

# 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:** October 7, 2009

**TIME:** 12:00 P.M.

**LOCATION:** Town of Southold Meeting Hall – (53095 Route 25 )

**DIRECTIONS:** Best Route to NYS Route 25, Continue east on Route 25 to Southold. The road curves around by a blinking yellow light, pass Oaklawn Avenue on the right, then Horton Avenue on the left. Southold Town Hall (single story, white clapboard building) is on left-hand side, across from a cemetery and a church.

### **DIRECTIONS from Orient Point to Town Hall**

Follow Route 25 through Greenport Follow Route 25 several miles through Southold Village. Town Hall is on the left across the street from the Presbyterian Church and cemetery.

---

### **The Tentative Agenda Includes:**

1. Adoption of minutes for August 5, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers - Hon. Scott Russell, Supervisor, Town of Southold  
Heather Lanza, Director of Planning, Town of Southold
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
  - Bay Gas 0200 85100 0100 004000 (Brookhaven)
  - SYSCO Long Island, LLC. 0500 09900 0400 007001 (Islip)
7. Section A14-24 of the Suffolk County Administrative Code:
8. Discussion -
  - Flag Lot Policy
9. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **November 4<sup>th</sup>** at 12:00 P.M. in Riverhead.

# 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

## AGENDA

---

1. Adoption of minutes for August 5, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers - Hon. Scott Russell, Supervisor, Town of Southold  
Heather Lanza, Director of Planning, Town of Southold
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
  - Bay Gas 0200 85100 0100 004000 (Brookhaven)
  - SYSCO Long Island, LLC. 0500 09900 0400 007001 (Islip)
7. Section A14-24 of the Suffolk County Administrative Code:
8. Discussion -
  - Flag Lot Policy
9. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **November 4<sup>th</sup>** at 12:00 P.M. in Riverhead.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUFFOLK COUNTY PLANNING COMMISSION  
TOWN OF SOUTHOLD MEETING HALL  
53095 Route 25  
Southold, New York

October 7, 2009  
12:00 p.m.

D R A F T

BEFORE:

DAVID CALONE, Chairman  
Town of Babylon

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

1  
2

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

CONSTANTINE KONTOKOSTA, Vice Chairman,  
Page 1

3 10 07 09\_Planni ng\_Commi ssi on. txt  
4 Commi ssi on Member  
5 Vi llages Under 5,000 Popul ati on  
6  
7 ADRI ENNE ESPOSITO, Secretary,  
8 Commi ssi on Member  
9 Vi llages Over 5,000 Popul ati on  
10  
11 LINDA HOLMES, Commi ssi on Member  
12 Town of Shel ter Isl and  
13  
14 BARBARA ROBERTS, Commi ssi on Member  
15 Town of Southampton  
16  
17 CHARLA BOLTON, Commi ssi on Member  
18 At Large  
19  
20 THOMAS McADAM, Commi ssi on Member  
21 Town of Southol d  
22  
23 SARAH LANSDALE, Commi ssi on Member  
24 At Large  
25  
26 JOSHUA HORTON, Commi ssi on Member  
27 At Large  
28  
29 VINCENT TALDONE, Commi ssi on Member  
30 Town of Ri verhead  
31  
32 MI CHAEL KELLY, Commi ssi on Member  
33 Town of Brookhaven  
34  
35 JOSEPH POTTER, Commi ssi on Member  
36 Town of East Hampton  
37  
38 MATTHEW CHARTRAND, Commi ssi on Member  
39 Town of Isl ip

40 A B S E N T M E M B E R S:

41 JOHN CARACCI OLO, Commi ssi on Member  
42 Town of Hunti ngton  
43  
44  
45

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

47 THOMAS A. ISLES, Di rector of Pl anni ng  
48  
49 DANIEL GULIZIO, Deputy Di rector of  
50 Suffol k County Pl anni ng Department  
51  
52 ANDREW P. FRELENG, Chi ef Pl anner  
53 Suffol k County Pl anni ng Department  
54  
55 TED KLEIN, Seni or Pl anner  
56 Suffol k County Pl anni ng Department  
57  
58  
59  
60

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JOHN CORRAL,  
Suffol k County Planni ng Department  
LINDA SPAHR, County Attorney  
DOTTY SONNICHSEN, Staff

G U E S T S:

HONORABLE SCOTT RUSSELL, Supervi sor  
Town of Southol d  
HEATHER LANZA, Di rector of Planni ng  
Town of Southol d

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

Suffol k County Planni ng Commi ssi on 10/7/09 4  
(WHEREUPON, thi s proceedi ng convened at  
12:00 p.m. Off-the-record di scussi ons  
ensued, after whi ch the follo wi ng  
transpi red: )  
(Ti me noted: 12:13 p.m.)  
CHAIRMAN CALONE: Okay. Wel come to the  
October meeti ng of the Suffol k County  
Planni ng Commi ssi on. I note that a quorum i s  
present, and I woul d ask our Vi ce Chai rman to  
lead us i n the Pl edge.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN CALONE: Okay. First up is the public portion.

Mr. Shea.

MR. SHEA: Good afternoon, Mr. Chairman, members of the board.

Just at the beginning I would like to note that -- I would ask to take Jack O'Laughlin's time to add to my time for my presentation.

CHAIRMAN CALONE: Have him sign a blue card and then we can do that.

MR. SHEA: Okay. Thank you.

I represent --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

CHAIRMAN CALONE: Just be sure to spell your last name and -- for the record and --

MR. SHEA: Okay.

CHAIRMAN CALONE: -- it's a small enough room, I think everyone can hear you, so --

MR. SHEA: Okay.

CHAIRMAN CALONE: -- you have the floor.

MR. SHEA: J. Timothy Shea, Jr., of Certilman Balin, 1393 Veterans Memorial Highway, Hauppauge, New York, for the applicant. The name is -- the last name is spelled S-H-E-A.

I am here speaking on behalf of Bay Gas, who has a current pending application before the Town of Brookhaven Town Board, for a

17 change of zone from a bulk property, which is  
18 mixed zone between L-2, heavy industrial, and  
19 Residence A. Just for the board's  
20 edification, the vast bulk of the property is  
21 L-2 with a sliver of Residence A located to  
22 the rear of the property.

23 The L-2 property is currently and has  
24 been operated as a propane facility since  
25 1961. Currently there is a single

1 Suffolk County Planning Commission 10/7/09 6  
2 30,000-gallon propane -- aboveground propane  
3 tank located to the rear of the property,  
4 offices in the front. The application before  
5 the town board is to change the zone of this  
6 little sliver in the back to allow for  
7 additional buffer to the rear of the  
8 property, and for a special permit, which is  
9 now required for installation of a second  
10 30,000-gallon propane tank which will remain  
11 on site.

12 Currently, Bay Gas employs between 45  
13 and 50 people. They have had, in fact, two  
14 previous approvals that are noted on the  
15 record for the second tank, but now a special  
16 permit is required. One of the previous  
17 approvals was garnered a couple of years ago,  
18 but was only temporary in nature allowing for  
19 a three-year special permit.

20 There were certain issues that were

10 07 09\_Planning\_Commission.txt  
21 raised with regard to fire prevention, and  
22 kern improvements to the propane tank that  
23 would need to be made under the NFPA  
24 Guidelines that go into effect in 2011.

25 After many discussions with the town,

1 Suffolk County Planning Commission 10/7/09 7  
2 the client has agreed -- or has actually  
3 suggested and is willing to put into place  
4 here substantial improvements above and  
5 beyond the safety protocols that are required  
6 under the National Fire Protection Act.  
7 Those improvements include an additional fire  
8 hydrant and a deluge system which will  
9 surround both of the two 30,000-gallon tanks.

10 In addition, the board should understand  
11 that Bay Gas services approximately 30,000  
12 customers, with 75 percent of those customers  
13 within 30 minutes of the store. These are  
14 mostly residential and commercial customers  
15 which they deliver propane to, that are used  
16 to heat houses and to heat commercial areas.

17 Part of the problem here is that we have  
18 currently five transport trucks. There is no  
19 transport of propane directly onto Long  
20 Island. In order to get the propane, my  
21 client requires to go either to New Jersey or  
22 Upstate New York with the transport truck,  
23 obtain the propane, and bring it back.

24 Currently, they still are -- they have five  
25 transports that store propane, in addition to



1 Suffolk County Planni ng Commi ssi on 10/7/09 8

2 the existi ng 30,000-gall on tank.

3 In order to meet their customers' needs,  
4 they require this addi ti onal 30,000-gall on  
5 tank main ly because of one i tem that comes up  
6 in the middle of the winter, is that in  
7 inclement weather, that's when you get your  
8 highest usage of propane.

9 There are times at which the client  
10 would rather not have to send their trucks  
11 either to New Jersey or New York in the  
12 inclement weather, the transport trucks, but  
13 are caught in a Catch-22 in that they only  
14 have a 30,000-gall on tank on site. The  
15 addi ti onal 30,000-gall on tank will give them  
16 the kind of leeway that they need in order to  
17 delay trips unti l the weather clears in times  
18 of emergency si tuati ons where people may be  
19 runni ng low on propane.

20 It should be noted for the board that  
21 this is a legal use at thi s subject premi ses  
22 right now. We understand that a land use  
23 plan was adopted by the Town of Brookhaven in  
24 2003 wi th regard to the surroundi ng area.  
25 Thi s si te was not considered wi th regard to

1 Suffolk County Planni ng Commi ssi on 10/7/09 9

2 that and the legal rights that my client had

10 07 09\_Planning\_Commission.txt  
3 with regard to his property. It was  
4 suggested previously, and part of the prior  
5 special permit suggested that they move and  
6 the town would use alternate facilities.

7 The town has done nothing. They have  
8 not suggested a single -- they did cite one  
9 alternate. The price was prohibitive and, in  
10 fact, the build-out alone to do a new propane  
11 facility the equivalent of this is going to  
12 be \$3 million. It is prohibitively expensive  
13 for my client to both move his operation, buy  
14 new land, and do a \$3 million build-out under  
15 current economic conditions, and I think even  
16 under the best of conditions.

17 What we are proposing, in addition to  
18 this tank, is close to a half million dollars  
19 in fire prevention in the form of the  
20 additional fire hydrant and the deluge  
21 system.

22 Just so you can get a grasp on the  
23 numbers for fire prevention here, the update  
24 of the existing tank for the NFPA that goes  
25 into effect in 2011, we got a quote for

1 Suffolk County Planning Commission 10/7/09 10  
2 \$97,000 just for that portion of the  
3 upgrades. The deluge system is extremely  
4 more complicated, extremely more expensive,  
5 is going to result in a very large investment  
6 by our clients so that they would like to be  
7 about to remain here and make this site a

8 better site and make it the state-of-the-art  
9 site on Long Island.

10 Now I'm going to hand the floor over to  
11 Mr. Butler who is our engineer and who  
12 designed the deluge system, and he'll be able  
13 to speak to that.

14 CHAIRMAN CALONE: Okay. Well, why don't  
15 we -- why don't we do it this way.

16 Your time has expired. I'd like the  
17 other gentleman just to file a card with  
18 Dotty so we have that.

19 MR. SHEA: He has.

20 CHAIRMAN CALONE: No, not Mr. Butler,  
21 the other one who you took the time from.

22 MR. SHEA: Okay.

23 CHAIRMAN CALONE: And then, Mr. Butler,  
24 you're recognized for three minutes.

25 Spell you last name for the record,

1 Suffolk County Planning Commission 10/7/09 11  
2 please.

3 MR. BUTLER: Butler, B-U-T-L-E-R.  
4 Butler Engineering, 206 Lincoln Street,  
5 Riverhead, New York.

6 I was asked on behalf of the -- of Bay  
7 Gas to look at the site in terms of fire  
8 safety.

9 Now, in 2004, NFPA 58 came out with a  
10 directive, which is called a fire safety  
11 analysis report, which is a way of measuring

10 07 09\_Planning\_Commission.txt  
12 a site as it relates to NFPA 58, which are  
13 the guidelines for fire safety on a site like  
14 this. We have performed that report and have  
15 reviewed the site as it is today and the site  
16 as it would be with the proposed tank.

17 There are six principles for performing  
18 a fire safety analysis report, which includes  
19 effectiveness of product control measures;  
20 local conditions of hazard within the  
21 container site, including congestion within a  
22 site; explosion to off-site properties and  
23 populations that, in fact -- and -- and  
24 impact of neighboring industrial activities  
25 on the facility; effectiveness of the local

1 Suffolk County Planning Commission 10/7/09 12  
2 fire department that may respond to an  
3 emergency within the facility; and  
4 requirements for availability of adequate  
5 water supply; and full compliance with code  
6 requirements for existing LP gas facilities;  
7 and corrective actions to be implemented by  
8 proposed facilities and direct any  
9 deficiencies.

10 The conclusion of this report was  
11 basically that the -- the site as it exists  
12 today is in full compliance with NFPA 58 as  
13 of NFPA -- NFPA 58 today, and that this site  
14 has ample room for expansion with the other  
15 30,000 gallons of -- with the additional tank  
16 on site, without interrupting any of the code

17 requirements of NFPA 58.

18 Now, in addition to the fire safety  
19 analysis report and NFPA 58, we have chosen  
20 to go above and beyond that in terms of fire  
21 protection. As Tim said, the existing tank  
22 is going to be upgraded per NFPA 58 2011 code  
23 changes, but beyond that, we're going to be  
24 putting in redundant valve systems --  
25 internal valve systems, and the new tank

1 Suffolk County Planning Commission 10/7/09 13  
2 that's going in -- is going to be installed  
3 is going to be a state-of-the-art tank.

4 In summary, the deluge system that  
5 Mr. Shea had spoke of, along with the  
6 additional hydrant and the hydrant that's in  
7 place on the corner of Oak Avenue and McGraw  
8 Street provide fire protection above the code  
9 at a percentage of 360 percent. The water  
10 available is 360 percent above the code  
11 requirements. It gives us effectively a --  
12 we're required to have 1,000 gallons per  
13 minute on the tanks in an event, we're  
14 putting 3,600 gallons per minute on the site,  
15 which, in terms of volume of water, would  
16 fill an average backyard swimming pool in  
17 about eight minutes. So it's way above and  
18 beyond what the code requires.

19 CHAIRMAN CALONE: Thank you, Mr. Butler.  
20 Unless there are any other comments from

21 10 07 09\_Planning\_Commission.txt  
the public, we'll close the public portion.

22 The next item on the agenda is the Chair  
23 report.

24 It's good to be here in Southold.  
25 Southold is certainly a defining locale for

1 Suffolk County Planning Commission 10/7/09 14  
2 Suffolk County with its rural lifestyle, its  
3 farms and vineyards, its wonderful villages,  
4 the maritime activity, small businesses, and  
5 its role as the gateway of New England. And  
6 we're particularly honored to have the  
7 Southold Town Supervisor Scott Russell and  
8 Planning Department Director Heather Lanza  
9 with us, and we'll be hearing from them  
10 shortly.

11 Despite the fact that -- I was thinking  
12 about this, despite the fact that Southold  
13 only has about two percent of the population  
14 of Suffolk County, its residents comprise  
15 20 percent of this commission.

16 COMMISSIONER HORTON: And about  
17 80 percent of the personality of Long Island.

18 (Laughter)

19 COMMISSIONER HOLMES: Oh, dear.

20 SECRETARY ESPOSITO: He was waiting to  
21 say that.

22 CHAIRMAN CALONE: Yeah. He's here in  
23 home court, and he feels like he can kind  
24 of --

25 SECRETARY ESPOSITO: Yeah.

1 Suffolk County Planni ng Commi ssi on 10/7/09 15

2 CHAIRMAN CALONE: -- you know.

3 Notwithsthanding the percentage of rock  
4 stars from Long Island that reside in  
5 Southold, it's indeed a blessing to have you  
6 guys on the commi ssi on. So --

7 And we actual ly have a new member here  
8 today. I want to wel come Matt Chartrand.

9 COMMI SSI ONER CHARTRAND: Thank you.

10 CHAIRMAN CALONE: Wel come, Matt. And  
11 what I'd like to do now is move to a swearing  
12 in.

13 We also have -- two members have been  
14 reappoi nted, Tom McAdam from Southold, and  
15 our Vice Chair man Constantine Kontokosta  
16 representi ng Vi llages Under 5,000.

17 So would the three of you stand and I  
18 will just read you the oath.

19 (WHEREUPON, Commi ssi oners Matthew  
20 Chartrand, Thomas McAdam, and Vice Chair man  
21 Constantine Kontokosta were sworn in as  
22 Members of the Suffolk County Planni ng  
23 Commi ssi on.)

24 CHAIRMAN CALONE: Great. Thank you, and  
25 wel come aboard, Matt.

1 Suffolk County Planni ng Commi ssi on 10/7/09 16

2 COMMI SSI ONER CHARTRAND: Thank you.

3 CHAIRMAN CALONE: Just a brief update on  
4 our goals for the year. As you know, there  
5 were two.

6 One, to begin the Suffolk County  
7 Comprehensive Plan update;

8 The second was our intermunicipal task  
9 forces, getting them up and running.

10 The advisory committee for the  
11 Comprehensive Plan from this commission met  
12 earlier -- just before with Tom and Dan, and  
13 I know that Director Isles will give us an  
14 update on where the Comprehensive Plan is at.

15 In general, I know that the county  
16 executive and the planning department have  
17 worked on an outreach plan to implement over  
18 the next few months.

19 Our intermunicipal task forces are going  
20 well. I think some of you saw the Newsday  
21 editorial supporting the commission's task  
22 force effort from a few weeks ago.

23 Last month, I told you how Congressman  
24 Israel was interested in the task forces'  
25 work, and he and I met. He was very

1 Suffolk County Planning Commission 10/7/09 17  
2 supportive and, in fact, asked the commission  
3 to co-host with him an energy efficiency  
4 summit that it looks we're now going to  
5 probably do in November, since he's tied up  
6 in Washington with some national issues.

7 But, anyway, the goal of that summit



8 will be to inform the municipalities about  
9 their ability to issue these federally backed  
10 bonds called PACE bonds which allow them to  
11 create a revolving fund to help pay for home  
12 energy efficiency retrofits. So I'll  
13 obviously let you know when we know more  
14 information about that gathering with  
15 Congressman Israel.

16 I want to turn to the heads of each of  
17 our task forces and ask them for an update.

18 We'll first turn to Sarah with Energy  
19 and the Environment.

20 COMMISSIONER LANSDALE: All right.  
21 Thank you, Chairman.

22 Things are moving forward with the  
23 Energy and Environment Committee. We've had  
24 several conference calls over the past month,  
25 and we look forward to participating in the

1 Suffolk County Planning Commission 10/7/09 18  
2 upcoming planning federation workshop later  
3 this month.

4 Thank you.

5 CHAIRMAN CALONE: Thank you, Sarah.

6 Just to provide a little color on -- and  
7 there's two things I've been working on. I  
8 know there's other things going on with that  
9 group, but with the solar panel effort, it's  
10 moving well. I was actually asked to give a  
11 presentation at Hofstra two weeks ago on the

10 07 09\_Planning\_Commission.txt  
12 basics of that plan. It was mostly Nassau  
13 County officials, but it was very well  
14 received and they wanted to know when they  
15 could perhaps utilize the plan that we're  
16 coming up with for Suffolk County.

17 Also --

18 SECRETARY ESPOSITO: Did you give them  
19 an estimated fee charge?

20 CHAIRMAN CALONE: I said Adrienne will  
21 be in touch to work out our invoice, yes.

22 Also, the Long Island Solar Contractors  
23 Association, which is the group of folks who  
24 actually go up on the roofs and do these  
25 things, have asked for a briefing on the

1 Suffolk County Planning Commission 10/7/09 19  
2 plan. They had -- one of their members has  
3 been involved in putting it together, but I'm  
4 going to speak to them at their monthly  
5 meeting tonight just to bring them up to  
6 speed on kind of where things are going with  
7 that.

8 And LIPA continues to be supportive. In  
9 fact, Kevin Law is very eager to get behind  
10 this. So eager that he announced an  
11 October 30th date for an announcement in  
12 Newsday. However, I since spoke with  
13 President Law and we're going to actually  
14 probably move that back to November to make  
15 sure we have enough time to get feedback from  
16 the electeds and the building department to

17 make sure we have a consensus around this.

18 So the importance of LIPA here is that  
19 LIPA is willing to provide funding to the  
20 municipalities to encourage them to  
21 participate in this streamlined approach.  
22 And so that's something I think we can be  
23 proud of, if we can get it done.

24 The other thing that the task force will  
25 be focusing on is the home energy retrofits,

1 Suffolk County Planning Commission 10/7/09 20  
2 which is basically an idea that came out of  
3 Babylon. Supervisor Bellone put together  
4 this Green Homes program that basically will  
5 finance these -- the ability of people to  
6 retrofit their homes. And there's a lot of  
7 moving parts here, but there's been some  
8 discussion on how do we make that program a  
9 county-wide program or maybe even an  
10 island-wide program.

11 And I've been in some conversations with  
12 LIPA, Congressman Israel's office, Babylon,  
13 County Executive Levy, and they're all kind  
14 of on board with the need to expand this  
15 program regionally.

16 And so at the suggestion actually of the  
17 task force working group, Suffolk filed an  
18 expression of interest with the U.S.  
19 Department of Energy for stimulus money  
20 related to this just a week or so ago. And

21 10 07 09\_Planning\_Commission.txt  
the formal application is due after the New  
22 Year.

23 So there's going to be a lot of work  
24 between now and then, mostly trying to get a  
25 lot of these governmental organizations

1 Suffolk County Planning Commission 10/7/09 21  
2 working together on this, but -- it'll be  
3 interesting to see how it plays out, but I  
4 think we have a real possibility to be a  
5 leader nationwide on these energy  
6 efficiency -- home energy efficiency  
7 retrofits.

8 Anyway, that's my thoughts on that.

9 Constantine, would you like to update  
10 everyone on Housing?

11 VICE CHAIRMAN KONTOKOSTA: Yes. Thank  
12 you, Mr. Chairman.

13 We continue to progress. We're going to  
14 have another meeting of the task force in the  
15 next two weeks.

16 We've begun to -- we've narrowed down  
17 our goals to kind of looking at standardizing  
18 terms and elements of different affordable  
19 housing plans, looking at incentives and  
20 other strategies to encourage affordable  
21 housing, as well as removing regulatory  
22 barriers to affordable housing. Looking at  
23 local level housing element plans and how  
24 those could be incorporated, and perhaps  
25 quantifying housing needs at the local

1 Suffolk County Planni ng Commi ssi on 10/7/09 22  
2 level -- affordable housing needs at the  
3 local level. And, of course, trying to  
4 figure out some better strategies to provide  
5 for housing needs for the lower-income and  
6 lowest-income populations and those most in  
7 need in the county.

8 So we've already drafted some discussion  
9 documents that we're going to be going over  
10 at the task force meeting in a couple of  
11 weeks.

12 CHAIRMAN CALONE: Thanks, Constantine.

13 VICE CHAIRMAN KONTOKOSTA: Sure.

14 CHAIRMAN CALONE: Next, Vince with the  
15 Accessible Design and Smart Growth.

16 COMMISSIONER TALDONE: Thank you,  
17 Mr. Chairman.

18 Just a quick update on the Accessible  
19 Design portion of our work.

20 I'm very happy to say that Brookhaven  
21 Town this past month adopted a universal  
22 design permit code. Which in terms of the  
23 existing codes in the several towns on Long  
24 Island which have already adopted universal  
25 design codes, the Brookhaven code is now the

1 Suffolk County Planni ng Commi ssi on 10/7/09 23  
2 most aggressive, the most generous, and I

10 07 09\_Planning\_Commission.txt  
3 believe the one most likely to succeed to  
4 date. So we're very excited about that.

