

SUFFOLK COUNTY PLANNING COMMISSION

Theresa Ward, Commissioner, Department of Economic Development and Planning
Sarah Lansdale, Director of Planning

AGENDA

November 1, 2017 at 2 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 2017
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guests
 - Ron Meyer, Commissioner of Planning, Town of Islip
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - DeLalio-Dix Hills, Town of Huntington
0400 27800 0200 174000 et al
COZ R-40 to R3M to construct 86 units on 9 acres
 - Veterans Memorial Highway Industrial Corridor District Study , Town of Islip
Corridor & Zoning Study with code amendments
 - The Hills at Southampton, Town of Southampton
0900 25000 0300 001000 et al
COZ CR200 to MUPDD for 118 units and Golf Course on 591 acres
7. Section A-14-24 of the Suffolk County Administrative Code
 - None
8. Other Business:
 - Nominating Committee

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **December 6, 2017 2 p.m..** Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
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: Veterans Memorial Highway Industrial Corridor District Planning & Zoning Study
Municipality: Town of Islip
Location: Veterans Memorial Highway; through Bohemia and Holbrook

Received: 10/10/17
File Number: IS-17-05
T.P.I.N.: N/A
Jurisdiction: Comprehensive Plan Amendment;

OVERVIEW – The Islip Town Board has referred to the Suffolk County Planning Commission the proposed Veterans Memorial Highway Industrial Corridor District (ICD) Planning and Zoning Study and corresponding code amendments for review and recommendation.

According to referral material from the Town of Islip to the Suffolk County Planning Commission, “the Study’s purpose is to promote high quality development and redevelopment of the ICD Study Area; expand on the success of the Long Island-MacArthur Airport and anticipated benefits of proposed Transit Oriented Development (TOD) near Ronkonkoma Station; and to enhance the area’s success as a premiere industrial/office district. The study specifically evaluates the suitability of establishing limited retail, dining and business and personal services that would support the area’s office and industrial facilities, Long Island-MacArthur Airport, the local workforce and Islip residents.”

The Study intends to identify a suitable mix of land uses that will supplement currently permitted ICD uses. The Study specifically evaluates the suitability of establishing limited retail, dining, and business and personal service uses. Dimensional zoning standards are also assessed and amended. The Study identifies opportunities for successful and sustainable growth, visual enhancements, green storm water infrastructure, connection to existing and proposed wastewater facilities, employment of sound parking and transportation management techniques and other essential strategies and improvements.

STAFF ANALYSIS

The Town of Islip ICD Study notes that much of the corridor is currently developed and that the primary opportunities for growth involve not only the development of remaining vacant land but also development of underutilized land on developed sites, expansion of uses by increasing land area by aggregating smaller properties redevelopment of sites that have existing nonconformities, modification of land use and dimensional zoning standards to allow additional new and expanded development opportunities; and construction of essential capital infrastructure including sewers parking structures, transportation enhancements, etc., to support additional development.

The primary conclusions from the Study note that most of the existing dimensional zoning standards are sufficient to achieve the Town's vision for the area; however, parking demand, the need to accommodate sewage flows in the unsewered areas and possible future traffic impacts limit the realization of maximum buildout under the current zoning rather than existing height, bulk, massing and density zoning standards.

An issues and opportunities map was created as part of the Study based on land use inventories, review of zoning requirements, input received from stakeholders, and sketch plan design analysis. The opportunities map demonstrated locations of potential future development and redevelopment sites. In addition a "concept Sketch for Planned Office Mixed-Use Development" was prepared as a vision for a sustainable mixed office/retail and restaurant development that incorporates high quality public amenities and shared parking, requiring no curb cuts on Veteran Memorial Highway.

A Town of Islip prepared summary of Code changes is attached to this staff report identifying new uses and parameters for dimensional and special conditions (see attached).

The Study's concluding recommendations were to promote the mix of preferred industrial and office land uses in the ICD while permitting certain supplemental retail and service uses that will support the district. The Study also recommended amending the ICD Code to allow the additional uses described the study.

STAFF RECOMMENDATION

Approval of the Veterans Memorial Highway Industrial Corridor District Planning & Zoning Study and Code changes to the Town of Islip Zoning Law with the following comment:

The Town of Islip continues to be making progress in the development of an updated Comprehensive Master Plan with a revised and updated zoning ordinance. The update of the Veterans Memorial Highway Industrial Corridor in this area will help to ensure that future development of the roadway corridor, Ronkonkoma Hub and the Long Island MacArthur Airport adheres to goals of the community.

Industrial Corridor District Planning and Zoning Study
Town of Islip’s Gateway to MacArthur Airport
ICD Zoning District – Summary of Recommended Code Modifications as of October 3, 2017

The following provides a comparison of modifications that are being considered for the ICD District:

Use	Current ICD Code	Proposed ICD Code
Restaurant (no drive-thru)	Permitted by special permit from the Town Board only as an accessory use if: <ul style="list-style-type: none">centrally located within the site,invisible (or inconspicuous) from Veterans Highway,signed with one lawn signpreferred within a principal buildingnot exceed a floor area ratio of 0.035 nor shall a food service establishment constitute more than 20% of the total floor area at any time.	Pad-site restaurant permitted by special permit from Planning Board after public hearing if consistent with the following standards: <ul style="list-style-type: none">Parcel is located at existing signalized intersectionDemonstrated appropriate access thru preparation of a traffic study and analysis of intersection/accessExecution of a cross access easement between parcels.Minimum area dedicated to use: 40,000 SFMinimum frontage on Vets Highway: 100’, <i>and</i>Minimum frontage of secondary road: 100’
Fast Food Restaurant (with drive-thru)	Not permitted in ICD	Permitted by special permit from Planning Board after public hearing if consistent with the following standards: <ul style="list-style-type: none">Parcel is located at existing signalized intersectionDemonstrated appropriate access thru preparation of a traffic study and analysis of intersection/accessExecution of a cross access easement between parcels.Minimum area dedicated to use: 60,000 SFMinimum frontage on Vets Highway: 200’, <i>and</i>Minimum frontage of secondary road: 150’
Retail Fuel Service Stations with a Convenience Market Component	Not permitted in ICD	Planning Board by Special Permit if meeting certain standards: <ul style="list-style-type: none">Parcel is located at existing signalized intersectionDemonstrated appropriate access thru preparation of a traffic study and analysis of intersection/accessMeeting the following requirements:<ul style="list-style-type: none">a) Is located at least ¼ mile from an existing fuel station or former stations which continue to have related improvements in place located on the same side of Veterans Memorial Highway.b) Access from Veterans Highway and second roadway frontage which has signalized intersection at Veterans Highway to allow vehicle access to signalized intersection.c) Minimum area dedicated to use: 80,000 SFd) Minimum frontage on Vets Highway: 150’, <i>and</i>e) Minimum frontage of secondary road: 150’f) Food market component which has a minimum of 50% of the interior floor area dedicated to food service including prepared foods/beverages. (seating, if proposed included).g) If proposed, any outdoor seating area provided for dining purposes is limited between the hours of 8 am and 11 pm. No consumption of alcohol shall be permitted on the site. Area provided as outdoor seating with canopy shall not be counted towards floor area ratio.h) No gasoline service station premises shall be permitted to locate within 200 feet of a school, playground, recreation center, public library, or church.
Food service establishment, restaurant, minor restaurant, cafeteria, delicatessen (does not include drive-thru, fast food restaurants)	Permitted by special permit from the Town Board only as an accessory use if: <ul style="list-style-type: none">centrally located within the site,invisible (or inconspicuous) from Veterans Highway,signed with one lawn signpreferred within a principal buildingnot exceed a floor area ratio of 0.035 nor shall a food service establishment constitute more than 20% of the total floor area at any time.	Permitted with special permit from Planning Board if part of a development with multiple uses and can be either part of industrial building or as a separate building with pedestrian connections to the office/industrial building(s) as long as not more than 25% of floor area dedicated to the use and maximum of 15,000 SF.
Accessory retail use	May not exceed 2% of the gross floor area of industrial building.	Increasing maximum gross floor area for accessory retail use to 10% of GFA with maximum of 2,000 SF.
Hotel	Not Permitted	Included in list of permitted uses
Drive thru bank kiosk	Not expressly permitted	Included in list of permitted uses (minimum lot area: 20,000 SF)

