

1 1/5/11 Suffolk Planning Commission
2 ----- X

3 SUFFOLK COUNTY PLANNING COMMISSION
4 County Legislature Building
5 Hauppauge, New York
6 January 5, 2011
7 12:15 p.m.
8 ----- X

8 MEMBERS PRESENT:

- 9 DAVID CALONE, Chairman
- 10 CONSTANTINE KONTOKOSKA, Vice Chairman
- 11 MATTHEW CHARTRAND, Town of Islip
- 12 DIANA WEIR, Town of East Hampton
- 13 BARBARA ROBERTS, Town of Southampton
- 14 THOMAS McACAM, Town of Southold
- 15 JOHN FINN, Town of Smithtown
- 16 VINCENT TALDONE, Town of Riverhead
- 17 JOSH HORTON, At-Large
- 18 THOMAS A. ISLES, Director of Planning
- 19 DANIEL J. GULIZIO, Deputy Planning Director
- 20 LINDA SPAHR, ESQ., Ass't County Attorney
- 21 THOMAS YOUNG, ESQ., County Attorney for Planning
- 22 Department
- 23 ANDREW FRELENG, Chief Planner
- 24 JOHN CORRAL, Planning Staff
- 25 THEODORE KLEIN, Planning Staff

22 * * * * *
23 FIVE STAR REPORTING, INC.
24 90 JOHN STREET, SUITE 411
25 NEW YORK, NEW YORK 10038
631.224.5054

1 1/5/11 Suffolk Planning Commission

2 THE CHAIRMAN: We are getting started a little
3 late. I'll note we have a quorum present. Welcome to
4 the January, 2011 meeting of the Suffolk County Planning
5 Commission. Happy New Year to everyone. I'll ask
6 Commissioner Holmes to lead us in the pledge.

7 (Recitation of the Pledge of Allegiance.)

8 THE CHAIRMAN: The first item of the agenda is
9 adoption of the minutes for we have September, October
10 and November. I don't believe we have gotten the
11 corrected September minutes back.

12 COMMISSIONER HOLMES: We have October and
13 November I got to that. You probably didn't.

14 THE CHAIRMAN: I had, actually. A little late
15 night reading last night. There were a number of edits
16 that I had that were all typographical and punctuation
17 and that type of thing. Yours were the same?

18 COMMISSIONER HOLMES: October, yes.

19 THE CHAIRMAN: Did you get to November?

20 COMMISSIONER HOLMES: I got to November.
21 November I found just eleven rather minimal errors, some
22 misspellings and misspelling of peoples' names, and a few
23 words misspellings, mostly.

24 THE CHAIRMAN: Nothing substantive.

25 COMMISSIONER HOLMES: No.

1 1/5/11 Suffolk Planning Commission

2 THE CHAIRMAN: Any other comments or edits? I
3 should take this one at a time. We will table the
4 September minutes without objection. There were a number
5 of edits on that that month, so we decided to postpone
6 that until we get back the corrections.

7 COMMISSIONER HOLMES: I think that was the one
8 where I found ninety-one and you probably found even
9 more.

10 THE CHAIRMAN: On the October, 2010 minutes,
11 any other edits other than those that Commissioner Holmes
12 and I submitted? Seeing none, I'll entertain a motion to
13 adopt as amended.

14 COMMISSIONER HOLMES: I would make that
15 motion.

16 COMMISSIONER ROBERTS: Second.

17 THE CHAIRMAN: All in favor, please raise your
18 hand. Eight. On the November minutes, I would submit
19 for the record the same, they with de minimis edits that
20 I submitted and the same with Commissioner Holmes.

21 COMMISSIONER HOLMES: Same with me. November
22 was even less. October there with thirty all together,
23 but November was only eleven that I found.

24 THE CHAIRMAN: Motion by Commissioner Holmes
25 to adopt the minutes. Please raise your hands. (Show of

1 1/5/11 Suffolk Planning Commission
2 hands) Eight, zero.

3 Next item on the agenda is the public portion.
4 There is a card from Mr. Spiro, but you will hold off. I
5 appreciate you being here. We will get to your topic a
6 little bit later. Just so everyone remembers, we do have
7 limitations on what we can ask an applicant. But
8 certainly if you had anything you wanted to address
9 affirmatively.

10 Then we will move onto the Chair report. We
11 have a full agenda today. We have projects from five of
12 the towns. In a few minutes we will hear from Yves
13 Michel, Suffolk County Commissioner of Economic
14 Development and Workforce Housing. I want today to give
15 a brief update on the Commission's activities. Next
16 month we will have a larger discussion about plans for
17 the year, so I will give you a quick overview, and any of
18 our task force chairs want to jump in, feel free to do
19 so.

20 On the County Comprehensive Plan, we have the
21 first draft of Volume 1, which we will see later in the
22 meeting, which is an exciting step in the progress which
23 we have been working on that for a number of months now,
24 almost a year. It's certainly exciting to have the first
25 volume in draft form.

FIVE STAR REPORTING, INC.
631. 224. 5054

1 1/5/11 Suffolk Planning Commission
2 Task forces, a couple of updates. Energy and
3 environment, solar permit effort, I presented the solar
4 fast track permitting plan to the Clean Energy Leadership
5 Task Force early in December, hosted by Molloy College.
6 It was well received. We're are going to incorporate a
7 few ideas that we got. The LIPA budget passed at the end
8 of December and includes some funding for the
9 municipalities in Nassau and Suffolk to participate in
10 our program. The idea in a letter will go out hopefully
11 by the end of this month to the towns and villages of
12 Suffolk and Nassau, signed by the head of LIPA, by the
13 Chair of the Nassau County Planning Commission and by me
14 outlining the plans for the program and how they will
15 qualify for the LIPA incentive.

16 A few towns and villages indicated they are
17 interested in participating, including Babylon Village,
18 Islip, Brookhaven and the Town of Hempstead, so that's
19 solar.

20 On wind, we had our wind symposium on December
21 15th. Hampton Bays, hosted by the Town of Southampton,
22 Supervisor Kronholz, co-sponsored with the East End
23 Mayors Association. The idea was to provide guidance and
24 education for the Suffolk towns and villages on how to
25 approach wind energy issues, particularly on the East End

FIVE STAR REPORTING, INC.
631. 224. 5054

1 1/5/11 Suffolk Planning Commission

2 where this issue has come up a lot.

3 About thirty people attended, including
4 electeds from most of the East End towns and some of the
5 villages, as well as the two state assemblymen. The town
6 electeds indicated strong interest in creating an East
7 End wind code, so we will coordinate a meeting, probably
8 late this month in East Hampton to bring the actual
9 people that will actually be writing that code to see if
10 we can create a unified wind code.

11 I want to thank Commissioners Chartrand and
12 Weir for attending, and Commissioner Esposito helped in
13 putting the agenda together, and I want to thank the
14 planning staff also for putting that together.

15 On the native vegetation we have a green
16 methodology guidance document which was passed two months
17 ago. And the county executive reviewed it and added a
18 letter from him. I think Adrienne and I will give the
19 whole thing one last read and get it out to the towns and
20 villages in the next week or so. That is the exciting
21 culmination of the project.

22 Last month we got an overview from the Planning
23 Department on the current state of the municipal clearing
24 standards in Suffolk. A lot has to happen offline, not
25 around the table. I think it would be key if a few

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 folks, particularly Adrienne, Mike Kelly, John Finn, have
3 a conversation with the Nature Conservancy about where we
4 should go from here on the clearing standards and come up
5 with a proposal that makes sense and bring it back to the
6 table to discuss where it should go.

7 Lastly, we talked about this coming year doing
8 a symposium on green methodologies for storm water
9 runoff. I mentioned it to a few municipalities and
10 there was interest in that, so we will start planning
11 that in the next month or so two. Adrienne will probably
12 take the lead on that.

13 We have the commercial energy efficiency
14 building code. Constantine and John Finn will take the
15 lead on that. It would be an effort to bring the towns
16 and villages together to discuss a standard commercial
17 building code on commercial buildings. The county
18 executive expressed an interest in that, so I expect it
19 will involve his office as well. And Constantine, as you
20 possibly know, is not here, he's traveling, but he is
21 defending his dissertation in the next two weeks. Doctor
22 Kontokosta will hopefully be joining us in the next
23 month. I know John is looking forward to leading that as
24 well.

25 Economic development and smart growth, we are

FIVE STAR REPORTING, INC.
631.224.5054

010511PLANNING.TXT
COMMISSIONER TALDONE: No thank you.

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 CHAIRMAN: Public safety, we have our draft design standards that were being circulated to some of our electeds who have a public safety interest. On housing, when Constantine gets back next month, we will work on a plan for 2011 for housing. That will involve Diana as well now that she joined us.

A couple of last items for this coming year. We will try to work on the idea that John Finn suggested, which is a pre-call to review applications. We will work on that, probably set that up next month on a regular basis. That will probably be a half hour for people to call in and ask questions. That will probably be on a Monday or Tuesday, the day before commission meetings. There may be months when it isn't needed, but there may be months when it is needed.

Nominating committee will report later on. We adopted new rules in February. In your packets is the existing rules. We e-mailed those out yesterday. You should let Commissioner Horton know if you have any suggested changes on the rules. Let him know by the end of next week. I will ask counsel to take a look at that. We had a few things come up during the course of the year. I think we would want to think about the rules.

FIVE STAR REPORTING, INC.
631.224.5054

10

1

2

1/5/11 Suffolk Planning Commission
That will be the February meeting we will elect new

3 officers and adopt the rules and also adopt our schedule
4 of meetings.

5 You have in your packet a tentative schedule of
6 meetings. The idea was to hit the three towns that we
7 have not visited in the last two years, Huntington,
8 Smithtown and East Hampton. We also put in two meetings
9 in villages, Patchogue and Port Jefferson, and a handful
10 of meetings here and in Riverhead. Take a look at that.

11 Lastly, I would ask our guidelines committee,
12 which is myself, Mike Kelly, John Finn, Linda Holmes and
13 Diana Weir if we can meet briefly after this meeting to
14 discuss a plan for review. I have the guideline book for
15 everyone and we will try to briefly come up with a plan
16 in the next month or two about reviewing those.

17 That is my report. Any comments or questions?
18 Seeing none, the next item is Director Isles.

19 DIRECTOR ISLES: Thank you, Mr. Chairman. A
20 couple of items to update the Board on today. We have a
21 matter that is a referral from the Town of Southampton
22 known as 42 Sandy Hollow. It's an application that was
23 received by the County Planning Commission on November
24 29, 2010. Andy Freleng and his staff reviewed that. We
25 had a bit of back and forth with the municipality on the

FIVE STAR REPORTING, INC.
631. 224. 5054

11

1 1/5/11 Suffolk Planning Commission
2 nature of the referral. There was confusion on -- this
3 is a referral involving a waste treatment facility.

4 There is an application before the Board of
5 Appeals. There apparently has been controversy on the
6 matter. The referral that came to us had a number of
7 issues with it in terms of the lack of clarity on the
8 nature of the referral. We have been working with the
9 Office of the County Attorney extensively in reviewing
10 the materials. At this point, we don't believe this
11 matter is ready for review by the Commission. We think
12 it's incomplete. There are inconsistencies in the
13 materials referred to us.

14 I don't know if the county attorney wants to
15 comment any further at this time or if the board has any
16 comments on it. It's possible that it could be ready for
17 you at the next meeting. I wanted you to know we had
18 received it. There are a number of questions. We
19 believe it needs further clarification from the town and
20 once it's ready, we will bring it forward for
21 consideration.

22 COMMISSIONER WEIR: Is that the sixty
23 affordable units in Tuckahoe?

24 MR. ISLES: It's a carting company and it's a
25 waste disposal facility. It's on Sandy Hollow and the

FIVE STAR REPORTING, INC.
631.224.5054

12

1 1/5/11 Suffolk Planning Commission
2 corporate name is 42 Sandy Hollow.

3 COMMISSIONER WEIR: Sandy Hollow is the other
4 (Inaudible) I wasn't sure why there was the other --

5 Thank you for that clarification.

6 THE CHAIRMAN: Counsel want to make any
7 comment?

8 MS. SPAHR: No. If you have questions or if
9 you want some clarification as to why the file is
10 incomplete. The forty-five days from the initial
11 referral will run next week, and we just wanted to make
12 sure that the Commission was aware, since you previously
13 acted with respect to this particular parcel of property,
14 we wanted to make sure that you are aware of the facts
15 and circumstance surrounding the submission of the
16 application and why there has been a determination that
17 it's incomplete and can't be considered by the
18 Commission.

19 THE CHAIRMAN: Anyone have any follow-up
20 questions about that? If not, we will move on. Thank
21 you.

22 DIRECTOR ISLES: Next, we in the County
23 Planning Board administer the County Farmland Program.
24 We have ten thousand acres in the County's Development
25 Rights Program and we have twenty-two thousand acres in

FIVE STAR REPORTING, INC.
631.224.5054

13

1 1/5/11 Suffolk Planning Commission
2 the County Agricultural Districts Program. Once a year
3 the program allows the property owners to enter the ag
4 district's program. There is a one month window; that is
5 January. It's now open.

6 Once the application is received in the
7 Planning Department, we prepare that for the Agriculture
8 & Farmland Protection Board and the County Legislature.
9 The County Planning Department is also involved in the
10 review of the the Legacy Village proposal in Yaphank on
11 county land. We are administering the environmental
12 review process. We have a consultant to assist us on
13 that, and presenting materials to the Council on
14 Environmental Quality.

15 We received a Preliminary Draft Environmental
16 Impact Statement and are reviewing it for completeness
17 and are planning to present it to CEQ possibly later in
18 January. CEQ makes a determination as to the ultimate
19 completeness. The current document is twenty-five
20 hundred pages and growing.

21 Let me point out related to that is that the
22 Town of Brookhaven is working on a watershed plan for
23 Carmans River. This area would fall within the
24 groundwater boundaries, fifty year at least, parts are
25 certainly closer than that. The impact of that in terms

FIVE STAR REPORTING, INC.
631.224.5054

14

1 1/5/11 Suffolk Planning Commission
2 of planning policy which here would come to the
3 Commission in terms of adoption of a watershed plan and
4 impact on development in that area would certainly have
5 to be considered. The balance of preservation and
6 development and certainly that plan is important to that

7 corridor.

8 Related to that is the County Comprehensive
9 Resources Water Management Plan. A draft document has
10 been completed. Comments are being accepted until March
11 1st. The department is reviewing that document. We do
12 think it's very important. It is something that we have
13 some questions with in terms of some of the materials and
14 some of the conclusions. Certainly if this commission
15 would like to get involved in that, let us know; we can
16 connect you with the information.

