

# SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning  
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099  
T: (631) 853-5192 F: (631) 853-4044

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

## **Notice of Meeting**

June 4, 2014 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 May 2014
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
  - Dave Kapell, Consultant for Rauch Foundation "Third Track"
  - Tullio Bertoli, Commissioner of Planning, Town of Brookhaven
  - Frank DeRubeis, Director of Planning, Town of Smithtown
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - Hauppauge Industrial Park (Smithtown)  
SCTM No: Multiple 0800
  - The Ronkonkoma HUB (Brookhaven)  
SCTM No: Multiple 0200
  - Caithness Long Island II, LLC (Brookhaven)  
SCTM No: 0200 70400 0200 041001
7. Other Business:
  - Discussion of the Suffolk County Comprehensive Plan

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on July 2, 2014 at 2:00 p.m. at the Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY.



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:** Town Board Own Motion for the Change of Zone of the LI-Zoned Parcels in the Hauppauge Industrial Park From LI to LIO  
**Municipality:** Town of Smithtown  
**Location:** Hauppauge Industrial Park

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**Received:** April 24, 2014  
**File Number:** SM-14-02

**Jurisdiction:** Long Island Expressway (I-495), Vanderbilt Motor Parkway (CR-67), Northern State Parkway, Municipal Boundary (Town of Islip)

**PROPOSAL DETAILS**

**OVERVIEW** – The Subject referral is a Town of Smithtown, Town Board Own Motion for the Change of Zone of the Light Industrial (LI) Zoned parcels in the Hauppauge Industrial Park to Light Industrial Overlay District (LIO). The Hauppauge Industrial Park is an approximately 1,400 acre complex in Suffolk County which contains high value warehouse, manufacturing and office uses. This industrial park, which includes approximately 13 million square feet of industrial zoned space, is a major job center in Suffolk County.

The Hauppauge Industrial Park is located north of Motor Parkway (CR-106)/the Long Island Expressway (I-495), south/east of the Northern State Parkway and west of the Town of Islip Boundary in the southeast portion of the Town of Smithtown. While part of the Hauppauge Industrial Park also continues into the Town of Islip this referral only applies to parcels located in the Town of Smithtown. The Hauppauge Industrial Park also is in close proximity to Long Island’s MacArthur Airport and the Long Island Rail Road’s Ronkonkoma train station.

With the exception of a single outparcel all of the parcel’s in the Town of Smithtown’s Hauppauge Industrial Park are zoned LI. This referral proposes to change the parcel’s in the Smithtown’s Hauppauge Industrial Park from LI to LIO. This zone change would allow parking garages not to exceed two stories, outdoor storage provided certain criteria are met, modification of the floor area

ratio calculations and under certain conditions increases in maximum building height. The maximum height would be allowed to increase from 35 feet (which is the allowed in the LI district) to 50 feet (parcels along Vanderbilt Motor Parkway would be permitted a maximum height of 62 feet). This height increase would not be permitted within 1,000 feet of the North State Parkway, or within 1,000 feet of an residence district. With the exception of the new allowances of the LIO district described above all other aspects of the existing LI zoning district would remain in place.

As described above the subject referral is only for the zone change from Light Industrial to Light Industrial Overlay District. As stated in the Hauppauge Industrial Park Overlay District code “No modification of any use, structure, or site pursuant to this Article V shall be permitted except in conformity with an approved site plan or site plan exemption application as described in Section 322-85 of this ordinance and on a site that is otherwise in compliance with this ordinance.”

## **STAFF ANALYSIS**

As stated above Smithtown’s Hauppauge Industrial Park is a large and critically important job center in Suffolk County. The subject referral proposes to place an overlay district over the Town of Smithtown LI zoned parcels located in the Hauppauge Industrial Park. As described above this overlay district would enable certain additional allowances provided certain conditions are met and the applicant receives a site plan approval.

The Town of Smithtown is conducting a Comprehensive Plan update. Volume V – Draft Economic Resources Study of the Comprehensive Plan cites in detail the critical importance of the Hauppauge Industrial Park. In addition, while it is not specifically cited the Draft Study does appear to support the proposed change of zone. The Study references the low vacancy rate in the Hauppauge Industrial Park, and the wide road network in the industrial park that have “sufficient capacity for traffic”. The Study also references the expected growth in office space use, high tech manufacturing and service industries. In addition the Study states that “changes in industrial activities are to be expected over time, as technologies emerge and develop and the economic conditions nationally and locally change. It is important for the Hauppauge Industrial Park to be prepared to respond to changes, when practical, before they occur, in order to keep the infrastructure up-to-date and the management responsive to the demands of new business needs as well as to continue to serve the established tenant base.” It is important to note that the Comprehensive Plan is in draft form and not adopted by the Town of Smithtown.

This proposed change of zone also addresses many of the Suffolk County Planning Commissions Policies and Guidelines regarding Countywide priorities. The proposal would address the Planning Commission’s Economic Development goal of encouraging economic developments that creates a range of employment opportunities for a variety of ages, education levels and skill levels. As noted above the Hauppauge Industrial Park is a major economic center and the proposed changes will help foster economic development and increase the value and viability of this very successful industrial park. The proposal would also address the Commission’s Land Use goal of encouraging density in areas with adequate infrastructure. As noted above the Hauppauge Industrial park is located near major roadway networks and is also in close proximity to important transportation hubs including MacArthur Airport and the Ronkonkoma Train Station. In addition, this proposal promotes the Planning Commission’s Goal of promoting development where it is appropriate and discourages development where it is inappropriate. This proposed change of zone would allow redevelopment on existing developed parcels which are already connected to road networks.

It is the belief of the Staff that this proposal will foster economic development that will allow the Hauppauge Industrial Park to respond to economic changes, permit the expansion of successful existing businesses and insure that the industrial park remains a successful regional economic

