

# 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

**March 4, 2009**

## **Notice of Meeting**

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

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The tentative **AGENDA** includes:

1. Adoption of minutes for December 3, 2008 and January 7, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Presentations:
  - Inc. Village of Sag Harbor
6. Sections A14-14 to 23 of the Suffolk County Administrative Code
  - Planning Strategies for Village of Sag Harbor
  - Repealing Section 183-14.1 "Accessory Apartments"- Village of Poquott
  - Windwatch Tower, LLC (Town of Islip) 0500-02800-0100-028002
  - Lowe's Home Center (Town of Riverhead) 0600-10100-0200-015006
  - Joint Industrial Board of Electrical Industry ((Town of Southold) 1000-08300-0200-017003
  - Southwold Manor (Town of Southold) 1000-06300-0300-015000
7. Section A 14-24 of the Suffolk County Administrative Code
  - Windwood Oaks (Town of Brookhaven) 0200-70600-0100-003000
8. Minor Actions:
  - Town of East Hampton - Affordable Housing Credit Program
9. Presentation: Peter Lambert, Principal Planner (Suffolk County Dept. of Planning)
  - Demographic, Economic and Development trends
10. Other Business

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SUFFOLK COUNTY PLANNING COMMISSION  
WILLIAM ROGERS BUILDING  
LEGISLATIVE AUDITORIUM  
725 Veterans Memorial Highway  
Hauppauge, New York

March 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

5

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

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LINDA HOLMES, Commission Member  
Town of Shelter Island

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BARBARA ROBERTS, Commission Member  
Town of Southampton

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CHARLA BOLTON, Commission Member  
At Large

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ROBERT BRAUN, Commission Member  
Town of Smithtown

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THOMAS McADAM, Commission Member  
Town of Southold

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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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19 A B S E N T :

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JOHN CARACCILOLO, Commission Member  
Town of Huntington

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SARAH LANSDALE, Commission Member  
At Large

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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
- LINDA SPAHR, County Attorney
- DOTTY SONNICHSEN, Staff

G U E S T S :

- JACK CAFFEY, Aide to  
Presiding Officer Bill Lindsay
- \*\*\* 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: 12:14 p.m.)

CHAIRMAN CALONE: Good afternoon. The March 2009 session of the Suffolk County Planning Commission is now in session. I would note that we have a quorum, and I would ask the Vice Chairman lead us in the pledge.

(Pledge of Allegiance)

CHAIRMAN CALONE: Okay. The first item on the agenda is the adoption of the minutes for December -- our December 3rd meeting of 2008 and our January 7th meeting of 2009.

Editor in Chief Holmes, would you like to comment first?

COMMISSIONER HOLMES: The December -- excuse me, I'm sorry.

CHAIRMAN CALONE: At the beginning, let me remind all the Commission members to, (A), move the microphones towards

1  
2 them, and, (B), turn them on.

3 COMMISSIONER BRAUN: Oh, both? We  
4 have to do both?

5 CHAIRMAN CALONE: That's right.  
6 It's a new year, it's a new -- new --

7 COMMISSIONER HOLMES: And to speak  
8 up, because we have the best court  
9 reporter we've ever had, and there are  
10 too many inaudibles in our last --

11 CHAIRMAN CALONE: Okay.

12 COMMISSIONER HOLMES: -- because  
13 people need to speak up. And some of us  
14 have no trouble being heard, but others  
15 are soft-spoken.

16 CHAIRMAN CALONE: I'm not sure --

17 COMMISSIONER HOLMES: Anyway, for  
18 the --

19 CHAIRMAN CALONE: I'm not sure who  
20 that is on this group, but --

21 COMMISSIONER HOLMES: -- for the  
22 December minutes, all the corrections  
23 were made except just these four:

24 Page 19, line 12, the word is  
25 "since" instead of "if";

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And page 26, line 8 is -- the  
Newsday reporter is Bob Keeler,  
K-E-E-L-E-R;

And there is just one on page 36,  
line 14, Leery, L-E-E-R-Y;

And page 66, line 3, the word is  
"hypothesize" not "hyperbolize."

And, otherwise, everything was  
corrected very nicely, and I would move  
the adoption of the December minutes.

CHAIRMAN CALONE: Any other  
comments or questions from other members  
of the Commission? If not, I'll --

COMMISSIONER ROBERTS: (Indicting)

CHAIRMAN CALONE:  
-- Commissioner Roberts seconds.

All in favor of adopting the  
December minutes, please raise your  
hand.

(WHEREUPON, the members voted.)

CHAIRMAN CALONE: All opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: The vote is ten  
to zero.



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The next item is the January 7th,  
2009 minutes.

COMMISSIONER HOLMES: We had a  
combined effort. The chairman went  
through the minutes and I went through  
the minutes, and I incorporated his  
changes with mine, and I have given  
Theresa the list of corrections. So  
I -- what do you want to do --

CHAIRMAN CALONE: Well --

COMMISSIONER HOLMES: -- move it  
with --

CHAIRMAN CALONE: Yeah --

COMMISSIONER HOLMES: -- assuming  
those corrections are going to be made,  
or --

CHAIRMAN CALONE: Yeah --

COMMISSIONER HOLMES: -- because  
usually I get a revised copy sometime  
during the next month.

CHAIRMAN CALONE: Okay. Do you  
want to hold off then, to see the  
revised copy on this?

COMMISSIONER HOLMES: I guess so --

2 CHAIRMAN CALONE: Okay.

3 COMMISSIONER HOLMES: -- yeah.

4 CHAIRMAN CALONE: And then we'll --  
5 we'll pass that with -- you know, we'll  
6 address that at our next meeting.

7 So January the 7th we'll deal with  
8 next time.

9 Thank you, Teri, for your efforts.

10 And thank you, Commissioner Holmes.

11 The next item on the agenda is the  
12 public portion.

13 We have Laura from Amato &  
14 Associates.

15 Is Laura here?

16 Please come up and state your name  
17 for the record, and spell your last  
18 name.

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

22 (Time noted: 12:17 p.m.)

23 MS. CURANHA: Good afternoon,  
24 Chairman, members of the board. My name  
25 is Laura Curanha, C-U-R-A-N-H-A.

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I would actually like to defer my minutes to Christopher Read --

CHAIRMAN CALONE: Okay.

MS. CURANHA: -- so he'll come up.

CHAIRMAN CALONE: Okay.

Mr. Read --

MS. CURANHA: Thank you.

(WHEREUPON, Mr. Christopher Read approached the podium and addressed the Planning Commission.)

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

CHAIRMAN CALONE: Thank you, Laura.

Mr. Read, spell your last name for the record, and you have six minutes.

MR. READ: Thank you, Chairperson.

Good afternoon, everybody. My name is Christopher Read, Read is spelled R-E-A-D, and I'm representing the applicant. The applicant is East End Resources for a condominium, 55-and-older development in Southold -- the Town of Southold, also in the hamlet of Southold. The project name is Southwold Manor.

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I appreciate you giving me a few minutes to speak here. There's just a couple of items I'd like to touch base on --

COMMISSIONER HOLMES: Is his microphone on? Excuse me.

Is that on?

MR. READ: I'm taller than the microphone.

SECRETARY ESPOSITO: Yeah, lift it up.

CHAIRMAN CALONE: Maybe you can --

COMMISSIONER HOLMES: Yeah.

CHAIRMAN CALONE: -- lean in.

SECRETARY ESPOSITO: Lean in.

MR. READ: Sure.

COMMISSIONER BRAUN: Be shorter.

MR. READ: There are a couple of items that I think -- that I'd just like to touch base on as to outside of the application materials that are provided. And, particularly, of no -- we were surprised that the town submitted this

1 to the Planning Commission for the --  
2 for the reason that it's -- it was  
3 already provided to the Planning  
4 Commission, and the Planning Commission  
5 provided its comments to the site plan  
6 and the development on January 9th,  
7 2007.  
8

9 Specifically, the Commission said  
10 that the application is con- -- was  
11 considered to be a matter of local  
12 determination as there appears to be no  
13 significant county-wide or  
14 intercommunity impact.

15 The application -- that -- that  
16 statement was also part of a -- a larger  
17 set of comments that were addressed,  
18 and -- by the Southold Planning  
19 Department and Planning Board, they  
20 provided us with comments, and we -- the  
21 applicant spent close to \$300,000 on  
22 engineering plans, architect fees,  
23 sanitary engineering, environmental  
24 consultants; all in an attempt, and a  
25 successful attempt at that, to

1  
2 incorporate the Planning Commission's  
3 comments.

4 The application was, as I said,  
5 revised, but not revised with -- with --  
6 with any respect to a -- a planning  
7 impact. Certain things were done -- the  
8 application was resubmitted to the town  
9 in the fall of '08, in October, and the  
10 town -- and it would be our position  
11 that there's been some delays on the --  
12 on the end of -- on the town's end of  
13 things, the town then submitted it to  
14 the Planning Commission late and after  
15 the January 1st, 2009 changes came into  
16 effect.

17 So we very much respect the  
18 Commission's ideas and comments. We  
19 would request, though, because of what  
20 we think our particular circumstance is  
21 since this was already reviewed,  
22 comments were already provided, those  
23 comments were addressed, we resubmitted  
24 our application, and then the town  
25 submitted the application to the county

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in an untimely manner.

So we would request -- we -- we certainly would appreciate hearing your comments, but we would hope that they would be viewed and provided as comments and not as a condition to an approval, if I'm not being too -- I don't want to get in front of myself, but we're -- I am going to, at the end, request an approval for this. To the extent that there are conditions, we would -- we would respectfully request that they be comments.

Regarding the -- the build itself, this is a 24-unit, 55-and-older-active-adult community, located in the -- in the hamlet -- the commercial center of the hamlet of Southold. In addition to those 24 units, there are three accessory apartments. Three of the -- of the main units, not the accessory apartments, will be designated for affordable housing.

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The property is roughly 7 acres, a little bit less, 6.75 acres, and the application is fully compliant in all respects with the -- with both -- with the town code. And that -- that -- that includes -- there are no -- there are no special permits needed, there are no variances needed, it complies in all respects with the use and the area applications of the code.

Just touching base on some of the things that I -- I understand that the county is concerned with, I wanted to just turn the -- the board's attention to the driveway. What we have is a 24-foot-wide driveway that comes in from 25 -- Route 25, the main road. But based on the comments -- looking at the comments from the Commission in 2007, it -- it seemed to me that the -- that the Commission was anticipating that this was going to be a public road, and they discussed things such as right-of-ways and -- I wanted to make



1 clear that this is not a public road,  
2 it's a -- it's a private driveway that  
3 will -- will never be dedicated to the  
4 town or any other government agency, and  
5 it will be maintained entirely by the  
6 residents of the -- the community that  
7 we're proposing.  
8

9 What we're doing here is we're --  
10 we're trying to prepare and propose a --  
11 a community within the hamlet center.  
12 So that this is what we provided, and  
13 what we're trying to do is create a  
14 walking community; we -- we've put  
15 sidewalks in, there is walking distance  
16 to the train station, the Hampton Jitney  
17 bus services, as well as the Suffolk  
18 County Transit which goes along the main  
19 road.

20 There are aspects of the -- of the  
21 plan that make certain things that I  
22 know that the -- the Commission  
23 rightfully is concerned with. With --  
24 with the way our property is situated,  
25 we are not -- it is impossible to design

1 this property so that there would be  
2 a -- an alternate route access, or a  
3 second means of egress or in- -- ingress  
4 or egress. The property is -- is  
5 bordered to the north by the Long Island  
6 Railroad, it's bordered to the south by  
7 Route 25, the main road, and then there  
8 are -- there are properties to the east  
9 and the west that are already  
10 constructed and -- and currently being  
11 used. To the east of the property,  
12 there are four -- well, there are two  
13 lots that are residential, and they're  
14 improved with single-family residents,  
15 and then there are two lots that touch  
16 the property that are split zoned;  
17 one -- half -- half of the property is  
18 Hamlet Business, half is Residential.  
19 They, too, are improved. So there's no  
20 access --

21  
22 CHAIRMAN CALONE: Mr. Read, I would  
23 just ask you to wrap up, please.

24 MR. READ: Sure.

25 There's no access from the north,

1  
2 the south -- north, the east, or the  
3 west; however, the west is a big  
4 boatyard storage facility, and we would  
5 happily stipulate that -- to the extent  
6 that that boatyard storage facility is  
7 never developed, we would agree that --  
8 to have a connection to their route so  
9 that county standards and concerns can  
10 be addressed by their lot and our lot,  
11 if that's something that ever happens.

12 I just want to also note that we  
13 did put in a 25-foot buffer surrounding  
14 the property to address concerns that  
15 the board raised -- raised in the past.

16 I could go on, but I appreciate the  
17 time allotted.

18 CHAIRMAN CALONE: Thank -- thank  
19 you --

20 MR. READ: I respectfully ask that  
21 you approve our application.

22 CHAIRMAN CALONE: Thank you for  
23 your -- thank you for your time.

24 MR. READ: Thank you, sir.

25 CHAIRMAN CALONE: No thoughts or

1 any other further public comments, we'll  
2 close the public portion of the meeting  
3 and move onto the chairman's report. My  
4 report will be brief.

5  
6 As you know, we have two main goals  
7 this year:

8 One, to begin a comprehensive plan  
9 update for Suffolk County for the first  
10 time in -- in several decades. As many  
11 of you are aware, Nassau County is  
12 kicking off their master plan, ever,  
13 this month, and Director Isles will have  
14 a little bit more detail about where  
15 we're going in his report. But suffice  
16 to say that this is one of the most  
17 important things that this Commission  
18 can do, and we'll need everyone involved  
19 and onboard with it. So we look forward  
20 to Director Isles' report on some  
21 thoughts about how we're going to lay  
22 all this out and how we're going to go  
23 about it during the course of this year.

24 The second goal we had was to  
25 provide towns and villages with the

1  
2 tools they need to pursue the  
3 county-wide land use priorities that we  
4 have already identified. There's a  
5 couple of aspects to that:

6 One, our model code task forces.

7 We have four of them: One related  
8 to energy issues; the other related to  
9 affordable housing; the third related to  
10 public safety; and the fourth related to  
11 universal design, access issues, and  
12 those kinds of things.

13 The good news that I'd like to  
14 share with you is that we had our first  
15 meeting with some of the folks who are  
16 going to be leading that effort this  
17 morning. We're laying out a timeline  
18 for getting those model codes developed.  
19 We have gotten great feedback from towns  
20 and villages around the county who are  
21 interested in participating in that  
22 effort -- or, at least, I should say,  
23 individual elected officials are  
24 interested in participating in that  
25 effort and now are going to be part of

1  
2 the solution for creating some  
3 county-wide standards for these critical  
4 county-wide priorities, and we're going  
5 to be working on that. Obviously, this  
6 is going to be a major thing this year.

7 We're going to need everyone  
8 onboard on that as well. Really going  
9 to have -- need everyone on this  
10 Commission serving on one of those task  
11 forces.

12 We're also going to -- I just want  
13 to update you, the Suffolk County  
14 Village Officials Association voted to  
15 work with us this year on putting  
16 together a how-to guide to comprehensive  
17 plans. That just happened in the last  
18 week or two. Barbara Roberts is going  
19 to be helping coordinate that effort  
20 from our -- our perspective. And I  
21 think the bottom line is that we want to  
22 encourage comprehensive planning; just  
23 as we do at the county level, we also  
24 want to encourage it at the municipal  
25 level. And what we're aiming to do is

1 provide, kind of, a -- a starter's guide  
2 to how you kick off that process. And I  
3 think we're going to have a lot of good  
4 input from the folks in Sag Harbor and  
5 elsewhere, who just recently have been  
6 through this process; what works, what  
7 doesn't work, and how any other  
8 municipality would like to get started  
9 on that process should do so. So that's  
10 another one of our important things  
11 under the rubric of tools for the towns  
12 and villages.

14 The other two things we've talked  
15 about in terms of providing tools for  
16 the towns and villages is serving as a  
17 clearinghouse for good ideas and best  
18 practices. We talked a little bit with  
19 the Village Officials Association about  
20 maybe putting out a newsletter twice a  
21 year about interesting things that are  
22 going on, what different municipalities  
23 around the county are doing. Mostly  
24 we've been talking to the Supervisors  
25 Association about that.

1  
2           And, lastly, is providing training  
3           and technical assistance. We're  
4           starting to plan for the fall conference  
5           now, and one of the thoughts we had was  
6           to make the fall conference be a -- an  
7           opportunity to spotlight the innovations  
8           that are going on at the towns and  
9           village level around this county. Tom  
10          has a date on that which he'll provide  
11          during his -- during his update.

12                 The whole aspect of what we're  
13          doing this year really relates to  
14          furthering the goals we've identified,  
15          and allowing us to invest our time in  
16          projects where we can get the best  
17          return for Long Island's future. Our  
18          next step on comprehensive thinking  
19          about what Suffolk's needs are and what  
20          our goals should be, and then providing  
21          municipalities with the tools to pursue  
22          those goals. I think we're going to  
23          have a busy and exciting year this year.

24                 Just two or three housekeeping  
25          notes:



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2           The county executive has nominated  
3           a representative for the Town of  
4           Brookhaven. That person is Michael  
5           Kelly who was -- has been Pulte Homes.  
6           He was one of the -- was probably the  
7           primary architect behind the Copper  
8           Beach development in Patchogue, which is  
9           one of the interesting transit-oriented  
10          developments going on around the county.  
11          Michael will be going through the  
12          process through the county legislature  
13          in the next month or so.

14                 There's been some suggestions of a  
15                 representative from Islip, as well as  
16                 East Hampton, and we're hoping to  
17                 resolve those both very shortly.

18                 Also to let you know, Constantine  
19                 and I met with the Times Beacon Record,  
20                 which is one of the -- the paper for the  
21                 North Shore, Brookhaven, they also have  
22                 affiliates that go across Smithtown and  
23                 Huntington as well that resulted from  
24                 some of the press coming out of our Port  
25                 Jefferson decision of last meeting.

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2 I would say that our meeting was  
3 well received. They were interested in  
4 our work, and what we're doing to  
5 promote county-wide priorities that  
6 we've identified, and they were, of  
7 course, interested in the major projects  
8 that might be occurring in their  
9 territory.

10 We were just thinking that it might  
11 be a good idea to try to do this with  
12 some of the other major weeklies in  
13 Suffolk over the course of the next few  
14 months, and -- so we -- I would just ask  
15 each commissioner to let us know what  
16 they think the best outlet -- media  
17 outlets are in their -- in their  
18 community. And if you'd like to join us  
19 in making contact with them and sitting  
20 down with them to discuss our  
21 priorities, Constantine and I would,  
22 obviously, both -- both welcome that.

23 Lastly, with regard to the minutes,  
24 I would ask everyone to review the  
25 minutes, particularly, their own

1 portions where they speak. Linda and I  
2 and Adrienne, you know, kind of look at  
3 the whole thing. But, you know, if --  
4 if you only had a few minutes to look at  
5 them, be sure to look at the portions  
6 where you speak, because you can help us  
7 know if there's something significant  
8 that you think is misstated.

9  
10 Obviously, Teri makes very few  
11 mistakes, so it's not a big -- it's not  
12 a big effort for any of you. But, just,  
13 I would ask you to do that.

14 Lastly, we've set up our May  
15 meeting for being at Islip Town Hall,  
16 and our June meeting will be in  
17 Southampton Town Hall. So we are  
18 increasing our effort to get out and  
19 about, and we're working with the towns  
20 on both of those -- and both of those  
21 towns on that.

22 So that's my report. If anyone has  
23 any comments or questions -- if not,  
24 I'll ask Tom to take it next.

25 DIRECTOR ISLES: Thank you,

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Mr. Chairman.

Just a segue into the last item that the chair mentioned, the calender. We have provided an updated calender in your package, so it's available with the Islip and Southampton meetings indicated in red.

Couple of items to bring the Commission up to date on. Since we do have a full agenda today, I'll try to get through this as quickly as possible.

Beginning with an item that was talked about at the last meeting, and that is the annual training of Planning Commission members. We do usually offer this in April of each year, and staff has been working on that and making arrangements for this year. In consultation with the chair, we feel that it would be best to postpone that a couple of months since we do have potentially three new members joining the Commission in the near future. So we will be back in touch with you on a

1  
2 rescheduled date, perhaps in June or  
3 July of this year. And, here again,  
4 trying to tie it into a Commission  
5 meeting day for efficiency purposes. So  
6 we will not be going ahead with the  
7 April training session.

8           The next item is the -- we have  
9 received in our correspondence this  
10 month a letter from the village  
11 administrator of the Village of Port  
12 Jefferson requesting advice on obtaining  
13 planning services through the County  
14 Planning Commission of the Suffolk  
15 County Planning Department. This is  
16 something that is provided for -- in the  
17 county charter by a resolution of County  
18 Planning Commission and by resolution of  
19 the local body.

20           What I'd like to do is to review  
21 the request in greater detail with the  
22 village, and then report back to the  
23 chair with -- at least from the  
24 department's standpoint, on how we could  
25 or could not accommodate or take on that

1 additional work. We'd certainly like to  
2 cooperate, and I'd like to get back with  
3 some more specific information,  
4 certainly, prior to the next meeting.

5  
6 The chair also mentioned the annual  
7 federation training event. We are  
8 proceeding with that. We do not have  
9 funds for that this year, and  
10 understanding the financial climate  
11 existing this year, Andy Freleng has  
12 done outreach to Brookhaven National  
13 Lab. They have indicated they could  
14 accommodate the event on October 21st,  
15 and we could do so without a fee, which  
16 would be a great help to us.

17 The facility is well equipped for  
18 training. The site is somewhat easterly  
19 of our normal locations, which are a  
20 little bit further to the west of  
21 Suffolk County, but we think it would  
22 still be -- it would still work. And,  
23 here again, we think it would be a  
24 cooperative way of highlighting this  
25 national facility we have here as well.

1  
2 So unless we hear otherwise, certainly  
3 over the next few weeks, if any members  
4 of the Planning Commission have comments  
5 on that or preferences on other  
6 locations or other ideas, we'd be happy  
7 to hear that.

8 We are coordinating this with the  
9 New York State Department of State and  
10 Nassau County Planning Federation, so it  
11 is timed with their arrival on Long  
12 Island, and Nassau would do their event  
13 the day after our event. So  
14 otherwise -- here again, perhaps if we  
15 have a two-week turnaround time for  
16 comments, and then we'll go ahead and --  
17 and lock that in.

18 We are looking at a possible  
19 sponsorship arrangement with the  
20 American Planning Association for the  
21 reception port- -- portion of the  
22 meeting, if we do make an offering of  
23 some beverages and food and so forth for  
24 the guests.

25 The chair also mentioned the

1 comprehensive plan. This is also a --  
2 tied in with the county charter, it is a  
3 function of the County Planning  
4 Commission. It has been quite some time  
5 since there's been a comprehensive --  
6 updated county comprehensive plan, there  
7 have been many intermediate studies, so  
8 the staff certainly supports the concept  
9 of undertaking this project. And, in  
10 fact, Dan Gulizio and I have been  
11 working on a tentative outline for the  
12 plan, and a work plan, as well as a time  
13 schedule.  
14

15 We have some staff capacity  
16 anticipated this year that will be  
17 assigned to this. Obviously, we don't  
18 have a consultant budget at this point  
19 to take on a lot of work, but we think  
20 that it is something that we can -- we  
21 can support the Commission's efforts on  
22 this. We think it's probably the single  
23 most important thing for this Commission  
24 and the County Planning Department to be  
25 undertaking at this time.



1                   With that, then what I'd like to do  
2  
3                   is at the next meeting of the  
4                   Commission, present to you a draft  
5                   outline and work program, as well as a  
6                   schedule for that project, and -- and  
7                   have the opportunity to obtain feedback  
8                   from the Commission members on that  
9                   effort, and look to commence this  
10                  project sometime this spring, later --  
11                  mid to late spring, and look at the  
12                  first phase of the project as being the  
13                  initial reconnaissance orientation and  
14                  updating.  It's about a one-year effort.  
15                  It's obviously going to be multi-phases,  
16                  but at least get that first product  
17                  prepared and organized.  And, here  
18                  again, as the chair has indicated, an  
19                  effort that hasn't been done,  
20                  unfortunately, for quite some time due  
21                  to staffing and funding issues.

22                  On that same vein, the Long Island  
23                  Regional Planning Council is continuing  
24                  with their Long Island 2035 project,  
25                  which is not a plan, but it is a

1                   reconnaissance reconciliation of  
2                   information in terms of certain base  
3                   information on development, population,  
4                   change, and so forth in the bi-county  
5                   region. And also looking at a limited  
6                   program of visioning in terms of  
7                   inviting in municipal entities and also  
8                   certain stakeholders to begin to look at  
9                   all -- development alternative patterns  
10                  on Long Island.

11                   The next key event for that, the  
12                  actual visioning event, will be taking  
13                  place on March 26th, and the actual  
14                  location will be announced soon. Any  
15                  member of the County Planning Commission  
16                  that wishes -- wishes to attend should  
17                  let me know of your interest, and I'll  
18                  make sure that you're on the invitation  
19                  list. Certainly, you're all welcome and  
20                  indeed encouraged to attend that event.

21                   And then, lastly, as I have kept  
22                  you informed on the new county law that  
23                  requires notification to the  
24                  municipalities of every -- all  
25

1 applications appearing on the Commission  
2 agenda with a -- also a notification to  
3 the individual applicant. That process,  
4 here again, was put into effect. That  
5 law -- under Andy Freleng and the  
6 regulatory review unit, they have  
7 implemented it beginning with this  
8 meeting. So we have taken those steps,  
9 and subsequent meetings will also follow  
10 the same procedure. In the event you  
11 hear anything at the local level, you  
12 are now aware that this is now  
13 operating.

14  
15 And that completes the director's  
16 report this month.

17 CHAIRMAN CALONE: Thank you,  
18 Director Isles.

19 The next item on the agenda is the  
20 presentation by the Incorporated Village  
21 of Sag Harbor. So I would ask  
22 representatives to come up, and you have  
23 the floor.

24 (WHEREUPON, Mr. Richard Warren and  
25 Mr. Anthony Tohill approached the podium

2 and addressed the Planning Commission.)

3 (Time noted: 12:39 p.m.)

4 CHAIRMAN CALONE: Of course,  
5 please, state your name and spell it for  
6 the record, please.

7 And all the Commission members  
8 should have their -- I guess maybe it's  
9 a copy of the slides --

10 MR. WARREN: Yes.

11 CHAIRMAN CALONE: -- in front of  
12 them.

13 MR. WARREN: Good afternoon,  
14 Chairman Calone and members of the  
15 Commission.

16 My name is Richard Warren, I'm a  
17 planning consultant for the Village of  
18 Sag Harbor. I'm here with Anthony  
19 Tohill who's the counsel for the Village  
20 of Sag Harbor. I'm here to give you a  
21 brief presentation with respect to the  
22 work that we've been doing for the  
23 village over the past two years or so.

24 The Village of Sag Harbor, as you  
25 may know, is a relatively small village,

1 has a -- 1.72 square miles in area, a  
2 year-round population of approximately  
3 2,300 individuals. It has a small but  
4 very important core commercial district  
5 in the -- in the area. It's a resort  
6 commercial center that's waterfront,  
7 part of the seaport history of Sag  
8 Harbor. There's very rich, local,  
9 interesting diversity in this commercial  
10 district. It's very successful. They  
11 have a -- a very vibrant resort and  
12 retail trade within the community, but  
13 they also have stores and still have the  
14 ability to support the local community.

15  
16 Next slide.

