

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5191 F: (631) 853-4767

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

Notice of Meeting

July 11, 2018 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 2018
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guests
 - Nicholas Palumbo, Exec. Director of Sustainability, Suffolk County Community College; Melanie Morris, Asst. Director: Transit Screen
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Brightview at Port Jefferson Station, Town of Brookhaven
0200 18300 0700 001000 et al
Change of Zone from J Business 2 and A-1 Residence to NH-H for construction of a 200 bed Assisted Living Facility
7. Section A-14-24 of the Suffolk County Administrative Code
8. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **August 1, 2018 2 p.m.** Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY

Language Access Services are available for free to Limited-English Proficient individuals. Requests for telephonic interpretation services or other special needs must be communicated in writing or by telephone to the EDP Language Access Designee at least three business days prior to the meeting. Contact: Jeffrey Kryjak, Department of Economic Development and Planning, H. Lee Dennison Bldg., 11th Floor, 100 Veterans Memorial Highway, Hauppauge, NY11788. Phone: (631) 853-5192, email: jeffrey.kryjak@suffolkcountyny.gov



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 A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Brightview at Port Jefferson Station
Municipality: Brookhaven
Location: n/s/o NYS Rte. 112 immediately west of the N Bicycle Path intersection

Received: 5/24/2018
File Number: BR-18-05
T.P.I.N.: 0200 18300 0700 001000
Jurisdiction: Adjacent to NYS Rte. 112

ZONING DATA

- Zoning Classification: Residence (A1)/J2 Business
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: No

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: vacant/residential
- Existing Structures: detached residential dwellings and accessory structures
- General Character of Site: level
- Range of Elevation within Site: ~160-165' amsl
- Cover: disturbed wooded /lawn turf and buildings
- Soil Types: Haven series

- Range of Slopes (Soils Map): 0-2%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of zone
- Layout: one structure 58,843 SF footprint/3 stories
- Area of Tract: 8.7Acres
- Yield Map: N/A
 - No. of Lots: 1

- Open Space: 0 ac.

ACCESS

- Roads: public: NYS Rte. 112 and Canal Road (Town road)
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: onsite drywell/drainage system
 - Recharge Basins no
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: Onsite STP

PROPOSAL DETAILS

OVERVIEW – Petitioners seek change of zone approval from the Brookhaven Town Board for the conversion of 8.7 acres of J Business 2 (J2) and A Residence 1 (A1) zoned property to Nursing Home District (NH-H). The change of zone would permit the application for construction of a new, three (3) story 170 unit assisted living facility with 200 beds and associated parking for 170 vehicles. Several area variances are proposed by the petitioner with respect to height (45’ proposed where 35’ is permitted), an area variance with respect to minimum landscape buffer to residential (25’ required where 21.5 feet provided to the landscaped Parking), and an area variance with respect to fencing required along property lines adjoining residential districts (a fence is provided on the east side but not on the north side). Several detached single family dwellings will be demolished and removed as part of site preparation for the development.

The subject property is located at the north side of NYS Rte. 112 immediately west of the N. Bicycle Path intersection in the hamlet of Port Jefferson Station.

The proposed development will include a 3 story main building, totaling 182,079 SF of gross floor area, towards the center of the property with a paved street encircling the entire structure. This building will serve as the assisted living facility. The site plan’s 170 proposed off street parking stalls (in compliance with Town of Brookhaven Zoning Law) will be laden along this paved street as well as the paved driveway on the southern side of the subject property from which vehicles enter and exit the property. Handicapped parking spaces can be found on the southerly side of the structure, towards the right corner.

The southerly side of the assisted living facility building has in front of it a roundabout which would enable motorists to drop off and pick up other individuals and then exit the premises without having to circle the building entirely.

A 6' stockade type fence will be built along the easterly side of the subject property. No fence is proposed along the western property line which would be required in accordance with Brookhaven Town Zoning Law.

Potable water is to be supplied to the proposed development by the Suffolk County Water Authority.

An on-site sewage treatment plant of unspecified technology is proposed at the north end of the subject site.

