

SUFFOLK COUNTY PLANNING COMMISSION

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

NOTICE OF MEETING

July 6, 2011

12:00 P.M.

Rose Caracappa Auditorium, William Rogers Building
725 Veterans Memorial Highway, Hauppauge, NY

Suffolk County Planning Commission Continuing Education/Training - 9:30 am

Tentative Agenda Includes:

1. Adoption of minutes for May 2011
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers: None
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - Sandy Hills@Middle Island 0200 37800 0200 033003 (Town of Brookhaven)
 - Metro Terminals of Long Island 0600 13502 0100 007000 (Town of Riverhead)
 - The Ponds at Southampton Village 0900 15800 0200 029000 (Town of Southampton)
 - 0904 00100 0300 001002 (Village of Southampton)
 - Coastal Erosion Management Village of Westhampton Beach (Discussion)
7. Section A14-24 of the Suffolk County Administrative Code
 - Quigley Estates 0200 52600 0100 019000 et al. (Town of Brookhaven)
8. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on WEDNESDAY, August 3, 2011 in the Rose Caracappa Auditorium, William Rogers Building, 725 Veterans Memorial Highway, Hauppauge, NY

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STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PLANNING

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

Applicant: Quigley Estates
Municipality: Town of Brookhaven
Received: 6/8/2011
File Number: S-BR-11-01
T.P.I.N.: 0200 52600 0100 019000 et al.
Jurisdiction: Within Pine Barrens Compatible Growth Area & 500' of Suffolk County Water Authority Land & Suffolk County Open Space

PROPOSAL DETAILS

OVERVIEW

The subject property known as "Quigley Estates" is an undeveloped wooded area located at the northeast corner of the intersection of Mill Road and Granny Road in the unincorporated Hamlet of Gordon Heights. The applicant for Quigley Estates seeks Brookhaven Town Planning Board approval for the subdivision of the approximate 39.4 acre subject parcel to create a 32 lot cluster subdivision for single family residential uses within the A-1 Residence district. According to a submitted "Preliminary Subdivision Cluster Map" dated May 16, 2011, lots 1 through 32 would be sited for residential development. An approximate 1.5 acre recharge basin would be sited on the southern portion of the site along Granny Road, and an approximate 18.6 acres on the northern portion of the site would be sited for open space dedication to the Town of Brookhaven.

COMPREHENSIVE PLANS

The subject property is included in the Town of Brookhaven's recently adopted 2011 Gordon Heights Land Use Plan ("GHLUP") for the Gordon Heights hamlet. The GHLUP specifically recommends for the subject property a Mixed-Use Hamlet Planned District Development ("PDD") consisting of mixed residential and commercial uses, a community center and village green.

ENVIRONMENTAL CONDITIONS

The subject property site is situated in Hydrogeologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code. The site is located within the Central Suffolk Special Groundwater Protection Area (SGPA). The site is not located in a State Critical Environmental Area. The site is located in the Pine Barrens Compatible Growth Area of Suffolk County as regulated by the Central Pine Barrens Joint Planning and Policy Commission. While the site is proximate to the Overton Preserve, there are no local, state or federally regulated wetlands on site.

STAFF ANALYSIS

Staff believes that said subdivision proposal is problematic in regard to the following issues:

Town of Brookhaven Gordon Height's Land Use Plan (2011)

The property known is included in the Town of Brookhaven's recently adopted Gordon Heights Land Use Plan ("GHLUP") for the Gordon Heights hamlet. The GHLUP was reviewed by the Suffolk County Planning Commission ("Commission") and conditionally approved on December 1, 2010 (See File # BR-10-14).

The applicant's proposal for a single family residential development on the subject property is not consistent with the GHLUP's specific recommendation for the same property as a Southern Neighborhood Center or Mixed-Use Hamlet Center Planned Development ("PDD"). The GHLUP is based on an earlier community visioning which focused on the creation of North and South Neighborhood Centers within Gordon Heights as proposed by the community during the visioning and modified based on the economic report conducted for the GHLUP. The applicant's proposal is problematic in that only single-family residential units are proposed, whereas the GHLUP's proposed Southern Neighborhood Center is intended for a diversity of housing types which include single and two-family units, granny-flats, live-work, above store units in addition to commercial uses, a community center and village green. The applicant's proposal is also problematic since it does not contain affordability provisions, whereas the GHLUP recommends a minimum of 20 percent affordable housing.

The Commission's § 4.3.B policy guideline on housing "encourages a diversity of housing types, equitably distributed across all communities, including the development of low and moderate income housing." In addition, the Commission's § 5.1.1 and 5.1.1A guidelines on affordable housing "sets a minimum of ten percent (10%) of all units be set aside as affordable units (for as-of-right applications)."

In light of the aforementioned concerns, it is recommended that the applicant coordinate with the Town to ensure that current and future development proposals for the subject property address such issues as housing diversity and affordability and are consistent with the adopted GHLUP recommendations for the subject site.

SCPC Transportation Guidelines (§ 4.7B of SCPC Guidebook)

The proposed subdivision plan features an internal roadway consisting of two cul-de-sacs which do not connect to the surrounding community through existing roadways. The GHLUP highlights the need to create pedestrian and vehicular connections between the residential areas to the north and east and to help merge a proposed "New Neighborhood Center" into the existing community. The Commission's § 4.7.B transportation guideline similarly emphasizes: "Smart growth principles and good planning practice which encourage multiple pedestrian and vehicular connections between existing and proposed developments which reduces trip lengths, facilitates emergency access and most equitably distributes traffic among multiple roadways." It should also be noted that the proposed subdivision has only one access point along Granny Road which should be addressed via a secondary emergency access as per the Commission's § 5.4.J.w guideline. A common access easement should also be created to prevent future landowner disputes over the use and maintenance of the roadways.

In accordance with the aforementioned GHLUP recommendation and Commission guidelines, it is recommended that the applicant address neighborhood connectivity concerns by creating safe and efficient pedestrian and vehicular connections with the surrounding community including a secondary emergency access point.

Suffolk County Pine Barrens Guidelines (§ 5.4.I of SCPC Guidebook)

The proposed subdivision plan may be in conflict with the Pine Barrens Compatible Growth Area

restriction on fertilizer dependent vegetation since approximately 16.2 acres of the 39.4 acre subject property or 41% of the development would be landscaped according the submitted application. The Commission's § 5.4.I.e policy guideline for the Pine Barrens "discourages extensive establishment of turf and fertilizer dependent non-native vegetation and the Commission may recommend disapproval of applications proposing more than 15% of each lot in vegetation requiring fertilization." The applicant should therefore ensure compliance with the aforementioned guideline.

SCPC Stormwater Management Guidelines (§ 5.4.C of SCPC Guidebook)

The proposed subdivision plan would cause the disturbance of approximately 919,316 square feet or 21.1 acres of land. The Commission's § 5.4.C policy guideline highlights the New York State's Pollutant Discharge Elimination System ("SPDES") program's permit requirement to develop and implement a SWPPP for managing stormwater runoff on construction sites of one acre or larger, therefore, the applicant should be directed to comply with all SPDES program permit requirements.

The applicant should be further directed to the Commission's "Managing Stormwater – Natural Vegetation and Green Methodologies" guidance document to explore and implement green methodology alternatives (e.g., bio-retention basins, bio-swales, rain gardens) to the 1.5 acre recharge basin along Granny Road.