17 MR. CORRAL: (Complying)

18 MR. WARREN: As you'll see here,  
19 this slide, the existing zoning district  
20 within the Village of Sag Harbor, much  
21 of the village, which is shown in these  
22 light colors, is all R20 (indicating);  
23 this is the downtown area of the  
24 village, the commercial district, we've  
25 got waterfront zoning districts, we have

1  
2 some attached unit projects in this area  
3 as well (indicating).

4 Next slide, please.

5 MR. CORRAL: (Complying)

6 MR. WARREN: This is an enlargement  
7 of the downtown district (indicating).  
8 You have your Main Street coming down  
9 through here (indicating). Division  
10 Street, Bay Street (indicating). This  
11 is actually part of the commercial  
12 district in the village, along the  
13 waterfront in the front -- the  
14 waterfront district (indicating).

15 Next slide, please.

16 MR. CORRAL: (Complying)

17 MR. WARREN: In the evaluation of  
18 the zoning districts in this area, one  
19 of the things that was undertaken was to  
20 determine what should happen in the  
21 village. There had been a -- a history,  
22 over the past couple of years, of  
23 communications with the village about  
24 concerns about the potential for a  
25 transformation in the commercial

1 district that could cause an erosion in  
2 the -- in the values that the community  
3 saw. They received input from  
4 organizations such as CONPOSH, the  
5 Coalition of Neighborhoods for the  
6 Preservation of Sag Harbor. The Save  
7 Sag Harbor organization was formed  
8 because of concerns about the types of  
9 potential changes; large commercial  
10 centers coming in to convert what's  
11 traditionally small retail spaces into  
12 larger spaces. The group for the East  
13 End, there were letters to the editor,  
14 there were letters to the village hall,  
15 editorials, et cetera. There was a  
16 concern on the part of the community  
17 that was raised to the village board of  
18 trustees. What they did is they  
19 established an internal commission to  
20 try to see if they could identify what  
21 those areas of concerns are.

22 Next slide, please.

23 MR. CORRAL: (Complying)

24 MR. WARREN: So the issues of  
25

1  
2 concern within the village business  
3 district are identified here  
4 (indicating).

5 They're looking to try to protect  
6 the historic character of the commercial  
7 district, and the changes in which would  
8 threaten the identity of Sag Harbor;

9 Maintain appropriate size and --  
10 and scale of commercial uses, and try to  
11 avoid big-box developments coming into  
12 this village. We don't have that type  
13 of zoning at the present time;

14 Protect against the change in uses  
15 from retail to shopping district, one  
16 which contains non-retail uses.

17 My office -- I actually live in  
18 Southampton Town. My office is in the  
19 Village of Southampton. And as you look  
20 at some of these other local villages,  
21 Southampton Village being one, East  
22 Hampton Village -- you start to see  
23 transformations in what's happening in  
24 these downtown commercial districts  
25 where nontraditional retail uses are



1  
2 coming in; you're starting to see real  
3 estate offices, you're starting to see  
4 attorneys offices, you're starting to  
5 see banks, financial institutions,  
6 lending institutions. While some of  
7 that has slowed down right now because  
8 of the current national economy and --  
9 and the impacts of that, you see a  
10 fairly significant transformation.

11           Southampton Village, where my  
12 office actually is located, you see in  
13 the evenings you don't have the vibrant  
14 trade that Sag Harbor has.

15           When you go into Sag Harbor, on any  
16 given night during the summer, in the  
17 evening, you'll see that the sidewalks  
18 are vibrant. There's people shopping,  
19 the stores are open because it's a place  
20 of trade. People want to come there,  
21 they want to dine, they want to walk,  
22 they want to shop. And there's a  
23 synergy amongst the -- the uses that are  
24 there. The stores that are there,  
25 they're all working together to make

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this a destination.

So one of the things that they're concerned about is the potential transformation of the space with the changes in uses to try to avoid nontraditional retail space from coming in;

We looked at encouraging uses that supported the local population of Sag Harbor; establishing provisions to encourage affordable housing within the area for the local workforce; ensure that the infrastructure of the village is capable of supporting the changes that we recommend; manage the recent influx of attached unit condominium projects, which is something that's been happening in Sag Harbor recently; and also look to try to maintain historic village character by establishing regulations that are really appropriate for the area.

The next slide identifies the general goals and objectives that the

1 village established. I won't go through  
2 those in detail because I know I only  
3 have a limited amount of time to speak  
4 with you, but they really followed how  
5 to deal with those kinds of concerns.  
6 How to make sure that as we looked at  
7 changes in the future in the village,  
8 that we could make sure that we could  
9 address the types of concerns that had  
10 been expressed to the board of trustees  
11 and the community is concerned about.

12 We're looking at developing  
13 appropriate listing of -- of special  
14 and -- permitted and special exception  
15 uses that follow the types of uses they  
16 want to see in the community;

17 Creating appropriate dimensional  
18 regulations, because we do have, as you  
19 saw on that initial slide, a lot of  
20 residential areas around the  
21 community -- around the commercial  
22 districts, we want to make sure that the  
23 transition between those -- those types  
24 of uses is appropriate;  
25

1  
2           Create convenient but appropriately  
3           located spaces for the types of uses so  
4           that you're not going to detract from  
5           what we defined as the core commercial  
6           district.

7           Next slide, please.

8           MR. CORRAL: (Complying)

9           MR. WARREN: This is -- I have just  
10          a couple of the inventory slides that we  
11          did, the presentation that are in the  
12          planning strategy document. We received  
13          all of our information, in terms of size  
14          of uses, from the Southampton Town Tax  
15          Assessor's Office. They were good  
16          enough to provide us with information of  
17          the size of uses throughout the  
18          community, and we did a fairly detailed  
19          inventory of the types of uses and the  
20          size of uses within this core area.

21          CHAIRMAN CALONE: Mr. Warren, maybe  
22          you could just point out for everyone  
23          where the watch factory was, because I  
24          know that's an issue that's come up a  
25          few times here.

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MR. WARREN: The Bulova factory is that part right there (indicating).

CHAIRMAN CALONE: Okay. I just want -- so everyone can see where it is, that's all.

MR. WARREN: Yes, the Bulova Watch factory. It's just on the out- -- outlying, southeast corner of the village business district.

This is a slide of the existing village business district, and you can see that it's fairly extensive, it's approximately 23.7 acres in size. It has a wide diversity of uses in there. And you'll see that, coming in on the eastern side, you have some residential uses that are kind of poking in along Division Street where the village is -- Division Street would be this street running right down through there (indicating). This is a fairly heavy traffic road, 114, that takes you from Sag Harbor to East Hampton. It's the main route if you're coming from East

1 Hampton to get over to North Haven and  
2 off to the ferry, off to Shelter Island.  
3 So it's a fairly heavily traffic road.  
4 Through there you have some residential  
5 uses along that area as well.  
6

7 Next slide, please.

8 MR. CORRAL: (Complying)

9 MR. WARREN: Although you can't  
10 read this, and I apologize for that, but  
11 in -- in the study you can actually see  
12 it. This was an inventory that we did  
13 of the first floor spaces so that we  
14 could get a sense of where we were in  
15 terms of size, because one of the things  
16 that's important in Sag Harbor is the  
17 diversity of spaces. And -- and part of  
18 that is related to the number of spaces  
19 so that this way it can become an  
20 attractive place to shop at.

21 The smallest space that we have in  
22 the Village of Sag Harbor is about  
23 280 square feet, and it's a women's  
24 clothing store. The largest space is  
25 about 1,400 -- 14,500 square feet, which

1  
2 is a gymnasium. But what's interesting  
3 is when you look at the -- the spaces  
4 that we have, 50 -- almost 55 percent of  
5 the spaces are less than 1,500 square  
6 feet; almost 75 percent are less than  
7 2,000 square feet; 88 percent are less  
8 than 3,000 square feet; and there's  
9 really only a small handful of spaces  
10 that are larger than 3,000 square feet.

11 We think that that's one of the  
12 very important parts of Sag Harbor,  
13 that -- you know, the diversity of  
14 spaces.

15 If you were to compare this to,  
16 say, the Kinko's Shopping Plaza in  
17 Bridgehampton -- we -- we have  
18 approximately 300,000 square feet of  
19 first floor space here in the Village of  
20 Sag Harbor, it encompasses 160 spaces.

21 The Kinko's Shopping Plaza has  
22 288,000 square feet, and it has about  
23 35 spaces.

24 You're destination-oriented.  
25 Someone wants to go and they want to go

1 shopping, they know they're going to go  
2 there, they drive there, they're going  
3 to build there. It's not the place that  
4 causes people to come and shop and walk  
5 store to store to store. It's  
6 destination oriented.  
7

8 What we think is there is a synergy  
9 amongst the types of uses you have in  
10 Sag Harbor, the mix of uses, the retail  
11 uses, the restaurant trade, that causes  
12 people to want to come and shop and  
13 stay. And I think it's -- that all you  
14 need -- one needs to do is to go and --  
15 actually, go to Sag Harbor during any  
16 summer day -- actually, mostly  
17 year-round, although it's slowed down a  
18 little bit recently, probably because of  
19 the cold weather and, to some extent,  
20 the national economy, and you'll see  
21 that it's vibrant all the time.

22 Next slide, please.

23 MR. CORRAL: (Complying)

24 MR. WARREN: When you look at a  
25 breakdown of the spaces, what's



1 interesting to us is that on the first  
2 floor space, the top table on the  
3 column, you'll see 309,000 square feet  
4 in the first floor village business  
5 district. The average size of those  
6 spaces is 1,935 square feet. The median  
7 value, 50 percent of these spaces are  
8 larger than, 50 percent of these spaces  
9 are small than, because you can't  
10 just -- it's hard to average 280 square  
11 feet with 14,500 square feet and say,  
12 Okay, what's the average space size. So  
13 when you look at the median value, the  
14 median value is 1,394 square feet. It's  
15 a relatively small commercial space.

16  
17 So if we started looking for how to  
18 maintain and manage Sag Harbor in a way  
19 that protects what is, which is really  
20 one of the objectives, try to preserve  
21 the -- the best of what Sag Harbor has,  
22 what is, and we thought that one of the  
23 important things is to try to manage the  
24 sizes first. And you'll see as we go on  
25 further that we have recommended some

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changes to that.

The next slide, please.

MR. CORRAL: (Complying)

MR. WARREN: We did an inventory of these spaces so that you would understand the different breakdown of uses, both office and banks, retail, other commercial spaces, and other types of uses, and then -- and totaled, both in an existing village business district and a proposed village business district, which I'll show you in a moment.

So these are only a few of many slides that we've prepared for this project.

Next slide, please.

MR. CORRAL: (Complying)

MR. WARREN: Breakdown, again, of existing village first floor space, and the percentages that occupy retail, other commercial, and then office and banks.

CHAIRMAN CALONE: Where --

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MR. WARREN: Office and banks --

CHAIRMAN CALONE: Where do you have the offices and banks for the, kind of, non-retail oriented as a percentage of the entire business district by -- by --

MR. WARREN: That would be --

CHAIRMAN CALONE: -- footage?

MR. WARREN: -- right in here (indicating). It's about 14 -- 14.9 -- 14 percent.

COMMISSIONER HORTON: What's the percentage if you back the banks out so it all would be retail space and retail use?

MR. WARREN: I don't -- I don't know that I can answer that off the top of my head, but we would have that information.

The next slide, please.

MR. CORRAL: (Complying)

MR. WARREN: Then we also did an inventory of -- of the uses. We broke the uses down into categories so that we could find out how home furnishings and

1  
2 decor store we have, how many  
3 restaurants, how many gyms, antique  
4 shops, hardware stores, et cetera, and  
5 you can see that we broke those down.  
6 We have an idea of actually what is the  
7 type of uses we have here, and what's  
8 the size range that we have in terms of  
9 uses. All of this was helpful for us to  
10 try to establish our preliminary  
11 recommendations.

12 Next slide, please.

13 MR. CORRAL: (Complying)

14 MR. WARREN: So as we moved forward  
15 with the planning strategy study, we  
16 came up with a series of preliminary  
17 recommendations that were presented to  
18 the village back in September of 2007.

19 The first was to redefine the  
20 boundaries of the village business  
21 district so that it would encompass the  
22 core area;

23 Create a -- a new district, the  
24 office district, which would be  
25 outlining that core area and act as a

1 transition between the residential areas  
2 and the downtown areas;

3  
4 A third would be to redefine the  
5 permitted special exception uses so that  
6 we would be encouraging the retail trade  
7 type of uses in the downtown core area,  
8 and moving some of those outlying -- to  
9 those outlying districts, which are  
10 really only a block away -- it's not as  
11 though we're moving them a far distance,  
12 it's really just on the back side of  
13 Main Street of the non-retail types of  
14 uses that we do recognize are important,  
15 you know, the real estate offices,  
16 banks, financial institutions, attorneys  
17 offices, those kinds of things, and we  
18 had moved those to an outlying area;

19 We've created detailed special  
20 exception standards for uses;

21 We're encouraging, you know, and  
22 supporting a local small-town feel by  
23 establishing gross floor area maximum  
24 requirements in the village;

25 And we're trying to make sure that

1 we can maintain the type of diversity  
2 that we have in the community, where  
3 there's a relatively limited section of  
4 the downtown commercial district so that  
5 we don't want to see the storefronts in  
6 the village all merge into larger  
7 spaces. So we're establishing maximum  
8 frontage requirements as well for uses.

9  
10 Next slide, please.

11 MR. CORRAL: (Complying)

12 MR. WARREN: We had proposed  
13 developing regulations that encourages  
14 accessory apartments on the second floor  
15 of the commercial buildings within the  
16 village business district, I'll talk  
17 about those in a moment;

18 We developed a provision that would  
19 permit offices on the second floor when  
20 they were associated with the first  
21 floor retail trade, because we were  
22 looking actually to remove offices from  
23 this core area completely. Remove --  
24 remove potential offices. Existing  
25 offices, existing retail space, existing

1  
2 real estate offices, banks, et cetera,  
3 would be allowed to remain. They would  
4 become preexisting, nonconforming uses.  
5 We understand that there's an important  
6 part of having a mix, and we don't want  
7 to see them driven out of the village,  
8 but, at the same time, we realize that  
9 we can't afford to see what's happening  
10 in some other communities where they've  
11 actually caused a deterioration in these  
12 such areas by them taking over and  
13 actually becoming a much more dominant  
14 force in the downtown area. So we're  
15 recommending that offices not be on  
16 Main Street on the first floor, and we  
17 recommend on the second and third floor  
18 as well.

19 CHAIRMAN CALONE: Quick question  
20 for you. I mean, with regard to -- you  
21 know, you -- so you can't force people  
22 out, obviously, and -- and a real estate  
23 office that's there can stay, and that  
24 makes sense also in the economic climate  
25 because you -- you know, you want to

1  
2 make sure someone's there to fill that  
3 space when -- when they leave. But I  
4 guess my question relates to turnover,  
5 and how long you guys anticipate it will  
6 take to, kind of, have the village morph  
7 into -- you know, more consistent  
8 with -- with your vision, given that  
9 there are, you know, preexisting  
10 nonconforming uses.

11 MR. WARREN: We're actually not  
12 looking to see the real estate offices  
13 there leave. You know, we -- we  
14 recognize that there is an important  
15 balance in terms of the uses. However,  
16 the only way that we felt there was --  
17 the ability to protect the village from  
18 having real estate -- which, on the  
19 East End, as you probably know, the real  
20 estate transfers are at really high  
21 numbers, and the real estate brokers  
22 make really big commissions, and,  
23 therefore, the ability for someone to  
24 come in and rent a small retail space,  
25 because they have a lot of cash coming



1  
2 into their business, really has the  
3 potential to reassert the abilities of  
4 the local business and the local trades  
5 person to compete for that retail space.

6 So while we don't want to see the  
7 real estate offices that are there  
8 leave, we don't want to see additional  
9 ones --

10 CHAIRMAN CALONE: Well, I think if  
11 you look at the Village of East Hampton  
12 as an example, I mean, no offense to our  
13 real estate folks here, but, I mean,  
14 there's -- you know, there's a whole --  
15 that whole intersection is pretty much  
16 all, you know, real estate, and --  
17 and --

18 MR. WARREN: We don't want to see  
19 that happen.

20 But what we also recognize is the  
21 ability for -- if one of the real estate  
22 offices closes, and this just happened  
23 recently, another real estate office can  
24 come in. So we're not saying that there  
25 is an amortization type of thing where

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if they go out of business, you know,  
we're done. It's going to convert.

We recognize that there will be  
some real estate in -- on Main Street,  
but new off- -- new real estate offices,  
there's some outlying areas for them.

We want to try to preserve what is.  
And they are part of what is, but we  
don't want to see what is changed to  
something that morphs into something  
we -- more non-retail spaces coming in.

COMMISSIONER ROBERTS: Which I  
think it's very important to stress that  
that's one block away from Main Street  
also.

MR. WARREN: Yes, it's -- it's  
literally one block away, alleys --  
alleys walk away. And it's also in an  
area where there's -- there's street  
circulation patterns that makes some  
sense as well.

When we get up to another slide,  
I'll show you the --

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CHAIRMAN CALONE:

Commissioner Horton had a question, too.

COMMISSIONER HORTON: Yeah, I was

actually just going to make a point.

It's probably obvious, but I know last

week two real estate offices in

Sag Harbor closed. So I think a number

of the concerns that you have, the

market is going to take care of. And

I'm very interested in meeting some real

estate brokers right now who are making

lots of money.

MR. WARREN: We know that -- we

know that they're having some trouble,

but, you know, as -- as history has

shown on the East End, the real estate

bounces back.

CHAIRMAN CALONE: Commissioner --

MR. WARREN: We expect it will

bounce back at some point.

CHAIRMAN CALONE: I'm sorry,

Commissioner Bolton.

COMMISSIONER BOLTON: I didn't see

anything in your analysis regarding

1  
2 restaurants, and I wondered if there was  
3 any particular application to any of  
4 this regarding the provision of  
5 restaurants.

6 MR. WARREN: We actually did -- did  
7 an inventory to restaurants as well.  
8 Again, this is just an abbreviated  
9 section of our -- of our study.

10 Within the village, there are  
11 13 restaurants within the village  
12 business district at the present time,  
13 and the restaurants will be considered  
14 as a permitted use within the village.  
15 That is something that we -- we do  
16 encourage.

17 Actually, during the course of this  
18 analysis, which took almost two years,  
19 we had done a fairly extensive  
20 evaluation of Main Street. And we  
21 looked at, how are -- how are the uses  
22 actually broken up, and should we be  
23 actually breaking the village district  
24 down into smaller components so that we  
25 could make sure that there's a diversity

1 of restaurants throughout. And then we  
2 realized it was going to become much too  
3 complicated to try to deal with only a  
4 23-acre area, and we were going to  
5 probably bind the hands of commercial  
6 business owners more than anyone would  
7 ever want us to do. So --

8  
9 COMMISSIONER BOLTON: I was  
10 thinking more in terms of impact to  
11 water resources, the actual, you know,  
12 waterfront there, and whether any of  
13 that had come into play in your study.

14 MR. WARREN: One of the advantages  
15 that we have in Sag Harbor is we have a  
16 village sewage treatment plant that is  
17 well under capacity at this point in  
18 time.

19 COMMISSIONER HOLMES: And I think  
20 we need to commend Sag Harbor, because  
21 as a result of efforts by my  
22 just-deceased neighbor, Dr. Jack Kelly,  
23 Sag Harbor, when -- when Dr. Kelly  
24 arranged for the ultraviolet system to  
25 be demonstrated at Shelter Island

1 Heights, which declined to put it in and  
2 still discharges chlorine into Shelter  
3 Island Sound which kills the plankton  
4 and the fish feed on Sag Harbor and  
5 Riverhead both, installed ultraviolet  
6 systems so that you are not discharging  
7 chlorine, and I think that's a big plus.

8  
9 MR. WARREN: Yes. Yes.

10 CHAIRMAN CALONE: Thank you.

11 VICE CHAIRMAN KONTOKOSTA:

12 (Indicating)

13 CHAIRMAN CALONE: Yeah, sure, Vice  
14 Chairman.

15 VICE CHAIRMAN KONTOKOSTA: One  
16 question -- two questions actually.

17 First, why did you discourage  
18 using -- having some of these offices  
19 and other, perhaps, non-retail kind of  
20 spaces not on the second floor? Why did  
21 you discourage that from above --

22 MR. WARREN: Because we were -- we  
23 were looking to see if we could  
24 encourage the village to promote  
25 affordable housing on the second floor.

1 We were at -- a lot of the second floor  
2 right now is quite, but there are  
3 apartments on the second floor, there  
4 are some offices on the second floor,  
5 there's architects offices, attorneys  
6 offices, and this kind of thing. But we  
7 thought that one of the things that --  
8 as you start to look at smart growth and  
9 trying to keep everybody in the downtown  
10 core area, that we want to try to  
11 encourage some apartments on the second  
12 floor.

14 Now, I must tell you that during  
15 the course of the review of this  
16 project -- this process over the past  
17 nine months or so, we had numerous  
18 public meetings, which you'll see on the  
19 last slide. And one of the most recent  
20 changes to this code -- proposed code,  
21 is the elimination of the restriction of  
22 offices on the second and third floor.

23 It was -- it was something that the  
24 business community who have -- some  
25 business -- business members have

1  
2 embraced the types of things we're  
3 doing, some have been concerned about  
4 the types of things. We had a lot of  
5 dialogue back and forth on this, and the  
6 board of trustees determined very  
7 recently that they would not establish  
8 restrictions for the second floor and  
9 above, or independent offices if  
10 somebody wants to do that. This way,  
11 you would have outlying offices which  
12 you would have -- there would be no need  
13 for offices on the second floor and  
14 above, but you're still preserving the  
15 first floor retail trade, which is  
16 really the primary, most important thing  
17 that we're looking to do.

18 COMMISSIONER ROBERTS: (Indicating)

19 CHAIRMAN CALONE:

20 Commissioner Roberts.

21 COMMISSIONER ROBERTS: Rich, could  
22 you also clarify what you're not --  
23 affordable housing is going to be  
24 required on the second floor, and there  
25 was a recent discussion at the last



1  
2 meeting that that also might be set  
3 aside.

4 MR. WARREN: Yes, that was  
5 something that was actually set aside as  
6 well.

7 COMMISSIONER ROBERTS: Good.

8 CHAIRMAN CALONE: Okay, I  
9 apologize.

10 Vice chairman.

11 VICE CHAIRMAN KONTOKOSTA: Just the  
12 other question:

13 In terms of the site plan review  
14 process for certain retail uses larger  
15 than 3,000 square feet and certain --  
16 certain of the other bank-type uses, how  
17 long do you expect that -- are there  
18 procedural limitations on how long that  
19 process will take; how long do you  
20 expect that process to take to get  
21 approval?

22 MR. WARREN: We're -- could I just  
23 defer that until we get to that slide?

24 VICE CHAIRMAN KONTOKOSTA: Sure,  
25 absolutely.

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CHAIRMAN CALONE: Yeah.

MR. WARREN: Otherwise, I won't get done.

CHAIRMAN CALONE: Okay. We'll get there.

VICE CHAIRMAN KONTOKOSTA: Thanks.

CHAIRMAN CALONE: All right.

MR. WARREN: Because that's going to come up.

CHAIRMAN CALONE:  
Commissioner Horton, and then we'll get back to your presentation.

DIRECTOR ISLES: Tom.

CHAIRMAN CALONE: Oh, Tom.

Again, I'm sorry.

COMMISSIONER HORTON: I just have one additional point or question regarding office space, whether it's for retail, attorneys, accountants, or -- you know, or the like.

One thing that occurred to me is that those are very client-heavy, people businesses, if you will, and tend to bring a lot of people into the downtown

1 area, and I -- and I don't think that  
2 traffic should be discounted or -- or at  
3 least they should be accounted for, I  
4 would -- I would think. You know, when  
5 we're looking at office space, whether  
6 it's a retail office, it may have 20  
7 brokers who are going to lunch and  
8 having clients in the downtown area  
9 patronizing the -- you know, the other  
10 retail operations, delis and restaurants  
11 and the like, as well as other  
12 professional services. They're not  
13 necessarily soft, backroom type of  
14 operations, they're generally very  
15 client and people heavy types of  
16 organizations.  
17

18 MR. WARREN: One -- one of the  
19 reasons that we kept the office  
20 district, which you'll see in this slide  
21 in a moment, very close to the downtown  
22 area, is because we realize that there  
23 is this important relationship between  
24 the two. However, we have to find a way  
25 to protect against the changes in the

1  
2 core of the village commercial district  
3 that would negatively affect the local  
4 commercial retail trade. We want to  
5 make sure those people come, but we want  
6 to make sure that they're coming --  
7 not -- not become destination oriented,  
8 I'm coming there because my accountant's  
9 there and then I'm going to leave. We  
10 want to make sure that they come, they  
11 shop, they do their thing, and they  
12 experience that local retail trade that  
13 makes the Sag Harbor commercial district  
14 a special and desirable walking  
15 district.

16 CHAIRMAN CALONE: My recollection,  
17 also, is that there's an issue about  
18 nighttime use and wanting to make sure  
19 there's enough, kind of, core activity  
20 in the nighttime. At least I know  
21 that's an issue where I'm from in Port  
22 Jefferson, over time it's been making  
23 sure that some of the offices -- you  
24 know, that there's a core group of  
25 restaurants, and those kinds of things

1  
2 don't get crowded out because you want  
3 to maintain the after-hours traffic as  
4 well.

5 But, Mr. McAdam, I know you had  
6 something you wanted to ask.

7 COMMISSIONER McADAM: Yes.

8 You mentioned before that the --  
9 that you have sewage treatment in the  
10 village.

11 MR. WARREN: Yes.

12 COMMISSIONER McADAM: How much  
13 capacity do you have if you fully back  
14 out the -- you know, the second stories  
15 and any new -- new vacant facilities  
16 that you have there; do you have enough  
17 to handle all that?

18 MR. WARREN: I believe these  
19 numbers are correct, that the village  
20 has a maximum of 250,000 gallons per day  
21 capacity in their sewage treatment plan,  
22 and they're going to be operating during  
23 their off-season somewhere between 60-  
24 to 80,000 gallons a day, and in their  
25 off-season it's up to about 120,000

1  
2 gallons a day. So they have substantial  
3 expansion abilities.

4 CHAIRMAN CALONE: Okay. We'll let  
5 you get back to your -- your slides.

6 MR. WARREN: Next slide, please.

7 MR. CORRAL: (Complying)

8 MR. WARREN: We have prepared a  
9 new -- as part of the process, a table  
10 of uses for the village. And before the  
11 table within the zoning code, the uses  
12 were scattered throughout the different  
13 districts, and one of the things that  
14 made it difficult to find is where could  
15 one put a use in the village and what  
16 district.

17 The other thing we've also done is  
18 we've tried to standardize them. The  
19 code in Sag Harbor hasn't been updated  
20 for almost 25 years, and we're trying to  
21 bring it up to more modern standards.  
22 We've added the North American Industry  
23 Classification System numbers which is  
24 the -- now the -- the standard -- that  
25 is considered the Standard Industrial

1 Classification, the SIC code, which  
2 you're probably all familiar with. And  
3 you'll see that these are the -- the  
4 districts across the top, and then, you  
5 know, going down, these are the uses  
6 (indicating).

7  
8 Next slide, please.

9 MR. CORRAL: (Complying)

10 MR. WARREN: As you start to look  
11 at offices and banks, as you go through  
12 that -- even I can't see that from  
13 here -- you'll see that in the village  
14 business district, there is a long list  
15 of prohibited uses, going right down to  
16 there (indicating), and in the office  
17 district, you'll see that most are  
18 permitted.

