

SUFFOLK COUNTY PLANNING COMMISSION

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

NOTICE OF MEETING

January 4, 2012

12:00 P.M.

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

Tentative Agenda Includes:

1. Adoption of minutes
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers: Walter Hilbert P.E., Suffolk County Department of Health Services, Office of Waste Management
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - St. John's University 0500 40500 0200 005001 (Town of Islip)
 - New Frontier II, LLC 0100 16300 0100 054000 et al. (Town of Babylon)
7. Section A14-24 of the Suffolk County Administrative Code
8. Discussion:
9. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION TBA



DEPARTMENT OF PLANNING

SARAH LANSDALE, AICP
DIRECTOR OF PLANNING**STAFF REPORT**
SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: St. John's University
Municipality: Islip
Location: S/S/O Montauk Highway (SE 27A) ~ 100' East of Canterbury Ct.

Received: 12/7/2011
File Number: IS-11-02
T.P.I.N.: 0500 40500 0200 005001
Jurisdiction: Adjacent to NYS Rt. 27A (Montauk Highway) Adjacent to Shoreline of Suffolk County (Great South Bay)

PROPOSAL DETAILS

OVERVIEW - Applicants seek change of zone approval from the Islip Town Board for the designation of a portion of the subject property as a Planned Landmark Preservation (PLP) District. Applicants are also seeking a Town Board Special Permit in order to modify the use, density, and dimensional requirements of the exiting Residence AAA District in connection with an adaptive reuse of the Bourne Mansion and other structures. The petition also includes the proposal for the construction of 384 attached residential units. The subject property is the former site of the LA Salle Military Academy and is currently occupied by St. John's University. The subject property is 169 acres.

The petitioner has requested the designation of the PLP overlay to facilitate preservation of the historic structures on the subject property by permitting additional development to occur in vacant areas. Area designated PLP will be subject to the restrictions of the ordinance; those areas that are excluded include the portions of the St. John's University campus that are the primary operating areas and are not historically significant.

The University has proposed to renovate the historic Bourne Mansion, the Boat House and the Gatehouse entrance on Montauk Highway prior to construction of any new residential units. In addition, the petitioners have agreed to secure the Lakehouse and the Carriage House preventing any further deterioration; renovations to those structures are proposed to be done at the time of new development.

New development is to be limited to the area around the existing Carriage House and the area on the northeast portion of the property. Buffers are proposed to be maintained along Montauk Highway to preserve the view shed. Additional development around the Lakehouse building in the northwest corner of the subject property is also contemplated.

Total renovation and construction involved in the petition is approximately 108,000 square feet and includes mixed use (retail/office), hotel (upper floor of the Bourne Mansion), clubhouse with restaurant (catering) and attached residential units (384). The subject property will continue its use as a university

campus as permitted by a valid special permit and will have classrooms, administrative offices, conference services, catering, recreation space, library, theater, dormitories, athletic fields, camps, gymnasium, common areas, cafeterias and such other uses as may be commonly associated with a university or educational campus.

The new residential units are proposed to be non-dormitory units and are currently demonstrated (traffic study pg. 12) to be comprised of the following:

192 age-restricted
128 apartments
064 condo/townhomes

Twenty percent of (20%) the units are proposed to be set aside for affordable housing purposes. Suffolk County Department of Planning staff discussions with Town of Islip planning staff reveal that there has been no set breakdown of the affordable unit distribution or a determination on any amount of rental units.

Initial phases of the adaptive reuse/new construction proposes to utilize on site sanitary treatment. However, it is probable that the construction of advanced treatment facilities would ultimately be required. It is not apparent that the petitioners have had discussions with the Suffolk County Department of Health Services regarding waste water treatment. It is the belief of the staff that early discussions with the SCDHS are crucial in order to formulate a more detailed proposal.

The proposed action also involves the creation of approximately 1,140 at-grade parking stalls and is undergoing analysis by town planning and engineering staff as to the adequacy of conformance with Town of Islip Zoning Law for off street parking relative to university campus, mixed use development and attached residential housing requirements. As noted the applicants are seeking a special permit in order to modify the requirements of the existing Residence AAA District in connection with an adaptive reuse of the Mansion and other structures.

Referred materials to the offices of the County Planning Commission indicate that the Town is proposing to require a conservation easement to protect the portion of the existing wooded area in the northern portion of the subject property up to 200 feet from Montauk Highway (NYS Rte. 27A). In addition, a tree survey indicating all trees above ten inches in diameter is to be shown for all cleared area and areas not designated as natural or undisturbed buffer areas. Every effort to preserve the existing mature trees on the subject property is to be made by the applicant.

Access to the development is proposed to be via existing curb cuts to NYS Rte. 27A (Montauk Highway). Alternate or emergency access is proposed via the interconnectivity of the internal street system. Access to Spruce Drive (southeast property boundary) is also possible as an additional emergency access point. The petitioners have prepared a traffic engineers report and have submitted it to the Town.

The subject property is covered with turfed fields, scrub vegetation and some stands of mature trees. There is part of a freshwater wetland system on site, known as Indian Creek bisecting the northern and Southern portions of the property. The wetland is a regulated wetland system (S-1) by the NYS Department of Environmental Conservation.

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.

Access to the proposed development is intended via Montauk Highway (NYS Rte. 27A/CR 85). The

referred material to the Suffolk County Planning Commission included a Traffic Engineering Report submitted under a separate cover. 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 Road. Traffic signalization and curb cut permits will be required from the New York State Department of Transportation/Suffolk County Department of Public Works for any improvements to the road. The referred materials do not indicate any communication with the County DPW or State DOT and it is therefore recommended that the project sponsors do so as soon as possible. In addition, the applicants should investigate with the Suffolk County DPW Transit Division, to accommodate bus riders.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Islip Comprehensive Plan; Community Identity Volume 7E, makes no specific recommendations for the subject property. The general goal of the Community study is to promote a variety of housing types, recreational services, open space, the protection of natural resources, identifiable communities and focusing commercial development in downtown areas while reducing strip commercial development. It is not clear that the proposal for retail along Montauk Highway would be consistent with the goals and objectives of the Community Identity Plan for West Sayville. The Town should consider the impact of any retail development on the subject property to the vacancy rates of the commercial business districts of Sayville, West Sayville and Oakdale.

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 appears, from the nature of the referral material, that the applicants have given some consideration to the contents of the Suffolk County Planning Commission Guidebook.

The environment of the subject property is protected through the requirements for conservation easements and vegetation clearing plans; all storm water drainage is to be contained on site and the applicants have agreed to incorporate non-point source pollution mitigation into the overall drainage plan by incorporating one or more of the following storm water mitigation techniques:

- Natural retention areas such as vegetated swales and bio retention cells/rain gardens
- Permeable/porous pavement surfaces
- Manufactured treatment devices, i.e. catch basin inserts designed to filter hydrocarbons and other pollutants from storm water runoff

It is not noted on the submitted development concept plans if the most landward limit of wetland vegetation has been recently flagged in the field by a qualified expert and verified by the appropriate regulatory agency. It is the opinion of staff that this should be conducted and the line (properly notated) should be represented on all sketches, plans, maps, etc.

It is not clear in the referred materials if the petitioners have had detailed conversations with the Suffolk County Department of Health services regarding waste water treatment for new development on the subject property. It is the belief of the staff that this should be conducted as soon as possible.

