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

April 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
12:00 Commission Tour – Gabrielsen Farm

Tentative Agenda Includes:

1. Adoption of Meeting Summary for February 2013

2. Public Portion

3. Chairman's Report

4. Director's Report

5. Guest Speaker

6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
   - Middle Country Meadows @ Selden 0200 489.00 02.00 033.001
     (Town of Brookhaven)
   - Portwood, LLC 0200 929.00 03.00 038.003
     (Town of Brookhaven)
   - Hampton Jitney 0600 117.00 01.00 008.006
     (Town of Riverhead)
   - VEA 181st Reality Corp/North Fork Management & Maintenance
     0800 104.00 01.00 004.000 et al.
     (Town of Smithtown)

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 May 1, 2013 at 2:00 p.m., in the H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge, NY 11788

COUNTY OF SUFFOLK

Z-1

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: Middle Country Meadows at Selden
Municipality: Brookhaven
Location: North side of Middle Country Rd (NYS Rte. 25) ~ 191' east of Marshall Drive.

Received: 2/26/2013
File Number: BR-13-03
T.P.I.N.: 0200 48900 0200 033001
Jurisdiction: Adjacent to NYS Rte. 25

ZONING DATA

- Zoning Classification: A-1 Res & J-2 Bus
- 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: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Yes
- SEQRA Type EAF
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: none
- General Character of Site: level

- Range of Elevation within Site: -
- Cover: wooded
- Soil Types: Carver & Plymouth associations, cut and fill land
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of Zone
- Layout: standard, barracks
- Area of Tract: 13.78 Acres
- Yield Map: No
- Open Space: 8.8 Acres

ACCESS

- Roads: Existing: NYS Rte. 25 (Middle Country Road)
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins Storm Water Management Pond
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: Public

PROPOSAL DETAILS

OVERVIEW – Applicants seek Town Board change of zone approval from A-1 Residence and J-2 Business to PRC Residence (planned retirement community) to permit the construction of 124 two bedroom PRC units within 14 buildings on 13.78 acres.

The proposed design would focus buffering and a community building, outdoor pool, tennis courts and a stormwater management pond along NYS Route 25 and situates the residential units in the northern portion of the subject site. A BBQ/picnic area, bocce courts, putting green, gazebos, and a walking path with benches are amenities included in the proposal.

The proposed action includes 25 workforce housing units (approximately 20% of the total units). A total of 158 off street parking stalls are required by Town of Brookhaven Zoning Law and as least as many are provided.

Sanitary waste generated by the proposed action is intended to be collected to an on-site pump station and conveyed by a force-main to the Suffolk County Sewer District No. 11 sewage treatment plant, located at Old Town Road and Hawkins path.

The subject parcel is located on the north side of Middle Country Road (NYS Rte. 25 approximately 191feet east of Marshall Drive (Town Road) in the hamlet of Selden.

A review of the character of the land use and zoning pattern in the vicinity indicates that the subject property is split-zoned A-1 and J-2 in a corridor of predominantly J2 Business. Adjacent and behind the subject property is A1 Residence zoning. A J-4 zoned parcel is adjacent and to the west of the subject property. A shopping center is adjacent and to the east of the property.

The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code. The site is located in the Central Suffolk NYS Special Groundwater Protection Area (SGPA). The subject site is not located in a Pine Barrens zone of Suffolk County. No federal or state mapped and regulated wetlands occur on the subject property.

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.

It is the belief of the staff that the proposed change of zone and construction of attached age restricted units is a compatible use with the residentially zoned land to the north and the commercially zoned lands to the south and east. The proposal is not anticipated to affect community character or inconvenience the public. The synergy between the development and the existing land uses around it is anticipated to be positive and result in a continued satisfactory community environment.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The 1996 Town of Brookhaven Comprehensive Land Use Plan designates the subject site as commercial along the frontage of NYS Rte. 25 and one-acre or less residential density along the rear portion of the parcel. The existing zoning is reflective of the Plan recommendations.

The project sponsors put forth that the proposal is consistent with the spirit and intent, as well as, key elements of the 1996 Town Comprehensive Plan which recognizes the importance of providing a mix of senior housing types. The applicants state in their Expanded EAF that the towns growing senior population is currently under-served by available appropriate housing, particularly with regard to the diversity of housing types.

The 2008 Middle Country Sustainable Community Plan (MCSCP) acknowledges that, due to its location adjacent to "…two of the largest shopping centers in this part of Brookhaven, is large enough to accommodate significant development…" The MCSCP among other recommendations for the property envisioned the subject site for use as a public park or a senior center/ Sr. residential project. The MCSCP acknowledges (according to the petitioner) that there is a need for senior housing in proximity to shopping areas, which the proposed project is designed to accomplish. Cross access to the shopping center to the east is provided and addresses another recommendation of the MCSCP.

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 proposal will collect sanitary wastewater and direct the flow to an on-site pump station and convey the waste by a force-main to the Suffolk County Sewer District No. 11 sewage treatment plant located at Old Town Road and Hawkins Path. It is the belief of the staff that dialogue and discussion should continue with the Suffolk County Department of Health Services and the Department of Public works until all appropriate approvals and permits are obtained.

The project sponsors are proposing the creation of a 27,160 square foot storm water retention pond. The pond is proposed to be planted with wetland species to absorb storm water runoff nutrients. It is the belief of staff that two publications of the Commission would be relevant for review by the applicants. The first being the Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies; the second is The Study of Man-Made Ponds in Suffolk County.

The applicant has indicated that energy efficiency is an objective of the proposed action; it is anticipated all units would be constructed to Energy Star Standards in accordance with Town of Brookhaven Code requirements (section 16-4.2). It is anticipated that sustainable energy-conserving measures, including energy-saving wall insulations, triple-glazed windows and energy efficient mechanical systems will be utilized. The applicant should review the Commission standards on energy efficiency for further informational purposes.

It is the belief of the staff that by the very nature of the application there is a positive economic development component to the proposed project and that there are no significant issues regarding equity (25 workforce housing units) and sustainability.

No mass transit (bus) shelter is proposed though the site is pedestrian friendly via a network of walkways and sidewalks. In terms of transportation, it is the belief of the staff that there are no significant issues. Access to and from the site will be coordinated with the NYS DOT and any road improvements will be reviewed and required by that agency. The applicant should communicate with the Suffolk County DPW Transit Division and discuss possible accommodations for bus riders from the subject development.

There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design other than to indicate that the project will be privately owned and maintained with security services, and will be built in conformance with modern building construction standards thereby minimizing impact on public community service providers. It is the belief of staff that the applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into the design plan.

STAFF RECOMMENDATION

Approval, subject to the following comments:

1. Dialogue and discussion should continue with the Suffolk County Department of Health Services and the Department of Public works until all appropriate approvals and permits are obtained.

Reason: The proposal will collect sanitary wastewater and direct the flow to an on-site pump station and convey the waste by a force-main to the Suffolk County Sewer District No. 11 sewage treatment plant located at Old Town Road and Hawkins Path.

2. Two publications of the Commission would be relevant for review by the petitioners. The first being the Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies; the second is The Study of Man-Made Ponds in Suffolk County.

Reason: The project sponsors are proposing the creation of a 27,160 square foot storm water retention pond. The pond is proposed to be planted with wetland species to absorb storm water runoff nutrients.

