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Pursuant to the Environmental Conservation Law Article 57-0121(10), notice is hereby given that a public hearing will be held by the Central Pine Barrens Joint Planning and Policy Commission on April 18, 2007 on the matter of an application for a compatible growth area hardship exemption. The subject of the hearing is:

Rocky Point Union Free School District

82 & 90 Rocky Point - Yaphank Road, Rocky Point, Town of Brookhaven

Request for a Compatible Growth Area hardship permit for proposed improvements that include the removal of an approximately 1 acre wooded area in front of Frank J. Carasiti Elementary School for parking and improve site security, the construction of an approximately 1500 sf maintenance building within an existing lawn area situated between the high school and elementary school buildings and maintenance and improvement projects within the high school and elementary school. The project site is 47.6 acres that is zoned A-1 residential.

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Brookhaven Town Hall
Farmingville, New York

April 18, 2007
3:00 p.m.



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

PETER SCULLY - Chairman

JOHN MILAZZO - CDBC Counsel

CARRIE MEEKS-GALLAGHER -Representative, Suffolk County

MARTIN SHEA - Representative of Town of Southampton

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JOHN TURNER - Representative of Town of Brookhaven

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BRENDA PRUSINHOWSKI - Representative of Town of Brookhaven

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PHIL CARDINALE - Representative of Town of Riverhead

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JUDY JAKOBSEN - Principal Environmental Analyst

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RAY CORWIN

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JANET LONGO

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JOHN PAVACIC

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ROBIN MILLS

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2 THE CHAIRMAN: I'm going to call
3 the public hearing to order. I'll read
4 from the notice of hearing, which you can
5 include in the record.

6 Pursuant to the Environmental
7 Conservation Law Article 57-0121(10),
8 notice is hereby given that a public
9 hearing will be held by the Central Pine
10 Barrens Joint Planning and Policy
11 Commission on April 18, 2007 on the of an
12 application for a compatible growth area
13 hardship exemption.

14 Would everyone note their appearances
15 for the record.

16 MR. SHEA: Marty Shea for Southampton
17 Town supervisor, Patrick Healy.

18 MR. TURNER: John Turner of
19 Environmental Protection for Brookhaven
20 Town.

21 MS. PRUSINHOWSKI: Brenda Prusinhowski
22 representing Brian Foley, supervisor, Town
23 of Brookhaven.

24 MR. CARDINALE: Phil Cardinale for the
25 Town of Riverhead.

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THE CHAIRMAN: Peter Scully representing
the state of New York.

I'll turn now to Ms. Jakobsen.

MS. JAKOBSEN: I'm putting out a copy of
a site plan that was submitted by the
applicant, identified as Rocky Point SP-1
prepared by JAG Architect with a date of
April 2, 2007.

I'm going to be submitting four staff
exhibits and the first staff exhibit is the
staff report prepared on April 12, 2007.
The second exhibit is the site plan which I
just laid out for you on the table that was
prepared by JAG Architect, April 2, 2007.
The third exhibit is an aerial showing the
project site. It's a red outline. It's a
little faint. And adjacent land use.
There's an area in yellow outline which is
the maintenance building and another yellow
outline area in front of elementary school
where they intend to remove trees and
underlying brush for parking. The fourth
exhibit is a 2004 aerial showing the project
site outlined in red that is located in the

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growth area and adjacent is the core preservation area which is the green circles. You should have received in your packet a copy of the staff report and the exhibits.

MR. TURNER: What is this particular application?

THE CHAIRMAN: It's indicated in the staff report that the project is before us because it doesn't meet the clearing limit.

MS. JAKOBSEN: Right. I would like to go over some of the highlights in the staff report. The staff report, which is Exhibit 1, you have a request for a compatible growth area hardship permit allowing building and site improvements that include erosion control of the tennis courts, construction of a 1,500 square foot maintenance building with a paved drive and sanitary system and clearing of some trees in front of the elementary school area about an acre in size for a new parking area and improved visibility for the security purposes. The site is 47.6 acres.

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Currently 91.2 percent cleared.

The site itself is predominantly cleared with a grassy vegetated lawn and sports fields, small area of woods located directly in front of the elementary school and also on the south side of the tennis courts, which you should be able to see in the 2004 aerials that were also Exhibits 3 and 4.

Under required approvals, the State Board of Education identified this as an unlisted action under SEQRA and performed an uncoordinated review and issued a negative declaration on March 27, 2007. The Commission's undertaking this action as an unlisted action under SEQRA and also performed an uncoordinated review.

