

APPENDIX E

TRANSCRIPT OF PUBLIC HEARING

Brookhaven Town Board

May 10, 2011

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T O W N O F B R O O K H A V E N
T O W N B O A R D

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PUBLIC HEARINGS

RE: #9. To consider the acceptance of
the Draft Generic Environmental Impact
Statement (DGEIS) for **The Meadows at
Yaphank**, LLC (A/K/A AVR Realty)
#10. To consider an application for
The Meadows at Yaphank, LLC (A/K/A AVR
Realty) for a change of zone from J
Business 2 and L Industrial 1 to a
Planned Development District (PDD) on
property located in Yaphank.

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Brookhaven Town Hall
Auditorium, 2nd Floor
One Independence Hill
Farmingville, NY

May 10, 2011
8:11 p.m.

B E F O R E :

MARK LESKO,
Supervisor

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P R O C E E D I N G S

SUPERVISOR LESKO: We're going to open up cases 9 and 10 together, so why don't we introduce hearings 9 and 10.

CLERK EDDINGTON: Public hearing No. 9 is to solicit public and agency comments on the Draft Generic Environmental Impact Statement with regard to the changes on the application known as The Meadows at Yaphank for property located in Yaphank, New York.

Present zoning is J-2 Business and L-1 Industrial. Proposed zoning is planned development, district mixed use.

The property is located on the north side of the Long Island Expressway, North Service Road, west of William Floyd Parkway. Council District No. 4, Council Member Constance Kepert.

The public notice for this DGEIS hearing was published in official Town newspaper no less than 14 days and no more than 20, prior to this public hearing. We've received the signed affidavit of publication.

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SUPERVISOR LESKO: Okay. Do we have to do 10.

CLERK EDDINGTON: Public hearing No. 10, is for an application known as The Meadows at Yaphank for property located in Yaphank, New York.

Present zoning is J-2 Business and L-1 Industrial. Proposed zoning is for a planned development, district mixed use.

Property is located on the north side of the Long Island Expressway, North Service Road, west of William Floyd Parkway. Council District No. 4.

The applicant was required to post the property as well as notify all property owners within a 500-foot radius of subject property by certified mail.

And if the applicant's attorney can please submit the affidavit of posting and the affidavit of mailing.

And this change of zone was published in an official Town newspaper no less than 10 days and no more than 20 days prior to this public hearing. And we've received the signed

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affidavit of publication.

The Town Board adopted a SEQRA Positive Declaration on July 20th, 2010, requiring the preparation of a Draft Generic Environmental Impact Statement.

SUPERVISOR LESKO: Okay.

Anything else other than for introducing? Okay.

Why don't we jump right into it.

Tullio, why don't you take the lead.

COMMISSIONER BERTOLI: Sure.

SUPERVISOR LESKO: -- and refer to any other members of your staff and then we'll hear from the applicant and then we'll have members of the public speak.

COMMISSIONER BERTOLI: I have a few opening comments and Jeff Kassner will discuss the SEQRA actions and Pete Fountaine is our Senior Environmental Analyst on the project.

Tonight before you -- for your thoughtful consideration is The Meadows at Yaphank. I want to talk a little bit briefly about the process.

First of all, the project is a

2 322-acre mixed-use sustainable project that
3 emphasizes traditional neighborhood design, LEED
4 criteria, complete streets, form-based
5 architectural code and much more.

6 The AVR applicant has been working
7 with Planning over the last 18 months. And they've
8 been very cooperative in any aspect of the project
9 when we asked for certain modifications or
10 expressed concerns or ideas, the matter was
11 generally resolved to everyone's satisfaction.

12 At the beginning of the process
13 though, Connie Kepert and I had several elements
14 that we were insistent upon.

15 First, we wanted it to really be a
16 true mixed-use community. We did not want it to be
17 just another residential project. And to that
18 extent, you will see, as the applicant presents the
19 project that there's a balance between the
20 residential, commercial and the more important
21 office flex space component, that is seen as a
22 connection to Brookhaven National Labs.

23 Secondly, we wanted to concentrate
24 development in undisturbed -- in the disturbed
25 area, I'm sorry, onsite and preserve the balance

2 which would meet the 35 percent requirement of the
3 Pine Barrens Commission.

4 The property is in our "Blight to
5 Light Initiative," although the application is
6 under our PDD Code.

7 And, additionally, the
8 relationship to the Carmans River Plan, will be
9 addressed during this process as well.

10 Third, and, I think, that this is
11 something that Connie and I were insistent upon, we
12 do not want another mega project like Heartland
13 Lighthouse for Legacy Village. As a matter of
14 fact, Heartland is four times the amount of
15 retail/office and ten times the amount of
16 residential units.

17 We felt, Connie and I both felt,
18 that the project needed to grow in a much more
19 modest manner and grow from the context of the
20 sites and the constraints, especially the
21 connection to the Brookhaven National Labs.

22 And, lastly, we wanted an
23 extensive community outreach process, AVR has been
24 terrific with that. They've been out many, many
25 times to all the local civics, garnering their

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input and shaping it as part of this process.

So tonight is the end of one process, the beginning of another. And at this time, I'd like to have Jeff explain, once again, the SEQRA actions before you and then Pete Fountaine will address any questions that you may have.

MR. KASNER: Thank you, Commissioner.

As was noted previously, this is a joint hearing on the change of zone and also to receive comments on the Draft Generic Environmental Impact Statement.

The Draft Environmental Impact Statement was accepted by the Town Board in April of this year and has been posted on the Town website, for which it can be inspected by anyone of interest.

Following the closing of -- or the end of any public comments tonight, we would ask that the -- the comment period on the DGEIS, in terms of all comments, be closed and that there be a written comment period be extended for a number of days following tonight's hearing.

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What we will then do is to look at all the comments that we've received and those that are deemed substantive, we will put together and respond to in a Final General Environmental Impact Statement.

After we've completed that, then the -- we will prepare a Findings Statement, which will be the basis for the Town's decision as to whether or not to approve or deny this particular request.

Thank you.

SUPERVISOR LESKO: Okay. Pete, do you have anything to add?

(No response.)

SUPERVISOR LESKO: Do you have anything to add?

MR. FOUNTAINE: No, sir.

COUNCILWOMAN KEPERT: I was going to ask Pete a couple of questions. All right?

SUPERVISOR LESKO: Okay, sure.

COUNCILWOMAN KEPERT: Pete, this particular area had been the subject of -- of several other developments. It was a racetrack at one time, Parr Meadows and then it was cleared as

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part of the Brookhaven Town Center, application from Wilbur Breslin.

So my first question is, how much of the area has already been cleared and how much, what percentage of the parcel will be cleared to accommodate this proposal?

MR. FOUNTAINE: As a result of the previous development, the -- as the result of the previous development, the parcel was cleared significantly on the western side, as you said, for the Suffolk Downs Racetrack and on the eastern side for the Brookhaven Walk Mall Project that had not been completed.

The property has gone into natural revegetation but the clearing that is proposed for the project would be approximately 36 percent natural vegetation retained. So they'd be approximately 64 percent cleared.

COUNCILWOMAN KEPERT: Okay, so 64 percent cleared and that 64 percent that is cleared is currently cleared?

MR. FOUNTAINE: That is -- has been cleared for prior projects.

COUNCILWOMAN KEPERT: Has been

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cleared for prior projects. Okay.

And my next question involves the Durad's Sewage Treatment Plant. Right now the developed housing just to the north of the site is Whispering Pines. They currently -- their sewage is treated by the Durad Sewage Treatment Plant and what this proposal is doing is -- they will enhance that plant. So can you talk a little bit about that?

MR. FOUNTAINE: The Durad Sewage Treatment Plant was originally constructed for use with the Whispering Pines --

COUNCILWOMAN KEPERT: Right.

MR. FOUNTAINE: -- Colonial Hills development and, also, the racetrack and the Brookhaven Walk proposal.

It currently only treats 140,000 gallons per day which is the Colonial Hills Whispering Pines and the Sewer District No. 8. The project proposes to upgrade the plant in two stages. First to allow for the first stages of the proposed project, as well as Sewer District 8 and the other condo complex is to be treated.

Once it reaches over 225,000

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2 gallons per day, then they're going to a second
3 stage of -- of refurbishing the plant and expanding
4 it. An engineering report is being prepared right
5 now.

6 COUNCILWOMAN KEPERT: And what
7 is the gallons per day that is estimated for the
8 build out of this project?

9 MR. FOUNTAINE: For the build out
10 of the two parcels it's estimated about 275,000
11 gallons per day.

12 COUNCILWOMAN KEPERT: 275,000.
13 And is the Durad Sewage Treatment
14 Plant out of the Carmans River contributing area or
15 does it lie within the contributing area?

16 MR. FOUNTAINE: It is within the
17 25 to 50 year --

18 COUNCILWOMAN KEPERT: Twenty-five
19 to 50 year?

20 MR. FOUNTAINE: Yes.

21 COUNCILWOMAN KEPERT: And what
22 will the -- the nitrogen loading be of that plant
23 once it is upgraded?

24 MR. FOUNTAINE: The upgraded
25 plant is proposed to have a nitrogen loading of 8

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milligrams per liter.

COUNCILWOMAN KEPERT: Eight
milligrams per liter. Okay.

I read it's going to comply with
the Pine Barrens requirement of 2.5 parts per
million?

MR. FOUNTAINE: The recharge
onsite is modeled to comply with the Pine Barrens.

COUNCILWOMAN KEPERT: Okay. Very
good.

And some of the -- I don't know if
anybody can speak to some of the amenities that are
being proposed here. The -- I have read that it's
going to be energy efficient. It's going to
achieve LEED standards. Is that in all the
commercial and office proposed?

A VOICE: Well, it may be
that the applicant will speak to those components.

COUNCILWOMAN KEPERT: Okay. Okay.
Thanks.

SUPERVISOR LESKO: Okay. Why
don't we do this, why don't we give the applicant a
chance to come forward and comment on the project
and then we have quite a few cards, so I'd like to

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get fairly quickly to public comment on this project.

I think you're going to swear in -- well, I'll let Mr. Sloane tell us who gets sworn in and who doesn't. I think you're swearing in at least two, possibly three.

Mr. Sloane, do you want to ask the non-lawyers to raise their right hand.

(DAN SIMONE, was duly sworn.)

CLERK EDDINGTON: Okay, before you speak, please state your name and where you're from into the microphone. And if you want to leave any paraphernalia here with us, please leave it.

(DAVID SLOANE and JEFF KRASNER, testified as follows.)

MR. SLOANE: Thank you.

Mr. Supervisor and members of the board, David Sloane, Certilman Balin, attorney for the applicant.

The -- I just want to respond to one of the questions Connie had.

CLERK EDDINGTON: Excuse me, Mr.

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Sloane, could you lift the microphone up closer to your mouth.

MR. SLOANE: I'm sorry.

CLERK EDDINGTON: Thank you.

MR. SLOANE: I just wanted to respond to one of the questions Connie had as far as the natural -- it's 126 acres will remain natural.

COUNCILWOMAN KEPERT: 102.6?

MR. SLOANE: 126 acres, 126 acres.

COUNCILWOMAN KEPERT: 126 acres.

Okay.

Thanks.

MR. SLOANE: The -- as staff as indicated, this is a 322-acre parcel located at the northwest corner of the Expressway and William Floyd. 150 is zoned J-2. That's the Brookhaven Walk parcel.

At the present time, we have an approved signed off site plan to build an 850,000 square foot retail project. 172 acres of this property is zoned L-1 Industrial.

A yield map has been done which

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indicates we could build industrial/office for 1,180,000 square feet. This is a total combination of retail and industrial, of 2,030,000 square feet.

And, I think, in making the consideration you have to start there as your base. What we're proposing, which is a mixed use, you have a hotel of 150,000 square feet, a restaurant of 5,000 square feet, retail of 327,500 square feet, Class A office 250,000 square feet and industrial flex space of 300,000 square feet. This totals 1,032,000 square feet, which is 1,000,000 square feet less than is allowed as of right at the present time.

In addition, there's a residential component of 850 units, including 303 age-restricted units, 85 workforce units, 144 are rentals and, as I indicated, I think, you have to do an analysis, which we have done, as a comparison of what is allowed now and what is being proposed.

I will leave the sanitary comparison to our experts. The -- I would point out, however, that the traffic -- as far as the trips, as far as the traffic is concerned, it's 40 percent less, approximately, with what's being

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proposed here than what -- with what the traffic would be if it's developed as of right.

Now economics today, obviously, is an extremely important aspect of any application which comes before this board.

The real property taxes in connection with this proposed project, when it's completed, would be \$9.6 million a year. The real property of which \$6.4 million would go to the Longwood School District.

This would result in a positive cash flow to the school district of over \$4 million a year.

The tax in connection with the development, as of right, under the existing zoning now, would be \$3 million less.

The cost of construction for this proposed, is estimated at \$233 million, of which \$136 million is labor costs.

