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, Acting Commissioner, Department of Economic Development and Planning
Sarah Lansdale, Director of Planning

Notice of Meeting

December 7, 2016 at 2 p.m.

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

Tentative Agenda Includes:

1. Meeting Summary for November 2016

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
   - Brightview Senior Living, Town of Huntington
     0400 26200 0300 0036002 et al

   - Terwilliger & Barton Properties, LLC, Town of Islip
     500 05400 0100 006001 et al

   - sPower, Town of Riverhead
     0600 11600 0100 007002 et al

   - Tuckahoe Center, Town of Southampton
     0900 15800 0300 004000

7. Section A-14-24 of the Suffolk County Administrative Code
   - None

8. Other Business:
   - 2016 Rules of Proceedings
   - Suffolk County Planning Commission Guidebook
   - PSDR – Parking Stall Demand Reduction

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **January 4, 2017 10 a.m.** Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY

COUNTY OF SUFFOLK

Z-1

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Acting Commissioner

Division of Planning
and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Brightview Senior Living
Municipality: Huntington
Location: East side of Deer Park Avenue (State Route 231) and approximately 1,150 feet North of Talisman Drive

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Received: 11/14/2016
File Number: IS-16-06
T.P.I.N.: 0400 26200 00300 036002
Jurisdiction: within 500 feet of State Route 231 (Deer Park Avenue)

ZONING DATA

- Zoning Classification: R-40 Residential District
- Minimum Lot Area: 40,000 Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Commercial Nursery
- Existing Structures: Commercial building and structures related to a commercial nursery
- General Character of Site: Generally level in the northern and western portion of the property with steeper slopes located in the

southeastern portion of the property

- Range of Elevation within Site: 180-240 feet amsl
- Cover: Driveway and parking paved areas, nursery structures and uses, and wooded land
- Soil Types: HaB (Haven Loam), SdA (Scio Silt Loam), PIC (Plymouth Loamy Sands), CpE (Carver and Plymouth Sands)
- Range of Slopes (Soils Map): 0-35 %
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: COZ
- Layout: Standard
- Area of Tract: 10.01 Acres
- Yield Map:
  - No. of Lots: 1
  - Lot Area Range: 10.01 Acres overall lot with 166 unit assisted living facility
- Open Space: N/A

ACCESS

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

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB LP
  - Recharge Basins no
- Groundwater Management Zone: I
- Water Supply: public
- Sanitary Sewers: On Site STP

PROPOSAL DETAILS

OVERVIEW – Petitioners seek change of zone approval from the Huntington Town Board for a three lot, 10.01 acre parcel. The property is currently zoned Residential 40,000 (R-40). The Petition is to convert the entire project property to the Town of Huntington Residential Health Services (R-HS) district to permit the construction of a 174,557 SF assisted living facility with 166 units in a three-story building. The application will require a variance for building three (3) stories where only two (2) stories are allowed, although the proposed height is within the 35 feet allowed by the R-HS zone.

The project site is located on the east side of Deer Park Avenue (NYS Rte. 231), opposite Tiana Place, in the hamlet of Dix Hills.

The conceptual site plan indicates recreational area including several gazebos, a new putting green, raised planters, and new benches; connected by a nearly continuous walkway. A new retaining wall at the north east corner of the project site includes an “EZ Roll Grass Pave System” at the end of the north parking lot as part of a no parking fire zone.

Town of Huntington Zoning Law requires 41.5 off street parking spaces for the proposed assisted living facility. The petitioner proposes 110 including four loading spaces two of which are land banked.

Access is proposed in two locations to the subject project. Both entrances are right turn only (northbound) as there is a raised median in the center of Deer Park Avenue (NYS Rt. 231). A local Town street (Daniel Lane) terminates at the eastern property line. No access connection is proposed.

The proposed assisted living facility intends to connect to a new 2,100 SF sewage treatment plant at the south west corner of the subject project site. The design and technology has not been indicated in the referral material to the Commission.

Storm water runoff from the contemplated development is to be collected via catch basins and directed to drywells. Referral materials to the Planning Commission from the Town of Huntington indicate that the proposal minimizes impervious surfaces, uses pervious materials and re-uses stormwater but there are no details provided.

The subject change of zone parcel is presently two wholesale nursery operations, a florist and an alpaca farm. There is some natural wooded area at the south of the property. The proposed project site is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone I. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetlands occur on the subject site.

The adjacent and surrounding area is zoned R-40 Residence and predominantly residential in character. There are some alternative uses directly fronting on Deer Park Avenue and include houses of worship, agricultural nursery parcels, a day camp directly to the north, an elementary school and an assisted living facility approximately two (2) miles to the north.

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

As indicated in the referral materials to the Suffolk County Planning Commission from the Town of Huntington, the change of zone request leads to a proposed development that is a use which will differ from predominately residential land uses along Deer Park Avenue. Surrounding uses are mostly 1-story or 2-story buildings with varying footprints. The proposed project will stand out in its overall size, situated on a ten (10) acre site. It is noted that the R-HS zone allows buildings to be up to two stories and 35 feet in height. The developer has propped a three-story building that keeps within the 35 foot limit but exceeds the story limits in any residential zone other than R-3M and R-OSC. This development, while being a type of residential use, could have larger aesthetic impact than other residential projects. There may be a visual impact on some of the surrounding residences located on Danial Lane and Cascade Court. It is noted by Suffolk County Planning Commission staff that the proposed development would not exceed the height limits of either the R-HS zoning or the current R-40 zoning. Allowing the development to be three (3) stories (but no more than 35 feet) tall may allow more land area to be landscaped or left undeveloped.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Huntington Horizons 2020 Comprehensive Plan Update, adopted by the Town Board December 9, 2008 identifies the subject property on the Generalized Future Land Use map (figure 6-3) as “Low Density Residential” which is defined as less than two units to the acre. Policy G.3 of the Town’s Plan recommends that

the Town "Promote the diversification of housing stock to meet the changing demographics of Huntington's population." The proposed assisted living facility would be one of a number of uses that would match this policy.