3. The applicant should review the Commission standards on energy efficiency for further informational purposes.

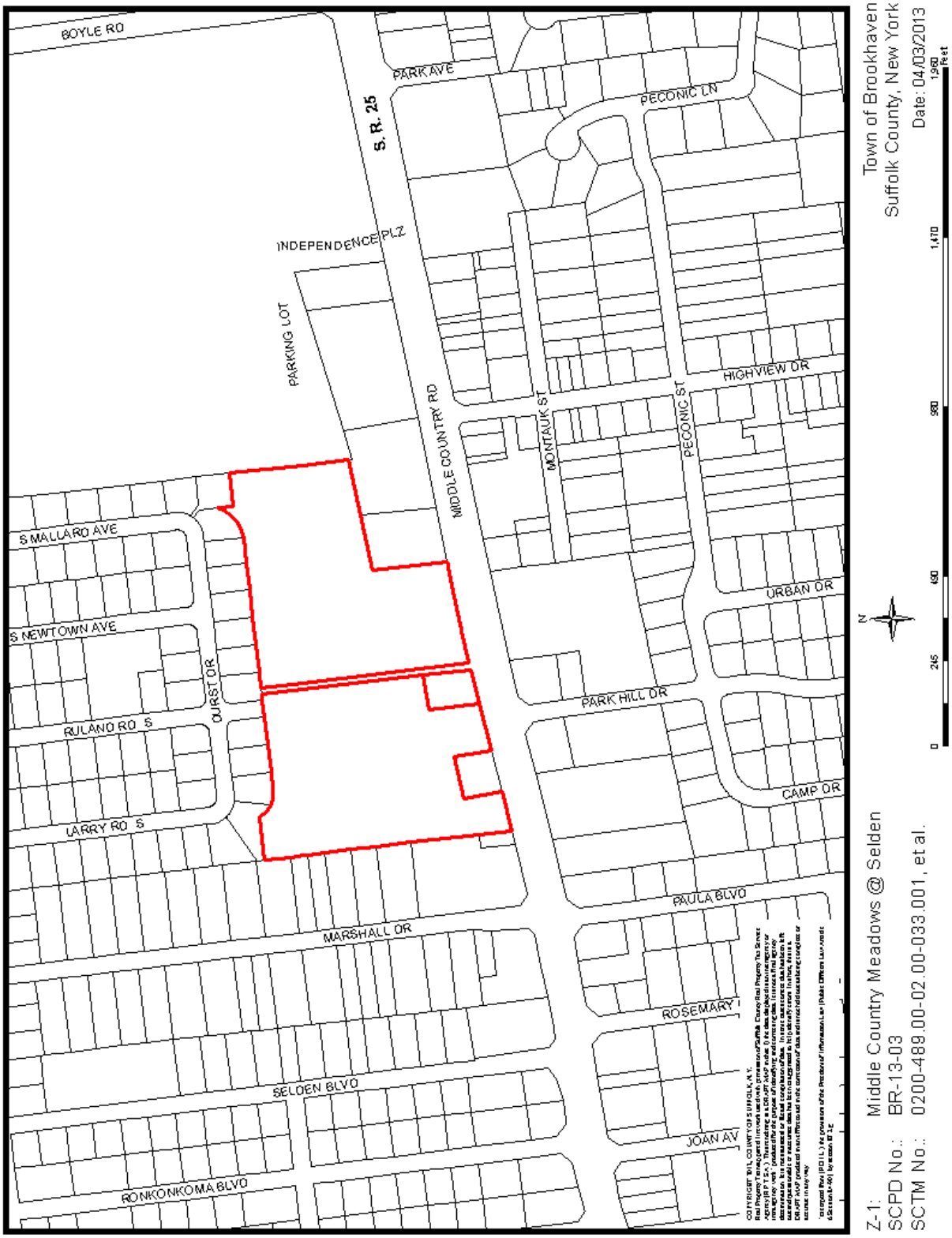
Reason: The applicant has indicated that energy efficiency is an objective of the proposed action; it is anticipated all units would be constructed to Energy Star Standards in accordance with Town of Brookhaven Code requirements (section 16-4.2).

4. The applicant should communicate with the Suffolk County DPW Transit Division and discuss possible accommodations for bus riders from the subject development.

Reason: No mass transit (bus) shelter is proposed though the site is pedestrian friendly via a network of walkways and sidewalks.

5. The applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into the design plan.

Reason: There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design other than to indicate that the project will be privately owned and maintained with security services, and will be built in conformance with modern building construction standards.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PECONIC LN
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PARKING LOT
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PECONIC ST
HIGHVIEW DR
S MALLARD AVE
S NEWTOWN AVE
OURST DR
URBAN DR
RULANO RD S
PARK HILL DR
LARRY RD S
CAMP DR
PAULA BLVD
MARSHALL DR
ROSEMARY
SELDEN BLVD
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Town of Brookhaven
Suffolk County, New York
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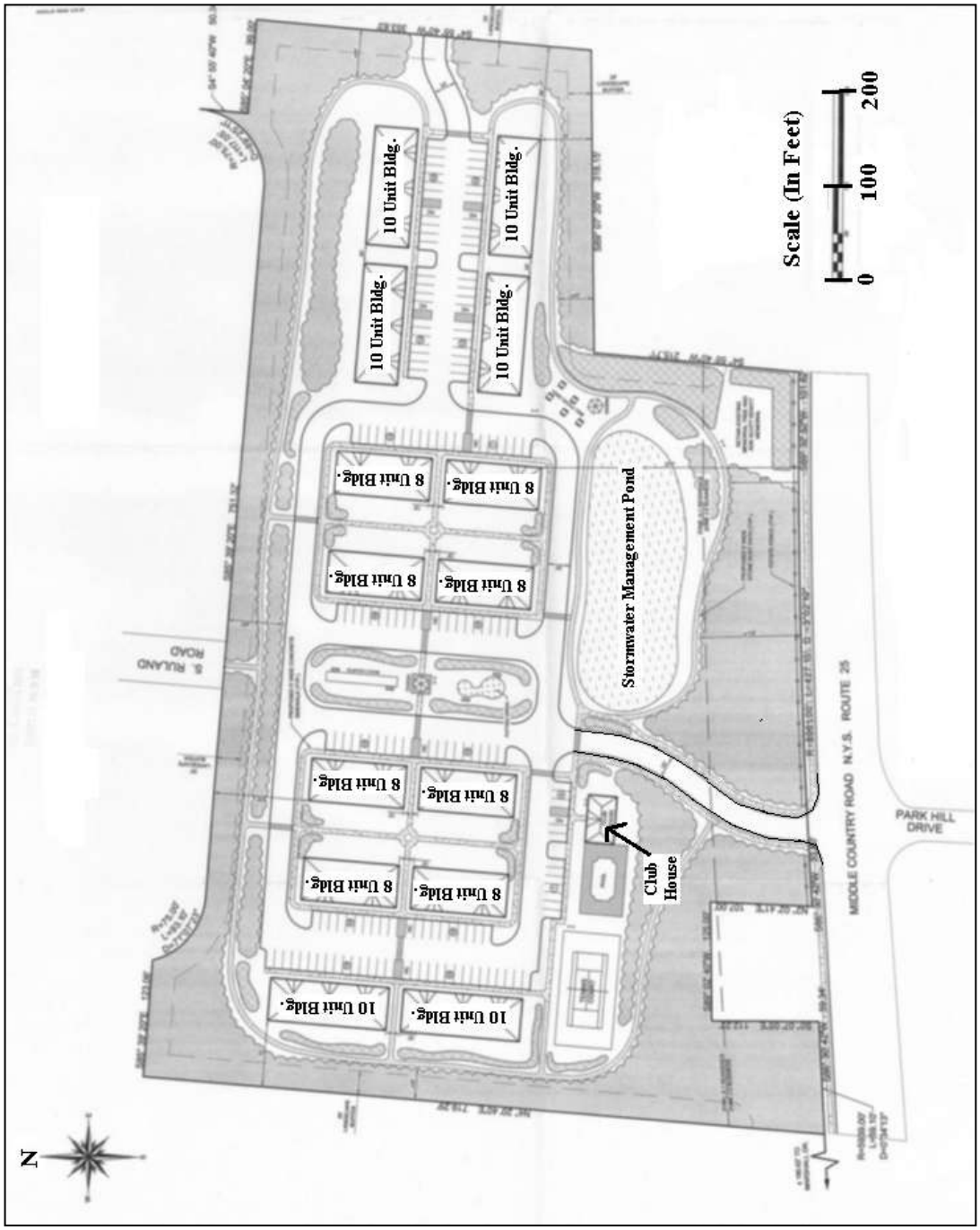
Z-1: Middle Country Meadows @ Selden
SCPD No.: BR-13-03
SCTM No.: 0200-489.00-02.00-033.001, et al.



