Notice of Meeting

April 6, 2011
12:00 P.M.
100 Main Street
Huntington Town Board Room

The tentative Agenda will include:

1. Adoption of minutes for February 2011

2. Public Portion

3. Chairman’s report

4. Director’s report

5. Guest Speakers:
   - Hon. Frank Petrone, Supervisor – Town of Huntington
   - Mitch Pally, Chief Executive Officer-Long Island Builder’s Institute
   - (Invited) Town of Shelter Island - Moratorium

6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
   - New Frontier II 0100 16300 0100 054000 et al. (Babylon)
   - Temporary Moratorium on Development in Causeway Areas (Shelter Island)
   - Amber Court Realty@Suffolk LLC 0800 10800 00400 001000 (Smithtown)

7. Section A14-24 of the Suffolk County Administrative Code
   - Westbrook Village 0500 21100 0100 005007 (Islip)

8. Discussion:

9. Other Business:
   - Review Draft of Suffolk County Comprehensive Plan, Volume I

NOTE: The next meeting of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, May 4, 2011 in the Board Room in the Village of Patchogue.
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SUFFOLK COUNTY PLANNING COMMISSION
Huntington Town Hall
Huntington, New York
April 6, 2011
12:00 p.m.

MEMBERS PRESENT:
DAVID CALONE, Chairman
CONSTANTINE KONTOKOSKA, Vice Chairman
ADRIENNE ESPOSITO, Secretary
VINCENT TALDONE, Town of Riverhead
DIANA WEIR, Town of East Hampton
LINDA HOLMES, Shelter Island
THOMAS McADAM, Town of Southold
SARAH LANSDALE, Town of Huntington
MICHAEL KELLY, Town of Brookhaven
JOHN FINN, Town of Smithtown
MATTHEW CHARTRAND, Town of Islip
BARBARA ROBERTS, Town of Southampton
THOMAS YOUNG, ESQ., County Attorney for Planning Department

DANIEL J. GULIZIO, Deputy Planning Director
ANDREW FRELENG, Chief Planner
ANDREW AMAKAWA, Planning Department
THEODORE KLEIN, Planning Department

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THE CHAIRMAN: Good afternoon, and welcome to the April meeting of the Suffolk County Planning Commission. It's good to be here in Huntington. First item on our agenda is the swearing in of two reappointed Planning Commission members, and since I'm one of those two, I'll ask the vice chairman to do so with myself and Commissioner Kelly.

(David Calone and Michael Kelly were sworn in.)

THE CHAIRMAN: Thank you, Vice Chairman Kontokoska. It's good to be back. Now I can take the acting title off my designation that I have had for the last two months, thank you for the County Executive and the Legislature seeing fit to have me and Mike back.

Next item is Pledge of Allegiance. I ask the vice chairman to lead us in that.

(Recitation of the Pledge of Allegiance)

THE CHAIRMAN: First item is the adoption of minutes, without objection, I'll table those. February minutes, we are still working on them. Any objection? We will table them, the February minutes.

Next item on the agenda is the public portion. I have Mr. Lifson. Sir, you are recognized for three minutes. State your name and spell your last
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MR. LIFSON: Robert L-I-F-S-O-N, resident of the Town of Huntington for my entire life, virtually. I have a two part question, and depending on the response to it, a comment. I really am wondering if, given the history of the project which is proposed for East Fifth Street, Huntington Station, sometimes called the Avalon Bay project, which has already been reviewed in its prior iteration by the Planning Commission, if you still retain jurisdiction to review it. Part A..

Part B would be are there circumstances that would divest you of jurisdiction?

THE CHAIRMAN: I appreciate the question. I think it's a factual question. I'll ask Acting Director Daniel Gulizio.

MR. GULIZIO: The Avalon was originally referred to the Commission pursuant to County Law Section 239, which covers certain planning zones acts. What triggers referral to the Commission involved geographic parameters and types of applications, assuming it meets the same.

In all likelihood, it's a revised application as referred submitted to the Town. It will again be referred to the Commission.
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MR. LIFSON: What are the geographical I think it exceeds that. I was wondering how it came to the Planning Commission in the first instance, since it's more than a thousand feet.

MR. GULIZIO: I'm not certain what the specific trigger was in that particular application. I can get you an answer on that. I don't know if it's proximate to county road or state property or state parkland.

MR. LIFSON: Then are there circumstances that would divest you of jurisdiction?

MR. GULIZIO: Again, I don't want to speak as counsel for the Commission, but I don't believe, provided it meets the statutory requirement for the referral, that there are any circumstances, that I'm aware of, that would divest the Commission of responsibility to review the application.

MR. LIFSON: Thank you for the answer.

There is no need for comment.

THE CHAIRMAN: Anthony Guardino. Come to the podium and spell your last name.

MR. GUARDINO: Anthony G-U-A-R-D-I-N-O. Farrell, Fritz. I represent Amber Court of Suffolk, LLC. It's a matter that the Board is going to be
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I'm just here to just explain to the Board exactly what this application is. It's an assisted living facility on about seven acres, a little less than seven acres in the Town of Smithtown, three stories in height, ninety thousand square feet, ninety-seven rooms, a hundred eighty-six beds.

The location seems to be a little bit controversial in the town, at least with respect to some of the neighbors. I wanted this commission to understand this is a light industrial property that the facility is going to be located on. We feel that this is a very, very appropriate transitional use between the existing light industry that is to the north and to the west of this site, and the single family residences that are located to the south and to the east of the site.

The Town of Smithtown planning staff has also agreed with us that this is an appropriate use for this area. We have an issue of a height variance that is necessary. But part of that issue is created by the fact that we are creating a sunken courtyard in the rear of the facility and also putting a parapet on the roof to make this building look less institutional and
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more residential in character, again, at the request of
the Town, but the way the Town definition for height
reads, measure from the very lowest point to the very
highest point.

Once we dug the hole, we sort of got
penalized for the height. When you look at the
building, you will see three stories in height and not
the forty-nine feet that is being requested. There
will be a sewage treatment plant at the facility. So,
it's going to be constructed with excess capacity.

We also, just closing, I want to mention that
we have met with neighbors who are concerned. You
probably read the papers. We are agreeing to create a
significant landscaping berm. Right now the facility
is located a hundred forty feet from the property lines
there is a dedicated one hundred foot buffer between
the facility and residences that will be landscaped so
that the people will not see the structure in the way
they think they might see it.

The other thing they asked is that we kind of
flip the interior of the building because there is a
single loading dock and kitchen, and they were
concerned that this might be a little too close to the
houses. My clients have agreed to flip it so it will
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be on the north side and a little bit further away from the houses. Thank you for your time.

THE CHAIRMAN: Mark McKee, is there anything affirmively you wanted to say?

MR. McKEE: Mark Mc Capital K-E-E, from the architecture firm David Mammina, architect. We are the architects for the project. Mr. Guardino described it. I'm available if you have any questions.

THE CHAIRMAN: So the audience is aware, under the rules of the County, we are not able to give or take with the applicant. We do that with our staff reports. If there is anything in particular you want to say, we welcome it.

MR. McKEE: I don't have anything to add.

THE CHAIRMAN: I appreciate your time. Any other public comment? Seeing none, I'll close the public portion.

The Chairman's report. As I said, it's good to be here in Huntington. This is now the eighth Town Hall we visited over the last two years. In a few minutes supervisor Petrone will be the eighth supervisor to address the Board at this time about the land uses addressing the Town, and Mitch Pally of the Long Island Builders Institute, who will discuss LIBI's
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goals and priorities for this year.

The big news, as you all know, however, is
that our fellow planning commissioner, Sarah Lansdale,
has been nominated by the County Executive to be the
fifth planning commissioner. We expect the legislature
will take up that this later this month.

Our goal is to focus on land use issues
critical to Suffolk's future. We are going to continue
emphasizing major county-wide issues such as
development of the Comprehensive Plan as well as
related issues. With regard to the Comprehensive Plan,
we hoped to be able to vote to release the draft
publicly today for review and feedback. However, staff
is still incorporating comments from various
commissioners around the table, and we expect that to
be on the agenda next month in Patchogue. I'm going to
reschedule my appearance before the legislature on the
Comprehensive Plan until after that meeting. We will
probably have a meeting of our Comprehensive Plan
steering committee at the time of our next meeting to
discuss Volume 2 and the next steps of the County
Comprehensive Plan.

