

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

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

4th Floor Conference Room, Department of Economic Development and Planning,
H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge

Tentative Agenda Includes:

1. Meeting Summary for September and October 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
 - Residences @ Oheka Castle, Inc. (Huntington)
SCTM No: 0400-11800-0100-023001 and 024001 and 025001
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 December 4, 2013 at 2:00 p.m. in the Rose Caracappa Auditorium, Evans K. Griffing Building Riverhead County Center, 300 Center Drive, Southampton



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

Residences @ Oheka Castle Site Plan Referral – Addendum to February 1, 2012 Staff Report

Applicant: Residences @ Oheka Castle
Municipality: Huntington
Location: w/s/o East Gate Drive, north of Colonial Drive - West Hills

Received: 9/23/2013
File Number: HU-13-04
T.P.I.N.: 0400 13200 0400 007000 et al.
Jurisdiction: Adjacent to municipal boundary and within 500' of NYS Rt. 25 (Jericho Turnpike)

Overview - Applicants seek Site Plan approval from the Huntington Town Planning Board for the development of a 190 unit condominium building to be located on 18.38 acres of land in Huntington. The subject property is part of a 193.72 acre project site that is presently developed and is occupied by the Oheka Castle component (a hotel & conference center use) and the Cold Spring Harbor Country Club.

The project has involved the rezoning of the project site from its pre-existing mix of zones to the R-OSC zone and the subdivision of the overall site into six lots, as follows:

- Lot 1 - 14.62 acres, Cold Spring Country Club
- Lot 2 - 108.99 acres, Cold Spring Country Club
- Lot 3 - 34.61 acres, Cold Spring Country Club
- Lot 4 - 18.83 acres, The Residences at Oheka Castle condominiums
- Lot 5 - 15.73 acres, Oheka Castle
- Lot 6 – 109 acres, the single and separate “Whitewood Lot Parcel”

Lots 1, 2 and 3 transferred the residential unit development potential to the “The Residences” (lot 4) and provided a conservation easement(s) to run with the land to permanently protect the open space. Lots 5 and 6 remain as part of the “Oheka Castle” hotel and conference center. As part of the site plan some parking construction is proposed for Lot 5.

The site plans indicate that the residential building is comprised of four sections, each with a base elevation ten (10) feet above or below the adjacent section(s). The building would be four stories along most of its length, except for a section in the middle that would have three stories with a

swimming pool instead of the forth story. The highest point of the building would be similar in elevation to the base of Oheka Castle. There is a significant difference in the elevation between the mansion and clubhouse, with the mansion sitting on top of a hill. Referral materials demonstrate a 72' difference between the northwest and southeast limits of the proposed construction activity. The floor Plans referred to the Commission show 262 parking spaces in the cellar of the building, in addition to 130 surface spaces in a lot. There are also 74 parking spaces in a lot that would be built into the hillside under a raised deck with tennis courts.

The Suffolk County Planning Commission deliberated a prior Huntington Town Board referral for a change of zone petition at the regularly scheduled meeting of February 2, 2012.

Analysis -

The Suffolk County Planning Commission noted in their prior deliberation the proximity to the Cold Spring Harbor Long Island Rail Road Station. The Commission commented that the petitioners should explore enhancing pedestrian access to transit. The Commission noted that there are several entities that may need to be coordinated with in order to enhance pedestrian access. There may be a possible route from East Gate Drive, across the golf course to Station Drive. An easement across the golf course would be required and considerations for active play and pedestrian safety should be considered.

The Suffolk County Planning Commission guidelines on housing are to “encourage a diversity of housing types, equitably distributed across all communities, including the development of multi-family and/or rental housing as well as the development of low and moderate income housing units...Healthy communities contain a mixture of housing types. Dispersion, integration and equitable distribution should therefore be the foundation of local and regional housing efforts. These policies help to both strengthen communities and prevent segregation and the creation of pockets of poverty.”

The Commission’s prior deliberation commented that 20% of the units should be designated for affordable housing purposes, and that the proposal should contain some number of rental units. Section 198-13 I Affordable Housing, of the Town of Huntington Zoning Law, indicates that the law “shall apply to ...development of land (site plans) in all zoning districts where five (5) or more residential lots or dwelling units are proposed, and where the land has been the subject of an applicant-initiated zone change which has resulted in an increase in lot yield or density.” It is noted that the prior zone change to R-OSC included a transfer of development and, could be argued, includes no increase in “lot yield or density.” However, General Municipal Law Article 16-A, the Long Island Workforce Housing Act, in section 699-b 1 indicates that the law is applicable “when a local government approves a...site plan for five or more residential units or a mixed-use development that incorporates five or more residential units...” The exception to this provision (669-b 2) is “when the applicant elects a lesser percentage than the maximum allowable residential density or floor area ratio if part of a mixed-use development..” The Huntington Town Planning Board should make specific findings regarding the applicability of workforce/affordable housing provisions of local and state law.

It is the belief of the staff that the application may still benefit from natural methodologies for the management of storm water runoff and that there may be applicable uses of the techniques described in the Commissions publication. However, the comment related to the flagging of wetlands is not relevant for this aspect of the site plan since no wetlands (golf course ponds) are in proximity to the proposed building construction.