Z-1: Middle Country Meadows @ Selden
SCPD: BR-13-03
SCTM No: 0200-489.00-02.00-033.001, et al.

COUNTY OF SUFFOLK

Z-2

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: Portwood, LLC
Municipality: Brookhaven
Location: s/s/o Sunrise Highway Service Road South (NYS Rte. 27) ~ 450 feet west of Station Road (Town Road) in the hamlet of Bellport

Received: 2/28/2013
File Number: BR-13-04
T.P.I.N.: 0200 92900 0300 038003
Jurisdiction: within 500 feet of NYS Rte. 27

ZONING DATA

- Zoning Classification: J-2
- Minimum Lot Area: 15,000 Sq. Ft.
- Section 278: N/A
- Obtained Variance: No

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: vacant commercial retail site
- Existing Structures: Yes, one story block retaail structures; three buildings
- General Character of Site: level

- Range of Elevation within Site: -
- Cover: buildings, asphalt and weeds.
- Soil Types: Haven, Plymouth and Riverhead associations
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Site Plan
- Layout: standard
- Area of Tract: 10.2Acres
- Yield Map: N/A
- Open Space: N/A

ACCESS

- Roads: Existing NYS Rte. 27 service road
- Driveways: internal-private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins no
- Groundwater Management Zone: VI
- Water Supply: public
- Sanitary Sewers: ST-LP

PROPOSAL DETAILS

OVERVIEW – Applicants seek Town of Brookhaven Planning Board site plan approval for the demolition of three vacant retail buildings of the former Bellport Outlet Center totaling 96,034 SF and the construction of a new 87,788 SF wholesale store with a 2,245 SF Mezzanine. Site improvements are proposed to include improved drainage, additional landscaped islands with a decrease in impervious area and the existing buffers to remain. The subject property is 10.2 acres.

A total of 515 off street parking stalls are required by Town of Brookhaven Zoning Law and as many are provided. Eighty five (85) stalls are to be land banked to provide for additional green space.

Sanitary waste generated by the proposed action is intended to be collected and treated on site via conventional sanitary systems.

The subject parcel is located on the south side of Sunrise Highway Service Road South (NYS Rte. 27) approximately 450 feet west of Station Road (Town Road) in the hamlet of Bellport.

Access to the site as depicted on the site plan, is provided via three access driveways on the Sunrise Highway South Service Road (NYS Rte. 27) that provide for a right turn-out only access at the west driveway, right turn-in/right turn-out access and entering westbound left turns into the site at the center driveway and right turn-in/right turn-out orientation at the east driveway.

A review of the character of the land use and zoning pattern in the vicinity reveals that the subject property is zoned J-2 in an area mixed with commercial, residential and industrial zoning. A facility operated by the NYS Dormitory Authority is adjacent and to the west of the subject property. Residential uses can be found to the south while to the north is the ROW for Sunrise Highway. A Diner is located adjacent and to the east.

The subject property is situated in Hydro-geologic Ground Water Management Zone VI pursuant to Article 6 of the Suffolk County Sanitary Code. The site is not located in a NYS Critical Environmental Area. The site is not located in a NYS Special Groundwater Protection Area (SGPA). The subject site is not located in a Pine Barrens zone of Suffolk County. No federal or state mapped and regulated wetlands occur on the subject property.

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.

It is the belief of the staff that the proposed site plan, as a reuse and redevelopment of a once developed and vacated property will enhance the community character, the public convenience and further the maintaining of a satisfactory community environment by eliminating a regional eye sore and facilitating the redevelopment and economic activity of the property.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The 1996 Town of Brookhaven Comprehensive Land Use Plan designates the subject site as commercial. It is the belief of the staff that the proposal is consistent with the local Comprehensive Plan.

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 proposal will rehabilitate a derelict site, decrease impervious area, capture storm water runoff, and increase landscaped islands.
It is not evident in the referral to the Suffolk County Planning Commission if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies. It is the belief of the staff that the publication should be reviewed and additional stormwater mitigations incorporated where practical.

It is not evident in the referral to the Suffolk County Planning Commission if the applicants have reviewed the Commission's guidelines on energy efficiency. It is the belief of the staff that the publication should be reviewed and additional efficiency measures incorporated where practical.

It is the belief of the staff that by the very nature of the application there is a positive economic development component to the proposed project and that there are no significant issues regarding equity and sustainability.

No mass transit (bus) shelter is proposed. The applicant should communicate with the Suffolk County DPW Transit Division and discuss possible accommodations for bus riders from the subject development.

A detailed review of existing land use, roadway characteristics and traffic conditions in the vicinity of the project site was performed on behalf of the applicant by RMS Engineering. A 2016 "Build" condition analysis considered the impact of the traffic generated by the construction of the proposed development. The traffic generated by the development was then superimposed onto the 2016 "No Build" volumes at the study locations. RMS reported that the traffic generated by the proposed project will have a minor impact on the operation of a number of the intersections within the vicinity of the proposed development. Minor degradation in operating conditions was experienced at some of the intersections. Measures have been proposed to improve operation of these locations and include:

a) At the intersection of Bellport Station Road at Sunrise Highway North Service Road (NYS Rte. 27) modifications to the existing traffic signal timings are proposed.

b) At the intersection of Bellport Station Road at Sunrise Highway South Service Road (NYS Rte. 27) modifications to the existing traffic signal timings are proposed.

There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design It is the belief of staff that the applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into the design plan.

STAFF RECOMMENDATION

Approval subject to the following comments:

1. The Suffolk County Planning Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.

Reason: In terms of environmental protection, the proposal will rehabilitate a derelict site, decrease impervious area, capture storm water runoff, and increase landscaped islands. It is not evident in the referral to the Suffolk County Planning Commission if the applicants have reviewed the Commission's publication.

2. The applicant should review the Commission standards on energy efficiency for further informational purposes.

Reason: it is anticipated all units would be constructed to Energy Star Standards in accordance with Town of Brookhaven Code requirements (section 16-4.2).

