

# 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:** December 2, 2009

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

**LOCATION:** Rose Caracappa Auditorium, Hauppauge

---

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

1. Adoption of minutes for August 5, & September 2, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers
  - Town of Brookhaven (Diane Mazarakis, AICP, Principal Planner) - Portion Road Corridor Study
  - Town of Brookhaven (Representative) - Port Jefferson Station Terryville Hamlet Study
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
  - 2009 Portion Road Corridor Study; Lake Ronkonkoma & Farmingville (Brookhaven)
  - Chapter 17J; Moratorium-Port Jefferson Station Terryville Hamlet Study/Land Use Plan (Brookhaven)
  - MVC Properties, LLC 0200 48800 0100 007000 (Brookhaven)
  - Avalon at Huntington Station 0400 10400 0100 001000 (Huntington)
  - Amendment – Section 85-17 Issuance of Building Permits & Restrictive Covenants (Brookhaven)
7. Section A14-24 of the Suffolk County Administrative Code
  -
8. Discussion
  - Suffolk County Comprehensive Plan – Preliminary Report; Demographics (Peter Lambert, Principal Planner, Suffolk County Department of Planning)
9. Other Business -
  - Nominating Committee
  - Rules of Proceedings
  - Presentation by Accessible Design and Smart Growth Task Force on Draft Model Universal Design Permit Incentives.

NOTE: The **next meeting** of January 6, 2010 TBA pending the Suffolk County Legislative Calendar.

# 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, & September 2, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers
  - Town of Brookhaven (Jeff Kassner) Department of Planning – Chapter 17J Moratorium - Port Jefferson Station Terryville Hamlet Study
  - Town of Brookhaven (Diane Mazarakis, & Joe Sanzano) Department of Planning - Portion Road Corridor Study
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
  - Chapter 17J; Moratorium-Port Jefferson Station Terryville Hamlet Study/Land Use Plan (Brookhaven)
  - 2009 Portion Road Corridor Study; Lake Ronkonkoma & Farmingville (Brookhaven)
  - MVC Properties, LLC 0200 48800 0100 007000 (Brookhaven)
  - Avalon at Huntington Station 0400 10400 0100 001000 (Huntington)
  - Amendment – Section 85-17 Issuance of Building Permits & Restrictive Covenants (Brookhaven)
7. Section A14-24 of the Suffolk County Administrative Code
  -
8. Discussion
  - Suffolk County Comprehensive Plan – Preliminary Report; Demographics (Peter Lambert, Principal Planner, Suffolk County Department of Planning)
9. Other Business -
  - Nominating Committee
  - Rules of Proceedings
  - Presentation by Accessible Design and Smart Growth Task Force on Draft Model Universal Design Permit Incentives.

NOTE: The **next meeting** of January 6, 2010 TBA pending the Suffolk County Legislative Calendar.

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

1

SUFFOLK COUNTY Planning Commission  
Verbatim Minutes  
December 2, 2009  
1:00 P. M.

William H. Rogers Legislature Building  
725 Veterans Memorial Highway  
Smithtown, New York

B E F O R E:

DAVID L. CALONE - Chairman, Town of Babylon

Reported by:  
Gabrielle Skolom,  
Court Reporter

1  
2

2

M E M B E R S:

- 3 Constantine Kontokosta - Vice Chair/ Villages under 5,000
- 4 populati on
- 5 Adrienne Esposito - Secretary/ Villages over 5,000
- 6 populati on
- 7 Michael F. Kelly - Town of Brookhaven
- 8 Job Potter- Town of East Hampton
- 9 John W. Caracciolo - Town of Huntington
- 10 Matthew Chartrand - Town of Islip
- 11 Vince Tal done- Town of Riverhead
- 12 Linda Holmes - Town of Shelter Island
- 13 Vacant - Town of Smithtown
- 14 Barbara B. Roberts - Town of Southampton
- 15 Tom McAdam - Town of Southold
- 16 Charla E. Bolton - At Large
- 17 Sarah Lansdale - At Large
- 18 Josh Horton - At Large
- 19
- 20 ALSO PRESENT:
- 21 Thomas A. Isles, Director of Planning
- 22 Daniel J. Gulizio, Deputy Director of Planning
- 23 Andrew P. Freleng, Chief Planner/Suffolk County
- 24 Department of Planning
- 25 John Corral (for Theodore Klein), SC Planning Department

- 1 3
- 2 Dotty Sonnichsen, Staff, SC Planning Department
- 3 Linda A. Spahr, Assistant County Attorney
- 4
- 5
- 6
- 7

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

1 SC Planni ng 12/02/09 4  
2 (The meeting was called to order at 1:09 P.M.)  
3 CHAIRMAN CALONE: Good  
4 afternoon. All right. Wel come to  
5 the December meeting of the Suffolk  
6 County Planni ng Commi ssi on. I woul d  
7 note that we have a quorum present,  
8 and I woul d ask the vice chair man to  
9 lead us in the pledge.  
10 (Sal utati on)  
11 CHAIRMAN CALONE: The fi rst

12 item on our agenda is the adoption  
13 of the minutes for August 5th and  
14 September 2nd, 2009. We will, of  
15 course, take those separately. With  
16 regard to the August 5th minutes, we  
17 got a revised version back from our  
18 court reporter, and Mrs. Holmes and  
19 I went through that. I don't know  
20 if you had anything to add, but I  
21 think there were improvements.

22 COMMISSIONER HOLMES: I agree  
23 that doing a little -- doing a  
24 little spot check, most of the  
25 corrections appeared to have been

1 SC Planning 12/02/09 5  
2 made, so I would move the adoption  
3 of minutes as corrected for August.

4 CHAIRMAN CALONE: Okay. Is  
5 there any discussion about that or  
6 any other comments on the August  
7 minutes?

8 (No response)

9 Seeing none, we'll entertain a  
10 second to the motion. Seconded by  
11 Commissioner Bolton. All in favor  
12 of adopting the August minutes,  
13 please raise your hand.

14 PANEL: (Panel complies.)

15 CHAIRMAN CALONE: All opposed?  
16 That passes unanimously. We have

17 nine right now.

18 Moving on to the September  
19 minutes, I had given my brief edits  
20 to Commissioner Holmes. I trust she  
21 had a few as well, but mine were all  
22 minor. Anything on that?

23 COMMISSIONER HOLMES: Mine were  
24 fairly minor. I found only nine  
25 errors. Some of them were word

1 SC Planning 12/02/09 6

2 errors, and you found some of those  
3 and an additional five or six so --

4 CHAIRMAN CALONE: We like to  
5 have a little competition between  
6 the two of us.

7 (Laughter)

8 COMMISSIONER HOLMES: So we  
9 could pass the corrections and look  
10 forward to the revisions, I suppose,  
11 for the September --

12 CHAIRMAN CALONE: Yes. What  
13 we've traditionally done when there  
14 is minor typo-type edits, we've  
15 passed those and moved on. Anyone  
16 else have anything else on the  
17 September minutes?

18 (No response)

19 CHAIRMAN CALONE: Seeing none,  
20 Commissioner Holmes, would you move

21  
22  
23  
24  
25  
  
  
  
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

the minutes?  
COMMISSIONER HOLMES: I would  
move the adoption of the --  
CHAIRMAN CALONE: Amended  
minutes.

COMMISSIONER HOLMES: --  
September minutes as we amend them.  
CHAIRMAN CALONE: Seconded by  
Commissioner Roberts. All in favor,  
please raise your hand.  
PANEL: (Panel complied.)  
CHAIRMAN CALONE: And that is  
unanimous, 9 to 0.  
Next, we have the -- sorry.  
COMMISSIONER HOLMES: I just  
wanted to pass the corrections to  
the court reporter.  
CHAIRMAN CALONE: Okay. The  
next item on the agenda is Public  
Portion. First up, we have Mitch  
Pally from the Weber Group.  
Mr. Pally, you have three minutes.  
Please state and spell your name for  
the record.  
MR. PALLY: Pally, P-A-L-L-Y,  
first name is Mitch, from the Weber  
Law Group. We are here today to  
speak on the Town of Brookhaven  
Moratorium, Chapter 171 in Port



1 SC Planning 12/02/09 8

2 Jefferson Station, Terryville. We  
3 represent one of the property owners  
4 who would become under the  
5 moratorium. We oppose the  
6 moratorium for a variety of reasons.

7 Number one, these same  
8 properties were included in a prior  
9 moratorium, which lasted for 18  
10 months by the Town of Brookhaven.

11 Number two, since that time,  
12 the Town has not taken any action  
13 with regard to any of these  
14 properties for the last year, and  
15 now the Town is coming back asking  
16 for a second moratorium on the same  
17 properties.

18 We believe that is inequitable,  
19 unfair, and we would urge this  
20 Planning Commission to reject the  
21 moratorium as requested. Thank you  
22 very much.

23 CHAIRMAN CALONE: Thank you,  
24 Mr. Pally. Next we have Mark Lyon.  
25 Mr. Lyon, you also have three

1 SC Planning 12/02/09 9

2 minutes. If you could, spell your

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

name for the record.  
MR. LYON: Mark Lyon, L-Y-O-N.  
Jefferson Consultants, 503 Main  
Street. I represent the applicant  
MVC Properties, and what I would  
like to do at this time is recite a  
letter from the Civic Association  
into the minutes. This is to  
Suffolk County Planning Commission's  
Tom Isles.

"On 12/2/09, the parcel known  
as MVC Properties will be before  
you. It is located on the north  
side of Middle Country Road,  
Centereach, between Hammond and  
North Howell.

"The Centereach Civic has been  
working with MVC Properties and  
their consultant, Mark Lyon of  
Jefferson Consultants for almost two  
years. The Centereach Civic  
absolutely wants this project to be  
approved. It is currently multiple

1  
2  
3  
4  
5  
6  
7

SC Planning 12/02/09 10  
smaller sites with a few small  
buildings that have outlived their  
intention and are no longer suited  
for the current surroundings.  
"The intended use in combining  
properties and creating commercially-zoned -- one  
Page 8

8 commercially-zoned parcel would  
9 provide a better benefit to the  
10 area's economy as well as the  
11 appearance. The new project would  
12 encompass a large portion of  
13 neglected land that has been an  
14 eyesore for far too long.

15 "The Centereach Civic has been  
16 and will continue to work with MVC  
17 Properties and Jefferson Consultants  
18 to ensure that the site plan will  
19 compliment the surrounding area,  
20 meet the needs of the community and  
21 follow the guidelines that we, as a  
22 community, have worked so hard to  
23 initiate.

24 "The Civic has specific  
25 requests pertaining to MVC's site

1 SC Planning 12/02/09 11  
2 plan, land banking, curb cuts and  
3 architectural designs that have been  
4 considered and incorporated into the  
5 current site plan. The Civic is  
6 also actively involved in assisting  
7 the new property owners in  
8 soliciting and ushering in the types  
9 of tenants to ensure success for  
10 all.

11 "Our request to you, the

12 Suffolk County Planning Commission,  
13 is to not only approve the site but  
14 to recommend that the Town of  
15 Brookhaven also approve the site  
16 plan. In the past, the Planning  
17 Board remained somewhat neutral,  
18 leaving it to the discretion of the  
19 Town Board. We, the residents of  
20 Centereach, respectfully request  
21 that you send your comments to  
22 support the approval, which we  
23 believe will allow the plan to move  
24 through the process in a timely  
25 manner. This could be the

1 SC Planning 12/02/09 12

2 difference between the best tenants  
3 being secured or being lost.

4 "I will be available on my cell  
5 phone during this public hearing if  
6 there are any questions of us that  
7 you would like answered before you  
8 deliberate. Please, however, feel  
9 free to call me at any time to  
10 discuss this issue, as it is of  
11 great importance to those of us in  
12 Centereach. Respectfully, Diane  
13 (Cadullo), President."

14 I would also like to add that  
15 Supervisor Lesko and Deputy  
16 Supervisor Kathy Walsh, who is also

17 the council person in this district,  
18 are very -- they have placed this on  
19 a 100-day plan, if you will, to try  
20 and expedite this through the  
21 planning process of the Town, and  
22 Commissioner Tullio Bertoli has  
23 personally worked with us on this  
24 plan. Thank you.

25 CHAIRMAN CALONE: Thank you,

1 SC Planning 12/02/09 13

2 Mr. Lyon. Next up, we have Alan  
3 King. Sir, you have three minutes.

4 MR. KING: Good afternoon.

5 Alan Jay King, Jr., Licensed  
6 Professional Engineer with the firm  
7 of Cameron Engineering. We  
8 represent the applicant, MVC  
9 Properties. I am the partner in  
10 charge of all traffic transportation  
11 services performed by Cameron  
12 Engineering.

13 I just wanted to let the  
14 Commission know that Cameron  
15 Engineering has been involved with  
16 this applicant for a number of  
17 years. We have worked with the  
18 civic associations and with the Town  
19 Traffic Safety Group. We have  
20 prepared a very detailed traffic

21 impact study that is suitable for  
22 the New York State DOT, as well as  
23 addressing a memorandum that was  
24 prepared by the Town safety --  
25 traffic and safety group where they

1 SC Planning 12/02/09 14

2 specifically asked for some items.  
3 We've addressed that.

4 The studies have shown that  
5 this particular application, with  
6 its pedestrian-friendly designs and  
7 its small community-based  
8 development -- it's a small  
9 supermarket, community-oriented,  
10 fits right in with the goals of the  
11 prior Hamlet Study that was done, or  
12 Corridor Study, and with the work  
13 that the DOT is doing at this time.

14 All of the studies have been  
15 prepared, are being submitted to New  
16 York State DOT for their work, but  
17 we anticipate that they will agree  
18 with us on the conclusions of those  
19 studies. I urge the Commission to  
20 also approve this application.

21 Thank you.

22 CHAIRMAN CALONE: Thank you,  
23 Mr. King. Next up, we have Keith  
24 Archer. Mr. Archer, you have three  
25 minutes. Mr. Archer, please state

1 SC Planning 12/02/09 15

2 and spell your name for the record.

3 MR. ARCHER: A-R-C-H-E-R, Keith  
4 Archer. I'm a partner at -- with  
5 the --

6 CHAIRMAN CALONE: You have to  
7 hold the button.

8 MR. ARCHER: I'm the attorney  
9 for MVC Properties. I don't mean to  
10 repeat what Mark and Alan had just  
11 said, but I just wanted to touch on  
12 one issue and that is is that we're  
13 aware that there was a  
14 community-based study that was done  
15 in the Centereach-Selden area, and  
16 that study is a very commendable  
17 study. However, at this point in  
18 time, our client has a parcel of  
19 land that zoned J2 and is zoned  
20 residential. The study itself  
21 hasn't been implemented so that our  
22 client is really left the  
23 alternative of developing the parcel  
24 under the current zoning code, and  
25 hence, that's why we're here.

1 SC Planning 12/02/09 16

2 We filed the application for a

3 zone change to develop the parcel in  
4 accordance with J2. We tried to  
5 follow the recommendations set forth  
6 in the community-based study to the  
7 best that we can, but that study, of  
8 course, has yet to be implemented,  
9 but we try to adhere to it as best  
10 as we can.

11 And so, just as the other two  
12 speakers, I would ask that this  
13 board support this application  
14 that's before the Brookhaven Town  
15 Board. Thank you.

16 CHAIRMAN CALONE: Thank you.  
17 Next, we have Judy {Fanullo} from  
18 the Suffolk Community Council.

19 MS. FANULLO: Is it on? I'm  
20 sorry. I haven't used this before.  
21 Judy {Fanullo}, Suffolk Community  
22 Council. Just about a  
23 year-and-a-half ago, I addressed  
24 this body on the issue of Universal  
25 Design, and I can't tell you how

1 SC Planning 12/02/09 17

2 happy I am to be back here, to know  
3 that this body is looking at  
4 Universal Design -- I forgot how  
5 you're putting it now -- permit  
6 incentives because for the past two  
7 years, I have been visiting every



8 single supervisor in Nassau and  
9 Suffolk County to ask them to pass  
10 incentive-based Universal Design  
11 legislation. And today, only  
12 Suffolk County has done it, and it's  
13 only five towns in Suffolk County.

14 So I think by you all, by this  
15 board, by this body moving forward,  
16 it will really help to push this  
17 very important issue.

18 And for those of you not on the  
19 board but in the audience, Universal  
20 Design is very simple modifications  
21 to building a home that allow people  
22 to age in place. It's a stepless  
23 entry, front, back or side; it's  
24 wider doorways and hallways, 36  
25 inches; it's a bedroom on the first

1 SC Planning 12/02/09 18  
2 floor with a turning radius of 96 --  
3 60 inches; and, finally, a bedroom  
4 on the first floor, a room that can  
5 be later on converted to a first  
6 floor. This, with the changing  
7 demographics of Long Island, more  
8 people are living longer and we have  
9 a third of our population who are  
10 seniors and baby boomers and we need  
11 to address this.

12 So I applaud this body and  
13 thank you that you have set up this  
14 task force, and I'm delighted to  
15 support this, so thank you.

16 CHAIRMAN CALONE: Thank you,  
17 Judy, and thank you also, you know,  
18 for your leadership, not only in  
19 Suffolk County but across Long  
20 Island in bringing this issue to the  
21 fore. When we were looking at last  
22 year in identifying what were the  
23 key values that mattered, no matter  
24 whether you were in Montauk or  
25 Melville, this, thanks to you,

1 SC Planning 12/02/09 19  
2 became one of the ones that we  
3 focused on, and so thank you again  
4 for your leadership.

5 Unfortunately, our -- the chair  
6 of the task force, Vince Taldone, is  
7 not with us today, but we are going  
8 to go through the draft of that  
9 proposal, and then we'll have some  
10 more input from others over the  
11 coming weeks, and we'll see what we  
12 can recommend to the towns and  
13 villages in the near future.

14 MS. FANULLO: Thank you so  
15 much.

16 CHAIRMAN CALONE: Thank you.

17 Any other comments from the public  
18 portion?

19 (No response)

20 Seeing none, we'll close the  
21 public portion. We'll move on to  
22 the Chairman's report. It is good  
23 to be back here in the legislative  
24 building in Hauppauge after our  
25 travels around the County the last

1 SC Planning 12/02/09 20

2 few months. This happens to be  
3 across the street from the new  
4 workplace of our former colleague,  
5 Bob Braun, and it is good to have  
6 Bob with us here today. I'd like  
7 to, at this time, ask him to come  
8 up. As you all know, we like to  
9 recognize those who have served with  
10 us.

11 Bob, if you'd come up. Thank  
12 you so much for your service on the  
13 Commission. It was a pleasure. I  
14 would clap, except I have to hold  
15 this button down.

16 (Applause)

17 MR. BRAUN: I'd like to say  
18 that I miss being part of the work  
19 of Commission. I hope that I  
20 contributed somewhat to helping the

21 120209SCPC. txt  
22 Commission moved forward in its  
23 work, and I greatly value the  
24 friends and associates I made here,  
25 and I hope to stay in touch with  
everybody for some time to come.

1 SC Planning 12/02/09 21

2 Thank you.

3 CHAIRMAN CALONE: Thank you,  
4 Bob. We have a certificate of  
5 appreciation that's been signed.  
6 This is like that game Twister.

7 (Laughter)

8 The Certificate of  
9 Appreciation, which I'll just read  
10 into the minutes. "Robert A. Braun,  
11 whereas Robert A. Braun has served  
12 with dedication and distinction on  
13 the Suffolk County Planning  
14 Commission from March 2007 to August  
15 2009.

16 "And whereas the Suffolk County  
17 Planning Commission has benefited  
18 from his insight and expertise,  
19 gained from his service to the  
20 Planning Commission.

21 "And whereas Robert A. Braun's  
22 input and contributions to  
23 deliberation of the Suffolk County  
24 Planning Commission, will be missed  
25 as he moves on to new endeavors.

1 SC Planni ng 12/02/09 22

2 "Now, therefore, be it resolved  
3 that the Suffolk County Planni ng  
4 Commi ssi on acknowl edges and thanks  
5 Robert A. Braun for hi s posi tive and  
6 thoughtful contributi ons to thi s  
7 body. "

8 And I would add, certainly, on  
9 behal f of the ci ti zens of our whole  
10 county.

11 MR. BRAUN: Thank you all  
12 agai n.

13 (APPLAUSE)

14 CHAI RMAN CALONE: The ni ce  
15 thi ng about Bob' s new endeavor is  
16 that now that he' s taken a posi ti on  
17 in the Levy Admi ni strati on is that  
18 we wi ll see hi m from ti me to ti me.  
19 Best wi shes, Bob.

20 We al so have, as I menti oned to  
21 some of you -- our former chai rman,  
22 John Caracci olo, thi s is hi s last  
23 meeti ng. He' ll be reti ring at the  
24 end of the meeti ng, and we' ll talk a  
25 l i ttle bi t more about John later.

1 SC Planni ng 12/02/09 23

2 COMMI SSI ONER CARACCI OLO: But

3 we won't hold down the mikes.

