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4 **ECONOMIC DEVELOPMENT, PLANNING & HOUSING COMMITTEE**  
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6 **OF THE**  
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8 **SUFFOLK COUNTY LEGISLATURE**  
9  
10 **MINUTES**  
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13 A meeting of the Economic Development, Planning & Housing Committee  
14 of the Suffolk County Legislature was held in the Rose Y. Caracappa  
15 Legislative Auditorium of the William H. Rogers Legislature  
16 Building, 725 Veterans Memorial Highway, Smithtown, New York on  
17 June 16, 2021 via in person and Zoom conference.  
18

19  
20 **MEMBERS PRESENT:**

21 Leg. Kara Hahn, Chairperson  
22 Leg. Susan A. Berland, Vice Chair  
23 Leg. Samuel Gonzalez  
24 Leg. Kevin J. McCaffrey  
25 Leg. Robert Trotta  
26 Leg. Jason Richberg  
27 Leg. William Spencer  
28 Leg. James Mazzarella  
29

30  
31 **ALSO IN ATTENDANCE:**

32 Presiding Officer Robert Calarco, 7th Legislative District  
33 Legislator Anthony Piccirillo, 8th Legislative District  
34 Legislator Leslie Kennedy, 12th Legislative District  
35 Sarah E. Simpson, Counsel to the Legislature  
36 Dan Dubois, Chief Deputy Clerk/Legislature  
37 Elizabeth Stroehlein, Budget Review Office  
38 Lynne Bizzarro, Chief Deputy County Attorney  
39 Tim Rothang, Aide to Leg. Mazzarella  
40 Sarah Lansdale, Director of Planning  
41 Michael Kaufman, CEQ  
42 George Hoffman, President, Three Village Civic  
43 Phyllis Hart, Vice President/We Are Smithtown  
44 James Bouklas, We Are Smithtown  
45 Patty Stoddard, We Are Smithtown  
46 And all other interested parties  
47

48  
49 **MINUTES TAKEN BY:**

50 Diana Flesher, Court Stenographer  
51

52 **MINUTES TRANSCRIBED BY:**

53 Diana Flesher, Court Reporter  
54 Kim Castiglione, Legislative Secretary  
55  
56

**THE MEETING WAS CALLED TO ORDER AT 12:34 PM**

*(The following was taken and transcribed by Diana Flesher, Court Stenographer)*

**CHAIRPERSON HAHN:**

Welcome to the Legislature's Economic Development, Planning & Housing Committee. If we could all rise for a salute to the flag led by Legislator Trotta.

**SALUTATION**

Okay. So the Legislature is resuming in-person public attendance and in-person Public Portion comment at legislative committee meetings held at the William H. Rogers Legislature Building. Speakers will be limited to three minutes. In accordance with the County and State COVID-19 safety protocols, members of the public who wish to enter the building will undergo temperature checks. Visitors who are vaccinated against COVID-19 and who are willing to provide proof of vaccination, if requested, will not be required to wear a mask while inside the building. Those who are not vaccinated or who do not wish to disclose their vaccination status will be required to wear a mask at all times while inside the building. Inside the Rose Caracappa Auditorium, there will be designated seating areas for vaccinated and unvaccinated individuals.

Remote testimony options remain available. Those interested in addressing Legislators over Zoom may sign up at [www.scnylegislature.us/CommitteePublicPortion](http://www.scnylegislature.us/CommitteePublicPortion). Members of the public may also send written testimony by e-mail to [clerk.legislature@suffolkcountyny.gov](mailto:clerk.legislature@suffolkcountyny.gov) or by regular mail to the attention of the Clerk's Office at the Suffolk County Legislature, P.O. Box 6100, Hauppauge, New York 11788. Audio testimony will be accepted by voicemail at 631-853-3685. Callers may leave a three-minute message and submitted comments will be distributed to Legislators. Okay.

**PUBLIC PORTION**

So we'll begin public portion. Our first speaker, you'll have three minutes, George Hoffman, followed by Mike Kaufman.

**MR. HOFFMAN:**

Good afternoon, everyone. My name's George Hoffman and I'm the President of the Three Village Civic Association, which is one of the oldest civic associations in Suffolk County. And I'm here today to speak about the need to reform the Suffolk County Planning Commission so that it could do what it's supposed to do and be a regional planning entity.

As you may have heard, there was a recent hearing of the Planning Commission last month to review the Gyrodyne application that lasted over three hours and which the Commission could not come to any decision about whether or not to approve the development plan for Gyrodyne. What we as citizens learned is that the rules of the

1 Planning Commission are flawed and that literally the hands are  
2 tied of the members of the Commission to render a decision on the  
3 large development projects that have impacts that go beyond the  
4 borders of the referring town.

