

# SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning  
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T: (631) 853-5191 F: (631) 853-4767  
Theresa Ward, Commissioner, Department of Economic Development and Planning  
Sarah Lansdale, Director of Planning

## **Notice of Meeting**

**July 12, 2017 at 2 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 June 2017
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guests
  - None
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - Fairway Manor, Inc., Town of Islip  
0500 24000 0200 003000 et al
  - Speonk Commons, Town of Southampton  
0900 35000 0200 018000
7. Section A-14-24 of the Suffolk County Administrative Code
  - None
8. Other Business:

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **August 2, 2017 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

**Theresa Ward**  
Deputy County Executive and Commissioner

**Department of Economic Development and Planning**  
**Division of Planning and Environment**

## STAFF REPORT

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

**Applicant:** Fairway Manor. Inc.  
**Municipality:** Town of Islip  
**Location:** Building site is south of Sunrise Highway (State Hwy 27) and east of Nicolls Road (CR 97)

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**Received:** 5/21/2017  
**File Number:** IS-17-04  
**T.P.I.N.:** 0500 2400 0200 003.004 3.5, 3.7, 3.9, 3.12  
**Jurisdiction:** Within 500 ft of Sunrise Hwy (State Hwy 27) and of Nicolls Rd (CR 97) and within one mile of an airport (Bayport Aerodrome)

#### ZONING DATA

- Zoning Classification: Recreational Service G & Residence C.
- Minimum Lot Area: Recreational Service G (20,000 SF) & Residence C (40,000).
- Section 278: NA

#### 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
- Minority or Economic Distressed: No

#### SITE DESCRIPTION

- Present Land Use: Vacant open space
- Existing Structures: Two existing structures on the northern portion of the property
- General Character of Site: Slopes downward towards the north and east
- Range of Elevation within Site: 25'-50' above mean sea level
- Cover: Wooded and cleared areas
- Soil Types: CpC (Carver and Plymouth sands), CuB (Cut and fill)

- land, gently sloping), PiA (Plymouth loamy sand), & PiB  
Plymouth loamy sand)
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: None

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

- Type: Change of Zone and Modification of Deed Covenants and Restrictions.
- Layout: 156 attached apartments units with private drives and parking areas
- Area of Tract: 21.72 acres
- Yield Map: N/A
  - No. of Lots: N/A
  - Lot Area Range: N/A
- Open Space: 13.4 Acres

#### **ACCESS**

- Roads: Existing (Clubhouse Dr connects to Sunrise Hwy service road)
- Driveways: Interior private road network.

#### **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: Catch Basins Leaching pool.
  - Recharge Basins: No
- Groundwater Management Zone: VI
- Water Supply: Connection to the public water district
- Sanitary Sewers: Connection to the on-site sewer treatment.

### **PROPOSAL DETAILS**

**OVERVIEW:** Petitioners seek authorization from the Islip Town Board for a Change of zone from Recreation Service G District and Residence C District to all Residence C, for the construction of 12 buildings (195,000 SF GFA) containing 156 age restricted attached-apartment units. According to the conceptual site plan (prepared by KOH Architecture PLLC dated 11/7/14) submitted in referral materials to the Commission by the Town of Islip, this proposal would also include; 13.40 acres of passive recreation common area/“open space” that includes green space, a proposed lake of 16,941 sf., walking trails, a pavilion, gazebos and BBQ areas. Parking is proposed at a ratio of 1.75 parking stalls per unit and includes a minimum of 273 parking stalls and is in conformance with Town of Islip requirements.

The subject development site comprises an area of 21.72 acres (195,060 SF), located south of Sunrise Highway (NYS Rt. 27) and east of Nicolls Rd (CR 97) in the hamlet of Bayport. The project site is adjacent to the municipal line with the Town of Brookhaven.

The proposed vacant development site adjoins an existing age-restricted community (Fairway Manor) to the east (also owned by the petitioners) on “C” District zoned land, a commercial retail building adjacent and to the north zoned Business 1 and beyond the commercial building, NYS Rt. 27 (Sunrise Highway). To the west the project site is adjacent to CR 97 (Nicholls Road) and further beyond to the west, developed industrial land in the IND 1 and IND 2 zoning districts. To the south the project site abuts land improved with detached single family residential structures in the Residence AA District.

Potable water is to be provided via a public conveyance (SCWA) and all wastewater from the proposed additional units would be served by and exiting private sewage treatment plant at the adjacent Fairway Manor complex.

Access for the subject development site is to be by connection to Clubhouse Drive, which is an existing access way (for the constructed part of Fairway Manor) to Sunrise Highway (NYS Rte. 27). While the majority of improvements associated with the change of zone request are within the Town of Islip, the motor vehicle traffic will be directed to Clubhouse Drive. The terminus of Clubhouse Drive is located within the boundaries of the Town of Brookhaven at Sunrise Highway.

Storm-water runoff is to be retained onsite utilizing a network of natural retention areas(s) such as retention ponds, vegetated swales and bio-retention cells/rain gardens, permeable/porus pavement surfaces and manufactured treatment devices (i.e. catch basin inserts designed to filter hydrocarbons and other pollutants from storm-water runoff).

The subject property was formerly a horse farm. As such, it has been previously disturbed and is currently covered with successional growth and does not appear to have significant mature vegetation. There are no significant naturally occurring environmental constraints on the subject property. The subject property is within Groundwater Management Zone VI, not within a NYS Special Groundwater Protection Area (SGPA) and contains no unique soil properties, steep slopes, wetlands or other critical habitat.

## **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.

The proposed final phase of the Fairway Manor community as is now proposed by the petitioner is compatible in terms of local land use and character of the area. The buildings are anticipated to be of a similar character as those that currently exist. At the time of this writing the attached unit development project of the Vineyards at Bayport adjacent and to the east of Fairway Manor is under construction and completes the infill of the residential development pattern east of CR 97 (Nicholls Road). The general public is not anticipated to be inconvenienced by the proposed development in terms of motor vehicle trip generation or loss of open space as both have been to be proposed to be mitigated to the satisfaction of the Town of Islip.