With regard to the various task forces, on
energy and environment, solar permit streamlining
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effort, I believe will be on the agenda at the Nassau
County Planning Commission later this month, and the
letter will go out to the municipalities from the two
planning commissions and LIPA, hopefully by the end of
this month, laying out requirements of the program, the
LIPA streamlining program, and LIPA incentives
associated with that.

There are a number of municipalities that
indicated interest in signing on, particularly Babylon
Village, Town of Babylon, Town of Islip and Brookhaven
as well as the Town of Hempstead and perhaps the Town
of Huntington as well.

With regard to wind siting and East End Wind
Code, we had the third meeting of bringing the East End
towns together to creating a common wind code hosted by
Supervisor Walters in Riverhead. We hope to review
their draft at a meeting hosted by Southold later this
month.

On storm water runoff and native vegetation,
the green methodologies for storm water runoff document
has gone to the municipalities. We are working on two
other aspects of that. We have our commission members
are going to be meeting later this month to discuss the
municipal clearing standards from around the county and
potential for regional standards, and we'll be hosting a county symposium for green methodologies for storm water runoff. Secretary Esposito is heading that up. With regard to economic development and smart growth, the committee has been active. At the suggestion of this Commission, the County Executive hosted a meeting a month or so ago among various stakeholder groups to focus on where we should grow, where we should preserve and how we should pay for infrastructure we need, as a county.

We have had an infrastructure financing group meet twice since then. Commissioners Lansdale, Finn and Kelly and I served on that as well as several others, and I think we came up with some ideas for that. We need to get the County Executive's backing on that.

On the Suffolk Unified Permitting Portal, as you know, this Commission did a lot of the early legwork on that idea. The County executive embraced it. It is moving forward. We had a quarterly meeting a few weeks ago and things are progressing. I spoke to Tony Alosio, the planning director here in Huntington is involved within that effort. That is going to be a multi-year process to get this thing to where it can be
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to where other places around the county have taken.

We have been working on the professional
certification for commercial interiors idea. I want to
credit Commissioner John Finn on that; he's been
heading up that effort. His idea is to follow the lead
of New York City and eliminate the need for building
inspections of routine interior commercial alterations.

At our request, John Racinelli of Farrell, Fritz put
together a draft plan, which we are now reviewing and
hope to get that moving within the next couple of
weeks. The Town of Brookhaven has expressed an
interest in piloting that program. --

On public safety, we have the draft design
standards that Commissioner Tom McAdam worked on. We
are waiting for feedback back from a few town council
members. I will be meeting with Tom Spota later this
month.

Lastly, on housing, we are looking at
possibly doing a County housing summit in the latter
part of this year. As you know, we have some of the
leading thinkers and doers on housing on Long Island
around that table. So time is ripe, and combined with
the leadership with LIBI to focus on what we can do
about housing. This is the update on the task forces.
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Miscellaneous things; the guidelines committee is going to meet after this meeting. If you read in Newsday, the Heartland application is likely coming our way in the next couple of months. I'm calling a special meeting on that, which will likely be in the evening. Our commission did a bus tour of the Heartland property a few months ago and may want to do another tour.

At the last meeting, I told you that the Nassau County Planning Commission requested a joint meeting with us this summer. I think as a first step we will have a lunch with the officers of the two commissions hopefully this month and figure out what the next steps are to be productive.

Our fellow commissioner, Josh Horton, decided to run for mayor of Greenport in May. Then he decided not to run for mayor, so we get to keep him, although he's out of town on business today.

Bill Schoolman, CEO of Classic Transportation and the Hampton Luxury Liner, has been confirmed by the Legislature as the newest member of the County Planning Commission. Bill had a preexisting commitment today and so he will be sworn in at our next meeting.

We will be having our next meeting next month in
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Patchogue Village Hall. Mayor Pontieri will be taking us on a walking tour. I'm told that we will all fit, although we probably wouldn't have the cole slaw from Shelter Island.

That is the Chair report. Any questions from the Commission members?

COMMISSIONER HOLMES: For the wind energy draft, are you taking into account the protections that need to be built into that kind of regulation to protect birds?

THE CHAIRMAN: We have had some presentations on that. Certainly with regard to where exactly it's going to be allowed to be sited on the East End, there has been the issue raised of perhaps a buffer zone, particularly coastal sensitivity areas, so that issue is certainly on the table. I appreciate you bringing it up.

COMMISSIONER HOLMES: It's the migrating birds that seem to be a big problem, to not locate a wind farm or windmill in the path of bird migration. I think maybe that is one of the things we will be looking at.

THE CHAIRMAN: To be clear, the group is drafting and I will tweak it. It would be interesting
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if you are aware of anything that is being done elsewhere on that. I think there is some work upstate on that as well as California of other codes around the country that take into account that issue.

Other thoughts, comments questions? If not, I want to thank all of you for your effort and the time that you are putting in on these projects. I would like to ask our acting director, Dan Gulizio, for a report.

MR. GULIZIO: One administrative item, just to bring you up to speed, at the last Commission meeting there was a question about overpopulation projections in the Town of Riverhead. The Town has done some work on that. There was potential of increase of population of about forty-eight thousand residents. The Town of Riverhead plan amendment indicated an estimate of about fifty-one thousand increase in population. That has since been revised pursuant to some code amendment and actions taking place and their revised estimate is about forty-one.

Most importantly, when we look at population projections, it's important to keep in mind the unpredictability or inaccuracies associated with these estimates. There could be wide discrepancies between
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projections and actual build-out. It's a good exercise. It's important information to look at. Just to stress to everyone, the potential for change of those numbers based upon change in zoning. Secondly, if one of the upcoming Commission meetings, we would like to bring Seth Foreman, one of our demographers on staff, to present some new census information related to the Long Island Regional Planning Council. It's incredibly helpful.

There is a tremendous amount of information to go through. Seth has done a nice job in summarizing that information. U.S. population increased nine point seven percent to approximately three hundred nine million. In Suffolk County, it was five point two percent as opposed to nine point seven percent. We have a population of about one million four hundred ninety-three thousand in Suffolk County. New York State's population now represents six point three percent of the U.S. population. That is a decrease and it's actually the lowest since 1900. New York City, now represents forty-two point two percent of the State population. That is also a decrease down from the peak of fifty-five percent in 1940.

Interestingly, Suffolk County now represents
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seven point seven percent of the State population, an
increase of point two percent, significantly the
highest percentage in the county system. The fifteen
of the top twenty growth areas in Suffolk County are
within the Town of Brookhaven or east of the Town of
Brookhaven. The main towns, percentage-wise, that
increased, Southold, Shelter Island, up from four.
Brookhaven, East Hampton and Riverhead also
percentage-wise.

One of the other significant issues in terms
of where that growth is occurring, the outer counties
in the New York Metropolitan region, with five point
six percent. Inner counties less three point five
percent. At the boroughs, two point one percent.

One of the things that we looked at as
planners is the way that is reflecting a shift towards
decentralizing growth as something we should certainly
be aware of, cognizant of, and take into consideration
as we consider policy.

That is all I have for the director's update.

THE CHAIRMAN: Thank you. It's good to know
that we in Suffolk County are taking over New York
State, two point three percent at a time. Any
questions for Dan at this time? If not, we will move
onto your guest speaker. We are privileged to have
supervisor Frank Petrone here. He is in his fifth term
as the supervisor of the Town of Huntington in
bipartisan fashion and we want to thank you for having
us and letting us use your table.

SUPERVISOR PETRONE: You're in my seat.
Keep it warm. It's a pleasure to be here and seeing
some familiar people, it brings back some of the old
days. Some of the times that I spent in the County.
Tom, we spent many a day, and it was very interesting
and then some people that I work with today that are
here. It's really a delight to have you in Huntington.
Sarah, congratulations. We are assured that your
nomination will go swiftly and your confirmation will
proceed and we in Huntington support it, for the
record.

One of the things that I wanted to mention to
you is that we deal with what you deal with. We are
dealing with the quality of life, and every day on
every project that we think of or any area that we wish
to work with, this constantly comes home to us and we
have the struggles, as many do. We want to balance the
environmental concerns. That is one of our major
things.
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We have great resources in this town. We are a waterfront community and we want to keep those resources. We work with the community extensively to make sure that the resources are respected and we try and attempt to provide different types of infrastructure programs that will protect the environment. Very costly, as most of you know. It's a difficult task. But in terms of the Town of Huntington, we look at it in three different ways. We look at the downtown areas that we have. Cold Spring Harbor, Village of Huntington, per se, the East Northport community, Larkfield Road. And as we look at these, we say these are vital. This is the small downtown. This is really small business. That is what makes our communities thrive.