While the petition proposes 20% of the units in the development to be set aside for affordable housing purposes (in accordance with SCPC policy), no rental units are proposed. Analysis conducted by the Suffolk County Department of Planning reveals that while Oakdale and Sayville have a 20.3 and a 21.2 percent rental (of total housing stock), West Sayville had only a 16.1% rental stock in the Census Designated Place. Islip planning staff turns to the high percentage of rental in the Town as compared to the County; 23.6% to 21.3% respectively and the relative isolation of the subject property to typical amenities for renters. Such may be the case; however these limitations may be ameliorated by the provision of transit bus service to the subject property. It is the belief of the staff that the proposal should contain some number of rental units.

The proposed covenants for the subject development application requires the project sponsors to study the issues of noise, light and safety prior to constructing the units of attached housing. It is the belief of the staff, that the proposers may find some benefit in reviewing the Commissions Guidebook particularly with respect to public safety.

It is not clear from the referred materials if the petitioners have given detailed consideration to energy efficiency. It is the belief of the staff, that the proposers may find some benefit in reviewing the Commissions Guidebook particularly with respect to energy efficiency.

STAFF RECOMMENDATION

Approval subject to the following modifications:

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

Reason: Access to the proposed development is intended via Montauk Highway (NYS Rte. 27A/CR 85). The referred material included a Traffic Engineering Report submitted under separate cover. 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 Road. Traffic signalization and curb cut permits will be required from the New York State Department of Transportation/Suffolk County Department of Public Works for any improvements to the road. The referred materials do not indicate any communication with the County DPW or State DOT and it is therefore recommended that the project sponsors do so as soon as possible.

In addition, the applicants should investigate with the Suffolk County DPW Transit Division, possible accommodations for bus riders.

2. Petitioners shall contact the Suffolk County Department of Health Services.

Reason: It is not clear in the referred materials if the petitioners have had detailed conversations with the Suffolk County Department of Health services regarding waste water treatment for new development on the subject property. It is the belief of the Suffolk County Planning Commission that this should be conducted as soon as possible.

Comments:

1. The proposal should contain some number of rental units.

Reason: While the petition proposes 20% of the units in the development to be set aside for affordable housing purposes (in accordance with SCPC policy), no rental units are proposed. Analysis conducted by the Suffolk County Department of Planning reveals that while Oakdale and Sayville have a 20.3 and a 21.2 percent rental (of total housing stock), West Sayville had only a 16.1% rental stock in the Census Designated Place. Islip planning staff turns to the high percentage of rental in the Town as compared to the County; 23.6% to 21.3% respectively and the relative isolation of the subject property to typical amenities for renters as a rational for no rentals in the proposal. Such may be the case; however these limitations may be ameliorated by the provision of transit bus service to the subject property.

2. The applicants should review the Suffolk County Planning Commission Guidebook particularly related to conservation of energy and public safety and incorporate where practical design elements recommended therein.

Reason: The proposed covenants for the subject development application requires the project sponsors to study the issues of noise, light and safety prior to constructing the units of attached housing. It is the belief of the Suffolk County Planning Commission that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to public safety.

It is not clear from the referred materials if the petitioners have given detailed consideration to energy efficiency. It is the belief of the Suffolk County Planning Commission, that the proposal may find some benefit in reviewing the Commissions Guidebook particularly with respect to energy efficiency.

3. It is not clear that any proposal for retail along Montauk Highway would be consistent with the goals and objectives of the Community Identity Plan for West Sayville. The Town should consider the impact of any retail development on the subject property to the vacancy rates of the commercial business districts of Sayville, West Sayville and Oakdale.

Reason: The Town of Islip Comprehensive Plan; Community Identity Volume 7E, makes no specific recommendations for the subject property. The general goal of the Community study is to promote a variety of housing types, recreational services, open space, the protection of natural resources, identifiable communities and focusing commercial development in downtown areas while reducing strip commercial development.

4. The most landward limit of wetland vegetation should be flagged in the field by a qualified expert, verified by the appropriate regulatory agency and the line (properly notated) should be represented on all sketches, plans, maps, etc.

Reason: It is not noted on the submitted development concept plans if the most landward limit of wetland vegetation has been recently flagged in the field by a qualified expert and verified by the appropriate regulatory agency. It is the opinion of the Suffolk County Planning Commission that this should be conducted.

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: Res. AAA
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: No

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: University Campus
- Existing Structures: Yes- Several Large Brick Structures -Bourne Mansion, Boat House etc.
- General Character of Site: Rolling
- Cover: buildings, lawn, asphalt & some brush, wetlands & woods
- Soil Types: Riverhead Sandy Loan
- Range of Slopes (Soils Map): 0-3 %
- Waterbodies or Wetlands: Yes, Shoreline & Wetlands of Great South Bay (Wetland S-1)

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Adoptive Re-Use & Cluster Residential
- Layout: Cluster
- Area of Tract: 169 Acres
- Yield Map:
 - No. of Lots: N/A
 - Lot Area Range: N/A
- Open Space: 110 Acres

ACCESS

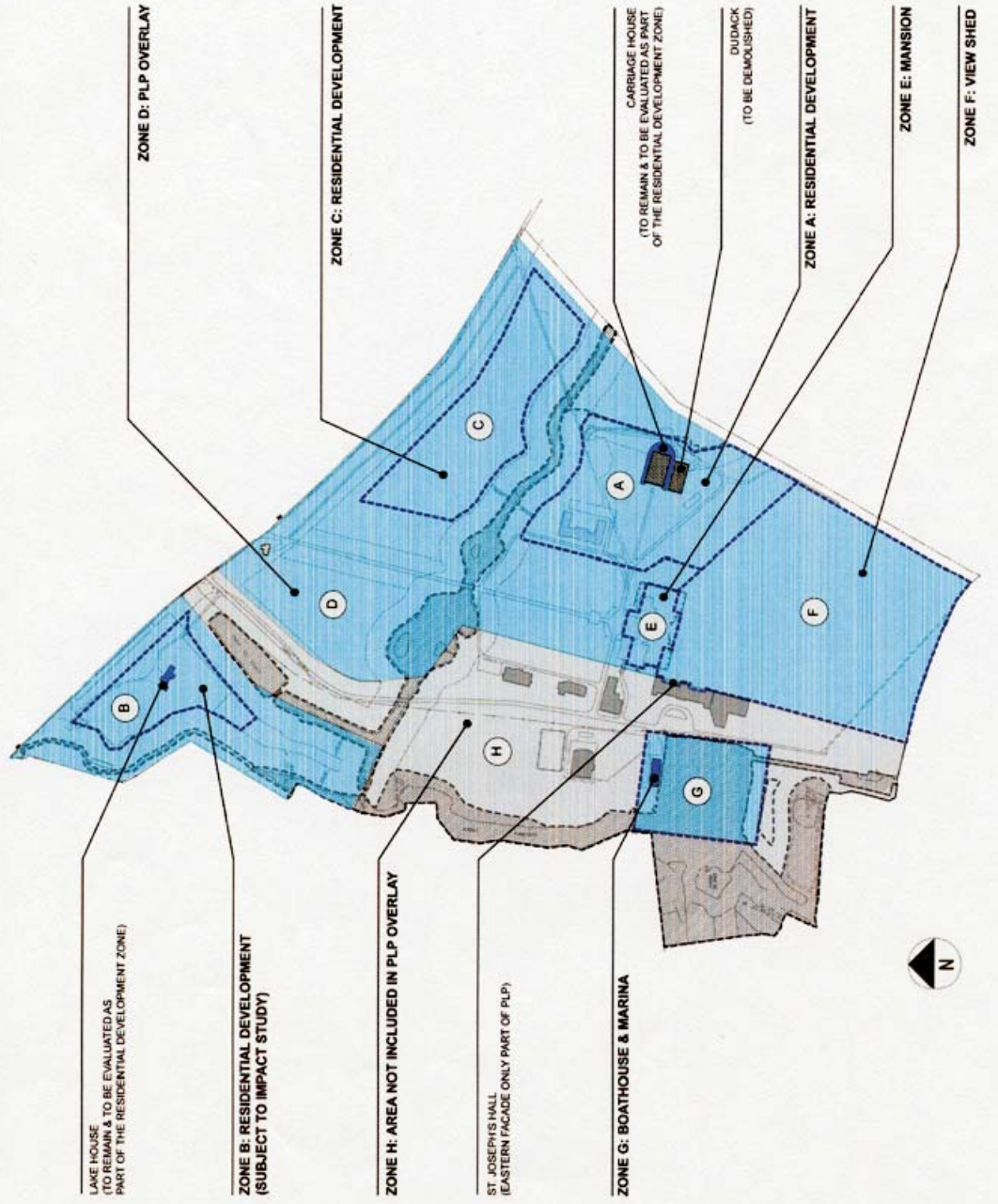
- Roads: Public NYS Route 27A
- Driveways: Private

