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

July 2, 2014 at 2:00 p.m.

Rose Caracappa Auditorium
W.H. Rogers Legislature Building
725 Veterans Memorial Highway, Smithtown, NY

Tentative Agenda Includes:

1. Meeting Summary for May 2014 and June 2014

2. Public Portion

3. Chairman's Report

4. Director's Report

5. Guest Speaker

6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code

   - BK Elwood LLC (The Seasons) (Huntington)
     SCTM No: 0400 17000 0200 015001

   - S Power – Richwood Greenworks, LLC (Riverhead)
     SCTM No: 0600 13700 0100 032001

   - Home Properties LP (Smithtown)
     SCTM No: 0800 10900 0100 01300 et al

7. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on August 6, 2014 at 2:00 p.m.at the Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY.

COUNTY OF SUFFOLK

Z-1

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

Applicant: BK Elwood LLC (The Seasons)
Municipality: Huntington
Location: w/s/o Elwood Road ~ 1200' n/o Cuba Hill Road

Received: 5/15/2014
File Number: HU-14-01
T.P.I.N.: 0400 17000 0200 015001
Jurisdiction: Adjacent to CR-10 (Elwood Road)

ZONING DATA

- Zoning Classification: R-40
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: Yes
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: dairy manufacturer and wholesaler
- Existing Structures: corporate headquarters/dairy products processing facility.
- General Character of Site: level
- Range of Elevation within Site: 190-230 amsl

- Cover: overgrown open former grazing fields
- Soil Types: Carver, Haven, Montauk, Rayham, Fill land
- Range of Slopes (Soils Map): 0-85
- Waterbodies or Wetlands: waste water leaching ponds

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of zone
- Layout: standard
- Area of Tract: 37.05Acres
- Yield Map:
  - No. of Lots: 360
- Open Space: N/A

ACCESS

- Roads: Elwood Road (CR-10)
- Driveways: internal-private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins yes
- Groundwater Management Zone: I
- Water Supply: public- Greenlawn Water District
- Sanitary Sewers: Proposed on site STP

PROPOSAL DETAILS

OVERVIEW – Petitioners seek change of zone approval from the Huntington Town Board for the construction of 360 age restricted (senior) condominium units. The subject parcel is a 37.05 acre parcel zoned Residential-40,000 SF minimum lot size (R-40), located on the west side of Elwood Road (CR-10) approximately 1,200 feet north of Cuba Hill Road (Town road) in the hamlet of Elwood. The petitioners are requesting a change of the zone on the entire parcel to Residential-Senior Citizen Housing (R-RM).

The proposed 360 condominium units are distributed in 56 two-story structures. The project is proposed to contain 66 affordable units (18 %) in accordance with Town of Huntington Zoning Law. The remaining units are to be sold at market rate. The proposal also includes a 17,000 SF recreation building, dog run, tennis courts and an outdoor, two swimming pool/jacuzzi/patio area. Other amenities include a walking path, naturalized areas and an outdoor car wash location.

The subject site is presently occupied by the Oak Tree Farm Dairy, a pre-existing, non-conforming use in the R-40 zoning district. The facility is a dairy product processing facility and trucking operation. According to referral materials to the Commission, the subject property has been a dairy farm since before 1932. Since 1981, the subject site has been owned and occupied by the Oak Tree Farm Dairy, Inc. which maintains its corporate offices and a dairy products processing facility in the site's southern quarter (there are no animal grazing activities on-site, and there are no animal barns or animal-related facilities present). Following a catastrophic fire in 1997, Oak Tree Farm Dairy rebuilt the dairy subject to an approved Town of Huntington ZBA special Use permit. At the peak of operations, Oak Tree Farm Dairy had 100 employees and about 80 trucks on the property. A leased property on Jericho Turnpike had a full time jockey shuttle trucks back and forth to the dairy facility.

All wastewater is to be treated via a new on-site sewage treatment plant. The design and technology has not been indicated in the referral material to the Commission. The proposal does include the removal of the existing STP (used to treat waste from dairy operation), including the existing wastewater treatment lagoons.

Storm water runoff from the contemplated development is to be collected via catch basins and directed to naturalized recharge areas and ponds. In addition a "recharge area" (recharge basin) is proposed at the northeast corner of the complex. Little detail beyond the provision of those elements is provided in the referral material other than to indicate that the storm water treatment system design will conform to all applicable Town requirements and include re-vegetation with appropriate natural water-tolerant plant species.

Required parking for the retirement community is set at 816 parking stalls. 640 stalls are proposed (88 in driveways, 88 in garages and 640 stalls off street) and is in compliance with Town of Huntington Zoning Law.

Access for the proposed retirement community is to be from two ingress/egress points to Elwood Road (CR 10). Proposed widening to be dedicated to the County of Suffolk is included at the main entrance intersection with Elwood road and Hammond Road roughly center of the proposed development. An alternate restricted ingress/egress for right turns only is proposed at the western property boundary with Elwood Road. Emergency access is not proposed. There appears to be no pedestrian access to the adjacent Town of Huntington Elwood Park. Preliminary Traffic analysis was provided with the referral in the expanded EAF listing several mitigation measures. Additional analysis with Suffolk County Department of Public Works is pending.

The subject site is presently cleared (former grazing fields) and developed land (dairy office/processing facility and waste treatment system) with the exception of a small amount of natural vegetation at the western property boundary. Including the area in ponds, recharge area and in naturalized recharge area, approximately 2.5 acres are to be recreated as "open space." In addition approximately 16 acres are to be in landscaped common area.

The subject property is situated to the north of the Fair Oaks residential development.
Also bordering the southern property boundary is the Town of Huntington Elwood Park. To the west and north are additional residential developments and two public school properties (Elwood Middle school and Elwood-John H. Glenn High School).

Zoning in the area includes R-40 west of Elwood Road and R-20 east of Elwood road. No other zoning categories are in the immediate area.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone I. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetland occur on the subject site. A Phase 1 Environmental Site Assessment (ESA) has been prepared for the subject property and is being reviewed by the NYS DEC/and Suffolk County Department of Health Services and includes recommendations for a soil management plan.

The applicants submission materials to the Town of Huntington and referred to the Suffolk County Planning Commission indicate that the subject property is within a one mile radius of an archeologically significant site as has been identified by the NYS Office of Parks, Recreation and Historic Preservation.

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 petitioners contention that the proposed senior condominium complex is a transitional use between the low-density residential lands to the east and west; the institutional and commercial uses to the north; and the public recreational (open space) land to the south. The petitioners put forth that the proposal presents an opportunity to not only remove the dairy-related commercial/trucking operation and its associated noise and odor impacts, but would also remove the source of odors from the dairy waste treatment system. The petitioners argue that the use would be a less-intensive and more appropriate use.

