NOTICE OF MEETING

June 1, 2011
12:00 – noon
Evans K. Griffing Building,
Maxine S. Postal Auditorium in Riverside, NY

Tentative Agenda Includes:

1. Adoption of minutes for March, April 2011
2. Public Portion
3. Chairman’s report
4. Director’s report
5. Guest Speakers:
   - Joseph M. Gergela III, Executive Director - Long Island Farm Bureau
   - Village of Patchogue (Invited) – Moratorium
   - Town of Southampton (Invited) – Amendment
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
   - Village of Patchogue Moratorium V Village Wide (Village of Patchogue)
   - Town of Southampton – Amendment General Development Standards (Town of Southampton)
   - Artist Lake Plaza 0200 37900 0100 003001 et al. (Town of Brookhaven)
   - Avalon Bay at Huntington Station 0400 10404 0200 001000 et al. (Town of Huntington)
7. Section A14-24 of the Suffolk County Administrative Code
   NONE
8. Other Business:
   - Consideration of draft of Suffolk County Comprehensive Plan-Volume 1

NOTE: The next meeting of the SUFFOLK COUNTY PLANNING COMMISSION will be held onWEDNESDAY, July 6th in the Legislative Auditorium in Hauppauge.
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MEMBERS PRESENT:
DAVID CALONE, Chairman
CONSTANTINE KONTOKOSKA, Vice Chairman
ADRIENNE ESPOSITO, Secretary
CARL GABRIELSEN, Town of Riverhead
DIANA WEIR, Town of East Hampton
LINDA HOLMES, Shelter Island
THOMAS McADAM, Town of Southold
JENNIFER CASEY, Town of Huntington
MICHAEL KELLY, Town of Brookhaven
JOHN FINN, Town of Smithtown
MATTHEW CHARTRAND, Town of Islip
BARBARA ROBERTS, Town of Southampton
WILLIAM E. SCHOOLMAN, At Large
THOMAS YOUNG, ESQ., County Attorney for
Planning Department

SARAH LANSDALE, Director of Planning
DANIEL J. GULIZIO, Deputy Planning Director
ANDREW FRELENG, Chief Planner
ANDREW AMAKAWA, Planning Department

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631.224.5054
THE CHAIRMAN: Good afternoon and welcome to the June 2011 meeting of the Suffolk County Planning Commission. I'll note that we have a quorum present and I would ask the Vice Chairman to lead us in the pledge.

(Recitation of the Pledge of Allegiance)

THE CHAIRMAN: Let me start with an apology for those present on our delay in getting started. I appreciate you bearing with us this afternoon.

First item on the agenda is swearing in of two new members of the Planning Commission. I ask Bill Schoolman and Jennifer Casey to rise.

(The new Commission members were sworn in by the Chairman.)

THE CHAIRMAN: Welcome aboard. (Applause)

Jennifer, Bill, anything that would you like to say?

COMMISSIONER CASEY: I just want to thank the County Executive and County Legislature for the opportunity to serve on this Commission, and I look forward to working with all of you.

COMMISSIONER SCHOOLMAN: The same.

THE CHAIRMAN: We appreciate brevity, Bill; that is a good start. Next item on the agenda is the adoption of the minutes for March and April of 2011.
Our editor-in-chief and I have reviewed the minutes. Let's start with March. Commissioner Holmes, any additions?

COMMISSIONER HOLMES: With March, I found about twenty errors, and most of them are fairly minor, but there a couple that were garbled or that a word was omitted. I think they're certainly correctable.

THE CHAIRMAN: Edits that I found were fairly de minimis, typographical in nature. Anyone else have any additions to the March, 2011 minutes? Seeing none, I will accept a motion to adopt the minutes.

COMMISSIONER HORTON: So move.

COMMISSIONER HOLMES: Second.

THE CHAIRMAN: All those in favor, please raise your hand. I'll record the two new members as abstaining on the vote. The vote is eleven to zero to two.

The next item is the minutes of April, 2011. I also have de minimis typographical edits.

COMMISSIONER HOLMES: I only found twenty-eight errors. As usual you found a zillion more. Again, I think they're fairly minor. Mostly with mine there were words that were omitted in a sentence and again, quite correctable.
THE CHAIRMAN: Other edits or additions to the minutes of April, 2011? Seeing none, motion by Commissioner Weir and second by Commissioner Roberts. All in favor, please raise your hand. Opposed? And two abstentions; eleven to zero to two.

Thank you again, as always, to Commissioner Holmes for her efforts in reading the minutes so carefully.

The next item is the public portion. I have a number of cards here today. First one is from Mitch Pally. Mr. Pally, you have three minutes. I have a timer up there, which I will be using. So state your name and spell it for the record.

MR. PALLY: Usually on MTA, I'm on the other side of the three minutes. Thank you. Mitchell Pally, Chief Executive Officer of the Long Island Builders Institute, and on behalf of the four hundred fifty members and employees of LIBI, we are here today to reaffirm our support for the rezoning of the property involved in Huntington Station from single family homes to multi-family under the Town's existing multi-family zoning statute.

The rezoning of this property will allow for the one of the most beautiful and exciting housing
developments to be built in the Town of Huntington. Just as such a project was already built in Melville. The project will provide hundreds of construction jobs and many new permanent jobs in the management of the facility and create many new options in the downtown areas for the many young families and young people. The project will be tax positive for the local school district and provide significant environmental benefits in the community by facilitating the sewage and water flow through one managed community rather than in over one hundred single family homes.

In addition, traffic mitigation measures will allow for the inclusion of new transportation features staggered throughout the day into the road network. All in all LIBI believes this project is the right project in the right place at the right time in the Town of Huntington and it meets all the specific criteria listed in both the County's Comprehensive Plan and the County's Smart Growth Plan.

Even more important than that, this project has become a linchpin for Long Island. Is Long Island going to go forward or going to go backwards? While almost all of the other municipalities on Long Island were not helping to the degree necessary, the Town of
Huntington was aggressive and forthright in making sure that Canon would remain on Long Island and create hundreds of jobs for our residents. Now the Town of Huntington in cooperation with Suffolk County here today can once again help Long Island by making sure that these housing needs are developed in the Town of Huntington.

It is no accident that the most important office building project, and to a degree, the most important residential project, are both being built in the Town of Huntington with the cooperation of Suffolk County, which is what we need today, the cooperation of Suffolk County. As we all knew from the movies, Long Island will not go quietly into the night without a fight. And the municipality and the municipalities leading that way are asking this planning commission for help in making that happen.

Your approval of the Avalon Bay development in Huntington Station will once again showcase both the leadership of the Town of Huntington and the leadership of Suffolk County. We would urge its approval. We would urge its approval in the manner in which it's designed now by the Town of Huntington without any additional conditions, and we would urge its approval.
today so that the project can move forward. Thank you very much.

THE CHAIRMAN: Next speaker is William Hubbs. Spell your last name for the record and you have three minutes.

MR. HUBBS: Thank you. H-U-B-B-S. My name is William Hubbs. I've been a resident of Huntington and Huntington Station for approximately fifty-six years. I've seen the Station change dramatically in this time. Right now, it's a terrible neighborhood. What it needs is an investment. What it needs is an influx of money of disposable income. The developer is willing to put over a hundred million dollars of private money at risk in one of the worst neighborhoods on Long Island.

You're going to hear a lot of about how crime ridden the area is. This project is not going to cure all of the problems, but it is a first step. This project will bring approximately eighteen million dollars in disposable income into the neighborhood, eighteen million dollars of disposable income per year. What is that going to do to all of the retailers the stores, the different service companies in that area? It's going to help them dramatically.
This is a good project. It makes sense, as Mitch stated. It's met all the criteria necessary. Approval is essential for the revitalization of the Huntington Station area. If we don't get this project approved, it's going to send a terrible message to the rest of the development community; that is, the towns and counties are not willing to work with them on worthwhile projects.

This project is key not only to Huntington Station but to Suffolk County and Long Island in general. Thank you for your time.

THE CHAIRMAN: Mr. Robert Alison.

MR. LIFSON: L-I-F-S-O-N. The proposal has changed, but I submit to you planning concepts haven't changed. This particular town has spent fourteen years revising its master plan. The new master plan has only been in existence less than two years and it did not specify the rezoning of this particular site or even an additional RM-3 zoning was needed in Huntington Station.

At the same time, the Town fathers did indicate that we would go ahead with what had is called a hamlet plan, and to that end it's my understanding that we have hired or about to hire a master planner to
deal with the hamlet, meaning the area immediately around the train station, so that would take a valuable planning tool away from that, on planning concepts alone it should not go as proposed.

When you last had it, it came in on the context of a transit oriented district. This Commission rightly found, as currently constructed, the application of transit oriented ordinance could be considered a spot zoning, as it's inconsistent with the current patterns of zoning in the locale and is exclusively applicable only to one location.

The same comments hold true here. I know it's not in the context of a transit oriented district but the ostensible public interest to be served in return together with one of the most recent downzonings in memory of the Town was that it would provide housing for empty nesters and entry level young people and three bedroom apartments are not going to do that. If the public objective was sincerely sought by the proposal, it would have eliminated or reduced significantly that component. So the underlying predicate no longer exists.

I think when stripped of everything, you can see whether, intended or not, the only beneficial
effect that I can see, quite cynically, is that the
owner of the land will be able to achieve the maximum
yield possible and the reason the proposal changed is
simply because they initially proposed a zoning density
in which there was no predicate in the zoning code.
Based on your findings, it was obvious, that it would
be, found in your words, could be found illegal.
Probably would be found illegal. So they couldn't go
forward with it on that basis.

I live in proximity. I can tell you that
Park Avenue is a county road that does not conform with
the plans of almost fifty years envisioned for it. It
cannot accommodate the severe traffic increase and
particularly where the exitway is onto Park Avenue, is
right next to the train abutment. When you are going
from north to south, the visibility of seeing the cars
exiting from the street in question, is highly suspect,
and poses danger.

THE CHAIRMAN: Thank you, Mr. Lifson. Next
we have Matt Whalen.

My name is Matt Whalen, with Avalon Bay. We are the
proposed developer of the application that is before
the Commission. I like to call us an investor rather
than a developer. I would like to focus on a few points today, because you are going to hear a lot of things today. I would like the Commission to focus on the following facts: This proposal represents a hundred million dollar direct investment by our company creating three hundred fifty-eight construction jobs with over forty million dollars of annual earnings. Total economic impact is two hundred eighty-four million and over five thousand indirect jobs. Annually, you heard earlier, this proposal would create a total economic impact of eighteen million dollars in the surrounding area.

Those are the facts that I ask you to focus on, not the location, which, in our opinion, is perfect. It's next to a train station. It's an appropriate area for density. Not the same density which we built ten years ago in Melville, and has been an integral part of the community for years. Not the parking counts, because we own sixty-nine thousand apartment units throughout the country. We are very sensitive to our residents' need for parking.

When I was last before this Commission, it seems like many years ago now but it wasn't, I actually wrote letters to the Commission after the meeting
applauding the leadership of the Commission in
overriding what I believed were staff recommendations
that I believed were flawed. At this moment, I ask for
you to do the same thing, if needed, and please don't
make this process any harder than it's been to this
date because it's very challenging right now to get
private investment dollars here on Long Island. Thank
you very much.

THE CHAIRMAN: Anthony Guardino.

today, Mr. Chairman, members of the Commission, you are
going to hear -- you will be discussing this three
hundred seventy-nine unit multi-family development that
is proposed by Avalon Bay in Huntington Station. The
development will be comprised of three hundred three
rental units and seventy-six for sale townhouses.

Unlike the previous proposal, that required the
creation of a new zoning district, this downsized
development has been designed to fully comply with the
density, height, setbacks and parking regulations of
the Town's existing R-3M zone which permits fourteen
point five units per acre.

This scaled down proposal contains 30% or a
hundred fifty-one units less than the original five
hundred thirty unit proposal and will result in increased open space. Fifty-four units will be affordable units that fully comply with the Town's affordable housing regulations. I also want to point out that the single family subdivision that was approved does not provide any affordable housing. The development will provide a total of eleven hundred thirty-three on site parking spaces, will includes six hundred forty-one off street spaces and two hundred seventy-four spaces within garages and driveways and two hundred eighteen land banked spaces. And all of which are permissible parking spaces under the Town's zoning regulations while the development itself has changed, its location has not.

It's still located within a walkable one-third mile of the Long Island railroad train station, which is also served by the HART bus system. While not a transit oriented development in name, it derives the benefits of being near a large transit center which will be accessible by way of a pedestrian walkway.

The proposed rezoning and development are also consistent with the recommendations of the Town's 2020 Comprehensive Plan that was reviewed and approved.
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by this Commission on October 1, 2008. The proposed
multi-family development is also consistent with other
multi-family developments located in the area that have
been constructed in accordance with the Town's R-3M
zoning regulations and provide an appropriate
transitional use between the industrial parcels to the
north and residentially zoned parcels to the south.

As conditions of the Commission's approval of
the prior Avalon application, the Commission requested
that the Town take steps to ensure that housing types
are equitably distributed across communities of the
Town. While this Commission seeks to achieve a
laudable goal, the reality is that this condition
cannot be satisfied because high density development
requires access to the sewer infrastructure which is
only available in limited areas of the the Town, such
as this one. Moreover, the availability of high
density housing is closely correlated with proximity to
public transportation, and this is another reason why
much of the Town's high density housing is located in
Huntington Station, which is a transit hub.

Therefore, it is respectfully requested that
the Commission not condition its approval on a
requirement that the Town take measures to ensure equal
distribution of high density and affordable houses throughout the Town, which is simply not a condition that the Town can comply with. Finally, we urge the Commission to approve this application and allow for the creation of these new jobs and investment in Huntington Station. Thank you.

THE CHAIRMAN: Carolyn Hannan.

MRS. HANNAN: H-A-N-N-A-N. I live at 7 Lake Road in Huntington Station. I have lived there for the last thirty years, thirty-three years. I've also owned a dog. I live on a half acre on a tree lined street with homes anywhere from fifty to twenty years old.

The crime rate is so terrible there that I can walk my dog any time of the day and night alone on that street. There is no crime rate in this area. The area of the crime rate is west of Route 110. It is not east of 110, and east is where Avalon Bay wants to improve that blighted area on a heavily wooded piece of land adjacent to the railroad tracks. That heavily wooded piece of land is a carbon sink for the Town because of the large number of trees in there. If we take that area down we lose the carbon sink and increase the carbon footprint of the Town of Huntington.
Traffic congestion is another problem. Without Avalon Bay, we have severe traffic congestion on Pulaski Road and Park Avenue. Beside the congestion, Park Avenue is a direct line to Huntington Hospital. There are ambulances who do go up that street any time of the day and night. You add another five hundred to a thousand cars there coming out just below the railroad, you are going to lose lives when the ambulance cannot reach Huntington Hospital within a reasonable length of time.

Right now it is worth your life to get out of Lake Road, Hofstra, Whitson onto Park Avenue and cross, because the traffic is so heavy. Next problem, on infrastructure.

The question becomes what are we going to do with the sewage from that place? In our area we are all on cesspools. North of the railroad tracks is a sewer district that goes up into Halesite, and there are facilities for sewage up there. We are all south of the railroad tracks, and we are all on cesspools. This is going to make quite a mess.

The other problem is do we have enough water for another three hundred seventy-nine apartments and things; I don't know. Because we are always being told
conserve electricity. Same story, turn off the lights, increase the temperature on your air conditioner, lower the temperature on your furnace, et cetera.

Schools, right now we had to close a school west of the railroad on west of 110 because of crime and problems with that neighborhood. All of our schools are very much overcrowded because we had to take those students and move them. They keep saying there will be thirty or forty students. Melville ended up with many more students than the eighty they told them, more like two hundred students. There are other things that I can go on, but I won't because of the time limit, but I will tell you this is the wrong place for that project.

THE CHAIRMAN: Kathy Eismann.

MS. EISMAN: Good afternoon. I'm Kathy Eismann; E-I-S-M-A-N-N. Kathy with a K. I am a certified planner. I'm a partner at Nelson, Pope and Voorhis, and I'm here to speak about the Artist Lake Plaza application that the Commission is reviewing for the change of zone. The property is in Middle Island. This is a site that has been developed with a shopping center since 1965. Since, I think it's been about a decade, that K-Mart has been closed. It's an eyesore
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for the community. It's an overgrown parking lot. It's a source of loitering. There is vandalism out on the site.

So the applicant has proposed a plan, the Artist Lake Plaza plan, that has a mix of development on it, which is retail as well as restaurant uses. This plan has been developed in coordination with Town planning and has been guided by the Middle Country Road Land Use Plan.

The Middle Country Road Land Use Plan included one aspect which is not included here. This has commercial recreation. Unfortunately, that type of use that is not been found to be economically sustainable. We have seen that in this area, unfortunately. Sports Plus in Lake Grove is a good example. It's a great type of use; unfortunately, it doesn't really work right now.

Nelson Pope & Voorhis was involved with the environmental impact statement. We did a full commercial market study for this to determine how much commercial space can be supported in this area. This is an area that there isn't a lot of retail shopping. I grew up in the area. There was a TSS on the property. It was the closest shopping anywhere near
us. Right now, there is Wal Mart in the area, but they were looking at the western node of Middle Country Road in the Middle Country Road Land Use Plan, and that has been an area with some strength. This is not.

In fact, it's a Blight to Light. I hope you are familiar with Supervisor Lesko's plan Blight to Light to look at brownfield sites. This is a site that he slated for priority. This plan includes planning requirements, sanitary code, storm water will be maintained on site and twenty-five acres will be dedicated for athletic fields which is needed in the area.

There were a few variances required. One is for parking. This site has a lot of pedestrian connections and I'm out of time. So I'll stop there. Thank you very much.

THE CHAIRMAN: Douglas Hannan.

MR. HANNAN: H-A-N-N-A-N. My wife and I differ in approach. I listen to the people that have spoken eloquently here. I envy them, I'm a man who retired about fifteen years ago. I wanted to retire in Huntington. I like to sail my twenty foot boat. We walk the beaches at night.

What has happened, my town is changing.
Those empty nesters are coming back again. There goes my pension halfway through in another ten years.

Reinvestment, the gentlemen before me is an investor. Investors want profit? How do they get it? You tell me.

The things I'm going to talk to you -- I forgot to say, I'm a curmudgeon and I'm a retired political cartoonist. That makes me nasty. I don't like the way this has been handled from the beginning.

The onslaught started in February or so, twenty-five or thirty showed up for a typical meeting. Lo and behold three months later there were signs going up throughout the area, no more Avalon with a slash in the middle.

Why? They want us to take care of the support problems while they introduce all the buildings. We end up with schools up to the gazoo and water up to the gazoo like when we had rain like we did last week. Basically the manner in which it was done.

Here's an example. We went to a meeting a month ago. The other side, everybody came early. I don't mean a half an hour, I mean an hour early. When we got there, three quarters of the place was already seated. It was twenty people that spoke for it, two people against, and by the time you hit the third hour, everybody was
half asleep and the seats went away and didn't hear the other aspects.

I realize a hundred million dollars sounds like a lot of money. You can't buy New York with that. It stinks. Three people on my road alone say I have kids in town, the schools are going downhill, I'm moving out of town. I paid a lot for my particular living quarters. I couldn't get more than maybe two thirds what I paid for my house now.

Basically, it's not done the way it should be. So I'm objecting to it. I'm saying please vote no. Thank you very much.

THE CHAIRMAN: Councilman Mayoka.

COUNCILMAN MAYOKA: Mark Mayoka. Thank you that is M-A-Y-O-K-A. Good afternoon, members of the Planning Commission, I want to congratulate the appointment for the Town of Huntington, Jennifer Casey, for your first day. This is a little bit of a baptism by fire. Welcome.

The way I see it, from the Town's perspective as a councilman, we have four issues. We have an issue regarding infrastructure, we have an issue regarding the school system, and we have an issue regarding crime and we have a need for a comprehensive integrated plan.
If we look at the infrastructure, the current allowed zoning is a hundred six, a hundred nine units. If there were two cars per house it would yield two hundred twenty cars, approximately. The current plan allows for thirteen hundred parking spaces. This is for an additional one thousand cars. If I come up with a general calculation, if each car is ten feet, that would be ten thousand feet of cars, almost two miles long placed back to back. This feeds onto Park Avenue.

I don't know if there are any members that have driven up Park Avenue? It's difficult for there to be any progress lunch time, dinner time, in the morning. This would be an undue burden on the traffic.

The second issue is the sewer system is at or near capacity. The issue of that has to be dealt with. I've spoken with our internal people in that regard.

The school system right now, you may or may not know that Jack Abrams has been closed. Any new student is a net increase, students are doubled and tripled up. This is not a net tax positive development. The cost of new students coming in will be greater than the revenue coming in for the students. There is some issues regarding that. There is a development called Winoca Village, one hundred units
and they gave off one hundred seven students. By comparison, there would be four hundred students. I don't think that would be the case but it would be more than the amount projected.

The third issue is the crime. One of my colleagues went so far so say that this development would interfere with the critical mission of focusing on crime. That hadn't changed. That hadn't changed in six months. There is still crime. That needs to be addressed. The county, town and state and federal authorities have to work together and focus on the crime.

The last issue is the importance of there being a need for an integrated comprehensive plan, not a piecemeal approach. There is no integration with commercial development. There is a gateway from Main Street in Huntington to Jericho Turnpike and New York Avenue. This needs to be revitalized and be part of the comprehensive plan. We have a hamlet program going forward. Why is this not part of the hamlet program? We can't put the cart before the horse. We need to integrate that with the hamlet program. We need to go forward with that with the help and guidance of Suffolk County.
I urge that the project be set aside as is and help develop this comprehensive plan that is necessary. Thank you.