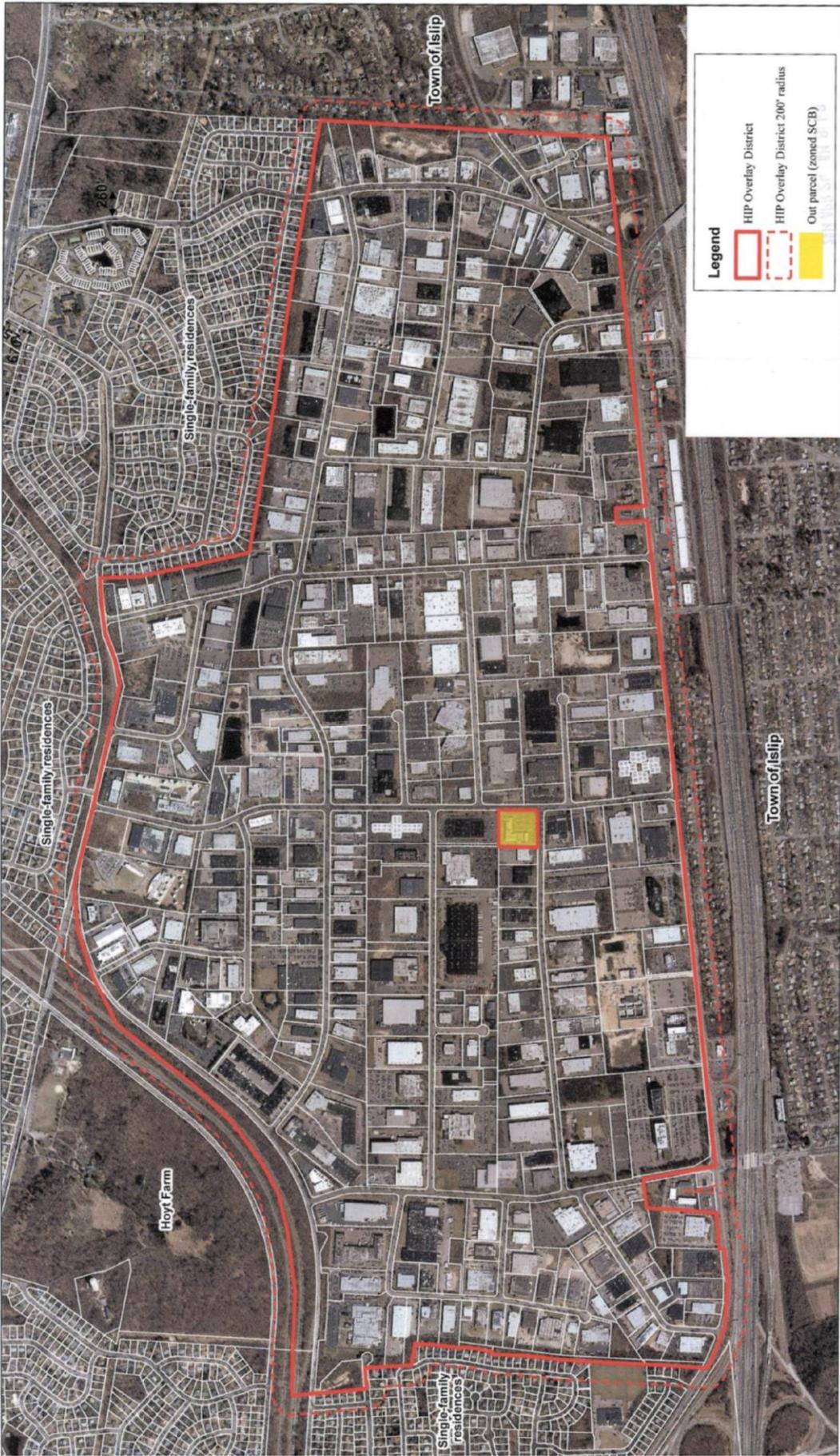
center. The proposed Light Industrial Overlay district also contains a number of important criteria and review processes that will insure that the expansion is done responsibly. In addition, it is the belief of the staff that this proposal is supported by the Town of Smithtown's draft, unadopted Comprehensive Plan Update and the Suffolk County Planning Commission's adopted guidelines.

## STAFF RECOMMENDATION

**Approval** of the Town of Smithtown's Town Board Own Motion for the Change of Zone of the LI-Zoned Parcels in the Hauppauge Industrial Park From LI to LIO with the following comments:

*Comments:*

1. Pursuant to General Municipal Law, Site Plan applications in the Hauppauge Industrial Park LIO District should be submitted to the Suffolk County Planning Commission for review.
2. Applicants for Site Plan approval in the LIO District should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the Department of Public Works as early as possible.
3. Applicants for Site Plan approval in the LIO District 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.
4. Applicants for Site Plan approval in the LIO District should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein.
5. Applicants for Site Plan approval in the LIO District should review the Planning Commission guidelines related to public safety and incorporate into the proposal, where practical, design elements contained therein.
6. Applicants for Site Plan approval in the LIO District should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.