5 Commission Member Bolton and myself went  
6 to the -- the hearing, we testified,  
7 representing ourselves, of course, not the  
8 commission, and the bill sailed through with  
9 the full support, of course, from Connie  
10 Kepert, the council member most closely  
11 associated with this law, and Cliff  
12 Heimowitz, who is the town's mobility  
13 specialist -- I believe that's actually his  
14 title.

15 So we're very excited about that, and  
16 that brings us closer to putting together an  
17 assortment of existing codes so that we can  
18 possibly bring before you very shortly what  
19 we hope to be a draft model code that we  
20 believe the remaining towns, if not all towns  
21 in Suffolk County, should adopt.

22 And, lastly, regarding Smart Growth, we  
23 are still exploring how best we, as a county  
24 commission, can play a productive role in  
25 that whole field. So we're really not at the

1 Suffolk County Planning Commission 10/7/09 24  
2 stage of proposing any model code or  
3 guideline, but I suspect we'll be close to  
4 that fairly shortly.

5 SECRETARY ESPOSITO: Was the Brookhaven  
6 Town vote a unanimous vote?

7 COMMISSIONER TALDONE: Yes.  
Page 20

8 SECRETARY ESPOSITO: It was. Okay.

9 COMMISSIONER TALDONE: Absolutely.

10 And, actually, if I may say, the reason  
11 it's so significant is the other towns -- the  
12 largest financial incentive is \$300 saved off  
13 your permit if you select some or all of the,  
14 you know, universal design features.

15 In Brookhaven, they basically cut the  
16 building permit in half. And that's a huge  
17 savings. Particularly, if you're a developer  
18 putting together a larger development, you  
19 can add up the dollars rather quickly and see  
20 this can save you a whole lot of funds. So I  
21 think it's the most exciting one.

22 And, also, it's flexible because there's  
23 a menu. So you can choose from the menu of  
24 features, which ones work for you and your  
25 home.

1 Suffolk County Planning Commission 10/7/09 25

2 COMMISSIONER BOLTON: Also --

3 CHAIRMAN CALONE: Charla, go ahead.

4 COMMISSIONER BOLTON: -- the  
5 representative from the Long Island  
6 Association, is that -- spoke also in support  
7 of the event. So it really had broad  
8 support.

9 CHAIRMAN CALONE: Thank you for being  
10 there on behalf of -- if not the commission  
11 formally, then at least, some of the values

12 10 07 09\_Planning\_Commission.txt  
of our commission has been espoused.

13 COMMISSIONER TALDONE: And if I may, if  
14 I didn't say it, I really want to give lots  
15 of credit to Judy Pannullo from the Suffolk  
16 Community Council who has been working on  
17 this Accessible Long Island project for a  
18 long time, and -- she spent a lot of time on  
19 this and we're very grateful.

20 CHAIRMAN CALONE: Well, thank you --  
21 thank you, Vince. And thank you to you and  
22 Charla for your leadership on that. I think  
23 that, you know, this is something that we can  
24 help the other towns and villages know about,  
25 learn about, and hopefully help them

1 Suffolk County Planning Commission 10/7/09 26  
2 implement. So it's a great -- a great thing.

3 The other thing I'll just mention on  
4 Smart Growth, one of the things that came out  
5 of a conversation we had around this table --  
6 not this particular table, but the group of  
7 us a couple months ago, is the idea that  
8 there should be a Sewer Summit 2 for Suffolk  
9 County. I have talked to the county  
10 executive about that, who definitely wants to  
11 do that, and the focus of that would be on  
12 financing. In particular, how do we optimize  
13 sewer -- sewer and other infrastructure  
14 needs, how do we optimize revenues and funds  
15 for that.

16 And that really takes three parts, which  
Page 22



17 is one, how do we do a better job getting  
18 money out of Washington; how do we do a  
19 better job of getting money out of Albany,  
20 working -- you know, how do we work together  
21 as municipalities to do that; and the third  
22 thing is how do we fig- -- can we figure out  
23 a way to get more localized funding so that  
24 we're not dependent upon the whims of  
25 Washington or Albany for funding the needs

1 Suffolk County Planning Commission 10/7/09 27  
2 here on the Island.

3 So given everything that's going on in  
4 the business of this -- this fall season, I  
5 think the county executive is looking at  
6 maybe doing the sewer summit after the New  
7 Year some time, maybe in the first quarter.  
8 But just to let you know that that is an  
9 idea, like I said, that came out of this  
10 group, and I believe it's going to be moving  
11 forward.

12 The other thing is that in regard to  
13 creating localized funding, there's certainly  
14 the possibility of creating maybe like the  
15 Long Island Infrastructure Bank. And Vice  
16 Chairman Kontokosta and his colleagues at NYU  
17 may be doing some more thinking about that  
18 for us, and there may be some others who are  
19 looking at how would you create that kind of  
20 a structure to help us fund our needs here.

21  
22 leaderless, as our -- as our general, Bob  
23 Braun, has left us to join the Levy  
24 administration. But on Public Safety, what  
25 we're working on doing is distilling what's

1 Suffolk County Planning Commission 10/7/09 28

2 been done elsewhere, compiling that  
3 information, and then sending that out to the  
4 electeds who are on that task force for their  
5 input.

6 The three supervisors who are on that  
7 task force are all up for election in the  
8 next couple of weeks.

9 You're running away because I said the  
10 word "election," Josh?

11 (Laughter)

12 CHAIRMAN CALONE: Anyway, but  
13 Supervisors Kabot, Lesko, and Vecchio are all  
14 on that task force and they're all a little  
15 busy right now. So our goal is really to  
16 kind of get -- compile the information and  
17 get it out to the electeds after -- after  
18 Election Day, sometime in November.

19 Last, but certainly not least, is our  
20 Master Plan Resource List, which Barbara's  
21 been starting to -- has been heading up and  
22 starting to focus on.

23 So, Barbara.

24 COMMISSIONER ROBERTS: Our original  
25 concept was to be a resource list, just to

1 Suffolk County Planni ng Commi ssi on 10/7/09 29  
2 assemble books, planners, Web si tes,  
3 whatever, to help a village or town with a  
4 comprehensive plan. I will be sending all of  
5 you an e-mail, just at -- reaching out for  
6 any local ideas and resources.

7 I would say, however, that as a result  
8 of our meeting earlier today on the county  
9 master plan, I think there is some discussi on  
10 that I revisi t with Dan and Tom to  
11 potentially reframe thi s commi ttee, David, so  
12 it has a little bit more of a focus on how we  
13 can use the local work that's been done on  
14 comprehensive plans to roll up and to be used  
15 more in the county plan. So I'll be  
16 followi ng up with the meetings with Dan and  
17 Tom to think about -- we may reframe our work  
18 a little to do that.

19 CHAIRMAN CALONE: Okay. Thanks.

20 Any other thoughts or comments on that?

21 COMMI SSI ONER BOLTON: (Indi cati ng)

22 CHAIRMAN CALONE: Charl a.

23 COMMI SSI ONER BOLTON: It's not relevant  
24 to that. I was just going to ask you, since  
25 you attended the -- the workshop on solar

1 Suffolk County Planni ng Commi ssi on 10/7/09 30  
2 energy, and there was also a presentati on on

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN CALONE: Uh-huh.

COMMISSIONER BOLTON: -- and I don't know if you wanted to ask Linda if she wanted to say something about that.

CHAIRMAN CALONE: Yeah -- yeah, I have that on my list. Let me --

COMMISSIONER BOLTON: Okay.

CHAIRMAN CALONE: Yeah, let's get to that.

COMMISSIONER BOLTON: Okay.

CHAIRMAN CALONE: Actually, let me just wrap up the task forces. I think that's basically it.

Thank you all for your leadership on this. Obviously, we need to keep things moving with the task forces. And hopefully, in particular, the Energy Environment, Housing task forces will have their full task force meetings, you know, sometime this month.

Let me just get -- a couple of just last notes.

2 Again, welcome Matt Chartrand, the --  
3 who is the President of Iron Workers  
4 Local 361. He is not only our new commission  
5 representative from Islip, but he's also our  
6 union representative.

8 mentioned earlier, and welcome.

9 COMMISSIONER CHARTRAND: Thanks again.

10 CHAIRMAN CALONE: I also want to  
11 recognize -- it's always good when -- when  
12 our members are doing good stuff, and so I  
13 want to recognize Michael Kelly who is the  
14 Man of the Year for the Long Island Chapter  
15 of the American Cancer Society.

16 COMMISSIONER HOLMES: Oh, how nice.

17 CHAIRMAN CALONE: Congratulations,  
18 Michael.

19 (Applause)

20 CHAIRMAN CALONE: Okay. Well, I'm going  
21 to also praise Constantine because, as many  
22 of you guys know, he's Assistant Clinical  
23 Professor at the Real Estate Institute at  
24 NYU, and he is in the process of putting  
25 together a Sustainability Institute for NYU.

1 Suffolk County Planning Commission 10/7/09 32

2 And I think that's very exciting, A, that we  
3 have the ability to have him sitting around  
4 the table with us, and to share kind of the  
5 most recent research of what's going on  
6 around the country.

7 So congratulations, Constantine --

8 VICE CHAIRMAN KONTOKOSTA: Thank you.

9 CHAIRMAN CALONE: -- on getting that  
10 approved by NYU. That's a great --

11 VICE CHAIRMAN KONTOKOSTA: Thank you.

12 CHAIRMAN CALONE: -- that's a great  
13 thing.  
14 A couple of last items.  
15 County Executive Levy gave a speech on  
16 reducing red tape recently at a -- at a forum  
17 a couple weeks ago, and apparently he used as  
18 his -- one of his main examples, this  
19 commission's intermunicipal agreements with  
20 the towns and villages as a prime example of  
21 good government. So congratulations to all  
22 of us, and the county executive let me know  
23 that he appreciated that work and was happy  
24 he could use it as an example of what -- of  
25 the kind of government that we should be

1 Suffolk County Planning Commission 10/7/09 33  
2 having.

3 County Road 58, I don't know if some of  
4 you drove that way or if you were smart  
5 enough to avoid it. I was not, I decided to  
6 check out how it was doing.

7 COMMISSIONER HOLMES: Oh, dear.

8 CHAIRMAN CALONE: Construction -- let me  
9 just tell you from personal knowledge,  
10 construction is well underway and the Town of  
11 Riverhead -- I think I sent this to everyone,  
12 the Town of Riverhead issued a press  
13 release --

14 COMMISSIONER HOLMES: Yes.

15 CHAIRMAN CALONE: -- thanking the  
16 commission for its efforts in helping improve

17 public safety on the project. Particularly,  
18 they mentioned Vince in that press release,  
19 which was well deserved, because it was,  
20 thanks to his efforts, that those steps were  
21 taken.

22 And the supervisor, Supervisor Cardinale  
23 and the county executive are planning a press  
24 conference on County Road 58 safety  
25 improvements and the construction progress,

1 Suffolk County Planning Commission 10/7/09 34  
2 and the commission has been asked to  
3 participate in that. And they haven't set a  
4 time yet or date, but it'll be sometime this  
5 month or, perhaps, early next month.

6 As Charla mentioned, the Ethics  
7 Commission -- we got the letter from Judge  
8 Lama, the Ethics Commission, which I  
9 forwarded to all of you. Basically it said  
10 they -- they could not give us broad guidance  
11 on some of the issues that we raised, but  
12 rather, they were willing to address them on  
13 a specific individual basis. So if there are  
14 issues that come up that you feel you have a  
15 little qualm about, iss- -- you know,  
16 concerns about what you should be doing, you  
17 can let me know, you can let Linda know,  
18 or -- or Tom, and most importantly, you can  
19 write a short letter to the Ethics Commission  
20 explaining the situation and asking them for

21 10 07 09\_Planning\_Commission.txt  
their advise.

22 Linda, I don't know if there's anything  
23 else you wanted to add on that topic, or as  
24 Charla said, as a result of the presentation  
25 we were at at Hofstra.

1 Suffolk County Planning Commission 10/7/09 35

2 MS. SPAHR: I thought it was interesting  
3 that -- first of all, the speaker was  
4 wonderful, and he wasn't just talking about  
5 ethics for planning commissioners, but it was  
6 municipal ethics in general. And he is a --  
7 a renowned speaker, he's a real expert in the  
8 field. And I thought that it was interesting  
9 watching him field the questions, and I think  
10 his response to one of the questions was,  
11 "Ah, ah, ah, you can't generalize because any  
12 different factor, just the smallest issue can  
13 change the answer to the question."

14 And what I would point out, and I don't  
15 know how much he emphasized it, first of all,  
16 as I've mentioned to you before, the real  
17 danger aside from being charged with an  
18 ethics violation -- which isn't usually what  
19 happens when there's a conflict here, but the  
20 real danger when there's a conflict in your  
21 job here as an ethics commissioner -- rather,  
22 as a planning commissioner, and your jobs  
23 elsewhere on a town or other municipal level,  
24 is that the action you take here can be  
25 compromised. And that's why you really need



1 Suffolk County Planni ng Commi ssi on 10/7/09 36  
2 to make sure that you're not looking at  
3 things from -- twice. That you as an  
4 individual are not reviewing something twice.  
5 Once, say, on a town level or a village  
6 level, and then, also, on the planning  
7 commission or county level. And that's  
8 because what you do could end up being for no  
9 avail, or to no avail.

10 That's the one part.

11 But when it does come to the question of  
12 whether you're doing something that is  
13 unethical or that could cause you to be  
14 removed from the board or -- or face some  
15 type of penalty, the real value of making an  
16 inquiry of the Ethics Commission is, number  
17 one, it's confidential, and number two, it  
18 provides you with an absolute defense if it  
19 turns out that somebody comes forward later  
20 and charges you with an ethics violation.

21 It's not just you as a planning  
22 commissioner, potential conflicts, but your  
23 health -- as a planning commissioner, you are  
24 an employee of Suffolk County, you have some  
25 benefits. One of you found out that one of

1 Suffolk County Planni ng Commi ssi on 10/7/09 37  
2 the benefits is --

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SECRETARY ESPOSITO: We do?

MS. SPAHR: -- if you get hurt at a meeting, is that you're covered by Workers' Comp.

CHAIRMAN CALONE: Well, there -- there you go, we -- you get --

(Laughter)

CHAIRMAN CALONE: -- you get --

SECRETARY ESPOSITO: Boy, that's a good one.

COMMISSIONER HORTON: I might get fired from my job --

(Laughter)

SECRETARY ESPOSITO: Whoo.

COMMISSIONER HORTON: -- for coming here, but it's nice to know.

MS. SPAHR: And in terms of ensuring community -- you know, legal protection or a legal defense in your work. So there are some benefits as an employee of the county.

But all of the other rules that apply to -- you know, to me as a -- as a county employee, apply to all of you. In terms of

1  
2  
3  
4  
5  
6  
7

Suffolk County Planning Commission 10/7/09 38  
even entering into contract, where you may be receiving money from the county, a rental property, or something like that. So I would -- it -- it -- urge all of you to read the ethics code.

CHAIRMAN CALONE: And, of course --  
Page 32

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Thank you, Linda.

And, of course, one of the issues is the gray areas, and that's what we've been grappling with. And some of the issues that have been raised around this table are not the financial ones. The financial ones are some nice, clear, you know, rules. For the -- you know, the ones that some of us have raised are these gray areas, and that -- that is difficult --

COMMISSIONER HOLMES: I have a question.

CHAIRMAN CALONE: -- and, unfortunately, we haven't gotten a lot of guidance on that, but the guidance is to talk to the Ethics Commission, I guess. So --

COMMISSIONER HOLMES: I have a question about --

CHAIRMAN CALONE: Yes, Linda.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

COMMISSIONER HOLMES: -- what Linda mentioned.

When you said something about your other job at the town level, none of us appointed to the commission are allowed to have any elected or appointed jobs in the towns in which we live.

So what did you mean by that?

CHAIRMAN CALONE: Well, there's been a situation related to that in -- in an

10 07 09\_Planning\_Commission.txt  
12 advisory capacity. We are allowed to serve  
13 on certain committees, and -- and one of our  
14 members is in that capacity.

15 COMMISSIONER HOLMES: Okay.

16 MS. SPAHR: And I use the term "job"  
17 loosely.

18 COMMISSIONER HOLMES: Yes.

19 MS. SPAHR: I don't mean --

20 COMMISSIONER HOLMES: Yes.

21 MS. SPAHR: -- it as paid employment,  
22 but I mean --

23 SECRETARY ESPOSITO: So are we  
24 technically considered employees of the  
25 county? Because you said that, and that was,

1 Suffolk County Planning Commission 10/7/09 40  
2 I think, news to some of us.

3 CHAIRMAN CALONE: You wanted to know  
4 where your paycheck was, Adrienne; right?

5 MS. SPAHR: In terms of the Ethics  
6 Commission, the Code of Ethics, yes.

7 SECRETARY ESPOSITO: Okay.

8 COMMISSIONER HORTON: Yeah. In --

9 SECRETARY ESPOSITO: Okay. I didn't  
10 realize that.

11 COMMISSIONER HORTON: In the disclosure  
12 that we fill out, it spells out that we are  
13 subject to the same guidelines --

14 COMMISSIONER HOLMES: Right.

15 COMMISSIONER HORTON: -- as county  
16 employees, I think --

17           COMMI SSI ONER HOLMES:  As appoi ntees --  
18           MS. SPAHR:  Ri ght.  
19           COMMI SSI ONER HOLMES:  -- we are.  Yeah.  
20           MS. SPAHR:  Ri ght.  
21           COMMI SSI ONER HORTON:  It seems like as  
22           you --  
23           MS. SPAHR:  It's shocki ng, maybe, if you  
24           don't think about it, but we are.  
25           COMMI SSI ONER HORTON:  I think the issues

1           Suffol k County Pl anni ng Commi ssi on 10/7/09   41  
2           that have been raised here are more to do  
3           with people in other vol unteer organi zati ons  
4           that take posi ti ons on matters and, you know,  
5           do they speak on pl anni ng matters from that  
6           organi zati on' s perspecti ve havi ng been  
7           i nvolved in comprehe nsi ve di scussi ons.  
8           CHAIRMAN CALONE:  Ri ght.  I thi nk  
9           that' s --  
10           COMMI SSI ONER HORTON:  And those are  
11           the --  
12           CHAIRMAN CALONE:  That' s been ki nd of  
13           a --  
14           COMMI SSI ONER HORTON:  -- areas that have  
15           come up.  
16           CHAIRMAN CALONE:  That' s been the --  
17           that real gray area that we haven' t -- and --  
18           and I guess -- we' ve tried dili gently for a  
19           few months to get clear answers, and the  
20           bottom line is there aren' t any.  I thi nk,

10 07 09\_Planni ng\_Commi ssi on. txt  
21 particular ly, because of the way -- the thing  
22 that Linda said, i t's very, very fact  
23 speci fic. And so that's -- the response from  
24 the Ethi cs Commi ttee was.

25 MS. SPAHR: There was one other thing

1 Suffolk County Planni ng Commi ssi on 10/7/09 42  
2 that the speaker pointed out, and I had been  
3 asked thi s questi on speci fi cally, and I thi nk  
4 that I advised you that i f you -- when we had  
5 had the di scussi on about the di fference  
6 between abstenti on and recusal , and we had  
7 had a ki nd -- a pretty l engthy di scussi on  
8 about that, and I advised you that there was  
9 no requirement for you to leave -- you know,  
10 step down from the dai s i f you were going to  
11 be recusin g yoursel f.

12 That speaker recommended that i t would  
13 be a good i dea, i f you were recusin g yoursel f  
14 on a parti cular matter, j ust for the purposes  
15 of publi c appearance, to step down and si t i n  
16 the audi ence durin g that di scussi on.

17 Again, that's not a legal requirement, I  
18 poi nt i t out j ust because you were asking  
19 about what he said. That was useful. I  
20 thought that hi s comments were thoughtf ul,  
21 and i f -- i f you had heard that, maybe you  
22 would agree. Certain ly i f i t were a real  
23 hi gh profi le i ssue, that would be somethi ng  
24 that you would want to do.

25 CHAIRMAN CALONE: Thank you, Li nda.

1 Suffolk County Planni ng Commi ssi on 10/7/09 43  
2 MS. SPAHR: In fact, you can address  
3 that in your own polici es.  
4 CHAIRMAN CALONE: Right. Maybe that's  
5 something we can look at in our rules or  
6 something like that.  
7 Anyone else have any comments and  
8 questions on Ethics?  
9 (WHEREUPON, there was no response.)  
10 CHAIRMAN CALONE: If not, two last  
11 poi nts.  
12 Fall Planni ng Conference is thi s month.  
13 Many of you are getti ng i nvolved in di fferent  
14 ways. Just an update on that.  
15 The county executive is goi ng to be  
16 speaki ng. Supervi sors Bell one from Babyl on  
17 and Lesko from Brookhaven wi ll also be  
18 joi ni ng us.  
19 Andy, I don' t know if there' s anything  
20 else you wanted to add in parti cular about --  
21 MR. FRELENG: No, I have nothing to add.  
22 CHAIRMAN CALONE: -- but -- but let me  
23 not move on before thanki ng you and your team  
24 for all the efforts you' ve put in on thi s.  
25 It' s yeoman' s work.

1 Suffolk County Planni ng Commi ssi on 10/7/09 44  
2 (Appl ause)

3 CHAIRMAN CALONE: And he has three weeks  
4 to go, so even more applause next month.

5 MR. FRELENG: Two.

6 CHAIRMAN CALONE: Two weeks to go?

7 Sorry, two weeks to go.

8 And, lastly, speaking about our rules,  
9 it is that time of year again when we need to  
10 put together a Nominating and Rules  
11 Committee. So if anyone is interested in  
12 volunteering for membership, the way our --  
13 the law says we have to appoint members to  
14 that committee next month. They report in  
15 January about recommendations for --  
16 nominations for officers. And in February,  
17 we elect new officers and pass our rules for  
18 the year.

19 So if anyone's interested in being  
20 involved in that Nominating and Rules  
21 Committee, I guess, let me know.

22 That's all I had, and that was a lot.

23 If Tom doesn't mind, and with your all  
24 blessing, the Supervisor of Southold is here,  
25 Mr. Scott Russell. And I wanted to, again,

1 Suffolk County Planning Commission 10/7/09 45

2 thank him for his hospitality and for having  
3 us here, and give him the floor to -- to say  
4 a few words if -- if you want to do that.

5 SUPERVISOR RUSSELL: Yeah, sure.

6 Actually, I want to thank you for taking  
7 the time to come out here. This is very new



8 to us. I like the direction -- we talked at  
9 the Supervisors' Association, I certainly  
10 like the direction you're going in. The  
11 towns -- I think the cohesion that you can  
12 provide to all of the towns is important,  
13 because at times we do go in very, very  
14 distinct and separate directions.

15 I'm proud to talk about some of the  
16 things we've been doing, actually, even  
17 before I got here as supervisor. I think  
18 we've been very proactive in issues of MS4  
19 compliance, long before MS4 became the law of  
20 the land.

