

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, Deputy County Executive and Commissioner, Department of Economic
Development and Planning
Sarah Lansdale, Director of Planning

Notice of Meeting

June 5, 2013 at 2:00 p.m.
Rose Caracappa Auditorium
W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY

Tentative Agenda Includes:

1. Swearing in of New Member – J. Edward Shillingburg, Shelter Island
2. Meeting Summary for May 2013
3. Public Portion
4. Chairman's Report
5. Director's Report
6. Guest Speaker - Town of Southold
Town of Huntington
7. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Marine II District and Plum Island Zoning, 1000-01500-0009-009000
(Town of Southold)
 - Adopting Local Law Introductory number 14-2013 to extend moratorium of
wind Turbines
(Town of Huntington)
7. Section A-14-24 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
July 3, 2013 at 2:00 p.m. Maxine S. Postal Auditorium Evans K. Griffing Building, Riverhead
County Center 300 Center Drive Riverhead, New York 11901



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

Applicant: Marine (II) District and Plum Island Zoning
Municipality: Southold
Location: Orient/Plum Island

Received: 5/10/2013
File Number: SD-13-01
T.P.I.N.: 1000 01500 0009 009000
Jurisdiction: Adoption of zoning ordinance
SEQRA Lead Agency coordination

ZONING DATA

- Zoning Classification: none-federal land holding not subject to local zoning

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: Yes
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: Yes
- 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: Federal animal disease research facility
- Existing Structures: yes, 47 buildings = 554,109 SF
- General Character of Site: rolling
- Range of Elevation within Site: 0-105' amsl

- Cover: forested, wetlands, disturbed areas, roads buildings and paved surfaces
- Soil Types: Bridgehamton, Carver, Haven, Riverhead, Berryland, Montoauk fine sand and Plymouth associations
- Range of Slopes (Soils Map): 0-35%
- Waterbodies or Wetlands: yes, NYS DEC PL 1-8 systems

NATURE OF MUNICIPAL ZONING REQUEST

- Type: code amendment/ zoning districts
- Layout: NA
- Area of Tract: 816 Acres
- Yield Map: No
 - No. of Lots: 3
 - Lot Area Range: 175 Acres – 600 Acres
- Open Space: 600 Acre PIC District

ENVIRONMENTAL INFORMATION

- Groundwater Management Zone: IV
- Water Supply: Community Supply System
- Sanitary Sewers: STP

PROPOSAL DETAILS

OVERVIEW – The Southold Town Board proposes to amend, on its own motion, the Marine (II) zoning district to establish standards for a ferry terminal and adopt land use zoning districts for Plum Island (see attached). The action is applicable to two areas: SCTM No. 1000 01500 0900 009000 referred to as the Orient Point Parcel, located in the hamlet of Orient. The Orient Point parcel is zoned Marine (II) and is 9.5 acres in area. The second area is Plum Island. Plum Island consists of an 816 acre island about 1.5 miles from the tip of Orient Point. Two zoning districts are proposed for Plum Island: the Plum Island Research District (PID) and the Plum Island Conservation District (PIC).

The 816 acre island currently has no official Town of Southold zoning designations due to the fact that (according to the Town of Southold Planning Study; April 2013) it has been used by the federal government for a public purpose and has been exempt from local zoning laws. Plum Island has been entirely under the control of the federal government since 1901, with some federal ownership on the island beginning as early as 1826. It was used by the government for military purposes, first as an army base, and then as a military research facility. Later the island became an animal disease research facility, which has operated on the island since 1954 under the US Department of Agriculture and currently controlled by the US Department of Homeland Security.

According to material submitted to the Suffolk County Planning Commission by the Town of Southold the island contains 554,109 square feet of buildings space in 47 buildings, including the Plum Island Animal Disease Center (PIADC) and associated buildings, historic Fort Terry buildings in various states of repair, the Plum Island Lighthouse, and various other buildings, some currently in use and some vacant.

There is an electrical system connected by underwater cable to the main power grid on Long Island, as well as an emergency generator designed to keep the lab in operation should electricity from the mainland fail.

The water system is supplied by freshwater wells on the island, and includes a 200,000 gallon water tower and water distribution system, with a with a sustainable capacity of about 150,000 to 200,000 gallons per day.

There is a wastewater treatment plant located on the island with a capacity of 80,000 gpd., though only currently permitted for 60,000 gpd.

Access to Plum Island is mainly via ferry. On the “mainland” located in Orient, is the 9.5 acre site zoned Marine (II) District. This is the existing commuter ferry service site to the island. On Plum Island is the area known as Plum Gut Harbor. This area has docking facilities for cargo and employee commuter ferry traffic. The Island is also accessible by helicopter. A heliport is located on the island. There is no other plane landing facility.