So our concern has been to protect that and to make sure that we continue this type of approach here in the Town, and we have been successful. And so, that has helped us, I think, retain businesses. It helped the economic base, and it certainly helped us as we looked to promote growth, because we are doing it in such a way that we are protecting existing downtown environments that people like. In fact, we are bringing them back to some of their former values.
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Architecturally, we are trying to do these things to promote the fact that it's a community, it's walkable, it's your downtown, it's your neighborhood. That is a big, big concern of ours. Another area that we looked at that is dramatically difficult is the corporate area, the Melville corridor. You are all familiar with that. We can kvell in bringing Canon here, because Canon is bringing other things with it. With that came stimulus money to redo Walt Whitman Road, which is vital. We are looking to redo the bridge over the Expressway. With Canon came the DOT and looking to that, that was done because Canon came.

Because if we look for any further growth, that is the area that it has to happen. As a result of that, we see that the FedEx building and TV 55, that is coming down. There will be an office building put in their place. That is on the drawing board. This is a product of bringing Canon. So, 110 corridor is alive.

We are working closely with DOT in terms of some of the improvements that have to take place, but our biggest concern and biggest struggle is Huntington Station. It's not a small downtown area, it's not a corporate site. It's not a residential base that is
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stable. And yet, it's in the middle of the town. You come through it, whether you are going north or south or east or west. The area itself deserves the attention.

We tried to launch a revitalization program several years back and it's been a slow process. Our agony basically has been much to do with the economy. We have a plan. How do we do this. And that has provided us with the greatest challenge. We are ready to embark on taking our plan and bringing it to the development community. We are looking in an RFQ perhaps to bring forth a next step in the planning process. That would include commercial, retail.

Residential, we feel, is very important. Avalon has resubmitted a scaled down project that many of us are excited about as scaled down. 1000 New York Avenue, the former repair shop is down. We did a condemnation; we took it down. Empire State Development through Restore New York, gave us a one point two million dollar grant, which we are working on and will be working with developers. People came to our meeting and took proposal packets that are interested. So we see some light, but the economy is really hindering us.
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What really hinders the entire quality of life, and I know you deal with it, because we deal with it every day, that is our infrastructure. We dealt with it in many meetings of the County. Remember that thing called the intermodal? We haven't heard too much more about it. That brought a tremendous amount of concern through probably four different supervisors, concern of the fact that do we have the proper infrastructure.

If we take a ride and we take a trip to Florida, we find that we see roads being built before anything else. If we come to Long Island, we find that we are looking to build projects before we improve the infrastructure. That is probably our most deep rooted concern, whether it's in my little village or whether it's down in the Melville corridor or along the Expressway, the Sagtikos Parkway.

Our concept of regionalization and working together is to be applauded, because if we are going to improve infrastructure, we have to do it as a group of people, as a region. Then we can possibly see some of these projects.

You mention the project in your discussion called Heartland. Town of Huntington had a problem
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with that. Town of Huntington continues to have a problem. Why? Because it's not taking into consideration the regional impact. There is talk now that Commack Road is going to be an access point. Commack Road is a nightmare at any given time. This is great concern. We've retained Gregory Peterson to do a study for us, and we certainly will make that information available to this Commission. They're going to do an in-depth study because we do have concerns, and we are going to continue to have those concerns.

That project, although, can be very helpful. It also can devastate economically, environmentally, and pit one town against another, and that certainly is not what any of us want, and so we ask you to look at this closely to work with us on this, and hopefully we can come to some solutions. I think that the project, probably from just my early days in looking at it and briefly looking at it, the project does not have, in its paperwork, the concept of mitigation impact, which means spending money from a developer's point of view. And that project needs money to be spent in terms to improve any of the infrastructure around it.

We said early out, and we said it in
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intermodal and say it again, the Sagtikos Parkway is a
prime route that should be expanded and utilized for
all these projects so there can be a good regional
impact and a positive impact in terms of any of the
environmental concerns.

So I want to just thank you. I don't want to
take any more of your time. I can go on all afternoon,
as Adrienne knows. I thank you for being here in
Huntington and taking our concerns seriously, and we
look forward to working with you on this project and
other projects as we pursue them together and take your
input seriously. Thank you.

THE CHAIRMAN: Anyone have any questions or
comments for the Supervisor? If not, one thing I'll
note is that 110 corridor, particularly around the
Expressway, and obviously the potential there and the
exciting development going on there, one of the issues
we would like the Town to take a look at is the height
issue. I think there is a height variance applied for
the building 55. What kind of height makes sense there
going forward. Certainly it's no longer a sleepy
corner. It would be helpful for us to get a sense of
what the Town thinks is appropriate from a height
perspective.
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A lot of exciting things going on in Huntington. Huntington is a jewel of Suffolk County with its mix of downtowns and development like the 110 corridor and historic -- if I didn't mention Charla Bolton, who was a leader of historic preservation here and elsewhere. She just retired from this commission a couple of months ago. This is one of the few towns in Suffolk's history that has massive development on the town line.

COMMISSIONER HOLMES: May I comment, I am wearing the Suffolk County tercentenary medallion designed by Rufus Langhans?

SUPERVISOR PETRONE: Yes, we do remember Rufus.

THE CHAIRMAN: I want to recognize the commissioner from Huntington.

COMMISSIONER LANSDALE: I want to say it's a pleasure being here. I want to recognize Supervisor Petrone's leadership in the smart growth and sustainable development movement on Long Island. He was one of the first supervisors on Long Island to actually do a community based planning process for Gerard Street just down the street, and I want to also thank you for all your efforts in revitalizing
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Huntington Station and also for taking a second look at Avalon Bay.

THE CHAIRMAN: Thank you, Commissioner Lansdale and Supervisor Petrone. Next is Mitch Pally, who is the new CEO of the Long Island Builders Institute. We actually have someone who came in who missed the public portion who wishes to speak for three minutes. Without objection, I would like to reopen the public portion.

MS. WONG: Thank you very much.

THE CHAIRMAN: If you could spell your name for the record.

MS. WONG: Thank you. My name is Vivienne Wong, W-O-N-G, first name V-I-V-I-E-N-N-E. My address is 12 Cameron Drive, Huntington, 11743. I just want to go over just quickly two or three points, maybe four. I'm the president of the Anoatok Association. We have been around since 1946. We were one of the few planned communities. When the parcel was subdivided in 1946, there was issues made for land to be held for storm water runoff. We are right on the harbor.

One of the things we are having right now in Huntington is that our town never completed, and I did chair for about ten years the board for local
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waterfront revitalization. It has been at a complete standstill for about three years, and I often spent every Monday night once a month with department heads, and this has not been completed. This has been economically terrible for Huntington. Other towns on Long Island have been receiving large sums of money from the State under the Clean Air Clean Water Act. We are not getting the money because our WRP is not complete. Instead, the Town Board is issuing bonds, so we are being taxed twice, we are being taxed with the money going to New York State and we will have to pay on the bonds.

Another issue we are having in Huntington in terms of planning, we are lacking leadership. We are missing at least three department heads. Everyone knew these department heads were stepping down December 31st. We have no one right now to manage our maritime services. We have sixty-eight miles of waterfront and no head of maritime services. We have no head of Engineering and no head of Public Safety.

I would like to think that Suffolk County could help our town in talent that we need especially, with unemployment at twelve percent.

Another thing lacking, there has been no
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discussion of air quality. The Town has not had any
discussions with any of the developments on the impact
of air quality. Presently, the reviews I have read
shows that our region is not complying with Federal
standards. We have projects such as Avalon, which is
scaled down, but that still will create about twelve to
fifteen hundred cars a day. We have Heartland. In
terms of the sewer treatment plants, I know, and I wish
that I could show documents, that we are turning away
tucks right now away at twelve noon.

The infrastructure is a mess, and please help
the Town in getting the new department heads and
getting the WFRP done. Thank you.

THE CHAIRMAN: Thank you, Mitch, and
congratulations on your new leadership of LIBI.
Everyone knows that Mike Kelly is the president of LIBI
this year and we have a effective representative of the
building community here. Mitch, I want to welcome you
here.

