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

December 4, 2013 at 2:00 p.m.
Maxine S. Postal Auditorium
Evans K. Griffing Building, Riverhead County Center
300 Center Drive Riverhead, New York 11901

Tentative Agenda Includes:

1. Meeting Summary for November 2013

2. Public Portion

3. Chairman's Report

4. Director's Report

5. Guest Speaker
   - Supervisor Sean Walter, Town of Riverhead

6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
   - Walmart @ East Patchogue (Brookhaven)
     SCTM No.: 0200-92600-0300-024000
   - Diamond T. Limited Partnership (East Hampton)
     SCTM No: 0300-15900-0100-017000
   - Senior Citizen Housing Overlay District / Putnam Amagansett Farm Holding (East Hampton)
     SCTM No: 0300-17200-0200-033001, et al

7. Section A-14-24 of the Suffolk County Administrative Code
   None

8. Discussion:

9. Other Business:
   Consideration of Model Geothermal Permitting Code

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on January 8, 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

Addendum (December 4, 2013) to October 1, 2008 staff report

OVERVIEW: Applicants petition the Brookhaven Town Planning Board for site plan approval for the development of a 98,000 square foot Wal-Mart store and 900 square foot office building on an approximate 16.64 acre parcel at the northeast corner of Hospital Road and the North Service Road of Sunrise Highway (NYS Rte. 27) in East Patchogue. In developing the site approximately 11.6 acres of existing vegetation would need to be cleared.

A Final Environmental Impact Statement (FEIS) has been prepared and included with the referral to the Suffolk County Planning Commission. The environmental parameters addressed in the FEIS include: Land use, zoning, topography, open space, endangered species, geology and geohydrology, surface waters and wetlands, natural resources, economic conditions, community services and facilities, roads and traffic, air quality and noise, community character, archaeological and historical resources, energy resources, cumulative impacts and alternatives.

STAFF ANALYSIS: The Suffolk County Planning Commission reviewed and disapproved a prior site plan referral on the subject property for a 120,000 square foot retail building (Wal-Mart department store) and associated site improvements (see below). Since the time of the prior review the project sponsors have taken into account many of the concerns and comments directed toward the proposal from the Commission and others and have revised the proposal to include a reduced main retail building by 22,000 square feet and the inclusion of a 900 square foot non-medical office building.

The prior recommendations of the Planning Commission have been reviewed, considered and updated. This addendum reflects current recommendations.

The prior Planning Commission report notes, "Other than the zoning classification of the parcel, there is no comprehensive land use plan which recommends the subject's location as appropriate location for such a large retail use. The preliminary findings of Town's Comprehensive Plan (Phase I) indicates that this type of development at this location should be avoided."

Increases in motor vehicle traffic volumes and movements have been analyzed in the FEIS submitted by the applicants and referred to the Suffolk County Planning Commission (see pages 106 & 116 attached). Mitigations including a proposed traffic signal and roadway modifications to Hospital Road (Town Road) are proposed. No access is proposed to Sipp Ave. (Town Road). Cross access to and between adjacent parcels is provided for as well as a sidewalk connecting the La-Bonne Vie apartment development to the north. Sidewalks and a Suffolk Transit Bus stop are included on the site plan.

Submittal materials include a review of the parking requirements of the subject application (see pg. 128 of FEIS attached). The Wal-Mart design parameter for a preferred parking ratio is 5.0 spaces/1,000 SF of building. The Town of Brookhaven requirement for parking is 5.71 SP/1,000 SF. The total off street parking stall requirement pursuant to Town of Brookhaven Zoning Law for the subject proposal is 566 stalls. The revised site plan demonstrates 581 off street parking stalls. The indicator of over-intensification (a parking shortfall) has been eliminated by the revision to the site plan.

-STAFF RECOMMENDATION-

Disapproval of the site plan application for **Wal-Mart @ East Patchogue** with the following Reason and Comments:

Reason:

Other than the zoning classification of the parcel, there is no comprehensive land use plan which recommends the subject's location as an appropriate location for such a large retail use. The preliminary findings of Town's Comprehensive Plan (Phase I) indicates that this type of development at this location should be avoided.

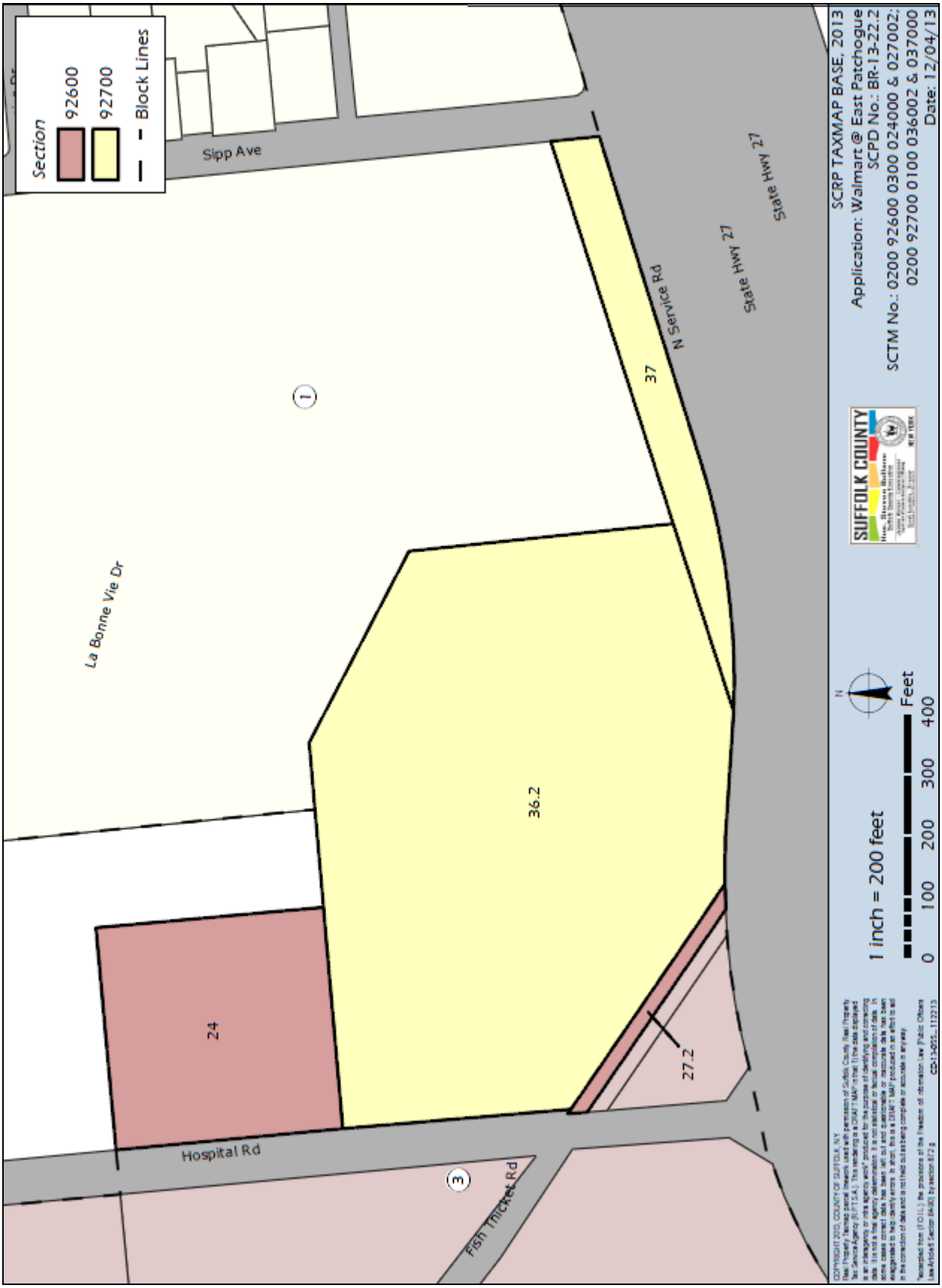
Comments:

1. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.

2. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for commercial components of the proposal.

3. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

4. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.


Section
92600
92700
Block Lines
Sipp Ave
La Bonne Vie Dr
1
37
N Service Rd
State Hwy 27
State Hwy 27
36.2
24
27.2
Hospital Rd
3
Fish Thicket Rd
SCRP TAXMAP BASE, 2013
Application: Walmart @ East Patchogue
SCPD No.: BR-13-22.2
SCTM No.: 0200 92600 0300 024000 & 027002;
0200 92700 0100 036002 & 037000
Date: 12/04/13
SUFFOLK COUNTY
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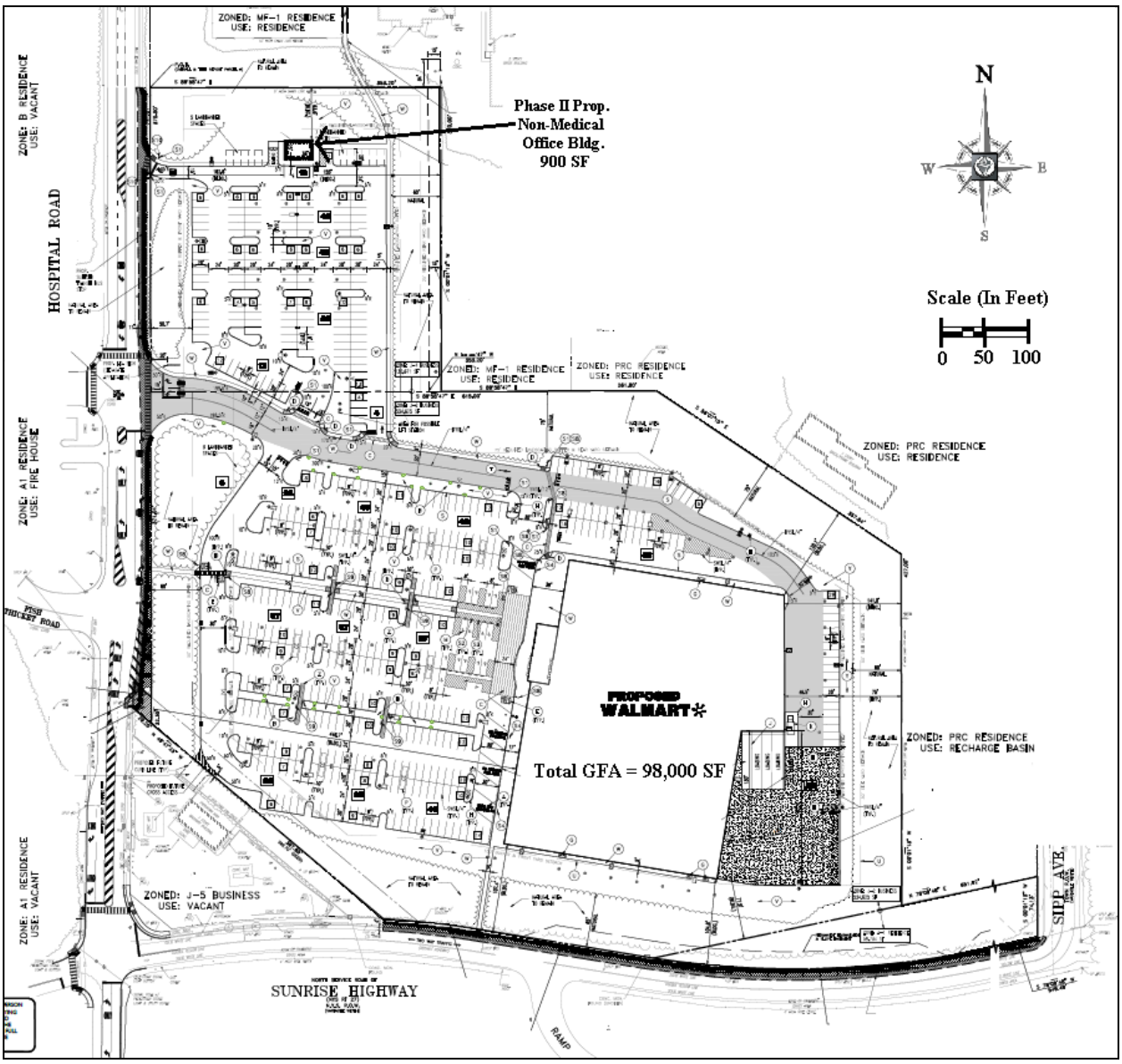


Z-1: Wal-Mart @ East-Patchogue
SCPD No.: BR-08-22.2
SCTM No.: 0200-926.00-03.00-024.000, et al

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

FOR

PROPOSED WAL-MART STORE #4587

Project Location:

Intersection of Hospital Road and the North Service Road of Sunrise Highway (NYS Rt. 27)

In the Hamlet of East Patchogue, NY

Lead Agency:

Town of Brookhaven Planning Board

One Independence Hill

Farmingville, NY 11738

Agency Contact: Michael J. Albano, Environmental Analyst

631.451.6455

Applicant:

Wal-Mart Stores East, L.P.

2001 SE 10th Street

Bentonville, AR 72716

FEIS Preparation and Coordination:

Barry S. Porter & Associates, Inc.
400 Franklin Street, Suite 202
Braintree, MA 02184

October 4, 2013

Vacant	**16**

Summary

The downtown area of the Village of Patchogue is relatively large and its boundaries are not clearly defined as numerous small retail strips and small shopping centers have been developed extending out from the edges of the downtown. In addition, many formerly residential homes at the edge of the downtown have been converted to professional offices. Therefore, for the purposes of this analysis, the downtown has been defined as an approximately eleven block area extending several blocks from the intersection of Main Street and Ocean Avenue.

Businesses in the downtown area of the Village of Patchogue consist of local services including real estate, financial, medical, and other professional offices, restaurants, small groceries and specialty food stores, dry cleaning establishments, electronics and phone stores, small to mid-size furniture stores, small to mid-size clothing stores, art and antiques stores, gift, jewelry, discount, and pawn shops, florists, home design and repair stores, personal care businesses (hair and nail salons, health clubs), banks, and small auto service facilities as well as public services including a post office, a theater, a public library, a courthouse, government offices, a college, and several churches. The area also includes some single-family residences and residential apartments. Approximately 15 percent of the retail space in the downtown area is either vacant or undergoing renovation and not currently occupied. Most of the parking for these businesses is either on-street or provided in municipal parking facilities. The banks, auto service stations, the college, the larger restaurants, and some of the residential developments also provide on-site parking.

Potential Impacts of Proposed Wal-Mart on Village Downtown Areas

It is expected that the Wal-Mart and office building development proposed to be constructed at Hospital Road and the North Service Road of Sunrise Highway/Route 27 would have minimal and insignificant impacts on the downtown areas of the Village of Bellport and the Village of Patchogue as further described below.

- The proposed Wal-Mart and office building development would be located several miles from the Village downtown areas of concern. The center of the downtown area of the Village of Bellport is approximately 4 miles and an estimated 9 minute drive from the project site. The center of the downtown area of the Village of Patchogue is approximately 3.1 miles and an estimated 8 minute drive from the site. The downtown area of the Village of Bellport is most directly accessed from the proposed Wal-Mart site via Route 27/Sunrise Highway to Station Road, a two lane roadway (one lane in each

direction), while the downtown area of the Village of Patchogue is most directly accessed from the proposed Wal-Mart site via Route 27/Sunrise Highway to North Ocean Avenue, a two lane roadway within the Village (one lane in each direction). As travel between the proposed Wal-Mart and the Villages would be via local streets, motorists would experience interruptions in travel flow from stop lights and stop signs, turning movements of vehicles entering and exiting these streets via intersecting roadways, and traffic entering and exiting curb cuts for shopping centers and other uses along the streets.

- As detailed in the Traffic Impact Analysis presented in Chapter 13, primary access to the proposed Wal-Mart store would be provided via a limited access highway exit with secondary access from local streets. A portion of the site-generated traffic is expected to be comprised of existing traffic volumes traveling through the Hospital Road and Sunrise Highway corridor, also known as "pass-by" trips. Also, the proposed improvements to the Hospital Road interchange would create improved driving conditions for motorists and provide additional capacity to efficiently accommodate regional traffic demand that would utilize the interchange to travel to and from the site. Based on a comprehensive review of existing travel patterns in the area of the site and the expected trip distribution given the site access management plan, a small percentage of the site-generated traffic would be expected from the local roadway network. As such, the development program would not be expected to impact the traffic operations within the Village areas.