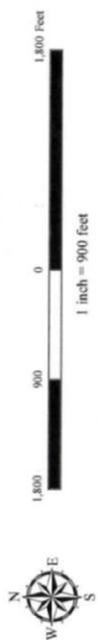


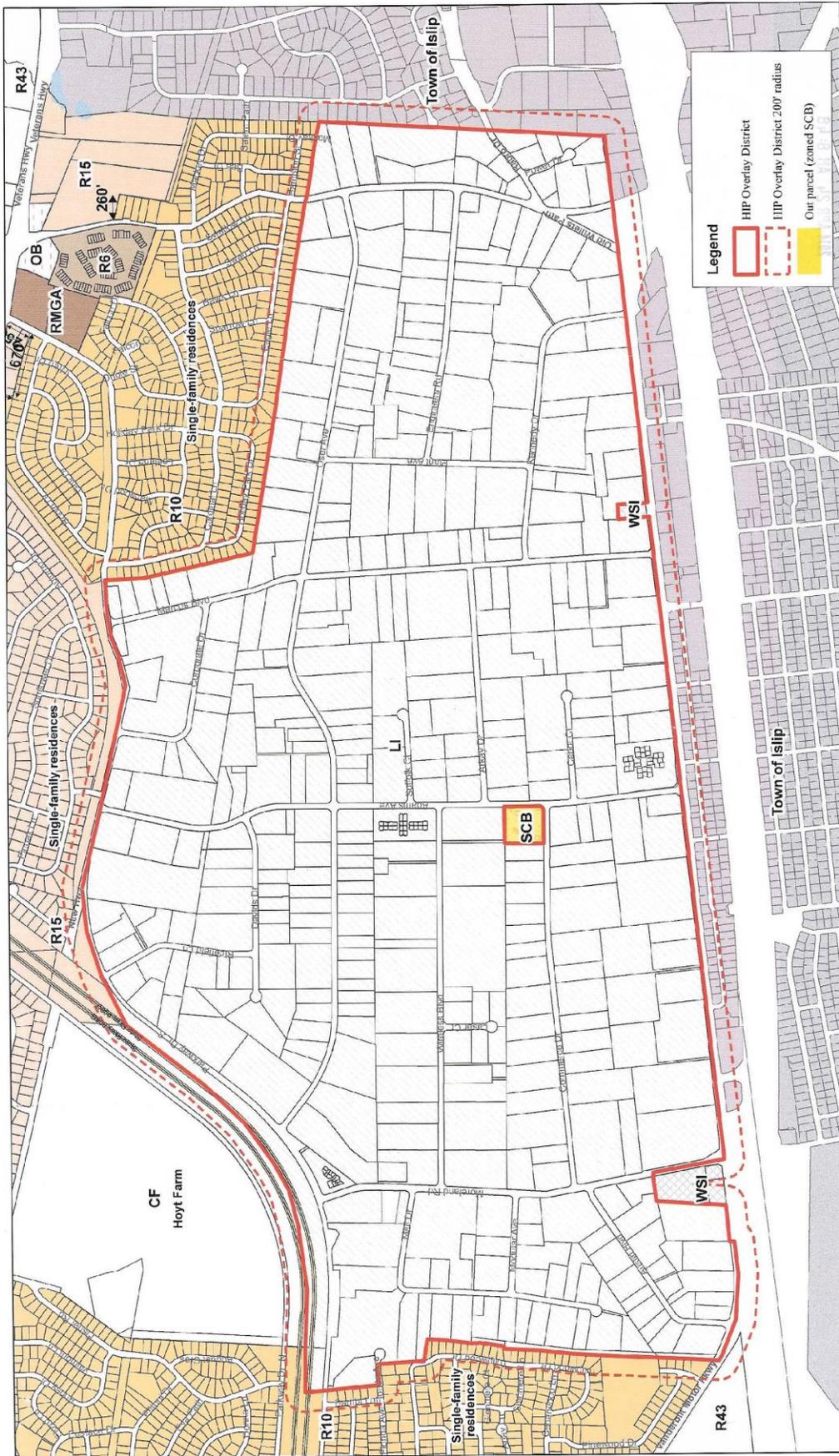
**Legend**

- HIP Overlay District
- HIP Overlay District 200' radius
- Out parcel (zoned SCB)



**Hauppauge Industrial Park Overlay District**  
**2013 Aerial photograph**  
 LI zoned parcels in SCTM sections 179-182 & 185  
 Prepared by Alyson Murray  
 Town of Suffolk Planning Department  
 April 2014

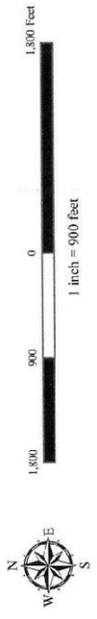




**Legend**

- HIP Overlay District
- HIP Overlay District 200' radius
- Our parcel (zoned SCB)

**200' Radius Map**  
**Hauppauge Industrial Park Overlay District**  
 LI zoned parcels in SCTM sections 179-182 & 185  
 Prepared by Allison Murray  
 Town of Stratford Planning Department  
 April 2014



§ 322-34. Specific overlay districts.

A. The Hauppauge Industrial Park overlay district.

The Hauppauge Industrial Park, also known as the John V. N. Klein Industrial Park, is a unique land use feature of Town containing a large concentration of high value warehousing, manufacturing, and office uses in an attractive planned industrial park setting. The regulations set forth in this section are intended to provide flexibility to allow the Hauppauge Industrial Park to continue to be attractive for high quality business development, and to be competitive with other industrial areas in the region and nation. The Hauppauge Industrial Park overlay district shall comprise all of the Light Industrial zoned properties located in the Hauppauge Industrial Park.

(1) Overlay district accommodations and standards:

(a) Parking garages not exceeding two stories, both above-ground and under-ground, shall be permitted as a customary accessory use to offices, non-nuisance industries, hotels, and banks. The yard setbacks for parking garages shall be the same as for principal buildings. Parking garages shall not be considered floor area for the purposes of this ordinance.

(b) Outdoor storage shall be permitted as a customary accessory use provided that it meets the following criteria:

(1) All storage shall be screened from view. The storage area shall be surrounded by a solid fence, not exceeding six (6) feet in height, or by dense evergreen hedges at least eight (8) feet in height. If all or part of the entire site is surrounded by a solid fence, not exceeding six (6) feet in height, or by dense evergreen hedges at least eight (8) feet in height, and the storage area is screened from view thereby, no additional screening shall be required.

(2) No storage area shall be located in a required front yard or within ten (10) feet of any property line.

(3) No storage area shall exceed ten per cent (10%) of the gross floor area, provided, however, that a storage area may be up to twenty per cent (20%) of the gross floor area, if it is entirely within containers.

(4) No material may be stored pursuant to this section in a manner contrary to that required by any other section of the Town Code.

(c) Lobbies, atria, and similar amenity spaces over 1.5% of the building size as determined by the Board of Site Plan Review shall not be used in calculating the floor area for determining compliance with the floor area ratio and parking requirements.

(d) No structure shall exceed fifty (50) feet in height, except along Vanderbilt Motor Parkway (C.R. 67), where no structure shall exceed sixty two (62) feet in height; provided, however, that no increase in height above that

permitted in the underlying district shall be permitted within one thousand (1,000) feet of the Northern State Parkway, or any residence district.

(e) No modification of any use, structure, or site, pursuant to this Article V shall be permitted except in conformity with an approved site plan or site plan exemption application as described in §322-85 of this ordinance and on a site that is otherwise in compliance with this ordinance.



Steven Bellone  
SUFFOLK COUNTY EXECUTIVE  
Department of  
Economic Development and Planning

Joanne Minieri  
Deputy County Executive and Commissioner

Division of Planning  
and Environment

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

**Applicant:** Ronkonkoma Hub  
**Municipality:** Town of Brookhaven  
**Location:** 181 acres n/s/o LIRR e/o Ronkonkoma Ave

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**Received:** 5/09/2014  
**File Number:** BR-14-06

**Jurisdiction:** Amendment to Comprehensive Plan/Zoning Law

**PROPOSAL DETAILS**

**OVERVIEW** – The subject referral is a proposed amendment to the Town Brookhaven 1996 Comprehensive Plan by inclusion of approximately 181 acres of land in the Ronkonkoma HUB Transit-Oriented Development (TOD) Land Use and Implementation Plan, Urban Renewal Plan, Transit-Oriented Development District and a Change of Zone to The Transit Oriented Development District for approximately 54 acres of land in the hamlet of Ronkonkoma.

According to referral material from the Town of Brookhaven, the Ronkonkoma Hub Transit-Oriented Development (TOD) Land Use and Implementation Plan has been prepared as a result of the extensive planning process conducted by the Town of Brookhaven for the redevelopment and revitalization of the land acreage surrounding the Ronkonkoma Station on the Long Island Railroad (LIRR) Ronkonkoma Branch. Through the use of implementation tools (including the development of a form based code), the Towns vision is to encourage pedestrian-friendly, transit-oriented development with higher densities and a mix of uses, including new housing opportunities, retail, office and other uses that support the existing transportation infrastructure in the area, specifically the LIRR train station.

The Land Use and Implementation Plan provides an overview of the Ronkonkoma HUB area, the background and history of the Town’s planning process, the proposed form-based code (FBC) and a redevelopment concept that illustrates the overall type and level of development that could take place with the application of the proposed FBC.

A “Regulating Plan” presented in the Ronkonkoma HUB Planning Study when read in concert with the TOD District, establish a comprehensive land use plan for development or redevelopment within the TOD area. In the review of all new development subject to these provisions, the Town will rely on the development concepts expressed in the Regulating Plan for the administration and enforcement of the TOD District.

