SUFFOLK COUNTY PLANNING COMMISSION

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

NOTICE OF MEETING

May 2, 2012
Village of Babylon Board Room
153 West Main Street
Babylon, NY 11702

WALKING TOUR @ 10:30

Tentative Agenda Includes:

1. Adoption of minutes for December 2011

2. Public Portion

3. Chairman's report

4. Director's report

5. Guest Speakers:

   - Hon. Ralph Scordino, Mayor, Inc. Village of Babylon
   - Hon. Wayne Horsley, Suffolk County Legislator, District #14

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

• The Hamptons Club@Eastport	0200 56300 0500 001000 et al.	Town of Brookhaven
• Cedar Pines Senior Care	0200 71300 0100 023000	Town of Brookhaven
• Calverton Industries	0600 11600 0100 010000	Town of Riverhead

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

   NONE

8. Discussion:

9. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **June 6, 2012** in the Town of Southampton Board Room.

COUNTY OF SUFFOLK

Z-1

STEVEN BELLONE
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

JOANNE MINIERI
COMMISSIONER

SARAH LANSDALE, AICP
PLANNING DIRECTOR

Staff Report
The Hamptons Club @ Eastport
Municipality: Town of Brookhaven
Addendum 5/2/2012
Referral received: 4/16/12
Jurisdiction: NYS Rte. 27, CR 111, Pine Barrens

OVERVIEW-The Project Overview for this action remains similar to a prior referral to the Suffolk County Planning Commission (see attached staff report and Commission resolution) with the exception that the applicant has revised the project to include a wastewater treatment technology known as NitrexTM that is intended to significantly reduce the impact of nitrogen in wastewater recharge. As a result, the amended application no longer proposes the transfer of wastewater credits form outside of the Central Pine Barrens to the subject property.

The Suffolk County Planning Commission reviewed and disapproved a prior referral dated September 1, 2010 as indicated in the attached resolution. The Commission provided three reasons for recommending disapproval of the referral. The first reason stated was that the change of zone proposed to transfer wastewater credits form outside of the Central Pine Barrens to the subject parcel. The transfer of waste water credits from outside of the Central Pine Barrens was found to be contrary to the intent of the NYS Pine Barrens Protection Act and the Central Pine Barrens Comprehensive Land Use Plan. Since the amended proposal incorporates new wastewater technology (that has been approved by the SCDHS for use in commercial and multifamily projects) it is no longer proposed that waste water credits be transferred to address nitrogen load issues. As such, there is no longer a contradiction to the above referenced. It should be noted however, that the applicant does intend to voluntarily transfer eight (8) Pine Barrens Credits to address the requested change of zone and density increase. The eight credits represent approximately 15% of the density unit increase (119 proposed units – 64 approved units = 55 unit difference x 0.15 = 8.25). The proposal to utilize the Pine Barrens Credits does implement the intent of the CPBCLUP.

The second reason for disapproval stated by the Commission was that the increased residential density was not consistent with SCPC policies which indicated that increases in residential density should be in close proximity to downtowns, hamlet centers and in areas with convenient access to commercial and community services and public transportation. The amended application materials argue that the actual proposed project density is 1.56 units per acre, and is similar to density at a moderate level (approximately ½ acre minimum lot size). The requested change of zone is for a "B Residence" that has a minimum lot size of 20,000 SF. It is also argued by the petitioner that the proposal is consistent with other land uses in the immediate area. The proposed project density is proposed to be less dense than the residential development immediately to the west of the project (Encore Shores) which has a unit density of approximately 3.2 units per acre. Notwithstanding the above, attached unit multi-family housing can be shown to have a higher reliance on public transportation to destinations such as community facilities, health care, food, and entertainment centers. One way to address the Commission's policy guideline is to assure that potential residents be offered transportation choices in

addition to single occupancy vehicles to downtowns, commercial and community services. Staff recommends that the petitioners be required to investigate routing Suffolk County Transit bus service to a convenient location within the subject property and or the petitioner make available to the residents a shuttle/van service to commercial and community services.

The third reason supporting the Planning Commissions disapproval was that the proposed change of zone for increased density was contrary with Commissions environmental policy including promoting development in downtowns and adjacent to transportation hubs and discourage development where it is not warranted including ecologically sensitive Pine Barrens habitat. With the elimination of the transfer of sanitary credits from outside the Central Pine Barrens the project can be considered a density shift or non-contiguous cluster within the Pine Barrens by the use of Pine Barrens Credits (the credits having been purchased from pine barren land holders in exchange for the permanent conservation of the property). This is in conformance with the intent of the Comprehensive Land Use Plan and the petitioners should be acknowledged for implementing the plan. Moreover, it is noted that the subject property is located in the Compatible Growth Area (CGA) of the Central Pine Barrens. This area has been identified in the CPBCLUP as area suitable for appropriate development and for transfer of density in the form of PBC's from the Pine Barrens Core Preservation Area. The subject properties ecological sensitivity is noted as a former farm field (with some fragmented pine barren vegetation) isolated from other tracks of vacant land by existing attached residential development and is bordered by County and state highways on two sides. The site is not within a flood plain and there are no wetlands on or near the subject property. The subject proposal retains significant open space after completion of the development.

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).

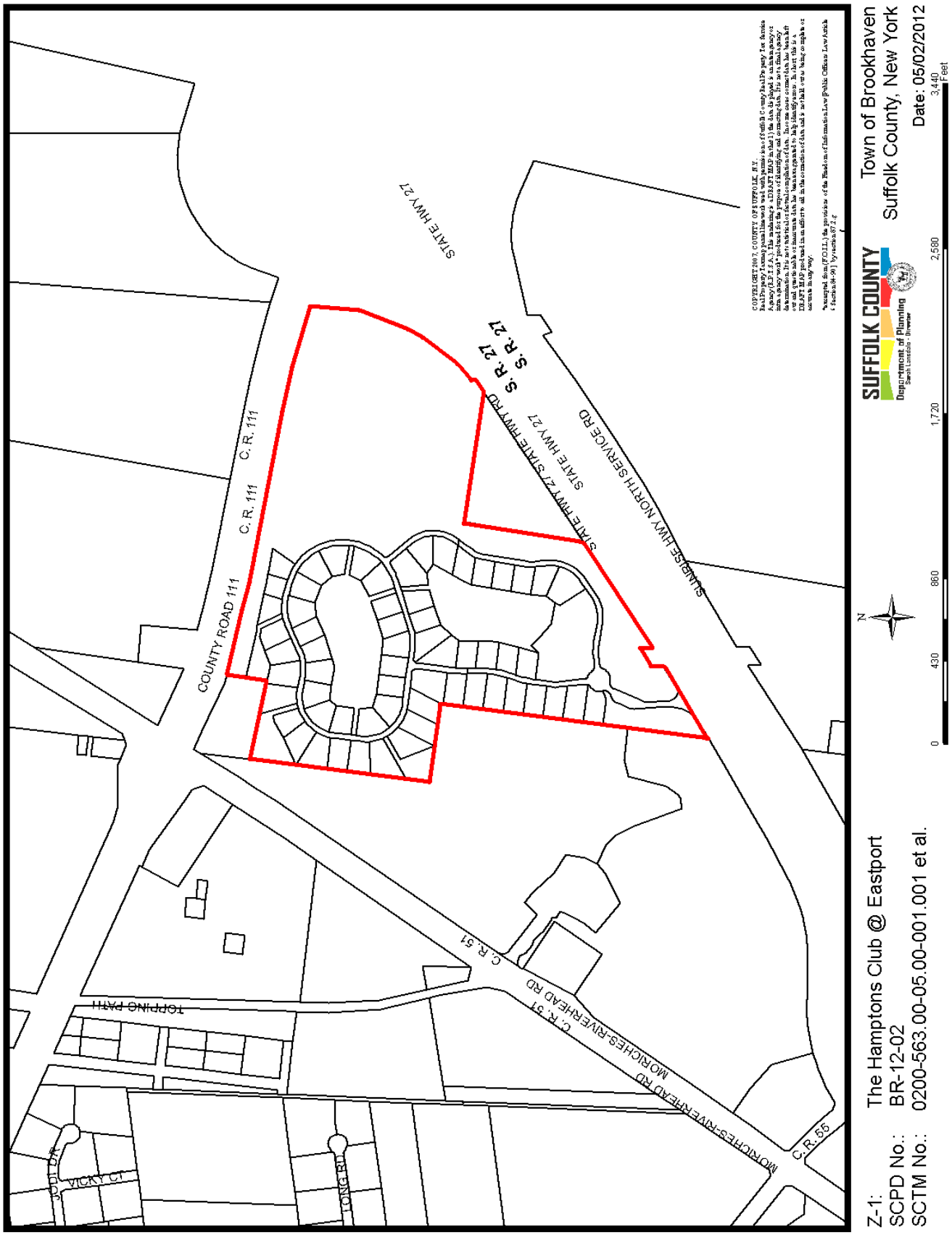
From the nature of the referral material the applicants have given some consideration to the contents of the Suffolk County Planning Commission Guidebook. The subject application is in conformance with environmental protection goals as established by the Central Pine Barrens Plan and Article 6 of the Suffolk County Sanitary Code. The subject application is responding to economic conditions and by its very nature is economic development. The attached unit residential nature of the proposal provides for housing diversity in this area of Eastport. The proposal for attached residential housing includes 30 affordable units and represents approximately 25% of the total number of units.

