

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

Notice of Meeting

April 6, 2011
12:00 P.M.
100 Main Street
Huntington Town Board Room

The tentative Agenda will include:

1. Adoption of minutes for February 2011
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers:
 - Hon. Frank Petrone, Supervisor – Town of Huntington
 - Mitch Pally, Chief Executive Officer-Long Island Builder's Institute
 - (Invited) Town of Shelter Island - Moratorium
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - New Frontier II 0100 16300 0100 054000 et al. (Babylon)
 - Temporary Moratorium on Development in Causeway Areas (Shelter Island)
 - Amber Court Realty@Suffolk LLC 0800 10800 00400 001000 (Smithtown)
7. Section A14-24 of the Suffolk County Administrative Code
 - Westbrook Village 0500 21100 0100 005007 (Islip)
8. Discussion:
9. Other Business:
 - Review Draft of Suffolk County Comprehensive Plan, Volume I

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, May 4, 2011 in the Board Room in the Village of Patchogue.

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SUFFOLK COUNTY PLANNING COMMISSION

Huntington Town Hall

Huntington, New York

April 6, 2011

12:00 p.m.

- - - - - X

MEMBERS PRESENT:

DAVID CALONE, Chairman

CONSTANTINE KONTOKOSKA, Vice Chairman

ADRIENNE ESPOSITO, Secretary

VINCENT TALDONE, Town of Riverhead

DIANA WEIR, Town of East Hampton

LINDA HOLMES, Shelter Island

THOMAS McADAM, Town of Southold

SARAH LANSDALE, Town of Huntington

MICHAEL KELLY, Town of Brookhaven

JOHN FINN, Town of Smithtown

MATTHEW CHARTRAND, Town of Islip

BARBARA ROBERTS, Town of Southampton

THOMAS YOUNG, ESQ., County Attorney for
Planning Department

DANIEL J. GULIZIO, Deputy Planning Director

ANDREW FRELENG, Chief Planner

ANDREW AMAKAWA, Planning Department

THEODORE KLEIN, Planning Department

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1 April 6, 2011 Planning Commission

2 THE CHAIRMAN: Good afternoon, and welcome to
3 the April meeting of the Suffolk County Planning
4 Commission. It's good to be here in Huntington. First
5 item on our agenda is the swearing in of two
6 reappointed Planning Commission members, and since I'm
7 one of those two, I'll ask the vice chairman to do so
8 with myself and Commissioner Kelly.

9 (David Calone and Michael Kelly were sworn
10 in.)

11 THE CHAIRMAN: Thank you, Vice Chairman
12 Kontokoska. It's good to be back. Now I can take the
13 acting title off my designation that I have had for the
14 last two months, thank you for the County Executive and
15 the Legislature seeing fit to have me and Mike back.

16 Next item is Pledge of Allegiance. I ask the
17 vice chairman to lead us in that.

18 (Recitation of the Pledge of Allegiance)

19 THE CHAIRMAN: First item is the adoption of
20 minutes, without objection, I'll table those. February
21 minutes, we are still working on them. Any objection?
22 We will table them, the February minutes.

23 Next item on the agenda is the public
24 portion. I have Mr. Lifson. Sir, you are recognized
25 for three minutes. State your name and spell your last

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2 name.

3 MR. LIFSON: Robert L-I-F-S-O-N, resident of
4 the Town of Huntington for my entire life, virtually.
5 I have a two part question, and depending on the
6 response to it, a comment. I really am wondering if,
7 given the history of the project which is proposed for
8 East Fifth Street, Huntington Station, sometimes called
9 the Avalon Bay project, which has already been reviewed
10 in its prior iteration by the Planning Commission, if
11 you still retain jurisdiction to review it. Part A..

12 Part B would be are there circumstances that
13 would divest you of jurisdiction?

14 THE CHAIRMAN: I appreciate the question. I
15 think it's a factual question. I'll ask Acting
16 Director Daniel Gulizio.

17 MR. GULIZIO: The Avalon was originally
18 referred to the Commission pursuant to County Law
19 Section 239, which covers certain planning zones acts.
20 What triggers referral to the Commission involved
21 geographic parameters and types of applications,
22 assuming it meets the same.

23 In all likelihood, it's a revised application
24 as referred submitted to the Town. It will again be
25 referred to the Commission.

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2 MR. LIFSON: What are the geographical I
3 think it exceeds that. I was wondering how it came to
4 the Planning Commission in the first instance, since
5 it's more than a thousand feet.

6 MR. GULIZIO: I'm not certain what the
7 specific trigger was in that particular application. I
8 can get you an answer on that. I don't know if it's
9 proximate to county road or state property or state
10 parkland.

11 MR. LIFSON: Then are there circumstances
12 that would divest you of jurisdiction?

13 MR. GULIZIO: Again, I don't want to speak
14 as counsel for the Commission, but I don't believe,
15 provided it meets the statutory requirement for the
16 referral, that there are any circumstances, that I'm
17 aware of, that would divest the Commission of
18 responsibility to review the application.

19 MR. LIFSON: Thank you for the answer.
20 There is no need for comment.

21 THE CHAIRMAN: Anthony Guardino. Come to the
22 podium and spell your last name.

23 MR. GUARDINO: Anthony G-U-A-R-D-I-N-O.
24 Farrell, Fritz. I represent Amber Court of Suffolk,
25 LLC. It's a matter that the Board is going to be

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2 considering later today.

3 I'm just here to just explain to the Board
4 exactly what this application is. It's an assisted
5 living facility on about seven acres, a little less
6 than seven acres in the Town of Smithtown, three
7 stories in height, ninety thousand square feet,
8 ninety-seven rooms, a hundred eighty-six beds.

9 The location seems to be a little bit
10 controversial in the town, at least with respect to
11 some of the neighbors. I wanted this commission to
12 understand this is a light industrial property that the
13 facility is going to be located on. We feel that this
14 is a very, very appropriate transitional use between
15 the existing light industry that is to the north and to
16 the west of this site, and the single family residences
17 that are located to the south and to the east of the
18 site.

19 The Town of Smithtown planning staff has also
20 agreed with us that this is an appropriate use for this
21 area. We have an issue of a height variance that is
22 necessary. But part of that issue is created by the
23 fact that we are creating a sunken courtyard in the
24 rear of the facility and also putting a parapet on the
25 roof to make this building look less institutional and

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2 more residential in character, again, at the request of
3 the Town, but the way the Town definition for height
4 reads, measure from the very lowest point to the very
5 highest point.

6 Once we dug the hole, we sort of got
7 penalized for the height. When you look at the
8 building, you will see three stories in height and not
9 the forty-nine feet that is being requested. There
10 will be a sewage treatment plant at the facility. So,
11 it's going to be constructed with excess capacity.

12 We also, just closing, I want to mention that
13 we have met with neighbors who are concerned. You
14 probably read the papers. We are agreeing to create a
15 significant landscaping berm. Right now the facility
16 is located a hundred forty feet from the property lines
17 there is a dedicated one hundred foot buffer between
18 the facility and residences that will be landscaped so
19 that the people will not see the structure in the way
20 they think they might see it.

21 The other thing they asked is that we kind of
22 flip the interior of the building because there is a
23 single loading dock and kitchen, and they were
24 concerned that this might be a little too close to the
25 houses. My clients have agreed to flip it so it will

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2 be on the north side and a little bit further away from
3 the houses. Thank you for your time.

4 THE CHAIRMAN: Mark McKee, is there anything
5 affirmatively you wanted to say?

6 MR. McKEE: Mark Mc Capital K-E-E, from the
7 architecture firm David Mammina, architect. We are the
8 architects for the project. Mr. Guardino described it.
9 I'm available if you have any questions.

10 THE CHAIRMAN: So the audience is aware,
11 under the rules of the County, we are not able to give
12 or take with the applicant. We do that with our staff
13 reports. If there is anything in particular you want
14 to say, we welcome it.

15 MR. McKEE: I don't have anything to add.

16 THE CHAIRMAN: I appreciate your time. Any
17 other public comment? Seeing none, I'll close the
18 public portion.

19 The Chairman's report. As I said, it's good
20 to be here in Huntington. This is now the eighth Town
21 Hall we visited over the last two years. In a few
22 minutes supervisor Petrone will be the eighth
23 supervisor to address the Board at this time about the
24 land uses addressing the Town, and Mitch Pally of the
25 Long Island Builders Institute, who will discuss LIBI's

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2 goals and priorities for this year.

3 The big news, as you all know, however, is
4 that our fellow planning commissioner, Sarah Lansdale,
5 has been nominated by the County Executive to be the
6 fifth planning commissioner. We expect the legislature
7 will take up that this later this month.

8 Our goal is to focus on land use issues
9 critical to Suffolk's future. We are going to continue
10 emphasizing major county-wide issues such as
11 development of the Comprehensive Plan as well as
12 related issues. With regard to the Comprehensive Plan,
13 we hoped to be able to vote to release the draft
14 publicly today for review and feedback. However, staff
15 is still incorporating comments from various
16 commissioners around the table, and we expect that to
17 be on the agenda next month in Patchogue. I'm going to
18 reschedule my appearance before the legislature on the
19 Comprehensive Plan until after that meeting. We will
20 probably have a meeting of our Comprehensive Plan
21 steering committee at the time of our next meeting to
22 discuss Volume 2 and the next steps of the County
23 Comprehensive Plan.

24 With regard to the various task forces, on
25 energy and environment, solar permit streamlining

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2 effort, I believe will be on the agenda at the Nassau
3 County Planning Commission later this month, and the
4 letter will go out to the municipalities from the two
5 planning commissions and LIPA, hopefully by the end of
6 this month, laying out requirements of the program, the
7 LIPA streamlining program, and LIPA incentives
8 associated with that.