The subject property is situated in Hydro-geologic Ground Water Management Zone IV pursuant to Article 6 of the Suffolk County Sanitary Code. The site is not located in a NYS Special Groundwater Protection Area (SGPA). Plum Gut, the adjacent waterway between Orient Point and Plum Island, is designated by the State as a Coastal Significant Fish and Wildlife Habitat. According to submitted material, the US Fish and Wildlife Service and NY Natural Heritage Program indicate that protected species occur on and within the vicinity of the island. Terrestrial rare, threatened, and endangered species are not known to occur on the Orient Point site. The subject site is not located in a Pine Barrens zone of Suffolk County. Plum Island contains fresh water and tidal wetlands. Fresh water wetlands equal 96 acres and tidal wetlands (beach and dune) equal 101 acres on Plum Island. The Orient Point parcel contains tidal wetlands (Gardiners Bay). Plum Island contains maritime dunes, maritime beach, maritime bluff, and maritime rocky intertidal communities. No unique or unusual land features occur at the Orient Point site. According to the Town submitted EAF there are locations on Plum Island where the disposal of solid or hazardous waste has occurred.

Supplemental State Environmental Quality Review Act (SEQRA) Lead Agency Coordination referral material, to the Suffolk County Planning Commission from the Town of Southold for the local law related to Marine (II) District and Plum Island Zoning, included an accompanying report titled Plum Island Planning Study, Southold Planning Board, April 23, 2013 prepared by the Southold Planning Department. In addition, SEQRA referral material included an Environmental Assessment Form (EAF) and a report entitled Biodiversity and ecological potential of Plum Island, New York (May, 2012, New York Natural Heritage Program).

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-I 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.

Plum Island is unique in size, location and uses. Upon review of issues related to the future potential uses of Plum Island should it become privately owned, the Town considered the limited infrastructure, both on the island and in the eastern portion of Southold Town, the community character of the Town, including along the main route to the island through East Marion and Orient, the economic value of the current use of the island, the value of the natural resources supported by the island and its historic resources.

It is the belief of the staff that the proposed zoning amendments, as indicated in Town of Southold referred materials, accomplish multiple goals for Plum Island of protecting its exceptional natural resources, while also providing for future economic opportunities. The proposal provides for

balance with the nearest mainland connection at Orient Point, ensuring that the rural character of the hamlets of East Marion and Orient is maintained.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Southold is undergoing a comprehensive plan process building upon numerous prior plans, updates and studies. Functioning as the Comprehensive Plan is the Town's Local Waterfront Revitalization Program (LWRP). The entire geographic area of the town of Southold is included in the scope of the LWRP. The LWRP plan promotes stimulation of local economic growth while making sure the hamlets stay hamlets and are not turned into large "metro" areas. Maintaining quaint, Main-street style clusters of shops surrounded by residential and agricultural property is the sentiment of the town planning initiatives. Preserving open space and retain the rural quality of Southold are among Southold's top priorities.

Plum Island currently has no Town of Southold zoning district designation due to being entirely under the control of the federal government. In light of the transfer of the island from the Federal government to a potential private entity local land use zoning is being considered. The existing zoning districts, as well as the other islands in Southold which are currently zoned were examined for their applicability to Plum Island. According to the Town, a study of the other islands' characteristics and zoning demonstrated that Plum Island is unique among them for many reasons. Plum Island, at 816 acres is the only island of its size in the Town. The three other island of considerable size are Fishers Island at 2,644 acres, Robins Island at 455 acres and Great Gull island at 17 acres. The other seven islands range in size from one tenth of an acre to three acres.

Although other Southold islands were owned by the federal government and used for various purposes (military and aids to navigation), Plum Island is the only island with a major research facility (PIADC). After some history as a military fort, Great Gull Island has been owned since 1949 by the American Museum of Natural History for the purposes of a bird sanctuary. Robins Island was and is privately owned. It is zoned R-400 Residential Low-Density District (ten-acre minim lot size), the Towns most restrictive zoning designation. The island is protected by a perpetual conservation easement held by The Nature Conservancy, which limits future development to only a few structures. Both Great Gull and Robins Island have issues similar to Plum Island with regard to potential development: however both are protected from development.

Fishers Island's recent past and current use is very different from that of Plum Island in that it has been developed primarily with residences with a small commercial center. More important than its land use is the island geographic location as a reason for it being unsuitable as a comparison for zoning of Plum Island. because of its proximity to Connecticut, Fishers Island's residents have direct nearby access to necessary services in New London, CT, while Plum Island's nearest access services is through Orient, NY. It is the difference between these two access points that make the case for Plum Island's uniqueness as compared to Fishers Island. New London is a small city through which a major interstate highway runs. The city contains the basic services that the residents need, including doctors, a hospital, and retail stores. Orient, by contrast, is a small hamlet served by a two-lane road. The nearest grocery store, hospital and other services are over eight miles away in Greenport, and these are limited in size to that typically found in a small village. Once on the mainland, the nearest interstate is over 31 miles away (a 45 minute drive).

According to the Town of Southold, Plum Island is also unique with regard to the mainland of Southold Town by the fact that it is a small island located at the end of the peninsula, with its main access through the most sparsely developed part of the Town. It is the Towns belief that there is no other land in Southold Town with a comparable situation.