STAFF RECOMMENDATION:

Approval with the following comments:

1. The applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders.

2. The applicants should review the Suffolk County Planning Commission Guidebook particularly related to conservation of energy and public safety and incorporate where practical design elements recommended therein.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C.R. 51
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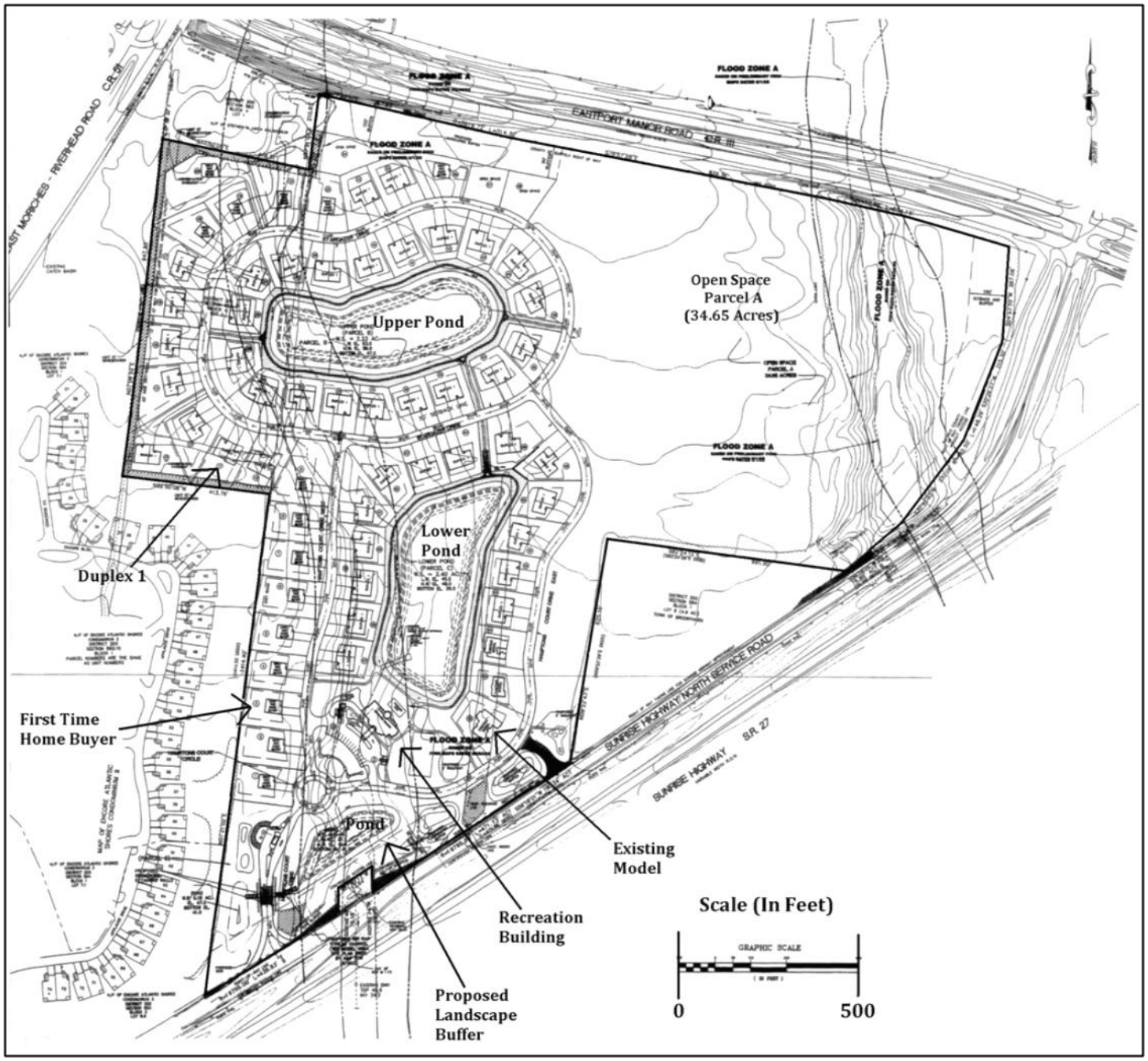
Feet
SUFFOLK COUNTY
Department of Planning
Town of Brookhaven
Suffolk County, New York
Date: 05/02/2012
Z-1:
SCPD No.:
SCTM No.:
The Hamptons Club @ Eastport
BR-12-02
0200-563.00-05.00-001.001 et al.



Z-1: The Hamptons Club @ Eastport
SCPD: BR-12-02
SCTM No: 0200-563.00-05.00-001.001 et al.

Resolution No. ZSR-10-27 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code

WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a proposed zoning action was received at the offices of the Suffolk County Planning Commission on August 6, 2010, with respect to the application of **"The Hamptons Club @ Eastport"** on land situated on the North side of Sunrise Highway (S.R. 27) and Southwest side of Port Jefferson-Westhampton Road (C.R. 111)

WHEREAS, said application was considered by the Suffolk County Planning Commission at its meeting on September 1, 2010 now therefore, Be it

RESOLVED, that the Suffolk County Planning Commission hereby approves and adopts the report of its staff, as may be amended, as the report of the Commission, Be it further

RESOLVED, that the Suffolk County Planning Commission **disapproved the application for the following reasons:**

1) The change of zone proposes to transfer wastewater credits from outside of the Central Pine Barrens to the subject parcel. This is contrary to the intent of the New York State Pine Barrens Protection Act and the Central Pine Barrens Land Use Plan and threatens an important regionally significant groundwater resource.

2) The proposed change of zone for increased residential density is not consistent with Suffolk County Planning Commission policy that states that increases in residential density should be in close proximity to downtowns, hamlet centers and in areas with convenient access to commercial and community services and public transportation.

3) The proposed change of zone for increased residential density is not consistent with Suffolk County Planning Commission's environmental policies including the specific policy to promote development where it is warranted in downtowns, hamlet centers, adjacent to transportation and retail services and discourage development where it is not warranted within coastal zones, environmentally sensitive areas such as the Pine Barrens, unique ecological habitats and designated open spaces.

Please Note:

- The Suffolk County Planning Commission Guidebook for Commission policies and guidelines can be found on the internet at the below website address:
http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC
A copy of the Suffolk County Planning Commission Guidebook is also included with this letter.

- Pursuant to 239-m6. of the General Municipal Law, the referring municipality within (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action.

Motion by: Commissioner Holmes

Seconded by: Commissioner Esposito

Commission Vote: Present – 11

Ayes - 9
Nays - 1
Recusals – 1

Dated: September 1, 2010

Location: William Rogers Building, 725 Veterans Memorial Highway in Hauppauge

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	ABSTAIN	RECUSE	ABSENT
1. BOLTON, CHARLA At-Large					X
2. CALONE, DAVID Town of Babylon	X				
3. CHARTRAND, MATTHEW Town of Islip	X				
4. ESPOSITO, ADRIENNE Villages over 5,000	X				
5. FINN, JOHN Town of Smithtown		X			
6. HOLMES, LINDA Town of Shelter Island	X				
7. HORTON, JOSHUA At-Large					X
8. KELLY, MICHAEL Town of Brookhaven				X	
9. KONTOKOSTA, CONSTANTINE Vill. Over 5,000	X				
10. LANSDALE, SARAH Town of Huntington	X				
11. MCADAM, TOM Town of Southold	X				
12. ROBERTS, BARBARA Town of Southampton	X				
13. TALDONE, VINCENT Town of Riverhead	X				

COUNTY OF SUFFOLK

Z-2

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, A.I.C.P.
DIRECTOR OF PLANNING

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

Applicant: The Hamptons Club @ Eastport
Municipality: Town of Brookhaven
Location: North Side of Sunrise Highway (S.R. 27) and Southwest Side of Westhampton Road (C.R. 111)

Received: August 6, 2010
File Number: S-BR-04-13.1
T.P.I.N.: 0200-563-1-5.1 et al
Jurisdiction:

ZONING DATA

- Zoning Classification: A-1 Residence
- Minimum Lot Area: 40,000 . Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: Yes
- Property Previously Reviewed by Planning Commission: Yes
  - File: S-BR-04-13
  - Date: 11/03/2004
  - Map of: The Hamptons Club at Eastport
- SEQRA Information: Yes
- SEQRA Type Full EAF, DEIS, FEIS
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Vacant, residential subdivision partially constructed.
- Existing Structures: Three constructed model homes, and partially completed infrastructure for residential subdivision.
- General Character of Site: Partially constructed residential subdivision with open

space area located in the eastern portion of the property.

- Range of Elevation within Site: 38 - 66 ft above msl
- Cover: Excavated soils, fallow agricultural lands, and wooded areas
- Soil Types: HaA (Haven Loam); RdB + RdC (Riverhead Sandy Loam); CpE (Caver and Plymouth Sands), PIC (Plymouth Loamy Sands)
- Range of Slopes (Soils Map): 0-35 %
- Waterbodies or Wetlands: No existing waterbodies or mapped freshwater wetlands located on site.

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Change of Zone
- Layout: Clustered
- Area of Tract: 76.4 Acres
- Yield Map: N/A
  - No. of Lots: 0
  - Lot Area Range: Sq. Ft.
- Open Space: 29 acres

ACCESS

- Roads: Access via Sunrise Highway North Service Road (S.R. 27) with private interior roadways
- Driveways: Driveways shown to residential units from private interior roadway system

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: Runoff captured by leaching pools and artificial ponds
  - Recharge Basins 3 artificial ponds
- Groundwater Management Zone: III
- Water Supply: Public
- Sanitary Sewers: Sanitary Septic System

PROPOSAL DETAILS

OVERVIEW – Applicant seeks a Change of Zone on a 76.4 acre subject property in the hamlet of Eastport from A-1 Residence to B-Residence to allow a 119 residential unit development. The development proposes 86 duplex units, 30 first time home buyer units, three previously constructed model homes, a recreation building and swimming pool as well as 29-35 acres dedicated as open space. In 2007 the property was approved for a 65 lot clustered Subdivision and has subsequently been cleared and then improved with three model homes and partially constructed interior roadways and artificial ponds. The current proposal would utilize the same footprint as the approved 2007 subdivision (with the exception of three residential lots from the 2007 subdivision being dedicated as open space).