STAFF RECOMMENDATION

Staff recommends **Disapproval** for the following Reasons:

1. Town of Brookhaven Gordon Height's Land Use Plan (2011)

The applicant's proposal for a single family residential development on the subject property is not consistent with the recently adopted Gordon Height's Land Use Plan's ("GHLUP") specific recommendation for the same property as a Southern Neighborhood Center or Mixed-Use Hamlet Center Planned Development.

In light of the aforementioned concerns, the applicant should coordinate with the Town to ensure that current and future development proposals for the subject property address such issues as housing diversity and affordability and are consistent with the adopted GHLUP recommendations for the subject site.

2. SCPC Transportation Guidelines (§ 4.7B of SCPC Guidebook)

The proposed subdivision plan features an internal roadway consisting of two cul-de-sacs which do not connect to the surrounding community through existing roadways. The GHLUP highlights the need to create pedestrian and vehicular connections between the residential areas to the north and east and to help merge a proposed "New Neighborhood Center" into the existing community. The Commission's § 4.7.B policy guideline on transportation similarly emphasizes: "Smart growth principles and good planning practice which encourage multiple pedestrian and vehicular connections between existing and proposed developments which reduces trip lengths, facilitates emergency access and most equitably distributes traffic among multiple roadways." It should also be noted that the proposed subdivision has only one access point along Granny Road which should be addressed via a secondary emergency access as per the Commission's § 5.4.J.w policy guideline. A common access easement should also be created to prevent future landowner disputes over the use and maintenance of the roadways.

In accordance with the aforementioned GHLUP recommendation and Commission guidelines, it is recommended that the applicant address neighborhood connectivity concerns by creating safe and efficient pedestrian and vehicular connections with the

surrounding community including a secondary emergency access point.

3. SCPC Suffolk County Pine Barrens Guidelines (§ 5.4.I of SCPC Guidebook)

The proposed subdivision plan may be in conflict with the Pine Barrens Compatible Growth Area restriction on fertilizer dependent vegetation since approximately 16.2 acres of the 39.4 acre subject property or 41% of the development would be landscaped according the submitted application. The Commission's § 5.4.I.e policy guideline for the Pine Barrens "discourages extensive establishment of turf and fertilizer dependent non-native vegetation and the Commission may recommend disapproval of applications proposing more than 15% of each lot in vegetation requiring fertilization." The applicant should therefore ensure compliance with the aforementioned guideline.

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The applicant should be further directed to the Commission's "Managing Stormwater – Natural Vegetation and Green Methodologies" guidance document to explore and implement green methodology alternatives (e.g., bio-retention basins, bio-swales, rain gardens) to the 1.5 acre recharge basin along Granny Road.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: A1
- Minimum Lot Area: 40,000 Sq. Ft.

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Major
- Layout: 32 lot subdivision
- Area of Tract: 39.4 Acres, 1,718,803 sq. ft.
- Open Space: 18.6 Acres

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: EAF
- Minority or Economic Distressed: Yes

SITE DESCRIPTION

- Existing Structures: None
- Range of Elevation within Site: Approximately 140' to 190' amsl
- Cover: Woods
- Soil Types: Plymouth & Carver Associations
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: No

ACCESS

- Roads: Existing
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB
 - Recharge Basins: Yes
- Groundwater Management Zone: III
- Water Supply: Public
- Sanitary Sewers: Proposed onsite septic



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

SARAH LANSDALE, AICP
DIRECTOR OF PLANNING

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

Sandy Hills, LLC
- ADDENDUM - 7/6/11

PROPOSAL DETAILS

OVERVIEW: By a “Short Form Order,” dated April 6, 2011, issued in the proceeding entitled Long Island Pine Barrens Society, et al. v. Town of Brookhaven Town Board, et al., the Supreme Court of Suffolk County found that the Town of Brookhaven failed to refer a rezoning resolution adopted on August 17, 2010 (clarifying prior zoning approvals) to the Suffolk County Planning Commission regarding the Sandy Hills, LLC development application. The Court Directed the Town Board to submit an August 2010 revised rezoning application by the project sponsors for the premises to the Suffolk County Planning Commission for review and recommendations.

The Fourth Amended Petition requests Town Board change of zone approval from J-2 and A-1 to J-6 (2.1 acres) and MF (21.534 acres), with 15.74 acres to remain A-1, to allow the proposed construction of 135 attached multi-family units and 17,300 SF. of commercial space. The parking requirement per the Town of Brookhaven Zoning Law is 386 parking stalls. The applicant is proposing a number of parking stalls in conformance with the requirement: Paved parking = 287 + 7 stalls for walking trails, 46 driveway spaces and 46 spaces accounted for in garages.

It should be noted that the Suffolk County Planning Commission reviewed a prior referral and conditionally approved it on July 11, 2007 (prior staff report follows). Conditions imposed by the Commission were as follows (resolution attached):

1. The applicant shall be directed to retire a significant number of Pine Barren Credits to achieve the requested density;
2. 20% of the proposed units shall be set aside for workforce housing purposes;
3. The applicant shall provide written correspondence from the NYS DOT and the Suffolk County Department of Public Works as to the issues of the proposed bypass road and access permits to the public right-of-ways;
4. The applicant shall provide written correspondence from the Suffolk County Sewer Agency and the Suffolk County Department of Health Services as to the viability of the proposed onsite sewage treatment plant (STP);

5. The applicant shall provide written correspondence from the Suffolk County Water Authority as to the potential impacts of the proposed action on the Baily Road well field.

The current referral differs from the prior conditionally approved referral as follows:

1. Three (3) Pine Barren Credits are proposed to be retired;
2. Detached single-family housing units/lots (10 lots/units) eliminated;
3. Triplex building units (6 units) eliminated;
4. Twenty-seven (27) Workforce Housing units (20%) are proposed;
5. The proposal is now for 135 units, one more than prior referral;
6. Commercial area increased to 17,300 SF from 13,000 SF;
7. Issues regarding Suffolk County Department of Public Works, Suffolk County Department of Health Services, Suffolk County Water Authority addressed in 2/26/09 FEIS.

Staff Analysis:

Relevant to the review of the re-referral, several issues need to be concluded.

1. The Status of the Middle Country Road Land Use Plan for Coram, Middle Island and Ridge: On April 4, 2006, the Town Board adopted the Land Use Plan which became part of the Towns Comprehensive Plan (see Town Board resolutions 1 & 1A, April 4, 2006);
2. Consistency with the MCRCMR Land Use Plan: NYS General Municipal Law Section 239-1.2(g) requires of the Planning Commission to consider the “*official municipal... development policies as may be expressed through comprehensive plans...or regulatory measures...*” The subject application has certain elements that are generally consistent with the Plan, particularly related to housing (see pages 95-117 of the plan). However, the plan does not envision or propose the inclusion of 17,300 SF. of commercial space at this property. Commercial space is to be revitalized west of any access road proposed for the development. Commercial space east of the proposed access road (Renaissance Blvd.) is not envisioned in the MCRCMR Plan and this addition of commercial space is not represented on the Middle Island Hamlet Center Concept (pg. 102, MCRCMR Land Use Plan).
3. Pine Barren Credits: The applicant proposes to redeem 3 Pine Barren Credits. The Suffolk County Planning Commission conditioned its 2007 approval on the retirement of a “significant number” of Pine Barren Credits to achieve the requested density. This is derived from Commission Guidelines, Specific Land Use Policies Pg. 23 “*Increases in density should be tied to the purchase and/or transfer of development rights....*” The subject property remains in the Compatible Growth area of the Central Pine Barrens Comprehensive Land Use Plan and is a receiving site for Pine Barren Credits (see prior staff report). Current trends on the redemption of Pine Barren Credits by the Town of Brookhaven (for MF zoning district code revisions) and the Central Pine Barrens Joint Planning and Policy Commission (see proposed Chapter 5 amendments to the CPBCLUP) is that each Town shall require the redemption of Pine Barrens Credits in an amount equal to fifteen percent (15%) of the difference between a projects “density load” (as proposed by project design) and the site’s “population density equivalent” (based on existing SCDHS Article 6 Groundwater Management Zones and not proposed or existing zoning categories)... This would equate as follows:

- a) Proposed project STP “density load” (from SDEIS pg. 1-7) = 50,000 gpd.;
- b) $39.374 \text{ ac} \times 300 \text{ gallons/acre} = 11,812 \text{ gallons/acre}$ for subject parcels as-of-right “population density equivalent” flow;
- c) The difference in waste water flow is $38,188 \text{ gpd} \times 0.15 = 5,728.2 \text{ gpd}$ divided by $300 \text{ gpd/PBC} = 19.094 \text{ PBC's}$.

While the difference in unit density from the as of right development of the site of 33 single family detached units, and the requested density of 135 attached multifamily units is approximately 102 units, the SCPC only required that a substantial number of credits be redeemed. The range in possible number of credits that could be redeemed by the proposed project range from 3 (per the applicant) to 19 (per current Town of Brookhaven and Central Pine Barrens Joint Planning and Policy Commission negotiations) to 102 (raw difference in number of units from as-of-right development of the site to Town Board discretionary change of zone approval to 135 units and 17,000 SF of commercial space).

Staff Recommendation:

Approval subject to the following conditions and comments.

Conditions:

- 1. Reduce or eliminate commercial space as part of this application.

Reason:

The subject application has certain elements that are generally consistent with the Middle Country Road Land Use Plan for Coram Middle Island and Ridge, particularly related to housing (see pages 95-117 of the plan). However, the plan does not envision or propose the inclusion of 17,300 SF. of commercial space at this property. Commercial space is to be revitalized west of any access road proposed for the development (within the Hamlet Center). Commercial space east of the proposed access road (Renaissance Blvd.) is not envisioned in the MCRCMR Plan as part of the Hamlet Center and this addition of commercial space is not represented on the Middle Island Hamlet Center Concept (pg. 102, MCRCMR Land Use Plan).

- 2. The Town shall cause the retirement of 19 Pine Barrens Credits.

Reason:

The Suffolk County Planning Commission conditioned its 2007 approval on the retirement of a “significant number” of Pine Barren Credits to achieve the requested density. The subject property remains in the Compatible Growth area of the Central Pine Barrens Comprehensive Land Use Plan and is a receiving site for Pine Barren Credits. Current trends on the redemption of Pine Barren Credits by the Town of Brookhaven (for MF zoning district code revisions) and the Central Pine Barrens Joint Planning and Policy Commission (see proposed Chapter 5 amendments to the CPBCLUP) is that each Town shall require the redemption of Pine Barrens Credits in an amount equal to fifteen percent (15%) of the difference between a projects “density load” (as proposed by project design) and the sites “population density

equivalent” (based on existing SCDHS Article 6 Groundwater Management Zones and not proposed or existing zoning categories)... This would equate as follows:

- a) Proposed project STP “density load” (from SDEIS pg. 1-7) = 50,000 gpd.;
- b) $39.374 \text{ ac} \times 300 \text{ gallons/acre} = 11,812 \text{ gallons/acre}$ for subject parcels as-of-right “population density equivalent” flow;
- c) The difference in waste water flow is $38,188 \text{ gpd} \times 0.15 = 5,728.2 \text{ gpd}$ divided by $300 \text{ gpd/PBC} = 19.094 \text{ PBC's}$.

While the difference in unit density from the as of right development of the site of 33 single family detached units, and the requested density of 135 attached multifamily units is approximately 102 units, the SCPC only required that a substantial number of credits be redeemed. The range in possible number of credits that could be redeemed by the proposed project range from 3 (per the applicant) to 19 (per current Town of Brookhaven and Central Pine Barrens Joint Planning and Policy Commission negotiations) to 102 (raw difference in number of units from as-of-right development of the site to Town Board discretionary change of zone approval to 135 units and 17,000 SF of commercial space).

Comments:

1. The proposed action is presented as a response and an implementation of the Middle Country Road Land Use Plan for Coram, Middle Island and Ridge. However, said plan cannot be fully implemented until such time as the Town Board, under its own motion, adjusts the zoning districts outside of the planned hamlet centers (Transition Areas). Without the corresponding zoning adjustments between the planned hamlet centers, as of right development along the corridor will blur the distinction of the hamlet centers and serve to further exacerbate the ramifications of unplanned and uncoordinated suburban sprawl.
2. While there are certain site plan elements that remain problematic, the Suffolk County Planning Commission reminds the Town that it will reserve detailed comments on the site plan (condominium map subdivision) until such time as a formal/official application is referred to the Suffolk County Planning Commission pursuant to NYS GML section 239 and the Suffolk County Administrative Code Section A14-14.
3. The Commission notes that 46 parking spaces are accounted for in garage space. It has been found that garage space is an unreliable off-street parking accommodation as garage space tends to convert to storage or living space over time.
4. For later stages of the development project the applicant should be made mindful of the Suffolk County Planning Commissions guidelines on the provision of energy efficiency, universal design and public safety.

ORIGINAL STAFF REPORT 7/11/2007

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

Applicant: Sandy Hills, LLC
Municipality: Town of Brookhaven
Location: East side of Rocky Point Road (CR 21) approximately 300 feet north of Middle Country Road (NYS Rte. 25)

Received: 5/21/2007
File Number: BR-07-22
T.P.I.N.: 0200 37800 0200 033003
Jurisdiction: Adjacent to CR 21; NYS Rte. 25 and within the Central Pine Barrens

ZONING DATA

- Zoning Classification: A-1 Residence and J-2
- Minimum Lot Area: 40,000 Sq. Ft.
- Section 278: No
- Obtained Variance: No

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Rolling
- Range of Elevation within Site: 66 ft. amsl approximately 94' amsl
- Cover: Wooded
- Soil Types: Have, Plymouth, Riverhead series
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None within or adjacent to site

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Change of zone
- Layout: Curvilinear
- Area of Tract: 38.56 Acres
- Yield Map: No
 - No. of Lots: 0
 - Lot Area Range: N/A
- Open Space: 12.91 Acres

ACCESS

- Roads: Existing
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB, LP and recharge basin
 - Recharge Basins: Yes
- Groundwater Management Zone: III
- Water Supply: Public
- Sanitary Sewers: Public STP

PROPOSAL DETAILS

OVERVIEW – Applicants seeks Town Board change of zone approval of a 38.6 acre parcel from A-1 and J-2 districts to J-6 and MF-1 for the construction of 134 residential units (including 72 flats, 32 townhouses, 14 duplex units, 6 triplex units and 10 single family units), 13,000 sq. ft. of commercial space and a 5,800 sq. ft. village club house for the residents of the development. Also proposed, is an on site sewage treatment plant for the treatment of sanitary waste. Four-hundred twenty-one parking spaces are proposed, one-hundred eleven are proposed as accessory to the commercial space. The project is in conformance with Town of Brookhaven Zoning Law requirements for off-street parking.