THE CHAIRMAN: Let me take the opportunity to recognize all the folks from Huntington, both those in favor and those opposed, who came here to Riverhead to let us know what you were thinking. The planning members are one from each town. Once you are on this commission a few months, you recognize how big this county is. I want to recognize all of you, no matter what your opinion is, for coming out here and letting us know your thoughts. Next we have Linda Nicol.

MS. NICOL: N-I-C-H-O-L. Good afternoon. I live in Huntington Station. I live in Huntington Country Farms. The proposed site is approximately thirty feet from my back yard. After the last eighteen years or so, Frank Petrone has managed to take a beautiful hamlet and changed it to an overcrowded crime ridden unsafe place to live. Using the word "affordable," he literally has twelve people to a room that spill out onto the streets. That is the same street that Avalon Bay wants to build on.

Putting another fifteen hundred more people on that street makes no sense. The Abrams School has
shut down for crime a few blocks away. Not to mention
the land is contaminated and an unsafe place to live.
What is Suffolk County going to do for me when my house
is deteriorated from years of dirt and infested with
poisonous rats.

Avalon Bay's application says garden
apartments. Then they're going to call them condos.
Today they call them townhouses. The rents are
twenty-five hundred to thirty-five hundred. That is
not affordable.

This project has crash gates that go into the
woods and all this is on train tracks. The whole
project for three hundred seventy-nine units directly
affects our traffic, schools and population and air we
breath in a negative way. The last thing Huntington
Station needs is more people. We already hold 80% of
the township's affordable housing.

Frank Petrone does not even live in
Huntington. He has been doing favors and lining his
pockets off the backs of people like me that are paying
two thirds too high taxes for the square footage that
we live in. Him inviting Avalon Bay back is a
disgrace. He clearly has a job of convenience and is
not a public servant. There is no reason for this
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project at all.

The Village of Huntington and everything
around it will become a copy of a Queens neighborhood.
Increased density in the future will drive up our
property taxes. By the time Frank Petrone is out of
office he will be in Florida and Huntington will no
longer be a nice place to go. I ask you to reject this
application. Thank you.

THE CHAIRMAN: Next we have Matt Harris.

MS. NICOL: Matt Harris was just called out
and can someone read his letter into the record.

THE CHAIRMAN: I will refer to counsel.

Would you put that on the bottom of the pile. Reverend
Artis.

REVEREND ARTIS: My last name is A-R-T-I-S.

Good afternoon, everyone, I'm Reverend Artis. I'm
pastor of Love of Christ Fellowship Church in
Huntington Station. I come here to speak against
Avalon, the development of Avalon Bay, for several
reasons. One of the first reasons is you hear people
say, well, we're going to have a hundred million
dollars and that is going to take care of everything,
but I'm here to tell you as a resident, because most of
the people who are really pushing this thing for
Let me tell you what Huntington Station needs. Huntington Station needs public safety. Huntington Station needs true revitalization. Revitalization, what that came to be revitalization is like put an oasis on the sewer. It's just not real; underneath you got the stink of not enforcing the codes. We have dilapidated buildings. We have a racial divide that we are trying to work on. We have the problems in the schools we are trying to heal and mend.

This is not the time to bring in anything. First things first. Let's take care of the crime, let's come together. These things money can't buy. These things are lasting and everlasting.

I personally consider Avalon Bay the gentrification, because you are putting this thing in a neighborhood where most working poor people cannot afford it. Therefore, it's gentrification. You put it in there and the working poor cannot afford -- those homes are not affordable to none of us. I certainly can't live there. People that work for the school board can't live there.
And you've heard the complaints about the traffic. You heard about this ridiculous thing is only going to produce X amount of kids, where it's possible that three hundred seventy-nine units are going to produce a lot more children than they say there they are. We look at the other sites that did just that. We were told they were going to produce a minimum amount of kids, don't get me wrong, I love the children, but they did produce a lot more children.

We are asking the County to do what the Town of Huntington did not do for us, help us restore ourselves, help us get rid of the crime and reopen our schools and get our community back on our feet and then we have time to think about things like that.

THE CHAIRMAN: Next we have Nancy Berg.

MS. BERG: Good afternoon. B-E-R-G. My name is Nancy Berg. I live in Huntington Station, right across from the train station, a couple of hundred yards. Before most people in this room were born, about fifty years ago, or at least adults, Huntington Station experienced urban renewal which destroyed the entire downtown. Older people living in Huntington Station still remember that, still remember the devastation and hurt of that experience.
For the last eight years, Huntington Station has been undergoing revitalization, but a necessary component of revitalization is economic development. Avalon Bay represents a huge piece of that economic development which is necessary for revitalization. I'm asking you, as members of the Suffolk County Planning Commission, to approve this development without any further delay because it may be the last big chance for private investment in Huntington Station. Thank you.

THE CHAIRMAN: Jennifer LaVertu.

MS. LaVERTU: L-A-V-E-R-T-U. I've been sitting here just honestly writing pages and pages. I can go on about Avalon Bay for hours. You just heard from a Highview resident, she spoke about economic development and Highview development, and I don't understand how housing is it.

Highview, back in 1989, the same argument about kids, traffic, and it was built as the start of revitalization. Here we have an example already there. In the last ten years, it's gotten worse. How has Highview revitalized Huntington Station? There is your one example. All you need to do is look at this one condensed area we have five R-3M zones; all of them contributed to the urban downfall she spoke about as
The Town already has a comprehensive plan, the 2020. It states the area is zoned for hamlet zone. It states that it needs to keep the industrial area, put in commercial development with residential above. There is no commercial development whatsoever economic development in that area that would support what they are now calling a TOD without put an overlay district in..

The affordability component, what they did in Huntington Station median income, based upon the last United States census report, was sixty-one thousand dollars. When Avalon Bay did their DEIS, which by the way was a draft and was voluntarily submitted. No one has done an independent study. I'm just Suzie Homemaker here and I was able to see all the lies that there was no impact to traffic, this, that and the other. Highview originally said only eight children would come from Highview. There are forty-seven children from Highview.

If we could get someone to do an independent study instead of letting the wolf inside the chicken coop. The original study was done over a five mile radius which puts you in the Bay. We are looking at
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the median income of Huntington Station five miles out into Huntington Bay, which is increasing the median income in the Huntington Station area. To call it's affordable, it's not. It's one more lie on top. We are saying we have an affordability housing crisis on Long Island, but how is this filling it.

We are losing our workforce people. It's not mixed use. It only applies to the workforce housing. It has nothing to do with the median. Like I said, I can go on about this. Thank you for your time.

THE CHAIRMAN: Thank you. Steven Spucces. S-P-U-C-C-E-S. My name is Steven Spucces. I'm a Huntington resident and the president of the Greater Huntington Civic Group. We have been forced to seek out and retain legal counsel on the Avalon Bay and illegal spot zoning of Huntington Station. Again, illegal spot zoning of Huntington Station.

I'm here today to ask you not to support this high density cancer that will spread throughout the Township of Huntington and throughout Long Island. According to several brilliant legal minds, the stunt that a few of our Huntington board members pulled by asking Avalon Bay back after the people, the Town Board, and the school board threw them out, is
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unprecedented that they invited them back not six
months later. (Applause)

According to many people and many experts who
have testified in front of the Huntington Town Council,
there is no public benefit to change our zoning laws.
There is a tax negative to the school board. The
current traffic structure is dismal. It cannot support
eleven hundred new cars. High density housing in that
particular area will only add to the crime.

Again, if there is no public benefit to
Avalon Bay that it brings to the people surrounding
that area or even as a township as a whole, the Town
Council and hopefully you guys cannot allow this to
happen. If there is no benefit, why change the law?
Why change our zoning laws? So that a handful of
people, unfortunately who are in power, will benefit,
and tens of thousands of Huntington residents will have
to suffer.

Therefore, what my organization has done,
that if this illegal spot zoning was to pass, we have
our ducks in line to file an Article 78 and take legal
action on our Town Council who has a huge hand in
undermining the great people of the Town of Huntington.

Thank you for your time and consideration on this
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matters.

THE CHAIRMAN: Elizabeth Black.

MS. BLACK: Good afternoon to the Commission, my name is Elizabeth Black. I'm a trustee on the Huntington School Board, but today I speak to you as a private citizen. On May 16th, the Huntington Town Board held a hearing regarding the Avalon Bay project and I spoke at that hearing. I listened to the members of the community who live in the shadows of the property.

The community is strongly opposed to the construction of the Avalon Bay project. This project represents the sunset of any hope of revitalization in this treasured community. One by one, parcel by parcel, the Town has built projects that have intensified the number of residential dwellings. The Town has usurped quality commercial properties and have forever removed them from the possibility of being a part of a strong, vibrant commercial center.

In addition to reducing the possibility of revitalization will ever occur in the neighborhood, this project will be impetus to the further deterioration to the quality of life in the surrounding community, increased enrollment will put additional
pressure on the already crowded schools. The project, while reducing the total number of units from the previous application, dramatically increases the number of two and three bedroom units. The impact on the enrollment in the school district will be significantly greater than the previous application.

The project will bring additional traffic to the major artery of the only hospital in our area; that is Park Avenue, which is a county road. The surrounding community already presents significant challenge to law enforcement. Over the past years there has been little indication that the Town has been able to deal this with ever growing problem. The Town officials in Huntington hail this project as an important step in the revitalization of Huntington Station while the community says it otherwise. It's another step in a failed strategy that will forever foreclose any hope this historic community will ever achieve revitalization.

I ask the Commission to do what the Town appears to be unable to accomplish. Help us turn the corner on revitalization and deny this application.

Thank you.

THE CHAIRMAN: Next is Kim D'Ambrosio.
MS. D'AMBROSIO:  D apostrophe A-M-B-R-O-S-I-O.  I'm a proud Huntington Station resident who resides in Highview, and I'm very much in favor of the Avalon Bay project as I see it as an important step forward in the revitalization of my neighborhood. I've been working tirelessly as a volunteer since 2003 to bring positive change to the area.

Avalon Bay will be a major game changer by bringing more people with higher incomes to support the new retail businesses in the area and help those who are struggling as well. I urge you to approve this important private investment project that my neighborhood desperately needs as most of it was torn down by the urban renewal process back in the 1960's. If Avalon is built, more eyes and ears will be able on the street to help reduce the crime.

We have an empty school building in Huntington Station that can be reopened and house the students that actually come from Avalon Bay. I urge you to approve the project, as is, for the good of my neighborhood of Huntington Station.

THE CHAIRMAN: Nicholas Wieland.

MR. WIELAND: W-I-E-L-A-N-D.  Dear Board
members, my name is Nicholas Wieland. I represent two
groups in Huntington Station. The first group is a
community watch group of a hundred fifty-five homes
that is one thousand feet from that project. The
second group is Citizens for Huntington Code
Enforcement. We have a hundred seventy-nine members.

I am a fifty-four year resident of Huntington
Station. Today I want to talk to you about numbers.
Zero, the response from the Town's sewer district
regarding this application. Zero, the further plans
and submittals of infrastructure needed on this project
in detail. Zero, a real independent study of wildlife
and environment which lives on that land, which is
twenty-seven acres.

Maybe there are some roseate terns there, or
certain turtles or plants that can be endangered.
Colonies of bees have been seen on the property.
Seventy-eight, the students that Avalon Bay says will
come to the school district. Two hundred thirteen
which is the number that I did research on, that says
that is how many students will come to Avalon. That
number is based on the other five other high density
properties in Huntington. That is the average. Three
million two hundred twenty-eight thousand dollars.
That will be the cost to the taxpayers of the Town of Huntington based on those students that Avalon will not be paying.

Crime. Crime in the area of Lenox Road and Fifth. Over the last two years, we have had four rapes. We have had one murder, many assaults and other robberies right in the area where Avalon will bring one thousand to fifteen hundred more people. That will not help the crime in the area, they will only be victims.

1988, the Supreme Court, actually I think it was in 2002 or 2003, there was a 1988 Supreme Court decision on the Mattinicock lawsuit that told Huntington that they were not to build any more in their master area per their plan. That area is Huntington Station. Yet here we are talking about putting more high density housing in Huntington Station.

So, I have to ask you why, and I hope that when you come to a vote on this, that you vote it down.

THE CHAIRMAN: Richard Amper.

MR. AMPER: A-M-P-E-R, with the Long Island Pine Barrens Society. I'll give you a brief respite from the specific discussion on projects and raise with you an issue that I think you ought to consider because
In the interest of full disclosure, we are asking all those that are involved in development on Long Island to avoid misunderstanding and approval or opposition to have the proposed projects that come before you by abandoning the use of the term "affordable housing." Like smart growth, affordable housing has lost a good deal of its meaning. I'll give you some examples.

Many times developers in the press inaccuracy and not usefully routinely apply the term to any project that makes that claim. It's bad journalism and inaccurate. It also impedes the effort to obtain such housing which our region badly needs. Affordable housing is defined by the federal government as housing that is within the reach of people earning 80% of the area median income, eighty thousand six hundred forty-seven in Nassau, seventy thousand two hundred eighty-one thousand dollars in Suffolk, according to the Long Island Index. According to Fannie Mae, a home is affordable when the purchase price is no more than two point five times the buyer's annual household income.
Affordable housing should not be cost more than two hundred thousand dollars with taxes and utilities. If a family spends 30% of housing income on housing, which a majority of families on Long Island do, they can't afford a house that costs more than two hundred twenty-five to two hundred fifty thousand dollars.

In fact, developers routinely include as affordable houses that would sell for a hundred to a hundred to a 130% to an area mean income. Houses selling for four and five hundred thousand dollars. This includes some of that offered in the original Avalon Bay Huntington proposal, also termed "affordable."

Also, Newsday stories have routinely termed houses advanced in Legacy Village in Yaphank as affordable, even though the houses cost more than most of the existing homes in the area. Recently a condition of the Carmans River Plan that permits multi-family affordable housing was the requirement that "affordable" be defined as housing costing between two hundred twenty-five thousand to two hundred fifty thousand dollars for the sake of honesty.

I suggest that we drop the term "affordable" all
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together since it lacks any meaning. Instead, why not
tell the public what the house is priced at and what
percentage of the housing is priced at what levels and
let the public decide whether that constitutes
affordable housing.

When developers tell the public what the
housing they're proposing actually costs, the
likelihood of it being approved will increase. I'd
like you to consider it. Newsday agreed that they will
consider it as a publication and I think it would be
useful for you as well.

THE CHAIRMAN: I note for your edification I
actually have your op ed with me. We need to talk
about these issues like the one that you raised. I
don't know if I agree with you or I wish to comment on
this right now. These are real issues that need to be
discussed on a regional basis. We will try to talk
about that through our comprehensive plan. We will
talk about that a little later in this meeting.

The other thing is at the end of the year we
hope to have a housing summit and talk about things
that cross county lines. Appreciate you raising the
issue.

The other thing I'll mention to you, you
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raised when you were here a few months ago regarding how do we define community benefits. The Town of Southampton has a proposal on how do we define community benefit. I think that would be beneficial to you.

MR. AMPER: The less terminology that we sling around, the more all of us know what we were asking for and what we are actually getting.

THE CHAIRMAN: Richard Koubek.

MR. KOUBEK: K-O-U-B-E-K. I'm President of the Huntington Township Housing Coalition. I'm here to speak on behalf of Avalon Bay. I think this secures a sustainable future for all of Long Island. We have to think outside of the proverbial boxes. Former County Executive Suozzi had it right when he said let's keep 90% of what has made us and defined us let's rethink the other 10%.

Let's preserve, revitalization our downtowns, and keep our young people and seniors here and let's create affordable housing. Avalon Bay does it all and does it well. That is why we need to get it approved.

Last night I spoke to Town Councilman Glenda Jackson and she said defeat of Avalon Bay last year was a defeat for Huntington and all of Long Island. The
Wall Street Journal identified Long Island as one of the most difficult places in the United States to develop anything.

I'm urging you to support Avalon Bay without condition. This proposal is different from the 2010 proposal. First of all, there is no transit oriented district, which caused all that confusion last year. Secondly, it conforms to the existing zoning requirements. Someone talked about changing Town zoning law. This does not change Town zoning law. It still has mixed income. I agree with Mr. Amper. We need a definition of affordable housing, it should comply with the HUD definition. This proposal does. The rentals are for people earning under 80% of area median and half of those are for people earning less than 50% of area median; that is about forty thousand dollars. That is good stuff. We need to go forward.

Huntington Station is the most economically challenged area in the town. Avalon Bay will bring in a hundred million dollars in investment and millions more from those residents, particularly those that purchase and rent the market rate homes that will be spending in our restaurants, in our stores and hospitals and yes, paying taxes.
Of course, any good proposal can be improved. Let's not let the perfect destroy the good. This is the time to approve Avalon Bay without condition. I urge you to do so.

THE CHAIRMAN: Michael Rivera.

MR. RIVERA: Good afternoon. R-I-V-E-R-A. I live in Huntington, actually on Park Avenue. I'd like to oppose Avalon Bay. I'm probably about a thousand feet from the intersection of the train tracks and Park Avenue and I would like to know what the County is going doing to address the traffic situation that we will have there. Our police precinct and hospital are both on Park Avenue. Any of you can sit on my driveway and sit outside and see in an emergency, you can't get through Park Avenue. Not just rush hour, police vehicles, ambulances, you can't get through there. I don't know how you can expect to add a thousand cars to the road and expect to navigate through it safely.

I ask you, being Park Avenue is a county road, Pulaski is a county road. What will the County do to make sure that we are safe? I can barely mow my front lawn. Avalon Bay will make this worse. It's a safety issue.

Schools, crime, I agree with all of that.
That will be a problem. My primary concern is my safety. I have a problem getting out of my driveway. I invite each and every one of you to come to my driveway, see how long it takes to get in and out of my driveway. I urge you not to approve this.


MS. THOMPSON: T-H-O-M-P-S-O-N. My name is Delores Thompson. I'm owner of the Huntington Station Enrichment Center, President and CEO. It's a resource center as well as a youth agency since 1997. I stand before you partly due to the fact that urban renewal came out and took away our community. I have been a resident for sixty-five years, so I guess I'm the winner here. I was a resident when the town promised to bring back the homes and businesses and all of the things they took away and make Huntington Station a better community. To this day, it has not happened.

Being a crime area, I disagree totally. You have crime in every community. Is it all in Huntington Station? No. Do we have crime in the Village of Huntington and other places? Yes. But it's not emphasized, it's not publicized, but it's there.

I have not heard of another plan that is
going to help Huntington Station. Why we fight for not having housing and not having the things to bring back a community that was alive and well, no one has come up with an alternative or anything that is going to help bring back Huntington Station. I support Avalon Bay, yes, I do. I've seen some of the other projects that they have. It's managed well. Why are we not trying to develop Huntington Station again? We have a parking lot miles long. That is what we are happy to have.

You have go through Huntington Station and all you have is parking. We have a parking garage. We have parking all the way down New York Avenue. Across from the train station, in the train station. How are you going to ever develop a community if you constantly say no.

Our young people that have graduated from high school, college, cannot return because there is no housing for them. Many of us -- some of the children that we have would like to leave our dwelling and move into an apartment. But where are they going? I strongly urge you, listen to what you hear, go to Huntington Station, take a look. You come up with a definitive answer that is going to make Huntington Station come back. All the people that left have died.
Moved out of state. And yes, I'm still here, and I'm still praying that we bring back Huntington Station.

I urge you to develop a community that needs to be developed. It's not all that bad. Okay. Thank you very much.

THE CHAIRMAN: Thank you, Ms. Thompson. Next we have Bazeel Walters.

MR. WALTERS: W-A-L-T-E-R-S. Thank you Mr. Chairman, Board for having me here. I represent Porter-Trejo Action Network. We support Avalon Bay. I am a resident of Huntington. I have been there for fifty seven years. People hate change. I heard everybody, they speak about this and that, but we need change in Huntington. Huntington needs housing. Whether it's affordable or whatever. We can argue this night and day, but it's time for us to make a move. Something is better than nothing in our community. Our town needs employment. Avalon Bay will bring employment to the Town of Huntington to the tune of a hundred million dollars. Regardless of whether they profit, this is what businesses do. They bring things to the an area to buy a house; they do this. The crime in Huntington, I can tell you that the police department in Suffolk County, as I see it,
is doing their job one hundred fifty percent. They have changed the area drastically. We use different issues of closing Jack Abrams. Jack Abrams should never have been closed. You don't close schools because of crime. You enhance the police department to do that and that is what they have done.

I'm a product of Huntington Station. I still live there. We need this project to open doors for housing for minority community in Huntington. They are using this here as a poster child that it's a bad area. You see that every day. In New York City, they don't close schools because of a shooting. We need the jobs desperately in this area.

Avalon Bay is going to be a positive thing for the community. No, we cannot afford to have low income housing because it doesn't exist in Huntington any more. We know that. I want to thank you and I want to tell you that Porter-Trejo Action Network as a taxpayer we support Avalon Bay.

MS. BOND: Pat Bond. I live in Commack, which is a place where everyone is pretty well off. I live in a community where people are pretty well off. I think that that could happen in Huntington Station,
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if the housing improves. So I think the bay thing
would be the thing to do, to improve the area for
everyone. Thank you.

THE CHAIRMAN: Reverand Ratzlaff.

MR. RATZLAFF: Reverand Paul R-A-T-Z-L-A-F-F, a minister of the Unitarian Universalist Fellowship of
Huntington. I want to speak in favor of the support
for Avalon Bay and encourage you as a planning
commission to adopt this resolution without changes to
the Huntington Township Authority.