Once completed, it will generate over 2,600 full-time jobs at a -- which would generate \$111 million a year.

The mortgage tax, as you know, is down substantially, would be in excess of \$800,000,

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once it's completed, of which \$384,000 would go to the Town.

At this time, I'd like to call on Dan Simone, the engineer on the project, to go over these.

MR. SIMONE: Good evening, Supervisor Lesko and members of the Town Board.

My name is Dan Simone. I'm Director of Planning and Engineering with AVR Realty Company.

I came down to Brookhaven about 18 months ago to meet with your Planning staff to discuss this project and elements which would revitalize this site and one thing that we both agreed on was, anything to replace what was originally approved on this site -- or what's currently permitted on this site, would have to be something that would be sustainable from the standpoint of economics, from the standpoint of jobs, from the standpoint of schools, taxes and environmental conditions.

The site itself is 322 acres, which you've heard. 172 acres of that is the L-1 parcel, which is located to the west here. And 150

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acres of that is the J-2 parcel located on William Floyd Parkway. That is -- the parcel along William Floyd is currently approved for 850,000 square feet retail, the Brookhaven Walk Project. And the L-1 would permit approximately 1.2 million square feet of industrial space.

As was discussed, Congresswoman Kepert -- Councilwoman Kepert, I'm sorry -- I didn't mean to give you a promotion there.

The existing cleared area is approximately 190 acres on the subject property. We are permitted up to about 209 acres of total clearing to keep it within the 35 percent preserve area. A majority of this property has already been disturbed and we are keeping our footprint within that area of disturbance for the proposed project.

Now our vision for the project is one which was very consistent with the vision of your Planning staff. One of the issues that we kind of followed from the perspective of this project was to follow the Smart Growth principles in laying out and proposing the project.

Those being, mixing land uses, compact buildings and neighborhood design, creating

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a range of housing opportunities, create walkable neighborhoods, foster distinctive and attractive communities with a strong sense of place, preserving open space, natural beauty and critical environmental areas, strengthen and direct development towards existing communities and provide a variety of transportation choices.

The project itself here, as Tullio had mentioned, will be based on a master plan designed under the guidelines of the PDD. This master plan here will generate a set of implementing guidelines that will guide development to the project site so that the project is developed as a cohesive community, doesn't look like it's been put together piecemeal, but will have a common vision through development of the project area.

One of the main elements that we tried to achieve in the design of the project is to create a Main Street feel for the entrance along the boulevard from William Floyd Parkway all the way through the project to its terminus in the back of the L-1 parcel here.

This main boulevard here will

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2 create -- will have areas of neighborhood retail
3 and higher density residential areas, which will
4 transition into lower density residential areas and
5 office/flex space at the rear.

6 Some of the common elements which
7 are part of the master plan include, as you see
8 here, areas of neighborhood retail which will
9 congregate along the boulevard area.

10 Some more national retailers
11 associated with the rear of the project here.

12 Hotels, office, industrial on the
13 rear portion.

14 Walking trails which traverse the
15 open -- natural open spaces and connect to the
16 Town's greenway trail along the western portion of
17 the project.

18 Public parks located at this
19 location here and ballfields located at this
20 location here.

21 And interior common courtyards and
22 open space and pocket parks that will create little
23 niche parks within the community so that residents
24 don't have to go to far just to get out on a piece
25 of grass and enjoy, you know, a picnic or throwing

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the ball with the kids.

The diversity of housing proposed for The Meadows is -- a range of housing from condominiums to apartments to townhouses. Generally, most of the units are reserved for one and two bedroom, which was a way for us to keep the tax positive aspect of the residential proposal and also provide a diversity of housing options for young as well as old within the project in total.

As part of the master plan, guidelines will be created ultimately, which will outline development of the project. You see here, this is an excerpt plan from the draft guidelines that have been prepared. This lays out in block format the permitted use areas, which will also have associated permitted height and other restrictions that will allow this to develop under kind of a Town -- Town comprehensive type planning aspect.

The retail shown here, the neighborhood retail shown along the boulevard, the office -- office/industrial, and the residential portions with the different -- the varying degrees of color there associate different

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building heights and different density restrictions in order to make it emanate into a very loose density in the yellow, which will kind of transition into the existing townhouse communities to the north.

In general, The Meadows at Yaphank is -- is a sustainable community. It's a place where they'll be a lot of housing options, a place to live, a place to work with different education-based options for corporate, industrial, and, also, a place to play with open spaces and community parks and neighborhood retail, restaurants, areas where people can congregate and walk out their door.

As in a total the, you know, the community will provide a place for most of daily life's activities without venturing out onto the highways and beyond.

And the computer wants to do what the computer wants to do -- so.

Thank you.

MR. SLOANE: Chip.

MR. VOORHIS: Yes, good evening.

I'm not going to repeat what has been said thus

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far, but there are a couple of important points that I would like to make.

For the record, my name is Charles Voorhis of Nelson, Pope and Voorhis. We are the environmental planning consultants on the project.

I have been involved with this site over a very long period of time that predates this project and, as a matter of fact, I prepared the Draft Environmental Impact Statement for the previously approved Brookhaven Walk Project, that David mentioned, that did receive Pine Barrens approval for a development of regional significance.

So I'm very familiar with the site and the area. I'm very familiar with the regulations that pertain to the site.

And I'll just address briefly, the existing allowable use and the change of zone to PDD. A little bit about SEQRA and the analyses that have been completed, touch on the Pine Barrens Conformance Analysis, the Carman's River, which is in everyone's mind with the completion of the Carmans River Protection Plan recently and then just overview some of the benefits, again, not --

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not duplication what's already been said.

A PDD, basically, anticipates the needs for zoning flexibility in order to achieve a better land use form and the proposed project does exactly that.

What Dan described is not something that currently fits in Town Code, so we need the flexibility to allow this to be done.

And all PDDs start with a baseline analysis. Now, Dave covered that. There's been an 850,000 square foot project approved on the J-2 portion, the eastern parcel and the western parcel could yield 1.18 million square feet of industrial.

If you develop the parcels in this manner, and we do have a comparative analysis in the Draft Environmental Impact Statement, the existing zoning would have a greater impact on traffic. Dave averaged traffic at about 40 percent less impact. In fact, when you look at AM, PM and Saturday trips, the existing zoning would have between 21 and 73 percent more traffic.

The paved area under the existing zoning would be 48 percent greater. There would be less than half the open space that we're providing

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within the development portions, not even including the 35 percent that would be retained as natural and there would be 48 percent less tax benefit, with 15 percent less surplus tax revenue for the school district. That's what the existing zoning would allow.

In terms of groundwater and Pine Barrens conformance, either project still has to conform to the development of regional significance parameters so either project would meet the 2.5 milligram per liter and would retain at least 35 percent natural open space.

When you break down the uses and, I think, Dan's identification of the block diagram, really shows this very well. Half of what we're proposing, and this is on the southern half, already conforms to existing zoning. You could do that under L-1 and J-2.

If you look at the northern portion, we're basically switching that for multiple and diverse residential options that are low impact uses as well as recreational use. So, basically, the PDD is not an increase in the intensity of land use since the site can already be

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used for 850,000 square feet of retail and 1.18 million square feet of industrial.

In very simple form I can link this right into Town Code to demonstrate why this is not an increase in land use density. Under Chapter 85-87.b, vacant commercial land is identified as having an equal unit factor of three units per acres. And that's what we have on the northern part of the site.

Under Chapter 85-451.e, for redemption of credits, it's recognized that one single-family unit has more impact than a multi-family unit, which has less school children, more taxes, less traffic and even less impact than a retirement unit.

So when you do the comparisons, there's an equivalent density of 480 single-family units on the northern parcel. And when you compare that to what we're proposing in terms of the mix of units, our density is less, it's about 374 units.

And I think that's important and I think that's why the Planning staff, as we've gone through the PDD process, has recognized that this is a land use -- more of a conversion of what can

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be done under current zoning and what we would look to achieve as a better form of development.

Commissioner Bertoli mentioned that and Dan Simone has gone through the exact reasons. So the question is, do we want more traffic? Do we want more pavement? Do we want less green space, less tax revenue under existing zoning or does it make sense to pursue a PDD that will achieve the benefits that this project plan provides?

So overall, the PDD proposes a mixed use development to reduce impacts and improve the land use.

Now the -- we have filed a Phase 1 PDD application. That is succeeded by a pre-application so we're well within the process. The Town performed a SEQRA review, issued a positive declaration and we now have a Draft Generic Environmental Impact Statement, as Mr. Kasner mentioned before.

This document is two very large volumes. It's available on the Town's website. The applicant has their own website so this is readily available to the public. It's in local libraries.

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It's been circulated to involve agencies and parties of interest and really anybody that would like to understand the project can get the information.

The EIS, and I'm not going to go into the detailed analyses, but just to point out, we have a detailed description of the proposed project. We have a detailed Traffic Impact Study and Kevin Papasian from FST is here if there are questions on traffic. There's a detailed fiscal and economic impact analysis -- that's the information that Dave Sloane was using to give you the economic numbers.

There's a retail market study included, which is a little bit beyond the realm of SEQRA but we wanted to make sure we address socioeconomic impacts of the projects.

There's a detailed study of conformance of the project to the Pine Barrens Plan. There's a study of the potential impact on the Carmans River. There's an archeological study. We actually went and did test units to ensure that there are no archeological impacts.

There's a study of the potential

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cumulative impacts of the project combined with other projects that were identified in the area.

And, overall, an assessment of the existing conditions, the expected conditions of natural and human resources, mitigation measures and alternatives to the proposed project.

So it's a very detailed report. As I said, two full volumes, and we're here tonight to hear comments from the public, assist with the preparation of the response to comments as directed and ensure that the SEQRA process is completed properly.

Very briefly, as far as Pine Barrens, as I said, this is a development of regional significance. We have made application to the Pine Barrens Commission. We expect it will be scheduled for an upcoming hearing shortly and we will seek to demonstrate that the project conforms to the standards and guidelines. That analysis is in Section 3.1.2 of the Generic EIS.

And, I'd like to note that, and, I think, we see it from the aerial photographs, the project site is not pristine. The old clearing that took place for the Parr Meadows Racetrack,

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2 includes the racetrack area, pavement for parking.
3 There were grandstands and the area is not
4 pristine.

5 The eastern part of the property
6 had been cleared and the overall property now is
7 subject to unauthorized activity. It's subject to
8 four-wheel drive all-terrain vehicle, dirt bike
9 use, that's evident. So the 35 percent of the
10 property that'll be retained is the natural area of
11 the property that has not been previously impacted.

12 As I said, we'll conform to the
13 limit of nitrogen recharge. We will conform to the
14 15 percent fertilizer dependent limitation and we
15 found that the project conforms in all other
16 respects to the Pine Barrens plan.

17 You may know, many of you -- that
18 I have a great interest in the Carmans River and
19 its protection and the preparation of
20 scientifically-based watershed management plans. I
21 personally attended nearly every technical meeting
22 as well as study group meetings of the Carmans
23 River Group.

24 And based on the groundwater and
25 surface water impact analysis that we've prepared,

1

2 I can assure the board that the project will not
3 have an adverse impact on the Carmans River.

4

5 The project proposes to use the
6 Durad Sewage Treatment Plant. The plant is owned
7 by this applicant. It currently receives 140,000
8 gallons per day from Colonial Pines -- Colonial
9 Woods Whispering Pines and Sewer District 8, with
10 none of the flow made up of anything that emanates
11 from the applicant's projects.

11

12 So we're looking to restore the
13 flow to the previously permitted flow of 450,000
14 gallons and will improve the treatment process to 8
15 milligrams per liter.

15

16 Ms. Kepert, you asked before about
17 the nitrogen loading. There's a point source
18 nitrogen loading and then there's an overall site
19 nitrogen loading that has to do with fertilizer and
20 the pounds of nitrogen that come from the sewage
21 treatment that's treated. And when you perform the
22 mass balance analysis that's required by Pine
23 Barrens to determine the nitrogen and recharge at
24 the property line, that balance is to make this
25 project less than 2.5 milligrams per liter.

25

That analysis is in the document.

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2 We'll be presenting that as we move the project
3 forward.

4

And I'd like to also point out
5 that the project will improve and reduce the
6 nitrogen loading from the existing flow because
7 we're going to improve the treatment process from
8 10 milligrams, which is currently allowed, to 8
9 milligrams at the point source discharge.

10

We're also taking all the sanitary
11 effluent and moving it farther from the Carmans
12 River. And actually putting it in a longer time of
13 travel zone based on all the work that was done for
14 the Carmans River plan. That's a significant
15 benefit. We're not discharging untreated sanitary
16 waste onsite, closer to the Carmans River. We're
17 conveying it to the sewage treatment plant farther
18 from the river and treating it.

19

I will also ensure that all storm
20 water is retained onsite. Chapter 86 of the Town
21 Code covers this as we go through site plan review.