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

While the proposed development would differ from the surrounding one-acre, single family residences, the R-HS District is still considered residential in nature, and assisted living facilities can be designed to blend in with the community and offer the community benefit of providing a diverse housing stock to meet the changing demographics of the Town's population.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

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

It is indicated in referral materials (EAF Part III) that due to the intensity of development of the proposal on site the majority of the property will be disturbed. The majority of the land surface area will be covered by buildings, pavement, or formal landscaping. A steep slope analysis has been completed by the Town of Huntington indicating disturbance of some slopes 15% or greater possibly resulting in increased erosion. Excavation and the removal of more than 1,000 tons of natural material are proposed and will require an application to the Town along with a fee for removal of excess material.

The EAF Part III also indicates that "the property was used as a nursery since at least the 1980's. It is likely that various agricultural chemicals were used to improve plant conditions…" It is noted by Suffolk County Planning Commission staff that the property will be significantly disturbed by construction. The EAF continues that "Park Shore Day Camp, a summer camp facility for children is located to the north and adjacent to the subject site. Human health is…an issue as there will be sensitive receptors on the subject property, including the residents of the assisted living facilities and visitors to the facility. Soil testing was done by the applicant on May 20, 2016 which found arsenic exceeding State standards in three (3) of the samples…Great care needs to be taken during soil disturbance and site construction to minimize wind and water erosion so that potential contaminants are not moved off-site or are not placed in location more accessible to future residents and the public."

A 2,110 SF sewage treatment plant will be introduced onsite. However, no additional details are provided.

Storm water runoff from the contemplated development is to be collected via catch basins and

directed to drywells. Referral materials to the Planning Commission from the Town of Huntington indicate that the proposal minimizes impervious surfaces, uses pervious materials and re-uses stormwater but there are no details provided.

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

No traffic study was submitted by the Town of Huntington to the Suffolk County Planning Commission for the petition and it was not indicated that motor vehicle traffic congestion is anticipated to be an issue. It is the belief of staff that this type of housing would likely generate fewer automotive trips than typical residential development.

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

Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design.

STAFF RECOMMENDATION

Approval of the change of zone petition for Brightview Senior Living from R-40 to R-HS for the construction of an assisted living facility with the following comments:

1. An Environmental Site Assessment for the subject property is appropriate given its past use. At a minimum a dust control plan or some other appropriate mitigation should be developed to control airborne soil particles that may contain Arsenic. A soil management plan is recommended.

2. Excavation and the removal of more than 1,000 tons of natural material should be done in accordance with the above noted mitigation plan and in conjunction with appropriate Town of Huntington and New York State Department of Environmental Conservation permits if necessary.

3. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted for consideration of waste water treatment options and the petitioner should be directed to contact and begin/continue dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.

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. With respect to the northeast corner of the development site, a better buffer should be developed between the proposed EZ Roll Grass Pave System and the retaining wall to better screen residential properties to the east. A row of fast growing evergreen trees is recommended.

6. The nearly completed loop of sidewalk around the proposed building should be completed as a natural path through and in conjunction with the NYS Code Compliant Fire Access Roadway

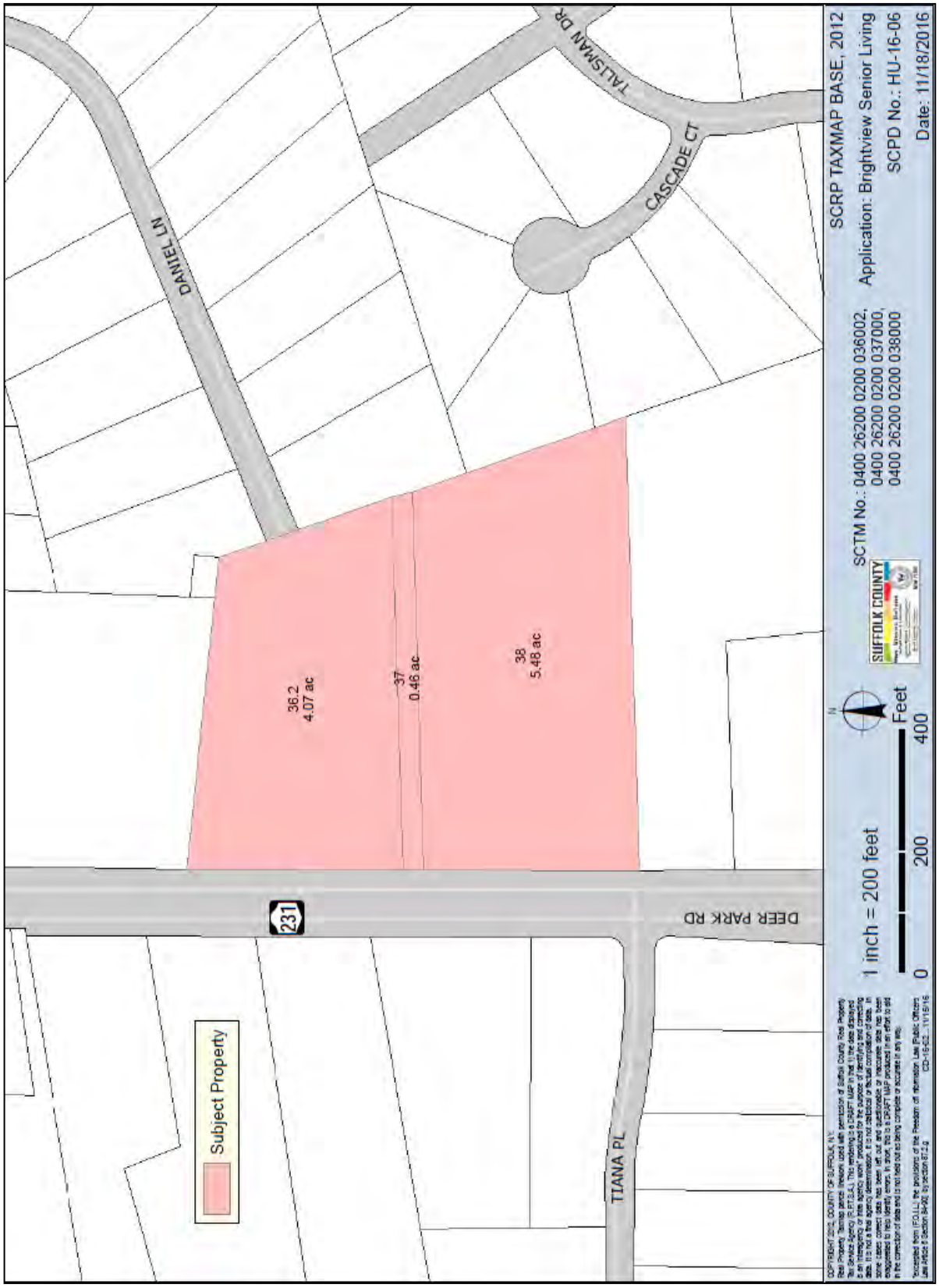
7. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical,