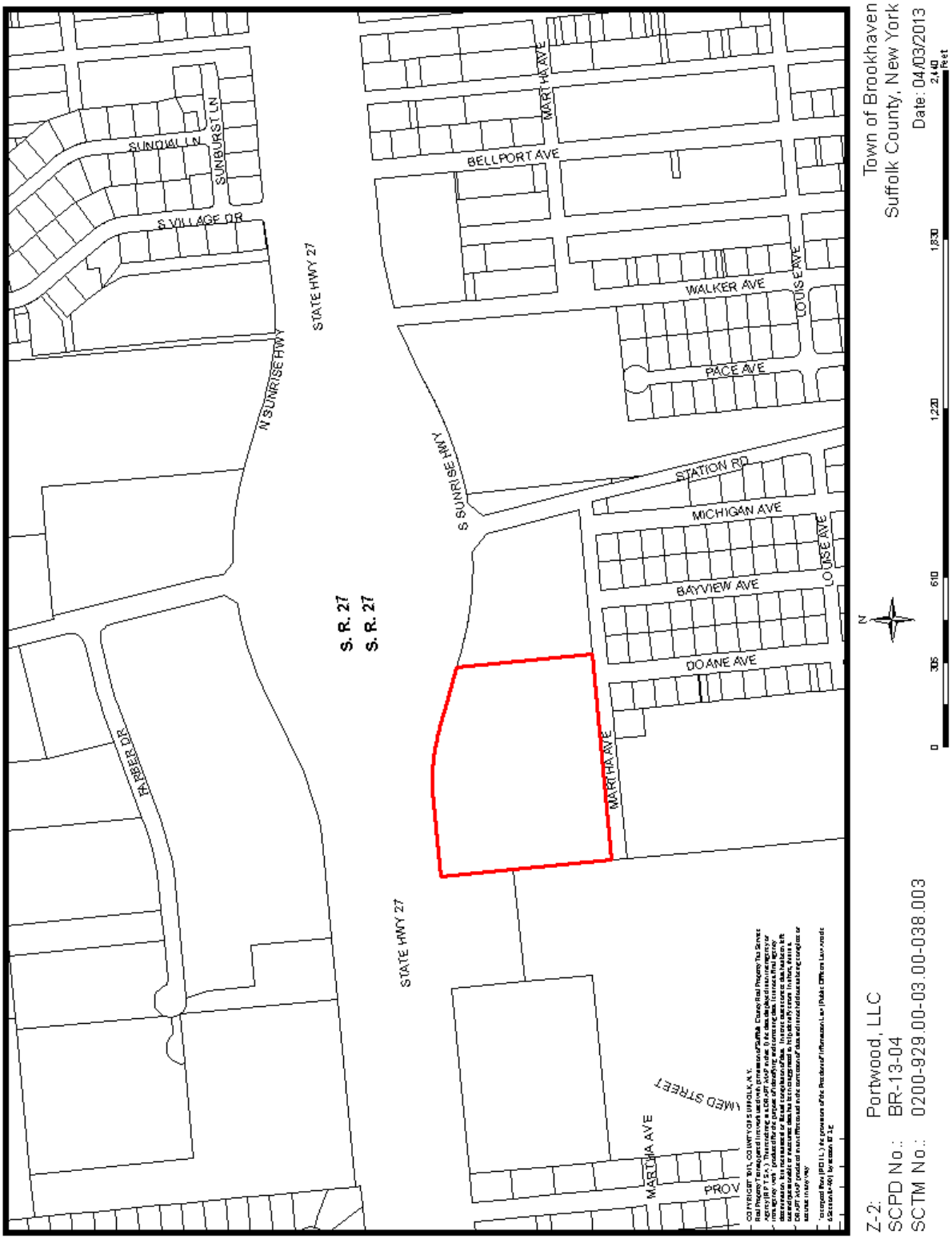
3. The applicant should communicate with the Suffolk County DPW Transit Division and discuss possible accommodations for bus riders from the subject development.

Reason: No mass transit (bus) shelter is proposed.

4. The applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical

measures into the design plan.

Reason: There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design other than to indicate that the project will be privately owned and maintained with security services, and will be built in conformance with modern building construction standards.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PACE AVE
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Suffolk County, New York
Date: 04/03/2013
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SCPD No.:
SCTM No.:
Portwood, LLC
BR-13-04
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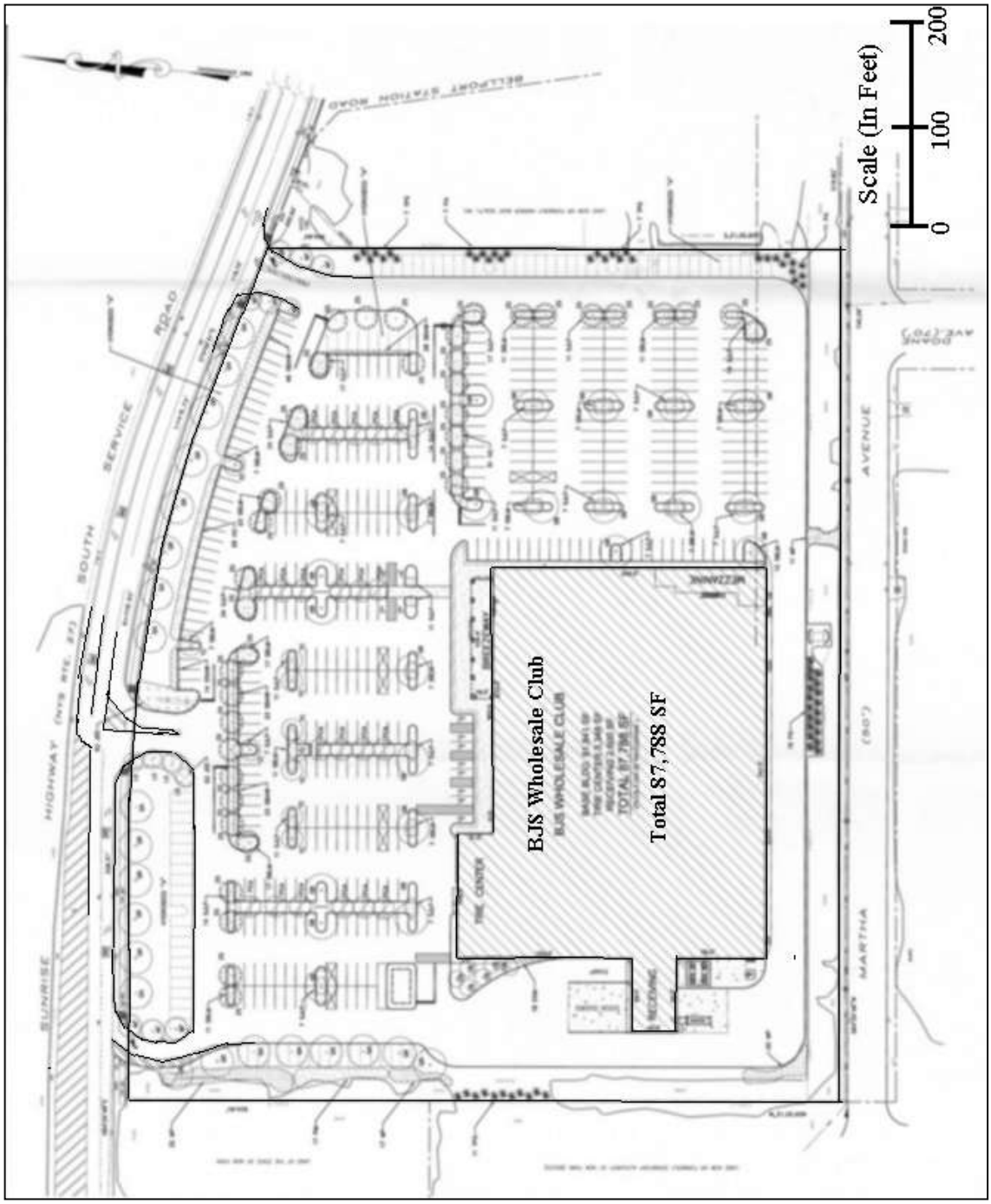


Z-2: Portwood, LLC
SCPD: BR-13-04
SCTM No: 0200-929.00-03.00-038.003

COUNTY OF SUFFOLK

Z-3

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 A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Hampton Jitney
Municipality: Riverhead
Location: w/s/o Edwards Ave ~ 1,500' n/o Rail Road Ave.

Received: 2/27/2013
File Number: RH-13-01
T.P.I.N.: 0600 11700 0100 008006
Jurisdiction: within Central Pine Barrens zone; within 1 mile of an airport.