17 I also mentioned to you the HUD Sustainable
18 Communities Grant that we applied for on behalf of
19 Suffolk County with the consortium of members throughout
20 the Metropolitan region, including parts of Connecticut.
21 This is actually seeking funding in the consortium
22 effort. We expect to get over three hundred thousand
23 dollars and match that with certain county staff time.
24 We will use that for a county-wide plan TDR land use
25 study. We are getting into the memorandum of agreement

FIVE STAR REPORTING, INC.
631.224.5054

15

1 1/5/11 Suffolk Planning Commission
2 phase. That project is alive and well and moving
3 forward.

4 I think it's important to mention that the Long
5 Island Regional Planning Council Sustainability Plan that
6 came out in their strategies recommendations in December.
7 That is a very, very important step in the process that

8 affects Suffolk County certainly in a significant way.
9 There are a series of strategies that are recommended,
10 some of which get to the core in terms of the role of
11 this commission in terms of authority of municipalities
12 of Suffolk County dealing with issues of affordable
13 housing and energy and so forth, one of which is to
14 recommend a centralized permitting agency, things like
15 that that I think this commission may be interested in
16 and may want to comment on and so forth.

17 The Regional Planning Council, and we asked
18 them for this, is also putting forward an outreach plan.
19 We think that is important in terms of getting the public
20 involved in seeing the plan and understanding the plan.
21 We are happy to work with them, but here again, to make
22 sure that we all know that is on the Radar screen at this
23 time. The Chairman mentioned SUPP, Suffolk Unified
24 Permitting Portal. We are working with Commissioner
25 Michel on that as well. That is a priority project.

FIVE STAR REPORTING, INC.
631.224.5054

16

1 1/5/11 Suffolk Planning Commission
2 It's new ground for Suffolk County, so it's not an easy
3 path to carve, but the idea of more transparent and
4 uniform process for permitting certainly is a good idea,
5 so the department is putting effort towards that.

6 As far as the Chairman's comment on the
7 pre-meeting conference calls, we will be sending out an
8 e-mail under Andy's name in terms of setting up the

9 actual time, date and call-in number information. We
10 anticipate doing it the Monday or Tuesday before the
11 meeting. We have to cap it at no more than six members.
12 It would be first come, first served. We would like to
13 give it a try for a few months, adjust it if we need to.
14 We will have the first one before the February meeting.
15 Thank you.

16 COMMISSIONER ROBERTS: Any reason for the cap?

17 DIRECTOR ISLES: Quorum.

18 MR. YOUNG: I have to discuss the open meeting
19 law. There are restrictions on what you can do, and we
20 have to be very careful in discussion. Even the format
21 of setting up something firm like that with six people
22 can give the impression that you are attempting to avoid
23 that process, so I think we have to discuss that in a
24 little more detail.

25 DIRECTOR ISLES: Okay.

FIVE STAR REPORTING, INC.
631. 224. 5054

17

1 1/5/11 Suffolk Planning Commission

2 THE CHAIRMAN: We do that with LIPA. The LIPA
3 board is divided in half. We have two briefings. People
4 are invited to one of two briefings, sort of a way to get
5 through or have a dedicated time where people can ask
6 questions of the staff. I'm happy to discuss that if you
7 want to. I can simply tell you from my being on that
8 board, and I think Diana would probably agree, it helps
9 people kind of ask, a time to ask staff questions that is

10 sort of dedicated and is useful.

11 COMMISSIONER McADAM: On a different subject,
12 Gene Murphy, Planning Director of Islip, is retiring. I
13 was wondering if it would be appropriate to present a
14 certificate of appreciation, especially for the
15 conferences he has been involved with that also. I think
16 we had a tour in Islip or Islip-babylon with him at one
17 point.

18 THE CHAIRMAN: He took us through Heartland.
19 I think that is well deserved. Obviously, Gene has been
20 a fixture on the planning community for many years and
21 obviously made a tremendous impact. Mat, do you have
22 any thoughts?

23 COMMISSIONER CHARTRAND: It makes sense.

24 THE CHAIRMAN: We can put something together
25 for our next meeting. We can talk about that offline.

FIVE STAR REPORTING, INC.
631.224.5054

18

1 1/5/11 Suffolk Planning Commission

2 COMMISSIONER HOLMES: How soon is he retiring?

3 THE CHAIRMAN: He's done. I don't know, he's
4 still a consultant to the town. I don't know if that is
5 any reason why that should give us pause.

6 DIRECTOR ISLES: He's no longer commissioner of
7 planning, so he has retired as of December 28th. He's on
8 board as a consultant, working two days a week. He will
9 be in a different capacity. He will not be working on
10 the projects he worked on.

11 THE CHAIRMAN: Okay, I appreciate that idea.
12 We can do a letter or something. On the Comprehensive
13 Water Management Study, we had a presentation in the
14 spring on that. It ended up being cut off because it was
15 going so long. If folks want to hear a more condensed
16 overview of what they came up with, they can have it here
17 in Hauppauge, if they will have anything in March. If
18 the Department wants to make any recommendation to the
19 Commission about things we should focus on or long term
20 planning issues indicated by the recommendations, I think
21 you need to let us know.

22 Then lastly, on the HUD Long Island Regional
23 Planning Council, I should say if there are particular
24 things that they think that the Commission should be
25 taking on. What I read on it, Michael White gave us a

FIVE STAR REPORTING, INC.
631.224.5054

19

1 1/5/11 Suffolk Planning Commission
2 presentation about three or four months ago on their
3 recommendations. They kind of made recommendations on
4 what the county should do, X, Y and Z, without specifying
5 what entity in the county should do that. I think it
6 would be helpful for us to understand if there are things
7 that the Planning Commission can do to help move forward
8 their strategies.

9 DIRECTOR ISLES: I think we are in the process
10 where there is review and comment on the strategies.
11 Some is implementing the strategies, some is everybody

12 in agreement with the strategies.

13 THE CHAIRMAN: Maybe we can get an overview
14 from you about some of the highlights that they
15 recommended. There was some tweaking to be done since
16 the presentation.

17 DIRECTOR ISLES: We can do that.

18 COMMISSIONER KELLY: Just a quick question
19 regarding the Long Island Index. I know they are coming
20 out with their annual report next month. I think last
21 year they provided a summary on the clock is ticking,
22 which provided some insight. I don't know if there are
23 any thoughts on having a presentation or waiting until
24 after the roll-out.

25 THE CHAIRMAN: I think that is a good idea.

FIVE STAR REPORTING, INC.
631.224.5054

20

1 1/5/11 Suffolk Planning Commission

2 They asked me to serve on the advisory board on that. We
3 are meeting tomorrow morning. I don't know what the
4 conclusions are. They will do the formal public launch
5 on January 20th at Adelphi, I think eight-thirty a.m.
6 But like last year, to Mr. Kelly's point, we can ask them
7 to come and give a briefing to the Commission, maybe in a
8 month or two, on what they are suggesting. The focus was
9 on the Department and permit approval process.

10 You may recall we actually sent a letter which
11 I signed to Suffolk towns and villages on their behalf,
12 asking the towns and villages to participate; in other

13 words, give feedback, what is the process like. They had
14 a long process. There was a questionnaire that went out.
15 They were very thankful to the Commission for being
16 supportive of their efforts. We will see what they come
17 up with. Commissioner McAdam.

18 COMMISSIONER McADAM: I guess since it's
19 January, last year there was some discussion about having
20 a, I guess sort of a mini-course for Commission members
21 on TDR, sewer credits, transfer development, some of
22 those finer techniques that we talk about during the
23 year. And we have a high turnover -- not a high turnover
24 but we have a turnover of Commission members from year to
25 year. I think perhaps we should think about planning

FIVE STAR REPORTING, INC.
631.224.5054

21

1 1/5/11 Suffolk Planning Commission
2 something maybe before a meeting, an hour or two before
3 or after a meeting to go over some of these things.

4 THE CHAIRMAN: There is a likelihood that
5 there will be a few new numbers appointed within the
6 next month or two. We are waiting on that. I know we
7 did a briefing last year that the Planning Department did
8 for the newer members -- I remember John went -- on some
9 of these issues. If we think there is an appropriate
10 time.

11 DIRECTOR ISLES: Whenever you want, we can do
12 it.

13 THE CHAIRMAN: Planning 202. Let's make a

14 note of that. Maybe in a month or two because there are
15 some appointments imminent. We might want to wait. Any
16 comments or questions? If not, I will ask Commissioner
17 Yves Michel from the Department of Economic Department
18 and Workforce Housing to come up to the podium, and first
19 of all, let me say I think Yves has been in office about
20 a year.

21 COMMISSIONER MICHEL: A little bit over.

22 THE CHAIRMAN: He has done a tremendous job
23 and his leadership is evident. And speaking personally,
24 I enjoy working with him. I'm interested to hear what
25 the county executive and Commissioner Michel have in mind

FIVE STAR REPORTING, INC.
631.224.5054

22

1 1/5/11 Suffolk Planning Commission
2 for economic development in 2011.

3 COMMISSIONER MICHEL: Good afternoon, all of
4 the commissioners and Chairman Calone. Let me take this
5 opportunity to say Happy New Year one and all. As
6 mentioned earlier, my name is Yves Michel. I'm the
7 Commissioner of Economic Development and Workforce
8 Housing for the County. I would like to clearly outline
9 a few things that the county executive has been working
10 on as a result of his economic development consortium
11 that was put together a little over a year ago.

12 As a result of this consortium, we produced a
13 ten point action plan based on recommendations from each
14 of the committees within the consortium, some of which

15 are relevant to the Commission, and I would like to
16 articulate those at a very high level.

17 The first one that I would like to share with
18 you is the creation of a small business advisory council
19 by executive order from the county executive. This
20 advisory council will be charged with working with all of
21 the small businesses within Suffolk County to help gauge
22 the hurdles and the activities that are making doing
23 business here in Suffolk little bit more difficult than
24 it has to be. More importantly, address the issues with
25 some comprehensive action items that we can ensure that

FIVE STAR REPORTING, INC.
631.224.5054

23

1 1/5/11 Suffolk Planning Commission
2 they stay here, but not only stay here but thrive and
3 grow. We believe that the medium and small businesses
4 will be the businesses that are hiring over the next
5 twelve to eighteen months with two or three individuals
6 if the conditions are right, and we will do everything to
7 ensure that that occurs.

8 The second thing I would like to touch base on
9 is we increased our marketing budget in the Economic
10 Development Department. When I first came on board, I
11 had the opportunity to meet with a lot of legislators,
12 businesses and other organizations. As I was sharing
13 with them some of the programs that we have here in
14 Suffolk County, in the State of New York and in the
15 Economic Development Department, I was taken aback by how

16 much of these programs were unknown, so I felt it was
17 paramount that we put a marketing effort together to not
18 only advertise what we have, but this will be one of the
19 reasons why we will say Suffolk better for business dot
20 com, which outlines a lot of the programs that we have to
21 offer, and we have gotten a tremendous response from
22 businesses all over the tri-state area.

23 We met with businesses and speaking to
24 businesses that are looking to expand or bring back their
25 office operations that are currently in Manhattan here to

FIVE STAR REPORTING, INC.
631. 224. 5054

24

1 1/5/11 Suffolk Planning Commission
2 Suffolk County. It is very exciting and that is the
3 first step in letting them know that we have a lot of
4 programs to offer. In addition to that, we have launched
5 a monthly newsletter called Better for Business Better
6 for Life, which is our new mantra and new theme. We feel
7 it encapsulates what we are trying to do. If you go to
8 the Web site you can review the issues of months past and
9 sign up for future issues.

10 COMMISSIONER ROBERTS: Can you repeat the Web
11 site?

12 COMMISSIONER MICHEL: Suffolk better for
13 business dot com. With the Chairman's approval, I can
14 e-mail you the link where you can distribute to the
15 members.

16 THE CHAIRMAN: I'd be happy to do that.

17 COMMISSIONER MICHEL: One of the things we can
18 do as we reach out to small businesses, there are two
19 things that the county executive heard and I can echo
20 that. When we meet with the businesses that are stating
21 there are two important things that they would like to
22 see. That is to gain access to capital as well as access
23 to clients. Under the Small Business Advisory Council,
24 or SBAC for short, we are putting seminars together, and
25 the one coming up January 11th is called Let's Get Ready

FIVE STAR REPORTING, INC.
631.224.5054

25

1 1/5/11 Suffolk Planning Commission
2 to Borrow. That seminar will have banks that are
3 lending, traditional financing, alternative financing,
4 micro-financing, credit unions as well as credit repair
5 organizations. We interviewed everyone that is going to
6 participate to make sure that are in a position not only
7 to say that they will lend money to business but that
8 they will.

9 That will be January 11th at the Sheraton and I
10 can get that information to you. I would encourage if
11 you have any medium or small businesses that would like
12 to get access to capital to participate. It's from
13 eight-thirty to twelve. The county executive will kick
14 it off about nine a.m. and they will have an opportunity
15 to meeting with these financial institutions to help them
16 gain the capital that they require.

17 COMMISSIONER ROBERTS: How are you publicizing

18 that

19 COMMISSIONER MICHEL: Newsday. Several Web
20 sites we did an e-mail blast to all of the companies that
21 we have this our touch database about and all of the
22 chambers of commerces with in Nassau and Suffolk.

23 COMMISSIONER HOLMES: Are you possibly also
24 coordinating with Joe Connolly at the Wall Street
25 Journal, who does a two minute business report on CBS?

FIVE STAR REPORTING, INC.
631.224.5054

26

1 1/5/11 Suffolk Planning Commission

2 COMMISSIONER MICHEL: Surely.

3 COMMISSIONER HOLMES: He talks a lot about the
4 small business seminars and he could probably plug.

5 COMMISSIONER MICHEL: We are, as a matter of fact.
6 The Suffolk County radio spot comes before his business
7 news and he articulates that as well. Very good
8 suggestion. Thank you, Commissioner Holmes.

9 COMMISSIONER KELLY: Is there a flyer that you
10 could e-mail?

11 COMMISSIONER MICHEL: Yes.

12 COMMISSIONER KELLY: That would be great. I
13 would like to share that with our association. They
14 would be very much interested.

15 COMMISSIONER WEIR: Commissioner, have you
16 also spoken to the LIA? They have a blast that they
17 could help. That is a pretty big organization as well.

18 COMMISSIONER MICHEL: I have to honestly say I

19 had not, but I will as soon as I leave here.

20 COMMISSIONER WEIR: Even though they are
21 bi-county, they can separate out which businesses. You
22 want both because businesses move back and forth. They
23 have about six thousand membership.

24 THE CHAIRMAN: Their e-mail comes out about
25 once or twice a week.

FIVE STAR REPORTING, INC.
631.224.5054

27

1 1/5/11 Suffolk Planning Commission

2 COMMISSIONER WEIR: They might want to do a
3 special blast for you.

4 COMMISSIONER ROBERTS: Is this free?

5 COMMISSIONER MICHEL: Yes, it is.

6 COMMISSIONER WEIR: That is even better. We
7 like free.

8 COMMISSIONER MICHEL: One of the things that I
9 would also like to share with you out of the consortium
10 is a lot of the businesses that we had the opportunity to
11 meet with, they clearly stated to us they are looking for
12 qualified potential employees; however, the people that
13 they had an opportunity to interview had the academic
14 skills but not the real world or practical skills.

