

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

NOTICE OF MEETING

DATE: October 7, 2009

TIME: 12:00 P.M.

LOCATION: Town of Southold Meeting Hall – (53095 Route 25)

DIRECTIONS: Best Route to NYS Route 25, Continue east on Route 25 to Southold. The road curves around by a blinking yellow light, pass Oaklawn Avenue on the right, then Horton Avenue on the left. Southold Town Hall (single story, white clapboard building) is on left-hand side, across from a cemetery and a church.

DIRECTIONS from Orient Point to Town Hall

Follow Route 25 through Greenport Follow Route 25 several miles through Southold Village. Town Hall is on the left across the street from the Presbyterian Church and cemetery.

The Tentative Agenda Includes:

1. Adoption of minutes for August 5, 2009
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers - Hon. Scott Russell, Supervisor, Town of Southold
Heather Lanza, Director of Planning, Town of Southold
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - Bay Gas 0200 85100 0100 004000 (Brookhaven)
 - SYSCO Long Island, LLC. 0500 09900 0400 007001 (Islip)
7. Section A14-24 of the Suffolk County Administrative Code:
8. Discussion -
 - Flag Lot Policy
9. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, **November 4th** at 12:00 P.M. in Riverhead.

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SUFFOLK COUNTY PLANNING COMMISSION

3

TOWN OF SOUTHDOLD MEETING HALL

4

53095 Route 25
Southold, New York

5

6

October 7, 2009
12:00 p.m.

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D R A F T

10

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14 BEFORE:

15

DAVID CALONE, Chairman
Town of Babylon

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17

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20 REPORTED BY:

21

THERESA PAPE, Court Reporter/Notary Public

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23

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

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CONSTANTINE KONTOKOSTA, Vice Chairman,
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10 07 09_Planning_Commission.txt
3 Commission Member
Villages Under 5,000 Population
4
5 ADRIENNE ESPOSITO, Secretary,
Commission Member
Villages Over 5,000 Population
6
7 LINDA HOLMES, Commission Member
Town of Shelter Island
8
9 BARBARA ROBERTS, Commission Member
Town of Southampton
10
11 CHARLA BOLTON, Commission Member
At Large
12
13 THOMAS McADAM, Commission Member
Town of Southold
14
15 SARAH LANSDALE, Commission Member
At Large
16
17 JOSHUA HORTON, Commission Member
At Large
18
19 VINCENT TALDONE, Commission Member
Town of Riverhead
20
21 MICHAEL KELLY, Commission Member
Town of Brookhaven
22
23 JOSEPH POTTER, Commission Member
Town of East Hampton
24
25 MATTHEW CHARTRAND, Commission Member
Town of Islip

22 A B S E N T M E M B E R S:

23 JOHN CARACCILOLO, Commission Member
24 Town of Huntington
25

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

2 THOMAS A. ISLES, Director of Planning
3
4 DANIEL GULIZIO, Deputy Director of
Suffolk County Planning Department
5
6 ANDREW P. FRELENG, Chief Planner
Suffolk County Planning Department
7
8 TED KLEIN, Senior Planner
Suffolk County Planning Department
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8 JOHN CORRAL,
Suffolk County Planning Department
9
10 LINDA SPAHR, County Attorney
11 DOTTY SONNICHSEN, Staff

12
13 G U E S T S:

14 HONORABLE SCOTT RUSSELL, Supervisor
Town of Southold
15 HEATHER LANZA, Director of Planning
16 Town of Southold
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1 Suffolk County Planning Commission 10/7/09 4
2 (WHEREUPON, this proceeding convened at
3 12:00 p.m. Off-the-record discussions
4 ensued, after which the following
5 transpired:)
6 (Time noted: 12:13 p.m.)
7 CHAIRMAN CALONE: Okay. Welcome to the
8 October meeting of the Suffolk County
9 Planning Commission. I note that a quorum is
10 present, and I would ask our Vice Chairman to
11 lead us in the Pledge.

12

13 CHAIRMAN CALONE: Okay. First up is the
14 public portion.

15 Mr. Shea.

16 MR. SHEA: Good afternoon, Mr. Chairman,
17 members of the board.

18 Just at the beginning I would like to
19 note that -- I would ask to take Jack
20 O'Laughlin's time to add to my time for my
21 presentation.

22 CHAIRMAN CALONE: Have him sign a blue
23 card and then we can do that.

24 MR. SHEA: Okay. Thank you.

25 I represent --

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2 CHAIRMAN CALONE: Just be sure to spell
3 your last name and -- for the record and --

4 MR. SHEA: Okay.

5 CHAIRMAN CALONE: -- it's a small enough
6 room, I think everyone can hear you, so --

7 MR. SHEA: Okay.

8 CHAIRMAN CALONE: -- you have the floor.

9 MR. SHEA: J. Timothy Shea, Jr., of
10 Certilman Balin, 1393 Veterans Memorial
11 Highway, Hauppauge, New York, for the
12 applicant. The name is -- the last name is
13 spelled S-H-E-A.

14 I am here speaking on behalf of Bay Gas,
15 who has a current pending application before
16 the Town of Brookhaven Town Board, for a

17 change of zone from a bulk property, which is
18 mixed zone between L-2, heavy industrial, and
19 Residence A. Just for the board's
20 edification, the vast bulk of the property is
21 L-2 with a sliver of Residence A located to
22 the rear of the property.

23 The L-2 property is currently and has
24 been operated as a propane facility since
25 1961. Currently there is a single

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2 30,000-gallon propane -- aboveground propane
3 tank located to the rear of the property,
4 offices in the front. The application before
5 the town board is to change the zone of this
6 little sliver in the back to allow for
7 additional buffer to the rear of the
8 property, and for a special permit, which is
9 now required for installation of a second
10 30,000-gallon propane tank which will remain
11 on site.

12 Currently, Bay Gas employs between 45
13 and 50 people. They have had, in fact, two
14 previous approvals that are noted on the
15 record for the second tank, but now a special
16 permit is required. One of the previous
17 approvals was garnered a couple of years ago,
18 but was only temporary in nature allowing for
19 a three-year special permit.

20 There were certain issues that were

10 07 09_Planning_Commission.txt
21 raised with regard to fire prevention, and
22 kern improvements to the propane tank that
23 would need to be made under the NFPA
24 Guidelines that go into effect in 2011.
25 After many discussions with the town,

1 Suffolk County Planning Commission 10/7/09 7
2 the client has agreed -- or has actually
3 suggested and is willing to put into place
4 here substantial improvements above and
5 beyond the safety protocols that are required
6 under the National Fire Protection Act.
7 Those improvements include an additional fire
8 hydrant and a deluge system which will
9 surround both of the two 30,000-gallon tanks.

10 In addition, the board should understand
11 that Bay Gas services approximately 30,000
12 customers, with 75 percent of those customers
13 within 30 minutes of the store. These are
14 mostly residential and commercial customers
15 which they deliver propane to, that are used
16 to heat houses and to heat commercial areas.

17 Part of the problem here is that we have
18 currently five transport trucks. There is no
19 transport of propane directly onto Long
20 Island. In order to get the propane, my
21 client requires to go either to New Jersey or
22 Upstate New York with the transport trunk,
23 obtain the propane, and bring it back.
24 Currently, they still are -- they have five
25 transports that store propane, in addition to

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2 the existing 30,000-gallon tank.

3 In order to meet their customers' needs,
4 they require this additional 30,000-gallon
5 tank mainly because of one item that comes up
6 in the middle of the winter, is that in
7 inclement weather, that's when you get your
8 highest usage of propane.

9 There are times at which the client
10 would rather not have to send their trucks
11 either to New Jersey or New York in the
12 inclement weather, the transport trucks, but
13 are caught in a Catch-22 in that they only
14 have a 30,000-gallon tank on site. The
15 additional 30,000-gallon tank will give them
16 the kind of leeway that they need in order to
17 delay trips until the weather clears in times
18 of emergency situations where people may be
19 running low on propane.

20 It should be noted for the board that
21 this is a legal use at this subject premises
22 right now. We understand that a land use
23 plan was adopted by the Town of Brookhaven in
24 2003 with regard to the surrounding area.
25 This site was not considered with regard to

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2 that and the legal rights that my client had

3 with regard to his property. It was
4 suggested previously, and part of the prior
5 special permit suggested that they move and
6 the town would use alternate facilities.

7 The town has done nothing. They have
8 not suggested a single -- they did cite one
9 alternate. The price was prohibitive and, in
10 fact, the build-out alone to do a new propane
11 facility the equivalent of this is going to
12 be \$3 million. It is prohibitively expensive
13 for my client to both move his operation, buy
14 new land, and do a \$3 million build-out under
15 current economic conditions, and I think even
16 under the best of conditions.

17 What we are proposing, in addition to
18 this tank, is close to a half million dollars
19 in fire prevention in the form of the
20 additional fire hydrant and the deluge
21 system.

22 Just so you can get a grasp on the
23 numbers for fire prevention here, the update
24 of the existing tank for the NFPA that goes
25 into effect in 2011, we got a quote for

1 Suffolk County Planning Commission 10/7/09 10
2 \$97,000 just for that portion of the
3 upgrades. The deluge system is extremely
4 more complicated, extremely more expensive,
5 is going to result in a very large investment
6 by our clients so that they would like to be
7 about to remain here and make this site a

8 better site and make it the state-of-the-art
9 site on Long Island.

10 Now I'm going to hand the floor over to
11 Mr. Butler who is our engineer and who
12 designed the deluge system, and he'll be able
13 to speak to that.

14 CHAIRMAN CALONE: Okay. Well, why don't
15 we -- why don't we do it this way.

16 Your time has expired. I'd like the
17 other gentleman just to file a card with
18 Dotty so we have that.

19 MR. SHEA: He has.

20 CHAIRMAN CALONE: No, not Mr. Butler,
21 the other one who you took the time from.

22 MR. SHEA: Okay.

23 CHAIRMAN CALONE: And then, Mr. Butler,
24 you're recognized for three minutes.

25 Spell you last name for the record,

1 Suffolk County Planning Commission 10/7/09 11
2 please.

3 MR. BUTLER: Butler, B-U-T-L-E-R.
4 Butler Engineering, 206 Lincoln Street,
5 Riverhead, New York.

6 I was asked on behalf of the -- of Bay
7 Gas to look at the site in terms of fire
8 safety.

9 Now, in 2004, NFPA 58 came out with a
10 directive, which is called a fire safety
11 analysis report, which is a way of measuring

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12 a site as it relates to NFPA 58, which are
13 the guidelines for fire safety on a site like
14 this. We have performed that report and have
15 reviewed the site as it is today and the site
16 as it would be with the proposed tank.

17 There are six principles for performing
18 a fire safety analysis report, which includes
19 effectiveness of product control measures;
20 local conditions of hazard within the
21 container site, including congestion within a
22 site; explosion to off-site properties and
23 populations that, in fact -- and -- and
24 impact of neighboring industrial activities
25 on the facility; effectiveness of the local

1 Suffolk County Planning Commission 10/7/09 12
2 fire department that may respond to an
3 emergency within the facility; and
4 requirements for availability of adequate
5 water supply; and full compliance with code
6 requirements for existing LP gas facilities;
7 and corrective actions to be implemented by
8 proposed facilities and direct any
9 deficiencies.

10 The conclusion of this report was
11 basically that the -- the site as it exists
12 today is in full compliance with NFPA 58 as
13 of NFPA -- NFPA 58 today, and that this site
14 has ample room for expansion with the other
15 30,000 gallons of -- with the additional tank
16 on site, without interrupting any of the code

17 requirements of NFPA 58.

18 Now, in addition to the fire safety
19 analysis report and NFPA 58, we have chosen
20 to go above and beyond that in terms of fire
21 protection. As Tim said, the existing tank
22 is going to be upgraded per NFPA 58 2011 code
23 changes, but beyond that, we're going to be
24 putting in redundant valve systems --
25 internal valve systems, and the new tank

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2 that's going in -- is going to be installed
3 is going to be a state-of-the-art tank.

4 In summary, the deluge system that
5 Mr. Shea had spoke of, along with the
6 additional hydrant and the hydrant that's in
7 place on the corner of Oak Avenue and McGraw
8 Street provide fire protection above the code
9 at a percentage of 360 percent. The water
10 available is 360 percent above the code
11 requirements. It gives us effectively a --
12 we're required to have 1,000 gallons per
13 minute on the tanks in an event, we're
14 putting 3,600 gallons per minute on the site,
15 which, in terms of volume of water, would
16 fill an average backyard swimming pool in
17 about eight minutes. So it's way above and
18 beyond what the code requires.

19 CHAIRMAN CALONE: Thank you, Mr. Butler.
20 Unless there are any other comments from

10 07 09_Planning_Commission.txt
21 the public, we'll close the public portion.
22 The next item on the agenda is the Chair
23 report.
24 It's good to be here in Southold.
25 Southold is certainly a defining locale for

1 Suffolk County Planning Commission 10/7/09 14
2 Suffolk County with its rural lifestyle, its
3 farms and vineyards, its wonderful villages,
4 the maritime activity, small businesses, and
5 its role as the gateway of New England. And
6 we're particularly honored to have the
7 Southold Town Supervisor Scott Russell and
8 Planning Department Director Heather Lanza
9 with us, and we'll be hearing from them
10 shortly.

11 Despite the fact that -- I was thinking
12 about this, despite the fact that Southold
13 only has about two percent of the population
14 of Suffolk County, its residents comprise
15 20 percent of this commission.

16 COMMISSIONER HORTON: And about
17 80 percent of the personality of Long Island.

18 (Laughter)

19 COMMISSIONER HOLMES: Oh, dear.

20 SECRETARY ESPOSITO: He was waiting to
21 say that.

22 CHAIRMAN CALONE: Yeah. He's here in
23 home court, and he feels like he can kind
24 of --

25 SECRETARY ESPOSITO: Yeah.

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2 CHAIRMAN CALONE: -- you know.
3 Notwithstanding the percentage of rock
4 stars from Long Island that reside in
5 Southold, it's indeed a blessing to have you
6 guys on the commission. So --
7 And we actually have a new member here
8 today. I want to welcome Matt Chartrand.
9 COMMISSIONER CHARTRAND: Thank you.
10 CHAIRMAN CALONE: Welcome, Matt. And
11 what I'd like to do now is move to a swearing
12 in.
13 We also have -- two members have been
14 reappointed, Tom McAdam from Southold, and
15 our Vice Chairman Constantine Kontokosta
16 representing Villages Under 5,000.
17 So would the three of you stand and I
18 will just read you the oath.
19 (WHEREUPON, Commissioners Matthew
20 Chartrand, Thomas McAdam, and Vice Chairman
21 Constantine Kontokosta were sworn in as
22 Members of the Suffolk County Planning
23 Commission.)
24 CHAIRMAN CALONE: Great. Thank you, and
25 welcome aboard, Matt.

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2 COMMISSIONER CHARTRAND: Thank you.

3 CHAIRMAN CALONE: Just a brief update on
4 our goals for the year. As you know, there
5 were two.

6 One, to begin the Suffolk County
7 Comprehensive Plan update;

8 The second was our intermunicipal task
9 forces, getting them up and running.

10 The advisory committee for the
11 Comprehensive Plan from this commission met
12 earlier -- just before with Tom and Dan, and
13 I know that Director Isles will give us an
14 update on where the Comprehensive Plan is at.

15 In general, I know that the county
16 executive and the planning department have
17 worked on an outreach plan to implement over
18 the next few months.

19 Our intermunicipal task forces are going
20 well. I think some of you saw the Newsday
21 editorial supporting the commission's task
22 force effort from a few weeks ago.

23 Last month, I told you how Congressman
24 Israel was interested in the task forces'
25 work, and he and I met. He was very

1 Suffolk County Planning Commission 10/7/09 17
2 supportive and, in fact, asked the commission
3 to co-host with him an energy efficiency
4 summit that it looks we're now going to
5 probably do in November, since he's tied up
6 in Washington with some national issues.

7 But, anyway, the goal of that summit

8 will be to inform the municipalities about
9 their ability to issue these federally backed
10 bonds called PACE bonds which allow them to
11 create a revolving fund to help pay for home
12 energy efficiency retrofits. So I'll
13 obviously let you know when we know more
14 information about that gathering with
15 Congressman Israel.

16 I want to turn to the heads of each of
17 our task forces and ask them for an update.

18 We'll first turn to Sarah with Energy
19 and the Environment.

20 COMMISSIONER LANSDALE: All right.
21 Thank you, Chairman.

22 Things are moving forward with the
23 Energy and Environment Committee. We've had
24 several conference calls over the past month,
25 and we look forward to participating in the

1 Suffolk County Planning Commission 10/7/09 18
2 upcoming planning federation workshop later
3 this month.

4 Thank you.

5 CHAIRMAN CALONE: Thank you, Sarah.

6 Just to provide a little color on -- and
7 there's two things I've been working on. I
8 know there's other things going on with that
9 group, but with the solar panel effort, it's
10 moving well. I was actually asked to give a
11 presentation at Hofstra two weeks ago on the

10 07 09_Planning_Commission.txt
12 basics of that plan. It was mostly Nassau
13 County officials, but it was very well
14 received and they wanted to know when they
15 could perhaps utilize the plan that we're
16 coming up with for Suffolk County.

17 Also --

18 SECRETARY ESPOSITO: Did you give them
19 an estimated fee charge?

20 CHAIRMAN CALONE: I said Adrienne will
21 be in touch to work out our invoice, yes.

22 Also, the Long Island Solar Contractors
23 Association, which is the group of folks who
24 actually go up on the roofs and do these
25 things, have asked for a briefing on the

1 Suffolk County Planning Commission 10/7/09 19
2 plan. They had -- one of their members has
3 been involved in putting it together, but I'm
4 going to speak to them at their monthly
5 meeting tonight just to bring them up to
6 speed on kind of where things are going with
7 that.

8 And LIPA continues to be supportive. In
9 fact, Kevin Law is very eager to get behind
10 this. So eager that he announced an
11 October 30th date for an announcement in
12 Newsday. However, I since spoke with
13 President Law and we're going to actually
14 probably move that back to November to make
15 sure we have enough time to get feedback from
16 the electeds and the building department to

17 make sure we have a consensus around this.

18 So the importance of LIPA here is that
19 LIPA is willing to provide funding to the
20 municipalities to encourage them to
21 participate in this streamlined approach.
22 And so that's something I think we can be
23 proud of, if we can get it done.

24 The other thing that the task force will
25 be focusing on is the home energy retrofits,

1 Suffolk County Planning Commission 10/7/09 20
2 which is basically an idea that came out of
3 Babylon. Supervisor Bellone put together
4 this Green Homes program that basically will
5 finance these -- the ability of people to
6 retrofit their homes. And there's a lot of
7 moving parts here, but there's been some
8 discussion on how do we make that program a
9 county-wide program or maybe even an
10 island-wide program.

11 And I've been in some conversations with
12 LIPA, Congressman Israel's office, Babylon,
13 County Executive Levy, and they're all kind
14 of on board with the need to expand this
15 program regionally.

16 And so at the suggestion actually of the
17 task force working group, Suffolk filed an
18 expression of interest with the U.S.
19 Department of Energy for stimulus money
20 related to this just a week or so ago. And

10 07 09_Planning_Commission.txt
21 the formal application is due after the New
22 Year.

23 So there's going to be a lot of work
24 between now and then, mostly trying to get a
25 lot of these governmental organizations

1 Suffolk County Planning Commission 10/7/09 21
2 working together on this, but -- it'll be
3 interesting to see how it plays out, but I
4 think we have a real possibility to be a
5 leader nationwide on these energy
6 efficiency -- home energy efficiency
7 retrofits.

8 Anyway, that's my thoughts on that.

9 Constantine, would you like to update
10 everyone on Housing?

11 VICE CHAIRMAN KONTOKOSTA: Yes. Thank
12 you, Mr. Chairman.

13 We continue to progress. We're going to
14 have another meeting of the task force in the
15 next two weeks.

16 We've begun to -- we've narrowed down
17 our goals to kind of looking at standardizing
18 terms and elements of different affordable
19 housing plans, looking at incentives and
20 other strategies to encourage affordable
21 housing, as well as removing regulatory
22 barriers to affordable housing. Looking at
23 local level housing element plans and how
24 those could be incorporated, and perhaps
25 quantifying housing needs at the local

1 Suffolk County Planning Commission 10/7/09 22
2 level -- affordable housing needs at the
3 local level. And, of course, trying to
4 figure out some better strategies to provide
5 for housing needs for the lower-income and
6 lowest-income populations and those most in
7 need in the county.

8 So we've already drafted some discussion
9 documents that we're going to be going over
10 at the task force meeting in a couple of
11 weeks.

12 CHAIRMAN CALONE: Thanks, Constantine.

13 VICE CHAIRMAN KONTOKOSTA: Sure.

14 CHAIRMAN CALONE: Next, Vince with the
15 Accessible Design and Smart Growth.

16 COMMISSIONER TALDONE: Thank you,
17 Mr. Chairman.

18 Just a quick update on the Accessible
19 Design portion of our work.

20 I'm very happy to say that Brookhaven
21 Town this past month adopted a universal
22 design permit code. Which in terms of the
23 existing codes in the several towns on Long
24 Island which have already adopted universal
25 design codes, the Brookhaven code is now the

1 Suffolk County Planning Commission 10/7/09 23
2 most aggressive, the most generous, and I

3 believe the one most likely to succeed to
4 date. So we're very excited about that.

5 Commission Member Bolton and myself went
6 to the -- the hearing, we testified,
7 representing ourselves, of course, not the
8 commission, and the bill sailed through with
9 the full support, of course, from Connie
10 Kepert, the council member most closely
11 associated with this law, and Cliff
12 Heimowitz, who is the town's mobility
13 specialist -- I believe that's actually his
14 title.