As Unitarian Universalists, we have long
stood behind and valued affordable housing and the
housing of all people, and that is an important reason
for our support for Avalon Bay and the construction of
Avalon Bay. In addition, the density is a problem,
with the environment, and so, we understand the density
is a way to advance affordable housing, which is a
value of ours.

So I urge you to support the Huntington Bay
and Avalon Township, Avalon Bay in support of the
Huntington Town. Okay, Thank you.

THE CHAIRMAN: Thank you. I appreciate that.

Emma Ricardo.

MS. RICCARDO: Surrender my three minutes to
Steve.

THE CHAIRMAN: Come back, state your name and
spell it for the record.

MS. RICCARDO: R-I-C-C-A-R-D-O. I surrender
my three minutes to Steve.

THE CHAIRMAN: So you're going to read a
letter from Matt Harris. You have three minutes.

MR. SPUCCESS: Thank you very much. Members
of the Suffolk County Planning Commission. I live four
blocks from the proposed site of Avalon Bay Huntington
Station. While no one would disagree that our
community around the train station is in need of some
sort of economic development, this project is not.

Ten years ago, another high density project
was built directly across the train station known as
Highview. A hundred townhouses on nine point seven
acres equivalent to ten units per acre, far less than
what is currently proposed for the twenty-six point six
property on East Fifth Street. At the maximum, R-3M
zoning of three hundred seventy-nine units, making it
fourteen point five units per acre, even higher than
Avalon Court in Melville at thirteen point six.

Highview did not contain any commercial or retail
development that is replaced in urban renewal in 1968.
You still cannot buy a cup of coffee while waiting for a train at a convenience deli or nearby convenience store, as there are none.

What the pundits are claiming about the project reducing crime in the area, one only has to look at the police statistics in the area and see that Highview did nothing to reduce the crime either. It produced forty-seven school aged children, far more than the estimate of twenty. It pays two hundred thousand dollars to the Town, and the taxpayers of Huntington District 3 must subsidize it to the tune of one million fifty-three thousand dollars each year. Each school aged child after sixty children will be a tax burden to the school district taxpayers of this massive project.

The merits of this project need close scrutiny as it will impact my community and my district, Huntington School District 3, for years to come. Unlike Half Hollow Hills that welcomed Avalon Court Melville into a blighted industrial area along the Route 110 corridor, with no residential properties nearby and a closed school due to low enrollment, Huntington schools are in a far different position. We had overcrowded classrooms even before one of our
school buildings, nearby Jack Abrams, was closed due to the perception of crime in the same area.

Now, of course, the overcrowding is far worse, without the additional school aged children Avalon Bay would bring, even if you believe the Kramer numbers of seventy-nine, which many here in my community do not, it would still be a tax net property burden on the rest of the nearby home owners.

As you have rightly pointed out in your assessment of this project under the guise of transit oriented development, if the Town is unable or unwilling to allow similar type of projects in the other three train stations in the Town of Huntington, Cold Spring Harbor, Greenlawn and East Northport, why should it be allowed here?

THE CHAIRMAN: Gina Florentino.

MS. FLORENTINO: F-L-O-R-E-N-T-I-N-O, hyphen James and the first name is Gina. Good afternoon, ladies and gentlemen of the Board. I'd like to give you some feelings about the project, especially since I live within a half a mile distance from the proposed massive housing unit. I'd like to talk about feelings and facts. Feelings are expressed by this particular painting. (Holding up Edvard Munch's "the Scream.") I
think are very well expressed by this particular painting this is how I feel and how many of the residents that I have spoken to and I have walked many miles in my neighborhood feel about this project. We feel angst we feel horror we feel dismay we this is evidenced by the community outpouring in September at the Town Board meeting. Perhaps a thousand people, if they could have gotten into the building, were concerned about this proposal. The Town's own decision; they were opposed to it. I'm up at night. I can't sleep. What is going to happen to my neighborhood, to my neighbors, to my family with the increased traffic.

To get to the facts. The Suffolk County Planning Board Commission guidelines say one of the things you are supposed to do is maintain a satisfactory environment. I think this project will fracture and divide and further segregate Huntington Station from other parts of town. Having 80% rentals will allow the more transient. How do you make a community feel comfortable? How do you make a community feel they were part of something when they are renters. Don't get me wrong, I started out as a renter, too. Everyone has a place to live, and
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deserves it. 80% is a very high number.

My father, a lawyer, was recently in District
Court in Huntington and just overheard case after case,
his ears perked up, Avalon Bay versus. Avalon Bay,
Avalon Bay. What kind of satisfactory environment is
that when people are always being brought to court?

This project will not maintain a satisfactory
environment because it will crush our community spirit.

I have heard that so many people. Hello, neighbors.
(Waving) We love each other. We have really found a
community spirit.

Another goal of the Commission, according
to the guidelines, is to lessen air pollution. There
will be standstill traffic and increased air emissions
on Pulaski and Park. I think in a 2009 demographic
study it said the increased congestion caused by high
density policies has adverse health consequences
vehicle exhaust contains microscopic air particles
which increase in inefficient stop-start traffic.

Another goal of the Commission is to minimize
energy consumption. According to the demography
study -- all these concerns make me want to scream. I
also have a letter from a neighbor if I can read that
at some point.
THE CHAIRMAN: Your time expired. You can leave that with the staff. If any one of your new friends want to yield their time and has not spoken, they may do so. They need to come up here for the record and state their name. Anyone else like to speak publicly? State your name for the record.

MR. REID: Jeffrey R-E-I-D.

THE CHAIRMAN: You are yielding three minutes to Ms. Florentina?

MR. REID: Yes, I am.

MS. FLORENTINO: This is from James Cruise, Esquire. He's a neighbor, 11 Lake Road in Huntington Station. Dear Board. In addition to such issues which may exist regarding density and downzoning, there are four areas, at least, in which this project and the Town of Huntington review thereof, fall far short of the requirements of the State Environment Quality Review Act in the opinion of undersigned. They have not been properly identified or drafted by the Town Board or the developer and are as follows:

According at the Huntington Town Board hearing on May 16, 2011, an attorney for the developer spoke glowingly of the proposed sewer system within the proposed project, but blithly glossed over the fact
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that the project's sewer system would ultimately
discharge all its effluent waste into the presently
overburdened Huntington Town system.

All projections offered by the developer as
to the increased number of students generated by the
three hundred seventy-nine residential units have been
drastically underestimated. There is a project in
Melville, a few miles south of the projected site,
which have generated far more children per unit than
the numbers they have estimated. Now we have the
closing of the Jack Abrams School that has caused
overcrowding in the schools in the area.

Roads. The proposed project would be located
on East Fifth Street, with its main entrance-exit on
Park Avenue, County Road 35, a north-south road. The
first cross street south of the project would be
Pulaski Road. The traffic during rush hours on Park
Avenue, usually between six and eight-thirty a.m. and
four to six p.m. is currently backed far to the south
of this exit. The Town has never addressed this
problem.

There is a railroad crossing about fifteen
feet north of the East Fifth Street roadway with
crossing gates which frequently close during rush hours
to accommodate the added trains. With approximately one thousand more vehicles to be added to the area by Avalon Bay's projected three hundred seventy-nine residential units, the Park Avenue-Pulaski Road corridor is gridlock waiting to happen.

Arsenic. Although it is well known that there exists a dangerous amount of arsenic in the soil at the building site, the Town has identified but never addressed this problem. The townspeople have been waiting, and still await a report from the Town regarding this poisonous condition, but no report has become forthcoming.

I'll leave the conclusion for you to read. Thank you.

THE CHAIRMAN: The last word goes to Ken Christiansen.

MR. CHRISTIANSEN: C-H-R-I-S-T-I-A-N-S-E-N This will probably be the first place that I ever had the last word. I certainly don't get it at home. As a founding member this past year, very active member of the Huntington Housing Township Coalition for Housing, I support this strictly for a housing initiative. It can stand on its own merits for that.

I personally believe, I will tell you that I
sit on the Economic Development Board in Huntington Station, two of the organizations of the many organizations that are working in Huntington Station trying to improve a condition that has been left with for over fifty years. We have been working very hard. It's been a long, slow tough process.

But I look at this project, although it is a housing project, as a necessary one of the pieces of the puzzle that will provide the economic push to help Huntington Station forward. And the reason for that is when you sit on these boards and you try to get these developers, commercial developers interested in the area, they're always looking at the demographics. They always want to know can they support the businesses, can they support the development in the area. We need a project like this as a good shot in the arm to start that real interest, that economic interest in Huntington Station.

You people have a job to do here. I don't think you are going to be swayed by the fears and all of the -- you have facts before you being presented to you by the professionals. I hope you act on those facts. This is a necessary thing. Something that needs to be done. I ask you, not to put any additional
impediments into the project so that can get voted on by the Huntington Town Board, be passed and we can start moving in the right direction in Huntington Station. I thank you all.

THE CHAIRMAN: Thank you for your time and thank you everyone for being here. Unless there is any further cards, seeing none, we will close the public portion of the meeting.

The next item is the Chairman's report. I want to first off welcome our new commissioners. We have with us today a former member of the Commission, Vince Taldone. Vince is a planner, developer, advocate, and he brought all those perspectives to the Commission's table and he used the authority of the Commission to do important things for Suffolk County from public transit improvements on individual projects, to enhancing the design of County Road 58 in Riverhead, to authoring the Planning Commission's first model code on universal design.

Vince's legacy here is a positive one and we have a proclamation for Vince during his two years in Suffolk County. Vince I ask you to come up.

I'll read it into the record. Whereas Vincent Taldone has served with dedication and
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distinction as a member of the Suffolk County Planning
Commission, September, 2008 to May 2011. Whereas the
people of Suffolk County benefited from his insight and
expertise. Whereas Vincent Taldone's input and
contributions to the deliberations and decisions of the
Suffolk County Planning Commission will be missed as he
moves onto new endeavors, now therefore be it resolved
that the Suffolk County Planning Commission
acknowledges and thanks Vincent Taldone for his service
to the people of Suffolk County through his positive
and thoughtful contributions to the Suffolk County

COMMISSIONER HOLMES: Mr. Chairman, if I may,
I would like add this Commission will really miss Vince
because there is nobody else in this county who is more
familiar with the transit system in Suffolk. Vince has
ridden every single bus route in this county and we
definitely will miss that input and expertise. Thank
you.

THE CHAIRMAN: Thank you, Vince, on behalf of
all of us for your service. We will hear from Joe
Gergela. Without objection, we will move Avalon Bay up
on the agenda so we hear that first.

Let me briefly finish, do a quick update on
the latest activities on the Commission today. With regard to the Comprehensive Plan, we will release Draft I. This is an important step that has been taken. This is an important step, one that has not been taken in thirty years. I will present the draft to the Legislature in the coming month and seek feedback from the stakeholders as we seek to refine Volume I and begin working on Volume II.

We would like to have a meeting of the steering committee, Commissioners Roberts, Holmes, Kelly and McAdam. I was going to say after the meeting, but I think it will be by phone.

Solar permit streamlining. The Nassau County commission signed off on the solar plan. It's in the hands of the Nassau County Executive and we hope to get his blessing. Then we will get a letter out informing them of the plan and informing them of the LIPA incentive LIPA has endorsed our plan for simplifying the process for putting solar panels on roofs and will provide a financial incentive for the towns and villages who adopt it in the next few months.

The East End Wind Code, we had a meeting in Southold Town Hall. Commissioner Holmes and I were there. The staff of Southampton and East Hampton are
taking the lead in editing the code. We hope to have a meeting later this month. The Commission will hold a green methodologies for stormwater runoff symposium for Suffolk and Nassau municipalities on June 22nd at 1 p.m. Certainly hope all planning commissioners will be able to make it. I want to particularly thank Commissioner Esposito on that. I don't know if there is anything you want to add about the event.

COMMISSIONER ESPOSITO: We are not done planning it. We are making tremendous progress with efforts the US EPA, the DEC. There is a lot of interest and we are looking forward to a good event. What we need is this to be geared towards planners and municipalities so they understand green methodologies and consultants who do development proposals for developers to have a more comprehensive understanding of the green methodologies that are out there.

It's going to be at the Hauppauge Legislature in Suffolk, June 22nd from one to five.

THE CHAIRMAN: Please put that on your calendars. We are sending letters out to the municipalities on that. The energy efficiency standards, Vice Chairman Kontokosta has been leading that effort along with John Finn.
VICE CHAIRMAN KONTOKOSKA: We had a kick off on that a month ago. We are going to try, together with experts not only the towns and villages and the experts in the sustainable designs, to look at model standards and incentives for energy efficiency in commercial buildings, both new construction and existing buildings. And also exploring benchmarking for and create an ongoing database on energy use in commercial properties.

We have a meeting next week, some great representation from a number of the towns already. So, we look forward to a productive meeting.

THE CHAIRMAN: Thank you, Vice Chairman, and Commissioner Finn on their leadership on that. There was a big announcement a few weeks ago that I shared with you via E-mail and a few of you read the press conference. The sewer financing is critical to all of this going forward in Suffolk County. The last year, the Commission has made sewer financing a major priority. We co-hosted with the County Executive, Sewer Summit II in October where a major theme was how do we finance a new sewer infrastructure. At the suggestion of the Commission, the County Executive created a group to focus on building Suffolk County's
future, where we should grow, where we should preserve, and how we should pay for infrastructure. That effort included the infrastructure finance working group which included Commissioners Lansdale, Esposito, Finn and myself.

As a result of the work of the group the County Executive came up with a proposal that would, for the first time, provide an annual source of funding, approximately three hundred million dollars over ten years. This is a tremendously important step for Long Island's future.

We are now working with Commissioner Lansdale to make sure that the process includes a criteria to make sure that the financing goes to the areas of the County where it is most needed, and the Planning Commission and others identified as important for the Island's future.

I want to congratulate the commissioners around the table who worked on that and give appropriate credit to the County Executive for putting that together. It's a big step for Suffolk County.

Unified Permitting Portal. Things are progressing. I expect this will be a multi-year process. We are planning to have the next quarterly
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meeting in June sometime.

The certification for commercial interiors, to try to eliminate building inspections for routine commercial alterations. I appreciate the Town of Brookhaven's willingness to work with us on that. We also have, with regard to public safety, we are moving forward with that and housing, we will talk about that more next month, but we wanted to do the county housing summit at the beginning of next year or end of this year. We want to talk about housing issues that are important to all of the forty-three municipalities on Long Island. Supervisor Petrone offered for the Town of Huntington to co-sponsor that effort. We need a few months to start working on that. It will be more like the beginning of 2012.

Just two last items, we are hoping to put together a meeting with the Nassau County Planning Commission, hopefully, sometime this summer. The Vice Chairman and Director Lansdale and I had a meeting about that. Lastly, given our handful of new members the day of our July meeting in Hauppauge, we are planning to do a a new member training as well as an overview for all commissioners on transfer development rights, Pine Barren credits, waste water credits. It's
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an opportunity for everyone to really dig in on what
are pretty complicated issues.

COMMISSIONER ROBERTS: Any idea of the time?

THE CHAIRMAN: We haven't figured that out.

It will be before the meeting, I guess probably about
two hours. Any other questions? There is a lot going
on. We have a few new drivers on that. We urge you to
get involved. Director Lansdale will give a brief
update.

DIRECTOR LANSDALE: Thank you, Chairman.

It's been a little over a month since I started at
Suffolk County. I just want to acknowledge the
wonderful staff at planning department it's been such a
pleasure working with them. I have established four
goals to guide the department moving forward. One is
to create greater efficiencies with staff assignments
with respect to the department, and to that end we have
actually hired an intern this summer for free. Not at
the expense of county taxpayer dollars. She is
starting tomorrow.

Second, it's to build relationships with our
town and villages partners as well as community
leaders. We are working on that as we speak.

The third is to look at the reviews and
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restore properties to meet future environmental and economic needs for the County, and to that end we have drafted a request for proposals for the Mud Creek Watershed Aquatic Ecosystem Restoration, to ecologically restore the former duck farm in east Patchogue.

Fourth, it's to provide valuable research to further the policy discussions County-wide, and to that end we have, I'm pleased to report that I worked with the leadership of our Deputy Director, Dan Gulizio, and other staff, including Andy, and others in the department to update the Suffolk County Comprehensive Plan and create an executive summary and update it with 2010 census information, that is something the Chairman spoke about and that will be distributed for your review today.

Thank you so much. It's been a pleasure the first month.

THE CHAIRMAN: It's a busy first month, Sarah. Congratulations. Any questions? Seeing none, we may be the largest suburban county in the United States, but we are also the largest agricultural county in New York State. Agriculture is not only our heritage in Suffolk County, it's part of what we are
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and part of the main drivers in the county. We are happy to have Joe Gergela, the executive director to the Long Island Farmers Bureau. As all of the commissioners know, we try to, from time to time, have leaders that affect our work and the future of Suffolk County come and give us some insight on the issues that matter to them in their field of expertise.

Thank you for being here and we look forward to your thoughts on agriculture and how we, as a county, can continue to support your industry.

MR. GERGELA: Thank you, Mr. Chairman. It's good to see everybody. I know you have a couple of new members over the last few years. I would like to congratulate Sarah as the Director of Planning. She has a lot of responsibility working with agriculture statutorily and otherwise we are excited about working together going forward.

The other person I would like to congratulate is Carl Gabrielsen. I was talking to him earlier. He mentioned to me when he was a teen-ager he worked on my mother and father's house with two brothers and helped build an extension. I go a long way back with the Gabrielsen family.

My name is Joe G-E-R-G-E-L-A. I'm the
executive director of the Long Island Farm Bureau.
I've been with the Farm Bureau for twenty-three years,
I grew up on the family farm in Jamesport. My dad and
I grew two hundred acres of potatoes and vegetables.
You might say I walked the walk and know a little bit
about agricultural. I really appreciate the
opportunity to visit with you this afternoon.

Agriculture is not well known and from my
perspective, an unappreciated part of Long Island.
People may be shocked, Dave I'm glad that you know some
of the stats. We are the leading agricultural county
in New York State in dollars of products sold, not in
acres of land. Currently, we have about thirty-four
thousand acres dedicated to agriculture.

But the importance to Long Island goes way
beyond that. Seven thousand jobs, the importance for
background for tourism, in the wineries, contribute a
great amount of sales tax revenue. And if you think
about horticulture, the sales tax revenue collected at
box stores and garden centers on Long Island.

We take great pride in our homes and
horticulture is a huge part of the industry. We have
thirty-four thousand acres in production, half of which
is horticulture, sod and woody ornamentals and
greenhouse production. We have two hundred fifty greenhouse operations within Suffolk County. We have three thousand acres in wine grape production, forty-five wineries which are making world class wine. We still have traditional row crop farming. We have some potatoes, a lot of corn, pumpkins have actually gone up in acres over the years because of the relationship to agricultural tourism.

I'd like to talk to you about some of the challenges that we have as an industry so people have a little bit of an understanding about what we are dealing with. There are six hundred fifty farms roughly in Suffolk County; that includes horse farms, poultry, vineyards, horticulture, the whole thing. We have roughly six hundred fifty farms. The biggest challenge that we have right now is farm profitability. Our input costs have gone up dramatically over the last five years because the input costs are directly related to oil, fuel for tractors, for greenhouses, our irrigation, et cetera, et cetera. That is one tiny little piece of it.

Fertilizer, seed, labor, housing. Not only the farm chemicals and fertilizer and plastic packaging are all directly related to oil processing. The other
inputs costs stand on their own. People are shocked when we tell them that we are still number one in agriculture and the biggest challenge is that the highest cost per acre place to farm in the country. That in itself is a huge challenge for us. We are dealing with a number of public policy issues. I’m just going to quote my long time mentor and friend, Senator LaValle, who has been our champion here on the East End for a long time as a state senator. You guys in your role, I give you a lot of credit. Everybody in this room has to be solemn. At some point when you listen to the public policy debates when you are trying to get a project done, everybody is right to some degree. If you took the sixteen million people in the state and put them in a room, what comes out at the end of the day you have public policy. New York is a complicated state. It’s not easy. We are concerned about the business environment in New York State. We know about people living, the cost of housing and on and on. We have the same issues in the farm community. With our employees, we have seven thousand people who work here. Try and find reasonable places for them to live and work. Not only agriculture, hospitality,
tourism, building trades.

Housing, I can go to the federal level, immigration are very important issues to us. I have to be very careful because the Farm Bureaus's position is we don't have one on the total immigration reform. I know, representing farmers, that we are very worried about the fact that we don't have a good legal guest worker program to be able to employ not only in agriculture, but other parts of the industry, as well as the landscape industry. People may not think it's important; it's a big deal, and Washington is stuck on it.

As a result, one of the things we are facing is called E Verify system and we are very, very scared of that. That basically means that every employer, it's going to be mandated by the Department of Labor, that you have to verify your employee's status. That is almost an impossible task. In fact, from a legal perspective, we are not allowed to ask certain questions; that is one of them. When somebody shows up at a farm or business, as long as they can complete the I-9 form and give identification, we are not going to allowed to ask their legal status, so they are going about it a different way with the federal mandate and
we are concerned about that.

Another public policy area of great concern to all of us is the environmental issues. The Cornell Extension, that is our partner organization. At one time, Extension and Farm Bureau were one, until 1995. We do advocacy, they do the education and they work through the land grant system. Extension means they take the scientific empirical research done in institutions and disseminate it and distribute it to the countryside. That is where the term "cooperative extension" came from. Their role is extremely critical to the farmers and the commercial fishermen.