15 What we did we met with all of the top 20 IT
16 companies here in Suffolk County, just to see exactly
17 what are the skills that they so desperately need that
18 they are unable to find when they interview potential
19 employees. The skills set including Java, C-plus plus,

20 Cisco certification, things along those lines. When we
21 received all those skills, the county executive recently
22 met with all of the university presidents, local
23 colleges, vocational schools as well as some of the
24 certificate programs. We got the college presidents to
25 commit to modifying their course work to teach these

FIVE STAR REPORTING, INC.
631.224.5054

28

1 1/5/11 Suffolk Planning Commission
2 skills. In addition to that, we got the businesses to
3 commit to putting cooperative programs in place. If it's
4 a four year institution where in your sophomore, junior
5 or senior year you would have an opportunity to do an
6 internship at these organizations.

7 By the way, at the end of your cooperative
8 program, they will guaranty to employ one or two
9 individuals through that. This addresses many things,
10 one of which is if we can enable an individual to get the
11 real world experience in addition to the academic
12 experience, they will be much more inclined to stay here
13 in Suffolk County, because there is a light at the end of
14 the tunnel where they have an opportunity to work at the
15 company they had an internship with.

16 The company does a trial run with this
17 individual to see if this individual understands the
18 culture of the organization and understands the work that
19 is required; they will be a much better fit as opposed to
20 coming in green. The individual can say I truly would

21 like to be in this industry. It gives the individual the
22 opportunity to stay here, and we are doing a the same
23 thing with the health care industry and also the
24 manufacturing industry and we are very are excited about
25 the response that we got thus far. The universities are

FIVE STAR REPORTING, INC.
631.224.5054

29

1 1/5/11 Suffolk Planning Commission
2 very bullish in moving this forward, and some of the
3 leaders like what is happening in Suffolk County. Stony
4 Brook as well as BOCES.

5 I believe that initiative that is most germane
6 to this commission is the Suffolk Unified Permit Portal,
7 mentioned earlier by the Chairman as well as Director
8 Isles. Obviously, SUPP is something that is very near
9 and dear to everyone's heart here and I would like to
10 applaud the outstanding efforts of Andy Freleng, who is
11 working in my department with an intern creating an
12 application that encompasses the data all of the ten
13 towns have they used when they go through the application
14 process. Dave Calone and I have e-mailed each other two,
15 three, six o'clock in the morning to exchange ideas.
16 That is moving along very nicely. At this point in time
17 the Commissioner of IT is interviewing and met with most
18 of the Commissioners, its planning commissioners or
19 directors of each of the ten towns to basically assess
20 their current IT equipment and also the process in which
21 they are accepting, managing and producing permits right

22 now.

23 He will be issuing a report so we can have a
24 snapshot of exactly what kind of technology is being used
25 in the process. Our first step is to have a link from

FIVE STAR REPORTING, INC.
631.224.5054

30

1 1/5/11 Suffolk Planning Commission
2 our Web site to each of these ten municipalities and the
3 majority of the thirty-two or thirty-three villages so
4 one person can click on the County Web site and get hot
5 linked to the Web sites in their respective
6 municipalities. Once that is completed, we are forming
7 two steering committees, one for IT, which will be led by
8 Commissioner Gary Quinn, with several of the members here
9 to be involved, and other will be the process and
10 implementation committee. We feel that is the best route
11 to take to bring this initiative to fruition. We will be
12 going along the same footprint that Silicon Valley used
13 when they moved this together.

14 We also did research on other municipalities in
15 the United States as well as their e-permitting
16 application. Some of the municipalities have policies
17 that are home grown off the shelf. The analysis is to
18 see what is the best of breed, if you will. More
19 importantly, we don't want to give the impression that
20 the local municipality will lose their home rule. What
21 is important is the parameter passing from one system to
22 the other. That is why the technology part of it is

23 important. We are well on the way there.

24 Unless there are other specific questions, I
25 felt that was a quick snapshot. I did not want to take

FIVE STAR REPORTING, INC.
631.224.5054

31

1 1/5/11 Suffolk Planning Commission
2 too much time. I will be happy to address any question
3 that any commissioners have at this time.

4 THE CHAIRMAN: Let me start from the
5 presentation, it is obvious just there is a lot of
6 activity going on in Suffolk County. If you look to see
7 when the activity started, it really started with
8 Commissioner Michel taking office a year or so ago. My
9 hat is off to to you. One of the great things about this
10 commission is that we have different skill sets and
11 different perspectives around the table. Barbara Roberts
12 is our primary person on economic development issues. I
13 urge you to get together about how we can be more
14 helpful. SUPP is part and parcel of that type of thing,
15 when you talk about the needs long term needs of our
16 county. Land development is not a long term strategy
17 when you live on an island. We need to build a high tech
18 strategy. We have seen in our tours around the county
19 some of the possibilities like EPCAL. We have seen some
20 of the land that has some real economic opportunities. I
21 think Barbara can help coordinate that.

22 COMMISSIONER MICHEL: I have received some
23 e-mails from Barbara as well and they have been extremely

24 on point, so I look forward to continuing the work.

25 COMMISSIONER CHARTRAND: Do you have any push

FIVE STAR REPORTING, INC.
631.224.5054

32

1 1/5/11 Suffolk Planning Commission

2 back from the towns on the permit process?

3 COMMISSIONER MICHEL: Initially, yes. We had
4 a meeting several months ago. We had a conversation with
5 each of the supervisors of each of the ten towns and a
6 lot of the members in this commission were involved with
7 those initial conversations. Once we basically
8 articulated the process, they saw the value. Then it was
9 up to us to meet with their respective commissioners or
10 directors of planning as well. Some of the town did push
11 back and some of the towns I honestly will say may not
12 participate in the first, second or third round, but I
13 believe we will have a core group that will move forward
14 once we explain the benefits. More importantly, when
15 they see the benefits, I do believe they will
16 participate.

17 THE CHAIRMAN: I call on Commissioner Kelly.
18 I should note that the Long Island Business Institute,
19 which Commissioner Kelly is involved, was helpful in some
20 of the original thinking about this.

21 COMMISSIONER KELLY: A question for you, not
22 pertaining to economic development, on the housing side
23 of things. Have you set forth any goals for this year
24 in terms of number of units you plan to produce on the

010511PLANNING.TXT
25 workforce housing affordable side? I know Jill Rosen
FIVE STAR REPORTING, INC.
631.224.5054

33

1 1/5/11 Suffolk Planning Commission
2 Nicoloff has done a tremendous job in that program. She
3 is fantastic on how she gets things done. Is there a way
4 we can work with you to try to set some type of agenda or
5 goal?

6 COMMISSIONER MICHEL: Surely. I have to echo
7 your thoughts and views on Director Jill Rosen Nicoloff,
8 the director of workforce housing. We funded over a
9 thousand affordable units in multiple structures and
10 areas. And working very closely with the Long Island
11 Housing Partnership, we have several in the pipeline and
12 also some which we are working with at this point in
13 time. In fact, I believe Courtroom Square, one of the
14 projects we are working on in Bay Shore, that is
15 scheduled to close on Friday. We have about five to six
16 hundred units in our pipeline for 2011. We may have
17 more. It all depends on the funding that we have for
18 workforce housing or affordable and next generation
19 housing.

20 I would welcome the opportunity for you to come
21 in and sit with Jill and myself and give your input. One
22 of the things I state everywhere I go, I think we have
23 some bright people and great strategies. We have some
24 honest ways of trying to solve some problems, but we
25 don't have all the answers, so I always encourage people

1 1/5/11 Suffolk Planning Commission
2 to reach out to me or give me the opportunity to reach to
3 you to seek your guidance.

4 COMMISSIONER KELLY: You pick up the paper this
5 morning and you see school closings and you see
6 consolidation of schools, and last month, Newsday did an
7 issue where permits are way down, which correlates to
8 taxes going way up. There is a continuing dialogue that
9 transpires between the two. I think to help us in
10 planning, I think that helps us to know how many permits
11 are you seeking or expect to deliver this year? That is
12 why I opened up that dialogue. Thank you.

13 COMMISSIONER MICHEL: You are welcome.

14 COMMISSIONER WEIR: To piggyback on
15 Commissioner Kelly, when you talk about funding, the
16 County and Legislature has been supportive always in a
17 bipartisan fashion. We appreciate that. Housing is
18 needed for the workforce. I know the infrastructure fund
19 has a lot of funds that have not been used for many
20 reasons, but the acquisition funds are active right now
21 and have been.

22 I was wondering, do you foresee any addition to
23 the fund, since it will be depleted. These units may not
24 all been funded. Is there any advancement on getting
25 more funding for that?

1 1/5/11 Suffolk Planning Commission

2 COMMISSIONER MICHEL: We did put in a request
3 for 2011 and subsequent years. We are very confident
4 that there will be some funding. The level of funding,
5 we are not sure what that is at this point in time.
6 However, the infrastructure fund is still very robust.
7 We believe that this is a critical piece as we move
8 forward with the Department, and also to ensure that we
9 do have workforce and affordable housing here. So yes,
10 we do. The dollar amount I don't know at this point.

11 COMMISSIONER ROBERTS: That was fantastic.
12 Two questions on economic development. One, are there
13 any programs to leverage the intellectual property coming
14 out of our institutions like Brookhaven Lab and Stony
15 Brook in more of an incubator model, and second, are
16 there any programs designed to bring large corporations
17 into Suffolk County?

18 COMMISSIONER MICHEL: I'll address the latter
19 first. There are plans to bring large corporations to
20 Suffolk County. We are talking to two of them at this
21 point. One of the things we feel we have an advantage is
22 the Employer Assisted Housing Program, where we will
23 assist the employers to get key individuals to relocate
24 here and provide down payment assistance so they can buy
25 a home. That is a key retention tool and also a key tool

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 when you are out trying to recruit the talent as well as
3 businesses. That has been well received working the Long
4 Island Housing Partnership and Community Department
5 Department, which also falls under Economic Department.

6 When I speak to other municipalities and I
7 explain to them we have this program, they are floored.
8 They said, so you are helping an organization provide
9 down payment assistance to attract and retain key
10 individuals, and I say absolutely We also have tax
11 abatements and sales tax programs as well.

12 The second question, how do we harness some of
13 the intellectual talent. We are putting together,
14 similar to the Angel Network, to take these concepts and
15 do one of two things, get these concepts marketed so they
16 can have a relationship with an organization where it can
17 be licensed, or to take it to market through the
18 incubators. In addition to that, within my department we
19 have a club called the Inventors and Entrepreneurs Club.
20 If you look at everything we do as a pyramid, the top
21 tier would be the big businesses. As you go down is the
22 medium and smaller businesses. The last tier would be
23 inventor and entrepreneur. Working with them we can
24 provide guidance and how to get it patented, sold or how
25 to create a company around it.

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission

2 We believe the next Google or next Apple or
3 Cisco, there is no reason why it can't be here on Long
4 Island. We need to create an environment that enables
5 that idea to take root and grow and be wildly successful.

6 THE CHAIRMAN: It's always interesting to
7 remember that Google and Apple and Cisco started as one
8 or two person companies in the garage. We have plenty of
9 garages around here.

10 COMMISSIONER MICHEL: And we have basements.

11 THE CHAIRMAN: I would say as a member of
12 the -- board member of the Long Island Angel Network, if
13 there are particular companies that are ready for private
14 capital, I would be interested in seeing it and getting it
15 out to some of our members. On housing, I see around
16 this table we will probably encounter this in a few
17 minutes when we get to our applications, there is an
18 opportunity with regard to regional leadership.

19 I know in the county in workforce housing,
20 which is critical in terms of how municipalities deal
21 with affordable housing, whether there are requirements
22 on site, whether there is in lieu payments, how in lieu
23 payments should work, other places have moved to more of
24 a regional way of looking at that. How municipality by
25 municipality we talked about maybe doing a housing summit

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 towards the end of the year. I talked with the county
3 executive about it. A way to try to bring municipalities
4 together to see if there are some best practices or tools
5 we can use to help municipalities.

6 The great thing about this commission, we have
7 people like Diana Weir, who has a great background, and
8 Mike Kelly, who actually built these kinds of houses. We
9 have around this table a great group of folks, so we want
10 to make sure we are working together to figure out what
11 should come next in the future of the county on housing.
12 Commissioner Horton.

13 COMMISSIONER HORTON: In the context of this
14 dialogue, has the County taken on the effort to analyze
15 what affordable housing has been constructed as a result
16 of the New York State Legislature's law that was enacted
17 about two years ago mandating that each municipality have
18 within the context of the subdivision zoning code, I
19 don't recall if it's ten percent.

20 COMMISSIONER WEIR: Yes.

21 COMMISSIONER HORTON: Has the county analyzed
22 what the County has developed. It would be a quick
23 analysis, given the market.

24 COMMISSIONER WEIR: Zero, none. I can tell
25 you that the economic downturn, I think, is a major

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 factor. The developments that we are building, a hundred
3 percent affordable, even before the inclusive
4 legislation, took a downturn.

5 THE CHAIRMAN: It will come back. The housing
6 market will come back, but the state has provided some
7 leadership here. It's a high level.

8 COMMISSIONER FINN: Commissioner Kelly brought
9 up a point about anticipated starts this year on permits.
10 Do you have a handle on the number that is required
11 because when we hear numbers of zero being delivered to
12 the marketplace, from my standpoint, we are a commercial
13 real estate landlord, we have tenants that have employees
14 and overwhelmingly, in addition to the taxes and energy
15 costs on Long Island, it is attracting young, qualified
16 people to work, to afford to pay them a salary.

17 The labor pool is not as deep as you may think
18 here because of the fact that young people are going away
19 to college and not coming back. When they come back,
20 they are living with mom and dad. Do we have a handle on
21 the number required, and then once we understand that,
22 then we can figure a mechanism and there may be a new
23 process. Let the market determine how many units are
24 going to be delivered rather than getting involved with
25 another study commission.

FIVE STAR REPORTING, INC.
631.224.5054

2 If we gauge the community and say we need three
3 or four thousand affordable housing units, let's see how
4 we can get there. Nobody talks about how many we need.
5 I was wondering if you had any thoughts on that.

6 COMMISSIONER MICHEL: That is an excellent
7 question, Commissioner. I think that really lends itself
8 to us looking at this from a regional point of view
9 because we don't have those numbers. I know we worked
10 with certain municipalities, let's say Village of
11 Patchogue, where we have been active in getting
12 affordable housing. The same thing would hold true in
13 Bay Shore and Brentwood. I'm working closely with the
14 village mayor of Port Jefferson at this point. We had a
15 wonderful presentation, which Commissioner Weir attended,
16 and all of the other stakeholders.

