER McADAM: Right.

24 CHAIRMAN CALONE: Okay. Any other
25 comments, questions, additions, other

1 considerations?

2
3 COMMISSIONER HOLMES: I move the
4 adoption of the staff report.

5 CHAIRMAN CALONE: Mrs. Holmes moves
6 the adoption of the staff report.

7 COMMISSIONER BOLTON: (Indicating)

8 CHAIRMAN CALONE: Seconded by
9 Commissioner Bolton.

10 All in favor of adopting the staff
11 report, please raise your hand.

12 COMMISSIONER BRAUN: With the
13 comments or the conditions.

14 CHAIRMAN CALONE: Yes, with the
15 conditions as indicated in the staff
16 report.

17 (WHEREUPON, the members voted.)

18 CHAIRMAN CALONE: One, two, three,
19 four, five, six, seven, eight, nine --
20 nine in favor.

21 All opposed?

22 (WHEREUPON, the members voted.)

23 CHAIRMAN CALONE: One.

24 And abstentions?

25 (WHEREUPON, there was no response.)

2 CHAIRMAN CALONE: None.

3 Okay. Moving onto our last item on
4 the regulatory agenda, we have -- the
5 next one.

6 DIRECTOR ISLES: This is going to
7 be John Corral.

8 CHAIRMAN CALONE: And John will be
9 doing that for us.

10 Thanks, John.

11 MR. CORRAL: Okay. The application
12 before you is a subdivision and an
13 associated special exception for a
14 37-acre property in the Town of
15 Southampton in the Hamlet of
16 Bridgehampton. It's an existing horse
17 farm. Right now, the horse farm is --
18 as you can see, the structures are kind
19 of on the northeast corner of the
20 property, and there's paddocks across
21 the property.

22 Our jurisdiction for this, it's
23 within 500 feet of Swan Creek, and it's
24 also in New York State Agriculture
25 District Number 5. It's located on the

2 northwest corner of Halsey Lane and
3 Mecox Road.

4 This is just showing a picture of
5 the horse farm in the northeast corner
6 of the site (indicating). And the next
7 one is a view looking north to the horse
8 farm, showing you open land where the
9 paddocks are on the south portion of the
10 property (indicating).

11 Okay. The property's located in
12 zoning district R-80, which is
13 8,000 square foot per residence.

14 Okay. Here's the site plan
15 (indicating). The applicant is
16 proposing -- currently, it's a horse
17 farm with 55 horses over the entire
18 property. They're proposing to
19 subdivide the property into 10 lots.
20 The -- the northern lot is going to
21 remain as they propose for the horse
22 farm use, and that's a 19-acre lot with
23 an 18-acre agricultural reserve. The
24 southern lots -- they're proposing nine
25 residence lot in the southern portion of

1 the property. Also, in the very south
2 of the property, there's a New York
3 State mapped freshwater wetland. This
4 site shows the mapped wetland, and also
5 an easement across lots 7, 8 and 9 to
6 accommodate the wetland.
7

8 One thing to think about is,
9 currently there's 55 horses on the
10 property. The Town of Southampton
11 zoning code allows for one horse for
12 every 20,000 square feet. The special
13 exception that they're filing in
14 association with the subdivision is
15 because in R-80 zoning, a horse farm
16 requires a special exception. So the
17 town required, even though it was an
18 existing horse farm, that when the
19 subdivision is sent in, that they again
20 apply for the special exception for the
21 horse farm.