Previous applications for the Hamptons Club at Eastport have been reviewed by the Suffolk County Planning Commission. In 2004 the Suffolk County Planning Commission disapproved a 64 lot Subdivision stating that the lots should be aligned in a tighter cluster. A revised

subdivision with a tighter cluster was received by the Commission in 2005 and determined by staff to be in accordance with Planning Commission recommendations and therefore a matter of local determination. The subdivision was again received in 2006 and again found to be in accordance with commission guidelines and returned to the Town as a matter of local determination. In March, 2010 SEQRA coordination was received for the current change of zone application. The department responded on April 30, 2010 that the Commission has no objection to the Town of Brookhaven assuming Lead Agency status (the Commission does not have standing to be the Lead Agency) and also with the comment, "It would appear that there is no basis for a change of zone to higher density. Moreover, the subject site is remotely situated for attached housing and posses limited amenities desired for multi-residence purposes".

LOCATION – The Subject Property is located on the north side of the Sunrise Highway (S.R. 27) the southwest side of Port Jefferson –Westhampton Road (C.R. 111) in the Town of Brookhaven and hamlet of Eastport. Directly west of the subject property is a planned retirement community (senior citizen housing). Predominately agricultural and wooded lands surround the property to the north, south and east.

ACCESS – Access to the proposed development would be via the Sunrise Highway North Service Road (S.R. 27). A private internal roadway system is proposed to access the residential units.

ENVIRONMENTAL CONDITIONS - The subject property has been cleared, graded and excavated in connection with the 65 lot residential subdivision approved in 2007. Three model homes have been built and the interior roadways and artificial ponds have been partially constructed. The eastern portion of the site was preserved in accordance with the 2007 approved subdivision as open space. The open space area consists of both former farmland undergoing vegetative succession and approximately 9.4 acres of woodlands in the easternmost portion of the site. There are no mapped freshwater wetlands or surface water bodies located on site but there are two Federal Emergency Management Agency (FEMA) flood zones located on site.

The subject property is located within Groundwater Management Zone III and is located in a Special Groundwater Protection Area, a New York State Critical Environmental Area and the Compatible Growth Area of the Central Pine Barrens.

COMPREHENSIVE PLAN RECOMMENDATIONS – The Town of Brookhaven 1996 Comprehensive Land Use Plan recommends one acre or less residential density for the subject property. In the more recent 2007 Town of Brookhaven County Road 51 Corridor Land Use Plan the subject property is identified as the Hamptons Club @ Eastport development but the Plan does not make specific recommendations for the subject property.

STAFF ANALYSIS

The applicant seeks Town Board approval for a Change of Zone from A-1 Residence (minimum lot size 40,000 sq. ft.) to B-Residence (minimum lot size 15,000 sq. ft.) to construct 119 residential units on a 76.4 acre property in the hamlet of Eastport. In 2007 the applicant received approval for a 65 lot clustered subdivision which has subsequently been partially built out with three model homes, and a portion of the interior roadway system and artificial ponds/recharge basins. Prior to the commencement of this development, the property was fallow farmland with wooded areas on the eastern and western portions of the property.

The current change of zone proposes 119 residential units to be located on the footprint of the 2007 subdivision (with the exception of three of the 2007 residential lots which would be converted to open space). Of the 119 planned residential units 86 are to be duplex units, 30 are to be first time home buyer units, and three are the existing model home units. In addition the applicant proposes a recreation building, swimming pool and 29-35 acres of open space. As proposed the development would be a gated community with interior private roads maintained by a homeowners association.

There are two primary issues with the application that are of particular significance from a County/ regional perspective:

- The potential impact to the regional groundwater resource
- The potential benefit of a diversification of the housing type and affordability

Groundwater Resource

The subject parcel is located in Groundwater Management Zone III. This zone limits the discharge of untreated wastewater to a maximum of 300 gallons per day per acre. This equates to one single family dwelling of net yield per acre after the land required for roads, drainage, etc. is removed. For the subject parcel, a maximum of 65 single family dwellings are permitted under Article 6, consistent with the approved subdivision.

The proposed rezoning would result in a density almost double the maximum permitted under Article 6. To address this, the applicant has proposed to transfer wastewater credits from another site. Such transfers are permitted subject to compliance with certain requirements and with the approval of the Board of Review of the County Department of Health Services. The transfer that has been offered is from a site known as the Oaks at Moriches, an undeveloped subdivision located along the west side of C.R. 51, south of S.R. 27 (Sunrise Highway). The site is a Town preliminarily approved subdivision of 62 lots. According to information supplied by the town, 44 wastewater credits and 11 Pine Barrens Credits from the Oaks at Moriches property would be transferred to the subject property. It is noted that the Board of Review has not yet approved the transfer of credits.

As noted, the subject property is located in the Central Pine Barrens and is within the Compatible Growth Area (CGA). In the State legislation creating the Central Pine Barrens and in the subsequently adopted Land Use Plan, development within the CGA is allowed subject to certain restrictions. This contrasts with the area known as the Core of the Central Pine Barrens where development is prohibited except in cases of extreme hardship. Central to the program to implement the legislation and the plan was the creation of a Transfer of Development Rights (TDR) program. Under this program, property owners within the Core have the option of selling the development rights (known as Pine Barrens Credits) on their properties to those seeking to increase density in other locations (outside of the Core). In this manner, development in the primary recharge area of the County's largest drinking water reserve (aquifer) is protected while the property rights (and land value) of the land owners within the Core is retained (through TDR and public acquisition programs). This is a critically important part of Pine Barrens program that has enabled it to withstand legal challenges. The program is based upon sound standards of resource protection that respect and protect private property rights.

In the subject case, it is the opinion of the department that the 11 Pine Barrens Credits that are proposed to be transferred to the site are consistent with the intent Central Pine Barrens program.

As noted, the remaining credits necessary to comply with Article 6 of the County Sanitary Code

(44 credits) are proposed to be transferred from the Oaks at Moriches property. The Oaks at Moriches property is not in the Central Pine Barrens nor is it in Groundwater Management Zone III. So while the Pine Barrens program was created to protect a regionally significant resource by incentivizing the movement of development out its boundaries, this application would do the opposite by moving development into the Pine Barrens. This is counter to established State, County and Town public policy and would potentially establish a bad precedent.

Housing Diversification

As noted, the approved subdivision for the subject parcel is for 65 single family detached lots. This represents a very homogenous housing type and one that could be considered overly consumptive of resources such as land and energy. The proposed development provides a greater diversity of housing types including duplex units and first time home buyer units ranging from 1150 square feet to 1800 square feet. Further, it is represented that 25% of the units would be affordable.

While the diversification of housing is a positive to the application, it is the belief of the department that it is not sufficient to counter the regional groundwater protection goals. In addition, the proposed change of zone would result in increased residential density in an area that is removed from most residential services and is not consistent with adopted Suffolk County Planning Commission policies. In particular Suffolk County Planning Commission policy stresses "Housing policies must balance increases in density, the availability of infrastructure and retail services to accommodate growth and environmental constraints to growth." This policy is then elaborated by stating that good planning principles suggest that increases in density should be in close proximity to "…downtowns, hamlet centers and in areas with convenient access to retail and public transportation."

It is further noted that he Town of Brookhaven 1996 Comprehensive Land Use Plan recommends one acre or less residential density for the subject property. In the more recent 2007 Town of Brookhaven County Road 51 Corridor Land Use Plan the subject property is identified as the Hamptons Club @ Eastport development but the Plan does not make specific recommendations for the subject property.

STAFF RECOMMENDATION

Disapproval for the following reasons:

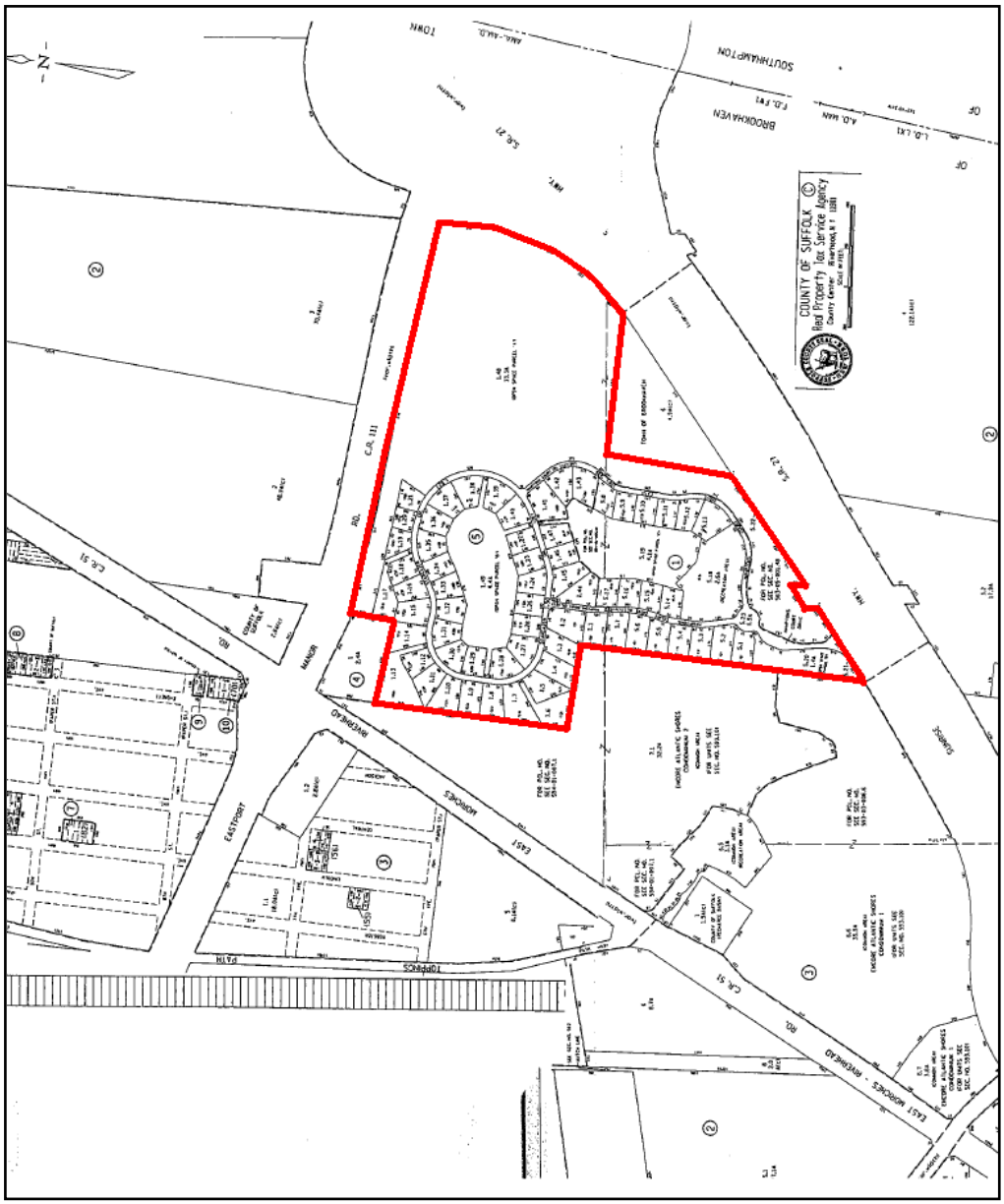
1) The change of zone proposes to transfer wastewater credits from outside of the Central Pine Barrens to the subject parcel. This is contrary to the intent of The New York State Pine Barrens Protection Act and the Central Pine Barrens Land Use Plan and threatens an important regionally significant groundwater resource.

