

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
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Joanne Minieri, Deputy County Executive and Commissioner, Department of Economic Development
and Planning

Sarah Lansdale, Director of Planning

Notice of Meeting

February 4, 2015 at 2:00 p.m.

Rose Caracappa Auditorium
W.H. Rogers Legislature Building
725 Veterans Memorial Highway, Smithtown, NY

Tentative Agenda Includes:

1. Election of Officers
2. Meeting Summary for January 2015
3. Public Portion
4. Chairman's Report
5. Director's Report
6. Guest Speaker
 - Gerry Bogacz, New York State DOT, NYMTC Presentation
7. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Village of Port Jefferson 2030 Comprehensive Plan
8. Section A-14-24 of the Suffolk County Administrative Code
None
9. Other Business:
 - Southampton IMA
 - Adoption of 2015 Calendar
 - Adoption of 2015 Rules of Proceedings

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on March 4, 2015 2 p.m. location TBA



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

Applicant: Village of Port Jefferson 2030 Comprehensive Plan Update
Municipality: Inc. Village of Port Jefferson
Location: north shore

Received: 1/15/2015
File Number: Pj-15-01

Jurisdiction: Comprehensive Plan amendment

PROPOSAL DETAILS

OVERVIEW – The Inc. Village of Port Jefferson has referred to the offices of the Suffolk County Planning Commission the proposed “Inc. Village of Port Jefferson 2030 Comprehensive Plan Update (dated November 2014) and Generic Environmental Impact Statement. Please see the following link for complete referral information <http://www.portjeff.com/local-government/port-jefferson-village-master-plan>

The Comprehensive Plan Update (CPU) follows a lengthy community visioning process followed by civic committee involvement (Comprehensive Plan Committee) and public hearings. The CPU includes special focus on revitalization of the Village’s “Uptown” area and expansion of the public space along the water front in the “Downtown” area of the Village. The plan addresses the Village’s current and future needs for housing (affordable/market rate - mix use and mixed income), transportation (parking, pedestrian walkability, motor vehicle, bicycle, and pedestrian traffic circulation/safety/calming), infrastructure (including sewers), recreation and open space protection, the preservation of historic structures and the potential for transit oriented, mix use development.

The CPU also addresses the Villages residential-office areas and wide areas of detached single family home communities and the relationship between the residents and the business districts.

On January 31, 2014 the Inc. Village of Port Jefferson forwarded notification for SEQRA

Coordination on the above noted CPU to the Suffolk County Planning Commission. The Commission, not being an Involved Agency pursuant to SEQRA, had no objection to the Inc. Village of Port Jefferson assuming Lead Agency status on the environmental review of the CPU but provided comments through the staff of the Suffolk County Department of Economic Development and Planning (see attached). Many of the comments of the staff are addressed in detail in the CPU/GEIS document.

The Inc. Village of Port Jefferson 2030 Comprehensive Plan Update is literally comprehensive in nature and wide ranging in suggested action items. The CPU and has a strong focus on covering many current difficulties in the village such as the availability of off street parking and store front vacancies in the commercial business districts. The Update covers certain eventualities facing the Village including the role of the electric power plant situated in the village as well as the limited potential for growth as expressed by the restricted capacity of the Suffolk County sewage facility. The opportunities for sustained economic growth and development utilizing Village resources such as the railroad station, ferry, hospitals, public sewer and water, and available underutilized commercially zoned land are balanced with community concerns regarding community character and over intensification.

The CPU recommends certain best management practices and state of the art land use tools such as Establishing parking improvement districts and Implementing a managed parking system for the Uptown area of the village. The CPU recommends revising the C-2 code to permit new as of right mixed use buildings. Moreover, the CPU recommends providing development incentives for provision of public amenities such as reduced trip generation and the inclusion of public space into the design of projects. The CPU limits height to 35' in the commercial zones but allows 45' with the provision of certain public benefits.

