

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5192 F: (631) 853-4044
Sarah Lansdale, Director of Planning

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 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 on WEDNESDAY, July 6th in the Legislative Auditorium in Hauppauge.

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- - - - -X

SUFFOLK COUNTY PLANNING COMMISSION

Evans K. Griffing Building

Riverhead, New York

June 1, 2011

12:20 p.m.

- - - - - X

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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1 6/1/11 Suffolk County Planning Commission

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

7 (Recitation of the Pledge of Allegiance)

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

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

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

16 THE CHAIRMAN: Welcome aboard. (Applause)
17 Jennifer, Bill, anything that would you like to say?

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

22 COMMISSIONER SCHOOLMAN: The same.

23 THE CHAIRMAN: We appreciate brevity, Bill;
24 that is a good start. Next item on the agenda is the
25 adoption of the minutes for March and April of 2011.

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2 Our editor-in-chief and I have reviewed the minutes.
3 Let's start with March. Commissioner Holmes, any
4 additions?

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

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

13 COMMISSIONER HORTON: So move.

14 COMMISSIONER HOLMES: Second.

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

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

21 COMMISSIONER HOLMES: I only found
22 twenty-eight errors. As usual you found a zillion
23 more. Again, I think they're fairly minor. Mostly
24 with mine there were words that were omitted in a
25 sentence and again, quite correctable.

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2 THE CHAIRMAN: Other edits or additions to
3 the minutes of April, 2011? Seeing none, motion by
4 Commissioner Weir and second by Commissioner Roberts.
5 All in favor, please raise your hand. Opposed? And
6 two abstentions; eleven to zero to two.

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

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

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

24 The rezoning of this property will allow for
25 the one of the most beautiful and exciting housing

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2 developments to be built in the Town of Huntington.
3 Just as such a project was already built in Melville.
4 The project will provide hundreds of construction jobs
5 and many new permanent jobs in the management of the
6 facility and create many new options in the downtown
7 areas for the many young families and young people.
8 The project will be tax positive for the local school
9 district and provide significant environmental benefits
10 in the community by facilitating the sewage and water
11 flow through one managed community rather than in over
12 one hundred single family homes.

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

21 Even more important than that, this project
22 has become a linchpin for Long Island. Is Long Island
23 going to go forward or going to go backwards? While
24 almost all of the other municipalities on Long Island
25 were not helping to the degree necessary, the Town of

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2 Huntington was aggressive and forthright in making sure
3 that Canon would remain on Long Island and create
4 hundreds of jobs for our residents. Now the Town of
5 Huntington in cooperation with Suffolk County here
6 today can once again help Long Island by making sure
7 that these housing needs are developed in the Town of
8 Huntington.

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

19 Your approval of the Avalon Bay development
20 in Huntington Station will once again showcase both the
21 leadership of the Town of Huntington and the leadership
22 of Suffolk County. We would urge its approval. We
23 would urge its approval in the manner in which it's
24 designed now by the Town of Huntington without any
25 additional conditions, and we would urge its approval

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2 today so that the project can move forward. Thank you
3 very much.

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

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

17 You're going to hear a lot of about how crime
18 ridden the area is. This project is not going to cure
19 all of the problems, but it is a first step. This
20 project will bring approximately eighteen million
21 dollars in disposable income into the neighborhood,
22 eighteen million dollars of disposable income per year.
23 What is that going to do to all of the retailers the
24 stores, the different service companies in that area?
25 It's going to help them dramatically.

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2 This is a good project. It makes sense, as
3 Mitch stated. It's met all the criteria necessary.
4 Approval is essential for the revitalization of the
5 Huntington Station area. If we don't get this project
6 approved, it's going to send a terrible message to the
7 rest of the development community; that is, the towns
8 and counties are not willing to work with them on
9 worthwhile projects.

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

13 THE CHAIRMAN: Mr. Robert Alison.

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

22 At the same time, the Town fathers did
23 indicate that we would go ahead with what had is called
24 a hamlet plan, and to that end it's my understanding
25 that we have hired or about to hire a master planner to

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2 deal with the hamlet, mean meaning the area immediately
3 around the train station, so that would take a valuable
4 planning tool away from that, on planning concepts
5 alone it should not go as proposed.

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

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

24 I think when stripped of everything, you can
25 see whether, intended or not, the only beneficial

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2 effect that I can see, quite cynically, is that the
3 owner of the land will be able to achieve the maximum
4 yield possible and the reason the proposal changed is
5 simply because they initially proposed a zoning density
6 in which there was no predicate in the zoning code.
7 Based on your findings, it was obvious, that it would
8 be, found in your words, could be found illegal.
9 Probably would be found illegal. So they couldn't go
10 forward with it on that basis.

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

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

22 MR. WHALEN: W-H-A-L-E-N. Good afternoon.
23 My name is Matt Whalen, with Avalon Bay. We are the
24 proposed developer of the application that is before
25 the Commission. I like to call us an investor rather

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2 than a developer. I would like to focus on a few
3 points today, because you are going to hear a lot of
4 things today. I would like the Commission to focus on
5 the following facts: This proposal represents a
6 hundred million dollar direct invest by our company
7 creating three hundred fifty-eight construction jobs
8 with over forty million dollars of annual earnings.
9 Total economic impact is two hundred eighty-four
10 million and over five thousand indirect jobs.
11 Annually, you heard earlier, this proposal would create
12 a total economic impact of eighteen million dollars in
13 the surrounding area.

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

23 When I was last before this Commission, it
24 seems like many years ago now but it wasn't, I actually
25 wrote letters to the Commission after the meeting

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2 applauding the leadership of the Commission in
3 overriding what I believed were staff recommendations
4 that I believed were flawed. At this moment, I ask for
5 you to do the same thing, if needed, and please don't
6 make this process any harder than it's been to this
7 date because it's very challenging right now to get
8 private investment dollars here on Long Island. Thank
9 you very much.

10 THE CHAIRMAN: Anthony Guardino.

11 MR. GUARDINO: G-U-A-R-D-I-N-O. Later
12 today, Mr. Chairman, members of the Commission, you are
13 going to hear -- you will be discussing this three
14 hundred seventy-nine unit multi-family development that
15 is proposed by Avalon Bay in Huntington Station. The
16 development will be comprised of three hundred three
17 rental units and seventy-six for sale townhouses.
18 Unlike the previous proposal, that required the
19 creation of a new zoning district, this downsized
20 development has been designed to fully comply with the
21 density, height, setbacks and parking regulations of
22 the Town's existing R-3M zone which permits fourteen
23 point five units per acre.

24 This scaled down proposal contains 30% or a
25 hundred fifty-one units less than the original five

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2 hundred thirty unit proposal and will result in
3 increased open space. Fifty-four units will be
4 affordable units that fully comply with the Town's
5 affordable housing regulations. I also want to point
6 out that the single family subdivision that was
7 approved does not provide any affordable housing. The
8 development will provide a total of eleven hundred
9 thirty-three on site parking spaces, will includes six
10 hundred forty-one off street spaces and two hundred
11 seventy-four spaces within garages and driveways and
12 two hundred eighteen land banked spaces. And all of
13 which are permissible parking spaces under the Town's
14 zoning regulations while the development itself has
15 changed, its location has not.

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

23 The proposed rezoning and development are
24 also consistent with the recommendations of the Town's
25 2020 Comprehensive Plan that was reviewed and approved

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2 by this Commission on October 1, 2008. The proposed
3 multi-family development is also consistent with other
4 multi-family developments located in the area that have
5 been constructed in accordance with the Town's R-3M
6 zoning regulations and provide an appropriate
7 transitional use between the industrial parcels to the
8 north and residentially zoned parcels to the south.

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

23 Therefore, it is respectfully requested that
24 the Commission not condition its approval on a
25 requirement that the Town take measures to ensure equal

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2 distribution of high density and affordable houses
3 throughout the Town, which is simply not a condition
4 that the Town can comply with. Finally, we urge the
5 Commission to approve this application and allow for
6 the creation of these new jobs and investment in
7 Huntington Station. Thank you.

8 THE CHAIRMAN: Carolyn Hannan.

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

14 The crime rate is so terrible there that I
15 can walk my dog any time of the day and night alone on
16 that street. There is no crime rate in this area. The
17 area of the crime rate is west of Route 110. It is not
18 east of 110, and east is where Avalon Bay wants to
19 improve that blighted area on a heavily wooded piece of
20 land adjacent to the railroad tracks. That heavily
21 wooded piece of land is a carbon sink for the Town
22 because of the large number of trees in there. If we
23 take that area down we lose the carbon sink and
24 increase the carbon footprint of the Town of
25 Huntington.

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2 Traffic congestion is another problem.

3 Without Avalon Bay, we have severe traffic congestion
4 on Pulaski Road and Park Avenue. Beside the
5 congestion, Park Avenue is a direct line to Huntington
6 Hospital. There are ambulances who do go up that
7 street any time of the day and night. You add another
8 five hundred to a thousand cars there coming out just
9 below the railroad, you are going to lose lives when
10 the ambulance cannot reach Huntington Hospital within a
11 reasonable length of time.

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

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

23 The other problem is do we have enough water
24 for another three hundred seventy-nine apartments and
25 things; I don't know. Because we are always being told

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2 conserve electricity. Same story, turn off the lights,
3 increase the temperature on your air conditioner, lower
4 the temperature on your furnace, et cetera.

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

16 THE CHAIRMAN: Kathy Eismann.

17 MS. EISMANN: Good afternoon. I'm Kathy
18 Eisemann; E-I-S-M-A-N-N. Kathy with a K. I am a
19 certified planner. I'm a partner at Nelson, Pope and
20 Voorhis, and I'm here to speak about the Artist Lake
21 Plaza application that the Commission is reviewing for
22 the change of zone. The property is in Middle Island.
23 This is a site that has been developed with a shopping
24 center since 1965. Since, I think it's been about a
25 decade, that K-Mart has been closed. It's an eyesore

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2 for the community. It's an overgrown parking lot.
3 It's a source of loitering. There is vandalism out on
4 the site.

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

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

19 Nelson Pope & Voorhis was involved with the
20 environmental impact statement. We did a full
21 commercial market study for this to determine how much
22 commercial space can be supported in this area. This
23 is an area that there isn't a lot of retail shopping.
24 I grew up in the area. There was a TSS on the
25 property. It was the closest shopping anywhere near

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2 us. Right now, there is Wal Mart in the area, but they
3 were looking at the western node of Middle Country Road
4 in the Middle Country Road Land Use Plan, and that has
5 been an area with some strength. This is not.

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

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

18 THE CHAIRMAN: Douglas Hannan.

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

25 What has happened, my town is changing.

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2 Those empty nesters are coming back again. There goes
3 my pension halfway through in another ten years.
4 Reinvestment, the gentlemen before me is an investor.
5 Investors want profit? How do they get it? You tell
6 me.

7 The things I'm going to talk to you -- I
8 forgot to say, I'm a curmudgeon and I'm a retired
9 political cartoonist. That makes me nasty. I don't
10 like the way this has been handled from the beginning.
11 The onslaught started in February or so, twenty-five or
12 thirty showed up for a typical meeting. Lo and behold
13 three months later there were signs going up throughout
14 the area, no more Avalon with a slash in the middle.

15 Why? They want us to take care of the
16 support problems while they introduce all the
17 buildings. We end up with schools up to the gazoo and
18 water up to the gazoo like when we had rain like we did
19 last week. Basically the manner in which it was done.
20 Here's an example. We went to a meeting a month ago.
21 The other side, everybody came early. I don't mean a
22 half an hour, I mean an hour early. When we got there,
23 three quarters of the place was already seated. It was
24 twenty people that spoke for it, two people against,
25 and by the time you hit the third hour, everybody was

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2 half asleep and the seats went away and didn't hear the
3 other aspects.

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

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

14 THE CHAIRMAN: Councilman Mayoka.

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

21 The way I see it, from the Town's perspective
22 as a councilman, we have four issues. We have an issue
23 regarding infrastructure, we have an issue regarding
24 the school system, and we have an issue regarding crime
25 and we have a need for a comprehensive integrated plan.

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2 If we look at the infrastructure, the current
3 allowed zoning is a hundred six, a hundred nine units.
4 If there were two cars per house it would yield two
5 hundred twenty cars, approximately. The current plan
6 allows for thirteen hundred parking spaces. This is
7 for an additional one thousand cars. If I come up with
8 a general calculation, if each car is ten feet, that
9 would be ten thousand feet of cars, almost two miles
10 long placed back to back. This feeds onto Park Avenue.

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

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

18 The school system right now, you may or may
19 not know that Jack Abrams has been closed. Any new
20 student is a net increase, students are doubled and
21 tripled up. This is not a net tax positive
22 development. The cost of new students coming in will
23 be greater than the revenue coming in for the students.
24 There is some issues regarding that. There is a
25 development called Winoca Village, one hundred units

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2 and they gave off one hundred seven students. By
3 comparison, there would be four hundred students. I
4 don't think that would be the case but it would be more
5 than the amount projected.