9 There are a number of municipalities that
10 indicated interest in signing on, particularly Babylon
11 Village, Town of Babylon, Town of Islip and Brookhaven
12 as well as the Town of Hempstead and perhaps the Town
13 of Huntington as well.

14 With regard to wind siting and East End Wind
15 Code, we had the third meeting of bringing the East End
16 towns together to creating a common wind code hosted by
17 Supervisor Walters in Riverhead. We hope to review
18 their draft at a meeting hosted by Southold later this
19 month.

20 On storm water runoff and native vegetation,
21 the green methodologies for storm water runoff document
22 has gone to the municipalities. We are working on two
23 other aspects of that. We have our commission members
24 are going to be meeting later this month to discuss the
25 municipal clearing standards from around the county and

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2 potential for regional standards, and we'll be hosting
3 a county symposium for green methodologies for storm
4 water runoff. Secretary Esposito is heading that up.

5 With regard to economic development and smart
6 growth, the committee has been active. At the
7 suggestion of this Commission, the County Executive
8 hosted a meeting a month or so ago among various
9 stakeholder groups to focus on where we should grow,
10 where we should preserve and how we should pay for
11 infrastructure we need, as a county.

12 We have had an infrastructure financing group
13 meet twice since then. Commissioners Lansdale, Finn
14 and Kelly and I served on that as well as several
15 others, and I think we came up with some ideas for
16 that. We need to get the County Executive's backing on
17 that.

18 On the Suffolk Unified Permitting Portal, as
19 you know, this Commission did a lot of the early
20 legwork on that idea. The County executive embraced
21 it. It is moving forward. We had a quarterly meeting
22 a few weeks ago and things are progressing. I spoke to
23 Tony Alosio, the planning director here in Huntington
24 is involved within that effort. That is going to be a
25 multi-year process to get this thing to where it can be

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2 to where other places around the county have taken.

3 We have been working on the professional
4 certification for commercial interiors idea. I want to
5 credit Commissioner John Finn on that; he's been
6 heading up that effort. His idea is to follow the lead
7 of New York City and eliminate the need for building
8 inspections of routine interior commercial alterations.
9 At our request, John Racinelli of Farrell, Fritz put
10 together a draft plan, which we are now reviewing and
11 hope to get that moving within the next couple of
12 weeks. The Town of Brookhaven has expressed an
13 interest in piloting that program. --

14 On public safety, we have the draft design
15 standards that Commissioner Tom McAdam worked on. We
16 are waiting for feedback back from a few town council
17 members. I will be meeting with Tom Spota later this
18 month.

19 Lastly, on housing, we are looking at
20 possibly doing a County housing summit in the latter
21 part of this year. As you know, we have some of the
22 leading thinkers and doers on housing on Long Island
23 around that table. So time is ripe, and combined with
24 the leadership with LIBI to focus on what we can do
25 about housing. This is the update on the task forces.

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2 Miscellaneous things; the guidelines

3 committee is going to meet after this meeting. If you
4 read in Newsday, the Heartland application is likely
5 coming our way in the next couple of months. I'm
6 calling a special meeting on that, which will likely be
7 in the evening. Our commission did a bus tour of the
8 Heartland property a few months ago and may want to do
9 another tour.

10 At the last meeting, I told you that the
11 Nassau County Planning Commission requested a joint
12 meeting with us this summer. I think as a first step
13 we will have a lunch with the officers of the two
14 commissions hopefully this month and figure out what
15 the next steps are to be productive.

16 Our fellow commissioner, Josh Horton, decided
17 to run for mayor of Greenport in May. Then he decided
18 not to run for mayor, so we get to keep him, although
19 he's out of town on business today.

20 Bill Schoolman, CEO of Classic Transportation
21 and the Hampton Luxury Liner, has been confirmed by the
22 Legislature as the newest member of the County Planning
23 Commission. Bill had a preexisting commitment today
24 and so he will be sworn in at our next meeting.
25 We will be having our next meeting next month in

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2 Patchogue Village Hall. Mayor Pontieri will be taking
3 us on a walking tour. I'm told that we will all fit,
4 although we probably wouldn't have the cole slaw from
5 Shelter Island.

6 That is the Chair report. Any questions from
7 the Commission members?

8 COMMISSIONER HOLMES: For the wind energy
9 draft, are you taking into account the protections that
10 need to be built into that kind of regulation to
11 protect birds?

12 THE CHAIRMAN: We have had some presentations
13 on that. Certainly with regard to where exactly it's
14 going to be allowed to be sited on the East End, there
15 has been the issue raised of perhaps a buffer zone,
16 particularly coastal sensitivity areas, so that issue
17 is certainly on the table. I appreciate you bringing
18 it up.

19 COMMISSIONER HOLMES: It's the migrating
20 birds that seem to be a big problem, to not locate a
21 wind farm or windmill in the path of bird migration. I
22 think maybe that is one of the things we will be
23 looking at.

24 THE CHAIRMAN: To be clear, the group is
25 drafting and I will tweak it. It would be interesting

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2 if you are aware of anything that is being done
3 elsewhere on that. I think there is some work upstate
4 on that as well as California of other codes around the
5 country that take into account that issue.

6 Other thoughts, comments questions? If not,
7 I want to thank all of you for your effort and the time
8 that you are putting in on these projects. I would
9 like to ask our acting director, Dan Gulizio, for a
10 report.

11 MR. GULIZIO: One administrative item, just
12 to bring you up to speed, at the last Commission
13 meeting there was a question about overpopulation
14 projections in the Town of Riverhead. The Town has
15 done some work on that. There was potential of
16 increase of population of about forty-eight thousand
17 residents. The Town of Riverhead plan amendment
18 indicated an estimate of about fifty-one thousand
19 increase in population. That has since been revised
20 pursuant to some code amendment and actions taking
21 place and their revised estimate is about forty-one.

22 Most importantly, when we look at population
23 projections, it's important to keep in mind the
24 unpredictability or inaccuracies associated with these
25 estimates. There could be wide discrepancies between

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2 projections and actual build-out. It's a good
3 exercise. It's important information to look at. Just
4 to stress to everyone, the potential for change of
5 those numbers based upon change in zoning. Secondly, if
6 one of the upcoming Commission meetings, we would like
7 to bring Seth Foreman, one of our demographers on
8 staff, to present some new census information related
9 to the Long Island Regional Planning Council. It's
10 incredibly helpful.

11 There is a tremendous amount of information
12 to go through. Seth has done a nice job in summarizing
13 that information. U.S. population increased nine point
14 seven percent to approximately three hundred nine
15 million. In Suffolk County, it was five point two
16 percent as opposed to nine point seven percent. We
17 have a population of about one million four hundred
18 ninety-three thousand in Suffolk County. New York
19 State's population now represents six point three
20 percent of the U.S. population. That is a decrease and
21 it's actually the lowest since 1900. New York City,
22 now represents forty-two point two percent of the State
23 population. That is also a decrease down from the peak
24 of fifty-five percent in 1940.

25 Interestingly, Suffolk County now represents

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2 seven point seven percent of the State population, an
3 increase of point two percent, significantly the
4 highest percentage in the county system. The fifteen
5 of the top twenty growth areas in Suffolk County are
6 within the Town of Brookhaven or east of the Town of
7 Brookhaven. The main towns, percentage-wise, that
8 increased, Southold, Shelter Island, up from four.
9 Brookhaven, East Hampton and Riverhead also
10 percentage-wise.

11 One of the other significant issues in terms
12 of where that growth is occurring, the outer counties
13 in the New York Metropolitan region, with five point
14 six percent. Inner counties less three point five
15 percent. At the boroughs, two point one percent.

16 One of the things that we looked at as
17 planners is the way that is reflecting a shift towards
18 decentralizing growth as something we should certainly
19 be aware of, cognizant of, and take into consideration
20 as we consider policy.

21 That is all I have for the director's update.

22 THE CHAIRMAN: Thank you. It's good to know
23 that we in Suffolk County are taking over New York
24 State, two point three percent at a time. Any
25 questions for Dan at this time? If not, we will move

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2 onto your guest speaker. We are privileged to have
3 supervisor Frank Petrone here. He is in his fifth term
4 as the supervisor of the Town of Huntington in
5 bipartisan fashion and we want to thank you for having
6 us and letting us use your table.

7 SUPERVISOR PETRONE: You're in my seat.
8 Keep it warm. It's a pleasure to be here and seeing
9 some familiar people, it brings back some of the old
10 days. Some of the times that I spent in the County.
11 Tom, we spent many a day, and it was very interesting
12 and then some people that I work with today that are
13 here. It's really a delight to have you in Huntington.
14 Sarah, congratulations. We are assured that your
15 nomination will go swiftly and your confirmation will
16 proceed and we in Huntington support it, for the
17 record.

18 One of the things that I wanted to mention to
19 you is that we deal with what you deal with. We are
20 dealing with the of quality of life, and every day on
21 every project that we think of or any area that we wish
22 to work with, this constantly comes home to us and we
23 have the struggles, as many do. We want to balance the
24 environmental concerns. That is one of our major
25 things.

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2 We have great resources in this town. We are
3 a waterfront community and we want to keep those
4 resources. We work with the community extensively to
5 make sure that the resources are respected and we try
6 and attempt to provide different types of
7 infrastructure programs that will protect the
8 environment. Very costly, as most of you know. It's a
9 difficult task. But in terms of the Town of
10 Huntington, we look at it in three different ways. We
11 look at the downtown areas that we have. Cold Spring
12 Harbor, Village of Huntington, per se, the East
13 Northport community, Larkfield Road. And as we look at
14 these, we say these are vital. This is the small
15 downtown. This is really small business. That is what
16 makes our communities thrive.

17 So our concern has been to protect that and
18 to make sure that we continue this type of approach
19 here in the Town, and we have been successful. And so,
20 that has helped us, I think, retain businesses. It
21 helped the economic base, and it certainly helped us as
22 we looked to promote growth, because we are doing it in
23 such a way that we are protecting existing downtown
24 environments that people like. In fact, we are
25 bringing them back to some of their former values.