22 One thing that we were concerned
23 about is the intensification with
24 respect to nitrogen loading. So one
25 thing -- one of the conditions in the --

1 that we're recommending is that -- that
2 they are in compliance with the number
3 of horses allowed within the Town of
4 Southampton. So when they were to --
5 when they do subdivide this, this
6 northern lot would only allow on
7 38 horses, and they currently have
8 55 horses.
9

10 Another thing we would like the
11 Suffolk County Department of Health to
12 look at is the nitrogen loading, because
13 they're -- the Town of Southampton
14 created a 17-lot cluster plan, and then
15 they're -- the applicant is proposing to
16 cluster the lots to the south with an
17 18-acre agricultural easement. But we
18 would like the Suffolk County Department
19 of Health to look into the nitrogen
20 loading of the number of horses on the
21 northern part of the property, because
22 of special exception, and the
23 residential lots in the southern portion
24 of the property.

25 We've also had information that

1 20,000-square-foot per horse might be
2 not enough, that horses might need even
3 more land. So that's something we
4 wanted to consider.
5

6 Another thing I just wanted you to
7 know is, the roadway is a proposed
8 right-of-way, but it hasn't been
9 dedicated to the town. So we
10 recommended a dedication, or that it's
11 built so that it could be dedicated in
12 the future.

13 The third concern is the wetland
14 area. One thing, it's designed so that
15 there's a drainage system along -- along
16 Halsey Lane that will catch the water
17 and then put it in a retention basin on
18 lot 9. And, also, there are also
19 retention basins along the Swan -- the
20 proposed Swan Creek Court. So our
21 concern is just that New York State DEC
22 looks at this drainage plan. Because
23 it's built for a two-inch rainfall, and
24 there's a spillway designed so that if
25 it exceeds that two inches, the spillway

2 would drain to the east towards the New
3 York State mapped wetlands. So that was
4 another thing we wanted to look at.

5 And the, kind of, final item I
6 wanted to touch on is affordable
7 housing. This is creating nine
8 residential lots, and we think that the
9 Suffolk County Planning Commission
10 Affordable Housing Guidelines should
11 apply to this subdivision.

12 So that's my staff report, and if
13 anyone has any questions --

14 CHAIRMAN CALONE: Thank you, John.
15 And thank you also for your expertise
16 about the amount of room that the horses
17 have, we certainly appreciate that.

18 Barbara, this is a Southampton
19 project, do you have any comments,
20 thoughts?

21 COMMISSIONER ROBERTS: It's
22 actually been a relatively quiet project
23 in the community.

24 A couple of things:

25 Are the horses boarded -- it's

1 boarded horses; right? So it's easy to
2 change the number and whatever.
3

4 One thing in your staff -- staff
5 recommend- -- the 10 percent affordable
6 housing requirement. There's 9 lots, so
7 do we need other wording here? I mean,
8 is it percent of acreage --

9 CHAIRMAN CALONE: I got one --

10 COMMISSIONER ROBERTS: -- you know,
11 .9 -- well, .9 --

12 COMMISSIONER BRAUN: Nine-tenths of
13 a house.

14 COMMISSIONER ROBERTS: -- instead
15 of --

16 CHAIRMAN CALONE: And, therefore --

17 COMMISSIONER ROBERTS: -- if it's
18 based on acreage.

19 CHAIRMAN CALONE: -- we should say
20 one.

21 COMMISSIONER ROBERTS: I also, you
22 know, very -- would imagine that this is
23 definitely going to be something that
24 would involve is -- a negotiation, that
25 there's going to be money on the table,

1 rather than those lots. So do we want
2 to put language now on that or -- you
3 know, we are --

4
5 CHAIRMAN CALONE: Well --

6 DIRECTOR ISLES: The guidelines
7 have that language.

8 COMMISSIONER ROBERTS: The
9 guidelines --

10 CHAIRMAN CALONE: But we need to
11 explicitly reference the guidelines, I
12 think --

13 COMMISSIONER ROBERTS: Right.

14 CHAIRMAN CALONE: -- or -- well,
15 let's put it this way, if it goes in a
16 letter to the town like it is, they have
17 to then go find the guidelines. So we
18 may want to actually include the
19 guidelines.