For all the reasons stated above Plum Island was found to be a unique situation not contemplated in current zoning districts or local plans. It is the position of the Town that all the existing zoning districts allow one or more uses that are contrary to the goals for Plum Island to continue to provide

high quality employment opportunities, while minimizing the impact to the Town's most rural hamlets, and preserving the natural and historic resources on the island.

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 July 11, 2012). Below are items for consideration regarding the Commission policies:

In terms of environmental protection, the proposed code amendments places approximately 600 acres of the island into a Conservation District restricting uses to education and passive recreation. The purpose of the Conservation District is to preserve the integrity of the regionally significant natural, scenic and historic resources of Plum Island for the benefit of the residents of the Town of Southold. Vegetation is not to be disturbed for any reason without application to the Planning Board for an approval to remove vegetation (280-187 D). In addition to the local zoning restrictions, any proposed use within the Plum Island Conservation District (PIC) encroaching upon the wetlands and protected flora and fauna of the island are subject to regulation by the New York State Department of Environmental Conservation. For those areas where the "disposal of solid or hazardous waste" has occurred (no further information was provided in the referred Environmental Assessment Form) it is anticipated that these areas will be identified by the Federal Government and remediated to the satisfaction of the Environmental Protection Agency, NYS DEC, and other entities prior to sale and transfer to a private party.

Energy Efficiency is addressed in the proposed ordinance by allowing as a special exception use (subject to conditions) the explicit promotion of "solar energy generation in excess of that needed to provide power to permitted uses". It should be noted that the tree clearing provisions do apply the special exception use. It is also noted that there is an emergency generator on the island which may play a role in future energy efficiency for the Island.

Economic Development has been addressed by the proposal in the form of the creation of the approximate 175 acre Plum Island Research District (PIRD). The purpose of the PIRD is to encourage the use of the district for research and educational opportunities, provide quality employment opportunities and to preserve Plum Island's regionally significant natural, historic, scenic and cultural resources. Permitted uses include research laboratories and educational facilities with multiple buildings allowed in a campus-style development. Building coverage is limited to 20% of the lot (with an exception for solar energy installations). Currently, the PIADC employs 60 people who live in Southold Town. Retaining a research and/or an educational facility that will provide a similar number of jobs is of prime importance to the Town. The PIRD District is designed to encourage this type of development by clearly stating that type of use is allowed, and also by limiting the ability for the island to be subdivided. The subdivision limitation (accomplished by the large minimum lot size), will ensure the site of the research facility remains large enough to contain and maintain its own infrastructure, as well as containing enough land for future expansion, and to retain flexibility in future design. Tree clearing provisions do not appear to apply to this district and as with the PIC District; there is no mention of a Floor Area Ratio (FAR) limitation or height restrictions on buildings.

Housing in the form of “sleeping quarters, apartments or dormitories providing accommodations solely for personnel associated with permitted or special exception uses” set forth in in the new districts is permitted as proposed. No subdivision of land provision for single family detached dwellings appears to be provided for in the proposed ordinance. The minimum lot size in the districts would appear to preclude subdivision. Residential condominiums and casinos are not permitted, special exception, or accessory uses enumerated in the proposed code amendment. Unit density and distribution for “sleeping quarters, apartments or dormitories” listed as accessory uses are not given in the ordinance. A Plum Island specific definition for sleeping quarters, apartments and dormitories would be helpful in characterizing allowable “housing” on the island. No provisions for “workforce” priced housing, in accordance with State and local law is offered in the proposed PIR District. The Town may wish to explore the need/desire for some measure of “affordability”, as related to median income per State and local law, for the “workforce” housing component.

When considering transportation issues and a new zoning designation for Plum Island the Town of Southold took into account the community character and quality of life along the transportation route to and from the island and through the neighboring hamlets. According to the Town, the nearest hospital, grocery store and other services to the Plum Island ferry landing in Orient Pint are located in Greenport and farther west, requiring a trip of at least eight miles along a two-lane road through the hamlets of Orient and East Marion. The Town considers them the most rural hamlets in its jurisdiction. According to submitted material to the Commission by Southold, both are residential hamlets with low density. Orient Hamlet includes a total of 765 residential units at an overall density of about one unit per five acres. It is the opinion of the Town that both hamlets are already adversely affected by intense pulses of traffic caused by the existing Cross Sound Ferry operation. The Town planning effort reflects the sentiment that any additional traffic would degrade the community character and quality of life by adding noise, decreasing air quality from added vehicle emissions, and decreasing the safety of the main road. The transportation route is also a NY State designated Bike Route, and a NY State designated Scenic Corridor. The Town reports that adding traffic to this corridor would decrease the safety for cyclists, and erode the scenic qualities. It is the belief of the Town that all the current zoning districts in the Southold Town Code, should any be applied to Plum Island, have the potential to create adverse traffic impacts by nature of their minimum lot size requirements and lack of detail and sensitivity to the unique situation of Plum Island. The proposed zoning districts (according to the Town) are designed specifically for Plum Island’s unique situation as it relates to traffic and transportation and the nearby communities that would be most affected by it.

