

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

REVISED

NOTICE OF MEETING

February 6, 2013 at 2:00 p.m.

Rose Caracappa Auditorium

W.H. ROGERS LEGISLATURE BLDG., 725 Veterans Memorial Highway, Smithtown, NY.

Tentative Agenda Includes:

1. Adoption of Meeting Summary for Dec. 2012 and Jan. 2013
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speakers:
 - Anthony Aloisio, Director of Planning and Environment, Town of Huntington
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Moratorium - wind turbines and related facilities (Huntington)
 - Hampton Business District (aka Gabreski, 3 Rogers Way)
0900 31200 0100 004002 (Southampton)
7. Section A-14-24 of the Suffolk County Administrative Code
None
8. Discussion:
9. Other Business:
 - Election of Officers
 - Adoption of Calendar
 - Adoption of Rules of Proceedings

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on March 6, 2013 at 2:00 p.m., in the 4th floor conference room, Department of Economic Development and Planning, H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge.



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 A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Proposed 90 day 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 ninety-day 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 proposed ninety-day 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 Proposed Ninety-Day 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.

X

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 1 -2013, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, DECLARING A NINETY-DAY MORATORIUM ON THE ISSUANCE OF APPROVALS, GRANTS AND/OR CONDITIONAL USE PERMITS BY TOWN AGENICES RE: CONSTRUCTION OR INSTALLATION OF WIND TURBINES AND RELATED FACILITIES

Resolution for Town Board Meeting Dated: January 8, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

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 pending and anticipated applications to construct wind turbines and related facilities within the Town in areas subject to the zoning authority of the Town; 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, it is necessary to declare a ninety (90) day moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits for the construction or installation of wind turbines and related facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations; and

WHEREAS, the declaration 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 1 - 2013, amending the Code of the Town of Huntington, declaring a ninety (90) day moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits by any Town agencies, departments and/or employees for the construction or installation of wind turbines and related facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations, to

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be held on the 5th day of February, 2013, at 7:00pm, at 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 1 -2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
DECLARING A NINETY (90) DAY 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 EMPLOYEES

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 for the purpose of declaring a ninety (90) day 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 employees for wind turbines and related facilities is in the public interest.

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 ninety (90) 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. 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

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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: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

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and Environment

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

Applicant: Hampton Business District (aka Gabreski-3 Rogers Way)
Municipality: Southampton
Location: Rogers Way-Gabreski Airport Planned Development District (APDD)

Received: 1/7/13
File Number: SH-07-09.1
T.P.I.N.: 0900 31200 0100 004002
Jurisdiction: Adjacent to CR 31, Inter-municipal Boundary, County Airport, State of NY land

ZONING DATA

- Zoning Classification: Gabreski Airport PDD
- Minimum Lot Area: N/A
- 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: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: Yes
 - File: SH-06-07
 - Date: 5/22/07
 - Map of: Gabreski Airport Planned Development District.
- SEQRA Information: Yes
- SEQRA Type: FEIS
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Commercial park

- Existing Structures: Yes
- General Character of Site: Level
- Range of Elevation within Site: 28-53' amsl
- Cover: Asphalt, turf and buildings
- Soil Types: Urban land, cut and fill some Carver association
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Site Plan
- Layout: Standard
- Area of Tract: 6.4 acres of 49.7 acre PDD
- Yield Map: Yes
 - No. of Lots: N/A
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-

ACCESS

- Roads: CR 31 (Westhampton – Riverhead Road)
- Driveways: on-site – Rogers Way

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB-LP
 - Recharge Basins: No
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: Off-site STP

PROPOSAL DETAILS

OVERVIEW – Applicants request Site Plan approval from the Southampton Town Planning Board for the construction of a 58,878 SF building with 117 parking spaces (39 land banked), lighting, landscaping and the partial paving of an internal roadway known as Rogers Way. This application is for the first building (Phase 1) in the Hampton Business District. The District is conceived to be a 439,355 SF mixed-use campus style corporate center to be located on 49.7 acres within the Gabreski Airport planned Development District (approved by the SCPC 5/22/07) and designed to promote non-aviation uses and create employment opportunities. This proposed building is to be a one story (25” tall) multi-tenanted building and will house research and development/light industrial users. No retail sales area is proposed.