One of the things we are concerned about is the groundwater quality and surface water impacts. Why do farmers use fertilizers? We use fertilizer because it uses oxygen. We cannot grow crops without using fertilizer. We need nutrients to grow plants. Part of the public policy is the pushing and pulling of different points of view. The environmental community wants us to do better. We are trying. We were working with Cornell Extension. We have over a hundred farmers enrolled in their stewardship program. We are doing trials out in the fields and trying to reduce the amount of fertilizer use and even the types of
fertilizer, which is expensive. There is a slow release fertilizer that is used extensively on sod. We haven't gotten it to work successfully on row vegetables. It's expensive and it's not as effective as we would like it to be, but we will continue to pursue other avenues with our management practices so they are compatible with the environment.

The industry economically, it's almost a three hundred million dollar a year industry, and then the multiplier effect on the environment. There is one other thing which I know you need me to go pretty shortly so you can ask questions. The other thing is the Long Island pesticide plan which we are engaged here within the environmental groups at the table. One of the things that concerns me greatly, and it's publicly stated, it's on the record, I've actually met with the commissioner of the DEC, it's the concept of zero tolerance, that if something is found in groundwater, therefore you should not use it.

There are tens of thousands of chemicals that are used and they're all approved by EPA and New York State before we can use them. They're crop protectants. We have a lot of pests, fungus, all kinds of things. People say why are farmers using chemicals.
Well, we have to protect the investment. The vineyards, you're talking about a twenty-five thousand dollar an acre investment. When we had rain like from two weeks ago and the fog and conditions like that, those guys that own those operations, they have to protect an investment.

The idea of zero tolerance is not acceptable from a public policy standpoint because the science allows things to be measured parts per billion and quartrillion. Certainly all of us that live here around where I grew up on my farm, I used to move the irrigation pipe behind my father on the sprayer. If anyone is concerned about the use of chemicals, it's the farmer their families and workers. FDA in their stats reveal that 95% of our fruits and vegetables have no residues, so it's very de minimis exposure to citizens with the things that we grow.

The impact on groundwater, if you were to follow a zero tolerance, and I will use this hypothetical, we are finding pharmaceuticals in groundwater. That is not a good thing. Where does it come from, urine? They can find it parts per billion. If you were to go to a zero tolerance, that means are you going to ban medicine? I don't think so. Finding
breakdowns of gas and we found other fuels in the groundwater in de minimis levels. Does that mean you are going to ban cars and trucks? I don't think so.

The pesticides could be considered in this way. There is a benefit to society. For us to have agriculture, we have to protect the three hundred million dollar investment. People say to me why don't you go organic. There is a handful of organic farmers for a reason. It's very difficult. It's a lot more labor if you don't use herbicides and things like that. The other thing is the misconception is it's chemical free. It's not; it means the use organic chemicals to control their pests.

You may be surprised to learn that baking soda is a registered pesticide. You use it to brush your teeth, but it is a registered pesticide by EPA. People use terms flippantly and scare tactics and say oh, my god, they're toxic. They are. It's there to control a pest or fungus or weed or whatever. So they have a role in society. We have to be careful about the notion of absolute zero tolerance. We would be done as an industry. As mentioned earlier by the Chairman, the importance not only of the dollar value of what we do, but for the importance to Long Island,
THE CHAIRMAN: Thank you for being here. I think it's a little later in the day than you expected to be before us. Thank you for bringing up some key issues affecting the community on Long Island. This Commission reviewed the groundwater study. It's still in draft form. It does indicate that we have nitrogen issues on Long Island and there are variety of forces on that.

What is the agricultural industry doing to reduce nitrogen impacts?

MR. GERGELA: We're aware of it. We are an easy target with only six hundred fifty farms. They tell us, you know, you guys have to do better. Most of the farmers are enrolled in the stewardship program with Cornell Extension, they are doing everything they can do with the best technology that we have on doing better on their management. One of the examples is the Carmans protection area in Brookhaven town. I looked at the data and I had conversations with the Legal
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Department, which has not really weighed in heavily on the Carmans River by the way. 16% of the nitrogen loading is from a handful of farms. 43% of the nitrogen is coming from septic tanks and lawns on homes.

There is a great deal of land preserved in that area. Certainly there is a few farms that are protected already. We have called a meeting together through Dan Panico, the councilman, with the ACT community, we have an ACT community, and we are going to be basically stating that we are going obligate each of those farmers to work with them on extension on changing or evaluating how they're applying pesticides, et cetera, to reduce the impacts as much as possible.

Our constitution in New York, public policy and both En Con law and Ag and Markets law that agriculture is a preferred land use, in spite of the fact that there are negatives that come from agriculture. As you know, public policy is about balancing everything. We are doing the best that we can, we continue to do better, and we rely on the research that comes out of institutions.

The next farm bill is coming up. The Senate is holding hearings already. One of the things that we want to make sure is that there is funding for Cornell,
through Extension. All farmers are from Missouri; we have to demonstrate to them. People ask, are you doing sustainable farming. The sustainable farming to us means people can pay their bills from their business. It's very important that people are able to make a living with this land use.

THE CHAIRMAN: Thank you. Any other comments or questions?

COMMISSIONER GABRIELSEN: Being in the horticulture business, farmers, we are an easy target. Talking about sustainability, we all, as farmers, we all want to move forward. We don't want to turn our backs on new things. As Gabrielsen Farms CEO, we changed a lot. You talked about water runoff. In our operation we are recycling water and using drip irrigation systems. Before it was flood everything. Now it's about economics. We don't want to waste our fertilizers, we want to try and save money.

The farmers here in Suffolk County, we are absolutely open to change, but we have to have a viable alternative. We can't just say okay, no more pesticides or whatever. It has to be something to replace what we are doing. We are moving forward.

Joe, as you know, we have some of the oldest farms in
this country and we managed to stay in business for hundreds of years because we are able to change. 

Going forward, I know with our own business as far as with the pesticides, we are releasing beneficial insects which is combating some of the bad things. We are having problems with some resistance and things like that. We are looking for alternatives and we are not just sitting here and saying we will not change. The farmers out here are willing to change to adopt new growing methods.

THE CHAIRMAN: I will say just to wrap up, I think there are some interesting things that we as a commission and other planning commissions in this state have been working on agricultural issues. I think it's something we should focus on with the leadership of Director Lansdale and Joe Gergela and our new commissioner, Mr. Gabrielsen. We should find out what policies we should continue to promote to try and strike that balance. There are policies, like Joe and I were talking earlier, like farm to school. How do we incentivize institutions out here to buy local.

MR. GERGELA: If you don't mind, if I may make one more comment. People ask how can they help agriculture. The number one is buy local wherever
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possible. The second thing we are farming in suburbia
and it's a suburban value system. When people come out
from the East End, one of the things that drive us
crazy is when somebody pulls up behind a moving
tractor, and the farmer is going from field to field to
do his job, it's unpleasant when someone waves their
finger at them when they go by. They wanted to come
out here and enjoy the area, but God forbid they're
held up on the road for a few minutes.

We have growing pains with tourism. We have
a couple of complaints with some of the complaints.
Twenty years ago people said we want the wineries, it's
good clean industry, it brings jobs. People want to
come out to the East End and go to the restaurants, et
cetera. Now guess what? We have traffic, we have
issues about parking. We have issues about inherent
conflicts with neighbors because our zoning is
residential slash agricultural. When a winery opens up
next to a community that has been there, we have
neighbor complaints. Squeaky wheels get the grease.
The next thing, the reaction of local government is we
have to do something about it, let's stop this
activity.

I was just up the at Executive Mansion last
week for the first time in twenty-three years, I was invited to meet with the governor. We had a discussion about this. From an economic development standpoint, people always talk about how many new jobs. How about job retention for the traditional industries out here? How important is that to our tax base and quality of life.

We need some reasonableness in dealing with town and land use policy. You guys actually are in a position to help us to try and hold onto the agriculture we have.

THE CHAIRMAN: We look forward to working with you on that. Any other comments on the table?

COMMISSIONER LANSDALE: Thank you for your tireless work on behalf of Long Island and particularly on behalf of the farmers. Thank you.

MR. GERGELA: Thank you for the opportunity to speak.

THE CHAIRMAN: Last presentation is the Village of Southampton Planning Director, Jeffrey Murphee.

DIRECTOR MURPHEE: I'm the town planning and development administrator. On behalf of Southampton Supervisor, Anna Throst-Holst, I thank you for the
opportunity to address you today. It was the supervisor's initiative, when she ran for the supervisor position back two years ago. One of her priorities, when she was running for office and took office, was to examine our whole planning review process. This was an issue raised by constituents in the Town of Southampton and the question was why. This really became an issue with regard to our change of zone applications, known as PDD's, which are planned development districts. The question was why was this issue such an issue with the community.

There are two reasons. One was that the public was uncertain, and also highly critical of how decisions were being made by the Town. Second reason was that the developers and the applicants were suspicious and critical of the way that PDD's were being reviewed. The question was if there was a need for more transparency and more certainty. These are two words that are absolutely critical to any planning review process, transparency and certainty.

The question is how is transparency and certainty play into the issue of public benefits. Well the question is there are actually two prongs. One is
what needs to be transparency and certainty in the way that PDD's are being reviewed, the process in which planned development districts were being reviewed by the Town Board, and you already addressed this and the Town Board already addressed this.

Back in January you reviewed our amendment to Chapter 330-244 to which we now require a pre-commission conference by the applicant before the town board. Too often the application would be taking two, three or five years and the developer still didn't know what decision would be made on the application. This led to a highly suspicious by the public as to what was going on with the review process, so we reformed the process so that the developer would know early on in the decision. You reviewed this back at your January meeting and you issued a letter of local determination.

What the second part of that process is the community benefits. Unlike straight up change of zone applications, if you go from residential to commercial, a planned development district under town law, towns and villages can require public benefit or community benefit; the words are interchangeable. That authorization comes from 261B of Town Law. 261B of
Town Law defines public or community benefit as open space, affordable housing or cash in lieu of, which was a very contentious issue in and of itself. How do you calculate what cash in lieu of is for a change in zone application.

The question is one, is how you quantify a public benefit and how do you identify a public benefit. That is what this chapter before you today is. How do you quantify and identify an open transparent process and how do you provide certainty to both the community and the applicant as to what is going to be required.

Without reviewing the law verbatim line by line, in terms of how do you quantify public benefit, one of the things we require an applicant to do is a provide a yield analysis in terms of what is allowed as of right zoning and also what is being proposed, so you try to get some sort of analysis if you are going from a single family R-40 up to multi-family you know he's asking for X additional dwelling units. It's more nebulous when you go to a commercial from residential zone as to exactly how much more a benefit or how much more development is actually being sought by the public.
The second way you can quantify a public benefit is through a fair market appraisal. We require that an appraisal be done, paid for by the developer. In terms of what would be allowed as-of-right zoning versus what is being sought by the developer. In terms of what is a community benefit, that becomes a little bit more mathematical. That is just one of the criteria and standards of the proposed amendment, and I would just read you this one that says the public benefit will be a list of desired hamlets, specific community benefits, maintained by the Department of Land Management and prepared in accordance with Subsection i, community input, and Subsection ii, hamlets identified in the comprehensive plan and/or other related studies. Said list shall not be exclusively.

When we look at this, we look at other documents; for example, the Pine Barrens Plan. Are there unredeemed Pine Barrens credits within the school district being sought. Do we have all the answers in this local law? Absolutely not. Planning is a very dynamic process. It's a never ending process. We think this is a quantum leap forward. When we prepared this law, it was prepared with members of the advisory
committee, civic organizations, land use attorneys, environmental groups, developers, and when we had the public hearing on this, Bob DeLuca and Mitch Pally also came out in support of it.

Is it perfect? No, but it's one that we think warrants approval and we look forward to your support.

THE CHAIRMAN: Thank you, Director Murphee. I think we will move onto our regulatory agenda. Without objection, I would like to take out of order the Avalon Bay Huntington Station. Seeing no objection, Deputy Director Gulizio will provide a staff report.

For the record, we have several recusals on this project, Director Lansdale, Commissioners Kelly, Weir and Chartrand. If anyone would like to state anything on the record, you may.

COMMISSIONER WEIR: Long Island Housing Partnership worked with Avalon communities in Huntington on one of their developments and other developments.

COMMISSIONER LANSDALE: I would like to state why I'm leaving the room. Prior to starting with the County, I have in the past spoken about this
application and for clarity sake, I'm not participating in any way in the handling of this application. I delegated all my responsibilities as director to my Deputy Director, Daniel Gulizio.

THE CHAIRMAN: Members of the audience, you will see a big white screen in front of you. We will see a bunch of maps and stuff.

MR. GULIZIO: Good afternoon, Mr. Chairman, members of the Commission and interested residents and participants of the hearing. The subject application known as Avalon Bay in Huntington Station is a referral from the Town of Huntington located in the Hamlet of Huntington Station in the Huntington SCHOOL district in the Huntington Manor Fire District, in the Huntington Station Postal District.

The application involves a twenty-six point five acre parcel. The site is a twenty-six point five acre site located on the north side of East Fifth Street in Huntington Station, approximately one thousand one hundred thirty feet west of Park Avenue. The application involves a request for change of zone from R-7 residence district to R-3M garden apartment special district. R-7 residence district allows for single family home on lots of minimum lot area of seven
thousand five hundred square feet, and R-3M garden
apartment special district permits a maximum density of
fourteen point five units per acre, roughly one unit
for every three thousand square feet of lot area.

I have to say for the record that my mother, who passed away about five years ago, I used to torture her at every family gathering because I didn't like to have my picture taken. I have to think that she is smiling down now having a good laugh with all the photographers in the room.

The three hundred seventy-nine apartment units involves a density of fourteen point two units per acres, eighty-twenty split between rental, three hundred three rental and seventy-six ownership units. Proposal to include fifty-four workforce or affordable housing units, forty-three rental and eleven for sale units.

In response to some of the comments earlier today, the information that we have received from the Town as part of the referral indicates that the forty-three rental units will vary between 50% and a 110% of median incomes, and the for sale between 80 and 120% of median income based on the number of bedrooms.

I would point out median income is
established by HUD, and consists of median income for the Nassau-Suffolk County region. The proposal includes ninety-four one bedroom units, a hundred forty-two two bedroom units, sixty-six three bedroom units. The for sale units will be split evenly between two bedroom and three bedroom units with thirty-eight each.

The proposal involves the development of one thousand one hundred thirty-two parking spaces. Town code requires one thousand ninety-eight. That will include six hundred forty-one parking spaces defined as off street or on site parking spaces. There is also a hundred thirty-seven spaces within the proposed driveways for the units, a hundred thirty-seven spaces within proposed garages and there is a proposal for two hundred eighteen land bank spaces.

There is some confusion as to whether or not the site is within the sewer district. The application specifically says that the site is located within the Huntington Sewer District; however, a review of the Horizons 2020 Comprehensive Plan indicates that the area north of the Long Island Railroad, speaking of Huntington Station, is served by Huntington Sewer District while the area to the south is not. It goes
go on to state there is limited space for new septic systems. For that reason, larger scale development should be considered north of the tracks first. This is referenced on Page 10-10 of the Huntington Comprehensive Plan Horizons 2020.

This site has been before the Commission on three prior occasions, 1991 for a subdivision, 1998 for another subdivision, which allowed for a hundred ninety-eight units. Both were recommended for approval by the Commission, and finally, most recently, March 3, 2010, the site was the subject of a change of zone and code amendment to a Huntington Station transit oriented district. Originally proposing five hundred thirty apartment units with an eighty-twenty split, 80% rental to 20% ownership. I point out, the Horizons 2020 Comprehensive Plan update was also considered by the Commission and recommended for approval October 1, 2008.

When we look at an application for a rezoning, it's important for background purposes that we don't apply our own individual viewpoints in terms of what constitutes good planning and what constitutes concerns associated with a planning project. What we try to do is analyze the project on three basic levels.
First level, if you look at it in terms of town-wide or regional planning policy considerations, that is typically embodied in a comprehensive plan, or in the case of the Planning Commission, we use the Commission guidelines as a framework for making decisions.

Next, on a second level we look at the application in terms of the nature and compatibility with development in the area. How does it fit in the fabric of the neighboring property. We will look at issues like traffic and density in connection with those considerations.

Finally, on a third level we look at the application from a site specific standpoint. How does the proposal fit into code requirements. Does it have enough parking, proper setbacks, drainage and proper amount of landscaping and buffer requirement.

So we look at it at those three basic levels, town-wide and regional considerations, compatibility with the area and finally on a site specific level.

As I indicated, we have a comprehensive plan recently prepared by the Town and recently approved by the Commission. When we look at it in connection with zoning policy associated with the property, it's important to point out the site is recommended for R-7
district. It's not recommended for rezoning in connection with the current plan. Secondly, there are several statements regarding high density housing development and housing policy contained within the plan. If I could I would like to quote a couple of sections from that.

The plan recommends steps be taken to ensure equitable housing types throughout the town and school districts. The plan goes on to recommend mixed used development and higher density should be disbursed throughout the town in as many suitable locations as possible. In addition, the plan recommends that land for higher residential density development should be sought where existing commercial industrial land interfaces with the existing residential land and rezoning commercial industrial parcels rather than redesignating lower density residential areas for such uses.

Finally, the plan recommends the Town implement thresholds and standards for the high density housing to ensure compatibility with land uses and avoid impacts on traffic, neighborhood school districts and sensitive environmental resources. In terms of county-wide planning considerations embodied within the
Suffolk County Planning Commission guidelines, the guidelines also talks to the idea under the equity provision having equity in both the distribution of benefits and burdens within the communities.

Finally, the guidelines advocate tying increases in density to the transfer of development rights or to an offset in density for rezoning of privately held land in order to promote smart growth principals.

Background data associated with this application in particular with Huntington Station reveals the following: Huntington Station contains currently the second most number of multiple units in the entire town. According to Suffolk County Planning data, that includes seven hundred fifty-five multiple family1 units. In addition, Huntington Station includes that highest number of multiple -- excuse me. Huntington Station contains the second highest percentage of multiple rental units at 59%. Finally, Huntington station contains the highest percentage of all types of rental units when combined 39%. In addition, if is noted that non-senior, workforce or affordable housing units, Huntington Station, contains 72% of all those units within the town currently.
Finally, and it was referenced early, it's important to note that previous housing policies within the Town have had an impact in terms of segregation within the Town and those concerns have been evidenced in a number of Federal housing court cases that have worked their way through the court system over the last ten to twenty years. In terms of the nature and character of the development surrounding the subject property, I note the following statistics. Town-wide, it is five point one units to the acre. Huntington Station is higher than that, at nine point five units to the acre. One of the contributing factors for the high density in Huntington Station is the fact that Huntington is included within a sewer district, as is Melville. When we look at distribution of housing units, specifically multiple family housing units throughout the Town, it's no surprise that the highest number of units is in Melville and Huntington Station because of the location of these sewer districts.

The surrounding neighborhood also contains a number of higher density housing developments. There are five. Walt Whitman Village on the west side of New York Avenue, just north of the train tracks is the highest density project, R-3M, and maintains a density
of approximately seventeen units to the acre. Winnoka Village, south and west of the subject property, also on East Fifth north side – of Pulaski, excuse me, maintains a density of approximately eleven units to the acre. Highview which is located north of the Long Island Railroad station on the east side of 110 maintains a density of ten units. Huntington Country Farms, located to the south of the subject property, maintains a density of seven units to an acre, and Town Homes Huntington Glen maintains a density of seven units to the acre.

When we consider traffic, we note that a hundred nine units, which generate on average, according to the Institute of Trip Generation Manual, one thousand ninety trips per day in connection with the permitted one hundred nine residential units. The apartment development that is proposed in connection with the application would generate a slightly less number, on a per unit basis, but would overall produce twenty-five hundred trips a day according to an estimate of six trips per unit.

In reviewing the application, material has been referred from the Town in connection with this application from a traffic standpoint, we note the
following. Number one, that the level of service for turning movements from East Fifth Street onto Park Avenue is a level of service F, failure of conditions on all peak periods currently. In addition there are multiple failure conditions on turning movements associated with Pulaski Road and Park Avenue intersection during peak periods currently. The Town through the referral material, proposes a signal at the intersection of East Fifth Street in order to address the turning movement concerns; in addition signal retiming along Park Avenue. That would, according to the Town, improve the level of service to at least a level of D.

In connection with some site specific concerns associated with the application, we noted earlier that the site proposed is approximately one thousand one hundred thirty-three parking spaces on site and the code requires one thousand ninety-eight parking spaces. One concern we have as far as the numbers, six hundred forty-one spaces as indicated earlier would be provided off street. We have no objection to that, no concerns.

In addition, it's fairly typical for a multi-family housing development to include parking
spaces within the driveways directly adjacent to the units. However, there are a hundred thirty-seven parking spaces proposed within the garages associated with the units. This represents approximately 12.5% of the required on site parking. Our history with the parking within garages it's difficult to maintain over time. It's difficult to enforce and ultimately those spaces tend to become utilized with storage associated with the unit. We have some concerns associated with the use of the garages to meet the minimum required parking spaces on site.

In addition, the plan proposes two hundred eighteen land banked parking spaces which represents 19.8% of the required on site parking. Land banking is a fairly common approach to increase the amount of available landscaping area on site in order to reduce the amount of impervious surface and we certainly have supported the idea of land banking in the past.

Our main concern with the land banking in connection with the subject application involves the ninety spaces proposed in the planned pond areas. It doesn't seem realistic or practical, from a planning standpoint, to propose parking areas near a water element on site. This would result in either the
elimination of a portion of the water element and the
need to replace water storage capacity because it does
function both in terms of aesthetics as well as
drainage purposes on site, and we would advocate a
different approach rather than providing land banked
parking on site.

