

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

December 7, 2011

12:00 noon

300 Center Drive
Evans K. Griffing Building
Maxine S. Postal Auditorium in Riverhead

1. Adoption of minutes - NONE
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers:
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - Saber-Riverhead, LLC 0600 11900 0100 007000 et al. (Town of Riverhead)
7. Section A14-24 of the Suffolk County Administrative Code

NONE
8. Discussion:
 - Discussion of Potential Revisions to Suffolk County Planning Commission Guidelines
9. Other Business:
 - Rules/ Nominating Committee



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: Saber-Riverhead LLC
Municipality: Riverhead
Location: S/S/O Old Country Road (CR58) ~ 850' East of Kroemer Avenue

Received: 10/21/2011
File Number: RH-11-03
T.P.I.N.: 0600 11900 0100 007000 & 0600 11900 0100 023001
Jurisdiction: Adjacent to Old Country Road (CR58)

PROPOSAL DETAILS

OVERVIEW - Applicants request Site Plan Approval from the Riverhead Town Planning Board for the construction of a 118,650 SF retail shopping center on 13.19 acres of land. The Subject property is zoned BC (Business Center) District. The proposed shopping center would include a 3,900 SF retail pad with a drive-thru in the northern portion of the subject property, proximate to Old Country Road (CR 58), and approximately 114,750 SF of three attached retail spaces (34,000 SF, 46,750 SF & 34,000 SF) on the southern portion of the property.

The proposed action also involves the creation of 594 at-grade parking stalls and is in conformance with Town of Riverhead Zoning Law for off street parking.

Referred materials to the offices of the County Planning Commission indicate that landscaped areas and a storm water basin are proposed to be installed on site. Waste water from the subject development, according to the submitted papers, would be connected to the Riverhead Sewer District and potable water would be drawn from the Riverhead Water District.

Access to the development is proposed to be via Old Country Road (CR 58) through a new signalized ingress/egress. No alternate or emergency access is proposed.

The subject property is covered with scrub vegetation and some stands of mature trees. There is part of a freshwater wetland system on site in the southwestern corner of the property.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider regional and inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

Access to the proposed development is intended via County Road 58 (Old Country Road). The referred material indicates that a Traffic Impact Study is to be submitted under separate cover (EAF Oct 17, 2011). The site plan referred to the commission indicates a proposed street signal at the intended ingress/egress. The proposal has a regional/inter-community concern regarding development of the subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of the County Road. Traffic signalization and curb cut permits will be required from the Suffolk County Department of Public Works for any improvements to the County road. The referred materials do not indicate any communication with the County DPW, therefore it is recommended that the project sponsors contact and coordinate with the County DPW as soon as possible. In addition, the applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Riverhead Comprehensive Plan (November 2003) designates the subject parcel as Business Center (BC). Retail stores and Banks are permitted uses in the Business Center District. Shopping Centers are not indicated as a permitted use. Article XLVIII of the Riverhead Zoning Law entitled Business Center (BC) Zoning Use District indicates in its Purpose and Intent (§108-26, amended 5-5-2009 by L.L. 27-2009) that the “intent of the Business Center (BC) Zoning Use District is to encourage *single, freestanding roadside commercial uses*, mainly along Route 58, between the existing Destination Retail Center (DRC) and Shopping Center (SC) Zoning Use Districts, *with the employment of transferred development rights where appropriate* (emphasis added).”

It is not clear that the proposed site plan for a shopping center is in conformance with the Local Comprehensive Plan recommendations as reflected in the Zoning Law of the Town of Riverhead. While the use may not be permitted, there is no consideration of a TDR as recommended in the code that may reconcile the proposed action with the zoning district.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted 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 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 modifications:

1. Applicants shall contact the Suffolk County Department of Public Works and seek all appropriate approvals.

Reason:

Access to the proposed development is intended via County Road 58 (Old Country Road). The referred material indicates that a Traffic Impact Study is to be submitted under separate cover (EAF Oct 17, 2011). The site plan referred to the commission indicates a proposed street signal at the intended ingress/egress. The proposal has a regional/inter-community concern regarding development of the subject property in terms of motor-vehicle trip generation and its impact to the safety and carrying capacity of the County Road. Traffic signalization and curb cut permits will be required from the Suffolk County Department of Public Works for any improvements to the County road. The referred materials do not indicate any communication with the County DPW, therefore it is recommended that the project sponsors contact and coordinate with the County DPW as soon as possible. In addition, the applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders.

2. The Town shall clarify the permitted use for the subject property and process the request through the appropriate Town of Riverhead review board(s).

Reason:

The Town of Riverhead Comprehensive Plan (November 2003) designates the subject parcel as Business Center (BC). Retail stores and Banks are permitted uses in the Business Center District. Shopping Centers are not indicated as a permitted use. Article XLVIII of the Riverhead Zoning Law entitled Business Center (BC) Zoning Use District indicates in its Purpose and Intent (§108-26, amended 5-5-2009 by L.L. 27-2009) that the “intent of the Business Center (BC) Zoning Use District is to encourage *single, freestanding roadside commercial uses*, mainly along Route 58, between the existing Destination Retail Center (DRC) and Shopping Center (SC) Zoning Use Districts, *with the employment of transferred development rights where appropriate* (emphasis added).”

3. The Town shall investigate the utilization of TDR in order to reconcile the subject application with the Town of Riverhead Zoning Law.