The project is before the Commission because it does not meet the clearing limit since the site is already over cleared due to prior clearing that predates the Pine Barrens Act, and the fact that the applicant is proposing additional clearing. In addition, the existing site exceeds the fertilizer dependent vegetation limit since

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approximately 80 percent of the site consists of lawn, athletic field and landscaped area. The negative declaration that was prepared by the State Education Board on March 27, 2007 included a basis for its determination that the project will not have a significant impact on the environment. I identified some of elements that were pertinent.

The new 1500 square-foot maintenance building would increase water usage and sanitary discharge by 60 gallons per day. The new sanitary system will handle the additional sanitary waste.

A .6 acre increase of impervious surfaces will occur to the existing 18.6 acres of impervious surfaces which will occur on the 47.6 acre site. This is due to the removal of approximately one acre of woods in front of the elementary school for parking and also the construction of a maintenance building on approximately a .2 acre lawn area. New dry wells would accommodate additional storm water runoff

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from the maintenance building and paved areas.

Overall clearing on site would increase from 91.2 percent that was performed prior to the Pine Barrens Act to 93.3 percent.

Currently the site consists of 38.3 acres of lawn, athletic field area and landscaped area which is 80 percent. The action will create additionally .6 acre of lawn and landscaping which is 1.7 percent of the site. The standard for fertilizer dependent vegetation is 15 percent or 6.15 acres. Staff goes on for further comment in the report that the applicant should discuss whether there are other options for parking on site. However, this will not alleviate the public safety concern with the woods. If they were to find parking opportunities elsewhere on site, for example existing lawn areas on reconfiguring existing parking areas, perhaps the wooded area would just have the understory removed to alleviate security concerns.

I reserve any further comment until

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after the public hearing. That's all I have.

THE CHAIRMAN: Any questions for Judy? If not, the representative from the school district.

MR. TURNER: As most people know, there is an aerial photo available up on the smart board. That shows the subject property.

T H E R E S A E L K O W I T Z, having been first duly sworn by Nancy Demyen, a Notary Public in and for the State of New York, was examined and testified as follows:

MS. ELKOWITZ: I thank the Commission for hearing this application and the assistance your staff has provided.

As you know, there was a fairly extensive presentation last time when we were here. I would like to make those materials that we submitted to you last time as part of the record.

As Judy described, we are seeking a hardship for this area which is approximately one acre surrounded by impervious areas. As you heard extensively

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last time, and as I documented in the application that I submitted to you, the district is seeking to clear the majority of the vegetation for two purposes. The most substantial is to enhance visibility on the front of the elementary school.

There is documentation from Eastern Suffolk BOCES and safety officer testimony, that was also provided to you and documented in the application, that says based on Homeland Security Guidance, from the United States Education Department that the front entrances of the school buildings are to be visible.

I know there's an aerial, which I just pointed to, but if you look -- I'll pass these around -- if you look at the aerial here and other aerials before you, this area to the north, to the west and to the south is surrounded by the Rocky Point preserve which is a very heavily vegetated area.

When you approach the school from the south, you have a very difficult time seeing the building. The other issue, and there

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were photos submitted last time, we have additional photos if you want them, when there's a very busy time in the school there's cars that park up and down Rocky Point and Yaphank Road blocking visibility in and out of the driveway. We talked about this last time. What we are proposing to do is --

MR. TURNER: Where do they park?

MS. ELKOWITZ: -- along Rocky Point and Yaphank Road. Your visibility is blocked by the cars along the side of the road and the driveway. There was a series of photos submitted at the last hearing.

MR. TURNER: That means you operate out of that driveway for buses and --

MS. ELKOWITZ: Yes. Here and here. The north is not such a problem, but the south is a very substantial problem.

What we did last time, we talked in conceptual terms. The board asked us to prepare a plan which Mr. Guido did. There were several recommendations by the commissioners, specifically Mr. Shea and

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Mrs. Prusinhowski, whether or not they will keep a strip of vegetation along the roadway and in that area just clear the understory and cut branches to enhance visibility while still accommodating the parking needs.

The plan shows the additional 52 parking spaces and strip of vegetation along the roadway where they are proposing to clear the understory and cut the branches. That would meet its need for additional parking and it would address also security needs. You will be able to see the entrance to the building. So we have tried our best to accommodate what you asked for.

We have, as Ms. Jakobsen said, this building, as a complex, was built in 1971. It is 91.2 percent clear. There's no way to achieve both objectives, enhancing the visibility of the front and provide parking, without clearing additional vegetation. In our application we have demonstrated we comply with all the other criterion in your regulations for development in the compatible growth area.

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I know that in order to grant the hardship exemption, we have to meet the specific criterion in the law. First of which is the hardship does not apply to a substantial portion of the district and neighborhood. I'm here representing a school district that is required to maintain the safety and security, not only of the students, but it's staff. It must comply with the guidance set forth. Unfortunately, we have seen this yesterday at Virginia Tech. Things happen and the district believes, and Eastern BOCES believes, that they need to enhance and clear the visibility. There is no other way to do it without clearing vegetation.