The Comprehensive Plan Update recommends revising residential street design requirements and enacting a green building code ordinance and the formation of a water quality improvement district to combat nitrogen inputs into the Port Jefferson Harbor.

The CPU also recommends the strengthening of the Village Architectural Review Board to assure that new structures of 45' maintain the desired character of the community. Among other positive recommendations the CPU recommends developing a village wide geographic information system to maximize economic development and community planning data and efficiencies.

The build out analysis conducted in the CPU estimated that under existing zoning a total of 430 apartment units could be constructed in the Downtown area of the village while 250 apartment units could be constructed in the Uptown area. Potential new commercial space in the same Uptown blocks was estimated at 44,800 square feet and for Downtown at 44,150 square feet of retail. The recommendations envisioned in the CPU, according to the SEQRA analysis, would not significantly change these estimates. It is noted in the CPU that it is possible that fewer units would be developed than under the current zoning as the CPU recommends a 25 percent increase in minimum unit size and an increase in setbacks for the Uptown commercial district. Consequently little or no difference in the environmental impacts under proposed vs. current conditions is anticipated by the CPU.

STAFF ANALYSIS

While the Comprehensive Plan Update appears to lack a clear implementation plan that organizes and prioritizes the recommended action items that conclude each section of the document, it provides the Village with maximum flexibility under changing market conditions to implement recommendations as appropriate for the Village. For instance, recommendations for the development of parking districts and water quality overlays are general in nature and do not provide

a specific path forward as to the process for creation, adoption and implementation. As a next step to advance the vision as expressed by the community an implementation plan, that is supplemental to the CPU prioritizing strategic approaches to Village Code amendments and capital improvements to maximize efficiencies and accumulate success could be drafted and updated as priorities, conditions, and assumptions evolve. In this way sustained economic development for the village will be orderly and realized while the character of the community is maintained as envisioned by its residents.

STAFF RECOMMENDATION

Approval of the Inc. Village of Port Jefferson 2030 Comprehensive Plan Update (dated November 2014) subject to the following comment:

1. As a next step to advance the vision expressed by the community, the Village could develop an implementation plan that is supplemental to the CPU, prioritizing strategic approaches to Village Code amendments and capital improvements to maximize efficiencies and accumulate success, and updated as priorities, conditions, and assumptions change. In this way sustained economic development for the village will be orderly and realized while the character of the community is maintained as envisioned by its residents.



Z-1: Village of Port Jefferson 2030 Comprehensive Plan Update
 File #: Pj-15-01

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Department of Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

**Division of Planning
and Environment**

February 25, 2014

Village of Port Jefferson
121 West Broadway
Port Jefferson, New York 11777
Attn: Mayor Margot Garant

SEQRA Lead Agency Coordination
Re: Village of Port Jefferson 2030 Comprehensive Plan
Update

S.C.T.M. No.: N/A
S.C.P.C. No.: LSG-2329-14

Dear Mayor Garant:

Your notification for SEQR Coordination was received by our agency on January 31, 2014.

Please be advised that our agency, the Suffolk County Planning Commission, has no objection to the Village of Port Jefferson assuming Lead Agency status for the above referenced.

The Suffolk County Planning Commission reserves the right to comment on this proposed action in the future and wants to be kept informed of all actions taken pursuant to SEQRA and to be provided with copies of all EAF's, DEIS's and FEIS's, etc. Please note that pursuant to New York State General Municipal Law section 239 and Article XIV of the Suffolk County Administrative Code, prior to final approval, this action should be referred to the Suffolk County Planning Commission for review.

Comments:

The 2030 Comprehensive Plan Update for the Incorporated Village of Port Jefferson is a well thought out and well written document. The Inc. Village of Port Jefferson appears to be making substantial progress in the development of a Comprehensive Plan Update. The update of the Village Comprehensive Plan will help to ensure that future development adheres to the goals of the community of Port Jefferson as reflected in the Plan.