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2 Architecturally, we are trying to do these
3 things to promote the fact that it's a community, it's
4 walkable, it's your downtown, it's your neighborhood.
5 That is a big, big concern of ours. Another area that
6 we looked at that is dramatically difficult is the
7 corporate area, the Melville corridor. You are all
8 familiar with that. We can kvell in bringing Canon
9 here, because Canon is bringing other things with it.
10 With that came stimulus money to redo Walt Whitman
11 Road, which is vital. We are looking to redo the
12 bridge over the Expressway. With Canon came the DOT
13 and looking to that, that was done because Canon came.

14 Because if we look for any further growth,
15 that is the area that it has to happen. As a result of
16 that, we see that the Fed Ex building and TV 55, that
17 is coming down. There will be an office building put
18 in their place. That is on the drawing board. This is
19 a product of bringing Canon. So, 110 corridor is
20 alive.

21 We are working closely with DOT in terms of
22 some of the improvements that have to take place, but
23 our biggest concern and biggest struggle is Huntington
24 Station. It's not a small downtown area, it's not a
25 corporate site. It's not a residential base that is

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2 stable. And yet, it's in the middle of the town. You
3 come through it, whether you are going north or south
4 or east or west. The area itself deserves the
5 attention.

6 We tried to launch a revitalization program
7 several years back and it's been a slow process. Our
8 agony basically has been much to do with the economy.
9 We have a plan. How do we do this. And that has
10 provided us with the greatest challenge. We are ready
11 to embark on taking our plan and bringing it to the
12 development community. We are looking in an RFQ
13 perhaps to bring forth a next step in the planning
14 process. That would include commercial, retail.

15 Residential, we feel, is very important.
16 Avalon has resubmitted a scaled down project that many
17 of us are excited about as scaled down. 1000 New York
18 Avenue, the former repair shop is down. We did a
19 condemnation; we took it down. Empire State
20 Development through Restore New York, gave us a one
21 point two million dollar grant, which we are working on
22 and will be working with developers. People came to
23 our meeting and took proposal packets that are
24 interested. So we see some light, but the economy is
25 really hindering us.

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2 What really hinders the entire quality of
3 life, and I know you deal with it, because we deal with
4 it every day, that is our infrastructure. We dealt
5 with it in many meetings of the County. Remember that
6 thing called the intermodal? We haven't heard too much
7 more about it. That brought a tremendous amount of
8 concern through probably four different supervisors,
9 concern of the fact that do we have the proper
10 infrastructure.

11 If we take a ride and we take a trip to
12 Florida, we find that we see roads being built before
13 anything else. If we come to Long Island, we find that
14 we are looking to build projects before we improve the
15 infrastructure. That is probably our most deep rooted
16 concern, whether it's in my little village or whether
17 it's down in the Melville corridor or along the
18 Expressway, the Sagtikos Parkway.

19 Our concept of regionalization and working
20 together is to be applauded, because if we are going to
21 improve infrastructure, we have to do it as a group of
22 people, as a region. Then we can possibly see some of
23 these projects.

24 You mention the project in your discussion
25 called Heartland. Town of Huntington had a problem

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2 with that. Town of Huntington continues to have a
3 problem. Why? Because it's not taking into
4 consideration the regional impact. There is talk now
5 that Commack Road is going to be an access point.
6 Commack Road is a nightmare at any given time. This is
7 great concern. We've retained Gregory Peterson to do a
8 study for us, and we certainly will make that
9 information available to this Commission. They're
10 going to do an in-depth study because we do have
11 concerns, and we are going to continue to have those
12 concerns.

13 That project, although, can be very helpful.
14 It also can devastate economically, environmentally,
15 and pit one town against another, and that certainly is
16 not what any of us want, and so we ask you to look at
17 this closely to work with us on this, and hopefully we
18 can come to some solutions. I think that the project,
19 probably from just my early days in looking at it and
20 briefly looking at it, the project does not have, in
21 its paperwork, the concept of mitigation impact, which
22 means spending money from a developer's point of view.
23 And that project needs money to be spent in terms to
24 improve any of the infrastructure around it.

25 We said early out, and we said it in

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2 intermodal and say it again, the Sagtikos Parkway is a
3 prime route that should be expanded and utilized for
4 all these projects so there can be a good regional
5 impact and a positive impact in terms of any of the
6 environmental concerns.

7 So I want to just thank you. I don't want to
8 take any more of your time. I can go on all afternoon,
9 as Adrienne knows. I thank you for being here in
10 Huntington and taking our concerns seriously, and we
11 look forward to working with you on this project and
12 other projects as we pursue them together and take your
13 input seriously. Thank you.

14 THE CHAIRMAN: Anyone have any questions or
15 comments for the Supervisor? If not, one thing I'll
16 note is that 110 corridor, particularly around the
17 Expressway, and obviously the potential there and the
18 exciting development going on there, one of the issues
19 we would like the Town to take a look at is the height
20 issue. I think there is a height variance applied for
21 the building 55. What kind of height makes sense there
22 going forward. Certainly it's no longer a sleepy
23 corner. It would be helpful for us to get a sense of
24 what the Town thinks is appropriate from a height
25 perspective.

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2 A lot of exciting things going on in
3 Huntington. Huntington is a jewel of Suffolk County
4 with its mix of downtowns and development like the 110
5 corridor and historic -- if I didn't mention Charla
6 Bolton, who was a leader of historic preservation here
7 and elsewhere. She just retired from this commission a
8 couple of months ago. This is one of the few towns in
9 Suffolk's history that has massive development on the
10 town line.

11 COMMISSIONER HOLMES: May I comment, I am
12 wearing the Suffolk County tercentenary medallion
13 designed by Rufus Langhans?

14 SUPERVISOR PETRONE: Yes, we do remember
15 Rufus.

16 THE CHAIRMAN: I want to recognize the
17 commissioner from Huntington.

18 COMMISSIONER LANSDALE: I want to say it's a
19 pleasure being here. I want to recognize Supervisor
20 Petrone's leadership in the smart growth and
21 sustainable development movement on Long Island. He
22 was one of the first supervisors on Long Island to
23 actually do a community based planning process for
24 Gerard Street just down the street, and I want to also
25 thank you for all your efforts in revitalizing

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2 Huntington Station and also for taking a second look at
3 Avalon Bay.

4 THE CHAIRMAN: Thank you, Commissioner
5 Lansdale and Supervisor Petrone. Next is Mitch Pally,
6 who is the new CEO of the Long Island Builders
7 Institute. We actually have someone who came in who
8 missed the public portion who wishes to speak for three
9 minutes. Without objection, I would like to reopen the
10 public portion.

11 MS. WONG: Thank you very much.

12 THE CHAIRMAN: If you could spell your name
13 for the record.

14 MS. WONG: Thank you. My name is Vivienne
15 Wong, W-O-N-G, first name V-I-V-I-E-N-N-E. My address
16 is 12 Cameron Drive, Huntington, 11743. I just want to
17 go over just quickly two or three points, maybe four.
18 I'm the president of the Anoatok Association. We have
19 been around since 1946. We were one of the few planned
20 communities. When the parcel was subdivided in 1946,
21 there was issues made for land to be held for storm
22 water runoff. We are right on the harbor.

23 One of the things we are having right now in
24 Huntington is that our town never completed, and I did
25 chair for about ten years the board for local

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2 waterfront revitalization. It has been at a complete
3 standstill for about three years, and I often spent
4 every Monday night once a month with department heads,
5 and this has not been completed. This has been
6 economically terrible for Huntington. Other towns on
7 Long Island have been receiving large sums of money
8 from the State under the Clean Air Clean Water Act. We
9 are not getting the money because our WRP is not
10 complete. Instead, the Town Board is issuing bonds, so
11 we are being taxed twice, we are being taxed with the
12 money going to New York State and we will have to pay
13 on the bonds.

14 Another issue we are having in Huntington in
15 terms of planning, we are lacking leadership. We are
16 missing at least three department heads. Everyone knew
17 these department heads were stepping down December
18 31st. We have no one right now to manage our maritime
19 services. We have sixty-eight miles of waterfront and
20 no head of maritime services. We have no head of
21 Engineering and no head of Public Safety.

22 I would like to think that Suffolk County
23 could help our town in talent that we need especially,
24 with unemployment at twelve percent.

25 Another thing lacking, there has been no

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2 discussion of air quality. The Town has not had any
3 discussions with any of the developments on the impact
4 of air quality. Presently, the reviews I have read
5 shows that our region is not complying with Federal
6 standards. We have projects such as Avalon, which is
7 scaled down, but that still will create about twelve to
8 fifteen hundred cars a day. We have Heartland. In
9 terms of the sewer treatment plants, I know, and I wish
10 that I could show documents, that we are turning away
11 trucks right now away at twelve noon.

12 The infrastructure is a mess, and please help
13 the Town in getting the new department heads and
14 getting the WFRP done. Thank you.

15 THE CHAIRMAN: Thank you, Mitch, and
16 congratulations on your new leadership of LIBI.
17 Everyone knows that Mike Kelly is the president of LIBI
18 this year and we have a effective representative of the
19 building community here. Mitch, I want to welcome you
20 here.

21 MR. PALLY: Thank you very much. I want to
22 first mention I was at the same presentation with
23 Mr. Gulizio yesterday, and I found that the most
24 interesting thing that I heard was of the ten largest
25 metropolitan areas of growth in the country, between

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2 2000 and 2010, nine were in the South and Southwest.

3 The ONLY one that was not, which was number five, was
4 Fort Wayne, Indiana. Either they are doing something
5 right or something wrong. I thought it was interesting
6 that an area that is not assumed to be a growth area
7 was the fifth largest metropolitan growth area in the
8 last ten years. Something to take a look at in that
9 regard.

