

# 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

## **AGENDA**

November 2, 2011  
Village Hall  
121 West Broadway  
Village of Port Jefferson

### **WALKING TOUR 10:30-Inc. Village of Port Jefferson**

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1. Adoption of minutes for August 2011
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers:
  - Hon. Margot Garant, Mayor-Inc. Village of Port Jefferson
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
  - New Frontier II, LLC 0100 16300 0100 054000 et al. (Town of Babylon)
  - Mount Sinai Industrial, LLC 0200 13900 0600 003000 et al. (Town of Brookhaven)
  - Walt Whitman Mall Expansion 0400 19700 0100 001001 (Town of Huntington)
7. Section A14-24 of the Suffolk County Administrative Code

NONE
8. Discussion:
9. Other Business:

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  - Hon. Vivian Vilorio-Fisher, County Legislator 5<sup>th</sup> District
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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:** New Frontier II, LLC  
**Municipality:** Babylon  
**Location:** E/S/O Broadway NYS Rte. 110 ~ 100' S/O Brefni Street  
**Received:** 9/26/2011  
**File Number:** BA-11-01  
**T.P.I.N.:** 0100 16300 0100 054000 et al.  
**Jurisdiction:** Adjacent to NYS Rte. 110 (Broadway)

**PROPOSAL DETAILS**

**OVERVIEW** - Applicants seek Babylon Town Board change of zone approval on nine (9) parcels from E Business and B Residence to Multiple Residence (MR) for the construction of 45,000 SF of retail space and 500 residential multifamily rental apartment units (213 one- bedroom and 287 two-bedroom) on 20.26 acres. Twenty percent (20%) of the units (100 units) are intended as an affordable housing component.

The referral to the Suffolk County Planning Commission from the Town of Babylon also includes the request by the applicant to the Town Planning Board for the re-subdivision approval of nine parcels into five for the purposes of phased construction.

The project is proposed in five phases with the first phase including the retail component and fifty units of housing. This phase is also referred to the Planning Commission by the Babylon Town Planning Board as a request for site plan approval at this time. The remaining phases are all residential in nature and are not currently seeking site plan approval. Each phase in the future will require site plan approval from the Town Planning Board.

The retail component of phase one will require a use variance from the Town Zoning Board of Appeals said request for relief has not been referred to the Suffolk County Planning Commission, pursuant to Article VIV of the Suffolk County Administration Code, at this time.

The subject property is currently developed with approximately 375 residential trailers and there appears to be little in the way of typical residential amenities throughout the mobile home park (sidewalks, pocket parks, landscaping, etc.). Town of Babylon staff reports indicate that trailers are

“placed close together in an unsafe configuration. Many of the units are substandard and in poor condition and in many cases additions have been made to the trailers which are not able to meet current code requirements.” Town staff reports further indicate that “there are numerous building, fire code, health and safety issues and violations and no means to remove the existing residents, structures, or otherwise comply with environmental, health and safety requirements.” It is noted by the Town staff that “the sanitary systems on the property pose a serious threat to groundwater resources and connecting the trailers to the sewer district would be a financial burden on the current residents ....” Moreover, it is reported that “the mobile home park is under a consent order with the Suffolk County Department of Health Services (SCDHS) with respect to violations and the need to connect to public sewers.”

The development is intended by the petitioner to “provide a mixed-use development including housing and employment opportunities,” and is intended to be “designed to provide walkability and sense-of-place within the community featuring sidewalks, neighborhood parks and gathering areas to complement the mix of uses.”

## **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.

The Town of Babylon Department of Environmental Control, in the SEQRA Positive Declaration indicates that the proposal involves a significant change in land use from a 375- unit mobile home park to a multi-building, three and four story retail and housing complex and the proposal may change the existing community character of the site.

In order to investigate the SEQRA assertion, Suffolk County Planning Commission staff reviewed the character of the land use and zoning pattern in the area. The general vicinity is predominated by the B Residence zoning district; particularly to the east. The subject parcel however, is central to two Senior Citizen (SC) zoning designations (attached residential housing), Multi family Residence (MR-attached residential housing) and two parcels zoned E Business. An additional MR parcel is noted south and adjacent to NYS Rte. 110. The SC zoned properties are improved with Senior Citizen complexes the MR zoned property to the south is improved with attached residential units. The MR zoned property to the north is improved with mobile homes and detached single family dwellings. The remainder of the properties along the Broadway (NYS Rte. 110) corridor are commercial in nature with a few random detached single family homes. Behind the roadway corridor the land use is representative of the B residential district (see zoning map).

It should be noted that the location of the subject application is situated in an economically distressed community (North Amityville) as defined by the Suffolk County Planning Commission and required to be reported pursuant to Resolution 102-2006 of the Suffolk County Legislature.

In place of the existing mobile home park, the proposal is to construct 500 energy efficient rental units that will be connected to the Southwest Sewer District. Green space will be greatly increased

and the community will be open to the surrounding neighborhood. As indicated in Town of Babylon reports, displaced residents will have first preference for the affordable units and all residents will have an opportunity to work with the Long Island Housing Partnership (LIHP). In connection with the Town of Babylon, LIHP is preparing a short and long term relocation plan for current residents.

*The proposal on behalf of town and developer intends to redevelop and provide a land use to improve health, safety and welfare conditions at the subject property for the improvement of the compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment. The use can be compatible with the existing land use character of the area.*

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Babylon Comprehensive Land Use Plan makes no specific recommendations for the subject property. General references to the NYS Rte. 110 corridor include a charge to “refine the list of appropriate uses in the Route 110 corridor, identify potential sites for a business service center within the corridor and examine the impact of high density housing along the perimeter of the corridor.” In addition, the plan calls to “develop a program of mixed-uses which strengthens highway strips.” The Comprehensive plan indicates that in the future “land use policies should be adjusted to accommodate economic trends. One such strategy is to increase the affordability of housing for young families by increasing the range of housing choices.”

It is the position of the Town of Babylon that the proposal for a change of zone and construction of attached rental housing and retail development “represents a new housing choice for residents who can avail themselves of several modes of transportation-auto, bus, bicycle, and walking- both on and off the site...The inclusion of retail will allow residences of the development and the surrounding community to walk to shopping and will attract new businesses to the properties surrounding the development by increasing local demand.”

Notwithstanding the retail component, the change of zone to MR would form the nucleus of a higher density zoning district node consisting of SC and MR along this location of the Broadway (NYS Rte. 110) corridor.

*The proposed change of zone to Multi-family Residential (MR) along the NYS Rte. 110 corridor is compatible with the Town of Babylon Comprehensive Plan.*

#### **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

The Suffolk County Planning Commissions has identified six general critical county wide priorities and include:

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted January 2009).

The Town of Babylon Department of Planning & Development in concert with the petitioner's consultants (Nelson, Pope & Voorhis, LLC) have jointly prepared and submitted an "Analysis of Conformance to the Suffolk County Planning Commission Policies & Guidelines for the Referral of Proposed Municipal Subdivision and Zoning Actions" dated September 8, 2011(see attached).

Suffolk County Department of Planning staff has reviewed the Analysis formulated by the Town and the petitioner and note the following:

There do not appear to be any significant environmental issues regarding the proposed project. All sanitary wastewater generated by the project will be conveyed to Suffolk County Sewer District 21, the Bergen Point Sewage Treatment Plant. According to SCDPW plans are underway to expand the district by 10,000,000 gallons per day. The proposed development includes, in addition to the retail and housing units, recreation areas with a pool and pool house, 280,858 SF of lawn and landscaped areas and 90,213 SF of permeable pavers. The combination of landscaping and permeable pavers reduces the amount of storm water storage requirements on site. All storm water is to be retained on site and treated in accordance with Stormwater Pollution Prevention Plans (SWWAPs)

Referred material to the Suffolk County Planning Commission indicates that the petitioner has considered energy efficiency in the layout and design of the proposed development. It is indicated by the project sponsors that the development will include water and energy saving building materials, plumbing and electrical fixtures, appliances and mechanical systems and will include LEED design elements and Energy Star design/construction.

It is the belief of the staff that the very nature of the development can be considered as economic development. Moreover, the proposal would provide some additional housing diversity to the single family detached nature of the surrounding residential zone.

In accordance with Suffolk County Planning Commission policy, 20% of the units or 100 units are to be set aside for affordable housing purposes.

In terms of equity, there are approximately 375 families that will be displaced if the project is approved. It should be noted that the petitioner has offered as mitigation to the displacement of the existing residents of the mobile home park a relocation package. As indicated in Town of Babylon reports, displaced residents will have first preference for the affordable units and all residents will have an opportunity to work with the Long Island Housing Partnership (LIHP). In connection with the Town of Babylon, LIHP is preparing a short and long term relocation plan for current residents.

Regarding transportation issues, the subject parcel is situated along the S-1 bus route of Suffolk County Transit along the NYS Rte. 110 corridor. The petitioners have proposed the creation of a bus stop with a passenger shelter so that access to the major public transit route would be provided.

With respect to the site plan phase of the proposed development, elements of the proposal from the perspective of the Town of Babylon Zoning Law, far exceeds the permitted density under the Code. Maximum permitted density for the MR zone pursuant to the Town of Babylon Zoning Law (section

213-117) is 4,000 SF/1 bedroom unit (5,000 SF/ 2 bedroom and 6,667 SF/ 3 bedroom units). The Code further states that “in no event, however, shall the number of separate dwelling units exceed the rate of ten (10) units per acre for one-bedroom dwelling units; eight units per acre for two-bedroom dwelling units...” The applicant is requesting a density of approximately twenty-five (24.68) units to the acre not subtracting for area attributed to the retail component of the proposal. Under the maximum density scenario permitted by the MR District provisions of the Town of Babylon Zoning Law (i.e. all one bedroom units) only 220 1bdrm units can be constructed on site. The request for 500 (1 & 2 bedroom) units is more than two times (2.27) the permitted density allowed by the local zoning law (if they were only 1 bedroom units and more if including 2 bedroom units). Granting that the site has an existing 375 units (total number of mobile home trailers) the request of a mix of 500 one and two bedroom units is still 125 units more than existing on site.

For comparison purposes, other multifamily rental projects in the area were revealed to have the following densities; Cloverdale Apartments (northeast of the subject site) has 127 units on 7.4 acres for 17.4 units/acre; Terrace Garden Apartments (southwest of the subject site) has 50 rental units on 3.3 acres for 17.9 units/acre; The Broad Hollow (southwest of the subject site) has 51 co-op/rental units on 3.3 acres for 15.5 units per acre. The existing Frontier Mobile Home Park (subject site) has 375 units on 20.26 acres for 18.5 units/acre. Only the nearby Senior Citizen projects have similar densities to the proposed (Southwood at Amityville, 174 Sr. rental units on 7.0 acres for 24.9 units/acre and Krystie Manor, 62 senior affordable rental units on 2.4 acres for 25.8 units/acre). The subject petition however is not an age restricted development proposal.

The Town and petitioners have put forth in their “Conformance Analysis” that there are extenuating circumstances associated with the existing site conditions that warrant the requested density. Foremost is the fact that the mobile home park is under a consent order with the Suffolk County Department of Health Services (SCDHS) with respect to violation and the need to connect to public sewers. The petitioners contend that there is no means to remove the existing residents, structures, or otherwise comply with environmental, health and safety requirements. According to submitted material the proposed project provides a relocation package to assist existing site residents with a difficult transition. The petitioners contend that the ability to prepare and re-develop the site, coupled with the relocation assistance adds cost to the project that would not otherwise be present absent the unique conditions associated with the site. The Town and the applicant have indicated that they “hope that the Suffolk County Planning Commission will find that the requested density is warranted.”

The Town and petitioners have identified several variances from the local zoning law provisions that will be needed to construct the project as proposed including; Use Variance (for retail in MR zone), Area Variance (for front, side and rear yard setback relief), Area Variance for height above 2.5 stories, Parking Variance for 42% relief of requirements. Relief from the Town of Babylon Zoning Law can only be granted by the Town Zoning Board of Appeals under a separate referral to the Suffolk County Planning Commission pursuant to NYS GML 239 and Article XIV of the Suffolk County Administrative Code. Said referral has yet to be received by the offices of the Suffolk County Planning Commission. Pursuant to state law, applicants will be required to address the state and local legal requirements for relief from the Town of Babylon zoning ordinance and the Suffolk County Planning Commission will have the opportunity to deliberate the merits of the density of the subject proposal, its site configuration, parking requirements and other site planning issues as reflected by the zoning relief necessary at that time.

The current referral to the Suffolk County Planning Commission appears to reflect the evolution of planning efforts between Town staff and the applicant and considerations of affordable housing and other Suffolk County Planning Commission guidelines for development appear to have been incorporated. The proposal would eliminate the substandard living environment of the mobile home park and would improve the livability of the surrounding community while addressing the displacement of residents.