15 So we're very excited about that, and
16 that brings us closer to putting together an
17 assortment of existing codes so that we can
18 possibly bring before you very shortly what
19 we hope to be a draft model code that we
20 believe the remaining towns, if not all towns
21 in Suffolk County, should adopt.

22 And, lastly, regarding Smart Growth, we
23 are still exploring how best we, as a county
24 commission, can play a productive role in
25 that whole field. So we're really not at the

1 Suffolk County Planning Commission 10/7/09 24
2 stage of proposing any model code or
3 guideline, but I suspect we'll be close to
4 that fairly shortly.

5 SECRETARY ESPOSITO: Was the Brookhaven
6 Town vote a unanimous vote?

7 COMMISSIONER TALDONE: Yes.

8 SECRETARY ESPOSITO: It was. Okay.

9 COMMISSIONER TALDONE: Absolutely.

10 And, actually, if I may say, the reason
11 it's so significant is the other towns -- the
12 largest financial incentive is \$300 saved off
13 your permit if you select some or all of the,
14 you know, universal design features.

15 In Brookhaven, they basically cut the
16 building permit in half. And that's a huge
17 savings. Particularly, if you're a developer
18 putting together a larger development, you
19 can add up the dollars rather quickly and see
20 this can save you a whole lot of funds. So I
21 think it's the most exciting one.

22 And, also, it's flexible because there's
23 a menu. So you can choose from the menu of
24 features, which ones work for you and your
25 home.

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2 COMMISSIONER BOLTON: Also --

3 CHAIRMAN CALONE: Charla, go ahead.

4 COMMISSIONER BOLTON: -- the
5 representative from the Long Island
6 Association, is that -- spoke also in support
7 of the event. So it really had broad
8 support.

9 CHAIRMAN CALONE: Thank you for being
10 there on behalf of -- if not the commission
11 formally, then at least, some of the values

10 07 09_Planning_Commission.txt
12 of our commission has been espoused.
13 COMMISSIONER TALDONE: And if I may, if
14 I didn't say it, I really want to give lots
15 of credit to Judy Pannullo from the Suffolk
16 Community Council who has been working on
17 this Accessible Long Island project for a
18 long time, and -- she spent a lot of time on
19 this and we're very grateful.
20 CHAIRMAN CALONE: Well, thank you --
21 thank you, Vince. And thank you to you and
22 Charla for your leadership on that. I think
23 that, you know, this is something that we can
24 help the other towns and villages know about,
25 learn about, and hopefully help them

1 Suffolk County Planning Commission 10/7/09 26
2 implement. So it's a great -- a great thing.
3 The other thing I'll just mention on
4 Smart Growth, one of the things that came out
5 of a conversation we had around this table --
6 not this particular table, but the group of
7 us a couple months ago, is the idea that
8 there should be a Sewer Summit 2 for Suffolk
9 County. I have talked to the county
10 executive about that, who definitely wants to
11 do that, and the focus of that would be on
12 financing. In particular, how do we optimize
13 sewer -- sewer and other infrastructure
14 needs, how do we optimize revenues and funds
15 for that.

16 And that really takes three parts, which
Page 22

17 is one, how do we do a better job getting
18 money out of Washington; how do we do a
19 better job of getting money out of Albany,
20 working -- you know, how do we work together
21 as municipalities to do that; and the third
22 thing is how do we fig- -- can we figure out
23 a way to get more localized funding so that
24 we're not dependent upon the whims of
25 Washington or Albany for funding the needs

1 Suffolk County Planning Commission 10/7/09 27
2 here on the Island.

3 So given everything that's going on in
4 the business of this -- this fall season, I
5 think the county executive is looking at
6 maybe doing the sewer summit after the New
7 Year some time, maybe in the first quarter.
8 But just to let you know that that is an
9 idea, like I said, that came out of this
10 group, and I believe it's going to be moving
11 forward.

12 The other thing is that in regard to
13 creating localized funding, there's certainly
14 the possibility of creating maybe like the
15 Long Island Infrastructure Bank. And Vice
16 Chairman Kontokosta and his colleagues at NYU
17 may be doing some more thinking about that
18 for us, and there may be some others who are
19 looking at how would you create that kind of
20 a structure to help us fund our needs here.

21 The last task force is right now
22 leaderless, as our -- as our general, Bob
23 Braun, has left us to join the Levy
24 administration. But on Public Safety, what
25 we're working on doing is distilling what's

1 Suffolk County Planning Commission 10/7/09 28
2 been done elsewhere, compiling that
3 information, and then sending that out to the
4 electeds who are on that task force for their
5 input.

6 The three supervisors who are on that
7 task force are all up for election in the
8 next couple of weeks.

9 You're running away because I said the
10 word "election," Josh?

11 (Laughter)

12 CHAIRMAN CALONE: Anyway, but
13 Supervisors Kabot, Lesko, and Vecchio are all
14 on that task force and they're all a little
15 busy right now. So our goal is really to
16 kind of get -- compile the information and
17 get it out to the electeds after -- after
18 Election Day, sometime in November.

19 Last, but certainly not least, is our
20 Master Plan Resource List, which Barbara's
21 been starting to -- has been heading up and
22 starting to focus on.

23 So, Barbara.

24 COMMISSIONER ROBERTS: Our original
25 concept was to be a resource list, just to

1 Suffolk County Planning Commission 10/7/09 29
2 assemble books, planners, Web sites,
3 whatever, to help a village or town with a
4 comprehensive plan. I will be sending all of
5 you an e-mail, just at -- reaching out for
6 any local ideas and resources.

7 I would say, however, that as a result
8 of our meeting earlier today on the county
9 master plan, I think there is some discussion
10 that I revisit with Dan and Tom to
11 potentially reframe this committee, David, so
12 it has a little bit more of a focus on how we
13 can use the local work that's been done on
14 comprehensive plans to roll up and to be used
15 more in the county plan. So I'll be
16 following up with the meetings with Dan and
17 Tom to think about -- we may reframe our work
18 a little to do that.

19 CHAIRMAN CALONE: Okay. Thanks.

20 Any other thoughts or comments on that?

21 COMMISSIONER BOLTON: (Indicating)

22 CHAIRMAN CALONE: Charla.

23 COMMISSIONER BOLTON: It's not relevant
24 to that. I was just going to ask you, since
25 you attended the -- the workshop on solar

1 Suffolk County Planning Commission 10/7/09 30
2 energy, and there was also a presentation on

10 07 09_Planning_Commission.txt
3 ethics --
4 CHAIRMAN CALONE: Uh-huh.
5 COMMISSIONER BOLTON: -- and I don't
6 know if you wanted to ask Linda if she wanted
7 to say something about that.
8 CHAIRMAN CALONE: Yeah -- yeah, I have
9 that on my list. Let me --
10 COMMISSIONER BOLTON: Okay.
11 CHAIRMAN CALONE: Yeah, let's get to
12 that.
13 COMMISSIONER BOLTON: Okay.
14 CHAIRMAN CALONE: Actually, let me just
15 wrap up the task forces. I think that's
16 basically it.
17 Thank you all for your leadership on
18 this. Obviously, we need to keep things
19 moving with the task forces. And hopefully,
20 in particular, the Energy Environment,
21 Housing task forces will have their full task
22 force meetings, you know, sometime this
23 month.
24 Let me just get -- a couple of just last
25 notes.

1 Suffolk County Planning Commission 10/7/09 31
2 Again, welcome Matt Chartrand, the --
3 who is the President of Iron Workers
4 Local 361. He is not only our new commission
5 representative from Islip, but he's also our
6 union representative.
7 So it's good to have you, Matt, as I

8 mentioned earlier, and welcome.

9 COMMISSIONER CHARTRAND: Thanks again.

10 CHAIRMAN CALONE: I also want to
11 recognize -- it's always good when -- when
12 our members are doing good stuff, and so I
13 want to recognize Michael Kelly who is the
14 Man of the Year for the Long Island Chapter
15 of the American Cancer Society.

16 COMMISSIONER HOLMES: Oh, how nice.

17 CHAIRMAN CALONE: Congratulations,
18 Michael.

19 (Applause)

20 CHAIRMAN CALONE: Okay. Well, I'm going
21 to also praise Constantine because, as many
22 of you guys know, he's Assistant Clinical
23 Professor at the Real Estate Institute at
24 NYU, and he is in the process of putting
25 together a Sustainability Institute for NYU.

1 Suffolk County Planning Commission 10/7/09 32

2 And I think that's very exciting, A, that we
3 have the ability to have him sitting around
4 the table with us, and to share kind of the
5 most recent research of what's going on
6 around the country.

7 So congratulations, Constantine --

8 VICE CHAIRMAN KONTOKOSTA: Thank you.

9 CHAIRMAN CALONE: -- on getting that
10 approved by NYU. That's a great --

11 VICE CHAIRMAN KONTOKOSTA: Thank you.

12 CHAIRMAN CALONE: -- that's a great
13 thing.
14 A couple of last items.
15 County Executive Levy gave a speech on
16 reducing red tape recently at a -- at a forum
17 a couple weeks ago, and apparently he used as
18 his -- one of his main examples, this
19 commission's intermunicipal agreements with
20 the towns and villages as a prime example of
21 good government. So congratulations to all
22 of us, and the county executive let me know
23 that he appreciated that work and was happy
24 he could use it as an example of what -- of
25 the kind of government that we should be

1 Suffolk County Planning Commission 10/7/09 33
2 having.

3 County Road 58, I don't know if some of
4 you drove that way or if you were smart
5 enough to avoid it. I was not, I decided to
6 check out how it was doing.

7 COMMISSIONER HOLMES: Oh, dear.

8 CHAIRMAN CALONE: Construction -- let me
9 just tell you from personal knowledge,
10 construction is well underway and the Town of
11 Riverhead -- I think I sent this to everyone,
12 the Town of Riverhead issued a press
13 release --

14 COMMISSIONER HOLMES: Yes.

15 CHAIRMAN CALONE: -- thanking the
16 commission for its efforts in helping improve

17 public safety on the project. Particularly,
18 they mentioned Vince in that press release,
19 which was well deserved, because it was,
20 thanks to his efforts, that those steps were
21 taken.

22 And the supervisor, Supervisor Cardinale
23 and the county executive are planning a press
24 conference on County Road 58 safety
25 improvements and the construction progress,

1 Suffolk County Planning Commission 10/7/09 34
2 and the commission has been asked to
3 participate in that. And they haven't set a
4 time yet or date, but it'll be sometime this
5 month or, perhaps, early next month.

6 As Charla mentioned, the Ethics
7 Commission -- we got the letter from Judge
8 Lama, the Ethics Commission, which I
9 forwarded to all of you. Basically it said
10 they -- they could not give us broad guidance
11 on some of the issues that we raised, but
12 rather, they were willing to address them on
13 a specific individual basis. So if there are
14 issues that come up that you feel you have a
15 little qualm about, iss- -- you know,
16 concerns about what you should be doing, you
17 can let me know, you can let Linda know,
18 or -- or Tom, and most importantly, you can
19 write a short letter to the Ethics Commission
20 explaining the situation and asking them for

10 07 09_Planning_Commission.txt
21 their advise.

22 Linda, I don't know if there's anything
23 else you wanted to add on that topic, or as
24 Charla said, as a result of the presentation
25 we were at at Hofstra.

1 Suffolk County Planning Commission 10/7/09 35

2 MS. SPAHR: I thought it was interesting
3 that -- first of all, the speaker was
4 wonderful, and he wasn't just talking about
5 ethics for planning commissioners, but it was
6 municipal ethics in general. And he is a --
7 a renowned speaker, he's a real expert in the
8 field. And I thought that it was interesting
9 watching him field the questions, and I think
10 his response to one of the questions was,
11 "Ah, ah, ah, you can't generalize because any
12 different factor, just the smallest issue can
13 change the answer to the question."

14 And what I would point out, and I don't
15 know how much he emphasized it, first of all,
16 as I've mentioned to you before, the real
17 danger aside from being charged with an
18 ethics violation -- which isn't usually what
19 happens when there's a conflict here, but the
20 real danger when there's a conflict in your
21 job here as an ethics commissioner -- rather,
22 as a planning commissioner, and your jobs
23 elsewhere on a town or other municipal level,
24 is that the action you take here can be
25 compromised. And that's why you really need

1 Suffolk County Planning Commission 10/7/09 36
2 to make sure that you're not looking at
3 things from -- twice. That you as an
4 individual are not reviewing something twice.
5 Once, say, on a town level or a village
6 level, and then, also, on the planning
7 commission or county level. And that's
8 because what you do could end up being for no
9 avail, or to no avail.

10 That's the one part.

11 But when it does come to the question of
12 whether you're doing something that is
13 unethical or that could cause you to be
14 removed from the board or -- or face some
15 type of penalty, the real value of making an
16 inquiry of the Ethics Commission is, number
17 one, it's confidential, and number two, it
18 provides you with an absolute defense if it
19 turns out that somebody comes forward later
20 and charges you with an ethics violation.

21 It's not just you as a planning
22 commissioner, potential conflicts, but your
23 health -- as a planning commissioner, you are
24 an employee of Suffolk County, you have some
25 benefits. One of you found out that one of

1 Suffolk County Planning Commission 10/7/09 37
2 the benefits is --

3 SECRETARY ESPOSITO: We do?
4 MS. SPAHR: -- if you get hurt at a
5 meeting, is that you're covered by Workers'
6 Comp.
7 CHAIRMAN CALONE: Well, there -- there
8 you go, we -- you get --
9 (Laughter)
10 CHAIRMAN CALONE: -- you get --
11 SECRETARY ESPOSITO: Boy, that's a good
12 one.
13 COMMISSIONER HORTON: I might get fired
14 from my job --
15 (Laughter)
16 SECRETARY ESPOSITO: Whoo.
17 COMMISSIONER HORTON: -- for coming
18 here, but it's nice to know.
19 MS. SPAHR: And in terms of ensuring
20 community -- you know, legal protection or a
21 legal defense in your work. So there are
22 some benefits as an employee of the county.
23 But all of the other rules that apply
24 to -- you know, to me as a -- as a county
25 employee, apply to all of you. In terms of

1 Suffolk County Planning Commission 10/7/09 38
2 even entering into contract, where you may be
3 receiving money from the county, a rental
4 property, or something like that. So I
5 would -- it -- it -- urge all of you to read
6 the ethics code.

7 CHAIRMAN CALONE: And, of course --
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8 Thank you, Linda.

9 And, of course, one of the issues is the
10 gray areas, and that's what we've been
11 grappling with. And some of the issues that
12 have been raised around this table are not
13 the financial ones. The financial ones are
14 some nice, clear, you know, rules. For
15 the -- you know, the ones that some of us
16 have raised are these gray areas, and that --
17 that is difficult --

18 COMMISSIONER HOLMES: I have a question.

19 CHAIRMAN CALONE: -- and, unfortunately,
20 we haven't gotten a lot of guidance on that,
21 but the guidance is to talk to the Ethics
22 Commission, I guess. So --

23 COMMISSIONER HOLMES: I have a question
24 about --

25 CHAIRMAN CALONE: Yes, Linda.

1 Suffolk County Planning Commission 10/7/09 39

2 COMMISSIONER HOLMES: -- what Linda
3 mentioned.

4 When you said something about your other
5 job at the town level, none of us appointed
6 to the commission are allowed to have any
7 elected or appointed jobs in the towns in
8 which we live.

9 So what did you mean by that?

10 CHAIRMAN CALONE: Well, there's been a
11 situation related to that in -- in an

10 07 09_Planning_Commission.txt
12 advisory capacity. We are allowed to serve
13 on certain committees, and -- and one of our
14 members is in that capacity.
15 COMMISSIONER HOLMES: Okay.
16 MS. SPAHR: And I use the term "job"
17 loosely.
18 COMMISSIONER HOLMES: Yes.
19 MS. SPAHR: I don't mean --
20 COMMISSIONER HOLMES: Yes.
21 MS. SPAHR: -- it as paid employment,
22 but I mean --
23 SECRETARY ESPOSITO: So are we
24 technically considered employees of the
25 county? Because you said that, and that was,

1 Suffolk County Planning Commission 10/7/09 40
2 I think, news to some of us.
3 CHAIRMAN CALONE: You wanted to know
4 where your paycheck was, Adrienne; right?
5 MS. SPAHR: In terms of the Ethics
6 Commission, the Code of Ethics, yes.
7 SECRETARY ESPOSITO: Okay.
8 COMMISSIONER HORTON: Yeah. In --
9 SECRETARY ESPOSITO: Okay. I didn't
10 realize that.
11 COMMISSIONER HORTON: In the disclosure
12 that we fill out, it spells out that we are
13 subject to the same guidelines --
14 COMMISSIONER HOLMES: Right.
15 COMMISSIONER HORTON: -- as county
16 employees, I think --

17 COMMISSIONER HOLMES: As appointees --
18 MS. SPAHR: Right.
19 COMMISSIONER HOLMES: -- we are. Yeah.
20 MS. SPAHR: Right.
21 COMMISSIONER HORTON: It seems like as
22 you --
23 MS. SPAHR: It's shocking, maybe, if you
24 don't think about it, but we are.
25 COMMISSIONER HORTON: I think the issues

1 Suffolk County Planning Commission 10/7/09 41
2 that have been raised here are more to do
3 with people in other volunteer organizations
4 that take positions on matters and, you know,
5 do they speak on planning matters from that
6 organization's perspective having been
7 involved in comprehensive discussions.
8 CHAIRMAN CALONE: Right. I think
9 that's --
10 COMMISSIONER HORTON: And those are
11 the --
12 CHAIRMAN CALONE: That's been kind of
13 a --
14 COMMISSIONER HORTON: -- areas that have
15 come up.
16 CHAIRMAN CALONE: That's been the --
17 that real gray area that we haven't -- and --
18 and I guess -- we've tried diligently for a
19 few months to get clear answers, and the
20 bottom line is there aren't any. I think,

10 07 09_Planning_Commission.txt
21 particularly, because of the way -- the thing
22 that Linda said, it's very, very fact
23 specific. And so that's -- the response from
24 the Ethics Committee was.

25 MS. SPAHR: There was one other thing

1 Suffolk County Planning Commission 10/7/09 42
2 that the speaker pointed out, and I had been
3 asked this question specifically, and I think
4 that I advised you that if you -- when we had
5 had the discussion about the difference
6 between abstention and recusal, and we had
7 had a kind -- a pretty lengthy discussion
8 about that, and I advised you that there was
9 no requirement for you to leave -- you know,
10 step down from the dais if you were going to
11 be recusing yourself.

12 That speaker recommended that it would
13 be a good idea, if you were recusing yourself
14 on a particular matter, just for the purposes
15 of public appearance, to step down and sit in
16 the audience during that discussion.

17 Again, that's not a legal requirement, I
18 point it out just because you were asking
19 about what he said. That was useful. I
20 thought that his comments were thoughtful,
21 and if -- if you had heard that, maybe you
22 would agree. Certainly if it were a real
23 high profile issue, that would be something
24 that you would want to do.

25 CHAIRMAN CALONE: Thank you, Linda.

1 Suffolk County Planning Commission 10/7/09 43
2 MS. SPAHR: In fact, you can address
3 that in your own policies.
4 CHAIRMAN CALONE: Right. Maybe that's
5 something we can look at in our rules or
6 something like that.
7 Anyone else have any comments and
8 questions on Ethics?
9 (WHEREUPON, there was no response.)
10 CHAIRMAN CALONE: If not, two last
11 points.
12 Fall Planning Conference is this month.
13 Many of you are getting involved in different
14 ways. Just an update on that.
15 The county executive is going to be
16 speaking. Supervisors Bellone from Babylon
17 and Lesko from Brookhaven will also be
18 joining us.
19 Andy, I don't know if there's anything
20 else you wanted to add in particular about --
21 MR. FRELENG: No, I have nothing to add.
22 CHAIRMAN CALONE: -- but -- but let me
23 not move on before thanking you and your team
24 for all the efforts you've put in on this.
25 It's yeoman's work.

1 Suffolk County Planning Commission 10/7/09 44
2 (Applause)

3 CHAIRMAN CALONE: And he has three weeks
4 to go, so even more applause next month.

5 MR. FRELENG: Two.

6 CHAIRMAN CALONE: Two weeks to go?

7 Sorry, two weeks to go.

8 And, lastly, speaking about our rules,
9 it is that time of year again when we need to
10 put together a Nominating and Rules
11 Committee. So if anyone is interested in
12 volunteering for membership, the way our --
13 the law says we have to appoint members to
14 that committee next month. They report in
15 January about recommendations for --
16 nominations for officers. And in February,
17 we elect new officers and pass our rules for
18 the year.

19 So if anyone's interested in being
20 involved in that Nominating and Rules
21 Committee, I guess, let me know.

22 That's all I had, and that was a lot.

23 If Tom doesn't mind, and with your all
24 blessing, the Supervisor of Southold is here,
25 Mr. Scott Russell. And I wanted to, again,

1 Suffolk County Planning Commission 10/7/09 45
2 thank him for his hospitality and for having
3 us here, and give him the floor to -- to say
4 a few words if -- if you want to do that.

5 SUPERVISOR RUSSELL: Yeah, sure.

6 Actually, I want to thank you for taking
7 the time to come out here. This is very new

8 to us. I like the direction -- we talked at
9 the Supervisors' Association, I certainly
10 like the direction you're going in. The
11 towns -- I think the cohesion that you can
12 provide to all of the towns is important,
13 because at times we do go in very, very
14 distinct and separate directions.

15 I'm proud to talk about some of the
16 things we've been doing, actually, even
17 before I got here as supervisor. I think
18 we've been very proactive in issues of MS4
19 compliance, long before MS4 became the law of
20 the land.

