

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

NOTICE OF MEETING

DATE: September 2, 2009
TIME: 12:00 P.M.
LOCATION: William Rogers Legislative Bldg., Rose Caracappa Auditorium
DIRECTIONS: North County Complex, 725 Veterans Memorial Highway, Hauppauge

The Tentative Agenda Includes:

1. Adoption of minutes for July 1, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers - None
6. Sections A14-14 to 23 of the Suffolk County Administrative Code
 - Lloyd Harbor- Comprehensive Plan Amendment
7. Section A14-24 of the Suffolk County Administrative Code:
 - Rosh Industrial Park 0200 84600 0300 00500 (Brookhaven)
8. Discussion - Comprehensive Plan Update
9. Other Business
 - Certificate of Appreciation - Don Fiore

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **October 7** at 12:00 P.M. at the Southold Town Hall.

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SUFFOLK COUNTY PLANNING COMMISSION

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

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

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CONSTANTINE KONTOKOSTA, Vice Chair man
Commi ssi on Member
Vi ll ages Under 5,000 Popul ati on

ADRI ENNE ESPOSITO, Secretary,
Commi ssi on Member
Vi ll ages Over 5,000 Popul ati on

LINDA HOLMES, Commi ssi on Member
Town of Shel ter Isl and

CHARLA BOLTON, Commi ssi on Member
At Large

THOMAS McADAM, Commi ssi on Member
Town of Southol d

SARAH LANSDALE, Commi ssi on Member
At Large

VINCENT TALDONE, Commi ssi on Member
Town of Ri verhead

A B S E N T:

JOHN CARACCI OLO, Commi ssi on Member
Town of Hunti ngton

BARBARA ROBERTS, Commi ssi on Member
Town of Southampt on

JOSHUA HORTON, Commi ssi on Member
At Large

JOB POTTER, Commi ssi on Member
Town of East Hampt on

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

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THOMAS A. ISLES, Di rector of Pl anni ng
ANDREW P. FRELENG, Chi ef Pl anner
Suffol k County Pl anni ng Department
TED KLEIN, Seni or Pl anner
Suffol k County Pl anni ng Department

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PETER LAMBERT, Pri nci pal Pl anner
Suffol k County Pl anni ng Department

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JOHN CORRAL,
Suffol k County Pl anni ng Department
LINDA SPAHR, County Attorney
DOTTY SONNI CHSEN, Staff

Suffol k County Pl anni ng Commi ssi on 9/2/09 4

(WHEREUPON, thi s proceedi ng convened at
12:00 p. m. Off-the-record di scussi ons
ensued, after whi ch the fol lowi ng
transpi red:)

(Ti me noted: 12:12 p. m.)

CHAIRMAN CALONE: Good afternoon.
Wel come to the September 2009 meeti ng of the
Suffol k County Pl anni ng Commi ssi on. I' ll
note that a quorum i s present.

I' m goi ng to ask the Vi ce Chair man to

09 02 09_Planning_Commission.txt
12 lead us in the Pledge.
13 (Pledge of Allegiance)
14 CHAIRMAN CALONE: The first item on our
15 agenda is the adoption of the minutes for
16 July 1st. The Editor-in-Chief and I have
17 both put in comments.
18 Mrs. Holmes.
19 COMMISSIONER HOLMES: Some of them
20 overlapped, but --
21 CHAIRMAN CALONE: Because great minds
22 occasionally think alike.
23 COMMISSIONER HOLMES: Right.
24 We concurred that these were splendid, I
25 only found 13 minor errors. And Theresa has

1 Suffolk County Planning Commission 9/2/09 5
2 been given the corrections, and I'm sure they
3 will be made. So I would move the adoption
4 as amended.

5 CHAIRMAN CALONE: Before entertaining
6 that, are there any other comments or
7 questions about the minutes?

8 (WHEREUPON, there was no response.)

9 CHAIRMAN CALONE: Seeing none, the
10 motion is by Mrs. Holmes to -- Commissioner
11 Holmes, excuse me, to approve as amended.

12 All in favor, please raise your hand.

13 (WHEREUPON, the members voted.)

14 CHAIRMAN CALONE: Opposed?

15 (WHEREUPON, there was no response.)

16 CHAIRMAN CALONE: And that passes

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unani mousl y.
The next i tem on our agenda i s the
publ ic porti on.
Is there anyone from the publ ic who
wi shes to speak at the meeti ng?
(WHEREUPON, there was no response.)
CHAI RMAN CALONE: Seei ng none, and we
have no cards --
Oh, we have one gentl eman.

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Suffol k County Planni ng Commi ssi on 9/2/09 6
Pl ease.
MR. FRELENG: Mr. Chai rman, who seconded
the mi nutes?
CHAI RMAN CALONE: I di d.
Sir, you have three mi nutes. If you' d
just state your name and spell your l ast name
for the record.
MR. QUINN: My name i s Peter Qui nn, a
l ongti me presenter at the Suffol k County
Legi sl ative meeti ngs, as some of you may
know.
I' m concerned about the potenti al. We
all know that we' re pl ayi ng -- payi ng
extraordi nary rates for electri ci ty, and they
certainl y have an i mpact on the county
faci l i ti es, as well wi th high rates, and i t
has bothered me that LIPA i s seeki ng to buy
some of the generati ng pl ants from Nation al
Grid.

21 Now, when LILCO -- LIPA took over from
22 LILCO back in 1998, KeySpan -- ultimately
23 KeySpan, which was originally Brooklyn Union
24 Gas, Genco, and then KeySpan, purchased all
25 of those plants at book value. Twice during

1 Suffolk County Planning Commission 9/2/09 7
2 Richard Kessel's CEO tenure, they attempted
3 to buy the -- some of the generating plants
4 at market value, which was substantially
5 higher. As Bob Catell planned, he wanted
6 \$2 billion when initially KeySpan, in the
7 arrangement with the takeover, they purchased
8 them for less than \$400 million.

9 It seems to me prudent to suggest that
10 before any such purchase takes place, all of
11 you should be aware that there is a thing
12 called "thermal heat percentages." Now,
13 there are 53 generating plants, if we're
14 going to take over any of them, there
15 certainly ought to be an evaluation of the
16 thermal heat percentages of each of those
17 plants.

18 Why? Because if you've got some
19 generating plants that have an output of only
20 13 percent, which makes them extremely
21 inefficient, and, therefore, more costly to
22 buy oil and natural gas for those plants,
23 about which Kevin Law the current CEO says we
24 can't do anything about oil and natural gas,
25 that's a product of marketplace, and if we

1 Suffolk County Planning Commission 9/2/09 8
2 discovered that several are below 20 percent,
3 they are extraordinary inefficient and,
4 therefore, shouldn't be used at all.

5 I would hate to think of ratepayers
6 having to foot the bill for market value for
7 any generating plants when they haven't been
8 repaired or increased ever since the
9 takeover, going back to the days of LILCO.

10 CHAIRMAN CALONE: Thank you, Mr. Quinn.
11 I'm going to ask you to --

12 MR. QUINN: So I would urge --

13 Okay. So I would urge that you be --
14 not only that I have kind of instructed you
15 on being aware of it, but I would urge you to
16 challenge any effort by LIPA to purchase
17 those plants without knowing what the thermal
18 heat percentages are for those generating
19 plants.

20 Thank you very much. I appreciate your
21 attention.

22 SECRETARY ESPOSITO: Thank you.

23 CHAIRMAN CALONE: Thank you, Mr. Quinn.
24 And I would urge you to also, of course,
25 share your concerns with LIPA. The trustees

1 Suffolk County Planning Commission 9/2/09 9
2 meeting is on September 24th in Uniondale at

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MR. QUINN: I go to those -- I have gone to those for years, but I've become so disappointed in what LIP- -- even despite the fact that I've made a lot of recommendations over the years, that I've stopped going. I've -- I've gone to their finance committee meetings as well --

CHAIRMAN CALONE: All right. Thank you, sir.

MR. QUINN: -- and I'm bothered by their bonding, but that's another issue.

Thank you.

CHAIRMAN CALONE: Thank you, sir.

Appreciate it.

All right. Thank you, Mr. Quinn.

Anyone else?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Seeing none and seeing no cards, we'll close the public portion and we'll move onto the Chairman's report.

A few things to update all of you on.

With regard to our two goals this year:

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One, of course, was to begin the Suffolk County Comprehensive Plan update.

Mission accomplished. We have a plan underway. We'll talk a little bit more about it later in the agenda. And the goal -- what we'll do going forward is, each month

8 actually have an update on the agenda so we
9 can all be aware of where the Comprehensive
10 Plan is, and be able to assist and guide the
11 department in its work on that.

12 As some of you know, the county
13 executive hosted a press conference two weeks
14 ago to mark the launch. I want to thank
15 Charla and Mike for being there kind of on
16 last-minute notice, with me and Tom.

17 The county executive is working on an
18 outreach plan to the county legislature, the
19 town supervisors, and others over the next
20 few months, and the director will update us
21 on the launch of the plan and the progress of
22 the department on that in a few minutes.

23 With regard to our task forces which was
24 our second goal for the year, I think many of
25 you may have seen the Newsday editorial

1 Suffolk County Planning Commission 9/2/09 11
2 supporting the task force effort that came
3 out about two weeks ago. Also, yesterday,
4 the Long Island Regional Planning Council
5 voted yesterday to endorse the task force
6 effort.

7 Congressman Israel was interested in the
8 task forces work, and I met with him about a
9 week or so ago. He was very supportive and
10 in fact asked the commission to co-host with
11 him an Energy Efficiency Summit some time in

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12 October. The goal of which will be to
13 inform the municipalities about their ability
14 to issue federally-backed bonds called
15 PACE bonds which can help create a revolving
16 fund to pay for home energy retrofits. So
17 we'll be working with his staff on that, you
18 know, over the coming weeks.

19 The congressman and I talked about an
20 idea to expand the Babylon Green Homes
21 program county-wide. That's something that I
22 am personally interested in, and have had a
23 chance to speak with Babylon Supervisor Steve
24 Bellone, the county executive, Kevin Law, and
25 some people in the administration about in

1 Suffolk County Planning Commission 9/2/09 12
2 Washington, and then we'll see where that
3 goes over the next few weeks. But such an
4 effort would be eligible for federal stimulus
5 funds. So that certainly is a -- will be a
6 good thing if it will be able to work out.