21 I think that with the previous  
22 supervisor's leadership, we created  
23 inclusionary zoning for affordable housing  
24 components. We're actually revisiting some  
25 of that legislation now to offer buyout

1 Suffolk County Planning Commission 10/7/09 46  
2 components to developers so that they can go  
3 buy completely out of the -- the requirement,  
4 but at substantially more THAN what was  
5 previously -- you know, more. So that if  
6 they're not going to build the housing, then  
7 they need to build up the resources to make  
8 sure it gets built.

9 We have the whole planning staff here  
10 that have been working on an update to our  
11 comprehensive plan. And when I say "whole

10 07 09\_Planning\_Commission.txt  
12 planning staff, " I'm not kidding. This is  
13 Southold Town.

14 (Laughter)

15 SUPERVISOR RUSSELL: The four of them in  
16 the back (indicating). Mark, Heather,  
17 Christy, and Tamara have all been helping the  
18 town board as we set about doing a  
19 substantial update to the comprehensive plan,  
20 last -- after 1989, and probably deficient  
21 when it was passed.

22 We have a lot of exciting good things  
23 that we're working on. I'm free and happy to  
24 talk about any of those things. And I just  
25 want to thank you very much for all being

1 Suffolk County Planning Commission 10/7/09 47  
2 here.

3 CHAIRMAN CALONE: Thank you, Supervisor.

4 COMMISSIONER HOLMES: We don't even have  
5 a planning staff on Shelter Island.

6 SUPERVISOR RUSSELL: Oh, really? Well,  
7 I can lend you the one --

8 (Laughter)

9 SUPERVISOR RUSSELL: -- for a half a  
10 day.

11 (Laughter)

12 COMMISSIONER HORTON: You have two  
13 ferries that in many ways completely mitigate  
14 your need for a big planning staff. You're  
15 very, very fortunate for that.

16 (Laughter)

17 CHAIRMAN CALONE: Thank you, Supervi sor.  
18 Again, thank you for lendi ng us your table  
19 here, and for the hospi tali ty of you and your  
20 staff. I certainly appreci ate that.

21 Anyone have any questi ons for the  
22 supervi sor about vari ous thi ngs goi ng on i n  
23 Southhol d?

24 I know that, you know, dri vi ng out here,  
25 i t's alway s a good remi nder that Suffol k

1 Suffol k County Planni ng Commi ssi on 10/7/09 48  
2 County i s a very di verse pl ace.

3 SECRETARY ESPOSITO: And very l ong.

4 COMMI SSI ONER HOLMES: They don' t call us  
5 Long Isl and for nothi ng.

6 (Laughter)

7 CHAIRMAN CALONE: And yet thi s pl ace i s  
8 one of the reall y speci al pl aces that peopl e  
9 thi nk about when they thi nk about Long  
10 Isl and, and i n parti cul ar, Suffol k County.  
11 So i t's i mportant for us to keep that i n mi nd  
12 and remem ber what i s speci al about Southhol d  
13 and -- and try to keep that sacred. And as  
14 we thi nk about our work, be cogni sant of the  
15 di fferent strength that l i es thi roughout our  
16 county.

17 So I know that Ms. Lanza' s here as well ,  
18 I bel i eve, and I wanted to gi ve you an  
19 opportuni ty to joi n -- joi n i n what the  
20 supervi sor was sayi ng and ki nd of update us

21 10 07 09\_Planning\_Commission.txt  
on the kind of things you guys are working  
22 on.

23 MS. LANZA: Well, Scott covered, you  
24 know, the general topics.

25 I guess I wanted to tell you a little

1 Suffolk County Planning Commission 10/7/09 49  
2 bit about an initiative -- a project that  
3 we've had ongoing for quite some time called  
4 the "Hamlet Stakeholder Initiative," where  
5 we've had each of our nine hamlets -- a group  
6 of stakeholders got together and told us what  
7 their unique priorities were in each hamlet.

8 We took those goals and prioritized  
9 them. We came up with a list of short-term  
10 goals, which then created something called a  
11 "Hamlet Implementation Panel of Key Staff,"  
12 and we've been working on actually getting  
13 those -- those projects done like sidewalk  
14 repair and things like that.

15 But for the long-range goals -- well,  
16 let me back up.

17 In 2008, we were awarded a \$600,000  
18 grant from the state through the EPF LWRP  
19 program. So that's been a great boom to the  
20 effort.

21 The long-range goals that the  
22 stakeholders identified, we're now going to  
23 fold into the new comprehensive plan that's  
24 (inaudible). That process has just now  
25 begun. We're actually having our first

1 Suffolk County Planni ng Commi ssi on 10/7/09 50  
2 public meeting next week. We plan for a  
3 significant amount of public input on this  
4 project.

5 So far the town's identified a team of  
6 town staff to head the effort. We're  
7 hoping -- maybe I'm optimistic -- but for a  
8 two-year time frame to complete it, and we're  
9 going to try to do it mostly in-house, mostly  
10 due to budget constraints, but also because  
11 we think that's the best way to do it.

12 CHAIRMAN CALONE: I think Director Isles  
13 know's what you're talking about.

14 DIRECTOR ISLES: I do.

15 (Laughter)

16 MS. LANZA: And to the extent that we  
17 can coordinate with the county on the  
18 comprehensive plan. We've already done some  
19 work with your staff, Tom, on one of the  
20 chapters, so I'm sure we can share on some --

21 DIRECTOR ISLES: I'll be happy to do so.

22 MS. LANZA: That's it.

23 CHAIRMAN CALONE: Okay. Thank you,  
24 ma'am.

25 Is there any kind of commonalities or

1 Suffolk County Planni ng Commi ssi on 10/7/09 51  
2 common issues between the nine hamlets that,

10 07 09\_Planning\_Commission.txt  
3 you know, seem to be rising to the top?

4 MS. LANZA: Oh, definitely. I mean, in  
5 Southold, there's a unique issue with each --  
6 almost every hamlet center has a -- the main  
7 road running right through the middle of it.  
8 So traffic calm is certainly a big topic.  
9 And there were definitely others that are  
10 common just not coming to mind.

11 DIRECTOR ISLES: How about big boxes,  
12 shopping centers --

13 MS. LANZA: It's -- it's an issue when  
14 it pops up. Actually, Mark worked on codes  
15 that helped make that -- if a big box store  
16 wants to come, they have to meet really  
17 strict design requirements. We haven't had  
18 many applications.

19 CHAIRMAN CALONE: Have you seen -- you  
20 know, with the economy, have you seen the  
21 tours of industry kind of slow down at all or  
22 everything's been pretty robust in that --  
23 you know, during the high season?

24 MS. LANZA: I mean, judging by driving  
25 by the wineries on the weekend, I'd say

1 Suffolk County Planning Commission 10/7/09 52

2 there's just as many people out there as  
3 ever.

4 SUPERVISOR RUSSELL: I have a group of  
5 business owners and businesses that we meet  
6 with monthly, and the recurring theme seems  
7 to be, we're getting the traffic, we're

8 getting the foot traffic, but no, they're not  
9 as free to spend as they were. We're getting  
10 them at the local events, we're getting  
11 them -- we're not getting them to buy a case  
12 wine, the things that they were -- much more  
13 willing to a couple of weeks ago.

14 COMMISSIONER ROBERTS: I would say  
15 that's also what we see in Southampton.

16 SUPERVISOR RUSSELL: Much more  
17 discretionary with their dollars.

18 COMMISSIONER HOLMES: With Shelter  
19 Island, the sad thing is they come on one  
20 ferry and pass right through town to the  
21 other ferry --

22 (Laughter)

23 COMMISSIONER HOLMES: -- to get back and  
24 forth to the Hamptons.

25 SUPERVISOR RUSSELL: I'm sorry, I just

1 Suffolk County Planning Commission 10/7/09 53  
2 don't like driving around.

3 (Laughter)

4 COMMISSIONER HOLMES: You're allowed.

5 CHAIRMAN CALONE: Well, next time you're  
6 passing through, Supervisor, feel free to  
7 stop.

8 Good. Thank you.

9 Any other comments or questions for  
10 the --

11 COMMISSIONER HORTON: Yeah. I just

10 07 09\_Planning\_Commission.txt  
12 had --  
13 CHAIRMAN CALONE: I'm sorry, Josh.  
14 COMMISSIONER HORTON: No, not at all.  
15 I just had one thought -- one idea as it  
16 relates to the planning forum that -- I  
17 just -- the -- the docket looks exciting.  
18 And I think it's from 1 o'clock to 9:40 on  
19 the 21st.  
20 DIRECTOR ISLES: Yes.  
21 COMMISSIONER HORTON: And I think that's  
22 going to be wonderful. The only thought that  
23 I have, and -- and perhaps it may relate or  
24 add to that relationship, is that --  
25 particularly, since you have two western --

1 Suffolk County Planning Commission 10/7/09 54  
2 or west-oriented supervisors speaking about  
3 issues that might be from a suburban  
4 perspective, more relevant to planning. I  
5 think you have an opportunity here -- I think  
6 Supervisor Russell has been, you know,  
7 involved with the planning that takes place  
8 in a community of this nature for probably  
9 20 years. I mean, you've been at it since  
10 you were like 26 years old -- so maybe ten  
11 years, I'm sorry.

12 (Laughter)

13 COMMISSIONER HORTON: Five -- five, six  
14 years. And, you know, there may be an  
15 opportunity there for either the supervisor  
16 or some folks from the North Fork to speak



17 about planning issues that are relevant to  
18 the community.

19 SECRETARY ESPOSITO: You know, good  
20 thing you haven't put the Supervisor on the  
21 spot.

22 (Laughter)

23 SUPERVISOR RUSSELL: We do have unique  
24 challenges. I'll give you an example, in  
25 fact. You mentioned -- you talked about

1 Suffolk County Planning Commission 10/7/09 55  
2 sewer issues before.

3 Mattatuck's a good example where  
4 we're -- we actually, through  
5 Legislator Romaine, are asking for money from  
6 the county for subregional sewer studies.  
7 And I know that that's an ongoing project for  
8 the rest of the county.

9 It's a good and a bad for us. We have  
10 zoning. But the zoning doesn't mean a lot if  
11 we don't have the capacity for the guy in the  
12 hamlet business to turn that little flower  
13 shop into the restaurant he wants to. You  
14 know, we can have this menu of uses under  
15 zoning, if -- they're just not available if  
16 you don't have a public servant.

17 There's a practical reality however,  
18 though, that maybe you get those uses that  
19 you don't want. You know, we don't have the  
20 Taco Bell either. And I don't -- I -- it

10 07 09\_Planning\_Commission.txt  
21 probably sounds very much a part of the  
22 parochial, North Fork, we don't want it here,  
23 you might have it up west, mentality, but  
24 it's -- it's been a -- not having sewers has  
25 been a saving grace in many -- for many of

1 Suffolk County Planning Commission 10/7/09 56  
2 the challenges that we've been getting,  
3 particularly to the work done to the town.  
4 We've had the pressure, we've had the  
5 CVS, we've had the McDonald's, and even the  
6 7-Eleven. We -- we've had those pressures,  
7 and you start to see more of those every day.  
8 Okay. So we want to sort of have the sewer  
9 study, but not make it so broad and wide that  
10 we end up not getting what we want out of it.  
11 That's why I think we're willing to move  
12 forward with it, at the same time, we're  
13 going to incorporate all of our -- our  
14 concerns into a comprehensive plan.

15 I mean, I just don't see the idea of  
16 bringing a subregional sewer system in  
17 without fundamental changes in the zoning and  
18 the comprehensive plan. Otherwise, we'll end  
19 up with what we don't want.

20 CHAIRMAN CALONE: Yeah.

21 Commissioner Horton, to your -- to your  
22 point, I think it's certainly worth us  
23 discussing.

24 We have -- Supervisor Bellone's coming  
25 to talk about his -- the Green Homes Program

1 Suffolk County Planni ng Commi ssi on 10/7/09 57  
2 they did in Babylon, and Supervisor Lesko,  
3 because we're in Brookhaven, but, certainly,  
4 we can think about ways to incorporate some  
5 more East End focus.  
6 COMMI SSI ONER HORTON: And I -- by no  
7 means, I mean to ask for the last-minute  
8 compl icati ons.  
9 CHAI RMAN CALONE: Well, you're --  
10 COMMI SSI ONER HORTON: A tremendous  
11 effort that you put forth and done so well.  
12 CHAI RMAN CALONE: It's not complicated  
13 because --  
14 COMMI SSI ONER HORTON: It's just a  
15 thought.  
16 CHAI RMAN CALONE: It's not complicated  
17 because you're going to run it now. So --  
18 (Laughter)  
19 CHAI RMAN CALONE: Look, obvi ously, we  
20 can do what we can in the two -- for  
21 something that's two weeks away, but it's a  
22 good poi nt for, certainly, the future, if  
23 nothing else. So thank you for raising it.  
24 Thank you, again, to the folks in  
25 Southol d. We appreci ate it.

1 Suffolk County Planni ng Commi ssi on 10/7/09 58  
2 If there are no other questi ons, we'll

10 07 09\_Planning\_Commission.txt  
3 move on to the Director's Report, and then on  
4 to our regulatory agenda.

5 Thank you, again, Supervisor and  
6 Ms. Lanza. Thank you.

7 DIRECTOR ISLES: I'd like to just take a  
8 moment to thank the supervisor for the  
9 accommodations today, but also for the  
10 aquaculture program that -- I was given the  
11 opportunity in the summer to come before the  
12 Southold Town Board at a work session. We  
13 received highly important support from the  
14 Town of Southold, which, of course, as I told  
15 you, the Legislature unanimously approved the  
16 program in August, but through the  
17 Supervisor's cooperation and leadership,  
18 there was a key element to that, and I do  
19 appreciate that.

20 Regarding the Federation, as indicated,  
21 that is taking off in two weeks. We have  
22 a -- that's the largest programming we've  
23 ever done. We're doing the first mobile  
24 workshop we've ever done. Registrations are  
25 now running at about a hundred right now, so

1 Suffolk County Planning Commission 10/7/09 59  
2 we're ahead of where we usually are in terms  
3 of the cutoff. We're going to do a reminder  
4 e-mail blast next week through a large  
5 network, so it should be one of our more  
6 successful programs. I do appreciate the  
7 cooperation of the commission members in

8 moderating and participating in the panels.

9 A couple of items to bring the  
10 commission up to speed on.

11 Number one is the LI-2035 plan, which is  
12 being conducted by the Regional Planning  
13 Council. This was the first phase of the  
14 regional visioning and comprehensive plan  
15 effort. That phase is now nearing  
16 completion. A draft report has been  
17 finished, and they are circulating that among  
18 the municipal and the stakeholders groups  
19 that were involved in the plan. And we'll  
20 also be sending out a questionnaire to them  
21 in terms of did it achieve what they were  
22 looking for.

23 The effort has been very significant,  
24 very important, very good. Some of the parts  
25 of it that were a little less satisfactory

1 Suffolk County Planning Commission 10/7/09 60

2 for all of us was the -- the participation  
3 was somewhat shortchanged than what we  
4 expected. Part of that due to budget issues.

5 Phase II of the program was going to be  
6 an extensive public outreach. Here again,  
7 due to budget issues, that has been shortened  
8 a little bit. But, nonetheless, the report  
9 does provide at least a snapshot of those  
10 participants in terms of reaching the goals,  
11 and it's an important step in the process.

12 Moving forward, the Regional Planning  
13 Council has retained a consulting firm to  
14 assist with the sustainability plan, as it's  
15 being called, and this is, here again, highly  
16 important. The counties are the Regional  
17 Planning Council. They're entities, they're  
18 creatures of both counties; Nassau and  
19 Suffolk. We think it's off to a good start.  
20 Here again, what's important is that what  
21 goes into this determines what comes out of  
22 it in terms of the value and usefulness and  
23 meaning and -- and purpose of this.  
24 So we are participating. We have  
25 expressed to the Council the importance of

1 Suffolk County Planning Commission 10/7/09 61  
2 both counties being active participants. As  
3 it's forming and so forth, that's emerging at  
4 the moment, and it's not quite in place. We  
5 feel confident that that will occur, but just  
6 as with our plan, we want the regional plan  
7 to be something that can benefit both the  
8 counties as well as the municipalities, and  
9 unify the direction of the two counties in  
10 this region going forward.

11 We will keep you posted, and at some  
12 point I would like to have the Regional  
13 Planning Council or their consultants appear  
14 at a commission meeting to provide  
15 information, update, and so forth.

16 The next item is, as I mentioned -- as  
Page 52

17 was mentioned earlier, the County  
18 Comprehensive Plan. We did have a brief  
19 get-together this morning. It is going well.  
20 We are short on, you know, being able to  
21 allocate staff towards it, but we have some  
22 projects that are finishing up that we'll be  
23 able to enhance staff on that.

24 Similar to Southold, we are doing it  
25 in-house, and we think that's probably the

1 Suffolk County Planning Commission 10/7/09 62  
2 best way to do it in terms of the resources  
3 we have in-house. The big factor or the  
4 challenge becomes time and how quickly can we  
5 get this done. But I'm very optimistic on  
6 it. We have put forth the proposal to the  
7 county executive on the public outreach  
8 process. We are definitely planning public  
9 outreach beginning either later on this year  
10 or next -- early next year.

11 The phase of the project we're in now is  
12 baseline development in terms of basic data,  
13 inventories, getting the current status  
14 condition of Suffolk County. The second  
15 phase of the project will be -- should be  
16 driven by much more community interaction,  
17 public interaction, and so forth.

18 What we will also be doing is requesting  
19 meetings with the town planning directors and  
20 planning departments. We will probably be

10 07 09\_Planning\_Commission.txt  
21 doing group meetings with the town planning  
22 directors, east and west, perhaps, later on  
23 this year, but we'd also like to meet with  
24 the individual agencies as we proceed into  
25 next year.

1 Suffolk County Planning Commission 10/7/09 63

2 In terms of project updates, I did  
3 mention, related to the comprehensive plan,  
4 that we are finishing up a project that Peter  
5 Lambert is working on, as well as our  
6 Environmental Analysis and Cartographic  
7 Units, and that's the Comprehensive Water  
8 Resources Management Plan. The lead agency  
9 on that is the County Health Department. We  
10 have completed an analysis of land use and --  
11 and development on a number of well sites as  
12 part of that, and I'm going to circulate a  
13 copy of that report today. And then -- well,  
14 the main product of that effort that is, here  
15 again, in completion right now and will be  
16 done this month, is a Saturation Population  
17 Analysis of the entire county.

18 The purpose of that is to look at -- and  
19 the purpose of the study is to look at what  
20 do we need to do to ensure an adequate,  
21 potable quality water supply 20 years into  
22 the future in Suffolk County. Our part of  
23 that will be to look at, Well, what is our  
24 population going to be; what are the needs  
25 going to be. So we are doing a -- what's



1 Suffolk County Planni ng Commi ssi on 10/7/09 64  
2 called a "Saturati on Popul ati on Analysi s" of  
3 every municipali ty in the county, and we're  
4 also breaki ng it down by groundwater  
5 management zone, as well as by census  
6 desi gnated pl ace.

7 So that will be completed thi s month.  
8 It will be a product di rectly going into the  
9 water resources pl an for thei r planni ng  
10 purposes. It will also be a product we can  
11 use in the -- the comprehe nsi ve pl an that  
12 we're doi ng.

13 Another project that was reported on  
14 a l i t t l e bit l a s t week in the medi a was  
15 the Pl aza Theater redevelopme nt in  
16 East Patchogue. Thi s i s somethi ng Deputy  
17 Di rector Gul izi o has worked on. We've been  
18 worki ng wi th the Town of Brookhaven on thi s.  
19 The Town of Brookhaven Town Board conducted a  
20 publ ic hearing l a s t week to consider an  
21 acqui si ti on of the property through emi nent  
22 domai n. Thi s i s part of a redevelopme nt  
23 effort in East Patchogue downtow n, whi ch, in  
24 fact, i t i s a downtow n pl agued by hi gh  
25 vacancy rates and bli ghted condi ti ons. A

1 Suffolk County Planni ng Commi ssi on 10/7/09 65  
2 downtow n that's going to be the subj ect of an

10 07 09\_Planning\_Commission.txt  
3 \$8.5 million county-paid improvement to the  
4 corridor and rebuilding of the roads,  
5 possible sewer extensions. We have received  
6 federal funds for that. The Plaza Theater  
7 has been a chronic blight, and we are  
8 providing support services to the Town of  
9 Brookhaven to seek to take care of that  
10 blight and to look at ideas for  
11 redevelopment.

12 Obviously, another project you've heard  
13 about and we've reported on is the County  
14 Center in Yaphank. As indicated previously,  
15 a developer has been selected, subject to  
16 approval of the legislature. That project is  
17 in the contract phase, and once the contract  
18 is completed, it will be submitted to the  
19 legislature for their consideration. The  
20 outcome of that, if the legislature approves  
21 moving forward with the surplus land  
22 designation contract, would be an application  
23 to the Town of Brookhaven for the various  
24 land use approvals.

25 That's obviously going to be a long-term

1 Suffolk County Planning Commission 10/7/09 66  
2 process, but I will keep you posted  
3 periodically on that.

4 Previously I've mentioned to the board  
5 the Sagtikos Corridor Congestion Mitigation  
6 plan that we are also working on through  
7 Dan Gulizio. This is one where we put it out

8 to bid last year, we did not -- we've  
9 received responses, but we did not consider  
10 any of the responses responsive to the RFP.  
11 So we modified the scope and reissued the  
12 RFP. We now have the proposals back in and  
13 we hope to have a selected consultant in the  
14 near future.

15 That is a federally funded study we are  
16 doing. That's looking at transportation and  
17 land use for that corridor. It's obviously  
18 one of the most significant growth centers in  
19 Suffolk County, and one already plagued with  
20 transportation issues. Not to mention  
21 significant developments in the form of the  
22 Pilgrim State Hospital redevelopment at a  
23 mere 15 million square feet of space, and at  
24 a peak-hour trip generation of about  
25 15,000 cars an hour. It's beyond the scale

1 Suffolk County Planning Commission 10/7/09 67  
2 of anything we've ever looked at. Obviously,  
3 it has to be planned appropriately to the --  
4 to the highway system.

5 The last item I'd just like to point out  
6 is, I did receive a book recently that was  
7 sent to us that talked about communities in  
8 the United States that are worked -- leaving  
9 for future generations. And the author,  
10 Marcelo and the American Institute of  
11 Certified Planners, examined 42 communities

10 07 09\_Planning\_Commission.txt  
12 that he identified as being communities that  
13 have done outstanding efforts at land  
14 preservation and farmland preservation.  
15 Suffolk County made this, so I'd just like to  
16 circulate it to you, and there is a whole  
17 section here about Green Legacy.

18 So I think it's just, here again, the  
19 County Planning Department, County Planning  
20 Commission are responsible for the open space  
21 planning and farmland planning in the county.  
22 We do administer the farmland program, for  
23 example. This is a -- obviously, a positive  
24 report, and an acknowledgement of the work of  
25 this commission and this county.

1 Suffolk County Planning Commission 10/7/09 68

2 And that's it, and I'll just circulate  
3 these to you (handing).

4 CHAIRMAN CALONE: Thank you, Director.  
5 Anyone have any questions for  
6 Director Isles?

7 SECRETARY ESPOSITO: Yes.

8 CHAIRMAN CALONE: Adrienne.

9 SECRETARY ESPOSITO: I think it would be  
10 worthwhile for the commission here to get a  
11 presentation about the Comprehensive Water  
12 Resource Management Plan.