It is apparent that some of the questions in Part I of the Full Environmental Assessment Form (FEAF) are not relevant to the scope of the “action” but the FEAF looks incomplete and should be completed to the best of the ability of the Village. The 2030 Comprehensive Plan Update envisions a future Village and answered questions in the FEAF would help to visualize that future “base line” and provide some preliminary detail for generic analysis of the action. For example, further detail in the FEAF should be provided for Section D. Project Details item D.1. a, b, f & g Proposed and Potential Development; Section D.2.c demand for public water supply; Section D.2.d generation of liquid waste; D.2.e storm water; D.2.j increase in traffic or generation of new demand for transportation facilities or service; Section E.1. Land uses item a, item e recreation, item d public facilities; Section D.2. item g & h hazardous material corrective activities; Section E.2. Natural Resources item i floodways, j & k 100 and 500 yr. flood; E 3. Public Resources including natural and manmade landmarks and districts.

With respect to the form of the document a Generic Environmental Impact Statement (GEIS) would be appropriate with the understanding that a development’s project, site specific environmental analysis may be necessary depending on the level of analysis in the GEIS and how the specific project dovetails into generic analysis.

Scoping is the process conducted by the Lead Agency that identifies relevant anticipated environmental effects of an action to be addressed in the Impact Statement. The following comments are provided for consideration by the Village with regard to the SCOPE of the GEIS:

- The estimated buildout analysis in Section 3 of the Comprehensive Plan Update (CPU) forms the baseline for cumulative analysis and alternative growth development scenario sections of the GEIS. Anticipated environmental effects of the buildout, i.e. water demand, waste water flow, motor vehicle trip generation, patterns of movement by traffic and pedestrians, etc. should be described in sufficient detail to enable a valid comparison to alternatives.
- A thorough discussion on the parking stall ratios proposed for 2030 is in order. For example the recommendation for one off street parking stall per studio apartment, etc., should be rationalized by the current literature available and examples provided where the ratios appear to provide sufficient, safe and accessible parking for all residents and visitors. Reduction in the off street parking stall requirement does not necessarily mean a reduction in parking demand. The rational for the reduction needs to be concise and apparent.
- Suggestions for increased density, vertical mixed-use development, and additional height for the Uptown area of the Village should be tied to the provision by the developer of “major” public benefits such as the on-site reduction in projected motor vehicle trip generation. Only projects that provide guarantees for motor vehicle trip reduction should be granted floor area bonuses. Projects should be true Transit Oriented Design (TOD) projects.

For example in order to secure the bonus, development projects could demonstrate significant percentages of units sold/rented to local hospital or state university personnel who may walk or take the LIRR to work. Landlords (through official site planning approval) may provide for preferential van pool parking for employees of ground floor retail, bus shelters could be made integral to site design, etc. Without a true reduction in motor vehicles and motor vehicle trips, on a project by project basis, future development in the Village will only constrict sustained economic development by increased congestion. There must be a legitimate effort to reduce the number of motor vehicles, owned, utilized and parked in the commercial business district. The provision of other public benefits such as a pocket park, plaza or right of way dedication, streetscape improvements, public artwork can only be considered “minor” public benefits by comparison. The incentives enumerated in the CPU such as reduction in the permit application fee, tax reduction, reduced payments in lieu of parking or lowering parking district fees should only be granted to true TOD development that reduces the on-site parking demand and thus be the only nexus to increase units or floor area. The EIS should more fully detail the ramifications of the bonus structure outlined in Section 5 of the CPU.