The property around us, there's multifamily residential and residential to the east of us. To the north, there's commercial property. All of that is privately owned. The surrounding property is owned by New York State Department of Environmental Conservation.

I respectfully submit, we have a unique

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2 situation and there are not similarly
3 situated properties around us or in the
4 district. We must meet the criterion and
5 the guidance for security.

6 The second criteria will not alter the
7 essential character of the community or
8 result in a significant environmental
9 impact. The overall property is developed
10 as a school, has been developed as a school
11 campus since 1971. And the clearing of the
12 trees, especially given Mr. Shea's
13 suggestion, which we are trying to adhere
14 to, to maintain the property along the strip
15 along the front. I respectfully submit to
16 you, we are not going to alter the essential
17 character of the community.

18 From an environmental perspective, I
19 have submitted to you all the school
20 district documents with respect to SEQRA and
21 we also prepared a separate environmental
22 assessment. From the water and sanitary
23 system perspective, as Judy has told you,
24 the increase would be relatively minimal.
25 It's just associated with the maintenance

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building. The maintenance building does not require any clearing. It's on a clear lawned area.

MR. CORWIN: Could you point out to us --

MS. ELKOWITZ: It's easier to show on the plan. It's much larger on the graphic. It's a large yellow box. It's much smaller than what Judy is showing.

We are going to install dry wells to accommodate for runoff so there is no problem with the leachability of the soil. The depth of the ground water is 75 feet so this is an appropriate area. From an ecological perspective there are no rare, threatened, endangered species in this island of education. We have spoken about the clearing issue. From a historic and archeological perspective, we have a clearance letter that we are passing around. From our perspective, this will not result in a significant adverse impact.

The next criterion is self-creation. We don't believe it is a self-created hardship. The property was developed in 1971. We are

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obligated to protect the health and welfare of our students and meet our parking demands. In addition, the property is 91.2 percent cleared and we respectfully submit, and this is another criteria, that this is the minimum relief necessary.

You pointed out to us there might be another way to try to solve the problem and leave some vegetation along the roadway. I looked at the staff reports and talked to the district about whether or not there's another area where we could put this parking. Even if there was, and there isn't, if you look at the photographs, the rest of the site is improved with improvements and improved with fields. The only place we can put it is if we took away the athletic field. The district has a need for the field. This is not a self-created hardship and this is the minimum relief necessary.

I'm sure Mr. Milazzo will correct me, but I believe the last criterion is that there's no reasonable return. This is a

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2 public entity. There's no financial return
3 associated with this.

4 If the Commission has no specific
5 questions, I have the architect, if you have
6 questions for him.

7 THE CHAIRMAN: Questions for Miss
8 Elkowitz?

9 MR. TURNER: I have a couple of
10 questions. You indicated there's a need for
11 security reasons and enhanced parking.
12 Yesterday I had a chance to take the
13 blueprints and sit with our site plan people
14 and discussed is there a way to provide some
15 additional parking? I don't think it was 52
16 spaces, but additional parking here by
17 reconfiguring the parking that's currently
18 on site as well as opportunity and what they
19 said to me is what could be considered --
20 this relates to Judy's point about
21 additional alternatives -- that you could
22 put head-in parking here and you can pick up
23 an additional 25 to 30 spaces. That would
24 necessitate moving the island or this
25 parking area down a little bit and this one

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down a little bit and you can probably pinch out a couple of spaces on each side of that. If you do that, they felt confident picking up 25 or 30 here, as well as some opportunities here.

MR. GUIDO: That's the bus circle. If I were to install parking here, the buses have to come in and bypass this parking and then try to make this sharp turn. This is where the buses drop off the kids.

MR. TURNER: It would be the same width. They suggested that this would be dropped down. To put in parking, you have to drop this down so you have the same width.

MS. ELKOWITZ: I'm not a site designer. If you drop this down, you are going to reduce the width here, if you are maintaining the same number of parking spaces.

MR. TURNER: You would reduce a few parking spaces here, but you can move it down a little bit. That would allow this to move down and keep the adequate width for the buses while putting in 25, 30 spaces.

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2 MR. GUIDO: They're saying from the curb
3 line up with new parking and not in the
4 existing paved area?

5 MR. TURNER: Yes.

6 THE CHAIRMAN: Sir, for the benefit of
7 the reporter, could you identify yourself.

8 MR. GUIDO: Mike Guido. I'm from John
9 Guido, Architect.

10 THE CHAIRMAN: You need to be sworn in.

11 M I C H A E L G U I D O, a witness herein, having
12 been first duly sworn by Nancy Demyen, a Notary
13 Public in and for the State of New York, was
14 examined and testified as follows:

15 MR. GUIDO: There's a significant slope
16 from here up to the track. These two
17 properties vary in height, maybe 10 or
18 12 feet from one side to the other.