ENVIRONMENTAL INFORMATION

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

EXHIBIT 1

Planned Landmark Preservation Overlay Zone



LEGEND	
	PLP OVERLAY
	AREA NOT INCLUDED IN PLP OVERLAY
	STRUCTURE TO BE DEMOLISHED
ZONE A-C: RESIDENTIAL DEVELOPMENT ZONE	
ZONE D: PLP OVERLAY	
ZONE E: MANSION	
ZONE F: VIEW SHED	
ZONE G: BOATHOUSE & MARINA	
ZONE H: AREA NOT INCLUDED IN PLP OVERLAY	



DEPARTMENT OF PLANNING

SARAH LANSDALE, AICP
DIRECTOR OF PLANNING**RESTRICTED SUMMARY 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, North Amityville
Received: 9/26/2011
File Number: BA-11-03
T.P.I.N.: 0100 16300 0100 054000 et al.
Jurisdiction: Adjacent to NYS Rte. 110 (Broadway)

PROPOSAL DETAILS

OVERVIEW - Applicant is proposing the redevelopment of an aging manufactured home park community that is situated on 20.26 acres and is presently home to 375 occupied manufactured homes. The redevelopment is proposed to occur in five (5) phases, and the Town of Babylon has indicated that the proposal will be reviewed as five (5) applications (separate but related). The Suffolk County Planning Commission **approved** the change of zone, re-subdivision, and Phase 1 site plan referral associated with this application at its November 2011 meeting.

Staff restricted the format and contents of this report to reviewing the variance application(s) being considered by the Town Zoning Board of Appeals; and, whenever possible, made a direct reference to the previous Staff Report at the website cited below:
<http://www.suffolkcountyny.gov/Departments/Planning/Boards/SuffolkCountyPlanningCommission.aspx#minutes>. Staff also referred to the Suffolk County Planning Commission's determination associated with the previously reviewed change of zoning and the Phase 1 site plan approval of the subject property.

The following is a detailed description of the relief being sought by the applicant from the Town Zoning Board of Appeals that is necessary to construct the proposed development project on the subject property, replacing the manufactured home park community with a mixed-use, 500 unit apartment complex with 45,500 square feet of retail (retail on Phase 1 only). Phases 2 - 5 are all residential in nature and are not currently seeking site plan approval.

Each of the future Phases (2 - 5) will require site plan approval from the Town Planning Board, and would require referral to the Suffolk County Planning Commission for review pursuant to NYS General Municipal Law section 239 and Article 14 of the Suffolk County Administrative Code.

The complete statements of relief, use variance (special exception use), area and parking variances as requested for each are the five (5) proposed Phases are as follows:

Phase 1 on Parcel #1 as proposed (ZBA# 11-278A)

The Use Variance associated with Phase 1 (as proposed) requests permission to allow 8,500 S.F. of retail (business) use for a free standing (south) building and 37,000 S.F. of retail (business) for the first floor of the three story (north) building within a MR (Multiple Residence) Zoning District.

The applicant requests the following Area Variances in connection with the construction of 2 buildings (north: retail plus 50 residential units and south: all retail):

- Permission to increase the permitted height from 2 ½ permitted to 3 stories;
- Permission to reduce the front yard setback from 40 feet to 8 feet to the (north) building;
- Permission to reduce the side yard setback from 40 feet to 6.4 feet for the (north) building;
- Permission to reduce the rear yard setback from 50 feet to 0 feet for the (north) building and 12 feet for the (south) building;
- Permission to decrease the required parking from 342 spaces to 246 spaces (2 spaces per 1 bedroom unit, 2.5 spaces per 2 bedroom unit, and 1 space per 200 S.F. of retail space);
- Permission to reduce the Buffer strips from 5 feet to 0 feet;
- Permission to allow habitable space above the second floor;
- Permission to increase the density of residential units from the required 46 (one bedroom) or 37 (2 bedroom) without any retail to 22 (one bedroom) and 28 (two bedroom) with retail;
- Permission to decrease the required square footage for residential units from 4,000 per one bedroom and 5,000 per two bedrooms to 1,402 per unit;
- Permission to subdivide a parcel of land from 882.83 x 176.50 x 100 x 75 x 100 x 200 x 100 x 218.32 x 285.22 x 940.72 x 357.71 x 249.06 x 550 x 125 x 379.23 x 76.01 x 141.48 x 66.17 x 7.03 x 99.38 x 144.73 x 50.62 x 144.73 x 71.20 x 144.73 into 881.15 x 176.50 x 100 x 52.50 x 51.06 x 135.76 x 8.81 x 19.46 x 77.14 x 210.67 x 10 x 33 x 42 x 98 x 62.94 x 255.62 x 116.06 x 56.74 x 58.24 (measurements in feet)

The proposal will result in a 22.7% increase in density over the zoning allowance in residential units plus a significant commercial/retail component. There will be a parking shortfall of 96 spaces, a 28% reduction of the parking requirement.

Phase 2 on Parcel #2 as proposed (ZBA# 11-278B)

The applicant requests the following Area Variances in connection with the construction of 2 multiple residence buildings (90 units and 65 units):

- Permission to increase the permitted height from 2 ½ permitted to 4 stories; for the (west) building;
- Permission to increase the permitted height from 2 ½ permitted to 3 stories; for the (east) building;
- Permission to reduce the front yard setback from 40 feet to 5 feet for the (west) building;
- Permission to reduce the front yard setback from 40 feet 8 feet for the (east) building;
- Permission to decrease the required parking from 355 spaces to 180 spaces;

- Permission to reduce the Buffer strips from 5 feet to 0 feet;
- Permission to allow habitable space above the second floor for both the (east) and (west) buildings;
- Permission to increase the density of residential units from the required 40 (one bedroom) or 32 (two bedroom) to 65 (one bedroom) and 90 (two bedroom);
- Permission to decrease the required square footage for residential units from 4,000 per one bedroom and 5,000 per two bedrooms to 1,150 per unit;
- Permission to subdivide a parcel of land from 882.83 x 176.50 x 100 x 75 x 100 x 200 x 100 x 218.32 x 285.22 x 940.72 x 357.71 x 249.06 x 550 x 125 x 379.23 x 76.01 x 141.48 x 66.17 x 7.03 x 99.38 x 144.73 x 50.62 x 144.73 x 71.20 x 144.73 into 22.5 x 100 x 200 x 100 x 218.32 x 285.22 x 212.89 x 351.53 x 43 x 10 x 210.67 x 77.14 x 19.46 x 8.81 x 135.76 x 21.42 x 51.06 (measurements in feet)

The proposal will result in a 333.7% increase in density over the zoning allowance. There will be a parking shortfall of 175 spaces, a 49% reduction of the parking requirement.