LOCATION – The subject property is located on the east side of Rocky Point Road (CR 21) approximately 300 feet north of Middle Country Road (NYS Rte. 25) in the hamlet of Middle Island.

A review of the character of the land use and zoning pattern in the vicinity indicates that the subject premises is located in an area of predominately A-1 residential zoning. Some J-2 business is found particularly along a corridor straddling Middle Country Road (NYS Rte. 25). An out parcel and some properties on the east side of CR 21 are also so zoned. Health facility zoning (NH-H) and a large industrially zoned parcel (sand and gravel facility) are located on the west side of the county road. Residential development predominates to the east in the form of single family housing and an attached multifamily community. West of the subject property are some single family homes and underdeveloped institutional zoning. The Middle Country Road corridor is improved with commercial development on either side of the road.

ACCESS – Access to the proposed use will be from one ingress/egress curb cut to NYS Rt. 25 and one ingress/egress curb cut to CR 21. The two access points are connected via an internal road linking the commercial and residential components. An internal loop roadway provides access to the remainder of the development northward.

ENVIRONMENTAL CONDITIONS - The subject property is situated in Hydrogeologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code. The site is located in the Central Suffolk (West) Special Groundwater Protection Area (SGPA). The SGPA recommends Cluster Development for the parcel. The subject site is located in the Middle Island-Yaphank State Critical Environmental Area. No local, state or federally regulated wetlands occur on site. However, west of the subject property is a State regulated wetland reportedly providing habitat for the Eastern Tiger Salamander. Open space considerations for the project include buffer area to the pond and migratory routs (tunnels) under CR 21 for the mole salamander.

The site is located in the Central Pine Barrens region of Suffolk County as regulated by the Central Pine Barrens Joint Planning and Policy Commission. The subject property is in the Compatible

Growth Area (CGA) of the Central Pine Barrens subject to clearing fertilizer and other developmental standards.

It should be noted that the subject application is not located in a minority and/or economically distressed community as defined by commission guidelines and required to be reported pursuant to Resolution 102-2006 of Suffolk County.

COMPREHENSIVE PLAN RECOMMENDATIONS – The 1996 Town of Brookhaven Comprehensive Land Use Plan recommends one acre or less density for this site. The Middle Country Road Corridor Study and Land Use Plan for the Coram, Middle Island and Ridge Corridor (adopted 2006) indicate mixed use for the subject parcel consisting of commercial, high density and medium density residential.

STAFF ANALYSIS

It is the belief of the staff that the proposed zone change is conceptually approvable in order to further the implementation of the local Corridor plan. Certain design elements of the proposed Preliminary Site Alignment Plan (Nelson & Pope 01/08/06) and certain aspects of the proposal are problematic, however, and will need modification prior to final site Plan approval.

The theoretical as of right yield of the residentially zoned portion of the subject property pursuant to the local zoning (A-1 Residence) is approximately 33 lots (38.10 acres x .8 (roads/drainage) / 40,000). The proposed yield of the development is to be 134 units. This is a difference of 101 units or the “as of right” yield is approximately 25% of the proposed yield. The proposal provides no substantial public benefit to the community impacted by the increase in density.

The location of the subject site in the CGA of the Central Pine Barrens makes discussion of the retirement of Pine Barren Credits (PBC’s) mandatory. Yet the project sponsor provides no rationale as to how the yield of the site is increased to 134 units without the capture of open space in the area. The A-1 Residential zoning district in the Town of Brookhaven is a designated receiving area in the Central Pine Barrens (in accordance with the Central Pine Barrens Comprehensive Land Use Plan) and an increase in yield of this magnitude warrants the transfer of development rights or PBC’s to achieve the desired density. The applicant should be directed to retire 101 Pine Barren Credits to achieve the requested density. The Central Pine Barrens Commission should be consulted for discussion of the PBC transfer issue. Moreover, the preliminary Site Alignment Plan indicates that only 33.5% of the site remains in “open space” after construction of the proposed development. The proposed open space reserve is not in conformance with the clearing restrictions of either the Town of Brookhaven or the Central Pine Barrens Joint Planning and Policy Commission. A variance from the Town and/or a hardship permit from the CPBJPPC may be warranted.

There is no workforce housing component as a proposed substantial public benefit in the intended development. An increase in yield to 134 units from an “as of right” yield of approximately 33 lots should include a 20% workforce housing component. Of the 101 unit bonus as a result of the zone change a minimum of 20 units should be set aside as workforce housing units. As a point of reference 20% of the overall requested yield of 134 units would equate to 27 (26.8) units.

The preliminary Site Alignment Plan (Nelson & Pope 01/08/06) indicates a through street or bypass road from NYS Rte 25 to CR 21. If it is intended that this street be a private road then its function as part of implementation of the Middle Country Road Corridor Study and Land Use Plan for the Coram, Middle Island and Ridge Corridor (adopted 2006) may be problematic. Should this street be intended for dedication into the Town Highway system the median, and other elements (intersection with other roadways and parking areas, lighting etc.) may be problematic as part of a

bypass network. Also, if this road is to function as a bypass between State and County right-of-ways then both the State Dept. of Transportation and the Suffolk County Department of Public works need to be part of the design discussions regarding the new public street and its intersections with the state and county roads.

In order to achieve the desired density for this development the project sponsors have proposed the incorporation and construction of an individual sewage treatment plant. The Suffolk County Planning Commission is aware that there are several STP's in the area and that the Suffolk County Sewer Agency is studying the necessity of consolidating individual package STP's. The project sponsors should be directed to the SCSA for preliminary discussions on the viability of an individual sewage treatment plant for this project.

The Suffolk County Planning Commission is aware of the Bailey Road public water supply well field, owned and operated by the Suffolk County Water Authority. The well site is situated on the north side of Bailey Road approximately 370 feet from Rocky Point Road (CR 21). The applicant should be directed to the SCWA for discussions as to the potential impact of the proposed STP on the integrity of the well field.

The proposed action is presented as a response and an implementation of the Middle Country Road Corridor Study and Land Use Plan for the Coram, Middle Island and Ridge Corridor (adopted 2006). However, said plan cannot be fully implemented until such time as the Town Board, under its own motion, adjusts the zoning districts outside of the planned hamlet centers. Without the corresponding zoning adjustments between the planned hamlet centers, as of right development along the corridor will blur the distinction of the hamlet centers. Without the corresponding zoning district amendments outside of the hamlet centers the approval of the proposed plan would simply be a "density grab" and serve to further exacerbate the ramifications of unplanned and uncoordinated suburban sprawl.

Finally, while there are certain plan elements that remain problematic, the Suffolk County Planning Commission reminds the Town that it will reserve detailed comments on the site plan until such time as a formal/official site plan application is referred to the Suffolk County Planning Commission pursuant to NYS GML section 239 and the Suffolk County Administrative Code Section A14-14.