A portion of the existing Fairway Manor community is within the Town of Brookhaven. In addition motor vehicle traffic from the proposed new units is directed to Clubhouse Drive that is in the Town of Brookhaven. Staff to the Suffolk County Planning Commission sent communication to the Town of Brookhaven on June 26, 2017 requesting any comments regarding this action and its effect upon the jurisdiction of the Town. To date there has been no comment received.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Islip Comprehensive Plan; Community Identity; Oakdale, West Sayville, Sayville and Bayport (1976) includes a Proposed Land Use plan that indicates medium density residential and public private recreation as proposed uses for the site. The current zoning and development pattern of the subject property reflects the Comprehensive plan. Two of the general concerns listed for the Bayport area in the Comprehensive Plan were the desire to suppress the conversion of residential lands along the Sunrise Highway (NYS Rte. 27) corridor into commercial uses as a way to contain and preserve the small commercial center in Bayport; and the need for additional housing for senior citizens. The proposal is reflective of the above concerns.

**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:

The entire Fairway Manor development is made up of six parcels of which the current application is for two of the parcels. The six parcel property originally received approval from the Town of Islip in 1991 to construct senior citizen apartments. The subject (two lot) site was to be developed as a 9 hole golf course or be left in its natural state with limited recreation amenities for the residents of the Fairway Manor development. Various amendments to the plan were requested by the petitioner and reviewed by the Town of Islip for the development from 1995 to the present. The petitioners, in negotiation with the town, have amended the current petition to represent the outcome of those deliberations. Instead of building a 9 hole public golf course, Fairway Manor is proposing to build 156 senior citizen apartments. The on-site density of the plan has been calculated so that the overall density of the Fairway Manor development (all six developed parcels) complies with the maximum density of 12 units to the acre for Residence "C" zoned properties. In addition, the petitioner has agreed to a mitigation fee to be paid to the Town for the loss of open space on site.

There is no indication in the referred material that the project sponsors have given significant consideration, at this time, related to energy efficiency. The petitioners should review the Suffolk County Planning Commission Guidebook with respect to energy efficiency.

It is noted that the subject development site is divided between the Bayport-Blue Point and Sachem School districts. It is also noted that with regard to the "mitigation fee" the petitioner is providing to the Town of Islip, a formula for the division of the funds received by the Town has been derived (by the Town) which provides for public benefits within that portion of the Town of Islip within the boundaries of the Bayport-Blue Point and Sachem school districts.

The project will result in an increase in the number of senior housing units for the housing market that is specifically intended by the Town Comprehensive Plan as in need of support. A total of 32 units (20%) are to be set aside for affordable housing purposes in this new development section of Fairway Manor.

While the majority of development issues associated with the change of zone request are within the jurisdiction of the Town of Islip, the motor vehicle traffic will be directed to Clubhouse Drive. The terminus of Clubhouse Drive is located within the boundaries of the Town of Brookhaven at Sunrise Highway. A traffic analysis was prepared by Dunn Engineering and provided in referral material from the Town of Islip to the Suffolk County Planning Commission. As was represented in calculations by the engineer, the proposed 9 hole golf course would have generated more traffic in the AM and PM peak weekday hours and the Saturday peak hour than the proposed additional senior citizen apartments. It was the opinion of the traffic engineer that "not building the nine hole public golf course and building the senior citizen apartments results in the generation of less traffic" than the first proposal approved by the Town. The motor vehicle trip generation is not anticipated to

have a significant on the area roadways. As noted above, the Town of Brookhaven has not objected to the development petition as proposed.

The petitioner has agreed to allow for future cross access to the adjoining property to the east at four locations and in addition to accommodating the motor vehicle passenger car trip generation, the existing Fairway Manor complex operates an on-site Jitney in conjunction with Town senior service transportation. The development site is approximately  $\frac{3}{4}$  of a mile from the S40 and S54 Suffolk County Transit lines on the Montauk Highway corridor with connections to the LIRR stations at Sayville and Patchogue and the S54 has connection to the Sun Vet Mall.

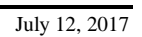
Staff notes the petitioner's intent to connect to the existing Fairway Manor sewage treatment plant and believes that dialogue should continue as is necessary for permits and approvals with the Suffolk County Department of Health Services and the Suffolk County Department of Public Works regarding waste water treatment for the 156 new apartments.