Phase 3 on Parcel #3 as proposed (ZBA# 11-278C)

The applicant requests the following Area Variances in connection with the construction of 3 buildings (two multiple residence buildings with a total of 120 units and one pool house with an in-ground swimming pool):

- Permission to increase the permitted height from 2 ½ permitted to 3 stories for both the (north) building and (south) building;
- Permission to reduce the front yard setback from 40 feet to 10 feet for the (south) building;
- Permission to reduce the front yard setback from 40 feet to 16 feet for the (north) building on Geraldine Ave;
- Permission to reduce the front yard setback from 40 feet to 10 feet for the (north) building on Right of Way;
- Permission to reduce the front yard setback from 40 feet to 22 feet for the construction of a pool house;
- Permission to decrease the required parking from 275 spaces to 133 spaces;
- Permission to allow habitable space above the second floor for both the (north) and (south) buildings;
- Permission to increase the density of residential units from the required 48 (one bedroom) or 39 (two bedroom) to 50 (one bedroom) and 70 (two bedroom);
- Permission to decrease the required square footage for residential units from 4,000 per one bedroom and 5,000 per two bedroom to 1,777 per unit;
- Permission to subdivide a parcel of land from 882.83 x 176.50 x 100 x 75 x 100 x 200 x 100 x 218.32 x 285.22 x 940.72 x 357.71 x 249.06 x 550 x 125 x 379.23 x 76.01 x 141.48 x 66.17 x 7.03 x 99.38 x 144.73 x 50.62 x 144.73 x 71.20 x 144.73 into 504.58 x 274.99 x 26.44 x 123.71 x 199.49 x 56.74 x 116.06 x 255.62 x 62.94 x 98 x 42 x 10 x 351.53 (measurements in feet)

The proposal will result in a 181% increase in density over the zoning allowance. There will be a parking shortfall of 142 spaces, a 51.6% reduction of the parking requirement.

Phase 4 on Parcel #4 as proposed (ZBA# 11-278D)

The applicant requests the following Area Variances in connection with the construction of two multi-residential buildings with 130 units:

- Permission to increase the permitted height from 2 ½ to 4 stories for both buildings;
- Permission to reduce the front yard setback from 40 feet to 17 feet and 25 feet for the (north) building;
- Permission to reduce the front yard setback from 40 feet to 24 feet for the (south) building;
- Permission to reduce the side yard setback from 40 feet to 27 feet for the (north) building;
- Permission to decrease the required parking from 297 spaces to 181 spaces;
- Permission to reduce the Buffer strips from 5 feet to 0 feet;
- Permission to allow habitable space above the second floor for both buildings;
- Permission to increase the density of residential units from the required 49 (one bedroom) or 39 (two bedroom) to 56 (one bedroom) and 74 (two bedroom);
- Permission to decrease the required square footage for residential units from 4,000 per one bedroom and 5,000 per two bedroom to 1,665 per unit;
- Permission to subdivide a parcel of land from 882.83 x 176.50 x 100 x 75 x 100 x 200 x 100 x 218.32 x 285.22 x 940.72 x 357.71 x 249.06 x 550 x 125 x 379.23 x 76.01 x 141.48 x 66.17 x 7.03 x 99.38 x 144.73 x 50.62 x 144.73 x 71.20 x 144.73 into 223.25 x 57.32 x 254.91 x 273.44 x 125 x 379 x 76.01 x 114.48 x 66.17 x 7.03 x 99.38 x 144.73 x 50.62 x 144.73 x 71.26 x 144.73 x 1.68 x 257.73 x 123.71 x 26.44 x 274.99 (measurements in feet)

The proposal will result in a 198.9% increase in density over the zoning allowance. There will be a parking shortfall of 116 spaces, a 39% reduction of the parking requirement.

Phase 5 on proposed Parcel #5 as proposed (ZBA# 11-278E)

The applicant requests the following Area Variances in connection with the construction of one multiple residence building with 45 units:

- Permission to increase the permitted height 2 ½ permitted to 3 stories for one building;
- Permission to reduce the lot area from the required 2 acres to 1.664 acres;
- Permission to reduce the front yard setback from 40 feet to 15 feet on the Boulevard;
- Permission to reduce the front yard setback from 40 feet to 5 feet on the north right of way;
- Permission to reduce the side yard setback from 40 feet to 15 feet;
- Permission to decrease the required parking from 103 spaces to 56 spaces;
- Permission to reduce the Buffer strips from 5 feet to 0 feet;
- Permission to allow habitable space above the second floor;
- Permission to increase the density of residential units from the required 16 (one bedroom) or 13 (2 bedroom) to 20 (one bedroom) and 25 (2 bedroom);
- Permission to decrease the required square footage for residential units from 4,000 per one bedroom and 5,000 per two bedroom to 1,611 per unit;
- Permission to subdivide a parcel of land from 882.83 x 176.50 x 100 x 75 x 100 x 200 x 100 x 218.32 x 285.22 x 940.72 x 357.71 x 249.06 x 550 x 125 x 379.23 x 76.01 x 141.48 x 66.17 x 7.03 x 99.38 x 144.73 x 50.62 x 144.73 x 71.20 x 144.73 into 276.57 x 254.91 x 300.39 x 249.06 (measurements in feet)

The proposal will result in a 204.4% increase in density over the zoning allowance. There will be a parking shortfall of 53 spaces, a 51.4% reduction of the parking requirement.

As previously stated, Phase 1 includes the retail component along with fifty (50) units of housing. The zoning of the property is Multiple Residence, in which a retail use is not permitted. Therefore, it will require a use variance from the Town Zoning Board of Appeals. In this referral packet, the Town termed the required relief as both a use variance and a special exception use as meaning the same.

Staff has noted that the subject property is currently occupied by approximately 375 manufactured homes 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 has indicated that there are a multitude of problems associated with the trailer park community as it currently exists.

The attached previous Staff Report File #BA-11-01 expands on this issue, with the following excerpts:

It is noted by the Town's referral 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."

As previously stated, on November 2, 2011, the Commission approved with certain 'modifications' the change of zone, along with the site plan (Phase 1 only) and the subdivision application. The resolution of the Commission approval is attached to this report. The subject referral, as it is being referred to the Commission by the Town of Babylon Zoning Board of Appeals, is in accordance with the resolution.

STAFF ANALYSIS

The Suffolk County Planning Commission does not have standards or criteria for approving a **Use Variance**, but the New York Planning Federation has published a checklist consistent with State Law for granting a use variance: if the applicant can demonstrate an unnecessary hardship, a use that would not otherwise be allowed in accordance with the zoning of the property may be permitted.

For the applicant to demonstrate an **Unnecessary Hardship** the following must be shown:

1. Cannot realize a reasonable return;

The applicant submitted information and testimony supporting the argument of that claim, and the Staff believes that decision should be made at the local level (attached is a copy of the page listing the Mitigations, Fees, and Relocation costs contained in the Final Generic Impact Statement).

2. The hardship is unique and does not apply to a substantial portion of the district or neighborhood;

The Town and applicant provided information contained in the referral material and the Final Generic Impact Statement that could support this argument. The Suffolk County Department of Health Services has determined that the existing use is in violation with Article 7 of the Suffolk County Sanitary Code, and pursuant to a “Consent Order” the trailer park use must be discontinued unless units are legally connected to the Southwest Sewer District.

