

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099

T: (631) 853-5192 F: (631) 853-4044

Joanne Minieri, Deputy County Executive and Commissioner, Department of Economic Development
and Planning

Sarah Lansdale, Director of Planning

Notice of Meeting

September 2, 2015 at 2:00 p.m.

Maxine S. Postal Auditorium
Evans K. Griffing Building, Riverhead County Center
300 Center Drive Riverhead, New York 11901

Tentative Agenda Includes:

1. Meeting Summary for May, June 2015
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
None
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Solar Liberty, Town of Babylon
0100-10100-0100-002.000
 - The Arboretum at Farmingville, Town of Brookhaven
0200-62600-0300-039005
 - Anaerobic Digester @ LI Compost Corp/ Great Gardens, LLC, Town of Brookhaven
0200-84600-0300-003001 and 004000
7. Section A-14-24 of the Suffolk County Administrative Code
 - Kings & Queens Transload, Town of Islip
0500-13400-0200-003000
8. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on October 7, 2015 2 p.m. Town of Huntington Board Room

COUNTY OF SUFFOLK

Z-1



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

STAFF REPORT **SECTIONS A14-14 THRU A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

Applicant: Solar Liberty Babylon LLC
Municipality: Babylon
Location: South of Edison Avenue and east of Straight Path (CR 2) in the hamlet of West Babylon

Received: July 27, 2015
File Number: BA-15-03
T.P.I.N.: 0100-101.00-01.00-002.000
Jurisdiction: Within 500 feet of County Road 2 (Straight Path) and Suffolk County Lands

ZONING DATA

- Zoning Classification: Residence A
- Minimum Lot Area: 12,500. Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Generally level, sloping slightly downward to the south
- Range of Elevation within Site: 45' to 65' above
- Cover: Grasslands, brush and trees
- Soil Types: HaA, HaB (Haven Loams), RdA, RdB, Riverhead

- Range of Slopes (Soils Map): sandy loam
0-8 %
- Waterbodies or Wetlands: N/A

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Site Plan/Special Exception
- Layout: 50.26 acre solar production facility
- Area of Tract: 114.7 acres
- Yield Map: N/A
- Open Space: N/A

ACCESS

- Roads: Edison Avenue
- Driveways: Internal private gravel roadways

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: Four drainage reserve areas with permeable roadways and vegetation
 - Recharge Basins: No
- Groundwater Management Zone: VII
- Water Supply: N/A
- Sanitary Sewers: N/A

PROPOSAL DETAILS

OVERVIEW – Applicants seek Site Plan and Special Exception approvals from the Town of Babylon Planning Board for the construction of a proposed solar energy production facility to produce 8+ megawatts of power to be sold to LIPSEG. The proposed facility is approximately 50.26 acres in size and is located on the northeast portion of a 114.70 acre parcel. The solar energy facility is proposed to be enclosed with an 8 foot high fence and include approximately 40 acres of solar arrays and an additional 10 acres of grassland, gravel roadways and utility pads. The maximum height of the proposed solar arrays is approximately 8.5 feet.

The subject property is zoned Residence A. Solar energy production is a permitted use in the Town of Babylon's Residence A zoning district provided that the facility occupies not less than 50 acres and is allowed as a Special Exception by the Town of Babylon's Planning Board.

The subject parcel is located on the north side of Southern State Parkway and the east side of Straight Path (County Road 2) in the hamlet of West Babylon. The overall parcel is owned by Saint John Cemetery and the applicant, Solar Liberty Babylon, LLC, proposes an approximately 50.26 acre solar facility on the northeast portion of the overall 114.7 acre parcel. East of the proposed solar facility is Straight Path (County Road 2) followed by residential properties. An approximately 200 feet or greater buffer is proposed between Straight Path and the solar facility. North of the subject property is industrially developed land. While fencing is proposed to run along the northern boundary of the subject property the proposed solar panels will be offset by a 50 foot buffer. South of the proposed solar facility is vacant undeveloped land which is part of the overall 114.7 acre parcel. West of the proposed facility is an existing cemetery. An approximately 100 foot or greater buffer exists between the existing cemetery and the solar facility. It should also be noted that Republic Airport is located a little over one mile to the west of the subject property.

The site plan application designates that areas around the solar panel arrays will be replanted

with native grasses. It should also be noted that buffer areas which are described above will consist of existing on site vegetation that includes grasslands, brush and mature trees.

No connection to public water or generation of sanitary waste has been proposed with this application. Access to the proposed solar generating facility is provided via a 24' wide gated entrance off Edison Avenue. The interior road system is proposed to be constructed of pervious gravel.

The subject property is situated in Hydro-geologic Ground Water Management Zone VII pursuant to Article 6 of the Suffolk County Sanitary Code. There are no mapped NYSDEC regulated wetlands located within or adjacent to the subject property. Stormwater runoff is proposed to be handled via permeable gravel roadways, vegetative swalls and a vegetative raingarden. The applicant is required to receive Stormwater Prevention Pollution Plan (SWPPP) approvals from the New York State Department of Environmental Conservation.

STAFF ANALYSIS

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

It is the belief of the staff that the proposed installation of solar panel arrays would not impact surrounding land uses while providing an appropriate location for the proposed solar energy facility and take advantage of a sustainable/renewable energy resource.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The 1998 Town of Babylon Comprehensive Land Use Plan designates the subject site as zoning district Residence A. As noted above solar energy production is a permitted use in the Town of Babylon's Residence A zoning district provided that the facility occupies not less than 50 acres and is allowed as a Special Exception by the Town of Babylon's Planning Board.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the Commission policies:

In terms of environmental protection, the subject property is situated is situated in Hydro-geologic Ground Water Management Zone VII pursuant to Article 6 of the Suffolk County Sanitary Code. There are no mapped NYSDEC regulated wetlands located on or adjacent to the subject property. Stormwater runoff is proposed to be handled utilizing permeable gravel roadways vegetative swalls and a vegetative raingarden. In addition, staff recommends that the

Town and applicant consult the Suffolk County Planning Commissions recently adopted Model Utility Solar Code – 2015 for information on design standards that will help protect the environment.

It is evident in the referral to the Suffolk County Planning Commission that the applicants will have to work with the Town and NYSDEC in order receive SWPPP (Stormwater Pollution Prevention Plan) approval. It is not evident however, if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies though drainage reserves with drywells are proposed as an element in the plan. It is the belief of the staff that the publication should be reviewed and additional stormwater mitigations incorporated where practical.

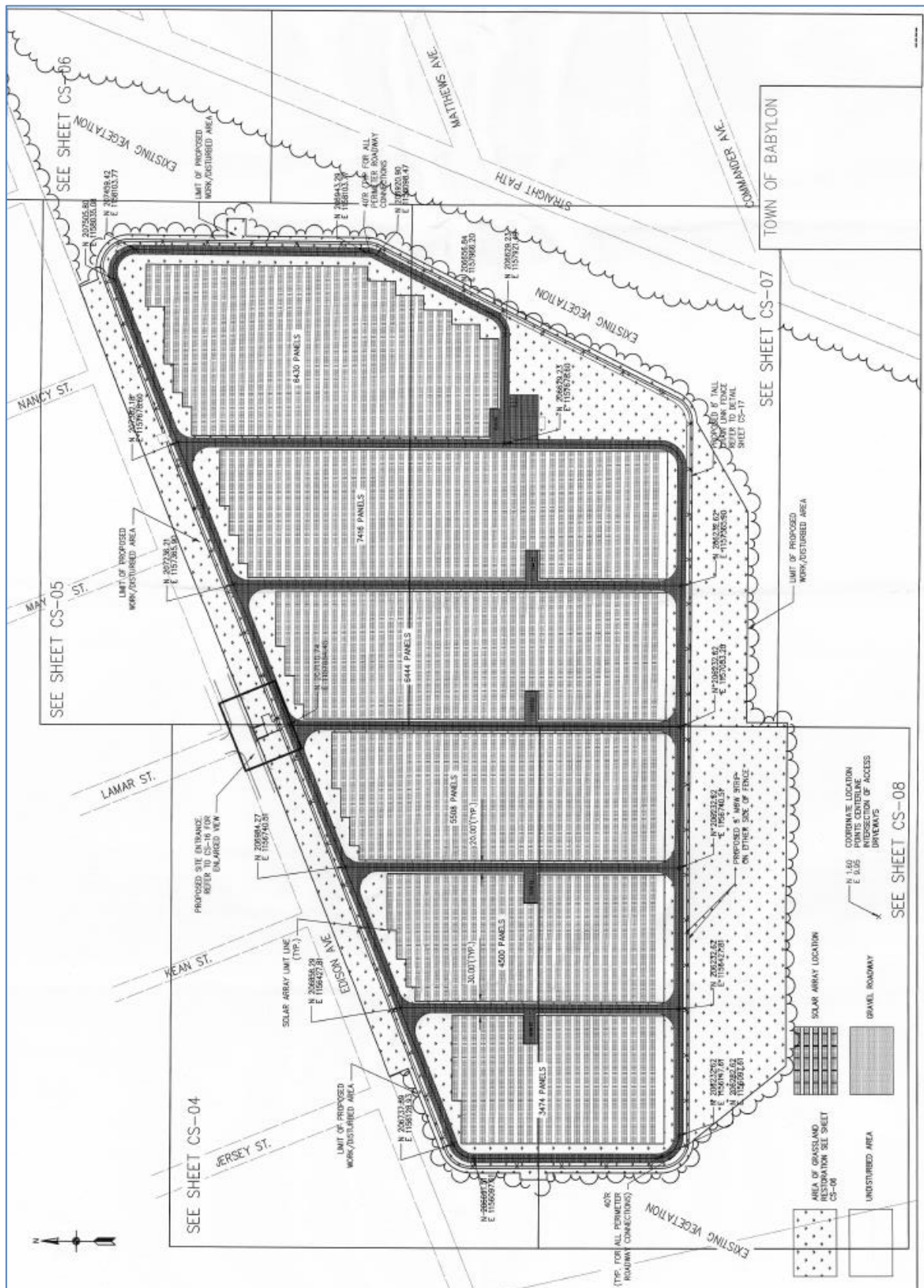
In terms of energy efficiency, it is the belief of the staff that by its very nature the proposal is promoting one of the Suffolk County Planning Commission's County-wide priorities by installing a sustainable and renewable energy production system.