It is the belief of the staff that the proposed BK Elwood project has been designed to be in harmony with the existing character of the area. The proposed buildings will be 2 stories in height and would be consistent with the predominant residential pattern in the area. Along the western property line, adjacent to residential lots and the public schools, a 25 foot vegetated buffer is to remain to shield the adjacent land uses from one another.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Huntington Horizons 2020 Comprehensive Plan Update, adopted by the Town Board December 9, 2008 identifies the subject property on the Generalized Future Land Use map (figure 6-3) as “Low Density Residential” which is defined as less than two units to the acre. The subject petition, as indicated by the applicant, results in a land use density of 9.72 units to the acre.

The petitioners have indicated that the project is consistent with the spirit and intent, as well as key elements of the Town Comprehensive Plan Update, which recognizes the importance of providing a mix of senior housing types. The proposal provides senior housing opportunities and economic housing alternatives for senior household.

The proposed retirement complex however, is not situated in a location where health related infrastructure exists or is reasonable expected to be proposed in the area. This would be positive locational criteria for an age restricted senior housing community if such infrastructure was in the immediate area. The Huntington Hospital is located 5.7 miles to the northwest by route along CR 35 (Park Avenue). The Dolan Family Health Center is located in Huntington Station while the US VA Medical center is situated in Northport. Memorial Sloan-Kettering Center (south Commack), St Catherine of Siena Hospital (Smithtown), Central Islip Family Health Center, Brentwood Family Health Center, Martin Luther King Jr. Community Health Center (Wyandanch) and the Wyandanch Center are the closest major health/medical facilities proximate to the subject parcel.

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:

Under the existing conditions of the site, liquid wastes from the existing dairy operation are treated and recharged in an open air treatment system comprised of freestanding buildings and surface recharge lagoons in the property's west central area; sanitary wastes generated on the site are treated in septic systems. Both of these systems will be removed as part of the demolition/clearing operation. All of the proposals wastewater would be retained on site and treated in a modern state of the art Sewage Treatment Plant (STP). No additional details on the proposed STP haven been referred to the Suffolk County Planning Commission. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted and the petitioner should be directed to contact and begin dialogue with these agencies as early as possible.

Storm water runoff from the proposed project will be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. This system will include a new recharge area and two new ponds created along the site's eastern border on Elwood Road. The two naturalized recharge areas surrounding these ponds may be vegetated with appropriate natural water-tolerant plant species to provide wildlife habitat and to provide an attractive appearance for passing motorists. Submission materials to the Commission do not indicate that NYS DEC SWPPP requirements will be met. 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.

According to the American Association of Retired People (AARP), 1 in 3 Americans are 50 or older and by 2030 one out of every five people in the U.S. will be 65+. To address this growing demographic in 2012, AARP published "Aging In Place: A Toolkit for Local Governments"[(1)] containing several recommendations that are pertinent to this proposed project.

While the majority of older adults are living now where they will live as they age, new construction is an important part of aging in place as we look to the future. Communities can implement changes now to insure that they have a housing stock to meet the needs of the rapidly growing older adult population.

Recommendations of the "Aging in Place: A Toolkit for Local Governments" include:

- Create a Variety of Housing Types: Allow the construction of a variety of housing types to fit the needs and desires of the full spectrum of citizens: single-family detached homes, row houses, walk-up apartments, apartments above retail, granny flats above garages. All types of housing should be integrated into the community to preclude the de facto segregation that characterizes most cities today.

- Incorporating Accessibility Standards in New Construction: Encourage homebuilders and contractors to construct new homes according to accessibility standards and avoid the construction of "Peter Pan Housing"-- housing for those who never grow old.

- Walkability: In a healthy, socially vibrant community, residents must be able to walk. As people age, they may lose the ability to drive safely long before they lose the ability to walk.

1 Accessed at: http://www.aarp.org/content/dam/aarp/livable-communities/plan/planning/aging-in-place-a-toolkit-for-local-governments-aarp.pdf

Walking is the favored mode transportation for seniors who are either uncomfortable driving or unable to do so. Walking helps maintain health and important social interactions. Providing safe sidewalks and dependable public transit for older adults can reduce the overall cost of personal services. Guidelines are provided in the report.

- Enhancing Transportation Services: A comprehensive, consumer-friendly transportation program addresses: driver safety efforts, improved public transit services, integrated taxi/ paratransit services, enhanced pedestrian facilities, volunteer services, escort ("hand-to-hand") services and emergency transportation services.

The petitioners put forth that the site is on a county roadway that places the property in proximity to a regional transportation corridor, NYS Route 25/Jericho Turnpike, as well as the commercial and retail shopping opportunities along that corridor. While this is an accurate statement, the subject retirement community is not located within a downtown or within reasonable walking distance (<0.5 miles) to a transit route (bus or train), two features that would be positive locational criteria for an age restricted senior housing community if proximate to the proposed development. However, the NYS Rte. 25 (Jericho Tpke.) commercial corridor would be approximately a 0.75 mile walk south along Elwood Road. Commercial, office and retail uses are inter-dispersed situated east and west along the corridor. There is no Suffolk County bus transit route along Elwood Road fronting the subject site. County Bus Route S4 can be picked up on Rte. 25 proximate to the Huntington square mall. The closest route for bus pickup would be Larkfield Road to the east (> 0.5 miles) and then north to Cedar Road or south to Burr Road. The closest LIRR train stations are the Greenlawn Station, approximately 2.8 miles to the northwest or the Northport Station approximately 2.6 miles to the Northeast from the subject property. The proposed development has a Walk Score of 43 out of 100. This location is a Car-Dependent neighborhood so most errands require a car. As the development is proposed to be age restricted to senior citizens, and seniors are generally and increasingly, less dependent on self-driven single occupancy vehicles, and since the proposed project site is not in a walkable community, downtown or along a transit corridor, the petitioners should be required, as a condition of approval, to provide frequent and convenient transportation to the various mass transit (bus/train) drop off/pick up locations (bus stops and train stations), to the major medical/health facilities in the area, and to commercial centers where groceries and household items may be procured and entertainment may be found.

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 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 and elements contained therein.

STAFF RECOMMENDATION

Approval of the change of zone from R-40 to R-RM for BK Elwood LLC (The Seasons) for the construction of a 360 unit age restricted senior citizen retirement community with the following modification and comments:

Modification:

1. The petitioner should be required, as a condition of approval, to provide frequent and convenient transportation to the various mass transit (bus/train) drop off/pick up locations (bus stops and train stations), to the major medical/health facilities in the area, and to commercial centers where groceries and household items may be procured and entertainment may be found.