STAFF RECOMMENDATION

Approval subject to the following conditions:

The proposed zone change is conceptually approvable in order to further the implementation of the local Corridor plan. Certain design elements of the proposed Preliminary Site Alignment Plan (Nelson & Pope 01/08/06) and certain aspects of the proposal are problematic, however, and will need modification prior to final site plan approval.

The theoretical "as of right yield" of the residentially zoned portion of the subject property pursuant to the local zoning (A-1 Residence) is approximately 33 lots (38.10 acres x .8 (roads/drainage)/40,000). The proposed yield of the development is to be 134 units. This is a difference of 101 units or the "as of right" yield is approximately 25% of the proposed yield. The proposal provides no substantial public benefit to the community impacted by the increase in density.

1. The applicant shall be directed to retire 101 Pine Barren Credits to achieve the requested density.

The location of the subject site in the CGA of the Central Pine Barrens makes discussion of

the retirement of Pine Barren Credits (PBC's) mandatory. Yet the project sponsor provides no rationale as to how the yield of the site is increased to 134 units without the capture of open space in the area. The A-1 Residential zoning district in the Town of Brookhaven is a designated receiving area in the Central Pine Barrens (in accordance with the Central Pine Barrens Comprehensive Land Use Plan) and an increase in yield of this magnitude warrants the transfer of development rights or PBC's to achieve the desired density. The Central Pine Barrens Commission should be consulted for discussion of the PBC transfer issue. Moreover, the preliminary Site Alignment Plan indicates that only 33.5% of the site remains in "open space" after construction of the proposed development. The proposed open space reserve is not in conformance with the clearing restrictions of either the Town of Brookhaven or the Central Pine Barrens Joint Planning and Policy Commission. A variance from the Town and/or a hardship permit from the CPBJPPC may be warranted.

2. 20 % of the proposed units shall be set aside for workforce housing purposes.

There is no workforce housing component as a proposed substantial public benefit in the intended development. An increase in yield to 134 units from an "as of right" yield of approximately 33 lots should include a 20% workforce housing component. Of the 101 unit bonus as a result of the zone change a minimum of 20 units should be set aside as workforce housing units. As a point of reference 20% of the overall requested yield of 134 units would equate to 27 (26.8) units.

3. The applicant shall provide written correspondence from the NYS DOT and the SCDPW as to the issues of the proposed bypass road and access permits to the public right-of-ways.

The preliminary Site Alignment Plan (Nelson & Pope 01/08/06) indicates a through street or bypass road from NYS Rte 25 to CR 21. If it is intended that this street be a private road then its function as part of implementation of the Middle Country Road Corridor Study and Land Use Plan for the Coram, Middle Island and Ridge Corridor (adopted 2006) may be problematic. Should this street be intended for dedication into the Town Highway system the median, and other elements (intersection with other roadways and parking areas, lighting etc.) may be problematic as part of a bypass network. Also, if this road is to function as a bypass between State and County right-of-ways then both the State Dept. of Transportation and the Suffolk County Department of Public works need to be part of the design discussions regarding the new public street and its intersections with the state and county roads.

4. The applicant shall provide written correspondence from the Suffolk County Sewer Agency and the Suffolk County Department of Health services as to the viability of the proposed on site STP.

In order to achieve the desired density for this development the project sponsors have proposed the incorporation and construction of an individual sewage treatment plant. The Suffolk County Planning Commission is aware that there are several STP's in the area and that the Suffolk County Sewer Agency is studying the necessity of consolidating individual package STP's. The project sponsors should be directed to the SCSA for preliminary discussions on the viability of an individual sewage treatment plant for this project.

5. The applicant shall provide written correspondence from the Suffolk County Water Authority as to the potential impacts of the proposed action on the Bailey Road well field.

The Suffolk County Planning Commission is aware of the Bailey Road public water supply well field, owned and operated by the Suffolk County Water Authority. The well site is

situated on the north side of Bailey Road approximately 370 feet from Rocky Point Road (CR 21). The applicant should be directed to the SCWA for discussions as to the potential impact of the proposed STP on the integrity of the well field.

Comments:

The proposed action is presented as a response and an implementation of the Middle Country Road Corridor Study and Land Use Plan for the Coram, Middle Island and Ridge Corridor (adopted 2006). However, said plan cannot be fully implemented until such time as the Town Board, under its own motion, adjusts the zoning districts outside of the planned hamlet centers. Without the corresponding zoning adjustments between the planned hamlet centers, as of right development along the corridor will blur the distinction of the hamlet centers. Without the corresponding zoning district amendments outside of the hamlet centers the approval of the proposed plan would simply be a “density grab” and serve to further exacerbate the ramifications of unplanned and uncoordinated suburban sprawl.

Finally, while there are certain plan elements that remain problematic, the Suffolk County Planning Commission reminds the Town that it will reserve detailed comments on the site plan until such time as a formal/official site plan application is referred to the Suffolk County Planning Commission pursuant to NYS GML section 239 and the Suffolk County Administrative Code Section A14-14.



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

SARAH LANSDALE, AICP
DIRECTOR OF PLANNING

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

Metro Terminals of LI, LLC
- ADDENDUM – 7/6/11

PROPOSAL DETAILS

OVERVIEW: Applicants are requesting Town Planning Board site plan approval for phase II of development of this fuel storage facility which includes the installation of a 60 foot by 182 foot containment dike around two existing 350,000 gallon tanks and proposes to add twelve (12) additional tanks (18,000 gallons each) inside of the containment dike. The subject parcel (SCTM No. 0600 13502 0100 007000) is a contiguous parcel to an existing fuel storage facility. The applicants also propose to extend overhead pipe rack systems from the tanks on lot 28 (see prior staff report attached) to tanks within the proposed dike. On the subject parcel one 350,000 gallon tank will contain biofuel and the other diesel fuel. The twelve (12) future tanks will contain biofuel. The proposal also includes a small utility house (380 SF GFA) and two spill containment trays mounted under the train tracks. The proposed extension of the overhead pipe rack is to have a secondary containment tray system that will catch any leaks and drain to the dike system. The proposed second phase is intended to allow railroad cars to load and unload fuel at the site when the re-opened freight rail spur to EPCAL is complete.

Staff Analysis:

Issues related to this referral are similar to the prior review and include compatibility of adjacent uses, impacts to area wetlands and the proper storage and dispensing of hazardous materials.

The Local Comprehensive Plan recommendations of the **Town of Riverhead Comprehensive Plan (2003)** are addressed as the project is an as of right site plan in the Planned Industrial Park zoning district within the Enterprise Park at Calverton (EPCAL).

GENERAL MUNICIPAL LAW CONSIDERATIONS: Municipal Law, Section 239-1 provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment. The proposed project, notwithstanding the below comments, appears to be in harmony with the intent of the law.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

The subject application is rather unique relative to the guidelines of the Suffolk County Planning Commission. The application does promote infill development (**Section 4.2B. of the Suffolk County Planning Commission Guidelines** and in part, addresses Energy Efficiency (**Section 4.4**) by the “development of alternative renewable energy sources.”

With respect to SCPC guidelines on Public Safety (**Section 4.5 of the SCPC Guidelines**), as noted for the prior project, the location of the terminal facility in relation to the nearby Planned Recreational Park zoning district raises safety concerns. It is also noted, that unlike the prior referral, there is a relatively large wooded lot, owned by the Town of Riverhead, that could buffer this lot from development on the PRP lands.

