

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

**NOTICE OF MEETING**

June 1, 2011  
12:00 – noon  
Evans K. Griffing Building,  
Maxine S. Postal Auditorium in Riverside, NY

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**Tentative Agenda Includes:**

1. Adoption of minutes for March, April 2011
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers:
  - Joseph M. Gergela III, Executive Director - Long Island Farm Bureau
  - Village of Patchogue (Invited) – Moratorium
  - Town of Southampton (Invited) – Amendment
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code

|                                    |                               |                        |
|------------------------------------|-------------------------------|------------------------|
| • Village of Patchogue Moratorium  | Village Wide                  | (Village of Patchogue) |
| • Town of Southampton – Amendment  | General Development Standards | (Town of Southampton)  |
| • Artist Lake Plaza                | 0200 37900 0100 003001 et al. | (Town of Brookhaven)   |
| • Avalon Bay at Huntington Station | 0400 10404 0200 001000 et al. | (Town of Huntington)   |
7. Section A14-24 of the Suffolk County Administrative Code

NONE
8. Other Business:
  - Consideration of draft of Suffolk County Comprehensive Plan-Volume 1

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, July 6<sup>th</sup> in the Legislative Auditorium in Hauppauge.

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SUFFOLK COUNTY PLANNING COMMISSION

Evans K. Griffing Building

Riverhead, New York

June 1, 2011

12:20 p.m.

- - - - -X

MEMBERS PRESENT:

DAVID CALONE, Chairman

CONSTANTINE KONTOKOSKA, Vice Chairman

ADRIENNE ESPOSITO, Secretary

CARL GABRIELSEN, Town of Riverhead

DIANA WEIR, Town of East Hampton

LINDA HOLMES, Shelter Island

THOMAS McADAM, Town of Southold

JENNIFER CASEY, Town of Huntington

MICHAEL KELLY, Town of Brookhaven

JOHN FINN, Town of Smithtown

MATTHEW CHARTRAND, Town of Islip

BARBARA ROBERTS, Town of Southampton

WILLIAM E. SCHOOLMAN, At Large

THOMAS YOUNG, ESQ., County Attorney for  
Planning Department

SARAH LANSDALE, Director of Planning

DANIEL J. GULIZIO, Deputy Planning Director

ANDREW FRELENG, Chief Planner

ANDREW AMAKAWA, Planning Department

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1                   6/1/11 Suffolk County Planning Commission

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

7                   (Recitation of the Pledge of Allegiance)

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

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

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

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

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

22                   COMMISSIONER SCHOOLMAN: The same.

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

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2   Our editor-in-chief and I have reviewed the minutes.

3   Let's start with March. Commissioner Holmes, any  
4   additions?

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

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

13           COMMISSIONER HORTON: So move.

14           COMMISSIONER HOLMES: Second.

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   developments to be built in the Town of Huntington.  
3   Just as such a project was already built in Melville.  
4   The project will provide hundreds of construction jobs  
5   and many new permanent jobs in the management of the  
6   facility and create many new options in the downtown  
7   areas for the many young families and young people.  
8   The project will be tax positive for the local school  
9   district and provide significant environmental benefits  
10   in the community by facilitating the sewage and water  
11   flow through one managed community rather than in over  
12   one hundred single family homes.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   Huntington was aggressive and forthright in making sure  
3   that Canon would remain on Long Island and create  
4   hundreds of jobs for our residents. Now the Town of  
5   Huntington in cooperation with Suffolk County here  
6   today can once again help Long Island by making sure  
7   that these housing needs are developed in the Town of  
8   Huntington.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   today so that the project can move forward. Thank you  
3   very much.