ZONING DATA

- Zoning Classification: Industrial C
- Minimum Lot Area: 80,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: No

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: vacant
- Existing Structures: none
- General Character of Site: rolling

- Range of Elevation within Site: -
- Cover: fallow field & wooded
- Soil Types: Haven and Riverhead associations
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: yes regulated fresh water wetland NYS DEC R-42

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: site plan
- Layout: standard
- Area of Tract: 13.9Acres
- Yield Map: No
- Open Space: 5.11 Acres (aprox. 37%)

ACCESS

- Roads: Edwards Avenue
- Driveways: internal private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins no
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: ST-LP

PROPOSAL DETAILS

OVERVIEW – Applicants seek Town of Riverhead Planning Board special exception/site plan approval for the construction of a motor-coach terminal and maintenance facility including a 24,615 square foot two story passenger terminal and a 22,028 square foot maintenance facility. Additional site improvements are proposed that include a fueling station with canopy, bus wash, bioswales for stormwater retention and wetland buffers and open space. The subject property is 13.9 acres.

A total of 178 off street parking stalls are required by Town of Riverhead Zoning Law and as many are provided. 53 parking spaces are provided for buses only.

Sanitary waste generated by the proposed action is intended to be collected and treated on site via a conventional sanitary system.

The subject parcel is located on the west side of Edwards Ave ~ 1,500' north of Rail Road Ave. in the hamlet of Calverton.

Access to the site as depicted on the site plan, is provided via two unrestricted ingress/egress to Edwards Avenue (Town Road).

A review of the character of the land use and zoning pattern in the vicinity reveals that the subject property is zoned Industrial C in an area predominated by industrial zoning north of the Long Island Rail Road ROW and residential zoning to the south. Local land uses include recreation to the west, industrial and agricultural to the east and south and agricultural and industrial uses to the north.

The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code. The site is located in the Central Suffolk Pine Barrens

NYS Critical Environmental Area. The site is located in the Central Suffolk NYS Special Groundwater Protection Area (SGPA). The subject site is located in the Central Pine Barrens Zone of Suffolk County as regulated by the NYS Central Pine Barrens Joint Planning and Policy Commission and designated as Compatible Growth Area according to the CPBJPPC Comprehensive Land Use Plan. State mapped and regulated fresh water wetlands occur on the subject property. The subject property is not within an Agricultural District however, soils on the subject property are categorized as prime agricultural soils and classified within soil group 1 thru 4 pursuant to the NYS Land Classification System (NYCRR 370). Property just to the east of Edwards Avenue is in Ag. District 7 and the adjacent property to the east is Suffolk County PDR farmland.

According to a submitted Riverhead planning staff memorandum the proposed use was granted special permission approval by the town in 2009 and cited the necessary special permit determinations and conditioned on Suffolk County Department of Health Services approval. The approval also stipulated the use commence within two years of the approval. According to the memorandum, the applicant could not meet the deadline even after two one year extensions. The first extension by the town was in answer to the length of time needed to obtain Health Department approval. The second extension was due to ongoing site plan review where land impacts were being attended to by a SWAPPP and traffic analysis by a traffic impact study. The memorandum further indicates that the last extension expired on 3/17/13 and though the applicant has secured conditional site plan approval by the Riverhead Planning Board (SCPC staff returned the referred site plan with a response of Local Determination on 9/20/2011), the applicant needs more time. It is the position of the Riverhead Town Attorney that extensions of special permits are not specifically authorized by the Code of the Town of Riverhead and the remedy is the new application.

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.

It is the belief of the staff that the proposed special exception/site plan enhances the public convenience and furthers the maintaining of a satisfactory community environment by providing a local mass transportation (bus) hub and facilitating economic activity on the property.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The 2003 Town of Riverhead Comprehensive Land Use Plan designates the subject site as Agricultural Protection Zone (APZ). The APZ is an overlay zone pursuant to the Riverhead Zoning Law, Section 108-21, indicates that the purpose and intent of the Agriculture Protection Zoning Use District (APZ) is to "facilitate existing and future agricultural land uses; to preserve existing prime agricultural soils; to maintain highly productive agricultural lands by limiting encroachment of nonagricultural development; to minimize the conflicts between agricultural and nonagricultural uses; to discourage residential sprawl and minimize adverse fiscal impacts through the extension of municipal services; to maintain agricultural vistas to promote agro-tourism, and to preserve the rural character of the Town of Riverhead."

The referral material to the SCPC does not address the APZ overlay. It appears from a review of aerial photography and site inspections that the subject property has been farmed in the past and is in close proximity to contiguous agricultural land. The subject property itself is compromised by freshwater wetland on site and surrounded on three sides by non-agricultural uses. It is noted that the Town of Riverhead has issued a prior special permit and site plan approval for the proposed passenger terminal/vehicle maintenance facility.

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 subject property is situated in the Compatible Growth Area of the Central Pine Barrens Zone as identified in the Comprehensive Land Use Plan, by the Central Pine Barrens Joint Planning and Policy Commission. Development in the CGA is permitted pursuant to certain standards. Prominent among the standards is a restriction on the clearing of natural vegetation. For commercially zoned properties the clearance standard is a maximum of 65% leaving 35% in natural vegetation. Excluding wetland area and perimeter landscaped areas the proposal leaves approximately 37% in natural vegetation and is in conformance with the CLUP.

It is evident in the referral to the Suffolk County Planning Commission that the applicants have been working with the Town of Riverhead on a SWPPP. It is not evident however, if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies though bioswales are proposed as an element in the plan. It is the belief of the staff that the publication should be reviewed and additional stormwater mitigations incorporated where practical.

Regulated fresh water wetlands were last flagged in the field on 6/23/08. Upland limits of freshwater wetlands tend to migrate overtime in response to hydrological conditions. The NYS DEC regulated freshwater wetland should be re-flagged in the field by a qualified expert, confirmed by the appropriate regulatory agency, notated and shown on all surveys, sketches, plans and maps utilized for permit approvals before all regulatory agencies.

Elements of the proposed motor coach terminal and maintenance facility trigger SCDHS regulations pertaining to the storage and use of hazardous materials (fueling stations and bus wash effluent holding tanks). The applicants should continue dialogue with the Suffolk County Department of Health services regarding any necessary renewal of permits and approvals as warranted.

It is not evident in the referral to the Suffolk County Planning Commission if the applicants have reviewed the Commission's guidelines on energy efficiency. It is the belief of the staff that the publication should be reviewed and additional efficiency measures incorporated where practical.

It is the belief of the staff that by the very nature of the application there is a positive economic development component to the proposed project and that there are no significant issues regarding equity and sustainability.

There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design It is the belief of staff that the applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into

the design plan.

STAFF RECOMMENDATION

Approval, subject to the following comments:

1. The Suffolk County Planning Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.

Reason: It is evident in the referral to the Suffolk County Planning Commission that the applicants have been working with the Town of Riverhead on a SWPPP. It is not evident however, if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies though bioswales are proposed as an element in the plan.

2. The NYS DEC regulated freshwater wetland should be re-flagged in the field by a qualified expert, confirmed by the appropriate regulatory agency, notated and shown on all surveys, sketches, plans and maps utilized for permit approvals before all regulatory agencies.

Reason: Regulated fresh water wetlands were last flagged in the field on 6/23/08. Upland limits of freshwater wetlands tend to migrate overtime in response to hydrological conditions.

3. The applicants should continue dialogue with the Suffolk County Department of Health services regarding any necessary renewal of permits and approvals as warranted.

