SUFFOLK COUNTY PLANNING COMMISSION

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

NOTICE OF MEETING

April 4, 2012
Rose Caracappa Auditorium
725 Veterans Memorial Highway, Hauppauge

Tentative Agenda Includes:

1. Adoption of minutes for November 2011 & December 2011 & February 2012-Meeting Summary

2. Public Portion

3. Chairman's report

4. Director's report

5. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code

   - Carlson et al. 0800 02300 0200 013001 et al. (Town of Smithtown)

6. Section A14-24 of the Suffolk County Administrative Code

   NONE

7. Guest Speakers: Thomas Conoscenti, Ph. D.

8. Discussion:

   - "Consideration of 2010 & 2011 Annual Report"

9. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **May 2, 2012** in the Village of Babylon Board Room.

COUNTY OF SUFFOLK

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

SARAH LANSDALE, DIRECTOR
DIRECTOR OF PLANNING

STAFF REPORT
SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Carlson, et al.
Municipality: Town of Smithtown
Location: N/E/C/ Old Northport Road & Greenwood Road

Received: 3/5/2012
File Number: SM-12-01
T.P.I.N.: 0800 02300 0200 001001 et al.
Jurisdiction: Within 500' of NYS Route 908 K-Sunken Meadow Parkway
Within 500' of Town of Huntington
Within 500' of Suffolk County & NYS Lands

PROPOSAL DETAILS

OVERVIEW: Applicants seek approval from the Smithtown Town Board for the change of zone from R-43 (Residential, one acre) and LI (Light Industry) to WSI (Wholesale Service Industry) and HI (Heavy Industry) on 25 assembled tax lots comprising 84.63 acres in the Hamlet of Kings Park. The majority of the subject site is zoned residential with the remainder divided between Light and Heavy Industrial.

The subject property currently operates as a "contractor's yard." Pre-existing (and non-conforming to the zoning code) uses on site include the storage of trucks, trailers, construction equipment, boats, masonry supplies, sand, stone, fill, landscaping supplies, miscellaneous storage, nursery supply including plants, trees, shrubs, golf cart storage rentals and sales, business offices and a single family residence.

The site also contains a NYS DEC permitted solid waste Management facility receiving up to 365,000 CY of material per year of recognizable uncontaminated concrete, brick, asphalt pavement, rock or soil, wood, land clearing debris, yard waste, and animal manure and associated bedding material. It is important to note that according to referred material to the Commission, the operations on site are not a "compost facility." According to the petition submitted, composting is a permitted but very limited use at the facility and represents less than 1/365 of total activities. It should also be noted that the facility does not process tires or demolition debris. The facility does not bury compost nor process municipal solid waste (MSW) or process hazardous waste. Also located in this area are the Town's Municipal Services Facility and landfill.

According to submitted material, the applicants are not proposing any changes to the existing non-conforming uses on site at this time. The petition for change of zone is being made to bring the

existing use of the property into conformity with Town Zoning Law.

An 5.8 acre "out parcel" approximately center of the assemble properties subject of this petition is to remain residentially zoned along Meadow Glen Road.

Access to the subject property is proposed to remain via existing curb cuts to Town Line Road, Old Northport Road, Greenwood road and Meadow Glen Road. All roads are local Town roads. Alternate or emergency access is proposed via the interconnectivity of the parcels and the relatively non-delineated internal street system. No formal emergency access is proposed at this time.

The subject property is nearly completely disturbed. There remain approximately 10 acres of non-contiguous woodland on site and approximately 70 acres of un-vegetated rock, earth and fill. The remainder of approximately four acres is roads, small buildings and other paved surfaces.

The subject property is situated within Hydrogeologic Groundwater Management Zone I. The site is not in a Pine Barrens area of the County or in a State Special Groundwater Protection Area (SGPA). The subject property does not contain mapped regulated wetlands by the New York State Department of Environmental Conservation or the U.S. Fish and Wildlife services.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-l provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

The proposal to change the zoning designation on certain properties to bring uses on site into compliance with existing zoning law will allow, over time, for the site to address compatibility issues with the remaining residentially zoned parcel and the residential community to the north. The petitioners have put forth that the proposal is "an effort to increase buffers between residents and businesses."

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Smithtown Comprehensive Plan is currently being updated. However, certain goals of the Comprehensive Plan process being undertaken in the Town of Smithtown include:

- Improving the local economy in terms of business activities, taxes, employment, and property values so as to provide and attractive, affordable and livable community and
- Provide for existing and future trends in land use, communication technology, transportation, and related fields to remain competitive and economically viable in the 21st century

Sections of the Towns Draft Economic Resources Study for the Towns comprehensive planning process regarding the Old Northport Road Industrial Area indicate a need to "devise ways to effectively control the land use" in the area. Moreover, the Draft recommends giving consideration to "efforts that might eventually approve most of the uses in this area, so long as the sites comply with buffer and site design standards." The Draft continues to indicate that "once land use control is regained" through proper land use to zoning "the town should consider uses that might provide some additional benefits for the community."