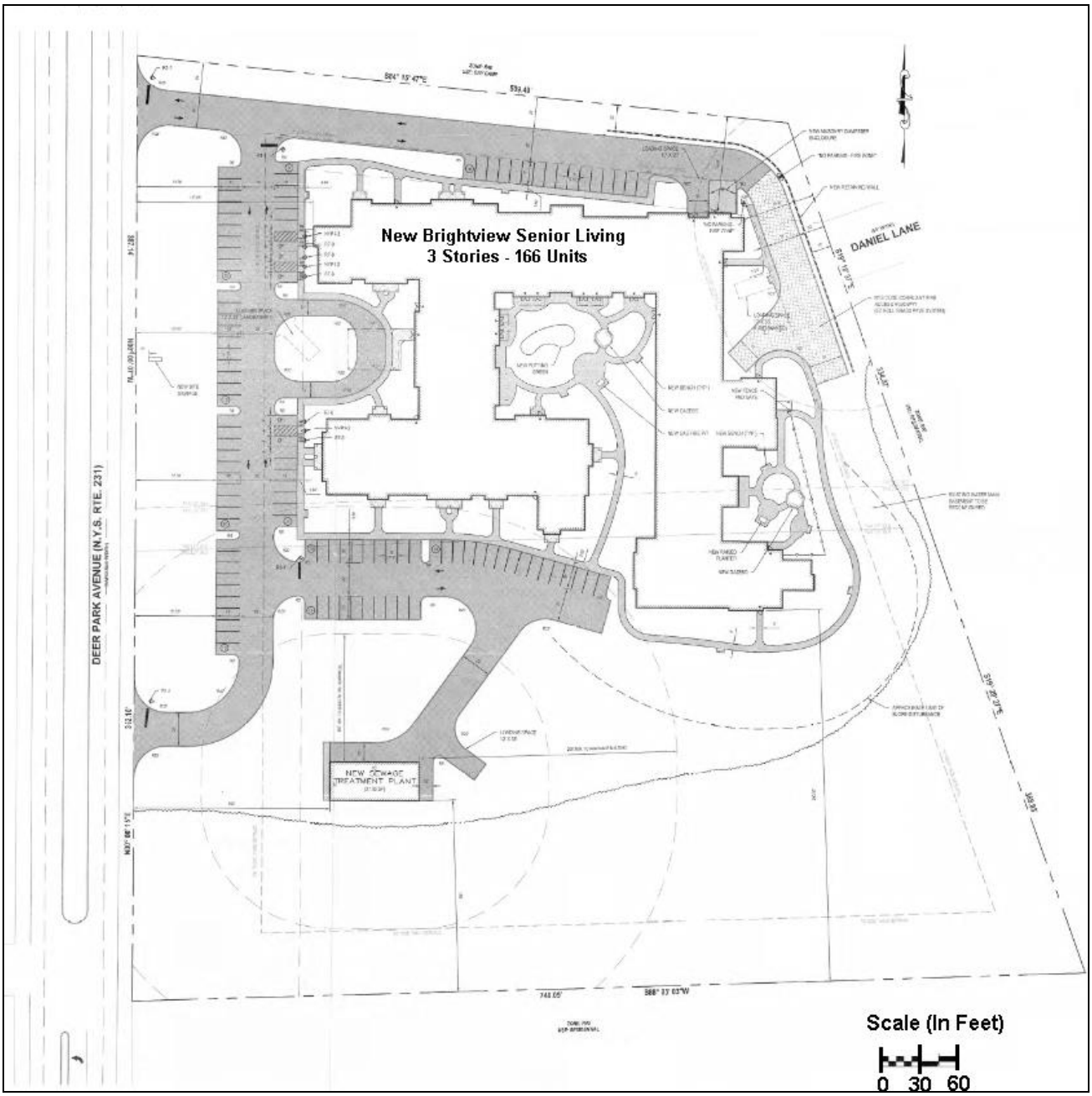
applicable elements contained therein.

8. The Petitioners should contact Suffolk County Transit for the ability to accommodate bus ridership at the subject property.

9. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

10. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.


