

# 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**

**November 4, 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 October 2015
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
  - Kyle Collins, Planning and Development Administrator, Town of Southampton,
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - Westfield Green Residential Development, Town of Brookhaven  
0200-47400-0100-001003
  - Accabonac Road Solar Site, Town of East Hampton  
0300-12500-0100-001000
  - Adopted Reso 2015-950, Riverside Revitalization, Town of Southampton
  - The Heritage at Cutchogue, Town of Southold  
1000-10200-0100-033003
7. Section A-14-24 of the Suffolk County Administrative Code
8. Other Business:

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on December 2, 2015 2 p.m. Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY.

# 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 A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

**Applicant:** Westfield Green Residential Development  
**Municipality:** Brookhaven  
**Location:** N/S/O Middle Country Road (NYS Rte. 25) a~840' E/O Bicycle Path

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**Received:** 10/8/15  
**File Number:** BR-15-07  
**T.P.I.N.:** 0200 47400 0100 001003  
**Jurisdiction:** Adjacent to NYS Route 25 (Middle Country Road)

### **ZONING DATA**

- Zoning Classification: Multi-Family (MF)

### **SUPPLEMENTARY INFORMATION**

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

### **SITE DESCRIPTION**

- Present Land Use: Vacant Golf Driving Range/Miniature Golf
- Existing Structures: Pro Shop & Managed Green
- General Character of Site: Rolling
- Cover: Turf, asphalt & buildings
- Soil Types: Carver, Plymouth Associations; Cut and Fill Land
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None on Site

## NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Site plan
- Layout: Standard
- Area of Tract: 14.2 Acres
- Yield Map:
  - No. of Lots: 126 Units
  - Lot Area Range: N/A
- Open Space: 2.6 Acres

## ACCESS

- Roads: NYS Route 25 (Middle Country Road)
- Driveways: Private

## ENVIRONMENTAL INFORMATION

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

## PROPOSAL DETAILS

**OVERVIEW** - Applicants seek Town of Brookhaven Planning Board approval to permit the construction of 126 residential condominium units within thirteen structures on 14.2 acres within the MF zoning district. The proposed design would focus open space and a 1,200 SF community building along NYS Route 25 and situate the majority of the residential units in the northern and eastern portion of the subject site. The proposed action includes 32 workforce housing units (approximately 25% of the total units). A total of 264 off street parking stalls are required by Town of Brookhaven Zoning Law and as many 270 are provided although 37 stalls are land banked.

Residential unit density for the proposal is established by the project sponsors at nine (9) units to the acre as the site is considered a “Primary Zone” by definition of the Brookhaven Zoning Law, Article IX (MF Residence District [Multi-Family], section 85-80 (site selection) that states that “commercial sites...which provide opportunities for redevelopment as housing sites...may be considered as primary zones.”

As shown on the submitted site plan, sanitary waste generated by the proposed action is intended to be treated by connection to an off-site municipal sewage treatment plant. Consultations by the project sponsors with the local sewer district (i.e. SCSD # 11) and the Bretton Woods STP, located southeast of the subject site (during the time of the change of zone review in 2011), were reportedly conducted to determine if it would be feasible to connect to either of those facilities. It was reported that at the time there was no sufficient capacity for connection of the proposed development to either District 11 or Bretton Woods. Therefore, the onsite STP was proposed. However, the project sponsors have continued dialogue with regulatory agencies and the current plan no longer has onsite treatment but rather a 30' x 30' pump station envelope for future connection to a regional STP plant.

The subject parcel is located on the north side of Middle Country Road (NYS Rte. 25 approximately 840 feet east of Bicycle Path (Town Road) in the hamlet of Selden.

A review of the character of the land use and zoning pattern in the vicinity indicates that the subject property is zoned MF in a corridor of predominantly J2 Business. Adjacent and behind the subject property is A1 Residence zoning. A PRC (planned retirement) District zoned parcel and an MF zoned parcel are to the east of the subject site.

Predominant land uses surrounding the subject property include a shopping center adjacent and to the east, a public library to the west and a public school and school district property adjacent and to the west. Much of the adjacent residentially zoned land to the north of the site is vacant.

The subject application proposes to eliminate an existing access at the westerly end of the site onto NYS Rte. 25 so that the existing easterly site access across from Adirondack Drive will provide the main access to the development. Cross-access to the neighboring shopping center to the east is no longer proposed but the emergency access to/from the adjacent property to the west remains. No pedestrian cross access to the school district property is provided.

The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code. The site is located in the Central Suffolk NYS Special Groundwater Protection Area (SGPA). The subject site is not located in a Pine Barrens zone of Suffolk County. No federal or state mapped and regulated wetlands occur on the subject property. However, According to the National Wetland Inventory Map wetlands classified by the USFWS are adjacent to the site to the north and west. The proposed site plan referred to the Suffolk County Planning Commission by the Town of Brookhaven shows that storm water drainage will be handled and treated via a series of catch basins and leaching pools. A man made pond is also included as a drainage and aesthetic feature.

The Suffolk County Water Authority (SCWA) had voiced concerns regarding the location of the development, particularly the former on-site STP, and its potential impact to the delineated capture zones for two SCWA public water supply well fields located in the proximity. The SCWA has requested and the project sponsors have agreed to install monitoring wells on site to ensure that the proposed STP would not adversely impact the water supply. This issue had appeared to have evolved to the removal of the on-site STP and the conveyance of waste water off site.

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

**COMPREHENSIVE PLAN RECOMMENDATIONS** - The 1996 Town of Brookhaven Comprehensive Land Use Plan designates the subject site as commercial use. The 2008 Middle Country Sustainable Community Plan reads regarding the Island Green Golfing Range and indicates that “although one of the few remaining parcels able to accommodate a large housing development it would mean the loss of one of the few remaining commercial recreation properties in the community and the Selden Civic has strongly opposed the *[change of zone on the property from CR to MF]* proposal.”

### **STAFF ANALYSIS**

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities,

1. Environmental Protection
2. Energy efficiency

3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

In terms of environmental protection, the SCWA has raised issues regarding the location of the formerly proposed STP relative to the capture zones of two well fields in the area. The applicant had indicated that they have had consultations by the project sponsors with the local sewer district (i.e. SCSD # 11) and the Bretton Woods STP, located southeast of the subject site, to determine if it would be feasible to connect to either of those facilities. It was reported that at the time there was no sufficient capacity for connection of the proposed development to either District 11 or Bretton Woods. This concern has appeared to have been addressed however staff believes it prudent to continued dialogue between the applicant the SCWA, SCDHS and SCDPW on the creation of a regional solution to the sanitary waste of this project, and the placement of groundwater monitoring wells.

The applicant has indicated that energy efficiency is a major objective of the proposed action, and all units would be constructed to Energy Star Standards in accordance with Town of Brookhaven Code requirements (section 16-4.2). The applicant should review the Commission standards on energy efficiency for further informational purposes.

It is the belief of the staff that by the very nature of the application there is a positive economic development component to the proposed project and that there are no significant issues regarding equity (32 workforce housing units) and sustainability.

It is also the belief of the staff that proposed action provides for housing diversity in the Town of Brookhaven as well as provides for housing diversity on site with a range of unit sizes from 1,100 to 1,400 square feet and 25.4% of the units for workforce housing.

A bus shelter is proposed by the “civic space” and the site is pedestrian friendly via a network of walkways and sidewalks. In terms of transportation issues, it is the belief of the staff that there are no significant issues. Access to and from the site will be coordinated with the NYS DOT and any road improvements will be reviewed and required by that agency.

There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design. The applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into the design plan.

A specific land use policy of the Suffolk County Planning Commission is that “increases in density should be tied to the purchase and/or transfer of development rights or to a one-for-one density offset through up-zoning of vacant privately owned land (section 4.1 of the Suffolk County Planning Commission Guidebook). This policy is enumerated to link the creation of open space and high density projects and avoid the creation of suburban high density sprawl (see the full text of the Suffolk County Planning Commission Guidebook). It is not apparent if the density increased derived from the change of zone to MF includes the retirement of Pine Barrens Credits via the density bonus provisions of the Town of Brookhaven MF code. A finding relative to the Towns MF code and the provision for density bonuses tied to the retirement of Pine Barrens Credits should be provided.

Review of the proposed site plan generates the following comments. Sixteen (16) of the proposed units are along the east property line adjacent to the commercial shopping area. A vegetated buffer should be created to screen and buffer any incompatible activities between the two land uses. This

may also be applicable to the north-western property boundary along the school district property, especially where bus operations are carried out.