10 I did want to take a few moments to talk to
11 you about the residential home building industry on
12 Long Island, where it is, what we are concerned about
13 and what we hope this Commission could be able to do in
14 that regard. The residential home building industry on
15 Long Island, as you can understand, is in one of the
16 most difficult periods in many years from a variety of
17 factors, the economy, government regulation and other
18 factors have all interceded together to put the home
19 building industry, and I don't just mean the single
20 family home building industry, I mean multi-family and
21 any components of it are at a crossroads.

22 Residential permits are down significantly
23 and local government revenue is off one hundred million
24 dollars. That is revenue directly to the
25 municipalities. That does not count the construction

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2 jobs and affiliated jobs which would have been created
3 if we had just gone along at the usual permit process.

4 Home building is placed with an increasingly
5 regulatory and community environment with numerous
6 studies ready, willing and able to impose significant
7 new restrictions upon any type of residential home
8 building, including the Suffolk County Water Management
9 Plan, new Pine Barrens land use amendments, the new
10 mandatory Pine Barrens Credit Redemption Program, new
11 DEC endangered species regulations, new DEC
12 Environmental Assessment Forms, which are more complex
13 and expensive, although they say they're simpler, new
14 vegetation and clearing standards being proposed by
15 this commission, no new sewage treatment plant
16 capacity.

17 Unfortunately, a very great prejudice among
18 many school districts to the thought of any new
19 children coming to their community. It's as if
20 children are an anathema to Long Island in the 21st
21 century. What is needed is a new understanding of the
22 viability and necessity of new housing starts and what
23 this means to the local economy. The building
24 community wants to build, it does not want to fight.
25 That is why we have been part of the recent Carmans

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2 River Water Management Plan negotiations, which is
3 predicated upon a working transfer of development
4 rights program, which has not been easy to come by. By
5 that I mean a working transfer of development rights
6 program, not just a TDR program in name only, which we
7 have in many places, including the Town of Brookhaven
8 at the moment, which has had a TDR program on its books
9 for the last five years for which zero credits have
10 been issued at the moment.

11 Unfortunately, unless there is an as-of-right
12 requirement within the program, it will not work
13 because everybody wants to live in a sending area and
14 nobody wants to live in a receiving area. This is the
15 specific reason why the Carmans River TDR program is
16 created the way it is, with specific receiving areas on
17 an overlay district on certain properties with a
18 specific number of units allowed to be built
19 as-of-right if they meet specific criteria. We can
20 only hope the Town of Brookhaven will enact the
21 resolution as negotiated by the building and
22 environmental community.

23 The builders on Long Island want to build in
24 the downtown areas, but it is very difficult because of
25 a lack of sewers in most areas. As I told the mayor of

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2 Patchogue the other day, we no longer use Patchogue as
3 an example, Patchogue no longer exists because
4 everybody uses Patchogue as the only example of where
5 something happened. When someplace else does it
6 we will use it as an example. We have great difficulty
7 in putting enough land together to build sewage plants
8 in the areas, which are necessary under the current
9 Health Department regulations, let alone the new Health
10 Department regulations. We want to build on the major
11 road corridors, but the project is often negatively
12 impacted by the lack of capacity in the new sewage
13 treatment plants and the lack of ability to build new
14 plants.

15 Instead of putting new restrictions in place,
16 the most important condition this Commission could
17 create is a specific housing program for Suffolk County
18 and create a specific mandatory requirement that each
19 town and village create a specific number of housing
20 units within their jurisdiction. Such a mandatory
21 program has been working very well for the last fifteen
22 years in Westchester County, created by their Planning
23 Commission, passed by their County Legislature. LIBI
24 would ask this Planning Commission to create such a
25 mandatory program so each town and village would know

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2 how many units they would have to create and approve
3 and so everybody is included in the program, so we
4 don't rely on just one or two municipalities, such
5 Patchogue, I violated my own rule, as the one where new
6 housing units are created and very few other places do
7 it. Only in this way will we be able to move our
8 industry forward and create the jobs and economic
9 activity which is so important.

10 Second, LIBI would request that this
11 Commission and the County itself be required to
12 calculate the amount of lost tax revenues and jobs not
13 being created when open space is acquired. This will
14 allow all of us to understand completely all of the
15 consequences of land purchases, both positively and
16 negatively. LIBI looks forward to working with the
17 Commission on any new standards which you may be
18 considering now. We only ask you to let us be at the
19 table, just as we were in Brookhaven on the Carmans
20 River, so we could be part of the decision making
21 process and be able to identify any and all positive
22 and negative consequences.

23 I thank you very much for the opportunity to
24 participate in these discussions. I do have a few
25 copies of a report which LIBI had done for us by the

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2 National Association of Home Builders on the economic
3 consequences of home building, which I will give to the
4 staff. I, unfortunately, do not have enough for
5 everybody. I thank you very much.

6 THE CHAIRMAN: Thank you and congratulations.

7 (Applause)

8 MR. PALLY: I'm glad nobody asked me about
9 Long Island Bus, which we just solved.

10 THE CHAIRMAN: Any questions or comments
11 around the table at this time? Thank you, Mitch. I
12 think one thing that Mr. Pally said that is
13 particularly important is looking at what other people
14 have done with regard to housing goals, we have seen
15 this with comprehensive plans for various
16 municipalities, some of them understand the issues that
17 we have as a region and some of them don't. We are all
18 in this together, to make sure that our kids can live
19 here and our families can stay here. So I think it
20 does require all municipalities to participate.
21 We will be happy to look at what Westchester has done.
22 I knew New Jersey has some kind of fair share. It's
23 one of the reasons I would love to have us as a county
24 have a county housing summit later this year and figure
25 out what is the best outcome of that, and what is

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2 achievable, and certainly LIBI needs to be a part of
3 that with the Housing Partnership and with regard to
4 housing as well.

5 Any other comments? We will move onto the
6 regulatory agenda. We have three items, Shelter Island
7 and Smithtown and Islip. Shelter Island is up first.

8 MR. FRELENG: Thank you, Mr. Chairman and
9 members of the Board. Just a clarification. If you
10 have a copy of the agenda, pull New Frontier off the
11 agenda. As of yesterday, four o'clock, the Town
12 requested that that application be withdrawn.
13 This is an application of a new moratorium of the
14 causeway areas, the Town is proposing a temporary
15 moratorium related to Chapter 133 of the Shelter Island
16 zoning law for a four month moratorium applicable to
17 properties designated as causeway areas. This is
18 generally in the vicinity of upper beach and lower
19 beach along the Ram Island Drive peninsula on Shelter
20 Island.

21 In 2010, the town of Shelter Island adopted a
22 moratorium on development within the underdeveloped
23 coastal barrier districts described in Chapter 133 of
24 the Shelter Island Town Code. The moratorium was due
25 to expire on March 31, 2011. The moratorium was

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2 referred to the Commission and was deliberated at the
3 April 7, 2010 regular meeting. The commission was
4 unable to render a determination; therefore, no action
5 was taken by the Commission.

6 During the past year, the Town of Shelter
7 Island has had several public meetings and has drafted
8 several versions of amendments to the rules. As a
9 result of this effort, the Town has decided to narrow
10 the focus of the original moratorium to the low lying
11 areas along the Ram Island causeways indicated on the
12 screen so the town has allowed the original broader
13 undeveloped coastal barrier district moratorium to
14 expire. The Town indicated that the draft legislation
15 is close to completion but will not be finalized by the
16 close of the current moratorium, so the Town has
17 elected to allow the moratorium on development in the
18 undeveloped coastal barrier district to expire and to
19 establish a moratorium on development within the
20 causeway areas to allow the draft legislation to be
21 finalized.

22 Going to the staff report, the staff report
23 does critique the proposed moratorium that they're a
24 little light on the description of hazards along the
25 coastal area, although it's believed that the hazards

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2 are well known and the Town should not be critiqued too
3 severely for not enumerating those types of hazards.

4 Staff had some issues with regard to
5 exceptions and hardships and made some comments related
6 to that. I would like to point out that we had
7 conversations with the Town of Shelter Island since
8 this matter was brought before the Commission. The
9 Town has adopted the proposed moratorium as of March
10 18th. This moratorium was adopted. I had
11 conversations with the Town, and they wish the
12 Commission to proceed. Staff is recommending approval
13 of the referred moratorium, subject to the following
14 comments:

15 Comment Number 1 is related to the proposed
16 local law should have a little more meat in it
17 regarding the hazards of the coastal barrier area, and
18 there should be provisions more explicit for hardship,
19 and that was the second condition, second comment, I'm
20 sorry, and the third comment, I juxtaposed the third
21 comment, was related to impacts to the coastal barrier
22 area and the second comment is they should clarify what
23 is excepted by the proposed moratorium.

24 Three comments. They should really go into
25 more detail on what is are hazards and what is the

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2 urgent reasons for the moratorium.

3 THE CHAIRMAN: I recognize the Commissioner
4 from Shelter Island, Ms. Holmes.

5 COMMISSIONER HOLMES: Thank you. I think
6 that the original moratorium was proposed and at that
7 initial hearing quite some time ago it was very
8 apparent that eighty percent of the coastal areas on
9 Shelter Island are either undeveloped or County owned
10 or Town owned, and including our four large beaches.
11 So, people brought up at the first moratorium, that
12 really we are only talking about the causeways, and it
13 seems to me that the town has heard that and recognized
14 that and worked with that thought.

15 So that now they are, I think, justified in
16 making a new moratorium which focuses on the first and
17 second causeway as shown. And it's apparent to me, and
18 if you could put up the Zagoreos property photo again,
19 I went down and looked at the Zagoreos property, which
20 is the only piece of developed land on either causeway.
21 It's on the first causeway and the property was, a good
22 many years ago, back in the early '60's and many of us
23 at the time thought it was illegal, but it turned out
24 the owners had found a loophole in what was then the
25 Town regulation which said that you had to have at

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2 least a six foot elevation. Since it did not restrict
3 bringing in fill, the owners brought in eight feet of
4 fill and built their house.