The Old Northport Road Industrial Area has the second highest amount of industrial land in the Town of Smithtown. However, unlike the Hauppauge Industrial Park, it has many uses that are not in compliance with the existing Residential and Light Industrial zoning districts. A change of zone to

Heavy Industry would appear consistent with the Towns intent to consider properties "for rezoning to encourage more coordinated and efficient property use." The Heavy Industry District provides land for heavy industrial activities necessary to serve the needs of the community. Permitted uses may include activities such as asphalt manufacturing, cement batching, sand and gravel mining or processing, concrete products manufacture, licensed junkyards, etc. The Wholesale and Service Industry District is a replacement for strip business zoning along arterial roads. The category provides for automotive-related non-retail needs, for uses that require extensive land for outdoor storage or display and for uses that do not generate large traffic volumes. Examples of permitted WSI uses include auto repair shops, automobile sales and showrooms offices and similar uses. The Light Industrial category by contrast is distinguished from heavy industry and WSI in that all activity is conducted inside a building; outdoor activity such as storage of raw materials or merchandise for resale is prohibited. The Residential Zoning District would not allow any of the industrial uses above. The non-conformity of the uses on site with the existing zoning districts is apparent in the field. Future permitted and special exception uses under the Wholesale and Service Industry District would provide an opportunity to achieve the above stated goals of the Town of Smithtown and the Petitioner.

There is some concern however; that the single out parcel to remain in the Residential district may be a future source of conflict and it should be considered by the Town Board to change the District designation of this site (on its own motion) to one more consistent with the desired zoning pattern of the surrounding parcels.

It is the belief of staff that the proposed zoning district boundaries should attempt to coincide better with existing property lines. The proposed zoning district boundaries tend to split certain parcels and thereby set up zoning interpretation issues and potential future subdivision of parcels.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted January 2009).

The intent of the petition is to bring the uses onsite into conformity with the zoning law and to provide better buffering and compatibility of uses with adjacent sensitive receptors. The Town and the applicant may want to consider storm water runoff management treatment, particularly in the future as new uses are proposed under the new zoning districts. There may be opportunities that exist to preserve existing natural vegetation on site and add to it in the form of open space and buffers as a result of future site planning. The petitioners may find some benefit in reviewing the contents of the Suffolk County Planning Commission Guidebook related to storm water treatment and the Suffolk County Planning Commission Publication *Managing Stormwater – Natural Vegetation and Green Methodologies* found on the Commission website. Storm water drainage should be contained on site and the applicants may consider incorporating one or more of the following non-point source pollution mitigation techniques into the overall drainage:

- Natural retention areas such as vegetated swales and bio retention cells/rain gardens
- Permeable/porous pavement surfaces
- Manufactured treatment devices, i.e. catch basin inserts designed to filter hydrocarbons and other pollutants from storm water runoff

In addition, the Town may want to require that the project sponsor to study the issues of noise, light and safety prior to submitting conceptual site plans for zoning violation remedies. It is the belief of the staff, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to public safety.

It is not clear from the referred materials if the petitioners have given detailed consideration to energy efficiency. While some aspects of the use on the subject property relate to resource recovery and sustainability, it is the belief of the staff, that the proposal may find some benefit in reviewing the Commissions Guidebook with respect to energy efficiency particularly as it may relate to future development of the rezoned property.

STAFF RECOMMENDATION

Approval

Suggested comments:

1. The out parcel in the Residential district may be a future source of conflict. The Town Board may consider changing the District designation of this site (on its own motion) to one more consistent with the desired zoning pattern of the surrounding parcels.

2. The Town and the applicant should consider storm water runoff management treatment, particularly in the future as new uses are proposed under the new zoning districts. Storm water drainage should be contained on site and the applicants should agree to incorporate non-point source pollution mitigation into the overall drainage plan by incorporating, for example, one or more of the following storm water mitigation techniques:

    - Natural retention areas such as vegetated swales and bio retention cells/rain gardens
    - Permeable/porous pavement surfaces
    - Manufactured treatment devices, i.e. catch basin inserts designed to filter hydrocarbons and other pollutants from storm water runoff

    The petitioners may find some benefit in reviewing the contents of the Suffolk County Planning Commission Guidebook related to storm water treatment and the Suffolk County Planning Commission Publication *Managing Stormwater-Natural Vegetation and Green Methodologies* found on the Commission website.