- The effect of the NYS Long Island Workforce Housing Act on the buildout densities proposed by the Village should be clarified. Article 16-A of the NYS General Municipal Law indicates that a subdivision (including condominiums), site plan or mixed use development that incorporate five or more residential units “**shall**” receive a density bonus of at least ten percent over the otherwise maximum allowable residential density or floor area ratio if part of a mixed use development. The build-out analysis of the CPU and the GEIS need to take into account the floor area bonus mandated by the Act and make recommendations as to the appropriateness of the unit bonus being built on site (and the effect) or if there are other suitable building site locations to transfer the density bonus to or if money in lieu of constructing affordable units on site should be donated to the Villages’ affordable housing/community development program.
- Alternative building sites for transferred affordable housing (pursuant to the Long Island Workforce Housing Act) should be explored and identified in the CPU and EIS.
- The Suffolk County Planning Commission has created guidelines for the treatment of storm water through green methodologies and natural amenities. Moreover, the Commission has adopted model codes for fast track solar permitting, public safety and universal design. The CPU and EIS process may benefit from a review of the Commission publications.
- Section 10 of the CPU discusses “impact fees.” The use of impact fees as a land use planning tool in Suffolk County may not be possible. A concise definition of the term “impact fee” in the context of the CPU is warranted. Mitigations to identified adverse environmental impacts that can be tied to a proposed action are the typical manor of addressing the ramifications of a proposed project. The creation of a special (taxing)

district is another typical way to accumulate fees to address “impacts.” The EIS should clarify what is meant by impact fees.

- The Alternative Section of the EIS should be scoped to include alternative buildout scenarios based on the waste water capacity of the Suffolk County sewage treatment plant. As identified in the CPU, the current excess capacity of the Port Jefferson Sewage Treatment Plant is approximately 250,000 gallons per day. Build out of the Village as explored in chapter 3 is dependent on new projects within the Village (particularly Uptown) having access to capacity at the PJSTP. This capacity at the STP can be back engineered (by using various accepted land use multipliers) to develop several alternative build out scenarios for the Village. Critical in this analysis is the rate at which Port Jefferson Station, in the adjacent Town of Brookhaven on the south side of the LIRR tracks, is developed into a TOD style development (as the current planning initiative in the town suggests) and captures the available excess capacity of the STP. Alternative scenarios should be developed that show growth in Port Jefferson Station and its cannibalizing effect on sustained economic development in the Village of Port Jefferson and the impact on the potential for redevelopment of Uptown.
- The Alternative Section of the EIS should explore the future of the Port Jefferson Power Station (LIPA) property. In the event that the power station is considered obsolete in the future, alternative land use schemes for the property should be provided in the EIS including buildout yield and anticipated adverse environmental impacts. The preferred alternative for development of the site, if the power station is removed, should be presented in the EIS along with its anticipated impacts and presumed mitigations.
- Recent storm events (including Super Storm Sandy) have highlighted the need for the preparation of land use plans accounting for the impact of severe storm events and the ability of the Village to be resilient and prevent or recover from storm damage. The CPU did not address in detail “Climate Risk” or mitigations to address storm flooding. The EIS for the CPU should expand upon storm damage resilience measures aimed at reducing repetitive loss to private and public property.
- Action items enumerated throughout the CPU should be formulated into a Strategic and Capital Improvements Plan and incorporated into the EIS. The Strategic and Capital Improvement Plan (SCIP) is a compilation of the action items listed in the CPU. The actions should be prioritized according to the phase of implementation and the type of action involved. The SCIP ought to include in a spread sheet form for each action, the year of implementation (phase), CPU reference (chapter/pg.), how implemented (administrative, code, program, capital, legislative, plan, GIS, etc.) the potential funding sources (federal, state, town, village, private or other) and the Village board, agency, commission or committee involved and responsible for initiating and carrying out the action item. The SCIP should be intended to be reviewed annually, serving as a check point to insure that the CPU is being implemented on schedule. The annual review will also provide an opportunity to amend the CPU if circumstances in the community change. The strategic Action Items should be used principally by Village elected officials to provide staff with specific direction in the areas of yearly work programs and budgeting. Additionally, the Planning Board and staff would have the ability to communicate the action items to the private sector and request their assistance in meeting these community

goals. A private individual or a developer's representative may also use the action items to become more familiar with the Village goals relative to new development.

Sincerely,

Andrew P. Freleng
Chief Planner

APF:cd