SUFFOLK COUNTY PLANNING COMMISSION
Evans K. Griffing Building
Maxine S. Postal Auditorium in Riverhead
December 7, 2011
12:00 p.m.

MEMBERS PRESENT:
DAVID CALONE, Chairman
ADRIENNE ESPOSITO, Secretary,
CARL GABRIELSEN, Town of Riverhead
DIANA WEIR, Town of East Hampton
LINDA HOLMES, Shelter Island
MICHAEL KELLY, Town of Brookhaven  (At 1:10 p.m.)
JOHN FINN, Town of Smithtown
BARBARA ROBERTS, Town of Southampton
GLYNIS BERRY, At-Large

THOMAS YOUNG, ESQ., County Attorney for Planning Department

SARAH LANSDALE, Planning Director
ANDREW FRELENG, Chief Planner
THEODORE KLEIN, Planning
THE CHAIRMAN: Welcome to the December 7, 2011 meeting of the Planning Commission. I defer to Commissioner Holmes to note the significance of the day.

COMMISSIONER HOLMES: Just as we recite the pledge, could we please remember that today is the 70th anniversary of the Japanese attack on Pearl Harbor, which thrust us into World War II.

THE CHAIRMAN: Thank you, Commissioner Holmes. Would you like to lead us in the pledge?

(Recitation of the Pledge of Allegiance.)

As noted in the agenda, we are going to table the adoption of the minutes we have some work to do before bringing them to the next Commission meeting. We hope to bring those before you at January's meeting.

The next item is the public portion. I don't have any cards. Do we have any cards? No. Okay. If anyone from the public would like to be recognized to speak? Seeing none, we will close the public portion.
The next item on the agenda is the Chairman's report. We have a short administrative agenda today, so we will focus mainly on the revisions to the guidelines and talk about additional areas that we need to focus on to get those completed. I had breakfast with our incoming county executive, Steve Bellone, last week. He was very supportive of the Planning Commission's efforts to focus on larger issues affecting the county, like housing, infrastructure, renewable energy, et cetera. He is eager to work with us starting in January. I think we will have a very strong and engaged partner in the new county executive.

With regard to the Suffolk County Comprehensive Plan, work continues on Volume 1B, which is continuing the baseline analysis. I know we hope to complete that certainly by early 2012 and spend the rest of next year working on Volume 2, the goals and policies. I will add our new Commission member, Glynis Berry, to the Comprehensive Plan working group and we hope to have a working meeting in
January. It's been two or three months since we had a working group meeting. We will meet with staff to sketch out the plan to finish up Volume 1B and get into Volume 2, which is going to be the goals and policy section.

With regard to some of our task force efforts, energy and environment, with regard to the solar permit streamlining, it's proving to be a great success. All ten towns are actively pursuing it. Riverhead adopted it yesterday, Brookhaven adopted it and Southampton is up for next week. It looks like we will get all ten of them.

COMMISSIONER HOLMES: Shelter Island adopted it last Friday.

THE CHAIRMAN: Thank you, Linda. Linda helped make sure it was high on the agenda. We appreciate that. At the end of the day, we will put together a program that makes sense for installers for the municipalities for the homeowners and supports for renewable energy and it's going to be uniform across the ten towns and county. A number of villages are getting on board. The Village of Babylon
already passed it.

The other thing is the East End Wind Code. We have been working with the board members and staff to draft a model wind code. We had our fifth meeting on this November 14th in Southampton. We are looking to complete that effort early next year. I want to thank Commissioner Holmes and Commissioner Weir who have been assisting in that effort.

On the commercial building energy efficiency standard working group, we have the new green working codes coming down. The state is permitting the municipalities to implement those as of January 1st. We are looking to play a role by educating the municipalities about the new green building code and help municipalities that want to adopt the aspects of the green code to do so. The vice chairman is going to be transitioning that to Commissioner Berry the next month or so before he leaves us. You guys are going to do a task force meeting in January. That continues to be a work in progress.

On the SUPP, Suffolk Unified Permit
Portal, that continues to progress. Steve Bellone is very interested in turbo-charging that effort, which would be great. I have been co-chairing that with Yves Michel, the head of Economic Development. Sarah has been very involved and Yves actually is going to be losing his job as of January 1st as a result of the legislative changes. We will see what Steve Bellone wants to do as a result of that new leadership going forward. I have no doubt that the effort will be ongoing. That is one of the things that Steve identified to me as part of his economic agenda is getting this permit portal going. A lot of the groundwork has been done by Sarah and others behind the scenes to get that happening.

Then we have professional certification for commercial interiors. The idea is to follow the lead of New York City and eliminate the need for building inspections for routine interior commercial alterations. That is something that the ABLI has asked us to look at. John Finn and Jennifer Casey have been heading that up. We met with Brookhaven and
they are considering piloting that effort and
team up with the county. That is something
that the county executive will be working at
after he comes in. It looks like the Long
Island Business News is going to be having an
article on that effort.

We have the county housing summit;
that's coming together. We are honing in on
February 8th; that is a date that works for
members of the Commission and some of the
keynote speakers. Stony Brook University has
offered to host the event. There may be a
small fee attached to that. The new county
executive, Steve Bellone, was excited to be our
keynote speaker, and the Town Supervisors and
Village Officials Association will be
co-hosting it with us. I expect LIBI also to
be involved. We need to hone the agenda, work
on logistics, and I would like to meet with the
folks involved with that right after the
meeting for a few minutes to work on what we
have accomplished in the next couple of weeks.

COMMISSIONER ROBERTS: Do you have
any sense of the time of day of that?
THE CHAIRMAN: We are looking at nine-thirty to three. That will include lunch and maybe we will actually get going around ten. Multiple hours for the heart of the day.

COMMISSIONER McADAM: Is there a registration?

THE CHAIRMAN: We haven't figured that out. Staff will be involved with this, obviously. One thing we want to hear back from Stony Brook is the minimum amount they can charge us. We are hoping, with the help of the Housing Partnership and LIBI, to get some partnerships for this. It will help us pay for a simple lunch, and if we need to pay a small facilities fee, we will do that also. We will figure this out over the next few weeks. I want to get together on that after this meeting.

Tom McAdam is. We presented Brookhaven with our public safety principals. They provided feedback last night. They indicated they would like to implement these principals. They will be the first township on the Island to incorporate public safety
principals into their design considerations. That is nice to have the largest town being the pilot on that.

The last few things, the nominating and rules committee appointed last month with Diana Weir, Tom McAdam and Constantine Kontokosta. They will be reporting back to us on proposed officers and bylaw changes. Diana sent an e-mail to all of you asking for nominations. You can nominate yourself or other folks.

We have three officer positions and also this group will also be taking a look at our rules, which I believe we have here today, should be in our packets. Everyone should take a look at them offline and let us know or Diana or Tom know if you have any comments. We did a substantial review and revision of these last year, not anticipating anything major. If you see anything major, let us know. Tom Young did a lot of work on them also. Please let the nominating and rules committee know by the holidays if you have anything that you suggest we change.
12/7/11 Suffolk Planning Commission

Also, I want to congratulate Diana on two things, one happy and one sad, from our prospective. She has been named for the search committee for the Suffolk County Police Commissioner. So, we are happy for you. The sad one is Diana is going to be accepting a position on the Town Planning Board in East Hampton, which is exciting for her because it cuts down on her commute and also has other fringe benefits, not that our sandwiches and Shelter Island cole slaw and Riverhead kielbasa aren't -- it's nice to be compensated for one's work. We will miss Diana on the Commission. This will be Diana's last meeting.

What we need to do is figure out a way to kind of transition the rules committee, which only has a few more weeks of work ahead of it.

We talked about doing a joint meeting with the Nassau County Planning Commission with the idea of getting to know each other and learn from each other a bit. I insisted that they had to come to us because we are a bigger county and they don't have that far to go.
COMMISSIONER ESPOSITO: I think we went to them last time.

THE CHAIRMAN: It was on the Route 110 corridor. I know that feels like Nassau sometimes, especially for the East End people. Anyway, so, they're getting back to us as to whether they can join us in Hauppauge for about an hour or so before our meeting in January. I haven't heard from them. Make a note, we may do something for an hour or so before the meeting. Pencil in something around ten a.m.

The other thing we need to figure out is where we are meeting in January. We usually try to do it in the legislature building, but we haven't gotten the calendar yet. Have they had their organizational meeting yet, Andy?

MR. FRELENG: No, they won't do that until January. The legislature has to set the calendar for the committees as well as their own calendar when they first meet as a new body. We are in touch. We will know as soon as the room is available, if we can get the legislative auditorium. The only thing, they can't commit to us until the presiding officer
12/7/11 Suffolk Planning Commission

is selected.

COMMISSIONER ESPOSITO: We might be

safe; they're not going to do much that week.

THE CHAIRMAN: We can always go
to the Dennison building. Assume we are going
to meet in Hauppauge with a possibility that
we will do a joint meeting with the Nassau
County Planning Commission. We think we can
fit both planning commissions around the
horseshoe in Suffolk County.

That is it for me. Thoughts,

comments, questions? I want to thank Diana for
all her work on the various things.

COMMISSIONER McADAM: The legislative

meeting yesterday, I think there were three

resolutions.

THE CHAIRMAN: The Director can give

us an update.

COMMISSIONER McADAM: Do you know if

they are going to go to the next meeting?

DIRECTOR LANSDALE: Yes, they're
going to go before the environment planning and

agriculture committee next week next, Monday,
at one p.m. at the legislative building in
THE CHAIRMAN: The three or four resolutions relating to the Planning Commission.

DIRECTOR LANSDALE: There are three relating to the Planning Commission. One is to eliminate verbatim minutes. The second is to make sure that the county executive consults with town supervisors when appointing representatives to serve and represent certain towns, and the third is to raise Planning Commission fees for all of the referral materials.

This would be the first time in more than fifteen years that any department fees have increased.

COMMISSIONER ESPOSITO: Do those fees go to the Planning Department?

DIRECTOR LANSDALE: The fees would go into the general fund, but be counted as revenue source for the Planning Department.

THE CHAIRMAN: The bottom line, the Planning Department gets credit for it. The fees, which the resolution is to increase them,
12/7/11 Suffolk Planning Commission

was to simply bring them up to the level of what other planning commissions in other counties do. Sarah can provide more information on that.

DIRECTOR LANSDALE: Thank you, Chairman. The Planning Department conducted a nationwide survey of planning commission fees and looked at sixteen peer counties across the country to determine what the new fees could be, and we are still, under this proposal, lower than Nassau County's fees, just as a point of reference.

THE CHAIRMAN: We are talking about fifty bucks here or there.

DIRECTOR LANSDALE: Exactly. What we are trying to do is make sure we are covering staff costs and covering the time that it costs to actually review all of the materials and referrals that come before the Commission. Currently, we do not cover our costs, our staff costs.

THE CHAIRMAN: That isn't up to us. It's a legislative thing. It's the county executive's bill.
12/7/11 Suffolk Planning Commission

DIRECTOR LANSDALE: No, Legislator Vivian Viloria-Fisher's bill.

COMMISSIONER WEIR: The fee is paid by the municipality or by the applicant?

MR YOUNG: The applicant.

DIRECTOR LANSDALE: There is also, I want to note, there is a clause in the legislation relating to the fees, that it's up to the discretion of the Planning Department to waive fees. Of course, criteria would have to be established to determine when and if to waive those fees associated with the development.

COMMISSIONER WEIR: Such as affordable housing or whatever.

DIRECTOR LANSDALE: That could be criteria, yes.

COMMISSIONER McADAM: Sarah, one of the resolutions, did that have something to do with the distribution of Commission members throughout Suffolk County or --

DIRECTOR LANSDALE: The resolution I think that you are referring was one that I spoke about. It's Legislator Romaine's
12/7/11 Suffolk Planning Commission

legislation requiring that the town -- that the
county executive confer and consult with the
town supervisors in the ten towns in
reappointing or selecting new Planning
Commission members. That is what it is. If
the county executive then chooses to go with an
independent recommendation against the wishes
of the town supervisor, then it would require a
two thirds majority vote of the legislature.

COMMISSIONER HOLMES: Would this
mostly impact reappointments or selection of
replacements, because I know when I was
appointed, my town supervisor had to send a
letter to the county executive recommending me,
and then the county executive made the
recommendation to the legislature. But that
was the way it worked back then. I think it's
because the current county executive has
independently made replacement appointments.

DIRECTOR LANSDALE: That's correct.
As I understand it, there was a tradition of
conferring with the town supervisors.