2) The proposed change of zone for increased residential density is not consistent with Suffolk County Planning Commission policy that states that increases in residential density should be in close proximity to downtowns, hamlet centers and in areas with convenient access to commercial and community services and public transportation.

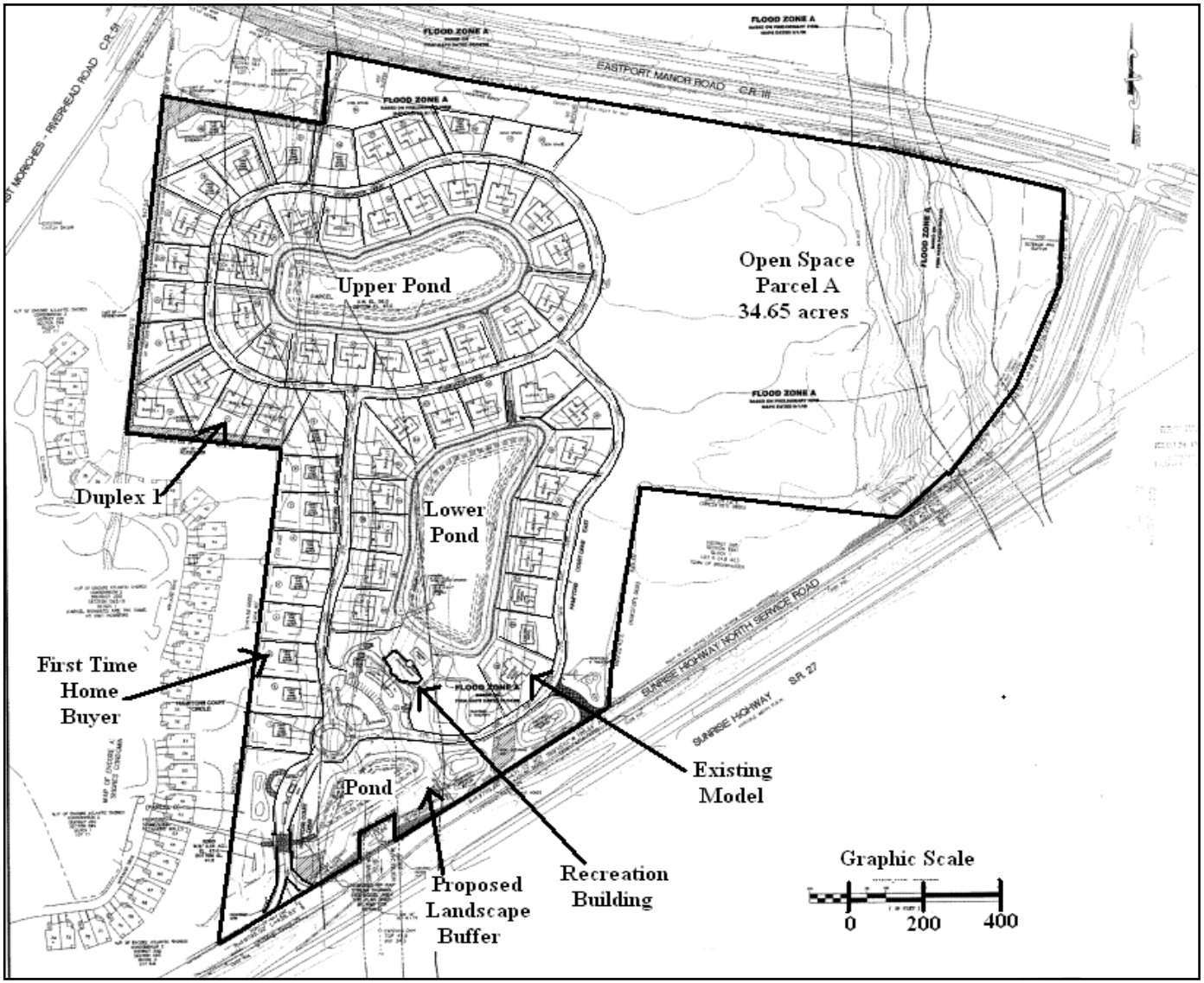
3) The proposed change of zone for increased residential density is not consistent with Suffolk County Planning Commission's environmental policies including the specific

policy to promote development where it is warranted in downtowns, hamlet centers, adjacent to transportation and retail services and discourage development where it is not warranted within coastal zones, environmentally sensitive areas such as the Pine Barrens, unique ecological habitats and designated open spaces.

End of report



Z-2: The Hamptons Club @ Eastport
SCPD No.: S-BR-04-13.1
SCTM No.: 0200-563.00-01.00-005.001 et al



Z-2: The Hamptons Club @ Eastport
SCPD No.: S-BR-04-13.1
SCTM No.: 0200-563.00-01.00-005.001 et al

COUNTY OF SUFFOLK

Z-2

STEVEN BELLONE
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

JOANNE MINIERI
COMMISSIONER

SARAH LANSDALE, AICP
PLANNING DIRECTOR

STAFF REPORT
SECTIONS A14-14 THRU A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Cedar Pines Senior Care
Municipality: Brookhaven
Location: N/S/O Frowein Road (CR 98) ~ 1,500' East of Oak Street

Received: 4/9/2012
File Number: BR-10-04.01
T.P.I.N.: 0200 79300 0100 013000
Jurisdiction: Adjacent to County Road 98

PROPOSAL DETAILS

OVERVIEW - Applicants have petitioned the Brookhaven Town Board for a change of zoning designation from A Res. 1 (residential one acre) and L Ind. 1(light industrial) to Planned Retirement Congregate Housing Community (PRCHC) District on 16.94 acres in the hamlet of East Moriches. The change of zone referral is to facilitate the construction of a three-story, 154,823 SF nursing home/assisted living building (80 nursing home beds, and 100 assisted living beds in 59 assisted living units, in two full floors and a partially-occupied basement), and 48 attached rental PRC units (in six, two-story structures). In addition to the change of zone approval, the project will also require Town Board approval for building height and a Town Planning Board approval for a Special Permit for the nursing home use as an accessory to the proposed PRC assisted living units. As part of the proposal the applicants have offered a total of 7.16 acres (42.27% of natural and replanted) open space.

All of the project-generated wastewater is to be conveyed off-site and treated in the existing STP at the Walden Pond at East Moriches PRC site, to the east of the subject parcel.

The proposed action also involves the creation of approximately 192 at-grade parking stalls and is in conformance with Town of Brookhaven Zoning Law.

Access to the development is proposed to be via existing curb cuts to CR 98 (Frowein Road). Alternate or emergency access is not proposed.

The subject property is presently undeveloped and mostly wooded, but the south central part of the site was previously cleared and partially excavated then filled, and is now occupied by successional old field vegetation. The eastern wetland portion of this site contains freshwater wetlands associated with the headwaters of Mill Creek, which are in turn part of the headwaters of the Terrell River. The wetlands are regulated by NYS DEC and identified as M-8 on the Moriches Quadrangle. The subject property is located in Hydro-geologic zone VI and is in the Brookhaven Coastal Zone Area South Critical Environmental Area.

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.

Access to the proposed development is intended via Frowein Road (CR 98). The referred material included a Traffic Engineering Report submitted under separate cover. The proposal has a regional/inter-community concern regarding development of the subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of the Road. Traffic signalization and curb cut permits will be required from the Suffolk County Department of Public Works for any improvements to the road. It is recommended that the project sponsors continue the dialogue with SCDPW. In addition, the applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders. Staff recommends that the petitioners be required to investigate routing Suffolk County Transit bus service to a convenient location within the subject property and or the petitioner make available to the residents a shuttle/van service to commercial and community services.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Brookhaven 1996 Comprehensive Land Use Plan Update designates the subject property for Industrial use. While the proposed use is not in conformance with the Town Plan the petitioners note that Town Zoning Code Section 85-111 states that with respect to the need for the type of senior residential development represented by the proposed project:

> It has been determined by the Town Board that planned congregated housing retirement communities are desirable since they are organized, constructed, destined and planned to serve the needs of older persons who no longer wish to provide certain services for themselves. Suitable and adequate facilities and services for assisted living, including but not limited to congregate dining, housekeeping services and social, cultural and recreational activities, meet the needs of older persons and permit them to enjoy an independent, pleasant and safe lifestyle. In addition, it is the intent of the Town Board to provide a diversity of housing types to meet the economic needs of Town of Brookhaven resident. In particular, the Town Board recognizes the need to provide workforce and affordable housing units in

order to address both current and anticipated population requirements. Therefore maximum permitted densities may be increased to accomplish these goals.

