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

May 6, 2015 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 April 2015

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

   - Overbay LLC, Village of Port Jefferson
     0206 11000 0600 018.00, 19, 20, 21.1, 22.1, 23.1, 24.1, 25

   - King and Queens Transload, LLC, Town of Islip
     0500 13400 0200 003000

7. Section A-14-24 of the Suffolk County Administrative Code

   - Rosko Farms, Town of Southampton, Village of Southampton
     0900 15800 0200 015003
     0900 15800 0200 028001
     0904 10000 0200 003001

8. Other Business:
   Consideration of Working Group Report on Utility Solar Model Code

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on June 3, 2015 2 p.m. Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY.

COUNTY OF SUFFOLK

S-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 A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Rosko Farm at Magee
Municipality: Town of Southampton
Location: Between the easterly side of Tuckahoe Lane and the westerly side of Magee Street, running along the south side of the LIRR tracks, in the hamlet of Tuckahoe (partially in the Village of Southampton).

Received: 8/22/14
File Number: S-SH-15-02
T.P.I.N.: 0900 15800 0200 015003, 028001, and 0904 00100 0200 003001
Jurisdiction: Adjacent to Municipal Boundary (Village of Southampton) and within 500' of County Lands (recharge wetlands).

ZONING DATA

- Zoning Classification: R-40 Residence for single family
- Minimum Lot Area: 40,000 SF minimum lot area
- Section 278: N/A
- Obtained Variance: None noted.

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Full EAF – Part 1
- SEQRA Type Type I
- Traffic Impact Report Yes
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Fallow fields
- Existing Structures: None except towers for overhead high tension wires
- General Character of Site: Cleared, level topography, slightly irregular shape
- Range of Elevation within Site: 24' to 35' above msl
- Cover: Mostly fallow growth grass
- Soil Types: Mostly Haven loam (prime agriculture soil), and Riverhead sandy loam & Plymouth loamy sand
- Range of Slopes (Soils Map): 0-10%
- Waterbodies or Wetlands: None (observed recharge pond/basin to the north on the other side of LIRR tracks)

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Major subdivision application
- Layout: Clustered with 'flag lots' along a curvilinear road with five (5) proposed common driveway cul-de-sacs connecting with two (2) existing roadways.
- Area of Tract: 34.235 +/- acres (1,491,276 +/- SF)
- No. of Lots: 28 lots proposed (voluntary yield reduction from 29 lots) ranging in size from 22,042 SF to 41,958 SF with 31,476 SF being the average proposed lot size
- Open Space: Yes, 4 areas identified on the proposed map as 'A' = 19,042 SF, 'B' = 425,622 SF, 'C' = 79,893 SF and 'D' = 2,815 SF.

ACCESS

- Roads: Proposed road (likely private) with one connecting point of access along Tuckahoe Lane, and another connecting point of access along Magee Street.
- Driveways: Five (5) proposed common driveway cul-de-sacs, paved.

ENVIRONMENTAL INFORMATION

- Storm-water Drainage
  - Design of System: Catch Basins and Leaching Pools
  - Recharge Basins None, 1 proposed retention area utilizing leaching pools located in open space 'B'
- Groundwater Management Zone: IV (600 gpd of wastewater/40,000 SF)
- Water Supply: Suffolk County Water Authority
- Sanitary Sewers: Individual Septic Systems (Cesspool and Leaching pools)

PROPOSAL DETAILS

OVERVIEW – The applicant is proposing to subdivide 34.235 acres of land that was once farmland. The referred subdivision map contains a total of 28 lots and open space areas. The proposal intends to subdivide the property consistent with the Town of Southampton land-use regulations as a "reduced density" subdivision, which is one lot less than its as-of-right yield of 29 single family lots (as determined by the Town Planning Board).

Local land uses within the surrounding neighborhood of the subject property include moderate to high density residence, commercial (CR 39), horticulture (on Town land) and recreation (golf). The subject parcel appears to be the last remaining parcel of land suitable for agricultural crop use with full development potential in its immediate surrounding area.

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 subdivisions would provide an appropriate location for residential development while respecting existing surrounding land uses as well as the environment and local ecology. Even though the subject property is relatively remotely located from most of the East End farming community, preserving the availability of its prime agriculture soils for farming would be recommended when practical.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: Town of Southampton in early 2015 adopted The County Road 39 Corridor Land Use and Access Management Plan which was guided by the 1999 Comprehensive Plan Update. The subject property lies within CR 39 Corridor Study Area, which in part had a land use plan with a focus on the following four goals:
Goal 1: Maintain/Enhance Community Character
Goal 2: Facilitate Movement/Enhance Safety
Goal 3: Manage new development along the corridor
Goal 4: Protect and enhance the area's environmental quality

One of the recommendations of the CR 39 Study is to promote open space retention on remaining large undeveloped tracts. There are currently several large tracts of land that are used as open space/recreation and effectively act as greenbelts between the commercial nodes along CR 39.

It has been noted by staff that the subject property is not indicated as one of those undeveloped parcels targeted for preservation, and the proposed subdivision and future development of the subject property is not inconsistent with the Comprehensive Plan Update or the CR 39 Corridor Land Use Plan. However, staff would like to point out that both of those Plans mention "Transfer of Development Rights" or TDRs as a means to preserving several identified underdeveloped properties along the CR 39 Corridor. However, they do not mention the undeveloped subject property, as either a sending or receiving parcel for participation in a TDR program, and it could be thought that designated receiving parcels are the missing participant in the Town of Southampton's TDR program.

The current development proposal is designated as a "Reduced Density Subdivision" of the subject property, which even though may be viewed favorably in the community and by the Town, may be a missed opportunity to provide some diversified local housing while still preserving the community character of Tuckahoe and Town of Southampton; and as observed would be supported by the historic land use pattern in the surrounding areas.

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', as the 34.235 acre subject property is located within a relatively developed hamlet area, and not located in an area considered environmentally sensitive nor a habitat for endangered species, staff considers optimizing the use of open space, storm-water run-off mitigation and green infrastructure as the best practices to mitigate any impacts the future development may have on the environment and the local ecosystem. Staff believes that the size and shape of the property are conducive to perhaps a tighter clustering and/or a layout that will allow the placing of housing units closer to both Tuckahoe Lane and Magee Street, therefore providing a large 'greenway' of open space through the center of the property to maximize both the existing vistas and would result in a more contiguous 'greenbelt' path with the undeveloped land to the north and the preserved land to the south.

Regarding 'energy efficiency', it is the belief of the staff that it would be premature to analyze at this stage of the subdivision process, but suggestions may be made with staff or Commission recommendations to follow during adoption of this report.

As for 'economic development', worth noting again is that the subject property is situated within the Study Area of the Town's CR 39 Corridor Land Use Plan; the subject property is a short distance (as close as 600') from CR 39, between Tuckahoe Lane and Magee Street. Within the Study Area is a wide variety of land uses both existing and proposed that generally seem compatible with each other and in accordance land use plans. It is likely that the proposed subdivision would not negatively impact, and could potentially support and benefit other economic development projects in the area.

Regarding 'housing diversity', the current proposal is designated as a "Reduced Density Subdivision" and therefore in accordance with the governing laws it would not be required to provide any affordable/workforce housing units as a component of its future development (i.e. Long Island Workforce Housing Act). However, staff believes there is the possibility for the subject property to support a higher density, and as a result, to offer market rate as well as affordable/workforce or other "community housing" opportunities on the subject property. This could be accomplished via a transfer of development rights program, which the Town of Southampton has in place. The transfer of development rights would also be suitable for the subject property especially since it is within Suffolk County's Groundwater Management Zone IV that allows 600 gallons per day of wastewater discharge, which equates to two single family dwelling units per acre (twice that of zoning). Considering the mix of surrounding land uses and various densities, and the desire of the Town to preserve other parcels of land, as well as certain vistas, landmark properties and the community character along the CR 39 corridor; the subject property deserves consideration as a receiving parcel for TDRs as a way to offer greater housing diversity than what is currently being offered with the subject proposal.