COMMISSIONER HOLMES: So, I am
wondering, I think it's be set in stone now,
yes?

DIRECTOR LANSDALE: If this resolution passes. May I update you on other things that the Planning Department is doing? Thanks. There is a transit oriented development funding opportunity available for local towns and villages that was sent out to members of the Commission. Letters of intent are due December 16th. It's funding. The range is between ten and fifty thousand dollars to do public outreach and kind of consensus building around additional development around transit centers.

We are continuing to work on the guidelines, and I look forward to that discussion later on in this meeting, to finalize or at least move forward the discussion of the guidelines, and I want to thank all the members of the Commission working on that. I want to thank and acknowledge Carmen Miranda, she is our intern, for putting all of her time and effort into the minutes and making preliminary recommendations and edits to those minutes, several sets of months. Thank
COMMISSIONER HOLMES: Very apprecitated.

DIRECTOR LANSDALE: We also, in the Planning Department, produced a draft transfer of development rights study. This is a key milestone in the HUD sustainable communities funding. Earlier this year we received funding from HUD to do this study. There are four deliverables. This is the first of the four deliverables. Looking at all the transfer of development rights programs, the next step is to really dive in and do some in-depth research into how many credits are used, where the sending and receiving sites are. Kind of the nuts and bolts of the study.

If anyone would like a final copy of the study once it is approved, I would be more than happy to send it out to members of the Commission. Along within that same project, January 31st we are hosting a public meeting, seven to nine p.m., to engage -- it's held in the evening deliberately to engage the public. It's going to be in the Dennison building in
the media center to talk about development,
transfer of development rights program.

And we are, in addition to working on
the housing summit, and we want to thank the
Chairman for all your efforts and everyone else
on the Commission, we are also working on a
parking summit for later in the year, next
year. Andy and I are going to meet with the
mayor of Port Jefferson tomorrow to continue
that discussion.

I also want to thank Ted for your
effort in stepping up to volunteer to make
meeting summaries moving forward if the
legislation does pass to eliminate verbatim
minutes. Ted has generously volunteered to
draft the meeting minutes. I want to thank
Andy for all your work on the TDR study and
team. It was Andy that really picked up this
project and moved it forward in a big way in
the past month, so thank you.

That is the end of my report. If
there are any questions, I'd love to answer
them.

THE CHAIRMAN: Any questions?
COMMISSIONER McADAM: How did you do during the budget process?

DIRECTOR LANSDALE: I will thank you for asking that question. The legislature had to make some difficult choices, and there were -- the county executive's budget proposed four staff eliminations. The Planning Department has been impacted by three positions that have been eliminated. The deputy director of planning, the secretary, and then a land management specialist, so it's a huge loss for the Planning Department.

THE CHAIRMAN: Thank you for mentioning that. Obviously, I should have mentioned it earlier, that there are some big changes coming in the Planning Department, which the Planning Commission has the responsibility of overseeing and helping with. Obviously, Dan is not going to be with the Department after December 31st. Obviously, he's been a friend to this commission and a valuable asset to all of us. I've learned a lot from him over the years. I think we should
think about doing something at our January meeting for Dan, as we did for Tom before him; that is one thing.

Two, the Planning Department itself is going to have folded into it Economic Development and Environment and Energy. So the Planning Department is going to be having -- it's touching a lot more areas. In a way, having that consolidation makes a lot of sense from an integration perspective. There are a lot of things that need to be integrated. That will be a challenge for Sarah and all the staff.

But with Economic Development coming underneath the Planning Department as well as Environment and Energy, the Planning Department is sort of touching many of the key things. Larger county-wide issues are now going to be coming through the Planning Department. Those are issues that we, as a commission, would have and could have impact on. This is a way more holistically to figure out where the county should go.

It's regrettable that Yves Michel,
the Director of Economic Development is losing his job and Dan is losing his and Chrissy and others. It's a big change. I would just say on behalf of the Commission to the Department, please let us know how we can be helpful in structuring those kinds of things going forward.

Sarah mentioned the parking summit. We talked about a year or so ago. We try to do these summits every once in a while. We had the sewer summit, which we had with the county executive over a year ago. In the summer we did the green methodologies summit, which Adrienne and CCE helped organize. We have the housing one in February and the parking one sometime in the summer. Every six months or so we are trying to do these educational, policy kinds of things. So far, so good.

COMMISSIONER ESPOSITO: I just want to suggest for you to just make a mental note. I think we will need to do another sewer summit in the fall. Hopefully, we will have the planning document done by then. There will be more work on evaluating and prioritizing sewer
12/7/11 Suffolk Planning Commission

needs for the county. I think the public might want to participate in that. I think it's a good time to put that on our mental calendars.

THE CHAIRMAN: The Department of Health has approved two new technologies for stand alone sewer STP's. It might be interesting for us to get a briefing on that, whether from staff or someone from DOH to come to our next meeting. We will let Sarah sort of decide what makes the most sense. We are used to seeing the Chroma Glass over and over again. There are two more technologies that seem to be more effective than the old Chroma Glass system.

One of the issues that comes up constantly here when you come across the Chroma Glass system, you say hey, that's good but how long is it going to last and how effective will it be keeping us below the ten parts per million standard. Hopefully, those two new technologies will be a big step in that direction.

COMMISSIONER ESPOSITO: The legislature will be getting a presentation on
2011 Suffolk Planning Commission

the data from the Chroma Glass systems and how it is or isn't filtering out nitrogen. I'm wondering if it would be appropriate for this commission to request to have a presentation by the Health Department on all three systems, what is the data, why did they approve them, how did they envision them being used. I think it could be used for us to consider which ones to use in the planning process.

THE CHAIRMAN: Sounds like a good idea. I think that makes a lot of sense. Tom?

COMMISSIONER McADAM: I was going to suggest maybe along with that, inviting the town planning directors, because they would be first in line to listen to it.

THE CHAIRMAN: Sarah is starting regular calls with the planning directors on a monthly get together, or at least conference call. This would be another good thing to offer to the Planning Department. Maybe we can line it up for January. We always have that issue we don't want to be here forever.

COMMISSIONER ESPOSITO: We haven't had any presentations in a long time, which has
been a nice break. January, new year, there is
new science. I would love for it to be January
if we can work it out.

COMMISSIONER SCHOOLMAN: Dave, could
you give some clarity on the parking summit; is
that for areas like Lower Port or Huntington
where there are immense parking problems?

THE CHAIRMAN: Yes. Two things. It
can be anything we want it to be. If you have
ideas about what we should include, we are all
in this together as a planning commission
thing, obviously, with the Department and
staff. This was an idea, in a nutshell, we
have seen parking issues time and again on
these projects over the last couple of years,
particularly in downtowns.

We have had some villages come to us
for guidance, such as the Village of Babylon
and Port Jefferson. A bunch of villages are
all dealing with the same thing at the same
time. The thought was why don't we get
together and talk about best practices, share
ideas. If there are things that you think
should be included, we can do that.
COMMISSIONER SCHOOLMAN: Did you pick a date, Sarah, for that?

DIRECTOR LANSDALE: No. This is in the beginning planning stages. I would love your input. I look forward to working with you.

COMMISSIONER SCHOOLMAN: Tell me about the transit thing that you brought up. I know there was something in writing and I think I missed it.

DIRECTOR LANSDALE: There is funding available through the Tri-State Transportation Campaign, which is funding from the One Region Funders Network, which is a collaboration of many foundation funders in the tri-state region to provide funding in the form of grants to municipalities. The range is ten thousand dollars to fifty thousand dollars. Letters of intent are due December 16th. I think information was sent out by the Chairman a week or so ago.

COMMISSIONER SCHOOLMAN: Any opportunity to coordinate that with the parking issue?

DIRECTOR LANSDALE: In terms of a
parking summit?

COMMISSIONER SCHOOLMAN: Some people have used shuttle runs to deal with parking problems like downtown Huntington. Years ago, Port Jeff got a subsidy to do something like that.

DIRECTOR LANSDALE: Definitely. It's up to the discretion of the local municipalities. It's a grant application, so it's at the discretion of the funders making those grants, if they will fund those ideas.

MR. FRELENG: The working goal for the parking summit was to establish a guideline for the Commission to look at parking. We know that the villages all have various different standards for parking, and sometimes it's used as an indicator for an overintensification of a project.

We want to, number one, establish a new guideline for the Commission with regard to parking, and secondly, establish some sort of model shared parking code. As part of shared parking and as part of parking management, employee options and other types of
congestion management could be considered, so shuttles could be considered as part of that mix.

THE CHAIRMAN: Other thoughts or comments? If not, we will move on. We have a light administrative agenda today. We have one project from Riverhead. Andy.

MR. FRELENG: Thank you, Mr. Chairman, members of the Commission. For the record, the applicant is the development of Saber Riverhead, LLC. This is coming to us from the Town of Riverhead. The location of the property is south side of Old Country Road, otherwise known as County Road 58, approximately a hundred and fifty feet east of Kroemer Avenue. Jurisdiction for the Commission is that the subject property is adjacent to County Road 58.

Since we have a little bit of time, I wanted to go through the slides. We will get to the aerial. This is the subject property. You can see that in front it has slight frontage on County Road 58. The north side has development. The east side as well has
development. This is a manufactured home park. This here is the Riverhead Raceway. In general that is the aerial of the subject property.

This is the site plan. We will go back to that in a little while. You can see there are three distinct retail layouts as well as one stand alone retail bank. This is the zoning map. Subject property is in the BC zone. These are residential to the east as well as some other downtown recreation zoning in the area. Subject property in the school district.

This is the subject property looking at it from County Road 58. You can see we have public water in the area. There is a sidewalk and curbing.

This is a slide looking west along County Road 58. This is a slide looking east along County Road 58. I just wanted to point out this structure here is currently vacant or being used as a commercial retail building, but it will be removed as part of the application.

This is looking at the Riverhead Raceway from across the street from the subject
property. This is adjacent to and to the west of the subject site. Across the street of the subject property is relatively new development of automobile dealerships. Across from the subject property is a proposed Cosco.

Again, this is other views looking east and west along the subject site. Moving down, I wanted to point this out. This is on the adjacent property, the manufactured home park. There is a piece there where as you go through the staff report, you can see there is an opportunity for cross-access for pedestrian and/or motor vehicle.

THE CHAIRMAN: Is the home park occupied?

MR. FRELENG: Yes, it is. This is -- we drove around inside the mobile home park for comparative purposes. We had other applications before the Commission which are manufactured home parks.

THE CHAIRMAN: Slight difference.

MR. FRELENG: We don't have time to go through all the slides. The applicants are requesting site plan approval from the
Riverhead Town Planning Board for the construction of one hundred eighteen thousand six hundred fifty square feet of retail shopping center on thirteen point one nine acres of land. The subject property is zoned business center.

The proposed shopping center would include a three thousand nine hundred square foot retail pad with a drive-through in the northern portion of the property, and approximately one hundred fourteen thousand seven hundred fifty square feet of three attached retail spaces on the southern portion of the property.

The proposed action also involved the creation of five hundred ninety-four at grade parking stalls and is in conformance with the Town of Riverhead zoning law for off street parking. We wanted to note that there is some parking in the utility easement and there are some issues regarding the parking layout, which are slightly problematic.

Landscaped areas and storm water basin are proposed to be installed on site.
Waste water, according to the submitted papers, would be connected to the Riverhead Sewer District, and potable water would be drawn from the Riverhead Water District.

Access to the development is proposed via County Road 58 through a new signalized ingress-egress. No alternate or emergency access is proposed, and there is no cross-access proposed.

The subject property is covered with scrub vegetation and some mature trees. There is part of a freshwater wetland system on site in the southwestern corner of the property. There are issues regarding illegal filling on the subject property, which we learned. However, there was no information referred in the submittal material.

With regard to General Municipal Law considerations, which is the New York State law, which requires the Planning Commission review certain issues with regard to development, with regard to this application, we believe, in addition to compatibility of land uses, community character and maintaining
of a satisfactory community environment, that really public convience and the carrying capacity of County Road 58 is the regional concern. Access to the proposed development is intended via County Road 58, as indicated.

The referral materials indicate that a traffic impact study is to be submitted under separate cover. The site plan referred to the Commission indicates that a proposed street signal at the proposed ingress-egress will be constructed. Traffic signalization curb cut permits will be required from the Suffolk County Department of Public Works for any improvements to the county road. The referral materials did not indicate that there has been any communication with County DPW, and therefore staff recommends that the project sponsors contact and coordinate with the County DPW as soon as possible.