20 COMMISSIONER ROBERTS: Well, first
21 I'm thinking the language is there, it
22 should change to say "10 percent of
23 created lots," because there actually
24 are ten lots on the property; one lot is
25 the horse farm.

1 CHAIRMAN CALONE: Uh-huh.

2
3 COMMISSIONER ROBERTS: And then
4 back in the language, in the copy, we're
5 saying "10 percent of the created lots,"
6 so it's actually 10 percent of the nine.
7 I think -- I think that's out of ten.

8 CHAIRMAN CALONE: I think that's
9 about right.

10 COMMISSIONER ROBERTS: Because if
11 you think about it, that's already
12 there.

13 CHAIRMAN CALONE: Well, what I
14 think what we would say, because the
15 guidelines say that no matter what, we
16 round up. So I think we may want to say
17 a minimum one unit, perhaps, consistent
18 with the guidelines, or something like
19 that. But either way -- so that way
20 there's no -- no -- no debate. But, you
21 know, we may want to reference the
22 affordable housing aspects of the
23 guidelines, the other provisions with
24 regard to all the things that go with
25 that, all the provisions of a sane

1 affordable housing program. So --

2
3 COMMISSIONER ROBERTS: All the
4 other recommendations seem certainly --

5 CHAIRMAN CALONE: Appropriate.

6 COMMISSIONER ROBERTS: --
7 reasonable.

8 CHAIRMAN CALONE: Okay.

9 Commissioner Holmes.

10 COMMISSIONER HOLMES: In terms of
11 addressing the nitrogen load, we had a
12 similar project on Shelter Island. A
13 vast amount of acreage which had not
14 been a horse farm, which a fellow wanted
15 to turn into a horse farm for boarding
16 horses and state-of-the-art facilities.
17 And the neighbors and the town went back
18 and forth with him because his project
19 is on a slope -- a fairly steep slope
20 above Coecles Harbor, which is a big
21 shellfishing area, and there was a great
22 deal of discussion about it.

23 And what he did was successfully
24 prove to the town that he had all of
25 this incredible equipment and -- and

1 materials that he was going to bring in
2 and use on -- on site to mitigate the
3 nitrogen level, and very elaborate ways
4 to dispose of the nitrogen.
5

6 So, apparently, that type of -- of,
7 you know, technology does exist --

8 CHAIRMAN CALONE: Well --

9 COMMISSIONER HOLMES: -- and
10 whether or not we'd want to reference
11 anything about -- you know, the
12 consideration of the special technology.

13 CHAIRMAN CALONE: Well, I think --
14 I don't know what you think about this,
15 but number 8 does call on the
16 subdivision to be reviewed by the --

17 COMMISSIONER HOLMES: Right.

18 CHAIRMAN CALONE: -- Department of
19 Health for nitrogen load --

20 COMMISSIONER HOLMES: Yeah.

21 CHAIRMAN CALONE: -- and,
22 undoubtedly, anything that they have
23 that would minimize nitrogen levels,
24 they'll bring to their attention I would
25 think.

1
2 COMMISSIONER HOLMES: You would --
3 you would think --

4 CHAIRMAN CALONE: Yeah.

5 COMMISSIONER HOLMES: -- unless it
6 was specified that they consider
7 presenting technology --

8 CHAIRMAN CALONE: Well -- well --

9 COMMISSIONER HOLMES: -- but maybe
10 that's too Mickey Mouse.

11 CHAIRMAN CALONE: Yeah. My only
12 concern would be that would be going
13 further --

14 COMMISSIONER HOLMES: Yeah.

15 CHAIRMAN CALONE: -- I mean, we're
16 not the experts on mitigation of
17 nitrogen loads.

18 COMMISSIONER HOLMES: No. No,
19 we're not.

20 CHAIRMAN CALONE: Among other
21 things we're not expert in. But I think
22 we can -- I think we can believe that
23 the Department of Health Services can --

24 COMMISSIONER HOLMES: Yeah.

25 CHAIRMAN CALONE: -- you know --

1
2 COMMISSIONER HOLMES: Yeah.