4 (Laughter)

5 CHAIRMAN CALONE: I'm told  
6 these microphones go across the  
7 street and all this stuff.

8 COMMISSIONER CARACCILO: The  
9 reason they put the button there is  
10 so you don't talk the whole time.

11 (Laughter)

12 CHAIRMAN CALONE: That's never  
13 really stopped me. Let me just turn  
14 on to a couple of points. As you  
15 all know, our two main goals for  
16 this year were to, one, to begin the  
17 Suffolk County Comprehensive Plan  
18 Update under the leadership of  
19 Director Isles; that has begun, as  
20 you all know. We've met with the  
21 County Executive, and we're working  
22 on kind of an outreach strategy, and  
23 Tom will give us an update a little  
24 later in the meeting, as well as I  
25 think the first piece of the draft

1 SC Planning 12/02/09 24

2 of the update which is very  
3 exciting.

4 The second goal we had for the  
5 year was our intermunicipal task  
6 forces, getting those up and  
7 running, and now our goal is to

8 continue moving forward. In the  
9 course of the next few weeks, I'll  
10 reach out to some of the newly  
11 electeds to see who is interested in  
12 participating.

13 I've had conversations with the  
14 new supervisor elect, Anna  
15 Throne-Holst, in Southampton. As  
16 you all may know, she's been  
17 involved in our task force effort  
18 now, and she's going to be the  
19 supervisor in a few weeks, and so  
20 she's expressed a strong interest in  
21 being involved, as has recently  
22 re-elected Town Supervisor of  
23 Babylon, Steve Bellone. So we'll be  
24 working to kind of get more of the  
25 newly electeds involved in the task

1 SC Planning 12/02/09 25

2 force going forward.  
3 I want to give a brief update  
4 from the heads of each of the task  
5 forces. Sarah is out of Town today,  
6 so I guess I'll fill in just briefly  
7 on the energy and environment stuff.  
8 Constantine represented the  
9 Commission at Congressman Israel's  
10 PACE Bonds event a few weeks ago.  
11 We co-hosted that with Congressman

12 Israel and the Long Island Regional  
13 Planning Council. I don't know if  
14 there's anything particular you want  
15 to say about that, but thank you for  
16 being there and speaking on behalf  
17 of the Commission.

18 Also, LIPA hosted an event that  
19 built off of our task force's work  
20 on creating a model solar code for  
21 Long Island. Thanks to Charla and  
22 Mike in particular for being there  
23 on behalf of the Commission. It was  
24 a very positive meeting. The  
25 municipality seemed to be onboard,

1 SC Planning 12/02/09 26

2 generally, with this effort. I  
3 think you all saw the Newsday  
4 editorial praising the effort, which  
5 was about a week or so ago.

6 Importantly, the Long Island  
7 Regional Planning Council has also  
8 joined in our effort to create a  
9 model solar code as has the Nassau  
10 County Planning Commission. In  
11 fact, they didn't know much about  
12 it, so I think every member of the  
13 Nassau County Planning Commission  
14 was actually at the meeting, so it  
15 was good to bring them up to speed  
16 with all the things we've been



17 working on.  
18 Adrienne has been working on  
19 storm water runoff and native  
20 vegetation; she, along with some of  
21 the other members of our task force.  
22 She unfortunately has the flu today,  
23 but we will be moving forward with  
24 that and hope to have something for  
25 the Commission with that within the

1 SC Planning 12/02/09 27

2 next month or so.

3 Our wind code is also moving  
4 ahead on a similar timeframe. We  
5 have a variety of people, electeds  
6 and experts, working on putting  
7 together a model wind code for our  
8 municipalities.

9 Lastly, Islip Town Councilman  
10 John Edwards called me a few days  
11 ago to let me know that -- to let us  
12 know that Islip has decided to use  
13 the approach that we adopted in our  
14 guidelines last year for energy  
15 efficiency standards for commercial  
16 buildings, and they actually would  
17 like some members of the Commission  
18 to testify at their board hearing on  
19 the proposal on December 15th, so  
20 I'm hopeful that between me and

21 Sarah and Constantine and anyone  
22 else that might be interested, we  
23 will be able to have a person or two  
24 there.

25 Certainly, it's exciting news

1 SC Planning 12/02/09 28

2 that the work we've been doing the  
3 last year is actually having a real  
4 impact in the towns and villages.

5 That's enough for energy and  
6 environment. On our housing task  
7 force, I'll turn it over to  
8 Constantine for a few comments.

9 COMMISSIONER KONTOKOSTA: Thank  
10 you, Mr. Chair. Building on our  
11 last meeting, an updated, we'll call  
12 it, an affordable housing policy  
13 recommendation memorandum has gone  
14 around to the task force for final  
15 comment and update, so what we hope  
16 to do is build on that document to  
17 provide policy information and  
18 guidance to the towns and villages.

19 Of course, coming up with an  
20 affordable housing policy is a  
21 little bit more complex than some of  
22 the other goals that we're trying to  
23 achieve on the task forces. So we  
24 want to do our best to guide the  
25 towns and villages, explain the

1 SC Planning 12/02/09 29

2 various issues that are involved in  
3 developing an affordable housing  
4 policy and also understanding what,  
5 perhaps, some best practices and  
6 recommendations are, so we're moving  
7 forward on that front.

8 And we're also including now  
9 more on green building guidelines  
10 for affordable housing, and we're  
11 going to be working with member of  
12 the Energy and Environment Task  
13 Force to guide that effort as well.

14 CHAIRMAN CALONE: Thank you,  
15 Constantine. I've said this before,  
16 but I'll say it again: We're  
17 blessed to have Constantine leading  
18 up this effort and having someone as  
19 knowledgeable as him heading this up  
20 is a wonderful thing for the  
21 Commission but also a real asset and  
22 value that we can bring to the  
23 municipalities.

24 I'll also note that the Long  
25 Island Association has asked for

1 SC Planning 12/02/09 30

2 Constantine to present our efforts

3 on the Housing Task Force at their  
4 housing committee meetings after the  
5 new year, so Constantine will be  
6 doing that in January.

7 On accessible design and smart  
8 growth, as I said, Vince is  
9 recovering and not here with us.  
10 I'll just say a brief thing, and  
11 then, Charla, you can add if there's  
12 anything you'd like to add.

13 On the Sewer Summit 2 idea --  
14 we talked about this last month --  
15 we're working with the County  
16 Executive's office on that, and  
17 we'll take the County Executive's  
18 lead and look at doing this sometime  
19 after the new year, hopefully in the  
20 first quarter.

21 The general idea of the Sewer  
22 Summit 2 would be to focus on  
23 optimizing sewer revenues, and it  
24 would be a companion effort to the  
25 new Sewer Needs Assessment that's

1 SC Planning 12/02/09 31

2 been launched by the Legislature.  
3 Also, as Judy {Fanullo} mentioned  
4 and as you see on the agenda, we do  
5 have a draft of the Universal Design  
6 Permit Incentive, and Charla will  
7 help walk us through that a little

8 bit later. I don't know if there's  
9 anything you'd like to add at this  
10 point or --

11 COMMISSIONER BOLTON: I'm not  
12 going to add anything at this point.  
13 Thank you.

14 CHAIRMAN CALONE: Okay. Our  
15 last task force, Public Safety, Bob  
16 Braun has been heading that up for  
17 us. Now that he is no longer on the  
18 Commission, I'm pleased to announce  
19 that Tom McAdam is going to be  
20 heading up that task force, so thank  
21 you, Tom, for your leadership on  
22 that. Is there anything you want to  
23 add at this point? I know you were  
24 just transitioning with Bob --

25 COMMISSIONER MCADAM: No,

1 SC Planning 12/02/09 32

2 that's about it.

3 CHAIRMAN CALONE: Okay. But  
4 basically, what we've been doing is  
5 trying to distill the good things  
6 that are happening around the  
7 country when it comes to public  
8 safety and how it relates to land  
9 use and trying to share those ideas  
10 across the towns and  
11 municipalities -- excuse me, towns

12 and villages, so that's what lies  
13 ahead on that.

14 And, in general, you know, I  
15 continue to be personally pleased  
16 that the task force effort is having  
17 the impact it's having and we're  
18 moving ahead, and thank you all for  
19 your efforts. I've been talking to  
20 Supervisor Bellone a little bit  
21 about having the Supervisor's  
22 Association more involved going  
23 forward, so we'll see where that  
24 brings us.

25 Lastly, we have the Nominating

1 SC Planning 12/02/09 33

2 and Rules Committee is going to be  
3 Sarah Landsdale, Tom McAdam and  
4 Michael Kelly. They are going to be  
5 reporting in January, and we elect  
6 new officers for 2010 in February,  
7 and we have an item on the agenda a  
8 little later where Tom will say a  
9 few words about what the Nominating  
10 and Rules Committee would like to do  
11 as the next steps.

12 Lastly, we need to put our  
13 annual report out in the early part  
14 of next year, and we need to have  
15 three or four people to work on a  
16 short-term basis with the staff,

17 kind of, in January, February, March  
18 timeframe, to work on our annual  
19 report and see if there's any  
20 revisions needed to our guidelines,  
21 so please let me know if you're  
22 interested in participating in that.

23 That is my report. If there  
24 are any questions, please indicate,  
25 and if not, I'll turn it over to

1 SC Planning 12/02/09 34

2 Director Isles.

3 COMMISSIONER HOLMES: I just  
4 wanted to ask, do you have a  
5 printout of that Newsday editorial?  
6 Because I couldn't open your  
7 attachment on my Mac Mini.

8 CHAIRMAN CALONE: I think we  
9 can get that to you.

10 COMMISSIONER HOLMES: Thank  
11 you.

12 DIRECTOR ISLES: Thank you, Mr.  
13 Chairman. I'd like to begin by just  
14 recognizing the attendance today of  
15 Dr. Lee Koppelman, who was the first  
16 director of planning for Suffolk  
17 County and served for several  
18 decades with distinction and, in  
19 fact, was the father of a number of  
20 key programs that we benefit from

120209SCPC.txt  
21 today including professional staff  
22 and county planning that is  
23 unparalleled, I believe, in New York  
24 State; but also the Open Space  
25 Program of Suffolk County; the

1 SC Planning 12/02/09 35  
2 Farmland Program; the 208 Study,  
3 which was the first in the nation in  
4 terms of identifying a sole source  
5 aquifer and many other efforts, so  
6 we welcome him today in the audience  
7 as a former member of the County  
8 Planning Department and director.

9 As matters of update for the  
10 Commission, let me just note for the  
11 record that one item scheduled for  
12 the regulatory section, item number  
13 six, that being the matter of Avalon  
14 and Huntington Station, has been  
15 withdrawn from the agenda. We were  
16 contacted by the planning director  
17 of Huntington this morning  
18 indicating they have additional  
19 materials they would like to share  
20 with us, with the Commission.  
21 Therefore, at this point, this  
22 matter would be considered to be  
23 incomplete. We do have a written  
24 request from the Town of Huntington  
25 to postpone that matter for



1 SC Planning 12/02/09 36

2 consideration.

3 Other matters to update the  
4 Commission on. Number one, I'll  
5 begin with the Yaphank County  
6 Center. County Executive Levy has  
7 proposed a project for development  
8 of a portion of that property. The  
9 County owns about 900 acres. This  
10 goes back almost five years at this  
11 point. It's been through a lengthy  
12 process, and where it is right now  
13 is that the Legislature is  
14 considering certain legal action to  
15 declare the effected property  
16 surplus and to authorize the  
17 execution of a contract with the  
18 selected developer.

19 If that occurs, it would then  
20 begin a process with the Town of  
21 Brookhaven for zoning,  
22 site-planning, subdivision approval;  
23 so we're, at best, at midpoint on  
24 this project at this point in my  
25 estimation. But just to keep you

1 SC Planning 12/02/09 37

2 informed, there are various

3 legislative and CEQ actions or  
4 meetings that are scheduled next  
5 week, so this will be going on into  
6 the near future at very least.

7 The Chair mentioned the task  
8 forces of the Commission. The staff  
9 has been participating to the extent  
10 of providing a -- shadowing that  
11 effort with the Commission -- with  
12 the task forces. Now that the task  
13 forces are coming forward with  
14 product, we appreciate the  
15 opportunity that's been extended to  
16 us to further review and provide  
17 comments back to the task forces  
18 themselves as well as to the  
19 Commission. We will be doing so  
20 during the month of December so that  
21 you'll have it back to you in a  
22 timely fashion, including the  
23 proposed standards on the limitation  
24 and clearance of vegetation,  
25 Universal Design. We have no

1 SC Planning 12/02/09 38

2 particular quarrel with anything,  
3 but obviously we want to do that  
4 planning review and provide you with  
5 any thoughts we have on those  
6 matters.

7 Jumping to the County Farmland  
Page 32

8 Program, I did inform you that we  
9 did receive a grant from New York  
10 State for about \$1.5 million to buy  
11 property in Brookhaven known as  
12 Eastport Properties. Just to bring  
13 to your attention, we have had a  
14 policy discussion, I'll call it,  
15 with the State on two matters of a  
16 conflict with the State program with  
17 the County program. We seem to be  
18 ironing those out.

19 We do have one significant  
20 issue in that the State program  
21 allows uses of property that are  
22 quite inconsistent with the County  
23 program, such as, for example, cell  
24 towers on County PDR property. We  
25 have had active discussions. We

1 SC Planning 12/02/09 39  
2 believe we're close to an agreement  
3 whereby the State would yield to our  
4 concerns, but I will keep you  
5 posted. It's kind of a threshold  
6 issue because if we can't work it  
7 out then we pretty much can't get  
8 any state grants, so we'll keep you  
9 posted on that.

10 On another foreign matter, I'm  
11 pleased to report that the

12 Legislature did approve yesterday a  
13 resolution submitted by the County  
14 Executive to acquire what's known as  
15 Hopping Farm or Pikes Farm out in  
16 the Village of Sagaponack. This is  
17 almost an iconic farm in Sagaponack  
18 along Main Road.

19 What's significant about this  
20 is one of your concerns with the  
21 Farmland Program in high cost areas,  
22 such as the South Fork, is the  
23 County, working with municipalities,  
24 has preserved farmland. There has  
25 been some occurrence of property

1 SC Planning 12/02/09 40

2 owners not using these properties  
3 for agricultural purposes,  
4 oftentimes buying PDR, purchaser of  
5 development rights, to the land and  
6 just having it as extra backyard on  
7 their properties.

8 So we, in fact, became aware of  
9 an advertisement in the real estate  
10 market for a property whereby it's a  
11 brand new house and they are  
12 marketing the property with 40 acres  
13 of County PDR but not really  
14 mentioning that in the ad very  
15 explicitly and almost treating it as  
16 a gentleman's estate of sorts.

17 Through the cooperation of the  
18 County Attorney's office, we've  
19 notified that real estate agent in  
20 terms of the County's interest.

21 But the point with the Hopping  
22 Farm acquisition was that this was a  
23 unique purchase with the Town of  
24 Southampton being a significant  
25 contributor towards the acquisition

1 SC Planning 12/02/09 41

2 to the tune of 30 percent, but most  
3 importantly, Peconic Land Trust is  
4 actually buying the underlying fee.

5 So what they will be doing as  
6 part of this three-way arrangement  
7 is then selling the fee, the {AG}  
8 rights, to the Pike family, which  
9 has been farming the property for  
10 many years, with covenants on that  
11 property that it must -- future  
12 sales to the property must be  
13 farmer-to-farmer sales. If they are  
14 not, if they can't sell it to a  
15 farmer, PLT reserves the right, a  
16 right of first refusal, to purchase  
17 the property back.

18 Also, there's a percentage of  
19 the property that must be maintained  
20 in food crop agriculture, so it's

21 not just horticultural or products  
22 that are not crop agriculture, so  
23 it's the first one of its type.  
24 It's interesting for that market,  
25 where here again, we have these very

1 SC Planning 12/02/09 42

2 high land values that potentially  
3 threaten the continued agricultural  
4 activity. So we're encouraged by  
5 the support of the Legislature, and  
6 we're looking at this as really  
7 being a pilot for those types of  
8 situations.

9 And then lastly, just a report  
10 on the -- County Planning has been  
11 working with the County Health  
12 Department on an update to the  
13 Comprehensive Water Resources  
14 Management Plan through Dr. DeWitt  
15 Davies and our staff. Also, Peter  
16 Lambert and the cartographic unit  
17 has also been working on that. We  
18 are providing certain products to  
19 that study effort.

20 One product that is now in the  
21 stages of printing and production  
22 and finalization is a report  
23 prepared principally by Peter  
24 Lambert on estimated build-out of  
25 the County, the western county five

1 SC Planning 12/02/09 43

2 towns as well as population  
3 projections. All this is then used  
4 towards forecasting future water  
5 requirements and so forth.

6 We will make that report  
7 available to the Commission upon  
8 completion of the printing process.  
9 Thank you.

10 CHAIRMAN CALONE: Thank you,  
11 Director Isles. Obviously, the nice  
12 thing about the research being done  
13 on the water study is that it will  
14 fold right in with the comprehensive  
15 plan update. Any questions or  
16 comments for Director Isles?

17 (No response)

18 If not, we'll move on to our  
19 next item on our agenda, which is  
20 our guest speakers. As Director  
21 Isles mentioned, we're honored to  
22 have Lee Koppelman here. I'll ask  
23 him to join us in discussion of the  
24 Town of Brookhaven moratorium. I  
25 believe Jeff Kazner is also here as

1 SC Planning 12/02/09 44

2 well. Thank you, gentleman.

3 MR. KOPPELMAN: Good afternoon,  
4 Mr. Chairman, and distinguished  
5 Members of the Commission.

6 CHAIRMAN CALONE: You have to  
7 hold the button down.

8 MR. KOPPELMAN: Modern  
9 technology, it's a marvel. I'm here  
10 today on behalf of the Town of  
11 Brookhaven to address the question  
12 of the proposed moratorium. Two  
13 years ago, we started a planning  
14 process with the Hamlet of Port  
15 Jefferson Station-Terryville. That  
16 plan was successfully completed with  
17 the participation of hundreds of the  
18 citizens in the particular area.  
19 The plan was submitted to the Town  
20 which accepted it at a Town board  
21 meeting.

22 My dear friend, Mitch Pally,  
23 indicated that we're discussing  
24 today the second moratorium which  
25 he's opposed to. The first

1 SC Planning 12/02/09 45  
2 moratorium was at the initiation of  
3 the planning process so that we  
4 could have the opportunity to  
5 prepare the plan without having  
6 predetermined zone change requests  
7 that may, in fact, destroy any



8 opportunity to comprehensively deal  
9 with the community issues.

10 The original moratorium lasted  
11 for 11 months, and, in fact, it  
12 enabled us to come up with a plan  
13 without having properties lost in  
14 the interim while the planning  
15 process was being carried out. A  
16 comment was made by Mitch Pally that  
17 subsequent to that period, the Town  
18 has done nothing but is now coming  
19 up with a second moratorium. That  
20 is not quite the interpretation I  
21 would put on the process.

22 Subsequent to the town's  
23 accepting the plan, we immediately  
24 initiated what we felt were the  
25 priorities at hand. The first

1 SC Planning 12/02/09 46  
2 priority was trying to accomplish  
3 the recommendations of the plan that  
4 dealt with open space acquisitions  
5 within the hamlet community, and, in  
6 fact, that is precisely the policy  
7 that the Town has supported.

8 I served as the chair of the  
9 town's bond acquisition Open Space  
10 Act. Parenthetically, Mitch Pally  
11 is also a member of that open space

12 committee and a very valuable  
13 member, I might add. Subsequent to  
14 the preparation of the plan, the  
15 Town has expended considerable money  
16 to acquire those parcels which were  
17 recommended in the plan for  
18 preservation.

19 In addition to that, the  
20 identification of 21 parcels were  
21 recommended for a variety of zone  
22 changes. Those zone changes did try  
23 and reflect the economic value of  
24 those properties. In some cases, it  
25 was calling for the elimination of

1 SC Planning 12/02/09 47

2 J2 neighborhood business, to  
3 eliminate or at least curtail the  
4 proliferation of strip retail use.

5 In reflection of the value, we  
6 did recommend that those properties  
7 be converted from J2 to J4,  
8 professional and office space, and,  
9 in fact, one of the properties in  
10 question is, in fact, being  
11 proposed, at least 40 percent of the  
12 property, for J4 use. Eleven of the  
13 twenty-one parcels are properties at  
14 the property known as Lawrence  
15 Aviation. Our concern is that that  
16 property not be segmented and be

17 properly developed. As such, we did  
18 employ an outside environmental  
19 consultant to prepare the  
20 environmental inquiries related to  
21 the 21 parcels before the Town board  
22 would actually act to implement it.

