

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099

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

Sarah Lansdale, Director of Planning

Notice of Meeting

April 1, 2015 at 2:00 p.m.

**East Hampton Town Hall
159 Pantigo Road
East Hampton, NY 11937**

Tentative Agenda Includes:

1. Meeting Summary for February and March 2015
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
 - East Hampton Town Supervisor Larry Cantwell
 - Gordian Raacke, Renewable Energy LI
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Liberty Village, Town of Smithtown
0800-04400-0200-006000
0800-04500-0500-002000 thru 6
0800-04500-0500-008000 thru 17
 - Town of Southampton Tuckahoe Center COZ
0900-15800-0300-004000, 4, 6 and 19
7. Section A-14-24 of the Suffolk County Administrative Code
None
8. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on May 6, 2015
2 p.m. Maxine S. Postal Auditorium Evans K. Griffing Building, Riverhead County Center 300 Center Drive
Riverhead, New York 11901



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

Applicant: Liberty Village
Municipality: Smithtown
Location: west side of Lawrence Rd. ~ 1,500 north of Northport Road.

Received: 3/13/2015
File Number: SM-15-01
T.P.I.N.: 0800 04400 0200 006000
Jurisdiction: adjacent to NYS land

ZONING DATA

- Zoning Classification: R-21 & LI
- Minimum Lot Area: 21,780. Sq. Ft.
- Section 278: No
- Obtained Variance: No

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: industrial yard
- Existing Structures: several metal industrial bldgs.
- General Character of Site: rolling
- Range of Elevation within Site: 50' to 140' amsl
- Cover: weeds brush some thin woods
- Soil Types: Gravel Pits (Gp), carver and plymouth associations.
- Range of Slopes (Soils Map): 0 to >15%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: garden apartments
- Layout: curvi-linear
- Area of Tract: 40.23Acres
- Yield Map:
 - No. of Lots: 0
 - Lot Area Range: Sq. Ft.
- Open Space: N/A

ACCESS

- Roads: Lawrence Road
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: cb/lp
 - Recharge Basins: no
- Groundwater Management Zone: I
- Water Supply: public
- Sanitary Sewers: unknown

PROPOSAL DETAILS

OVERVIEW – Applicants seek change of zone approval from the Smithtown Town Board for the construction of up to 700 multifamily, age restricted (indicated on “Site Plan-Conceptual” by Elkin Architecture PC, 10-1-13), residential garden apartment units (either cooperatives or rentals). The subject parcel is a 40.23 acre parcel zoned R-21 (Residential-21,780 SF minimum lot size) and LI (Light Industrial-80,000 SF minimum lot size) located at the northeast corner of Lawrence Road and Old Northport Road in the hamlet of Kings Park. The petitioners are requesting a change of the zone on the entire parcel to Residential Multifamily-Garden Apartments (RM-GA) at no more than 17 units/acre.

The petitioners put forth that the change of zone request is to “make zoning of all lots held by applicant residential” and the “elimination of [an] undesirable industrial use adjacent to [a] residential neighborhood.” Moreover, the petitioners argue that a “decrease in truck traffic due to elimination of industrial uses on site” will occur. The petitioners contend that the application is a change of zone application only and that specific site details are conceptual and mutable.

The change of zone application indicates that “the [new] buildings will be attached in sections of 4 to 6 units.” The “Site Plan – Conceptual” indicates twenty buildings clustered to the southwest corner of the subject parcel (80 – 120 units) and occupying approximately the southern half of the property. The main access is onto Lawrence Road roughly center-north of the eastern property line. The northern half of the subject property appears to be reserved for later phases of development or some other purpose; it is not indicated in the referral materials.

There is no indication in the referral materials to the Suffolk County Planning Commission from the Smithtown Town Board regarding the proposals intended compliance with the NYS Long Island Work Force Housing Act and if the petitioners will provide the minimum required 10% affordable units or if a greater percentage of the ultimate unit build-out will be offered. The remaining units appear intended to be sold at market rate. The Liberty Village Senior Housing Development proposal at this time includes no amenities typical for age restricted multi-family developments

including but not limited to a clubhouse building, walking trails and pool. Permeant green space is not quantified on the conceptual plan or in the referral materials, other than indicating the existing edge of “woods” and building setbacks on the subject site.