Potable and irrigation water is to be supplied by the Suffolk County Water Authority. Sanitary waste water is to be collected and treated off site by an existing sewage treatment plant operated by the Suffolk County Department of Public Works.

All storm water runoff and drainage is proposed to be contained on site through a series of existing storm drains and dry wells and leaching pools. Prior to final site plan approval, a Storm Water Pollution Prevention Plan (SWPPP) is anticipated be reviewed by the Town Engineer.

The subject property is located in the Central Suffolk Pine Barrens zone of Suffolk County, and is situated in the Central Suffolk New York State Critical Environmental Area. The Central Pine Barrens Joint Planning and Policy Commission through its Comprehensive Management Plan

designates the area as a Compatible Growth Zone. The subject property contains no naturally occurring fresh water wetland areas on site. The development parcel is located in the Central Suffolk Special Ground Water Protection Area. The site is located in Suffolk County Ground Water Management Zone III. Ground water flow in this area is generally to the south, south-east.

The subject property is located in an area mixed with recreation, light industrial and commercial uses.

Access to the proposed development is to be from County Road 31 (Westhampton – Riverhead Road) and the partial paving of an internal roadway known as Rogers Way.

STAFF ANALYSIS

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

The proposal intends to provide for a mixed commercial use in the Town of Southampton Airport Planned Development District (APDD) and is anticipated to be compatible and in character with the area. Trip generation, lighting and noise are not expected to adversely impact area business or the operation of Gabreski Airport. Public utilities and other infrastructure, including roadways appear to be adequate to accommodate the first phase of the overall APDD use.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:

The Town of Southampton Comprehensive Land Use Plan has been updated to include the Gabreski Airport Planned Development District. The APDD includes an estimated square footage of approximately 510,000 SF. This application is the first phase of implementation.

As indicated by the Town of Southampton Zoning Law the proposal is a permitted use in the District. The subject application appears to be in conformance with the Gabreski Airport Planned Development District. It is the belief of staff that the project appears to be consistent with local land use plans.

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:

Section 4.7 of the Suffolk County Planning Commission guidebook recommends the promotion

of the use of green methodologies such as rain gardens and bioswales to control on site stormwater runoff. It is the belief of staff that the Commission should recommend that the applicants review the Suffolk County Planning Commission Publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate methods throughout.

Dialogue should commence and continue as is necessary for permits and approvals with the Suffolk County Department of Public Works. The partial paving of the internal roadway known as Rogers Way should be reviewed by the County. As indicated above, the applicant and the Department of Public Works should discuss Green Methodologies for the control of storm water runoff in this area.

Suffolk County Transit operates bus service (S90) on CR 31 regularly Monday through Saturday, connecting to Riverhead, Center Moriches and East Quogue.

Connection to the SCDPW operated STP is proposed. Appropriate dialogue should continue with SCDHS/DPW for proper permits and approvals.

Approximately 59,000 SF of building is proposed on site. There is no indication in the referred material that the project sponsors have given significant consideration, at this time, related to energy efficiency. The petitioners should review the Suffolk County Planning Commission Guidebook with respect to energy efficiency.

There is no discussion in the referral material related to public safety. The petitioners should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety.

STAFF RECOMMENDATION

Approval with the following comments:

1. The applicant should review the Suffolk County Planning Commission publication entitled Managing Stormwater-Natural Vegetation and Green Methodologies.

The Suffolk County Planning Commission guidebook recommends the promotion of the use of green methodologies such as rain gardens and bioswales to control on site stormwater runoff. Methods should be incorporated throughout the proposed development.

2. Dialogue should continue with the Suffolk County Department of Public Works as is necessary for permits and approvals.

The partial paving of the internal roadway known as Rogers Way should be reviewed by the County. As indicated above, the applicant and the Department of Public Works should discuss Green Methodologies for the control of storm water runoff in this area.

3. Dialogue should continue as is necessary for permits and approvals with the Suffolk County Department of Health Services/DPW.