23 At the present time, the Town  
24 has been considering a second  
25 moratorium specifically for the

1 SC Planning 12/02/09 48  
2 purpose of giving the environmental  
3 consultant the reasonable time to  
4 address the SEQRA questions that are  
5 involved in such a request. I  
6 believe it's a reasonable request.  
7 It conforms with good planning  
8 practice, and it only applies to the  
9 21 parcels in question. As soon as  
10 the environmental impact study is  
11 completed, then the need for the  
12 moratorium would no longer exist; so  
13 whether that takes three months, six  
14 months, nine months, I'm not in a  
15 position to address at the present  
16 time.

17 However, we sincerely request  
18 that the Commission consider  
19 certainly support of the moratorium  
20 in whatever proper legal guise the

21 Commission considers, whether it be  
22 local determination or an approval  
23 process of the request.

24 If there are any questions, I'd  
25 be most happy to address it. I

1 SC Planning 12/02/09 49

2 believe you have copies of the map  
3 indicating the parcels in question,  
4 and I thank the Commission for this  
5 opportunity. Thank you.

6 CHAIRMAN CALONE: Thank you,  
7 Mr. Koppelman. Are there any  
8 questions? Seeing none, thank you  
9 and if you're -- Mr. Kazner --

10 COMMISSIONER ROBERTS: David,  
11 I'm sorry. I do have one question.  
12 What was the dates of the 11 months  
13 -- the first moratorium, please?  
14 What was the dates for the first  
15 moratorium? You said the first one  
16 was 11 months.

17 MR. KOPPELMAN: Do you remember  
18 the exact dates? It was a little  
19 over two years ago --

20 DEP. DIRECTOR GULIZIO: The  
21 original moratorium was established  
22 on August 14, 2007 for a period of  
23 12 months. I'm not certain,  
24 according to our records, whether  
25 that was extended for an additional

1 SC Planning 12/02/09 50

2 six months, as was previously  
3 testified, but the initial  
4 moratorium was August 14, 2007 for a  
5 period of 12 months.

6 MR. KOPPELMAN: And the plan  
7 was completed within 11 months of  
8 that moratorium period.

9 COMMISSIONER ROBERTS: Thank  
10 you.

11 CHAIRMAN CALONE: Thanks,  
12 Barbara. Thank you, Mr. Koppelman.  
13 Mr. Kazner, if you want to add  
14 anything.

15 MR. KAZNER: Actually, Dr.  
16 Koppelman did a wonderful job  
17 explaining what the purpose of the  
18 moratorium is. The SEQRA was not  
19 done when the Town accepted the Land  
20 Use Plan, and so what we're doing  
21 now is to take the parcels that are  
22 recommended for the changes of zone,  
23 which is shown on the maps that I  
24 distributed. It's a five --  
25 groupings of parcels that we're

1 SC Planning 12/02/09 51

2 seeking the moratorium for.

3 Lawrence Aviation and Bicycle Paths  
4 Associates both have multiple  
5 parcels involved.

6 And so we are now in the  
7 process of doing individual SEQRA  
8 reviews on the impacts of the  
9 proposed changes of zones, and so  
10 the moratorium will allow us to  
11 thoroughly complete that process,  
12 and once we have completed that, the  
13 Town board will be able to make its  
14 determinations of significance and  
15 then to proceed with scheduling the  
16 change of zone hearings, and so we  
17 envision we will be able to  
18 accomplish all that within the  
19 timeframe set forth in the  
20 moratorium. Thank you.

21 CHAIRMAN CALONE: Thank you,  
22 Mr. Kazner. Any questions for Mr.  
23 Kazner?

24 (No response)  
25 Seeing none, thank you, Mr.

1 SC Planning 12/02/09 52

2 Kazner, and thank you, Dr.  
3 Koppelman, again for that update  
4 from the town's perspective.

5 I believe we also have a few  
6 others from the Department of  
7 Planning and the Town of Brookhaven

8 who are here to discuss the Portion  
9 Road Corridor Study. We have Diane  
10 Mazarakis and Joe Sanzano. Welcome,  
11 and please just spell your last  
12 names for the record.

13 MS. MAZARAKIS:  
14 M-A-Z-A-R-A-K-I-S. I'd like to  
15 introduce Joe Sanzano.

16 MR. SANZANO: Joe Sanzano,  
17 S-A-N-Z-A-N-O, Town of Brookhaven  
18 Department of Planning.

19 MR. SCHRAMM: George Schramm,  
20 S-C-H-R-A-M-M. I'm the president of  
21 the Lake Ronkonkoma Civic  
22 Organization.

23 MS. MAZARAKIS: We have  
24 prepared a PowerPoint and sort of  
25 prepared it in a tag team. It's a

1 SC Planning 12/02/09 53

2 little awkward with the one mike, so  
3 please bear with us.

4 Our Portion Road Land Use Plan  
5 was initiated in response -- and I  
6 also don't have control of my  
7 clicker. John, next slide please.

8 CHAIRMAN CALONE: You know, you  
9 may be able to just speak  
10 loudly. I don't know what our court  
11 reporter thinks, but I mean, if you

12 speak loudly -- I know it's probably  
13 hard to use the clicker and the mike  
14 at the same time so --

15 MS. MAZARAKIS: We'll work as a  
16 tag team.

17 CHAIRMAN CALONE: Oh, yeah, if  
18 one of the gentlemen wants to help  
19 out.

20 MS. MAZARAKIS: In response to  
21 a federally funded transportation  
22 project on County Road 16, the  
23 community rallied and prepared a  
24 vision to create a more walkable  
25 community as the County's Highway

1 SC Planning 12/02/09 54

2 Project was more focused on moving  
3 transportation. And with that, we  
4 work cooperatively with the civic,  
5 and you'll see that as we go through  
6 this presentation, and I'd like  
7 George to speak little bit about  
8 that vision report. Next slide,  
9 please.

10 MR. SCHRAMM: As Diane  
11 mentioned, based upon the intended  
12 renovation to County Road 16, the  
13 civic and the Chamber of Commerce  
14 for Ronkonkoma expressed some  
15 concerns about what this road  
16 renovation work would do, what



17 impact it would have on the  
18 community, so we initiated with  
19 Suffolk County and the Town of  
20 Brookhaven a visioning process,  
21 which took place in October of 2004.  
22 It was a weekend-long process. We  
23 had hundreds in the community turn  
24 out to participate in this process,  
25 and ultimately, a report was

1 SC Planning 12/02/09 55

2 prepared in October of 2006, and it  
3 included some of the goals that was  
4 produced during the visioning.

5 As you can see in this diagram,  
6 the traditional downtown of Lake  
7 Ronkonkoma is to the left, adjacent  
8 to the lake. The revitalization of  
9 this downtown was a goal in the  
10 vision report, and then in order to  
11 control suburban along Portion Road,  
12 the report identified the creation  
13 of two new downtown areas, one  
14 called Hyde Point, which was at the  
15 middle of Portion Road in the middle  
16 of the screen; and then another  
17 downtown area at the far right  
18 called Morris Avenue Center.

19 Ultimately, as the plan  
20 developed and more information was

21 gathered, this vision was modified.  
22 The Hyde Point area really didn't  
23 survive as a downtown, and we'll  
24 describe that in more detail in a  
25 moment.

1 SC Planning 12/02/09 56

2 MS. MAZARAKIS: Next slide,  
3 please. To begin the evaluation of  
4 the vision report that was submitted  
5 to the Town in '06, we reviewed  
6 pertinent documents that were  
7 outstanding, conducted land use  
8 inventory, vacancy analysis and --  
9 next slide, please -- and formed a  
10 community working group, a citizen  
11 advisory group comprised of  
12 representatives from the civic, the  
13 chamber, local developers,  
14 stakeholders, EMS as well as various  
15 Town departments.

16 MR. SCHRAMM: We then  
17 established our study area group,  
18 which encompassed Lake Ronkonkoma,  
19 the Town of Smithtown and Islip to  
20 the west; the Smith Road extension  
21 to the north; the LIE to the south;  
22 and Nichols Road to the east with a  
23 focus on the corridor of Portion  
24 Road. We then established goals of  
25 our Land Use Plan which would be

1 SC Planning 12/02/09 57

2 primarily to reinforce the  
3 downtowns, provide clear and  
4 predictable guidance to  
5 stakeholders, residents, investors  
6 and establish design guidelines for  
7 the downtown and transition areas.

8 We looked at our existing  
9 conditions of the area and the area  
10 was strip commercially zoned in the  
11 '30s. It has not been looked at  
12 comprehensively since the '60s was  
13 the last time this area took a  
14 comprehensive look, zoning-wise, at  
15 this area, so what you find is strip  
16 commercial development prevalent  
17 throughout the corridor.

18 Part of this, we also found a  
19 discontinuation of the main street  
20 area on Hawkins Avenue and some  
21 incompatible land uses that are not  
22 consistent with the main street  
23 development along that corridor.

24 MS. MAZARAKIS: We looked at --  
25 next slide, please. We looked at

1 SC Planning 12/02/09 58

2 retail saturation. The county

3 realized that the Town of Brookhaven  
4 came second in the county for the  
5 highest vacancies, and this  
6 particular study area came in at a  
7 vacancy of 16 percent.

8 The retail market analysis that  
9 was completed revealed an excess of  
10 207,000 square feet of commercial  
11 property in this one particular  
12 study area that could be supported  
13 by the local consumer market.

14 MR. SCHRAMM: This ultimately  
15 was one of the reasons why three  
16 downtown areas had -- the concept  
17 had to be modified. Ultimately,  
18 there was just not enough retail  
19 activity to support three downtowns.  
20 The plan was then modified to  
21 include two downtowns,  
22 revitalization of the existing  
23 downtown and then the more center  
24 downtown. This tool, the retail  
25 market analysis, proved

1 SC Planning 12/02/09 59

2 indispensable for us and will  
3 continue to do so as we move ahead  
4 implementing the plan.

5 Basically, what this report  
6 does, indicates where we have an  
7 oversaturation of certain types of

8 retail markets and where we have  
9 underrepresented retail markers.  
10 This way, the community has an  
11 opportunity to direct development in  
12 directions which are suitable for  
13 the community, and we can thereby  
14 revitalize the downtown areas  
15 quicker than expected.

16 MR. SANZANO: The Land Use Plan  
17 took into consideration the natural  
18 resources of area, the lake, its  
19 open space opportunities -- next  
20 slide, please -- our environmental  
21 considerations including wetlands,  
22 DEC special habitat areas and  
23 Suffolk County Water Authority swap  
24 considerations.

25 We also looked at our historic

1 SC Planning 12/02/09 60  
2 community. It is an old community  
3 with a significant number of  
4 historic sites, houses, structures  
5 and many of them have been  
6 landmarked by the Town of  
7 Brookhaven.

8 Looked at our area for proposed  
9 parks, and as you can see by this  
10 map, the areas in green represent  
11 park and open space opportunities;

12 not too much in this area except for  
13 the Lakewood part of the area. We  
14 came up with several park  
15 recommendations including several of  
16 them that we show you here today,  
17 which is a possible Lake Ronkonkoma  
18 boardwalk around the lake; a  
19 fireman's park; and utilizing the  
20 LIPA {rideaways} which dissect the  
21 community for pedestrian usage.

22 We looked at our transportation  
23 elements of this area, and while the  
24 County DPW had already did a  
25 tremendous amount of work on County

1 SC Planning 12/02/09 61

2 Road 16, we drew on that and focused  
3 primarily on our Town networks, and  
4 we provided a list of -- a series of  
5 recommendations.

6 We also looked at our parking  
7 facilities. The Town of Brookhaven  
8 does have municipal parking in the  
9 Lake Ronkonkoma Hawkins Avenue main  
10 street area, and we look to expand  
11 that municipal parking field and  
12 perhaps provide additional parking  
13 opportunities.

14 We looked at our bike routes  
15 and tried to make some connections  
16 to some of our existing bike routes

17 that we have in the area, and the  
18 DPW plan also provides for some bike  
19 route connections, which hooks up to  
20 some of our existing public spaces  
21 that we have.

22 Safe Routes to School is a very  
23 important factor in this plan. Safe  
24 Routes to School provides for  
25 pedestrian sidewalk connections

1 SC Planning 12/02/09 62

2 within a half-mile radius of public  
3 schools. We felt it was very  
4 important to have this included in  
5 our land use study, which opens some  
6 opportunities for future grant  
7 moneys to provide these  
8 infrastructure improvements.

9 MS. MAZARAKIS: That brings us  
10 to our proposed Land Use Plan.  
11 You'll see we've identified two  
12 central business districts, downtown  
13 and main street, Hawkins Avenue, the  
14 Morris Avenue central business  
15 district, as well as having to  
16 identify other areas in this  
17 corridor such as Hawkins Avenue and  
18 Ronkonkoma Avenue as more of a  
19 residential transitional area. We  
20 recognize the auto-dependent

21 regional centers on County Road 16  
22 as well as these commercial -- what  
23 we're calling commercial  
24 transitional area of strip centers  
25 that we hope to use design

2 guidelines to retrofit.  
3 Next slide. The Hawkins Avenue  
4 main street is your typical  
5 prehistoric, pre-World War II  
6 typical main street. It's the  
7 parade route. It's the building and  
8 street walls, wide sidewalks,  
9 pedestrian amenities. Using the  
10 15-minute walk concept, we  
11 established the main street at  
12 Hawkins Avenue and then looked and  
13 developed guidelines that could  
14 formalize the design that we see out  
15 there today that isn't codified.

16 The 15-minute walk revealed the  
17 Hawkins Avenue main street was quite  
18 small. We had businesses built to  
19 similar standards but recognizing  
20 the regional nature, the arterial  
21 nature of County Road 16, we -- our  
22 design standards provide a greater  
23 front yard setback.

24 MR. SCHRAMM: During the --  
25 after the visioning process, the



1 SC Planning 12/02/09 64  
2 civic conducted a visual preference  
3 survey. We asked community members  
4 to come to a series of meetings to  
5 talk about what they liked in the  
6 downtown. We showed them slides of  
7 other downtowns. We got a feeling  
8 for what they were proud of in their  
9 downtown and what kind of  
10 architecture they look forward to  
11 seeing in the future, and ultimately  
12 the historic hardware store of Agnew  
13 and Taylor, which occurs right in  
14 the middle of downtown, ended up  
15 being the focal point for design  
16 guidelines. It's indicated in the  
17 upper left.

18 So based on this, no structure  
19 in the future that could be built in  
20 downtown would be taller than this  
21 structure, and the architectural  
22 elements are based upon this  
23 particular structure. Design  
24 guidelines are designed not to try  
25 to produce clones of the hardware

1 SC Planning 12/02/09 65  
2 store but just to give guidance to

3 property owners as they develop or  
4 redevelop their properties so that  
5 we have a certain level of quality  
6 in architecture and a certain look  
7 in the materials of the downtown  
8 area.

9 MS. MAZARAKIS: To reiterate,  
10 we identified two areas for central  
11 business districts to be supported  
12 with our main street district zoning  
13 and those design areas that were  
14 specific to the Farmingville area,  
15 the Morris Avenue Hamlet Center.

16 MR. SANZANO: And again, you  
17 could see we established design  
18 guidelines for each of the areas  
19 that we identified. We also  
20 identified that the area that the  
21 Hamlet Plan identified as the High  
22 Point area was really primarily made  
23 up of regional centers. We looked  
24 at these as transportation-dependant  
25 uses. These are your typical box

1 SC Planning 12/02/09 66

2 stores and supermarkets that you  
3 normally use your car to get to, not  
4 particularly pedestrian-friendly  
5 oriented. So we looked at these as  
6 uses that are there and that we want  
7 to try to draw upon them and improve

8           them through some design elements.  
9           And we've provided some design  
10          guidelines that could transform  
11          these in the future to be more  
12          pedestrian friendly.

13                 We also identified several  
14          sites that perhaps did not fit  
15          wholly in with the concepts that  
16          we're looking to achieve for the  
17          corridor, and we took several of  
18          these sites and said, "Well, we  
19          really don't know -- we can't nail  
20          down one particular land use for  
21          each of these sites," so we left  
22          them open as opportunity sites where  
23          we offered a range of possibilities  
24          for the future development or  
25          redevelopment of these sites.

1                                 SC Planning 12/02/09         67

2           And what you see here, the  
3          picture you see on the screen, is  
4          right now being used as the Phoenix  
5          House, and this could perhaps be  
6          maybe a bed and breakfast in the  
7          future or a hotel or senior housing,  
8          so we left those opportunities open  
9          so as not to tie down one particular  
10         land use for these sites.

11                 The areas considered for

12 residential transition are primarily  
13 the ones along Hawkins Avenue and --  
14 the southern end of Hawkins Avenue  
15 and Ronkonkoma Avenue. These have  
16 been houses that have been converted  
17 over to office space but are still  
18 today J2 business, and we felt it  
19 was important to look at these,  
20 identify these and provide design  
21 guidelines for these land uses.

22 MR. SCHRAMM: Design guidelines  
23 would reinforce the precedent that  
24 exists now, which is, as Joe  
25 described, a residential structure

1 SC Planning 12/02/09 68

2 that at some point was converted  
3 into a service, a doctor's office, a  
4 dentist's office and so forth.  
5 Design guidelines would encourage  
6 developers or those redeveloping  
7 those properties to maintain that  
8 same look along Ronkonkoma Avenue  
9 and Hawkins Avenue.

10 MS. MAZARAKIS: So we bring  
11 before you the Land Use Plan. We do  
12 have a rezoning effort. It will be  
13 considered in the future, and we  
14 have a timeline -- we'll give it to  
15 you at the end of the  
16 presentation -- but there's about

17 100 parcels that we're proposing for  
18 rezoning into three --

19 MR. SCHRAMM: Phase 1.

20 MS. MAZARAKIS: In our Phase 1  
21 rezoning effort that are three -- we  
22 categorize these 100 parcels into  
23 four groups: Residential rezoning,  
24 from J2 to residential category,  
25 from J Transition Rezoning Group

1 SC Planning 12/02/09 69

2 where we eliminate the J2 Commercial  
3 Business District zoning in favor of  
4 office-type J Business District, as  
5 well as we feel it's important to  
6 rezone the public lands that are  
7 maybe strip commercial or contain  
8 commercial zoning so they don't sit  
9 on our zoning map and perhaps  
10 influence a future decision as well  
11 as vacant land.

12 So we wanted to rezone in  
13 conformance with existing land use  
14 and for the goals of the plan. The  
15 residential rezoning group, I'll use  
16 as an example on Hawkins Avenue, I  
17 believe --

18 MR. SANZANO: Ronkonkoma  
19 Avenue.

20 MS. MAZARAKIS: Ronkonkoma

120209SCPC.txt  
21 Avenue. It's a house. It's  
22 split-zone commercial, and we would  
23 reform it in conformance with its  
24 existing land use which would be the  
25 residential.

1 SC Planning 12/02/09 70  
2 Same token, a rezoning to the  
3 office zoning district, the  
4 residential architecture. I'm  
5 sorry. I'm talking with my hands  
6 and I'm leading on the slide show.  
7 A perfect example, residential  
8 architecture commercially zoned has  
9 been converted into an office use.  
10 We'd like to reenforce that use with  
11 the proper zoning.

12 To show you the comparison, the  
13 existing zoning map, strip  
14 commercial throughout the study  
15 area, our zoning map reflects two  
16 central business districts,  
17 recognizes the residential nature of  
18 Hawkins Avenue and Ronkonkoma Avenue  
19 as well as addresses the regional  
20 centers and some strip commercial  
21 that we do have on County Road 16.

22 MR. SCHRAMM: During the  
23 three-year process in the  
24 development of this plan, the  
25 working group consisting of the

1 SC Planning 12/02/09 71  
2 civic, chamber of commerce, various  
3 developers, obviously we're  
4 concerned as to how to reach the --  
5 how are we going to achieve all the  
6 goals in the plan? And what we did  
7 was, the working group, we sat down  
8 and came up with a list of  
9 incentives, various types of  
10 programs that we can participate in  
11 order to either raise funds for  
12 particular projects or programs that  
13 we can put in place through the Town  
14 of Brookhaven to achieve many of the  
15 goals in the Land Use Plan.

16 MS. MAZARAKIS: Specifically,  
17 it was important to the community  
18 that the Hawkins Avenue main street  
19 was supported with incentives, and  
20 we will be bringing forward this  
21 particular area of Hawkins Avenue  
22 main street for the  
23 commercial-incentive corridor where  
24 there's real property tax relief for  
25 capital investments greater than

1 SC Planning 12/02/09 72  
2 \$50,000 on properties within this

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

designated area.  
MR. SANZANO: What our plan hoped to achieve was to really bring forward design standards to try to eliminate the appearance of commercial sprawl in an area that is primarily developed commercially.

What we did not want to do was to rezone a property, or any properties, that currently is being used commercially and thereby making it nonconforming or further nonconforming but just provide the design guidelines necessary for them to perhaps in the future fit better with the character of their community.

And the rezoning effort, we're hoping that will essentially reconcile the existing land use with the zoning that is necessary for that land use.