The Regulating Plan includes four (4) subdistricts, each of which has its own prevailing character, as follows:

Neighborhood Subdistrict (A) – The Neighborhood Subdistrict is a predominantly residential area with medium to high density building types. It allows for a limited amount of ground floor commercial use and live/work units. It provides a transition between single family homes and more compact mixed use areas.

Downtown Living Subdistrict (B) – The Downtown Living subdistrict is predominantly a mixed use residential area with medium to high density building types. It allows for up to 50 percent commercial use.

Marketplace Subdistrict (C) - The Marketplace Subdistrict allows for predominantly retail-focused mixed use, maintaining a high level of flexibility to attract diverse local and national retailers.

Main Street Subdistrict (D) – The Main Street Subdistrict is intended as predominantly a pedestrian-oriented, mixed use town center. Regional shopping, entertainment, and outdoor dining uses are encouraged.

The attached figure is the Regulating Plan from the Town of Brookhaven Land Use and Implementation Plan.

## **STAFF ANALYSIS**

The Ronkonkoma HUB Urban Renewal Plan recommends development at a mix and density as follows:

- 1,350 to 1,450 multi-family residential dwellings units
- 185,000 to 195,000 square feet of retail space
- 350,000 to 360,000 square feet of “flex” space, to be utilized for conference, exhibition, hospitality, and/or residential uses.

At the regularly scheduled Suffolk County Planning Commission meeting of October 8, 2010 the Commission reviewed a referral from the Town of Brookhaven for the “Land Use and Implementation Plan for the Ronkonkoma Hub Transit Oriented Development (TOD) and TOD Code.” Said referral received an approval with conditions from the Planning Commission (see attached).

Condition no. 1 required the Town of Brookhaven to establish with the Town Islip a unified approach for density shifting (TDR) into the Hub and tie the preservation of open space and the protection of the regions natural resources with the increased intensification of the TOD. An analysis of the Town of Brookhaven’s code has revealed that density shifting into the HUB is no longer necessary. Since 2010 Brookhaven has adopted revisions to Town wide ordinances including the Planned Retirement Community (PRC) and the Multi-family (MF) codes that require the redemption of Pine Barrens Credits (a form of transferable development right; TDR) for increases in density above base as-of-right yields. In addition, by the recent adoption of the “Land Use Intensification Code”, Brookhaven

has created a Town wide program that requires the payment of monies (“land mitigation fee”) to the Town of Brookhaven that is directed by the Town toward the purchase and acquisition of open space land. These recent programs in combination with each other will offset (or redirect) growth from sensitive natural resource protecting vacant land to TODs and other appropriate infrastructure supported areas of the Town.

On December 13, 2013 the offices of the Suffolk County Planning Commission received a referral from the Town of Brookhaven for Introductory Local Law #1 of 2014 to amend chapter 85 of the Code of the Town of Brookhaven by enacting Article XLVII entitled “Ronkonkoma Hub Transit-Oriented Development District, to create a compact, mixed use redevelopment of underutilized land that supports the high passenger volume in and out of the Ronkonkoma Hub, and enhances recent improvements made to the Ronkonkoma train station. The referral received a “Local Determination from Department staff.

The current referral to the Suffolk County Planning Commission also includes a request to approve the Urban Renewal Plan. After a Town of Brookhaven authorized Ronkonkoma Hub Area Blight Study, and after review of the Blight Study, the Town designated the Ronkonkoma Hub as appropriate for urban renewal pursuant to Article 15 of the New York State General Municipal Law, and authorized the preparation of an urban renewal plan. The Urban renewal plan recommended the density that is identified above. The Urban Renewal Plan was subject to environmental quality review pursuant to the State Environmental Quality Review Act (SEQRA) and was the subject of a Draft Generic Environmental Impact Statement (DGEIS) Process resulting in a Final DGEIS (FDGEIS). The SEQRA process concluded that there would be no significant adverse environmental impacts of the proposed Urban Renewal Plan in terms of infrastructure (potable water, waste water treatment and parking) and indicated that “implementation of the proposed action would improve and enhance community character and aesthetics as opposed to conforming to the existing character of a partially-vacant, underutilized area surrounding the Ronkonkoma Station...” Suffolk County Planning Commission staff recommends approval of the Urban Renewal Plan.

The Current referral is also for the authorization to change the zoning designation of approximately 54 acres of land to Transit-Oriented Development District. The TOD District for the Ronkonkoma Hub is subject to the provisions of Town of Brookhaven Zoning Law for the Ronkonkoma Hub Transit Oriented District (Local Law #1 of 2014) and the Regulating Plan for the Ronkonkoma Hub. In addition, improvement and development of any property would require site plan approval by the Town of Brookhaven Planning Board and would necessitate a referral to the Suffolk County Planning Commission pursuant to NYS GML Section 239 and the Suffolk County Administrative Code, Article XIV.

### STAFF RECOMMENDATION

- Reiteration of **Conditional Approval** (Previously referred) from December 13, 2013 for the **“Land Use and Implementation Plan for the Ronkonkoma Hub Transit Oriented Development (TOD) and TOD Code.”**
- Reiteration of the **Local Determination** for Introductory **Local Law #1 of 2014 to amend chapter 85 of the Code of the Town of Brookhaven by enacting Article XLVII entitled “Ronkonkoma Hub Transit-Oriented Development District.”**
- **Approval** of the **Urban Renewal Plan** for the Ronkonkoma Hub.
- **Approval** of the **change of zone** referral for approximately 53.73 acres of land to the

## **Transit-Oriented Development District.**

The following comments are provided for consideration by the Town of Brookhaven:

1. It is the belief of the Suffolk County Planning Commission that the proposed actions referred to the Planning Commission for the Ronkonkoma Hub are intended to make one of the busiest suburban train stations in the entire LIRR system a better place by incorporating TOD elements for this well-functioning major multi-modal transportation hub that serves a large region of Suffolk County.

The actions of the Town of Brookhaven are appropriate and advance the use of TOD as a planning tool in Suffolk County.

New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment. It is the belief of the Commission that the Ronkonkoma Hub Transit Oriented Development District strives for greater harmony between the above considerations.

2. Continued coordination with the Suffolk County Department of Public Works is in order with respect to regional waste water collection and treatment.
3. The proposed TOD Code is intended to be applicable to the Ronkonkoma Hub. Ideally variations of the TOD Code could be evaluated for other rail road stations in the Town. Each TOD could be created with the context of the community character surrounding the rail road station and at appropriate densities.
4. The Town should consider incorporating green methodologies for storm water management into the TOD code. The Suffolk County Planning Commission Guidebook and bulletin regarding managing storm water should be reviewed.
5. The Suffolk County Planning Commission Guidebook and publications regarding public safety and universal design should be reviewed and the Town should consider incorporating appropriate best practices where practical into the TOD district code.
6. The Town of Brookhaven should seek to maintain a dialogue with the Town of Islip toward developing a unified approach for redevelopment of the Ronkonkoma Hub area.