7 I wanted to also give an opportunity for
8 the heads of each of our task forces to maybe
9 give a -- just a brief update on what's going
10 on with the task forces.

11 Sarah, maybe if you can start with the
12 Energy and Environment.

13 COMMISSIONER LANSDALE: Sure.

14 Thank you so much.

15 We've had several conference calls over
16 the month of August with all of the different

17 subcommittees. We have about two dozen
18 people participating in all of the various
19 different subcommittees of this task force.

20 And I want to thank Constantine and
21 Adrienne for -- and David, also, for
22 participating and helping out and sharing
23 some on those subcommittees.

24 So we plan to have some draft
25 recommendations and a report by October, and

1 Suffolk County Planning Commission 9/2/09 13
2 then we'll evaluate our next steps.

3 CHAIRMAN CALONE: All right. I think --
4 oh, one other thought just on Energy and
5 Environment. I know the members of the task
6 force know this, but just to let all --
7 everyone know.

8 Kevin Law is fully behind our effort to
9 create a standard solar application process,
10 and would like to maybe plan an announcement
11 with the commission and possibly the Regional
12 Planning Council for late in this year, if
13 possible, maybe announcing a new standard and
14 LIPA's support for that, including financial
15 incentives to municipalities to get on board
16 with a streamlined solar process.

17 So there are definitely hurdles to
18 overcome in determining a process that makes
19 sense, but there seems to be a growing
20 consensus that that is something that is

21 09_02_09_Planning_Commission.txt
achievable and important. So that's one
22 other note.

23 Housing. We have Constantine.

24 VICE CHAIRMAN KONTOKOSTA: Thank you,
25 Mr. Chair.

1 Suffolk County Planning Commission 9/2/09 14

2 Yes, the Housing Task Force had a great
3 kickoff meeting the beginning of August. We
4 had almost 20 people in attendance, and I
5 would like to thank Mike, Vincent, and Charla
6 for being there, and -- and of course, the
7 Chair for being there.

8 At this point now we're just finalizing
9 our goals for the group, trying to narrow
10 them down to things that we could manageably
11 address in the next few months to six months,
12 and we'll be holding another task force
13 meeting in the coming weeks to begin to look
14 into those in some more detail.

15 CHAIRMAN CALONE: Great. Thank you.

16 COMMISSIONER HOLMES: May I add a note
17 to Constantine --

18 I'm sorry, I neglected to ask the staff
19 to make copies, but I thought maybe
20 particularly the task force might like these
21 articles from the New York Times on that
22 landmark Westchester Affordable Housing
23 decision where the county had to agree that
24 they had been lax in enforcing the affordable
25 housing requirements and had taken money that

1 Suffolk County Planning Commission 9/2/09 15
2 was actually not spent for affordable
3 housing.

4 Some communities like my hometown of
5 Scarsdale did authorize affordable housing
6 and designate town property for it, but it
7 never got built because neighbors were still
8 complaining about traffic and whatnot.

9 But I thought maybe --

10 VICE CHAIRMAN KONTOKOSTA: Yes, thank
11 you. I did notice that in -- of course, a
12 very interesting and important case.

13 Other recent articles, actually, in the
14 Times addressing kind of affordable housing
15 have been quite interesting as well.

16 Connecticut kind of taking --

17 COMMISSIONER HOLMES: Yes.

18 VICE CHAIRMAN KONTOKOSTA: -- their own
19 initiative to create affordable housing and
20 not waiting for people -- individual
21 developers to make the move.

22 So I think there's a lot going on in the
23 region that --

24 COMMISSIONER HOLMES: Yes.

25 VICE CHAIRMAN KONTOKOSTA: -- that's

1 Suffolk County Planning Commission 9/2/09 16
2 relevant definition.

3 COMMISSIONER HOLMES: I don't know if
4 staff can make copies for the Housing Task
5 Force --

6 CHAIRMAN CALONE: We'd probably find
7 that online, maybe.

8 VICE CHAIRMAN KONTOKOSTA: Yeah.

9 CHAIRMAN CALONE: Yeah.

10 COMMISSIONER HOLMES: Yeah.

11 CHAIRMAN CALONE: Well, thank you to the
12 representative from Scarsdale for sharing
13 that. That's great. And it just illustrates
14 why it's important that we have --

15 COMMISSIONER HOLMES: Yeah.

16 CHAIRMAN CALONE: -- a task force like
17 that looking at these issues for the whole
18 county.

19 COMMISSIONER HOLMES: Because that's
20 going to be used -- that's going to be cited
21 as case law all over the country, and I think
22 everybody knows it.

23 CHAIRMAN CALONE: Thank you,
24 Commissioner Holmes.

25 Next, we have our Accessible Design and

1 Suffolk County Planning Commission 9/2/09 17
2 Smart Growth Task Force. Vince with an
3 update.

4 COMMISSIONER TALDONE: Briefly, the
5 accessible design and smart growth team has
6 been working in terms of the smart growth and
7 really exploring how we can better address

8 one of the key issues, which is the sewage
9 question throughout the county.

10 Dave's been very active in this, and
11 hopefully we'll be able to organize our first
12 meeting with some solid ideas to be explored
13 by the participants very shortly.

14 In terms of smart -- on the smart growth
15 side, I want to also mention the proposed
16 legislation by Bill Lindsay -- which I
17 circulated only last night so I know not
18 all of you have gotten to see it -- which
19 allows the existing bank of approximately
20 180 wastewater credits and future wastewater
21 credits acquired by the county through its
22 SOS and safe drinking water programs to be
23 used in addition to affordable housing,
24 expanding that to a -- a smart growth
25 downtown revitalization or community

1 Suffolk County Planning Commission 9/2/09 18
2 restoration program.

3 That's not entirely clear in my mind as
4 to what that means. It sounds great to me.
5 It sounds like the sort of thing we should be
6 getting behind and showing our support for,
7 but we need some clarity in terms of the
8 actual definition of what is smart, because
9 there's, of course, clever, and then, you
10 know, smarter growth, and we would like to
11 support, of course, the most intelligent of

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12 those designs. But, to me, it sounds like a
13 great idea. And I understand the wastewater
14 credit bank has not been utilized well at
15 this point, and so this may be a way of not
16 only helping downtowns to create more dense
17 and smarter developments by applying those
18 credits not just to housing but also to
19 commercial developments.

20 On the accessible design side of the
21 team, we have the Town of Brookhaven moving
22 this month to public hearings where Charla
23 and I will be participating in showing our
24 support for a universal -- universal
25 design -- I'm sorry, universal design permit

1 Suffolk County Planning Commission 9/2/09 19
2 is the name of the building code change,
3 which would create a specific permit for a
4 new home or an alteration that includes
5 specific accessible features, the four-key
6 universal design features that we had
7 included in our design guidelines. And we'll
8 be going there to show our support for that
9 bill. And that, you know, leads us further
10 down the road, and we'll be back to talk
11 about it in the future.

12 As all of these actions by different
13 towns come together, we can start to evaluate
14 them and try to develop the best practices or
15 best code -- model code for our own adoption
16 in the future. But that's where we are now.

17 CHAIRMAN CALONE: Thank you, Vince.
18 And I think one thing that came up at
19 the end of last meeting that we probably
20 should just discuss off-line is what role we
21 can play with regard to what other -- what
22 the towns are doing. So maybe it's a
23 conversation we could have with the counsel's
24 office, you know, before we take any overt
25 steps on that, just to get some clarity on

1 Suffolk County Planning Commission 9/2/09 20
2 that, because I know Linda had raised, you
3 know, some issues or some -- we need to be
4 careful there. So --

5 If you want to say anything more on that
6 now, fine. If not, I think we can probably
7 have a conversation off-line about that.

8 COMMISSIONER TALDONE: Well, I just --
9 quickly is that the -- in terms of the local
10 code changes?

11 MS. SPAHR: (Head gesture)

12 COMMISSIONER TALDONE: Yes.

13 Well, that's why we actually -- I
14 initially thought of an actual resolution --

15 CHAIRMAN CALONE: Right.

16 COMMISSIONER TALDONE: -- showing strong
17 support. We sort of dropped that idea and we
18 prefer just to go with individuals as members
19 of this commission and discuss how, you know,
20 we personally believe this is very important,

21 09_02_09_Planning_Commission.txt
et cetera, et cetera. Just leave it at that
22 for now.

23 CHAIRMAN CALONE: It is certainly a fact
24 that accessible design is included in the
25 guidelines that we passed. I mean, those

1 Suffolk County Planning Commission 9/2/09 21
2 kinds of things I would assume you could
3 mention, but we should just have a
4 conversation, just we're comfortable, before
5 we do that. So why don't we just do that
6 after the meeting with the counsel's office.

7 With regard to the smart growth, Vince
8 and some of the others around this table had
9 the idea of perhaps having a second sewer
10 summit to build on what -- the one that had
11 been done last year, but with more of a focus
12 on optimizing sewer revenues, and as kind of
13 a companion effort to the new sewer needs
14 assessment that the legislature is doing.

15 I did take that idea to the county
16 executive, who was very interested in it, and
17 wanted to know whether the planning
18 commission would be interested in co-hosting
19 perhaps a sewer summit -- second sewer summit
20 with him later this year.

21 And since I was meeting with
22 Congressman Israel, I mentioned it to him
23 and Assemblyman Sweeney as well, and so
24 there's -- there seems to be some growing
25 momentum about that.

1 Suffolk County Planning Commission 9/2/09 22

2 The county executive's office will take
3 the lead on that, if they choose to, but
4 certainly, you know, as we discussed around
5 this table, it's an important thing, and next
6 steps would include reaching out to the
7 presiding officer and Legislator Horsley,
8 who's been a leader in Suffolk County on
9 sewers and who presented here to the planning
10 commission just two months ago on that.

11 A couple other notes on that. From my
12 conversations, Congressman Israel likes the
13 idea of trying to come up with a localized
14 funding source and is interested in funding a
15 study on the feasibility of maybe a Long
16 Island Infrastructure Bank to make sure that
17 there's a local source of money for sewers
18 and other infrastructure needs. So that is
19 something that, you know, we'll be -- we'll
20 be perhaps moving forward in the next few
21 months.