3. Requested variance(s) will not adversely alter essential character of the neighborhood; and

There is information in the referral material, and the Staff believes that there is the possibility that the requested variance relief would not adversely impact the surrounding land uses. The characteristics of the proposal, being a mixed-use development with commercial along N.Y.S. Rte. 110 corridor, high density residential adjacent to it, and being surrounded by another residential neighborhood appears to be in accordance with the goals of the Town.

4. The alleged hardship has not been self-created.

There is no evidence in the material referred by the applicant that the hardship is self-created.

With regards to Items 1, 2 and 4 above, as a matter of practice, the Suffolk County Planning Commission (and Staff) does not make determinations on fact finding elements of variance applications. The Town Zoning Board of Appeals should be mindful of the fact that the Board is required to make findings that qualify for relief the petitioner has met the State law area and use variance tests.

GENERAL MUNICIPAL LAW CONSIDERATIONS: Reference the attached previous Staff Report File #BA-11-01

The proposal 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 and is in accordance with the land use goals of the Town.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: Reference the attached previous Staff Report File #BA-11-01

The proposed mixed-use along and off the NYS Rte. 110 corridor is compatible with the Town of Babylon Planning Goals.

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 of Conformance" formulated by the Town and the petitioner as noted in the attached previous Staff Report File #BA-11-01.

STAFF RECOMMENDATION

A. Approval of the Use Variance request as a component of Phase 1 (Municipal File # 11-278A).

Reason: The proposed mixed-use with commercial use along the NYS Rte. 110 corridor is consistent with the Town of Babylon Comprehensive Plan, and land use goals of the area. The project is located on a property that fronts an established commercial and transportation corridor, and is surrounded by compatible and supportive land uses.

B. Approval of the Area Variances for Phase 1 (Municipal File # 11-278A, B, C, D and E) with the following modifications and comments:

Modifications [Note: these are the same modifications approved by the Planning Commission in November]:

- 1. The Suffolk County Planning Commission notes that the density proposed by this application is greater than that allowed under the Multiple Residence (MR) code. If the Town Zoning Board of Appeals believes that the density requested should be higher than allowed in the Multiple Residence (MR) code, then it shall enumerate those reasons in their decision.**

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 1 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.

It is suggested that the following comments pertaining to the proposal be offered to the Zoning Board of Appeals for its consideration and use:

- 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. Pursuant to NYS Town Law Section 267-b2.(b)(1), it is not apparent that the applicant has submitted sufficient information to demonstrate compliance with applicable variance criteria.*
- 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.*
- 4. The applicant should review the Suffolk County Planning Commission Guidebook particularly related to Public Safety and incorporate where practical design*

elements recommended therein.

- 5. A definitive Housing Relocation Plan for existing residents including a description of costs provided for relocation, prioritization methodology, and percent participation should be included in any future referrals to the Suffolk County Planning Commission.*
- 6. The project sponsors and the Town should reconsider the order of the phased development and emphasize additional housing elements earlier in the time frame.*
- 7. The Town of Babylon and the project sponsors should consider entering into a written "Community Benefits Agreement" that outlines and stipulates the benefits provided, including relocation assistance. The Community Benefits Agreement may be linked to bonding, covenants and/or restriction on the approval.*
- 8. The Town should consider requiring that an architectural review of the proposal be done to determine if the reduced setbacks and increased building heights will adversely affect the quality and access to natural light and air, especially along Geraldine Avenue, and whether certain increases to setbacks should be required.*
- 9. The Town should consider allocating in Phase 1 more than half of the designated affordable units being two (2) bedroom apartment units so as to be a viable option to existing residents of the mobile home park.*
- 10. The applicant should consider undertaking a Comprehensive Parking Analysis to determine that the proposed number of on-site parking spaces would be adequate to accommodate all future parking demands. The Town should consider making all parking variances subject to an agreement between the Town and applicant to monitor the on-site parking conditions on a periodic basis or upon the completion and occupation of each Phase of the proposed development to ensure that the on-site parking is adequate. On-site congestion resulting from inadequate parking and circulation may lead to overflow parking onto surrounding roadways thereby adversely impacting the flow and carrying capacity, as well as the safety of said roadways, and may also diminish the quiet enjoyment of the residential properties along the interior streets.*
- 11. The applicant should consider providing a Comprehensive Traffic Impact Study analyzing potential impacts of the proposal. The traffic, points of access and circulation scheme resulting from the proposal may lead to adverse impacts to existing character of the adjacent neighborhood, and diminish the safe carrying capacities of the surrounding roadways.*

SUPPLEMENTAL DATA

ZONING DATA

- Zoning Classification: Pending change of zone to Multiple Residence (MR)
- Minimum Lot Area: 2 acres
- 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: Yes, Nov. 2, 2011
Approved w/ Modifications
- SEQRA Information: Yes
- SEQRA Type: FGEIS
- Minority or Economic Distressed: Yes

SITE DESCRIPTION

- Present Land Use: Mobile Home Park
- Existing Structures: Yes - Multiple Mobile Home Trailers
- General Character of Site: Generally 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

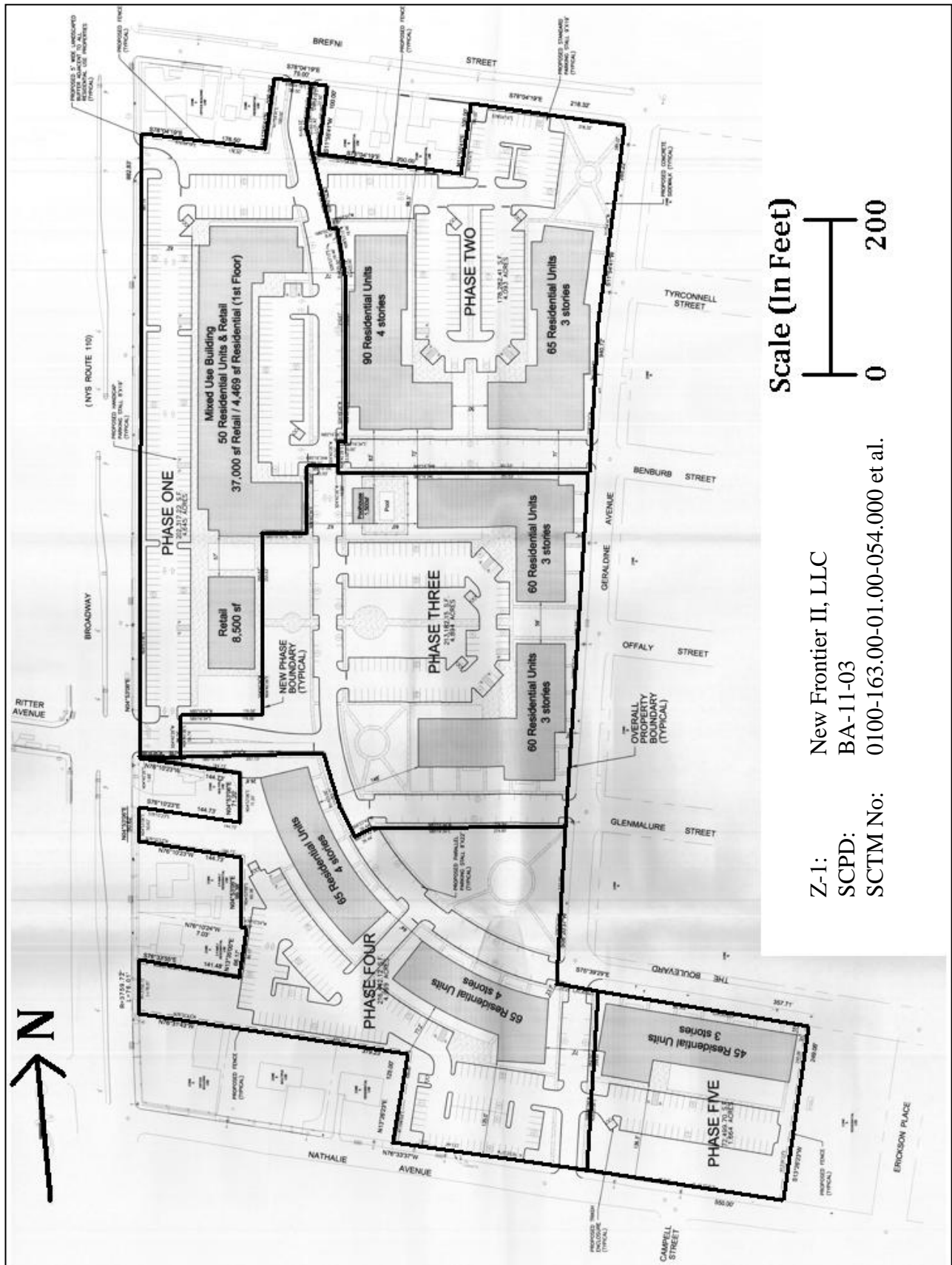
- Type: Variances (use and multiple area, including parking)
- Layout: Standard
- Area of Tract: 20.26Acres
- Yield Map: N/A
 - No. of Lots: N/A
- Open Space: Lawn & Landscape Area = 6.5 Acres