## **STAFF RECOMMENDATION**

### **A. Approval of the Change of Zone request on nine (9) parcels from E Business and B Residence to Multiple Residence (MR).**

*Reason: The change of zone to MR would form the nucleus of a higher density zoning district node consisting of SC and MR along this location of the Broadway (NYS Rte. 110) corridor. The proposed change of zone to Multi-family Residential (MR) along the NYS Rte. 110 corridor is consistent with the Town of Babylon Comprehensive Plan.*

### **B. Approval of the re-subdivision of nine (9) parcels to five (5) parcels for the purposes of a five (5) phased development.**

### **C. Approval of the Phase One Site Plan with the following modifications and comments:**

*Modifications:*

#### **1. The maximum number of units shall be established consistent with the density of similarly zoned parcels.**

*Reason: For comparison purposes, other multifamily rental projects in the area were revealed to have the following densities; Cloverdale Apartments (northeast of the subject site) has 127 units on 7.4 acres for 17.4 units/acre; Terrace Garden Apartments (southwest of the subject site) has 50 rental units on 3.3 acres for 17.9 units/acre; The Broad Hollow (southwest of the subject site) has 51 co-op/rental units on 3.3 acres for 15.5 units per acre. The existing Frontier Mobile Home Park (subject site) has 375 units on 20.26 acres for 18.5 units/acre. Only the nearby Senior Citizen projects have similar densities to the proposed (Southwood at Amityville, 174 Sr. rental units on 7.0 acres for 24.9 units/acre and Krystie Manor, 62 senior affordable rental units on 2.4 acres for 25.8 units/acre). The subject petition however is not an age restricted development proposal.*

#### **2. In order to address equity concerns, 20% of the number of units built in phase one shall be set aside for affordable housing purposes.**

*Reason: As indicated in Town of Babylon reports, the displaced residents will have first preference for affordable units in the development. The timing of the availability of affordable units would be a crucial element in considerations for relocation.*

#### **3. Application to the Town Zoning Board of Appeals shall be referred to the Suffolk County Planning Commission in accordance with NYS GML 239 and Article XIV of the Suffolk County Administrative Code.**



*Reason: The Town and petitioners have identified several variances from the local zoning law provisions that will be needed to construct the project as proposed including; Use Variance (for retail in MR zone), Area Variance (for front, side and rear yard setback relief), Area Variance for height above 2.5 stories, Parking Variance for 42% relief of requirements. Relief from the Town of Babylon Zoning Law can only be granted by the Town Zoning Board of Appeals under a separate referral to the Suffolk County Planning Commission pursuant to NYS GML 239 and Article XIV of the Suffolk County Administrative Code. Said referral has yet to be received by the offices of the Suffolk County Planning Commission. Pursuant to state law, applicants will be required to address the state and local legal requirements for relief from the Town of Babylon zoning ordinance and the Suffolk County Planning Commission will have the opportunity to deliberate the merits of the density of the subject proposal, parking requirements and other site planning issues as reflected by the zoning relief necessary at that time.*

*Comments:*

- 1. The Town and petitioners have put forth in their “Conformance Analysis” that there are extenuating circumstances associated with the existing site conditions that warrant the requested density. Foremost is the fact that the mobile home park is under a consent order with the Suffolk County Department of Health Services (SCDHS) with respect to violation and the need to connect to public sewers. The petitioners contend that there is no means to remove the existing residents, structures, or otherwise comply with environmental, health and safety requirements. According to submitted material the proposed project provides a relocation package to assist existing site residents with a difficult transition. The petitioners contend that the ability to prepare and re-develop the site, coupled with the relocation assistance adds cost to the project that would not otherwise be present absent the unique conditions associated with the site. The Town and the applicant have indicated that they hope that the Suffolk County Planning Commission will find that the requested density is warranted. **The applicant should submit a financial analysis that supports this contention; none was provided in the referral material to the Suffolk County Planning Commission.***
- 2. The Town should consider providing more than 20% of the phase one residential units toward affordable housing purposes. Reasons for the use variance relief for the retail component could be tied to an accelerated program to provide for affordable units to displaced residents.*
- 3. Regarding the layout of the proposed project, the retail component of the mixed use development is aligned like a typical strip shopping center along the Broadway corridor. **A greater effort should be made to relocate available parking behind the retail structures and create additional green space along the roadway corridor.** The larger of the two structures could also be broken up into smaller buildings and could be configured to create a commercial campus with relationship to the proposed 500 on site residential units.*

## **SUPPLEMENTAL DATA**

### **ZONING DATA**

- Zoning Classification: Business E. (Neighborhood Business) / B-Residence
- Minimum Lot Area: 10,000. Sq. Ft.
- Section 278: No
- 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
- SEQRA Information: Yes
- SEQRA Type: DEIS
- Minority or Economic Distressed: Yes

### **SITE DESCRIPTION**

- Present Land Use: Mobile Home Park
- Existing Structures: Yes - Multiple Mobile Homes
- General Character of Site: Level
- Cover: Asphalt, Mobile homes (Trailers), Frame Dwellings
- Soil Types: Riverhead (RhB)
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

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

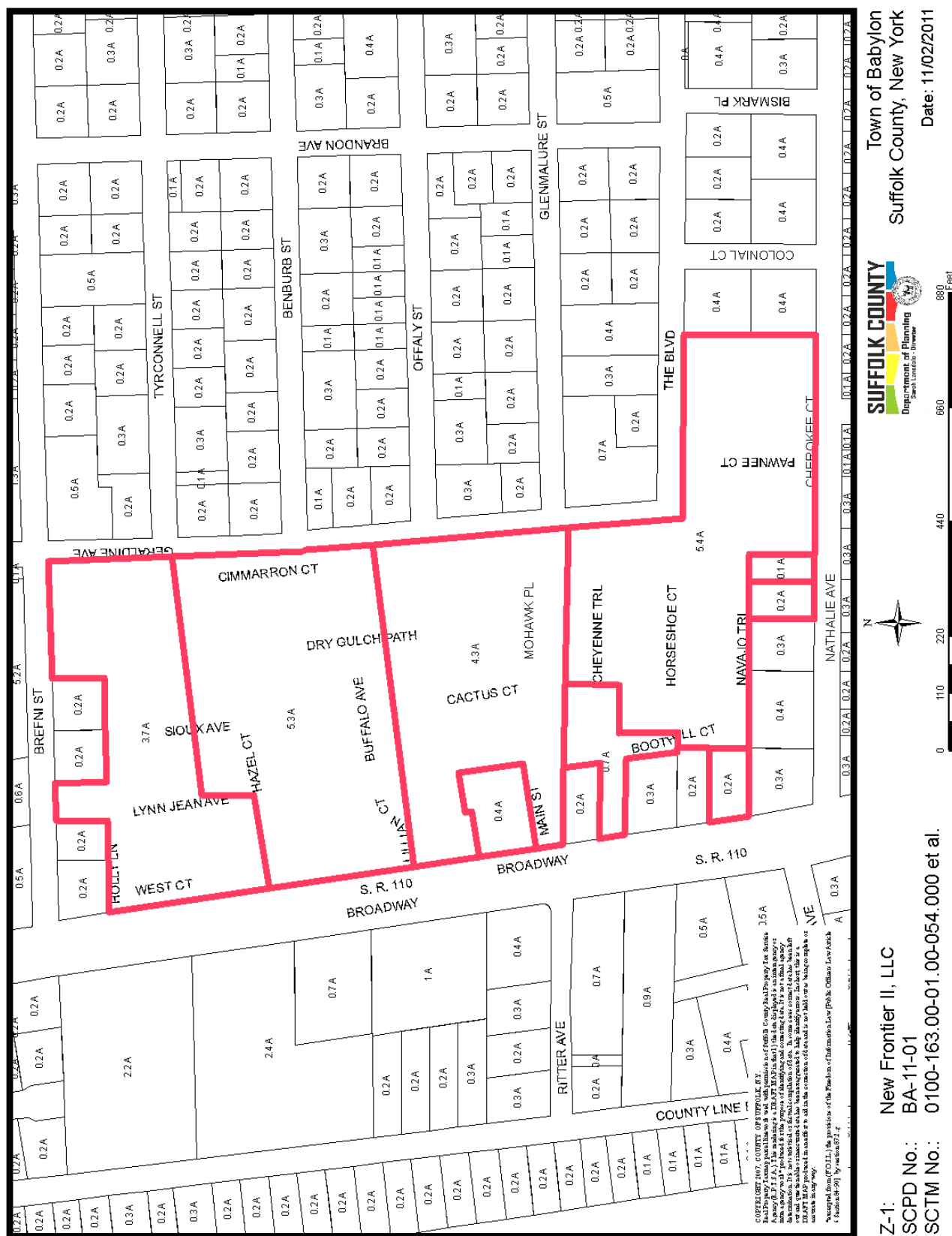
- Type: Change of Zone
- Layout: Standard
- Area of Tract: 20.26Acres
- Yield Map: N/A
  - No. of Lots: N/A
- Open Space: Lawn & Landscape Area = 6.5 Acres

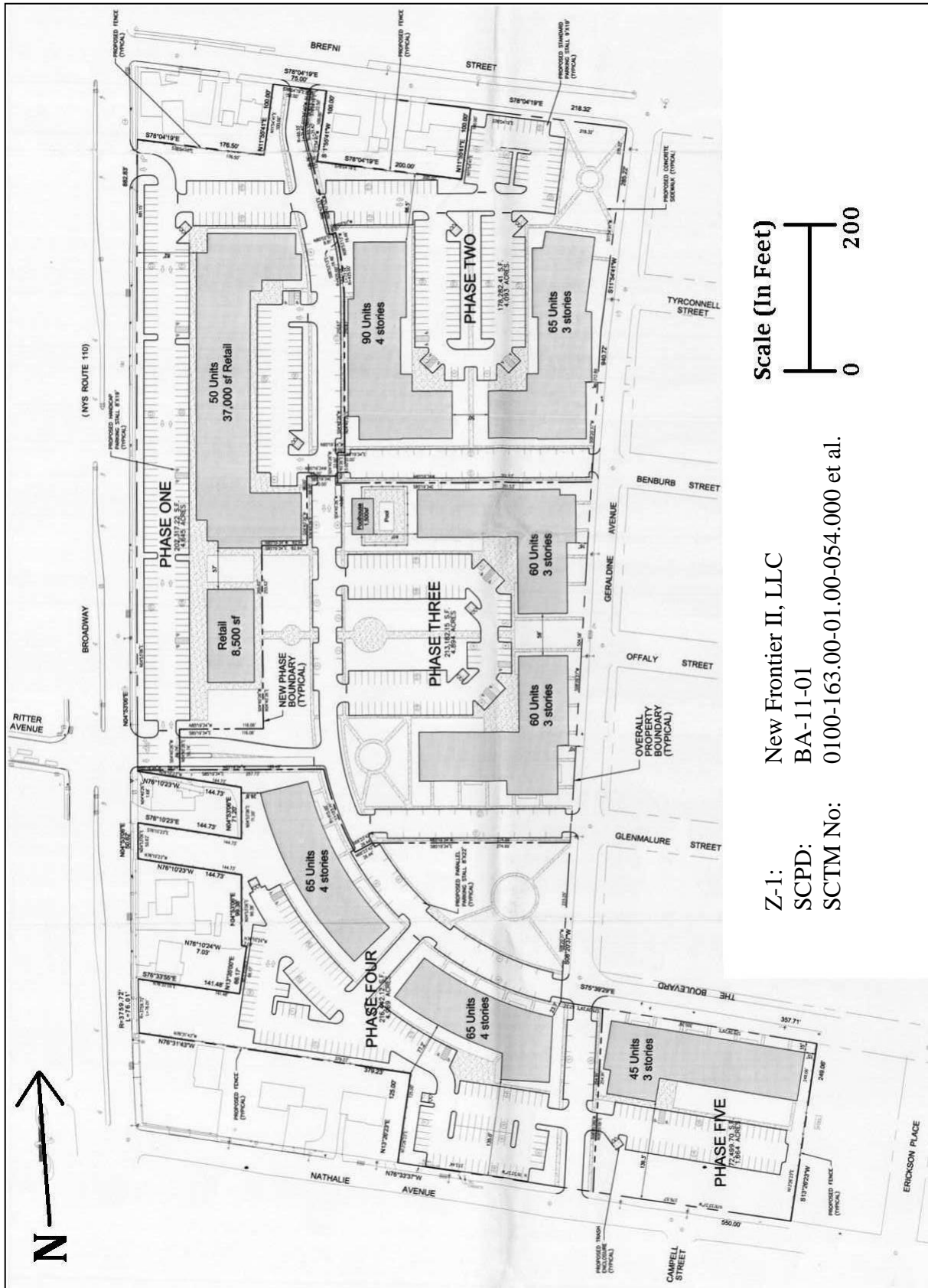
### **ACCESS**

- Roads: Existing - NYS Rte. 110 & Geraldine Avenue
- Driveways: Private

### **ENVIRONMENTAL INFORMATION**

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





Z-1: New Frontier II, LLC  
 SCPD: BA-11-01  
 SCTM No: 0100-163.00-01.00-054.000 et al.

**ANALYSIS OF CONFORMANCE  
to the  
SUFFOLK COUNTY PLANNING COMMISSION  
POLICIES & GUIDELINES FOR THE REFERRAL OF PROPOSED MUNICIPAL  
SUBDIVISION AND ZONING ACTIONS**

*Prepared by:* Town of Babylon  
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*Prepared for:* Suffolk County Planning Commission  
Suffolk County Planning Department  
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P.O. Box 6100  
Hauppauge, New York 11788-0099

*Date:* September 8, 2011

## **Introduction**

New York State General Municipal law and the Laws of Suffolk County require local municipalities to refer certain planning and zoning actions to the [SCPC] for review prior to making a final determination. Actions that are subject to referral include the adoption or amendment of a comprehensive plan, zoning ordinance or local law, the issuance of a special use permit, approval of a site plan, the granting of area or use variances or other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law such as moratoria and the adoption of urban renewal plans. Additional actions subject to referral include preliminary and final subdivisions and undeveloped plats.

These applications are required to be referred to the Commission if they are located within the Suffolk County Pine Barrens Zone, within one mile of a nuclear power plant or airport or within five hundred feet of:

- The boundary of any village or town;
- The boundary of any existing or proposed County, State or Federal park or other recreation area;
- The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
- The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;

- The existing or proposed boundary of any other County, State or Federally owned land held or to be held for governmental use;
- The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water; or
- The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the New York State Agricultural and Markets Law.