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

14 The last issue is the importance of there
15 being a need for an integrated comprehensive plan, not
16 a piecemeal approach. There is no integration with
17 commercial development. There is a gateway from Main
18 Street in Huntington to Jericho Turnpike and New York
19 Avenue. This needs to be revitalized and be part of
20 the comprehensive plan. We have a hamlet program going
21 forward. Why is this not part of the hamlet program?
22 We can't put the cart before the horse. We need to
23 integrate that with the hamlet program. We need to go
24 forward with that with the help and guidance of Suffolk
25 County.

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2 I urge that the project be set aside as is
3 and help develop this comprehensive plan that is
4 necessary. Thank you.

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

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

24 Putting another fifteen hundred more people
25 on that street makes no sense. The Abrams School has

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2 shut down for crime a few blocks away. Not to mention
3 the land is contaminated and an unsafe place to live.
4 What is Suffolk County going to do for me when my house
5 is deteriorated from years of dirt and infested with
6 poisonous rats.

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

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

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

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2 project at all.

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

10 THE CHAIRMAN: Next we have Matt Harris.

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

13 THE CHAIRMAN: I will refer to counsel.
14 Would you put that on the bottom of the pile. Reverend
15 Artis.

16 REVEREND ARTIS: My last name is A-R-T-I-S.
17 Good afternoon, everyone, I'm Reverend Artis. I'm
18 pastor of Love of Christ Fellowship Church in
19 Huntington Station. I come here to speak against
20 Avalon, the development of Avalon Bay, for several
21 reasons. One of the first reasons is you hear people
22 say, well, we're going to have a hundred million
23 dollars and that is going to take care of everything,
24 but I'm here to tell you as a resident, because most of
25 the people who are really pushing this thing for

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2 Huntington Station do not live in Huntington Station.
3 (Applause)

4 Let me tell you what Huntington Station
5 needs. Huntington Station needs public safety.
6 Huntington Station needs true revitalization.
7 Revitalization, what that came to be revitalization is
8 like put an oasis on the sewer. It's just not real;
9 underneath you got the stink of not enforcing the
10 codes. We have dilapidated buildings. We have a
11 racial divide that we are trying to work on. We have
12 the problems in the schools we are trying to heal and
13 mend.

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

18 I personally consider Avalon Bay the
19 gentrification, because you are putting this thing in a
20 neighborhood where most working poor people cannot
21 afford it. Therefore, it's gentrification. You put it
22 in there and the working poor cannot afford -- those
23 homes are not affordable to none of us. I certainly
24 can't live there. People that work for the school
25 board can't live there.

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2 And you've heard the complaints about the
3 traffic. You heard about this ridiculous thing is only
4 going to produce X amount of kids, where it's possible
5 that three hundred seventy-nine units are going to
6 produce a lot more children than they say there they
7 are. We look at the other sites that did just that.
8 We were told they were going to produce a minimum
9 amount of kids, don't get me wrong, I love the
10 children, but they did produce a lot more children.

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

16 THE CHAIRMAN: Next we have Nancy Berg.

17 MS. BERG: Good afternoon. B-E-R-G. My name
18 is Nancy Berg. I live in Huntington Station, right
19 across from the train station, a couple of hundred
20 yards. Before most people in this room were born,
21 about fifty years ago, or at least adults, Huntington
22 Station experienced urban renewal which destroyed the
23 entire downtown. Older people living in Huntington
24 Station still remember that, still remember the
25 devastation and hurt of that experience.

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2 For the last eight years, Huntington Station
3 has been undergoing revitalization, but a necessary
4 component of revitalization is economic development.
5 Avalon Bay represents a huge piece of that economic
6 development which is necessary for revitalization. I'm
7 asking you, as members of the Suffolk County Planning
8 Commission, to approve this development without any
9 further delay because it may be the last big chance for
10 private investment in Huntington Station. Thank you.

11 THE CHAIRMAN: Jennifer LaVertu.

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

18 Highview, back in 1989, the same argument
19 about kids, traffic, and it was built as the start of
20 revitalization. Here we have an example already there.
21 In the last ten years, it's gotten worse. How has
22 Highview revitalized Huntington Station? There is your
23 one example. All you need to do is look at this one
24 condensed area we have five R-3M zones; all of them
25 contributed to the urban downfall she spoke about as

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2 well.

3 The Town already has a comprehensive plan,
4 the 2020 It states the area is zoned for hamlet zone.
5 It states that it needs to keep the industrial area,
6 put in commercial development with residential above.
7 There is no commercial development whatsoever economic
8 development in that area that would support what they
9 are now calling a TOD without put an overlay district
10 in..

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

22 If we could get someone to do an independent
23 study instead of letting the wolf inside the chicken
24 coop. The original study was done over a five mile
25 radius which puts you in the Bay. We are looking at

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2 the median income of Huntington Station five miles out
3 into Huntington Bay, which is increasing the median
4 income in the Huntington Station area. To call it's
5 affordable, it's not. It's one more lie on top. We
6 are saying we have an affordability housing crisis on
7 Long Island, but how is this filling it.

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

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

19 I'm here today to ask you not to support this
20 high density cancer that will spread throughout the
21 Township of Huntington and throughout Long Island.
22 According to several brilliant legal minds, the stunt
23 that a few of our Huntington board members pulled by
24 asking Avalon Bay back after the people, the Town
25 Board, and the school board threw them out, is

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2 unprecedented that they invited them back not six
3 months later. (Applause)

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

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

20 Therefore, what my organization has done,
21 that if this illegal spot zoning was to pass, we have
22 our ducks in line to file an Article 78 and take legal
23 action on our Town Council who has a huge hand in
24 undermining the great people of the Town of Huntington.
25 Thank you for your time and consideration on this

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2 matter.

3 THE CHAIRMAN: Elizabeth Black.

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

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

21 In addition to reducing the possibility of
22 revitalization will ever occur in the neighborhood,
23 this project will be impetus to the further
24 deterioration to the quality of life in the surrounding
25 community, increased enrollment will put additional

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2 pressure on the already crowded schools. The project,
3 while reducing the total number of units from the
4 previous application, dramatically increases the number
5 of two and three bedroom units. The impact on the
6 enrollment in the school district will be significantly
7 greater than the previous application.

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

21 I ask the Commission to do what the Town
22 appears to be unable to accomplish. Help us turn the
23 corner on revitalization and deny this application.
24 Thank you.

25 THE CHAIRMAN: Next is Kim D'Ambrosio.

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2 MS. D'AMBROSIO: D apostrophe

3 A-M-B-R-O-S-I-O. I'm a proud Huntington Station
4 resident who resides in Highview, and I'm very much in
5 favor of the Avalon Bay project as I see it as an
6 important step forward in the revitalization of my
7 neighborhood. I've been working tirelessly as a
8 volunteer since 2003 to bring positive change to the
9 area.

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

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

24 THE CHAIRMAN: Nicholas Wieland.

25 MR. WIELAND: W-I-E-L-A-N-D. Dear Board

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2 members, my name is Nicholas Wieland. I represent two
3 groups in Huntington Station. The first group is a
4 community watch group of a hundred fifty-five homes
5 that is one thousand feet from that project. The
6 second group is Citizens for Huntington Code
7 Enforcement. We have a hundred seventy-nine members.

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

16 Maybe there are some roseate terns there, or
17 certain turtles or plants that can be endangered.
18 Colonies of bees have been seen on the property.
19 Seventy-eight, the students that Avalon Bay says will
20 come to the school district. Two hundred thirteen
21 which is the number that I did research on, that says
22 that is how many students will come to Avalon. That
23 number is based on the other five other high density
24 properties in Huntington. That is the average. Three
25 million two hundred twenty-eight thousand dollars.

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2 That will be the cost to the taxpayers of the Town of
3 Huntington based on those students that Avalon will not
4 be paying.

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

11 1988, the Supreme Court, actually I think it
12 was in 2002 or 2003, there was a 1988 Supreme Court
13 decision on the Mattinicock lawsuit that told
14 Huntington that they were not to build any more in
15 their master area per their plan. That area is
16 Huntington Station. Yet here we are talking about
17 putting more high density housing in Huntington
18 Station.

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

21 THE CHAIRMAN: Richard Amper.

22 MR. AMPER: A-M-P-E-R, with the Long Island
23 Pine Barrens Society. I'll give you a brief respite
24 from the specific discussion on projects and raise with
25 you an issue that I think you ought to consider because

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2 it applies to so many developments that come before
3 you.

4 In the interest of full disclosure, we are
5 asking all those that are involved in development on
6 Long Island to avoid misunderstanding and approval or
7 opposition to have the proposed projects that come
8 before you by an abandoning the use of the term
9 "affordable housing." Like smart growth, affordable
10 housing has lost a good deal of its meaning. I'll give
11 you some examples.

12 Many times developers in the press inaccuracy
13 and not usefully routinely apply the term to any
14 project that makes that claim. It's bad journalism and
15 inaccurate. It also impedes the effort to obtain such
16 housing which our region badly needs. Affordable
17 housing is defined by the federal government as housing
18 that is within the reach of people earning 80% of the
19 area median income, eighty thousand six hundred
20 forty-seven in Nassau, seventy thousand two hundred
21 eighty-one thousand dollars in Suffolk, according to
22 the Long Island Index. According to Fannie Mae, a home
23 is affordable when the purchase price is no more than
24 two point five times the buyer's annual household
25 income.

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2 Affordable housing should not be cost more
3 than two hundred thousand dollars with taxes and
4 utilities. If a family spends 30% of housing income on
5 housing, which a majority of families on Long Island
6 do, they can't afford a house that costs more than two
7 hundred twenty-five to two hundred fifty thousand
8 dollars.

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

16 Also, Newsday stories have routinely termed
17 houses advanced in Legacy Village in Yaphank as
18 affordable, even though the houses cost more than most
19 of the existing homes in the area. Recently a
20 condition of the Carmans River Plan that permits
21 multi-family affordable housing was the requirement
22 that "affordable" be defined as housing costing between
23 two hundred twenty-five thousand to two hundred fifty
24 thousand dollars for the sake of honesty.
25 I suggest that we drop the term "affordable" all

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2 together since it lacks any meaning. Instead, why not
3 tell the public what the house is priced at and what
4 percentage of the housing is priced at what levels and
5 let the public decide whether that constitutes
6 affordable housing.

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

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

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

25 The other thing I'll mention to you, you

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2 raised when you were here a few months ago regarding
3 how do we define community benefits. The Town of
4 Southampton has a proposal on how do we define
5 community benefit. I think that would be beneficial to
6 you.

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

10 THE CHAIRMAN: Richard Koubek.

11 MR. KOUBEK: K-O-U-B-E-K. I'm President of
12 the Huntington Township Housing Coalition. I'm here to
13 speak on behalf of Avalon Bay. I think this secures a
14 sustainable future for all of Long Island. We have to
15 think outside of the proverbial boxes. Former County
16 Executive Suozzi had it right when he said let's keep
17 90% of what has made us and defined us let's rethink
18 the other 10%.

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

23 Last night I spoke to Town Councilman Glenda
24 Jackson and she said defeat of Avalon Bay last year was
25 a defeat for Huntington and all of Long Island. The

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2 Wall Street Journal identified Long Island as one of
3 the most difficult places in the United States to
4 develop anything.

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

19 Huntington Station is the most economically
20 challenged area in the town. Avalon Bay will bring in
21 a hundred million dollars in investment and millions
22 more from those residents, particularly those that
23 purchase and rent the market rate homes that will be
24 spending in our restaurants, in our stores and
25 hospitals and yes, paying taxes.

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2 Of course, any good proposal can be improved.
3 Let's not let the perfect destroy the good. This
4 is the time to approve Avalon Bay without condition. I
5 urge you to do so.

6 THE CHAIRMAN: Michael Rivera.

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

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

25 Schools, crime, I agree with all of that.

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2 That will be a problem. My primary concern is my
3 safety. I have a problem getting out of my driveway.
4 I invite each and every one of you to come to my
5 driveway, see how long it takes to get in and out of my
6 driveway. I urge you not to approve this.

7 THE CHAIRMAN: Thank you. Delores Thompson.

8 MS. THOMPSON: T-H-O-M-P-S-O-N. My name
9 is Delores Thompson. I'm owner of the Huntington
10 Station Enrichment Center, President and CEO. It's a
11 resource center as well as a youth agency since 1997.

12 I stand before you partly due to the fact
13 that urban renewal came out and took away our
14 community. I have been a resident for sixty-five
15 years, so I guess I'm the winner here. I was a
16 resident when the town promised to bring back the homes
17 and businesses and all of the things they took away and
18 make Huntington Station a better community. To this
19 day, it has not happened.