- The Wal-Mart store would not provide most of the local services and many of the goods available in the Village downtowns including real estate, financial, medical, and other professional services, specialty restaurants, dry cleaning services, previously used merchandise (pawn and consignment shops), art and antiques, or public services including post offices, libraries, government offices, and churches. Shopping at a Wal-Mart store and in the Village downtown areas are fundamentally different experiences not only in relation to the range of goods and services offered as noted above but also relative to the location of said goods and services (all in one location vs. in many different shops), the time required to access said goods and services resulting from these differences in location, protection from the elements (all indoors vs. required outdoor travel between various shops), and ease of access to parking (close and plentiful vs. scattered and limited), among others. The proposed Wal-Mart retail center would essentially be a large department store with a grocery component akin to a supermarket. As the Villages no longer contain a major supermarket, the proposed Wal-Mart would not compete with many remaining retailers within these downtown areas. Therefore, due to the significant differences in the goods and services offered and the fundamentally different type of shopping experience associated with each option, it is concluded that the proposed Wal-Mart store would not significantly impact businesses in the downtown areas of the Villages of Bellport or Patchogue.

- The existing community services provided to the downtown areas of the Village of Bellport and the Village of Patchogue, including fire, water, sewer, and solid waste handling services, and the provision of electricity, natural gas, and telephone services, would not be affected by the proposed Wal-Mart store and office building development as the project site is too far from the Village downtown areas to affect these services. The project site is located in an area served by the Hagerman Fire Department while the Village areas of Bellport and Patchogue are served by the Bellport Fire Department and Patchogue Fire Department, respectively. Although the site and the Villages share the services of the Suffolk County Police Department, 5th Precinct, the Precinct has adequate capacity to service the proposed development. Therefore, the proposed Wal-Mart store and office building would have no impact upon fire services and minimal impact on police services in the Villages. Similarly, the water and sewer lines and the wastewater treatment facilities that would serve the proposed Wal-Mart store do not serve either downtown Village area and would have no impact upon the provision of water and sewer services in the Village areas of either Bellport or Patchogue. In addition, the Suffolk County Water Authority and the Suffolk County Department of Public Works have confirmed that there is adequate capacity in their service areas to provide for the water and sanitary needs of the proposed Wal-Mart store. Based on research and discussions with the local utility companies, gas, electric and telephone utility services are available in the roadways fronting the proposed Wal-Mart site with sufficient capacity to serve the proposed Wal-Mart retail store. Therefore, no impacts to the provision of these services in the downtown areas of Bellport or Patchogue would be anticipated. Wal-Mart would retain the services of licensed private carters to provide for solid waste removal as do other commercial solid waste generators in the Village downtowns and no impact to the provision of these services would be anticipated.

Conclusion

The potential impacts of the proposed Wal-Mart and office building development on the downtown areas of the Village of Bellport and the Village of Patchogue would be minimal and not significant as summarized below.

- Shoppers patronizing the proposed Wal-Mart store and shoppers destined for the Village downtown areas would follow fundamentally different travel patterns and routes to access each area. Primary access would be available to the proposed Wal-Mart from a limited access highway exit with secondary access from local streets. The downtown Villages would primarily be accessed via local streets with secondary access available from Route 27/Sunrise Highway connecting into these local streets.

- Although most site-generated traffic would utilize Sunrise Highway and Hospital Road to access the facility, a small percentage of the site-generated traffic would be expected from the local roadway network resulting in a small and insignificant increase in traffic volumes on local roadways.

- Due to the significant differences in the goods and services offered and the fundamentally different type of shopping experience associated with each option, it is concluded that the proposed Wal-Mart store would not significantly impact businesses in the downtown areas of the Villages of Bellport or Patchogue.

- A different customer base would exist for the proposed Wal-Mart and the Village downtowns due to the different travel patterns and routes that would be utilized by shoppers and the differences in the goods and services offered as well as the different type of shopping experience associated with each option. The proposed Wal-Mart location would be likely to primarily attract shoppers from the larger region, rather than the local area, and would compete with other similar big-box retailers. In contrast, the downtown Villages primarily draw shoppers from the surrounding communities who are seeking local small scale goods and services not available at Wal-Mart.

- As the service areas for the proposed Wal-Mart and the two Village downtown areas relative to the provision of fire, police, water, sewer, and solid waste handling services, and the provision of electricity, natural gas, and telephone services either do not overlap and/or have sufficient capacity to service both areas, the proposed Wal-Mart store would not significantly impact the provision of community services to the downtown areas of the Village of Bellport and the Village of Patchogue.

Based on the above, this analysis concludes that the establishment and operation of the proposed Wal-Mart store and office building at Hospital Road and the North Service Road of Sunrise Highway/Route 27 would not have a significant impact upon the existing businesses in and the overall character of the downtown areas of the Village of Bellport and the Village of Patchogue.

TRANSPORTATION CHARACTERISTICS OF THE PROPOSED PROJECT

TRIP GENERATION

The next step in the analysis procedure is to project the traffic volume that would be generated as a result of the development proposal. Trip generation projections for the proposed Wal-Mart retail center (Phase 1) and office building (Phase 2) were developed by utilizing the Eighth Edition of Trip Generation published by the Institute of Transportation Engineers (ITE) in 2008. Based on the type of land use proposed, trip rates for a "Free-Standing Discount Superstore" (Land Use 813) and "Medical-Dental Office Building" (Land Use 720) were utilized.[2] The 98,000 square foot store will house a grocery department, and therefore the Superstore rates are applicable. It is noted that there are presently no Superstore-type Wal-Mart stores on Long Island.

Table 13-7, below, displays the projected trip generation for the proposed development for the weekday evening (PM) and Saturday midday (SAT) peak hours. Please note that the quantitative analysis herein assumes that the development project would occur at once rather than in separate phases.

TABLE 13-7
ITE TRIP GENERATION
98,000 S.F. FREE-STANDING DISCOUNT SUPERSTORE AND
900 S.F. MEDICAL-DENTAL OFFICE BUILDING

PEAK HOUR	ENTER	EXIT	TOTAL
PM	223	233	456
SAT	279	278	557

It is accepted that a certain percentage of traffic attracted to retail and other land uses generally relates to the volume of traffic passing by the site. Specifically, a certain percentage of trips are

[2] The trip generation rates for ITE Land Use 720 are higher than ITE Land Use 710 "General Office Building" and therefore yield a more conservative traffic analysis. It is noted that the proposed 900 square foot office building is specifically designated as a "non-medical" office.

diverted from the adjacent passing travel stream, which upon exiting the site, continue along the original trip path. Such trips are known as pass-by trips, and are made as a matter of convenience, as they are linked to some other primary purpose trips. Such trips are not considered new to the area, but rather are already passing by the site on the adjacent public roadways.

Based on ITE data contained in the June 2004 Trip Generation Handbook, the pass-by demand for a retail development of the type and size proposed would be 17% of total demand during the weekday evening peak hour and 23% of total demand during the Saturday midday peak hour. No pass-by credit was applied to the portion of the trips generated by the office building. Table 13-8, below, summarizes the new and pass-by traffic components comprising the total projected site traffic.

TABLE 13-8

NEW AND PASS-BY TRAFFIC

TRIP TYPE	PM PEAK HOUR			SAT PEAK HOUR		
	Enter	Exit	Total	Enter	Exit	Total
NEW	184	194	378	215	214	429
PASS-BY	39	39	78	64	64	128
TOTAL	223	233	456	279	278	557

TRIP GENERATION COMPARISON

Several alternatives have been considered in connection with the current application. These include other mixes and intensities of retail and office space. A comprehensive trip generation comparison has been prepared to evaluate six (6) potential scenarios, including a No-Build alternative and the current proposal. The following Table 13-9 presents the comparison using ITE trip generation calculations:

TABLE 13-9
TRIP GENERATION COMPARISON TABLE
(Trip Ends Per Hour)

ALTERNATIVE	PM Peak Hour			SAT Peak Hour		
	New	Pass-By	Total	New	Pass-By	Total
1. No-Build	0	0	0	0	0	0
2. 100,900 SF Retail [1] 10,000 SF Restaurant [2] 5,000 SF Drive-In Bank [3]	390	229	619	606	161	767
3. 900 SF Office [4] 120,000 SF Wal-Mart [5]	462	94	556	524	156	680
4. 120,000 SF Wal-Mart [5]	459	94	553	521	156	677
5. 133,592 SF Medical Office [4]	474	0	474	497	0	497
Current Proposal: 98,000 SF Wal-Mart [5] 900 SF Office [4]	378	78	456	429	128	557

Reference: *Trip Generation*, 8th Edition, Institute of Transportation Engineers (ITE), 2008

[1]ITE Land Use 820 Shopping Center

[2]ITE Land Use 932 High Turnover (Sit-Down) Restaurant

[3]ITE Land Use 912 Drive-In Bank

[4]ITE Land Use 720 Medical-Dental Office

[5]ITE Land Use 813 Free-Standing Discount Superstore

The total of new and pass-by trips would enter and exit the site at the proposed Hospital Road driveway. At all other locations, only new trips would be added to the network. As shown, with the exception of the No-Build Alternative, the current proposal would generate less new traffic than the other alternatives, including potential as-of-right development for a Medical Office use. For the purpose of comparison, traffic capacity/Level of Service analyses have been prepared for Alternative 4, a 120,000 square foot Wal-Mart.

PROPOSED MITIGATION

To address the project's anticipated impact on the adjacent roadway network, the applicant proposes to implement roadway improvement measures throughout the study area. Specifically, the development would implement the following measures, in addition to the construction of a Wal-Mart retail center, an office building, and a new traffic signal at the site driveway:

NSR and Hospital Road

The northbound Hospital Road left turn operates at Level of Service F in the existing PM and SAT peak hours, and is calculated to operate with progressively increased delays in the No-Build and Build conditions.

Currently, the signal at this location operates with a "leading northbound left," meaning the northbound left turn and through movement start to flow before the southbound movements flow. After the southbound flow starts, the northbound lefts can only move on gaps in the southbound flow and otherwise block the northbound through movement from advancing. The capacity at this location can be significantly increased with the following proposed mitigation measures:

- The northbound Hospital Road approach at the NSR would be widened to provide an exclusive left-turn lane. The exclusive left-turn lane would provide 140 feet of vehicle storage to accommodate queuing demand (See Figure 13.17).
- The bridge approach would be widened on its easterly side and the existing sidewalk relocated accordingly. The proposed improvements would not require any work on the bridge structure.
- The northeast intersection corner radius would be substantially increased to improve vehicular maneuverability, especially for large vehicles such as trucks. Where the right-on-red turns are currently prohibited at this location, the proposed widening on the northbound approach would improve the sight lines in the southbound direction for right-turning drivers and right-on-red movement would be permitted.
- The southbound Hospital Road approach to the intersection would also be modified to increase the radius at the northwest corner to accommodate southbound right-turns by tractor-trailers.
- The existing traffic signal would be significantly modified and upgraded to implement a modified phasing. The phasing would allow the northbound movement, off of the bridge, to operate as a lead phase, without any southbound traffic conflicting with the northbound left turn. A cycle length of 85 seconds is proposed.

- The provision of the northbound left-turn bay with a lead left-turn signal phase will also benefit traffic safety at this intersection. The addition of turn lanes and exclusive turn phases are measures that help mitigate rear-end collisions at signalized intersections.

SSR and Hospital Road

The eastbound left turn and northbound through and right turn operations are calculated to degrade due to the proposed project. Like the NSR intersection with Hospital Road, the SSR intersection is also inefficiently run under a split phase. The following mitigation measures would increase capacity at the intersection:

- The southbound bridge approach would be widened to add a southbound exclusive left-turn lane. The exclusive left-turn lane would provide 100 feet of vehicle storage to accommodate queuing demand.
- The bridge approach would be widened on its easterly side and the existing sidewalk relocated accordingly. The proposed improvements would not require any work on the bridge structure.
- The existing traffic signal would be significantly modified and upgraded to implement a modified phasing. The phasing would allow the southbound movement, off the bridge to operate as a lead phase, without any southbound traffic conflicting with the northbound left turn. A cycle length of 85 seconds is proposed.
- In addition, while it is not mitigation of an impact, the project proposes to improve queuing and to facilitate lane selection at the eastbound approach to the signalized intersection by extending the existing eastbound right-turn lane by approximately 300 feet.

NSR and Sills Road

The westbound left and through movement and the northbound left turn are calculated to operate at F Levels of Service in the No-Build PM peak hour. The northbound left turn would further degrade in the Build condition, with a minor increase of 5.9 seconds of delay. During the SAT peak hour, the northbound left turn would degrade from Level of Service E in the No-Build to F in the Build. These operations would be improved to better than No-Build conditions with minor measures:

- In the PM and SAT peak periods, the signal timing for the NSR/Sills Road intersection would be modified with an increased cycle length and the additional green time would be allocated as necessary.

SSR and Sills Road

At this intersection, there is no calculated degradation in Level of Service during the SAT peak hour. In the PM peak hour, the eastbound left and through movements are already Level of Service F in the existing condition. These operations would be improved to better than No-Build conditions with minor measures:

- During the PM peak period, only the signal timing for the NSR/Sills Road intersection would be modified with an increased cycle length and the additional green time would be allocated as necessary.

Hospital Road and Woodside Avenue (CR 99)

At this intersection, the westbound left turn fails in the PM peak hour and delay would increase under No-Build and Build conditions. The westbound left turn is calculated to improve with minor measures:

- In the PM peak period, only the signal timing for the Hospital Road/Woodside Avenue intersection would be modified to reallocate green time.

Hospital Road Corridor

Efficient operation along the corridor would be maximized by the following measures:

- Traffic signal timing at the proposed signal at the site driveway intersection with Hospital Road and the Fire Department driveway would be wireless interconnected and coordinated with the NSR and SSR/Hospital Road intersections. Wireless interconnection would maintain optimal offsets between traffic signal cycles.
- The coordination of the signals will also benefit traffic safety. The implementation of proper progression between corridor signals is a measure that helps mitigate rear-end collisions at signalized intersections.

North Service Road

In the vicinity of the site, the NSR is two-way, while Sunrise Highway service roads are generally one-way (NSR westbound and SSR eastbound). It is therefore proposed to implement signing and striping with the proposed Wal-Mart project to heighten awareness of the two-way operation. Measures will be developed in consultation with Town technical staff and NYSDOT and may include: a W1-7 (large, two-direction horizontal arrow) sign; a W4-4aP (Traffic From Left Does Not Stop) sign; pavement markings; and/or reflective markers.

Fish Thicket Road

Additional traffic volume on Hospital Road is calculated to degrade the Level of Service on the STOP-controlled Fish Thicket Road approach to the intersection in the PM peak hour.

- The installation of a vehicle calling detector on Fish Thicket Road, interconnected to the adjacent traffic signals to the north and south, would improve the eastbound operation.

- Based on discussions with the Town technical staff and traffic consultant, the call detector would be implemented by the Town of Brookhaven after Wal-Mart has opened, if deemed necessary at that time.
- The proposed project would bond the value of the call detector and interconnection to guarantee its construction if deemed necessary after project occupancy.

Hospital Road Bridge

The Town of Brookhaven intends to widen Hospital Road Bridge. The proposed Wal-Mart project would not directly implement any structural changes to the bridge, but indirectly supports the Town project.

- A contribution to the reconstruction of the Hospital Road Bridge structure has been made by the owner of the subject property in the amount of $357,730.00.
- The traffic mitigation described above is consistent with the Hospital Road Bridge improvements proposed by the Town of Brookhaven and its consultants, LK McLean Associates and Dunn Engineering. In addition, the mitigation measures are consistent with Alternative 2 presented in the *Hospital Road Corridor Study* prepared by Nelson & Pope, dated June 2012. The mitigation measures do not preclude or conflict with potential bridge widening improvements, which are considered as part of the long-term improvements proposed in the Nelson & Pope report.

2011 BUILD WITH MITIGATION PEDESTRIAN AND BICYCLE CONDITIONS

The proposed mitigation measures would result in the implementation of additional and upgraded pedestrian amenities, which would be implemented along with the modification of the traffic signals at the intersections of Hospital Road at the NSR and the SSR.

2011 BUILD WITH MITIGATION TRANSIT CONDITIONS

Mitigation improvements to Hospital Road traffic operations will, by reducing delay and congestion, also facilitate transit operations on the Suffolk County Transit 7B line.

SITE PARKING

The Current Proposal provides 581 parking stalls, which exceeds the Town of Brookhaven's parking requirement of 566 parking stalls for the overall development. The Wal-Mart building footprint of 98,000 square feet requires 560 parking stalls and the 900 square foot office building requires 6 parking stalls. The proposed Site Plan shows 141 of the 560 required Wal-Mart stalls (25%) located on the office building portion of the overall site (Block 3, Lot 24, zoned J-4 Business).