19 We have left a couple of uses that  
20 are permitted within the downtown  
21 village business district area that we  
22 think are actually important types of  
23 uses that we would want to see on  
24 Main Street, such as the local newspaper  
25 which is actually on Main Street. We

1 don't think that we're going to see, you  
2 know, that kind of thing expand in -- in  
3 a larger number. But we're looking to  
4 see that those types of uses would  
5 become permitted uses in the office  
6 district.

7  
8 Next slide, please.

9 MR. CORRAL: (Complying)

10 MR. WARREN: The retail categories,  
11 you'll see where we've had -- now, the  
12 retail types of uses are almost all  
13 permitted, there are a few special  
14 exceptions, and we have a couple of uses  
15 that are larger than the maximum size  
16 that we're talking about in the village,  
17 which is 3,000 square feet in terms of  
18 uses. But you'll also see in the office  
19 district there are some special  
20 exception uses, which are some of  
21 your, you know, less traditional types  
22 of retail space, but we think that we  
23 would allow that to occur in the office  
24 district, because the office district  
25 that we're proposing is something that



1 would encompass some of what is  
2 currently zoned village business. So  
3 it's an accommodation to those property  
4 owners who are changing the character,  
5 what they can do on their property,  
6 converting it where they have full  
7 village business use rights, so to  
8 speak, today, we're going to change  
9 that, so now we're going to tweak it so  
10 it's more towards an office use which is  
11 permitted there today, but we want to  
12 encourage offices to go to that outlying  
13 district, but we're also making some  
14 accommodations to say, you know, I want  
15 to be able to have, you know, a certain  
16 type of -- a bicycle shop, for instance.  
17 It may have a little bit more trouble on  
18 Main Street, even though we have one on  
19 Main Street, but they may want to have a  
20 larger bicycle shop where they have some  
21 outdoor displays that you couldn't put  
22 out on the sidewalks, you could have  
23 something like that in these outlying  
24 offices. So we have some types of uses  
25

1  
2 that you'll see in our list that are  
3 special exception in the office  
4 district.

5 Next slide, please.

6 MR. CORRAL: (Complying)

7 MR. WARREN: And this is just a  
8 continuation of the use table.

9 Next slide.

10 MR. CORRAL: (Complying)

11 MR. WARREN: Next slide.

12 MR. CORRAL: (Complying)

13 MR. WARREN: We also put a new  
14 dimensional table together so that it  
15 makes -- makes it easier for the village  
16 to define residence -- you know,  
17 property owners define exactly what the  
18 setbacks and the requirement are, the  
19 area requirements for each.

20 Next slide.

21 MR. CORRAL: (Complying)

22 MR. WARREN: This -- this -- one of  
23 the things that was very important in  
24 the village to the business community  
25 was that -- this was -- you know, a very

1 significant part of this was the  
2 commercial district analysis, was to  
3 determine how one would deal with  
4 changes in use for uses that are greater  
5 than 3,000 square feet and uses that are  
6 less than 3,000 square feet. We  
7 established in our proposed  
8 recommendations that uses in the village  
9 business district not be allowed to  
10 expand above 3,000 square feet. That  
11 that was a significant concession to the  
12 existing uses when you figure that 30 --  
13 almost 50 percent are smaller than  
14 1,400 square feet. So they have the  
15 ability to actually double in size, but  
16 in order to try to maintain the  
17 diversities, we felt it was important to  
18 establish some limits. So in the  
19 ability to give business owners the  
20 ability to expand, we established a  
21 maximum limitation of 3,000 square feet.  
22 But there are some uses that exist at  
23 the present time that would have to deal  
24 with that, there's 11 uses that -- that  
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are larger than 3,000 square feet.

So we established a flowchart that shows how one could build through that process.

If it's permitted -- the permitted, which is the left-hand side, is the ability -- they're required to submit an application to the planning board. The planning board could waive it if they meet certain conditions, and this way they would have the ability to change use in those spaces and get through to the building permit relatively quickly.

If they don't meet certain waiver provisions, they would go through site plan review.

If it's going to a special exception use, we're going to have a public hearing because we can't let everything go through.

The next slide, please.

MR. CORRAL: (Complying)

MR. WARREN: This is the one that we think is probably most important,

1  
2 because this -- this encompasses  
3 probably 88 percent of the uses that are  
4 there, spaces less than 3,000 square  
5 feet. And we think that from a retail  
6 point of view, when a retail -- one of  
7 the concerns was, retail shop owners,  
8 the tenant moves out, how does a tenant  
9 move in, and we want to make sure the  
10 process doesn't become onerous.

11 So from a permitted to a permitted  
12 use, an applicant comes in, and then  
13 they can come in and they can go through  
14 an exemption provision within the code.  
15 So long as there are no changes in  
16 parking or changes in sanitary  
17 requirements, permitted to permitted, it  
18 goes right through and straight to  
19 building permit. No site plan  
20 application is required, it gives you  
21 the ability to change from a hat shop to  
22 the shoe shop to an art gallery. The  
23 types of things that we think typically  
24 are going to happen in Sag Harbor, they  
25 won't -- won't be burdened by a process.

1                   When there is a change in some of  
2                   the provisions of sanitary and parking,  
3                   they would submit a site plan  
4                   application, and the planning board  
5                   could waive it. You know, they could  
6                   waive it if they think it's appropriate,  
7                   and there's some waiver provisions in  
8                   the code.

9  
10                  To go into a special exception use,  
11                  there is -- there is a process, you  
12                  know, here, a special exception use  
13                  where then they have to go through a  
14                  special exception process.

15                 But we think that the vast majority  
16                 of the uses and the changes in use are  
17                 going to be a relatively quick  
18                 administrative process. So we've tried  
19                 to be attentive to the building -- to  
20                 the business owners in the community.

21                 The next slide, please.

22                 MR. CORRAL: (Complying)

23                 MR. WARREN: This is our proposed  
24                 zoning map (indicating). You'll see  
25                 that the areas that are in yellow are

1 the proposed office district. This area  
2 right through here used to be village  
3 business (indicating). This area  
4 through here used to be village business  
5 (indicating). This is used to be  
6 waterfront district up through there  
7 (indicating). So these are all  
8 non-single-family residential districts.  
9 This area's village business district at  
10 the present time (indicating). These  
11 are currently office uses there at the  
12 present. Over in this area  
13 (indicating), this is zoned residential  
14 at the present time. And we had --  
15 actually had a larger district proposed  
16 in this area, as well as some areas down  
17 here and outlying on Bay Street  
18 (indicating), and it was determined that  
19 it should be scaled back. And this now  
20 encompasses only four lots, three of  
21 which have existing buildings on it that  
22 are used for office types of uses and  
23 one is a parking lot. But it's on an  
24 area -- it's a heavy traffic road, and  
25

1  
2 we felt it appropriate that in that  
3 section we try to see it used as office  
4 rather than residential.

5 Next slide, please.

6 MR. CORRAL: (Complying)

7 MR. WARREN: So just in summary,  
8 the process has been extensive, and the  
9 public has been involved in this.

10 Initially, the community voiced  
11 their concerns. The village established  
12 a code advisory committee that was  
13 in-house, it was members of the planning  
14 board, zoning board, some members of the  
15 public, board of trustees, and they  
16 formalize the issues of concern.

17 They started working on sections of  
18 the code and realized it was really more  
19 than they could handle. They created a  
20 technical advisory committee which was  
21 the mayor, one trustee, myself, a  
22 planning consultant, and counsel,  
23 Anthony Tohill, to assist.

24 We did a fairly detailed inventory  
25 of existing conditions of the summer of



1  
2 2007. We did an analysis of that data  
3 and development of preliminary  
4 recommendations. We had two meetings,  
5 one in September and one in October of  
6 2007, where we presented our study  
7 recommendations and findings to the  
8 public. And then we moved forward with  
9 the preparation of the planning  
10 strategies report and development of a  
11 revised zoning code.

12 That was delivered to the village  
13 in April of 2008, and then over the  
14 course of the summer, we had a whole  
15 series of work sessions for the public.  
16 This way they would have the ability  
17 to -- to look at this, they would have  
18 the ability to be involved in it. It  
19 was -- it was all published online so  
20 people could actually go online and look  
21 at the code.

22 So we had work sessions on May 8th,  
23 May 15th, June 3rd, June 19, July 12th,  
24 and August 14th. We had one session  
25 where, by appointment, people could come

1 in. If they didn't want to come to a  
2 podium because they were too shy or they  
3 had questions they didn't want to burden  
4 the other people with, we had one  
5 session where people could actually come  
6 in on a one-on-one basis by appointment  
7 and sit with us, look at maps, talk,  
8 and -- and make suggested changes.

9  
10 The draft code from beginning to  
11 end changed dramatically. Although I  
12 think what the -- the intent of what the  
13 village is trying to do is still woven  
14 into the code, and we think that it will  
15 be successful. We're now in the process  
16 of the public hearings on the draft  
17 GEIS, the planning strategies document,  
18 and the zoning code.

19 So it's been a long process, but  
20 it's been a rewarding one. And,  
21 hopefully, we'll come to some  
22 conclusions very soon.

23 CHAIRMAN CALONE: Thank you,  
24 Mr. Warren.

25 Unless there are additional

1  
2 questions on the part of the Commission,  
3 we'll thank you for your time, and we'll  
4 move on, actually, to considering the  
5 Sag Harbor referral. And since we've  
6 gotten a -- you know, a rather extensive  
7 background, I think we can, you know,  
8 ask the staff to hit the highlights here  
9 with regard to -- regard to the Sag  
10 Harbor plan and their analysis of it.

11 So --

12 DIRECTOR ISLES: Dan.

13 CHAIRMAN CALONE: -- Dan.

14 DEPUTY DIRECTOR GULIZIO: That  
15 being said, I would like to now repeat  
16 everything that Mr. Warren has said.

17 (Laughter)

18 DEPUTY DIRECTOR GULIZIO: Just --  
19 just to be clear, what the Commission  
20 has referred to it today is both an  
21 update to the comprehensive plan, or  
22 planning strategies with particular  
23 emphasis on the downtown, as well as a  
24 series of code amendments that reflect  
25 some of the recommendations that we've

1  
2 discussed today that are embodied within  
3 the planning strategies document.

4 In summary, again, what the village  
5 is seeking to do and what we commend the  
6 village on attempting to do in order to  
7 preserve their community character,  
8 their downtown, kind of, smart growth  
9 before there was smart growth  
10 development patterns, is to discourage  
11 the conversion of retail to non-retail  
12 uses within the downtown district, to  
13 prevent a reduction in the diversity of  
14 uses within the downtown, and to  
15 prohibit the conversion of uses or the  
16 placement of inappropriate uses within  
17 the downtown character.

18 The planning strategies document  
19 contains 22 recommendations in total,  
20 most of which have been summarized by  
21 Mr. Warren. There are also a series of  
22 affordable housing recommendations  
23 contained within the document, which  
24 include recommendations for inclusionary  
25 zoning requirements within the village

1 code, accessory apartments -- the  
2 promotion of accessory apartments within  
3 both the R20 district as well as the  
4 village business district, the  
5 establishment of a Sag Harbor affordable  
6 housing trust, and the development of  
7 intermunicipal agreements with both the  
8 Towns of Southampton as well as East  
9 Hampton.  
10

11 I should start at the outset, and I  
12 apologize for not discussing it first,  
13 but the Village of Sag Harbor is  
14 uniquely situated in that it straddles  
15 the boundary line between two towns;  
16 between the Town of Southampton to the  
17 west and the Town of East Hampton to the  
18 east. Three-fifths of the village are  
19 located within the Town of Southampton,  
20 the remaining two-fifths are located  
21 within the Town of East Hampton. The  
22 total area of the village encompasses  
23 approximately 1.72 square miles. And as  
24 Mr. Warren has indicated, there is a  
25 population of approximately 2,300

1  
2 full-time residents, which is remarkably  
3 stable from -- I believe, the planning  
4 document from the 1970s indicated the  
5 population was within 100 persons of  
6 that 2,300.

7 CHAIRMAN CALONE: The same people;  
8 right?

9 SECRETARY ESPOSITO: Oh, Dave.

10 CHAIRMAN CALONE: I didn't mean  
11 that negatively. It's good.

12 SECRETARY ESPOSITO: That was off  
13 the record.

14 CHAIRMAN CALONE: And meant in the  
15 best possible spirit.

16 DEPUTY DIRECTOR GULIZIO: I stress  
17 that our review of this is not on the  
18 site-specific level in terms of whether  
19 or not every single recommendation or a  
20 standard that has been discussed or  
21 recommended by the village is considered  
22 to be appropriate or inappropriate, but  
23 more on a -- on a big picture scale,  
24 whether or not the recommendations  
25 within the planning strategies document

1 and the code amendment are consistent  
2 with regional planning policies either  
3 adopted by this Commission, or whether  
4 or not there are significant  
5 intercommunity or county-wide concerns  
6 that warrant competent consideration,  
7 based upon our review of the document.  
8

9 A couple quick comments that we  
10 would make based upon our review of the  
11 document is while there are several  
12 strategies for promoting the development  
13 of housing to meet local residents needs  
14 and -- and more affordable,  
15 moderate-priced housing, we would  
16 recommend that prior to adoption of the  
17 code that there be consideration given  
18 to the implementation of some more  
19 specific standards, consistent with the  
20 Commission's Guidelines on Affordable  
21 Housing.

22 Specifically, we'd like to see some  
23 comment about target income groups; the  
24 term of the affordable housing, whether  
25 or not that would be in perpetuity, of

1 course, with this period; whether or not  
2 it would include local preference  
3 provisions for the local area residents  
4 and to what extent; and simply that the  
5 Commission give -- excuse me, that the  
6 village give strong consideration to the  
7 Commission's Affordable Housing  
8 Guidelines.  
9

10 In addition, a couple quick  
11 comments. We would just reference that  
12 the Commission's jurisdiction includes  
13 several criteria including a proximity  
14 to the waterfront, the Atlantic Ocean,  
15 the bays and estuaries surrounding the  
16 village. And that our review period is  
17 45 days, not 30 days as evidenced by our  
18 administrative code.

19 We'd also point out that if there  
20 are substantive changes to the code  
21 provisions that have been referred to  
22 us, again, we would consider substantive  
23 changes to be a new referral, subject to  
24 the review of the Commission, once  
25 again.



1  
2           We would continue to encourage the  
3           village also to consider the idea of  
4           expanding the scope of their  
5           comprehensive planning efforts to  
6           include other considerations in the  
7           village. Carefully consider potential  
8           traffic impacts from these code  
9           amendments; particularly, with the  
10          adoption of additional office zoning  
11          districts.

12           And, again, just in closing, if the  
13          Commission members have any questions,  
14          I'd be happy to try to address them, but  
15          we would, again, just like to -- and I  
16          don't do this often, anybody who knows  
17          me, but compliment the village on really  
18          doing the effort and putting in the time  
19          and the analysis that's needed to drive  
20          good policy and good planning.

21           Someone very smart once told me,  
22          "That which is measured can be managed."  
23          That's John Corral, by the way.

24           I have to tell you from a planning  
25          standpoint, it's great to see a village,

1  
2 however small, going through the  
3 detailed inventory analysis that's  
4 necessary so we actually understand  
5 existing conditions, and can formulate  
6 sound policy to address local concerns  
7 as well as regional considerations.

8 That being said, we are  
9 recommending approval of the planning  
10 strategies document, as well as the code  
11 amendments, subject to the comments  
12 presented here today.

13 If the Commission members have any  
14 questions, I'd be happy to try to  
15 address them.

16 CHAIRMAN CALONE: Thank you, Dan.

17 First of all, it's good that we  
18 have a new motto for the Commission, so  
19 thank you, John, for that.

20 But with regard to what you were  
21 just saying, I mean, we -- we -- the  
22 recommendation is that there be a  
23 condition related to the affordable  
24 housing aspect, but it sounded like you  
25 were also adding, kind of, a few things

1 that may be worth adding as comments,  
2 particularly with respect to if there is  
3 a substantial change -- and I understand  
4 this is an ongoing process with the  
5 village, that if there's a substantial  
6 change, that that should be re-referred  
7 to the Commission and we'll look at, you  
8 know, that changed aspect.

9  
10 The other thing I heard you say was  
11 with regard to encouraging the village  
12 to continue to expand the scope of  
13 their -- their comprehensive review  
14 efforts, perhaps to include looking at  
15 traffic and things of that nature.

16 And then, also, I guess there are  
17 some issues, perhaps, with just making  
18 sure that the references to the county  
19 jurisdiction, maybe, are accurate.

20 So maybe those three things  
21 would -- I just want to make sure we're  
22 hearing you right, would be appropriate  
23 as maybe just comments to -- to the --  
24 to the recommendation?

25 DEPUTY DIRECTOR GULIZIO: That's

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correct.

CHAIRMAN CALONE: Okay.

All right. Commissioner Roberts is the Southampton representative, obviously, is from that area, so we'll let her speak first.

COMMISSIONER ROBERTS: I have just a few things to say.

One thing that wasn't mentioned is that the Village of Sag Harbor is 300 years old, which might be why our population doesn't change too much because there isn't too much housing that can continue to grow.

Second thing I just wanted to remind the Commission about is because of the village's proximity to the harbor, the line between South and East Hampton, the State Road 114, even though it's a very small village, quite a large part of it comes under our referral process. So being sure that they are consistent with our guidelines, I think, is important.

1  
2 I also would say that the community  
3 was extremely involved with this  
4 process. We had up to a hundred people  
5 at most of the meetings; real estate  
6 people, business owners, building  
7 owners, residents. Everyone was very  
8 much a part of it. Certainly, there was  
9 a little bit of commotions at the  
10 beginning of the process, but I think at  
11 this stage there very much is a  
12 consensus in the village that what is on  
13 the table is what's best for us right  
14 now.

15 For myself, I was involved in the  
16 process. I was a cofounder of Save Sag  
17 Harbor. I have publically spoken at  
18 many of the associations within the  
19 village about comprehensive planning,  
20 why we needed a code change, the SEQRA  
21 process, and because of that, I will be  
22 abstaining from the vote today.

23 CHAIRMAN CALONE: Thank you,  
24 Commissioner Roberts.

25 Let me just say that I know that

1  
2 you have, you know, been involved, and  
3 you've also helped, I think, add value  
4 to the process from our perspective in  
5 the sense of letting the village know,  
6 kind of, the County Commission's process  
7 and the County Commission's Guidelines.  
8 And so we certainly appreciate you being  
9 there as part of that.

10 COMMISSIONER ROBERTS: And I look  
11 forward to developing the best practices  
12 document from this experience.

13 CHAIRMAN CALONE: That's why you're  
14 going to be in charge of it.

15 Any other comments or questions or  
16 thoughts?

17 COMMISSIONER BOLTON: (Indicating)

18 CHAIRMAN CALONE: Charla.

19 COMMISSIONER BOLTON: One of the  
20 things I was interested in was the  
21 treatment of the historic district,  
22 since Sag Harbor is probably the most  
23 important commercial historic district  
24 on Long Island. Our experience, since  
25 Huntington was -- also was an important

1  
2 commercial historic district, is that  
3 the pressure to create offices and move  
4 out retail is significant. And it's  
5 resulted both in economic issues but  
6 more particularly in pressure put on  
7 local district ordinances to alter  
8 buildings in ways that really aren't  
9 compatible. And -- so I would commend  
10 this decision as an example, and as a  
11 model for dealing with this kind of  
12 issue in other Long Island historic  
13 districts.

14 Thank you.

15 CHAIRMAN CALONE: And, Charla,  
16 maybe we can help promulgate that and  
17 kind of point this out to other villages  
18 that may be dealing with the same issues  
19 going forward.

20 COMMISSIONER HORTON: (Indicating)

21 CHAIRMAN CALONE:  
22 Commissioner Horton.

23 COMMISSIONER HORTON: So moving  
24 forward from this, they'll be a series  
25 of code changes that are recommended to

1  
2 the Sag Harbor Village Zoning Code, and,  
3 you know, this is really sort of the  
4 groundwork for that study.

5 CHAIRMAN CALONE: Right.

6 COMMISSIONER HORTON: I guess what  
7 I'm -- what I'm wondering is -- you  
8 know, since each -- each village in --

9 CHAIRMAN CALONE: Do you want to  
10 say anything about that, Dan, with  
11 regard to the code aspects here?

12 DEPUTY DIRECTOR GULIZIO: Just so  
13 we're clear, this referral involves not  
14 just the planning strategies document,  
15 but a series of code amendments also.  
16 And, again, if there are substantive  
17 changes to the code amendments, as  
18 they've been presented here today, then  
19 we would expect those to be referred to  
20 the Commission for future  
21 considerations.

22 COMMISSIONER ROBERTS: I believe  
23 the code amendments are about a hundred  
24 pages, if I recall right. So it's quite  
25 a substantial document.



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DEPUTY DIRECTOR GULIZIO: Yes, it is.

CHAIRMAN CALONE: Okay. Just wanted to make sure we're on the same page with that.

COMMISSIONER HORTON: That changes my --

CHAIRMAN CALONE: Okay.

COMMISSIONER HORTON: -- frame of thinking.

CHAIRMAN CALONE: Do you want us to come back to you on that or --

COMMISSIONER HORTON: No.

CHAIRMAN CALONE: Okay.

COMMISSIONER HORTON: No. I was -- I was just going to say, on the one condition that staff has noted, I'm wondering if that shouldn't be a comment at this point.

It sounded to me, throughout this presentation, that the Village of Sag Harbor is making -- is giving serious consideration to affordable housing requirements. And I think that each

1  
2 village and each town is so different  
3 and has such unique challenges in -- in  
4 meeting various socioeconomic needs --  
5 you know, it does seem to me that the  
6 Village of Sag Harbor is taking that  
7 very seriously, but I'm not sure that  
8 that should be a condition of our  
9 approval, I think it should -- you know,  
10 it should be a recommendation. You  
11 know, I could be wrong on that, there  
12 may be disagreement throughout the  
13 Commission, that's just my sense on  
14 that.

15 CHAIRMAN CALONE: Okay.

16 COMMISSIONER HORTON: It's an  
17 important one that I think is  
18 recognized, because it does sound like  
19 it's being worked through in the  
20 village.

21 CHAIRMAN CALONE: Part of the  
22 issue, I think, for us is how do we see  
23 our Affordable Housing Guidelines. I  
24 mean, typically we will, for a site  
25 plan, make that a condition. The

1 question is, I guess, how do we deal  
2 with it in a comprehensive plan setting.  
3 And, of course, noting that our -- our  
4 guidelines are brand new. So this is  
5 really, honestly, I think, the first  
6 time we've probably encountered the  
7 issue that Josh is raising. You know,  
8 we certainly could go either way. I  
9 think that there are certain best  
10 practices in our guidelines which are  
11 somewhat specific, not as to the  
12 substance but as to the kinds of things  
13 that should be included in affordable  
14 housing. For instance, the "in  
15 perpetuity" issues with -- with some of  
16 the units, and it goes beyond the  
17 percentages, obviously.

18  
19 And I don't know if you --  
20 Constantine, whether you have any  
21 thoughts on that or --

22 VICE CHAIRMAN KONTOKOSTA: Well, I  
23 do. I mean, that was one concern I had.

24 It seems like there might be a lot  
25 of things relating to affordable

1 housing, but based on some of the  
2 questions you raised regarding their  
3 inclusionary zoning ordinance, I'm  
4 wondering what the substance of that  
5 ordinance really is.

6  
7 So if you could talk a little bit  
8 more about some of the -- the actual  
9 elements of that -- of that proposed --

10 DEPUTY DIRECTOR GULIZIO: Sure.

11 And maybe that's something one of the  
12 village representatives can elaborate  
13 on, but I didn't see any real specific  
14 details in the planning strategies  
15 document that spelled out those types of  
16 issues we've been wrestling with  
17 regarding the term of the affordability  
18 or the target income groups or the --  
19 the idea of local preference provisions  
20 or resales, capital improvements.  
21 Again, that was something we would  
22 hope -- the basis of the comment would  
23 be that those considerations would be  
24 addressed prior to the adoption of the  
25 actual code amendment, but it wasn't

1 detailed in the planning strategies  
2 document.  
3

4 VICE CHAIRMAN KONTOKOSTA: Okay. I  
5 mean, those are some big details to  
6 gloss over. So, you know, our -- you  
7 know, our guidelines, the way it stands,  
8 is not meant to be cut and pasted into  
9 the locality's code, obviously, but it  
10 does raise issues similar to the  
11 questions Dan raised that should be  
12 addressed. So I -- I would see this as  
13 a condition, given, kind of, the lack of  
14 specificity that we -- you know, we seem  
15 to have regarding this.

16 CHAIRMAN CALONE: Okay.

17 Other thoughts?

18 COMMISSIONER BOLTON: (Indicating)

19 CHAIRMAN CALONE: Charla.

20 COMMISSIONER BOLTON: No, I would  
21 just say I support what Constantine  
22 says.

23 CHAIRMAN CALONE: All right. Any  
24 other thoughts on that issue? If not,  
25 Tom, you raised -- what'd you have in

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mind?

Commissioner McAdam.

COMMISSIONER McADAM: My issue is the traffic.

CHAIRMAN CALONE: Yes, sir.

COMMISSIONER McADAM: Usually when I go to Sag Harbor, especially during the summer, traffic is an issue. And Dan mentioned the traffic, I guess as one of the recommendations.

DEPUTY DIRECTOR GULIZIO: Correct.

COMMISSIONER McADAM: But it's kind of a -- it's like a work, you know, it's doesn't need -- I don't really see any plan to address the traffic.

DEPUTY DIRECTOR GULIZIO: Just --

COMMISSIONER McADAM: And it may be -- that is something, you know, we -- we may want to consider in -- in part of the recommendation, whether there should be so many spaces based on something, you know?

CHAIRMAN CALONE: Well, I think, certainly -- I think what Dan was

1 saying, and I'll let you -- what I  
2 thought he was saying was that we -- we  
3 certainly want to encourage the village  
4 to take the next step, which is looking  
5 at, certainly, the -- you know, doing a  
6 traffic study as part of this, but, Dan,  
7 I'll let you use your own words.

8  
9 DEPUTY DIRECTOR GULIZIO: Just two  
10 quick comments:

11 Number one, the village did  
12 consider parking requirements and going  
13 through a fairly detailed analysis of  
14 available parking, both public parking  
15 as well as private parking, and doing a,  
16 kind of, parking demand analysis based  
17 upon existing square footage within the  
18 village. So from a parking standpoint,  
19 the planning strategies document does  
20 contain a good deal of information  
21 regarding parking.

22 In terms of traffic, again, it  
23 should be pointed out that SEQRA is  
24 mandated to be applied in conjunction  
25 with the planning strategies document

1 and the code amendment. Part of SEQRA,  
2 we'll certainly look at the idea of  
3 traffic and mitigating any potential  
4 impacts resulting from the  
5 recommendations contained within the  
6 comprehensive plan and the code  
7 amendment that may result in traffic  
8 considerations. So it's not  
9 specifically in the comprehensive plan,  
10 and normally it wouldn't be in terms of  
11 specific recommendations to mitigate  
12 traffic, but that is the purpose behind  
13 the State Environmental Quality Review  
14 Act, to consider those potential impacts  
15 including traffic relating to a  
16 comprehensive plan policy statement or a  
17 code amendment.