ACCESS

- Roads: Existing - NYS Rte. 110, Brefni Street, Nathalie & Geraldine Avenues
- Driveways: Private

ENVIRONMENTAL INFORMATION

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



Z-1: New Frontier II, LLC
 SCPD: BA-11-03
 SCTM No: 0100-163.00-01.00-054.000 et al.

FGEIS

MITIGATIONS

NAFCO Fire Department Truck - \$250,000

Route 110 Corridor Study - \$50,000 – encompassing Route 110 from Sunrise Highway to Southern State Parkway

C-12

Sec. 2.1

Landscaped medians on Route 110 - \$150,000– plan to be approved by planning department and NYSDOT – maintenance separate and required

Town traffic and road Improvements - \$150,000 – in addition to NYSDOT traffic related improvements and any improvements within the ROW of the subject parcel including the west side of Geraldine.

Improvements to approaches to 110 and intersections on Brefni, Nathalie and Glenmalure - estimate - \$450,000

Fire equipment to service 3 & 4 story buildings - \$700,000 to \$1,000,000 range

Groundwater remediation – phase 1 & Phase 2 environmental s done?

Independent Appraisal of Frontier Park in present condition

Community Benefit Fund - \$250,000

Full purchase price will be refunded to everyone who bought a trailer unit within last 2 years. Eligible recipients are anyone who purchased unit from property owners – Blumberg and/or associates. This does not cover private sales. The two year period commences on the date application was filed with Planning Department.

Developer must provide plan for additional measures to be taken to improve development if next phase is not started within 18 months of issuance of CO for previous phase. Plan must be submitted and approved by Town of Babylon prior to the issuance of a building permit for subsequent phase. Developer will also be required to post \$100,000 bond to cover the costs of those additional measures in the event developer does not complete the work. This bond shall be kept current and transferred from one Phase to another as phases are completed.

Fees

Recreation fee – mandated \$1,000 per unit.

C-13

Sec. 2.1

Escrow account initial deposit of \$100,000 to cover cost of application review, community economic analysis review and creation of satisfactory relocation plan, as described in Town Board Resolution 497.

Relocation costs

C-14

Sec. 2.1

\$20,000 per unit, in phases, members of Civic Association

LIHP assists in transition

Resolution No. ZSR-11-30 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code

WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on September 26, 2011 at the offices of the Suffolk County Planning Commission with respect to the application of "**New Frontier II, LLC**" in the Town of Babylon

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on November 2, 2011, now therefore, Be it

RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action,
Be it further

- A. RESOLVED, that the Suffolk County Planning Commission Approves 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 Suffolk County Planning Commission notes that the density proposed by this application is greater than that allowed under the Multiple Residence (MR) code. If the Town Planning Board believes that the community benefits of this application justify density in excess of that allowed by the Multiple Residence (MR) code, it shall enumerate those justifications in its decision.**

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

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.
4. The applicant should review the Suffolk County Planning Commission Guidebook particularly related to Public Safety and incorporate where practical design elements recommended therein.
5. A definitive Housing Relocation Plan for existing residents including a description of costs provided for relocation, prioritization methodology, and percent participation should be included in any future referrals to the Suffolk County Planning Commission.
6. The project sponsors and the Town should reconsider the order of the phased development and emphasize additional housing elements earlier in the time frame.
7. The Town of Babylon and the project sponsors should consider entering into a written "Community Benefits Agreement" that outlines and stipulates the benefits provided, including relocation assistance. The Community Benefits Agreement may be linked to bonding, covenants and/or restriction on the approval.

Motion by: Commissioner - Holmes

Seconded by: Commissioner - Chartrand

Commission Vote: Present - 10

Ayes - 10
Nays - 0
Absent - 4
Recusal- 1
Abstentions-0

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	ABSTAIN	ABSENT
BERRY, GLYNIS At Large	X			
CALONE, DAVID Town of Babylon	X			
CASEY, JENNIFER Town of Huntington	X			
CHARTRAND, MATTHEW Town of Islip	X			
ESPOSITO, ADRIENNE Villages over 5,000	X			
FINN, JOHN Town of Smithtown	X			
GABRIELSEN, CARL Town of Riverhead	X			
HOLMES, LINDA Town of Shelter Island	X			
HORTON, JOSHUA At-Large				X
KELLY, MICHAEL Town of Brookhaven				X
KONTOKOSTA, CONSTANTINE Vill. Under 5,000	X			
MC ADAM, TOM Town of Southold				X
ROBERTS, BARBARA Town of Southampton	X			
SCHOOLMAN, BILL At-Large				X
WEIR, DIANA, Town of East Hampton	RECUSAL			