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

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

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

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

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

13                  THE CHAIRMAN: Mr. Robert Alison.

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

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

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2    than a developer. I would like to focus on a few  
3    points today, because you are going to hear a lot of  
4    things today. I would like the Commission to focus on  
5    the following facts: This proposal represents a  
6    hundred million dollar direct invest by our company  
7    creating three hundred fifty-eight construction jobs  
8    with over forty million dollars of annual earnings.  
9    Total economic impact is two hundred eighty-four  
10   million and over five thousand indirect jobs.  
11   Annually, you heard earlier, this proposal would create  
12   a total economic impact of eighteen million dollars in  
13   the surrounding area.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   applauding the leadership of the Commission in  
3   overriding what I believed were staff recommendations  
4   that I believed were flawed. At this moment, I ask for  
5   you to do the same thing, if needed, and please don't  
6   make this process any harder than it's been to this  
7   date because it's very challenging right now to get  
8   private investment dollars here on Long Island. Thank  
9   you very much.

10           THE CHAIRMAN: Anthony Guardino.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   hundred thirty unit proposal and will result in  
3   increased open space. Fifty-four units will be  
4   affordable units that fully comply with the Town's  
5   affordable housing regulations. I also want to point  
6   out that the single family subdivision that was  
7   approved does not provide any affordable housing. The  
8   development will provide a total of eleven hundred  
9   thirty-three on site parking spaces, will includes six  
10   hundred forty-one off street spaces and two hundred  
11   seventy-four spaces within garages and driveways and  
12   two hundred eighteen land banked spaces. And all of  
13   which are permissible parking spaces under the Town's  
14   zoning regulations while the development itself has  
15   changed, its location has not.

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

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

1           6/1/11 Suffolk County Planning Commission  
2     by this Commission on October 1, 2008. The proposed  
3     multi-family development is also consistent with other  
4     multi-family developments located in the area that have  
5     been constructed in accordance with the Town's R-3M  
6     zoning regulations and provide an appropriate  
7     transitional use between the industrial parcels to the  
8     north and residentially zoned parcels to the south.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   distribution of high density and affordable houses  
3   throughout the Town, which is simply not a condition  
4   that the Town can comply with. Finally, we urge the  
5   Commission to approve this application and allow for  
6   the creation of these new jobs and investment in  
7   Huntington Station. Thank you.

8           THE CHAIRMAN: Carolyn Hannan.

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

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

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2                   Traffic congestion is another problem.

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

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

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

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

1           6/1/11 Suffolk County Planning Commission

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

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

16           THE CHAIRMAN: Kathy Eismann.

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

1           6/1/11 Suffolk County Planning Commission  
2     for the community. It's an overgrown parking lot.  
3     It's a source of loitering. There is vandalism out on  
4     the site.

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

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

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

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

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

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

18           THE CHAIRMAN: Douglas Hannan.

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

25           What has happened, my town is changing.

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

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

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

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

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

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

14                  THE CHAIRMAN: Councilman Mayoka.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 project at all.

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

10           THE CHAIRMAN: Next we have Matt Harris.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   Huntington Station do not live in Huntington Station.  
3   (Applause)

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

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

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



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

11           THE CHAIRMAN: Jennifer LaVertu.

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

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

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2   well.

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

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

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

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2    matter.

3           THE CHAIRMAN: Elizabeth Black.

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

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

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

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

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

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

25           THE CHAIRMAN: Next is Kim D'Ambrosio.

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2                   MS. D'AMBROSIO: D apostrophe

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

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

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

24                  THE CHAIRMAN: Nicholas Wieland.

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

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

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

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

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

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

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

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

21                  THE CHAIRMAN: Richard Amper.

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

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

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

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

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

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

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



1           6/1/11 Suffolk County Planning Commission  
2       raised when you were here a few months ago regarding  
3       how do we define community benefits. The Town of  
4       Southampton has a proposal on how do we define  
5       community benefit. I think that would be beneficial to  
6       you.

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

10          THE CHAIRMAN: Richard Koubek.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   Wall Street Journal identified Long Island as one of  
3   the most difficult places in the United States to  
4   develop anything.