Use	Current ICD Code	Proposed ICD Code
Pharmacy with drive-thru	Not permitted in ICD	<p>Pad site pharmacy with drive-thru permitted by special permit from Planning Board after public hearing if consistent with the following standards:</p> <ul style="list-style-type: none"> Parcel is located at existing signalized intersection Demonstrated appropriate access thru preparation of a traffic study and analysis of intersection/access Execution of a cross access easement between parcels. Minimum area dedicated to use: 80,000 SF Minimum frontage on Vets Highway: 200', <i>and</i> Minimum frontage of secondary road: 200' Maximum building size: 15,000 SF
Retail uses	Not permitted in ICD	<p>Provision for retail use as a permitted use as part of a development of multiple uses or as a separate building with pedestrian connections to the office/industrial building(s) as long as no more than 25% of the floor area is dedicated to one or more of the following retail uses or services integrated into the office/industrial development which do not exceed a total of 15,000 SF as a single use:</p> <ol style="list-style-type: none"> Personal service Office equipment and service Office supplies Dry cleaning Delicatessen (with floor area maximum of 2,000 SF) <p>And the following as a special permit from the Planning Board:</p> <ol style="list-style-type: none"> Pharmacy (including drive-thru) Specialty food shop (maximum 8,000 SF)
Specialty food market	Not permitted in ICD	<p>Permitted by special permit from Planning Board after public hearing if consistent with the following standards:</p> <ul style="list-style-type: none"> Parcel located at existing signalized intersection Demonstrated appropriate access thru preparation of a traffic study and analysis of intersection/access Execution of a cross access easement between parcels. Minimum area dedicated to use: 80,000 SF Minimum frontage on Vets Highway: 200' Minimum frontage of secondary road: 100' Maximum building size: 8,000 SF
University or college dormitory or similar residential use	Town Board Special Permit	Removed from code
Industrial/business service use involving office support services including printing, document reproduction	Permitted by special permit from Planning Board after public hearing, however use description, does not specifically include storage facilities, provision of building/office and business-related supplies.	Use description amended to include storage facilities, provision of building/office and business-related supplies.
Medical Office	Permitted, not specifically listed	Included in list of permitted uses
Job training	Not permitted	Included in list of permitted uses
Private parking garage as an accessory use to a permitted principal use.	Permitted by special permit from Planning Board after public hearing	<p>Permitted accessory use to a permitted principal use unless adjacent to residential use or zone, in which case is prohibited.</p> <p>Not included in FAR calculation. Private parking garage as an accessory use to a permitted principal use unless adjacent to residential use or zone, in which case is prohibited.</p>

Other Provisions	Current Code	Proposed Code
Design Criteria	Currently few details provided, architecture and site plan elements subject to review by Planning Division	New design criteria included in 68-476 to require high quality architecture and site design.
Signs	Subject to provisions of the Town Sign Ordinance including the maximum sign area at 32 square feet for a multitenant structure.	New provision: For properties with a minimum frontage on Veterans Highway of 300 linear feet or greater, the maximum sign area may be increased to 64 square feet for a multitenant structure.
Buffer to residential zone or use	Minimum buffer: 25'	Increases minimum to 50'.



FIGURE 1
STUDY AREA LOCATION MAP

Source: ESRI Web Mapping Service; Town of Islip, 2015

Scale: 1 inch = 2,500 feet


Legend

Study Area

R LIRR Station

Towns

Veterans Memorial Highway
ICD Study



Town of Islip

File No. ZSR-17-21

Resolution No. ZSR-17-21 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on October 10, 2017 at the offices of the Suffolk County Planning Commission with respect to the application of “**Veterans Memorial Highway Industrial Corridor District Planning & Zoning Study**” located in the Town of Islip
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **November 1, 2017**, now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approves** the Veterans Memorial Highway Industrial Corridor District Planning & Zoning and Code changes to the Town of Islip Zoning Law with the following comment to be offered to the Town of Islip for its consideration and use:

Comment:

The Town of Islip continues to be making progress in the development of an updated Comprehensive Master Plan with a revised and updated zoning ordinance. The update of the Veterans Memorial Highway Industrial Corridor in this area will help to ensure that future development of the roadway corridor, Ronkonkoma Hub and the Long Island MacArthur Airport adheres to goals of the community.

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

Veterans Memorial Highway Industrial Corridor District Planning & Zoning Study

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	RECUSED	ABSENT
ANDERSON, RODNEY – At Large	X			
CASEY, JENNIFER - Town of Huntington	X			
CHARTRAND, MATTHEW - Town of Islip	X			
CHU, SAMUEL – Town of Babylon	X			
CONDZELLA, JOHN – Town of Riverhead				X
ESPOSITO, ADRIENNE - Villages over 5,000	X			
FINN, JOHN - Town of Smithtown	X			
GERSHOWITZ, KEVIN G.- At Large	X			
KAUFMAN, MICHAEL - Villages under 5,000	X			
KELLY, MICHAEL – Town of Brookhaven	X			
KITT, ERROL – At Large	X			
KRAMER, SAMUEL – Town of East Hampton	X			
MOREHEAD, NICHOLAS – Town of Shelter Island				X

Motion: Commissioner Chartrand

Present: 12

Seconded: Commissioner Kaufman

Absent: 1

Voted: 11

Recusal: 0

DECISION: Approved

COUNTY OF SUFFOLK

Z-2



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Deputy County Executive and Commissioner

**Division of Planning
and Environment**

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

Applicant: The Hills at Southampton (DLV Quogue, LLC)
Municipality: Southampton
Location: E/S/O Lewis Road ~ 300' W/O Old Country Road

Received: 9/29/17 (7/29/2013)
File Number: SH-17-03 (SH-13-02)
T.P.I.N.: 0900 25000 0300 001000 et al
Jurisdiction: Suffolk County Pine Barrens Zone-Central Pine Barrens & NYS Rte. 27

ZONING DATA

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

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: Yes/No: some old filed map area
- Property Previously Reviewed by Planning Commission: yes
 - File: SH-13-02
 - Date: SCPC resolution 9/04/13
 - Map of: The Hills at Southampton
- SEQRA Information: FEIS
- SEQRA Type: I
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: vacant
- Existing Structures: none
- General Character of Site: rolling
- Range of Elevation within Site: 20'-220' amsl
- Cover: Wooded/some disturbed areas
- Soil Types: Carver, Haven, Plymouth Riverhead, Sudbury association and Gp (gravel pits)
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: Yes 1.4 ac FWWS, Hills North Parcel

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: PDD
- Layout: cluster
- Area of Tract: 591 Acres
- Yield Map: yes
 - No. of Lots: 118
- Open Space: 424.14 Acres

ACCESS

- Roads: access from Lewis Road (Town road)
- Driveways: internal circulation - private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: Bio-swales, rain gardens, drainage reserve area & CB - LP
 - Recharge Basins proposed pond
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: Private-proposed STP

PROPOSAL DETAILS

OVERVIEW – Applicants petition the Southampton Town Board for a change of zone from Country Residence-200 (CR200) to Mixed Use Planned Development District (MUPDD) pursuant to Section 330-246B of the Southampton Town Zoning Law. Subject project site is an assemblage of contiguous and non-contiguous tax map parcels consisting of 591 acres in the Hamlet of East Quogue. The requested zone change to MUPDD would allow for a seasonal residential resort development consisting of 118 residential attached and detached single-family dwellings, an approximate 98 acre private golf course, a private clubhouse roughly 38,000 SF in size (that will provide onsite amenity services strictly accessory to the proposed development), and approximately 424 acres of open space. The footprint for the development is limited to approximately 167 acres of the overall 591 acres (28.26%). The subject application also includes the Transfer of Pine Barrens Credits and extinguishment of additional development rights in the vicinity.