Recommendation – Approval subject to the following comments:

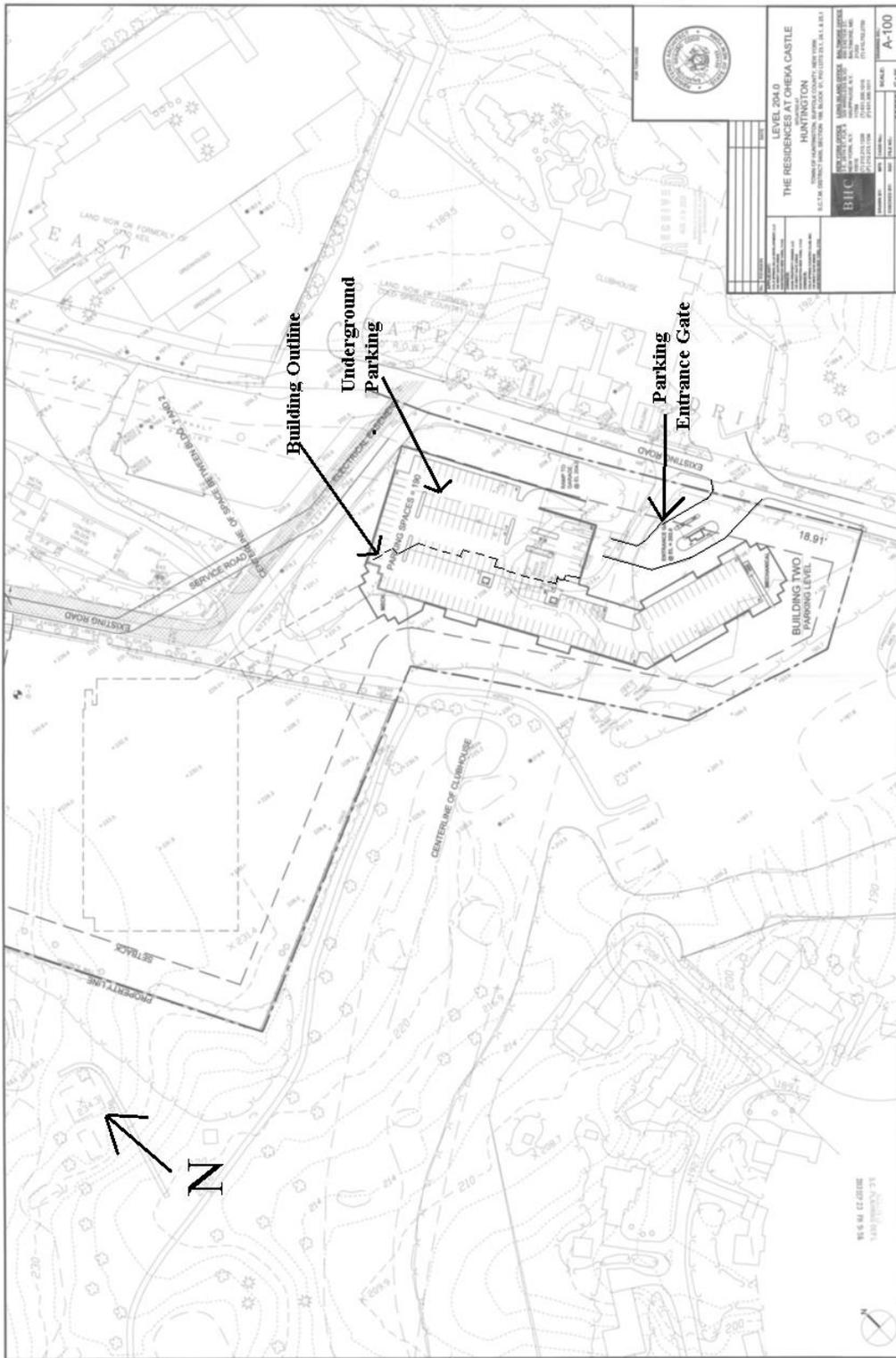
Comments:

1. The applicant should be encouraged to review the Suffolk County Planning Commission publication entitled *Managing Stormwater-Natural Vegetation and Green Methodologies* (posted on the Commission website) and incorporate where practical natural methods for the treatment of storm water runoff.
2. The petitioners should explore with the relevant jurisdictions enhancing pedestrian access to transit.