19 MS. PRUSINHOWSKI: What is the traffic
20 pattern in that area?

21 MR. GUIDO: Currently, the buses come in
22 here, circle around here and come over here
23 and drop off the kids and then go out.

24 MS. PRUSINHOWSKI: It would appear they
25 use a one-way traffic pattern. Couldn't it

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be set up to add more parking stalls with an angled parking situation?

MR. GUIDO: They could probably modify this parking area and gain a few spaces. I don't know if they can go from here up because of the increase in elevation. I don't know how much they would gain by relaying this out and still maintain adequate space for the buses to turn around. It's not only the size of the bus. It's also the turning radius for the bus.

MS. PRUSINHOWSKI: Do you have the same situation in the front of the building?

MR. GUIDO: No. This is the parent drop off.

MS. PRUSINHOWSKI: As far as the aisle, it appears to show a one-way pattern there, although it's showing two-way pattern on the plan. What is it in this area?

MR. GUIDO: This is one-way in. So this is one-way across. This is one-way until it gets to here. This is two-way. You can enter and come back this way and exit this way. We don't have this going two ways

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because people would be coming out this way and we don't want them turning in here.

MS. PRUSINHOWSKI: Can't there be an angled-situation additional parking space?

MR. GUIDO: In here? You wouldn't gain anything in here. The benefit to angled parking is width. Let's say from curb to curb it's 64 feet. If you put in angled parking, it would be 60 feet. Gaining four feet in that direction doesn't help.

MS. PRUSINHOWSKI: You can also use the aisle.

MR. GUIDO: From curb to curb is probably 64 feet. If we were to angle the parking, the aisle would just be wider. It wouldn't give us enough room for another row of parking.

MR. TURNER: Retaining walls are used all the time in thousands of situations. If there was an option, that might be something that could be accommodated there to provide additional significant parking.

MR. GUIDO: There's no question about that. A retaining wall could be installed

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2 and would have to be installed to
3 accommodate parking.

4 MR. TURNER: You said there were
5 problems along the road with parking. Are
6 there no parking signs on the road? Has
7 anybody approached Suffolk County?

8 MS. ELKOWITZ: The concern is there are
9 vehicles that come to the school. If
10 there's no parking signs there and they
11 can't park on the road, there's no place for
12 them to go.

13 This is a public school. This isn't a
14 private applicant. I submit to you it's not
15 a private applicant with unlimited funds to
16 design projects. I know you weren't here.
17 All these projects are tied to a bond which
18 was the discussion about the urgency and I
19 thank the Commission for promptly
20 processing. This bond has been in
21 development for a few months. It's not like
22 they can do a change order like a private
23 applicant. But that's not an easy process
24 for them because the bond has already been
25 advertised. It's scheduled for May 15th.

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Although I'm not bond counsel, I do a lot of work with bond counsel, you just can't make changes.

I understand our time frame is not your concern, but because this is a public entity, I think the finances are everybody's concern.

MS. PRUSINHOWSKI: Does it say to add parking spaces?

MS. ELKOWITZ: Yes. I have to defer to Mr. Guido, but if we have to do substantial grading and retaining walls and redesign, we are not going to gain as many parking spaces. I have to see them laid out. I'm not an engineer.

How does it solve my problem with the visibility of the front of the school, which was the biggest concern of the school district? It's a benefit to the school district because it gets to solve the parking problem the parents are complaining about and the safety, but how does it solve the problem with respect to visibility of the building.

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2 MR. TURNER: That's something else I
3 want to talk about. It's unclear to me.
4 Did you say it's something that's mandated
5 by the federal government or is it a
6 guidance document?

7 MS. ELKOWITZ: There was a lot of
8 testimony the last time from Steve Hansen
9 from Eastern Suffolk BOCES. He's not with
10 us today. His report was included in my
11 application. It's my understanding that the
12 United States Education Department and
13 Homeland Security sent out a guidance
14 document. Is it thou shall comply or we
15 will take your money away? I don't believe
16 so. If I had children in the public school
17 district, which I do not, I would want my
18 kids in a district where they were
19 compliant.

20 MR. MILAZZO: Compliance can be achieved
21 by raising the tree level and clearing the
22 understory.

23 MS. ELKOWITZ: We acknowledge that.
24 That's why the plan was modified from the
25 original plan Mr. Guido came up with.

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THE CHAIRMAN: Modified to accommodate both of the needs the district has. One of which is security, but one is clearly parking.

MR. CORWIN: Terry mentioned that you were willing to try to provide a wooden buffer. The width is what?