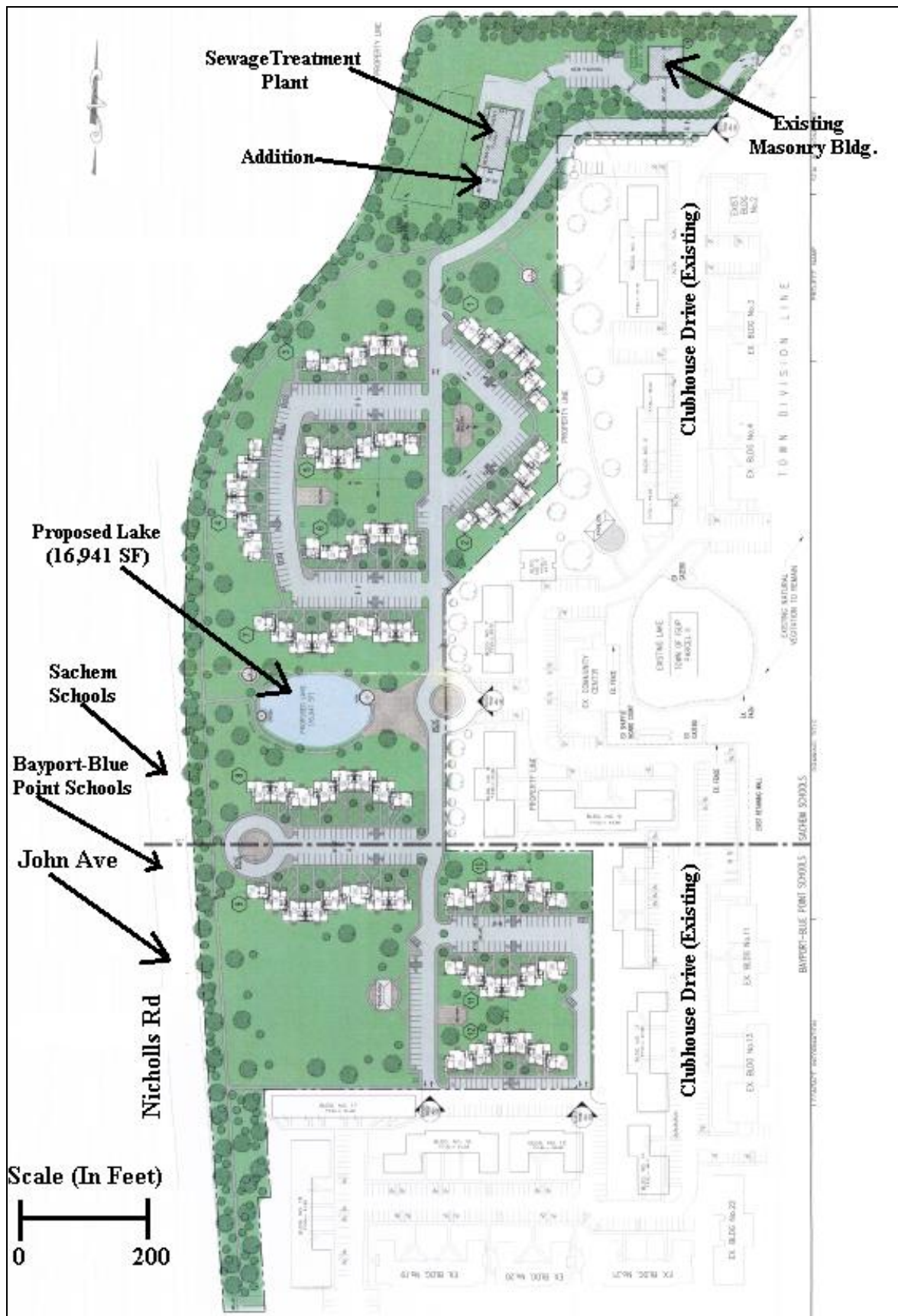
There is no discussion in the referral material related to public safety. The petitioners should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety. In addition landscaping and buffering should be significant along the corridor with Nicholls Road (CR 97) to preserve the residential amenities on site from safety issues posed by being along a high speed travel corridor.

### **STAFF RECOMMENDATION**

**Approval** of the change of zone petition for Fairway Manor Inc. with the following comments to be offered to the Town of Islip for its consideration and use:

1. 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.
2. The petitioner should begin/continue dialogue with the Suffolk County Sewer Agency/Suffolk County Department of Public Works (SCDPW) for disposition of generated waste water from the proposed development.
3. The petitioner should be advised to coordinate any necessary review and approval from the Town of Brookhaven regarding additional motor vehicle ingress/egress trips to the Fairway Manor development.
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.
5. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein, particularly as it relates to the points where vehicles and pedestrians will intersect and along the corridor with CR 97 (Nicholls Road)
6. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.







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## STAFF REPORT

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

**Applicant:** Speonk Commons  
**Municipality:** Southampton  
**Location:** w/s of North Phillips Ave and approximately 162 feet n/o Montauk Highway

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**Received:** 1/31/17 & 6/5/17  
**File Number:** SH-17-01  
**T.P.I.N.:** 0900-350.00-02.00-018.000  
**Jurisdiction:** Within 500 feet of Montauk Highway (County Road 80)

### ZONING DATA

- Zoning Classification: Village Business (VB)/ Residential (R-20)
- Minimum Lot Area: None / 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: Type I
- Minority or Economic Distressed: No

### SITE DESCRIPTION

- Present Land Use: Vacant lot
- Existing Structures: Yes, several vacant boarded –up houses
- General Character of Site: Generally level on the eastern portion with a gentle slope to the west on the western portion of the site
- Range of Elevation within Site: 18' to 32' amsl
- Cover: Partially cleared with vegetated area on the western portion of the site
- Soil Types: Riverhead sandy loam (RdA) and Plymouth loamy

- Range of Slopes (Soils Map): sand (PIB)  
0-8%
- Waterbodies or Wetlands: None

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

- Type: Change of Zone (Received 1/31/17) +  
Site Plan (Received 6/5/17)
- Layout: Standard
- Area of Tract: 4.279 acres
- Yield Map: N/A
- Open Space: 2.55 acres of landscaped/0 acres natural

#### **ACCESS**

- Roads: Public – North Phillips Avenue
- Driveways: Proposed internal road network

#### **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: Catch basins and leaching pools
  - Recharge Basins: None
- Groundwater Management Zone: VI
- Hydrogeologic Zone: VI
- Water Supply: public SCWA
- Sanitary Sewers: on-site STP

#### **----- 7/12/17 Addendum to 3/1/17 staff report -----**

Applicants request of the Town of Southampton Planning Board site plan approval in conformance with Southampton Town Board change of zone approval dated 3/31/17, the merits of which were deliberated by the Suffolk County Planning Commission at their regular meeting on Wednesday March 1, 2017. The Planning Commission approved said referral with one (1) condition and eight (8) comments (see attached SCPC resolution).

The Southampton Town Board resolution approving the zone change indicated that “Whereas, on March 1, 2017 the Suffolk County Planning Commission approved the application with comments *that can be addressed in the site plan phase* (emphasis added)...” as such none of the Commission comments or it’s one condition were addressed by the Southampton Town Board. Therefore it is the belief of the staff that the proposed site plan referral for Speonk Commons from the Town of Southampton Planning Board is not substantively different from the conceptual plan reviewed by the Planning Commission on 3/1/17. Comparing this current referral, with the one that was previously referred to the Commission by the Southampton Town Board, the staff did not find any substantial difference between the two actions. It has been the policy of the Commission not to review any action that it has previously considered unless there remain substantial differences.

The Town Planning Board referral did not address the SCPC condition with respect to the solvent plum that may be affecting the property. The availability of public water or wastewater treatment issues was not further elaborated on.

Suffolk County Planning Commission staff was able to obtain an approval from the Suffolk County Department of Health services related to the wastewater component of the application. Based in the information submitted to the SCDHS Board of Review the Board granted the request for variance by allowing the applicant to construct a modified subsurface sewage disposal system and complete a

transfer of density to the subject parcel for the project so that the equivalent density complies with Article 6 requirements (see attached SCDHS correspondence).