As noted the Suffolk County Planning Commission has recently adopted a Model Utility Solar Code – 2015 that can be used by Towns and Villages to help foster renewable energy facilities while also insuring proper safeguards for locating the facility and protecting environmental resources. Staff notes that this application appears to be consistent with many of the key aspects of the Model Code including but not limited to a suitable siting location, setbacks, and design standards. Staff notes that there was not information provided in the referral materials regarding abandonment of solar facilities. Staff believes it would be beneficial for the Town to review the model code including the section on the abandonment of solar energy facilities and incorporate aspects of the Code into the project where practical. The Model Code also notes the importance of consulting with the Federal Aviation Administration (FAA) for solar projects located in close proximity to airports. As noted earlier in this staff report the subject property is located a little over a mile to the east of the Republic Airport facility. Staff would recommend that the applicant consult with Republic Airport and the FAA regarding this project as early in the application process as possible.

STAFF RECOMMENDATION

Approval, of the site plan and special exception subject to the following comments:

1. The Suffolk County Planning Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.
2. The Suffolk County Planning Commission's Model Utility Solar Code – 2015 should be reviewed including the section on the abandonment of solar energy facilities and relevant aspects of the Code should be incorporated into the project where practical.
3. Due to the project's proximity to Republic Airport the applicant should consult with Republic Airport and the FAA as early as possible in the application process.



Z-1: Solar Liberty
 SCPD: BA-15-03
 SCTM No: 0100-101.00-01.00-002.000

COUNTY OF SUFFOLK

Z-2



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
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Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

STAFF REPORT

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

Applicant: The Arboretum at Farmingville
Municipality: Brookhaven
Location: s/s of Horseblock Road (CR 16) approximately 811 feet w/o Hanrahan Avenue

Received: 8/12/15
File Number: BR-15-01
T.P.I.N.: 0200 62600 0300 039005 & 040000, 0200 65300 0700 001000
Jurisdiction: 500 feet of County Park Land, Adjacent to County Road 16

ZONING DATA

- Zoning Classification: A Residence 1 / J Business 4
- Minimum Lot Area: 40,000. Sq. Ft. / 9,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Agricultural, commercial and residential
- Existing Structures: yes, vacant agricultural equipment storage buildings, commercial nursery; vacant equestrian facilities
- General Character of Site: cleared, gently sloping lands
- Range of Elevation within Site: 112' to 168' amsl
- Cover: cleared with some trees
- Soil Types: Haven loam, Plymouth loamy sand, Riverhead sandy loam

- Range of Slopes (Soils Map): terraformed 0-8%
- Waterbodies or Wetlands: Artificial wetland

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of zone
- Layout: Standard
- Area of Tract: 65.238 acres
- Yield Map: N/A
 - No. of Lots:
 - Lot Area Range:
- Open Space: 7.28 ac

ACCESS

- Roads: Public – Horseblock Road (CR 16), Henry Street
- Driveways: Proposed Internal Road Network

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: drywells, leaching pools, drainage ponds
 - Recharge Basins two
- Groundwater Management Zone: III
- Hydrogeologic Zone I
- Water Supply: public SCWA
- Sanitary Sewers: on-site STP

PROPOSAL DETAILS

OVERVIEW – Applicants seek change of zone approval from the Brookhaven Town Board for the redevelopment of the 65.24 acre subject property, from A Residence 1 (minimum lot size 40,000 SF) & J Business 4 (minimum lot size 9,000 SF) to Multi-Family Residence District (MFRD) – Secondary Zone and J Business 2. The subject property is proposed to be redeveloped as a mixed-use residential community and commercial development consisting of 292 residential units (51 single-family residences, 164 two-bedroom flats, 63 Townhouse (triplex) units and 14 three-bedroom “Rosebud” units), one two-story 24,000 square feet of commercial space (containing 12,000 square feet of restaurant space and 12,000 square feet of office space), 7,500 square feet of recreational clubhouse space and a 7,728 square foot-150,000 gallon capacity sewage treatment plant.

The subject property is located south of Horseblock Road (CR-16) and west of Blue Point Road in the hamlet of Farmingville, Town of Brookhaven.

In accordance with the NYS Long Island Workforce Housing Act, 10% of all residential units are required to be maintained as affordable or workforce housing. The Applicants have designated 30 of the two-bedroom flat units as workforce housing units (10.27% of all proposed residential units).

The proposal also includes 7.28 acres of publicly accessible recreational open space, 1.66 acres of private recreational open space and 1.38 acres of private recreational facilities.

The anticipated sanitary waste generation of the subject property is projected to be 89,370 gallons per day, increasing the sanitary waste generated on site by 88,651 gpd (from a previous 719 gpd of sanitary waste). All sanitary waste generated at the subject property would be accommodated by a newly constructed on-site sewage treatment plant (STP), designed to accommodate 150,000 gpd of sanitary waste. A small sanitary pump station would be located north of the STP which would be used to pump effluent from the pipes within Road “A” east to the STP. The STP would be located a

minimum of 200 feet from the nearest on-site residence and separated from the on-site residences to the north by two recharge basins. Access to the STP would be from an “STP Access Road” that connects the two cul-de-sacs located at the southernmost portion of the site.

Storm water runoff from the proposed development is to be collected by a combination of on-site drywells, leaching pools, drainage ponds and natural vegetation.

The proposed development would include 206 parking spaces situated in multiple parking fields throughout the commercial property while 584 parking spaces for the remaining residential uses would be satisfied via single and double driveways, personal garages, internal driveways and a 4.69 acre public park area.

The proposed development contains two access points, one along Horseblock Road (CR-16) and another from Henry Street to the east of the subject property. There is a proposed emergency access on Alamo Drive to the west of the subject property.

The proposed development plans to abandon the current on-site private well and proposes to connect to the SCWA system to supply the estimated 89,470 gpd of potable water.

The subject site is currently developed with a single-family residence in the northeastern portion of the property, vacant agricultural equipment storage buildings located in the northern-central portion, a commercial nursery in the eastern portion, currently unused equestrian facilities in the southern portion, soil stockpiling operations and vacant land, including an artificial wetland (0.23 acres).

The subject property is primarily bounded by Horseblock Road to the north, residential uses to the east and west, and public utilities are located directly south of the subject property. The subject property is located within two zoning districts, the A-1 and J-4 Districts of the Town of Brookhaven.

The proposed project is not located in a Suffolk County Pine Barrens Zone. In order to achieve the proposed density on the site, as described above, the Arboretum project must redeem Pine Barrens Credits. Per the Town of Brookhaven Code, residential development on an eligible parcel is entitled to an increase in density based on the addition of Pine Barrens Credits to the customary unit yield. The proposed residential density increases to 292 units as the subject property redeems 38.6 Pine Barrens Credits. The subject parcel is not located in a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone III. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetlands occur on the subject site.