Storm water runoff from the contemplated development is to be collected via an on-site drywell drainage system.

Access for the proposed assisted living facility is to be from one driveway on the northerly side of Patchogue Rd (Route 112) from which vehicles may enter and exit making a left or right. Proposed Emergency access is a "Grasscrete" fire access point outfitted with a crash gate feature located on the easterly side of the subject property, intersecting the east parking lot.

The subject property, at its northerly end, is intersected by a PSEG right of way (Tax Lot 182-4-30) thus leaving two smaller triangular parcels of land (Tax Lot 182-4-28 and Tax Lot 182-4-29) separate from the rest of the subject property. It is not known what uses may be proposed for these parcels now or in the future. The parcels are zoned A1.

The development site is situated with A1 Residential zoning to the northwest, north, and easterly sides with L Industrial zoning to the west and southeast sides. The southerly side of the subject property is adjacent to and partially consisting of J2 Business zoning.

The subject property is located within a State designated Critical Environmental Area known as the Middle Island – CEA. The subject parcel is located in the South Setauket Woods State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone III. The subject site is not situated within a Suffolk County Pine Barrens Zone. 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-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included are such issues as compatibility of land uses, community character, public convenience and maintaining a satisfactory community environment.

It is the belief of the staff that the proposed Brightview at Port Jefferson Station Assisted Living Facility project can be designed to be in harmony with the existing character of the area which can be generally defined as commercial. However, detached single family homes abut the development site to the east and particular care should be taken to lessen impacts of the use on the residents. Consideration should be given to the requirement of a planted berm (taking advantage of prime agricultural soil underlying the site) along the eastern property boundary including the placement of fast and tall growing evergreens (e.x. Leyland Cypress). In addition, consideration should be given to the reduction of the width of pavement along the eastern internal street to allow for additional vegetative plantings. Moreover, the visual impact to the NYS Rte. 112 corridor and surrounding area should be assessed in order to mitigate any visual effect that might lessen the safety and carrying capacity of the state roadway. "Dark Sky" best management techniques should be employed for the lighting plan to mitigate impacts to adjacent residential areas as well as the NYS Rte. 112 corridor. Finally, the premises should be encumbered by appropriate operational restrictions to adequately protect nearby residences (i.e. shielded lighting, hours of operation for

truck deliveries, garbage pick-up, building alarms, trash compaction, etc.).

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Brookhaven Comprehensive Land Use Plan (1996) specifically recommends medium density residential (1ac or less) for the subject property. The Final Draft (2010) of the Brookhaven 2030 Comprehensive Plan indicates “medium density residential” for the subject site. The plan also indicates some commercial use along the state roadway.

It can be argued that the proposed assisted living facility is both commercial and residential in its character and can be considered consistent with the above local plan recommendations. The location of the subject site in the Critical Environmental Area requires additional attention to site planning details such as ground water quality and habitat preservation via sanitary waste and storm water discharge considerations, vegetative clearing limitations and fertilizer application restrictions.

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 noted above several detached single family dwellings will be demolished and removed as part of site preparation for the development. Any environmental reports (indicating that all hazardous materials have been removed from the site and that any environmental hazards that could be aggravated by the demolition procedure have been removed and do not exist on site) should be made publicly available prior to final approval of the petition by Brightview at Port Jefferson Station.

Also indicated previously, all wastewater from the proposed assisted living facility is intended to be treated by the onsite sewage treatment plant and onsite subsurface leaching pools for disposal of treated effluent to be discharged into the groundwater. Early and continuous review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted. There may be an opportunity to limit effluent discharge to the ground on site by pumping effluent to exiting sewage treatment plants in the area. This would limit and control the number of point sources into the aquifer. Woodhaven Nursing home (Aprox 1,100 feet from the project site), Woodcrest Estates (Aprox 1,600 feet), Sagamore Hills condominiums (Aprox 3,100 feet) are in the proximity and may have available capacity. Suffolk County Sewer District #11 is Aprox 7,000 feet from the subject development site.