DANIEL LN
TALISMAN DR
CASCADE CT
36.2
4.07 ac
37
0.46 ac
38
5.48 ac
231
DEER PARK RD
TIANA PL
Subject Property
1 inch = 200 feet
0
200
400
Feet
SUFFOLK COUNTY
SCTM No.: 0400 26200 0200 036002,
0400 26200 0200 037000,
0400 26200 0200 038000
SCRP TAXMAP BASE, 2012
Application: Brightview Senior Living
SCPD No.: HU-16-06
Date: 11/18/2016



Z-1: Brightview Senior Living
SCPD: HU-16-04
SCTM No: 0400-262.00-03.00-036.002 et al

COUNTY OF SUFFOLK

Z-2

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Acting Commissioner

Division of Planning
and Environment

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

Applicant: Terwilliger & Barton, LLC
Municipality: Islip
Location: East Side of Joshuas Path (State Route 111) and North Side of Bridge Road

Received: 11/7/2016
File Number: IS-16-04
T.P.I.N.: 0500 05400 0100 006001
Jurisdiction: within 500 feet of State Route 111 (Joshuas Path) and County Route 67 (Motor Parkway), and within 500 feet of Suffolk County Lands

ZONING DATA

- Zoning Classification: Residence A District
- Minimum Lot Area: 11,250. Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Vacant and residential
- Existing Structures: Three Residential dwellings
- General Character of Site: Generally level
- Range of Elevation within Site: 105-115 feet amsl

- Cover: Wooded with three residential dwellings and related accessories
- Soil Types: HaA (Haven Loam), RdB (Riverhead Sandy Loam), CuB (Cut and Fill Land),
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: COZ
- Layout: Standard
- Area of Tract: 9.14 Acres
- Yield Map:
  - No. of Lots: 98
  - Lot Area Range: 9.14 Acres overall lot with 68 Flat Units and 30 Townhouses
- Open Space: N/A

ACCESS

- Roads: public- Joshuas Path (SR 111), Long Island Motor Parkway (CR 67)
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB LP
  - Recharge Basins no
- Groundwater Management Zone: I
- Water Supply: public
- Sanitary Sewers: On Site STP

PROPOSAL DETAILS

OVERVIEW – Applicants seek change of zone approval from the Islip Town Board from Residence A District to Residence C District in order to construct 98 senior Citizen rental apartments on 9.14 acres. The proposal includes a layout of ten (10) residential buildings (68 flats and 30 townhouse units) and a community "clubhouse" and common area and a continuous sidewalk network. No other amenities appear to be included on the conceptual site plan. The maximum building height for the structures is indicated on the conceptual site plan to be limited to 32 feet or two stories. The petitioner is proposing 10% of the units (10) to be included as affordable units.

The property is comprised of six tax map lots that are all zoned Residence A district. The applicant is proposing to demolish three existing residential dwellings on site. Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known if any have been prepared and submitted to the appropriate agencies.

Off street parking is proposed to include 175 spaces including 14 handicap spaces and is in conformance with Town of Islip Zoning Law requirements.

The site is located on northeast corner of Joshua's Path (NYS Rte. 111) and Long Island Motor Parkway (CR 67) in the hamlet of Hauppauge.

Two points of access to the subject property is proposed. One ingress/egress to CR 67 that includes an abandonment of a portion of Bridge Road (Town Street) appears to be uncontrolled.

The second access is right turn only northbound to/from NYS Rte. 111.

A new sewage treatment plant is proposed at the southeast corner of the intended development site. No additional details have been provided in the referral to the Suffolk County Planning Commission.

Storm water runoff from the contemplated development is likely to use catch basins and leaching pools in the surface parking area. No indication of any landscaped drainage area or other natural stormwater runoff accommodation is included on the conceptual site plan or referral materials.

A Traffic Impact Study Report was submitted to the Town of Islip but not included in the referral to the Suffolk County Planning Commission. Modifications to the conceptual plan were made as a result of the traffic analysis and are represented in the referral to the Commission. It is not anticipated that any adverse impacts to motor vehicle flow will occur as a result of the modifications.

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

The subject development site is adjacent to single family homes on the east and commercial uses to the north and on the other side of RT. 111. Further east at Wheeler Road there is a large shopping center. Proximity to this shopping center is one of the criteria that the Town of Islip looks to for siting multi-family housing.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone VII. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetland 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 in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

The subject area is a mix of commercial industrial and residential uses. The proposed two story residential complex would be compatible to the community character particularly if the residential area to the east was adequately buffered.

It is the belief of the staff that the proposed action does not contradict the intent of the State law and would be compatible with adjacent land uses. It is the belief of the staff that the proposed project can be designed to be in harmony with the existing character of the area.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Islip Comprehensive Plan Community Identity for Hauppauge (1977) designates the subject site for industrial. While the west side of this area is in compliance with this Plan recommendation, the subject property and area along the east side of NYS Route 111 is not.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

1. Environmental Protection

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

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

There is no indication in the referred material to the Suffolk County Planning Commission regarding storm water runoff from the contemplated development and how it is to be collected and treated. Storm water runoff from the proposed project should be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. Submission materials to the Commission do not indicate that NYS DEC SWPPP requirements will be met, though it is presumed. There is an opportunity to develop the site utilizing best management practices and state of the art storm water treatment methodologies.

It is noted that the soils on the subject property include Haven and Riverhead associations that are classified as Prime Farm Soils in Suffolk County.

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

The proposed age restricted apartment complex is adjacent to Suffolk County bus Transit routes S-45 along NYS Rte. 111 connecting to the Smithtown LIRR train station, Suffolk County and State offices in Hauppauge, Brentwood Library, the South Shore Mall and the Bay Shore LIRR station.

Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design.

STAFF RECOMMENDATION

Approval of the change of zone from Residence A District to Residence C District for the project Terwilliger & Barton, LLC with the following comments:

1. A Phase I Environmental Site Assessment should be prepared and submitted to the appropriate agencies for review.

2. The Petitioner should be advised to contact the Suffolk County Department of Health Services and the Suffolk County Department of Public Works for waste water treatment considerations of the proposed Senior Citizen development.

3. The Petitioner should be advised to contact the Suffolk County Department of Public Works (CR 67) and the NYS Department of Transportation (NYS Rte. 111) for approvals to access the public roadways.