# Ronkonkoma Hub - Aerial



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Real Property Taxmap parcel line work used with permission of Suffolk County Real Property Tax Service Agency (R.P.T.S.A.). This rendering is a DRAFT MAP in that 1) the data displayed is an interagency or intra agency work\* produced for the purpose of identifying and correcting data. It is not a final agency determination. It is not statistical or factual compilation of data. In some cases correct data has been left out and questionable or inaccurate data has been exaggerated to help identify errors. In short, this is a DRAFT MAP produced in an effort to aid in the correction of data and is not held out as being complete or accurate in any way.

\*excerpted from (F.O.I.L.) the provisions of the Freedom of Information Law [Public Officers Law Article 6 Section 84-90] by section 87.2.g

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Resolution No. ZSR-10-38 of the Suffolk County Planning Commission  
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a proposed zoning action was received at the offices of the Suffolk County Planning Commission on October 8, 2010, with respect to the application of “**Land Use and Implementation Plan for the Ronkonkoma Hub Transit Oriented Development (TOD) & (TOD) Code**”, LIRR to the South, Union Avenue to the North, Ronkonkoma Ave. (CR 29) to the West and Village Plaza Drive to the East in the Town of Brookhaven
- WHEREAS, said application was considered by the Suffolk County Planning Commission at its meeting on November 3, 2010 now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves and adopts the report of its staff, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section 239-m 6. of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission resolved to Approve the referral subject to the following conditions and comments:

*Conditions:*

1. The Town of Brookhaven shall seek to establish with the Town of Islip a unified approach for density shifting into the Hub and tie the preservation of open space and the protection of the regions natural resources with the increased intensification of the TOD.

Absent a program for density shifting it is unclear how the Ronkonkoma Hub Land Use and Implementation Plan stated goal of redirecting growth from outside the region to the Hub would be accomplished. The project area is located in Groundwater Management Zone I. In this zone the maximum allowable sewage flow is 600 gallons per acre per day without formal sewage treatment with nitrogen removal. The projected build out of the TOD is greater than the 32,400 gpd allowable flow for this area if on site sanitary systems are used (DEIS Appendix D Preliminary Feasibility Study for Sewage Treatment and Disposal pg.4). The proposed action contemplates the construction of a 275,000 gpd STP that if the Theoretical Maximum Build Out Plan (the plan including the Islip development portion) was implemented would offer 72,000 gpd in excess capacity. The excess capacity of the STP would be growth-inducing by extension beyond the TOD and would allow higher density to sprawl past the bounds of the Hub. The theoretical Full Build Plan (no Islip development) is estimated to generate a population of 1,058 residents all of which will place additional demands on public recreational requirements and open space needs in the area.

2. At the time the Brookhaven Town Board legislatively considers the change of zone for the approximate 54 acre Ronkonkoma Hub TOD a referral shall be made to the Suffolk County Planning Commission pursuant to the referral requirements of NYS GML 239 and the Suffolk County Administrative Code Section A14-14 A.

The October 4, 2010 referral to the Suffolk County Planning Commission by the Town of Brookhaven is a request to review the Ronkonkoma Hub Transit Oriented Development Land Use and Implementation Plan and the TOD Form Based Code. The zone change process on the 54 acre area will undergo a separate legislate process at the Brookhaven Town Board in the future.

3. The TOD ordinance shall be revised to have performance standards related to public safety.

There is no indication in the referral material sent to the Suffolk County Planning Commission that the Town has considered public safety as a goal for development of the Ronkonkoma Hub TOD. The TOD ordinance should be revised to have performance standards related to public safety. The Suffolk County Planning Commission Guidebook should be reviewed and supplement Town regulations where appropriate.

4. The TOD ordinance shall be revised to have performance standards related to energy efficiency.

There is no indication in the referral material sent to the Suffolk County Planning Commission that the Town has considered energy efficiency as a goal for development of the Ronkonkoma Hub TOD. The TOD ordinance should be revised to have a performance standard related to energy efficiency. The Suffolk County Planning Commission Guidebook should be reviewed and supplement Town regulations where appropriate.

*Comments:*

1. The Town should consider amending the study boundary to include relevant portions of the Town of Islip (with the support of the Town of Islip), particularly the railroad parking areas.

The recent referral to the Suffolk County Planning Commission included a Draft Environmental Impact Statement with additional information regarding the Land Use and Implementation Plan. The DEIS included a section entitled “Theoretical Maximum Build-Out Plan” as part of the Alternatives chapter of the DEIS. The section outlines conceivable additional potential development and potential impacts should the Town of Islip undergo a similar endeavor. Rail Road parking areas located in the Town of Islip are critical to adequately analyzing land use issues within the Hub. The DEIS analysis contemplates an additional 25,000 SF of retail, a 1,000 space parking garage and solar panel array canopies over surface parking lots on the Town of Islip side of the Ronkonkoma Station. A coordinated planning effort for the Brookhaven and Islip portions of the Ronkonkoma Hub could give consideration to the development of uniform design standards between the two towns, uniform open space, landscaping, signage, setback and infrastructure standards and improve the safety, aesthetics and the functioning of the regional transportation system (SCPC *guidebook pg. 28 Specific Transportation Policies*). The Suffolk County Planning Commission would be pleased to assist in coordinating such an effort.

2. Continued coordination with the Suffolk County Department of Public works is in order.

Data to support the underlying assumption that increased densities within the Hub would reduce dependence on single occupancy automobile use remains minimal in the referral documents to the Suffolk County Planning Commission. A fundamental assumption underlying the study is that the development of high density mixed-use transit oriented developments with jobs, housing and shopping will decrease dependence on driving, reduce trip generation, promote a more efficient use of land and therefore enhance environmental quality. Traffic analysis in the referred materials utilizes the Institute of Transportation Engineers “Trip Generation Manual” to calculate traffic volumes but only notes “various studies were reviewed” in order to substantiate a 25% reduction in calculated motor vehicle trip generation (DEIS Appendix G Traffic and Parking Analysis pg. 26). This “capture” reduction presumes that the proximity to public transit and the creation of a high density mixed commercial/residential node will reduce dependence on single occupant motor vehicles. The record should be more specific with regard to literature reviewed and the record should include objective analysis from identified similarly sized transit-oriented developments which demonstrate this principal. Moreover, a portion of the motor-vehicle trips generated from the Hub endeavor will discharge onto CR 29 (Ronkonkoma Avenue).

3. The town should continue discussions with the SCDPW regarding the creation of the proposed STP and should further coordinate with the Town of Islip on the development of the Ronkonkoma Hub.