17 From a county point of view, we do not. We do
18 have an idea of where these projects would make the most
19 sense, within the county, where we can build them. But a
20 comprehensive total number, I don't have that. If that
21 information is available, I would love to hear it.

22 DIRECTOR ISLES: Just to add to the workforce
23 housing, building permits are down historically in record
24 numbers. They they are starting to go back up. 2009 was
25 the lowest on record in the last sixty years. We are up

FIVE STAR REPORTING, INC.
631.224.5054

3 Act only applies to developments at maximum yield. We
4 don't see a lot of those.

5 The other factor is that anything in the
6 pipeline at the time of the enactment of the law was
7 excluded. It may take a few years to get through the
8 approval process. It hasn't produced a heck of a lot and
9 probably won't produce a heck of a lot in the foreseeable
10 future.

11 As far as the issue of how many affordable
12 housing units do we need, the market has done a
13 correction where it adjusted the price of homes to factor
14 in cost when that is something that is appropriate as
15 well. Comprehensive Plan update, we will be providing
16 some information in the first volume with respect to that
17 today.

18 In terms of a regional housing question, that
19 is something we should try to address in terms of the
20 document.

21 THE CHAIRMAN: Great conversation. Thank you
22 so much for being here. Quick point, then we need to
23 move on to the regulatory agenda.

24 COMMISSIONER WEIR: I have been working with
25 East Hampton Town with illegal apartments. That has been

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 a safety valve for the need of the affordable housing
3 issue. You can't even put a number on the number of

4 illegal apartments. A lot of the towns are struggling
5 with the accessory apartment legislation to bring them up
6 to code and legalize them. I'm sure we will see them in
7 the upcoming months before this board. That is an issue
8 that we can't put a number on right now.

9 DIRECTOR ISLES: The other factor we need to
10 look at is the difference between affordable rental
11 versus affordable ownership. Affordable rental is a
12 different situation. It can be twenty-five hundred,
13 three thousand dollars. That kind of shocked me. I
14 think we have to look at this in a number of different
15 levels.

16 COMMISSIONER ROBERTS: Diana also mentioned it
17 might be of use to us to have the Planning Commission do
18 a review of the accessory apartment legislation.

19 COMMISSIONER KELLY: Director Isles brought up
20 a good point regarding the affordability component. As
21 the fair market values decrease to such an extent,
22 typically the value placed on workforce homes is usually
23 tied to an income level. My concern is the requirements
24 that we have for workforce housing on new applications,
25 that mandate that goes to the value between the fair

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 market value and the value of workforce units.

3 If that gap isn't sufficient, then we could
4 wind up with a severe glut on homes that have

5 restrictions on them that we can't sell. If a workforce
6 unit is selling for two hundred sixty thousand dollars,
7 but a fair market valued home with no restrictions is
8 selling at two seventy-five because market pressures have
9 brought them down, that requirement on the two sixty --

10 COMMISSIONER WEIR: Why bother.

11 COMMISSIONER KELLY: I think that goes back to
12 our guidelines. We should be cognizant of that.

13 THE CHAIRMAN: We are going to redo our
14 guidelines. That is a very valid point. Thank you so
15 much, Yves, for being here. (Applause)

16 COMMISSIONER MICHEL: I would like to thank all
17 the members of the Commission, especially you, Chairman
18 Calone, and I would like to make myself available to
19 come back in front of the members of the Commission in
20 the near future to give you another update and also to
21 share ideas, thoughts and gauge your direction. Have a
22 wonderful year and thank you for your time.

23 THE CHAIRMAN: We have a full agenda. Let's
24 try to keep our conversations in the next hour or so
25 pretty focused, and I ask our staff to give that

FIVE STAR REPORTING, INC.
631.224.5054

44

1 1/5/11 Suffolk Planning Commission
2 consideration. The first item is the Town of Huntington
3 Service Road in Melville. Andy.

4 MR. FRELENG: Thank you, Mr. Chairman, members
5 of the Commission. The application is referred to us

6 from the Town of Huntington as application of 270 South
7 Service Road. Jurisdiction for the Commission is that
8 the application is adjacent to New York State Route 495.

9 The applicants are seeking Town Planning Board
10 site plan approval for the construction of seven story,
11 one hundred seventy-five thousand six hundred ninety-two
12 square foot office building with two restaurants and a
13 bank. I'm sorry, three restaurants and a bank. The
14 location for the property is on the southeast corner of
15 Walt Whitman Road, which is a town road, and the Long
16 Island Expressway, the South Service Road of that
17 right-of-way.

18 This is in the Hamlet of Melville. Let's go
19 through some of the graphics that we have up there so we
20 can see what we have. This is an aerial of the subject
21 property along Walt Whitman Road. Larger view. The
22 property to the west is the big vacant piece on the other
23 side of Walt Whitman Road is the property of the Cannon
24 Corporation being developed as we speak. To the east of
25 the subject property, that is the property of Ruby's

FIVE STAR REPORTING, INC.
631.224.5054

45

1 1/5/11 Suffolk Planning Commission
2 Costume.

3 THE CHAIRMAN: What is that, the new Leeds
4 development on the property, the big office tower?

5 MR. FRELENG: That is Ruby's to the east. That
6 is the zoning in the area. It's mostly industrial, 1

7 Light Industrial. This is the site plan, and we will go
8 back to the details of the site plan in a second. This
9 is an oblique of the project site. It's a couple of
10 years old. This is from the South Service Road looking
11 towards east of the subject property. The subject
12 building is right about there. Behind it you might be
13 able to see the Ruby's Costume building. There is the
14 Cannon site.

15 We wanted to give you the impression of the
16 height of the buildings. This is a skyline associated
17 with this part of Walt Whitman Road, so we wanted give
18 you that impression as you approach down the Expressway
19 right-of-way, this is the subject building. It's a one
20 story building. It's proposed to be demolished. This is
21 another site of the back of the building. You can see
22 Ruby's Costume, the Leeds building that was referred to
23 here. This is across the street looking east. This is a
24 typical building in the area.

25 You see most of the building is four stories

FIVE STAR REPORTING, INC.
631.224.5054

46

1 1/5/11 Suffolk Planning Commission
2 with a fifth story right here. This is another view
3 going up Route 110 or south along Route 110 trying to
4 show you the skyline aspects of the corridor. That is
5 Ruby's look looking west to the subject building would be
6 behind there. That is a five story building.

7 Going back to the staff report. We go to the
Page 44

8 site plan. There are three points of unsignalized,
9 unrestricted ingress egress for the subject property.
10 One access point is from the South Service Road at the
11 eastern end. This entrance is to be combined with the
12 existing entrance to the property to the east, which is
13 Ruby's, for one shared access point to the two
14 properties. Two accesses proposed to Walt Whitman Road
15 to the subject property.

16 There are no significant environmental
17 constraints on the subject site. Staff took a look at
18 the five critical county priorities. We note that the
19 subject application does not indicate in the referral
20 materials any attention to energy efficiency. It is not
21 served by public transportation. We also noted that the
22 application does not indicate any attention to the safety
23 of the patrons of the restaurant or workers in the
24 building.

25 With regard to other issues or aspects that the

FIVE STAR REPORTING, INC.
631. 224. 5054

1 1/5/11 Suffolk Planning Commission
2 Commission would review with regard to land uses, we felt
3 the proposed seven story building was out of character
4 with the area. It is noted this would require relief
5 from the Town of Huntington Board of Zoning Appeals. The
6 Cannon site is five stories and Ruby's is also at five
7 stories. Most of the buildings in the area along Broad
8 Hollow Road don't exceed five stories in height and there

9 is a predominance of three stories in the general area.

10 It's the position of the staff that the
11 proposed height of the building is not in character with
12 the surrounding community and may be an aesthetic impact
13 to the corridor of Route 495. Approval of the height may
14 tend to undermine effectiveness of the zoning ordinance,
15 which limits height to forty-five feet. It may set a
16 precedent for further land development in the locale.

17 Staff is recommending approval subject to
18 conditions, the first condition being that the applicant
19 consult with the Suffolk County Planning Commission
20 guidelines on energy efficiency and incorporate practical
21 measures into the project design.

22 The applicant shall be directed to consult with
23 the Suffolk County Department of Public Works Transit
24 Division to explore the options of bringing bus service
25 to the site. There is no bus route that runs directly

FIVE STAR REPORTING, INC.
631.224.5054

48

1 1/5/11 Suffolk Planning Commission
2 along the service road or up and down Walt Whitman Road.
3 It would be a slight hoof to get to a bus station.

4 Condition Number 3 is that the applicant be
5 directed to consult the guidelines on public safety and
6 universal design. Four, that the proposed building be
7 reduced to no more than five stories and the language
8 that follows is the rationale from the staff report.

9 That is the staff report, Mr. Chairman.

10 THE CHAIRMAN: Any comments or questions from
11 the board?

12 COMMISSIONER KELLY: Just a question regarding
13 elevations. I understand your concern regarding the
14 height of seven stories. But in proximity to Cannon and
15 Ruby's is this site lower, higher or equal elevation?

16 MR. FRELENG: It's equal or close elevation to
17 the property to the east, which is Ruby's. The Cannon
18 site is actually in a large depression, so this property
19 is higher than Cannon and about the same as Ruby's.

20 One way to achieve the same gross square
21 footage would be to expand the footprint of the building
22 and lower the height of the building. It would be the
23 same gross area.

24 COMMISSIONER KELLY: Would there be a problem
25 with the parking requirements?

FIVE STAR REPORTING, INC.
631.224.5054

49

1 1/5/11 Suffolk Planning Commission

2 MR. FRELENG: We don't know, but in staff's
3 opinion, we felt it would be better than a height
4 variance.

5 THE CHAIRMAN: I like the way you laid out the
6 staff report. It's little different than it has in the
7 past. I thought it works well.

8 MR. FRELENG: Thank you. The staff
9 appreciates that we are experimenting with formats and
10 trying to reduce staff time, focus the review to the

11 Commission's priorities.

12 COMMISSIONER TALDONE: Couple of questions.
13 One related to the height of the building. Do we
14 actually have as a commission standard that somehow
15 discourages buildings of that height?

16 MR. FRELENG: The short answer is no. The long
17 answer is no we review community character and those
18 types of issues.

19 COMMISSIONER TALDONE: My personal view on
20 this, we are, as a county, trying to develop the 110
21 corridor as a center of business. I would expect larger
22 buildings in that location. So I wasn't in any way
23 troubled by the height of the building. I don't know how
24 the other commissioners feel.

25 My other point is really public transit. I

FIVE STAR REPORTING, INC.
631.224.5054

50

1 1/5/11 Suffolk Planning Commission
2 believe the S1, which is the busiest route in the County,
3 runs on 110 basically a block from that site. I would
4 suggest also, because it is the busiest route, Route 110
5 is very difficult to get through. It's highly unlikely
6 that the County would reroute the bus off 110 to come to
7 a particular building and go back on the route because
8 there are many buildings that would want the same kind of
9 services. I would suggest changing the condition. Let
10 me find that.

11 MR. FRELENG: While you find that description,
Page 48

12 it was just staff's thought that you have some
13 development going that is pretty significant Cannon
14 development; we don't know the nature of the employee
15 commuters going back and forth. We thought it would be
16 worthwhile to have a discussion with DPW.

17 COMMISSIONER TALDONE: I don't disagree. I
18 suggest changing the language. Cannon is directly on
19 110.

20 MR. FRELENG: No, it's on the South Service
21 Road.

22 THE CHAIRMAN: So it's further away, it's
23 further west. You have one of the biggest buildings
24 going up.

25 COMMISSIONER TALDONE: I suggest to that

FIVE STAR REPORTING, INC.
631.224.5054

51

1 1/5/11 Suffolk Planning Commission
2 extent, options for safe pedestrian access to the
3 existing S1 bus route. Let them decide how to make that
4 access happen. They build these new buildings. Whether
5 they will reroute the bus or creating a pedestrian route,
6 they should be meeting with DPW creating the early stages
7 of the planning of the site to see how that would be
8 done.

9 THE CHAIRMAN: It's a long block. For people
10 like me, a thousand feet is a long way. The one thing I
11 would say there, you may want to suggest that we make
12 either bringing bus service to the site and/or we have --

13 COMMISSIONER WEIR: Or safe pedestrian access.

14 COMMISSIONER TALDONE: Bringing the bus off
15 route is not an option. We have to think about how to
16 make it convenient for people and safe to go from and to
17 the bus stop that already exists on Route 110 They are
18 looking at making express service to make it faster to
19 get to the Long Island Railroad station. Get them that
20 last quarter mile or long block really becomes critical
21 because if it's an unsafe or an uncomfortable walk,
22 people won't do it.

23 THE CHAIRMAN: Any objection to adding the
24 language Vince described? Seeing none, we will add that
25 condition. Any other thoughts or comments?

FIVE STAR REPORTING, INC.
631.224.5054

52

1 1/5/11 Suffolk Planning Commission

2 COMMISSIONER McADAM: Andy, when you started
3 the presentation had you a photograph of the South
4 Service Road and you indicated the skyline. Would the
5 seven stories bring it above the skyline, is that --

6 MR. FRELENG: It is the belief of staff that
7 the seven stories would bring it above the skyline.

8 COMMISSIONER McADAM: Since it's an office
9 building and restaurant, do you know how they calculated
10 the requirement? Did they do it separately or combine
11 it?

12 MR. FRELENG: The typical way would be to
13 calculate it based on the uses. We didn't go in to try

14 to calculate the parking. We noted that the site plan
15 indicated that they had the code required amount of
16 parking.

17 COMMISSIONER FINN: I thought you had done a
18 great job on this report. This is kind of from a
19 commercial real estate developer. When we talk about
20 location, location, location, this is right on the main
21 thoroughfare of the Island. You show a skyline of the
22 trees and you can't even see the building. The developer
23 who is going to take the site, how big is the current
24 size building on the lot?

25 MR. FRELENG: It's in the staff report. The

FIVE STAR REPORTING, INC.
631.224.5054

53

1 1/5/11 Suffolk Planning Commission
2 current building is approximately a hundred thirty
3 thousand square feet.

4 COMMISSIONER FINN: They're going to demolish a
5 hundred thirty thousand square foot, one story building
6 and construct a state of the art multi-story office
7 building. So, and in the midst of other buildings there
8 has to be some sort of differentiate themselves with the
9 product.

10 More to Vince's point about height, as a
11 commission we have to address height because we live on
12 an island where we have want to have open space and
13 preservation. On major thoroughfares, we want to cap the
14 heights of the buildings. The idea of having a

15 restaurant on top of a five story building versus a seven
16 story building would make it more of a viable project.
17 In my opinion, two stories is not going to make that much
18 of a difference.

19 The other aspect, the economic benefit of this
20 project going from a one story, one hundred thirty
21 thousand square foot building to hundred seventy-five
22 thousand square foot multi-story building from
23 construction cost, jobs and the tax benefit. Do you know
24 what the current tax roll is on the building in its
25 current state?