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

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

1                   6/1/11 Suffolk County Planning Commission

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

6                   THE CHAIRMAN: Michael Rivera.

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

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

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

1           6/1/11 Suffolk County Planning Commission

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

7           THE CHAIRMAN: Thank you. Delores Thompson.

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

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

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

25           I have not heard of another plan that is

1           6/1/11 Suffolk County Planning Commission  
2   going to help Huntington Station. Why we fight for not  
3   having housing and not having the things to bring back  
4   a community that was alive and well, no one has come up  
5   with an alternative or anything that is going to help  
6   bring back Huntington Station. I support Avalon Bay,  
7   yes, I do. I've seen some of the other projects that  
8   they have. It's managed well. Why are we not trying  
9   to develop Huntington Station again? We have a parking  
10   lot miles long. That is what we are happy to have.

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

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

1           6/1/11 Suffolk County Planning Commission

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2    is doing their job one hundred fifty percent. They  
3    have changed the area drastically. We use different  
4    issues of closing Jack Abrams. Jack Abrams should  
5    never have been closed. You don't close schools  
6    because of crime. You enhance the police department to  
7    do that and that is what they have done.

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

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

21           THE CHAIRMAN: Pat Bond.

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

1           6/1/11 Suffolk County Planning Commission  
2    if the housing improves. So I think the bay thing  
3    would be the thing to do, to improve the area for  
4    everyone. Thank you.

5           THE CHAIRMAN: Reverend Ratzlaff.

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

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

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

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

25           MS. RICCARDO: Surrender my three minutes to

1                   6/1/11 Suffolk County Planning Commission

2     Steve.

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

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

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

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

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

1                   6/1/11 Suffolk County Planning Commission

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2    school buildings, nearby Jack Abrams, was closed due to  
3    the perception of crime in the same area.

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

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

17           THE CHAIRMAN:   Gina Florentino.

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

1           6/1/11 Suffolk County Planning Commission  
2    think are very well expressed by this particular  
3    painting this is how I feel and how many of the  
4    residents that I have spoken to and I have walked many  
5    many miles in my neighborhood feel about this project.  
6    We feel angst we feel horror we feel dismay we this is  
7    evidenced by the community outpouring in September at  
8    the Town Board meeting. Perhaps a thousand people, if  
9    they could have gotten into the building, were  
10   concerned about this proposal. The Town's own  
11   decision; they were opposed to it. I'm up at night. I  
12   can't sleep. What is going to happen to my  
13   neighborhood, to my neighbors, to my family with the  
14   increased traffic.

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

1           6/1/11 Suffolk County Planning Commission  
2     deserves it. 80% is a very high number.

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

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

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

1                   6/1/11 Suffolk County Planning Commission

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

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

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

11                  MR. REID: Yes, I am.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   that the project's sewer system would ultimately  
3   discharge all its effluent waste into the presently  
4   overburdened Huntington Town system.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   to accommodate the added trains. With approximately  
3   one thousand more vehicles to be added to the area by  
4   Avalon Bay's projected three hundred seventy-nine  
5   residential units, the Park Avenue-Pulaski Road  
6   corridor is gridlock waiting to happen.

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

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

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

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

25           I personally believe, I will tell you that I

1           6/1/11 Suffolk County Planning Commission  
2 sit on the Economic Development Board in Huntington  
3 Station, two of the organizations of the many  
4 organizations that are working in Huntington Station  
5 trying to improve a condition that has been left with  
6 for over fifty years. We have been working very hard.  
7 It's been a long, slow tough process.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   impediments into the project so that can get voted on  
3   by the Huntington Town Board, be passed and we can  
4   start moving in the right direction in Huntington  
5   Station. I thank you all.