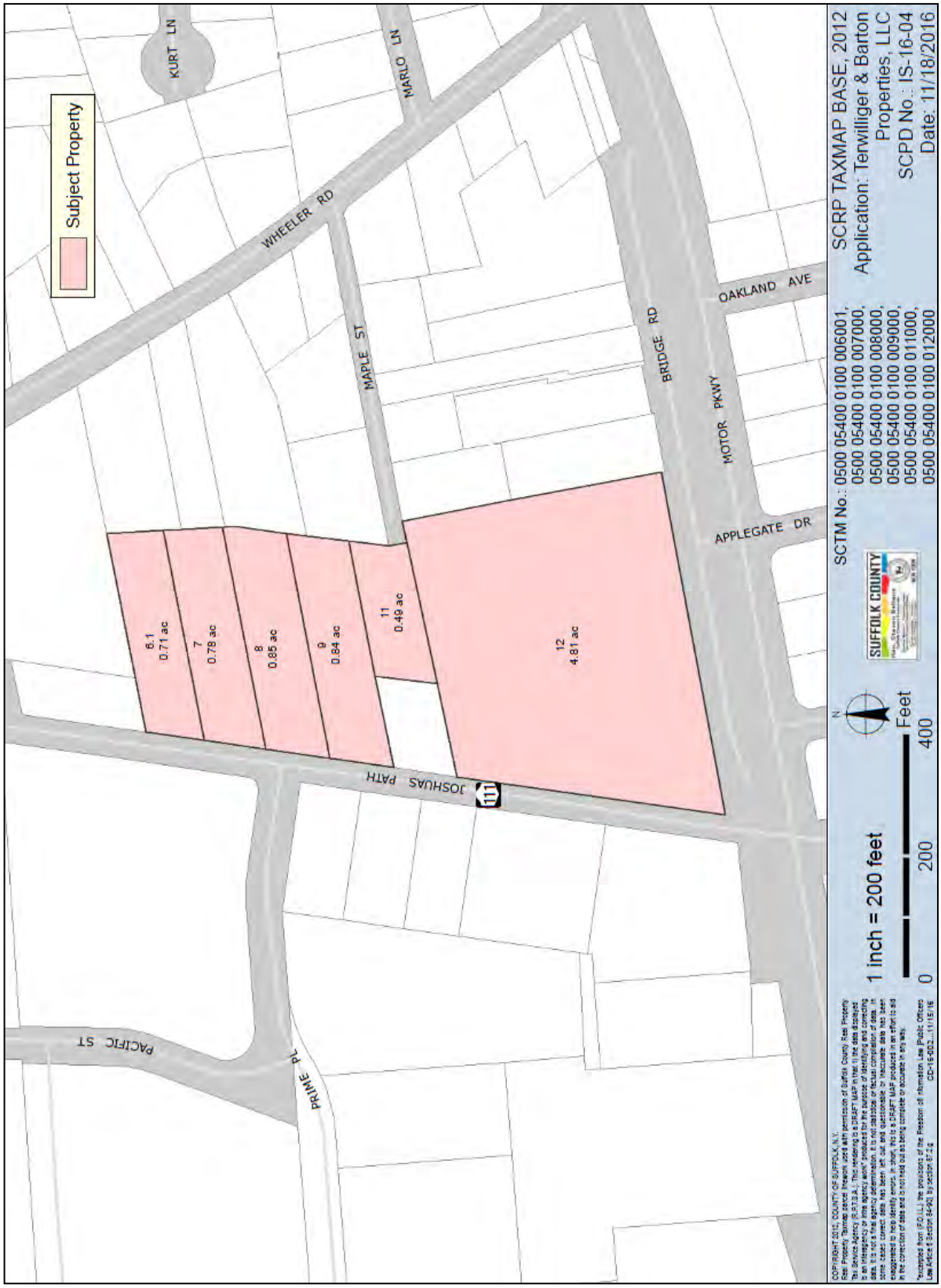
4. The petitioner should be encouraged to contact Suffolk County Transit to coordinate bus accommodations for the proposed development.