The hour is late. There has been a lot said
on the application. We tried to provide background on
the comprehensive guidelines associated with the
property as well as a brief review of the Planning
Commission guidelines, both of which have been adopted
as policy by the respective boards. Based on that
information, staff is respectfully recommending that it
be approved subject to the following conditions. I
don't normally read the conditions in the record. In
this case, I think it's appropriate to read some the
conditions at least.

First is we would like to address is the idea
of implementing standards and thresholds for the
location of higher density housing prior to the
establishment or approval of additional multiple family
complexes within Huntington Station. This is based on
the concern that the staff had on the percentage of
number multiple housing units that already exist in
Huntington Station, along with some of the concerns that are a result of past practices, not current zoning process associated with higher density housing in Huntington Station.

The second condition we would like to propose is that the Town consider a reductions in density associated with the application more consistent with the nature and character of the development of the property, more consistent with the Huntington Station average, which is below ten units per acre, and more consistent with the town-wide average, which is just above five units per acre. We recommend a more rational approach for that recommendation.

Third, we would like the Town to consider an increase in the number of ownership units and decrease the percentage of rental units. This is based on some of the percentages that already exist in Huntington Station, that has the highest number of rental units of any hamlet in the town, and second highest percentage of multiple family rental units.

Fourth, we need to look in terms of, personally for a moment, I have worked as a professional planner for the last twenty-four years during that time I have attended hundreds of these
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meetings and advocated both for and against literally hundreds of projects that included individual affordable housing components. I would like to think I have been a tireless advocate for affordable and workforce housing in the region. When we look at the number of affordable housing units distributed in Huntington Station, look at the 72% of all the non-senior housing being located in one hamlet center, we think it would be prudent for the Town to consider the development of an affordable housing plan that would provide for a rational distribution of housing units before any additional housing units are considered in Huntington Station.

Fifthly, we would like as indicated earlier, for the Town to give consideration to a revised parking plan to eliminate land banked parking within the ponds and consider an alternative to consider parking within the proposed garages.

Six, we would like to recommend that the Town consider tying increases in the density associated with this project to the preservation of open space or transfer of open development rights or offset of density consistent with Planning Commission guidelines.

A general comment, we would like to add that
the Town, or Commission should consider, I apologize, the idea of consultation with Planning Commission guidelines regarding energy efficiency, public safety and I also note for the record that the prior application included comments regarding a bus shelter that didn't appear to be included with this application. I note it for the record. And there was also a comment associated with the last application with regard to emergency access. I apologize at the tail end of this for taking up so much time but I'm happy to answer any questions that the Commission members may have.

THE CHAIRMAN: I note for the record that is of course the same piece of land that we saw in the last year, and this is a different proposal and we need to look at this with fresh eyes. This is a Huntington application; as such, commissioner from Huntington like to lead off the conversation

COMMISSIONER CASEY: Thank you. What a great way to start my career here. I'm a Huntington Station resident; I've been there for eleven years. I think this is a really good project; I support it. I think that Huntington Station needs something like this from a planning perspective. I think that the proximity of
the train station is very key for it to succeed.

COMMISSIONER FINN: A very thorough report.

As we sit regionally, some of the issues that arise in housing across Long Island, this particular application I think needs to address a lot of the concerns. We have toured other districts and other municipalities as a commission and looked at the suggestions of how projects such as this with their approval and implementation of how they create a vibrancy to a community which, in this instance, could benefit from such a project.

The issues that are laid out in the conditions, I think we have identified those in past applications as not necessarily to be conditions, but they are worthy to make mention of but not worthy to make conditions. Dan, I wasn't clear by your report is this project in the sewer district or not in the sewer district?

MR. GULIZIO: According to the site plans submitted by the applicant, it's in the sewer district. According to the Town's comprehensive plan it is not located within the sewer district.

COMMISSIONER ESPOSITO: It would have to be hooked up to the sewer district. This a is highly
MR. GULIZIO: My understanding, in speaking with town representatives, there would be an
application made to the sewer district to see if they would be eligible to be included. They apply specific
criteria in this review process. According to the comprehensive plan, it's not currently within the sewer
districts.

COMMISSIONER FINN: You mentioned a lot of statistics on percentages, numbers are thrown around
and it's hard to follow them. Mr. Amper pointed out earlier about the affordability aspect. One of the percentages I was curious about is what is the percentage of rental housing versus single family ownership in Huntington Station and the hamlet?

MR. GULIZIO: Huntington Station has the highest percentage of rental housing of all types in Huntington of 30%.

COMMISSIONER FINN: And 70% single family.

MR. GULIZIO: 70% ownership. I assume there are a number of two family homes that are owner occupied. I'm not sure how they count those.
COMMISSIONER McADAM: Dan, the number of the conditions require that a housing plan be completed, or some kind of study, and it's my feeling, I don't believe there is a study or plan that already is in place should hold up or be part of an application for Avalon Bay, and at the very least I think we should move some of the conditions -- I think it's one, three and four, at least to the comment stage at the very least. It's just my feeling that this should not be tied directly to the application.

MR. GULIZIO: It's certainly within the discretion of the Commission; we respect that. The reason it was included was because the Town's comprehensive plan requires or recommends that the Town implement threshold and standard for the location of these high density housing projects.

COMMISSIONER ESPOSITO: For the Planning Commission, it's I think it's important to note that when it can hook up to the Huntington sewer treatment plant that would be a positive thing since that facility has been upgraded to meet the new TDL standards for Long Island Sound. What that means, it's been upgraded to the best technology available to reduce nitrogen loading into the body of water it
discharges into.

When we reviewed the application last time, we asked that the developer incorporate some of the green methodology for storm water runoff. I don't see any of that in here. Was that ignored?

MR. GULIZIO: No, it wasn't. One of the things, I apologize for not calling that out respectfully suggest that the Commission include language that the applicant consult Commission guidelines.

COMMISSIONER ESPOSITO: I didn't mean did you ignore it, I meant when you sent it out to the developer, when you said there are alternatives to doing recharge basins and ponds, which I don't personally consider recharge, they should incorporate it in here. It doesn't seem that the revised proposal has incorporated that.

MR. GULIZIO: I didn't have any discussions with the applicant and it didn't come up in discussions with the Town.

THE CHAIRMAN: We have a standard practice around the table of including that as a comment. That will come back as a site plan to see if bioswales and things are included. It's good before site plan to
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mention it now. This is conceptual.

COMMISSIONER ESPOSITO: Conceptually, they could have included it. We mentioned it as a comment. Again, the developer is here. We want them to listen. I don't want to go through a fruitless exercise. Dan, can you clarify.

I agree with your comment about not wanting to go use the pond as the land bank parking. What is the remedy for that?

MR. GULIZIO: In speaking to Town staff, there are no specifically required landscaping requirements on site. One of the easiest alternatives would be to find other locations outside of the ponds that could be used for land banked parking. There is a slight surplus of parking on site. With a little finagling or gerrymandering they should be able to meet the parking requirements and keep the land banked parking outside of the ponds.

THE CHAIRMAN: That is a site plan issue which we can address. I think it's appropriate to comment on that now and identify that as something that we see as an issue.

MR. GULIZIO: One of the helpful reasons for identifying the site plan related issues now, once the
density is set, there is less opportunity to look at those types of considerations and find room for additional landscaping or additional parking.

COMMISSIONER HOLMES: Dan, you list three previous submissions. Were Timber Ridge and Cobblestone also owned by the same developer that is presenting Avalon Bay?

MR. GULIZIO: I don't believe that is the case.

COMMISSIONER ROBERTS: I'd like to follow up on a comment that Commissioner Finn made about comments conditions. I read many of these as comments, not conditions. We are using language like "recommend" or "should consider." In one, two, three, six, and usually for conditions we would say that they should be lowering density and usually they should be actually increasing ownership. We don't usually use the language of recommendation or considering in conditions.

In my opinion, we should either lower these to comments or strengthen them to conditions.

THE CHAIRMAN: Good point. Commissioner Horton.

COMMISSIONER HORTON: The staff report
addressing directly the Conditions 1 through 6, I agree with Commissioner Roberts' assessment that there is language that is not necessarily a condition, but not necessarily a recommendation or comment, I should say. I also quite frankly think there is a fair amount of judgment within the context of these conditions. And I would -- I'm happy to go through them point by point as to why I have come to that conclusion, but I can also just sum it up by saying that one through six, should all be at best comments, and I would like to see much of the language removed.

THE CHAIRMAN: Instead of doing one by one, we will do that at end, I would like to see where folks are as a commission.

COMMISSIONER HORTON: If I may, as it relates to energy efficiency, that is a condition I continue to support as it relates to that project.

THE CHAIRMAN: You are suggesting that it be a condition?

COMMISSIONER HORTON: I'm suggesting it be a condition.

VICE CHAIRMAN KONTOKOSKA: I'd like to say I appreciate all the positions and comments on this application on both sides. A project this scale always
elicits a heated conversation, and that is certainly what we have here.

I also want to thank Dan for a very thorough staff analysis. I was talking to Commissioner McAdam before and I realized I'm one of the veterans of this Commission having been here for six years.

It's nice to see the discussion on equity issues and distribution of housing, affordable housing as part of the staff analysis, something we did not get into years ago. This is an important move in the right direction. That being said, the statistics are fantastic, I think they're interpreted improperly in some cases. I would like -- I don't see them necessarily valued as comments either.

THE CHAIRMAN: Before we do that, I'm thrilled with that. I want, before we start going through the conditions, I want to make sure one by one everyone has a chance to say anything general they want to say.

COMMISSIONER CASEY: I want to agree that I think a lot of these conditions also should be comments and not conditions.

THE CHAIRMAN: Here is what I'm hearing. I haven't heard anyone say anything other than speaking
in terms of approval. In order to flush out anyone that thinks in of terms of making this a disapproval? Seeing none, then we are talking about approval. In that case, we should walk through the conditions one by one. Why don't we walk through the conditions one by one, and a couple of -- the vice chairman helping lead this conversation too. We walk on the down the line assuming we are talking about approval. Question is how.

The first recommendation is, Dan read it, basically talks about the equity issue. Why don't we start with that keep our comments focused condition by condition and we march through them.

VICE CHAIRMAN KONTOKOSKA: I think the issue that we are looking at in terms of equitable diversifying housing stock around the county is an important one and an important policy focus of the commission. It's designed not to punish the municipalities that are trying to do it, it's designed to encourage the municipalities that are not providing multi-family housing to do more. I don't want to see this as a negative. I think that issue which applies to Condition 1 and 4, as well, I don't necessarily think are appropriate, perhaps a comment in terms of
the need to diversify the housing stock across the county is a critical one, and frankly, that is on us at the county level to create a regional housing policy and I hope we are in the direction of doing that.

I don't see that as a reason to punish an applicant or municipality that is trying to move in that direction because perhaps they have a higher share already than some other towns or villages may have.

That would be my comment.

COMMISSIONER HOLMES: Are you suggesting eliminating it entirely?

VICE CHAIRMAN KONTOKOSKA: Yes, one and four should be combined into a policy.

COMMISSIONER HOLMES: I still don't understand. Are you recommending that they be eliminated or just be reduced to policy?

THE CHAIRMAN: What he just said was they be eliminated, but maybe they be a comment to capture some of the essence of the equity issue being important to us. Let's walk through this. One thing I noticed in the staff report is a couple of these are related. If we have a comment a comment might relate to one and four captured with the same comment.

It seems like one and two, maybe there are
too much. The staff was indicating a concern about the
density. Three talks about maybe there is too much
rental, four talks about affordable.

Following up on what the vice chairman said,
these are all things that we've promoted, whether
affordable or rental in the appropriate places,
density. Let's keep the discussion on Condition 1
The suggestion was to strike it.

COMMISSIONER HORTON: I want to second that.
That suggestion is strike Condition 1. I don't think
that warrants a comment. If there was any dialogue
about a housing plan, it should be reflected in the
County and this Commission's effort to promote a
regional housing plan, not something in the context of
how it's written.

COMMISSIONER McADAM: I want to say I agree
with that, too, as I said before. If we are heading in
that direction, I'm wondering if we eliminate some of
these conditions or convert them to comments, how are
we going to get our point across to the Town that we
would like them to do certain things about it if
doesn't become part of an application? Is there any
way that we can do it in a letter or report to the Town
saying that a number of items came up with this
application, you may want to look into these things?

THE CHAIRMAN: We can include in the comment a request to the Town that they conduct some kind of town-wide analysis to look into equity. That is a good way to do it, rather than conditioning it on a project specifically saying this is we as a regional body, we think that the Town needs to look at.

Let's hold that thought and see where we go.

COMMISSIONER ESPOSITO: I don't understand our hesitance to at least add it as a comment. Saying that it should be a regional plan or county regional plan is nice, but we have been saying that for two decades and that hadn't happened. We know that the problem is it's left up to the local municipalities, towns and villages.

I think it's appropriate for the regional planning commission, which is the County, to suggest to the Town once again, look at thresholds and standards for location of higher density. I think that is a good recommendation and I think it's the kind of thing that we should be doing. I agree that it should not be a condition, because it doesn't yet exist. That would be putting the cart before the horse. To be a comment, I think is not only reasonable for us, I think it's what
THE CHAIRMAN: I'm trying to keep notes about that and let's see if we can form a comment on the end. The other thing I'll say, this county needs to do what we are proposing, which is have a housing summit to try and encourage the kind of housing that we need. That is a personal policy reflection of mine. Anyone have comments on Number 1? Any other conversation about Number 1.

Seeing none, let's move onto Number 2, which is the density is above the average for the area. I do recall we had the same issue the last time we dealt with this location. In fact, this condition was actually -- although it should be said that the prior proposal included a TOD, which this commission opined, should be a model for Huntington as well as the County.

Number 2, any comments on proposed Condition Number 2? Commissioner Finn.

COMMISSIONER FINN: As a commission, we often address density and where it is proper and where it should exist. This parcel is in not in the Carmans River estuary, the Farmland Protection Area, or the Pine Barrens. It's in proximity to the train station. It's a walkable component. These are all the buzz
words and items that we discussed on where density should be. So here is an example and here's an opportunity to implement a method of development and density that would be consistent with what we are talking about. It may be, in particular to some adjacent parcels, but it is far less density than what -- as far as density, we visited other communities and everybody kind of gets wrapped up in density. It's more of, as we heard of other successful projects, it's more design than density, its proximity to the train station.

And Huntington is a township that is thriving. The economic development with the 110 corridor and let's not forget this area does have sewers. These are the restrictions that prevent other municipalities because of the lack of sewers. You have sewers, you have the ability to not be a septic situation these are the areas and have the ingredients where density to be somewhere we should encourage.

THE CHAIRMAN: Any other comments on Condition 2?

COMMISSIONER McADAM: About Condition 2, I'm not sure I'm right about this. If someone can correct me, I'll be very happy. I think when using a statistic like this you also have to consider the size of the
property that was used in calculating these averages; in other words, if you have a twenty-six acre piece of property, and other projects in the town with fourteen acres, I think that is going to affect the way the numbers are presented.

THE CHAIRMAN: That is certainly an issue.

We don't have the photos in front of us, but I know we showed them last time.

MR. GULIZIO: I'm sorry to interrupt.

THE CHAIRMAN: You're not interrupting, you're doing your job.

MR. GULIZIO: Two quick comments. Number one, the typical distance that we would love to see in terms of walkability, and recognize there are a number limited number of sites, is a quarter mile distance from the train station. In a study a couple of years ago regarding development in and around train stations and downtowns within a half mile of that train station, this site was outside of that catchment area. This is a little bit further than a half mile from the parking garage from Highview. There is a density of ten units per acre.

Staff recommendations, in consideration of a lower density, was based on the fact that they're
proposing a density 40% greater than Highview in Huntington and further from the train station than Highview in Huntington.

THE CHAIRMAN: Any further comments?

Commissioner Holmes.

COMMISSIONER HOLMES: I note that the staff report mentions concerns with respect to traffic and on site parking demand and whatnot, and goes on to say that the Town consider a reduction in density more consistent with the nature and character of the development in the Town as a whole, which kind of begs the question about the fact that many commissioners feel this is a suitable area for this type of density.

But, the mitigation of traffic is something that should be looked at and considered, and I'm not quite sure how we might make that as a comment, but I think it should be mentioned. Traffic mitigation is definitely a problem in that area already.

THE CHAIRMAN: It's a good point. I'm noting for everyone's information I went through our report from last time -- our resolution, sorry -- and it did include in a comment traffic signal mitigation. I kind of wanted to save that for the end.

COMMISSIONER HOLMES: You mean traffic
signal? Mitigation, in other words, creating traffic signals.

THE CHAIRMAN: Yes. That is an issue we addressed last time. The proposal changed a little bit. It's the same location with the same general traffic issues.

COMMISSIONER HOLMES: The comment, if we turn it into a comment, it might suggest that the Town consider traffic signal.

THE CHAIRMAN: I can read the language from last time. I'd like to hold that to the end. I made a note of it. There is language used last time that we can use as a jumping off point. I'm writing that down as something to talk about. As part of the condition we want to rescue a piece of it for a comment.

COMMISSIONER HORTON: On Number 2, I see where it comes from. But, in the face of this, it would be the same for us to say that the Town consider an increase in density. If we recommend and consider a reduction in density in our comments as it related to Number 1, we were talking about reviewing an overall plan and where housing or where high density development should take place, if we were going to push that forward on point number one.
Then Number 2, saying that the Town consider a reduction in density is just as meaningful or meaningless, the same as the Town consider an increase in density. I don't think it achieves the goal that I think is intended here.

THE CHAIRMAN: Why don't we work on that language when we get to this? What we said last time is simply, last time we supported the general outline of this, which was more density. But let's -- there are some traffic issues. Again, we included that as a comment. I have that as a comment to East Fifth Street and Park Avenue.

Is there anyone that thinks we should maintain Condition 2 as a condition?

COMMISSIONER ESPOSITO: No.

THE CHAIRMAN: Seeing none, let's move on.

Condition 3 talks about rental units within Huntington Station. Thoughts on that condition.

COMMISSIONER HORTON: I have a question as it relates to that. Therefore, it is recommended that consideration be given to increasing the percentage of ownership units for the project in order to ensure there is appropriate diversity of housing types within the community.
What does that mean? Is there something we need to be aware of as it relates to rental properties? I don't understand this.

MR. GULIZIO: When we looked at the distribution of rental units throughout the Town on a hamlet by hamlet basis, we found that Huntington Station had the highest percentage of rental units of any hamlet in town and highest percentage of multiple family units, second only to one other hamlet, that contained one multiple housing development that was rental, Paumanok Village.

Our concern was to ensure, as the Town comprehensive plan says, an equitable distribution of all units, including rental units throughout the Town. The planning staff has very specific guidelines in terms of what particular percentages ought to be or ought not to be. What the Commission has endeavored to do in recent years is raise the issue as a concern for a referring municipality and suggest that they evaluate the issue and develop a rational basis for moving forward in terms of staff policy.

If you would prefer us to put in more specific standard we would be happy to do it. We have been trying to raise the attention to municipalities
THE CHAIRMAN: I think the town-wide analysis that I reference is consistent with, some kind of town-wide analysis in terms of equity. Alternatively, it's possible to mention this to the Town as an issue, piggybacking on what Commissioner McAdam said. I guess this group can decide whether it should come before or after that. We want to speak to the Town in terms of the need for regional analysis.

MR. GULIZIO: Just to be clear, the County certainly has a responsibility and obligation to provide guidance on regional housing policies. Certainly Towns have a similar responsibility to establish a rational approach to housing units and types throughout their communities. The language quoted is from the Town's comprehensive plan about establishing standards and guidelines for the distribution of units. It's not County policy, it's Town policy as embodied within the recently adopted 2008 comprehensive plan.

COMMISSIONER HORTON: Is it your opinion and would it be our opinion, if we were to adopt this as a body, that we have a concern that there too much rental housing in Huntington, and what does too much mean and
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why would that be too much? What is the negatives of rental housing? What is the problem with rental housing? That is what I want an answer to.

There is a lot of planning dialogue and a lot of loose dialogue here that enables the County and Town to do something or to do nothing. My concern is what is inequitable or a not fair share of rental housing and why would that be problematic, having lived in rentals most of my adult life.

THE CHAIRMAN: The Long Island Index came here and we talked about the need for more rental housing on Long Island generally, compared to similarly situated suburban counties. I think Westchester has thirty some odd percent. We have significantly less than that. The question becomes -- the fact that we need more elsewhere, does it mean we should have less here? I don't know that is what we are trying to say.

COMMISSIONER HOLMES: That isn't what the staff report is saying. The staff report is simply pointing out that this location with this application in Huntington Station already has an abundance of rental, and the staff is recommending, if I understand properly, that there be more of a balance in this application, between ownership and rental.
So, it's more equitable to have a little more ownership in that development than rental because there is already so much rental in this particular location; am I correct?

COMMISSIONER HORTON: Again, the question is, what is the issue and what is that makes home ownership more desirable for a community than having rentals?

COMMISSIONER HOLMES: Not for the community, just for this area.

THE CHAIRMAN: I think Josh's point is a policy issue. It's somewhat difficult to make policy on individual applications. That is what I'm reading you as trying to say.

COMMISSIONER HORTON: Making a judgment.

COMMISSIONER ESPOSITO: I don't think this is about making a judgment. I think we should go back, what I think our role is, which is a regional planning commission, from a broader context. I believe the point here is rightly pointed out that if you -- that the Town is now having much greater levels of rental than it does ownership, and is that what they want to do.