Another factor in the proposed zoning is the public safety and emergency response needs of traditional development of Plum Island and the capabilities of the Town. The rural Fire Districts have limited revenue and personnel. The nearest fire District to Plum Island is in Orient on the main land (Suffolk County). The nearest police district is the Southold Town Police. According to the Town the proposed Plum Island Research District and Conservation District are designed to limit the potential strain on local first responder and public safety resources by limiting the amount of development on the island and concentrating the majority of potential development in one area. Currently the PIADC has their own fire equipment, and the Town considers that some future similar use that fits in with the proposed zoning could presumably do the same.

The federal government, and more particularly the U.S. General Services Administration, has begun the process to sell Plum Island. While zoning was not necessary while the island was in federal ownership (local zoning does not apply to the federal government), the Town of Southold has found it prudent to zone the island in the event the island is sold into private hands. The new zoning designations accomplish the multiple goals for the island of protecting its exceptional natural resources, while also providing for future economic opportunities. They also provide the necessary

balance with the nearest mainland connection at Orient Point, ensuring that the rural character of the hamlets of East Marion and Orient is maintained.

STAFF RECOMMENDATION

Approval of the Local Law in relation to the Marine (II) District and Plum Island Zoning subject to the following comments:

1. The Suffolk County Planning Commission has no objection to the Town of Southold assuming Lead Agency status pursuant to the State Environmental Quality Review Act (SEQRA) for the review of the local law-Marine (II) District and Plum Island Zoning. The Suffolk county Planning Commission reserves the right to comment on this proposed action in the future and wants to be kept informed of all action taken pursuant to SEQRA and to be provided with copies of all EAF's , DEIS's and FEIS's, etc.
2. For those areas where the "disposal of solid or hazardous waste" has occurred (no further information was provided in the referred Environmental Assessment Form) it is anticipated that these areas will be identified by the Federal Government and remediated to the satisfaction of the Environmental Protection Agency, NYS DEC, and other entities prior to sale and transfer to a private party. This should be confirmed by the Town.
3. Vegetative clearing restrictions should similarly be applied to the PIR District as in section 280-187 D... "Vegetation is not to be disturbed for any reason without application to the Planning Board for an approval to remove vegetation".
4. The town may wish to consider adding height and Floor Area Ratio (FAR) parameters to the "Bulk and Area" regulations.
5. Definitions for "apartments" and "dormitories" would be helpful to characterize the type of housing permitted within the districts. Unit density and distribution parameters would also be helpful.
6. The Town may wish to explore the need/desire for some measure of "affordability", as related to median income per State and local law, for the "workforce" housing component.



RESOLUTION 2013-276

ADOPTED

DOC ID: 8679

THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2013-276 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON MARCH 26, 2013:

WHEREAS, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 26th day of March, 2013, a Local Law entitled **“A Local Law in relation to the Marine (II) District and Plum Island Zoning”** now, therefore, be it2

RESOLVED that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **7th day of May, 2013, at 7:32 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled **“A Local Law in relation to the Marine (II) District and Plum Island Zoning”** reads as follows:

LOCAL LAW NO. 2013

A Local Law entitled **“A Local Law in relation to the Marine (II) District and Plum Island Zoning”**.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

I. Purpose.

The purpose of this local law is to create and establish zoning districts on Plum Island and to clarify permitted uses in the Marine II District to accommodate necessary access to the Island. The Plum Island Research District is intended to encourage the use of the island for research and educational opportunities and provide quality employment opportunities, and to preserve Plum Island’s regionally significant natural historic and scenic resources. The purpose of the Plum Island Conservation District is intended to preserve the integrity of the regionally significant natural historic and scenic resources of Plum Island.

II. Chapter 280 of the Code of the Town of Southold is hereby amended as follows:

§280-4. Definitions.

IMPERVIOUS SURFACE - Impervious surfaces include all areas where the ground is covered by a surface that interrupts or prevents rain from falling directly to the ground and percolating into the groundwater, including but not limited to: roads, driveways, parking lots, other pavement, buildings, and concrete pads.

FERRY SERVICE - Passenger or auto/vehicle ferry using a single dock. If more than one dock is present, it shall constitute a separate and individual ferry service.

ARTICLE XIII**Marine II (MII) District****§280-55. Use regulations.**

- B. Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals, as hereinafter provided, subject to site plan approval by the Planning Board.
- (2) Ferry terminals which meet the following standards:
- (a) A ferry terminal shall have at least ten acres of buildable land in the MII Zone dedicated to each ferry service provided.
- (b) A ferry terminal shall have a staging area for motor vehicles that enter an auto/vehicle ferry. The size of the staging area must accommodate the maximum number of cars queuing for the largest boat(s) and the busiest proposed schedule (a ferry service with no auto/vehicle ferry will not require a staging area).
- (c) A ferry terminal shall have a parking area for passengers (provide one parking space per two passengers), calculated in the following manner:
- (i) Parking for passenger ferry(s) will be calculated by multiplying the capacity of the passenger ferry(s) by the maximum number of ferry trips per day, divided by two.
- (ii) Parking for auto/vehicle ferry(s) will be calculated by multiplying the passenger capacity of the auto/vehicle ferry(s) by 10%, the product of which shall be multiplied by the maximum number of ferry trips per day, then divided by two.