In terms of 'transportation', the location of the subject property is less than a ¼ mile from CR39, the main east-west roadway for the area that also is serviced by Suffolk Transit bus service. It can be noted that the current subdivision proposal offers some additional walkability as depicted as "Open Space Area 'D'", a 10' wide strip of land for pedestrian access from the proposed interior road to the adjacent Town owned open space parcel to the south of the subject property.

In terms of public safety, the proposed subdivision map depicts several common driveways to be improved as "country lane style" cul-de-sac roads to serve as access to the majority of its lots. As with all subdivision proposals it is the Commission policy to insure the identification and accessibility by emergency and service equipment to all future residents, and therefore all roads should be given a distinctive name and properly signed to facilitate location. Staff also noted that the proposed access onto Magee Street is to be located opposite the access to the Bishop's Pond development

access, and that this location is ideal to avoid multiple offset access points which have the potential to result in vehicular conflicts. Adversely, the other proposed point of access along Tuckahoe Lane is only approximately 28 feet from the LIRR right-of-way crossing to the north, which staff believes is too close to the 'tracks'. Queues from northbound vehicles waiting for the crossing gates would tend to block this access point. In addition, staff believes that drivers behaving in such a manner as to try to avoid being delayed at the gate crossing could result in violent conflicts with vehicle entering or exiting the proposed subdivision at this location. As an alternative, fifty feet is considered the minimum distance to be in conformance with good access management principals, and in turn make it safer.

STAFF RECOMMENDATION

Approval, subject to the following comments:

1. The Town should consider modifying the proposed subdivision to create an open space area that would be contiguous with the open space parcel adjacent to the south (used for horticulture), and would maintain the existing vista or view-shed from further north along CR 39, especially if the Southampton Golf Driving Range parcel is eventually preserved for open space purposes; as has been indicated in the CR 39 Corridor Land Use Plan.

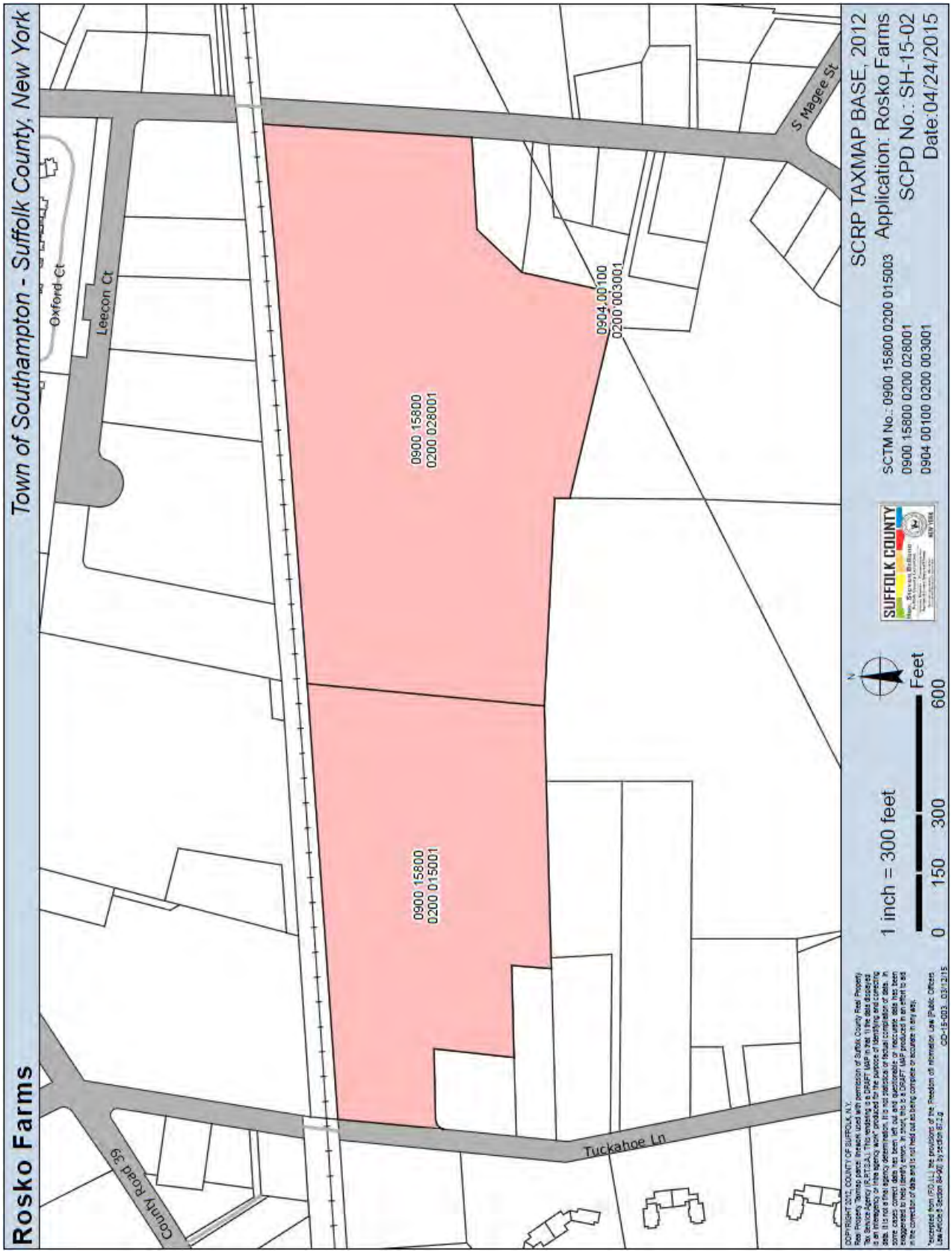
2. The Town and the applicant should investigate the potential benefits of utilizing Transfer of Developments Rights (TDRs) on the subject property, and be made aware that in accordance with Article 6 of the Suffolk County Sanity Code, the subject property could support two (2) units per acre, therefore increase the density that would provide more diversified housing opportunities for the local while simultaneously remain in conformance with the 'historic' lot pattern which currently exists in the surrounding neighborhoods. Participation in a TDR program could foreseeable accomplish many high priority goals, particularly with respect to preserving open space, historic landmark properties, scenic vistas and community character; all while also supporting the goals of economic development and especially providing diversified housing opportunities within the Tuckahoe and Southampton communities.

3. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety and incorporate practical methodologies for the assurance of public safety into the design of the subdivision where appropriate, particularly to determine whether the proposed common driveway cul-de-sacs are adequate to insure the safety and welfare of the future residents of the proposed subdivision, and most especially to be able to facilitate the location of future residences by emergency and service equipment.

4. The proposed point of access along Tuckahoe Lane should be relocated a distance of no less than fifty feet away from the LIRR right-of-way for public safety purposes, and to be more in conformance with good access management principals.