Reason:

The petitioner put forth that the site is on a county roadway that places the property in proximity to a regional transportation corridor, NYS Route 25/Jericho Turnpike, as well as the commercial and retail shopping opportunities along that corridor. While this is an accurate statement, the subject retirement community is not located within a downtown or within reasonable walking distance (<0.5 miles) to a transit route (bus or train), two features that would be positive locational criteria for an age restricted senior housing community if proximate to the proposed development. However, the NYS Rte. 25 (Jericho Tpke.) commercial corridor would be approximately a 0.75 mile walk south along Elwood Road. Commercial, office and retail uses are inter-dispersed situated east and west along the corridor. There is no Suffolk County bus transit route along Elwood Road fronting the subject site. County Bus Route S4 can be picked up on Rte. 25 proximate to the Huntington square mall. The closest route for bus pickup would be Larkfield Road to the east (> 0.5 miles) and then north to Cedar Road or south to Burr Road. The closest LIRR train stations are the Greenlawn Station, approximately 2.8 miles to the northwest or the Northport Station approximately 2.6 miles to the Northeast from the subject property.

Comments:

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

2. The petitioner should be encouraged to review the Suffolk County Planning Commission publication on The Study of man-made Ponds in Suffolk County NY and incorporate into the proposal, where practical, design elements contained therein.

3. The petitioner 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. The petitioners should be directed to contact the NYS DOT and SCDPW to resolve access and traffic considerations for ingress/egress to CR 10.

5. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.

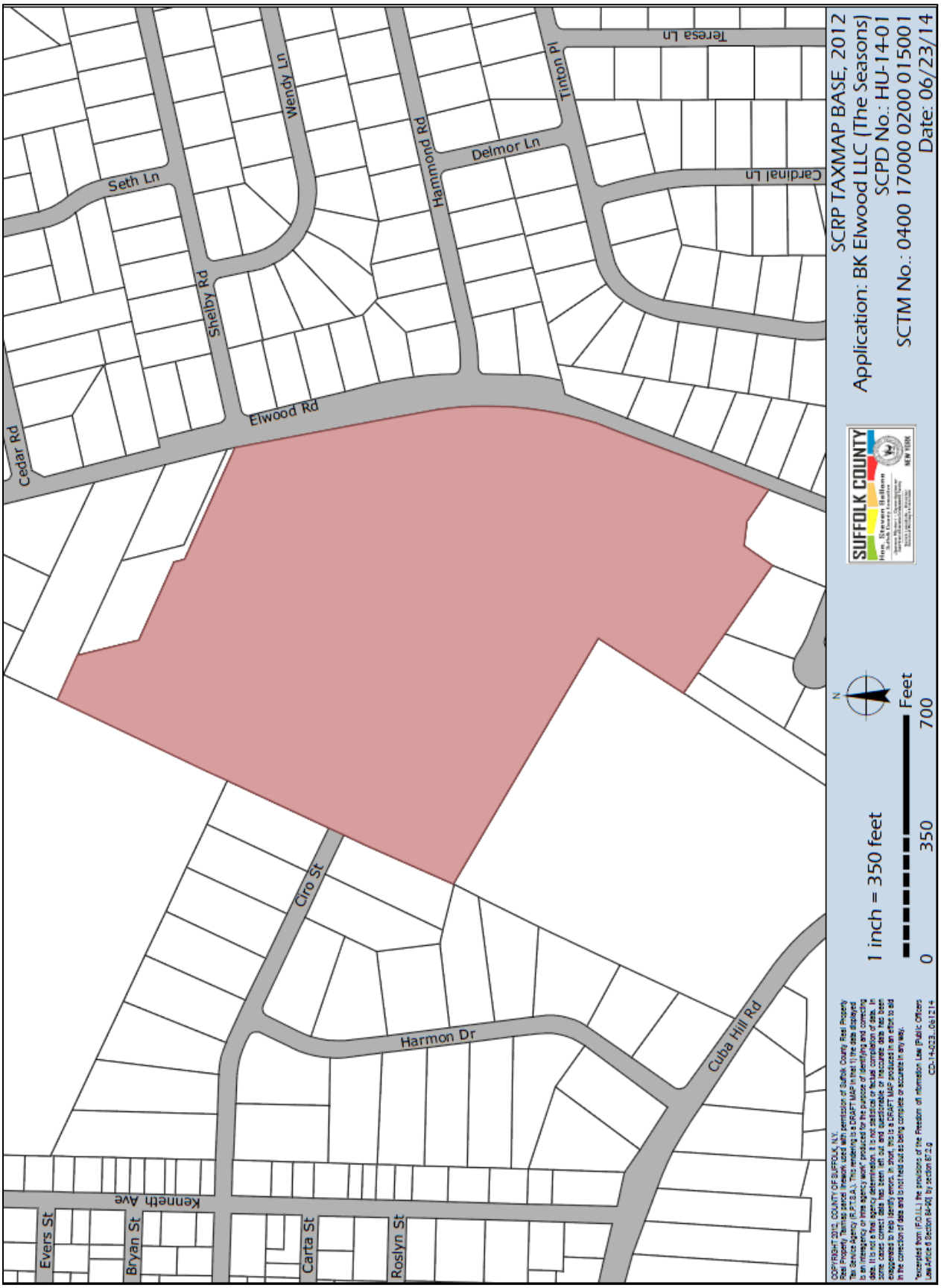
6. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

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

8. A pedestrian connection should be made between the walking path circumnavigating the proposed senior citizen development with the Huntington Town Elwood Park.

9. The Town Board may wish to consider reducing the overall density of the petition to be more in line with the recommended density from the Comprehensive Plan Update.

10. The Town may wish to cluster the overall development to the east to provide continuous recreational open space with the Town Park to the south and the School Athletic Fields to the northwest.