STAFF ANALYSIS

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

It does not appear that the change of zone application for the Arboretum project is incompatible land use and would not affect public convenience and maintaining of a satisfactory community environment. Inter-community issues that may exist between the residential communities that surround the project site appear to be mitigated by transitioning from existing neighboring single family detached dwellings to the attached units by surrounding the attached units with new detached single family homes as a buffer to the existing. Moreover, publicly accessible open space amenities are offered as additional recreational resources to the community. Motor vehicle trip generation from the subject proposed development, given implementation of minor mitigation measures (signal

re-phasing at Waverly Ave. and CR16 and Blue Point Road and CR 16; addition of a traffic signal at the site access along CR 16; and relocating the curb cuts for the Post Office along the east side of the new entrance driveway to the project), the proposed project is not expected to have a significant impact on area traffic flow or operations at nearby intersections. The commercial component of the proposal as ground floor restaurant space and offices above do not appear to conflict with existing commercial establishments or nodes in the area and is considered a compatible land use in the area and would not impact community character in an adverse manner.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Brookhaven Comprehensive Land Use Plan (1996) specifically recommends “one acre or less” residential density for the subject property. The density scale for the Comprehensive Land Use Plan Map begins at very low density, to low density, to on acres or less density, to high density to PDD. It is not clear if the proposal is in alignment with the plan. The transfer of Pine Barrens Credit to create non-contiguous open space on targeted sending parcels, a land use planning tool not in the Comp. Plan at the time of the writing, can be a mitigation offsetting the recommendation of the '96 plan.

More recently, October 18 2010, the Town completed *Farmingville: Our Vision for Tomorrow, Community Redevelopment Plan*. While there are no specific recommendations in the vision plan for the project site’s overall development, many of the elements within the plan have been incorporated into the change of zone proposal (additional housing, green corridor, public recreation etc. The Vision plan was “accepted” as an advisory document by the Town Board but the plan has not been “adopted” by the Town Board giving it the force of law.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

As indicated previously, all wastewater from the proposed Arboretum at Farmingville project is intended to be conveyed to a newly constructed on-site sewage treatment plant. Continued review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted.

Storm water runoff from the proposed project will be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. This system will include three on-site storm water retention areas in the form of ponds and catch basins and leaching pools. Submission materials to the Commission indicate that NYS DEC SWPPP requirements will be met. It is the belief of staff that opportunities exist on site, during site plan stages to incorporate additional best management practices to the treatment of storm water runoff. The petitioners should be encouraged to review the Suffolk County Planning Commission publications *Creation of Man-made Ponds in Suffolk County* and *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.

Application materials referred to the Suffolk County Planning Commission from the Town of Brookhaven regarding the consideration of energy efficiency indicate the intention to incorporate energy efficient amenities into the project during site design stages. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein for the residential and clubhouse components of the proposal as well as the commercial components of the proposal.

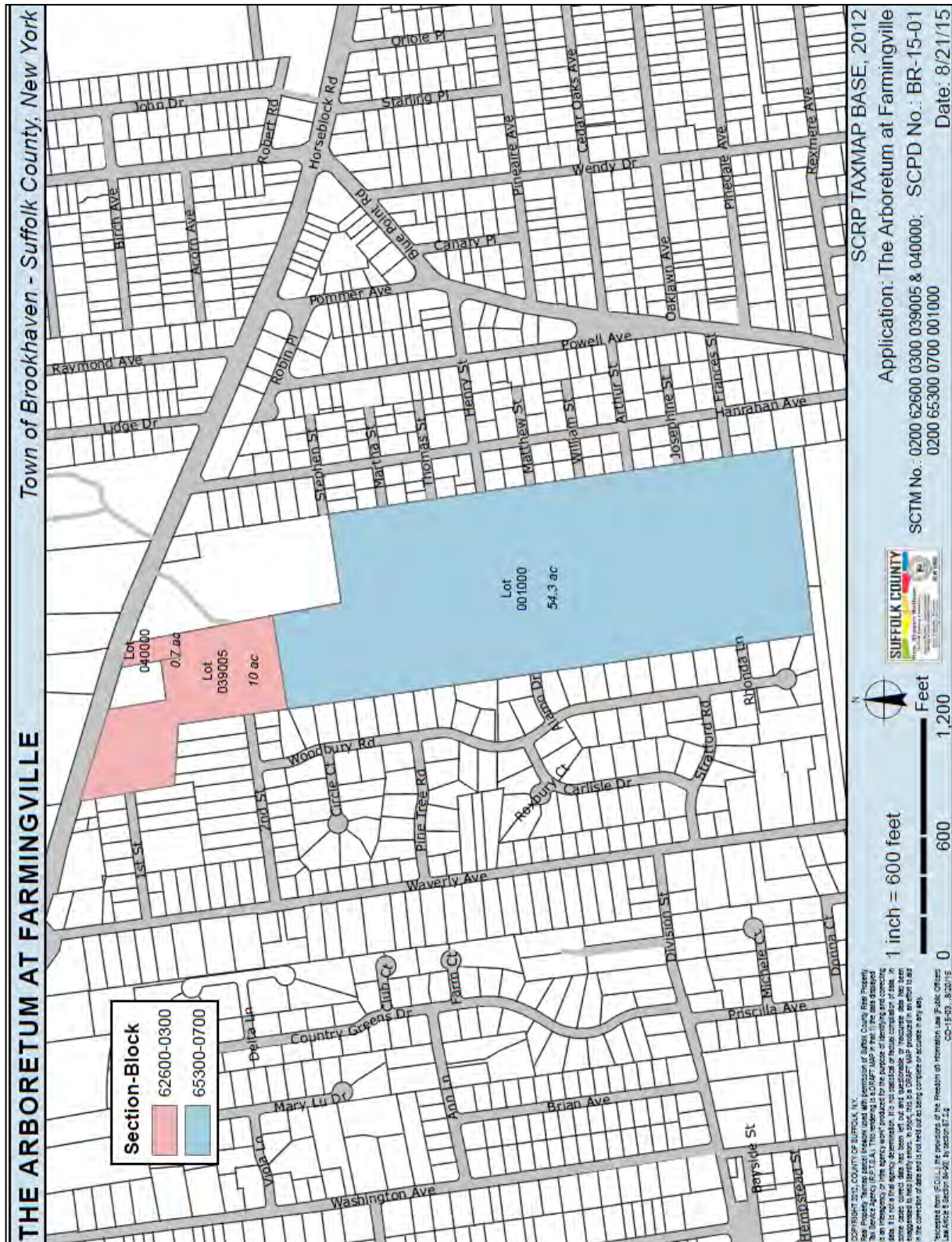
Suffolk County Bus Transit routes SC-71 and SC-63 run along this portion of CR 16. These routes provide access to Brookhaven Town Hall, and the Yaphank train station to the east and Waverly Avenue to the west running north and south to Middle Country Road (NYS Rte. 25) and St Joseph's College respectively. Pedestrian connections are shown from the interior of the site to Horseblock Road in order to provide a pedestrian route linkage to the County ROW. An accommodation for bus transit is not indicated on the conceptual plan.