Storm water runoff from the proposed project is proposed to be retained onsite via a drywell drainage system. There is no indication in the referral materials from the Brookhaven Town Board to the Suffolk County Planning Commission that the petitioner has given consideration to the treatment of storm water through more natural treatment best management practices. Clearing on the site exceeds one acre and therefore the petitioner shall be required to submit a state SWPP. The applicant should be directed to consult the Suffolk County Planning Commission’s publication

on Managing Stormwater - Natural Vegetation and Green Methodologies and incorporate where practical, applicable elements contained therein.

The subject application materials submitted by the Petitioner and referred to the Suffolk County Planning Commission by the Brookhaven Town Board indicates that approximately 100% of the subject property will be disturbed during construction (Pg. 3 of the submitted EAF). Best management practice for development within the State Designated SGPA and CEA should be the clearing of no more than 65% of the naturally occurring vegetation on site. In addition, landscape development should not place more than 15 percent of the project in fertilizer dependent vegetation.

No 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.

There is no indication in the application referral material from the Town of Brookhaven to the Suffolk County Planning Commission if there are any proposed affordable units.

Referral materials from the Town of Brookhaven to the Suffolk County Planning Commission do not indicate that the applicant has given consideration to universal design for the facility.

Suffolk County Transit bus route S61 traverses NYS Rte 112 with destinations to Port Jefferson (LIRR station) St. Charles and Mather hospitals, Coram Plaza, Medford (LIRR station) and Patchogue (LIRR station). Weekday service is approximately every one-half hour. The closest existing bus shelter is at NYS Rte. 347. Walking paths are non-existent in the proposal with the exception of a sidewalk around the building. There is no identified pedestrian connectivity to sidewalks within the state right-of-way.

No mention of the consideration of public safety techniques is provided in the referral material to the Suffolk County Planning Commission.

STAFF RECOMMENDATION

Approval of the change of zone petition from J2 and A1 to NH-H for Brightview at Port Jefferson Station for the construction of a 170 unit assisted living facility with the following comments:

1. Any environmental reports (indicating that all hazardous materials have been removed from the site and that any environmental hazards that could be aggravated by the demolition procedure have been removed and do not exist on site) should be made publicly available prior to final approval of the petition by Brightview at Port Jefferson Station.
2. The petitioner is proposing the construction of an onsite sewage treatment plant. Opportunities may exist to connect to existing sewage treatment facilities in the area. Review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted and the Petitioner should be directed to begin/continue dialogue with the Suffolk County Department of Health Services and the Suffolk County Department of Public Works.
3. The petitioner should be directed to consult the Suffolk County Planning Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies. There may be ways to incorporating some of the methods explored in the document and integrate them into a more robust vegetative buffer.

4. Due to the project's site location in an SGPA and CEA no more than 65% of the subject site should be cleared of naturally occurring vegetation and no more than 15 percent of the project should be in fertilizer dependent landscape vegetation.
5. Consideration should be given to the requirement of a planted berm along the eastern property boundary including the placement of fast and tall growing evergreens. In addition, consideration should be given to the reduction of the width of pavement along the eastern internal street to allow for additional vegetative plantings.
6. The visual impact to the NYS Rte. 112 corridor and surrounding area should be assessed in order to mitigate any visual effect that might lessen the safety and carrying capacity of the state roadway. "Dark Sky" best management techniques should be employed for the lighting plan to mitigate impacts to adjacent residential areas as well as the NYS Rte. 112 corridor.
7. The premises should be encumbered by appropriate operational restrictions to adequately protect nearby residences (i.e. shielded lighting, hours of operation for truck deliveries, garbage pick-up, building alarms, trash compaction, etc.).
8. 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.
9. The Town of Brookhaven and the applicant should investigate affordable housing requirements for the subject development proposal. There is no indication in the application referral material from the Town of Brookhaven to the Suffolk County Planning Commission if there are any proposed affordable units.
10. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
11. The applicant should communicate with the Suffolk County DPW Transit Division and discuss accommodations for bus riders from the subject development.
12. Pedestrian connections should be made from the interior of the site to NYS Rte. 347 in order to provide a pedestrian route linkage to mass transit on the State ROW.
13. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.