MR. GUIDO: It varies from side to side because of the shape.

MR. CORWIN: Do you have an average?

MR. GUIDO: Maybe 30 feet.

MR. CORWIN: I'm a little bit concerned about the consistency question. To the extent we can disentangle the security question from the parking question, I'm trying to do that. I would rather not get those two concepts covering each other.

The consistency question -- Mr. Shea made this point when we talked about the visibility -- the concern is will reducing the understory, without necessarily clearing that, help that visibility. That is when we got into the question of parking. My concern is if removal of trees was the

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answer to visibility, then we would have no trees on the school grounds.

MS. ELKOWITZ: I actually believe what I read and heard from Mr. Hansen, it was particularly directed to access points, the entrance and exit. The main entry is on Rocky Point and Yaphank Road.

MR. CORWIN: I don't mean to be argumentative. There are presumably access points at each of the prongs of that X. Some of those prongs front on DEC land and some of those front on the small portion.

MS. ELKOWITZ: Believe it or not, someone did ask me is there any potential that we could get the DEC to clear some land and my answer was unequivocally no. I can try to do what I can try to do.

MR. CORWIN: I understand. If access points are the vulnerable points, what would the district propose for those non-main ingress and egress points?

MS. ELKOWITZ: We can't do anything because it's not our land. If the DEC wanted to do something about it, I'm sure

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2 they can. I'm not going to sit here and
3 say, yes, I want you to clear however many
4 hundreds of feet because we have this
5 building. We are trying to do the best we
6 can with the situation.

7 MR. CORWIN: I'm not suggesting you
8 should.

9 THE CHAIRMAN: We would be subject to
10 the enforcement of the Commission. People
11 would be writing to the attorney general.

12 MR. CORWIN: I had to ask.

13 THE CHAIRMAN: Any other questions for
14 the district?

15 MR. AMPER: Richard Amper A-M-P-E-R,
16 executive director of the Long Island Pine
17 Barrens Society, non-profit education and
18 advocacy environmental group.

19 We are concerned about the specific site
20 and the precedent setting nature of the
21 potential granting of this hardship.
22 Mr. Milazzo will advise you about this at
23 some point.

24 I share Mr. Corwin's concern that we
25 need to distinguish the parking problem with

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the visibility issue. This is a guidance document. My suspicion is we will hear from Ms. Elkowitz and the school district in the future about that guidance document.

I'm certainly not qualified, I don't know whether the Commission is qualified, to determine whether visibility is restricted more by a higher understory than the addition of parking in the wrong place. The school district is coming to this Commission saying it needs parking and security, but it's putting the parking in the same sight line as they seek to protect for security's sake. From a precedent standing point of view, I wonder, it's an acre today, but I wonder if it's 20 acres or 40 acres tomorrow, if we were to accept as a mandate the need to prevent trees from being in front of the school for security reasons. At the same time we are all concerned about security. It's not clear to me if the Commission were inclined to approve this, I think it would be very important to establish it's not simply bought on to the

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notion if there's trees in front of a school, they are to be cut down.

The second thing, I'm not suggesting the school district is doing this or Miss Elkowitz is promoting it, but this is the best explanation for granting more parking than I have ever seen produced going. It's hard to determine whether this is a very persuasive argument for allowing parking, rather than a bona fide problem involving security. Something the Commission needs to consider.

With respect to the illustration, if you could put it back up and the observation from the Town of Brookhaven concerning the option of additional parking to the north, I would suggest that the width, both of the existing entrance lane for buses and the turning curve, is smaller there today than would be the case if, as Brookhaven suggested, additional parking were placed to the north and the existing parking moved down, it looks to me, from the aerial, as though there is fully twice as many spaces

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to the west and south of the existing parking than exists today to the north, and the existing turning radius would not be diminished by the proposal to accommodate the parking. That's just an eyeball. I'm not an engineer. But I'm suggesting to you that you have the amount of space to accommodate the buses today and the radius of the turn is likely to be as great with the proposed modification that Brookhaven has advanced as exists today in the northwest corner of the parking lot.

MS. ELKOWITZ: I can respond in two ways. I think you know I'm fairly selective about applications I bring to the Commission. This is not precedent setting. I'm not sitting in front of a Commission of fools. If you look at where the Rocky Point buildings are located, you are going to see to the south there are thousands and thousands of linear feet and woodlands. What makes this different, this location different from many other schools, when you come from the south, you have a very serious

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visibility problem. I don't think every other school district on Long Island can demonstrate that. If they could, well, fine, they would come to the Commission.