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

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


Rosko Farms
Town of Southampton - Suffolk County, New York
County Road 39
Tuckahoe Ln
Oxford Ct
Leecon Ct
S Magee St
0900 15800
0200 015001
0900 15800
0200 028001
0904 00100
0200 003001
SCRP TAXMAP BASE, 2012
Application: Rosko Farms
SCPD No.: SH-15-02
Date:04/24/2015
SCTM No.: 0900 15800 0200 015003
0900 15800 0200 028001
0904 00100 0200 003001
SUFFOLK COUNTY
1 inch = 300 feet
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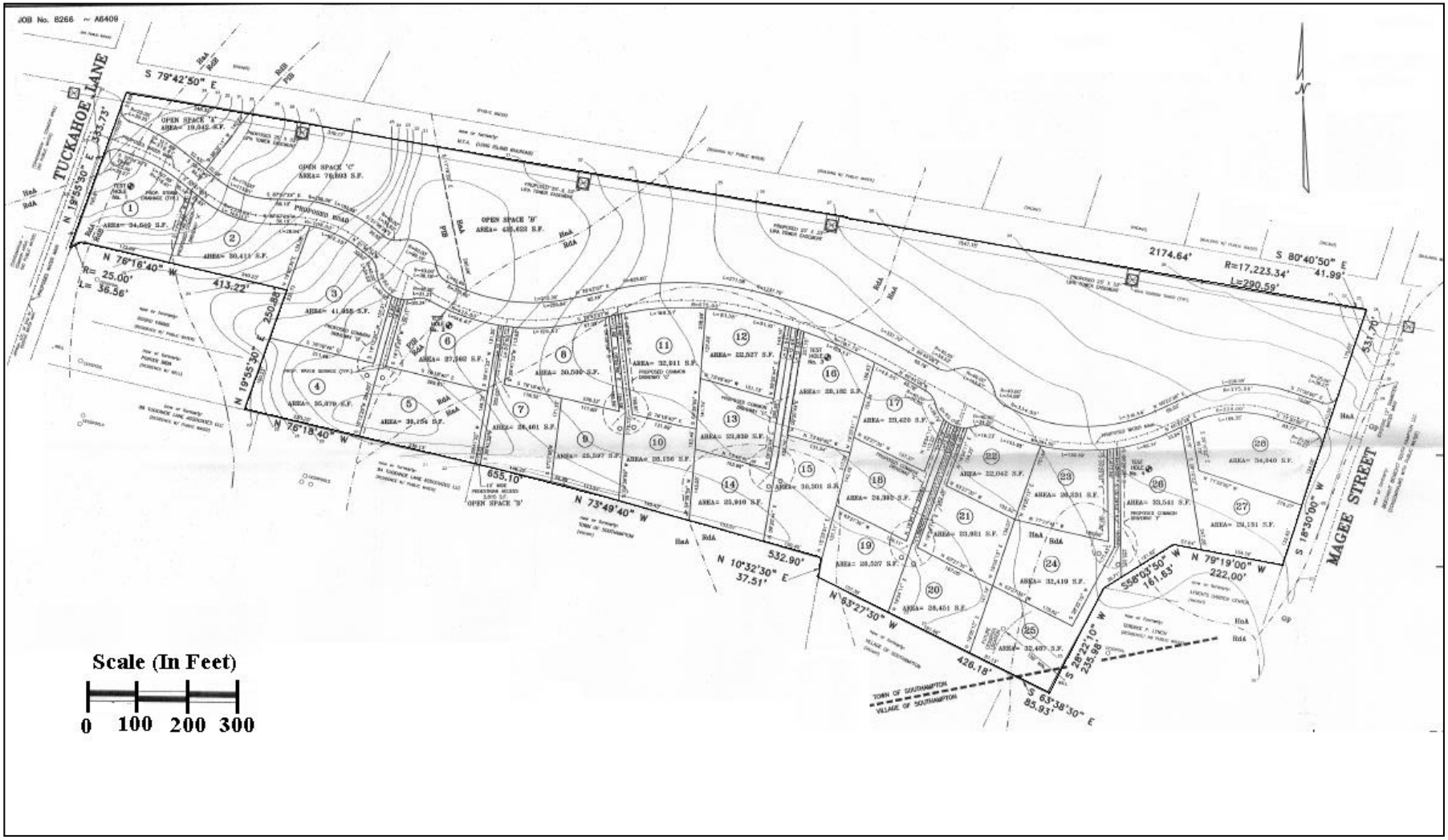
Feet



S-1: Rosko Farm At Magee
SCPD: S-SH-15-02
SCTM No: 0900-158.00-02.00-015.003 et al

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 A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Overbay LLC
Municipality: Inc. Village of Port Jefferson
Location: s/w/corner West Broadway (NYS Rte. 25A) and Brook Road

Received: 3/25/2015
File Number: Pj-15-02
T.P.I.N.: 0206 11000 0600 018000
Jurisdiction: Adjacent to NYS Rte. 25A

ZONING DATA
- Zoning Classification: C-1 and RB2
- Section 278: No
- Obtained Variance: No

SUPPLEMENTARY INFORMATION
- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: Yes
- 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 DEIS
- Minority or Economic Distressed No

SITE DESCRIPTION
- Present Land Use: vacant boat dealership
- Existing Structures: yes, block bldg.
- General Character of Site: level
- Range of Elevation within Site: 10'
- Cover: some wetland plants, buildings and asphalt

- Soil Types: Urban land and Carver soils association
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands:

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: site plan
- Layout: standard
- Area of Tract: 1.84Acres
- Open Space: N/A

ACCESS

- Roads: existing
- Driveways: private

ENVIRONMENTAL INFORMATION

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

PROPOSAL DETAILS

OVERVIEW – Applicants request Conditional Use/Site Plan approval from the Inc. Village of Port Jefferson Planning Board for the demolition of an existing single family residential structure, a boat sales and service building and the development of two residential only structures containing 52 apartments. Six (6) of the apartments will be for workforce housing purposes. The two structures will be a maximum of 35 feet in height. The ground floors (no basement level is proposed, due to the shallow depth to the groundwater) will be set aside for parking; the second and third floors will have 13 units each. The subject property is a 1.84 acre tract, on the southeast corner of West Broadway (NYS Rte. 25A) and Brook Road, within the westerly portion of the "Downtown" area of Port Jefferson Village. The overall residential development will contain approximately 35,963 SF of building (two buildings) and off street parking for 80 vehicles. Off street parking is to be provided in an at-grade, open air, parking garage located beneath the residential structures. The provided parking exceeds the Village Code requirement for off street parking stalls.

The subject parcel is split zoned for Commercial and Residential uses (north to south). The bulk of the parcel is in the C-1 (Commercial Business) District to the northern end and a small portion is within the RB-2 District at the southern extreme of the subject property. All structural development is to take place within the C-1 district and area within the RB-2 District will be made available as a dedication from the developer to the Village for parking in connection with the nearby Village ball fields.

Storm water runoff generated from the site is to be accommodated on site in subsurface leaching pools and drywell structures.

Wastewater generated by the proposed project will be conveyed for treatment and disposal via the existing County sewer system (that serves SCSD #1) to the Suffolk County-owned and operated sewage treatment plant located on Beach Street to the north.

Vehicle Access to the subject site is proposed to ultimately be from a single ingress/egress to Brook

Road. It is proposed that the access will be stop-controlled for exiting movements. The project begins however, with two vehicle access points: one on Brook Road and a right-turn only for entering vehicles on West Broadway. The accesses will lead directly under the structures, where access to all 80 parking spaces is located. Provisions are proposed to be made for the installation of two additional cross-accesses to the properties adjacent to the east and to the south. The DEIS traffic study and FEIS for the proposed project determined that the development would not generate traffic volumes sufficient to warrant improvements to West Broadway or Brook Road. The right-turn only vehicle entrance from eastbound West Broadway will be used only until such time as cross access to the property to the east is installed, at that time the Broadway access will be removed.

The subject property is predominantly cleared area with buildings related to Boat sales/service and parking. Approximately 0.09 acres of brush or meadow vegetation is located along Mill Creek at the south east corner of the subject site.