5  
6 We learned that the Town of Brookhaven directly adjacent to the  
7 proposed Gyrodyne mega-development did not have any rights to  
8 submit comments to the Planning Commission because the project is  
9 in the Town of Smithtown, even though it shares a corridor, Route  
10 25A, it shares a major harbor, Stony Brook Harbor, that is shared  
11 by both towns. The current rules of the Planning Commission  
12 actually tie of the hands the Commission when evaluating regional  
13 planning concerns like traffic, drinking water, surface waters. If  
14 that information isn't included in the referral from the  
15 originating town -- the Chairwoman of the Planning Commission  
16 actually stated on the record after more than an hour of testimony  
17 from the public and officials from Brookhaven and Head of the  
18 Harbor, that the Commission is not to take into consideration any  
19 testimony from the public. And that the public hearing was held  
20 only because State law requires it.

21  
22 Today's proposed amendment to the rules of the Suffolk County  
23 Planning Commission is a good first step by at least permitting  
24 adjacent towns and villages to submit comments on large  
25 developments that are in close proximity to their borders and would  
26 require a public hearing to review and evaluate the respective town  
27 and village concerns. Seems simple enough, but we're hearing that  
28 certain interests and groups are opposing of this common sense  
29 amendment siting home rule concerns.

30  
31 Now New York State, as we all know, is a home rule state, which  
32 means that the respective towns exercise local land use  
33 prerogatives, but there's nothing in this bill that impacts home  
34 rule nor curtails the final decision of the towns and villages on  
35 land use issues. It just permits adjacent towns and villages to  
36 submit comments for consideration. State law charges Suffolk  
37 County Planning Commission with the responsibility for regional  
38 planning to look at impacts such as traffic, community character,  
39 protection of water quality on large projects. The current rules  
40 of the Planning Commission are in conflict with State law and must  
41 be changed. Giving voice to the adjacent towns or villages is a  
42 first step. Thank you.

43  
44 **CHAIRPERSON HAHN:**

45 We have a question. Legislator Trotta had a question for you.

46  
47 **LEG. TROTTA:**

48 I'm not real up on this, but isn't there something in the law, I  
49 know when we built like the Costco Huntington was mad because we  
50 sent a letter and they didn't respond. There's some --

51  
52 **LEG. BERLAND:**

53 So mad at you; so mad.

54  
55 **LEG. TROTTA:**

56 (Laughter) It wasn't me. But there's some mechanism, I think, to

1 -- that the town next door has to -- isn't there something, Sue?

2  
3 **LEG. BERLAND:**

4 If I can, to the Chair? I don't believe there is, which is why we  
5 need this resolution. I think what ends up happening is the town  
6 that has the jurisdiction over the project makes all the decisions.  
7 And, you know, can it want to reach out to the neighboring  
8 towns, but doesn't have to. And can it want to accept the  
9 problems that the neighboring town has with it but doesn't have to.

10  
11 **LEG. TROTТА:**

12 Okay. Thank you, Sue.

13  
14 **MR. HOFFMAN:**

15 Good answer. Thank you.

16  
17 **LEG. BERLAND:**

18 Thank you, George.

19  
20 **CHAIRPERSON HAHN:**

21 Next speaker is Mike Kaufman followed by Patty Stoddard. I'm  
22 sorry, Legislator Piccirillo. I missed that. Was your question  
23 for the previous speaker?

24  
25 **LEG. PICCIRILLO:**

26 You know what, I'll wait until we debate the bill, Madam Chair. I  
27 don't want to monopolize the time.

28  
29 **CHAIRPERSON HAHN:**

30 Thank you.

31  
32 **MR. KAUFMAN:**

33 Okay. My name is Michael Kaufman. I'm a member of the Suffolk  
34 County Planning Commission for the last eight or nine years and  
35 I've been involved in some of the battles. Thank you very much for  
36 allowing me to testify.

37  
38 I'm not going to talk about the merits of the bill or anything like  
39 that at this point in time, but I am going to give you a little bit  
40 of history. First off, there is the GML at State law -- at State  
41 level, rather, of General Municipal Law, and it talks about  
42 referrals. And it has certain mechanisms in there to deal with  
43 State concerns and it also talks about regional authority that is  
44 conferred upon the Planning Commission.