13 DIRECTOR ISLES: Sure.

14 SECRETARY ESPOSITO: I think that, you  
15 know, obviously, the objective is to provide  
16 a road map to having a sustainable potable

17 water supply, and that certainly would be  
18 something that we could benefit by hearing  
19 about.

20 DIRECTOR ISLES: Good point. Will do.

21 CHAIRMAN CALONE: Tom, what's the timing  
22 on that? I missed what you said about that.

23 DIRECTOR ISLES: The project has been  
24 underway for probably three years.

25 CHAIRMAN CALONE: Right.

1 Suffolk County Planning Commission 10/7/09 69

2 DIRECTOR ISLES: The timing is -- I  
3 think the health department is looking to get  
4 it completed in probably about six months, to  
5 my understanding.

6 CHAIRMAN CALONE: So maybe we can look  
7 at the next couple of months for -- the right  
8 time.

9 DIRECTOR ISLES: (Head gesture)

10 SECRETARY ESPOSITO: Are they going to  
11 put out a draft for -- what is the --

12 CHAIRMAN CALONE: Yeah.

13 SECRETARY ESPOSITO: They'll put out a  
14 draft for public comments, do you know, or --

15 DIRECTOR ISLES: I don't want to speak  
16 for the health department, but I would  
17 believe they would.

18 SECRETARY ESPOSITO: Okay.

19 DIRECTOR ISLES: But we can get a firm  
20 answer for them.

21  
22  
23  
24  
25

SECRETARY ESPOSITO: Okay.  
CHAIRMAN CALONE: Thank you, Director.  
Anything else?  
(WHEREUPON, there was no response.)  
CHAIRMAN CALONE: If not, we'll move on

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Suffolk County Planning Commission 10/7/09 70

to the regulatory portion. We have two items  
on the agenda.

Andy, the first one is Bay Gas.

MR. FRELENG: Yes. Thank you,  
Mr. Chairman.

The first item for the regulatory  
portion of the Suffolk County Planning  
Commission meeting for today is Bay Gas.  
This is referred to us from the Town of  
Brookhaven.

Jurisdiction for the commission is that  
the subject property is within 500 feet of  
Sunrise Highway, otherwise known as New York  
State Route 27.

This is the subject property  
(indicating). You can see where it's  
located. Sunrise Highway is to the north  
(indicating). William Floyd Parkway is  
running north/south (indicating). And this  
is McGraw Street and Oak Avenue (indicating).

You can go to the next one.

MR. CORRAL: (Compliyng)

MR. FRELENG: I'm just going to run  
through these real quick before I go through

1 Suffolk County Planni ng Commi ssi on 10/7/09 71  
2 the staff report.  
3 This is an oblique of the site  
4 (i ndi cati ng). You can see aboveground  
5 storage of the petroleum -- I'm sorry, the --  
6 CHAIRMAN CALONE: Natural gas?  
7 MR. FRELENG: -- gas -- natural gas.  
8 COMMI SSI ONER ROBERTS: Propane.  
9 SECRETARY ESPOSITO: It's propane.  
10 COMMI SSI ONER ROBERTS: Propane.  
11 MR. FRELENG: Propane.  
12 This is the subject property over here  
13 (i ndi cati ng). This is looking west. You can  
14 see across the street, I think it's  
15 interesting to note, that there is a new  
16 commerci al devel opment; there's an Appl ebee's  
17 on the corner, and a Staples.  
18 SECRETARY ESPOSITO: And what street is  
19 thi s? I'm sorry.  
20 MR. FRELENG: Thi s is McGraw Street.  
21 SECRETARY ESPOSITO: Thi s is McGraw.  
22 MR. FRELENG: Ri ght.  
23 SECRETARY ESPOSITO: Okay.  
24 MR. FRELENG: It runs east and west.  
25 Thi s is another shot looking west, thi s

1 Suffolk County Planni ng Commi ssi on 10/7/09 72  
2 is looking at the faci lity (i ndi cati ng).

3 Okay. This is looking -- there are two  
4 entrances, and -- which I'll mention in a  
5 second. This is the second entrance, this is  
6 the employee and truck entrance (indicating).

7 You can see the aboveground storage  
8 (indicating).

9 That's another shot of the retail  
10 (indicating).

11 COMMISSIONER HORTON: Is that -- the  
12 aboveground storage tank, is that one of  
13 the -- is that the current 30,000 gallon --

14 MR. FRELENG: I believe it is the  
15 30,000 gallon one that they want to put  
16 underground, and then have another one as  
17 well.

18 COMMISSIONER HORTON: Okay.

19 MR. FRELENG: As you know, the applicant  
20 is seeking change of zone approval from  
21 L-2 Industrial and A-1 Residential to all  
22 L-2 Industrial and amendment of special  
23 permit application to permit the replacement  
24 of single aboveground 30,000-gallon propane  
25 tank -- that's a single aboveground

1 Suffolk County Planning Commission 10/7/09 73  
2 30,000-gallon propane tank with two buried  
3 storage tanks.

4 SECRETARY ESPOSITO: Wait.

5 So the two buried ones would each be  
6 30,000 gallons --

7 MR. FRELENG: That's correct.



8 SECRETARY ESPOSITO: -- is that correct?

9 MR. FRELENG: The subject parcel is  
10 located on the northwest corner of McGraw  
11 Street, which is a town road, and Oak Avenue,  
12 which is also a town road, in the hamlet of  
13 Shirley.

14 A review of the character of the land  
15 use and zoning in the vicinity, you can see  
16 that the subject property is zoned L-2, is  
17 the only L-2 zoned property in the area. The  
18 subject change of zone would apply to the  
19 residential zoning piece in the back. They  
20 are adjacent to residential uses.

21 This is all residential in here  
22 (indicating). This is the strip that is  
23 being analyzed for visioning session and the  
24 plan that the -- the applicant spoke about.  
25 Across the street from the subject property,

1 Suffolk County Planning Commission 10/7/09 74  
2 you can see the retail development -- new  
3 retail development.

4 Go to the next one.

5 MR. CORRAL: (Compl ying)

6 MR. FRELENG: Okay. The applicants are  
7 proposing two points of access. This would  
8 be the customer and visitor access point  
9 (indicating). And this is an uncontrolled  
10 ingress/egress, no restrictions. The second  
11 access, which the photo showed, was the

10 07 09\_Planning\_Commission.txt  
12 access to the subject property for trucks and  
13 employees. There is no alternate access  
14 proposed, nor is there emergency access  
15 proposed.

16 There are no significant environmental  
17 constraints on the property. It should be  
18 noted that the subject property is not  
19 located in an economically distressed or  
20 minority community.

21 It's the belief of the staff that the  
22 subject application is an unwarranted  
23 over-intensification of the use of the  
24 premises and is not consistent with the  
25 visioning and planning initiatives in the

1 Suffolk County Planning Commission 10/7/09 75  
2 area.

3 The subject site is a preexisting  
4 non-complying lot designated by the  
5 L-2 zoning district. The premise does not  
6 comply with the minimum lot area or width  
7 requirements for the district. The  
8 L-2 district requires a minimum lot size of  
9 five acres. The proposed zone change for the  
10 propane transfer station will only bring the  
11 total lot area to 1.6 acres. Moreover, front  
12 and side yard variances will be required as  
13 well. Buffering and sidewalk relief is  
14 required. The L-2 zoning district is a heavy  
15 industrial district allowing such uses that  
16 require significant buffering. The subject

17 property by its proximity to commercial  
18 properties in the locale has the potential to  
19 diminish the safety and welfare of workers  
20 and visitors to the area.

21 It should be noted that this area of  
22 Shirley has been under planning scrutiny for  
23 some time. In April of 2002, the Montauk  
24 Highway Project was undertaken. That  
25 included a Visioning Report with several

1 Suffolk County Planning Commission 10/7/09 76  
2 recommendations that would affect that  
3 subject site. A recent scan of the Town of  
4 Brookhaven Web site reveals a narrative for  
5 the Montauk Highway Corridor Study and Land  
6 Use Plan, which was copyrighted in 2006.  
7 Both the Vision Report and the Corridor Study  
8 speak about the transition of McGraw Street  
9 to a two- to three-story mixed-use area  
10 including retail uses at street level and  
11 offices and apartments on the second and  
12 third floors. The change of zone petition  
13 and hence the expansion of the L-2 district  
14 designation on an already non-complying lot  
15 would be inconsistent with the comprehensive  
16 planning initiative in the Shirley area.

17 Staff is recommending disapproval. The  
18 reason being, the proposed change of zone is  
19 inappropriate. It's an unwarranted  
20 over-intensification of the use of the

10 07 09\_Planning\_Commission.txt  
21 premises, and is not consistent with the  
22 visioning and planning initiatives in the  
23 area. The paragraph which follows is an  
24 excerpt from the staff report's rationale.  
25 CHAIRMAN CALONE: Thank you, Andy.

1 Suffolk County Planning Commission 10/7/09 77

2 This is a Brookhaven project.

3 Michael, are there any -- any thoughts  
4 on the particular area or anything -- any  
5 comments you want to share?

6 COMMISSIONER KELLY: I know there --  
7 there is a big effort to try to revitalize  
8 that area, as Andy pointed out, the retail  
9 across the street. It does look fairly  
10 vacant right now, but there is a -- there has  
11 been a lot of investment in that area.

12 One of the comments, I guess, that  
13 somewhat is concerning is, I think this  
14 operation -- this plant has been operating  
15 for quite some time. And then the visioning  
16 process came in and said, All right, we would  
17 like to change this whole area.

18 So, you know, what happens to this plant  
19 and the jobs that go with it, you know, if  
20 this guy can't find a new location? I think  
21 his attorney was saying somewhere around  
22 \$3 million just to replace the facility, not  
23 including the -- the ground, the cost of the  
24 land.

25 So I -- I just find a conflict with that  
Page 66

1 Suffolk County Planni ng Commi ssi on 10/7/09 78

2 to say, you know, how is this guy precluded  
3 from making his operation, making his  
4 business more efficient? And, you know, I --  
5 I just struggle with that to -- you know, put  
6 it on the table as a discussion.

7 CHAIRMAN CALONE: Sure. Okay.

8 Any other thoughts?

9 COMMISSIONER POTTER: (Indicating)

10 CHAIRMAN CALONE: Yeah, Job.

11 COMMISSIONER POTTER: Two questions for  
12 Andy.

13 One is, where is this application in the  
14 town planning process?

15 And then the second is, can they add  
16 this tank to refigure what -- reconfigure  
17 what they have without a zone change?

18 MR. FRELENG: It's a change of zone  
19 application to the town board, that is the  
20 process that it's in now. So the town board  
21 has made its referrals, they did an  
22 environmental assessment form, and I believe  
23 they did not make a SEQRA determination as of  
24 yet. So that's the status of the project.

25 As far as whether or not they can add

1 Suffolk County Planni ng Commi ssi on 10/7/09 79

2 the second propane tank, they could. They

10 07 09\_Planning\_Commission.txt  
3 would need a special permit to do that. So  
4 that is the second piece of this application,  
5 the special permit to add the propane  
6 storage.

7 COMMISSIONER POTTER: In other words,  
8 without a zone change?

9 MR. FRELENG: They do not necessarily  
10 need a zone change to add the propane tank,  
11 the problem is, though, is that they're so --  
12 substantially non-conforming to the minimum  
13 lot size. So they are adding area, I guess,  
14 as a -- I don't want to speak for the  
15 applicant, but to add extra buffer and to  
16 mitigate some of that concern.

17 COMMISSIONER POTTER: So I guess that  
18 may be all you can say, but my -- is that --  
19 you may not know this, but is that the type  
20 of special permit that's almost impossible to  
21 get?

22 MR. FRELENG: No, I -- I -- I wouldn't  
23 know that.

24 COMMISSIONER POTTER: Okay. Thank you.

25 COMMISSIONER HORTON: (Indicating)

1 Suffolk County Planning Commission 10/7/09 80

2 CHAIRMAN CALONE: Mr. Horton.

3 COMMISSIONER HORTON: I'm just  
4 dovetailing on Job's question. The -- what I  
5 want to make sure I understand completely is  
6 that the -- they're seeking a zone change on  
7 their current parcel, which is basically

8 non-conforming, as well as on a little sliver  
9 of triangle; correct?

10 MR. FRELENG: Yes. Zone change on  
11 the --

12 COMMISSIONER HORTON: And those two are  
13 different -- different zones, I -- I --

14 MR. FRELENG: Yes. The entire parcel is  
15 outlined in red here (indicating).

16 COMMISSIONER HORTON: Right.

17 MR. FRELENG: Okay. And the bulk of the  
18 property is zoned L-2 --

19 COMMISSIONER HORTON: Right.

20 MR. FRELENG: -- and there's a piece in  
21 the back here that's zoned Residential 1 --  
22 A-1.

23 COMMISSIONER HORTON: A-1.

24 COMMISSIONER TALDONE: (Indicating)

25 COMMISSIONER McADAM: (Indicating)

1 Suffolk County Planning Commission 10/7/09 81

2 CHAIRMAN CALONE: Vince, and then Tom.

3 COMMISSIONER TALDONE: I have -- just to  
4 express some concern, because this is another  
5 area where I'm always conflicted.

6 We don't want to encourage the expansion  
7 of a non-conforming use. That's just, you  
8 know, Planning 101. But, on the other hand,  
9 we're also looking to improve the  
10 distribution of cleaner forms of energy. I  
11 know propane is growing in popularity in

10 07 09\_Planning\_Commission.txt  
12 those areas where there isn't pipe gas in the  
13 street. Some very, very efficient new ways  
14 of new burners for heating homes. So I know  
15 the demand for propane is something we should  
16 be supportive of. Of course, you might argue  
17 they can go to a new location and find new  
18 land. And I suppose that's theoretically  
19 possible, I just don't know how practical  
20 that is.

21 So I'm in a position of voting to say,  
22 Well, yes, we don't -- we certainly don't  
23 want to encourage the expansion of  
24 non-conforming uses, and go against or -- or  
25 take an action that's in conflict with an

1 Suffolk County Planning Commission 10/7/09 82  
2 existing corridor plan or visioning exercise.  
3 On the other hand, we do want more propane  
4 capacity available to the communities.

5 So I really -- I'm -- I'm lost on this  
6 one.

7 CHAIRMAN CALONE: Mr. McAdam.

8 COMMISSIONER McADAM: Andy, the -- I  
9 actually have two questions.

10 Are there any environmental citations or  
11 problems that you're aware of --

12 MR. FRELENG: There was none --

13 COMMISSIONER McADAM: -- on that  
14 property?

15 MR. FRELENG: That was not in the  
16 referral package, so I couldn't really speak



17  
18  
19  
20  
21  
22  
23  
24  
25

to that. I'm not aware of that.

COMMISSIONER McADAM: The property to the east of it, is that a wooded property?

MR. FRELENG: Yes, it's wooded and vacant.

COMMISSIONER McADAM: It's wooded and vacant.

SECRETARY ESPOSITO: They don't own it, though?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

Suffolk County Planning Commission 10/7/09 83

MR. FRELENG: No.

DIRECTOR ISLES: It's zoned residential; right?

MR. FRELENG: And it is zoned residential.

SECRETARY ESPOSITO: (Indicating)

CHAIRMAN CALONE: Madam Secretary.

SECRETARY ESPOSITO: That leads me to my question which I need clarity on.

Your testimony is that they have more than enough buffer in case of incident or mishap, but I'm wondering if the parcel next to that is -- it's zoned residential and a home goes up there, and -- I mean, are they within the safety guidelines or not?

I mean, you're -- the thing here says they're not, they said they were, and I'm just -- I just --

MR. FRELENG: Well --

21  
22  
23  
24  
25

SECRETARY ESPOSITO: -- need some

clarity.

MR. FRELENG: -- we're talking two  
different things.

The National Fire Safety Guidelines --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Suffolk County Planning Commission 10/7/09 84

SECRETARY ESPOSITO: Okay.

MR. FRELENG: -- were not provided to  
us, and we did not research, so I can't speak  
to it. They may or may not be in compliance  
with National Fire Safety Guidelines.

In terms of the zoning, they're  
substantially shy of the required minimum lot  
size for an L-2 Industrially zoned lot.

The problem is, and I -- and you don't  
like to go -- if I could just speak a little  
bit.

You don't like to go beyond the  
application. Which should Bay Gas for  
whatever reason decide to leave, then that  
property is zoned L-2 which allows heavy  
industrial uses in an area where they're  
trying to direct future growth into a hamlet,  
essentially, and you wouldn't want a heavy  
industrial use in the heart of a hamlet.

So while you try not to look beyond the  
application, the problem is that that  
property would be zoned L-2. And that use  
means another L-2 use could come in  
as-of-right to the site.

1 Suffolk County Planni ng Commi ssi on 10/7/09 85  
2 VICE CHAIRMAN KONTOKOSTA: It  
3 woul dn' t --  
4 CHAIRMAN CALONE: Well, I don' t think --  
5 VICE CHAIRMAN KONTOKOSTA: -- it  
6 woul dn' t be out of -- sorry.  
7 CHAIRMAN CALONE: Go ahead, Constantine.  
8 VICE CHAIRMAN KONTOKOSTA: Woul d that  
9 actual ly be as-of-right? If it' s a  
10 non-conformi ng lot size, then if they vacate  
11 it for some reason, then there --  
12 MR. FRELENG: They woul d need a --  
13 VICE CHAIRMAN KONTOKOSTA: -- woul d be  
14 i ssues.  
15 MR. FRELENG: They woul d need a  
16 vari ance.  
17 VICE CHAIRMAN KONTOKOSTA: So it  
18 woul dn' t be an as-of-right. So then it coul d  
19 be deal t wi th after the fact.  
20 So, I mean, there' s a lot of  
21 considerati ons on thi s, because thi s real ly  
22 is a small sliver of land that they' re  
23 actual ly looki ng to change the zone on. And  
24 I thi nk one of the big thi ngs mi ght be a  
25 safety consi derati on. Obvi ousl y, getti ng

1 Suffolk County Planni ng Commi ssi on 10/7/09 86  
2 these tanks underground, I woul d consi der,

3 would be much safer for the -- the  
4 neighboring uses and the neighboring homes  
5 then than the current arrangement. As well  
6 as some extra buffering that they -- that the  
7 plan seems to call for. So I think that's  
8 another factor that has to weigh in on this  
9 as well.

10 I don't think the application is a  
11 choice between closing them down or -- or  
12 granting the change -- you know, it's not --  
13 they're going to still operate, and perhaps  
14 with the change of zone, they would operate  
15 more efficiently or at least more safely.

16 COMMISSIONER POTTER: Can I -- just for  
17 clarification.

18 CHAIRMAN CALONE: Job, yeah.

19 COMMISSIONER POTTER: The big front  
20 piece is L-2 now?

21 MR. FRELENG: We're only talking about  
22 the change of zone for the back --

23 CHAIRMAN CALONE: That back sliver --

24 SECRETARY ESPOSITO: Right.

25 CHAIRMAN CALONE: -- that sliver area.

1 Suffolk County Planning Commission 10/7/09 87

2 SECRETARY ESPOSITO: The triangle.

3 MR. FRELENG: They need a change of zone  
4 on this to make the whole parcel L-2.

5 CHAIRMAN CALONE: Right.

6 MR. FRELENG: Okay.

7 CHAIRMAN CALONE: And they own that,

8 it's just the change -- they all can be  
9 changed up.

10 MR. FRELENG: Yes, they are in ownership  
11 of that.

12 SECRETARY ESPOSITO: Are they in  
13 ownership of any of the other parcels  
14 surrounding this?

15 MR. FRELENG: Not to our knowledge.

16 COMMISSIONER HORTON: And should that  
17 sliver be -- have its zone change approved,  
18 the total square footage of the parcel would  
19 still have its -- non-conforming from a lot  
20 size perspective regardless of what uses  
21 would come down the road. So obviously,  
22 there would -- there's still, you know, vast  
23 regulatory constraints for further  
24 development of the property if that is  
25 approved --

1 Suffolk County Planni ng Commi ssi on 10/7/09 88

2 MR. FRELENG: Well --

3 COMMISSIONER HORTON: -- because it's  
4 still undersized.

5 MR. FRELENG: Yes, it's undersized.  
6 They would need an area variance, which is  
7 not as hard to get as a use variance, but  
8 they still would need an area variance to --  
9 to get a use on the site.

10 CHAIRMAN CALONE: So Josh's point is,  
11 it's not like -- or and I think

10 07 09\_Planning\_Commission.txt  
12 Constantine's, too, it's not like you can  
13 just walk in and --

14 MR. FRELENG: Right.

15 CHAIRMAN CALONE: -- there are those  
16 bigger factor issues.

17 However, I'll say one thing about -- to  
18 what you said, Andy. Which is, I think it's  
19 very much within our purview to look beyond,  
20 you know, the application here and to think  
21 seriously about the issue you raised. So I  
22 don't in any way think that that's  
23 inappropriate, what you said, and I think  
24 it's very appropriate to think kind of long  
25 term. However, you know, to some degree,

1 Suffolk County Planning Commission 10/7/09 89  
2 that's mitigated by the fact that there are  
3 constraints on the property going forward.

4 Other thoughts?

5 COMMISSIONER TALDONE: One other.

6 CHAIRMAN CALONE: Mr. Tal done.

7 COMMISSIONER TALDONE: Just a quick  
8 question to make sure I'm clear on this.

9 This actually will result in greater  
10 capacity on the site. They're adding an  
11 additional tank; one gets buried, a new one  
12 comes to the site? Is that -- I'm not clear  
13 on that.

14 MR. FRELENG: Well, again, the -- the  
15 testimony -- hearsay testimony of the  
16 applicant was that, in the winter months they

17 need to travel to get the additional propane  
18 to meet the demand. So putting the second  
19 storage tank underground would -- they would  
20 not need to make that trip.

21 COMMISSIONER TALDONE: Understood.  
22 And -- and I understood what -- I heard what  
23 they said. That that is your -- what was  
24 referred to you is for an increase in  
25 capacity. So they'll end up with more tanks

1 Suffolk County Planning Commission 10/7/09 90  
2 than they had before.

3 MR. FRELENG: That's correct.

4 COMMISSIONER TALDONE: And the site, in  
5 effect, because they're adding -- changing  
6 the zone on that little piece in the back,  
7 would then be less non-conforming than it was  
8 before because it's a larger site, which is  
9 still too small, but it's larger than it was.

10 MR. FRELENG: That's correct.

11 COMMISSIONER TALDONE: Okay. I can --  
12 okay.

13 Thank you.

14 CHAIRMAN CALONE: Good clarification.  
15 We're getting there.

16 So just so we're all clear, both -- the  
17 idea is that they're going to bury both of  
18 the tanks if they get the right to put the  
19 second tank in there; correct?

20 MR. FRELENG: That's correct.

10\_07\_09\_Planning\_Commission.txt  
COMMISSIONER McADAM: (Indicating)

21  
22  
23  
24  
25

CHAIRMAN CALONE: Mr. McAdam.

COMMISSIONER McADAM: Will the  
commission be getting this back if we -- is  
this a two-part process, the zone change,

Suffolk County Planning Commission 10/7/09 91

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

then we get it back again to approve it?