The subject property is adjacent to roadways north and west. To the west, over Brook Road, is improved residentially zoned land. To the north across West Broadway, is land within the Marine Waterfront-1 District and various water dependent and enhanced uses (Town marina, private boat yard, restaurant, deli & municipal parking lots). The subject property abuts vacant C-1 zoned land to the east and further a vacant motel site undergoing redevelopment review. To the south the subject property abuts Mill Creek and RB-2 (residential) zoned land improved with a village athletic field.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located in a NYS Critical Environmental Area or Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone VIII. The subject property is partially located in Flood Zone AE (base flood elevation 8) the remainder of the property is in Flood Zone X. The habitable first floor elevation is 12 feet above mean sea level. The subject property contains and is adjacent to State regulated freshwater wetlands known as Mill Creek Pond (NYS DEC PJ-3). This surface water is noted as being exposed ground water that may contain traces of contaminants related to the Lawrence Aviation contaminant plume. The application includes mitigation for potential vapor intrusion, consistent with an Environmental Protection Agency (EPA) guidance letter secured by the applicant during the DEIS process. As indicated in referral material to the SC Planning Commission "the residences are above an open air parking garage, thus providing full ventilation between the ground surface and residential units. The ground level portion of the building (beneath the proposed community area) will be protected with a sub-slab depressurization system (SSDS)…" Sampling and monitoring will be performed per New York State Department of Health protocols. The applicant plans to include the protocols for the SSDS in the covenants and restriction for the property. In addition, the Suffolk County Department of Health Services (SCDHS) will review the matter for potential health issues in connection with their office of Wastewater Management review. It is put forth by the applicant that this will "ensure that public health is protected in connection with the proposed residential use of the site."

The Suffolk County Planning Commission reviewed a variance application for a similar development on the subject site on November 4, 2009 (Waters Edge SCPC File No. Pj-09-02) and rendered a determination of Disapproval for the following reasons:

1. The application would satisfy the on-site parking requirement for the proposed number of the apartments (52) only by building a parking facility beneath those units. The requested height variance in order to achieve the design of 52 apartments over a parking facility constitutes the unwarranted over-intensification of the use of the premises. The applicant might not otherwise achieve the 52 unit density and provide for adequate onsite parking without raising the building up to a height that is not in character with the surrounding area.

2. The application does not demonstrate compliance with applicable variance criteria

(particularly as it relates to the significant increase in height), and would tend to establish a precedent that would only tend to substantially undermine the effectiveness of the zoning ordinance.

Specific to the variance criteria, the application fails to demonstrate the following:

A. That the benefit sought CANNOT be achieved by other feasible means;
B. That an undesirable change in neighborhood character or to nearby properties will NOT occur as a result;
C. That the request is NOT substantial;
D. That the request will NOT have adverse physical or environment effects;
E. That the alleged difficulty is NOT self-created.

And, therefore, the applicant has NOT shown "practical difficulty" in order to justify granting the variance.

It is also suggested that the following comment pertaining to this proposed zoning action be offered to the Village Zoning Board of Appeals for its consideration and use.

The review/approval of the site plan associated with this proposal should precede granting any variance relief, so that the actions of the Zoning Board of Appeals would not restrict the Planning Board's ability to make appropriate modifications to the site plan.

The DEIS process for the proposed action resulted in changes in the project that no longer necessitates the granting of area variances from the Village Zoning Board of Appeals. These include but are not limited to:

1. The structure has been redesigned and lowered in height to a maximum of 35 feet, meeting the Village's building height restriction and eliminating the need for a building height variance.

2. Use of the RB-2 zoned portion of the site for commercial space-related parking is no longer contemplated; this area will be made available as a dedication from the developer to the Village for parking in connection with the nearby Village ball fields. In this way, a variance for commercial parking in a residential zone is no longer needed.

It is the belief of the Suffolk County Planning Commission staff that the Inc. Village of Port Jefferson Zoning Board of Appeals application for this proposal was withdrawn and the current [new] referral (Site Plan/Conditional Use) addresses the Commission's disapproval of the prior ZBA referral.

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.

There are not anticipated to be adverse inter-community issues related to this proposal. The addition of market rate rental and workforce housing units is considered to be a positive regional aspect of the application.

The proposed rental apartment units are in close proximity – less than a quarter of a mile and connected by sidewalks - to the center of the Village of Port Jefferson downtown business district. The subject property is also adjacent to a Village of Port Jefferson municipal park. West Broadway (SR 25A) is served by Suffolk County Bus Routes 60, 69, and 76. In addition, the proposed apartments would be located in close proximity to the Port Jefferson/Bridgeport ferry terminal.

The general public is not anticipated to be significantly inconvenienced by the proposed use. All motor vehicle traffic is to be on to Brook Road; a minor collector street. No local traffic is anticipated on other residential streets in the area.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:

The Village of Port Jefferson is in the process of updating its Master Plan. The Village's original Master Plan was adopted in 1965, two years after Village incorporation. It is the belief of the staff that the proposed action conforms to the recommendations of the Village of Port Jefferson's Draft Master Plan Update (2014). The Village's Draft Master Plan Update does not have specific recommendations for the subject parcel. However, it should be noted that the Draft Master Plan Update does propose to maintain the current zoning for the property which currently allows the proposed development. In addition, the Draft Master Plan Update supports "the new Downtown developments" that have been proposed. The Plan states that these developments will provide needed tax revenue and help support the downtown businesses especially during the off peak season.

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
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.

Mill creek, an unclassified water way, runs through the southern portion of the subject property. Provisions should be made to protect and enhance Mill Creek including removing debris, bank stabilization and vegetative restoration. In addition, there are mapped NYS DEC regulated wetlands on site and in the area; storm water runoff for this proposal needs to be carefully considered. It is indicated that storm water runoff from the contemplated development is proposed to be collected and recharged to groundwater via catch basins and leaching pools. Opportunity exists for more state of the art and best managing practices for capturing and treating storm water run-off adjacent to wetland systems. 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. In addition the petitioners are encouraged to continue dialogue with the NYS DEC regarding permits associated with construction in adjacent area to regulated fresh water wetlands.

Also, it is noted that the most landward limit of freshwater wetland vegetation on site was last

flagged in the field on 1/18/08 as indicated on the submitted plans dated July 2014 by Nelson and Pope. This is approximately seven years ago. Wetland lines tend to migrate over time and it would be appropriate for a review of the boundary. The most landward limit of freshwater wetland vegetation should be reflagged in the field by a qualified expert, reviewed by the appropriate regulatory agency and represented on all future final sketches, surveys, site plans or permits.

The subject property is also located down gradient (groundwater flow) of the Lawrence Aviation Industries Superfund Site. The applicants should continue to coordinate with the United States Environmental Protection Agency, the New York State Department of Environmental Conservation and the Suffolk County Health Department to insure that any possible impacts related to the Lawrence Aviation Superfund Site are considered during project design and construction.

In addition, the project design and construction should insure that the underground parking garage is properly ventilated as proposed to prevent any buildup of harmful chemicals.

The development is proposed to connect to Suffolk County Sewer District # 1 (Port Jefferson). Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted and the applicant should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the SCDPW as soon as possible.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicants should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical.

This proposed development supports the Planning Commission's priority of Economic Development, Equity and Sustainability. This project should have a positive economic impact on the Village of Port Jefferson in terms of construction jobs, tax revenue and support for the local downtown businesses.

This development also supports the Planning Commission's priority on Housing Diversity by providing 52 rental apartment units in an area that is predominately single family detached homes.