22

The project is located 2,500 feet
23 up gradient to the Carmans River, which is a
24 significant distance and from the standpoint of
25 managing storm water onsite, it will not impact the

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2 river.

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4 I've reviewed the recommendations
5 of the Carmans River Protection Plan and find that
6 the project is in conformance with the
7 recommendations of the plan and I just point out
8 that Section 2.3.2 of the DEIS includes our
9 groundwater and surface water analysis.

10

11 I don't want to repeat the
12 economic benefits that Mr. Sloane indicated. I
13 believe Mr. Simone covered all of the onsite
14 benefits in terms of recreation areas, public
15 gathering space, roads that don't have to be
16 maintained by the Town but that are open to the
17 public, a community center that would be
18 constructed to LEED certification, the 2.5 mile
19 nature trail and really just an integrated project
20 that provides tremendous onsite and off-site
21 benefit, as well as the economic benefit that Dave
22 mentioned.

23

24 That concludes my remarks and I'd
25 be happy to answer any questions and we'll
26 certainly record any comments from the public to
27 help with the preparation of the Final Generic
28 Environmental Impact Statement.

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Thank you.

MR. FERRAGERI: Good evening,
Supervisor and members of the Town Board.

My name is Brian Ferrageri. I'm
the Director of Public Affairs for AVR Realty and
I'm here this evening on behalf of the applicant,
Rose Breslin, LLC.

The Meadows at Yaphank has gone
through an extensive community outreach program
which began two years ago in May of 2009. Since
that time, we have made presentations to numerous
civic groups, government, business, environmental
organizations, including New York State and Suffolk
County elected officials, related departments
within New York State and Suffolk County
governments, school and youth organizations, both
the Yaphank and Ridge Fire Districts, environmental
organizations, including the research staff at
Brookhaven National Labs, Syracuse Center of
Excellence and the Syracuse University College of
Environmental Science and Forestry.

We also met with public utilities
such as LIPA, the Suffolk County Water Authority
and National Grid.

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We've met ten civic associations and numerous meetings were held with the residential community closest to the project, that being Colonial Woods Whispering Pines.

We met with the Long Island Housing Partnership, the Long Island Association and a complete list of all of the presentations is detailed in our DGEIS.

Each presentation included an overview of existing conditions on the site. Permitted development under existing zoning, the goals of the proposed PDD development plan, a detailed description of the proposed usage, a trip generation assessment that compared existing zoning with the proposed plan.

A real property tax comparison between existing zoning and the proposed plan and a specific tax impact analysis on the Longwood Central School District. And this analysis was done in two ways. We all know the uncertain economic times we're in and we all know the uncertainty of State budgets. So what we did was, we did an analysis based on the current levels of State aid to school districts and then we did a worst case

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scenario, assuming that the State of New York eliminates all taxes -- all benefits to the Longwood School District.

And in that comparison, with State aid, the surplus revenues to Longwood were almost \$5 million. \$4.9 million.

In the total absence of State aid, the surplus to the Longwood School District was \$3.9 million and that was explained at our -- at our meetings.

We had a discussion on the economic impacts, including the job creation of 2,600 jobs that -- that David spoke of earlier, as well as the construction jobs that would be generated during the build out of this project which would be, approximately, almost 100 jobs each year during the build out period.

There was an explanation of the planning in the review process and an introduction to the project's website so all residents had an understanding of the website and were able to view the details of the project from their own homes.

Following each presentation, we entertain a question and answer session that lasted

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as long as necessary.

In addition to the public presentations, a website has been established for the project that provides detailed information on the proposal, allows residents an opportunity to offer comments and to seek additional information and allows an opportunity for all interested parties to join our e-mail list for future updates. It was this e-mail list that was used to inform those who signed up for the public hearing this evening.

The community outreach effort has been extensive and it's going to be ongoing. We intend on continuing it through the zoning, the site plan and the construction phases of this project.

David.

MR. SLOANE: Thanks.

This concludes the presentation. I'd just like to point out one thing that which I neglected to say previously, with the as of right build that meets Article 6 standards, and as a matter of fact, Brookhaven Walk, consisting of the 850,000 square feet, was approved by the County with septic.

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The industrial site with 1,180,000 also meets Article 6 standards and can also be built with septic. I think that's an important environmental factor.

Thank you very much.

I will be happy to answer any inquiries you may have.

SUPERVISOR LESKO: Well, I just had a few questions and then we'll let it go -- unless, Connie, you have other ones.

The Suffolk County DPW, as I understand it, opposes the proposed additional traffic signal on William Floyd Parkway. If I'm correct, does that materially affect the project in terms of the proposal?

MR. FERRAGERI: No. Suffolk County DPW have had extensive meetings with them and what has -- been worked out and what they've agreed to is to have this project in the initial phases served by the existing traffic light at Yaphank Woods Boulevard and a right-in, right-out entrance at our main access driveway on William Floyd Parkway.

Upon us signing a tenant and

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2 having a major national retail anchor tenant open
3 and operate at the center, that's when Suffolk
4 County DPW will give us approval for a second
5 traffic light out at our main entrance and then
6 give us the approval for a curb cut or an opening
7 of the median through William Floyd Parkway.

8 Those two traffic lights will
9 serve as one traffic light. They will be times so
10 that they operate as one. So that you won't get
11 stopped twice on William Floyd twice. That will
12 improve the flow on William Floyd.

13 A VOICE: Just on that
14 question, when she was saying until you sign the
15 major retailer, if people were coming from the
16 west, they come off the Expressway at 68.

17 MR. FERRAGERI: Right.

18 A VOICE: They go to the
19 second one -- they take William Floyd Parkway
20 north. They loop around and they head north to
21 William Floyd Parkway. They'll have to enter with
22 the townhouse complex; am I correct?

23 MR. FERRAGERI: They enter via
24 Yaphank Woods Boulevard in the initial phases of
25 the project. When -- when the major anchor tenant

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2 is signed and operational that's when a second
3 traffic light at the main access will be installed
4 and then the people will have an opportunity to
5 turn into there.

6

7 There's also another access to the
8 site via the Long Island Expressway Service Road.
9 So people could come off the Expressway, let's say
10 you're heading east -- or westbound, you can get
11 onto the Service Road and go in via that -- the
12 Long Island Expressway Service Road.

13

14 That's one point that wasn't made
15 during our presentation is that after you see the
16 dividing line between the two parcels, the
17 industrial parcel and the retail parcel, right now
18 there's a dirt road that is not open. People from
19 Colonial Woods Whispering Pines, when they want to
20 exit their community, they have to go out onto
21 Yaphank Woods Boulevard and go out to William Floyd
22 Parkway.

23

24 When this project is completed,
25 that -- that road will be extended down to the Long
26 Island Expressway Service Road so they'll be access
27 out of the site. The service road itself will be
28 extended so they'll be ingress into the site via

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2 the Long Island Expressway as well.

3

A VOICE: Okay. And if
4 people were coming from the east to the west and
5 they come off at the William Floyd North exit, is
6 DPW going to restrict what might be motorist -- if
7 I have the area right, and I think I do, the
8 attempt to jump three lanes to get over when you do
9 have the intermittent light?

10

MR. FERRAGERI: When the traffic
11 light is there, the mitigation that's proposed
12 through Suffolk County DPW is to have some sort of
13 median to prohibit that weave right across for only
14 those cars traveling westbound on the Long Island
15 Expressway exiting to go north on -- on William
16 Floyd Parkway.

17

Now those motorists now do not
18 have --

19

A VOICE: Could take the
20 service road and head in.

21

MR. FERRAGERI: Most motorists
22 traveling westbound do not have to go north on
23 William Floyd Parkway to access the project. They
24 can stay on the Service Road and come in through
25 the southern portion of the project off of the Long

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Island Expressway Service Road.

A VOICE: But if they get off from William Floyd, they'll have to go up to the second.

MR. FERRAGERI: Then they would have to go up to Yaphank Woods Boulevard to safely make that weave.

A VOICE: Okay. Thank you.

SUPERVISOR LESKO: Next question.

What is the percentage of affordable workforce housing that you're proposing?

A VOICE: At this point, we're committing to ten percent for workforce housing and 303 PRC, age-restricted.

SUPERVISOR LESKO: Okay. Next question is, I know that you're proposing a package of public benefits onsite. As I understand it, part of that package contemplates a dedication of parkland to the township for the construction of ballfields. And the question is, would those -- I have to ask this, I'm sorry. Would those ballfields be built or would they be incumbent upon the Town to construct the ballfields?

A VOICE: Well, as far as

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the public benefit package, we're going to listen to all the comments that occur tonight and then we'll be putting a public benefit package together between now and the FGEIS.

SUPERVISOR LESKO: Okay.

A VOICE: But that would be solidified but prior to the FGEIS.

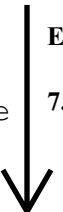
SUPERVISOR LESKO: But since you're taking a list --

A VOICE: Okay.

SUPERVISOR LESKO: I would strongly request that the ballfields be constructed before they're dedicated to the township because, frankly, we just don't have the capital budget to construct those ballfields and it would likely be a long period of time before we would be able to actually construct the ballfields which, frankly, would affect the quality of life for the residents in the complex. So I would ask you to consider that as well as the other kind of parkland type public benefits.

The other -- the other on that same topic, I guess, again, it sounds like you're going to be listening tonight to public benefit

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2 issue, but I know that our staff, our Planning
3 staff, takes the position that some of the offered
4 special public benefits actually should not be
5 counted as public benefits and, you know, I'm sure
6 you know which ones they're talking about.

7 And, you know, I think, that we
8 should have a robust discussion about public
9 benefits, especially with a project of this
10 magnitude, and I'd like to hear from the public
11 first before we get into it.

12 The last question I
13 have for you is, does the last two phases call for
14 400,000 square foot of office space -- how would
15 that affect the ratable calculation, particularly
16 as it relates to the tax positive effect on the
17 school district. Have you done that calculation?

18 A VOICE: Well, the project
19 remains tax positive even without the office
20 component.

21 SUPERVISOR LESKO: That's really
22 what I'm getting at. Okay.

23 A VOICE: I mean, even if you
24 took -- in the unlikely -- even if you took a worst
25 case scenario where it was completely residential

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as proposed, this would still be tax positive to the Longwood School District. That's not what we're proposing and that's not what we intend to build.

As far as phasing, we should note that the phasing of this project is put in for planning purposes only. The phasing will be market driven. So as you talk about the office space being built in phase 4, if we had an office user at the onset of this project, that phase would be implemented a lot sooner. The same thing for the retail tenants. If there was a retail tenant that came and signed a lease with us, that retail tenant would be constructed, you know, as they sign.

So I could see multiple phases being constructed at the same time.

SUPERVISOR LESKO: Okay. But the bottomline is, even if the last two phases are abandoned, it still would be a tax positive project for the school?

A VOICE: Yes.

SUPERVISOR LESKO: Okay. That's really what I was getting at.

Do you want to go right to public

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comment and then --

COUNCILWOMAN KEPERT: I just want to piggyback on your traffic issue as well as public benefits.

The Brookhaven Walk Project had enormous input from DPW as far as traffic mitigations along William Floyd Parkway. Are any of those traffic mitigations, are they the same, any of them that they we're proposing for Brookhaven Walk, on this particular project?

A VOICE: We've been in conversations with Suffolk DPW as late as this particular week and we're -- we're in the process of coming up with that mitigation. If you want, I can call Kevin Papasian up and he could tell you what's currently proposed in Phase 1 for the traffic.

COUNCILWOMAN KEPERT: Okay.
Great.

(KEVIN PAPASIAN, was duly sworn.)

CLERK EDDINGTON: All right, please state your name into the microphone.

MR. PAPASIAN: Kevin Papasian

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from FST Engineers.

Councilwoman Kepert, how are you doing there?

In regard to your question, as Brian Ferrageria mentioned, we did meet with Suffolk County DPW this week and have been in contact with them over the last several months.

The mitigations measures in Phase 1, as Brian indicated, was dependent upon market driven analysis. But based on analysis we did, assuming roughly 304 residential units and, I think, 50,000 square foot of retail --

COUNCILWOMAN KEPERT: Right. Fifth-two.

MR. PAPASIAN: The only thing that's necessary at this point for Phase 1, if it stays like that, is just to widen the left turn lane on CR 46 going into Yaphank Woods Boulevard going northbound.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: Then the traffic signal itself is fine the way it is. On CR 46 southbound, we basically put a right in, right out on the actual main entrance coming in, with the --

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COUNCILWOMAN KEPERT: Off Yaphank

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Boulevard?

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MR. PAPASIAN: Yes.

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COUNCILWOMAN KEPERT: Okay.

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MR. PAPASIAN: Well, no. On the

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right in, right out will be the main entrance for

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the actual project -- if Dan can show you up there.

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COUNCILWOMAN KEPERT: Oh, okay.

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MR. PAPASIAN: That will just be

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a right in, right out initially.

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COUNCILWOMAN KEPERT: Okay.