It is proposed to landbank 15 parking stalls, which would include 3 stalls on the J-2 Business zoned parcel (Block 1, Lot 36.2) and 12 stalls on the J-4 Business zoned parcel (Block 3, Lot 24). Subtraction of the 15 landbanked stalls from the total 581-stall supply results in 566 parking stalls to be implemented exclusive of landbanking, which meets the 566 stall requirement for the overall development.

To facilitate the proposed shared parking, a cross-access and parking easement would be executed to benefit and burden both the J2 and J4 parcels. In addition, due to the fact that the Town has rezoned the property and split the lot, relief would be sought from the Planning Board, as needed, pursuant to Town Code Section 85-52, to facilitate the shared parking arrangement set forth above. Cross-access and a parking easement would enable the use of parking on the J-4 zoned lot by Wal-Mart patrons and would likewise enable users of the proposed office building to enter and exit via the proposed signalized driveway intersection.

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

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

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

Applicant: Walmart Store @ East Patchogue
Municipality: Town of Brookhaven
Location: Northerly side of the Sunrise Highway (SR 27) Service Road, between the easterly side of Hospital Road and the westerly side of Sipps Avenue, in the hamlet of East Patchogue

Received: 9/4/2008
File Number: BR-08-22
T.P.I.N.: 0200 92700 0100 024000, 036002, and 037000
Jurisdiction: Adjacent to State Route 27 (Sunrise Highway) and within one mile of the Brookhaven Memorial Hospital Heliport

ZONING DATA

- Zoning Classification: J-2 Commercial (as per application)
- Minimum Lot Area: 15,000 Sq. Ft. (5 acres for a commercial center)
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: None Provided
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Generally level
- Range of Elevation within Site: 53’ to 62’ above msl

- Cover: Wooded
- Soil Types: Riverhead sandy loam
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: None within or adjacent to site

NATURE OF MUNICIPAL ZONING REQUEST

- Type: Site Plan
- Layout: Free-standing, one-story Department Store
- Area of Tract: 16.64 acres

ACCESS

- Roads: Existing
- Driveways: Three proposed points of motor vehicle access and paved parking fields

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: Catch Basins and Drywells
  - Recharge Basins No
- Groundwater Management Zone: VI
- Water Supply: Public
- Sanitary Sewers: Suffolk County Sewer District #7

PROPOSAL DETAILS

OVERVIEW – Applicants seek Town Planning Board Site Plan approval for the development of a 120,000 sq. ft. retail department store (Walmart) and associated site improvements (parking, lighting, drainage, etc.). The Town of Brookhaven Zoning Law requires one parking space per 175 square feet of gross floor area, or 686 off-street parking stalls, and 516 are provided for a 25% deficiency. Therefore, the applicant will require a variance for relief of one hundred seventy (170) parking stalls. The proposed site plan appears to conform to all other Town requirements.

LOCATION – The subject property is located along the northerly side of the Sunrise Service Road (SR 27), the easterly side of Hospital Road, and westerly side of Sipps Avenue; in the hamlet of East Patchogue.

ACCESS – The proposed site plan indicates that the main point of access onto the property and leading into the parking area will be from Hospital Road. The site plan also indicates a newly installed traffic light and road modifications to direct traffic flow at this proposed point of access. The site plan indicates that loading docks and a tractor-trailer truck turn-around will be situated in the rear of the proposed building, and that the delivery trucks will utilize separate points of both ingress and egress along the North Service Road of the Sunrise Highway.

ENVIRONMENTAL CONDITIONS - The property is not located in a Critical Environmental Area.

COMPREHENSIVE PLAN RECOMMENDATIONS – The Town of Brookhaven's Comprehensive Plan, entitled Brookhaven 2030 Planning the Future – Phase I "ISSUES AND OPPORTUNITIES", does not make any recommendations specific to the subject property. However, the site plan proposal does appear inconsistent with several of the goals stated in the Plan including the Preservation of Open Space, Maintaining a Sense of Place, and Supporting Main Street Development. The County of Suffolk Department of Planning's Sunrise Highway Corridor Study (Draft) identified six (6) major commercial nodes along Sunrise Highway Corridor which should remain as the principle retail locations, whether with infilling or expansion, and that commercial development outside of these nodes should be avoided. The subject property is located outside of these identified commercial nodes, and therefore the proposed site plan would be inconsistent with

the recommendations of that Study as well.

STAFF ANALYSIS

It is the belief of the Staff that the proposed site plan would tend to substantially undermine the effectiveness of the regional land use planning for the area. If built as proposed, the development will have regional impact.

Staff is of the opinion that the proposed site plan for a large retail use is inconsistent with the recommendations of the Sunrise Highway Corridor Study (in its final draft stages), which recommends reinforcing the existing six (6) identified major commercial nodes, but not creating new ones which this proposals has the potential of doing. The expansion of retail uses outside the existing nodes does not appear to be warranted given the limited population growth of the area (only 6% from 2000 to 2006).

Other than the zoning classification of the parcel, there is no comprehensive land use plan which recommends the subject's location as appropriate location for such a large retail use. The preliminary findings of Town's Comprehensive Plan (Phase I) indicates that this type of development at this location should be avoided.

This proposed large retail (department) store could possibly sap the vitality of the downtown business districts, the central business districts (major commercial nodes identified in the Sunrise Corridor Study) and other existing shopping centers along Sunrise Highway by siphoning off their existing consumer base.

It is the belief of the staff that proposed development by its nature as a retail development would increase traffic generation beyond what exists now and beyond what would exist if the property were to be developed for a use other than for retail purposes. This increase in traffic will affect the traffic carrying capacity of the Sunrise Highway Service Road and Hospital Road.

Moreover, the proposed development is a regional issue, and without including this parcel in the long range planning of the Sunrise Highway Corridor potential harm can be done to the region.

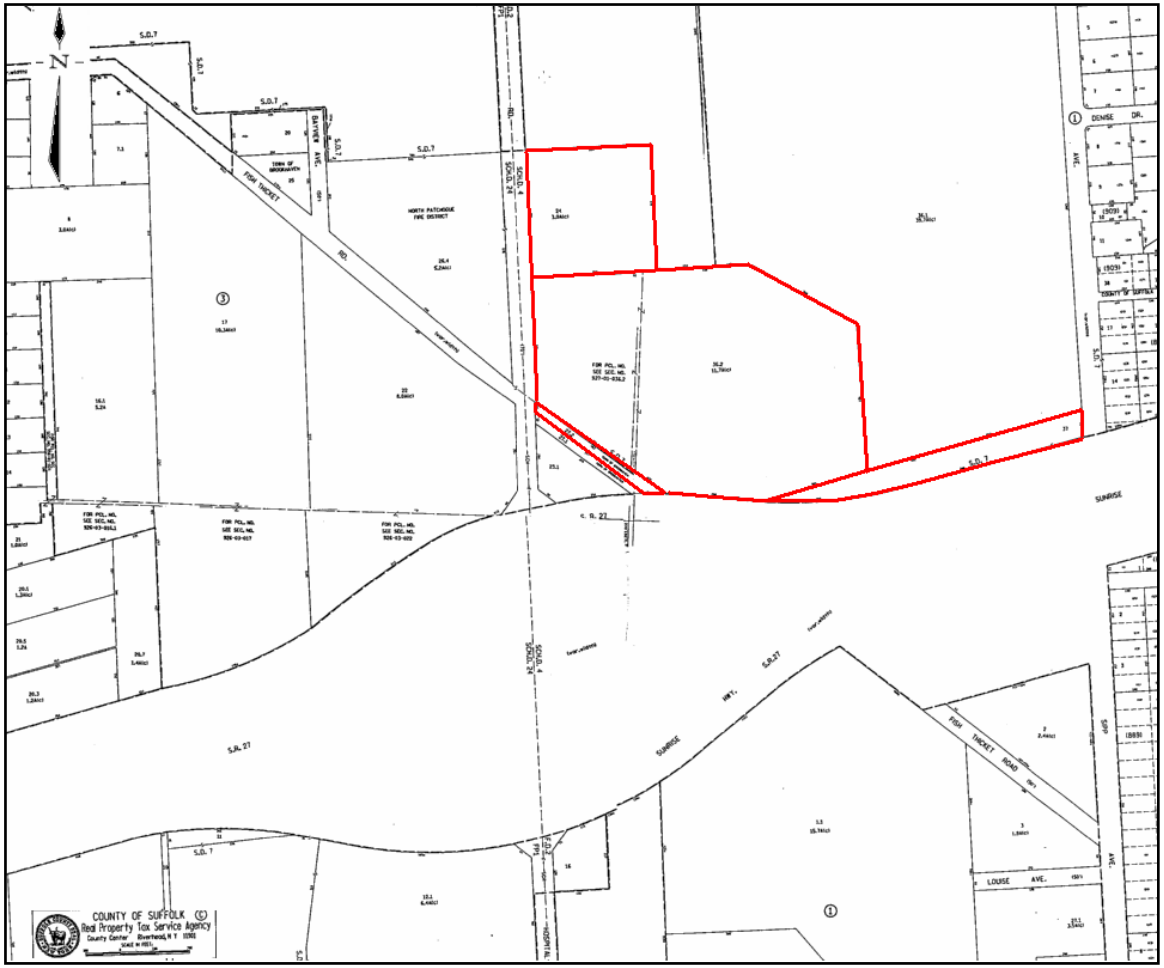
STAFF RECOMMENDATION

Disapproval, for the followings:

1) The proposed site plan and future use of the parcel for a large retail purpose would be inconsistent with the preliminary findings of the Sunrise Highway Corridor Study drafted by the County of Suffolk Department of Planning, and the Town of Brookhaven's Comprehensive Plan, which both indicate that a retail use at this location would not be appropriate.

2) The proposed site plan and subsequent retail use will adversely affect motor vehicle circulation patterns and significantly increase traffic volume on the local roadways.

3) The proposed site plan constitutes an unwarranted over-intensification of the use of the premises, and the 25% deficiency in parking could result in on-site congestion and overflow parking that would impact the surrounding roadways.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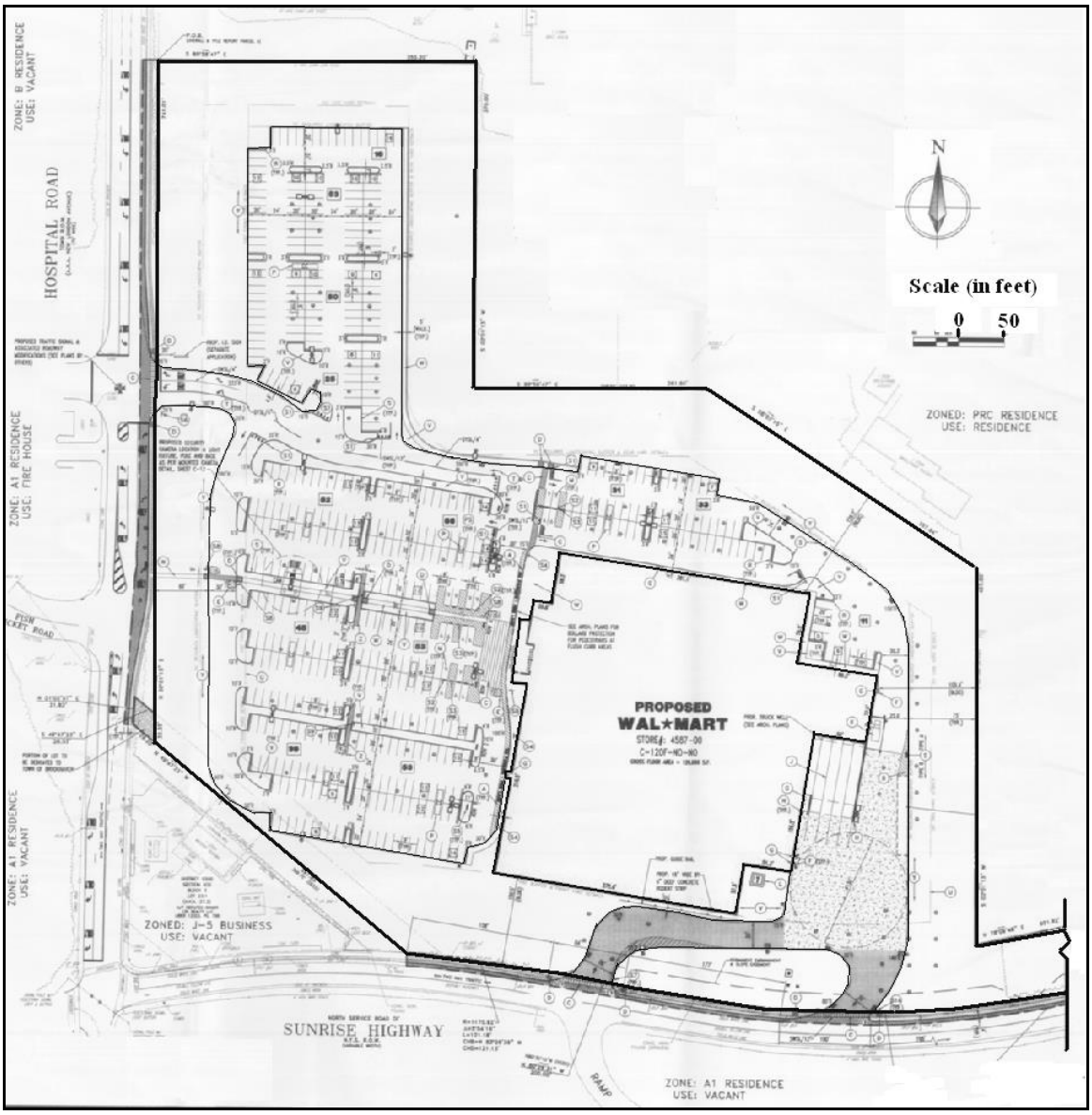


Z-2: Wal-Mart @ East-Patchogue
SCPD No.: BR-08-22
SCTM No.: 0200-926.00-03.00-240.000 et. al.

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: Diamond T Limited Partnership
Municipality: East Hampton
Location: w/s/o Cedar St. ~ 400' s/o Fieldview Lane

Received: 11/13/2013
File Number: EH-13-04
T.P.I.N.: 0300 15900 0100 017000
Jurisdiction: Within 500' of Agricultural District

ZONING DATA

- Zoning Classification: A5/AGO
- Minimum Lot Area: 200,000. Sq. Ft.
- Section 278: No
- 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: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
  - File:
  - Date:
  - Map of:
- SEQRA Information: Yes
- SEQRA Type EAF
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: fallow farmland
- Existing Structures: none
- General Character of Site: level
- Range of Elevation within Site: -
- Cover: successional growth
- Soil Types: Bridge Hampton and Plymouth series
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Change of Zone
- Layout: N/A
- Area of Tract: 19.38Acres
- Open Space: N/A

ACCESS

- Roads: Existing Town streets
- Driveways: NA

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: NA
  - Recharge Basins NA
- Groundwater Management Zone: V
- Water Supply: NA
- Sanitary Sewers: NA

PROPOSAL DETAILS

OVERVIEW – Applicants petition the East Hampton Town Board for a change of zone from A5 Residence (5 acre minimum lot size)/Agricultural Overlay District (AOD) to A Residence (one acre minimum lot size) and eliminating the AOD. Subject property is 19.3 acres of land in the hamlet of Freetown. The requested zone change would allow for the development of approximately 16 lots and a 25% reserved area where the current zoning allows approximately four lots and a 70% agricultural reserve. No conceptual subdivision plan was referred to the Suffolk County Planning Commission.

The subject parcel is comprised of two soil types, PsA (Plymouth loamy sand, silty substratum, 0-3% slopes) and BgA (Bridgehampton silt loam, 0-2% slopes), both classified as prime agricultural soils under the Town of East Hampton Code. The petitioner request the change of zone based on a reclassification of the PsA soils by the Natural Resources Conservation Service (formerly the Soil Conservation Service) from Class II to Class III in November of 2010. The applicant contends that the property has been incorrectly rezoned by the Town Board from A to A2/AOD in 1984 and from A2/AOD to A5/AOD in 2005 based on the misclassification of the soils.

The subject site has frontage on Cedar Street to the north and is adjacent to residential lots to the west. To the east and south are a various forms of agriculture including a chicken farm and nursery.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The overall subject site is presently undeveloped and primarily overgrown farm field. The subject parcel is located in the South Fork Special Groundwater Protection Area (SGPA). The parcel is not located in a State

Critical Environmental Area. The site is situated over Hydro-geologic Management Zone V. No State or Town regulated freshwater wetlands occur on or near 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.