45  
46 Through the years there's been issues that have come up. And the  
47 first one is how does a town or a village interpose objections to  
48 what is happening in an adjacent municipality. As was referred to  
49 a moment ago, a lot of this started with something back before my  
50 time in the mid-2000s or so between the Town of Huntington and the  
51 Town of Smithtown where there was a rezoning going on right on the  
52 border on Commack Road and the LIE. And it was in a nightmare  
53 location. A special provision was placed into the Administrative  
54 Code of the County of Suffolk, not the Planning Commission rules  
55 but the Administrative Code, and it talked about how to interpose  
56 objections between municipalities to ensure that there'd be a

1 public hearing and also that the formal issues of the adjoining  
2 municipality would be considered. So that was the first time it's  
3 happened.

4  
5 Second off, we had this happen with Heartland a couple of years  
6 ago. Babylon Town and Huntington Town were not enamored of some of  
7 the decisions that were being made by Islip Town, which were being  
8 done in isolation. And that kind of illustrates the problem. They  
9 were being done in isolation and both of those towns' traffic  
10 concerns were being ignored. The town of -- I believe it was  
11 Babylon, tried to interpose an objection. And it was only going to  
12 be covering stuff within 500 feet of its border. But the issue did  
13 come to a head. Unfortunately it was not properly brought -- the  
14 objection was not properly brought before the Planning Commission.  
15 You needed to have the town board make a resolution to object as  
16 opposed to just the Supervisor objecting. So that particular  
17 objection was not formally heard, but we did take cognizance of the  
18 issue.

19  
20 Now we've had Gyrodyne come up. I recused myself on the Gyrodyne  
21 situation, and so this has nothing to do with Gyrodyne, but this is  
22 the third time where a major project has come forth and has hit us  
23 at the Planning Commission relatively hard and there's been issues.  
24 The two issues were the public hearing, which there was no  
25 provision to allow the public to be heard. And, again, we had two  
26 towns butting heads and also everybody forgets Village of Head of  
27 the Harbor. Okay? That was the third municipality. And I  
28 represent that village on the Planning Commission.

29  
30 The problem is this is going to happen here and there again. And a  
31 bill to reconcile these issues and provide for some sort of  
32 mechanism is, in my opinion, necessary.

33  
34 **CHAIRPERSON HAHN:**

35 Mr. Kaufman, we have two Legislators who have questions:  
36 Legislator Berland and then Legislator Trotta.

37  
38 **LEG. BERLAND:**

39 I guess it's not really a question, but we'll try to frame it as  
40 one. The letter -- the letter that was received that you mentioned  
41 from Huntington from the Supervisor, just to set the record --

42  
43 **MR. KAUFMAN:**

44 I believe it was Babylon, but I won't swear to it.

45  
46 **LEG. BERLAND:**

47 No, there was a letter from the Huntington Supervisor, but it was  
48 sent on behalf of the town board but was rejected because it wasn't  
49 from the whole -- signed by the whole town board.

50  
51 **MR. KAUFMAN:**

52 Yes.

53  
54 **LEG. BERLAND:**

55 But it was sent on behalf of the town board, which is why, you  
56 know, I would think your supporting this resolution, you just said,

1 I would think that to prevent something like that from happening in  
2 the future, that this may be really good.

3  
4 **MR. KAUFMAN:**

5 It needs to be formalized. The procedure needs to be formalized  
6 and I've discussed that with Counsel to the Legislature and also  
7 with the D.P.O.

8  
9 **LEG. BERLAND:**

10 Right.

11  
12 **MR. KAUFMAN:**

13 Again, it needs to be specifically formalized as a vote. An  
14 objection has to be brought forth by the legislative body of the  
15 municipality objecting as long as it's within, you know, borders  
16 the adjoining town.

17  
18 **LEG. BERLAND:**

19 Well, as one of the town board members, I can tell you that the  
20 letter from the Supervisor was sent on all our behalves.

21  
22 **MR. KAUFMAN:**

23 Yes, I know.

24  
25 **LEG. BERLAND:**

26 So we were just shocked that it was rejected because it only had  
27 the signature of the Supervisor on it.

28  
29 **MR. KAUFMAN:**

30 Yes, we did know that problem.

31  
32 **LEG. BERLAND:**

33 Hopefully this will clearly alleviate that.

34  
35 **MR. KAUFMAN:**

36 And we did, for whatever it's worth, we did discuss it extensively.  
37 I was very concerned about the traffic situation. And we did  
38 discuss the issues. Despite the towns not having formal -- the  
39 Town of Huntington not having formal jurisdiction because of the  
40 way it came in, we did discuss it. We did consider the issue.

41  
42 **CHAIRPERSON HAHN:**

43 Thanks, Mike. Legislator Trotta.

44  
45 **LEG. TROTТА:**

46 What was the town -- the county code that was -- what were you  
47 referring to that the -- that was what I was referring to.