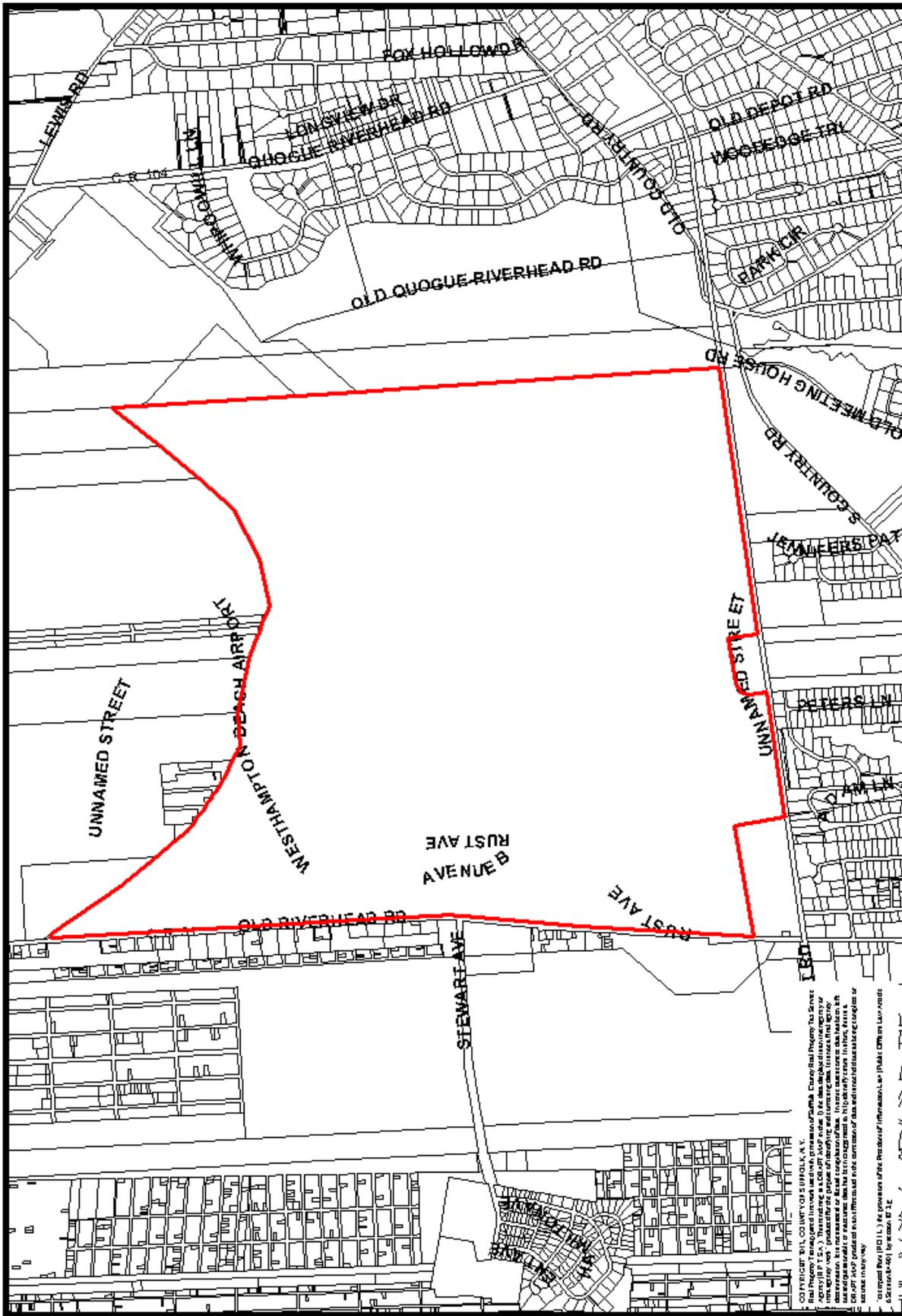
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4. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency.