The proposal for one acre residential lots would appear to be consistent with the existing one acre residential zoning to the west and north and would be a compatible land use if adequately buffered from agricultural uses to the east and south. Community character and public convenience do not appear to be significantly adversely impacted by the petition as the area is a mix of one acre lots and agricultural uses.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The petitioners put forth that the 1981 Agricultural Land Study and the 2005 Comprehensive Plan incorrectly recommenced upzoning the parcel based on an erroneous prime agricultural soil classification. As noted above the soil was reclassified by the NRCS in 2010. The 2005 Town of East Hampton Comprehensive Plan recommended A2 zoning for the subject parcel. The parcel was subsequently rezoned to A5/AOD. The Comprehensive Plan provided several goals for land in the East Hampton school district (applicable to the subject property): "Agriculture-protect the traditional agricultural industry, part of Suffolk County's Agricultural Industry ranked first in New York State, which helps to maintain the rural quality, scenic vistas and unique sense of place in East Hampton. The two main blocks of farmland, north of the Village boundary, generally between Route 114 and Cedar Street and the area abutting north and south of Further lane, are also within an area eligible for inclusion in the East Hampton Scenic Area of Statewide Significance." And "Reductions to Overall Build-Out – Reduce the residential build-out in order to protect the natural and cultural features of the East Hampton Planning Area." The Town Comprehensive Plan further states that "upzoning this area to A5 Residence will help reduce elimination, fragmentation, and alteration of this valuable farmland resource and industry while helping to protect scenic views."

It is noted in referral material to the Planning Commission that several parcels containing PsA soils located in the heart of areas of the Town historically farmed are also zoned A5/AOD (see attached). The rezoning of the subject parcel to A Residence may set a precedence that would affect the rezoning of similar parcels in the Town.

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 above policies:

With regard to environmental protection, the Guidebooks Specific Environmental Policies (section 4.7) indicates a desire of the commission to "preserve open space, farmland and environmentally sensitive land through acquisition, transfer of development rights (TDR), purchase of development rights (PDR) and clustering." Moreover, section 4.9 (Specific Land Use Situations) B. (Referrals Involving Farmland) states that "Innovative land use preservation concepts should be utilized to save prime farmlands from development. Development maps that preserve farmland should be designed such that the farm reserve is of sufficient size to allow permissible farm structures and an economically viable agricultural operation…" and "In areas containing prime farmlands, an overall development plan should be created showing the areas that can be utilized for development and the areas for farmlands that will be contiguous to one another and of an area and shape that will insure their economic and practical use. The plan can also help to avoid any conflicts between farmland uses and use of the non-farmland areas."

As indicated above no conceptual subdivision plan was submitted with the petition.

The Suffolk County Agricultural and Farmland Protection Plan (1996) list one of the two soils on site as prime soil. That is the Bridgehampton silt loam (BgA). This soil association is located right of center and in the southwest corner of the subject parcel. The bulk of the subject property soil is Plymouth loamy sand. This soil is generally associated with Bridgehampton soils and it exists as a transition to the coarser textured Carver and Plymouth soils. The soil almost exclusively exists on outwash plains between Sagaponack and East Hampton. The soil is better suited to most crops than the reminder of the Bridgehampton soil series. About half of this soil has been cleared and farmed with adjacent areas of Bridgehampton silt loam. The rest is used as woodland or for pasture and hay (Soil Survey of Suffolk County NY, USDA 1975). The subject parcel has been farmed with row crops in the past and is contiguous with other agricultural land and contains some prime agricultural soil.

No conceptual subdivision plan was submitted with the referral. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the planning process, where practical, design elements contained therein.

Early review by the Department of Health Services is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate into the planning considerations where practical, elements contained therein applicable for residential components of the proposal.

There is no discussion in the referral materials to the Suffolk County Planning Commission on the consideration of the provision of affordable housing. While it may be argued that the proposal when taken into account the with the entire housing stock of the Town of East Hampton may provide for diversity of housing opportunities within the Town, its contribution to the affordable housing stock, on site or otherwise, is not elaborated upon. It is the belief of the staff that the petition to the Town Board would be made stronger if the projects contribution to the affordable housing goals of the town were outlined.

No discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design

elements contained therein.

STAFF RECOMMENDATION

Disapproval of the Change of Zone for the following reason and with the following comments:

The subject parcel has been farmed with row crops in the past and is contiguous with other agricultural land (PDR) and contains some prime agricultural soil. The soil almost exclusively exists on outwash plains between Sagaponack and East Hampton and is unique to the Town of East Hampton. The soil is better suited to most crops than the reminder of the Bridgehampton soil series. The subject property is an area that can be utilized for farmlands that will be contiguous to one another and of an area and shape that will insure their economic and practical use. It is not clear that a subdivision under the requested zoning can preserve the existing prime (Bridgehampton silt loam/BgA) agricultural soil. No overture by the petitioners has been made toward the substantial public benefit offered by the proposal toward any of the Suffolk County Planning Commissions regionally significant criteria. Detached single family housing does not add to the diversity of housing stock in the Town, no affordable units are proposed as a tradeoff for additional density, and no best management practices are intimated for future development. No conceptual subdivision plan was submitted with the referral therefore none of these items can be reasonably ascertained by the Commission.

Comments:

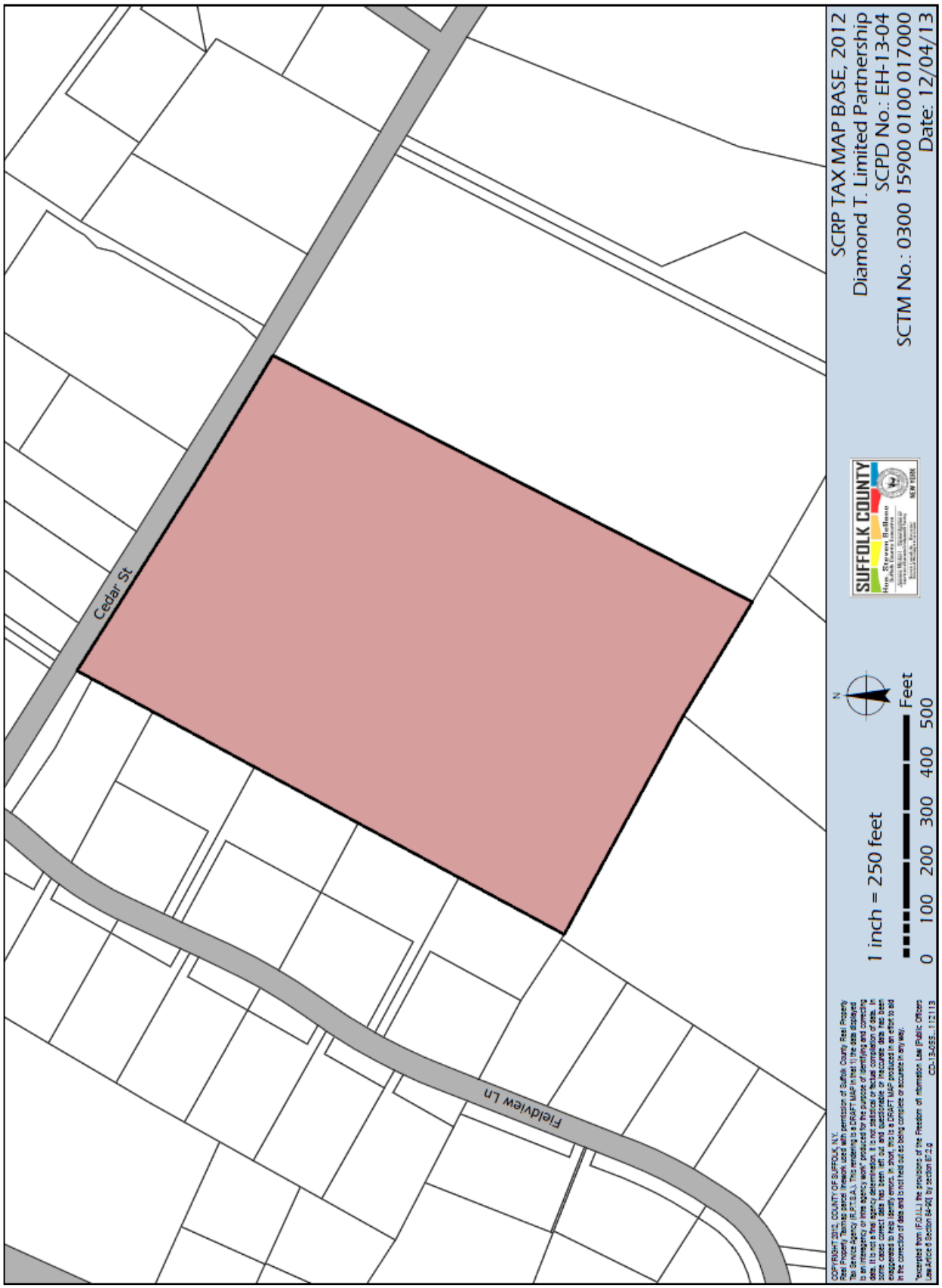
1. The petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.

2. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into any new proposal, where practical, design elements contained therein.

3. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate into any proposal where practical, elements contained therein applicable for residential components of the proposal.

4. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design elements contained therein.

5. There is no discussion in the referral materials to the Suffolk County Planning Commission on the consideration of the provision of affordable housing. While it may be argued that the proposal when taken into account the with the entire housing stock of the Town of Southampton may provide for diversity of housing opportunities within the Town, its contribution to the affordable housing stock, on site or otherwise, is not elaborated upon. It is the belief of the Suffolk County Planning Commission that the petition to the Town Board would be made stronger if the projects contribution to the affordable housing goals of the town were outlined.


SCRP TAX MAP BASE, 2012
Diamond T. Limited Partnership
SCPD No.: EH-13-04
SCTM No.: 0300 15900 0100 017000
Date: 12/04/13
SUFFOLK COUNTY
1 inch = 250 feet
0 100 200 300 400 500
Feet
N
Cedar St
Fieldview Ln

TOWN OF EAST HAMPTON
159 Pantigo Road
East Hampton, New York 11937
Phone: (631) 324-4142, 4143

Fred Overton
Town Clerk & Registrar
foverton@ehamptonny.gov

Carole A. Brennan
Deputy Town Clerk
cbrennan@ehamptonny.gov

Petition to amend Use District Map
(Rezone Property)

Instructions
Please submit eight (8) copies of this application including the EAF Part 1 together with a survey of the property to the Town Clerk's Office.
****

1. **APPLICANT INFORMATION:**

A. Property Owner: Diamond T. Limited Partnership

Address: c/o John Talmage
15 Old Orchard Lane, East Hampton, NY 11937

Telephone #: 631-329-0437

B. **Attorney or Agent (if applicable):**

Name: Land Planning Services, Ltd.

Address: PO Box 1313 , East Hampton, NY 11937

Telephone #: 537-8500

2. **PROJECT INFORMATION:**

A. Acreage of Property: 19.376

B. Existing Zoning: A5/AGO

C. Proposed Zoning: A and eliminate AGO

D. Location of Property:
Suffolk County Tax Map #: 300-159-1-17

Street: 177 Cedar St., East Hampton

3. **REASON FOR REQUEST:**

Please provide a brief explanation for the request including: Description of current use of the property, potential uses of the site according to existing zoning and proposed zoning. (use additional pages if necessary).

Property was upzoned twice (A to A2 and AGO added in 1984) then (A2 to A5 in 2005) because the Soil Type was incorrectly classified by the town as 'prime ag soils'. Current use: fallow.

Existing Zoning A5 = 4 lots with 70% of land set aside as reserved area.
Proposed Zoning A = 16 one acre lots with 25% reserved area.

4. **AFFIDAVIT:**

STATE OF NEW YORK)
SS.:
COUNTY OF SUFFOLK)

John Talmage, being duly sworn deposed and says that: (s)he is the owner / agent for the property above described; that all statements made in this application are true to the best of his / her knowledge.

*John's brother Tom Talmage is the Town Engineer for the Town of East Hampton and a member of the Diamond T. Limited Partnership.

The undersigned further states that no officer or employee of the Town of East Hampton, nor any such officer or employee's spouse, brother, sister, child, grandchild, or the spouse of any of them, has an interest, direct or indirect, in the person, partnership of association making the application. (If such an interest exists, the mature and extent of the interest must be disclosed. "Interest" is further defined in Section 809 of the General Municipal Law).

John T. Talmage
Signature of Applicant

for Diamond T. Limited Partnership

Sworn to before me this

8th day of Aug., 2013

Drucilla T. Raley
NOTARY PUBLIC

Drucilla T. Raley
Notary Public, State of New York
No. 01RA6036843
Qualified in Suffolk County
Commission Expires February 07, 2014

TOWN OF EAST HAMPTON
ENVIRONMENTAL ASSESSMENT FORM
PART I

(To be completed by the applicant and accompanied by a survey showing location of project or action, including elevations).

The purpose of this Environmental Assessment Form is to provide informati which will assist the Town in determining whether the action you propose may have a significant impact or effect on the environment. Answers to these questions will be considered as part of the application for approva and may be subject to further verification and public review. Please complete the entire form leaving no blanks. If a question does not apply please indicate so.

The information provided herein will be reviewed relative to the criteri of Part II which is to be completed by an agency of the Town. In providi any additional information you believe would assist the agency in completing Part II, this review process may be expedited.

TOWN REVIEWING AGENCY: Town Board

PROJECT TITLE: Diamond T.

STREET: 177 Cedar St., East Hampton

SCHOOL DISTRICT: East Hampton
ZONING DISTRICT: A5/AGO
SUFFOLK COUNTY TAX MAP #: 300-159-1-17

SITE PLAN:

SUBDIVISION WAIVER:

SUBDIVISION:

SPECIAL PERMIT

ZONE CHANGE: X

OTHER:

EAF Part I

APPLICANT/SPONSOR

Name: Diamond T. Limited Partnership

Address: c/o John Talmage, 15 Old Orchard Lane

PO & Zip #: East Hampton, NY 11937

Telephone #: 324-0437

APPLICANT'S ATTORNEY Agent

Name: Land Planning Services, Ltd.

Address: PO Box 1313, East Hampton, NY 11937

PO and Zip #:

Telephone #: 537-8500

APPLICANT'S SURVEYOR/ENGINEER

Name: Walbridge

Address: 300 Pantigo Place

PO and Zip #: East Hampton, NY 11937

Telephone #: 324-0412

EAF Part I

DESCRIPTION OF PROJECT:

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:

Urban_____ Industrial_____ Commercial_____ Residential (suburban)
Forest_____ Agricultural_____ Rural (non-farm)
Other Fallow Field

2. Total Acreage of Project Area: 19.376

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (non-agricultural)	100% acres	25% acres
Forested	_____ acres	_____ acres
Agricultural includes orchards, pasture, cropland, etc. - as much as	_____ acres	_____ acres
Wetland (freshwater or tidal as per Articles 24,25 of ECL	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (rock, earth or fill)	_____ acres	_____ acres
Roads, buildings, other paved surfaces	_____ acres	_____ acres
Other (indicate type)	_____ acres	_____ acres

3. What is the predominant soil type(s) on project site?

a. Soil drainage: well drained: X 100 % of site
moderately well drained: ____ _____ % of site
poorly drained: _____ _____ % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 though 4 of the New York Land Classification System? (See 1 NYCRR 370).
84.1% is PsA which is not a prime ag soil.
15.8% is Bga, a prime ag soil that will be preserved within the 25% reserved area.

4. Approximate percentage of proposed project site with slopes:

X 0-15% slopes: 100 % of site
_____ 10-15% slopes: _____ % of site
_____ 15% or greater: _____ % of site

5. Is project substantially contiguous to, or contain a building, site or district, listed on the State or the National Registers of Historic Places?

No

6. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?

No

7. What is the depth to the water table?

Approx. 65 ft.

8. Is site located over a primary, principal or sole source aquifer?

No

9. Do hunting, fishing or shellfishing opportunities presently exist in the project area?

No

10. Does project site contain any species of plant or animal life that is identified as threatened or endangered?

No

According to:

Identify each species:

11. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes or other geological formations)?