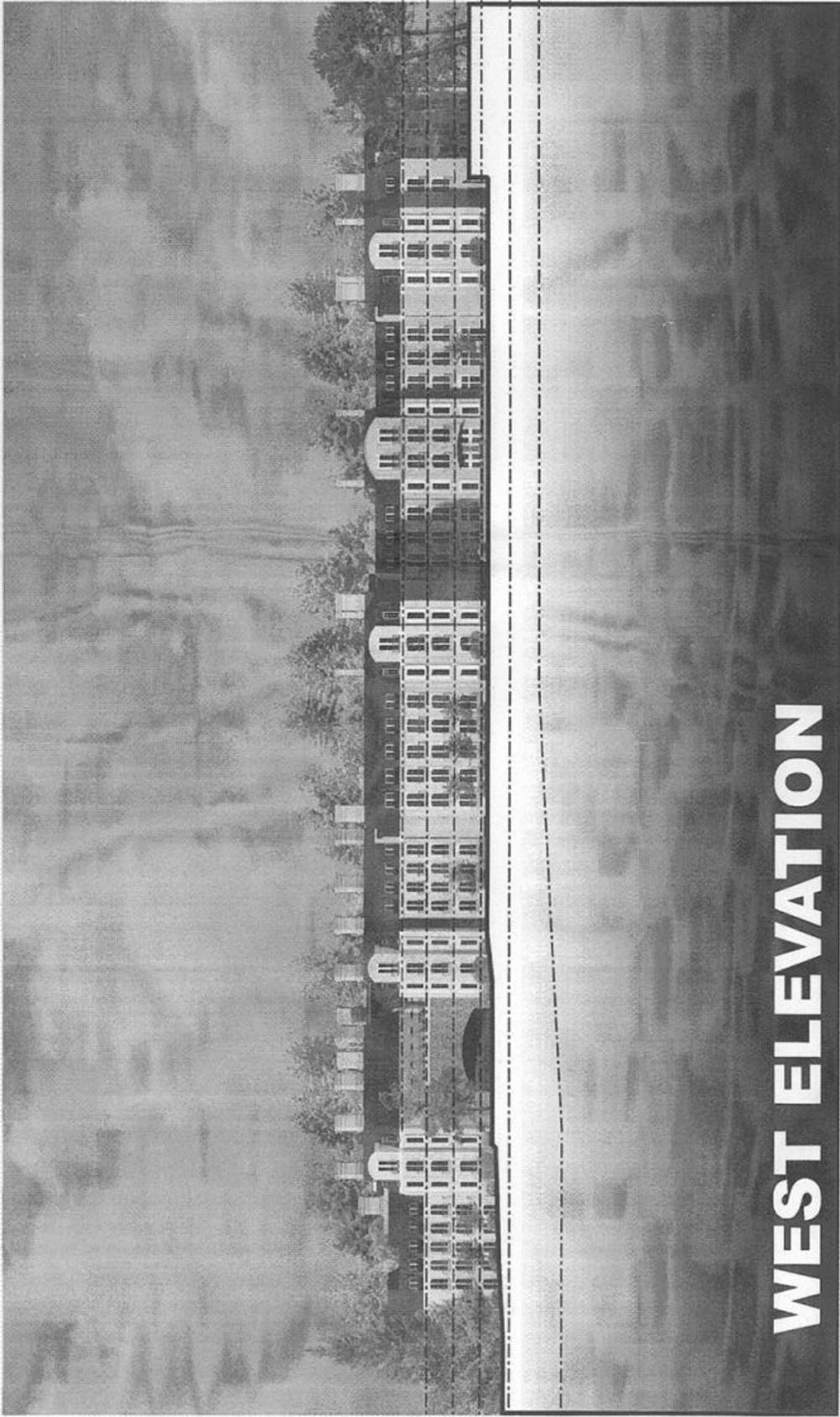
Reason: The Suffolk County Planning Commission noted in their prior (COZ) deliberation the location of the Cold Spring Harbor Long Island Rail Road Station. The Commission commented that the petitioners should explore enhancing pedestrian access to transit. The commission noted that there are several entities that may need to be coordinated with in order to provide a pedestrian way to the Station. It is the belief of the Commission that the comment is still relevant to the site plan. There may be a possible route from East Gate Drive, across the golf course to Station Drive. An easement across the golf course would be required and considerations for active play and pedestrian safety should be considered.

3. The Huntington Town Planning Board should make specific findings regarding the applicability of workforce/affordable housing provisions of local and state law.

Reason: Section 198-13 I Affordable Housing, of the Town of Huntington Zoning Law, indicates that the law “shall apply to ...development of land (site plans) in all zoning districts where five (5) or more residential lots or dwelling units are proposed, and where the land has been the subject of an applicant-initiated zone change which has resulted in an increase in lot yield or density.” It is noted that the prior zone change to R-OSC included a transfer of development and, could be argued, includes no increase in “lot yield or density.” However, General Municipal Law Article 16-A, the Long Island Workforce Housing Act, in section 699-b 1 indicates that the law is applicable “when a local government approves a...site plan for five or more residential units or a mixed-use development that incorporates five or more residential units...” The exception to this provision (669-b 2) is “when the applicant elects a lesser percentage than the maximum allowable residential density or floor area ratio if part of a mixed-use development..”



Z-1: Residences @ Oheka Castle
 SCPD: HU-13-04
 SCTM No: 0400-132.00-04.00-007.000 et al



Z-1: Residences @ Oheka Castle
SCPD: HU-13-04
SCTM No: 0400-132.00-04.00-007.000 et al

Resolution No. ZSR-12-02 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code

WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on January 9, 2012 at the offices of the Suffolk County Planning Commission with respect to the application of “Residences@Oheka Castle” located in the in the Town of Huntington

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on February 1, 2012, now therefore, Be it

RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action,
Be it further

RESOLVED, that the Suffolk County Planning Commission **Approves the referral subject to the following modifications and comments:**

1. Applicants shall contact the New York State DOT and seek all appropriate approvals.

Reason: Access to the proposed development is intended via Jericho Turnpike (NYS Rte. 25). The referred material included a Traffic Engineering Report submitted under separate cover. The proposal has a regional/inter-community concern regarding development of the subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of the Road. Traffic signalization and curb cut permits will be required from the New York State Department of Transportation for any improvements to the road. The referred materials indicate only preliminary communication with the State DOT and it is therefore recommended that the project sponsors continue to coordinate with them as soon as possible.

In addition, the applicants should investigate with the Nassau and Suffolk County DPW Transit Divisions possible on site accommodations for bus riders.

2. Petitioners shall contact the Suffolk County Department of Health Services and Nassau County Department of Public Works to address the need for sewer connection.

Reason: It is not clear in the referred materials if the petitioners have had detailed conversations with the Suffolk County Department of Health Services /Nassau County Department of Public Works regarding waste water treatment for new development on the subject property. It is the belief of the Suffolk County Planning Commission that this should be conducted as soon as possible.

Comments:

1. The proposal should contain some number of rental units.
2. Twenty percent (20%) of the new residential units should be set aside for affordable housing purposes.

Reason: No affordable/Workforce housing units are proposed as part of the 190 unit condominium proposal. Suffolk County Planning Commission guidelines however, for discretionary approvals

such as changes in zone for additional density, require a minimum of twenty percent (20%) of all

units be set aside as affordable units (the set aside can be in units on site, off site or money dedicated to a housing fund). It is recommended that the Town of Huntington and the petitioner address the applicability of the Long Island Workforce Housing Act to the subject application.

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

Reason: It is the belief of the Suffolk County Planning Commission that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to public safety.

It is not clear from the referred materials if the petitioners have given detailed consideration to energy efficiency. It is the belief of the Suffolk County Planning Commission, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to energy efficiency.

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

Reason: It is not noted on the submitted development concept plans if the most landward limit of wetland vegetation has been recently flagged in the field by a qualified expert and verified by the appropriate regulatory agency. It is the opinion of the Suffolk County Planning Commission that this should be conducted.