Article XXXI**Plum Island Research District (PIR)****§280-182. Purpose.**

The purpose of the Plum Island Research District is to encourage the use of land for research and educational opportunities, provide quality employment opportunities and to preserve Plum Island's regionally significant natural, historic, scenic and cultural resources.

§280-183. Use regulations.

In the PIR District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

- A. Permitted uses. The following uses are permitted uses and are subject to site plan approval by the Planning Board:
- (1) Research laboratories with multiple buildings allowed in a campus-style development, subject to the following conditions:
- (a) The use shall not involve the handling, storage or discharge of explosives.
- (b) No offensive noises, gases, fumes, smoke, odors, dust, effluent or vibrations shall emanate from such use and no waste products shall be discharged therefrom of a character to create a nuisance or to be injurious

- to health or to negatively impact groundwater.
- (c) All sewage will be treated by a sewage treatment plant or similar sewage treatment.
- (2) Educational facilities, with multiple buildings allowed in a campus-style development. All sewage will be treated by a sewage treatment plant or similar sewage treatment.
- B. Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided and subject to site plan approval by the Planning Board:
- (1) Solar energy generation in excess of that needed to provide power to permitted uses, subject to the following conditions:
- (2) Museums housed in a designated historic landmark. All sewage will be treated by a sewage treatment plant or similar.
- C. Accessory uses. The following uses are permitted as accessory uses:
- (1) Any customary structures or uses which are customarily incidental to the principal use, except those prohibited by this chapter;
- (2) Sleeping quarters, apartments or dormitories providing accommodations solely for personnel associated with permitted or special exception uses set forth in §280-182(A) and §280-182(B);
- (3) Cafeteria for personnel associated with permitted or special exception uses set forth in §280-182(A) and §280-182(B);
- (4) Infrastructure necessary to the operation of the permitted or special exception uses set forth in §280-182(A) and §280-182(B), limited to roads, sewer system, water storage and water pipelines and utility lines;
- (5) The existing harbor and ferry facility for transportation by boat to and from the Island.

§280-184. Bulk, area and parking regulations.

No building or premises shall be used and no building or part thereof shall be erected or altered in the Plum Island Research District unless the same conforms to the Bulk Schedule and Parking and Loading Schedules incorporated into this chapter by reference, with the same force and effect as if such regulations were set forth herein in full.

PIR Bulk Schedule: (to be placed in new Appendix)

Minimum Lot Size: 175 acres

Uses: Multiple uses and buildings are allowed on a single parcel, the number of which are limited only by lot coverage

Lot Coverage: 20% of buildable land, except that solar energy installations may exceed this limit up to a total of 50% lot coverage.

§280-185. Setbacks.

New structures and impervious surfaces shall be set back at least 300' from the shoreline and wetlands.

Article XXXII

Plum Island Conservation District (PIC)**§280-186. Purpose.**

The purpose of the Plum Island Conservation District is to preserve the integrity of the regionally significant natural, scenic and historic resources of Plum Island for the benefit of the residents of the Town of Southold.

§280-187. Use regulations.

In the Plum Island Conservation District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

- A. Permitted uses. The following uses are permitted uses and are subject to site plan approval by the Planning Board:
- (1) Nature preserve
 - (2) Public park for passive recreation
 - (3) Educational facility related to the study of natural resources conservation. All sewage will be treated by a sewage treatment plant or similar sewage treatment.
 - (4) Museums, housed in existing designated historic landmark. All sewage will be treated by a sewage treatment plant or similar sewage treatment.
- B. Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided and subject to site plan approval by the Planning Board:
- (1) Solar energy generation in excess of that needed to provide power to permitted uses, subject to the following conditions:
- C. Accessory uses. The following uses are permitted as accessory uses:
- (1) Any customary structures or uses which are customarily incidental to the principal use, except those prohibited by this chapter;
 - (2) Sleeping quarters, apartments or dormitories providing accommodations solely for personnel associated with the permitted or special exception uses set forth in §280-186(A) and §280-186(B).
- D. Additional Standards: All uses in this District shall be subject to the following:
- Vegetation shall not be disturbed. Where noxious or invasive plants are overtaking native fauna or where vegetation must be disturbed in conjunction with a permitted use, an application may be made to the Planning Board for an approval to remove vegetation. The application shall include:
1. a plan indicating the types of vegetation present, the vegetation to be removed and a revegetation plan (if any), using plant species listed in the Southold Town Planning Board's Native/Natural Buffer Plantings list of recommended native plants;
 2. an application fee of \$100;
 3. The Planning Board shall render a written determination within 30 days of receipt of a complete application stating the reason therefor and advising the applicant of the right to appeal; and
 4. The Town Board shall hear appeals or shall designate a person or body to hear appeals regarding a denial under this Section. Any person whose application to remove

vegetation is denied, may appeal within 30 days of a denial.

§280-188. Bulk, area and parking regulations.