3. Opportunities exist to preserve existing natural vegetation on site and add to it in the form of open space and buffers as a result of future site planning.

4. The proposed zoning district boundaries should be drawn to attempt to coincide better with existing property lines. The proposed zoning district boundaries tend to split certain parcels and thereby set up zoning interpretation issues and potential future subdivision of parcels.

5. The Town may want to study the issues of noise, light and safety prior to submitting conceptual site plans for zoning violation remedies. It is the belief of the staff, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to public safety.

6. It is not clear from the referred materials if the petitioners have given detailed consideration to energy efficiency. While some aspects of the use on the subject property relate to resource recovery and sustainability, the proposal may find some benefit in reviewing the Commissions Guidebook with respect to energy efficiency particularly as it may relate to future development of the rezoned property.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: R-43 & LI
- Minimum Lot Area: 43,500 & 40,000 Sq. Ft.
- Section 278: No

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: Yes
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Yes
- SEQRA Type EAF
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Contractors Yard/outdoor storage/business offices/single family residence
- Existing Structures: Several Block Buildings, machinery
- General Character of Site: Rolling
- Range of Elevation within Site: 50'-180' above mean sea level
- Cover: Exposed Earth
- Soil Types: Haven, Plymouth, Riverhead, some woods, associations & cut & fill land
- Range of Slopes (Soils Map): 0-25+
- Waterbodies or Wetlands: NONE

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

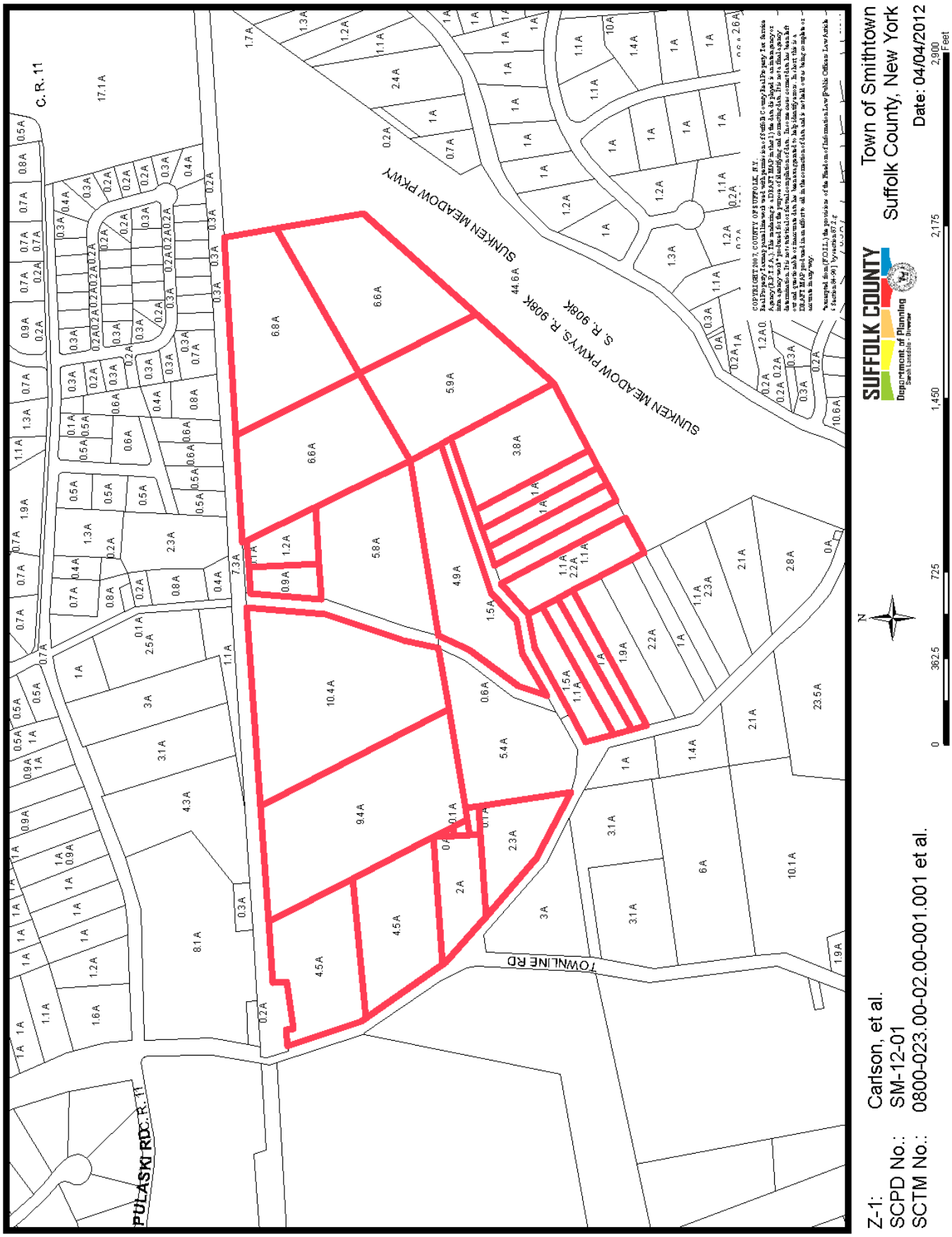
- Type: Change of Zone
- Layout: Standard
- Area of Tract: 84.63 Acres