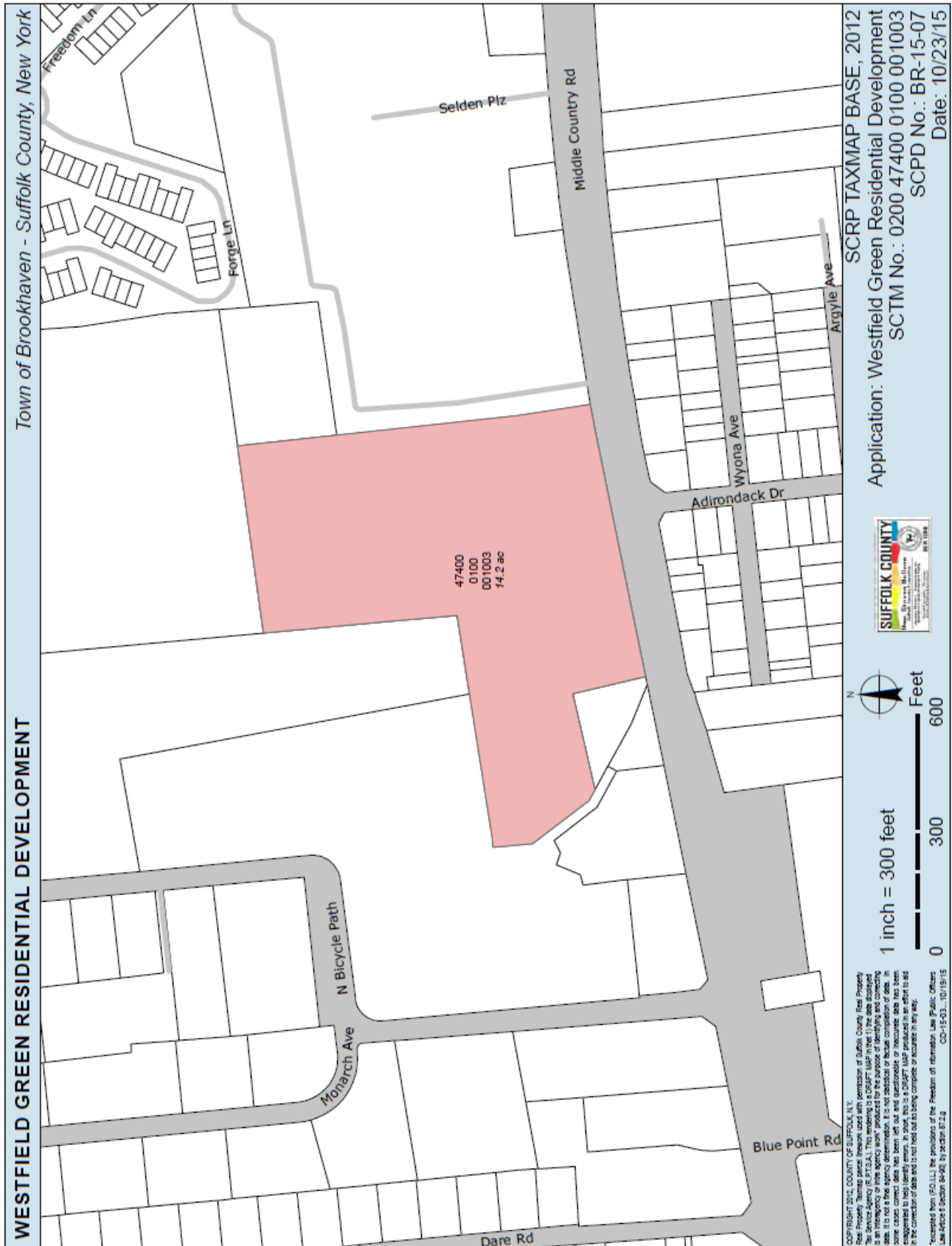
In addition, long straight parking lot aisles encourage speeding and are aesthetically unpleasing. Speeding vehicles can endanger children, result in the loss of residential amenities through increased noise and apprehension, and result in other social and economic problems. Therefore, long straight parking lot traffic aisles should be avoided.

## **STAFF RECOMMENDATION**

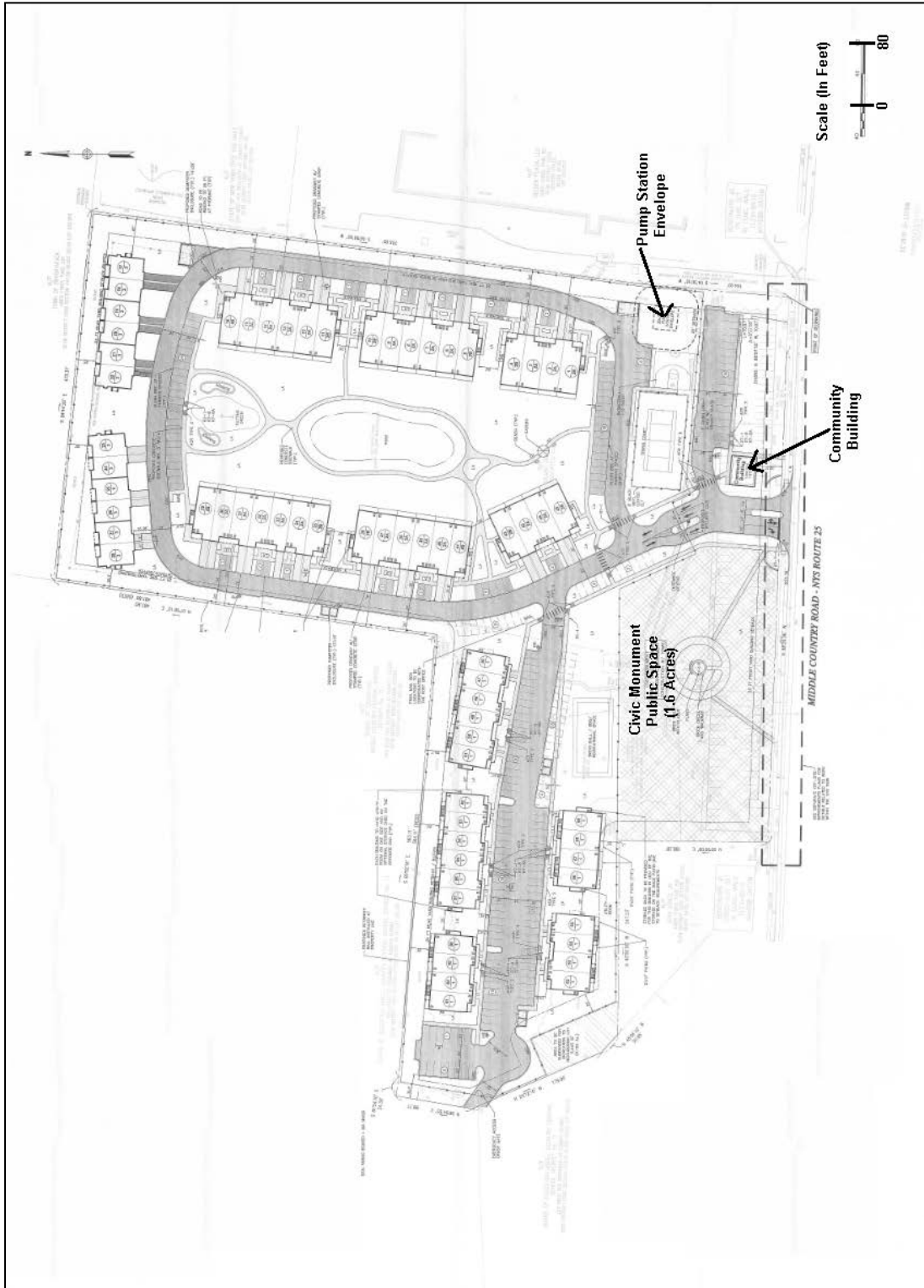
**Approval** of the Site Plan referral of Westfield Green Residential Development subject to the following comments:

1. The Town should require of the applicant that discussions with the Suffolk County Department of Health Services, the Suffolk County Department of Public Works and the Suffolk County Water Authority continue in order to address appropriate treatment and disposal of generated wastewater from the proposed residential development.
2. The Town should require the installation of ground water monitoring wells in accordance with Suffolk County Department of Health Services requirements.
3. The applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into the design plan.
4. A specific land use policy of the Suffolk County Planning Commission is that “increases in density should be tied to the purchase and/or transfer of development rights or to a one-for-one density offset through up-zoning of vacant privately owned land (section 4.1 of the Suffolk County Planning Commission Guidebook). This policy is enumerated to link the creation of open space and high density projects and avoid the creation of suburban high density sprawl (see the full text of the Suffolk County Planning Commission Guidebook). It is not apparent if the density increased derived from the change of zone to MF includes the retirement of Pine Barrens Credits via the density bonus provisions of the Town of Brookhaven MF code. A finding relative to the Towns MF code and the provision for density bonuses tied to the retirement of Pine Barrens Credits should be provided.
5. Fourteen (14) of the proposed units are along the east property line adjacent to the commercial shopping area. A vegetated buffer should be created to screen and buffer any incompatible activities between the two land uses. This may also be applicable to the north-western property boundary along the school district property, especially where bus operations are carried out.
6. Long straight parking lot aisles encourage speeding and are aesthetically unpleasing. Speeding vehicles can endanger children, result in the loss of residential amenities through increased noise and apprehension, and result in other social and economic problems. Therefore, long straight parking lot traffic aisles should be avoided.
7. The applicant should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable to non-residential uses.

8. The applicant should contact Suffolk County Transit and explore bus service to the proposed residential facility.
9. The applicant should contact the NYS DOT with respect to traffic studies and access to the subject site from the State ROW.
10. The applicant should provide a pedestrian circulation plan that includes cross access to the existing shopping center to the east and school district property to the west.
11. Motor vehicle cross access should be provided to the existing shopping center to the east.







# COUNTY OF SUFFOLK

Z-2



**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:** Accabonac Road Solar Site  
**Municipality:** Town of East Hampton  
**Location:** West side of Accabonac Road, and south side of Grant Ave in the hamlet of Springs

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**Received:** October 15, 2015  
**File Number:** EH-15-02  
**T.P.I.N.:** 0300-125.00-01.00-001.000  
**Jurisdiction:** Within one mile of a heliport, and the Eastern Zone of the Pine Barrens

### **ZONING DATA**

- Zoning Classification: Residential (A5)
- Minimum Lot Area: 200,000 Sq. Ft.
- Section 278: N/A
- Obtained Variance: No

### **SUPPLEMENTARY INFORMATION**

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: N/A
- 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: Unlisted
- Minority or Economic Distressed: No

### **SITE DESCRIPTION**

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Succession growth of native and non-native vegetation; previously cleared with wood and brush buried below the ground
- Range of Elevation within Site: Aprox 70' to 125' above mean sea level

- Cover: Partially wooded with native and non-native successional vegetation
- Soil Types: Made land (Ma), Montauk loamy sand (MnA), Montauk loamy sand (McC), Carver and Plymouth sands (CpC)
- Range of Slopes (Soils Map): 0-15 %
- Waterbodies or Wetlands: N/A

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

- Type: Site Plan/Special Permit
- Layout: Fenced solar production facility
- Area of Tract: 20.64 acres
- Yield Map: N/A
- Open Space: Yes, approx. 11 acres

#### **ACCESS**

- Roads: Accabonac Road
- Driveways: Internal private gravel roadway, 18' wide

#### **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage Yes
  - Design of System: Drainage via natural vegetation
  - Recharge Basins N/A
- Groundwater Management Zone: IV
- Water Supply: N/A
- Sanitary Sewers: N/A

### **PROPOSAL DETAILS**

**OVERVIEW** – Applicants seek Site Plan and Special Permit approvals from the Town of East Hampton Planning Board for the construction of a proposed solar energy production facility. The proposed facility will include approximately 3,528 individual solar panels, associated electrical equipment and a gravel access road on a 20.64 acre site. The subject property is owned by the Town of East Hampton and Sun Edison which submitted the Site Plan/Special Permit Application to the Town of East Hampton Planning Board is the property lessee. The subject property is a disturbed site that has been previously cleared. Referral materials indicate that the subject property was previously considered for use as a dump. While the property was never opened for use as a dump the application materials indicate that there is buried vegetative debris on the site and the soil survey indicates that the site contains significant areas characterized as “made land”.

