

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Planning Department
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5192 F: (631) 853-4044
Thomas A. Isles, Director of Planning
January 29, 2009

Notice of Meeting

The next meeting of the **SUFFOLK COUNTY PLANNING COMMISSION** will be held on **WEDNESDAY, February 4th, 2009 at 12:00 P.M. at Suffolk County Legislative Auditorium in the William Rogers Building at the North County Complex in Hauppauge.**

The tentative **AGENDA** includes:

1. Adoption of minutes for October 1st and December 3, 2008
2. Public Portion
3. Organizational Items:
 - Election of Officers
 - Rules of Proceedings
 - Calendar of Meetings
 - SCPC Annual training
4. Chairman's report
5. Director's report
6. Presentation: Legislator Wayne Horsley
 - Wastewater Taskforce
7. Sections A14-14 to 23 of the Suffolk County Administrative Code
 - Port Jefferson Moratorium 0206- et al
 - Metro Terminals of LI, LLC 0600-135-01-1.3 et al
8. Section A 14-24 of the Suffolk County Administrative Code
 - Patricia Clarke Topping 0900-11600-0200-005001
9. Presentation: Peter Lambert, Principal Planner (Suffolk Dept. of Planning)
 - Demographic, Economic and Development trends.
10. Other Business

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SUFFOLK COUNTY PLANNING COMMISSION

WILLIAM ROGERS BUILDING
LEGISLATIVE AUDITORIUM
725 Veterans Memorial Highway
Hauppauge, New York

February 4, 2009
12:00 p.m.

F I N A L

BEFORE:

DAVID CALONE, Chairman
Town of Babylon

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

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2 A P P E A R A N C E S :

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CONSTANTINE KONTOKOSTA, Vice Chairman,
Commission Member
Villages Under 5,000 Population

5

ADRIENNE ESPOSITO, Secretary,
Commission Member
Villages Over 5,000 Population

7

LINDA HOLMES, Commission Member
Town of Shelter Island

8

9

JOHN CARACCILO, Commission Member
Town of Huntington

10

BARBARA ROBERTS, Commission Member
Town of Southampton

11

12

CHARLA BOLTON, Commission Member
At Large

13

ROBERT BRAUN, Commission Member
Town of Smithtown

14

15

THOMAS McADAM, Commission Member
Town of Southold

16

SARAH LANSDALE, Commission Member
At Large

17

18

JOSHUA HORTON, Commission Member
At Large

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VINCENT TALDONE, Commission Member
Town of Riverhead

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2 S T A F F A P P E A R A N C E S :

3

THOMAS A. ISLES, Director of Planning

4

DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department

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6

ANDREW P. FRELENG, Chief Planner
Suffolk County Planning Department

7

8

TED KLEIN, Senior Planner
Suffolk County Planning Department

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PETER LAMBERT, Principal Planner
Suffolk County Planning Department

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11

JOHN CORRAL,
Suffolk County Planning Department

12

DOTTY SONNICHSEN, Staff

13

LINDA SPAHR, Counsel to the Planning
Commission

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G U E S T S :

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JACK CAFFEY, Aide to
Presiding Officer Bill Lindsay

18

WAYNE R. HORSLEY, County Legislator
14th District

19

20

*** All other interested parties

21

22

23

24

25

2 (WHEREUPON, this proceeding
3 convened at 12:00 p.m. Off-the-record
4 discussions ensued, after which the
5 following transpired:)

6 (Time noted: 12:10 p.m.)

7 CHAIRMAN CALONE: Good afternoon.

8 If everyone could be seated, the
9 February 2009 meeting of the Suffolk
10 County Planning Commission is now in
11 session. I'll note that we do have a
12 quorum, and I would ask the secretary to
13 lead us in the Pledge.

14 (Pledge of Allegiance)

15 CHAIRMAN CALONE: The first item on
16 our agenda is the adoption of the
17 October 1st and December 3rd, 2008
18 minutes. You all had those minutes and
19 had a chance to review them.

20 Mrs. Holmes, do you have
21 corrections to those minutes?

22 COMMISSIONER HOLMES: Yes. The
23 October minutes, we got the corrected
24 version, and it was like 99 percent. I
25 think there were only a few additional,

1 Suffolk County Planning Commission 5

2 which I've given to the court reporter,
3 so I would move the adoption of the
4 October minutes as -- as amended.

5 CHAIRMAN CALONE: Nothing short of
6 perfection for us. Appreciate your
7 efforts.

8 Any other comments or questions on
9 the October -- or additions to the
10 October minutes?

11 COMMISSIONER BRAUN: Second.

12 CHAIRMAN CALONE: Seeing none, and
13 accepting the second from Mr. Braun, all
14 in favor of adopting the October
15 minutes, raise your hands.

16 (WHEREUPON, the members voted.)

17 CHAIRMAN CALONE: Opposed?

18 (WHEREUPON, there was no response.)

19 CHAIRMAN CALONE: That passes
20 unanimously.

21 The next item is the adoption of
22 the December 3rd minutes.

23 Mrs. Holmes?

24 COMMISSIONER HOLMES: The December
25 minutes were a little more problematic.

I believe that today's reporter was not the one who took the minutes last --

CHAIRMAN CALONE: You put that very diplomatically.

COMMISSIONER HOLMES: -- and we noticed the change. But between Chairman Calone and myself, we had several pages of corrections which I've given to the court reporter. So I would move that, perhaps, we could table the December minutes and ask for a corrected copy. That would be helpful, I think. Because there are -- some of them substantial and would require reviewing the tape to see what was actually said. Some of them were a little garbled.

CHAIRMAN CALONE: So you want to table them, is that what you're saying?

COMMISSIONER HOLMES: I would move that we table and -- and -- pending -- you know, look forward to a corrected copy.

CHAIRMAN CALONE: Sure. Any objection?

1 Suffolk County Planning Commission 7

2 (WHEREUPON, there was no response.)

3 CHAIRMAN CALONE: Without
4 objection, we will table that -- table
5 the December minutes.

6 Thank you, Mrs. Holmes.

7 MR. FRELENG: Did we get a
8 second -- I'm sorry, Mr. Chairman, did
9 we get a second on that?

10 CHAIRMAN CALONE: It was without
11 objection, so --

12 The next item on our agenda is the
13 public portion. We do have
14 Legislator Horsley with us, and since I
15 think the public portion may go for a
16 little while, perhaps, Legislator
17 Horsley, if you are prepared to speak
18 for a few minutes on the Wastewater Task
19 Force, we'll let you do that.

20 First of all, thank you for letting
21 us use your table here.

22 LEGISLATOR HORSLEY: You look good
23 behind it.

24 Do you want me to --

25 SECRETARY ESPOSITO: We're not

1 staying.

2
3 LEGISLATOR HORSELY: -- go up to
4 the podium?

5 (Laughter)

6 LEGISLATOR HORSELY: Come on,
7 Adrienne.

8 CHAIRMAN CALONE: If you -- if you
9 would use the podium, that probably --

10 LEGISLATOR HORSELY: Sure.

11 CHAIRMAN CALONE: -- would make
12 sense. And I appreciate your being here
13 and -- and the work that the task force
14 has done on -- on the wastewater issues
15 affecting the county.

16 LEGISLATOR HORSELY: I also brought
17 a show and tell, if you don't mind.

18 CHAIRMAN CALONE: No, we -- we
19 always like that.

20 LEGISLATOR HORSELY: There -- there
21 you go.

22 Good afternoon. Good afternoon.
23 I'm in -- I'm in a teaching mode,
24 I've -- this is -- I've been -- I've
25 taught two classes this morning already.

CHAIRMAN CALONE: Well, we're happy to be the third.

LEGISLATOR HORSLEY: David, it's always a pleasure to see you, a fellow Babylon Village person, and that always warms my heart. That's my district and my home. And, actually, I brought -- if I -- if I do have a few minutes, I wanted to show you a -- a project that is -- that is being handled in the Babylon Village concerning wastewater runoff and sponges; and I brought a couple of them just to give you a little flavor, and it wouldn't take more than a couple of minutes.

But let me -- let me talk about the wastewater task force, which I see some of the members here were actually part of the task force; Sarah and Adrienne.

Am I missing any? Josh was not on it --

SECRETARY ESPOSITO: No, just us.

COMMISSIONER HORTON: I'm not on -- no.

LEGISLATOR HORSLEY: And what we did -- and I'm going to pass this out to you.

Jack, would you help me maybe?

MR. CAFFEY: Absolutely.

LEGISLATOR HORSLEY: You're the man.

The only reason why it -- it's on my -- my paper -- on my heading here, is because that's how we send it out to the press, and -- and that's the reason why it was on here.

But we were a task force that was assigned by County Executive Levy, and I was asked to chair that task force to look at the sewers in Suffolk County. Particularly -- and this is both from the legislature as well from the county executive.

In particular, that we are concerning ourselves with the stimulus package that was coming to -- that we knew was coming down the line as we could see that -- problems in the

country was -- that we were -- that we're facing financially, and we were -- we were -- we're actually planning for it.

So back last year, at the beginning of March, the county executive had a sewer symposium or sewer -- what's the right word for --

CHAIRMAN CALONE: He called it a summit, I believe.

LEGISLATOR HORSLEY: Summit, there you go. A sewer summit in -- in which -- bringing together numerous people from across the county to talk about sewers.

As you know -- and I'm talking to a group that -- that recognizes this, because you are our planners, is that 70 percent of Suffolk County is not sewerage. 70 percent, you know, in a population of 1.5 million people.

And, as you know, Dave, I'm -- I'm a history guy, so I -- I've always -- asked by that, I say, Do you know that

400 BC to 500 BC, ancient Rome had sewers, and here, we in Suffolk County, do not. And -- and, of course, all the reasons that we -- that we need them; and one is for economic growth.

If you are to talk about smart growth, if you're talking about any sort of reasonable planning where you are trying to build your downtowns, if you are going to concern yourself with the environment, like, for instance, the Forge River -- the Forge River in Mastic, last -- several years ago, had a fish kill that -- literally, the -- the river spit back at us and said, We have had enough of the nitrogen that is being pumped into and leeching into the -- into the Forge River and killing itself because of not having sewers. And the list goes on and on.

And the task force recognized that this -- there is going to be an environmental calamity on -- on Long Island; at some point it is going to

1
2 come to a head where we're going to have
3 to recognize that we have to -- we have
4 to deal with the situation. So that's
5 -- that's the overarching position that
6 all of us were concerned about on the
7 task force.

8 The task force was made up of
9 numerous peoples. I believe there are
10 14-15 people from across the -- across
11 the -- the -- the -- the landscape of
12 Suffolk County; environmental, business,
13 engineers, and county employees,
14 et cetera. And we took at -- and we
15 went across Suffolk County and talked to
16 those areas where we thought people
17 would be interested in listening and
18 talking about sewers.

19 And what we did is we asked our
20 supervisors and town mayors -- and
21 town -- village mayors, town
22 supervisors, to give us your priorities.
23 And we went to -- we spoke to just about
24 every elected official that wanted to
25 appear before us -- and they did, they

1 did exactly that. And it is -- it is
2 time that we address this issue, because
3 the supervisors and mayors all agree, we
4 have a priority -- we have a priority
5 list, and so they spelled that out.

6 And so as we met in -- in the
7 Mastics, as we met in Rocky Point, as we
8 met in Kings Park, as we met in Stony
9 Brook, we were told time and again that
10 this is a major priority for our
11 communities.

12 So that -- that being the case,
13 we -- we compiled this list. And during
14 that time, this financial crisis
15 confronted us, as we speculated off --
16 that we -- that this was going to
17 happen. Those ones at Janis &
18 Douglas (phonetic), we knew that there
19 may be a sting coming down the road.

20 Congressman Bishop as well as
21 Congressman Israel asked us to give them
22 a list of ready-to-go projects -- or
23 project. What are -- give us your
24 priorities, that was the original
25

charge. And we did, we put together a list which is before you.

And what we had to do, once the stimulus package was really right on top of us, we had to put in ready-to-go fashion what projects are ready-to-go.

The projects total more than 763 million; they yield a -- a -- a cost -- a dollar amount of 4.7 billion in economic activity, and would stimulate growth of 36,242 jobs -- maybe 41. And I -- that's an accurate figure; in other words -- Adrienne and Brendan made that number up.

CHAIRMAN CALONE: We'll hold you to that figure.

LEGISLATOR HORSLEY: Yeah, maybe one more.

But that is -- so that is the kind of numbers we are -- we are dealing with. And some of those projects are -- as -- as noted in -- in the -- in the press package here -- Brookhaven sewer district, the Huntington sewer

district -- we tried to spread them out as best we could across the county, taking up the most -- the most geographic area, and -- Northport Village, Patchogue -- Patchogue, which I'm going to talk about in a second -- Port Jeff Village, Sag Harbor, Smithtown, Kings Park, and Wyandanch. The -- there's not one that is more important than the other.

They are -- these are projects that Public Works said that they could put together -- the projects within 90 days. Do I believe that? Sure, we could. Absolutely. We could -- we -- we could put them together in 90 days.

But then there are other projects of equal importance; Bellport, Lake Ronkonkoma, Centereach, Rocky Point, Southampton. Centereach is -- Mastic, Riverhead, Sayville, and Yaphank, we are -- we're -- we're in the preplanning stages.

And, by the way, I see planning,

yesterday, delivered to the legislature a book about that thick (indicating) on the Mastics and Shirley. And on their -- on their assessment of -- of sewers and how we could move forward with them.

I would be remiss if I didn't mention that even with these ready-to-go projects, which we delivered to the county executive as well as the two congressmen, there was a concern and a ready-to-go project that would have been added to this. And that ready-to-go project would be the outfall pipe of the -- the southwest sewer district.

I'm sure you've probably heard on the news and Newsday, and most of you know because you're all -- you're all activists, that the pipe -- the outfall pipe is in -- as the report stated, in a state of failure. Not that it's leaking -- it is not leaking -- and it's my district and I was very, very careful when I spoke to the Newsday reporter on

this -- on this, to make sure that they -- people understand this is not a situation where raw sewage is being pumped into the Great South Bay, but there is a major problem there.

The problem is that the pipe that runs from the sewer district -- from the sewer plant in West Babylon, Bergen Point, to the Gilgo where their pipe runs across into the ocean -- it goes underground at -- at -- at the -- on -- on -- on the Ocean Parkway, and under and out -- out into the ocean. The air -- the pipe that's -- that's from the ocean, from the -- from the -- to the -- the Gilgo out into the ocean is south, but the pipe in the bay is the part that's deteriorating.

And how we knew this is one -- the pipe -- how it's constructed. We -- there's been failures across the -- the country and across the world. The pipe that was used similar to this is pipe that's wrapped in bands of wire --

strong wire, steel, whatever it may be.
And these bands -- and there's hundreds
and hundreds and hundreds of them. And
that's how -- that's how this pipe is
constructed, and that's the
reinforcement of the concrete itself
that keeps it together.

Well, they put a sound machine on
it -- for lack of many other words,
I'm -- I'm a simple guy, I use simple
language. They used -- they put the --
they put the sound equipment on it, and
all day long you could hear "ping, ping,
ping." And what this pinging is is the
bands popping and snapping.

So this -- this has got to be taken
care of. That is a ready-to-go project
that, really, we are in need of a -- of
a stimulus, because it's \$150 million.
The legislature has put -- put in the
budget -- in 2010, '11 and '12,
\$50 million in the capital budget to
handle 150.

Nobody knows when this thing will

1 actually fail, I mean, as far as the
2 leaking. And, again, the leaking is
3 not -- the leaking will not be sewerage.
4 What that is is treated effluent that
5 has left the plant and would be on its
6 way out into the ocean. So I just
7 wanted to make that perfectly clear.
8 But it's a project that has to be done.

10 And one of the things that the
11 engineers are telling us is that we've
12 got to -- we've got to look at how
13 we're going to put -- lay down this pipe
14 again. The environmental law, as you
15 all know, has changed since the '70s,
16 and they've changed a lot. And what
17 they're telling us is that it may not be
18 the -- the best way to go to get permits
19 to lay a pipe right next to the old
20 existing pipe. What they may have to do
21 is tunnel under the bay -- and that may
22 be more cost effective than if we lay
23 the piping in its existing place,
24 because you've got to deal with all
25 the -- the -- the clams and the -- and

the -- the harvesting and all the shellfish and the environmental issues, in by laying it in its present -- in it's present location.

So that is something that Public Works is going to have to deal with. They're hiring consultants to -- to tell us what they feel is the -- the best way to go with that. So that is -- that is the outfall pipe.

But let me backtrack to the stimulus project itself. We have gotten -- we have received word from the congress on -- on what they're -- what they have put in for wastewater treatment. We were -- to put it in no other terms, we were sorely disappointed in the number that we heard coming out of the congress. This is up, you know, wastewater treatment --

Adrienne, do you know the -- the exact figure? It was about --

SECRETARY ESPOSITO: Well, the House's version of the bill, which

1 Suffolk County Planning Commission 22

2 passed the Appropriations Committee last
3 week, had \$6 billion for wastewater
4 treatment, including the drinking water;
5 and then the Senate's version that
6 passed yesterday has only \$4 billion for
7 sewage treatment and 2 billion for
8 drinking water projects, which is, you
9 know, less than, obviously --

10 LEGISLATOR HORSLEY: Less --

11 SECRETARY ESPOSITO: -- 1 percent
12 of the entire submitted package. So I
13 would call it depressing. Actually --

14 LEGISLATOR HORSLEY: Yeah, I do,
15 too.

16 SECRETARY ESPOSITO: -- it's
17 rather disappointing.

18 LEGISLATOR HORSLEY: We were -- we
19 were sorely disappointed. And not for
20 any lack of effort, I'm sure, on our
21 local congression- -- congressmen,
22 but -- as well as Senator Schumer,
23 because all along we were -- we were
24 expecting a larger number for
25 wastewater.

SECRETARY ESPOSITO: And if I
could --

LEGISLATOR HORSLEY: Yeah.

SECRETARY ESPOSITO: The only
glimmer of hope is that, as the bill now
goes to the Conference Committee --
Congressman Bishop is one of the members
of the Conference Committee, he worked
very aggressively to put an amendment on
the legislation when it was in the
House, to get it from 6 billion to
12 billion. Unfortunately, that
amendment failed. It also -- the same
amendment was put forth by
Congressman -- Senator Schumer --

LEGISLATOR HORSLEY: Right.

SECRETARY ESPOSITO: That failed by
two votes; it needed 60 votes and it was
58 yesterday.

LEGISLATOR HORSLEY: I hadn't heard
that. I was -- we were hanging out here
all day long, and I didn't get a -- get
an update, but that --

SECRETARY ESPOSITO: You had more

fun here.

LEGISLATOR HORSLEY: Yeah, some --
some would say.

But it was -- it was -- and we're
upset that -- that they did not
recognize it as the priority we believe
it to be -- at least, what it is for
Long Island, but we still have hope.

Just quickly, the task force has a
second -- a second mission, and what we
have done --

Dave, are we doing all right on
time?

CHAIRMAN CALONE: (Head gesture)

LEGISLATOR HORSLEY: Thank you.

Whether -- what we've done is, we
are -- we gave these priorities to
the -- what is called the -- what the
legislature's put together, an RFP
Committee. The RFP Committee has been
supported by the legislature. They're
given \$1.25 million, and I think it's
probably going to need more than the day
to put together an RFP for, how do we

1 go if -- for a master plan of sewers in
2 Suffolk County. Let's -- let's put it
3 on the books so we're ready to go when
4 we're ready to go.
5

6 And this RFP is going to be bid
7 shortly. They are taking the
8 information of the task force and
9 they're using it as the -- as the
10 backbone of -- of the -- the sewer
11 question for Suffolk County.

12 CHAIRMAN CALONE: Legislator
13 Horsley, let me interrupt you for a
14 second.

15 LEGISLATOR HORSLEY: Sure.

16 CHAIRMAN CALONE: This commission
17 was charged, first of all, with coming
18 up with a comprehensive plan for the
19 county, and it's one thing I know the
20 county executive and the department plan
21 on --

22 LEGISLATOR HORSLEY: Uh-huh.

23 CHAIRMAN CALONE: -- accomplishing
24 this year, or starting to accomplish
25 this year. So what I would ask you to

do is to try to think -- and we can talk about this, not necessarily with all these folks waiting, but to think about how we integrate, you know, and how we work together. Because, obviously, prioritizing wastewater treatment is a critical issue with regard to the growth of the county --

LEGISLATOR HORSLEY: Everything.

CHAIRMAN CALONE: -- but so are the -- you know, how -- how -- how school populations are working and how the road -- you know, all the road capacities, all that stuff, obviously, feeds together.

So as the department and the commission work this year towards putting together a comprehensive plan for the county, you know, obviously, it makes abundant sense, I'm sure you'd agree that -- the sharing information and, of course, working together on that. So --

LEGISLATOR HORSLEY: I agree. I

absolutely agree. I am on that RFP Committee, and I will assure you that that -- we've got to work on this issue together. This is probably the most -- it is not probably -- in my mind, other than the fiscal crisis we're in right now, it is the number -- the number one problem that we face as far as growth on -- on -- in Suffolk County. Otherwise, we're just going to blow it. We're going to have more of the '60s back in our lap again where we've got poor planning and -- and so I -- I am -- we must do this.

COMMISSIONER ROBERTS: David, can I ask a question --

CHAIRMAN CALONE: Barbara.

COMMISSIONER ROBERTS: -- please?

LEGISLATOR HORSLEY: Sure.

COMMISSIONER ROBERTS: I'm very interested in learning a little bit more on the process of how projects got on this list and who's on the task force.

LEGISLATOR HORSLEY: Sure.

COMMISSIONER ROBERTS: What's a particular concern to me is the Village of Sag Harbor has had a two-year building moratorium and comprehensive plan process, and our trustee has -- over and over has told us that looking at the sewage system was not necessary and we had more than adequate capacity. So to see that we're -- that Sag Harbor is on this list, I'm curious how that happened.

LEGISLATOR HORSLEY: It -- it happened, one, that -- it was mentioned by -- well, I'm not sure -- the village or the town.

Do you recall, Adrienne --

SECRETARY ESPOSITO: I think that the --

LEGISLATOR HORSLEY: -- Sarah?

SECRETARY ESPOSITO: -- village came to one of our meetings.

LEGISLATOR HORSLEY: The village -- I think it was the village. It was our East Hampton meeting, or our East End --

in our East End meeting, and in the note we have is the village sewer system is relatively small and includes --

COMMISSIONER ROBERTS: How can I get --

LEGISLATOR HORSLEY: -- the Main Street business area of 88 locations and 139 residential lots. A significant amount of new construction of large commercial buildings in the district may eliminate the excess capacity in the future. Rehabilitation with engineering and construction assistance is estimated to be \$3 million. The village requested the county -- the village requested it -- the county to evaluate financial assistance and the creation of a county district.