3 CHAIRMAN CALONE: -- can evaluate
4 that.

5 Commissioner Braun.

6 COMMISSIONER BRAUN: Yes, two
7 points -- three -- two questions, maybe.

8 That horizontal line there above
9 the little jag, is that a lot line?
10 What is that? In the -- it's starts in
11 the -- the horizontal line there, what
12 is that?

13 MR. CORRAL: That's the freshwater
14 natural scenic easement that the Town of
15 Southampton is proposing for the entire
16 wetlands area.

17 COMMISSIONER BRAUN: Okay. So then
18 lots 7, 8 and 9 extend right through to
19 the southern edge there, it's not a
20 separate lot?

21 MR. CORRAL: With -- with an
22 agricultural -- excuse me, freshwater.

23 COMMISSIONER BRAUN: The -- the
24 numbers in the little squares, what are
25 those?

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MR. CORRAL: They are proposed actual addresses.

COMMISSIONER BRAUN: Oh, I see.

And the last question, lots 4, 5, and 6, those are like flags; right? I mean, is that -- are those driveways proposed to be adequate for emergency vehicles and so forth?

MR. CORRAL: We -- we looked into that issue with the town -- the -- the panhandle lot for lot 5 is 398 feet long. We checked that with the Town of Southampton Zoning Code and it does conform with their zoning.

I -- I mentioned also -- it's -- it's in the staff report and I didn't mention it, though, that one thing to consider is possibly -- and -- and I should have mentioned it before, is possibly clustering the subdivision further to the west. That would preserve the view shed along the eastern portion of the property --

COMMISSIONER BRAUN: Uh-huh.

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MR. CORRAL: -- and also reduce the length of the flag lots.

COMMISSIONER BRAUN: Right.

And is that proposed to be one triple-width driveway and then shrink down; is that it? Or is that --

MR. CORRAL: They don't give -- they don't give a proposed driveway for those lots, so I guess I -- I couldn't speak to --

COMMISSIONER BRAUN: Okay.

MR. CORRAL: -- their ultimate plan with that.

CHAIRMAN CALONE: Any other thoughts, comments, questions, or other considerations?

COMMISSIONER ROBERTS: (Indicating)

CHAIRMAN CALONE: Barbara.

COMMISSIONER ROBERTS: Is that idea on clustering going to be in the final report, John, because I think -- yeah, it is.

MR. CORRAL: It is -- it is --

COMMISSIONER ROBERTS: Yeah, it is.

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MR. CORRAL: -- one of the conditions that I --

COMMISSIONER ROBERTS: Yeah.

MR. CORRAL: -- neglected to mention.

CHAIRMAN CALONE: Okay. And we are including the rest of the guidelines with regard to the -- the conditions of approval.

COMMISSIONER HOLMES: A minimum of one unit.

CHAIRMAN CALONE: A minimum of one unit, et cetera.

COMMISSIONER HOLMES: Yeah.

CHAIRMAN CALONE: So that was without objection.

Any --

MR. CORRAL: Mr. Chairman, could I -- the portion of the affordable housing guidelines --

CHAIRMAN CALONE: Yeah.

MR. CORRAL: -- that includes that.

CHAIRMAN CALONE: What was the question?

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MR. CORRAL: Oh, you --

CHAIRMAN CALONE: I'm sorry.

MR. CORRAL: -- you wanted to include the -- just the portion of the affordable housing guidelines with -- with the -- that affordable housing condition.

CHAIRMAN CALONE: I think so.

SECRETARY ESPOSITO: Yeah.

COMMISSIONER HOLMES: Because the minimum was one unit.