The referral materials indicate that the lot coverage of the solar facility which includes the solar panels, concrete slabs and driveway is approximately 2.04 acres. The solar energy facility will be enclosed with a 7' tall chain-link fence. The total area enclosed by said fence is approximately 4.5 acres. The maximum height of the proposed solar panels is approximately 11' above ground level and there is no proposed external lighting.

The subject property is Residential (A5). Public utilities are permitted in this zoning district with Special Permit approval from the Planning Board. The referral materials also state that the applicant will be submitting a variance application to the Town of East Hampton Zoning Board of Appeals for lot coverage. Under the Town Code the applicant is proposing lot coverage of 88,772 square feet while 80,000 square feet is permitted for this property by Code.

The subject parcel is located south of Harrison Avenue, west of Accabonac Road, and southeast of Highland Boulevard in the hamlet of Springs. North and west of the proposed solar facility are wooded low-density residential parcels. East of the proposed solar facility is wooded open space and residential parcels. South of the proposed solar facility is wooded open space with some low density residential developments. Access to the solar panels is proposed via a gravel driveway connecting to Accabonac Road. The solar panels will be set back from the Northern property line by approximately 80 feet, from the Western property line by approximately 150 feet, from the southern property line by approximately 150 feet and the eastern property line by approximately 950 feet. In addition, the site will be screened with four contiguous staggered rows of evergreen vegetation along the northern site boundary.

The proposed public utility facility will not be connected to a public water source; the applicant states that bottled water will be used for any on-site water needs. Total waste water generation per day is anticipated to be zero gallons a day, as such, no connection to sanitary waste has been proposed. Solid waste is expected to be none or minimal. The interior road system proposed by the applicant is connected to Accabonac Road using porous gravel materials.

The subject property is situated in Ground Water Management Zone IV pursuant to Article 6 of the Suffolk County Sanitary Code. There are no mapped New York State Department of Environmental Conservation regulated wetlands located within or adjacent to the subject property. Storm water discharge is proposed to be handled via infiltration by the surrounding vegetation.

## **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 significantly 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 proposal appears to be in conformance with the 2005 Town of East Hampton Comprehensive Plan. The Plan recommends A5 residence zoning for the subject site. As noted above solar energy production is a permitted use in the Town of East Hampton's A5 zoning district provided that the facility receives a Special Permit by the Town of East Hampton'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 in Ground Water Management Zone I pursuant to Article 6 of the Suffolk County Sanitary Code. There are no mapped New York State Department of Environmental Conservation regulated wetlands located on or adjacent to the subject property. Stormwater runoff is proposed to be handled utilizing infiltration overflow over vegetation. Based on the nature of the application it is evident that the applicant will have to work with the Town and NYSDEC in order receive SWPPP (Stormwater Pollution Prevention Plan) approval. However, it is not evident as to whether the applicant has 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.

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 also suggested that the Town and applicant review the U.S. Department of Agriculture's Natural Resources Conservation Services information on "cover crops and soil health" for best practices regarding what to grow under and between the proposed solar array panels. Cover crops have the potential to prevent erosion, improve soil's physical and biological properties, supply nutrients, suppress weeds, and break pest cycles along with various other benefits.

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 largely consistent with many of the key aspects of the Model Code including but not limited to a suitable siting location, setbacks, vegetative buffers 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.

## **STAFF RECOMMENDATION**

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


1. 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.
2. 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.
3. The U.S. Department of Agriculture's Natural Resources Conservation Services information on "cover crops and soil health" should be reviewed for best practices

regarding what to grow under and between the proposed solar array panels. Cover crops have the potential to prevent erosion, improve soil's physical and biological properties, supply nutrients, suppress weeds, and break pest cycles along with various other benefits.

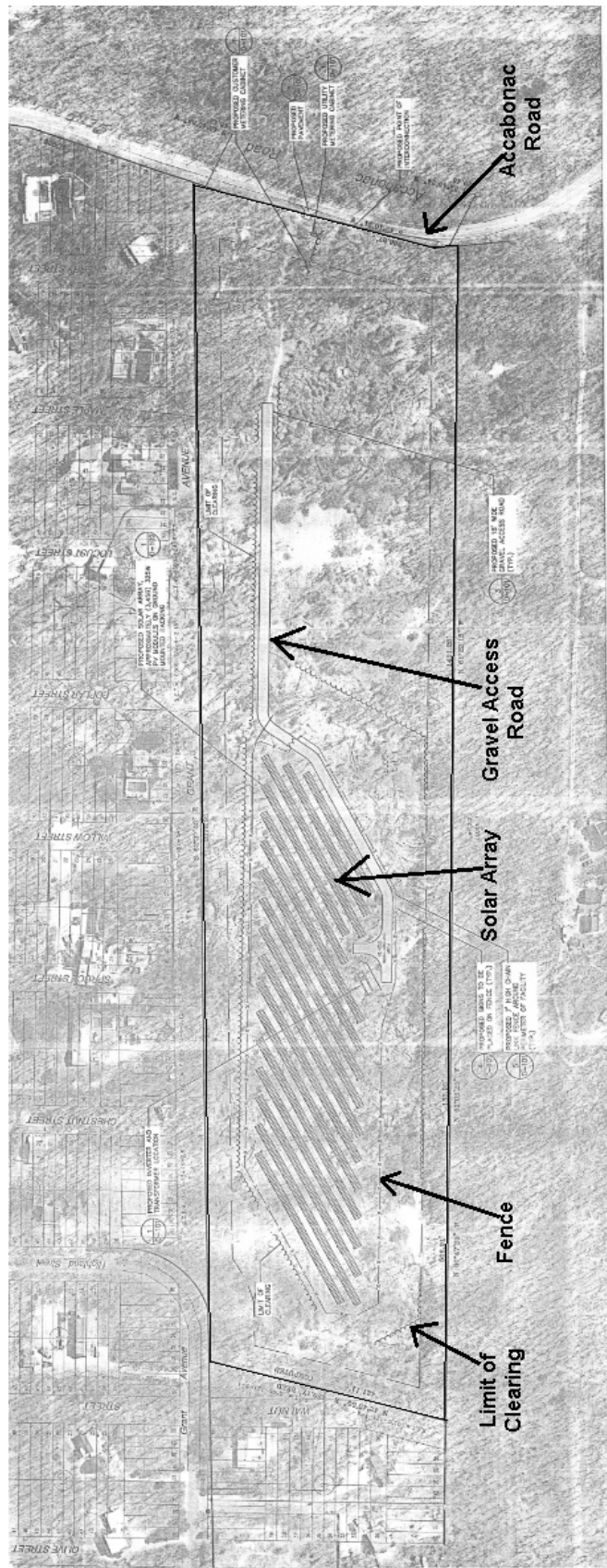
*Town of East Hampton - Suffolk County, New York*

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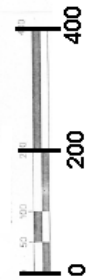
1 inch = 300 feet



SCRP TAXMAP BASE, 2012  
 Application: Accabonac Road Solar Site  
 SCTM No.: 0300 12500 0100 001000  
 SCPD No.: EH-15-02  
 Date: 11/04/2015



Scale (In Feet)





# 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:** The Heritage @ Cutchogue  
**Municipality:** Town of Southold  
**Location:** Northwest corner of Griffing Street and School House Road

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**Received:** 10/06/15  
**File Number:** SD-15-03  
**T.P.I.N.:** 1000 10200 0100 033003  
**Jurisdiction:** Within 500 feet of Agricultural District # 1 and New York State Lands

#### ZONING DATA

- Zoning Classification: Hamlet Density (HD)
- 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: 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: DEIS
- Minority or Economic Distressed: No

#### SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Vacant, partially wooded and generally level
- Range of Elevation within Site: 20' to 38' amsl
- Cover: Partially wooded
- Soil Types: Haven Loam, Plymouth Loamy Sand and Riverhead Sanding Loam

- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: None

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

- Type: Site Plan
- Layout: Condominium complex with attached and detached residential units
- Area of Tract: 46.03 acres
- Yield Map: N/A
- Open Space: 23 Acres (interspersed throughout the development)

#### **ACCESS**

- Roads: Public access off the corner of School House Lane and Griffing Street
- Driveways: Proposed Internal Road Network

#### **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: Drywells, drainage basins and drainage ponds
  - Recharge Basins: Three
- Groundwater Management Zone: IV
- Hydrogeologic Zone: IV
- Water Supply: Public SCWA
- Sanitary Sewers: Proposed on-site sanitary systems

### **PROPOSAL DETAILS**

**OVERVIEW** – Applicants seek site plan approval for a planned retirement community complex on 46.03 acres in the hamlet of Cutchogue, Town of Southold. The planned retirement community is proposed to consist of a 124 condominium units, 284 parking spaces and a 6,188 square foot community center with an outdoor swimming pool and an outdoor tennis court. The proposal also includes approximate 23 acres of designated open space areas, drainage ponds and drainage basins. The Suffolk County Planning Commission has jurisdiction for this site plan application because the subject property is located within 500 feet of an Agricultural District and within 500 feet of New York State lands.

The subject property is located approximately 1,079 feet north of Main Road (State Road 25) on the northwest corner of Griffing Street and School House Road. Access into the proposed development is off the northwest corner of Griffing Street and School House Road. A looped interior road network is proposed to provide access to the condominium units and the community center. Two emergency crash gate access points are proposed on the western property boundary which would connect to Bridle Lane and Spur Road.