This proposed development proposes access to West Broadway (State Road 25A). Early review by the New York State Department of Transportation (NYSDOT) is warranted and the petitioner should be directed to contact and begin dialogue with the NYSDOT as soon as possible.

In addition, three Suffolk County Transit Bus routes run along West Broadway (State Road 25A). The applicant should be directed to contact Suffolk County Transit to coordinate bus service to the new apartment complex.

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

Also, the applicant should provide a pedestrian circulation plan from West Broadway and Brook Street to the proposed gravel walking path accounting for motor vehicle conflicts and pedestrian safety.

Little discussion is made in the petition to the Village 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 Conditional Use/Site Plan for Overbay, LLC with the following comments:

1. The applicants 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. Environmental reports (indicating that all hazardous materials have been removed from the site and that any environmental hazards that could be aggravated by the demolition procedure have been removed and do not exist on site) should be made publicly available prior to final approval of the site plan by the Village of Port Jefferson Planning Board including details on the proposed sub-slab depressurization system (SSDS) and the sampling and monitoring program per New York State Department of Health protocols.

3. The most landward limit of freshwater wetland vegetation should be re-flagged in the field by a qualified expert, reviewed by the appropriate regulatory agency and represented on all future final sketches, surveys, site plans or permits.

4. Waste water treatment and disposal issues should be reviewed with the Suffolk County Department of Public Works and the Department of Health Services as early as possible.

5. The applicant 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 to non-residential uses.

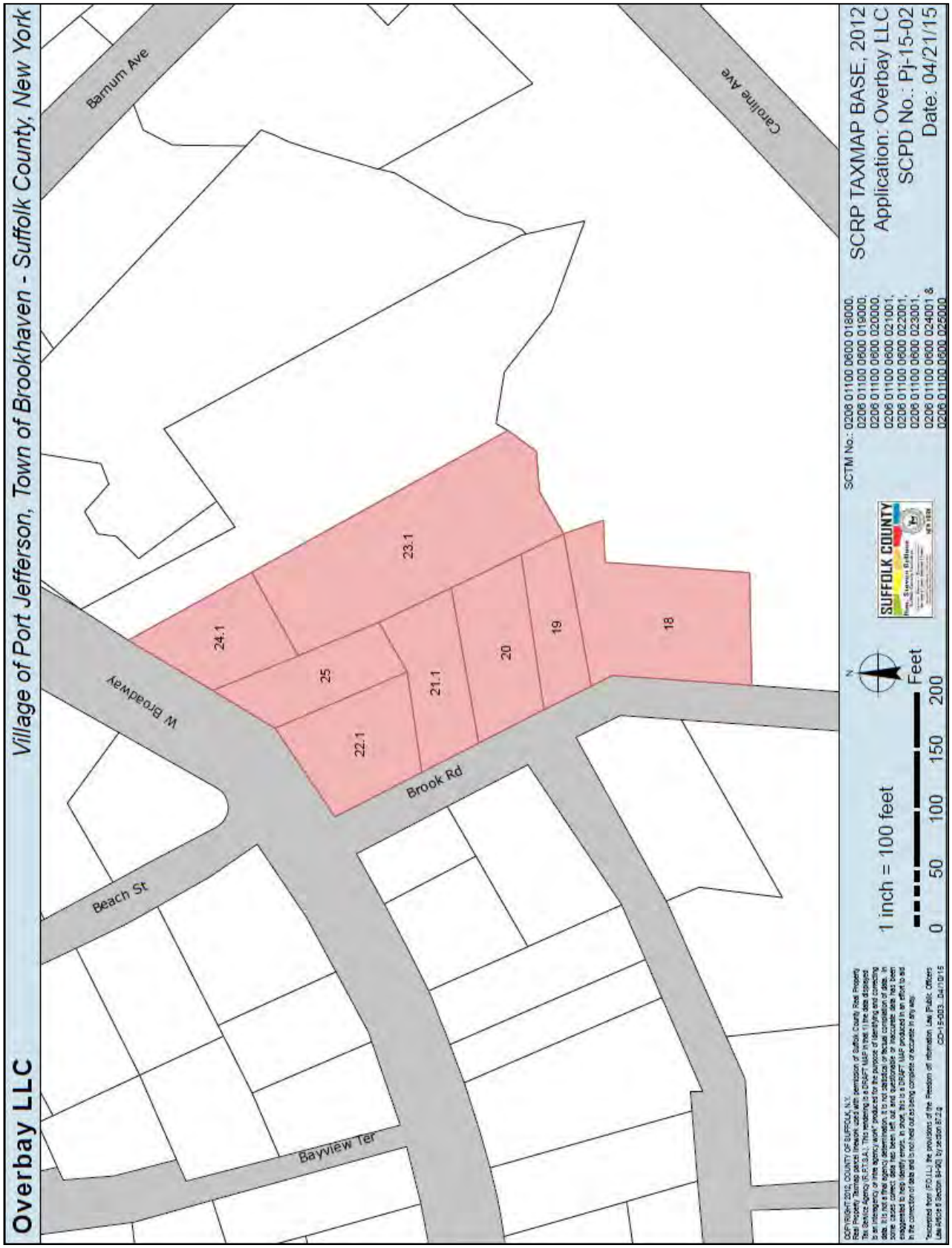
6. The applicant should contact Suffolk County Transit and explore bus service to the indoor recreation facility.

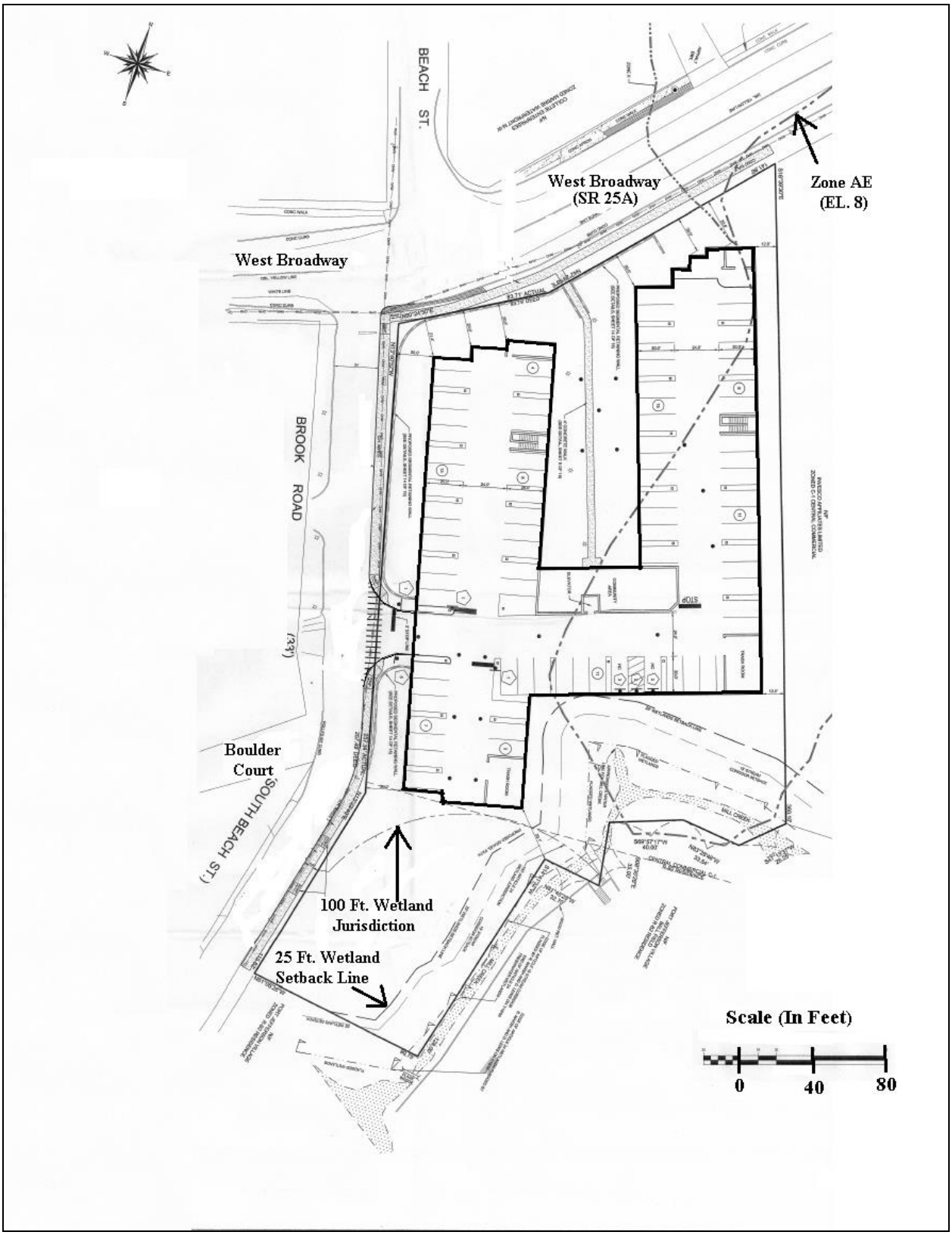
7. The applicant should contact the NYS DOT with respect to traffic studies and access to the subject site from the State ROW.