5. The Golf Course is located above an SGPA. The Town and petitioner should reveal any indigenous planting plans, integrated pest management plans, organic/fertilizer management plans or pumping/irrigation plans utilized toward enhancing environmental quality.
6. The applicant should be encouraged to review the Suffolk County Planning Commission publication entitled *Managing Stormwater-Natural Vegetation and Green Methodologies*.
7. The applicant should work with the relevant jurisdictions to explore enhancing pedestrian access to transit.

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:

<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

Motion by: Commissioner - Casey

Seconded by: Commissioner Finn

Commission Vote: Present – 9

Ayes - 9

Nays - 0

Absent - 4

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	ABSTAIN	ABSENT
1. BERRY, GLYNIS - At Large	X			
2. CALONE, DAVID Town of Babylon	X			
3. CASEY, JENNIFER Town of Huntington	X			
4. CHARTRAND, MATTHEW Town of Islip				X
5. ESPOSITO, ADRIENNE Villages over 5,000	X			
6. FINN, JOHN Town of Smithtown	X			
7. GABRIELSEN, CARL Town of Riverhead	X			
8. HOLMES, LINDA Town of Shelter Island	X			
9. KELLY, MICHAEL Town of Brookhaven				X
10. KONTOKOSTA, CONSTANTINE Vill. Under 5,000				X
11. MC ADAM, TOM Town of Southold	X			
12. ROBERTS, BARBARA Town of Southampton				X
13. SCHOOLMAN, BILL At-Large	X			

Dated: February 1, 2012

Location: Maxine S. Postal Auditorium, Riverhead County Center in the Town of Southampton.

2012-91

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 31-2011, CONSIDERING ZONE CHANGE APPLICATION #2011-ZM-387, KNOWN AS THE RESIDENCES AT OHEKA CASTLE, TO CHANGE THE ZONING FROM R-80, R-40, R-20 & R-10 RESIDENCE DISTRICTS AND C-6 GENERAL BUSINESS DISTRICT TO R-OSC RESIDENCE - OPEN SPACE CLUSTER DISTRICT FOR THE PROPERTY LOCATED ON THE WEST SIDE OF EAST GATE DRIVE, NORTH OF COLONIAL DRIVE, WEST HILLS, SCTM# 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) AND 0400-132-04-(007, 008 & 009), AND ISSUING A NEGATIVE DECLARATION FOR SAID ACTION TO REZONE.

Resolution for Town Board Meeting dated: March 12, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, COLD SPRING HILLS DEVELOPMENT, LLC, 135 West Gate Dr., Huntington, NY 11743, applicant, submitted application #2011-ZM-387 for a change of zone from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence - Open Space Cluster District for property located on the west side of West Gate Dr., north of Colonial Dr., West Hills, designated as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009) on the Suffolk County Tax Map; and

WHEREAS, said application was forwarded to the Department of Planning and Environment by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, this action meets the criteria of a Type I Action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(9), as a residential development on a portion of a property (Oheka Castle) on the National Register of Historic Places; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 established itself as Lead Agency on November 9, 2011 following coordination of the EAF Part I with involved and interested agencies, none of which requested Lead Agency status; and

WHEREAS, the applicant submitted a Voluntary Draft Environmental Impact Statement (VDEIS), to be treated as an Expanded Environmental Assessment Form (EEAF) in accordance with 6 NYCRR Part 617.6(a)(4) in connection with the application, and which was also coordinated with all involved and interested agencies, and the Department of Planning and Environment has prepared an EAF Parts II and III which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Town of

2012-91

Huntington Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and these documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@HuntingtonNY.gov; and

WHEREAS, the property for the new residential development is considered part of the Otto H. Kahn Estate, a designated historic landmark by the Town of Huntington, and therefore will be subject to the historic landmark regulations found in Article VI of the Town of Huntington Zoning Code; and

WHEREAS, by resolution dated January 18, 2012 the Planning Board recommended to the Town Board that the Town Board schedule a public hearing on the application, issue a Negative Declaration under SEQRA, and approve the application subject to the following conditions:

- (1) The new residential development, Oheka Castle, and the Cold Spring Country Club Clubhouse shall all be connected to the Nassau County public sewer system at the applicant's or property owners' own cost and expense; and
- (2) If the traffic signal at the intersection of Jericho Turnpike and East Gate Drive is approved by the New York State Department of Transportation, the applicant shall install the signal at their own cost and expense, and the applicant shall also be responsible for the cost of any other associated improvements at the intersection, such as new lane striping, curb realignment, road widening or narrowing, and in addition any signal timing adjustments to nearby traffic signals affected by the new signal installation; and
- (3) The applicant shall be responsible for the cost of any improvements to the South Huntington Water District pipe network that are necessary to provide sufficient water service to the new development; and
- (4) During any future site plan application, the developer must submit a Soil Management Plan for review, and shall be required to place money in escrow with the Town to enable the Town to hire an independent professional consulting firm to review the Soil Management Plan and suggest any changes that may be necessary, and all required mitigation must be completed before the issuance of any building permits for new construction on the property; and
- (5) A Conservation Easement or Declaration of Covenants and Restrictions shall be filed on the Cold Spring Country Club property that will be used to transfer development rights onto the Residences at Oheka parcel to permanently protect the open space, and the land in the jurisdiction of the Town of Oyster Bay, although not eligible to be used to transfer development rights, shall also be maintained as open space and protected by the Easement or Declaration; and

2012-91

- (6) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided for Oheka Castle and the Cold Spring Country Club that show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and
- (7) All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and

WHEREAS, the zone change application was referred to the Suffolk County Planning Commission in accordance with New York State General Municipal Law Section 239-m, and by resolution dated February 1, 2012 the Suffolk County Planning Commission recommended approval of the application subject to the following conditions:

- (1) Applicants shall contact the New York State DOT and seek all appropriate approvals; and
- (2) Petitioners shall contact the Suffolk County Department of Health Services and Nassau County Department of Public Works to address the need for sewer connection; and

WHEREAS, these approval conditions of the Suffolk County Planning Commission have been incorporated into the first two Town Board approval conditions listed below; and

WHEREAS, the Town Board determines that the requested zone change is harmonious with the spirit and intent of the Residence-Open Space Cluster District inasmuch as the privately owned and maintained golf club (Cold Spring Country Club, hereinafter the club or "CSCC") will provide for a private recreational endeavor while the preservation of open space in general is maintained pursuant to a conservation easement and/or covenants and restrictions, as contemplated by Town Code Sections 198-21.3(A)(1) and 198-21.3(B)(2); and

WHEREAS, the spirit and intent of the Residence-Open Space Cluster District as to a private golf club is that access to said private club and its property be limited to a person or persons who are legally permitted by the club to be on said property, the subject property not open to the public except as permitted by CSCC; and

WHEREAS, the Town Board determines that the change in zoning classification of the private recreational facilities to Residence-Open Space Cluster District will not preclude the continued use of the premises as a private golf club, nor prohibit any changes, additions, or amendments to the golf course facilities;

2012-91

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Expanded Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that this Type I action will not have a significant effect upon the environment because the rezoning action and subsequent development of the property in accordance with the proposed site plan will incorporate measures, provided for in present town standards and regulations, and offered as improvements by the applicant in the EEAF, to effectively mitigate potential impacts, including the installation of a traffic signal to relieve traffic impacts, the connection to public sewer to minimize groundwater impacts, the clustering of development and permanent preservation of open space to greatly lessen impacts to the land, open space, and community character, and the architectural review of any buildings on site to decrease aesthetic impacts; and further finds that the proposed action, is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts, the Town Board hereby:

- (1) Issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law based on the reasons outlined above and in the EAF, Parts II and III, which is hereby appended and made part of this resolution and Negative Declaration; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 13th day of December, 2011, at 7:00 PM to consider adopting Local Law Introductory No. 31-2011 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, which rezones from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence - Open Space Cluster District property located on the west side of West Gate Dr., north of Colonial Dr., West Hills, designated on the Suffolk County Tax Map as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009), and due deliberation having been had;

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance

2012-91

with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 31-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

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

LOCAL LAW NO. _____ - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

* * *

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the west side of East Gate Drive, north of Colonial Drive, West Hills, designated on the Suffolk County Tax Map as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009), to be rezoned from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence - Open Space Cluster District, more particularly described in the attached Schedule "A".

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such deed and Covenants and Restrictions shall be filed at the applicant's own cost and expense in the Office of the Suffolk County Clerk.

2012-91

Oheka



(1) If the traffic signal at the intersection of Jericho Turnpike and East Gate Drive is approved by the New York State Department of Transportation, the applicant shall install the signal at their own cost and expense, and the applicant shall also be responsible for the cost of any other associated improvements at the intersection, such as new lane striping, curb realignment, road widening or narrowing, and in addition any signal timing adjustments to nearby traffic signals affected by the new signal installation; and

Oheka



(2) The new residential development, Oheka Castle, and the Cold Spring Country Club Clubhouse shall all be connected to the Nassau County public sewer system at the applicant's or property owners' own cost and expense. If the means of sanitary disposal is changed by the inability to connect to the Nassau County Public Sewer System, the applicant or property owner shall develop and implement a plan in accordance with the Suffolk County Department of Health Services requirements and comply with any additional SEORA review requirements; and

Oheka



(3) The applicant shall be responsible for the cost of any improvements to the South Huntington Water District pipe network that are necessary to provide sufficient water service to the new development; and

Oheka



(4) During any future site plan application the developer must submit a Soil Management Plan for review, and shall be required to place money in escrow with the Town to enable the Town to hire an independent professional consulting firm to review the Soil Management Plan and suggest any changes that may be necessary, and all required mitigation must be completed before the issuance of any building permits for new construction on the property; and

Cold Spring Hills



(5) A Conservation Easement or Declaration of Covenants and Restrictions shall be filed on the Cold Spring Country Club property that will be used to transfer development rights onto the Residences at Oheka parcel to permanently protect the open space; and

old Spring rd



(6) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided for Oheka Castle and the Cold Spring Country Club that show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and

Oheka

"baker"

(7)

All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and

2012-91

- Ohelka → (8) The developer shall consult the Suffolk County Planning Commission Guidelines with respect to Energy Efficiency and Public Safety; and
- Ohelka → (9) The Landscape Plan submitted with the site plan application for the new residences shall identify irrigation, fertilization, and pesticide practices that will be followed in order to reduce or eliminate any potential environmental impacts; and
- Ohelka -
Ph → (10) No construction of the new residential community shall commence until the site plan has been approved, building permit(s) have been issued, and proof provided to the Town Attorney that the development rights, or portion thereof, necessary for the construction and contemplated hereby have been conveyed to the applicant.

* * *

Section 2. 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 invalid, 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 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

*** INDICATES NO CHANGE TO PRESENT TEXT.
ADDITIONS ARE INDICATED BY UNDERLINE.
DELETIONS ARE INDICATED BY [BRACKETS].

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.

SUGGESTED DESCRIPTION OF
PROPERTY SITUATED AT
HUNTINGTON, TOWN OF
HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK
(LOT 4 ON THE PROPOSED MAP OF
THE RESIDENCES AT OHEKA
CASTLE)

BEGINNING at a point on the westerly side of East Gate Drive distant 395.81 feet northerly along the westerly side of East Gate Drive from the northerly end of a curve connecting said road line with the northerly side of Colonial Drive.