With respect to a second issues as to whether this is the tail wagging the dog, all I can tell you, when the district came to me, parking was not part of their original application. When the district came to me, they wanted to clear the land for visibility issues. As the project evolved, we got into a discussion that people park all along Rocky Point and Yaphank Road when the school has different functions and it was becoming a hazard. There were photographs submitted last time and we have additional photographs. When they talked to me about the clearing and Mr. Guido about the clearing, it became a logical place to put the parking. You already disturb the area and that's where it came from. Mr. Guido was directed to maximize the amount of parking. When I came last time and Mr. Shea made the suggestion

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2 he did, we went back and the district
3 modified the proposal. That's the only way
4 I can respond to Mr. Amper's question.

5 MR. AMPER: The only conclusion I would
6 make and ask the Commission to consider,
7 visibility is not merely obstructed by
8 vegetation, the canopy of which could be
9 raised, but also by parking itself.

10 We need to concern ourselves with both
11 the security issue and the parking issue,
12 and I submit, as has been said by others, we
13 need to do that separately in an unrelated
14 fashion. We need to consider, whatever the
15 Commission's disposition with this
16 application, how to be certain that we are
17 not faced with an application from someone
18 else that the front of their building is
19 obscured by 20 or 40 acres of Pine Barrens
20 or, worse, that they have to be replaced by
21 the parking lot.

22 MR. CARDINALE: I'm confused. I
23 understood you to say that cutting the
24 understory and leaving the rest would
25 address your visibility problem.

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2 MS. ELKOWITZ: We went back to Mr. Guido
3 and it was Mr. Shea's suggestion, "Could you
4 accommodate your parking and leave a strip
5 along the road where you cut the understory
6 and trim the branches so you could see
7 through that strip?" And that's what we
8 proposed.

9 MR. CARDINALE: Taking your point that
10 the application came to you as a security
11 concern, if you said you have a security
12 problem -- I know it's a guidance. I would
13 suggest that we see the guidance document.
14 It's not a mandatory document. Let's look
15 at the guidance document. We will honor
16 that. So if you lift your understory and
17 you can see through, your security is
18 resolved. If this is really a security
19 issue, it's resolved since they are not
20 concerned about the parking. That's the end
21 of the story.

22 MS. ELKOWITZ: I don't know that that's
23 entirely correct. We can remove the
24 understory. We still have the trees. Mr.
25 Guido has photos. The trees are not in

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2 foliage now. Because of the way the trees
3 were planted, they are naturally occurring.
4 The trees are in each other's way. The
5 greater the depth that you maintain, the
6 more obstruction of the view even if you cut
7 the branches. We talked about that.

8 MR. CARDINALE: That explains my
9 confusion. How broad is that?

10 MR. GUIDO: This area varies in width.
11 It's about a hundred feet.

12 MR. CARDINALE: You can cut 30 and put
13 parking in and that finishes the security
14 concern. But you are not sure if you can
15 obtain security by cutting the understory.

16 MR. SHEA: With respect to a possible
17 alternative, is there any opportunity of
18 getting parking in this area here? This
19 seems to be extensive.

20 MR. GUIDO: Before we get to other areas
21 for parking, it is not the width of this
22 aisle that creates the problem. It is the
23 radius of this turn. That's why this
24 parking is so far back. A bus can't make
25 that tight of turn. So it has to turn into

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1 this area here. Could we gain some spaces
2 by moving it down? We probably could. Can
3 we take this and move it all the way down so
4 that narrows? No, because the bus won't
5 make the turn. It's not the width that
6 creates the problem. This radius is pretty
7 good. This radius is a little tough. The
8 bus swings about here and swings about here
9 and comes out. It's the radius creating the
10 problem, not necessarily the width.
11

12 This area here is Marconi's shed. Is
13 that a dedicated tree?

14 VOICE: I'm not sure.

15 MR. GUIDO: This is a hill. Could there
16 be parking in there? Possibly.

17 MR. AMPER: I have a question. If the
18 turn at the northwest corner is a 90-degree
19 turn, why would the turning radius at the
20 southwest and southeast be a larger turning
21 radius even though it's only a 60-degree
22 turn? At the northwest corner, the bus has
23 to make a 90-degree turn. The other two
24 turns are 60-degree turns. Why do we need a
25 wider radius for the bus to make a 60-degree

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turn for the southwest and southeast of this driveway than we do for the northwest?

MR. GUIDO: That's why this parking ends here. If this parking were to extend, the bus wouldn't make the turn. The bus has to cut this turn short. The bus has to turn here and swing around and make this turn and turn here and swing around and make this turn. It cannot hug this curb in any form. That's why the parking is held so far back.

MR. AMPER: Are we hearing Brookhaven advocate that we have parking at that bend? I don't hear Brookhaven arguing that they would take that diagonal parking beyond the point of that curve anyway.

MR. GUIDO: They are saying take the parking and push it down, from my understanding.