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

25 I have not heard of another plan that is

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

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

17 Our young people that have graduated from
18 high school, college, cannot return because there is no
19 housing for them. Many of us -- some of the children
20 that we have would like to leave our dwelling and move
21 into an apartment. But where are they going? I
22 strongly urge you, listen to what you hear, go to
23 Huntington Station, take a look. You come up with a
24 definitive answer that is going to make Huntington
25 Station come back. All the people that left have died.

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2 Moved out of state. And yes, I'm still here, and I'm
3 still praying that we bring back Huntington Station.

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

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

9 MR. WALTERS: W-A-L-T-E-R-S. Thank you
10 Mr. Chairman, Board for having me here. I represent
11 Porter-Trejo Action Network. We support Avalon Bay.
12 I am a resident of Huntington. I have been there for
13 fifty seven years. People hate change. I heard
14 everybody, they speak about this and that, but we need
15 change in Huntington. Huntington needs housing.
16 Whether it's affordable or whatever. We can argue this
17 night and day, but it's time for us to make a move.

18 Something is better than nothing in our
19 community. Our town needs employment. Avalon Bay will
20 bring employment to the Town of Huntington to the tune
21 of a hundred million dollars. Regardless of whether
22 they profit, this is what businesses do. They bring
23 things to the an area to buy a house; they do this.

24 The crime in Huntington, I can tell you that
25 the police department in Suffolk County, as I see it,

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2 is doing their job one hundred fifty percent. They
3 have changed the area drastically. We use different
4 issues of closing Jack Abrams. Jack Abrams should
5 never have been closed. You don't close schools
6 because of crime. You enhance the police department to
7 do that and that is what they have done.

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

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

21 THE CHAIRMAN: Pat Bond.

22 MS. BOND: Pat Bond. I live in Commack,
23 which is a place where everyone is pretty well off. I
24 live in a community where people are pretty well off.
25 I think that that could happen in Huntington Station,

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2 if the housing improves. So I think the bay thing
3 would be the thing to do, to improve the area for
4 everyone. Thank you.

5 THE CHAIRMAN: Reverend Ratzlaff.

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

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

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

23 THE CHAIRMAN: Thank you. I appreciate that.
24 Emma Ricardo.

25 MS. RICCARDO: Surrender my three minutes to

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2 Steve.

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

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

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

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

15 Ten years ago, another high density project
16 was built directly across the train station known as
17 Highview. A hundred townhouses on nine point seven
18 acres equivalent to ten units per acre, far less than
19 what is currently proposed for the twenty-six point six
20 property on East Fifth Street. At the maximum, R-3M
21 zoning of three hundred seventy-nine units, making it
22 fourteen point five units per acre, even higher than
23 Avalon Court in Melville at thirteen point six.
24 Highview did not contain any commercial or retail
25 development that is replaced in urban renewal in 1968.

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2 You still cannot buy a cup of coffee while waiting for
3 a train at a convenience deli or nearby convenience
4 store, as there are none.

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

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

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2 school buildings, nearby Jack Abrams, was closed due to
3 the perception of crime in the same area.

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

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

17 THE CHAIRMAN: Gina Florentino.

18 MS. FLORENTINO: F-L-O-R-E-N-T-I-N-O, hyphen
19 James and the first name is Gina. Good afternoon,
20 ladies and gentlemen of the Board. I'd like to give
21 you some feelings about the project, especially since I
22 live within a half a mile distance from the proposed
23 massive housing unit. I'd like to talk about feelings
24 and facts. Feelings are expressed by this particular
25 painting. (Holding up Edvard Munch's "the Scream.") I

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2 think are very well expressed by this particular
3 painting this is how I feel and how many of the
4 residents that I have spoken to and I have walked many
5 many miles in my neighborhood feel about this project.
6 We feel angst we feel horror we feel dismay we this is
7 evidenced by the community outpouring in September at
8 the Town Board meeting. Perhaps a thousand people, if
9 they could have gotten into the building, were
10 concerned about this proposal. The Town's own
11 decision; they were opposed to it. I'm up at night. I
12 can't sleep. What is going to happen to my
13 neighborhood, to my neighbors, to my family with the
14 increased traffic.

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

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2 deserves it. 80% is a very high number.

3 My father, a lawyer, was recently in District
4 Court in Huntington and just overheard case after case,
5 his ears perked up, Avalon Bay versus. Avalon Bay,
6 Avalon Bay. What kind of satisfactory environment is
7 that when people are always being brought to court?
8 This project will not maintain a satisfactory
9 environment because it will crush our community spirit.
10 I have heard that so many people. Hello, neighbors.
11 (Waving) We love each other. We have really found a
12 community spirit.

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

21 Another goal of the Commission is to minimize
22 energy consumption. According to the demography
23 study -- all these concerns make me want to scream. I
24 also have a letter from a neighbor if I can read that
25 at some point.

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2 THE CHAIRMAN: Your time expired. You can
3 leave that with the staff. If any one of your new
4 friends want to yield their time and has not spoken,
5 they may do so. They need to come up here for the
6 record and state their name. Anyone else like to speak
7 publicly? State your name for the record.

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

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

11 MR. REID: Yes, I am.

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

22 According at the Huntington Town Board
23 hearing on May 16, 2011, an attorney for the developer
24 spoke glowingly of the proposed sewer system within the
25 proposed project, but blithly glossed over the fact

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2 that the project's sewer system would ultimately
3 discharge all its effluent waste into the presently
4 overburdened Huntington Town system.

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

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

23 There is a railroad crossing about fifteen
24 feet north of the East Fifth Street roadway with
25 crossing gates which frequently close during rush hours

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2 to accommodate the added trains. With approximately
3 one thousand more vehicles to be added to the area by
4 Avalon Bay's projected three hundred seventy-nine
5 residential units, the Park Avenue-Pulaski Road
6 corridor is gridlock waiting to happen.

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

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

16 THE CHAIRMAN: The last word goes to Ken
17 Christiansen.

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

25 I personally believe, I will tell you that I

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2 sit on the Economic Development Board in Huntington
3 Station, two of the organizations of the many
4 organizations that are working in Huntington Station
5 trying to improve a condition that has been left with
6 for over fifty years. We have been working very hard.
7 It's been a long, slow tough process.

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

20 You people have a job to do here. I don't
21 think you are going to be swayed by the fears and all
22 of the -- you have facts before you being presented to
23 you by the professionals. I hope you act on those
24 facts. This is a necessary thing. Something that
25 needs to be done. I ask you, not to put any additional

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2 impediments into the project so that can get voted on
3 by the Huntington Town Board, be passed and we can
4 start moving in the right direction in Huntington
5 Station. I thank you all.

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

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

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

24 I'll read it into the record. Whereas
25 Vincent Taldone has served with dedication and

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2 distinction as a member of the Suffolk County Planning
3 Commission, September, 2008 to May 2011. Whereas the
4 people of Suffolk County benefited from his insight and
5 expertise. Whereas Vincent Taldone's input and
6 contributions to the deliberations and decisions of the
7 Suffolk County Planning Commission will be missed as he
8 moves onto new endeavors, now therefore be it resolved
9 that the Suffolk County Planning Commission
10 acknowledges and thanks Vincent Taldone for his service
11 to the people of Suffolk County through his positive
12 and thoughtful contributions to the Suffolk County
13 Planning Commission. Thank you, Vincent. (Applause).

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

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

25 Let me briefly finish, do a quick update on

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2 the latest activities on the Commission today. With
3 regard to the Comprehensive Plan, we will release Draft
4 I. This is an important step that has been taken. This
5 is an important step, one that has not been taken in
6 thirty years. I will present the draft to the
7 Legislature in the coming month and seek feedback
8 from the stakeholders as we seek to refine Volume I and
9 begin working on Volume II.

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

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

23 The East End Wind Code, we had a meeting in
24 Southold Town Hall. Commissioner Holmes and I were
25 there. The staff of Southampton and East Hampton are

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2 taking the lead in editing the code. we hope to have a
3 meeting later this month. The Commission will hold a
4 green methodologies for stormwater runoff symposium for
5 Suffolk and Nassau municipalities on June 22nd at 1
6 p.m. Certainly hope all planning commissioners will be
7 able to make it. I want to particularly thank
8 Commissioner Esposito on that. I don't know if there
9 is anything you want to add about the event.

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

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

21 THE CHAIRMAN: Please put that on your
22 calendars. We are sending letters out to the
23 municipalities on that. The energy efficiency
24 standards, Vice Chairman Kontokosta has been leading
25 that effort along with John Finn.

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2 VICE CHAIRMAN KONTOKOSKA: We had a kick off
3 on that a month ago. We are going to try, together
4 with experts not only the towns and villages and the
5 experts in the sustainable designs, to look at model
6 standards and incentives for energy efficiency in
7 commercial buildings, both new construction and
8 existing buildings. And also exploring benchmarking
9 for and create an ongoing database on energy use in
10 commercial properties.

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

14 THE CHAIRMAN: Thank you, Vice Chairman, and
15 Commissioner Finn on their leadership on that. There
16 was a big announcement a few weeks ago that I shared
17 with you via E-mail and a few of you read the press
18 conference. The sewer financing is critical to all of
19 this going forward in Suffolk County. The last year,
20 the Commission has made sewer financing a major
21 priority. We co-hosted with the County Executive,
22 Sewer Summit II in October where a major theme was how
23 do we finance a new sewer infrastructure. At the
24 suggestion of the Commission, the County Executive
25 created a group to focus on building Suffolk County's

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2 future, where we should grow, where we should preserve,
3 and how we should pay for infrastructure. That effort
4 included the infrastructure finance working group which
5 included Commissioners Lansdale, Esposito, Finn and
6 myself.

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

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

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

23 Unified Permitting Portal. Things are
24 progressing. I expect this will be a multi-year
25 process. We are planning to have the next quarterly

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2 meeting in June sometime.

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

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

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2 an opportunity for everyone to really dig in on what
3 are pretty complicated issues.

4 COMMISSIONER ROBERTS: Any idea of the time?

5 THE CHAIRMAN: We haven't figured that out.
6 It will be before the meeting, I guess probably about
7 two hours. Any other questions? There is a lot going
8 on. We have a few new drivers on that. We urge you to
9 get involved. Director Lansdale will give a brief
10 update.

11 DIRECTOR LANSDALE: Thank you, Chairman.
12 It's been a little over a month since I started at
13 Suffolk County. I just want to acknowledge the
14 wonderful staff at planning department it's been such a
15 pleasure working with them. I have established four
16 goals to guide the department moving forward. One is
17 to create greater efficiencies with staff assignments
18 with respect to the department, and to that end we have
19 actually hired an intern this summer for free. Not at
20 the expense of county taxpayer dollars. She is
21 starting tomorrow.

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

25 The third is to look at the reviews and

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2 restore properties to meet future environmental and
3 economic needs for the County, and to that end we have
4 drafted a request for proposals for the Mud Creek
5 Watershed Aquatic Ecosystem Restoration, to
6 ecologically restore the former duck farm in east
7 Patchogue.

8 Fourth, it's to provide valuable research to
9 further the policy discussions County-wide, and to that
10 end we have, I'm pleased to report that I worked with
11 the leadership of our Deputy Director, Dan Gulizio, and
12 other staff, including Andy, and others in the
13 department to update the Suffolk County Comprehensive
14 Plan and create an executive summary and update it with
15 2010 census information, that is something the Chairman
16 spoke about and that will be distributed for your
17 review today.

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

20 THE CHAIRMAN: It's a busy first month,
21 Sarah. Congratulations. Any questions? Seeing none,
22 we may be the largest suburban county in the United
23 States, but we are also the largest agricultural county
24 in New York State. Agriculture is not only our
25 heritage in Suffolk County, it's part of what we are

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2 and part of the main drivers in the county. We are
3 happy to have Joe Gergela, the executive director to
4 the Long Island Farmers Bureau. As all of the
5 commissioners know, we try to, from time to time, have
6 leaders that affect our work and the future of Suffolk
7 County come and give us some insight on the issues that
8 matter to them in their field of expertise.

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

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

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

25 My name is Joe G-E-R-G-E-L-A. I'm the

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2 executive director of the Long Island Farm Bureau.
3 I've been with the Farm Bureau for twenty-three years,
4 I grew up on the family farm in Jamesport. My dad and
5 I grew two hundred acres of potatoes and vegetables.
6 You might say I walked the walk and know a little bit
7 about agricultural. I really appreciate the
8 opportunity to visit with you this afternoon.