FIVE STAR REPORTING, INC.
631. 224. 5054

54

1 1/5/11 Suffolk Planning Commission

2 MR. FRELENG: No..

3 COMMISSIONER FINN: If you take the standard
4 area for a building of the size and configuration, it's
5 probably in the neighborhood of three hundred thousand.
6 You talk about the end product, at the end of the day
7 you're talking about seven hundred thousand. At the end
8 of a ten year period, without tax increases, you're
9 talking about a five to six million dollar benefit. As a
10 commission, we wouldn't want to prohibit. But I
11 recognize the height significance. Not eliminate it, but
12 than having it a condition. I recommend making it a
13 comment and stress it as you did in your report, but not
14 to make it a condition.

15 MR. FRELENG: I was going to say staff

16 appreciates the position of the Commission. I think the
17 Commission should appreciate the position of the staff.
18 We don't have that discretion. We compare it with what
19 is required under the law, community character. We just
20 note that this building is not in character with
21 everything else that is out there and points it out to
22 the Board. We are not recommending. We don't have a
23 position on height, so to speak, from the Department, we
24 are just recommending that this building is higher than
25 the character and it's not compatible with other

FIVE STAR REPORTING, INC.
631.224.5054

55

1 1/5/11 Suffolk Planning Commission
2 buildings in the area.

3 THE CHAIRMAN: I think it's another thing to
4 consider. We should not compare it against having
5 nothing there. We should compare five stories versus
6 seven stories. I think the other standards are kind of
7 the standard conditions and approval. It sounds like a
8 good project. It's kind of an older building. It sounds
9 like this would be a nice addition. Whether it's five
10 stories and a little or wider versus seven stories and
11 little taller, it does not mean they won't do the
12 project, it's just the visual impact along the
13 Expressway.

14 I heard a couple of people say that maybe it
15 should not be something we should consider, but I want to
16 give Director Isles a chance to say a few words.

17 DIRECTOR ISLES: I want to add the comments on
18 the height variance might best be addressed by the Town
19 Board. If the feeling of the Commission is you know
20 what, your restriction is too low. The Town of
21 Huntington has established a zoning code where they
22 established certain densities of height, bulk and floor
23 area ratio space and so forth. The zoning law in New
24 York State is the towns are allowed to create these
25 restrictions.

FIVE STAR REPORTING, INC.
631.224.5054

56

1 1/5/11 Suffolk Planning Commission
2 In terms of variances have specific purpose and
3 meaning, and a variance is only expected to be given
4 under an exception. State law spells that out. The
5 Commission is not here to say whether five is appropriate
6 or seven is appropriate. It introduces the question
7 maybe the Town of Huntington's code is wrong and should
8 be changed. It's something for the Town to address.
9 They they just completed their plan. There is a legal
10 distinction that a variance is viewed as an exception to
11 specific criteria. We want to call this to your
12 attention and really what you are talking about is a code
13 change approach.

14 I'm little bit concerned about here again just
15 kind of a random basis here, seven is okay and here five
16 is okay. I think it should be a little more
17 comprehensive. Here again, it's tied to variance,

18 specific exception criteria.

19 COMMISSIONER TALDONE: Just quickly, last
20 month you recall making the opposite argument in terms of
21 a product at Exit 68 as you enter the Pine Barrens. A
22 different location, an area that will not be developed
23 into a high density corridor. I was opposed to it in
24 that instance.

25 In this situation, this is an area we know we

FIVE STAR REPORTING, INC.
631.224.5054

57

1 1/5/11 Suffolk Planning Commission
2 heard about the development of 110. I'm not
3 knowledgeable enough to make a recommendation, not a
4 recommendation actually to impose a condition and say you
5 really ought to keep this building smaller. I don't know
6 that to be the case. That may be the place where they
7 will allow the higher density and hopefully offset it
8 somewhere else. I would want that changed to a comment
9 rather than a condition. We want them to be concerned
10 about it. We are not saying that it's wrong to go to
11 seven stories, or we believe it's wrong to go to seven
12 stories, and I think that is what I think is implied
13 here.

14 COMMISSIONER HOLMES: I just would like to
15 have us focus on what Director Isles just pointed out.
16 This is according to Huntington's code and the State law.
17 I think we have to point that out as a condition and let
18 Huntington Town deal with whether they want to make a

19 change in the zoning for this area, but they are
20 constricted by State law and at the moment by their own
21 regulations.

22 THE CHAIRMAN: I think there is basically a
23 motion to make this is a comment. Is there a second for
24 that? Motion by Commissioner Talone, second by
25 Commissioner Finn. All in favor of amending the staff

FIVE STAR REPORTING, INC.
631.224.5054

58

1 1/5/11 Suffolk Planning Commission
2 report to make the changes from a condition, Number 4,
3 changing from a condition to comment, please raise your
4 hand. (Show of hands) Five to make it a comment.
5 That's six. I can't count. That fails.

6 I guess my question would be for those who want
7 to make it a comment, would that preclude you from
8 supporting the staff report. I understand your
9 preference to make it a. Comment would it preclude you
10 from voting on it if we keep it as a condition?

11 COMMISSIONER HORTON: I would be inclined to
12 vote for it because the Town does have the ability to
13 deal with that.

14 THE CHAIRMAN: Anyone else want to share with
15 me their thoughts?

16 COMMISSIONER FINN: If, as a commission, we
17 were to change it to a condition, it would still have to
18 go to a Town BZA. Do they have a method to which they
19 can override? Does it still require a super majority

20 amongst their board members?

21 THE CHAIRMAN: Yes.

22 COMMISSIONER FINN: If we changed it to a
23 comment and keep the verbiage the same, they would still
24 need to get some sort of approval above and beyond the
25 Town because of the height variance at the Town level.

FIVE STAR REPORTING, INC.
631.224.5054

59

1 1/5/11 Suffolk Planning Commission

2 COMMISSIONER KELLY: ZBA.

3 COMMISSIONER FINN: There is still a step that
4 has to be taken at the Town level. It still has to go
5 through the Town's processes to get the approval. Once
6 we say it's five stories and they they need a super
7 majority of the space and they they don't get that, it's
8 a non-issue at the ZBA; is that correct?

9 THE CHAIRMAN: If it is a condition, that's
10 right. Anyone else? Any other thoughts? Everyone
11 comfortable with the staff recommendation if it is a
12 condition? Does anyone else share that thought? Are you
13 comfortable with the staff recommendation if it is a
14 condition?

15 COMMISSIONER TALDONE: It's a deal breaker for
16 me.

17 COMMISSIONER KELLY: In terms of skyline, I
18 know we are not talking about that as the aesthetics of
19 it you look at Manhattan, it's a skyline. Some of the
20 beauty is the difference in height. The argument in this

21 case, it's not necessarily a deal breaker for me. I know
22 this thing is going to get built. I think the process
23 would be much easier going through the Town. While that
24 is not necessarily an overriding issue for us, it would
25 make life easier for the applicant to go through the

FIVE STAR REPORTING, INC.
631.224.5054

60

1 1/5/11 Suffolk Planning Commission
2 process with this as a condition, albeit it's not a deal
3 breaker.

4 COMMISSIONER FINN: You mean as a comment or
5 condition?

6 COMMISSIONER KELLY: Comment.

7 COMMISSIONER FINN: You just said as a
8 condition.

9 THE CHAIRMAN: The question is if it's a deal
10 breaker, if it stays as a condition, which is what the
11 vote was.

12 COMMISSIONER McADAM: I agree with it as a
13 condition, but the part that I guess I want to reiterate
14 is what the Director said. I think it's important, since
15 it is a planned corridor, that if the plan is to have a
16 skyline on that particular corridor, then it should be
17 planned in advance, at least for now, try to remain
18 consistent with the building that is going on in this
19 area, or if the Town decides they they don't want to
20 approve it now, they they want to develop a skyline along
21 this particular corridor, then they can do that and fit

22 this particular project into it.

23 What I have seen in my time here is we will say
24 we will approve it at seven stories, and the next
25 application will come in at nine stories and they will

FIVE STAR REPORTING, INC.
631.224.5054

61

1 1/5/11 Suffolk Planning Commission
2 say well, you have seven stories there already. Then the
3 next thing we will up to the H. Lee Dennison building,
4 and I remember when that went up, and that was a critical
5 time in the Hauppauge area, and then the State building
6 went up. It goes on and on.

7 At that time there was a lack of planning.
8 They they put these two buildings up and I would hate to
9 see that repeated again along this particular corridor.

10 COMMISSIONER FINN: I agree with that, but the
11 two buildings that you reference are government
12 buildings, they're not private developed buildings.
13 There is a major distinction between a building that goes
14 up through this process versus government. The
15 government basically bypasses this process.

16 On the heels of listening to our County's
17 Economic Development person, Yves Michel, we have to
18 start thinking about how we are going to foster economic
19 development and growth. When you drive down the roadway
20 you see no activity. Cannon, after eighteen years of
21 almost dying to stay here on Long Island; we finally got
22 that job going. Next door we have Ruby's.

23 We have to create this sense that we want
24 development from the ground up and create this economic
25 stimulus from the ground up. By putting conditions on

FIVE STAR REPORTING, INC.
631.224.5054

62

1 1/5/11 Suffolk Planning Commission
2 things like this, it's going to impede the process. It's
3 not going to help it go through.

4 DIRECTOR ISLES: Both of which are five
5 stories, and they're two brand new buildings consistent
6 with the Town zoning.

7 THE CHAIRMAN: I don't think anyone is opposed
8 to the development in any way; it's this aspect of it. I
9 think the question would be for a plan that said the
10 application is here, it's kind of what are you going to
11 do. The question is whether we do it as a condition,
12 whether we adopt it or not and we have to wrap it up.

13 MR. FRELENG: I do apologize, I want to back
14 up to Commissioner McAdam said the only intent we have is
15 the intent of the applicant to build a seven story
16 building. The only intent of the Town is reflected
17 through their zoning ordinance, which they have not
18 changed, and their Comprehensive Plan, which was recently
19 reviewed does not make any recommendations for that area
20 with regard to intent. The only intent of the Town, the
21 way we interpret it, is to leave it as a forty-five foot,
22 five story corridor and it's the applicant's intent to go
23 to seven stories.

24 THE CHAIRMAN: If we adopt this and the Town
25 decides to make it seven stories, they will have to

FIVE STAR REPORTING, INC.
631. 224. 5054

63

1 1/5/11 Suffolk Planning Commission
2 overcome a majority plus one vote.

3 COMMISSIONER WEIR: One last comment. It's
4 not a deal breaker for me. I understand the concept of
5 seven stories and I agree with this gentleman. I'm
6 hoping that we should watch this because we want to make
7 sure they don't lose square footage because of parking
8 restrictions and hurt the applicant. If they have a plan
9 that will work for them on a flatter building, I hope
10 they they don't have too many problems with the parking.
11 Then you start the whole circle over again.

12 COMMISSIONER ROBERTS: If we were to pass this
13 as a condition, is it possible to add the language that
14 we wish the Town to look at the issues, if it is time to
15 rethink the story limit in this area. I think there is
16 an opportunity potentially to actually have this issue
17 cleaned up for a longer term; otherwise, I can imagine
18 that we will be having this conversation over and over
19 again.

20 THE CHAIRMAN: That is a fair point. I don't
21 think that is a condition, but we can certainly add a
22 comment to the motion that the Commission believes this
23 is a critical economic development corridor for the
24 County, and the Town should be concerned about the height

25 terms for the corridor.

FIVE STAR REPORTING, INC.
631.224.5054

64

1 1/5/11 Suffolk Planning Commission
2 DIRECTOR ISLES: Commissioner Kelly is
3 winning.

4 COMMISSIONER KELLY: With all due respect, some
5 of the comments would take an application like this and
6 put it into a study period. I would defer on the more
7 conservative side to staff's.

8 THE CHAIRMAN: Here's the good news, according
9 to our draft schedule, on April 6th we will be in the
10 Huntington Town Board room. The supervisor and council
11 members will be sure to raise that. I'll entertain a
12 motion. Motion by Commissioner McAdam to adopt the
13 staff report as amended. Seconded by Commissioner
14 Roberts. All in favor, please raise your hands. (Show
15 of hands.) Eight. Opposed, two. That passes.

16 Item 2, next item is the Hamlet Preserve. John
17 Corral.

18 MR. CORRAL: The applicant seeks Town Planning
19 Board approval for a one hundred fifty-five single family
20 clustered subdivision on two hundred and five acres.
21 This subdivision you actually reviewed, the Suffolk
22 County Planning Commission reviewed in August, 2010.
23 This subdivision has been altered. There are nine
24 additional lots and some other changes to it, but the
25 overall subdivision is similar to the one you reviewed in

1 1/5/11 Suffolk Planning Commission
2 August, 2010.

3 I'll quickly summarize the changes and the
4 differences between the two and the differences between
5 the recommendations. This is a close up view of the
6 subject property. It's two hundred five acres. It was a
7 former Links at Shirley. It was an eighteen hole golf
8 course and par three eighteen hole golf course with
9 driving range. There are three man-made ponds. They're
10 also connected by a man-made creek. That is the existing
11 conditions of the property.

12 It's the Suffolk County's Planning Division
13 jurisdiction. It's directly to the east of William Floyd
14 Parkway, County Road 46. Surrounded by middle density
15 residential single family homes and the William Floyd
16 School District property to the northeast.

17 The zoning for the subject property is
18 Residential A-1, which allows one residence per forty
19 thousand square feet. That is the predominant zoning in
20 the area. This is the revised of subdivision layout that
21 we received. The difference, as I mentioned, is nine
22 additional residential lots, which is the result of a
23 reinterpretation application of the Town's Wetlands
24 Overlay District. With that reappliation
25 interpretation, nine additional lots were yielded and

1 1/5/11 Suffolk Planning Commission
2 resulted in nine additional lots in the subdivision.

3 The lots that are added are in two areas right
4 up here and two lots, I'm sorry, three lots right here.
5 Other differences with this subdivision in the previous
6 subdivision this was an emergency crash gate access. Now
7 it's a connected town roadway. This now also is a
8 connecting town roadway. They also now in this
9 subdivision have dedicated this area to be open space
10 dedicated to the Town of Brookhaven. I believe it's
11 approximately thirty acres.

12 In the previous subdivision, all of the open
13 space was possibly going to be dedicated. We made a
14 comment they they might consider just the larger tract on
15 the eastern side of the property, which it appears that
16 they have done, and the other areas will be homeowners
17 association open space areas. Also, just in this
18 subdivision it was checked at one of our previous
19 conditions was a fifty foot setback from the William
20 Floyd Parkway. This has at least fifty foot setbacks on
21 William Floyd Parkway, so that condition was taken out.

22 There was also -- this recharge basin was
23 reduced in size and an additional recharge basin was
24 added. There are now four recharge basins. This is kind
25 of a summary of the subdivision that we received.