Section 4.7 of the Suffolk County Planning Commission Guidelines is related to transportation. While trucking material off site is a component, the significant transportation element is the utilization of the re-conditioned freight rail spur to the site. Use of the rail spur is intended to lessen overall motor vehicle truck traffic in the region.

Section 4.8 of the Suffolk County Planning Commission Guidelines relates to the environment. The subject parcel is within a Pine Barrens Zone of Suffolk County. Section 4.8 B. speaks to preserving the regions natural resources including wetlands and Pine Barrens. In accordance with Commission policy on development of sites within a Suffolk County Pine Barrens zone a minimum of 35% of the naturally occurring vegetation on site should remain undisturbed if possible (**Section 5.4.I Table 1 – Clearance Standards**). In addition, as the subject site is located in a “deep recharge groundwater management zone and there are freshwater wetlands on adjacent properties to the west, particular attention to the safe storage and dispensing of hazardous material should be made. The Suffolk County Department of Health Services should be contacted for compliance with Article 7 and 12 of the Suffolk County Sanitary Code before any final Town of Riverhead approval.

Approval subject to the following conditions and comments.

Conditions:

1. In accordance with Commission policy on development of sites within a Suffolk County Pine Barrens zone a minimum of 35% of the naturally occurring vegetation on site shall remain undisturbed.
2. The Suffolk County Department of Health Services shall be contacted for compliance with Article 7 and 12 of the Suffolk County Sanitary Code before any final Town of Riverhead approval.

Reason:

The subject site is located in a “deep recharge groundwater management zone and there are freshwater wetlands on adjacent properties to the west, particular attention to the safe storage and dispensing of hazardous material should be made.

Comment:

As development of the adjacent Planned Recreation Park zoning district to the west of this subject parcel is considered, compatibility issues with the fuel terminal location should be taken into account by the town.

ORIGINAL STAFF REPORT 2/4/09

Applicant: Metro Terminals of Long Island, LLC
Municipality: Riverhead
Location: 801 Scott Avenue, Calverton, EPCAL Industrial Park

Received: 12/24/2008
File Number: RH-08-36
T.P.I.N.: 0600 13500 0100 001003
Jurisdiction: Within Pine Barrens Zone

ZONING DATA

- Zoning Classification: Planned Industrial Park (PIP)
- Minimum Lot Area: 120,000. 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: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
 - File:
 - Date:
 - Map of:
- SEQRA Information: Yes
- SEQRA Type: Neg/Dec
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: two(2) concrete buildings & two(2) 500,000 gal. petroleum storage tanks
- General Character of Site: Rolling
- Range of Elevation within Site: 45' - 58' above mean seal level
- Cover: wooded-lawn turf-asphalt & buildings
- Soil Types: Carver, Plymouth Association (CPA,CPB) & Cut & fill

- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: none onsite - adjacent to site

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Site Plan
- Layout: Standard
- Area of Tract: 10.786Acres
- Yield Map: N/A
 - No. of Lots: N/A
 - Lot Area Range: Sq. Ft.
- Open Space: 4.15 acres

ACCESS

- Roads: Existing
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage: N/A
 - Design of System: CB-LP
 - Recharge Basins: No
- Groundwater Management Zone: III
- Water Supply: Public
- Sanitary Sewers: Public

PROPOSAL DETAILS

OVERVIEW – Applicants seek Town Planning Board Site Plan approval for the two phase rehabilitation of abandoned and vacant buildings at lot number 28 of an industrial subdivision situated at the former Naval Weapons Industrial Reserve Plant at Calverton. Phase I of the proposal includes renovation of a 10,706 SF concrete buildings for truck repair, the construction of a 60’ x 80’ canopy over a truck refueling area and the construction of 61’ x 62’ concrete containment dike around the refueling area. Phase II includes the construction of two 500,000 gallon (each) forty foot (40’) high fuel tanks, containment and additional renovations to a 1,050 SF concrete building. Currently there exists two fuel tanks on site of the same size and height as those proposed. All required parking appears to be in conformance with the Town of Riverhead Zoning Law.

LOCATION – The subject parcel is located on the west side of Scott Avenue, an interior loop street in an approved industrial subdivision at the Calverton Airport redevelopment area in the Town of Riverhead (aka Grumman facility/NWIRP), hamlet of Calverton.

A review of the character of the land use and zoning pattern in the vicinity indicates that the subject property is located within a Planned Industrial Park (PIP) zoning designation. Properties to the north, east and south are also so designated. Property adjacent and to the west is in the Planned Recreational Park (PRP) zoning district. The land use pattern in the vicinity is indicative of the former industrial facility. Lands to the north, east and south include former industrial buildings and various adapted uses. Lands to the west are vacant.

ACCESS – The subject application is to have two coordinated points of access to Scott Avenue, a town road.

ENVIRONMENTAL CONDITIONS - The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code. The site is located in the Central Suffolk NYS Special Groundwater Protection Area (SGPA). The subject site is not located in a NY State Critical Environmental Area. The site is located the Central Pine Barrens as identified in the Central Pine Barrens Comprehensive Land Use Plan as promulgated by the Central Pine Barrens Joint Planning and Policy Commission. No State and/or federally regulated wetlands occur on NYS DEC Freshwater Wetland Maps. Unregulated freshwater wetlands occur off site to the south of the subject lot.

It should be noted that the subject application is not located in a minority or economically distressed community as defined by commission guidelines and required to be reported pursuant to Resolution 102-2006 of Suffolk County.

COMPREHENSIVE PLAN RECOMMENDATIONS – The Town of Riverhead Comprehensive Plan recommends PIP/PRP for this parcel.

STAFF ANALYSIS

Subject application is a “Regionally Significant Project” pursuant to the Suffolk County Planning Commission Rules of Proceedings as the site proposes a “new chemical storage facility” and involves a parcel 12 acres in size in the Town of Riverhead. It is the belief of the staff that the proposed use/site plan is reasonably appropriate given the history of the subject site; that being a former fuel storage and truck re-fueling terminal.

The location of the terminal facility in relation to the adjacent PRP raises safety concerns for any future uses of adjacent PRP land. It is noted that there is a buffer of 150 feet deep in an open space area at the western property line. The remaining wooded area of the parcel is not encumbered against clearing and could be lost in the future as a further buffer. In accordance with Commission policy on development of sites within a Suffolk County Pine Barrens zone a minimum of 35% of the naturally occurring vegetation on site should remain undisturbed. This should be set aside in such a way as to increase the buffer potential to adjacent recreationally zoned land to the west. As development of the PRP land to the west of this subject parcel is considered, compatibility issues with the fuel terminal location should be taken into account by the town.

As the subject property is situated in a “deep recharge” hydro-geologic zone and there are fresh water wetlands on adjacent properties to the south west, particular attention to the safe storage and dispensing of hazardous material should be made. The Suffolk County Department of Health Services should be contacted for compliance with Articles 7 and 12 of the Suffolk County Sanitary Code before any final Town of Riverhead approval.

STAFF RECOMMENDATION

Approval subject to the following conditions:

1. In accordance with Commission policy on development of sites within a Suffolk County Pine Barrens zone a minimum of 35% of the naturally occurring vegetation on site shall remain undisturbed.

The location of the terminal facility in relation to the adjacent PRP raises safety concerns for any future uses of adjacent PRP land. It is noted that there is a buffer of 150 feet deep in an open space area at the western property line. The remaining wooded area of the

parcel is not encumbered against clearing and could be lost in the future as a further buffer. This should be set aside in such a way as to increase the buffer potential to adjacent recreationally zoned land to the west.