In addition, the applicants should investigate with the Suffolk County DPW Transit Division possible accommodations for bus riders.

With regard to emergency access, you
can see that over in the northeast corner of the property, while this might not be a suitable alternate access, this is an obvious location for an emergency access for the shopping center development. With regard to cross-access, generally speaking, we should try to develop a cross-access easement, particularly at the southern end. You can see this is the manufactured home park. They are currently now developing this piece of the loop of this property.

By the way, there is the wetland that was at issue. This is on the adjacent property.

COMMISSIONER ESPOSITO: Is that an extension of the home park?

MR. FRELENG: Yes. With regard to cross-access, the shopping center development does come in contact with the property line of the mobile home park. As you saw from the slide before it, there is an opportunity to create at least a pedestrian cross-access so the residents of the home park can easily access the development. Whether or not an
automobile cross-access would be suitable, that is another story. We believe that the town should definitely take a look at creating a pedestrian cross-access, and we mentioned working with DPW Transit to see if it's suitable to have a stop here or work it into the shopping center.

We mentioned before that we noted there is a utility easement along the west side of the subject property. This is a wetland. As you can see, there are parking spaces which are in the utility easement, not really a problem, but something you don't want to necessarily put asphalt or curbing or any kind of infrastructure on any kind of an easement that may be dug up. We suggest a comment that they take a look at that, maybe land bank that if necessary, or maybe taking a look at moving the parking off the easement.

Again, some site plan elements. I know the Commission doesn't go into that level of detail all the time, but this is the only site plan we have, I did want to point out that staff noted that this looks like an unsafe
condition in terms of speed for coming into the site plan. It looks like it can create excessive speeds coming in here.

As you can see, there is very little attention at the site plan paid to pedestrian amenities, perhaps to retail, if you did your shopping and want to go across to the bank. There is not that much detail paid to pedestrian amenities.

With regard to the Local Comprehensive Plan recommendations, the Town of Riverhead Comprehensive Plan dated November, 2003 designated the parcel as Business Center District. Retail stores or banks are permitted. Shopping centers, quote, unquote, are not indicated as a permitted use. Article 48 of the Riverhead Zoning Law indicates, in its purpose and intent, that the intent of the Business Center Zoning Use District is to encourage single, freestanding roadside commercial uses, mainly along 58, between the destination retail center district and the shopping center district, so, also, the Local Comprehensive Plan recommends the employment of
12/7/11 Suffolk Planning Commission

transfer and development rights where appropriate.

It wasn't clear that the proposed site plan for a shopping center is in conformance with the Local Comprehensive Plan recommendations as reflected in the zoning law of the Town of Riverhead. We thought that perhaps while the use may not be permitted, we did note that there was no consideration of a TDR as recommended in the code, and that may be something that could reconcile the proposed action with the zoning district.

With regard to the Suffolk County Planning Commission guideline considerations, it does not appear, from the nature of the referred material, that the applicants have given consideration to the contents of the Suffolk County Planning Commission Guidebook. It's the belief of staff that the applicant may find some benefit in reviewing the Commission's guidebook, particularly with respect to energy efficiency and public safety. Therefore, staff is recommending approval subject to the following modifications:
12/7/11 Suffolk Planning Commission

The first modification is that the applicant contact the Suffolk County Department of Public Works and seek all the appropriate approvals.

The second modification is that the town and applicant clarify permitted use for the subject property and the text that follows is excerpted from the staff report.

The third recommended modification is that the town investigate the utilization of TDR for the subject property.

And the fourth recommended modification is that all storm water runoff be kept on site and treated in accordance with best management practices.

Staff is recommending seven comments. The first comment being that the applicant review the Suffolk County Planning Commission Guidebook, particularly relating to energy conservation, public safety and storm water management and incorporate, where practical, design elements recommended therein.

The second comment is related to the parking within the utility easement, that it
12/7/11 Suffolk Planning Commission should have further review.

The third comment is that the parking layout seems to be problematic with regard to long straight-aways and may induce excessive speeds.

The fourth comment is that there seems to be limited pedestrian amenities for movement between parking areas and the retail uses including sidewalks, lighting and other public safety elements.

We are recommending to add to the staff report a fifth comment asking the town to take a look at the cross-access between the property to the north and south; that would be the manufactured mobile home park and the subject property.

The sixth comment that staff is recommending, create emergency access.

The seventh comment would be to flag the wetlands, contact the DEC and resolve any issues related to the wetlands and make all appropriate setbacks in accordance with our guidelines for any structures proposed on the site.
That would be the staff report.

THE CHAIRMAN: Thank you, Andy. I appreciate that. This is a Riverhead project. Carl, as a Riverhead representative, any particular thoughts or comments?

COMMISSIONER GABRIELSEN: I think overall it’s a good project, certainly in the right area for shopping centers. There are numerous shopping centers close by.

As far as motor vehicle traffic, you mentioned the state recently -- that was a two lane highway, now it’s four lanes, which really alleviated the traffic in that area. We had a four mile stretch that would take fifteen, twenty minutes to get through and now we are through in five minutes.

I think the parking is adequate. Waste water is going to be connected to the Riverhead Sewer District, so that is not an issue.

One of the problems we have with the application is, according to the Town of Riverhead Comprehensive Plan, which designates the subject parcel as a business center, retail
12/7/11 Suffolk Planning Commission

stores and banks are permitted uses, but I
don't know with regard to shopping centers, if
that is allowed in the planning. If you go to
the Riverhead law, it says that the intent is
to encourage single, freestanding roadside
commercial uses, mainly along Route 58. Then
it talks about about the employment of the
transfer development rights where appropriate.

I agree with the staff that I think
that the town needs to clarify the permitted
use for the property and see if they need
utilization of the TDR's on it. I also agree
that the applicant probably needs to give
consideration to the Suffolk County Planning
Commission Guidebook, especially with regard to
storm water runoff. There are some wetlands on
the property. I think that is minor.

MR. FRELENG: The site plan does
indicate that there are wetlands just in the
bottom left corner. So those haven't been
indicated to us in any referral material other
that there has been a qualified expert that
investigated the whole issue flagging any
wetlands, to clarify if there is any issue with
regard to the existence of those wetlands.

COMMISSIONER HOLMES: Did you indicate, Andy, that there were indications that there had been fill placed in that wetland?

MR. FRELENG: We've had some hearsay indications that there is a history of a violation on the site. Just to remind the Commission that the New York State DEC does have jurisdiction over wetland violations. That is why we are recommending that the town and applicant go to the DEC to secure permits, flag wetlands and resolve any unresolved issues.

COMMISSIONER GABRIELSEN: I think there are some issues which I think were resolved. I think they clear cutted that about five or six years ago. I think they were fined. I think that has been taken care of. I know that that is what has gone on. I didn't know about the dumping or the landfill there.

COMMISSIONER McADAM: Andy, do you know what the buildings will be used for?

MR. FRELENG: No, it was not
12/7/11 Suffolk Planning Commission

indicated other than just retail uses.

THE CHAIRMAN: It seems to me the Comprehensive Plan says single retail use along County Road 58. This parcel is a little unusual. There is very little frontage on County Road 58.

Couple of thoughts. We have moved generally towards making reflections, when an applicant needs to go to other bodies to get those approvals, that they would need to get to do their projects any way they would need typically to make the modifications.

Adrienne and Constantine and I want to recommend to this group, six months ago at least, sometime in the beginning of this year, that we need to be careful about that because of some of the legal issues that we might trip up some of the applications that we don't mean to trip up, simply by our wording, whether they should be comments rather than modifications. If they have to go to the DPW or no matter what, so whether we tell them to do that or not, the issue of us making it a modification has a legal angle to that that might be
MR. FRELENG: The referral material seems to be very preliminary. We recognize that they were proposing a traffic signal right after, as indicated by the Commission member, right after the county improved the road. We did not have the level of detail to make much of an assessment. We felt since there was an impending traffic study coming, the most important aspect of the project is its impact on the regional resources in the county.

We felt if the town had a reason to override the recommendation -- the modification from the Commission and approve the project without a traffic study or without communications with DPW, that would be problematic, that they should have on the record the traffic study and communications with DPW before approving it. So the mechanism for the modification was to have the town take a hard look, and if they felt like moving ahead, putting their rationale and findings into the record without the benefit of a
12/7/11 Suffolk Planning Commission

traffic study or communication with DPW.

As a sidebar, the applicant might have already had interaction with DPW. It's just not in the referral material.

THE CHAIRMAN: With regard to the TDR, it's in the Comprehensive Plan that there may be an appropriate use. I suggest we may want to investigate "utilization."

Modification seems to be very clear about when they have accomplished the thing. What constituted investigating. I wonder if that should be changed to "consider." We should investigate whether or not that might be a little bit more of a clear phrase.

Similar comment on Number 4 with regard to some water runoff, which I think is a perfectly fine modification, it says, "treated in accordance with best management practices."

It would be probably difficult to know what exactly is best management practices or how we should define that. We might want to define it in some way if we want to have it in there.

MR. FRELENG: Mr. Chairman, with regard to the utilization of TDR, the zoning
ordinance for that district mandates the use of TDR. So, we felt that since the subject application was coming in questionably as a permitted use, that perhaps the use of TDR could be a way to reconcile the use with the zoning district, so we believe that the town should really look at that, since it's required in the zoning district.

Secondly, the zoning application doesn't really fit, so that looked like a good way to mitigate the issues raised by staff.

THE CHAIRMAN: I personally don't have a problem with that. My problem was with the word "investigate." Maybe I'm overreading it. We are not telling them they should or should not. We are telling them they should consider it.

COMMISSIONER HOLMES: We are using the word "shall." That is a mandate.

THE CHAIRMAN: The word "investigate." My only point here, how does one know what the word "investigate" means? How would the town know that they accomplished this? I'm not quibbling with the suggestion, I
think there's probably a clearer term. Whether you "considered" it or not is probably easier to figure out than whether you "investigated" it or not.

I may be reading a little bit too far into it. I want to be careful when we do modifications that we be very clear, so someone would know they accomplished the task.

MR. FRELENG: I have no problem with the semantics. We wanted the town to put grist in the mill and put in their findings why they were not following their code.

THE CHAIRMAN: They have to consider it and least have dialogue on the record about whether it's appropriate or not. Any objection, by the way, to changing that word from "investigate" to "consider?" Seeing none, I'll make that change.

Okay, my last point was on Modification 4, which is in accordance with best management practices. That sounds in the same line of thought about being concrete about what a modification is or isn't. What best practices is. You end the sentence, "all storm
water run off needs to be kept on site and treated." If you want to say something more, you should say something more, perhaps in a more concrete way. Thoughts?

COMMISSIONER HOLMES: Would we refer them to our guidelines for best management practices?

THE CHAIRMAN: That would be one way of tying that down. We have specific guidelines on storm water run off.

MR. FRELENG: I think the Commission has two things. We have the guidelines, which address the storm water permit program through the state that is implemented by the localities, as well as the Commission's publication on treating storm water through natural methodologies, which would include best management practices.

If the Commission felt so inclined, we could reword that modification so it simply sends the applicant to the guidebook and publication on natural treatment for storm water runoff.

THE CHAIRMAN: That can work. Okay.
Any other thoughts? Commissioner Berry.

COMMISSIONER BERRY: Just a couple of thoughts. This parcel is a little unusual because it really is a flag lot and it's a buffer between a residential area and a very intense use on Route 58. So it meets the regulations for a buffer, but in actuality, it might be something we consider in the future guidelines when you have that difference of intensity.

Another aspect of this property is its southern border lines the boundary for the Peconic River. It's a recreational river and regulated by DEC, and land use is regulated by DEC, so it's just outside the range. It's in the watershed for the Peconic estuary, which is an estuary of national importance.

This meets the regulations for the imperviousness. Again, it's not something that we can hold them to the fire on. In future consideration, a lot of research is showing that in estuaries, you need to limit imperviousness to twenty-five percent, so it's exactly the opposite ratio as what is here to
12/7/11 Suffolk Planning Commission

have a healthy ecosystem, and that twenty-five percent, if it's over it, has a severe impact. So we are talking about a land use that is having an environmental impact. Again they meet the code as it is now, but I think it's something we need to consider as we move forward.

Just a couple of little changes.

Where you do talk about the TDR, I was hoping you could also add, the purchase and restoration of land for conservation within the Peconic River corridor, because I don't believe the land along the river is part of the TDR program, but this project is having a negative impact on the estuaries, so if there is any remediation, it would be nice if it was within the same watershed. That was one addition. I totally support everything else.