MR. TURNER: If you slant it you conceivably compress the lower lane, but you would be able to move everything down. They didn't draw it out for me, but you would gain a fair amount of parking.

MR. GUIDO: If we go from that curb up,

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2 I would imagine that would be a way to get
3 this additional parking. We can probably
4 move this down a little bit. We just can't
5 move it down a lot.

6 THE CHAIRMAN: Any reconfiguration would
7 have to respect the need to have school
8 buses moving in and out with adequate
9 radius.

10 MR. GUIDO: It's not just a regular
11 parking lot.

12 THE CHAIRMAN: Are there other
13 questions? Sir, just identify yourself for
14 the record.

15 M I C H A E L I V A N O F F, a witness herein,
16 having been first duly sworn by Nancy Demyen, a
17 Notary Public in and for the State of New York,
18 was examined and testified as follows:

19 MR. IVANOFF: Michael Ivanoff, director
20 of finance and operations, Rocky Point
21 school district. I also have the
22 transportation department report to me, and
23 our transportation, we subcontract out to
24 Laidlaw Transportation all of our busing
25 needs.

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Some background information, and Steve Hansen, the senior health and safety officer at Eastern Suffolk BOCES, could not make the meeting. Had I known that, we could have invited a person from Laidlaw, and the school principal, Pat O'Brien. This school is a kindergarten, first and second grade school. There's 900 students in this school. These are little kids in this school.

We have 24 large 60-passenger bus that come in here at gridlock hour, about 9 o'clock every morning. I'm not sure of the exact time. Plus we have our staff, teachers and parents who drop off children and a handicap bus that drops off special education children and children with broken legs and things like that. This is a heavily congested area speaking roughly from a school perspective, this is a tight area. It's 24 buses with a lot of kids running in and out who have to be heavily supervised.

This area over here by the football field and track is in an elevation. I not

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an engineer either, but in the past we have talked about possibly seeing if we can get parking in here and it was basically determined that it was too costly to attempt to do that, and also, again, we have buses coming in and out and having cars parking a little differently is a real difficult thing to do.

This area over here has been discussed at length with Eastern Suffolk BOCES health and safety regarding the width or depth of the brush. Steve Hansen cited an incident in Arkansas in 1998 where there was a shooting done by an eight and ten year old in a wooded area. That's basically it.

We realize the area is surrounded by DEC land which is over here. We can't do anything about that. That's very, very close. Eastern Suffolk BOCES has made a lot of concerns about that. We are not here to talk about that. This area right here definitely has to be removed from a vegetation standpoint. We would like all the trees up until the 30-foot buffer

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2 removed, if possible, and the parking is
3 basically the secondary consideration.

4 MS. ELKOWITZ: I know the Commission is
5 charged with protecting the resource, but I
6 respectfully submit to you this application,
7 from a groundwater standpoint, is not going
8 to have an adverse impact.

9 Does this set a precedent for another
10 district to come in and say I want to remove
11 20, 30, 40, 50 acres of Pine Barrens, this
12 is one area of the Pine Barrens surrounded
13 by impervious areas. I don't think you can
14 argue that 40, 50 or 60 acres of Pine
15 Barrens is a matter for the Commission to
16 consider.

17 MR. MILAZZO: Is the additional parking
18 needed on a day-to-day basis, and if it's an
19 event, how many times a year?

20 MR. IVANOFF: I can't say it's needed on
21 a day-to-day basis. I would need to know
22 the exact number of spaces. I would say
23 though, this is a very, very tight area. We
24 have teachers who carpool. Some of them
25 park in the high school parking lot. We

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have people who get dropped off. I would say 90 percent of the spots are full every day and prime time is drop off time and pick up time. This could alleviate some of the congestion and some of the concerns that the school officials have of children getting on and off the bus.

MR. MILAZZO: How does your proposal resolve the problem of getting kids off the buses at any particular location? Are you proposing to reconfigure the drop off?

MR. IVANOFF: The people that normally park closer to the school could park over here. There are times when parents and grandparents come into the school. There are a lot of events where parents want to come to see the children in certain events, more so than the high school.

This is next to the high school where we have children with driver's licenses very close, 16, 17, 18 years old. It's very close to the school. From a health and safety concern, there's always the a potential of something happening. High

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school students would not be allowed to park here. I don't see any no parking signs on this road, but I know when there are things like graduation people park here, Suffolk County police give out tickets.

MR. MILAZZO: There are available spots during the normal day-to-day?

MR. IVANOFF: No, there are not available spots. But if this was made into what? 50 spots, 52, I'm saying there definitely could be some spots available during the day.

MR. TURNER: On a day-to-day basis, people are parking along the road?

MR. IVANOFF: No. When there are events. Events like graduation, like a play going on in the second grade. This isn't like -- this configuration of this school might be different from other schools. There are neighborhood schools that have kindergarten through fifth grade.