No building or premises shall be used and no building or part thereof shall be erected or altered in the Plum Island Conservation District unless the same conforms to the Bulk Schedule and Parking and Loading Schedules incorporated into this chapter by reference, with the same force and effect as if such regulations were set forth herein in full. *Editor's Note: The Bulk Schedule is included at the end of this chapter, and the Parking and Loading Schedules are in §§ 280-78 and 280-79.*

Plum Island Conservation District Bulk Schedule: (to be placed in a new Appendix)

Minimum Lot Size: 600 acres

Uses: Multiple uses and buildings are allowed on a single parcel, the number of which are limited only by lot coverage

Lot Coverage: 2% of buildable land, except that solar energy installations may exceed this limit up to a total of 20% lot coverage.

Impervious surface: 5% of buildable land, except that solar energy installations may exceed this limit up to a total of 20% impervious surface.

§280-189. Setbacks.

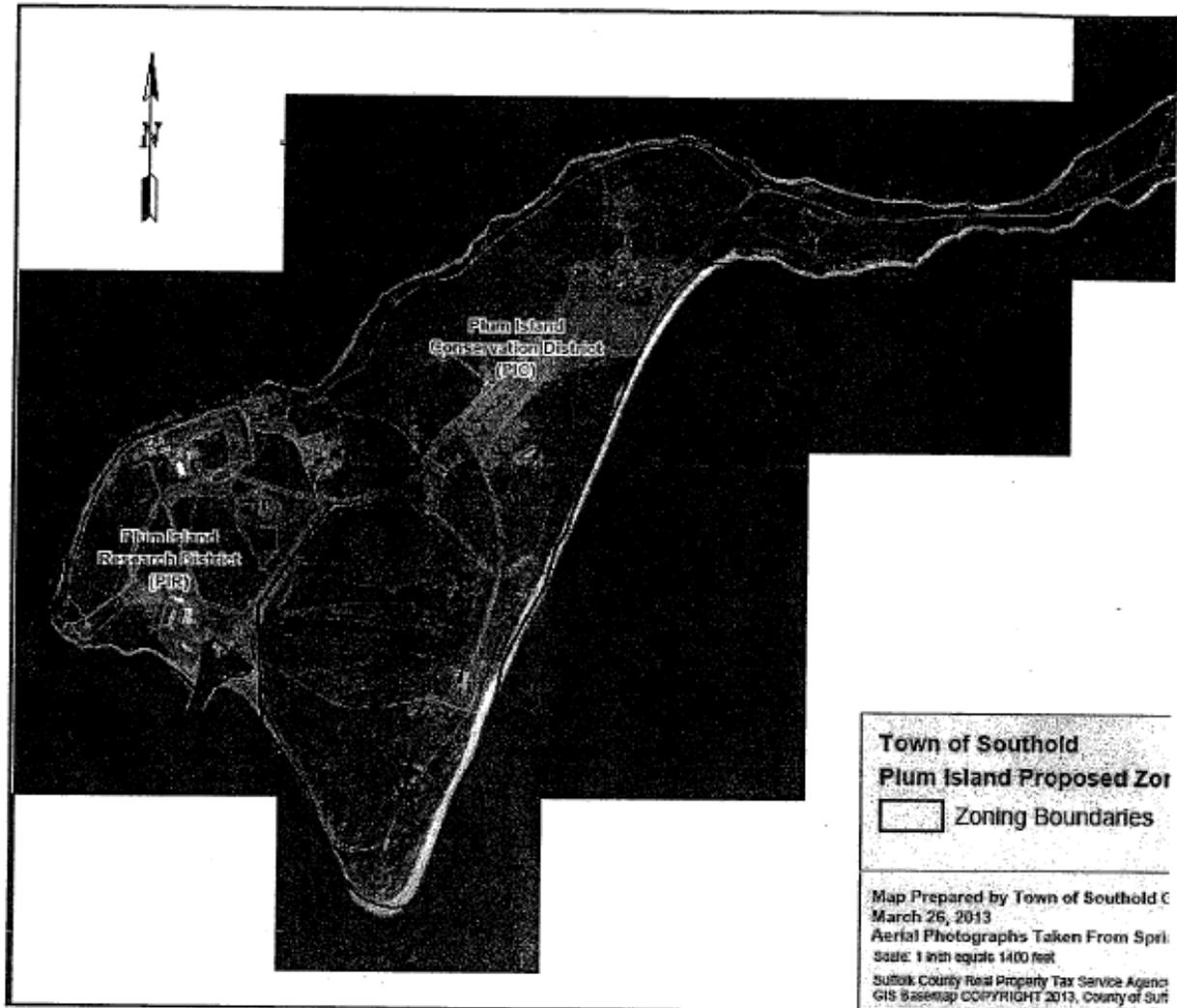
New structures and impervious surfaces shall be set back at least 300' from the shoreline and wetlands.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.