The subject project site is divided unevenly into four (4) parts; the largest owned land component, known as the Hills property, consists of 340 acres south of Sunrise Highway and 86.92 acres north of Sunrise Highway, for a total of 427 acres; with contiguous property to the west known as the Kracke property which consists of 61.26 acres, and noncontiguous property to the east known as the Parlato property which consists of 101.91 acres for a total of 591 acres.

The Town of Southampton Zoning Code requires that the Applicant determine the base density of the project site under its existing zoning. A yield Map for the combined Hills Property and the Kracke Property was provided to the Town of Southampton and included in the DEIS. This map showed that the acreage of the combined Hills property and Kracke Property would provide for 94 lots under their existing CR-200 zoning. As for the Parlato Property, information in the DEIS included a series of Development rights Allocation Letters from the Town that certify that this parcel has a yield of 24 lots under its existing CR-200 zoning. Together the base density of the three properties is 118 lots.

The Golf Course is to be an amenity that is available to all residents of The Hills at Southampton community. In addition, the golf course will provide 132 additional memberships to golfers that chose to join but do not live in the The Hills at Southampton Community. The golf course will be made available for five (5) charitable events per year and one (1) "Resident's Day" per year, when community members will have access to play golf at the Hills at Southampton golf course for reduced rate. No other large special events are proposed. As noted below, 30 development rights from the Core Preservation area of the Central Pine Barrens are to be retired to account for the proposed golf course.

The application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. An onsite sewage treatment is proposed. Since the release of the original concept for the project, the Petitioner has investigated the potential use of full tertiary treatment systems at the subject property to achieve nitrogen effluent concentrations of less than 10 milligrams per liter (mg/l).

A Suffolk County Water Authority public water supply field is located adjacent to the subject property approximately midway of the South Parcel known as the Spinney Road Well Field. The proposed project includes the offering of an additional four acres of undisturbed land to the SCWA somewhere on the subject property for potable water supply purposes.

The subject site has access to Lewis Road and frontage at the end of the paved portion of Spinney Road. No access is proposed to Spinney Road. Access to the development is proposed via a single uncontrolled intersection to Lewis Road. All frontage and access is to Town of Southampton Roads. There is no access proposed via the ROW of NYS Rte. 27 (Sunrise Highway). The layout of the internal roadway is aligned in a north-south direction and connects the site access point on Lewis Road to the Clubhouse area and branches out to three cul-de-sac internal roadways.

Submission material by the Petitioners to the Southampton Town Board as well as documents related to the Town of Southampton State Environmental Quality Review Act (SEQRA) process including the Draft and Final Environmental Impact Statements (DEIS & FEIS), Nitrogen analysis and the East Quogue GEIS can be found at the following web links:

<http://ny-southampton.civicplus.com/987/The-Hills-at-Southampton-MUPDD>

<http://www.southamptontownny.gov/396/Final-GEIS-Adopted-Nov-2008>

The Suffolk County Planning Commission reviewed a pre-application referral on part of the subject property in 2013. The prior referral was for a conceptually similar project also entitled the Hills at Southampton PDD and was intended to consist of 82 residential units, and a golf course. All 82 units were intended to be sold for use by their owners (owner occupied); no rental units were proposed. The residential units were intended to be clustered in the center portion of the South Parcel.

The 86 acre golf course component was also to be located on the South Parcel. The course was distributed in the northern, southern and eastern portions of the southern parcel. The golf course was proposed to be an 18-hole, Par-71, Championship-grade facility on 82 acres, a half-acre maintenance area and an approximate four (4) acre irrigation pond/pond house area affecting play on two holes was also proposed. A Clubhouse was also proposed (see attached 9/04/13 staff report).

The Suffolk County Planning Commission reviewed and deliberated the 2013 Hills at Southampton pre-application referral from the Southampton Town Board at their regularly scheduled meeting of September 4, 2013 and resolved to disapprove the referred pre-application petition for a change of zone from CR-200 to MUPDD (see attached 9/4/13 SCPC resolution). The reasons for the Planning Commission's disapproval were:

1. The Suffolk County Planning Commission is concerned about the ability to maintain the non-primary residence status for the proposed units.
2. The Suffolk County Planning Commission is concerned about a golf course proposed above a critical watershed and raises issues related to nitrogen, phosphate, potash, bacteria, etc.
3. The Suffolk County Planning Commission is concerned about the elimination of access to the Pine Barrens core via this parcel.
4. The petition lacks any significant discussion of the provision of affordable (workforce) housing on or off-site.

The Southampton Town Board considered the SCPC disapproval along with the Petitioner and through the SEQRA process continued to modify and amend the proposal to its current form. In the process of the preparation of the Final Environmental Impact Statement (FEIS) the Petitioners have addressed the Suffolk County Planning Commissions reasons for disapproval (see below).

A summary of the changes in the proposed project since the Pre-application include:

- The addition of two separate land holdings; the Parlato and Kracke properties,
- The Petitioner proposes to purchase and retire additional thirty (30) Pine Barrens Credits, (a number equivalent to the yield of the projects golf course component) originating from the Core Preservation Area of the Central Pine Barrens of Southampton,
- The applicant will purchase an additional 33 acres of land in East Quogue that are owned by the Parlato family and are currently under subdivision application based on a yield of 29 lots. The project sponsor would retire these units, as well as the 30 PBC noted above.
- A switch from individual onsite septic systems to an on-site sanitary treatment plant,
- A preliminary identification of the tertiary sanitary wastewater treatment system to be constructed, and its location within the project site has been determined,
- The location of a 4-acre area to be dedicated to the Suffolk County Water Authority has been relocated to the projects site's eastern boundary

Changes to the project that have occurred in response to comments during the review and community input process is reflected in the documents contained above. The applicant also offers the following new or updated information in relation to the set of Community Benefits associated with the project:

- One million dollars will be set aside for sanitary system upgrades described in the DEIS to be utilized to upgrade non-conforming sanitary systems with Innovated/Alternative Onsite

- Waste Water Treatment Systems (I/A OWTS),
- Installation of an on-site waste water treatment system at the East Quogue Elementary School,

STAFF ANALYSIS

In response to Suffolk County Planning Commission concerns with respect to the ability to maintain the non-primary residence status for the proposed units the petitioners puts forth (pgs. 1-4 of the FEIS) that the legal mechanism proposed for enforcing seasonal occupancy restrictions is a Declaration of Covenant and Restriction, recorded in the Suffolk county Clerk's Office. In particular, the covenant proposes the following restrictive language:

- (a) At no time hereafter shall the dwelling units erected on the lots and/or units shown on the aforesaid subdivision map be occupied as a place of primary or permanent residence or domicile,
- (b) There shall be no time limits on occupancy of a lot or unit between May 1 and October 15 in any given year, provided, however, that the total number of days of occupancy in any calendar year shall not exceed one-hundred-eighty-three (183) days; and
- (c) A lot or unit may not be occupied for more than thirty (30) consecutive days or aggregate of (60) days between October 16 and April 30 in any given year.