There are 14 kindergarten, 14 first grades and 14 second grades in the school. It's a little unique. The need is

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definitely here for this to be clear.

Mr. Hansen from BOCES goes all over Long Island and goes to state conferences. I, as a school official, go to state conferences. And safety is definitely a concern.

MR. MILAZZO: Is there a path between the high school parking lot and the elementary school.

MR. IVANOFF: The high school parking lot is up here. This is no path. If we put parking here you would be able to possibly park and watch football games or lacrosse games. We try to limit this area to this school only. This school gets out later in the day, 3:30, four o'clock. Right now there are games going on on the lacrosse field at 4 o'clock.

There's a middle school that's attached to the high school and we have one other school that's about a mile away.

THE CHAIRMAN: With regard to the issue of security, visibility being primary, you have come back to this meeting with an alternative to what was submitted last time

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2 that leaves a buffer area along County Road
3 21. Do we take that to mean, with that
4 buffer area maintained, that your visibility
5 concerns are addressed?

6 MS. ELKOWITZ: We took Mr. Shea's
7 suggestion. We are proposing to cut the
8 branches off and take out the understory.
9 We tried to do it at a depth where you can
10 see and still leave the buffer.

11 MR. AMPER: One question and one
12 observation. Our last speaker reinforced
13 our concern that the security person is
14 going from school to school around Long
15 Island and Suffolk County and possibly the
16 Pine Barrens region to address this concern.
17 So I'm not persuaded we have seen the last
18 of this.

19 The question is, has there been an
20 extension of this school that explains the
21 need for additional parking? If not, why is
22 there now a need for parking that perhaps
23 was not needed previously?

24 MR. IVANOFF: The first point with
25 Mr. Hansen going around from school to

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school, he told me that this school district is so unique to Long Island that when he drives up 21 passed, say, Longwood to Rocky Point and he has 5,000 acres of Pine Barrens land. You don't think you're on Long Island. It's a very wonderful place to be. The children in the school are definitely into conservation and getting green and recycling.

When he comes up on the school, even though there's a blinking light and sign there, it definitely hits you quickly. I drive up every morning from the south shore. There are people who are not familiar with the area and would not know there's a school there.

On top of that, we have guidelines from the Federal Education Department and Homeland Security based on incidents that have happened in schools in rural areas, it's a concern with access from the front of the building from a site standpoint.

Personally, I go with the team recommendation of 30-foot barrier.

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Personally, I would like to see no trees there. I realize this is part of the rules of the Pine Barrens.

Other areas where there are lots of cars there, I asked Steve that question. If there needed to be some police activity, they would be able to access the area through there.

We have instances in the school where parents have custody issues and orders of protection. There are a lot of things that are private and proprietary where you have people who you do not want to have access, easy access, to the school and the school safety people are local residents who are making a little more than minimum wage working in the security area.

We have a very small security staff. We want to have, as part of this bond, cameras and better security. The community has asked for better security. There are other areas that we do not own that are owned by the DEC that we can not really say anything to the community at this point in time. We

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want to make sure, the first part, where if emergency personnel had to access Frank Carasiti, there's access.

MR. AMPER: Why the need for more spots?

MR. IVANOFF: We feel there's a need for more spots when there's an activity going on in the school. Is it day-to-day? No. But is it a lot? Yes.

MR. GUIDO: Enrollment over the last ten years has gone up by 250.

THE CHAIRMAN: We understand what's going on with enrollment. With regard to the frequency that you have people parking on County Road 21, I'm hearing it doesn't happen every day, but it happens in conjunction with events with more than the normal level of people in the building.

MR. GUIDO: Right.

THE CHAIRMAN: Any member of the public want to be heard? Any additional questions?

MR. CORWIN: I want to go over a comment that John made a moment ago regarding the other parking lot to the north. I thought where he was going, the parking lots to the

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2 north, which are not in the immediate
3 discussion, are they overflowing?

4 MR. IVANOFF: They are definitely
5 overflowing.

6 THE CHAIRMAN: The idea is to meet both
7 needs by expanding the parking on the east.

8 MR. IVANOFF: To lessen the need for the
9 people in attendance at the Carasiti school.
10 The people that might be grandparents and
11 people who are dropping off younger
12 children.

13 The larger high school parking lot is
14 definitely not -- there's definitely a need
15 for additional parking. We have teachers in
16 the middle school that was built three or
17 four years ago. Staff was added. Parking
18 is very tight. We have at different points
19 24 buses going into each school.

20 THE CHAIRMAN: The point has been made.
21 Any other questions for staff or
22 representatives of the district? I suggest
23 that we close the hearing for further
24 deliberation, any other additional
25 information request. Thank you very much.

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