MR. FRELENG: It should be -- it should  
be referred on the site plan.

COMMISSIONER McADAM: Right.

MR. FRELENG: It should be.

COMMISSIONER McADAM: So we'll get it  
back, the site plan.

MR. FRELENG: We assume that it will be.

CHAIRMAN CALONE: We assume that it will  
be.

COMMISSIONER CHARTRAND: (Indicating)

CHAIRMAN CALONE: Commissioner  
Chartrand, welcome.

COMMISSIONER CHARTRAND: Yes. Thank  
you.

As far as suppression system, I mean,  
that would be my concern that you're adding  
all that much more volume there. I mean,  
what -- do we know that that's adequate?

You know, God forbid there was a  
disaster or something happened there, do we  
know that what they're planning on doing --  
is that adequate?

MR. FRELENG: I can't speak to that.



1 Suffolk County Planni ng Commi ssi on 10/7/09 92

2 That was not in the referral, and we did not  
3 look at that. And I would just hazard a  
4 guess -- we're not experts in that area  
5 anyway, so we would have to take the  
6 testimony of the prior suppression expert.

7 CHAIRMAN CALONE: However, the town  
8 obviously could look at that -- the town  
9 board when they're looking at this,  
10 obviously, and hopefully will ask the  
11 applicant that question. I'm sure Mr. Butler  
12 will be before them as he was here before us.

13 So -- so one -- you know, one, actually,  
14 option here is to make this a -- you know, a  
15 more local determination without putting our  
16 in- -- mark on it one way or another. And,  
17 you know, basically, let the town answer  
18 those -- ask and answer those kinds of  
19 questions. So that's a possibility.

20 But any other thoughts?

21 COMMISSIONER POTTER: This is just a  
22 clarifi cation.

23 If we approve this, the town board would  
24 override us with a majority, or all five  
25 unanimous; what would -- how would that work?

1 Suffolk County Planni ng Commi ssi on 10/7/09 93

2 CHAIRMAN CALONE: If we approve it, then

3 10 07 09\_Planning\_Commission.txt  
they would just do what they would do --

4 COMMISSIONER POTTER: I'm sorry, I  
5 misspoke.  
6 If we disapprove it.  
7 CHAIRMAN CALONE: Then they would need a  
8 supermajority vote --  
9 COMMISSIONER POTTER: Which is four out  
10 of five?  
11 CHAIRMAN CALONE: Correct.  
12 DIRECTOR ISLES: No, I think --  
13 COMMISSIONER KELLY: Five out of seven.  
14 DIRECTOR ISLES: -- there's seven  
15 members.  
16 COMMISSIONER POTTER: Five out of seven.  
17 CHAIRMAN CALONE: So five out of seven.  
18 If we were to go in any other direction,  
19 then they could do what they would with a  
20 supermajority. But that's the impact.  
21 DIRECTOR ISLES: Including an LD.  
22 CHAIRMAN CALONE: Including an LD.  
23 Right, whether it's approval or an LD, it's  
24 the same posture.  
25 COMMISSIONER BOLTON: Is there --

1 Suffolk County Planning Commission 10/7/09 94  
2 (WHEREUPON, there was an interruption in  
3 the proceeding, after which the following  
4 transpired:)  
5 COMMISSIONER BOLTON: Is there -- I did  
6 have a question.  
7 (Laughter)

8 CHAIRMAN CALONE: Maybe someone's  
9 feeding you questions --  
10 COMMISSIONER BOLTON: I guess the timing  
11 was --  
12 CHAIRMAN CALONE: -- on the phone.  
13 COMMISSIONER BOLTON: -- not perfect --  
14 CHAIRMAN CALONE: Just be sure to speak  
15 up, Charla, because I know that you're down a  
16 ways there and -- make sure Teri can hear  
17 you.  
18 COMMISSIONER BOLTON: Does the L-2  
19 district specify any sort of landscape buffer  
20 improvements?  
21 In other words, if this is a reworked  
22 site, is there an opportunity here to create  
23 a better-looking site in the long run than it  
24 is now? Even though I know -- I understand  
25 it's an industrial site, but you can still,

1 Suffolk County Planning Commission 10/7/09 95  
2 you know, landscape it -- you can still do  
3 things that are going to make it more  
4 compatible with what's in the neighborhood  
5 now.  
6 MR. FRELENG: The opportunity is  
7 there --  
8 COMMISSIONER BOLTON: Or what's planned  
9 for the neighborhood, I should say.  
10 MR. FRELENG: If we go to the site plan  
11 a second --

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CORRAL: (Compl ying)

MR. FRELENG: -- you don't see any real significant buffering or landscaping on the subject site.

I do need to point out, in the staff report, it is mentioned that they will need a buffering relaxation. So they'll need variances on the buffering requirements as well as the dimension requirements for the site.

So while the opportunity does exist, they still fall short of the requirement for buffering.

COMMISSIONER HOLMES: (Indicating)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

CHAIRMAN CALONE: Okay. First, Linda.

COMMISSIONER HOLMES: Andy, didn't Mr. Shea say that one of the reasons they're seeking to get that residential zone rezoned is to be able to increase the buffer?

I thought I heard him say that.

MR. FRELENG: Well, he might have said that. The buffer would be -- the increase in this buffer would be to Sunrise Highway. I guess you could argue that maybe some of these properties to the east would be buffered, but -- if you go back to the site plan a second, John --

MR. CORRAL: (Compl ying)

MR. FRELENG: -- you could see that the

17 second propane tank is right on this line  
18 (indicating).

19 COMMISSIONER HOLMES: Oh, yes.

20 MR. FRELENG: They cannot put that  
21 propane tank in a residential zone, they need  
22 to change that zone to put that there.  
23 Could they have put the tank forward and then  
24 not needed to change the zone? Yes. But  
25 that's not their proposal. Their proposal is

1 Suffolk County Planning Commission 10/7/09 97  
2 to put it in that piece that is currently  
3 zoned residential, so they need the zone  
4 change.

5 CHAIRMAN CALONE: Huh, interesting.

6 COMMISSIONER HOLMES: Yeah, they could  
7 put it forward --

8 CHAIRMAN CALONE: Well --

9 COMMISSIONER HOLMES: -- and avoid  
10 having to ask for a zone change. But what  
11 they're doing is using it as a lever to get  
12 the zone change, This is where we want to put  
13 the new tank.

14 MR. FRELENG: It would appear that way,  
15 but I don't know what their design restraints  
16 are.

17 CHAIRMAN CALONE: Well, I mean, the  
18 other way -- that's speculative because, I  
19 mean, the other way to look at it is they  
20 need to do that for some reason and,

21 10 07 09\_Planning\_Commission.txt  
therefore, they need the zone change. So  
22 it's hard to know.  
23 DEPUTY DIRECTOR GULIZIO: (Indicating)  
24 CHAIRMAN CALONE: But Dan has a comment.  
25 DEPUTY DIRECTOR GULIZIO: I'm sorry.

1 Suffolk County Planning Commission 10/7/09 98

2 Just -- I'm -- I'm --

3 CHAIRMAN CALONE: And be sure to speak  
4 up so that Teri can --

5 DEPUTY DIRECTOR GULIZIO: I'm trying my  
6 best not to put my two cents in, but I am  
7 somewhat familiar with this site.

8 This zone change has been discussed  
9 since around 2001, 2002 in the town when the  
10 community, through a fairly extensive  
11 community-based planning effort, developed  
12 the Montauk Highway Corridor Study. The  
13 communities of Shirley and Mastic.

14 This was one of three downtown centers.  
15 It was envisioned by the community as a  
16 compact, high-density hamlet center where you  
17 would have mixed-use development, residential  
18 units above a main street pedestrian range of  
19 business district.

20 This site, at the time, was extensively  
21 discussed, it was a very contentious issue  
22 both on the board as well as within the  
23 community because it was a long-term  
24 community-based business. But at the same  
25 time, it was something the community, I think

1 Suffolk County Planni ng Commi ssi on 10/7/09 99  
2 fair ly can be sai d, was vi ewed as somethi ng  
3 not compati ble with the i dea of a mai n street  
4 busi ness di stri ct, both becau se of the nature  
5 of the busi ness, the nature of the truck  
6 traffi c, et cetera.

7 I thi nk the mai n reason why the tank i s  
8 bei ng pl ace to the north, as I recal l, i s  
9 becau se i t was i nadequate set back when you  
10 fact or i n the turni ng moveme nts of the  
11 truck s. The re are a fai r number of truck s  
12 that have to vi si t thi s si te, both to -- to  
13 refuel , pi ck up gas that can then be  
14 deli vered el sewhere off-si te. The re' s a lot  
15 of truck traffi c al so associ ated wi th the  
16 si te. That, getti ng back to Li nda Hol mes'  
17 comment, al so li mi ts the abi li ty to provi de  
18 addi ti onal l andscapi ng or buffe ri ng on si te.

19 I thi nk i t' s fai r to say that the mai n  
20 purpo se for the rezoni ng i s not to provi de  
21 addi ti onal buffe ri ng or l andscapi ng, but to  
22 accommod ate the setbacks and storage capaci ty  
23 for addi ti onal fuel storage on si te.

24 CHAI RMAN CALONE: They coul d put more  
25 buffe ri ng i n there wi th that res- --

1 Suffolk County Planni ng Commi ssi on 10/7/09 100  
2 resi denti al. I mean, they coul d put some

10 07 09\_Planning\_Commission.txt  
3 trees and shrubs --

4 DEPUTY DIRECTOR GULIZIO: Well, the  
5 residential could be buffered right now  
6 without an application of a rezoning.

7 CHAIRMAN CALONE: Other thoughts,  
8 comments, questions?

9 COMMISSIONER ROBERTS: The only thought  
10 I would add is it is -- it's very rare to  
11 hear of a business that has any chance of  
12 growing in this economic environment. And  
13 I -- you know, I think in this environment we  
14 should be taking economic consideration into  
15 effect, and obviously adding the -- the extra  
16 tank is allowing this business to grow and  
17 potentially add jobs.

18 CHAIRMAN CALONE: Any other thoughts?

19 I mean, that's always a tricky thing,  
20 because when you -- when you change the zone,  
21 you're changing it for -- you know, for the  
22 future as well, but I will say this for  
23 myself, the fact that these things are buried  
24 makes me feel better about it.

25 VICE CHAIRMAN KONTOKOSTA: Can I ask a

1 Suffolk County Planning Commission 10/7/09 101  
2 question?

3 CHAIRMAN CALONE: Yes.

4 VICE CHAIRMAN KONTOKOSTA: Just a  
5 clarification on that.

6 Are they actually buried? Because I'm  
7 squinting at the site plan and seeing that



8 they're parti ally buried.  
9 Do you have more detail on that?  
10 MR. FRELENG: The detail that I have is  
11 they're supposed to be buried.  
12 VICE CHAIRMAN KONTOKOSTA: Okay.  
13 MR. FRELENG: Put that in quotes, I  
14 don't know how deep.  
15 VICE CHAIRMAN KONTOKOSTA: Okay.  
16 CHAIRMAN CALONE: Well, you have some --  
17 you have some eye that you can read that.  
18 VICE CHAIRMAN KONTOKOSTA: Okay.  
19 CHAIRMAN CALONE: It may be one of those  
20 things where it has like a --  
21 Yeah, it's does say --  
22 COMMISSIONER HOLMES: Oh, yes --  
23 CHAIRMAN CALONE: -- it does say,  
24 Proposed parti ally --  
25 MR. FRELENG: "Proposed 30,000-gallon

1 Suffolk County Planni ng Commi ssi on 10/7/09 102  
2 propane tanks."  
3 COMMISSIONER CHARTRAND: Actual ly --  
4 COMMISSIONER HOLMES: "Proposed" --  
5 SECRETARY ESPOSITO: "Parti ally buried."  
6 COMMISSIONER HOLMES: It says, "Proposed  
7 parti ally buried." Yes. "Proposed  
8 parti ally."  
9 CHAIRMAN CALONE: Okay.  
10 COMMISSIONER HOLMES: Both of them --  
11 CHAIRMAN CALONE: All right.

12 COMMISSIONER HOLMES: -- say "Proposed  
13 partially." You're right.  
14 CHAIRMAN CALONE: Well, we'll just  
15 assume that that is the probably --  
16 COMMISSIONER HOLMES: It's a good thing  
17 I can still --  
18 CHAIRMAN CALONE: -- the appropriate  
19 safety needs.  
20 All right. Any other thoughts,  
21 comments?  
22 COMMISSIONER TALDONE: Just one more.  
23 CHAIRMAN CALONE: Yes, Vince.  
24 COMMISSIONER TALDONE: One quick comment  
25 in terms of the -- the buffering.

1 Suffolk County Planning Commission 10/7/09 103

2 Certainly if this zone change is  
3 enacted, they still require relief in order  
4 to meet buffering requirements which they  
5 can't do. But, on the other hand, under the  
6 site plan process, we can get a lot more  
7 buffering out of the owner than currently  
8 exists in terms of how it appears to the  
9 community.  
10 Safety, I -- I'm -- now, again, I'm not  
11 a gas expert here, but I imagine that whether  
12 it's slightly underground or aboveground, if  
13 there's catastrophic failure, it's  
14 catastrophic and it isn't going to matter all  
15 that much. It's more of a visual barrier  
16 that I'm thinking of in terms of how this

17 could work within a community that might grow  
18 around it that doesn't have that industrial  
19 look.

20 So all I guess my point is, there will  
21 be an opportunity under the site plan when it  
22 does come to us if the town approves it,  
23 where they, through the town, and we also can  
24 provide our best suggestions in terms of how  
25 to buffer this so it can work within what may

1 Suffolk County Planning Commission 10/7/09 104  
2 become a new corridor there.

3 But, lastly, again, this business has  
4 been there for many years, we need as much  
5 natural gas and propane supplies as we can.  
6 That's an environmental issue that I believe  
7 in, so I -- I wouldn't really want to  
8 restrict the expansion there, even though  
9 it's expansion of a non-conforming use.

10 CHAIRMAN CALONE: Okay.

11 COMMISSIONER TALDONE: Well, actually,  
12 it depends on how you view it, because I  
13 don't view it as an expansion of a  
14 non-conforming use because they're expanding  
15 the land -- it's already too small. The use  
16 is already not permitted under the existing  
17 size of that lot. By expanding the lot area,  
18 they're less non-conforming to some extent.

19 CHAIRMAN CALONE: Yeah, they are  
20 certainly --

21 SECRETARY ESPOSITO: Can I just --  
22 CHAIRMAN CALONE: Yes, Adrienne.  
23 SECRETARY ESPOSITO: I just want to pick  
24 up on Vince's thought, too.  
25 The thing that troubles me a little bit

1 Suffolk County Planning Commission 10/7/09 105  
2 mostly is that we don't know anything  
3 about -- and I understand you said the town  
4 could look at that, but we don't know  
5 anything about the required safety rules and  
6 what the applicant is actually doing. And if  
7 there was a catastrophic failure, there's  
8 usually, you know, a required setback. It's  
9 now 30,000 gallons. You know, I don't know  
10 if they've looked at leak protection systems,  
11 wing migration, you know, what they call  
12 flammable plumes. I mean, and this is a  
13 residential area.

14 I assume that's been looked at, but we  
15 have no information about that which is a  
16 little bit unsettling, particularly because  
17 it is in a residential area.

18 COMMISSIONER TALDONE: I have one more  
19 point on that, if I can.

20 CHAIRMAN CALONE: Yes.

21 COMMISSIONER TALDONE: Specific to that,  
22 the regulations are set by -- by New York  
23 State DOT in terms of movement -- movement of  
24 gas, of course there's environmental  
25 regulations. And, again, this is just a

1 Suffolk County Planni ng Commi ssi on 10/7/09 106  
2 presumption that a new tank and a new  
3 facility will have to come under current fire  
4 suppression standards by the state where  
5 they -- what they may have now from 40 years  
6 ago might be grandfathered in. I'm assumi ng  
7 there will be better environmental controls.

8 SECRETARY ESPOSITO: Well, I would just  
9 say you would be shocked at some of the  
10 things that need to be updated.

11 COMMI SSI ONER TALDONE: Yeah, I'm --

12 SECRETARY ESPOSITO: So --

13 COMMI SSI ONER TALDONE: Right. That's  
14 why I caution, because I'm -- I'm not at all  
15 an expert in this area.

16 VICE CHAIRMAN KONTOKOSTA: (Indi cati ng)

17 CHAIRMAN CALONE: All right.

18 Constantine.

19 VICE CHAIRMAN KONTOKOSTA: Well, I  
20 guess -- I mean, this -- this highlights a  
21 couple problems we're deali ng wi th.

22 I guess one is the kind of longer term  
23 planni ng issues and -- and -- and  
24 revitalizi ng areas versus the site-speci fic  
25 impacts and -- and hardships of some of these

1 Suffolk County Planni ng Commi ssi on 10/7/09 107  
2 thi ngs.

3 I think given the history behind this  
4 site and the history of the business and the  
5 business operation, and the fact that there's  
6 some questions that perhaps remain  
7 unresolved, that perhaps are best resolved at  
8 the local level.

9 I would actually make a motion for local  
10 determination on this.

11 CHAIRMAN CALONE: We have a motion for  
12 local determination.

13 COMMISSIONER POTTER: I would second  
14 that.

15 CHAIRMAN CALONE: Seconded by  
16 Commissioner Potter.

17 All those in favor of having the  
18 commission report back to the town that this  
19 is a local determination, please raise your  
20 hand.

21 (WHEREUPON, the members voted.)

22 CHAIRMAN CALONE: Opposed?

23 (WHEREUPON, the members voted.)

24 CHAIRMAN CALONE: And abstentions?

25 (WHEREUPON, there was no response.)

1 Suffolk County Planning Commission 10/7/09 108

2 CHAIRMAN CALONE: It's 12 to 1 to 0.

3 So the next item -- thank you.

4 The next item on our agenda is the

5 Sysco --

6 (Pause in the proceeding)

7 CHAIRMAN CALONE: Okay. Andy, are you

8 on this one?

9 MR. FRELENG: Yes.

10 CHAIRMAN CALONE: Okay.

11 MR. FRELENG: The next application  
12 before the Planning Commission is referred to  
13 us from the municipality of Islip -- the  
14 Town of Islip. This is Sysco Long Island,  
15 LLC.

16 Jurisdiction for the commission is that  
17 the subject property is within 500 feet of  
18 County Road 100, which is Suffolk Avenue.

19 Looking at the screen, we've got to  
20 subject property here (indicating). This is  
21 the property apparently in its heyday, with  
22 a whole bunch of vehicles and storage around  
23 the site. This is an existing  
24 400,000-square-foot building.

25 Next slide.

1 Suffolk County Planning Commission 10/7/09 109

2 MR. CORRAL: (Compl ying)

3 MR. FRELENG: Here's an oblique of the  
4 subject property (indicating). You can see  
5 that the subject property is surrounded by  
6 residential lots. This would be Suffolk  
7 Avenue (indicating). What's hard to see is  
8 that there's a railroad that runs along  
9 between Suffolk Avenue and the subject  
10 property (indicating). So the site doesn't  
11 exactly front on Suffolk Avenue, it fronts

10 07 09\_Planning\_Commission.txt  
12 on -- what is it? Ludlow, I think it is.

13 MR. CORRAL: (Inaudible)

14 MR. FRELENG: Lowell. It fronts on  
15 Lowell.

16 Next slide, John.

17 MR. CORRAL: (Compliyng)

18 MR. FRELENG: Okay. And when we did our  
19 site inspection, we just took a look at the  
20 property. This is the subject building  
21 (indicating). As you can see, this would be  
22 off looking -- if you look at the woods here,  
23 you would be looking at the east at the  
24 residential lots (indicating). This is the  
25 existing bay areas where the trucks used to

1 Suffolk County Planning Commission 10/7/09 110  
2 come around and load, directly against the  
3 residential area (indicating).

4 Next slide.

5 MR. CORRAL: (Compliyng)

6 MR. FRELENG: Okay. Again, this is  
7 another view of the front of the building  
8 (indicating).

9 Next slide, John.

10 MR. CORRAL: (Compliyng)

11 MR. FRELENG: Okay. You can see that  
12 there is some use going on there, although we  
13 weren't able to determine what's going on  
14 (indicating), probably in the warehouse  
15 rummaging around.

16 (Laughter)



17 MR. FRELENG: Next slide, John.  
18 MR. CORRAL: (Compl ying)  
19 MR. FRELENG: Okay. The applicants are  
20 seeking Town Planning Board site plan/special  
21 permit approval to demolish an existing  
22 warehouse of approximately 500,000 square  
23 feet and construct a new facility of  
24 approximately 400,000 square feet for  
25 commercial food warehouse and distribution

1 Suffolk County Planning Commission 10/7/09 111  
2 with overnight parking of tractors and  
3 trailers as an accessory use.

4 The subject parcel is located on the  
5 southeast of Suffolk Avenue, which I  
6 indicated was County Road 100, and Lowell  
7 Avenue, which is a town street, in the hamlet  
8 of Central Islip.

9 A review of the character of the land  
10 use and zoning in the vicinity indicates that  
11 the subject property is located along a mixed  
12 corridor of residential, business, and  
13 industrially zoned properties along Suffolk  
14 Avenue. So you can see the -- the mosaic of  
15 different zoning in and around the subject  
16 site.

17 CHAIRMAN CALONE: You're a regular  
18 Picasso, Andy.

19 MR. FRELENG: Thank you. I was  
20 searching for that.

21  
22  
23  
24  
25

MR. FRELENG: The predominating land use, particularly south of the subject site, is residential.

Okay. The subject application proposes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Suffolk County Planning Commission 10/7/09 112

one point of unrestricted ingress/egress to Lowell Avenue. No alternate or emergency access is proposed. No cross-access or pedestrian cross-access to adjacent sites is proposed. HART Bus Route 3D is located on Suffolk Avenue, and the Central Islip train station is located on Suffolk Avenue to the west of Lowell. There's parking over here for the train station (indicating). The train station is a little further to the west.

There are no significant environmental constraints on the subject site.

It should be noted that the subject application is located in a minority and economically distressed community as defined by commission guidelines and required to be reported pursuant to Resolution 102-2006 of Suffolk County.

It's the belief of the staff that the requested site plan/special permit is reasonably appropriate, notwithstanding some of the following issues.

As required by Town of Islip Zoning Law,  
Page 96

1 Suffolk County Planni ng Commi ssi on 10/7/09 113  
2 approximately 867 off-street parking stalls  
3 are required for the new 400,000-square-foot  
4 building. The applicants have put forth an  
5 argument that the proposed 497 stalls,  
6 322 of which are constructed and 175 which  
7 are land banked, will be more than adequate  
8 to accommodate each and every employee  
9 planned to work at the facility, as well as a  
10 good number of customers and vehicles. The  
11 full company will employ approximately  
12 250 people on site, and those employees are  
13 broken into shifts.

14 It's the belief of the staff that the  
15 relocation of the truck loading area to the  
16 north of the subject site will serve to  
17 buffer the adjacent residents to the south  
18 from adverse effects from activities during  
19 the operation of the facility. So as I  
20 pointed out in the photo before, right now --  
21 this is the residential area (indicating).  
22 Right now the loading docks run along the  
23 back of the building. And what is being  
24 proposed is that the loading docks come up to  
25 the north side, where they'll be fronting on

1 Suffolk County Planni ng Commi ssi on 10/7/09 114  
2 the train and Suffolk Avenue. So that's one

10 07 09\_Planning\_Commission.txt  
3 major improvement -- after they tear down the  
4 building and build this building, that's one  
5 major improvement over the site plan as it  
6 exists.