So there's a disconnect somewhere.

COMMISSIONER ROBERTS: There is. Thank you.

LEGISLATOR HORSLEY: I'll let you work out the details.

COMMISSIONER ROBERTS: I'll work

that out locally. Thank you.

CHAIRMAN CALONE: Thank you, Legislator Horsley. And I don't want to cut you short because, obviously, it's a critical issue, but, you know --

LEGISLATOR HORSLEY: You've got more to do.

CHAIRMAN CALONE: Well, we do have a busy agenda here. But -- but I want -- want to thank you, first of all, for coming and kind of letting everyone know about the list and about the task force. And now the second step's actually going to be critical, obviously --

LEGISLATOR HORSLEY: Absolutely. The RFP and what we're going to -- and in that RFP, I want to make sure that's included in there, is an accurate GIS system, so that we know what's in the ground, where it is, where our drains are, and have it county-wide that can be shared by all municipalities. You know, and -- really, so we can have a full --

so when you do your mapping -- and I used to run a zoning board and I used to get your local determination letters and stuff like, I'd go, uh -- but now I understand the county history and how important you really are. But that --

CHAIRMAN CALONE: We like to think so, but that might spear our own inflated sense of ego.

LEGISLATOR HORSLEY: But that is -- that is -- we want that as part -- as part of this -- this project, and you'll be hearing more about it, and I'll be glad to update you in the future.

CHAIRMAN CALONE: Thank you.

COMMISSIONER HORTON: (Indicating)

LEGISLATOR HORSLEY: Are there any other questions --

CHAIRMAN CALONE: Mr. Horton.

LEGISLATOR HORSLEY: Yeah, Josh.

COMMISSIONER HORTON: Just quickly, obviously, as it -- as it relates to the list.

I'm a resident of the Village of

Greenport and very active in -- in the community. And I do know that the Village of Greenport is reviewing its capacity and does have major upgrade needs to their sewer systems. So, with your permission, I'll -- I'll ask the -- the village board to just reach out --

LEGISLATOR HORSLEY: Yeah, I don't know why --

COMMISSIONER HORTON: -- to you and your task force --

LEGISLATOR HORSLEY: -- the village board was not -- I don't think they were there that day. I know --

COMMISSIONER HORTON: Right.

LEGISLATOR HORSLEY: -- I do recollect, Josh, that -- and I can tell you that the -- the reaction from Southold was the only one -- that's the reason why I remember this, who said, We don't need it.

SECRETARY ESPOSITO: We don't want it.

COMMISSIONER HORSLEY: Right,

naturally. That's not surprising.

But the Village of Greenport has --
you know, it -- it's a very important
infrastructure that we -- in dire need
of upgrades, outfall as well as --

LEGISLATOR HORSLEY: Sure.

COMMISSIONER HORTON: I'll -- I'll
ask them to reach out to you.

Thank you.

LEGISLATOR HORSLEY: We'll be glad
to hear from them and that -- that makes
a whole lot of sense.

Dave, could I just --

CHAIRMAN CALONE: Yes, sir.

LEGISLATOR HORSLEY: Hey -- I just
wanted to do something very quickly, and
in a concept that I -- I am so -- that
I've very excited about. And any -- and
I know you as planners would be
concerned about the storm- -- stormwater
runoff into our bays, our rivers, our --
the -- the north -- the -- the sounds,
et cetera.

And a project that has come to pass

1 in Babylon Village -- we call it the
2 sponge technology. The -- the -- the
3 Public Works Department has not fully
4 signed off on this for the county,
5 they're -- they're -- they're using
6 Babylon Village as a testing ground,
7 they're not sure that it eliminates all
8 that they -- they want it to eliminate,
9 but to us, this is such a great start.
10 One of the major things that the sponges
11 eliminates is oil residue from the
12 roads, and that's -- and that's --
13 that's just huge in itself.

14 So what these things are is -- not
15 taking our drains, our -- our sewage --
16 our -- you know, our drains in our
17 streets, and when the water -- instead
18 of taking the action at the drains
19 itself, cleaning the -- cleaning the --
20 the -- the runoff water there, you bring
21 it all the way down to the point where
22 the bay -- where the -- the last
23 discharge goes into the bay, where that
24 pipe meets your canal. Right before
25

1 the -- that can -- that pipe that's
2 goes -- that hits the canal, they have
3 done a cutout, and I know I've got to
4 describe this.

5
6 It's a box that was engineered by
7 the Village of Babylon government, and
8 they've made several so far, and -- in
9 which the pipe is cut off on one end
10 and -- leaving a spot of about 60 foot
11 at -- right before the canal's entrance,
12 and they put this metal box in there
13 which has holders. And the holders
14 contain a series of sponges that when
15 the water runs through it, it takes out
16 the -- the oils, the -- those -- those
17 things that you want taken out from --
18 from -- from street runoff, and is
19 collected in the sponges.

20 And how you -- how you maintain
21 it -- you'd think that that would
22 require some really high maintenance.
23 Once these things are installed, all
24 the -- the -- the maintenance person
25 does, every six to maybe a year,

1 depending on how -- how big a road it
2 is, they take the -- the -- the front
3 sponge that is -- that is receiving the
4 most cleansing, they remove that one,
5 they take the -- the sponge from the
6 back, move it to the front, close it up,
7 and they're done.

8
9 It takes -- because the technology
10 that they've -- they've manufactured in
11 the Village of Babylon -- and, again,
12 this is -- this is more village stuff,
13 this is not the county, and maybe the --
14 the bigger roads would be much more
15 difficult, but, certainly, they have
16 started on a program that I think is
17 going to pay huge benefits as far as
18 the -- the water -- the waters in our
19 canals and the -- and the eventual
20 health of the Great South Bay if we
21 could spread this out.

22 The village received a grant from
23 the county this year, through the
24 Wastewater -- through our -- our
25 Quality -- Water Quality Waters, the

477 Account, of \$370,000, which I believe they're going to be able to redo the remaining pipes that are in Babylon Village, which are about 90.

COMMISSIONER CARACCIOLLO: Kind of like a filtration system?

LEGISLATOR HORSLEY: This is -- it's a filtration system. That's what this is. It's basically cut out, and the water has to go through the -- the sponges to get into the canal.

CHAIRMAN CALONE: And you have a show and tell.

LEGISLATOR HORSLEY: And I have a show and tell.

COMMISSIONER CARACCIOLLO: Do you have any dirty filtration --

LEGISLATOR HORSLEY: I have both a dirty one --

COMMISSIONER CARACCIOLLO: Before and after.

LEGISLATOR HORSLEY: -- and a clean one.

COMMISSIONER HOLMES: Do you have a

SpongeBob animation?

LEGISLATOR HORSLEY: I'm an
all-purpose legislator.

(Laughter)

CHAIRMAN CALONE: Well, let me --
while you're --

LEGISLATOR HORSLEY: Yeah, while
I'm doing that, why don't you --

CHAIRMAN CALONE: -- just let me --
just, you know, thank you for coming
and, also, we look forward to working
with you this year. But distinctive is
the second step of the RFP, and as we
look towards prioritizing the wastewater
treatment projects around the county --
obviously, that's something that
dovetails very nicely with the need for
a comprehensive plan with the county,
and we look forward to working with you
on that.

LEGISLATOR HORSLEY: Thank you,
Dave.

CHAIRMAN CALONE: Yeah.

LEGISLATOR HORSLEY: This is a

dirty sponge that has -- was used for approximately six months, if you want to pass that around (handing).

(Laughter)

LEGISLATOR HORSLEY: I will do this for you. It's about the size of a baseball --

CHAIRMAN CALONE: Thank you, Vanna. We appreciate it.

COMMISSIONER ROBERTS: It's like a --

LEGISLATOR HORSLEY: Second base. Yeah, second base. You step on it, you'll need new shoes.

And as you can see, it's filled with crud.

COMMISSIONER CARACCILO: Great.

LEGISLATOR HORSLEY: And let me show you a clean one.

CHAIRMAN CALONE: How long does it take to do that?

COMMISSIONER BRAUN: How many -- how many --

LEGISLATOR HORSLEY: Six months to

1 a year.

2
3 COMMISSIONER BRAUN: And how many
4 filters -- how many sponges in a box?

5 LEGISLATOR HORSLEY: There is, I
6 believe, four.

7 COMMISSIONER BRAUN: And the two
8 middle ones never change?

9 LEGISLATOR HORSLEY: And this --
10 and this would be -- this would be like
11 what a clean one looks like
12 (indicating).

13 CHAIRMAN CALONE: It really is from
14 the little league around the corner
15 there.

16 LEGISLATOR HORSLEY: Yeah,
17 absolutely.

18 Anybody want to feel it?

19 CHAIRMAN CALONE: Well, I'll --
20 I'll give it a try.

21 LEGISLATOR HORSLEY: There you go,
22 Dave. Humor me. (Handing)

23 CHAIRMAN CALONE: It feels like
24 second base.

25 Thank you, Legislator, that -- that

1 Suffolk County Planning Commission 41
2 is amazing what can happen --
3 LEGISLATOR HORSLEY: Keep in
4 mind --
5 CHAIRMAN CALONE: -- what's in our
6 water -- in our runoff --
7 LEGISLATOR HORSLEY: Let's clean
8 the Great South Bay up.
9 CHAIRMAN CALONE: Amen to that.
10 Thank you very much, sir, for --
11 LEGISLATOR HORSLEY: Thank you.
12 Have a nice day.
13 CHAIRMAN CALONE: Thank you very
14 much, sir, for your comments.
15 I want to move now to the public
16 portion of -- of our agenda. We have
17 the mayor of Port Jefferson here, I want
18 to give him three minutes. Everyone,
19 just so they know, three minutes each,
20 and it will be very tight time because
21 we do have a bunch of folks to speak,
22 and -- but the mayor of Port Jefferson
23 is here, Mr. Harty.
24 MR. FRELENG: Excuse me,
25 Mr. Chairman. If you could just remind

1 Suffolk County Planning Commission 42

2 the audience that if they do wish to
3 address the commission, that they need
4 to fill out one of these blue cards;
5 just in case somebody came late.

6 CHAIRMAN CALONE: Sure.

7 If anyone didn't hear that, there
8 are blue cards at the front table which
9 are needed to speak, and it's for three
10 minutes. If everyone could also just
11 state their name and spell their last
12 name for our court reporter, that would
13 be great.

14 MR. FRELENG: Thank you, sir.

15 CHAIRMAN CALONE: Mr. Harty.

16 (WHEREUPON, Mr. Brian Harty
17 approached the podium and addressed the
18 Planning Commission.)

19 (Time noted: 12:41 p.m.)

20 MR. HARTY: Thank you.

21 Brian Harty, B-R-I-A-N, H-A-R-T-Y.
22 I'm mayor of the Village of Port
23 Jefferson.

24 Thank you, Mr. Chairman and Members
25 of the Commission. I'm glad to be able

to come and speak before you today in opposition to a proposed moratorium in the village.

No moratorium is needed because the potential code revisions can be done without a moratorium. It takes away property rights from property owners in the village, at that point in time, at least for a year. So no economic activity could be generated as well. And, as we all know, we're in very, very bad economic times.

Vacancy rates in some of these areas increased -- appear to be increasing, so it's a deep concern to us to -- to work with realtors to market those properties, to get businesses moving into blighted parts of Port Jefferson as well.

The planning board and zoning board of appeals opposes the moratorium as it's presently constructed. There's no severe or immediate development pressure in any of the areas in the village.

1 The moratorium, as prepared, is
2 very, very broad. Hospitals are
3 included in the moratorium area, and
4 are -- are one of our key economic
5 engines in the region, as you might
6 expect. So if we don't allow them to --
7 to work on their properties and expand,
8 it could put them in a very parlous
9 economic position -- economic
10 competitive position.

11 We had a public hearing on this two
12 nights ago, and the testimony on that,
13 at that time, was two-to-one against to
14 moratorium. And, virtually, the village
15 is about 90 percent built out.

16 I'd like to highlight some things,
17 what I believe is needed.

18 When I ran for mayor two years ago,
19 and I was a trustee four years prior to
20 that in the village, a comprehensive
21 plan for uptown Port Jefferson, in the
22 most blighted part of the village, was
23 needed. We sat on an RFP for that
24 purpose over about -- over a year ago,
25

and we got about 25 companies that responded to it. We put together a citizens' group, a planner of zoning board members and planning board members as well, and reviewed that and narrowed it down to five companies. We were getting ready to move ahead with that in September, and we had some local issues that prevented that from happening. But we look forward to getting that back on track because I think it's absolutely essential that we get that uptown part of Port Jefferson rebuilt.

When I campaigned on that, I knocked on a lot of doors, and those people -- really, it's important to the world, you go out and you see a lot of people. Virtually every person I spoke to said that the uptown portion of Port Jefferson was absolutely the essential and the top priority to get that redeveloped. I ran on it and I won, so that must tell you something.

Up there right now there are -- in

anticipation of this planning study that's to be done, and we had budgeted last year, as a matter of fact, there are -- there have been three companies that have come forward and said that they're really interested in taking position up there and looking at redevelopment uptown, utilizing smart growth principles, to work with the planning board and to work with this type of committee moving forward.

And I think it would be a very, very healthy thing, between the railroad tracks and North Country Road in Port Jeff -- and I don't know how many of you are familiar with that part of -- part of -- of Port Jefferson, but it's an area that really needs a great deal of work.

We want to connect that part of Port Jefferson with downtown; we want a trolley, or a bus service, or something like that. We had a trolly service through a grant about four years ago,

and it worked quite well. So we want to move ahead with these kinds of things.

We also want to update the master plan. We want to generate workforce housing and connect uptown Port Jefferson -- because it's right near the railroad, connect Stony Brook University and the village. In that way, a number of people that work in Stony Brook could live in Port Jeff and have an easy commute by train. It would be a different experience in that regard.

I'd like to see an update of a master plan. Some of the things move in the village as well as mansion prevention, a steep slope ordinance to work with the planning board, and create historic over the -- overlay district to limit clusters and -- and to limit -- to -- to prevent -- to maintain our historic heritage.

Just a couple of other points.

We have an infrastructure study that was completed by Sidney Baum on

roadways and sidewalks, within the last year. It indicates that we need \$20 million worth of roadway work around the village on our roadways and sidewalks. We, like many other people now, are trying to jump on the bandwagon with that with our local legislators at our federal level getting monies into the village.

Parking downtown, there's lot configuration and reconfiguration downtown to -- to maximize yields in there, as -- as well as we've put parking meters in to manage parking, and particularly in the heavy -- heavy-used spots in the summertime.

On our marina waterfront district, there is a planning group that got together of -- of residents, business owners, and property owners on the west side of Port Jefferson Harbor. That group met for an extensive period of time, and has recommendations to the village board now. The village board

needs to act on those recommendations,
or put it back to that study group.

So the idea of having an overall
moratorium in the village seems to me to
be not necessary at this point. Maybe
there's some new visions in the code,
there was originally a master plan in
1965, updated in 19-- 1983, updated
again in the '90s, and there was a
vision 2010 plan put forward, which was
not adopted in practice. It was -- it
was not adopted in -- by resolution, but
it was -- but it was implemented by
practice. So an awful lot of that work
has already been done.

So I thank you for your
consideration and your time, and I hope
you vote no on the moratorium.

Thank you very much.

CHAIRMAN CALONE: Thank you,
Mr. Harty.

We also have with us a trustee from
the Village of Port Jefferson,
Mr. Carmine DellAquila.

Sir, you have three minutes.

(WHEREUPON, Mr. Carmine Dellaquila approached the podium and addressed the Planning Commission.)

(Time noted: 12:47 p.m.)

MR. DELLAQUILA: Carmine Dellaquila, and that's D-E-L-L, capital A, Q-U-I-L-A.

Thank you, Mr. Chairman and Members of the Commission.

Many of the comments that you just heard from Mayor Harty are correct, there are many studies, plans, updates, and many of the recommendations that were compiled in those studies were never implemented.

We are in a very unique situation.

We haven't had a true master plan, a total revision, including a total code scrubbing, as we like to call it, in years. There have been amendments after amendments. All of the amendments conflict with other amendments. It's been brought to my attention, on

numerous occasions, by the zoning and the planning board as I attended those meetings.

It's important to note that our stormwater system is in a very precarious situation at this point. We have a main culvert that could cost the village \$20 million or more, based on estimates from our engineer, if it collapses.

Further increased density in development, especially in the uptown area, which currently there are over 200 residences planned for a very small area, would certainly put a burden on traffic and other amenities to the village.

What we have most recently is a medical park on nine acres of 100,000 square feet that this commission, in its own comments, said it was too dense. And yet, we're looking for yet even higher density within the same area.

1 I believe that the board of
2 trustees voted to move forward -- after
3 considering all the factors, past and
4 present, to move forward for a
5 moratorium. With the help of
6 Mr. Freleng, we had a public hearing.
7 And I -- we would disagree on a number
8 of pros and cons, but, again, it was a
9 fully-vetted process and a hearing, as
10 laid out by Mr. Freleng. You can say
11 that there was -- many of the opponents
12 to the -- at the hearing were developers
13 and special interest groups. That does
14 not meet the needs for the best economic
15 stability for the residents of Port
16 Jefferson.

17 We have a responsibility to
18 preserve and develop. I believe we've
19 met the standards of submittal, and I
20 thank you for your time.

21 CHAIRMAN CALONE: Thank you,
22 Mr. DellAquila. Appreciate your time.

23 We also have with us Michael Watt
24 from the Long Island Builders Institute.
25

While Mike is coming up, let me just thank you, sir, because your organization's helped with our -- putting our guidebook together. We appreciate LIBI's involvement with that, and -- and I just wanted to thank you for that.

(WHEREUPON, Mr. Michael Watt approached the podium and addressed the Planning Commission.)

(Time noted: 12:50 p.m.)

MR. WATT: Well, my pleasure, and thank you for the opportunity to address you this afternoon. And as a resident of the Village of Babylon, I just want to share with you how comforted I am to know that my legislator is sponge worthy.

(Laughter)

MR. WATT: The name is Michael Watt, W-A-T-T. I'm the executive vice president of the Long Island Builders Institute, and I'd like to read into the record a -- a letter that we sent on

behalf of the members of the institute
to the mayor of the Incorporated Village
of Port Jefferson.

"Dear Mayor Harty,

"In a letter dated December 22nd,
2008, the Village of Port Jefferson
Deputy Clerk, Lynda Howell; Suffolk
County Director of Planning, Thomas
Isles; and Suffolk County Chief Planner,
Andrew Freleng wrote, 'A moratorium can
be argued to be the most extreme land
use action that a municipality can
take.'

"In a time of unprecedented
economic hardship across Long Island and
the rest of the country, it seems
contradictory to common sense for a
municipality to hold job- and
tax-generating development.
Particularly when it's generally agreed
upon that the municipality is close to
95 percent built out already.

"Because they live on Long Island,
Port Jefferson residents already deal

with onerous tax burdens. It does not make sense for the village to add, leaving greater tax-bearing pressure on its residents, by restricting the revenue stream creating activities that could alleviate those burdens.

"The Long Island Builders Institute urges you and the village board to reject the proposed building moratorium, if for no other reason than for the good of your constituents.

"Thank you for your time and interest regarding this matter."

I'd also like to suggest that our builders and -- and their employees also like to shop and -- and eat and dine and enjoy the nightlife of Port Jefferson Village, and I think it's important for the village to understand that. And suggest that in -- in past instances, the commission has recommended that the board in charge of making this decision come -- have a vote of majority plus one. So if something like that would

apply here, we'd -- we'd put that out as
a suggestion.

So, again, I thank you very much
for your time regarding this matter.

CHAIRMAN CALONE: Thank you,
Mr. Watt.

Next up we have Linda Wicks.

Is Ms. Wicks here?

(WHEREUPON, Ms. Linda Wicks
approached the podium and addressed the
Planning Commission.)

(Time noted: 12:52 p.m.)

MS. WICKS: Yes.

CHAIRMAN CALONE: Great.

Your name --

MS. WICKS: Good afternoon. I'm
Linda Wicks. And the name is spelled
with an I in the Linda, and it's
W-I-C-K-S.

CHAIRMAN CALONE: Welcome. You
have three minutes.

MS. WICKS: I have been a resident
of Port Jefferson for close to 35 years,
and I'm here to give my point of view

regarding the proposed building moratorium.

This building moratorium has been proposed by the Port Jefferson Village government. It is my government, I helped elect this government, and it represents my interests.

The primary task of the village government is to preserve the quality of life for its residents. In fact, the preservation of village life is why this government was established. The village government is mandated to protect the quality of village life.

As it stands today, Port Jefferson is in dire need of an updated master plan. Our last comprehensive plan was written in the 1960s. A new master plan would be a critical tool for the village in carrying out its mandates to protect the quality of life of its residents.

Quite frankly, the village is in crisis now, because it is experiencing enormous development pressure. The

likes of which have been unimaginable during all of the years I've lived in Port Jefferson. We need to know where we're going before our boat leaves the dock.

Before you today is a proposal for a building moratorium during this time of great economic pressure. Our village's elected officials are calling for this moratorium, it is only for one year, to give the residents time that is needed to created the best possible master plan.

If the moratorium is not put in place, we will face out-of-control growth, and all this over conflicts that accompany out-of-control growth. We will face anonymity.

The moratorium is temporary. It is for now, while we devise a master plan that will ensure safe and reasonable growth in Port Jeff's future.

I ask you to not block this very needed moratorium. If you vote against

1 it today, you are telling the residents
2 of Port Jefferson that home rule is
3 bogus. That the government, which most
4 intimately knows the citizens' needs, is
5 impotent. That we, the citizens, the
6 residents, have no voice in public
7 affairs when outsiders come into play.

8 I'm fully aware that we are in a
9 very deep economic recession, and some
10 have argued that a moratorium will harm
11 the local economy. This recession is
12 worldwide. It has no easy fixes. To
13 use it as an excuse to deny my village
14 the chance to determine its own master
15 plan for its own dreams would be
16 shameful.

17
18 CHAIRMAN CALONE: Thank you, ma'am.

19 MS. WICKS: Thank you very much.

20 CHAIRMAN CALONE: Appreciate your
21 time.

22 Next up is Kathy Matthews.

23 (WHEREUPON, Ms. Kathy Matthews
24 approached the podium and addressed the
25 Planning Commission.)

(Time noted: 12:55 p.m.)

CHAIRMAN CALONE: Kathy, you have three minutes. Please just speak into the microphone, and spell your last name, please.

MS. MATTHEWS: Matthews with two Ts, M-A-T-T-H-E-W-S.

I wear many hats, but as one of those hats, I am the public information officer for the Village of Poquott, which shares the waterfront, shares the LIPA plant, and now National Grid plant, and our village residents -- oh, a thousand of us -- do a lot of our shopping and going to the theater and entertaining within the village. So that's one of the reasons I'm here. Plus, my husband is buried in Cedar Hills Cemetery in Port Jefferson.