This site plan application is subject to a stipulated settlement between the applicant and the Town of Southold. The stipulated settlement set a maximum number of permitted units for the development at 130 units and a maximum permitted floor area of 245,000 square feet. The site plan proposes 124 units and a maximum floor area of 219,076 square feet. The 124 proposed condominium units include 48 “Type A” 3 bedroom, 1,999 square foot units, 72 “Type B” 2 bedroom, 1,599 square foot units, and 4 “Type C” 3 bedroom, 1,999 square foot units. The Type A units are detached units and the Type B and C units are duplex units.

The subject property is zoned Hamlet Density (HD). The proposal conforms with the Town of Southold’s Hamlet Density zoning district’s set back requirements, lot coverage, open space, and

maximum height requirements. The Hamlet Density zoning district requires a 50 percent set aside for open space and this is provided via designated open space areas located around the proposed development areas. The site plan application also provides 284 parking spaces which is in conformance with the Town of Southold's parking requirements.

Storm water runoff from the proposed development is to be collected by a combination of on-site drainage basins, storm water ponds and small recharge basins. Wastewater for the residential units and the community center are proposed to be accommodated by 36 separate on-site sanitary systems. The subject property is located in Groundwater Management Zone IV. The subject property is not located in a Critical Environmental Area and there are no NYSDEC mapped freshwater wetlands on or immediately adjacent to the subject property.

## **STAFF ANALYSIS**

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

The proposed development appears to be compatible with the existing land uses in the area. The entrance to the planned development district is approximately 1,000 feet from Main Street and the Cutchogue business district. The Cutchogue Business district includes places of worship, retail establishments and food services. This business district will be an important resource to the retirement community and will benefit from the increased patronage. Immediately adjacent to the proposed developed is a mix of farmland uses and single family residential properties. The proposed planned retirement complex appears to be a compatible land use. In addition, at least 75 feet of setbacks are proposed between the proposed condominium units and the property boundaries providing good buffering between the proposed developed and the adjacent properties.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Southold is currently working on its Comprehensive Plan Southold 2020 with the Land Use Chapter. The Town's 2004 Comprehensive Waterfront Revitalization Plan does indicate a zoning district of Hamlet Density Residential District for the subject property. As noted in the Proposal Details section of the staff report the number of residential units for the subject property was determined by a stipulated settlement. The proposed developed does appear to be in conformance with the other aspects of the Hamlet Density District including district requirements including setbacks, lot coverage, open space, and maximum height requirements.

## **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 Heritage at Cutchogue project is proposed to be accommodated by 36 separate on-site sanitary systems. Advanced wastewater treatment including the possibility of sewerage and/or innovative/alternative systems is appropriate for this site and continued review and dialogue with the Suffolk County Department of Health Services is warranted.

The referral materials indicate that there may be soil contaminants such as pesticides present in the subject property's soils. In addition the referral materials indicate that as a result the top twelve inches of surface soils will be excavated and placed on a berm onsite. The applicant should continue to work with all appropriate regulatory agencies including the New York State Department of Conservation, Suffolk County Department of Health Services and the Town of Southold to insure that any impacted soils on the subject property are properly handled and mitigated.

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 drainage basins, two large ponds and three small recharge basins. 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.

There was not information in the referral materials indicating that the project will incorporate energy efficiency into the site design. 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 community center components of the development.

Suffolk County Bus Transit route SC-92 runs along Main Road (NYS Route 25) approximately 1,000 feet south of the subject property. The applicant should contact Suffolk County Transit to coordinate bus service to the proposed development.

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.

In addition, the referral materials did not provide information regarding affordable housing. The applicant should work with the Town to insure that the proposal is in conformance with the New York State Long Island Workforce Housing Act.

## **STAFF RECOMMENDATION**

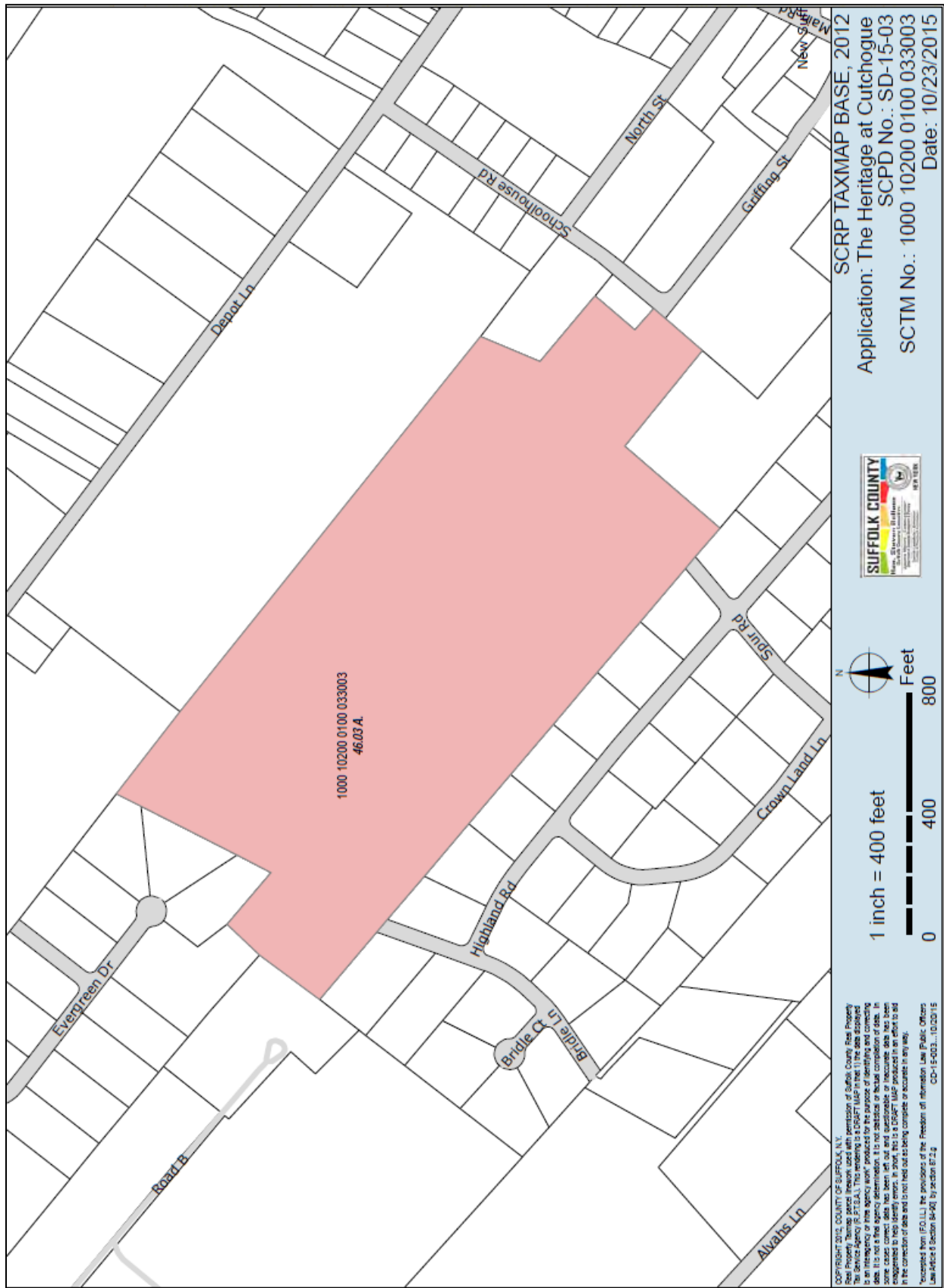
**Approval** of the site plan for The Heritage @ Cutchogue with the following comments:

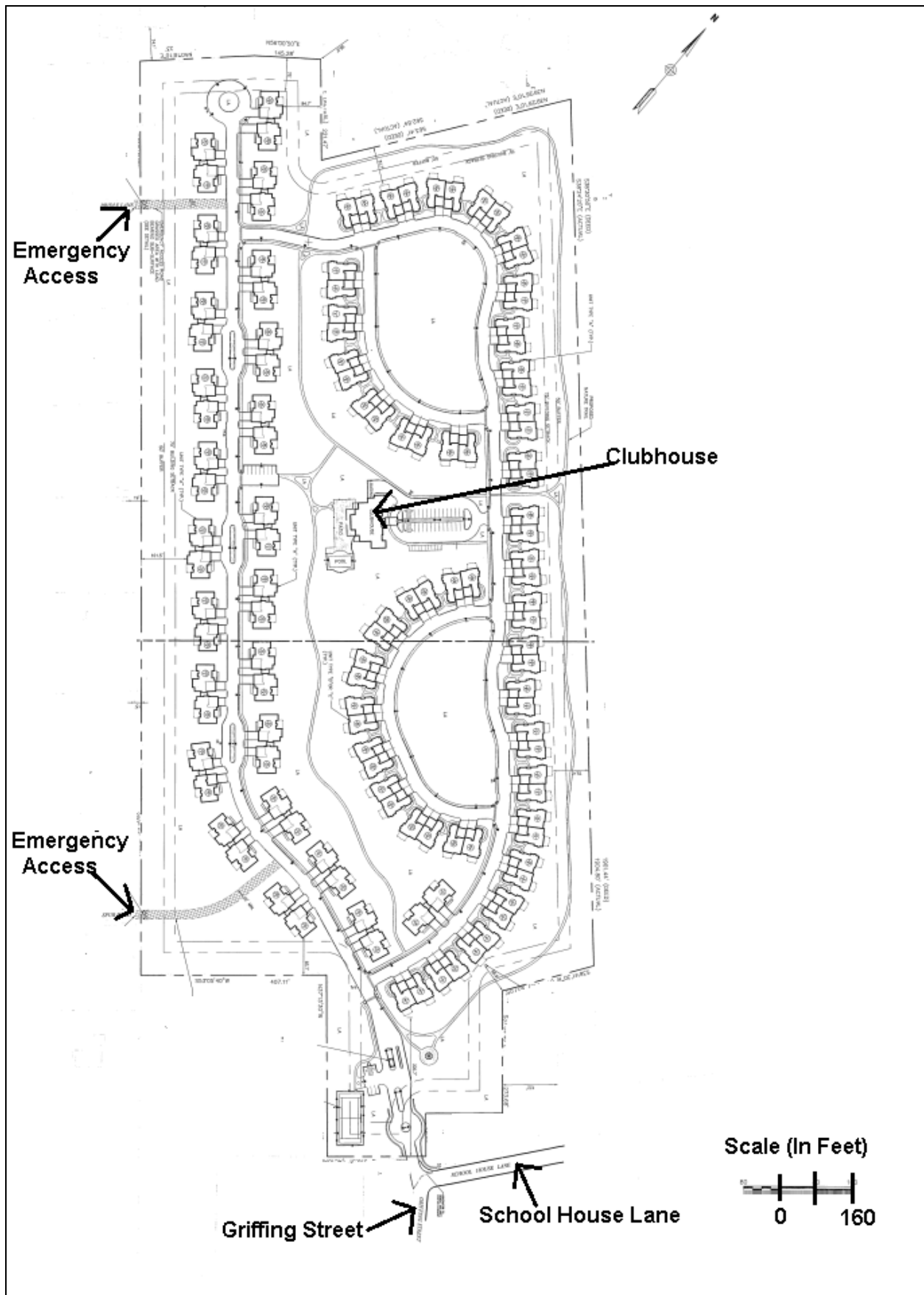
1. Advanced wastewater treatment including the possibility of innovative/alternative nitrogen reducing systems are appropriate for this proposed development and the petitioner should be directed to continue dialogue with the Suffolk County Department of Health Services regarding the use of innovative alternative wastewater treatment for the proposed