With the above in mind staff is recommending a reiteration of the former Suffolk County Planning Commission approval with the one (1) condition and eight (8) comments.

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## PROPOSAL DETAILS

**OVERVIEW** – Applicants seek change of zone approval from the Southampton Town Board for the redevelopment of the 4.279 acre subject property, from Residence R-20 & Village Business (VB) to Multifamily Residential (MF-44) & Village Business (VB). The change of zone application proposes to maintain a portion of the existing Village Business zoning (aprox 0.76 acres) along North Phillips Avenue while changing the remaining portion (aprox 0.58 acres) of the Village Business zoning and the Residence R-20 zoning (aprox 2.94 acres) to Multifamily Residential (MF-44). The subject property is proposed to be redeveloped with 38 residential rental units. The residential units are proposed to be located in 6 separate buildings and include 12 studio units, 14-one bedroom units, 10-two bedroom units and 2 ADA compliant two bedroom units. Proposed buildings 1 and 2, located adjacent to North Phillips Avenue, are proposed to also include 4,380 square feet of first floor commercial space and 3,178 square feet of first floor community space respectively. The proposal also includes a wastewater treatment system to be located on the western portion of the subject property.

The applicant for this project, Georgica Green Ventures and the Town of Southampton Housing Authority, proposes to utilize the provisions of Section 330-8 of the Southampton Town Code to increase the permitted residential density on the parcel by providing 100% affordable community benefit rental housing.

In addition to the 6 buildings the proposal also includes 114 parking spaces, a tertiary sewage treatment system capable of treating in excess of the anticipated 8,538 gallons of wastewater and 2.55 acres of landscaped greenspace. The stormwater runoff from the proposed development is to be collected by a combination of catch basins, leaching pools, and natural vegetation. The proposed development plans also proposes to connect to the SCWA system to supply the estimated 11,573 gpd of potable water.

The subject property is located on the west side of North Phillips Avenue and approximately 162 feet north of Montauk Highway (CR 80) in the hamlet of Speonk, Town of Southampton. The subject property is also located just south of the Speonk Long Island Rail Road Train Station.

The proposed development contains one point of access to North Phillips Drive. This point of access connects to an interior proposed road network connecting the six proposed buildings. The proposal also shows a private driveway which runs across the subject property and provides access to a residential parcel located to the south of the subject property. In addition, the proposal indicates two additional residential lots to the north of the subject property which are not part of the subject property but will connect to the proposed interior road network.

The subject site is currently developed with several unoccupied boarded-up houses. These structures as well as the accessory septic systems, fuel tanks and utility connections are proposed to be removed prior to the start of project construction.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel

is not located in a State Special Groundwater Protection Area (SGPA) or in a State designated Critical Environmental Area. The site is situated over Hydro-geologic Management Zone IV. No local or state designated wetlands occur on the subject site.

## **STAFF ANALYSIS**

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

It appears that the change of zone application for the Speonk Commons project is a compatible land use and would maintain a satisfactory community environment. In addition it does not appear that the change of zone would adversely affect public convenience or inter-community issues. The subject property is located just to the south of the Speonk Train station making it an optimal location for a multiunit workforce housing development. In addition, locating the commercial space and community space close to the main road with provided on-street parking spaces appears to be compatible with the surrounding land uses. In terms of the existing zoning, east of North Philips Avenue there is existing Village Business zoning along the road as well as Multifamily Residential zoning east of the Village Business Zoning. In the Multifamily zoned district east of North Phillips Avenue there is currently an attached multifamily housing complex similar in nature to the proposed Speonk Commons development.

Currently there appears to be single family residential houses located to the south, north and west of the subject property. The proposed project proposes to maintain a 25 foot planted buffer as well as a fifty foot setback for substantial project development. There appears to be three residential houses located to the south of the site and two residential houses located to the north of the site. Vegetative buffering is also proposed along the south and north sides of the subject property. As noted earlier in the staff report three of these residential houses take access through the subject property. It is also important to note that the site currently contains several run-down boarded-up structures which will be removed as part of the development.

The Suffolk County Comprehensive Master Plan 2035 “Framework for the Future” identifies, as one of its key objectives, to provide equitable, affordable, fair housing. It is the belief of staff that the 100% workforce housing rental component of the project is responsive to that objective. Moreover, it is a priority in the Master Plan to promote and support areas that best accommodate multi-family housing. This includes providing incentives for the building of mixed-use communities around LIRR train stations to create walkable, transit friendly development hubs. The project location just south of the Speonk Train Station is responsive to that objective.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Southampton 1999 Comprehensive Plan recommends creating a “main street ambiance along Phillips Avenue”. The Plan also appears to recommend that the western portion of the subject property be a business area and the eastern portion of the property to be a combination of open space/parks and traditional neighborhood development. The Plan also notes the Town’s lack of affordable housing options and encourages the Town to pursue regulatory and financial incentives for affordable housing. It therefore appears that the 1999 Comprehensive Plan is supportive of this project and its 100 % workforce housing component.

The more recent Town of Southampton 2013 Sustainability Plan Addendum to the Town Comprehensive Plan appears to strongly support this proposed development. This 2013 Plan Addendum encourages workforce housing initiatives including private/public partnerships. It also recommends that the Town consider zoning amendments to allow for mixed use development in

hamlet centers and around train stations. In addition the Plan Addendum recommends providing workforce housing near train stations and bus stops.

### **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

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

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

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

As indicated previously, all wastewater from the proposed project is intended to be conveyed to a newly constructed tertiary treatment system in the western portion of the property. The applicant proposes the use of a state-of-the-art facility incorporating “BESST” (biologically engineered single sludge treatment technology) on-site sewage treatment plant. Continued review by the Suffolk County Department of Health Services is warranted.

It is noted in the application that potable water will be provided by the Suffolk County Water Authority. The Expanded Environmental Assessment Form notes that the proposed development will consume a total of 11,573 gallons per day of water. This calculation is based on Suffolk County Department of Health flow rates and a calculation on an annualized basis for the 2.55 acres of landscaping irrigation. The Expanded Environmental Assessment Form also notes that it is anticipated that the project would be served by the existing service connection to the site but that “the final determination of this connection will be made as part of the water supply connection application review process”. Continued consultation with the Suffolk County Water Authority regarding the required water use and service connection is warranted.