According to New York State law, the purpose of the referral process is to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. The review of referral items may include, but is not limited to, inter-community and county-wide considerations with respect to the following:

- Compatibility of various land uses with one another;
- Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
- Impact of proposed land uses on existing and proposed county or state institutional or other uses. Protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
- Drainage;
- Community facilities;
- Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and
- Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

Local municipalities are required by State and County law to refer applications to the [SCPC] when the jurisdictional requirements are met. The failure to refer an application to the [SCPC] may render the local municipal determination procedurally defective and may void the action despite its identified benefits or compliance with local standards.

The jurisdictional criteria capture a great number of local municipal zoning and planning actions that do not involve regional considerations and, as such, it is the intent of the [SCPC] to concentrate its efforts on those truly regionally significant applications which affect county or state land use considerations and/or multiple municipal jurisdictions.

While the local municipality typically exercises final jurisdiction over the application, the [SCPC] may recommend approval, approval with modification or disapproval of the local action. Pursuant to New York State law, in the event the County recommends a modification or disapproval of the local action, the referring body may not act contrary to the County's recommendation except by vote of a majority plus one of all the members. The over-ride must also state the reason(s) for taking action contrary to the [SCPC] recommendation.

There are two circumstances where the [SCPC] has final authority over an action. Pursuant to the Laws of Suffolk County, in the event there is an objection from an adjacent municipality to the amendment or adoption of a municipal zoning ordinance relating to any portion of the town or village within 500 feet of the municipal boundary, it shall not take effect until the ordinance or amendment has been submitted to and approved by the [SCPC].

In addition, when the [SCPC] is considering a zoning action and a state agency having a statutory responsibility involving air pollution, water pollution or estuarine values interposes an objection on the grounds that the action is likely to produce water pollution or air pollution or be destructive of estuarine values, the recommendation of the [SCPC] is final and binding on the local municipality. However, this provision is not applicable to any action which would change the district classification of, or the regulations applying to, real property lying within the Suffolk County Pine Barrens Zone.

The Suffolk County Planning Commission (SCPC) retains review status over the proposed project due to the subject site's location along a State-owned roadway (NYS Route 110). As a result, the SCPC is charged with the responsibility of reviewing the project in light of its Policies and Guidelines, as described below.

### **Description of the SCPC Policies and Guidelines**

The following guidelines provide an overview of the procedural aspects of the referral process along with a review of the policy considerations that guide the [SCPC] in the execution of its duties.

The following policies and guidelines are intended to articulate [SCPC] land use policies in order to better inform local municipalities and applicants, effectively guide regionally significant actions and better coordinate local responses. Central to [SCPC] policy is the promotion of sustainability. Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Doing so must integrate and balance economic, environmental and social goals. The goal of the following section is to promote sustainable development in Suffolk County defined by the nexus of economic development, environmental health and social equity.

[SCPC] policy is also contained in myriad land use studies, research documents and comprehensive plan documents prepared by the Department of Planning on an annual basis. The following policies and guidelines should be considered a starting point for reference purposes. It is therefore also recommended that applicants and local municipalities consult the resources of the Suffolk County Planning Department for additional guidance or visit the County website at:

[www.suffolkcountyny.gov/departments/planning.aspx](http://www.suffolkcountyny.gov/departments/planning.aspx)

### **Conformance Analysis**

Following are the SCPC Policies, General Policy Goals, and Specific Policies (Guidelines) under which the SCPC reviews the applications that are under its jurisdiction per the NYS General Municipal Law. Immediately after each Guideline is a discussion of the proposed project's conformance to that Guideline.

#### ***Policy 4.1 Equity and Sustainability***

- A. *General Policy Goal: Appreciate that economic vitality, environmental quality, and social equity are mutually dependent and reinforcing. Utilize a concept of sustainability predicated on a commitment to social justice, equity, and fairness to guide County policy.*

**B. *Specific Equity and Sustainability Policies:***

- *Promote equal access to economic, environmental and social opportunities.*

The proposed project facilitates economic opportunity by providing significant tax revenue and job creation. The mix of uses on the project site ensures that the project will generate a significant tax surplus to the school district after education of site generated school aged children, as well as ensuring that all taxing jurisdictions will receive significant revenue. Environmental opportunity is provided through improved environmental conditions on the site by removing a high volume of sanitary flow from a site that is not large enough to accommodate this flow without having adverse environmental impacts on groundwater, and connecting the use of the site to an existing sewage treatment facility. A mixed-use project with a variety of housing options (including affordable housing), on-site recreation and retail use ensures social opportunities by creating a new community which includes a place to live, work and recreate. The site design will ensure that a “sense-of-place” is established through architecture, landscaping, open gathering areas and mixed uses, and the project is walkable, both internally and through interconnection with the surrounding community, enhancing social connectivity. The project will promote social activity through the mix of uses and will assist with the relocation of existing site residents that would not have such opportunities if the owners chose to shut down the trailer park. In summary, the project is located on a site that fronts an established commercial and transportation corridor (NYS Route 110), and is surrounded by existing social and economic opportunities, which include retail, consumer services, employment and public transit services. In addition, it represents an attractive and timely re-development opportunity that would simultaneously improve a site that has long been a source of adverse environmental impact to groundwater resources. As such, the proposed project conforms to this Policy.

- *Promote equity in the distribution of societal burdens and potential land use impacts.*

The proposed project has been specifically designed to promote equity in four (4) ways: 1) it will remove an existing, long-term land use and environmental impact that has plagued the community, 2) it will provide a substantial number of affordable rental units and a significant amount of appropriate retail spaces, 3) it will create a community amenity on the subject site, and, 4) it will assist with the relocation of existing site residents that would not otherwise have such an opportunity. Thus, the proposal conforms to this Policy.

***Policy 4.2 Land Use***

- A. *General Policy Goal: Promote sustainable land use and development throughout the county by encouraging density, transit, and mixed uses in downtowns, hamlet centers, and areas with adequate infrastructure.***

**B. *Specific Land Use Policies:***

- *Promote redevelopment and infill development as an alternative to continued sprawl.*

The proposed project involves the re-development of a site that is intensively developed and, due to its lack of connection to public wastewater treatment, resulted in significant adverse impacts to groundwater quality. The proposed project will connect to the public sewer system, thereby significantly reducing anticipated nitrogen impact to groundwater as well as Great South Bay, the downgradient waters that receive groundwater outflow. The proposed project is strategically situated in an area that has infrastructure in the form of transportation corridors, bus routes, off-site amenities (retail shopping opportunities, parks) and as a result, the planned use will take advantage of this infrastructure. A bus stop will be provided on-site, and the mix of uses internal to the site use (diverse housing, recreation, retail) will promote internal interaction and the



placement of a new community within the existing sector of the Town such that it discourages sprawl and promotes smart development. The proposed project would conform to this Policy.

- *Encourage a mixture of land uses within communities and individual developments, particularly in hamlet centers and areas near transportation facilities.*

The project conforms to this Policy, as it is a mixed-use proposal, providing a substantial number of rental apartments and 45,500 SF of retail space for site and local residents. The site is currently occupied primarily by a mobile home park. The redevelopment of the site expands the ratio and mix of uses to include an appropriate balance of housing, retail and recreation. The site is located near transportation facilities including Route 110, bus routes along Route 110, and connections to the Long Island Railroad.

- *Increases in density should be tied to the purchase and/or transfer of development rights or to a one-for-one density offset through upzoning of vacant privately owned land.*

The yield requested for the proposed project is not the result of a TDR or other density transfer; rather, it has been determined as a number of units adequate to offset the costs of land acquisition, demolition and removal of existing site improvements (including subsurface conditions associated with sanitary systems for 356 mobile homes), construction, and expenses to assist with the relocation of the site's existing residents. The policy indicates that increases in density "should" be tied to TDR; however, as noted, there are extenuating circumstances associated with the existing site conditions. More specifically, the mobile home park is under a consent order with the Suffolk County Department of Health Services (SCDHS) with respect to violations and the need to connect to public sewers. "There are numerous building, fire code, health and safety issues and violations and no means to remove the existing residents, structures, or otherwise comply with environmental, health and safety requirements." The proposed project provides a means to redevelop the site in a positive way promoting affordable housing, mixed-use development, alternative transportation opportunities and a relocation package to assist existing site residents with a difficult transition. The ability to prepare and re-development the site, coupled with the relocation assistance adds cost to the project that would not otherwise be present absent the unique conditions associated with the site. It is expected that this policy anticipates that there may be occasions where density increases are appropriate absent TDR, particularly with regard to the language that TDR "should" be used. The Town and the applicant hope that the Suffolk County Planning Commission will find this to be one of those cases where the density proposed in connection with site re-development is justified.

### ***Policy 4.3 Housing***

A. *General Policy Goal: Encourage sustainable communities by shaping County development regulations, programs, and policies to create energy-efficient, well-designed housing that meets the diverse needs of current and future County residents*

B. *Specific Housing Policies:*

- *Encourage a diversity of housing types, equitably distributed across all communities, including the development of low and moderate income housing units.*

The proposed project is designed and intended to conform to this Policy. New Frontier will provide 500 of rental apartments including both 1 and 2-bedroom units, of which 20% (100 units of both 1 and 2-bedroom) will be "affordable" units, to be set aside for low and moderate income households. The nature of the project is such that the size and location of apartments not offered as affordable units, will still provide a cost effective housing alternative to single family

dwellings, larger condominium/townhouse units, and larger apartment units. The offering of housing for rent, that is sized and priced to meet housing needs in the area of North Amityville will ensure that a diversity of housing types is equitably distributed both within the development, Town of Babylon and the western Suffolk region.

- *Housing policies must balance increases in density, the availability of infrastructure and retail services to accommodate growth and environmental constraints to growth.*

The site has been evaluated and found to be able to accommodate the level of development proposed in connection with the New Frontier project. The project will provide needed 1 and 2-bedroom apartments (including 20% affordable), on a site that is currently occupied by 356 mobile homes and some limited commercial use. The site is proximate to Route 110 for automobile and bus transportation, and linkages are available to the LIRR. Services are available along Route 110 and/or through bus connections, and sewer, water, electric, gas and related infrastructure services are readily available to serve the site. The project conforms to this Policy, in that it will utilize a new connection to the public sanitary sewer system to dispose of all such wastewater. In this way, SCSC Article 6 will not be transgressed in consideration of the project's residential and retail space yields. In addition, the inclusion of an on-site commercial component, as well as the proximity of NYS Route 110, a major retail/commercial and transit corridor, would benefit the site's residents.

- *Housing policies should address special needs populations and include as a goal the establishment of policies to end homelessness.*

The project will provide diverse housing opportunities to the lower income population by providing both 1 and 2-bedroom rental units including 20 percent affordable housing. The existing Frontier trailer park cannot continue due to environmental, health, fire and safety violations. The proposed project assists with the relocation of the population currently residing on the site through a relocation package and transitioning of the re-development of the site. This measure ensures that the existing population has the greatest potential for continued housing, whereas, if the project were not proposed as envisioned, this population would have a greater potential of homelessness. In summary, the project will provide a substantial number of affordable and smaller, lower-cost rental units, so that the needs of special populations will be addressed. In this way, the proposed project conforms with this Policy.

#### ***Policy 4.4 Energy Efficiency***

A. *General Policy Goal: Encourage the design and construction of energy efficient buildings to reduce air, water and land pollution and environmental impacts from energy production and consumption.*

B. *Specific Energy Efficiency Policies:*

- *All new residential, commercial and industrial building should be designed and constructed to reduce energy consumption and improve environmental quality.*

The proposed project will include water- and energy-saving building materials, plumbing and electrical fixtures, appliances and mechanical systems and will include LEED design elements and Energy Star design/construction. All construction will conform to NYS Building standards and requirement, which include energy and water-conserving elements. The developer/operator recognizes the value of sustainable construction and will seek to incorporate all reasonable energy conserving measures in order to improve environmental quality associated with this project. Thus, the project conforms to this Policy.

#### ***Policy 4.5 Public Safety***

*A. General Policy Goal: New buildings and developments should incorporate general design elements that promote public safety.*

*B. Specific Public Safety Policies:*

- *New residential, commercial and industrial buildings and developments must incorporate design elements that calm traffic, deter criminal activity, and increase public safety.*

The project design conforms to this Policy, in that the internal roadway has traffic calming characteristics (e.g., continuous curves, on-street head-in parking, narrow roadway and signage), and site design has security features (e.g., security lighting). It is noted that additional such features (e.g., speed bumps, fire and security alarm systems, etc.) may be incorporated into the project during the Town's site plan review stage. The proposed project will be designed such that open spaces do not include "hidden" areas, and lighting will be provided to ensure that the on-site environmental is visible and safe. The project is inter-connected with the existing surrounding communities to provide activity within the site, and on-site security can be employed if found to be necessary. The project is designed to enhance traffic calming and safety, and therefore conforms with this policy.

#### ***Policy 4.6 Economic Development***

*A. General Policy Goal: Support a sustainable economic growth by supporting a broad range of industries and economic opportunities—from local entrepreneurs to national firms—that are linked to transit, housing, and services. Economic opportunity must be equitably distributed among the entire range of potential workers.*

*B. Specific Economic Development Policies:*

- *Encourage the creation of a range of employment opportunities for a variety of ages, education levels, and skill levels.*

The New Frontier project will include retail space that will provide service business jobs to be filled by a variety of ages, education and skill levels. Management personnel will be needed, as well as clerks, stocking assistance, maintenance and related job types. The proposed project conforms to this Policy, as it will provide for an estimated 280 FTE temporary construction-phase jobs and 75 FTE permanent jobs in the project's retail component.