48  
49 **MR. KAUFMAN:**

50 Okay. The County has an Administrative Code. I believe it's in  
51 the -- well, it's A14-21 is the actual citation. There are 26  
52 rules covering planning within the Administrative Code. A-14,  
53 which is the main section, dash 21 talks about how to interpose  
54 zoning objections. That's the only place at a local level where a  
55 town or village can interpose a formal objection to an activity  
56 adjoining its municipal border, but it's only for zoning.

1  
2 **LEG. TROTТА:**

3 Only for a zone change.  
4

5 **MR. KAUFMAN:**

6 Only for a zoning change. For subdivision.  
7

8 **LEG. TROTТА:**

9 Gyrodyne does not have a zone change.  
10

11 **MR. KAUFMAN:**

12 Fundamentally, no, it does not. It has -- it does not have an  
13 actual zone change.  
14

15 **LEG. TROTТА:**

16 The next question is how does this relate to when Stony Brook  
17 University wants to build a ten-story dorm.  
18

19 **MR. KAUFMAN:**

20 Stony Brook University unfortunately from my perspective has  
21 independent SEQRA authority and independent planning authority  
22 under the State system. It is independent from the Town of  
23 Brookhaven and from the Town of Smithtown, which are the two  
24 main --  
25

26 **LEG. TROTТА:**

27 So when Stony Brook University built all these dorms and built all  
28 these things and all these people were driving through Smithtown,  
29 there was nothing the residents of Smithtown --  
30

31 **MR. KAUFMAN:**

32 Yeah, that's a flaw in the system and I fully acknowledge that.  
33 You know, maybe it would be a good thing at the State level to  
34 bring the University into the regional purview of the Planning  
35 Commission. Because right now they're an independent entity.  
36

37 **LEG. TROTТА:**

38 So there's nothing that can be done.  
39

40 **MR. KAUFMAN:**

41 There's nothing that can be done. Again, they do their own  
42 environmental review work, their own planning. And, for example,  
43 the several hundred acres that were taken by the State on behalf of  
44 the University from the Gyrodyne property, Gyrodyne right now  
45 consisting of about 74 acres from an original count of 200 plus,  
46 okay, right now there are heavy rumors that multiple buildings can  
47 be built along that particular -- or in that particular property.  
48

49 **LEG. TROTТА:**

50 They already have been built, a lot of them.  
51

52 **MR. KAUFMAN:**

53 Two built, possibly six more coming in. And that's a nightmare  
54 scenario.  
55  
56

1 **CHAIRPERSON HAHN:**

2 Three of them built.

3  
4 **MR. KAUFMAN:**

5 Three? Okay, I stand corrected. Thank you. So more coming. And  
6 there's another problem with that. They don't have an SGP over  
7 there. It's all, you know, discharged into the ground and --

8  
9 **LEG. TROTТА:**

10 Those new buildings are discharged into the ground?

11  
12 **MR. KAUFMAN:**

13 As far as I know they are not connected to the main University  
14 system, which is kind of interesting. They may need a separate SGP  
15 but that's a whole 'nother story. And I could show you the  
16 groundwater maps.

17  
18 **CHAIRPERSON HAHN:**

19 All right, Legislator Kennedy.

20  
21 **LEG. KENNEDY:**

22 Thank you, Legislator Hahn. I am not on this Committee and I came  
23 in at the end of the first speaker. So, I just want to clarify.  
24 Are we asking that the County take over what is mandated under  
25 State law, that towns and villages are in control of zoning and  
26 planning and opting a certain section to go to the County? Is that  
27 what we're asking?

28  
29 **MR. KAUFMAN:**

30 No.

31  
32 **LEG. KENNEDY:**

33 No.

34  
35 **MR. KAUFMAN:**

36 Fundamentally right now there's something called home rule in the  
37 State of New York for local municipalities. And as you know, I'm a  
38 very great advocate of that. However, I also sit on a county board  
39 so I have to take into account both sides. The way the system  
40 works right now is under State law, there are established regional  
41 county planning commissions. They are allowed to try and reconcile  
42 inter-municipal conflicts between municipalities and also try to  
43 look at larger projects in the context of the county that they are  
44 located in.

45  
46 Okay. The votes of the Planning Commission and the jurisdiction of  
47 the Planning Commission is, however, limited in one sense in that  
48 whatever decision the Planning Commission comes to, if the local  
49 municipality objects to it, it can overrule the Planning Commission  
50 by a supermajority; in other words, if it's five people on a board,  
51 you need four to overrule the Planning Commission. So that gives a  
52 modicum of support to regional planning, but at the same time it  
53 also provides for the preservation of home rule.