The Expanded Environmental Assessment Form notes that the subject property “was identified as being located with the Speonk Solvent Plume which covers approximately 600 acres. The Speonk Solvent Plume was identified as containing the presence of chlorinated solvent-contaminated waters.” The Expanded Environmental Assessment Form also notes that the potential for soil vapor intrusion to occur was evaluated by the Suffolk County Department of Health Service a(SCDHS) and the New York State Department of Health (NYSDOH) and “it was determined that no actions are needed to address exposures related to soil vapor intrusion”. It is recommended that during the site planning process the applicant consult with the SCDOH and NYSDEC to obtain the latest information on the Speonk Solvent Plume and confirm that no building construction modifications are warranted.

Storm water runoff from the proposed project will be retained on-site and recharged via a catch basins and leaching pools. It is the belief of staff that opportunities exist on site, during site plan stages to incorporate additional best management practices to the treatment of storm water runoff. The petitioners should be encouraged to review the Suffolk County Planning Commission publications *Creation of Man-made Ponds in Suffolk County* and *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.

Application materials referred to the Suffolk County Planning Commission from the Town of Southampton regarding the consideration of energy efficiency indicate the intention to incorporate energy efficient amenities into the project during site design stages. Application materials also indicate that the proposed will include dark sky compliant lighting features. 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, commercial and community space aspects of the project.

The subject property is not located in close proximity to Suffolk County Bus Transit routes but as noted earlier in the staff report is located adjacent to the Speonk Train Station which is located on the Montauk Line of the Long Island Rail Road system. The proposal notes a proposed walk connecting the subject property to the Speonk Train Station.

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**

***(see attached Suffolk County Planning Commission Resolution for adopted conditions and comments for the 7/12/2017 Staff Report Addendum for the Site Plan Application)***

### **Staff Recommendation**

***(see below from the 3/1/2017 Staff Report for the Change of Zone Application)***

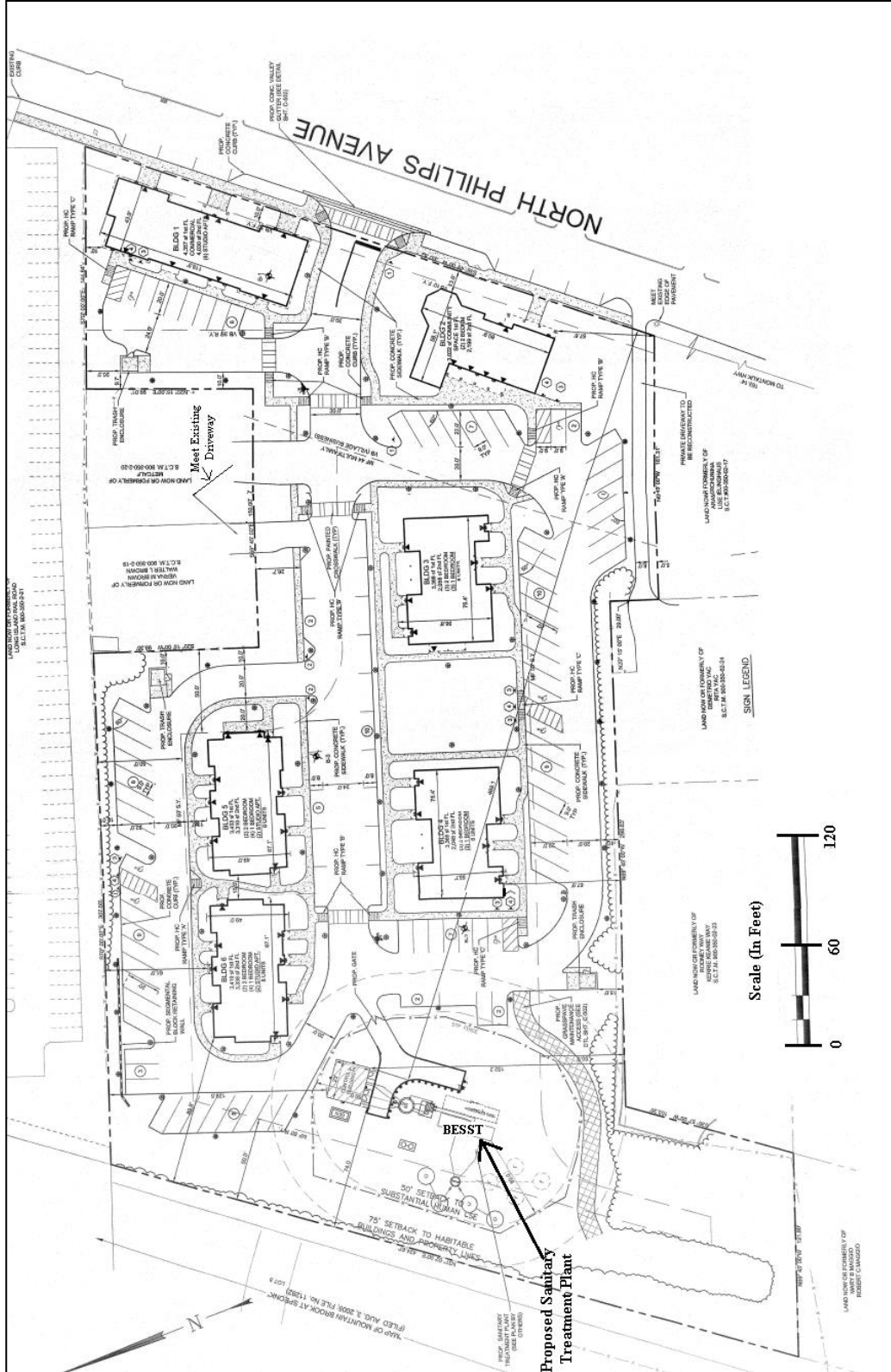
**Approval** of the change of zone from Residence R-20 & Village Business (VB) to Multifamily Residential (MF-44) & Village Business (VB) for the Speonk Commons mixed use residential development that includes commercial and community space with the following comments:

1. Review by the Suffolk County Department of Health Services is warranted for the proposed treatment of project wastewater and the petitioner should be directed to continue dialogue with the Suffolk County Department of Health Services.
2. Review by the Suffolk County Water Authority is warranted for the proposed public water supply connection and the petitioner should be directed to continue dialogue with the Suffolk County Water Authority regarding the amount of water needed for the development and the related service connection requirements.
3. It is recommended that during the site planning process the applicant consult with the Suffolk County Department of Health and the New York State Department of Health to obtain the latest information on the Speonk Solvent Plume, which is referenced in the applicant's Expanded EAF, and confirm that no building construction modifications are warranted.
4. The applicant should insure that access is maintained to the three residential properties which are located adjacent to the subject property and are currently taking access to North Philips Avenue via the subject property.
5. 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.