CHAIRMAN CALONE: Because, for us, you know, the rule used to be X percent, and now it's X percent but there's all sorts of other things you need to be considering with that because -- under our new guidebook. So that's -- you know, my concern is that we get in the habit of sending all that stuff, you know, that page or whatever it is, to -- to the municipality so they kind of know what we consider to be a robust affordable housing program. So --

COMMISSIONER ROBERTS: We might

1
2 even change that language to say "the
3 details are included in the attached,"
4 so it's clear that --

5 CHAIRMAN CALONE: That's a good
6 idea.

7 COMMISSIONER ROBERTS: Okay.

8 CHAIRMAN CALONE: The only thing I
9 would add to that, Commissioner Roberts,
10 is just that I think we should make it
11 clear that it's -- we do want the one
12 unit.

13 COMMISSIONER ROBERTS: Right.

14 CHAIRMAN CALONE: So we can say
15 that --

16 COMMISSIONER ROBERTS: I totally
17 agree.

18 CHAIRMAN CALONE: -- in the -- in
19 the beginning, and then, you know, other
20 details as attached probably works.

21 COMMISSIONER McADAM: (Indicating)

22 CHAIRMAN CALONE:
23 Commissioner McAdam.

24 COMMISSIONER McADAM: I probably
25 should know this, but there are nine

1 conditions. Now, when this goes back to
2 the -- back to the town, do they vote on
3 each condition separately, or do they do
4 it all together, or --

5
6 CHAIRMAN CALONE: My understanding
7 is that each one may --

8 COMMISSIONER McADAM: -- two
9 together?

10 CHAIRMAN CALONE: -- each -- they
11 may do it whichever way they want. But,
12 maybe, Andy or Tom, would you like to
13 give feedback on that?

14 DIRECTOR ISLES: If they concur
15 with the Planning Commission, they can
16 make one resolution, and if it's
17 consistent with the Planning Commission
18 in terms of the approval, plus
19 conditions, they're fine.

20 If, however, they disagree with the
21 condition, they do have to specifically
22 override that condition and state the
23 reasons why. If they disagree with the
24 recommendation, they want to disapprove
25 the application, well, then, they don't

1
2 have to do anything, actually, at that
3 point.

4 But -- so the answer your question,
5 one resolution, if they agree with you,
6 would be sufficient; secondly, if they
7 agree with you but disagree with some of
8 the conditions, they must override the
9 conditions.

10 COMMISSIONER McADAM: Okay.

11 COMMISSIONER ROBERTS: Some of
12 these shouldn't be conditions then,
13 because -- if we're using the word
14 "shall," so that's not a condition,
15 that's a comment.

16 COMMISSIONER HOLMES: No, it isn't.

17 (Overlapping conversations)

18 COMMISSIONER ROBERTS: Shall --
19 okay.

20 CHAIRMAN CALONE: As opposed to
21 should --

22 COMMISSIONER ROBERTS: Well, shall
23 gives consideration, that's all.

24 CHAIRMAN CALONE: Shall gives
25 consideration as a very weak comment --

1
2 as a very weak condition, but,
3 nonetheless --

4 COMMISSIONER ROBERTS: Okay.

5 COMMISSIONER BRAUN: You can
6 consider -- you can reject it, but --

7 CHAIRMAN CALONE: Right. Right.

8 COMMISSIONER McADAM: Can I --

9 CHAIRMAN CALONE: Yes, Mr. McAdam.

10 COMMISSIONER McADAM: -- I just
11 want to follow up on that question.

12 Are any of these conditions
13 interlocking? If they approve like,
14 say, two or three, are they together?
15 Can they approve one and disapprove the
16 other one?