- *Support local businesses and small entrepreneurial firms while recognizing the importance of national and multinational firms located in the County*

The project conforms to this Policy in three ways: 1) the 500 residences proposed will provide an estimated 1,109 residents that would increase the customer bases for all existing local businesses, 2) construction would utilize eligible local material suppliers, thereby increasing the profit potential of these businesses, and 3) the inclusion of a significant amount of new retail/commercial space on-site would represent an opportunity for local economic growth. If retail space within the complex is attractive to national retailers, the space will be made available for such uses. It is expected that a mix of local, regional and potentially national store types will occupy the retail portions of the site. As a result, the proposed project conforms with this policy.

- *Provide job assistance and education programs to better match jobseekers and employers, particularly those in the most economically vulnerable groups.*

The proposed project is privately proposed and therefore not able to directly provide educational programs to match jobseekers and employers. However, the developer/operator would expect to coordinate with existing services that assist jobseekers in finding employment. Available jobs will be made known through local career services in order to provide job assistance and educational programs.

#### ***Policy 4.7 Transportation***

- A. *General Policy Goal: Expand sustainable transportation options —for commercial, commuter and recreational travel — by providing greater public transit alternatives and creating a diverse, multi-modal transportation system that links jobs, housing, shopping, and recreation and reduces dependence on single-occupant motor vehicles.*

B. *Specific Transportation Policies:*

- *Transportation management solutions are preferred to the continued expansion of infrastructure capacity*

The project provides on-site employment and housing, thus helping to reduce vehicle usage for those who wish to reside and work on site. The project is conveniently located on Route 110, providing auto and well as bus connection services, with linkages to the LIRR. The site is currently occupied by 356 mobile homes and a very small amount of retail and as a result, represents an incremental increase above an existing level of transportation activity. The project has been designed by qualified, licensed professional engineers, including traffic engineers, so that the project's passive traffic controls would render maximum effectiveness in addressing potential traffic impacts. It is noted that the project does not require extensive traffic improvements to increase road capacity, rather, only striping and signal timing mitigation is needed to ensure that level of service is maintained to be satisfactory. As noted, the project includes a bus stop (with passenger shelter) so that a major public transit opportunity would be provided. Further, the entire project design will be subject to the review and approval of both Town and NYSDOT traffic engineers. These factors would combine to assure that traffic management aspects are maximized, and that the maximum level of conformance to this Policy is achieved.

- *Infrastructure expansion, when appropriate, should be targeted to downtown centers, transportation nodes and designated growth zones.*

The proposed project does not require expansion of infrastructure. As noted above, the traffic analysis does not indicate the need for any off-site roadway or traffic improvements. The site does lie on an existing transportation corridor.

- *Promote inter-agency and inter-municipal cooperation including the development of uniform design standards.*

The Town of Babylon has actively participated in the design of the proposed project. The Town retained a consultant to assist with planning design, linkages to the community and overall project design. The Town and the applicant completed a number of iterations of the plan to evolve the site design to what is currently proposed. From a transportation standpoint, the project provides on-site jobs and housing such that it will help to minimize off-site vehicle trips. The project is located along Route 110, a transportation corridor and a bus stop will be installed to service the site. The existing bus service was a consideration of the design as a means to reduce dependency

on the automobile. The cooperative effort and resultant design ensure conformance with this policy.

- *Encourage cumulative traffic impact analysis.*

A cumulative traffic impact study should be performed where it is warranted based on a combination of proposed projects that, when considered together, warrant this form of analysis. There are no other large scale projects pending in the area of the subject site. The DEIS and Traffic Impact Study for the New Frontier Town does consider three (3) small projects that were identified for the purpose of cumulative traffic impact analysis. The project conforms to this Policy, as it has been the subject of a professionally-prepared TIS, which includes a detailed cumulative traffic impact analysis.

- *Promote the development of alternative funding mechanisms.*

This Policy does not apply to the proposed project, as it is a private development proposal that is being privately financed.

- *Improve access management standards.*

The proposed project site plan was developed cooperatively between the Town and the applicant, with assistance from a Town-retained consultant for access and design. The intent was to inter-connect the proposed project with the surrounding community for optimum access management. This is achieved in the pending site plan thus ensuring that the project conforms to appropriate access management standards. The site is currently accessed via six street connections from NYS Route 110 and two access points from The Boulevard. The proposed project will also have eight driveways: two driveways on NYS Route 110 (opposite Ritter Avenue and one north of Ritter Avenue configured for entering and exiting right-turns only); the remaining driveways will be located on Brefni Street, Nathalie Avenue and Geraldine Avenue. Proposed access points have been carefully selected to consider improved access management to ensure safety and the reduction of potential conflicts. Consequently, the proposed project conforms to this Policy.

- *Promote connectivity between developments in order to improve both pedestrian and vehicular access and circulation consistent with smart growth principles.*

The project's internal roadway has been designed to promote connectivity to adjacent developments via its two access points onto Geraldine Avenue to the east, which then gives access to Tyrconnell Street, Benburb Street, Offaly Street, Glenmalure Street and The Boulevard. Pedestrian access and connectivity is promoted by incorporating sidewalks into the internal project, and along roads which ensure integration of sidewalks to surrounding neighborhoods. The project itself is designed based on smart growth principles in order to provide multi-modal transportation opportunities (car, bus, walking, links to train station), as well as a mix of uses that promotes internal activities involving residency, employment and recreation. In this way, the project conforms to this Policy.

#### ***Policy 4.8 Environment***

A. *General Policy Goal: Protect, preserve, and restore critical natural resources to maintain a healthy and diverse ecosystem for present and future generations. Promote biodiversity limit greenhouse gases, and improve water and air quality by requiring energy efficiency in design, construction, land use, and industry.*

B. *Specific Environmental Policies:*

- *Promote development where it is warranted in downtowns, hamlet centers, adjacent to transportation and retail services and discourage development where it is not warranted within coastal zones, environmentally sensitive areas such as the Pine Barrens, unique ecological habitats and designated open spaces.*

The proposed project conforms to this Policy in that it is located on a previously-developed site that has been designated by the Town and community as needful of re-development. Further, the site is located within an already developed community and is situated on a regional commercial and transportation corridor. The site is not within the Pine Barrens, or a coastal zone, and does not exhibit any natural ecological habitats or existing community open space. As a result, the proposed project is consistent with this policy.

- *Preserve the region's natural resources including, but not limited to, groundwater, surface waters, tidal and fresh water wetlands, dunes, steep slopes, bluffs and Pine Barren regions.*

The project has been designed to address Town and community concerns regarding the long-standing adverse groundwater impact that has been occurring on the site. The existing trailer park is not connected to the public sanitary sewer system, and so has resulted in a significant level of nitrogen contamination to groundwater. The proposed project will connect to this system, and thereby will result in a significant reduction in the amount of this contamination reaching groundwater beneath the site. There are no other significant natural resources present on the site. In consideration of these factors, the project conforms to this Policy.

- *Preserve open space, farmland and environmentally sensitive land through acquisition, transfer of development rights (TDR), purchase of development rights (PDR) and clustering.*

The proposed project is not an important open space resource, farmland, or environmental sensitive area, and therefore, TDR, purchase and/or clustering techniques are not needed. The site is occupied by 356 mobile homes and some limited retail, and as a result is appropriate for re-development in a manner that provides community benefit by increasing land use compatibility and improving environmental quality.

- *The preservation of agricultural uses through the purchase of development rights and other related preservation tools should be tied to the establishment of best management practices" in order to reduce the potential for impacts related to fertilizer, herbicide and pesticide use.*

The proposed project site does not involve agricultural use, therefore the intent of this Policy would not be applicable to the proposed project.

- *Development densities should be limited by environmental capacities. Growth must occur sustainably in order to protect or environmental resources for the future.*

The proposed project conforms to this Policy. In consideration of the site's condition and location, there are few if any environmental resources on the site, so that its environmental capacity has little if any significance with respect to its yield. Further, the major environmental resource associated with this site, groundwater quality, has been seriously impacted by the site's current occupant. The project has been designed to address this impact, and would conform to SCSC Article 6, which would be the primary development control for this particular property.

- *Promote access to the coastal zone and the preservation of water dependent uses.*

This Policy does not apply, as the subject site is not located in or near any coastal zone or water-dependent uses.

- *Promote environmental stewardship through education.*

This Policy does not apply, as the subject site has no significant surface environmental resources (such as open spaces or natural vegetation) that would justify establishment of an educational program. The project is an example of how beneficial re-development can be employed to eliminate a detrimental environmental condition such as groundwater contamination from the existing use, to be replaced with a mixed-use project providing housing, employment and recreational use in an attractive setting based on smart growth principles.

- *Promote pollution prevention over remediation.*

The site is not pristine or undeveloped land, rather, it is the site of a large number of residential trailers that have already caused groundwater impacts from sanitary wastewater. As a result, it is too late for prevention; however, the project is a form of mitigation to reverse the groundwater impact that has occurred through connection of the proposed project to sanitary waste treatment. Since a major project goal is to re-develop the site so as to remove the source of this long-term environmental impact, this project conforms to the spirit and intent of this Policy.

- *Promote environmental remediation and enhancement in addition to mitigation associated with development proposals.*

The project conforms to this Policy, as an underlying principle is to re-develop the site so as to remove the source of a long-term environmental impact (to groundwater quality from the recharge of sanitary wastewater through on-site septic systems).

#### ***Policy 4.9 Design***

- A. *General Policy Goal: Encourage high-quality and innovative design which incorporates universal design principles to positively shape the built environment for living, working, and playing. Sustainable design, which incorporates universal design principles, ensures that the built environment facilitates function, creates an identity of place, provides equal access to all members of society and strengthens a sense of community.*

B. *Specific Design Policies:*

- *Encourage flexibility of design in order to promote a mixture of uses in order to minimize traffic, encourage pedestrian activity and create a sense of place.*

The project incorporates flexible design principles including phasing (establishing the retail component first, then following with four residential phases), locating the recreational area in the center of the site (for ease of access for all site residents), installing sidewalks throughout (to enable safe and convenient access for all residents), and use of a cohesive, consistent architectural theme that complements the area aesthetic. The project requires flexibility of design in order to achieve the desired outcome. Traffic is minimized through on-site housing, employment and recreation, as well as convenient bus access, pedestrian activity and shared parking. The site design will ensure that a “sense-of-place” is established through architecture, landscaping, open gathering areas and mixed uses, and the project is walkable, both internally and through interconnection with the surrounding community. As a result, the project conforms to this Policy.

- *Utilize green infrastructure to minimize community and environmental impacts and reduce both private and public development costs.*

Construction of the project will include use of water- and energy-conserving fixtures, materials and mechanical systems, and will connect to the public sanitary sewer system, which will significantly reduce the level of nitrogen recharged on-site (which currently adversely impacts groundwater quality beneath the site). In addition, the applicant will consider use of sustainable

stormwater system designs and features; these will be reviewed in more detail during preparation and Town review of the site plan should the rezone application be approved. The developer/operator recognizes the value of sustainable construction and will seek to incorporate all reasonable energy conserving measures in order to reduce costs of operation. In consideration of these factors, the project conforms to this Policy.

- *Promote energy efficient site plan and subdivision design which encourages compact development and clustering to minimize energy use, encourage open space preservation and the efficient use of infrastructure.*

The project conforms to this Policy, as it has been designed in a compact manner, which would encourage an increased amount of walking for the site's residents (in lieu of internal vehicle trips). There is no natural vegetation on the site, so the compact design of the project would not represent an opportunity to preserve such a resource; however, the project includes three substantial open space areas, which represents a benefit for the site's residents. Finally, as noted above, the project will efficiently utilize the available infrastructure to reduce potential environmental impacts and reduce energy and water consumptions.

- *Incorporate "universal design" features into building codes in order to ensure that buildings in Suffolk County are equally accessible to all members of the community.*

The project will conform to the requirements of the Americans with Disabilities Act (ADA). The project will conform to all applicable Town, County and State requirements for accessibility for residents and commercial patrons. Such features may include, but not be limited to, elevators, wide doorways and low thresholds, plumbing fixtures in both bathrooms and kitchens, signage, parking spaces, sidewalk widths and ramps, etc. In this way, the project conforms to this Policy.

#### ***Policy 4.10 Cooperation***

- A. *General Policy Goal: The sustainability of the County is inextricably tied to its broader regional, national, and global context. The County recognizes the importance and need for cooperation and coordination among and between County agencies, local municipalities, and neighboring jurisdictions including New York City.*

B. *Specific Cooperation Policies:*

- *Promote regionalization.*

This Policy recommends that County agencies take action to promote consistency with planning actions taken by other County agencies, as well as with those of other tiers of government (e.g., New York State, Towns, Villages, regional entities and New York City). The Town is available to seek cooperative planning initiatives in conjunction with County agencies. This project is an example of cooperation to address the SCDHS Consent Order in a manner that ensures future groundwater protection through the phased re-development of the site in a manner that is sensitive to the existing occupancy of the site by 356 mobile homes.

- *Encourage the use of inter-municipal agreements and inter-agency and inter-governmental cooperation.*

This Policy recommends that County agencies take actions to foster the use of agreements between municipalities to support consistent land use review in order to achieve sustainable development, and to encourage cooperation between and amongst agencies and governments to achieve this goal. The Town is available to seek cooperative planning initiatives in conjunction with County agencies. This project is an example of cooperation to address the SCDHS Consent



Order in a manner that ensures future groundwater protection through the phased re-development of the site in a manner that is sensitive to the existing occupancy of the site by 356 mobile homes.