A sewage treatment plant (STP) is proposed to accommodate the waste water flow of the TOD. A Preliminary Feasibility Study for Sewage Treatment and Disposal was conducted for this proposal and included in the DEIS and referral documents to the Commission. No existing STP in the area has uncommitted excess capacity to accommodate the proposed intensity of the TOD. For the development plan

exclusively in the Town of Brookhaven the STP will be sited in the southeast corner of the Hub area. The parcel is a 5.47 acre site that will accommodate the 275,000 gpd STP. An alternative site is proposed should the Town of Islip develop the south side of the Hub. This site would be just south of the rail road tracks on a 9.00 acre parcel. The alternative site could accommodate at least the 275,000 gpd STP. The alternative site is significantly larger than the primary site, offering greater opportunity for expansion of the STP in the future to accommodate an expansion of the district. The Suffolk County Department of Public Works is conducting a study with respect to districting and combining contributing areas for the purpose of sewage treatment in this area.

4. The proposed TOD Code is intended to be applicable to the Ronkonkoma Hub. Ideally variations of the TOD Code could be provided for other rail road stations in the Town. Each TOD could be created within the context of the community character surrounding the rail road station and at appropriate densities. The Town should tie the creation of TOD Codes to an overall examination of the distribution of higher density and affordable housing throughout the Town.
5. The Town should consider incorporating green methodologies for stormwater management into the TOD Code. The Suffolk County Planning Commission Guidebook and bulletin regarding managing stormwater should be reviewed.
6. The Town should consider revising the TOD Code to include a framework for flexible dimensional standards related to use and density to provide some guidance to regulating Boards.

The proposed ordinance provides little guidance on preferable land uses within the TOD and standards related to them. The ordinance should be fleshed out to provide floor area ratio guidance for particular preferred uses and design performance standards for dimensional frameworks.

Please Note:

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:  
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>  
A copy of the Suffolk County Planning Commission Guidebook is also included with this letter.

Motion by: Commissioner Taldone

Seconded by: Commissioner Bolton

Commission Vote: Present – 11

Ayes - 10

Nays - 0

Abstentions - 0

Recusal- Commissioner Kelly

**COMMISSION ACTIONS ON ADOPTION OF RESOLUTION**

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>BOLTON, CHARLA</b> At-Large	X			
<b>CALONE, DAVID</b> Town of Babylon	X			
<b>CHARTRAND, MATTHEW</b> Town of Islip	X			
<b>ESPOSITO, ADRIENNE</b> Villages over 5,000	X			
<b>FINN, JOHN</b> Town of Smithtown	X			
<b>HOLMES, LINDA</b> Town of Shelter Island	X			
<b>HORTON, JOSHUA</b> At-Large				X
<b>KELLY, MICHAEL</b> Town of Brookhaven	RECUSAL			
<b>KONTOKOSTA, CONSTANTINE</b> Vill. Under 5,000				X
<b>LANSDALE, SARAH</b> Town of Huntington	X			
<b>MC ADAM, TOM</b> Town of Southold	X			
<b>ROBERTS, BARBARA</b> Town of Southampton	X			
<b>TALDONE, VINCENT</b> Town of Riverhead	X			

Dated: November 3, 2010

Location: Town of Babylon, Town Hall Board Room

## INTRODUCTORY LOCAL LAW #1 OF 2014

### TO AMEND CHAPTER 85 OF THE CODE OF THE TOWN OF BOOKHAVEN ENTITLED "ZONING", BY ENACTING ARTICLE XLVII ENTITLED "RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT DISTRICT (RONKONKOMA HUB TOD DISTRICT)

**Section 1. Legislative Intent.** It is the intent of this Local Law to amend Chapter 85 of the Code of the Town of Brookhaven entitled "Zoning" by enacting Article XLVII entitled "Ronkonkoma Hub Transit-Oriented Development District (Ronkonkoma Hub TOD District)" in order to enhance the area to support high volumes of passengers in and out of Ronkonkoma Hub.

**Section 2. Text Amendment.** Chapter 85 entitled "Zoning" is hereby amended by enacting Article XLVII entitled "Ronkonkoma Hub Transit-Oriented Development District (Ronkonkoma Hub TOD District)" as follows:

#### **§85-562. Overview and Historical Background.**

The Ronkonkoma Hub Transit-Oriented Development (TOD) area consists of approximately 53.73 acres in the hamlet of Ronkonkoma, and is generally bounded by Union Avenue on the north, Village Plaza Drive on the east, the Long Island Rail Road (LIRR) tracks (Ronkonkoma Branch) on the south, and Garrity Avenue, Hawkins Avenue, and Ronkonkoma Avenue on the west.

In 2007, the Town embarked upon a multi-phased planning study, known as the "Ronkonkoma Hub Transit-Oriented Planning Study" (hereinafter the "Ronkonkoma Hub Planning Study"), aimed at revitalizing a multi-block area around the "Ronkonkoma Hub," which is one of the busiest stations in the LIRR system. The area immediately surrounding the train station consists of numerous vacant/unoccupied parcels and/or structures that have a deteriorated or run-down appearance, local businesses, and large surface parking lots, some of which are located along Railroad Avenue, east and west of the existing train station.

The goal of the Ronkonkoma Hub Planning Study was to develop a vision for compact, mixed-use redevelopment of underutilized land that supports and expands on the high passenger volume in, and recent improvements made to, the Ronkonkoma train station. The desired outcome of the planning study was a long-term development strategy that established clear and predictable guidance for the revitalization of the blighted, vacant, and/or underutilized parcels in the Ronkonkoma Hub.

Key goals of the Ronkonkoma Hub Planning Study included:

- Promoting quality and healthy communities;
- Redirecting growth to areas already served by existing infrastructure;
- Expanding transportation choices to enhance environmental quality;
- Reducing vehicle trips around the train station;
- Supporting compact, mixed-use, transit-accessible, pedestrian-oriented redevelopment;



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:** Caithness Long Island II, LLC  
**Municipality:** Brookhaven  
**Location:** n/s/o the terminous of Zorn Boulevard

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**Received:** 5/9/2014  
**File Number:** BR-14-07  
**T.P.I.N.:** 0200 70400 0200 041001  
**Jurisdiction:** Adjacent to Sills Road (CR 101)

**ZONING DATA**

- Zoning Classification: LI
- Minimum Lot Area: 871,200. 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: No
- 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: DEIS
- Minority or Economic Distressed: No

**SITE DESCRIPTION**

- Present Land Use: existing LIPA substation

- Existing Structures: none on site
- General Character of Site: level to rolling
- Range of Elevation within Site:
- Cover: cleared area & wooded
- Soil Types: Carver, Haven, Riverhead, and Plymouth associations
- Range of Slopes (Soils Map): 0-35%
- Waterbodies or Wetlands: none

**NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: special exception/site plan
- Layout: industrial
- Area of Tract: 81.48Acres
- Yield Map:
  - No. of Lots: 1
  - Lot Area Range: Sq. Ft.
- Open Space:

**ACCESS**

- Roads: public: Zorn Blvd. (town road)
- Driveways: private

**ENVIRONMENTAL INFORMATION**

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

**PROPOSAL DETAILS**

**OVERVIEW** – Applicants seek special permit approval from the Brookhaven Town Board for the construction and operation of a state of the art air cooled, natural gas fired (with ultra-low sulfur distillate fuel back-up) combined-cycle electric generating facility. The facility will utilize two F-Class heavy duty combustion turbines with one steam turbine. The proposed facility complies with all applicable dimensional and special permit criteria other than a few components for which some relief from the applicable height restriction is needed in order to support the development and operation of a state of the art electric generating facility.