It's not making a judgment whether it's good bad or anything, it's making a call, is that the best
for the planning for the Town and the way it's supposed
to evolve and develop. I think that is a legitimate
question that the Town hadn't answered either. We are
supposed to make them ask it and answer it.

COMMISSIONER HOLMES: Isn't this just
concentrated on Huntington Station rather than the
entire Huntington Town? What staff is saying that is
Huntington Station itself already has a great imbalance
in terms of rental versus ownership.

THE CHAIRMAN: I don't think that the staff
used the pejorative imbalance. What was the staff
saying?

MR. GULIZIO: I think the staff is saying
that the Town's comprehensive plan as well as the
Planning Commission guidelines talk repeatedly about
taking steps to ensure the equitable housing types
throughout the town and school districts. If there are
individual hamlets that don't have rental housing, and
rental housing is a housing type, that perhaps might
not the most equitable distribution of housing types.
If an individual hamlet has the highest percentage of
rental housing and there is a proposal to increase
rental housing that is something that may raise
concerns based on policy adopted by the Town to ensure
VICE CHAIRMAN KONTOKOSKA:  Deputy Director Gulizio, I casually referred to you as Dan before and I wanted to make sure we remain official. Suffolk County has a major problem of concentrations of housing by income and by race. There are pockets of these areas that have disproportionate amounts of low income housing, rental housing and high density housing.

I think what the staff is asking us to do is really enforce our own comprehensive plan and so everything is not put into Huntington Station or one particular hamlet. That being said, it's a critical comment, but I don't see it as a condition of this particular application. I don't see our body as creating policy through individual applications.

This is a bit of a stretch, but I see this as an important comment to relate to this town and all of the towns, frankly.

THE CHAIRMAN: With regard to the comment, we talked about having as a comment town-wide analysis with regard to equity. The rental ownership balance might include the affordable, non-affordable balance.

VICE CHAIRMAN KONTOKOSKA:  Condition 1  If I
may cut to the chase, high density housing, rental housing or affordable housing. We can add to that and we covered Condition 1, 3 and 4. I think that would be a way to succinctly put the feelings of the staff into this application.

THE CHAIRMAN: We are not voting on this. It's a thought. It's a way to capture a couple of conditions that are sort of similar. It talks about from the perspective of policy issues, which Commissioner Horton noted are difficult to address on one application. The proposal is essentially that the Town conduct a town-wide analysis that will allow them to implement thresholds and standards of the location and design of high density housing, affordable housing and rental housing. We can work on that specific language before we vote on it. That is the general concept. Anything else on Condition 3?

COMMISSIONER McADAM: Rental housing, when you -- I guess where you got these numbers from, are we talking about legal rentals versus -- are these legal rental units, because we all know that there are a lot of -- if you talk about ownership units, some houses or some properties can be listed as single family and obviously are used as rentals. That was the other
MR. GULIZIO: Legal rentals. I don't believe we have a reliable number in terms of other rental types.

THE CHAIRMAN: Any other conversation with Condition 3

COMMISSIONER CASEY: I just wanted to comment with respect to the rental housing in Huntington Station. I think that it's very important that the Town looks to where the rental housing is placed. With respect to a project with this density, I think the location near the train station is very important. That is what I think the overriding part is. You have the density rental units near a train station, you're not placing it anywhere. That is what you need, to place it there, even though it's not transit oriented development. It's still working toward that theme.

THE CHAIRMAN: I have the suggested comment. Your thought was to -- there was one suggestion that delete Condition 3 and capture some of the things we want to capture from the additions into a comment. Condition 4, from what I hear around the table, is the of affordability aspect of it. It talks about
COMMISSIONER SCHOOLMAN: There is a real good possibility, I absolutely don't know what I'm talking about as someone who is brand new. But I would like to make an observation as a business person. What I see here, or listening to it for the first time, three months from now maybe I will say boy, I sure didn't know what I was talking about.

Isn't there a real problem with just paralysis by analysis? I mean, some of the things, you look at Long Island. So many things just never get done. You look at the number of foreclosures in the marketplace and you look at the number of people who are out of work. You look at the immediate horizon for Long Island is not very bright.

My first reaction is, someone takes a risk invests money, they're going to build a property. The laws of supply and demand will determine whether that is successful or not. Getting into monstrous discussion as to what percent of rental units, when I first got married and couldn't get a job and got out of engineering school in the middle of a recession, I lived in a garden apartment and I was glad I could find
I know this is a little bit more upscale. We have to start getting things done on Long Island. It seems you can overanalyze everything. I think that you always go to somehow support the guy who is taking the financial risk, that somehow he knows how to invest his money. That is what I hope.

I've lived on Long Island all my life and I would like to see the Island doing better. That is my comment as a newcomer listening to all this.

THE CHAIRMAN: Welcome aboard. Condition 4, my question to the table is there anyone that would keep Condition 4 in light of the discussion we are having about having the Town conduct an analysis?

COMMISSIONER ESPOSITO: I feel we should incorporate it as the vice chairman suggested, to incorporate it into the Comment 1.

COMMISSIONER HORTON: Exactly how he said it as well.

THE CHAIRMAN: Let's go to Number 5 talks about the parking. It was actually the same issue we dealt with the last time we heard the project. Commissioner Esposito mentioned that as the issue with the ponds, we would ask the Town, that may be
impractical and they should look at that with regard to the site plan.

I think that should be rescued. Any other thoughts on Condition 5, regarding parking on Condition 5?

COMMISSIONER ESPOSITO: I would make it a condition. If no one else agrees, I'll go along with a comment. But I don't see why it wouldn't be a condition.

COMMISSIONER HORTON: I think it's a fair point, to have as a comment. It makes an assumption that garages will be converted to something other than parking spaces. Those are things that can be recommended indeed through association rules and code enforcement and things of that nature. I don't think it's safe for us to make it a condition, particularly on the assumption that they may become something other than garages.

THE CHAIRMAN: Other thoughts on Condition 5?

COMMISSIONER HOLMES: I agree with making it a comment.

THE CHAIRMAN: We should make the whole thing a comment, actually.

COMMISSIONER McADAM: Dave, I was wondering,
it's not about any of the conditions, but we do have new members and I'm not sure if they understand condition versus comment and what the importance of it is.

Commissioner Schoolman brought it up in a broader sense. I think it might be helpful if either you or our attorney could explain that.

THE CHAIRMAN: Just so everyone is clear, I think I tried to welcome our new members and give them a little bit of a flavor between the difference of condition and comment and the legal difference. Tom Young, I'm sure would be happy to answer.

COMMISSIONER SCHOOLMAN: One is a legal requirement and one is a comment.

COMMISSIONER CASEY: I too understand the difference.

COMMISSIONER HOLMES: I think that the point is well made by Commissioner McAdam, that the difference for us is that with a condition, the Town has to have a super majority to override it, the Town Board. If it's a comment, they take it into consideration and they ponder it, but they don't have to have a super majority to override it. I think that is the importance.
THE CHAIRMAN: Any questions? Okay. Next we have Condition 6, density increase. Thoughts or comments on that?

VICE CHAIRMAN KONTOKOSKA: It's come up a bunch. It's somewhat semantics, but I think it's an important consideration. The staff, in typing up the report, and I'm sure it's a typo, left out an important "should," "increase in density should be tied." It's in the analysis, but not in the condition. I don't think there is a universal agreement that a one-to-one density offset is required for any and all increases in density across the county. It's a powerful statement as written, but it's a powerful statement that I don't think this Commission has actually agreed to or come to some conclusion on.

MR. GULIZIO: Just to be clear in response, it's from the Commission guidelines. I apologize for the "should." In its entirety, it's from the Commission guidelines. We are happy to apply whatever standards were contained within the Commission guidelines. In the absence of an amendment to the condition or the adoption of new guidelines, we are obligated to bring in the guidelines that apply to a specific situation to the Commission.
THE CHAIRMAN: We appreciate that, Dan. This has come up a few times. A few times and we have talked about figuring out how to change that in the guidelines. I think that is an open issue. Several times you have suggested and it and several times we have taken it out. Our guidelines haven't been changed yet. We have a guidelines committee that is not going to have time to meet today.

We can keep it in or keep it out, depending on the decision of the Commission. Comments, on Condition 6?

COMMISSIONER HORTON: My only thought is if this is a part of the report that we issue to the Town, that we not issue that as a condition.

COMMISSIONER HOLMES: I agree with Commissioner Horton, that it should be at best a comment.

THE CHAIRMAN: I don't remember if we have, this is just, someone help me. I know this has come up a few times on different staff reports in the last couple of months. I don't know whether we kept it at all or kept it as a comment. Maybe we dealt with it differently in different cases.

COMMISSIONER CASEY: I think it's fine to
keep it as a comment to further recommend that to the
Town to keep that in mind.

COMMISSIONER HORTON: If I may, if we do keep
it as a comment, I think we should strike the language
of it that it be one-to-one density offset. If we have
if as a comment, we reference transfer development
rights. Transfer development rights, however, log into
one-on-one, however, I think is not benefiting the
application at all.

COMMISSIONER ESPOSITO: Take off the last
part where it says one-to-one density offset.

THE CHAIRMAN: We have a menu of things. We
need to either -- we have not done the work to analyze
this as to how we are going to do that, change this in
the guidelines. I think we may want to say something
general in this. I think quoting the guidelines may be
somewhat problematic because we already discussed this
around the table, changing the guidelines. I don't
want to make Commission policy sitting around
discussing the application.

COMMISSIONER FINN: It has come up in past
applications and we have eliminated it altogether
because it is rather penal. I think in this instance
from a dollar standpoint it will make this project in
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effect a non-starter. It is a sewered development.

COMMISSIONER ESPOSITO: It's a comment. If we are
going to abandon our own guidelines, I need to know
now.

COMMISSIONER FINN: We have removed it on
other applications because it's penal.

COMMISSIONER ESPOSITO: It's not penal if
it's a comment. It's not a condition.

COMMISSIONER FINN: I'm saying just remove it
altogether, whether it's a comment -- we addressed
regionally again how we deal with these offsets. We
spend hundreds of millions of dollars on open space
preservation, and take those credits and do nothing
with them.

THE CHAIRMAN: We don't need to have a
general policy debate about open space policy in the
County now. The question is some people want it be a
comment, some people want to take it out altogether. I
say what we should do is entertain a motion to withdraw
it and someone make a motion to put it back in as a
comment.

Is there any further conversation about
Number 6 before moving in this direction?

COMMISSIONER HOLMES: I do not think that we
should put ourselves in the position of being here to help somebody develop property. We are here to look at the application and apply our standards to it. To me, leaving it as a comment is --

THE CHAIRMAN: I'd like to entertain a motion to remove it and put it back as a comment. Without objection, I'd like to remove it altogether from the application. Seeing none, then Commissioner Holmes makes a motion to put Condition Number 6 back in as a comment.

COMMISSIONER ESPOSITO: Is that for all of them?

THE CHAIRMAN: The others, there was no objection. There is on this one. Second by Secretary Esposito. All those in favor of putting it back in as a comment raise your hand. (Show of hands).

VICE CHAIRMAN KONTOKOSKA: Also a note to correct the actual wording in the guidebook.

THE CHAIRMAN: Thank you for noting that. The editing, the proposal is to add it back as a comment with the word "should" between "density" and "be." All in favor? We have a substantial majority of the Commission. I think it's eleven to zero.

COMMISSIONER FINN: Number 6 is a comment.
THE CHAIRMAN: Bear with me while I try to keep track of this. We have as a comment right now that the applicant should consult the Planning Commission guidelines. There was a suggestion that we make a condition that we typically do. I don't have a problem with that. Consistent with our practice, I think we should word it a little more eloquently and also include the reason, as we have when we do conditions, that would be that the Town shall actually -- let me ask, is there any other discussion about that before I get into reading a proposal.

I'm talking about this comment on energy efficiency and public safety. Seeing none, my proposal would be that -- the Town shall direct the developer to consult the Suffolk County Planning Commission guidelines with respect to energy, efficiency and public safety. Reason: the Suffolk County Planning Commission has identified energy efficiency and public safety as critical county-wide land use priorities. By directing the developer to consult these guidelines, the Town will be ensuring that public safety and energy efficiency principles are considered in development plans relating to this location, period.

Any questions or additions to that?
I went through the minutes the last time we heard this, the other proposal at this location. There are some differences between the things that we voted on and the things that made it in the resolution. I want to be very careful. I'm going to read exactly what we propose.

Other aspects. Condition on energy efficiency and public safety. We have a comment with regard to town-wide housing analysis. I'll read that before we get into details. We have a comment on land bank. We have a comment on green methodologies for energy stormwater runoff, and we have a comment that was the old Number 6. I'm sorry, when I said "land bank," I meant the whole Condition 5 as a comment.

Green methodologies and the old Condition 6 with the word "should" added. Dan, you mentioned a few other items that we might want to consider as comments coming from, I think staff's past analysis and I didn't catch all of them. If you would let us know, traffic mitigation, we have to talk about that.

Other than that Dan, I think you talked about emergency access.

MR. GULIZIO: I don't recall if it was a comment or condition on emergency access. There was
also a condition on a bus shelter being constructed by
the applicant.

THE CHAIRMAN: Emergency access and bus
shelter are really the two. Any objection to adding a
comment on emergency access? Let me read what we
passed last time. Let's make sure it makes sense. "An
alternate or emergency access should be constructed on
the western portion of the subject property from the
proposed parking area to the paper street of Wicks
Avenue existing parking area." That was off the old
conceptual. Is that still relevant?

MR. GULIZIO: I think it's still relevant.

THE CHAIRMAN: Any objection to that as a
comment? Commissioner McAdam.

COMMISSIONER McADAM: I don't have an
objection adding that as a comment. Is that a paper
street that goes through or is it some street that has
to be developed?

MR. GULIZIO: Paper street is a road that is
mapped, placed on the official town map and not opened
or improved. Yes, there is a possibility once it's
placed on the town map, it has the ability to be opened
by property owners that have rights of access to the
paper street.
THE CHAIRMAN: Does the staff still think it's a good idea to include that as a comment?

MR. GULIZIO: Sure.

THE CHAIRMAN: Any objection to that, Commissioners? Seeing none, the bus shelter was a condition last time. I'm sort of surprised it was. "Applicant will be directed to construct bus shelter for a HART bus if deemed appropriate by HART," which is the rapid transit in Huntington. Any thoughts on whether that should be a condition or comment? Other thoughts on that? Anyone feel strongly it should be a condition?

COMMISSIONER HORTON: I think it's appropriate as a condition. You are talking about a fair amount of people that need to wait for the bus. I think it's responsible, whether it's the municipality or the whatever the governing entity is for transit mechanism or the developer, but I do think, there was a lot of thought that went into that, and I don't think that is inappropriate for those that are looking to catch the bus to get to work.

THE CHAIRMAN: "The petitioner shall be directed to construct a bus shelter for a HART bus route if deemed appropriate by HART."
COMMISSIONER CASEY: May I ask a question?

Who would determine whether or not there would be a bus stop placed there? Would it then be their responsibility? I don't know how that works. I don't know if we can make it a condition. I understand it would be important to have a bus shelter there. I don't know the mechanism to require the developer to construct one would play out.

Maybe it would be better as a comment. I'm sure, if it's deemed that it's appropriate, they would want to do that. I think it's part of the plan to make it more accessible to the bus and train.

COMMISSIONER HORTON: That is a fair point.

The way that was worded would require the applicant to construct a bus shelter that they might not have the right to construct. I'm quite certain that serious consideration will be given to it and I have no objection to it being a comment.

COMMISSIONER McADAM: I'm sure that was something Vince Taldone put in. While we were driving up to Huntington with Vince, he told me that the Suffolk County Transit System and HART system kind of overlap that area and I'm not sure if they overlap that area. In the past I think we had more leverage with
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Suffolk County Transit than we do with HART. If HART is in that area, I don't know how we can force them to do it either.

COMMISSIONER HOLMES: Wasn't it the original condition last time, was that the Town shall direct the applicant to consult with HART about a bus, the appropriateness of a bus shelter at that location.

THE CHAIRMAN: It says directed to construct if HART deems it appropriate.

COMMISSIONER HOLMES: I'm sure this developer would make darn sure that HART thought it was appropriate before they constructed it.

THE CHAIRMAN: That may or might not be the case. The proposal is to make it a comment. If there is an objection, we will have a vote as to whether it make it a comment or condition. Is there objection to making this a comment? No objection.

Here is what we have. One more traffic mitigation. I'll read you from last time. "Traffic signal mitigation proposed by the petitioner at the intersection of East Fifth Street and Park Avenue should improve the level of service in the intersection beyond the levels of service after. Signal should operate in coordination with the Park Avenue Pulaski
Road signal for smoother traffic flow and should be tied to the Long Railroad Island crossing gates on Park Avenue. Turn movement northbound on Park Avenue should be accommodated with a reasonable level of service."

I would ask the staff, that we mentioned this around the table about traffic, is that comment still germane, given that is a different proposal?

MR. GULIZIO: It is. I believe the applicant as part of this proposal has proposed the same or similar traffic mitigation, including signal retiming and a new signal at the East Fifth Street and Park Avenue intersection.

THE CHAIRMAN: Commissioner Holmes, you are the one that suggested this in particular. Is that good for you?

COMMISSIONER HOLMES: I think it's marvelous, considering it's after four o'clock.

THE CHAIRMAN: Here is what we have. We have the condition that the Town shall direct the developer to consult the Suffolk County Planning Commission guidelines with respect to energy efficiency and public safety. The Suffolk County Planning Commission has identified energy efficiency and public safety as critical county-wide land use priorities. By directing
the developer to consult these guidelines, the Town will be ensuring that energy efficiency and public safety principles are considered in the development plan relating to this location.

We then have seven comments. The Town should conduct a town-wide housing analysis in order to implement thresholds and standards for the location and design of higher density housing, affordable housing and rental housing distribution.

Comment Number 2. Land bank parking located within the proposed ponds makes little sense and would be impractical to implement. The location of parking spaces within the planned on site garages also raises concerns due to the tendency to utilize garages over time for other purposes resulting in loss of on site parking. The proposed parking plan should be revised to eliminate both land banked parking within the ponds and parking with in the proposed garages, while still insuring that parking is provided in accordance with code requirements and/or any relaxation is properly addressed.

Comment 3 The applicant developer will explore green methodologies for storm -- I'm sorry, will consider implementing green methodologies for
stormwater management such as rain gardens, bioswales, et cetera.

Comment 4, in order to prevent the spread of high density sprawl and to supplement taxpayer funded open space preservation efforts, Commission policy requires that increases in density should be tied to the purchase and/or transfer of development rights or to one-for-one density offset through upzoning of vacant land privately owned. Therefore, it's recommended that the Town establish a nexus between the proposed increased intensity and preservation of open space for one-for-one density offset consistent with Commission policy.

Comment 5, the traffic signal mitigation proposed by the Petitioners at the intersection of East Fifth Avenue and Park Avenue should improve the level of the service of the intersection beyond the level of service during peak periods. The signals should operate in coordination with the Park Avenue-Pulaski Road signal for smooth traffic flow and should be tied to the Long Island Railroad crossing gates on Park Avenue. Turn movements northbound on Park Avenue should be accommodated at a reasonable level of service.
Comment 6. Alternate or emergency access should be constructed in the western portion of the subject property to the proposed parking area to the paper street of Wicks Avenue. In paren, existing parking area within the adjacent park.

Comment 7, last comment, the petitioner should be directed to construct a bus shelter for a HART bus route adjusted to serve the proposed development if deemed appropriate by HART.

That is what we have right now. Any suggested edits or additions to what I just read?

VICE CHAIRMAN KONTOKOSKA: Just the parking. I think we should exclude the part about parking garages. This project has three spaces per apartment. They're a half a mile or so from the train station. They're giving no credit for people to commute. To remove the usability of a parking garage seems a difficult precedent to set.

THE CHAIRMAN: Even though it's a comment, I actually agree with you. Are there any objections to delete? What I propose to delete, the sentence that reads location of parking spaces within the planned on site garages also raises concerns due to the tendency to utilize garages over time for storage purposes.
resulting in a loss of on site parking. Land bank parking located within the proposed ponds makes little sense and would be impractical. The proposed parking plan should be revised to eliminate land banked parking within the ponds, while still ensuring that parking is required for code requirements or that any relaxation is properly addressed. Any objection to that language? I'll make this note on the paper. Anything else anyone wants to add? Any comments or questions? Seeing none.

MR. GULIZIO: Mr. Chairman, can I clarify Condition Number 2, the status of that?

THE CHAIRMAN: I thought we deleted all the conditions. What I read is what I had. Anyone else around the Commission have anything different than that? Seeing none, what we have is the one condition, and seven comments. Anything else? Okay. I'll entertain a motion to adopt that proposal as we have hashed it out.

COMMISSIONER CASEY: So move.

COMMISSIONER HOLMES: Second.

THE CHAIRMAN: All in favor of adopting the proposal as I just read it, please raise your hand.

(Show of hands) Eleven to zero.
Next item on the agenda, the Village of Patchogue moratorium. Who has that? Let's take a two minute break.

(Recess taken.)

THE CHAIRMAN: Village of Patchogue moratorium. Mr. Freleng.

MR. FRELENG: That would be Chief Planner.

The next application for the regulatory part of the commission agenda is a referral of a moratorium of development of the Village of Patchogue proposing a local law to enact is six month moratorium of new apartment houses, garden apartments, townhouses, residential uses and buildings over three stories tall, and D-1, D-2 and D-3 business district and any floating districts.