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).

It appears, from the nature of the referred material, that the applicants have given some consideration to the contents of the Suffolk County Planning Commission Guidebook.

The environment of the subject property is protected through the requirements for conservation easements and vegetation clearing plans; all storm water drainage is to be contained on-site in accordance with State and Town regulations. The most landward limit of wetland vegetation has been recently flagged in the field by a qualified expert (12-10-2009) it is not clear if the line has been verified by the appropriate regulatory agency. It is the opinion of staff that this should be conducted and the line (properly notated) should be represented on all sketches, plans, maps, etc.

The petitioners should continue to have detailed conversations with the Suffolk County Department of Health services regarding waste water treatment for new development on the subject property.

The project sponsors should study the issues of noise, light and safety prior to constructing the facility. 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. It is the belief of the staff, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to energy efficiency.

STAFF RECOMMENDATION

Approval with suggested comments:

1. Applicants should continue dialogue with the Suffolk County Department of Public Works regarding improvement and access to CR 98 and seek all appropriate approvals.

2. In addition, the applicants should investigate with the Suffolk County DPW Transit Division, routing Suffolk County Transit bus service to a convenient location within the subject property and or the petitioner make available to the residents a shuttle/van service to commercial and community services.

3. Petitioners should continue the dialogue with the Suffolk County Department of Health Services regarding off site connection to the adjacent STP.

4. The applicants should review the Suffolk County Planning Commission Guidebook particularly related to conservation of energy and public safety and incorporate where practical design elements recommended therein.

5. The most landward limit of wetland vegetation last flagged in the field by a qualified expert (12-10-2009) should verified by the appropriate regulatory agency and the line (properly notated) should be represented on all sketches, plans, maps, etc.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: A-1 Res. & L-1 Ind.
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- 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 Expanded EAF
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Rolling
- Range of Elevation within Site: 25' - 50' above mean sea level
- Cover: wooded, some clearing
- Soil Types: Carver and Plymouth Series
- Range of Slopes (Soils Map): 0-35%
- Waterbodies or Wetlands: Wetland adjacent & off site

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Change of Zone

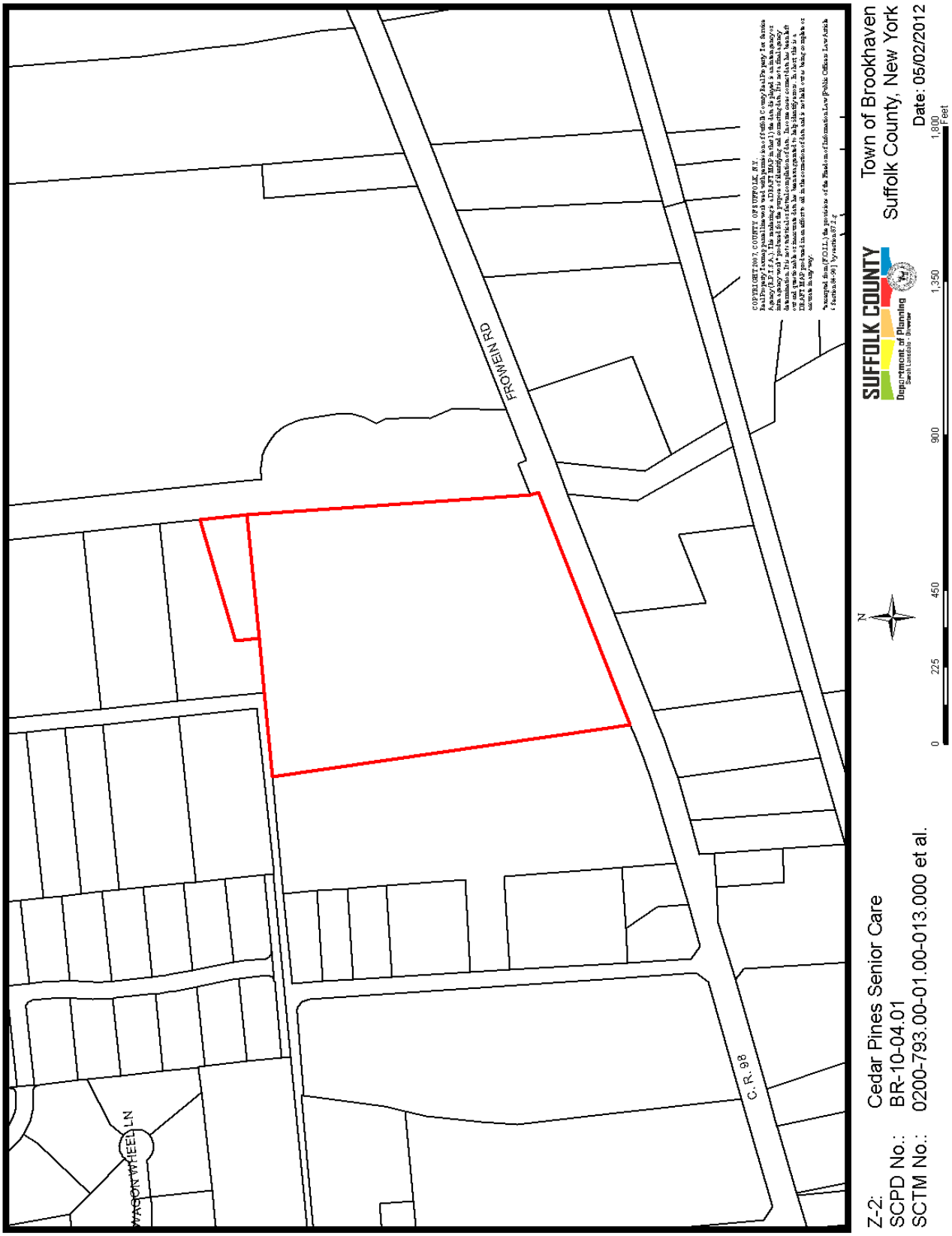
- Layout: Curvi-linear
- Area of Tract: 16.94Acres
- Yield Map:
  - No. of Lots: N/A
  - Lot Area Range: Sq. Ft.
- Open Space: 7.16 Acres

ACCESS

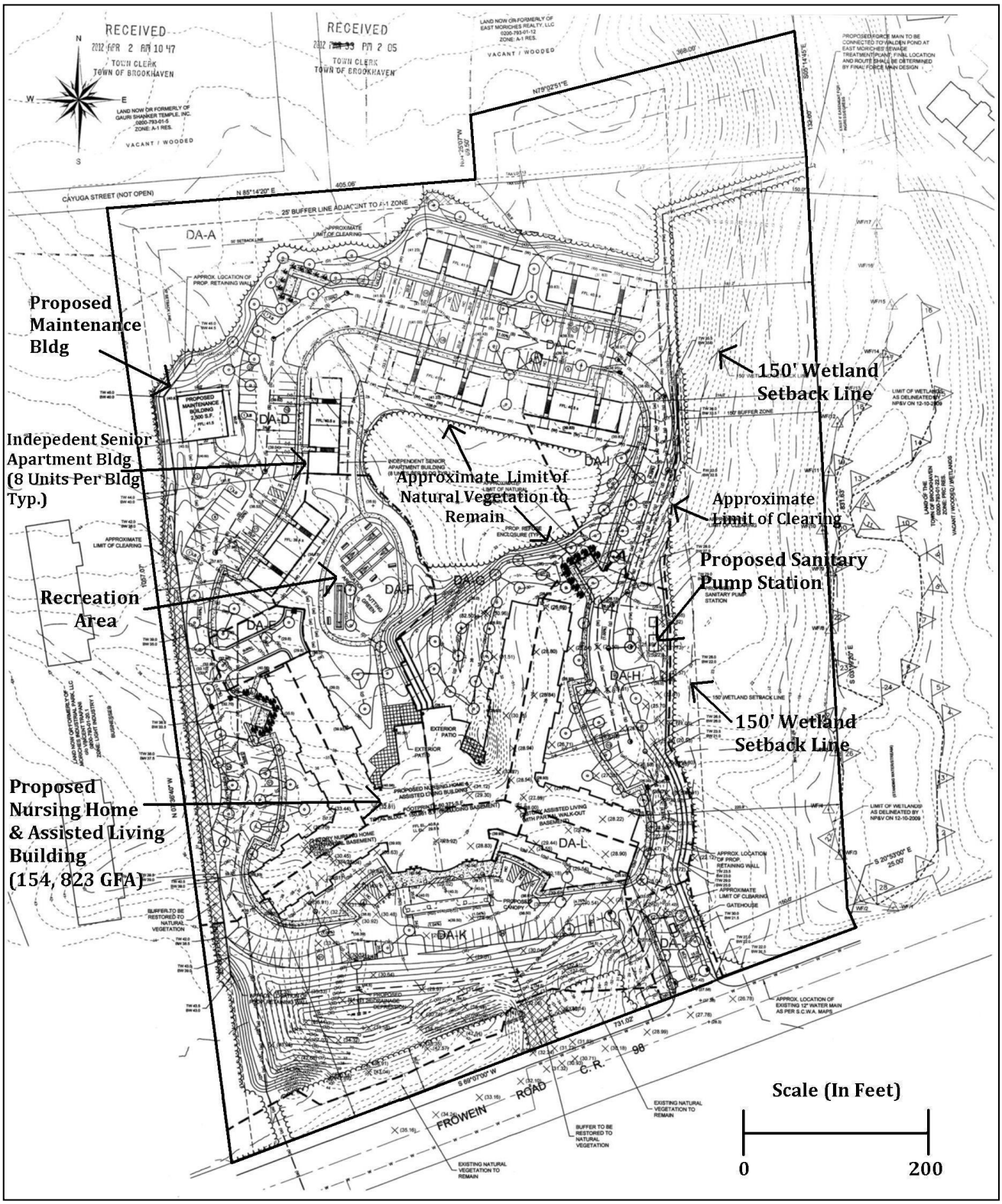
- Roads: Existing (CR 98)
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins NO
- Groundwater Management Zone: VI
- Water Supply: Public
- Sanitary Sewers: Off-site STP



Z-2: Cedar Pines Senior Care
SCPD No.: BR-10-04.01
SCTM No.: 0200-793.00-01.00-013.000 et al.