The subject site is an 81.3 acre parcel located in the L-Industrial-1 (Light Industry) Zone of the Town of Brookhaven. The site is situated at the northern terminus of Zorn Blvd. in the hamlet of Yaphank.

In August 2010, the Long Island Power Authority (LIPA) issued a Request for Proposals (RFP) for new electric generating capacity on Long Island. In July 2013 LIPA awarded the RFP to Caithness. The Subject Premises is owned by CELI Land, LLC, an affiliate of Caithness Long Island II, LLC. Another adjacent parcel is also owned by Caithness Long Island, LLC, another affiliate. An existing electric generating facility is located on the adjacent Caithness Long Island, LLC parcel. That existing electric generating facility was previously authorized by a Town Board special permit (7/25/06) and Site Plan approval (9/25/06) subsequent to Suffolk County Planning Commission review and “Local Determination” at their regularly scheduled meeting on June 1, 2005.

The proposed development will be based on the following:

## 2x1 Combined Cycle plant

The 2x1 plant would consist of a duct fired combined cycle electric generating plant based on state of the art General Electric 207FA.05 technology, consisting of two gas turbines and one steam turbine, as well as other necessary ancillary and supporting facilities. This proposed facility would have a nominal average capacity of up to approximately 725 megawatts.

Storm water runoff from the contemplated development is proposed to be collected and recharged to groundwater via proposed drywells and retention ponds.

Waste water from the proposed facility intended to be treated by on site sanitary in conformance with Suffolk County Department of Health Standards.

Facility process wastewater that would require off-site disposal would be collected in holding tanks for subsequent off-site transport for treatment by a licensed waste hauler. Wastes typical of power generation activities include oils collected in oil/water separators, spent lubricating oils, oil filters from the combustion turbines and air filters. All storage, handling and disposal of materials will be in accordance with the applicable sections of the Suffolk County Codes, namely sections 7 and 12.

Access for the proposed retirement community is to be from an unrestricted, non-signalized ingress/egress to Zorn Boulevard; a Town Road. No emergency access is proposed.

The subject site is presently wooded (characterized as Pine-Oak forest) and disturbed land. Overgrown cleared areas surrounding the recharge swales exist as does an existing electrical transformer station.

The subject property is zoned L-1 Industrial District. The site is bounded on three sides by other properties in the L-1 Industrial District. The Long Island Rail Road right of way bounds the property to the north, beyond the RXR is property associated with the Brookhaven Rail Terminal. To the east is a LIPA electric transmission right of way and land in the Starlight Industrial Park. Land now or formerly belonging to Suffolk County buffers Suffolk County Facilities including the Yaphank Correctional Facility, and the Foley nursing facility is located to the east as well. Industrial development is found adjacent to the west on Old Dock Road (Sills Industrial Park) and regional commercial shopping further beyond to the west. To the south is industrial park development known as Zorn Industrial Park. The proposed electric generating facility will be located approximately 0.3 miles from the nearest residences (to the northwest) across the Long Island Railroad ROW and Sills Road (CR 101).

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located in a Suffolk Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone III. The subject property is not in a State Critical Environmental Area. No State or local regulated mapped freshwater wetlands occur on site. Pursuant to Town of Brookhaven clearing restrictions the applicable minimum required percentage of the parcel that must remain natural and undisturbed is 30%. The project is proposed to comply with this requirement.

## STAFF ANALYSIS

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

convenience and maintaining of a satisfactory community environment.

It is the belief of the staff that the proposed electric generating facility would neither prevent the orderly and reasonable use of adjacent properties or properties in the surrounding area, nor impair their value, since the facility is consistent with existing development in the area and the parcel supports adequate buffering in order to site the facility. Moreover, the facility is proposed to be in close proximity to supporting infrastructure such as major transportation corridors (e.g. Long Island Expressway) and utility interconnection points (e.g. water, electric and natural gas). The proposed facility will comply with applicable operations and performance standards such as the Town's noise ordinance, and applicable local, state and federal air and water quality standards.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** It is the belief of the staff that the proposed action conforms to the recommendations of the Town of Brookhaven Comprehensive Plan (1996). The L-1 Industrial District expressly permits electric generating facilities by special permit. The subject property is suited for the proposed facility as it provides for adequate buffering and distance from potential sensitive receptors. The subject site is 81.3 acres and greatly exceeds the Town's 20-acre lot minimum requirement for electric generating facilities in the L-1 District.

**SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

The Suffolk County Planning Commission 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:

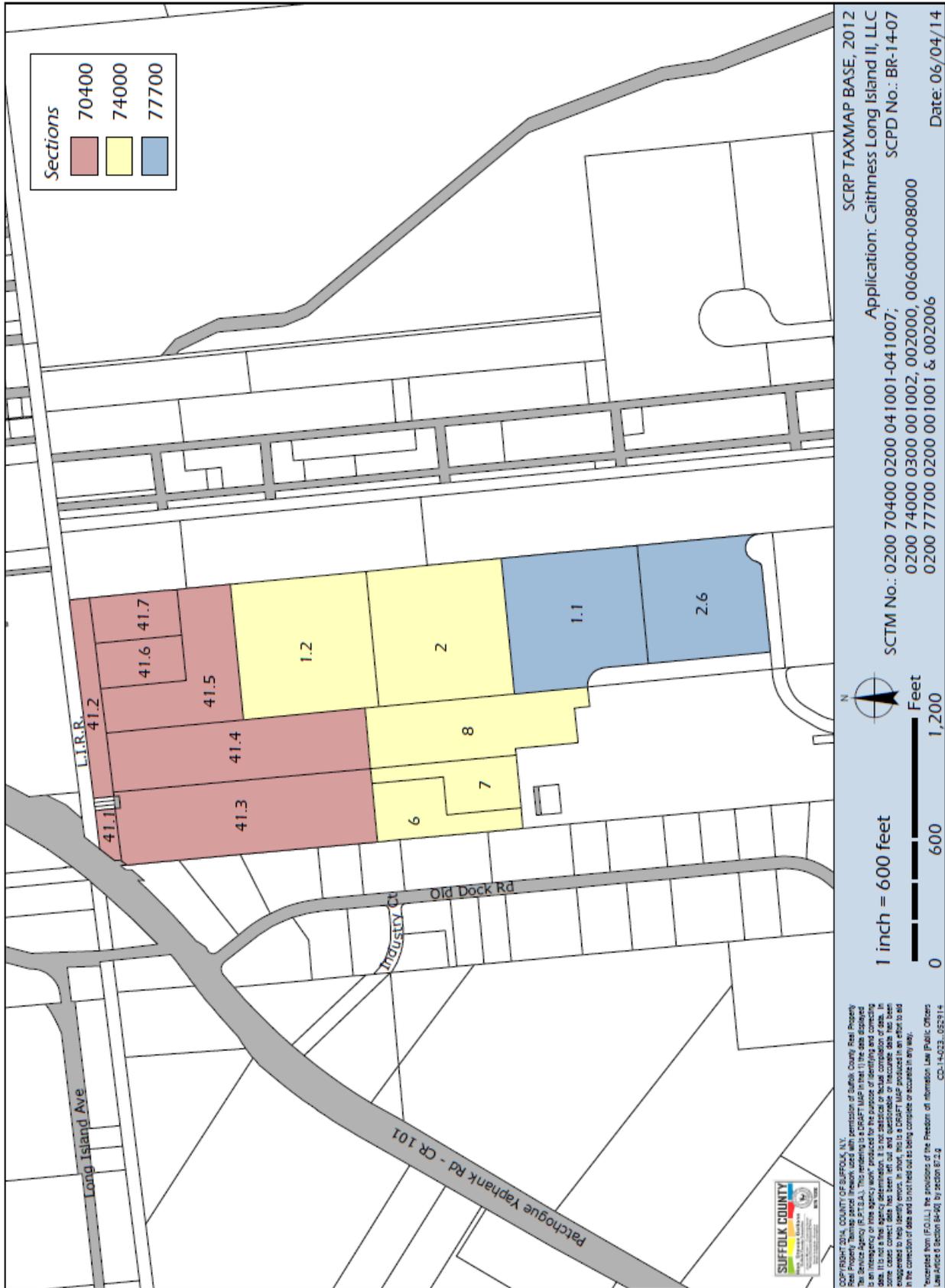
Submission materials to the Commission do not indicate that NYS DEC SWPPP requirements will be met. It is indicated that Storm water runoff from the contemplated electric power generating facility is proposed to be collected and recharged to groundwater via proposed drywells and retention ponds. The 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.

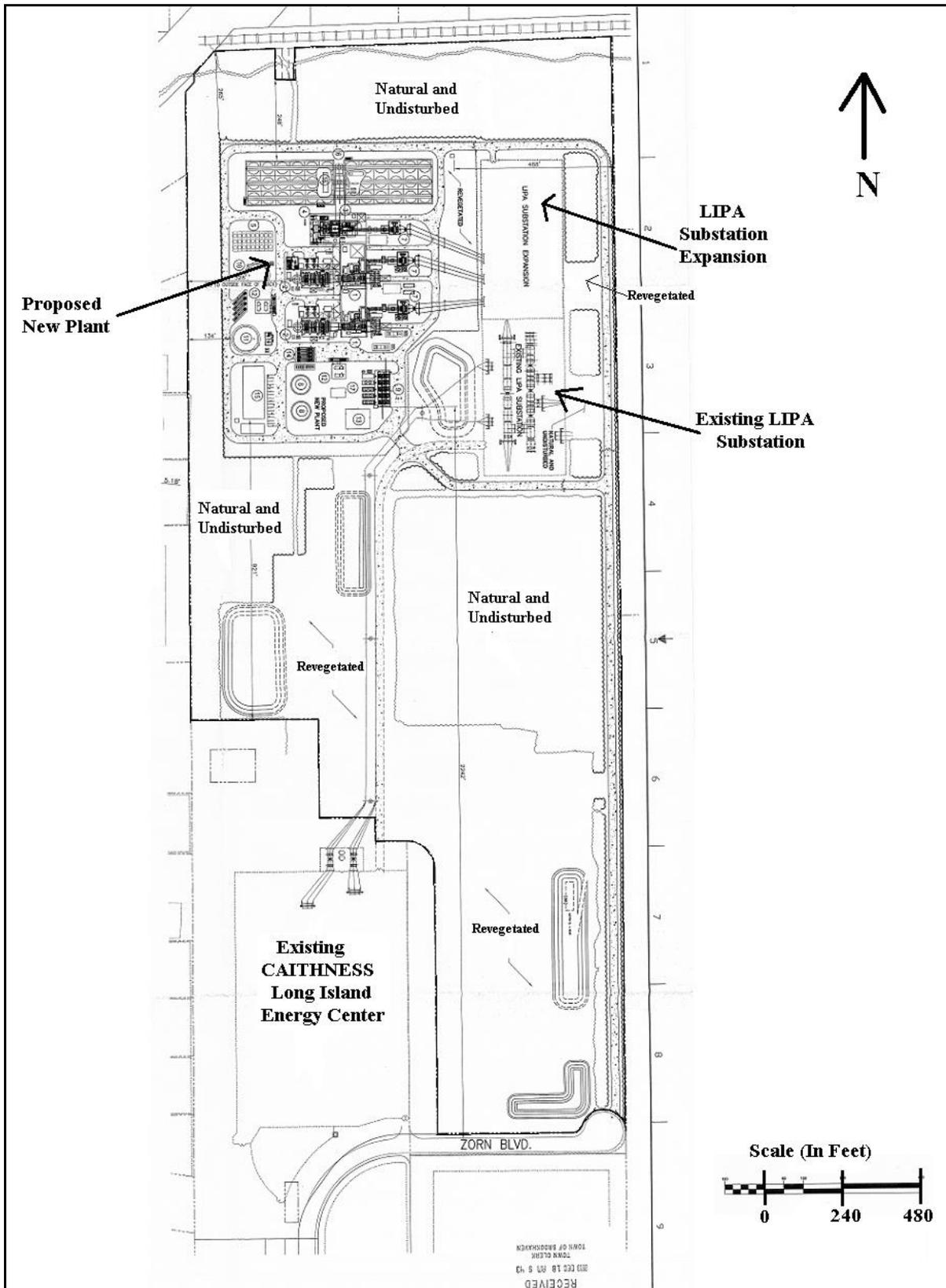
Early review by the Suffolk County Department of Health Services for sanitary waste water treatment is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.

## STAFF RECOMMENDATION

**Approval** of the Special Exception Petition for the Caithness Long Island II, LLC with the following 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 petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.





Z-3: Caithness Long Island II, LLC  
 SCPD: BR-14-07  
 SCTM No: 0200-704.00-02.00-041.001 et al.