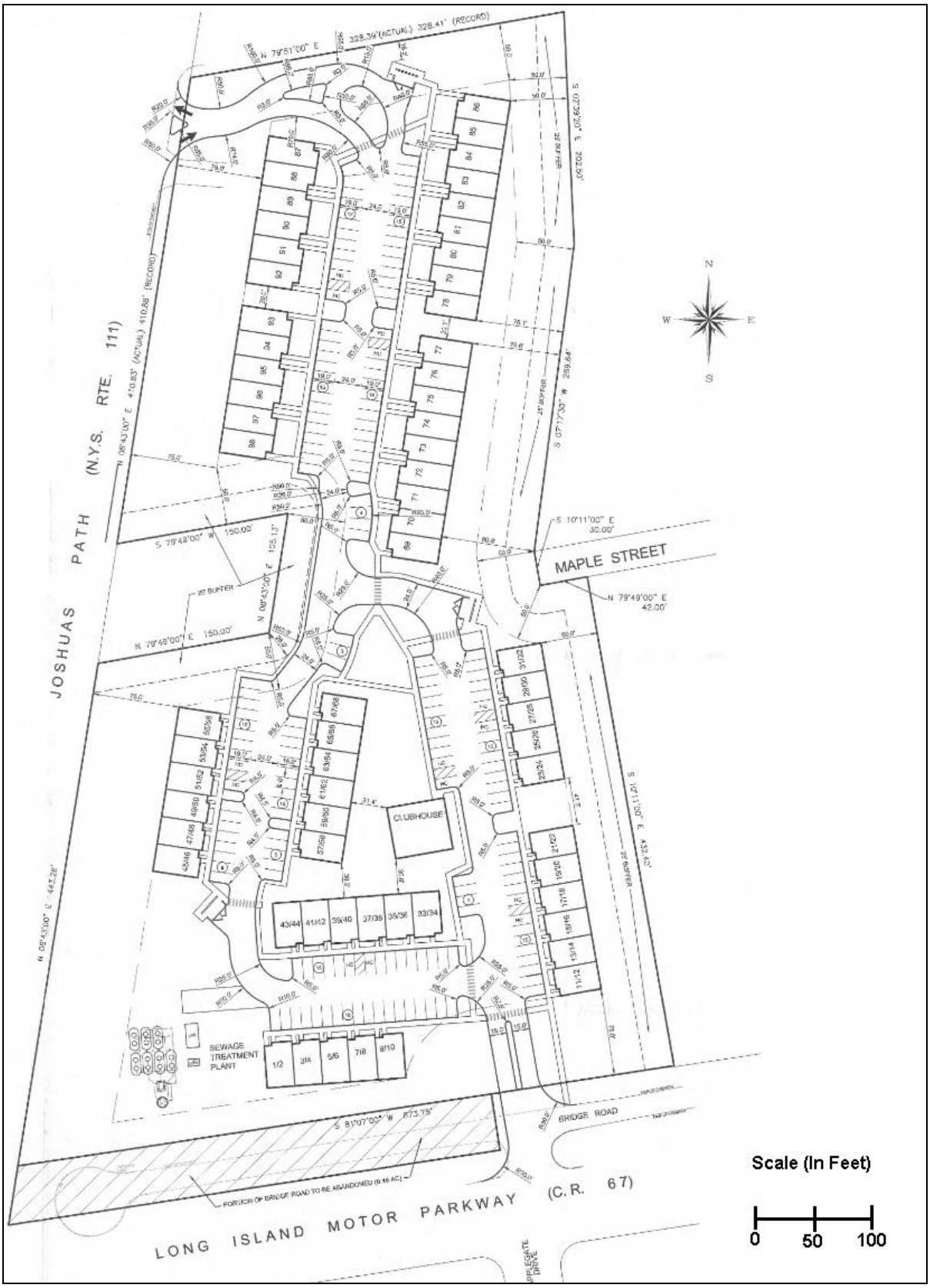
5. The petitioner should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

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 be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to public safety and universal design and incorporate where practical, applicable elements contained therein.

8. Recognition of the Suffolk County designated Prime Farm Soils occurring on site is warranted and a greater effort to incorporate options for community gardening or other appropriate uses of the farm soil should be included in planning additional amenities for the “Common Areas.”


Subject Property
KURT LN
MARLO LN
WHEELER RD
MAPLE ST
BRIDGE RD
OAKLAND AVE
MOTOR PKWY
APPLEGATE DR
JOSHUAS PATH
PACIFIC ST
PRIME PL
6.1
0.71 ac
7
0.78 ac
8
0.85 ac
9
0.84 ac
11
0.49 ac
12
4.81 ac
1 inch = 200 feet
0
200
400
Feet
N
SUFFOLK COUNTY
SCTM No.: 0500 05400 0100 006001,
0500 05400 0100 007000,
0500 05400 0100 008000,
0500 05400 0100 009000,
0500 05400 0100 011000,
0500 05400 0100 012000
SCRP TAXMAP BASE, 2012
Application: Terwilliger & Barton Properties, LLC
SCPD No.: IS-16-04
Date: 11/18/2016



Z-2: Terwilliger & Barton Properties, LLC
SCPD: IS-16-04
SCTM No: 0500-054.00-01.00-006.001 et al

COUNTY OF SUFFOLK

Z-3

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Teresa Ward
Acting Commissioner

Division of Planning
and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: sPower Calverton – Green Meadows, LLC
Municipality: Riverhead
Location: S/w/c Middle Country Road and Peconic Avenue (which is open but not paved)

Received: 11/17/16
File Number: RH-16-05
T.P.I.N.: 0600 11600 0100 007002 and 0600 09800 0100 021001 (for subdivision only), and 0600 13700 0100 032001 as part of site plan

Jurisdiction: Adjacent to State Route 25 (Middle Country Road); is within 1 mile of an airport (Calverton); and is within 500 feet of Agricultural District #7 and NYSDEC designated freshwater wetlands.
Regional Significance: The subject application proposes physical alteration of 10 or more acres within one of the five designated east-end towns (Town of Riverhead).

ZONING DATA

- Zoning Classification: Industrial C and Industrial A
- Minimum Lot Area: 80,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: No. The applicant may also require Zoning Board of Appeals approval for dimensional relief from front yard width and rear & side yard setback requirements; Stormwater Pollution Prevention Plan (SWPPP) and utility easement under roadway approval by Town Engineers; and a building permit from the Riverhead Building Department for cable and connector facility.

SUPPLEMENTARY INFORMATION

- Within Agricultural District: Yes, within Ag. Dist. #7 per Agricultural Data Statement
- Shoreline Resource/Hazard Consideration: Yes, adjacent to NYSDEC designated freshwater wetlands flagged by VHB Engineering 4/11/14
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No

- Property Previously Reviewed by Planning Commission: Yes, Approved site plan on SCTM #0600-137-1-32.1 for solar array facility
- SEQRA Information: EAF
- SEQRA Type Pending
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: Majority Vacant – Agricultural Use (Sod Farm) and 6.3 MW solar energy generating facility
- Existing Structures: Single family dwelling & agricultural/warehouse bldg.;
- General Character of Site: Majority generally level with some rolling topography
- Range of Elevation within Site: 52' to 82' above msl
- Cover: Entirely cleared with mostly sod crop cover
- Soil Types: Predominately Riverhead Sandy Loam and Haven Loam (Prime Ag Soils), with some Plymouth Loamy Sands.
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: Yes (northeast portion of existing solar parcel only)

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Minor Subdivision (3 lot proposal) and Site Plan approval request for development of a 20 megawatt (MW) solar photovoltaic (PV) energy arrays and collector facility.
- Layout: Sprawling cover of proposed "Parcel A"
- Area of Tract: 109.9 acres for proposed solar developed and 45.1 acres of existing arrays where collector facility is proposed
- Yield Map: Not applicable
- Open Space: Not applicable

ACCESS

- Roads: Middle County Road, Peconic Avenue (dirt road) and Edwards Avenue
- Driveways: Internal private driveways, proposed gravel roadway up and across the middle, and along the southerly parameter of 'Parcel A'.