development.

2. The applicant should continue to work with all appropriate regulatory agencies including the New York State Department of Conservation, Suffolk County Department of Health Services and the Town of Southold to insure that any impacted soils on the subject property are properly handled and mitigated.
3. The applicant 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.
4. The applicant 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.
5. The applicant 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.
6. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
7. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
8. The applicant should work with the Town to insure that the proposal is in conformance with the New York State Long Island Workforce Housing Act.











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:** Adopted Reso 2015-950 Riverside Revitalization Action Plan/zoning  
**Municipality:** Southampton  
**Location:** Little Peconic River to White Brook Drive/Peconic River to NYS Conservation Area

**Received:** 10/8/2015  
**File Number:** SH-15-04  
**Jurisdiction:** Amendment to Town Comprehensive Plan

**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: | No   |
| ▪ Property Previously Subdivided:                      | Yes  |
| ▪ Property Previously Reviewed by Planning Commission: | N/A  |
| ▪ SEQRA Information:                                   | Yes  |
| ▪ SEQRA Type                                           | DEIS |
| ▪ Minority or Economic Distressed                      | Yes  |

**SITE DESCRIPTION**

- |                                   |                                                                                               |
|-----------------------------------|-----------------------------------------------------------------------------------------------|
| ▪ Present Land Use:               | residential/commercial/open space                                                             |
| ▪ Existing Structures:            | yes, multiple residential dwellings, religious places of assembly, commercial buildings, etc. |
| ▪ General Character of Site:      | Rolling                                                                                       |
| ▪ Range of Elevation within Site: | 0--20' amsl                                                                                   |
| ▪ Cover:                          | asphalt, buildings, turf, woodland                                                            |
| ▪ Soil Types:                     | various including carver, Plymouth associates, wetland soils and made land; no prime Ag soils |
| ▪ Range of Slopes (Soils Map):    | 0-8%                                                                                          |
| ▪ Waterbodies or Wetlands:        | multiple regulated wetland areas                                                              |

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

- Type: comp pln. amendment
- Layout: TOD
- Area of Tract: 468 Acres

## **ENVIRONMENTAL INFORMATION**

- Groundwater Management Zone: III + IV
- Water Supply: Public-SCWA
- Sanitary Sewers: proposed Public STP

## **PROPOSAL DETAILS**

**OVERVIEW** – The Town of Southampton is proposing the creation of a new Overlay District consisting of seven separate sub-overlay zones affecting 468 acres in the Hamlet of Riverside. The provisions in the Overlay District regulations would be optional for landowners, who would be permitted to develop and/or redevelop their land under the standards and specifications of the existing zoning if they choose or use incentives in the overlay zone for increased density and building height. The goal of the revitalization plan is to encourage development through a master planned, mixed use, form based revitalization district.

The highest development density permitted in the Overlay is to be located around the Riverside traffic circle with variable uses, densities, function, and building heights radiating south and eastward from the circle as a central core.

Riverside is an unincorporated hamlet within the Town of Southampton. The hamlet is 2.8 square miles in area, and is bordered by Northampton to the south, Flanders to the east, and the Town of Riverhead to the north. In 2010 it had a population of 2,911 (up 1.3% from 2,875 in 2000). The Suffolk County Jail is located in Riverside, which in 2010 held 1,030 persons, 35% of the population in Riverside.

Riverside is one of the most economically distressed communities in Suffolk County. In the period 2009-2013, it ranked as the most economically distressed community out of 157 communities in Suffolk County, based on five factors. The community had the lowest median household income in Suffolk County in the 2009-2013 period (\$36,781), a figure that all households and excludes persons in group quarters (such as the jail). Approximately 58% of the housing units in Riverside are mobile homes, the highest percentage of any community on Long Island. The median value of owner-occupied housing units in Riverside was the lowest of all 157 communities in Suffolk County in the 2009-2013 period (\$78,000).

The intent of the proposed Riverside Overlay District (ROD) zoning, including all sub-districts, according to submitted materials to the Suffolk County Planning Commission, is to address the various challenges in the Riverside community identified by past plans and studies and encourage development through the creation of mixed –use neighborhoods including a blend of retail stores, restaurants, offices, service-related businesses, hotels, light industries, cultural and recreational facilities, advanced care facilities, and divers living options along with improved transportation infrastructure. The implemented Plan is to provide a distinct walkable hamlet center that will augment the community's sense of place, improve the aesthetic qualities of the built environment, enhance the overall quality of life of its residents, offer incentives for local investment, create new employment opportunities, provide a variety of goods and services to locals and visitors, expand and diversify the local housing stock, and stimulate additional economic activity and fiscal well-

being.

As noted, implementation of the proposed ROD is voluntary for land owners affected by the ordinance. As such, the exact property owners that may choose to implement redevelopment under the Overlay zones is unknown. Some development contemplated under the proposed ROD is anticipated to replace existing development and therefore is not fully added to the exiting development. The Town of Southampton has put forth the “Reasonable Expected New Development” from the RODs and includes the following build out approximations:

- Retail 133,517 SF
- Professional office 37,000 SF
- Medical Office 25,000 SF
- Adult Care/Nursing Home 63,910 SF
- Artisan Lofts/Production 30,900 SF
- Cultural 11,032 SF
- Indoor Ice Skating/Hockey Rink 100,000 SF plus parking
- Hotel 97 Hotel Rooms
- Residential Units 2,267 dwelling Units
- Parking Garage 550 spaces
- Surface parking Lots 1,602 Spaces
- On street Parking Spaces 1,107 Spaces
- Sewage Treatment Plant 1,000,000 gallons/day

A proposed pedestrian bridge from County Parkland in Riverside to the Riverhead parking lot is also proposed as a second physical connection to downtown Riverhead.

Environmental regulatory agency considerations for the creation of the Riverside Revitalization Action Plan (RRAP) include:

- Federal Emergency Management Agency (flood zones)
- New York State Department of State (44 Coastal Consistency Policies)
- The New York State Wild, Scenic and Recreational Rivers Act
- NYS Freshwater Wetlands Act
- NYS Tidal Wetlands Act
- NYS Central Pine Barrens (Compatible Growth Area/PBC Receiving Area)
- Central Suffolk Special Groundwater Protection Area (SGPA)
- Suffolk County Pine Barrens Zone
- Suffolk County Department of Health Services Groundwater Management Zones III and IV
- Town of Southampton Aquifer Protection Overlay District
- Town of Southampton Central Pine Barrens Overlay District

## **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 in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

Land use proposed by the RRAP, in term of density and character, appear to be similar to the adjacent community of downtown Riverhead and therefore indicate a compatibility of land uses and a similar community character. The proposed “Form Based Code” is intended to further a desirable community character.

A key component of the proposed RRAP is a potential connection to the Riverhead Sewer District and Treatment Plant. The available capacity of the Riverhead STP may be reserved for economic development purposes within the existing sewer district or for district expansion within the municipal bounds of the Town of Riverhead and is a significant inter-community issue in need of further discussion.

Continued coordination with Suffolk County and the Town of Riverhead on traffic issues on Peconic Ave north of the traffic circle and in connecting downtown Riverhead to the Riverside community is warranted. Suffolk County is about to conduct roadway improvements to the Riverside traffic circle to convert it from the existing single-lane traffic circle where Nugent Drive (CR 96) lake Avenue (CR 63), Riverleigh Avenue (CR 104), Flanders Road (NYS 24), and Peconic Avenue converge into a two-lane roundabout. The five way intersection improvement to a roundabout includes pedestrian safety improvements and water quality improvements provided via a storm water system comprised of raingardens underground retention structures, catch basins and a storm water treatment unit. The proposed improvement to the County Road 94 roundabout will reduce existing traffic congestion during the morning and evening rush hours and improve vehicular and pedestrian safety according to Suffolk County Department of Public Works.