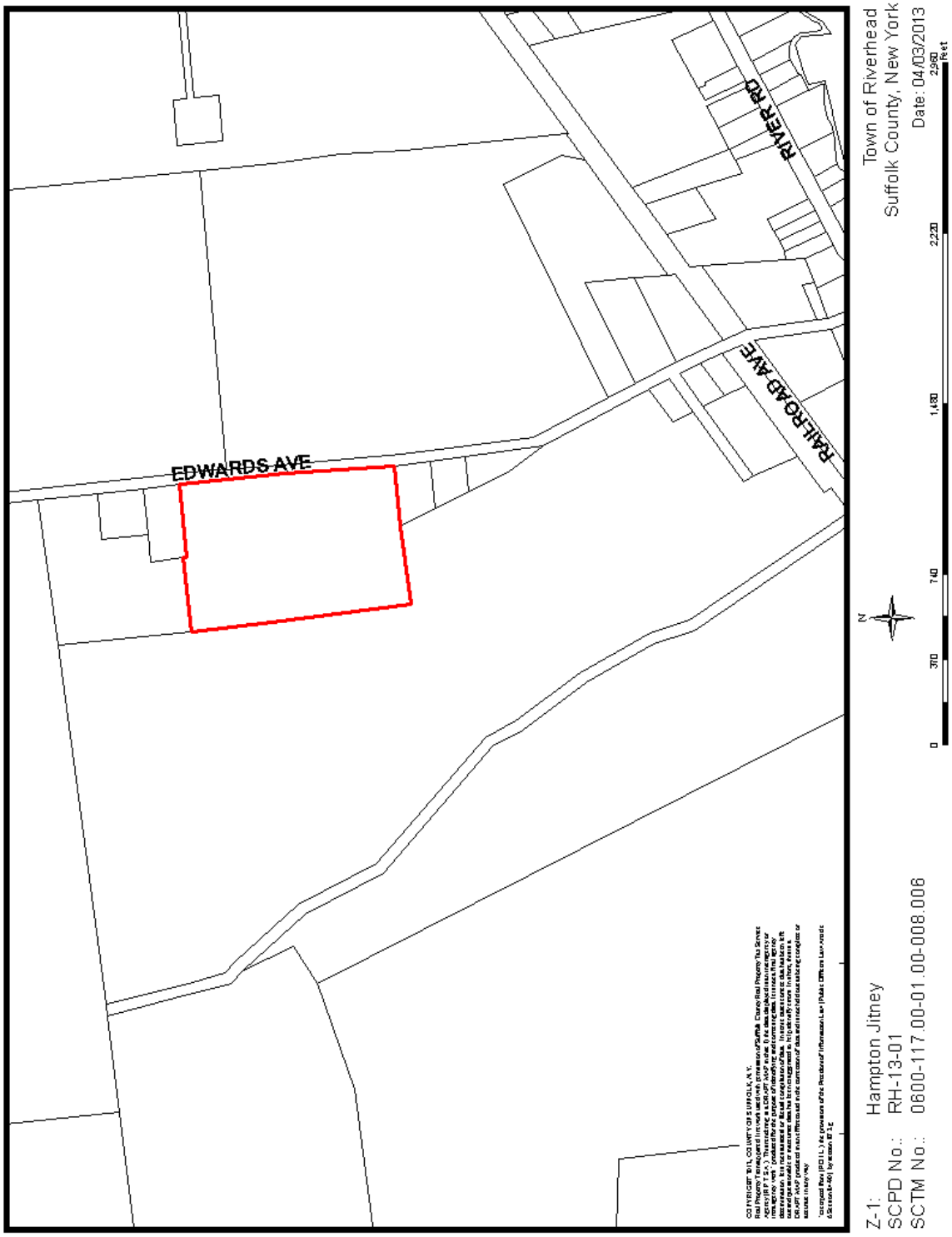
Reason: Elements of the proposed motor coach terminal and maintenance facility trigger SCDHS regulations pertaining to the storage and use of hazardous materials (fueling stations and bus wash effluent holding tanks).

4. The applicant should review the Commission standards on energy efficiency for further informational purposes.

Reason: It is not evident in the referral to the Suffolk County Planning Commission if the applicants have reviewed the Commission's guidelines on energy efficiency. It is the belief of the Commission that the publication should be reviewed and additional efficiency measures incorporated where practical.

5. The applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into the design plan.

Reason: There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design.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SCPD No.: RH-13-01
SCTM No.: 0600-117.00-01.00-008.006
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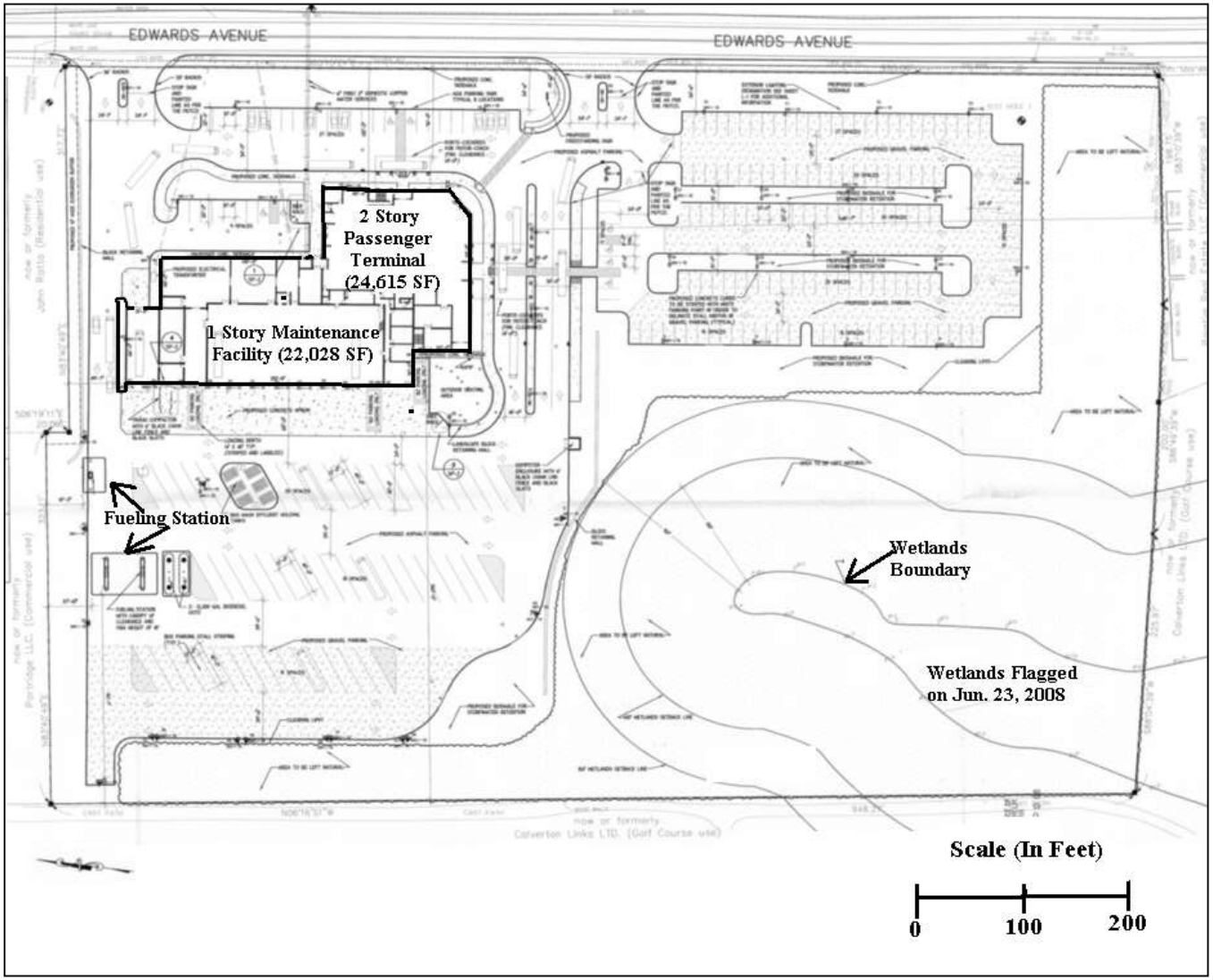


Z-3: Hampton Jitney
SCPD: RH-13-01
SCTM No: 0600-117.00-01.00-008.006

COUNTY OF SUFFOLK

Z-4

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: VEA 181st Realty Corp./North Fork Management and Maintenance, LLC
Municipality: Town of Smithtown
Location: S/S/O Main Street (S.R. 25/25A) and W/S/O Maple Avenue