7 Staff believes that, in addition, the  
8 town should encumber the use with appropriate  
9 operational restrictions to adequately  
10 protect the nearby residences. In other  
11 words, maybe to have shielded lighting, or  
12 certain hours of operations, hours of truck  
13 deliveries, garbage pickup, restrictions on  
14 truck idling, outdoor speaker systems,  
15 building alarms, trash compaction, et cetera.  
16 So we believe the town should take a look at  
17 the site and perhaps institutionalize more  
18 sensitivity to the residents in the area.

19 There was no indication in the referral  
20 materials that energy efficiency or public  
21 safety was a consideration in the project  
22 design. The applicant should be directed to  
23 review the commission guidelines in these  
24 areas.

25 Staff recommends to the commission then,

1 Suffolk County Planning Commission 10/7/09 115  
2 approval, subject to the following  
3 conditions;

4 1. That the town shall encumber the use  
5 with appropriate operational restrictions to  
6 adequately protect nearby residences; and,

7 2. That the applicant shall be directed

8 to review the Suffolk County Planning  
9 Commission guidelines on Energy Efficiency  
10 and Public Safety and incorporate aspects  
11 into design considerations for the building  
12 and site plan.

13 That is the staff record.

14 CHAIRMAN CALONE: Thank you, Andy.

15 This is an Islip matter, and we'll call  
16 on our new commission member, Mr. Chartrand,  
17 to share any thoughts on that area.

18 COMMISSIONER CHARTRAND: Yeah, I'd have  
19 to agree with the proposal here. Right now  
20 it stands as a big eyesore to the community,  
21 and it's been that way for quite some time.  
22 Years past, when it was -- I believe it was a  
23 Waldbaum's facility years ago, and it had  
24 heavy traffic in and out of the area.  
25 Especially coming along Lowell Avenue there

1 Suffolk County Planning Commission 10/7/09 116  
2 where there was a lot of, you know,  
3 residential. By moving and parking, I think  
4 the front side of that and the entrance  
5 there, I think that will help the community,  
6 you know. I think it look all right. I have  
7 to agree with it --

8 CHAIRMAN CALONE: Thank you.

9 COMMISSIONER CHARTRAND: -- the  
10 proposal.

11 CHAIRMAN CALONE: Thank you, Matt.

12 Before I continue, actually, I want  
13 to -- is there any recusals on this matter?  
14 COMMISSIONER McADAM: (Indicating)  
15 CHAIRMAN CALONE: Mr. McAdam.  
16 COMMISSIONER McADAM: Yeah. They're --  
17 we have a family restaurant, and they're one  
18 of the suppliers. So --  
19 CHAIRMAN CALONE: Okay. So you're going  
20 to recuse.  
21 COMMISSIONER McADAM: Yeah, I guess.  
22 CHAIRMAN CALONE: Thank you, sir. I  
23 appreciate that.  
24 COMMISSIONER KELLY: (Indicating)  
25 CHAIRMAN CALONE: Mr. Kelly.

1 Suffolk County Planning Commission 10/7/09 117

2 COMMISSIONER KELLY: Just a few  
3 questions.  
4 Andy, is the --  
5 CHAIRMAN CALONE: Be sure to speak up,  
6 also, just for Teri's sake.  
7 COMMISSIONER KELLY: Is the facility  
8 presently occupied?  
9 MR. FRELENG: No, it is vacant.  
10 COMMISSIONER KELLY: And Sysco's the  
11 leaseholder, right, or are they the owner; do  
12 you know?  
13 MR. FRELENG: I'm not aware of that  
14 situation. I don't know.  
15 COMMISSIONER KELLY: It just seems a  
16 little odd that it's a 500,000-square-foot

17 facility and you're going to demolish the  
18 facility and rebuild a new one. I just don't  
19 understand the economics of it, not that --  
20 SECRETARY ESPOSITO: No, but that's --  
21 CHAIRMAN CALONE: Well --  
22 SECRETARY ESPOSITO: -- their --  
23 COMMISSIONER KELLY: It's their  
24 prerogative, but, you know --  
25 CHAIRMAN CALONE: We don't know if they

1 Suffolk County Planning Commission 10/7/09 118  
2 passed business school or not, but --  
3 COMMISSIONER KELLY: I just don't see  
4 how it works.  
5 MR. FRELENG: You can't really tell from  
6 these photographs, but the building is pretty  
7 deteriorated.  
8 CHAIRMAN CALONE: Right.  
9 SECRETARY ESPOSITO: And they may need a  
10 completely different structure or a different  
11 operation, different interior design, and  
12 then by that time, it might be just worth it  
13 to take it down and put it back up.  
14 COMMISSIONER HORTON: Maybe a more  
15 fashionable --  
16 SECRETARY ESPOSITO: Modernize --  
17 COMMISSIONER HORTON: -- building.  
18 SECRETARY ESPOSITO: Yeah.  
19 CHAIRMAN CALONE: Well, yeah, I don't  
20 think we need to speculate on it.

21  
22  
23  
24  
25

Do you have follow-up?

MR. FRELENG: Yes.

COMMISSIONER KELLY: Yeah. With the access to the rail, any -- any coordination with rail delivery?

1 Suffolk County Planning Commission 10/7/09 119

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

MR. FRELENG: There's nothing in the site plan --

John, go to the site plan.

MR. CORRAL: (Compl ying)

MR. FRELENG: There was nothing in the site plan or the referral on any coordination with the spur coming off the railroad, but that is a possibility.

COMMISSIONER TALDONE: (Indicating)

CHAIRMAN CALONE: Mr. Tal done.

COMMISSIONER TALDONE: Thanks.

A quick questi on.

There's an actual passenger stop just down the street from this site, is there not?

MR. FRELENG: I believe there is, yes.

COMMISSIONER TALDONE: And on this plan I really can't see whether there is or is not a sidewalk proposed on Lowell, which I guess is the access road to the train station, if I recall the area correctly.

22  
23  
24  
25

MR. FRELENG: Well, the train station is -- and I'm sure you do recall the area. There's parking for the train station because the train station's just off-site --



1 Suffolk County Pl anni ng Commi ssi on 10/7/09 120  
2 COMMI SSI ONER TALDONE: Ri ght.  
3 MR. FRELENG: -- over here (i ndi cati ng).  
4 I cannot recal l whether there's a --  
5 COMMI SSI ONER TALDONE: Yeah.  
6 MR. FRELENG: -- si dewal k al ong  
7 Lowell --  
8 CHAI RMAN CALONE: There appears to be a  
9 si dewal k on --  
10 MR. FRELENG: -- but thi s -- maybe.  
11 DI RECTOR ISLES: And the town requi res  
12 i t as part of a si te pl an devel opment on a  
13 commerci al si te pl an.  
14 CHAI RMAN CALONE: Ri ght. So --  
15 DI RECTOR ISLES: Absol utel y.  
16 COMMI SSI ONER TALDONE: Okay.  
17 CHAI RMAN CALONE: Al l ri ght. Any other  
18 thoughts?  
19 COMMI SSI ONER POTTER: (I ndi cati ng)  
20 CHAI RMAN CALONE: Mr. Potter.  
21 COMMI SSI ONER POTTER: One possi ble  
22 suggesti on and a questi on.  
23 I l i ke thi s l i st up i n the mi ddle of  
24 thi s page, shi el ded l i ghting, hours of  
25 operati on, and so forth. And I 'm wonderi ng

1 Suffolk County Pl anni ng Commi ssi on 10/7/09 121  
2 i f -- what the l anguage i s, i f i t wi ll go to

3 the -- that the applicant will see it, and it  
4 might be worth carrying that list down and  
5 adding it to number 2 at the bottom so that  
6 somebody actually sees that list.

7 MR. FRELENG: At the bottom of the staff  
8 report on the staff recommendations, just for  
9 future reference, if the board was to approve  
10 the staff report as written, what we do is we  
11 just cut and paste into your resolution the  
12 recommendation. So to speak to your point  
13 then, condition number one does put those --  
14 does list those.

15 COMMISSIONER POTTER: Oh, they are there  
16 already. Okay.

17 MR. FRELENG: Yeah, they're in there.

18 COMMISSIONER POTTER: All right. So let  
19 me add one or raise a question to go on that  
20 list.

21 MR. FRELENG: Sure.

22 COMMISSIONER POTTER: How would these --  
23 this huge freezer and cooler going to be run?  
24 Is there a noise issue with that?

25 MR. FRELENG: Well, I -- I couldn't

1 Suffolk County Planning Commission 10/7/09 122

2 speak to that. I don't know.

3 COMMISSIONER POTTER: That might be  
4 something to put on the list.

5 I mean, we had an outdoor ice skating  
6 rink, which was a whole mess the last couple  
7 of years, but one of the big issues -- in

8 East Hampton, one of the big issues was noise  
9 from the generators.  
10 CHAIRMAN CALONE: All right. Well, you  
11 know --  
12 COMMISSIONER POTTER: So --  
13 CHAIRMAN CALONE: -- I -- I think --  
14 COMMISSIONER POTTER: -- just throw that  
15 in --  
16 CHAIRMAN CALONE: -- certainly including  
17 something like noise mitigation in the list  
18 is certainly, I think, reasonable. And  
19 without objection, why don't we add noise  
20 mitigation to the list.  
21 COMMISSIONER TALDONE: If I may --  
22 CHAIRMAN CALONE: Yes.  
23 COMMISSIONER TALDONE: -- Mr. Chairman.  
24 One additional request. That we add  
25 either a condition or a suggestion -- I

1 Suffolk County Planning Commission 10/7/09 123  
2 prefer, of course, a condition -- that the  
3 sidewalk that they're presumably required to  
4 construct along the main road be connected to  
5 the parking lot with a pedestrian walkway,  
6 rather than merging pedestrians into the  
7 access lanes where cars are turning into the  
8 parking lot. People may arrive here on foot  
9 from the train station, and we want to avoid  
10 having them mix with automobile movements.  
11 CHAIRMAN CALONE: Vince, you've added

10 07 09\_Planning\_Commission.txt  
12 that on other applications --  
13 COMMISSIONER TALDONE: Yeah.  
14 CHAIRMAN CALONE: -- in the past, I  
15 don't think there's been any objection to  
16 that. So without objection, we'll --  
17 COMMISSIONER KELLY: (Indicating)  
18 CHAIRMAN CALONE: -- we'll vote.  
19 Mr. Kelly, do you have an objection?  
20 COMMISSIONER KELLY: Oh, no, not an  
21 objection.  
22 CHAIRMAN CALONE: Okay.  
23 COMMISSIONER KELLY: I'm sorry.  
24 CHAIRMAN CALONE: So we'll add that as a  
25 condition.

1 Suffolk County Planning Commission 10/7/09 124  
2 And then, Mike, you can -- you're next.  
3 COMMISSIONER KELLY: Just a comment  
4 going back to the railroad spur or --  
5 Is there any way to require the  
6 applicant to investigate the possibility of  
7 utilizing the railroad spur for deliveries on  
8 and off island, or at least investigate it?  
9 CHAIRMAN CALONE: We could certainly add  
10 a comment or something, you know --  
11 COMMISSIONER KELLY: Maybe a comment.  
12 CHAIRMAN CALONE: -- that would be  
13 consistent with the regional transportation  
14 needs to encourage them to consider it or  
15 something like that. I don't -- I think it  
16 would be --

17 COMMISSIONER KELLY: I think they should  
18 have to at least --

19 CHAIRMAN CALONE: -- significant to --

20 COMMISSIONER KELLY: -- look into it.

21 CHAIRMAN CALONE: -- add that as a  
22 condition in any way.

23 COMMISSIONER KELLY: Right. I think --  
24 to look into it at least.

25 COMMISSIONER HORTON: To look into it,

1 Suffolk County Planning Commission 10/7/09 125

2 and the more the MTA and LIRR hears that --

3 CHAIRMAN CALONE: Yeah.

4 COMMISSIONER HORTON: -- the more  
5 (inaudible) adheres to freight.

6 CHAIRMAN CALONE: Yeah, which is a huge  
7 issue, obviously, commercially and  
8 transportation-wise.

9 So let's just frame this proposal. So  
10 it would be a comment that the planning  
11 commission encourages the applicant to look  
12 at freight rail as a means to transport goods  
13 to and from the site. You know, maybe we  
14 say -- we could even say consistent with, you  
15 know, regional planning -- I'm sorry,  
16 regional transportation priorities or  
17 something like that.

18 COMMISSIONER CHARTRAND: (Indicating)

19 COMMISSIONER HOLMES: You have one more  
20 comment over here (indicating).

21  
22  
23  
24  
25

CHAIRMAN CALONE: Okay.

Is that all right with everyone?

COMMISSIONER CHARTRAND: Yeah. I

believe they're --

CHAIRMAN CALONE: Matt.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Suffolk County Planning Commission 10/7/09 126

COMMISSIONER CHARTRAND: -- Looking at that -- the third rail, by looking to do something like that coming down.

CHAIRMAN CALONE: I mean, certainly the third rail -- one of the advantages of the third rail, among other things, is that it would allow that, you know, ability to have more freight.

COMMISSIONER CHARTRAND: Yeah.

CHAIRMAN CALONE: So, yeah, I think -- I mean, if this is what Josh was saying, I think that's, you know, a good idea.

DIRECTOR ISLES: By the way, in this area, they're looking at a second track. In Nassau, they're looking at a third rail.

SECRETARY ESPOSITO: Tell them to --

CHAIRMAN CALONE: Right.

SECRETARY ESPOSITO: -- build a third rail here.

CHAIRMAN CALONE: Right, right.

But, however, the third rail, since we're on an island is -- or a cul-de-sac, so to speak, is a critical -- we're getting things obviously from the city out here and

1 Suffolk County Pl anni ng Commi ssi on 10/7/09 127  
2 vice versa.  
3 Other --  
4 COMMI SSI ONER KELLY: (Indi cati ng)  
5 CHAI RMAN CALONE: Mi chael .  
6 COMMI SSI ONER KELLY: Sorry, I' m on a  
7 rol l .  
8 CHAI RMAN CALONE: No. You know --  
9 COMMI SSI ONER KELLY: Thi s rail road  
10 thi ng' s gotten --  
11 CHAI RMAN CALONE: -- you shoul d go wi th  
12 i t.  
13 COMMI SSI ONER KELLY: -- to me.  
14 I' m just wonderi ng i f there' s a way --  
15 i t sounds l i ke thi s operati on wi ll be al most  
16 a 24-hour operati on.  
17 Is there a way to coordi nate wi th the  
18 rail road so that empl oyers -- empl oyes can  
19 get some type of coordi nated schedul i ng so  
20 that thei r shi fts -- so that the rail road  
21 has servi ce when shi fts are comi ng and goi ng?  
22 Thi s i s a l arge faci l i ty, i t' s goi ng to  
23 empl oy a l ot of peopl e. So I don' t know i f  
24 there' s -- I don' t know i f there' s a way to  
25 coordi nate --

1 Suffolk County Pl anni ng Commi ssi on 10/7/09 128  
2 CHAI RMAN CALONE: Wel l , i t' s certai nly

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

a --  
COMMISSIONER KELLY: -- some type of --  
CHAIRMAN CALONE: -- a good idea --  
COMMISSIONER KELLY: -- some -- some --  
CHAIRMAN CALONE: -- and one would think  
in their business interest to do that. I  
don't think that the Long Island Rail Road  
would change their operations, but however,  
you know, the plant could, you know --  
SECRETARY ESPOSITO: Coordinate with the  
railroad.  
CHAIRMAN CALONE: -- could think about  
when the railroad schedule is --  
SECRETARY ESPOSITO: Right.  
CHAIRMAN CALONE: -- and --  
COMMISSIONER KELLY: Something.  
SECRETARY ESPOSITO: I think it would be  
easier for the plant to coordinate with the  
railroad schedule.  
CHAIRMAN CALONE: Right.  
SECRETARY ESPOSITO: Which many  
facilities end up doing just for exactly that  
reason.

1  
2  
3  
4  
5  
6  
7

Suffolk County Planning Commission 10/7/09 129  
CHAIRMAN CALONE: We could certainly add  
a comment that -- you know, just with the  
desire to, you know, support public transit.  
We can do that, but we may also just want to  
give them a call on that one.  
SECRETARY ESPOSITO: Okay.



8 CHAIRMAN CALONE: Okay.  
9 COMMISSIONER KELLY: I'll give them a  
10 call.  
11 CHAIRMAN CALONE: You're nominated to do  
12 that.  
13 (Laughter)  
14 CHAIRMAN CALONE: Okay. Any other  
15 transportation, railroad-related things you  
16 want to raise, Mike?  
17 COMMISSIONER KELLY: No, thank you.  
18 Thank you for the opportunity, though.  
19 SECRETARY ESPOSITO: Mike, would you  
20 like the CEO to take the railroad in at least  
21 three times a week?  
22 COMMISSIONER KELLY: That would be nice.  
23 CHAIRMAN CALONE: That would be a good  
24 signal.  
25 MR. FRELENG: Did we want to --

1 Suffolk County Planni ng Commi ssi on 10/7/09 130  
2 COMMISSIONER KELLY: Bloomberg does it.  
3 MR. FRELENG: -- did we want to comment  
4 on that.  
5 CHAIRMAN CALONE: On that?  
6 SECRETARY ESPOSITO: On the CEO?  
7 CHAIRMAN CALONE: We're going to do a  
8 phone call, which is -- is a little different  
9 than our usual --  
10 But we do have a comment -- just to be  
11 clear, we do have a comment.

12 The first comment was on -- you know,  
13 recommending that they do look at, you know,  
14 the rail -- the rail spur, which was a  
15 comment.

16 SECRETARY ESPOSITO: And don't -- and  
17 the sidewalk.

18 CHAIRMAN CALONE: The sidewalk's a  
19 condition.

20 MR. FRELENG: That's condition three.

21 CHAIRMAN CALONE: Three conditions, one  
22 comment.

23 Thank you, Michael. Those were -- you  
24 know, seriously, it was a good point.

25 Other thoughts, comments, questions?

1 Suffolk County Planning Commission 10/7/09 131

2 (WHEREUPON, there was no response.)

3 CHAIRMAN CALONE: All right. If not,  
4 we'll entertain a motion.

5 Mr. Chartrand, would you like to make  
6 the motion --

7 COMMISSIONER CHARTRAND: Yes.

8 CHAIRMAN CALONE: -- to --

9 COMMISSIONER CHARTRAND: I make a motion  
10 to approve.

11 CHAIRMAN CALONE: Motion to approve as  
12 amended.

13 A second --

14 COMMISSIONER BOLTON: Second.

15 CHAIRMAN CALONE: -- from Ms. Bolton.

16 All those in favor of adopting the staff

17 report for approval with the three conditions  
18 and the one comment, please raise your hand.

19 (WHEREUPON, the members voted.)

20 CHAIRMAN CALONE: And that's 12.

21 So it's 12 to zero.

22 SECRETARY ESPOSITO: And one --

23 COMMISSIONER KELLY: One abstention.

24 CHAIRMAN CALONE: And, I'm sorry, one  
25 recusal.

1 Suffolk County Planning Commission 10/7/09 132

2 Thank you, Adrienne.

3 Okay. That wraps up our regulatory  
4 agenda.

5 We had two items to discuss.

6 One is the comprehensive plan.

7 Obviously, Tom mentioned it a little bit  
8 in your comments, I don't know if you want to  
9 add anything right now on that.

10 DIRECTOR ISLES: No, I think we're okay.

11 CHAIRMAN CALONE: What we're going to do  
12 is we're going to include this as a standing  
13 topic of conversation for each of our  
14 meetings so that we do have some update on  
15 the comp plan. We can have -- the entire  
16 commission can have input as we're going  
17 forward on -- on the path, and we will keep  
18 meeting with the advisory committee every  
19 month or maybe every month or so. And anyone  
20 who wants to join those meetings is welcome

21 10 07 09\_Planning\_Commission.txt  
to do so.

22 The last item for discussion is the  
23 flag lot policy, which is a Brookhaven issue;  
24 right?

25 DIRECTOR ISLES: Yes.

1 Suffolk County Planning Commission 10/7/09 133

2 CHAIRMAN CALONE: And who's taking --

3 DIRECTOR ISLES: Dan Gulizio.

4 CHAIRMAN CALONE: -- taking on that one?  
5 Dan.

6 DEPUTY DIRECTOR GULIZIO: I'll be brief.

7 You know, I promised Teri I would talk  
8 nice and slowly, but that was before I ate  
9 11 cookies at last count. So --

10 (Laughter)

11 DEPUTY DIRECTOR GULIZIO: One of the  
12 things I wanted to talk to you about was the  
13 idea of flag lots. Individually, it may not  
14 be a significant issue, it's certainly not a  
15 regionally significant issue under the  
16 definition, but collectively, they raise some  
17 issues.

18 And maybe, John, if you could just go to  
19 one we can see a little bit better.

20 MR. CORRAL: (Compliyng)

21 DEPUTY DIRECTOR GULIZIO: Here's an  
22 example of a flag lot in Mt. Sinai that --  
23 this is not the one.

24 Here's a cul-de-sac coming up  
25 (indicating). And as you can see there are

1 Suffolk County Planni ng Commi ssi on 10/7/09 134  
2 one, two, three, four, five, six, seven lots  
3 that are coming off this cul-de-sac, along  
4 with one, two -- this is a third lot that's  
5 merged with this lot (indicating), so we'll  
6 call that three, four, five, these are two  
7 separate homes.

8 CHAIRMAN CALONE: You know, I'm familiar  
9 with that area. The reason it's like that is  
10 because they wanted them all to have --  
11 they're all around the water, and they all  
12 have use of the water. But that's --

13 All right.

14 DEPUTY DIRECTOR GULIZIO: Yeah --

15 CHAIRMAN CALONE: Strike that comment.

16 DEPUTY DIRECTOR GULIZIO: -- but -- no  
17 that's --

18 COMMISSIONER HORTON: That changes  
19 everything.

20 (Laughter)

21 CHAIRMAN CALONE: Sorry for the  
22 interruption.

23 DEPUTY DIRECTOR GULIZIO: From a  
24 planning standpoint, what we'd like to see  
25 with flag lots is that -- number one, that

1 Suffolk County Planni ng Commi ssi on 10/7/09 135  
2 there be some code provisions to allow them

10 07 09\_Planning\_Commission.txt  
3 under specific standards. So that we don't  
4 get examples like this where from a -- even  
5 if it's from a fundamental fire safety or  
6 delivery status. The idea of trying to find  
7 the correct address off of seven individual  
8 driveways coming off the end of the  
9 cul-de-sac, which doesn't even meet town  
10 standards in terms of its radius or the  
11 steepness of the street, is something that is  
12 a concern from a policy standpoint.

13 There's a couple other examples just in  
14 this immediate community of Mt. Sinai. Just  
15 one just down the street from that where  
16 again we have one, two, three, four coming  
17 off, and then three over, one, two, three,  
18 four other lots coming off the same flag lot  
19 situation here (indicating). This is right  
20 around the corner.