RUNNING THENCE the following nine (9) courses:

1. S 51° 13' 50" W, 161.66 feet;
2. N 82° 38' 43" W, 204.99 feet;
3. N 43° 41' 10" W, 370.27 feet;
4. S 56° 50' 30" W, 518.37 feet;
5. N 36° 22' 40" W, 478.54 feet;
6. N 46° 18' 50" E, 398.77 feet;
7. N 43° 41' 10" W, 611.87 feet;
8. N 76° 35' 13" E, 204.86 feet;

STAFF REPORT

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

Applicant: Residences @ Oheka Castle
Municipality: Huntington
Location: w/s/o East Gate Drive, north of Colonial Drive - West Hills

Received: 1/19/2012
File Number: HU-11-02
T.P.I.N.: 0400 13200 0400 007000 et al.
Jurisdiction: Adjacent to municipal boundary and within 500' of NYS Rt. 25 (Jericho Turnpike)

PROPOSAL DETAILS

OVERVIEW - Petitioners seek change of zone approval from the Huntington Town Board for 194 acres of land from R-10, R-20, R-40, R-80 Residence Districts and C6 General Business District to R-OSC (Residence-Open Space Cluster District) to provide for the development of up to a 192 unit condominium complex to be located on 18.38 acres of the subject property. Approximately 7.10 acres of the subject property lie within the Town of Oyster Bay, Nassau County and would not be subject to a requested change of zone.

The purpose of the Huntington Town R-OSC zone is to permit "owners of properties containing recreational uses to fully yield their lots while preserving the recreational use and/or the aesthetic and scenic qualities of their properties." The petitioners are proposing clustering the as of right development potential from the golf course and undeveloped land on site to 18 acres in between the golf course clubhouse and the Oheka mansion. On the 18 acres, would be built a single building complex containing the residential condominium units. The cluster would result in the permanent preservation of approximately 150 acres from future residential development. As proposed the private Golf Course use (Cold Spring Country Club) would remain and the historic Oheka facility would continue to operate as a catering hall and hotel. In addition the petitioners put forth that there would be economic benefits as well as providing a diversity of housing types in the area.

The residential units are proposed to be sold as condominiums. The units will range in size from a 1,000 SF one-bedroom to a 2,400 SF four-bedroom. The proposed breakdown of unit sizes is as follows:

- 37 one-bedroom with den;
- 48 two-bedroom;
- 57 two-bedroom with den;
- 29 three-bedroom with den; and
- 10 four-bedroom..

There is no provision of affordable housing in accordance with Suffolk County Planning Commission guidelines.

New construction on site proposes to connect to the Nassau County Sewer District. In addition, the petitioners have offered to connect the existing Oheka facility and the golf course clubhouse to the sewer district.

The proposal includes 262 parking spaces below the proposed residential building. In addition, 130 surface spaces are proposed and 74 parking spaces in a lot that would be built into the hillside under a raised deck with tennis courts. The proposed parking configuration is currently being reviewed by the Town of Huntington planning staff however, the subject property is sufficient in size to accommodate additional parking spaces if the proposal is determined by the town to be deficient.

Referred materials to the offices of the County Planning Commission indicate that the Town is proposing to require a conservation easement filed on the Cold Spring Country Club property that will be used to cluster the development potential onto the Residences at Oheka parcel and permanently protect the recreational open space. Land in the jurisdiction of the Town of Oyster Bay will also be maintained as open space and protected by the easement.

In addition, the Town is requiring the petitioner to file a soil management plan with the Town. It is recommended that effort to preserve the existing mature trees on the subject property be made as well.

Access to the development is proposed to be via an existing local road known as East Gate Drive. Traffic analysis submitted in the referral materials indicates that a traffic signal is proposed to be installed at the intersection of Jericho Turnpike (NYS 25) and East Gate Drive to better handle the increased traffic flow projected from the development. Alternate or emergency access is proposed via the interconnectivity of the internal street system. Access to West Gate Drive (southwest property boundary) is also possible as an additional emergency access point. The petitioners have prepared a traffic engineers report and have submitted it to the Town. The petitioners contend that the subject property is located within walking distance of bus routes on Jericho Turnpike and the Cold Spring Harbor train station. More accurately stated the proposed condominium units are within ½ mile from the above.

The subject property is covered with turfed golf course greens, rough and scrub vegetation and some stands of mature trees. The topography is rolling with some steep slopes and there is part of a freshwater wetland system on site in the south western corner of the property. The wetland is a regulated wetland system (H-28) by the NYS Department of Environmental Conservation. The Subject property is situated above the West Hills-Melville Special Groundwater Protection Area (SGPA). It is not indicated in the referred material if indigenous plantings, integrated pest management, organic/fertilizer management or pumping irrigation plans associated with the Golf Course are utilized.

STAFF ANALYSIS

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

Access to the proposed development is intended via East Gate Drive and Jericho Turnpike (NYS Rte. 25). The referred material included a Traffic Engineering Report submitted under separate cover. The proposal has a regional/inter-community concern regarding development of the subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of NYS Route 25. Traffic signalization permits will be required from the New York State Department of Transportation for any congestion management/signalization improvements to the road. The referred materials indicate preliminary communication with the County Department of Public Works/State DOT and it is therefore recommended that the project sponsors continue to coordinate with them. In addition, the applicants should investigate with the Nassau and Suffolk County DPW

Transit Division(s) possible on site accommodations for bus riders.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Huntington's Horizons 2020 Comprehensive Plan Update recommends future land use of the property as Parks, Recreation and Conservation Land, Low Density Residential and Commercial, matching the existing zoning or land use. While the proposal does not appear to conform exactly to the Town Comprehensive Plan, the referral material argues that more generic recommendations of the Plan including focusing development in appropriate locations, making good use of existing infrastructure/development patterns and preserving environmentally sensitive land and open space resources utilizing cluster can be applied to the petition. Moreover, the petitioners argue that considering the context of the existing zoning and the existing housing stock in the area, the proposal will increase the diversity of housing types available in the area. The subject property is currently zoned for single family residential use and development under existing zoning could result in approximately 313 five bedroom homes on the property. The project is proposed to contain approximately 190 luxury condominium units and could be construed as lowering the residential density on site in conformance with the Plan (notwithstanding the Country Club and the Oheka facility). The application of the Residence-Open Space Cluster District to the site allows for the preservation of the historic Oheka Castle and the recreational open space associated with the Cold Spring Country Club golf course.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