22 Supervisor Bellone mentioned the
23 importance -- when we're talking about smart
24 growth, Vince -- about focusing on
25 walkability and traffic calming, and he just

1 Suffolk County Planning Commission 9/2/09 23

2 said that that was one of the big things that

09 02 09_Planning_Commission.txt
3 he sees as being an impediment. And that
4 kind of fits in with the idea of creating a
5 model PDD for certain transit-oriented and
6 downtown areas that could be a prerequisite
7 for new sewer money or these wastewater
8 credits or -- or anything. It's kind of
9 creating some basic criteria that an area
10 would have to meet.

11 Anyway, those were just side thoughts.

12 On Public Safety, we're going to --
13 we're moving forward. As all of you know,
14 Bob Braun had to step down from the
15 commission in the last few weeks. And he was
16 leading that effort, so we're going to have
17 to get things started again. We could
18 probably use one more commission member,
19 perhaps, doing a little bit of work on that
20 task force. But for now it's me and Tom
21 McAdam, and Ted is helping us as well.
22 And -- basically pulling together materials
23 from around the country where they have
24 done -- looking at public safety as it
25 relates to land use and design. So we'll

1 Suffolk County Planning Commission 9/2/09 24
2 have probably more of an update next month on
3 that.

4 Our goals for the task forces for
5 September, obviously, just to keep things
6 moving, and, you know, we have some good
7 momentum.

8 In terms of housekeeping, the county
9 executive just nominated Matthew Chartrand,
10 the President of the Iron Workers Local 361,
11 as the new commission member from Islip.
12 Matt, who's been at some of our meetings as a
13 member of the audience, will have his
14 legislative hearing next week and hopefully
15 will be at our table starting next month.

16 Of course, he is filling the spot of Don
17 Fiore who I see is in the audience, and maybe
18 so Don doesn't -- Don doesn't have to sit
19 through all this, maybe we could do a
20 presentation to Don right now. Unless
21 there's any objection, we'll take that out of
22 order, and ask if Don would join us up here.

23 (WHEREUPON, Former Commissioner Donald
24 Fiore approached the dais.)

25 CHAIRMAN CALONE: As you all know, we

1 Suffolk County Planning Commission 9/2/09 25

2 I like to honor those who've been with us.

3 And, Don, let me just read this into the
4 record for you and just say personally,
5 obviously, it was wonderful working with you,
6 but --

7 "Whereas, Don Fiore has served
8 with dedication and distinction on the
9 Suffolk County Planning Commission from
10 September 2005 to September 2009; and,

11 "Whereas, the Suffolk County Planning

09_02_09_Planning_Commission.txt
12 Commission benefited from his insight and
13 expertise gained from his service to the
14 Planning Commission; and,

15 "Whereas, Donald J. Fiore's input and
16 contribution to deliberations on the
17 Suffolk County Planning Commission" --

18 FORMER COMMISSIONER FIORE: Imagine.
19 (Laughter)

20 CHAIRMAN CALONE: -- "will be missed" --
21 "will be and" -- "will be missed and
22 certainly is missed as he moves on to new
23 endeavors.

24 "Now, therefore, be it resolved that the
25 Suffolk County Planning Commission

1 Suffolk County Planning Commission 9/2/09 26
2 acknowledges and thanks Donald J. Fiore for
3 his positive and thoughtful contributions to
4 this body."

5 Thank you, Don.
6 (Applause)

7 FORMER COMMISSIONER FIORE: I thank
8 everybody here for -- and it was a pleasure
9 working with all of you.

10 COMMISSIONER BOLTON: It was a pleasure
11 working with you.

12 FORMER COMMISSIONER FIORE: And I'm a
13 little lost for words, which I usually am
14 never, but --

15 (Laughter)

16 FORMER COMMISSIONER FIORE: -- just keep
Page 22

17 up the good work and -- and do your job as
18 you've been appointed to do it, and that's
19 all we can ever ask for --

20 COMMISSIONER HOLMES: We want you --

21 FORMER COMMISSIONER FIORE: -- from
22 everybody here on the planning commission,
23 you know.

24 So thank you very much, I appreciate it,
25 and it's a pleasure working with all of you.

1 Suffolk County Planning Commission 9/2/09 27

2 COMMISSIONER HOLMES: Don --

3 FORMER COMMISSIONER FIORE: Yes.

4 COMMISSIONER HOLMES: -- we want you to
5 read the August minutes when they're
6 posted --

7 FORMER COMMISSIONER FIORE: Oh, jeez.

8 COMMISSIONER HOLMES: -- because we
9 spent two hours on your project, and we were
10 sorry you weren't here to hear it --

11 FORMER COMMISSIONER FIORE: That's all
12 right.

13 COMMISSIONER HOLMES: -- but --

14 CHAIRMAN CALONE: Please let us know if
15 you have any edits to those minutes.

16 (Laughter)

17 FORMER COMMISSIONER FIORE: All right.

18 Thank you very much, I appreciate it.

19 Thank you.

20 CHAIRMAN CALONE: Thanks, Don, it was a

21 09 02 09_Planning_Commission.txt
pleasure. Thank you.

22 We also -- in addition to Don's seat
23 being filled by Matt Chartrand, if the
24 legislature approves, as I e-mailed all of
25 you, Bob Braun has accepted a position in the

1 Suffolk County Planning Commission 9/2/09 28
2 Levy Administration in the county attorney's
3 office. As a result, he has needed to resign
4 from the commission. And we certainly
5 congratulate Bob on his new job, but I know
6 we will all -- all miss him.

7 And we have a resolution here for him.
8 So everyone, if you could sign that, and
9 we'll get some of the others who aren't here
10 to sign at our next meeting. I think Bob
11 will -- I think is going to try to come to
12 our next one, depending upon how hard Linda
13 and everyone else in the county attorney's
14 office is making him work.

15 A couple of last notes.

16 The Long Island Regional Planning
17 Commission has their Long Island 2035 effort.
18 They appointed a leadership advisory cabinet
19 to advise that effort. I was asked to serve
20 on that, along with about 20 others from
21 across the Island. It's an interesting
22 group, we had our first meeting yesterday.
23 It includes the presidents of Stony Brook and
24 Cold Spring Harbor, Tim Knight, the publisher
25 of Newsday, Kevin Law from LIPA, Helena

1 Suffolk County Planning Commission 9/2/09 29
2 Williams from Long Island Railroad, John
3 Durso from Long Island Fed, and a few others.
4 It's a good group, and I think it shows the
5 importance of that regional planning effort
6 that those folks -- not me, but those other
7 folks are involved. And Supervisor Jon
8 Kaiman from North Hempstead and I have been
9 asked to head up the outreach to the
10 municipalities with regard to the Long Island
11 2035 plan, so I will keep you updated. And
12 Tom is very -- Tom and the staff are very
13 much involved in that plan as well. So --
14 The Jurisdiction Committee, there's a --
15 Vince, Barbara, Mike, Job, and myself -- we
16 have a couple of people not here because of
17 vacations, but I would suggest that maybe
18 we'll set up a phone call for later this
19 month with Linda -- with Linda Spahr and Dan
20 and Andy and Tom to see if there's anything
21 we could or should be doing about our
22 jurisdiction.
23 County Road 58, we'll be starting
24 construction on Tuesday. I spoke with
25 Gil Anderson the other day from DPW.

1 Suffolk County Planning Commission 9/2/09 30
2 Supervisor Cardinale wanted to pass along his

3 thanks to the commission for the efforts in
4 helping promote additional safety
5 improvements on that road. And he actually
6 would like to do a press conference this
7 month to thank the commission for helping
8 prompt those safety improvements, and we're
9 going to coordinate with the county
10 executive's office on that, and -- but that,
11 you know, will likely be happening apparently
12 in the next couple of weeks.

13 We've had some issues about what
14 commission members can do outside of this
15 commission. I got a call from Judge Lama at
16 the Ethics Commission to let us know that
17 they can't really provide us with broad
18 guidance. That they would be able to address
19 individual situations with an individual
20 letter, but, unfortunately, we're not going
21 to get kind of the broad brush that we may
22 have preferred. And so if anyone has
23 particular issues or particular questions,
24 they -- you know, let me know, let Tom know,
25 and we can forward on letters to Judge Lama

1 Suffolk County Planning Commission 9/2/09 31
2 and the Ethics Commission and get clarity
3 from them about particular situations. So
4 that's where that stands, and let me know if
5 you have any questions or particular
6 situations you're concerned about.

7 The county attorney's office has done
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8 with some research on the planning
9 commission's role when a neighboring
10 jurisdiction objects to a zone change passed
11 by their neighbor on land within 500 feet of
12 the municipal border. Linda Spahr did the
13 research on that.

14 And, Linda, I don't know if you're
15 prepared just to say a few words about what
16 you concluded.

17 MS. SPAHR: Sure.

18 I think the primary question that has
19 come up, and I understand that some of the
20 adjoining municipalities -- and we're talking
21 about Heartland, which is the proposed
22 project that's really brought this to the
23 commission's attention. Obviously, anything
24 that I have to say applies in any situation
25 where there might be a zoning change within

1 Suffolk County Planning Commission 9/2/09 32

2 500 feet of the border of another
3 municipality. I don't want to pretend this
4 isn't a specific question that came up.

5 The question, or one of the questions
6 that was posed, was how does a municipality
7 interpose an objection. And probably a lot
8 of people have read the section of the
9 Suffolk County Administrative Code that talks
10 about the commission's power and authority.
11 It's a little bit confusing in some parts, so

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12 we actually spent a substantial amount of
13 time doing research, looking at the laws, and
14 actually reading the cases that have been
15 decided pursuant to this section of the
16 county law, and also pursuant to the prior
17 charter.

18 So the section of law having to do with
19 the planning commission's authority, and it's
20 really a veto power over certain zoning
21 actions, has existed for a very long time.
22 And it's been upheld by the Court of Appeals,
23 which I guess everyone knows is the highest
24 court in this state, so we're very
25 comfortable with the results of our research

1 Suffolk County Planning Commission 9/2/09 33
2 in terms of how this works.

3 All of you know -- and I don't want to
4 beat a dead horse, but everybody knows that
5 there are a number of different types of town
6 actions that have to be referred to the
7 planning commission before a town can take
8 final action. And the types of actions that
9 have to be referred are zoning actions, which
10 would be adoption or amendment of zoning
11 regulations, special permit applications,
12 variance applications, subdivision
13 applications, and site plan approvals that
14 are anywhere within 500 feet of certain
15 things; such as the rivers or county roads
16 or, you know, the ocean or right-of-ways or

17 parklands, or, in this case, within 500 feet
18 of the border of an adjoining municipality.