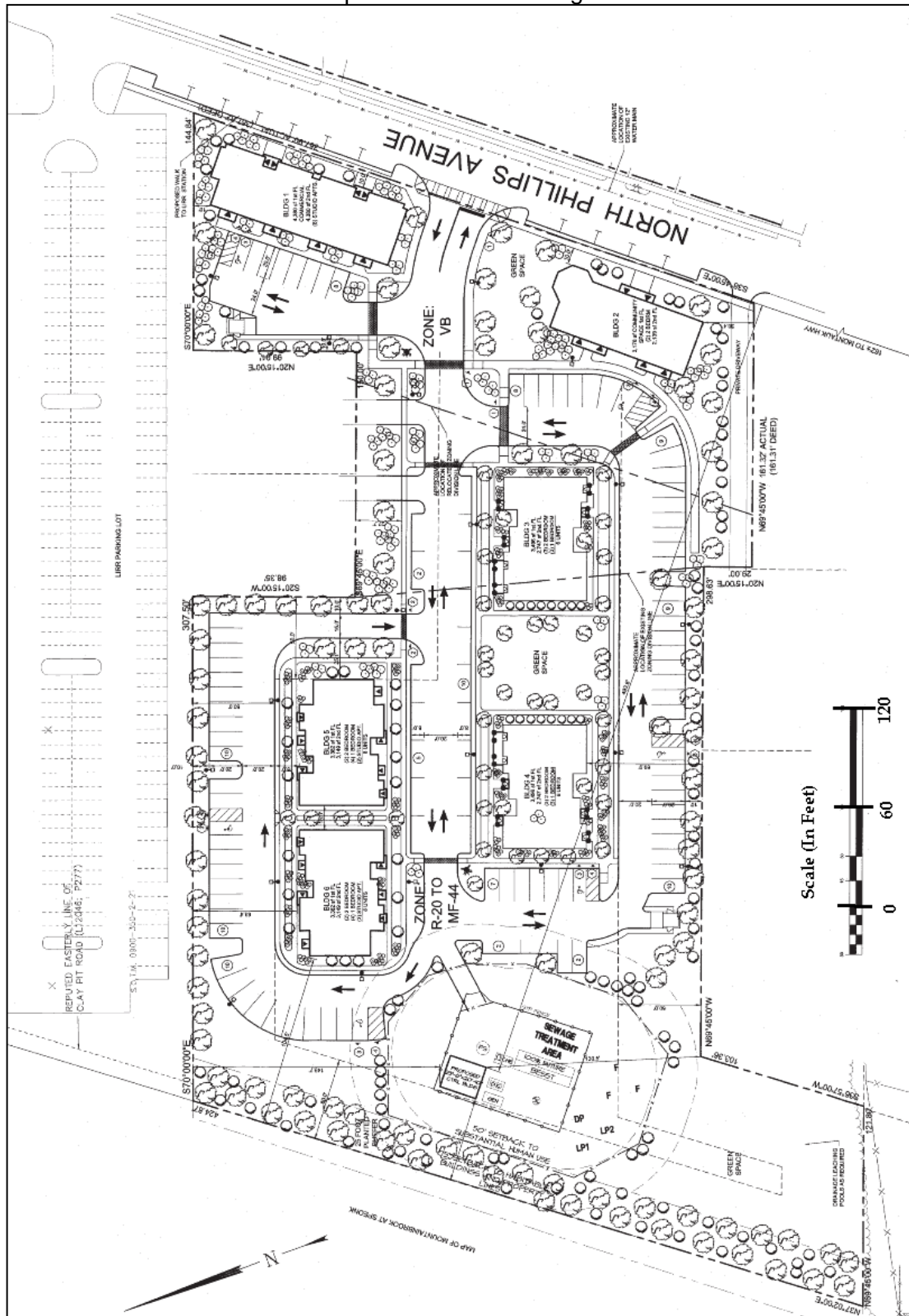
6. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
7. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
8. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.



# Site Plan



# Conceptual Plan from Change of Zone



Resolution No. ZSR-17-10 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 January 31, 2017 at the offices of the Suffolk County Planning Commission with respect to the application of “**Speonk Commons**” located in the Town of Southampton
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **March 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** of the change of zone from Residence R-20 & Village Business (VB) to Multifamily Residential (MF-44) & Village Business (VB) for the Speonk Commons mixed use residential development that includes commercial and community space with the following modification as a condition to the aforesaid approval and with the following comments:

*Conditions:*

1. During the site planning process the applicant shall consult with the Suffolk County Department of Health and the New York State Department of Health to obtain the latest information on the Speonk Solvent Plume, which is referenced in the applicant's Expanded EAF, and confirm that no building construction modifications are warranted.

Reason: The applicant's Expanded EAF references that the subject property was identified as being located within the Speonk Solvent Plume site, which covers approximately 600 acres. The Expanded EAF also notes that soil vapor intrusion, as a potential exposure pathway, was evaluated by the New York State Department of Health Services (NYSDHS) and the Suffolk County Department of Health Services (SCDHS) and based on the data, it was determined that no actions are needed to address exposures related to soil vapor intrusion. However, due to the presence of the Speonk Solvent Plume the applicant shall consult with the NYSDHS and SCDHS during the site planning phase of the application to insure that there are no changes to the regulatory agencies' findings and that no building engineering protections (i.e. soil vapor barriers, etc.) are warranted.