Received: 2/26/13
File Number: SM-13-01
T.P.I.N.: 0800 10400 0100 002000, 003000, 004000, 005000, 051000 and 052000
Jurisdiction: Adjacent to State Route 25/25A (Main Street)

ZONING DATA

- Zoning Classification: CB Commercial Business
- Minimum Lot Area: 5,000 Sq. Ft.
- Section 278: No
- 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: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Short EAF
- SEQRA Type Unlisted Action
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Vacant land and buildings
- Existing Structures: Assorted vacant commercial buildings
- General Character of Site: Level
- Cover: Asphalt

- Soil Types: Urban Land
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Special Exception with waiver; Use and Area Variances
- Layout: 2 primary buildings and on-site STP
- Area of Tract: 157,815 Sq. Ft. or 3.62 ac
- Yield Map: N/A
  - No. of Lots: N/A
- Open Space: N/A

ACCESS

- Roads: Existing - Maple Avenue & via cross access agreement New York Avenue
- Driveway: N/A

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: Not indicated on conceptual site plan
  - Recharge Basins No
- Groundwater Management Zone: VIII
- Water Supply: Public
- Sanitary Sewers: Proposed on-site Cromaglas STP

PROPOSAL DETAILS

OVERVIEW - Applicants request a Special Exception to construct 56 accessory apartments; Use Variance to permit a parking garage in a CB zoning district; and several Area Variances.

The proposed project site is comprised of six (6) tax map parcels totaling 3.62 acres located in downtown area of Smithtown. The projected is a redevelopment of the property, formerly the Nassau Suffolk Lumber and Supply Corp, currently consisting of an empty parking lot and decaying buildings. The conceptual site plan associated with this application depicts two proposed buildings on the subject property. The northerly proposed building will run along the property's frontage on Main Street (S.R. 25/25A), and proposed as being three (3) stories having retail on the 1st floor and ten (10) apartments on each the 2nd and 3rd floors. The other southerly proposed building or the rear building is proposed as being four (4) stories having a parking garage on the 1st floor and twelve (12) senior (age-restricted) apartments on each the 2nd, 3rd and 4th floors.

In addition to the required special exception and use variance necessary to develop the property as proposed the applicant requests the following area variances from the town of Smithtown Zoning Board of Appeals: 1) reducing the distance between wings of a building from 30 feet to 15 feet; 2) reduce the width of one planting island from 9 feet to 6 feet; 3) reduce minimum truck loading spaces from 1 to 0; 4) reduce parking setback from 6 feet to 2 feet; 5) increase building height from 35 feet to 49 feet, and/or from 2 ½ to 4 stories. The applicant also requests to waive the Special Exception standard that requires compliance with the truck loading requirement.

The subject referral proposes 227 on-site parking spaces, which exceed the 196 spaces required in accordance with the Town of Smithtown Zoning Code.

However, the parking garage proposed on the 1st floor of the rear building is not a permitted use according to the Town of Smithtown Zoning Code. And, therefore this element of the proposed development project would require a use variance granted from the Zoning Board of Appeals. To

allow a use not otherwise allowed in the zoning district, an applicant must demonstrate to the Zoning Board of Appeals that an 'unnecessary hardship' which is a very difficult test to prove.

Vehicular access onto the proposed development site is to be from it frontage on Maple Avenue (CR 15) and through two internal points of cross-access over Town of Smithtown properties, one along it easterly boundary to Maple Avenue and another along it westerly boundary to New York Avenue. These would be site plan details that would be address during that phase of review.

Sanitary waste water is to be collected and treated on the subject site by a proposed Cromaglas packaged sewage treatment plant (15,000 GPD capacity).

It has not been indicated in the referral material how storm water runoff and drainage is proposed to be contained. A formal site plan application has not been submitted to the Town at the time of this review. 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, and useful information may be gleaned by a review of the document during final site plan design.

The subject property is located in what is considered 'downtown' Smithtown which is a short walking distance the Long Island Rail Road Station, as well as retail, restaurant and other various service businesses.

To be in compliance with the New York State Affordable/Worforce Housing Law, the proposed development would be required to offer at least 10% of the proposed dwelling units as designated affordable/workforce units.

The proposal appears to be in constant with the Town of Smithtown's "Goals and Objectives Statement" for its Updated Comprehensive Plan which is in the process of being completed.

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.

For at least the last several years the subject property has sat vacant and used, leaving a gap in the streetscape of downtown Smithtown and contributing to its ongoing economic stagnation. The proposed project is intended to redevelop property with active, tax-generating uses, such as mixed housing and commercial/retail uses.

It is the belief of the staff that the coordinated review of the referral is consistent with General Municipal Law; and that the mixed-used proposed development has the general support of the local municipality and the surrounding communities.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Smithtown's Comprehensive Land Use Plan, last adopted 1957, is in the process of being updated at the time of this report. However, the proposed project is consistent with the Town of Smithtown's goal to strengthen the Central Downtown/Business District in Smithtown.

The subject application's mixed-use proposal is consistent with local planning objectives particularly the developing and enhancing the community's 'sense of place'; improving the local economy in terms of business activities, taxes, employment, and property values so as to provide an attractive,

affordable and livable community; and providing for the needs of all segments of the population.

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:

Environmental Protection-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 storm water runoff. While it appears no certain methods are proposed by the applicant, useful information may be gleaned by a review of the document.

Energy Efficiency-It is expected that the proposed development of two (2) buildings will not have an adverse effect on the distribution, generation and maintenance of existing energy facilities. However, the applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency for additional insight and information.

Economic Development, Equity and Sustainability-The proposed project would provide economic development opportunities in the short and long term, provide for equity via the workforce/affordable housing component and sustainability through the mixed-use components, and the TOD and walkability aspect of the project.

Housing Diversity-The proposal provides for additional housing diversity in the region as opposed to detached single family housing, as well as, providing for affordability and layout diversity in the residential unit component.

Parking and Transportation-The subject project is proposing 227 on-site parking spaces, which is more that is required by the zoning code. Also the proposed cross-access connections would facilitate shared parking if needed and deemed appropriate. The subject property is also walking distance to municipal parking lots.

The proposed parking garage may be inappropriate at this location; and unwarranted since sufficient information necessary to demonstrate compliance with the applicable use variance criteria required to grant such a use was not submitted in the referral material.

It is important to note that the location of the subject property benefits from convenient access to public transportation that could also reduce the need for significant on-site parking.

The location of this proposed higher density, mixed-use, development project would be considered a 'Transit Oriented Development' (or T.O.D.) project since it is conveniently located within a short walking distance to the LIRR Smithtown Train Station.

The subject parcel is also situated along the S-45, S-56 and S58 bus route of Suffolk County Transit

along the Main Street (S.R. 25/25A) Corridor.

Public Safety-There is no discussion in the referral material related to public safety. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety and incorporate practical methodologies for the assurance of public safety into the site plan where appropriate.

STAFF RECOMMENDATION

Approval, subject to 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.