No

Describe:

12. Is the project site presently used by the community or neighborhood as an open space or recreation area?

No

If yes, explain:

13. **Does the present site include scenic views known to be important to the community?**

No

14. **Streams within or contiguous to project area:** None

a. Name of stream and name of river to which it is tributary:

15. **Lakes, ponds, wetland areas within or contiguous to project area:**

a. Name: None
b. Size (in acres):

16. **Is the site served by existing public utilities?** Yes

a. If Yes, does sufficient capacity exist to allow connection? Yes

b. If Yes, are improvements necessary to allow connection?

17. **Is the site located in an agricultural district certified pursuant to Agricultural and Markets Law, Article 25-AA, Section 303 and 304?**

No

18. **Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?**

No

19. **Has the site ever been used for the disposal of solid or hazardous wastes?**

No

EAF Part I

B. PROJECT DESCRIPTION

1. **Physical dimensions and scale of project (fill in dimensions as appropriate)**

   a. Total contiguous acreage owned or controlled by project sponsor: 19.376
   b. Project acreage to be developed: 14.53 ultimately
   c. Project acreage to remain undeveloped: 4.84 acres
   d. Length of project in miles (if appropriate): 725 linear feet
   e. If the project is an expansion, indicate percent of expansion 0 %
   f. Number of off-street parking spaces: 0 existing 0 proposed
   g. Maximum vehicular trips generated per hour upon completion of project: N/A trips
   h. If residential: Number and type of housing units:

      X One Family _____ Two Family _____ Multiple Family
      _____ Condominium
      Initially _____ Ultimately

   i. Dimensions (in feet) of largest proposed structure: N/A
      height:_____ width:_____ length:
   j. Linear frontage along a public thoroughfare project will occupy: 725 feet

2. **How much natural material (i.e., rock, earth, etc.) will be removed from site?**

   0 cubic yards 0 yards

3. **Will disturbed areas be reclaimed?** No

   a. If yes, for what intended purpose is the site being reclaimed?

   b. Will topsoil be stockpiled for reclamation?

   c. Will upper subsoil be stockpiled for reclamation?

4. **How many acres of vegetation (trees, shrubs, ground covers) will be removed from the site?**
   acres 0 (type)

5. **Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?** No

6. **If single phase project: Anticipated period of construction (including demolition):**
_____months N/A

7. **If multi-phased:** N/A
a. Total number of phases anticipated: _____ (number)
b. Anticipated date of commencement phase 2: _____month _____year
c. Approximate completion date of final phase: _____month
yeard. Is phase 1 functionally dependent on subsequent phases? No

8. **Will blasting occur during construction?** No

9. **Number of jobs generated:** 0
during construction: _____
after completion:

10. **Number of jobs eliminated by this project?** 0

11. **Will project require relocation of any projects or facilities?** No
If yes, explain

12. **Is surface liquid waste disposal involved?** No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount:

b. Name of water body into which effluent will be discharged:

13. **Is subsurface liquid waste disposal involved?** No

14. **Will surface area of an existing water body increase or decrease by proposal?** No

Explain:

15. **Is project or any portion of project located in a 100 year flood plain?** No

16. **Will the project involve construction and/or demolition debris?** No

    a. If yes, estimate the type: _____ and quantity:

17. **Will the project generate or involve wastes requiring special handling?** No

    If yes, describe the method of disposal:

18. **Will project use herbicides or pesticides?** No

19. **Will project routinely produce odors (more than one hour/day)?** No

20. **Will project operating noise exceed local ambient noise levels?** No

21. **Will project result in an increase in energy use?** No

    If yes, indicate type(s):

22. **If water supply is from wells, indicate pumping capacity:** No

    _____gallons/minute

23. **Total anticipated water usage per day:** N/A gallons/day

EAF Part I

24. **Does project involve Local, State or Federal funding?**

If yes, explain:

25. **Approvals Required:**

Approvals Required	Yes	No	Type	Submittal Date
Town Board	X		Zone Change	
Town Planning Board	X		Subdivision	
Town Zoning Board		X		
County Health Department	X		Subdivision	
County Planning Comm.	X		Comments	
Other County Agencies		X		
State DEC		X		
Federal Agencies		X		
Town Trustees		X		
Architectural Review Bd.		X	If AGO lifted	

C. **ZONING AND PLANNING INFORMATION**

1. **Does proposed action involve a planning or zoning decision?**

Yes

If yes, indicate decision required:

2. **What is the zoning classification(s) of the site?**

A5/AGO (Agricultural Overlay District)

EAF Part I

3. **What is the maximum potential development of the site if developed as permitted by the present zoning?**

4 lots with 70% reserved area.

4. **What is the proposed zoning of the site?**

A

5. **What is the maximum potential development of the site if developed as permitted by the proposed zoning?**

16 parcels with 25% reserved area.

6. **Is the proposed action consistent with the recommended uses in adopted local land use plans?**

No, but the 1981 Ag Land Study and 2005 Comprehensive Plan incorrectly recommended upzoning the parcel based on erroneous prime ag soil classification.

7. **What are the predominant land use(s) and zoning classifications within a 1/4 mile radium of proposed action?**

Residential/School/Chicken Farm/D.L. Talmage, Inc./Nursery

8. **Is the proposed action compatible with adjoining/surrounding land uses within 1/4 mile?**

Yes

9. **If the proposed action is the subdivision of land, how many lots are proposed?**

a. Number of lots: 16

b. Minimum lot size proposed: 1 Acre

10. **Will the proposed action require any authorization(s) for the formation of sewer or water districts?** No

11. **Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?** No

a. If yes, is existing capacity sufficient to handle projected demand?

12. Will the proposed action result in the generation of traffic significantly above present levels?

No

a. If yes, is the existing road network adequate to handle the additional traffic?

D. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you proposed to mitigate or avoid them.

E. VERIFICATION

I certify that the information provided above is true to the best of my knowledge.

Prepared by: Laurie Wiltshire Title: Agent

Signature: _____ Date: 8/5/13

TOWN OF EAST HAMPTON
300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

November 7, 2013

To: Town Board

From: JoAnne Pahwul, AICP JP mw
Assistant Planning Director

Re: Diamond T Zone Change Request
SCTM#300-159-1-17

Background
A request to rezone a 19.3 acre parcel located on Cedar Street from A5 Residence/ Agricultural Overlay District (AOD) to A Residence, eliminating the AOD, was submitted on September 3, 2013 with additional information received on October 21, 2013.

The parcel is comprised of two soil types, PsA (Plymouth loamy sand, silty substratum, 0-3% slopes) and BgA (Bridgehampton silt loam, 0-2% slopes), both classified as prime agricultural soils under the Town Code. The applicant requests the zone change based on a reclassification of the PsA soils by the Natural Resources Conservation Service (formerly the Soil Conservation Service) from Class II to Class III. The applicant contends that the property was incorrectly rezoned from A to A2/AOD in 1984 and from A2/AOD to A5/AOD in 2005 based on the misclassification of the soils and the resulting analysis in the Town's 1981 *Agricultural Land Study*.

Reclassification of Soils
A letter dated November 18, 2010 from the Natural Resources Conservation Service (NRCS) division of the United States Department of Agriculture to Land Planning Services advised that the PsA soil type has been reclassified. In the 1975 publication *The Soil Survey of Suffolk County, New York*, PsA was classified as having a Land Capability Class (LCC) of IIs. The NRCS advised that it has reclassified this soil as LLC class IIIs. The letter also states that this reclassification was based on the water capacity of the substratum being at or about 40 inches, the same as for PlA (Plymouth loamy sand, 0-3 percent slopes) which is classified as IIIs.

Class II soils are described by the NRCS as having moderate limitations that reduce the choice of plants or require moderate conservation practices and Class III soils as having severe limitations that reduce the choice of plants or that require special conservation practices or both. The letter from the NRCA further states that it considers both PlA and PsA soils in Suffolk County to be farmland of statewide importance and not prime farmland soils. The NRCA states the following concerning soils of statewide importance.

> In some areas, land that does not meet the criteria for prime or unique farmland is considered to be "farmland of statewide importance" for the production of food, feed, fiber, forage and oilseed crops. The criteria for defining and delineating farmland of statewide important are determined by the appropriate State agencies. Generally, this land included areas of soils that nearly meet the requirement for prime farmland and that economically produce high yields of crops when treated and managed accordingly to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

Although the application describes the subject parcel as currently fallow, a series of aerial photographs in the Town's GIS system show the entire subject parcel as having been farmed with row crops from 1962, the earliest aerial photograph available on the system, until 1984. The next available aerial from 1994 and later aerials only depict a portion of the parcel as being farmed. The GIS system also indicates that a number of other parcels located in the Town's Agricultural Overlay District, containing PsA soils and known to have been farmed historically, were farmed with row crops from 1962 to 2010, the time of the latest aerial available on the system.

One of these parcels, §300-197-4-2.1 (55 Wainscott Hollow LLC), a 40 acre parcel located in the heart of Wainscott's farmland was observed growing row crops in the summer of 2012 with the aid of irrigation. The Town's 1981 Agricultural Land Study recognizes Capability Class II and III soils in the town as requiring moderate conservation practices including irrigation and discusses the need for "agricultural pumpage" during dry periods, noting that farmers pump five to six times as much water for crop irrigation in exceptionally dry seasons as in normal seasons.

§193-1-30 of the Town Code provides the following definition of prime agricultural soils.

> Prime Agricultural Soils – Soils belonging to Capability Class I or II, as described in the 1975 Soil Survey of Suffolk County, New York, prepared by the Soil Conservation Service of the United States Department of Agriculture.

The Diamond T parcel is primarily comprised of PsA soils and contains a small area of BgA, defined as Class II and Class I soils respectively in the 1975 Soil Survey and will continue to be classified as prime soils under the Town Code. The applicant is requesting that the AOD be removed from the subject parcel. No change to the definition in the Town Code has been requested or is proposed or recommended.

The following provisions of the Town Code apply to parcels located in an Agricultural Overlay District or containing prime soils.

> §193-2-50 (Mandatory Use of Procedure) Except as set forth in §193-2-8- hereof, and not withstanding any other provision of this Code to the contrary, the following described land shall not be subdivided except as open space subdivisions:
>
> A. Agricultural Overlay District. Lands located either wholly or partially within the Agricultural Overlay District.
>
> C. Prime Agricultural soils. Lands containing prime agricultural soils whose preservation would implement the Town's Comprehensive Plan.
>
> §193-2-60 (Open Space Requirements)
>
> A. Open space subdivisions containing prime agricultural soils or located wholly or partially within the Agricultural Overlay District. Where a subdivision of land contains prime agricultural soils or is located wholly or partially within the Agricultural Overlay District, 70% of the total acreage of land containing prime agricultural soils shall be set aside as agricultural open space.

Agricultural Land Study

The 1981 *Agricultural Land Study* utilized the soil capability classifications developed by the Soil Conservation Service and described in the 1975 *Soil Survey of Suffolk County* as a basis for determining the location of the Town's most significant agricultural land. These classifications rank soils from I to VIII according to their suitability for most kinds of field crops. Prime farmland, defined by the Soil Conservation Service as the land best suited for producing food, feed, forage, fiber and oilseed crops and that is available for production of crops, is represented by Class I and II soils.

Four Study Areas

After mapping out the areas of the Town containing these Class I and Class II soils, it was found that the bulk of the prime soils were concentrated in the southwestern portion of the Town, on the glacial outwash plain. Large tracts were identified in four areas; Wainscott, East Hampton north of the Village, between Sag Harbor Turnpike and Cedar Street, south Amagansett in the Further Lane-Skimhampton Road area, and north Amagansett from Stony Hill south to Bluff Road. The Agricultural Land Study conducted an in depth examination of these four areas. These four Agricultural Study areas would later serve as the basis for the formation of the Agricultural Overlay Districts.

It was determined in the study that the total agricultural acreage within the Town had decreased dramatically by 43 percent in the twelve year period from 1965 to 1977 and that there were a number of active proposals for subdivision of this land in 1981. It was estimated that East Hampton was losing 107 acres of farmland per year. Higher food

costs, losses to the local economy, the loss of historic landscapes, diminishment of rural character, and the loss of tourism and the demand for a second home industry were all cited as concerns as a result of these losses.

According to this report, the East Hampton Study area, where the subject Diamond T parcel is located, was comprised of 812 acres, 723 acres of which consisted of prime agricultural soils with an agricultural land potential equal to 568 acres if conversion to non-agricultural uses could be halted.

Goals & Objectives
The study stated five goals aimed at supporting farmers and limiting the loss of the agricultural land base and set a target of preserving at least 1,200 acres of prime agricultural resources Town wide. A number of objectives were also developed, including establishing a TDR program, adopting right to farm legislation, clustering subdivisions with agricultural reserved areas, and supporting county and state legislation.

Another one of the objectives in the study was the creation of a State Agricultural District within the Town so that farmers would be eligible for tax breaks on agricultural land. The average State Agricultural District size in New York is approximately 20,000 acres. The minimum area necessary for the formation of a district was 500 acres and in order for the Town to apply to form a State Agricultural District, it was necessary to obtain a unified action by the owners of at least 500 acres of contiguous farmland or nearly all of the agricultural landowners in the Town's largest study area, East Hampton. An inventory of existing and potential agricultural land in the East Hampton Study Area identified approximately 570 acres of prime soils with 88.6 acres of land containing PsA soils, including the 19.3 acre subject Diamond T parcel. If land containing PsA soils had been excluded, there would not have been sufficient agricultural land to form an agricultural district. Furthermore, there was no reason to exclude PsA soils at the time since these soils were classified as prime soils by the Soil Conservation Service.

Levels of Conservation
The *Agricultural Land Study* created three categories of conservation based on the nature of the each parcel, i.e. lot size, lot configuration, continuity with other tracts, and nature of on-site and surrounding development, and established guidelines for each conservation level. To be included, all of the levels required that the parcel was being utilized or had the potential to be utilized for agriculture. These differing categories of conservation levels recognized that the parcels contained varying characteristics and that among other variables, that not all of the parcels were entirely comprised of prime soils. Recommendations regarding the amount of prime soils that should be conserved on each parcel were made based on the parcels characteristics.

The Primary Level Conservation applied to parcels that had the capability of being unified into a very large tract of agricultural land and were primarily comprised of Class I and Class II soils. The Secondary Level Conservation applied to smaller parcels that did not have the capability of being unified with other agricultural land and that were

sufficiently large that development could occur on the nonprime soil portion of the parcel in order to preserve all or nearly all of the Class I and II soils on the site.

The Tertiary Level of Conservation was applied to parcels that were not contiguous to other agricultural parcels or that may be too small to make a meaningful contribution to a unified tract and where the parcel was sufficiently large to allow for an open space subdivision that disturbed the Class I and II soils as little as possible.

The *Agricultural Land Study* states that the plan for the East Hampton study area incorporates the largest concentration of productive agricultural land and the most extensive prime soil resource base of all the studied areas. Primary level conservation covered 19 tracts and parcels with a combined area of 500 acres of which nearly all consisted of prime agricultural resources. The area considered for tertiary level for conservation was the next largest in combined size, consisting of six tracts or parcels, comprising 71 acres. Prime agricultural soils represented 65.3 percent of the aggregate area under this level.

Given that the Diamond T parcel was being farmed with row crops at the time, was contiguous with other agricultural land, and contained two prime soils it was classified as a Primary Conservation Level parcel in the *Agricultural Land Study*. However, even if PsA soils had been reclassified as Class III at that time, it appears likely that the parcel would have remained in the core study area given its other characteristics. Since it was large enough that development could have occurred on the PsA soils, it may have been categorized under a different conservation level or the criteria for the three levels of conservation may have been designed to apply to this and other similar parcels comprised of PsA soils.

PsA is usually associated with BgA, a Class I soil, and is found to some degree within the core of three of the agricultural areas studied, particularly Wainscott, where 40 acres sit in the heart of the farmland. The Town's GIS system indicates that many of these parcels have been farmed in the past and continue to be so.

The 55 Wainscott Hollow LLC parcel (SCTM#300-197-4-2.1) is entirely comprised of PsA soils, and was also classified as Primary Conservation Level. As this parcel was also being farmed and is located in the middle of the farmland in the Wainscott Study area, it is unlikely that the study would have excluded this 40 acre property even if the PsA soils had been reclassified at that time, particularly since they were recognized by New York State as being of statewide significance. It is the Planning Department's opinion that it is more likely that the criteria for the conservation levels or the conservation level categories would have been designed so as to include this important piece of farmland and others.