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MR. PAPASIAN: Eventually there

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will be a signal there as if they just move along.

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Then the other thing we'll be

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doing is making the acceleration lane merge into

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the deceleration lane as one continuous lane per

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Suffolk County DPW.

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COUNCILWOMAN KEPERT: So you're

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going to have a -- a right in turn lane -- will

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that right turn lane be from Yaphank Boulevard to

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the new road?

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MR. PAPASIAN: No. That'll be --

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that'll be its own right lane in. But from the

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acceleration lane we do leave the main entrance
going southbound --

COUNCILWOMAN KEPERT: South-bound.

MR. PAPASIAN: -- that will be a
continuous lane.

COUNCILWOMAN KEPERT: I see.

MR. PAPASIAN: You understand what
I'm saying, because the County wanted that just so
it's a better way to have someone come out and then
come back in. They could just stay in there.
It's a better weave situation.

COUNCILWOMAN KEPERT: Uh-huh.

MR. PAPASIAN: And that's the
only mitigation measures in Phase 1.

Any additional phases, depending
upon the traffic volumes and what's proposed, we'll
be implementing in different phases. Once we get
beyond that or another example is, if we did all
residential, we wouldn't need to do any other
mitigation measures except as indicated.

Once we get like retail over
50,000 square feet, is when you have to start
putting in a signal and as things progress further,
we'll have to put in the connector road down as it

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merges onto the south -- on the North Service Road and then eventually in Phase 4, we're proposing to put the actual -- second on ramp onto the LIE as well some mitigation measures with the Long Island Expressway main line.

COUNCILWOMAN KEPERT: Okay. So there will be then a signal at Yaphank Boulevard and then a signal at the new entrance?

MR. PAPASIAN: Yes.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: Yes, when the project's finally complete, yes.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: That's four or five years.

COUNCILWOMAN KEPERT: Okay.

Thank you.

And just, I do want to mention and particularly to some of the residents from Yaphank, we had extensive discussions about public benefits. Certainly, I wholeheartedly agree with the Supervisor, that the ballfields must be constructed.

But we also talked about one of

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the biggest issues in Yaphank, which is the
invasive species in the lake and that this project
would be contributing substantially to the
remediation of that problem.

A VOICE: Supervisor, I have
one question.

SUPERVISOR LESKO: Yes.

A VOICE: Was any analysis
given, again, the Exit 68 on the Expressway, the
rush-hour commute with everybody coming home to
this and the fact that Exit 68 on the Expressway is
already backed up quite significantly?

MR. PAPASIAN: Well, I'll give
the layman's version and I can have the traffic
engineer respond.

You have to understand this
project has gone through extensive traffic
analysis. It's not only been reviewed by the Town
traffic personnel, Suffolk County DPW Traffic, New
York State DOT, it's even been reviewed by the
Federal Highway Administration. And has received
previous approval for much more intense uses,
namely the mall and the industrial development on
the -- on the racetrack property.

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In fact, the Traffic Impact Analysis was a cumulative analysis of these two parcels, the 322 acres and the 100 acres of L-1, just to the south where Clare Rose presently is.

So all the traffic mitigation that was in our -- what's called an Interchange Justification Report that was submitted to Federal Highway, took into account the traffic from the 100 acres of industrial, the 172 acres of industrial on the racetrack property and the 150 acres of retail, assuming, you know, an 850,000 square foot mall was -- was constructed.

This particular project -- the traffic, the trip generation assessment shows that there's a 17 percent reduction in peak morning traffic based on this project. There's a 40 percent reduction in afternoon peak based on this project and a 42 percent reduction on Saturday peak.

And the big difference there is the previous application had intensive retail uses. You had four to five major anchors and that's the driver of your traffic. So you eliminate that and there's a lot less traffic that's -- that's being

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generated for over the as of right uses.

A VOICE: It may be less than
the as of right --

MR. PAPASIAN: Exactly.

A VOICE: -- but you do have
some peak trip generation for weekday evening,
people who theoretically live there, head west to
work and come home on the Expressway. I'm just
saying, is anything being done for a second exit
ramp or exit lane off of 68 because it already is
-- is backed up and although it may not be as bad
as your as of right, it's certainly not going to
help.

So has anything -- did the Federal
Highway or the State make any remarks?

MR. PAPASIAN: A second exit ramp
heading eastbound getting off the Expressway?

A VOICE: Off of 68.

MR. PAPASIAN: Off of 68. No,
none of that was ever mentioned.

A VOICE: Okay.

MR. PAPASIAN: We are proposing a
second entrance ramp onto 68 so that people exiting
the site will have an ability to get out. And

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there's improvements -- and there's improvements to the ramps. The ramps are being changed on the east side from single lane to dual lanes to accommodate the traffic off.

All of the traffic modeling shows that that mitigation is sufficient, more than sufficient.

Well, like I said, not only this project but for the industrial property to the south.

SUPERVISOR LESKO: Okay. Why don't we get to -- we have a number of cards from members of the public who would like to speak. So why don't we hear from them and we'll call you back up to have you address their -- their comments.

First four up, Mary Ann Johnston --

MS. JOHNSTON: Hello, Mr. Lesko. I would like to speak last if that would be okay (inaudible.)

SUPERVISOR LESKO: That's fine. That's fine.

MS. JOHNSTON: Thank you so much.

SUPERVISOR LESKO: Larry

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2 Pasquale, Mitch Pally, Chad Trusnovac, Dan
3 Tomaszewski.

4 Larry Pasquale. Is Larry Pasquale
5 here?

6 (No response.)

7 SUPERVISOR LESKO: No. Then
8 okay, Michael Loguercio is coming forward. Come on
9 forward.

10 So I think we -- yeah, we have to
11 swear all four of you in.

12 MR. PALLY: Not me.

13 SUPERVISOR LESKO: Oh, not Mitch.

14 (CHAD TRUSNOVEC, DAN TOMASZEWSKI
15 and MICHAEL LOGUERCIO, were duly sworn.)

16 CLERK EDDINGTON: If you can
17 please state your name and where you're from in the
18 microphone before you speak.

19 SUPERVISOR LESKO: Okay. Why
20 don't we start with Pally.

21 MR. PALLY: Thank you, sir.

22 Mr. Supervisor, members of the
23 Town Board, my name is Mitch Pally and I'm the
24 Chief Executive Officer of the Long Island Builders
25 Institute, the largest home building trade

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association in New York State.

I am here on behalf of LIBI to speak in favor of the rezoning of the property involved to allow for the creation of The Meadows of Yaphank at the intersection of William Floyd Parkway and the Long Island Expressway.

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As Long Island continues to grapple with a significant economic downturn, one which has created thousands of new unemployed and underemployed in our community, it is clear that the rezoning of this parcel to allow for the mixed-use development of The Meadows will provide significant economic benefits while at the same time allowing for the mitigation of environmental impacts in the area involved.

The creation of Long Island's first major mixed-use development, which this project would represent, provided the change of zone is permitted, would hopefully change the nature of zoning requirements on Long Island and allow for such zoning, which will allow for the integration of housing, retail, office and commercial development on the same site by using this model.

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The subsequent tax revenues and jobs created by the project, both construction and permanent, will far exceed the amount of revenues and jobs created by the usual segregated manner of our zoning.

The combinations allowed under the new zoning requested will allow for many people to live, work and play in the same area, thus reducing automobile travel, allowing for mitigation measures at a scale which will provide meaningful protections and allow for mixed use of jobs to be created both in the retail and industrial and commercial establishments.

All of this is very beneficial to the various municipalities involved as well as the region as a whole.

In addition, the establishment of the needed mixed-use development code will also send a signal to all concerned that new and innovative ways to look at development in the Town of Brookhaven, and hopefully on Long Island, will actually succeed and lead to more mixed-use developments.

Only through the change in the

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nature of our zoning codes we will be able to remove ourselves from the cookie-cutter subdivision and segregated uses approach, which Long Island has followed for too long.

All in all, the Long Island Builders Institute strongly believes that the zoning requested and the DEIS submitted on behalf of The Meadows at Yaphank is the right type of project at the right time, at the right location in the right Town of Brookhaven.

We urge your approval of requests involved and the development of this project as soon as possible. All of Brookhaven will benefit from its adoption.

Thank you very much for giving me the opportunity.

SUPERVISOR LESKO: Thank you, Mr. Pally.

Mr. Trusnovec.

MR. TRUSNOVEC: Good evening, Mr. Supervisor and members of the Town Board.

Thank you for allowing me to speak.

My name is Chad Trusnovec. I'm

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the president of the Yaphank Civic Association. The civic association and the community that it represents have many concerns regarding the proposed development of the AVR property at William Floyd Parkway and the Long Island Expressway in Yaphank.

Recently the Town has proposed a Comprehensive Watershed Management Plan to protect the Carmans River and its underground watershed. Clearly this property lies within the boundaries of this plan. This development proposes to bring many hundreds of new houses -- many hundreds of new housing units, stores, restaurants, office space and other commercial infrastructure.

We believe that this would be a mistake in light of the current economic situation. All over the Town of Brookhaven there are thousands of vacant, boarded up, unsold and foreclosed homes. Commercial buildings lie dormant and unused at every turn. Strip malls sit at 30 percent occupancy in some areas. Is this a time when we should be building more? We believe that rebuilding and redevelopment is the answer and not new development.

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Long Island is a finite place. There are only so many acres to be had. Once it's gone, it's gone forever. Will we look back at our planners and our leaders and say, what have they done to us?

The Town has spent millions of dollars, I believe rightly so, trying to protect open space and underground drinking water and our quality of life.

We, the executive board of the Yaphank Civic Association, urge you to take into account all of these issues and request a decision be postponed at least until the completion of the watershed plan and the impact it'll have on the area is fully known and understood.

Thank you.

SUPERVISOR LESKO: Thank you, sir.

Mr. Tomaszewski.

MR. TOMASZEWSKI: Thank you, Mr. Supervisor.

I may go over a little bit so we're asking that Mr. Loguercio cede some of his time to me; is that okay?

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SUPERVISOR LESKO: Sure.

MR. TOMASZEWSKI: That's fine.

Okay. First, I am the vice president of the Longwood Board of Education and we're here today to represent the full board unanimously and we agree -- we are in support of this project.

E-6
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As you all know, taxing districts are in severe economic times and we're all going through some terrible, terrible strain and that is just one piece of -- of why we support this project.

However, our Board of Education is not an ivory tower Board of Education, we do not operate in a vacuum. We are probably one of the most connected Board of Educations with their community that there is on Long Island -- and I think three council members that represent us, sitting here, can attest to that. It's rare that they will go to any type of community meeting that one of us will not be in the room.

And we've taken the opportunity to listen to our community, listen to the taxpayers of our community, residents and watch them get

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involved in this project.

The developer has done an outstanding, thorough job of soliciting community input. Now only have they listened to us, they've heard us.

Let's start with the property tax issue. If you ask people across Long Island what are the three most important, critical issues on Long Island, they're going to tell you, property taxes, property taxes, property taxes. It cannot be ignored. We have to work in a direction to solve this problem.

Will this project solve, by itself, the property tax issue in the Longwood School District? Absolutely, not. But it will go a long way and take us in the correct direction to right the problem.

Just to give you an example. For every \$1 million of revenue that comes into our school district, that's 12 teaching positions. It also represents one percent on the tax levy. That's incredible. So if we're talking about 4 million -- 48 teachers. Four percent. That's big.

We're in a situation this year

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2 where we have to lay off teachers because we don't
3 have enough money to continue our programs. It's
4 critical.

5 I thought about it today and I
6 said, you know, the last time I was up on that
7 property was maybe, gee, I don't know, 10, 15 years
8 ago when we had the multiple fires that we used to
9 have up there when the horse barns were there and
10 the grandstands.

11 As a matter of fact, Chad and I,
12 he was my captain. He wanted me to go into a
13 burning building. I said, Chad, I got to go teach
14 a class tomorrow so I really can't go in there. I
15 got to live. So we didn't go in and they got it
16 from the top but we were up there all the time.

17 The place was a mess. Hadn't
18 been there since and that was maybe 12 years ago.
19 So I decided to take a ride there today and I took
20 Mike with me. And we went up and we walked the
21 property.

22 Mr. Supervisor, when you talk
23 about blight, you're absolutely correct. That
24 property is disgusting. There is nothing but a sea
25 of barren asphalt up there with cracks in it, grass

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growing through and then just over the top in that western area, you have dirt trails and whatnot. And I can't tell you how many times our rescue squad has to go in there and pull kids out of there that have accidents on mini bikes and whatnot.

So, you know, certainly that is no way pristine at all.

In reference to the Fire Department, well, I am a member of the Yaphank Fire Department, I cannot speak for the Yaphank Fire District, nor could I speak for the Ridge Fire District. Their Commissioners are not here tonight because they're attending a very close funeral of the neighboring chief. But I can tell you my experience as an active fire fighter.