21 I think that with the previous
22 supervisor's leadership, we created
23 inclusionary zoning for affordable housing
24 components. We're actually revisiting some
25 of that legislation now to offer buyout

1 Suffolk County Planning Commission 10/7/09 46
2 components to developers so that they can go
3 buy completely out of the -- the requirement,
4 but at substantially more THAN what was
5 previously -- you know, more. So that if
6 they're not going to build the housing, then
7 they need to build up the resources to make
8 sure it gets built.

9 We have the whole planning staff here
10 that have been working on an update to our
11 comprehensive plan. And when I say "whole

10 07 09_Planning_Commission.txt
12 planning staff," I'm not kidding. This is
13 Southold Town.
14 (Laughter)
15 SUPERVISOR RUSSELL: The four of them in
16 the back (indicating). Mark, Heather,
17 Christy, and Tamara have all been helping the
18 town board as we set about doing a
19 substantial update to the comprehensive plan,
20 last -- after 1989, and probably deficient
21 when it was passed.
22 We have a lot of exiting good things
23 that we're working on. I'm free and happy to
24 talk about any of those things. And I just
25 want to thank you very much for all being

1 Suffolk County Planning Commission 10/7/09 47
2 here.

3 CHAIRMAN CALONE: Thank you, Supervisor.

4 COMMISSIONER HOLMES: We don't even have
5 a planning staff on Shelter Island.

6 SUPERVISOR RUSSELL: Oh, really? Well,
7 I can lend you the one --

8 (Laughter)

9 SUPERVISOR RUSSELL: -- for a half a
10 day.

11 (Laughter)

12 COMMISSIONER HORTON: You have two
13 ferries that in many ways completely mitigate
14 your need for a big planning staff. You're
15 very, very fortunate for that.

16 (Laughter)

17 CHAIRMAN CALONE: Thank you, Supervisor.
18 Again, thank you for lending us your table
19 here, and for the hospitality of you and your
20 staff. I certainly appreciate that.

21 Anyone have any questions for the
22 supervisor about various things going on in
23 Southold?

24 I know that, you know, driving out here,
25 it's always a good reminder that Suffolk

1 Suffolk County Planning Commission 10/7/09 48
2 County is a very diverse place.

3 SECRETARY ESPOSITO: And very long.

4 COMMISSIONER HOLMES: They don't call us
5 Long Island for nothing.

6 (Laughter)

7 CHAIRMAN CALONE: And yet this place is
8 one of the really special places that people
9 think about when they think about Long
10 Island, and in particular, Suffolk County.
11 So it's important for us to keep that in mind
12 and remember what is special about Southold
13 and -- and try to keep that sacred. And as
14 we think about our work, be cognisant of the
15 different strength that lies throughout our
16 county.

17 So I know that Ms. Lanza's here as well,
18 I believe, and I wanted to give you an
19 opportunity to join -- join in what the
20 supervisor was saying and kind of update us

10 07 09_Planning_Commission.txt
21 on the kind of things you guys are working
22 on.
23 MS. LANZA: Well, Scott covered, you
24 know, the general topics.
25 I guess I wanted to tell you a little

1 Suffolk County Planning Commission 10/7/09 49
2 bit about an initiative -- a project that
3 we've had ongoing for quite some time called
4 the "Hamlet Stakeholder Initiative," where
5 we've had each of our nine hamlets -- a group
6 of stakeholders got together and told us what
7 their unique priorities were in each hamlet.
8 We took those goals and prioritized
9 them. We came up with a list of short-term
10 goals, which then created something called a
11 "Hamlet Implementation Panel of Key Staff,"
12 and we've been working on actually getting
13 those -- those projects done like sidewalk
14 repair and things like that.

15 But for the long-range goals -- well,
16 let me back up.

17 In 2008, we were awarded a \$600,000
18 grant from the state through the EPF LWRP
19 program. So that's been a great boom to the
20 effort.

21 The long-range goals that the
22 stakeholders identified, we're now going to
23 fold into the new comprehensive plan that's
24 (inaudible). That process has just now
25 begun. We're actually having our first

1 Suffolk County Planning Commission 10/7/09 50
2 public meeting next week. We plan for a
3 significant amount of public input on this
4 project.

5 So far the town's identified a team of
6 town staff to head the effort. We're
7 hoping -- maybe I'm optimistic -- but for a
8 two-year time frame to complete it, and we're
9 going to try to do it mostly in-house, mostly
10 due to budget constraints, but also because
11 we think that's the best way to do it.

12 CHAIRMAN CALONE: I think Director Isles
13 know's what you're talking about.

14 DIRECTOR ISLES: I do.

15 (Laughter)

16 MS. LANZA: And to the extent that we
17 can coordinate with the county on the
18 comprehensive plan. We've already done some
19 work with your staff, Tom, on one of the
20 chapters, so I'm sure we can share on some --

21 DIRECTOR ISLES: I'll be happy to do so.

22 MS. LANZA: That's it.

23 CHAIRMAN CALONE: Okay. Thank you,
24 ma'am.

25 Is there any kind of commonalities or

1 Suffolk County Planning Commission 10/7/09 51
2 common issues between the nine hamlets that,

10 07 09_Planning_Commission.txt
3 you know, seem to be rising to the top?
4 MS. LANZA: Oh, definitely. I mean, in
5 Southold, there's a unique issue with each --
6 almost every hamlet center has a -- the main
7 road running right through the middle of it.
8 So traffic calm is certainly a big topic.
9 And there were definitely others that are
10 common just not coming to mind.
11 DIRECTOR ISLES: How about big boxes,
12 shopping centers --
13 MS. LANZA: It's -- it's an issue when
14 it pops up. Actually, Mark worked on codes
15 that helped make that -- if a big box store
16 wants to come, they have to meet really
17 strict design requirements. We haven't had
18 many applications.
19 CHAIRMAN CALONE: Have you seen -- you
20 know, with the economy, have you seen the
21 tours of industry kind of slow down at all or
22 everything's been pretty robust in that --
23 you know, during the high season?
24 MS. LANZA: I mean, judging by driving
25 by the wineries on the weekend, I'd say

1 Suffolk County Planning Commission 10/7/09 52
2 there's just as many people out there as
3 ever.

4 SUPERVISOR RUSSELL: I have a group of
5 business owners and businesses that we meet
6 with monthly, and the recurring theme seems
7 to be, we're getting the traffic, we're

8 getting the foot traffic, but no, they're not
9 as free to spend as they were. We're getting
10 them at the local events, we're getting
11 them -- we're not getting them to buy a case
12 wine, the things that they were -- much more
13 willing to a couple of weeks ago.

14 COMMISSIONER ROBERTS: I would say
15 that's also what we see in Southampton.

16 SUPERVISOR RUSSELL: Much more
17 discretionary with their dollars.

18 COMMISSIONER HOLMES: With Shelter
19 Island, the sad thing is they come on one
20 ferry and pass right through town to the
21 other ferry --

22 (Laughter)

23 COMMISSIONER HOLMES: -- to get back and
24 forth to the Hamptons.

25 SUPERVISOR RUSSELL: I'm sorry, I just

1 Suffolk County Planning Commission 10/7/09 53
2 don't like driving around.

3 (Laughter)

4 COMMISSIONER HOLMES: You're allowed.

5 CHAIRMAN CALONE: Well, next time you're
6 passing through, Supervisor, feel free to
7 stop.

8 Good. Thank you.

9 Any other comments or questions for
10 the --

11 COMMISSIONER HORTON: Yeah. I just

10 07 09_Planning_Commission.txt
12 had --
13 CHAIRMAN CALONE: I'm sorry, Josh.
14 COMMISSIONER HORTON: No, not at all.
15 I just had one thought -- one idea as it
16 relates to the planning forum that -- I
17 just -- the -- the docket looks exciting.
18 And I think it's from 1 o'clock to 9:40 on
19 the 21st.
20 DIRECTOR ISLES: Yes.
21 COMMISSIONER HORTON: And I think that's
22 going to be wonderful. The only thought that
23 I have, and -- and perhaps it may relate or
24 add to that relationship, is that --
25 particularly, since you have two western --

1 Suffolk County Planning Commission 10/7/09 54
2 or west-oriented supervisors speaking about
3 issues that might be from a suburban
4 perspective, more relevant to planning. I
5 think you have an opportunity here -- I think
6 Supervisor Russell has been, you know,
7 involved with the planning that takes place
8 in a community of this nature for probably
9 20 years. I mean, you've been at it since
10 you were like 26 years old -- so maybe ten
11 years, I'm sorry.

12 (Laughter)

13 COMMISSIONER HORTON: Five -- five, six
14 years. And, you know, there may be an
15 opportunity there for either the supervisor
16 or some folks from the North Fork to speak

17 about planning issues that are relevant to
18 the community.

19 SECRETARY ESPOSITO: You know, good
20 thing you haven't put the Supervisor on the
21 spot.

22 (Laughter)

23 SUPERVISOR RUSSELL: We do have unique
24 challenges. I'll give you an example, in
25 fact. You mentioned -- you talked about

1 Suffolk County Planning Commission 10/7/09 55
2 sewer issues before.

3 Mattatuck's a good example where
4 we're -- we actually, through
5 Legislator Romaine, are asking for money from
6 the county for subregional sewer studies.
7 And I know that that's an ongoing project for
8 the rest of the county.

9 It's a good and a bad for us. We have
10 zoning. But the zoning doesn't mean a lot if
11 we don't have the capacity for the guy in the
12 hamlet business to turn that little flower
13 shop into the restaurant he wants to. You
14 know, we can have this menu of uses under
15 zoning, if -- they're just not available if
16 you don't have a public servant.

17 There's a practical reality however,
18 though, that maybe you get those uses that
19 you don't want. You know, we don't have the
20 Taco Bell either. And I don't -- I -- it

10 07 09_Planning_Commission.txt
21 probably sounds very much a part of the
22 parochial, North Fork, we don't want it here,
23 you might have it up west, mentality, but
24 it's -- it's been a -- not having sewers has
25 been a saving grace in many -- for many of

1 Suffolk County Planning Commission 10/7/09 56
2 the challenges that we've been getting,
3 particularly to the work done to the town.
4 We've had the pressure, we've had the
5 CVS, we've had the McDonald's, and even the
6 7-Eleven. We -- we've had those pressures,
7 and you start to see more of those every day.
8 Okay. So we want to sort of have the sewer
9 study, but not make it so broad and wide that
10 we end up not getting what we want out of it.
11 That's why I think we're willing to move
12 forward with it, at the same time, we're
13 going to incorporate all of our -- our
14 concerns into a comprehensive plan.

15 I mean, I just don't see the idea of
16 bringing a subregional sewer system in
17 without fundamental changes in the zoning and
18 the comprehensive plan. Otherwise, we'll end
19 up with what we don't want.

20 CHAIRMAN CALONE: Yeah.

21 Commissioner Horton, to your -- to your
22 point, I think it's certainly worth us
23 discussing.

24 We have -- Supervisor Bellone's coming
25 to talk about his -- the Green Homes Program

1 Suffolk County Planning Commission 10/7/09 57
2 they did in Babylon, and Supervisor Lesko,
3 because we're in Brookhaven, but, certainly,
4 we can think about ways to incorporate some
5 more East End focus.
6 COMMISSIONER HORTON: And I -- by no
7 means, I mean to ask for the last-minute
8 complications.
9 CHAIRMAN CALONE: Well, you're --
10 COMMISSIONER HORTON: A tremendous
11 effort that you put forth and done so well.
12 CHAIRMAN CALONE: It's not complicated
13 because --
14 COMMISSIONER HORTON: It's just a
15 thought.
16 CHAIRMAN CALONE: It's not complicated
17 because you're going to run it now. So --
18 (Laughter)
19 CHAIRMAN CALONE: Look, obviously, we
20 can do what we can in the two -- for
21 something that's two weeks away, but it's a
22 good point for, certainly, the future, if
23 nothing else. So thank you for raising it.
24 Thank you, again, to the folks in
25 Southold. We appreciate it.

1 Suffolk County Planning Commission 10/7/09 58
2 If there are no other questions, we'll

10 07 09_Planning_Commission.txt
3 move on to the Director's Report, and then on
4 to our regulatory agenda.

5 Thank you, again, Supervisor and
6 Ms. Lanza. Thank you.

7 DIRECTOR ISLES: I'd like to just take a
8 moment to thank the supervisor for the
9 accommodations today, but also for the
10 aquaculture program that -- I was given the
11 opportunity in the summer to come before the
12 Southold Town Board at a work session. We
13 received highly important support from the
14 Town of Southold, which, of course, as I told
15 you, the legislature unanimously approved the
16 program in August, but through the
17 Supervisor's cooperation and leadership,
18 there was a key element to that, and I do
19 appreciate that.

20 Regarding the Federation, as indicated,
21 that is taking off in two weeks. We have
22 a -- that's the largest programming we've
23 ever done. We're doing the first mobile
24 workshop we've ever done. Registrations are
25 now running at about a hundred right now, so

1 Suffolk County Planning Commission 10/7/09 59
2 we're ahead of where we usually are in terms
3 of the cutoff. We're going to do a reminder
4 e-mail blast next week through a large
5 network, so it should be one of our more
6 successful program. I do appreciate the
7 cooperation of the commission members in

8 moderating and participating in the panels.

9 A couple of items to bring the
10 commission up to speed on.

11 Number one is the LI-2035 plan, which is
12 being conducted by the Regional Planning
13 Council. This was the first phase of the
14 regional visioning and comprehensive plan
15 effort. That phase is now nearing
16 completion. A draft report has been
17 finished, and they are circulating that among
18 the municipal and the stakeholders groups
19 that were involved in the plan. And we'll
20 also be sending out a questionnaire to them
21 in terms of did it achieve what they were
22 looking for.

23 The effort has been very significant,
24 very important, very good. Some of the parts
25 of it that were a little less satisfactory

1 Suffolk County Planning Commission 10/7/09 60
2 for all of us was the -- the participation
3 was somewhat shortchanged than what we
4 expected. Part of that due to budget issues.
5 Phase II of the program was going to be
6 an extensive public outreach. Here again,
7 due to budget issues, that has been shortened
8 a little bit. But, nonetheless, the report
9 does provide at least a snapshot of those
10 participants in terms of reaching the goals,
11 and it's an important step in the process.

12 Moving forward, the Regional Planning
13 Council has retained a consulting firm to
14 assist with the sustainability plan, as it's
15 being called, and this is, here again, highly
16 important. The counties are the Regional
17 Planning Council. They're entities, they're
18 creatures of both counties; Nassau and
19 Suffolk. We think it's off to a good start.
20 Here again, what's important is that what
21 goes into this determines what comes out of
22 it in terms of the value and usefulness and
23 meaning and -- and purpose of this.
24 So we are participating. We have
25 expressed to the Council the importance of

1 Suffolk County Planning Commission 10/7/09 61
2 both counties being active participants. As
3 it's forming and so forth, that's emerging at
4 the moment, and it's not quite in place. We
5 feel confident that that will occur, but just
6 as with our plan, we want the regional plan
7 to be something that can benefit both the
8 counties as well as the municipalities, and
9 unify the direction of the two counties in
10 this region going forward.

11 We will keep you posted, and at some
12 point I would like to have the Regional
13 Planning Council or their consultants appear
14 at a commission meeting to provide
15 information, update, and so forth.

16 The next item is, as I mentioned -- as
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17 was mentioned earlier, the County
18 Comprehensive Plan. We did have a brief
19 get-together this morning. It is going well.
20 We are short on, you know, being able to
21 allocate staff towards it, but we have some
22 projects that are finishing up that we'll be
23 able to enhance staff on that.

24 Similar to Southold, we are doing it
25 in-house, and we think that's probably the

1 Suffolk County Planning Commission 10/7/09 62
2 best way to do it in terms of the resources
3 we have in-house. The big factor or the
4 challenge becomes time and how quickly can we
5 get this done. But I'm very optimistic on
6 it. We have put forth the proposal to the
7 county executive on the public outreach
8 process. We are definitely planning public
9 outreach beginning either later on this year
10 or next -- early next year.

11 The phase of the project we're in now is
12 baseline development in terms of basic data,
13 inventories, getting the current status
14 condition of Suffolk County. The second
15 phase of the project will be -- should be
16 driven by much more community interaction,
17 public interaction, and so forth.

18 What we will also be doing is requesting
19 meetings with the town planning directors and
20 planning departments. We will probably be

10 07 09_Planning_Commission.txt
21 doing group meetings with the town planning
22 directors, east and west, perhaps, later on
23 this year, but we'd also like to meet with
24 the individual agencies as we proceed into
25 next year.

1 Suffolk County Planning Commission 10/7/09 63

2 In terms of project updates, I did
3 mention, related to the comprehensive plan,
4 that we are finishing up a project that Peter
5 Lambert is working on, as well as our
6 Environmental Analysis and Cartographic
7 Units, and that's the Comprehensive Water
8 Resources Management Plan. The lead agency
9 on that is the County Health Department. We
10 have completed an analysis of land use and --
11 and development on a number of well sites as
12 part of that, and I'm going to circulate a
13 copy of that report today. And then -- well,
14 the main product of that effort that is, here
15 again, in completion right now and will be
16 done this month, is a Saturation Population
17 Analysis of the entire county.

18 The purpose of that is to look at -- and
19 the purpose of the study is to look at what
20 do we need to do to ensure an adequate,
21 potable quality water supply 20 years into
22 the future in Suffolk County. Our part of
23 that will be to look at, Well, what is our
24 population going to be; what are the needs
25 going to be. So we are doing a -- what's

1 Suffolk County Planning Commission 10/7/09 64
2 called a "Saturation Population Analysis" of
3 every municipality in the county, and we're
4 also breaking it down by groundwater
5 management zone, as well as by census
6 designated place.

7 So that will be completed this month.
8 It will be a product directly going into the
9 water resources plan for their planning
10 purposes. It will also be a product we can
11 use in the -- the comprehensive plan that
12 we're doing.

13 Another project that was reported on
14 a little bit last week in the media was
15 the Plaza Theater redevelopment in
16 East Patchogue. This is something Deputy
17 Director Gulizio has worked on. We've been
18 working with the Town of Brookhaven on this.
19 The Town of Brookhaven Town Board conducted a
20 public hearing last week to consider an
21 acquisition of the property through eminent
22 domain. This is part of a redevelopment
23 effort in East Patchogue downtown, which, in
24 fact, it is a downtown plagued by high
25 vacancy rates and blighted conditions. A

1 Suffolk County Planning Commission 10/7/09 65
2 downtown that's going to be the subject of an

3 \$8.5 million county-paid improvement to the
4 corridor and rebuilding of the roads,
5 possible sewer extensions. We have received
6 federal funds for that. The Plaza Theater
7 has been a chronic blight, and we are
8 providing support services to the Town of
9 Brookhaven to seek to take care of that
10 blight and to look at ideas for
11 redevelopment.

12 Obviously, another project you've heard
13 about and we've reported on is the County
14 Center in Yaphank. As indicated previously,
15 a developer has been selected, subject to
16 approval of the legislature. That project is
17 in the contract phase, and once the contract
18 is completed, it will be submitted to the
19 legislature for their consideration. The
20 outcome of that, if the legislature approves
21 moving forward with the surplus land
22 designation contract, would be an application
23 to the Town of Brookhaven for the various
24 land use approvals.

25 That's obviously going to be a long-term

1 Suffolk County Planning Commission 10/7/09 66
2 process, but I will keep you posted
3 periodically on that.

4 Previously I've mentioned to the board
5 the Sagtikos Corridor Congestion Mitigation
6 plan that we are also working on through
7 Dan Gulizio. This is one where we put it out

8 to bid last year, we did not -- we've
9 received responses, but we did not consider
10 any of the responses responsive to the RFP.
11 So we modified the scope and reissued the
12 RFP. We now have the proposals back in and
13 we hope to have a selected consultant in the
14 near future.

15 That is a federally funded study we are
16 doing. That's looking at transportation and
17 land use for that corridor. It's obviously
18 one of the most significant growth centers in
19 Suffolk County, and one already plagued with
20 transportation issues. Not to mention
21 significant developments in the form of the
22 Pilgrim State Hospital redevelopment at a
23 mere 15 million square feet of space, and at
24 a peak-hour trip generation of about
25 15,000 cars an hour. It's beyond the scale

1 Suffolk County Planning Commission 10/7/09 67
2 of anything we've ever looked at. Obviously,
3 it has to be planned appropriately to the --
4 to the highway system.

5 The last item I'd just like to point out
6 is, I did receive a book recently that was
7 sent to us that talked about communities in
8 the United States that are worked -- leaving
9 for future generations. And the author,
10 Marcelo and the American Institute of
11 Certified Planners, examined 42 communities

10 07 09_Planning_Commission.txt
12 that he identified as being communities that
13 have done outstanding efforts at land
14 preservation and farmland preservation.
15 Suffolk County made this, so I'd just like to
16 circulate it to you, and there is a whole
17 section here about Green Legacy.

18 So I think it's just, here again, the
19 County Planning Department, County Planning
20 Commission are responsible for the open space
21 planning and farmland planning in the county.
22 We do administer the farmland program, for
23 example. This is a -- obviously, a positive
24 report, and an acknowledgement of the work of
25 this commission and this county.

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2 And that's it, and I'll just circulate
3 these to you (handing).

4 CHAIRMAN CALONE: Thank you, Director.

5 Anyone have any questions for
6 Director Isles?

7 SECRETARY ESPOSITO: Yes.

8 CHAIRMAN CALONE: Adrienne.

9 SECRETARY ESPOSITO: I think it would be
10 worthwhile for the commission here to get a
11 presentation about the Comprehensive Water
12 Resource Management Plan.

13 DIRECTOR ISLES: Sure.

14 SECRETARY ESPOSITO: I think that, you
15 know, obviously, the objective is to provide
16 a road map to having a sustainable potable

17 water supply, and that certainly would be
18 something that we could benefit by hearing
19 about.