MS. MAZARAKIS: Our future --

1  
2  
3  
4  
5  
6  
7

SC Planning 12/02/09 73  
we're almost done -- our projected next steps. We've had our hearing, a joint hearing on the SEQRA DGIS as well as the Land Use Plan. Comment period remains open through December 7th. We accept -- we anticipate



8 accepting the final generic  
9 environmental impacts statement at  
10 the December 22 Town board meeting.  
11 Public comment period will remain  
12 open through January, and  
13 mid-February, we anticipate the  
14 board adopting the findings and the  
15 plan, and then we would initiate the  
16 rezonings mid-February.

17 That concludes our  
18 presentation, and we're happy to  
19 answer questions.

20 CHAIRMAN CALONE: Thank you,  
21 guys, very much. Obviously a lot of  
22 thought and work has gone into this,  
23 and that's very obvious, so thank  
24 you for taking the time to be here  
25 with us today. Does anyone on the

1 SC Planning 12/02/09 74  
2 board have any questions? Mr.  
3 Caracciolo.

4 COMMISSIONER CARACCILO:  
5 Congratulations on putting a great  
6 plan together. It's one of the  
7 better ones we've seen. You  
8 mentioned in your design guidelines  
9 that you did some community outreach  
10 and you had some meetings. Two  
11 questions: How did you reach out

12 the community to get them involved,  
13 and what was the attendance like at  
14 those meetings?

15 MR. SANZANO: We offered a  
16 series of meetings, the same meeting  
17 twice. So we did one on the visual  
18 preference survey and another one on  
19 place making, which was an attempt  
20 to inform the community as to how to  
21 transform the downtown area into a  
22 pedestrian-friendly space.

23 On the visual preference  
24 survey, the civic mailed out to the  
25 business owners and local residents

1 SC Planning 12/02/09 75

2 a flier. We had fliers posted on  
3 the storefronts in the downtown  
4 area. The attendance for the first  
5 program -- in order to get as many  
6 people involved as possible, we  
7 offered the program twice -- was  
8 somewhere around 50; and the second  
9 program was probably a little less,  
10 maybe around 40 people who had  
11 attended.

12 And we, after doing a  
13 presentation that Vision Long Island  
14 helped us put together, we passed  
15 out a -- well, at the beginning, we  
16 passed out a sheet that corresponded

17 with the slides we would show and  
18 then people would fill out this  
19 little form and then we collated the  
20 data to get an idea of what their  
21 preferences were. We showed a  
22 variety of different types of  
23 architecture, some which were local  
24 to Long Island, some came from other  
25 places, some buildings that were

1 SC Planning 12/02/09 76

2 specific to the downtown area then  
3 we used that information to  
4 basically move forward.

5 We did discover that there was  
6 a bit of variety in the type of  
7 architecture that was found to be  
8 appealing, so the design guidelines  
9 are intentionally so restrictive  
10 that every building would end up  
11 looking like Agnew and Taylor which  
12 is a stucco building.

13 We left it open to a variety of  
14 different types of architecture, but  
15 we did show specific preferences for  
16 the placement of signage, the size  
17 of signage, the use of awnings,  
18 various factors that are familiar to  
19 most downtown areas that people  
20 visit on Long Island, like Sayville,

21  
22  
23  
24  
25

Huntington and so forth.  
MS. MAZARAKIS: We also  
conducted public informational  
meetings and had, over the series of  
two years, monthly working group

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

SC Planning 12/02/09 77

meetings with many stakeholders,  
developers and local citizen groups.

CHAIRMAN CALONE: Commissioner  
Bolton.

COMMISSIONER BOLTON: I wanted  
to ask you, were your design  
guidelines actually created inhouse,  
I mean in the Planning Department  
there, or did you have the  
assistance of consultants? Because  
they seem particularly well  
worked-out, and I just wondered.  
That's something to be really proud  
of.

MR. SCHRAMM: It was a joint  
effort with staff as well as we did  
have a consulting group, and ADL 3  
did help us out with a lot of the  
graphics. I'm an architect by  
trade, so using a lot of reference  
material about how design guidelines  
are utilized in other communities,  
we gathered that data. I did a  
series of sketches of proposed types

1 SC Planning 12/02/09 78  
2 of guidelines, Large sketches that  
3 we put up on the wall for the  
4 working group. We reviewed them,  
5 made changes to them as things moved  
6 along; and, as Joe mentioned, we had  
7 ADL come in to actually formalize --  
8 Joe actually came up with the  
9 concept of these pull sheets that  
10 you saw; visually, that was a  
11 wonderful idea. Any property owner  
12 that comes into the Town and wants  
13 to know what they can do with their  
14 building, this is basically a  
15 two-sided piece of paper that we can  
16 hand to them and say, "This is it.  
17 This is what our expectations are  
18 from you." It's simplified; it's  
19 easy; it gives clear guidance; It  
20 was a great idea. And then in the  
21 Land Use Plan, there are more  
22 elaborate descriptions of exactly  
23 what's required.  
24 COMMISSIONER BOLTON: As a  
25 member of the local direct

1 SC Planning 12/02/09 79  
2 preservation Commission, I'm

3 particularly impressed with that,  
4 the ease of communicating. Thank  
5 you.

6 CHAIRMAN CALONE: Thank you,  
7 Commissioner Bolton. Commissioner  
8 McAdam.

9 COMMISSIONER MCADAM: Yes, I  
10 have two questions. The first is on  
11 environmental considerations. What  
12 steps did you take to protect Lake  
13 Ronkonkoma from any future  
14 contamination? And the second  
15 question is you had a list in your  
16 presentation. You had a list of  
17 historic buildings in the -- I think  
18 it was in the Farmingville area, and  
19 you said they were on the Town  
20 landmark somewhat. The question I  
21 have is are there restrictions when  
22 a property becomes landmarked? Are  
23 there restrictions on how that  
24 property can be improved or  
25 restored?

1 SC Planning 12/02/09 80

2 MR. SANZANO: The answer to the  
3 first question with regards to the  
4 environmental considerations,  
5 particularly with regards to the  
6 lake, in 1986, I believe it was, a  
7 study was done. I believe it was

8 the Clean Lake Study for Ronkonkoma.  
9 An update to that study is being  
10 worked on now by a consulting group  
11 Nelson and Pope. We were able to  
12 contact Nelson and Pope and actually  
13 incorporate many of, if not all, of  
14 their recommendations with regards  
15 to the update of the Clean Lake  
16 Study into this Land Use Plan to  
17 further protect the environmental  
18 significance of Lake Ronkonkoma  
19 itself.

20 So, yes, we did look at that  
21 extensively. A lot of work has gone  
22 into Lake Ronkonkoma environmentally  
23 considerations-wise, so we didn't  
24 feel it was necessary to put  
25 everything out that's already been

1 SC Planning 12/02/09 81  
2 done, so we referenced a lot of  
3 material that has already been done  
4 and then included many of the Clean  
5 Lake Study update that's being  
6 worked on right now.

7 With regards to the historic  
8 landmarks, the Town of Brookhaven  
9 Town Board has to designate a  
10 historic landmark. It can then go  
11 on to be further recognized on the

12 state registry, and there are  
13 requirements in our Town code with  
14 regards to improvements or any type  
15 of renovation to a historic landmark  
16 in the Town of Brookhaven,  
17 regardless if it's this area or any  
18 area.

19 MR. SCHRAMM: In terms of  
20 preservation of the lake, one of the  
21 things called for in the Land Use  
22 Plan is to increase pedestrian  
23 connections between the existing  
24 downtown and the lake area, because  
25 we know that by bringing more people

1 SC Planning 12/02/09 82

2 down to the lake, we'll do a better  
3 job of preserving it. It will  
4 become more visible; it will be part  
5 of the public meeting places that  
6 people can go to, so that's an  
7 important part of our plan.

8 In terms of the historic  
9 structures, the civic has worked  
10 over the last few years to landmark,  
11 at the Town level system, as many of  
12 them as possible. The Agnew and  
13 Taylor Hardware Store, which  
14 amazingly was not landmarked,  
15 although it had been recommend for  
16 such in the 1980's, was landmarked



17 about three or four years ago.  
18 (Joshua Horton entered the meeting)  
19 And also Newton's Garage,  
20 which was a motor garage, one of the  
21 first in the country built in the  
22 1920's when most people still didn't  
23 even have a car out on Long Island,  
24 was also landmarked during that same  
25 effort. Most of the remaining

1 SC Planning 12/02/09 83  
2 structures are residential  
3 structures that are privately owned.  
4 The civic is hesitant to attempt to  
5 force property owners to landmark  
6 their own property. We certainly  
7 encourage them, but we won't force  
8 them to do that for various reasons.  
9 But using -- again, just like  
10 bringing attention to the lake,  
11 bringing your attention to the  
12 historic structures in the Lake  
13 Ronkonkoma area is an important part  
14 of the Land Use Plan. The more  
15 visible they are, the more people  
16 come to visit them, the better they  
17 will be preserved.  
18 CHAIRMAN CALONE: Thank you for  
19 your presentation. If there's no  
20 other questions, I think we'll move

21 on. We appreciate it, and thank you  
22 for your time.

23 Now, we'll move on to the  
24 administrative portion of our  
25 agenda. I also wanted to notice,

1 SC Planning 12/02/09 84

2 since I just noticed he's here,  
3 Randy Parsons from the Nature  
4 Conservancy has done a lot of work  
5 with our energy and environment task  
6 force on the native vegetation and  
7 clearing standards, and, Randy,  
8 thank you again for your involvement  
9 and your work on that.

10 First item on our agenda is the  
11 Chapter 17J Moratorium Port  
12 Jefferson Station-Terryville area,  
13 and Deputy Director Guilizio will  
14 provide the staff report.

15 COMMISSIONER KELLY: Mr. Chair?

16 CHAIRMAN CALONE: One second,  
17 before we start, Commissioner Kelly.

18 COMMISSIONER KELLY: I'd like  
19 to recuse myself from this matter.

20 CHAIRMAN CALONE: Okay.  
21 Thanks. That's noted for the record  
22 that Commissioner Kelly is going to  
23 be recused on this matter. Deputy  
24 Director.

25 DEP. DIRECTOR GULIZIO: Good  
Page 72

1 SC Planning 12/02/09 85  
2 afternoon. As indicated, the  
3 subject of this referral is the  
4 enactment of a moratorium covering  
5 selected properties within the  
6 Terryville-Port Jefferson Station  
7 Hamlets within the Town of  
8 Brookhaven. Again, I want to stress  
9 that the purpose of the commission's  
10 review of this matter is on the  
11 merit of the moratorium and the  
12 adequacy of the moratorium and not  
13 necessarily on any related  
14 recommendations contained within the  
15 previous hamlet center study, which  
16 was discussed earlier during the  
17 public session.

18 In our review of the  
19 moratorium, as with any moratorium,  
20 we look at it on several different  
21 issues. Number one, we look at the  
22 term of the moratorium to determine  
23 whether not it's reasonable. In  
24 this case, the applicant is seeking  
25 a 12-month moratorium, and that

1 SC Planning 12/02/09 86  
2 scope, a term of 12 months, is

3 generally deemed reasonable and in  
4 connection with our past reviews of  
5 similar moratorium efforts.

6 We also look at the scope of  
7 the moratorium. By scope, I mean  
8 the number of properties that are  
9 selected or encompassed within the  
10 moratorium as well as the types of  
11 land use applications that are  
12 encompassed within the moratorium.  
13 In this case, as was testified to  
14 earlier, there are 21 properties  
15 that are selected for inclusion  
16 within the moratorium. There are a  
17 host or a variety of land use  
18 application types that are  
19 encompassed within the moratorium  
20 associated with those properties.

21 In addition, with a moratorium,  
22 we typically look at whether or not  
23 there is a hardship provision or  
24 some type of relief valve from the  
25 moratorium so that applicants or

1 SC Planning 12/02/09 87

2 property owners that are adversely  
3 impacted by the moratorium can seek  
4 relief to the Town board or some  
5 other board in order to secure some  
6 type of relief or release from the  
7 moratorium.

8                   We also look at the number of  
9                   exemptions that are permitted for  
10                  application types within the  
11                  moratorium. In connection with this  
12                  application, I would point out that  
13                  the total number of properties that  
14                  are encompassed is fairly limited at  
15                  21 properties versus the several  
16                  hundred properties that are  
17                  encompassed within the Hamlets of  
18                  Terryville and Port Jefferson  
19                  Station, the types of land use  
20                  applications; essentially, they're  
21                  all land use applications associated  
22                  with those properties, but again the  
23                  scope is very limited to those 21  
24                  properties that the Town is  
25                  considering for rezoning actions.

1                                   SC Planning 12/02/09       88

2                   There is a hardship provision  
3                   as well as an exemption clause  
4                   within the moratorium, the proposed  
5                   moratorium.

6                   So from our perspective, the  
7                   moratorium has all the fingers and  
8                   toes we would normally like to see  
9                   associated with a properly  
10                  structured moratorium. We feel that  
11                  the term of the moratorium, even in

12 recognition of the previous  
13 moratorium, is reasonable within 12  
14 months.

15 You might notice that the  
16 comments within the staff report are  
17 different from what I'm presenting  
18 here today. One significant concern  
19 we had with the moratorium when it  
20 was originally referred to us is  
21 that it referenced a study, the Port  
22 Jefferson Station-Terryville Hamlet  
23 Study involving the Comsewogue  
24 School District, and we were  
25 concerned that the selection of

1 SC Planning 12/02/09 89

2 properties, the 21 properties, was  
3 not specifically identified within  
4 the study and not specifically  
5 identified as to be rezoned within  
6 the study because there are other  
7 properties that are also discussed  
8 for rezoning within the study.

9 There are approximately -- and  
10 John, I don't know if you can page  
11 through it now -- but there are nine  
12 clusters of properties that are  
13 recommended for rezoning within the  
14 study. John just showed you the  
15 first two. The first was Lawrence  
16 Aviation. The second was the

17 Heatherwood Golf Complex. The third  
18 is one of the properties that isn't  
19 included, bicycle path properties.  
20 This is a property off of Old Town  
21 Road which is also recommended for  
22 rezoning included within the  
23 moratorium; another property which  
24 is along, I believe Route 112, which  
25 is also recommended for rezoning

1 SC Planning 12/02/09 90  
2 included within the moratorium.  
3 This property was discussed within  
4 the proposed rezoning section of the  
5 Hamlet Center Plan but also  
6 discussed in terms of possible  
7 acquisition, and based upon  
8 conversations I've had with one of  
9 the councilmen from the Town,  
10 Councilman Fiore-Rosenfeld, he has  
11 indicated the Town is pursuing this  
12 property for acquisition purposes.

13 This property, I believe, is  
14 also not included in connection with  
15 rezoning action or the moratorium  
16 even though it was discussed in the  
17 study. I believe the Town is  
18 looking to go in a different  
19 direction with this property,  
20 possibly acquisition. This property

21 120209SCPC.txt  
22 is included in both the study for  
23 rezoning as well as the moratorium,  
24 and this was the last project I  
25 believe the Town -- well, initially  
recommend for rezoning has elected

1 SC Planning 12/02/09 91  
2 not to pursue in terms of rezoning  
3 and so is not included within the  
4 moratorium.

5 In summary, the moratorium has  
6 all the, I think, essential  
7 components that a proper moratorium  
8 should have, including the  
9 reasonable length in terms of the  
10 term of moratorium.

11 While we were initially  
12 concerned with the selection of  
13 properties, or limited selection of  
14 properties associated with the  
15 moratorium in this case, based upon  
16 additional conversations we've had  
17 with representatives from the Town,  
18 we feel the limited scope is  
19 reasonable. We would recommend  
20 respectfully to the Commission that  
21 they consider adopting a resolution  
22 of approval in connection with the  
23 moratorium, subject to a number of  
24 comments.

25 Number one, the land use study  
Page 78





3 the Commission has any question, I'd  
4 be happy to try to address them.

5 CHAIRMAN CALONE: Dan, I just  
6 want to clarify one thing, and  
7 that's -- I think people have their  
8 staff report with them. Initially,  
9 there was disapproval for two  
10 reasons. The first reason, you're  
11 saying, has been resolved, and the  
12 second reason, you would like to  
13 make into as part of the approval;  
14 that's the recommendation?

15 DEP. DIRECTOR GULIZIO: That's  
16 correct.

17 CHAIRMAN CALONE: Okay. I know  
18 Commissioner Kelly is recused on  
19 this matter, and Commissioner  
20 Esposito is out ill, so we don't  
21 have our Brookhaven folks.  
22 Obviously, I'm from this area. Let  
23 me just say that what struck me  
24 about this in comparing it to the  
25 Port Jefferson Village moratorium

1 SC Planning 12/02/09 94

2 which we heard a couple months ago,  
3 this is -- struck me as being kind  
4 of more along the lines of what we  
5 wanted to see from Port Jefferson,  
6 something that's narrowly tailored,  
7 has a defined end and has a, you

8 know, exemption, hardship  
9 provisions.

10 So this was -- and of course,  
11 most importantly, perhaps, this is  
12 actually part of an ongoing master  
13 plan effort, whereas the Port  
14 Jefferson Village one, they were  
15 going to start thinking about it  
16 soon, and so that struck me by  
17 counterpoint and juxtaposition that  
18 this kind of made a lot more sense,  
19 so I'll leave it at that. I'll open  
20 the floor to any comments or  
21 questions from folks. Commissioner  
22 Chartrand.

23 COMMISSIONER CHARTRAND: These  
24 21 properties, they were in the  
25 first moratorium?

1 SC Planning 12/02/09 95

2 DEP. DIRECTOR GULIZIO: The 21  
3 properties, to my understanding,  
4 were included in the first  
5 moratorium.

6 CHAIRMAN CALONE: Mr. Vice  
7 Chairman.

8 COMMISSIONER KONTOKOSTA: Yes.  
9 Dan, so out of the entire  
10 comprehensive plan, these are the  
11 only properties that are being

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

slated for rezoning?  
DEP. DIRECTOR GULIZIO: Again,  
the study referenced nine groupings  
of properties, so it was a slightly  
larger list of properties that were  
recommended for rezoning. Based  
upon my conversations with the  
councilman, the only properties that  
the Town is currently considering  
are these properties, these 21  
properties.  
COMMISSIONER KONTOKOSTA: Can  
you talk a little more about your  
initial concerns about the

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

SC Planning 12/02/09 96  
selectivity of these properties?  
Because from me and my knowledge of  
moratoria, this does seem to be  
unfortunately -- the idea is to  
avoid any undue burden on an  
individual or select group of  
property owners, and it seems like  
this is exactly doing that, so could  
you just speak more about your  
initial concerns and then the change  
of heart?  
DEP. DIRECTOR GULIZIO: Sure.  
It is somewhat ironic. Normally,  
our concern would be that there are  
too many properties included within

17 the moratorium that are being  
18 encompassed within that net of the  
19 moratorium. In this case, we were  
20 concerned initially that there was  
21 not a rational basis to the  
22 selection of properties and that the  
23 properties that were ultimately or  
24 currently proposed to be considered  
25 within the moratorium were not

1 SC Planning 12/02/09 97  
2 referenced within the Hamlet Center  
3 Study as a whole, meaning it wasn't  
4 all the properties included within  
5 the study area that were included  
6 within the moratorium. And so then  
7 after reviewing the study, we looked  
8 at the total number of properties  
9 that were being recommend for  
10 rezoning, and this list again was a  
11 subset of that list also.

12 It's my understanding now,  
13 based on conversations with  
14 Councilman Fiore-Rosenfeld, that the  
15 intent of the Town is only to move  
16 forward with the rezoning of these  
17 properties. That is somewhat  
18 unusual in the sense of normally,  
19 the purpose of the moratorium is to  
20 do the study in order to determine

21 which properties should be subject  
22 to a rezoning. In this case,  
23 because there is already a draft of  
24 the study done, which was accepted  
25 by the Town in 2008, they have

2 narrowed the scope of the properties  
3 that they want to consider in terms  
4 of potential zoning actions, so I  
5 think there is a rational basis to  
6 it.

7 The only thing again I would  
8 stress and I want to make perfectly  
9 clear is we do have a concern over  
10 the practices of accepting these  
11 Hamlet Center Plans as complete by  
12 the Town board without actually  
13 adopting them or performing SEQRA in  
14 connection with them. It is  
15 comforting to know that the Town is  
16 moving forward and conducting SEQRA  
17 in connection with the rezoning of  
18 the these properties as is required  
19 by state law. However, the adoption  
20 of the study is also a zoning action  
21 that requires SEQRA to be applied to  
22 in accordance with state law, and we  
23 would like to see that encompassed  
24 also as the study moves forward in  
25 connection with this.

1 SC Planning 12/02/09 99

2 In an ideal world, you want to  
3 minimize the harm to a number of  
4 properties that are included within  
5 the moratorium. I think this does  
6 that.

7 Also, though, you do want a  
8 rational basis to the selection of  
9 properties within the moratorium.  
10 In this case, I think based upon the  
11 fact the Town has already done so  
12 much work in connection with the  
13 hamlets that are planned that was  
14 previously referenced, there is  
15 something of a rational basis to the  
16 establishment of such a limited  
17 scope to the moratorium.