The only other issue might be marking the wetlands on site before they were altered. That might also have an impact on build out and the understanding of that. So when you refer it to DEC, pre-altered wetlands as well as existing, I think would be good.
COMMISSIONER HOLMES: Do we have information on the pre-altered?

COMMISSIONER FINN: They may have old maps.

THE CHAIRMAN: What would the implementations of that be? What does that mean to the development?

COMMISSIONER BERRY: It depends on what the ruling is on, if those actions were taken legally or illegally, which isn't in our purview, but if there is some questionable aspect of that that would have had an impact on the yield of the property because you reduce the square footage by the amount of wetland before you figure out the yields.

COMMISSIONER HOLMES: It was a common practice in past years to fill in the wetlands until the Wetlands Act came along in the '70's.

THE CHAIRMAN: Sounds like someone may have done something more recently on that. This development, even if it was found to be dug improperly, my guess this owner or whoever owned it at the time would be fined. Our understanding, there were fines and such. If they were to mark the wetland, what do they do
mark it on the site plan itself? It wouldn't impact the building here.

COMMISSIONER BERRY: When they go out, they mark the actual on the site and then it's recorded. So, the issue is, whether the findings are on the past action, which I believe isn't by the current owner, but that did impact build out.

THE CHAIRMAN: Staff have any thoughts on it?

MR. FRELEN: You know, the Commission doesn't have jurisdiction or expertise on wetland issues. I would suggest that we require the applicant and town to investigate the history with the DEC. If the DEC is satisfied or involved with the wetland violation, there is not much more that the Commission can do.

It's the role of the Commission to raise issues and have local jurisdictions make findings and address the issues that the Commission raises. The history of the wetland, while it does occur on site, is relevant. All we can really do is have the appropriate agency
investigate the history and flag the limit of the appropriate boundary.

THE CHAIRMAN: Is that what you are suggesting for Comment Number 7?

MR. FRELENG: We would work up language for that, yes.

THE CHAIRMAN: We would want to know what the language is before we vote on it. You should note that the parcel has a history that the town and DEC should be aware of.

COMMISSIONER BERRY: I'd like to add at the same time there is environmental sensitivity. It is an appropriate place for intense use being right at the end of the highway. I actually prefer to see the development in that tight area.

THE CHAIRMAN: The code says that and the Comprehensive Plan, which is why it's coming to us as a site plan. Andy?

COMMISSIONER HOLMES: Dave, I don't understand the reference to the Peconic River estuary. I am placing the Peconic River south of Route 25 behind the old Swezey's. I don't understand how that estuary could impact this
development.

COMMISSIONER BERRY: It's in the watershed. It's not directly adjacent to it. It buts up against the boundary that is regulated by DEC for a recreational river.

THE CHAIRMAN: It isn't, it's outside that area.

COMMISSIONER BERRY: It's just outside.

THE CHAIRMAN: The only point is, if they're going to investigate TDR, what you're saying is they should also think about -- if they were going to require something here, which is up to the town, it could be a TDR, or you were suggesting a purchase of land along the corridor. Any other -- let's focus on that because I don't want to lose that. Any thoughts on that? Let's discuss before what should be included or not. Commissioner Kelly.

COMMISSIONER KELLY: Is there an historical issue on this property in terms of the wetland? Is that what was raised? Is that what I heard before?

THE CHAIRMAN: I think we were
talking about different things.

COMMISSIONER ESPOSITO: You're talking about two different things.

THE CHAIRMAN: Commissioner Berry suggested we include it in the modification, that they also consider purchase of land along the Peconic River corridor. Any thoughts on that? It says "consider;" is there any objection to adding that?

COMMISSIONER FINN: I'm a little unclear what that suggestion is calling for. This site is hooked up to the sewer. It's in the sewer district, Andy?

MR. FRELENG: Yes, that's correct.

COMMISSIONER FINN: So what are we looking to do to this applicant is put on this applicant as a condition, or modification, that they go and buy property along the river for this application? Is that what we are talking about as a commission?

MR. FRELENG: I believe the Commission member recommended modifying the language that begins "shall consider the utilization of or the purchase of." It's to
consider the utilization of TDR or the purchase of.

COMMISSIONER BERRY: Yes, that is the right interpretation.

COMMISSIONER FINN: Is there a dollar amount that you are looking for this applicant to come up with? What does the final end along the river constitute in order to meet our modification? We are viewing the material this is hooked up to the sewer district. It's hooked up to the Riverhead Water. And the applicant is going to have all runoff is going to be kept on site.

MR. FRELENG: The code says consider the transfer of development rights where appropriate.

THE CHAIRMAN: What does where "appropriate" mean?

MR. FRELENG: That is the problem. The district requires the transfer of development rights where appropriate. There is nothing in the referable meeting material or the findings of the Town of Riverhead that indicates it's not appropriate.
THE CHAIRMAN: Then it's appropriate?

MR. FRELENG: So the Commission, through its review, should indicate their are findings in the record of the town. We're not saying it is or it isn't. I think Commissioner Berry suggested as an alternative to doing TDR, maybe the applicant wants to provide some open space along the Peconic River corridor.

THE CHAIRMAN: I think the modification should be that the town should determine whether it's appropriate or not. It doesn't say anything about buying land or anything like that in the code, it says "TDR." The town should determine whether or not it's appropriate for this site. The answer may be yes or no, but the town will figure it out. I don't think we should be imposing a value judgement on whether it's appropriate or not. From a regional perspective, it's their plan and zoning code. I don't know that we need to be imposing a value judgment.

In certain circumstances we might say hey, there is a problem, we should look at it, but this doesn't seem to be one of those
The other thing I'm a little vague about in this application, that maybe Sarah, you can help me out, is that we are relying on somewhat hearsay and things that are not presented in the reference material from the municipality. Further from that, what level of conversation do we have with the Planning Departments so when we get to the point of having our meeting and having an application put before us, we have more concrete answers.

Andy, you put up a lot of valid points. Do you have a chain of correspondence with the municipality to vet out some of these concerns? I think we are stabbing in the dark. With this day and age of communication and information out there, we should be able to talk about concrete, clear information so when we come to the point of seeing this before the Commission, that we are making our recommendations on factual information.

Mr. Frelen: Commissioner Finn, I had a direct conversation with Director Handley last week. I handed him a handwritten note.
He said he would get back to me. He did not get back to me.

DIRECTOR LANSDALE: Increasing the communication between the town planning directors and county planning staff was definitely a goal. It's something that we are implementing.

COMMISSIONER ESPOSITO: If he feels that he didn't have time to get back to Andy, then maybe we don't have time to look at the application. I really think it's very inappropriate on the part of the municipalities.

MR. FRELENG: I agree with you. I tried to get ahold of him. As far as the grant, again, he didn't get back to me either. We have to open these lines of communication. I was looking at this issue. There were questions on the application of course I really can't go in there to talk to him about, but we need to address them. This is something between the towns and --

THE CHAIRMAN: Because of the legal handcuffs that we wear on the Commission, which
are frustrating enough to begin with, it's imperative that the staff gets us that information. If not because the town isn't responding, then we go back to the town that it's incomplete from our perspective. We can't make a good decision. If it only goes through the staff, it has to be through a referral, as our attorney admonishes us about. If we don't have the resources available, then we can't do our job under the law and look at it from a regional perspective.

This could be all changed. Tom, do you have a thought?

MR. YOUNG: Yes, one of the things, the Commission has taken the step to put the staff report on line. All of the municipalities know that. So they have an opportunity to respond to the Department when they see this. So, I think you have taken the step to open the dialogue.

THE CHAIRMAN: At the end of the day, it comes to us and our credibility as to whether we can make good decisions or not. If we don't feel comfortable making decisions
based on the information that we have, then we say no, we can't make a decision, we have another meeting in four weeks, we look forward to hearing from you then.

COMMISSIONER HOLMES: I support the idea of saying this is an incomplete application.

MR. FRELENG: Staff's thought is that the submission include all material pursuant to your guidelines and guidebook for a complete submission of statement of facts. It would be up to the Commission to deem their application referral incomplete, but you would have to indicate which materials are incomplete.

COMMISSIONER HOLMES: I think we could do that. We could say why.

COMMISSIONER BERRY: I actually think the way the staff proposed it is fine and it would keep the process moving, because it's really not our issue to resolve, it's to just make sure that somebody addresses it. I think the way staff mentioned it is appropriate.

THE CHAIRMAN: You mean with respect to the TDR issue in particular?
COMMISSIONER BERRY: Right, and referral to the other agencies to make sure there is adequate review of the issue. I might be making a mountain out of a molehill and I don't want to impede progress either.

THE CHAIRMAN: Other thoughts?

Commissioner Holmes.

COMMISSIONER HOLMES: I'm troubled because I think that we could articulate what we find incomplete about this application. The nonresponse to queries for information. I think that is -- I think Adrienne is right. I think that makes it a very problematic thing for us to consider.

COMMISSIONER McADAM: I think part of the problem is that Andy and the staff are never going to know what questions we are going to raise at a meeting. How would he convey that to the town afterwards? He would have to kind of anticipate what he thinks we are going to raise and then address that in a report.

COMMISSIONER HOLMES: He made a query.

COMMISSIONER GABRIELSEN: Which was
THE CHAIRMAN: That is one thing. We have implemented John Finn's suggestion about six months ago so we get these on Fridays generally and staff is available to answer questions. At least find out what questions the Commission members have. I think on Monday or something like that, Monday or Tuesday, a day or two before the Commission meeting so they can get back to the town to get information. I know a couple of Commission members did query, Andy was able to get some information ahead of time.

My concern is, less with that, because you were right, we are never going to be able to have a hundred percent knowledge of what is going to be on the table. Sometimes they don't know and I have to make a decision. It's more an issue when Andy asks questions to fill in information that he feels is important for the staff report and is not given information, that to me is more troubling.

MR. YOUNG: If we are going to come to this point and make decisions on something
that we think is incomplete, we are going to run the risk of not completing our task in the time limit that is set out. It's going to be a question of fact as to whether or not it's proper to send it back, and whether the clock stops or not. To me, a lot of things that we go over in these recommendations from the board, from the Department, are based on the application and on their concerns.

They, as I said before, the applicant or the municipality has had the ability to see these and respond to anything. So, from my own personal thing I think legally we are safe to make our determinations based on what they have sent us. If that means a little more restrictive thing than it might have been had they answered, I think we still then fulfilled our obligation.

THE CHAIRMAN: So everyone knows what Tom is talking about, the forty-five days is a statutory limit. The Planning Commission has forty-five days to respond to a referral once a complete referral is sent to the Commission.

The question to Tom's point, factual
point is if this ever came to litigation, was this a complete referral. We sometimes see things incomplete where from our perspective the forty-five days isn't running. That could also be an issue of fact for litigation. Now we have standards in our guidelines, that indicate what we consider a complete application. What Andy is saying is, we may not love the completeness of the information, but we have gotten the information that we asked for, at least at a baseline level; is that right?

MR. FRELENG: That's correct. We can't for anything that isn't produced. The applicants indicated they didn't produce a traffic study and we asked the town for some things they haven't produced either.

THE CHAIRMAN: Under the terms of our guidelines and what we require.

MR. FRELENG: The application referral submitted to the Commission does have a full statement of facts based on our definition of completeness.

MR. YOUNG: The Commission should be
aware that there are applications that the Department deems incomplete and they're sent back. It's just that you never see them at that point.

THE CHAIRMAN: If nothing else, this is a separate issue about the responsiveness and the town. I'm happy to talk to the supervisor about it. Putting that aside, the question is with regard to this application, whether we feel comfortable moving forward. The issue is simply that it -- I think Number 1 and Number 2 are fairly straightforward modifications.

We seem to be noodling over the third one, which right now reads, "the town shall consider the utilization of TDR in order to reconcile the subject application with the Town of Riverhead Zoning Law." Glynis suggested some additional language which may or may not be added.

I have a little problem even as written. We did change from "investigate" to "consider," by the way. I also have a problem with the back part of the sentence, which sort
of implies a value judgment. I don't have a problem with saying your zoning code says use TDR where appropriate, and we are just saying you should determine whether it's appropriate or not, without any value judgement, just your code says this, just be sure you made that decision.

It isn't clear what we are reconciling. You can almost read into this that you should use TDR in order to reconcile it. That is not what we are saying. I don't think we should make a value judgment on whether TDR is appropriate or not. That is something for the town to determine in this situation.