5 It was subject to a good deal of flooding
6 periodically when Mr. Zagoreos bought it a few years
7 back, there was a fire there last year. And so,
8 Mr. Zagoreos wanted to repair the house. And there was
9 a great deal of discussion about it. And finally, the
10 Town allowed him, because the house was located too
11 close to the wetlands of Coecles Harbor and the Town
12 finally gave him a permit to intrude upon the wetland
13 in order to demolish the original structure. Then the
14 DEC told him that he could rebuild, but he would have
15 to rebuild closer to the road.

16 You can see the stakes, which I was surprised
17 to see that he had actually gone in and demolished the
18 original dwelling and has staked out where the new
19 dwelling will go because many of us believed that
20 Mr. Zagoreos was trying to hold out to get the Town or
21 County to purchase the property from him, thereby
22 solving the issue of no building on the causeways.

23 It appears to be that the provisions of the
24 new moratorium, focusing just on the causeway, that the
25 provisions are designed to accommodate Mr. Zagoreos so

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2 that he can go ahead with the permits from the Town and
3 the DEC. And those appear to be the reasons to me
4 behind the language of the new moratorium. And so, I
5 sort of take a little issue. I can understand the
6 staff's concern, but to me, it's quite well known
7 within the Town why these provisions are made as they
8 are.

9 Since there has been a great deal of
10 controversy about the flooding of the causeways and
11 unsuitability of them for building for many many years,
12 I can think of thirty years where this issue has come
13 up repeatedly, so I think the Town is moving in a good
14 direction here and I would certainly support the staff
15 report, except I sort of question the concerns, some of
16 the concerns the staff has because I think they're very
17 well known on Shelter Island.

18 THE CHAIRMAN: Staff report indicates that
19 these are comments.

20 COMMISSIONER HOLMES: They're just comments.

21 THE CHAIRMAN: I think that is an important
22 difference also. This is sort of our standard
23 moratorium kind of concerns, to use Andy's phrase,
24 where it has fingers and toes. I think by narrowing
25 the scope of this and making the extension more

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2 palatable of the moratorium, for a very short period
3 and with the comments, I think they're appropriate
4 comments, it's consistent with what we said in the
5 past.

6 Did we take the bus tour past this?

7 COMMISSIONER HOLMES: Yes, we did. At the
8 time the dwelling was still there, the damaged dwelling
9 was still there. That is why I was really surprised to
10 see how he moved ahead.

11 THE CHAIRMAN: Thank you, Commissioner
12 Holmes. Other comments or thoughts about the staff
13 report? Seeing none, I'll entertain a motion to adopt
14 the staff report.

15 COMMISSIONER HOLMES: So move.

16 COMMISSIONER ROBERTS: Second.

17 THE CHAIRMAN: All in favor, please raise
18 your hand. (Show of hands) That is twelve to none.
19 Thank you. Motion adopted.

20 Next item on the agenda is the Amber Court in
21 Smithtown.

22 MR. FRELENG: Thank you, Mr. Chairman and
23 members of the Board. Amber Court Realty referred from
24 the Town of Smithtown. Jurisdiction is the property is
25 within five hundred feet of New York State Route 347.

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2 Applicants are seeking town board special exception
3 approval for the construction of three thousand nine
4 thousand square foot assisted living facility
5 consisting of ninety-seven living units. Proposal
6 requires seventy-three off street parking stalls and
7 seventy-five are proposed. The petition includes the
8 construction of a one story sewage treatment plant for
9 the processing of sanitary waste.

10 The subject property is located on the west
11 side of Lake Avenue approximately a hundred fifty feet
12 north of Nesconset Highway, Route 347, in the Hamlet of
13 Nesconset. The pattern of land use and zoning in the
14 area, as you can see up on the screen that the subject
15 property is at the southern end of a light industrial
16 district, some interspersed whole scale industry
17 zoning. South and east, R-15 residential zoning,
18 minimum lot size ten thousand square feet. And in the
19 south in the R-10 zoning, with lot size of ten thousand
20 square feet.

21 The land use in the area is generally
22 representative of the zoning pattern. Warehouse
23 distribution and professional parks abut the property
24 to the west and north. To the south the property abuts
25 the rear yards of residential dwellings on Park Avenue.

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2 I'll go through some of these slides. That is looking
3 at subject property from Lake Avenue looking west from
4 the subject site. You can see in the staff report,
5 there is an existing structure on the site. You can
6 see in the back it's a shed-like structure.

7 Again, that is another view from the street
8 looking at the subject property. This is the property
9 to the north, which is the -- this is the sign to the
10 property to the north. It's a light industrial park.
11 This is looking from the subject site across the street
12 to some of the single family detached dwellings. That
13 is looking at the subject site. There is an existing
14 dwelling on the site. Again, some structures on the
15 site.

16 Let's go to the site plan. The applicant is
17 proposing to have one unrestricted access to Lake
18 Avenue. There is no alternate or emergency access
19 proposed. There are no environmental constraints on
20 the property.

21 In terms of the staff analysis, we note that
22 is the petition is for the proposed assisted living
23 facility and sewage waste water treatment plant. The
24 property is not located in an existing municipal sewer
25 district or adjacent to an existing private sewage

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2 treatment plant. There are, however, some sewage
3 treatment plants in the east in the Lake Grove area,
4 and to the west in the Village of the Branch. In order
5 to regionalize waste water treatment toward the further
6 preservation of the potable groundwater table, the
7 applicant should hold discussions with the Suffolk
8 County Department of Health Services and Suffolk County
9 Department of Public Works to investigate connections
10 to existing treatment facilities or options for on-site
11 facility capacity expansion for possible future
12 connections.

13 We are recommending this if they haven't done
14 that already. We believe currently looking at regional
15 sewerage, we believe there should be discussions on
16 whether or not that plant is necessary. Whether it
17 could connect to existing facilities or whether those
18 facilities could be expanded or whether the facility
19 proposed could accommodate future expansion in the
20 area.

21 Regarding equity and housing diversity, it is
22 the understanding of Commission staff at the time of
23 writing this staff report believed that the entire
24 project could be considered affordable. We since had
25 some discussion with the applicant and Town. That has

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2 been clarified. The affordability component for the
3 project is eighty percent. I wanted to clarify that
4 from what was indicated in the written report.

5 There is no indication in the referred
6 material to the Commission that the petitioner has
7 considered energy efficiency in the layout and design
8 of the proposed development. The applicant should be
9 required to hold discussions with the Suffolk County
10 Department of Public Works Transportation Division.

11 There is no indication in the referral
12 material that the petitioner considered public safety
13 in the layout or design of the project. We are
14 recommending that the applicant take a look at the
15 Planning Commission's guidelines on incorporating
16 public safety into this project.

17 It's been argued that the proposed assisted
18 living facility is a good transitional use. Staff does
19 not necessarily disagree with that. However, we
20 believe that buffering with fast growing evergreens
21 should be planted to screen the facility from the
22 adjacent residents and the three story facility. Their
23 buffer could include a raised berm, and we believe that
24 the applicant is proposing a raised berm at this time,
25 and fast growing evergreen trees for maximum screening

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2 effect.

3 At the same time, the property line on the
4 north end of the property should also be buffered to
5 protect the residents from noise light and impact of
6 the light industrial uses. The height of the proposed
7 assisted living facility is to be forty-nine feet or
8 three stories, requested. It's the belief of staff
9 that the proposed building may not be in character with
10 the surrounding community and may be an aesthetic
11 impact to the Lake Avenue corridor.

12 Staff is recommending that the applicant take
13 another look at that and that the building be reduced
14 in height where the desired gross floor area may be
15 achieved by enlarging the gross footprint.

16 The staff is recommending approval of the
17 application, subject to the following conditions and
18 comments:

19 The first condition is that the petitioner
20 hold discussions with DPW and Department of Health
21 Services regarding the sewage treatment plant, and the
22 second condition that the petitioner be directed to
23 review the Suffolk County Planning Commission guidebook
24 for guidelines on incorporating energy efficiency into
25 this project.

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2 Third condition, the petitioner be directed
3 to review the Planning Commission Guidelines on public
4 safety. And the staff is recommending that the
5 Commission forward four comments for this project.

6 The fourth comment was related to the
7 affordability component. We would like to drop that
8 comment or revise it. We do understand that eighty
9 percent of the project is considered affordable. We
10 believe they should discuss with the Department of
11 Economic Development Workforce Housing for any
12 opportunities that would enhance the proposal.

13 There is no bus turn off or drop off. We
14 recommended holding discussions with DPW Transportation
15 Division to investigate the need for transit service
16 adjustments.

17 And the third comment is regarding adequate
18 buffering. That is a raised berm with fast growing
19 evergreens should be planted. We believe that the
20 applicant is ahead of us on that comment and is working
21 with the Town on that.

22 And that the applicant consider reducing the
23 height by expanding the footprint. Again, that is a
24 comment. That is the staff report.

25 THE CHAIRMAN: Thank you, Andy. I

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2 appreciate the notes about what we might change. This
3 is a Smithtown project. Commissioner Finn.

4 COMMISSIONER FINN: Thank you, Andy and the
5 staff for that detailed thorough report. I'm happy to
6 report that is the first Town of Smithtown application
7 that this Commission has seen. I happen to know the
8 area pretty well. I must commend the Town of Smithtown
9 for doing some infrastructure work. Southern
10 Boulevard, which was always a mainly or north-south
11 road, has been expanded to include sidewalks, and even
12 though it's not -- this property doesn't front on that
13 road, it kind of spurred a hub of development here
14 which has been has seen one project more successful
15 than the next.

16 All the while, Smithtown has what has been
17 defined as automobile row, which has a WSI zone, which
18 Andy mentioned, which they continue to struggle with
19 vacancies. This project is at the tail end and getting
20 up to the major roadway of 347.