MR. PALLY: Thank you very much. I want to
first mention I was at the same presentation with
Mr. Gulizio yesterday, and I found that the most
interesting thing that I heard was of the ten largest
metropolitan areas of growth in the country, between
2000 and 2010, nine were in the South and Southwest. The ONLY one that was not, which was number five, was Fort Wayne, Indiana. Either they are doing something right or something wrong. I thought it was interesting that an area that is not assumed to be a growth area was the fifth largest metropolitan growth area in the last ten years. Something to take a look at in that regard.

I did want to take a few moments to talk to you about the residential home building industry on Long Island, where it is, what we are concerned about and what we hope this Commission could be able to do in that regard. The residential home building industry on Long Island, as you can understand, is in one of the most difficult periods in many years from a variety of factors, the economy, government regulation and other factors have all interceded together to put the home building industry, and I don't just mean the single family home building industry, I mean multi-family and any components of it are at a crossroads.

Residential permits are down significantly and local government revenue is off one hundred million dollars. That is revenue directly to the municipalities. That does not count the construction
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jobs and affiliated jobs which would have been created
if we had just gone along at the usual permit process.

Home building is placed with an increasingly
regulatory and community environment with numerous
studies ready, willing and able to impose significant
new restrictions upon any type of residential home
building, including the Suffolk County Water Management
Plan, new Pine Barrens land use amendments, the new
mandatory Pine Barrens Credit Redemption Program, new
DEC endangered species regulations, new DEC
Environmental Assessment Forms, which are more complex
and expensive, although they say they're simpler, new
vegetation and clearing standards being proposed by
this commission, no new sewage treatment plant
capacity.

Unfortunately, a very great prejudice among
many school districts to the thought of any new
children coming to their community. It's as if
children are an anathema to Long Island in the 21st
century. What is needed is a new understanding of the
viability and necessity of new housing starts and what
this means to the local economy. The building
community wants to build, it does not want to fight.
That is why we have been part of the recent Carmans
River Water Management Plan negotiations, which is predicated upon a working transfer of development rights program, which has not been easy to come by. By that I mean a working transfer of development rights program, not just a TDR program in name only, which we have in many places, including the Town of Brookhaven at the moment, which has had a TDR program on its books for the last five years for which zero credits have been issued at the moment.

Unfortunately, unless there is an as-of-right requirement within the program, it will not work because everybody wants to live in a sending area and nobody wants to live in a receiving area. This is the specific reason why the Carmans River TDR program is created the way it is, with specific receiving areas on an overlay district on certain properties with a specific number of units allowed to be built as-of-right if they meet specific criteria. We can only hope the Town of Brookhaven will enact the resolution as negotiated by the building and environmental community.

The builders on Long Island want to build in the downtown areas, but it is very difficult because of a lack of sewers in most areas. As I told the mayor of
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Patchogue the other day, we no longer use Patchogue as an example, Patchogue no longer exists because everybody uses Patchogue as the only example of where something happened. When someplace else does it we will use it as an example. We have great difficulty in putting enough land together to build sewage plants in the areas, which are necessary under the current Health Department regulations, let alone the new Health Department regulations. We want to build on the major road corridors, but the project is often negatively impacted by the lack of capacity in the new sewage treatment plants and the lack of ability to build new plants.

Instead of putting new restrictions in place, the most important condition this Commission could create is a specific housing program for Suffolk County and create a specific mandatory requirement that each town and village create a specific number of housing units within their jurisdiction. Such a mandatory program has been working very well for the last fifteen years in Westchester County, created by their Planning Commission, passed by their County Legislature. LIBI would ask this Planning Commission to create such a mandatory program so each town and village would know
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how many units they would have to create and approve
and so everybody is included in the program, so we
don't rely on just one or two municipalities, such
Patchogue, I violated my own rule, as the one where new
housing units are created and very few other places do
it. Only in this way will we be able to move our
industry forward and create the jobs and economic
activity which is so important.

Second, LIBI would request that this
Commission and the County itself be required to
calculate the amount of lost tax revenues and jobs not
being created when open space is acquired. This will
allow all of us to understand completely all of the
consequences of land purchases, both positively and
negatively. LIBI looks forward to working with the
Commission on any new standards which you may be
considering now. We only ask you to let us be at the
table, just as we were in Brookhaven on the Carmans
River, so we could be part of the decision making
process and be able to identify any and all positive
and negative consequences.

I thank you very much for the opportunity to
participate in these discussions. I do have a few
copies of a report which LIBI had done for us by the
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National Association of Home Builders on the economic consequences of home building, which I will give to the staff. I, unfortunately, do not have enough for everybody. I thank you very much.

THE CHAIRMAN: Thank you and congratulations.

(Applause)

MR. PALLY: I'm glad nobody asked me about Long Island Bus, which we just solved.

THE CHAIRMAN: Any questions or comments around the table at this time? Thank you, Mitch. I think one thing that Mr. Pally said that is particularly important is looking at what other people have done with regard to housing goals, we have seen this with comprehensive plans for various municipalities, some of them understand the issues that we have as a region and some of them don't. We are all in this together, to make sure that our kids can live here and our families can stay here. So I think it does require all municipalities to participate. We will be happy to look at what Westchester has done. I knew New Jersey has some kind of fair share. It's one of the reasons I would love to have us as a county have a county housing summit later this year and figure out what is the best outcome of that, and what is
achievable, and certainly LIBI needs to be a part of that with the Housing Partnership and with regard to housing as well.

Any other comments? We will move onto the regulatory agenda. We have three items, Shelter Island and Smithtown and Islip. Shelter Island is up first.

MR. FRELENG: Thank you, Mr. Chairman and members of the Board. Just a clarification. If you have a copy of the agenda, pull New Frontier off the agenda. As of yesterday, four o'clock, the Town requested that that application be withdrawn.

This is an application of a new moratorium of the causeway areas, the Town is proposing a temporary moratorium related to Chapter 133 of the Shelter Island zoning law for a four month moratorium applicable to properties designated as causeway areas. This is generally in the vicinity of upper beach and lower beach along the Ram Island Drive peninsula on Shelter Island.

In 2010, the town of Shelter Island adopted a moratorium on development within the undeveloped coastal barrier districts described in Chapter 133 of the Shelter Island Town Code. The moratorium was due to expire on March 31, 2011. The moratorium was
April 6, 2011 Planning Commission referred to the Commission and was deliberated at the April 7, 2010 regular meeting. The commission was unable to render a determination; therefore, no action was taken by the Commission.

During the past year, the Town of Shelter Island has had several public meetings and has drafted several versions of amendments to the rules. As a result of this effort, the Town has decided to narrow the focus of the original moratorium to the low lying areas along the Ram Island causeways indicated on the screen so the town has allowed the original broader undeveloped coastal barrier district moratorium to expire. The Town indicated that the draft legislation is close to completion but will not be finalized by the close of the current moratorium, so the Town has elected to allow the moratorium on development in the undeveloped coastal barrier district to expire and to establish a moratorium on development within the causeway areas to allow the draft legislation to be finalized.

Going to the staff report, the staff report does critique the proposed moratorium that they're a little light on the description of hazards along the coastal area, although it's believed that the hazards
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are well known and the Town should not be critiqued too severely for not enumerating those types of hazards.

Staff had some issues with regard to exceptions and hardships and made some comments related to that. I would like to point out that we had conversations with the Town of Shelter Island since this matter was brought before the Commission. The Town has adopted the proposed moratorium as of March 18th. This moratorium was adopted. I had conversations with the Town, and they wish the Commission to proceed. Staff is recommending approval of the referred moratorium, subject to the following comments:

Comment Number 1 is related to the proposed local law should have a little more meat in it regarding the hazards of the coastal barrier area, and there should be provisions more explicit for hardship, and that was the second condition, second comment, I'm sorry, and the third comment, I juxtaposed the third comment, was related to impacts to the coastal barrier area and the second comment is they should clarify what is excepted by the proposed moratorium.

Three comments. They should really go into more detail on what is are hazards and what is the
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urgent reasons for the moratorium.

THE CHAIRMAN: I recognize the Commissioner from Shelter Island, Ms. Holmes.

COMMISSIONER HOLMES: Thank you. I think that the original moratorium was proposed and at that initial hearing quite some time ago it was very apparent that eighty percent of the coastal areas on Shelter Island are either undeveloped or County owned or Town owned, and including our four large beaches.

So, people brought up at the first moratorium, that really we are only talking about the causeways, and it seems to me that the town has heard that and recognized that and worked with that thought.