2. The Suffolk County Department of Health Services shall be contacted for compliance with Articles 7 and 12 of the Suffolk County Sanitary Code before any final Town of Riverhead approval.

As the subject property is situated in a “deep recharge” hydro-geologic zone and there are fresh water wetlands on adjacent properties to the south west, particular attention to the safe storage and dispensing of hazardous material should be made.

Comment: As development of the PRP land to the west of this subject parcel is considered, compatibility issues with the fuel terminal location should be taken into account by the town.



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

SARAH LANSDALE, AICP
DIRECTOR OF PLANNING

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

Applicant: The Ponds at Southampton Village
Municipality: Southampton Town/Southampton Village
Location: W/S/O Bishops Lane ~ 330' S/O Moses Lane
File Number: SH-11-03
T.P.I.N.: 0900 15800 0200 029000 & 0904 00100 0300 001002
Jurisdiction: Adjacent to municipal boundaries - for SH & Sh

PROPOSAL DETAILS

OVERVIEW - The subject site is situated in both the Town of Southampton and the Incorporated Village of Southampton. As such, the applicants seek Town and Village Zoning Board of Appeals approval for the change from one non-conforming use (i.e. sand mine/concrete plant/batching plant/compost manufacturer) to another non-conforming use (i.e. multi-family residential) and Town and Village Planning Board Site Plan approval for the construction of a 78 unit multifamily community (32 townhomes and 46 flats in two and three bedroom units) in 14 buildings, a 2,000 SF community building, outdoor swimming pool and associated appurtenances. Residential unit density for the proposal is established by the project sponsors at six (6) units to the acre. On-site parking of 186 stalls consisting of 67 garage spaces, 67 driveway spaces and 52 on-street spaces are proposed and exceed municipal parking requirements by 4.49 percent. There are two ponds proposed on-site, both for the purposes of storm water containment and visual appeal.

Sanitary waste generated by the proposed action is intended to be treated by an on-site sewage treatment plant.

STAFF ANALYSIS

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The **Town of Southampton 1970 Master Plan and the Town's 1999 Comprehensive Plan Update** make no specific mention of the subject property. Several general initiatives outlined in the plans are relevant to the subject site primarily with respect to the existing industrial use and the proposed residential use. The 1970 Master Plan states that "industrial locations shall be, in large part, on the west side of the Shinnecock

Canal.” Moreover, the 1970 Master Plan indicates that certain land uses “are either incompatible with neighboring uses or will be so in the future” and industrial sites that are categorized as “sand and gravel mining” uses and/or include outdoor storage of equipment and materials will “require rehabilitation if their sites are not to have a blighting influence on future land uses.” The Master Plan also speaks to the provision of a variety of housing types.

The 1999 Town of Southampton Comprehensive Plan Update provides numerous goals for the Town of Southampton namely providing “multi-family housing options” in the Town.

The Village of Southampton 2000 Comprehensive Plan does not speak specifically about the subject property but does provide general components that relate to the subject application. These would include *preserving the quality and character of existing single family residential zones and other residential neighborhoods* and *enhance the diversity and affordability of housing types in proper locations*.

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-1 provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment. The proposal intends to eliminate the existing industrial/commercial use on the subject site, improve conditions of the subject site and provide a use that is compatible with the existing residential character of the neighborhood.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

Section 4.2B. of the Suffolk County Planning Commission Guidebook indicates that “*increases in density should be tied to the purchase and or transfer of development rights...*” This policy is enumerated to link the creation of open space and high density projects and avoid the creation of suburban high density sprawl (see the full text of the Suffolk County Planning Commission Guidebook). The increase in density can be visualized via the Suffolk County Sanitary Code Article 6 regulations. Article 6 would allow, via normal conventional on-site sanitary waste treatment systems, a “population density equivalent” of 7,800 gpd. (13.0 ac x 600 gpd in zone IV). The proposal of the project sponsor, as indicated in the referred DEIS, would have a waste water “density load” flow of approximately 23,000 gpd.(DEIS pg. 89). The difference in density load intensity of the project in terms of waste water flow over the “as-of-right” population density equivalent is 23,700 gpd. Current thought on the redemption of development rights would require 15% of the density increase, in terms of waste water, be converted to the retirement of development rights. This percentage is intended to account for the ability of project sponsors to provide other public benefits

related to the development action. This would equate to approximately 11 to 12 (11.85) development rights be retired as a requirement of approval for this project ($23,700 \times .15/300 \text{ gpd} = 1511.85$).

Section 4.4 B. of the Suffolk County Planning Commission Guidelines indicates that *all new residential...buildings should be designed and constructed to reduce energy consumption and improve environmental quality*. The applicant indicates, through the DEIS, that Chapter 123, Article 5 of the Town Code sets forth certain requirements relating to energy conservation that must be adhered to in the construction of new residential homes. As indicated in subsection 123-37(A), any new dwelling must be built to comply with the LIPA New York Energy Star labeled home program. The petitioner indicates (DEIS pg. 104) that all residences under the proposed action would conform to the relevant energy efficiency requirements set forth in the Town Code.

Section 4.6 of SCPC Guidelines relates to economic development. It is the belief of the staff that by the very nature of the application there is an economic development component to the proposed project and that some long term commercial operations and jobs will be lost on site while short term construction jobs are created. Regarding equity (**section 4.1 of SCPC Guidelines**) no workforce housing units are proposed (see below) and may raise issues related to social equity. It is the belief of the staff that proposed action provides for housing diversity in the Town of Southampton and the Inc. Village of Southampton, as well as, provides for housing diversity on site with a range of unit sizes from two to three bedroom units.

Section 4.5 of the Suffolk County Planning Commission Guidelines indicates that *new buildings and development should incorporate general design elements that promote public safety*. There is no indication in the referral material that the petitioners have considered the incorporation of Public Safety measures into the design of the proposed project.

Section 4.9 B. of the Suffolk County Planning Commission Guidelines (pg. 32) indicate that development proposals *utilize green infrastructure to minimize community and environmental impacts and reduce both private and public development costs*. It is noted that man-made ponds are proposed for the development action. The applicant should be directed to consult the Suffolk County Planning Commission publication on Managing Stormwater-Natural vegetation and green Methodologies and Study of Man-made Ponds in Suffolk County New York.

Section 5.1.1 of the Suffolk County Planning Commission Guidelines indicates that *a minimum of twenty percent (20%) of all units shall be set aside as affordable units*. The petitioners have not set any units aside for affordable housing purposes. Rather, the DEIS (pg. 125) indicates that “the applicant has worked with the Town and would provide a contribution to the Town, in the form of access to the STP or a monetary contribution...” It is the belief of the staff that sixteen (16) units ($78 \text{ units} \times 0.2 = 15.6$) should be set aside for workforce housing/affordable units in accordance with Suffolk County Planning Commission and Suffolk County Department of Economic Development and Workforce Housing guidelines.