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   distinction as a member of the Suffolk County Planning  
3   Commission, September, 2008 to May 2011. Whereas the  
4   people of Suffolk County benefited from his insight and  
5   expertise. Whereas Vincent Taldone's input and  
6   contributions to the deliberations and decisions of the  
7   Suffolk County Planning Commission will be missed as he  
8   moves onto new endeavors, now therefore be it resolved  
9   that the Suffolk County Planning Commission  
10   acknowledges and thanks Vincent Taldone for his service  
11   to the people of Suffolk County through his positive  
12   and thoughtful contributions to the Suffolk County  
13   Planning Commission. Thank you, Vincent. (Applause).

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

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

25           Let me briefly finish, do a quick update on

1           6/1/11 Suffolk County Planning Commission  
2   the latest activities on the Commission today. With  
3   regard to the Comprehensive Plan, we will release Draft  
4   I. This is an important step that has been taken. This  
5   is an important step, one that has not been taken in  
6   thirty years. I will present the draft to the  
7   Legislature in the coming month and seek feedback  
8   from the stakeholders as we seek to refine Volume I and  
9   begin working on Volume II.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   taking the lead in editing the code. we hope to have a  
3   meeting later this month. The Commission will hold a  
4   green methodologies for stormwater runoff symposium for  
5   Suffolk and Nassau municipalities on June 22nd at 1  
6   p.m. Certainly hope all planning commissioners will be  
7   able to make it. I want to particularly thank  
8   Commissioner Esposito on that. I don't know if there  
9   is anything you want to add about the event.

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2     future, where we should grow, where we should preserve,  
3     and how we should pay for infrastructure. That effort  
4     included the infrastructure finance working group which  
5     included Commissioners Lansdale, Esposito, Finn and  
6     myself.

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   meeting in June sometime.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   an opportunity for everyone to really dig in on what  
3   are pretty complicated issues.

4           COMMISSIONER ROBERTS: Any idea of the time?

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

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

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

25          The third is to look at the reviews and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2   inputs costs stand on their own.

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

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

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2       tourism, building trades.

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

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

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2   we are concerned about that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           I was just up the at Executive Mansion last

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           I would point out median income is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   meetings and advocated both for and against literally  
3   hundreds of projects that included individual  
4   affordable housing components. I would like to think I  
5   have been a tireless advocate for affordable and  
6   workforce housing in the region. When we look at the  
7   number of affordable housing units distributed in  
8   Huntington Station, look at the 72% of all the  
9   non-senior housing being located in one hamlet center,  
10   we think it would be prudent for the Town to consider  
11   the development of an affordable housing a plan that  
12   would provid for a rational distribution of housing  
13   units before any additional housing units are  
14   considered in Huntington Station.

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

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

25           A general comment, we would like to add that

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   the train station is very key for it to succeed.

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   dense and intensified plan and I don't think it would  
3   be getting permits from Suffolk County for septic  
4   systems.

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

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

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

22           COMMISSIONER FINN:   And 70% single family.

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2 discharges into.

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

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

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

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

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

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2 mention it now. This is conceptual.

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   density is set, there is less opportunity to look at  
3   those types of considerations and find room for  
4   additional landscaping or additional parking.

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

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

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

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

23          THE CHAIRMAN:   Good point.   Commissioner  
24   Horton.

25          COMMISSIONER HORTON:   The staff report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2     the need to diversify the housing stock across the  
3     county is a critical one, and frankly, that is on us at  
4     the county level to create a regional housing policy  
5     and I hope we are in the direction of doing that.

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

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

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

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

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

25           It seems like one and two, maybe there are

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2     proposing a density 40% greater than Highview in  
3     Huntington and further from the train station than  
4     Highview in Huntington.

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

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

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

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

25           COMMISSIONER HOLMES: You mean traffic

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

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

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

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

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

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

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

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

16                  COMMISSIONER ESPOSITO: No.

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

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

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

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

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

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

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2     without dictating what the outcomes ought to be.

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

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

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

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

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

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

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

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

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

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

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

15                  COMMISSIONER HORTON: Making a judgment.

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

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

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

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

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

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

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

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

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

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

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

25           VICE CHAIRMAN KONTOKOSKA: Condition 1 If I

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

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

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

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2     question.