It is indicated in the submitted EAF (pg. 3) that the subject property had been used in the past for sand and gravel mining, the disposal of solid or hazardous wastes and is currently a “capped landfill”. The petitioners put forth that the existing use of the subject property is “vacant land, and an industrial yard consisting of contractor’s storage and equipment storage.” Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known if any have been prepared and submitted to the New York State Department of Environmental Conservation (DEC).

There is no indication in the referred material to the Suffolk County Planning Commission concerning the treatment of wastewater from the proposed garden apartment complex. The Kings Park Sewer District boundary is approximately one mile to the north and the Saint Catherine hospital STP is situated much further to the south.

There is no indication in the referred material to the Suffolk County Planning Commission regarding storm water runoff from the contemplated development and how it is to be collected and treated.

The proposed development at maximum build out (40.23 acres/2,500 SF/unit), pursuant to Town of Smithtown Zoning Law would include 1,050 parking stalls (700 units x 1.5 space/unit). No details in the submitted materials to the Suffolk County Planning Commission regarding off street parking has been included including the number of spaces that would be located in garages (attached or detached) and surface parking spaces. The conceptual site plan does show some parking stalls but there is no calculation submitted to the Commission to support the drawing.

Access for the proposed retirement community is to be from one ingress/egress points to Lawrence Road and an alternate vehicular access to the west extending to Kings Park Road (unopened paper street) is also proposed. There is no indication in the referred material to the Suffolk County Planning Commission that the petitioner is currently preparing a traffic impact analysis in coordination with the town of Smithtown.

Potable water is to be supplied to the proposed development by the Suffolk County Water Authority.

The subject property is bounded on the north by unimproved lands in the R-21 and R-43 (lands of Kings Park Psychiatric Center) Districts; to the east across Lawrence Road by open space lands as part of a subdivision in the R-21 District; to the south by a commercial transfer station/recycling and precast concrete/sand and gravel operation in the LI District; and to the west across Kings Park Road by unimproved land in the LI District.

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.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: 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 petitioner's contention that the proposed garden apartment complex will eliminate an undesirable industrial use adjacent to residential neighborhoods and replace it with rental garden apartments. It is the belief of the staff that the proposed action does not contradict the intent of the State law and would be more compatible with adjacent land uses provided appropriate buffering is included in the ultimate development plan. It is the belief of the staff that the proposed Liberty Village 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 (1961) makes no specific recommendation for the subject property. The Comprehensive Plan does however, call for the development of apartment dwelling units in the Town.

The Town of Smithtown draft Compressive Plan Update (Volume VIII, February 2015) specifically recommends "Limited outdoor industry/commercial recreation." It is important to note that the draft plan has not yet been adopted by the Town and is provided herein for informational purposes.

The petitioners have indicated that the project is consistent with neighboring uses since the area is comprised of residential one-family dwellings to the east and at least two multifamily developments to the north-east and west. A prior change of zone application on adjacent properties to the south and west from LI to R-21 was considered by the Town in 2013. It is not clear if the application was perfected. The Suffolk County Planning Commission did not have jurisdiction over the zone change application. In 2004 the Suffolk County Planning Commission reviewed a referral from the Town of Smithtown on the subject property. The referral was for the change of zone from R-21, R-23 and LI for the proposed construction of 176 townhouse units on 35 acres. The application was disapproved (SM-04-14).

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, there is no indication in the referred material to the Suffolk County Planning Commission concerning the treatment of wastewater from the proposed garden apartment complex. The Kings Park Sewer District boundary is approximately one mile to the north and the Saint Catherine Hospital STP is situated much further to the south. 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 Suffolk County Department of Health Services and the SCDPW as early as possible.