18  
19 COMMISSIONER HOLMES: (Indicating)

20 CHAIRMAN CALONE:

21 Commissioner Holmes.

22 COMMISSIONER HOLMES: As one who  
23 frequently goes to and through Sag  
24 Harbor, one of the charms of Sag Harbor  
25 is that those of us who drive down and



1 go through Main Street, we realize that  
2 the village wants us to go slowly. And  
3 they have beautifully put the pedestrian  
4 crosswalks so that everybody understands  
5 that when you're going through that part  
6 of Main Street, you are supposed to go  
7 slowly. If you want to go through the  
8 village more quickly, you use Route 114.  
9 But it's so well done that -- and they  
10 have village policemen walking the  
11 centerline in the summer, just to make  
12 sure that everybody goes slowly enough  
13 and the that pedestrians feel very free  
14 to cross.

15  
16 It is a walking village, and that  
17 is really part of the charm. And I  
18 think they're handling the traffic very  
19 well. And for the -- the study of  
20 keeping the retail -- the small retail  
21 and having it a walking village and a  
22 browsing village, I -- I think that's  
23 being very well handled and it's -- it's  
24 something that I don't see -- with this  
25 long-range plan, I don't see increasing

1 traffic needs. I see a very nice  
2 containment of what is, as Rich said.  
3 And I -- I don't think traffic is as  
4 much of a concern in the downtown Main  
5 Street area as it might be some other  
6 places, because the purpose is to come  
7 slowly into the village and look for  
8 places that you want to shop and  
9 whatnot, and -- and there are other  
10 routes when you're just trying to get  
11 through the village in a more timely  
12 manner. So I -- I think that's part of  
13 the charm of it, that's all I wanted to  
14 say.

16 CHAIRMAN CALONE: I think -- I  
17 think that -- you know, I think that  
18 that's certainly consistent with  
19 probably what Dan was saying, but in my  
20 sense of -- I -- at least for me, myself  
21 personally, one of the concerns is with  
22 regard to the traffic now being moved to  
23 some degree, out to the new commercial  
24 area -- the new office areas that there  
25 be -- make sure that those roads which

1  
2 are not used to handling the traffic  
3 that they will now handle are able to do  
4 so. So -- so I guess it -- it's --  
5 you're right, there's probably not an  
6 aggregate increase, but it's a little  
7 bit of a reorienting of the traffic.

8 COMMISSIONER HOLMES: It is, but --

9 CHAIRMAN CALONE: Sure.

10 COMMISSIONER HOLMES: -- there are  
11 very nice municipal lots in between  
12 Main Street and those alternate streets  
13 where the offices are going to be moved.

14 CHAIRMAN CALONE: Yeah. Gotcha.

15 COMMISSIONER ROBERTS: (Indicating)

16 CHAIRMAN CALONE:

17 Commissioner Roberts.

18 COMMISSIONER ROBERTS: I would just  
19 mention that two of the organizations  
20 that developed out of this, both Save  
21 Sag Harbor and the Sag Harbor Business  
22 Association, both have made comments  
23 that they feel that a more deeper  
24 comprehensive plan is something that we  
25 should have for the community. So I --

1  
2 I do think that there is a, kind of,  
3 movement within the residents and the  
4 business owners that something more will  
5 be done on the traffic/parking issues.  
6 Because, certainly, if Bulova ever does  
7 get developed, that's a whole other kind  
8 of dynamic, and there's a couple of  
9 other large projects coming into the  
10 community.

11 CHAIRMAN CALONE: Okay. And I  
12 think that's consistent with what Dan  
13 was saying with regard to you could take  
14 additional steps, or maybe encouraging  
15 in a comment the village to take  
16 additional steps to, you know, continue  
17 to look at the parking and -- and  
18 traffic issues that will result from the  
19 changes that are being proposed.

20 Any other comments, questions, or  
21 other considerations?

22 COMMISSIONER HOLMES: I would like  
23 to move the adoption of the staff  
24 recommendation.

25 CHAIRMAN CALONE: Okay. And I'm

2 just going to be --

3 COMMISSIONER BOLTON: (Indicating)

4 CHAIRMAN CALONE: Seconded by --

5 COMMISSIONER BOLTON: I second.

6 CHAIRMAN CALONE:

7 -- Commissioner Bolton.

8 I just want to be clear what was  
9 being proposed, because Dan did some of  
10 that verbally.

11 It's approval with a condition  
12 that's in your document with regard to  
13 consistency with the Commission  
14 Guidelines with regard to affordable  
15 housing, and there are three comments:

16 1. Verifying the references to the  
17 county jurisdiction are accurate;

18 2. That if there are substantial  
19 changes in the code that we expect that  
20 that would be re-referred to the  
21 Commission before adoption;

22 And 3. That -- encourage the  
23 village to take additional steps with  
24 regard to comprehensive planning with  
25 respect to traffic, parking, and -- I

1 think that was -- was there anything  
2 else?  
3

4 DEPUTY DIRECTOR GULIZIO: No --

5 CHAIRMAN CALONE: Okay.

6 DEPUTY DIRECTOR GULIZIO: -- I  
7 think that does it.

8 CHAIRMAN CALONE: Okay.

9 All right. We have a motion, we  
10 have a second. I just want to be clear  
11 we know --

12 COMMISSIONER HOLMES: As amended.

13 CHAIRMAN CALONE: -- what we're  
14 voting on.

15 As well -- right, as -- as -- as --  
16 as laid out.

17 All in favor, please raise your  
18 hand.

19 (WHEREUPON, the members voted.)

20 CHAIRMAN CALONE: That's nine.

21 Opposed?

22 (WHEREUPON, there was no response.)

23 CHAIRMAN CALONE: Zero.

24 Abstention -- Commissioner Roberts  
25 abstained and she's given us the

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rationale -- the reason for that abstention.

Would you like to elaborate on that in any way?

COMMISSIONER ROBERTS: Thank you, that was adequate.

CHAIRMAN CALONE: Okay.

COMMISSIONER ROBERTS: Thank you, David.

CHAIRMAN CALONE: The next item on our agenda is the Village of Poquott accessory apartments. And, Andy.

MR. FRELENG: Thank you, Mr. Chairman. Ladies and gentlemen of the Commission, good afternoon.

As mentioned, the next referral comes to us from the Incorporated Village of Poquott. This is an amendment to Section 183-14.1 on the Village Board of Trustees own motion for a repeal of the local zoning chapter, which is entitled "Accessory Apartments," and the repeal of the Local Law 3 or 2008, which regulated the

2 accessory apartments within the Village  
3 of Poquott.

4 It's the village's contention that  
5 the mentioned section is procedurally  
6 defective. They have discovered that  
7 they did not make the referral to the  
8 Suffolk County Planning Commission, as  
9 would be required by state and county  
10 administrative code, as well as that  
11 they did not properly address SEQRA.

12 When staff took a look at said  
13 reasons, we did find -- or did not find  
14 in our -- in our records that they did  
15 make a referral, so we can't argue with  
16 that.

17 So, really, that's it in a  
18 nutshell; they're looking to repeal the  
19 section. Staff is recommending, then,  
20 an approval of their referral on the  
21 grounds that -- that we do not have a  
22 record of referral, and we would have to  
23 agree that it is procedurally defective.

24 Comments that we would like the  
25 Commission to send back to the Village



2 of Poquott is that there is a  
3 county-wide need for affordable housing,  
4 and that the village is strongly  
5 encouraged to quickly re-adopt an  
6 affordable housing chapter;

7 And, secondly, we would like the  
8 village to take a -- or we would  
9 recommend to the Commission to advise  
10 the village to take another look at the  
11 process which they are using, and  
12 perhaps they do not need to repeal the  
13 section but perhaps re-refer it and  
14 adopt the amendment without actually  
15 repealing the section.

16 So that is a quick and concise  
17 synopsis of the referral.

18 CHAIRMAN CALONE: Thank you, Andy.

19 COMMISSIONER BRAUN: (Indicating)

20 CHAIRMAN CALONE: And

21 Commissioner -- well, actually, this is  
22 a --

23 COMMISSIONER BRAUN: You're right.

24 CHAIRMAN CALONE: -- hold on. This  
25 is a village under 5,000, so I'll let --

1 Constantine, I don't know if you have  
2 any thoughts on this, in particular,  
3 but --

4 VICE CHAIRMAN KONTOKOSTA: Not --  
5 I'm not privy to any special information  
6 on it.

7 I'm wondering, is there -- you  
8 mentioned a few things, but I'm  
9 wondering if there -- has there been any  
10 discussion of re-referring this? I  
11 mean --

12 SECRETARY ESPOSITO: Right.

13 VICE CHAIRMAN KONTOKOSTA: -- is  
14 this part of -- is it kind of a repeal  
15 and a re-referral, is there somewhat --  
16 is there some connection there, or it's  
17 simply the repeal and then we'll see  
18 what happens?

19 MR. FRELENG: Well, they did not  
20 indicate in their referral whether or  
21 not they were intending on adopting a  
22 new section on affordable housing.  
23 Staff did not reach out to the village,  
24 because at this time it would be  
25

1 hearsay. Whatever they intend to do, we  
2 really don't know. So I can't -- I  
3 can't answer that question directly, we  
4 don't know what their intention is after  
5 the repeal.  
6

7 VICE CHAIRMAN KONTOKOSTA: Well,  
8 you indicated as it were -- there --  
9 other alternatives they could have --  
10 procedural alternatives they could have  
11 pursued besides repealing this?

12 MR. FRELENG: Well, we believe that  
13 they should take a look -- you know,  
14 their own village counsel will advise  
15 them on what the proper procedure is for  
16 a defective ordinance, but we believe  
17 that it is possible that they could fix  
18 the problem without necessarily  
19 repealing the -- the chapter.

20 VICE CHAIRMAN KONTOKOSTA: Because,  
21 I mean, the obvious concern here is not  
22 necessarily just the affordable housing,  
23 but you're talking about accessory  
24 apartments being a good source of  
25 supplemental revenues for homeowners who

1  
2 are, you know, having difficulty meeting  
3 their housing costs. So this is not  
4 just an affordable housing issue, this  
5 is a little bit broader than that.

6 COMMISSIONER BOLTON: I would --

7 VICE CHAIRMAN KONTOKOSTA: So --

8 COMMISSIONER BOLTON: I would add  
9 to that --

10 CHAIRMAN CALONE:

11 Commissioner Bolton.

12 COMMISSIONER BOLTON: I would add  
13 to that as well, because Poquott is very  
14 near the University -- the State  
15 University of Stony Brook, and so  
16 there's a demand for accessory  
17 apartments or any apartments, for that  
18 matter. In addition to which, Poquott,  
19 if I'm not mistaken, is an older  
20 community, and so there may be an equal  
21 need for supplemental income sources.

22 CHAIRMAN CALONE: Sure. I mean, I  
23 think the --

24 COMMISSIONER BOLTON: So it's --  
25 it's kind of the two dovetails in this

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case.

CHAIRMAN CALONE: I think there -- there's clearly, maybe, some, you know, local substantive policy issues at play here.

From a procedural standpoint, we have before us a referral from the village on -- you know, on -- with repealing that, so that's what we have in front of us. But I think the points that have been raised here are very fair, and I think this comment is very well taken.

SECRETARY ESPOSITO: (Indicating)

CHAIRMAN CALONE: Adrienne, do you want to say something?

SECRETARY ESPOSITO: Do you, Andy, have any sense of what suddenly inspired them to go back and look at this legislation to see if it complies with the law?

MR. FRELENG: No, I wouldn't make a conjecture on that, I -- we really --

SECRETARY ESPOSITO: No, I'm not --

2 MR. FRELENG: -- don't know.

3 SECRETARY ESPOSITO: -- asking you  
4 to make a conjecture, I'm just wondering  
5 if you knew.

6 MR. FRELENG: No, I do not know.

7 SECRETARY ESPOSITO: Okay.

8 COMMISSIONER BRAUN: (Indicating)

9 CHAIRMAN CALONE:

10 Commissioner Braun.

11 COMMISSIONER BRAUN: Yeah.

12 Aside from the procedural reason  
13 that we're here, in which I think we all  
14 agree, it may be more convoluted than it  
15 needs to be, the ordinance that  
16 they're -- the underlying ordinance,  
17 does that have a position on that or did  
18 you not get that far in your analysis?

19 MR. FRELENG: We didn't look at the  
20 underlying ordinance, no.

21 COMMISSIONER BRAUN: So we don't  
22 know if this is something that we would  
23 like or not like if they sent it back  
24 exactly as it's been repealed?

25 MR. FRELENG: That is correct.

COMMISSIONER BRAUN: Okay.

CHAIRMAN CALONE: Thank you,  
Commissioner Braun.

Any other comments, questions?

Again, this is a little bit unique.

This is a -- under our regional  
definition of regional significance,  
zoning codes do -- zoning code  
amendments do come up, and so,  
therefore, this does kind of meet  
that -- that threshold. However, it is  
a -- you know, it comes to us with a  
certain posture that we may question  
why it's coming to us with this posture.  
And, certainly, we want to encourage  
affordable housing, but I think what the  
staff is saying is that it is true, we  
have -- it is procedurally defective, at  
least it was an issue in the town, and  
that's why the recommendation is what it  
is. We really can't change that by  
anything we do with procedural  
defectiveness, but --

Any other thoughts, comments, or

1 questions?

2 COMMISSIONER HORTON: I have --

3 CHAIRMAN CALONE:

4 Commissioner Horton.

5 COMMISSIONER HORTON: -- I mean,  
6 just another question.

7 Is that -- given what we're  
8 presented with here, have you made an  
9 effort to reach out to the Village of  
10 Poquott and open a dialogue with them to  
11 see -- you know, it's possible that they  
12 simply didn't consider a different  
13 procedural route. And have -- have  
14 they -- if we did reach out, have they,  
15 you know, corresponded and said, No,  
16 this is what we want to do, we're moving  
17 forward with the repeal?  
18

19 CHAIRMAN CALONE: Two questions.

20 Tom or -- I'm sorry, I don't know,  
21 who's best?

22 DIRECTOR ISLES: Here again, as  
23 part of their procedure and process, the  
24 Commission staff has not done that at  
25 this point. If you would like us to do



1 this -- that, we don't normally do it,  
2 but we'll be happy to do so under the  
3 unique circumstances of this referral.  
4

5 COMMISSIONER HORTON: It just -- it  
6 just seems to me that if -- if they want  
7 this done, and then it's a -- you know,  
8 it's an application that we should, you  
9 know, review and vote on, but there is  
10 a -- the outside chance that perhaps  
11 they hadn't considered another  
12 procedural mechanism, given the fact  
13 this is a law that they do want to keep  
14 and just ratify within the context of --  
15 you know, of legal means. And if  
16 there's a simpler way to accomplish  
17 that, then perhaps we can --

18 DIRECTOR ISLES: Right.

19 COMMISSIONER HORTON: -- facilitate  
20 that dialogue.

21 DIRECTOR ISLES: Right.

22 I think we -- you would still have  
23 to act today on the referral, because  
24 it's going to be timed out if you don't.  
25 But if you would like, and at the

1 direction of the Commission, we can -- I  
2 can certainly contact the village and  
3 say, We'd like to have a discussion with  
4 you about other alternatives to your  
5 matter -- your resolution so far.

6  
7 COMMISSIONER HORTON: If -- if they  
8 want to have that discussion, they may  
9 not.

10 DIRECTOR ISLES: Right. Well, we  
11 could reach out if you want us to.

12 CHAIRMAN CALONE: I don't -- you  
13 know, I think -- I think that's fair.

14 Are there any objections to -- to  
15 that?

16 COMMISSIONER TALDONE: (Indicating)

17 CHAIRMAN CALONE: Vince, did you  
18 want to say something in particular on  
19 that issue?

20 COMMISSIONER TALDONE: No, not on  
21 that issue.

22 CHAIRMAN CALONE: Okay. Let me  
23 just see whether there's any concerns.

24 Again, procedurally, we do have to  
25 act, if we're going to act, in 45 days.

1  
2 It doesn't actually get repealed until  
3 the village actually votes on it. So if  
4 there were to be a conversation  
5 whereas -- you know, to raise other  
6 issues with them, that certainly could  
7 happen at the staff level, and then they  
8 can decide whether or not they want to  
9 repeal it or not, or pursue an  
10 alternative course.

11 MS. SPAHR: (Indicating)

12 CHAIRMAN CALONE: Counsel would  
13 like to interject, so please.

14 MS. SPAHR: I just wanted to point  
15 out that -- in terms of the staff  
16 summary, it indicated that the village  
17 said that they had not referred to the  
18 Planning Commission and also had not  
19 complied with SEQRA. So --

20 CHAIRMAN CALONE: Right.

21 MS. SPAHR: -- I don't know that  
22 SEQRA could be handled, even if you  
23 validate it.

24 DIRECTOR ISLES: It would have to  
25 be done.

1  
2 COMMISSIONER BRAUN: But really,  
3 they don't necessarily have to --

4 MS. SPAHR: Right.

5 COMMISSIONER BRAUN: -- repeal it  
6 to do that.

7 SECRETARY ESPOSITO: Exactly.

8 (Overlapping conversations)

9 CHAIRMAN CALONE: (Indicating)  
10 Teri's going to be confused.

11 Josh.

12 COMMISSIONER HORTON: If this is a  
13 law that the village wanted to keep on  
14 their books --

15 SECRETARY ESPOSITO: Yes.

16 COMMISSIONER HORTON: -- or  
17 properly put on the books, they could --  
18 they could invoke SEQRA and -- and carry  
19 out the SEQRA process and -- and rehear  
20 the -- the legislation and send it to  
21 the Commission again --

22 CHAIRMAN CALONE: Sure.

23 Okay.

24 COMMISSIONER HORTON: -- without  
25 repealing it.

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CHAIRMAN CALONE: I think your point was well taken, I don't think there's any objection here from the Commission, so I think that's -- that's good, and thank you for that, and --

COMMISSIONER BRAUN: Dave --

CHAIRMAN CALONE: -- the staff will take the appropriate steps.

Commissioner Braun.

COMMISSIONER BRAUN: Yes. Can we simply then add a -- not a condition, but a --

DIRECTOR ISLES: Comment.

COMMISSIONER BRAUN: -- comment that they consider --

SECRETARY ESPOSITO: Talk into your mic.

COMMISSIONER BRAUN: -- that the village consider --

CHAIRMAN CALONE: Alternative means of --

COMMISSIONER BRAUN: -- alternative means of correcting the defect, if, in fact, they're -- they're happy with the

1 substance of the legislation?

2  
3 CHAIRMAN CALONE: I don't -- I  
4 think we can certainly add that as a  
5 comment.

6 Is there any objection to adding  
7 that as a comment?

8 (WHEREUPON, there was no response.)

9 CHAIRMAN CALONE: Seeing none --  
10 can we add it as a condition?

11 COMMISSIONER HOLMES: No, comment.

12 CHAIRMAN CALONE: Can we add it as  
13 a condition?

14 SECRETARY ESPOSITO: Well, no, the  
15 question is, can we add it as a  
16 condition?

17 CHAIRMAN CALONE: Can you. Yes,  
18 we --

19 COMMISSIONER HOLMES: But it should  
20 be a comment.

21 CHAIRMAN CALONE: -- could.

22 We could add it as a condition. I  
23 mean, it would be the -- it would be a  
24 condition of -- yes, they could add it  
25 as a condition.

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I don't know that --

DIRECTOR ISLES: You have to get that --

CHAIRMAN CALONE: Okay.

(WHEREUPON, Ms. Spahr left the Legislative Auditorium.)

(Time noted: 1:48 p.m.)

COMMISSIONER HOLMES: I think to add it as a condition makes it look as if we're speculating on what their purpose is. And I think Director Isles is correct that we need to act on what they've presented to us.

SECRETARY ESPOSITO: Well, I would say that -- that we're not speculating on their intention, but rather we're working to move them towards the affordable housing concerns and the affordable housing recommendations that we've been developing over the last several months.

COMMISSIONER HOLMES: Right, but they're --

CHAIRMAN CALONE: Look, that's

1  
2 certainly true. Adding it as a  
3 condition will require them to look at  
4 alternative means. That doesn't mean --  
5 at the end of the day, they will have  
6 the authority to decide whether they  
7 want to do it or not. It would simply  
8 impose the requirement that they look at  
9 it, or they could override us by saying,  
10 We're not going to look at it.

11 So, you know, if -- if someone  
12 feels strongly, they'd like to make a  
13 motion to make it a condition, we can do  
14 that, we'll vote on it, whether we want  
15 to make it an actual condition. If not,  
16 I think we have a consensus that it's,  
17 at minimum, a comment.

18 So if anyone would like to make a  
19 motion that we make it a condition,  
20 please indicate that.

21 SECRETARY ESPOSITO: Well, I'd like  
22 to make the motion and see if it flies.

23 CHAIRMAN CALONE: There's a motion  
24 that we add a condition that they --  
25 that they pursue other means.



1 Is there a second?

2 COMMISSIONER BOLTON: (Indicating)

3 CHAIRMAN CALONE: Seconded by

4 Commissioner Bolton.

5 All in favor of adding that as a  
6 condition, please raise your hand.

7 (WHEREUPON, the members voted.)

8 CHAIRMAN CALONE: Three.

9 All opposed?

10 (WHEREUPON, the members voted.)

11 CHAIRMAN CALONE: Seven.

12 So the motion to raise it as a  
13 condition fails, three to seven.

14 Any objection to adding it as a  
15 comment?

16 (WHEREUPON, there was no response.)

17 CHAIRMAN CALONE: Seeing none, we  
18 will add it as a comment.

19 Okay. I think we've exhausted  
20 this, unless anyone has anything else to  
21 say.

22 The motion -- the -- the staff  
23 recommendation is that they're  
24 encouraged to quickly re-adopt this --  
25

1 re-adopt the affordable housing chapter;  
2 we've added a comment encouraging them  
3 to look at other means of pursuing --  
4 pursuing this short of -- of repeal, and  
5 staff will independently -- this is not  
6 a comment, will independently follow up  
7 with them about it.  
8

9 All those in favor of --

10 COMMISSIONER HOLMES: Ask for the  
11 motion first, we haven't made the  
12 motion.

13 CHAIRMAN CALONE: Okay.

14 COMMISSIONER BRAUN: I think we  
15 have, so it's all right.

16 CHAIRMAN CALONE: All those --

17 COMMISSIONER HOLMES: I move to  
18 adopt --

19 CHAIRMAN CALONE:  
20 Commissioner Holmes moves as amended.

21 All those in --

22 SECRETARY ESPOSITO: (Indicating)

23 CHAIRMAN CALONE: Seconded by  
24 Commissioner Esposito.

25 And all in favor will raise their

1 hands and so indicate.

2  
3 (WHEREUPON, the members voted.)

4 CHAIRMAN CALONE: That's unanimous,  
5 ten to zero.

6 Okay. Moving on. Thank you,  
7 everyone.

8 Next is Windwatch, the Town of  
9 Islip.

10 I believe, Dan, that's -- you'll be  
11 presenting on that.

12 DEPUTY DIRECTOR GULIZIO: This site  
13 is located in the hamlet of Hauppauge in  
14 the Town of Islip, and it involves a  
15 5.3-acre parcel, highlighted in red on  
16 the aerial to your right, which is part  
17 of an overall development involving the  
18 former Colonie Hill. It is now improved  
19 with the Wyndham Windwatch Hotel, a  
20 226-unit attached single-family  
21 residential development, golf course,  
22 which is also open to the public, as  
23 well as having a private membership  
24 component, the hotel, restaurant,  
25 catering facility, and a banquet hall.

1  
2 It's pointed out that the 5.3-acre  
3 parcel highlighted in red is a separate  
4 parcel, but it is part of the overall  
5 development pattern.

6 This site was originally approved  
7 for a rezoning and a modification of  
8 covenants by the Town of Islip in the  
9 1980s in order to allow for the  
10 development of the attached housing and  
11 hotel and restaurant and banquet hall  
12 and catering facility. It's been  
13 modified several times over the years by  
14 the Town of Islip.

15 Most recently, it was referred to  
16 this Commission for a modification of  
17 covenants in order to allow -- it was  
18 previously approved as an office  
19 building within the 5.3-acre parcel as  
20 mid-rise condominium project. That  
21 application or referral was twice  
22 considered by this Commission. Each  
23 time the Commission took no action in  
24 conjunction with the application, and  
25 ultimately the town approved the

2 application which allowed for the  
3 development of 150 condominium units and  
4 a mid-rise development pattern on the  
5 5.3-acre parcel with accessory parking.

6 The original proposal, or the most  
7 recent proposal approved by the town  
8 included two towers, I believe a  
9 12-story tower and a five-story tower on  
10 the property, encompassing 150 units.

11 During the planning process,  
12 following approval by the town, the  
13 applicant elected to change the  
14 application in order to have a revised  
15 architectural design. That revised  
16 architectural design has resulted in one  
17 13-story tower as opposed to the two  
18 other towers. So it's slightly taller  
19 than the original proposal, and I  
20 believe the actual height is about  
21 130 feet; however, the gross floor area  
22 has been decreased from what was  
23 originally approved. Anecdotally, I  
24 believe that the original proposal was  
25 simply a little too expensive to build

2 in conjunction with what the applicant  
3 originally anticipated.

4 The original recommendation from  
5 staff in conjunction with this  
6 application was for disapproval.  
7 Summarizing, I think you have a copy of  
8 that staff report as a part of the  
9 package that was presented to you here  
10 in hard copy today.

11 Primarily, that involved the  
12 appropriateness of the location for  
13 higher density housing. Being that this  
14 is located along the north side of the  
15 Long Island Motor Parkway in the hamlet  
16 of Hauppauge without convenient access  
17 to retail or public transportation  
18 services.

19 In conjunction with the current  
20 application, the modifications involving  
21 the design of the structure does not, in  
22 the staff's opinion, eliminate the  
23 original concerns regarding the  
24 appropriateness of this location. And,  
25 again, from our standpoint, reiterating

1 the original staff concern, the density  
2 of this project is nearly 30 units to  
3 the acre, in our view, representing an  
4 over-intensification of use to the  
5 property, again, without adequate  
6 connection to the infrastructure needed  
7 to support a development of this type.  
8

9 Staff originally commented also  
10 that the mixed-use nature of this  
11 property, this work to encourage smart  
12 growth, that since there's already a  
13 residential component, the original  
14 office component would be more  
15 compatible with the mixed-use nature of  
16 the proposal.

17 The remaining comments that we have  
18 in conjunction with this application  
19 involves the affordable housing  
20 component and open space component that  
21 were conditioned by the town in  
22 conjunction with the approval of the  
23 change of zone and modification of  
24 covenants. Specifically, the town's  
25 condition indicated that the applicant

1 should submit for review, and subject to  
2 approval, an affordable housing plan and  
3 an open space plan consistent with town  
4 guidelines in order to mitigate, again,  
5 impacts from the approval.  
6

7 What you have as a part of your  
8 packet is a letter from the applicant  
9 indicating that they were willing to  
10 donate up to a million dollars to the  
11 town's affordable housing fund, and up  
12 to \$400,000 to the town's open space and  
13 parkland fund in order to mitigate  
14 potential impacts.

15 Respectfully, again, the town has  
16 traditionally done, I think, an  
17 outstanding job of providing  
18 professional planning services. And not  
19 as criticism of the town, but courts  
20 have traditionally looked for a couple  
21 basic conditions to support the  
22 imposition of mitigation fees or impact  
23 fees.

24 The first is that there be a  
25 rational nexus between the impact



1 associated with the application and the  
2 mitigation recommended by the town.

3  
4 In this case, there doesn't seem to  
5 be any analysis provided by the town to  
6 support that there's some rational nexus  
7 between the million dollars offered by  
8 the applicant and the impact associated  
9 with the placement of the affordable  
10 housing off-site. In this case, the  
11 affordable housing subsidy of a million  
12 dollars ended up in conjunction with  
13 subsidies associated with a project in  
14 the hamlet of Bay Shore, south and west  
15 of the town, outside of the hamlet of  
16 Hauppauge.