#### **LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:**

The proposed RRAP is intended to address many Town and community goals, needs and desires for revitalization, as expressed in no less than eight previous planning studies. As expressed in the referral materials to the Suffolk County Planning Commission, “the overall goals of all of these studies has been to revitalize the area with uses that would restore the character and functionality of this commercial corridor, promote economic development, provide housing and employment opportunities, ensure adequate capital infrastructure, in order to create a vibrant, walkable, sustainable, transit oriented hamlet center.” Prior Riverside studies include:

- Town of Southampton 1999 Comprehensive Plan Update
- 2004 Flanders/Riverside/Northampton Revitalization Study
- 2006 Blight Study
- 2008 Riverside Hamlet Plan
- 2008 DGEIS for the Riverside Hamlet Plan
- 2009 Riverside Urban Renewal Plan
- 2013 Flanders Riverside Corridor Sewer Feasibility Study
- 2015 SCDPW Traffic Circle Assessment and Redesign Study

#### **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.

It is the belief of the staff that there are environmental and infrastructure components that warrant additional consideration in order to implement the Riverside Revitalization Action Plan (RRAP). In terms of environmental considerations, eleven environmental management considerations affect the project area. Most significant is the issue of wastewater disposal. The RRAP indicates the theoretical wastewater flow from the project area is approximately 100,000 gpd. Options for treatment include conveyance to the Riverhead STP or onsite discharge on a site within the ROD. The right and ability of conveyance to the Town of Riverhead STP is out of the control of the Town of Southampton. Growth potential and plans within the Town of Riverhead may preclude connection from Riverside. In 2013 the County of Suffolk prepared the Flanders Riverside Corridor Sewer Feasibility Study and identified alternative sites for a municipal facility. In the words of the RRAP DGEIS “the siting of a new STP must be assessed further to ensure that the facility conforms to SCDHS and SCDPW requirements and that groundwater and surface waters are properly protected.” Strict compliance with all NYD DEC SPDES effluent permit requirements for community wastewater treatment and disposal systems also needs to be achieved by these alternatives. This can be problematic in the study area where the depth to ground water is less than 10 feet in the majority of the ROD. The RRAP briefly touches on the “Living Machine” engineered wetland system and the Omni processor as alternative treatment technologies. The feasibility of both of these systems should continue to be fully explored with the SCEDP, SCDPW and the SCDHS for their ability to meet effluent and air pollution regulations. Implementation of the RRAP cannot be achieved until the fate of generated wastewater above the Suffolk County Article 6 restrictions can be determined.

The subject RRAP and ROD is situated in the Compatible Growth Area (CGA) of the Central Pine Barrens. The Town of Southampton having jurisdiction for land use within the Central Pine Barrens is required by Environmental Conservation Law Article 57-0123.1 to adopt land use and zoning regulations to conform to the Central Pine Barrens Comprehensive Land Use Plan (CLUP). The Town Board of the Town of Southampton in 1995 (L.L. No. 46-1995) adopted the Central Pine Barrens Overlay District “to provide consistency with the goals of the Central Pine Barrens Comprehensive Land Use Plan adopted by the Town Board on June 27, 1995, pursuant to the provisions of Article 57 of the New York State Environmental Conservation Law...” It is noted that noncompliance by a municipality to Article 57 and the CLUP risks the penalty of loss of indemnity from the State in the event of legal actions or proceedings brought against the municipality or their agents through the implantation of any land use control related to the Central Pine Barrens.

Particular objectives for land use within the CGA as outlined in the Town of Southampton Zoning Law and applicable to the RRAP is to “preserve and maintain the essential character of the existing pine barrens environment, including plant and animal species indigenous thereto and habitats therefore, protect the quality of surface and ground waters, discourage piecemeal and scattered development, encourage appropriate patterns of compatible residential, commercial, agricultural and industrial development in order to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual and cumulative adverse impact thereof, accommodate a portion of the development redirected from the core preservation area and allow appropriate growth consistent with stated natural resources goals.”

Appendix G of the DGEIS for the RRAD and ROD indicate that “the existing regulations of the CLUP are an impediment to redevelopment.” The referral materials to the Commission indicate that “redevelopment of Riverside is expected to be concentrated in proximity to the existing “roundabout” at the south end of Peconic Avenue, and will radiate out from this area from increased land use density to decreased density. There is intent to revitalize the existing Enterprise Zone Drive

industrial subdivision area, and interconnect this area to old Quogue Road and an improved road circulation system between Old Quogue Road, Riverleigh Avenue (CR 104) and Lake Avenue (CR 63). The primary impediment is the CLUP Standard related to Vegetation Clearance Limits and specifically that there are vestiges of natural vegetation occurring within areas proposed for redevelopment south and southeast of the roundabout, areas of more substantial contiguous Pine Barrens vegetation in the Enterprise Zone Drive industrial Subdivision and some of the larger parcels in undeveloped subdivisions west of the industrial subdivision. Retaining the vestiges of natural vegetation would be an impediment to redevelopment.” The DEIS for the RRAP indicates that there are 339.69 acres of land within the ROD that are within the CGA of the Central Pine Barrens. The total existing natural woodland area was determined to be 101.5 acres. According to the analysis in the DEIS 13.09 acres of additional land may be cleared within the proposed ROD and be in compliance with the CLUP. Under the full build out illustrated in the Theoretical Development Scenario, clearing would exceed the allowable Vegetation Clearance limit by 9.99 acres or an additional 76% beyond the allowable 13.09 acres. It is likely that the proposed RRAD would require a hardship permit from the Central Pine Barrens Joint Planning and Policy Commission.

Suffolk County Planning Commission maximum vegetative clearing standard for lands within the Pine Barrens Zones of Suffolk County for projects of this nature is 65%. Based on the analysis submitted with referral material to the Commission, the blended amount of proposed clearing is purported to be 66.44 percent. The Town should strive to allow no more than 65% total natural vegetative clearance and maintain no less than 35% natural vegetation within the proposed ROD.

Appendix G of the DEIS for the RRAD and ROD submitted to the Suffolk County Planning Commission by the Town of Southampton indicate a goal of retiring 20 Pine Barren Credits to mitigate the over-clearing of natural vegetation. The redemption of Pine Barrens Credits should also be considered to mitigate the proposed increases in density and intensity of land uses proposed by the ROD above the existing and base zoning yield. Suffolk County Planning Commission specific land use policy (section 4.1 of the Suffolk County Planning Commission Guidelines) reads that “Increases in density should be tied to the purchase and/or transfer of development rights and or the up-zoning of vacant privately zoned land. This policy should also be balanced with the provision of other community benefits which address other county-wide land use priorities such as needed rental and/or multifamily housing, affordable housing above the state or local requirements, transit oriented development, wastewater treatment facilities etc....” Allowable zoning would not yield close to the 401,359 SF of commercial/recreational space, 2,267 dwelling units, 97 hotel rooms, 3,259 parking spaces and a 100,000 gpd. STP. Moreover, at the heart of the ROD is currently, as part of the CLUP, an as-of-right zoned “residential receiving area district” that is pre-programmed to receive Pine Barrens Credits for additional density without Town board approval. The loss of this receiving area district to the State Central Pine Barrens CLUP would require an amendment to the environmental analysis of the CLUP and possible an amendment to the Town of Southampton’s Pine Barrens Overlay District regulations. The retirement of Pine Barrens Credits for additional density should not be overlooked as a significant mechanism for density increase within the ROD, particularly within the Enterprise Zone area.

Section 13.4 of the submitted DEIS for the proposed RRAD and ROD indicate several general energy-conservation methods expected to be incorporated in the new construction. The Town should review the Suffolk County Planning Commission Guidelines on energy efficiency and incorporate appropriate measures into RRAP.

The subject referral by its very nature is economic development attempting to provide equity and sustainability to the community of Riverside. However, the voluntary nature of the zoning may foster piecemeal development and retard the rate of revitalization in the area.

It is proposed that 2,267 residential dwelling units be constructed within the ROD by the build out of the RRAP. This influx of new attached multi-family housing will add housing diversity to the stock of single family detached dwellings and mobile homes in the area. The specifics of size, bedroom count and affordable inventory will be analyzed as site development plans are submitted. In terms of workforce housing, no less than 10% of the 2,267 or 228 units should be added to the inventory of workforce housing units in the ROD as defined by the NYS Long Island Workforce Housing Act. It is noted that the ROD zones require that 50% of the residential units constructed be as "Community Benefit Units" in accordance with Section 216 of the Town Code. The definitions of Community Benefit Unit and Workforce Housing Unit should be checked for compliance between local and State law.

It is the stated design goal of the Riverside Revitalization Action Plan to be "The creation of a walkable multimodal (car, bus, train, taxi, bicycle, and pedestrian) transit oriented community." The distance from the center of the Riverside Traffic Circle (at the northwest corner of the proposed ROD) is a little more than a half mile to the closest LIRR Train Station (Riverhead). Most of the ROD is beyond a quarter mile from the Riverside Circle (see attached figure). This makes the Riverhead train station over a half mile and some almost a mile. According to the Draft Traffic Study in the DEIS referred to the SCPC:

"The Riverhead Long Island Railroad (LIRR) station is located in downtown Riverhead. The station is situated on the north side of Railroad Street between Osborn Avenue and Griffing Avenue and is approximately 1 mile from Riverside. There are 5 trains per day, per direction at this station. This station is a stop for Suffolk County Transit (SCT) Bus routes S58, S62, S90, S92 and 8A and serves as a transfer location. Train arrivals and departures are not coordinated with the SCT bus schedule and vice versa. Several bicycle racks are also provided at this location. The ridership on this eastern section of the LIRR is low. The infrequent train service leaves commuters with few options when travelling to/from work. The current weekday schedule provides 5 trains daily for both eastbound and westbound travel. Weekend and holiday service is even more limited with just 2 trains per direction, per day. According to the most recent ridership information available from the LIRR, at the Riverhead station, during the weekday AM peak, 16 patrons boarded the westbound train and no one boarded the eastbound train. During the weekday midday peak, 16 patrons boarded the westbound train and 14 patrons exited the eastbound train. During the weekday PM peak no one boarded the westbound train and 6 patrons exited the eastbound train. The overall ridership for an entire day is 52 patrons entering/exiting the train at the Riverhead station. For comparison purposes, the Ronkonkoma train station services 17,278 patrons, in one day. The infrequent service, arrival/departure times and distance from other stations does not appeal to long distance commuters.

A second mass transit alternative was also reviewed by Suffolk County Planning Commission Staff; this being the routes and stops of the Suffolk County Transit (bus) system. Six routes traverse the ROD; S8A, S58, S62, S66, S90 and S92. The S92 travels Riverhead-Hampton Bays Road (NYS Rte 24) east-west. The S90 travels north-south on CR 104 and the S8A travels north-south along CR 63. These routes do traverse the ROD and provide for a walkable corridor (within a ¼ mile) to the roadways from most of the land in the RRAP the frequency of the service (S94 in both directions traverses and stops four (4) times an hour at rush hour and two (2) times an hour during non-rush hour windows). The other routes in the ROD are less frequent and pass through the traffic circle by the County Center; just outside the RRAP and ROD.