1 1/5/11 Suffolk Planning Commission
2 Basically the conditions and comments are similar to the
3 conditions and comments in the August subdivision, but
4 updated for this subdivision. The recommendation is
5 conditional approval.

6 THE CHAIRMAN: Just to be clear, the conditions
7 and comments were as we passed them two months ago with
8 one or two exceptions.

9 MR. CORRAL: The first one because the
10 location of the wetlands was an important component of
11 developing yield. We added the condition prior to final
12 subdivision approval. Wetlands, if present, shall be
13 flagged in the field by a qualified expert and indicated
14 on the final subdivision map. That was actually a
15 comment in the previous subdivision.

16 Because now the homeowners association open
17 space, we have covenants and restrictions shall be placed
18 on the homeowners association open space areas to ensure
19 that the designated areas remain properly maintained.
20 Open space affordable housing was increased by one lot,
21 ten percent was the Suffolk County Planning Commission
22 requirement. Instead of fifteen lots, it was increased
23 to sixteen.

24 The other conditions and comments were saying
25 that comments have been moved to conditions as described.

FIVE STAR REPORTING, INC.
631. 224. 5054

1 1/5/11 Suffolk Planning Commission

2 All the others are the same.

3 THE CHAIRMAN: I'd like to keep the
4 conversation kind of tight here. We had this two months
5 ago and adopted almost the identical report. The good
6 news is that our analysis has moved the project in a
7 positive way with respect to those two aspects; that is
8 great. This is a Brookhaven project. Mike Kelly, any
9 additional thoughts?

10 COMMISSIONER KELLY: Thank you. If I recall
11 correctly, the wetlands were man-made spaces and we had
12 those as conditions. I don't see any reason for the
13 applicant to go back and flag that. I would make a
14 recommendation that we place that as a comment.

15 Also regarding workforce or affordable set
16 aside, I thought this applicant had made application
17 prior to the January 1, 2009 State requirement, and if
18 the condition is the guideline for the Suffolk County
19 Planning Commission's requirement, I would make that
20 comment as a condition as well because there was no
21 requirement prior to January 1, 2009.

22 MR. CORRAL: If I could, we do have a comment
23 addressing the New York workforce housing. This
24 condition is related to the Suffolk County Planning
25 Commission affordable housing guidelines. In terms of

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 the wetlands, in the information received from the
3 applicant, there was concern about the Town may be now
4 considering some of those areas around the man-made ponds
5 wetlands because of the location of the wetlands.
6 They're not New York State designated wetlands, but there
7 was information that the Town may be considering them
8 wetlands now. So, for setbacks and yield, we thought it
9 was important to determine the location if there are
10 wetlands.

11 THE CHAIRMAN: Okay. Other thoughts or
12 comments?

13 COMMISSIONER McADAM: John, in any of the
14 submissions, did they reference whether the Health
15 Department or Water Authority approved or disapproved
16 anything, just on what they they submitted?

17 MR. CORRAL: I don't believe in the application
18 there has been final approvals from the Health Department
19 or Suffolk County. They're both in the process of
20 evaluating this application.

21 COMMISSIONER McADAM: Thank you.

22 THE CHAIRMAN: Comments or questions?

23 COMMISSIONER TALDONE: Just quickly a comment
24 regarding the wetlands. I'm still little bit
25 uncomfortable with a property owner who has created a

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 water feature that subsequently is being a wetland and
3 prevents him from developing the property. I want to go
4 home and fill in my pond in the backyard right away.
5 That is just a comment. My other -- Restriction Number
6 5, actually Condition Number 5 can be reworded to the
7 applicant shall provide an offer of dedication or
8 dedication of land. It's just the wording is a little
9 confusing, of a dedication or dedication of land
10 necessary for a bus turn-out if deemed appropriate by
11 blah blah blah. It's all there.

12 THE CHAIRMAN: Any objection to making that
13 edit? No objection. Seeing none, I recognize Mr. Kelly.

14 COMMISSIONER KELLY: Going back to the
15 affordable component, it looks like these are all single
16 family detached homes, I imagine, like any other Hamlet
17 developments, somewhat on an upscale nature. Is it
18 appropriate for the applicant to set aside workforce
19 units here versus a payment in lieu, or what other
20 options could he have other than that as a condition?

21 THE CHAIRMAN: One, it was the policy of this
22 commission since Felix Grucci was here. When he was on
23 this board, he was the one that put together this twenty
24 percent thing; we changed that two years ago to ten
25 percent as-of-right, twenty percent change of zone. We

FIVE STAR REPORTING, INC.
631. 224. 5054

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

made it more flexible in the last two years.

The other thing it says is in accordance with the guidelines. The guidelines provide for an in lieu of, if the municipality determines it's appropriate. It's strictly language other than if you feel like it. We are sending along the referral a page or two that relate to the guidelines with our referrals now as a matter of course.

MR. FRELENG: Correct, they get a copy of the Commission's guidelines relative to that.

THE CHAIRMAN: That way they have it. We don't include all the language because it's a half a page long. The relevant page is provided. Hopefully that will address your concern.

COMMISSIONER WEIR: Motion to accept.

COMMISSIONER HOLMES: Second.

THE CHAIRMAN: All in favor of adopting the staff report with Condition 5 amended? (Show of hands) Nine. Any opposed? One. So no abstentions. It's nine to one.

The next item is Was Four Estates. Another one we have seen before, so I would like to keep the conversation very focused.

MR. CORRAL: This application, as Commissioner
FIVE STAR REPORTING, INC.
631.224.5054

2 Holmes mentioned, the Planning Commission reviewed in
3 2008 and disapproved. The subdivision has been amended
4 and sent back to us. I'll go over the changes with you.
5 It's a three lot subdivision on two point-o-eight acres
6 in the Hamlet of East Northport. It's adjacent to the
7 county land to the east and across the street from the
8 Northport Junior High School.

9 There are two structures on the site with
10 steep slopes. The whole site has relatively steep slopes
11 with an average slope on the site which is calculated to
12 be twenty-two percent. Because of that, it falls under
13 Town of Huntington steep slope ordinance, which the Town
14 Planning Board approved a yield of three lots for the
15 subject property.

16 There is another shot of it. The zoning for
17 the property is R-10. This is the amended subdivision
18 map which shows the previous subdivision had a private
19 road with easements. This has a dedicated common area
20 with the roadway to be maintained by a homeowners
21 association. It also has a dedicated nine thousand one
22 hundred thirty-three square foot area to be dedicated to
23 the County with the County parkland directly to the east
24 of the subject property.

25 That is the summary of the amended subdivision.

FIVE STAR REPORTING, INC.
631.224.5054

3 the common area with the private roadway.

4 THE CHAIRMAN: They have improved it basically
5 consistent with our conditions,

6 MR. CORRAL: Right. The conditions, as we
7 have been doing this previously disapproved subdivision
8 for landlocked lots, we have been conditioning that the
9 access road be placed within a fifty foot right-of-way
10 and built to the Town of Huntington's road
11 specifications, so the roadway is suitable for Town
12 dedication with the steep slopes. I just wanted to make
13 sure that the road is suitable for emergency vehicles and
14 if in the future there was any issue with access to the
15 lots or problems with the homeowners association, ensure
16 access to the lots.

17 The second is with the steep slopes and County
18 land to the east, and the roadway. The importance of
19 ensuring that all the storm water is kept on site. The
20 third is that prior to final subdivision approval, the
21 dedication of land to the County, the County and
22 applicant should agree to the terms of the dedication. I
23 brought that up. There is a fence running along the
24 eastern property line and just dealing with that issue
25 with the fence and those types of issues.

FIVE STAR REPORTING, INC.
631.224.5054

74

1 1/5/11 Suffolk Planning Commission

2 That is the staff report. I'll be glad to
3 answer any questions.

4 THE CHAIRMAN: Since we had this and it's
5 mostly changed to fit our conditions, any comments about
6 the remaining conditions? The one thing that I would ask
7 if we could add as a comment with regard to storm water
8 runoff, that the applicant explore utilizing green
9 methodologies for storm water runoff. I believe we
10 had, in the past, given examples of like that bioswale.
11 If you don't have specific guidelines, if you would flag
12 that issue to the applicant.

13 Any objection to adding that as a comment?
14 None. Any discussion on the application? If not, I will
15 entertain a motion to approve the staff report with the
16 one additional comment added. Motion by Commissioner
17 Roberts and seconded by Commissioner Talone. All in
18 favor, raise your hand. (Show of hands)

19 Next item on the agenda is Old Field in
20 Riverhead.

21 MR. CORRAL: This is a subdivision on a
22 hundred acre parcel of forty-eight lots, two of which are
23 large agricultural lots and approximately forty-six half
24 acre clustered residential lots. To the south is the
25 Calverton Cemetery. Further south you can see the edge

FIVE STAR REPORTING, INC.
631.224.5054

75

1 1/5/11 Suffolk Planning Commission
2 of the runway for the Calverton airport, EPCAL site.
3 About a mile and a half to the east is a retail center
4 for Wading River. Directly to the east is the Suffolk

5 County farmland and development rights and to the west is
6 Town of Riverhead farmland and development rights. It's
7 adjacent to Route 25A, within twenty-five hundred feet of
8 an agricultural district and also within a mile of Calverton
9 airport.

10 This is a close-up of the subject property.
11 It's a current sod farm with one -- it's a little
12 difficult to see -- with one farmhouse and barn located
13 on the southern edge of the property right there. It's
14 almost completely clear, but there are some wooded areas
15 on the very southwest corner of the property. The zoning
16 for the property is RB-80, which allows as a minimum lot
17 size of residential properties of eighty thousand square
18 feet. The property, the zoning just to the south is
19 Defense Institutional and there is a Commercial Business
20 District a little further to the west.

21 This is the subdivision, and it's a clustered
22 subdivision, creating two large farm lots. One is
23 thirty-five point acres on the south edge where the
24 existing farmhouse and barn is. The other is thirty-one
25 point nine acres at the north end there are forty-six

FIVE STAR REPORTING, INC.
631.224.5054

76

1 1/5/11 Suffolk Planning Commission
2 residential lots, and then the two potential residential
3 lots on the farm lots.

4 Due to Suffolk County Department of Health
5 restrictions, the forty-eight residences on forty-one

6 acres are allowed to be kept in agricultural use. If
7 you can see, Farm Lot 2 has five point eight acres
8 designated as agricultural use and twenty-six point eight
9 acres non-agricultural use. The Suffolk County Planning
10 Commission received this before in 2007 and disapproved
11 it due to the only one access point, creating cul-de-sacs
12 of over a thousand square feet, and also a sunburst type
13 cul-de-sac design which allowed maximum frontage and
14 maximizing the amount of lots that could be placed on the
15 subdivision.

16 We received this again in December of 2010.
17 They have more tightly clustered the subdivision. They
18 kept the agricultural open space areas much more
19 continuous than the previous subdivision. They have
20 eliminated the starburst cul-de-sac design, but there
21 still is only one point of access for the forty-six
22 residential lots off Hulse Landing Road. The total
23 length of that is over a thousand feet.

24 So, based on the comments from our disapproval
25 from the previous subdivision and now this new

FIVE STAR REPORTING, INC.
631. 224. 5054

77

1 1/5/11 Suffolk Planning Commission
2 subdivision referral, we recommend approval with the
3 following conditions and comments: One, the first
4 condition is that a second roadway be constructed
5 connecting Hulse Landing Road to the proposed
6 subdivision's internal road network. That would give, if

7 there was an emergency and that roadway is cut off, a
8 second access point would eliminate the over a thousand
9 foot cul-de-sac type configuration. That is one of the
10 conditions.

11 The second is that the storm water runoff is
12 kept on site. With the State road to the south and
13 county farmland development rights to the east and Town
14 development rights to the west, we felt that it was an
15 important condition. We wanted to place a comment; the
16 disapproval of the previous was that the agricultural use
17 areas, that a covenant be placed for no further
18 subdivision. This condition has covenants and
19 restrictions shall be placed to prevent any further
20 subdivision and ensure that the remaining undeveloped
21 lands are used for agricultural structures and activities
22 permitted by Town law. It's similar to a condition that
23 was placed on Southampton subdivisions with agricultural
24 areas similar to that.

25 Also with agricultural areas adjacent to

FIVE STAR REPORTING, INC.
631.224.5054

78

1 1/5/11 Suffolk Planning Commission
2 residential lots, that the covenant to notify residents
3 of the location of the agricultural land. That is a
4 fourth condition. With the Suffolk County Planning
5 Commission's affordable guidelines, a condition that five
6 lots be set aside as affordable. The final condition is
7 that the applicant consult with the Suffolk County

8 Planning Commission's energy efficiency and public safety
9 guidelines. A final comment, in looking at this we felt
10 it might be possible, we had this as a comment, to move
11 the residential lots to the north and then buffer the
12 agricultural use of the Farm Lot 1 with some of the
13 non-agricultural use land that in Farm Lot 2 We
14 recommended that it as a comment back to the Town.

15 One final comment, that is not on the
16 subdivision map. It was noted that there was a
17 discrepancy between the tax map and subdivision map. The
18 tax map doesn't show this access according to State Road
19 25A. We felt it was a good idea to notify the Town of
20 the difference between the subdivision space and tax map
21 so they can reconcile the difference. I wanted to add it
22 verbally. It wasn't in the report.

23 THE CHAIRMAN: Thank you for the presentation,
24 This is the third straight one where we have seen it
25 coming back and being substantially improved. This is a

FIVE STAR REPORTING, INC.
631.224.5054

79

1 1/5/11 Suffolk Planning Commission
2 Riverhead project. Mr. Talone.

3 COMMISSIONER TALDONE: I concur almost
4 entirely with the staff's recommendations. I just want
5 to make two changes which I think are minor. Condition
6 Number 1, the proposed second roadway, I would add which
7 may be limited to emergency vehicle use, and then just
8 continue that restriction. I believe that is a fairly

9 busy street. The Town is not all that fond of creating
10 too many curb cuts for access to the development, but if
11 you limit it to emergency vehicle use, that suits our
12 purposes, I believe. I put that forward.

13 Also under Condition 6, where it reads energy
14 efficiency and public safety, I would change that to
15 energy efficiency, public safety and universal design.

16 THE CHAIRMAN: I'll take these one at a time
17 to make sure I get these things. The proposed two edits,
18 one is Condition 1 to add after the word "roadway" the
19 phrase "which may be limited to emergency vehicle use."
20 Any objection to making that addition? Without
21 objection, we will add that language to the conditions.

22 Then the second proposal with respect to
23 Condition 6, that we add change the guidelines being
24 referred to to including energy efficiency, public safety
25 and universal design guidelines. Any objection to that?