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: Catch basins & drainage reserve areas
  - Recharge Basins Yes, one large swale and one small swale
- Groundwater Management Zone: III
- Water Supply: Indicated as not applicable on application
- Sanitary Sewers: Indicated as not applicable on application

PROPOSAL DETAILS

OVERVIEW – Applicants seeks preliminary subdivision and site plan approval from the Town of Riverhead Planning Board for the construction of a proposed solar energy production facility - generating 20 megawatts via ground mounted solar photo voltaic array to be connected to a proposed solar collection facility on a remote existing solar facility site via a proposed 8,670 +/- linear foot underground transmission tie-in line that is to be located within a 15+/- wide easement across several tax map parcels (owned by others) and Town roadways east of the subject property (see attachment).

The proposed three (3) lot subdivision of the subject property consists of a total area of 117.3 acres, currently developed with a sod farm (proposed Lot A = 109.9 acres), 2 warehouse buildings (proposed Lot B = 5.1 acres), and a single family residence (proposed Lot C = 2.3 acres). The entire subject property to be subdivided is zoned Industrial C, and is completely cleared of natural vegetation. The proposed subdivision is an 'as of right' lot yield of the property and would not appear to have an impact to neighboring land uses, and therefore the planning staff recommends a local determination on the subdivision application.

As for the site plan application for the proposed 20 megawatts solar energy facility use has been classified by the Town of Riverhead as 'manufacturing' (of electricity), is a permitted use within the Industrial A and C Zoning Districts via Special Permit approval granted by the Town Board.

Town of Riverhead has adopted its own "Commercial Solar Energy Production Systems" Code, and Special Permit criteria. The staff will review the site plan application in accordance with Town's code as well as the Suffolk County Planning Commission's own Model Utility Solar Code, and consider both local and regional initiatives.

There are local or State designated wetlands present on a small portion the subject site. These are freshwater wetlands that have been mapped on the existing solar facility parcel.

The Suffolk County Planning Commission staff has been notified for SEQRA Coordination by the Town of Riverhead for the land division and site plane applications, and staff had no objection of the Town Planning Board assuming lead agency status

The overall subject property being considered for site plan review for solar energy generation consists of a 109.9 acre parcel for the currently proposed solar arrays project as well as the 45.1 acre parcel of the existing solar arrays project where a proposed collector facility would be built. The proposal is located on lands in hamlet Calverton. The site is situated on the south side of Middle Country Road and the west side of Peconic Avenue, northeast of the EPCAL property & Airport, and the west side of Edwards Avenue.

The subject parcel will be irregular in shape attributed to the pending land division and existing surrounding lot pattern.

Access to the site will be from the Middle Country Road via a proposed pervious gravel driveway serving as the internal access, and an existing gravel driveway serving as the internal access within the solar generating facility as depicted on the site plan application.

Site security will be accomplished by the use of a 8' high chain link fence that will be place around the perimeter of the parcel.

The proposed solar array will consist of ground mounted panels not to exceed a height of 8 feet, in accordance with the Town Zoning Code for Commercial Solar Energy Production Systems.

The facility will be unmanned and does not require sanitary sewer service.

The project will connection to the PSEG Long Island grid via a proposed 8,670 +/- linear foot underground transmission tie-in line that is to be located within a 15+/- wide easement across several tax map parcels and Town roadways east of the subject property (see attachment).

Existing drainage patterns will not be significantly altered. The preliminary site plan submitted in the referral material depicts two drainage areas, one large and one small with catchment areas as drainage swales.

On the currently proposed solar facility, ground cover will consist of drought resistant/native vegetation noted as 'Solar Farm Seed Mix' on the 'Planting Plan' included with the proposed site plan. Also detailed in the 'Planting Plan' are the types and locations of plant landscaping and maintenance of trees and shrubs.

The previously developed solar facility that is part of this referral included a "Conceptual Planting Plan" depicting a variety of evergreen trees and shrubs planted in between and atop a segmented berm approximately 4' high along the property line running along Edwards Avenue in order to screen the solar panel structures from the views (line-of-site) of passenger cars travelling on Edwards Avenue. The satisfactory results of this plan are in question or yet to be determined.

Note that the proposed site plan indicates that no irrigation will be provided on-site.

Other than a few small equipment pads the only impervious surfaces proposed will be the solar panels themselves covering 1,518,000 SF (34.84 acres) or 32% of the vacant subject parcel (site for the proposed solar facility).

No site lighting will be required. The proposed development will not operate at night. And will remain unlighted at night.

Storm water runoff is proposed to be handled in accordance with the Town's green landscape and design stands (i.e. bio-swales and retention ponds). Development of a Storm Water Pollution Prevention Plan (SWPPP) is intended to be conducted during later stages of the site approval process to address storm water erosion concerns.

No connection to public water or generation of sanitary waste has been proposed with this application.

A review of the character of the land use and zoning pattern in the vicinity reveals that the subject property is zoned in the same contiguous block of 'Industrial C' zoning as all the surrounding parcels to the east and west, with a blocks of Light Industrial, Planned Recreational and Planned Industrial (EPCAL) parcels directly to the southwest, and across the other side of Middle County Road the Agricultural Protection Zone to the north with low residential development and farms. Local land uses include agriculture, recreation (Splish Splash amusement park to the east, Calverton Links golf course to the west), industrial, commercial, educational, transportation (Hampton-Jitney) and utility (PSEG Long Island substation on the adjacent parcel to the south).