To summarize the above analysis, the proposed project conforms to the applicable Policies, either directly or in spirit and intent.



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:** Mount Sinai Industrial LLC @ Mt. Sinai (aka Mt. Sinai Village Centre)  
**Municipality:** Brookhaven  
**Location:** S/W/C NYS Route 25A & CR 111 (not constructed)  
**Received:** 10/7/2011  
**File Number:** BR-11-07  
**T.P.I.N.:** 0200 13900 0600 003000 et al.  
**Jurisdiction:** Adjacent to NYS Route 25A & County Land

**PROPOSAL DETAILS**

**OVERVIEW** - Applicants request a change of zone on the subject property totaling 30.32 acres from L-1 Industrial, J-2 Business and A-1 Residential to all J-2 Business in order to develop the site as a mixed use commercial center with various uses including retail, office, a bank and a restaurant, with a proposed total gross floor area (GFA) of approximately 233,058 SF. The proposed commercial center includes ten buildings, two of which are anchor retail (75,000 SF) and sub-anchor retail (50,000 SF), an existing retail building converted to a bank (3,041SF), a 100 seat stand-alone restaurant (4,902 SF), and six other one, two and three story retail buildings (the office use is on the second floor of three retail buildings totaling 17,600 SF GFA).

Town of Brookhaven Zoning Law requirement for off street parking relevant to this action is not met by the proposal and would require relief. Total parking stalls provided is 1,056 with 43 stalls land-banked. The provided parking is approximately 20% short of the requirement.

The application material indicates that the development is not to connect to an existing sewage treatment facility or propose to construct a sewage treatment plant on site. Rather, the development of the Commercial Center will discharge sanitary waste to septic tanks and leaching rings on site in accordance with Suffolk County Department of Health Services requirements.

The petition also includes the proposed creation of a Commercial Center which includes a village center type development with boulevard design, internal sense-of-place, and walkability between retail, office and public outdoor use space.

Approximately 23.82% of the subject property is provided as natural open space situated along the south and southwestern portion of the proposed development in the vicinity of single family

residences off site. The petition also includes the abandonment of a paper street on the southern boundary of the site (Hancock Avenue). The combined onsite and abandoned area will total a natural area set-aside of approximately 25.54%.

## **STAFF ANALYSIS**

**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 does not appear to have any significant regional or inter-community concerns regarding development of the subject property. One item of note is that the subject development is adjacent to the CR Rte.111 corridor (undeveloped) and proximate to County parkland that together may form the headlands of the Rte. 111 Greenbelt (Pine Trail Preserve) stretching south into the Central Pine Barrens. Opportunities exist to link the pedestrian network onsite with possible future trailheads into the regional nature trail system.*

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Brookhaven 1996 Comprehensive Land Use Plan identifies the subject parcel as appropriate for residential use.

*The proposal is for a change of zone to J-2 Business in order to allow the development of a Commercial Center. The proposal does not appear to be consistent with the 1996 Comprehensive Plan.*

Several local planning initiatives have been conducted for the Mt. Sinai hamlet including a Community Visioning Report and the Route 25A Mount Sinai to Wading River Draft Land Use Plan (June 1,2011). Neither document has been adopted by the Brookhaven Town Board. The '96 master Plan recommended residential for the subject property. The commentaries from the later planning documents, related to the subject property, indicate a desire to improve the subject property with a commercial uses along the Route 25A corridor with considerations for residential lots or PRC units closest to the current residential areas. The later Land Use Plan recommends creating a commercial center in the area with the subject property a component and limiting the "big box" retail element on site to a maximum 75,000 SF gross floor area. In addition, the plan recommends a minimum of 25% undisturbed natural area and buffering to the adjacent residential community.

*In context with the later planning studies the proposed change of zone for the subject property would appear to be in conceptual conformance.*

One concern of Suffolk County Planning Commission staff is that the Town of Brookhaven, Town wide, has less than one percent (1%) of its zoned land in an industrial zoning district. This is comparatively less than the adjacent municipalities. The Town should recognize that the preservation and improvement of industrial land with industrial uses creates long term employment opportunities in addition to the short term construction jobs associated with improvement of the land. The Town should give consideration to the preservation of industrial zoned land as a means to achieve long term job creation/retention and balance local municipal services and school costs. A light industrial park, tradesperson park or technology park could be a viable option at this location.

The petitioners contend in the submitted SEQRA materials that there is not a significant demand for industrial space in the hamlet of Mt. Sinai. The project sponsors put forward the premise that the subject parcel is vacant and has been available for industrial development but none has ever been proposed. For several reasons (road network, etc.) the petitioners contend that small pockets of industrial zoned land do not necessarily need to remain in each hamlet of the Town of Brookhaven. However, it is pointed out by the applicant that there are existing scattered industrial zoned lands with existing uses and some growth potential. The petitioners believe, based on this potential further growth in existing smaller areas of industrial zoned land near Mt. Sinai (other than the subject site), that coupled with the existing occupied industrial land that may provide tenancy opportunities or business locations due to turnover, it appears that neither Mt. Sinai, or the region would suffer from the land use conversion of the subject site to J-2 zoning.

Another item of concern raised by the Department of Planning with respect to the subject application is that Shopping center vacancy rates for 2010 in Mt. Sinai, Miller Place, Port Jefferson Station and Terryville were 13%, 8%, 12% and 14% respectively. The Department has been concerned about the impact on the per capita retail potential of the Route 25A corridor.

The applicants response is that the Commercial Market Analysis prepared for the DEIS process examined the absorption potential, which was based upon an examination of demographic trends and projections, as well as, per capita consumer expenditure/spending patterns among those residing within the community surrounding the subject property. It was concluded by the applicant's consultant that vacancies that exist in the area may be more related to strip commercial centers, centers with poor access, poor signage, rent considerations and other factors. Based on the analysis that was completed, there is a need for the proposed type of development and that there is adequate retail demand to support the project.

#### **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

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

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted January 2009).

The Town of Brookhaven Dept. of Planning, Environment and Land Management, Planning Division in concert with the Petitioners consultant (Nelson Pope & Voorhis, LLC) has jointly prepared and submitted an "Analysis of Conformance to the Suffolk County Planning Commission Policies & Guidelines for the Referral of Proposed Municipal Subdivision and Zoning Actions" dated October 5, 2011 (see attached).

Suffolk County Department of Planning staff has reviewed the “Analysis” formulated by the Town and the petitioner and has the following observations:

The subject property is located within a State Critical Environmental Area (Central Pine Barrens) above a sole source aquifer in the Suffolk County Department of Health Services (SCDHS) Groundwater management Zone III, the Central Suffolk Special Groundwater Protection Area (SGPA), and the Town of Brookhaven Hydrogeologic Sensitive Zone. The subject property is not in the Central Pine Barrens management area pursuant to the Central Pine Barrens Comprehensive Land Use Plan promulgated by the Central Pine Barrens Joint Planning and Policy Commission. The County of Suffolk however, has been acquiring land for open space purposes to the east of the subject property and adjacent to the unopened ROW of CR 111. The proposal materials make hardly a mention of this initiative of the County and the possibility of the CR 111 ROW and the adjacent county holdings becoming part of the Pine Trail Preserve stretching south into the Central Pine Barrens. It would be appropriate to consider design elements of the project along the northeast property line that protect and enhance the open space qualities of the adjacent County of Suffolk lands. The proposal does preserve approximately 25% natural vegetation as open space clustered mostly along the southern property boundary to mitigate potential adverse effects of the development to existing residential lots however, it appears no consideration is given to protecting the greenbelt.

The petition includes elements of the development proposal that would be in conformance with the Suffolk County Planning Commission guidelines including energy efficiency, public safety, walkability and connectivity between adjacent sites, traffic and transportation mitigations. The size of the subject property makes use of the term “infill” to describe the nature of the development in terms of the surrounding land use pattern vulnerable to critique. Moreover, in terms of “Smart Growth” the subject property is a “greenfield” and is not blighted or in an established downtown or central business district making development of the subject site less than a priority compared to other Town initiatives. Suffolk County Planning has raised concerns regarding the loss of Light Industrially zoned land within the Town and the feasibility to develop a tradespersons or technology park/center on site. The Department has also been concerned regarding the impact the project may have on commercial vacancy rates in the area. The petitioners make the argument through various studies in the DEIS process that the current zoning on the subject properties and road network are antiquated for marketing as a light industrial center and that vacancies in the area are more attributable to poor site design elements than lack of demand. The petitioners put forth in the DEIS studies that there is substantial market for the type of proposed development without effecting other commercial retail ventures in the area.

All the above has been considered during recent initiatives to formulate a vision for the future of the NYS Rte. 25A corridor. These planning endeavors have brought together Town residents business owners, civic association, the State DOT, elected officials, town planners and stakeholders. The current proposal is reflective of the direction these planning initiatives have taken for the subject property.

## **STAFF RECOMMENDATION**

### **Approval with the following comments:**

1. While the subject property is not located in the Central Pine Barrens it is situate to Suffolk County owned lands and the unimproved corridor for CR 111. Greater attention to

landscaping, lighting, and potential walking connections at the northeastern property boundary with the CR 111 ROW would be appropriate as the potential exists that said County property may sometime in the future form the headlands of the Rte. 111 Greenbelt (Pine Trail Preserve), stretching south into the Central Pine Barrens. In addition, opportunities exist to link the pedestrian network onsite with future trailheads into the regional nature trail system.

2. It is noted that Site Planning and variance relief (if any) is subject to referral to the Suffolk County Planning Commission pursuant to NYS GML 239 and Article XIV of the Suffolk County Administrative Code. The Suffolk County Planning Commission reserves the right to comment on site design elements and layout until such time.

### **SUPPLEMENTAL DATA**

#### **ZONING DATA**

- Zoning Classification: L1, J-2 & A-1
- Minimum Lot Area: 20,000/15,000/10,000 Sq. Ft.
- Section 278: N/A

#### **SITE DESCRIPTION**

- Present Land Use: Vacant, Wooded
- Existing Structures: None
- General Character of Site: Rolling
- Range of Elevation within Site: N/A
- Cover: Woodland
- Soil Types: Haven Series
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

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

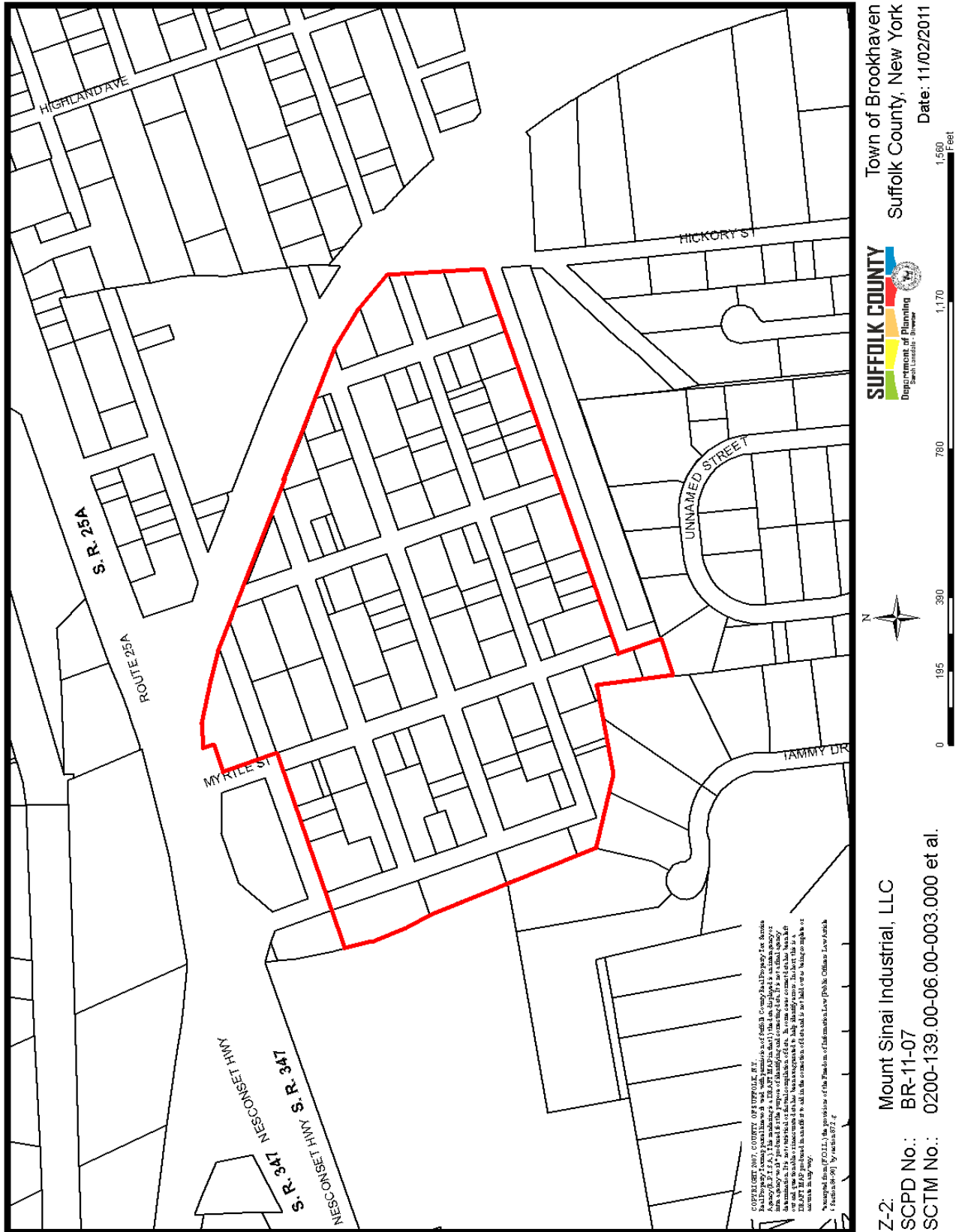
- Type: COZ-Commercial
- Layout: Standard
- Area of Tract: 30.32Acres
- Open Space: 7.2 Ac (23.82%)

#### **ACCESS**

- Roads: Existing
- Driveways: Private

#### **ENVIRONMENTAL INFORMATION**

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







**ANALYSIS OF CONFORMANCE**  
**to the**  
**SUFFOLK COUNTY PLANNING COMMISSION**  
**POLICIES & GUIDELINES FOR THE REFERRAL OF PROPOSED MUNICIPAL SUBDIVISION AND ZONING ACTIONS**

*Prepared by:* Town of Brookhaven  
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Phone: 451-6400

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Phone: 427-5665

*Prepared for:* Suffolk County Planning Commission  
Suffolk County Planning Department  
H. Lee Dennison Building, 4<sup>th</sup> Floor  
P.O. Box 6100  
Hauppauge, New York 11788-0099

*Date:* October 5, 2011

**Conformance Analysis**

New York State General Municipal law and the Laws of Suffolk County require local municipalities to refer certain planning and zoning actions to the [SCPC] for review prior to making a final determination. The following are the SCPC Policies, General Policy Goals, and Specific Policies (Guidelines) under which the SCPC reviews the applications that are under its jurisdiction per the NYS General Municipal Law. Immediately after each Guideline is a discussion of the proposed project's conformance to that Guideline.