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

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

22 We take great pride in our homes and
23 horticulture is a huge part of the industry. We have
24 thirty-four thousand acres in production, half of which
25 is horticulture, sod and woody ornamentals and

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2 greenhouse production. We have two hundred fifty
3 greenhouse operations within Suffolk County. We have
4 three thousand acres in wine grape production,
5 forty-five wineries which are making world class wine.
6 We still have traditional row crop farming. We have
7 some potatoes, a lot of corn, pumpkins have actually
8 gone up in acres over the years because of the
9 relationship to agricultural tourism.

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

23 Fertilizer, seed, labor, housing. Not only
24 the farm chemicals and fertilizer and plastic packaging
25 are all directly related to oil processing. The other

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2 inputs costs stand on their own.

3 People are shocked when we tell them that we
4 are still number one in agriculture and the biggest
5 challenge is that the highest cost per acre place to
6 farm in the country. That in itself is a huge
7 challenge for us. We are dealing with a number of
8 public policy issues. I'm just going to quote my long
9 time mentor and friend, Senator LaValle, who has been
10 our champion here on the East End for a long time as a
11 state senator. You guys in your role, I give you a lot
12 of credit. Everybody in this room has to be solemn.
13 At some point when you listen to the public policy
14 debates when you are trying to get a project done,
15 everybody is right to some degree.

16 If you took the sixteen million people in the
17 state and put them in a room, what comes out at the end
18 of the day you have public policy. New York is a
19 complicated state. It's not easy. We are concerned
20 about the business environment in New York State. We
21 know about people living, the cost of housing and on
22 and on. We have the same issues in the farm community.
23 With our employees, we have seven thousand people who
24 work here. Try and find reasonable places for them to
25 live and work. Not only agriculture, hospitality,

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2 tourism, building trades.

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

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

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2 we are concerned about that.

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

14 One of the things we are concerned about is
15 the groundwater quality and surface water impacts. Why
16 do farmers use fertilizers? We use fertilizer because
17 it uses oxygen. We cannot grow crops without using
18 fertilizer. We need nutrients to grow plants. Part of
19 the public policy is the pushing and pulling of
20 different points of view. The environmental community
21 wants us to do better. We are trying. We were working
22 with Cornell Extension. We have over a hundred farmers
23 enrolled in their stewardship program. We are doing
24 trials out in the fields and trying to reduce the
25 amount of fertilizer use and even the types of

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2 fertilizer, which is expensive. There is a slow
3 release fertilizer that is used extensively on sod. We
4 haven't gotten it to work successfully on row
5 vegetables. It's expensive and it's not as effective
6 as we would like it to be, but we will continue to
7 pursue other avenues with our management practices so
8 they are compatible with the environment.

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

21 There are tens of thousands of chemicals that
22 are used and they're all approved by EPA and New York
23 State before we can use them. They're crop
24 protectants. We have a lot of pests, fungus, all kinds
25 of things. People say why are farmers using chemicals.

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2 Well, we have to protect the investment. The
3 vineyards, you're talking about a twenty-five thousand
4 dollar an acre investment. When we had rain like from
5 two weeks ago and the fog and conditions like that,
6 those guys that own those operations, they have to
7 protect an investment.

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

19 The impact on groundwater, if you were to
20 follow a zero tolerance, and I will use this
21 hypothetical, we are finding pharmaceuticals in
22 groundwater. That is not a good thing. Where does it
23 come from, urine? They can find it parts per billion.
24 If you were to go to a zero tolerance, that means are
25 you going to ban medicine? I don't think so. Finding

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2 breakdowns of gas and we found other fuels in the
3 groundwater in de minimis levels. Does that mean you
4 are going to ban cars and trucks? I don't think so.

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

15 You may be surprised to learn that baking
16 soda is a registered pesticide. You use it to brush
17 your teeth, but it is a registered pesticide by EPA.
18 People use terms flippantly and scare tactics and say
19 oh, my god, they're toxic. They are. It's there to
20 control a pest or fungus or weed or whatever. So they
21 have a role in society. We have to be careful about
22 the notion of absolute zero tolerance. We would be
23 done as an industry. As mentioned earlier by the
24 Chairman, the importance not only of the dollar value
25 of what we do, but for the importance to Long Island,

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2 for our history and everything else that comes from
3 agriculture.

4 I could go on and on with statistics, but I
5 would look to do is take a few questions if there is
6 anything from the commissioners.

7 THE CHAIRMAN: Thank you for being here. I
8 think it's a little later in the day than you expected
9 to be before us. Thank you for bringing up some key
10 issues affecting the community on Long Island. This
11 Commission reviewed the groundwater study. It's still
12 in draft form. It does indicate that we have nitrogen
13 issues on Long Island and there are variety of forces
14 on that.

15 What is the agricultural industry doing to
16 reduce nitrogen impacts?

17 MR. GERGELA: We're aware of it. We are an
18 easy target with only six hundred fifty farms. They
19 tell us, you know, you guys have to do better. Most of
20 the farmers are enrolled in the stewardship program
21 with Cornell Extension, they are doing everything they
22 can do with the best technologoy that we have on doing
23 better on their management. One of the examples is the
24 Carmans protection area in Brookhaven town. I looked
25 at the data and I had conversations with the Legal

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2 Department, which has not really weighed in heavily on
3 the Carmans River by the way. 16% of the nitrogen
4 loading is from a handful of farms. 43% of the
5 nitrogen is coming from septic tanks and lawns on homes.

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

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

23 The next farm bill is coming up. The Senate
24 is holding hearings already. One of the things that we
25 want to make sure is that there is funding for Cornell,

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2 through Extension. All farmers are From Missouri; we
3 have to demonstrate to them. People ask, are you doing
4 sustainable farming. The sustainable farming to us
5 means people can pay their bills from their business.
6 It's very important that people are able to make a
7 living with this land use.

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

10 COMMISSIONER GABRIELSEN: Being in the
11 horticulture business, farmers, we are an easy target.
12 Talking about sustainability, we all, as farmers, we
13 all want to move forward. We don't want to turn our
14 backs on on new things. As Gabrielsen Farms CEO, we
15 changed a lot. You talked about water runoff. In our
16 operation we are recycling water and using drip
17 irrigation systems. Before it was flood everything.

18 Now it's about economics. We don't want to
19 waste our fertilizers, we want to try and save money.
20 The farmers here in Suffolk County, we are absolutely
21 open to change, but we have to have a viable
22 alternative. We can't just say okay, no more
23 pesticides or whatever. It has to be something to
24 replace what we are doing. We are moving forward.
25 Joe, as you know, we have some of the oldest farms in

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2 this country and we managed to stay in business for
3 hundreds of years because we are able to change.

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

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

23 MR. GERGELA: If you don't mind, if I may make one
24 more comment. People ask how can they help
25 agriculture. The number one is buy local wherever

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2 possible. The second thing we are farming in suburbia
3 and it's a suburban value system. When people come out
4 from the East End, one of the things that drive us
5 crazy is when somebody pulls up behind a moving
6 tractor, and the farmer is going from field to field to
7 do his job, it's unpleasant when someone waves their
8 finger at them when they go by. They wanted to come
9 out here and enjoy the area, but God forbid they're
10 held up on the road for a few minutes.

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

25 I was just up the at Executive Mansion last

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

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

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

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

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

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

23 DIRECTOR MURPHEE: I'm the town planning and
24 development administrator. On behalf of Southampton
25 Supervisor, Anna Throst-Holst, I thank you for the

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2 opportunity to address you today. It was the
3 supervisor's initiative, when she ran for the
4 supervisor position back two years ago.

5 One of her priorities, when she was running
6 for office and took office, was to examine our whole
7 planning review process. This was an issue raised by
8 constituents in the Town of Southampton and the
9 question was why. This really became an issue with
10 regard to our change of zone applications, known as
11 PDD's, which are planned development districts. The
12 question was why was this issue such an issue with the
13 community.

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

23 The question is how is transparency and
24 certainty play into the issue of public benefits. Well
25 the question is there are actually two prongs. One is

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2 what needs to be transparency and certainty in the way
3 that PDD's are being reviewed, the process in which
4 planned development districts were being reviewed by
5 the Town Board, and you already addressed this and the
6 Town Board already addressed this.

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

19 What the second part of that process is the
20 community benefits. Unlike straight up change of zone
21 applications, if you go from residential to commercial,
22 a planned development district under town law, towns
23 and villages can require public benefit or community
24 benefit; the words are interchangeable. That
25 authorization comes from 261B of Town Law. 261B of

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2 Town Law defines public or community benefit as open
3 space, affordable housing or cash in lieu of, which was
4 a very contentious issue in and of itself. How do you
5 calculate what cash in lieu of is for a change in zone
6 application.

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

14 Without reviewing the law verbatim line by
15 line, in terms of how do you quantify public benefit,
16 one of the things we require an applicant to do is a
17 provide a yield analysis in terms of what is allowed as
18 of right zoning and also what is being proposed, so you
19 try to get some sort of analysis if you are going from
20 a single family R-40 up to multi-family you know he's
21 asking for X additional dwelling units. It's more
22 nebulous when you go to a commercial from residential
23 zone as to exactly how much more a benefit or how much
24 more development is actually being sought by the
25 public.

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2 The second way you can quantify a public
3 benefit is a through a fair market appraisal. We
4 require that an appraisal be done, paid for by the
5 developer. In terms of what would be allowed
6 as-of-right zoning versus what is being sought by the
7 developer. In terms of what is a community benefit,
8 that becomes a little bit more mathematical. That is
9 just one of the criteria and standards of the proposed
10 amendment, and I would just read you this one that says
11 the public benefit will be a list of desired hamlets,
12 specific community benefits, maintained by the
13 Department of Land Management and prepared in
14 accordance with Subsection i, community input, and
15 Subsection ii, hamlets identified in the comprehensive
16 plan and/or other related studies. Said list shall not
17 be exclusively.

18 When we look at this, we look at other
19 documents; for example, the Pine Barrens Plan. Are
20 there unredeemed Pine Barrens credits within the school
21 district being sought. Do we have all the answers in
22 this local law? Absolutely not. Planning is a very
23 dynamic process. It's a never ending process. We
24 think this is a quantum leap forward. When we prepared
25 this law, it was prepared with members of the advisory

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2 committee, civic organizations, land use attorneys,
3 environmental groups, developers, and when we had the
4 public hearing on this, Bob DeLuca and Mitch Pally also
5 came out in support of it.

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

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

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

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

23 COMMISSIONER LANSDALE: I would like to state
24 why I'm leaving the room. Prior to starting with the
25 County, I have in the past spoken about this

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2 application and for clarity sake, I'm not participating
3 in any way in the handling of this application. I
4 delegated all my responsibilities as director to my
5 Deputy Director, Daniel Gulizio.

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

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

17 The application involves a twenty-six point
18 five acre parcel. The site is a twenty-six point five
19 acre site located on the north side of East Fifth
20 Street in Huntington Station, approximately one
21 thousand one hundred thirty feet west of Park Avenue.
22 The application involves a request for change of zone
23 from R-7 residence district to R-3M garden apartment
24 special district. R-7 residence district allows for
25 single family home on lots of minimum lot area of seven

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2 thousand five hundred square feet, and R-3M garden
3 apartment special district permits a maximum density of
4 fourteen point five units per acre, roughly one unit
5 for every three thousand square feet of lot area.

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

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

19 In response to some of the comments earlier
20 today, the information that we have received from the
21 Town as part of the referral indicates that the
22 forty-three rental units will vary between 50% and a
23 110% of median incomes, and the for sale between 80 and
24 120% of median income based on the number of bedrooms.

25 I would point out median income is

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2 established by HUD, and consists of median income for
3 the Nassau-Suffolk County region. The proposal
4 includes ninety-four one bedroom units, a hundred
5 forty-two two bedroom units, sixty-six three bedroom
6 units. The for sale units will be split evenly between
7 two bedroom and three bedroom units with thirty-eight
8 each.

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

18 There is some confusion as to whether or not
19 the site is within the sewer district. The application
20 specifically says that the site is located within the
21 Huntington Sewer District; however, a review of the
22 Horizons 2020 Comprehensive Plan indicates that the
23 area north of the Long Island Railroad, speaking of
24 Huntington Station, is served by Huntington Sewer
25 District while the area to the south is not. It goes

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2 go on to state there is limited space for new septic
3 systems. For that reason, larger scale development
4 should be considered north of the tracks first. This
5 is referenced on Page 10-10 of the Huntington
6 Comprehensive Plan Horizons 2020.

7 This site has been before the Commission on
8 three prior occasions, 1991 for a subdivision, 1998 for
9 another subdivision, which allowed for a hundred
10 ninety-eight units. Both were recommended for approval
11 by the Commission, and finally, most recently, March 3,
12 2010, the site was the subject of a change of zone and
13 code amendment to a Huntington Station transit oriented
14 district. Originally proposing five hundred thirty
15 apartment units with an eighty-twenty split, 80% rental
16 to 20% ownership. I point out, the Horizons 2020
17 Comprehensive Plan update was also considered by the
18 Commission and recommended for approval October 1,
19 2008.