I would suggest perhaps we change Number 3 to "the town will consider whether TDR is appropriate."

COMMISSIONER HOLMES: You said "determine," which I think is better. The town shall determine whether a TDR is --

THE CHAIRMAN: Is appropriate and site the law, period. That is what they are supposed to do, anyway. You raised the issue.
They can determine whether it's appropriate or not.

MR. FRELENG: The town shall determine if the TDR is appropriate. Period. And the reasoning following, that the town zoning law requires the transfer of TDR.

THE CHAIRMAN: It says, "TDR where appropriate."

MR. FRELENG: But you said the reason that follows.

THE CHAIRMAN: The reason would be Article 8 says determine whether it's appropriate or not. Any objection to changing it in that regard? Seeing none, what we are not including is the purchase of land. In my opinion, that's outside of what the code implies or requires. You can arguably add it as a comment. I don't know. Okay. We will leave it alone then.

MR. FRELENG: Mr. Chairman, I'm sorry, the reason which follows, modification of the three, are you changing that at all?

THE CHAIRMAN: No, your reason still works.
MR. FRELENG: Thank you.

THE CHAIRMAN: Number 4, to keep storm water runoff on site, and the anticipation is that they are and they should consult the guidelines on green methodologies.

Let's move to the comments. Any comments on Number 1. We are pulling up storm water into the fourth condition I think that is probably fine. On two, I would just say that the second sentence, you make the point about utility easement, that is fine. This may warrant further review.

Should we say anything further than that? That is a vague statement. Should we say anything about why? Any feelings that we should add anything there, or is that okay? No one is jumping up and down.

3, parking layout. 4, pedestrian thing. 5, cross-access. 6, emergency access.

Where were you indicating the emergency access, or suggesting that they consider it?

MR. FRELENG: We are suggesting that they consider it, but we think the most obvious spot would be here. (Indicating)
THE CHAIRMAN: Your recommendation is that we not say anything about where, just that they consider it.

MR. FRELENG: Yes.

COMMISSIONER McADAM: Could you tell me what those buildings are? I'm kind of familiar with the area.

MR. FRELENG: From my notes, this is vacant. This is a gas station, I'm sorry 7-Eleven. There is, I believe this is the -- I just want to note the south side of Old Country Road, this is the Holiday Inn, the new P.C. Richard site. There is a 7-Eleven. That is a Yamaha motor cross quad dealer.

COMMISSIONER FINN: Is that a LIPA easement to the left that you are referring to?

MR. FRELENG: It just says "utility easement," it does not say what it is. I didn't see any power lines there.

COMMISSIONER FINN: In this area, from my own personal knowledge from looking at real estate on 58, with the expansion and roadwork, they have gone from overhead power lines to bury them in the ground. You will see
actual physical easements where the property has been cleared which are in effect abandoned, but the utility still has those easements. As the parcels have come up, the town will look at them on a parcel by parcel basis to see if they should be abandoned. It may be abandoned through this process.

THE CHAIRMAN: The last thing is Number 7, which I think we need to know that you are suggesting the verbiage before we vote on it. Number 5 you said they should investigate cross-access opportunities with properties to the south. 6, they should consider having emergency access. 7, all I wrote down was flag wetlands.

COMMISSIONER HOLMES: In Number 5 aren't we saying pedestrian access; wasn't that what Andy suggested?

THE CHAIRMAN: Pedestrian cross-access.

MR. FRELENG: We wanted to do two things, one, to make sure that the applicant contact DEC and number two, what the limit of wetlands is. That they are flagged in the
field by a qualified consultant, verified by
the appropriate regulatory agency, and all
sebacks for structures are in accordance
with the Commission guidelines, which are one
hundred feet from the most landward limit of
wetlands.

THE CHAIRMAN: It looks like on this
site plan they achieved that.

MR. FRELENG: On the current site
plan yes, they were in excess of a hundred feet
from the wetlands limit.

THE CHAIRMAN: To verify the wetlands
are accurate.

MR. FRELENG: There are no notes on
the map that investigated by the DEC or flagged
by a qualified consultant.

THE CHAIRMAN: That's fine. What you
noted is fine. Any other changes or additions,
considerations? Seeing none, I'll entertain a
motion to adopt. Motion by Commissioner
Gabrielsen as amended. Second by Commissioner
Holmes. All in favor raise your hand. (Show
of hands) That is eleven-zero. Thank you.

That took a little while for our lone item on
12/7/11 Suffolk Planning Commission

the agenda.

We want to have some time for Sarah and the staff to update where we are on the guidelines, so I ask you to focus on that for a little bit. So, I will turn it over to Sarah.

Everyone should have in their packets or on the table. Guidelines review. As Sarah mentioned earlier you want to thank the folks on the guidelines review, particularly Commissioners Finn, Holmes, Kelly, the Vice Chairman, Commissioner Roberts and Weir for their work so far. I think we made a lot of good changes.

I think there is a little bit more to go. One of the issues I want everyone to think about is whether we should have some of these standards in here need to change and the issue is some of these things, for instance energy efficiency, may be a little bit more in a model code than as a condition. Since the towns have their own standards, we don't not to want to be inspirational and say you should do better or should do more, but we don't want to impose guidelines. Director Lansdale.

DIRECTOR LANSDALE: Thank you,
Chairman Calone. So you have before you, in front of all our seats, the memo produced summarizing several meetings that were held with stakeholders, municipal officials and members of the Planning Commission. To go over and collect input on the guidelines, it was the first time ever, I should note, that we did actually outreach to municipal officials and stakeholders to get input on how to shape the revisions to these guidelines.

What you have before you is, as the Chairman indicated, a number of issues that staff is seeking guidance on and clarity in the future direction of these guidelines including energy efficiency and housing and others. The red line version of the document before you is essentially all of the edits, grammatical edits suggested by members of the Commission as well as the consolidation of Chapters 4 and 5, in the past we did have Chapter 4 was policies and guidelines. Then Chapter 5 was a second set of guidelines which made it unclear.

The feedback that we received back from the municipalities that it was unclear
which chapter they should be looking at when
they were developing and looking at two
proposals. So we consolidated both chapters.

I want to thank Andy on his effort. The staff
needs to understand where you would like to go
with these guidelines, specifically, what
should our role be from a Commission level in
terms of affordable housing, and how should
that -- what would you like staff to propose as
a subsequent conversation.

What is the direction; do you want
additional guidelines? We are looking for your
direction. I guess there is a number of issues
on the table. Affordable housing, transfer of
development rights, parking, community
character, storm water runoff and energy
efficiency. Mr. Chairman, how would you like
to proceed in the conversation?

THE CHAIRMAN: I would ask everyone
to take a look at their own edits. You can
see, it's all red lined for you, you will see,
a lot of the stuff in the back. It's black
lined, I apologize. Look at the changes.
These are all changes that the guidelines
committee has worked on and come up with. I know a few members of the guidelines committee found a few things that we like to additionally changed that maybe weren't captured before. I'm talking fairly minor things.

The bigger issue is, as Sarah said, a few of these major items, we need to figure out what makes sense. And one of the drivers is, as I mentioned in the beginning, what should we do in situations where the townships have their own code. For instance, on energy efficiency, most of the townships have it. Ours is pretty specific. Islip actually adopted ours as their standard. There is some stuff in there about swap, SWIP procedures -- not swap. Swap is my other world. That is actually in our guidelines, even though that is part of state code.

The question is whether that should stay in the guidelines or simply be something that they have to follow anyway. Should that be in there? That is an easier question. We can get rid of it, put it in the appendix or send a note to the municipalities and say hey,
77

12/7/11 Suffolk Planning Commission

don't forget about this.

Anyway, what I would suggest we probably do is sort of divide up the handful of issues that are left. The ones that Sarah mentioned, housing, TDR, parking, community character, storm water runoff, couple of others, and probably have the guidelines committee, have one or two people on the guidelines committee focus on writing each of those and come back to the Commission with suggestions that we can take back to the whole group.

I would be interested in feedback on what we have done so far as part of this process. I think we have done, from a time perspective, most of the work because we have gone through carefully, read through the document and from the substantive perspective, the hard work is yet to be done. Any other thoughts?

COMMISSIONER McADAM: I have a general question, but I'm not sure if it follows the guidelines. When we approve an application, a referral, I'm sorry, how long is
that good for?

MR. FRELENG: It's indefinite. Until the project substantively changes, the Commission's review is binding.

THE CHAIRMAN: Your words are forever.

COMMISSIONER ESPOSITO: Not many things are forever, diamonds and this.

THE CHAIRMAN: You can see the similarities.

COMMISSIONER HOLMES: I was wondering what the consensus was for modifying the affordable housing question because I know there has been a lot of discussion, particularly by Commissioners Kelly and Finn, that points out that housing market has plummeted so that, you know, people are able to afford houses that are built in a subdivision, and the question is, do we need to continually mandate twenty percent in this particular market.

I'm leaning to the idea of temporarily we might relax that twenty percent mandate. I'm curious to know.
12/7/11 Suffolk Planning Commission

COMMISSIONER FINN: Market conditions will determine what percentage. Mr. Kelly is the expert on residential, but myself being in the real estate business, I think we all have to have some sort of understanding of the residential market as we continue to evolve here on Long Island. The one thing about affordability to me is not so much about percentile. There is a lot of euphemisms involved in affordable housing and I think that is why so many people on Long Island are faced with the challenge of actually identifying how to solve our affordability issue.

To me in Economics 101 we learned supply and demand. If you look at every outside agency that talks about population of this many people and what type of housing stock you have to deliver, forget about the diversity of housing stock. We know that we are failing miserably on the percentiles of home rentals versus homeownership.

Just on the shear number of deliverables. Commissioner Kelly has often reminded us as an island we have less than a
thousand building permits pulled on houses in recent years, which is just astonishing from a deliverable standpoint. From a commission standpoint, from regional significance, I think we should talk more about housing goals. Six or eight months ago we had the Commissioner of Economic Development and Affordable Housing, and a commissioner asked him how many affordable housing units are we going to deliver in Suffolk County this year, and his answer, to my disbelief was none.

I think we should get more in focus of goals and numbers of deliverables and hit those points we when we speak to the various townships, and say we have done nine hundred housing starts on Long Island. How does that sit with your town plan. If we talk about sewer infrastructure, if we are going to build a sewer infrastructure and not deliver any people into the sewer, it doesn't make sense to build the sewer. We know we have to build our tax footprint in a way that we can sustain the affordability here on Long Island. That is my little thing on the percentile.
Nowhere have I seen data that supports, as a model, that supports where twenty percent is the percentile to make an environment sustainable. I think the Urban Land Institute uses the ten percent. I think we may want to get more factual information of how we got to twenty percent.

THE CHAIRMAN: It was a historical number. History can be a guide, but it doesn't have to dictate what we do. Circumstances have changed. I think we all agree that the biggest issue on Long Island is the type of housing. If we want to be focusing and putting our weight behind one or two things, it's the mix, saying hey, we need more rentals. We have about sixteen percent of rentals on Long Island as opposed to double that in northern New Jersey and Westchester. We might want to focus our guidelines more in that direction.

Another question is if that is -- if you have more than that, is there a community benefit. Beyond that, is that a community benefit that you would be willing to offset, derive more density. We have Diana here, who
12/7/11 Suffolk Planning Commission

is probably the most expert of us than anybody around the table. There will be a housing summit coming up in February. We may want to let that inform us a little bit.

Two, we have a comprehensive plan. We haven't had data in a long, long time to buttress the analysis or the facts. What are the facts. We are not going to have that until the end of next year, but we are going to put the guidelines in place the early part of this coming year. If we need to tweak them a little bit a year from now, we will do that. The Comprehensive Plan should identify exactly how many units we have, how many they think we need. So we do have information and events coming down the pike that will be helpful.

COMMISSIONER ROBERTS: Dave, that's the only point that I was going to make was that I thought we should postpone this conversation until after the February 8th housing summit. I would like that six hours of information before I have an opinion on this.

THE CHAIRMAN: I'd like to make sure -- that's cool. I'm just saying there are
12/7/11 Suffolk Planning Commission

other aspects to the guidelines that we should
get towards finished so if we want to be
informed by the housing thing, we can do that,
but it's essentially done otherwise.

COMMISSIONER WEIR: By the way, it
has been a tremendous pleasure. I'm sorry that
it's so short because I was enjoying it, and
I am a worker, so I hope I was able to
contribute something. I think, as I mentioned
a couple of times before, I don't know if it
was a meeting that we had after the meeting,
the economic climate right now is something
that we have to consider when we were doing, as
a committee, as a region and town, the
municipalities put in twenty, twenty-five
percent.