In addition, the covenant identifies a presumptive breach of these seasonal occupancy restrictions where an owner or occupant:

- (a) Enrolls a child or children in the East Quogue School District,
- (b) Applies for a real property tax exemption, abatement or rebate based upon his or her primary residence in East Quogue or the Town of Southampton and/or
- (c) Applies for any public monetary benefit or service available only to primary residents n East Quogue or the Town of Southampton

Finally, enforceability of the covenant and its conditions therein are expressly given to:

- (a) The Declarant, that is, DLV Quogue, LLC, or its heirs, successors and assigns,
- (b) The property owner or homeowner's association to be established should the project be approved, and/or
- (c) The Town of Southampton

The petitioners also put forth that the Covenant document can be revised to allow the Town to seek reimbursement from the applicant and/or the Homeowners Association for any costs associated with the enforceability of said covenant, whether that enforcement is realized in the form of a Supreme Court enforcement action or otherwise. In addition, these occupancy restrictions should also be included in any and all transfer deeds for each parcel as further assurance of the intent of the seasonal occupancy restrictions.

The Suffolk County Planning Commission was also concerned about a golf course proposed above a critical watershed and raises issues related to nitrogen, phosphate, potash, bacteria, and other possible contaminants.

It is proposed by the Petitioner that the HSMUPDD require the creation of a golf course that meets the most stringent requirements of modern golf courses and as set forth in the FEIS, including an integrated turf health management plan limiting the amount of fertilizer and water use. It is also proposed that the project have a complete groundwater monitoring program (as recommended by the East Quogue Land Use Plan) equivalent to the programs at the Bridge and

Sabonack golf courses in the Town of Southampton. It is noted that the HSMUPDD also proposes the utilization of groundwater from two new on site wells (or from an adjacent Suffolk County Water Authority well field) as a means to further enhance the protection and improvement of the groundwater resources of the property and the Weesuck Creek Watershed.

Existing elevated groundwater nitrogen is proposed by the Petitioner to be removed from the aquifer and reused for golf course irrigation such that the project will have a net negative nitrogen load, and nitrogen laden groundwater that would otherwise flow to Weesuck Creek and western Shinnecock Bay will be removed (this is a relatively, unproven approach to reduce nitrogen). As observed, the Central Pine Barrens Comprehensive Land Use Plan and Southampton Town Zoning Law the PDD zoning tool is identified as a receiving site for Pine Barrens Credits. As noted in the proposed HSMUPDD, the project provides for the redemption of thirty (30) Pine Barrens Credits to offset the development of the golf course.

The Petitioners contend that no more than 15% of the project site (standard of the CLUP and SCPC) will be established in fertilizer-dependent vegetation. The project site is a total of 591 acres in size (in three component properties) and up to 88.65 acres of landscaping that requires fertilization may be planted on this site. Based on the Updated Master Plan (included in the FEIS and subject of this referral) a total of 88.53 acres of landscaping is proposed and potentially subjected to fertilization; this includes private lawns, common areas, and the golf course. This acreage represents 14.98% of the site.

The Petitioners put forth that measures incorporated into the project (i.e. conformance to SCSC Article 6, minimization of fertilization for the golf course, and the use of groundwater impacted by agricultural practices from locales in the upgrading direction for the project's irrigation) are expected to generate an overall nitrogen concentration in recharge of less than 1mg/l.

It is the belief of staff of the Suffolk County Planning Commission that the Town of Southampton should assure that the Petitioner work with the Suffolk County Department of Health Services to carefully monitor the variable concentrations of the nitrogen component from the offsite and onsite groundwater flow for fluctuations during irrigation periods in accordance with descriptions provided within the FEIS (see page 1-5 & 15, etc.). The Town and the Health department should verify the differences in modeling between the applicant and commentators potentially with more tests wells on site. In addition, the petitioner and the Suffolk County Department of Health Services should also address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with "fertiligation." The Suffolk County Water Authority should also be brought into the discussions.

The Suffolk County Planning Commission was also concerned about the elimination of access to the Pine Barrens core via this parcel. As indicated in the submittal material to the Suffolk County Planning Commission from the Southampton Town Board, the proposed HSMUPDD provides for park and recreational space, including public trails. The Petitioner has offered the preparation of covenants to permanently protect the naturally-vegetated open spaces to remain under private ownership on the Hills South Parcel/Kracke property. The applicant also has offered the entirety of the Hills North Parcel and the Parlato Property (both of which are in the Core Preservation Area) to the Town of Southampton for dedication. These properties contain existing trails that provide access to the Pine Barrens Core via this project. The Petitioner has also been working to provide onsite connections to the existing trail network.

The Suffolk County Planning Commission also noted that at the time of the Pre-submission review, the petition lacked any significant discussion of the provision of affordable (workforce) housing on or off-site.

The Petitioners have responded by indicating that the HSMUPDD will provide funds for the establishment of affordable housing as required under the Long Island Workforce Housing Act and Article, II of chapter 216 of the Town of Southampton Code. The Petitioners contend that given the isolated location of the subject property combined with the fact that the proposed residential resort development is to be seasonal with no year round residences the provision of on-site affordable housing is not ideal. Further the Petitioner does not own appropriate additional lands for the construction of off-site housing. Therefore, it is recommended by the Petitioner that a fee as provided for in section 216-9A (3) of the Southampton Town code which equates to approximately \$2.7 million, be contributed to Town of Southampton affordable housing initiatives.

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 proposed The Hills at Southampton project has been designed to be consistent with the existing character of the community, and would remain so into the future with the use of Design Guidelines and a recorded Master Declaration of Covenants and Conditions as proposed by the applicant. According to submitted material to the Commission, the proposed plan has been designed specifically to balance the capabilities of the applicant with the goals of the Town and community for the site, as well as with the pattern of land uses in the vicinity, in order to provide high-quality development on a site where the probability of economic and aesthetic success is high.

The project's vehicle access has been located on Lewis Road and not Spinney Road so that the existing character of the residences along Spinney Road would not be adversely impacted by vehicle traffic associated with the proposed project. In addition, the project is developed preferentially on already-cleared areas of the South Parcel, which reduces the amount of natural vegetation that must be removed for the project.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: It is the belief of the staff that the proposed action conforms to the recommendations of the East Quogue Land Use Plan and GEIS, as well as the Towns PDD zoning ordinance. Comprehensive Plan goals of the Town are to minimize impact on services, increasing tax revenues, providing recreational use, preserving habitat and ensuring a balance of aesthetic development and land preservation. The purpose of the Planned Development District legislation, as detailed in the Town Zoning Code Section 330-240B is to facilitate increased flexibility to achieve more desirable development through the use of more creative and imaginative design of residential, mixed use, commercial and industrial areas than is presently achievable under conventional land use techniques and zoning regulations and to preserve, adapt and improve existing open space, land uses and communities, consistent with the recommendations of the Town's Comprehensive Plan....the staff is in agreement with the petitioner that the proposal will provide an alternative to a typical residential subdivision development that could be anticipated to increase local school-age population and school enrollments, motor vehicle traffic, etc. beyond what is currently proposed.

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
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:

Pine Barrens- Suffolk County Legislative Resolution No 215- 1996 established the authority of the Suffolk County Planning Commission to review projects in the Central Pine Barrens Zone of Suffolk County (one of four described Pine Barrens Zones in the Suffolk County Charter).