21 The next one -- and we'll move  
22 quickly -- and, again, another example of one  
23 here (indicating). One, two, three, four  
24 additional lots coming off of --

25 And the concern that we have for this is

1 Suffolk County Planning Commission 10/7/09 136  
2 that from a policy standpoint, typically you  
3 adopt standards in terms of roadway width,  
4 cul-de-sac radius, steep slopes in terms of  
5 the -- the basic lot parameters, the lot  
6 widths to the individual lots. So that you  
7 can, number one, maintain a uniformed value,

8 and also meet basic public health safety and  
9 welfare concerns in terms of deliveries, fire  
10 safety, emergency response.

11 There are certain circumstances where it  
12 makes sense from a planning standpoint to  
13 vary these standards, along with protecting  
14 unique lots for resource, along where  
15 protecting, say, a steep slope, where from a  
16 practical matter there's something unique to  
17 the nature of the land that would warrant  
18 some variance from the standard.

19 But what we see increasingly in some  
20 towns and in some of the examples here is  
21 the -- the standards are being varied simply  
22 to maximize either the views of the property  
23 or to maximize maybe even the value of the  
24 property itself as opposed to meeting basic  
25 health and safety concerns over proper lot

1 Suffolk County Planning Commission 10/7/09 137  
2 design or proper subdivision design.

3 One of the other examples --  
4 John, if you could just keep going.

5 MR. CORRAL: (Compliyng)

6 DEPUTY DIRECTOR GULIZIO: This involves  
7 a street known as Weeks Avenue. It runs  
8 really from the Expressway, south. This is  
9 Moriches-Middle Island Road cutting across  
10 here (indicating). This property is the  
11 ADR property, just for -- you're aware

10 07 09\_Planning\_Commission.txt  
12 about -- Mike, you're probably familiar with  
13 one. 640 acres of undeveloped industrial  
14 land south of the Expressway and south of  
15 Brookhaven National Lab.

16 There are approximately 60 lots that are  
17 off of Weeks Avenue here. There is an old  
18 right-of-way that exists along the side of  
19 this -- to the west of these lots where an  
20 additional roadway could be designed and  
21 installed to provide a safe means of ingress  
22 and egress to the rear of these properties to  
23 allow a rational subdivision of the property.  
24 Instead, what we're getting --

25 John, if you could just go --

1 Suffolk County Planning Commission 10/7/09 138

2 MR. CORRAL: (Compl ying)

3 DEPUTY DIRECTOR GULIZIO: We're starting  
4 to get --

5 The next one.

6 MR. CORRAL: (Compl ying)

7 DEPUTY DIRECTOR GULIZIO: The next one.

8 MR. CORRAL: (Compl ying)

9 DEPUTY DIRECTOR GULIZIO: We're starting  
10 to get these flag lots along here  
11 (i ndi cati ng).

12 So the concern that we have from a  
13 policy standpoint is that ultimately we can  
14 end up with 60 lots that all have numerous  
15 flag lots coming off of these 60 lots. And  
16 creates something of a chaotic pattern of



17 land use in terms of just basic deliveries,  
18 safe access in ingress and egress, it also  
19 focuses more of the traffic onto one roadway  
20 as opposed to a more fair distribution of the  
21 traffic along multiple rationally laid-out  
22 roadways in the area.

23 So what we'd like to do --

24 Again, just the next one, John.

25 MR. CORRAL: (Compl ying)

1 Suffolk County Planning Commission 10/7/09 139

2 DEPUTY DIRECTOR GULIZIO: Here's another  
3 one (indicating), some of the examples that  
4 were already developed along Weeks Avenue a  
5 little further south of -- actually, this is  
6 toward the northern end where you have one,  
7 two, three, four lots developed off of this.

8 This could have been very easily done  
9 even without opening up this right-of-way, as  
10 you can see over here (indicating), by simply  
11 doing a street -- roadway to town standards  
12 with a cul-de-sac to town standards so that  
13 delivery trucks, garbage trucks, emergency  
14 vehicles, fire safety equipment could get in  
15 and out and service those homes in the area  
16 and businesses in the area without any  
17 problem. Instead, what we have are narrow  
18 driveways, which aren't even permitted under  
19 town code, establishing a precedent where  
20 ultimately we could have a couple hundred of

10 07 09\_Planning\_Commission.txt  
21 these lots off of one roadway as opposed to  
22 all the lots accessing a road opened and  
23 improved to town standards.

24 So we wanted to prepare a letter to the  
25 towns talking about this issue and advocating

1 Suffolk County Planning Commission 10/7/09 140  
2 for a more rational system of roadway access  
3 to these lots, and try to discourage these  
4 types of flag lots from being developed in  
5 the future, but we wanted to run it by you as  
6 a -- as a policy question first.

7 Again, we didn't think these were really  
8 worth your -- bringing to the commission for  
9 individualized determination on the  
10 subdivisions, but we thought the policy  
11 question was something that would be worth a  
12 letter and a comment, we wanted to discuss it  
13 with you first.

14 CHAIRMAN CALONE: How long has this -- I  
15 mean, some of these examples from the  
16 Mt. Sinai one, I -- because I grew up around  
17 the corner, I know is only a few years old.  
18 But the -- you know, some of these I imagine  
19 are probably -- could be pretty old.

20 What's your sense of that, or is this a  
21 newer phenomenon?

22 DEPUTY DIRECTOR GULIZIO: Well, I think  
23 most of these are -- when I say "pretty  
24 recent," I would say within the last ten to  
25 20 years, most of them are. And most, I

1 Suffolk County Planni ng Commi ssi on 10/7/09 141  
2 think, more recent than that. You know,  
3 certainly these -- these are fairly new.  
4 Okay. If you could just go to the  
5 aerial .  
6 MR. CORRAL: (Compl yi ng)  
7 DEPUTY DIRECTOR GULIZIO: Any ones you  
8 can see -- again, in the air- --  
9 I'm sorry, John, just one of the ones  
10 that show the --  
11 MR. CORRAL: Oh. (Compl yi ng)  
12 DEPUTY DIRECTOR GULIZIO: Keep goi ng.  
13 MR. CORRAL: (Compl yi ng)  
14 DEPUTY DIRECTOR GULIZIO: Like that --  
15 I'm sorry, back one.  
16 MR. CORRAL: (Compl yi ng)  
17 DEPUTY DIRECTOR GULIZIO: These are  
18 fairly new because you can see the yards  
19 haven't even grown in.  
20 SECRETARY ESPOSITO: Yeah.  
21 DEPUTY DIRECTOR GULIZIO: So you know  
22 they're new.  
23 And just one --  
24 I'm sorry, go to the overall aerial ,  
25 John, where --

1 Suffolk County Planni ng Commi ssi on 10/7/09 142  
2 MR. CORRAL: (Compl yi ng)

3 DEPUTY DIRECTOR GULIZIO: Right there.  
4 That one.  
5 What is this? Any guesses?  
6 CHAIRMAN CALONE: Class, who would like  
7 to raise their hand?  
8 DEPUTY DIRECTOR GULIZIO: It's not Lake  
9 Ronkonkoma.  
10 SECRETARY ESPOSITO: Is it a sump?  
11 DEPUTY DIRECTOR GULIZIO: It's not a  
12 sump.  
13 SECRETARY ESPOSITO: It's a sand mine.  
14 DEPUTY DIRECTOR GULIZIO: It's a sand  
15 mine.  
16 CHAIRMAN CALONE: Ding, ding, ding.  
17 DEPUTY DIRECTOR GULIZIO: And what you  
18 see -- it's very hard to see, but you see  
19 this little speck here (indicating)? The  
20 sand mine has gone into the aquifer --  
21 COMMISSIONER HOLMES: Oh.  
22 DEPUTY DIRECTOR GULIZIO: -- and into  
23 the water table, and this is a barge which  
24 they use on the aquifer to dredge more  
25 materials from below the water level so it's

1 Suffolk County Planning Commission 10/7/09 143  
2 the finest sand.

3 SECRETARY ESPOSITO: Just an  
4 environmentalist's favorite operation.

5 DEPUTY DIRECTOR GULIZIO: Yeah.

6 VICE CHAIRMAN KONTOKOSTA: I'll ask you  
7 a legal question, since your off of your

8 APA Metro Conference presentation and session  
9 presentation, which I heard was great.

10 What are the impacts of this --

11 DEPUTY DIRECTOR GULIZIO: I'll have to  
12 consult my attorney.

13 VICE CHAIRMAN KONTOKOSTA: -- from a  
14 property rights perspective in terms of -- I  
15 mean, new roadways are expensive. They take  
16 a lot of time. So if you have a property  
17 owner that has zoning for as-of-right or  
18 something that would allow, say, four units  
19 on one of those lots that you showed, do you  
20 require them to wait around for a road to be  
21 authorized and constructed before they're  
22 allowed to subdivide and build?

23 DEPUTY DIRECTOR GULIZIO: Well, I would  
24 say the basic concept is, if you want to  
25 develop your land, then you have an

1 Suffolk County Planning Commission 10/7/09 144  
2 obligation to ensure that you provide access  
3 to that property in accordance with town  
4 standards.

5 If you're directly adjacent to the end  
6 of a roadway, you're responsible for  
7 extending that roadway to your property.

8 If you happen to be one of these lots  
9 that's all the way down here, and the roadway  
10 hasn't been opened and improved for that,  
11 then that's something you need to coordinate

10 07 09\_Planning\_Commission.txt  
12 with maybe some of your neighbors, or to  
13 finance yourself.

14 But there's no obligation of government  
15 to ensure that you have access onto a road  
16 opened and improved on taxpayer, I think,  
17 dollar, just to ensure that you can develop  
18 your property.

19 Everyone has, I think, a fundamental  
20 responsibility to provide improvements and  
21 develop their property in accordance with  
22 minimum standards. One of the things we're  
23 concerned most about the subdivisions we're  
24 talking about here, these flag lots, is that  
25 they don't meet minimum standards in the

1 Suffolk County Planning Commission 10/7/09 145  
2 town. All those are variance applications  
3 for lot widths because they -- they don't  
4 maintain access on a road that's opened and  
5 improved to town standards.

6 Each of these lots, under the town code  
7 right now, these are A-1 and A-2 lots,  
8 meaning one-acre or two-acre single-family  
9 residential lots, have a minimum requirement  
10 of 175-foot of road frontage on a road that's  
11 opened and improved to town standards. None  
12 of those do. All of those are simply getting  
13 variances from the town code to allow for 15,  
14 20, and 25-foot access points onto a -- a  
15 road that's opened and improved to town  
16 standards.

17 If the town wanted to take the approach  
18 that Southampton does or some of the other  
19 East End towns do where they adopt uniformed  
20 flag lot design standards, where they say you  
21 need a minimum width on a flag lot of, say,  
22 25 feet, and you can't count the flag lot in  
23 terms of the lot area requirement, and you  
24 address the proper set back, that's  
25 absolutely appropriate also. That's a

1 Suffolk County Planning Commission 10/7/09 146  
2 community preference, that's a policy  
3 question. What we're concerned with is that  
4 we see these instances where they're simply  
5 varying the code without any standards, and  
6 they're significant variances.

7 CHAIRMAN CALONE: And you do this on  
8 case-by-case basis, but it's happening a  
9 lot.

10 DEPUTY DIRECTOR GULIZIO: Right. One  
11 would almost say that it's smart, maximum,  
12 and arbitrary approach, but --

13 COMMISSIONER BOLTON: (Indicating)

14 COMMISSIONER POTTER: (Indicating)

15 CHAIRMAN CALONE: Job. Oh, and then --  
16 Job and then Charla.

17 COMMISSIONER POTTER: You go first.

18 COMMISSIONER BOLTON: No, I just wanted  
19 to know from what approach do you -- are you  
20 actually taking with, specifically, the Town

21 10 07 09\_Planni ng\_Commi ssi on. txt  
of Brookhaven?

22 DEPUTY DIRECTOR GULIZIO: Well, what we  
23 would like to do --

24 COMMISSIONER BOLTON: What are you  
25 recommendi ng?

1 Suffolk County Planni ng Commi ssi on 10/7/09 147

2 DEPUTY DIRECTOR GULIZIO: What we would  
3 like to do in this case is to recommend to  
4 them that ei ther they adopt uni formed  
5 standards to address flag lots so that  
6 there's a consistent policy that can be  
7 applied that all flag lots meet certain  
8 minimum standards, or that they take the  
9 approach of rather than varying the code to  
10 allow flag lots, if that's not their  
11 preference, if they start restricting these  
12 types of applications to require that when  
13 someone subdivi des their property, they  
14 ensure they meet minimum road design  
15 standards.

16 COMMISSIONER BOLTON: Isn't that  
17 something that perhaps other towns also have  
18 i ssues wi th? Meaning, you know, why are we  
19 sayi ng Brookhaven, why aren't we sayi ng  
20 throughout Suffolk County?

21 I mean, I don't think it's a problem so  
22 much in Hunti ngton because we've had flag lot  
23 regulati ons for a long time and we don't see  
24 those kinds of areas as much, but I think  
25 there must be other towns in which this is



1 Suffolk County Planni ng Commi ssi on 10/7/09 148  
2 also -- is thi s so glari ngly obvi ous that  
3 Brookhaven --  
4 DIRECTOR ISLES: Yes.  
5 COMMI SSIONER BOLTON: -- and not  
6 otherwi se?  
7 DIRECTOR ISLES: We' ve noti ced --  
8 CHAIRMAN CALONE: Di rector Isl es.  
9 DIRECTOR ISLES: We' ve noti ced a strong  
10 i ncrease i n flag lot appli cations comi ng  
11 through the commi ssi on. So yes, i t i s a  
12 probl em. It' s al so -- thi s i s a case, too,  
13 where we -- you know, the town mi ght do a  
14 block study on these 60 l arge l ots and l ook  
15 at the coordi nated devel opment as oppos ed to  
16 j ust parcel by parcel .  
17 COMMI SSIONER BOLTON: Uh-huh.  
18 DIRECTOR ISLES: So i t i s somethi ng that  
19 appears to be happeni ng a l ot i n Brookhaven.  
20 We' re not sayi ng wheth er that' s good or bad,  
21 we are concern ed, and we woul d l ike to have a  
22 conversati on wi th the town pl anners on thi s,  
23 and, here agai n, want ed to run i t by the  
24 commi ssi on i n terms of knowi ng that we' re  
25 bringi ng i t to thei r attenti on.

1 Suffolk County Planni ng Commi ssi on 10/7/09 149  
2 CHAIRMAN CALONE: Are you proposi ng a

3 letter from the commission or a letter --  
4 DIRECTOR ISLES: No.  
5 CHAIRMAN CALONE: -- from the department  
6 just --  
7 DIRECTOR ISLES: Right.  
8 CHAIRMAN CALONE: -- indicating we've  
9 noticed X, the commission has concerns --  
10 DIRECTOR ISLES: We brought it --  
11 CHAIRMAN CALONE: -- or something --  
12 DIRECTOR ISLES: -- to the attention of  
13 the commission --  
14 CHAIRMAN CALONE: Yeah.  
15 DIRECTOR ISLES: -- and so forth. Yeah.  
16 CHAIRMAN CALONE: Vague.  
17 DIRECTOR ISLES: Most of these fault  
18 below your threshold --  
19 CHAIRMAN CALONE: Right.  
20 DIRECTOR ISLES: -- but, here again, we  
21 just feel it's important enough to --  
22 CHAIRMAN CALONE: Well, first --  
23 DIRECTOR ISLES: -- bring it to your  
24 attention.  
25 CHAIRMAN CALONE: -- let me -- let me

1 Suffolk County Planning Commission 10/7/09 150  
2 just say one thing. Let me credit you for  
3 doing that, because, you know, the whole  
4 point of the regional significance thing was  
5 that we wouldn't be getting, you know, tons  
6 of --  
7 DIRECTOR ISLES: Right.

8 CHAIRMAN CALONE: -- applications every  
9 time, we actually focus on the few that are  
10 the most important. But, you know, credit to  
11 you guys because, you know what, if there's  
12 the same problem happening on small lots over  
13 and over and over again, it does have a  
14 regional impact.

15 COMMISSIONER TALDONE: (Indicating)

16 CHAIRMAN CALONE: So thank you.

17 I believe Job was next, and then over to  
18 Vince.

19 COMMISSIONER POTTER: My only comment  
20 really is, as we get into this, I see that  
21 you're very aware of the complexity of this,  
22 because what we saw here were photographs --  
23 widely different situations. And I know that  
24 in East Hampton at least, this issue's been  
25 grappled with for 25 years, and then the

1 Suffolk County Planning Commission 10/7/09 151  
2 Law's have been tweaked and changed.

3 So that my only comment would be, which  
4 I'm sure you're not doing but I'll throw it  
5 out there, to not push a town toward building  
6 paved roads to road specs when -- for  
7 four-house lots, let's say, when a common  
8 driveway might work.

9 But on the other hand, to have five or  
10 six driveways next to each other and flags is  
11 crazy.

12 CHAIRMAN CALONE: And this way if you're  
13 going to do the common driveway, make sure  
14 that there's a standard for doing it for  
15 that --

16 COMMISSIONER POTTER: Yeah. Which --

17 CHAIRMAN CALONE: -- emergency --

18 DIRECTOR ISLES: A country lane.

19 CHAIRMAN CALONE: -- and -- right.

20 DEPUTY DIRECTOR GULIZIO: We wouldn't  
21 want to tell the town anything --

22 DIRECTOR ISLES: Yeah.

23 DEPUTY DIRECTOR GULIZIO: -- you know,  
24 specifically. What we'd like to do is bring  
25 to the attention of the town the other

1 Suffolk County Planning Commission 10/7/09 152  
2 options that are out there. Such as what  
3 East Hampton's doing, such as what  
4 Southampton's doing.

5 And Islip we'd take even a different  
6 approach. Islip would require, say, a map in  
7 the road to town standards be placed on the  
8 official map as a 50-foot wide road with a  
9 proper cul-de-sac, and maybe it would reduce  
10 the pavement width within that area to  
11 whatever's minimally needed in order to  
12 accommodate the number of homes that are  
13 proposed.

14 So, I mean, there's multiple  
15 approaches --

16 COMMISSIONER POTTER: Right.

17 DEPUTY DIRECTOR GULIZIO: -- we just  
18 want them to be aware of it to try to take  
19 more of a standardized approach to addressing  
20 the issue.

21 SECRETARY ESPOSITO: I think that's the  
22 advantage and benefit of having a regional  
23 perspective over time. So that would be  
24 exactly what we would want to be doing for  
25 the county.

1 Suffolk County Planning Commission 10/7/09 153

2 DEPUTY DIRECTOR GULIZIO: And we'll say  
3 it very nicely. We won't be saying words  
4 like, the commission is outraged or --  
5 (Laughter)

6 COMMISSIONER HORTON: Wouldn't say  
7 arbitrary or something like that.  
8 (Laughter)

9 COMMISSIONER BOLTON: But isn't --

10 CHAIRMAN CALONE: Charla.

11 COMMISSIONER BOLTON: Isn't there  
12 another issue also that if -- a lot of these  
13 are -- are being created through the vehicle  
14 of a variance, that the variance process is  
15 somehow being abused?

16 I mean, isn't that -- I mean, maybe  
17 that's a little too strong a word, but --

18 DEPUTY DIRECTOR GULIZIO: I can throw it  
19 in there if you want.

20 (Laughter)

21 COMMISSIONER HOLMES: Well --  
22 COMMISSIONER BOLTON: But --  
23 CHAIRMAN CALONE: Hold on. Hold on.  
24 Let's let Charla finish.  
25 DEPUTY DIRECTOR GULIZIO: I think that's

1 Suffolk County Planning Commission 10/7/09 154

2 a fair question. I think that --  
3 COMMISSIONER BOLTON: You know, because  
4 really --  
5 DEPUTY DIRECTOR GULIZIO: Right.  
6 COMMISSIONER BOLTON: -- you're talking  
7 about two separate issues. One of which is  
8 you're using your zoning board --  
9 DEPUTY DIRECTOR GULIZIO: Right.  
10 COMMISSIONER BOLTON: -- to create  
11 things that are really unacceptable. That  
12 it's -- where it's not just individual  
13 relief --  
14 DEPUTY DIRECTOR GULIZIO: Right.  
15 COMMISSIONER BOLTON: -- but it's  
16 wholesale planning done through the variance  
17 process.  
18 DEPUTY DIRECTOR GULIZIO: You don't want  
19 to undermine the integrity of the code  
20 while --  
21 COMMISSIONER BOLTON: Exactly.  
22 DEPUTY DIRECTOR GULIZIO: -- actually  
23 applying the code --  
24 COMMISSIONER BOLTON: Thank you.  
25 DEPUTY DIRECTOR GULIZIO: -- and apply

1 Suffolk County Planni ng Commi ssi on 10/7/09 155  
2 the standards under 267 that really guide  
3 variance deci si ons. And I'm not sure if all  
4 of these are consistent wi th that standard,  
5 so that's a great point.  
6 CHAIRMAN CALONE: And I thi nk -- I'm  
7 sure in the letter you can --  
8 COMMI SSI ONER BOLTON: And that mi ght --  
9 CHAIRMAN CALONE: -- you can --  
10 COMMI SSI ONER BOLTON: -- be somethi ng  
11 that you coul d say --  
12 CHAIRMAN CALONE: Yeah, i f not --  
13 COMMI SSI ONER BOLTON: -- wi thout usi ng  
14 the word abuse.  
15 CHAIRMAN CALONE: Ri ght.  
16 (Laughter)  
17 CHAIRMAN CALONE: I f not those l anguage,  
18 I'm sure you coul d say -- i ndicate that the  
19 problem seems to be at the ZBA l evel .  
20 DEPUTY DI RECTOR GULI ZI O: Ri ght.  
21 Well , it raises another point that there  
22 are so many appli cations goi ng to the ZBA  
23 that seem to reflect there's somethi ng wrong  
24 wi th the way the tests are bei ng appli ed --  
25 COMMI SSI ONER HOLMES: Uh-huh.

1 Suffolk County Planni ng Commi ssi on 10/7/09 156  
2 DEPUTY DI RECTOR GULI ZI O: -- or there's

10 07 09\_Planning\_Commission.txt  
3 something fundamentally wrong with the code  
4 that's generating --  
5 COMMISSIONER HOLMES: Right.  
6 DEPUTY DIRECTOR GULIZIO: -- all those  
7 variance applications.  
8 COMMISSIONER HOLMES: That's what I was  
9 going to say.  
10 CHAIRMAN CALONE: Go ahead, Linda. I'm  
11 sorry.  
12 COMMISSIONER HOLMES: I was going to  
13 mention that at a state planning commission  
14 meeting some years back we had a -- a very  
15 good zoning lawyer talking to us about, if a  
16 town keeps seeing and granting a lot of  
17 variances, they should really look to change  
18 their zoning code. You know, just for that  
19 reason. That variances -- constant variances  
20 are not the way to go.  
21 DEPUTY DIRECTOR GULIZIO: Well,  
22 Brookhaven is, unfortunately, a perfect  
23 example of that --  
24 COMMISSIONER HOLMES: Yes.  
25 DEPUTY DIRECTOR GULIZIO: -- where they

1 Suffolk County Planning Commission 10/7/09 157  
2 rezoned large lots at the east end of the  
3 town to one-acre and two-acre zoning back in  
4 the mid 1980s as part of their comprehensive  
5 plan update in 1986 -- 1996 comprehensive  
6 plan update. And it made sense to them, they  
7 said we're going to mirror health department



8 regulations for half-acre, one-acre, and  
9 two-acre zoning.