If the existing property, Colonial Woods, if you're going to take a fire truck or emergency vehicle from the front of the Yaphank firehouse, I clocked it today, you have to go up Main Street, down to the Expressway, go up around the cloverleaf, come down William Floyd and into the Colonial Woods entrance. It's 4.5 miles. That's a long time. That's a long response time.

The conversations that I know have

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taken place between the Yaphank Fire Department and the developers are restoring a prior access road or at least a similar type of access road from the rear that would take emergency vehicles off of East Main Street.

And I measured that today, also, that's two-and-a-quarter miles. Do the math. Fire trucks don't go 60 miles an hour, not carrying 500 gallons of water getting there, that's a long response time. And particularly ambulances.

You know -- I know you know a little bit about emergency response because, you know, you get involved in some of these things. Response time is critical, absolutely critical. And right now it's too long. So the existing community will benefit by that -- by limiting that response time. No question about it.

Community benefits, that's another big thing. At the request of, I believe it was a couple of our board members who, at a meeting at Yaphank one night, talked about that community center. And we said, how nice would it be if you could build a community center that could be used



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2 by seniors during the day and available to kids at
3 night, kind of a dual purpose. And they said okay
4 and they moved ahead on it and responded to that
5 request.

6 The ballfields up there, those
7 ballfields are critical and hopefully Mike will
8 have a few minutes to talk about LYSA, but if you
9 look at that area of our school district, that
10 southeast area, not only does it include Colonial
11 Woods in this new project, but that whole area of
12 Shirley, North Shirley, that area has absolutely
13 nothing for kids. If those kids want to go and get
14 involved in healthy activities, they have to go way
15 across the other side of our district and our
16 district is 53 square miles. Now that is critical
17 for us -- not only the school district but the
18 entire community.

19 We developed a community council
20 which has had two very, very successful meetings
21 with community leaders. The latest one just took
22 place in the end of March. We put 82 community
23 leaders in a room and we -- we addressed the
24 problem of what are we going to do for kids and
25 referenced the gang activity, drugs and violent

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2 crime and all the horrible influences. You've all
3 read the stories about what's going on in
4 Huntington Station. We don't want that in Longwood
5 and we are willing to step up and try to do
6 something about it. Okay.

7

8 So we need these kinds of
9 facilities. The school district is out of money.
10 We've had to cut back athletic programs. We are --
11 thank God that we have groups like LYSA and the
12 Gordon Heights Sports Community that are stepping
13 up and working with us in trying to get these kids
14 involved in healthy activities. So this is very,
15 very critical.

16

17 COUNCILWOMAN KEPERT: Dan, I just
18 gave you another five minutes. Okay. You're down
19 to three.

20

21 MR. TOMASZEWSKI: Thank you.

22

23 And, finally, you guys are always
24 in the tough spot, you've got to make the critical
25 decisions. I know where you are. We have to do
26 the same thing with school decisions and whatnot.
27 But the best you can do is take all the information
28 and weigh it. And please don't -- don't discount
29 the science, the science is very important here,

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particularly with the environmental issue and make the best decision you can.

I won't tell you my Japan story. I'll save that for another time.

Mike, I think you talked to LYSA today.

MR. LOGUERCIO: I was hoping you'd go out of bounds and stop the clock.

(Laughter.)

MR. LOGUERCIO: Good evening, Supervisor Lesko, members of the Town Board. My name is Michael Loguercio and I am the president of the Longwood School Board.

Thank you for allowing us to speak this evening.

When I first was elected to the school board, approximately seven years ago, our tax -- our budget was funded by about 51 percent by New York State. Today it's about 39 percent. Okay.

Our current tax levy is \$110 million, four percent would be a tremendous, tremendous help to us.

So I've spoken to a number of the

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2 different organizations, the sports organizations
3 throughout our community, throughout the Longwood
4 School District, LYSA in particular. The
5 commissioners have told me that they are in support
6 of this project, as you said, Supervisor Lesko, you
7 know, these ballfields are very, very important to
8 the children that they service in the community
9 which is approximately 2,500 kids use the LYSA
10 sports programs.

11 So speaking on behalf of the
12 Longwood School Board, I'm authorized to say that
13 we are in total support of this project.

14 Thank you.

15 Good evening.

16 SUPERVISOR LESKO: Thank you all
17 very much. Appreciate your presentations.

18 SUPERVISOR LESKO: The next four
19 speakers Michael Cain, Michael Bebon, Michael
20 Giacomaro and Bruce Buff.

21 All right. Assuming no one's a
22 lawyer, I think we're going to have to swear
23 everybody in.

24 (MICHAEL CAIN, MICHEL BEBON,
25 MICHAEL GIACOMARO and BRUCE BUFF, were duly sworn.)

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CLERK EDDINGTON: Okay. And you can speak into the microphone and please let us know where you're from.

SUPERVISOR LESKO: I remind you that you have five minutes. Let's start with Mr. Cain.

MR. CAIN: Good evening, Supervisor Lesko and members of the Town Board.

My name is Michael Cain and I'm the Chairman of the Community Concerns Committee of the Colonial Woods Whispering Pines Condominium in Yaphank.

We'd like to make a few comments before going into my formal remarks.

We want to thank AVR and Brian Ferrageri, in particular, for spending time with our community, our boards and managers, our committee, the residents of our community in communicating so well with us with regard to this project. It's refreshing to see a developer spend as much time in taking input from the community, informing us about the proposed project and we commend them for that.

The community is not

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2 anit-development. We have actually a split opinion
3 with regard to development on this parcel among the
4 residents of our community. Informal polls
5 indicate that some people would rather have
6 convenient shopping and others would like to have
7 open space.

8

9 But, again, we recognize that
10 this parcel has been zoned for commercial retail
11 use for over 25 years. And a number of our homes
12 were built subsequent to that period of time.

12

13 The site is currently plagued by
14 frequent, illegal off-road vehicle traffic and ATV
15 traffic. And, as some others mentions, it's pretty
16 much blighted property.

16

17 With that, I'll move to some
18 prepared comments.

18

19 The Colonial Woods Whispering
20 Pines Condominium is a community of 544 homes
21 located along the northern border of AVR Realty's
22 property, which is the subject of this hearing.

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23 The southern border of our
24 community lies within less than 1,000 feet from the
25 proposed project so our proximity to it will
undoubtedly have an affect on our residents both

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during the construction phase and after completion of the development.

Therefore, we wish to have the members of the Town Board take into consideration the following requests presented by our homeowners as you consider approval of both the DGEIS and the request for rezoning the subject parcel to a Planned Development District, PDD classification.

With regard to what traffic -- our community of an estimated 1,500 residents, uses Yaphank Woods Boulevard as our only route to and from our homes. According to the plan for The Meadows at Yaphank, this road is to serve as one of the entrance and exit points for the development.

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It's imperative that the intersection of Yaphank Woods Boulevard and William Floyd Parkway has a full service traffic signal allowing both north and south turns onto William Floyd Parkway as indicated in Appendix D, page 6 of the Traffic Study.

In addition, we'd like this road to be resurfaced during Phase 1 of the construction of the project since it's in a state of disrepair at this time.

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I want to thank you, Supervisor Lesko, for pointing out your concerns with regard to traffic. We do not agree with Suffolk County Public Works with regard to getting two full functioning traffic signals on William Floyd Parkway in Phase 1 of this project. And if you can bring to bear any influence on them, we'd certainly appreciate it.

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We know that developers negotiated with them. I think it's been put from us with regard to our needs. We do anticipate some gridlock within Phase 1 on William Floyd Parkway and the Yaphank Woods Boulevard intersection for people returning to our community from work, exiting. And in Phase 1 when you've got retail and housing combined, adding to that traffic flow at that intersection, we think there could be some potential problems.

In addition, the greenbelt buffer consisting of a minimum of 300 feet of trees must be maintained between the south side of Yaphank Woods Boulevard and any structures to be built for the development. The plan, as presented, includes the development of housing units along the northern

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portion of the property adjacent to our residences.

We would be opposed to the placement of any retail or hotel components on the north side of the development due to the potential noise issues that would result from such placement.

Now we know that their plan includes housing on the north side of the project but we wouldn't want to be surprised by any changes down stream with regard to bringing retail or hotel or other features to the northern part of the parcel.

As mentioned earlier, emergency access for the Yaphank Fire Department is critical for us. We brought this up during the Yaphank Walk proposal.

The Meadows at Yaphank is expected to increase traffic volume on the roads surrounding the development property. To ensure the safety of our residents, it will be essential to have the proposed emergency access road installed from Main Street, Yaphank, that is noted in the Draft DGEIS on page 126, 1-26.

This road is needed to ensure the fastest response times from the Yaphank Fire



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Station to our homes in case of fire or medical emergency. It is our understanding that use of a portion of the access road property requires approval of the Pine Barrens Commission.

We urge the Town Board to require the applicant to secure this approval prior to granting building permits for this project since it's critical for reducing response times for fire and ambulance services. So please make a note of that.

Regarding the Durad Sewage Treatment Plant upgrades, the plan development will utilize the Durad Sewage Treatment Plant that currently services our community --

CLERK EDDINGTON: Excuse me, sir. I'm sorry, sir, your time has expired.

SUPERVISOR LESKO: Are you to cede?

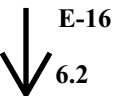
A VOICE: (Inaudible.)

SUPERVISOR LESKO: Okay. That's fine.

Okay, Mr. Cain.

MR. CAIN: Okay. Thank you.

Again, the planned development



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2 will utilize the Durad Sewage Treatment Plant that
3 currently services our community and Sewer District
4 No. 8, located north of our community. This plant
5 was built in 1970's -- I believe 1973, and has
6 required significant renovation in recent years to
7 function adequately to process the sewage generated
8 by our community.

9

We urge the Town of Brookhaven
10 -- the Town Brookhaven Board to make certain that
11 the plant meets all Code requirements of the
12 Suffolk County Health Department and appropriate
13 New York State authorities to ensure that the plant
14 has the required capabilities to service the
15 additional capacity needed by the project.

16

We have had some problems with the
17 plant in the past. And we recognize that the
18 developer, the applicant, has invested a great deal
19 of money in upgrading the plant. Those upgrades
20 are to conclude later this year.

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However, the sewage treatment is
22 a very important thing. I compare it to -- if you
23 have a sewage backup, it's like getting a category
24 4 hurricane or an invasion of killer bees, it
25 creates hysteria within the community.

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So it's critical that that plant service us well and has the ability to handle the additional capacity.

Regarding construction equipment along Yaphank Woods Boulevard. All of the construction plans states the trucks and other equipment during the construction phase, will use County Road 46, the William Floyd Parkway and the LIE North Service Roads, to access the site.

It does not exclude Yaphank Woods Boulevard from use for trucks and other equipment. We insist that Yaphank Woods Boulevard, which is used daily by hundreds of cars, and several school buses, be off limits for all equipment being used during the construction phase.

Although not noted in the plan documents, the applicant has committed to constructing a gatehouse on Colonial Woods Drive East to provide fencing and additional shrubbery along the north side of Yaphank Woods Boulevard to provide an additional separation between our community and the proposed development.

These amenities are to be installed at the cost of the developer and were

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2 part of the proposed Brookhaven Walk Project and we
3 would expect that these features be installed
4 during the initial phases of the project.

5 A development project of this size
6 and scope will undoubtedly have a significant
7 impact on the residents of our community and we ask
8 that the Brookhaven Town Board take into
9 consideration the concerns of our community as you
10 review the plan.

11 It's your responsibility to make
12 certain that this development is approved -- if
13 approved, becomes an asset to the Yaphank
14 community. We urge you to carefully consider the
15 issues we've presented to you today to ensure that
16 the quality of life of our 1,500 residents is
17 preserved.

18 Thank you very much.

19 SUPERVISOR LESKO: Thank you,
20 sir.

21 Mr. Buff, do you want to add
22 anything or --

23 MR. BUFF: No.

24 SUPERVISOR LESKO: Okay. Thank
25 you both.

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Mr. -- I'm know I'm mispronouncing

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-- Bebon.

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MR. BEBON: Yes.

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SUPERVISOR LESKO: Okay.

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MR. BEBON: Good evening,

7

Supervisor Lesko, members of the Town Board.

8

My name is Michael Bebon. I am

9

the Deputy Director of Operations at Brookhaven

10

National Laboratory and I am pleased to be here to

11

comment on the development, The Meadows at Yaphank,

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being proposed for a site just west of the

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Laboratory.

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Brookhaven National Laboratory is

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a U.S. Department of Energy Multi-Program National

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Laboratory, engaged in scientific research in the

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physical, energy and life sciences.

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We are located on a 5,300 acre

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site that borders on the William Floyd Parkway on

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the west and the Long Island Expressway on the

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south.

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The Laboratory has 3,000 employees

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and an annual budget of \$573 million. In addition

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to our employees, we host another 3,000 visiting

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scientists each year who come to the lab to conduct

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research using our scientific facilities.