17 CHAIRMAN CALONE: Yeah.

18 DIRECTOR ISLES: They certainly
19 can.

20 COMMISSIONER McADAM: See, usually,
21 we don't have these many conditions,
22 that's why --

23 CHAIRMAN CALONE: That's true.

24 COMMISSIONER McADAM: -- that's why
25 I was concerned about it.

1
2 CHAIRMAN CALONE: Well, it --
3 sometimes we do, and -- but rarely,
4 you're right. But, yes, they would have
5 to look at them condition by condition,
6 and they may decide to do some of them
7 and not do others. But I don't believe
8 any one of them, you know, inherently
9 interlocks with another one. I think
10 they could all --

11 COMMISSIONER McADAM: Okay.

12 CHAIRMAN CALONE: -- could stand
13 alone.

14 COMMISSIONER HOLMES: Yeah.

15 CHAIRMAN CALONE: And, you know, if
16 they did interlock, then they would pass
17 them together, I guess. So --

18 Any other thoughts, comments,
19 questions?

20 (WHEREUPON, there was no response.)

21 CHAIRMAN CALONE: If not, a motion
22 is in order.

23 Commissioner Roberts, would you
24 like to make the motion to approve --

25 COMMISSIONER ROBERTS: As edited?

2 CHAIRMAN CALONE: -- as edited.

3 COMMISSIONER HOLMES: I would
4 second that.

5 CHAIRMAN CALONE: Seconded by
6 Commissioner Holmes.

7 All in favor of adopting the staff
8 recommendation for approval of the
9 subdivision with the nine conditions --
10 in particular, with the nine conditions,
11 with the edits that we indicated, raise
12 your hand.

13 (WHEREUPON, the members voted.)

14 CHAIRMAN CALONE: We have nine.

15 And all opposed?

16 (WHEREUPON, the members voted.)

17 CHAIRMAN CALONE: And abstentions?

18 COMMISSIONER HORTON: I'm actually
19 going to recuse myself from this, to err
20 on the side of caution. I believe my
21 company, the Corcoran Real Estate Group,
22 may have had this property listed
23 exclusively. I -- and I can't verify
24 that right now, but it's a strong
25 likelihood, so I'm going to recuse

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myself.

CHAIRMAN CALONE: Okay. I appreciate that.

So the vote is nine to zero to one.

Okay. Thank you, John.

Thank you, everyone.

The last item on our agenda is a presentation by Peter Lambert. Given the hour, Peter has agreed to just give us a brief synopsis, then we will do a -- a -- you know, we will get the one-minute version, commercial length -- commercial length right here, and we will get the sitcom length next -- next month. And everyone has it now, I believe, in front of them --

COMMISSIONER BRAUN: Yeah.

CHAIRMAN CALONE: -- so everyone can review it at their leisure. But, Peter, if you'd like to give an introductory comment, you're welcome to.

MR. LAMBERT: Yeah, the only thing I wanted to say was that this is actually a compilation of all the

1 information that I keep track of
2 day-to-day in my job. And in the
3 interest of public information, we
4 decided to compile it all and release it
5 for our -- for the information for the
6 public, for our own information, and
7 also for your information to make better
8 decisions.
9

10 CHAIRMAN CALONE: Appreciate that.

11 Just -- just -- it says
12 November 2008, we're actually releasing
13 it today; right, but the date is through
14 November 2008?

15 MR. LAMBERT: Right. We wanted
16 to -- even though we knew the -- the
17 release time would be January or
18 February, we wanted to say November,
19 because some of the data changes month
20 to month. Especially now, we have
21 employment data that changes every
22 month, and the employment picture looks
23 worse now than it did in November. The
24 housing data also changes each month.
25 Most of it will hold steady for -- for

1 at least the next several months, but
2 housing and employment are things that
3 are in flux right now. So we wanted to
4 make sure it was dated November --

5 CHAIRMAN CALONE: Right. So
6 that's -- and we'll -- we'll include
7 this in our -- this will be a piece of
8 their annual report to the county
9 executive and the legislature, just so
10 everyone knows.