19 So in most of those referral
20 situations -- and of course, now we're just
21 going to talk about the zoning changes, but
22 in most of the zoning change referrals, it's
23 a very simple process. It's the same type of
24 referral and the same type of rules that
25 apply in virtually all of the matters that

1 Suffolk County Planning Commission 9/2/09 34
2 you consider through referral matters, and
3 that's basically that the town has to
4 submit -- or the town or village has to
5 submit a complete application, and you get to
6 specify what's complete. And you've done
7 that, in fact, in your latest planning
8 guidelines -- or Planning Commission
9 Guidebook that you put out, which is very
10 helpful now.

11 After they submit their complete
12 application, then you have 45 days to make a
13 decision. In most cases, you've got
14 guidelines about what you're going to
15 actually hear -- what the commission is
16 actually going to hear.

17 And then you have a choice within
18 45 days. You can either approve the action,
19 you can disapprove the action, you can
20 approve it with conditions, or you can do

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21 nothing, which is -- is the same as an
22 approval.

23 In order to disapprove or just to do
24 anything other than just have it be an
25 approval, you need a vote of the majority of

1 Suffolk County Planning Commission 9/2/09 35
2 the board. And this is really important,
3 especially if you're talking about absences
4 or conflicts or situations where somebody has
5 to recuse him or herself, because to do the
6 action -- and, again, this is your ordinary
7 activity -- you need to have the affirmative
8 vote of a majority of the board; that's eight
9 out of the 15.

10 If people are absent or they have a
11 conflict, then they obviously can't vote.
12 And it's -- there's case law decision on it
13 that it's not a majority of those present,
14 it's a majority of the entire board.

15 If it's a referral for a zoning action
16 that's within 500 feet of a municipal border,
17 there's two other rules that come into
18 play -- that it may come into play.

19 One of them is that the commission, and
20 it's really the department that does it, has
21 to notify the adjoining municipality. And
22 that's so that they can appear and give any
23 information that they want to, even though
24 it's not really a hearing that you're doing
25 when you're reviewing the proposed action.

1 Suffolk County Planning Commission 9/2/09 36

2 And then the other thing is if the
3 zoning action is going to have -- have to do
4 with a development that's more than
5 25,000 square feet of commercial development,
6 then there's other notifications that have to
7 take place by the developer, him or herself.
8 Which means that in a situation like that,
9 you could end up with a huge number of people
10 at a meeting, which would be your -- just
11 your ordinary review meeting, when you're
12 reviewing that application.

13 If you disapprove or you approve with
14 conditions, as you know, the town or the
15 village can overrule you with their
16 supermajority vote; so it has to be a
17 majority plus one. You're required, as you
18 know, to state your reasons for the
19 disapproval or the reasons for the conditions
20 that you're imposing. If you don't do
21 that -- and maybe this is not clear to you --
22 you always do, but if you don't do that, then
23 it renders it a nullity. So even if you had
24 a unanimous vote disapproving it and you
25 didn't state your reasons, then the town

1 Suffolk County Planning Commission 9/2/09 37

2 board wouldn't need a supermajority to pass

3 it. So you may not realize that you're doing
4 the right thing, and there's your reason for
5 doing the right thing.

6 CHAIRMAN CALONE: Well, we're usually
7 lucky. Better lucky than good.

8 MS. SPAHR: Yeah, and you have been.
9 I mean, it's obviously -- but it does have to
10 be stated in there.

11 Okay. So that's your first step. The
12 first time that you're going to be reviewing
13 any proposed zoning change for Heartland,
14 which is what we're talking about.

15 One of the other questions that came up
16 was how do the adjoining municipalities have
17 their concerns heard.

18 At that first stage, they're not really
19 interposing an objection, they're just coming
20 here because they have an opportunity to be
21 heard. And, as I said, it could be a lot of
22 people that want an opportunity to be heard
23 at that stage. But that's not a formal
24 objection. That's not the objection that --
25 people have used -- kind of loosely used that

1 Suffolk County Planning Commission 9/2/09 38
2 term, and I -- I've read some newspaper
3 articles with towns talking about -- or
4 community groups talking about interposing an
5 objection to the referral. There is no
6 formal objection at that referral stage, and
7 that's before the town takes formal action.

8 The towns, on the other hand, can and
9 should participate, as all people should
10 participate, in the SEQRA process at the town
11 stage, and that's going to be part of the
12 record that will be referred to you when
13 you're reviewing that proposed action. See,
14 that's all the first stage.

15 The second stage -- and it's the part
16 where people have been talking, and I think
17 I've used the term "veto power." When it
18 comes to an enactment of the zoning ordinance
19 or a change in the zoning ordinance that is
20 going to affect property that's within 500
21 feet of a municipal border, after the town
22 has adopted it, it does not take effect until
23 it's been approved by the planning
24 commission.

25 Now, the way this works is that the town

1 Suffolk County Planning Commission 9/2/09 39
2 or -- or it could be a village -- the town
3 has to, after they pass it -- and, again, it
4 may have been with the majority plus one.
5 But after they pass the zoning change, they
6 have to refer it to the planning commission,
7 and then a very, very quick series of events
8 take place, and they're all very strictly
9 adhered to.

10 Within 20 days of the referral to the
11 planning commission, a town or a village

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12 would have an opportunity to interpose an
13 objection. And, obviously, interpose
14 several. What happens if the planning
15 commission doesn't tell anybody? That would
16 be a big mistake. But that, of course, would
17 be a staff project, and I'm sure that's going
18 to be the least of the issues in reviewing
19 something like this.

20 So the adjoining municipalities would be
21 notified that this law has been passed.

22 After they're notified, then they have
23 an opportunity, 20 days, to file an
24 objection. If no objection is filed within
25 20 days, nothing happens. So the planning

1 Suffolk County Planning Commission 9/2/09 40
2 commission has no authority or no
3 jurisdiction to do anything in the absence of
4 an objection being filed.

5 So if an objection is filed within
6 20 days, then you have to have a hearing.
7 And, in this case, it is a hearing. It's not
8 just a session where you're considering and
9 reviewing the record, you have to have an
10 actual hearing. And there's a notification
11 process where planning has to notify the
12 adjoining -- specific people that have been
13 notified about when it's going to take place
14 and, you know, where it's going to be heard.

15 In order to -- and -- now, at the
16 hearing stage, and this is really referred to

17 by the Courts as a veto power, the
18 commission, after its hearing and, again,
19 within the 45 days, by a two-thirds majority
20 may veto or disapprove the zoning change.
21 And the -- again, that number is really
22 critical if you're talking about absences on
23 the commission, or any conflicts that may put
24 a commissioner in a position where they
25 cannot vote for some reason. So it's

1 Suffolk County Planning Commission 9/2/09 41
2 important to think about. But, in any event,
3 it would require a vote of 12 members of the
4 commission to veto a zoning action which has
5 been adopted by a town within the 500 feet of
6 a border.

7 Now, in the case of such a veto, there's
8 no requirement and no reason to state your
9 reasons.

10 Any questions?

11 (WHEREUPON, there was no response.)

12 MS. SPAHR: Okay.

13 MR. FRELENG: Just for clarification --

14 CHAIRMAN CALONE: Yes, Andy.

15 MR. FRELENG: -- if staff could ask
16 counsel, the affect of that veto is only
17 within 500 feet of the municipal border, or
18 is that for the entire project and parcel?

19 MS. SPAHR: Well, it would only -- the
20 way the law is written, it says it would not

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21 take affect for the property that lies within
22 the 500 feet. The town would have to decide
23 what they were going to do.

24 I mean, a PDD, presumably, is going to
25 be kind of a larger picture thing, kind of

1 Suffolk County Planning Commission 9/2/09 42
2 guesswork now, but it may not make sense to
3 have that zoning -- the code may be written
4 in such a way that it includes an entire
5 area. So the town would have to decide what
6 they were going to do at that point.

7 CHAIRMAN CALONE: Any other comments or
8 questions?

9 (WHEREUPON, there was no response.)

10 CHAIRMAN CALONE: Thank you, Linda, for
11 the research, because it's good to know where
12 we stand. So thank you.

13 MS. SPAHR: You're very welcome.

14 CHAIRMAN CALONE: And on that --
15 obviously, if people have questions that they
16 think of --

17 COMMISSIONER HOLMES: May I --

18 CHAIRMAN CALONE: -- going forward, you
19 certainly can ask Linda.

20 Yeah. Go ahead.

21 COMMISSIONER HOLMES: I am sure that the
22 Commission Chair would think of this, but --

23 CHAIRMAN CALONE: Oh.

24 COMMISSIONER HOLMES: -- if we come to a
25 hearing on anything, it would certainly be, I

1 Suffolk County Planning Commission 9/2/09 43
2 think, imperative for not only the planning
3 department but the Chair to notify all the
4 commissioners that we must have 12 votes
5 present, at least, for this hearing, in case
6 we need to disapprove. That it's -- it's
7 different from other times. So that it's
8 imperative that commission members plan to be
9 there or notify the Chair if they are unable
10 to be there or unable to vote.

11 CHAIRMAN CALONE: I have no doubt that
12 you all will be there.

13 But isn't two-thirds of 15 ten?

14 SECRETARY ESPOSITO: No, 12.

15 MS. SPAHR: Hold on.

16 CHAIRMAN CALONE: Well, that would be --
17 it could be three-quarters. Three-quarters
18 would be --

19 MS. SPAHR: Yeah, it was three- --

20 CHAIRMAN CALONE: -- is three-quarters?

21 SECRETARY ESPOSITO: No, I think you
22 said two-thirds.

23 CHAIRMAN CALONE: Well, we can figure it
24 out. Two-thirds is ten, but it could also
25 be, you know --

1 Suffolk County Planning Commission 9/2/09 44

2 COMMISSIONER HOLMES: The numeral, I

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3 think you said 12 --

4 MS. SPAHR: I did say 12.

5 COMMISSIONER HOLMES: -- and I don't
6 think you gave a fracture --

7 MS. SPAHR: No, I -- I did say 12, and,
8 in fact, it's two-thirds. So I --

9 DIRECTOR ISLES: So it's ten.

10 CHAIRMAN CALONE: So it's ten.

11 MS. SPAHR: -- stand corrected.

12 CHAIRMAN CALONE: Okay.

13 MS. SPAHR: Math isn't one of my strong
14 points.

15 CHAIRMAN CALONE: But thankfully law is,
16 and we appreciate that.

17 So thank you. Thank you, Linda.

18 MS. SPAHR: And thank you for correcting
19 me.

20 CHAIRMAN CALONE: Lastly, unless there
21 are any other comments on the presentation --

22 COMMISSIONER TALDONE: Quickly, if I --

23 CHAIRMAN CALONE: Yes, Vince --

24 COMMISSIONER TALDONE: -- could.

25 CHAIRMAN CALONE: -- please.

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2 COMMISSIONER TALDONE: Just briefly.