So that now they are, I think, justified in making a new moratorium which focuses on the first and second causeway as shown. And it's apparent to me, and if you could put up the Zagoreos property photo again, I went down and looked at the Zagoreos property, which is the only piece of developed land on either causeway. It's on the first causeway and the property was, a good many years ago, back in the early '60's and many of us at the time thought it was illegal, but it turned out the owners had found a loophole in what was then the Town regulation which said that you had to have at
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least a six foot elevation. Since it did not restrict bringing in fill, the owners brought in eight feet of fill and built their house.

It was subject to a good deal of flooding periodically when Mr. Zagoreos bought it a few years back, there was a fire there last year. And so, Mr. Zagoreos wanted to repair the house. And there was a great deal of discussion about it. And finally, the Town allowed him, because the house was located too close to the wetlands of Coecles Harbor and the Town finally gave him a permit to intrude upon the wetland in order to demolish the original structure. Then the DEC told him that he could rebuild, but he would have to rebuild closer to the road.

You can see the stakes, which I was surprised to see that he had actually gone in and demolished the original dwelling and has staked out where the new dwelling will go because many of us believed that Mr. Zagoreos was trying to hold out to get the Town or County to purchase the property from him, thereby solving the issue of no building on the causeways.

It appears to be that the provisions of the new moratorium, focusing just on the causeway, that the provisions are designed to accommodate Mr. Zagoreos so
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that he can go ahead with the permits from the Town and the DEC. And those appear to be the reasons to me behind the language of the new moratorium. And so, I sort of take a little issue. I can understand the staff's concern, but to me, it's quite well known within the Town why these provisions are made as they are.

Since there has been a great deal of controversy about the flooding of the causeways and unsuitability of them for building for many many years, I can think of thirty years where this issue has come up repeatedly, so I think the Town is moving in a good direction here and I would certainly support the staff report, except I sort of question the concerns, some of the concerns the staff has because I think they're very well known on Shelter Island.

THE CHAIRMAN: Staff report indicates that these are comments.

COMMISSIONER HOLMES: They're just comments.

THE CHAIRMAN: I think that is an important difference also. This is sort of our standard moratorium kind of concerns, to use Andy's phrase, where it has fingers and toes. I think by narrowing the scope of this and making the extension more
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palatable of the moratorium, for a very short period
and with the comments, I think they're appropriate
comments, it's consistent with what we said in the
past.

Did we take the bus tour past this?

COMMISSIONER HOLMES: Yes, we did. At the
time the dwelling was still there, the damaged dwelling
was still there. That is why I was really surprised to
see how he moved ahead.

THE CHAIRMAN: Thank you, Commissioner
Holmes. Other comments or thoughts about the staff
report? Seeing none, I'll entertain a motion to adopt
the staff report.

COMMISSIONER HOLMES: So move.

COMMISSIONER ROBERTS: Second.

THE CHAIRMAN: All in favor, please raise
your hand. (Show of hands) That is twelve to none.
Thank you. Motion adopted.

Next item on the agenda is the Amber Court in
Smithtown.

MR. FRELENG: Thank you, Mr. Chairman and
members of the Board. Amber Court Realty referred from
the Town of Smithtown. Jurisdiction is the property is
within five hundred feet of New York State Route 347.
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Applicants are seeking town board special exception approval for the construction of three thousand nine thousand square foot assisted living facility consisting of ninety-seven living units. Proposal requires seventy-three off street parking stalls and seventy-five are proposed. The petition includes the construction of a one story sewage treatment plant for the processing of sanitary waste.

The subject property is located on the west side of Lake Avenue approximately a hundred fifty feet north of Nesconset Highway, Route 347, in the Hamlet of Nesconset. The pattern of land use and zoning in the area, as you can see up on the screen that the subject property is at the southern end of a light industrial district, some interspersed whole scale industry zoning. South and east, R-15 residential zoning, minimum lot size ten thousand square feet. And in the south in the R-10 zoning, with lot size of ten thousand square feet.

The land use is the area is generally representative of the zoning pattern. Warehouse distribution and professional parks abut the property to the west and north. To the south the property abuts the rear yards of residential dwellings on Park Avenue.
I'll go through some of these slides. That is looking at subject property from Lake Avenue looking west from the subject site. You can see in the staff report, there is an existing structure on the site. You can see in the back it's a shed-like structure.

Again, that is another view from the street looking at the subject property. This is the property to the north, which is the -- this is the sign to the property to the north. It's a light industrial park. This is looking from the subject site across the street to some of the single family detached dwellings. That is looking at the subject site. There is an existing dwelling on the site. Again, some structures on the site.

Let's go to the site plan. The applicant is proposing to have one unrestricted access to Lake Avenue. There is no alternate or emergency access proposed. There are no environmental constraints on the property.

In terms of the staff analysis, we note that is the petition is for the proposed assisted living facility and sewage waste water treatment plant. The property is not located in an existing municipal sewer district or adjacent to an existing private sewage
treatment plant. There are, however, some sewage treatment plants in the east in the Lake Grove area, and to the west in the Village of the Branch. In order to regionalize waste water treatment toward the further preservation of the potable groundwater table, the applicant should hold discussions with the Suffolk County Department of Health Services and Suffolk County Department of Public Works to investigate connections to existing treatment facilities or options for on-site facility capacity expansion for possible future connections.

We are recommending this if they haven't done that already. We believe currently looking at regional sewering, we believe there should be discussions on whether or not that plant is necessary. Whether it could connect to existing facilities or whether those facilities could be expanded or whether the facility proposed could accommodate future expansion in the area.

Regarding equity and housing diversity, it is the understanding of Commission staff at the time of writing this staff report believed that the entire project could be considered affordable. We since had some discussion with the applicant and Town. That has
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been clarified. The affordability component for the
project is eighty percent. I wanted to clarify that
from what was indicated in the written report.

There is no indication in the referred
material to the Commission that the petitioner has
considered energy efficiency in the layout and design
of the proposed development. The applicant should be
required to hold discussions with the Suffolk County
Department of Public Works Transportation Division.

There is no indication in the referral
material that the petitioner considered public safety
in the layout or design of the project. We are
recommending that the applicant take a look at the
Planning Commission's guidelines on incorporating
public safety into this project.

It's been argued that the proposed assisted
living facility is a good transitional use. Staff does
not necessarily disagree with that. However, we
believe that buffering with fast growing evergreens
should be planted to screen the facility from the
adjacent residents and the three story facility. Their
buffer could include a raised berm, and we believe that
the applicant is proposing a raised berm at this time,
and fast growing evergreen trees for maximum screening
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At the same time, the property line on the north end of the property should also be buffered to protect the residents from noise light and impact of the light industrial uses. The height of the proposed assisted living facility is to be forty-nine feet or three stories, requested. It's the belief of staff that the proposed building may not be in character with the surrounding community and may be an aesthetic impact to the Lake Avenue corridor.

Staff is recommending that the applicant take another look at that and that the building be reduced in height where the desired gross floor area may be achieved by enlarging the gross footprint.

The staff is recommending approval of the application, subject to the following conditions and comments:

The first condition is that the petitioner hold discussions with DPW and Department of Health Services regarding the sewage treatment plant, and the second condition that the petitioner be directed to review the Suffolk County Planning Commission guidebook for guidelines on incorporating energy efficiency into this project.
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Third condition, the petitioner be directed to review the Planning Commission Guidelines on public safety. And the staff is recommending that the Commission forward four comments for this project.

The fourth comment was related to the affordability component. We would like to drop that comment or revise it. We do understand that eighty percent of the project is considered affordable. We believe they should discuss with the Department of Economic Development Workforce Housing for any opportunities that would enhance the proposal.

There is no bus turn off or drop off. We recommended holding discussions with DPW Transportation Division to investigate the need for transit service adjustments.

And the third comment is regarding adequate buffering. That is a raised berm with fast growing evergreens should be planted. We believe that the applicant is ahead of us on that comment and is working with the Town on that.

And that the applicant consider reducing the height by expanding the footprint. Again, that is a comment. That is the staff report.

THE CHAIRMAN: Thank you, Andy. I
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appreciate the notes about what we might change. This
is a Smithtown project. Commissioner Finn.

COMMISSIONER FINN: Thank you, Andy and the
staff for that detailed thorough report. I'm happy to
report that is the first Town of Smithtown application
that this Commission has seen. I happen to know the
area pretty well. I must commend the Town of Smithtown
for doing some infrastructure work. Southern
Boulevard, which was always a mainly or north-south
road, has been expanded to include sidewalks, and even
though it's not -- this property doesn't front on that
road, it kind of spurred a hub of development here
which has been has seen one project more successful
than the next.