11 Barbara, were you raising
12 something?

13 COMMISSIONER ROBERTS: I was just
14 suggesting that saying November 2008 may
15 imply that we publish this monthly. So
16 you may want to just say "data as of,"
17 rather than --

18 COMMISSIONER HOLMES: Annual?

19 COMMISSIONER ROBERTS: No.

20 DIRECTOR ISLES: We date all our
21 reports.

22 MR. LAMBERT: Yeah, that's the
23 usual policy, to put the month in.

24 CHAIRMAN CALONE: Okay. And I
25

2 think in looking at the text, it's
3 pretty clear when it's through. And
4 there's different citations, too, so
5 that's helpful.

6 Okay. Peter, we look forward to
7 getting a -- you know, a more in depth
8 analysis of, you know, cross tabulations
9 on this next month, but thank you for
10 your efforts on that.

11 Anyone have any other questions?

12 COMMISSIONER HORTON: (Indicating)

13 CHAIRMAN CALONE:

14 Commissioner Horton.

15 COMMISSIONER HORTON: Not a
16 question, I just wanted to thank you and
17 Tom and Dan, actually, for coming to the
18 Suffolk County Village Officials
19 Association Planning Training Seminar.
20 It was very well received, and you both
21 gave a very robust presentation, in
22 front of a tough crowd I might add --

23 COMMISSIONER ROBERTS: Oh, good.

24 COMMISSIONER HORTON: -- and less
25 than optimal circumstances, given our

1 sound system was not existent.

2 So thank you very much for taking
3 time out -- you know, outside of the
4 workforce --

5 CHAIRMAN CALONE: I -- I -- like
6 I --

7 COMMISSIONER HORTON: -- to do
8 that. And in the future, what -- what
9 the Suffolk County Village Officials
10 Association is going to do is try to
11 steer all of our members toward the
12 county sponsored planning --

13 DIRECTOR ISLES: Okay.

14 COMMISSIONER HORTON: -- and if we
15 can -- you know, we'll probably want to
16 play a role in helping you organize that
17 to -- to make it robust for our members
18 as well.

19 CHAIRMAN CALONE: That's a --
20 that's a fantastic idea, Josh, and I
21 think it's appreciated. I -- I joked
22 when I was there, it was the only place
23 I'd ever been where they -- you walk in
24 the door as a speaker and the first
25

1 question they asked you is do you want a
2 bacon cheeseburger.
3

4 (Laughter)

5 CHAIRMAN CALONE: I said I like
6 these village official meetings, I want
7 to come back to them.

8 (Laughter)

9 CHAIRMAN CALONE: So thank you for
10 putting it on, and thank you for
11 inviting us. My answer is, yes, of
12 course.

13 But, anyway, thank you, Josh.

14 Does anyone else -- you know, we
15 rarely get to do our Commissioner's
16 Roundtable. And it's actually something
17 I was thinking about, maybe we should
18 move up in the agenda for the future,
19 because we -- we -- we kind of always
20 had it last --

21 COMMISSIONER HOLMES: Yeah.

22 CHAIRMAN CALONE: -- and then --
23 so -- you know, we kind of -- we've been
24 so busy with things, but does anyone
25 have anything else they want to just

2 briefly share, if you have something
3 going on? If not, that's fine, we'll do
4 it next time. But --

5 COMMISSIONER ROBERTS: (Indicating)

6 CHAIRMAN CALONE: Go ahead,
7 Barbara.

8 COMMISSIONER ROBERTS: Just one
9 suggestion. I'm sensing that Dotty is
10 having a little frustration with our
11 RSVPing for meetings. Are we
12 comfortable with suggesting that we
13 could e-mail our RSVP, which might be a
14 little bit easier than if you sent us
15 a --

16 SECRETARY ESPOSITO: I think it's
17 better.

18 COMMISSIONER ROBERTS: Yeah.

19 CHAIRMAN CALONE: Well, Dotty, I
20 don't know, we'll let you respond to
21 that.

22 MS. SONNICHSEN: That's fine.
23 That's fine.

24 CHAIRMAN CALONE: Okay.

25 COMMISSIONER ROBERTS: Yeah. So I

1 would say if you sent an e-mail a week
2 in advance, that would be a good system.