17 The open space pilot plan has not  
18 even identified at this point a  
19 particular property that would be  
20 acquired, other than to say it would be  
21 within the hamlet of Hauppauge and is  
22 consistent with past practices of the  
23 town.

24 The second condition that courts  
25 typically look for, in addition to there

1  
2 being a rational nexus to the impact and  
3 the mitigation, is that the mitigation  
4 be roughly proportional to the impact.

5 In this case, there's been no  
6 analysis of the nature of the impact in  
7 terms of the values they save by the  
8 developer and transferring the  
9 affordable housing provision off-site to  
10 the impact -- the mitigation fee of a  
11 million dollars.

12 Similarly, there's been no analysis  
13 provided in terms of the \$400,000 to  
14 support the acquisition of properties  
15 for open space purposes, and, again, the  
16 benefit achieved by the applicant in  
17 displacing that responsibility from  
18 on-site.

19 Based upon those considerations,  
20 staff is respectfully recommending  
21 disapproval of the application, which,  
22 again, just to summarize, involves a  
23 modification of the covenants associated  
24 with their application originally  
25 approved by the town in, I believe,

1  
2 2005.

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

6 CHAIRMAN CALONE: Thank you, Dan.

7 I just have two quick questions and  
8 then -- well, one, have they already  
9 paid the million dollar fee?

10 DEPUTY DIRECTOR GULIZIO: My  
11 understanding is the fee has already  
12 been paid.

13 CHAIRMAN CALONE: And my -- my  
14 second -- I guess -- my second question  
15 then, I guess, is actually with regard  
16 to the intensification and the height, I  
17 was wondering what other buildings in  
18 that area, or in Suffolk generally, at  
19 all, are of that height?

20 DEPUTY DIRECTOR GULIZIO: I think  
21 in terms of residential towers, I don't  
22 think there's another 13-story  
23 residential tower in Suffolk County.  
24 I'm not even certain, quite honestly, if  
25 there's one in Nassau County.

2 In terms of this immediate area,  
3 the existing Wyndham Windwatch Hotel is  
4 probably similar in height to 130 feet,  
5 although it's lesser in stories because  
6 there's larger ceiling height within  
7 some of the floors.

8 CHAIRMAN CALONE: Okay.

9 COMMISSIONER HOLMES: Can I ask a  
10 question?

11 CHAIRMAN CALONE: Okay.

12 Commissioner Holmes.

13 COMMISSIONER HOLMES: Dan, I was  
14 wondering, twice this Commission  
15 reviewed this application, were both of  
16 those in 2005?

17 DEPUTY DIRECTOR GULIZIO: I believe  
18 they both were in 2005.

19 COMMISSIONER HOLMES: And do you  
20 know, or does staff know the reason that  
21 we took no action? Because I know there  
22 were times in that time frame when we  
23 didn't have a quorum, and that was the  
24 reason we took no action. But do you  
25 know why --

2 DEPUTY DIRECTOR GULIZIO: I've  
3 looked at the -- the record. The record  
4 is a little bit unclear, but there  
5 appeared to be a majority or a least a  
6 quorum present in order to make a  
7 decision. I believe in at least one of  
8 the no actions, there were several  
9 abstentions which resulted in an  
10 inability to get a majority vote one way  
11 or the other.

12 COMMISSIONER HOLMES: Thank you.

13 COMMISSIONER BOLTON: (Indicating)

14 CHAIRMAN CALONE:

15 Commissioner Bolton.

16 COMMISSIONER BOLTON: I just had a  
17 question for Dan.

18 The rational nexus argument here,  
19 if this is a voluntarily offered fee,  
20 does that argument come into play? I  
21 mean, that's kind of a legal question.

22 In other words, if they're not --  
23 because, I mean, I know this was a  
24 Supreme Court case. So if they're not  
25 bringing an action and they're just

1  
2 saying, We will give you a million  
3 dollars to do whatever, and the decision  
4 to do whatever -- is that a legal issue  
5 still?

6 DEPUTY DIRECTOR GULIZIO: Well,  
7 again, I think in order -- whether it's  
8 been challenged or not is -- is, I  
9 think, a separate issue in conjunction  
10 with whether or not it's a practice --

11 COMMISSIONER BOLTON: Well --

12 DEPUTY DIRECTOR GULIZIO: -- to  
13 simply not include any analysis  
14 regarding the nexus between the impact  
15 and the mitigation.

16 I think, generally speaking --

17 COMMISSIONER BOLTON: It's a lack.

18 DEPUTY DIRECTOR GULIZIO: -- it's  
19 not a good planning practice, it  
20 would -- if challenged, I think would  
21 make it vulnerable to challenge.

22 CHAIRMAN CALONE: Right. So,  
23 bottom line, they may not be able to sue  
24 on these grounds, but it isn't good  
25 planning policy either.

2 COMMISSIONER BRAUN: (Indicating)

3 CHAIRMAN CALONE: Yeah.

4 COMMISSIONER BRAUN: Was this --  
5 I'm a little confused here.

6 This million dollars was paid  
7 already in connection with this  
8 application for a change of zone, or in  
9 connection with the permission that they  
10 sought to construct the office building  
11 that they want to replace this with?

12 DEPUTY DIRECTOR GULIZIO: I  
13 apologize if I was unclear. The million  
14 dollars was directly related to the  
15 affordable housing condition associated  
16 with this change of zone from 2005.

17 COMMISSIONER BRAUN: So the change  
18 of zone that allowed the planned unit  
19 development in -- in the other lot,  
20 actually, it's a different parcel.

21 DEPUTY DIRECTOR GULIZIO: It's a  
22 very complicated history, let me at  
23 least try to -- try to clarify. And I  
24 apologize if I was unclear.

25 COMMISSIONER BRAUN: It's not you,

1  
2 Dan, it's me.

3 DEPUTY DIRECTOR GULIZIO: In the  
4 1980s -- the original use of the  
5 property, or the former use of the  
6 property, was a Colonie Hill which was a  
7 catering facility.

8 In the 1980s, an application was  
9 made to the town to demolish the Colonie  
10 Hill, to rezone the property and to  
11 modify the covenants associated with the  
12 property in order to allow for the  
13 development of a hotel, conference  
14 center, catering facility, golf course  
15 which already existed, and 226 attached  
16 single-family residences with an office  
17 building. The office building was  
18 limited to this roughly 5-acre parcel,  
19 and was limited in height to seven  
20 stories.

21 In 2005, the applicant came -- an  
22 application was made to the town to  
23 modify the covenants in order to  
24 eliminate the office building and to  
25 construct a mid-rise residential tower.



2 That application was twice  
3 considered by this Commission, there was  
4 no action taken by the Commission in  
5 conjunction with those referrals, and  
6 ultimately the town board approved that  
7 application to eliminate the office  
8 building to allow for the construction  
9 of a mid-rise residential tower.

10 One of the conditions of that  
11 application was the submission of an  
12 affordable housing plan, an open space  
13 plan. The million dollars was submitted  
14 as a -- in response to that  
15 Commission -- excuse me, in response to  
16 that condition of an affordable housing  
17 plan.

18 COMMISSIONER BRAUN: So what do  
19 they want to change now from what was  
20 approved four years ago?

21 DEPUTY DIRECTOR GULIZIO: They're  
22 changing the design of the structure,  
23 modifying it -- and, again, one of the  
24 other conditions was that construction  
25 be in substantial conformance to the

1 plan submitted at that time in 2005,  
2 which included a 12-story tower and a  
3 five-story tower. What they're  
4 modifying is the design of the tower to  
5 replace that two-tier tower, which is  
6 much larger in terms of square footage,  
7 with a single 13-story tower.

8  
9 COMMISSIONER BRAUN: Last question.

10 Do we have any idea what the --  
11 this may be a multipart question, but  
12 it's the last question -- what the --

13 CHAIRMAN CALONE: That's cheating.

14 COMMISSIONER BRAUN: -- what the  
15 cost of these units in this new 13-story  
16 tower, these residential units will be?

17 In other words, does a million  
18 dollars have some percentage  
19 relationship to a certain number of  
20 units?

21 DEPUTY DIRECTOR GULIZIO: We did  
22 that analysis in conjunction with the  
23 prior approval. Those units were --  
24 were, I believe, planned to be more  
25 expensive than the units that are being

2 marketed in conjunction with this tower.  
3 I don't have a market analysis in terms  
4 of what they're estimating to sell the  
5 proposed units for a 13-story tower.

6 CHAIRMAN CALONE: Okay.

7 COMMISSIONER BRAUN: Okay.

8 CHAIRMAN CALONE: But the issue is  
9 that the million dollars has already  
10 been paid. The question is, there's no  
11 ability to determine, at least from what  
12 we have, whether that million dollars,  
13 which is sitting in a bank account or  
14 maybe it's already been used, is in any  
15 way rationally related to the  
16 increase -- the affordable housing and  
17 the current site plan; is that right?

18 DEPUTY DIRECTOR GULIZIO: That's  
19 correct.

20 Ideally, what we would like to see  
21 is some dollar and cents analysis that  
22 if they were to develop the units  
23 on-site, the units would be marketed at  
24 X amounts --

25 COMMISSIONER BRAUN: Right.

2 DEPUTY DIRECTOR GULIZIO: -- and,  
3 therefore, there would be, you know, a  
4 cost to the developer in terms of  
5 potential -- you know, difference  
6 between the market rate and the  
7 affordable units, or ten or 20 percent  
8 of the units, depending upon what  
9 percentage was applied. And then that  
10 would have a rational relationship to  
11 the mitigation fee.

12 You know, as an alternative you  
13 would look at it and say, well, what  
14 would it cost to develop a similar  
15 number of units within that immediate  
16 area off-site. That would be, I think,  
17 another rational way of looking at it.  
18 Unfortunately, in this case, the only  
19 thing we have to go on is -- is a letter  
20 from the developer saying we'll give you  
21 up to a million dollars.

22 CHAIRMAN CALONE: Okay.

23 So the reason for disapproval then  
24 is because there's no information  
25 or -- we -- to our knowledge, the Town

1 of Islip has not done an analysis either  
2 of what -- you know, what is considered  
3 some kind of rational nexus. And that's  
4 not a legal issue, that's more of a  
5 planning policy issue. As well as a  
6 legal issue, if it were to be  
7 challenged, I guess.

8  
9 DEPUTY DIRECTOR GULIZIO: I -- I  
10 would say it would be both --

11 CHAIRMAN CALONE: Okay.

12 DEPUTY DIRECTOR GULIZIO: -- yes.

13 CHAIRMAN CALONE: That's fair.

14 That's fair.

15 COMMISSIONER BOLTON: I just  
16 wanted --

17 CHAIRMAN CALONE: I'm sorry,  
18 Commissioner Bolton.

19 COMMISSIONER BOLTON: I just wanted  
20 to ask one question.

21 Why is this an issue at this point,  
22 the million dollars, if, in fact --  
23 unless, in fact, we would -- there would  
24 be likely to be more of a contribution  
25 as an off-site -- off, you know,

1 premises mitigation?

2  
3 DEPUTY DIRECTOR GULIZIO: That's a  
4 good question.

5 COMMISSIONER BOLTON: I mean, why  
6 are -- because the money's been paid,  
7 possibly it's even been used. So my  
8 question is, if there isn't some  
9 foreseeable additional contribution due,  
10 and it were, and -- and is that what  
11 you're thinking?

12 DEPUTY DIRECTOR GULIZIO: Well,  
13 from our standpoint, again, it's a  
14 tricky issue. It's a great question,  
15 but this is a new referral. This new  
16 referral includes the same conditions  
17 that were associated with the prior  
18 referral. And, again, the town would  
19 also have the opportunity, I would  
20 assume in conjunction with this new  
21 referral, to revisit any of the other  
22 conditions associated with it. So I  
23 think it does, at the very least,  
24 represent an opportunity to at least  
25 raise these issues with the town and

1  
2 hopefully have them addressed by the  
3 town.

4 COMMISSIONER BOLTON: Okay.

5 DEPUTY DIRECTOR GULIZIO: And,  
6 again, also, just -- I'm sorry, but one  
7 other item that's changed is that we  
8 also have a new set of guidelines that  
9 have been adopted by the Commission with  
10 respect to Affordable Housing that were  
11 not in place back in 2005.

12 COMMISSIONER HORTON: (Indicating)

13 CHAIRMAN CALONE:  
14 Commissioner Horton.

15 COMMISSIONER HORTON: The  
16 additional development is outside of the  
17 226 units; correct?

18 DEPUTY DIRECTOR GULIZIO: That's  
19 correct.

20 COMMISSIONER HORTON: And so the  
21 million dollars applies for the  
22 226 units for the -- for that  
23 development.

24 DEPUTY DIRECTOR GULIZIO: (Head  
25 gesture)

1  
2 COMMISSIONER HORTON: So it applies  
3 to this new development?

4 DEPUTY DIRECTOR GULIZIO: The  
5 million dollars was tied directly to the  
6 development of this mid-rise tower, it  
7 had nothing to do with the 226 units.

8 COMMISSIONER HORTON: And the  
9 mid-rise tower number of units is --

10 DEPUTY DIRECTOR GULIZIO: It's  
11 150 units.

12 COMMISSIONER HORTON: -- 150.  
13 So ten percent of that is --

14 DEPUTY DIRECTOR GULIZIO: 15 units.

15 COMMISSIONER HORTON: -- 15, or  
16 20 percent of that is 30 units.

17 So the million dollars as it  
18 relates to accomplish ten or 30 units --

19 CHAIRMAN CALONE: Is --

20 COMMISSIONER BRAUN: It doesn't  
21 seem adequate.

22 CHAIRMAN CALONE: Yeah.

23 COMMISSIONER HORTON: Well, I don't  
24 know. You know, affordable housing  
25 throughout the Island is -- is --



2 CHAIRMAN CALONE: 200,000 or  
3 300,000, 400,000.

4 COMMISSIONER HORTON: -- 2- or  
5 300,000, so you do the math of --

6 CHAIRMAN CALONE: Right.

7 COMMISSIONER HORTON: -- 15 units  
8 at 300,000, that's --

9 CHAIRMAN CALONE: I think -- I  
10 think the -- I think the issue is --  
11 well, I guess I'll let you respond.

12 DEPUTY DIRECTOR GULIZIO: I think  
13 you would need to know what the units  
14 are being marketed at. If the units are  
15 being marketed at a million dollars,  
16 and, therefore, the subsidy is between,  
17 say, 600- and \$700,000 a unit, you would  
18 expect that the mitigation fee would  
19 reflect that difference in value.

20 COMMISSIONER HORTON: Is that part  
21 of our guidelines? I -- see, I -- I  
22 disagree with that point of view. I  
23 would think that -- you know, that the  
24 county has established, you know,  
25 affordable units, up to 120 percent of

1 median income should be, you know,  
2 around X -- X amount of dollars. I  
3 don't think that the fee should be  
4 levied based upon the marketability or  
5 potential marketability of -- of a unit.  
6 If it's a million dollar unit, that fee  
7 doesn't necessarily have -- shouldn't  
8 necessarily go up, it's a percentage and  
9 a delivery -- you know, delivery of  
10 units for affordable.

11  
12 CHAIRMAN CALONE: I think the issue  
13 may -- and, Constantine, I'd like your  
14 opinion on this. But, for me, the issue  
15 is more -- there's no rational --  
16 there's no -- there's nothing that says  
17 that for the town.

18 SECRETARY ESPOSITO: Right.

19 CHAIRMAN CALONE: The town doesn't  
20 have anything that says exactly what you  
21 said. And -- and even with -- in  
22 general or with respect to this project.  
23 And -- and it doesn't seem to be, at  
24 least that we're aware of, an analysis  
25 that goes through exactly the exercise

1                   you just did. And we're guessing at  
2                   numbers, and that's fair. And this may  
3                   be close to the -- a right number, we  
4                   just don't have anything to base that  
5                   number on. So that would be just my  
6                   perspective. I think it's a very fair  
7                   point that you raised, though.

8  
9                   Constantine, I want to let you say  
10                  something, if you wanted to. I wasn't  
11                  sure if you were --

12                 VICE CHAIRMAN KONTOKOSTA: Well,  
13                 sure. I -- I mean, I -- I agree, it is  
14                 a -- it is a -- it is a good point and  
15                 an appropriate point, but the flip side  
16                 is what we're trying to avoid -- and we  
17                 don't have any guidelines on how you  
18                 calculate these in lieu of fees just  
19                 because of some of these issues, you  
20                 know, that -- that they are very site  
21                 specific or locality specific in terms  
22                 of how much it costs to actually build  
23                 affordable housing in the area, how much  
24                 land costs are. So there's a number of  
25                 factors that really have to go into

1  
2 play.

3 But I think what we're trying to  
4 avoid is deal making on the side. And  
5 without some kind of calculation that  
6 was done, that's where the concern is.  
7 We don't want -- we don't want people  
8 just making -- making back -- you know,  
9 backroom deals in terms of figuring out  
10 what the numbers are. There should be  
11 some transparent calculated way of  
12 coming up with this fee, and I think  
13 that's what's missing in this  
14 application.

15 CHAIRMAN CALONE: Dan --

16 COMMISSIONER BRAUN: Dave --

17 CHAIRMAN CALONE: One second, I  
18 would like -- Dan, did you have anything  
19 else you wanted to --

20 DEPUTY DIRECTOR GULIZIO: Well,  
21 I -- I agree completely. And, again, if  
22 I -- I apologize for misspeaking, but  
23 there's not one way to necessarily  
24 calculate the fee. One alternative is  
25 what I suggested, and I think possibly

1  
2 you may agree or disagree with that, but  
3 there's probably a half dozen  
4 alternatives that we discussed when we  
5 were doing the guidelines. But, again,  
6 the problem is that this doesn't provide  
7 any rationale to how that fee is  
8 derived.

9 COMMISSIONER BRAUN: (Indicating)

10 CHAIRMAN CALONE: Okay.

11 Commissioner Braun.

12 COMMISSIONER BRAUN: The last time,  
13 I -- I think.

14 DEPUTY DIRECTOR GULIZIO: Is this a  
15 multipart or is this just a single  
16 question now?

17 (Laughter)

18 COMMISSIONER BRAUN: This letter is  
19 from the -- from the Holiday  
20 Organization, it talks about up to a  
21 million dollars for affordable housing,  
22 and up to \$400,000 for open space.

23 Do we -- how did they expect  
24 that -- or how did the town determine  
25 whether they were going to go up to or

1 stop short of?

2 DIRECTOR ISLES: We don't know.

3 COMMISSIONER HOLMES: We don't

4 know.

5 COMMISSIONER BRAUN: And was it

6 done?

7 COMMISSIONER HOLMES: We don't

8 know.

9 CHAIRMAN CALONE: Hold on. Let Dan

10 answer the question for -- on the

11 record, please.

12 DEPUTY DIRECTOR GULIZIO: My

13 understanding is that the fee was paid,

14 and it was paid in the amount of a

15 million dollars and the amount of

16 \$400,000 to the open space.

17 CHAIRMAN CALONE: Okay.

18 DEPUTY DIRECTOR GULIZIO: I

19 honestly don't know how that fee was

20 derived, you know, in either case.

21 CHAIRMAN CALONE: Okay.

22 COMMISSIONER BRAUN: Okay.

23 CHAIRMAN CALONE: Okay.

24 Other thoughts, comments,

1 questions?

2 COMMISSIONER BOLTON: (Indicating)

3 CHAIRMAN CALONE: Yes, ma'am.

4 COMMISSIONER BOLTON: No, I was  
5 just going to make a motion.

6 CHAIRMAN CALONE: Oh, okay.

7 COMMISSIONER HOLMES: Good, then  
8 I'll second it.

9 CHAIRMAN CALONE: Well, then --  
10 then go for it.

11 COMMISSIONER BOLTON: I move the  
12 conclusion of the staff report.

13 CHAIRMAN CALONE: Okay.

14 COMMISSIONER HOLMES: I second  
15 that.

16 CHAIRMAN CALONE: Seconded --  
17 motion by Commissioner Bolton, seconded  
18 by Commissioner Holmes.

19 The motion is for disapproval of  
20 the Windwatch Tower referral for the --  
21 for the reasons indicated in the staff  
22 report.

23 All those in favor of adopting the  
24 staff report, please raise your hand.  
25

2 (WHEREUPON, the members voted.)

3 CHAIRMAN CALONE: Ten.

4 Opposed?

5 (WHEREUPON, there was no response.)

6 CHAIRMAN CALONE: Zero, and no  
7 abstentions.

8 The vote is ten to zero. Thank  
9 you.

10 We'll move on to our next one. We  
11 are -- the Town of Riverhead has  
12 requested that we -- has pulled the  
13 referral on the Lowe's Home Center.

14 COMMISSIONER HOLMES: Oh, they  
15 have?

16 CHAIRMAN CALONE: And the next item  
17 on the agenda is the Joint Industrial  
18 Board of Electrical Industry from the  
19 Town of Southold.

20 MR. KLEIN: Okay. You named it,  
21 that's the application.

22 The first --

23 CHAIRMAN CALONE: I'm saving you  
24 time.

25 MR. KLEIN: Yeah. It's been



2 referred to the Commission --

3 SECRETARY ESPOSITO: Can't hear  
4 you.

5 MR. KLEIN: -- by the Town of  
6 Southold.

7 CHAIRMAN CALONE: Hold on, Teri  
8 can't hear you.

9 SECRETARY ESPOSITO: Neither can I.

10 CHAIRMAN CALONE: And Adrienne, and  
11 more --

12 MR. KLEIN: I'm sorry.

13 CHAIRMAN CALONE: As far as  
14 Adrienne's concerned, more importantly,  
15 she can't hear you.

16 MR. KLEIN: Okay. Can you hear me  
17 now?

18 SECRETARY ESPOSITO: Thank you,  
19 Dave.

20 MR. KLEIN: Okay. Jurisdiction for  
21 review is the Long Island Sound and New  
22 York State Agricultural District  
23 Number 1 to the south.

24 Location of the property is on the  
25 easterly side of Duck Pond Road and the

1 shoreline of the Long Island Sound, in  
2 the hamlet of Cutchogue.

3  
4 This is a site plan application to  
5 construct a three-story,  
6 18,000-square-foot conference facility,  
7 and interior alterations of an existing  
8 motel, restaurant and pool house. The  
9 size of the parcel is 16.59 acres;  
10 therefore, it is an application of a  
11 regional significance.

12 Pass that one, John, please.

13 MR. CORRAL: (Complying)

14 MR. KLEIN: This project is an  
15 action that involves the physical  
16 alteration of 20 acres. And since it is  
17 in one of the five eastern towns, the  
18 proposed action does exceed the  
19 50 percent threshold, and it's adjacent  
20 to Long Island Sound, and the proposed  
21 action exceeds 33 percent of the same  
22 20-acre threshold.

23 The property is presently used as a  
24 25-unit, members-only motel, and is  
25 improved with several one- and two-story

1 structures. The site improvements,  
2 consisting of an inground pool, gazebo,  
3 bocce court, concrete bulkhead which is  
4 approximately four feet high, and a  
5 children's playground.  
6

7 Can you go to the --

8 MR. CORRAL: (Complying)

9 MR. KLEIN: The physical  
10 characteristics of this site is that it  
11 is located in a natural break in the  
12 bluff line, it may have been a location  
13 for a pond.

14 The soil map indicates fill  
15 material, and a 1930s aerial showed a  
16 depression, and that might have been  
17 contained water. Hence, the name Duck  
18 Pond Road, which is the only vehicular  
19 access to the site, as you can see on  
20 top of the picture (indicating).

21 The area is primarily single-family  
22 residence in nature to the west and  
23 east, and agricultural to the south.

24 The zoning on the parcel is  
25 primarily resort-residential, and with

2 some agricultural conservation to the  
3 south, which is unaffected by this  
4 application.

5 The proposed conference facility is  
6 that special exception permitted use,  
7 and would be in accordance with both the  
8 town code and Southold's Local  
9 Waterfront Revitalization Program.

10 Also, it would not encroach upon or  
11 interfere with the current agricultural  
12 operations to the south, and all  
13 construction will comply with applicable  
14 energy codes.

15 The proposed 18,000-square-foot,  
16 three-story conference facility would be  
17 constructed on the eastern --  
18 northeastern portion of the property, in  
19 the area containing steepest slopes,  
20 and -- which is still naturally wooded.

21 Do you got the slope map?

22 MR. CORRAL: (Complying)

23 MR. KLEIN: Okay. There's the  
24 slope map.

25 If you can't see it from where

1  
2 you're sitting, this is going to be the  
3 location of the conference center  
4 (indicating). And it will be  
5 approximately 300 feet landward of the  
6 mean high water tide.

7 SECRETARY ESPOSITO: Okay, wait.  
8 I'm sorry. Can you point out -- where  
9 are the steepest slopes? I can't see it  
10 at all.

11 MR. KLEIN: These would qualify as  
12 the steepest slopes of the property  
13 right here (indicating) --

14 SECRETARY ESPOSITO: And that's  
15 35 percent slopes?

16 MR. KLEIN: According to soils, it  
17 is, yes.

18 SECRETARY ESPOSITO: Okay. And  
19 then where is the facility?

20 MR. KLEIN: Right here  
21 (indicating).

22 SECRETARY ESPOSITO: And how close  
23 is that to the 35 percent slopes?

24 MR. KLEIN: Oh, it's -- it's --

25 SECRETARY ESPOSITO: It looks like

1 it's right on top of it.

2 MR. KLEIN: Part of it, yeah, it's  
3 built into the slopes.

4 CHAIRMAN CALONE: They're cutting  
5 into it.

6 SECRETARY ESPOSITO: Are they  
7 cutting into it?

8 (WHEREUPON, there was no response.)

9 SECRETARY ESPOSITO: Perfect.

10 MR. KLEIN: Let's take a visit to  
11 the site. John, would you show the  
12 photos, please.

13 MR. CORRAL: (Complying)

14 MR. KLEIN: Okay. This is a view  
15 of the property from Duck Pond Road, and  
16 the proposed facility would be cut right  
17 here (indicating).

18 Next slide, John, please.

19 MR. CORRAL: (Complying)

20 MR. KLEIN: This is from the  
21 approximate location of the building,  
22 the proposed conference facility  
23 (indicating).

24 And the next, please, John.

2 MR. CORRAL: (Complying)

3 MR. KLEIN: And this is from -- on  
4 the southern portion of the property  
5 looking towards Long Island Sound, and  
6 the conference facility would be  
7 approximately right here (indicating).

8 CHAIRMAN CALONE: So they're  
9 building into the tree line there.

10 MR. KLEIN: Yeah.

11 Okay. That's basically the staff  
12 report.

13 CHAIRMAN CALONE: Okay.

14 MR. KLEIN: Staff recommends  
15 approval of this application, and I  
16 offer two conditions:

17 One, the site plan and building  
18 shall be designed to conform to Suffolk  
19 County Planning Commission Guidelines  
20 for Public Safety;

21 And the second one, which is a  
22 little more trickier, the location of  
23 the proposed conference facility shall  
24 be moved away from the natural steep  
25 slopes and wooded areas as much as

1  
2 possible to limit the disturbance and  
3 the creation of potential erosion and  
4 storm water runoff problems. And the  
5 reason I say that's a little trickier,  
6 if you want to add that one, is because  
7 of the uniqueness of the property, if we  
8 conditionally approved it to -- to move  
9 it off the slopes, that would compromise  
10 the energy efficiency of the building.