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

6                   THE CHAIRMAN:  Any other conversation with  
7     Condition 3

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

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

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2   equitable distribution again. Commissioner  
3   Schoolman.

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

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

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

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2   one for a hundred twelve dollars a month.

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

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

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

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

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

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

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

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

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

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

20          THE CHAIRMAN: Other thoughts on Condition 5?

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

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

25          COMMISSIONER McADAM: Dave, I was wondering,

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

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

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

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

16          COMMISSIONER CASEY: I too understand the  
17    difference.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

25          COMMISSIONER HOLMES: I do not think that we

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

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

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

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

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

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

25           COMMISSIONER FINN: Number 6 is a comment.

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

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

25                   Any questions or additions to that?

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

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

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

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

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

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

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

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

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

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

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

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

4 MR. GULIZIO: Sure.

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

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

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

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2 COMMISSIONER CASEY: May I ask a question?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2     resulting in a loss of on site parking.

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

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

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

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

21           COMMISSIONER CASEY:   So move.

22           COMMISSIONER HOLMES:   Second.

23           THE CHAIRMAN:   All in favor of adopting the  
24    proposal as I just read it, please raise your hand.  
25    (Show of hands)   Eleven to zero.

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

5                   (Recess taken.)

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   Medford Avenue at the eastern village boundary. These  
3   are state and county roads as indicated. Land uses  
4   within the moratorium area are generally within the  
5   compliance of the village uses in the zoning categories  
6   include retail, personal service stores, apartment  
7   houses, restaurants, offices, etcetera.

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

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

25           The Suffolk County Planning Commission has

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

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

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

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2   moratoria.

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

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

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

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

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

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

17                  THE CHAIRMAN: This is --

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

1           6/1/11 Suffolk County Planning Commission  
2     primary business zoning districts of the village."

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

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

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

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

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

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

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2       these pieces or otherwise it's legally challengeable.

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

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

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

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

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2       That is my concern.

3                   THE CHAIRMAN: Commissioner Kelly, welcome  
4       back.

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

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

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

20                  COMMISSIONER KELLY: Understood.

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

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

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

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

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

15                  COMMISSIONER WEIR: But only those three.

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

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

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

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

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

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

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

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

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

1                   6/1/11 Suffolk County Planning Commission  
2 boundaries.

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

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

18                  THE CHAIRMAN: Commissioner Kelly.

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

22                  MR. FRELENG: That's correct.

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

25                  COMMISSIONER KELLY: They don't have to do

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2 point. I think there has been, to Commissioner  
3 Esposito's point, we should applaud the Village's work.  
4 Now it's time for them to reanalyze, not to mention the  
5 incredible success of our YMCA in the Village. But  
6 having fourteen thousand people sign up for the Y in  
7 the first six months I have a board meeting next week.  
8 I'll be happy to report to the board.

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2 moratorium, why wouldn't the immediate response be  
3 okay, you have six months, but after that you have to  
4 get your stuff together.

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

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

25           Secondly, a six month moratorium to analyze a

1           6/1/11 Suffolk County Planning Commission  
2   downtown for redevelopment, staff's opinion they're  
3   going to ask for an extension. They don't have a  
4   consultant on board. They don't have any staff that we  
5   know of in the Village that can handle an analysis like  
6   that. Staff is being presumptive in thinking they will  
7   be back in six months.

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

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

14           COMMISSIONER HOLMES: Second.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   somebody out that moratoria, and not make it so onerous  
3   with all the different non-subjective specific items.  
4   That is my comment on Number 2

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

7           MR. FRELENG:   No.

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

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

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

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

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2    motion.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2 features that would otherwise be required of  
3 development on the subject property through the site  
4 plan subdivision, et cetera process. Said features  
5 shall not qualify as community benefits."

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

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

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

25           VICE CHAIRMAN KONTOKOSKA: Thank you very

1                   6/1/11 Suffolk County Planning Commission

2       much. This is a Southampton application. Commissioner  
3       Roberts, any thoughts?