3 In follow up to Andy's question, I
4 didn't really understand the answer. If you
5 want to do this later, I can. But if others
6 would want to hear that review again, I
7 mean --

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SECRETARY ESPOSITO: Yes.

CHAIRMAN CALONE: Sure. Why not.

COMMISSIONER TALDONE: I -- I also didn't understand, because -- I assume in most cases the -- the rezoning rules would apply to land within the 500 feet and also outside of the 500 feet. So when we basically override -- when we veto it, we are vetoing the entirety or just the portion that's within the 500 feet?

MS. SPAHR: The way the law is written, the zoning law would not take effect for that area that's within 500 feet of the border.

COMMISSIONER TALDONE: Okay.

CHAIRMAN CALONE: But they would have to maybe subdivide it or -- well --

DIRECTOR ISLES: Yeah, that's the issue.

MS. SPAHR: They'd have to figure out

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what to do.

DIRECTOR ISLES: Right.

CHAIRMAN CALONE: Right.

DIRECTOR ISLES: It may be kind of messy.

CHAIRMAN CALONE: That gets crazy, and that sounds like lawsuits.

Okay. Any other comments or questions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, this isn't

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12 immanent, but it's good to know where we
13 stand.

14 So thank you again, Linda.

15 The last item that I had to bring to
16 your attention was the fall planning
17 conference. Andy may have more to mention on
18 this, but I just want to thank the commission
19 members who signed up to be moderators. I
20 think we now have moderators for all of our
21 classes, and I will -- and by "moderator," I
22 really mean introducer. For the most part,
23 we have commission members doing the
24 introductions at these classes, just like we
25 did last year. In a few instances, we are

1 Suffolk County Planning Commission 9/2/09 47
2 having commission members moderate specific
3 panels. But I'll send out an e-mail with
4 everyone's kind of assignments and the times,
5 so everyone kind of knows exactly when things
6 are happening.

7 We do have the class on our task force
8 efforts that are going to spotlight town and
9 village innovations. And I'll be moderating
10 that, and need to work on that, and Andy and
11 I can talk about that.

12 But is there anything else you want to
13 bring up, Andy, with regard to the planning
14 federation?

15 MR. FRELENG: I'm sure you all know that
16 the conference is going to be at Brookhaven

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National Lab.
New this year is a mobile workshop at
1 o'clock for -- the Lab will host us at the
Center for Functional Nanomaterials Building.
It's a LEED-silver building. It also has
particular design constraints because of the
nanomaterial-type research that they do
there, which is --
SECRETARY ESPOSITO: A likely story.

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MR. FRELENG: I'm sorry?
SECRETARY ESPOSITO: No, I'm kidding.
MR. FRELENG: So that's new to the
conference.
APA is hosting a dinner buffet
reception. So that will be something a
little bit unique to the conference as well.
And we have nine other courses that are
being offered, ranging from SEQRA -- advanced
SEQRA to basic planning board and zoning
board courses.
So we have a full spread of various
different levels of expertise-type courses,
as well as something a little different this
year.
CHAIRMAN CALONE: Thank you, Andy.
Any other comments or questions?
(WHEREUPON, there was no response.)
CHAIRMAN CALONE: If not, I'll turn it

21 09 02 09_Planning_Commission.txt
over to the director for the Director's
22 report.

23 DIRECTOR ISLES: Thank you.

24 Just to follow up then on the federation
25 event, I'd like to give credit to Andy for

1 Suffolk County Planning Commission 9/2/09 49
2 his work on this. He's been putting a lot
3 into it, and does a good job with it every
4 year.

5 In terms of the program, we do want to
6 get it out next week in terms of the
7 registration form, so we appreciate the
8 cooperation of the Chair and the commission
9 in terms of identifying those slots where
10 commission members will be serving as
11 moderators.

12 Let me go next to the issue of Heartland
13 since we talked about that a moment ago. The
14 Town of Islip, as the lead agency, did
15 circulate a draft generic environmental
16 impact statement. The comment period for
17 that came to a conclusion last week, and the
18 department did submit comments. At this
19 point, based on all preliminary review of the
20 application as presented, the next step in
21 the process is for the town to assess the
22 comments, determine if they feel further work
23 is necessary on the DGEIS, which some of the
24 comments submitted have require- -- have
25 suggested that they go back to the drawing

1 Suffolk County Planning Commission 9/2/09 50
2 board on the document. The other alternative
3 for the town then is to move forward with the
4 preparation of a final generic environmental
5 impact statement.

6 At some point, this will be referred to
7 the commission, as, of course, we've been
8 talking about. We have tried to remain in
9 communication with the staff and the planning
10 department of Islip to get a heads-up on that
11 so we can get the commission members
12 information in adequate time for review prior
13 to commission consideration.

14 As also indicated, this will trigger the
15 requirement for notification to property
16 owners within 1,000 feet, so we'll have to
17 make arrangements for that. We will keep you
18 posted on that as we proceed.

19 A few other items.

20 The department is making a grant
21 application to the New York State Department
22 of Parks for an Environmental Protection Fund
23 Grant for the acquisition of open space for
24 the amount of \$600,000 for wetlands that are
25 located in the Peconic River corridor. We

1 Suffolk County Planning Commission 9/2/09 51
2 will be filing that application by

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3 September 14th, and we'll keep you posted on
4 our progress on that.

5 The Chair mentioned the LI 2035 project
6 being conducted by the Long Island Regional
7 Planning Council. The first phase of that
8 project is coming to a completion at this
9 point. A draft document is being circulated
10 among the involved committees, and should be
11 wrapped up probably by October.

12 It would probably be suitable for this
13 commission to get a presentation on that.
14 Probably in October or November, I would
15 suggest. It is an important step in the
16 process going forward to the proposed
17 sustainability plan. I believe the
18 consultants did a good job in the process.

19 The shortcoming report at this point is
20 that the -- there was a Phase II component
21 that involved the idea of public outreach.
22 Unfortunately, funding has not been adequate
23 to support that at this time. I think there
24 are discussions going on about trying to
25 somehow address that going into the

1 Suffolk County Planning Commission 9/2/09 52
2 sustainability plan. But the document that
3 has been completed is important, it is a --
4 something this commission should be aware of.
5 And, here again, we'd like to schedule
6 something on that, here again, in an upcoming
7 meeting.

8 Moving along, the sustainability plan,
9 as the Chair has indicated, has commenced.
10 The Regional Planning Council has secured a
11 consulting firm to assist with that, and as
12 indicated, has set up certain advisory
13 committees and councils.

14 This is an extremely important component
15 to the project. I think there are some
16 fundamental questions out there that Long
17 Island needs to answer, that this commission
18 certainly has addressed in terms of how much
19 growth is appropriate, how do we sustain our
20 economy with a flattening of population going
21 into the future. We grew easily and our
22 economy expanded easily during the postwar
23 growth period, but that's not going to be
24 happening, obviously, in perpetuity. So in
25 terms of dealing with maintaining quality of

1 Suffolk County Planning Commission 9/2/09 53
2 Life through a vibrant economy, but also
3 acknowledging constraints to Long Island,
4 environmentally, transportation-wise, and so
5 forth, it is my hope that the sustainability
6 plan will begin to -- if not begin to, bring
7 light to those issues, but also provide the
8 regional focus through public participation,
9 through stakeholder participation, that
10 provides it with a more meaningful outcome.

11 So we think that's very important, and

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12 we think the commission -- the commission's
13 role in that is important, and we'll continue
14 to keep you advised. And, also, there should
15 be some more direct presentations on that as
16 well, I believe, in terms of, you know,
17 getting into some of the substance of those
18 matters.

19 Next item is, I have included in the
20 handout package today a copy of the proposed
21 amendments to what we call Chapter 8 of the
22 County Code. This is the county's farmland
23 code, so this deals with the case in which
24 the county buys development rights to
25 property for the purpose of protecting

1 Suffolk County Planning Commission 9/2/09 54
2 farmlands.

3 The county's been doing this -- this is
4 our oldest open space program in the county.
5 It began in the 1970s.

6 What I have before you then is a summary
7 sheet on the highlights of the changes. You
8 know, we've gone, for example, from eight
9 definitions to 37 definitions. There's a lot
10 more clarity. We've added definitions for
11 such things as alternative energy systems,
12 which currently are not spoken of at all in
13 the current code.

14 A lot of this also deals with issues
15 of enforcement. The county has about
16 10,000 acres of farmland presently.

17 Generally, it works very well, but there are
18 cases where we have things that are going on
19 that are of -- questionable as to whether
20 they're permitted under the county's program;
21 such as mining, such as ATV use, those types
22 of things. So the definitions will help.

23 There's also some, you know, additional
24 changes within the composition of the
25 Farmland Committee. It still has strong

1 Suffolk County Planning Commission 9/2/09 55
2 representations from the towns. There is a
3 little bit more involvement of the various
4 county departments now that it's becoming an
5 operating program and some basic things about
6 financial disclosure and so forth.

7 We're also suggesting an annual review
8 program so that as new parcels are added to
9 the program for consideration, that they're
10 done in a more organized, planned fashion
11 rather than ad hoc. So we've included that
12 in the program.

13 Not to get into every little detail, but
14 what I -- here again, circulating this for
15 your consideration. Page 2 of the handout is
16 a summary of the changes we've made since we
17 started this, and we did do outreach to the
18 farm towns in the county, to the Farmland
19 Committee, to various open space and farmland
20 committees out east where most of the farms

21 09 02 09_Planning_Commission.txt
are located.

22 So we're at the point right now where
23 this draft is -- reflects considerable
24 amendment and, we think, refinement and
25 evolution. We welcome any comments the

1 Suffolk County Planning Commission 9/2/09 56
2 members of this planning commission may have.
3 We hope to file this bill within the next
4 week or so, release it to -- submit it to the
5 county executive for his consideration, and
6 then during the fall months it would go
7 through the -- through the legislature
8 process.

9 So I'm providing this for your
10 information. Certainly, if you have any
11 questions or suggestions, please let me know.