The proposed action is essentially a cluster development where the yield from northern portions of the site is “slid down” to the mid and southern end of the Southern Parcel. This is in recognition of the regulatory restrictions in the Central Pine Barrens regarding development in the Core Preservation Area (CPA). As proposed, all disturbances associated with the development will take place in the Compatible Growth Area (CGA) portion of the site. No part of the development will occur in the CPA portion.

The proposed project is intended to conform to the maximum allowed clearing for the site under the Central Pine Barrens Comprehensive Land Use Plan (promulgated by the Central Pine Barrens Joint Planning and Policy Commission). The Petitioners propose to provide approximately 424 acres as naturally occurring vegetation. As such, clearing is proposed by the project sponsors to be limited to approximately 167 acres or approximately 28.26% of the overall site. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for property’s zoned at or greater than 200,000 SF minimum lot size is established at 25%. Moreover, the Central Pine Barrens CLUP indicates (table 5-1) a clearing restriction of 20% and in some cases 25%.

It is the belief of the staff that review by the Central Pine Barrens Joint Planning and Policy Commission is warranted with regard to adherence to natural vegetation clearing and other portions of the Comprehensive Land Use Plan (CLUP). The petitioner should be directed to the Central Pine Barrens Joint Planning and Policy Commission for compliance to the CLUP as soon as is practicable.

The subject parcel is southeast of the regional groundwater divide, indicating that flow is generally toward the southeast. Groundwater will be ultimately discharged from the subsurface system in the form of stream flow and/or subsurface outflow to the waters of Weesuck Creek and western Shinnecock Bay. The elevation of groundwater beneath the subject site ranges from approximately 10 to 15 feet asl, depending on meteorological conditions associated with the water year. The average topographic elevation of the property ranges from approximately 17 to 255 feet asl, therefore, the depth to groundwater is ranges from approximately 6 to 240 feet asl.

As written above, the application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. An onsite sewage treatment is proposed. Since the release of the original concept for the project, the Petitioner has investigated the potential use of full tertiary treatment systems at the subject property to achieve nitrogen effluent concentrations of less than 10 milligrams per liter (mg/l). There are several systems that are currently approved by the SCDHS (Appendix A systems) that meet the 10/mg/l threshold, and the Petitioner has indicated a commitment toward using the best available technology that provides tertiary treatment for a seasonal occupancy project.

It is the belief of the staff that as there is still some discussion between the Petitioner and the

SCDHS/SCDPW as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and period of use.

Lined golf course greens and man-made ponds as well as some natural retention areas are proposed as part of the storm water treatment system. The petitioners should be encouraged to review the Suffolk County Planning Commission publications on the Study 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.

Little mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. 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 applicable for residential and clubhouse components of the proposal.

A Traffic Impact Study (TIS) was conducted in conformance with the Final Scope of Work and was included in the DEIS for the subject application. Four intersections in the study area were analyzed. The results of the intersection capacity analyses contained in the DEIS found that the existing levels of service (LOS) associated with these intersections will remain relatively the same after the completion of the project, with minimal increases in delay. In addition to the intersection LOS, vehicle ques and safety at the at-grade Long Island railroad crossing on Lewis Road were reviewed. No queuing or traffic safety issues are expected at the LIRR grade crossing. Based on the findings of the TIS, the Petitioners put forth that construction and operation of the proposed project will not create significant adverse traffic and safety impacts on the adjacent street network.

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 Local Law and Change of Zone from Country Residence – 200 (CR-200) to the Hills at Southampton Mixed Use Planned Development District (HSMUPDD) for The Hills at Southampton (DLV Quogue, LLC) with the following conditions and comments:

Conditions:

1. The Petitioner, with the Suffolk County Department of Health Services, shall address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with “fertigation.”
2. The Petitioner shall be directed to continue dialogue with the Suffolk County Department of Health Services and Suffolk County Department of Public Works as soon as possible. It is the belief of the Suffolk County Planning Commission that as there is still some discussion between the Petitioner and the SCDPW/SCDHS as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and period of use.

Comments:

1. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for

property's zoned at or greater than 200,000 SF minimum lot size is established at 25%. The Petitioner should be directed to the Central Pine Barrens Joint Planning and Policy Commission for compliance to the Central Pine Barrens Comprehensive Land Use Plan (CLUP).

2. The Petitioners 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.
3. The Petitioners should be encouraged to review the Suffolk County Planning Commission Publication entitled Study of Man Made Ponds in Suffolk County 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, elements contained therein applicable for residential and clubhouse components of the proposal.
5. The Petitioner 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.

Resolution No. ZSR-17-22 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on September 29, 2017 at the offices of the Suffolk County Planning Commission with respect to the application of “**The Hills at Southampton**” located in the Town of Southampton
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **November 1, 2017**, now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approves** the Local Law and Change of Zone from Country Residence – 200 (CR-200) to the Hills at Southampton Mixed Use Planned Development District (HSMUPDD) for The Hills at Southampton (DLV Quogue, LLC) with the following conditions and comments:

Conditions:

1. The Petitioner, with the Suffolk County Department of Health Services, shall address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with “fertigation.”
2. The Petitioner shall be directed to continue dialogue with the Suffolk County Department of Health Services and Suffolk County Department of Public Works as soon as possible. It is the belief of the Suffolk County Planning Commission that as there is still some discussion between the Petitioner and the SCDPW/SCDHS as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and period of use.

Comments:

1. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for property’s zoned at or greater than 200,000 SF minimum lot size is established at 25%. The Petitioner should be directed to the Central Pine Barrens Joint Planning and Policy Commission for compliance to the Central Pine Barrens Comprehensive Land Use Plan (CLUP).
2. The Petitioners 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.
3. The Petitioners should be encouraged to review the Suffolk County Planning Commission Publication entitled Study of Man Made Ponds in Suffolk County 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, elements contained therein applicable for residential and clubhouse components of the proposal.
5. The Petitioner 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.
6. The Petitioner should be required to create a golf course that meets the most stringent requirements as stated in the EIS; including an Intergraded turf management plan limiting the amount of fertilizer and water use and that there is a complete groundwater monitoring program for the golf course/project.

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

ZSR-17-22
File No.: SH-17-03
11/1/2017

The Hills at Southampton

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	RECUSED	ABSENT
ANDERSON, RODNEY – At Large	X			
CASEY, JENNIFER - Town of Huntington	X			
CHARTRAND, MATTHEW - Town of Islip	X			
CHU, SAMUEL – Town of Babylon	X			
CONDZELLA, JOHN – Town of Riverhead				X
ESPOSITO, ADRIENNE - Villages over 5,000		X		
FINN, JOHN - Town of Smithtown	X			
GERSHOWITZ, KEVIN G.- At Large	X			
KAUFMAN, MICHAEL - Villages under 5,000	X			
KELLY, MICHAEL – Town of Brookhaven	X			
KITT, ERROL – At Large	X			
KRAMER, SAMUEL – Town of East Hampton	X			
MOREHEAD, NICHOLAS – Town of Shelter Island	X			

Motion: Commissioner Kramer

Present: 12

Seconded: Commissioner Chu

Absent: 1

Voted: 12

Recusal: 0

DECISION: Approved

COUNTY OF SUFFOLK

Z-1



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
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: DeLalio-Dix Hills
Municipality: Huntington
Location: East side of Deer Park Avenue (State Route 231) and s/o Half Hollow Rd., in the hamlet of Dix Hills.

Received: 10/4/2017
File Number: HU-17-03
T.P.I.N.: 0400 27800 0200 17400, 17500, 17600, and 17700
Jurisdiction: Adjacent to State Route 231 (Deer Park Avenue)

ZONING DATA

- Zoning Classification: R-40 Residential District
- Minimum Lot Area: 40,000 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: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: EAF
- SEQRA Type: Unlisted/Plan Brd. Neg. Dec.
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Commercial sod nursery processing facility (no growing occurring on-site)
- Existing Structures: Several commercial buildings and structures related to a commercial nursery operation.