54  
55 Again, you've got a tension in there between the two. The bill as  
56 drafted from what I've seen of it, tries to preserve those two



1 concepts. And, again, you know, you're talking about trying to do  
2 rationale planning. Plans are relatively small. Smithtown's, I  
3 forget the square miles of it, I don't know, 30 square miles,  
4 somewhere in there. But we've got a County of over a thousand  
5 square miles. How do you reconcile the two? Well, the State law  
6 provides for that starting with the GML, okay, which specifically  
7 sets forth those jurisdictions but at the same time tries to  
8 preserve home rule. From what I understand, that's the way the  
9 bill is drafted right now.

10  
11 **CHAIRPERSON HAHN:**

12 All right.

13  
14 **MR. KAUFMAN:**

15 To try and preserve home rule and also provide for regional  
16 planning.

17  
18 **CHAIRPERSON HAHN:**

19 Thank you, Mike. Any other questions? Legislator Kennedy.

20  
21 **LEG. KENNEDY:**

22 I honestly don't know how I feel about that. It goes back to, I  
23 buy a piece of land, and I'm not talking about the Gyrodyne  
24 project, I'm not even getting involved in that. I buy a piece of  
25 land. I decide I want to build something on it. It's too close to  
26 the next town or too close to my neighbor. My neighbor objects and  
27 then it skips out of the towns, both towns and goes right to the  
28 county. I don't know if I'm for that.

29  
30 **MR. KAUFMAN:**

31 But there's also provision in there for it to come back to the  
32 towns and for the towns to retain ultimate jurisdiction. And  
33 remember one other thing, okay, home rule is limited in certain  
34 ways. For example, in this County, we have affordable housing  
35 criteria. Okay. That is -- that works into the -- or moves into  
36 the home rule's situation. You have the County Sewer Codes, for  
37 example. Those also take away a little bit from home rule. For  
38 example, when those sewer codes came in, okay, I'm talking about  
39 Article 6, when those codes came in it changed the zoning of the  
40 towns.

41  
42 **CHAIRPERSON HAHN:**

43 Mike, we have other speakers that are waiting.

44  
45 **MR. KAUFMAN:**

46 Just answering a question.

47  
48 **CHAIRPERSON HAHN:**

49 I know, but we're kind of going off the field here.

50  
51 **MR. KAUFMAN:**

52 Okay. If there's no other questions, I'll put my mask back on so I  
53 won't scare anybody.

54  
55 **CHAIRPERSON HAHN:**

56 Thank you.

1  
2 **MR. KAUFMAN:**

3 Thank you.  
4

5 **CHAIRPERSON HAHN:**

6 Next speaker was Patty Stoddard followed by James Bouklas.  
7

8 **MS. STODDARD:**

9 Good afternoon. My name is Patty Stoddard. I'm a resident of  
10 Nesconset and Vice President of the Civic Association We Are  
11 Smithtown. After the fiasco that was last month's so-called public  
12 hearing on the Gyrodyne project, it's obvious to anyone paying  
13 attention that the Suffolk County Planning Commission is in  
14 desperate need of reform. We appreciate that the Legislator is  
15 going to consider reforms to the Planning Commission and the bill  
16 before your Committee is a good starting point for those  
17 discussions. It is our hope that the bill goes through the  
18 committee process and then consultation with civic groups and  
19 environmental advocates becomes a bill that would prevent another  
20 debacle like what we saw with Gyrodyne.  
21

22 Last month's hearing started off with the Chairperson announcing  
23 that people were allowed to speak only to be in compliance with the  
24 open meeting laws, but that none of their comments were to be  
25 considered by the Commission. Citizens were told that the only  
26 information that would be considered by the Commission was the  
27 opinion of the Smithtown Town government, even though Gyrodyne's  
28 plan would have an impact on multiple towns, villages and people.  
29 Citizens were told the Commissioners were merely volunteers; they  
30 didn't want the hearing to take too much time out of their day and  
31 could affected residents move it along quickly.  
32

33 Elected officials and civic leaders spoke as strong advocates for  
34 the residents against a project that will destroy our drinking  
35 water, pollute our harbor, bring crippling traffic to 25A and our  
36 neighborhoods and will radically change our communities for the  
37 worse. But these words fell literally on deaf ears. It gets  
38 worse. Member of our coalition FOILED mail receipts of notices  
39 that should have been sent to affected residents by the  
40 Commissioner's own rules. And it turns out there were no such  
41 records.  
42

43 *(The following was taken by Diana Flesher, Court Stenographer and*  
44 *transcribed by Kim Castiglione, Legislative Secretary)*  
45