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

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

11                  COMMISSIONER ROBERTS: Make a motion.

12                  COMMISSIONER HOLMES: Second.

13                  VICE CHAIRMAN KONTOKOSKA: All in favor?

14      (Show of hands) Opposed? Abstain? It's unanimous.  
15      Twelve-zero.

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

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

1           6/1/11 Suffolk County Planning Commission  
2   a commercial retail center. That requires a special  
3   permit.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   eleven thousand square feet, by the purchase of Pine  
3   Barren credits, with each Pine Barren credit equivalent  
4   to one thousand square feet of gross floor area.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2    zoning in an area otherwise zoned as residential. A  
3    small area of J-5, occupied by a gas station at the  
4    corner of Currans Road and Middle Country Road. A  
5    shopping center, currently zoned J-2, anchored by a  
6    King Kullen supermarket is to the east across Woodville  
7    Road and far to the west are commercial properties  
8    associated with the intersection of Middle Country Road  
9    and Yaphank Rocky Point Road.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   boundary, this is New York State Route 25. This is  
3   Artist Lake, over here is Woodville Road. The King  
4   Kullen shopping center is here and other properties  
5   indicated in the staff report. New York State DOT will  
6   have to approve access to New York State 25. One point  
7   of access is to be used exclusively for the proposed  
8   ball field, exclusively.

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission

2   other standards.

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2     proposing to discharge to sanitary systems. We said  
3     that the Health Department and Department of Public  
4     Works will work with them to see whether there is an  
5     appropriate way to regionalize sewage treatment in that  
6     area and we do know there are number of sewage  
7     treatment plants in that area that need to be upgraded  
8     or connected to capacity existing.

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

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

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2   receiving site and may upset the required sending to  
3   receiving ratios established to implement the plan.

4   The ratios are required by the Comprehensive Plan and  
5   makes the plan constitutional and not a taking.

6           The Town should prepare or cause to be  
7   prepared a statement as to the impact the removal of  
8   the seventy-four acre site will have on the required  
9   sending to receiving area ratios of the Central Pine  
10   Barrens Comprehensive Land Use Plan.

11           The staff further believes that the project  
12   in and of itself could further be construed as a  
13   economic development and as with any development  
14   proposal; however, it is not unique. However, not  
15   withstanding the petitioner's economic reports to the  
16   contrary, the proposal may impact the economic  
17   development of the future of the Middle Island Hamlet  
18   Center. Furthermore, the proposal discounts the  
19   availability of vacant commercial and retail space in  
20   the area to the east and west of the proposed site.

21           There are several vacant commercially zoned  
22   sites in the area and the Middle Country Road core.  
23   Middle Island Plan specifically called for commercial  
24   non-competing commercial uses on the site and  
25   additional retail general uses should be discouraged to

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2   prevent cannibalization of existing retail uses in the  
3   area.

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

8           THE CHAIRMAN: This is waterfront property.

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

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

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

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

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

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2   hamlet center.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2   and I believe that the Carmans River is targeting the  
3   area.

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

6           COMMISSIONER KELLY: The Carmans River  
7   Protection Plan.

8           THE CHAIRMAN: It's an aggressive river.

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

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

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

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

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

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

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

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

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

25           MR. FRELENG: There is a requirement of open

1           6/1/11 Suffolk County Planning Commission  
2   space if the ball fields are proposed as amenities.  
3   But the open space that the ball fields are in is part  
4   of required open space pursuant to the Comprehensive  
5   Plan.

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

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

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

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

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

25           MR. FRELENG:   As indicated in the staff

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

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

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

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

1                   6/1/11 Suffolk County Planning Commission

2           somebody is willing to take care of.

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2   a constitutional taking, there is supposed to be  
3   sufficient receiving area to absorb the development  
4   rights that were created.