20 DIRECTOR ISLES: Good point. Will do.

21 CHAIRMAN CALONE: Tom, what's the timing
22 on that? I missed what you said about that.

23 DIRECTOR ISLES: The project has been
24 underway for probably three years.

25 CHAIRMAN CALONE: Right.

1 Suffolk County Planning Commission 10/7/09 69

2 DIRECTOR ISLES: The timing is -- I
3 think the health department is looking to get
4 it completed in probably about six months, to
5 my understanding.

6 CHAIRMAN CALONE: So maybe we can look
7 at the next couple of months for -- the right
8 time.

9 DIRECTOR ISLES: (Head gesture)

10 SECRETARY ESPOSITO: Are they going to
11 put out a draft for -- what is the --

12 CHAIRMAN CALONE: Yeah.

13 SECRETARY ESPOSITO: They'll put out a
14 draft for public comments, do you know, or --

15 DIRECTOR ISLES: I don't want to speak
16 for the health department, but I would
17 believe they would.

18 SECRETARY ESPOSITO: Okay.

19 DIRECTOR ISLES: But we can get a firm
20 answer for them.

21 SECRETARY ESPOSITO: Okay.
22 CHAIRMAN CALONE: Thank you, Director.
23 Anything else?
24 (WHEREUPON, there was no response.)
25 CHAIRMAN CALONE: If not, we'll move on

1 Suffolk County Planning Commission 10/7/09 70
2 to the regulatory portion. We have two items
3 on the agenda.

4 Andy, the first one is Bay Gas.

5 MR. FRELENG: Yes. Thank you,
6 Mr. Chairman.

7 The first item for the regulatory
8 portion of the Suffolk County Planning
9 Commission meeting for today is Bay Gas.
10 This is referred to us from the Town of
11 Brookhaven.

12 Jurisdiction for the commission is that
13 the subject property is within 500 feet of
14 Sunrise Highway, otherwise known as New York
15 State Route 27.

16 This is the subject property
17 (indicating). You can see where it's
18 located. Sunrise Highway is to the north
19 (indicating). William Floyd Parkway is
20 running north/south (indicating). And this
21 is McGraw Street and Oak Avenue (indicating).

22 You can go to the next one.

23 MR. CORRAL: (Complying)

24 MR. FRELENG: I'm just going to run
25 through these real quick before I go through

1 Suffolk County Planning Commission 10/7/09 71
2 the staff report.
3 This is an oblique of the site
4 (indicating). You can see aboveground
5 storage of the petroleum -- I'm sorry, the --
6 CHAIRMAN CALONE: Natural gas?
7 MR. FRELENG: -- gas -- natural gas.
8 COMMISSIONER ROBERTS: Propane.
9 SECRETARY ESPOSITO: It's propane.
10 COMMISSIONER ROBERTS: Propane.
11 MR. FRELENG: Propane.
12 This is the subject property over here
13 (indicating). This is looking west. You can
14 see across the street, I think it's
15 interesting to note, that there is a new
16 commercial development; there's an Applebee's
17 on the corner, and a Staples.
18 SECRETARY ESPOSITO: And what street is
19 this? I'm sorry.
20 MR. FRELENG: This is McGraw Street.
21 SECRETARY ESPOSITO: This is McGraw.
22 MR. FRELENG: Right.
23 SECRETARY ESPOSITO: Okay.
24 MR. FRELENG: It runs east and west.
25 This is another shot looking west, this

1 Suffolk County Planning Commission 10/7/09 72
2 is looking at the facility (indicating).

3 Okay. This is looking -- there are two
4 entrances, and -- which I'll mention in a
5 second. This is the second entrance, this is
6 the employee and truck entrance (indicating).

7 You can see the aboveground storage
8 (indicating).

9 That's another shot of the retail
10 (indicating).

11 COMMISSIONER HORTON: Is that -- the
12 aboveground storage tank, is that one of
13 the -- is that the current 30,000 gallon --

14 MR. FRELENG: I believe it is the
15 30,000 gallon one that they want to put
16 underground, and then have another one as
17 well.

18 COMMISSIONER HORTON: Okay.

19 MR. FRELENG: As you know, the applicant
20 is seeking change of zone approval from
21 L-2 Industrial and A-1 Residential to all
22 L-2 Industrial and amendment of special
23 permit application to permit the replacement
24 of single aboveground 30,000-gallon propane
25 tank -- that's a single aboveground

1 Suffolk County Planning Commission 10/7/09 73
2 30,000-gallon propane tank with two buried
3 storage tanks.

4 SECRETARY ESPOSITO: Wait.

5 So the two buried ones would each be
6 30,000 gallons --

7 MR. FRELENG: That's correct.

8 SECRETARY ESPOSITO: -- is that correct?

9 MR. FRELENG: The subject parcel is
10 located on the northwest corner of McGraw
11 Street, which is a town road, and Oak Avenue,
12 which is also a town road, in the hamlet of
13 Shirley.

14 A review of the character of the land
15 use and zoning in the vicinity, you can see
16 that the subject property is zoned L-2, is
17 the only L-2 zoned property in the area. The
18 subject change of zone would apply to the
19 residential zoning piece in the back. They
20 are adjacent to residential uses.

21 This is all residential in here
22 (indicating). This is the strip that is
23 being analyzed for visioning session and the
24 plan that the -- the applicant spoke about.
25 Across the street from the subject property,

1 Suffolk County Planning Commission 10/7/09 74
2 you can see the retail development -- new
3 retail development.

4 Go to the next one.

5 MR. CORRAL: (Complying)

6 MR. FRELENG: Okay. The applicants are
7 proposing two points of access. This would
8 be the customer and visitor access point
9 (indicating). And this is an uncontrolled
10 ingress/egress, no restrictions. The second
11 access, which the photo showed, was the

10 07 09_Planning_Commission.txt
12 access to the subject property for trucks and
13 employees. There is no alternate access
14 proposed, nor is there emergency access
15 proposed.

16 There are no significant environmental
17 constraints on the property. It should be
18 noted that the subject property is not
19 located in an economically distressed or
20 minority community.

21 It's the belief of the staff that the
22 subject application is an unwarranted
23 over-intensification of the use of the
24 premises and is not consistent with the
25 visioning and planning initiatives in the

1 Suffolk County Planning Commission 10/7/09 75
2 area.

3 The subject site is a preexisting
4 non-complying lot designated by the
5 L-2 zoning district. The premise does not
6 comply with the minimum lot area or width
7 requirements for the district. The
8 L-2 district requires a minimum lot size of
9 five acres. The proposed zone change for the
10 propane transfer station will only bring the
11 total lot area to 1.6 acres. Moreover, front
12 and side yard variances will be required as
13 well. Buffering and sidewalk relief is
14 required. The L-2 zoning district is a heavy
15 industrial district allowing such uses that
16 require significant buffering. The subject

17 property by it's proximity to commercial
18 properties in the locale has the potential to
19 diminish the safety and welfare of workers
20 and visitors to the area.

21 It should be noted that this area of
22 Shirley has been under planning scrutiny for
23 some time. In April of 2002, the Montauk
24 Highway Project was undertaken. That
25 included a Visioning Report with several

1 Suffolk County Planning Commission 10/7/09 76
2 recommendations that would affect that
3 subject site. A recent scan of the Town of
4 Brookhaven Web site reveals a narrative for
5 the Montauk Highway Corridor Study and Land
6 Use Plan, which was copyrighted in 2006.
7 Both the Vision Report and the Corridor Study
8 speak about the transition of McGraw Street
9 to a two- to three-story mixed-use area
10 including retail uses at street level and
11 offices and apartments on the second and
12 third floors. The change of zone petition
13 and hence the expansion of the L-2 district
14 designation on an already non-complying lot
15 would be inconsistent with the comprehensive
16 planning initiative in the Shirley area.

17 Staff is recommending disapproval. The
18 reason being, the proposed change of zone is
19 inappropriate. It's an unwarranted
20 over-intensification of the use of the

10 07 09_Planning_Commission.txt
21 premises, and is not consistent with the
22 visioning and planning initiatives in the
23 area. The paragraph which follows is an
24 excerpt from the staff report's rationale.
25 CHAIRMAN CALONE: Thank you, Andy.

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2 This is a Brookhaven project.

3 Michael, are there any -- any thoughts
4 on the particular area or anything -- any
5 comments you want to share?

6 COMMISSIONER KELLY: I know there --
7 there is a big effort to try to revitalize
8 that area, as Andy pointed out, the retail
9 across the street. It does look fairly
10 vacant right now, but there is a -- there has
11 been a lot of investment in that area.

12 One of the comments, I guess, that
13 somewhat is concerning is, I think this
14 operation -- this plant has been operating
15 for quite some time. And then the visioning
16 process came in and said, All right, we would
17 like to change this whole area.

18 So, you know, what happens to this plant
19 and the jobs that go with it, you know, if
20 this guy can't find a new location? I think
21 his attorney was saying somewhere around
22 \$3 million just to replace the facility, not
23 including the -- the ground, the cost of the
24 land.

25 So I -- I just find a conflict with that
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1 Suffolk County Planning Commission 10/7/09 78
2 to say, you know, how is this guy precluded
3 from making his operation, making his
4 business more efficient? And, you know, I --
5 I just struggle with that to -- you know, put
6 it on the table as a discussion.
7 CHAIRMAN CALONE: Sure. Okay.
8 Any other thoughts?
9 COMMISSIONER POTTER: (Indicating)
10 CHAIRMAN CALONE: Yeah, Job.
11 COMMISSIONER POTTER: Two questions for
12 Andy.
13 One is, where is this application in the
14 town planning process?
15 And then the second is, can they add
16 this tank to refigure what -- reconfigure
17 what they have without a zone change?
18 MR. FRELENG: It's a change of zone
19 application to the town board, that is the
20 process that it's in now. So the town board
21 has made its referrals, they did an
22 environmental assessment form, and I believe
23 they did not make a SEQRA determination as of
24 yet. So that's the status of the project.
25 As far as whether or not they can add

1 Suffolk County Planning Commission 10/7/09 79
2 the second propane tank, they could. They

10 07 09_Planning_Commission.txt
3 would need a special permit to do that. So
4 that is the second piece of this application,
5 the special permit to add the propane
6 storage.
7 COMMISSIONER POTTER: In other words,
8 without a zone change?
9 MR. FRELENG: They do not necessarily
10 need a zone change to add the propane tank,
11 the problem is, though, is that they're so --
12 substantially non-conforming to the minimum
13 lot size. So they are adding area, I guess,
14 as a -- I don't want to speak for the
15 applicant, but to add extra buffer and to
16 mitigate some of that concern.
17 COMMISSIONER POTTER: So I guess that
18 may be all you can say, but my -- is that --
19 you may not know this, but is that the type
20 of special permit that's almost impossible to
21 get?
22 MR. FRELENG: No, I -- I -- I wouldn't
23 know that.
24 COMMISSIONER POTTER: Okay. Thank you.
25 COMMISSIONER HORTON: (Indicating)

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2 CHAIRMAN CALONE: Mr. Horton.

3 COMMISSIONER HORTON: I'm just
4 dovetailing on Job's question. The -- what I
5 want to make sure I understand completely is
6 that the -- they're seeking a zone change n
7 their current parcel, which is basically

8 non-conforming, as well as on a little sliver
9 of triangle; correct?
10 MR. FRELENG: Yes. Zone change on
11 the --
12 COMMISSIONER HORTON: And those two are
13 different -- different zones, I -- I --
14 MR. FRELENG: Yes. The entire parcel is
15 outlined in red here (indicating).
16 COMMISSIONER HORTON: Right.
17 MR. FRELENG: Okay. And the bulk of the
18 property is zoned L-2 --
19 COMMISSIONER HORTON: Right.
20 MR. FRELENG: -- and there's a piece in
21 the back here that's zoned Residential 1 --
22 A-1.
23 COMMISSIONER HORTON: A-1.
24 COMMISSIONER TALDONE: (Indicating)
25 COMMISSIONER McADAM: (Indicating)

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2 CHAIRMAN CALONE: Vince, and then Tom.
3 COMMISSIONER TALDONE: I have -- just to
4 express some concern, because this is another
5 area where I'm always conflicted.
6 We don't want to encourage the expansion
7 of a non-conforming use. That's just, you
8 know, Planning 101. But, on the other hand,
9 we're also looking to improve the
10 distribution of cleaner forms of energy. I
11 know propane is growing in popularity in

10 07 09_Planning_Commission.txt
12 those areas where there isn't pipe gas in the
13 street. Some very, very efficient new ways
14 of new burners for heating homes. So I know
15 the demand for propane is something we should
16 be supportive of. Of course, you might argue
17 they can go to a new location and find new
18 land. And I suppose that's theoretically
19 possible, I just don't know how practical
20 that is.

21 So I'm in a position of voting to say,
22 Well, yes, we don't -- we certainly don't
23 want to encourage the expansion of
24 non-conforming uses, and go against or -- or
25 take an action that's in conflict with an

1 Suffolk County Planning Commission 10/7/09 82
2 existing corridor plan or visioning exercise.
3 On the other hand, we do want more propane
4 capacity available to the communities.

5 So I really -- I'm -- I'm lost on this
6 one.

7 CHAIRMAN CALONE: Mr. McAdam.

8 COMMISSIONER McADAM: Andy, the -- I
9 actually have two questions.

10 Are there any environmental citations or
11 problems that you're aware of --

12 MR. FRELENG: There was none --

13 COMMISSIONER McADAM: -- on that
14 property?

15 MR. FRELENG: That was not in the
16 referral package, so I couldn't really speak

17 to that. I'm not aware of that.

18 COMMISSIONER McADAM: The property to
19 the east of it, is that a wooded property?

20 MR. FRELENG: Yes, it's wooded and
21 vacant.

22 COMMISSIONER McADAM: It's wooded and
23 vacant.

24 SECRETARY ESPOSITO: They don't own it,
25 though?

1 Suffolk County Planning Commission 10/7/09 83

2 MR. FRELENG: No.

3 DIRECTOR ISLES: It's zoned residential;
4 right?

5 MR. FRELENG: And it is zoned
6 residential.

7 SECRETARY ESPOSITO: (Indicating)

8 CHAIRMAN CALONE: Madam Secretary.

9 SECRETARY ESPOSITO: That leads me to my
10 question which I need clarity on.

11 Your testimony is that they have more
12 than enough buffer in case of incident or
13 mishap, but I'm wondering if the parcel next
14 to that is -- it's zoned residential and a
15 home goes up there, and -- I mean, are they
16 within the safety guidelines or not?

17 I mean, you're -- the thing here says
18 they're not, they said they were, and I'm
19 just -- I just --

20 MR. FRELENG: Well --

21 SECRETARY ESPOSITO: -- need some
22 clarity.
23 MR. FRELENG: -- we're talking two
24 different things.
25 The National Fire Safety Guidelines --

1 Suffolk County Planning Commission 10/7/09 84

2 SECRETARY ESPOSITO: Okay.

3 MR. FRELENG: -- were not provided to
4 us, and we did not research, so I can't speak
5 to it. They may or may not be in compliance
6 with National Fire Safety Guidelines.

7 In terms of the zoning, they're
8 substantially shy of the required minimum lot
9 size for an L-2 Industrially zoned lot.

10 The problem is, and I -- and you don't
11 like to go -- if I could just speak a little
12 bit.

13 You don't like to go beyond the
14 application. Which should Bay Gas for
15 whatever reason decide to leave, then that
16 property is zoned L-2 which allows heavy
17 industrial uses in an area where they're
18 trying to direct future growth into a hamlet,
19 essentially, and you wouldn't want a heavy
20 industrial use in the heart of a hamlet.

21 So while you try not to look beyond the
22 application, the problem is that that
23 property would be zoned L-2. And that use
24 means another L-2 use could come in
25 as-of-right to the site.

1 Suffolk County Planning Commission 10/7/09 85
2 VICE CHAIRMAN KONTOKOSTA: It
3 wouldn't --
4 CHAIRMAN CALONE: Well, I don't think --
5 VICE CHAIRMAN KONTOKOSTA: -- it
6 wouldn't be out of -- sorry.
7 CHAIRMAN CALONE: Go ahead, Constantine.
8 VICE CHAIRMAN KONTOKOSTA: Would that
9 actually be as-of-right? If it's a
10 non-conforming lot size, then if they vacate
11 it for some reason, then there --
12 MR. FRELENG: They would need a --
13 VICE CHAIRMAN KONTOKOSTA: -- would be
14 issues.
15 MR. FRELENG: They would need a
16 variance.
17 VICE CHAIRMAN KONTOKOSTA: So it
18 wouldn't be an as-of-right. So then it could
19 be dealt with after the fact.
20 So, I mean, there's a lot of
21 considerations on this, because this really
22 is a small sliver of land that they're
23 actually looking to change the zone on. And
24 I think one of the big things might be a
25 safety consideration. Obviously, getting

1 Suffolk County Planning Commission 10/7/09 86
2 these tanks underground, I would consider,

10 07 09_Planning_Commission.txt
3 would be much safer for the -- the
4 neighboring uses and the neighboring homes
5 then than the current arrangement. As well
6 as some extra buffering that they -- that the
7 plan seems to call for. So I think that's
8 another factor that has to weigh in on this
9 as well.
10 I don't think the application is a
11 choice between closing them down or -- or
12 granting the change -- you know, it's not --
13 they're going to still operate, and perhaps
14 with the change of zone, they would operate
15 more efficiently or at least more safely.
16 COMMISSIONER POTTER: Can I -- just for
17 clarification.
18 CHAIRMAN CALONE: Job, yeah.
19 COMMISSIONER POTTER: The big front
20 piece is L-2 now?
21 MR. FRELENG: We're only talking about
22 the change of zone for the back --
23 CHAIRMAN CALONE: That back sliv- --
24 SECRETARY ESPOSITO: Right.
25 CHAIRMAN CALONE: -- that sliver area.

1 Suffolk County Planning Commission 10/7/09 87
2 SECRETARY ESPOSITO: The triangle.
3 MR. FRELENG: They need a change of zone
4 on this to make the whole parcel L-2.
5 CHAIRMAN CALONE: Right.
6 MR. FRELENG: Okay.
7 CHAIRMAN CALONE: And they own that,
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8 it's just the change -- they all can be
9 changed up.

10 MR. FRELENG: Yes, they are in ownership
11 of that.

12 SECRETARY ESPOSITO: Are they in
13 ownership of any of the other parcels
14 surrounding this?

15 MR. FRELENG: Not to our knowledge.

16 COMMISSIONER HORTON: And should that
17 sliver be -- have its zone change approved,
18 the total square footage of the parcel would
19 still have its -- non-conforming from a lot
20 size perspective regardless of what uses
21 would come down the road. So obviously,
22 there would -- there's still, you know, vast
23 regulatory constraints for further
24 development of the property if that is
25 approved --

1 Suffolk County Planning Commission 10/7/09 88

2 MR. FRELENG: Well --

3 COMMISSIONER HORTON: -- because it's
4 still undersized.

5 MR. FRELENG: Yes, it's undersized.
6 They would need an area variance, which is
7 not as hard to get as a use variance, but
8 they still would need an area variance to --
9 to get a use on the site.

10 CHAIRMAN CALONE: So Josh's point is,
11 it's not like -- or and I think

10 07 09_Planning_Commission.txt
12 Constantine's, too, it's not like you can
13 just walk in and --
14 MR. FRELENG: Right.
15 CHAIRMAN CALONE: -- there are those
16 bigger factor issues.
17 However, I'll say one thing about -- to
18 what you said, Andy. Which is, I think it's
19 very much within our purview to look beyond,
20 you know, the application here and to think
21 seriously about the issue you raised. So I
22 don't in any way think that that's
23 inappropriate, what you said, and I think
24 it's very appropriate to think kind of long
25 term. However, you know, to some degree,

1 Suffolk County Planning Commission 10/7/09 89
2 that's mitigated by the fact that there are
3 constraints on the property going forward.

4 Other thoughts?

5 COMMISSIONER TALDONE: One other.

6 CHAIRMAN CALONE: Mr. Taldone.

7 COMMISSIONER TALDONE: Just a quick
8 question to make sure I'm clear on this.

9 This actually will result in greater
10 capacity on the site. They're adding an
11 additional tank; one gets buried, a new one
12 comes to the site? Is that -- I'm not clear
13 on that.

14 MR. FRELENG: Well, again, the -- the
15 testimony -- hearsay testimony of the
16 applicant was that, in the winter months they

17 need to travel to get the additional propane
18 to meet the demand. So putting the second
19 storage tank underground would -- they would
20 not need to make that trip.

21 COMMISSIONER TALDONE: Understood.
22 And -- and I understood what -- I heard what
23 they said. That that is your -- what was
24 referred to you is for an increase in
25 capacity. So they'll end up with more tanks

1 Suffolk County Planning Commission 10/7/09 90
2 than they had before.

3 MR. FRELENG: That's correct.

4 COMMISSIONER TALDONE: And the site, in
5 effect, because they're adding -- changing
6 the zone on that little piece in the back,
7 would then be less non-conforming than it was
8 before because it's a larger site, which is
9 still too small, but it's larger than it was.

10 MR. FRELENG: That's correct.

11 COMMISSIONER TALDONE: Okay. I can --
12 okay.

13 Thank you.

14 CHAIRMAN CALONE: Good clarification.
15 We're getting there.

16 So just so we're all clear, both -- the
17 idea is that they're going to bury both of
18 the tanks if they get the right to put the
19 second tank in there; correct?

20 MR. FRELENG: That's correct.

21 COMMISSIONER McADAM: (Indicating)
22 CHAIRMAN CALONE: Mr. McAdam.
23 COMMISSIONER McADAM: Will the
24 commission be getting this back if we -- is
25 this a two-part process, the zone change,

1 Suffolk County Planning Commission 10/7/09 91

2 then we get it back again to approve it?
3 MR. FRELENG: It should be -- it should
4 be referred on the site plan.
5 COMMISSIONER McADAM: Right.
6 MR. FRELENG: It should be.
7 COMMISSIONER McADAM: So we'll get it
8 back, the site plan.
9 MR. FRELENG: We assume that it will be.
10 CHAIRMAN CALONE: We assume that it will
11 be.