The Laboratory's operations have a significant positive impact on the economy of Long Island, New York State, creating another 5,400 jobs and generating over \$700 million in additional economic activity annually.

My purpose this evening is to let you know that we have been providing technical advice and support to representatives of AVR Realty and their objective of incorporating forefront energy and environmental sustainable design features in The Meadows project.

AVR first contacted BNL over a year go to explore what leading edge information and expertise might be available at BNL, and elsewhere in New York State, on green design principles, including renewable energy sources, building and utility systems and construction materials.

We have had several technical meetings and have also arranged for AVR to access expertise in these areas that is available at Syracuse University in New York.

AVR has taken the initiative to

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engage with the team at Syracuse and have been interacting with them as well. These discussions have already influenced the evolving site planning process and the design considerations for building, heating and cooling sources and system, storm water treatment and waste water treatment for the project.

AVR has expressed interest in continuing to interact with BNL and Syracuse as the design proceeds.

As a result of AVR's commitment and aggressive action, is to learn more about sustainable design options, several green techniques are currently being evaluated for development. We applaud AVR's foresight in looking beyond the minimum Code requirements to make this development a model for sustainable design and one that has the potential to guide development on Long Island throughout New York State.

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BNL has an ongoing need for access to permanent housing for our workforce and temporary housing and hotel space for our visitors and guest scientists. As we pursue an initiative to expand our programs in the area of science and

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2 technology that are vital to the nation, energy
3 independence and climate change, we expect to
4 create many additional science and technology jobs
5 at BNL. This growth will further increase our need
6 for these facilities.

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8 As part of our master planning
9 process, we have been exploring the feasibility of
10 moving some of our administrative and support
11 functions to new facilities offsite to accommodate
12 our projected growth. The availability of high
13 quality space in the surrounding community within
14 close proximity to the Laboratory has been, and
15 continues to be, a limiting factor in our planning.

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17 We anticipate that The Meadows
18 Project may provide us additional options in our
19 planning for future growth of the Laboratory's
20 programs, growth that will address key national
21 needs and produce commensurate growth in our
22 beneficial impacts to the local and New York State
23 economy.

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25 Thank you for the opportunity to
speak to you this evening.

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SUPERVISOR LESKO: So, Mr. Bebon,
as -- I'm interested in the last comment you made.

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You -- the Lab -- how would I put this -- has thousands -- over 2,000 so-called users that use the facilities in the -- the various infrastructure that you have at the Lab for research purposes from all across the globe.

And these users, as I understand it, stay in the vicinity of the lab for many months, if a year or two?

MR. BEBON: Right.

SUPERVISOR LESKO: And would -- would this type of project be the type of project that would help you continue to attract these scientific users from across the globe to -- to the Brookhaven National Lab?

MR. BEBON: We -- as I mentioned, we have need for housing these people. We have very aging housing facilities that are actually operated by us on the Laboratory site. We need to phase out of them. They're World War II vintage and, basically, we're phasing them out slowly as the condition does not support continued occupancy.

SUPERVISOR LESKO: And the -- obviously, well I shouldn't be -- it's not that obvious, but two plus years ago, as I understand

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it, there was a policy change at the Department of Energy which directed National Labs to make a priority of commercializing the research that was conducted at the Labs.

And consistent with that policy decision, I know that a new department has been created at the Lab, focusing on commercializing research the Lab has joined the Accelerate Long Island Initiative and there's really a tremendous amount of effort taking place at the Lab to commercialize research and create start-up companies based upon that research.

And, I think, it goes without saying, that a location within a few miles which could provide, not only housing opportunities but office space, would be consistent with that ongoing effort to commercial research; is that fair to say?

MR. BEBON: That's fair to say.

SUPERVISOR LESKO: Okay.

And how far is the Lab from -- from the proposed project? I mean, it's just -- it's probably what, a mile or two? Is that --

MR. BEBON: That's about right.

I haven't actually measured the distance but that's

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approximately right.

SUPERVISOR LESKO: Okay. I mean, I think one of the -- since now the Lab has stated publicly that there is support for the project, I think one of the potential benefits that the project should contemplate, is creating a direct connection to the Lab, either by way of bike access or some type of bus service or that type of thing.

Because with the security concerns at the Lab, obviously, but it would be wonderful to have a community within -- within walking distance or at least biking distance of the Lab for your scientific users, in particular, that come here, frankly that may not even have, you know, driver's licenses or that type of thing. So that would be fantastic. So I would just -- I'm telling the group behind you and they're all taking notes, so they have it on the list.

Mr. Bebon, thank you very much for your comments.

MR. BEBON: Thank you.

SUPERVISOR LESKO: Mr. Giacomaro.

MR. GIACOMARO: Mr. Supervisor and distinguished board members. My name is Mike

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Giacomaro. I'm president of the East Yaphank Civic Association and also the East Yaphank Chamber of Commerce.

We've had at least three meetings with AVR Realty between our civic association and chamber regarding the property, first as Brookhaven Walk and now as The Meadows at Yaphank.

Further, we've had additional dealings with AVR about a project that took place within East Yaphank called Clare Rose. So as a community we know from experience what they've told us and what they did. As my mother says, actions speak louder than words. I'm here to tell you what they said AVR did.

It's been a very good experience, a dialogue we've had with them over two years of construction for Clare Rose and they've opened -- since they've opened the doors from November of 2010.

I can speak -- I can't speak for the Yaphank Civic Association, the direct effect that this project -- this has is an indirect affect on East Yaphank. From what my community has determined, we'd like the approach of multiple

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2 uses, especially having a supermarket, recreation,
3 parks, senior residence, commercial and financial
4 office space close by.

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We specifically like the idea of
greater taxes being collected for the Longwood
School District.

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And as far as traffic, I can tell
you we're very pleased with how they devised a
solution for a spur road in and out of Clare Rose
to minimize the effect on East Yaphank from 39
tractor trailers and 139 employee daily trips.

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I do believe a detailed analysis,
as Councilman Panico has mentioned about the
traffic exit in 68 would further satisfy our
community.

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Also, just to -- Supervisor Lesko,
you were asking BNL -- I don't mean to speak for
BNL, but I do sit on their advisory committee for
-- for them. They utilize, if I'm not mistaken,
Dowling College, for their residents to go back and
forth to stay at Dowling College for their visiting
scientists.

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And we also do have, which was
approved not too long ago, a seven-story hotel in

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East Yaphank at the -- with a convention center.
So some of those can also take up some of the slack
for Brookhaven National Laboratories -- just to
give you some additional insight.

Thank you very much.

SUPERVISOR LESKO: Thank you all
very much. Appreciate your comments.

Next four speakers are Richard
Amper, Marilyn Goodman, Joan Milner and Christine
Bourbon.

MS. GOODMAN: Mr. Supervisor, I'm
Marilyn Goodman and I'm willing to give my time to
--

MR. CAIN: May I take that
time?

SUPERVISOR LESKO: You know what,
we have a rule that you can only yield time once to
another speaker. That's the rules of the procedure
for the Town Board. But I think you didn't use two
minutes of Mr. Buff's time, if I recall correctly.
So we can give you two additional minutes. Does
that give you enough time?

MR. CAIN: Yes, sir.

SUPERVISOR LESKO: Okay. So

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we'll -- and then, Ms. Goodman is -- you sure you don't want to speak, Ms. Goodman?

MS. GOODMAN: No.

SUPERVISOR LESKO: Okay. So -

MR. CAIN: Thank you.

I just have a couple of more points to make with regard to traffic.

We -- Brookhaven Walk was going to bring a tremendous amount of traffic to our community and we were not satisfied with a few elements of that traffic plan, even as it went to permitting and was approved.

The current situation with Yaphank Woods Boulevard and William Floyd Parkway is one where in Phase 1 of the project you're adding, as I said before, some retail and some housing and because this road, William -- Yaphank Woods Boulevard is our only access in and out, we've got school buses using that road every day. We have 1,500 residents that hundreds of cars use that road.

They've done their traffic studies and we understand they're using professionals to do so, but we're just not certain being experienced at

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2 using that road every day that we're not going to
3 have a traffic problem there.

4 I'd also like to say that in the
5 summertime at Exit 68, as you head eastbound on the
6 LIE, there is, perhaps, a need to widen the ramp to
7 handle the traffic because a lot of the Hamptons
8 traffic is beginning to use Sunrise Highway as they
9 transverse down to William Floyd Parkway down to
10 Sunrise Highway.

11 So Councilman Panico's point was
12 well taken. There's a concern there as well.

13 So traffic is something we are
14 very much aware of that'll have a tremendous impact
15 on our residents. The emergency road that we
16 talked about before -- in the approval of
17 Brookhaven Walk, the previous project, that
18 emergency road was never approved. It was
19 discussed. There were discussions with the Fire
20 Department, with us, at the needed agencies, but it
21 was never approved. And that's a very dangerous
22 condition to allow it to exist for our community
23 because response times from the Fire Department
24 would be so much longer. We'd hate to have anyone
25 injured in our community because the Fire



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2 Department and emergency services could not get to
3 us in time.

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5 So I just wanted to make those
6 points and one quick question, there will be public
7 hearings for the site plan approvals for this
8 project; am I correct about that?

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9 SUPERVISOR LESKO: Yes. Yeah.
10 There -- if the change -- if the Town Board
11 approves the change of zone, at a minimum, there
12 will be a full hearing for the site plan review.

12

MR. CAIN: Okay.

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14 SUPERVISOR LESKO: And I expect,
15 I mean, we're -- we're leaving this -- I think
16 we're leaving -- we're proposing to leave this
17 hearing open to an open date for written comment.
18 So we'll talk to the Town Attorney. There may be
19 another opportunity to be heard at a subsequent
20 hearing before this body. But at a minimum, you'll
21 have an opportunity to be heard before the Planning
22 Board and that specifically they address those
23 concerns, as you probably know.

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MR. CAIN: Very good. Okay.

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Well, thank you very much.

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SUPERVISOR LESKO: Okay.

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Thank you.

All right, why don't we bring forward, Ms. Milner -- Joan Milner, do you want to be heard?

SUPERVISOR LESKO: Okay. That's fine.

Christine Bourbon. How about Christine Bourbon?

No. Withdrawing.

Richard Murdocho.

MR. MURDOCHO: I'd like to yield my time to Mr. Amper.

SUPERVISOR LESKO: So Mr. Amper has ten minutes and Mary Ann Johnston.

How many do we have? Two more cards. Okay. Why don't we -- if you just put your card in, why don't you come on up because we have two more seats next to Mr. Amper.

If you just put your card in, why don't you come on up.

A VOICE: I'm yielding my time to Mary Ann Johnston.

SUPERVISOR LESKO: Okay. So Mary Ann's going to have ten minutes. Mr. Amper's going

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to have ten minutes.

MS. JOHNSTON: I don't need ten minutes, I'll be brief.

SUPERVISOR LESKO: And the -- let me just see her -- Don Seubert.

A VOICE: Inaudible.

SUPERVISOR LESKO: Okay. So you're each going to have ten minutes closing out the night. Let's have -- you've been sworn in, Mr. Amper needs to be sworn.

(RICHARD AMPER, was duly sworn.)

SUPERVISOR LESKO: Okay, Mr. Amper, you have ten minutes.

MR. AMPER: My name is Richard Amper. I'm the Executive Director of the Long Island Pine Barrens Society, members of the Brookhaven Town Board, these are preliminary comments on the Draft Generic Environmental Impact Statement for the proposed Meadows at Yaphank, prepared by the Long Island Pine Barrens Society.

We will supply additional observations and recommendations during the comment period and will participate in the review of the proposed project by the New York State Pine

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Barrens Commission which has not yet commenced.

The proposed project will have the potential for profound, adverse environmental impacts given its size and location.

First, we note that the project and as it includes some 850 residential units, 795 of which would be market rate, and the range somewhere between 360 and \$385,000 each.

This development is not part of the as of right permitted on this site, absent the granting of a change of zone. Add to this, there are insufficient public benefits being offered by the applicant in exchange for this extra density, many of the alleged benefits offered are actually impact fees, mitigation measures or benefits to the proposed new community.

It has been consistently the Society's position that building density is a valuable asset to the Town and to the developer and to the people in providing such public value to a private entity without commensurate public benefits, constitutes the gifting of public wealth for private purposes and violates New York State Law.

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Public benefits should be substantially enhanced. We've heard that the applicant is prepared to entertain that.

Second, there is no significant consideration of this project in combination with others currently known and reasonably anticipated, as required under the State Environmental Quality Review Act.

We have previously advised the Town Board, the Town Planning Board and the Zoning Board of Appeals, that such cumulative impacts must be considered during the review process and before these government agencies may make an informed determination about the overall impacts of the anticipated development.

The cumulative impact review for this project consists of a list of other major projects with the assurance that current regulations will prevent adverse cumulative environmental impacts. This assertion is merely conclusory and is unsupported by any evidence in the DGEIS so far. That is something the Town Board should insist be required that we look at all of what could impact this area and especially the

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Carmans River watershed before trying to make a determination on this plan as though it were functioning alone.