SCRP TAXMAP BASE, 2012
Application: BK Elwood LLC (The Seasons)
SCPD No.: HU-14-01
SCTM No.: 0400 17000 0200 015001
Date: 06/23/14
SUFFOLK COUNTY
Hon. Steven Bellone
County Executive
NEW YORK
1 inch = 350 feet
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350
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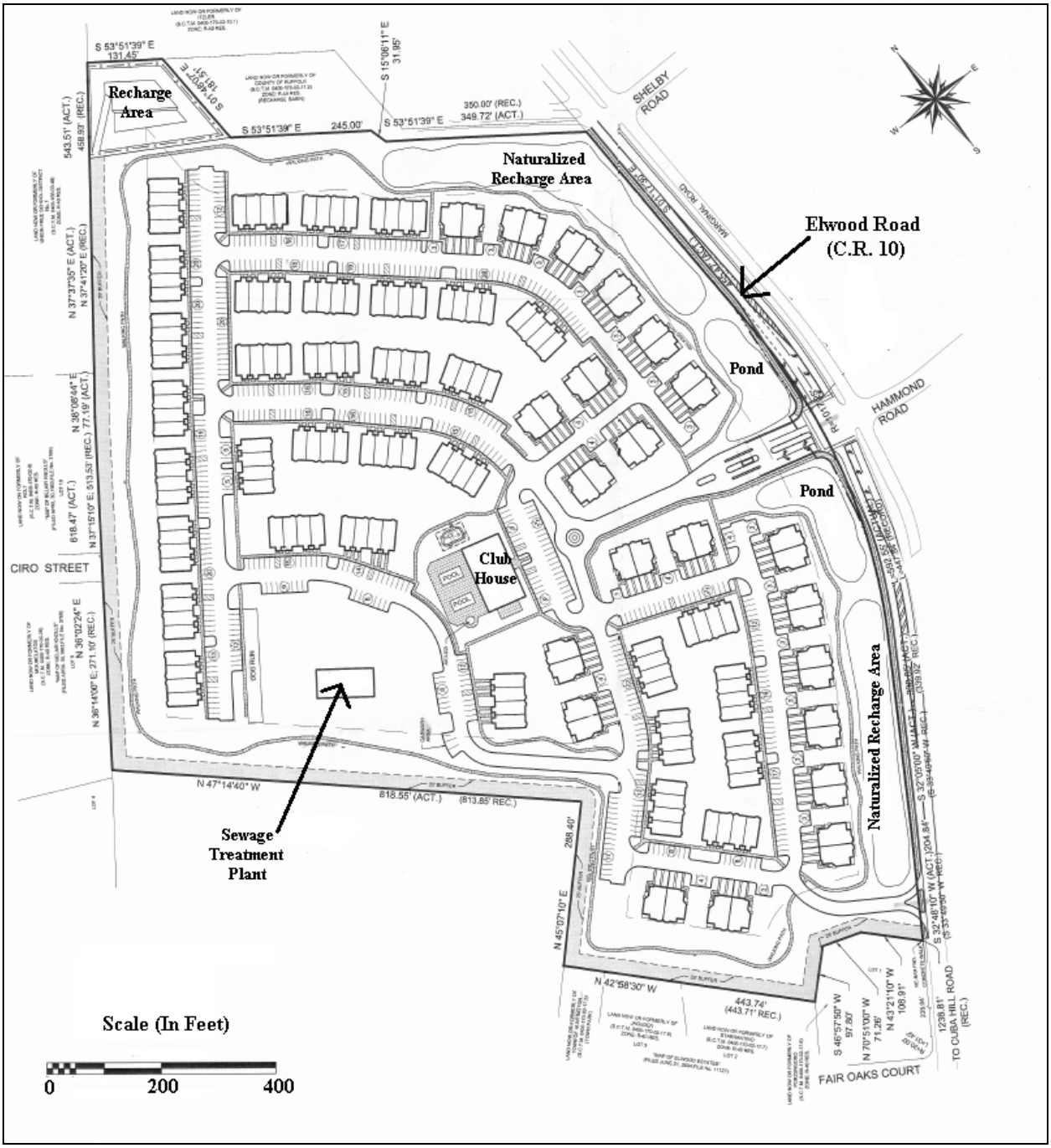
Real Property (Tax/map parcel lines/roads used with permission of Suffolk County Real Property
The Service Agency (R.E.T.S.A.). This rendering is a DRAFT MAP in that 1) the data displayed
is an intermediary or third agency work produced for the purpose of identifying and correcting
data. It is not a final agency determination. It is not statistical or factual compilation of data. In
consequence, it may not be used by anyone other than the agency for which it was produced or
associated 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
CD-14-023 04/14
Elwood Rd
Cedar Rd
Shelly Rd
Seth Ln
Wendy Ln
Hammond Rd
Delmor Ln
Tinton Pl
Terrea Ln
Cardinal Ln
Ciro St
Harmon Dr
Cuba Hill Rd
Kenneth Ave
Evers St
Bryan St
Carta St
Roslyn St



Z-1: BK Elwood LLC (The Seasons)
SCPD: HU-14-01
SCTM No: 0600-137.00-01.00-032.001

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 A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: S Power – Richwood Greenworks, LLC
Municipality: Riverhead
Location: E/s/o Edwards Avenue, n/o the Long Island Railroad Right Of Way

Received: Variance 6/3/2014; Site Plan 6/6/14
File Number: RH-14-03
T.P.I.N.: 0600 13700 0100 032001
Jurisdiction: Agricultural District #7, Contain NYSDEC designated wetlands, and is within 1 mile of an airport (Calverton).

ZONING DATA

- Zoning Classification: Industrial A
- Minimum Lot Area: 80,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: No. In order to advance the proposal the applicant will also require Planning Board site plan approval (being reviewed as part of this report); Stormwater Pollution Prevention Plan (SWPPP) approval by Town Engineers; and a building permit from the Riverhead Building Department.

SUPPLEMENTARY INFORMATION

- Within Agricultural District: Yes, Ag. Dist. #7
- Shoreline Resource/Hazard Consideration: Yes, NYSDEC designated freshwater wetlands flagged by VHB Engineering 4/11/14
- 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: EAF
- SEQRA Type Type I, Negative Declaration
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Vacant – Agricultural Use (Sod Farm)
- Existing Structures: None
- General Character of Site: Majority generally level with a recessed portion associated with wetlands
- Range of Elevation within Site: 22.5' (wetland elev.) to 62' above msl
- Cover: Mostly cleared with sod cover & woods surrounding wetlands
- Soil Types: Predominately Riverhead Sandy Loam and Haven Loam (Prime Ag Soils), with some Carver and Plymouth Sands (indicative of sloped areas).
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: Yes (northeast portion)

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Area Variances (front, rear and side yard setback relief) and Site Plan approval requests.
- Layout: Sprawling cover of property excluding wetlands
- Area of Tract: 45.1 acres (38.1 to be disturbed)
- Yield Map: Not applicable
- Open Space: Not applicable

ACCESS

- Roads: Edwards Avenue with single point of access proposed
- Driveways: Internal private (gravel) roadway up and across the middle, and along the southerly boundary

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: Two drainage reserve areas with
  - Recharge Basins No
- Groundwater Management Zone: III
- Water Supply: Indicated as not applicable on application
- Sanitary Sewers: Indicated as not applicable on application

PROPOSAL DETAILS

OVERVIEW – Applicants seeks area variance approvals from Town of Riverhead Zoning Board of Appeals, and site plan approval from the Town of Riverhead Planning Board, for construction of a proposed solar panel array - generating facility of up to 6.3 megawatts that would be interconnected to an existing PSEG Long Island substation located adjacent, to the south, of the subject property. The dimensional relief sought is for the front, rear and side yard setback requirements in accordance with the Industrial A zoning classification. The requested variances are in connection with the proposed construction of a solar panel array on 38.1 acres of land on the majority of the subject property which has a total area of 45.1 acres.