20 When we look at an application for a
21 rezoning, it's important for background purposes that
22 we don't apply our own individual viewpoints in terms
23 of what constitutes good planning and what constitutes
24 concerns associated with a planning project. What we
25 try to do is analyze the project on three basic levels.

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2 First level, if you look at it in terms of town-wide or
3 regional planning policy considerations, that is
4 typically embodied in a comprehensive plan, or in the
5 case of the Planning Commission, we use the Commission
6 guidelines as a framework for making decisions.

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

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

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

21 As I indicated, we have a comprehensive plan
22 recently prepared by the Town and recently approved by
23 the Commission. When we look at it in connection with
24 zoning policy associated with the property, it's
25 important to point out the site is recommended for R-7

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2 district. It's not recommended for rezoning in
3 connection with the current plan. Secondly, there are
4 several statements regarding high density housing
5 development and housing policy contained within the
6 plan. If I could I would like to quote a couple of
7 sections from that.

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

20 Finally, the plan recommends the Town
21 implement thresholds and standards for the high density
22 housing to ensure compatibility with land uses and
23 avoid impacts on traffic, neighborhood school districts
24 and sensitive environmental resources. In terms of
25 county-wide planning considerations embodied within the

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2 Suffolk County Planning Commission guidelines, the
3 guidelines also talks to the idea under the equity
4 provision having equity in both the distribution of
5 benefits and burdens within the communities.

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

11 Background data associated with this
12 application in particular with Huntington Station
13 reveals the following: Huntington Station contains
14 currently the second most number of multiple units in
15 the entire town. According to Suffolk County Planning
16 data, that includes seven hundred fifty-five multiple
17 familyl units. In addition, Huntington Station
18 includes that highest number of multiple -- excuse me.
19 Huntington Station contains the second highest
20 percentage of multiple rental units at 59%. Finally,
21 Huntington station contains the highest percentage of
22 all types of rental units when combined 39%. In
23 addition, if is noted that non-senior, workforce or
24 affordable housing units, Huntington Station, contains
25 72% of all those units within the town currently.

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2 Finally, and it was referenced early, it's
3 important to note that previous housing policies within
4 the Town have had an impact in terms of segregation
5 within the Town and those concerns have been evidenced
6 in a number of Federal housing court cases that have
7 worked their way through the court system over the last
8 ten to twenty years. In terms of the nature and
9 character of the development surrounding the subject
10 property, I note the following statistics. Town-wide,
11 it is five point one units to the acre. Huntington
12 Station is higher than that, at nine point five units
13 to the acre. One of the contributing factors for the
14 high density in Huntington Station is the fact that
15 Huntington is included within a sewer district, as is
16 Melville. When we look at distribution of housing
17 units, specifically multiple family housing units
18 throughout the Town, it's no surprise that the highest
19 number of units is in Melville and Huntington Station
20 because of the location of these sewer districts.

21 The surrounding neighborhood also contains a
22 number of higher density housing developments. There
23 are five. Walt Whitman Village on the west side of New
24 York Avenue, just north of the train tracks is the
25 highest density project, R-3M, and maintains a density

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2 of approximately seventeen units to the acre. Winnoka
3 Village, south and west of the subject property, also
4 on East Fifth north side -- of Pulaski, excuse me,
5 maintains a density of approximately eleven units
6 to the acre. Highview which is located north of the
7 Long Island Railroad station on the east side of 110
8 maintains a density of ten units. Huntington Country
9 Farms, located to the south of the subject property,
10 maintains a density of seven units to an acre, and Town
11 Homes Huntington Glen maintains a density of seven
12 units to the acre.

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

23 In reviewing the application, material has
24 been referred from the Town in connection with this
25 application from a traffic standpoint, we note the

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2 following. Number one, that the level of service for
3 turning movements from East Fifth Street onto Park
4 Avenue is a level of service F, failure of conditions
5 on all peak periods currently. In addition there are
6 multiple failure conditions on turning movements
7 associated with Pulaski Road and Park Avenue
8 intersection during peak periods currently. The Town
9 through the referral material, proposes a signal at the
10 intersection of East Fifth Street in order to address
11 the turning movement concerns; in addition signal
12 retiming along Park Avenue. That would, according to
13 the Town, improve the level of service to at least a
14 level of D.

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

24 In addition, it's fairly typical for a
25 multi-family housing development to include parking

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2 spaces within the driveways directly adjacent to the
3 units. However, there are a hundred thirty-seven
4 parking spaces proposed within the garages associated
5 with the units. This represents approximately 12.5% of
6 the required on site parking. Our history with the
7 parking within garages it's difficult to maintain over
8 time. It's difficult to enforce and ultimately those
9 spaces tend to become utilized with storage associated
10 with the unit. We have some concerns associated with
11 the use of the garages to meet the minimum required
12 parking spaces on site.

13 In addition, the plan proposes two hundred
14 eighteen land banked parking spaces which represents
15 19.8% of the required on site parking. Land banking is
16 a fairly common approach to increase the amount of
17 available landscaping area on site in order to reduce
18 the amount of impervious surface and we certainly have
19 supported the idea of land banking in the past.

20 Our main concern with the land banking in
21 connection with the subject application involves the
22 ninety spaces proposed in the planned pond areas. It
23 doesn't seem realistic or practical, from a planning
24 standpoint, to propose parking areas near a water
25 element on site. This would result in either the

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2 elimination of a portion of the water element and the
3 need to replace water storage capacity because it does
4 function both in terms of aesthetics as well as
5 drainage purposes on site, and we would advocate a
6 different approach rather than providing land banked
7 parking on site.

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

19 First is we would like to address is the idea
20 of implementing standards and thresholds for the
21 location of higher density housing prior to the
22 establishment or approval of additional multiple family
23 complexes within Huntington Station. This is based on
24 the concern that the staff had on the percentage of
25 number multiple housing units that already exist in

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2 Huntington Station, along with some of the concerns
3 that are a result of past practices, not current zoning
4 process associated with higher density housing in
5 Huntington Station.

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

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

22 Fourth, we need to look in terms of,
23 personally for a moment, I have worked as a
24 professional planner for the last twenty-four years
25 during that time I have attended hundreds of these

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2 meetings and advocated both for and against literally
3 hundreds of projects that included individual
4 affordable housing components. I would like to think I
5 have been a tireless advocate for affordable and
6 workforce housing in the region. When we look at the
7 number of affordable housing units distributed in
8 Huntington Station, look at the 72% of all the
9 non-senior housing being located in one hamlet center,
10 we think it would be prudent for the Town to consider
11 the development of an affordable housing a plan that
12 would provid for a rational distribution of housing
13 units before any additional housing units are
14 considered in Huntington Station.

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

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

25 A general comment, we would like to add that

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2 the Town, or Commission should consider, I apologize,
3 the idea of consultation with Planning Commission
4 guidelines regarding energy efficiency, public safety
5 and I also note for the record that the prior
6 application included comments regarding a bus shelter
7 that didn't appear to be included with this
8 application. I note it for the record. And there was
9 also a comment associated with the last application
10 with regard to emergency access. I apologize at the
11 tail end of this for taking up so much time but I'm
12 happy to answer any questions that the Commission
13 members may have.

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

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

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2 the train station is very key for it to succeed.

3 COMMISSIONER FINN: A very thorough report.
4 As we sit regionally, some of the issues that arise in
5 housing across Long Island, this particular application
6 I think needs to address a lot of the concerns. We
7 have toured other districts and other municipalities as
8 a commission and looked at the suggestions of how
9 projects such as this with their approval and
10 implementation of how they create a vibrancy to a
11 community which, in this instance, could benefit from
12 such a project.

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

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

24 COMMISSIONER ESPOSITO: It would have to be
25 hooked up to the sewer district. This a is highly

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2 dense and intensified plan and I don't think it would
3 be getting permits from Suffolk County for septic
4 systems.

5 MR. GULIZIO: My understanding, in speaking
6 with town representatives, there would be an
7 application made to the sewer district to see if they
8 would be eligible to be included. They apply specific
9 criteria in this review process. According to the
10 comprehensive plan, it's not currently within the sewer
11 districts.

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

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

22 COMMISSIONER FINN: And 70% single family.

23 MR. GULIZIO: 70% ownership. I assume there
24 are a number of two family homes that are owner
25 occupied. I'm not sure how they count those.

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2 COMMISSIONER McADAM: Dan, the number of the
3 conditions require that a housing plan be completed, or
4 some kind of study, and it's my feeling, I don't
5 believe there is a study or plan that already is in
6 place should hold up or be part of an application for
7 Avalon Bay, and at the very least I think we should
8 move some of the conditions -- I think it's one, three
9 and four, at least to the comment stage at the very
10 least. It's just my feeling that this should not be
11 tied directly to the application.

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

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

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2 discharges into.

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

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

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

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

22 THE CHAIRMAN: We have a standard practice
23 around the table of including that as a comment. That
24 will come back as a site plan to see if bioswales and
25 things are included. It's good before site plan to

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2 mention it now. This is conceptual.

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

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

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

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

24 MR. GULIZIO: One of the helpful reasons for
25 identifying the site plan related issues now, once the

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2 density is set, there is less opportunity to look at
3 those types of considerations and find room for
4 additional landscaping or additional parking.

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

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

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

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

23 THE CHAIRMAN: Good point. Commissioner
24 Horton.

25 COMMISSIONER HORTON: The staff report

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

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

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

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

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

23 VICE CHAIRMAN KONTOKOSKA: I'd like to say I
24 appreciate all the positions and comments on this
25 application on both sides. A project this scale always

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2 elicits a heated conversation, and that is certainly
3 what we have here.

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

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

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

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

24 THE CHAIRMAN: Here is what I'm hearing. I
25 haven't heard anyone say anything other than speaking

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2 in terms of approval. In order to flush out anyone
3 that thinks in of terms of making this a disapproval?
4 Seeing none, then we are talking about approval.

5 In that case, we should walk through the
6 conditions one by one. Why don't we walk through the
7 conditions one by one, and a couple of -- the vice
8 chairman helping lead this conversation too. We walk
9 on the down the line assuming we are talking about
10 approval. Question is how.

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

15 VICE CHAIRMAN KONTOKOSKA: I think the issue
16 that we are looking at in terms of equitable
17 diversifying housing stock around the county is an
18 important one and an important policy focus of the
19 commission. It's designed not to punish the
20 municipalities that are trying to do it, it's designed
21 to encourage the municipalities that are not providing
22 multi-family housing to do more. I don't want to see
23 this as a negative. I think that issue which applies
24 to Condition 1 and 4, as well, I don't necessarily
25 think are appropriate, perhaps a comment in terms of

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2 the need to diversify the housing stock across the
3 county is a critical one, and frankly, that is on us at
4 the county level to create a regional housing policy
5 and I hope we are in the direction of doing that.

6 I don't see that as a reason to punish an
7 applicant or municipality that is trying to move in
8 that direction because perhaps they have a higher share
9 already than some other towns or villages may have.
10 That would be my comment.

11 COMMISSIONER HOLMES: Are you suggesting
12 eliminating it entirely?

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

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

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

25 It seems like one and two, maybe there are

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2 too much. The staff was indicating a concern about the
3 density. Three talks about maybe there is too much
4 rental, four talks about affordable.

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

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

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

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2 application, you may want to look into these things?

3 THE CHAIRMAN: We can include in the comment
4 a request to the Town that they conduct some kind of
5 town-wide analysis to look into equity. That is a good
6 way to do it, rather than conditioning it on a project
7 specifically saying this is we as a regional body, we
8 think that the Town needs to look at.
9 Let's hold that thought and see where we go.

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

17 I think it's appropriate for the regional
18 planning commission, which is the County, to suggest to
19 the Town once again, look at thresholds and standards
20 for location of higher density. I think that is a good
21 recommendation and I think it's the kind of thing that
22 we should be doing. I agree that it should not be a
23 condition, because it doesn't yet exist. That would be
24 putting the cart before the horse. To be a comment, I
25 think is not only reasonable for us, I think it's what

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2 we do and I think it's an obligation that we have.

3 THE CHAIRMAN: I'm trying to keep notes about
4 that and let's see if we can form a comment on the end.
5 The other thing I'll say, this county needs to do what
6 we are proposing, which is have a housing summit to try
7 and encourage the kind of housing that we need. That
8 is a personal policy reflection of mine. Anyone have
9 comments on Number 1? Any other conversation about
10 Number 1.