My question is, first of all, what do these people have in common:

Dr. Lee Koppelman, Director of Regional Planning for the Center of -- at Stony Brook, and he's one of the

1 Suffolk County Planning Commission 61

2 people of the year for the master plan
3 he created using a moratorium in
4 Terryville, Port Jefferson Station, and
5 he's also the chair of the Brookhaven
6 Open Space Committee;

7 Assemblyman, Steve Engelbright;

8 Council -- 1st District Councilman,

9 Steve Fiore-Rosenfeld;

10 Barbara Donovan, Mayor of Poquott;

11 Richard Amper, Pine Barrens

12 Society;

13 MaryAnn Johnston, the Association

14 of Civic Associations in Brookhaven,

15 Three Village Trust, the Long Island

16 Sierra Club.

17 What they have in common is that

18 they all agree that given the unique

19 problems in Port Jefferson -- the steep

20 slopes, the flooding, the transportation

21 hub that it could be, the waterfront to

22 which water travel, the fact that it is

23 95 percent built out, all of these

24 before allowing over 400 more units of

25 residential clustering and apartments

over other buildings. The problem being that these developments are stationed at both entrance/exits to the village. One group -- actually, two groups of cluster housing that they want to put in is at the west entrance/exit to 25A, which will increase the traffic going east past our post office -- we're going to end up having to have a traffic light so that we can get in and out of our village. The other one is by the train station, which already there are humongous problems.

So these are -- these are problems that can be solved, but they need to be addressed slowly, not after the fact. Not after everything is said and done. And that's why we need a moratorium, in order to address these problems.

The moratorium does not have to be rigid. It can -- you know, we can look into other things. You know, they can revise some suggestions that came up at the meeting -- the public hearing. Some

were very good, and I think some may end up being incorporated into the moratorium, such as giving the hospitals the right to build more -- more room that they need. So --

CHAIRMAN CALONE: I'm going to ask you just to wrap up.

MS. MATTHEWS: Okay. So -- so I would ask you to vote in favor of this moratorium, it's temporary and it's good for the village.

CHAIRMAN CALONE: Thank you for your time.

Next is -- we have Tawaun Weber from Vision Long Island.

(WHEREUPON, Ms. Tawaun Weber approached the podium and addressed the Planning Commission.)

(Time noted: 12:59 p.m.)

CHAIRMAN CALONE: Ma'am, you have three minutes. If you could speak into the microphone and spell your name for the --

MS. WEBER: Good afternoon. I'm

Tawaun, T-A-W-A-U-N, last name Weber,
W-E-B-E-R. I'm here on behalf of Vision
Long Island, and I (inaudible).

Basically, Vision Long Island's a
smart growth organization, and we've
been involved in several community
plannings throughout Long Island, and we
just wanted to add to the written
opposition of the moratorium.

We have been, in the past, point of
several successful moratoriums; such as
Mastic/Shirley, Middle Island, Coram,
Farmingdale, Islandia, and Riverhead.
But what we feel -- what we found in our
staff assessments is moratoriums are
valid when communities (inaudible)
community-based plans, or for the
planning department and staff needing
more time to develop community plan
adjustments to their current voting, or
those particular areas where there's
applications that are heinous to the
community or an abuse to the community
which sometimes revamp what's planned

for that area.

What we've discussed is that there's certain criteria that we feel that a moratorium should go through. And through the Village of Patchogue, they did a recent fix-up in the area, they did not necessarily need a moratorium to do development, but use the tools that they had at hand. And we thought that Port Jeff could do the same. But we have not seen hard evidence for a need for a moratorium, or alternatives, or a real time line of what the moratorium is to -- to accomplish.

We do want to note that we do believe that the Village of Port Jefferson does have a very good code. That they do have (inaudible) 2010, that they also have hired, through an RFP, an (inaudible) Cash & Associates, and that they do have some positive expectation, the workforce housing that will help the development area. And as we've

discussed, in this recession, we understand that there's a lot of things that have been coming up, especially Long Island (inaudible) a lot of people are leaving Long Island. And in the area of Port Jefferson, it could really be a thriving downtown area (inaudible) to the downtown village, and workforce housing is key in instruments like that. So we'd like to see more attention to that.

We'd also like to note that the village also has open control, they have a planning board, a ZBA, and architectural reviews, they also have several residents that do support -- are both for their downtown, and we understand how important that the downtown is to the future of the village. That in -- in our research, that there is (inaudible) of the residents that we have contacted that have been opposed to the moratorium, and decided to note that we are opposed to

1 Suffolk County Planning Commission 67
2 the moratorium.
3 CHAIRMAN CALONE: Thank you,
4 Ms. Weber, I appreciate your time.
5 Next we have Philip Schiavono?
6 (WHEREUPON, Mr. Philip Schiavone
7 approached the podium and addressed the
8 Planning Commission.)
9 (Time noted: 1:02 p.m.)
10 MR. SCHIAVONE: Schiavone.
11 CHAIRMAN CALONE: Schiavone.
12 Sir, you're with the Port Jefferson
13 Planning Board, I understand.
14 MR. SCHIAVONE: Yes.
15 CHAIRMAN CALONE: Okay. We also --
16 we have a letter from the planning
17 board, which we had received, and I see
18 you're -- you're a signatory of that
19 letter as well.
20 MR. SCHIAVONE: Yes. And I'm
21 speaking on behalf of the board.
22 CHAIRMAN CALONE: Okay. You have
23 three minutes. Please spell your last
24 name.
25 MR. SCHIAVONE: S-C-H-I-A-V-O-N-E.

1 We're on the record as being
2
3 opposed to the moratorium. We don't
4 feel there should be a village-wide
5 moratorium. We do see some specific
6 needs for the M-W zone and, perhaps, a
7 moratorium in that specific zone would
8 be appropriate. There's numerous public
9 hearings, committees, studies. I think
10 this board also made recommendations to
11 the M-W, and it's time that decisions
12 were made and those things were
13 clarified and -- and put into -- into
14 the code.

15 There's a potential need for
16 another moratorium in the C-2 zone,
17 which is the upper -- across the
18 railroad tracks that the mayor spoke
19 about. And I'm getting confused because
20 it's the second time I heard that Cash &
21 Associates were selected as the design
22 professionals. The last I heard, RFPs
23 went out, the committee short-listed it
24 to, I believe, five firms, and those
25 recommendations are awaiting some

decisions or interviews by the trustees.

So I'm not sure if that's accurate. If it is, it's news to me, but I heard it also at Monday night's hearing.

I think that's an important step to undertake; redesign, redevelop, and through a professional firm. And once that firm is selected and a timetable is developed, it may be appropriate for a moratorium in that specific C-2 zone. And that's somewhat addressed in our letter, but I just added an addition to that summary.

CHAIRMAN CALONE: When you say the C-2 zone, are you talking about --

MR. SCHIAVONE: Upper Port. The railroad tracks to -- pretty much to North Country Road. There's a new medical office complex that is to the east, and to the west is the -- maybe a little bit beyond a quarter of a mile on Sheep Pasture Road. It -- it's a critical area, and there are proposals from developers that would only go ahead

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2 with major variances, which is not the
3 way to do it. But, again, a design
4 professional should be selected first.

5 Thank you.

6 CHAIRMAN CALONE: Thank you for
7 your time.

8 COMMISSIONER BRAUN: May I just ask
9 a question of Mr. Schiavone?

10 CHAIRMAN CALONE: Yes.

11 COMMISSIONER BRAUN: There are how
12 many members of the planning board in
13 the village?

14 MR. SCHIAVONE: Normally five.
15 Currently, we're one short; we have
16 four.

17 COMMISSIONER BRAUN: So all four
18 filled seats on the planning board --

19 MR. SCHIAVONE: Yes.

20 COMMISSIONER BRAUN: -- are
21 signatories to this letter?

22 MR. SCHIAVONE: That's correct.

23 COMMISSIONER BRAUN: Thank you.

24 CHAIRMAN CALONE: Thank you, Bob.

25 MR. SCHIAVONE: They should --

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2 aren't they listed, or not?

3 COMMISSIONER BRAUN: Yeah, I just
4 didn't know --

5 MR. SCHIAVONE: Oh, okay.

6 COMMISSIONER BRAUN: -- if that was
7 all of them.

8 MR. SCHIAVONE: Yes, that's --
9 yeah, we're one short.

10 COMMISSIONER BRAUN: Okay.

11 MR. SCHIAVONE: It's another thing
12 we're waiting to -- for someone to be
13 appointed.

14 COMMISSIONER BRAUN: I see.

15 CHAIRMAN CALONE: Thanks for your
16 time.

17 Next we have Ken Gaul.

18 (WHEREUPON, Mr. Ken Gaul approached
19 the podium and addressed the Planning
20 Commission.)

21 (Time noted: 1:05 p.m.)

22 MR. GAUL: Good afternoon. Ken
23 Gaul, G-A-U-L.

24 I'm here as a resident of the
25 village, and a resident that dates quite

far back, actually, from a family perspective. I personally came to the village in 1959. So I've been a village resident for 50 years, between living in the Village of Port Jeff and the adjoining Village of Belle Terre. I have a paternal great grandfather who was the customs officer in Port Jefferson when it was a customs site. So, obviously, I've got a lot of exposure and involvement in the Port Jeff area.

I've lived there and I've worked there. I was an administrator of St. Charles Hospital for a number of years; was involved as a special interest at the (inaudible) Medical Park, which was formally the Sunrest Nursing Home. And I am a nursing home operator. So, therefore, when my involvement appeared there with the nursing home of Sunrest, we made a decision to make it a medical park. Even though the commission decided not

to adopt it, it still was a less infuse with respect to it being a nursing home versus a medical park as it would impact the sewer treatment plant. Just so that you're aware, it would have had an influent -- affluent impact.

So from the standpoint of being involved in this specific issue of the moratoria, I think you'll hear today from the audience that there is a mixed sense about should we have one, should we not have one?

I think everyone on Long Island at this point in time is very accustomed to having master plans and periodic moratoria, because they do serve a purpose and there is an over-intensification. What you'll hear today, and what you'll continue to hear, is that the village is 90 to 95 percent built out. You do have certain specific areas of great concern. The waterfront being one of them. There's no question about that. The uptown next to the

railroad station, being one of them.

As a matter of fact, when we were involved -- and I might add, we went through a very thorough vetting of the project with the planning board and the ZBA, with respect to the medical park. And it was 96,000 square feet on over -- over ten and a half -- I think it was ten and a half, 11 acres. So our density was like 10,000 square feet per acre of medical space. It wasn't an over-intensification, in my estimation, when you look at a planning statute around the Island here. However, that project -- we realized and had discussions with the village members, the planning board members at that time as to the proximity of the medical park, it would be an economic engine to uptown revitalizations. There's no question that there's a concerned group of people within the village that want to see the uptown revitalized in a proper way, well-planned way, organized way.

However, I do think that the moratorium was created because of a residential application, which is still under discussion --

CHAIRMAN CALONE: I'll ask you to wrap it up, sir.

MR. GAUL: Just to wrap it up, I just want to indicate to you folks that I probably wear as many hats in the village as one could possibly wear, and I would speak to the fact that the village works very well in terms of its ministerial and procedural aspects, and I don't think moratoriums are really the answer at this point.

CHAIRMAN CALONE: Appreciate your time. Thank you for coming.

Next, we have Linda Margolin.

Linda, if you'll come up here to the microphone, you have three minutes, and just spell your last name for the -- for the record, please.

(WHEREUPON, Ms. Linda Margolin approached the podium and addressed the

Planning Commission.)

(Time noted: 1:09 p.m.)

MS. MARGOLIN: Thank you,
Mr. Chairman. My name is Linda
Margolin, M-A-R-G-O-L-I-N. I'm an
attorney. I represent the owners of two
residential cluster subdivisions in Port
Jefferson Village. One is a 43-unit
development for residents over 55, that
has received final approval from the
planning board; and one is a six-unit
project that is supported for a vote
granting preliminary approval.

My clients have a very real
interest in the proposed moratorium,
both as it may affect their projects
which were first submitted to the
village some five years ago, but also
how it affects the village itself in the
village's economic health.

I am here today to ask you to issue
a recommendation against the adoption of
this village-wide moratorium.

Because of my clients interests, I

1 have carefully followed the actions of
2 the village in putting forth this
3 moratorium. The village is many months
4 behind in producing and approving
5 minutes of its meetings, but following
6 its actions require that you actually
7 have someone attend and review every
8 board meeting, the notices, and the
9 agendas.
10

11 On the basis of information that
12 has been reported to me by reliable
13 persons who have attended every public
14 board meeting, I want you to understand
15 that the Village Board of Trustees did
16 not adopt, as part of the local law --
17 proposed local law, any of the materials
18 that the clerk sent to this commission
19 as supplemental materials under her
20 letter of January 13th. Those materials
21 were only discussed as a mailer to go
22 out to village residents. They don't
23 form any part of the proposed local law,
24 which is the moratorium.

25 It is our position that they ought

to be completely disregarded by this commission in terms of findings by the village board, because there are not any such findings at this time.

Let me turn now to the findings.

CHAIRMAN CALONE: I'll just ask that you wrap up.

MS. MARGOLIN: Okay.

This law is the vaguest of the vague. It stated that land use regulations will permit a certain use in development properties -- un- -- development of properties, completely unspecified, which may not be in the best interest of the village.

And then with respect to hardship and exemptions, there are absolutely no standards. You are supposed to get what you need approved in order to get a hardship ruling, and you are supposed to get what is consistent with a particular proposed use of development, consistent with the goals and intention of the board of trustees.

1 This law gives no hint as to what
2 that is. It has no effective message to
3 particular exemptions, that is not
4 completely subject to the rules of the
5 trustees. We urge you to vote against
6 approving this moratorium.
7

8 Thank you.

9 CHAIRMAN CALONE: Thank you, ma'am.
10 Appreciate your time.

11 Next, we have John LaValle.

12 (WHEREUPON, Mr. John LaValle
13 approached the podium and addressed the
14 Planning Commission.)

15 (Time noted: 1:11 p.m.)

16 CHAIRMAN CALONE: Welcome,
17 Supervisor.

18 MR. LAVALLE: Former.

19 CHAIRMAN CALONE: We still call him
20 Supervisor and --

21 COMMISSIONER HORTON: And I always
22 say --

23 MR. LAVALLE: Thank you,
24 Mr. Chairman, Members and Staff Members
25 of the Commission. My name is John J.

LaValle, L-A, capital V, A-L-L-E, with
law offices in Port Jefferson Station.

I represent Sunset View Village,
which is a mixed use next generational
workforce housing project in Upper
Port Jefferson. I'm a former resident
of Port Jefferson, and, hopefully, my
offices will return to Port Jefferson
sometime in the near future.

I am speaking in opposition to this
moratorium. As you well know,
moratoriums are the -- the last resort
that municipalities should pursue. And
in this instance, this particular
proposal is far too broad and far too
long in its duration.

The village is three square miles
with an existing master plan that's been
updated several times, and never
implemented. The reality is one year to
update something that already exists is
far too long. Far too long.

Besides the marine waterfront
district, there is absolutely no

environmental basis for this moratorium. Everyone agrees that 95 percent of this village is already built out, and it's on sewers.

What these proposals, that some people fret, aim to do is redevelop exactly what this commission, the Long Island Regional Planning Board, virtually every municipality and very planning entity has said we need to do on Long Island. This should be a process of the carrot and the stick, not just the stick.

I'm concerned that this county's recent expansion of the Suffolk County Sewer District, District Number 1, approximately 300,000 gallons, if this moratorium is instituted, it will be gone. There will be no redevelopment, there will be no next generation housing in Upper Port, because, quite frankly, there won't be the capacity to do it.

The current code in the Village of Port Jefferson mandates, for the project

that they're concerned about, conditional use permits, variances. The village has every opportunity to control height, density, architecture, setbacks, public benefits. They should deny that which doesn't fit.

The existing master plan to be looked at -- and the reality is, as I'll wrap up, as my time has come to an end.

You know, it comes to a question: At what point in time -- when we talk about workforce housing and quality of life and the future of Long Island, at what point in time will government stand with progress and not in its way?

I urge you to vote in opposition to this moratorium, and I thank you for your time.

CHAIRMAN CALONE: Thank you, Former Supervisor. Appreciate you coming down.

Michelle Spronck is next.

Hi, Michelle. Just come up to the podium and spell your last name for the record, please.

(WHEREUPON, Ms. Michelle Spronck approached the podium and addressed the Planning Commission.)

(Time noted: 1:14 p.m.)

MS. SPRONCK: Hi, my name's Michelle Spronck, S-P-R-O-N-C-K. I currently work for Wells Fargo Home Mortgage. I've been in the real estate industry in Port Jefferson for the past eight years. I oppose the current moratorium, I believe stopping any construction will just contradict materials that our economy so desperately needs.

Thank you.

CHAIRMAN CALONE: Appreciate your -- appreciate your thoughts.

Next, we have Jim Tsunis.

(WHEREUPON, Mr. Jim Tsunis approached the podium and addressed the Planning Commission.)

(Time noted: 1:15 p.m.)

CHAIRMAN CALONE: Sir, you know how this works. If you'd just spell your

last name for the record.

MR. TSUNIS: Jim Tsunis,
T-S-U-N-I-S.

My name is Jim Tsunis. I've lived
in Port Jefferson for over 50 years.
I'm also the managing member of Liberty
Meadows.

Liberty Meadows, which has the
final approval for 43 condominiums,
which when built, will preserve about
50 percent of the property.

Last year, I served as a member of
the Terryville Hamlet Study. I worked
hand in hand with Dr. Koppelman.
Recently, I met face-to-face with
Dr. Koppelman, and as he put it, the
village is 95 percent built out and
doesn't need a moratorium to develop a
master plan.

There was a moratorium put in
effect on all the nonresidential zones
with many exemptions for the Terryville
Hamlet Study. The study focused on the
identity of the Main Street and vacant

parcels of land, some with acreage over 100 acres.

The proposed moratorium from the Village of Port Jefferson is unwarranted, and was carelessly put together with absolutely no input from the Port Jefferson Planning Board. As a matter of fact, the planning board, as you know, read a letter against the moratorium at Monday night's hearing.

The village is 95 percent built out, and there is only one vacant parcel of land over seven acres, and it's owned by Maryhaven.

As you can see, there is very little to study in the Village of Port Jefferson. This moratorium was sponsored by two recently elected trustees, without any referrals, as I said, from the planning and ZBA.

I was at the meeting Monday night, and it was the residents, and a lot of them, not the developers, that spoke loud and clear that they didn't want the

moratorium, and the planning board has also said they want no moratorium.

I ask this board today to vote against the moratorium.

I have one letter from the ZBA Chairman, Lee Rosner, 2 Dock Court. He's been a resident for over 50 years in the village.

He says, "I have deep reservations concerning the necessity of the proposed moratorium for the following reasons:

"The village is 95 percent built out. A comprehensive master plan can be developed and implemented without a moratorium.

"The moratorium law, as written, is ambiguous at best and is far too broad in scope.

"I have reason to believe that the moratorium proposal is being pushed by the majority of the trustees for personal and political reasons.

"Our current zoning codes are comprehensive and well-captured. We

have competent planning and zoning boards, as well as the professional staff building department, to adequately ensure the village is not overrun with lambent and hazardous development projects.

"This moratorium law, in its present form, would prohibit renovations to any existing commercial space throughout the village. Due to the current economic crisis, this moratorium would have a devastating negative economic impact on our community."

Thank you. Sorry I went over time.

CHAIRMAN CALONE: Thank you --

MR. TSUNIS: Bye-bye.

CHAIRMAN CALONE: -- for coming down. Appreciate it.

Next, we have Alexia Zamek, who I understand, is yielding her time to Scott Zamek?

MS. ZAMEK: Yes.

CHAIRMAN CALONE: Are you sure you want to do that?

MS. ZAMEK: Yes. Is that okay?

(WHEREUPON, Mr. Scott Zamek
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:18 p.m.)

MR. ZAMEK: Does she have to step
up?

CHAIRMAN CALONE: No, no.

MR. ZAMEK: Okay.

Good afternoon. My name is Scott
Zamek, Z-A-M-E-K. I am, basically, a
life-long resident of the Village of
Port Jefferson. I'm also an attorney.

You've heard a number of people
speaking, I don't want to be redundant
on those things.

I am opposed to the proposed
moratorium as drafted. It's poorly or
anarchically drafted, at best. It's far
too encompassing. It doesn't provide
for necessary exemptions within the
commercial area. There are many
vacancies downtown in Port Jefferson,
and there are a number of restaurants

and freestanding buildings that are looking for tenants, looking for buyers. Obviously, if this moratorium is enacted, it will place a chill on turning those properties over, and, in fact, turning over any other commercial tendency space in the village.

You know, there is proceeding set forth for a hardship exemption. As explained, there is no criteria for it. It's also akin to the various proceedings before the ZBA, which is obviously going to now present a time problem, a money problem, and a complication problem for anyone that's looking to get into a new space.

I believe it will -- it will do nothing but render the vacant spaces -- continued vacancies under the liable it will result in newer -- newer vacancies coming up, not being able to be turned over.

I would like to read a letter into the record from Michael Schwarting. He

is an architect, an urban designer. He has a business, and he's a resident of Port Jefferson, he couldn't be here today.

"I very strongly believe in comprehensive plans. I and my students have been involved with several of the Hamlet Studies conducted by Dr. Koppelman for the Town of Brookhaven. The village has had four plans since 1965 and a 2010 report in 2002. There is no doubt that there should be an update of this work. I have met with Dr. Koppelman to discuss this and he has always said that it has always been Suffolk County's position, that during a master plan process, a moratorium is necessary if there is the possibility that development might occur that is related to the issues being studied. He also told me and wrote to the mayor and trustees that all projects that are in the planning process should be exempt from the moratorium.

"It seems to me that very few of the 24 factors on the Port Jefferson Web site could be addressed in a comprehensive plan and that many have been started and could be completed on their own."

I believe the board has received a copy of the 24-point writing that the village has put out as backup for -- of a moratorium. Mr. Schwarting then responds to each and every one of those, and I will repeat those now.

Comment Number 1. "Yes, let's update the master plan, but it would be wise to update these by a careful and deliberate process, not under the time constraints of a moratorium.

"2. The committee that I was on for the marine waterfront zoning has completed the study and this could be resolved independently and quickly.

"3. The Lawrence Aviation plume is already in the hands of the EPA and they are working on a 30-year plan.

"4 and 6. The Heritage Inn, Island Boat, Beach Street, High Street cluster, Liberty cluster, Texaco Avenue, are all in the planning process and would be exempt from a moratorium according to Dr. Koppelman.

"5, 7 and 8. The steep slope code has been studied since the 1987 Master Plan and could be enacted very quickly on its own. Open space studies are important but not an emergency. Historic building and/or district studies are important but should be a study on its own with the proper expertise.