21 Proposed use, I agree with the staff report
22 having to be a transitional use and that being a
23 favorable usage for a commercial site internally as it
24 abuts up to the residences. I don't see anything in
25 our package about the elevation, the details. I don't

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2 know if we have a rendering. Would the staff have a
3 rendering of what the facade of the structure is going
4 to look like?

5 MR. FRELENG: No.

6 COMMISSIONER FINN: I can only guess, but I
7 would imagine this would be similar to some of the
8 other projects that are proposed in or about the area,
9 which would be colonial in nature. This project,
10 amongst others, that are proposed, as we age here on
11 Long Island, this is a use that we have to make sure we
12 provide for the elderly and hope our seniors can stay
13 in the community, because they add a level of history
14 and if it leaves Long Island, that history is gone.
15 The fact that we can capture that and have them stay,
16 most of the residents that are going to be here are
17 going to be residents of the Town of Smithtown.

18 With all that being said, I think the report
19 is thorough. The only thing about the contact with
20 DPW, I don't know that there is any sewage treatment
21 plant in the Village of the Branch.

22 MR. FRELENG: We reviewed the reference
23 documents that we have indicated that there were sewage
24 treatment plants in the Village. I didn't identify
25 which ones they were. I will have to go back and find

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2 out what they are.

3 COMMISSIONER FINN: I would like to know. We
4 are probably the largest landlord in the Village of the
5 Branch, and I would like to know. The fact that
6 they're going to accommodate the wastewater on the
7 site, I would recommend that we approve the report that
8 the staff as noted.

9 THE CHAIRMAN: Thanks, John. Andy, how far
10 is the Village boundaries from this project?

11 MR. FRELENG: I wouldn't know.

12 COMMISSIONER FINN: The Village boundary,
13 this is the Town of Smithtown. The Village boundary
14 for the Village of the Branch starts at the
15 intersection of Terry Road and Middle Country Road, and
16 goes west. There is a sewer treatment plant west of
17 the site on Terry Road and Nesconset Highway, which is
18 linked up to the Avalon Bay apartment complex. That
19 is the closest that I know of. From the village it's
20 probably a mile and a half, two miles.

21 THE CHAIRMAN: It remains to be seen whether
22 it's feasible or not. Ask them to look into it. I
23 think the state is that we have twenty or thirty
24 percent of the STP plants in New York are here in
25 Suffolk County. Certainly there is nothing wrong with

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2 directing the applicant to have this conversation.
3 Andy mentioned with regard to edits, the Comment Number
4 1 says that the entire facility is affordable. Can you
5 clarify that information, that it really should be the
6 majority of the facility. I ask, without objection,
7 that we make that a comment.

8 The last thing, the height language in the
9 staff report. I'll just throw this out, see if others
10 agree. The second half of Comment Number 4 talks about
11 the building should be reduced to height and that the
12 same area may be achieved by enlarging the building's
13 footprint. I don't think that is the thing we want to
14 affirmatively say.

15 I think it's more appropriate, I think the
16 first few sentences are fine in regard to the character
17 of the area. Perhaps where it says it's the belief of
18 the County Planning Commission that the building is not
19 in character. We didn't see a draft facade. I think
20 it's hard to say that, given the dips and depressions
21 in the land, but I think it's appropriate to raise the
22 issue the Town should consider the impact.

23 My suggestion would be after you note the
24 character or setting of the area, we add a sentence,
25 delete the rest of it, and add the Town should

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2 carefully consider the potential impact associated with
3 the proposed height variance, period. That would sort
4 of allow us to avoid making judgements on it.

5 COMMISSIONER CHARTRAND: I agreed with it. We
6 agree with you in Huntington with the 55, to let it go
7 back to the Town.

8 THE CHAIRMAN: We are limited to what is on
9 the record.

10 COMMISSIONER WEIR: I just want to note that
11 half of the area on the north is commercial, hard
12 commercial, so I don't think it's right to say it's not
13 in character. It is a transitional area, the property
14 on the west side.

15 THE CHAIRMAN: I think that the staff
16 recommendation is sort of in line. The height
17 characteristic is a little bit different than the norm,
18 which is true. That is why I think you want the Town
19 to consider that issue. At least keep it in mind, in
20 determining the flow of property.

21 MR. FRELENG: The commercial buildings to the
22 north are one story buildings.

23 COMMISSIONER HOLMES: I agree with your thought to
24 delete the second part of Comment 4 and simply say the
25 Town should consider the impact of the height of the

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2 surrounding area and let it go at that. I agree with
3 that.

4 MR. GULIZIO: I think it supports the staff
5 in connection with its potential impacts associated
6 with the height while drawing attention to the issue
7 with the Town. I think it's an appropriate comment.

8 COMMISSIONER KELLY: Regarding the height, I
9 just want to go back to Andy's point regarding the
10 setback or the position of the building, with regards
11 to the neighboring properties. Looks like from this
12 aerial that we have, it looks like there is some
13 significant setbacks on at least three of the sides.
14 One side doesn't look like there is much of a setback,
15 it looks like it's abutting a commercial property. The
16 position of the building in regard to the property
17 boundaries itself, plus the screening requirement that
18 Andy discussed with the buffer and the landscaping, I
19 think should be in context with whatever that height
20 comment you want to address.

21 I think it's got to be clearly spelled out
22 that personally, I don't see the height being much of
23 an issue, based on the fact that Andy's required
24 screening, the buffer and landscaping along with the
25 fact that it's positioned within the parcel itself.

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2 Seems to be not obtuse.

3 THE CHAIRMAN: Let me read what I'm
4 suggesting, if you want to suggest any addition to
5 that. Then this is the way it will read: "Referral
6 information submitted to Office of the Suffolk County
7 Planning Commission indicates that the height of the
8 proposed assisted living facility is proposed to be
9 three stories. This requires relief from the Smithtown
10 Board of Zoning Appeals. The Town should carefully
11 consider proposed impacts associated with the proposed
12 height variance."

13 Does anyone have any objection to making that
14 edit?

15 COMMISSIONER WEIR: None.

16 THE CHAIRMAN: Seeing that, we will make that
17 edit.

18 COMMISSIONER KELLY: I think that is fine.

19 Do we see this on the ZBA?

20 MR. FRELENG: It should be referred to the
21 Commission. When it goes before the Zoning Board of
22 Appeals for height variance, it should come before the
23 Commission again when it goes before the Planning Board
24 for height variance.

25 It's a ninety thousand square foot three

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2 story building. It's rather massive. There should be
3 some buffering.

4 THE CHAIRMAN: Any additional recommendation
5 with regard to the comment? Seeing none. Any other
6 thoughts or comments, questions? Seeing none,
7 entertain a motion to adopt the staff report as
8 amended. Motion by Commissioner Finn, seconded by
9 Commissioner Weir. All in favor, please raise your
10 hand. (Show of hands) Adoption of the staff report as
11 amended eleven to zero.

12 MR. FRELENG: I just want to introduce Andrew
13 Amakawa, who will be giving his first presentation to
14 the Commission today.

15 THE CHAIRMAN: It's twelve zero.

16 MR. AMAKAWA: Hello to the Commission. This
17 is Westbrook Village. This is a subdivision
18 application. Applicant Astor Realty is proposing a six
19 lot subdivision on a thirty-seven point eight acre
20 parcel. It's in the Town of Islip.

21 The subject property is located west of
22 Montauk Highway, east of Connetquot Avenue, falls
23 within the Commission's jurisdiction since it's located
24 within five hundred feet of New York State Route 27,
25 27A and New York State land in a planned development

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2 district.

3 I took a couple of photos. That is the
4 property looking north. You can see a majority of the
5 property is undeveloped, with the exception of a couple
6 of left over industrial buildings for the aerospace
7 industry. Also has a parking lot. For the most part
8 it's undeveloped.

9 In this shot is taken off Wheeler Road to the
10 east of the property. This would be a main access to
11 the proposed development for three hundred twenty unit
12 residential development. Looking down there, you can
13 see on the south side of the road, that is where the
14 majority of the land is. That is looking south. As
15 you enter the entrance you can look south and see the
16 property is abutted to the east by recreational
17 baseball fields.

18 Moving into the property more you will see
19 left over parking lot and warehouse buildings, sort of
20 north central. The last shot is taken, it's going to
21 be main thoroughway running north and south connecting
22 Sunrise Highway to the north to Montauk Highway to the
23 south. You can see, this is the undeveloped area that
24 is on the southern portion of the site, and on the
25 northern portion is the existing office industrial

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2 space, also known as Long Island Business Technology
3 Center, I believe.

4 MR. GULIZIO: I know this is your first time.
5 I don't know you have longer you have. I'm just
6 kidding, take your time.

7 MR. AMAKAWA: I'll speed this up slightly.
8 I want to give you a little bit of history of the
9 project. It came before the Commission in May 2008 as
10 a change of zone. Request by the applicant was for
11 change of zone from Industrial 2 District to
12 Residential AAA. The request was to rezone it to the
13 Great River Planned Development District. It was a two
14 step request to establish the Great River Planned
15 Development District and to rezone this property into
16 the district.

17 Just to give you a quick summary of what is
18 taking place, the Commission reviewed this initial
19 request the change of zone was obviously reviewed by
20 the Commission with conditions approved. It then went
21 back to the Town and the Town adopted the Great River
22 Planned Development District and rezoned this property.
23 There were filed deed and covenant restrictions for the
24 site.

25 Getting back to what you see before you, this

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2 current application is the subdivision request. Again,
3 it is for six lots, and the Town has indicated that the
4 applicant is requesting this subdivision specifically
5 for the southern portion of the property, not the
6 northern portion. Due to current economic conditions,
7 financing entities require significant percentage of
8 units to be sold before seeing the funds.