1984 Comprehensive Plan

While the 1984 Plan incorporated the policy statements of prior plans, including the 1981 *Agricultural Land Study*, the residential "holding capacity" of the Town was examined in depth and represent the central theme of this plan. An overriding goal of the

plan was the reduction of density. A policy statement called for the "retention of the attractive rural qualities, atmosphere and amenities of the Town including the preservation of scenic open-space, unique historical and topographical features." To accomplish this, the plan recommended the acquisition of 3,617 acres of land, including preservation through fee title and easements, in order to assure the Town's posture as an attractive recreation and second home community. A reduction in build out by 2,436 single family parcels to a total build out population of 21,498 and rezonings as a means of achieving this reduction in density were recommended.

The 1984 Comprehensive Plan did not discuss the subject parcel in any specificity, but rather made general recommendations in determining areas where density should be reduced. Three categories were established based on the level of existing development, topographical conditions, existing zoning, and availability of utilities.

The subject parcel was placed in the placed in a category which corresponded to the 1967 zoning classification of one dwelling per 84,000 square feet. The recommendation for this general category was that "the unique resources in these areas should be protected through a combination of clustering, scenic easements and reserved area provisions." The Diamond T parcel was rezoned from A to A2 Residence as a result of recommendations in the 1984 Comprehensive Plan in order to reduce density and the Agricultural Overlay District was added as a follow up the 1981 *Agricultural Land Study.*

2005 Comprehensive Plan

As a result of recommendations in the 2005 Comprehensive Plan, the parcel was rezoned from A2 Residence to A5 Residence. The Comprehensive Plan provided eleven general goals for land in the East Hampton school district. The following three general goals for this area were applicable to the subject parcel.

> **Agriculture** – Protect the traditional agricultural industry, part of Suffolk County's Agricultural Industry ranked first in New York State, which helps to maintain the rural quality, scenic vistas and unique sense of place in East Hampton. The two main blocks of farmland, north of the Village boundary, generally between Route 114 and Cedar Street and the area abutting north and south of Further Lane, are also within an area eligible for inclusion in the East Hampton Scenic Area of Statewide Significance.
>
> **Reductions to Overall Build-Out** – Reduce the residential build-out in order to protect the natural and cultural features of the East Hampton Planning Area.
>
> **Ground and Drinking Water Resources** – Take forceful measures to protect and reduce human impacts to high quality ground and drinking water resources, which exist beneath the lands generally north of the boundary with East Hampton Village and inland from the coastal areas of Northwest Harbor, Gardiner's Bay and Three Mile Harbor, and land contributing to and within close proximity to existing and proposed SCWA well fields.

The specific criteria listed in the 2005 Comprehensive Plan for rezoning the subject parcel reference the prime soils and agricultural resources and inclusion in the East Hampton Area of Statewide Significance, stating that "Upzoning this area to A5 Residence will help reduce elimination, fragmentation, and alteration of this valuable farmland resource and industry while helping to protect scenic views". The Comprehensive Plan also cites the parcel's location in the South Fork Special Groundwater Protection Area and the five foot groundwater contour boundary, both criteria identified as critical for protecting East Hampton's groundwater resources, as additional reasons for the recommended rezoning to reduce density.

A recent query of the Town's GIS system of all vacant, residentially zoned parcels of 10 acres or greater available for development indicated that there are currently fifteen parcels that meet this criteria. Of these, one parcel is zoned A3 Residence, twelve are zoned A5 Residence, and two zoned A10 Residence. No parcels 10 acres and over in size that meet this criteria are zoned less than A3. Given the statewide importance of the PsA soil type found on the parcel, the parcel's farming history, presence of BgA soils, a Class I soil type, and the other environmental characteristics identified, it appears likely that this parcel would have been recommended for rezoning to A5 Residence, even if the reclassification of the PsA soils by the NRCS had been known in 2005.

Development under Current & Proposed Zoning

Current Zoning

A yield map submitted with the Diamond T Preliminary subdivision application, prepared by George Walbridge Surveyors and dated May 1, 2009, under the current A5 Residence/Agricultural Overlay District zoning depicts a yield of four lots. A sketch submitted with the application prepared by LPS dated April 30, 2009 depicts four lots ranging from approximately 56,000 to 59,000 square feet and a 13.5 agricultural reserved area representing 70% of the parcel.

Proposed Zoning

According to the application, if the parcel were rezoned to A Residence, as requested, the density on the parcel would be increased from four to sixteen lots and a 25% reserved area would be required. No plans have been submitted to verify this yield and the Planning Department estimates that the yield may only be 14 lots. A formal yield map based on a survey of the parcel would need to be prepared to confirm the yield.

The amount of open space required would depend on a determination by the Planning Board. An open space map preserving 70% of the soils would be mandated pursuant to §193-2-60 if the Planning Board determined that the preservation of the prime soils implemented the Town Comprehensive Plan. However, it is not feasible under the requested A Residence zoning to provide 14-16 lots plus the subdivision road on 5.8 acres of the parcel and meet SCDHS standards without on-site sewage treatment.

If the Planning Board did not require an open space map that preserves the prime soils, an open space plan would not be mandatory for a parcel zoned A Residence and a reserved area representing 10% of the parcel would be required under a standard subdivision. If an

open space subdivision map were pursued for purposes of other than the protection of prime soils, a 25% reserved area would be required for a parcel in an A Residence zoning district. Under this scenario, 14-16 lots and a 4.9 acre reserved area would be created.

Potential Impacts to Other Parcels

Several parcels containing PsA soils located in the heart of areas of the Town historically farmed are also zoned A5 Residence/Agricultural Overlay District. The rezoning of the Diamond T parcel from A5/AOD to A Residence could establish a precedent that would affect the rezoning of these other parcels.

On October 21, 2013, a packet of information related to seventeen parcels containing PsA soils was submitted. Nine of the parcels contain PsA soils, but are not located within Agricultural Overlay Districts and therefore are not pertinent to the subject application. Five other parcels appear to have the potential for further development and to be affected by any precedent set by the requested rezoning.

One parcel that is of particular concern is a 40 acre parcel that is zoned A5 Residence/ Agricultural Overlay District and entirely comprised of PsA soils, 55 Wainscott Hollow LLC (§300-197-4-2.1). As stated previously, this parcel is located at the center of the block of farmland in Wainscott in an area that has historically been farmed and has continued to be so in recent times. The preliminary map for 55 Wainscott Hollow LLC depicts seven lots and a 30 acre agricultural reserved area representing preservation of 70% of the parcel and the PsA soils. Should the Town Board grant the requested zone change for Diamond T from A5 to A Residence and remove the AOD, it could set a precedent for a similar rezoning of this parcel. This would increase density from seven lots to approximately 32 lots. Preservation of prime soils would not be mandatory and would depend on a determination by the Planning Board. An open space subdivision is not otherwise mandated in an A Residence zoning district and if proposed for reasons other than the protection of prime soils would only be required to provide a 25% reserved area. This would result in the loss of agricultural land located at the center of preserved farmland, resulting in fragmentation of the agricultural resources and negatively impacting historic and scenic vistas.

Open space subdivisions preserving 70% of PsA and other prime soils have been required on numerous parcels since 1984 when the Agricultural Overlay District was applied. The map of Further Lane Farm LLC created a 44.6 acre reserved area (SCTM#300-189-3-20.4) on the north side of Further Lane. The parcel is also zoned A5/AOD and approximately one third of the parcel is comprised of PsA soils. All of the aerial photographs on the Town's GIS system, from 1962 to 2010, indicate that the parcel is farmed.

It is recommended that the Town Attorney determine whether any precedent would be set by removing the Agricultural Overlay District zoning designation on the subject parcel based on the NRCS' change in classification of PsA soils that could impact other unsubdivided land or have the potential to affect lands containing PsA soils that have already been subdivided.

Summary

The applicant has requested that the subject parcel be rezoned from A5 Residence/Agricultural Overlay District (AOD) to A Residence, eliminating the AOD, based on a reclassification of PsA soils by the Natural Resources Conservation Service from Class II to Class III.

Although the NRCS has reclassified this soil, that agency still considers it to be a soil of state wide importance and §193-1-30 of the Town Code defines it as a prime soil. No request has been submitted and no proposal is made to change this definition. A number of parcels containing PsA soils, including one entirely comprised of PsA soils, within the Town have historically been farmed and continue to be so today. Aerial photographs indicate that the subject parcel farm was farmed with row crops between 1962 and 1998.

Concerned with the dramatic loss of farmland occurring at the time, the 1981 *Agricultural Land Study* identified areas containing prime agricultural soils and recommended ways to stem their loss. Four areas of the Town that were predominantly comprised of Class I and Class II prime soils, including PsA soils, as defined in the 1975 *Soil Survey of Suffolk County* prepared by the Soil Conservation Service were identified. The Study also developed levels of conservation based on the Soil Conservation Service's soils classifications and a number of other parcel characteristics. These differing categories of conservation levels recognized that the parcels contained varying characteristics and that among other variables, that not all of the parcels were entirely comprised of prime soils. Recommendations regarding the amount of prime soils that should be conserved on each parcel were made based on the characteristics of the parcels.

A number of parcels comprised partially or wholly of PsA soils were identified as prime farmland. These parcels were located in three of the Town's agricultural study areas and were being farmed at the time. Preservation through clustered subdivisions, acquisitions, TDR's and easements were recommended as means to protect the agricultural resources from development. Reductions in density through rezoning and the addition of Agricultural Overlay Districts that mandated preservation of these resources resulted from the recommendations in the study.

The 1984 Comprehensive Plan recommended rezonings to reduce overall buildout in the Town. The 2005 Comprehensive Plan update included specific reasoning for the recommended rezoning from A3 Residence/Agricultural Overlay District to A5/Residence/Agricultural Overlay District that not only discussed the importance of the prime soils but also found that the parcel met the criteria critical for protecting the Town's groundwater resources. A query of the Town's GIS system showed that there are only fifteen parcels within the Town residentially zoned, vacant, and over 10 acres in size. Of these none are zoned less than A3 Residence and it appears to be unlikely that the subject vacant 19 acre parcel would have remained zoned A Residence even if it had been known that the Natural Resources Conservation Service had reclassified PsA soils.

Under the current zoning, the subdivision of the 19.3 acre parcel would result in four lots ranging from approximately 56,000 to 59,000 square feet and a 13.5 acre agricultural reserved area representing 70% of the parcel. Under the proposed A Residence zoning, density on the parcel would be increased to approximately 14-16 lots. The Town Code defines PsA as a prime agricultural soil and §193-2-50 of the Town Code requires that an open space subdivision be required if the Planning Board determines that the preservation of the prime soils would implement the Town's Comprehensive Plan.

If the Planning Board makes this determination, §193-2-60 requires that 70% of the prime soils be preserved. However, it is not feasible to cluster the density permitted under A Residence zoning onto 30% of a parcel and meet Suffolk County Department of Health Services standards without providing on-site sewage treatment. This represents one of the reasons that parcels located in an Agricultural Overlay District have been zoned A2 or greater. If the Planning Board makes a determination that preservation of the soils would not implement the Comprehensive Plan, an open space plan would not be mandated, but if an open space plan was pursued for reasons other than the protection of agricultural soils, a 25% reserved area would be required.

At least one other significant, 40 acre parcel of farmland in Wainscott is entirely comprised of PsA soils and also zoned A5 Residence/Agricultural Overlay District. The requested rezoning could set a precedent for the rezoning of other parcels. It is recommended that the Town Board discuss this with Counsel. The Board should review the above information, the information received from the applicant and at the public hearing and make a decision regarding the requested zone change.

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 A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Senior Citizen Housing Overlay District Creation & Putnam Amagansett Farm Holding
Municipality: East Hampton
Location: N/S/O Montauk Highway ~ 100' west of Bunker Hill Road

Received: 11/14/2013
File Number: EH-13-03
T.P.I.N.: 0300 17200 0200 033001
Jurisdiction: Adjacent to NYS Rte. 27 (Montauk Highway)

ZONING DATA

- Zoning Classification: A Res, A3 Res, AHO, & LBO
- Minimum Lot Area: N/A
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: 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: Agriculture, equestrian
- Existing Structures: several agricultural structures
- General Character of Site: rolling
- Range of Elevation within Site: -
- Cover: turf
- Soil Types: BgA (Bridgehampton silt loam) HaA (Haven loam) & RdA (Riverhead sandy loam)
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Code amendment/Change of zone
- Layout: campus
- Area of Tract: 23.56Acres
- Yield Map:
  - No. of Lots: 89
  - Lot Area Range: Sq. Ft.
- Open Space: N/A

ACCESS

- Roads: Existing NYS highway
- Driveways: private curvilinear

ENVIRONMENTAL INFORMATION

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

PROPOSAL DETAILS

OVERVIEW – Applicants petition the East Hampton Town Board for the creation of a new Senior Citizen Overlay District (SCO) and the application of said district to a 23.5 acre site in the hamlet of Amagansett.

Petitioners have prepared and submitted an entire legislative packet including wording for the proposed legislation, definitions, specific site considerations, density limitations, housing types, site design and layout, legal requirements, dimensional regulations, and a short environmental assessment form (see attached).

The petitioners have also submitted to the East Hampton Town Board a change of zone application from the existing A Residence/Limited Business Overlay (LBO) and A 3 Residence to the proposed SCO. The petitioners put forth that the rezoning of the 23.56 acres of land on the north side of Montauk Highway will enable the creation of an active senior planned community on the property. As proposed, the community would be restricted to residents aged 55 years or older and would consist of 63 detached dwelling units of predominantly single story, 26 flats (apartment units) and community facilities including a community field house, a recreation and fitness building, tennis courts, a swimming pool and a groundskeeper's building.

It is also conceptually envisioned that the community would have roads and walkways open to the public at large, as well as three "greens" – a west green with garden and benches, a central green with a manmade pond and flagpole, and an east green with greenhouse and replica English colonial windmill (see attached conceptual site plan).

It is proposed by the applicant that the community will be designed for cutting-edge environmental sustainability and resiliency. It is planned to have net-zero energy consumption, due in part to integral solar roof panels on most buildings, geo-thermal wells and net-zero wastewater discharge, due to an advanced on-site sewage treatment plant and the reuse of gray water for subsurface irrigation of the community's greens and landscaping.

The subject property has frontage on NYS Rte. 27, Montauk Highway to the south and Bunker Hill Road (Town Road) to the east. Access to the development is proposed via three points of access from Montauk Highway and one point of access to Bunker Hill Road. Predominant land uses within the area of the proposed action are senior citizens affordable attached housing (St. Michaels), a U.S. Post Office, retail grocery shopping, medical and professional offices, commercial business uses and single family residences. Predominant zoning in the area includes Central Business (CB), Commercial-Industrial (CI), A Residence (with AHO), and A 3 Residence. Some Neighborhood Business (NB) and Limited Business Overlay (LB) zoning also exits directly across either Bunker Hill Road or Montauk Highway.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located in a Special Groundwater Protection Area (SGPA) or a State Critical Environmental Area. The site is situated over Hydro-geologic Management Zone IV. No State or Town regulated freshwater wetlands occur on or near the subject property.

It should be noted that the referral is for an amendment to the Town of East Hampton Code for the creation of a Sr. Citizen Housing Overlay District and for a Change Of Zone application to apply said district.

STAFF ANALYSIS

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

The proposed Sr. Citizen Housing Overlay District address one inter-community issue faced by Suffolk County; that being the provision of age restricted housing for senior citizens. The ordinance does not address another regionally significant inter-community issue; that being the provision of affordable housing.

Commission Staff conducted an analysis of potential SCO sites utilizing the locational criteria included in the proposed legislation. Approximately seven sites were identified town wide (see Commission presentation PowerPoint). The proposed legislation intends to create a category of zoning that allows four units per acre and up to 100 units per project site.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The petition to the East Hampton Town Board argues that the "proposed Senior Citizens Overlay district would provide opportunities for the creation of market-rate housing for the Towns rapidly growing senior citizen population" and cites the 2005 Town of East Hampton Comprehensive Master Plan on two points:

Goal Four of the 2005 Plan reads "Provide housing opportunities to help meet the needs of current year-round residents, their family members and senior citizens, seasonal employees, public employees, emergency services volunteers, and other local workers" (emphasis added).

Goal Ten of the 2005 Plan reads "Provide adequate facilities, land and programs for schools, town offices and other functions, day care, senior care, families and other educational, cultural ,recreational and health care needs" (Emphasis added).

The petitioners put forth that the subject property is especially suitable for the creation of a senior housing community. "The property fronts on Montauk Highway, and is located in close proximity to downtown Amagansett and to services which senior citizens are likely to use. The property is within ¼ mile of the Town's largest supermarket, a U.S. post office, and a number of medical and physical therapy offices. Public Transportation, both railroad and bus service, is also conveniently situated. Finally the property is within ¼ mile of the new St. Michael's senior affordable housing development, which consists of 40 units of senior housing on 5.4 acres of land."