Reason:

Article XLVIII of the Town of Riverhead Zoning Law indicates that the “employment of transferred development rights where appropriate...” should be considered when developing properties so designated as Business Center District.

4. All storm water runoff shall be kept on site and treated in accordance with best management practices.

Comments:

1. 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.
2. It is noted on the submitted site plan that parking is located within the utility easement. This may warrant further review.
3. The parking layout appears to be problematic as the entrance aisle is a long straight-away and may induce excessive speeds and unsafe conditions for motorists and pedestrians.
4. There appears to be limited pedestrian amenities for movement between parking areas and the retail uses including sidewalks, lighting and other public safety elements.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: BC (Business Center)
- Minimum Lot Area: 20,000. Sq. Ft.

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Rolling

- Range of Elevation within Site: ~ 40' above mean sea level
- Cover: Scrub Brush
- Soil Types: Carver Plymouth Association
- Range of Slopes (Soils Map): 0-35%
- Waterbodies or Wetlands: Yes - Wetland (R-38)

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

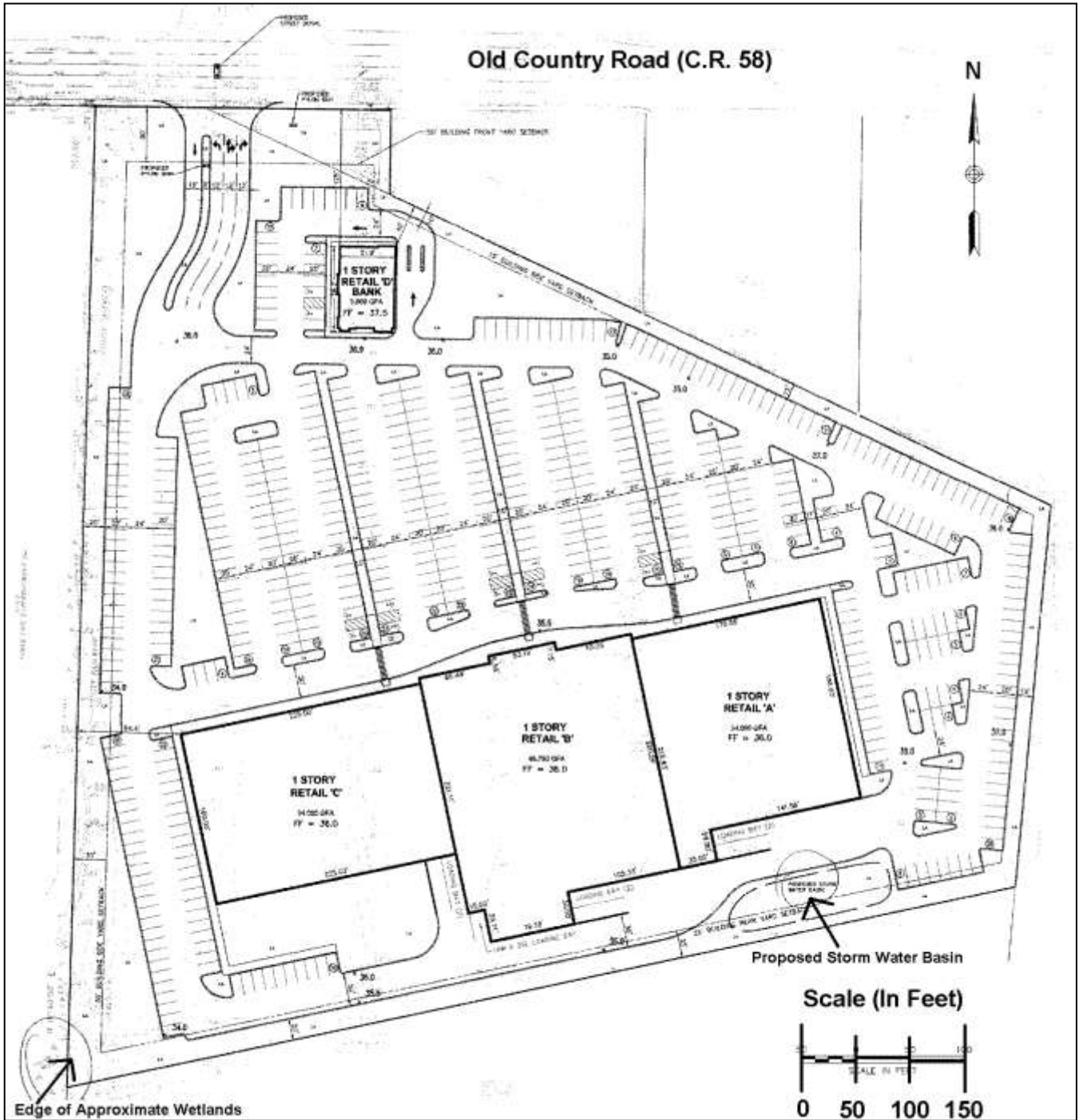
- Type: Site Plan
- Layout: Standard
- Area of Tract: 13.19 Acres
- Yield Map:
 - No. of Lots: N/A
- Open Space: N/A

ACCESS

- Roads: Public CR 58
- Driveways: Private

ENVIRONMENTAL INFORMATION

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



Z-1: Saber-Riverhead LLC
 SCPD: RH-11-03
 SCTM No: 0600-119.00-01.00-007.000 et al.