12 Just two other items.

13 The IMAs are up and running. Obviously,
14 this was a matter of significant involvement
15 and direction by the commission upon
16 resolutions you've passed to direct the
17 department to contact all the municipalities
18 in the county. And then, subsequently, at
19 last month's meeting, you approved certain
20 IMAs. So those are in effect as of
21 August 21st.

22 We've seen a downturn in applications
23 just from the recession. We will see a
24 further downturn based on these de minimis
25 matters that are now not required to be sent

1 Suffolk County Planning Commission 9/2/09 57
2 to the commission. So we think that's
3 positive. But, here again, your program is
4 now up and running and open to most of the
5 towns and a number of the villages at this
6 point.

7 The last item is, I'd just like
8 to bring up today is the issue of the
9 TDR Program, and it was mentioned by
10 Member Taldone, a bill that is pending in the
11 legislature. The one thing I do want to tell
12 you about that is the Environment, Planning,
13 and Agriculture Committee has asked for a
14 presentation on the issue of TDRs, not
15 specific to the bill that was just discussed,
16 at their meeting on September 11th, which is
17 next Friday. So I will be attending, along
18 with Chief Planner, Andy Freleng, as well
19 as Commissioner Heaney, as well as
20 Commissioner Gallagher.

21 So I think -- I'm not sure of the nature
22 of the inquiry, but they've raised a couple
23 of questions at the committee level in terms
24 of the -- how many credits do we have
25 pending. The answer to that is we've got

1 Suffolk County Planning Commission 9/2/09 58
2 about 120 that are already in the bank,

3 meaning, we have closed on those properties
4 and those credits are available for use, and
5 we've got almost 200 that are pending -- that
6 are approved, but pending closing because we
7 don't actually put them in the bank until
8 they're actually closed on the sale of
9 property. So we're coming close -- we have,
10 you know, potentially 300 credits.

11 In terms of credits that have been used,
12 there have been zero credits used. There are
13 a few that are being -- that are discussed,
14 or the legislature's approved use of those
15 credits, but, here again, they actually
16 haven't been accessed at this point for
17 affordable/workforce housing.

18 The reason for that is, you know, to be
19 debated, but I know the Department of
20 Economic Development has been doing extensive
21 marketing and getting the message out, and
22 that's something that, you know, certainly,
23 we'll provide more information to the
24 committee on that.

25 I think on a larger perspective, the one

2 thing we're cognizant of in the planning
3 department is that we're a little bit
4 concerned about TDR saturation. TDR is a
5 great tool. We strongly support it. We
6 think this is a good program, the county's
7 program. There is, of course, regional TDR

8 that occurs with the Pine Barrens Program.
9 And when the Pine Barrens plan was done, it
10 was anticipated that the core would be
11 protected 75 percent through acquisition by
12 the public agencies -- state, county,
13 towns -- and then 25 percent would be
14 protected through TDR programs.

15 The actual number is about 97 percent in
16 terms of protected through acquisition and
17 3 percent through TDR. And the TDR Program
18 in the Pine Barrens is viewed as a pretty
19 successful program, but I think it just
20 points to the challenge of it, and a lot of
21 that depends on receiving sites and having
22 fueling demand for credits.

23 And related to that, Andy Freleng as
24 well as Dan Gulizio have been attending
25 meetings of the Pine Barrens Advisory

1 Suffolk County Planning Commission 9/2/09 60
2 Committee.

3 The Pine Barrens Commission is updating
4 their land use plan, and one of the issues
5 that's being looked at is providing a better
6 engine for the use of credits.

7 Right now -- and we dealt with this with
8 the Tall Grass case in Brookhaven. Whereby
9 it was in the CGA, the commission had
10 suggested to the town and made a condition of
11 their approval of that certain cred- -- that

09 02 09_Planning_Commission.txt
12 a certain number of Pine Barrens credits be
13 retired as a condition of getting this
14 increase in development. The town eventually
15 approved of just three credits. The Pine
16 Barrens Commission disapproved the plan for
17 the clearance standards, and so that project
18 didn't go forward.

19 So the effort now is to quantify and
20 standardize the number of credits that would
21 be retired.

22 So that's an example where that
23 commission's looking to fine-tune it to
24 provide a greater effectiveness of TDR.

25 The only other point on TDRs, and a

1 Suffolk County Planning Commission 9/2/09 61
2 number of the towns, of course, have
3 TDR Programs. Riverhead has a recent one
4 that came out of their comprehensive planning
5 process; Huntington just adopted one;
6 Southampton has one; Shelton -- Southold.

7 So I think in terms of the county's
8 role, I think it is a -- does have a role,
9 but I think we have to be cognizant of
10 creating a sufficient demand. And as we've
11 seen with the county's program thus far,
12 these credits are for free and we don't have
13 too many takers at this point --

14 SECRETARY ESPOSITO: Or no takers.

15 DIRECTOR ISLES: -- or no takers. We
16 have a couple of possibilities. But just to

17 keep that in mind that it's not in itself the
18 pattern to create these, but to create a
19 workable system whereby it works and we can
20 actually put them to use and not just pile up
21 credits in a bank at the various levels of
22 government.

23 And that's it. I have a little bit of
24 an update on the Comprehensive Plan, which
25 I'll get into a little later.

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2 CHAIRMAN CALONE: Okay. Thank you,
3 Director Isles.

4 Any questions --

5 COMMISSIONER HOLMES: May I just --

6 CHAIRMAN CALONE: Yes.

7 COMMISSIONER HOLMES: -- encourage the
8 Director and staff by -- Director Isles
9 mentioned the IMAs.

10 Shelter Island is one of, I think Dan
11 said, four towns that have its problems.
12 Finally, the planning chairman has come back
13 from vacation, and the supervisor has cleared
14 his agenda. So next Wednesday, a week from
15 today, we will finally sit down with the
16 zoning planning supervisor and building
17 department, and they will pass the IMA.

18 DIRECTOR ISLES: That's good to know.

19 CHAIRMAN CALONE: Thank you.

20 Thank you, Commissioner Holmes.

21 And it would be good to kind of keep
22 updating that last and maybe create a
23 strategy of how we get the others.
24 I met with the mayor of Babylon who was
25 very interested in this, but it kind of

1 Suffolk County Planning Commission 9/2/09 63
2 hadn't gotten on his radar screen. So I
3 think it may be the situation where we kind
4 of have to re-ping people. He heard about
5 it, he was like, Oh, we should definitely do
6 that, but it just, you know, got lost in the
7 mix I think.

8 So we should probably, maybe after -- at
9 the next meeting, figure out where the list
10 is and come up with a strategy to kind of do
11 some outreach to get it done. I know having
12 one standard would be a lot easier for you
13 guys than having different ones.

14 COMMISSIONER TALDONE: Dave?

15 CHAIRMAN CALONE: Yes, sir.

16 COMMISSIONER TALDONE: Just one quick
17 comment regarding the proposed legislation.
18 And I know that Michael Fitcher is here in
19 the audience now from Bill Lindsay's office.

20 I just would like to say that that bank
21 of TDRs or wastewater credits previously was
22 only available for workforce housing. So
23 sort of a mixed-use downtown revitalization
24 project really wouldn't qualify. And there's
25 a lot -- I mean, I'm working on a project

1 Suffolk County Planning Commission 9/2/09 64
2 right now in South- -- for the Town of
3 Southampton which has a significant
4 commercial component which would enable us to
5 acquire very expensive property. The problem
6 there is building a restaurant or any other
7 type of, you know, large wastewater generator
8 would be impossible without those types of
9 credits. So we would, currently, not be able
10 to access those credits for that portion of
11 the project.

12 So this bill, to me, sounds like
13 something that could help create a greater
14 demand for the existing bank, which is very
15 restricted in terms of its use. And that may
16 well be other people's issues around the
17 county in not being able to access it if
18 their projects aren't exactly only an
19 affordable housing site. It might --

20 CHAIRMAN CALONE: Right.

21 COMMISSIONER TALDONE: -- more than that
22 in a downtown.

23 CHAIRMAN CALONE: All right. That
24 makes --

25 Thank you, Vince. That's a good point

1 Suffolk County Planning Commission 9/2/09 65
2 and it makes a lot of sense.

3 COMMISSIONER TALDONE: I don't know if
4 we could reopen the public portion, invite
5 Mike to make a quick --

6 CHAIRMAN CALONE: Well, we --

7 COMMISSIONER TALDONE: -- if he'd like
8 to or --

9 CHAIRMAN CALONE: We're always allowed
10 to invite government officials to assist us
11 in our duties. I don't know if there are any
12 particular questions regarding that --

13 COMMISSIONER TALDONE: Okay.

14 CHAIRMAN CALONE: -- but if -- if you
15 want to say a few words, sir, I know you're
16 from the -- you know, on behalf of the
17 legislature -- we're using your table, so,
18 thank you.

19 MR. FITCHER: I'm sorry I'm so late
20 getting here, I was at another press
21 conference over in the Dennison Building.
22 But I'd certainly be glad to answer any
23 questions you might have about this.

24 Vince, you had a question yesterday, and
25 the answer to your question, which was how

1 Suffolk County Planning Commission 9/2/09 66

2 the definition of smart growth is going to be
3 defined, is going to be up to the planning
4 department to determine those parameters.
5 But, you know, Presiding Officer Lindsay
6 thinks that this would be a wise use of the
7 development rights. As you all know, none of

8 them have been used so far. So if you have
9 any questions, I'd be glad to answer them.

10 CHAIRMAN CALONE: Well, first of all,
11 it's certainly good to hear that the planning
12 department will be involved in that. I think
13 it makes a lot of sense. And as Vince
14 probably has shared with you, you know, we
15 have a smart growth task force that we put
16 together to start looking at best practices
17 with regard to what is -- you know, makes
18 sense in our downtowns. So we probably
19 can --

20 SECRETARY ESPOSITO: Merge those ideas.

21 CHAIRMAN CALONE: -- merge those --
22 yeah. Kind of put that together so that that
23 synthesis works well, I think. So --

24 COMMISSIONER TALDONE: Absolutely.

25 CHAIRMAN CALONE: So great.

1 Suffolk County Planning Commission 9/2/09 67

2 SECRETARY ESPOSITO: Look how happy
3 Vince is.

4 COMMISSIONER TALDONE: I'm smiling all
5 the way to the bank. The TDR bank.

6 CHAIRMAN CALONE: Any other comments or
7 questions?

8 (WHEREUPON, there was no response.)