8. The applicant should provide a pedestrian circulation plan from West Broadway and Brook Street to the proposed gravel walking path accounting for motor vehicle conflicts and pedestrian safety.

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

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


Overbay LLC
Village of Port Jefferson, Town of Brookhaven - Suffolk County, New York
Barnum Ave
Caroline Ave
W Broadway
Beach St
Bayview Ter
Brook Rd
24.1
23.1
25
22.1
21.1
20
19
18
SCTM No.: 0206 01100 0600 018000,
0206 01100 0600 019000,
0206 01100 0600 020000,
0206 01100 0600 021001,
0206 01100 0600 022001,
0206 01100 0600 023001,
0206 01100 0600 024001 &
0206 01100 0600 025000
SCRP TAXMAP BASE, 2012
Application: Overbay LLC
SCPD No.: Pj-15-02
Date: 04/21/15
SUFFOLK COUNTY
1 inch = 100 feet
0 50 100 150 200
Feet
N
COPYRIGHT 2012, COUNTY OF SUFFOLK, N.Y.
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 inter agency work* produced for the purpose of identifying and correcting data. It is not a final agency determination, it is not statistically or factual completion 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.L. the provisions of the Freedom of Information Law (Public Officers Law Article 6 Section 84-90) by section 87-2-g
CD-15-003, 04/10/15



Z-1: Overbay LLC
SCPD: Pj-15-02
SCTM No: 0206-011.00-06.00-018.000

Z-1: Overbay LLC
SCPD: Pj-15-02
SCTM No: 0206-011.00-06.00-018.000

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 A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: King & Queens Transload, LLC
Municipality: Town of Islip
Location: West side of Emjay Boulevard approx 600 feet north of Merrill St.

Received: 4/13/2015
File Number: IS-15-INC
T.P.I.N.: 0500 13400 0200 003000
Jurisdiction: Adjacent to NYS Sagtikos Parkway R.O.W.

ZONING DATA

- Zoning Classification: Industrial 1
- Minimum Lot Area: 20,000. Sq. Ft.
- Section 278: No
- Obtained Variance: No

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: vacant
- Existing Structures: foundation
- General Character of Site: level

- Range of Elevation within Site: 100-105" amsl
- Cover: Asphalt, some woods west side
- Soil Types: Haven and Riverhead series
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Change of Zone
- Layout: Standard
- Area of Tract: 3.61Acres
- Yield Map:
  - No. of Lots: 1

ACCESS

- Roads: Emjay Boulevard Existing local street
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: cb-lp
  - Recharge Basins No
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: Public

PROPOSAL DETAILS

OVERVIEW – Applicants seek change of zone approval from the Islip Town Board from Industrial One (Ind 1) to Industrial 2 (Ind 2) and Town Board Special Permit for the construction and operation of a ferrous and non-ferrous scrap metal processing and rail freight facility on 3.61 acres in the hamlet of Edgewood. This type of use brings in various metals, which are then sorted, cut into pieces and bundled and sent out. The proposed facility is to consist of a pre-engineered metal building of 9,600 SF, an open 36,140 SF scrap metal tipping and processing area on the slab foundation of the prior building, a 1,763 SF Scale House and the proposed use of the rail spur along the west side of the property for items leaving the facility. The remainder of the site is existing asphalt pavement.

Parking required for the scrap metal processing facility is 25 off street parking stalls and the proposed conceptual plan demonstrates compliance with the Islip Zoning Law.

The subject property is located on Emjay Boulevard. A single point of uncontrolled access to and from the parcel is proposed to be located at the southeast corner of the subject property. Emjay Boulevard while located in an Industrial One (Ind 1) zoned area can only be accessed from streets passing through a residential neighborhood to the east. Access to the intended project site is only possible from Crooked Hill Road (CR 13) via several residential side streets and Mac Arthur Ave., a residential collector street. From Wicks Avenue access is through several residential side streets and from Suffolk Ave. In this area Suffolk Ave is residential in character and a collector for Wicks Road.

The petitioners put forth that trucks are proposed to be used only for incoming metals. It is indicated in the submitted EAF part 3; Determination of Significance (prepared by the Lead Agency [Town of Islip] under the authority of the Commissioner of Planning) and submitted to the SCPC that “traffic

impacts have been reviewed as part of this application. The proposed use is expected to generate approximately 40% less truck traffic than the prior approved use. Impacts to air quality are expected to improve with this use as opposed to the prior use of the site as a transfer station." SCPC staff has included the Truck and Rail Traffic Comparison provided by the applicant as an attachment to this Staff Report.

According to submitted material to the Suffolk County Planning Commission the subject property had been used as a solid waste transfer station (Emjay Environmental Recycling, LLC), which is an as-of-right permitted use in the Ind 1 District. Several fires occurred at the facility, the last in 2013 destroyed the facility. The NYS DEC, under part 360 of the ECL closed the facility in April of 2014. Currently the subject property contains the foundation of the former operation building, scales and scale house. 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 what studies, data and analysis have been prepared and submitted to the appropriate agencies.

The proposed King and Queens Transload, LLC scrap metal processing facility is to connect to public waste water treatment (SWSD) for sanitary waste collection and treatment.

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

Storm water runoff from the contemplated development is intended to use catch basins and dry well leaching pools. The submitted Environmental Assessment Form indicates on page 2 that storm water discharges will be directed to established conveyance systems indicating "storm water drains exist adjacent to the property in Emjay Boulevard."

The subject property is located in an Industrial One (Ind 1) zoning designation. To the north, south and east (across Emjay Blvd.) are improved light industrial properties. To the west is the ROW for the MTA and the NYS Sagtikos Parkway. Further south on Emjay Blvd. and bordering the Ind 1 zoning district northward are improved residential dwellings in a well-established Residential A zoned neighborhood.