The Town's Industrial A Zoning Ordinance has no specific provision for solar arrays but their use has been classified by the Town of Riverhead as 'manufacturing' (of electricity) and therefore a permitted use within the Industrial A Zoning District.

The proposal indicates a front yard depth of 41 feet instead of the required 100 feet, having a rear yard depth of 48.6 feet instead of the required 75 feet, and having a side yard width of 44.3 feet on the southerly boundary side instead of the required 50 feet, all as required by Town of Riverhead Zoning Law.

The proposed solar array will have a maximum height of 10 feet.

No connection to public water or generation of sanitary waste has been proposed with this application.

The subject parcel is located on the easterly side of Edwards Avenue approximately 577 feet north of Long Island Railroad crossing and right-of-way in the hamlet of Calverton.

Access to the solar generating facility as depicted on the preliminary site plan, is provided via a 24' wide paved entrance apron along Edwards Avenue. It should be noted that the interior road system is proposed to be constructed of pervious gravel, as depicted on the preliminary site plan.

The site plan application referral included a "Conceptual Planting Plan" depicting a variety of evergreen trees and shrubs planted in between and atop a segmented berm approximately 4 ' high along the property line running along Edwards Avenue in order to screen the solar panel structures from the views (line-of-site) of passenger cars travelling on Edwards Avenue.

A review of the character of the land use and zoning pattern in the vicinity reveals that the subject property is zoned in the same contiguous block of 'Industrial A' zoning as all the surrounding parcels to the north and east, with a block of Industrial C parcels directly to the west across the other side of Edwards Avenue, and Residence B-40 to the south. Local land uses include agriculture, recreation (Splish Splash amusement park to the east, Calverton Links golf course to the west), industrial, commercial, educational, transportation (Hampton-Jitney) and utility (PSEG Long Island substation on the adjacent parcel to the south).

The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code, and within the Central Suffolk NYS Special Groundwater Protection Area (SGPA). The subject site is not located in the Central Suffolk Pine Barrens NYS Critical Environmental Area. However there are State mapped and regulated fresh water wetlands that occur on the easterly portion of the subject property, and its boundaries have been recently flagged (4/11/14) by a license surveyor.

The subject property is within an Agricultural District (#7), allowing the land owner the "right to farm" in addition to any "as of right" uses permitted by the zoning classification of the property (Industrial A in this case).

The soils on the subject property are categorized as prime agricultural soils and classified within soil group 1 thru 4 pursuant to the NYS Land Classification System (NYCRR 370). Properties to the east of subject parcel are in Agricultural District #7 as well, and the adjacent property to the east is a Suffolk County PDR parcel. It is not evident in the referral to the Suffolk County Planning Commission if the proposal will involve any grading or excavating of the subject parcel, and the prime agricultural soils on-site are considered a valued natural resource to be protected.

According to communications with the Town of Riverhead planning staff the proposed use is a permitted use; and the Town of Riverhead Planning Board would consider the site plan application following the Zoning Board of Appeal determination. The Commission staff received both the ZBA and Planning Board referrals within days of one another, and is reviewing both the variance and site plan applications simultaneously.

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 installation of solar panel arrays and the requested area variances would not impact surrounding land uses while providing an appropriate location for the proposed solar energy facility and take advantage of a sustainable/renewable energy resource.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The 2003 Town of Riverhead Comprehensive Land Use Plan designates the subject site Industrial A for a heavy industrial use. Manufacturing is a permitted use in the Industrial A zoning district; and even though there is not specific provision for solar energy panels the Riverhead Department of Planning considers the proposed use 'manufacturing' therefore a permitted (as of right) use of the subject parcel; and therefore in conformance with the Town's adopted comprehensive plan.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the Commission policies:

In terms of environmental protection, the subject property is situated within the Central Suffolk NYS Special Groundwater Protection Area (SGPA) designated as a 'deep ground water recharge area'. Prominent among the concerns in this location is the discharge of sanitary waste; the clearing of natural vegetation and use of pesticides; and impacts of stormwater runoff. For 'Industrial A' zoned properties the maximum percentage of impervious surfaces permitted is 70%, and the proposed solar panel arrays considered impervious by the Town accounts for <1% of the total area of the subject parcel.

It is evident in the referral to the Suffolk County Planning Commission that the applicants will have to work with the Town of Riverhead in order receive SWPPP (Stormwater Pollution Prevention Plan) approval. It is not evident however, if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies though drainage reserves with drywells are proposed as an element in the plan. It is the belief of the staff that the publication should be reviewed and additional stormwater mitigations incorporated where practical.

In terms of energy efficiency, it is the belief of the staff that by the very nature of the proposal is promoting one of the Suffolk County Planning Commission's County-wide priorities by installing a sustainable and renewable energy production system.

The subject parcel's location within Agricultural District (#7) does not prohibit it from being developed in accordance with its zoning; in fact it provides additional flexibility to its uses. As long as it remains in the Agricultural District it can always be used for farming purposes and NYS Agricultural and Markets' Law would protect and preserve that right. As mention before, the subject property is presently used for agricultural purposes as a sod farm operation; it also participates in the Agriculture Assessment Program. If the parcel is developed as the proposed for solar panel array - generating facility, the property would lose the tax exemption and its owner, on record as of March 1st, would be required to pay the penalty for converting the property to a non-agricultural use. It should also be noted that the applicant can opt to remain in the Agricultural District the benefit of doing so is that the land would retain the 'right to farm' in the future, in whole or part, if the solar panels were never fully installed and/or removed.

Separate from the Agricultural District is the Agricultural Assessment Program overseen by the Town of Riverhead Assessor's office. The subject currently receives an 'agricultural exemption' on it property tax bill. This is designed as an incentive program to farm the agriculturally rich soils and if the land owner/recipient of the tax exemption converts the property to anything other agricultural purposes the assessment and taxes would revert to what would be without the exemption, and in accordance with the NYS Law the owner would be required to pay a penalty equaling five (5) times the taxes saved in the last year that the land benefited from an agricultural assessment. This levied penalty can typically be a significant sum, as it is the case of the subject property.