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

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

20 COMMISSIONER FINN: As a commission, we often
21 address density and where it is proper and where it
22 should exist. This parcel is in not in the Carmans
23 River estuary, the Farmland Protection Area, or the
24 Pine Barrens. It's in proximity to the train station.
25 It's a walkable component. These are all the buzz

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2 words and items that we discussed on where density
3 should be. So here is an example and here's an
4 opportunity to implement a method of development and
5 density that would be consist with what we are talking
6 about. It may be, in particular to some adjacent
7 parcels, but it is far less density than what -- as far
8 as density, we visited other communities and everybody
9 kind of gets wrapped up in density. It's more of, as
10 we heard of other successful projects, it's more design
11 than density, its proximity to the train station.

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

20 THE CHAIRMAN: Any other comments on
21 Condition 2?

22 COMMISSIONER McADAM: About Condition 2, I'm
23 not sure I'm right about this. If someone can correct
24 me, I'll be very happy. I think when using a statistic
25 like this you also have to consider the size of the

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2 property that was used in calculating these averages;
3 in other words, if you have a twenty-six acre piece of
4 property, and other projects in the town with fourteen
5 acres, I think that is going to affect the way the
6 numbers are presented.

7 THE CHAIRMAN: That is certainly an issue.
8 We don't have the photos in front of us, but I know we
9 showed them last time.

10 MR. GULIZIO: I'm sorry to interrupt.

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

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

24 Staff recommendations, in consideration of a
25 lower density, was based on the fact that they're

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2 proposing a density 40% greater than Highview in
3 Huntington and further from the train station than
4 Highview in Huntington.

5 THE CHAIRMAN: Any further comments?
6 Commissioner Holmes.

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

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

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

25 COMMISSIONER HOLMES: You mean traffic

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2 signal? Mitigation, in other words, creating traffic
3 signals.

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

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

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

17 COMMISSIONER HORTON: On Number 2, I see
18 where it comes from. But, in the face of this, it
19 would be the same for us to say that the Town consider
20 an increase in density. If we recommend and consider a
21 reduction in density in our comments as it related to
22 Number 1, we were talking about reviewing an overall
23 plan and where housing or where high density
24 development should take place, if we were going to push
25 that forward on point number one.

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2 Then Number 2, saying that the Town consider
3 a reduction in density is just as meaningful or
4 meaningless, the same as the Town consider an increase
5 in density. I don't think it achieves the goal that I
6 think is intended here.

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

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

16 COMMISSIONER ESPOSITO: No.

17 THE CHAIRMAN: Seeing none, let's move on.
18 Condition 3 talks about rental units within Huntington
19 Station. Thoughts on that condition.

20 COMMISSIONER HORTON: I have a question as it
21 relates to that. Therefore, it is recommended that
22 consideration be given to increasing the percentage of
23 ownership units for the project in order to ensure
24 there is appropriate diversity of housing types within
25 the community.

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2 What does that mean? Is there something we
3 need to be aware of as it relates to rental properties?
4 I don't understand this.

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

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

23 If you would prefer us to put in more
24 specific standard we would be happy to do it. We have
25 been trying to raise the attention to municipalities

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2 without dictating what the outcomes ought to be.

3 THE CHAIRMAN: I think the town-wide analysis
4 that I reference is consistent with, some kind of
5 town-wide analysis in terms of equity. Alternatively,
6 it's possible to mention this to the Town as an issue,
7 piggybacking on what Commissioner McAdam said. I guess
8 this group can decide whether it should come before or
9 after that. We want to speak to the Town in terms of
10 the need for regional analysis.

11 MR. GULIZIO: Just to be clear, the County
12 certainly has a responsibility and obligation to
13 provide guidance on regional housing policies.
14 Certainly Towns have a similar responsibility to
15 establish a rational approach to housing units and
16 types throughout their communities. The language
17 quoted is from the Town's comprehensive plan about
18 establishing standards and guidelines for the
19 distribution of units. It's not County policy, it's
20 Town policy as embodied within the recently adopted
21 2008 comprehensive plan.

22 COMMISSIONER HORTON: Is it your opinion and
23 would it be our opinion, if we were to adopt this as a
24 body, that we have a concern that there too much rental
25 housing in Huntington, and what does too much mean and

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2 why would that be too much? What is the negatives of
3 rental housing? What is the problem with rental
4 housing? That is what I want an answer to.

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

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

19 COMMISSIONER HOLMES: That isn't what the
20 staff report is saying. The staff report is simply
21 pointing out that this location with this application
22 in Huntington Station already has an abundance of
23 rental, and the staff is recommending, if I understand
24 properly, that there be more of a balance in this
25 application, between ownership and rental.

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2 So, it's more equitable to have a little more
3 ownership in that development than rental because there
4 is already so much rental in this particular location;
5 am I correct?

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

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

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

15 COMMISSIONER HORTON: Making a judgment.

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

24 It's not making a judgment whether it's good
25 bad or anything, it's making a call, is that the best

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2 for the planning for the Town and the way it's supposed
3 to evolve and develop. I think that is a legitimate
4 question that the Town hadn't answered either. We are
5 supposed to make them ask it and answer it.

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

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

14 MR. GULIZIO: I think the staff is saying
15 that the Town's comprehensive plan as well as the
16 Planning Commission guidelines talk repeatedly about
17 taking steps to ensure the equitable housing types
18 throughout the town and school districts. If there are
19 individual hamlets that don't have rental housing, and
20 rental housing is a housing type, that perhaps might
21 not be the most equitable distribution of housing types.
22 If an individual hamlet has the highest percentage of
23 rental housing and there is a proposal to increase
24 rental housing that is something that may raise
25 concerns based on policy adopted by the Town to ensure

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2 a fair share distribution of housing types through all
3 communities.

4 VICE CHAIRMAN KONTOKOSKA: Deputy Director
5 Gulizio, I casually referred to you as Dan before and I
6 wanted to make sure we remain official. Suffolk County
7 has a major problem of concentrations of housing by
8 income and by race. There are pockets of these areas
9 that have disproportionate amounts of low income
10 housing, rental housing and high density housing.

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

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

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

25 VICE CHAIRMAN KONTOKOSKA: Condition 1 If I

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

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

19 COMMISSIONER McADAM: Rental housing, when
20 you -- I guess where you got these numbers from, are we
21 talking about legal rentals versus -- are these legal
22 rental units, because we all know that there are a lot
23 of -- if you talk about ownership units, some houses or
24 some properties can be listed as single family and
25 obviously are used as rentals. That was the other

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2 question.

3 MR. GULIZIO: Legal rentals. I don't
4 believe we have a reliable number in terms of other
5 rental types.

6 THE CHAIRMAN: Any other conversation with
7 Condition 3

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

20 THE CHAIRMAN: I have the suggested comment.
21 Your thought was to -- there was one suggestion that
22 delete Condition 3 and capture some of the things we
23 want to capture from the additions into a comment.
24 Condition 4, from what I hear around the table, is the
25 of affordability aspect of it. It talks about

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2 equitable distribution again. Commissioner
3 Schoolman.

4 COMMISSIONER SCHOOLMAN: There is a real good
5 possibility, I absolutely don't know what I'm talking
6 about as someone who is brand new. But I would like to
7 make an observation as a business person. What I see
8 here, or listening to it for the first time, three
9 months from now maybe I will say boy, I sure didn't
10 know what I was talking about.

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

18 My first reaction is, someone takes a risk
19 invests money, they're going to build a property. The
20 laws of supply and demand will determine whether that
21 is successful or not. Getting into monstrous
22 discussion as to what percent of rental units, when I
23 first got married and couldn't get a job and got out of
24 engineering school in the middle of a recession, I
25 lived in a garden apartment and I was glad I could find

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2 one for a hundred twelve dollars a month.

3 I know this is a little bit more upscale. We
4 have to start getting things done on Long Island. It
5 seems you can overanalyze everything. I think that you
6 always go to somehow support the guy who is taking the
7 financial risk, that somehow he knows how to invest his
8 money. That is what I hope.

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

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

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

19 COMMISSIONER HORTON: Exactly how he said it
20 as well.

21 THE CHAIRMAN: Let's go to Number 5 talks
22 about the parking. It was actually the same issue we
23 dealt with the last time we heard the project.
24 Commissioner Esposito mentioned that as the issue with
25 the ponds, we would ask the Town, that may be

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2 impractical and they should look at that with regard
3 to the site plan.

4 I think that should be rescued. Any other
5 thoughts on Condition 5, regarding parking on Condition
6 5?

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

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

20 THE CHAIRMAN: Other thoughts on Condition 5?

21 COMMISSIONER HOLMES: I agree with making it
22 a comment.

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

25 COMMISSIONER McADAM: Dave, I was wondering,

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2 it's not about any of the conditions, but we do have
3 new members and I'm not sure if they understand
4 condition versus comment and what the importance of it
5 is.

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

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

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

16 COMMISSIONER CASEY: I too understand the
17 difference.

18 COMMISSIONER HOLMES: I think that the point
19 is well made by Commissioner McAdam, that the
20 difference for us is that with a condition, the Town
21 has to have a super majority to override it, the Town
22 Board. If it's a comment, they take it into
23 consideration and they ponder it, but they don't have
24 to have a super majority to override it. I think that
25 is the importance.

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2 THE CHAIRMAN: Any questions? Okay. Next we
3 have Condition 6, density increase. Thoughts or
4 comments on that?

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

17 MR. GULIZIO: Just to be clear in response,
18 it's from the Commission guidelines. I apologize for
19 the "should." In its entirety, it's from the
20 Commission guidelines. We are happy to apply whatever
21 standards were contained within the Commission
22 guidelines. In the absence of an amendment to the
23 condition or the adoption of new guidelines, we are
24 obligated to bring in the guidelines that apply to a
25 specific situation to the Commission.

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2 keep it as a comment to further recommend that to the
3 Town to keep that in mind.

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

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

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

22 COMMISSIONER FINN: It has come up in past
23 applications and we have eliminated it altogether
24 because it is rather penal. I think in this instance
25 from a dollar standpoint it will make this project in

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2 effect a non-starter. It is a sewer development.

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

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

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

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

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

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

25 COMMISSIONER HOLMES: I do not think that we

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2 should put ourselves in the position of being here to
3 help somebody develop property. We are here to look at
4 the application and apply our standards to it. To me,
5 leaving it as a comment is --

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

12 COMMISSIONER ESPOSITO: Is that for all of
13 them?

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

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

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

25 COMMISSIONER FINN: Number 6 is a comment.

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

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

25 Any questions or additions to that?

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2 I went through the minutes the last time we
3 heard this, the other proposal at this location. There
4 are some differences between the things that we voted
5 on and the things that made it in the resolution. I
6 want to be very careful. I'm going to read exactly
7 what we propose.

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

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

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

24 MR. GULIZIO: I don't recall if it was a
25 comment or condition on emergency access. There was

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2 also a condition on a bus shelter being constructed by
3 the applicant.

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

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

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

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

20 MR. GULIZIO: Paper street is a road that is
21 mapped, placed on the official town map and not opened
22 or improved. Yes, there is a possibility once it's
23 placed on the town map, it has the ability to be opened
24 by property owners that have rights of access to the
25 paper street.

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2 THE CHAIRMAN: Does the staff still think
3 it's a good idea to include that as a comment?

4 MR. GULIZIO: Sure.

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

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

23 THE CHAIRMAN: "The petitioner shall be
24 directed to construct a bus shelter for a HART bus
25 route if deemed appropriate by HART."

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2 COMMISSIONER CASEY: May I ask a question?

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

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

14 COMMISSIONER HORTON: That is a fair point.
15 The way that was worded would require the applicant to
16 construct a bus shelter that they might not have the
17 right to construct. I'm quite certain that serious
18 consideration will be given to it and I have no
19 objection to it being a comment.

20 COMMISSIONER McADAM: I'm sure that was
21 something Vince Taldone put in. While we were driving
22 up to Huntington with Vince, he told me that the
23 Suffolk County Transit System and HART system kind of
24 overlap that area and I'm not sure if they overlap that
25 area. In the past I think we had more leverage with

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2 Suffolk County Transit than we do with HART. If HART
3 is in that area, I don't know how we can force them to
4 do it either.

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

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

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

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

19 Here is what we have. One more traffic
20 mitigation. I'll read you from last time. "Traffic
21 signal mitigation proposed by the petitioner at the
22 intersection of East Fifth Street and Park Avenue
23 should improve the level of service in the intersection
24 beyond the levels of service after. Signal should
25 operate in coordination with the Park Avenue Pulaski

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2 Road signal for smoother traffic flow and should be
3 tied to the Long Railroad Island crossing gates on Park
4 Avenue. Turn movement northbound on Park Avenue should
5 be accomodated with a reasonable level of service.".

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

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

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

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

19 THE CHAIRMAN: Here is what we have. We have
20 the condition that the Town shall direct the developer
21 to consult the Suffolk County Planning Commission
22 guidelines with respect to energy efficiency and public
23 safety. The Suffolk County Planning Commission has
24 identified energy efficiency and public safety as
25 critical county-wide land use priorities. By directing

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2 the developer to consult these guidelines, the Town
3 will be ensuring that energy efficiency and public
4 safety principles are considered in the development
5 plan relating to this location.