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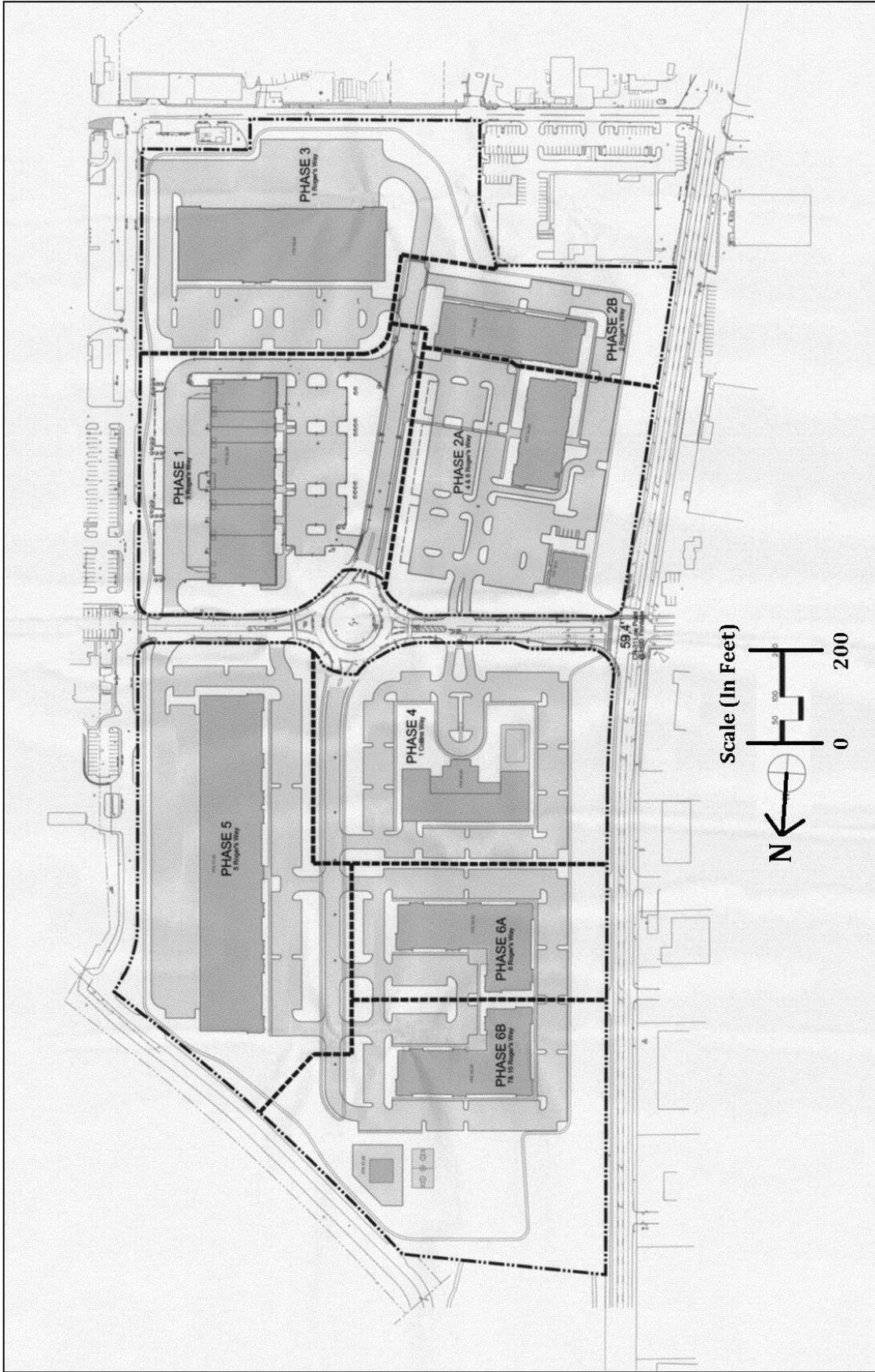
5. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety.

There is no discussion in the referral material related to public safety.