***Policy 4.1 Equity and Sustainability***

A. *General Policy Goal: Appreciate that economic vitality, environmental quality, and social equity are mutually dependent and reinforcing. Utilize a concept of sustainability predicated on a commitment to social justice, equity, and fairness to guide County policy.*

B. *Specific Equity and Sustainability Policies:*

- *Promote equal access to economic, environmental and social opportunities.*

The proposed project facilitates economic opportunity by providing significant tax revenue and job creation. The mix of commercial uses on the project site ensures that the project will generate a significant tax surplus to the school district while generating no school age children, as well as ensuring that all taxing jurisdictions will receive significant revenue. The project will be constructed using "green" design and sustainable construction methods. The applicant is committed to employing many sustainable measures in the design and operation of the Mt. Sinai Village Centre, in particular the 2009 LEED® -NC (New Construction) and 2009 LEED® -ND (Neighborhood Development) guidelines. The site design will ensure that a "sense-of-place" is established through architecture, landscaping, open gathering areas and mixed uses; the project is walkable and will feature integration with adjoining space, including a proposed County bike path, safe and convenient pedestrian crossings, boulevard-style Main Street and Village-like streetscapes. Decorative rain gardens will be utilized for drainage and to capture stormwater runoff, where feasible. The proposed project will retain approximately 23.82 percent of the site as natural open space (25.54 percent when including the combined on-site and off-site natural area), and will provide internal green space in connection with the village center style development. The Mt. Sinai Village Centre will be a community that provides many

economic, environmental and social opportunities and benefits for the people that will live and work in or near it, as well as for the hamlet of Mt. Sinai. As such, the proposed project conforms to this Policy.

- *Promote equity in the distribution of societal burdens and potential land use impacts.*

The proposed project has been specifically designed to promote equity in four ways: 1) it will provide a significant number of employment opportunities for retail, office and restaurant workers, 2) it will create a community amenity on the subject site, 3) the project has benefited from the applicant's extensive outreach program to community representatives including applicable government officials and representatives, civic leaders, and utility officials, to fully involve the stakeholders in the proposed development, and 4) the proposed project will not create additional residents within the Town of Brookhaven; as such, it will not generate additional school-aged children to the Mount Sinai Union Free School District (UFSD). The proposed development will levy property taxes for the Mount Sinai UFSD, without imposing additional costs resulting from an increased enrollment. This net revenue – topping \$761,000 – is most crucial at a time when state aid is anticipated to be significantly reduced from its past levels. The change to commercial zoning allows the site to be integrated into the Mt. Sinai corridor in a manner that is consistent with the Route 25A Corridor Study, including maximum building size, retention of natural open space, buffers between existing residences and the creation of a gateway into Mt. Sinai and a focal point within a community that currently has no identifiable downtown. Thus, the proposal conforms to this Policy.

#### **Policy 4.2 Land Use**

- A. *General Policy Goal: Promote sustainable land use and development throughout the county by encouraging density, transit, and mixed uses in downtowns, hamlet centers, and areas with adequate infrastructure.*

B. *Specific Land Use Policies:*

- *Promote redevelopment and infill development as an alternative to continued sprawl.*

The proposed project involves the development of a site that is mostly vacant and wooded ( $\pm 1.94$  acres developed,  $\pm 28.38$  acres vacant), however the site is surrounded on all sides by developed land including commercial uses along both sides of NYS Route 25A and residential uses to the north and south beyond the above-noted commercial corridor. The proposed project is designed to promote interaction with these properties, as well as to provide within itself other appropriate and attractive commercial uses. The proposed project is strategically situated in an area that has infrastructure in the form of transportation corridors, bus routes, on and off-site amenities (retail shopping opportunities, parks) and as a result, the planned use will take advantage of this infrastructure. The placement of a new commercial community within the existing sector of the Town is such that it discourages sprawl and promotes smart infill development. The change to commercial zoning allows the site to be integrated into the Mt. Sinai corridor in a manner that is consistent with the Route 25A Corridor Study, including maximum building size, retention of natural open space, buffers between existing residences and the creation of a gateway into Mt. Sinai and a focal point within a community that currently has no identifiable downtown. The proposed project will conform to this Policy.

- *Encourage a mixture of land uses within communities and individual developments, particularly in hamlet centers and areas near transportation facilities.*

The project conforms to this Policy, as it is a mixed-use proposal, providing a substantial amount of commercial space including retail, office and restaurant spaces, in an attractive and interactive downtown setting for local residents. The proposed project would provide a "gateway" at the entrance to the hamlet along Route 25A, a shopping, dining and gathering location with a sense of place, including weekend farmers market and walkable and aesthetically pleasing design. Furthermore, the property has been identified in the Town of Brookhaven's most recent planning study, the *Route 25A: Mount Sinai to Wading River Final Visioning Report (September 2010)*, as being appropriate for a mixed-use hamlet Center as the gateway to the NYS Route 25A corridor. The proposed project has been modified to conform to the recommendations identified in the Final Visioning Report and will provide a well-planned mixed use development that will create an attractive and desirable environment for its visitors and employees, while enhancing the community at large. The proposed project is strategically situated in an area that has infrastructure in the form of a regional transportation corridor (NYS Route 25A) and utility infrastructure.

- *Increases in density should be tied to the purchase and/or transfer of development rights or to a one-for-one density offset through upzoning of vacant privately owned land.*

This Policy does not apply. The project site is zoned primarily for light industrial and would yield more square footage than what is proposed. The project does not request a yield that would require the use of TDR to justify an increased yield; however, public benefits will be provided.

#### **Policy 4.3 Housing**

A. *General Policy Goal: Encourage sustainable communities by shaping County development regulations, programs, and policies to create energy-efficient, well-designed housing that meets the diverse needs of current and future County residents*

B. *Specific Housing Policies:*

- *Encourage a diversity of housing types, equitably distributed across all communities, including the development of low and moderate income housing units.*

This Policy does not apply; the project is commercial in nature, only, and does not include a residential component.

- *Housing policies must balance increases in density, the availability of infrastructure and retail services to accommodate growth and environmental constraints to growth.*

This Policy does not apply; the project is commercial in nature, only, and does not include a residential component.

- *Housing policies should address special needs populations and include as a goal the establishment of policies to end homelessness.*

This Policy does not apply; the project is commercial in nature, only, and does not include a residential component.

#### **Policy 4.4 Energy Efficiency**

A. *General Policy Goal: Encourage the design and construction of energy efficient buildings to reduce air, water and land pollution and environmental impacts from energy production and consumption.*

B. *Specific Energy Efficiency Policies:*

- *All new residential, commercial and industrial building should be designed and constructed to reduce energy consumption and improve environmental quality.*

The applicant is committed to employing many sustainable measures in the design and operation of the Mt. Sinai Village Centre. The Design Team will utilize LEED® Guidelines; in particular, the 2009 LEED®-NC (New Construction) and 2009 LEED®-ND (Neighborhood Development) guidelines including the following:

1. Office Building, Geothermal Heating and Cooling - this will reduce the overall energy consumption as compared to a typical office building on Long Island, which uses conventional fossil-fuel heating and condenser-driven cooling. In addition, this will help to reduce the heat-effect of the conventional systems. Reduction of heat will occur from the exclusion of rooftop or ground-mounted machinery that radiates heat, such as cooling condensers.
2. Regional Materials - materials for construction that are manufactured from within a 500 mile radius, which reduces overall transportation emissions en route to the site.
3. Recycled Materials - utilization of materials that have been reprocessed for use rather than using materials that cause the extraction and processing of virgin materials.
4. Storage and Collection of Recycled Materials
5. Construction Waste Management - employing this on the entire site's development procedures, will reduce the amount of construction materials from landfills to recycling plants.
6. Heat Island, Roof - utilize "white" membrane roof material or SRI 78 roofing material to reduce the overall heat value of structures, reducing their cooling requirements.
7. Heat Island, Non-Roof - by the use of shade trees throughout the parking lot, main roads and pedestrian paths, there will be a reduction of heat island at the pedestrian level.
8. Alternative transportation - promote use of low-emitting and fuel efficient vehicles with preferential parking as well as bike paths, bike racks throughout the site.

9. Low Emitting Materials - use of low VOC (volatile organic compounds) throughout the buildings to promote the comfort of installers and occupants from odorous and irritating compounds.
10. Stormwater Management - use of rain gardens throughout the site to reduce the dependence and infrastructure of underground structures for water recharge.

In addition to the above selected factors, operational components will be employed as well, including the following:

1. Recycling programs for each building.
2. Cleaning materials shall be eco-friendly.

Many other efficient components will be employed that will lead to a reduction in the following energy related factors: dependence on fossil fuels; heat island effect of impervious surfaces; the discharge of combustion air; heating and cooling requirements and innovative landscaping irrigation techniques. The incorporation of these features will result in an overall reduction in the carbon footprint of the proposed center in comparison to a conventional design under existing zoning and/or a project that does not incorporate these factors. Thus, the project conforms to this Policy.

#### **Policy 4.5 Public Safety**

*A. General Policy Goal: New buildings and developments should incorporate general design elements that promote public safety.*

*B. Specific Public Safety Policies:*

- *New residential, commercial and industrial buildings and developments must incorporate design elements that calm traffic, deter criminal activity, and increase public safety.*

The project design conforms to this Policy, in that the internal roadway has traffic calming characteristics (e.g., boulevard design entrance, traffic roundabouts, on-street head-in and parallel parking, narrow roadway and signage), and site design has security features (e.g., security lighting). It is noted that additional such features (e.g., speed bumps, fire and security alarm systems, etc.) may be incorporated into the project during the Town's site plan review stage. The project will emphasize pedestrian activity within the site using traffic calming techniques that make the proposed site design more "walkable". The proposed project will be designed such that open spaces do not include "hidden" areas, and lighting will be provided to ensure that the on-site environment is visible and safe. The project is inter-connected with the existing surrounding communities to provide activity within the site, and it is expected that the developer will provide private security for the site, and lighting will be provided only where and when necessary, to curb any potential criminal activity. The project is designed to enhance traffic calming and safety, and therefore conforms with this policy.

#### **Policy 4.6 Economic Development**

*A. General Policy Goal: Support a sustainable economic growth by supporting a broad range of industries and economic opportunities —from local entrepreneurs to national firms — that are linked to transit, housing, and services. Economic opportunity must be equitably distributed among the entire range of potential workers.*

*B. Specific Economic Development Policies:*

- *Encourage the creation of a range of employment opportunities for a variety of ages, education levels, and skill levels.*

The proposed project conforms to this Policy. It is projected that the construction period will necessitate 286.8 full time equivalent (FTE) employees. The majority of these employees will be hired from the Long Island labor force. This job creation is most crucial during Long Island's present economic state, and presents an abundance of opportunities for the thousands of persons who are currently unemployed throughout the region. The 286.8 FTE jobs created during the construction period will have an indirect impact of 61.8 FTE employees and an induced impact of 106.4 FTE employees in other industry sectors, bringing the total impact of construction to 455.0 FTE jobs during the construction period. Labor income from the construction jobs are projected to amount to \$65,104 per employee over the year-long construction period. This represents nearly \$18.7 million in collective earnings among the 286.8 FTE employees over the construction period. This labor income is projected to have an indirect impact of over \$4.2 million and an induced impact of nearly \$5.2 million, bringing the total economic impact of the construction to over \$28 million in labor income.

The proposed mixed commercial development is anticipated to generate 359.7 FTE employees during annual operations, including a range of skilled and unskilled employees at a range of salaries. The 359.7 FTE direct employment positions are projected to result in an indirect impact of 37.8 FTE jobs, and an induced impact of 60.9 FTE jobs throughout the region, bringing the total economic impact of operational employment to 458.4 FTE jobs during annual operations. The 359.7 FTE employees are anticipated to earn a total of approximately \$11.5 million in collective labor income. This direct labor income is projected to result in an indirect impact of nearly \$2.1 million and an induced impact of nearly \$3.1 million, bringing the total economic impact of labor income to over \$16.6 million during a stabilized year of annual operation.