We have up on the screen for you a copy of the Town zoning village map. We tried to indicate those districts that were affected and how they spread across the village. This moratorium is applicable as indicated to D-1, D-2 and D-3 districts and any floating district within the confines of the proximity. Affected lands include properties along Waverly Avenue, West Main Street to the east. Earlier to the core business along Main Street, East Main Street and
Medford Avenue at the eastern village boundary. These are state and county roads as indicated. Land uses within the moratorium area are generally within the compliance of the village uses in the zoning categories include retail, personal service stores, apartment houses, restaurants, offices, etcetera.

The proposed local law from the position of the staff analysis prohibits any village official to accept for filing any application for a building permit, granting of any approvals of any site plans or subdivisions, any variances or other permission. It also prohibits the building inspector and code enforcement officer from issuing any permits related to moratorium.

The Commission has indicated that a moratorium from one perspective is the most extreme land use action a municipality can take because it prohibits land use owners from using their property. From the perspective of the Commission, a limited or narrowly scoped moratorium generally does not involve regional or inter-community impacts of an adverse nature and generally are considered matters for local determination.

The Suffolk County Planning Commission has
published guidance on the structure and content of moratoria. The moratorium should be tied to a legitimate comprehensive planning initiative such as the completion of zoning or master plan updates. Where possible, the moratorium should be limited and allow for the due process of applications and assure the proper balance between property rights and community planning.

The referred local law would be strengthened in the opinion of staff if it indicated that the village investigated any alternatives less burdensome on property owners than the proposed moratorium. It should have indicated what recent circumstances have occurred that justified the adoption of the moratorium. In the opinion of staff, the circumstances warranting the moratorium or what hard evidence there is to support the necessity of the moratorium.

There are more details in the staff report to summarize. Staff is recommending approval subject to the following conditions: The first condition goes back to the proposed legislative intent, and staff believes that the Commission should condition that the legislative intent should be beefed up and added those issues enumerated in the Commission's addendum on
The second recommendation from the staff for a conditional approval is that the alleviation of hardship section in the proposed local law also be strengthened to include a number of items that would make the issuance of a hardship variance less subjective and that is the staff report.

VICE CHAIRMAN KONTOKOSKA: Thank you, Mr. Chief Planner. Commissioner Esposito, that is your area; I'll start with you.

COMMISSIONER ESPOSITO: Being that I represent the Village, you would have thought that the Village would have informed me of that, but that is not the case. The numerous and large scale proposals have been approved and have been applauded throughout the Village, whether it's the ones on Main Street or down by the water. With a good combination of affordable housing and attached housing, I think the Village is seeking a little bit of a breather now that some of the massive plans have been approved and are moving forward to kind of re-look at and what direction that is going to go into.

I want the Commission members to know this is not out of context. It's as if you run a marathon and
you rest a bit to see what your next goal is. The Village is resting a bit to see what the goal is for the next couple of years.

MR. FRELENG: The moratorium does affect the zones as indicated, but I should still point out is there a potential large growth area in the Village. The Village indicated it wants the moratorium to study the E Business zone. As you recall from a recent project, also allows attached residential units, as you see up on the screen, all that potentially developed area. When you commend the Village for looking at development in context, I think I should keep in mind there is a significant developable portion of the Village that is not being considered developable in terms of apartments and homes.

THE CHAIRMAN: This is --

MR. FRELENG: I can quote to you the legislative intent of the local law that states that the purpose is "to allow the Village of Patchogue to evaluate the LLC project and DRD district upon the parking, health, safety and general welfare of the community of the Village of Patchogue and effectuated a solution and/or comprehensive plan to address the future residential density and construction in the
This moratorium is in response to a project that we approved and in the opinion of staff might not have analyzed the project effectively through the SEQRA process if this project results in that moratorium.

THE CHAIRMAN: Your proposal is approval with conditions. I take it this is the fingers and toes of some of the Villages out in there.

MR. FRELENG: That is correct. We compared guidelines and proposed a conditional approval.

THE CHAIRMAN: We like to remind them through the conditions some of the legalese to make the moratoriums not legally challengeable, just for the new measures. Andy calls them fingers and toes. I don't know where that came from. The moratoriums are analyzed consistent with our guidelines.

You will see in the staff report, the last page of the staff report is the Suffolk County Planning Commission Advisory Views Volume 2 Issue 1. We have not, as far as I know, issued Volume 2. This is the planning guide based on the legal precedent for guidance. It's based on legal precedent.

When a moratorium comes and doesn't have one of these pieces, we say that you have to have one of
MR. FRELENG: I could call it the sniff test but I think fingers and toes is better.

COMMISSIONER KONTOKOSTA: With moratoria, it's completely counter to the intent. My understanding, to reference a single proposal, you're supposed to look at more comprehensive area wide impacts of the numerous developments or large scale developments simultaneously. I have a major concern about the kind of basis for this moratorium at all. I'm curious why approval with conditions as opposed to disapproving with reasons why and having them come back and frame it appropriately.

MR. FRELENG: We looked at the consistency of what the staff and Commission recommended over the years. The Commission, on some occasions, have overridden staff, if you will, and denied the moratorium on two occasions. I believe staff is being consistent with strengthening the moratorium. It's up to you.

VICE CHAIRMAN KONTOKOSKA: I am concerned about putting words in the Village's mouth to make it appropriate rather than them coming to us and proposing a suitable and defensive moratoria from the start.
That is my concern.

THE CHAIRMAN: Commissioner Kelly, welcome back.

COMMISSIONER KELLY: Missed being here. Regarding the moratorium, again, never a big fan of it. As the report indicates, a breather may be well needed. I think that is what the Village is looking for. In light of the fact that they approached us with this request, I believe probably our response should be in terms of a comment versus a condition. I think it would be better received. That would help them shape their moratorium a little better, more defensible, if that's the word you want to use.

I don't think we should be placing conditions on them, but more advising them in terms of a comment.

MR. FRELENG: They have no choice but to refer it to us. They didn't send it to us under any pretense other than they're required by law to send it.

COMMISSIONER KELLY: Understood.

COMMISSIONER HOLMES: I believe that the condition term is warranted because they have not fully justified the reasons for their moratorium. I think it's a little more mandatory for them to shape up their moratorium and make it more appropriate and defensible,
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if you will. But that I think that the term condition
is warranted here.

COMMISSIONER WEIR: I have a question on the
D-1, D-2, D-3. There are a lot of zoning districts.
As the chief planner mentioned, not all the zoning
districts are encompassed in this. This is a kind of a
gobbledygook because it's in black and white and it's
all mushy. Tell us which district is which.

MR. FRELENG: D-1 is red. D-2 business is
blue, sort of these scattered parcels. D-3 is the
gold, which is this big concentration of area here.

THE CHAIRMAN: Moratorium is for all three of
those areas.

COMMISSIONER WEIR: But only those three.

THE CHAIRMAN: You have that whole area in
the middle is wetland.

MR. FRELENG: No, that whole area pattern is
E Business zone.

COMMISSIONER ESPOSITO: Up and down the river
is residential. I think down the river is residential.
There are homes on the river. I live on the river;
this is how I know this. The head of the river there
is a manufactured gas plant site that needs to be
cleaned up, which they haven't cleaned up. There are
some industrial slash pretty bad commercial areas that could and probably should be developed. It's tied into the waterfront revitalization plan that has yet to take shape.

I don't know that any of that is imminent over the next six months, anyway.

MR. FRELENG: There is also marinas and restaurants up and down that corridor. You know from experience from the projects that you have reviewed, some of the marinas have converted to residential high density condos over the last ten years. Staff's point is they have not put into their moratorium other high density residential zones that could be affected. They only want to study the business district.

Staff is just pointing out that having said that, there are other areas in the Village that can have high density housing.

COMMISSIONER ESPOSITO: That is true, but I don't think that point on its own makes a moratorium in these districts a bad idea, Chief Planner. Let me ask you a question. Does this include -- I can't tell from the map, the East Patchogue section which includes the theater that has just be taken over by eminent domain?

MR. FRELENG: No, that is outside the Village
COMMISSIONER McADAM: Under the staff analysis at the end of the first paragraph, it could be just the way I'm reading it, it says that -- it lists the fact that the building inspector and code enforcement officer can issue permits, and down at the end it said for garden apartments, townhouses and residential uses and buildings over three stories tall. Does that mean they can still issue permits for two and three stories?

MR. FRELENG: To answer your question correctly, yes, I think the building inspector and chief zoning officer, it should be more clear that they can issue C.O.'s, other types of electrical permits, plumbing permits, that may be part of and approved part of a project.

THE CHAIRMAN: Commissioner Kelly.

COMMISSIONER KELLY: Moratorium is a voluntary application from the Village, correct, on their own motion.

MR. FRELENG: That's correct.

THE CHAIRMAN: They have to send it to us, they don't have to do it.

COMMISSIONER KELLY: They don't have to do
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it. My point is, I don't think we can condition them
to do anything. We can help shape their language, but
I don't think it's in our interest to condition
something because they're making the effort, not us.

THE CHAIRMAN: I think the precedent has been
we condition them. We don't love to see them. If we
see them, we generally want to see them done the right
way and we feel strongly about that. We had the Port
Jefferson one a few years ago. Because of the nature
of moratorium, which is extinguishing basically
property rights, development rights for a period of
time. It needs to meet certain criteria and needs to
be done carefully.

That is why I think our general tradition is
to do a condition on that anyway. We don't have to.
That is what we generally do. Other thoughts,
comments, questions?

COMMISSIONER CHARTRAND: I have to agree with
staff on this, this is a tremendous amount of work that
is going on down there now. This will be going
forward. For them to come out and recommend on their
own that we want a moratorium, I would have to back
that.

COMMISSIONER FINN: I'll echo to Matt's
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point. I think there has been, to Commissioner
Esposito's point, we should applaud the Village's work.
Now it's time for them to reanalyze, not to mention the
incredible success of our YMCA in the Village. But
having fourteen thousand people sign up for the Y in
the first six months I have a board meeting next week.
I'll be happy to report to the board.

If we have, in this instance, as we have in
other communities that have been as progressive as this
village has, and to stop and look and see how their
policies, now that the rubber has hit the road.

THE CHAIRMAN: We look forward to the weekly
Y enrollment. It feels like it's weekly. Comment
thoughts, questions?

COMMISSIONER SCHOOLMAN: If it's a hard
answer, you can tell me later. Something like this
comes up, why wouldn't -- it's such a short interval of
time, why wouldn't your first reaction be to say yes?
How are you harmed by saying yes? Is there a simple
answer to that?

THE CHAIRMAN: First of all, we are saying
yes; that is what approval means.

COMMISSIONER SCHOOLMAN: I know you are, but
a lot of discussion. Somebody asks for a six month
moratorium, why wouldn't the immediate response be okay, you have six months, but after that you have to get your stuff together.

MR. FRELENG: Two observations for that. The initial observation being which I forgot. This body, as you learned or will be reminded next month, is an advisory body. It's your job to provide advice. You're an advisory body because the locality after taking your advice can override you and give reasons why they don't think you're accurate. That is the first reason, we have a bulletin that advises localities how to do bulletproof, if you will, moratoria, and we are advising the body they should incorporate those things into the moratoria.

If you make it as a comment, they're not obligated to deliberate and they're not obligated to put their reasons for ignoring your comment into the record. If you put it as a condition, they're obligated to deliberate the condition and put reasons why they don't agree into the record. That is the role of the Commission is to put grist into the mill of deliberation so approvals are made, they're made soundly.

Secondly, a six month moratorium to analyze a
downtown for redevelopment, staff's opinion they're going to ask for an extension. They don't have a consultant on board. They don't have any staff that we know of in the Village that can handle an analysis like that. Staff is being presumptive in thinking they will be back in six months.

THE CHAIRMAN: If they're back in six months, we want to make sure it's done the right way. We don't want to have legal challenges.

COMMISSIONER ESPOSITO: I'd like to make a motion for approval with the conditions as delineated by staff.

COMMISSIONER HOLMES: Second.

COMMISSIONER WEIR: I'd like to make a comment on Condition Number 2. If we are kind of against moratoria, we are saying we want to make it harder. It's not something that you want to do just like that. I'm saying we discourage it for whatever reasons the alleviation of hardship.

We are extremely specific in what we are telling the Village, what we have to do as a condition to give an alleviation of the hardship. I think that should be a comment, if that is subjective, okay, let the Village decide whether or not they should let
Somebody out that moratoria, and not make it so onerous with all the different non-subjective specific items. That is my comment on Number 2.

The Chairman: Andy, any responsive thoughts on that?

Mr. Frelen: No.

Commissioner Esposito: I would like to amend the motion.

The Chairman: Any comments? All in favor of adopting the staff report as written? Please raise your hands. (Show of hands) Nine. Opposed? (Show of hands) Passes nine to four. Town of Southampton amendment.

Mr. Frelen: Town of Southampton has referred to the Commission an amendment regarding general development standards. The referral from the Town Board for an amendment to the Town zoning law to address evaluation criteria. As indicated in the local law, the purpose is to further address more aptly articulated what makes a specific community benefit.

The planned development district is a floating zone district designation subject to locational criteria is applicable throughout the Town of Southampton by petition or by the Town Board's own
In terms of the staff analysis, one of the Commission’s critical county-wide priorities is the effect on economic development. It’s the opinion of staff that the proposed amendment may affect the issues of economic development as it may pertain to the ability of project sponsors to consummate development proposals. The public benefits often are interpreted to include the construction of public amenities, redemption of development rights, offerings of open space, provision of affordable housing cash payments to local school districts, et cetera, in order to address local concerns related to the proposed project.

We quoted New York State Law, Article 16.

"Community benefits or amenities shall mean open space housing for persons of low or moderate income, parks, elder care, day care, or other specific physical, social or cultural amenities or cash in lieu thereof of benefit to the residents of the community authorized by the town board."

What staff feels is at issue is really the definition of what is benefit is beyond what the Town law states. The proposed ordinance defines the community benefit as "being above and beyond project
features that would otherwise be required of
development on the subject property through the site
plan subdivision, et cetera process. Said features
shall not qualify as community benefits."

For example, if you are required to put aside
open space, that is not a public benefit, that is
requirement of development. If you are doing a site
plan and the New York State Long Island Housing or
Workforce Housing Act requires you to provide 10%
affordable housing, that is no longer a community
benefit, that is a requirement of development.

It's the belief of staff it's an important
feature to consider. Requirements of development
should not be considered public or community benefits.

We also give you a section from the Town of
Brookhaven ordinance which also quotes what a community
development is. "It's the belief of the staff that the
proposed Town of Southampton amendment is an
appropriate articulation of what defines a community
benefit in the context of change of zone and other
discretionary approvals." Staff is recommending
approval and gives two reasons why we feel that way.
That is the staff report, Mr. Vice Chairman.

VICE CHAIRMAN KONTOKOSKA: Thank you very
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much. This is a Southampton application. Commissioner Roberts, any thoughts?

COMMISSIONER ROBERTS: I say I agree with the staff and definitely commend Southampton leadership for the many steps they have tried to streamline the process and that that is part of a bigger plan to try to do that.

VICE CHAIRMAN KONTOKOSKA: Any other comments? Somebody like to make a motion?

COMMISSIONER ROBERTS: Make a motion.

COMMISSIONER HOLMES: Second.

VICE CHAIRMAN KONTOKOSKA: All in favor?


COMMISSIONER ESPOSITO: Let the record show when the Chairman left the room we did the application in three minutes.

MR. FRELENG: Mr. Vice Chairman, next on the agenda, the next application referred to the Suffolk County Planning Commission is the Artist Lake Plaza. Comes to you from the Town of Brookhaven, from A-1 Residence to J-2 Neighborhood Business on approximately thirty-three acres of a seventy-four point two acre property in order to develop the subject property into
a commercial retail center. That requires a special permit.

The proposed development of the subject property consists of three hundred seventy-nine thousand four hundred eleven square feet of retail floor area and twelve thousand seven hundred twelve square feet of restaurant space, for a total proposed gross floor area of three hundred ninety-two thousand one hundred twenty-three square feet.

The petition for change of zone calls for a set aside of approximately twenty-five acres of land in the northern portion of the subject property, and it will be dedicated to the Town for public active recreational use. Development of a pedestrian walkway, including water features, rain gardens, a clock tower, brick pathways and landscaped seating areas along the entire property frontage adjacent to Middle Country Road is also shown on the plan.

There is an existing restrictive covenant associated with a prior approval on the subject property running with the land, limiting development on site to a hundred forty thousand square feet for a commercial center, with an allowable increase in the gross floor area up to a maximum of an additional
eleven thousand square feet, by the purchase of Pine Barren credits, with each Pine Barren credit equivalent to one thousand square feet of gross floor area.

An annulment to the restrictive covenant is requested to allow for the proposed development. Off street parking requirement per Town of Brookhaven zoning laws is two thousand two hundred forty-eight parking stalls. That is a 10% shortfall, requiring a variance. Of the total proposed parking, approximately 5%, or one hundred stalls, are proposed to be land banked. Seven other variances will also be required if the petition is approved as proposed.

It should be noted that sanitary waste will be directed towards individual septic systems on site, or septic system on site, if you will. Majority of the southern portion of the property is developed with a vacant former K-Mart store and associated parking. An unused above ground water tank is located to the north of the store. The existing K-Mart and water tower will be removed.

The subject property is located on the northeast corner of Middle Country Road and Currans Road in Middle Island. A review of the land use indicates that the subject property is an island of J-2
zoning in an area otherwise zoned as residential. A small area of J-5, occupied by a gas station at the corner of Currans Road and Middle Country Road. A shopping center, currently zoned J-2, anchored by a King Kullen supermarket is to the east across Woodville Road and far to the west are commercial properties associated with the intersection of Middle Country Road and Yaphank Rocky Point Road.

Land use in the area is reflective of zoning designations. Notable are the shopping center to the east and shopping center at the Route 25 and County Road 21 intersection. The plan is to have two points of access on Middle Country Road, three points along Currans Road and primary access to the site is proposed off Route 25 and appears to be a signalized ingress-egress. No point of access to Route 25 is proposed to the east. East access will require approval from the New York State DOT as Middle Country Road is a state road.

COMMISSIONER ESPOSITO: For those of us which would mean me, which are directionally challenged, where are the road boundaries, just so I know.

MR. FRELENG: From the conceptual site plan this is Currans, Road that is the western property
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boundary, this is New York State Route 25. This is Artist Lake, over here is Woodville Road. The King Kullen shopping center is here and other properties indicated in the staff report. New York State DOT will have to approve access to New York State 25. One point of access is to be used exclusively for the proposed ball field, exclusively.

In terms of environmental conditions, it's important to note that the subject site is located in the Special Groundwater Protection Area. Moreover, the site is located in the Central Pine Barrens Zone of Suffolk County. It's located in the Compatible Growth Area as regulated by the Central Pine Barrens Joint Planning and Policy Commission. A point nine one acre water body is located in the existing on site recharge basin is a town designated wetland, and the subject property would be in the vicinity of Artist Lake and mapped wetland.

The Town of Brookhaven 1996 Comprehensive Land Use Plan recommends commercial for the specific site. Specifically recommends that the subject parcel be designated as a hamlet center, more specifically an indoor-outdoor recreation center which proposes non-competing commercial uses.
This hamlet is supposed to include, notwithstanding the indoor-outdoor component, an appropriate mix of residential, commercial, office and civic development.

The staff analysis will go as follows: In terms of environmental protection, the subject property is in the Central Pine Barrens. It has clearing restrictions. The Commission should note that the subject property is split zone, so the clearing restrictions would range between a minimum of 57% for Residential A-1, to 65% for commercial property. The petitioner proposes a minimum preservation of 37% of the entire parcel. The Commission clearing restrictions are 57% for residential and 65% for commercial. Somewhere in between should be the open space that is being offered. The petitioners are proposing 37% of the entire parcel as open space.

It's also regulated by the Central Pine Barrens Joint Planning and Policy Commission Comprehensive Land Use Plan. The applicant should be directed to consult, and I believe they are in consultation with the staff of the Central Pine Barrens Joint Planning and Policy Commission to determine conformance with CGA natural vegetative clearance and
The petition includes the construction of man-made ponds. The applicant should be directed to the Suffolk County Planning Commission's publication on the study of man-made ponds in Suffolk County. Moreover, since the creation of water features often become managed and protected wetlands by regulating agencies, the applicant should continue discussions, if they have not already, with the Town's environmental division and consult with NYS DEC for potential permit requirements.

It is noted that the proposed development intends to discharge sanitary waste via on site sanitary systems. It is also noted that the County of Suffolk is engaged in the review of regionalized waste treatment studies with regard to waste water treatment for the proposed project in light of existing treatment facilities in the area and the proximity of Artist Lake and the headwaters of the Carmans River.

The applicant should continue the dialogue with the Suffolk County Department of Health Services with regard to waste water treatment at the proposed site. I should just point out that the site is in conformance with Article 6 and that is why they are
proposing to discharge to sanitary systems. We said that the Health Department and Department of Public Works will work with them to see whether there is an appropriate way to regionalize sewage treatment in that area and we do know there are number of sewage treatment plants in that area that need to be upgraded or connected to capacity existing.

In the opinion of staff, while the proposed project does not appear to exceed allowable wastewater density equivalent flow pursuant to Article 6 -- I think that is what I just said -- of the Suffolk County Sanitary Code and does not appear to exceed density limitations of the Brookhaven Town Zoning Law for the requested gross square footage, shifting density via the use of Pine Barren credits should not be dismissed.

The subject petition is a change of zone or discretionary approval. The subject site is also within the central Pine Barrens zone, a management area intended to preserve a core area of fifty thousand acres, via the use of transfer of development. The subject site represents a potential receiving area as defined by the Town of Brookhaven Zoning Law. The use of the site for development without the retirement of Pine Barrens credits eliminates the site as a potential
receiving site and may upset the required sending to receiving ratios established to implement the plan. The ratios are required by the Comprehensive Plan and makes the plan constitutional and not a taking.