The petitioners also put forth that Goals Two and Nine of the Town of East Hampton Comprehensive Plan that include environmental sustainability measures, are also addressed by the proposed development.

East Hampton Town Planning Staff put forth that "the proposal to create a new zone that will allow for an increase in density appears to be contrary to a number of the goals and recommendations in the 2005 Comprehensive Plan."

Goal One: Maintain and restore where necessary, East Hamptons Rural and semi-rural Character and the unique qualities of each of East Hampton's historic communities.

Goal Three: Reduce the total build-out of the Town to protect the natural and cultural features identified in goals one and two.

Goal Six: Encourage and retain traditional local resource based fishing and agricultural industries that practice environmentally sensitive methods of operation.

Comprehensive Plans by their very nature can contain conflicting goals, it is therefore not clear if the proposed SCO and the proposed change of zone of the subject property would be consistent with the Town of East Hampton 2005 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 above policies:

The proposed change of zone and conceptual site plan envisions that "the proposed community is

designed for cutting-edge environmental sustainability and resiliency. It is planned to have a net-zero energy consumption, due in part to integral solar roof panels on most buildings, and net-zero wastewater discharge, due to an advanced on-site sewage treatment plant and the reuse of gray water for subsurface irrigation of the community's greens and landscaping. No details however, are put forth at this time.

A man made pond is proposed as part of the conceptual development. The petitioners should be encouraged to review the Suffolk County Planning Commission publications on the Study of Man Made Ponds in Suffolk County and Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential and clubhouse components of the proposal.

Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design elements contained therein.

Petition materials from the applicant to the Town of East Hampton and referred to the Suffolk County Planning Commission indicate that the envisioned community will be served by a "membrane bioreactor (MBR)" sewage treatment system which will result in no net increase in nitrogen loading to groundwater." This is advanced wastewater technology and should be reviewed by Suffolk County Department of Health Services and the Department of Public Works. Early review by the Department of Health Services is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.

The proposed Senior Citizen Housing Overlay District when taken into account with the entire housing stock of the Town of East Hampton may provide for diversity of housing opportunities within the Town. The senior citizen district's contribution to the affordable housing stock is not elaborated upon by the petition.

The proposed Senior Citizen Housing Overlay District in its site criteria does not list the exclusion from consideration properties containing prime agricultural soil. A goal of the Town of East Hampton Comprehensive plan is the preservation of viable assemblages of agricultural land.
The subject site for the change of zone petition contains 100% prime agricultural soils as listed in the Suffolk County Agriculture and Farmland Protection Plan. Bridgehampton (BgA), Haven (HaA) and Riverhead (RdA) soils on site are soils that Suffolk County considers prime farm soils for the purpose of preservation efforts. The conceptual site plan makes no consideration for this resource.

The subject parcel is intended to be located on a "Major Arterial Road." This term does not agree with terms defined in the Town of East Hampton Code or with NYSDOT standard definitions. The term should be standardized with the current official and formal terminology.

The New York State Department of Transportation should be contacted as early as possible to discuss access issues to the state highway and any need for traffic analysis and impact mitigation.

It is noted that the proposed development access to Bunker Hill Road is adjacent to the LIRR ROW. This access point should be moved further south to aid in line of site and any other conflicts associated with the grade crossing.

STAFF RECOMMENDATION

Approval of the proposed **Senior Citizen Housing Overlay District** for the following reason:

The subject property has frontage on NYS Rte. 27, Montauk Highway to the south and Bunker Hill Road (Town Road) to the east. Predominant land uses within the area of the proposed action are senior citizens affordable attached housing (St. Michaels), a U.S. Post Office, retail grocery shopping, medical and professional offices, commercial business uses and single family residences. Predominant zoning in the area includes Central Business (CB), Commercial-Industrial (CI), A Residence (with AHO), and A 3 Residence. Some Neighborhood Business (NB) and Limited Business Overlay (LB) zoning also exits directly across either Bunker Hill Road or Montauk Highway.

Comments:

1. Consideration for affordable housing is not included in the proposed Senior Citizen Overlay District ordinance. While it may be argued that the proposed Senior Citizen Housing Overlay District when taken into account with the entire housing stock of the Town of East Hampton may provide for diversity of housing opportunities within the Town. However, the senior citizen district's contribution to the affordable housing stock is not elaborated upon by the petition. It is the belief of the staff that the SCO would be made stronger if the Districts contribution to the affordable housing goals of the town were outlined in light of the New York State Long Island Workforce Housing Act.

2. No consideration of Prime Agricultural Soils in the Town is given. The proposed Senior Citizen Housing Overlay District, in its site criteria section, does not list the exclusion from consideration properties containing prime agricultural soil. A major thrust of the Town of East Hampton Comprehensive plan is the preservation of viable assemblages of agricultural land.

Approval of the proposed **Change of Zone** for **Putnam Amagansett Farm Holdings** with the following Comments:

Comments:

1. Town of East Hampton should clarify as to the applicability of the New York State Long Island Workforce Housing Act to the proposed zone change conceptual "Master Plan".

2. The subject site for the change of zone petition contains 100% prime agricultural soils as listed in the Suffolk County Agriculture and Farmland Protection Plan. Bridgehampton (BgA), Haven (HaA) and Riverhead (RdA) soils on site are soils that Suffolk County considers prime farm soils for the purpose of preservation efforts. The conceptual Master (Site) Plan makes no consideration for conservation of this resource.

3. The petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible. Petition materials from the applicant to the Town of East Hampton and referred to the Suffolk County Planning Commission indicate that the envisioned community will be served by a "membrane bioreactor (MBR)" sewage treatment system which will result in no net increase in nitrogen loading to groundwater." This is advanced wastewater technology and should be reviewed by Suffolk County Department of Health Services and the Department of Public Works. Early review by the Department of Health Services is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.

4. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

5. The petitioners should be encouraged to review the Suffolk County Planning Commission Publication entitled Study of Man Made Ponds in Suffolk County and incorporate into the proposal, where practical, design elements contained therein.

6. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential components of the proposal.

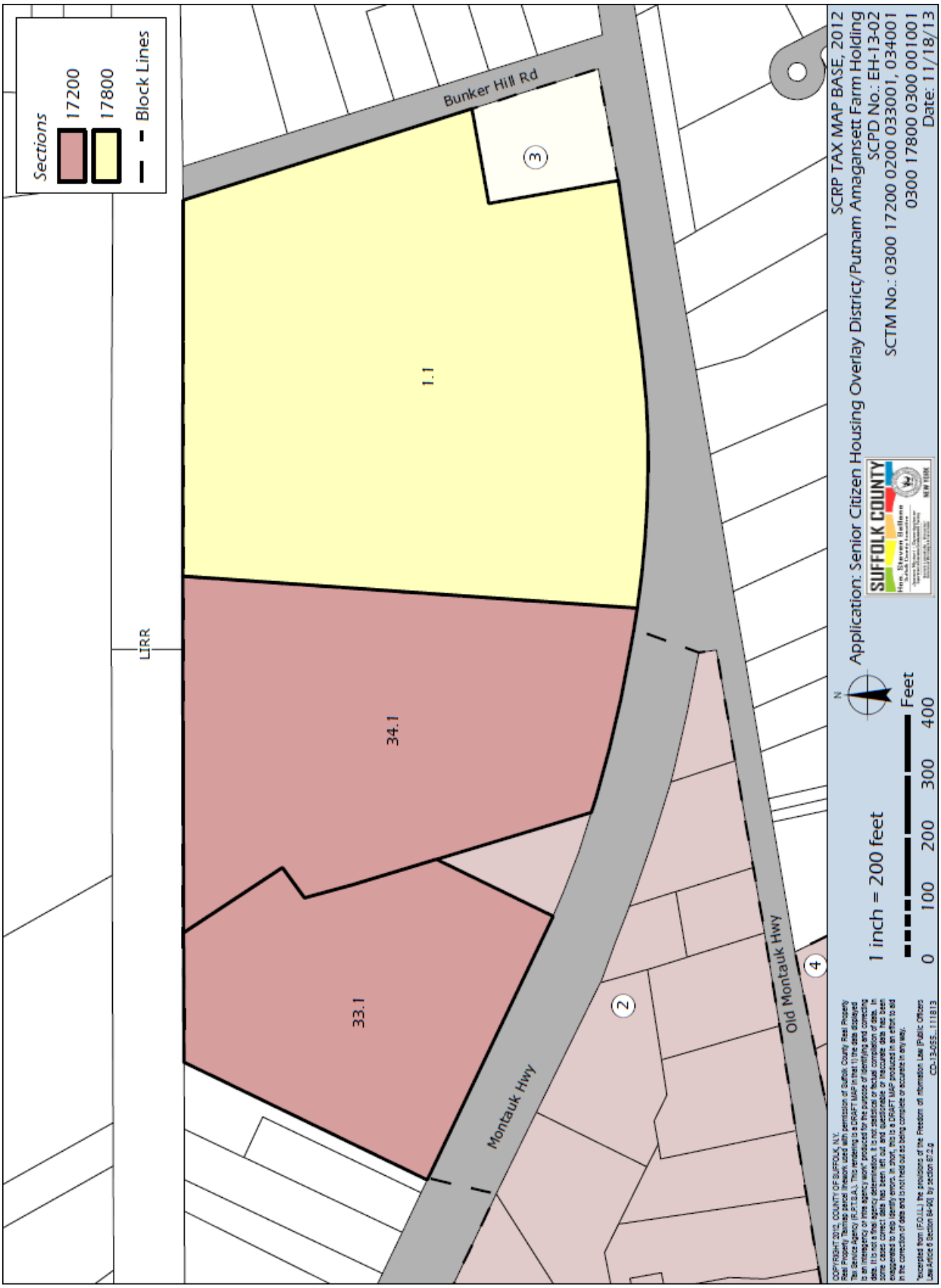
7. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

8. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.

9. The New York State Department of Transportation should be contacted as early as possible to discuss access issues to the state highway and any need for traffic analysis and impact mitigation.

10. The subject parcel is intended to be located on a “Major Arterial Road.” This term does not agree with terms defined in the Town of East Hampton Code or with NYSDOT standard definitions. The term should be standardized with the current official and formal terminology.

11. It is noted that the proposed development access to Bunker Hill Road is adjacent to the LIRR ROW. This access point should be moved further south to aid in line of site and any other conflicts associated with the grade cross


Sections
17200
17800
Block Lines
LIRR
Bunker Hill Rd
Montauk Hwy
Old Montauk Hwy
1.1
34.1
33.1
2
3
4
SCRP TAX MAP BASE, 2012
Application: Senior Citizen Housing Overlay District/Putnam Amagansett Farm Holding
SCPD No.: EH-13-02
SCTM No.: 0300 17200 0200 033001, 034001
0300 17800 0300 001001
Date: 11/18/13
SUFFOLK COUNTY
1 inch = 200 feet
0 100 200 300 400
Feet
N

Z-3: Putnam Amaganset Farm Holding
SCPD: EH-13-03
SCTM No: 0300-172.00-02.00-033.001, et al

RESOLUTION 2013-1196

Item # 4.F.17

ADOPTED

DOC ID: 13040 C

NOPH - Amend Use District (Zoning) Map- Senior Citizens Housing Overlay District

BE IT RESOLVED, that a public hearing is hereby scheduled to be held on December 19, 2013 at 7:00 p.m. or as soon thereafter as this matter may be heard, on a proposed Local Law amending Chapter 255 ("Zoning") of the East Hampton Town Code at Article XII thereof (the "Use District (Zoning) Map") in order to establish a zoning overlay district to be known as Senior Citizens Housing Overlay District (SCO), said Local Law to read as follows:

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

Intro. #23 of 2013

The purpose of the Senior Citizens Housing Overlay District is to provide diversified housing and lifestyle opportunities for senior citizens which will allow them to live in communities of their peers, in attractive and quality housing that does not involve the same burdens of maintenance and upkeep as traditional single-family residences on separate lots, and with on-site community facilities for socializing, dining, recreation, basic medical care, and other purposes.

The Town of East Hampton has a high percentage of senior citizens, many of whom have substantial equity in their homes. For many of these senior citizens, the dispersed nature of traditional single-family residential living, combined with the responsibility for maintaining these houses and associated grounds, is a great disadvantage. A more compact community with congregate facilities, and in which the upkeep and maintenance of housing and grounds can be delegated to others, better meets the needs of these individuals.

This overlay district will enable the creation of appropriate and relatively high-density housing for senior citizens which will satisfy the foregoing needs, while at the same time ensuring that such housing will be appropriately sited, on lands which are close to community facilities such as shopping, transportation, medical, and other services which senior citizens may especially need, and which are appropriate to the higher housing densities contemplated by these provisions.

The Town Board intends, by the creation of the Senior Citizens Housing Overlay District, to provide opportunities within the Town of East Hampton for the development of senior citizens housing, on a well-planned basis and on lands located in reasonable proximity to the aforementioned community facilities and with access to major roads and public transportation.

SECTION II. - TOWN CODE AMENDED:

Chapter 255 (ZONING) of the East Hampton Town Code is hereby amended to read as follows:

Section 255-1-20. Definitions.

SENIOR CITIZENS HOUSING DEVELOPMENT - A use of land consisting of apartments and/or single-family residences on a single parcel of land (or on multiple parcels which are subject to legal restrictions making all parcels part of the same development) which are restricted exclusively to occupancy by individuals who are 55 years of age or older, or to spouses at least one of whom is 55 years of age or older (subject to minor exceptions as set forth elsewhere in this chapter). A "senior citizens housing development" may include accessory buildings, structures, and uses such as community facilities (including social, dining, and recreational facilities) for residents of the development and their guests, medical care facilities for treatment of residents of the development on an outpatient basis, and offices for management and operation of the development. This definition shall not apply to a residential development which imposes a minimum age for its residents but which lacks community facilities for residents. The term "affordable housing," as defined herein, shall not be construed to include "senior citizens housing development."

Section 255-2-60. Clearing in residence districts.

[Change to section title only.]

Section 255-3-10. Overlay districts established.

For the purpose of applying additional uniform land use regulations to specific categories of land sharing certain important characteristics, there are hereby established the following overlay districts:

H. Senior Citizens Housing Overlay District (SCO).

Section 255-3-100. Senior Citizens Housing Overlay District.

Section 255-3-101. Purpose.

The purpose of the Senior Citizens Housing Overlay District is to provide diversified housing and lifestyle opportunities for senior citizens which allow them to live in communities of their peers, in attractive and quality housing that does not involve the same burdens of maintenance and upkeep as traditional single-family residences on separate lots, and with on-site community facilities for socializing, dining, recreation, basic medical care, and other purposes.

The Town of East Hampton has a high percentage of senior citizens, many of whom have substantial equity in their homes. For many of these senior citizens, the dispersed nature of traditional single-family residential living, combined with the responsibility for maintaining these houses and associated grounds, is a great disadvantage. A more compact community with congregate facilities, and in which the upkeep and maintenance of housing and grounds can be delegated to others, better meets the needs of these individuals.

This overlay district will enable the creation of appropriate and relatively high-density housing for senior citizens which will satisfy the foregoing needs, while at the same time ensuring that such housing will be appropriately sited, on lands which are close to community facilities such as shopping, transportation, medical, and other services which senior citizens may especially need, and which are appropriate to the type of higher housing densities contemplated by these provisions.

The Town Board intends, by the creation of the Senior Citizens Housing Overlay district, to provide opportunities within the Town of East Hampton for the development of senior citizens housing, on a well-planned basis and on lands located in reasonable proximity to the aforementioned community facilities and with access to major roads and public transportation.

Section 255-3-102. Boundaries.

The boundaries of the Senior Citizens Housing Overlay district shall be as shown on the Use District Map. The same may be amended from time to time by local law.

Section 255-3-104. Lands ineligible for inclusion in overlay district.

The following lands shall be ineligible for inclusion in the Senior Citizens Housing overlay district.

A. Proximity to Central Business zoning district. No lot shall be designated for inclusion in the Senior Citizens Housing Overlay district unless it is located within 2,500 feet of lands situated in a Central Business (CB) zoning district.

B. Certain other overlay districts excluded. Because of the environmental sensitivity of lands in these overlay districts, no land situated in whole or in part in any of the following overlay districts shall be eligible to be designated as part of the Senior Citizens Housing Overlay district:

(1) Water Recharge Overlay District (WRO).