"9. The RFP for an eight-month study of Upper Port could also be achieved on its own.

"10. There is an infrastructure study ready to be enacted and could be expanded if necessary.

"11, 16, 17, 18. Code revisions, zoning map changes, planning/building procedures, staffing, space needs,

update fee schedules, could be done by the zoning board, planning board, a village planner and the building department. Some could be part of a comprehensive plan but none are an emergency.

"12, 13, 14, 15" --

CHAIRMAN CALONE: Sir, I'm going to ask you to wrap this up.

MR. ZAMEK: -- "19, 21, 22, 23.

Considering ratables and assessments, inspect and assess apartments, shared services impact and cost analysis, assess LIPA re-powering, homeland security issues, lawsuits, district attorney and special council are not master plan issues.

"20. Sidewalks and parking are appropriate comprehensive plan items but are not emergencies.

"24. Workforce housing issues should be studied by a village planner.

"I believe that my comments to the above 24 points demonstrate that there

is no emergency and that a comprehensive plan is a good idea that can proceed without a moratorium.

"I do not believe that a good and thorough master plan could be achieved and adopted in 12 months."

CHAIRMAN CALONE: Thank you, Mr. Zemek.

MR. ZEMEK: Thank you very much. I appreciate your time.

CHAIRMAN CALONE: Appreciate it.

Next, we have Nick Poulos.

(WHEREUPON, Mr. Nick Poulos approached the podium and addressed the Planning Commission.)

(Time noted: 1:23 p.m.)

MR. POULOS: My name is Nick Poulos, last name P-O-U-L-O-S. I have lived in and around Port Jefferson most of my life, my family still has property just over the western border in Poquott. I do want to echo some of the sentiments you've heard already.

I'm against of the moratorium

1 because of the broad scope of the
2 moratorium. This moratorium is not
3 directed at new -- at new buildings, it
4 doesn't seem to have a specific target.
5 I have dealt with moratoriums before as
6 a developer. I've never seen one like
7 this where it can affect existing uses
8 which have already been entertained by
9 current zoning and building codes.
10 Changing those uses now is obviously an
11 abuse of any -- very basic landowner
12 rights.
13

14 I also have concerns about the
15 exemption clause, there is an exemption
16 clause in here. Besides the fact that
17 there are no parameters for what
18 determines exactly what would cause you
19 a problem, there's also no time frame in
20 it.

21 I have dealt with an exemption, in
22 fact, under Supervisor LaValle, and in
23 that exemption clause, the town had
24 30 days to give the exemptions. The way
25 this is worded, this could literally go

on forever, absolutely killing any viability in some of these projects.

I'm also concerned with the timing of the moratorium. After years and years of rare considered building, where they did not request a moratorium, now they're building -- and as dead as it's been, and who can remember how long, they want a moratorium. It seems to me that's definitely in closing the barn doors long after the horse has left the barn and is now galloping down the street, in fact.

Also, because of the fact that there's really not much building going on, it's hard for me to imagine that the village doesn't have the resources to reevaluate the 5 percent of properties that's not improved, while they continue with other processes that have been going on for years.

I also have had some dealings in Port Jefferson, and one of the deals that I was in on, we were in planning

for over two years. Therefore, making a one-year moratorium, it seems, absolutely irrelevant, to me. And clearly shows that there are other avenues that the village has to slow down the process if they need to.

And I want to say lastly, to bring this into some very real sense, that last week, I was forced to withdraw in negotiations to buy a commercial building in Port Jefferson. One that's been there for at least 60 or 70 years. The business that was leasing that property is now out of business, the owner wishes to sell. The building needs some work and I had an interest in it, and I, in fact, had come very close to terms with its owner.

It is the language of this moratorium that made me withdraw from those negotiations, there would be no way for me to proceed with this. So even the proposal of such a moratorium has already had a very negative

financial impact on the village.

I thank you for your time.

CHAIRMAN CALONE: Thank you for
your time, sir. Appreciate your coming
down.

Next, we have Tim Shea.

AUDIENCE MEMBER: He left.

CHAIRMAN CALONE: He left. Well,
that makes it shorter for us.

Mr. Voorhis.

(WHEREUPON, Mr. Chick Voorhis
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:26 p.m.)

CHAIRMAN CALONE: Thank you for
coming, sir. Spell your name, and you
have three minutes.

MR. VOORHIS: Very well.

Good afternoon, my name is Chick
Voorhis. The last name is spelled V as
in Victor, O-O-R-H-I-S. And I moved to
the Village of Port Jefferson in 1981
and have been a resident of the area
since. I'm here as a concerned member

of the community, and I've also been a professional environmental planner on Long Island for 30 years.

I'd like to address you regarding the proposed moratorium in Port Jefferson, and indicate that a moratorium, especially if it is village-wide, is the wrong action at the wrong time for the wrong reasons. I don't believe that a moratorium is justified or necessary.

A number of reasons why this action is inappropriate have been offered this afternoon, and I'd like to stress that a moratorium should be the last resort as it takes away the rights of property owners. I don't see the reason in place to support a moratorium, and I ask that the County Planning Commission please recommend that this proposed moratorium be denied.

A number of factors have been offered by the village in support of the new moratorium. And these are posted on

our village trustees' Web site, and are in general circulation, and have been responded to this afternoon. But most of these factors, if not all of them, don't require a moratorium to address them.

The perception that the village will be subject to rapid, unplanned development is not true. There are a handful of pending projects, but they mostly involve redevelopment of existing sites. And these are important projects that could help to revitalize parts of Port Jefferson, including Upper Port.

Many issues have been identified on a site-specific basis, and in these cases, particularly with regard to traffic and drainage, issues can be addressed site specifically. You don't need a village-wide moratorium or even -- cover that in a village-wide plan.

The village has a number of administrative issues that have been

identified by clients of mine, residents and -- and property owners in the village, and these need to be addressed regardless of a moratorium.

The village currently has a professional planner, but it's not actively fulfilling your job duties, in the village that -- of dedicated zoning and planning boards that are experienced in addressing projects you use. They should be permitted to perform their duties.

There are also a number of studies and plans, as well as -- as RFPs, you've heard about many of them this afternoon, that would assist and address any perceived issues.

In closing, I have five summary points:

Number 1, that the focus of the village moratorium is not clear to me at this time.

2. There does not appear to be an emergency that would justify a

moratorium.

3. There is no realistic timetable or task list to ensure that a moratorium will be followed up with sound planning solutions.

4. The current economic conditions create a situation where a moratorium would stifle beneficial redevelopment and needed investment at the village at the wrong time.

5. And lastly, the use of a moratorium does not appear to be reasonable and necessary, and will deprive property owners of their rights.

If you apply sound planning principles, I believe you'll find that a moratorium is not warranted in this instance. A master plan can be completed and initiatives underway can be implemented without a moratorium. I feel the current planning and zoning review should be permitted to continue, and we should not stifle redevelopment at this critical time.

Thank you for your time.

CHAIRMAN CALONE: Appreciate your time, sir.

Next, Kevin Reilly.

(WHEREUPON, Mr. Kevin Reilly approached the podium and addressed the Planning Commission.)

(Time noted: 1:30 p.m.)

CHAIRMAN CALONE: Sir, you have three minutes. Spell your last name.

MR. REILLY: Good afternoon. Last name is spelled R-E-I-L-L-Y.

Now, I sincerely believe that the moratorium is unnecessary, and I partly join all those people who have spoken in opposition to it. What I want to point out is a particular result -- a particular onerous result that I believe will occur if the moratorium is enacted.

Our commercial zone, both the downtown and the uptown, are virtually filled with what I refer to as storefronts. These are vast majority owned by single and -- I'm sorry, the

vast majority are occupied by single ground floor commercial use, many of them are owned by our residents. For those people, these buildings represent probably the most significant investment and greatest source of income that they have. Unlike a shopping center or a mall, the people are reduced to relying on not only the income, but on, hey, being able to make those properties available for use.

Now, as proposed, the moratorium could cripple the continued viability of our commercial zones. That's because our -- that's because our zoning code requires that occupants obtain site plan approval for any change in use. Any change in use in a building, even a change of use from one permitted use to another. As drafted, the moratorium would prevent the planning board from entertaining applications for such a change in use.

Now, in addition, it would also

prevent the planning board from considering applications for conditional uses. Uses that are generally allowed in the district, but subject to reasonable conditions that the planning board may choose to impose.

Now, for example, in our C-1, our downtown district, we have six permitted uses and 11 conditional uses. So right off the bat, this moratorium is eliminating 11 uses that people who want to move into the -- to the village, either to buy or to rent, could choose from.

Now, the potential damage to that, I think, is enormous.

Also, we have to face the fact that the zoning code also requires planning board approval just for a simple change in use, like I indicated. But look at the consequence of that. If we're no longer able to go and apply for a change in use, effectively, we're limiting a new tenant to the same use that failed

at that location in the first place. It seems completely inconsistent with what appropriate development would fit.

CHAIRMAN CALONE: Mr. Reilly, I'll just ask you to wrap up.

MR. REILLY: Okay.

We used to be a thriving village. Now we look like a village that's going out of business. I did some counting this morning, I figure there's approximately 20 vacancies -- 20 vacancies in the downtown area, and about 11 vacancies in the uptown area. These vacancies, I think, are an epidemic, and -- that breed more lack of interest in this area.

I respectfully request that you deny or disapprove the moratorium in general. But if you're not so inclined, at least please insist that provisions be made to protect the individual owners of properties from not being able to apply for a change of use or for a conditional use for those --

CHAIRMAN CALONE: Thank you for
your time, appreciate it. Appreciate
your coming down.

Doug Norton.

(WHEREUPON, Mr. Douglas Norton
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:33 p.m.)

MR. NORTON: My name is Douglas
Norton, N-O-R-T-O-N. Thank you for your
time.

CHAIRMAN CALONE: Thank you. You
have three minutes.

MR. NORTON: I've been a past
president of the Chamber of Commerce,
I've also -- I'm the founding president
of the business improvement district.

I also own and operate property in
the village, small properties. And it's
good that I'm following Mr. Reilly,
because the way this moratorium is
written right now, if -- if one of those
tenants, my smaller retail tenants, were
to go out tomorrow or next month, I

could not move an application forward for a site plan change on a -- on a small retail store, whatsoever. It would be stopped for at least a year, if not two years. That would have a significant impact on not only me but the whole commercial district.

We have 280 members in the Chamber of Commerce. I've lived in the village since 1978. We care about what happens in the village, it's extremely important, it is our -- that's the place where we live, we raised our families. These are very important decisions that -- that you are being asked to make.

The trustees, a few of them, have decided in -- in -- and maybe for some of the right reasons, that -- that this should -- that a moratorium is necessary. I've sat on every one of these since 1978. Every planning study, and I can tell you they're not necessary.

What needs to be done in the
village --

CHAIRMAN CALONE: (Indicating)

MR. NORTON: Okay. Thank you.

What needs to be done in the
village can be done without a
moratorium. And I would suggest very
strongly that you oppose this
moratorium, and thank you very much for
your time.

CHAIRMAN CALONE: Thank you,
Mr. Norton. Appreciate your coming
down.

Next, Alan Wunderlich.

(WHEREUPON, Mr. Alan Wunderlich
approached the podium and addressed the
Planning Commission.)

(Time noted: 1:35 p.m.)

CHAIRMAN CALONE: Sir, if you'd
spell your name for the record, and you
have three minutes.

MR. WUNDERLICH: Alan Wunderlich,
A-L-A-N, W-U-N-D-E-R-L-I-C-H.

I'm a long-time resident of Port

1 Suffolk County Planning Commission 110

2 Jefferson, my family moved here in 1953,
3 and I want to speak against the
4 moratorium. It's completely
5 unnecessary. I believe it's overkill.
6 I believe a lot of this is personally
7 motivated.

8 I'm involved with the Liberty
9 Meadows project, and I think that
10 partially the moratorium is designed to
11 try to stop projects which are -- have
12 been in the process for many years in
13 Port Jefferson.

14 And I thank you for listening.
15 Thank you.

16 CHAIRMAN CALONE: Thank you for
17 your time, sir.

18 We have Michelle Lennon.

19 (WHEREUPON, Ms. Michelle Lennon
20 approached the podium and addressed the
21 Planning Commission.)

22 (Time noted: 1:36 p.m.)

23 CHAIRMAN CALONE: Welcome, ma'am,
24 and you have three minutes.

25 MS. LENNON: Thank you.

CHAIRMAN CALONE: Please spell your last name.

MS. LENNON: My last name is L-E-N-N-O-N.

My name is Michelle Lennon, I've been a resident of Port Jefferson for 23 years.

First, I just wanted to say, Carmine DellAquila just stated to this Committee that the moratorium was vetted with residents. Yet I was at Monday night's meeting, and the only hearing that was ever held, and the trustees -- excuse me, they refused to answer any questions posed by many residents; over 250 showed up to get information.

From what I can see, the planning board has done an excellent job, and we have a beautiful village to show for it.

I don't know what precipitated this moratorium. Whether we need time -- time to meet all the economic stimulus we can get -- I see no overgrowth in the village. I oppose this moratorium, and

so do many of the neighbors that cannot
be here today.

Thank you for letting me speak.

CHAIRMAN CALONE: Thank you for
your time, ma'am.

I don't have any further cards,
without any further indication of public
comments, I'll close the public portion
of our session. Just for those in the
audience, just so you're aware, we have
a few things on our agenda which we will
be dealing with for a few minutes, and
we'll be getting to the Port Jefferson
project shortly.

First on the agenda is the election
of officers. The Nominating Committee
has made a recommendation for officers
for this year.

Barbara, would you repeat that just
for the record.

COMMISSIONER ROBERTS: For the
record, we are renominating David Calone
for our chair, Adrienne Esposito for
secretary, and for our unfilled spot of

1 Suffolk County Planning Commission 113
2 vice chair, Constantine -- I can't
3 pronounce your last name.
4 COMMISSIONER KONTOKOSTA:
5 Kontokosta.
6 COMMISSIONER ROBERTS: Kontokosta.
7 Kontokosta. I had a senior moment
8 there.
9 CHAIRMAN CALONE: Thank you,
10 Barbara.
11 Anything else with regard to
12 nominations?
13 COMMISSIONER HOLMES: Can the
14 attorney advise us as to whether the
15 sitting chair can conduct this election?
16 CHAIRMAN CALONE: Ms. Spahr.
17 MS. SPAHR: He absolutely may.
18 CHAIRMAN CALONE: Then I absolutely
19 will.
20 I'll open the floor for any other
21 nominations for officers; either the
22 chair, vice chair, or secretary.
23 (WHEREUPON, there was no response.)
24 CHAIRMAN CALONE: There being none,
25 I'll move to close the Board's

1 nominations. And the way I understand
2 this works, since there are no other
3 nominations, the secretary is to cast
4 one vote for each of the three officers.
5

6 I'd ask you to do that at this
7 time.

8 SECRETARY ESPOSITO: I vote yes on
9 the chair, yes on vice chair, and yes on
10 secretary.

11 CHAIRMAN CALONE: Well done, and
12 thank you.

13 COMMISSIONER HOLMES: And I'll
14 second it.

15 CHAIRMAN CALONE: Okay. I think --
16 I think actually that's --

17 COMMISSIONER BRAUN: That's not --

18 CHAIRMAN CALONE: -- not necessary,
19 but I appreciate --

20 COMMISSIONER HOLMES: You directed
21 the secretary to --

22 CHAIRMAN CALONE: Yes. The
23 secretary has been directed and she has
24 fulfilled her duties.

25 We'll move on to the next item on

1 Suffolk County Planning Commission 115

2 the agenda, which is the Rules of
3 Proceedings.

4 We've been through these last
5 month. I don't believe there's --
6 there's one item that's has been
7 suggested, and that is at the request of
8 Commissioner Roberts, that we reduce the
9 percentage for East End projects from
10 50 percent to 33 percent. My
11 understanding is that there's some
12 consensus along with that with regard to
13 our members of the East End.

14 I personally don't have an
15 objection to that, with one caveat, that
16 if it turns out we're getting a lot of
17 applications from the East End, we're
18 going to -- we have the ability to
19 reopen our rules and to vote to raise
20 that -- raise that bar again.

21 COMMISSIONER ROBERTS: That's
22 totally --

23 CHAIRMAN CALONE: So --

24 COMMISSIONER ROBERTS: That's
25 totally our feeling, too. Let's try a

third, and then if it's too low, we'll
revisit that.

CHAIRMAN CALONE: Is there any
objection from a staff perspective, Tom?

DIRECTOR ISLES: No. Under that
premise, that's great.

CHAIRMAN CALONE: Okay.

So without objection, we'll make
that change to the rules -- or at least
I should say the proposed rules. And as
the proposed rules are circulated, and
you have them now --

COMMISSIONER HOLMES: Um --

CHAIRMAN CALONE: Yes.

COMMISSIONER HOLMES: There was one
other item that you were going to expand
upon, the -- our recommendation that the
chair give commissioners an opportunity
to say why if they choose to abstain on
a vote.

CHAIRMAN CALONE: Right. That is
currently I believe in number --

COMMISSIONER ROBERTS: It's there.

CHAIRMAN CALONE: Yeah, it's

1 Suffolk County Planning Commission 117

2 number -- number 9. It now reads, If a
3 commission member chooses to abstain on
4 a recorded vote, the chair will allow
5 the abstaining commission member to give
6 the reason for their abstention if they
7 wish to do so.

8 Is that appropriate?

9 COMMISSIONER HOLMES: Yes, that's
10 fine.

11 CHAIRMAN CALONE: Okay.

12 Any other additions or changes to
13 the rules -- the proposed rules?

14 COMMISSIONER ROBERTS: We changed
15 everything to chair and not chairman.

16 CHAIRMAN CALONE: Yes, it is now --
17 now gender neutral, and it's true for
18 vice chair as well.

19 Any --

20 COMMISSIONER McADAM: (Indicating)

21 CHAIRMAN CALONE: Mr. McAdam.

22 COMMISSIONER McADAM: Yeah. I
23 don't have a change in the rules, but is
24 it legal to change the rules in midyear?
25 Is that the same as -- not too long

1 Suffolk County Planning Commission 118

2 ago -- and we might have changed the
3 rules, you know, can we do it --

4 CHAIRMAN CALONE: Yes, my instinct
5 is we can, but I'll just refer to --

6 MS. SPAHR: (Head gesture)

7 COMMISSIONER HOLMES: She nodded.

8 CHAIRMAN CALONE: Yes.

9 COMMISSIONER HOLMES: She nodded.

10 CHAIRMAN CALONE: For the record,
11 counsel has nodded and we are able to
12 change the rules as -- as we need to
13 during the course of the year.

14 COMMISSIONER BRAUN: I move the
15 rules as --

16 CHAIRMAN CALONE: Mr. Braun moves
17 the rules.

18 All -- second?

19 COMMISSIONER BOLTON: (Indicating)

20 CHAIRMAN CALONE: Seconded by
21 Commissioner Bolton.

22 All in favor of adopting the 2009
23 rules, please raise your hands.

24 (WHEREUPON, the members voted.)

25 CHAIRMAN CALONE: All those

opposed?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: Abstentions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: And that passes
unanimously.

Next, we have our calendar of
meetings, you can see that in front of
you.

It is our goal to have four
meetings on the East End, and the idea
is at least two of those -- or two of
those would be in Riverhead, but that
two of those will be elsewhere in the --
on the East End. And we're going to
need to work on exactly where, but I do
think it's important that we -- you
know, we show our faces around the
county.

The one caveat, I would say,
there's a possibility we may need to do
the May meeting back in Hauppauge.
We'll need to figure that out in the
next few weeks, but I'll ask you just

1 Suffolk County Planning Commission 120

2 to, unless there's some objection, adopt
3 the schedule of the meetings. It is
4 our -- as -- as our practice, it's
5 always the second -- excuse me, the
6 first Wednesday --

7 COMMISSIONER HOLMES: May I --

8 CHAIRMAN CALONE: Yes.

9 COMMISSIONER HOLMES: Does the
10 director of planning have any indication
11 of a time frame for when the Riverhead
12 County Center renovations are going to
13 be? Because we need to go back --

14 DIRECTOR ISLES: No. No, I don't.

15 COMMISSIONER HOLMES: I will be
16 patient.

17 CHAIRMAN CALONE: Okay. So without
18 objection, we'll consider the Calendar
19 of Meetings adopted.

20 The next item is the annual
21 training, which Director Isles is going
22 to be running us through.

23 DIRECTOR ISLES: Okay. The
24 Planning Commission is -- the department
25 will receive training. We've

historically done it in the spring of each year. I do realize that this is in addition to the annual training seminar, which the commission has put on with the general public; however, we do -- we do want to offer that and suggest that in the month of April, we host a training session in the county planning offices, or perhaps here, to go over items on the Planning Commission in terms of the procedure, state law, questions of policy and so forth.

So if the commission would like, the department can schedule that. We were thinking of a two-hour time slot at the April meeting, just here in Hauppauge. We would start at 9:30, end at 11:30, have a little break, and then start the meeting at 12 o'clock. So we offer that. And, here again, we have put together a program that is available to the commission. It helps to satisfy your training requirements under state law, as well as, here again, advancing

1 Suffolk County Planning Commission 122

2 minor concerns with the commission,
3 procedure, policy, and planning
4 practices.

5 COMMISSIONER ROBERTS: And it's
6 April Fool's Day.

7 DIRECTOR ISLES: Well, it's not on
8 purpose.

9 CHAIRMAN CALONE: Thank you,
10 Director Isles.

11 Okay. So that's -- that's
12 something that we'll be working on
13 coordinating the timing of.

14 I think that's the end of the
15 organizational items. Next up is the
16 chairman's report, and I want to just
17 thank all of you for a vote of
18 confidence, and I look forward to
19 working with Constantine and Adrienne
20 and all of you this year.

21 I had a chance to sit down with all
22 of you over this last month, and -- at
23 the Starbucks in downtown Huntington to
24 the Starbucks in downtown Greenport,
25 and -- and many Starbucks in between,

and -- and enjoyed our conversations.

And the temperance is that we, as a commission, should maintain our focus on bigger picture planning actions, like master planning, and on land use issues with broader county-wide impacts like energy efficiency, affordable housing, public safety, and universal design.

And I must tell you that the meetings that I've had in the last month or so from this (inaudible), I think, very positive about the role this commission is starting to play in the county, in terms of reducing the administrative burden on the towns and villages, as well as in terms of providing leadership on issues with county-wide impact.

Dan and I were at the Suffolk County Village Officials Association a few weeks ago, and they seem very interested in our efforts. Josh was there, and I don't know if there was any feedback from that, but --

COMMISSIONER HORTON: Very positive feedback. It was received very well.