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-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 not apparent that the petition for a change of zone and special permit for a scrap metal recycling facility is a compatible land use that would not affect public convenience and the maintenance of a satisfactory community environment. There are problematic inter-community issues between the residential community and truck traffic which must travel through the community to access the proposed Ind 2 property.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Islip Comprehensive Plan; Community Identity Plan for Brentwood (volume 7C 1976) indicates that "in some neighborhoods like East Brentwood or Edgewood, where civic associations are existing, the plan

simply endorses the status of an existing neighborhood…" the Town of Islip does not have a more recent Comprehensive Plan for the area. However, the Zoning Law for the Town of Islip regarding revisions to Subsection 68-356 "Uses permitted by special permit from the Town Board after public hearing" was last revised in April of 1997 and the entire Article XXVI "Use District Regulations: Industrial 2 District was reviewed and last amended April of 2005. The industrial 2 District is designed for industrial activities "which can meet a reasonable level of performance standards than other industrial Districts." In the revised section 68-356 G scrap metal processing facilities are permitted by special permit "provided that no such…scrap metal processing facility is located within 500 feet of any residential use or zone…" It does not appear that the petition can meet the above special permit standard as the south east corner of the subject property is approximately 350 feet from the residential zone to the east.

The change of zone petition constitutes an unwarranted, non-comprehensive alteration of zoning patterns in this community. The petition to amend the Town Zoning Map by altering the zoning designation of the subject property would be inconsistent with the pattern of zoning in the surrounding area and without a comprehensive area study should be considered as "spot zoning." Approval of the change of zone would tend to substantially undermine the effectiveness of the zoning ordinance and would tend to establish a precedent for further such down zonings in the district.

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 above, according to submitted material to the Suffolk County Planning Commission the subject property had been used as a solid waste transfer station (Emjay Environmental Recycling, LLC). The NYS DEC, under part 360 of the ECL closed the facility in April of 2014. 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 what studies, data and analysis have been prepared and submitted to the appropriate agencies. It is not known what standards may have been used for a closure plan or what monitoring programs (if any) have been implemented and for how long such a program(s) will be in place.

Storm water runoff from the proposed project should be retained on-site (not allowed to reach street drainage systems) 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 components of the proposal.

The Subject property is situated in the Brentwood Census Designated Place and includes the subject property and the surrounding community. This CDP is defined as both an "economically distressed" and "minority area" by the Suffolk County Planning Commission pursuant to Suffolk County Legislative Resolution No. 102-2006 which requires Commission members to "take into account the potential of any such project to have a disproportionately high and adverse health and/or environmental impact on a minority or economically distressed community." Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The subject petition has received a Determination of Non-Significance per SEQRA from the Town of Islip and Part 3 of the EAF includes a Truck & Rail Traffic Comparison. Other impacts including noise, odor or groundwater impacts are not elaborated upon.

According to Part 3 of the submitted EAF prepared by the Town of Islip, "traffic impacts have been reviewed as part of this application". A "Truck & Rail Traffic Comparison" was submitted comparing the former use with the proposed use (see attached). The comparison however, is not sourced and multipliers used to make the comparison are not given. Suffolk County Planning Commission staff is unable to substantiate the comparative analysis without the benefit of any traffic study prepared regarding this petition. Such information is necessary in order to determine the impact on local residential streets as well as, intersections with Crooked Hill Road (CR 13) and Wicks Avenue (CR 7). The petitioner should be directed to consult with the Suffolk County Department of Public works for direction toward analysis of the proposed use and impacts to CR 7 and CR 13 from Suffolk Ave, MacArthur Ave, McNair Street, etc.

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

Disapproval of the change of zone for King & Queens Transload, LLC from Industrial One (Ind 1) to Industrial Two (Ind 2) for the following reasons:

1. The change of zone petition constitutes an unwarranted, non-comprehensive alteration of zoning patterns in this community. Approval of the change of zone would tend to substantially undermine the effectiveness of the zoning ordinance and would tend to establish a precedent for further such down zonings in the district.

2. Section 68-356 G of the Town of Islip Zoning Law indicates that scrap metal processing facilities are permitted by special permit "provided that no such…scrap metal processing facility is located within 500 feet of any residential use or zone…" It does not appear that the petition can meet the above special permit standard as the south east corner of the subject property is approximately 350 feet from the residential zone to the east.

3. According to submitted material to the Suffolk County Planning Commission the subject property had been used as a solid waste transfer station (Emjay Environmental Recycling,

LLC). The NYS DEC, under part 360 of the ECL closed the facility in April of 2014. 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 what studies, data and analysis have been prepared and submitted to the appropriate agencies. It is not known what standards may have been used for a closure plan or what monitoring programs (if any) have been implemented and for how long such a program(s) will be in place.

4. The Suffolk County Planning Commission is unable to substantiate the comparative traffic analysis without the benefit of any source, multipliers used or traffic study prepared regarding this petition. Such information is necessary in order to determine the impact on local residential streets as well as, intersections with Crooked Hill Road (CR 13) and Wicks Avenue (CR 7).

Comments:

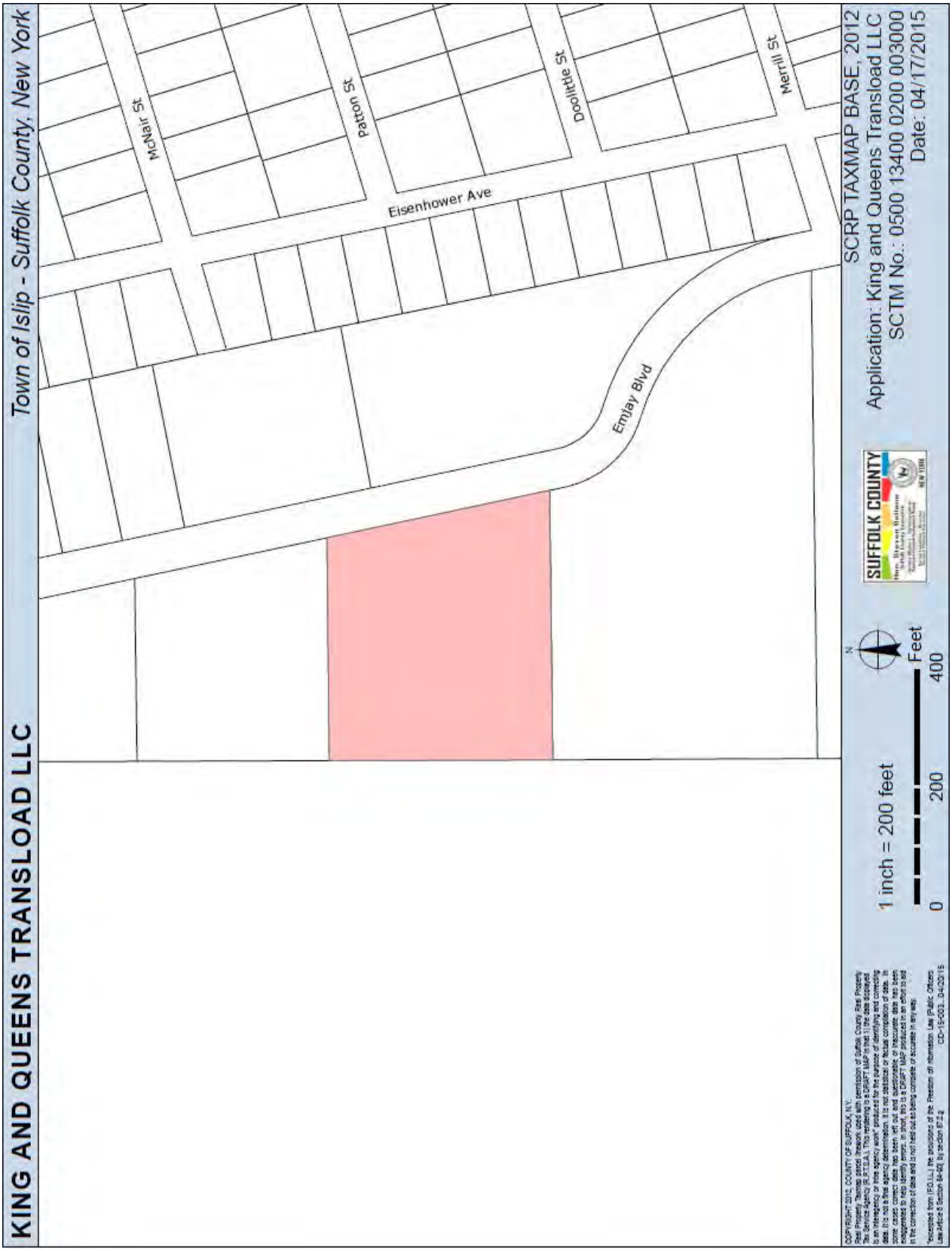
1. The petitioner should be directed to consult with the Suffolk County Department of Public works for direction toward analysis of the proposed use and traffic impacts to CR 7 and CR 13 from Suffolk Ave, MacArthur Ave, McNair Street, etc.