- General Character of Site: Generally level, rising up in the rear of the property.
- Range of Elevation within Site: 105-115 feet amsl
- Cover: Driveway and paved parking area, nursery structures and uses, and wooded land
- Soil Types: HaA (Haven Loam) & RdB (Riverhead Sandy Loam)
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Change of zone from R-40 Residence to R-3M Garden Apartments District of 9 acres. And 2 lot subdivision of S.C.T.M. # 0400-278-2-174
- Layout: Standard row design with 86 units, of which 46 Townhouse units and 40 Flat units, plus 1 acre out parcel
- Area of Tract: Total of 10 acres
- Yield Map:
 - No. of Lots: 2
 - Lot Area Range: 1 acre to remain as zoned R-40, 9 acres COZ to R-3M
- Open Space: N/A

ACCESS

- Roads: Deer Park Avenue (State Route 231)
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: Catch Basins and Leaching Pools
 - Recharge Basins: None
- Groundwater Management Zone: I
- Water Supply: public
- Sanitary Sewers: On-site Sewage Treatment Plant (Cromaglass system), and individual sanitary system.

PROPOSAL DETAILS

OVERVIEW – Petitioners seek change of zone approval from the Huntington Town Board on three tax map parcels and part of a fourth tax map parcel (#174) our lot, totally 9 acres (as a result of a minor two lot subdivision). The property is currently zoned R-40 Residential (40,000 SF). The Petition is to rezone 9 acres to R-3M Garden Apartment Special District for the construction of 86 senior residential condominium units on a former farm property now used as a contractor's yard. The 'conceptual plan' submitted with the subject application proposes building seven (7) 2-stories buildings containing 6 to 8 'Townhouse' units (of approximately 2,125 SF), and three (3) single-level buildings containing 12 to 16 'Flat' units (of approximately 1,300 SF). The conceptual plan also depicts a 3,200 SF community center and pool to be built for the residents, and an on-site Cromaglass type sewage treatment plant is proposed to serve the project, and 169 parking spaces are proposed to be built on site. The proposed density of the senior housing development is 9.5 units per acre. The proposed two (2) lot subdivision as part of this application is to divide a contiguous parcel whereas the rear portion that is currently wooded, would be rezoned to R-3M and incorporated into the proposed senior housing development; while the front 1 acre portion will remain R-40 and is occupied by a single-family house close to Deer Park Avenue and what appears to be a contractor's yard behind the house.

The project site is located on the east side of Deer Park Avenue (NYS Rte. 231), south and opposite of the signalized intersection Half Hollow Rd., in Dix Hills.

Access is proposed in two locations to the subject project. Both entrances are right turn only (northbound) as there is a raised median in the center of Deer Park Avenue (NYS Rt. 231). A local Town street (East Half Hollow Road) terminates at the eastern property line and no access connection is being proposed at this location.

The proposed development is anticipated to generate 15,000 gallons per day of liquid waste, and is intended to connect to a new sewage treatment plant at the south west corner of the subject project site. The design and technology has been indicated in the referral material to Cromaglass system, and expandable to 100%.

Storm water runoff from the contemplated development is to be collected via catch basins and directed to leaching pools/drywells..

The subject change of zone parcel is presently used as landscaper/contractor's yard operations. There is presently a natural wooded area on the easterly portion of the property. The proposed project site 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 wetlands occur on the subject site.

The subject property fronts and takes access from Deer Park Avenue, a four lane roadway separated by a grass median. The adjacent and surrounding area is zoned R-40 Residence, with the exception of the Stone Ridge senior development a few parcels south which is zoned R-RM & R-3M. Further south is the Upper Room church and an elementary school operated by BOCES. There are several agricultural parcels along Deer Park Avenue, including a greenhouse operation directly to the south and a nursery directly to the north. Alternative uses are common on the east side of this stretch of Deer Park Avenue, while single-family homes are predominate on the west side of the road. The rear of the subject property abuts a low density residential neighborhood and a dead end for East Half Hollow Road. There is no access now or proposed. Directly across the street from the subject property most of the frontage along Deer Park Avenue is occupied by a storm-water recharge basin. Some of the alternative uses directly fronting on Deer Park Avenue include houses of worship, community fire house, several agricultural nursery parcels, an elementary school; and further to the north a day camp, and an assisted living facility with a second one proposed and approved by the Suffolk County Planning Commission on December 7, 2016.

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.

As indicated in the referral materials to the Suffolk County Planning Commission from the Town of Huntington, the change of zone request leads to a proposed development that is a use which will differ from predominately residential land uses along Deer Park Avenue. The requested R-3M category has 'height regulations' which would have permitted building heights of 3 stories or 45 feet. While it is observed that surrounding uses are mostly 2-story buildings with varying footprints. Staff acknowledges that the developer has proposed to build only two-story buildings which it considers a favorable attribute of the application. Alternatively, allowing the

development to be three (3) stories (or 45 feet) tall which is allowable in the R-M3 zoning category, which the applicant is petitioning for, could have larger aesthetic impacts than other residential projects. There would have been a visual impact on some of the surrounding residences and streetscapes, and therefore it is noted by Suffolk County Planning Commission staff that the proposed development would not exceed the height limits of the surrounding zoning or the current R-40 zoning.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Huntington Horizons 2020 Comprehensive Plan Update, adopted by the Town Board December 9, 2008 identifies Policy G.3 of the Town's Plan recommends that the Town "Promote the diversification of housing stock to meet the changing demographics of Huntington's population." The proposed Garden Apartment Special District would be one of a number of uses that would match this policy.

Deer Park Avenue (NYS Rte. 231) is the primary north-south road in the southeastern quarter of the Town and it connects to both the Northern State Parkway and the Long Island Expressway, as well as Sunrise Highway and the Southern State Parkway further south of the subject property. The road is a wide four-lane roadway and high travel speeds may be the reason that many properties along the road were not developed with single-family homes.

While the proposed development would differ from the surrounding one-acre, single family residences, the R-3M District is still considered residential in nature, and Garden Apartment Special District can be designed (i.e townhouses and flats) to blend in with the community and offer the community benefit of providing a diverse housing stock to meet the changing demographics of the Town's population.

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:

Regarding environmental protection, the project proposes on on-site sewage treatment plant (STP) in order to handle the sanitary wastewater discharge from the homes. Public sewers are not available in the area and septic systems cannot handle the anticipated wastewater flow. Approval of the sanitary system is under the jurisdiction of the Suffolk County Department of Health Services. The proliferation of small STPs has been identified as a groundwater concern due to maintenance issues and the quantity of wastewater discharge; no better alternatives, however, have been identified. The clustering of several STPs has been a particular concern. There is another STP in the neighborhood to the south serving the Stone Ridge senior housing development and another proposed north of the L.I.E. to serve the yet to be built Brightview Senior Living development. Thought should be given the STP design and placement in the event that a public or regional sewer system is introduced into the subject's neighborhood at some time the future.

It is indicated in referral materials, a Full Environmental Assessment Form was prepared to investigate concerns of soil contamination. Likely due to the prior agricultural uses and the current landscape contractor operation of the property, the study found evidence of petrochemicals, though not exceeding clean-up standards, but will be treated as a fuel spill and reported to the NYSDEC and be properly mitigated. Also found were arsenic and chromium, which may indicate that wood treated with chromium copper arsenate (CCA) was stored on site, a wood preservative no longer used. The groundwater table is deep below the surface of the land in the subject neighborhood, reducing the chances for contamination issues, but a Soil Management Plan (SMP) should be prepared to recommend the best measures of dealing with the soil contamination issues on the property.