46 That's probably because those notices were never sent. And what is  
47 the Planning Commission going to do about it? If their recent  
48 actions are any indication, absolutely nothing. What can we expect  
49 from bad process other than bad results, and that's exactly what  
50 this Commission produced, a project that should have been denied  
51 unanimously under the Commission's own mandate was instead allowed  
52 to move forward.  
53

54 The Planning Commission operates by virtue of State law. They must  
55 consider several factors, including traffic, water and specifically  
56 the protection of community character and density. Even one of

1 those factors weighs against a project, their discharge is that  
2 they must deny it. On this task, Gyrodyne gets an F, and this is  
3 coming from a former teacher. It isn't even close. It fails each  
4 factor miserably, yet somehow it passed the Commission with flying  
5 colors. Something's wrong.

6  
7 I remember a time when 347 was truly a bypass and not a parking  
8 lot. I remember when a trip to get milk didn't result in bumper to  
9 bumper traffic, and I remember when Stony Brook Harbor was fit to  
10 swim in. Nowadays I don't even recognize where I grew up. I  
11 challenge you to name a worse planned place in Suffolk County.

12  
13 I want to thank the Legislator for their interest in strong reform  
14 and we look forward to a robust process that produces a bill that  
15 achieves just that. Thank you.

16  
17 **CHAIRPERSON HAHN:**

18 Thank you. Next speaker is James Bouklas, followed by Phyllis  
19 Hart.

20  
21 **MR. BOUKLAS:**

22 Good afternoon. My name is James Bouklas. I'm a resident of  
23 Smithtown and President of the Civic Association We Are Smithtown.  
24 I'm here today to thank the Legislature for considering reforms to  
25 the Planning Commission. Planning in Suffolk County is broken. We  
26 have a Planning Commission that is comprised primarily of  
27 developers, their associates and those friendly to development. We  
28 need more commissioners like Adrienne Esposito of the Citizens  
29 Campaign for the Environment, and fewer leasing agents for  
30 commercial real estate companies. We need a Commission that by law  
31 is filled with we the people, and developers or their buddies,  
32 interested only in a precedent of more building. That means a  
33 process where town officials, residents -- *(audio interruption)*.  
34 I'm sorry?

35  
36 That means a process where town officials, residents, civic  
37 leaders, environmental groups and others are brought to the table  
38 with developers to make sure the proposals are vetted through a  
39 citizens advisory board, and that means real public hearings that  
40 have real impacts on projects, and not kangaroo courts where the  
41 fix is in before the hearing even starts.

42  
43 For the Gyrodyne project, the staff report was issued days before  
44 the vote, and there was no mechanism for the public to have  
45 meaningful input. The report made bad assumptions, failed to  
46 consider important impacts and came to the wrong conclusion, but  
47 there was nothing any of us could do about it.

48  
49 And then there's the issue of making sure the Commission complies  
50 with State law, which in my opinion it does not. General Municipal  
51 Law Section 239L, requires the Commission evaluate projects against  
52 a set of criteria, and if the assessment weighs against even one of  
53 those criteria the project should be denied. And yet the  
54 Commission restricts itself to a set of facts cherry-picked by the  
55 referring agency, in Gyrodyne's case, Smithtown. This Commission  
56 must -- the Suffolk County Planning Commission must undertake the

1 rigorous analysis and yet is willfully blind to facts that the  
2 referring town does not want to provide.

3  
4 More troubling, General Municipal Law Section 239NN allows adjacent  
5 municipals to quote appear and be heard for special use permits,  
6 variances, site plan reviews and subdivisions, and yet the Planning  
7 Commission guidelines Rule 3.6 only permit those adjoining towns  
8 and villages to interpose objections regarding zoning ordinances  
9 without mention of subdivision or other applications. In this case  
10 Brookhaven and the Head of the Harbor never got their chance to be  
11 heard in violation of State law, because this application was for a  
12 subdivision and not a zoning ordinance. Even if their objection  
13 was noted, the rules would not evaluate the merits of that  
14 objection.

15  
16 Again, the only information considered is from the referring agency  
17 according to these broken rules. We have a chance to fix the  
18 Commission and due claiming right. Thank you for undertaking this  
19 important work of reform. We hope the current bill is sent to  
20 committee where it can address all of these issues and more for the  
21 sake of our County's future. Thank you.

22  
23 **CHAIRPERSON HAHN:**

24 Thank you. I know Legislator Trotta had a question.

25  
26 **LEG. TROTTA:**

27 Did you know that Adrienne Esposito advocated for taking \$250  
28 million from our Clean Water Fund?

29  
30 **MR. BOUKLAS:**

31 I'm not going to answer that, but I appreciate her advocacy on  
32 behalf of the environment. And I will note that having developers,  
33 their associates and people who, you know, work for development  
34 companies on the Planning Commission, I see that as an actual  
35 conflict of interest.