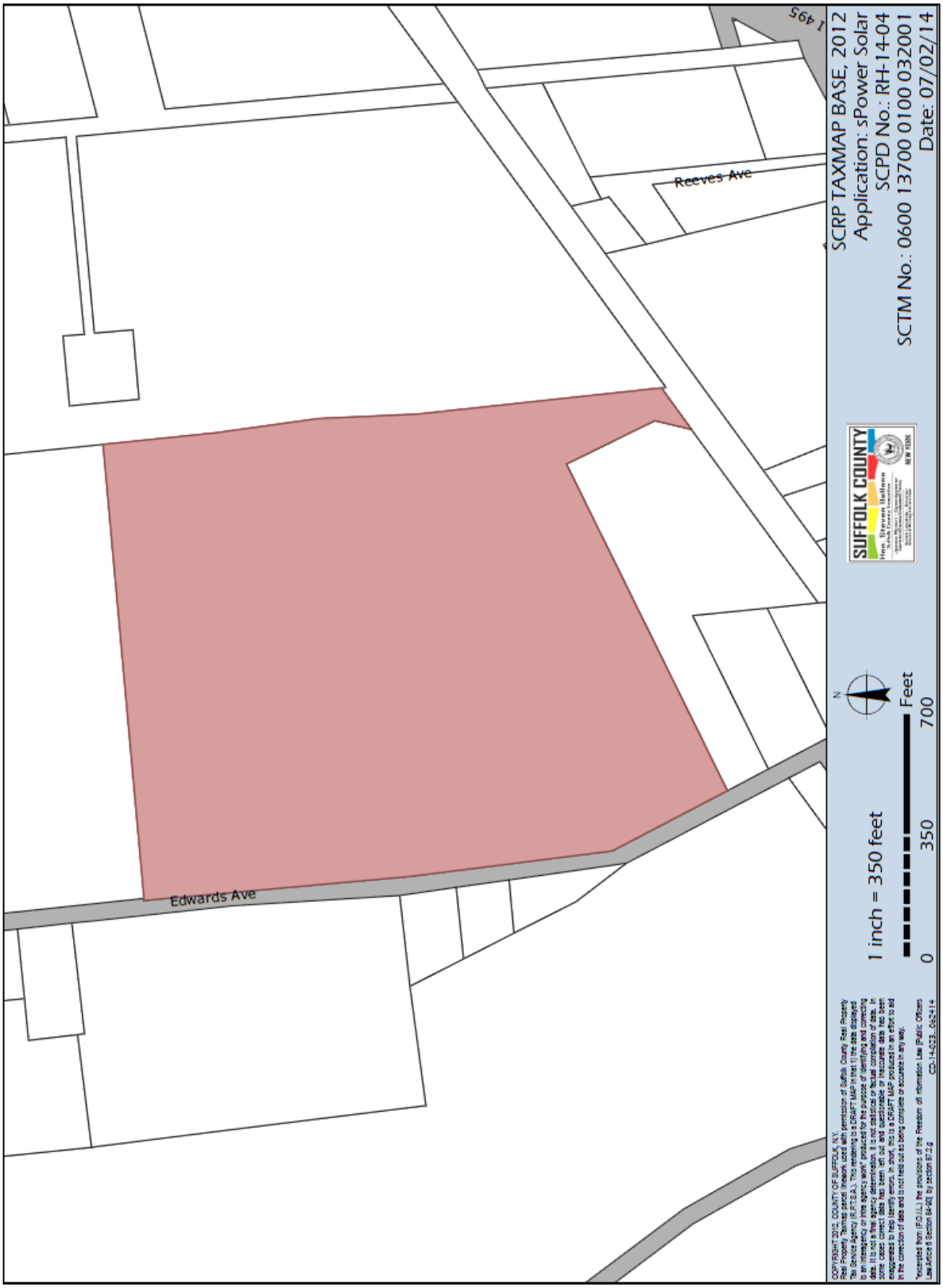
STAFF RECOMMENDATION

Approval of the Site Plan referral from the Town Planning Board and **Approval** of the Area Variance referral from the Town Zoning Board of Appeals**,** subject to the following comments:

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

2. The Town should require that the applicant be prohibited from exporting any soil material, classified as prime agricultural soils, off the subject parcel. And that the proposed solar panel arrays not negatively impact the viability of the prime agricultural soils on-site.

3. The proposed action should only be approved in such a manner that is in accordance with the New York Agriculture & Market's Law.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Reeves Ave
Edwards Ave
SCRP TAXMAP BASE, 2012
Application: sPower Solar
SCPD No.: RH-14-04
SCTM No.: 0600 13700 0100 032001
Date: 07/02/14
SUFFOLK COUNTY
Hon. Steven Bellone
County Executive
NEW YORK
N
1 inch = 350 feet
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Real Property Tax/map parcel linework, 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 intermediary or in-house 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 incorporated for the purpose of identifying errors. As a DRAFT MAP it is provided as a tool to aid in the correction of data and should not be used as being complete or accurate in any way.
*Excepted 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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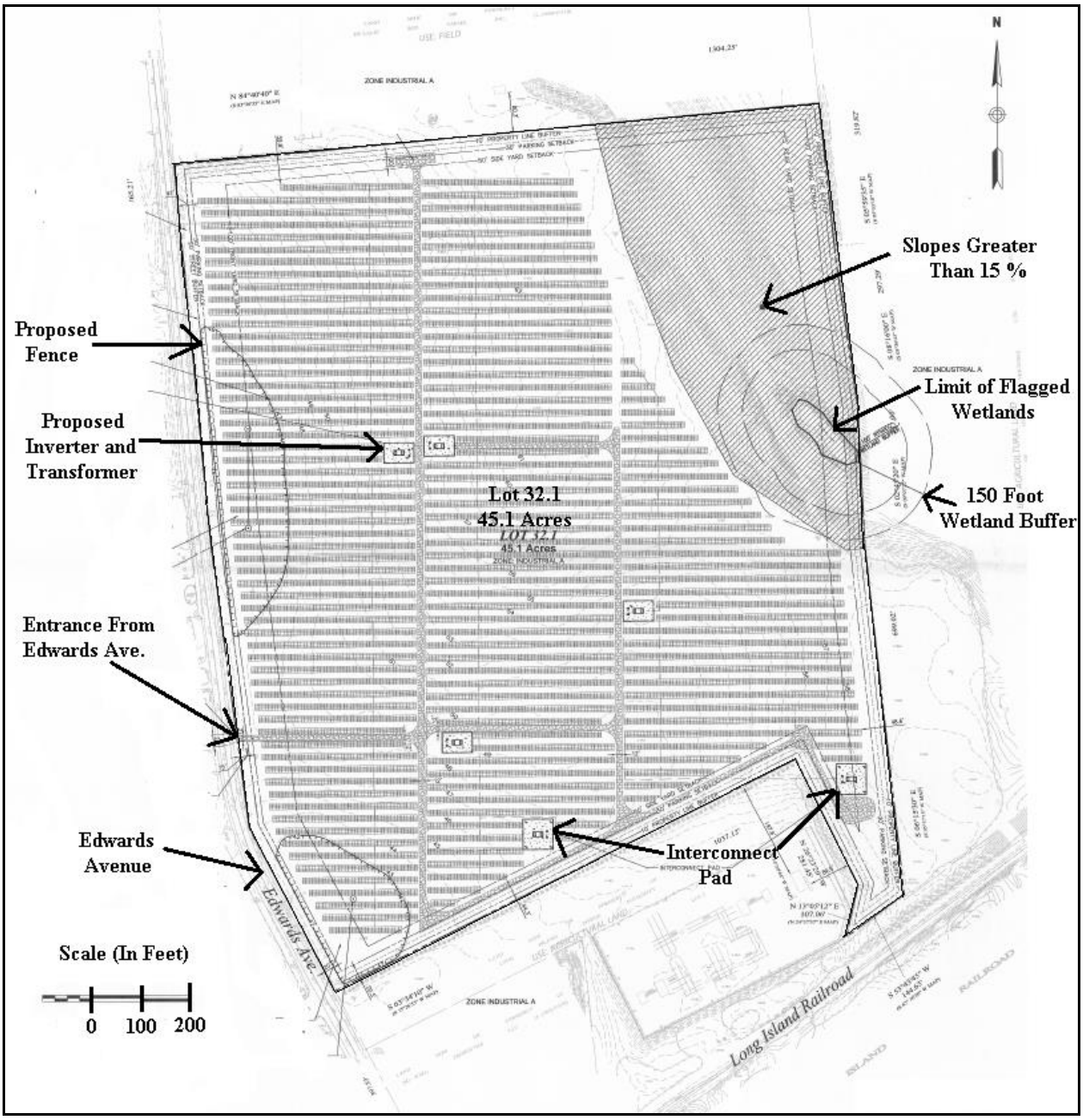