FIVE STAR REPORTING, INC.
631.224.5054

80

1 1/5/11 Suffolk Planning Commission

2 Seeing none, we will make that change.

3 I would also add Comment Number 3, just the
4 same one from the previous application with regard to
5 green methodologies, storm water runoff, that the
6 applicant explore green methodologies, for instance,
7 bioswales, et cetera. Any objection? Seeing none, we
8 will add that as Comment Number 3

9 COMMISSIONER WEIR: I have a general question

10 for staff. Now that we are seeing a lot of the
11 affordability, because of your guidelines and the State
12 guidelines, I never have seen anything yet on maintaining
13 affordability or asking the towns to put covenants and
14 restrictions on the resale. These are one acre lots,
15 pretty large homes. I don't think there is any subsidy
16 going in. The subsidy is basically a density bonus for
17 the developer.

18 It's so much trouble to get these built, we
19 usually have some kind of maintaining affordability
20 restriction on the resale. Islip has it, Huntington,
21 Southampton has it. I think we should establish it
22 region wide. I don't see that on the comments.

23 THE CHAIRMAN: We reference the guidelines and
24 conditions. The guidelines do include resalability.

25 COMMISSIONER ROBERTS: Page 32.

FIVE STAR REPORTING, INC.
631.224.5054

81

1 1/5/11 Suffolk Planning Commission

2 THE CHAIRMAN: It talks about the resale.
3 That is something we want to look at when we look at our
4 guidelines, whether it should be tweaked in any way. It
5 speaks to the need to perhaps come up with a more
6 regional standard. This could be the basis for it at a
7 housing summit or something like that where we reach out
8 to those that doesn't have those guidelines in place.

9 COMMISSIONER WEIR: I kind of encourage towns
10 to make them the same, but again, we have no power.

11 THE CHAIRMAN: The one advantage of the
12 Commission, and part of it is relationship building,
13 under the County charter our roll is to advise towns and
14 villages on best practices use. Whether that is accepted
15 by the towns and villages, that is a relationship
16 building thing that we have been working on in the last
17 couple of years, to kind of build the trust so they they
18 see us as a resource.

19 COMMISSIONER WEIR: I have seen that thirty
20 year -- I just brought that up as a comment -- I had seen
21 the thirty year thing.

22 THE CHAIRMAN: Since you're on the guidelines
23 committee.

24 COMMISSIONER WEIR: For the future, I wanted
25 to make that comment to remember that I remembered it

FIVE STAR REPORTING, INC.
631.224.5054

82

1 1/5/11 Suffolk Planning Commission
2 because I will forget it.

3 COMMISSIONER McADAM: John, this area is
4 within one mile of the airport?

5 MR. CORRAL: Yes.

6 COMMISSIONER McADAM: Do you need a covenant
7 for that?

8 MR. CORRAL: The Suffolk County Planning
9 Commission does have comments related to when it's within
10 one mile of an airport.

11 COMMISSIONER McADAM: Doesn't it actually need

12 like you do with agricultural? I think Southold, there
13 was a reference to that also, that if it's within one
14 mile of an airport, they they actually put it into the
15 deed to the property.

16 MR. FRELENG: The standard language that we
17 have, I believe, says covenants or conditions must be
18 placed on the map. Typically when it's placed on the
19 map, it usually gets rolled over to some sort of covenant
20 or restriction placed on the deed.

21 THE CHAIRMAN: Is there anything that we need
22 to change as a result of this? Okay. If not, I'll
23 entertain a motion to adopt the amended application,
24 amendments to Condition 1 and 6 and adding the verbal
25 comment to the end. Motion by Commissioner Talone,

FIVE STAR REPORTING, INC.
631.224.5054

83

1 1/5/11 Suffolk Planning Commission
2 second by Commissioner Weir. All in favor, raise your
3 hand. (Show of hands) Ten to zero.

4 I feel like I'm challenging my inner Adrienne
5 Esposito. She and Sarah are at the State of the State
6 address today. I think we are having more fun. The next
7 one is from the Town of Shelter Island.

8 MR. FRELENG: Nelson White Estate.
9 Jurisdiction of the Commission is that the property is
10 adjacent to the shoreline of West Neck Creek. Town
11 Planning Commission approval. This is a reduced density
12 subdivision in the Mentantic Road, West Neck Creek area

13 of the Town of Shelter Island. The proposed lots range
14 in size with an average lot size of one hundred
15 seventy-nine thousand six hundred ninety-one square feet,
16 or roughly four acres. The proposed subdivision allows
17 reduction in the allowable density in the site by
18 sixty-seven percent.

19 The land is presently improved with a house,
20 garage. Existing dirt driveway provides access to the
21 site. Let's take a look at some photos first. This is
22 an aerial of the property. It should be pointed out
23 there is a substantial amount of wetland property along
24 the area of West Neck Creek. This is the shoreline of
25 the creek. There is a canal that comes in and there are

FIVE STAR REPORTING, INC.
631.224.5054

84

1 1/5/11 Suffolk Planning Commission
2 an awful lot of wetlands associated with the creek
3 system.

4 This is an oblique view of the subject
5 property. Again, the wetlands here along the shoreline.
6 You can see the existing structures. That is another
7 aerial. We did not, unfortunately, get a chance to do a
8 site inspection, but we believe these aerials represent a
9 good depiction of the area.

10 The property proposed to be preserved is
11 approximately eleven acres or approximately twenty-one
12 percent of the site. The subdivision also includes the
13 transfer of land to two adjacent adjoining out parcels.

14 With regard to the access, six of the proposed lots are
15 to have access via an eighteen hundred sixty-nine foot
16 paved country lane style cul-de-sac. The pavement is to
17 be oil and stone to be improved to a width of sixteen
18 feet, within what appears to be a fifty foot wide private
19 right-of-way easement. Three lots have access from
20 Menantic Road and one from Simpson Avenue.

21 With regard to environmental conditions, they
22 they are mapped Federal and State wetlands. The staff's
23 analysis regarding the critical county wide priorities of
24 the Commission indicates that subdivision of the property
25 will require protection of the wetlands on site. Wetlands

FIVE STAR REPORTING, INC.
631.224.5054

85

1 1/5/11 Suffolk Planning Commission
2 tend to migrate over time, particularly with the rise and
3 fall of the water table. The most landward limit of
4 wetlands was last flagged almost ten years ago. Staff
5 believes the boundary should be reflagged in the field so
6 that the setbacks and conservations easements are
7 accurately marked.

8 Suffolk County Planning Commission policy is
9 that no new residential structure or sanitary disposal
10 facility should be constructed or otherwise located less
11 than one hundred feet from the most landward limit of
12 wetland vegetation. Moreover, the Commission generally
13 requires a conservation easement be placed along the
14 shoreline to prevent disturbance of the shoreline.

15 The Commission does have in their guidelines
16 and in their standards going way back that in order to
17 preserve the integrity of the wetlands and shoreline of
18 the West Neck Creek, access to the beach should only be
19 by a suitable structure. In the alternative sometimes
20 access to the beach could be restricted to a community
21 access structure. In addition, there is no information
22 in the referral material that any of the structures that
23 might be proposed could be constructed with energy
24 efficiency in mind. There is no information in the
25 referral materials if there are any considerations or

FIVE STAR REPORTING, INC.
631.224.5054

86

1 1/5/11 Suffolk Planning Commission
2 provision of workforce housing for this project. There
3 is no information in the referral material with regard to
4 public safety, and the Commission must be aware that the
5 proposed cul-de-sac exceeds the Suffolk County Planning
6 Commission guidelines on cul-de-sac length by thirteen
7 percent.

8 The staff is recommending conditional approval
9 with the following conditions: The first is that the
10 most landward limit of wetland on the site shall be
11 re-flagged in the field and represented by all new
12 surveys, maps, plans, plats or sketches. The second
13 condition is no new structure or sanitary facility be
14 constructed located less than a hundred feet from the
15 most landward limit of wetland vegetation. Condition 3 is

16 that a conservation easement be established along the
17 wetland boundary.

18 4, that the access to the beach be limited to a
19 suitable structure located at or near the common lot line
20 of two or more lots. In the rationale that follows,
21 there is a sentence that indicates preferably there
22 should be only one beach access for the community.

23 5 is that the applicant shall be directed to
24 consult the Suffolk County Planning Commission guidelines
25 on energy efficiency. Number 6 that is ten percent or

FIVE STAR REPORTING, INC.
631.224.5054

87

1 1/5/11 Suffolk Planning Commission
2 one lot be set aside for affordable housing purposes in
3 accordance with the Suffolk County Planning Commission
4 guidelines.

5 7, the applicant be directed to consult the
6 County guidebook on details for public safety and that
7 the proposed roadway and right-of-way should be shortened
8 to a thousand feet. In the rationale are some points on
9 how to treat a private road giving it a proper name, et
10 cetera. That is the staff report.

11 COMMISSIONER HOLMES: First of all, I have to
12 say, I just cannot believe that this application is
13 coming before this commission now. Because this estate
14 was applying for subdivision approval in the Town
15 Planning Board when I was in the Planning Board in the
16 late 1970's. The problem is the family keeps withdrawing

17 the application and resubmitting it and then withdrawing
18 it again and changing it little bit. Unfortunately for
19 them, during this long period of time, the Health
20 Department has changed its regulations and now requires
21 that there be a test well on each lot and some of the
22 lots didn't meet Health Department requirements, so that
23 has held up their application procedure. Now that they
24 apparently have met those requirements, and I agree
25 entirely with the staff recommendation, and the

FIVE STAR REPORTING, INC.
631.224.5054

88

1 1/5/11 Suffolk Planning Commission
2 conditions and the comments because we did have always
3 big discussion about right-of-ways that were private
4 roads and making them at least sixteen feet for a fire
5 truck, but there was always the concern about a private
6 road being designated, and I'm glad to see that here.

7 I would certainly support the staff
8 recommendations here. I just can't believe it has taken
9 this family so long, because Nelson White has been dead
10 for years. This is his granddaughter pushing this. I
11 hope they're successful after all that time.

12 THE CHAIRMAN: The good news is that the value
13 of the land has probably increased over the last thirty
14 years.

15 COMMISSIONER HOLMES: Up and down and up and
16 down.

17 THE CHAIRMAN: One thing I think is important,

18 it sort of is a general issue. Number 6 relating to
19 affordable housing purposes, I think we need to say in
20 the condition in accordance with the Suffolk County
21 Planning Commission guidelines.

22 COMMISSIONER HOLMES: The applicant is really
23 not aware of our guidelines, because they have been
24 before the planning board for so long.

25 THE CHAIRMAN: Unless they are related to
FIVE STAR REPORTING, INC.
631.224.5054

89

1 1/5/11 Suffolk Planning Commission
2 Commissioner Roberts, they are not. Shelter Island does
3 not have a planning department. The supervisor said that
4 they appreciate our comments. Because of that, as a
5 general issue for every application that the discussion
6 after the condition should be illustrative, but should
7 not contain anything that is required as part of the
8 condition because the condition needs to stand alone.

9 This is a message to staff. We may want to
10 have, when we have these conditions, you have a sentence
11 that is a condition and you have an indented paragraph.
12 You may want to start that off with something that
13 indicates it's not part of the condition. When they vote
14 on it or override it, that they know exactly that they
15 are voting on. I think we need to make it clear that the
16 condition stands alone. Administrative codes requires
17 that you gave reasons for it, so we can label them as
18 reasons.

19 MR. FRELENG: The administrative codes
20 requires you label them as reasons.

21 COMMISSIONER HOLMES: Just label them as
22 reasons or rationale. I think it would be very helpful
23 for them to have the extract of the pages of the
24 guidelines, because I do believe those are unfamiliar to
25 the applicant.

FIVE STAR REPORTING, INC.
631.224.5054

90

1 1/5/11 Suffolk Planning Commission

2 THE CHAIRMAN: I think this is important as
3 far as the affordable housing guidelines. The Town may
4 wish to require in lieu of payment because of the
5 situation of this property on the water. We should not
6 prejudge that. It's sort of at the discretion of the
7 town. At least they will know the guidelines include
8 those options for them.

9 COMMISSIONER ROBERTS: I'm a little confused
10 about that argument. To me that makes my concern more.
11 It sounds to me that we are asking for a super majority
12 override of ten percent on this location, that we were
13 closing out the possibility of our options.

14 THE CHAIRMAN: I wasn't intending to do that.
15 I was intending to make it more open. It says now one
16 lot to be set aside for affordable housing purposes.

17 COMMISSIONER ROBERTS: What is the wording
18 that you were suggesting?

19 THE CHAIRMAN: In accordance with the Suffolk

20 County Planning Commission guidelines. In the guidelines
21 it gives alternatives.

22 COMMISSIONER HOLMES: Would it be better if we
23 say one lot as stated in the Planning Commission
24 guidelines?

25 COMMISSIONER ROBERTS: I would be a thousand

FIVE STAR REPORTING, INC.
631.224.5054

91

1 1/5/11 Suffolk Planning Commission
2 percent more comfortable with that.

3 THE CHAIRMAN: Any objection to that? We will
4 make that change.

5 MR. FRELENG: Can you restate that?

6 THE CHAIRMAN: To be set aside for affordable
7 housing purposes.

8 COMMISSIONER HOLMES: Ten percent, or one lot
9 shall be set aside for affordable housing purposes or
10 using options as stated in the County Planning Commission
11 guidelines, copy of which is enclosed.

12 COMMISSIONER HORTON: Why don't we refer to
13 the guidelines?

14 THE CHAIRMAN: We had this discussion last
15 time. Refer to the guidelines, send them the guidelines
16 and in there it explicitly says a lot of things. There
17 are options, there are perpetuity aspects, a lot of other
18 stuff in the guidelines other than the alternatives.

19 COMMISSIONER HORTON: I would recommend that.

20 COMMISSIONER HOLMES: In this instance, we are

21 dealing with people who are not familiar with the
22 affordable housing --

23 THE CHAIRMAN: I don't think many people are.

24 COMMISSIONER HORTON: With all due respect,
25 you go through the process with the Town as well as legal

FIVE STAR REPORTING, INC.
631.224.5054

92

1 1/5/11 Suffolk Planning Commission
2 counsel. It's digestible and I'm sure they will be able
3 to digest it in very short order.

4 THE CHAIRMAN: Josh suggests we make it set
5 aside for affordable housing purposes in accordance with
6 the Commission affordable housing guidelines. It's
7 different from what Barbara was saying.

8 COMMISSIONER ROBERTS: It's been a continuous
9 problem for me. I'm in the minority.

10 THE CHAIRMAN: We will include the page which
11 has the options.

12 COMMISSIONER HOLMES: We are not to offer an
13 alternative.

14 THE CHAIRMAN: We can vote on it. I believe
15 we had a vote a month or so on this. The point is the
16 guidelines include alternatives and lots of other stuff.

17 COMMISSIONER HOLMES: How is Condition 6 going
18 to be worded now, Josh?

19 THE CHAIRMAN: The way we had it before.
20 Barbara's suggestion which was that ten percent or one
21 lot shall be set aside for affordable housing purposes

22 in accordance with the Suffolk County Planning Commission
23 guidelines. Barbara made a suggestion. If you want to
24 vote on it, we can vote on it change the language.