9 CHAIRMAN CALONE: If not, sir, thank you
10 very much, and we'll obviously take a look
11 at -- and give you any comments that anyone

09 02 09_Planning_Commission.txt
12 around this table has quickly, because I
13 understand this will be coming up very soon;
14 right?

15 MR. FITCHER: Yes, it will, and we
16 certainly would appreciate your support.

17 Thank you.

18 CHAIRMAN CALONE: Thank you.

19 COMMISSIONER TALDONE: Thank you.

20 CHAIRMAN CALONE: Okay. Without any
21 other comments or questions, we'll move on to
22 our one regulatory item of the day, which is
23 the Rosh Industrial Park, and John.

24 MR. CORRAL: Okay. The application
25 before you is the Rosh Industrial Park.

1 Suffolk County Planning Commission 9/2/09 68

2 The applicant is seeking a 22-lot
3 industrial subdivision on a 50.4-acre site.

4 The site is located on the north side of
5 Horseblock Road, which is County Road 16, and
6 about 1,700 feet west of Yaphank Avenue,
7 another County Road, 21. It's located in the
8 hamlet of Yaphank, and it's the Town of
9 Brookhaven.

10 The property surrounding the site to
11 the -- to the west is Suffolk County land
12 that's currently vacant. To the north is
13 Suffolk County municipal buildings. To the
14 east is a private composting facility. And
15 to the south is the Town of Brookhaven
16 landfill.

17 The Suffolk County Planning Commission's
18 jurisdiction for this subdivision is the
19 County Road, Horseblock Road, it's adjacent
20 to it. And then adjacent to County Road --
21 I'm sorry, county land to the west and to the
22 north.

23 The project's regionally significant
24 with the commission's -- in the commission's
25 view because it's over 20 acres of disturbed

1 Suffolk County Planning Commission 9/2/09 69

2 land.

3 The property -- this is just a side view
4 of the property (indicating), it's wooded.
5 There's no wetlands or water bodies on the
6 property, and it's quite level.

7 The property is currently zoned L-1,
8 light industrial, which allows a variety of
9 indoor industrial uses, non-residential uses.
10 To the north and the south it's zoned
11 residential.

12 Just the history of the subdivision.

13 The planning commission has received
14 this before in 2005. It was a 46-lot
15 industrial subdivision, and the commission
16 disapproved it due to -- it was a series of
17 cul-de-sacs, and that was against commission
18 guidelines -- cul-de-sacs in an industrial
19 subdivision.

20 In 2007, the commission received it

21 09 02 09_Planning_Commission.txt
again as a three-lot industrial subdivision,
22 which they determined to be a local
23 determination.

24 So now we've received it again as a
25 22-lot industrial subdivision.

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2 The two kind of issues to look at, in
3 our eyes, are the access points. They're
4 taking proposed access on what they're
5 referring to as "Nelson Avenue," which is
6 right here off Horseblock Road (indicating),
7 and that is the location that the Suffolk
8 County Department of Public Works has
9 recommended because that is opposite the
10 entrance into the Town of Brookhaven
11 landfill. So they'll be utilizing that
12 signal.

13 The one issue we've had, though, with it
14 is that the -- the land that they're taking
15 the right-of-way over is on, according to the
16 Suffolk County 2009 Tax Map, Suffolk County
17 land. So we want it just to -- for it to be
18 clarified with the County Department of Law
19 that they do have access to that property and
20 can use it.

21 And the other issue we wanted to talk
22 about is the temporary cul-de-sac, right here
23 (indicating). So it's -- it's -- the current
24 design is for it to be paved up to that point
25 (indicating), and then go around and end in a

1 Suffolk County Planning Commission 9/2/09 71
2 temporary cul-de-sac, and then in the future
3 be developed along "Nelson Avenue"
4 (indicating). There wasn't information in
5 the application, though, when -- when that
6 would be developed. So that was our other
7 issue in the recommendations, we talked about
8 that.
9 Just a few pictures of what it looks
10 like.
11 This is looking east with the property
12 on the right-hand side there (indicating),
13 and that's the signal that they'll be
14 utilizing (indicating).
15 That's the entrance to the Brookhaven
16 landfill, opposite the site (indicating).
17 That's from Brookhaven landfill looking
18 back at the site (indicating), and that would
19 be the entrance going -- the proposed
20 entrance point to the subdivision.
21 And that's just looking east along
22 Horseblock Road with the subdivision side on
23 the left (indicating).
24 And then the compost facility to the
25 east (indicating).

1 Suffolk County Planning Commission 9/2/09 72
2 So our recommendation for this

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3 subdivision is to approve it with the
4 following two conditions, and I'll just read
5 the two conditions.

6 The first is, Prior to final subdivision
7 approval, legal access to "Nelson Avenue"
8 shall be demonstrated to the satisfaction of
9 the Town of Brookhaven and the Suffolk County
10 Department of Law.

11 And then the second condition is, The
12 proposed temporary cul-de-sac shall be
13 eliminated as soon as possible by continuing
14 the paved roadway through the right-of-way of
15 "Nelson Avenue" to create a connecting looped
16 roadway.

17 As a temporary measure, the proposed
18 cul-de-sac shall be enlarged to provide
19 adequate area that would accommodate the
20 circulation movement of traffic, particularly
21 large trucks and tractor-trailers. The
22 enlarged cul-de-sac should not be a "sea of
23 asphalt," but rather designed with a
24 landscaped center and a clear "lane" for
25 travel through the cul-de-sac sufficient for

1 Suffolk County Planning Commission 9/2/09 73
2 the maneuverability of tractor-trailer
3 trucks.

4 Okay. So that's our staff report, and
5 if there are any questions --

6 CHAIRMAN CALONE: Thank you, John.
7 Appreciate that.

8 This is a Brookhaven matter.
9 Commissioner Kelly, do you have any thoughts
10 or insights on the area or the project?
11 COMMISSIONER KELLY: Just as John had
12 mentioned, this area along Horseblock Road is
13 truly an industrial area. Not to mention the
14 landfill, but the other industrial uses over
15 there. So this application seems to be
16 consistent with what is happening in that
17 area, so I think it makes sense and it is a
18 good analysis.
19 CHAIRMAN CALONE: Thank you, Michael.
20 COMMISSIONER BOLTON: (Indicating)
21 CHAIRMAN CALONE: Charla.
22 COMMISSIONER BOLTON: I have one
23 question and --
24 CHAIRMAN CALONE: Charla, if you could
25 just be sure to speak up a little bit and --

1 Suffolk County Planning Commission 9/2/09 74
2 I don't know if your mic is on there --
3 SECRETARY ESPOSITO: Is the light on?
4 CHAIRMAN CALONE: Remember, everyone,
5 you have to hold that button down.
6 COMMISSIONER BOLTON: Oh, no -- okay.
7 SECRETARY ESPOSITO: There you go.
8 COMMISSIONER BOLTON: The land that
9 belongs to Suffolk County that's adjacent to
10 the subject site, is there a specific use in
11 mind for that property?

12 MR. CORRAL: That's currently being
13 proposed for the county development project
14 in Yaphank, and directly to the west is, as I
15 understand it, an industrial planned use.

16 DIRECTOR ISLES: Right. The property in
17 question, Commissioner Bolton, that the
18 county owns to the west --

19 COMMISSIONER BOLTON: Yes.

20 DIRECTOR ISLES: -- is zoned industrial,
21 and under the RFP that the county issued, is
22 planned to be developed for industrial.

23 COMMISSIONER BOLTON: And I assume that
24 it would be relatively the same level of
25 industrial development, meaning the same

1 Suffolk County Planning Commission 9/2/09 75
2 class of industrial development, or --

3 DIRECTOR ISLES: It's in --

4 COMMISSIONER BOLTON: -- I don't have a
5 real feel for that -- when you say
6 "industrial development," that covers a broad
7 spectrum --

8 DIRECTOR ISLES: Right. The zoning is
9 L-1 industrial, so it would have to comply
10 with the restrictions of that zone within the
11 Town of Brookhaven.

12 In addition, on the county parcel as
13 part of the RFP, it had requirements for
14 alternative energy utilization. So that
15 would be self-sufficient from an energy
16 standpoint or generate sufficient energy to

17 cover its energy --
18 COMMISSIONER BOLTON: Right.
19 DIRECTOR ISLES: -- usage --
20 COMMISSIONER BOLTON: Yeah.
21 DIRECTOR ISLES: -- as well as green
22 building design and so forth.
23 But, otherwise, as far as land use, it
24 would be within the L-1 category.
25 COMMISSIONER BOLTON: Thank you.

1 Suffolk County Planning Commission 9/2/09 76
2 COMMISSIONER LANSDALE: (Indicating)
3 CHAIRMAN CALONE: Commissioner Lansdale.
4 COMMISSIONER LANSDALE: Do our green
5 building guidelines apply to this project?
6 MR. CORRAL: They would apply with our
7 guidelines. We didn't put it in as a
8 condition, but --
9 CHAIRMAN CALONE: But we can certainly
10 do that if that's -- if you'd like that, or
11 if --
12 COMMISSIONER LANSDALE: I would like
13 that, yeah.
14 CHAIRMAN CALONE: Okay.
15 Without objection -- any objection to
16 adding our green building guidelines into --
17 we do have industrial-related green building
18 guidelines, so without objection -- okay.
19 COMMISSIONER MC ADAM: (Indicating)
20 CHAIRMAN CALONE: Commissioner McAdam.

21 COMMISSIONER MC ADAM: Yeah, John, the
22 road -- that "Nelson" -- "Nelson Avenue,"
23 now, the developer is going to build that
24 road and then turn it over to the county; is
25 that the plan?

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2 MR. CORRAL: The plan that we received
3 in the application is that they would
4 construct up to this point (indicating),
5 which is 450 -- in from Horseblock Road, but
6 then there was no further information on who
7 or when the -- the rest of "Nelson Avenue"
8 would be constructed.

9 DIRECTOR ISLES: But I think the
10 anticipation is that when the county
11 property's developed, that they would then,
12 you know, continue the road, complete it, and
13 that would provide access to both industrial
14 subdivisions.

15 CHAIRMAN CALONE: Okay. Any other
16 thoughts?

17 (WHEREUPON, there was no response.)