DEPUTY DIRECTOR GULIZIO: I think the beverages that were served during the course of the evening might have had something to do with the positive outlook --

(Laughter)

CHAIRMAN CALONE: I agree with that.

Anyway, the good news was, for whatever reason, the Village Officials Association did seem to -- the village officials were certainly very interested in our efforts.

I also met with Supervisor Cardinale from Riverhead. He invited me to speak at the -- about the commission's efforts at the April meeting of the East End Supervisors and Mayors Association, and I'm going to ask him to invite all of our East End representatives to join me there so you have a chance to -- to meet all the

supervisors and mayors.

From the conversations so far, it's clear that there's a desire among many municipal officials in this county to make their towns and villages safer, more energy-efficient, and with a housing mix that's more affordable.

There's a general recognition that nothing that we can -- well, there's nothing that we can do apart that can have so much impact as what we can do together. And that's -- that doesn't mean that one size fits all, but rather that we have a common set of major goals, and a common starting point to accomplish this.

Quite frankly, every jurisdiction in the county needs to be a part of the solution for our county-wide issues. Because any development project that does not further these goals, increases the burden in other parts of the county. And at the end of the day, no matter what town or village we all come from,

there is far more that unites us as one county than divides us as different jurisdictions.

On Long Island, there's no doubt that we have a single future. Where we can play a role as a commission and as the only planning body that touches the whole thing. Is to, one, identify county-wide priorities, as we've done in the commission guidebook, which was formally released today; and, two, to provide the towns and villages the tools they need to help address those priorities. We can do this in three ways: One, model codes; two, being a clearinghouse for good ideas; and three, provide the training.

With regard to model codes, our next step is to establish model code working groups on energy issues, public safety, affordable housing, and universal design. These working groups can, using our new guidebook as a starting point, identify best practices,

determine what's possible, and produce codes that municipalities can use to advance these county-wide issues.

Each member from this commission will be asked to serve on the working groups, who will also include village and town officials. And this is truly a collaborative effort in this collaborative study. We've already received interest from town supervisors, mayors, town council people, and state assembly members who would like to be involved in the effort.

Our affordable housing working group will be headed by Vice Chairman Kontokosta, and will build on the work that he and other members of this commission did in putting together our guidelines. This working group will have the challenge of creating codes that will provide to a variety of housing options throughout our county.

Our energy working groups can focus not only on energy efficiency, but also

on discrete energy generation issues
like solar access, solar panel
standards, and wind generation, things
like green parking spaces and other --
and other aspects of energy.

Every new building in Suffolk
County should be energy-efficient,
period. With the right model code, we
can ensure that every jurisdiction is on
board to making that happen.

Sarah Lansdale has offered to help
lead this effort, and our noted
Secretary Esposito has offered to help
matters as well.

Our public safety working group can
look at design principals in our
guidebook, as well as other public
safety-related best practices. I note
the police department as well as the
district attorney's office are
interested in working with the -- as we
develop these model codes. Our former
assistant district attorney and fellow
Commission Member Bob Braun has offered

to lead that effort.

And our universal design working group will look at simple ways that residences and other buildings can be designed and built to allow people to age in place. As the average age of Suffolk County increases, simple design steps will allow -- will enable us to save tremendous amounts of taxpayer dollars by reducing nursing home and hospital stays, and provide accommodations for our returning injured veterans. The universal design working group will be headed up by Vince Taldone from Riverhead, appreciate his efforts and look forward to his help on that.

And, again, all members of this commission are urged to get involved in any of those working groups, or as many as they wish.

Our second idea was making this commission a clearinghouse for good ideas and best practices. We can start to do that simply by making an

occasional report to the municipal leaders in Suffolk County, sharing the good ideas that are going on around Suffolk County, sharing the good ideas that are going around Nassau County, and around our states and around our country. There are a lot of good ideas out there on economic development, environmental records, et cetera, that typically, villages and towns around the county don't know about. We can help be a clearinghouse for -- for good ideas and best practices.

And, lastly, we need to focus on training. We do have our annual fall training program. We should try to use that fall training session to spotlight municipalities that are doing good works, and allow them to share their ideas with others around the county.

Our other major efforts for this year will be to start a comprehensive plan update. Our job, under the law, is to plan. Not just project by project,

but holistically. Ask not just what an individual parcel plan should look like ten or to 20 years from now, but what should our county look like. If we don't lead on this, no one will.

There has not been a full comprehensive plan update in Suffolk County in 30 years. But we'll be ending that streak this year by starting a comprehensive plan update, under the leadership of Director Isles and the Planning Department staff. This effort will allow all of us to work together as we sketch a vision for Suffolk's future, and provide county-wide goals in terms of these issues.

Given the economic climate, now is the time to set Suffolk's land use priorities to position Suffolk to use competitive force for the decades ahead. We certainly look forward to the leadership of the department as well.

In conclusion, let me just say that through our efforts last year, and

released from our guidebook today, we put ourselves in a position as a commission to fulfill our obligation under the law and provide leadership on the major land use issues in the county, and to provide a vision for the overall county development. I look forward to working with the department and all of you on that.

Let me just wrap up by doing a few -- bringing up, you know, a few other items.

Barbara had mentioned in my meeting with her that we should bring Skip Heaney over from Economic Development and Workforce Housing, and -- to understand what -- what role we should play with respect to economic development. It's a good idea, and we'll try to get that going.

Another idea was to bring over some folks from the health department so we can get their general perspective on the projects that we're looking at.

I want to update you on the vacancies.

Joe Potter's nomination to the East Hampton seat is working its way through the process.

The county executive has selected an individual for the Brookhaven seat, and he'll be introducing that person's name shortly.

And so the only remaining vacancy is the Islip seat, vacated just last week by Don Fiore, and we'll be on the lookout for a union leader from Islip as -- as soon as we know. But the real value of this commission is the fact that we are required by law to have many different backgrounds. And Don was our union representative, and we'll need to fill his seat with another union leader.

We started to get back to intermunicipal agreements. It may not surprise you, but the towns and villages are pretty happy about having us cut down on the administrative work they

1 need to do. And I would just ask the
2 staff, if they could, maybe to just
3 compile a list for the next meeting
4 about which municipalities haven't
5 gotten back to us, so we can maybe start
6 following up on those respective
7 areas -- following up to make sure that
8 those get signed off on.

10 I need your help with our annual
11 reports. We are required by law to
12 issue an annual report to the county
13 executive and the county legislature on
14 the status of the county. Staff is
15 working on that right now, and if any of
16 you are interested in helping on that,
17 we're hoping to get that out in March or
18 April. As you know, our goal is to
19 start using that annual report as a way
20 to identify the progress that's being
21 made across the county in meeting the
22 key priorities that we've identified.
23 If anyone wishes to work with me on --
24 on that, I'd appreciate it.

25 Lastly, I just want to update you

1 Suffolk County Planning Commission 135

2 on some infrastructure prioritizations
3 that Legislator Horsley was talking
4 about a little bit. It's unclear what
5 role this commission is going to play
6 with regard to prioritizing
7 infrastructure projects that will be
8 funded, hopefully, by the federal
9 stimulus package. The Regional Planning
10 Council has stepped forward on this.
11 However, we are the lead county planning
12 agency, and so I think that there should
13 be some role for the commission to play
14 and the department to play to prioritize
15 the projects that are here within the
16 county. So we'll let you know how
17 that -- how that plays out.

18 So that's my report, and unless
19 there's any questions or --

20 COMMISSIONER ROBERTS: David, I do
21 have a question.

22 CHAIRMAN CALONE: Yes, Barbara.

23 COMMISSIONER ROBERTS: What's the
24 plan to release the guidebook, and the
25 press, and whatever; is that in Tom's

report or is that --

CHAIRMAN CALONE: Yes.

Yeah, okay. Breaking news: The press release was -- is actually going out as we speak. And you have the guidebook in front of you, and I believe we started mailing them out as of a day or so ago. Is that correct to --

COMMISSIONER ROBERTS: And who exactly --

CHAIRMAN CALONE: Hold on just one second.

DIRECTOR ISLES: (Inaudible)

CHAIRMAN CALONE: Okay.

COMMISSIONER ROBERTS: Yeah, and who exactly are they being mailed to; just the mayors, heads of planning boards, who will be getting our guidebook?

DIRECTOR ISLES: Yes and yes. So yes, they would go to the mayors and the supervisors. We will also be sending to the chair of the zoning board of appeals, the planning boards, and also

to any planning directors at existing municipalities. We will also send it to the county legislature, the county executive, and any other interested parties. It is available on the County Web site already, as of this week, and -- you know, so hardcopies or electronic copies will be tentatively distributed.

COMMISSIONER ROBERTS: And the press release is -- do we have a copy of the press list that -- who will be receiving that, with the guidebook or the press release?

DIRECTOR ISLES: The guidebook would not. The press release is being released through the county's press office, and then it will --

COMMISSIONER HOLMES: Do we know it's a list of --

DIRECTOR ISLES: I offhand don't know the list, but it's a broad list of county executives (inaudible).

CHAIRMAN CALONE: And we are --

there's a reference in the press release
to its online location --

DIRECTOR ISLES: Right.

CHAIRMAN CALONE: -- in context to
the planning department, so people can
reach out to the -- people who don't
have copies, it is online in a PDF
format.

Unless there's any further
questions or comments, Director Isles.

DIRECTOR ISLES: Thank you,
Mr. Chair.

Okay. A couple of items to report
to the commission.

We had previously mentioned that a
resolution had been introduced by
Legislator Schneiderman, known as
Introductory Resolution 2026. This
would require the Planning Commission to
serve notice of application to
applicants phoning or having control of
those applications. We expressed
concern, Mr. Calone -- Chair Calone and
myself did speak with

Legislator Schneiderman. We're happy --
I'm happy to report that
Mr. Schneiderman has modified the bill,
an amended copy was filed in
mid-January. It was considered by the
Environment Committee last week, and
acted upon. And what the resolution now
calls for are two things primarily.

One is the posting of the tentative
agenda of the commission on the county
Web site, which we have been doing by
authorization and direction of the
commission; and then, secondly, it also
requires notification to the
municipality and to the applicant.

So we will be doing that, here
again, if this is approved by the
legislature, which probably occurred
yesterday.

I will point out that the amended
copy is included in your packet. It's
tagged with the yellow tab.

Let me just take a little side note
on that. We have tried to organize the

1 Suffolk County Planning Commission 140

2 materials for you a little bit better,
3 and I give credit to Andy Freleng and
4 Dotty Sonnichsen for organizing that.
5 We'll continue to work on improving that
6 in terms of the information we present
7 to you.

8 So that's the yellow tab.

9 The next item, we'll go to -- the
10 purple tab is a report -- brief report
11 prepared by Peter Lambert, Principal
12 Planner in County Planning, reporting on
13 building permit activity in both Suffolk
14 and Nassau Counties. And we do serve
15 roles as -- for the Long Island Regional
16 Planning Council; hence, we do go across
17 the border periodically.

18 The information to bring to your
19 attention is residential building
20 permits in the county for 2008 were
21 about 1,600. These records have been
22 kept since 1950. This is the lowest
23 number we've ever had. So in 50 years
24 almost --

25 CHAIRMAN CALONE: And that includes

when we were about 90 percent smaller.

DIRECTOR ISLES: Yeah, exactly.

Such is, obviously, the effect of the global recession on Long Island.

Nassau County did go up, which is kind of interesting. Here again, it may be certain golden age zoning or apartment zoning, we can't explain that, but, here again, we just provide that for your information.

Related to that, I'd just like to point out, County Planning Department's assistance to the Regional Planning Council, here again, with efforts of Peter Lambert and Seth Foreman, on the census challenge that was successfully filed through the two county executives recently, and did result in an adjustment to the numbers of both counties, including another 48,000 or so residents in Suffolk County that were not originally counted in the census estimates.

So that was a successful effort,

and, here again, with the help of the
County Planning Department on that.

The chair mentioned the
intermunicipal agreements. That is
going very well.
Deputy Director Dan Gulizio is
overseeing that. We've received a great
response from the municipalities, we've
had a lot of feedback -- positive
feedback. We've had a number of
resolutions passed by the local levels
to adopt the IMAs. We are following up
as well, and we will report back next
month with an accounting of where we
stand on that.

The next item I'd like to mention,
just two more items, would be, the
Regional Planning Council met yesterday,
and one of the projects we are
participating in on that is what's known
as the LI 2035 project. There are two
events coming up on that. This is --
the purpose of this project is to put
together baseline information that will

serve as a foundation to a Regional Comprehensive Plan Update. It will also do some scenario testing. Meaning, what happens on Long Island if we stay the way we are in terms of our planning and development and conservation policies, what sort of status quo result would that bring. We'll also look at alternatives of hamlet-oriented growth versus sprawl and so forth.

The project is well underway. The next significant event is February 26th, there's meetings of the Municipal and Stakeholders Committee that will be served -- will serve to advise this process.

And then on March 26th, there'll be a larger group meeting, more of a visioning session in terms of looking at some of those scenarios and modals of growth.

Any member of the County Planning Commission is invited to participate. Just contact me and let me know, and I

can make sure your name is on the attendance list, and give you directions, the location and so forth.

The time frame for this is that it would be -- it's expected to be completed in June and folded into the sustainability plan, also underway by the Regional Council. And, here again, we are working with them. And the efforts that we're doing at county planning level, as explained by the chair, in terms of the county comprehensive plan, is being coordinated at the regional level as well.

And the last item is, as I've mentioned on a number of occasions, the county executive has directed the department to work on a request for proposals for the -- certain surplus properties in Yaphank. We are doing that and spending quite a bit of time on that. And the county executive has recently indicated that we are close to, potentially, an announcement on that

project. So that may happen before the next meeting, so just to make the commission aware of that.

I would like to provide a briefing to the commission following the announcement on what that project entails and where we are with that.

And that completes the -- the report today.

Thank you.

CHAIRMAN CALONE: Thank you, Director Isles.

COMMISSIONER ROBERTS: (Indicating)

CHAIRMAN CALONE: Barbara.

COMMISSIONER ROBERTS: Tom, is there any plan to put out some of this information as a press release; particularly, like, the housing numbers and the change in census? I mean, I think that would be of great interest to the public.

DIRECTOR ISLES: Yeah, the census challenge information was released as public information in that form.

Certainly, on the building permit data, we -- we could certainly do that as well.

CHAIRMAN CALONE: That's the new information that Peter put together --

COMMISSIONER ROBERTS: Yeah.

DIRECTOR ISLES: Right.

CHAIRMAN CALONE: That's -- that's fresh stuff.

DIRECTOR ISLES: That's fresh, yes.

CHAIRMAN CALONE: Okay. Are there any other comments or questions for Director Isles?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, we'll move onto our regulatory portion of our agenda. The first item on the agenda is the Port Jefferson Moratorium.

Deputy Director Gulizio, I believe, is presenting that.

DEPUTY DIRECTOR GULIZIO: Good afternoon, Mr. Chair and Members of the Commission.

The first item on the agenda today,

under the regulatory review section,
involves the Village of Port Jefferson,
as you've heard earlier this afternoon.

The Village of Port Jefferson is
approximately three square miles in
area. They maintain a population,
according to the 2000 census, about
7,800 residents. There's about
3,074 households within the village,
including a couple of hospital and two
nursing facilities.

There are approximately 12 zoning
districts included within their existing
zoning code. I believe the staff report
referenced 13. I don't know if I got
the count wrong or if they've added a
district, but I counted 12 according to
the zoning code that we had on file here
within the office.

The item referred from the village,
as stated previously, involves a request
for a moratorium. The discussion
earlier today reminds me of the saying,
there's no such thing as a simple zoning

application on a local level. It also reminds me vividly of one of the reasons why my blood pressure is a lot lower now that I'm at a regional planning office as opposed to a local municipal planning office.

One of the things that I think is important in -- when considering the moratorium, we can agree or disagree on whether or not -- from an ideological standpoint, whether it makes sense or it doesn't make sense, and I think it's understandable to have honest disagreements on these issues, but it's important to get the facts right, I think, first. So in looking at the facts, while it's been discussed as a town-wide moratorium, there are a couple of important caveats to that.

First, principally, the moratorium does not involve properties used for single-family or two-family purposes.

In looking at the variety of zoning districts under the village code --

And, John, could you just show them, maybe, the land use map?

MR. CORRAL: (Complying)

DEPUTY DIRECTOR GULIZIO: That means all the yellow, light brown, tan, and -- and -- colors on the zoning map would be excluded from the moratorium. About 80 percent of the village is zoned for single-family or two-family purposes. So while we're talking about a village-wide moratorium, that does exclude all single-family and two-family properties.

In addition, there are exemptions for demolition permits needed in the interest of public safety, as well as extensions in time for existing building permit applications -- or existing validly-issued building permits.

In looking at a moratorium, it's important also to note that under town law or village law, there's actually no statutory reference for a moratorium. It's implicit under a local municipality

zoning authority, or is considered to be one of the police powers that it can effectuate and implement a moratorium.

Because there is no statutory reference, that does not mean that there are no standards with which to consider a moratorium. Typically, the courts will look at a number of issues in order to determine the reasonableness, appropriateness, or -- or legality associated with a moratorium.

A number of the factors they will look at are, number one, the term of the moratorium or the time frame associated with the moratorium.

In this case, the moratorium is proposed for 12 months or one year. The term alone is not a determining factor, though; however, there are moratoriums that happen to be invalid that have lasted three years duration; there are moratoriums that have lasted or have been proposed for a year in duration that have been determined to be

unreasonable in the view of the court.

Other factors that the court will consider in addition to the terms, is the scope of the moratorium or the number of properties that are caught within the moratorium's neck. And, again, the broader the moratorium, the more difficult it is to defend from a legal standpoint. And as I've just mentioned, the purpose of this moratorium, while it is village-wide, does exclude all existing single-family and two-family properties.

According to the map, which you would then see then in purple, is the professional office zoning district, that's where the hospitals are located.

The light pink, which is along Route 112, it's a little difficult to see, but it connects the downtown central business district, which is the C-1 residential district right there by the water.

The residential office is the pink

area in between that.

And then what was discussed previously is the Upper Port commercial district, or the C-2 commercial district, which is at the bottom of that image on the screen, and is also a shade of red or -- or pink.

Forgive me for my lack of exactness with colors. I'm not color blind, but it's not one of my specialities, as they say.

So in terms of the properties that would be captured by the moratorium, certainly, the C-1 commercial district, which is the downtown, would be captured. The professional office district, which includes the hospitals indicated in purple; the residential office district, which is the area connecting the commercial district; and the Upper Port commercial districts would all be captured by the moratorium.

In addition to the exemptions that are included in the moratorium, the

language, as presented to the staff and submitted to the staff, includes what's called a "hardship provision." And that's one of the other qualifications that courts like to see to provide a relief mechanism or a relief valve for those properties which, due to their nature, would experience an undue hardship in connection with the establishment of a moratorium.

And that goes to the reasonableness of the moratorium, which is really the third factor in consideration of a moratorium.

So we talked about terms; we talked about the scope of the moratorium in terms of the properties that are captured. The other significant factor that the courts are going to look at is the reasonableness to the moratorium. Is this the most effective and most appropriate mechanism with which to deal with the problem the village is experiencing.

There has been no doubt, and I think there is no doubt even based upon the testimony today, that a moratorium properly structured with a proper term, reasonable in nature, is one of the many tools that a municipality can use in order to effectuate its land use control powers. The question comes down to, I guess, a question of judgment in terms of whether or not the scope of this moratorium as proposed is reasonable under the extent of the circumstances.

The initial submission that staff received in connection with the moratorium, in fairness, lacked what we considered to be the necessary elements in order to properly defend a moratorium. There are portions that we consider to be overly vague, overly broad, and potentially ambiguous with respect to how the moratorium would impact the various properties within the district. And we made a recommendation that those items be addressed prior to

staff determining that we had a full statement of facts in connection with the application.

There were two subsequent submissions of information from the village to the staff that ultimately allowed staff to determine, based upon our belief, that there was a sufficient amount of information released to the commission to render a decision in conjunction with the referral application. That included a seven-page question and answer response which you have as part of your packets, along with a set of 24 factors supporting the need for a moratorium to update the master plan in the village.

It was the belief of staff that additional information did constitute a full statement of facts, from our position -- again, recognizing, respectfully, that it's ultimately the determination of the commission as to whether or not those, in fact,

constitute a full statement of facts --
we felt it was sufficient with which to
schedule the application.

I will say that I am somewhat
troubled by some of the testimony that
we heard here today earlier as to
whether or not these seven questions and
answers that were submitted by the
village, through the village clerk's
office, as well as the 24 factors
supporting it were not, in fact,
submitted on behalf of the majority of
the village board. I can't comment on
that, I -- as a planner representing the
county, I don't think it's my position
in particular to determine whether or
not we should, in fact, consider that
information as it's been submitted by
the village, or whether or not it should
be sent back. I would leave that to the
commission to deliberate or, perhaps,
our counsel to commit on.

Assuming that the information is
something that we can consider as part

of our evaluation, we recommended a number of comments with respect to the submission of the moratorium, with the additional information.

Number one, we thought that the village should give strong consideration to the idea of further expanding the scope of exemptions from the moratorium. If -- for instance, if the hospital properties, the professional offices indicated in purple on the zoning map that you see before you, are not subject to some of the concerns and considerations that are currently under discussion with the village, then, perhaps, that is something that should reasonably be exempted from the moratorium. If there are other existing changes in use or minor applications at the municipal level that also would not adversely impact the goals and -- and considerations that are under discussion with the village, that they should also be given strong consideration in -- in

order to expand the potential scope of exemptions that are submitted in conjunction with this request.

In addition, the hardship relief, as it's been detailed right now, indicates that anyone could apply for a hardship, provided it is consistent with the goals and intentions of the board of trustees, and effectuating orderly development in growth within the village. To us, from a planning standpoint, respectfully, that seems somewhat vague. We would strongly recommend that if they were to proceed with the adoption of a moratorium, that they consider the adoption of more specific standards that are included within the staff report presented to you here this evening -- excuse me, today --

CHAIRMAN CALONE: Not yet.

SECRETARY ESPOSITO: Almost.

DEPUTY DIRECTOR GULIZIO: -- in order to provide a more effective and objective and predictable hardship

process, both for applicants, as well as representatives within the village, as well as residents within the village.

I will also point out for the record, from a historical standpoint, this -- the Planning Department has considered eight moratoriums since 2007. All eight of those moratoria have been deemed matters of local determination. They have ranged in scope. Some of those moratoria have been very specific, effecting, say, just wireless communication facilities; others have been more broad in scope, effecting historic districts, such as the one referenced in Terryville, in the Town of Brookhaven, as well as broader moratoria in the Town of Riverhead.

In considering the application, the referral before you here this afternoon, there are four possible alternatives to a recommendation in conjunction with this relief:

One is to recommend approval of the

referral;

The second is to recommend
disapproval of the referral;

A third is to recommend approval of
the referral with conditions or
qualifications.