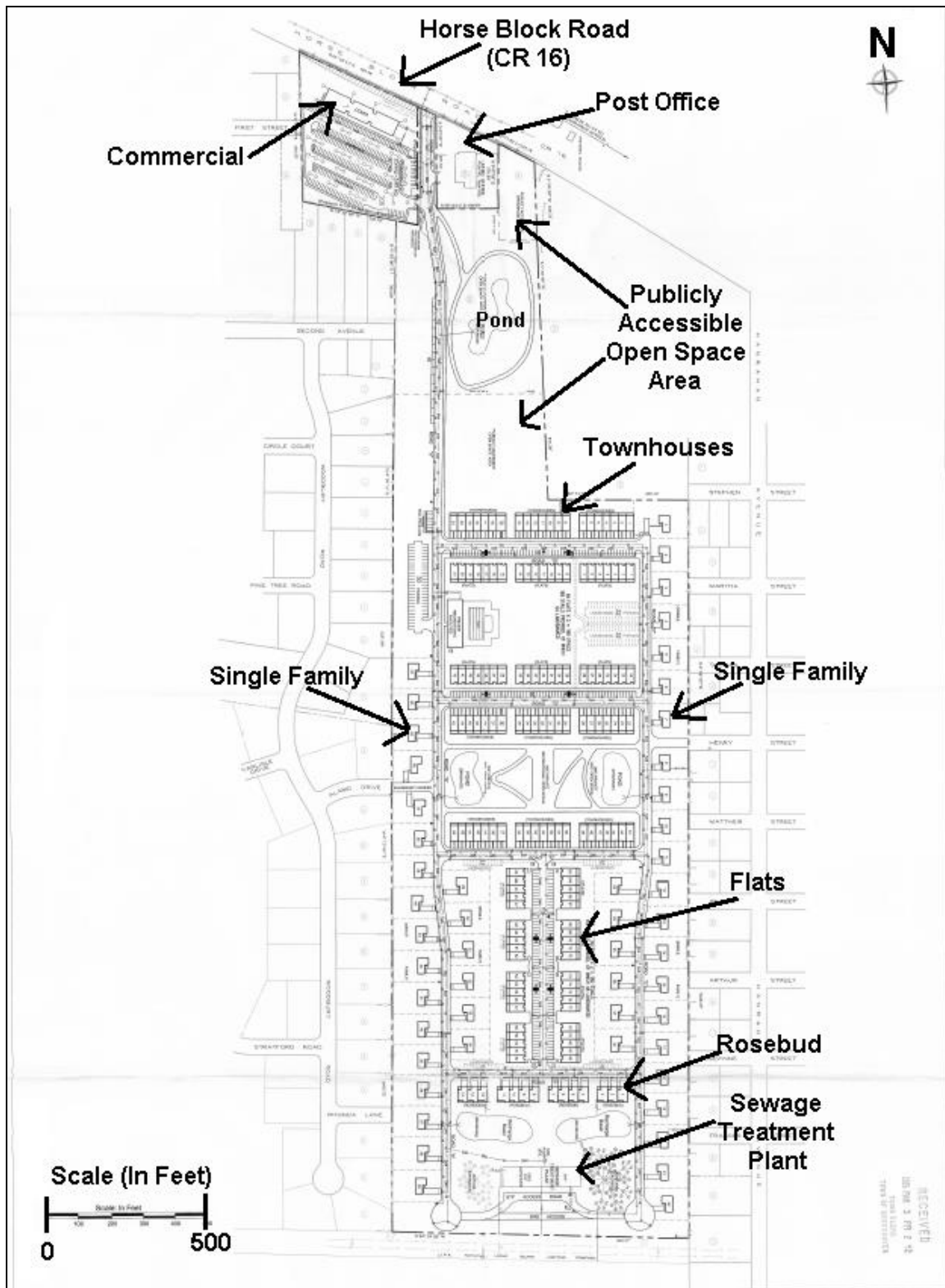
Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.

STAFF RECOMMENDATION

Approval of the change of zone from A Residence 1 & J Business 4 to Multi-Family Residence District (MFRD) and J Business 2 on 65.24 acres for the Arboretum at Farmingville's proposed mixed-use residential community and commercial development with the following comments:

1. Continued review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted and the petitioner should be directed to continue dialogue with the Suffolk County Department of Health Services and the SCDPW.
2. The petitioner should be encouraged to review the Suffolk County Planning Commission publication on the Creation of Man-Made Ponds in Suffolk County and incorporate into the proposal, where practical, design elements contained therein.
3. The petitioner should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
4. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
5. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
6. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
7. The pedestrian connection made between the walking path at the north end of the subject development and Horseblock Road should be designed, in addition to recreational use, as a connection to bus transit, as appropriate, in coordination with Suffolk County Transit.





Z-3: The Arboretum at Farmingville
 SCPD: BR-15-01
 SCTM No: 0200-626.00-03.00-039.005 et al

COUNTY OF SUFFOLK

Z-3



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

**Division of Planning
and Environment**

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

Applicant: Anaerobic Digester at LI Compost Corp/Great Gardens LLC
Municipality: Brookhaven
Location: north side of Horseblock Road (CR 16) ~ 751' west of Yaphank Avenue

Received: 8/20/2015
File Number: BR-15-04
T.P.I.N.: 0200 84600 0300 003001
Jurisdiction: Adjacent to CR 19 Horseblock Road & Suffolk County land

ZONING DATA

- Zoning Classification: L1
- Minimum Lot Area: 20,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Composting facility
- Existing Structures: multiple processing structures and bldgs.

- General Character of Site: Level
- Range of Elevation within Site: 30-60' amsl
- Cover: compost, process buildings asphalt.
- Soil Types: Riverhead association
- Range of Slopes (Soils Map): 0-3%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Special Exception Site Plan
- Layout: industrial process
- Area of Tract: 62.07 Acres
- Yield Map: N/A
- Open Space: 0

ACCESS

- Roads: CR 16, Horseblock Road
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB-LP
 - Recharge Basins: swale drainage ditch
- Groundwater Management Zone: VI
- Water Supply: public
- Sanitary Sewers: ST-LP

PROPOSAL DETAILS

OVERVIEW – Applicants seek Town Board Special Permit approval for the construction and operation of an approximate 90,500 SF Anaerobic Digester (AD) facility on approximately 10.88 acres within an existing 62.06 acre operating composting facility in the hamlet of Yaphank.

The existing operation is currently subject to a court ordered Stipulation of Settlement with the NYSDEC. According to the Stipulation of Settlement, the existing facility can only store a maximum of 60,000 cubic yards of mulch. Upon implementation of the proposed action, including the construction of the AD Facility, the existing facility operations would be reduced from the storage of 60,000 cubic yards of mulch on-site to 15,000 cubic yards of cured and chipped wood mulch and 20,000 cubic yards of unprocessed land clearing debris. This reduction in storage is intended to significantly reduce potential odor and dust impacts.

In addition to the above, according to submitted materials to the Suffolk County Planning Commission by the Town of Brookhaven regarding the Stipulation, the project sponsors must:

- Construct an asphalt paved road from the scale house to all material handling areas
- Replace all on-site vehicles powered by internal combustion engines that are capable of being replaced with compressed natural gas powered engines
- Replace all on-site stationary diesel-powered machines with either electric or compressed natural gas-powered motors

The new AD facility is proposed to be located in the eastern portion of the site, at least 75' from the property lines and A1 zoning district on the north side of Horseblock road. The closest structure the entrance to the facility is proposed to be located approximately 689 feet from Horseblock Road.

Parking required for the AD facility is 143 off street parking stalls and the proposed conceptual plan demonstrates compliance with the Brookhaven Town Zoning Law.

The subject property is located on Horseblock Road (CR 19). The single point of uncontrolled access to and from the parcel is proposed to remain at the south central portion of the site.

The proposed AD facility is to remain connected to public water supplied by the Suffolk County Water Authority.

Wastewater from the anaerobic digestion process and bathroom facilities will be treated on-site (Ammonium sulfate, which will be created from the ammonia stripped during the sewage effluent pre-treatment process, will be captured and re-used on-site) and discharged to groundwater via conventional systems per SCDHS requirements.

Storm water runoff from the contemplated development is intended to use catch basins, dry well leaching pools and an existing drainage ditch.

The subject property is located in an Industrial One (Ind 1) zoning designation. To the west are unimproved Light Industrial 1 lands. To the north are lands and facilities of Suffolk County zoned Residential A1. To the East are A1 zoned lands improved with agricultural type operations along Yaphank Ave and unimproved L1 zoned lands. To the South, across CR 19 are lands in the A1 zoning district that includes the Brookhaven land fill.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone VI. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetland occur on the subject site. Groundwater issues associated with the Town Land Fill and certain spills recorded on site that are under investigation and remediation by the appropriate regulatory agencies are noted. The site is located in the western portion of the Carmans River watershed in approximately the two to ten year groundwater travel time zone.

STAFF ANALYSIS

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

It is the belief of the staff that the special permit for an Anaerobic Digester Facility is a compatible land use for this site and environs and would not adversely affect public convenience and maintaining of a satisfactory community environment. Inter-community issues with respect to noise, odor, dust etc. are mitigated by the proposal.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Brookhaven Comprehensive Plan (1996) designates this area for industrial development. Zoning for the subject property (L1) permits the use by Town Board Special Permit pursuant to sections 85-68, 85-561 B. and 85-570 M. and the proposed AD facility does not contravene any conditions or safeguards put in place for the special permit.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

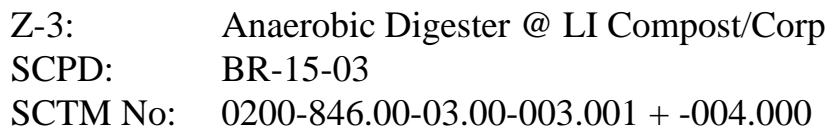
As indicated above, according to submitted material to the Suffolk County Planning Commission the subject proposed AD Facility is intended to correct noise, odor, dust, groundwater, etc. issues associated with the existing composting facility via a Stipulated Settlement with the NYS DEC. It is anticipated that the resulting action will have greater environmental protection than the existing operation.