We had double digit increases in
housing prices. Prices were really through the
roof, and we have seen that plummet. So the
point is that we as an affordable housing
developer have units that are basically pretty
close to market price right now. I think the
market and economy have put us -- what John is
saying we're there, as far as prices.
People will look at some of the homes that we have, resales of affordables that we sold that are now selling for less than the affordable price that we sold them for five years ago. People are asking for grant request relief because they can't repay the grant.

Just so everybody knows, you get a grant to get into the house. Suffolk County down payment assistance was fifteen thousand dollars. It has a time frame. You must stay in the home for ten years before the grant is forgiven. Because the idea of the government money is to build communities. You will join the Little League, kids will be in school, you will be a participating member of the community. They don't want you in and out.

Because the prices were so ridiculously high, put further restrictions on resales because they didn't want people getting a windfall profit selling a home. So when you sell an affordable home, you are selling it with the grants attached and all the covenants and restrictions attached and people are saying for ten thousand dollars more, we'll just go
buy a house. We're having trouble selling our affordable homes. That's just a little warning that I'm putting out there.

If we ask developers who have the land and preserve and do cluster zoning, and do different types of housing that we want, I think we should stick to the ten percent, which is the law right now, on the multiple units. Some towns have more, but that's great if they're able to give relief. Great.

With the economic climate now, I think we have to reflect that in what we do; otherwise, we will have units out there that can't sell. We have developers coming to us that have units that are built and want to now, because they're empty and they can't sell them, I'm talking about attached units, because they should be lower in price, because they're attached, they want to say can I put ten percent on affordable. Can I get a grant to reduce the price?

Things are very different than they were in the last ten years. That is the reality that we are dealing with that you are
not going to be able to sell these units. When people try to move up, which is a goal. They bought an affordable home and they want to sell it and buy another home. They're not making any money, they just want to sell it and move out without any restrictions.

I share that with you so you have more information to make a more informed decision. We see a lot of these units that come before us and a lot of them have no grants. The developer is biting the bullet and they're the ones saying okay, we will put in the ten percent or twenty affordable, in some places Avalon Bay in Huntington is putting twenty-five percent affordable. The town is going to dictate that according to their needs.

I give that you as a backdrop of the economy and what the housing issues are now.

Rentals we need desperately because that is a step up. If they're market rate rents and there is no supply, the prices are very high. People would rather buy a house than pay twenty-four hundred dollars in rent. That is where the restrictions need to happen,
on the rental side, because of supply and demand, an affordable, legal rental is pretty high because of fair market rents. I think that is something to consider as well.

COMMISSIONER KELLY: One topic that we talked a little bit about, and Diana hit it, another component is the 72-H program within the county. The county takes back a number of parcels through foreclosures, tax liens, etcetera. There is a significant amount of parcels that lay vacant, whether they're improved or not. That entire program, if we can as a commission, if we can somehow -- I'm trying to figure out how to get properties out of that program onto the marketplace. There are a lot of restrictions to that program. Very cumbersome.

THE CHAIRMAN: Are these restrictions imposed by the county?

COMMISSIONER KELLY: Yes.

COMMISSIONER WEIR: They have to sold to people at eighty percent or under. They're given to the municipalities free and the municipalities have to use them for affordable
12/7/11 Suffolk Planning Commission

COMMISSIONER KELLY: You have to pay back the taxes. Some of the properties lie vacant for a number of years before being put out on the market. This whole program doesn't make any sense.

DIRECTOR LANSDALE: I just want to mention the consolidation of the Planning Department with Economic Development and Workforce Housing and Environment and Energy, the 72-H program would fall under the Planning Department in the future.

COMMISSIONER KELLY: It's definitely an opportunity for us. The other component is when you speak about affordable housing, the definition is typically eighty to a hundred twenty percent of income. When you look at the restrictions on the affordable housing component that we place on the deed restrictions, we have to look at that again and say is it eighty to a hundred twenty percent, at four and a quarter interest rate, like Diana said, if I have to pay fifty or sixty thousand more, I'm going to go to a property that
doesn't have the restrictions.

COMMISSIONER WEIR: Under eighty percent always sell well. The eighty to a hundred twenty in this market they can pay anywhere.

COMMISSIONER KELLY: That is something that we should look at to adjust that, possibly. We will let Mr. Finn talk about the overall restrictions, governmental restrictions on any program, but that can take a couple of hours.

COMMISSIONER McADAM: I just wanted to kind of dovetail on what Diana and Mike said is that the experience I'm seeing now is parents and children are getting together and buying houses, which I would guess they won't be permitted to do under some affordable housing programs.

The other thing is a bit of history. I bought two houses years ago. They were both in developments these two. They had a bank finance the whole project. Then when they financed the construction loan, at the end of the project the people that were moving in went
to the bank and got a better rate on their mortgage and it worked out for everybody.

The thing now is that there are so many houses available. A lot between short sales and foreclosures or on the verge. There are so many available and the prices just go down because the houses are deteriorating because people are walking away from them.

There is so much affordable housing out there right now. But most of the younger people that you would expect are going to buy it aren't able to buy it because they do not have a credit rating unless they go in with a parent or such.

COMMISSIONER ESPOSITO: It's not just that they don't have a credit rating. One of the things I remember Diana raising at the forum we held, they don't want a house yet. We need the mixed use, even if they did have a credit rating at twenty-five, maybe they're not ready yet. I think there is lot to be said. There is affordable housing, but there a gap in the market, which I think is confusing people and they sometimes associate that with
affordable housing. There is a little confusion there.

THE CHAIRMAN: From a reasonable perspective if maybe the options, the mix, rentals, et cetera. Remember the history behind this; the Commission used to have this twenty percent affordable. Then we had the issue of Bulova in Sag Harbor and that tripped up a project we really didn't want to trip up. Barbara led the charge to refine the guidelines a little bit. Constantine worked a little bit on it. It's almost making a model code rather than a broad standard.

I think everyone agrees we need flexibility. Whatever number we decide is right for now, there should be some kind of payment in lieu of option. That didn't exist in the past. There were a bunch of other things in there that go to what a model code should be. Those are good things to recommend to a municipality when they're putting a code together, but it doesn't belong in a guideline. When it's at our level, we shouldn't be saying, oh, what you need to have is
transferability restriction thirty years instead of twenty-five years. The town isn't going to change that based on what we say. Unless we go with a model code and try to standardize things across the county. That is not the role we play when we're talking around the table about individual projects. It's a bigger picture role, like some of the other things that we're doing.

I think Michael, going back to your 72-H thing, this commission plays a role in saying here's where the policy needs to be involved. Can't we say hey, here is what makes sense from a building perspective, we will bat it around the table and make the recommendation to staff and the new county executive and here's how we would change the 72-H program.

We need to keep our eye on the individual projects. We have a mandate to do so statutorially. At the end of the day, policy is advanced one development at a time.

COMMISSIONER WEIR: Because we are little villages and townships and some townships, like Easthampton, has very little
12/7/11 Suffolk Planning Commission

developable land left that is applicable. Sag Harbor, one of the reasons Bulova was a problem was because of the three options, building on site, building off site or putting money into a fund. The village was looking into putting money into a fund. The state legislation allows for that as well.

That fund, we have a model code that we established because that fund can use the money because they don't have land, to help give loans for people who want to put an affordable apartment, to help down payment assistance within the village. There are other ways that that money can be used to incentify them. I think a lot of that, it's very difficult for us to get into the weeds of everything all the time. I think that is where we get caught up and an application that should have taken twenty minutes takes an hour and a half, where we get caught up.

And our goal should be the overarching regional effect of what is happening at the town. We can't tell the towns what to do. We have to give them why
regionally this would have an effect that would negatively impact them as a town or region. I don't think getting into the weeds that they should have two more parking spaces or it's two feet too high. I think really and truly, we waste a lot of time. I can say that because I'm leaving.

I think we can do more forward thinking and kind of the vision of the regional goals that we are trying to establish.

THE CHAIRMAN: I appreciate that. We try to move in that direction.

COMMISSIONER BERRY: One thing is I think the emphasis should be on availability rather than construction. Because sort of re-purposing existing buildings I think would be a good focus.

The other thing is if we are going to consider changing the goals, then it should be based on something. I'm hoping that that probably comes from you Sarah and based on research. Part of that is also where the employers are and access to that. So you can do more than one thing with one program. For
instance, you can cut down on travel time and traffic impacts by having your housing close to major employment destinations and that type of thing.

COMMISSIONER GABRIELSEN: Can we talk about farming?

THE CHAIRMAN: You can always talk about farming. Anything else about housing?

DIRECTOR LANSDALE: If I can make a few quick comments. Yes, I recommend to the Commission that we think about this as a two step process, one that we talk about updating the guidelines sooner rather than later because we use these guidelines by staff to evaluate the projects. We apply these guidelines, good bad or, to review projects which creates that hour and a half debate. So, that is one thing just on the timing of this update.

Hearing that comments around this table, I'd like to summarize, if that is okay. The affordable housing comments, one would be to, under the specific affordable housing guidelines, would be to remove that language, every paragraph except for Paragraph 7, which
talks about the in lieu of and creating a
option then changing. Twenty percent to ten
percent. Or even more general would be to just
make include language about consistency with
federal, state and local housing regulations.
Because that might change; the federal, state
and local guidelines might change, and instead
of updating each time, we are saying it should
be consistent with those guidelines.

COMMISSIONER WEIR: That's a good
point because some towns require twenty
percent. Don't let them continue to do so. I
think that is a good way to approach it.

THE CHAIRMAN: All we are saying is
basically follow the town guidelines.

COMMISSIONER WEIR: State is ten
percent right now.

DIRECTOR LANSDALE: Until we have
additional information from the Comprehensive
Planning Process. THE CHAIRMAN: If
staff wants to work on that and bring it back
to the Commission in January they can noodle it
around. Carl wants to say something about
farming.
COMMISSIONER GABRIELSEN: Long-term suggestion. Sustainability in farming; I know we have to address the guidelines for lands that have been sold, the development rights have been sold. Farming has changed so much in the last two or three years. Now, a lot of vegetable farmers are processing their own foods on their own farm. They're not able to because of the guidelines. I tried to present a field out that was I couldn't even put gravel down on the field. Things like that we could probably tweak.

DIRECTOR LANSDALE: That is not addressed here in these Planning Commission guidelines, that is Chapter 8 of the county's Farmland Preservation Program.

THE CHAIRMAN: The Planning Commission doesn't have authority over that but the Planning Commission can make recommendations to Chapter 8. At the planning federation you had some good ideas. Taxpayer money went to purchase development rights and therefore there is some oversight with what is done with the land.
As you said, things are changing. Whatever the regulations, you should keep up with it. If you have specific suggestions, including the one that came up in the federation panel, why don't you put an e-mail together on what your thoughts are on that. And what changes we would suggest and we can bring it to the staff and bring it to the legislature.

COMMISSIONER GABRIELSEN: Okay.

THE CHAIRMAN: Chapter 8 went through a big revision in the last year.

DIRECTOR LANSDALE: There is a meeting of the farmland committee on January 24th. It would be probably a good time to bring those ideas forward at that time, at that meeting. It's at one p.m. at the Dennison building.

MR. YOUNG: Normally they're in Riverhead. This will be in Dennison building.

THE CHAIRMAN: The committee meets every month.

DIRECTOR LANSDALE: No, every other month.
12/7/11 Suffolk Planning Commission

THE CHAIRMAN: If you want to make suggestions to this group, we can endorse them and bring them to the farmland committee at their next meeting or meeting after.

COMMISSIONER SCHOOLMAN: I just want to -- Section 4.7, which is Transportation. I'm in the transportation business and I skimmed over this. This was meaningless to me. It could be because of my own shortcomings.

John brought up something about deliverables. The single one of the biggest problems is the gridlock of Long Island. And Dave, the question really is, is that part of the charter of the Suffolk County planning Commission? I assume that it is, correct?

THE CHAIRMAN: It would depend. Policies can be recommended by the Planning Commission. Then we have our individual project we would look at. If a project creates a lot of traffic, that we would look at. I don't know if that answers your question.

COMMISSIONER SCHOOLMAN: No, it doesn't. Here's the point. There is a thing called personal mobility and it affects our
standard of living. Part of the charter of the Suffolk County Planning Commission, the same way that protecting drinking water is an obligation affecting our standard of living, the same way official transportation systems economically impact us.