All the while, Smithtown has what has been
defined as automobile row, which has a WSI zone, which
Andy mentioned, which they continue to struggle with
vacancies. This project is at the tail end and getting
up to the major roadway of 347.

Proposed use, I agree with the staff report
having to be a transitional use and that being a
favorable usage for a commercial site internally as it
abuts up to the residences. I don't see anything in
our package about the elevation, the details. I don't
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know if we have a rendering. Would the staff have a
rendering of what the facade of the structure is going
to look like?

MR. FRELENG: No.

COMMISSIONER FINN: I can only guess, but I
would imagine this would be similar to some of the
other projects that are proposed in or about the area,
which would be colonial in nature. This project,
amongst others, that are proposed, as we age here on
Long Island, this is a use that we have to make sure we
provide for the elderly and hope our seniors can stay
in the community, because they add a level of history
and if it leaves Long Island, that history is gone.
The fact that we can capture that and have them stay,
most of the residents that are going to be here are
going to be residents of the Town of Smithtown.

With all that being said, I think the report
is thorough. The only thing about the contact with
DPW, I don't know that there is any sewage treatment
plant in the Village of the Branch.

MR. FRELENG: We reviewed the reference
documents that we have indicated that there were sewage
treatment plants in the Village. I didn't identify
which ones they were. I will have to go back and find
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out what they are.

COMMISSIONER FINN: I would like to know. We are probably the largest landlord in the Village of the Branch, and I would like to know. The fact that they're going to accommodate the wastewater on the site, I would recommend that we approve the report that the staff as noted.

THE CHAIRMAN: Thanks, John. Andy, how far is the Village boundaries from this project?

MR. FRELENG: I wouldn't know.

COMMISSIONER FINN: The Village boundary, this is the Town of Smithtown. The Village boundary for the Village of the Branch starts at the intersection of Terry Road and Middle Country Road, and goes west. There is a sewer treatment plant west of the site on Terry Road and Nesconset Highway, which is linked up to the Avalon Bay apartment complex. That is the closest that I know of. From the village it's probably a mile and a half, two miles.

THE CHAIRMAN: It remains to be seen whether it's feasible or not. Ask them to look into it. I think the state is that we have twenty or thirty percent of the STP plants in New York are here in Suffolk County. Certainly there is nothing wrong with
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directing the applicant to have this conversation.

Andy mentioned with regard to edits, the Comment Number 1 says that the entire facility is affordable. Can you clarify that information, that it really should be the majority of the facility. I ask, without objection, that we make that a comment.

The last thing, the height language in the staff report. I'll just throw this out, see if others agree. The second half of Comment Number 4 talks about the building should be reduced to height and that the same area may be achieved by enlarging the building's footprint. I don't think that is the thing we want to affirmatively say.

I think it's more appropriate, I think the first few sentences are fine in regard to the character of the area. Perhaps where it says it's the belief of the County Planning Commission that the building is not in character. We didn't see a draft facade. I think it's hard to say that, given the dips and depressions in the land, but I think it's appropriate to raise the issue the Town should consider the impact.

My suggestion would be after you note the character or setting of the area, we add a sentence, delete the rest of it, and add the Town should
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carefully consider the potential impact associated with
the proposed height variance, period. That would sort
of allow us to avoid making judgements on it.

COMMISSIONER CHARTRAND: I agreed with it. We
agree with you in Huntington with the 55, to let it go
back to the Town.

THE CHAIRMAN: We are limited to what is on
the record.

COMMISSIONER WEIR: I just want to note that
half of the area on the north is commercial, hard
commercial, so I don't think it's right to say it's not
in character. It is a transitional area, the property
on the west side.

THE CHAIRMAN: I think that the staff
recommendation is sort of in line. The height
characteristic is a little bit different than the norm,
which is true. That is why I think you want the Town
to consider that issue. At least keep it in mind, in
determining the flow of property.

MR. FRELENG: The commercial buildings to the
north are one story buildings.

COMMISSIONER HOLMES: I agree with your thought to
delete the second part of Comment 4 and simply say the
Town should consider the impact of the height of the
surrounding area and let it go at that. I agree with that.

MR. GULIZIO: I think it supports the staff in connection with its potential impacts associated with the height while drawing attention to the issue with the Town. I think it's an appropriate comment.

COMMISSIONER KELLY: Regarding the height, I just want to go back to Andy's point regarding the setback or the position of the building, with regards to the neighboring properties. Looks like from this aerial that we have, it looks like there is some significant setbacks on at least three of the sides. One side doesn't look like there is much of a setback, it looks like it's abutting a commercial property. The position of the building in regard to the property boundaries itself, plus the screening requirement that Andy discussed with the buffer and the landscaping, I think should be in context with whatever that height comment you want to address.

I think it's got to be clearly spelled out that personally, I don't see the height being much of an issue, based on the fact that Andy's required screening, the buffer and landscaping along with the fact that it's positioned within the parcel itself.
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Seems to be not obtuse.

THE CHAIRMAN: Let me read what I'm suggesting, if you want to suggest any addition to that. Then this is the way it will read: "Referral information submitted to Office of the Suffolk County Planning Commission indicates that the height of the proposed assisted living facility is proposed to be three stories. This requires relief from the Smithtown Board of Zoning Appeals. The Town should carefully consider proposed impacts associated with the proposed height variance."

Does anyone have any objection to making that edit?

COMMISSIONER WEIR: None.

THE CHAIRMAN: Seeing that, we will make that edit.

COMMISSIONER KELLY: I think that is fine. Do we see this on the ZBA?

MR. FRELEN: It should be referred to the Commission. When it goes before the Zoning Board of Appeals for height variance, it should come before the Commission again when it goes before the Planning Board for height variance.

It's a ninety thousand square foot three
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story building. It's rather massive. There should be some buffering.

THE CHAIRMAN: Any additional recommendation with regard to the comment? Seeing none. Any other thoughts or comments, questions? Seeing none, entertain a motion to adopt the staff report as amended. Motion by Commissioner Finn, seconded by Commissioner Weir. All in favor, please raise your hand. (Show of hands) Adoption of the staff report as amended eleven to zero.

MR. FRELENG: I just want to introduce Andrew Amakawa, who will be giving his first presentation to the Commission today.

THE CHAIRMAN: It's twelve zero.

MR. AMAKAWA: Hello to the Commission. This is Westbrook Village. This is a subdivision application. Applicant Astor Realty is proposing a six lot subdivision on a thirty-seven point eight acre parcel. It's in the Town of Islip.

The subject property is located west of Montauk Highway, east of Connetquot Avenue, falls within the Commission's jurisdiction since it's located within five hundred feet of New York State Route 27, 27A and New York State land in a planned development
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district.

I took a couple of photos. That is the property looking north. You can see a majority of the property is undeveloped, with the exception of a couple of left over industrial buildings for the aerospace industry. Also has a parking lot. For the most part it's undeveloped.

In this shot is taken off Wheeler Road to the east of the property. This would be a main access to the proposed development for three hundred twenty unit residential development. Looking down there, you can see on the south side of the road, that is where the majority of the land is. That is looking south. As you enter the entrance you can look south and see the property is abutted to the east by recreational baseball fields.

Moving into the property more you will see left over parking lot and warehouse buildings, sort of north central. The last shot is taken, it's going to be main thoroughway running north and south connecting Sunrise Highway to the north to Montauk Highway to the south. You can see, this is the undeveloped area that is on the southern portion of the site, and on the northern portion is the existing office industrial
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space, also known as Long Island Business Technology Center, I believe.

MR. GULIZIO: I know this is your first time. I don't know you have longer you have. I'm just kidding, take your time.

MR. AMAKAWA: I'll speed this up slightly. I want to give you a little bit of history of the project. It came before the Commission in May 2008 as a change of zone. Request by the applicant was for change of zone from Industrial 2 District to Residential AAA. The request was to rezone it to the Great River Planned Development District. It was a two step request to establish the Great River Planned Development District and to rezone this property into the district.

Just to give you a quick summary of what is taking place, the Commission reviewed this initial request the change of zone was obviously reviewed by the Commission with conditions approved. It then went back to the Town and the Town adopted the Great River Planned Development District and rezoned this property. There were filed deed and covenant restrictions for the site.