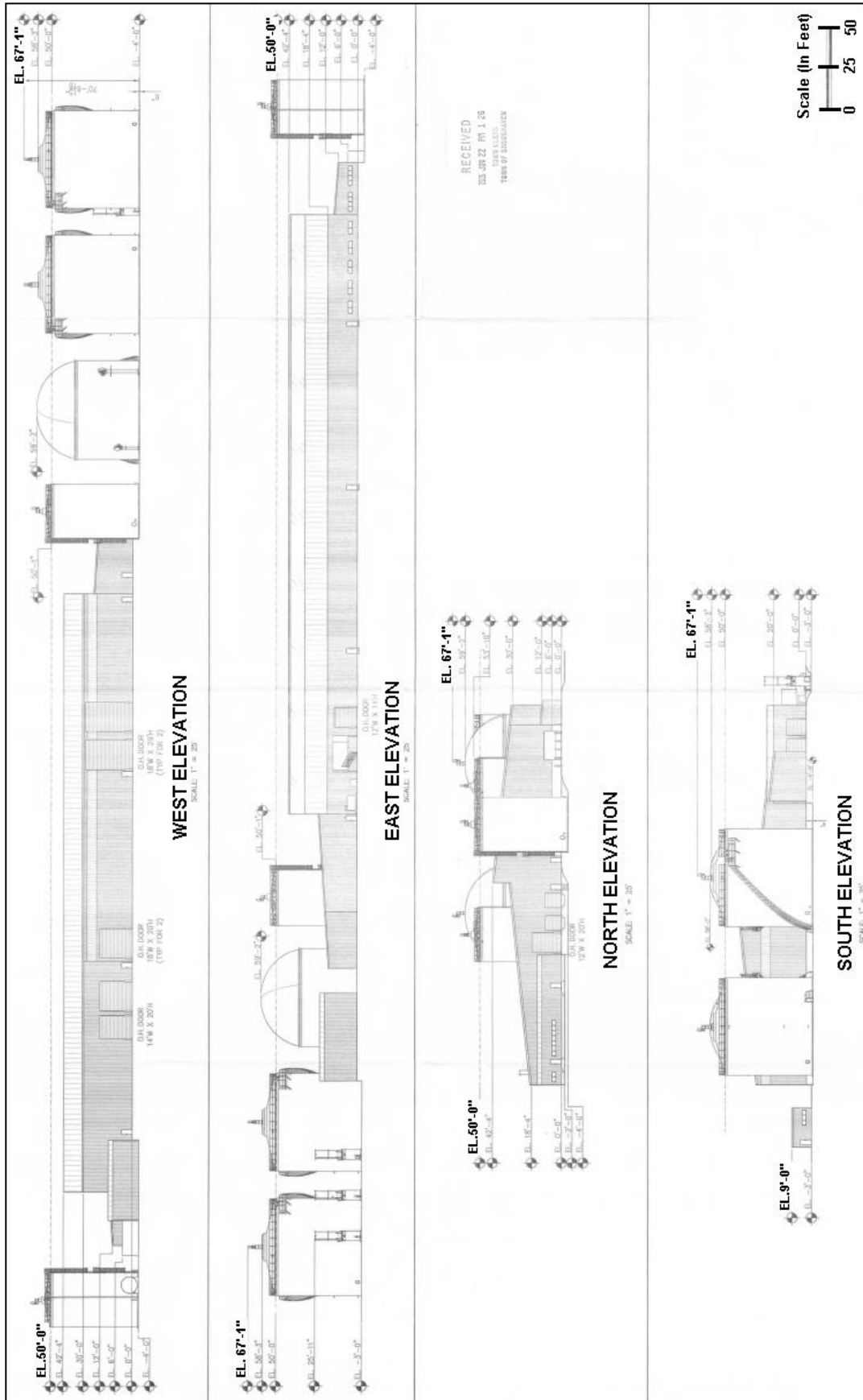
Storm water runoff from the proposed AD Facility is intended to be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. There is an opportunity to develop the site utilizing best management practices and state of the art storm water treatment methodologies. The applicants should be encouraged to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

STAFF RECOMMENDATION

Approval of the Anaerobic Digester @ LI Compost/Great Gardens LLC Brookhaven Town Board Special Permit with the following comments:

1. The applicant should be directed to consult with the Suffolk County Department of Public Works for direction toward analysis of the proposed use and traffic impacts to CR 19, Horseblock Road.
2. The applicant should be directed to consult with the Suffolk County Department of Health Services regarding wastewater discharge issues.
3. The applicant should be encouraged to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.





Z-3: Anaerobic Digester @ LI Compost Corp

SCPD: Pj-14-01

SCTM No: 0206-120.00-06.00-001.000 et al



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

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

Received: 8/06/2015
File Number: IS-15-02
T.P.I.N.: 0500 13400 0200 003000
Jurisdiction: Adjacent to NYS Sagtikos Parkway R.O.W.

ZONING DATA

- Zoning Classification: Industrial 2 (change of zone from Industrial 1 granted 6/25/15 with a Special Permit* for a scrap metal processing facility)
- Minimum Lot Area: 20,000. Sq. Ft.
- Section 278: No
- Obtained Variance: No – *Special Permit was granted subject to Zoning Board of Appeals approval of an area variance due to the fact that the property is less than 500' from a residential use or zone (338' distance proposed).

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: vacant
- Existing Structures: foundation
- General Character of Site: Level
- Range of Elevation within Site: 100-105" amsl
- Cover: Asphalt, some woods west side
- Soil Types: Haven and Riverhead series
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Area Variance – to operate a scrap metal processing facility not having the required distance of 500 feet from a residential use or zone (pursuant to Section 68-356 (G) Town Code).
- Layout: Standard
- Area of Tract: 3.61Acres (1 tax map parcel)
- Yield Map: Not applicable

ACCESS

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

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: Catch basins with filter and treatment devices
 - Recharge Basins: No
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: On-site septic system (revised prior proposal – site does not have connection to sewer district)

PROPOSAL DETAILS

OVERVIEW – Applicants seek area variance approval from the Islip Town Board Zoning Board of Appeals to operate a scrap metal processing facility not having the required 500 feet distance from a residential use or zone. The necessary variance is a condition of a 'special permit' granted by the Town Board on June 25, 2015; at the same time the property/petitioner was granted a change of zone classification from Industrial 1 to Industrial 2 for the construction and operation of a ferrous and non-ferrous scrap metal processing and rail freight facility on 3.61 acres in the hamlet of Edgewood.

The variance sought is for relief from the 500' distance requirement in accordance with the Town of Islip zoning code, which states that the proposed use would only be permitted in an Industrial 2 zoned district provided that it is not within 500 feet of any residential use or zone. The subject application proposes a distance of only 338 feet from a residential use or zone, a requested relief of 32.4%.

The proposed scrap metal processing use brings in various metals, which are then sorted, cut into pieces and bundled and sent out. The proposed facility is to consist of a pre-engineered metal building of 9,600 SF, an open 36,140 SF scrap metal tipping and processing area on the slab foundation of the prior building, a 1,763 SF Scale House and the proposed use of the rail spur along the west side of the property for items leaving the facility. The remainder of the site is existing asphalt pavement.

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

The subject property is located on Emjay Boulevard. A single point of uncontrolled access to and from the parcel is proposed to be located at the southeast corner of the subject property. Emjay Boulevard while located in an Industrial One (Ind 1) zoned area within approximately 69 acre industrial park which can only be accessed from streets passing through a residential neighborhood to the east. Access to the intended project site is only possible from Crooked Hill Road (CR 13) via several residential side streets and Mac Arthur Ave., a residential collector street. From Wicks Avenue access is through several residential side streets and from Suffolk Ave. In this area Suffolk Avenue is residential in character and a collector for Wicks Road. The existing road pattern through a residential area is the only access to the subject site and this particular industrial park, and is a fact that cannot be easily changed.

The Town of Islip did not require the applicant to submit a full traffic impact study; a decision guided by the Institute for Transportation Engineers recommended threshold standards; but did request that trip generation estimate for the proposed use to be submitted. The estimate was based on proposed maximum amount of scrap metal material that can be stored on site (1,200 tons) and the approximate size of the vehicles expected to deliver to the site, indicating approximately 336 inbound trucks. The referral information indicated that the prior transfer station use generated approximately 230 inbound truck trips per day. An important aspect of this proposal is the access to the rail spur, which has not been factored in to this trip generation estimate.