18 CHAIRMAN CALONE: One other thing I
19 wanted to raise is just that we do have
20 public safety guidelines that also apply to,
21 you know, industrial facilities that are
22 specific to that. And so, unless there's an
23 objection, I'd like to make a motion that we
24 just add that condition that they consult
25 with the Planning Commission's Public Safety

1 Suffolk County Planni ng Commi ssi on 9/2/09 78
2 Guidel ines as it relates to industrial
3 properti es -- devel opments.
4 Seei ng no objecti on, we'II add that.
5 Any other comments or questi ons?
6 COMMI SSI ONER TALDONE: (I ndi cati ng)
7 CHAI RMAN CALONE: Commi ssi oner Tal done.
8 COMMI SSI ONER TALDONE: Just a very quick
9 questi on regardi ng the cul -de-sac.
10 I note your -- the request to -- or
11 the condi ti on that the cul -de-sac have a
12 center, ei ther planted, I guess -- to avoid
13 the sea of asphal t.
14 How large is thi s radi us? I can' t
15 actual ly make out the number on the map.
16 MR. CORRAL: I believe the radi us is
17 75 feet, the current cul -de-sac radi us.
18 COMMI SSI ONER TALDONE: Okay. So I just
19 want to be sure it' s large enough for a
20 tractor-trailer to go around and not be
21 i mpeded by a decorati ve stone garden or --
22 MR. CORRAL: Ri ght.
23 COMMI SSI ONER TALDONE: -- okay.
24 MR. CORRAL: Ri ght.
25 CHAI RMAN CALONE: I don' t thi nk it wi ll

1 Suffolk County Planni ng Commi ssi on 9/2/09 79
2 be i mpeded so much as trampled over.

3 SECRETARY ESPOSITO: Yeah, yeah, yeah.
4 It would be crushed stone.
5 COMMISSIONER TALDONE: Right, it would
6 be crushed stone.
7 CHAIRMAN CALONE: Okay. Thank you.
8 Okay. Any other comments or questions?
9 (WHEREUPON, there was no response.)
10 CHAIRMAN CALONE: If not, I'll entertain
11 a motion to approve the staff report.
12 COMMISSIONER KELLY: (Indicating)
13 CHAIRMAN CALONE: Motion by
14 Commissioner Kelly.
15 COMMISSIONER MC ADAM: (Indicating)
16 COMMISSIONER HOLMES: I'll second it.
17 CHAIRMAN CALONE: Seconded by
18 Commissioner McAdam.
19 The motion is to adopt the staff report
20 as amended with the two additional
21 conditions. So that would be a total of four
22 conditions now.
23 All in favor of approving the staff
24 report with the four conditions, please raise
25 your hand.

1 Suffolk County Planning Commission 9/2/09 80
2 (WHEREUPON, the members voted.)
3 CHAIRMAN CALONE: And opposed?
4 (WHEREUPON, there was no response.)
5 CHAIRMAN CALONE: That passes nine to
6 zero.
7 Okay. That ends our regulatory agenda.
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8 Mr. Director wants to briefly update us
9 on the Comprehensive Plan. It's the last
10 item on our agenda.

11 The one question I had, actually,
12 though, was actually on Heartland, that I
13 just thought of, which is, what's our sense
14 of timing on that?

15 DIRECTOR ISLES: In terms of the timing
16 for Heartland, we don't know exactly. We,
17 here again, have been maintaining contact
18 with Islip to try to get a sense of that. It
19 could be as short as a couple of months, or
20 it could go into next year sometime depending
21 on which path the town takes, if they feel
22 they have enough information for the planning
23 board to send it up to the planning
24 commission.

25 We will try to give the commission

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2 members a heads-up as soon as we have a
3 better idea.

4 CHAIRMAN CALONE: Okay. Thank you, Tom.

5 DIRECTOR ISLES: With regard to the
6 Comprehensive Plan, yes, we have commenced
7 that project in the department. We're
8 actually excited about it and consider it to
9 be probably one of the most important things
10 that we can be doing at this time. And, here
11 again, it's coordinated with the regional

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12 efforts as well as with the Nassau County
13 plan update.
14 A couple of specific items.
15 I am requesting money in the budget for
16 next year to help us a little bit. We're
17 going to be doing I think most of the
18 planning work in-house, and I think we have,
19 you know, superb staff that can conduct that
20 very well. So I don't think we have anything
21 lacking in that regard other than time.
22 But we are looking for some help
23 potentially with the public outreach part of
24 it. I have requested funding. It's
25 obviously a very challenging year -- time for

1 Suffolk County Planning Commission 9/2/09 82
2 funding, but I have my fingers crossed.

3 Secondly, speaking of public outreach,
4 we would like to have a public meeting of
5 sorts sometime in November and -- to at least
6 initially roll out this effort, to let the
7 public know and to maybe get some almost like
8 scoping comments on it. So we will be
9 working on that to look at ideas for
10 scheduling that.

11 The second thing related to that is
12 the -- the front part of this project is a
13 lot of information gathering, so we will be,
14 here again, doing some public outreach. But
15 most of the -- a lot of the public outreach
16 will occur in the second part of the project

17 when we have information in front of us, and
18 as we start to analyze and shape the plan and
19 look at policy options.

20 The planning commission has indicated
21 that some members would be forming a
22 subcommittee. I would like to start meeting
23 with those members. Whether the commission
24 members want to do it associated with a
25 regular meeting, but I would like to get

1 Suffolk County Planning Commission 9/2/09 83
2 together, if possible, at the October
3 meeting, right before or after the meeting,
4 for at least a little while to start that
5 part of the process.

6 And then lastly is, the department is
7 also going to initiate some targeted
8 stakeholder meetings at this point. We are
9 going to begin with the town planning
10 directors and -- here again, informing them
11 on the project, and also seeking their
12 cooperation and participation. We'd like to
13 get information from them, we'd like to get
14 their involvement in this, so that's
15 something else we intend to launch in the
16 near future.

17 So that's a quick update. Dan Gulizio
18 is the project manager. He's off today, but
19 he will be doing the day-to-day management of
20 the project. And, obviously, here again,

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21 many of the planners in the department will
22 be working on specific sections and aspects
23 of the plan.

24 Thank you.

25 CHAIRMAN CALONE: Okay. Any thoughts or

1 Suffolk County Planning Commission 9/2/09 84
2 comments? I think we'll -- obviously, we can
3 put together a meeting with the group before
4 or after the October meeting. And,
5 obviously, I think, to the extent you need
6 any of our help with any of these things, you
7 know, we're all -- you know, let us know.

8 DIRECTOR ISLES: That would be great.

9 CHAIRMAN CALONE: All right. Remember,
10 next meeting is in -- in Southold. So we get
11 to enjoy the fall harvest. So we'll send out
12 directions, obviously. It's Southold Town
13 Hall, a little bit hard to find if those of
14 you haven't been there before. It's the
15 only -- you'll be on the right road, but
16 you'll probably pass it. I missed it four
17 times the first time I was there.

18 Anyway, any other comments or questions?

19 (WHEREUPON, there was no response.)

20 CHAIRMAN CALONE: If not, if Sarah and
21 Adrienne and Vince could stay just for a
22 minute, I just need to chat for a few moments
23 with you guys.

24 COMMISSIONER TALDONE: I just have a --

25 CHAIRMAN CALONE: Yes, please.

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2 COMMI SSI ONER TALDONE: One qui ck
3 questi on, agai n, regardi ng thi s bi ll that' s
4 movi ng very qui ckly through the legi slature.

5 Cou ld we consi der a moti on to express
6 our support for the -- the legi slati on or
7 support for the concept, provi ded that the
8 planni ng departme nt i s -- ends up as the
9 arbi ter of what smart i s?

10 I' d l i ke to go to the hearing. I' d l i ke
11 to express my support for that legi slati on,
12 but I can only go as an i ndi vi dual unles s
13 the -- the enti re commi ssi on authori zes me to
14 say that I speak on thei r behal f.

15 CHAI RMAN CALONE: Ri ght.

16 I thi nk the hard thi ng i n doi ng that
17 woul d be that we haven' t had a chance to al l
18 review i t and to talk about i t. So
19 certai nly, I thi nk i t' s fi ne for you to, you
20 know, express your personal opi ni ons. I t' s
21 certai nly fi ne to say you' re a member of the
22 commi ssi on, but you don' t speak for the
23 commi ssi on.

24 COMMI SSI ONER HOLMES: I n hi s other --
25 weari ng one of hi s other --

1 Suffolk County Planni ng Commi ssi on 9/2/09 86

2 CHAI RMAN CALONE: And you --

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COMMISSIONER HOLMES: -- 500 hats.

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CHAIRMAN CALONE: Right. You also wear -- that's a good point. You wear other hats, and those could also, of course, be mentioned.

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It's a little interesting, the question which also comes up, whether it's different, that there's county legislation whether we're commenting on as opposed to a town where we actually have review authority over town projects and don't over county projects. So that's a -- you know, something that the lawyers would be able to debate about whether it makes a difference. But I think either way for this, given the timetable, I don't think there's much we can do --

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COMMISSIONER TALDONE: Yeah.

CHAIRMAN CALONE: -- unless there's some overwhelming consensus to the contrary on that.

My understanding is that it might -- you know, might take a little while, there might be some debate over this over some time.

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SECRETARY ESPOSITO: I don't think it's going to be passing at the next --

CHAIRMAN CALONE: Adrienne has whipped the votes and --

SECRETARY ESPOSITO: No.

CHAIRMAN CALONE: All right. Any other

8 comments or questions?
9 (WHEREUPON, there was no response.)
10 CHAIRMAN CALONE: If not, I'll entertain
11 a motion to adjourn.
12 SECRETARY ESPOSITO: (Indicating)
13 CHAIRMAN CALONE: A motion by
14 Secretary Esposito.
15 COMMISSIONER HOLMES: I second it.
16 CHAIRMAN CALONE: Seconded by
17 Commissioner Holmes.
18 All in favor?
19 (WHEREUPON, the members voted.)
20 CHAIRMAN CALONE: We'll see you all in
21 Southold.
22 (WHEREUPON, this meeting of the Suffolk
23 County Planning Commission adjourned at
24 1:30 p.m.)
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C E R T I F I C A T E

6 I, THERESA PAPE, a Shorthand Reporter and
7 Notary Public of the State of New York, do hereby
8 certify:
9 That the foregoing is a true and accurate
10 transcription of the stenographic notes taken
11 herein.

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

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 2nd day of September 2009.

18

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21

THERESA PAPE

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