Storm water runoff from the contemplated development is to be collected via catch basins and directed to drywells. No referral materials to the Planning Commission from the Town of Huntington indicated that the proposal minimizes impervious surfaces, uses pervious materials and re-uses storm-water, and staff would recommend that the Town and applicant considered these various alternatives for storm-water management practices.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission.

The Town of Huntington has received several zone change applications along the Deer Park Avenue Corridor, mostly seeking higher-density and assisted living housing.

The project will be required to provide affordable housing in accordance with the Town Code and the NYS Long Island Affordable Housing Act. Under existing R-40 zoning a subdivision of the subject property would likely yield 6 to 7 lots, and under the requested R-3M zoning category proposes and an increase to 86 units that would result in an affordable requirement of 16 units, of which 12 units would have to be built on the subject property.

The traffic study prepared for this project indicated that there would be a barely a perceptible change in delays at the nearby Deer Park Avenue and Half Hollow Road signalized intersection to the north. The traffic issues with this project are more focused on traffic safety. All traffic will have to enter and exit the development via right turns only using the northbound Deer Park Avenue, and the lack of left turns is a benefit for traffic safety. The main traffic concern is the high speed of traffic on Deer Park Avenue. The proposed 'conceptual' site plan shows flared driveways that will allow for higher entrance and exit speeds, and there is also a shoulder available if drivers want to make use of it to assist their movements.

Suffolk County Transit (bus route) S-29 travels along NYS Rte. 231 (Deer Park Avenue) to points north and south including the Walt Whitman Mall and the Babylon LIRR station.

No discussion is made in the petition to the Town and referred to the Commission on public safety and universal design.

STAFF RECOMMENDATION

Approval of the minor two lot subdivision application and change of zone petition from R-40 Residence to R-3M Residence for the construction of an 86 unit senior housing development with the following modification as a condition to the approval, and with the following comments to be offered to the Town of Huntington for its consideration and use:

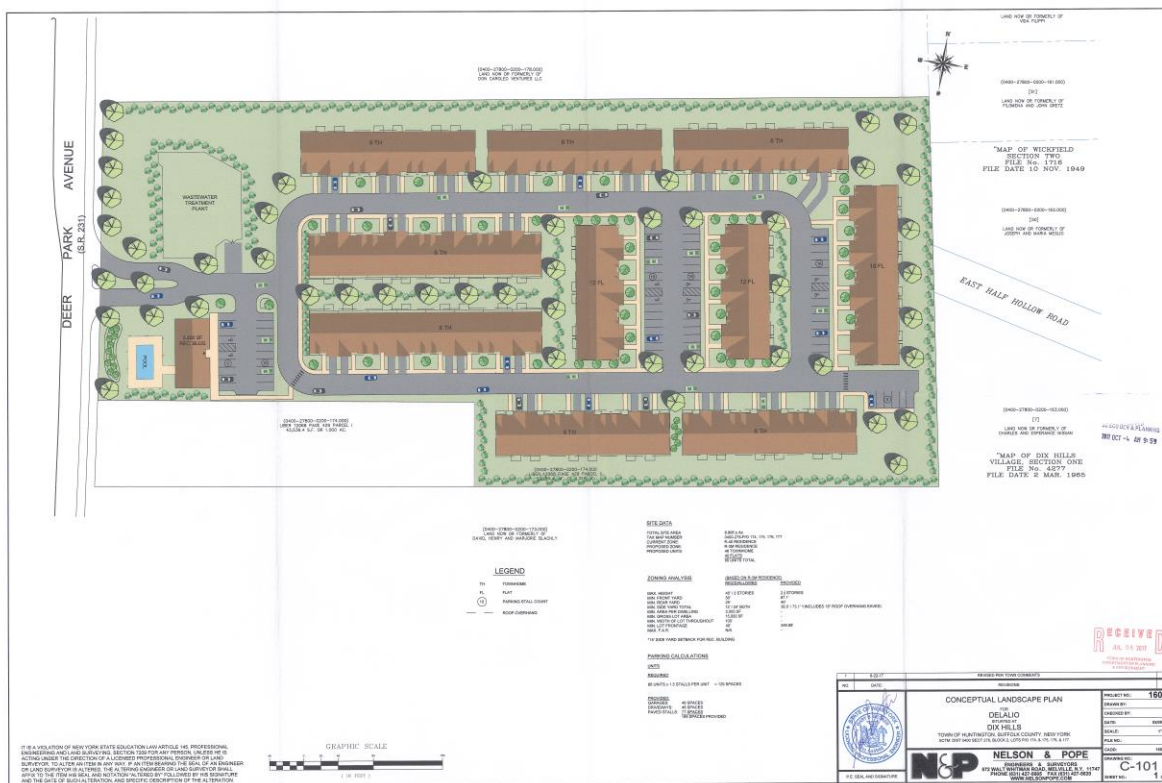
Conditions:

1. The change of zone application shall only be approved subject to filed covenants and restrictions limiting the height of buildings constructed on the subject property not to exceed two (2) stories or 35 feet in height.

Reason: To minimize the impacts to surrounding land uses, maintain the intended aesthetics of the current and surrounding zoning regulations while allowing higher density housing alternatives is considered appropriate at this location, especially given that there are established single family homes already developed along Deer Park Avenue in accordance with the Town of Huntington's Comprehensive Plan.

Comments:

1. A Soil Management Plan and an Environmental Site Assessment for the subject property is recommended and appropriate given its past use. At a minimum a dust control plan or some other appropriate mitigation should be developed to control airborne soil particles that may contain Arsenic.
2. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted for consideration of waste water treatment options and the petitioner should be directed to contact and begin/continue dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.
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 Petitioners should contact Suffolk County Transit for the ability to accommodate bus ridership at the subject property.
6. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
7. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.



Resolution No. ZSR-17-23 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on October 4, 2017 at the offices of the Suffolk County Planning Commission with respect to the application of “**DeLalio-Dix Hills**” located in the Town of Huntington
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **November 1, 2017**, now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approves** the minor two lot subdivision application and change of zone petition from R-40 Residence to R-3M Residence for the construction of an 86 unit senior housing development with the following modification as a condition to the approval, and with the following conditions and comments to be offered to the Town of Huntington for its consideration and use:

Conditions:

1. The change of zone application shall only be approved subject to filed covenants and restrictions limiting the height of buildings constructed on the subject property not to exceed two (2) stories or 35 feet in height.

Reason: To minimize the impacts to surrounding land uses, maintain the intended aesthetics of the current and surrounding zoning regulations while allowing higher density housing alternatives is considered appropriate at this location, especially given that there are established single family homes already developed along Deer Park Avenue in accordance with the Town of Huntington's Comprehensive Plan.