*Comments:*

1. Review by the Suffolk County Department of Health Services is warranted for the proposed treatment of project wastewater and the petitioner should be directed to continue dialogue with the Suffolk County Department of Health Services.
2. Review by the Suffolk County Water Authority is warranted for the proposed public water supply connection and the petitioner should be directed to continue dialogue with the Suffolk County Water Authority regarding the amount of water needed for the development and the related service connection requirements.

3. The applicant should insure that access is maintained to the three residential properties which are located adjacent to the subject property and are currently taking access to North Philips Avenue via the subject property.
4. 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.
5. 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.
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.
8. The applicant should consider using landscaping that is not dependent on irrigation and to the extent that irrigation is needed it is recommended that the irrigation takes place during non-peak water usage hours (peak water usage occurs in the summer between 12 AM and 6 AM).

- 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>

**Proposed Speonk Commons, Town of Southampton**

**COMMISSION ACTIONS ON ADOPTION OF RESOLUTION**

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

Motion: Commissioner Planamento

Present: 10

Seconded: Commissioner Kramer

Absent: 4

Voted: 10-4

Abstentions: 0

DECISION: Adopted

COUNTY OF SUFFOLK



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STEVEN BELLONE  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

JAMES L. TOMARKEN, MD  
MSW, MPH, MBA, FRCPC, FACP  
COMMISSIONER

June 19, 2017

Georgica Green Ventures, LLC  
50 Jericho Quadrangle, Suite 200  
Jericho, NY 11753

Att: David Gallo

Subject: Board of Review Hearing ~ C09-17-0012 ~ Speonk Commons ~ W/s of N. Philips Ave., 200  
ft. n/o Montauk Hwy., Speonk – t/o Southampton – SCTM #: 0900-35000-0200-018000

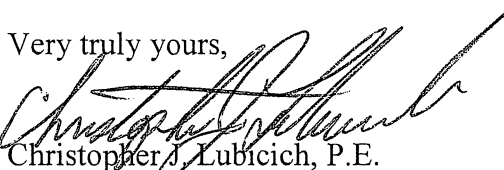
Dear Mr. Gallo:

Enclosed is a copy of the findings, recommendations and determination of the Board of Review concerning the subject application.

Based on the information submitted, the Board granted the request for variance/waiver with the provisions indicated in the determination.

The granting of this waiver does not imply that your application will be automatically approved. It is your responsibility to ensure that your application is complete; otherwise, your approval will be subject to unnecessary delay.

Very truly yours,

  
Christopher J. Lubicich, P.E.  
Principal Public Health Engineer  
Chair, Board of Review

Enclosure

Cc: Board of Review File ~ Yaphank  
Jonathan Pai ~ Reviewer  
✓ Mr. Andrew Freleng ~ Planning Department  
Ms. Lauretta Fischer ~ Planning Department  
Matthew P. Scheiner, P.E.

Sanborn Land, LLC  
Lynne Burns



Public Health

♦ Division Of Environmental Quality ♦ Board Of Review ♦ 360 Yaphank Avenue, Suite 2B ♦ Yaphank NY 11980 ♦  
Phone (631) 852-5801 Fax (631) 852-5825

**SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES**  
**DIVISION OF ENVIRONMENTAL QUALITY**  
**BOARD OF REVIEW**  
**ARTICLE 2, SECTION 220, SUFFOLK COUNTY SANITARY CODE**

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To: James L. Tomarken, MD, MSW, MPH, MBA, Commissioner

From: Christopher J. Lubicich, P.E., Chair, Board of Review

Subject: Findings and Recommendations of the Review Board Regarding: C09-17-0012 ~ Speonk Commons ~ w/s N. Philips Ave., 200 ft. n/o Montauk Hwy., Speonk – t/o Southampton – SCTM: 0900-35000-0200-018000

Hearing Date: May 18, 2017

Board Members: Kenneth Clunie, Nancy Pierson

Reviewer: Jonathan Pai

**Statement of Problem**

The project sewage design flow exceeds population density equivalent as required by Article 6, §760-607 A.1 and B.1 of the Suffolk County Sanitary Code. The applicant is proposing to construct a modified subsurface sewage disposal (denitrification) system and complete a transfer of density to the subject parcel for the project so that the equivalent density complies with Article 6 requirements. The applicant is requesting a variance from Article 6, Section §760-607 A.1 and B.1 and the TDR standards.

**Findings and Facts**

1. The subject parcel is 4.28 acres located in Groundwater Management Zone 6. The population density equivalent must be equal to or less than 300 gallons per acre. The parcel has a yield at density of 1,048 gallons per day (gpd) of sanitary density flow when calculated for a multiple residential unit project.
2. The subject parcel is shown as one lot on the Suffolk County Tax Maps.
3. The subject parcel is currently developed with 5 single family dwellings and one structure that has 10 apartments. The only occupied structure is one of the single family dwellings. The other structures are in a state of disrepair.
4. The applicant is proposing to remove all the existing structures and redevelop the site.
5. The applicant is proposing to construct 38 apartment units. 12 apartments will be less than 600 square feet (Sq. Ft.) and 26 apartments will be between 601 Sq. Ft. and 1,200 Sq. Ft. The applicant is also proposing to construct 4,380 Sq. Ft. of commercial retail space. The flow assigned to the retail space will be for wet store use. 100% of the flow from the retail space was used in the calculation of the population density equivalent that was presented to the Board. This is an extremely conservative approach.
6. The sanitary density flow for the proposed site is 8,307 gpd
7. The proposed total sanitary density flow exceeds the allowable yield by 7,259 gpd.