Getting back to what you see before you, this
current application is the subdivision request. Again, it is for six lots, and the Town has indicated that the applicant is requesting this subdivision specifically for the southern portion of the property, not the northern portion. Due to current economic conditions, financing entities require significant percentage of units to be sold before seeing the funds.

I think it's important to mention some critical issues, mitigation measures that have been addressed by the applicant in coordination with the Town. One of those issues was density. Since this application last became before the Commission, they have actually reduced the density quite a bit. The previous development proposal would be equated to nine point five units per acre and it was reduced to eight point five unit per acre under their proposal for development. That would be for the southern portion.

Another issue that I think is worth mentioning that has been addressed, again by the Town, in coordination with the applicant, is affordable housing. The Great River Planned Development District code amendment, which was adopted, requires now a minimum of twenty percent of total dwellings be deemed affordable. This project has also filed a deed and
covenant restriction has been filed with the property, which would require the applicant to build sixty-four non-age restricted units affordable, of which thirty-two would be rental.

The next item to be brought to the Commission's attention would be traffic mitigation. Consistent with the proposed development, there are two identified traffic corners that would require new traffic signals at the intersection of Union Boulevard and Montauk Highway and Montauk Highway and Wheeler Road. I thought it was worth bringing it to your attention as your environmental conditions, this property is not located in a special groundwater protection area or in the Pine Barrens region. Westbrook Pond is over a thousand feet from the property's eastern boundary.

I will move onto staff analysis and recommendations. Staff generally supports this application with conditions applied to six identified areas. The first area would be the access, accessibility within the future residential development on existing road. Staff would recommend that common access easement be created for all internal roads designed to ensure adequate access throughout the site.
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for emergency vehicles, consistent with Commission guidelines. Commission guidelines specifically recommend that no parcel should be landlocked, which could compromise the health and safety of future residents. And it also would create a common easement which would potentially avert disputes between property owners of the internal roads.

Moving onto the next condition that staff recommends is a stormwater pollution prevention plan be implemented to manage stormwater runoff, pursuant to New York State's discharge elimination program requirements. This is in accordance with policy guidelines which highlight New York State requirements to develop the SWPP for construction sites of one acre or larger. The construction site obviously would be -- the requirements with approximately two point nine acres proposed office space and seven point nine acres of residential space.

The next condition, subject property should be deemed to be free and clear of surface and subsurface hazardous material. This condition was previously included in the review for change of zone for the property. I think that should be repeated. Subject property has been an industrial site for the
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aerospace industry and it's recommended that
environmental assessment of the hazardous materials on
the site should be undertaken.

Condition 4, the applicant should be
directed to consult the guidebook of the Suffolk County
Planning Commission for details on universal design
features of buildings to improve access for all members
of the community. Based on the applicant's proposed
development plan in which a hundred of the three
hundred twenty-five units will be age restricted senior
owner-occupied units, it makes sense to require design
elements specific to an aging population.

Five, that staff recommends that the
applicant consult the Commission's guidebook on energy
efficiency. The reason why the Town has, in
conjunction with the applicant, has addressed energy
efficiency on the northern part of the property, which
does not apply to the current application and they went
so far as to file a deed and covenant requiring the
future applicant to submit an energy efficiency plan
for the northern portion of the site. I felt it would
be appropriate to also consider the southern portion,
considering how much development will be taking place
in terms of residential development on the southern
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portion of the property, so the recommendation is to consult the energy efficiency design section of the guidebook.

As for Condition Number 6, the applicant should facilitate the convenient and safe pedestrian connections between the residential and office/industrial portions of the property. Preliminary site plan indicates safe pedestrian connections.

I understand the Town is still developing a final site plan. It's just a recommendation that staff believes that the applicant should consider in the final site plan.

I just have one last at condition to the staff report, which isn't included in the staff report you have. But I would like to add it as a comment. Staff believes the applicant should clarify the correct acreage of land for the dedication to the Town of Islip for recreation purposes since there is a discrepancy between the subdivision plan and what is indicated on filed deed covenant. The applicant submitted a subdivision plan which indicates a four acre lot, that is the southwestern corner where proposed dedication to the Town would occur. However, there is also a filed
deed covenant that indicates a dedication of approximately only three acres. There is a discrepancy between the subdivision indicating four acres and for the southwestern lot and covenant and restriction indicating only approximately three acres being indicated. I think that should be corrected if needed. That would be the staff report. (Applause)

THE CHAIRMAN: Good job, Andy. Good to have you aboard. This is an Islip project. Commissioner Chartrand, any comments that you would like to provide?

COMMISSIONER CHARTRAND: First I would like to thank Andy. Great job. I don't know if they were clapping because you were done or because it was such a good job. It's a good job.

The area is an eyesore of the community, especially when you come up on Montauk Highway. With regard to the location, it's a great location to walk to the train station there. I appreciate the input that you put into the with the sidewalks. It will help the community and lessen some of the traffic in the area.

As far as the hazardous material, that language should be a little bit stronger because of the site that was previously there, the aerospace, that's
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it on the comment.

THE CHAIRMAN: You are saying Condition Number 3, Matt?

COMMISSIONER CHARTRAND: A little bit stronger language.

THE CHAIRMAN: We want to indicate that needs to be deemed by the Town free and clear as opposed to just deemed. Indicates who needs to deem it.

COMMISSIONER TALDONE: Now I will present an alternative. I’m actually concerned that the language is too strong in that are we concerned there being any hazardous material, whether it's hazardous to human health or not, just that it's there from ancient history when the site was used for aerospace uses.

If we add something on the end of the sentence hazardous material that poses a risk to human health, that kind offsets the standards a little higher rather than just deemed to be free and clear of any hazardous material, or is that already assumed? That is really a question. Is that already assumed, if we deem it hazardous, that it's hazardous to human health? I'm trying to get the language clean so we don't end up making the restriction tougher than what is needed to provide a safe place for people to live.
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THE CHAIRMAN: I'll ask Director Gulizio.

MR. GULIZIO: Should be deemed free and clear by the Town of surface and subsurface materials in accordance with all Federal and State and Local guidelines.

MR. FRELENG: If I could add to that, deemed free and clear by the appropriate agencies.

COMMISSIONER HOLMES: I think we should spell it out.

THE CHAIRMAN: Andy's point is that it's not necessarily the Town, whatever the appropriate agency.

COMMISSIONER HOLMES: The wording Dan gave is good because it spells out the regulations.

THE CHAIRMAN: I agree that makes sense with regard who should be deeming. Commissioner Kelly.

COMMISSIONER KELLY: Just on point is that our jurisdiction or the Health Department jurisdiction when approving the site; is that the Department of Environmental?

COMMISSIONER ESPOSITO: We have added that before. It's not a standard for us, but we have mentioned it before. I remember in specific we looked at a couple of the high houses; for instance we spoke about that there should be an examination or
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coloration of groundwater contamination of the pesticide examination. We raised it when it was a glaring issue, but it's not necessarily a standard issue for us.

COMMISSIONER KELLY: Our policy would be to raise it to the Town or to the Health Department if it would go to the Health Department for site plan approval anyway, free of hazardous materials. I do not know. That is all I'm asking.

MR. GULIZIO: I think the best way to address it, the Town is the ultimate permitting agency in connection with this application, recognizing that there are overlapping government agencies that may play a role in the application. I think it's appropriate to say that the Town shall, in light of the previous history of the property, the Town shall determine prior issuance of any permits that are deemed free and clear of surface and subsurface of hazardous material in accordance with all applicable Federal, State and Local regulations. I think it places responsibility of where it ought to be, at the Town.

THE CHAIRMAN: I think what Commissioner Kelly raises, since other agencies are going to look at it, should it be duplicative. I don't think it's
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duplicative, in that we are bringing it to the
attention of the Town. This is a particular site where
there have been issues, and we want to make sure that
the residential buildings should be built on places
that have been -- I think the issue that you're
raising, I don't know that we have the time to have
that conversation now.

COMMISSIONER HOLMES: Doesn't the Town have
to pretty well certify to the Department of Health that
they have made sure that the property is free of, or is
Mike saying that it's the Department of Health that has
to certify, make that certification? I thought that
the Town had to do the investigation and make the
certification to the Health Department. Am I wrong?

COMMISSIONER ESPOSITO: I think we are
going a little bit too analytical. I think the
purpose is to raise it as a valid point and then the
Town will do their judicious work in knowing who needs
to do what, when and where. For us, it's important to
raise it because we have a known issue here, or
potential issue.