The proposed scrap metal processing facility is expected to generate a substantial amount of noise. The Town of Islip Planning Department reviewed how to mitigate this impact, and the applicant has agreed to install a 10 to 12 foot sound attenuation wall along the north, east (Emjay Boulevard) and south portion of the property. In addition the processing equipment will be enclosed within a building designed for noise attenuating purposes.

The Suffolk County Planning Commission previously resolved to disapprove the change of zone of this property from Industrial 1 to Industrial 2 in order to allow the proposed scrap metal processing facility to be developed the subject location. The Town of Islip Town Board subsequently approved the change of zone subject to some items brought up by the Commission, including: that all storm water will be retained on-site; and that the applicants review the request material with regards to stormwater management, energy efficiency, public safety and universal design.

The subject property currently has an Industrial Two (Ind 2) zoning designation. To the north, south and east (across Emjay Blvd.) are improved light industrial (Ind 1) properties. To the west is the ROW for the MTA and the NYS Sagtikos Parkway. Further south on Emjay Blvd. and bordering the Ind 1 zoning district northward are improved residential dwellings in a well-established Residential A zoned neighborhood.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone I. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetland occur on the subject site.

STAFF ANALYSIS

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

It appears that there could be an undesirable change in the character of the neighborhood or to the nearby residential properties if the variance is granted. There are problematic inter-community issues between the residential community and truck traffic which must travel through the community to access the proposed scrap metal processing facility use on the subject property.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Islip Comprehensive Plan; Community Identity Plan for Brentwood (volume 7C 1976) indicates that “in some neighborhoods like East Brentwood or Edgewood, where civic associations are existing, the plan simply endorses the status of an existing neighborhood...” the Town of Islip does not have a more recent Comprehensive Plan for the area. However, the Zoning Law for the Town of Islip regarding revisions to Subsection 68-356 “Uses permitted by special permit from the Town Board after public hearing” was last revised in April of 1997 and the entire Article XXVI “Use District Regulations: Industrial 2 District was reviewed and last amended April of 2005. The industrial 2 District is designed for industrial activities “which can meet a reasonable level of performance standards than other industrial Districts.” In the revised section 68-356 G scrap metal processing facilities are permitted by special permit “provided that no such...scrap metal processing facility is located within 500 feet of any residential use or zone...” It does not appear that the petition can meet the above special permit standard as the south east corner of the subject property is approximately 338 feet from the residential zone to the east.

The application to request relief from the 500’ distance requirement is an area variance for a use permitted by a special permit, and based on case law such a request should be treated no differently than an area variance from general, so called bulk, zoning requirements.

As it is stated in the Town Code (Section 68-356 G.) the proposed scrap metal processing facility is a use permitted by the granting of a ‘special permit’ providing that it is not located within 500 feet of any residential use or zone, and therefore an area variance is sought for the proposed reduced distance from 500’ to 388’ from the closest residential use or zone. Therefore to allow for this particular special permitted use, the applicant must obtain variance for the reduced distance and therefore, as with any area variance request, must demonstrate a hardship also known as a “practical difficulty” in order for the Zoning Board of Appeals to grant the requested relief.

According to New York State Town Law (Section 267-b) If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (in this case within 500’ of a residential use or zone), then State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. And State law also requires the ZBA to take the following factors into consideration in making its determination:

- (1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
- (3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(5) whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account.

Whether the ZBA decides to grant an area variance, State law requires the ZBA to grant the *minimum variance necessary* to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. For these same reasons, the ZBA may also impose reasonable conditions on the grant of any variance.

With regards to the above variance criteria, the first factor to consider; whether granting the requested variance will result in a detriment to the neighboring residential community is the fundamental issue which the staff feels requires the most consideration.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

As indicated above, the Suffolk County Planning Commission had received and considered a prior change of zone and special permit application on the subject property to construct and operate a scrap metal facility, and according to submitted material to the Commission the subject property had previously been used as a solid waste transfer station (Emjay Environmental Recycling, LLC). The NYS DEC, under part 360 of the ECL closed the facility in April of 2014. Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known what studies, data and analysis have been prepared and submitted to the appropriate agencies. It is not known what standards may have been used for a closure plan or what monitoring programs (if any) have been implemented and for how long such a program(s) will be in place.

Storm water runoff from the proposed project should be retained on-site (not allowed to reach street drainage systems) and recharged via a drainage system designed to conform to all applicable Town requirements. Submission materials to the Commission do not indicate that NYS DEC SWPPP requirements will be met, though it is presumed. There is an opportunity to develop the site utilizing best management practices and state of the art storm water treatment methodologies. As indicated in the referral information from the Town; the petitioners have been instructed to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

It was furthermore mentioned in the referral material to the Suffolk County Planning Commission that the petitioners have reviewed the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and may incorporate where practical, for later site planning stages, elements contained therein applicable for components of the proposal.

The Subject property is situated in the Brentwood Census Designated Place and includes the subject property and the surrounding community. This CDP is defined as both an “economically distressed” and “minority area” by the Suffolk County Planning Commission pursuant to Suffolk County Legislative Resolution No. 102-2006 which requires Commission members to “take into account the potential of any such project to have a disproportionately high and adverse health and/or environmental impact on a minority or economically distressed community.” Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The subject petition has received a Determination of Non-Significance per SEQRA from the Town of Islip and Part 3 of the EAF includes a Truck & Rail Traffic Comparison. Other impacts including noise, odor or groundwater impacts have been addressed and mitigating measures have been incorporated into the resolution approving the prior change of zone and special permit granted June 25, 2015. *Note:* See Town Board resolution attached to this report.

According to a Town of Islip Department of Planning and Development – Staff Analysis, “trip generation estimates for the proposed and prior uses was submitted for comparison purposes. The comparison showed a notable increase from 230 to 336 inbound trips per day, without factoring the access to the rail spur. Suffolk County Planning Commission staff (who are not traffic engineers) doubled the reported number of inbound trips to calculate a total increase of 212 (672-460) truck trips per day, which seems significant. However, staff is unable to substantiate the comparative analysis without the benefit of any traffic study prepared regarding this petition. Such information is necessary in order to determine the impact on local residential streets as well as, intersections with Crooked Hill Road (CR 13) and Wicks Avenue (CR 7). The petitioner should be directed to consult with the Suffolk County Department of Public works for direction toward analysis of the proposed use and impacts to CR 7 and CR 13 from Suffolk Ave, MacArthur Ave, McNair Street, etc.

STAFF RECOMMENDATION

Disapproval for the following reason:

Sufficient information has not been submitted to demonstrate compliance with applicable area variance criteria particularly as it relates to ‘whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance’.

The following two points are the staff’s rationale:

1. Section 68-356 G of the Town of Islip Zoning Law indicates that scrap metal processing facilities are permitted by special permit “provided that no such...scrap metal processing facility is located within 500 feet of any residential use or zone...” It does not appear that the petition can meet the above special permit standard as the south east corner of the subject property is approximately 338 feet from the residential zone to the east. To grant the variance would have an altering effect on the land use pattern in this community. Approval of the diminished distance in accordance with the Code requirements for this type of ‘special permit’ use would tend to substantially undermine the effectiveness of the intention of the