Z-2: Cedar Pines Senior Care
SCPD: BR-10-04.01
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COUNTY OF SUFFOLK

STEVEN BELLONE
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

JOANNE MINIERI
COMMISSIONER

SARAH LANSDALE, AICP
PLANNING DIRECTOR

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

Applicant: Calverton Industries
Municipality: Riverhead
Location: Southside of Middle Country Road (SR 25) opposite Fresh Pond Ave.

Received: 4/13/2012
File Number: RH-12-04
T.P.I.N.: 0600 11600 0100 010000
Jurisdiction: Adjacent to NYS Rt. 25

PROPOSAL DETAILS

OVERVIEW: Applicants are requesting Town Planning Board site plan approval for a three (3) phased mixed use and industrial development on a split zoned, 51 acre parcel in the hamlet of Calverton. Phase I consists of developing a NYSDEC permitted recycling and composting facility on a 10 acre portion of the 41 acres zoned Industrial B. There are two components to this phase; recycling/transfer and composting. Six industrial buildings are proposed with office, industrial, warehouse and outdoor storage uses for the remaining industrially zoned property and would be developed as phase III. Phase II consists of developing the Business CR portion of the site (10 acres) with a campus of eight (8) two story buildings. The buildings are proposed to be mixed use and will include restaurants, retail, office and apartment (uses 24 units). The Total gross square feet of the proposed development is approximately 315,000 SF (EAF, pg 10A) and consists of approximately: 8,000 SF of restaurants; 16,000 SF of retail; 29,000 SF of office; 24,000 SF of apartments; 32,000 SF of basement storage; 157,000 SF of warehouse and 49,500 SF of industrial. It should be noted that there is proposed 120,000 SF of outdoor storage. Subject site plan application referral is the product of a court stipulated settlement between the petitioner and the Town of Riverhead.

Access to the subject development is proposed via two road openings to SR 25. One access is to the commercial-mixed use portion of the property and is to provide internal circulation. The second access is to be a 50' wide ~2000' long industrial access road terminating in a cul-de-sac. The Road will provide circulation to the industrial lots. There is no alternate or emergency access for either component of the site plan.

There is no information in the referral material if there is any workforce housing/affordability component regarding the 24 residential units.

The subject property is mined property and mostly devoid of vegetation with the exception of some grassed area in the north and random overgrown areas. Standing water appears at the southern end of the subject site at roughly the same elevation as regulated freshwater wetlands to the west but are not mapped as such by the NYS DEC. It is not proposed that these areas be preserved. The subject property is situated in Hydro-geologic zone III, as well as, the Central Suffolk Special Groundwater Protection Area (SGPA). Sanitary is to be treated on site with individual systems. While the subject property is not situated in the Central Pine Barrens, it is identified in the Central Pine Barrens Comprehensive Land Use Plan as a "receiving area parcel" for Pine Barrens Credit (pg 97). There is no indication in the referral material to the Planning Commission that any redemption of Pine Barren Credit is proposed by the applicant.

The applicant proposes the landscaping of approximately seventeen (17) acres of land for green space and the creation of a recharge basin for drainage purposes.

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.

Access to the proposed development is intended via NYS Rte. 25 (Middle Country Road). The proposal has a regional/inter-community concern regarding development of the subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of the County Road. Curb cut permits will be required from the New York State Department of Transportation for any improvements to the state road. The referred materials do not indicate any communication with the NYS DOT and it therefore recommended that the project sponsors do so as soon as possible.

In addition, the applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders particularly related to the commercial/residential component of the plan.

Moreover, there is no emergency access proposed for the either component of the site plan.An emergency access should be provided between the commercial component and the industrial component.

A component of the proposal is to construct a recycling and composting facility. The proximity of the facility to the retail/restaurant and residential components of later phases make considerations of noise and odor relevant. Buffering between the two land uses should be carefully considered. Appropriate operational considerations (i.e. shielded lighting, hours of operation, truck deliveries, truck idling, outdoor speaker systems, alarms, etc.) to adequately protect sensitive receptors should be considered.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Riverhead Comprehensive Plan (November 2003) designates the subject parcel as Industrial C. However, the prior zoning, consisting of Business CR for 10 acres of the property fronting NYS Rte. 25 and for the remaining 41 acres, are in effect for this application due to a judge's order (EAF pg. 9).

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 proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to housing, energy efficiency and public safety.

Moreover, the applicant should be encouraged to review the Suffolk County Planning Commission publication entitled *Managing Stormwater-Natural Vegetation and Green Methodologies.*

The referral material does not indicate how the New York State Long Island Work Force Housing Act is being addressed. The applicants should investigate with the Town a workforce housing component to this proposal.

STAFF RECOMMENDATION

Approval subject to the following comments:

1. Applicants should contact the NYS Department of Transportation and seek all appropriate approvals.

2. The applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders particularly related to the commercial/residential component of the plan.

3. There is no emergency access proposed for the either component of the site plan. An emergency access should be provided between the commercial component and the industrial component.

4. The referral material does not indicate how the New York State Long Island Work Force Housing Act is being addressed. The applicants should investigate with the Town a workforce housing component to this proposal.

5. All storm water runoff should be kept on site and treated in accordance with best management practices. The applicant should be encouraged to review the Suffolk County Planning Commission publication entitled *Managing Stormwater-Natural Vegetation and Green Methodologies* though the applicants have already proposed the use of rain gardens for storm water management.

6. The applicants should review the Suffolk County Planning Commission Guidebook particularly related to conservation of energy, public safety, and storm water management and incorporate where practical design elements recommended therein.

7. A component of the proposal is to construct a recycling and composting facility. The proximity of the facility to the retail/restaurant and residential components of later phases make considerations of noise and odor relevant. Buffering between the two land uses should be carefully considered. Appropriate operational considerations (i.e. shielded lighting, hours of operation, truck deliveries, truck idling, outdoor speaker systems, alarms, ect.) to adequately protect sensitive receptors should be considered.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: Bus CR & Ind B
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- 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: Sand Mine
- Existing Structures: Block Building (3,200 SF)
- General Character of Site: Rolling
- Range of Elevation within Site: 40-90' above mean sea level
- Cover: None-weeds overrun area
- Soil Types: Mixed land; Plymouth & Riverhead Series
- Range of Slopes (Soils Map): 0-35%
- Waterbodies or Wetlands: None on site

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

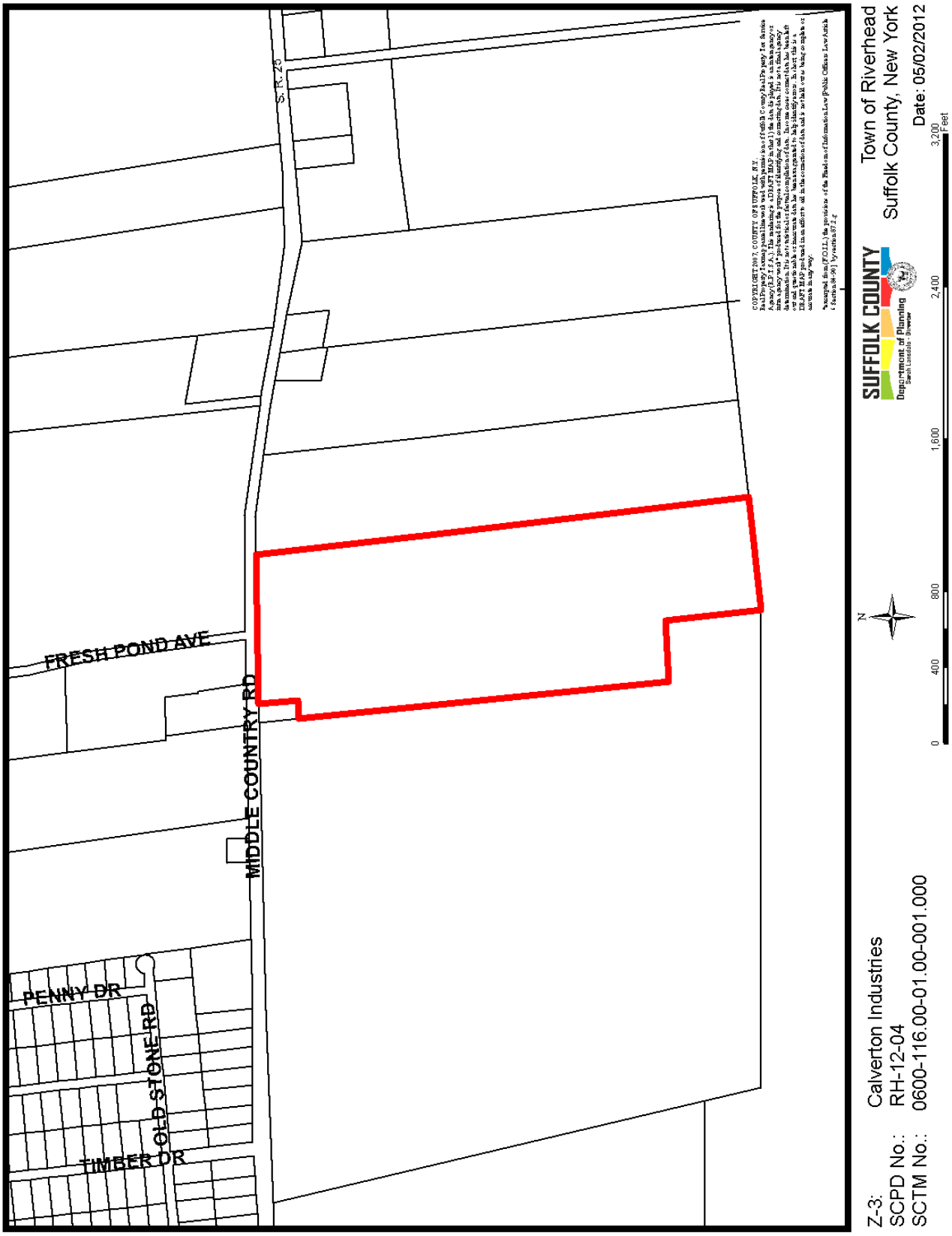
- Type: Site Plan
- Layout: Standard
- Area of Tract: 51 Acres
- Yield Map:
  - No. of Lots: 2
  - Open Space: 17 Acres Landscaped