Town of Southampton
 Suffolk County, New York
 Date: 02/06/2013

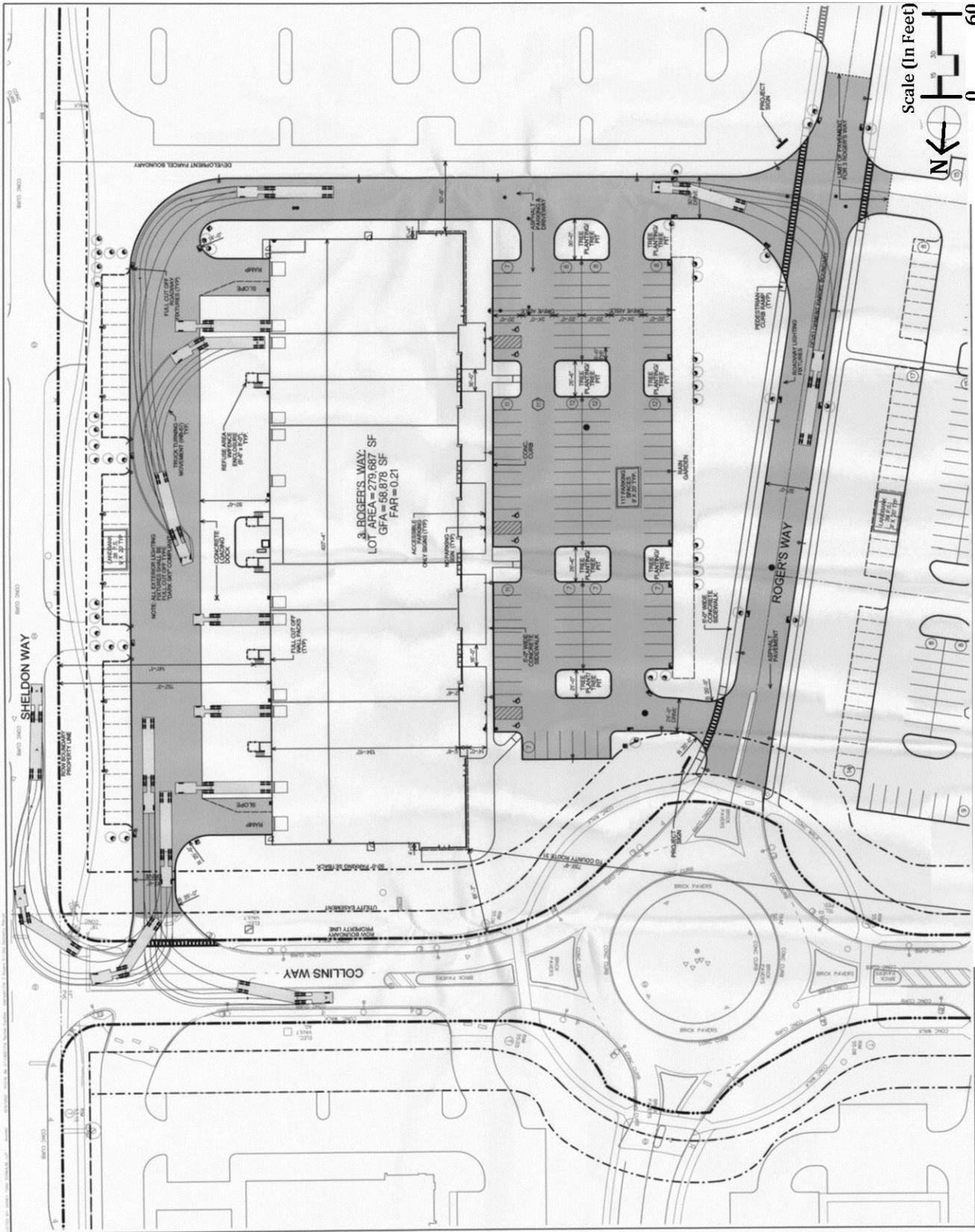
Z-3: "Hampton Business District
 (aka Gabreski, 3 Rogers Way)"
 SCPD No.: SH-07-09.1
 SCTM No.: 0900-312.00-01.00-004.002



Z-3: Hampton Business District (aka Gabreski-3 Rogers Way)

SCPD: SH-07-09.1

SCTM No: 0900-312.00-01.00-004.002



Z-3: Hampton Business District (aka Gabreski-3 Rogers Way)

SCPD: SH-07-09.1

SCTM No: 0900-312.00-01.00-004.002