3 MS. SONNICHSEN: Yeah.

4 CHAIRMAN CALONE: Especially, a
5 good number of us do travel a bit --

6 SECRETARY ESPOSITO: Yeah.

7 CHAIRMAN CALONE: -- for work and
8 other things.

9 SECRETARY ESPOSITO: Did the e-mail
10 thing work for you this last time, when
11 you sent --

12 MS. SONNICHSEN: (Head gesture)

13 SECRETARY ESPOSITO: It did? Okay.

14 COMMISSIONER ROBERTS: Yeah.

15 SECRETARY ESPOSITO: All right.

16 COMMISSIONER HOLMES: I just wanted
17 to ask if the director or if Andy -- did
18 you get any hardcopy of the universal
19 design building amendments that were
20 adopted either by Southampton or
21 Riverhead or Islip, I think, was on the
22 verge of --

23 MR. FRELENG: Yes, Member Holmes,
24 we did get -- I did get your voicemail.
25

1 I was out yesterday, I'm sorry I didn't
2 get back to you. But John did bring --
3 I think he brought --

4 COMMISSIONER HOLMES: Oh, did you
5 bring one?

6 MR. FRELENG: -- with him a copy
7 of -- Southampton is the only --

8 COMMISSIONER HOLMES: Good.

9 MR. FRELENG: -- municipality that
10 we could find that did adopt the
11 universal design --

12 COMMISSIONER HOLMES: That would be
13 great, because if it's another East End
14 town, I'm -- I'm very anxious to make a
15 presentation to the Shelter Island
16 board, because our building department
17 is already very enthusiastic about doing
18 this. We have a building permit
19 administrator who, with her brother the
20 building inspector, had to retrofit
21 their mother's house, and they're very
22 aware of, you know, how nice it would be
23 for new houses to be universal design,
24 and --
25

1 MR. FRELENG: Good.

2 COMMISSIONER HOLMES: -- and I'll
3 have to go to the expense of
4 retrofitting for a disabled --
5

6 CHAIRMAN CALONE: And -- and --

7 COMMISSIONER HOLMES: -- person.

8 CHAIRMAN CALONE: And as we've
9 discussed, hopefully, we're going to put
10 together a model code, perhaps, based
11 exactly on what we --

12 COMMISSIONER HOLMES: Yeah.

13 CHAIRMAN CALONE: -- what's been
14 passed here --

15 COMMISSIONER HOLMES: So that's --

16 CHAIRMAN CALONE: -- so that all
17 the towns and villages in the county
18 have something that can be handed to
19 them on this --

20 COMMISSIONER HOLMES: Yeah.

21 CHAIRMAN CALONE: -- and we can
22 describe to them why it's important, and
23 we can get more of a county-wide
24 standard on that. So --

25 COMMISSIONER HOLMES: That would be

1 great.

2
3 CHAIRMAN CALONE: -- so -- so thank
4 you for that.

5 Anyone else, any comments,
6 questions?

7 (WHEREUPON, there was no response.)

8 CHAIRMAN CALONE: If not, I'll
9 entertain a motion to adjourn.

10 SECRETARY ESPOSITO: So moved.

11 CHAIRMAN CALONE: Motion by
12 Secretary Esposito.

13 VICE CHAIRMAN KONTOKOSTA:
14 (Indicating)

15 CHAIRMAN CALONE: Seconded by
16 Commissioner --
17 Vice Chairman Kontokosta.

18 All in favor?

19 ALL: "Aye."

20 CHAIRMAN CALONE: It's unanimous.
21 Thank you all.

22 (WHEREUPON, the meeting of the
23 Suffolk County Planning Commission
24 adjourned at 3:23 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 4th day of February, 2009.

THERESA PAPE