As we have done in the past, we can just
leave it at that without getting too much into the
reason about who needs to do what. I think the Town
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will know that. I think we want them to know that this is something to raise and we have that concern.

THE CHAIRMAN: One part of the rationale that I'm a little concerned about, remember, we want to be clear about what our condition is. Our first sentence is identified to be the condition, so the Town knows it, complies with the condition. It does not need a super majority. If it chooses to abide by that, it does not need a super majority.

The Number 3 talks about environmental assessment or hazardous materials on site. I'm worried that that says something a little different than what the condition says. It can lead to confusion in potential policies. I think the Town can rely on other agencies for doing that work to convey to them whether they consider them standards. The sentence that it's recommended as environmental assessment, I would be interested to hear the staff's thought about it.

MR. GULIZIO: I think there is a very well known site to the town the town is familiar with the history of the property. And my guess, although I can't say on the record that I'm assuming there was an Environmental Impact Statement done in connection with
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the application before the Town Board for change of zone, again, with the comments, I think it's really just making sure that the Town is aware of the concerns of the property, the Commission concerns associated it. It's more for informational purposes.

In terms of the specific second paragraph about the stockpiling material and requirement that an assessment be made of that, if the Commission's preference is to make that a comment as opposed to a condition, I don't believe staff would have an objection to that. Andrew, are you comfortable with that?

MR. AMAKAWA: Sure, are we submitting it?

MR. GULIZIO: I think it's something for the Commission to consider. I think either way, condition or comment.

THE CHAIRMAN: I recommend that the language of the entire explanatory portion should be made a comment rather than a condition, would be my personal feeling. What we could do, the condition part of 3, the first sentence is just, what Dan said I think you prefaced it in light of the history of the parcel, comma, the subject property shall be deemed by the Town to be free and clear of subsurface and surface
hazardous materials according to the appropriate State
and Federal regulations.

Forget the Town part, just State and Federal.

I'll make the first motion to take the language out of
the bottom of 3, everything except the first sentence,
and make that a comment. Any objection to making that
a comment and not a condition? I see a hand down
there.

COMMISSIONER WEIR: I was just going to
second it.

THE CHAIRMAN: Without objection, we will
make that part a comment, the edit which I just read
to the condition. Is there any objection to rephrasing
the condition the way Dan originally described and I
just articulated? Seeing none, we will make that edit
a condition. Any other thoughts or comments?

Commissioner McAdam.

COMMISSIONER McADAM: Andy, there is a
section on parking that says GRPDD code adopts a
minimum of two point two parking stalls per residential
unit and then the office area is three point five
stalls per one thousand. I assume that that is okay.

You didn't say one way or the other whether or not that
falls within the general guidelines.
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MR. AMAKAWA: That is according to your adopted code.

COMMISSIONER McADAM: Is it reasonable; that is the question.

MR. AMAKAWA: I believe it's reasonable.

MR. FRELENG: We looked at the parking and we believe the parking as proposed within the code is reasonable.

COMMISSIONER FINN: Again, I want to echo the thoughts of the other commissioners. Andrew, for your first presentation you did a great job in presenting this application. One point I want to highlight and make comment on was the density, and physical impact. I don't know if you have seen this paragraph in any prior reports.

I think it's something we should note, especially in the environmental, where everybody is concerned about property taxes and economic impact. The example here, I notice in the report, I think it's something of note that we should highlight projects something on one that has a tax positive such as this. It's a mixed generational project, it's not just senior, but it's something we should be mindful of as a commission on both the tax impact and we don't have to
What is the economic impact basically from a construction standpoint from origination of this project. You may want to highlight some of these bullets because they're pertinent facts on the growth and tax positive, increase of the tax base.

COMMISSIONER KONTOKOSKA: Thank for putting this together and thanks for having a name like Andrew so we have two. Did you do the analysis or did you pull the information?

MR. AMAKAWA: Most of the information that you see in the report is pulled from the combination of the Draft EIS and Final EIS.

COMMISSIONER KONTOKOSKA: Most of the impact that comes up here, when we look at the cost, average cost difference from the marginal cost is usually something that comes up that the marginal cost is lower because if you have for example, a classroom, if you add another student to the classroom, the fixed costs aren't necessarily (inaudible). This is would be upper bound of actual student costs.

When we look at the physical impact of tax revenues, we have to look at the actual student expenditures. This is always something that comes up.
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Communities opposing don't always refer back to this and no one gets the numbers right, what it actually costs to have an extra child in school. I just wanted to point that out.

COMMISSIONER KELLY: On that regard, the report that you refer to, the Rutgers Study, there is another study that came out more recently than Pearl Kamer, that actually studied the actual children in schools of Long Island that count is a little bit lower than the Rutgers Study. It's based on actual multi-family projects here on Long Island. That might be something to consider as well.

THE CHAIRMAN: Certainly valid points and important, particularly as we hear projects that raise those issues of student density. As Mitch Pally said, it's sort of ironic that more students is all of a sudden a bad thing. We understand the politics. The bottom line is that section of the staff report is not included in the proposal.

I would like to get back to that and see if there are any other comments on the staff recommendation. One thing I want to clarify that was the comment that you were suggesting. I want to make sure we have the language right. I think it was
basically, one, discrepancy between the deed covenant on the subdivision map with regard to what is being set aside.

MR. AMAKAWA: Correct, for the recreational uses.

THE CHAIRMAN: Period. The applicant should clarify which acreage is correct, right? Clarify the discrepancy.

MR. AMAKAWA: Right.

THE CHAIRMAN: That is just a comment. Two would be the amended piece to Number 3. Anyone else?

COMMISSIONER WEIR: Just on the same thing whether jurisdiction on Condition Number 2, it says they must comply with the SPDES that is required. You think that is kind of redundant? We don't really have the jurisdiction. It's a State requirement that all plans have to go through. That might be a comment or description in the beginning because we don't have that. They have to comply with that now through the State, or otherwise they wouldn't get their permit.

THE CHAIRMAN: Again, as Commissioner Kelly raised, I think it's part of the broader conversation. The Commission has included these kinds of things where it feels there is, even though someone else is setting
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the standards where it pertains to land use and has a
regional impact, like the Connetquot River, they have
put in this kind of language.

It is true that it is redundant in the sense
that we have to do it in order to move forward. It's a
way of this Commission emphasizing the importance of
those issues.

It's a valid point to come up. I don't think
we want to have that conversation now as a category. I
don't think there is any harm in including it as we
have in the past. I see the point in sort of the
bigger picture. There are a few things that we mention
a lot that aren't necessarily there within our
jurisdiction because they're land use, but someone else
is going to be signing off on them.

COMMISSIONER WEIR: It's just a comment.

THE CHAIRMAN: Anybody feel strongly about
taking it out? I think it's a good point.

COMMISSIONER WEIR: Just a comment.

THE CHAIRMAN: Any other thoughts or
comments? Seeing none, that will --

COMMISSIONER TALDONE: I would just like to
quickly support the concerns expressed by Constantine
regarding the students. I'm aware of a couple of
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districts in which I have couple of family members living where student enrollment is falling and they have long term fixed costs, so actually adding students is actually a benefit to the district, so you really need to know the district before you have an estimated cost of adding students.

We have to be careful about how we present that.

THE CHAIRMAN: I'll entertain a motion to adopt the staff report as amended.

COMMISSIONER HOLMES: Motion.

COMMISSIONER CHARTRAND: Second.

THE CHAIRMAN: All in favor of the staff report as amended with the edits to Condition 3, the addition of the comment on the discrepancy of the parcel to be dedicated, as well as the new comments on the hazardous materials pulled from the bottom of Condition 3.

All in favor of adopting that, raise your hand. (Show of hands) Opposed? Twelve-zero. That ends our regulatory agenda.

Couple of last comments. We are in Patchogue next month, as indicated. We will be on a walking tour before that. Let me invite any of you that wish to
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spend more time with me today to join us for the
guidelines committee meeting. Entertain a motion to
adjourn.

COMMISSIONER KONTOKOSKA: Motion.
COMMISSIONER LANSDALE: Second.

THE CHAIRMAN: All in favor. We are
adjourned.

(Time noted: 2:15 p.m.)
CERTIFICATION

STATE OF NEW YORK)

COUNTY OF SUFFOLK)

I, JUDI GALLOP, a Notary Public in and for the State of New York, do hereby certify:

THAT this is a true and accurate record of the hearing held by and before the Enforcement Bureau of the Suffolk County Office of Pollution Control, as reported by me and transcribed by me.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, 2011.

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