Comments:

1. A Soil Management Plan and an Environmental Site Assessment for the subject property is recommended and appropriate given its past use. At a minimum a dust control plan or some other appropriate mitigation should be developed to control airborne soil particles that may contain Arsenic.
2. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted for consideration of waste water treatment options and the petitioner should be directed to contact and begin/continue dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.
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 Petitioners should contact Suffolk County Transit for the ability to accommodate bus ridership at the subject property.
 6. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
 7. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

DeLalio-Dix Hills

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	RECUSED	ABSENT
ANDERSON, RODNEY – At Large	X			
CASEY, JENNIFER - Town of Huntington	X			
CHARTRAND, MATTHEW - Town of Islip	X			
CHU, SAMUEL – Town of Babylon	X			
CONDZELLA, JOHN – Town of Riverhead				X
ESPOSITO, ADRIENNE - Villages over 5,000	X			
FINN, JOHN - Town of Smithtown	X			
GERSHOWITZ, KEVIN G.- At Large	X			
KAUFMAN, MICHAEL - Villages under 5,000	X			
KELLY, MICHAEL – Town of Brookhaven	X			
KITT, ERROL – At Large	X			
KRAMER, SAMUEL – Town of East Hampton	X			
MOREHEAD, NICHOLAS – Town of Shelter Island	X			

Motion: Commissioner Casey

Present: 12

Seconded: Commissioner Finn

Absent: 1

Voted: 12

Recusal: 0

DECISION: Approved

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

Jennifer Casey
Chairwoman

DORIAN DALE
Interim Director of Planning

Date: November 1, 2017
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 (12)

Samuel Chu – Town of Babylon
Michael Kelly – Town of Brookhaven
Samuel Kramer – Town of East Hampton
Jennifer Casey – Town of Huntington
Matthew Chartrand – Town of Islip
Nicholas Morehead – Town of Shelter Island
John Finn – Town of Smithtown
Adrienne Esposito – Villages Over 5,000 (left early)
Michael Kaufman – Villages Under 5,000
Kevin Gershowitz – At Large
Rodney Anderson – At Large
Errol Kitt – At Large

Members Not Present (1)

John Condzella – Town of Riverhead

Staff Present (6)

Dorian Dale – Interim Director of Planning
Andrew Freleng – Chief Planner
Ted Klein – Principal Planner
Christine DeSalvo – Senior Clerk Typist
Valerie Smith – Assistant County Attorney (Counsel to the Commission)

Call to Order

- The Suffolk County Planning Commission meeting of November 1, 2017 was called to order by Chairwoman Jennifer Casey at 2:05 p.m.

The Pledge of Allegiance**Adoption of Minutes**

The adoption of the October 2017 Meeting Minutes; A motion to adopt the minutes as written was made by Commission member Kaufman, seconded by Commission member Kitt. Vote Approved: 9 ayes, 0 nays, 1 abstention (Chu).

Guest Speaker(s) (taken out of order)

- Assemblyman Fred W. Theile, Jr. addressed the Commission on East End Transportation issues.
- Ron Meyer, Commissioner of Planning, Town of Islip; presented the Town of Islip's "Veterans Memorial Highway Industrial Corridor District Study" to the Commission and addressed questions from commission members.

Public Portion –Eight members of the public addressed the Commission regarding the Hills at Southampton application on the agenda.

Chair's Report – None.

Director's Report – Interim Director, Dorian Dale acknowledged the success of this year's Planning Federation Conference.

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

- **Veterans Memorial Highway Industrial Corridor District Planning & Zoning Study;** the application, along with corresponding Code amendments, is referred by the Town of Islip, received on October 10, 2017 – the Commission's jurisdiction for review is that the application is a Land Use Plan/Comprehensive Plan. The Town of Islip proposes that the purpose of the study is to promote the high quality development and redevelopment of the Veterans Memorial Highway Industrial Corridor District; expand on the success of the Long Island-MacArthur Airport and anticipated benefits of proposed Transit Oriented Development (TOD) near the Ronkonkoma train Station; and to enhance the area's success as a premiere industrial/office district. The Study specifically evaluates the suitability of establishing limited retail, dining, business and personal services that would support the area's office and industrial facilities.

The staff report recommended approval of the Veterans Memorial Highway Industrial Corridor District Planning & Zoning Study and Code changes to the Town of Islip Zoning Law with one (1) comment for consideration and use by the Town of Islip. After deliberation the Commission resolved to generally agree and approve the applications with one (1) comment.

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

- **Veterans Memorial Highway Industrial Corridor District Planning & Zoning Study** (continued) - The motion to approve the Industrial Corridor District Planning & Zoning Study and Code changes, with the one (1) comment for consideration and use by the Town of Islip was made by Commission member Chartrand and seconded by Commission member Kaufman, vote to Approve; 12 ayes, 0 nays, 0 abstentions.
- **The Hills at Southampton;** referred by the Town of Southampton, received on September 29, 2017 – the Commission's jurisdiction for review is that the application is within the Suffolk County Pine Barrens Zone and adjacent to NYS Route 27 (Sunrise Highway). The request is for a change of zone from Country Residence (CR 200) to Mixed Use Planned Development District (MUPDD) pursuant to Section 330-246B of the Southampton Zoning Law. The subject property is an assemblage of contiguous and non-contiguous tax map parcels consisting of a 591 acre property in the hamlet of East Quogue. The requested zone change to MUPDD would allow for residential development consisting of 118 residential attached and detached single-family dwelling units, a 98 acre private golf course with a 38,000 SF club house, and approximately 424 acres of open space. The subject application also includes the Transfer of Pine Barrens Credits and extinguishment of additional development rights in the vicinity.

The staff report recommended approval subject to two (2) conditions and with five (5) comments for the consideration and use of the Town of Southampton. The Commission had a relatively lengthy discussion and after deliberation the Commission resolved to approve the change of zone request, subject to two (2) conditions, and offering six (6) comments to the Town of Southampton for their consideration and use.

The motion to approve the change of zone application subject to two (2) conditions and with six (6) comments for their consideration and use by the Town of Southampton Planning Board was made by Commission member Kramer and seconded by Commission member Chu, vote to Approve; 11 ayes, 1 nays (Esposito), 0 abstentions.

- **DeLalio-Dix Hills;** the application is referred by the Town of Huntington, received on October 4, 2016 – the Commission's jurisdiction for review is that the application is adjacent to State Route 231 (Deer Park Avenue). The applicant is seeking Change of Zone approval from the Huntington Town Board on 3 tax map parcels and part of a fourth, totaling 9 acres as a result of a 2 lot subdivision application associated with the change of zone request. The request is to rezone the 9 acres from R-40 (Residential 40,000 SF) to R-3M (Garden Apartments) to allow for the construction of an 86 unit senior residential condominium development of seven 2 story buildings containing of 6 to 8 townhouse units, and three single level buildings consisting of 12 to 16 'Flat' units. The proposal also plans to construct a 3,200 SF community center, in-ground pool, 169 parking spaces, and an on-site 'Cromaglass' type sewage treatment plant on site.

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

- **DeLalio-Dix Hills** (continued) - The staff report recommended approval of the minor two lot subdivision and the change of zone application subject to one (1) condition and offered seven (7) comments for consideration and use by the Huntington Town Board. After deliberation the Commission resolved to agree with the staff report and approve the application subject to one (1) condition with the seven (7) comments.

The motion to approve the minor two lot subdivision and change of zone application subject to one (1) condition and with seven (7) comments for their consideration and use by the Huntington Town Board was made by Chairwoman Casey and seconded by Commission member Finn, vote to Approve; 12 ayes, 0 nays , 0 abstentions.

Other Commission Business

- Chairwoman Casey stated that the Commission must have a Nominating and Rules Committee setup by November 15th according to the Commission Rules, and went on to put three names forward for consideration: Commission members Samuel Kramer, Rodney Anderson, and Errol Kitt. Before the vote on the Committee members Commission member Matthew Chartrand volunteered to also be on the Committee. The motion to elect those four Commission members to the Nominating/Rules Committee was made by Chairwoman Casey and approved unanimously.
- Chairwoman Casey announced that the next Commission meeting is to be held on December 6th at the Legislative Auditorium in Hauppauge at 2 p.m.

Meeting Adjournment (5:10 p.m.)

- The motion to adjourn the meeting was made by Commission member Kramer and seconded by Commission member Finn; Vote Approved: unanimously.