I don't get that coming out of these guidelines. I don't see any measurables. Should I be thinking about that to make suggestions of what? For example, I have forty-one motor coaches. Each one of them is fifty-five passengers. That is a lot of people. There are whole new types of systems called graphic bus systems that should be really running up and down the Long Island Expressway. We are trapped by the Long Island Railroad.

Where does that belong in that agenda before I make a big deal out of it?

THE CHAIRMAN: Guidelines are focused on the individual projects that come before us.

COMMISSIONER SCHOOLMAN: Projects that you deal with is because there are no transactions really in transportation. There
are very few.

THE CHAIRMAN: Threshold issues; if you want to go through the transportation section and make comments, all of us would love that because you're the transportation guy. Yes, these particular guidelines are the guidelines that we give staff to look at individual projects. So the transportation stuff you see are things like we want to encourage things in downtowns because it's less of an impact on transit.

Now, the Comprehensive Plan is the bigger policy document that goes to things like you're talking about, which is what we are working on in the course of the coming year. What should we be doing as a county, as a region for transit. That is a comprehensive plan issue. Think of this document, this is what gets applied to individual projects. The Comprehensive Plan is applied more broadly. What policy should we have more broadly. Those are things that would be perfect for the Comprehensive Plan which is a bigger longer range issue.
I want to wrap up. There are a couple of other issues we need to focus on as a commission with regard to guidelines. Transfer of development rights is a bigger open issue, parking, community character, storm water runoff, all of those are easier. TDR is a tricky one, mostly because we have in effect a TDR system that doesn't cross town lines to begin with. There are these various studies going on right now, Carmans, et cetera.

The question is what role should the commission play, particularly with regard to individual projects on TDR. We know about the Pine Barrens credits. Town of Riverhead, Southampton, are trying to figure that out. There aren't enough credits being retired. What kind of situations do you put it on individual projects. Andy, I do not know if you have any thoughts on that.

MR. FRELENG: No. I want to give you a glimpse of the findings of the TDR study.

The ten towns and forty-three municipalities in the county in total have fourteen TDR programs that they implemented at their local level.
Add to that three regional TDR programs all essentially targeting the same sending areas and same receiving areas. It's very convoluted.

None of them -- this is would be the analysis section -- none of them are working to full potential.

THE CHAIRMAN: That is the broader policy issue. The question for the individual projects, there is some wording in our guidelines about requiring one to one. There is an uptick in density, or downzoning elsewhere. I think that was from a conceptual.

It's been applied by staff, or has in the past, at least, sometimes been applied as a condition. I think we have been generally taking that off more recently. Constantine, who was the one that wrote that section, didn't feel that one to one made sense, that this should be more flexible. We will flag that.

THE CHAIRMAN: Those who are involved in the housing, can you stick around for about fifteen minutes?

DIRECTOR LANSDALE: Can we just, for
12/7/11 Suffolk Planning Commission

staff's purposes, can we just be here on who is going to be following up on which sections of the guidelines and by when?

THE CHAIRMAN: I think we should have members of the guidelines committee probably work on these aspects. If anyone wants to volunteer to sort of be the point person for any of these sections.

COMMISSIONER HOLMES: Diana will be the point person for affordable housing.

COMMISSIONER ESPOSITO: I'll do the storm water run off section.

THE CHAIRMAN: Community character, parking, transfer of development rights. Anyone have a great passion for any of those areas?

COMMISSIONER FINN: Not to add wood to the fire, one of the things that we talked about in our meeting was, which wasn't reflected in one of these bullets, is the economic development and the impacts that these applicants have on economic development. I think that is something that we should have as a -- something that is a focus as we go to
modify our guidelines, because I think after
listening to Commissioner Schoolman's little
pep rally about the tax burdens that we have, I
think it's something that it should be as we
need to expand our tax footprint, that should
be an item to which job creation, tax benefits
and sales tax revenue, that should somehow make
its way there.

COMMISSIONER HOLMES: I'm glad you're
going to spearhead that.

COMMISSIONER ESPOSITO: I'm
cconcerned. Do we have the expertise to do
sales tax that is being generated predictions
and creation predictions? I have seen some of
the applicants that come in with predictions
that are flat out wrong. I think we need to be
careful about how we assess and evaluate
economic development as it relates to some of
these proposals.

A word of caution. I'm not sure we
have that expertise.

THE CHAIRMAN: That is a good thing.
Economic development is one of our six regional
priorities. I encourage John or anyone else to
take a special look at the economic guidelines and see if there is anything that needs to be beefed up or changed in any way. I know we have some strong language about the need for growing in a smart way. Those are vague statements, however.

One thing we talked about we concluded in our staff reports going forward, and the staff started to do this, take each of our six criteria and how does each criteria impact those things. Staff generally said any application can be seen as economic development; that is true. Can we quantify that in any way? What are the applicants saying about what they are doing; is there any kind of quantification?

COMMISSIONER FINN: That is the point. Applicant hires professionals that create a DEIS that they submit to the town and we should at least have a chance to look at it, or view it. How we funnel that down, I think that is something we can talk about.

THE CHAIRMAN: I think having the information is a good idea. Like what does the
parcel provide as far as tax revenue. Those are estimates, and so are estimates about many other things. There is science and economics, and as someone who is sort of an economist, it's called dismal science for a reason, but there are good faith estimates we can make and that is what applicants are asked. There are metric sheets on what is the impact of X, Y or Z.

It doesn't mean you go with a project that is great economics and has all sorts of other things wrong with it.

COMMISSIONER SCHOOLMAN: I completely agree with John. I don't agree that you can come up with estimates on taxes, but you can have measurables of how many temporary employees are going to be employed in a project, how many permanent jobs, and in looking at economic development, why wouldn't you require a documented estimate of the economic impact in terms of job creation, permanent job creation separated by temporary job creation.

Everybody says do this, I'm going to
12/7/11 Suffolk Planning Commission

getting you money because it's going to get you
jobs and we all know it's crap. I think it's
incumbent on any project to define at least
something that relates to job creation.

THE CHAIRMAN: If they do a DEIS,
they have to do that. The interesting thing to
Adrienne's point would be, to go back, it could
be something the Planning Department can do
going forward is look at what was projected and
look back, projects built in the last five
years, what was projected and what was actually
built.

COMMISSIONER SCHOOLMAN: Especially
when public money was involved.

DIRECTOR LANSDALE: That is a great
analysis if we had more staff.

THE CHAIRMAN: If the new county
executive wants to push economic development,
hopefully he can publish the benefits of that.

COMMISSIONER McADAM: They may have
that by zip code. I remember when I was doing,
it has to be fifteen, seventeen years now, we
had information back then I can imagine by now
they have it much more definitive.
THE CHAIRMAN: Projections, this projects is going do generate X amount of sales tax.

COMMISSIONER ESPOSITO: If all these projects were so great for our economy where is Nassau and Suffolk County in the economy in the toilet. The reality is it hadn't proven to do so. We can look at projections all the D E I S's, F I S's, all the job creation numbers sales tax revenue and then look at history and they're telling us two different stories.

I'm adding a word of caution that as we look at a regional perspective and at as we look at the story of economic growth in Nassau and Suffolk, the real story is what I hear us say over again. If you think this is going to get us out of the recession, you are on a different planet. I don't want you to think this is going to move us out of the recession.

These numbers used in the DEIS's aren't always real. Some are more real than others. I don't think you can use it as a driving tool. We are looking at many multiple factors. I'm cautioning that it's the more --
what as the word I'm looking for -- it's the less scientific factor, I guess is what I'm saying.

Parking, you can understand the economic impact, I think is more challenging to really understand. I think it's a little bit we have to be careful about making a definitive decision on that because it is harder to quantify.

THE CHAIRMAN: As someone who was an economics major, I can agree with almost everything you said. You can quantify the impact of nitrogen. The economic projection is much more fluid because there are so many factors that impact it. Having more information, keeping in mind, hey, the developer is probably putting the rosy glasses on is probably okay.

It would be better if we had the Planning Department with more staff able to look back and say here is what the claims were for the top ten projects in the county, and that is what actually went forward. Having the information is probably better than not having
the information, as long as we look at it with a critical eye.

COMMISSIONER ROBERTS: It's dangerous to take these projects in a vacuum without seeing the whole picture. I think the county did a study. Even now with the opening of CVS at Exit 70 on the LIE, we are seeing an impact on the East End, the independent pharmacies. The applicant there could have presented a fantastic story about jobs and whatnot, but the regional impact is not such a great impact. How many children are going to come in and what happens to our schools; that is the counterside of having more development.

Looking at a project with the economic impact and without doing more regional studies, I think there is something lacking in that kind of thinking.

COMMISSIONER WEIR: On the developer side, not that I'm taking the developer side, we have to understand the developer is making an investment. Did you think he's going to make an investment with rosy glasses, kidding himself that it's not going to make money?
That is not too smart. We are seeing that because the economy said not because the developer, you don't think there looking to see.

THE CHAIRMAN: Two different things.

COMMISSIONER ESPOSITO: I'm not blaming the developer. I don't think someone like John wants to go out and lose money.

THE CHAIRMAN: If you are doing a zone change and you own that land, you want that zone change to go through. It's convincing, as members it's good for the economy. They can be rosy on that. That is not their bottom line that is convincing the authority to change, what they care about, I'm not blaming them, they care about generating a return on their piece of property.

COMMISSIONER WEIR: That is the landowner, not the developer.

THE CHAIRMAN: Economic development and economic impacts are not something that the developer is betting on. They're betting on selling the property.

COMMISSIONER SCHOOLMAN: I think we
12/7/11 Suffolk Planning Commission

carried this in the wrong direction. I was looking for something simple. You have a project. The guy is opening up five or six retail stores. You should be able to ask him how many managers are you going to employ. If Cosco opens up a store, there is a database to say how many employees he's going to add. That is part of the economic picture.

What is wrong with knowing how many new jobs are possibly going to be created? You wouldn't know it on every single type of project, but on certain types of projects it's a reasonable question to ask.

COMMISSIONER FINN: I brought up the point originally. I'm glad to see this type of dialogue going back and forth. It's not to have that to be the only determination of whether or not an application is good.

I think what the Commission members have to understand, as I'm learning to understand is we are in a completely different environment right now. The reasons why we have issues here on Long Island, to use Adrienne's term, build ourselves out of this, we have
historically been an intellectual hotbed of intellectual capital. When you hear the State of South Carolina is opening a business development office in Nassau County, they're not waiting for the company's owners to go there, they're coming here. We are losing a big company in Yaphank that is going down to Tennessee.

When you open up a business, there are certain things that go into your determination. One is property costs and property taxes. We fail on miserably on every account. On land where we derive revenue on tax collection and we are not increasing the tax base. We just lost four members of our planning commission. What is next year going to look like? These are things of economic development.

It's one component, but the tax base is what is the genesis of all that.

THE CHAIRMAN: I appreciate all the thoughts. We have two things left that we have. Affordable housing, Diana is going to take the lead. Mike will take a look at the
12/7/11 Suffolk Planning Commission

transfer of development rights. Bill has transportation. We have community character and parking. Linda has community character.

COMMISSIONER SCHOOLMAN: What is the deadline?

THE CHAIRMAN: I think I would like to get feedback at the next meeting in January. Glynis is going to take parking.

COMMISSIONER KELLY: We just did a parking study in Patchogue.

THE CHAIRMAN: If everyone can get their comments to Sarah by the 28th, that will allow the staff to incorporate those for our meeting in January. Thank you. Entertain a motion to adjourn.

COMMISSIONER HOLMES: So move.

COMMISSIONER KELLY: Second.

THE CHAIRMAN: All in favor? Let's say goodbye to Diana. Thank you very much.

(Time noted: 2:45 p.m.)
CERTIFICATION

STATE OF NEW YORK)

COUNTY OF SUFFOLK)

I, JUDI GALLOP, a Notary Public in

and for the State of New York, do hereby
certify:

THAT this is a true and accurate

trecord of the meeting held by the Suffolk

County Planning Commission on December 7,

2011, as reported by me and transcribed by

me.