18 CHAIRMAN CALONE: Thank you,  
19 Dan.

20 COMMISSIONER KONTOKOSTA: If I  
21 could just finish up. My thought is  
22 then so this is based off a  
23 comprehensive plan, the Hamlet Plan,  
24 that was not officially adopted by  
25 the Town board.

1 SC Planning 12/02/09 100

2 DEP. DIRECTOR GULIZIO:

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

Correct.

COMMISSIONER KONTOKOSTA: So what are the specific criteria? Looking at this list, both geographically and from a zoning perspective, there don't seem to be any common threads to these properties, so what is the specific criteria that was used to select these out of the all the others that were considered for rezoning; do you know?

DEP. DIRECTOR GULIZIO: Again, I can't speak to that. The moratorium does not speak to that. The Hamlet Center Plan has not been officially referred to the staff or to the Commission, so unless one of the Town representatives would like to speak to that issue, I really wouldn't want to speculate.

CHAIRMAN CALONE: First of all, two things. One, I think it's an

1  
2  
3  
4  
5  
6  
7

SC Planning 12/02/09 101

important point that we have that comment in there about making sure that the plan be referred; but second, your point is well-taken. If anyone from the Town of Brookhaven wants to speak to that --



8 I think Dr. Koppelman is gone, but  
9 Mr. Kazner is here, so please.

10 MR. KAZNER: As the committee  
11 went through all their work, these  
12 were the parcels that they felt were  
13 the ones most in need of rezoning.  
14 As you know, in that area, most of  
15 that area is already developed, so  
16 there was a very limited pool of  
17 parcels from which they could  
18 choose.

19 CHAIRMAN CALONE: I think you  
20 said or Dr. Koppelman said that, I  
21 guess, some of the others are being  
22 sought to be acquired, which is why  
23 you're not seeking a change of zone,  
24 I assume.

25 MR. KAZNER: That is correct.

1 SC Planning 12/02/09 102  
2 Unfortunately, the chapter that has  
3 proposed change of zones included a  
4 number of parcels that were really  
5 recommended for acquisitions, and I  
6 think that was part of the  
7 confusion. There was only one  
8 parcel in the list that was -- it  
9 was sort of suggested that there be  
10 a change of zone, but it also lead a  
11 recommendation that if they could

12 develop it in a certain way, there  
13 was no need for a change of zone.

14 So essentially, all the  
15 suggested change of zones are those  
16 that are covered by this moratorium  
17 and also going to be reviewed on a  
18 SEQRA basis. One of things we  
19 wanted to make perfectly clear was  
20 that we were not singling out any of  
21 the parcels for rezoning, that if  
22 they were listed, they were going to  
23 get their SEQRA reviews so the board  
24 could make a determination of  
25 significance. So all the opposed

1 SC Planning 12/02/09 103  
2 rezoning parcels will be addressed  
3 during this moratorium and have the  
4 SEQRA done on them.

5 CHAIRMAN CALONE: Thank you,  
6 sir. I appreciate your time.  
7 Commissioner McAdam.

8 COMMISSIONER MCADAM: Mr.  
9 Kazner? Can I ask him a question?

10 CHAIRMAN CALONE: You may. We  
11 are allowed under our rules to  
12 invite government officials to  
13 participate in our deliberations, so  
14 I think it's appropriate.

15 COMMISSIONER MCADAM: Thank you  
16 very much. The first question I

17 have is whether or not the property  
18 owners have any objection or did  
19 they have any objection to the  
20 moratorium regarding their property?

21 MR. KAZNER: We did hold a  
22 public hearing before the Town board  
23 last week, and a number of the  
24 property owners did speak, and they  
25 all objected to the moratorium.

1 SC Planning 12/02/09 104

2 COMMISSIONER MCADAM: The  
3 second question regarding the 11  
4 parcels on Lawrence Aviation, I  
5 believe there's an environmental  
6 problem at that property. Does this  
7 have anything to do, or does the  
8 moratorium have anything to do with  
9 resolving some of the issues  
10 concerning the environmental  
11 contamination of that property?

12 MR. KAZNER: It does not  
13 because we believe that the  
14 contamination will be addressed  
15 under the Superfund Regulations, and  
16 this is to prepare the site in the  
17 eventuality that it can be  
18 developed, this is how the Town  
19 wants to see it developed.

20 CHAIRMAN CALONE: Thank you.

21 120209SCPC. txt  
Commi ssi oner Horton.  
22 COMMI SSI ONER HORTON: Agai n,  
23 thi s i s for Mr. Kazner. You  
24 menti oned a number of properti es  
25 that -- the way I heard thi s, and so

1 SC Pl anni ng 12/02/09 105  
2 plea se, I 'm aski ng you to gi ve you  
3 the oppor tuni ty to correct me  
4 becau se I may be wrong about what I  
5 heard. There are a number of  
6 properti es that the Town i s  
7 i nterested i n acqui ri ng, so i s i t  
8 safe for me to make the assumpti on  
9 that shoul d those properti es not  
10 have wi lli ng sellers that the Town  
11 woul d al so seek to rezone those  
12 properti es, but si nce they' re  
13 i nterest for acqui si ti on, they are  
14 l eft off thi s li st?

15 MR. KAZNER: That i s correct,  
16 becau se they were consi dered for  
17 acqui si ti on. They were not bei ng  
18 consi dered speci fi cal l y for  
19 rezoni ngs.

20 CHAI RMAN CALONE: Thank you,  
21 Mr. Kazner. Thank you, Mr. Horton.  
22 Any other comments or questi ons?

23 (No response)

24 If not, I guess a moti on i s i n  
25 order.

1 SC Planning 12/02/09 106

2 COMMISSIONER HOLMES: I would  
3 move the adoption of the staff  
4 report with the comment that they  
5 recommend it.

6 CHAIRMAN CALONE: Okay. A  
7 second? There's no second. Okay.

8 COMMISSIONER CHARTRAND: I'll  
9 second.

10 CHAIRMAN CALONE: Second by  
11 Commissioner Chartrand.

12 COMMISSIONER CHARTRAND: I'd  
13 just like to make a comment with  
14 this. Being that the moratorium was  
15 already there almost a year and then  
16 we're doing it again, I would hope  
17 there wouldn't be another moratorium  
18 going forward with this because of  
19 the property owners and what their  
20 investments are in these properties  
21 at the time.

22 CHAIRMAN CALONE: That's fine.  
23 Director Isles just pointed out to  
24 me that the motion and the second is  
25 for approval as staff has amended

1 SC Planning 12/02/09 107

2 it, so it would be for approval with

3 the comment that the Town needs to  
4 refer to the ongoing comprehensive  
5 plan effort to the Commission for  
6 review. Okay. All in favor of the  
7 staff report, please raise your  
8 hand.

9 (Panel complies)

10 That's four. And opposed?

11 (Panel complies)

12 That's five. Okay. The staff  
13 report is not approved, and we take  
14 no action on that. The next item on  
15 the agenda is the Portion Road  
16 Corridor Study. Dan, do you have  
17 that one.

18 DEP. DIRECTOR GULIZIO: Yes. I  
19 hope my finger holds up through the  
20 whole presentation.

21 (Laughter)

22 I'm glad we have this simple  
23 item out of the way; now we can get  
24 on to some of the more challenging  
25 items. To start, I have to, number

1 SC Planning 12/02/09 108

2 one, make some general comments if  
3 you'll bear with me. Number one, as  
4 a general principle, the Commission  
5 and Commission staff have in the  
6 past and continue to support the  
7 concept of community-based planning,

8 the development of long-range  
9 comprehensive planning documents to  
10 guide future land use decisions. We  
11 think the efforts that the Town has  
12 been making in recent years and  
13 continues to make in reaching out to  
14 the community and getting the  
15 community involved in this process  
16 and working collaboratively with the  
17 community on the visioning and  
18 future planning of their communities  
19 is a wonderful thing. We'd like to  
20 see more of it, and they should be  
21 applauded for those efforts.

22 That being said, just some  
23 basic elements to the plan. The  
24 planning encompasses approximately  
25 3.5 to 3.7 miles of Portion Road

1 SC Planning 12/02/09 109  
2 including a portion of Hawkins  
3 Avenue within the Town of Brookhaven  
4 commencing at the town's western  
5 border with the Town of Smithtown  
6 and culminating at the eastern end  
7 along Nichols Road. Portion Road is  
8 actually part of an approximately  
9 15-mile roadway, also known as  
10 Horseblock Road south of the  
11 expressway and Smithtown Boulevard

12 120209SCPC.txt  
within the Town of Smithtown.  
13 The comprehensive planning  
14 effort was built upon previous  
15 planning efforts including Suffolk  
16 County Department of Public Works'  
17 Transportation Improvement Plan  
18 and the 2002 Portion Road Vision  
19 Report. The general goals within  
20 the plan include the development of  
21 control and compact downtowns; the  
22 fostering of strong economic  
23 activity; jobs and an adequate tax  
24 base; well-placed and centrally  
25 located public spaces and parklands.

1 SC Planning 12/02/09 110  
2 In addition, the plan envisions  
3 -- again, I apologize if I'm  
4 repeating what's already been  
5 presented but just to summarize  
6 what's been discussed and contained  
7 within the plan. The plan also  
8 envisions four community centers  
9 along Hawkins Avenue, Portion Road  
10 east of Hawkins Avenue, what's  
11 referred to as the Morris Avenue  
12 Neighborhood Center at the east end  
13 of the corridor and the High Point  
14 Regional Center which is somewhat to  
15 the center of the three-and-a-half  
16 mile study area.



17                   The plan also discusses the  
18                   concept commercial transition areas,  
19                   opportunity sites also referred to  
20                   gray fields within the plan and the  
21                   establishment of a new zoning  
22                   district known as the J Business One  
23                   Commercial Transition District. The  
24                   study also contains a retail market  
25                   study which was referenced, I

1                                   SC Planning 12/02/09     111  
2                   believe, earlier. Significantly,  
3                   that study found the area is  
4                   over-zoned for the amount of retail  
5                   on a per capita basis, and that is  
6                   reflected in the vacancy rates and  
7                   the character of some of the retail  
8                   developments that are contained  
9                   within the corridor. The Retail  
10                  Market Study indicates that there is  
11                  approximately 200,000 square foot of  
12                  surplus retail within the area and  
13                  again, as testified previously,  
14                  there is a 16 percent vacancy rate  
15                  during the time of the study.

16                  Specific elements within the  
17                  plan include the elimination of  
18                  sprawl along the corridor, the  
19                  elimination of the over-zoned retail  
20                  areas and the supplementing of

21 active recreational neighborhood  
22 park facilities within the study  
23 area. The study concluded there was  
24 a lack of parkland and active  
25 recreational opportunities on a per

1 capita basis in comparison to other  
2 communities within the Town as a  
3 whole.  
4

5 One of the things I believe the  
6 study did not contain and staff was  
7 not privy to was the idea that the  
8 study includes the potential  
9 rezoning of 100 properties within  
10 the study area along the corridor.  
11 Again, as I stated at the outset,  
12 our concern in looking at a plan  
13 isn't to dictate to a community what  
14 specific goals or visions they  
15 should have for the community. That  
16 is a local process, and we support  
17 the recommendations from the  
18 community and from the Town with  
19 respect to what their goals are.

20 Our main concern with the  
21 hamlets that are planned, however,  
22 is that the recommendations that are  
23 contained within the plan -- and  
24 John, if you could maybe just go to  
25 the downtown center map. The four

1 SC Planning 12/02/09 113  
2 downtown centers that are proposed,  
3 or the four community centers,  
4 including Hawkins Avenue-Portion  
5 Road intersection; the area of  
6 Portion Road immediately east of  
7 Hawkins Avenue; the Highland  
8 Regional Commercial Center; and the  
9 Morris Avenue Center, which is at  
10 the eastern end of the study area.  
11 That's the Morris Avenue  
12 Neighborhood Center. Then when you  
13 look at the amount of commercial  
14 zoning that is being recommended for  
15 those areas and that several of the  
16 properties are being proposed to be  
17 rezoned from J2 Neighborhood  
18 District to J6 Downtown Business  
19 District zoning, the amount of  
20 retail that's actually recommended  
21 by the study is in excess of what  
22 currently exists in this study.  
23 So while the goals of the study  
24 are to eliminate commercial sprawl  
25 and to create compact downtowns in

1 SC Planning 12/02/09 114  
2 recognition of the fact that the

3 area is already over-zoned for  
4 commercial development, the  
5 recommendations for rezoning, as we  
6 understand it from reading through  
7 the study, would actually increase  
8 the amount of space within the study  
9 area fairly significantly. For  
10 instance, the amount of commercial  
11 development in terms of the floor  
12 area ratio in a J2 Neighborhood  
13 Business District is .35 percent, or  
14 for every roughly 100,000 square  
15 feet of land area, you could have  
16 35,000 square foot of commercial  
17 space.

18 Downtown Business District, J6,  
19 which again is recommended at the  
20 Hawkins Avenue Community Center, the  
21 Portion Road Community Center, a  
22 portion of the Morris Neighborhood  
23 Center, that FAR is a 60 percent  
24 FAR, which would allow for a 60,000  
25 square foot of retail for every

1 SC Planning 12/02/09 115  
2 100,000 square-foot of commercial land area.

3 In addition, the study  
4 recommends within the regional  
5 center at the Highlands location  
6 that the community consider pad  
7 sites or additional retail

8 development along the roadway in  
9 order to screen the parking and  
10 develop more of a pedestrian or a  
11 downtown feel to those regional  
12 auto-oriented retail centers. From  
13 a design standpoint, again, we  
14 wholly support that concept and it  
15 makes sense. Our main concern is,  
16 again, when you combine all these  
17 factors, the amount of J6 that's  
18 being added to the community, as  
19 recommended by the plan along with  
20 the addition of pad sites within  
21 some of these major auto-oriented  
22 retail centers, that rather than  
23 minimizing sprawl or minimizing the  
24 amount of retail development or  
25 commercial developments within the

1 SC Planning 12/02/09 116  
2 corridor, the recommendations will  
3 actually result in an increase of  
4 that area within the market area as  
5 a whole, within the corridor as a  
6 whole, increasing traffic  
7 congestion, minimizing the amount of  
8 market viability for the existing  
9 commercial centers.

10 Again, I want to be very, very  
11 clear. We applaud the Town for

12 taking the effort of meeting with  
13 the community, of incorporating the  
14 community into these planning  
15 processes and taking a stake in the  
16 future of their community, and we're  
17 not disagreeing with any of the  
18 goals that are recommended within  
19 the study. Our only concern, and  
20 it's a significant concern, is that  
21 the actual zoning recommendations  
22 that are contained within the study,  
23 as it was presented to staff as part  
24 of this referral, will actually  
25 increase the amount of actual

1 SC Planning 12/02/09 117

2 commercial space within the study  
3 area and undermine the actual goals  
4 within the study.

5 So what we would recommend  
6 respectfully to the Town and to the  
7 Commission is that the Town consider  
8 taking a closer look at some of  
9 those recommendations and holding  
10 off on the adoption of the study in  
11 order to ensure the actual  
12 recommendations are properly matched  
13 with the goals of the study. If the  
14 Commission has any question, I'd be  
15 happy to try to address them.

16 CHAIRMAN CALONE: Thank you.  
Page 100

17 Commissioner Kelly.  
18 COMMISSIONER KELLY: Yes, Mr.  
19 Commissioner, I respectfully recuse  
20 myself from this vote.  
21 CHAIRMAN CALONE: So noted.  
22 Anyone have thoughts or comments?  
23 COMMISSIONER BOLTON: I just  
24 have a question of the Chairman, and  
25 that's can we consider the

1 SC Planning 12/02/09 118  
2 information that was presented to us  
3 by the Brookhaven staff today as  
4 opposed to our written presentation?  
5 CHAIRMAN CALONE: Right. I  
6 will defer to Counsel on that, but  
7 let me just say that our concerns  
8 when we hear facts coming  
9 are particularly because they are  
10 unvetted; that still remains the  
11 case; however, our rules do permit  
12 us to involve officials, either  
13 elected or appointed, as part of our  
14 deliberations. So from a legal  
15 perspective, I think, from our  
16 rules, we are allowed to involve  
17 them and, therefore, the information  
18 they provide. But it still, from a  
19 factual perspective, has not been  
20 vetted by our staff.

120209SCPC.txt  
COMMISSIONER BOLTON: I

21  
22  
23  
24  
25

understand that.

CHAIRMAN CALONE: Linda, do you  
have any other thoughts on that  
issue?

SC Planning 12/02/09 119

1  
2  
3  
4  
5

MS. SPAHR: I think you should  
engage in rational process, as you  
always do.

(Laughter)

6  
7  
8

COMMISSIONER HOLMES: I  
couldn't hear that. Did you have it  
pushed down?

9  
10

COMMISSIONER CARACCILO: No  
need to.

11  
12  
13  
14  
15

CHAIRMAN CALONE: Linda was  
encouraging us to engage in rational  
process. We'll see if Director  
Isles has any quips he'd like to  
add.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DIRECTOR ISLES: I'll try.  
Well, the only point I'd like to  
make is that a lot of times with  
testimony given in the public  
portion, we hear from applicants, we  
hear from citizens and so forth.  
The problem we face is that in the  
referral process, this material is  
supposed to come through the  
municipality. In the case of the



1 SC Planning 12/02/09 120  
2 presentation on this plan, it was  
3 presented by the municipality, so we  
4 would consider that to be part of  
5 the submission here at this point.  
6 The Chair's point about not having  
7 the staff to vet that is well-taken,  
8 but I think it is germane and can be  
9 used in my opinion.

10 CHAIRMAN CALONE: And I think  
11 that's consistent with our rules.

12 MS. SPAHR: My legal opinion  
13 would be that is rational process.

14 COMMISSIONER BOLTON: I have  
15 another question. It was presented  
16 by the Brookhaven Planning staff  
17 that there is perspective rezoning  
18 of over 100 different parcels.  
19 Although we don't have particular  
20 details on those rezonings, that's  
21 my question; do you have enough  
22 information at this point to change  
23 what you're recommendation is, as it  
24 is written in your staff report?

25 DEP. DIRECTOR GULIZIO: At the

1 SC Planning 12/02/09 121  
2 outset, I think the most important

3 thing is we have a fundamental  
4 respect for the town's ability to  
5 regulate its land use through its  
6 comprehensive planning process  
7 pursuant to its local home rule  
8 authority.

9 I think at this point, the Town  
10 is aware. We're on record about  
11 what our concerns are from a  
12 regional planning perspective is a  
13 county road, County Road 16, Portion  
14 Road, and so I've certainly heard  
15 what the Town has indicated. I  
16 think they have been apprised of  
17 what our concerns are, and they can  
18 move forward in a rational process  
19 and adopt whatever recommendations  
20 they see as most appropriate from a  
21 planning standpoint and from a  
22 zoning standpoint for their local  
23 municipality and their community.

24 COMMISSIONER BOLTON: I don't  
25 think --

1 SC Planning 12/02/09 122

2 DEP. DIRECTOR GULIZIO: Sorry.  
3 Did I not answer your question,  
4 Charla?

5 COMMISSIONER BOLTON: Yes, it  
6 didn't.

7 DEP. DIRECTOR GULIZIO: Okay.

8 Let me cut to the chase. I would  
9 love to see the 100 properties that  
10 are proposed to be rezoned; and  
11 again, just to take an extreme, if  
12 the majority of those properties are  
13 publicly-owned properties, they  
14 aren't really subject to development  
15 pressure anyway, then I think from a  
16 land use standpoint, that might be  
17 discounted somewhat in terms of its  
18 impact on reducing the amount of  
19 commercial development.

20 But again, just to be perfectly  
21 clear, we respect a local  
22 municipality's authority and  
23 jurisdiction to rezone in accordance  
24 with their local home rule  
25 authority. From our standpoint,

1 SC Planning 12/02/09 123  
2 from our perspective, if a market  
3 study has already been completed  
4 that demonstrates there's too much  
5 retail within this corridor based  
6 upon vacancy rates, based upon to  
7 redundancy of retail types, based  
8 upon the quality and characters of  
9 those retail developments and  
10 they've been advised that by their  
11 own consultant as well as Commission

12 staff here and the Commission, then  
13 the rest is really up to the Town to  
14 pursue what they feel to be the most  
15 appropriate manner for their  
16 residents and for their  
17 constituents.

18 COMMISSIONER BOLTON: So you're  
19 saying the information that was  
20 presented by Brookhaven today, some  
21 of which is in addition to what  
22 you've seen, I believe, is still not  
23 really sufficient to change your  
24 recommendation?

25 DEP. DIRECTOR GULIZIO: I

1 SC Planning 12/02/09 124

2 couldn't respectfully change my  
3 recommendation based upon the three  
4 properties that were shown today as  
5 potential rezoning properties, no.