12 COMMISSIONER CHARTRAND: (Indicating)

13 CHAIRMAN CALONE: Commissioner
14 Chartrand, welcome.

15 COMMISSIONER CHARTRAND: Yes. Thank
16 you.

17 As far as suppression system, I mean,
18 that would be my concern that you're adding
19 all that much more volume there. I mean,
20 what -- do we know that that's adequate?

21 You know, God forbid there was a
22 disaster or something happened there, do we
23 know that what they're planning on doing --
24 is that adequate?

25 MR. FRELENG: I can't speak to that.

1 Suffolk County Planning Commission 10/7/09 92
2 That was not in the referral, and we did not
3 look at that. And I would just hazard a
4 guess -- we're not experts in that area
5 anyway, so we would have to take the
6 testimony of the prior suppression expert.
7 CHAIRMAN CALONE: However, the town
8 obviously could look at that -- the town
9 board when they're looking at this,
10 obviously, and hopefully will ask the
11 applicant that question. I'm sure Mr. Butler
12 will be before them as he was here before us.
13 So -- so one -- you know, one, actually,
14 option here is to make this a -- you know, a
15 more local determination without putting our
16 in- -- mark on it one way or another. And,
17 you know, basically, let the town answer
18 those -- ask and answer those kinds of
19 questions. So that's a possibility.
20 But any other thoughts?
21 COMMISSIONER POTTER: This is just a
22 clarification.
23 If we approve this, the town board would
24 override us with a majority, or all five
25 unanimous; what would -- how would that work?

1 Suffolk County Planning Commission 10/7/09 93
2 CHAIRMAN CALONE: If we approve it, then

10 07 09_Planning_Commission.txt
3 they would just do what they would do --
4 COMMISSIONER POTTER: I'm sorry, I
5 misspoke.
6 If we disapprove it.
7 CHAIRMAN CALONE: Then they would need a
8 supermajority vote --
9 COMMISSIONER POTTER: Which is four out
10 of five?
11 CHAIRMAN CALONE: Correct.
12 DIRECTOR ISLES: No, I think --
13 COMMISSIONER KELLY: Five out of seven.
14 DIRECTOR ISLES: -- there's seven
15 members.
16 COMMISSIONER POTTER: Five out of seven.
17 CHAIRMAN CALONE: So five out of seven.
18 If we were to go in any other direction,
19 then they could do what they would with a
20 supermajority. But that's the impact.
21 DIRECTOR ISLES: Including an LD.
22 CHAIRMAN CALONE: Including an LD.
23 Right, whether it's approval or an LD, it's
24 the same posture.
25 COMMISSIONER BOLTON: Is there --

1 Suffolk County Planning Commission 10/7/09 94
2 (WHEREUPON, there was an interruption in
3 the proceeding, after which the following
4 transpired:)
5 COMMISSIONER BOLTON: Is there -- I did
6 have a question.
7 (Laughter)

8 CHAIRMAN CALONE: Maybe someone's
9 feeding you questions --
10 COMMISSIONER BOLTON: I guess the timing
11 was --
12 CHAIRMAN CALONE: -- on the phone.
13 COMMISSIONER BOLTON: -- not perfect --
14 CHAIRMAN CALONE: Just be sure to speak
15 up, Charla, because I know that you're down a
16 ways there and -- make sure Teri can hear
17 you.
18 COMMISSIONER BOLTON: Does the L-2
19 district specify any sort of landscape buffer
20 improvements?
21 In other words, if this is a reworked
22 site, is there an opportunity here to create
23 a better-looking site in the long run than it
24 is now? Even though I know -- I understand
25 it's an industrial site, but you can still,

1 Suffolk County Planning Commission 10/7/09 95
2 you know, landscape it -- you can still do
3 things that are going to make it more
4 compatible with what's in the neighborhood
5 now.
6 MR. FRELENG: The opportunity is
7 there --
8 COMMISSIONER BOLTON: Or what's planned
9 for the neighborhood, I should say.
10 MR. FRELENG: If we go to the site plan
11 a second --

12 MR. CORRAL: (Complying)

13 MR. FRELENG: -- you don't see any real

14 significant buffering or landscaping on the

15 subject site.

16 I do need to point out, in the staff

17 report, it is mentioned that they will need a

18 buffering relaxation. So they'll need

19 variances on the buffering requirements as

20 well as the dimension requirements for the

21 site.

22 So while the opportunity does exist,

23 they still fall short of the requirement for

24 buffering.

25 COMMISSIONER HOLMES: (Indicating)

1 Suffolk County Planning Commission 10/7/09 96

2 CHAIRMAN CALONE: Okay. First, Linda.

3 COMMISSIONER HOLMES: Andy, didn't

4 Mr. Shea say that one of the reasons they're

5 seeking to get that residential zone rezoned

6 is to be able to increase the buffer?

7 I thought I heard him say that.

8 MR. FRELENG: Well, he might have said

9 that. The buffer would be -- the increase in

10 this buffer would be to Sunrise Highway. I

11 guess you could argue that maybe some of

12 these properties to the east would be

13 buffered, but -- if you go back to the site

14 plan a second, John --

15 MR. CORRAL: (Complying)

16 MR. FRELENG: -- you could see that the

17 second propane tank is right on this line
18 (indicating).

19 COMMISSIONER HOLMES: Oh, yes.

20 MR. FRELENG: They cannot put that
21 propane tank in a residential zone, they need
22 to change that zone to put that there.
23 Could they have put the tank forward and then
24 not needed to change the zone? Yes. But
25 that's not their proposal. Their proposal is

1 Suffolk County Planning Commission 10/7/09 97
2 to put it in that piece that is currently
3 zoned residential, so they need the zone
4 change.

5 CHAIRMAN CALONE: Huh, interesting.

6 COMMISSIONER HOLMES: Yeah, they could
7 put it forward --

8 CHAIRMAN CALONE: Well --

9 COMMISSIONER HOLMES: -- and avoid
10 having to ask for a zone change. But what
11 they're doing is using it as a lever to get
12 the zone change, This is where we want to put
13 the new tank.

14 MR. FRELENG: It would appear that way,
15 but I don't know what their design restraints
16 are.

17 CHAIRMAN CALONE: Well, I mean, the
18 other way -- that's speculative because, I
19 mean, the other way to look at it is they
20 need to do that for some reason and,

10 07 09_Planning_Commission.txt
21 therefore, they need the zone change. So
22 it's hard to know.
23 DEPUTY DIRECTOR GULIZIO: (Indicating)
24 CHAIRMAN CALONE: But Dan has a comment.
25 DEPUTY DIRECTOR GULIZIO: I'm sorry.

1 Suffolk County Planning Commission 10/7/09 98
2 Just -- I'm -- I'm --
3 CHAIRMAN CALONE: And be sure to speak
4 up so that Teri can --
5 DEPUTY DIRECTOR GULIZIO: I'm trying my
6 best not to put my two cents in, but I am
7 somewhat familiar with this site.
8 This zone change has been discussed
9 since around 2001, 2002 in the town when the
10 community, through a fairly extensive
11 community-based planning effort, developed
12 the Montauk Highway Corridor Study. The
13 communities of Shirley and Mastic.
14 This was one of three downtown centers.
15 It was envisioned by the community as a
16 compact, high-density hamlet center where you
17 would have mixed-use development, residential
18 units above a main street pedestrian range of
19 business district.
20 This site, at the time, was extensively
21 discussed, it was a very contentious issue
22 both on the board as well as within the
23 community because it was a long-term
24 community-based business. But at the same
25 time, it was something the community, I think

1 Suffolk County Planning Commission 10/7/09 99

2 fairly can be said, was viewed as something
3 not compatible with the idea of a main street
4 business district, both because of the nature
5 of the business, the nature of the truck
6 traffic, et cetera.

7 I think the main reason why the tank is
8 being place to the north, as I recall, is
9 because it was inadequate set back when you
10 factor in the turning movements of the
11 trucks. There are a fair number of trucks
12 that have to visit this site, both to -- to
13 refuel, pick up gas that can then be
14 delivered elsewhere off-site. There's a lot
15 of truck traffic also associated with the
16 site. That, getting back to Linda Holmes'
17 comment, also limits the ability to provide
18 additional landscaping or buffering on site.

19 I think it's fair to say that the main
20 purpose for the rezoning is not to provide
21 additional buffering or landscaping, but to
22 accommodate the setbacks and storage capacity
23 for additional fuel storage on site.

24 CHAIRMAN CALONE: They could put more
25 buffering in there with that res- --

1 Suffolk County Planning Commission 10/7/09 100

2 residential. I mean, they could put some

10 07 09_Planning_Commission.txt
trees and shrubs --

DEPUTY DIRECTOR GULIZIO: Well, the residential could be buffered right now without an application of a rezoning.

CHAIRMAN CALONE: Other thoughts, comments, questions?

COMMISSIONER ROBERTS: The only thought I would add is it is -- it's very rare to hear of a business that has any chance of growing in this economic environment. And I -- you know, I think in this environment we should be taking economic consideration into effect, and obviously adding the -- the extra tank is allowing this business to grow and potentially add jobs.

CHAIRMAN CALONE: Any other thoughts?

I mean, that's always a tricky thing, because when you -- when you change the zone, you're changing it for -- you know, for the future as well, but I will say this for myself, the fact that these things are buried makes me feel better about it.

VICE CHAIRMAN KONTOKOSTA: Can I ask a

Suffolk County Planning Commission 10/7/09 101
question?

CHAIRMAN CALONE: Yes.

VICE CHAIRMAN KONTOKOSTA: Just a clarification on that.

Are they actually buried? Because I'm squinting at the site plan and seeing that

8 they're partially buried.
9 Do you have more detail on that?
10 MR. FRELENG: The detail that I have is
11 they're supposed to be buried.
12 VICE CHAIRMAN KONTOKOSTA: Okay.
13 MR. FRELENG: Put that in quotes, I
14 don't know how deep.
15 VICE CHAIRMAN KONTOKOSTA: Okay.
16 CHAIRMAN CALONE: Well, you have some --
17 you have some eye that you can read that.
18 VICE CHAIRMAN KONTOKOSTA: Okay.
19 CHAIRMAN CALONE: It may be one of those
20 things where it has like a --
21 Yeah, it's does say --
22 COMMISSIONER HOLMES: Oh, yes --
23 CHAIRMAN CALONE: -- it does say,
24 Proposed partially --
25 MR. FRELENG: "Proposed 30,000-gallon

1 Suffolk County Planning Commission 10/7/09 102
2 propane tanks."
3 COMMISSIONER CHARTRAND: Actually --
4 COMMISSIONER HOLMES: "Proposed" --
5 SECRETARY ESPOSITO: "Partially buried."
6 COMMISSIONER HOLMES: It says, "Proposed
7 partially buried." Yes. "Proposed
8 partially."
9 CHAIRMAN CALONE: Okay.
10 COMMISSIONER HOLMES: Both of them --
11 CHAIRMAN CALONE: All right.

12 COMMISSIONER HOLMES: -- say "Proposed
13 partially." You're right.
14 CHAIRMAN CALONE: Well, we'll just
15 assume that that is the probably --
16 COMMISSIONER HOLMES: It's a good thing
17 I can still --
18 CHAIRMAN CALONE: -- the appropriate
19 safety needs.
20 All right. Any other thoughts,
21 comments?
22 COMMISSIONER TALDONE: Just one more.
23 CHAIRMAN CALONE: Yes, Vince.
24 COMMISSIONER TALDONE: One quick comment
25 in terms of the -- the buffering.

1 Suffolk County Planning Commission 10/7/09 103
2 Certainly if this zone change is
3 enacted, they still require relief in order
4 to meet buffering requirements which they
5 can't do. But, on the other hand, under the
6 site plan process, we can get a lot more
7 buffering out of the owner than currently
8 exists in terms of how it appears to the
9 community.
10 Safety, I -- I'm -- now, again, I'm not
11 a gas expert here, but I imagine that whether
12 it's slightly underground or aboveground, if
13 there's catastrophic failure, it's
14 catastrophic and it isn't going to matter all
15 that much. It's more of a visual barrier
16 that I'm thinking of in terms of how this

17 could work within a community that might grow
18 around it that doesn't have that industrial
19 look.

20 So all I guess my point is, there will
21 be an opportunity under the site plan when it
22 does come to us if the town approves it,
23 where they, through the town, and we also can
24 provide our best suggestions in terms of how
25 to buffer this so it can work within what may

1 Suffolk County Planning Commission 10/7/09 104
2 become a new corridor there.

3 But, lastly, again, this business has
4 been there for many years, we need as much
5 natural gas and propane supplies as we can.
6 That's an environmental issue that I believe
7 in, so I -- I wouldn't really want to
8 restrict the expansion there, even though
9 it's expansion of a non-conforming use.

10 CHAIRMAN CALONE: Okay.

11 COMMISSIONER TALDONE: Well, actually,
12 it depends on how you view it, because I
13 don't view it as an expansion of a
14 non-conforming use because they're expanding
15 the land -- it's already too small. The use
16 is already not permitted under the existing
17 size of that lot. By expanding the lot area,
18 they're less non-conforming to some extent.

19 CHAIRMAN CALONE: Yeah, they are
20 certainly --

21 SECRETARY ESPOSITO: Can I just --
22 CHAIRMAN CALONE: Yes, Adrienne.
23 SECRETARY ESPOSITO: I just want to pick
24 up on Vince's thought, too.
25 The thing that troubles me a little bit

1 Suffolk County Planning Commission 10/7/09 105
2 mostly is that we don't know anything
3 about -- and I understand you said the town
4 could look at that, but we don't know
5 anything about the required safety rules and
6 what the applicant is actually doing. And if
7 there was a catastrophic failure, there's
8 usually, you know, a required setback. It's
9 now 30,000 gallons. You know, I don't know
10 if they've looked at leak protection systems,
11 wing migration, you know, what they call
12 flammable plumes. I mean, and this is a
13 residential area.

14 I assume that's been looked at, but we
15 have no information about that which is a
16 little bit unsettling, particularly because
17 it is in a residential area.

18 COMMISSIONER TALDONE: I have one more
19 point on that, if I can.

20 CHAIRMAN CALONE: Yes.

21 COMMISSIONER TALDONE: Specific to that,
22 the regulations are set by -- by New York
23 State DOT in terms of movement -- movement of
24 gas, of course there's environmental
25 regulations. And, again, this is just a

1 Suffolk County Planning Commission 10/7/09 106
2 presumption that a new tank and a new
3 facility will have to come under current fire
4 suppression standards by the state where
5 they -- what they may have now from 40 years
6 ago might be grandfathered in. I'm assuming
7 there will be better environmental controls.
8 SECRETARY ESPOSITO: Well, I would just
9 say you would be shocked at some of the
10 things that need to be updated.
11 COMMISSIONER TALDONE: Yeah, I'm --
12 SECRETARY ESPOSITO: So --
13 COMMISSIONER TALDONE: Right. That's
14 why I caution, because I'm -- I'm not at all
15 an expert in this area.
16 VICE CHAIRMAN KONTOKOSTA: (Indicating)
17 CHAIRMAN CALONE: All right.
18 Constantine.
19 VICE CHAIRMAN KONTOKOSTA: Well, I
20 guess -- I mean, this -- this highlights a
21 couple problems we're dealing with.
22 I guess one is the kind of longer term
23 planning issues and -- and -- and
24 revitalizing areas versus the site-specific
25 impacts and -- and hardships of some of these

1 Suffolk County Planning Commission 10/7/09 107
2 things.

3 I think given the history behind this
4 site and the history of the business and the
5 business operation, and the fact that there's
6 some questions that perhaps remain
7 unresolved, that perhaps are best resolved at
8 the local level.

9 I would actually make a motion for local
10 determination on this.

11 CHAIRMAN CALONE: We have a motion for
12 local determination.

13 COMMISSIONER POTTER: I would second
14 that.

15 CHAIRMAN CALONE: Seconded by
16 Commissioner Potter.

17 All those in favor of having the
18 commission report back to the town that this
19 is a local determination, please raise your
20 hand.

21 (WHEREUPON, the members voted.)

22 CHAIRMAN CALONE: Opposed?

23 (WHEREUPON, the members voted.)

24 CHAIRMAN CALONE: And abstentions?

25 (WHEREUPON, there was no response.)

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2 CHAIRMAN CALONE: It's 12 to 1 to 0.

3 So the next item -- thank you.

4 The next item on our agenda is the
5 Sysco --

6 (Pause in the proceeding)

7 CHAIRMAN CALONE: Okay. Andy, are you

8 on this one?

9 MR. FRELENG: Yes.

10 CHAIRMAN CALONE: Okay.

11 MR. FRELENG: The next application
12 before the Planning Commission is referred to
13 us from the municipality of Islip -- the
14 Town of Islip. This is Sysco Long Island,
15 LLC.

16 Jurisdiction for the commission is that
17 the subject property is within 500 feet of
18 County Road 100, which is Suffolk Avenue.

19 Looking at the screen, we've got to
20 subject property here (indicating). This is
21 the property apparently in it's heyday, with
22 a whole bunch of vehicles and storage around
23 the site. This is an existing
24 400,000-square-foot building.

25 Next slide.

1 Suffolk County Planning Commission 10/7/09 109

2 MR. CORRAL: (Complying)

3 MR. FRELENG: Here's an oblique of the
4 subject property (indicating). You can see
5 that the subject property is surrounded by
6 residential lots. This would be Suffolk
7 Avenue (indicating). What's hard to see is
8 that there's a railroad that runs along
9 between Suffolk Avenue and the subject
10 property (indicating). So the site doesn't
11 exactly front on Suffolk Avenue, it fronts

10 07 09_Planning_Commission.txt
12 on -- what is it? Ludlow, I think it is.
13 MR. CORRAL: (Inaudible)
14 MR. FRELENG: Lowell. It fronts on
15 Lowell.
16 Next slide, John.
17 MR. CORRAL: (Complying)
18 MR. FRELENG: Okay. And when we did our
19 site inspection, we just took a look at the
20 property. This is the subject building
21 (indicating). As you can see, this would be
22 off looking -- if you look at the woods here,
23 you would be looking at the east at the
24 residential lots (indicating). This is the
25 existing bay areas where the trucks used to

1 Suffolk County Planning Commission 10/7/09 110
2 come around and load, directly against the
3 residential area (indicating).
4 Next slide.
5 MR. CORRAL: (Complying)
6 MR. FRELENG: Okay. Again, this is
7 another view of the front of the building
8 (indicating).
9 Next slide, John.
10 MR. CORRAL: (Complying)
11 MR. FRELENG: Okay. You can see that
12 there is some use going on there, although we
13 weren't able to determine what's going on
14 (indicating), probably in the warehouse
15 rummaging around.
16 (Laughter)

17 MR. FRELENG: Next slide, John.

18 MR. CORRAL: (Complying)

19 MR. FRELENG: Okay. The applicants are
20 seeking Town Planning Board site plan/special
21 permit approval to demolish an existing
22 warehouse of approximately 500,000 square
23 feet and construct a new facility of
24 approximately 400,000 square feet for
25 commercial food warehouse and distribution

1 Suffolk County Planning Commission 10/7/09 111
2 with overnight parking of tractors and
3 trailers as an accessory use.

4 The subject parcel is located on the
5 southeast of Suffolk Avenue, which I
6 indicated was County Road 100, and Lowell
7 Avenue, which is a town street, in the hamlet
8 of Central Islip.

9 A review of the character of the land
10 use and zoning in the vicinity indicates that
11 the subject property is located along a mixed
12 corridor of residential, business, and
13 industrially zoned properties along Suffolk
14 Avenue. So you can see the -- the mosaic of
15 different zoning in and around the subject
16 site.

17 CHAIRMAN CALONE: You're a regular
18 Picasso, Andy.

19 MR. FRELENG: Thank you. I was
20 searching for that.

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MR. FRELENG: The predominating land use, particularly south of the subject site, is residential.

Okay. The subject application proposes

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Suffolk County Planning Commission 10/7/09 112
one point of unrestricted ingress/egress to Lowell Avenue. No alternate or emergency access is proposed. No cross-access or pedestrian cross-access to adjacent sites is proposed. HART Bus Route 3D is located on Suffolk Avenue, and the Central Islip train station is located on Suffolk Avenue to the west of Lowell. There's parking over here for the train station (indicating). The train station is a little further to the west.

13

14

There are no significant environmental constraints on the subject site.

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It should be noted that the subject application is located in a minority and economically distressed community as defined by commission guidelines and required to be reported pursuant to Resolution 102-2006 of Suffolk County.

21

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24

It's the belief of the staff that the requested site plan/special permit is reasonably appropriate, notwithstanding some of the following issues.

25

As required by Town of Islip Zoning Law,
Page 96

1 Suffolk County Planning Commission 10/7/09 113
2 approximately 867 off-street parking stalls
3 are required for the new 400,000-square-foot
4 building. The applicants have put forth an
5 argument that the proposed 497 stalls,
6 322 of which are constructed and 175 which
7 are land banked, will be more than adequate
8 to accommodate each and every employee
9 planned to work at the facility, as well as a
10 good number of customers and vehicles. The
11 full company will employ approximately
12 250 people on site, and those employees are
13 broken into shifts.

14 It's the belief of the staff that the
15 relocation of the truck loading area to the
16 north of the subject site will serve to
17 buffer the adjacent residents to the south
18 from adverse effects from activities during
19 the operation of the facility. So as I
20 pointed out in the photo before, right now --
21 this is the residential area (indicating).
22 Right now the loading docks run along the
23 back of the building. And what is being
24 proposed is that the loading docks come up to
25 the north side, where they'll be fronting on

1 Suffolk County Planning Commission 10/7/09 114
2 the train and Suffolk Avenue. So that's one

3 major improvement -- after they tear down the
4 building and build this building, that's one
5 major improvement over the site plan as it
6 exists.