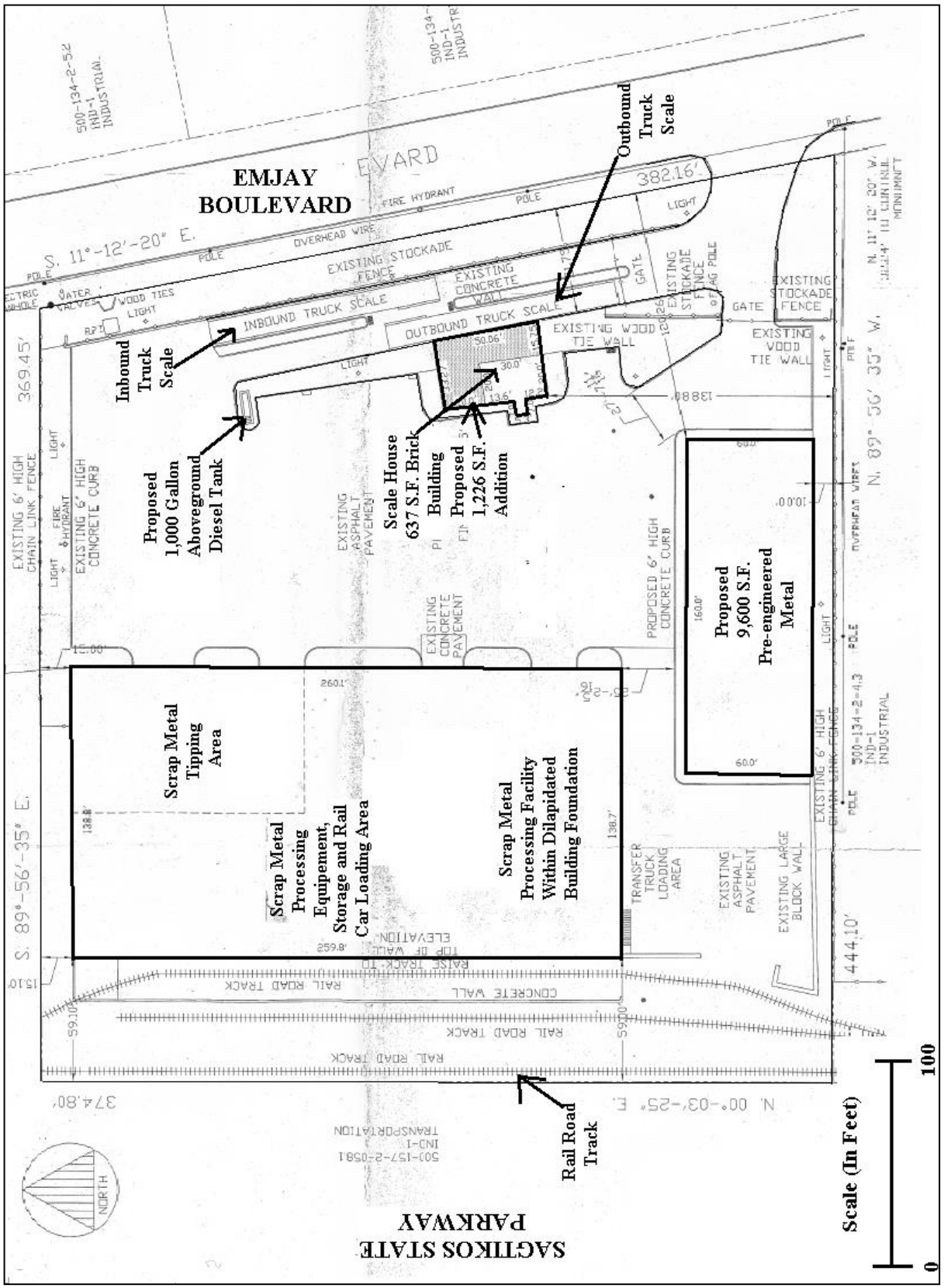
2. The petitioner should be directed to consult with the Suffolk County Department of Health Services and the Department of Public works regarding connection to the County sewer district.

3. 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.

4. 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 components of the proposal.

5. 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.


KING AND QUEENS TRANSLOAD LLC
Town of Islip - Suffolk County, New York
McNair St
Patton St
Doolittle St
Merrill St
Eisenhower Ave
Emjay Blvd
SCRP TAXMAP BASE, 2012
Application: King and Queens Transload LLC
SCTM No.: 0500 13400 0200 003000
Date: 04/17/2015
SUFFOLK COUNTY
N
1 inch = 200 feet
0
200
400
Feet


EMJAY BOULEVARD
Outbound Truck Scale
Inbound Truck Scale
Proposed 1,000 Gallon Aboveground Diesel Tank
Scale House 637 S.F. Brick Building
Proposed 1,226 S.F. Addition
Proposed 9,600 S.F. Pre-engineered Metal
Scrap Metal Tipping Area
Scrap Metal Processing Equipement, Storage and Rail Car Loading Area
Scrap Metal Processing Facility Within Dilapidated Building Foundation
Rail Road Track
SAGTIKOS STATE PARKWAY
NORTH
Scale (In Feet)
0
100

Kings & Queens Transload llc
Application for Change of Zone

Truck & Rail Traffic Comparison
Industrial 1 Solid Waste Transfer Use vs. Industrial 2 – Scrap Metal Processing Use

Item	Emjay Environmental Recycling [I-1 Use]	#	Kings & Queens Transload [I-2 Use]	#	Comparison I-1 Use to I-2 Use
Hours of Operation/Week	Mon - Sat 6am to 9pm 15 hours/day, 6 days/week	90	Mon - Fri: 7am to 7pm; Sat: 8am to 3pm 12 hours/weekday, 7 hours/Sat	67	*I-2 use will have 25% fewer operating hours/week*
Operating Days Per Year	6 days per week x 52 weeks per year - 6 Federal Holidays	306	6 days per week x 52 weeks per year - 6 Federal Holidays	306	*Same*
Average Daily Tons of Throughput	NYSDEC Permit	1,200	As per estimated processing capacity	352	*I-2 use will accept 70% less daily throughput*
Daily Number of Inbound Trucks	600 tons @ 3 tons/truck 600 tons @ 20 tons/truck	200 30	176 tons @ 2 tons/truck 176 tons @ 18 tons/truck	88 10	*I-2 use will generate 42% less truck traffic*
Daily Number of Outbound Railcars	1,200 tons @ 100 tons/railcar	12	352 tons @ 100 tons/railcar	4	*I-2 use will ship 33% fewer railcars*