36  
37 **LEG. TROTTA:**

38 So do I.

39  
40 **MR. BOUKLAS:**

41 Thank you.

42  
43 **CHAIRPERSON HAHN:**

44 Thank you. Any other questions? Okay. I don't have any other  
45 speakers listed. Oh, I'm sorry, I already moved on. Phyllis, I'm  
46 sorry. Phyllis Hart. I did call you earlier --

47  
48 **MS. HART:**

49 That's okay.

50  
51 **CHAIRPERSON HAHN:**

52 -- and I turned over the card when I said your name so, thank you.

53  
54 **MS. HART:**

55 That's okay. Good afternoon. My name is Phyllis Hart. I'm a  
56 resident of Nesconset and Vice President of the Civic Association

1 We Are Smithtown. I want to talk today about the proposed  
2 legislation to reform the Suffolk County Planning Commission. I  
3 see this as a beginning of a very important process, the result of  
4 which should be strongly formed, that should require the Commission  
5 to consider the public's input on applications, including adjacent  
6 towns and villages, and make sure that the board isn't stacked with  
7 developers and their business associates.

8  
9 It is my hope that the Legislature table this amendment, take it  
10 back to committee, and use it as a starting point for reform. You  
11 are probably going to hear from developer groups and their lawyers  
12 and their lobbyists that any reforms to the Planning Commission  
13 will encroach upon the so-called home rules. Well, guess what?  
14 Nobody lives in a vacuum here on Long Island or in Suffolk County.  
15 What our neighbors do affect all of us. This is especially true  
16 for Gyrodyne. If we turn Stony Brook Harbor into a toilet bowl for  
17 a mega development, it is only -- it is not only Smithtown  
18 residents who are affected. Remember, here on Long Island we  
19 actually stand on the water we drink. If we are going to add a  
20 project the scope of Smith Haven Mall on 25A, only a couple of  
21 hundred feet away from Brookhaven, is it so naive to assume that  
22 only Smithtown will have to deal with the traffic congestion,  
23 density, road maintenance, fire department services, public safety  
24 issues and police impacts.

25  
26 As Legislator Hahn said in her remarks at the public session of the  
27 Gyrodyne application before the Planning Commission, Long Island  
28 suffers from the decades, long aftereffects of poor planning over  
29 the last 50 years. Before we suffer another 50 years of poor  
30 planning this Legislature can and should do something about it.  
31 The decisions that Smithtown makes affect more than just the  
32 geographic borders.

33  
34 Real people don't care about borders. When you go shopping in the  
35 Smith Haven Mall and you walk from Cinnabon to the Apple Store,  
36 does anybody stop to think am I in Smithtown or am I in Brookhaven?  
37 When you live in Nesconset and you shop at Whole Foods, does  
38 anybody wonder whether they are crossed over into Brookhaven? And  
39 when you sit in traffic, missing light after light on 347 on your  
40 way home from Target to St. James, do you really think what town  
41 you're in?

42  
43 The Gyrodyne debacle exposed the need for an overhaul of how we  
44 plan in Suffolk County. This is our chance to reform the process  
45 so that we stop the cycle of poor planning that has doomed the  
46 communities to gridlock, traffic and high taxes, and finally, to  
47 put Suffolk on a sustainable path. Thank you.

48  
49 **CHAIRPERSON HAHN:**

50 Thank you. Okay, I don't see any other speakers. Was there anyone  
51 in the audience who would like to speak who hasn't spoken already?  
52 Seeing none, we will close the Public Portion and we move on to  
53 Tabled Resolutions.

54  
55 **TABLED RESOLUTIONS**  
56

1 Introductory Resolution 1360, A Local Law authorizing the  
2 dissolution of the Local Development Corporation known as the  
3 Recreation and Economic Development Corporation of Suffolk County.  
4 (Co. Exec.).

5  
6 **LEG. BERLAND:**  
7 Motion to approve.

8  
9 **CHAIRPERSON HAHN:**  
10 Motion to approve by Legislator Berland.

11  
12 **LEG. McCAFFREY:**  
13 Second.

14  
15 **CHAIRPERSON HAHN:**  
16 Second by Legislator McCaffrey. Do we have anyone here from the  
17 County Executive's Office on this? Lynne, is that you?

18  
19 **MS. BIZZARRO:**  
20 Sorry.