10 Unfortunately, out of those roughly  
11 101,000 one-acre lots that now exist,  
12 92 percent of them are less than one-acre in  
13 size. And they all need variances as a  
14 result whenever they go to do even something  
15 as simple as an addition.

16 CHAIRMAN CALONE: Other comments or --

17 COMMISSIONER TALDONE: (Indicating)

18 CHAIRMAN CALONE: Yes, Vince.

19 COMMISSIONER TALDONE: Just quickly.

20 Dan, I know -- I'm actually more  
21 familiar with the requirements in  
22 Southampton, having just gone through a  
23 subdivision for the Housing Authority. And  
24 they have a very clear set of standards.

25 DEPUTY DIRECTOR GULIZIO: Sure.

1 Suffolk County Planning Commission 10/7/09 158

2 COMMISSIONER TALDONE: On a small  
3 development of just a few houses, they won't  
4 necessarily make a -- the developer or the  
5 agency build to the town's specification for  
6 a town road, but they'll build a country lane  
7 or they have a -- which has a minimum width,  
8 there's a turning radius for emergency  
9 vehicles. Those requirements must be met in  
10 order to get approval. And, as far as I  
11 know, it's working fairly well.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

So I just wanted some clarification.

So Brookhaven doesn't have this kind of standard to -- to measure these applications against?

DEPUTY DIRECTOR GULIZIO: Right.

COMMISSIONER TALDONE: It's either a town road or there's whatever the --

DEPUTY DIRECTOR GULIZIO: You either need 175-foot at the street line, or you need 175-foot at the set back line if you're on a cul-de-sac. So if you don't have one of those two options --

COMMISSIONER TALDONE: Variance.

DEPUTY DIRECTOR GULIZIO: -- then you

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

Suffolk County Planning Commission 10/7/09 159  
need a variance.

CHAIRMAN CALONE: And then it's a free-for-all.

COMMISSIONER TALDONE: So you're proposing actually preparing, in a way, a model standard that we would promote to the towns that don't have one --

DEPUTY DIRECTOR GULIZIO: Well, that's --

COMMISSIONER TALDONE: -- if there's more --

DEPUTY DIRECTOR GULIZIO: -- I think gets back to Job's comment in that, I don't think there is one standard necessarily that fits all. But I think if we can show them

17 the options are out there, you know, the  
18 different approaches -- you know, mapping a  
19 road into town standards and varying a  
20 pavement versus coming up with uniformed  
21 standards for flag lots just like you would  
22 any other traditional sized lot or configured  
23 lot -- I think we just want to point them in  
24 the direction and let them pick.

25 CHAIRMAN CALONE: Like a buffet, we will

1 Suffolk County Planning Commission 10/7/09 160  
2 provide --

3 COMMISSIONER TALDONE: Yeah.

4 CHAIRMAN CALONE: -- options. Yes.

5 COMMISSIONER TALDONE: Well, my last --  
6 my concern there is just on the affordable  
7 housing and -- because we're -- we're down to  
8 the digging at the bottom of the barrel for  
9 lots here and there, and a lot of them will  
10 end up as flag lots. So, you know, if you're  
11 forcing a town road level of construction,  
12 it's a lot of money. So they really ought to  
13 have some --

14 DEPUTY DIRECTOR GULIZIO: It doesn't  
15 have to --

16 COMMISSIONER TALDONE: -- some basis.

17 DEPUTY DIRECTOR GULIZIO: It doesn't  
18 have to be. And that's not what we're  
19 saying, I want to be perfectly --

20 COMMISSIONER TALDONE: Right.

10 07 09\_Planni ng\_Commi ssi on. txt  
DEPUTY DI RECTOR GULI ZI O: -- cl ear.

21  
22  
23  
24  
25

We're not sayi ng you shoul dn' t have flag  
lots. We're j ust sayi ng i f you're goi ng to  
have them, you ought to have a standard to  
gui de your deci si on maki ng associ ated wi th

1 Suffolk County Planni ng Commi ssi on 10/7/09 161  
2 them.

3 COMMI SSI ONER TALDONE: And that's based  
4 i n part on, you know, publ ic safety i ssues  
5 such as emergency vehi cle access, et cetera,  
6 so there i s a county-wi de i nterest i n  
7 ensuri ng emergency vehi cle access to -- i n --  
8 to l ocati ons.

9 DEPUTY DI RECTOR GULI ZI O: I t's very  
10 cl ear that some of our subdi vi si ons were done  
11 i n the '60s, over- desi gned i n terms of  
12 roadway. And we thought wi der and strai ghter  
13 was better, and then we found out that's  
14 actual ly faster and l ess safe.

15 COMMI SSI ONER TALDONE: Ri ght.

16 DEPUTY DI RECTOR GULI ZI O: The i dea of  
17 tai lori ng or narrowi ng the roadway wi thi n a  
18 ri ght-of-way I thi nk makes a l ot of sense.  
19 That's not -- you know, we're not sayi ng that  
20 we want wi der roadways, we j ust want a  
21 standard.

22 CHAI RMAN CALONE: I remember the  
23 di strict attorney came and spoke to us thi s  
24 l ast year about that very i ssue. So --

25 COMMI SSI ONER McADAM: (I ndi cati ng)

1 Suffolk County Planni ng Commi ssi on 10/7/09 162

2 CHAIRMAN CALONE: The gentleman from  
3 Southold, you get the last word.

4 COMMISSIONER McADAM: I get the last  
5 word.

6 The subdivision in Mt. Sinai, the one  
7 that you had -- was that approved as a single  
8 subdivision, or was it a situation where they  
9 had like one or two and then they kept adding  
10 on, adding on, and is that why you ended up  
11 with so many separate right-of-ways?

12 DEPUTY DIRECTOR GULIZIO: I believe that  
13 lot, that lot, and that lot were probably out  
14 parcels (indicating).

15 COMMISSIONER McADAM: Uh-huh.

16 DEPUTY DIRECTOR GULIZIO: Everything  
17 else was part of the subdivision.

18 COMMISSIONER McADAM: So they actually  
19 approved it that way in one --

20 DEPUTY DIRECTOR GULIZIO: Yes.

21 COMMISSIONER McADAM: -- one plan.

22 DEPUTY DIRECTOR GULIZIO: Yes.

23 CHAIRMAN CALONE: That's the voice of  
24 sorrow. The minutes can't really capture the  
25 sorrow.

1 Suffolk County Planni ng Commi ssi on 10/7/09 163

2 COMMISSIONER POTTER: How did the

10 07 09\_Planni ng\_Commi ssi on. txt  
3 commi ssi on vote on that?

4 (Laughter)

5 COMMI SSIONER POTTER: I t wasn' t us.

6 DEPUTY DI RECTOR GULI ZI O: I t' s j ust  
7 i mportant to note that thi s was prior to my  
8 tenure wi th the town.

9 (Laughter)

10 CHAI RMAN CALONE: A ll ri ght.

11 Anythi ng el se on thi s, Dan?

12 Look, I -- I thi nk --

13 DEPUTY DI RECTOR GULI ZI O: No.

14 CHAI RMAN CALONE: -- I don' t thi nk we  
15 need a vote here. I thi nk the sense of --  
16 from thi s group, un less there' s any other  
17 comments, i s that that' s appropri ate and  
18 that' s exactl y what we' re here for, as  
19 Adri enne --

20 SECRE TARY ESPOSI TO: That' s ri ght.

21 CHAI RMAN CALONE: -- sai d. So --

22 Any other comments or questi ons on thi s  
23 topi c?

24 (WHEREUPON, there was no response.)

25 CHAI RMAN CALONE: Seei ng none.

1 Suffol k County Planni ng Commi ssi on 10/7/09 164

2 Any other comments or questi ons, or  
3 anythi ng el se goi ng on anyone wants to rai se.

4 COMMI SSIONER HOLMES: I j ust wanted --

5 CHAI RMAN CALONE: Li nda.

6 COMMI SSIONER HOLMES: -- to take the  
7 opportuni ty to thank both Dan and Andy for  
Page 140

8 clarifying the IMA requirements for the  
9 Town Board of Shelter Island.

10 When I made my presentation, they were  
11 very concerned. In fact, it was the town  
12 attorney that raised the question that on  
13 Shelter Island we have a lot of pocket parks.  
14 Little -- little parcels that we have  
15 purchased with the two percent money. And  
16 they wanted to know would they be subject to  
17 the IMA restrictions. And, unfortunately,  
18 the answer is yes, sort of.

19 So the town board has not acted yet in  
20 this past month since I've made my  
21 presentation a couple of weeks ago, whether  
22 or not to, you know, adopt an IMA. So we're  
23 hoping, but I do want to thank them for  
24 clarifying, because they -- they were  
25 concerned about that.

1 Suffolk County Planning Commission 10/7/09 165

2 CHAIRMAN CALONE: Thank you, Linda.

3 Two things about the IMAs, by the way.

4 One, maybe for next month we can get an  
5 update on who -- on the signing, who we got  
6 done -- you know, what municipalities have --  
7 have signed on, and we can figure out a  
8 strategy for those that haven't, how we can  
9 outreach either through the members of this  
10 group or a letter or something else.

11 And then Barbara actually raised with me

10 07 09\_Planning\_Commission.txt  
12 a few days ago some concerns about the limits  
13 in the IMA and whether they're too  
14 restrictive for --

15 COMMISSIONER HOLMES: Uh-huh.

16 CHAIRMAN CALONE: -- for these  
17 standards. And we --

18 COMMISSIONER HOLMES: They are.

19 CHAIRMAN CALONE: -- we certainly  
20 discussed this at length when we did the  
21 regional significance, and --

22 COMMISSIONER ROBERTS: It slipped by me.

23 CHAIRMAN CALONE: -- and to some degree,  
24 we may need to revisit the IMA. But I -- I  
25 don't really think we're in a position to do

1 Suffolk County Planning Commission 10/7/09 166  
2 that right now since we just proposed it.  
3 And many -- and I've -- looking at the -- the  
4 group -- the group that approved it was  
5 largely from the East End. A bunch of the  
6 towns from the East End have already --  
7 already approved it. So --

8 COMMISSIONER ROBERTS: So virtually  
9 nothing gets referred to us now.

10 CHAIRMAN CALONE: Well, we're going  
11 to -- obviously, a lot of -- anything on the  
12 water -- I mean, there's a variety of things  
13 that do, but certainly we'll want to relook  
14 at that, I'm sure, within a few months and  
15 see whether that's -- what we're missing.

16 So thank you for raising that.



17           COMMI SSI ONER McADAM:  (I ndi cati ng)  
18           SECRETARY ESPOSITO:  (I ndi cati ng)  
19           CHAI RMAN CALONE:  Mr. McAdam, and then  
20           our secretary.  
21           COMMI SSI ONER McADAM:  The comprehensi ve  
22           pl an.  
23           We had a meeting before, and since then  
24           I was -- I was just trying to think of thi s  
25           one probl em that I have wi th i t.  Not wi th

1           Suffol k County Pl anni ng Commi ssi on 10/7/09  167  
2           the pl an, but wi th trying to understand i t.

3           If we have a project l ike Heartl and,  
4           and -- say, any other bi g project, say,  
5           Yaphank -- and we haven' t deal t wi th i t as a  
6           commi ssi on, how do we deal wi th i t i n the  
7           comprehensi ve pl an?

8           DI RECTOR ISLES:  We l l , I don' t know i f  
9           we' re going to get down to si te-speci fi c  
10           projects.  We' l l certai nly have to talk about  
11           mega projects i n terms of there are these,  
12           certai nly, very regi onal ly signi fi cant  
13           projects.  I don' t anti ci pate that the  
14           comprehensi ve pl an, however, woul d be l ooki ng  
15           at those.  Typi cal ly, i t makes speci fi c  
16           recommendati ons.

17           Those are projects that are under review  
18           and they can change.  And you wi ll have to  
19           consi der exactl y what i s referred to you at  
20           that ti me, whi ch may be di fferent from what' s

21 10 07 09\_Planning\_Commission.txt  
being discussed or proposed now.

22 In terms of the plan, I think the plan  
23 has to consider, here again, what's happening  
24 in Suffolk County. Those are certain  
25 things -- certainly things that are

1 Suffolk County Planning Commission 10/7/09 168  
2 happening. They're both -- the two examples  
3 that you cited are in growth centers that  
4 have already been recognized by Suffolk  
5 County. So they have to be considered in  
6 terms of the growth and development of the  
7 county. We have these growth areas, we have  
8 these mega projects. And in the big picture,  
9 this is the 30,000-foot high view we're  
10 taking of the county; what does this mean,  
11 are these good or bad in the general sense  
12 not a specific sense, and how should the plan  
13 reflect those and deal with those.

14 So that's how I see it happening.  
15 We'll get into it in a little more detail  
16 when we get to that part of the project.

17 COMMISSIONER McADAM: Would the  
18 mapping -- the map -- when we did the tour of  
19 the property and they had the overlay of the  
20 mapping.

21 DIRECTOR ISLES: Right.

22 COMMISSIONER McADAM: Now, would that  
23 mapping be included in the report?

24 DIRECTOR ISLES: No, I don't see us  
25 putting a project specific mapping in the

1 Suffolk County Planni ng Commi ssi on 10/7/09 169  
2 report. Unless we did it as a way of an  
3 example of the project. But for us to go  
4 through that kind of detail in the plan is,  
5 you know, probably too detailed for it. We'd  
6 start getting into a manushya (phonetic)  
7 fast, I think.

8 COMMI SSI ONER McADAM: Uh-huh.

9 DIRECTOR ISLES: So I don't see that  
10 type of mapping being in -- here again,  
11 unless it's an illustration and -- and making  
12 a point that affects county-wide or  
13 regional -wide or even intermuni cipal -type  
14 issues.

15 There's a real challenge here in this  
16 plan always in terms of, one could spend the  
17 rest of their life doing the plan and --

18 COMMI SSI ONER McADAM: Uh-huh.

19 DIRECTOR ISLES: -- as I said, you never  
20 reach the point of planning to get all the  
21 information possible. The other hand is, how  
22 do we provide something that has utility,  
23 usefulness. And I think we need to have a  
24 bit of that broad view -- we need to be  
25 informed, but we need to have that broad

1 Suffolk County Planni ng Commi ssi on 10/7/09 170  
2 view. And I think, here again, I -- as I

10 07 09\_Planning\_Commission.txt  
3 said at the committee meeting, I think this  
4 is a real important effort that you're doing,  
5 that we're doing here. We have great plans  
6 for Suffolk County in a number of different  
7 areas, but we don't really have a  
8 comprehensive plan that's up to date. The  
9 latest one was in the early '70s.

10 COMMISSIONER McADAM: Uh-huh.

11 DIRECTOR ISLES: And the whole purpose  
12 of this is to look cohesively and  
13 comprehensively at all these things that are  
14 happening. So we get all these projects, we  
15 get all these policy issues on affordable  
16 housing, on sewers, on transportation, and so  
17 forth. It's time to pull it all together to  
18 look at it holistically and see how does this  
19 affect us, what should we be doing to modify  
20 policies to -- to improve the future of the  
21 county, to -- to anticipate needs and impacts  
22 and so forth.

23 So that's the view, and we'll look at  
24 it.

25 COMMISSIONER McADAM: Thank you.

1 Suffolk County Planning Commission 10/7/09 171

2 COMMISSIONER ROBERTS: (Indicating)

3 CHAIRMAN CALONE: Barbara.

4 COMMISSIONER ROBERTS: David, four of us  
5 are up for renewal on December 31st. So I  
6 was curious what the process is for that.

7 COMMISSIONER HOLMES: We have to go

8 before the Environment Committee --  
9 CHAIRMAN CALONE: Well --  
10 COMMISSIONER HOLMES: -- again --  
11 CHAIRMAN CALONE: -- beyond that, you  
12 need to be renominated, which --  
13 (Laughter)  
14 COMMISSIONER HOLMES: Which our towns  
15 have to do; right?  
16 CHAIRMAN CALONE: Well, the county  
17 executive is the one who gets to choose. And  
18 I believe Tom -- Director Isles has informed  
19 the county executive's office that the terms  
20 are ending for several people.  
21 SECRETARY ESPOSITO: Okay.  
22 DIRECTOR ISLES: Yes.  
23 CHAIRMAN CALONE: And I think there --  
24 you may all just be queried to make sure that  
25 you do want to continue. And if you do, then

1 Suffolk County Planning Commission 10/7/09 172  
2 they will, you know, consider you for  
3 renomination.  
4 Obviously, Tom McAdam and Constantine  
5 were just renominated when their terms ended,  
6 and -- you know, so I think that's the  
7 process.  
8 Anything else you want to add, Tom.  
9 DIRECTOR ISLES: The only other thing we  
10 did do --  
11 COMMISSIONER ROBERTS: Do we have to go

10 07 09\_Planning\_Commission.txt  
12 back in front of the Legislature, David,  
13 or --  
14 COMMISSIONER McADAM: Yeah.  
15 COMMISSIONER ROBERTS: -- is it just --  
16 COMMISSIONER McADAM: Oh, yeah.  
17 COMMISSIONER HOLMES: No, the  
18 Environment Committee.  
19 CHAIRMAN CALONE: Yeah, the Environment  
20 Committee.  
21 COMMISSIONER HOLMES: Yeah.  
22 SECRETARY ESPOSITO: Did you,  
23 Constantine?  
24 VICE CHAIRMAN KONTOKOSTA: No.  
25 DIRECTOR ISLES: No, they did waive

1 Suffolk County Planning Commission 10/7/09 173  
2 it --  
3 SECRETARY ESPOSITO: Did you?  
4 DIRECTOR ISLES: -- and --  
5 COMMISSIONER McADAM: I did, yes.  
6 SECRETARY ESPOSITO: You did?  
7 COMMISSIONER HOLMES: They waived it?  
8 DIRECTOR ISLES: -- I was able --  
9 Constantine wasn't able to make the meeting,  
10 and I made a presentation. They asked me a  
11 few questions about Constantine --  
12 (Laughter)  
13 CHAIRMAN CALONE: I want to see the  
14 minutes on that one.  
15 DIRECTOR ISLES: Apparently --  
16 SECRETARY ESPOSITO: They did a

17 presentation about you.

18 DIRECTOR ISLES: Apparently he's  
19 satisfactory.

20 The other thing we're required to do is  
21 complete a review of the attendance of the  
22 commission member. So you're required to  
23 attend at least 75 percent of the meetings.  
24 You're also required, under state law, to  
25 have at least four hours of training a year,

1 Suffolk County Planning Commission 10/7/09 174

2 and we need to confirm that as well so that  
3 that's available to the legislature as well.

4 COMMISSIONER McADAM: And they ask all  
5 those questions.

6 CHAIRMAN CALONE: What's that?

7 COMMISSIONER McADAM: And they ask all  
8 those questions, too.

9 SECRETARY ESPOSITO: They did, they  
10 questioned you?

11 COMMISSIONER McADAM: Oh, yeah.

12 SECRETARY ESPOSITO: I'll be there for  
13 three days.

14 COMMISSIONER McADAM: Tom had to bail me  
15 out on a couple of things, but --

16 CHAIRMAN CALONE: You had a PowerPoint  
17 on McAdam, too; right?

18 Just so everyone knows who they are,  
19 the people whose terms are up are  
20 John Caracciolo, Linda Holmes, Barbara

21 10 07 09\_Planning\_Commission.txt  
22 Roberts, Adrienne Esposito, and Sarah  
Lansdale.

23 Anyway, so that's where we stand on  
24 that --

25 COMMISSIONER HOLMES: Do our town

1 Suffolk County Planning Commission 10/7/09 175  
2 supervisors need to nominate us --

3 SECRETARY ESPOSITO: No.

4 COMMISSIONER HOLMES: -- again?

5 COMMISSIONER ROBERTS: No.

6 COMMISSIONER HOLMES: No.

7 CHAIRMAN CALONE: Yeah, it's the county  
8 executive's discretion as to who he talks to  
9 about that.

10 COMMISSIONER HOLMES: Oh --

11 CHAIRMAN CALONE: So, you know --

12 COMMISSIONER HOLMES: I see.

13 CHAIRMAN CALONE: But the power is with  
14 the county executive.

15 SECRETARY ESPOSITO: That's like  
16 one-third of the commission.

17 CHAIRMAN CALONE: Yeah, I hope you all  
18 don't leave.

19 COMMISSIONER HOLMES: I'm wondering,  
20 Tom, how old was Bobby Martin when he left  
21 the commission?

22 DIRECTOR ISLES: I don't know.

23 SECRETARY ESPOSITO: That's a personal  
24 question.

25 Linda, we're not --  
Page 150



1 Suffolk County Planni ng Commi ssi on 10/7/09 176  
2 DIRECTOR ISLES: I have no idea.  
3 SECRETARY ESPOSITO: -- about yourself?  
4 COMMI SSI ONER HOLMES: I am. You know, I  
5 mean, you don't want somebody getting up  
6 toward the age of 80 who's still on the  
7 commi ssi on. I mean, I'm out there by --  
8 MS. SPAHR: As counsel, I'd like to  
9 point out that there shouldn't be an age  
10 limit.  
11 DIRECTOR ISLES: Yeah, you --  
12 COMMI SSI ONER HOLMES: You're right.  
13 CHAIRMAN CALONE: My feeling is that  
14 anyone from Shelter Island who's willing to  
15 take a boat both ways to get here --  
16 COMMI SSI ONER HOLMES: Yes.  
17 CHAIRMAN CALONE: -- and just --  
18 MS. SPAHR: Is young at heart.  
19 CHAIRMAN CALONE: Is young at heart,  
20 that's it. Thank you.  
21 Okay.  
22 SECRETARY ESPOSITO: And is hired.  
23 CHAIRMAN CALONE: If there are other  
24 questions about that issue, we can ask them  
25 off line.

1 Suffolk County Planni ng Commi ssi on 10/7/09 177  
2 COMMI SSI ONER HOLMES: Yes.

3 CHAIRMAN CALONE: Anyone else have  
4 anything that they want to raise?  
5 (WHEREUPON, there was no response.)  
6 CHAIRMAN CALONE: If not, I'll entertain  
7 a motion to adjourn.  
8 COMMISSIONER HOLMES: So moved.  
9 CHAIRMAN CALONE: Motion by the  
10 youngster from Staten Island.  
11 COMMISSIONER KELLY: (Indicating)  
12 CHAIRMAN CALONE: Seconded by --  
13 COMMISSIONER HOLMES: Staten Island?  
14 SECRETARY ESPOSITO: Staten Island?  
15 CHAIRMAN CALONE: I'm sorry. My bad.  
16 My bad. My bad.  
17 DIRECTOR ISLES: I just want to know  
18 what the jury's verdict was.  
19 (Laughter)  
20 CHAIRMAN CALONE: Seconded by Mr. Kelly,  
21 and it's unanimous. Thank you.  
22 (WHEREUPON, the meeting of the  
23 Suffolk County Planning Commission adjourned  
24 at 2:28 p.m.)  
25

2  
3  
4 C E R T I F I C A T E

5  
6 I, THERESA PAPE, a Shorthand Reporter and  
7 Notary Public of the State of New York, do hereby  
Page 152

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 7th day of October 2009.

18

19

20

21

\_\_\_\_\_  
THERESA PAPE

22

23

24

25