Elizabeth A. Neville

Elizabeth A. Neville
Southold Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: William Ruland, Councilman
SECONDER: Christopher Talbot, Councilman
AYES: Dinizio Jr, Ruland, Doherty, Talbot, Evans, Russell

Suffolk County Planning Commission



PLUM ISLAND
Aerial, 2010
Town of Southold
Suffolk County, New York

May 23, 2013 - CD-13-98

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Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
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and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

ADDENDUM 6/5/13

Suffolk County Planning Commission offices received on May 14, 2013 a referral from the Huntington Town Board for amendment to an existing local law to extend the moratorium on the issuance of approvals, grants and/or conditional use permits by Town agencies for the construction or installation of wind turbines and related facilities to December 10, 2013 (see attached). There is currently a 128 day moratorium due to expire on June 11, 2013. According to Commission staff discussions with the Town of Huntington staff, existing model codes need to be tailored to the particulars of the Town of Huntington in order to adequately explore a variety of options and the resulting impacts of any final legislation.

Commission staff recommends approval of the six (6) month extension.

Applicant: Moratorium on Wind Turbines and Related Facilities
Municipality: Town of Huntington
Location: Town Wide

Received: 1/16/13
File Number: HU-13-01
T.P.I.N.: Town Wide
Jurisdiction: Moratorium – Authorization under provisions of zoning ordinance

ZONING DATA

- Zoning Classification: All
- Minimum Lot Area: N/A
- Section 278: N/A
- Obtained Variance: N/A

SITE DESCRIPTION

- Present Land Use: Residential, Commercial, Industrial, Institutional and vacant land

- Existing Structures: Yes
- General Character of Site: N/A
- Range of Elevation within Site: N/A
- Cover: N/A
- Soil Types: N/A
- Range of Slopes (Soils Map): N/A
- Waterbodies or Wetlands: N/A

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Moratorium
- Layout: N/A
- Area of Tract: Town of Huntington ~ 94 Sq. Miles
- Yield Map: N/A
 - No. of Lots: N/A
 - Lot Area Range: N/A
- Open Space: N/A

PROPOSAL DETAILS

OVERVIEW: The subject referral from the Huntington Town Board involves a proposed moratorium on the holding of hearings, issuance of approvals, grants and/or conditional use permits by Town agencies regarding the construction or installation of wind turbines and related facilities.

The Town Board, by resolution, has indicated that there currently are no specific regulation in the code of the Town of Huntington establishing zoning, use, location, size, height, noise and safety requirements for wind turbines and related facilities. Moreover the Board indicates that there are pending and anticipated applications to construct wind turbines and related facilities within the Town in areas subject to the zoning authority of the Town. The Board sites that the wind turbine industry is characterized by the rapid development of new technologies that in many instances may result in community impacts as they are installed at various locations throughout the Town.

History of Moratoria: The Town Board notes that other municipalities with zoning powers have established appropriate codes regulating wind turbines so as to balance the benefits of these facilities with the burdens placed upon properties that may be impacted by them.

The Board resolution indicates that the Code of the Town of Huntington does not currently contain specific regulations of the location, size, impacts and dimensions of wind turbines and related facilities and that it has become necessary to update the zoning coded to include specific regulations on wind turbines to balance the benefit to the property owner with the burdens upon affected area properties subject to the zoning power of the Town.

STAFF ANALYSIS

The Suffolk County Planning Commission considers moratoria to be Regionally Significant actions which potentially affect critical county-wide issues and are likely to have inter-

community or county-wide impacts requiring consideration and deliberation by the full Commission (see SCPC Guidebook Section 1.3 & 1.3A).

Quoting from the Suffolk County Planning Commission Advisory News (Volume 2. Issue I. Spring 1998), “A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of owners to use their property. Seen in this light, it is advisable to precede the adoption of a moratorium by findings that confirm the necessity of this action.” The Advisory bulletin also points out that findings should include, among other points, what the conditions are that mandate the imposition of a moratorium; whether there are no other alternatives, less burdensome on the property rights, available; and how serious and urgent the circumstances are necessitating the moratorium.

The Town of Huntington has provided in its correspondence to the Commission that the moratorium is intended to provide the Town sufficient time to review the existing Code and implement new regulations. The Town also indicates pending and anticipated applications to construct wind turbines and related facilities within the Town and implies pending potential conflict between property owners. The proposed moratorium language does not indicate what other alternatives to the moratorium have been considered.

Staff notes that the Town has acknowledged other municipalities have worked on code and adopted appropriate regulations. Staff also notes that the Suffolk County Planning Commission has drafted a model code for local consideration and at last report of the Chairman the reception at the East End Supervisors and Mayors Association was positive and formal a roll out of the Model East End Wind Code is likely after the New Year. Also, while Brookhaven Town was not formally on the working group, Councilman Steve Fiore-Rosenfeld had been keeping tabs on the project and had indicated that he decided to introduce legislation based on the model code in the Town of Brookhaven.

It is the belief of the staff that the time frame is reasonable and expeditious and that in addition to the Commission’s Model Code a variety of local ordinances and recommended codes exist in the region and planning industry literature that would provide enough example for a draft Huntington ordinance to be completed in the time frame.