There is no indication in the referred material to the Suffolk County Planning Commission regarding storm water runoff from the contemplated development and how it is to be collected and treated.

Storm water runoff from the proposed project should be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. Submission materials to the Commission do not indicate that NYS DEC SWPPP requirements will be met, though it is presumed. There is an opportunity to develop the site utilizing best management practices and state of the art storm water treatment methodologies. 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, for later site planning stages, elements contained therein applicable for residential and clubhouse components of the proposal.

The proposed age restricted garden apartment Liberty Village, is not situated in a downtown or TOD. This would be positive locational criteria for an attached multifamily housing community if such infrastructure was within the immediate area (1/4 mile). The approximate distance to the Kings Park downtown commercial business district is approximately 1.5 miles. The distance to the LIRR Kings Park Station is approximately 1.4 miles. The subject development site is not situated along the Suffolk County bus transit route. The closest route (S56) runs along Indian Head Road that would require a pedestrian to walk south along Lawrence Road to Old Northport road then west to Indian Head Road; about 0.5 miles. The S56 runs north-south along Indian Head Road from the south at Commack north along Indian Head then turns east toward San Remo and downtown Smithtown. The distance to St. Catherine of Sienna Hospital is approximately three miles, to Jericho Turnpike (NYS Rte. 25) approximately 2.9 miles and to local groceries; Key Food Supermarket 1.5 miles and Walbaums approximately 2.6 miles. It is the belief of staff that an attached unit, high density project not situated within a TOD should provide for shuttle service to appropriate transportation, health, retail and commercial nodes.

As indicated above there is no indication in the referred material to the Suffolk County Planning Commission that the petitioner is currently preparing a traffic impact analysis in coordination with the Town of Smithtown. Such an analysis is necessary in order to determine the impact to Lawrence Road and other area intersections and roadways as a result of full buildout of the petition as presented.

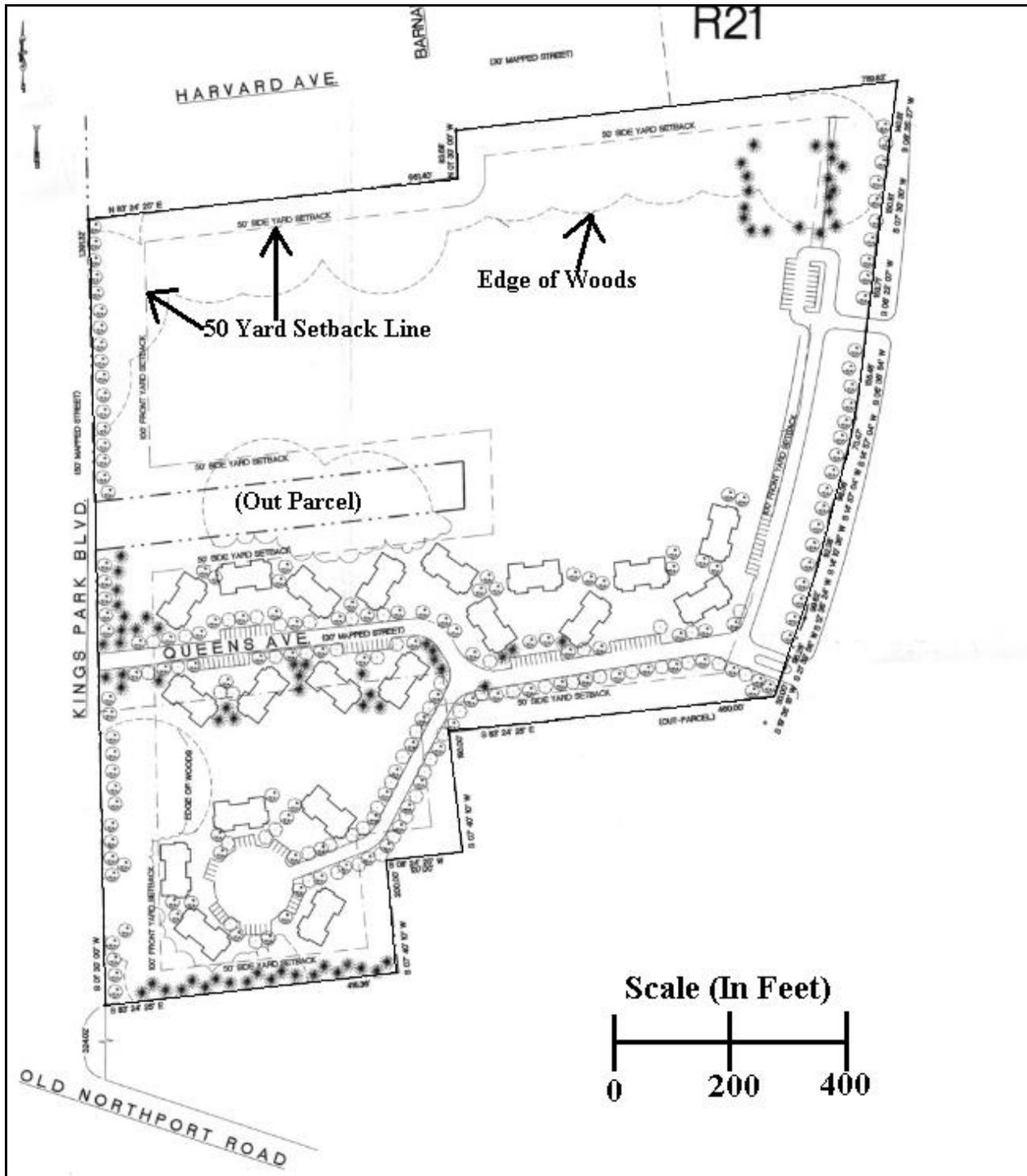
Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design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