6 CHAIRMAN CALONE: Thank you.  
7 Director Isles.

8 DIRECTOR ISLES: The staff  
9 recommendation is to deem the matter  
10 incomplete to provide an opportunity  
11 for the Town to address the staff  
12 concern at this point which here  
13 again is this apparent mismatch, and  
14 apparent significant mismatch,  
15 between the growth and retail  
16 commercial that is contemplated in

17 the plan, albeit the concentrated  
18 locations, the downtowns and so  
19 forth versus the study that  
20 indicates, as Dan said, they're  
21 overzoned or overdeveloped for  
22 retail.

23 If the Commission were to see  
24 fit to adopt this recommendation to  
25 deem it incomplete, certainly it

1 SC Planning 12/02/09 125  
2 would give the opportunity for the  
3 Town to go back and examine that  
4 further, if they choose, and to also  
5 provide additional information to  
6 the Commission, perhaps to  
7 supplement what they provided today  
8 and perhaps, if that timing works,  
9 to bring it back the Commission next  
10 month.

11 Of course, we wouldn't need the  
12 full presentation at that point, but  
13 this is an open door to the Town  
14 that if there's something we've  
15 missed or if there's some additional  
16 information they want to provide,  
17 this recommendation would enable  
18 them to do that. Certainly, as Dan  
19 indicated, there are other choices  
20 the Commission can exercise as well

21  
22  
23  
24  
25

and the Town.

CHAIRMAN CALONE: Thank you,  
Director Isles. Commissioner McAdam  
and then Commissioner Horton.

COMMISSIONER MCADAM: I have a

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

SC Planning 12/02/09 126

procedural question too. Corridor  
studies, land use plans, master  
plans, are we restricted to the --  
do we have the same limitation on  
acting upon that as we do with  
single applications? In other  
words, can we table it until next  
month and get the information and  
then act on it next month?

DIRECTOR ISLES: The answer is  
that you are subject to same time  
limitation, which is 45 days. That  
time can be extended with consent of  
the Town or municipality, so that  
could be done. Further, if an  
action is made to deem it  
incomplete, then the clock stops  
running. So you have a couple of  
choices. One is we could ask the  
Town today if they would consent to  
an extension or, two, if you want to  
deem it incomplete, that would stop  
the clock.

CHAIRMAN CALONE: Yeah, and I

1 SC Planning 12/02/09 127

2 don't know that the Town is in a  
3 position to --

4 DIRECTOR ISLES: Right.

5 CHAIRMAN CALONE: -- to do  
6 that, but certainly, the incomplete  
7 does -- if we vote it's incomplete,  
8 then we don't have the issue with  
9 regard to the 45 days. Commissioner  
10 Horton.

11 COMMISSIONER HORTON: Just  
12 briefly, my sense of this is similar  
13 to the resolution we voted on prior  
14 to this, and my approach to this is  
15 I feel that there are  
16 inconsistencies with the study and  
17 what's being asked to be voted on  
18 today, just as I felt there were  
19 regarding the moratorium that came  
20 before us, not from our staff's side  
21 of things but a lack of consistency  
22 or also actions required of us or  
23 input sought by the Commission or an  
24 action sought by the Commission that  
25 may be out of step with an overall

1 SC Planning 12/02/09 128

2 planning procedure, which was my

3 lack of -- which fueled my lack of  
4 comfort for the last resolution, and  
5 it's the same premise I have for  
6 this. There's been a study, and  
7 this is not necessarily consistent  
8 with that study, or various actions  
9 haven't been taken or completed by  
10 the Town that would warrant this  
11 particular action at this point in  
12 time, so much as the last resolution  
13 in a matter that we dealt with.

14 CHAIRMAN CALONE: As we had the  
15 presentation on this, obviously the  
16 timing of it is that it hasn't been  
17 adopted yet. It's in process, and  
18 this would be our opportunity to  
19 either weigh in on that or, as  
20 recommended, to deem it incomplete  
21 to try to get additional information  
22 in order to weigh in on that. And  
23 as Director Isles said, we could  
24 probably do that relatively quickly  
25 and keep within the timeframe I

1 SC Planning 12/02/09 129

2 think that the Town had wanted to be  
3 on, which was, I think, the February  
4 Town Board meeting which was the  
5 goal to have the Town Board consider  
6 that.

7 Yes, Dan.



8 DEP. DIRECTOR GULIZIO: Not to  
9 further complicate the already  
10 complicated, but one of the other  
11 options, of course, for the  
12 Commission is to recommend approval  
13 of the action subject to either a  
14 comment or a condition that the Town  
15 clarify the potential mismatch  
16 between the goals of the study and  
17 the recommendations of rezoning  
18 action within the study prior to the  
19 finalization and adoption of the  
20 study.

21 CHAIRMAN CALONE: Yes, we could  
22 do that. It's true. Thoughts?  
23 Commissioner McAdam.

24 COMMISSIONER MCADAM: I'd like  
25 to make a motion accepting the --

1 SC Planning 12/02/09 130

2 CHAIRMAN CALONE: Before we do  
3 that, I'm a little uncertain of  
4 where people's heads are at, so I'd  
5 like to -- before we close off  
6 debate, did anyone have any reaction  
7 to what Dan said or any comments  
8 they would like to make?

9 (No response)

10 All right. If not, there's a  
11 motion on the table to adopt the

12 staff recommendation as incomplete  
13 for the reason that's --

14 COMMISSIONER HOLMES: I'll  
15 second it --

16 CHAIRMAN CALONE: -- indicated  
17 with regard to the mismatch.

18 COMMISSIONER CARACCILO: Just  
19 to clarify, that's what you were  
20 doing; you were adopting the staff  
21 report, not what Dan was saying?

22 COMMISSIONER MCADAM: Yes, the  
23 staff report.

24 COMMISSIONER HOLMES: I'll  
25 second that.

1 SC Planning 12/02/09 131

2 CHAIRMAN CALONE: Seconded by  
3 Commissioner Holmes. The motion is  
4 for a recommendation of the staff  
5 report, which is a finding of  
6 incomplete for the reasons indicated  
7 that being the Town consider  
8 amendment of the study in order to  
9 ensure that the recommendations of  
10 the study successfully advance the  
11 stated goals of reducing the sprawl  
12 and development of downtowns that  
13 are controlled and compact and a  
14 reduction of approximately 207,244  
15 square feet of excess retail supply  
16 identified within the study area.

17 That's the motion. All in favor,  
18 please raise your hand.

19 (Panel complies)

20 That's 9 to 0. Thank you very  
21 much.

22 Next item on our agenda is the  
23 MVC Properties. Deputy Director  
24 Gulizio.

25 DEP. DIRECTOR GULIZIO: Good

1 SC Planning 12/02/09 132  
2 afternoon. The subject application  
3 involves, I believe, assemblage of 9  
4 properties totaling 9.3 acres in  
5 size located in the Hamlet of  
6 Centereach in the Town of Brookhaven  
7 on the north side of Middle County  
8 Road bounded by Hammond Avenue to  
9 the east and North Howell Road to  
10 the west.

11 The application involves a  
12 change of zone from J2 Business  
13 District Residents B District to all  
14 J2 Business District along with a  
15 number of variances and a  
16 modification of covenants associated  
17 with it in order to allow for the  
18 development of an 83,166-square-foot  
19 retail shopping center along with  
20 accessory parking for 415 spaces.

21 The variances requested in  
22 connection with this application  
23 include a parking relaxation of  
24 approximately 13 percent or 61  
25 spaces with 415 spaces provided and

1 SC Planning 12/02/09 133  
2 476 spaces required pursuant to the  
3 site plan submitted with the  
4 application; a waiver of the width  
5 of sidewalk from ten feet to five  
6 feet; a reduction of the buffer  
7 requirement from 75 feet to 44 foot,  
8 or a relaxation of 42 percent; a  
9 reduction in the depth of  
10 landscaping from 25 feet to 18 feet  
11 or a deduction of 28 percent; a  
12 reduction in the total amount of  
13 landscape natural area, length from  
14 50 feet to 18 feet; and a reduction  
15 in the total amount of minimum  
16 natural area landscaping from 30  
17 percent to 24 percent or a  
18 relaxation of approximately 20  
19 percent.

20 As was testified earlier, the  
21 subject application has been,  
22 according to testimony presented  
23 earlier, identified by Supervisor  
24 Lesko, Councilwoman Walsh, as a  
25 100-day plan expedited review

1 SC Planning 12/02/09 134

2 application and as was testified  
3 earlier, Commissioner of Planning  
4 and Environment Land Management  
5 Bertoli has also worked in  
6 connection with this plan.

7 With that being said, the  
8 easiest thing for staff to do in the  
9 face of such support would be to  
10 unconditionally recommend approval  
11 of the plan. However, this plan is  
12 located, as was also testified  
13 earlier, within the center of what's  
14 been referenced as the Middle  
15 Country Sustainable Community Hamlet  
16 Center Plan, which is a Corridor  
17 Study and Land Use Plan, which was  
18 adopted by the Town back in 2008  
19 after previously being reviewed and  
20 recommended for approval by this  
21 Commission, and addresses the  
22 character of development along  
23 Middle Country Road within the  
24 communities of Selden and  
25 Centereach.

1 SC Planning 12/02/09 135

2 That plan recommended the

3 rezoning of two hamlet centers as  
4 plan development districts, one at  
5 Independence Plaza in Selden, which  
6 is the orange color to the right of  
7 your screen, and one at the  
8 Centereach Mall, which is west of  
9 Nichols Road, which is on the left  
10 side of your screen, also orange in  
11 color.

12 In addition, that plan  
13 recommended the adoption and  
14 development of what's called a  
15 Transitional Zoning School District,  
16 or a J9 Business District within  
17 those areas outside of the downtown  
18 centers.

19 In addition, that plan  
20 recommended the development and  
21 adoption of design guidelines in  
22 order to help guide the character of  
23 development within the transition  
24 areas as well as within the downtown  
25 centers.

1 SC Planning 12/02/09 136

2 To date, the J9 Business  
3 District, to our understanding, has  
4 not been either created or adopted.  
5 The plan development districts have  
6 not been either created or adopted  
7 or zoned, and the design guidelines

8 have not been also either adopted or  
9 enacted by the Town Board.

10 The goals and recommendations  
11 contained within that Hamlet Center  
12 Plan include, again, the creation of  
13 the hamlet centers and the fostering  
14 of transferring of development  
15 rights from the transition areas to  
16 the hamlet centers; changes to the  
17 zoning codes to discourage shopping  
18 center development and suburban land  
19 use patterns; limitations on parking  
20 within the front yard; limitations  
21 to curb cuts along Middle Country  
22 Road and a prohibition of curb cuts  
23 along Middle Country Road where  
24 access to side streets is available;  
25 a reduction of the front yard

1 SC Planning 12/02/09 137  
2 development along Middle Country  
3 Road to 25 or 30 feet; and the plan  
4 specifically references that the  
5 backbone of the Community  
6 Sustainability Plan is the  
7 development of the hamlet centers.

8 Our review of the site plan and  
9 rezoning that is the subject of the  
10 referral here today is not an  
11 independent review. It's based on

12 its compliance with both the Town  
13 code as well as its consistency with  
14 the previously adopted  
15 community-based Land Use Plan that  
16 was, again, adopted by the Town  
17 Board after an extensive public  
18 outreach process and intensive  
19 participation by community and civic  
20 members.

21 In looking at the goals and  
22 recommendations of the hamlets of  
23 the community-based Hamlet Center  
24 Plan, our concern is what this site  
25 plan represents. While well-planned

1 SC Planning 12/02/09 138

2 and well-designed in terms of its  
3 overall site plan and planning  
4 characteristics, it's inconsistent  
5 with the actual goals and  
6 recommendations within the plan.

7 Specifically, the setback of  
8 the building is over 100 feet  
9 whereas the plan recommends that  
10 buildings be up front with a maximum  
11 setback of approximately 25 feet.  
12 The plan also proposed a curb cut  
13 directly adjacent to Middle Country  
14 Road whereas the community-based  
15 plan recommends prohibition of curb  
16 cuts along Middle Country Road,



17 particularly where there's access to  
18 side streets. In this case, the lot  
19 has direct access to both Hammond  
20 Avenue as well as North Howell Road  
21 to the east and west respectively.

22 In addition, in terms of the  
23 application's consistency with the  
24 actual code requirements, there is a  
25 reduction of 42 percent relaxation

1 SC Planning 12/02/09 139

2 in terms of the amount of buffer.  
3 There is a 28 percent relaxation --  
4 or a 20 percent relaxation in terms  
5 of the amount of landscaping. The  
6 actual depth of the landscaping  
7 involves a 64 percent relaxation and  
8 there's a 61 space or 13 percent  
9 parking relaxation also requested in  
10 connection with the application.

11 We, from a staff standpoint,  
12 have absolutely no objection with  
13 the Town adopting a Land Use Plan  
14 that establishes zoning  
15 recommendations and community goals  
16 for the character of development  
17 within that roadway. We also have  
18 no disagreement with the Town  
19 modifying current standards in order  
20 to allow for a development, such as

21 this, to proceed. Our only concern  
22 is that once you adopt a  
23 community-based Land Use Plan,  
24 individual developments that occur  
25 within that land use -- within the

2 geographic boundaries of that Land  
3 Use Plan are to conform with the  
4 actual recommendations within the  
5 study; to adopt the study, to go  
6 through the effort of meeting with  
7 the community and establishing clear  
8 standards of where you want the  
9 development to occur and what  
10 character of the development you  
11 would like to see, and to ignore  
12 those standards for each plan as it  
13 comes forward is particularly  
14 troubling from a regional planning  
15 standpoint or from our perspective  
16 as regional planners.

17 Again, with the amount of  
18 support that's been referenced in  
19 connection with this plan, it would  
20 be very easy to stay here and say,  
21 'This is great.' It's not often we  
22 have so much support for a plan,  
23 both from the Town, from the Town,  
24 from the community as well as from  
25 the actual applicant. However, in

1 SC Planning 12/02/09 141  
2 this case, again, based upon the  
3 fact that this Commission previously  
4 recommended approval of a Corridor  
5 Study and Land Use Plan that had  
6 specific goals and recommendations  
7 to it that talked about the need to  
8 create downtown centers to prevent  
9 the type of strip commercial  
10 development that this plan somewhat  
11 represents, we have concerns with  
12 the application based upon its  
13 inconsistency with the both Corridor  
14 Study as well as the multitude and  
15 magnitude of variances that are  
16 requested in connection with current  
17 code requirements. We respectfully  
18 recommend the Commission adopt a  
19 resolution disapproving the  
20 application.

21 If the Commission has any  
22 questions -- I know that's rare that  
23 you will have questions after one of  
24 my presentations, but if you do,  
25 I'll be happy to try to address

1 SC Planning 12/02/09 142  
2 them.

3 CHAIRMAN CALONE: Thank you,  
4 Dan. Michael, as the representative  
5 from Brookhaven, do you have  
6 anything you want to add?

7 COMMISSIONER KELLY: A couple  
8 of questions. One, Dan, do you know  
9 the amount of Residents B zone that  
10 is being requested for the change?

11 DEP. DIRECTOR GULIZIO: John  
12 has it up there on the map right  
13 now. Everything that's in the  
14 pinkish color is currently, I  
15 believe, J2 Business District, and  
16 it's the lighter shade or the  
17 transparent shades that are  
18 Residents B District; essentially,  
19 the northern third, roughly, of the  
20 property.

21 COMMISSIONER KELLY: Thank you.  
22 And also, Dan, again I struggle as  
23 you comment between the plan that  
24 was adopted and the fact that an  
25 applicant can come forth with such a

1 SC Planning 12/02/09 143

2 large amount of civic support in  
3 favor of this type of a  
4 redevelopment. As a Commission, I  
5 guess I need some coaching to say,  
6 'All right, how do you balance  
7 that,' because if the plan is a

8 focussed redevelopment in a certain  
9 area and that redevelopment is not  
10 occurring, what happened to the  
11 plan, one; and two, have the local  
12 civics, have they shifted in their  
13 opinion, so to speak, to say, 'All  
14 right. Well, if we can't get what  
15 we can't get in that plan of  
16 location, we'll accept it in this  
17 new revised location,' and seeing  
18 the application and seeing what type  
19 of support, not just from the civics  
20 but from the Town, to say, maybe  
21 this, as you do mention, maybe this  
22 is that opportunity to say, 'All  
23 right. This practically makes  
24 sense.' So that was a lot of  
25 comment but no direction.

1 SC Planning 12/02/09 144  
2 CHAIRMAN CALONE: Let me just  
3 say, with respect to where the  
4 Commission falls on the issue, I  
5 mean, the issue you raise, Michael,  
6 is very appropriate. Where do you  
7 stand, and where do we stand as a  
8 Commission? But that's to each of  
9 us to decide, I think, and that's  
10 why we have folks from all these  
11 different backgrounds on this table,

12 which is a great asset that we  
13 bring.

14 One thing that I'll say, one  
15 thing that strikes me, and then,  
16 obviously, I'll let others say  
17 something, is that the reason we  
18 have home rule is because the folks  
19 who are representing that area will  
20 ultimately have the right to say,  
21 "You know what? This is something  
22 we want to do, and this is something  
23 the people in the locale want to do,  
24 and that's why they have final say."

25 For me, I'm troubled by the

1 SC Planning 12/02/09 145

2 fact that this is not like a plan  
3 that's been around for a while, a  
4 couple years and nothing happened  
5 with it; this plan was only adopted  
6 12 months ago; and my concern is  
7 that projects like this, as nice as  
8 they are and as potentially valuable  
9 as they are, they are detracting  
10 from a plan that's just getting off  
11 the ground, but that's just my own  
12 perspective.

13 Commissioner Caracciolo, did  
14 you want to say something?

15 COMMISSIONER CARACCIOLO: Thank  
16 you, Mr. Chairman. I agree with

17 Commissioner Kelly. You know, it's  
18 time, as we were saying, to be  
19 practical, and maybe the time is  
20 now. It's a well-thought out plan.  
21 It's well-designed and, as Dan said,  
22 it has great local support and  
23 community support, and that's really  
24 -- and you touched on it,  
25 Mr. Chairman. I think that's why we

1 SC Planning 12/02/09 146  
2 were put here, and we're supposed to  
3 be that gray area between the staff  
4 and the hard rules that are in black  
5 and white, and really what the  
6 community wants and, you know,  
7 County Executive Levy did do a good  
8 job by putting together an unbiased  
9 group of individuals together with  
10 different backgrounds and make that  
11 decision and act as the community  
12 would feel.

13 So I agree with Commissioner  
14 Kelly. It's time to be practical,  
15 and it is a good plan. Let's look  
16 at and listen to all around us and  
17 act accordingly.

18 CHAIRMAN CALONE: Thank you,  
19 Commissioner Caracciolo. Vice  
20 Chairman.

120209SCPC.txt  
21 COMMISSIONER KONTOKOSTA: Yes,  
22 I agree, of course, with  
23 Commissioner Caracciolo and Kelly,  
24 that this is an interesting  
25 situation here, but I think from our

1 SC Planning 12/02/09 147  
2 perspective on the Planning  
3 Commission that we have a  
4 responsibility to look from a  
5 broader perspective, both from a  
6 regional significance perspective  
7 but also from a time period, a  
8 temporal issue here, that we have to  
9 think, perhaps, longer term if we  
10 really want to see such a plan as  
11 the one that's been put forth prior  
12 to this actually take shape over the  
13 longer term. How are we going to  
14 develop 10 years from now, 15 years  
15 from now; how is this area going to  
16 look then? We have to think,  
17 perhaps, above individual -- think a  
18 little bit broader than the  
19 individual site plan and some of the  
20 immediate concerns that might be  
21 around it.

22 That being said, I see for me  
23 this application is very different  
24 than the somewhat similar one we saw  
25 last meeting because the applicant



1 SC Planning 12/02/09 148

2 is asking for a change of zone to,  
3 in fact, create even more divergence  
4 from the plan, whereas, from what I  
5 recall, the last application was an  
6 as-of-right application, so that is  
7 a huge difference for me in terms of  
8 how I view this application.

9 CHAIRMAN CALONE: Thank you.  
10 Commissioner Horton.

11 COMMISSIONER HORTON: Thank  
12 you, Mr. Chairman. There are  
13 aspects that -- there are comments  
14 that have been made across the day  
15 regarding this that I agree with  
16 wholeheartedly, and my perspective  
17 on this particular matter actually  
18 is completely inline with what the  
19 Vice Chairman articulated. This is  
20 exactly what came to mind.

21 The last time we met, there was  
22 an as-of-right application within  
23 the context of an area that had  
24 experienced community planning  
25 process, and that study had been

1 SC Planning 12/02/09 149

2 adopted, yet the recommendations

3 from that study had not yet been  
4 implemented and the zoning had not  
5 yet been implemented.