The Town should prepare or cause to be prepared a statement as to the impact the removal of the seventy-four acre site will have on the required sending to receiving area ratios of the Central Pine Barrens Comprehensive Land Use Plan.

The staff further believes that the project in and of itself could further be construed as a economic development and as with any development proposal; however, it is not unique. However, not withstanding the petitioner's economic reports to the contrary, the proposal may impact the economic development of the future of the Middle Island Hamlet Center. Furthermore, the proposal discounts the availability of vacant commercial and retail space in the area to the east and west of the proposed site.

There are several vacant commercially zoned sites in the area and the Middle Country Road core. Middle Island Plan specifically called for commercial non-competing commercial uses on the site and additional retail general uses should be discouraged to
prevent cannibalization of existing retail uses in the area.

I want to go to the photo. This is the proposed site. This is the abandoned K-Mart. As you can see, there is a sea of asphalt in front of the site. That asphalt does extend way west.

THE CHAIRMAN: This is waterfront property.

MR. FRELENG: It's not waterfront. New York State Middle Country Road separates the property from Artist Lake. There is the unused water storage tank. This is access to the proposed ball fields which would come off of Currans Road. This is what it looks like now. This is looking more north and a little bit west. If you note on the edge, there is an existing multi-family project to the west of this proposal. This is looking straight into the subject property from Currans Road with proposed access where the ball field would be, the following slides are the adjacent King Kullen center.

The proposed study, there would no impact. There are a number of available spaces. This is the eastern wing, this is the western wing, this is the Blockbuster, which is vacant. There are a number of vacant stores within this strip. The King Kullen is in
between the east and west wing. Staff counted the
number of doors and number of vacant businesses behind
those doors the vacancy in the King Kullen shopping
center directly to the east of the subject property is
forty-six percent. Yet the economic analysis indicates
there would be no impact to neighboring retail.

This is close to the county road. This is a
area designated as hamlet center. This area is to be
the commercial center of Middle Island. As you can
see, this is existing vacant space is standing vacant.
It does not appear that there is pressure to adapt this
space for commercial or retail use. This subject
property is directly adjacent to the one we just saw.
This fronts on New York State Route 21 and New York
State Route 25 in the foreground.

These are two slides together from a viable
shopping center across the street that we didn't take
any picture of. That is a shopping center which has no
vacancy. On the other side of County Road 21 there is
a huge piece of property. That is a former lumber
yard. We understand that this property may have some
constraints with regard to Hazmat on the site, it is
targeted as another component of the Coram Country Road
Middle Island Hamlet Plan. This property called for a
In total, we have a project that is proposing well over three hundred thousand square feet of retail area, which may impact plans for developing a hamlet center along 25 and Route 21 intersection.

Housing element is not part of the change of zone petition. It called for multi-family and small residential uses on the parcel as part of the next residential concept. Applicant is proposing a 10% shortfall in parking stalls. The shortfall is park and proposing a land bank 5% of the proposing parking may indicate an over intensification of the proposed parking, further underscores the possible over intensification of the use of the property.

In plain English, they are going for a change of zone and then proposing a project that needs a number of variances. It does not appear to consider the number of recommendations of the Middle Country Road Land Use Plan for Coram Middle Island and Ridge. Notwithstanding the high rate of abandonment, the petitioner's economic analysis indicates no adverse impacts to the development of the envisioned Middle Island Hamlet Center or the existing King Kullen shopping center to the east.
The recommendation out of the study for mixing indoor outdoor recreation with residential would appear to be an appropriate approach to the development of the property. The commercially zoned land in the area is apparently tenuously occupied and general commercial development on this site can potentially exacerbate the conditions.

Staff is recommending disapproval for the following reasons: The first reason is that the proposed zone change designation constitutes an unwarranted alteration of the zoning pattern in the locale and the rationale that follows the proposal may impact the economic development of the center to the west.

The second reason for disapproval, that includes the unwarranted over intensification of the use of the premises. The off street parking requirement is two thousand two hundred forty-eight parking stalls. The applicant is proposing only two thousand twenty-one, a 10% shortfall. There is more detail. In the interest of time, Mr. Chairman, I tried to go through it quickly.

THE CHAIRMAN: That is owned by the developer?
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MR. FRELENG: At this time, it's all under the control of the project sponsors. There has been discussion on the applicant proposing some improvements through Artist's Lake in that area. There was brief mention but there is no proposals at this time as a mitigation or benefit on this action.

THE CHAIRMAN: Who owns the property on the other side; do you know?

MR. FRELENG: How about we look at the aerial. The oblique photo shows Middle Country Road and then there is a state or town pull off. Over here where they just improved and there is a small shoreline, five or six feet maybe, between the road and water.

THE CHAIRMAN: I thought maybe they were proposing a marina.

MR. FRELENG: It had been discussed for Middle Island if this hamlet center were developed, that the applicant may do improvements to the Artist's Lake area.

THE CHAIRMAN: The property next to it, what is that?

MR. FRELENG: It's in control of the project sponsor. This is vacant parking at the moment.
COMMISSIONER KELLY: How much of the area is disturbed and/or improved?

MR. FRELENG: It's a little bit more than twenty-five acres, just north of that line is the ball field.

COMMISSIONER KELLY: As Andy mentioned, it's currently a sea of asphalt, as you can see. In terms of redevelopment, this is probably a great spot for it in terms of what it can do to the local county economy. This site is probably one of the two poster children of Supervisor Lesko's blight to light calling for redevelopment. So it is a target for redevelopment in the Town.

The area itself, Middle Island is in need of economic investment. As Andy mentioned, it does not lie with the 1996 Comprehensive Plan. The zoning in that the area is inconsistent. That is probably a valid point.

The Middle Island Hamlet Center just to the west, I believe one or two or three parcels is currently under litigation. That may never happen. That Middle Island Hamlet Center to the west may never happen. To anticipate any competition at this point is premature due to the fact that litigation is ongoing
and I believe that the Carmans River is targeting the area.

COMMISSIONER ESPOSITO: Note the river is not targeting the area.

COMMISSIONER KELLY: The Carmans River Protection Plan.

THE CHAIRMAN: It's an aggressive river.

COMMISSIONER KELLY: Thank you for pointing that out. The plan provides for commercial space and much needed recreational area. The ball fields is much needed. Actually, one third of the site takes up the recreational component.

In terms of the variances requested, it looks like the variance requested probably would go away if there was not so much open space provided, or ball fields. That is really my comments in terms of my personal opinion. I would like to see this as approval because I do believe that the Town, especially the Town Supervisor wants to redevelop this area. It's evidenced by it having it on his cover for Blight to Light.

THE CHAIRMAN: So everyone around the table is aware, we obviously reviewed the Blight to Light initiative and unanimously endorsed it. On any given
project, we are not to consider what the Town does or is going to do. One thing I'm torn about is this is sort of virgin territory, to put in more commercial wouldn't make any sense to me. But it's all blight. It's all paved. By putting the ball fields and more amenities, you might get more people to go there which might help the stores in the neighborhood. I'm kind of torn about this.

MR. FRELENG: While this is targeted for the Blight to Light, it should be noted that that project is not coming in under that program, it's coming in as a change of zone. It is not proposing to address any of the criteria for approval for the Blight to Light.

THE CHAIRMAN: Wasn't it actually adopted by the Town Board?

MR. FRELENG: I believe it was. You had an application that came which I believe you rejected under the Blight to Light.

One thing to Commissioner Kelly's point, variances could be avoided if the gross square footage was reduced and the site plan was rearranged.

COMMISSIONER KELLY: You could decrease the ball fields.

MR. FRELENG: There is a requirement of open
space if the ball fields are proposed as amenities. But the open space that the ball fields are in is part of required open space pursuant to the Comprehensive Plan.

COMMISSIONER KELLY: At a certain point somebody has to pay for the ball fields. That is the developer. Developer is indicating that he needs a certain amount of space to work. Why is that taking up the -- I don't understand why we are talking about this anyway.

COMMISSIONER CASEY: I had a question. To the right of the red lines, is that a shopping center that is now, that is that the one that you said with King Kullen?

MR. FRELENG: That is the King Kullen shopping center. The successful center is at the intersection of 21 and 25, which is proposed to be the hamlet center. This is an existing recharge basin.

COMMISSIONER CASEY: What about the fact that they want to put a baseball field. I think to do it is a good thing.

COMMISSIONER WEIR: On the site plan that shows seven little squares; are those retail uses?

MR. FRELENG: As indicated in the staff
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report, there are a couple of little restaurants and
some retail spaces. It should be pointed out that
there is a Wal Mart to the west beyond the proposed
Middle Island Hamlet Center.

THE CHAIRMAN: One of the things in
Brookhaven is that they have such a bad reputation,
notwithstanding their former planning director being
here. There is so much vacancy. He tried to fight it.
Growing up in Brookhaven, there is quite a bit of the
strip mall aspect. This looks like a blighted
property; what is the alternative? It sits there
vacant. You have almost this historic Brookhaven
problem, these places where there is an over
intensification of commercial and you don't want to see
it again.

COMMISSIONER WEIR: It's not open space, it's
horrible. You can drive anyway along 112 or Jericho
Turnpike, it's everywhere. You're wrong to say we
wouldn't build because there are empty stores
everywhere. There are empty stores everywhere. You
can ride all the way from the Wading River to Lake
Grove and you will see empty stores.

I don't think we should worry about impacting
other stores when you have a big sea of asphalt that
somebody is willing to take care of.

THE CHAIRMAN: It's not like you're knocking
down trees to do this. That would be a very different
situation. Commissioner Esposito.

COMMISSIONER ESPOSITO: If you could review
the Pine Barrens credit. I know in your presentation
you talked about a potential receiving area. Could you
go through that again, slow, since it's after five?

MR. FRELENG: This property is in what is
called part of the compatible growth area for the
Central Pine Barrens. The Central Pine Barrens plan
was to preserve fifty thousand acres of core, and fifty
thousand acres around the core is supposed to be
compatible growth area. The plan was based on the
premise that there would be receiving areas of
development right that was created, so there wouldn't
be fifty thousand acres of core in a non-development
area.

As you know, people who own property in that
core cannot development. In order to make them whole,
a transfer of development rights program was created
where private individuals would buy the development
potential core and transfer that to the compatible
growth area. In order for the plan to be legal and not
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a constitutional taking, there is supposed to be
sufficient receiving area to absorb the development
rights that were created.

The Town of Brookhaven created a large
receiving area, all their A-1 and A-2 zones, in
addition to specific receiving areas. Their entire A-1
and A-2 zones above certain acreage is a receiving
site. The problem is, as time goes on, there hasn't
been accountability of receiving sites. There is the
whole question of whether the Pine Barren credit itself
has any value. If it doesn't have value, there is a
taking involved and the whole Pine Barrens plan and a
hundred thousand acres of preserved land could
evaporate.

Every time you hear the commission staff talk
about transfer of development rights and density
shifting, that's part of what we are talking about.

THE CHAIRMAN: Are they retirement credits
there?

MR. FRELENG: No, there is not. There is a
covenant on the property that prohibits this
development to this scale, and they're asking that
restrictive covenant to be removed. The covenant had
language in it that said after you go above a certain
square footage, you are to retire Pine Barren credits to get there.

This proposal proposes something way above and above, so staff is saying even if you feel that covenant is not valid any more, what is valid though, is the contemplation of transferring development rights from the core to the receiving sites, this site being one of them.

THE CHAIRMAN: One possible path for us, if we decide that the blight issue is something that matters to us, but we have the other regional consideration which is we have Pine Barrens credits absorbed, would be to do approval with a condition that the covenant not be (Inaubible).

MR. FRELENG: That might be too specific to the prior proposal. What staff recommended is require the town to give the analysis that is necessary. This site is developing on a proposed receiving site. If there is a nexus where the town should cause to be, and/or do it themselves, an analysis of the receiving sites. This is the Town of Brookhaven. They should have an accounting. They just need to provide it of whether or not they have sufficient receiving sites or remainder of credits in the Town pursuant to the Pine
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Barrens Credit Plan, which by the way, the County of Suffolk ratified. So did the Town.

One other point. As you look around the area and see vacant land and dilapidated buildings, planners meet with the community and propose plans. What does the community want? Planners add their expertise to it. Vacancy rates, other economic, analysis things like that. With the locality and Town Board and through specific guidance panels they come up with a recommended plan.

The recommended plan for Coram Middle Island Ridge along Middle Country Road, the recommended plan was to have it as indoor-outdoor recreation center not to compete with the proposed hamlet centers and existing retail in the area.

THE CHAIRMAN: That was something different to begin with. That was the K-Mart.

MR. FRELENG: When they did the planning it was a vacant site.

THE CHAIRMAN: So they went against the plan in improving the K-Mart.

MR. FRELENG: No, the 1996 plan requires commercial. Coram Middle Island Ridge Middle Country Road plan recommends a specific type of commercial
indoor-outdoor recreation type of commercial so it doesn't compete the with the downtown.

COMMISSIONER KELLY: The balance of open space preservation and TDR's, that is longstanding argument in terms of open space preservation and what the county and towns have been doing in buying up a lot of the receiving sites themselves. That analysis shouldn't be done on the back of this application.

MR. FRELENG: Your referral agency is the town and your comments are going to the town the town can decide whether they want to put the burden on the applicant or handle it another way.

COMMISSIONER KELLY: It's probably a broader discussion than just at the town level that is my point. It's something that is ongoing. It's your recognition right now is that the TDR program probably doesn't work because of many factors. That is something that has to be looked at more globally than just this one application.

MR. FRELENG: My final comment is it was mentioned before and it's mentioned again we shouldn't put the burden on an applicant to implement original policy, but you implement policy one lot at a time. If the Commission has a policy, every application that
comes in you have the opportunity to implement your policy one lot at a time. That is the only way policy is implemented.

THE CHAIRMAN: We just did that by putting comments about energy efficiency under green methodology.

COMMISSIONER McADAM: I kind of have a history with this project in the sense I remember from at least forty years when it was a successful area, it was before Rocky Point and Miller Place and all the areas in the north were developed, before they started building shopping centers. Once they started developing further north, it kind of left this area and utilized -- there were many stores there over the years, K-Mart folded. I think K-Mart had a problem when they built the shopping center which was east of it and King Kullen moved there. It was successful way back.

As the other areas developed, were developing centers, it left this area pretty much the way it is now. Even though there are condominiums and single family homes to the south and east of it.

My own feeling, it was never enough to support that area. It does look terrible. I pass
there quite a bit. If there is a developer that is willing to put money into that, a gamble that he or she is going to be successful at, I guess to some extent we can't look at the economics alone. If there is any other reason why it should not be approved, we may have to look at that.

MR. FRELENG: Staff appreciates the area development in some areas impacts the development in other areas. Development in this area will impact commercial and retail areas in other areas of the town.

THE CHAIRMAN: That is perspective. Whether you want to rely on the fact somebody will put money into it or not is a perspective. It's not a planning principal. Some people may not think it's relevant. It's not like you have a booming commercial area that you worry about oversaturating. You have a hurting area.

MR. FRELENG: Why does the applicant's application say there is a sufficient pressure to support the project? Staff is perplexed over that.

THE CHAIRMAN: I don't know what the big box vacancy is other than the K-Mart itself. I'm not saying they're not tied; they may well be. From the perspective of categories of commercial, they're
COMMISSIONER CASEY: Do we know the identity of the stores? Are those restaurants in the front? Smaller things, is may be there is a different need out there that they will be able to fill with these businesses.

MR. FRELENG: We can look at the larger plans. I can point out to you there will be restaurants, I think four hundred seats. The remainder will be commercial.

COMMISSIONER CASEY: The big stores they have not identified either. We don't know what type.

MR. FRELENG: Not at this time, no.

COMMISSIONER FINN: We talk about the over intensification of use. I think in this instance we have an over intensification of vacancies. In order for this there to be any sort of development or game changer, if you would, it has to come on the heels of the risk. We go through all these applications with all these impediments and still people want to go ahead and risk dollars and create and change the matrix. What else is going to change the matrix here? How long has that K-Mart been sitting vacant?

MR. GULIZIO: I know the hour is late. It's
been vacant since my tenure with the Town, between 2003 and 2005. Related to that point, the essence of zoning is to ensure a rational allocation of land use; that means looking at amount of individual uses to make sure it's consistent with population needs and concerns.

One of the explanations for the reason for the vacancy with the K-Mart is there was a surplus in the amount of retail development that already occurred, because the Town allowed for retail development to be done in a strip commercial pattern along its major corridors.

Many towns, like Southampton, looked at traditional zoning patterns developed in the '30's and '40's and said that is too much retail we expect to have for the population in the town, and they eliminated some of the retail. Brookhaven, one of the explanations for the amount of vacancy is not a mystical blight problem, but because of the surplus of retail that was built.

The solution to that that is proposed is we have a high vacancy rate and we need to build more retail to eliminate the vacancy rate doesn't make intuitive sense to us from a planning standpoint. It's not based on a concern we want to promote one retail
developer over another, we want to make sure that the
communities are rationally developed and when a
community says they want downtown development, we want
to make sure there is a demand to support that
development.

VICE CHAIRMAN KONTOKOSKA: I have to agree on
that. I don't want to make planning decisions based on
gambles. If the developer is good, he's making money
short-term and what is left is what we are facing
now, 40% vacancy, the problems that these kinds of
decisions we will be faced in five or ten years down
the road during the next economic cycle.

Just because there is pavement doesn't mean
you have to develop. It's easy to rip it up. I don't
know if that should be a driver of our decision. There
are alternatives. Personally, I think they're asking
for too much. You have a vacant big box store. You
can take that and expand it and you have a viable
redevelopment project.

Everything else seems little too much
especially, given the existing vacancy rate in the
market. You have an out of place zoning district in
the area. It's completely out of character.

COMMISSIONER HOLMES: We keep overlooking the
fact that this applicant is going to have to ask for
eight variances to the zoning. I think that is an
important consideration.

COMMISSIONER KELLY: We are making a
comparison to a proposed or potential hamlet center
that doesn't exist, whose study is an extreme scrutiny
from the Pine Barrens commission, that may never
happen. This Middle Island hamlet Center, which is
just to the west. I think we have to vest ourselves in
reality and what is happening right now, not what could
possibly happen to the Middle Island Hamlet Center that
may never come to fruition.

COMMISSIONER SCHOOLMAN: Dave, is it ever
appropriate to question the assumptions that a
developer makes?

COMMISSIONER ESPOSITO: I made a career out
of doing that.

COMMISSIONER SCHOOLMAN: Correct me if I'm
wrong. There are only two gated communities that have
any population at all out there. My son lived in one
of them. It's a pretty barren area there for
customers. If a guy has some short-term goals that are
not consistent with what the Commission sees long-term,
do you have a right to question those assumptions? Do
you make it a judgment as to whether this project will
be successful in the long term?

THE CHAIRMAN: To the extent that comes into
play, I think that is a minor role. You can look at it
this both ways. You can look at it the reason no one
else has done it is because this guy is crazy. You
have to look at regional policy. One is economic
development. One is the Pine Barrens issue, which is
an important issue. You can say those ball fields will
attract people in the area. You can look at economic
development in two different ways on a lot of the
developments.

COMMISSIONER SCHOOLMAN: There is another
ball park area where there are a ton of ball parks.

How is that doing?

COMMISSIONER KELLY: Baseball Heaven, in
Yaphank.

COMMISSIONER McADAM: I make a motion to
accept the adopt staff report.

COMMISSIONER HOLMES: Second.

THE CHAIRMAN: All in favor of adopting the
staff report as written, please raise your hand. (Show
of hands) Eight. I vote yes. Opposed. (Show of
hands)
COMMISSIONER WEIR: I'm going to abstain.

THE CHAIRMAN: Eight to four to one. Staff report is adopted. Comprehensive Plan. The staff worked hard on this. All we need to do is get a brief update from staff and we will vote to release. If it's acceptable to the Commission, release the draft. By releasing the draft we will allow other folks to start chiming in on this.

COMMISSIONER ESPOSITO: Is there a time line?

MR. GULIZIO: Publication of the draft Volume I is going through the printing process right now. We have prepared for you an executive summary report for distribution today. We will be meeting with you in subsequent months to discuss the ongoing effort to complete the plan update. If anybody has any questions, I'd be happy to address them.

THE CHAIRMAN: Staff took commissioners' comments, those were incorporated and they boiled it down to executive summary.

MR. FRELENG: Can we have the last no votes?

THE CHAIRMAN: Kelly, Gabrielsen, Chartrand, Finn and Ms. Weir abstains.

COMMISSIONER WEIR: Can I change my vote to no?
THE CHAIRMAN: There is a process. Without objection she can change her vote.

MR. YOUNG: There are no objections.

THE CHAIRMAN: Any objection to letting Ms. Weir change her vote from an abstention? No. You may cast your vote.

COMMISSIONER WEIR: Thank you. No.

THE CHAIRMAN: Eight to five on the last vote.

Executive summary is in front of you. I invite everyone to look at it and give comments back. At this point, I recommend that the Commission authorize staff to release it. I make a motion.

COMMISSIONER ESPOSITO: Second.

THE CHAIRMAN: All in favor, please raise your hand. Thirteen. None opposed. Thank you for setting a record with us today. Motion to adjourn by everyone. Seconded by everyone and everyone is in favor.

(Time noted: 5:45 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 meeting held on June 1, 2011 by the Suffolk County Planning Commission, as reported by me and transcribed by me.

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

________________________

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