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

The environment of the subject property is protected through the requirements for conservation easements/vegetation clearing plans and soil management plans. It is indicated in the referral material that all storm water drainage is to be contained on site and be in conformance with State DEC SWPPP and Town drainage requirements. It is not apparent that the applicants have envisioned incorporating non-point source pollution mitigation into the overall drainage plan by incorporating one or more of the following storm water mitigation techniques:

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

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

It is not noted on the submitted development concept plans if the most landward limit of wetland vegetation has been recently flagged in the field by a qualified expert and verified by the appropriate regulatory agency. It is the opinion of staff that this should be conducted and the line (properly notated) should be represented on all sketches, plans, maps, etc. Any and all setbacks for

disturbance and building construction should be taken from the most land ward limit of wetland vegetation as represented on the plans and in the field.

It is indicated in the referred materials that the petitioners have had preliminary, but not detailed conversations with the Suffolk County Department of Health Services /Nassau County Department of Public Works (Sewer District) regarding waste water treatment or connection to the Nassau County Sewer District for new development on the subject property. The petitioners have proposed the construction of a private sewage pumping station/force main system to the sewer manhole located within the vicinity of the Woodbury Country Club located on the north side of Jericho Turnpike (SR 25). It is the belief of the staff that this dialogue should continue as soon as possible.

No affordable/Workforce housing units are proposed as part of the 190 unit condominium proposal. Suffolk County Planning Commission guidelines however, for discretionary approvals such as changes in zone for additional density, require a minimum of twenty percent (20%) of all units be set aside as affordable units. In order to ameliorate the perception that affordable units in the Town of Huntington is concentrated in certain areas it is the belief of the staff (as has been noted in the past for Huntington Town) that an overall examination of the distribution of higher density and affordable housing throughout the town is warranted and should be included in a detailed town-wide housing plan beyond the policy and strategies outlined as a component of the Horizons 2020 Comprehensive Plan Update. For the purposes of the immediate petition, it is recommended that the Town of Huntington and the petitioner address the applicability of the Long Island Workforce Housing Act and the affordable housing guidelines of the Suffolk County Planning Commission.

It is the belief of the staff, that the petitioners have found some benefit in reviewing the Commission's Guidebook particularly with respect to public safety. Referral materials indicate that the project design will have traffic calming characteristics (e.g. continuous curves, on street head-in parking, narrow road width and signage), and site design will have security features (e.g. staffed and gated entry point, security lighting, safety alarm, etc.). It is noted that additional such features (e.g. speed bumps, fire and lighting, safety alarms, etc.) may be incorporated into the project during the Town's site plan review stage. The proposed project is intended to be designed such that outdoor spaces do not include "hidden" areas, and lighting will be provided to ensure that on-site environment is visible and safe. In general, it is put forth by the petitioners that the project will be designed to enhance traffic calming and safety.

It is not clear from the referred materials if the petitioners have given detailed consideration to energy efficiency. The petition material states that "new construction will utilize appropriate and necessary energy-conserving materials and mechanical systems, minimizing the increased consumptions of these energy forms...it is expected that the project will utilize energy and resource conserving features, materials and systems and may incorporate systems and features associated with the LEED system." It is proposed that these will include modern, energy efficient building materials and mechanical systems (expanded EAF pg. 3-36). It is the belief of the staff, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to energy efficiency.

STAFF RECOMMENDATION

Approval subject to the following modifications:

1. Applicants shall contact the New York State DOT and seek all appropriate approvals.

Reason: Access to the proposed development is intended via Jericho Turnpike (NYS Rte. 25). The referred material included a Traffic Engineering Report submitted under separate cover. The proposal has a regional/inter-community concern regarding development of the

subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of the Road. Traffic signalization and curb cut permits will be required from the New York State Department of Transportation for any improvements to the road. The referred materials indicate only preliminary communication with the State DOT and it is therefore recommended that the project sponsors continue to coordinate with them as soon as possible.

In addition, the applicants should investigate with the Nassau and Suffolk County DPW Transit Divisions possible on site accommodations for bus riders.

2. Petitioners shall contact the Suffolk County Department of Health Services.

Reason: It is not clear in the referred materials if the petitioners have had detailed conversations with the Suffolk County Department of Health Services /Nassau County Department of Public Works regarding waste water treatment for new development on the subject property. It is the belief of the Suffolk County Planning Commission that this should be conducted as soon as possible.

Comments:

1. The proposal should contain some number of rental units.
2. Twenty percent (20%) of the new residential units shall be set aside for affordable housing purposes.

Reason: No affordable/Workforce housing units are proposed as part of the 190 unit condominium proposal. Suffolk County Planning Commission guidelines however, for discretionary approvals such as changes in zone for additional density, require a minimum of twenty percent (20%) of all units be set aside as affordable units (the set aside can be in units on site, off site or money dedicated to a housing fund). It is recommended that the Town of Huntington and the petitioner address the applicability of the Long Island Workforce Housing Act to the subject application.

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

Reason: It is the belief of the Suffolk County Planning Commission that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to public safety.

It is not clear from the referred materials if the petitioners have given detailed consideration to energy efficiency. It is the belief of the Suffolk County Planning Commission, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to energy efficiency.