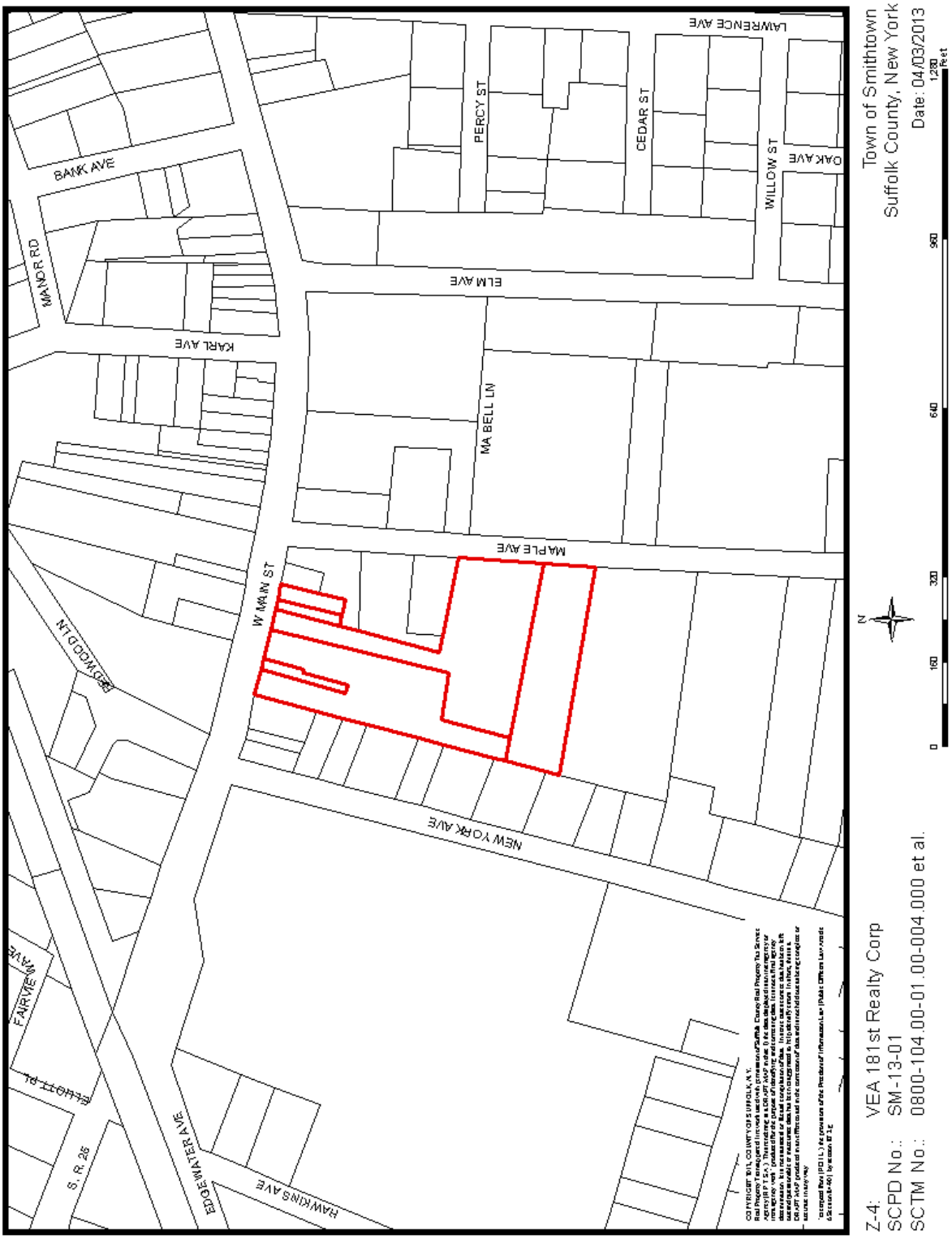
2. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency.

3. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety and incorporate practical methodologies for the assurance of public safety into the design of the site plan where appropriate.

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

4. The Zoning Board of Appeal's (Board) should carefully evaluate the appropriateness of granting a use variance for the proposed parking garage on the subject property, determining whether there is sufficient information available to demonstrate compliance with the applicable variance criteria.

5. The Board should also evaluate the potential that the any created on-site, as well as existing off-site parking, may provide sufficient parking for the proposed mixed-use development without the parking garage.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MAPLE AVE
W MAIN ST
REDWOOD LN
NEW YORK AVE
FAIRVIEW AVE
ELLIOTT PL
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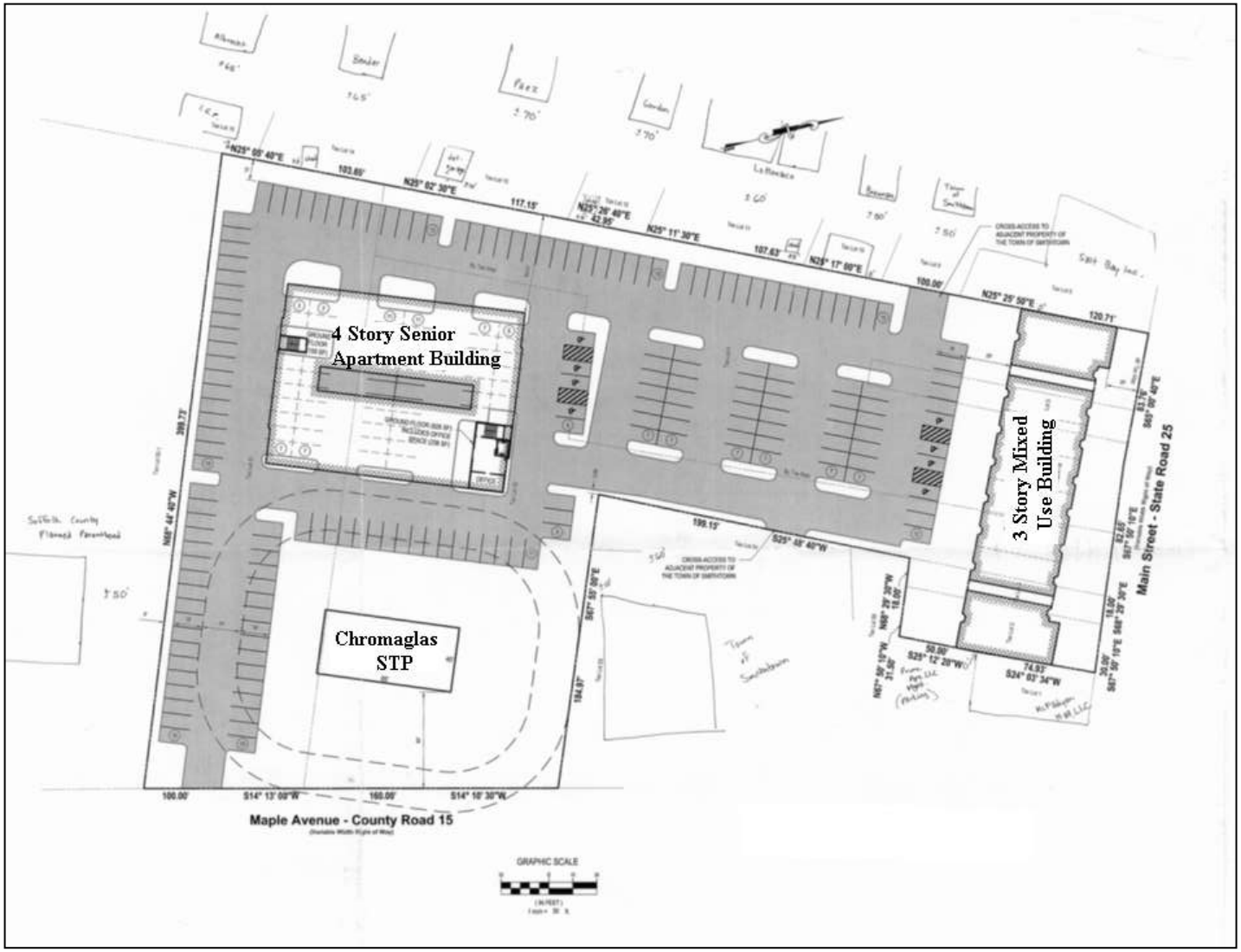
SCPD No.: SM-13-01
SCTM No.: 0800-104.00-01.00-004.000 et al.
VEA 181st Realty Corp



Z-4: VEA 181st Realty Corp/North Fork Management & Maintenance
SCPD: SM-13-01
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