And I point out for the record, if
there were conditions that were
considered in conjunction with a
recommendation of approval, they would
also require a supermajority vote from
the village in order to overturn those
conditions or -- or comments -- excuse
me, conditions.

A fourth and final alternative is
simply recommend this matter be referred
back to the village as a matter for
local determination.

It's challenging to listen to all
of the comments that are here today and
to try to make an objective
determination as to whether or not the
village should or should not, in fact,
proceed with the moratorium. I think

it's important to point out, from staff's standpoint, the roles of the staff in reviewing this application was not to determine whether or not the moratorium was necessary, but whether, in fact, it had regionally significant implications that would result in intercommunity or county-wide concerns that adversely interfered with either state or county planning objectives.

In looking at the moratorium and the scope of the moratorium, with the comments that we have provided here today, it is our recommendation, respectfully, that this be considered a matter for local determination, subject to consideration that the exemptions be expanded in order to have a more -- a limited scope or impact throughout the village;

Number 2, the hardship criteria be also enhanced, consistent with staff recommendations included within the staff report, in order to make it a more

predictable, objective, and consistently applied process.

If the commission members have any questions, I'd be happy to try to address them.

CHAIRMAN CALONE: Let's address, first and foremost, what -- the context of the additional information that we received, because that seems to me to be a threshold issue.

SECRETARY ESPOSITO: Yeah.

CHAIRMAN CALONE: Andy, could you provide some color about what information -- additional information we received from the village, and what the -- you know, what was represented to us by whomever sent it to us.

MR. FRELENG: Mr. Chairman, in the staff report are the attachments that the village clerk forwarded to the commission, which includes the item, "Questions and Answers Regarding the Proposed Building Moratorium," as well as "Factors Supporting the Need for a

Moratorium to Update Master Plan in the Village of Port Jefferson," so that -- that statement was provided to the commission as well, and then the statement, "Why Prepare a Comprehensive Plan?" Those three items were referred to the commission as a result of the incomplete notice that they received.

DIRECTOR ISLES: And if I could just --

CHAIRMAN CALONE: Tom.

DIRECTOR ISLES: If I could just make the point, too, that the -- it's customary then that we receive information, in the case of Port Jefferson, through the village clerk. We receive an assortment of information. And, just so you know, that we don't normally require a resolution on everything that comes in that certifies it as being authorized by the board of trustees. We realize it's a valid question, we just want you to know that the test is did this come from the

village, did it come from the village clerk. So we took it in as being an official submission and provided it to you as a recognition of the full statement of the facts. We don't consider ourselves to be in a position to be a judge in terms of the fine line of what is or isn't sanctioned by the council, we base it on what they submit to us.

CHAIRMAN CALONE: Okay. And that's consistent with what we've done in the past?

MR. FRELENG: That is correct.

CHAIRMAN CALONE: Counsel, do you have anything that you wanted to add on this or any -- any thoughts? Not to put you on the spot or anything.

MS. SPAHR: Only that I don't recall hearing anybody say anything during the public comment period that would lead me to believe that there was a fraudulent submission, or that the information was falsified in -- in some

respect. I think there was a question raised as to whether or not it was, quote, unquote, adopted by the Board, and I don't -- I'm not aware, at this point, of any requirement that something be adopted by the Board.

CHAIRMAN CALONE: Okay. Thank you.

Well, then we'll -- we'll start -- you know, unless there was anything else, Dan, you had on your presentation?

DEPUTY DIRECTOR GULIZIO: No.

CHAIRMAN CALONE: Okay.

DEPUTY DIRECTOR GULIZIO: I'm done.

CHAIRMAN CALONE: The -- the -- the -- our protocol is that the person who's responsible for the area has the first opportunity to comment.

Adrienne Esposito represents the villages over 5,000 population.

So, Adrienne, is there anything you'd like to comment about or -- or share?

SECRETARY ESPOSITO: Just a comment, and then -- then I think we

need to open up for questions as well.

CHAIRMAN CALONE: Of course.

SECRETARY ESPOSITO: Okay.

I just want to reflect on something Dan said, and that is that the last eight plans that -- master plans that we got, we put back for local determination. And I think, though, that --

COMMISSIONER ROBERTS: Moratoriums.

SECRETARY ESPOSITO: Moratoriums.

COMMISSIONER ROBERTS: Moratoriums.

SECRETARY ESPOSITO: Thank you.

That was supposed to lead to a master plan, we put back to local determination. And -- however, I think just because we've done something in the past is not a reason to continue doing it in the future. So I think we should, you know, be open-minded about this, look at the facts before us, and base our decision on what we know as factual.

I do think it's very concerning that -- for me at least, that the

hospitals are included in this moratorium. Especially, at a time right now where we know there are hospitals throughout the State of New York that are closing, or considering closing. I think it's the worst time ever to -- to anticipate or hope that there's no expansion for a hospital, I think it would be just the opposite. So that was a red flag that went up that I'd like us all to consider as well.

And, again, I think the question before us right now is that is this moratorium, whether you believe it's needed -- needed or not, is it properly structured? And I think that's the question before us.

And the other one for me is, would such a moratorium lead to a sound planning process at the end? What is at the end of any moratorium?

I also think Port Jefferson is different from other areas, because it does have a regional significance for

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2 Suffolk County. There is -- it's a
3 connection for communities and
4 county-wide concerns because it is --
5 because of the ferry. And I know
6 myself, and I see everyone's head
7 shaking here, when you go to
8 Connecticut, you go to Port Jefferson.

9 COMMISSIONER HORTON: Not me.

10 SECRETARY ESPOSITO: So --

11 CHAIRMAN CALONE: Well, our friends
12 in Southold --

13 SECRETARY ESPOSITO: Okay, not
14 Southold. I'm sorry.

15 So half of us here. But I think --
16 I think there is that large scale
17 regional significance associated with
18 the transportation availability that
19 Port Jefferson offers us here on Long
20 Island. And so that's another reason I
21 think to give this intense scrutiny and
22 concern.

23 But I do want to -- I guess what's
24 still unclear to me -- if I could just
25 throw out a question to Dan and then

open it up.

Was it -- is the intent of the moratorium to lead to a village master plan, a harbor front revitalization plan? And is there indications associated with the -- you know, actually, put your foot on the gas pedal, they're going to get going with those plans?

CHAIRMAN CALONE:

Deputy Director Gulizio.

DEPUTY DIRECTOR GULIZIO: I -- I think if you look at the information that's been submitted on behalf of the village -- and, again, I can only speak to the expression of -- of interest from the village is their intent is to undertake a comprehensive plan during this one-year moratorium in order to update some of the previous comprehensive planning efforts that have already been -- been done but not adopted as policy by the village, to look at their review procedures and to

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2 update their review procedures for
3 permitting actions, to look at
4 inconsistent provisions within their
5 zoning code and to address those
6 inconsistencies within the zoning code.
7 They've also mentioned that they want to
8 look at some of their stormwater
9 activities in order to ensure that they
10 can continue to comply or secure
11 compliance with a stormwater remediation
12 requirements.

13 So the answer to your question is
14 yes, I think, based upon the information
15 we have before us, it is their intent to
16 conduct a comprehensive planning effort
17 during the tenure of the moratorium.

18 CHAIRMAN CALONE: Thank you, Dan.

19 Anyone --

20 COMMISSIONER CARACCILO:

21 (Indicating)

22 CHAIRMAN CALONE:

23 Commissioner Caracciolo.

24 COMMISSIONER CARACCILO: Thank
25 you, Mr. Chairman.

1 You know, I've sat on this board
2
3 for about eight years, a couple of years
4 as -- as the chairman, and I've always
5 looked at the moratorium as like the
6 nuclear weapon for planning. I mean, it
7 should only be used when no other option
8 exists. I mean, this is a tool that
9 strips the property owners' rights, that
10 basically puts a complete hold on
11 commerce and development in the town,
12 and it's not something that should be
13 used lightly or carefree.

14 I've looked over this application
15 very well. Everything they're asking
16 for in this application can be done
17 without a moratorium. We're talking
18 about a village that experts -- even
19 people here that testified said, you
20 know, it's 90 to 95 percent built out,
21 and -- and there's no compelling reasons
22 to take it, I think, to this magnitude.

23 And, I think, for that matter, what
24 a dangerous precedent we would set if,
25 you know, you think about the.

Consequences of launching into something of this magnitude, where we're looking at the facts in front of us. And if we allow this pass, we're basically sending a message that if a village board doesn't agree, a planning board doesn't agree, a zoning board doesn't agree, a mayor doesn't agree, and you have this difference of opinion, is that enough reason for us to use the most extreme land action that a municipality can take.

And, you know, I go back to my, you know, nuclear warhead. It's like using a nuclear warhead to kill a swarm of mosquitoes. You know, this moratorium's going to hurt growth, it's going to punish the village -- you know, ongoing village projects. And it seems to me this moratorium was cobbled together without an adequate study to research its impact, and its -- you know, it's so important right now, in this economic climate, and I think it was put together

because of a disagreement. And everything in this application that they're asking for can be done without a moratorium, without stripping the rights of landowners to use their properties. And I don't think in good conscience we can let this pass.

I think we have to deny this. I think we need to take the action of denial and deny this application, let it go back to their board for a supermajority to override us. And if that's the case and that's the tool, then -- then so be it. I mean, a tool -- a tool of this level, a moratorium, should require a supermajority. It should require the input of the people, it should require the input of planning directors, it should have a focused action of a plan that would be taken place during that blackout period. And I think we, as a commission, need to act responsibly and think about the consequences of a

village surviving in this economy.

So I say let's deny this application, and let's send it back to them to work on some options, because their options are right there.

CHAIRMAN CALONE:

Commissioner Roberts.

COMMISSIONER ROBERTS: Yes, I'd like to also -- on what John said. I'm speaking from two perspective.

One, that I was appointed to this commission primarily because of my activism for small business; and second, from the personal experience of seeing what some of the outcomes were in Sag Harbor as a result of our 18-month moratorium. And I certainly think, in this economic environment, it's extremely important for us to be looking at the economic impact of our decisions. And I certainly will say, from personal experience, that a moratorium this broad, without more clarity, certainly could be detrimental further to the

economy and small businesses.

I also strongly believe that this is an issue for the county to undertake. That being more involved with comprehensive plans, moratoriums, is certainly something that is part of the vision of our reconstituted commission. And so, echoing Adrienne, that because we haven't done this before, I certainly believe it's time to do it.

CHAIRMAN CALONE: Let me just make sure I get this side, too.

Commissioner Horton.

COMMISSIONER HORTON: I don't think I'm going to say anything that's particularly original or hasn't been said thus far today, but I would agree, I think we should disapprove this application, issue a denial.

And I think that, when we look at -- regardless of whether there's a disagreement, how this got to -- came -- you know, came to pass, is irrelevant to me, and to us at large, I would think.

But there isn't an acting or a sitting planning director in Port Jefferson right now, as far as I understand.

The planning board --

DIRECTOR ISLES: He's been suspended.

COMMISSIONER HORTON: He's been suspended. So that -- that department is rudderless.

The planning board has sent us a letter disagreeing this -- with -- with this, the board of trustees is split on it. So I think what's before us right now is something that hasn't been hashed out at the local level, rendering us in a position where we can't support this because of the things I've stated, but also because of, you know, the fact that it would have county-wide significance. Let alone in the context of the -- the current development and economic climate, but, you know, we're being asked to review something that cannot physically be reviewed by the applicant

in Port Jefferson itself.

I'm very uncomfortable with moving this forward without that foundation of resources, experience, and support at the village level. I, for one, am adamantly opposed to moving this forward given those points.

CHAIRMAN CALONE: Thank you, Mr. Horton.

Commissioner Holmes.

COMMISSIONER HOLMES: I just wanted to ask Deputy Director Gulizio to clarify.

When you mentioned that the planning department has reviewed eight moratoria, was that, did you say, in the last two years since 2007, or how -- how long a time frame?

DEPUTY DIRECTOR GULIZIO: 2007.

COMMISSIONER HOLMES: 2007, as I thought you said.

And you -- were any of those moratoria -- because I don't recall discussing them. But, I mean, if you

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2 sent them back for local determination,
3 it might well mean that we, as a
4 commission, did not review them; is that
5 correct?

6 DEPUTY DIRECTOR GULIZIO: I -- I
7 know -- during my tenure here, I know we
8 reviewed the moratorium in the Town of
9 Brookhaven involving the Port
10 Jeff/Terryville area.

11 COMMISSIONER HOLMES: I see.

12 And did the commission review that,
13 or did the department review it?

14 DEPUTY DIRECTOR GULIZIO: Both.

15 CHAIRMAN CALONE: Well, let's --

16 COMMISSIONER HOLMES: Okay.

17 CHAIRMAN CALONE: -- let's be
18 clear, we've also changed our --

19 DIRECTOR ISLES: Exactly.

20 CHAIRMAN CALONE: -- our regional
21 significance --

22 COMMISSIONER HOLMES: Right.

23 CHAIRMAN CALONE: -- definition.

24 COMMISSIONER HOLMES: Right.

25 CHAIRMAN CALONE: So, in the past,

moratoriums did not necessarily come to
us --

COMMISSIONER HOLMES: I see. Yeah.

CHAIRMAN CALONE: -- now they do.

COMMISSIONER HOLMES: Now they
do --

CHAIRMAN CALONE: Correct.

COMMISSIONER HOLMES: -- I see.

Because my question was, were any
of those eight as vague as this one and
as absent of local input, including
other local boards? Were any of those
eight as -- as vague as this?

DEPUTY DIRECTOR GULIZIO: Again, I
would say, based upon the fact that
staff initially deemed the initial
submission to be an incomplete
submission, no.

And -- and, again, just by way of
reference, to clarify in terms of the
change in policy of the commission,
previous comprehensive plans were deemed
matters of local determination in years
past also. And, again, that's -- that's

not a criticism of any past decisions in terms of how these requests were handled, but just a change in policy on the part of the commission.

CHAIRMAN CALONE: Director Isles.

DIRECTOR ISLES: Yeah, the only other moratorium, I just wanted to bring to Commissioner Holmes' attention, is the -- the Shoreham moratorium in the Town of Brookhaven, which did come before you. And your question was, were there any others that were as vague. In the opinion of the department, that was vague, and then we recommended disapproval to the commission, the commission did turn it down. That was the only one that was actually rejected.

COMMISSIONER HOLMES: Okay.

DIRECTOR ISLES: We found and staff reviewed that with the additional information supplied, as we said, it had all the fingers and toes of what a moratorium should have from staff's standpoint in the case of the Port

Jefferson application.

COMMISSIONER HOLMES: Thank you.

CHAIRMAN CALONE: Thank you, Tom.

Commissioner Braun.

COMMISSIONER BRAUN: Yes. Not to further beat the dead horse, but I've been trying to focus on the findings in the -- in the moratorium.

When I first heard about this, my question -- my first question was, why do they need to do it this way, why isn't there some other procedure. This has been said various times, so I'll make it quick. But the findings don't seem to indicate why a moratorium is required in order to do the review, to study the impact of use and development of properties, to ensure orderly growth and development and so forth. Especially, in as much as everybody's telling us that the village is 90 to 95 percent built out.

It seems to me that the findings -- if -- if the moratorium is the way to

going, the findings need to say why there's no less drastic way to do this. And absent that, I would also be opposed to our approving this, but rather to disapproving it.

CHAIRMAN CALONE: Thank you, Bob.

Commissioner Lansdale.

COMMISSIONER LANSDALE: I'd just like to echo the comments that have already been made.

You know, representing an organization that promotes community-based planning, I've reviewed this application extensively. And in my experience in creating community-based plans and comprehensive plans across Long Island, I'm also opposed to adopting this moratorium. I think it's an extreme action, I think it's vague, and it's really not -- it's loosely associated but not linked directly to an ongoing community-based planning process. So I'm -- I'm opposed to this.

CHAIRMAN CALONE: Thank you, Sarah.

Mr. McAdam.

COMMISSIONER McADAM: Yeah, I have a question for -- for the director.

There's --there's been discussion about -- because the -- you know, the village is built out 95 percent, or 90-95 percent. Does that automatically assume you don't need a master plan or you don't need any kind of planning?

DIRECTOR ISLES: No. You know, obviously, it's a local determination in terms of what's needed. But, certainly, the fact that a community is heavily built out, in itself, I don't think is a reason to say, well, there's no need to do further planning, there's no need for a moratorium. I think it's case-specific.

And one could submit -- look at New York City where there's continual regeneration, rebuilding, and so forth. And, in fact, in Suffolk County, especially in western Suffolk County, redevelopment's the name of the game.

So that, in itself, in terms of the amount of land that's available for development, a small percentage, 5 percent, we feel is not a compelling case by itself. That there could be further planning needed, most certainly; there could be a need for a moratorium.

Here again, I am certainly -- maybe you're finding in this case there wasn't sufficient basis to establish a need for a moratorium here, but just simply on its face, we don't think that, in itself, is enough. And, yes, further planning is -- could be necessary, and a moratorium, certainly, could be necessary, too.

COMMISSIONER McADAM: Now, just to follow up on this beat, the plans that have been completed or -- or in progress in the town -- in the village, are they based on a redevelopment, or is it based on a new area -- a new area that they intend to develop?

DIRECTOR ISLES: You're talking

about the plans that they've done?

COMMISSIONER McADAM: The plans that they've done, yes.

DIRECTOR ISLES: I'm familiar with a couple of them. We worked on one in the waterfront, and that -- in that case, that was done on a mixture of developed and undeveloped properties in the harbor front area. So my -- certainly in that one example, is based on both developed and undeveloped properties and from what I've heard today. We've heard a lot about uptown Port Jefferson which has been developed for -- ever since the railroad got out there, over a hundred years ago. So, certainly, that involves a redevelopment, primarily over vacant lots and so forth.

COMMISSIONER McADAM: Now, the other thing is that if -- if there are individual plans for the village --

DIRECTOR ISLES: Yes.

COMMISSIONER McADAM: -- can one

plan be adopted, or do they have to be combined as a comprehensive plan?

DIRECTOR ISLES: No, one plan could be adopted. You could do plans in sections and different elements of a plan. That's, here again, a local determination. But they certainly could adopt an uptown redevelopment plan, they could adopt a harbor front improvement plan, that's certainly an option at the local level.

CHAIRMAN CALONE: And, in fact, we -- this commission actually adopted a plan for the -- Port Jefferson two years ago, which, I believe, has not been implemented by the village board. But -- so, yes, certainly can do it in sections or different areas.

Vice Chairman Kontokosta.

How's that sound?

VICE CHAIRMAN KONTOKOSTA: It sounds long.

(Laughter)

VICE CHAIRMAN KONTOKOSTA: I guess

I will just, maybe, sum up what we've been talking about.

I think here on the commission -- overall, is to evaluate planning issues, looking at it from a perspective of sound policy, as well as there are regional impacts.

I think the regional significance and impacts here are -- are pretty obvious, not only with the transportation connections and other access, but also we have to keep in mind that the actions, or, in this case, perhaps, nonaction taken by the municipality has impacts on the surrounding municipalities as well. So the development that does not incur in the Port Jefferson area may impact the surrounding villages, and -- and will shape how things happen and will affect people in those surrounding areas. So that's one reason for our -- our concern, which is expressed in our new guidelines. I think we've -- we've

highlighted some of our new concerns with economic development and affordable housing and others in the document that was released today.

In terms of sound policy, I think the -- the concern here, of course, is justifications for this, and I think it's obvious, from all the comments, that people feel that the proper analysis wasn't done to necessarily justify such an extreme land use measure, and I -- I would agree to that.

The other would be -- and I think this is probably related, a concern, and I think is also somewhat a -- a result, is that it doesn't appear that the proper process has been -- or the necessary process has been undertaken in terms of we don't -- in order to evaluate and create a comprehensive plan, you don't need to stop everything to begin that process. You could start thinking about it now. You could have a -- a -- a clear set of goals, a clear

set of time lines, guidelines about what you will intend to do. Because, of course, the current concern, also with moratoriums, once they're enacted, is that they extend. And -- and the history of moratoriums across this country, and Long Island as well, is that they tend to last a lot longer than their initial prescribed length. So -- and especially when something is rather unfocused and vague, there's a greater concern for this extending on and on, as more time is needed, to -- to get a handle of what the actual process entails.

So I think for those reasons, I -- I'm obviously opposed to the -- the -- or disapprove the -- the application.

CHAIRMAN CALONE: Let me -- let me just, if I could, summarize. I mean, I -- I -- I think the statements here indicate, I think, a -- a consensus. But my concern is that, if we reject this, I just want to make sure that

we're also laying out some reasons why we're doing it, so that we can -- the village can understand the rationale and, perhaps, change things and come back, or -- or at least know there's a -- know that there's a rational basis for our decision.

So I've made a note of some of the things that have been saying -- that -- that have been said.

You know, one, there's no -- no -- no justification for a moratorium, that it is an extreme land use action;

Two, that it's not tied to a master -- not explicitly tied, at least, to a master plan process, and that is -- is vague in many respects.

My question to this commission is, the -- the staff has outlined two comments that they had:

One, expanding the list of exemptions;

And, two, the hardship provisions that they felt were inadequate.

I would just be interested to know,
and I -- if anyone objects to this, let
me know, whether -- whether we could
also include those in terms of it's --
it's -- the inefficacy of the -- of the
app- -- of the moratorium.

Is there any objection to that?

COMMISSIONER HORTON: (Indicating)

CHAIRMAN CALONE: Yeah, Josh.

COMMISSIONER HORTON: I think in a
context of denying or disapproving the
moratorium application --

CHAIRMAN CALONE: Uh-huh.

COMMISSIONER HORTON: -- I think
those two points of information are very
irrelevant, because it's -- that's more
detail of the current moratorium that's
proposed --

CHAIRMAN CALONE: Uh-huh.

COMMISSIONER HORTON: -- at least
from my perspective.

COMMISSIONER CARACCIOLLO: Right,
I --

COMMISSIONER HORTON: I'm opposing

it outright.

COMMISSIONER CARACCILO: I agree with Josh, and I'd -- I'd like to make a motion -- I mean, I would like to make a motion, if someone seconds it --

CHAIRMAN CALONE: Okay.

COMMISSIONER CARACCILO: -- but I would like to make a motion that, you know, we deny this application and deny the staff recommendation, and I make that motion.

COMMISSIONER ROBERTS: I would second it.

CHAIRMAN CALONE: Okay.

The motion's made by Mr. Caracciolo, seconded by Commissioner Roberts.

The -- what I -- what I wanted to get at was -- was simply our rationale. I guess it's on the record, so that's -- that's fine for doing so. But the motion's been made. There is a second.

The motion is to disapprove the application of Port Jefferson for a

moratorium.

All in favor of disapproval should
raise their hands, please.

(WHEREUPON, the members voted.)