James L. Tomarken, MD, MSW, MPH, MBA, Commissioner

Hearing Date May 18, 2017

Subject: Findings and Recommendations of the Review Board Regarding: C09-17-0012 ~ Speonk Commons ~ w/s N. Phillips Ave., 200 ft. n/o Montauk Hwy., Speonk – t/o Southampton – SCTM: 0900-35000-0200-018000

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8. The applicant is proposing to install a modified subsurface sewage disposal (denitrification) system. The system proposed is a Pure Stream BESST, Biologically Engineered Single Sludge Treatment process which is an STP that complies with Appendix A of the Commercial Standards. The applicant expects that the BESST system should produce an effluent with a total nitrogen (TN) concentration in the range of 6 to 7 mg/l.
9. The subject parcel is located within the 10 to 25 year groundwater contributing area to surface waters as per the groundwater contributing areas and source water assessment maps prepared by Camp Dresser McKee (CDM) in 2009, as part of the Comprehensive Water Resources Management Plan (CWRMP) for Suffolk County.
10. Projects that require advanced sewage treatment located on a parcel in the 0 to 25 year contributing area to surface waters are required to demonstrate that nitrogen mass loading will be significantly reduced by the proposed sewage treatment plant as compared with the nitrogen mass loading that can occur with as of right density development in accordance with the Article 6 of Suffolk County Sanitary Code.
11. Effluent from a conventional septic system is assumed to have a TN concentration of 50 mg/l. SPDES permits require STP effluent to achieve a TN concentration of 10 mg/l or less. This yields a ratio of 5:1 when comparing nitrogen mass loading.
12. The actual ratio of the proposed project is 7.9:1 (8,307 gpd / 1,048 gpd = 7.9).
13. The applicant is proposing to utilize Suffolk County Workforce Housing Credits for facilitating a transfer of development rights (TDR) to provide a local offset to the excess nitrogen load.
14. In calculating the number of Workforce Housing Credits required the applicant is using a ratio of 4.5 to 1. The required number of credits were determined as follows:
  - a.  $1,048 \text{ gpd} \times 4.5 = 4,716 \text{ gpd}$
  - b.  $8,307 \text{ gpd} - 4,716 \text{ gpd} = 3,591 \text{ gpd}$  (sanitary density flow above a ratio of 4.5:1)
  - c.  $3,591 \text{ gpd} / 300 \text{ gpd} / \text{credit} = 11.97 \text{ credits}$
15. The applicant proposes to utilize 12 Workforce Housing Credits.
16. The Workforce Housing Credits will be coming from SCTM #'s: 900-356-2-2 and 900-356-2-1.6. The parcels were reviewed by the Department's Office of Wastewater Management and determined to be a local offset.
17. Water service proposed is public water supplied by the Suffolk County Water Authority.
18. The direction of groundwater flow is to the south as per the groundwater contributing areas and source water assessment maps prepared by Camp Dresser McKee (CDM) in 2009, as part of the Comprehensive Water Resources Management Plan (CWRMP) for Suffolk County.

James L. Tomarken, MD, MSW, MPH, MBA, Commissioner

Hearing Date May 18, 2017

Subject: Findings and Recommendations of the Review Board Regarding: C09-17-0012 ~ Speonk Commons ~ w/s N. Philips Ave., 200 ft. n/o Montauk Hwy., Speonk - t/o Southampton - SCTM: 0900-35000-0200-018000

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19. There are no public water well fields within ½ mile of the subject property, and as per the groundwater contributing areas and source water assessments prepared by CDM in 2009, as part of the Comprehensive Water Resources Management Plan for Suffolk County, the subject parcel is not located within the 100 year groundwater contributing area of any public water well fields.
20. The subject parcel is in the area of the groundwater contamination known as the Speonk Plume. The applicant has committed to installing vapor barriers under the foundations of the proposed structures.
21. The Department's Office of Water Resources has identified that there are parcels in the down gradient area of the groundwater table that may be served by private wells.

#### **Determination**

It was a 3 to 0 determination of the Board to approve the requested variances. Article 6 is intended to protect surface and groundwater quality by establishing limits on population density. The proposed Workforce Housing Credit sending parcels are in close proximity to the subject site and use of the credits has been approved by the Department of Economic Development and Planning. Approval of the requested variances is contingent on the following conditions being met:

- Workforce Housing Credits:
  - The use of the 12 Workforce Housing Credits must have Suffolk County legislative approval in accordance with the approved County Plan.
  - The 12 Workforce Housing Credits shall be redeemed in accordance with the approved County Plan and proof of said redemption shall be submitted to the Department.
- Covenants and/or deeds shall be prepared and filed, in language acceptable to the County Attorney establishing that:
  - There shall be no future subdivision of the subject parcel permitted.
  - Vapor barriers are required to be installed under all structures built on the property.
- The modified subsurface sewage disposal (denitrification) system discharge permit conditions shall require "Best Management Practices" for maximum contaminant removal.
- In accordance with the recommendations in the Office of Water Resources, the applicant shall offer to connect developed parcels within 500 feet of the project which are presently served by private wells to public water, at no cost to those owners. The applicant shall employ whatever measures necessary to provide public water. These offers shall remain open until such time as a final approval of constructed works is issued by the Department for the subject application.

The proposed modern sewage treatment facilities, operated under best management practices are expected to be an improvement over the conditions which have existed at the site. The existing conditions at the subject site present unique circumstances which the Board considered sufficient for the granting of the requested variances. As per §760-609.A.1.c the specifics of this application are unlikely to apply to any future applications, and therefore should not set a precedent for future variance requests for proposed new modified subsurface sewage disposal (denitrification) system.

James L. Tomarken, MD, MSW, MPH, MBA, Commissioner

Hearing Date May 18, 2017

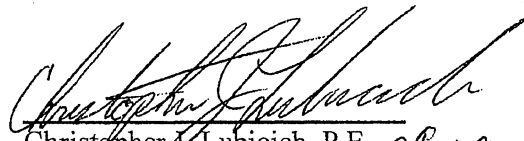
Subject: Findings and Recommendations of the Review Board Regarding: C09-17-0012 ~ Speonk Commons ~ w/s N. Philips Ave., 200 ft. n/o Montauk Hwy., Speonk - t/o Southampton - SCTM: 0900-35000-0200-018000

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The applicant must obtain approvals for the detailed design of the modified subsurface sewage disposal (denitrification) system and related infrastructure and buildings; complete the necessary SEQRA process; comply with SPDES permit requirements; and secure any other town/village or other agency permits that may be necessary.

As per §760-609.A.1.a of the Suffolk County Sanitary Code (Sanitary Code), the approval of the requested variances with the conditions specified is in harmony with the general purpose and intent of the Sanitary Code to protect groundwater and drinking water supplies, surface water and other natural resources, and public health, safety and welfare.

June 23, 2017

  
Christopher J. Lubicich, P.E.  
Chair ~ Board of Review 99  
6/23/17