(2) Harbor Protection Overlay District (HPO).

(3) Flood Hazard Overlay District (FHO).

Section 255-3-107. Regulations.

The following regulations shall apply to senior citizens housing developments in the Senior Citizens Housing Overlay district:

A. Special permit. No lot or land shall be used for a senior citizens housing development unless and until a special permit shall have been issued for such development pursuant to Article V of this chapter.

B. Minimum lot size. No lot or land shall be eligible for use as a senior citizens housing development unless it contains a minimum lot area of 10 acres (435,600 square feet).

C. Clearing. The Planning Board shall have power to approve clearing for a senior citizens housing development which exceed those otherwise allowed in residence districts, in accordance with Section 255-2-60 A (4) hereof.

D. Dimensional regulations. The dimensional regulations applicable to a senior citizens housing development shall be as specified for the Senior Citizens Housing overlay district in Section 255-11-10, Residence Districts - Table of Dimensional Regulations, Part II. Dimensional regulations for senior citizens housing developments shall not vary by lot size.

E. Compliance with specific special permit standards and safeguards. In order to be eligible for issuance of the requisite special permit, a proposed senior citizens housing development shall comply with the specific standards and safeguards for said use which are detailed in Section 255-5-50 hereof.

Section 255-5-50. Specific standards and safeguards.

SENIOR CITIZENS HOUSING DEVELOPMENT -

(1) Site considerations.

(a) Size of property. The site shall contain a minimum lot area of 10 acres (435,600 square feet).

(b) Location in overlay district. The entire site proposed for the development shall be located in a Senior Citizens Housing Overlay District.

(c) Road and street access. The site shall have street frontage suitable for vehicular ingress and egress on a New York State highway or other major artery of travel within the Town of East Hampton.

(d) Proximity of public services. The site shall be located within convenient walking or driving distance of grocery shopping, general merchandise shopping, medical offices, and public transportation terminals or facilities. In any event all of the foregoing services or facilities shall be located within one mile of all or part of the site, by the shortest measured distance along any road or street. In addition, the entire site shall be located within one mile of a U. S. Post Office unless the site is served by U. S. Postal Service home or street delivery.

(e) Public water. The site shall be served by public water.

(f) Physical characteristics of property. The site shall be of such shape, dimensions, topography, and location as will allow for appropriate and attractive development with proper setbacks, adequate screening, and a harmonious relationship with adjoining land uses and the natural physical terrain. The site shall not contain any of the natural resources described in Section 255-4-12 hereof if those natural resources would be adversely and materially affected by the proposed development.

(2) Density limitations.

(a) Maximum units per acre. The maximum density for a senior citizens housing development shall be four (4) units per acre, or a minimum of 10,890 square feet of land for each dwelling unit in the development. For purposes of calculating allowable density for this provision, the lot area of the entire site proposed for the development shall be used, with no exclusions made for roads, open space, or the like.

(b) Maximum overall density. The maximum number of dwelling units for any such development shall not exceed one hundred (100).

(3) Utilities and emergency services.

(a) Public water service. The development shall be served by public water. Nevertheless, community wells may be used for lawn and landscaping irrigation purposes, as a water supply for artificial or man-made ponds (if any), and for geothermal heating and cooling purposes.

(b) Sewage disposal. The method of sewage disposal shall be approved by the Suffolk County Department of Health Services and shall also be deemed adequate and appropriate by the Planning Board.

(c) Control of stormwater. Stormwater drainage systems shall be designed so that all stormwater for a 100-year storm event will be contained on-site and will not flood dwelling units or community buildings. The Planning Board shall consult with the Town Engineer in evaluating the calculation of stormwater runoff and the design of the development's stormwater drainage system.

(d) Fire and emergency access. The development shall provide suitable access for fire-fighting vehicles and equipment and emergency personnel. Fire hydrants shall be provided in such locations and numbers and with such pressures as the Planning Board determines to be adequate and necessary, based on recommendations of the Town Engineer, the Town Fire Prevention Inspector, and the Fire Department having jurisdiction.

(e) Emergency alarms. An emergency alarm device equipped with audio and visual features shall be provided in each dwelling unit.

(f) Utilities to be installed underground. All utilities, including electric, telephone, internet, and cable television, shall be installed belowground. Electric transformers, telephone and cable boxes, and reduced pressure zone (RPZ) backflow prevention equipment for the public water supply shall be adequately screened by attractive fencing and/or landscaping.

(4) Housing types.

(a) Apartments and detached dwelling units allowed. The Planning Board may approve dwelling units for a senior citizens housing development in the form of apartments, single-family residences, or a mixture of the two. In making its determination the Planning Board shall consider community housing needs in the Town, together with the character of the neighborhood in which the site is located, the environmental suitability of the site, and the proposed design of the development.

(b) Accessory buildings. The development may have detached accessory buildings and structures, such as garages, storage sheds, swimming pools, and the like.

(c) Building height. All such housing types shall comply with the maximum building height restrictions for the underlying zoning district in which the site is located.

(d) Individual house lots prohibited. The site used for the development shall be a single lot or parcel of land, except that the development may utilize multiple parcels if said parcels are subject to legal restrictions making all parcels part of the same senior citizens housing development. In no event shall detached dwelling units be erected on individual lots or parcels - i.e., the development shall involve no subdivision of land to accommodate single-family residences on individual lots.

(e) Form of ownership. The development may rent dwelling units to qualified individuals and it may sell dwelling units to qualified individuals under a condominium or cooperative form of ownership.

(5) Community facilities and site design and layout.

(a) Community buildings. A senior citizens housing development shall provide at least one community building suitable to hold meetings of the development's residents. Without otherwise specifying or requiring any particular number of buildings, the development may also have community buildings and other structures or facilities for use by the residents of the development for social, dining, and recreational purposes, as well as for medical treatment of residents on an outpatient basis, offices for management and operation of the development, and equipment storage and site maintenance.

(b) Recreational facilities. The development shall provide at least one on-site recreational area, improved and maintained for the exclusive use of the residents of the development and their nonpaying guests. There shall be at least one hundred fifty (150) square feet of outdoor recreational area for each dwelling unit in the development. The plan for the recreation area shall be approved by the Planning Board as to location, design, and adequacy, taking into account the size of the development and the nature of its anticipated occupancy.

(c) Manager's quarters. The development may have one or more on-site apartments or detached dwelling units for occupancy by a site manager or superintendent, or for other full-time employees of the development.

(d) Pedestrian design. The development shall be designed to promote convenient and safe walking access for its residents between dwelling units and from each dwelling unit to on-site community facilities and off-site streets and sidewalks.

(e) Street width. All roads or streets in the development shall have a minimum paved width of at least twenty feet (20). A side walk shall be provided on at least one side of every road or street in the development and along any external street adjoining the development.

(f) Lighting. Artificial lighting of the grounds of the development shall provide illumination sufficient for the convenience and safety of the residents. The development shall provide lighting for all streets and roads, sidewalks and walkways, parking lots, and building entrances. However, such outdoor lighting shall not project light onto adjacent properties, nor shall sources of illumination be visible from adjacent properties, and all such lighting shall comply in both form and spirit with the dark sky provisions of 255-1-80 et seq. and Section 255-6-61 of this chapter.

(g) Apartment egress. In the event the development contains apartments, each apartment shall have its own separate entrance/exit leading directly to the outside of the building in which the apartment is located. The Planning Board may waive this requirement, but only where it has determined, based upon consultation with the Town Fire Prevention Inspector, that the intent of this requirement to provide for occupant safety while at the same time avoiding creation of common hallway areas has been achieved through an alternative building design.

(h) Apartment private space. Each apartment created shall be provided with a private outdoor space in the form of a patio, terrace, garden, courtyard, deck or balcony, which space shall immediately adjoin and be directly accessible to the apartment which it serves.

(i) ADA and universal design. All site improvements shall comply with the Americans With Disabilities Act (ADA) and Fair Housing Act (FHA) and with the New York State Building Code provisions implementing same. To the extent practicable, the development shall incorporate the adaptable design elements of universal design to enhance accessibility for residents of the development. Universal design is a flexible, inclusive process aimed at enabling access for all occupants regardless of size, age, or abilities, including but not limited to accessibility code compliance. The development should be designed and

constructed so that residents? needs are accommodated in a cost-effective yet dignified and pleasant manner assuring a convenient, safe, and secure environment for all.

(j) Architectural design. The design and location of all site improvements and all buildings shall be consistent with the ultimate purpose of achieving independent, self-reliant, and pleasant living arrangements for older individuals. Building prototypes and design shall reflect indigenous architecture, and shall be built with consideration to the special character of East Hampton as a rural and resort community. In choice of exterior finish, care shall be taken to avoid the appearance of a development in which all units appear exactly the same.

(k) General maintenance and services. Adequate facilities shall be provided for the removal of snow, trash and garbage, and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent platforms which shall be well distributed to serve the development. All receptacles shall be suitably enclosed on three sides by opaque yet attractive screening, and the open portion of the receptacle enclosure shall not be within fifty (50) feet of any window in a dwelling unit.

(l) Open space. All parts of the site not devoted to dwelling units, private outdoor space adjoining dwelling units, roads or streets, community buildings and facilities, and utilities or wastewater treatment facilities, shall be designed and maintained as open space, either to be landscaped or to be preserved in its natural state, in accordance with plans approved by the Planning Board.

(m) Dimensional regulations. All buildings and structures shall comply with the applicable dimensional regulations, including setbacks, building coverage, and total lot coverage, applicable to the Senior Citizens Housing Overlay (SCO) district.

(6) Legal requirements and restrictions.

(a) Joint proposal for multiple properties. The site proposed for a senior citizens housing development may consist of more than one parcel of land, owned by one or more individuals, corporations, or other entities, but it shall be presented as a single joint development proposal at the time application for a special permit is made.

(b) Limitation of residency based on age. Residency in a senior citizens housing development shall be restricted to individuals who are 55 years of age or older, except that a spouse of a resident may be less than 55 years of age if the other spouse is at least 55 years of age. No other individual who is less than 55 years of age (referred to herein as an under-aged individual) shall reside in the development unless that person meets the following criteria:

[1] The under-aged individual resides or will reside in the development with an individual who is over 55 years of age.

[2] The residency of the under-aged individual commenced subsequent to that of the individual with whom he or she will reside.

[3] One of the following exceptional circumstances applies:

(i) The presence of the under-aged individual is essential for the physical care or economic support of the older individual with whom he or she will reside;

(ii) The under-aged individual is legally related by blood, marriage, or adoption to the older individual with whom he or she will reside, and the under-aged individual is incapable of living independently of the older resident due to the younger person's serious disability, infirmity, or illness; or

(iii) The board of managers of the development (or other authority responsible for managing the development) has determined that, due to extraordinary circumstances, the under-aged individual may reside with the older resident for a period of time and under conditions established by said board of managers or other authority.

(c) Minimum age at time of residency. Except as set forth in the preceding subdivision (b), no individual shall begin to reside in or occupy a dwelling unit in the development until that person has attained the age of 55 years. This age restriction shall not apply to an individual who is employed by the development full-time as a site manager, superintendent or other employee and who is occupying an on-site apartment or dwelling unit for that purpose, nor shall the restriction apply to members of said individual's immediate family.

(d) Legal instruments. The Planning Board shall require that the applicant for or sponsor of a senior citizens housing development execute such covenants, restrictions, easements, agreements, contracts, or other legal instruments running in favor of the Town as, upon recommendation of the Town Attorney, the Board may determine to be necessary to ensure that:

[1] Residency in the development is in fact limited to individuals who are at least 55 years of age, subject to the limited exceptions noted herein;

[2] The dwelling units created by the development, and the site itself, are properly constructed, maintained, and used, and unapproved uses - especially of the community and recreational facilities and the open space - are excluded;

[3] The health, safety and welfare of residents of the approved development and of adjacent property owners and other Town residents are adequately protected; and

[4] Any other condition the Planning Board deems reasonable and necessary to ensure the immediate and long-term safety or success of the development is met.

(e) Approvals prior to building permit. Site plan approval shall be obtained pursuant to Article VI of this chapter and architectural review and approval shall be obtained pursuant to Article VII of this chapter prior to issuance of any building permit for the development.

Section 255-6-63. Accessory buildings and structures in business, commercial-industrial, and certain other districts.

Pursuant to Tables III and IV of Section 255-11-10 hereof, the Planning Board shall have power during site plan review to reduce the yard setbacks which would otherwise apply to accessory buildings and structures in business and commercial-industrial use districts, as well as in the Multifamily (MF) use district and the Senior Citizens Housing (SCO) overlay district. In making a determination to approve such reduced yard setbacks, the Planning Board shall find that doing so serves the interests of good planning. The Board shall consider in this regard:

A. [NO CHANGE.]

B. [NO CHANGE.]

C. [NO CHANGE.]

D. [NO CHANGE.]

Section 255-11-10. Table of Dimensional Regulations. [Table III, Part 2]

Add footnote applicable to MF and SCO stating:

Accessory buildings and structures shall have minimum yards corresponding to those required for principal buildings and structures, unless the yard requirements for these accessory structures are reduced by the Planning Board during site plan review pursuant to Section 255-6-63 hereof. No minimum yards are required for driveways, walkways, below-ground wastewater disposal devices, fences, retaining walls, stoops, Bilco doors, open cellar stairways and furnace flues, but the absence of minimum yard requirements for these structures shall not preclude the Planning Board from controlling their location during site plan review.

Section 255-11-45. Schedule of off-street parking requirements.

Use Number of Spaces Required

Residential

(4a) Senior citizens housing development 1.4 per apartment or dwelling unit, plus 1 per 500 square feet of gross floor area of community buildings

Section 255-11-10. Use Table for Residential and Related Uses.

Add column to table labeled SCO, under Residential Districts, and amend Residential Use Table as follows:

Use	Residential Districts		
A. Residential uses.	MF	SCO	all other districts
(8) Senior citizens housing development	SP	SP	X

Section 255-11-10. III. Residence Districts - Table of Dimensional Regulations.

Add column to table labeled SCO, following MF - Multifamily Residence Districts.

SCO Senior Citizens Housing Overlay

Lot area

Minimum (square feet) 435,600

Minimum per dwelling unit (square feet) 10,890

Lot coverage

Building coverage maximum (percent) 20

Total lot coverage maximum (percent) 50

Lot width

Minimum at the building line (feet) n/a

Height, maximum

Stories 2

Maximum height (feet) 25

Gabled roof, maximum height (feet) 32

Setbacks

Principal building or structure, minimum yards (feet)

Front 20

Each side and rear 15

Accessory building or structures, minimum yards (feet)

Front 30

Each side and rear10

Habitable floor area

Minimum (square feet) 400

Gross floor area (single-family residence)

Maximum (square feet) 2,000

SECTION III. - SEVERABILITY:

Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION IV. - EFFECTIVE DATE:

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

AND BE IT RESOLVED, that the Town Clerk is directed to publish a Notice of Public Hearing in the November 14, 2013 edition of the East Hampton Star;

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board will hold a public hearing on Thursday, December 19, 2013 at 7:00 p.m. or as soon thereafter as this matter may be heard, to consider a local law amending Chapter 255 ("Zoning") of the East Hampton Town Code at Article XII thereof

(the "Use District (Zoning) Map") in order to establish a zoning overlay district to be known as Senior Citizens Housing Overlay District (SCO), an abstract of which is as follows:

Establish a zoning overlay district to be known as Senior Citizens Housing Overlay District (SCO) to provide opportunities within the Town of East Hampton for the development of senior citizens housing, on a well-planned basis and on lands located in reasonable proximity to community facilities and with access to major roads and public transportation

The full text of the proposed local law is available in the Town Clerk's office for inspection. Any person who wishes to be heard with regard to the proposed local law may appear in person or by agent at the time of the hearing or by correspondence addressed to the East Hampton Town Board, c/o Town Clerk, 159 Pantigo Road, East Hampton, New York 11937, said correspondence to be received before the date and time of the hearing.

DATED: November 7, 2013

BY ORDER OF THE TOWN BOARD

TOWN OF EAST HAMPTON, NEW YORK

FRED L. OVERTON, TOWN CLERK

RESULT: **ADOPTED [3 TO 2]**

MOVER: William J. Wilkinson, Supervisor

SECONDER: Theresa K. Quigley, Councilwoman

AYES: Theresa K. Quigley, Dominick J. Stanzione, William J. Wilkinson

NAYS: Peter Van Scoyoc, Sylvia Overby