Third, and most important of all, is that the entire site lies in the watershed of the Carmans River, the protection of which is the objective of the proposed Carmans River Watershed Protection and Management Plan, currently moving toward adoption.

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In fact, much of the proposal lies in the two to five-year time of travel zone within the watershed, an area that is proposed for stringent protection under the Carman River Plan.

The Society's Board of Directors has scheduled a policy meeting to evaluate the proposed Meadows at Yaphank for May 15th and will consider the determination of the New York State Pine Barrens Commission, which is expected to set a public hearing on the proposal for June 15th.

For this reason, the Pine Barrens Society asked the Town Board to provide for a 60-day comment period so that the results of the Pine Barrens Commission's review of this project, as a development of regional significance, may be

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2 considered before the Town's comment period ends. 

3 In any case, the Society regards
4 the proposed Meadows at Yaphank as having the
5 potential for profound adverse environmental
6 impacts on the Pine Barrens in general and the
7 Carman's River in particular. For this reason, the
8 project will receive the necessary scrutiny prior
9 to the Society's Board of Director's final
10 recommendation for approval, modification or
11 disapproval.

12 Once again, we ask the Town Board
13 to consider a briefly extended period of written
14 comments so that all aspects of the proposed
15 Meadows at Yaphank may be considered.

16 Because -- Rose Breslin and AVR
17 have, indeed, been so good in their community
18 outreach and have talked to us consistently through
19 this process and inquired after our input, we do
20 want to react to some of the things that we've
21 heard tonight so that as this view goes forward,
22 they may be considered as they have been welcomed
23 throughout this process.

24 In answer to a question raised by
25 Councilwoman Keperter earlier, the Durad Sewage

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2 Treatment Plan, in fact, as located at the 11-year
3 time of travel on the site. The description about
4 the -- the school children and the bedrooms, there
5 are to be 68 three-bedroom units, but with the
6 two-bedroom units, that makes the calculation of
7 110 additional children in the school district
8 subject to further review.

9 You might want to take a look at
10 that given several of the studies about school
11 children -- and while I'm on that subject, I do
12 need to raise an issue that we have raised before
13 and that is troubling, we don't do records,
14 specifically, at the Longwood School District, but
15 the notion that school districts as a general rule
16 are in large measure focused, yes, on their mandate
17 to provide education with the funds for doing so,
18 it seems incongruous and not wholly responsible to
19 focus over and over again, we've seen this pattern
20 occur in other districts, and in Longwood, where
21 the drive to resolve problems of State funding, of
22 expensive administrators in schools et cetera, is
23 offsetting the lessons that we need to be teaching
24 our children in terms of how we make socially
25 responsible decisions across the board.

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We should not be advocating for our children that whatever puts the most money in the school district's coffers, regardless of how much they're spending, is the right decision for the community. It's a bad lesson for our kids and something educators need to resist.

We want to avoid this -- this market-based development makes economic sense. We have to avoid that not result in a segmentation under SEQRA. You will have some risks allowing this to be developed as events progress. We don't know whether it's sustainable or not. So that what you want to do during this planning phase, during this study phase, is to take a good hard look at what happens if this happens and what happens if this doesn't happen.

Mr. Supervisor, you raised that question earlier. It deserves more study by the Planning Department.

The development of regional significance standards for the Pine Barrens Commission have not yet been established by the Pine Barrens Commission, nor has the Commission reached any determination as to whether the project

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meets the standards and guidelines for development of regional significance.

The applicant is making the claim that this is so. It is something that we'll need to take a good hard look at.

The as of right formula suggested tonight, that provides that there is no excess beyond as of right because the developer is not developing as much as he could, again, deserves -- that's an interesting theory and it also seems to resonate on the basis of what constitutes public benefits.

If a private entrepreneur benefits from something of value to the public, as zoning is, he or she needs to be responsible to understand what they are. If they contribute money to the school district, that is not a public benefit, it's an impact fee.

If they are doing something to mitigate an environmental problem the project is causing, that's not a public benefit, it's the cost of doing business. So as we advance efforts to protect, for example, to resolve the problem of the invasives, we would view that as a bona fide public

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benefit. It is doing something not created by the development and of benefit to the larger community, not just who just might live in the houses and recreate on the existing ballfields.

The question here is, we are objecting to only one statement as untrue here that we have heard tonight. And that is, we believe that the project as proposed, does not conform to the proposed Carmans River Protection Plan as envisioned and as it's being advanced and we ought to go back and find out if it can do that and if it can't, what we need to do about that.

The -- the southwestern most portion of the property is a half-a-mile from the river itself. Most of the construction in the two to five time of travel for the groundwater.

The planning for this project, as you have seen, is extremely impressive. It's well thought out. It is an impressive new direction. It is unfortunate that this forward thinking plan was proposed for this extremely sensitive site, particularly as it impacts the Pine Barrens and the Carmans River.

What you are looking at and will

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evaluate and will make a determination about, is the largest project contemplated for the Carmans River watershed and we need to do some very, very serious thinking about that.

Thank you very much.

SUPERVISOR LESKO: Thank you, Mr. Amper.

Ms. Johnston.

MS. JOHNSTON: Good evening.

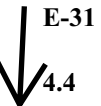
Mary Ann Johnston, speaking for ABCO. I won't need ten minutes.

This is not about school taxes. It's not about school revenue because otherwise, why bother with the study for the Carmans River at all? Just build what you want. Bring in those taxes. Raise -- reduce the residents' rates.

I've heard Mr. Amper say many, many times, building has never reduced the taxes on Long Island and it never will. That's the reality.

So this brings no benefit to the residents of the Longwood School District. None at all. It never lowers taxes. And the AVR did not say it would.

The next thing is, ballfields.



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You gotta be fertilizer dependent. That's inconsistent with any plan to save the Carmans River.

Public benefits -- public benefits need to exist outside the boundaries of the development, otherwise, you know, Mr. Amper is correct. They're impact fees or they're amenities. They're not public benefits. And I didn't hear any public benefits here.

I would assume the people will be using the ballfields that live in the 850 units, not the people who live in my community in Manor Park or even in Mr. Giacomaro's community in East Yaphank or the people of Yaphank proper.

This is not a tax positive without the office space. And, as usual, they want to build the residential first and forget about those jobs they keep talking about, jobs become a four letter word in this context because they're an afterthought. What it's about is residential.

And he'll be back here, because I was here just a few years ago on the Brookhaven Walk Project and told them it was financially impossible. It would not be a good project. They

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didn't factor into their financial analysis internet buying. Of course, they thought it would be a great mall, they didn't know nobody leaving their computer at home. They're buying on the internet and that's why there will be no mall.

But they haven't abandoned that project. They're talking to you about the what ifs of the things they're never going to do and why this would be better.

If that isn't the definition of insanity, I don't know what is.

Beyond that, we have -- how many acres are going to be designated to the residential? I heard Mr. Sloane say, 126 acres would be preserved. Well, that's 26 percent of the 322, not 36. And the Pine Barrens requires that.

Further, I would like to second John Pavisec's -- the Director of the Long Island Pine Barrens Commission, because he recommended the entire watershed be up zoned to A5. A5, folks. If we're going to save the Carmans River, you need to really stop wasting time on studies and just let this go forward, or frankly, act tonight and say no because you don't need to entertain change of zone.

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2 applications for things that are going to destroy
3 our natural resources.

4 Clearly, this is a what if
5 scenario. Look, Mr. Bebon was here. I'm a little
6 bit surprised. Federal law prohibits the
7 Brookhaven National Lab for lobbying for
8 legislation. And, I guess, he doesn't know a
9 change of zone is legislation. And they are going
10 to consider expanding into this site. Well, let's
11 take some of that office off the tax rolls because
12 the federal government doesn't pay tax on property
13 it occupies.

14 This is market driven. Market
15 driven -- that means nothing to me. That means 850
16 units of residential are very likely to be built
17 and maybe nothing else and that isn't it.

18 You know, I'm a little bit
19 concerned that we try to sell Smart Growth by
20 building a village where there is no village but
21 all they can assure you will be built, is houses,
22 compact, stacked and packed. That's not what we're
23 looking for.

24 And the traffic on William Floyd
25 Parkway -- at 5:30 last Friday night I sat a mile

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2 away at Exit 67 to get off and go south on the
3 William Floyd Parkway. The idea that this will not
4 impact traffic in the surrounding communities of
5 Yaphank, Shirley, Mastic Beach and Manorville, is
6 frankly absurd -- probably as good as the financial
7 analysis of Brookhaven Walk and the internet
8 buying.

9 So, you know, and here we have
10 Mitch Pally. I'm stunned. He also voted for the
11 multi-family, linking preservation of the Carmans
12 River. I'm stunned that he's in favor of this but,
13 you know, what could I possibly say -- maybe a
14 segmentation. It's clearly segmentation.

15 We need to have you, as the Town
16 Board, elected officials talking about how
17 desperately we need to accelerate Long Island
18 and bring jobs in, to insist the developers do that
19 first. Most people move where there are jobs, not
20 out in the middle of nowhere, where there aren't.

21 So if there are going to be jobs
22 generated from Brookhaven Lab, why did they clear
23 165 acres of Pine Barrens if they needed to expand
24 their operations outside the boundaries of the Lab?
25 That's a really big question. Maybe they need to

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look at their master plan before they start coming here and telling you what they need to do.

Beyond that, I can't say anything more than 2.5 at the property line is unenforceable. I haven't heard a thing or read a thing in the DGEIS that indicates how they would enforce the 2.5 nitrogen standard at the property line.

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As far as the Durad plant, to say its had problems in the past, is an understatement. There is a reach of the Carmans River due south, the one that's less 2,500 feet from this project, that is registering 9 on the nitrogen load. Where do you think that nitrogen might be coming from?

E-37
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So I'm going to ask you, respectfully, that this plan should not be moving forward in the vacuum of ignoring the fact that you have issued a pos dec for the entire Carmans River watershed, not a corridor along the river, not Yaphank and not Levy World, but the entire watershed.

So how the hell are you planning to do this at the same time that you do a pos dec there. Get your act together. The answer is no.

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2 This is premature.

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Thank you.

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(Applause.)

5

6 other members of the public wish to be heard?

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(No response.)

8

9 anybody so why don't we do this -- Connie, I guess
10 we're going to do a motion on public hearing No. 9.

11

12 the --

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16 SUPERVISOR LESKO: Oh, I'm sorry.
17 You're right. It's getting late. I was looking at
18 the clock.

19

20 COUNCILWOMAN KEPERT: It's been a
21 long night. I know, Mr. Supervisor.

22

23 SUPERVISOR LESKO: Why don't we
24 have the applicant come forward, obviously,
25 entertain -- it's 10:00, we got to do a motion. I
26 know. Okay.

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28 Let's have the applicant come
29 forward, give him an opportunity to respond to the

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comments that he heard.

MR. SLOANE: I have nothing to respond.

SUPERVISOR LESKO: Nothing?

Okay.

MR. SLOANE: I'll respond the FEIS.

SUPERVISOR LESKO: Okay. So the applicant will respond in the FEIS.

Do we have any questions for either the applicant or staff?

A VOICE: I just had a couple.

COUNCILWOMAN KEPERT: I had a couple also.

SUPERVISOR LESKO: Do you want to get -- Dan, do you want staff or the applicant up here?

COUNCILMAN PANICO: Staff's fine.

SUPERVISOR LESKO: Staff. Okay. Let's have staff up here.

And I ask for a motion to extend. We have a decent number of resolutions left. Let's extend for at least 20 minutes.

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COUNCILWOMAN KEPERT: So moved.

COUNCILMAN WALSH: Second.

SUPERVISOR LESKO: So moved by
Councilwoman Kepert.

Seconded by Councilman Walsh.

All in favor?

(Chorus of "ayes.")

SUPERVISOR LESKO: Any opposed?

Opposed.

SUPERVISOR LESKO: All right.

Mr. Panico.

A VOICE: Well, I would like to
say, Dan, first, in response to Mary Ann Johnston,
there's a trigger mechanism that we're building
into the process that permits only a certain amount
of residential components to be built, to come on
line before the retail and the office components,
so it's not intended for this to be built out all
residentially and nothing else.

SUPERVISOR LESKO: Okay.

Councilman Panico.

COUNCILMAN PANICO: I just -- I
have two questions.

One, Tullio, did you take a look

E-38
2.15

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2 or anybody in the staff, take a look at that Exit
3 68. That is of everything, a very big concern of
4 mine. It's quickly becoming what North Ocean
5 Avenue, same way eastbound was -- North Ocean
6 Avenue, even with two lanes now, is still not
7 great.

8 But Mary Ann Johnston is right,
9 Mike Giacomaro is right. Traffic is backing up.
10 There are plenty of rear-end accidents now. And it
11 is a problem and while this may not have the -- as
12 bad an impact as the as of right plan, this
13 certainly is a significant plan and it's not going
14 to help.