21  
22 **LEG. BERLAND:**  
23 Madam Chair --

24  
25 **CHAIRPERSON HAHN:**  
26 Sure.

27  
28 **LEG. BERLAND:**  
29 -- do you want me to just say this is the Suffolk County Marathon  
30 that raises money for veterans was run through that corporation and  
31 they want to dissolve that and run it internally. So that's all  
32 this really is.

33  
34 **CHAIRPERSON HAHN:**  
35 So all that the Recreation and Economic Development Corporation of  
36 Suffolk County did was run the marathon?

37  
38 **LEG. BERLAND:**  
39 Correct.

40  
41 **CHAIRPERSON HAHN:**  
42 Okay.

43  
44 **LEG. BERLAND:**  
45 Now it won't and we'll do it internally, so.

46  
47 **CHAIRPERSON HAHN:**  
48 Thank you.

49  
50 **LEG. BERLAND:**  
51 You're welcome.

52  
53 **CHAIRPERSON HAHN:**  
54 We have a motion and a second. All those in favor? Opposed?  
55 Abstentions?

1 **MR. DUBOIS:**

2 Nine. (VOTE: 9-0-0-0/PO CALARCO INCLUDED IN VOTE)

3  
4 **CHAIRPERSON HAHN:**

5 1360 is approved.

6  
7 **INTRODUCTORY RESOLUTIONS**

8  
9 Introductory Resolution 1478, A Local Law to allow regional input  
10 of planning commission referrals and meetings. (Hahn). This needs  
11 to be tabled for public hearing so I will make a motion to table.

12  
13 **LEG. RICHBERG:**

14 Second.

15  
16 **CHAIRPERSON HAHN:**

17 Second by Legislator Richberg. All those in favor? Opposed?  
18 Abstentions?

19  
20 **MR. DUBOIS:**

21 Nine. (VOTE: 9-0-0-0/PO CALARCO INCLUDED IN VOTE)

22  
23 **CHAIRPERSON HAHN:**

24 1478 is tabled for public hearing, which will be held at the  
25 General Meeting. With no further business before the committee --  
26 unless, I'm sorry.

27  
28 **LEG. PICCIRILLO:**

29 I have a question.

30  
31 **CHAIRPERSON HAHN:**

32 Oh, I'm sorry. Legislator Piccirillo.

33  
34 **LEG. PICCIRILLO:**

35 Thank you, Madam Chair. I don't know if this is to Counsel or  
36 maybe Legislator Berland can help me since she was a town board  
37 member. Why can't we have public comment at the planning -- why  
38 can't the Planning Board accept public comment? The Planning  
39 Commission.

40  
41 **MS. SIMPSON:**

42 So the Planning Commission, and I've discussed this issue  
43 extensively with the Director of Planning as well as the attorney  
44 that represents the Planning Commission, and the waiver -- the  
45 State rules, the State General Municipal Law sections governing the  
46 section have been interpreted by all Planning Commissions  
47 throughout the State really, is such that public comment in a  
48 public portion format is not what's to be considered. You're  
49 supposed to only consider what's part of the application that is  
50 before you.

51  
52 That said, when you create a public hearing, the testimony that  
53 goes into the public hearing becomes part of the application, and  
54 that's why this resolution specifically is designed to create more  
55 opportunities to create public hearings so that public speakers who  
56 come and speak before the Commission at those hearings have their

1 testimony included as part of the application.  
2

3 **LEG. PICCIRILLO:**

4 Thanks, Sarah. I appreciate the conversation that we had leading  
5 up to this resolution. I'm interested to see the debate on it  
6 because there's a serious problem that even Legislators can't offer  
7 public comment on proposed development within their district. I  
8 had a situation, I'm not going to say what it was about, but I  
9 couldn't even offer a public comment. I didn't even know it was on  
10 the agenda. Nobody even reaches out to the elected officials.  
11 This is a serious problem. We appoint these people. These are  
12 political appointees to this Planning Commission. I mean, it's  
13 just ridiculous the way the State ties our hands on every single  
14 turn that we want to make as elected officials. We need local  
15 control here. It's a sham is what it is. This is taxpayer money  
16 that's going to be used and their local representatives have zero  
17 say? This is bizarre world. I'm going to look further for the  
18 debate of this bill, but something's got to give. I appreciate the  
19 sponsor for her efforts. Thank you, Madam Chair.  
20

21 **CHAIRPERSON HAHN:**

22 Thank you, Legislator Piccirillo. Was there anyone else who had  
23 any business to bring before the committee before we adjourn?  
24 Seeing none, we are adjourned. Thank you.  
25

26 **THE MEETING CONCLUDED AT 1:08 PM**  
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