9 I think it's important to mention some
10 critical issues, mitigation measures that have been
11 addressed by the applicant in coordination with the
12 Town. One of those issues was density. Since this
13 application last became before the Commission, they
14 have actually reduced the density quite a bit. The
15 previous development proposal would be equated to nine
16 point five units per acre and it was reduced to eight
17 point five unit per acre under their proposal for
18 development. That would be for the southern portion.

19 Another issue that I think is worth
20 mentioning that has been addressed, again by the Town,
21 in coordination with the applicant, is affordable
22 housing. The Great River Planned Development District
23 code amendment, which was adopted, requires now a
24 minimum of twenty percent of total dwellings be deemed
25 affordable. This project has also filed a deed and

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2 covenant restriction has been filed with the property,
3 which would require the applicant to build sixty-four
4 non-age restricted units affordable, of which
5 thirty-two would be rental.

6 The next item to be brought to the
7 Commission's attention would be traffic mitigation.
8 Consistent with the proposed development, there are two
9 identified traffic corners that would require new
10 traffic signals at the intersection of Union Boulevard
11 and Montauk Highway and Montauk Highway and Wheeler
12 Road. I thought it was worth bringing it to your
13 attention as your environmental conditions, this
14 property is not located in a special groundwater
15 protection area or in the Pine Barrens region.
16 Westbrook Pond is over a thousand feet from the
17 property's eastern boundary.

18 I will move onto staff analysis and
19 recommendations. Staff generally supports this
20 application with conditions applied to six identified
21 areas. The first area would be the access,
22 accessibility within the future residential development
23 on existing road. Staff would recommend that common
24 access easement be created for all internal roads
25 designed to ensure adequate access throughout the site

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2 for emergency vehicles, consistent with Commission
3 guidelines. Commission guidelines specifically
4 recommend that no parcel should be landlocked, which
5 could compromise the health and safety of future
6 residents. And it also would create a common easement
7 which would potentially avert disputes between property
8 owners of the internal roads.

9 Moving onto the next condition that staff
10 recommends is a stormwater pollution prevention plan be
11 implemented to manage stormwater runoff, pursuant to
12 New York State's discharge elimination program
13 requirements. This is in accordance with policy
14 guidelines which highlight New York State requirements
15 to develop the SWPP for construction sites of one acre
16 or larger. The construction site obviously would be --
17 the requirements with approximately two point nine
18 acres proposed office space and seven point nine acres
19 of residential space.

20 The next condition, subject property should
21 be deemed to be free and clear of surface and
22 subsurface hazardous material. This condition was
23 previously included in the review for change of zone
24 for the property. I think that should be repeated.
25 Subject property has been an industrial site for the

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2 aerospace industry and it's recommended that
3 environmental assessment of the hazardous materials on
4 the site should be undertaken.

5 Condition 4, the applicant should be
6 directed to consult the guidebook of the Suffolk County
7 Planning Commission for details on universal design
8 features of buildings to improve access for all members
9 of the community. Based on the applicant's proposed
10 development plan in which a hundred of the three
11 hundred twenty-five units will be age restricted senior
12 owner-occupied units, it makes sense to require design
13 elements specific to an aging population.

14 Five, that staff recommends that the
15 applicant consult the Commission's guidebook on energy
16 efficiency. The reason why the Town has, in
17 conjunction with the applicant, has addressed energy
18 efficiency on the northern part of the property, which
19 does not apply to the current application and they went
20 so far as to file a deed and covenant requiring the
21 future applicant to submit an energy efficiency plan
22 for the northern portion of the site. I felt it would
23 be appropriate to also consider the southern portion,
24 considering how much development will be taking place
25 in terms of residential development on the southern

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2 portion of the property, so the recommendation is to
3 consult the energy efficiency design section of the
4 guidebook.

5 As for Condition Number 6, the applicant
6 should facilitate the convenient and safe pedestrian
7 connections between the residential and
8 office/industrial portions of the property.
9 Preliminary site plan indicates safe pedestrian
10 connections.

11 I understand the Town is still developing a
12 final site plan. It's just a recommendation that staff
13 believes that the applicant should consider in the
14 final site plan.

15 I just have one last at condition to the
16 staff report, which isn't included in the staff report
17 you have. But I would like to add it as a comment.
18 Staff believes the applicant should clarify the correct
19 acreage of land for the dedication to the Town of Islip
20 for recreation purposes since there is a discrepancy
21 between the subdivision plan and what is indicated on
22 filed deed covenant. The applicant submitted a
23 subdivision plan which indicates a four acre lot, that
24 is the southwestern corner where proposed dedication to
25 the Town would occur. However, there is also a filed

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2 deed covenant that indicates a dedication of
3 approximately only three acres. There is a discrepancy
4 between the subdivision indicating four acres and for
5 the southwestern lot and covenant and restriction
6 indicating only approximately three acres being
7 indicated. I think that should be corrected if needed.
8 That would be the staff report. (Applause)

9 THE CHAIRMAN: Good job, Andy. Good to have
10 you aboard. This is an Islip project. Commissioner
11 Chartrand, any comments that you would like to provide?

12 COMMISSIONER CHARTRAND: First I would like
13 to thank Andy. Great job. I don't know if they were
14 clapping because you were done or because it was such a
15 good job. It's a good job.

16 The area is an eyesore of the community,
17 especially when you come up on Montauk Highway. With
18 regard to the location, it's a great location to walk
19 to the train station there. I appreciate the input
20 that you put into the with the sidewalks. It will help
21 the community and lessen some of the traffic in the
22 area.

23 As far as the hazardous material, that
24 language should be a little bit stronger because of the
25 site that was previously there, the aerospace, that's

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2 it on the comment.

3 THE CHAIRMAN: You are saying Condition
4 Number 3, Matt?

5 COMMISSIONER CHARTRAND: A little bit
6 stronger language.

7 THE CHAIRMAN: We want to indicate that needs
8 to be deemed by the Town free and clear as opposed to
9 just deemed. Indicates who needs to deem it.

10 COMMISSIONER TALDONE: Now I will present an
11 alternative. I'm actually concerned that the language
12 is too strong in that are we concerned there being any
13 hazardous material, whether it's hazardous to human
14 health or not, just that it's there from ancient
15 history when the site was used for aerospace uses.

16 If we add something on the end of the
17 sentence hazardous material that poses a risk to human
18 health, that kind offsets the standards a little higher
19 rather than just deemed to be free and clear of any
20 hazardous material, or is that already assumed? That
21 is really a question. Is that already assumed, if we
22 deem it hazardous, that it's hazardous to human health?
23 I'm trying to get the language clean so we don't end up
24 making the restriction tougher than what is needed to
25 provide a safe place for people to live.

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2 THE CHAIRMAN: I'll ask Director Gulizio.

3 MR. GULIZIO: Should be deemed free and clear by
4 the Town of surface and subsurface materials in
5 accordance with all Federal and State and Local
6 guidelines.

7 MR. FRELENG: If I could add to that, deemed
8 free and clear by the appropriate agencies.

9 COMMISSIONER HOLMES: I think we should spell
10 it out.

11 THE CHAIRMAN: Andy's point is that it's not
12 necessarily the Town, whatever the appropriate agency.

13 COMMISSIONER HOLMES: The wording Dan gave is
14 good because it spells out the regulations.

15 THE CHAIRMAN: I agree that makes sense with
16 regard who should be deeming. Commissioner Kelly.

17 COMMISSIONER KELLY: Just on point is that
18 our jurisdiction or the Health Department jurisdiction
19 when approving the site; is that the Department of
20 Environmental?

21 COMMISSIONER ESPOSITO: We have added that
22 before. It's not a standard for us, but we have
23 mentioned it before. I remember in specific we looked
24 at a couple of the high houses; for instance we spoke
25 about that there should be an examination or

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2 characterization of groundwater contamination of the
3 pesticide examination. We raised it when it was a
4 glaring issue, but it's not necessarily a standard
5 issue for us.

6 COMMISSIONER KELLY: Our policy would be to
7 raise it to the Town or to the Health Department if it
8 would go to the Health Department for site plan
9 approval anyway, free of hazardous materials. I do not
10 know. That is all I'm asking.

11 MR. GULIZIO: I think the best way to
12 address it, the Town is the ultimate permitting agency
13 in connection with this application, recognizing that
14 there are overlapping government agencies that may play
15 a role in the application. I think it's appropriate to
16 say that the Town shall, in light of the previous
17 history of the property, the Town shall determine
18 prior issuance of any permits that are deemed free and
19 clear of surface and subsurface of hazardous material
20 in accordance with all applicable Federal, State and
21 Local regulations. I think it places responsibility of
22 where it ought to be, at the Town.

23 THE CHAIRMAN: I think what Commissioner
24 Kelly raises, since other agencies are going to look at
25 it, should it be duplicative. I don't think it's

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2 duplicative, in that we are bringing it to the
3 attention of the Town. This is a particular site where
4 there have been issues, and we want to make sure that
5 the residential buildings should be built on places
6 that have been -- I think the issue that you're
7 raising, I don't know that we have the time to have
8 that conversation now.

9 COMMISSIONER HOLMES: Doesn't the Town have
10 to pretty well certify to the Department of Health that
11 they have made sure that the property is free of, or is
12 Mike saying that it's the Department of Health that has
13 to certify, make that certification? I thought that
14 the Town had to do the investigation and make the
15 certification to the Health Department. Am I wrong?

16 COMMISSIONER ESPOSITO: I think we are
17 getting a little bit too analytical. I think the
18 purpose is to raise it as a valid point and then the
19 Town will do their judicious work in knowing who needs
20 to do what, when and where. For us, it's important to
21 raise it because we have a known issue here, or
22 potential issue.

23 As we have done in the past, we can just
24 leave it at that without getting too much into the
25 reason about who needs to do what. I think the Town

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2 will know that. I think we want them to know that this
3 is something to raise and we have that concern.