7 Staff believes that, in addition, the
8 town should encumber the use with appropriate
9 operational restrictions to adequately
10 protect the nearby residences. In other
11 words, maybe to have shielded lighting, or
12 certain hours of operations, hours of truck
13 deliveries, garbage pickup, restrictions on
14 truck idling, outdoor speaker systems,
15 building alarms, trash compaction, et cetera.
16 So we believe the town should take a look at
17 the site and perhaps institutionalize more
18 sensitivity to the residents in the area.

19 There was no indication in the referral
20 materials that energy efficiency or public
21 safety was a consideration in the project
22 design. The applicant should be directed to
23 review the commission guidelines in these
24 areas.

25 Staff recommends to the commission then,

1 Suffolk County Planning Commission 10/7/09 115
2 approval, subject to the following
3 conditions;

4 1. That the town shall encumber the use
5 with appropriate operational restrictions to
6 adequately protect nearby residences; and,

7 2. That the applicant shall be directed

8 to review the Suffolk County Planning
9 Commission guidelines on Energy Efficiency
10 and Public Safety and incorporate aspects
11 into design considerations for the building
12 and site plan.

13 That is the staff record.

14 CHAIRMAN CALONE: Thank you, Andy.

15 This is an Islip matter, and we'll call
16 on our new commission member, Mr. Chartrand,
17 to share any thoughts on that area.

18 COMMISSIONER CHARTRAND: Yeah, I'd have
19 to agree with the proposal here. Right now
20 it stands as a big eyesore to the community,
21 and it's been that way for quite some time.
22 Years past, when it was -- I believe it was a
23 Waldbaum's facility years ago, and it had
24 heavy traffic in and out of the area.
25 Especially coming along Lowell Avenue there

1 Suffolk County Planning Commission 10/7/09 116
2 where there was a lot of, you know,
3 residential. By moving and parking, I think
4 the front side of that and the entrance
5 there, I think that will help the community,
6 you know. I think it look all right. I have
7 to agree with it --

8 CHAIRMAN CALONE: Thank you.

9 COMMISSIONER CHARTRAND: -- the
10 proposal.

11 CHAIRMAN CALONE: Thank you, Matt.

10 07 09_Planning_Commission.txt
12 Before I continue, actually, I want
13 to -- is there any recusals on this matter?
14 COMMISSIONER McADAM: (Indicating)
15 CHAIRMAN CALONE: Mr. McAdam.
16 COMMISSIONER McADAM: Yeah. They're --
17 we have a family restaurant, and they're one
18 of the suppliers. So --
19 CHAIRMAN CALONE: Okay. So you're going
20 to recuse.
21 COMMISSIONER McADAM: Yeah, I guess.
22 CHAIRMAN CALONE: Thank you, sir. I
23 appreciate that.
24 COMMISSIONER KELLY: (Indicating)
25 CHAIRMAN CALONE: Mr. Kelly.

1 Suffolk County Planning Commission 10/7/09 117
2 COMMISSIONER KELLY: Just a few
3 questions.
4 Andy, is the --
5 CHAIRMAN CALONE: Be sure to speak up,
6 also, just for Teri's sake.
7 COMMISSIONER KELLY: Is the facility
8 presently occupied?
9 MR. FRELENG: No, it is vacant.
10 COMMISSIONER KELLY: And Sysco's the
11 leaseholder, right, or are they the owner; do
12 you know?
13 MR. FRELENG: I'm not aware of that
14 situation. I don't know.
15 COMMISSIONER KELLY: It just seems a
16 little odd that it's a 500,000-square-foot
Page 100

17 facility and you're going to demolish the
18 facility and rebuild a new one. I just don't
19 understand the economics of it, not that --
20 SECRETARY ESPOSITO: No, but that's --
21 CHAIRMAN CALONE: Well --
22 SECRETARY ESPOSITO: -- their --
23 COMMISSIONER KELLY: It's their
24 prerogative, but, you know --
25 CHAIRMAN CALONE: We don't know if they

1 Suffolk County Planning Commission 10/7/09 118
2 passed business school or not, but --
3 COMMISSIONER KELLY: I just don't see
4 how it works.
5 MR. FRELENG: You can't really tell from
6 these photographs, but the building is pretty
7 deteriorated.
8 CHAIRMAN CALONE: Right.
9 SECRETARY ESPOSITO: And they may need a
10 completely different structure or a different
11 operation, different interior design, and
12 then by that time, it might be just worth it
13 to take it down and put it back up.
14 COMMISSIONER HORTON: Maybe a more
15 fashionable --
16 SECRETARY ESPOSITO: Modernize --
17 COMMISSIONER HORTON: -- building.
18 SECRETARY ESPOSITO: Yeah.
19 CHAIRMAN CALONE: Well, yeah, I don't
20 think we need to speculate on it.

21 Do you have follow-up?

22 MR. FRELENG: Yes.

23 COMMISSIONER KELLY: Yeah. With the

24 access to the rail, any -- any coordination

25 with rail delivery?

1 Suffolk County Planning Commission 10/7/09 119

2 MR. FRELENG: There's nothing in the

3 site plan --

4 John, go to the site plan.

5 MR. CORRAL: (Complying)

6 MR. FRELENG: There was nothing in the

7 site plan or the referral on any coordination

8 with the spur coming off the railroad, but

9 that is a possibility.

10 COMMISSIONER TALDONE: (Indicating)

11 CHAIRMAN CALONE: Mr. Taldone.

12 COMMISSIONER TALDONE: Thanks.

13 A quick question.

14 There's an actual passenger stop just

15 down the street from this site, is there not?

16 MR. FRELENG: I believe there is, yes.

17 COMMISSIONER TALDONE: And on this plan

18 I really can't see whether there is or is not

19 a sidewalk proposed on Lowell, which I guess

20 is the access road to the train station, if I

21 recall the area correctly.

22 MR. FRELENG: Well, the train station

23 is -- and I'm sure you do recall the area.

24 There's parking for the train station because

25 the train station's just off-site --

1 Suffolk County Planning Commission 10/7/09 120
2 COMMISSIONER TALDONE: Right.
3 MR. FRELENG: -- over here (indicating).
4 I cannot recall whether there's a --
5 COMMISSIONER TALDONE: Yeah.
6 MR. FRELENG: -- sidewalk along
7 Lowell --
8 CHAIRMAN CALONE: There appears to be a
9 sidewalk on --
10 MR. FRELENG: -- but this -- maybe.
11 DIRECTOR ISLES: And the town requires
12 it as part of a site plan development on a
13 commercial site plan.
14 CHAIRMAN CALONE: Right. So --
15 DIRECTOR ISLES: Absolutely.
16 COMMISSIONER TALDONE: Okay.
17 CHAIRMAN CALONE: All right. Any other
18 thoughts?
19 COMMISSIONER POTTER: (Indicating)
20 CHAIRMAN CALONE: Mr. Potter.
21 COMMISSIONER POTTER: One possible
22 suggestion and a question.
23 I like this list up in the middle of
24 this page, shielded lighting, hours of
25 operation, and so forth. And I'm wondering

1 Suffolk County Planning Commission 10/7/09 121
2 if -- what the language is, if it will go to

10 07 09_Planning_Commission.txt
3 the -- that the applicant will see it, and it
4 might be worth carrying that list down and
5 adding it to number 2 at the bottom so that
6 somebody actually sees that list.
7 MR. FRELENG: At the bottom of the staff
8 report on the staff recommendations, just for
9 future reference, if the board was to approve
10 the staff report as written, what we do is we
11 just cut and paste into your resolution the
12 recommendation. So to speak to your point
13 then, condition number one does put those --
14 does list those.
15 COMMISSIONER POTTER: Oh, they are there
16 already. Okay.
17 MR. FRELENG: Yeah, they're in there.
18 COMMISSIONER POTTER: All right. So let
19 me add one or raise a question to go on that
20 list.
21 MR. FRELENG: Sure.
22 COMMISSIONER POTTER: How would these --
23 this huge freezer and cooler going to be run?
24 Is there a noise issue with that?
25 MR. FRELENG: Well, I -- I couldn't

1 Suffolk County Planning Commission 10/7/09 122
2 speak to that. I don't know.
3 COMMISSIONER POTTER: That might be
4 something to put on the list.
5 I mean, we had an outdoor ice skating
6 rink, which was a whole mess the last couple
7 of years, but one of the big issues -- in

8 East Hampton, one of the big issues was noise
9 from the generators.
10 CHAIRMAN CALONE: All right. Well, you
11 know --
12 COMMISSIONER POTTER: So --
13 CHAIRMAN CALONE: -- I -- I think --
14 COMMISSIONER POTTER: -- just throw that
15 in --
16 CHAIRMAN CALONE: -- certainly including
17 something like noise mitigation in the list
18 is certainly, I think, reasonable. And
19 without objection, why don't we add noise
20 mitigation to the list.
21 COMMISSIONER TALDONE: If I may --
22 CHAIRMAN CALONE: Yes.
23 COMMISSIONER TALDONE: -- Mr. Chairman.
24 One additional request. That we add
25 either a condition or a suggestion -- I

1 Suffolk County Planning Commission 10/7/09 123
2 prefer, of course, a condition -- that the
3 sidewalk that they're presumably required to
4 construct along the main road be connected to
5 the parking lot with a pedestrian walkway,
6 rather than merging pedestrians into the
7 access lanes where cars are turning into the
8 parking lot. People may arrive here on foot
9 from the train station, and we want to avoid
10 having them mix with automobile movements.
11 CHAIRMAN CALONE: Vince, you've added

10 07 09_Planning_Commission.txt
12 that on other applications --
13 COMMISSIONER TALDONE: Yeah.
14 CHAIRMAN CALONE: -- in the past, I
15 don't think there's been any objection to
16 that. So without objection, we'll --
17 COMMISSIONER KELLY: (Indicating)
18 CHAIRMAN CALONE: -- we'll vote.
19 Mr. Kelly, do you have an objection?
20 COMMISSIONER KELLY: Oh, no, not an
21 objection.
22 CHAIRMAN CALONE: Okay.
23 COMMISSIONER KELLY: I'm sorry.
24 CHAIRMAN CALONE: So we'll add that as a
25 condition.

1 Suffolk County Planning Commission 10/7/09 124
2 And then, Mike, you can -- you're next.
3 COMMISSIONER KELLY: Just a comment
4 going back to the railroad spur or --
5 Is there any way to require the
6 applicant to investigate the possibility of
7 utilizing the railroad spur for deliveries on
8 and off island, or at least investigate it?
9 CHAIRMAN CALONE: We could certainly add
10 a comment or something, you know --
11 COMMISSIONER KELLY: Maybe a comment.
12 CHAIRMAN CALONE: -- that would be
13 consistent with the regional transportation
14 needs to encourage them to consider it or
15 something like that. I don't -- I think it
16 would be --

17 COMMISSIONER KELLY: I think they should
18 have to at least --

19 CHAIRMAN CALONE: -- significant to --

20 COMMISSIONER KELLY: -- look into it.

21 CHAIRMAN CALONE: -- add that as a
22 condition in any way.

23 COMMISSIONER KELLY: Right. I think --
24 to look into it at least.

25 COMMISSIONER HORTON: To look into it,

1 Suffolk County Planning Commission 10/7/09 125

2 and the more the MTA and LIRR hears that --

3 CHAIRMAN CALONE: Yeah.

4 COMMISSIONER HORTON: -- the more
5 (inaudible) adheres to freight.

6 CHAIRMAN CALONE: Yeah, which is a huge
7 issue, obviously, commercially and
8 transportation-wise.

9 So let's just frame this proposal. So
10 it would be a comment that the planning
11 commission encourages the applicant to look
12 at freight rail as a means to transport goods
13 to and from the site. You know, maybe we
14 say -- we could even say consistent with, you
15 know, regional planning -- I'm sorry,
16 regional transportation priorities or
17 something like that.

18 COMMISSIONER CHARTRAND: (Indicating)

19 COMMISSIONER HOLMES: You have one more
20 comment over here (indicating).

21 CHAIRMAN CALONE: Okay.
22 Is that all right with everyone?
23 COMMISSIONER CHARTRAND: Yeah. I
24 believe they're --
25 CHAIRMAN CALONE: Matt.

1 Suffolk County Planning Commission 10/7/09 126

2 COMMISSIONER CHARTRAND: -- looking at
3 that -- the third rail, by looking to do
4 something like that coming down.
5 CHAIRMAN CALONE: I mean, certainly the
6 third rail -- one of the advantages of the
7 third rail, among other things, is that it
8 would allow that, you know, ability to have
9 more freight.
10 COMMISSIONER CHARTRAND: Yeah.
11 CHAIRMAN CALONE: So, yeah, I think -- I
12 mean, if this is what Josh was saying, I
13 think that's, you know, a good idea.
14 DIRECTOR ISLES: By the way, in this
15 area, they're looking at a second track. In
16 Nassau, they're looking at a third rail.
17 SECRETARY ESPOSITO: Tell them to --
18 CHAIRMAN CALONE: Right.
19 SECRETARY ESPOSITO: -- build a third
20 rail here.
21 CHAIRMAN CALONE: Right, right.
22 But, however, the third rail, since
23 we're on an island is -- or a cul-de-sac, so
24 to speak, is a critical -- we're getting
25 things obviously from the city out here and

1 Suffolk County Planning Commission 10/7/09 127
2 vice versa.
3 Other --
4 COMMISSIONER KELLY: (Indicating)
5 CHAIRMAN CALONE: Michael.
6 COMMISSIONER KELLY: Sorry, I'm on a
7 roll.
8 CHAIRMAN CALONE: No. You know --
9 COMMISSIONER KELLY: This railroad
10 thing's gotten --
11 CHAIRMAN CALONE: -- you should go with
12 it.
13 COMMISSIONER KELLY: -- to me.
14 I'm just wondering if there's a way --
15 it sounds like this operation will be almost
16 a 24-hour operation.
17 Is there a way to coordinate with the
18 railroad so that employers -- employees can
19 get some type of coordinated scheduling so
20 that their shifts -- so that the railroad
21 has service when shifts are coming and going?
22 This is a large facility, it's going to
23 employ a lot of people. So I don't know if
24 there's -- I don't know if there's a way to
25 coordinate --

1 Suffolk County Planning Commission 10/7/09 128
2 CHAIRMAN CALONE: Well, it's certainly

3 a --
4 COMMISSIONER KELLY: -- some type of --
5 CHAIRMAN CALONE: -- a good idea --
6 COMMISSIONER KELLY: -- some -- some --
7 CHAIRMAN CALONE: -- and one would think
8 in their business interest to do that. I
9 don't think that the Long Island Rail Road
10 would change their operations, but however,
11 you know, the plant could, you know --
12 SECRETARY ESPOSITO: Coordinate with the
13 railroad.
14 CHAIRMAN CALONE: -- could think about
15 when the railroad schedule is --
16 SECRETARY ESPOSITO: Right.
17 CHAIRMAN CALONE: -- and --
18 COMMISSIONER KELLY: Something.
19 SECRETARY ESPOSITO: I think it would be
20 easier for the plant to coordinate with the
21 railroad schedule.
22 CHAIRMAN CALONE: Right.
23 SECRETARY ESPOSITO: Which many
24 facilities end up doing just for exactly that
25 reason.

1 Suffolk County Planning Commission 10/7/09 129
2 CHAIRMAN CALONE: We could certainly add
3 a comment that -- you know, just with the
4 desire to, you know, support public transit.
5 We can do that, but we may also just want to
6 give them a call on that one.
7 SECRETARY ESPOSITO: Okay.

8 CHAIRMAN CALONE: Okay.
9 COMMISSIONER KELLY: I'll give them a
10 call.
11 CHAIRMAN CALONE: You're nominated to do
12 that.
13 (Laughter)
14 CHAIRMAN CALONE: Okay. Any other
15 transportation, railroad-related things you
16 want to raise, Mike?
17 COMMISSIONER KELLY: No, thank you.
18 Thank you for the opportunity, though.
19 SECRETARY ESPOSITO: Mike, would you
20 like the CEO to take the railroad in at least
21 three times a week?
22 COMMISSIONER KELLY: That would be nice.
23 CHAIRMAN CALONE: That would be a good
24 signal.
25 MR. FRELENG: Did we want to --

1 Suffolk County Planning Commission 10/7/09 130
2 COMMISSIONER KELLY: Bloomberg does it.
3 MR. FRELENG: -- did we want to comment
4 on that.
5 CHAIRMAN CALONE: On that?
6 SECRETARY ESPOSITO: On the CEO?
7 CHAIRMAN CALONE: We're going to do a
8 phone call, which is -- is a little different
9 than our usual --
10 But we do have a comment -- just to be
11 clear, we do have a comment.

12 The first comment was on -- you know,
13 recommending that they do look at, you know,
14 the rail -- the rail spur, which was a
15 comment.

16 SECRETARY ESPOSITO: And don't -- and
17 the sidewalk.

18 CHAIRMAN CALONE: The sidewalk's a
19 condition.

20 MR. FRELENG: That's condition three.

21 CHAIRMAN CALONE: Three conditions, one
22 comment.

23 Thank you, Michael. Those were -- you
24 know, seriously, it was a good point.

25 Other thoughts, comments, questions?

1 Suffolk County Planning Commission 10/7/09 131
2 (WHEREUPON, there was no response.)

3 CHAIRMAN CALONE: All right. If not,
4 we'll entertain a motion.

5 Mr. Chartrand, would you like to make
6 the motion --

7 COMMISSIONER CHARTRAND: Yes.

8 CHAIRMAN CALONE: -- to --

9 COMMISSIONER CHARTRAND: I make a motion
10 to approve.

11 CHAIRMAN CALONE: Motion to approve as
12 amended.

13 A second --

14 COMMISSIONER BOLTON: Second.

15 CHAIRMAN CALONE: -- from Ms. Bolton.

16 All those in favor of adopting the staff
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17 report for approval with the three conditions
18 and the one comment, please raise your hand.
19 (WHEREUPON, the members voted.)
20 CHAIRMAN CALONE: And that's 12.
21 So it's 12 to zero.
22 SECRETARY ESPOSITO: And one --
23 COMMISSIONER KELLY: One abstention.
24 CHAIRMAN CALONE: And, I'm sorry, one
25 recusal.

1 Suffolk County Planning Commission 10/7/09 132
2 Thank you, Adrienne.
3 Okay. That wraps up our regulatory
4 agenda.
5 We had two items to discuss.
6 One is the comprehensive plan.
7 Obviously, Tom mentioned it a little bit
8 in your comments, I don't know if you want to
9 add anything right now on that.
10 DIRECTOR ISLES: No, I think we're okay.
11 CHAIRMAN CALONE: What we're going to do
12 is we're going to include this as a standing
13 topic of conversation for each of our
14 meetings so that we do have some update on
15 the comp plan. We can have -- the entire
16 commission can have input as we're going
17 forward on -- on the path, and we will keep
18 meeting with the advisory committee every
19 month or maybe every month or so. And anyone
20 who wants to join those meetings is welcome

10 07 09_Planning_Commission.txt
21 to do so.
22 The last item for discussion is the
23 flag lot policy, which is a Brookhaven issue;
24 right?
25 DIRECTOR ISLES: Yes.

1 Suffolk County Planning Commission 10/7/09 133

2 CHAIRMAN CALONE: And who's taking --
3 DIRECTOR ISLES: Dan Gulizio.
4 CHAIRMAN CALONE: -- taking on that one?
5 Dan.
6 DEPUTY DIRECTOR GULIZIO: I'll be brief.
7 You know, I promised Teri I would talk
8 nice and slowly, but that was before I ate
9 11 cookies at last count. So --

10 (Laughter)

11 DEPUTY DIRECTOR GULIZIO: One of the
12 things I wanted to talk to you about was the
13 idea of flag lots. Individually, it may not
14 be a significant issue, it's certainly not a
15 regionally significant issue under the
16 definition, but collectively, they raise some
17 issues.

18 And maybe, John, if you could just go to
19 one we can see a little bit better.

20 MR. CORRAL: (Complying)

21 DEPUTY DIRECTOR GULIZIO: Here's an
22 example of a flag lot in Mt. Sinai that --
23 this is not the one.

24 Here's a cul-de-sac coming up
25 (indicating). And as you can see there are

1 Suffolk County Planning Commission 10/7/09 134
2 one, two, three, four, five, six, seven lots
3 that are coming off this cul-de-sac, along
4 with one, two -- this is a third lot that's
5 merged with this lot (indicating), so we'll
6 call that three, four, five, these are two
7 separate homes.
8 CHAIRMAN CALONE: You know, I'm familiar
9 with that area. The reason it's like that is
10 because they wanted them all to have --
11 they're all around the water, and they all
12 have use of the water. But that's --
13 All right.
14 DEPUTY DIRECTOR GULIZIO: Yeah --
15 CHAIRMAN CALONE: Strike that comment.
16 DEPUTY DIRECTOR GULIZIO: -- but -- no
17 that's --
18 COMMISSIONER HORTON: That changes
19 everything.
20 (Laughter)
21 CHAIRMAN CALONE: Sorry for the
22 interruption.
23 DEPUTY DIRECTOR GULIZIO: From a
24 planning standpoint, what we'd like to see
25 with flag lots is that -- number one, that

1 Suffolk County Planning Commission 10/7/09 135
2 there be some code provisions to allow them

10 07 09_Planning_Commission.txt
3 under specific standards. So that we don't
4 get examples like this where from a -- even
5 if it's from a fundamental fire safety or
6 delivery status. The idea of trying to find
7 the correct address off of seven individual
8 driveways coming off the end of the
9 cul-de-sac, which doesn't even meet town
10 standards in terms of its radius or the
11 steepness of the street, is something that is
12 a concern from a policy standpoint.