Z-3: S Power – Richwood Greenwood, LLC
SCPD: RH-14-03
SCTM No: 0600-137.00-01.00-032.001

COUNTY OF SUFFOLK

Z-3

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Home Properties LP
Municipality: Smithtown
Location: nw/c/o Middle Country Road (NYS Rte. 25) and Montclair Ave.

Received: 6/9/2014
File Number: SM-14-02
T.P.I.N.: 0800 10900 0100 013000
Jurisdiction: adjacent to NYS Rte. 25

ZONING DATA

- Zoning Classification: R-10, LI
- Minimum Lot Area: 10,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
  - File:
  - Date:
  - Map of:
- SEQRA Information: Yes
- SEQRA Type Pending
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Concrete manufacturing and associated retail

operations, and former landfill.

- Existing Structures: multiple concrete processing buildings, hoppers, etc. 0.65 acres
- General Character of Site: rolling
- Range of Elevation within Site: 102-141' amsl
- Cover: some woods, disturbed land, cleard area for outdoor storage and transport.
- Soil Types: Haven and Riverhead associations and Gravel Pits
- Range of Slopes (Soils Map): 0-25%+
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of zone
- Layout: standard
- Area of Tract: 22.49Acres
- Yield Map: N/A
  - No. of Lots: 260

ACCESS

- Roads: NYS Rte. 25
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins stormwater retentiona areas
- Groundwater Management Zone: VIII
- Water Supply: publifc
- Sanitary Sewers: on site STP

PROPOSAL DETAILS

OVERVIEW – Applicants seek change of zone approval from the Smithtown Town Board for the construction of 260 multifamily (garden apartments) residential units. The subject parcel is a 22.49 acre parcel zoned Residential-10,000 SF minimum lot size (R-10) and Light Industrial (LI) located at the northwest corner of Middle Country Road (NYS Rte. 25) and Montclair Avenue in the hamlet of Saint James. The petitioners are requesting a change of the zone on the entire parcel to Residential Multifamily-Garden Apartments (RM-GA).

The proposed 260 garden apartment units are distributed in four, three-story, and two, four story buildings. The project is proposed to contain a minimum of 26 workforce housing units (10 %) in accordance with the NYS Long Island Workforce Housing Act. The remaining units are to be sold at market rate. The proposal also includes a 6,392 SF clubhouse building and pool. Green space particularly along the west side is provided in a semi-continuous band along perimeter of the proposed garden apartment complex.

The subject property is the location of the former Town of Smithtown owned South Montclair Avenue Landfill. The landfill was a construction and demolition debris disposal area. Currently some C&D processing occurs on site. The predominant current use of the site is concrete manufacturing and associated retail operations. Phase I and II Environmental Site Assessments have been prepared and submitted to the New York State Department of Environmental Conservation (DEC). There are ongoing spill closure operations in coordination with the NYS DEC Division of Solid and Hazardous

Material. Existing hazardous materials will be remediated/removed from the site in accordance with NYS DEC approvals. According to information referred to the Suffolk County Planning Commission, future materials use, storage and handling are to be determined upon completion of fully engineered plans with the State.

All wastewater from the proposed garden apartment complex is to be treated via a new on-site sewage treatment plant.

Storm water runoff from the contemplated development is to be collected via on-site storm water retention areas and drywells/leaching pools.

The proposed development would include 551 parking stalls, of which 80 spaces would be located in detached garages and 471 would be surface parking spaces. Parking is believed to be in compliance with Town of Smithtown Zoning Law.

Access for the proposed retirement community is to be from one ingress/egress points to Middle Country Road. An alternate ingress/egress is proposed to Montclair Ave. Emergency access is not proposed. The petitioner is currently preparing a traffic impact analysis in coordination with the NYS Department of Transportation.

Potable water is to be supplied to the proposed development by the St. James Water District.

The subject site is presently and active concrete manufacturing, storage and retail operation. Some native vegetation area (9.65 acres) remains at the northwest corner of the subject site. The balance of the subject site is either former landfill area or concrete manufacturing area.

The subject property is situated in a mixed use area. Single-family residences occur to the west along the Marchant Drive. A Town of Smithtown Highway Yard is present to the north of the subject site. An Automobile dealership is located to the east along Montclair Ave. Automobile related and other retail, a senior center and animal shelter along Middle Country Road can be located to the south.

Zoning in the area includes R-10 and LI to the North, LI and WSI to the east, R-10, LI and WSI to the east and R-10 and WSI to the west.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone VIII. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetland occur on the subject site.

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 petitioners contention that the proposed garden apartment complex will remove an industrial operation with associated contamination issues and replace it with rental garden apartments. Residual contamination would be remediated in conjunction with the development of the complex. It is the belief of the staff that the proposed action does not contradict the intent of the State law and would be compatible with adjacent land uses provided appropriate buffering is included in the

development plan. Remediation of brownfield sites is considered by staff to be a regionally important goal for area groundwater protection and maintaining a satisfactory community environment. It is the belief of the staff that the proposed Home Properties, LP project can be designed to be in harmony with the existing character of the area.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Smithtown Comprehensive Plan Update, Supplemental Report, New York State Route 25 Corridor Study (released August 2011; not adopted by Town Board) makes no specific recommendation for the subject property. However, long term recommendations for the corridor include reducing the amount of LI, zoning within the corridor by encouraging alternate uses, such as institutional and multifamily or planned unit developments.