6 This is a situation whereby  
7 perhaps there is community support,  
8 and I appreciate that. That's  
9 something that is meaningful to me.  
10 However, my role as a commissioner  
11 here, from my perspective, as I  
12 understand it, to be codified is  
13 that we're looking at a broader  
14 view, and we also have to look at  
15 the future developments beyond what  
16 an individual or even a number of  
17 positive -- or supporters of a  
18 project may view or may have at this  
19 point in time, and this is clearly a  
20 change of zone application.

21 So this is not somebody trying  
22 to -- seeking to exercise their  
23 bundle of rights that are currently  
24 granted to them under the current  
25 zoning. This is a change of zone

1 SC Planning 12/02/09 150

2 within the context of an area that  
3 has recently undergone the study,  
4 and I think the Town, while a year  
5 has passed since the Town has  
6 adopted this study and I'm not aware  
7 of what efforts have been made by

8 the Town to implement the  
9 recommendations from a zoning  
10 perspective in this area that came  
11 out of that study; however, this  
12 being a change of zone, I don't  
13 think necessarily falls into that  
14 same area that we're dealing with in  
15 the last meeting with an as-of-right  
16 project.

17 I mean, the Town obviously,  
18 they're taking this study seriously,  
19 you know, have the time and ability  
20 or should have the ability and the  
21 time to act appropriately to carry  
22 out those recommendations, and I  
23 don't care it's prudent for a change  
24 of zone to be recommended or  
25 approved by this Commission.

1 SC Planning 12/02/09 151

2 CHAIRMAN CALONE: Thank you,  
3 Commissioner Horton. Commissioner  
4 Holmes, and then we'll come back to  
5 Commissioner Kelly.

6 COMMISSIONER HOLMES: I am most  
7 concerned about the fact that we, as  
8 a Commission, have -- and staff have  
9 often cited this area as being  
10 chaotic, as you say it here, but  
11 where there's a very high rate of

12 accidents and these road cuts into  
13 Middle Country Road just exacerbate  
14 that, and that, to me, is a great  
15 concern and a reason for disapproval  
16 is that it already is a problem area  
17 which supposedly the plan was trying  
18 to modify and ameliorate and this  
19 project seems to have the potential  
20 to add to the chaos and the high  
21 accident rate which is a great  
22 concern.

23 CHAIRMAN CALONE: Thank you,  
24 Commissioner Holmes, and  
25 Commissioner Kelly.

1 SC Planning 12/02/09 152

2 COMMISSIONER KELLY: Thank you.  
3 Again, Dan, again just a  
4 clarification on the amount of space  
5 on the change of zone. While the  
6 application is for a change of zone,  
7 the amount of Residents B that is  
8 being sought to -- being changed  
9 does not look like it's the  
10 significant amount of the parcel or  
11 the assembled parcel. So while it's  
12 a change of zone application, the  
13 bulk of the properties seems to be  
14 in conjunction -- or the application  
15 seems to be in conjunction with the  
16 underlying zone.

17 CHAIRMAN CALONE: Just so  
18 everyone is clear, Dan, it's the  
19 shaded part is J2 and the unshaded  
20 part is residential, and we're just  
21 looking at that block in the middle,  
22 and maybe if someone has a  
23 highlighter, they could just --

24 DEP. DIRECTOR GULIZIO: John, I  
25 don't know if you have the laser,

1 SC Planning 12/02/09 153

2 but it's the two lots along the  
3 northern boundary as well as those  
4 two lots that are notches, those  
5 three lots that are notches within  
6 the property.

7 The only thing I would say  
8 again, the amount of residential  
9 zoning, for every portion of  
10 residential zoning that's added to  
11 the property, it does very  
12 significantly increase the number of  
13 trips that associate with the  
14 development because it allows for a  
15 larger amount of retail development  
16 than if it were just done within the  
17 existing commercial zoning.

18 The other thing, it adds to the  
19 total amount of retail development,  
20 and therefore, the total number of

21 trips that are generated from this  
22 property is the number of variances  
23 that are also requested in  
24 connection with the application. If  
25 there were larger buffers and larger

1 SC Planning 12/02/09 154

2 landscaped areas, there would be  
3 less commercial development. If  
4 there was more parking in accordance  
5 with code, again, there would be  
6 less commercial development and then  
7 there would be less trips generated  
8 from the overall development.

9 So again, the amount of  
10 property added increases the amount  
11 of commercial development, increases  
12 the amount of trips and the number  
13 of variances also does that same  
14 thing, increases the amount of  
15 commercial development and the total  
16 number of trips that are generated.

17 For the record, this is one of  
18 the highest trafficked roadways in  
19 the Town and also has one of the  
20 worst accident rates.

21 CHAIRMAN CALONE: Thank you,  
22 Dan. Commissioner Bolton.

23 COMMISSIONER BOLTON: I just  
24 wanted to say, with all due respect  
25 to the comments of other

1 SC Planning 12/02/09 155  
2 commissioners, I do fully support  
3 the recommendation of this staff;  
4 however, I support it for the  
5 following reason, which is the  
6 question of consistency. This  
7 Commission, you know, not a year ago  
8 voted in support of this local  
9 comprehensive plan. We're in the  
10 process of a County-wide  
11 comprehensive planning effort. It  
12 will be totally inappropriate to be  
13 voting in favor of an application  
14 which disrupts a nascent local  
15 comprehensive plan.

16 CHAIRMAN CALONE: Any other  
17 thoughts or comments before we move  
18 forward? Commissioner Horton.

19 COMMISSIONER HORTON: Just  
20 briefly, what steps has the Town  
21 taken to enact the recommendations  
22 of the plan that encompasses this  
23 property? And it's not going to  
24 effect my perspective, outlook or  
25 vote on this. I'm just curious to

1 SC Planning 12/02/09 156  
2 know because I think that's an

3 important thing to be aware of.  
4 DEP. DIRECTOR GULIZIO: To my  
5 understanding, none of the actual  
6 zoning recommendations have taken  
7 place. The two downtowns have not  
8 been designated as plan development  
9 districts. The J9 Transitional  
10 Zoning District has not been either  
11 crafted or adopted. The only  
12 actions that I'm aware of that have  
13 taken place have been individual  
14 land use applications. Here's these  
15 six applications that have all been  
16 referred to the Commission for  
17 consideration within the corridor  
18 since the adoption of the plan, but  
19 other than acting on individual  
20 applications, I'm not aware of any  
21 action.

22 CHAIRMAN CALONE: I would also  
23 note that there's been a lot of  
24 political change in Brookhaven in  
25 the last -- since the plan's been

1 SC Planning 12/02/09 157  
2 adopted, there's a new supervisor  
3 and all that. So it's been a time  
4 where if they are going to focus on  
5 it, they should be focusing on it  
6 now, but to your point, there hasn't  
7 been much effort that we're aware



8 of.

9 DEP. DIRECTOR GULIZIO: Just to  
10 stress again, we're not attempting  
11 to substitute our judgement or  
12 recommendations for the  
13 recommendations of the Town or  
14 policies of the Town. What we're  
15 merely trying to do is to say,  
16 "These are the specific policies and  
17 recommendations adopted by the Town  
18 through their own planning effort,"  
19 and that should be the yardstick  
20 with which we judge individual  
21 applications as they're referred to  
22 us as Commission staff.

23 CHAIRMAN CALONE: Thank you,  
24 Dan. Vice Chairman.

25 COMMISSIONER KONTOKOSTA: I

1 SC Planning 12/02/09 158  
2 make a motion to go with the staff  
3 recommendation.

4 CHAIRMAN CALONE: The motion is  
5 for approval of the staff  
6 recommendation for the --

7 COMMISSIONER BOLTON: Second.

8 CHAIRMAN CALONE: -- for  
9 reasons indicated. Second by  
10 Commissioner Bolton. All in favor  
11 of approving the staff

12 120209SCPC.txt  
13 recommendati on for di sapproval for  
14 the four reasons indi cated, please  
15 raise your hand.  
16 (Panel compl ies)  
17 That' s ei ght. Opposed, please  
18 raise your hand.  
19 (Panel compl ies)  
20 Two. And we have no  
21 abstentions, so that passes ei ght to  
22 two.  
23 The last i tem on our  
24 administrative agenda is Brookhaven  
25 Solar Code, and, Andy, are you  
handli ng that?

1 SC Pl anni ng 12/02/09 159  
2 MR. FRELENG: No, Mr. Chai rman,  
3 I thi nk Di rector Gul izio is.  
4 CHAIRMAN CALONE: Oh, okay.  
5 Sorry.  
6 DEP. DIRECTOR GULIZIO: I f I  
7 could j ust request Li nda Spahr to  
8 hold down the button on my  
9 microphone because my fi nger is now  
10 fati gued.  
11 (Laughter)  
12 CHAIRMAN CALONE: Thi s is  
13 certain ly bringi ng us all together  
14 in terms of helpi ng each other out.  
15 DEP. DIRECTOR GULIZIO: I' m  
16 j ust ki ddi ng. Thi s is a very mi nor  
Page 136

17 amendment to the Brookhaven Town  
18 Code. We thought we would bring it  
19 to the Commission based upon the  
20 Commission's recent interest in all  
21 things solar. What the code  
22 amendment does is to provide a  
23 specific exemption from the  
24 requirements to submit a building  
25 permit in connection with

1 SC Planning 12/02/09 160  
2 single-family and with two-family  
3 dwellings for minor repairs  
4 associated with photovoltaic panels  
5 and tiles when installed flush to  
6 the roof surface of a principle or  
7 accessory building. I point out for  
8 any members interested in historic  
9 preservation that there's also an  
10 exemption that requires these  
11 activities to go before the Historic  
12 District Advisory Committee prior to  
13 actual release.

14 So again, it's a fairly minor  
15 amendment. It's simply streamlining  
16 the process for minor repairs  
17 associated with photovoltaic cells,  
18 associated with single-family and  
19 two-family homes, and we're  
20 recommending a local determination

21 in connection with this request  
22 subject to a comment which has been  
23 provided to staff.

24 CHAIRMAN CALONE: Do you have  
25 the comment, Dan, or Andy has it or --

1 SC Planning 12/02/09 161

2 DEP. DIRECTOR GULIZIO: I do, I  
3 hope.

4 CHAIRMAN CALONE: Just, while  
5 we're looking for that, as you all  
6 know, we're involved in this solar  
7 effort. What the Town of Brookhaven  
8 is proposing is going further than  
9 we would, looks like we're likely to  
10 recommend. When I say that, I mean  
11 the working group that we have  
12 working on this is trying to put  
13 together a solar permitting form  
14 that would allow people to get  
15 permits by providing relevant  
16 technical information about solar  
17 panels but not needing to require  
18 all of the things that go on with  
19 the building permit typically, which  
20 include things like surveys and  
21 other things like that.

22 So that's the ground that we,  
23 in the working group, that we're  
24 working on with the folks at LIPA  
25 are heading towards, and the one

1 SC Planning 12/02/09 162  
2 reason that we might want to just  
3 add a comment here would be -- this  
4 is certainly the town's prerogative,  
5 but the idea behind a comment which  
6 is just simply to let them know and  
7 remind them, really, that we are --  
8 there is a regional effort ongoing  
9 to come up with some kind of a  
10 standard effort across the towns and  
11 villages, and that encouraging them  
12 simply to consider that when the  
13 time -- when that is formally  
14 proposed.

15 MR. FRELENG: We have your  
16 comment that was relayed to us, but  
17 it didn't make it into the file.

18 CHAIRMAN CALONE: What I was  
19 suggesting just from the solar  
20 perspective was a comment that Dan  
21 and Andy had a chance to look at,  
22 so, Dan, you could just read that.

23 DEP. DIRECTOR GULIZIO: "The  
24 Suffolk County Planning Commission  
25 in conjunction with LIPA and other

1 SC Planning 12/02/09 163  
2 regional planning agencies currently

3 is working on a model residential  
4 solar photovoltaic permit  
5 application form which would provide  
6 Long Island's municipalities with  
7 relevant technical information and  
8 will not require all the information  
9 typically required by a building  
10 permit application form.

11 "Once such an application form  
12 is finalized and formalized  
13 recommended in the coming months,  
14 the Planning Commission encourages  
15 the Town of Brookhaven to consider  
16 requiring its use."

17 CHAIRMAN CALONE: Thank you,  
18 Dan. Anyway, so that's just the  
19 idea, is to do an LD with a comment.  
20 Any comments or questions about  
21 that?

22 (No response)

23 Seeing none, I'll entertain a  
24 motion to adopt the local  
25 determination.

1 SC Planning 12/02/09 164

2 COMMISSIONER BOLTON: I make a  
3 motion.

4 CHAIRMAN CALONE: Motion by  
5 Charla. Seconded by our outgoing  
6 Commission member, retiring  
7 commissioner member, Commissioner

8 Caracciolo. All in favor, please  
9 raise your hand.

10 (Panel complies)

11 And opposed? That's 10 to 0.

12 Okay. That's the end of our  
13 administrative section. We have a  
14 couple last things that I would just  
15 beg your indulgence on. We are  
16 going to do a brief presentation on  
17 the Comp Plan, just kind of an  
18 update on where we are. Director  
19 Isles.

20 DIRECTOR ISLES: Two items  
21 before turning it over to Peter for  
22 a brief presentation of the  
23 population demographic section. One  
24 is that we are work with the County  
25 Executive's office to schedule two

1 SC Planning 12/02/09 165

2 public meetings, and obviously the  
3 Commission would be invited to  
4 participate in those meetings. The  
5 meetings we're tentatively looking  
6 at would be January or February, but  
7 here again, it's heavily dependent  
8 on the County Executive's schedule.

9 The purpose of the meeting is  
10 to hold two meetings, one in western  
11 Suffolk, one in eastern Suffolk to

12 be most convenient to the population  
13 to inform the public of this effort,  
14 to update the County Comprehensive  
15 Plan; and also to share with them  
16 some of the early information in  
17 terms of where are we, where are we  
18 as a county at this point in time;  
19 and then thirdly, to seek the  
20 public's assistance in the  
21 formulation of the goals of the  
22 plan. So I will keep you posted in  
23 the near future as we, here again,  
24 seek to schedule the dates for that.  
25 It would obviously be an evening

1 SC Planning 12/02/09 166  
2 meeting, or evening meetings.

3 And secondly, very quickly, we  
4 are finalizing our website for the  
5 Comprehensive Plan. We will have  
6 that done this month, so that will  
7 be ready prior to the public  
8 meetings commencing. Thank you.

9 At this point, Peter Lambert's  
10 a principal planner, of course, in  
11 the department. He's been working  
12 on the plan with Dan Gulizio, with  
13 Seth Foreman principally. We are  
14 also getting other staff involved at  
15 this point, but Peter has completed  
16 a draft, at least an initial draft,



17 of the demographic section. He'd  
18 just like to present some of the  
19 initial findings on that to the  
20 Commission today.

21 CHAIRMAN CALONE: And it's in  
22 everyone's packet. You see the  
23 draft section, it looks like this (indicating).

24 MR. LAMBERT: Good afternoon.  
25 So we've been working on the

1 SC Planning 12/02/09 167  
2 population aspect of the  
3 comprehensive plan, and, as we know,  
4 population demographics include a  
5 variety of topics, so I'm going to  
6 try to go through some of the  
7 highlights from what I've written so  
8 far. Feel free to interrupt me with  
9 any questions you might have, or  
10 contact me with anything you might  
11 be interested in hearing more about  
12 or if you have questions for  
13 clarification.

14 The first thing I want to start  
15 with in going through the report is  
16 the total population of the county,  
17 which has increased dramatically  
18 since the post World War II period.  
19 In particular, between 1950 and  
20 1970, the population of the county

21 quadrupled from 276,000 to over 1.1  
22 million, so that is particularly  
23 important to know in regards to our  
24 development pattern, our housing,  
25 our age groups, our population; a

2 lot of that is affected by the fact  
3 that we were developed primarily in  
4 a 20-year period.

5 Suffolk's population has grown  
6 moderately in each decade since  
7 1970. The five western towns of  
8 Suffolk -- Babylon, Brookhaven,  
9 Huntington, Islip, Smithtown -- have  
10 shown growth, but most of their  
11 growth was in the '50s and '60s, and  
12 Brookhaven is the only Town that's  
13 really shown much growth since 1970.

14 In eastern Suffolk, the  
15 population trends have been slightly  
16 different from western Suffolk. As  
17 we know, there haven't been any  
18 large population spikes in eastern  
19 Suffolk like we've seen in western  
20 Suffolk. In terms of population  
21 density, Suffolk County is about  
22 one-third as densely populated as  
23 Nassau County. In fact, Suffolk  
24 County's population density is  
25 similar to that in Rockland County,

1 SC Planning 12/02/09 169

2 New York north of New York City.

3 A few other counties we have  
4 found similarities to; they include  
5 Prince George's County in Maryland,  
6 which is suburban Washington, D.C.;  
7 Norfolk County, Massachusetts, which  
8 is outside Boston; and Montgomery  
9 County, Pennsylvania outside of  
10 Philadelphia.

11 Those will come into play as we  
12 do more analysis in terms of  
13 comparing Suffolk County to some,  
14 more or less, similar suburban  
15 counties around the county, and that  
16 will come more in the analysis  
17 section of the plan. This is a  
18 little bit more of just an inventory  
19 of -- or a snapshot of our  
20 demographics through time without  
21 too many comparisons; although  
22 demographics, in general, invite  
23 comparisons to be made, at least  
24 over time, we're going to hold off  
25 on some of the in-depth analysis

1 SC Planning 12/02/09 170

2 until the Analysis Section of the

3 plan, which will come at a later  
4 date.

5 We have done a couple of  
6 population projections. As Tom  
7 mentioned, we worked on a study for  
8 the Health Department that roughly  
9 projected population, future  
10 population based on vacant land.  
11 That's kind of a baseline  
12 projection, the lowest possible  
13 additional population based on just  
14 whatever vacant land is in existence  
15 now, what the population would be if  
16 that land were to be developed.

17 There are other ways that we  
18 might have future population. They  
19 include redevelopment; they include  
20 development of private, open and  
21 special cases where development  
22 occurs that you may not have  
23 foreseen because right now it might  
24 be occupied, for example, a church,  
25 a school property. So what we did

1 SC Planning 12/02/09 171

2 with that is just a baseline  
3 projection, different from the usual  
4 projections that we do, which are  
5 more based on current trends and the  
6 gradual reduction in the amount of  
7 vacant land available. So based on

8 that method, we project the County's  
9 population to increase by about  
10 250,000 between 2008 and 2035. That  
11 would be a 17 percent increase.  
12 That is more than just a vacant land  
13 analysis. That's just based on the  
14 trends and building permits that we  
15 have seen over the past 10 to 20  
16 years in each of the towns.

17 The largest numerical increase  
18 in population is expected in the  
19 Town of Brookhaven with an addition  
20 of 116,000 persons, but that would  
21 not represent the largest percentage  
22 increase. The largest projected  
23 percentage increase is in the Town  
24 of Riverhead, which not only has  
25 some vacant land to be developed,

1 SC Planning 12/02/09 172  
2 but it also would be building on a  
3 relatively small population base,  
4 unlike Brookhaven which is the  
5 largest Town in the County. In  
6 terms of saturation population,  
7 which we would estimate would come  
8 after the year 2035, the county  
9 saturation population, which is kind  
10 of a fluid estimate, at this point  
11 is estimated to be 1.8 or 1.9

12 million persons. That, of course,  
13 would vary depending on future  
14 redevelopment. If there is a mini  
15 city proposed or one of these  
16 redevelopments or down zonings,  
17 those things can ultimately change  
18 the future population of the county,  
19 and that's something to definitely  
20 keep in mind.

21 So as time goes by, there are  
22 less vacant acres of land remaining  
23 but more potential for  
24 redevelopment, and that's what we're  
25 seeing in Nassau County. There's

1 SC Planning 12/02/09 173

2 not much vacant land, but there are  
3 pockets of redevelopment that are  
4 happening where you have an  
5 abandoned industrial site becoming  
6 100 units of senior citizen housing.  
7 That's just one example of how  
8 redevelopment can change the future  
9 population other than what you might  
10 have expected based on existing  
11 vacant land.

12 In terms of the age of the  
13 population, Nassau and Suffolk  
14 County's are aging just along with  
15 the nation as a whole. The median  
16 age in the county is -- I believe

17 it's about 38, which has increased  
18 steadily over the years since 1970.  
19 Our median age is slightly higher  
20 than the state's median age and also  
21 the nation's median age because  
22 we're aging in place. Since we're  
23 already primarily already developed,  
24 our residents tend to be aging in  
25 place rather than the explosive

1 SC Planning 12/02/09 174

2 development that we had in the '50s  
3 and '60s, inviting younger families  
4 and a lot of children coming in.

5 What's interesting to look at  
6 in terms of the age group change is  
7 that, like I said, in 1970, after  
8 much of our housing was built, the  
9 county was noticeably younger than  
10 the population breakdown of the  
11 country as a whole, and that, of  
12 course, was because much of our  
13 housing was built in the 1950-1970  
14 period, a relatively short time. In  
15 that period, the County had a  
16 tremendous influx of similarly-aged  
17 people with similarly-aged children  
18 during that period.