13 There's a couple other examples just in
14 this immediate community of Mt. Sinai. Just
15 one just down the street from that where
16 again we have one, two, three, four coming
17 off, and then three over, one, two, three,
18 four other lots coming off the same flag lot
19 situation here (indicating). This is right
20 around the corner.

21 The next one -- and we'll move
22 quickly -- and, again, another example of one
23 here (indicating). One, two, three, four
24 additional lots coming off of --

25 And the concern that we have for this is

1 Suffolk County Planning Commission 10/7/09 136
2 that from a policy standpoint, typically you
3 adopt standards in terms of roadway width,
4 cul-de-sac radius, steep slopes in terms of
5 the -- the basic lot parameters, the lot
6 widths to the individual lots. So that you
7 can, number one, maintain a uniformed value,

8 and also meet basic public health safety and
9 welfare concerns in terms of deliveries, fire
10 safety, emergency response.

11 There are certain circumstances where it
12 makes sense from a planning standpoint to
13 vary these standards, along with protecting
14 unique lots for resource, along where
15 protecting, say, a steep slope, where from a
16 practical matter there's something unique to
17 the nature of the land that would warrant
18 some variance from the standard.

19 But what we see increasingly in some
20 towns and in some of the examples here is
21 the -- the standards are being varied simply
22 to maximize either the views of the property
23 or to maximize maybe even the value of the
24 property itself as opposed to meeting basic
25 health and safety concerns over proper lot

1 Suffolk County Planning Commission 10/7/09 137
2 design or proper subdivision design.

3 One of the other examples --

4 John, if you could just keep going.

5 MR. CORRAL: (Complying)

6 DEPUTY DIRECTOR GULIZIO: This involves
7 a street known as Weeks Avenue. It runs
8 really from the Expressway, south. This is
9 Moriches-Middle Island Road cutting across
10 here (indicating). This property is the
11 ADR property, just for -- you're aware

10 07 09_Planning_Commission.txt
12 about -- Mike, you're probably familiar with
13 one. 640 acres of undeveloped industrial
14 land south of the Expressway and south of
15 Brookhaven National Lab.
16 There are approximately 60 lots that are
17 off of Weeks Avenue here. There is an old
18 right-of-way that exists along the side of
19 this -- to the west of these lots where an
20 additional roadway could be designed and
21 installed to provide a safe means of ingress
22 and egress to the rear of these properties to
23 allow a rational subdivision of the property.
24 Instead, what we're getting --
25 John, if you could just go --

1 Suffolk County Planning Commission 10/7/09 138
2 MR. CORRAL: (Complying)
3 DEPUTY DIRECTOR GULIZIO: We're starting
4 to get --
5 The next one.
6 MR. CORRAL: (Complying)
7 DEPUTY DIRECTOR GULIZIO: The next one.
8 MR. CORRAL: (Complying)
9 DEPUTY DIRECTOR GULIZIO: We're starting
10 to get these flag lots along here
11 (indicating).
12 So the concern that we have from a
13 policy standpoint is that ultimately we can
14 end up with 60 lots that all have numerous
15 flag lots coming off of these 60 lots. And
16 creates something of a chaotic pattern of
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17 land use in terms of just basic deliveries,
18 safe access in ingress and egress, it also
19 focuses more of the traffic onto one roadway
20 as opposed to a more fair distribution of the
21 traffic along multiple rationally laid-out
22 roadways in the area.

23 So what we'd like to do --

24 Again, just the next one, John.

25 MR. CORRAL: (Complying)

1 Suffolk County Planning Commission 10/7/09 139

2 DEPUTY DIRECTOR GULIZIO: Here's another
3 one (indicating), some of the examples that
4 were already developed along Weeks Avenue a
5 little further south of -- actually, this is
6 toward the northern end where you have one,
7 two, three, four lots developed off of this.

8 This could have been very easily done
9 even without opening up this right-of-way, as
10 you can see over here (indicating), by simply
11 doing a street -- roadway to town standards
12 with a cul-de-sac to town standards so that
13 delivery trucks, garbage trucks, emergency
14 vehicles, fire safety equipment could get in
15 and out and service those homes in the area
16 and businesses in the area without any
17 problem. Instead, what we have are narrow
18 driveways, which aren't even permitted under
19 town code, establishing a precedent where
20 ultimately we could have a couple hundred of

10 07 09_Planning_Commission.txt
21 these lots off of one roadway as opposed to
22 all the lots accessing a road opened and
23 improved to town standards.
24 So we wanted to prepare a letter to the
25 towns talking about this issue and advocating

1 Suffolk County Planning Commission 10/7/09 140
2 for a more rational system of roadway access
3 to these lots, and try to discourage these
4 types of flag lots from being developed in
5 the future, but we wanted to run it by you as
6 a -- as a policy question first.

7 Again, we didn't think these were really
8 worth your -- bringing to the commission for
9 individualized determination on the
10 subdivisions, but we thought the policy
11 question was something that would be worth a
12 letter and a comment, we wanted to discuss it
13 with you first.

14 CHAIRMAN CALONE: How long has this -- I
15 mean, some of these examples from the
16 Mt. Sinai one, I -- because I grew up around
17 the corner, I know is only a few years old.
18 But the -- you know, some of these I imagine
19 are probably -- could be pretty old.

20 What's your sense of that, or is this a
21 newer phenomenon?

22 DEPUTY DIRECTOR GULIZIO: Well, I think
23 most of these are -- when I say "pretty
24 recent," I would say within the last ten to
25 20 years, most of them are. And most, I

1 Suffolk County Planning Commission 10/7/09 141
2 think, more recent than that. You know,
3 certainly these -- these are fairly new.
4 Okay. If you could just go to the
5 aerial.
6 MR. CORRAL: (Complying)
7 DEPUTY DIRECTOR GULIZIO: Any ones you
8 can see -- again, in the air- --
9 I'm sorry, John, just one of the ones
10 that show the --
11 MR. CORRAL: Oh. (Complying)
12 DEPUTY DIRECTOR GULIZIO: Keep going.
13 MR. CORRAL: (Complying)
14 DEPUTY DIRECTOR GULIZIO: Like that --
15 I'm sorry, back one.
16 MR. CORRAL: (Complying)
17 DEPUTY DIRECTOR GULIZIO: These are
18 fairly new because you can see the yards
19 haven't even grown in.
20 SECRETARY ESPOSITO: Yeah.
21 DEPUTY DIRECTOR GULIZIO: So you know
22 they're new.
23 And just one --
24 I'm sorry, go to the overall aerial,
25 John, where --

1 Suffolk County Planning Commission 10/7/09 142
2 MR. CORRAL: (Complying)

3 DEPUTY DIRECTOR GULIZIO: Right there.
4 That one.
5 What is this? Any guesses?
6 CHAIRMAN CALONE: Class, who would like
7 to raise their hand?
8 DEPUTY DIRECTOR GULIZIO: It's not Lake
9 Ronkonkoma.
10 SECRETARY ESPOSITO: Is it a sump?
11 DEPUTY DIRECTOR GULIZIO: It's not a
12 sump.
13 SECRETARY ESPOSITO: It's a sand mine.
14 DEPUTY DIRECTOR GULIZIO: It's a sand
15 mine.
16 CHAIRMAN CALONE: Ding, ding, ding.
17 DEPUTY DIRECTOR GULIZIO: And what you
18 see -- it's very hard to see, but you see
19 this little speck here (indicating)? The
20 sand mine has gone into the aquifer --
21 COMMISSIONER HOLMES: Oh.
22 DEPUTY DIRECTOR GULIZIO: -- and into
23 the water table, and this is a barge which
24 they use on the aquifer to dredge more
25 materials from below the water level so it's

1 Suffolk County Planning Commission 10/7/09 143
2 the finest sand.
3 SECRETARY ESPOSITO: Just an
4 environmentalist's favorite operation.
5 DEPUTY DIRECTOR GULIZIO: Yeah.
6 VICE CHAIRMAN KONTOKOSTA: I'll ask you
7 a legal question, since your off of your

8 APA Metro Conference presentation and session
9 presentation, which I heard was great.

10 What are the impacts of this --

11 DEPUTY DIRECTOR GULIZIO: I'll have to
12 consult my attorney.

13 VICE CHAIRMAN KONTOKOSTA: -- from a
14 property rights perspective in terms of -- I
15 mean, new roadways are expensive. They take
16 a lot of time. So if you have a property
17 owner that has zoning for as-of-right or
18 something that would allow, say, four units
19 on one of those lots that you showed, do you
20 require them to wait around for a road to be
21 authorized and constructed before they're
22 allowed to subdivide and build?

23 DEPUTY DIRECTOR GULIZIO: Well, I would
24 say the basic concept is, if you want to
25 develop your land, then you have an

1 Suffolk County Planning Commission 10/7/09 144
2 obligation to ensure that you provide access
3 to that property in accordance with town
4 standards.

5 If you're directly adjacent to the end
6 of a roadway, you're responsible for
7 extending that roadway to your property.

8 If you happen to be one of these lots
9 that's all the way down here, and the roadway
10 hasn't been opened and improved for that,
11 then that's something you need to coordinate

10 07 09_Planning_Commission.txt
12 with maybe some of your neighbors, or to
13 finance yourself.
14 But there's no obligation of government
15 to ensure that you have access onto a road
16 opened and improved on taxpayer, I think,
17 dollar, just to ensure that you can develop
18 your property.
19 Everyone has, I think, a fundamental
20 responsibility to provide improvements and
21 develop their property in accordance with
22 minimum standards. One of the things we're
23 concerned most about the subdivisions we're
24 talking about here, these flag lots, is that
25 they don't meet minimum standards in the

1 Suffolk County Planning Commission 10/7/09 145
2 town. All those are variance applications
3 for lot widths because they -- they don't
4 maintain access on a road that's opened and
5 improved to town standards.
6 Each of these lots, under the town code
7 right now, these are A-1 and A-2 lots,
8 meaning one-acre or two-acre single-family
9 residential lots, have a minimum requirement
10 of 175-foot of road frontage on a road that's
11 opened and improved to town standards. None
12 of those do. All of those are simply getting
13 variances from the town code to allow for 15,
14 20, and 25-foot access points onto a -- a
15 road that's opened and improved to town
16 standards.

17 If the town wanted to take the approach
18 that Southampton does or some of the other
19 East End towns do where they adopt uniformed
20 flag lot design standards, where they say you
21 need a minimum width on a flag lot of, say,
22 25 feet, and you can't count the flag lot in
23 terms of the lot area requirement, and you
24 address the proper set back, that's
25 absolutely appropriate also. That's a

1 Suffolk County Planning Commission 10/7/09 146
2 community preference, that's a policy
3 question. What we're concerned with is that
4 we see these instances where they're simply
5 varying the code without any standards, and
6 they're significant variances.

7 CHAIRMAN CALONE: And you do this on
8 case-by-case basis, but it's happening a
9 lot.

10 DEPUTY DIRECTOR GULIZIO: Right. One
11 would almost say that it's smart, maximum,
12 and arbitrary approach, but --

13 COMMISSIONER BOLTON: (Indicating)

14 COMMISSIONER POTTER: (Indicating)

15 CHAIRMAN CALONE: Job. Oh, and then --
16 Job and then Charla.

17 COMMISSIONER POTTER: You go first.

18 COMMISSIONER BOLTON: No, I just wanted
19 to know from what approach do you -- are you
20 actually taking with, specifically, the Town

10 07 09_Planning_Commission.txt
21 of Brookhaven?
22 DEPUTY DIRECTOR GULIZIO: Well, what we
23 would like to do --
24 COMMISSIONER BOLTON: What are you
25 recommending?

1 Suffolk County Planning Commission 10/7/09 147

2 DEPUTY DIRECTOR GULIZIO: What we would
3 like to do in this case is to recommend to
4 them that either they adopt uniformed
5 standards to address flag lots so that
6 there's a consistent policy that can be
7 applied that all flag lots meet certain
8 minimum standards, or that they take the
9 approach of rather than varying the code to
10 allow flag lots, if that's not their
11 preference, if they start restricting these
12 types of applications to require that when
13 someone subdivides their property, they
14 ensure they meet minimum road design
15 standards.

16 COMMISSIONER BOLTON: Isn't that
17 something that perhaps other towns also have
18 issues with? Meaning, you know, why are we
19 saying Brookhaven, why aren't we saying
20 throughout Suffolk County?

21 I mean, I don't think it's a problem so
22 much in Huntington because we've had flag lot
23 regulations for a long time and we don't see
24 those kinds of areas as much, but I think
25 there must be other towns in which this is

1 Suffolk County Planning Commission 10/7/09 148
2 also -- is this so glaringly obvious that
3 Brookhaven --
4 DIRECTOR ISLES: Yes.
5 COMMISSIONER BOLTON: -- and not
6 otherwise?
7 DIRECTOR ISLES: We've noticed --
8 CHAIRMAN CALONE: Director Isles.
9 DIRECTOR ISLES: We've noticed a strong
10 increase in flag lot applications coming
11 through the commission. So yes, it is a
12 problem. It's also -- this is a case, too,
13 where we -- you know, the town might do a
14 block study on these 60 large lots and look
15 at the coordinated development as opposed to
16 just parcel by parcel.
17 COMMISSIONER BOLTON: Uh-huh.
18 DIRECTOR ISLES: So it is something that
19 appears to be happening a lot in Brookhaven.
20 We're not saying whether that's good or bad,
21 we are concerned, and we would like to have a
22 conversation with the town planners on this,
23 and, here again, wanted to run it by the
24 commission in terms of knowing that we're
25 bringing it to their attention.

1 Suffolk County Planning Commission 10/7/09 149
2 CHAIRMAN CALONE: Are you proposing a

10 07 09_Planning_Commission.txt
3 letter from the commission or a letter --
4 DIRECTOR ISLES: No.
5 CHAIRMAN CALONE: -- from the department
6 just --
7 DIRECTOR ISLES: Right.
8 CHAIRMAN CALONE: -- indicating we've
9 noticed X, the commission has concerns --
10 DIRECTOR ISLES: We brought it --
11 CHAIRMAN CALONE: -- or something --
12 DIRECTOR ISLES: -- to the attention of
13 the commission --
14 CHAIRMAN CALONE: Yeah.
15 DIRECTOR ISLES: -- and so forth. Yeah.
16 CHAIRMAN CALONE: Vague.
17 DIRECTOR ISLES: Most of these fault
18 below your threshold --
19 CHAIRMAN CALONE: Right.
20 DIRECTOR ISLES: -- but, here again, we
21 just feel it's important enough to --
22 CHAIRMAN CALONE: Well, first --
23 DIRECTOR ISLES: -- bring it to your
24 attention.
25 CHAIRMAN CALONE: -- let me -- let me

1 Suffolk County Planning Commission 10/7/09 150
2 just say one thing. Let me credit you for
3 doing that, because, you know, the whole
4 point of the regional significance thing was
5 that we wouldn't be getting, you know, tons
6 of --

7 DIRECTOR ISLES: Right.
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8 CHAIRMAN CALONE: -- applications every
9 time, we actually focus on the few that are
10 the most important. But, you know, credit to
11 you guys because, you know what, if there's
12 the same problem happening on small lots over
13 and over and over again, it does have a
14 regional impact.

15 COMMISSIONER TALDONE: (Indicating)

16 CHAIRMAN CALONE: So thank you.

17 I believe Job was next, and then over to
18 Vince.

19 COMMISSIONER POTTER: My only comment
20 really is, as we get into this, I see that
21 you're very aware of the complexity of this,
22 because what we saw here were photographs --
23 widely different situations. And I know that
24 in East Hampton at least, this issue's been
25 grappled with for 25 years, and then the

1 Suffolk County Planning Commission 10/7/09 151
2 law's have been tweaked and changed.

3 So that my only comment would be, which
4 I'm sure you're not doing but I'll throw it
5 out there, to not push a town toward building
6 paved roads to road specs when -- for
7 four-house lots, let's say, when a common
8 driveway might work.

9 But on the other hand, to have five or
10 six driveways next to each other and flags is
11 crazy.

12 CHAIRMAN CALONE: And this way if you're
13 going to do the common driveway, make sure
14 that there's a standard for doing it for
15 that --
16 COMMISSIONER POTTER: Yeah. Which --
17 CHAIRMAN CALONE: -- emergency --
18 DIRECTOR ISLES: A country lane.
19 CHAIRMAN CALONE: -- and -- right.
20 DEPUTY DIRECTOR GULIZIO: We wouldn't
21 want to tell the town anything --
22 DIRECTOR ISLES: Yeah.
23 DEPUTY DIRECTOR GULIZIO: -- you know,
24 specifically. What we'd like to do is bring
25 to the attention of the town the other

1 Suffolk County Planning Commission 10/7/09 152
2 options that are out there. Such as what
3 East Hampton's doing, such as what
4 Southampton's doing.
5 And Islip we'd take even a different
6 approach. Islip would require, say, a map in
7 the road to town standards be placed on the
8 official map as a 50-foot wide road with a
9 proper cul-de-sac, and maybe it would reduce
10 the pavement width within that area to
11 whatever's minimally needed in order to
12 accommodate the number of homes that are
13 proposed.
14 So, I mean, there's multiple
15 approaches --
16 COMMISSIONER POTTER: Right.

17 DEPUTY DIRECTOR GULIZIO: -- we just
18 want them to be aware of it to try to take
19 more of a standardized approach to addressing
20 the issue.

21 SECRETARY ESPOSITO: I think that's the
22 advantage and benefit of having a regional
23 perspective over time. So that would be
24 exactly what we would want to be doing for
25 the county.

1 Suffolk County Planning Commission 10/7/09 153

2 DEPUTY DIRECTOR GULIZIO: And we'll say
3 it very nicely. We won't be saying words
4 like, the commission is outraged or --

5 (Laughter)

6 COMMISSIONER HORTON: Wouldn't say
7 arbitrary or something like that.

8 (Laughter)

9 COMMISSIONER BOLTON: But isn't --

10 CHAIRMAN CALONE: Charla.

11 COMMISSIONER BOLTON: Isn't there
12 another issue also that if -- a lot of these
13 are -- are being created through the vehicle
14 of a variance, that the variance process is
15 somehow being abused?

16 I mean, isn't that -- I mean, maybe
17 that's a little too strong a word, but --

18 DEPUTY DIRECTOR GULIZIO: I can throw it
19 in there if you want.

20 (Laughter)

10 07 09_Planning_Commission.txt
21 COMMISSIONER HOLMES: Well --
22 COMMISSIONER BOLTON: But --
23 CHAIRMAN CALONE: Hold on. Hold on.
24 Let's let Charla finish.
25 DEPUTY DIRECTOR GULIZIO: I think that's

1 Suffolk County Planning Commission 10/7/09 154
2 a fair question. I think that --
3 COMMISSIONER BOLTON: You know, because
4 really --
5 DEPUTY DIRECTOR GULIZIO: Right.
6 COMMISSIONER BOLTON: -- you're talking
7 about two separate issues. One of which is
8 you're using your zoning board --
9 DEPUTY DIRECTOR GULIZIO: Right.
10 COMMISSIONER BOLTON: -- to create
11 things that are really unacceptable. That
12 it's -- where it's not just individual
13 relief --
14 DEPUTY DIRECTOR GULIZIO: Right.
15 COMMISSIONER BOLTON: -- but it's
16 wholesale planning done through the variance
17 process.
18 DEPUTY DIRECTOR GULIZIO: You don't want
19 to undermine the integrity of the code
20 while --
21 COMMISSIONER BOLTON: Exactly.
22 DEPUTY DIRECTOR GULIZIO: -- actually
23 applying the code --
24 COMMISSIONER BOLTON: Thank you.
25 DEPUTY DIRECTOR GULIZIO: -- and apply

1 Suffolk County Planning Commission 10/7/09 155
2 the standards under 267 that really guide
3 variance decisions. And I'm not sure if all
4 of these are consistent with that standard,
5 so that's a great point.
6 CHAIRMAN CALONE: And I think -- I'm
7 sure in the letter you can --
8 COMMISSIONER BOLTON: And that might --
9 CHAIRMAN CALONE: -- you can --
10 COMMISSIONER BOLTON: -- be something
11 that you could say --
12 CHAIRMAN CALONE: Yeah, if not --
13 COMMISSIONER BOLTON: -- without using
14 the word abuse.
15 CHAIRMAN CALONE: Right.
16 (Laughter)
17 CHAIRMAN CALONE: If not those language,
18 I'm sure you could say -- indicate that the
19 problem seems to be at the ZBA level.
20 DEPUTY DIRECTOR GULIZIO: Right.
21 Well, it raises another point that there
22 are so many applications going to the ZBA
23 that seem to reflect there's something wrong
24 with the way the tests are being applied --
25 COMMISSIONER HOLMES: Uh-huh.

1 Suffolk County Planning Commission 10/7/09 156
2 DEPUTY DIRECTOR GULIZIO: -- or there's

10 07 09_Planning_Commission.txt
3 something fundamentally wrong with the code
4 that's generating --
5 COMMISSIONER HOLMES: Right.
6 DEPUTY DIRECTOR GULIZIO: -- all those
7 variance applications.
8 COMMISSIONER HOLMES: That's what I was
9 going to say.
10 CHAIRMAN CALONE: Go ahead, Linda. I'm
11 sorry.
12 COMMISSIONER HOLMES: I was going to
13 mention that at a state planning commission
14 meeting some years back we had a -- a very
15 good zoning lawyer talking to us about, if a
16 town keeps seeing and granting a lot of
17 variances, they should really look to change
18 their zoning code. You know, just for that
19 reason. That variances -- constant variances
20 are not the way to go.
21 DEPUTY DIRECTOR GULIZIO: Well,
22 Brookhaven is, unfortunately, a perfect
23 example of that --
24 COMMISSIONER HOLMES: Yes.
25 DEPUTY DIRECTOR GULIZIO: -- where they

1 Suffolk County Planning Commission 10/7/09 157
2 rezoned large lots at the east end of the
3 town to one-acre and two-acre zoning back in
4 the mid 1980s as part of their comprehensive
5 plan update in 1986 -- 1996 comprehensive
6 plan update. And it made sense to them, they
7 said we're going to mirror health department

8 regulations for half-acre, one-acre, and
9 two-acre zoning.