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

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

23 Comment 3 The applicant developer will
24 explore green methodologies for storm -- I'm sorry,
25 will consider implementing green methodologies for

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2 stormwater management such as rain gardens, bioswales,
3 et cetera.

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

15 Comment 5, the traffic signal mitigation
16 proposed by the Petitioners at the intersection of East
17 Fifth Avenue and Park Avenue should improve the level
18 of the service of the intersection beyond the level of
19 service during peak periods. The signals should
20 operate in coordination with the Park Avenue-Pulaski
21 Road signal for smooth traffic flow and should be tied
22 to the Long Island Railroad crossing gates on Park
23 Avenue. Turn movements northbound on Park Avenue
24 should be accommodated at a reasonable level of
25 service.

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2 Comment 6. Alternate or emergency access
3 should be constructed in the western portion of the
4 subject property to the proposed parking area to the
5 paper street of Wicks Avenue. In paren, existing
6 parking area within the adjacent park.

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

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

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

20 THE CHAIRMAN: Even though it's a comment, I
21 actually agree with you. Are there any objections to
22 delete? What I propose to delete, the sentence that
23 reads location of parking spaces within the planned on
24 site garages also raises concerns due to the tendency
25 to utilize garages over time for storage purposes

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2 resulting in a loss of on site parking.

3 Land bank parking located within the proposed
4 ponds makes little sense and would be impractical. The
5 proposed parking plan should be revised to eliminate
6 land banked parking within the ponds, while still
7 ensuring that parking is required for code requirements
8 or that any relaxation is properly addressed. Any
9 objection to that language? I'll make this note on the
10 paper. Anything else anyone wants to add? Any
11 comments or questions? Seeing none.

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

14 THE CHAIRMAN: I thought we deleted all the
15 conditions. What I read is what I had. Anyone else
16 around the Commission have anything different than
17 that? Seeing none, what we have is the one condition,
18 and seven comments. Anything else? Okay.

19 I'll entertain a motion to adopt that
20 proposal as we have hashed it out.

21 COMMISSIONER CASEY: So move.

22 COMMISSIONER HOLMES: Second.

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

25 (Show of hands) Eleven to zero.

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2 Next item on the agenda, the Village of
3 Patchogue moratorium. Who has that? Let's take a two
4 minute break.

5 (Recess taken.)

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

8 MR. FRELENG: That would be Chief Planner.
9 The next application for the regulatory part of the
10 commission agenda is a referral of a moratorium of
11 development of the Village of Patchogue proposing a
12 local law to enact is six month moratorium of new
13 apartment houses, garden apartments, townhouses,
14 residential uses and buildings over three stories tall,
15 and D-1, D-2 and D-3 business district and any floating
16 districts.

17 We have up on the screen for you a copy of
18 the Town zoning village map. We tried to indicate
19 those districts that were affected and how they spread
20 across the village. This moratorium is applicable as
21 indicated to D-1, D-2 and D-3 districts and any
22 floating district within the confines of the proximity.
23 Affected lands include properties along Waverly Avenue,
24 West Main Street to the east. Earlier to the core
25 business along Main Street, East Main Street and

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2 Medford Avenue at the eastern village boundary. These
3 are state and county roads as indicated. Land uses
4 within the moratorium area are generally within the
5 compliance of the village uses in the zoning categories
6 include retail, personal service stores, apartment
7 houses, restaurants, offices, etcetera.

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

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

25 The Suffolk County Planning Commission has

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2 published guidance on the structure and content of
3 moratoria. The moratorium should be tied to a
4 legitimate comprehensive planning initiative such as
5 the completion of zoning or master plan updates. Where
6 possible, the moratorium should be limited and allow
7 for the due process of applications and assure the
8 proper balance between property rights and community
9 planning.

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

19 There are more details in the staff report to
20 summarize. Staff is recommending approval subject to
21 the following conditions: The first condition goes
22 back to the proposed legislative intent, and staff
23 believes that the Commission should condition that the
24 legislative intent should be beefed up and added those
25 issues enumerated in the Commission's addendum on

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2 moratoria.

3 The second recommendation from the staff for
4 a conditional approval is that the alleviation of
5 hardship section in the proposed local law also be
6 strengthened to include a number of items that would
7 make the issuance of a hardship variance less
8 subjective and that is the staff report.

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

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

24 I want the Commission members to know this is
25 not out of context. It's as if you run a marathon and

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2 you rest a bit to see what your next goal is. The
3 Village is resting a bit to see what the goal is for
4 the next couple of years.

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

17 THE CHAIRMAN: This is --

18 MR. FRELENG: I can quote to you the
19 legislative intent of the local law that states that
20 the purpose is "to allow the Village of Patchogue to
21 evaluate the LLC project and DRD district upon the
22 parking, health, safety and general welfare of the
23 community of the Village of Patchogue and effectuated a
24 solution and/or comprehensive plan to address the
25 future residential density and construction in the

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2 primary business zoning districts of the village."

3 This moratorium is in response to a project
4 that we approved and in the opinion of staff might not
5 have analyzed the project effectively through the SEQRA
6 process if this project results in that moratorium.

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

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

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

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

24 When a moratorium comes and doesn't have one
25 of these pieces, we say that you have to have one of

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2 these pieces or otherwise it's legally challengeable.

3 MR. FRELENG: I could call it the sniff test
4 but I think fingers and toes is better.

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

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

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

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2 That is my concern.

3 THE CHAIRMAN: Commissioner Kelly, welcome
4 back.

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

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

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

20 COMMISSIONER KELLY: Understood.

21 COMMISSIONER HOLMES: I believe that the
22 condition term is warranted because they have not fully
23 justified the reasons for their moratorium. I think
24 it's a little more mandatory for them to shape up their
25 moratorium and make it more appropriate and defensible,

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2 if you will. But that I think that the term condition
3 is warranted here.

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

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

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

15 COMMISSIONER WEIR: But only those three.

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

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

20 COMMISSIONER ESPOSITO: Up and down the river
21 is residential. I think down the river is residential.
22 There are homes on the river. I live on the river;
23 this is how I know this. The head of the river there
24 is a manufactured gas plant site that needs to be
25 cleaned up, which they haven't cleaned up. There are

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2 some industrial slash pretty bad commercial areas that
3 could and probably should be developed. It's tied into
4 the waterfront revitalization plan that has yet to take
5 shape.

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

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

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

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

25 MR. FRELENG: No, that is outside the Village

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2 boundaries.

3 COMMISSIONER McADAM: Under the staff
4 analysis at the end of the first paragraph, it could be
5 just the way I'm reading it, it says that -- it lists
6 the fact that the building inspector and code
7 enforcement officer can issue permits, and down at the
8 end it said for garden apartments, townhouses and
9 residential uses and buildings over three stories tall.
10 Does that mean they can still issue permits for two and
11 three stories?

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

18 THE CHAIRMAN: Commissioner Kelly.

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

22 MR. FRELENG: That's correct.

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

25 COMMISSIONER KELLY: They don't have to do

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

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

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

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

25 COMMISSIONER FINN: I'll echo to Matt's

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

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

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

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

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

24 COMMISSIONER SCHOOLMAN: I know you are, but
25 a lot of discussion. Somebody asks for a six month

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2 moratorium, why wouldn't the immediate response be
3 okay, you have six months, but after that you have to
4 get your stuff together.

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

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

25 Secondly, a six month moratorium to analyze a

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

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

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

14 COMMISSIONER HOLMES: Second.

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

21 We are extremely specific in what we are
22 telling the Village, what we have to do as a condition
23 to give an alleviation of the hardship. I think that
24 should be a comment, if that is subjective, okay, let
25 the Village decide whether or not they should let

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2 somebody out that moratoria, and not make it so onerous
3 with all the different non-subjective specific items.
4 That is my comment on Number 2

5 THE CHAIRMAN: Andy, any responsive thoughts
6 on that?

7 MR. FRELENG: No.

8 COMMISSIONER ESPOSITO: I would like to amend
9 the motion.

10 THE CHAIRMAN: Any comments? All in favor of
11 adopting the staff report as written? Please raise
12 your hands. (Show of hands) Nine. Opposed? (Show of
13 hands) Passes nine to four. Town of Southampton
14 amendment.

15 MR. FRELENG: Town of Southampton has
16 referred to the Commission an amendment regarding
17 general development standards. The referral from the
18 Town Board for an amendment to the Town zoning law to
19 address evaluation criteria. As indicated in the local
20 law, the purpose is to further address more aptly
21 articulated what makes a specific community benefit.

22 The planned development district is a
23 floating zone district designation subject to
24 locational criteria is applicable throughout the Town
25 of Southampton by petition or by the Town Board's own

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2 motion.

3 In terms of the staff analysis, one of the
4 Commission's critical county-wide priorities is the
5 effect on economic development. It's the opinion of
6 staff that the proposed amendment may affect the issues
7 of economic development as it may pertain to the
8 ability of project sponsors to consummate development
9 proposals. The public benefits often are interpreted
10 to include the construction of public amenities,
11 redemption of development rights, offerings of open
12 space, provision of affordable housing cash payments to
13 local school districts, et cetera, in order to address
14 local concerns related to the proposed project.

15 We quoted New York State Law, Article 16.

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

22 What staff feels is at issue is really the
23 definition of what is benefit is beyond what the Town
24 law states. The proposed ordinance defines the
25 community benefit as "being above and beyond project

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2 features that would otherwise be required of
3 development on the subject property through the site
4 plan subdivision, et cetera process. Said features
5 shall not qualify as community benefits."

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

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

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

25 VICE CHAIRMAN KONTOKOSKA: Thank you very

1 6/1/11 Suffolk County Planning Commission
2 much. This is a Southampton application. Commissioner
3 Roberts, any thoughts?

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

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

11 COMMISSIONER ROBERTS: Make a motion.

12 COMMISSIONER HOLMES: Second.

13 VICE CHAIRMAN KONTOKOSKA: All in favor?
14 (Show of hands) Opposed? Abstain? It's unanimous.
15 Twelve-zero.

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

19 MR. FRELENG: Mr. Vice Chairman, next on the
20 agenda, the next application referred to the Suffolk
21 County Planning Commission is the Artist Lake Plaza.
22 Comes to you from the Town of Brookhaven, from A-1
23 Residence to J-2 Neighborhood Business on approximately
24 thirty-three acres of a seventy-four point two acre
25 property in order to develop the subject property into

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2 a commercial retail center. That requires a special
3 permit.

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

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

20 There is an existing restrictive covenant
21 associated with a prior approval on the subject
22 property running with the land, limiting development on
23 site to a hundred forty thousand square feet for a
24 commercial center, with an allowable increase in the
25 gross floor area up to a maximum of an additional

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2 eleven thousand square feet, by the purchase of Pine
3 Barren credits, with each Pine Barren credit equivalent
4 to one thousand square feet of gross floor area.

5 An annulment to the restrictive covenant is
6 requested to allow for the proposed development. Off
7 street parking requirement per Town of Brookhaven
8 zoning laws is two thousand two hundred forty-eight
9 parking stalls. That is a 10% shortfall, requiring a
10 variance. Of the total proposed parking, approximately
11 5%, or one hundred stalls, are proposed to be land
12 banked. Seven other variances will also be required if
13 the petition is approved as proposed.

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

22 The subject property is located on the
23 northeast corner of Middle Country Road and Currans
24 Road in Middle Island. A review of the land use
25 indicates that the subject property is an island of J-2

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2 zoning in an area otherwise zoned as residential. A
3 small area of J-5, occupied by a gas station at the
4 corner of Currans Road and Middle Country Road. A
5 shopping center, currently zoned J-2, anchored by a
6 King Kullen supermarket is to the east across Woodville
7 Road and far to the west are commercial properties
8 associated with the intersection of Middle Country Road
9 and Yaphank Rocky Point Road.

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

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

24 MR. FRELENG: From the conceptual site plan
25 this is Currans, Road that is the western property

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2 boundary, this is New York State Route 25. This is
3 Artist Lake, over here is Woodville Road. The King
4 Kullen shopping center is here and other properties
5 indicated in the staff report. New York State DOT will
6 have to approve access to New York State 25. One point
7 of access is to be used exclusively for the proposed
8 ball field, exclusively.

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

20 The Town of Brookhaven 1996 Comprehensive
21 Land Use Plan recommends commercial for the specific
22 site. Specifically recommends that the subject parcel
23 be designated as a hamlet center, more specifically an
24 indoor-outdoor recreation center which proposes
25 non-competing commercial uses.

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2 This hamlet is supposed to include,
3 notwithstanding the indoor-outdoor component, an
4 appropriat mix of residential, commercial, office and
5 civic development.