Dated: November 2, 2011

Location: Village of Port Jefferson



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

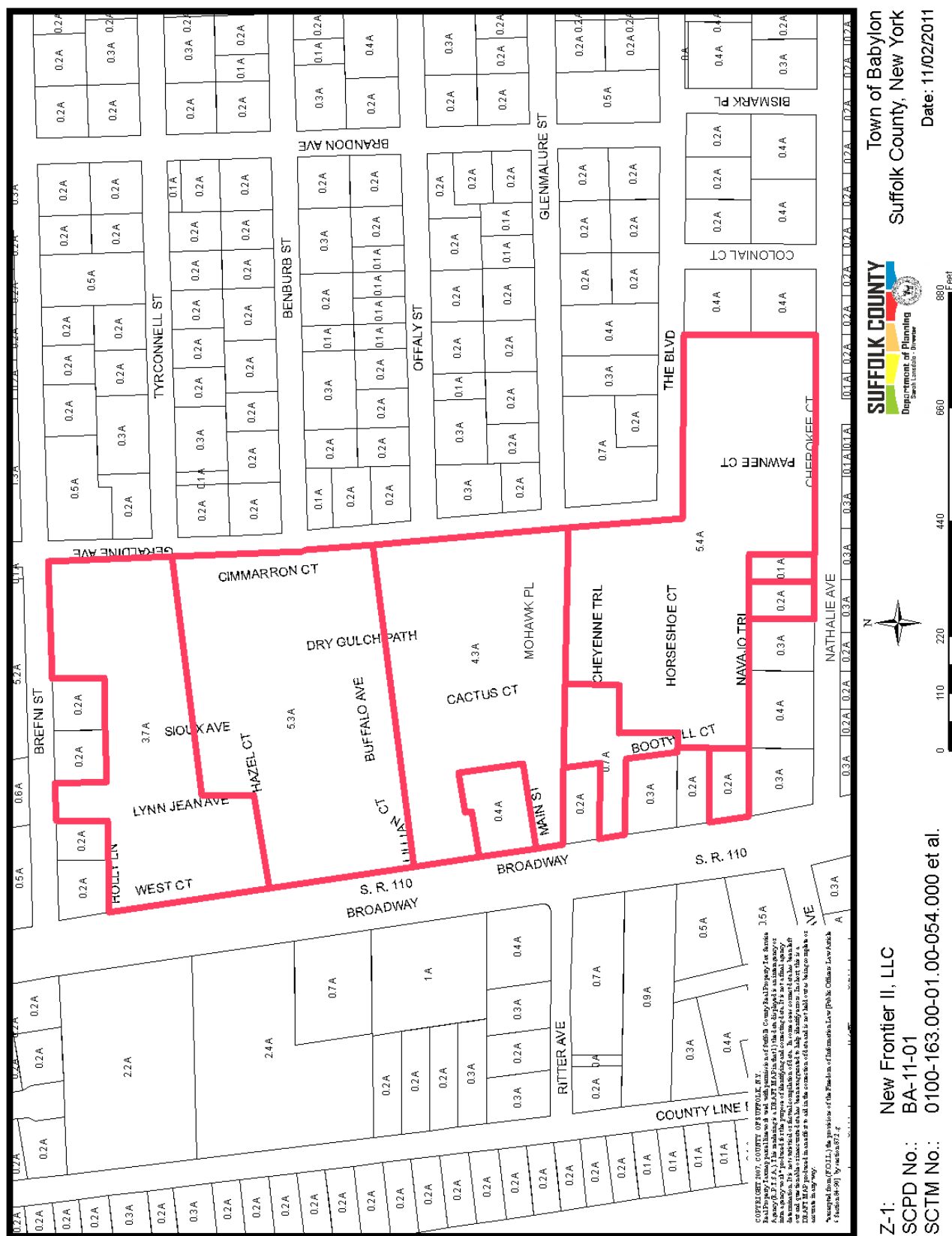
- Type: Change of Zone
- Layout: Standard
- Area of Tract: 20.26Acres
- Yield Map: N/A
 - No. of Lots: N/A
- Open Space: Lawn & Landscape Area = 6.5 Acres

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



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

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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

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.

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Planning
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T: (631) 853-5192 F: (631) 853-4044
Sarah Lansdale, Director of Planning

AGENDA

January 4, 2012
12:00 P.M.

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

1. Adoption of minutes
2. Public Portion
3. Chairman's report
4. Director's report
5. Guest Speakers: Walter Hilbert P.E., Suffolk County Department of Health Services, Office of Waste Management
6. Section A14-14 thru A14-23 & A14-25 of the Suffolk County Administrative Code
 - St. John's University 0500 40500 0200 005001 (Town of Islip)
 - New Frontier II LLC 0100 16300 0100 054000 et al. (Town of Babylon)
7. Section A14-24 of the Suffolk County Administrative Code
8. Discussion:
9. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION TBA

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

SARAH LANSDALE, AICP
DIRECTOR OF PLANNING

January 4 meeting Summary

Suffolk County Planning Commission
January 4, 2012 Meeting
Legislative Building, Hauppauge, New York

Attending Commissioners:

David Calone – Chairman, Town of Babylon

Sarah Lansdale – Director of Planning

Constantine E. Kontokosta – Vice Chairman, Villages under 5,000 population

Glynis Berry – At Large

Jennifer Casey – Town of Huntington

Linda Holmes – Town of Shelter Island

Adrienne Esposito – Secretary, Villages under 5,000 population

Thomas McAdams – Town of Southold

Michael Kelly – Town of Brookhaven

Matthew Chartrand – Town of Islip

John Finn – Town of Smithtown

Carl Gabrielsen – Town of Riverhead?

Legal Counsel: Thomas Young

Pledge of Allegiance: All stood for recitation.

Adoption of Minutes:

- There is a pending Legislative ruling to eliminate court reported minutes. Anticipating the adoption of such ruling, the meeting will be audio taped as well as summarized in writing by staff.
- Editor-in-Chief stated that by next meeting, the Commission will have the final corrections for the remainder of 2011's minutes (August – December) in hopes to adopt the final minutes for 2011.

Public Portion:

- There were no comments brought forth during the public portion. It was closed in the usual manner.

Chairman's Report:

- Chair announced his need to leave the meeting early due to business related travel. It was announced that Vice Chair Kontokosta would fill in to head the remainder of the meeting.
- The Commission presented Commissioner Weir a Certificate of Appreciation for her service on the Commission from October 2010- December 2011.
- It was announced that Dan Gulizio, Deputy Director of Planning, will also be presented a plaque for his service within the Suffolk County Planning Department at the next Commission meeting in February. Due to the Legislature's budget ruling, Dan's position within the Planning Department was eliminated.
- A joint meeting between the Nassau County and Suffolk County Planning Commissions is scheduled for April 4th, 2012 at 10 am at the Legislative Building in Hauppauge. John Cameron will also be attending the meeting.
 - This will be the first time ever the two commissions have sat for a joint meeting. Commission Holmes mentioned the need to invite Newsday to the event.
 - The joint meeting is anticipated to begin a dialogue between the two commissions, allowing members to get to know one another. Nassau's recognition and attempt to model Suffolk's solar permitting initiative was the example used to demonstrate the potential for a collaborative relationship.
- It is tradition for the Chair to hold an annual review, meeting with each commissioner on an individual basis in order to receive input on the direction and goals for the upcoming year. In the next month or two, the Chair will begin this process again.
- The Chair has met with the County Executive Elect and anticipates much support from Executive Bellone in terms of helping the Commission meet its anticipated planning goals. This is true most especially in the categories of housing, infrastructure, energy and natural resources.
- The Commission is continuing to work on the revision of its guidelines. There has been some input from select commissioners since the last meeting. Since the guidelines will most likely be changed again next year in conjunction with the publishing of the Comprehensive Plan, it is important to get it updated for this year, so as to reduce the amount of updating for next year. The Chair hopes to complete this year's update relatively soon.
- The working group for the County's Comprehensive Plan will be postponed until next month in order to give the new county executive a chance to settle into the new post.
- There has been much success in the adoption of the Commission's solar permitting initiative. Nine towns have already adopted it for local code. The tenth, East Hampton, will be voting at its January meeting. Likewise, several villages have also adopted it, such as West Hampton Beach, West Hampton Dunes, Babylon and Port Jefferson.
- The draft model of the East End Wind Code will be finalized soon, boasting a final draft in the next month or so. This is based on the progress from the last meeting in Southampton, the 5th EEWC meeting, where Commissioner Holmes and Weir were enormously helpful in their advocacy and efforts.
- The Commercial Energy Efficiency Standards set new green building codes that went into effect January 1, 2012. These codes can currently be adopted by municipalities. The Commission will be focused on educating the municipalities about the benefits of adopting these codes for the eventual standardization of green building codes on Long Island.
- The Protect and Grow Sewer Committee has been trying to pull together local sources of funding. The committee was able to create a funding stream for their working group through the Legislature. It needs to refocus for the new year, as there is a tremendous amount of potential and a lot more that can be done.
- The SUPP (Suffolk Unified Permitting Portal) has seen ongoing success. Head of Economic Development, Yves Michele, was actively helping the Commission with this project and since, has been eliminated due to recent legislation. The Commission will have to wait for the new county executive for further instructions on how to pursue this initiative.
- The Housing Summit will be hosted February 8th, 2012 at Stony Brook University's Wang Center from 9am to 3pm. Stony Brook University's President Sam Stanley waived the fee for the event. The

Commission has partnered up with several entities for planning the event. The LI Housing Partnership is a main co-partner and has contributed funds for supplying lunch.