10 Unfortunately, out of those roughly
11 101,000 one-acre lots that now exist,
12 92 percent of them are less than one-acre in
13 size. And they all need variances as a
14 result whenever they go to do even something
15 as simple as an addition.

16 CHAIRMAN CALONE: Other comments or --

17 COMMISSIONER TALDONE: (Indicating)

18 CHAIRMAN CALONE: Yes, Vince.

19 COMMISSIONER TALDONE: Just quickly.

20 Dan, I know -- I'm actually more
21 familiar with the requirements in
22 Southampton, having just gone through a
23 subdivision for the Housing Authority. And
24 they have a very clear set of standards.

25 DEPUTY DIRECTOR GULIZIO: Sure.

1 Suffolk County Planning Commission 10/7/09 158

2 COMMISSIONER TALDONE: On a small
3 development of just a few houses, they won't
4 necessarily make a -- the developer or the
5 agency build to the town's specification for
6 a town road, but they'll build a country lane
7 or they have a -- which has a minimum width,
8 there's a turning radius for emergency
9 vehicles. Those requirements must be met in
10 order to get approval. And, as far as I
11 know, it's working fairly well.

10 07 09_Planning_Commission.txt
12 So I just wanted some clarification.
13 So Brookhaven doesn't have this kind of
14 standard to -- to measure these applications
15 against?
16 DEPUTY DIRECTOR GULIZIO: Right.
17 COMMISSIONER TALDONE: It's either a
18 town road or there's whatever the --
19 DEPUTY DIRECTOR GULIZIO: You either
20 need 175-foot at the street line, or you need
21 175-foot at the set back line if you're on a
22 cul-de-sac. So if you don't have one of
23 those two options --
24 COMMISSIONER TALDONE: Variance.
25 DEPUTY DIRECTOR GULIZIO: -- then you

1 Suffolk County Planning Commission 10/7/09 159
2 need a variance.
3 CHAIRMAN CALONE: And then it's a
4 free-for-all.
5 COMMISSIONER TALDONE: So you're
6 proposing actually preparing, in a way, a
7 model standard that we would promote to the
8 towns that don't have one --
9 DEPUTY DIRECTOR GULIZIO: Well,
10 that's --
11 COMMISSIONER TALDONE: -- if there's
12 more --
13 DEPUTY DIRECTOR GULIZIO: -- I think
14 gets back to Job's comment in that, I don't
15 think there is one standard necessarily that
16 fits all. But I think if we can show them

17 the options are out there, you know, the
18 different approaches -- you know, mapping a
19 road into town standards and varying a
20 pavement versus coming up with uniformed
21 standards for flag lots just like you would
22 any other traditional sized lot or configured
23 lot -- I think we just want to point them in
24 the direction and let them pick.

25 CHAIRMAN CALONE: Like a buffet, we will

1 Suffolk County Planning Commission 10/7/09 160
2 provide --

3 COMMISSIONER TALDONE: Yeah.

4 CHAIRMAN CALONE: -- options. Yes.

5 COMMISSIONER TALDONE: Well, my last --
6 my concern there is just on the affordable
7 housing and -- because we're -- we're down to
8 the digging at the bottom of the barrel for
9 lots here and there, and a lot of them will
10 end up as flag lots. So, you know, if you're
11 forcing a town road level of construction,
12 it's a lot of money. So they really ought to
13 have some --

14 DEPUTY DIRECTOR GULIZIO: It doesn't
15 have to --

16 COMMISSIONER TALDONE: -- some basis.

17 DEPUTY DIRECTOR GULIZIO: It doesn't
18 have to be. And that's not what we're
19 saying, I want to be perfectly --

20 COMMISSIONER TALDONE: Right.

21 DEPUTY DIRECTOR GULIZIO: -- clear.

22 We're not saying you shouldn't have flag
23 lots. We're just saying if you're going to
24 have them, you ought to have a standard to
25 guide your decision making associated with

1 Suffolk County Planning Commission 10/7/09 161
2 them.

3 COMMISSIONER TALDONE: And that's based
4 in part on, you know, public safety issues
5 such as emergency vehicle access, et cetera,
6 so there is a county-wide interest in
7 ensuring emergency vehicle access to -- in --
8 to locations.

9 DEPUTY DIRECTOR GULIZIO: It's very
10 clear that some of our subdivisions were done
11 in the '60s, over-designed in terms of
12 roadway. And we thought wider and straighter
13 was better, and then we found out that's
14 actually faster and less safe.

15 COMMISSIONER TALDONE: Right.

16 DEPUTY DIRECTOR GULIZIO: The idea of
17 tailoring or narrowing the roadway within a
18 right-of-way I think makes a lot of sense.
19 That's not -- you know, we're not saying that
20 we want wider roadways, we just want a
21 standard.

22 CHAIRMAN CALONE: I remember the
23 district attorney came and spoke to us this
24 last year about that very issue. So --

25 COMMISSIONER McADAM: (Indicating)

1 Suffolk County Planning Commission 10/7/09 162
2 CHAIRMAN CALONE: The gentleman from
3 Southold, you get the last word.
4 COMMISSIONER McADAM: I get the last
5 word.
6 The subdivision in Mt. Sinai, the one
7 that you had -- was that approved as a single
8 subdivision, or was it a situation where they
9 had like one or two and then they kept adding
10 on, adding on, and is that why you ended up
11 with so many separate right-of-ways?
12 DEPUTY DIRECTOR GULIZIO: I believe that
13 lot, that lot, and that lot were probably out
14 parcels (indicating).
15 COMMISSIONER McADAM: Uh-huh.
16 DEPUTY DIRECTOR GULIZIO: Everything
17 else was part of the subdivision.
18 COMMISSIONER McADAM: So they actually
19 approved it that way in one --
20 DEPUTY DIRECTOR GULIZIO: Yes.
21 COMMISSIONER McADAM: -- one plan.
22 DEPUTY DIRECTOR GULIZIO: Yes.
23 CHAIRMAN CALONE: That's the voice of
24 sorrow. The minutes can't really capture the
25 sorrow.

1 Suffolk County Planning Commission 10/7/09 163
2 COMMISSIONER POTTER: How did the

10 07 09_Planning_Commission.txt
3 commission vote on that?
4 (Laughter)
5 COMMISSIONER POTTER: It wasn't us.
6 DEPUTY DIRECTOR GULIZIO: It's just
7 important to note that this was prior to my
8 tenure with the town.
9 (Laughter)
10 CHAIRMAN CALONE: All right.
11 Anything else on this, Dan?
12 Look, I -- I think --
13 DEPUTY DIRECTOR GULIZIO: No.
14 CHAIRMAN CALONE: -- I don't think we
15 need a vote here. I think the sense of --
16 from this group, unless there's any other
17 comments, is that that's appropriate and
18 that's exactly what we're here for, as
19 Adrienne --
20 SECRETARY ESPOSITO: That's right.
21 CHAIRMAN CALONE: -- said. So --
22 Any other comments or questions on this
23 topic?
24 (WHEREUPON, there was no response.)
25 CHAIRMAN CALONE: Seeing none.

1 Suffolk County Planning Commission 10/7/09 164
2 Any other comments or questions, or
3 anything else going on anyone wants to raise.
4 COMMISSIONER HOLMES: I just wanted --
5 CHAIRMAN CALONE: Linda.
6 COMMISSIONER HOLMES: -- to take the
7 opportunity to thank both Dan and Andy for
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8 clarifying the IMA requirements for the
9 Town Board of Shelter Island.

10 When I made my presentation, they were
11 very concerned. In fact, it was the town
12 attorney that raised the question that on
13 Shelter Island we have a lot of pocket parks.
14 Little -- little parcels that we have
15 purchased with the two percent money. And
16 they wanted to know would they be subject to
17 the IMA restrictions. And, unfortunately,
18 the answer is yes, sort of.

19 So the town board has not acted yet in
20 this past month since I've made my
21 presentation a couple of weeks ago, whether
22 or not to, you know, adopt an IMA. So we're
23 hoping, but I do want to thank them for
24 clarifying, because they -- they were
25 concerned about that.

1 Suffolk County Planning Commission 10/7/09 165

2 CHAIRMAN CALONE: Thank you, Linda.

3 Two things about the IMAs, by the way.

4 One, maybe for next month we can get an
5 update on who -- on the signing, who we got
6 done -- you know, what municipalities have --
7 have signed on, and we can figure out a
8 strategy for those that haven't, how we can
9 outreach either through the members of this
10 group or a letter or something else.

11 And then Barbara actually raised with me

10 07 09_Planning_Commission.txt
12 a few days ago some concerns about the limits
13 in the IMA and whether they're too
14 restrictive for --
15 COMMISSIONER HOLMES: Uh-huh.
16 CHAIRMAN CALONE: -- for these
17 standards. And we --
18 COMMISSIONER HOLMES: They are.
19 CHAIRMAN CALONE: -- we certainly
20 discussed this at length when we did the
21 regional significance, and --
22 COMMISSIONER ROBERTS: It slipped by me.
23 CHAIRMAN CALONE: -- and to some degree,
24 we may need to revisit the IMA. But I -- I
25 don't really think we're in a position to do

1 Suffolk County Planning Commission 10/7/09 166
2 that right now since we just proposed it.
3 And many -- and I've -- looking at the -- the
4 group -- the group that approved it was
5 largely from the East End. A bunch of the
6 towns from the East End have already --
7 already approved it. So --
8 COMMISSIONER ROBERTS: So virtually
9 nothing gets referred to us now.
10 CHAIRMAN CALONE: Well, we're going
11 to -- obviously, a lot of -- anything on the
12 water -- I mean, there's a variety of things
13 that do, but certainly we'll want to relook
14 at that, I'm sure, within a few months and
15 see whether that's -- what we're missing.
16 So thank you for raising that.

17 COMMISSIONER McADAM: (Indicating)
18 SECRETARY ESPOSITO: (Indicating)
19 CHAIRMAN CALONE: Mr. McAdam, and then
20 our secretary.
21 COMMISSIONER McADAM: The comprehensive
22 plan.
23 We had a meeting before, and since then
24 I was -- I was just trying to think of this
25 one problem that I have with it. Not with

1 Suffolk County Planning Commission 10/7/09 167
2 the plan, but with trying to understand it.

3 If we have a project like Heartland,
4 and -- say, any other big project, say,
5 Yaphank -- and we haven't dealt with it as a
6 commission, how do we deal with it in the
7 comprehensive plan?

8 DIRECTOR ISLES: Well, I don't know if
9 we're going to get down to site-specific
10 projects. We'll certainly have to talk about
11 mega projects in terms of there are these,
12 certainly, very regionally significant
13 projects. I don't anticipate that the
14 comprehensive plan, however, would be looking
15 at those. Typically, it makes specific
16 recommendations.

17 Those are projects that are under review
18 and they can change. And you will have to
19 consider exactly what is referred to you at
20 that time, which may be different from what's

10 07 09_Planning_Commission.txt
21 being discussed or proposed now.

22 In terms of the plan, I think the plan
23 has to consider, here again, what's happening
24 in Suffolk County. Those are certain
25 things -- certainly things that are

1 Suffolk County Planning Commission 10/7/09 168
2 happening. They're both -- the two examples
3 that you cited are in growth centers that
4 have already been recognized by Suffolk
5 County. So they have to be considered in
6 terms of the growth and development of the
7 county. We have these growth areas, we have
8 these mega projects. And in the big picture,
9 this is the 30,000-foot high view we're
10 taking of the county; what does this mean,
11 are these good or bad in the general sense
12 not a specific sense, and how should the plan
13 reflect those and deal with those.

14 So that's how I see it happening.
15 We'll get into it in a little more detail
16 when we get to that part of the project.

17 COMMISSIONER McADAM: Would the
18 mapping -- the map -- when we did the tour of
19 the property and they had the overlay of the
20 mapping.

21 DIRECTOR ISLES: Right.

22 COMMISSIONER McADAM: Now, would that
23 mapping be included in the report?

24 DIRECTOR ISLES: No, I don't see us
25 putting a project specific mapping in the

1 Suffolk County Planning Commission 10/7/09 169
2 report. Unless we did it as a way of an
3 example of the project. But for us to go
4 through that kind of detail in the plan is,
5 you know, probably too detailed for it. We'd
6 start getting into a manushya (phonetic)
7 fast, I think.

8 COMMISSIONER McADAM: Uh-huh.

9 DIRECTOR ISLES: So I don't see that
10 type of mapping being in -- here again,
11 unless it's an illustration and -- and making
12 a point that affects county-wide or
13 regional-wide or even intermunicipal-type
14 issues.

15 There's a real challenge here in this
16 plan always in terms of, one could spend the
17 rest of their life doing the plan and --

18 COMMISSIONER McADAM: Uh-huh.

19 DIRECTOR ISLES: -- as I said, you never
20 reach the point of planning to get all the
21 information possible. The other hand is, how
22 do we provide something that has utility,
23 usefulness. And I think we need to have a
24 bit of that broad view -- we need to be
25 informed, but we need to have that broad

1 Suffolk County Planning Commission 10/7/09 170
2 view. And I think, here again, I -- as I

10 07 09_Planning_Commission.txt
3 said at the committee meeting, I think this
4 is a real important effort that you're doing,
5 that we're doing here. We have great plans
6 for Suffolk County in a number of different
7 areas, but we don't really have a
8 comprehensive plan that's up to date. The
9 latest one was in the early '70s.
10 COMMISSIONER McADAM: Uh-huh.
11 DIRECTOR ISLES: And the whole purpose
12 of this is to look cohesively and
13 comprehensively at all these things that are
14 happening. So we get all these projects, we
15 get all these policy issues on affordable
16 housing, on sewers, on transportation, and so
17 forth. It's time to pull it all together to
18 look at it holistically and see how does this
19 affect us, what should we be doing to modify
20 policies to -- to improve the future of the
21 county, to -- to anticipate needs and impacts
22 and so forth.
23 So that's the view, and we'll look at
24 it.
25 COMMISSIONER McADAM: Thank you.

1 Suffolk County Planning Commission 10/7/09 171
2 COMMISSIONER ROBERTS: (Indicating)
3 CHAIRMAN CALONE: Barbara.
4 COMMISSIONER ROBERTS: David, four of us
5 are up for renewal on December 31st. So I
6 was curious what the process is for that.
7 COMMISSIONER HOLMES: We have to go

8 before the Environment Committee --
9 CHAIRMAN CALONE: Well --
10 COMMISSIONER HOLMES: -- again --
11 CHAIRMAN CALONE: -- beyond that, you
12 need to be renominated, which --
13 (Laughter)
14 COMMISSIONER HOLMES: Which our towns
15 have to do; right?
16 CHAIRMAN CALONE: Well, the county
17 executive is the one who gets to choose. And
18 I believe Tom -- Director Isles has informed
19 the county executive's office that the terms
20 are ending for several people.
21 SECRETARY ESPOSITO: Okay.
22 DIRECTOR ISLES: Yes.
23 CHAIRMAN CALONE: And I think there --
24 you may all just be queried to make sure that
25 you do want to continue. And if you do, then

1 Suffolk County Planning Commission 10/7/09 172
2 they will, you know, consider you for
3 renomination.
4 Obviously, Tom McAdam and Constantine
5 were just renominated when their terms ended,
6 and -- you know, so I think that's the
7 process.
8 Anything else you want to add, Tom.
9 DIRECTOR ISLES: The only other thing we
10 did do --
11 COMMISSIONER ROBERTS: Do we have to go

10 07 09_Planning_Commission.txt
12 back in front of the legislature, David,
13 or --
14 COMMISSIONER McADAM: Yeah.
15 COMMISSIONER ROBERTS: -- is it just --
16 COMMISSIONER McADAM: Oh, yeah.
17 COMMISSIONER HOLMES: No, the
18 Environment Committee.
19 CHAIRMAN CALONE: Yeah, the Environment
20 Committee.
21 COMMISSIONER HOLMES: Yeah.
22 SECRETARY ESPOSITO: Did you,
23 Constantine?
24 VICE CHAIRMAN KONTOKOSTA: No.
25 DIRECTOR ISLES: No, they did waive

1 Suffolk County Planning Commission 10/7/09 173
2 it --
3 SECRETARY ESPOSITO: Did you?
4 DIRECTOR ISLES: -- and --
5 COMMISSIONER McADAM: I did, yes.
6 SECRETARY ESPOSITO: You did?
7 COMMISSIONER HOLMES: They waived it?
8 DIRECTOR ISLES: -- I was able --
9 Constantine wasn't able to make the meeting,
10 and I made a presentation. They asked me a
11 few questions about Constantine --
12 (Laughter)
13 CHAIRMAN CALONE: I want to see the
14 minutes on that one.
15 DIRECTOR ISLES: Apparently --
16 SECRETARY ESPOSITO: They did a
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17 presentation about you.

18 DIRECTOR ISLES: Apparently he's
19 satisfactory.

20 The other thing we're required to do is
21 complete a review of the attendance of the
22 commission member. So you're required to
23 attend at least 75 percent of the meetings.
24 You're also required, under state law, to
25 have at least four hours of training a year,

1 Suffolk County Planning Commission 10/7/09 174
2 and we need to confirm that as well so that
3 that's available to the legislature as well.

4 COMMISSIONER McADAM: And they ask all
5 those questions.

6 CHAIRMAN CALONE: What's that?

7 COMMISSIONER McADAM: And they ask all
8 those questions, too.

9 SECRETARY ESPOSITO: They did, they
10 questioned you?

11 COMMISSIONER McADAM: Oh, yeah.

12 SECRETARY ESPOSITO: I'll be there for
13 three days.

14 COMMISSIONER McADAM: Tom had to bail me
15 out on a couple of things, but --

16 CHAIRMAN CALONE: You had a PowerPoint
17 on McAdam, too; right?

18 Just so everyone knows who they are,
19 the people who's terms are up are
20 John Caracciolo, Linda Holmes, Barbara

10 07 09_Planning_Commission.txt
21 Roberts, Adrienne Esposito, and Sarah
22 Lansdale.

23 Anyway, so that's where we stand on
24 that --

25 COMMISSIONER HOLMES: Do our town

1 Suffolk County Planning Commission 10/7/09 175
2 supervisors need to nominate us --

3 SECRETARY ESPOSITO: No.

4 COMMISSIONER HOLMES: -- again?

5 COMMISSIONER ROBERTS: No.

6 COMMISSIONER HOLMES: No.

7 CHAIRMAN CALONE: Yeah, it's the county
8 executive's discretion as to who he talks to
9 about that.

10 COMMISSIONER HOLMES: Oh --

11 CHAIRMAN CALONE: So, you know --

12 COMMISSIONER HOLMES: I see.

13 CHAIRMAN CALONE: But the power is with
14 the county executive.

15 SECRETARY ESPOSITO: That's like
16 one-third of the commission.

17 CHAIRMAN CALONE: Yeah, I hope you all
18 don't leave.

19 COMMISSIONER HOLMES: I'm wondering,
20 Tom, how old was Bobby Martin when he left
21 the commission?

22 DIRECTOR ISLES: I don't know.

23 SECRETARY ESPOSITO: That's a personal
24 question.

25 Linda, we're not --
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1 Suffolk County Planning Commission 10/7/09 176
2 DIRECTOR ISLES: I have no idea.
3 SECRETARY ESPOSITO: -- about yourself?
4 COMMISSIONER HOLMES: I am. You know, I
5 mean, you don't want somebody getting up
6 toward the age of 80 who's still on the
7 commission. I mean, I'm out there by --
8 MS. SPAHR: As counsel, I'd like to
9 point out that there shouldn't be an age
10 limit.
11 DIRECTOR ISLES: Yeah, you --
12 COMMISSIONER HOLMES: You're right.
13 CHAIRMAN CALONE: My feeling is that
14 anyone from Shelter Island who's willing to
15 take a boat both ways to get here --
16 COMMISSIONER HOLMES: Yes.
17 CHAIRMAN CALONE: -- and just --
18 MS. SPAHR: Is young at heart.
19 CHAIRMAN CALONE: Is young at heart,
20 that's it. Thank you.
21 Okay.
22 SECRETARY ESPOSITO: And is hired.
23 CHAIRMAN CALONE: If there are other
24 questions about that issue, we can ask them
25 off line.

1 Suffolk County Planning Commission 10/7/09 177
2 COMMISSIONER HOLMES: Yes.

3 CHAIRMAN CALONE: Anyone else have
4 anything that they want to raise?
5 (WHEREUPON, there was no response.)
6 CHAIRMAN CALONE: If not, I'll entertain
7 a motion to adjourn.
8 COMMISSIONER HOLMES: So moved.
9 CHAIRMAN CALONE: Motion by the
10 youngster from Staten Island.
11 COMMISSIONER KELLY: (Indicating)
12 CHAIRMAN CALONE: Seconded by --
13 COMMISSIONER HOLMES: Staten Island?
14 SECRETARY ESPOSITO: Staten Island?
15 CHAIRMAN CALONE: I'm sorry. My bad.
16 My bad. My bad.
17 DIRECTOR ISLES: I just want to know
18 what the jury's verdict was.
19 (Laughter)
20 CHAIRMAN CALONE: Seconded by Mr. Kelly,
21 and it's unanimous. Thank you.
22 (WHEREUPON, the meeting of the
23 Suffolk County Planning Commission adjourned
24 at 2:28 p.m.)
25

1 Suffolk County Planning Commission 10/7/09 178

2

3

4 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 7th day of October 2009.

18

19

20

21

THERESA PAPE

22

23

24

25