15 A VOICE: Pete. We're doing a
16 little on-the-job training tonight for Pete, so I'm
17 going to let him address it.

18 MR. FOUNTAINE: Oh, Councilman, I
19 am also aware of that problem. As far as what
20 Traffic Safety has looked at, I'd like to get back
21 to you as far as having the document in front of me
22 to address that Exit 68 to the -- to the William
23 Floyd Expressway. I just don't want to shoot from
24 the hip on that one. But I can get back to you
25 first thing in the morning.

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COUNCILMAN PANICO: Let me just say that the purpose of this hearing is to identify potential issues and deficiencies so having that issue brought forth tonight is one of the items that will have to be addressed satisfactorily in the Final Generic Environmental Impact Statement.

So the project will not proceed or the process will not proceed until that comment has been adequately addressed.

A VOICE: As to this project being built with any tax abatements?

COUNCILMAN PANICO: Not that I'm aware of.

A VOICE: Or any sort of discounts being given to it from the Town?

COUNCILMAN PANICO: I'm not aware of any, no.

A VOICE: Is this being considered as scaled on a Blight to Light scale or anything like that?

COUNCILMAN PANICO: No. The -- we had discussed going under the Blight to Light Ordinance but they had wanted to go under the PDD Code, which does give more flexibility in the uses

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and how it -- but to my knowledge, there's no abatement that's being considered.

A VOICE: Okay, good.

A VOICE: Questions for Supervisor.

There was some questions on the -- on the tax impact and I don't know who's best to deal with that -- if that's -- do you want to come up, Brian.

You know, when -- when we're talking about residential and certainly, I think, you know, the phasing -- I did have some concerns with the phasing process also. The first phase is entirely residential and the makeup of those residences as far as bedroom counts, Brian, what would that be?

MR. FERRAGERI: Well, the first phase, the first phase is a combination of residential and -- and retail and would be tax positive. And just to go back, I know a previous speaker had questioned the accuracy of our estimate of 110 school children. That study was prepared by Dr. Kamer, who's a well-respected economist and she used the Rutgers University

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coefficients in determining this. That's a, you know, a standard formula that's used to determine it.

But we also have a real life example to back us up and to show that our estimates are -- are conservative.

We're proposing 850 residential units. Out of that 850 --

COUNCILWOMAN KEPERT: That's total?

MR. FERRAGERI: That's total.

COUNCILWOMAN KEPERT: Okay.

MR. FERRAGERI: Out of that 850, there's 303 PRC units.

COUNCILWOMAN KEPERT: Okay.

MR. FERRAGERI: So if you subtract out the PRC, they don't generate any school children, you have 547.

COUNCILWOMAN KEPERT: How many PRCs?

MR. FERRAGERI: There's 303 PRC units. If you subtract them out, you end up with 547 units. That's one and two-bedroom and some three-bedroom units.

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COUNCILWOMAN KEPERT: Right.

MR. FERRAGERI: A mixture of townhouses, apartments and condominiums.

Directly across the street in the community of Colonial Woods Whispering Pine, they have 544, all townhouses, not age restricted. So if you compare our 547, non-age restricted to their 544, they have exactly -- I checked with the Longwood School District, 110 children. But they're all townhouses.

COUNCILWOMAN KEPERT: Right.

MR. FERRAGERI: So townhouses will generate more than a one-bedroom apartment.

COUNCILWOMAN KEPERT: Okay. On the 304 residential units that you're proposing in Phase I, they're all one and two-bedroom units. Any PRC within that Phase 1 proposal?

MR. FERRAGERI: The mixture is in the process of being put together but yeah, there will be one and two-bedroom units.

COUNCILWOMAN KEPERT: Okay. No PRC in that.

MR FERRAGERI: We probably will, you know --

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COUNCILWOMAN KEPERT: Okay.

MR. FERRAGERI: That's

something that's yet to be seen. That'll be --
that'll be established in the first site plan
application.

COUNCILWOMAN KEPERT: And then as

far as the -- Tullio, were you addressing the open
space, because, I think, Ms. Johnston, was talking
about there was some errors in math --

COMMISSIONER BERTOLI: Yeah.

COUNCILWOMAN KEPERT: -- but we

had 128 -- 126 acres being preserved -- 322 --

COMMISSIONER BERTOLI: As per my

calculator here --

COUNCILWOMAN KEPERT: -- total,

that's 29 percent; is that correct?

COMMISSIONER BERTOLI: As per my

calculator here, dividing the --

COUNCILWOMAN KEPERT: Thirty-nine

percent. I'm sorry.

COMMISSIONER BERTOLI: Yes, 39

percent.

COUNCILWOMAN KEPERT: Thirty-nine

percent. Okay.

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COMMISSIONER BERTOLI: Yes, yes.

COUNCILWOMAN KEPERT: Okay. So
it's 39 percent in open space being preserved. The
Pine Barrens requires --

COMMISSIONER BERTOLI:
Thirty-five percent.

COUNCILWOMAN KEPERT: Thirty-five
percent. So we got four percent above what the
Pine Barrens requires.

The Pine Barrens also requires as
far as the nitrogen loading, 2.5 milligrams liters
of nitrogen at the property line; is that correct?

COMMISSIONER BERTOLI: Yes.

COUNCILWOMAN KEPERT: And so the
question also was how do we enforce that? How is
that standard normally enforced?

A VOICE: Our typical way of
doing that is through groundwater modeling, usually
that's based on the applicant to prove what Nelson
Pope and Voorhis has done, is they have a sonar
model that they use to model the groundwater
nitrogen levels and through their modeling, their
actual numbers are 2.18 milligrams per liter.

COUNCILWOMAN KEPERT: 2.18.

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A VOICE: 2.18.

COUNCILWOMAN KEPERT: Okay, so
it's below the Pine Barrens standard.

A VOICE: Yes.

COUNCILWOMAN KEPERT: I have a
question for Jeff. Jeff, Mr. Amper had suggested
we increase the time line here. I was prepared to
close the hearing for -- motion to close for ten
days comment period. What would it do to the
timing if we increase that?

MR. KRASNER: The SEQRA
regulations require that there be a minimum of a
ten-day written comment period after the close of
the public hearing.

SEQRA also requires that the Final
Generic Environmental Impact Statement be prepared
within 45 days of the close of the public hearing
but does add the caveat unless additional time is
required to prepare the FGIS statement adequately.
So it's really at the discretion of the board to
determine whether or not additional time is needed
to adequately prepare an FGIS.

SUPERVISOR LESKO: Can I --
Brian, then can I -- I'm sorry.

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COUNCILWOMAN KEPERT: No, go

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ahead.

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SUPERVISOR LESKO: Can I then ask

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you, as a member of the Pine Barrens Commission, do

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you think that the June 15th date is a realistic

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date? Because, I think, what the Pine Barrens

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Society is saying is, they want an opportunity, I

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guess, to participate or at least view the hearing

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on the development of regional significance before

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the Commission, which I agree is tentatively

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scheduled for June 15th.

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If that's a firm date, then I

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think they're asking for the opportunity to, you

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know, --

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SUPERVISOR LESKO: I'm just

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asking the applicant because sometimes those date

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-- those dates get adjourned in front of the

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Commission. Is that a firm date or do you expect

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that that'll get adjourned?

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MR. VOORHIS: I'm back. Yes, Mr.

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Amper is correct.

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It's my understanding that at next

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week's meeting, they will schedule it for June

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15th. We will present the application at that

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time. Typically, in the past, the staff will have prepared some type of staff report for the Commissioner's consideration and it is rare that they would make a decision at that meeting.

However, the SEQRA process is intended to provide involved agencies with the opportunity to comment on the Draft DEIS. No matter what, they have to prepare findings on this document. So typically they will provide comments on the EIS and my understanding is that staff is doing that so that they're input will be part of the SEQRA process. Just so --

SUPERVISOR LESKO: Is there a - let me just cut to the chase. Is there a reason why we shouldn't hold the written comment period open at least so that it extends past the June 15th hearing date before the Pine Barrens Commission? I mean if --

COUNCILWOMAN KEPERT: Is that just something -- what -- Chic, what you were saying is that they are currently preparing comments. I mean, they will prepare comments when we close the hearing on the DGEIS, they will begin preparing comments whether or not it's the June

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2 15th date or not or --

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MR. VOORHIS: Yes. My understanding is that they are aware of the Town's hearing tonight. They've received a copy of the Environmental Impact Statement and they take their responsibility as an involved agency seriously. SEQRA requires that they participate so they will submit comments to the Town that will be addressed in the final EIS.

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COUNCILWOMAN KEPERT: On a proposal as significant as this one, how much time would we think they would need? Should I -- should we extend it 15 days, 30 days -- I mean, what would be a reasonable time frame for them to come up with comments?

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MR. VOORHIS: I would expect that they would provide comments within whatever time period the Town allots. If it's been posted for a ten-day comment period after the close of the hearing, they will provide comments within that time.

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SUPERVISOR LESKO: Wouldn't it be -- I mean --

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MR. VOORHIS: They know about

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this application. They have an application pending as well.

SUPERVISOR LESKO: Just -- just, the question though is in terms of the time line, all of the various time lines. Would it prejudice the timing of all of this to extend the comment period -- our comment period for some time period after June 15th so that you can allow the commission staff the opportunity to not only prepare for that hearing, but also prepare their comments that they would submit to the Town.

A VOICE : Well, the Pine Barrens Commission staff, again, as an involved agency, is required to provide written comments for whatever time period we set, which is traditionally ten days.

At the public hearing there's going to be other people that are going to speak about the projects and so forth that may not necessarily be reflected in the Pine Barrens staff report and other information may be presented as part of their hearing process but it would seem that the comments should be based on the GEIS says and not necessarily wait for an additional body to

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get comments. I mean the document is the document and that is what the basis for everybody's review unless the debate stimulates further comments that were not considered either tonight or at some future time.

SUPERVISOR LESKO: What day -- what day of the week is June 25th?

A VOICE: Wednesday -- June 15th is a Wednesday.

SUPERVISOR LESKO: Would it -- I mean, I'm asking the applicant. Would it -- how it would affect -- would it affect your time line negatively to hold open our written comment period until June 25th?

A VOICE: It sounds as though -- I mean, it's acceptable. You would hope that the hearing could be closed but that written comments could be provided up until a date certain that you decide.

SUPERVISOR LESKO: So that's basically 46 days -- or something. It gives ten days after the Pine Barrens Commission hearing. I think that's a reasonable amount. I'm just suggesting that, Connie, as a reasonable way to

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accommodate everybody's who's interested. It is a very large project?

COUNCILWOMAN KEPERT: Okay. What day did you say?

SUPERVISOR LESKO: It would be -- today's the 10th, so it would be a 46 day comment period, leaving the written comment period open until June 25th. Okay.

MR. VOORHIS: We'd rather encourage more input. We've done that all along through the process.

SUPERVISOR LESKO: I think that gives the Society ten days after the Commission's hearing to get their comments in to us.

A VOICE: Inaudible.

SUPERVISOR LESKO: Okay. So that works. Okay. Does that work for you, Connie?

COUNCILWOMAN KEPERT: It works.

SUPERVISOR LESKO: Anybody else have any other questions?

(No response.)

COUNCILWOMAN KEPERT: No.

SUPERVISOR LESKO: Okay. Any other member of the public wish to be heard on

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this?

(No response.)

SUPERVISOR LESKO: Okay, seeing none, Connie, why don't we do a motion to close.

COUNCILWOMAN KEPERT: Okay.

Motion to close the hearing with a 46-day comment period to end the close of business on June 25th.

So moved.

A VOICE: Second.

SUPERVISOR LESKO: And that's on public hearing No. 9.

COUNCILWOMAN KEPERT: That's on the DGEIS.

Maryann, we're over.

MS. JOHNSTON: Inaudible.

COUNCILWOMAN KEPERT: So we're going to close it for written comment for 46 days to June 25th.

COUNCILMAN MAZZEI: Second.

SUPERVISOR LESKO: That's on public hearing No. 9, all in favor?

(Chorus of "ayes.")

SUPERVISOR LESKO: Opposed?

(No response.)

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SUPERVISOR LESKO: Motion carries.

And then for public hearing No. 10, I think, we're just --

COUNCILWOMAN KEPERT: Motion to adjourn to an open date.

SUPERVISOR LESKO: Making a motion to adjourn to an open date.

And that's the change of zone hearing. So that hearing remains open.

COUNCILMAN MAZZEI: Second.

SUPERVISOR LESKO: It's been seconded by Councilman Mazzei.

All in favor?

(Chorus of "ayes.")

SUPERVISOR LESKO: Motion carries.

Thank you all very much.

* * * *

C E R T I F I C A T I O N

I, MARIE E. SWEATT, do hereby certify that the within transcript is a true, accurate and complete transcript of the proceedings that took place in the above matter, which I transcribed from DVDs.

MARIE E. SWEATT