ACCESS

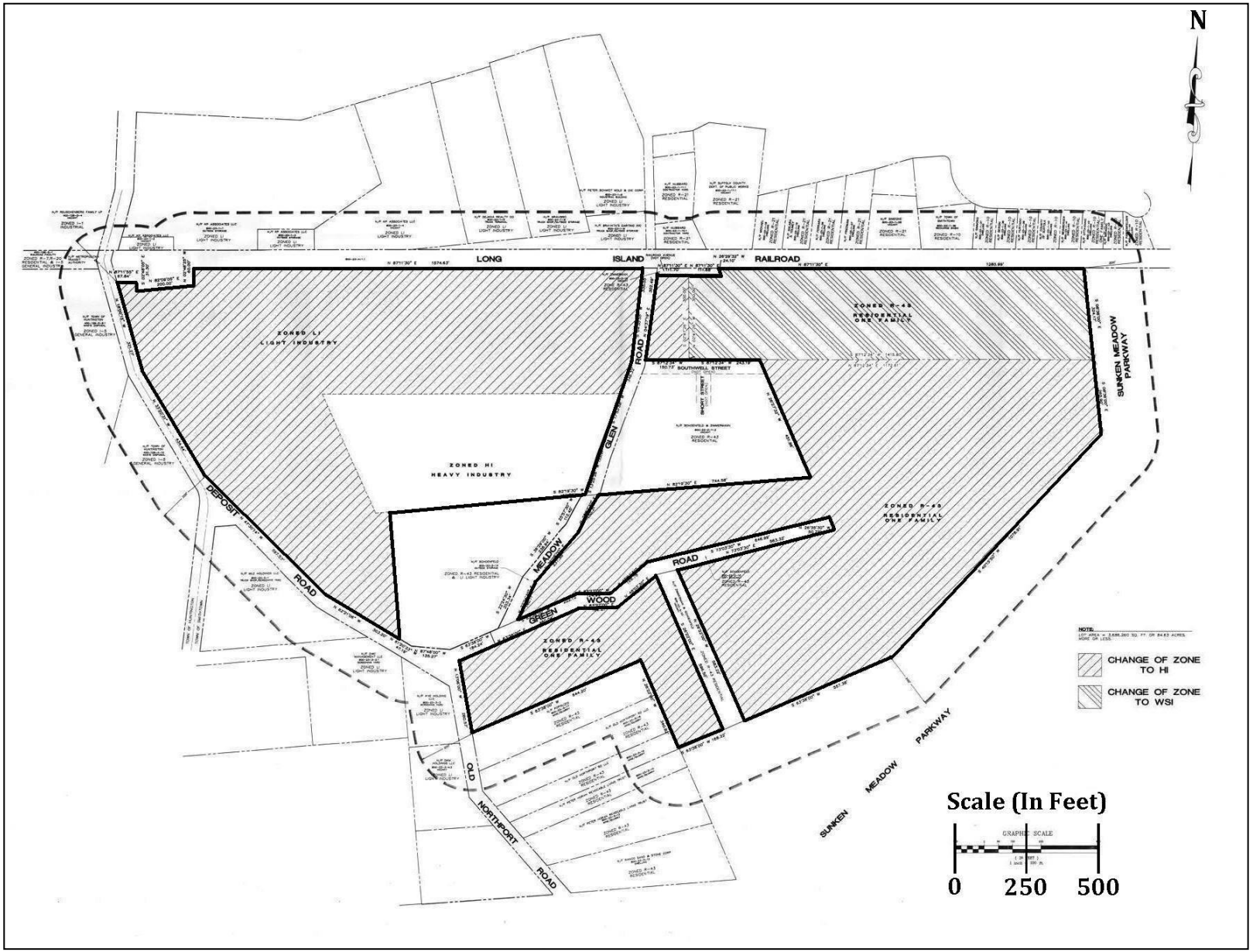
- Roads: Existing- Old Northport Road & Greenwood Road
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins NO
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: ST & LP



Z-1: Carlson, et al.
SCPD No.: SM-12-01
SCTM No.: 0800-023.00-02.00-001.001 et al.



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