As indicated in the referral materials to the Commission from the Town of Southampton, 3,259 parking spaces (some within a parking structure) are anticipated along with the conceptual buildout of the ROD. At two trips per day (a conservative estimate [2 x the parking spaces]) the 3,259 would add over 6,000 trips per day to the roadway network. Based on the results of the Draft Traffic Impact Study included in the DEIS referred to the Suffolk County Planning Commission, the

construction of the proposed project with the implementation of recommended mitigation measures will not create significant impact on the roadways in the study area. The following are the recommended mitigation measures:

- Optimize and adjust the splits at the signalized intersection of Flanders Road (NYS Route 24) and CR 105.
- Redesign the northbound Old Quogue Road approach at the intersection of Flanders Road (NYS Route 24) and Old Quogue Road to provide one right turn lane and one left turn lane.
- Redesign the northbound Vail Avenue approach at the intersection of Flanders Road (NYS Route 24) at Vail Avenue to provide one right turn lane and one left turn lane. In addition to the redesign of the northbound approach, re-stripe the painted median on Flanders Road just west of Vail Avenue as a center two-way left turn lane consistent with the rest of Flanders Road.
- Install a traffic signal at the intersection of CR 104 at Old Quogue Road and Ludlam Avenue.

It is important to note that within the ROD there is only one motor vehicle access to downtown Riverhead. This access intersects with four other major thoroughfares and funnels a significant amount of South Fork Traffic into downtown Riverhead. West of the proposed RRAP there is Center Street that connects CR 24 to NYS Rt. 25. Both of these intersections are significantly congested during peak times. As noted the County of Suffolk is about to undertake significant roadway improvements to this interchange in order to better accommodate motor vehicle flow. The influx of ROD traffic into the roundabout in the future may require the County to rework the intersection again. This could be problematic for the County DPW if the adjacent land around the Riverside Roundabout has been intensively developed as opposed to being “banked” for future right of way improvements. It is reasonable to presume that this intersection into downtown Riverhead will be reworked in the future and land use planning now should take into account possible scenarios for future improvements. The Town of Southampton should continue to consult with the Suffolk County Department of Public Works and coordinate with the Town of Riverhead on on future possible improvements to the Riverside Roundabout intersection with the goal of not precluding, by way of land use zoning changes, right-of-way expansion for traffic flow mitigations or storm water treatment options.

Notwithstanding the intent of the Riverside Revitalization and Action Plan it is the belief of the staff that the Towns should review the Suffolk County Planning Commission Guidelines on public safety and include into the Form Based Code practical elements contained therein.

The Town should review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and include into the Form Based Code practical elements contained therein.

The proposed Riverside Revitalization Action Plan and zoning overlays is an extensive and exhaustive study that is the culmination of almost two decades of area study to address many Town and community goals, needs and desires for revitalization. Additional consideration is necessary to advance the implementation of this worthy effort including: the undetermined nature of the waste water treatment, the voluntary nature of the ROD, the limited commitment to the retirement of Pine Barrens Credits and the problematic nature of converting the overlay district from an auto oriented to transit oriented area warrants a conceptual approval of the proposed Riverside Revitalization Action Plan (RRAP) with Proposed Zoning Overlays.

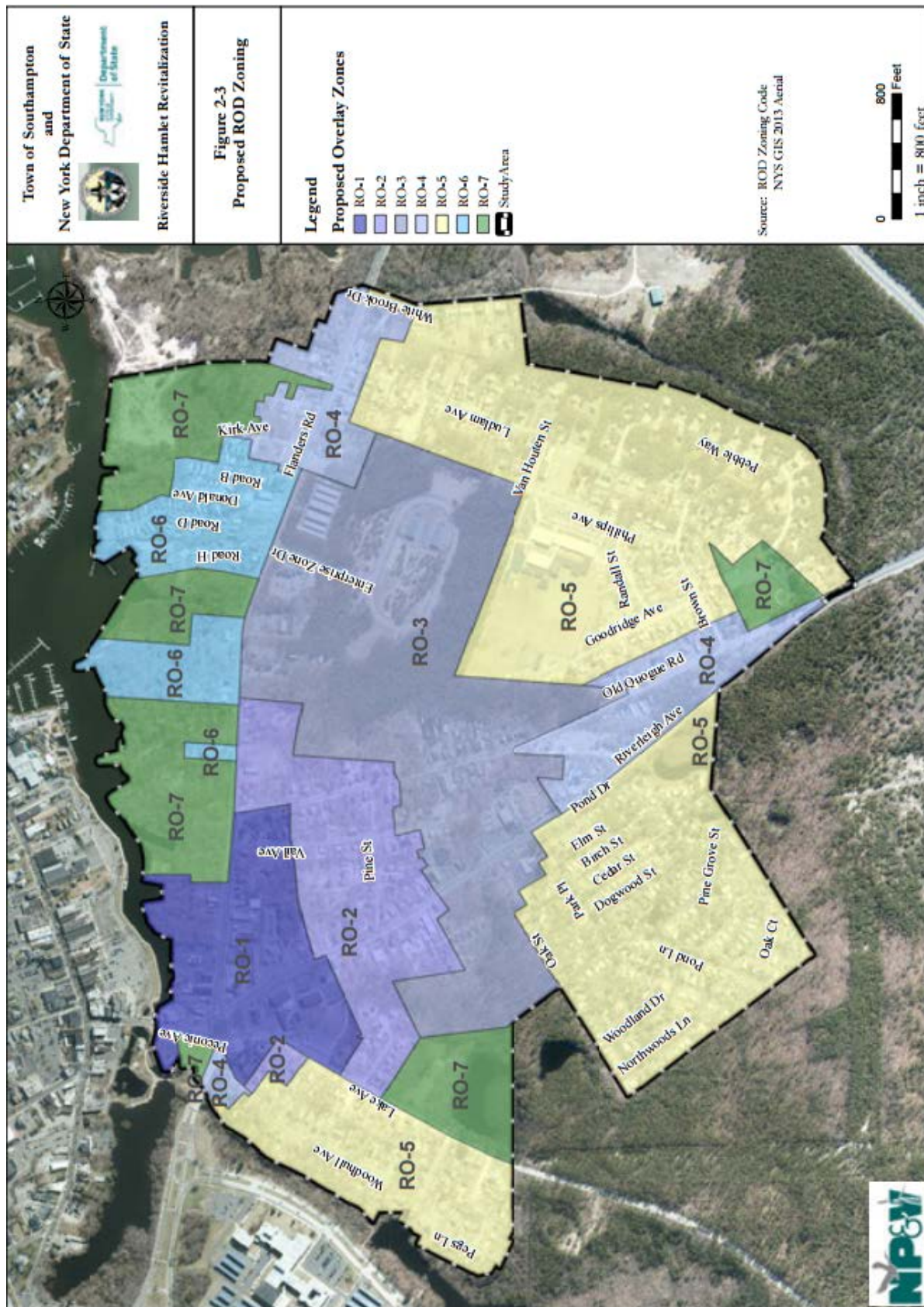


## STAFF RECOMMENDATION

**Conceptual Approval** of the Riverside Revitalization Action Plan and Zoning Overlay with the following comments:

1. The Town should continue dialogue with the Town of Riverhead Sewer District, the New York State Department of Environmental Conservation, the Suffolk County Department of Public Works and the Suffolk County Department of Health Services for wastewater treatment options and potential district expansion into the Riverside area.
2. The Town of Southampton should continue to coordinate with the Suffolk County Department of Public Works and the Town of Riverhead regarding traffic and storm water issues north of the CR 94 Roundabout on Peconic Avenue and in connecting downtown Riverhead to Riverside.
3. Referral of the RRAD and ROD should be referred to the Central Pine Barrens Joint Planning and Policy Commission for consistency review with the CLUP and the necessity for the submission of a Hardship Permit.
4. The Town should allow no more than 65% total natural vegetative clearance and maintain no less than 35% natural vegetation within the proposed ROD.
5. The redemption of Pine Barrens Credits beyond the 20 PBC's discussed for non-compliance with native vegetation clearing standards, should be considered to mitigate the proposed increases in density and intensity of land uses above the existing and base zoning yield for properties within the ROD.
6. The Town should review the Suffolk County Planning Commission Guidelines on energy efficiency and incorporate into the Form Based Code practical elements contained therein.
7. The Town of Southampton, in terms of workforce housing, should assure that no less than 10% of the 2,267 or 228 units be added to the inventory of workforce housing units in the ROD. It is noted that the ROD zones require that 50% of the residential units constructed be as "Community Benefit Units" in accordance with Section 216 of the Town Code. The definitions of Community Benefit Unit and Workforce Housing Unit should be checked for compliance between local and State law.
8. The Town of Southampton should work with the Suffolk County Department of Public Works to explore the feasibility to increase service within the proposed ROD.
9. The Town of Southampton should consult with the Suffolk County Department of Public Works on future possible improvements to the Riverside Roundabout intersection with the goal of not precluding, by way of land use zoning changes, right-of-way expansion for traffic flow mitigations or storm water treatment options.
10. The Town of Southampton should review the Suffolk County Planning Commission Guidelines on public safety and include into the Form Based Code practical elements contained therein.
11. The Town should review the Planning Commission Guidelines particularly related to universal design and include into the Form Based Code practical elements contained therein.

12. The Town should review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and include into the Form Based Code practical elements contained therein.