4 THE CHAIRMAN: One part of the rationale that
5 I'm a little concerned about, remember, we want to be
6 clear about what our condition is. Our first sentence
7 is identified to be the condition, so the Town knows
8 it, complies with the condition. It does not need a
9 super majority. If it chooses to abide by that, it
10 does not need a super majority.

11 The Number 3 talks about environmental
12 assessment or hazardous materials on site. I'm
13 worried that that says something a little different
14 than what the condition says. It can lead to confusion
15 in potential policies. I think the Town can rely on
16 other agencies for doing that work to convey to them
17 whether they consider them standards. The sentence
18 that it's recommended as environmental assessment, I
19 would be interested to hear the staff's thought about
20 it.

21 MR. GULIZIO: I think there is a very well
22 known site to the town the town is familiar with the
23 history of the property. And my guess, although I
24 can't say on the record that I'm assuming there was an
25 Environmental Impact Statement done in connection with

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2 the application before the Town Board for change of
3 zone, again, with the comments, I think it's really
4 just making sure that the Town is aware of the concerns
5 of the property, the Commission concerns associated it.
6 It's more for informational purposes.

7 In terms of the specific second paragraph
8 about the stockpiling material and requirement that an
9 assessment be made of that, if the Commission's
10 preference is to make that a comment as opposed to a
11 condition, I don't believe staff would have an
12 objection to that. Andrew, are you comfortable with
13 that?

14 MR. AMAKAWA: Sure, are we submitting it?

15 MR. GULIZIO: I think it's something for the
16 Commission to consider. I think either way, condition
17 or comment.

18 THE CHAIRMAN: I recommend that the language
19 of the entire explanatory portion should be made a
20 comment rather than a condition, would be my personal
21 feeling. What we could do, the condition part of 3,
22 the first sentence is just, what Dan said I think you
23 prefaced it in light of the history of the parcel,
24 comma, the subject property shall be deemed by the Town
25 to be free and clear of subsurface and surface

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2 hazardous materials according to the appropriate State
3 and Federal regulations.

4 Forget the Town part, just State and Federal.
5 I'll make the first motion to take the language out of
6 the bottom of 3, everything except the first sentence,
7 and make that a comment. Any objection to making that
8 a comment and not a condition? I see a hand down
9 there.

10 COMMISSIONER WEIR: I was just going to
11 second it.

12 THE CHAIRMAN: Without objection, we will
13 make that part a comment, the edit which I just read
14 to the condition. Is there any objection to rephrasing
15 the condition the way Dan originally described and I
16 just articulated? Seeing none, we will make that edit
17 a condition. Any other thoughts or comments?
18 Commissioner McAdam.

19 COMMISSIONER McADAM: Andy, there is a
20 section on parking that says GRPDD code adopts a
21 minimum of two point two parking stalls per residential
22 unit and then the office area is three point five
23 stalls per one thousand. I assume that that is okay.
24 You didn't say one way or the other whether or not that
25 falls within the general guidelines.

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2 MR. AMAKAWA: That is according to your
3 adopted code.

4 COMMISSIONER McADAM: Is it reasonable; that
5 is the question.

6 MR. AMAKAWA: I believe it's reasonable.

7 MR. FRELENG: We looked at the parking and we
8 believe the parking as proposed within the code is
9 reasonable.

10 COMMISSIONER FINN: Again, I want to echo the
11 thoughts of the other commissioners. Andrew, for your
12 first presentation you did a great job in presenting
13 this application. One point I want to highlight and
14 make comment on was the density, and physical impact.
15 I don't know if you have seen this paragraph in any
16 prior reports.

17 I think it's something we should note,
18 especially in the environmental, where everybody is
19 concerned about property taxes and economic impact.
20 The example here, I notice in the report, I think it's
21 something of note that we should highlight projects
22 something on one that has a tax positive such as this.
23 It's a mixed generational project, it's not just
24 senior, but it's something we should be mindful of as a
25 commission on both the tax impact and we don't have to

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2 quantify it here in the reports.

3 What is the economic impact basically from a
4 construction standpoint from origination of this
5 project. You may want to highlight some of these
6 bullets because they're pertinent facts on the growth
7 and tax positive, increase of the tax base.

8 COMMISSIONER KONTOKOSKA: Thank for putting
9 this together and thanks for having a name like Andrew
10 so we have two. Did you do the analysis or did you
11 pull the information?

12 MR. AMAKAWA: Most of the information that
13 you see in the report is pulled from the combination of
14 the Draft EIS and Final EIS.

15 COMMISSIONER KONTOKOSKA: Most of the impact
16 that comes up here, when we look at the cost, average
17 cost difference from the marginal cost is usually
18 something that comes up that the marginal cost is lower
19 because if you have for example, a classroom, if you
20 add another student to the classroom, the fixed costs
21 aren't necessarily (inaudible). This is would be upper
22 bound of actual student costs.

23 When we look at the physical impact of tax
24 revenues, we have to look at the actual student
25 expenditures. This is always something that comes up.

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2 Communities opposing don't always refer back to this
3 and no one gets the numbers right, what it actually
4 costs to have an extra child in school. I just wanted
5 to point that out.

6 COMMISSIONER KELLY: On that regard, the
7 report that you refer to, the Rutgers Study, there is
8 another study that came out more recently than Pearl
9 Kamer, that actually studied the actual children in
10 schools of Long Island that count is a little bit lower
11 than the Rutgers Study. It's based on actual
12 multi-family projects here on Long Island. That might
13 be something to consider as well.

14 THE CHAIRMAN: Certainly valid points and
15 important, particularly as we hear projects that raise
16 those issues of student density. As Mitch Pally said,
17 it's sort of ironic that more students is all of a
18 sudden a bad thing. We understand the politics. The
19 bottom line is that section of the staff report is not
20 included in the proposal.

21 I would like to get back to that and see if
22 there are any other comments on the staff
23 recommendation. One thing I want to clarify that was
24 the comment that you were suggesting. I want to make
25 sure we have the language right. I think it was

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2 basically, one, discrepancy between the deed covenant
3 on the subdivision map with regard to what is being set
4 aside.

5 MR. AMAKAWA: Correct, for the recreational
6 uses.

7 THE CHAIRMAN: Period. The applicant should
8 clarify which acreage is correct, right? Clarify the
9 discrepancy.

10 MR. AMAKAWA: Right.

11 THE CHAIRMAN: That is just a comment. Two
12 would be the amended piece to Number 3. Anyone else?

13 COMMISSIONER WEIR: Just on the same thing
14 whether jurisdiction on Condition Number 2, it says
15 they must comply with the SPDES that is required. You
16 think that is kind of redundant? We don't really have
17 the jurisdiction. It's a State requirement that all
18 plans have to go through. That might be a comment or
19 description in the beginning because we don't have
20 that. They have to comply with that now through the
21 State, or otherwise they wouldn't get their permit.

22 THE CHAIRMAN: Again, as Commissioner Kelly
23 raised, I think it's part of the broader conversation.
24 The Commission has included these kinds of things where
25 it feels there is, even though someone else is setting

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2 the standards where it pertains to land use and has a
3 regional impact, like the Connetquot River, they have
4 put in this kind of language.

5 It is true that it is redundant in the sense
6 that we have to do it in order to move forward. It's a
7 way of this Commission emphasizing the importance of
8 those issues.

9 It's a valid point to come up. I don't think
10 we want to have that conversation now as a category. I
11 don't think there is any harm in including it as we
12 have in the past. I see the point in sort of the
13 bigger picture. There are a few things that we mention
14 a lot that aren't necessarily there within our
15 jurisdiction because they're land use, but someone else
16 is going to be signing off on them.

17 COMMISSIONER WEIR: It's just a comment.

18 THE CHAIRMAN: Anybody feel strongly about
19 taking it out? I think it's a good point.

20 COMMISSIONER WEIR: Just a comment.

21 THE CHAIRMAN: Any other thoughts or
22 comments? Seeing none, that will --

23 COMMISSIONER TALDONE: I would just like to
24 quickly support the concerns expressed by Constantine
25 regarding the students. I'm aware of a couple of

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2 districts in which I have couple of family members
3 living where student enrollment is falling and they
4 have long term fixed costs, so actually adding students
5 is actually a benefit to the district, so you really
6 need to know the district before you have an estimated
7 cost of adding students.

8 We have to be careful about how we present
9 that.

10 THE CHAIRMAN: I'll entertain a motion to
11 adopt the staff report as amended.

12 COMMISSIONER HOLMES: Motion.

13 COMMISSIONER CHARTRAND: Second.

14 THE CHAIRMAN: All in favor of the staff
15 report as amended with the edits to Condition 3, the
16 addition of the comment on the discrepancy of the
17 parcel to be dedicated, as well as the new comments on
18 the hazardous materials pulled from the bottom of
19 Condition 3.

20 All in favor of adopting that, raise your
21 hand. (Show of hands) Opposed? Twelve-zero. That ends
22 our regulatory agenda.

23 Couple of last comments. We are in Patchogue
24 next month, as indicated. We will be on a walking tour
25 before that. Let me invite any of you that wish to

1 April 6, 2011 Planning Commission
2 spend more time with me today to join us for the
3 guidelines committee meeting. Entertain a motion to
4 adjourn.

5 COMMISSIONER KONTOKOSKA: Motion.

6 COMMISSIONER LANSDALE: Second.

7 THE CHAIRMAN: All in favor. We are
8 adjourned.

9 (Time noted: 2:15 p.m.)

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CERTIFICATION

STATE OF NEW YORK)

)

ss:

COUNTY OF SUFFOLK)

I, JUDI GALLOP, a Notary Public in and for
the State of New York, do hereby certify:

THAT this is a true and accurate record of
the hearing held by and before the Enforcement
Bureau of the Suffolk County Office of Pollution
Control, as reported by me and transcribed by me.

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

JUDI GALLOP

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