19 By 2008, many of these  
20 differences between Suffolk County

21 and the nation have been smoothed  
22 out because people have not only  
23 aged in place, we've had  
24 immigration; we've had people  
25 leaving the county; as well as

1 SC Planning 12/02/09 175

2 natural occurrences of births and  
3 deaths.

4 CHAIRMAN CALONE: It really  
5 looks like we look like America.

6 MR. LAMBERT: We do now. On  
7 page 10, table 5, our percentage in  
8 each 5-year age court is quite  
9 similar to that of the country.  
10 What's interesting is that what I  
11 read in here is that some remnants  
12 of the 1979 data are still evident.

13 In 2008, Suffolk County had a  
14 slightly higher percentage of  
15 persons in the 40 to 44, 45 to 49  
16 and 50 to 54 age groups, and these  
17 are roughly equivalent to the groups  
18 in 1970 that were 0-4, 5-9 and  
19 10-14, so you can actually look at  
20 some of these age statistics through  
21 the years and see the larger groups  
22 marching through the years.

23 We don't tend to move in and  
24 out as much as one might think.  
25 Most of us stay, so you can actually



1 SC Planning 12/02/09 176  
2 see the larger groups moving  
3 through. And after the baby boomers  
4 are moving through, you see the  
5 people born in the period of 1965 to  
6 maybe '85 moving through, and that  
7 is what's called the "Baby Bust  
8 Period" where the birthrates were  
9 much lower, and, in fact, lower in  
10 Suffolk County than they were  
11 nationwide. So you can see the  
12 smaller population growth -- groups  
13 moving through, and now what we're  
14 seeing is the baby boom echo, which  
15 are the children of the baby  
16 boomers. They are beginning to move  
17 into the young adult population  
18 groups. So what we're actually  
19 seeing is we're beginning to see  
20 increases in the young adult  
21 population in Suffolk County which  
22 might be contrary to what you hear  
23 in the local media.  
24 Between 2000 and 2008, the age  
25 group 20 to 24 in Suffolk County has

1 SC Planning 12/02/09 177  
2 estimated to have increased by 28

3 percent. Where you're still seeing  
4 decreases are the older groups, 30  
5 to 34, 35 to 39. Those are the baby  
6 busters, so you're seeing those  
7 groups shrinking because the baby  
8 busters are moving into those age  
9 groups, and you are seeing the age  
10 groups that are the children of the  
11 baby boomers beginning to increase.

12 The senior citizen population,  
13 not unexpectedly, has been  
14 increasing. In 2008, we have nearly  
15 200,000 persons age 65 and over in  
16 Suffolk County, and they represent  
17 about 13 percent of the population,  
18 which is an increase from 9 percent  
19 of the population just 28 years ago  
20 in 1980.

21 In terms of education, Long  
22 Island is known to be a  
23 well-educated population, and the  
24 statistics do bear that out. In the  
25 year 2000, 86 percent of the our

2 residents 25 and over have a high  
3 school degree compared to 80 percent  
4 in the United States as a whole. In  
5 terms of the college education, 27.5  
6 of Suffolk residents had a four-year  
7 degree compared to 24.4 percent

8 nationwide.

9 CHAIRMAN CALONE: If you could,  
10 just put another column there to  
11 show the U.S. as a whole versus --

12 DIRECTOR ISLES: It's on the  
13 next page.

14 MR. LAMBERT: It's a row at the  
15 bottom.

16 CHAIRMAN CALONE: Oh. I got  
17 it. Okay.

18 MR. LAMBERT: These split  
19 tables are all part of the report  
20 being a draft. It was interesting  
21 to notice the differences between  
22 towns. Three of Suffolk's towns are  
23 below the national average in  
24 college degrees. Babylon, Islip,  
25 Riverhead each had a percentage of

1 SC Planning 12/02/09 179  
2 their population with a lower  
3 percentage with a college degree  
4 than the nation as a whole, and some  
5 of the towns were significantly  
6 higher.

7 CHAIRMAN CALONE: Look at  
8 Shelter Island, huh?

9 MR. LAMBERT: Shelter Island,  
10 very well-educated.

11 COMMISSIONER HOLMES: Second

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

only to Huntingdon.  
MR. LAMBERT: Household size is the next major topic, and that's important to look at because if you have even a tenth, a one tenth change in household size, multiply that by hundreds of thousands of households. It ends up effecting the population significantly. Our current household size is around three persons per household. That's the rule of thumb. In 1970, it was between 3.5 and 3.75 in Suffolk County, so it has come down

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

dramatically, and most of that is due to our development pattern, and many of the children who first moved to Suffolk County with their parents have moved out of their original households, so you're left with empty-nesters. You have a trend of more and more single-person households, and that's partly a trend of the aging population. Senior citizens tend to live alone more than younger people, so the increasing senior citizen population is helping to fuel an increase in the number of one person households,

17 which have increased significantly  
18 over the 20 years.

19 On page 14, I have a table that  
20 discusses household type. The most  
21 common household type in the County  
22 is still married couple households  
23 with children. They represent 32  
24 percent of the households in the  
25 County. That is a significant

1 SC Planning 12/02/09 181  
2 decrease from 1980 when those  
3 households represented 43 percent of  
4 the population, but again that is  
5 perhaps due to our development  
6 pattern. In 1980, the households  
7 were younger. There were more  
8 children living with parents.  
9 By 2000, we have a slightly more  
10 diverse household setup where there  
11 are empty-nesters aging in place in  
12 the homes they moved into in the  
13 '50s, '60s, '70s, but you have more  
14 of a diversity of other types of  
15 households now that we're not so  
16 homogenous in our households.

17 As I said, the number of  
18 one-person households has increased  
19 dramatically. In 1980, there were  
20 52,000 households, but by the year

21 2000, nearly 86,000 households,  
22 which is a 63 percent increase,  
23 which is something to keep in mind.  
24 They are not a dominant feature of  
25 our household types, but they do

1 represent 18 percent of all  
2 households. So it's something to  
3 keep in mind in terms of our housing  
4 needs for the future.

5 In terms of race and ethnicity,  
6 our Hispanic population, as we know,  
7 has increased significantly in the  
8 past eight years. From 2000 to  
9 2008, the Hispanic population  
10 increased by 39 percent or 58,000,  
11 so they are the fastest growing  
12 minority group in terms of number.  
13 The fastest minority group in terms  
14 of percentage is the Asian group,  
15 who are not growing as fast in  
16 number, but because they are  
17 building on this relatively small  
18 base, they are increasing  
19 significantly in percentage, an  
20 increase of 40 percent between 2000  
21 to 2008.

22 The foreign-born population may  
23 be of interest for reasons including  
24 ability to speak English. There has  
25

1 SC Planning 12/02/09 183

2 been a significant increase in the  
3 foreign-born population in Suffolk  
4 County. The foreign born as of 2008  
5 now represent 14 percent of the  
6 county's population, which is  
7 actually higher than the nation as a  
8 whole, which has a population of  
9 foreign-born 12.5 percent.

10 CHAIRMAN CALONE: This is  
11 probably a good place to do a Latino  
12 radio station or something like  
13 that.

14 COMMISSIONER CARACCILO: You  
15 know, you joke, but I will tell you,  
16 as the owner of the only Latino  
17 radio station in Long Island, the  
18 trend is just -- I see it in  
19 business. I see it with regular  
20 American businesses trying to hit  
21 that demographic. It's one of the  
22 main reasons I'm stepping off the  
23 Commission, because I'm too busy.

24 (Laughter)

25 MR. LAMBERT: Approximately

1 SC Planning 12/02/09 184

2 half of the foreign-born living in

3 Suffolk County were born in Latin  
4 America, so you do have over 100,000  
5 people. In terms of language spoken  
6 at home, which is a Census Bureau  
7 term for the language people  
8 primarily speak, Spanish speakers  
9 have increased from 40,000 in 1980  
10 to 115,000 in the year 2000. Of the  
11 Spanish speakers, 54,000 or 47  
12 percent of them did not speak  
13 English very well, so that's an  
14 important statistic in terms of  
15 looking at language barriers.

16 And a little about income.  
17 Suffolk's per capita income was 23  
18 percent higher than the national  
19 average, which is pretty dramatic,  
20 but we do have a higher cost of  
21 living, which should be factored in.  
22 Of all the counties in the United  
23 States, we rank 105th in per capita  
24 income, which is not in the top 100,  
25 but we're still in the top 4 percent

1 SC Planning 12/02/09 185

2 of all counties. There's about  
3 3,000 counties in the country. In  
4 terms of poverty, our poverty rate  
5 is very low, but that's because the  
6 poverty threshold is at federal  
7 standards, so if you were a single



8 person in a one-person household,  
9 and you earn \$11,000 per year, you  
10 are considered to be living above  
11 the poverty level, so that's  
12 something to keep in mind when you  
13 look at poverty statistics. It's  
14 sort of apples to oranges once you  
15 consider the cost of living. But we  
16 still, even with those poverty  
17 thresholds, in 2007 there were more  
18 than 20,000 children under age 18 in  
19 Suffolk County who lived in poverty,  
20 which is an important statistic. So  
21 that's an overview of what we've  
22 done so far.

23 CHAIRMAN CALONE: Thank you,  
24 Peter. This is tremendous, and it  
25 just shows how important doing this

1 SC Planning 12/02/09 186  
2 kind of exercise is. I'm sure we're  
3 going to be seeing a lot more many  
4 interesting things like this coming  
5 out, so thank you very much.

6 Anyone have any questions for  
7 Peter right now? If not, we'll move  
8 forward and thank Peter and the  
9 staff.

10 We are going to leave in less  
11 than 10 minutes. Tom has one thing.

12 Charla is going to give us a two- or  
13 three-minute overview of the  
14 Universal Design thing. It's  
15 important that everyone take a look  
16 at that and give us feedback.  
17 Whether you like it or think it's a  
18 good idea or not, we need to know  
19 that. And lastly, we have a short  
20 -- just a brief thing for John  
21 Caracciolo.

22 Tom McAdam, if you could just  
23 -- on behalf of the Nominating  
24 Committee.

25 COMMISSIONER MCADAM: Okay.

1 SC Planning 12/02/09 187

2 The Nominating Committee, it's  
3 Sarah, Mike and myself. We're  
4 accepting nominees for the three --  
5 the chair, vice chair, secretary  
6 for 2010, so we would appreciate any  
7 nominees, if they could direct their  
8 e-mail to Sarah because I think  
9 Sarah is the senior member of the  
10 group. Basically I'm going to  
11 follow this up with e-mails to  
12 everybody who is not here, so I'm  
13 just going to repeat the same thing  
14 to everybody else.

15 As far as the rules go, if you  
16 have -- you should have a copy of

17 the rules --

18 CHAIRMAN CALONE: We actually  
19 have copies here.

20 COMMISSIONER MCADAM: We did a  
21 lot of work last year on it. I'll  
22 also e-mail a copy of the rules to  
23 everybody, but basically what we're  
24 looking for is any suggestions, and  
25 changes you want to make to the

1 SC Planning 12/02/09 188

2 rules, if you could also direct that  
3 to Sarah. And the only question I  
4 have for David is what's our  
5 deadline here? I didn't ask you  
6 that.

7 CHAIRMAN CALONE: You all need  
8 to report at the January meeting, at  
9 least on the officers. You don't  
10 have to necessarily make  
11 recommendations on the rules, but  
12 according to the law, you have to  
13 make a recommendation to the  
14 officers at the January meeting.  
15 We'd have a vote at our February  
16 meeting, which is kind of our annual  
17 organizational meeting on officers.  
18 Any changes to the rules and our  
19 meeting schedule for the year, we  
20 generally set in February also.

21 COMMISSIONER HOLMES: Did Tom  
22 mention that anybody interested in  
23 being an officer needs to contact  
24 the Nominating Committee? I didn't  
25 hear you say that, but did you say

1 SC Planning 12/02/09 189

2 that?

3 COMMISSIONER MCADAM: Yes, I  
4 did. I said that any nominees for  
5 the three positions, if you could  
6 send your name to Sarah and just  
7 indicate which position you want to  
8 run for.

9 CHAIRMAN CALONE: Thank you,  
10 Tom. Are there any questions?

11 (No response)

12 Seeing none, we'll move on.

13 You have in your packets the  
14 Universal Design proposed local  
15 ordinance. It's in draft form.  
16 Vince and Charla did a lot of work  
17 on it. Charla, if you just want to  
18 say a few words on it, that would be  
19 great.

20 COMMISSIONER BOLTON: A really  
21 brief summary. I hope it's brief  
22 enough. I just wanted to -- the  
23 task force was -- the Chairman was  
24 Vince Talone and we recognize his  
25 accident and hope he has a speedy

1 SC Planning 12/02/09 190  
2 recovery, and wish you were here.  
3 I was a member of the task  
4 force as well; Judy {Fanullo} who  
5 was here earlier from the Suffolk  
6 County Community Council; we had  
7 participants slash advisors. We had  
8 architects, planners, disability  
9 advocates and code experts from New  
10 York City Buildings Department. The  
11 model code provides a simple  
12 solution to a problem whose time has  
13 come. It encourages and indeed  
14 enables the provision of housing  
15 units which are accessible to with  
16 either permanent or temporary  
17 disabilities in order to assure  
18 sufficient housing units are  
19 available in order to meet the needs  
20 of those with handicaps regardless  
21 of age and to provide suitable  
22 housing for those who wish to age in  
23 place.  
24 The primary elements of the  
25 Universal Design model code are as

1 SC Planning 12/02/09 191  
2 follow: One, accessible entranceway

3 and accessible internal route of  
4 travel. Two, accessible bedroom or  
5 flex room on ground floor dwelling.  
6 Three, accessible or adaptable  
7 kitchen consistent with ANSI  
8 requirements. Four, accessible  
9 bathroom or adaptable powder room on  
10 the first floor.

11 In order to encourage such  
12 housing units, the following  
13 incentives are provided: A 50  
14 percent reduction per 1,000 value of  
15 improvement for the development of  
16 new or the redevelopment of existing  
17 fully accessible or adaptable  
18 housing units across the board;  
19 expedited building permit --  
20 expedited building permit review  
21 across the across the board; three,  
22 exemptions from dimensional  
23 regulations and coverage  
24 requirements for insulation of UD  
25 features, i.e. ramp required for

1 access to an existing housing unit  
2 for owner or occupant building  
3 department, which requires building  
4 department approval only; a waiver  
5 of regulations and raw coverage  
6  
7 limitations for preexisting

8 nonconforming dwelling units.  
9 These would be residential  
10 units in nonresidential zones  
11 subject to approval of Zoning Board  
12 of Appeals and local building  
13 officials. No charge for  
14 application provided is sought, only  
15 implement UD features. In addition,  
16 there is an expedited process for  
17 that. Footprint bonus exemptions of  
18 50- and 100-square-foot respectfully  
19 to provide the minimum floor area  
20 necessary for an accessible slash  
21 adaptable first floor bathroom and a  
22 minimum ten by ten flex bedroom.  
23 Footprint bonuses allowed for five  
24 feet intrusion of exterior walls  
25 into front and rear minimum setback

1 SC Planning 12/02/09 193  
2 lines. The exemptions are not  
3 applicable to new or substantially  
4 rehabilitated structures, otherwise  
5 subject to Fair Housing Act  
6 accessibility standards, and two  
7 exemptions and bonuses do not apply  
8 to dwellings of over 2400 square  
9 feet. That's it in a nutshell. If  
10 there are any questions -- has  
11 anybody had a chance to read it,

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

first of all?

CHAIRMAN CALONE: Everybody just got this in the last couple days, so that's a good overview. I appreciate that, Charla.

COMMISSIONER BOLTON: If anybody wants a summary, I can e-mail it to them. I have it on my computer at home. I just didn't have copies.

CHAIRMAN CALONE: That's a great idea. Also, staff is going to have a chance to look at this, and we're going to also be sending this

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

out to elected officials to get some feedback over the next week or month.

COMMISSIONER BOLTON: I was just going to say that that's our next step after the Commission reviews it and comments on it.

CHAIRMAN CALONE: So if anyone has comments, please give them back to Vince or Charla, you know, before our next meeting, certainly, and even if you think it looks good, that would be helpful to know too, just in terms of your general thoughts on it.



17                   COMMISSIONER BOLTON: The  
18                   attempt was to be comprehensive, and  
19                   in that, it does include not only  
20                   bathrooms and flex bedrooms on the  
21                   first floor, but also provisions  
22                   requirements for kitchens, at least  
23                   adaptable provisions, not just -- in  
24                   other words, you have to provide a  
25                   kitchen which is adaptable, not

1                                   SC Planning 12/02/09     195  
2                   necessarily accessible but where all  
3                   plumbing fixtures -- I can't think  
4                   of -- things for electrical  
5                   appliances are at the proper level.

6                   CHAIRMAN CALONE: Thank you,  
7                   Charla, and we thank in absentia  
8                   Vince for all the work on this.  
9                   Look forward to your e-mail, and  
10                  please, again, if everyone can give  
11                  their feedback on that.

12                  The last item on our agenda is  
13                  just to recognize John Caracciolo's  
14                  service on the Commission. John's  
15                  been on this Commission for seven  
16                  years, and he's been -- he was the  
17                  Chairman of the Commission for three  
18                  of those years, and he not only is  
19                  our senior member, I believe, with  
20                  Commissioner Holmes, I think, but

21 was also leader of the Commission in  
22 a time of great transition before  
23 the Commission, a time when  
24 Commission members used to be chosen  
25 for their party membership to a time

1 SC Planning 12/02/09 196

2 now we're chosen for our diverse  
3 professional backgrounds and  
4 qualifications, and he did an  
5 outstanding job professionalizing  
6 the Commission, taking it to the  
7 next level.

8 I enjoyed having him as a  
9 mentor as well on a personal level.  
10 So I think all of us owe John  
11 Caracciolo thanks, and I think the  
12 people of Suffolk County owe you  
13 thanks, so please join me in  
14 applauding John and presenting him  
15 this certificate of appreciation.

16 (Applause)

17 COMMISSIONER CARACCILO: Who  
18 would want to leave all of this  
19 behind? I've got to tell you, the  
20 friendship, the camaraderie, but  
21 most of all, I'll miss the lunch.

22 (Laughter)

23 Seriously, it's been great. I  
24 am going to miss my colleagues on  
25 this Commission. I always felt that

1 SC Planning 12/02/09 197  
2 we tend to disagree but we do so  
3 with each other respectfully; we  
4 debate respectfully; and usually the  
5 benefactor was always the residents  
6 of Suffolk County, and I was always  
7 so proud that this board always  
8 checked their egos, their personal  
9 affiliation, their political  
10 affiliation, and we really just got  
11 the job done and got down to  
12 business.

13 I'm going to miss everybody  
14 here, and want to thank everybody,  
15 the staff and fellow members for  
16 just making me look very, very smart  
17 when I was the commissioner. They  
18 always say to surround yourself with  
19 very smart people, and I felt I did  
20 that with this Board and with the  
21 staff also. Thank you all very,  
22 very much, and it was truly a great  
23 time in my life, and I move on, so  
24 thank you.

25 (Applause)

1 SC Planning 12/02/09 198  
2 CHAIRMAN CALONE: We have a

3 120209SCPC.txt  
4 certificate for you, which I'll just  
5 read ever so briefly.

6 "John Caracciolo served with  
7 distinction on the Suffolk County  
8 Planning Commission from  
9 February 2003 to December 2009; and

10 "Whereas, the Suffolk County  
11 Planning Commission has benefited  
12 from incite and expertise gained  
13 from his service to the Planning  
14 Commission; and

15 "Whereas, John Caracciolo has  
16 served with distinction as Chairman  
17 of the Planning Commission from  
18 March 2006 to March 2008; and

19 "Whereas, John Caracciolo's  
20 input and contribution to  
21 deliberations of the Suffolk County  
22 Planning Commission will be missed  
23 as he moves on to new endeavors.

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

1 SC Planning 12/02/09 199

2 John Caracciolo for his positive and  
3 thoughtful contributions to this  
4 Body." Thanks again, John.

5 (Applause)

6 CHAIRMAN CALONE: Now, I  
7 entertain a motion to adjourn. So

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

moved by Commissioner Caracciolo.  
We are adjourned. Thank you.  
  
(The meeting was adjourned at 3:57 P.M.)  
{ } Indicates spelled phonetically

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

SC Planning 12/02/09 200  
CERTIFICATION

I, GABRIELLE SKOLOM, a Notary Public  
for and within the State of New York, do  
hereby certify:  
  
THAT the within transcript prepared  
by me is a true and accurate record of this  
hearing, to the best of my ability.  
  
I further certify that I am not  
related to any of the parties to this action

120209SCPC.txt

12 by blood or marriage, and that I am in no  
13 way interested in the outcome of this  
14 matter.

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 2 day of December, 2009.

17

18

19

GABRIELLE SKOLOM

20

21

\* \* \*

22

23

24

25