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

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

19           THE CHAIRMAN: Are they retirement credits  
20   there?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           6/1/11 Suffolk County Planning Commission  
2 comes ,in you have the opportunity to implement your  
3 policy one lot at a time. That is the only way policy  
4 is implemented.

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

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

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

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

1           6/1/11 Suffolk County Planning Commission

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

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

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

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

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

1 6/1/11 Suffolk County Planning Commission

2 different.

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

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

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

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

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

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

1                   6/1/11 Suffolk County Planning Commission

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

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

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

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

1           6/1/11 Suffolk County Planning Commission

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

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

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

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

25           COMMISSIONER HOLMES: We keep overlooking the

1                   6/1/11 Suffolk County Planning Commission

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

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

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

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

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

1                   6/1/11 Suffolk County Planning Commission

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

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

14                  COMMISSIONER SCHOOLMAN: There is another  
15    ball park area where there are a ton of ball parks.  
16    How is that doing?

17                  COMMISSIONER KELLY: Baseball Heaven, in  
18    Yaphank.

19                  COMMISSIONER McADAM: I make a motion to  
20    accept the adopt staff report.

21                  COMMISSIONER HOLMES: Second.

22                  THE CHAIRMAN: All in favor of adopting the  
23    staff report as written, please raise your hand. (Show  
24    of hands) Eight. I vote yes. Opposed. (Show of  
25    hands)

1 6/1/11 Suffolk County Planning Commission

2 COMMISSIONER WEIR: I'm going to abstain.

3 THE CHAIRMAN: Eight to four to one. Staff  
4 report is adopted. Comprehensive Plan. The staff  
5 worked hard on this. All we need to do is get a brief  
6 update from staff and we will vote to release. If it's  
7 acceptable to the Commission, release the draft. By  
8 releasing the draft we will allow other folks to start  
9 chiming in on this.

10 COMMISSIONER ESPOSITO: Is there a time line?

11 MR. GULIZIO: Publication of the draft Volume  
12 I is going through the printing process right now. We  
13 have prepared for you an executive summary report for  
14 distribution today. We will be meeting with you in  
15 subsequent months to discuss the ongoing effort to  
16 complete the plan update. If anybody has any  
17 questions, I'd be happy to address them.

18 THE CHAIRMAN: Staff took commissioners'  
19 comments, those were incorporated and they boiled it  
20 down to executive summary.

21 MR. FRELENG: Can we have the last no votes?

22 THE CHAIRMAN: Kelly, Gabrielsen,  
23 Chartrand, Finn and Ms. Weir abstains.

24 COMMISSIONER WEIR: Can I change my vote to  
25 no?

1                   6/1/11 Suffolk County Planning Commission

2                   THE CHAIRMAN: There is a process. Without  
3                   objection she can change her vote.

4                   MR. YOUNG: There are no objections.

5                   THE CHAIRMAN: Any objection to letting Ms.  
6                   Weir change her vote from an abstention? No. You may  
7                   cast your vote.

8                   COMMISSIONER WEIR: Thank you. No.

9                   THE CHAIRMAN: Eight to five on the last  
10                  vote.

11                  . Executive summary is in front of you. I  
12                  invite everyone to look at it and give comments back.  
13                  At this point, I recommend that the Commission  
14                  authorize staff to release it. I make a motion.

15                  COMMISSIONER ESPOSITO: Second.

16                  THE CHAIRMAN: All in favor, please raise  
17                  your hand. Thirteen. None opposed. Thank you for  
18                  setting a record with us today. Motion to adjourn by  
19                  everyone. Seconded by everyone and everyone is in  
20                  favor.

21                  (Time noted: 5:45 p.m.)

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CERTIFICATION

STATE OF NEW YORK)  
 )  
COUNTY OF SUFFOLK)

ss:

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

THAT this is a true and accurate record of  
the meeting held on June 1, 2011 by the Suffolk  
County Planning Commission, as reported by me and  
transcribed by me.

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

\_\_\_\_\_  
JUDI GALLOP

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