Z-3: Riverside Revitalization Plan  
 SCPD: SH-15-04

# 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

## **REVISED AGENDA**

**November 4, 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 October 2015
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
  - Former U.S. Congressman George Hochbrueckner and Dan Preston, CEO of Luminati Aerospace  
A presentation by Luminati Aerospace on their proposed drone research and engineering facility at EPCAL
  - David Wilcox, Planning Director, Town of Southampton,
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - Westfield Green Residential Development, Town of Brookhaven  
0200-47400-0100-001003
  - Accabonac Road Solar Site, Town of East Hampton  
0300-12500-0100-001000
  - Adopted Reso 2015-950, Riverside Revitalization, Town of Southampton
  - The Heritage at Cutchogue, Town of Southold  
1000-10200-0100-033003
7. Section A-14-24 of the Suffolk County Administrative Code
8. Other Business:

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on December 2, 2015 2 p.m. Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY.

# 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: November 4, 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 (9)

Ramon Accettella Jr. – Town of Babylon  
Michael Kelly – Town of Brookhaven (arrived @ 2:20 p.m. & left @ 3:40 p.m.)  
Samuel Kramer – Town of East Hampton  
Jennifer Casey – Town of Huntington  
Matthew Chartrand – Town of Islip  
Nicholas Planamento – Town of Southold (arrived after meeting start @ 2:20 p.m.)  
Adrienne Esposito – Villages Over 5,000  
Michael Kaufman – Villages Under 5,000  
David Calone – At Large

### Staff Present (5)

Andrew Freleng – Chief Planner  
Ted Klein – Senior Planner  
John Corral – Senior Planner  
Christine DeSalvo – Senior Clerk Typist  
Brittany Gelormino – Assistant County Attorney (Counsel to the Commission)

### Call to Order

- The Suffolk County Planning Commission meeting of November 4, 2015 was called to order by Chairman David Calone at 2:10 p.m.

### 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.

**Adoption of Minutes (postponed towards the end of meeting)**

**Chairman's Report** – Chairman Calone updated the Commission as follows:

- The Chairman began his report by mentioning the Commission's priorities for the rest of the year; which included the public safety model code; creating the retrospective look at development event; the housing survey; put the word out on the County's Comprehensive Plan; getting the North Fork traffic effort started; and creating an affirmative recognition award of "regionally valuable" projects.
- On the "Public Safety" model code which the Commission adopted in concept last year, the Chair indicated that the County Executive's office and the State Attorney General's office are eager for the Commission to complete this project. The Chairman stated that Governor Cuomo's former head of Public Safety for New York State has reviewed our proposed code and thought it was well done. The Chair indicated that the Commission has had further discussions with the Town of Brookhaven this past month and expects to receive feedback from them soon. Chairman Calone acknowledged the work and time that was put into this public safety model code and is looking forward to seeing it completed soon.
- Regarding the Comprehensive Plan, the Chairman stated that Director Lansdale and he will be presenting the County's Comprehensive Plan to the Long Island Regional Planning Council next week. In addition to the Plan, the Chair also indicated the Commission's model wind code will be presented as well.
- The Chair thanked the Commission members and staff for their help on another successful Planning Federation Conference held last month.
- On the topic of establishing a "regionally valuable" designation to support development projects that the Commission determines particularly worthwhile and important based on the Commission's existing guidelines, the Chairman indicated that he has circulated some proposed draft criteria which he hopes to discuss amongst the Commission towards the end of the meeting.
- On the upcoming "Village Innovation Award", which is intended to recognize villages doing good things to support regional and county-wide goals; the Chair stated that the selection committee to nominate this year's recipient will consist of himself, 1<sup>st</sup> Chair Adrienne Esposito, and Commission member Michael Kaufman; all Village representatives on the Commission. The Chair went on to request the approval from the Commission for the selection committee, along with the executive committee which includes 2<sup>nd</sup> Vice Chair Michael Kelly, to go ahead with selecting this year's recipient of the Village Innovation Award which would be given out at the next Village Officials Association's annual dinner event.

**Chairman's Report** (continued)

A motion was made by 2<sup>nd</sup> Vice Chair Kelly and seconded by Commission member Accettella; the vote was unanimous to approve the Chairman request to authorize the committees to move ahead with the Village Innovation Award.

- The Chairman reminded the Commission that the organizational meeting where they will elect Commission officers is coming up at the beginning of next year and that he has appointed Commission members Carl Gabrielsen and Kevin Gershowitz to serve on the nominating committee to propose an officers slate and rules for 2016. The Chair also indicated that if any other Commission members were interested in serving on the committee to let him know.
- Chairman Calone mentioned the "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 actual number of children or jobs were produced; or if the environmental impacts projected from both sides were accurate. The Chair indicated that he believes that the "Event" could happen in early 2016, and the staff was beginning to work on.
- On Agriculture; The Chair stated the Planning Commission's "farmers of the future" effort has been launched and the Commission is seeing the applications from that, working with its partners in the County Executive's office and the Peconic Land Trust to help young and transitioning farmers afford the capital equipment that they need to get started; and also to improve education opportunities to get more people interested and prepared to farm, acknowledging that Commission member Carl Gabrielsen has been very involved with greenhouse farming education.
- Chairman Calone announced that the next Commission meeting is to be held on December 2<sup>nd</sup> at the Legislative Auditorium in Hauppauge at 2 p.m.

**Guest Speaker(s)**

Former U.S. Congressman George Hockbrueckner and Daniel Preston, CEO of Luminati Aerospace; gave an introduction of themselves and then a presentation on a proposed drone research and engineering facility at EPCAL. They then addressed questions and comments of the Commission.

Anna Throne-Holst, Town of Southampton Supervisor, gave a presentation overview of the Town of Southampton's Riverside Revitalization Plan, and addressed the questions and concerns of the Commission.

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

- **Accabonac Road Solar Commons, LLC**; the application is referred by the Town of East Hampton, received on October 15, 2015 – the Commission's jurisdiction for review is that the application is within one mile of a heliport and the Eastern Zone of the Pine Barrens. The applicant seeks Site Plan and Special Permit approvals from the Town of East Hampton Planning Board for the construction of a proposed solar energy generation facility on a 20.64 acre parcel of land once used by the Town for a vegetative debris dump site.

The staff report recommended approval of the site plan and special permit application and offered three (3) comments for consideration and use by the Town of East Hampton Planning Board. After deliberation the Commission resolved to agree and approve the application with 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 East Hampton Planning Board was made by Commission member Kramer and seconded by Commission member Accettella, vote to Approve; 8 ayes, 0 nays, 0 abstentions.

- **Adopted Reso 2015-950 Riverside Revitalization Action Plan**; the Town of Southampton proposes the creation of a new overlay district consisting of seven separate sub-overlay zones affecting 468 acres in the Hamlet. The proposal was received on October 8, 2015 – the Commission's jurisdiction for review is that it is a proposed amendment to a Town Comprehensive Plan. The provisions in the Overlay District regulations would be optional for landowners, who would be permitted to develop and/or redevelop their land under the standards and specifications of the existing zoning if they choose or use incentives in the overlay zone for increased density and building height.

The staff report recommended approval of the Riverside Revitalization Action Plan creating the new overlay district, and offered twelve (12) comments for consideration and use by the Southampton Town Board. After deliberation the Commission resolved to generally agree with the staff report and approve the application with eleven (11) comments.

The motion to approve the Riverside Revitalization Action Plan and new overlay district with eleven (11) comments for their consideration and use by the Southampton Town Board was made by Commission member Kaufman and seconded by Commission member Accettella, vote to Approve; 8 ayes, 0 nays, 0 abstentions.



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

- **The Heritage at Cutchogue;** the application is referred by the Town of Southold, received on October 6, 2015 – the Commission’s jurisdiction for review is that the application is within 500 feet of Agriculture District #1 and New York State lands. The applicant seeks Site Plan approval from the Southold Town Board to allow for the construction of a 124 unit planned retirement community complex with a community center on 46.03 acres in the hamlet of Cutchogue. The application is subject to a stipulation of settlement between the applicant and the Town of Southold. The site plan proposes that wastewater be accommodated by 36 separate on-site sanitary systems, and that vehicular access would be from the northwest corner of Griffing Street and School House Road.

The staff report recommended approval of the Site Plan application and offered eight (8) comments for consideration and use by the Town of Southold Planning Board. After deliberation the Commission resolved to deem the referral to be Incomplete with respect to a “full statement” of facts, and resolved that the referred site plan application will not be reviewed until the following information is submitted through the offices of the municipal referring agency: Specifically the Draft Environmental Impact Statement for the Heritage at Cutchogue Site Plan Application including detailed information relating to 1) A complete traffic analysis for the proposed development project; 2) A complete wastewater analysis for the proposed development project; and 3) A complete soil remediation plan for the proposed development project.

The motion to deem the referral incomplete until the above mentioned information is **submitted** was made by Commission member Planamento and seconded by Commission member Chartrand, vote to Approve; 8 ayes, 0 nays, 0 abstentions.

- **Westfield Green Residential Development;** the application is referred by the Town of Brookhaven, received on October 8, 2015 – the Commission’s jurisdiction for review is that the application is adjacent to NYS Route 25 (middle Country Road). The applicant seeks Site Plan approval from the Town of Brookhaven Planning Board for the construction of 126 residential condominium units within thirteen buildings on 14.2 acres of MF (Multi-Family) zoned land in the hamlet of Selden. The proposed development would include 32 workforce housing units, and 12,000 S.F. community center. Sanitary wastewater generated from the proposed development would be treated via a connection with an off-site municipal sewage treatment plant.

The staff report recommended approval of the site plan application and offered eleven (11) comments for consideration and use by the Town of Brookhaven Planning Board. After deliberation the Commission resolved to generally agree and approve the application with the ten (10) comments.

**Adoption of Minutes (taken out of order)**

The motion to approve the site plan application with ten (10) comments for their consideration and use by the Town of Brookhaven Planning Board was made by Commission member Accettella and seconded by 1<sup>st</sup> Vice Chair Esposito, vote to Approve; 8 ayes, 0 nays, 0 abstentions.

- The adoption of the October 2015 Meeting Minutes. Motion to adopt as amended made by 1<sup>st</sup> Vice Chair Esposito, seconded by Commission member Casey. Vote Approved: 8 ayes, 0 nays, 0 abstentions.

**Other Commission Business**

- The Commission briefly discussed regionally significant criteria for determining a "regionally valuable" designation to support development projects that the Commission determines particularly worthwhile.

**Meeting Adjournment (4:40 p.m.)**

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