- *Support local businesses and small entrepreneurial firms while recognizing the importance of national and multinational firms located in the County*

A Commercial Market Analysis conducted for the proposed project concluded that there remains significant unmet demand within various industry sectors within the community. In an effort to ensure that the proposed project fulfills this existing consumer demand while targeting sales of those goods and services that are currently underserved in the target market area, specific business sectors were recommended for consideration by the applicant. Furthermore, new commercial development is not predicted nor expected to capture all of the retail potential among residents of the target market area. The majority of household purchases are likely going to continue to be spent at existing local retailers, including “mom and pop” stores, stand-alone establishments, and a variety of retailers located within smaller convenience and neighborhood shopping centers, as well as retailers located within larger regional and super regional shopping centers and on-line sales. Assuming that new commercial development – including Mt. Sinai Village Centre – could capture a mere five percent of the total retail potential in the target market area, this results in an annual absorption of approximately \$154.1 million in buying power.

In addition, construction would utilize eligible local material suppliers, thereby increasing the profit potential of these businesses, and the inclusion of a significant amount of new commercial space on-site would represent an opportunity for local economic growth. If commercial spaces within the development are attractive to national retailers, the space will be made available for such uses. It is expected that a mix of local, regional and potentially national store, office and restaurant types will occupy portions of the site. As a result, the proposed project conforms to this policy.

- *Provide job assistance and education programs to better match jobseekers and employers, particularly those in the most economically vulnerable groups.*

The proposed project is privately proposed and therefore not able to directly provide educational programs to match jobseekers and employers. However, the developer/operator would expect to coordinate with existing services that assist jobseekers in finding employment. Available jobs will be made known through local career services in order to provide job assistance and educational programs.

#### ***Policy 4.7 Transportation***

- A. *General Policy Goal: Expand sustainable transportation options —for commercial, commuter and recreational travel — by providing greater public transit alternatives and creating a diverse, multi-modal transportation system that links jobs, housing, shopping, and recreation and reduces dependence on single-occupant motor vehicles.*

B. *Specific Transportation Policies:*

- *Transportation management solutions are preferred to the continued expansion of infrastructure capacity*

The project is conveniently located along NYS Route 25A, providing auto as well as bus connection services to and from the site for site employees. The internal portions of the site will include bike lanes as well as connectivity to the proposed County bike path. The project has been designed by qualified, licensed professional engineers, including traffic engineers, so that the projects active and passive traffic controls would render maximum effectiveness in addressing potential traffic impacts. A traffic signal is warranted at the intersection of NYS Route 25A and Village Way when taking the land use changes into account. It is proposed to convert the dashed lane line where NYS Route 25A and NYS Route 347 merge to a solid/dashed lane line along the entire length of the subject property. This mitigation, along with proper signage, would create a safer environment for area drivers, as it would prevent motorists from attempting to quickly merge to the right from NYS Route 25A

to perform a right turn into the subject property. These proposed mitigation factors would combine to assure that traffic management aspects are maximized, and that the maximum level of conformance to this Policy is achieved.

- *Infrastructure expansion, when appropriate, should be targeted to downtown centers, transportation nodes and designated growth zones.*

As noted above, the project lies along Route 25A in Mt. Sinai which is a transportation corridor and bus route. Proposed traffic mitigation measures will be conducted both on and off-site in an area along a major transportation corridor and at a site which the Town of Brookhaven has identified in Town land use studies as being an appropriate location for a hamlet center. As a result, the proposed project is located in an area of a transportation node and a designated growth area and therefore conforms to this policy.

- *Promote inter-agency and inter-municipal cooperation including the development of uniform design standards.*

The Town of Brookhaven has actively participated in the design of the proposed project. The Town and the applicant completed a number of iterations of the plan to evolve the site design to what is currently proposed. From a design standpoint, the project incorporates uniform design standards including unifying features such as integrated boulevard and pedestrian friendly design, coordinated architectural features, coordinated landscape features and appropriate design elements. From a transportation standpoint, the project is located along NYS Route 25A, a major transportation corridor. Furthermore, all necessary mitigation will be done with the cooperation of the NYSDOT as all traffic signals in this area are believed to be tied in with each other. The cooperative effort and resultant design ensure conformance with this policy.

- *Encourage cumulative traffic impact analysis.*

A cumulative traffic impact study was performed based on information obtained from the Town Planning Division and considered in the TIS, which identified five other planned developments in the immediate vicinity of the proposed project. As indicated in the TIS for the proposed project, and in consideration of the trips generated by the other projects, there would be no adverse traffic impacts. The project conforms to this Policy, as it has been the subject of a professionally-prepared TIS, which includes a cumulative traffic impact analysis.

- *Promote the development of alternative funding mechanisms.*

This Policy does not apply to the proposed project, as it is a private development proposal that is being privately financed.

- *Improve access management standards.*

The main site access will be located on the current alignment of Myrtle Street, off NYS Route 25A in the form of a boulevard-style roadway to be renamed Village Way. A secondary access will be located off the alignment of Vincent Street, approximately 350 feet west of Myrtle Street. A third access may be provided in the future through an internal easement to the King Kullen Shopping Center to the west. Bike lanes are proposed along both sides of this east-west roadway.

The proposed development will be designed in accordance with the 2010 NYS Building and Fire Code, Chapter 5. All roadways within the site, as well as the multiple accesses into the site conform to Chapter 5. It is important to note that there will be no vehicular access to the subject site from the residential streets to the south, including Hickory Street, Savannah Drive or Tammy Drive due to the multiple entrances from the north and the site's conformance to Chapter 5. Consequently, the proposed project conforms to this Policy.

- *Promote connectivity between developments in order to improve both pedestrian and vehicular access and circulation consistent with smart growth principles.*

The main site access will be located on the current alignment of Myrtle Street, off NYS Route 25A with a secondary access located off the alignment of Vincent Street, approximately 350 feet west of Myrtle Street. A third access can be provided (if requested by the Town through site plan review) through an internal easement to the King Kullen Shopping Center to the west. Bike lanes are proposed along both sides of the proposed internal east-west roadway and bike racks will be located throughout the site to encourage alternate means of transportation. A County bike path is proposed along the undeveloped CR 111 ROW, directly accessible from the subject site. Mt. Sinai Village Centre will provide a quality mixed-use development with a pedestrian-friendly landscape, safe and convenient pedestrian crossings, boulevard-style Main Street and Village-like streetscapes. Footlights for pedestrians would also be installed along all walkways, for safety and security. In this way, the project conforms to this Policy.

#### **Policy 4.8 Environment**

A. *General Policy Goal: Protect, preserve, and restore critical natural resources to maintain a healthy and diverse ecosystem for present and future generations. Promote biodiversity limit greenhouse gases, and improve water and air quality by requiring energy efficiency in design, construction, land use, and industry.*

B. *Specific Environmental Policies:*

- *Promote development where it is warranted in downtowns, hamlet centers, adjacent to transportation and retail services and discourage development where it is not warranted within coastal zones, environmentally sensitive areas such as the Pine Barrens, unique ecological habitats and designated open spaces.*

The proposed project conforms to this Policy in that it is located identified by the Town of Brookhaven's most recent planning study, the *Route 25A: Mount Sinai to Wading River Final Visioning Report (September 2010)*, as being appropriate for a mixed-use hamlet Center as the gateway to the NYS Route 25A corridor. Further, the site is located within an already developed community and is situated on a regional commercial and transportation corridor. The site is not within the designated Central Pine Barrens, or a coastal zone, and does not exhibit any unique ecological habitats, nor is it identified as a public open space opportunity. As a result, the proposed project is consistent with this policy.

- *Preserve the region's natural resources including, but not limited to, groundwater, surface waters, tidal and fresh water wetlands, dunes, steep slopes, bluffs and Pine Barren regions.*

The project has been designed to conform to Article 6 of the SCSC and conventional on-site sanitary systems will be used. There are no regulated or unregulated surface water bodies on or tributaries to or from the site. The majority of the property is relatively flat with slopes of less than 10%. The southeastern corner of the property, which exhibits slopes in excess of 10%, will remain natural and not be subject to grading or development. The subject site is not located in the Central Pine Barrens Zone. There are no other significant unique natural resources present on the site. The proposed project will retain approximately 23.82 percent of the site as natural open space (25.54 percent when including the combined on-site and off-site natural area), and will provide internal green space in connection with the village center style development. In consideration of these factors, the project conforms to this Policy.

- *Preserve open space, farmland and environmentally sensitive land through acquisition, transfer of development rights (TDR), purchase of development rights (PDR) and clustering.*

The proposed project is not an important open space resource, farmland, or environmentally sensitive area, and therefore, TDR, purchase and/or clustering techniques are not needed. However, in conformance with the *Route 25A: Mount Sinai to Wading River Final Visioning Report (September 2010)*, approximately 23.83% of the site will remain natural. When combined with the off-site natural area associated with the abandonment of Hancock Avenue, approximately 25.54% of natural area will be retained as a result of the proposed project. As a result, the proposed project is consistent with this policy.

- *The preservation of agricultural uses through the purchase of development rights and other related preservation tools should be tied to the establishment of best management practices" in order to reduce the potential for impacts related to fertilizer, herbicide and pesticide use.*

The proposed project site does not involve agricultural use, therefore the intent of this Policy would not be applicable to the proposed project.

- *Development densities should be limited by environmental capacities. Growth must occur sustainably in order to protect or environmental resources for the future.*

The proposed project conforms to this Policy. The proposed development has been determined based on the proposed change of zone to J-2 Business, where a FAR of 20% is permitted and 17.54% is proposed. A Yield Map prepared for the site's existing industrial zoning shows that a total of 304,400 SF of industrial space, 41,857 SF of office space and 3,146 F of retail space could be accommodated on the property, which is more intense than the proposed project. In consideration of the land use surrounding the subject property, as well as the 25A Corridor Study, the proposed project is a more appropriate alternative. As a result, the proposed project conforms to this policy.

- *Promote access to the coastal zone and the preservation of water dependent uses.*

This Policy does not apply, as the subject site is not located in or near any coastal zone or water-dependent uses.

- *Promote environmental stewardship through education.*

The proposed project does not include a public education/environmental stewardship program, though the site is currently mostly undeveloped. The project does provide for a future connection to a bike trail that may be developed by the County along the undeveloped CR 111 ROW, which abuts the property's eastern border. The project is an example of how beneficial development that conforms to local planning goals can be employed to enhance an area by employing mixed-uses providing, shopping, employment and recreational use in an attractive setting based on smart growth principles. As a result, the proposed project is consistent with this policy.

- *Promote pollution prevention over remediation.*

The subject site is presently mostly undeveloped wooded land. A Phase I Environmental Site Assessment (ESA) will be conducted prior to clearing and grading activities on any buildings to be demolished. Any remediation identified will be addressed. As a result, this project conforms to the spirit and intent of this Policy.

- *Promote environmental remediation and enhancement in addition to mitigation associated with development proposals.*

This Policy does not apply, as environmental remediation is not yet necessary for the project.

#### **Policy 4.9 Design**

- A. *General Policy Goal: Encourage high-quality and innovative design which incorporates universal design principles to positively shape the built environment for living, working, and playing. Sustainable design, which incorporates universal design principles, ensures that the built environment facilitates function, creates an identity of place, provides equal access to all members of society and strengthens a sense of community.*

B. *Specific Design Policies:*

- *Encourage flexibility of design in order to promote a mixture of uses in order to minimize traffic, encourage pedestrian activity and create a sense of place.*

The project incorporates flexible design principles including phasing, locating the public area in the center of the site (for ease of access for visitors), installing sidewalks throughout (to enable safe and convenient access for employees and visitors), and use of a cohesive, consistent architectural theme that complements the area aesthetic. The project requires flexibility of design in order to achieve the desired outcome. The site design will ensure that a "sense-of-place" is established through architecture, landscaping, open gathering areas and mixed uses, and the project is walkable, both internally and through interconnection with the surrounding community. As a result, the project conforms to this Policy.

- *Utilize green infrastructure to minimize community and environmental impacts and reduce both private and public development costs.*

The applicant is committed to employing many sustainable measures in the design and operation of the Mt. Sinai Village Centre. The Design Team will utilize LEED® Guidelines; in particular, the 2009 LEED®-NC (New Construction) and 2009 LEED®-ND (Neighborhood Development) guidelines including the following:

1. Office Building, Geothermal Heating and Cooling - this will reduce the overall energy consumption as compared to a typical office building on Long Island, which uses conventional fossil-fuel heating and condenser-driven cooling. In addition, this will help to reduce the heat-effect of the conventional systems. Reduction of heat will occur from the exclusion of rooftop or ground-mounted machinery that radiates heat, such as cooling condensers.
2. Regional Materials - materials for construction that are manufactured from within a 500 mile radius, which reduces overall transportation emissions en route to the site.
3. Recycled Materials - utilization of materials that have been reprocessed for use rather than using materials that cause the extraction and processing of virgin materials.
4. Storage and Collection of Recycled Materials
5. Construction Waste Management - employing this on the entire site's development procedures, will reduce the amount of construction materials from landfills to recycling plants.
6. Heat Island, Roof - utilize "white" membrane roof material or SRI 78 roofing material to reduce the overall heat value of structures, reducing their cooling requirements.
7. Heat Island, Non-Roof - by the use of shade trees throughout the parking lot, main roads and pedestrian paths, there will be a reduction of heat island at the pedestrian level.
8. Alternative transportation - promote use of low-emitting and fuel efficient vehicles with preferential parking as well as bike paths, bike racks throughout the site.



9. Low Emitting Materials - use of low VOC (volatile organic compounds) throughout the buildings to promote the comfort of installers and occupants from odorous and irritating compounds.
10. Stormwater Management - use of rain gardens throughout the site to reduce the dependence and infrastructure of underground structures for water recharge.