The petition to rezone the subject property is problematic in the light of the existing master plan and current planning considerations. The subject parcel is remotely situated and possesses limited amenities desired for multi residence purposes; it appears incongruous with remaining nearby industrially zoned lands; it constitutes the unwarranted inappropriate non-comprehensive alteration of zoning patterns in the locale; and it may adversely affect vehicular circulation patterns in the area. However, there is a regional need to provide a diversity of housing stock within the region and in within Smithtown particularly the rental apartment inventory. With proper modifications and mitigations the petition can be made approvable.

STAFF RECOMMENDATION

Approval of the change of zone from R-21 and LI to RM-GA for Liberty Village with the following comments:

1. It is indicated in the submitted EAF (pg. 3) that the subject property had been used in the past for sand and gravel mining, the disposal of solid or hazardous wastes and is currently a “capped landfill”. The petitioners put forth that the existing use of the subject property is “vacant land, and an industrial yard consisting of contractor’s storage and equipment storage.” Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known if any have been prepared and submitted to the New York State Department of Environmental Conservation (DEC). Environmental Site Assessments should be prepared and submitted to the appropriate agencies for review.
2. 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 for waste water treatment considerations 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.
3. There is no indication in the referral materials to the Suffolk County Planning Commission from the Smithtown Town Board regarding the proposals intended compliance with the NYS Long Island Work Force Housing Act and if the petitioners will provide the minimum required 10% affordable units or if a greater percentage of the ultimate unit build-out will be offered. This should be clarified prior to COZ approval.
4. 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.
5. The Liberty Village age restricted garden apartment complex should provide for shuttle service to appropriate transportation, health, retail and commercial nodes.
6. There is no indication in the referred material to the Suffolk County Planning Commission that the petitioner is currently preparing a traffic impact analysis in coordination with the town of Smithtown. Such an analysis is necessary in order to determine the impact to Lawrence Road and other area intersections and roadways as a result of full bailout of the petition as presented. This analysis should be prepared as part of the COZ review by the Town Board.
7. 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.



Z-1: Liberty Village
 SCPD: SM-15-01
 SCTM No: 0800-044.00-02.00-006.000 et al