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

Reason: It is not noted on the submitted development concept plans if the most landward

limit of wetland vegetation has been recently flagged in the field by a qualified expert and verified by the appropriate regulatory agency. It is the opinion of the Suffolk County Planning Commission that this should be conducted.

5. The Golf Course is located above an SGPA. The Town and petitioner should reveal any indigenous planting plans, integrated pest management plans, organic/fertilizer management plans or pumping/irrigation plans utilized toward enhancing environmental quality.
6. The applicant should be encouraged to review the Suffolk County Planning Commission publication entitled *Managing Stormwater-Natural Vegetation and Green Methodologies*.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: R-80, R-40, R-20, R-10 & C6
- Minimum Lot Area: 0" to 80,000. Sq. Ft.
- Section 278: Yes
- 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: Yes
- Property Previously Subdivided: Yes
- SEQRA Information: Yes
- SEQRA Type: EAF
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Coldspring Country Club/Golf Course, Oheka Castle/Catering
- Existing Structures: Yes- Catering facility & Country Club facilities
- General Character of Site: Rolling
- Range of Elevation within Site: ~ 107' to 290' above mean sea level
- Cover: golf course turf, rough acreage woods, landscaping, lawn
- Soil Types: Riverhead, Haven, Carver & Plymouth Associations
- Range of Slopes (Soils Map): 0-30%
- Waterbodies or Wetlands: Yes

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Change of Zone
- Layout: Cluster
- Area of Tract: 193.72 Acres
- Yield Map:
 - No. of Lots: 190 units
- Open Space Acreage: Golf Course removing (150 Ac)

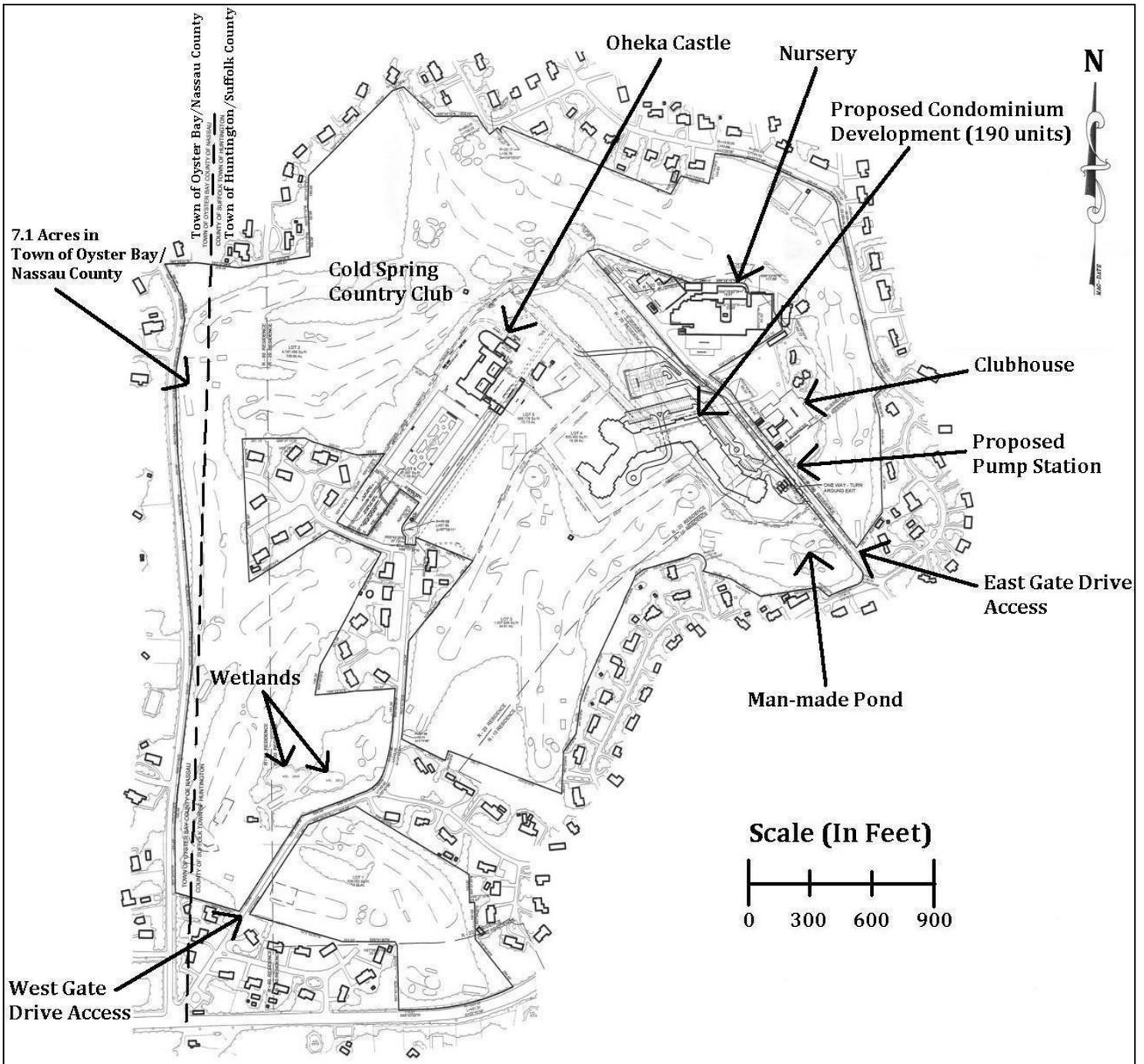
ACCESS

- Roads: existing - East Gate Drive (to NYS Rt. 25)

- Driveways: existing internal - proposed parking

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB-LP
 - Recharge Basins NO
- Groundwater Management Zone: I
- Water Supply: public - South Huntington Water District
- Sanitary Sewers: public - Nassau County Sewer District



Z-1: Residences @ Oheka Castle
 SCPD: HU-11-02
 SCTM No: 0400-132.00-04.00-007.000 et al.