11 SECRETARY ESPOSITO: Why?

12 MR. KLEIN: Because -- because it  
13 would -- the ground, that's built in to  
14 cool the building, and it would insulate  
15 it during the winter. See,  
16 energy-efficient buildings will look  
17 like a bunker, more or less. So that's  
18 why I -- I did offer that initial, you  
19 know, condition, but after reviewing it  
20 further, I mean, there are  
21 considerations regarding the guidelines  
22 that the Commission adopted; energy  
23 efficiency would be one of them, natural  
24 surveillance might be another, and dark  
25 skies.



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CHAIRMAN CALONE: Well, in everything we do, there are certainly trade-offs. So that's a very -- you know.

MR. KLEIN: Yeah, I just wanted to bring those to your attention, because --

CHAIRMAN CALONE: It's certainly appreciated. We certainly appreciate that.

MR. KLEIN: So, any questions, I'll be happy to try to answer them.

CHAIRMAN CALONE: Thank you, sir.

Why don't we start with the representative from the Town of Southold. We're actually blessed with three of them.

Commissioner McAdam.

COMMISSIONER McADAM: Well, I've lived in that area -- not -- I've lived in Cutchogue for about 16 years now, and that -- the existing buildings have been there, you know, for the time that I've been there.

2 It's -- that property has generally  
3 been underutilized. There's -- the  
4 beach that -- that runs along there,  
5 part -- part of it belongs to that  
6 property. There's a town beach next to  
7 it on the left, it's actually --  
8 actually at the end of Duck Pond Road.  
9 And the point there, I -- I might add,  
10 at high tide, the -- the Sound comes  
11 right up to the -- to the bluff. You  
12 know, there's -- there's -- there's  
13 basically no beach up in that -- no  
14 beach up in that area.

15 The question I had for Ted was, is  
16 this facility going to be opened up to  
17 just the membership and not to the  
18 public? Because that road gets  
19 particularly tricky at the end there,  
20 especially with the expansion of the  
21 development to the west; they've  
22 expanded that area quite a bit in the  
23 last 15 years. So --

24 MR. KLEIN: No, it would be a  
25 members-only --

2 COMMISSIONER McADAM: It would be a  
3 member-only --

4 MR. KLEIN: -- facility.

5 COMMISSIONER McADAM: Okay. And --  
6 and the new building that they want --  
7 they're proposing is going to be to the  
8 east of the existing building?

9 MR. KLEIN: That's correct.

10 COMMISSIONER McADAM: And they're  
11 proposing that it goes how close to the  
12 bluff?

13 MR. KLEIN: Well, it's not really a  
14 bluff there.

15 COMMISSIONER McADAM: Yeah, I know  
16 what's there.

17 CHAIRMAN CALONE: The hill, I guess  
18 you'd say.

19 MR. KLEIN: It's only about four  
20 feet above the -- the beach, about  
21 300 feet from the mean high watermark.

22 SECRETARY ESPOSITO: It's a dune  
23 area.

24 COMMISSIONER McADAM: How many  
25 feet --

2 SECRETARY ESPOSITO: Yes, that's a  
3 geological term.

4 COMMISSIONER McADAM: -- the hill  
5 do they want to build?

6 MR. KLEIN: How close to the high  
7 tide mark?

8 COMMISSIONER McADAM: How close to  
9 it, yeah.

10 MR. KLEIN: Yes. Oh, how close  
11 into the -- to the hillside?

12 COMMISSIONER McADAM: Right.

13 MR. KLEIN: Oh, quite a bit. I  
14 mean --

15 COMMISSIONER McADAM: Is it like a  
16 hundred feet or 200 feet away from  
17 the -- the --

18 MR. KLEIN: Oh, that would be the  
19 dimensions to the building. Oh, you  
20 know, I looked at the dimensions to the  
21 building. I think maybe a couple of --  
22 40 feet, the depth of the building.

23 COMMISSIONER McADAM: 40 feet?

24 CHAIRMAN CALONE: Okay. And  
25 there's some cutout there into the hill,

1  
2 there's --

3 MR. KLEIN: Oh, yeah, the third --

4 CHAIRMAN CALONE: Right.

5 MR. KLEIN: -- the third floor  
6 will -- I think, you can walk out into  
7 the --

8 CHAIRMAN CALONE: Okay. So that  
9 gives us a sense of how high -- you  
10 know, deep they're cutting into the  
11 hill.

12 COMMISSIONER McADAM: The point --  
13 the point I'm trying to get to here is  
14 that the bluff -- Duck Pond Road runs  
15 pretty much level with the beach. Next  
16 to it, there are high -- high dunes.  
17 Okay. Particularly, to the left, the  
18 development that's to the left of it --

19 MR. KLEIN: Yeah.

20 COMMISSIONER McADAM: -- there's a  
21 very steep dune there. Where that  
22 particular area is, there's -- there's  
23 only about three or four feet off the  
24 beach. And I was questioning whether or  
25 not that would ever be a potential

1  
2 problem, even with the existing  
3 buildings there. And now they want to  
4 expand it so that --

5 CHAIRMAN CALONE: Gotcha.

6 COMMISSIONER McADAM: I'm not  
7 sure -- I don't have a conclusion to  
8 this, it's just that --

9 CHAIRMAN CALONE: Well, this is  
10 your region.

11 COMMISSIONER McADAM: -- probably  
12 if it was up higher, I'd be happier.  
13 But the fact that -- and I do use that  
14 beach, I walk -- walk down there, and  
15 there isn't really much stopping, you  
16 know, the Sound.

17 CHAIRMAN CALONE: Gotcha.

18 DIRECTOR ISLES: Ted, is this in a  
19 flood zone, it would have to meet base  
20 flood elevation?

21 MR. KLEIN: I -- quite honestly --  
22 honestly, I don't quite know that  
23 answer.

24 COMMISSIONER HOLMES: I'm just  
25 wondering about the coastal erosion

1 hazards. You know, that -- that comes  
2 into play for Long Island Sound also.

3 CHAIRMAN CALONE: Sure.

4 Adrienne -- well, I want to let  
5 anyone from Southold who wants to  
6 comment on the area generally, and then  
7 I'm going to allow Adrienne address the  
8 issues.

9 So, Mr. Supervisor.

10 COMMISSIONER HORTON: I'll just say  
11 briefly that that has been a long  
12 blighted, decrepit, decaying,  
13 underutilized facility.

14 It doesn't appear that they're  
15 building seaward of where they already  
16 are, and I -- you know, I think that --  
17 you know, the Long Island Sound is the  
18 Long Island Sound, and, you know, if  
19 there were sticking -- they were putting  
20 sticks in the beach, then that might be  
21 cause for concern, but they're not  
22 building any further seaward of where  
23 they already are, and we've survived  
24 since then. You know, it's been there  
25

1 for a long time.

2  
3 CHAIRMAN CALONE: So you think  
4 approval is certainly warranted here?

5 COMMISSIONER HORTON: Yeah, I --  
6 I -- I -- I certainly do. I mean,  
7 obviously, I'm interested to hear  
8 Adrienne's perspective on the -- on the  
9 building into the bluff consideration,  
10 because I also think it's an interesting  
11 design concept for the energy  
12 efficiency. So it's an interesting  
13 point.

14 CHAIRMAN CALONE: Madam Secretary.

15 SECRETARY ESPOSITO: A couple of  
16 points:

17 One is that I would vehemently  
18 disagree that you have to sacrifice  
19 erosion control and degradation of the  
20 estuary in order to retain energy  
21 efficiency in the building structure.  
22 The energy codes that are sweeping  
23 across Long Island do not require that  
24 we build buildings into bluffs. As a  
25 matter of fact, they should not require



1 that.

2  
3 The reason for ordinances such as  
4 the Town of Huntington's ordinance of a  
5 slope -- slope ordinances, which is  
6 15 percent or greater you steer away  
7 from, is to protect water bodies,  
8 whether it be ponds or rivers or the  
9 three estuaries systems that we have on  
10 Long Island. And those are specifically  
11 crafted so that those bluffs or dune  
12 areas, or however you'd like to  
13 characterize them, are protected and  
14 preserved so that they can protect us  
15 from storms.

16 So they serve a dual purpose; one  
17 is to protect the water body from  
18 degradation and erosion, but the other  
19 is to protect the mainland from tidal  
20 surges and storm surges and flooding.

21 So I think it would be a failure  
22 for us to -- you know, I'm thinking the  
23 way that we want to compromise one for  
24 the other. We can and should achieve  
25 both, energy conservation, protection of

1 mainland, and protection of water  
2 bodies. That actually was three points.

3 So I'd like us to include those  
4 protection measures in this application.  
5 I think they should be required to -- to  
6 develop away from the steep slopes,  
7 and -- and, in addition, I'm a little  
8 concerned about the bulkheading and the  
9 hardening of the shoreline.  
10

11 The new wisdom is that hardening of  
12 the shoreline is the worst thing we can  
13 do to combat sea level rise. And I know  
14 we don't have those in our guidelines,  
15 and we haven't discussed those yet, and  
16 we can talk about that at a future  
17 meeting, but that is of concern. And  
18 even -- and I think that -- when Josh  
19 said, you know, we're not building any  
20 closer to the shoreline than we did, the  
21 problem is the shoreline is coming  
22 closer to us. And that is something  
23 that we need to -- we don't need to --  
24 you know, to consider it, perhaps,  
25 today, but we need to be able to

1 understand that that is occurring, and  
2 as we encroach further towards the  
3 water, it is -- it's going to meet us at  
4 some point.

5 CHAIRMAN CALONE: Right.

6 SECRETARY ESPOSITO: So my biggest  
7 concern is the -- the slopes, and would  
8 like to suggest that it is a condition  
9 that they move this around the steep  
10 slopes.

11 CHAIRMAN CALONE: Okay. Thank you,  
12 Adrienne.

13 I mean, I think that Josh's  
14 point -- his point was just that, we're  
15 not moving closer to the water, the  
16 water may be closing -- may be moving  
17 closer to us --

18 SECRETARY ESPOSITO: Right. Right.

19 CHAIRMAN CALONE: -- and we can  
20 address global warming at our next  
21 meeting, but --

22 COMMISSIONER BRAUN: And resolve  
23 it.

24 CHAIRMAN CALONE: Yes. Well,

1 multipart questions.

2 But -- but -- but the notion is --  
3 is that -- you know, this site plan is  
4 not trying to move anything seaward.

5 VICE CHAIRMAN KONTOKOSTA:  
6 (Indicating)

7 CHAIRMAN CALONE: Sorry,  
8 Constantine.

9 VICE CHAIRMAN KONTOKOSTA: Well, I  
10 just -- I just wanted to state early in  
11 the game that I'm going to be recusing  
12 myself from this matter.

13 CHAIRMAN CALONE: Oh, okay. Thank  
14 you for letting everyone know that.

15 DIRECTOR ISLES: (Indicating)

16 CHAIRMAN CALONE: Yes, sir.

17 DIRECTOR ISLES: Okay. So just a  
18 clarification then.

19 The recommendation from staff was  
20 written in a certain way, and I'd just  
21 like to clarify what I understand to be  
22 the comment by Member Esposito. So it  
23 would be as follows:

24 Location of proposed conference  
25

1 facility shall be moved away from the  
2 natural steep slopes and wooded areas,  
3 and instead of saying as much as  
4 possible, eliminate that --

5 SECRETARY ESPOSITO: Yeah.

6 DIRECTOR ISLES: -- and somehow  
7 then jump to -- you know, to minimize  
8 disturbance and the potential erosion  
9 and storm water runoff problems?  
10

11 SECRETARY ESPOSITO: (Head gesture)

12 DIRECTOR ISLES: Okay.

13 SECRETARY ESPOSITO: That's great.

14 DIRECTOR ISLES: Okay. Thank you.

15 CHAIRMAN CALONE: Okay. Well,  
16 that's the -- that's the -- that's the  
17 suggestion --

18 DIRECTOR ISLES: Right.

19 CHAIRMAN CALONE: -- are there any  
20 objections to making that --

21 COMMISSIONER BRAUN: Where --

22 DIRECTOR ISLES: That could be part  
23 of --

24 COMMISSIONER BRAUN: I have one --  
25 there was a -- you said there's an

1 agricultural zone adjacent to this.

2 MR. KLEIN: Yes.

3 COMMISSIONER BRAUN: Is it to the  
4 south?

5 MR. KLEIN: Yes.

6 COMMISSIONER BRAUN: And from this  
7 aerial, that's all wooded in between  
8 the -- what looks like farmland on this  
9 property?  
10

11 MR. KLEIN: Yes, that's correct.

12 CHAIRMAN CALONE: A lot of open  
13 space here.

14 COMMISSIONER HORTON: (Indicating)

15 CHAIRMAN CALONE:

16 Commissioner Horton.

17 COMMISSIONER HORTON: I -- I  
18 don't -- I certainly don't object to  
19 Adrienne's points, but just to be clear,  
20 is -- is there or is there not  
21 bulkheading taking place on the  
22 shoreline?

23 CHAIRMAN CALONE: In this proposal?

24 SECRETARY ESPOSITO: In this  
25 proposal?

1  
2 COMMISSIONER HORTON: I -- it looks  
3 to me as though --

4 MR. KLEIN: It -- it exists -- it  
5 exists in the --

6 COMMISSIONER HORTON: But about  
7 300 feet from the beach.

8 MR. KLEIN: See, I wasn't under the  
9 impression --

10 COMMISSIONER HORTON: There's a big  
11 difference --

12 MR. KLEIN: -- that this was a --

13 COMMISSIONER HORTON: -- between  
14 bulkheading --

15 MR. KLEIN: -- bluff.

16 COMMISSIONER HORTON: There's a --  
17 there's a --

18 THE REPORTER: One at a time,  
19 please.

20 COMMISSIONER HORTON: There's a big  
21 difference between placing a bulkhead on  
22 the Sound beach at the base of a bluff  
23 on -- you know, at the beachline and  
24 having one that -- that is more on the  
25 surface grassland with -- within the

1 confines of this bluff.

2  
3 MR. KLEIN: Well, the bulkheading  
4 exists, and that's not being bolstered  
5 or increased.

6 COMMISSIONER HORTON: So there  
7 isn't -- there's not additional --

8 SECRETARY ESPOSITO: All right. I  
9 thought you --

10 COMMISSIONER HORTON: -- shoreline  
11 bulkheading taking place.

12 MR. KLEIN: Correct. It's the  
13 issue of building into the --

14 SECRETARY ESPOSITO: Okay. I  
15 thought you said there was another  
16 300 feet of bulkheading.

17 MR. KLEIN: No, it's -- the  
18 location of the conference facility is  
19 300 feet, approximately, from the mean  
20 high watermark.

21 SECRETARY ESPOSITO: Okay. Okay.

22 CHAIRMAN CALONE: Okay.

23 All right. Any objection to the --  
24 editing the condition as was discussed,  
25 which is just removing the words "as



2 much as possible"?

3 (WHEREUPON, there was no response.)

4 CHAIRMAN CALONE: Seeing none,  
5 we'll entertain a motion --

6 COMMISSIONER McADAM: (Indicating)

7 CHAIRMAN CALONE: Motion by  
8 Commissioner McAdam.

9 Second?

10 COMMISSIONER BOLTON: (Indicating)

11 CHAIRMAN CALONE:  
12 Commissioner Bolton.

13 So the recommendation, again, is  
14 just approval with two conditions; one,  
15 public safety; and, two, the steep  
16 slope -- moving the building away from  
17 the steep slopes for the reasons that  
18 we've indicated and are indicated in the  
19 staff report.

20 All in favor, please raise your  
21 hand.

22 (WHEREUPON, the members voted.)

23 CHAIRMAN CALONE: Opposed?

24 (WHEREUPON, there was no response.)

25 CHAIRMAN CALONE: Abstentions?

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VICE CHAIRMAN KONTOKOSTA:

(Indicating)

CHAIRMAN CALONE:

Commissioner Kontokosta abstains.

COMMISSIONER HOLMES: He -- he  
recused himself.

CHAIRMAN CALONE: Recuses --

(WHEREUPON, there was an  
off-the-record discussion, after which  
the following transpired:)

CHAIRMAN CALONE: Okay. Suffice to  
say the vote is nine to zero, with one  
either abstention or recusal; we can ask  
counsel after the fact, and we'll  
interpret that in the appropriate way.

Okay.

MR. FRELENG: Mr. Chairman, the  
next matter before the Commission comes  
to us from the Town of Southold, this is  
the referral of Southwold Manor.

Jurisdiction for the Commission,  
that the subject property is located on  
New York State Route 25 and within

500 feet of a New York State agricultural district.

The applicants seek Town Planning Board Site Plan approval for the construction of a 27-unit, age-restricted condominium community consisting of eight residential, multiple-dwelling buildings. The site plan also includes the conversion of an existing single-family residence into three affordable housing units. A 370-square-foot detached garage, a community pool, deck, and two -- and a two-story amenities building is also proposed. Town of Southold Zoning Law required off-street parking -- I'm sorry. Town of Southold Zoning Law off-street parking requirements equates to 59 parking stalls. The applicant purports the provision of 80 stalls.

The subject parcel is located on the north side of Main Road, which is New York State Route 25, approximately 830 feet east of Boisseau Avenue, which

1 is a town road. The property is bound  
2 to the north by right-of-way of the Long  
3 Island Rail Road.  
4

5 If you take a look at the zoning  
6 map, we can see that the -- the  
7 character of the area and the zoning.  
8 The subject property is at the eastern  
9 end of the node of Hamlet Business  
10 zoning. Properties to the north, across  
11 the Long Island Rail Road right-of-way  
12 are zoned Agricultural Conservation. To  
13 the west, lands are zoned Hamlet  
14 Business, and to the east, lands are  
15 zoned Agricultural Conservation. Across  
16 New York State Route 25, to the south,  
17 is land in the Hamlet business district,  
18 and further south, the land is zoned  
19 Residential. Light industrial zoning is  
20 found along the rail right-of-way to the  
21 northwest, and to the west bordering the  
22 subject site is a storage business and  
23 an office use. To the east are found  
24 residential dwellings.

25 If you take a look at the site

1 plan, the subject application is to have  
2 one point of access to New York State  
3 Route 25. No alternate or emergency  
4 access is proposed.  
5

6 With the exception of the subject  
7 property's proximity to agricultural  
8 land, there are no significant  
9 environmental constraints on the  
10 property.

11 The subject application is a  
12 regionally significant project pursuant  
13 to the Suffolk County Planning  
14 Commission Rules and Proceedings as the  
15 site proposes 27 residential units not  
16 connected to an existing public sewerage  
17 system, and proposes 69,708 square feet  
18 of total building area in the Town of  
19 Southold. The project is also located  
20 on a New York State road.

21 It should be noted that the  
22 proposed application was referred to the  
23 Suffolk County Planning Commission on  
24 January 9th, 2007. The matter was  
25 referred to the Town Planning Board as a

1 local determination with comments.  
2  
3 Comments were related to buffering,  
4 off-street parking, and affordable  
5 housing. These issues are reexamined in  
6 the staff report.

7 It's not clear when we take a look  
8 at the subject property if the -- if the  
9 proposed action is in conformance with  
10 Commission Guidelines on Energy  
11 Efficiency or Commission Guidelines for  
12 Public Safety. That's one point that  
13 staff noticed.

14 There are some elements of the site  
15 plan which are problematic. First and  
16 foremost, there's a lack of an  
17 alternative access, which is a  
18 Commission policy; secondly, there is no  
19 cross access between the subject  
20 property and adjacent properties.

21 And I am trying to be concise on  
22 this so we can get Peter Lambert on the  
23 agenda at the end.

24 CHAIRMAN CALONE: Sure. I know  
25 Peter appreciates it.

2 MR. FRELENG: Third, the proposed  
3 driveways should be aligned at  
4 perpendicular angles to the internal  
5 road network. As you can see, they come  
6 in at an angle to the road network in  
7 some locations, and some over here as  
8 well (indicating).

9 Okay. There is no -- there is no  
10 way for a -- of a car backing out of the  
11 driveways to turn around, so staff  
12 recommends and notes that there is no  
13 T-shaped shunt or other turnaround  
14 arrangement to provide for a safe  
15 ingress and egress to the internal  
16 roadway system.

17 Also, it's been the experience of  
18 the Suffolk County Planning Department  
19 that garage spaces tend to be poor  
20 off-street parking spaces, as over time  
21 garage spaces tend to be converted to  
22 living space or storage areas. So we  
23 believe that the town should take  
24 another look at the parking requirements  
25 and the parking provisions on the site.

2 The proposed use, if we take a look  
3 at the -- at the oblique aerial, John.

4 MR. CORRAL: (Complying)

5 MR. FRELENG: This is probably the  
6 best shot of the subject property. You  
7 can see that there is a boat storage  
8 facility to the west of the subject  
9 site. The proposed use appears to be  
10 incompatible with the warehouse and boat  
11 storage uses to the west. In addition,  
12 along the northern property line is the  
13 railroad right-of-way (indicating), we  
14 believe that a vegetated berm should be  
15 placed along the railroad right-of-way  
16 in order to provide some buffering.

17 We also believe that the town  
18 should revisit some of the landscaping  
19 plans for the property boundaries.  
20 There are residential dwellings over  
21 here (indicating). And, as indicated,  
22 there is a 25-foot buffer, we just want  
23 to make sure that that buffer is  
24 sufficient in order to protect future  
25 residents from operations on the



1 adjacent commercial use, as well as  
2 protect existing dwellings from any --  
3 any activities on the subject property  
4 (indicating).  
5

6 The staff notes that the submitted  
7 site plan provides no accommodation for  
8 a mass transit stop; i.e., a bus stop.  
9 As noted, the subject property is in the  
10 vicinity of active farmland in the New  
11 York State agricultural district. We  
12 believe that the appropriate notation  
13 should be made on the map, which would  
14 advise prospective owners and residents  
15 of the -- of the complex that there is  
16 agricultural activities going on in the  
17 adjacent areas, and they may be  
18 subjected to noise, dust, odors, or  
19 spraying applications, and these are  
20 normally associated with agricultural  
21 activities.

22 We did indicate in the staff report  
23 that the subject site is located along  
24 the railroad right-of-way, and that  
25 these structures on-site, when they are

1 built, should be constructed using  
2 materials and techniques that would  
3 reduce interior noise levels in  
4 accordance with recommendations of HUD  
5 or any other authority that has  
6 promulgated standards for the reduction  
7 of interior noise.  
8

9 When we did a site inspection for  
10 the property, if you take a look at some  
11 of the photos there --

12 MR CORRAL: (Complying)

13 MR. FRELENG: -- this is a view  
14 looking east (indicating). You could  
15 see it's a -- a rather rural character  
16 to the area (indicating). This is the  
17 subject property (indicating). This  
18 would be access to the subject site  
19 (indicating).

20 Go to the next one, John.

21 MR. CORRAL: (Complying)

22 MR. FRELENG: This is looking at  
23 the subject site (indicating). This is  
24 the existing dwelling (indicating).  
25 This would, again, be the access into

1 the subject property (indicating).

2 If you go to the third --

3 MR. CORRAL: (Complying)

4 MR. FRELENG: -- this is the one I  
5 really wanted the Commission to see.

6 I don't know if you can see it  
7 here, but this is a grade crossing  
8 (indicating).

9 CHAIRMAN CALONE: Is that because  
10 you were standing on the tracks when you  
11 took that picture?

12 MR. FRELENG: Ted was straddling  
13 the rail when we took that site.

14 (Laughter)

15 MR. FRELENG: There is a grade  
16 crossing off of, I believe it's called  
17 Boisseau Avenue, up here to the west  
18 (indicating). And that -- this is the  
19 subject property (indicating), it rises  
20 a little bit off the -- the grade of the  
21 railroad right-of-way. Typically, we  
22 would require some sort of berm or  
23 buffer to further insulate the proposed  
24 dwellings from any noise coming by the  
25

1 railroad.

2  
3 It just should be noted that we  
4 found that the -- that the train on  
5 the -- on the rail comes by maybe once a  
6 day, it's not too active of a line. But  
7 we do believe that as it crosses this  
8 grade crossing, it would pull the  
9 whistle and that -- that might cause  
10 some noise impacts to the proposed  
11 residences.

12 So staff is recommending then to  
13 the Commission that the application be  
14 approved, subject to the following  
15 conditions:

16 The first condition being that the  
17 New York State DOT be contacted for a  
18 full traffic mitigation analysis, and  
19 for the necessity of the provision of a  
20 dedicated right-of-way for future  
21 roadwork to New York State Route 25. We  
22 did have some discussions with the town  
23 and the applicant. There was a traffic  
24 study done, but that was not provided to  
25 us in the referral at the time that we

1 reviewed the matter. So we -- we felt  
2 that it was important to condition that  
3 the applicants have a -- a dialogue with  
4 DOT. They may have done that already,  
5 but at the time, as I said, we didn't  
6 know that.  
7

8 Second, that an alternative means  
9 of access be provided to ensure access  
10 by emergency and service vehicles. If  
11 you go to the site plan --

12 MR. CORRAL: (Complying)

13 MR. FRELENG: -- that's fine, John.

14 The site is bound by the railroad  
15 here (indicating). It's bound by  
16 warehouse storage use on the right  
17 side -- I'm looking and I think the  
18 warehouse is on the west side. So  
19 there's a -- there's a warehouse storage  
20 use here (indicating). And existing  
21 residential dwellings here (indicating).  
22 There really isn't an opportunity to  
23 provide cross access to the residential  
24 dwellings, unless the property comes in  
25 as a -- you know, they're all assembled

1 and there's some development there.  
2  
3 There's no alternative access over here  
4 (indicating), but potentially, if this  
5 warehouse use in the hamlet district is  
6 developed in the future, there could be  
7 a possibility for cross access. Staff  
8 felt that perhaps one of these  
9 driveways, or perhaps this whole route,  
10 should be redesigned so there could be  
11 an alternate access. At the very least,  
12 there should be an emergency access into  
13 the subject property. So that is the  
14 recommendation of staff.

15 Third, staff is recommending that a  
16 condition be referred back to the town,  
17 that a mass transit or a bus stop or a  
18 turn off be accommodated along the  
19 county right-of-way.

20 Fourth, the staff recommends a  
21 condition that the subject building be  
22 constructed to conform to Suffolk County  
23 Planning Commission Guidelines on Energy  
24 Efficiency.

25 Fifth, the recommended condition is

2 that the subject site be designed to  
3 conform to Suffolk County Planning  
4 Commission Guidelines on Public Safety.

5 The sixth condition would be that  
6 the -- noting that the subject  
7 application's in the vicinity of active  
8 farmland in the New York State  
9 agricultural district, that an advisory  
10 covenant be placed on the property  
11 indicating that occupants may be subject  
12 to noise, dust, odors, and spraying,  
13 applications normally associated with  
14 agricultural activities.

15 Staff also recommends that the  
16 following comments be forwarded to the  
17 Town of Southold:

18 First being that it's really not  
19 clear in the referral material that the  
20 proposed application or the residences  
21 are designed with energy efficiency in  
22 mind. We recommend that they take a  
23 look at the Commission's Guidelines on  
24 Energy Efficiency, as well as Public  
25 Safety.

2 The second comment is that the  
3 driveway should be aligned at  
4 perpendicular angles to the internal  
5 road system. The proposed driveways  
6 should incorporate a T-shaped shunt or  
7 other turnaround arrangements in order  
8 to provide for safe ingress and egress  
9 to the internal roadway. And, also as  
10 part of that comment, that it's been our  
11 experience that garage spaces tend to be  
12 converted to residential dwellings --  
13 living space or storage space, and they  
14 really shouldn't be counted as  
15 off-street parking, and the town should  
16 take another look at the parking  
17 compliance with their code.