CHAIRMAN CALONE: Twelve -- 12 to
zero. It's unanimous.

Thank you all for that.

The next item on our agenda is the
Metro Terminals of Long Island.

COMMISSIONER CARACCILOLO:

Mr. Chairman, I'm going to head out.

CHAIRMAN CALONE: Thank you, John.

Metro Terminals of Long Island. I
don't know who's doing that. Andy?

DIRECTOR ISLES: Andy is doing it.

CHAIRMAN CALONE: Andy.

MR. FRELENG: Okay. Then the next
matter before the Suffolk County
Planning Commission is the application
of Metro Terminals of Long Island, LLC.
This comes to us from the municipality
of Riverhead.

Jurisdiction for this commission is
that the subject property is within the

Pine Barrens Zone.

(WHEREUPON, Commissioner Caracciolo
left the Legislative Auditorium.)

(Time noted: 2:42 p.m.)

MR. FRELENG: The applicants are
seeking Site-Plan approval for a
two-phase rehabilitation of abandoned
and vacant buildings at lot number 28 of
an industrial subdivision situated at
the former Naval Weapons Industrial
Reserve Plant at Calverton.

Phase I of the proposal includes
renovation of a 10,706-square-foot
concrete building for truck repair, the
construction of a 60 by 80 canopy over a
truck refueling area, and the
construction of 61 by 62 concrete
containment dike around the refueling
area.

Phase II includes the construction
of two 500,000 gallon, 40-foot high fuel
tanks, containment and additional
renovations to a 1,050-square-foot
building. Currently, there exists two

fuel tanks on -- on the site of the same size and height as those proposed. All required parking appears to be in conformance with the Town of Riverhead Zoning Law.

With regard to the location, the property's located on the west side of Scott Avenue, which is an interior loop street in an approved industrial subdivision at the Calverton area redevelopment; otherwise known as EPCAL.

SECRETARY ESPOSITO: Okay. Andy, could you just clarify, would these replace the old ones, or be in addition to the old ones?

MR. FRELENG: These would be in addition to the two existing tanks.

Just quickly with regard to the environmental conditions, it should be noted that the property is located in Hydro-geologic Zone III, which is a deep-flow aquifer. It's located in the Central Suffolk New York State Special Groundwater Protection Area. The site

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2 is located in the Central Pine Barrens
3 zone of Suffolk County. There are no
4 state or federally-mapped wetlands on
5 site; however, there are unregulated
6 freshwater wetlands which occur off-site
7 to the south of the subject lot.

8 If I could just go through the --
9 the slides that we have and just show
10 you that this is the site plan
11 (indicating). These are the two
12 existing tanks (indicating). This is
13 one building that is proposed for
14 redevelopment (indicating). This is a
15 second building proposed for
16 redevelopment (indicating).

17 Go -- go to the next slide.

18 MR. CORRAL: (Complying)

19 MR. FRELENG: Okay. This is a
20 oblique shot. You could see the
21 adjacent land to the west, relatively
22 wooded (indicating). This is the
23 wetland system that I mentioned prior
24 (indicating). These are the tanks
25 (indicating), these are existing tanks

off site but adjacent to the facility
(indicating). Existing structure,
existing structure, existing pavement
(indicating).

I should just note that this area
of the property is the former power
area -- power plant area for the former
EPCAL or former Grumman facility
(indicating).

Next slide.

MR. CORRAL: (Complying)

MR. FRELENG: Okay. This is an
aerial view again of the whole EPCAL
facility (indicating). This is the
subject property in relation to the
overall site (indicating). You can see
the old industrial area, which is now --
has been subdivided into an industrial
park.

Next slide, please.

MR. CORRAL: (Complying)

CHAIRMAN CALONE: Andy, could you
just show us, just because I know folks
were wondering, where the proposed

development -- the commercial
development was going to be?

MR. FRELENG: Yes, I can show you
that.

CHAIRMAN CALONE: Just -- just so
everyone gets a context of it.

MR. CORRAL: (Inaudible)

MR. FRELENG: Oh, okay. We
inadvertently left out the site plan in
the overlay. If you'd go to -- there
are -- in your staff report, there is a
copy of the site plan.

Two tanks are proposed to be here
(indicating). The two new additional
tanks in this cleared area (indicating).
This building is proposed to be
renovated, this building is proposed to
be renovated, and this piping system is
proposed to be rehabbed and extended to
the new tanks (indicating).

Would you go to the next slide,
John. Go back to where we were, John.

MR. CORRAL: (Complying)

MR. FRELENG: All right. This is

the zoning (indicating). Of note -- this is the subject property in the planned industrial park zoning (indicating). This, you can see, is the underlying layout on the subdivision map. Adjacent to the property, it should be noted, that this is the planned recreational park zoning (indicating), and we just wanted to point out the boundary between the subject property and the planned industrial park -- planned retirement -- recreation park, I'm sorry (indicating).

Okay. These are the existing tanks on-site.

Next slide.

MR. CORRAL: (Complying)

MR. FRELENG: These are some of the conditions of the distribution piping (indicating), you can see the tanks are rusting out, so they are in need of either replacement by the proposed new tanks or rehabilitation.

Next slide.

MR. CORRAL: (Complying)

MR. FRELENG: Okay. Again, that's a shot of the piping area. The two new tanks are to go in this grass field, just north of the existing tanks (indicating). This is a shot -- the canopy will come from this building (indicating) and go out over this paved area, you saw in the aerial that this was paved (indicating). And these are adjacent pipings that are going to be rehabbed (indicating).

Next slide.

MR. CORRAL: (Complying)

MR. FRELENG: Okay. This is the area that the canopy will extend from (indicating), this building which is going to be rehabbed. Trucks will come in, they will refuel, the -- the -- the fuel will come from the tanks and go into the trucks, the trucks will come around and go out. You can see that from the site plan, there's a blue streak.

Next slide.

MR. CORRAL: (Complying)

MR. FRELENG: Okay. This is the second smaller building that's going to be rehabbed (indicating).

Next slide, please.

MR. CORRAL: (Complying)

(WHEREUPON, Commissioner Lansdale left the Legislative Auditorium)

(Time noted: 2:47 p.m.)

MR. FRELENG: Okay. And that, again, is the side of the second building to be rehabbed (indicating).

But, basically, essentially, just to wrap up, the real issue with this property, with respect to staff, is the location of the refueling terminal adjacent to the planned recreation park zoning. We felt that -- first and foremost, this is a rehabilitation of an existing refueling area, so we felt that the proposal was relatively appropriate to readapt -- adapt a reuse of an existing facility.

Go back to the oblique or the --

MR. CORRAL: (Complying)

MR. FRELENG: Okay.

But what we felt was, since this was planned recreation park zoning, and there are several proposals in the Town of Riverhead for development of the planned recreation area, we felt having a facility -- refueling facility, in the worse case scenario, that might have an accident, may jeopardize any uses that are going on in the recreation park. So we felt that it was significant to make sure that there was substantial buffering, or significant buffering between the redevelopment area and the adjacent PRP.

There is 150-foot designated open space area in the back of the property that would remain undeveloped. There is some open space area down at the bottom, here on the west side (indicating). However, the bulk of this wooded area does fall within the site, and Suffolk

County Planning Commission Guidelines
for development in Pine Barrens zones
allows 65 percent of the site to be
cleared of natural vegetation, which
would leave 35 percent of the site
remaining in natural vegetation. It's
not clear -- well, it certainly is not
shown 35 percent preserved in the two
open space areas, so that leaves the
remaining area here for debate
(indicating).

But staff is recommending that the
application or referral be approved
subject to the following conditions:

Number 1, that a minimum of
35 percent of the naturally-occurring
vegetation on site remain undisturbed,
and that some covenant or restriction go
on to make sure that that is remained in
perpetuity, and that it is blocked
somehow or contiguously linked to the
adjacent open area.

The second recommendation of staff
would be a condition placed on a

conditional approval that the Suffolk County Department of Health Services be in contact for compliance with Articles 7 and 12 with regards to the storage and distribution of hazardous waste. Again, a second worst case scenario could be a leak or a rupture of one of the tanks, and then that fuel would go into the ground.

SECRETARY ESPOSITO: Did you just say that it is in conformance with Article 7?

MR. FRELENG: We're not aware of that.

SECRETARY ESPOSITO: It's not in conformance.

MR. FRELENG: We are making it a condition to recommend that the applicant go to the health department to guarantee that it is in conformance with 7 and 12.

SECRETARY ESPOSITO: It's not in conformance, I would never --

CHAIRMAN CALONE: Let him finish.

1
2 SECRETARY ESPOSITO: But I -- I --
3 I guess my question is --

4 CHAIRMAN CALONE: All right. Andy,
5 are you done?

6 MR. FRELENG: I only had one
7 comment, that the development of the PRP
8 land to the west be reviewed for
9 compatibility issues with the fuel
10 terminal location.

11 And that's the staff report.

12 CHAIRMAN CALONE: Okay. The first
13 comment goes to the representative from
14 Riverhead, Mr. Taldone, if you'd like to
15 say anything.

16 COMMISSIONER TALDONE: I'm in total
17 agreement with the staff report.

18 CHAIRMAN CALONE: Okay. Then
19 anyone else?

20 Adrienne, I know had a comment, and
21 then Linda.

22 SECRETARY ESPOSITO: I guess I'm a
23 little confused how -- this is not in
24 compliance with Suffolk County Sanitary
25 Code Article 7 which limits the use of

storage of toxic wastes over Hydrological Zone III because it's a deep flow -- a recharge zone. So -- and I'm -- I'm not sure if I'm remembering right, but I'm pretty sure it won't be in compliance -- 500,000 gallons, as this says, for two of them, which would lead us to a million gallons.

Now, I know Article 7 was amended sometime in the past eight years, and I'm not sure what the new gallonage was. But, originally, when it was adopted back in the '80s, it was 2,000 gallons of hazardous materials was the limit.

So if this is out of compliance, how would the Planning Commission then approve it?

MR. FRELENG: Well, this staff member is not aware that it's not in compliance, we'll take -- you know, we'll take your expert advice on that. But we did believe that the application should go to the proper regulatory agency for that review, and that is the

1 Suffolk County Planning Commission 207

2 Suffolk County Department of Health
3 Services. We -- we -- the commission
4 has no jurisdiction over Article 7 or
5 Article 12.

6 CHAIRMAN CALONE: Linda.

7 COMMISSIONER HOLMES: I just wanted
8 to mention that Vince's predecessor,
9 Jesse "Bobby" Goodale, formed -- at the
10 request of the Town of Riverhead, he
11 formed a commission of representatives
12 from each of the five East End towns,
13 and we met sometimes weekly. Later on,
14 a little less frequently, but we met for
15 over a year trying to find ways to
16 advise the Town of Riverhead what to do
17 with this property.

18 Because for those of you who aren't
19 completely familiar, this 6,000-acre
20 parcel was turned over by the Navy to
21 the Town of Riverhead. It was
22 3,000 acres of buffer, and 3,000 acres
23 of the Naval Weapons Development site,
24 which, among other things, the famous
25 F-14 Grumman Hellcat.

1 And when the Navy wanted to turn it
2 over to Riverhead, literally, the town
3 didn't know what to do with this
4 property, and it was a tortuous thing
5 for us to be able to identify to the
6 Town of Riverhead all of the
7 requirements that they would need to
8 have -- they were really quite afraid of
9 taking this on. And it was given to
10 them, so they had to scramble around and
11 decide what to do. And it's been a
12 multiple year effort for Riverhead to
13 come up with any approved uses of any
14 part of this site.

16 And one of the big things, which
17 Adrienne touched on, was that we had a
18 real hassle with the Department of the
19 Navy to get them to clean up a site at
20 the edge of the property which they had
21 been using to dump paint and other --
22 oil and other toxic waste for years and
23 years. And we had to really literally
24 wrestle the Navy to the ground to make
25 them clean up that area before the Town

of Riverhead could accept the entire site.

And, if you may remember, it -- it had -- among -- this is the power plant, as Andy pointed out. But the site itself is still huge, and there are many, many unused buildings. The hanger -- the huge hanger was the only place that TWA 800 could be reassembled, when it crashed off Moriches and it was reassembled here.

So it's -- this is only a little part of -- of the overall site which Riverhead is trying to make uses of. And I think the idea of keeping a larger buffer is very key, because there are plans -- there are many plans to use the so-called recreational area for --

CHAIRMAN CALONE: And we will --

COMMISSIONER HOLMES: -- anything.

CHAIRMAN CALONE: We will be blessed with seeing those plans, I think --

COMMISSIONER HOLMES: Yes. Yes.

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2 CHAIRMAN CALONE: -- before too
3 long.

4 COMMISSIONER HOLMES: But this -- I
5 agree with the staff report.

6 CHAIRMAN CALONE:
7 Commissioner Braun.

8 COMMISSIONER BRAUN: Yes. I -- I
9 apologize because I was out of the room
10 for part of your original presentation,
11 Andy. So if I'm going over something
12 you already answered, I -- forgive me.

13 CHAIRMAN CALONE: We'll cut you
14 off.

15 COMMISSIONER BRAUN: Is this a --
16 is this a permitted use in this planned
17 industrial park, or is this a variance
18 from the permitted uses in the planned
19 industrial park?

20 MR. FRELENG: No, this is being
21 referred to the commission as a site
22 plan, which implies it's a permitted use
23 in the industrial park.

24 COMMISSIONER BRAUN: Okay. So some
25 of the issues that were dealt with in

the past about relocating silos and things like that wouldn't apply in -- in this kind of a situation because -- al- -- al- -- although, this is already abandoned.

COMMISSIONER HOLMES: Yes.

MR. FRELENG: This is a facility --

COMMISSIONER BRAUN: It's not current- --

MR. FRELENG: -- that has been abandoned, yes.

COMMISSIONER BRAUN: And who would -- this is proposed to repair whose vehicles and to fuel whose trucks? Is it --

MR. FRELENG: It was not explicit in the application --

COMMISSIONER HOLMES: Metro oil --

MR. FRELENG: -- it's just being referred as a --

COMMISSIONER HOLMES: -- it's a local oil --

MR. FRELENG: -- truck refueling and repair facility.

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2 COMMISSIONER BRAUN: So this is, in
3 other words, a depo for home heating
4 oil, or we don't know?

5 COMMISSIONER HOLMES: Yes, Metro
6 Regional is -- it's -- it's a regional
7 heating oil distribution --

8 MR. FRELENG: Staff wasn't familiar
9 with the company Metro Terminals, but --

10 COMMISSIONER HOLMES: Yes.

11 MR. FRELENG: -- if Member Holmes
12 is then --

13 COMMISSIONER HORTON: I'm not sure
14 it's actually very large, a little more
15 than just a local company.

16 COMMISSIONER HOLMES: That's right,
17 it is --

18 COMMISSIONER BRAUN: So that's what
19 it is, it's --

20 COMMISSIONER HOLMES: -- regional,
21 I think.

22 COMMISSIONER BRAUN: -- it's fuel
23 oil to be distributed?

24 MR. FRELENG: Yes.

25 COMMISSIONER BRAUN: Thank you.

CHAIRMAN CALONE: Okay.

MR. FRELENG: Just to -- excuse me,
Mr. Chair.

Just to follow up, this is a site
plan referral, and the commission does
have the ability to move things around
the site, if that is your -- you know,
if you believe that is necessary.

COMMISSIONER BRAUN: On that view,
those two buildings, more or less, will
be removed and moved somewhat to the
east?

MR. FRELENG: No -- no, sir. The
buildings will remain in place and just
be retrofitted and -- and revamped.

COMMISSIONER BRAUN: Oh, I see. So
they'll be right at the edge of the
property.

MR. FRELENG: Right where they are,
yes.

Go to the -- go to the --

MR. CORRAL: (Complying)

MR. FRELENG: No, there's one
that --

MR. CORRAL: (Complying)

MR. FRELENG: Yeah.

So they're not exactly on the edge,
but they're a little bit set back.
The -- the smaller of the two buildings
is set a lot further back.

COMMISSIONER BRAUN: Right.

MR. FRELENG: There is -- they are
far from the planned recreation park,
but we felt that they should just leave
the vegetation as much as possible.

CHAIRMAN CALONE: And the buffer
is -- you addressed the buffer in the
staff recommendations.

MR. FRELENG: Yes. If you look at
the site plan in the staff report, you
can make out -- on the west side of the
site plan there is -- there is a line
you can see, that is a reserved area,
and then below, you can see there's a
horizontal line, that is another
reserved area. The stuff in between
where it says, "naturally wooded area
lot 28" is still part of -- of that

wooded area you see.

So they are proposing two open space areas, but the two open space areas in total is less than the 35 percent --

CHAIRMAN CALONE: Right.

MR. FRELENG: -- they're supposed to leave --

CHAIRMAN CALONE: So the condition is to increase --

MR. FRELENG: -- so they need to leave a little bit more.

CHAIRMAN CALONE: Right. Okay.

COMMISSIONER HORTON: I just have one question --

CHAIRMAN CALONE: Mr. Horton.

COMMISSIONER HORTON: -- regarding the tanks.

When the tanks are replaced, is there a requirement that these two tanks be properly abandoned? Is that something that we even have the ability to --

MR. FRELENG: If -- if they propose

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2 to abandon the tanks, the health
3 department and the DEC will make sure
4 that they're properly abandoned.

5 COMMISSIONER HORTON: Thank you.

6 SECRETARY ESPOSITO: But that's not
7 the application, to abandon them,
8 though; right?

9 MR. FRELENG: No, the application
10 before us is just for the construction
11 of two new tanks. It is not clear
12 whether they intend -- they did not
13 indicate that they were demolishing or
14 refurbishing --

15 COMMISSIONER BRAUN: Oh, I thought
16 that's what you said.

17 SECRETARY ESPOSITO: No.

18 COMMISSIONER BRAUN: No, okay.

19 SECRETARY ESPOSITO: No, no, no.

20 COMMISSIONER BRAUN: Okay. Then
21 I -- okay.

22 CHAIRMAN CALONE: Okay.

23 COMMISSIONER McADAM: (Indicating)

24 CHAIRMAN CALONE: Mr. McAdam.

25 COMMISSIONER McADAM: Andy, do you

know if the Pine Barrens Commission has to vote in on this, or is that land excluded?

MR. FRELENG: That -- that is up in the air. The Central Pine Barrens Commission and the Town of Riverhead is litigating the jurisdiction of the Central Pine Barrens Commission over the EPCAL property.

SECRETARY ESPOSITO: That's been going on for a long time.

MR. FRELENG: So I don't -- I don't believe that they have reviewed this property.

COMMISSIONER McADAM: So how can -- how would the project -- if it's in litigation, how would the project move along then?

MR. FRELENG: Well, that -- they -- they would have to handle that locally, under advice of their town attorney.

COMMISSIONER McADAM: Right.

CHAIRMAN CALONE: Okay. Any other comments, questions, additions, other

considerations?

COMMISSIONER HOLMES: I move the adoption of the staff report.

CHAIRMAN CALONE: Mrs. Holmes moves the adoption of the staff report.

COMMISSIONER BOLTON: (Indicating)

CHAIRMAN CALONE: Seconded by Commissioner Bolton.

All in favor of adopting the staff report, please raise your hand.

COMMISSIONER BRAUN: With the comments or the conditions.

CHAIRMAN CALONE: Yes, with the conditions as indicated in the staff report.

(WHEREUPON, the members voted.)

CHAIRMAN CALONE: One, two, three, four, five, six, seven, eight, nine -- nine in favor.

All opposed?

(WHEREUPON, the members voted.)

CHAIRMAN CALONE: One.

And abstentions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: None.

Okay. Moving onto our last item on the regulatory agenda, we have -- the next one.

DIRECTOR ISLES: This is going to be John Corral.

CHAIRMAN CALONE: And John will be doing that for us.

Thanks, John.

MR. CORRAL: Okay. The application before you is a subdivision and an associated special exception for a 37-acre property in the Town of Southampton in the Hamlet of Bridgehampton. It's an existing horse farm. Right now, the horse farm is -- as you can see, the structures are kind of on the northeast corner of the property, and there's paddocks across the property.

Our jurisdiction for this, it's within 500 feet of Swan Creek, and it's also in New York State Agriculture District Number 5. It's located on the

northwest corner of Halsey Lane and
Mecox Road.

This is just showing a picture of
the horse farm in the northeast corner
of the site (indicating). And the next
one is a view looking north to the horse
farm, showing you open land where the
paddocks are on the south portion of the
property (indicating).

Okay. The property's located in
zoning district R-80, which is
8,000 square foot per residence.

Okay. Here's the site plan
(indicating). The applicant is
proposing -- currently, it's a horse
farm with 55 horses over the entire
property. They're proposing to
subdivide the property into 10 lots.
The -- the northern lot is going to
remain as they propose for the horse
farm use, and that's a 19-acre lot with
an 18-acre agricultural reserve. The
southern lots -- they're proposing nine
residence lot in the southern portion of

the property. Also, in the very south of the property, there's a New York State mapped freshwater wetland. This site shows the mapped wetland, and also an easement across lots 7, 8 and 9 to accommodate the wetland.

One thing to think about is, currently there's 55 horses on the property. The Town of Southampton zoning code allows for one horse for every 20,000 square feet. The special exception that they're filing in association with the subdivision is because in R-80 zoning, a horse farm requires a special exception. So the town required, even though it was an existing horse farm, that when the subdivision is sent in, that they again apply for the special exception for the horse farm.

One thing that we were concerned about is the intensification with respect to nitrogen loading. So one thing -- one of the conditions in the --

that we're recommending is that -- that they are in compliance with the number of horses allowed within the Town of Southampton. So when they were to -- when they do subdivide this, this northern lot would only allow on 38 horses, and they currently have 55 horses.

Another thing we would like the Suffolk County Department of Health to look at is the nitrogen loading, because they're -- the Town of Southampton created a 17-lot cluster plan, and then they're -- the applicant is proposing to cluster the lots to the south with an 18-acre agricultural easement. But we would like the Suffolk County Department of Health to look into the nitrogen loading of the number of horses on the northern part of the property, because of special exception, and the residential lots in the southern portion of the property.

We've also had information that

20,000-square-foot per horse might be not enough, that horses might need even more land. So that's something we wanted to consider.

Another thing I just wanted you to know is, the roadway is a proposed right-of-way, but it hasn't been dedicated to the town. So we recommended a dedication, or that it's built so that it could be dedicated in the future.

The third concern is the wetland area. One thing, it's designed so that there's a drainage system along -- along Halsey Lane that will catch the water and then put it in a retention basin on lot 9. And, also, there are also retention basins along the Swan -- the proposed Swan Creek Court. So our concern is just that New York State DEC looks at this drainage plan. Because it's built for a two-inch rainfall, and there's a spillway designed so that if it exceeds that two inches, the spillway

would drain to the east towards the New York State mapped wetlands. So that was another thing we wanted to look at.