ACCESS

- Roads: Existing-NYS Rt.25/Proposed 50' Access Road
- Driveways: Internal-Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins Yes
- Groundwater Management Zone: III
- Water Supply: Public
- Sanitary Sewers: ST & LP


FRESH POND AVE
MIDDLE COUNTRY RD
PENNY DR
OLD STONE RD
TIMBER DR
S.R. 25
SUFFOLK COUNTY
Department of Planning
Steven L. Bellone, Director
Town of Riverhead
Suffolk County, New York
Date: 05/02/2012
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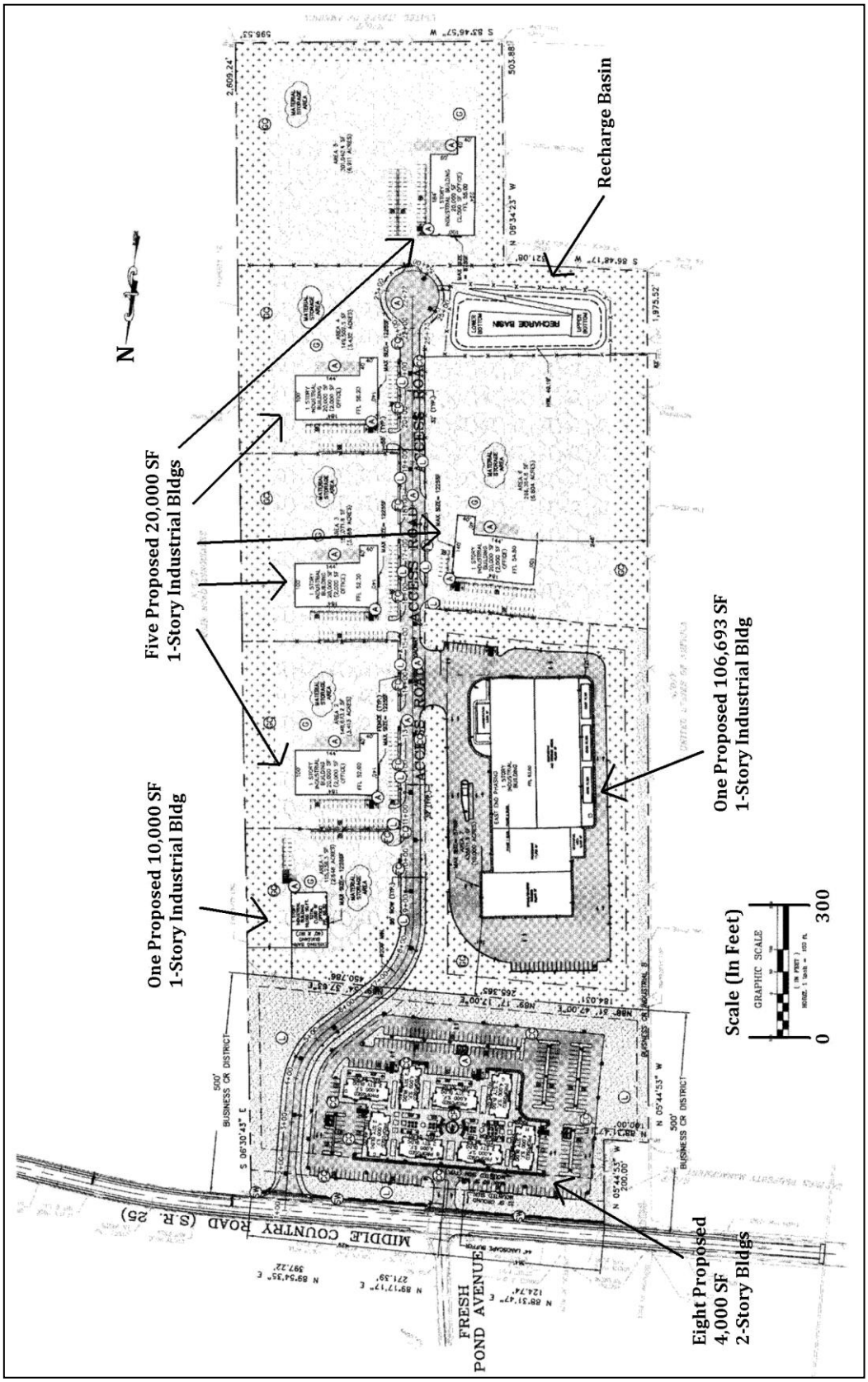
Z-3: Calverton Industries
SCPD No.: RH-12-04
SCTM No.: 0600-116.00-01.00-001.000



Z-3: Calverton Industries
SCPD: RH-12-04
SCTM No: 0600-116.00-01.00-0010.000

COUNTY OF SUFFOLK

Z-3

STEVEN BELLONE
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT

JOANNE MINIERI
COMMISSIONER

SARAH LANSDALE, AICP
PLANNING DIRECTOR

STAFF REPORT
SECTIONS A14-14 THRU A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Calverton Industries
Municipality: Riverhead
Location: Southside of Middle Country Road (SR 25) opposite Fresh Pond Ave.

Received: 4/13/2012
File Number: RH-12-04
T.P.I.N.: 0600 11600 0100 010000
Jurisdiction: Adjacent to NYS Rt. 25

PROPOSAL DETAILS

OVERVIEW: Applicants are requesting Town Planning Board site plan approval for a three (3) phased mixed use and industrial development on a split zoned, 51 acre parcel in the hamlet of Calverton. Phase I consists of developing a NYSDEC permitted recycling and composting facility on a 10 acre portion of the 41 acres zoned Industrial B. There are two components to this phase; recycling/transfer and composting. Six industrial buildings are proposed with office, industrial, warehouse and outdoor storage uses for the remaining industrially zoned property and would be developed as phase III. Phase II consists of developing the Business CR portion of the site (10 acres) with a campus of eight (8) two story buildings. The buildings are proposed to be mixed use and will include restaurants, retail, office and apartment (uses 24 units). The Total gross square feet of the proposed development is approximately 315,000 SF (EAF, pg. 10A) and consists of approximately: 8,000 SF of restaurants; 16,000 SF of retail; 29,000 SF of office; 24,000 SF of apartments; 32,000 SF of basement storage; 157,000 SF of warehouse and 49,500 SF of industrial. It should be noted that there is proposed 120,000 SF of outdoor storage. Subject site plan application referral is the product of a court stipulated settlement between the petitioner and the Town of Riverhead.

Access to the subject development is proposed via two road openings to SR 25. One access is to the commercial-mixed use portion of the property and is to provide internal circulation. The second access is to be a 50' wide ~2000' long industrial access road terminating in a cul-de-sac. The Road will provide circulation to the industrial lots. There is no alternate or emergency access for either component of the site plan.

There is no information in the referral material if there is any workforce housing/affordability component regarding the 24 residential units.

The subject property is mined property and mostly devoid of vegetation with the exception of some grassed area in the north and random overgrown areas. Standing water appears at the southern end of the subject site at roughly the same elevation as regulated freshwater wetlands to the west but are not mapped as such by the NYS DEC. It is not proposed that these areas be preserved. The subject property is situated in Hydro-geologic zone III, as well as, the Central Suffolk Special Groundwater Protection Area (SGPA). Sanitary is to be treated on site with individual systems. While the subject property is not situated in the Central Pine Barrens, it is identified in the Central Pine Barrens Comprehensive Land Use Plan as a "receiving area parcel" for Pine Barrens Credit (pg. 97). There is no indication in the referral material to the Planning Commission that any redemption of Pine Barren Credit is proposed by the applicant.

The applicant proposes the landscaping of approximately seventeen (17) acres of land for green space and the creation of a recharge basin for drainage purposes.

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.

Access to the proposed development is intended via NYS Rte. 25 (Middle Country Road). The proposal has a regional/inter-community concern regarding development of the subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of the County Road. Curb cut permits will be required from the New York State Department of Transportation for any improvements to the state road. The referred materials do not indicate any communication with the NYS DOT and it is therefore recommended that the project sponsors do so as soon as possible.

In addition, the applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders particularly related to the commercial/residential component of the plan.

Moreover, there is no emergency access proposed for the either component of the site plan. An emergency access should be provided between the commercial component and the industrial component.

A component of the proposal is to construct a recycling and composting facility. The proximity of the facility to the retail/restaurant and residential components of later phases make considerations of noise and odor relevant. Buffering between the two land uses should be carefully considered. Appropriate operational considerations (i.e. shielded lighting, hours of operation, truck deliveries, truck idling, outdoor speaker systems, alarms, etc.) to adequately protect sensitive receptors should be considered.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Riverhead Comprehensive Plan (November 2003) designates the subject parcel as Industrial C. However, the prior zoning, consisting of Business CR for 10 acres of the property fronting NYS Rte. 25 and for the remaining 41 acres, are in effect for this application due to a judge's order (EAF pg. 9).