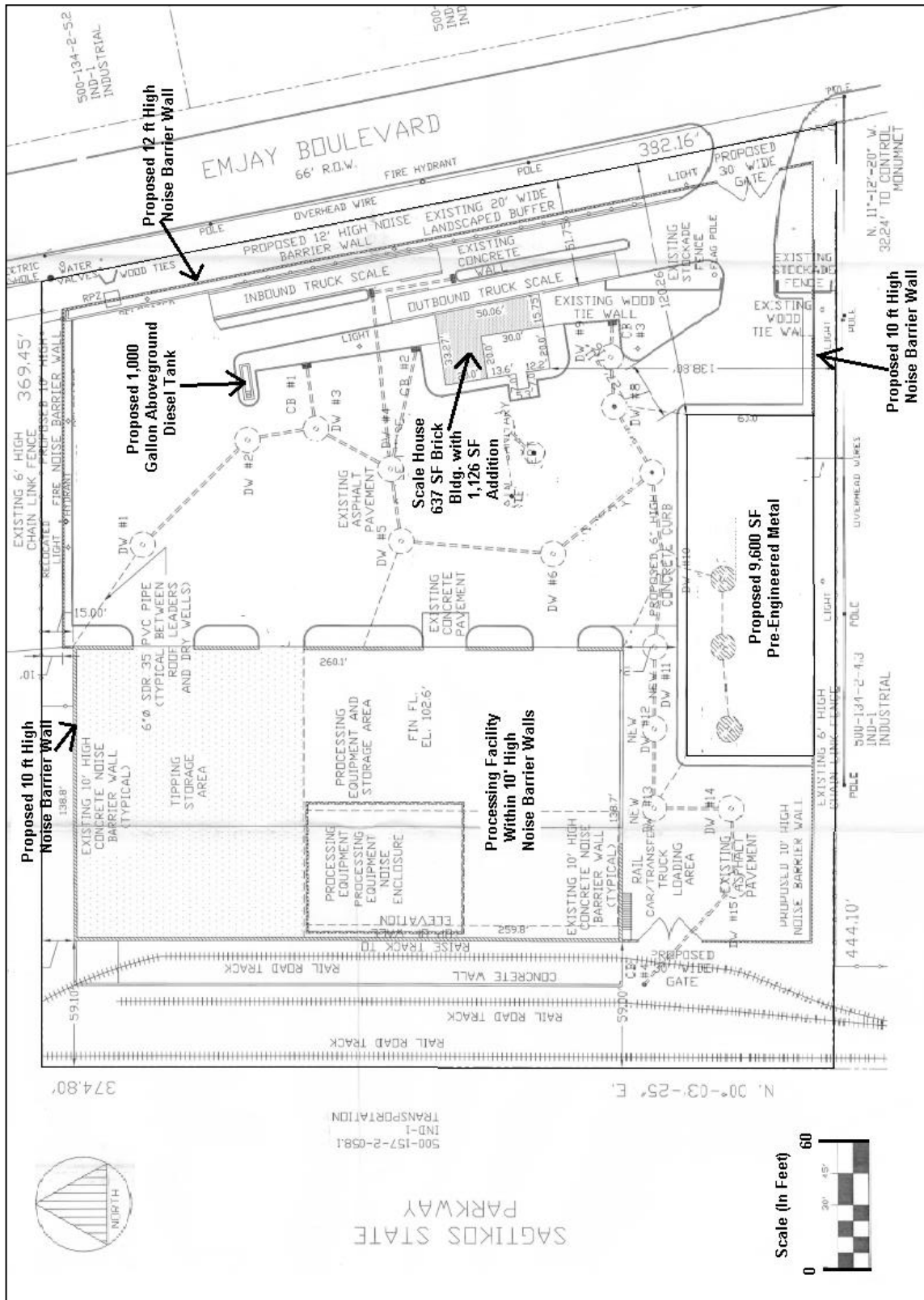
zoning ordinance to maintain sufficient distance between incompatible uses and would tend to establish a precedent for further such uses within close proximity to residential uses and zones.

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

Comments:

1. The Town of Islip Zoning Board of Appeals could consider imposing additional 'conditions and restrictions'* as are directly related to and incidental to the proposed use of the property for which the requested variance is intended. Such conditions should be consistent with the spirit and intent of the zoning ordinance or local law, and should be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community (i.e. limiting the hours of operation, require additional impact mitigations, prohibit idling and/or parking of trucks on public streets).

* *Note:* See Town Board resolution attached to this report.



Z-4: King & Queens Transload
 SCPD IS-15-02
 SCTM No: 0506-134.00-02.00-006.000

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099

T: (631) 853-5192 F: (631) 853-4044

Joanne Minieri, Deputy County Executive and Commissioner, Department of Economic Development
and Planning

Sarah Lansdale, Director of Planning

Agenda

September 2, 2015 at 2:00 p.m.

Maxine S. Postal Auditorium
Evans K. Griffing Building, Riverhead County Center
300 Center Drive Riverhead, New York 11901

1. Meeting Summary for May, June 2015
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
None
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Solar Liberty, Town of Babylon
0100-10100-0100-002.000
 - The Arboretum at Farmingville, Town of Brookhaven
0200-62600-0300-039005
 - Anaerobic Digester @ LI Compost Corp/ Great Gardens, LLC, Town of Brookhaven
0200-84600-0300-003001 and 004000
7. Section A-14-24 of the Suffolk County Administrative Code
 - Kings & Queens Transload, Town of Islip
0500-13400-0200-003000
8. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on October 7, 2015 2 p.m. Town of Huntington Board Room

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

David L. Calone
Chairman

Sarah Lansdale, AICP
Director of Planning

Date: September 2, 2015
Time: 2:00 p.m.
Location: Maxine S. Postal Auditorium
Evans K. Griffing Building, Riverhead County Center
300 Center Drive, Riverhead, New York 11901

Members Present (14)

Ramon Accettella Jr. – Town of Babylon (left before Arboretum vote)
Michael Kelly – Town of Brookhaven (left meeting before it ended)
Samuel Kramer – Town of East Hampton
Jennifer Casey – Town of Huntington
Matthew Chartrand – Town of Islip
Carl Gabrielsen – Town of Riverhead
John Finn – Town of Smithtown
Barbara Roberts – Town of Southampton
Nicholas Planamento – Town of Southold
Adrienne Esposito – Villages Over 5,000
Michael Kaufman – Villages Under 5,000
Kevin Gershowitz – At Large
David Calone – At Large (arrived after meeting started @ 2:24 p.m.)
Samuel Chu – At Large

Staff Present (6)

Sarah Lansdale – Director of Planning
Andrew Freleng – Chief Planner
John Corral – Planner
Ted Klein – Senior Planner
Bosia Bradish – Assistant County Attorney (Acting Counsel to the Commission)
Brittany Geloimino – Assistant County Attorney (Counsel In-training)

Call to Order

- The Suffolk County Planning Commission meeting of September 2, 2015 was called to order by 1st Vice Chair Adrienne Esposito at 2:10 p.m (filling in for Chairman David Calone until he arrived).

The Pledge of Allegiance

Public Portion (taken out of order) – Five members of the public spoke to the Commission about two applications on the agenda. In addition, during the public portion the 1st Vice Chair recognized Suffolk County Legislator Monica Martinez of the 9th Legislative District, inviting her to participate in the public portion of the meeting which she did, speaking in regard to the King and Queens Transload LLC application.

David Calone arrived and assumed Chairmanship of the meeting (2:24 p.m.)

Adoption of Minutes

- The adoption of the May 2015 Meeting Minutes. Motion to adopt as amended made by Commission member Kaufman, seconded by Commission member Roberts. Vote Approved: 14 ayes, 0 nays, 0 abstentions.
- The adoption of the June 2015 Meeting Minutes. Motion to adopt as amended made by Commission member Kaufman, seconded by Commission member Roberts. Vote Approved: 14 ayes, 0 nays, 0 abstentions.

Chairman's Report – Chairman Calone updated the Commission as follows (noting that there was no August meeting):

- On Agriculture; The Chair restated the Planning Commission's "farmers of the future" effort has been launched and the Commission is seeing the first applications from that, working with its partners in the County Executive's office and the Peconic Land Trust to award up to \$1 million from the State to help young and transitioning farmers afford the capital equipment that they need to get started. The Chair also announced that a new effort has been launched by the County Executive's office to improve education opportunities to get more people interested and prepared to farm, acknowledging that Carl Gabrielsen has been attending those meetings on behalf of the Commission and has been leading some of the work on the effort.
 - Commission member Carl Gabrielsen informed the Commission about the farming education effort known as the Ag Literacy Program being offered by way of a joint effort of the County, State Ag and Market Agency, along with local schools and municipalities; and announced that there will be a 2 day seminar being held in October, starting within greenhouses and then touring several open farming operations.