JUDI GALLOP
I wish to make the following changes, for the following reasons:

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LINE</th>
<th>CHANGE</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Witness' Signature:

Date:
alterations 6:22
altered 50:21
alternate 32:8 34:4
alternative 57:7
am 16:24 53:23 83:9
amended 72:22
amenities 36:7,10 39:8
amount 8:11 51:14 56:7
87:11 109:3
analysis 3:19 82:8
103:7 108:17
and/or 30:14
ANDREW 1:18
Andy 11:17 19:9,18,19
28:8 40:3 42:4,23
53:20 55:14 58:13
59:10 62:17 63:13,20
65:9 71:19 75:5
102:19
angle 43:25
anniversary 2:8
answer 19:23 57:16
63:6 80:12
answered 63:2 64:18
answers 58:12 99:22
anticipate 62:21
anticipating 9:20
anticipation 69:5
anybody 82:2
anyone 2:23 18:18
104:7,16 105:25
anything 9:20,21,24
25:10 57:13,14 64:13
65:15 69:14,16,17
70:3 95:9 106:3
anyway 11:7 67:25
76:22 77:3
anywhere 89:6
apartment 93:13
apologize 75:24
appear 37:16
appendix 76:24
applicable 93:2
applicant 15:5,6 28:11
37:20 38:3,7,18 41:14
42:13 43:10 45:3
48:22 52:15 55:17,18
56:7,13 57:8 64:11
71:23 106:19 111:10
applicants 30:24 33:21
37:17 65:16 104:23
105:16 106:15 107:8
application 27:10 29:23
32:23 40:23 46:4,10
55:20 58:4,11
59:12,20 61:8,13
62:11 64:10 65:9,21
66:10,18 77:25 93:19
106:13 113:19
applications 30:20
43:19 66:2
applied 101:20,21
103:15,16
apply 95:16
appointed 9:6 16:14
appointing 13:10
appointments 16:20
appreciate 4:19 40:4
94:12 114:22
appreciated 18:4
approach 96:14
appropriate 24:4 37:3
38:4 39:23 41:9 45:8
47:16 52:25 53:3,14
56:17,19,22,25
57:2,12,16,19 61:23
67:4,5,14,19,23
68:2,5,9,14 72:3
approval 30:25 37:24
approvals 38:5 43:11
approve 24:7 44:16
77:24
approved 18:19 23:6
approving 44:21
approximately 28:16
31:12
area 29:12,16 40:9,14
49:6 53:17 54:8
70:8,21
areas 3:6 21:9 25:7
31:24 39:9 103:3,4
104:17
aren't 10:13 71:18 90:12
102:17 109:22
arguably 68:18
article 7:7 36:17 68:13
articulate 62:10
aside 66:9
aspect 44:12 49:12
51:12
aspects 5:18 83:2 104:7
asphalt 35:15
assess 105:18
assessment 44:10
asset 20:24
assistance 84:10 93:14
assisting 5:10
associate 90:25
associated 15:13
Association 7:17
assume 12:6 99:16
astonishing 80:3
At-Large 1:15
attached 7:14 31:14
84:23,24 85:18,20
attack 2:9
attention 36:6
attorney 1:16 60:9
auditorium 1:5 11:24
authority 97:19 112:16
automobile 30:5 35:2
availability 94:15
available 11:23 17:7
26:12 60:10 63:6
90:5,7
Avalon 86:15
Avenue 28:17
aware 53:11 66:2
away 90:9

B
Babylon 4:25 25:19
backdrop 86:18
bad 95:17
bank 29:8 35:18 36:8
89:22 90:2
banks 36:15 41:2
Barbara 1:15 91:11
Barrens 102:15
base 114:16,20
based 61:2 64:9,15
65:23 92:4 94:21,22
baseline 3:19 65:12
basically 83:22 96:16
basin 31:25
basis 71:6
bat 92:15
Bay 86:15
BC 29:9
beefed 106:4
begin 60:2 102:10
beginning 26:5 43:16
76:10
begins 55:24
behalf 22:5
behind 6:16 53:24 81:15
91:7
belief 37:20
believe 9:15 32:24 35:3
46:7 50:13 52:8 55:22
70:11
Bellone 3:9 6:3,10 7:15
belong 91:23 100:19
benefit 37:21 44:25
81:23,24
benefits 10:11 105:7
108:20
Berry 1:15 3:24 5:21
49:2,3 51:8 52:4
53:12 54:3,9 55:5
56:4 57:7 61:18 62:2
94:14
best 25:23 38:16
45:19,21 47:22,24
48:7,18
better 67:21 73:22 90:2
110:20,25
betting 112:23
Beyond 81:23
bigger 10:24 76:7 92:9
101:14,24 102:5
biggest 81:12 99:12
bill 14:25 15:3 115:2
binding 78:5
bit 10:23 28:20 45:15
47:6 73:6,14,19
evaluating 22:25
Evans 1:4
evening 18:24
event 7:13
events 82:16
everybody 84:8 90:3 107:25
everything 50:19 93:18 110:13
evolve 79:7
exactly 14:16 45:21 49:25 82:14
example 100:11
except 95:25
excerpted 38:9
excess 72:11
excessive 36:4 39:5
excited 7:15
exciting 10:9
executive's 14:25 20:8
exist 91:18
existence 89:15
existing 50:25 94:17
Exit 111:8
expand 105:6
expansion 70:23
expect 7:18 90:12
experience 89:15
expert 41:23 79:4 82:2
expertise 52:14 105:13,22
Expressway 100:17
extension 34:16
eye 92:19 111:3

fact 64:5 65:6
factor 110:3
factors 109:25 110:16
facts 61:12 65:23 82:8,9
factual 58:22 64:25 81:7
fail 114:13
failing 79:20
fair 87:4
fairly 66:13 76:6
faith 107:7
fall 22:23 88:12
familiar 70:8
fantastic 111:11
farm 97:9
farmers 97:8
farming 95:7,9 96:25 97:3,6
farmland 97:17 98:15 99:4
favor 72:23 115:19
February 7:10 22:16 82:4,21
federal 96:6,7
federation 97:22 98:6
fee 7:14 8:16 15:4
feedback 8:22 44:2 74:24 77:14 115:8
feel 60:25 66:11 103:20
feelings 69:16
feels 11:5 59:9 63:21
fees 13:13,16,18,20,25 14:8,10,12 15:9,11,13
felt 44:10,14,23 46:3 48:20
field 72:2 97:11,12
fifth 5:6 39:13
fifty-five 100:13
figure 8:17 10:16 11:13 21:23 47:4 51:15

folded 21:6
folks 7:21 9:12 73:9
foods 97:9
foot 31:10
footage 51:14
footprint 80:23 105:6
force 4:7 5:23
foreclosures 87:10 90:6
forever 24:23 78:7,9
forget 77:2 79:19
forgiven 84:13
form 26:16
forth 113:17
forty-five 64:21,23 65:5
forty-one 100:12
forty-three 102:23
forum 90:19
foundation 26:15
fourteen 31:12 102:24
fourth 38:13 39:7 69:9
frame 84:11
free 87:24
freestanding 36:21 41:6
freshwater 32:13
Friday 4:16
Fridays 63:5
friend 20:23
fringe 10:11
front 28:23 74:3
frontage 28:24 43:6
<table>
<thead>
<tr>
<th>Term</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tennessee</td>
<td>114:9</td>
</tr>
<tr>
<td>term</td>
<td>47:2</td>
</tr>
<tr>
<td>terms</td>
<td>26:25</td>
</tr>
<tr>
<td>text</td>
<td>38:8</td>
</tr>
<tr>
<td>thank</td>
<td>2:11</td>
</tr>
<tr>
<td>that's</td>
<td>7:9</td>
</tr>
<tr>
<td>the '70's</td>
<td>51:18</td>
</tr>
<tr>
<td>THEODORE</td>
<td>1:19</td>
</tr>
<tr>
<td>therefore</td>
<td>33:18</td>
</tr>
<tr>
<td>therein</td>
<td>38:23</td>
</tr>
<tr>
<td>there's</td>
<td>47:2</td>
</tr>
<tr>
<td>they're</td>
<td>11:7</td>
</tr>
<tr>
<td>town</td>
<td>1:12</td>
</tr>
<tr>
<td>townships</td>
<td>76:11,13</td>
</tr>
<tr>
<td>towns</td>
<td>4:10</td>
</tr>
<tr>
<td>township</td>
<td>8:24</td>
</tr>
<tr>
<td>tomorrow</td>
<td>19:10</td>
</tr>
<tr>
<td>today</td>
<td>2:8</td>
</tr>
<tr>
<td>toilet</td>
<td>109:8</td>
</tr>
<tr>
<td>Tom</td>
<td>8:20</td>
</tr>
<tr>
<td>tomorrow</td>
<td>19:10</td>
</tr>
<tr>
<td>tomorrow</td>
<td>19:10</td>
</tr>
<tr>
<td>tool</td>
<td>109:24</td>
</tr>
<tr>
<td>tool</td>
<td>109:24</td>
</tr>
<tr>
<td>topic</td>
<td>87:6</td>
</tr>
<tr>
<td>total</td>
<td>102:24</td>
</tr>
<tr>
<td>totally</td>
<td>50:19</td>
</tr>
<tr>
<td>touch</td>
<td>11:22</td>
</tr>
<tr>
<td>touching</td>
<td>21:9,18</td>
</tr>
<tr>
<td>towards</td>
<td>43:9</td>
</tr>
<tr>
<td>towards</td>
<td>43:9</td>
</tr>
<tr>
<td>town</td>
<td>1:12</td>
</tr>
<tr>
<td>town</td>
<td>1:12</td>
</tr>
<tr>
<td>townships</td>
<td>76:11,13</td>
</tr>
<tr>
<td>towns</td>
<td>4:10</td>
</tr>
<tr>
<td>township</td>
<td>8:24</td>
</tr>
<tr>
<td>tomorrow</td>
<td>19:10</td>
</tr>
<tr>
<td>tomorrow</td>
<td>19:10</td>
</tr>
<tr>
<td>tool</td>
<td>109:24</td>
</tr>
<tr>
<td>tool</td>
<td>109:24</td>
</tr>
<tr>
<td>topic</td>
<td>87:6</td>
</tr>
<tr>
<td>total</td>
<td>102:24</td>
</tr>
<tr>
<td>totally</td>
<td>50:19</td>
</tr>
<tr>
<td>touch</td>
<td>11:22</td>
</tr>
<tr>
<td>touching</td>
<td>21:9,18</td>
</tr>
<tr>
<td>towards</td>
<td>43:9</td>
</tr>
<tr>
<td>town</td>
<td>1:12</td>
</tr>
<tr>
<td>town</td>
<td>1:12</td>
</tr>
<tr>
<td>townships</td>
<td>76:11,13</td>
</tr>
<tr>
<td>towns</td>
<td>4:10</td>
</tr>
<tr>
<td>township</td>
<td>8:24</td>
</tr>
<tr>
<td>tomorrow</td>
<td>19:10</td>
</tr>
<tr>
<td>tomorrow</td>
<td>19:10</td>
</tr>
<tr>
<td>tool</td>
<td>109:24</td>
</tr>
<tr>
<td>tool</td>
<td>109:24</td>
</tr>
<tr>
<td>topic</td>
<td>87:6</td>
</tr>
<tr>
<td>total</td>
<td>102:24</td>
</tr>
<tr>
<td>totally</td>
<td>50:19</td>
</tr>
<tr>
<td>touch</td>
<td>11:22</td>
</tr>
<tr>
<td>touching</td>
<td>21:9,18</td>
</tr>
<tr>
<td>towards</td>
<td>43:9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Term</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>unclear</td>
<td>55:12</td>
</tr>
<tr>
<td>underneath</td>
<td>21:16</td>
</tr>
<tr>
<td>understand</td>
<td>16:22</td>
</tr>
<tr>
<td>university</td>
<td>7:12</td>
</tr>
<tr>
<td>unless</td>
<td>90:14</td>
</tr>
<tr>
<td>unquote</td>
<td>36:16</td>
</tr>
<tr>
<td>unresolved</td>
<td>42:14</td>
</tr>
<tr>
<td>unsafe</td>
<td>35:25</td>
</tr>
<tr>
<td>unusual</td>
<td>43:6</td>
</tr>
<tr>
<td>update</td>
<td>12:19</td>
</tr>
<tr>
<td>utility</td>
<td>31:21</td>
</tr>
<tr>
<td>usually</td>
<td>11:14</td>
</tr>
<tr>
<td>uptake</td>
<td>103:13</td>
</tr>
<tr>
<td>Urban</td>
<td>81:5</td>
</tr>
<tr>
<td>various</td>
<td>12:14</td>
</tr>
<tr>
<td>vegetable</td>
<td>97:8</td>
</tr>
<tr>
<td>vegetation</td>
<td>32:12</td>
</tr>
<tr>
<td>vehicle</td>
<td>30:14</td>
</tr>
</tbody>
</table>