- February's Commission meeting will be a very busy organizational meeting, as the Commission will be adopting the new schedule for 2012, electing new officers and adopting 2012's rules. The location of the meeting is to be announced.
- There will be a kick off meeting in March about rallying resources for water protection/conservation. Glynis Berry is heading this effort and has welcomed anyone interested in working with her and the group. The objective is to rally all sides and stakeholders involved with the fate of our water usage and supply, attempting to identify the critical issues as well as highlight efforts already in action. The role and effectiveness of the Commission within this working group is to be discussed at another time.

At this time, Commission Holmes suggested the Commission adopt Commissioner Casey as the Chair of the Historical Preservation Working Group? /Task Force?. Commissioner Casey accepted the post.

Director's Report:

- Planning has been expanded to include several subsidiary departments, including Economic Development, Workforce Housing, the Airport, and Environment and Energy.
 - This will result in an increase of approximately 100 additional workers under Planning.
 - Functions under Planning will include:
 - Land Acquisition, Office of Energy and Environment, Recycling and Waste Management, Water Quality, Community Development, Industrial Development Agency, Downtown Revitalization, and Cultural Affairs and Film Commission.

Based on the fiduciary responsibility to oversee the Planning Department. the Commission has requested a detailed explanation of the function of each entity being incorporated under Planning for the next meeting.

- Upcoming Meetings are as followed:
 - January 12: 1) Agricultural Forum-Planning will be presenting 2010 Census information
2) Screening of the film "Urbanized" – Held at the Huntington Arts Cinema
Planning will be doing a presentation on how the film relates to Suffolk County
 - January 31: TDR Program for Public, Denison Building from 7-9pm. There are multiple TDR programs in effect in Suffolk County; this forum will attempt to evaluate the system.
- Planning has recently participated in an EPA webinar on storm water issues. Andrew T presented a synopsis of the Planning Departments presentation, highlighting the main regards to code updates and specific design guidelines. Andrew will email what he presented to the Commission. In terms of presenting "model" codes, it was more case studies that the EPA presented, where codes were audited and critically analyzed from three different states. Brookhaven has expressed interests in piloting a model code put forth by the County.
- Nominating Committee: Thomas McAdams, Chair
 - County Charter requires that this committee is formed, that their findings and recommendations are presented in January in order to vote on nominees and rule changes in February.
 - The Committee's suggestions are as followed:
 - 1) Change leadership roles from "Chair, Vice Chair and Secretary" to "Chair, 1st Vice Chair and 2nd Vice Chair".

- 2) Volunteering David Calone to remain Chair, Commissioner Esposito for 1st Vice Chair and Commissioner Kelly for 2nd Vice Chair.
- 3) Establish rules for interacting with the public during the public portion of the meeting. If a public official is making a presentation or an application, the Rules Committee is suggesting the Commission comes up with rules that would allow the Commission to interact with the official in order to better ascertain relevant information.

Counsel mentioned the statute under which the Commission makes decisions, General Municipal Law 239. It was decided to take this up again at a later meeting in order to further clarify the Rules Committee's question.

Presentation from the Department of Health Services:

Walter Hilbert, P.E., Office of Waste Management, Suffolk County Department of Health Services presented the PowerPoint on several new wastewater treatment technologies.

Conventional system:

1. **Sanitary septic system:**
 - 1000-15,000 gpd flow
 - provides 50% reduction in nitrogen
 - low cost, relatively low footprint and maintenance, 25-30 years life cycle.
2. **Sewer:**
 - Any projects larger than Article 6 density are required to treat their waste water, which is inspected and overseen by the DHS on a quarterly basis.

Treatment technology:

1. **Croma glass**
 - Provides almost a 90% reduction in nitrogen.
 - Sequence batch reactor
 - Longstanding system used; the bigger the system, the better the operation due to more consistent flow.
 - \$50.00/gallon cost for this system; the smaller the scale of the project, the higher the cost per dollar.
 - Operation requires several pumps throughout system; this presents higher maintenance costs due to pump issues; can be up to ~\$40,000/year.
 - 32 plants in Suffolk County, where 26 plants are at steady state where flow has approached design potential.
 - 96% of those plants (25 plants/26 plants) were in compliance with 5.1 % Nitrogen discharge; noncompliance was more a function of maintenance than flow.
2. **BESST (Biologically Engineered Single Sludge Treatment)**
 - Provides nitrogen reduction to 8.1 mg/L
 - Flow train: first, denitrification process; then a high circulation process where water is renitrified in order to really strip; then clarified, where solids settle; then discharged as clean effluent.
 - Standard system: 15, 000 gpd system
 - Technology is scalable to larger facilities, based on tank and clarifier increases.
 - for example, scaled to 200,000 gpd in Port Jefferson.
 - Leaching area is large where there are 2 buffer areas: 1) 50 feet minimum, where there can be no human contact 2) 75 foot buffer (50 + additional 25) to property line and homes.
 - The buffer is set around an approximately 1 acre box.

- At 15,001 gpd, standards change to full scale.
 - This requires a larger buffer where leaching area is 100 ft min with 150 ft to property line and 200 ft to habitable living.
- Full description of the buffer criteria can be found in "Appendix A, Criteria for Department Standards".
- Reuse is a possibility but currently not being employed as to the extreme cost of adding the additional treatment requirements.

3. **NITREX**

- Provides nitrogen reduction to 3.4 mg/L
- 3-stage system
- Stage 1: 4 day detention with conventional grease traps and sanitary septic systems
- Stage 2: 1 day detention, where there is a pretreat, nitrification stage where ammonia is converted to nitrate
- Stage 3: 5 day detention, filtered and denitrified
- There are commercial installations for these systems, but none so far in Suffolk County; the systems are expandable in excess of 15, 000 gpd.
- There is a module for a single family home, where treatment can go down to 400 gpd.
- Foot print intensive: uses less electric but requires larger land area for buffer requirement.

Zoning Approvals:

1. New Frontier II, Town of Babylon:

Commissioner Kelly made a motion to approve the zoning change, Commissioner Holmes seconded the motion. The motion to approve zone changes for the project was approved, ten to zero.

2. St. John's University, Town of Islip:

Commissioner Berry made a motion to reject the resolution for zone changes, Commissioner Esposito seconded the motion. Six Commissioners favored the motion, four Commissioners denied the motion. The motion required majority of eight commission votes and therefore failed. Since only one motion can be made and it failed, the vote is no action for the St. John's resolution.

Commissioner Kontokosta made a motion to adjourn the meeting, seconded by Commissioner Holmes.

The meeting was adjourned at approximately 2:45 pm.