Chairman's Report (continued)

- On the issue of "North Fork Traffic", Chairman Calone indicated that the Commission has talked about putting together a working group to look at how it can help improve North Fork traffic flow during the busiest tourist times of the year. The Chair stated that after the tragic accident, the Commission has discussed expanding that effort to include traffic safety. Chairman Calone noted talking to the Ag community, Legislator Al Krupski, the Supervisors of Riverhead and Southold, as well as the Trustees of the Village of Greenport, and indicated that the working group would get going soon – perhaps this month. The Chair also identified a potential source of funding for this effort as the Long Island Wine Council.
- On "Public Safety" the Chair indicated that the County Executive's office is eager for the Commission to complete this project and the State Attorney General remains interested in being involved and rolling this out state-wide. The Chairman stated that Governor Cuomo's former head of Public Safety for New York State also wants to help. He mentioned that the Commission already has a few towns, including Brookhaven and Babylon, where the Supervisors have expressed an interest in taking the Commission's public safety design code to provide guidelines for their own planning boards to keep public safety principles in mind when evaluating site plans. The Chair noted that the Commission conceptually approved the effort last year, and that the Commission just needs to incorporate final stakeholder feedback before finalizing it.
- On the 'Utility Solar' effort; Chairman Calone stated that the Commission has been working with the Towns of Brookhaven, Riverhead, Southampton and Smithtown on creating a model zoning code to establish best practices for utility solar. And the Chair was pleased to announce that the Town of Brookhaven adopted the Planning Commission's utility solar model code in August. The Chair indicated that the Town of Riverhead is also looking at amending their code to conform to the Commission's model code. Chairman Calone also said that back in July he met with PSEG regarding the recommendations about how they can better incorporate land use considerations into their RFP process.
- With regard to the Comprehensive Plan; Chairman Calone acknowledged that it has been years in the making, and that he and the Commission were very happy that it is done, adopted by the County Legislature unanimously and signed by the County Executive. The Chair stated that this is the first time in more than 40 years we have a strategic master plan for the County. The Chair thanked Planning Director Sarah Lansdale and all the staff for their work on it, adding they did a great job. Chairman Calone also indicated that soon briefings on the Plan will begin around the county to bring the visions outlined in the Plan to the local municipalities within the county.
- Regarding other Commission business;
 - Chairman Calone announced that the next Commission meeting is to be held on October 7th at the Huntington Town Hall at 2 p.m.
 - The Chair reminded the Commission they have discussed creating a "regionally valuable" designation that the Commission could establish to support development projects that are particularly worthwhile and important – "we will hope to work on some draft criteria based on our existing guidelines for discussion at the next Commission meeting".

Chairman's Report (continued)

- Regarding other Commission business (continued);
 - Another new idea Chairman Calone mentioned was a "Development Retrospective Event" – that would look back at a few projects that have been proposed and completed over the last few years, looking back to see what the claims were made by developers and what were the claims made by those opposed to the project, and see actually what impacts have come to pass. The Chairman believed that the Commission would be the best place to take a neutral and objective look at projects that have now been in place for a few years so the Commission can look back to see if the traffic impact concerns manifested, or what the actual number of children or jobs were produced; or if the environmental impacts projected from both sides were accurate.
 - Chairman Calone announced the date of the next Planning Federation Conference as being on October 14th, and that it will likely take place in Hauppauge at the H. Lee Dennison Building.

Director's Report – The Planning Director Sarah Lansdale informed the Commission about recent activities within the Division including the following:

- Director Lansdale acknowledged the completion of the County's Comprehensive Plan thanking all those who worked on it, and stated that the County will now be looking towards its implementation.
- The Director added that the staff will be working on the 'affordable housing survey' and the 'development retrospective' that the Commission has suggested.
- Director Lansdale also indicated that the staff was working on finishing up revisions to the County's Farmland Protection Plan, and indicated that it would be beneficial that the Commission members reviewed it, particularly Commission member Carl Gabrielsen, before the Plan was introduced for public comments.
- Speaking on the County Executive's "Reclaim Our Water" initiative, Director Lansdale indicated that the third innovative alternative septic system has been installed, being the third of nineteen planned; and a 2nd septic lottery program for the innovative alternative septic systems is being scheduled for the residents of the Village of Mastic Beach in the coming months. The Director also noted that there are several locations within the County where newly introduced innovative shallow-narrow drain field systems are to be constructed instead of the traditional leaching pool systems; and that one is planned to be installed in connection with one of the new innovative alternative septic systems in the Village of Mastic Beach.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **King and Queens Transload LLC (taken out of order);** referred by the Town of Islip, received on August 6, 2015 – the Commission's jurisdiction for review is that the application is adjacent to NYS Sagtikos Parkway R.O.W.. Applicants seek area variance approval from the Islip Town Board Zoning Board of Appeals to operate a scrap metal processing facility not having the required 500 feet distance from a residential use or zone. The variance sought is for relief from the 500' distance requirement in accordance with the Town of Islip zoning code, which states that the proposed use would only be permitted in an Industrial 2 zoned district provided that it is not within 500 feet of any residential use or zone. The subject application proposes a distance of only 338 feet from a residential use or zone, a requested relief of 32.4%.

The staff report recommended disapproval of the variance for two (2) reasons stating that 1) to grant variance would have an altering effect on the land use pattern in this community, and approval of the diminished distance in accordance with the Code requirements for this type of 'special permit' use would tend to substantially undermine the effectiveness of the intention of the zoning ordinance to maintain sufficient distance between incompatible uses and would tend to establish a precedent for further such uses within close proximity to residential uses and zones; and 2) there was insufficient information to address issues of traffic concerns relating to the proposal. The Staff also offered one (1) comment for consideration and use by the Town of Islip. After deliberation the Commission resolved to agree with the staff report and disapprove the application for the two (2) reasons stated and offer the one (1) comment.

The motion to disapprove the variance application and provide the two (2) reasons with the one (1) comment for its consideration and use by the Town of Islip was made by Commission member Chartrand and seconded by Commission member Accettella, vote to Disapprove; 13 ayes, 0 nays, 1 abstention (Gershowitz).

- **Anaerobic Digester at L.I. Compost Corp./Great Gardens LLC (taken out of order);** the application is referred by the Town of Brookhaven, received on August 20, 2015 - the Commission's jurisdiction for review is that the application is adjacent to Horseblock Road (CR 16) and Suffolk County land. The applicant seeks Special Permit approval from the Town Board for the construction and operation of an approximate 90,500 SF Anaerobic Digester (AD) facility on approximately 10.88 acres within an existing 62.06 acre operating composting facility in the hamlet of Yaphank.

The staff report recommended approval of the Anaerobic Digester at L.I. Compost/Great Gardens LLC Brookhaven Town Board Special Permit and offered three (3) comments for their consideration and use by the Town Board. After deliberation the Commission resolved to generally agree with the staff report and approve with four (4) comments.

The motion to approve the Special Permit application with four (4) comments for their consideration and use by the Brookhaven Town Board was made by 2nd Vice Chairman Kelly and seconded by 1st Vice Chair Esposito, vote to Approve; 14 ayes, 0 nays, 0 abstentions.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code (continued)

- **Solar Liberty Babylon LLC;** the application is referred by the Town of Babylon, received on July 27, 2015 – the Commission's jurisdiction for review is that the application is adjacent to Straight Path (CR 2) and Suffolk County lands. The applicant seeks Site Plan and Special Exception approvals from the Town of Babylon Planning Board for the construction of a solar energy production facility on approximately 50.26 acres in the hamlet of West Babylon. The proposed solar energy facility would be on a portion of a 114.70 acre parcel of the Saint John Cemetery property. The proposal indicates that only approximately 40 acres will contain solar arrays and the remaining 10 acres will consist of grassland. The proposed facility would produce approximately 8 megawatts of electricity to be sold to PSEGLI.

The staff report recommended approval of the proposed solar energy production facility and offered three (3) comments for consideration and use by the Town of Babylon Planning Board. After deliberation the Commission resolved to agree and approve the application with the three (3) comments.

The motion to approve the Site Plan and Special Exception application with three (3) comments for their consideration and use by the Town of Babylon Planning Board was made by Commission member Accettella and seconded by Commission member Casey, vote to Approve; 14 ayes, 0 nays, 0 abstentions.

- **The Arboretum at Farmingville;** the application is referred by the Town of Brookhaven, received on August 12, 2015 – the Commission's jurisdiction for review is that the application is adjacent to Horseblock Road (CR 16) and Suffolk County land. The applicant seeks Change of Zone approval from the Brookhaven Town Board for the redevelopment of 65.24 acres in the hamlet of Farmingville, from A-1 Residence and J-2 Business to Multi-family Residence District-Secondary Zone and J-2 Business. The proposal intends to redevelop the property for mixed-use purposes with 292 residential units and a 7,500 SF clubhouse; 24,000 SF of commercial space, and a 7,728 SF on-site sewage treatment plant (expandable to 150,000 gallons per day capacity).

The staff report recommended approval of the proposed change of zone from A-1 Residence and J-2 Business to Multi-Family Residence District (MFRD) and J-2 Business on 65.24 acres for the Arboretum at Farmingville' proposed mixed-use residential community and commercial development, and offered seven (7) comments for consideration and use by the Brookhaven Town Board. After deliberation the Commission resolved to generally agree with the staff report and approve with eight (8) comments.

The motion to approve the change of zone application with eight (8) comments for their consideration and use by the Brookhaven Town Board was made by Commission member Gershowitz and seconded by Commission member Kramer, vote to Approve; 12 ayes, 0 nays, 1 recusal (Kelly)

Noted: Commission member Accettella left the meeting before vote.

Meeting Adjournment (5:10 p.m.)

The motion to adjourn the meeting was made by Commission member Kaufman and seconded by Commission member Gershowitz. The motion was approved.