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

19 It's also regulated by the Central Pine
20 Barrens Joint Planning and Policy Commission
21 Comprehensive Land Use Plan. The applicant should be
22 directed to consult, and I believe they are in
23 consultation with the staff of the Central Pine Barrens
24 Joint Planning and Policy Commission to determine
25 conformance with CGA natural vegetative clearance and

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2 other standards.

3 The petition includes the construction of
4 man-made ponds. The applicant should be directed to
5 the Suffolk County Planning Commission's publication on
6 the study of man-made ponds in Suffolk County.
7 Moreover, since the creation of water features often
8 become managed and protected wetlands by regulating
9 agencies, the applicant should continue discussions, if
10 they have not already, with the Town's environmental
11 division and consult with NYS DEC for potential permit
12 requirements.

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

21 The applicant should continue the dialogue
22 with the Suffolk County Department of Health Services
23 with regard to waste water treatment at the proposed
24 site. I should just point out that the site is in
25 conformance with Article 6 and that is why they are

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2 proposing to discharge to sanitary systems. We said
3 that the Health Department and Department of Public
4 Works will work with them to see whether there is an
5 appropriate way to regionalize sewage treatment in that
6 area and we do know there are number of sewage
7 treatment plants in that area that need to be upgraded
8 or connected to capacity existing.

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

17 The subject petition is a change of zone or
18 discretionary approval. The subject site is also
19 within the central Pine Barrens zone, a management area
20 intended to preserve a core area of fifty thousand
21 acres, via the use of transfer of development. The
22 subject site represents a potential receiving area as
23 defined by the Town of Brookhaven Zoning Law. The use
24 of the site for development without the retirement of
25 Pine Barrens credits eliminates the site as a potential

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2 receiving site and may upset the required sending to

3 receiving ratios established to implement the plan.

4 The ratios are required by the Comprehensive Plan and

5 makes the plan constitutional and not a taking.

6 The Town should prepare or cause to be

7 prepared a statement as to the impact the removal of

8 the seventy-four acre site will have on the required

9 sending to receiving area ratios of the Central Pine

10 Barrens Comprehensive Land Use Plan.

11 The staff further believes that the project

12 in and of itself could further be construed as a

13 economic development and as with any development

14 proposal; however, it is not unique. However, not

15 withstanding the petitioner's economic reports to the

16 contrary, the proposal may impact the economic

17 development of the future of the Middle Island Hamlet

18 Center. Furthermore, the proposal discounts the

19 availability of vacant commercial and retail space in

20 the area to the east and west of the proposed site.

21 There are several vacant commercially zoned

22 sites in the area and the Middle Country Road core.

23 Middle Island Plan specifically called for commercial

24 non-competing commercial uses on the site and

25 additional retail general uses should be discouraged to

1 6/1/11 Suffolk County Planning Commission
2 prevent cannibalization of existing retail uses in the
3 area.

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

8 THE CHAIRMAN: This is waterfront property.

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

21 The proposed study, there would no impact.
22 There are a number of available spaces. This is the
23 eastern wing, this is the western wing, this is the
24 Blockbuster, which is vacant. There are a number of
25 vacant stores within this strip. The King Kullen is in

1 6/1/11 Suffolk County Planning Commission
2 between the east and west wing. Staff counted the
3 number of doors and number of vacant businesses behind
4 those doors the vacancy in the King Kullen shopping
5 center directly to the east of the subject property is
6 forty-six percent. Yet the economic analysis indicates
7 there would be no impact to neighboring retail.

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

17 These are two slides together from a viable
18 shopping center across the street that we didn't take
19 any picture of. That is a shopping center which has no
20 vacancy. On the other side of County Road 21 there is
21 a huge piece of property. That is a former lumber
22 yard. We understand that this property may have some
23 constraints with regard to Hazmat on the site, it is
24 targeted as another component of the Coram Country Road
25 Middle Island Hamlet Plan. This property called for a

1 6/1/11 Suffolk County Planning Commission
2 hamlet center.

3 In total, we have a project that is proposing
4 well over three hundred thousand square feet of retail
5 area, which may impact plans for developing a hamlet
6 center along 25 and Route 21 intersection.

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

16 In plain English, they are going for a change
17 of zone and then proposing a project that needs a
18 number of variances. It does not appear to consider
19 the number of recommendations of the Middle Country
20 Road Land Use Plan for Coram Middle Island and Ridge.
21 Notwithstanding the high rate of abandonment, the
22 petitioner's economic analysis indicates no adverse
23 impacts to the development of the envisioned Middle
24 Island Hamlet Center or the existing King Kullen
25 shopping center to the east.

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2 The recommendation out of the study for
3 mixing indoor outdoor recreation with residential would
4 appear to be an appropriate approach to the development
5 of the property. The commercially zoned land in the
6 area is apparently tenuously occupied and general
7 commercial development on this site can potentially
8 exacerbate the conditions.

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

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

24 THE CHAIRMAN: That is owned by the
25 developer?

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2 MR. FRELENG: At this time, it's all under
3 the control of the project sponsors. There has been
4 discussion on the applicant proposing some improvements
5 through Artist's Lake in that area. There was brief
6 mention but there is no proposals at this time as a
7 mitigation or benefit on this action.

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

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

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

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

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

24 MR. FRELENG: It's in control of the project
25 sponsor. This is vacant parking at the moment.

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2 COMMISSIONER KELLY: How much of the area is
3 disturbed and/or improved?

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

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

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

20 The Middle Island Hamlet Center just to the
21 west, I believe one or two or three parcels is
22 currently under litigation. That may never happen.
23 That Middle Island Hamlet Center to the west may never
24 happen. To anticipate any competition at this point is
25 premature due to the fact that litigation is ongoing

1 6/1/11 Suffolk County Planning Commission
2 and I believe that the Carmans River is targeting the
3 area.

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

6 COMMISSIONER KELLY: The Carmans River
7 Protection Plan.

8 THE CHAIRMAN: It's an aggressive river.

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

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

23 THE CHAIRMAN: So everyone around the table
24 is aware, we obviously reviewed the Blight to Light
25 initiative and unanimously endorsed it. On any given

1 6/1/11 Suffolk County Planning Commission
2 project, we are not to consider what the Town does or
3 is going to do. One thing I'm torn about is this is
4 sort of virgin territory, to put in more commercial
5 wouldn't make any sense to me. But it's all blight.
6 It's all paved. By putting the ball fields and more
7 amenities, you might get more people to go there which
8 might help the stores in the neighborhood. I'm kind of
9 torn about this.

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

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

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

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

23 COMMISSIONER KELLY: You could decrease the
24 ball fields.

25 MR. FRELENG: There is a requirement of open

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2 space if the ball fields are proposed as amenities.
3 But the open space that the ball fields are in is part
4 of required open space pursuant to the Comprehensive
5 Plan.

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

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

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

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

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

25 MR. FRELENG: As indicated in the staff

1 6/1/11 Suffolk County Planning Commission
2 report, there are a couple of little restaurants and
3 some retail spaces. It should be pointed out that
4 there is a Wal Mart to the west beyond the proposed
5 Middle Island Hamlet Center.

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

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

24 I don't think we should worry about impacting
25 other stores when you have a big sea of asphalt that

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2 somebody is willing to take care of.

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

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

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

20 As you know, people who own property in that
21 core cannot development. In order to make them whole,
22 a transfer of development rights program was created
23 where private individuals would buy the development
24 potential core and transfer that to the compatible
25 growth area. In order for the plan to be legal and not

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2 a constitutional taking, there is supposed to be
3 sufficient receiving area to absorb the development
4 rights that were created.

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

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

19 THE CHAIRMAN: Are they retirement credits
20 there?

21 MR. FRELENG: No, there is not. There is a
22 covenant on the property that prohibits this
23 development to this scale, and they're asking that
24 restrictive covenant to be removed. The covenant had
25 language in it that said after you go above a certain

1 6/1/11 Suffolk County Planning Commission
2 square footage, you are to retire Pine Barren credits
3 to get there.

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

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

16 MR. FRELENG: That might be too specific to
17 the prior proposal. What staff recommended is require
18 the town to give the analysis that is necessary. This
19 site is developing on a proposed receiving site. If
20 there is a nexus where the town should cause to be,
21 and/or do it themselves, an analysis of the receiving
22 sites. This is the Town of Brookhaven. They should
23 have an accounting. They just need to provide it of
24 whether or not they have sufficient receiving sites or
25 remainder of credits in the Town pursuant to the Pine

1 6/1/11 Suffolk County Planning Commission
2 Barrens Credit Plan, which by the way, the County of
3 Suffolk ratified. So did the Town.

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

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

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

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

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

23 MR. FRELENG: No, the 1996 plan requires
24 commercial. Coram Middle Island Ridge Middle Country
25 Road plan recommends a specific type of commercial

1 6/1/11 Suffolk County Planning Commission
2 indoor-outdoor recreation type of commercial so it
3 doesn't compete the with the downtown.

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

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

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

21 MR. FRELENG: My final comment is it was
22 mentioned before and it's mentioned again we shouldn't
23 put the burden on an applicant to implement original
24 policy, but you implement policy one lot at a time. If
25 the Commission has a policy, every application that

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2 comes ,in you have the opportunity to implement your
3 policy one lot at a time. That is the only way policy
4 is implemented.

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

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

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

24 My own feeling, it was never enough to
25 support that area. It does look terrible. I pass

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2 there quite a bit. If there is a developer that is
3 willing to put money into that, a gamble that he or she
4 is going to be successful at, I guess to some extent we
5 can't look at the economics alone. If there is any
6 other reason why it should not be approved, we may have
7 to look at that.

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

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

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

22 THE CHAIRMAN: I don't know what the big box
23 vacancy is other than the K-Mart itself. I'm not
24 saying they're not tied; they may well be. From the
25 perspective of categories of commercial, they're

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2 different.

3 COMMISSIONER CASEY: Do we know the identity
4 of the stores? Are those restaurants in the front?
5 Smaller things, is may be there is a different need out
6 there that they will be able to fill with these
7 businesses.

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

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

14 MR. FRELENG: Not at this time, no.

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

25 MR. GULIZIO: I know the hour is late. It's

1 6/1/11 Suffolk County Planning Commission
2 been vacant since my tenure with the Town, between 2003
3 and 2005. Related to that point, the essence of zoning
4 is to ensure a rational allocation of land use; that
5 means looking at amount of individual uses to make sure
6 it's consistent with population needs and concerns.

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

13 Many towns, like Southampton, looked at
14 traditional zoning patterns developed in the '30's and
15 '40's and said that is too much retail we expect to
16 have for the population in the town, and they
17 eliminated some of the retail. Brookhaven, one of the
18 explanations for the amount of vacancy is not a
19 mystical blight problem, but because of the surplus of
20 retail that was built.

21 The solution to that that is proposed is we
22 have a high vacancy rate and we need to build more
23 retail to eliminate the vacancy rate doesn't make
24 intuitive sense to us from a planning standpoint. It's
25 not based on a concern we want to promote one retail

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2 developer over another, we want to make sure that the
3 communities are rationally developed and when a
4 community says they want downtown development, we want
5 to make sure there is a demand to support that
6 development.

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

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

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

25 COMMISSIONER HOLMES: We keep overlooking the

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2 fact that this applicant is going to have to ask for
3 eight variances to the zoning. I think that is an
4 important consideration.

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

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

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

19 COMMISSIONER SCHOOLMAN: Correct me if I'm
20 wrong. There are only two gated communities that have
21 any population at all out there. My son lived in one
22 of them. It's a pretty barren area there for
23 customers. If a guy has some short-term goals that are
24 not consistent with what the Commission sees long-term,
25 do you have a right to question those assumptions? Do

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2 you make it a judgment as to whether this project will
3 be successful in the long term?

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

14 COMMISSIONER SCHOOLMAN: There is another
15 ball park area where there are a ton of ball parks.
16 How is that doing?

17 COMMISSIONER KELLY: Baseball Heaven, in
18 Yaphank.

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

21 COMMISSIONER HOLMES: Second.

22 THE CHAIRMAN: All in favor of adopting the
23 staff report as written, please raise your hand. (Show
24 of hands) Eight. I vote yes. Opposed. (Show of
25 hands)

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2 COMMISSIONER WEIR: I'm going to abstain.

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

10 COMMISSIONER ESPOSITO: Is there a time line?

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

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

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

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

24 COMMISSIONER WEIR: Can I change my vote to
25 no?

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2 THE CHAIRMAN: There is a process. Without
3 objection she can change her vote.

4 MR. YOUNG: There are no objections.

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

8 COMMISSIONER WEIR: Thank you. No.

9 THE CHAIRMAN: Eight to five on the last
10 vote.

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

15 COMMISSIONER ESPOSITO: Second.

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

21 (Time noted: 5:45 p.m.)

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CERTIFICATION

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK)

ss:

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.

JUDI GALLOP

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