25 COMMISSIONER HOLMES: I think adding alternatives

FIVE STAR REPORTING, INC.
631.224.5054

93

1 1/5/11 Suffolk Planning Commission
2 and then including the guidelines will give them the
3 heads up that they have alternatives That is what I'm
4 saying is that they don't even know.

5 THE CHAIRMAN: We can entertain a motion to
6 amend it to add the words "in accordance with the
7 policies and alternatives in the Suffolk County Planning
8 commission guidelines." That is just a motion. I'm
9 suggesting that that is what it would be. If you want to
10 make that motion.

11 COMMISSIONER HOLMES: I make the motion.

12 COMMISSIONER ROBERTS: Second.

13 THE CHAIRMAN: We will vote on whether to
14 change the wording, which is now ten percent or one lot
15 to be set aside for affordable housing purposes in
16 accordance with the Suffolk County Planning Commission
17 guidelines. The proposal is shall be set aside for
18 affordable housing purposes in accordance with the
19 policies and alternatives of the Suffolk County Planning
20 Commission guidelines. That is the motion. All in favor
21 of adopting the new language, please raise your hand.
22 (Show of hands) Three. Opposed. Seven. We will leave

23 it the way it is.

24 When we have the review of the guidelines we
25 can include something about alternatives. I think it's

FIVE STAR REPORTING, INC.
631.224.5054

94

1 1/5/11 Suffolk Planning Commission

2 we can include the page that has guidelines which I think
3 is clear.

4 COMMISSIONER ROBERTS: I don't agree with
5 that. It's buried, unless you read every word.

6 COMMISSIONER KELLY: Andy, a question on Number
7 4. The access points to the beach. On the map that we
8 have in the package, would that mean there are two access
9 points to the beach and/or if that is the case, would
10 there been requisite easements or such that would be
11 required for the adjacent property owners?

12 MR. FRELENG: I don't know how many structures
13 you would have. There are a couple out there for some of
14 the lots. It will then say, in the top left corner there
15 is a structure sticking out. You would probably get
16 another one possibly down here.

17 COMMISSIONER HOLMES: Nelson White's house is
18 there.

19 MR. FRELENG: It may not be applicable if you
20 take a harder look at that what we are trying to do is
21 protect the shoreline.

22 COMMISSIONER KELLY: I agree. Logistically
23 does that box in anybody else? Which map is that?

010511PLANNING.TXT
COMMISSIONER McADAM: Where is the beach?

24

25

MR. FRELENG: Lot 5 and 6. You might get one
FIVE STAR REPORTING, INC.
631.224.5054

95

1

1/5/11 Suffolk Planning Commission

2

here, Lot 8 and 9.

3

THE CHAIRMAN: Is there a beach there?

4

COMMISSIONER HOLMES: West Neck Creek, there
is sand along there.

5

6

MR. FRELENG: It's beach in quotes. Access to
the water.

7

8

COMMISSIONER HOLMES: Most people use boats in
that area.

9

10

THE CHAIRMAN: When you say a suitable
structure, what does that mean?

11

12

MR. FRELENG: That would be determined by the
New York State DEC. We defer to the State DEC.

13

14

Typically it's an elevated walkway with slatted boards
that allow light to pass through.

15

16

COMMISSIONER HORTON: It also has trustees
that regulate wetlands. The Town Board acts as trustees
that specifically regulate wetlands.

17

18

THE CHAIRMAN: Any other thoughts, comments,
questions? If not entertain, a motion to adopt the staff
report with the amendment to Condition 6. Motion by
Commissioner Holmes, second by --

19

20

COMMISSIONER TALDONE: I have a comment. I
would like to propose amending Condition 7 to add

1 1/5/11 Suffolk Planning Commission
2 population in Suffolk County.

3 THE CHAIRMAN: Any objections? Seeing none,
4 thank you. So, we have an amendment to Number 6. To
5 clarify, we have an amendment to Number 7 with regard to
6 universal design. Motion by Commissioner Holmes to adopt
7 the staff's report with the two changes. Second by
8 Commissioner Talone. All in favor. Ten to zero.

9 MR. FRELENG: Mr. Chairman, can we just go over
10 the language to Condition 6?

11 THE CHAIRMAN: Ten percent or one lot shall be
12 set aside for affordable housing purposes, in accordance
13 with the Suffolk County Planning Commission guidelines,
14 which I think is sort of our usual formulation. The last
15 item on our agenda is Vintage Vines Southampton. Ted.

16 MR. KLEIN: This was sent to us from
17 Southampton, located in the Hamlet of Bridgethampton,
18 located on the west side of Bridgethampton-Sag Harbor
19 Turnpike on the south end of Barn Lane. Regional
20 significance of the property is that exceeds fifty
21 percent of the established threshold. Fifty new
22 residential units and physical alteration of twenty
23 acres.

24 The applicant proposes subdividing forty eight
25 point seven acres of woodlands into thirty-seven lots in

1 1/5/11 Suffolk Planning Commission
2 a reduced density planned residential development.
3 Zoning is R-20 in an Aquifer Protection Overlay District,
4 minimum twenty thousand square feet with appropriate
5 clearing and fertilization restrictions. Material
6 provided from the Town indicates an as-of-right yield of
7 thirty-seven single family lots.

8 The proposed average lot size is approximately
9 thirty thousand two hundred two square feet. The average
10 overall density is about one point three acres per unit.
11 This will be situated in a cluster of twenty-five point
12 seven acres plus three point six acres of land for the
13 right-of-way; therefore, nineteen point five acres or
14 forty percent of the land area is proposed for open
15 space. Septic will be handled on site by cesspools.
16 Water provided by the Suffolk County Water Authority.
17 Access will be fifty foot wide right-of-way that will
18 connect Bridgehampton-Sag Harbor Turnpike to Barn Lane to
19 the south.

20 There is no recharge basin. Proposed space and
21 storm water runoff will be handled by structures in the
22 right-of-way. Since the area that will be disturbed is
23 greater than an acre, it will require a SPDES permit
24 based on the storm water pollution prevention plan
25 required by the DEC..

1 1/5/11 Suffolk Planning Commission

2 The layout is that the lots and road positioned
3 on the highest elevation of the site to the north. The
4 proposed open space is down to the south along the
5 right-of-way crossing. In addition, the Suffolk County
6 Planning Commission has guidelines regarding steep slopes
7 and relates to storm water runoff, so we like to see the
8 disturbance regulated to the areas of at least steeper
9 slopes, which would be upland, and all storm runoff
10 should be contained on site.

11 The proposed subdivision is located on Sag
12 Harbor Turnpike, which has a Suffolk Transit route that
13 runs along it, and the applicant should work with Suffolk
14 Transit to ensure there is a viable bus stop. The newly
15 planned development should be designed and constructed
16 with energy efficiency and public safety standards in
17 mind. The applicant should be directed to consult the
18 adopted guidelines.

19 The subdivision is proposing thirty-seven lots
20 and affordable housing guidelines require as-of-right
21 applications should set aside ten percent of the lots as
22 affordable. Staff recommends approval subject to the six
23 conditions listed in the staff report.

24 THE CHAIRMAN: Just a note, the indentations
25 here, I ask whatever we adopt, it identifies what is the

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 rationale versus from what the condition is.

3 MR. FRELENG: That will be in the resolutions
4 they the Commission that they go out.

5 THE CHAIRMAN: For future staff reports. This
6 is a Southampton project. Commissioner Roberts.

7 COMMISSIONER ROBERTS: This is just a land
8 division. There is no intent to build homes on this
9 property; is that correct?

10 MR. KLEIN: I don't know the answer to that;
11 it's a subdivision application.

12 DIRECTOR ISLES: The idea, however, is once a
13 subdivision is approved, that they are permitted to sell
14 individual lots which are subject to permit applications.

15 COMMISSIONER ROBERTS: This is a piece of
16 property in the highest, most expensive area of the
17 Hamptons. It's in the middle of horse country and the
18 South Fork vineyard country. I have little bit of
19 difficulty with the affordable housing. I don't think we
20 have to go through this again. I would like to stress
21 when we look at the guidelines that we perhaps product at
22 standarding the language. I make the bigger suggestion
23 to make the staff reports more efficient is that the
24 language in this report is totally different from the one
25 we saw on the Shelter Island report.

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission

2 It seems to me at this stage we should agree on
3 the paragraph that is the same language on affordable
4 housing that continues everywhere. I suggest that we get
5 into the habit that maybe some of the standard
6 requirements, such as adding universal design, that there
7 is a certain number of our conditions. If we have the
8 habit, if there is a one to five or six we automatically
9 know what is there that we just know that anything
10 unusual follows. Other than that, I would approve what
11 is the staff is suggesting.

12 COMMISSIONER HOLMES: I'm little puzzled with
13 the designation by Commissioner Roberts that that
14 property is in an upscale area because the
15 Bridgehampton-Sag Harbor Expressway has a great number of
16 modest homes that in fact that is the original black
17 community of Bridgehampton. I just -- Barn Road is
18 further along in that area of affordable homes, isn't it?

19 COMMISSIONER WEIR: We have several affordable
20 housing developments right on the turnpike.

21 THE CHAIRMAN: Given the hour, that may be.
22 I'm not disputing anything that the Commissioner Weir is
23 saying it doesn't really impact on this. The staff is
24 recommending consistent with our guidelines that we do
25 the ten percent.

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission

2 COMMISSIONER KELLY: Ted, any input or
3 knowledge on the out parcel that is located towards the
4 southerly portion of the map.

5 MR. KLEIN: Well, it is an out parcel the
6 railroad spur is right below that could be designated as
7 a trail. I believe the town to make more open space to
8 the south too, as far as the designation on the out
9 parcel. I think they're going to require them to provide
10 an easement to it from the proposed right-of-way. That
11 is all I know.

12 THE CHAIRMAN: Let me note for Condition 5,
13 let's add universal design. Without objection, seeing
14 none, we will add that.

15 COMMISSIONER WEIR: The green way of doing
16 things.

17 THE CHAIRMAN: You did put down green
18 methodologies. The other thing is with regard to the
19 Condition 4, Suffolk County Transit, it says to ensure
20 there is a bus stop in walking distance. I think we
21 should add to be determined by Suffolk County Transit,
22 that it is appropriate.

23 MR. KLEIN: There is a community center across
24 the street.

25 COMMISSIONER TALDONE: In this instance you

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 don't even need the condition. I would like to make a
3 motion to remove it.

4 COMMISSIONER McADAM: When there is a
5 subdivision like this right on a main bus route, is there
6 a provision, especially if there is a large number of
7 units in the subdivision, is there a provision they have
8 to provide a bus shelter?

9 COMMISSIONER TALDONE: No, there wouldn't be,
10 unless the town imposes it. I wouldn't imagine it in
11 this instance. I don't imagine it would be a high enough
12 volume location, but I do believe there is a substantial
13 shoulder on this road, which is why I'm not asking for
14 any offers of dedication. The bus just pulls off the
15 road and it picks up people. It's a flagging strip.

16 THE CHAIRMAN: The motion was to delete the
17 condition. Any opposition? Seeing none, we have deleted
18 Condition 4. We have added universal design standards.
19 Any questions or comments about the application? If not,
20 I'll entertain a motion to accept the staff report as
21 amended. Motion by Commissioner Chartrand and seconded
22 by Commissioner Weir. Ten-zero. Commissioner Roberts'
23 comments are well intended.

24 COMMISSIONER HOLMES: It will save time here.

25 THE CHAIRMAN: We would like to end our

FIVE STAR REPORTING, INC.
631.224.5054

2 meetings by three o'clock and it's two fifty-nine. The
3 nominating committee report. I defer to the Chair, Josh.

4 COMMISSIONER HORTON: Myself, my four or five
5 personalities and Commissioner Taldone in accordance with
6 the procedures set forth for nominating, our
7 recommendation for nomination for the offices of
8 chairman, vice chairman and secretary are putting forth
9 the officers that currently hold those positions or held
10 the positions in 2010 and continue to hold them now.
11 Dave Calone for chairman, Constantine, I grew up with him
12 and I call him Dino, Constantine Kontokosta for vice
13 chairman and Adrienne Esposito for secretary.
14 Furthermore, we have canvassed the Commission for
15 feedback for suggested changes to our rules and received
16 none. So as set forth as follows.

17 THE CHAIRMAN: Thank you, Nominating Chairman
18 Horton for organizing that. I think we found out we
19 e-mailed a slightly older version of the rules. I sent
20 out the new version which had two or three additions to
21 it. My guess is there won't be any change to that. If
22 you have anything, let Commissioner Horton know by the
23 end of next week.

24 I asked our counsel to review the rules and
25 give us any thoughts. What we will do in our February

FIVE STAR REPORTING, INC.
631.224.5054

3 and we will elect officers. Under the County Law, the
4 County committee has nominated three individuals for the
5 officerships. However, nominations are permitted from
6 the floor, so if anybody would like to nominate
7 themselves at the February meeting, you can do that. Be
8 aware of that.

9 Lastly, I appreciate the nomination and would
10 like to have a chance to meet with all of you
11 individually for a cup of coffee or lunch just to chat
12 about the Commission, what you think we should be
13 pursuing. I will be in touch with everyone in the next
14 couple of weeks.

15 Lastly, Director Isles has put together Volume
16 1 of the Comprehensive Plan. It is available. We will
17 hand it out and we can have a conversation on that at the
18 next meeting.

19 DIRECTOR ISLES: We appreciate the input of
20 the Commission. At this point, I'm anticipating three
21 volumes. Today we have a draft for Volume 1. We will
22 be happy to have a discussion with you in the future.
23 It's mostly a facts and figures document, building the
24 foundation of information to allow us to go forward.

25 THE CHAIRMAN: You talked about having

FIVE STAR REPORTING, INC.
631.224.5054

1 1/5/11 Suffolk Planning Commission
2 meetings in each of the townships. Where are we on
3 scheduling those.

4 DIRECTOR ISLES: Director Gulizio has made
5 contact with nine of the ten towns. I'm actually in the
6 process of -- we will be advising you of those dates.
7 Most of it is waiting for responses from the individual
8 towns.

9 THE CHAIRMAN: I ask that we do this with some
10 forewarnings so the leaders in that particular town can
11 participate. Any other comments or anything?

12 COMMISSIONER McADAM: We have a week to submit
13 any changes to who?

14 THE CHAIRMAN: Just let Josh know by the end
15 of next week. The rules are two pages long, so there
16 shouldn't be any problem. The guidelines committee,
17 let's spend five minutes. I'll entertain a motion to
18 adjourn. Motion by Commissioner Horton, second by
19 Commissioner Weir. All in favor? Nine to zero.

20 DIRECTOR ISLES: This is an internal document
21 for your review. We ask that it not be circulated
22 outside of the Commission. It is a draft.

23 (Time noted: 3:00 p.m.)

24
25

FIVE STAR REPORTING, INC.
631.224.5054

106

1
2
3
4

CERTIFICATION