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Moreover, the applicant should be encouraged to review the Suffolk County Planning Commission publication entitled *Managing Stormwater-Natural Vegetation and Green Methodologies.*

The referral material does not indicate how the New York State Long Island Work Force Housing Act is being addressed. The applicants should investigate with the Town a workforce housing component to this proposal.

STAFF RECOMMENDATION

Approval subject to the following comments:

1. Applicants should contact the NYS Department of Transportation and seek all appropriate approvals.

2. The applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders particularly related to the commercial/residential component of the plan.

3. There is no emergency access proposed for either component of the site plan. An emergency access should be provided between the commercial component and the industrial component.

4. The referral material does not indicate how the New York State Long Island Work Force Housing Act is being addressed. The applicants should investigate with the Town a workforce housing component to this proposal.

5. All storm water runoff should be kept on site and treated in accordance with best management practices. The applicant should be encouraged to review the Suffolk County Planning Commission publication entitled *Managing Stormwater-Natural Vegetation and Green Methodologies.*

6. The applicants should review the Suffolk County Planning Commission Guidebook particularly related to conservation of energy, public safety, and storm water management and incorporate where practical design elements recommended therein.

7. A component of the proposal is to construct a recycling and composting facility. The proximity of the facility to the retail/restaurant and residential components of later phases make considerations of noise and odor relevant. Buffering between the two land uses should be carefully considered. Appropriate operational considerations (i.e. shielded lighting, hours of operation, truck deliveries, truck idling, outdoor speaker systems, alarms, etc.) to adequately protect sensitive receptors should be considered.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: Bus CR & Ind. B
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No

- 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: Sand Mine
- Existing Structures: Block Building (3,200 SF)
- General Character of Site: Rolling
- Range of Elevation within Site: 40-90' above mean sea level
- Cover: None-weeds overrun area
- Soil Types: Mixed land; Plymouth & Riverhead Series
- Range of Slopes (Soils Map): 0-35%
- Waterbodies or Wetlands: None on site

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

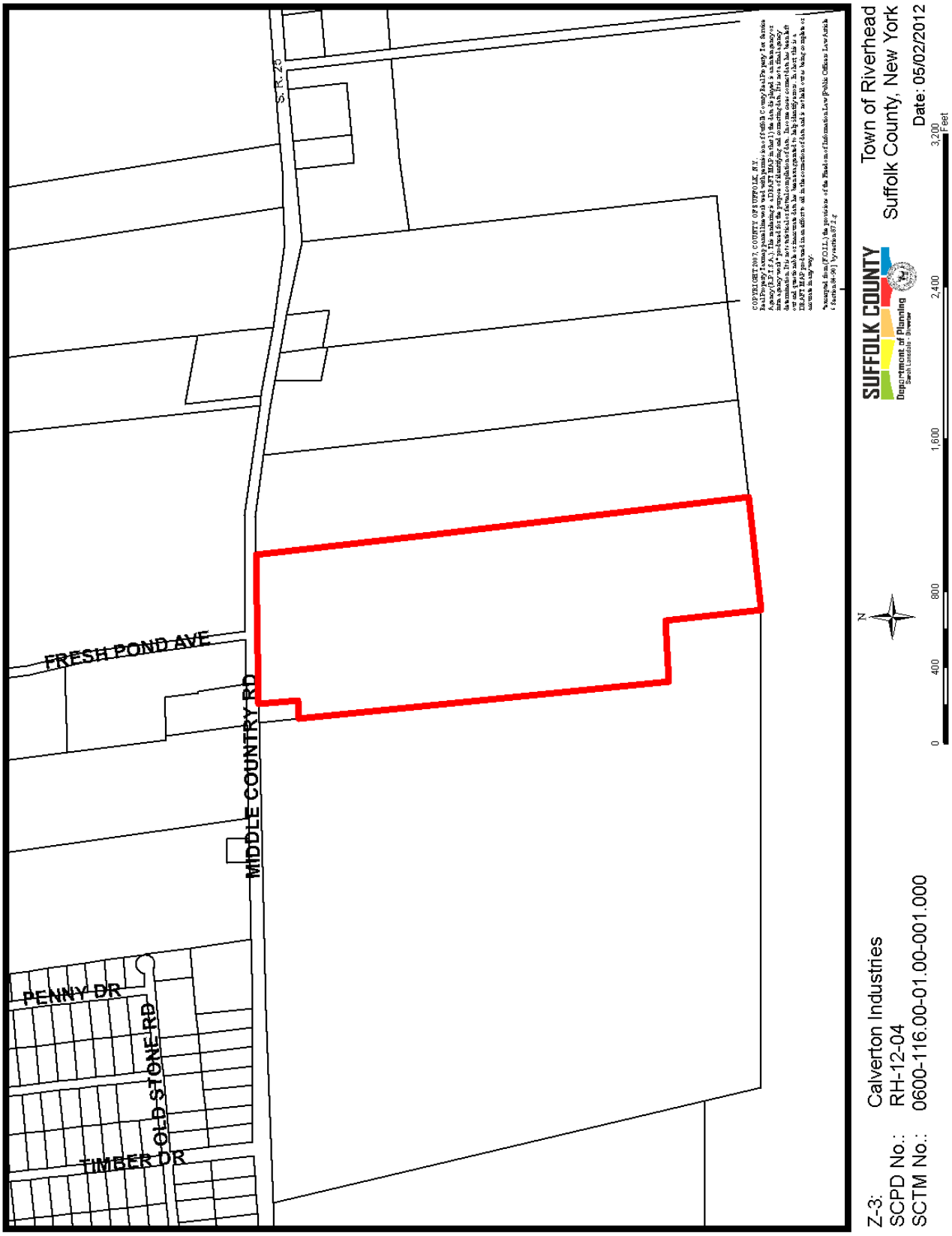
- Type: Site Plan
- Layout: Standard
- Area of Tract: 51 Acres
- Yield Map:
  - No. of Lots: 2
  - Open Space: 17 Acres Landscaped

ACCESS

- Roads: Existing-NYS Rt.25/Proposed 50' Access Road
- Driveways: Internal-Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins Yes
- Groundwater Management Zone: III
- Water Supply: Public
- Sanitary Sewers: ST & LP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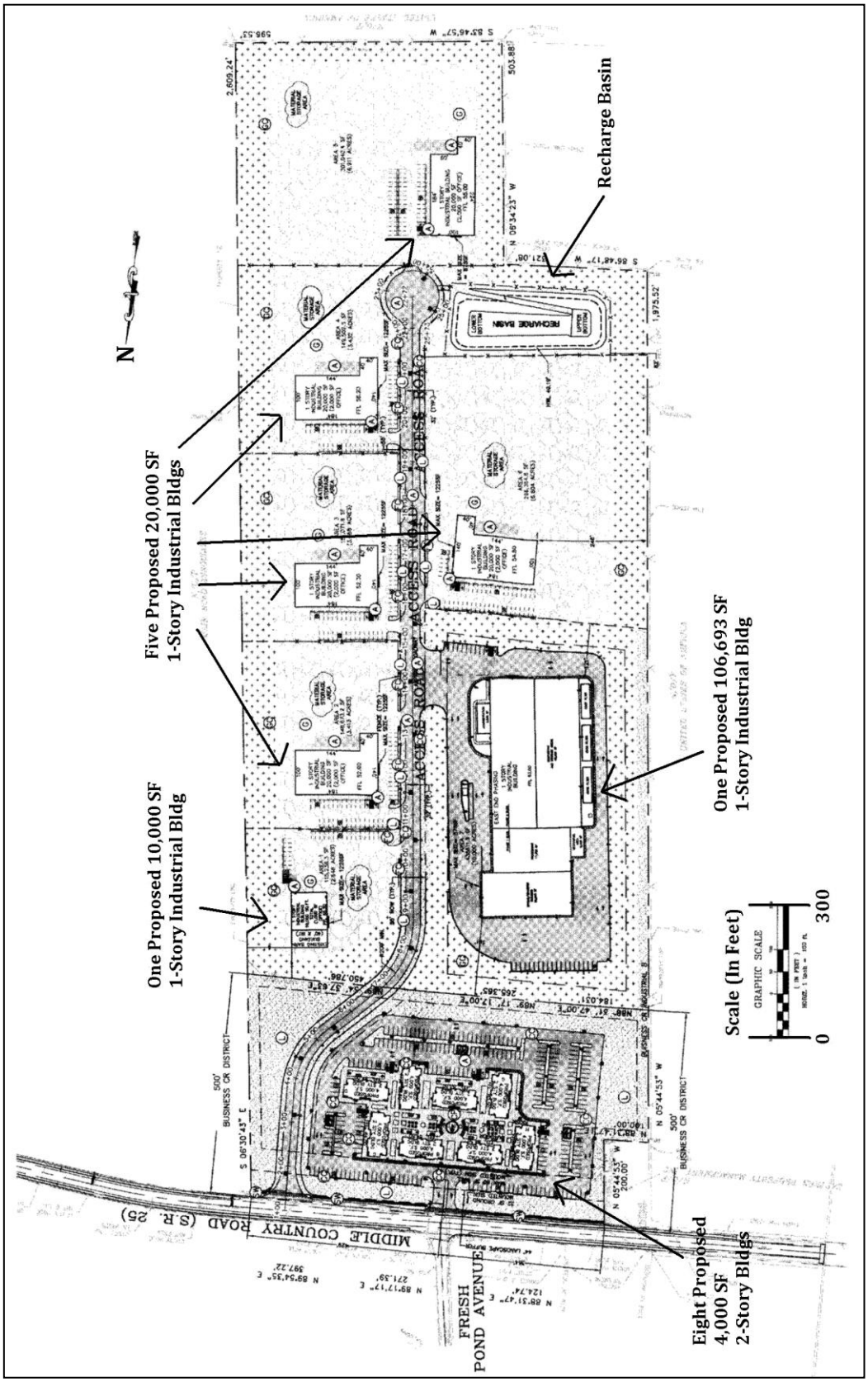

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