18 And, lastly, this is a reiteration  
19 of -- of a comment that we made in the  
20 local determination previously, when it  
21 was referred back to the town. That  
22 Manor Drive is only 35 feet wide, and it  
23 may not be adequate to handle overflow  
24 off-street parking. Particularly, if  
25 over time the garage space is converted



1 into living space or storage. And that,  
2 as we've indicated in the past, as they  
3 propose this driveway, it should be  
4 within a 50-foot right-of-way, if in the  
5 future there's need to bring in other  
6 public services, or other public  
7 amenities, or the need to dedicate the  
8 road due to lack of maintenance or some  
9 other reason why the internal road  
10 system is no longer adequate, that if it  
11 is within a 50-foot right-of-way, then  
12 it would be potentially dedicatable to  
13 the town in the future.

14  
15 Another comment that we recommend  
16 the Commission provide to the town is  
17 that a vegetated berm be located along  
18 the northern property line to buffer  
19 those residences from any adverse  
20 impacts of the railroad.

21 And the last comment is that the  
22 residences be constructed using  
23 materials and techniques that would  
24 reduce interior noise levels.

25 And that is a quick review of the

2 staff report.

3 CHAIRMAN CALONE: Thank you, Andy.

4 Let me address a procedural issue  
5 that was raised by Mr. Read.

6 This has been re-referred to us by  
7 the Town of Southold; is that correct?

8 MR. FRELENG: That is correct.

9 CHAIRMAN CALONE: Okay.

10 In the view of staff, was there  
11 substantial changes between what we  
12 looked at previously and what we're  
13 looking at now?

14 MR. FRELENG: There were changes  
15 but not substantive changes; however,  
16 the Commission Guidelines and -- and  
17 criterias have changed, which required  
18 us to bring it to your review.

19 CHAIRMAN CALONE: Right. Okay.

20 From a procedural perspective, we  
21 certainly have the ability to relook at  
22 this, you know, if we want to. But I  
23 just wanted to get, kind of, staff's  
24 read on that.

25 It has been appropriately -- it has

1                   been re-referred, so we -- it certainly  
2                   is appropriately before us. The  
3                   question under our guidelines is whether  
4                   we wish to rehear it or not.

5                   Typically, when it is re-referred,  
6                   the standard that we use is that there's  
7                   to be a substantial change. If there's  
8                   a substantial change, than it's a new  
9                   referral. If the -- what we're seeing  
10                  is not a substantial change than it  
11                  should be -- our reconsideration  
12                  standards should apply.

13                  Now, our reconsideration standards  
14                  has -- has two -- has two prongs to it:

15                  One is whether there's been a  
16                  change -- substantial change -- or  
17                  the -- the facts that we relied on  
18                  previously were erroneous, or not. And  
19                  I don't think there's any -- I don't  
20                  believe there's any consideration of  
21                  that;

22                  The second thing is that there's  
23                  been some kind of policy change. Now,  
24                  the policy change, to my knowledge, this  
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is -- is ours.

And so the question for this Commission is whether we want to apply our new guidelines to this development. And I think we need to have a threshold vote whether to accept -- whether to proceed here or not, because I think, you know, trying to do this right procedurally, that's the appropriate way to handle this.

Now, obviously, our guidelines have changed quite a bit. And the reason we did that is because we believe that the old ones were, you know, erroneous -- or -- erroneous --

SECRETARY ESPOSITO: No.

CHAIRMAN CALONE: -- is not the right word. You know, did not go far enough, did not -- did not -- did not --

SECRETARY ESPOSITO: Insufficient.

CHAIRMAN CALONE: Good word.

So that the -- those were inadequate.

And so the question for the

1 Commission is whether in this unique  
2 situation we wish to apply the newer  
3 thinking to this development,  
4 recognizing, of course, that the staff  
5 has recommended approval, and that we  
6 would simply be imposing or, I should  
7 say, conditioning --

8  
9 COMMISSIONER ROBERTS: Commenting.

10 CHAIRMAN CALONE: -- and -- and  
11 commenting -- sorry -- both conditioning  
12 and commenting some of the -- our -- our  
13 more fresher thinking on this  
14 application.

15 I would like to have a discussion  
16 about that first.

17 COMMISSIONER BRAUN: Yeah. In  
18 order to answer that question, I'd like  
19 to know whether the developer and the  
20 municipality relied on our previous  
21 recommendation in making the changes  
22 that are now before us.

23 MR. FRELENG: I believe -- I  
24 believe that there was some revisions to  
25 the map based on negotiations with the

1 town, taking into consideration the  
2 local determination comments that the  
3 Commission did forward. So the short  
4 answer is yes, I believe that there --  
5 there was some revisions to the map.

6 COMMISSIONER HORTON:

7 Mr. Chairman --

8 CHAIRMAN CALONE: Yes,  
9 Commissioner Horton.

10 COMMISSIONER HORTON: -- can I  
11 just --

12 CHAIRMAN CALONE: Please.

13 COMMISSIONER HORTON: I'm going to  
14 recuse myself from this discussion and  
15 vote -- my -- the company that I hold a  
16 management position with, Corcoran Real  
17 Estate Group, has an open transaction  
18 related to this property --

19 CHAIRMAN CALONE: Okay.

20 COMMISSIONER HORTON: -- predating  
21 my tenure with the organization, but  
22 it -- it still remains as an open  
23 transaction, so I'm going to recuse  
24 myself.  
25

2 CHAIRMAN CALONE: Okay. Thank you.

3 VICE CHAIRMAN KONTOKOSTA: I'm  
4 going to --

5 CHAIRMAN CALONE: Vice Chairman --

6 VICE CHAIRMAN KONTOKOSTA: --  
7 recuse myself as well on this matter.

8 Thank you.

9 CHAIRMAN CALONE: Okay. We have  
10 two recusals, so let me count the  
11 numbers.

12 COMMISSIONER HOLMES: How many do  
13 we have now?

14 CHAIRMAN CALONE: Hold on.

15 Are there any other -- anyone else  
16 with any other issues with regard to  
17 this project?

18 COMMISSIONER ROBERTS: David, I  
19 just wanted to warn you, I have to leave  
20 at 3 o'clock for a plane.

21 CHAIRMAN CALONE: Should we call  
22 American Airlines?

23 COMMISSIONER ROBERTS: That's okay.

24 COMMISSIONER HOLMES: (Indicating)

25 CHAIRMAN CALONE: Okay.

1 Commissioner Holmes.

2  
3 COMMISSIONER HOLMES: I think I'm a  
4 little slow-witted. This has been  
5 re-referred to us by --

6 CHAIRMAN CALONE: Yes.

7 (WHEREUPON, Vice Chairman  
8 Kontokosta left the Legislative  
9 Auditorium.)

10 (Time noted: 2:50 p.m.)

11 COMMISSIONER HOLMES: -- the  
12 municipality?

13 CHAIRMAN CALONE: Yes.

14 COMMISSIONER HOLMES: That's my  
15 first concern.

16 I think my second concern is  
17 listening twice to the Long Island Farm  
18 Bureau representative, it is so  
19 difficult when people buy adjacent to,  
20 or rent, or, you know, move in adjacent  
21 to active farmland. They find out  
22 afterwards about the noise and the --  
23 and the early morning tractors and all  
24 of that. And -- and I don't know how  
25 strong the "covenant" can be, because,



1  
2 to me, the covenant is a very necessary  
3 thing to find a way -- I don't know  
4 how -- the word covenant is something  
5 that is filed with the map, but it takes  
6 an active lawyer to alert the client to  
7 that.

8           And just because my own father died  
9 from a lung fungus he inhaled from a  
10 careless farmer in Riverhead, when he  
11 was driving to visit me on Shelter  
12 Island, it killed him within six months.  
13 And pesticide does im- -- you know,  
14 impact on people. And I don't know if  
15 the wind could carry pesticide from an  
16 adjacent farmland, but that, to me, is  
17 enough of a concern that any covenant  
18 wording should be done in a way that it  
19 is required for the client to -- you  
20 know, for the purchaser to be informed.

21           CHAIRMAN CALONE: Okay. I think  
22 first -- first of all, I'm sorry to,  
23 obviously, hear about that situation,  
24 and I think it's a -- a very good point.

25           I think that we need to get to the

1  
2 threshold issue here, which is whether  
3 or not we hear this project.

4           There will be situations  
5 occasionally that will come up, I'm  
6 sure, before us where something has gone  
7 through the process and, for the most  
8 part -- and -- and then comes back to us  
9 now. For the most part, those,  
10 typically, will involve, you know,  
11 changes or significant changes. We've  
12 heard that there haven't been  
13 significant changes, but the question  
14 for us is whether or not we want to  
15 relook at this in the context of our new  
16 guidelines.

17           I will -- I'd be interested to hear  
18 anyone's point on that. We only have,  
19 I think, eight people voting on this,  
20 but -- and so I don't know that we need  
21 to set a rule for all time, but we  
22 certainly need to -- to think about that  
23 here. And I'm sorry that we're doing  
24 this on the fly, but it is the way it  
25 is.

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So, you know, my personal feeling is that we have -- you know, I don't know that we should ignore the -- the advances we've made, but I -- I don't feel that strongly about it.

COMMISSIONER McADAM: (Indicating)

CHAIRMAN CALONE: Tom.

COMMISSIONER McADAM: Yeah, I have a -- I have a question. The town -- and I think we approved it maybe last month or the month before, they adopted new design standards. What I don't know is whether those design standards are being imposed on this project or not.

And so the question I have is whether our guidelines -- if -- if -- if the town approved this new design standards and is imposing it, then would we have to -- could we entertain this project then?

CHAIRMAN CALONE: Well, I think our process is -- well, let me ask, maybe, the Director to comment on that. I think our process is separate than what

1 the town would apply, but -- but I don't  
2 know if there's any other thinking you  
3 want to share.

4  
5 DIRECTOR ISLES: Yeah. No, not  
6 really. I agree with you that if the  
7 town just enacted new design guidelines,  
8 the question is do they apply to this  
9 project.

10 SECRETARY ESPOSITO: Right.

11 DIRECTOR ISLES: And I think that  
12 would depend on their local code in  
13 terms of does it kick in right now in  
14 terms of any project that's awaiting a  
15 building permit.

16 Oftentimes, the application's  
17 already filed. They'll be, kind of,  
18 grandfathered in at that point. I don't  
19 have it in front of me, but my guess is  
20 it wouldn't apply at this point.

21 COMMISSIONER BRAUN: (Indicating)

22 CHAIRMAN CALONE: Okay.

23 Commissioner Braun.

24 COMMISSIONER BRAUN: Yeah, I would  
25 think in -- in all fairness, if the

1 applicant and the town have already  
2 considered what this Commission has  
3 asked them to consider, that at -- we  
4 shouldn't condition our --

5 CHAIRMAN CALONE: Uh-huh.

6 COMMISSIONER BRAUN: -- approval on  
7 new conditions. Maybe we want to make  
8 comments and say that we now have  
9 adopted the following standards, and  
10 please look at them and see if they --  
11 how they fit into what you're doing. I  
12 wouldn't want them to have to require a  
13 supermajority at that point --

14 CHAIRMAN CALONE: Uh-huh.

15 COMMISSIONER BRAUN: -- to overcome  
16 something that they didn't know they  
17 were dealing with.

18 COMMISSIONER HOLMES: Yeah.

19 COMMISSIONER BOLTON: I agree with  
20 that.

21 CHAIRMAN CALONE:  
22 Commissioner Bolton. I'm sorry, go  
23 ahead, please.

24 COMMISSIONER BOLTON: I support  
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what he said.

COMMISSIONER HOLMES: Yes, I do  
too.

CHAIRMAN CALONE: Okay.  
Any other --

COMMISSIONER TALDONE: (Indicating)

CHAIRMAN CALONE: Mr. Taldone.

COMMISSIONER TALDONE: And I think  
I'm in full agreement there. I'm just  
curious about why the town would refer  
this to us if there's no substantive  
changes. Why is it here again?

MR. FRELENG: Staff couldn't  
comment --

COMMISSIONER TALDONE: Why did  
they --

MR. FRELENG: Staff couldn't  
comment on that. It came, that's all we  
know.

COMMISSIONER TALDONE: Okay.

CHAIRMAN CALONE: Okay.

COMMISSIONER TALDONE: You know, I  
have the same feeling you do. But I do  
have one -- one quick minor point.

1 In terms of --

2 CHAIRMAN CALONE: Well, let's --

3 COMMISSIONER TALDONE: -- mass

4 transit --

5 CHAIRMAN CALONE: Let's not get  
6 into the substance yet until we agree  
7 that we want to --

8 COMMISSIONER TALDONE: Okay.

9 CHAIRMAN CALONE: -- actually --

10 COMMISSIONER TALDONE: Very good.

11 CHAIRMAN CALONE: -- hear this.

12 Now, it's a different question  
13 whether we hear it and whether we only  
14 put comments on it.

15 COMMISSIONER McADAM: That's true.

16 CHAIRMAN CALONE: What we could do  
17 is agree to hear it, but then kind of  
18 have an internal, kind of, ad hoc policy  
19 today, and we can figure it out going  
20 forward that we will only make comments  
21 of the things -- of -- of the -- of the  
22 aspects that we have before us. But the  
23 threshold question is whether we hear it  
24 at all.  
25

1  
2 COMMISSIONER HOLMES: You mean for  
3 an approval or disapproval.

4 CHAIRMAN CALONE: Exactly.

5 COMMISSIONER HOLMES: That's what  
6 you mean.

7 CHAIRMAN CALONE: Good point.  
8 Right.

9 And, yeah, I -- you know -- again,  
10 this is, obviously, a unique situation.

11 I think what you're saying, Bob,  
12 may actually be kind of the solution.  
13 That we could be able to inform some of  
14 the -- our -- some of the fresh thinking  
15 we have, some of staff's comments,  
16 without raising the bar in a way that's  
17 unfair.

18 So -- so, you know, if -- if people  
19 feel that we should hear this -- keeping  
20 in mind our conversation, should hear  
21 this, I would entertain a motion to hear  
22 this referral, and then we'll see where  
23 that goes.

24 COMMISSIONER BRAUN: I'll so move.

25 CHAIRMAN CALONE: Move --



2 COMMISSIONER BOLTON: (Indicating)

3 CHAIRMAN CALONE: Move to hear.

4 Seconded by Commissioner Bolton.

5 Okay. All in favor of hearing this  
6 referral, please raise your hand.

7 COMMISSIONER HOLMES: Am I in favor  
8 of hearing it if we're only going to  
9 make comments?

10 SECRETARY ESPOSITO: Only you can  
11 answer that question.

12 (WHEREUPON, the members voted.)

13 CHAIRMAN CALONE: One, two, four --

14 COMMISSIONER BRAUN: I think we  
15 only have seven.

16 MR. FRELENG: No, you have eight.

17 CHAIRMAN CALONE: We have eight.

18 Okay. Opposed?

19 (WHEREUPON, there was no response.)

20 CHAIRMAN CALONE: Okay. So we  
21 will -- we will hear this. We've --  
22 we've obviously heard the staff report,  
23 we've had some comments.

24 I know you had an additional  
25 substantive comment, Vince, so why don't

1 you go ahead.

2  
3 COMMISSIONER TALDONE: It's really  
4 a minor point, but for future reference,  
5 I would avoid use of the word "mass  
6 transit," it tends to frighten people on  
7 the East End.

8 (Laughter)

9 COMMISSIONER BRAUN: You have the  
10 IRT fix it.

11 COMMISSIONER TALDONE: Public  
12 transit. But, also, this is a state  
13 road, and I'm assuming if there were any  
14 right-of-way to be granted, it would go  
15 to the state and not the county.

16 Leaving that aside, I would  
17 recommend using state or county, if  
18 deemed appropriate by Suffolk County DPW  
19 Division of Transit Operations. Let  
20 them take a look, because there are  
21 pretty wide shoulders here and you may  
22 not need it in this location. This way,  
23 we're just asking Suffolk County  
24 Transit, through DPW, to take a look at  
25 it. They'll then decide if it's

2 necessary, we've recommended that the  
3 right-of-way be granted if the state  
4 wants it or if the county wants it.

5 MR. FRELENG: Okay.

6 COMMISSIONER TALDONE: Put it in  
7 their hands.

8 COMMISSIONER McADAM: (Indicating)

9 CHAIRMAN CALONE: Okay. Tom.

10 COMMISSIONER McADAM: Andy, if --  
11 what you -- what you were saying in  
12 the -- in the staff analysis was that  
13 the roadway design would have to  
14 change -- and I don't remember exactly  
15 what you said, but things would have to  
16 be reconfigured, the roadway would have  
17 to be widened.

18 Now, if -- if they did that, would  
19 it look anything like what -- what we're  
20 looking at now?

21 MR. FRELENG: Staff is not  
22 recommending that the roadway, the  
23 pavement, or any physical conditions on  
24 the site be changed, just that a  
25 right-of-way of 50 feet -- because it

1 was 30-something feet already, just that  
2 a right-of-way be created around the  
3 subject property. So it's a -- it's a  
4 right-of-way or a right-of-way easement  
5 that could be converted into a  
6 dedicatable 50-foot-wide strip that  
7 would then be accepted into the highway  
8 system.  
9

10 So I don't believe that they really  
11 need to, maybe with the exception of  
12 this turnaround, redesign much in  
13 this -- in this corridor, but they --  
14 you know, that would have to be taken a  
15 look at. I'm not -- I -- I don't know  
16 the dimensions of this turnaround,  
17 whether or not they could -- they could  
18 put that in the 50-foot right-of-way.

19 COMMISSIONER McADAM: Okay.

20 CHAIRMAN CALONE: Okay. I'd  
21 like -- unless you have an important  
22 question, we have people who need to  
23 leave and I want to -- I don't want to  
24 cut you off if you think it's critical.

25 All right. We have -- the

1 consensus around this -- this table was  
2 that we make the things that are  
3 conditions comments, so let me -- is  
4 there any objection to doing that?

5 (WHEREUPON, there was no response.)

6 CHAIRMAN CALONE: See none, we'll  
7 make -- we'll do that.

8 The one thing I want to add as a  
9 comment is, you'll notice -- and this, I  
10 think, would be a condition in other  
11 circumstances, is that the affordable  
12 housing building -- well --

13 SECRETARY ESPOSITO: Yeah. Yeah.

14 CHAIRMAN CALONE: -- that  
15 actually -- simply having an affordable  
16 housing building itself is in violation  
17 of our guidelines, because the notion is  
18 that affordable housing should be -- in  
19 best practices, should be spread around  
20 the community. And having it singled  
21 out like that on a site plan or,  
22 quite -- or, obviously, in reality, is a  
23 problem. So I would add -- like to add  
24 a comment --  
25

1 SECRETARY ESPOSITO: Yes.

2 CHAIRMAN CALONE: -- that we  
3 strongly encourage the town to look at  
4 our Affordable Housing Guidelines here,  
5 in particular the concentration of the  
6 affordable housing units.

7 SECRETARY ESPOSITO: Can we even  
8 say integrate them into the -- the --

9 CHAIRMAN CALONE: Yeah, that's what  
10 the -- that's what the guidelines say --

11 SECRETARY ESPOSITO: Okay.

12 CHAIRMAN CALONE: -- but we could  
13 say that explicitly --

14 SECRETARY ESPOSITO: Okay.

15 CHAIRMAN CALONE: -- if you want.

16 COMMISSIONER BOLTON: I just want  
17 to mention another consideration with  
18 respect to the reuse of what appears to  
19 be an older building, if not a historic  
20 building.

21 CHAIRMAN CALONE: The one that's  
22 now the affordable housing building?

23 COMMISSIONER BOLTON: Yeah.

24 CHAIRMAN CALONE: Yeah.

1  
2 COMMISSIONER BOLTON: Because I  
3 think that's a positive.

4 CHAIRMAN CALONE: Uh-huh.

5 COMMISSIONER BOLTON: You know, it  
6 preserves the street scape, it's  
7 consistent with adaptive use policies.  
8 So I'm a little uncomfortable about  
9 saying scrap that plan, because maybe  
10 that's the only workable plan there is  
11 to do that -- to use that as the  
12 affordable component. I realize it's  
13 not totally consistent with our policy,  
14 but we see so little reuse of existing  
15 buildings for such --

16 SECRETARY ESPOSITO: But why would  
17 it be easier to make that affordable  
18 housing as opposed to unaffordable  
19 housing?

20 COMMISSIONER BOLTON: I can't  
21 answer that question because I don't  
22 have a development --

23 CHAIRMAN CALONE: Okay.

24 COMMISSIONER BOLTON: -- but --

25 CHAIRMAN CALONE: And -- and none

1 of us do, so I won't -- cut -- cut to it  
2 here.  
3

4 Why don't we say -- and these are  
5 only comments now, so we don't need  
6 to --

7 SECRETARY ESPOSITO: That's true.

8 CHAIRMAN CALONE: -- belabor it,  
9 but, you know, why don't we applaud the  
10 reuse of the existing building, but --  
11 but simply say that we would urge --  
12 urge them to look at alternatives in --  
13 to its reuse, rather than having it the  
14 affordable housing concentrated there,  
15 or something along those lines.

16 COMMISSIONER BOLTON: Okay.

17 CHAIRMAN CALONE: Is there any  
18 objection to something like that?

19 COMMISSIONER BOLTON: Okay. I  
20 agree with that, I'm just afraid that  
21 it's going to be the -- you know, the  
22 end of the building.

23 COMMISSIONER HOLMES: No, because  
24 we're not making it a condition.

25 COMMISSIONER BOLTON: Right.



2 COMMISSIONER HOLMES: It's a  
3 comment.

4 CHAIRMAN CALONE: A comment, right.

5 COMMISSIONER BOLTON: We're making  
6 it a comment.

7 COMMISSIONER McADAM: (Indicating)

8 CHAIRMAN CALONE:  
9 Commissioner McAdam.

10 COMMISSIONER McADAM: One real --  
11 maybe Andy can answer this question  
12 about your -- I guess comment number one  
13 about New York State Department of  
14 Transportation, do they actually have to  
15 approve -- I know usually the  
16 applicant -- well, the applicant or the  
17 town has to do a mitigation study.

18 Does New York State Department of  
19 Transportation have to approve that  
20 study before they can go ahead with this  
21 project?

22 MR. FRELENG: Yes, before they can  
23 get a curb cut to the state road,  
24 they'll do a -- a traffic study, a  
25 traffic analysis mitigations, and the

1  
2 state could have to approve that in  
3 order to grant the curb cut.

4 COMMISSIONER McADAM: Okay.  
5 Because it's the East End, it's the main  
6 road, and there's always a line of  
7 traffic there.

8 CHAIRMAN CALONE: Okay. Any other  
9 comments or questions?

10 (WHEREUPON, there was no response.)

11 CHAIRMAN CALONE: If not, I would  
12 just also note that there's duplication  
13 when you move the conditions down to the  
14 comments with, I think, the energy  
15 efficiency; you can -- you can condense  
16 that.

17 MR. FRELENG: We'll clean it up.

18 CHAIRMAN CALONE: I'll entertain a  
19 motion to approve with the comments  
20 indicated.

21 COMMISSIONER HOLMES: So moved.

22 COMMISSIONER McADAM: (Indicating)

23 CHAIRMAN CALONE: Moved by  
24 Commissioner Holmes, seconded by  
25 Commissioner McAdam.

2 All in favor of adopting the staff  
3 report as amended, raise your hand.

4 (WHEREUPON, the members voted.)

5 CHAIRMAN CALONE: We have eight,  
6 and none opposed, and none abstained.

7 Let's just take a second as a  
8 Commission and just figure out who's  
9 left before we move on to the next item.

10 COMMISSIONER BRAUN: I have  
11 somebody in my office five minutes ago.

12 CHAIRMAN CALONE: Okay. Well --  
13 and I know there's a plane that's  
14 leaving with Barbara on it. So --

15 (WHEREUPON, there was an  
16 off-the-record discussion, after which  
17 the following transpired:)

18 COMMISSIONER BRAUN: What do we  
19 have left, one application?

20 CHAIRMAN CALONE: We have one  
21 application. This is the last  
22 application in East Hampton, I do not  
23 believe is -- is --

24 COMMISSIONER HOLMES: Yeah.

25 CHAIRMAN CALONE: -- you know, a

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problem. So --

MR. FRELENG: There are two applications left.

CHAIRMAN CALONE: We have -- but one of them's East Hampton; right?

DIRECTOR ISLES: The subdivision --

MR. FRELENG: Yes.

DIRECTOR ISLES: -- in East Hampton.

CHAIRMAN CALONE: My only point being, East Hampton, if we did a local determination, it would be the same thing, I think, as approval -- I mean, sure --

SECRETARY ESPOSITO: No action.

CHAIRMAN CALONE: -- if we took no action.

SECRETARY ESPOSITO: Yeah.

CHAIRMAN CALONE: So I'm just saying if it is actually conditions on the other one --

COMMISSIONER ROBERTS: I'll give you five minutes.

COMMISSIONER BRAUN: Let's do --

1 SECRETARY ESPOSITO: Let's --

2 COMMISSIONER BRAUN: -- Windwood.

3 COMMISSIONER HOLMES: Let's try to  
4 do --

5 SECRETARY ESPOSITO: Let's rock and  
6 roll.

7 CHAIRMAN CALONE: Okay. Let's do a  
8 very quick -- John, you have one minute.

9 COMMISSIONER BRAUN: Are you done  
10 yet?

11 (Laughter)

12 COMMISSIONER ROBERTS: We read it.

13 CHAIRMAN CALONE: Yeah, I want to  
14 assume that everyone's read this.

15 John, I want to just -- why don't  
16 you just --

17 COMMISSIONER BRAUN: Yeah.

18 CHAIRMAN CALONE: -- one-minute  
19 highlight, and let us know if there's  
20 anything in particular you want to point  
21 out.

22 COMMISSIONER BRAUN: Yeah.

23 MR. CORRAL: Okay. This is a  
24 resubmittal of a subdivision  
25

1 application, though it's changed due to  
2 the presence of foxes -- gray foxes. So  
3 originally it was two cul-de-sacs; one  
4 from the north, one from the south. Now  
5 it's -- they've changed it, the fox dens  
6 were mostly on the north side of the  
7 property, so the cul-de-sac runs only  
8 from the south side of the property.

9  
10 CHAIRMAN CALONE: Okay.

11 MR. CORRAL: Otherwise, everything  
12 is -- is basically the same.

13 The changes in the staff report is  
14 the original comments from the Suffolk  
15 County Planning Commission from  
16 July 11th, 2007. So the only change  
17 from that is for the affordable housing  
18 component guidelines that the Suffolk  
19 County Planning Commission has passed  
20 now.

21 CHAIRMAN CALONE: Okay.

22 MR. CORRAL: And the one other  
23 thing I wanted to add, the parcel to the  
24 east, we've notice since the staff  
25 report went out, is part of an ag

2 district -- ag district number -- I'm  
3 sorry, to the west. I'm sorry.

4 CHAIRMAN CALONE: Right.

5 MR. CORRAL: Is part of ag district  
6 number 3. So we wanted to add two  
7 conditions:

8 One saying that an agriculture data  
9 statement should be provided before  
10 final subdivision approval;

11 And the second, notifying them  
12 that -- the current subdivision  
13 residents, that there's an ag district  
14 to their west.

15 And it's written out -- I guess I  
16 should read -- I'll read those two new  
17 conditions.

18 CHAIRMAN CALONE: Yes, you should  
19 read them because we need to have a  
20 record of them, but you can read them  
21 quickly.