Section 5.4.H. of the Suffolk County Planning Commission Guidelines relates to actions on or near former “waste disposal sites.” While the subject property is not a so called waste disposal site (land fill), the property is currently active as a recycling operation, manufacturing compost and other activities including large stockpiles of various materials such as compost, concrete, asphalt, wood,

gravel sand and topsoil, construction and demolition debris and the storage of various pieces of equipment, vehicles and materials associated with these operations. Phase I and II Environmental Site Assessments were conducted by consultants to the applicant and it was recommended that chrysene and arsenic impacts detected in the surficial soil be handled in accordance with Suffolk County Department of Health Services guidance (DEIS Pg. 9). It was also recommended in the DEIS that cesspools and storm drainage structures be properly closed and abandoned. As a mitigating measure the project sponsors have offered to prepare a Soil Management Plan. The Plan and its implementing remediation is recommended to be prepared and conducted under the oversight of the SCDHS and other appropriate regulatory agencies.

A preliminary review of the proposed conceptual site plan generates the following additional comments. Other general guidelines of the Suffolk County Planning Commission **Section 5.4.J.b.** speak to vegetating a buffer along the railroad right of way to help preserve residential amenities. It is also important to note from a site planning perspective that sixty seven off street parking spaces are proposed in garage spaces. It has been found that garage space is an unreliable off street parking accommodation as, over time, garage space typically tends to be converted to storage or living space and no longer part of the parking space inventory. Moreover, in terms of typical “smart growth” locational criteria for attached housing (i.e. within ¼ to ½ mile convenient walking distance to mass transit options, downtowns, hamlet centers or, shopping areas containing personal services, groceries and health service, etc.) the subject site is not an optimal location. A shuttle service should be established by the project sponsors for residents’ of the proposed development to such amenities.

STAFF RECOMMENDATION

Approval subject to the following conditions and comments:

Conditions:

1. Twelve (12) development rights shall be retired or caused to be retired by a combined effort of the Town of Southampton and the Incorporated Village of Southampton.

Reason: Section 4.2B. of the Suffolk County Planning Commission Guidebook indicates that “increases in density should be tied to the purchase and or transfer of development rights...” This policy is enumerated to link the creation of open space and high density projects and avoid the creation of suburban high density sprawl (see the full text of the Suffolk County Planning Commission Guidebook).

The increase in density can be visualized via the Suffolk County Sanitary Code Article 6 regulations. Article 6 would allow, via normal conventional on-site sanitary waste treatment systems, a “population density equivalent” of 7,800 gpd. (13.0 ac x 600 gpd in zone IV). The proposal of the project sponsor, as indicated in the referred DEIS, would have a waste water “density load” flow of approximately 23,000 gpd.(DEIS pg. 89). The difference in density load intensity of the project in terms of waste water flow over the “as-of-right” population density equivalent is 23,700 gpd. Current thought on the redemption of development rights would require 15% of the density increase, in terms of waste water, be converted to the retirement of development rights. This percentage is intended to account for the ability of project sponsors to provide other public benefits related to the development action. This would equate to approximately 11 to 12 (11.85) development rights be retired as a

requirement of approval for this project ($23,700 \times .15/300 \text{ gpd} = 1511.85$).

2. The applicant shall be directed to review the Suffolk County Planning Commission Guidelines related to public safety and incorporate practical measures into the design of the final development plan.

Reason: Section 4.5 of the Suffolk County Planning Commission Guidelines indicates that *new buildings and development should incorporate general design elements that promote public safety*. There is no indication in the referral material that the petitioners have considered the incorporation of Public Safety measures into the design of the proposed project.

3. The applicant shall be directed to consult the Suffolk County Planning Commission publication on Managing Stormwater-Natural vegetation and green Methodologies and Study of Man-made Ponds in Suffolk County New York.

Reason: Section 4.9 B. of the Suffolk County Planning Commission Guidelines (pg. 32) indicate that development proposals *utilize green infrastructure to minimize community and environmental impacts and reduce both private and public development costs*. It is noted that man-made ponds are proposed for the development action.

4. Sixteen (16) units should be set aside for workforce housing/affordable units in accordance with Suffolk County Planning Commission and Suffolk County Department of Economic Development and Workforce Housing guidelines.

Reason: Section 5.1.1 of the Suffolk County Planning Commission Guidelines indicates that *a minimum of twenty percent (20%) of all units shall be set aside as affordable units*. The petitioners have not set any units aside for affordable housing purposes. Rather, the DEIS (pg. 125) indicates that “the applicant has worked with the Town and would provide a contribution to the Town, in the form of access to the STP or a monetary contribution...” Sixteen (16) units ($78 \text{ units} \times 0.2 = 15.6$) should be set aside for workforce housing/affordable units in accordance with Suffolk County Planning Commission and Suffolk County Department of Economic Development and Workforce Housing guidelines.

5. No final approval shall be granted to any Site Plan/Subdivision/Condominium Map without the approval of a Soil Management Plan by the appropriate regulatory agencies.

Reason: Section 5.4.H. of the Suffolk County Planning Commission Guidelines relates to actions on or near former “waste disposal sites.” While the subject property is not a so called waste disposal site (land fill), the property is currently active as a recycling operation, manufacturing compost and other activities including large stockpiles of various materials such as compost, concrete, asphalt, wood, gravel sand and topsoil, construction and demolition debris and the storage of various pieces of equipment, vehicles and materials associated with these operations. Phase I and II Environmental Site Assessments were conducted by consultants to the applicant and it was recommended that chrysene and arsenic impacts detected in the surficial soil be handled in accordance with Suffolk County Department of Health Services guidance (DEIS Pg. 9). It was also recommended in the DEIS that cesspools and storm drainage structures be properly closed and abandoned. As a

mitigating measure the project sponsors have offered to prepare a Soil Management Plan. The Plan and its implementing remediation is recommended to be prepared and conducted under the oversight of the SCDHS and other appropriate regulatory agencies.

Comments:

A preliminary review of the proposed conceptual site plan generates the following additional comments.

1. Other general guidelines of the Suffolk County Planning Commission Section 5.4.J.b. speak to vegetating a buffer along the railroad right of way to help preserve residential amenities.
2. It is also important to note from a site planning perspective that sixty seven off street parking spaces are proposed in garage spaces. It has been found that garage space is an unreliable off street parking accommodation as, over time, garage space typically tends to be converted to storage or living space and no longer part of the parking space inventory.
3. In terms of typical “smart growth” locational criteria for attached housing (i.e. within ¼ to ½ mile convenient walking distance to mass transit options, downtowns, hamlet centers or, shopping areas containing personal services, groceries and health service, etc.) the subject site is not an optimal location. A shuttle service should be established by the project sponsors for residents’ of the proposed development to such amenities.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: LI-40 & R-20
- Minimum Lot Area: 40,000/20,000 Sq. Ft.
- Section 278: N/A
- Obtained Variance: No

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Sand mixing, quarrying, manufacture of concrete
- Existing Structures: Three commercial
- General Character of Site: Rolling - excavated
- Range of Elevation within Site: Mined & Quarried
- Cover: none - exposed sand
- Soil Types: Gravel pits, Haven & Riverheads Series
- Range of Slopes (Soils Map): Steep Slopes along pit rim - variable within

- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Variance/Site Plan
- Layout: Standard
- Area of Tract: 13.0 Acres
- Yield Map:
 - No. of Lots: 78 units
- Open Space: 5.92 ac - Landscaping

ACCESS

- Roads: Existing
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB-LP
 - Recharge Basins: No
- Groundwater Management Zone: IV
- Water Supply: Public
- Sanitary Sewers: Proposed on-site STP