STAFF RECOMMENDATION

Approval of the Town of Huntington Moratorium on Wind Turbines and Related Facilities with the following comment:

In addition to the literature already compiled by the Town of Huntington, if it is not in possession already, the Town should consider the Model East End Wind Code drafted with the participation of the Suffolk County Planning Commission.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 14 -2013, AMENDING LOCAL LAW NUMBER 3 - 2013 SO AS TO EXTEND THE MORATORIUM ON THE ISSUANCE OF APPROVALS, GRANTS AND/OR CONDITIONAL USE PERMITS BY TOWN AGENICES FOR THE CONSTRUCTION OR INSTALLATION OF WIND TURBINES AND RELATED FACILITIES TO DECEMBER 10, 2013

Resolution for Town Board Meeting Dated: May 7, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, there currently are no specific regulations in the code of the Town of Huntington establishing zoning, use, location, size, height, noise and safety requirements for wind turbines and related facilities; and

WHEREAS, other municipalities with zoning powers have established appropriate codes regulating wind turbines so as to balance the benefits of such facilities with the burdens upon properties impacted by such facilities; and

WHEREAS, there are anticipated applications to construct wind turbines and related facilities within the Town in areas subject to the zoning authority of the Town of Huntington; and

WHEREAS, the wind turbine industry is characterized by the rapid development of new technologies that in many instances may result in community impacts as they are installed at various locations throughout the Town; and

WHEREAS, there is currently a 128 day moratorium on the issuance of approvals for the construction and/or installation of wind energy facilities which is due to expire on June 11, 2013, and there is a need to extend the moratorium in order to adequately explore a variety of options and the resulting impacts of any proposed legislation; and

WHEREAS, the extension of a moratorium on the issuance of approvals, grants, and/or permits by designated town agencies is a Type II action pursuant to 6 N.Y.C.R.R 617.5c(30) of the SEQRA regulations, and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTINGTON TOWN BOARD

HEREBY SCHEDULES a public hearing to consider adopting Local Law Introductory Number 14 - 2013, amending Local Law No.: 3 -2013 by extending the moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits by any Town agency, department and/or Board for the construction or installation of wind turbines and related facilities up to and

including December 10, 2013 in order to provide town personnel sufficient time to adequately assess the options and anticipated impacts of proposed legislation to be held on the 4th day of June, 2013, at 7:00 p.m., at Huntington Town Hall, 100 Main Street, Huntington, New York, at which time all persons interested in the subject thereof may be heard; and

HEREBY DIRECTS the Town Clerk to cause this Notice of Hearing to be published in the official newspapers of the Town of Huntington.

LOCAL LAW INTRODUCTORY NUMBER ¹⁴ -2013

AMENDING LOCAL LAW NO.: 3 - 2013

SO AS TO EXTEND THE MORATORIUM ON THE PROCESSING OF APPLICATIONS, HOLDING OF PUBLIC HEARINGS, ISSUANCE OF APPROVALS, GRANTS, PERMITS AND CONDITIONAL USE PERMITS BY TOWN AGENCIES, DEPARTMENTS AND/OR BOARDS TO DECEMBER 10, 2013

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

Section 1. Amendment to [the Code of the Town of Huntington] Local Law Number 3-2013 for the purpose of [declaring a one hundred and twenty-eight (128) day] extending the moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits by Town agencies, departments and/or Boards for wind turbines and related facilities to December 10, 2013.

Section 2. Legislative Intent, Purpose and Findings:

- (1) The Code of the Town of Huntington does not currently contain specific regulations of the location, size, impacts and dimensions of wind turbines and related facilities.
- (2) It has become necessary to update the zoning code of the Town of Huntington to include specific regulations of wind turbines and related facilities due to the desire to locate such facilities within the areas subject to the zoning power of the Town; there is a need to regulate the location, size, dimensions and impacts of such facilities to balance the benefit to the property owner with the burdens upon affected area properties.

Section 3. Declaration of Moratorium. A [one hundred and twenty-eight (128) day] moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits for wind turbines and related facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations is hereby declared up to and including December 10, 2013. This declaration does not apply to properties owned, leased or otherwise controlled by the Town of Huntington or any subdivision thereof, provided that said uses are subject to a license or lease issued by the Town Board.

Section 4. Hardship Exemption. Any property owner can apply to the Town Board for an exemption from this moratorium due to hardship. To qualify for such exemption, an application with supporting documentation shall be submitted to the Town Board by filing with the Town Clerk. Such application and supporting proof shall demonstrate (a) that substantial economic loss will occur by reason of the delay in the application caused by this moratorium; and (b) that negative impacts to affected properties can be effectively mitigated by the design, location and other features of the proposed wind turbine and related facilities. The Town Board may designate the Town Attorney, Director of the Department of Planning and the Environment and/or the Director of the Department of Engineering Services or their representatives to review the hardship application, request additional materials if needed and to report to the Town Board.

Section 5. Severability. If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ADDITIONS ARE INDICATED BY UNDERLINE.

DELETIONS ARE INDICATED BY [BRACKETS].

*** INDICATES NO CHANGE TO PRESENT TEXT.

VOTE: AYES: 3 NOES: 2 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	NO
Councilman Eugene Cook	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.