The petitioners have indicated that the project is consistent with neighboring uses since the surrounding area includes residential uses. The petitioners point out that there is a multi-family residential development approximately 0.25 miles south of the project site and there is also residential development to the north and northwest.

The proposed retirement complex however, is not situated in a downtown or TOD. This would be positive locational criteria for an attached multifamily housing community if such infrastructure was in the immediate area. The approximate distance to the Smithtown downtown commercial business district is 1.2 miles. The distance to the LIRR Smithtown Station is approximately 1.8 miles. The subject development site is however, situated along the Suffolk County bus transit route S56 and S58. These routes provide access to Smithtown CBD to the west and the Smithhaven Mall to the east in Lake Grove, as well as, connections to other desirable locations.

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:

As indicated previously, all wastewater from the proposed garden apartment complex is to be treated via a new on-site sewage treatment plant. Sewage disposal would occur via connection to a new on-site sewage treatment plant to be constructed in the northeastern portion of the site. The sewage treatment plant is reported to be a modified sequencing batch reactor (SBR), also known as an Intermittent Cycle Extended Aeration System and disposal would be to on-site leaching fields. The sewage treatment plant building would be one-story and approximately 6,000 square feet, with a potential 100 percent expansion area. Early review by the Department of Health Services and the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.

Storm water runoff from the proposed project will be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. This system will include on-site

storm water retention areas and drywells/leaching pools. Submission materials to the Commission indicate that NYS DEC SWPPP requirements will be met. The petitioners should be encouraged to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

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 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.

STAFF RECOMMENDATION

Approval of the change of zone from R-10 and LI to RM-GA for Home Properties, LP for the construction of a 260 unit garden apartment community with the following comments:

Comments:

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

2. The petitioner 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.

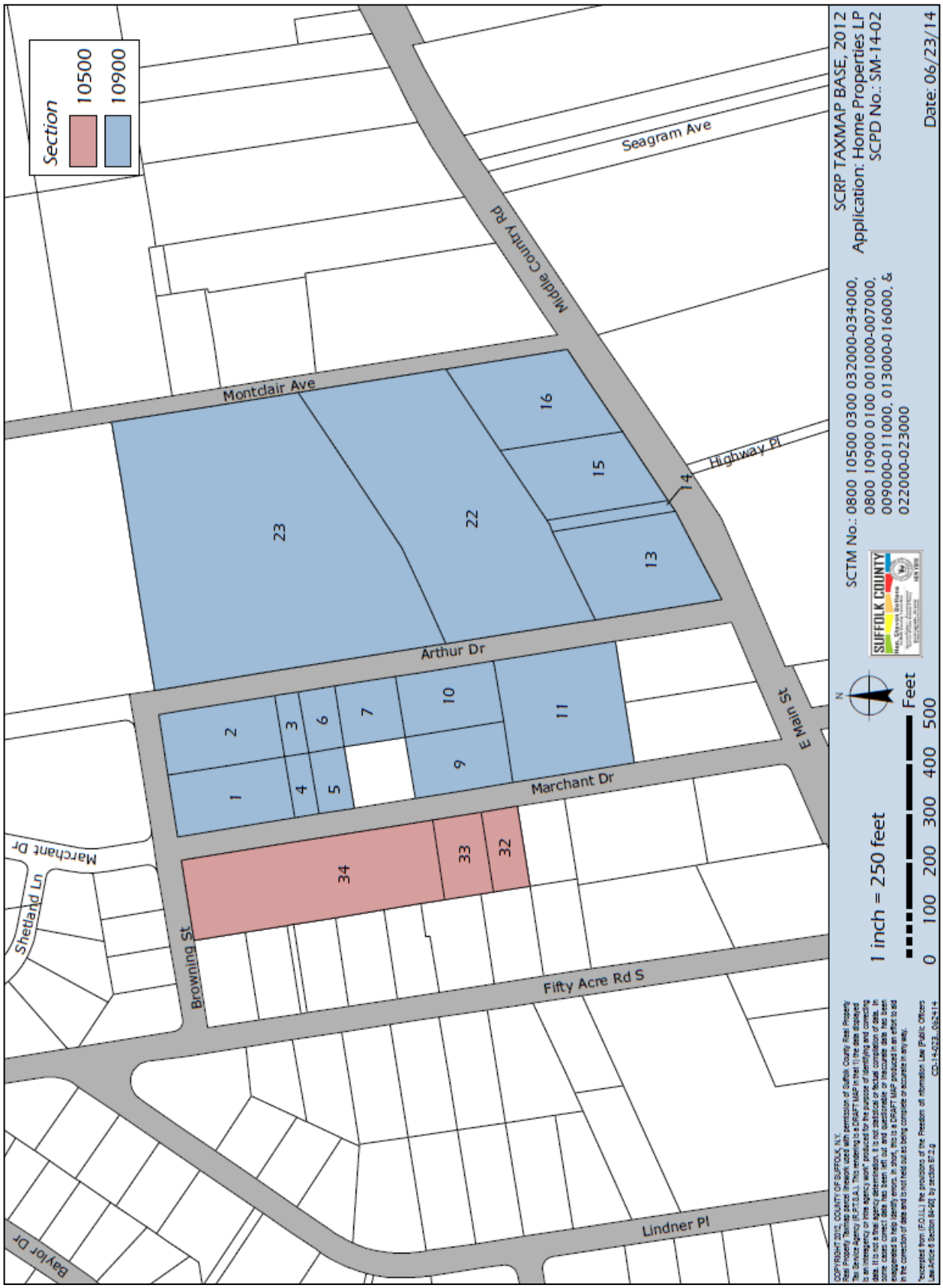
3. The petitioners should be directed to contact the NYS DOT and SCDPW to resolve access and traffic considerations for ingress/egress to NYS Rte. 25.

4. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.

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

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

7. A pedestrian connection should be made between the walking path circumnavigating the proposed development with open space adjacent to the development proposal to the west.


Section
10500
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Seagram Ave
Middle Country Rd
Montdair Ave
Highway Pl
Arthur Dr
Marchant Dr
E Main St
Browning St
Fifty Acre Rd S
Lindner Pl
Baylor Dr
Shetland Ln
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SCRP TAXMAP BASE, 2012
Application: Home Properties LP
SCPD No.: SM-14-02
Date: 06/23/14
SCTM No.: 0800 10500 0300 032000-034000,
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SUFFOLK COUNTY
1 inch = 250 feet
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CD-14-023-_062414

Z-3: Home Properties LP
SCPD: SM-14-02
SCTM No: 0800-109.00-01.00-013.000 et. al