And the, kind of, final item I wanted to touch on is affordable housing. This is creating nine residential lots, and we think that the Suffolk County Planning Commission Affordable Housing Guidelines should apply to this subdivision.

So that's my staff report, and if anyone has any questions --

CHAIRMAN CALONE: Thank you, John. And thank you also for your expertise about the amount of room that the horses have, we certainly appreciate that.

Barbara, this is a Southampton project, do you have any comments, thoughts?

COMMISSIONER ROBERTS: It's actually been a relatively quiet project in the community.

A couple of things:

Are the horses boarded -- it's

boarded horses; right? So it's easy to change the number and whatever.

One thing in your staff -- staff recommend -- the 10 percent affordable housing requirement. There's 9 lots, so do we need other wording here? I mean, is it percent of acreage --

CHAIRMAN CALONE: I got one --

COMMISSIONER ROBERTS: -- you know, .9 -- well, .9 --

COMMISSIONER BRAUN: Nine-tenths of a house.

COMMISSIONER ROBERTS: -- instead of --

CHAIRMAN CALONE: And, therefore --

COMMISSIONER ROBERTS: -- if it's based on acreage.

CHAIRMAN CALONE: -- we should say one.

COMMISSIONER ROBERTS: I also, you know, very -- would imagine that this is definitely going to be something that would involve is -- a negotiation, that there's going to be money on the table,

rather than those lots. So do we want to put language now on that or -- you know, we are --

CHAIRMAN CALONE: Well --

DIRECTOR ISLES: The guidelines have that language.

COMMISSIONER ROBERTS: The guidelines --

CHAIRMAN CALONE: But we need to explicitly reference the guidelines, I think --

COMMISSIONER ROBERTS: Right.

CHAIRMAN CALONE: -- or -- well, let's put it this way, if it goes in a letter to the town like it is, they have to then go find the guidelines. So we may want to actually include the guidelines.

COMMISSIONER ROBERTS: Well, first I'm thinking the language is there, it should change to say "10 percent of created lots," because there actually are ten lots on the property; one lot is the horse farm.

1 CHAIRMAN CALONE: Uh-huh.

2
3 COMMISSIONER ROBERTS: And then
4 back in the language, in the copy, we're
5 saying "10 percent of the created lots,"
6 so it's actually 10 percent of the nine.
7 I think -- I think that's out of ten.

8 CHAIRMAN CALONE: I think that's
9 about right.

10 COMMISSIONER ROBERTS: Because if
11 you think about it, that's already
12 there.

13 CHAIRMAN CALONE: Well, what I
14 think what we would say, because the
15 guidelines say that no matter what, we
16 round up. So I think we may want to say
17 a minimum one unit, perhaps, consistent
18 with the guidelines, or something like
19 that. But either way -- so that way
20 there's no -- no -- no debate. But, you
21 know, we may want to reference the
22 affordable housing aspects of the
23 guidelines, the other provisions with
24 regard to all the things that go with
25 that, all the provisions of a sane

affordable housing program. So --

COMMISSIONER ROBERTS: All the other recommendations seem certainly --

CHAIRMAN CALONE: Appropriate.

COMMISSIONER ROBERTS: -- reasonable.

CHAIRMAN CALONE: Okay.

Commissioner Holmes.

COMMISSIONER HOLMES: In terms of addressing the nitrogen load, we had a similar project on Shelter Island. A vast amount of acreage which had not been a horse farm, which a fellow wanted to turn into a horse farm for boarding horses and state-of-the-art facilities. And the neighbors and the town went back and forth with him because his project is on a slope -- a fairly steep slope above Coecles Harbor, which is a big shellfishing area, and there was a great deal of discussion about it.

And what he did was successfully prove to the town that he had all of this incredible equipment and -- and

materials that he was going to bring in and use on -- on site to mitigate the nitrogen level, and very elaborate ways to dispose of the nitrogen.

So, apparently, that type of -- of, you know, technology does exist --

CHAIRMAN CALONE: Well --

COMMISSIONER HOLMES: -- and whether or not we'd want to reference anything about -- you know, the consideration of the special technology.

CHAIRMAN CALONE: Well, I think -- I don't know what you think about this, but number 8 does call on the subdivision to be reviewed by the --

COMMISSIONER HOLMES: Right.

CHAIRMAN CALONE: -- Department of Health for nitrogen load --

COMMISSIONER HOLMES: Yeah.

CHAIRMAN CALONE: -- and, undoubtedly, anything that they have that would minimize nitrogen levels, they'll bring to their attention I would think.

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2 COMMISSIONER HOLMES: You would --
3 you would think --

4 CHAIRMAN CALONE: Yeah.

5 COMMISSIONER HOLMES: -- unless it
6 was specified that they consider
7 presenting technology --

8 CHAIRMAN CALONE: Well -- well --

9 COMMISSIONER HOLMES: -- but maybe
10 that's too Mickey Mouse.

11 CHAIRMAN CALONE: Yeah. My only
12 concern would be that would be going
13 further --

14 COMMISSIONER HOLMES: Yeah.

15 CHAIRMAN CALONE: -- I mean, we're
16 not the experts on mitigation of
17 nitrogen loads.

18 COMMISSIONER HOLMES: No. No,
19 we're not.

20 CHAIRMAN CALONE: Among other
21 things we're not expert in. But I think
22 we can -- I think we can believe that
23 the Department of Health Services can --

24 COMMISSIONER HOLMES: Yeah.

25 CHAIRMAN CALONE: -- you know --

COMMISSIONER HOLMES: Yeah.

CHAIRMAN CALONE: -- can evaluate
that.

Commissioner Braun.

COMMISSIONER BRAUN: Yes, two
points -- three -- two questions, maybe.

That horizontal line there above
the little jag, is that a lot line?
What is that? In the -- it's starts in
the -- the horizontal line there, what
is that?

MR. CORRAL: That's the freshwater
natural scenic easement that the Town of
Southampton is proposing for the entire
wetlands area.

COMMISSIONER BRAUN: Okay. So then
lots 7, 8 and 9 extend right through to
the southern edge there, it's not a
separate lot?

MR. CORRAL: With -- with an
agricultural -- excuse me, freshwater.

COMMISSIONER BRAUN: The -- the
numbers in the little squares, what are
those?

MR. CORRAL: They are proposed actual addresses.

COMMISSIONER BRAUN: Oh, I see.

And the last question, lots 4, 5, and 6, those are like flags; right? I mean, is that -- are those driveways proposed to be adequate for emergency vehicles and so forth?

MR. CORRAL: We -- we looked into that issue with the town -- the -- the panhandle lot for lot 5 is 398 feet long. We checked that with the Town of Southampton Zoning Code and it does conform with their zoning.

I -- I mentioned also -- it's -- it's in the staff report and I didn't mention it, though, that one thing to consider is possibly -- and -- and I should have mentioned it before, is possibly clustering the subdivision further to the west. That would preserve the view shed along the eastern portion of the property --

COMMISSIONER BRAUN: Uh-huh.

2 MR. CORRAL: -- and also reduce the
3 length of the flag lots.

4 COMMISSIONER BRAUN: Right.

5 And is that proposed to be one
6 triple-width driveway and then shrink
7 down; is that it? Or is that --

8 MR. CORRAL: They don't give --
9 they don't give a proposed driveway for
10 those lots, so I guess I -- I couldn't
11 speak to --

12 COMMISSIONER BRAUN: Okay.

13 MR. CORRAL: -- their ultimate plan
14 with that.

15 CHAIRMAN CALONE: Any other
16 thoughts, comments, questions, or other
17 considerations?

18 COMMISSIONER ROBERTS: (Indicating)

19 CHAIRMAN CALONE: Barbara.

20 COMMISSIONER ROBERTS: Is that idea
21 on clustering going to be in the final
22 report, John, because I think -- yeah,
23 it is.

24 MR. CORRAL: It is -- it is --

25 COMMISSIONER ROBERTS: Yeah, it is.

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2 MR. CORRAL: -- one of the
3 conditions that I --

4 COMMISSIONER ROBERTS: Yeah.

5 MR. CORRAL: -- neglected to
6 mention.

7 CHAIRMAN CALONE: Okay. And we are
8 including the rest of the guidelines
9 with regard to the -- the conditions of
10 approval.

11 COMMISSIONER HOLMES: A minimum of
12 one unit.

13 CHAIRMAN CALONE: A minimum of one
14 unit, et cetera.

15 COMMISSIONER HOLMES: Yeah.

16 CHAIRMAN CALONE: So that was
17 without objection.

18 Any --

19 MR. CORRAL: Mr. Chairman, could
20 I -- the portion of the affordable
21 housing guidelines --

22 CHAIRMAN CALONE: Yeah.

23 MR. CORRAL: -- that includes that.

24 CHAIRMAN CALONE: What was the
25 question?

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MR. CORRAL: Oh, you --

CHAIRMAN CALONE: I'm sorry.

MR. CORRAL: -- you wanted to include the -- just the portion of the affordable housing guidelines with -- with the -- that affordable housing condition.

CHAIRMAN CALONE: I think so.

SECRETARY ESPOSITO: Yeah.

COMMISSIONER HOLMES: Because the minimum was one unit.

CHAIRMAN CALONE: Because, for us, you know, the rule used to be X percent, and now it's X percent but there's all sorts of other things you need to be considering with that because -- under our new guidebook. So that's -- you know, my concern is that we get in the habit of sending all that stuff, you know, that page or whatever it is, to -- to the municipality so they kind of know what we consider to be a robust affordable housing program. So --

COMMISSIONER ROBERTS: We might

even change that language to say "the details are included in the attached," so it's clear that --

CHAIRMAN CALONE: That's a good idea.

COMMISSIONER ROBERTS: Okay.

CHAIRMAN CALONE: The only thing I would add to that, Commissioner Roberts, is just that I think we should make it clear that it's -- we do want the one unit.

COMMISSIONER ROBERTS: Right.

CHAIRMAN CALONE: So we can say that --

COMMISSIONER ROBERTS: I totally agree.

CHAIRMAN CALONE: -- in the -- in the beginning, and then, you know, other details as attached probably works.

COMMISSIONER McADAM: (Indicating)

CHAIRMAN CALONE:
Commissioner McAdam.

COMMISSIONER McADAM: I probably should know this, but there are nine

conditions. Now, when this goes back to the -- back to the town, do they vote on each condition separately, or do they do it all together, or --

CHAIRMAN CALONE: My understanding is that each one may --

COMMISSIONER McADAM: -- two together?

CHAIRMAN CALONE: -- each -- they may do it whichever way they want. But, maybe, Andy or Tom, would you like to give feedback on that?

DIRECTOR ISLES: If they concur with the Planning Commission, they can make one resolution, and if it's consistent with the Planning Commission in terms of the approval, plus conditions, they're fine.

If, however, they disagree with the condition, they do have to specifically override that condition and state the reasons why. If they disagree with the recommendation, they want to disapprove the application, well, then, they don't

have to do anything, actually, at that point.

But -- so the answer your question, one resolution, if they agree with you, would be sufficient; secondly, if they agree with you but disagree with some of the conditions, they must override the conditions.

COMMISSIONER McADAM: Okay.

COMMISSIONER ROBERTS: Some of these shouldn't be conditions then, because -- if we're using the word "shall," so that's not a condition, that's a comment.

COMMISSIONER HOLMES: No, it isn't.

(Overlapping conversations)

COMMISSIONER ROBERTS: Shall -- okay.

CHAIRMAN CALONE: As opposed to should --

COMMISSIONER ROBERTS: Well, shall gives consideration, that's all.

CHAIRMAN CALONE: Shall gives consideration as a very weak comment --

as a very weak condition, but,
nonetheless --

COMMISSIONER ROBERTS: Okay.

COMMISSIONER BRAUN: You can
consider -- you can reject it, but --

CHAIRMAN CALONE: Right. Right.

COMMISSIONER McADAM: Can I --

CHAIRMAN CALONE: Yes, Mr. McAdam.

COMMISSIONER McADAM: -- I just
want to follow up on that question.

Are any of these conditions
interlocking? If they approve like,
say, two or three, are they together?
Can they approve one and disapprove the
other one?

CHAIRMAN CALONE: Yeah.

DIRECTOR ISLES: They certainly
can.

COMMISSIONER McADAM: See, usually,
we don't have these many conditions,
that's why --

CHAIRMAN CALONE: That's true.

COMMISSIONER McADAM: -- that's why
I was concerned about it.

1
2 CHAIRMAN CALONE: Well, it --
3 sometimes we do, and -- but rarely,
4 you're right. But, yes, they would have
5 to look at them condition by condition,
6 and they may decide to do some of them
7 and not do others. But I don't believe
8 any one of them, you know, inherently
9 interlocks with another one. I think
10 they could all --

11 COMMISSIONER McADAM: Okay.

12 CHAIRMAN CALONE: -- could stand
13 alone.

14 COMMISSIONER HOLMES: Yeah.

15 CHAIRMAN CALONE: And, you know, if
16 they did interlock, then they would pass
17 them together, I guess. So --

18 Any other thoughts, comments,
19 questions?

20 (WHEREUPON, there was no response.)

21 CHAIRMAN CALONE: If not, a motion
22 is in order.

23 Commissioner Roberts, would you
24 like to make the motion to approve --

25 COMMISSIONER ROBERTS: As edited?

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2 CHAIRMAN CALONE: -- as edited.

3 COMMISSIONER HOLMES: I would
4 second that.

5 CHAIRMAN CALONE: Seconded by
6 Commissioner Holmes.

7 All in favor of adopting the staff
8 recommendation for approval of the
9 subdivision with the nine conditions --
10 in particular, with the nine conditions,
11 with the edits that we indicated, raise
12 your hand.

13 (WHEREUPON, the members voted.)

14 CHAIRMAN CALONE: We have nine.

15 And all opposed?

16 (WHEREUPON, the members voted.)

17 CHAIRMAN CALONE: And abstentions?

18 COMMISSIONER HORTON: I'm actually
19 going to recuse myself from this, to err
20 on the side of caution. I believe my
21 company, the Corcoran Real Estate Group,
22 may have had this property listed
23 exclusively. I -- and I can't verify
24 that right now, but it's a strong
25 likelihood, so I'm going to recuse

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myself.

CHAIRMAN CALONE: Okay. I
appreciate that.

So the vote is nine to zero to one.

Okay. Thank you, John.

Thank you, everyone.

The last item on our agenda is a
presentation by Peter Lambert. Given
the hour, Peter has agreed to just give
us a brief synopsis, then we will do
a -- a -- you know, we will get the
one-minute version, commercial length --
commercial length right here, and we
will get the sitcom length next -- next
month. And everyone has it now, I
believe, in front of them --

COMMISSIONER BRAUN: Yeah.

CHAIRMAN CALONE: -- so everyone
can review it at their leisure. But,
Peter, if you'd like to give an
introductory comment, you're welcome to.

MR. LAMBERT: Yeah, the only thing
I wanted to say was that this is
actually a compilation of all the

information that I keep track of day-to-day in my job. And in the interest of public information, we decided to compile it all and release it for our -- for the information for the public, for our own information, and also for your information to make better decisions.

CHAIRMAN CALONE: Appreciate that.

Just -- just -- it says November 2008, we're actually releasing it today; right, but the date is through November 2008?

MR. LAMBERT: Right. We wanted to -- even though we knew the -- the release time would be January or February, we wanted to say November, because some of the data changes month to month. Especially now, we have employment data that changes every month, and the employment picture looks worse now than it did in November. The housing data also changes each month. Most of it will hold steady for -- for

at least the next several months, but housing and employment are things that are in flux right now. So we wanted to make sure it was dated November --

CHAIRMAN CALONE: Right. So that's -- and we'll -- we'll include this in our -- this will be a piece of their annual report to the county executive and the legislature, just so everyone knows.

Barbara, were you raising something?

COMMISSIONER ROBERTS: I was just suggesting that saying November 2008 may imply that we publish this monthly. So you may want to just say "data as of," rather than --

COMMISSIONER HOLMES: Annual?

COMMISSIONER ROBERTS: No.

DIRECTOR ISLES: We date all our reports.

MR. LAMBERT: Yeah, that's the usual policy, to put the month in.

CHAIRMAN CALONE: Okay. And I

think in looking at the text, it's pretty clear when it's through. And there's different citations, too, so that's helpful.

Okay. Peter, we look forward to getting a -- you know, a more in depth analysis of, you know, cross tabulations on this next month, but thank you for your efforts on that.

Anyone have any other questions?

COMMISSIONER HORTON: (Indicating)

CHAIRMAN CALONE:

Commissioner Horton.

COMMISSIONER HORTON: Not a question, I just wanted to thank you and Tom and Dan, actually, for coming to the Suffolk County Village Officials Association Planning Training Seminar. It was very well received, and you both gave a very robust presentation, in front of a tough crowd I might add --

COMMISSIONER ROBERTS: Oh, good.

COMMISSIONER HORTON: -- and less than optimal circumstances, given our

sound system was not existent.

So thank you very much for taking time out -- you know, outside of the workforce --

CHAIRMAN CALONE: I -- I -- like I --

COMMISSIONER HORTON: -- to do that. And in the future, what -- what the Suffolk County Village Officials Association is going to do is try to steer all of our members toward the county sponsored planning --

DIRECTOR ISLES: Okay.

COMMISSIONER HORTON: -- and if we can -- you know, we'll probably want to play a role in helping you organize that to -- to make it robust for our members as well.

CHAIRMAN CALONE: That's a -- that's a fantastic idea, Josh, and I think it's appreciated. I -- I joked when I was there, it was the only place I'd ever been where they -- you walk in the door as a speaker and the first

question they asked you is do you want a
bacon cheeseburger.

(Laughter)

CHAIRMAN CALONE: I said I like
these village official meetings, I want
to come back to them.

(Laughter)

CHAIRMAN CALONE: So thank you for
putting it on, and thank you for
inviting us. My answer is, yes, of
course.

But, anyway, thank you, Josh.

Does anyone else -- you know, we
rarely get to do our Commissioner's
Roundtable. And it's actually something
I was thinking about, maybe we should
move up in the agenda for the future,
because we -- we -- we kind of always
had it last --

COMMISSIONER HOLMES: Yeah.

CHAIRMAN CALONE: -- and then --
so -- you know, we kind of -- we've been
so busy with things, but does anyone
have anything else they want to just

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2 briefly share, if you have something
3 going on? If not, that's fine, we'll do
4 it next time. But --

5 COMMISSIONER ROBERTS: (Indicating)

6 CHAIRMAN CALONE: Go ahead,
7 Barbara.

8 COMMISSIONER ROBERTS: Just one
9 suggestion. I'm sensing that Dotty is
10 having a little frustration with our
11 RSVPing for meetings. Are we
12 comfortable with suggesting that we
13 could e-mail our RSVP, which might be a
14 little bit easier than if you sent us
15 a --

16 SECRETARY ESPOSITO: I think it's
17 better.

18 COMMISSIONER ROBERTS: Yeah.

19 CHAIRMAN CALONE: Well, Dotty, I
20 don't know, we'll let you respond to
21 that.

22 MS. SONNICHSEN: That's fine.
23 That's fine.

24 CHAIRMAN CALONE: Okay.

25 COMMISSIONER ROBERTS: Yeah. So I

would say if you sent an e-mail a week
in advance, that would be a good system.

MS. SONNICHSEN: Yeah.

CHAIRMAN CALONE: Especially, a
good number of us do travel a bit --

SECRETARY ESPOSITO: Yeah.

CHAIRMAN CALONE: -- for work and
other things.

SECRETARY ESPOSITO: Did the e-mail
thing work for you this last time, when
you sent --

MS. SONNICHSEN: (Head gesture)

SECRETARY ESPOSITO: It did? Okay.

COMMISSIONER ROBERTS: Yeah.

SECRETARY ESPOSITO: All right.

COMMISSIONER HOLMES: I just wanted
to ask if the director or if Andy -- did
you get any hardcopy of the universal
design building amendments that were
adopted either by Southampton or
Riverhead or Islip, I think, was on the
verge of --

MR. FRELENG: Yes, Member Holmes,
we did get -- I did get your voicemail.

I was out yesterday, I'm sorry I didn't get back to you. But John did bring -- I think he brought --

COMMISSIONER HOLMES: Oh, did you bring one?

MR. FRELENG: -- with him a copy of -- Southampton is the only --

COMMISSIONER HOLMES: Good.

MR. FRELENG: -- municipality that we could find that did adopt the universal design --

COMMISSIONER HOLMES: That would be great, because if it's another East End town, I'm -- I'm very anxious to make a presentation to the Shelter Island board, because our building department is already very enthusiastic about doing this. We have a building permit administrator who, with her brother the building inspector, had to retrofit their mother's house, and they're very aware of, you know, how nice it would be for new houses to be universal design, and --

1 MR. FRELENG: Good.

2 COMMISSIONER HOLMES: -- and I'll
3 have to go to the expense of
4 retrofitting for a disabled --
5

6 CHAIRMAN CALONE: And -- and --

7 COMMISSIONER HOLMES: -- person.

8 CHAIRMAN CALONE: And as we've
9 discussed, hopefully, we're going to put
10 together a model code, perhaps, based
11 exactly on what we --

12 COMMISSIONER HOLMES: Yeah.

13 CHAIRMAN CALONE: -- what's been
14 passed here --

15 COMMISSIONER HOLMES: So that's --

16 CHAIRMAN CALONE: -- so that all
17 the towns and villages in the county
18 have something that can be handed to
19 them on this --

20 COMMISSIONER HOLMES: Yeah.

21 CHAIRMAN CALONE: -- and we can
22 describe to them why it's important, and
23 we can get more of a county-wide
24 standard on that. So --

25 COMMISSIONER HOLMES: That would be

great.

CHAIRMAN CALONE: -- so -- so thank
you for that.

Anyone else, any comments,
questions?

(WHEREUPON, there was no response.)

CHAIRMAN CALONE: If not, I'll
entertain a motion to adjourn.

SECRETARY ESPOSITO: So moved.

CHAIRMAN CALONE: Motion by
Secretary Esposito.

VICE CHAIRMAN KONTOKOSTA:
(Indicating)

CHAIRMAN CALONE: Seconded by
Commissioner --
Vice Chairman Kontokosta.

All in favor?

ALL: "Aye."

CHAIRMAN CALONE: It's unanimous.

Thank you all.

(WHEREUPON, the meeting of the
Suffolk County Planning Commission
adjourned at 3:23 p.m.)

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C E R T I F I C A T E

5

6 I, THERESA PAPE, a Shorthand Reporter and
7 Notary Public of the State of New York, do hereby
8 certify:

9 That the foregoing is a true and accurate
10 transcription of the stenographic notes taken
11 herein.

12 I further certify that I am not related to
13 any of the parties to this action by blood or
14 marriage; and that I am in no way interested in the
15 outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 4th day of February, 2009.

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21

THERESA PAPE

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