22 And while you're looking, I will  
23 actually mention that I want to submit  
24 that we have one other condition, which  
25 is that -- our Public Safety Guidelines

1 be -- that they also, you know, be made  
2 in conformance to our Public Safety  
3 Guidelines. Our Public Safety  
4 Guidelines applies to residential  
5 communities as well, in fact, there's  
6 some of the more important stuff in  
7 there. So I would move that we add a  
8 condition on the Public Safety  
9 Guidelines as well as the affordable  
10 housing.  
11

12 Any objection to that?

13 (WHEREUPON, there was no response.)

14 CHAIRMAN CALONE: None.

15 Go ahead, John.

16 MR. CORRAL: Okay. So the two  
17 additional conditions that weren't in  
18 the staff report are prior to final  
19 subdivision approval, a completed  
20 agricultural data statement shall be  
21 completed;

22 And the second, the fourth  
23 condition then, would be all perspective  
24 owners of land proposed for development  
25 adjacent to this inactive farm, or



2 within 500 feet of farms within a  
3 New York State ag district, should be  
4 informed by means of an advisory  
5 covenant and a note on the development  
6 that the location of the active farm and  
7 the adjacent occupants may be subject to  
8 the noise, dust, odors, and spraying  
9 applications, normally associated with  
10 agriculture activities.

11 CHAIRMAN CALONE: Okay. Thank you,  
12 John.

13 So the staff report has four  
14 conditions. We've also, without  
15 objection, added a fifth condition.

16 Any other comments or questions on  
17 the application?

18 (WHEREUPON, there was no response.)

19 CHAIRMAN CALONE: Seeing none, I'll  
20 entertain a motion.

21 COMMISSIONER BRAUN: Move to adopt  
22 the staff report --

23 CHAIRMAN CALONE: Moved by  
24 Commissioner Braun.

25 COMMISSIONER BRAUN: -- as amended.

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COMMISSIONER HOLMES: Second.

CHAIRMAN CALONE: Seconded by  
Commissioner Holmes.

All in favor, please raise your  
hand.

(WHEREUPON, the members voted.)

CHAIRMAN CALONE: That's nine to  
zero to zero.

COMMISSIONER BRAUN: How efficient  
are we?

CHAIRMAN CALONE: Well, first of  
all, thank you all.

There is one other thing. I don't  
know, Andy -- if -- if there's anyone  
who can stay for one minute of the  
people who need to leave, I think we can  
probably deal with this in one minute.  
This is very routine.

MR. FRELENG: This is a very --  
this is a referral from the Town of East  
Hampton. It's essentially a  
housekeeping item. I'll just  
paraphrase.

East Hampton has a transfer of

1 development rights program, where  
2 transfer of development rights for  
3 affordable housing would expire after a  
4 certain amount of time. The Suffolk  
5 County Department of Health Services  
6 felt that it was real problematic if an  
7 application got approved using those  
8 development rights, and either the  
9 project wasn't constructed or it took  
10 longer than the expiration date on those  
11 credits to expire, they felt that it was  
12 a real housekeeping problem and could  
13 be -- could be problematic for future  
14 use of those credits.

15  
16 So East Hampton is rescinding that  
17 piece of it, and requiring or allowing  
18 those credits to be redeemed. So if you  
19 have a credit in your project that's  
20 expiring, you could go back to the town  
21 and ask to have that credit reauthorized  
22 or redeemed, and then be used in that  
23 project. And that also requires the --  
24 the consent or -- or involvement of the  
25 Suffolk County Department of Health

1 Services.

2  
3 So, essentially, staff is just  
4 recommending approval of this amendment  
5 to their ordinance.

6 CHAIRMAN CALONE: Okay.

7 Are there any questions?

8 (WHEREUPON, there was no response.)

9 CHAIRMAN CALONE: If not, I'll  
10 entertain a motion to approve.

11 COMMISSIONER HOLMES: (Indicating)

12 COMMISSIONER HORTON: (Indicating)

13 CHAIRMAN CALONE: Motion by  
14 Commissioner Holmes, seconded by  
15 Commissioner Horton.

16 All in favor?

17 (WHEREUPON, the members voted.)

18 CHAIRMAN CALONE: Nine to zero.

19 Thank you all, I know you guys have  
20 to run.

21 (WHEREUPON, Commissioner Braun and  
22 Commissioner Roberts left the  
23 Legislative Auditorium.)

24 (Time noted: 3:06 p.m.)

25 SECRETARY ESPOSITO: All right.

1  
2 Now that we're done, but I do need to  
3 ask a question about it but I didn't  
4 want to hold up the vote --

5 CHAIRMAN CALONE: Oh, well --

6 SECRETARY ESPOSITO: -- given the  
7 flood at the door. But I just wanted --

8 CHAIRMAN CALONE: Okay. We're done  
9 with that.

10 SECRETARY ESPOSITO: Okay. We're  
11 done with it, but I just want to ask --

12 CHAIRMAN CALONE: Yeah.

13 SECRETARY ESPOSITO: -- for  
14 clarification.

15 CHAIRMAN CALONE: General  
16 conversation.

17 SECRETARY ESPOSITO: So -- yeah,  
18 general --

19 CHAIRMAN CALONE: No, if -- well,  
20 Peter has a presentation. We don't need  
21 to -- you know, we can do that without a  
22 quorum. So if you have a few minutes --

23 COMMISSIONER HORTON: I do need to  
24 run.

25 CHAIRMAN CALONE: Okay. Well, then

1 please do what you need to do.

2  
3 COMMISSIONER HOLMES: No insult to  
4 you, Peter --

5 CHAIRMAN CALONE: Yeah.

6 COMMISSIONER HOLMES: -- it's  
7 just --

8 CHAIRMAN CALONE: Seriously.

9 SECRETARY ESPOSITO: Yeah, if  
10 Peter's going to talk, I have to run  
11 too.

12 CHAIRMAN CALONE: Well, Teri's  
13 here, we're still meeting.

14 Go ahead, Adrienne.

15 SECRETARY ESPOSITO: So I just want  
16 to understand. So if the application  
17 has been approved, then those are the  
18 credits that we -- they can -- are we to  
19 redeem or -- I'm just --

20 MR. FRELENG: Let's assume you have  
21 an affordable housing project --

22 SECRETARY ESPOSITO: Yes.

23 MR. FRELENG: -- and -- and in  
24 order to meet the sanitary requirements  
25 you need to retire two credits.

2 SECRETARY ESPOSITO: Right.

3 MR. FRELENG: Okay. It takes you a  
4 year and a half to build it, but the  
5 credit expires in six months. Now, the  
6 Health Department has approved your  
7 project, yet the -- yet the development  
8 rights that they've approved your  
9 project with have expired, and you no  
10 longer conform --

11 (WHEREUPON, Commissioner Horton  
12 left the Legislative Auditorium.)

13 (Time noted: 3:07 p.m.)

14 SECRETARY ESPOSITO: So -- but --  
15 I -- I understand that, and thank you.

16 But -- so are you saying that what  
17 this is asking is that once your project  
18 has been -- you know, is moving in the  
19 process, than those are the -- the  
20 credits that don't expire anymore?

21 MR. FRELENG: Well, they -- they  
22 would still expire, you just can redeem  
23 them. In other words --

24 SECRETARY ESPOSITO: Okay.

25 MR. FRELENG: -- there's a process

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now --

SECRETARY ESPOSITO: Okay.

MR. FRELENG: -- to say, Wait a

second --

SECRETARY ESPOSITO: Okay.

MR. FRELENG: -- I still need them.

SECRETARY ESPOSITO: Okay.

All right. Thank you.

CHAIRMAN CALONE: It seems to be

just kind of making sure that --

SECRETARY ESPOSITO: Yeah.

CHAIRMAN CALONE: -- the process --

the process still works, I guess.

MR. FRELENG: The town --

SECRETARY ESPOSITO: It's still

available to them.

MR. FRELENG: The town did not

envision that a project would take

longer to build than --

CHAIRMAN CALONE: Yeah.

MR. FRELENG: -- the credits --

CHAIRMAN CALONE: The expiration.

MR. FRELENG: Right.

SECRETARY ESPOSITO: That was



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silly.

CHAIRMAN CALONE: Okay. Thank you.

First of all, thank you to Andy and John for, you know, expediting that. I apologize that we have run so long, but --

Peter, you waited a month. If you'd like to share with us -- I mean, I had a chance to look through it, I've got to say it's a fantastic -- it's a fantastic guide. And I recommend it to any of you who haven't had a chance to -- to dig into it. But if you want to share with us the highlights, please do so.

MR. LAMBERT: Sure.

(Pause in the proceeding)

CHAIRMAN CALONE: Okay. Tom -- we're losing our quorum. Our most important member, which is Director --

DIRECTOR ISLES: I've got to go.

CHAIRMAN CALONE: -- Tom.

DIRECTOR ISLES: Sorry.

CHAIRMAN CALONE: It's good to see

1 you.

2  
3 Peter, obviously, we're -- we're --  
4 a few of us are here to listen. So --

5 SECRETARY ESPOSITO: We're here to  
6 support you.

7 CHAIRMAN CALONE: Yes, we're here  
8 for you.

9 MR. LAMBERT: That's nice of you.

10 Okay. As you know, I'll be briefly  
11 talking about this report that we  
12 released last month. It's called  
13 "Demographic, Economic, and Development  
14 Trends." And it's a compilation of all  
15 the various statistics that I keep track  
16 of in the department from secondary  
17 sources, and also from sources we  
18 generate ourselves. We sometimes do our  
19 own research, actually. And I just  
20 wanted to highlight some of the most  
21 noteworthy or important items that were  
22 in this report that covers a wide  
23 variety of topics.

24 (WHEREUPON, Director Isles left the  
25 Legislative Auditorium.)

2 (Time noted: 3:10 p.m.)

3 MR. LAMBERT: This is actually a  
4 report that we have done for several  
5 years, that we update every six months  
6 or a year. We do it for the bond rating  
7 agency reviews that come up more than  
8 once a year for the county, and this is  
9 the first time we actually formalized it  
10 in a formal publication.

11 Some of the most important data  
12 items that sort of jump out at me that I  
13 wanted to mention were -- as far as the  
14 retail market, we have more than  
15 5 million square feet of retail space  
16 that has been built in the county since  
17 the year 2000, which is pretty  
18 significant when we consider our total  
19 is only about 40 million that has been  
20 built since about 1955. So we have  
21 added quite a bit of space. That may be  
22 declining now that retailing is sort of  
23 in the dumpster because of the economy,  
24 but we have built up quite a lot of  
25 retail space.

2 Another noteworthy item is the  
3 industrial market on Long Island  
4 continues to perform really well. The  
5 national vacancy rate is much higher  
6 than the Suffolk County vacancy rate  
7 that is about 4 or 5 percent, and we are  
8 one of the strongest industrial markets  
9 in the country. Some of our industrial  
10 space has converted to office space, so  
11 that's continuing pressure to build more  
12 industrial space or at least keep it  
13 occupied.

14 CHAIRMAN CALONE: Yeah, well, like  
15 with the Hauppauge Industrial  
16 Association, would that -- you know,  
17 like -- you know, that whole -- the  
18 whole development, obviously, there, a  
19 lot of that's offices now --

20 MR. LAMBERT: Yeah, a lot of  
21 that -- some of that has converted,  
22 because office space gets more -- office  
23 space commands higher rent than  
24 industrial space. So if the demand is  
25 there, the conversion will be attempted

2 to office space from industrial.

3 As far as the office market, our  
4 office market is fairly stable, where  
5 around the country vacancy rates are  
6 increasing. We have a vacancy rate of  
7 about 15 percent, which sounds  
8 relatively high, but in office market  
9 terms, it's relatively healthy.

10 Another noteworthy item is  
11 employment in the region, Nassau/Suffolk  
12 region has now turned negative since the  
13 completion of this report. We held out  
14 as a county and a region with positive  
15 employment until the past few months,  
16 where now we have lost, I think, 18,000  
17 jobs in the past year, which is not as  
18 bad as New York City in terms of  
19 percentage terms. We're holding up  
20 fairly well in the employment market.

21 The number of new homes constructed  
22 in Suffolk County in the year 2008 was  
23 the lowest in any years since records  
24 were kept in 1950. That shows the slump  
25 in the housing market. Housing prices

2 continue to decline. The newest numbers  
3 that just came out the other day show a  
4 median housing price in Suffolk County  
5 of 325,000, which is down 15 percent now  
6 over the year from 410,000 in January  
7 2008. So the total decline in our  
8 housing values has been about  
9 20 percent in Suffolk County over the  
10 past two, two and a half years.

11 CHAIRMAN CALONE: From the peak.

12 DEPUTY DIRECTOR GULIZIO: Peter --

13 CHAIRMAN CALONE: From the peak  
14 you're saying?

15 MR. LAMBERT: From the peak, yes.

16 DEPUTY DIRECTOR GULIZIO: Peter,  
17 I'm -- I'm sorry, just to interrupt very  
18 quickly, but the increase between 2000  
19 to 2005 in our housing market was what?

20 MR. LAMBERT: It was about a  
21 hundred percent, maybe more.

22 DEPUTY DIRECTOR GULIZIO: 114 or --

23 MR. LAMBERT: Right.

24 DEPUTY DIRECTOR GULIZIO:  
25 -- thereabouts.

2 Even though we're down, say,  
3 20 percent --

4 MR. LAMBERT: Right.

5 DEPUTY DIRECTOR GULIZIO: -- from  
6 that peak high, we're still up --

7 MR. LAMBERT: Right.

8 DEPUTY DIRECTOR GULIZIO: -- 90 to  
9 95 percent from --

10 MR. LAMBERT: Right.

11 DEPUTY DIRECTOR GULIZIO: -- from  
12 2000.

13 MR. LAMBERT: Of course, a decline  
14 of 50 percent would negate a 100 percent  
15 increase.

16 CHAIRMAN CALONE: Yes.

17 SECRETARY ESPOSITO: Yes.

18 MR. LAMBERT: That's kind of the  
19 strange way percentages --

20 CHAIRMAN CALONE: That's right.

21 SECRETARY ESPOSITO: Good math.

22 CHAIRMAN CALONE: It's true.

23 MR. LAMBERT: So you wouldn't want  
24 to go down a hundred percent, we'd be in  
25 big trouble.

2 CHAIRMAN CALONE: Well, we'd all  
3 be -- we wouldn't be here, that's for  
4 sure.

5 MR. LAMBERT: Right.

6 Okay. The final point I wanted to  
7 make was about the age of the  
8 population. Everybody knows the  
9 population is aging, as it is here and  
10 around the country, but what people like  
11 to talk about for Long Island is the  
12 population of the young employed  
13 persons. The 20 to 34 age group, the 25  
14 to 39, the 25 to 44; a lot of these age  
15 groups are tossed around. For a region  
16 like Long Island and Suffolk County, we  
17 have a -- a very unique situation. What  
18 is said is that we are losing these  
19 young people faster than other places in  
20 the country. But we are unique because  
21 we were developed all in one time.

22 We tripled the population between  
23 1955 and 1975. So many of the people  
24 who are living here moved here, or their  
25 parents did, between 1955 and 1975. So



1 what happens then, we have a very large  
2 block of people in the same age groups  
3 all aging in place. So what happened  
4 is, when they had children, those either  
5 made their own households elsewhere on  
6 Long Island or moved off Long Island.  
7 This contributed to a population loss in  
8 Nassau County in the 1970s. But what  
9 we're seeing now is the baby boomers,  
10 their children are now reaching the age  
11 20, 24, and so forth. So what we're  
12 seeing is, we're beginning to see an up  
13 tick in the population groups 15 to 20,  
14 20 to 24. So it's -- it's more a factor  
15 of demographics than it is of housing  
16 costs or other factors.

17  
18 We're showing a decrease in the age  
19 group 25 to 39 or whatever you might  
20 pick, but that's mostly because those  
21 are the children of the baby bust --  
22 those are the baby bust children, the  
23 ones born after 1965 --

24 SECRETARY ESPOSITO: Is that what  
25 they call us?

1 MR. LAMBERT: -- and the '70s.

2 SECRETARY ESPOSITO: They call it  
3 the baby bust?  
4

5 MR. LAMBERT: The baby bust started  
6 in '65 --

7 SECRETARY ESPOSITO: Oh, I didn't  
8 know this. Okay.

9 MR. LAMBERT: -- to like 1981 or  
10 so, and then the birth rates started to  
11 increase in the '80s. So now, once you  
12 had an increase in the birth rates in  
13 the '80s, now we're seeing some of those  
14 people, who are now 20, 25 years old,  
15 those age groups are increasing, because  
16 they are the children of the baby  
17 boomers who are now --

18 CHAIRMAN CALONE: And when the baby  
19 busters have kids --

20 MR. LAMBERT: -- 15, 20, 25 years  
21 old.

22 What's that?

23 CHAIRMAN CALONE: When the baby  
24 busters have kids --

25 MR. LAMBERT: Yeah.

2 CHAIRMAN CALONE: -- then it will  
3 drop again.

4 MR. LAMBERT: That's right.

5 So in that age group that they're  
6 saying is leaving Long Island, they're  
7 now beginning to bump that age group up.  
8 They're now saying 25 to 44 instead of  
9 20 to 34. Because the lower -- the  
10 younger age groups in the -- in this  
11 category, particularly the 20 to 24  
12 group, has increased 23 percent between  
13 2000 and 2007. They're starting to go  
14 up, because those are the kids of the  
15 baby boomers. It's not so much a  
16 reflection of --

17 SECRETARY ESPOSITO: Right.

18 MR. LAMBERT: -- life on Long  
19 Island, it's just we happen to be moving  
20 in large blocks --

21 CHAIRMAN CALONE: But shouldn't you  
22 see that in other areas of the  
23 country --

24 MR. LAMBERT: They're not as --

25 CHAIRMAN CALONE: -- I mean, the

2 demographics --

3 MR. LAMBERT: But the other areas  
4 of the country didn't triple in  
5 population --

6 SECRETARY ESPOSITO: In the same  
7 time frame. That makes sense.

8 MR. LAMBERT: We -- we had a lot of  
9 people who were 25, 30, and 35 who moved  
10 to Suffolk County in the '60s.

11 COMMISSIONER HOLMES: Peter, of the  
12 statistics that was reported in radio  
13 news today, the Long Island Regional  
14 Planning Commission announced that  
15 87,000 people had left Long Island in  
16 the last two years.

17 Do you have a breakdown of what age  
18 group mostly, or the -- what -- what was  
19 the largest age group of people?  
20 Because it said -- in the radio news, it  
21 said most of them are heading south,  
22 with Florida as the preferred, which  
23 would make me think of retirement  
24 people, but I know a lot of young people  
25 who are moving to the Carolinas --

1 MR. LAMBERT: Right.

2 COMMISSIONER HOLMES: -- and buying  
3 property there.

4 MR. LAMBERT: As I recall from the  
5 Regional Planning Council report, the  
6 age groups that were most likely to  
7 emigrate, to leave, were the younger  
8 people and the retirees.

9 COMMISSIONER HOLMES: Retire --  
10 okay. Thank you.

11 MR. LAMBERT: But that's nothing  
12 new, really.

13 COMMISSIONER HOLMES: No.

14 MR. LAMBERT: I mean, even if you  
15 look at a place like Ohio, you know,  
16 that doesn't have high housing costs,  
17 they have net out -- out migration, and  
18 the out migration is to the south.  
19 Because most people are moving to the  
20 south because it's -- right now, it's  
21 more appealing for various reasons. So  
22 it's not anything unique about us that  
23 causes us to have negative migration, in  
24 my opinion.  
25

2 And those are the -- the highlights  
3 from this report that I wanted to  
4 mention.

5 CHAIRMAN CALONE: It's interesting,  
6 I'd like to think about that a little  
7 bit more.

8 DEPUTY DIRECTOR GULIZIO:  
9 (Indicating)

10 CHAIRMAN CALONE: Interesting.  
11 Okay.

12 Dan.

13 DEPUTY DIRECTOR GULIZIO: Just to  
14 clarify one point, because it's an  
15 important point.

16 While a lot of people in recent  
17 years have been talking about brain  
18 drain and the exodus of young people, a  
19 percentage that's much greater than the  
20 national average, part of that,  
21 according to the statistics you have, is  
22 reflected by the fact that those people  
23 actually never existed, that the  
24 population within that age cohort was  
25 actually decreasing. And now, if you

1 listen carefully to what people are  
2 saying, they're saying that people in  
3 older age cohorts are leaving at an  
4 increasing rate, because that kind of  
5 birthed -- that lack of population is  
6 now moving through the age cycle or the  
7 life cycle.

8 Is that accurate?

9 MR. LAMBERT: Yes. Absolutely.

10 If you have an age group that had  
11 100,000 people and now it has 50,000  
12 people ten years later, it doesn't mean  
13 that the people left or emigrated out of  
14 the area.

15 SECRETARY ESPOSITO: Right.

16 MR. LAMBERT: It just means they  
17 were replaced by a group that was  
18 smaller, possibly because of lower birth  
19 rates.

20 COMMISSIONER BOLTON: (Indicating)

21 COMMISSIONER McADAM: Peter --

22 CHAIRMAN CALONE: Charla and then  
23 Tom.

24 COMMISSIONER BOLTON: Do you have  
25

1  
2 any statistics that look at migration in  
3 terms of groups of population, like, you  
4 know, Latino, African-American,  
5 et cetera?

6 MR. LAMBERT: I don't have them,  
7 but the Regional Planning Commission  
8 does. They did an analysis by age,  
9 gender, and by race. Yes.

10 CHAIRMAN CALONE: Whose -- whose --  
11 they don't -- they don't have any staff.

12 MR. LAMBERT: Seth Forman did that.

13 CHAIRMAN CALONE: Oh, Seth did it.

14 MR. LAMBERT: Yeah.

15 CHAIRMAN CALONE: That's right,  
16 Seth's there.

17 MR. LAMBERT: Yeah.

18 COMMISSIONER BOLTON: Because I'm  
19 wondering how much -- in migration, what  
20 sources are -- are that in migration.

21 MR. LAMBERT: Right. As I recall,  
22 it wasn't anything dramatic. It wasn't  
23 like Hispanics are moving in and whites  
24 are moving out. It -- there was nothing  
25 particularly striking about it.



1  
2 COMMISSIONER BOLTON: Okay.

3 CHAIRMAN CALONE: Tom.

4 COMMISSIONER McADAM: Peter, I saw  
5 some numbers on school-age kids and --  
6 like junior high and high school, and  
7 there was something where they said that  
8 the -- the high school population would  
9 drop significantly for some period of  
10 time and then pick up -- pick up again,  
11 but it was like a -- a five-minute -- a  
12 five-second burst on TV.

13 Do you know anything about that?

14 MR. LAMBERT: That would be the  
15 kids of the baby busters. They are now  
16 in -- moving into school. The baby bust  
17 was from '65 to '80, '81. Those  
18 people's kids are now moving into a  
19 grade school. Their ages, 5 to 15 and  
20 so forth.

21 COMMISSIONER McADAM: So --

22 MR. LAMBERT: There are fewer of  
23 them --

24 COMMISSIONER McADAM: -- do you  
25 think we're going to reach the -- the

1 point where school buildings will become  
2 vacant again, and then --

3  
4 MR. LAMBERT: I think there'll be  
5 less pressure, I don't think -- with  
6 each -- with each wave, the waves get  
7 smaller and smaller, the echos get  
8 smaller and smaller.

9 CHAIRMAN CALONE: Well, we're going  
10 this way, though; right (indicating),  
11 or --

12 MR. LAMBERT: Generally, the  
13 population's increasing, yes, because  
14 we're still developing new housing. But  
15 like if you see in Nassau County, they  
16 had such a dramatic increase and they  
17 closed so many --

18 SECRETARY ESPOSITO: Yeah.

19 MR. LAMBERT: -- schools. Then,  
20 eventually, there was pressure because  
21 enrollments increased, and then they  
22 decreased because the baby busters, like  
23 I said, are getting to school. But each  
24 wave is less and less significant, so,  
25 eventually, we'll reach a point where we

1 don't have any dramatic shifts in our  
2 population --

3  
4 CHAIRMAN CALONE: But the baby boom  
5 was, obviously, an unnatural, you know,  
6 es- -- es- -- you know, extraneous  
7 kind of impact on what's typically a  
8 very, you know, I'm sure, smooth kind of  
9 cycle that -- you know, only when  
10 there's big impacts like a plague or,  
11 you know, obviously, the wars and stuff  
12 that impact it, so you'd expect over  
13 time that that variance would decrease.

14 MR. LAMBERT: Right. And also  
15 we're a maturing area. We're -- like I  
16 said, we had so much housing built in a  
17 20-year period, that's another factor.  
18 So you have the baby boom and the birth  
19 rates compounded by so many people  
20 moving into a county within a 20-year  
21 period, so many similar people who are  
22 all in the same age group; young,  
23 married, with children. Not everybody,  
24 but so many were. Now we're getting to  
25 have these neighborhoods with more of a

1 mix. Where, in 1970, you had  
2 neighborhoods that were all very similar  
3 households.  
4

5 CHAIRMAN CALONE: First of all,  
6 Peter, this is fantastic, and I, again,  
7 commend anyone -- I mean, it's great.  
8 And I'd love to see if we could get  
9 some, you know, press out of that for  
10 you and your efforts. So that's  
11 something we'll -- we'll bat around in  
12 here, you know, with -- with -- with  
13 Tom.

14 Any other comments or questions  
15 from anyone?

16 (WHEREUPON, there was no response.)

17 CHAIRMAN CALONE: If not, I  
18 think -- thank you, and, you know, I'll  
19 entertain a motion to --

20 DEPUTY DIRECTOR GULIZIO:

21 (Indicating)

22 CHAIRMAN CALONE: Yes, Dan.

23 DEPUTY DIRECTOR GULIZIO: I'm  
24 sorry. This -- this is exactly the type  
25 of information that we would like to

2 have and see more of --

3 COMMISSIONER HOLMES: Yeah.

4 DEPUTY DIRECTOR GULIZIO:

5 -- because it drives good policy.

6 CHAIRMAN CALONE: Yeah.

7 COMMISSIONER HOLMES: It does.

8 DEPUTY DIRECTOR GULIZIO: Instead

9 of starting with the policy and

10 providing post hoc rationalization, this

11 actually is the foundation upon which

12 good policy could be built upon. It's

13 incredibility important.

14 CHAIRMAN CALONE: Absolutely.

15 That's a great point. And we will

16 endeavor to move these kinds of

17 presentations up in our meetings --

18 COMMISSIONER HOLMES: If it's

19 measured --

20 CHAIRMAN CALONE: -- in the future.

21 COMMISSIONER HOLMES: -- it could

22 be managed.

23 CHAIRMAN CALONE: Right. And --

24 and -- right. And just to summarize, if

25 it's measured, it could be managed.

1 So --

2 DEPUTY DIRECTOR GULIZIO: See,  
3 John.

4 COMMISSIONER TALDONE: To quote  
5 John Corral.

6 CHAIRMAN CALONE: To quote --  
7 right, we need to -- the appropriate  
8 citation.

9 COMMISSIONER HOLMES: (Indicating)

10 COMMISSIONER BOLTON: (Indicating)

11 CHAIRMAN CALONE: Okay.

12 Commissioner Holmes moves, and  
13 Commissioner Bolton seconds.

14 All in favor of adjourning?

15 ALL: "Aye."

16 CHAIRMAN CALONE: Thank you all --

17 SECRETARY ESPOSITO: Onward.

18 CHAIRMAN CALONE: Thank you all  
19 for --

20 COMMISSIONER HOLMES: Onward.

21 CHAIRMAN CALONE: -- waking up.

22 (WHEREUPON, the March 4, 2009  
23 meeting of the Suffolk County Planning  
24 Commission adjourned at 3:24 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 March, 2009.

---

THERESA PAPE