In addition to the above selected factors, operational components will be employed as well, including the following:

1. Recycling programs for each building.
2. Cleaning materials shall be eco-friendly.

Many other efficient components will be employed that will lead to a reduction in the following energy related factors: dependence on fossil fuels; heat island effect of impervious surfaces; the discharge of combustion air; heating and cooling requirements and innovative landscaping irrigation techniques. The incorporation of these features will result in an overall reduction in the carbon footprint of the proposed center in comparison to a conventional design under existing zoning and/or a project that does not incorporate these factors. Thus, the project conforms to this Policy.

- *Promote energy efficient site plan and subdivision design which encourages compact development and clustering to minimize energy use, encourage open space preservation and the efficient use of infrastructure.*

As mentioned above, the applicant is committed to employing many sustainable measures in the design and operation of the Mt. Sinai Village Centre. Approximately 23.83% of the site will remain natural. However, when combined with the off-site natural area associated with the abandonment of Hancock Avenue, approximately 25.54% of natural area will be retained as a result of the proposed project. Thus, the project conforms to this Policy.

- *Incorporate "universal design" features into building codes in order to ensure that buildings in Suffolk County are equally accessible to all members of the community.*

The project will conform to the requirements of the Americans with Disabilities Act (ADA). The project will conform to all applicable Town, County and State requirements for accessibility for commercial patrons. Such features may include, but not be limited to, elevators, wide doorways and low thresholds, plumbing fixtures in bathrooms, signage, parking spaces, sidewalk widths and ramps, etc. In this way, the project conforms to this Policy.

#### **Policy 4.10 Cooperation**

- A. *General Policy Goal: The sustainability of the County is inextricably tied to its broader regional, national, and global context. The County recognizes the importance and need for cooperation and coordination among and between County agencies, local municipalities, and neighboring jurisdictions including New York City.*

B. *Specific Cooperation Policies:*

- *Promote regionalization.*

This Policy recommends that County agencies take action to promote consistency with planning actions taken by other County agencies, as well as with those of other tiers of government (e.g., New York State, Towns, Villages, regional entities and New York City). The Town is available to seek cooperative planning initiatives in conjunction with County agencies.

- *Encourage the use of inter-municipal agreements and inter-agency and inter-governmental cooperation.*

This Policy recommends that County agencies take actions to foster the use of agreements between municipalities to support consistent land use review in order to achieve sustainable development, and to encourage cooperation between and amongst agencies and governments to achieve this goal. The Town is available to seek cooperative planning initiatives in conjunction with County agencies.

To summarize the above analysis, the proposed project conforms to the applicable Policies, either directly or in spirit and intent.



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:** Walt Whitman Mall LLC  
**Municipality:** Huntington  
**Location:** S/W/C New York Avenue and Detroit Rd, E/S/O Walt Whitman Rd. (NYS Rte.110)

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**Received:** 9/27/2011  
**File Number:** HU-11-03  
**T.P.I.N.:** 0400 19700 0100 001001  
**Jurisdiction:** Adjacent to NYS Rte. 110

**PROPOSAL DETAILS**

**OVERVIEW** - Applicants request Site Plan Approval from the Huntington Town Planning Board for various improvements to the Walt Whitman Mall, including the addition of 72,000 SF (5% addition) of retail space along the western portion of the mall; reconfiguration of existing parking areas; and construction of new parking areas. A total of 4,700 parking spaces would be provided under the proposed action and is consistent with relief granted by the Town Zoning Board of Appeals. Two recharge basins exist on the subject site – one at the northeastern portion of the subject property and one at the southeastern portion of the subject property, totaling approximately 2.56 ac. The recharge basins are proposed to be developed as parking areas. In addition, minor improvements to internal parking lot and pedestrian circulation and additional landscaping is proposed to be provided to provide a more pedestrian friendly and aesthetically pleasing environment.

The application material indicates that the development is to connect to an existing sewage treatment facility off site.

The proposed action would remove vegetation within the two existing recharge basins totaling approximately 2.56 acres and approximately 0.17 acres of additional vegetation throughout the subject site. However, approximately 5.84 acres of landscaped area is proposed to be included as part of the overall parking lot improvements.

## **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.

*The proposal does not appear to have any significant regional or inter-community concerns regarding development of the subject property. The proposed improvement is an approximate 5% increase in total gross floor area of the regional shopping mall.*

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Huntington Horizons 2020 Comprehensive Plan Update (adopted December 2008) identifies the subject property as part of a Major Commercial Corridor/Mixed Use center.

*The proposal to expand the shopping mall and improve the parking facility appears to be consistent with the Town Comprehensive Plan Update.*

### **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 January 2009).

It does not appear, from the nature of the referral material, that the applicants have given consideration to the contents of the Suffolk County Planning Commission Guidebook. It is noted that the expansion and parking lot improvements are relatively minor compared to the overall gross floor area of 1,425,065 SF of the mall and the total acreage of the project area of 65 acres.

It is the belief of the staff however, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to energy efficiency and public safety.

## **STAFF RECOMMENDATION**

### **Approval subject to the following comments:**

1. All improvements to the Walt Whitman Mall should be in conformance with any SEQRA findings and prior relief granted by the Huntington Town Zoning Board of Appeals.

2. All storm water runoff should be kept on site and treated in accordance with the best management practices.
3. The applicants should review the Suffolk County Planning Commission Guidebook particularly related to conservation of energy, public safety, and storm water management and incorporate where practical design elements recommended therein.

### **SUPPLEMENTAL DATA**

#### **ZONING DATA**

- Zoning Classification: C-5
- Minimum Lot Area: 80,000. Sq. Ft.
- Section 278: N/A

#### **SUPPLEMENTARY INFORMATION**

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

#### **SITE DESCRIPTION**

- Present Land Use: Commercial Retail
- Existing Structures: Yes 1,139,703 SF Commercial Buildings
- General Character of Site: Level
- Range of Elevation within Site: N/A
- Cover: Asphalt & Buildings
- Soil Types: Cut and Fill
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: None

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

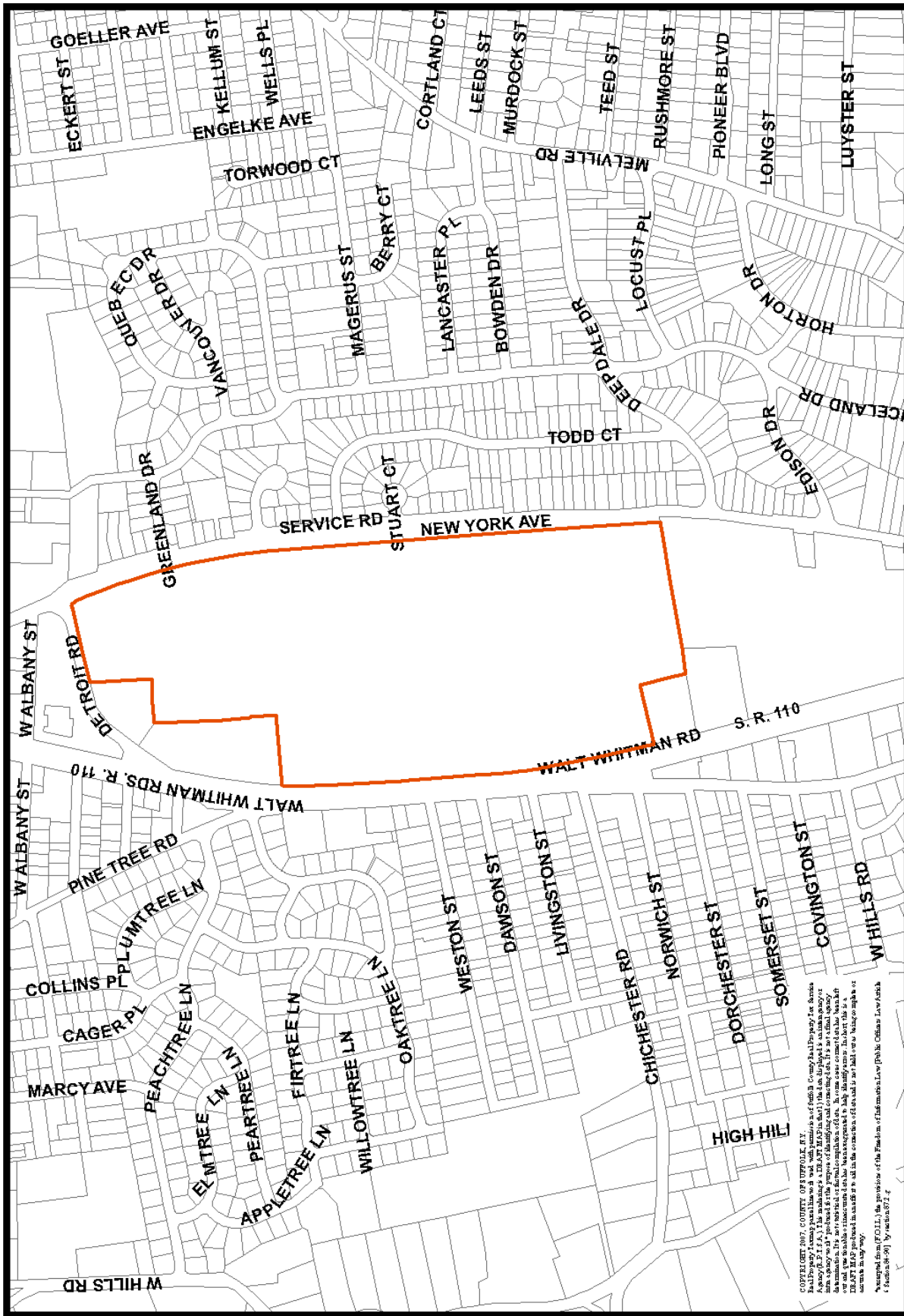
- Type: Site Plan
- Layout: Standard
- Area of Tract: 65.43 Acres
- Yield Map: N/A

#### **ACCESS**

- Roads: Existing
- Driveways: Private

#### **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins: Yes - to be removed
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: Public

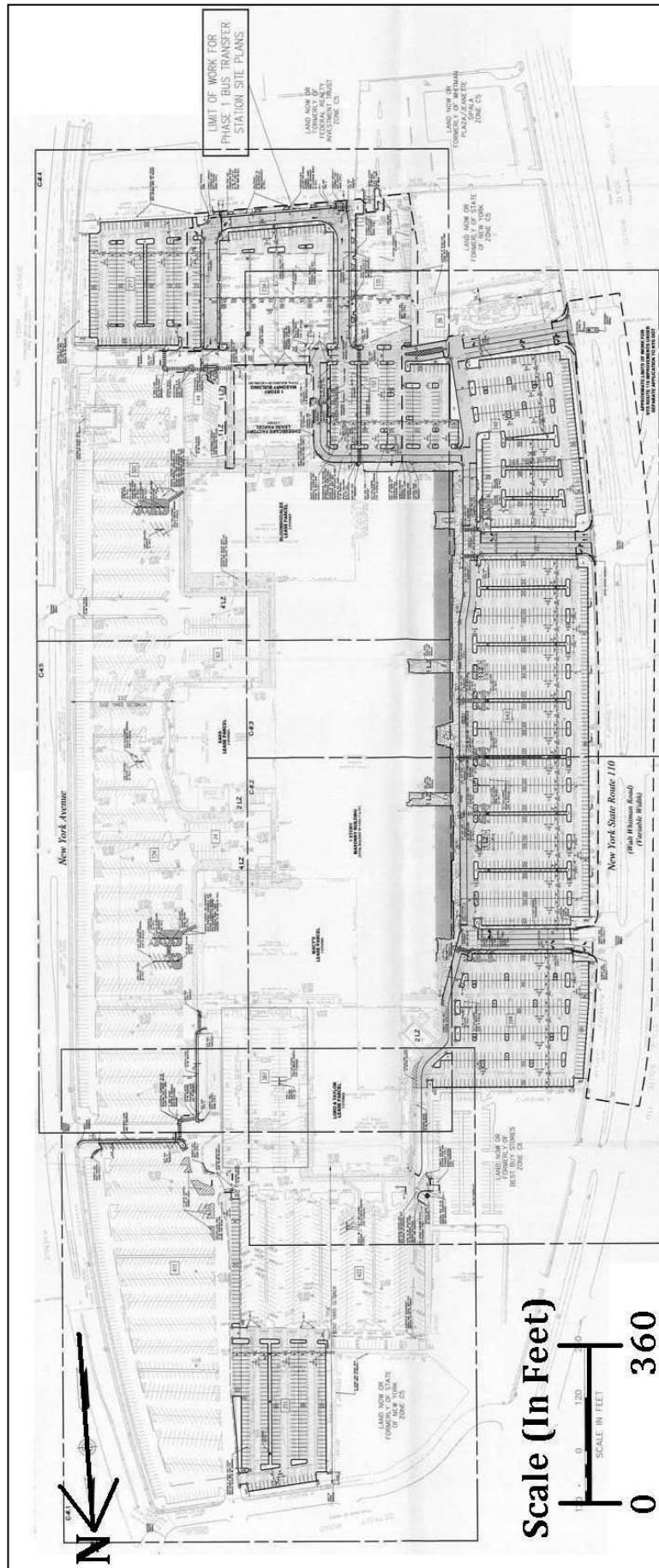


Z-3: Walt Whitman Mall LLC  
 SCPD No.: HU-11-03  
 SCTM No.: 0400-197.00-01.00-001.001 et al.

SUFFOLK COUNTY  
 Department of Planning  
 South Landis - Division

Town of Huntington  
 Suffolk County, New York  
 Date: 11/02/2011

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