The subject property is situated in Hydro-geologic Ground Water Management Zone III pursuant to Article 6 of the Suffolk County Sanitary Code, and within the Central Suffolk NYS Special Groundwater Protection Area (SGPA). The subject site is not located in the Central Suffolk Pine Barrens NYS Critical Environmental Area. However there are State mapped and regulated fresh water wetlands that occur on the easterly portion of the existing and previously approved solar facility that is part of the subject property, and its boundaries have been recently flagged (4/11/14) by a license surveyor.

The subject property is within an Agricultural District (#7), allowing the land owner the "right to farm" in addition to any "as of right" uses permitted by the zoning classification of the property (Industrial C in this case).

The soils on the subject property are categorized as prime agricultural soils and classified within soil group 1 thru 4 pursuant to the NYS Land Classification System (NYCRR 370). Properties to the east of subject parcel are in Agricultural District #7 as well, and the adjacent property to the east is a Suffolk County PDR parcel. It is not evident in the referral to the Suffolk County Planning Commission if the proposal will involve any grading or excavating of the subject parcel, and the prime agricultural soils on-site are considered a valued natural resource to be protected.

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

It is the belief of the staff that the proposed installation of solar panel arrays and the requested area variances would not impact surrounding land uses while providing an appropriate location for the proposed solar energy facility and take advantage of a sustainable/renewable energy resource.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The 2003 Town of Riverhead Comprehensive Land Use Plan designates the subject (proposed solar) site Industrial C for a mix of light industrial, warehouse development, and office campuses; and the subject (existing solar) site Industrial A for heavy industrial use. Manufacturing is a permitted use in both the Industrial A and Industrial C zoning districts; and the Riverhead Department of Planning considers the proposed use 'manufacturing' therefore a permitted (as of right) use of the subject parcels if in accordance with the Special Permit criteria for Commercial Solar Energy Production Systems (Local Law adopted2014). However, the proposed site plan for a new solar energy generation facility in the Industrial C Zoning Use District (or at least the arrays in their current configuration) may not be in accordance with the intent of the Code in that the creation of the District was to require the use of generous landscaping and open space buffers to help protect the rural appearance and minimize views of development. Therefore, modifying the current site plan to provide a greater amount of open space buffers along its perimeters would be more in conformance with the Town of Riverhead's adopted comprehensive land use plan.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

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

In terms of environmental protection, the subject property is situated within the Central Suffolk NYS Special Groundwater Protection Area (SGPA) designated as a 'deep ground water recharge area'. Prominent among the concerns in this location is the discharge of sanitary waste; the clearing of natural vegetation and use of pesticides; and impacts of stormwater runoff. For 'Industrial C' zoned properties and the Suffolk County Model Solar Code, the maximum percentage of impervious surfaces permitted is 60%, and the proposed solar panel arrays considered impervious by the Town accounts for approximately 32% of the total area of the subject (proposed solar) parcel.

The proposed solar facility site plan on the existing sod farm parcel depicts the ground cover to be a "Solar Farm Seed Mix" presumably a drought resistant grass variety, and also several hundred trees and shrub plantings for screening/buffering purposes that are to be watered when needed by the contractor for one year after being planted. Staff conversed with Town of Riverhead planners, and

was informed that the absence of irrigation has proven problematic on the existing previously approved solar facility located on Edwards Avenue, where the proposed transmission cable will connect to and the collector facility is proposed to be located. There, the newly planted trees have dried up and died, and the agricultural view-sheds from Edwards Avenue have been diminished and the proposed screen vegetation has not proved effective on the existing solar energy generation facility that replaced that sod farm.

It is evident in the referral to the Suffolk County Planning Commission that the applicants will have to work with the Town of Riverhead in order receive SWPPP (Stormwater Pollution Prevention Plan) approval. It is not evident however, if the applicants have reviewed the Commission's publication on Managing Stormwater-Natural Vegetation and Green Methodologies though drainage reserves with catch basins and drainage swales are proposed as an element in the plan. It is the belief of the staff that the publication should be reviewed and additional stormwater mitigations incorporated where practical.

In terms of energy efficiency, it is the belief of the staff that by the very nature of the proposal is promoting one of the Suffolk County Planning Commission's County-wide priorities by installing a sustainable and renewable energy production system.

As for Economic Development, Equity and Sustainability in relationship to the proposed solar energy generation facility to be developed on the site of an active sod farm, the subject parcel is located in an area where agriculture production is a major employment source, and based on information from the 'Suffolk County Agriculture Industry Report – 2013' a survey for the commodity group "Nursery/Greenhouse/Sod indicated an average of 15.5 full-time & 25.4 part-time employees, whereas the proposal may reduce the number of employment opportunities to 2 or less full-time employees once the facility is built (per Suffolk County Energy Director).

The subject parcel's location within Agricultural District (#7) does not prohibit it from being developed in accordance with its zoning; in fact it provides additional flexibility to its uses. As long as it remains in the Agricultural District it can always be used for farming purposes and NYS Agricultural and Markets' Law would protect and preserve that right. As mention before, the subject property is presently used for agricultural purposes as a sod farm operation; it also participates in the Agriculture Assessment Program. If the parcel is developed as the proposed for solar panel array - generating facility, the property would lose the tax exemption and its owner, on record as of March 1st, would be required to pay the penalty for converting the property to a non-agricultural use. It should also be noted that the applicant can opt to remain in the Agricultural District the benefit of doing so is that the land would retain the 'right to farm' in the future, in whole or part, if the solar panels were never fully installed and/or removed.

Separate from the Agricultural District is the Agricultural Assessment Program overseen by the Town of Riverhead Assessor's office. If the subject currently receives an 'agricultural exemption' on it property tax bill. This is designed as an incentive program to farm the agriculturally rich soils and if the land owner/recipient of the tax exemption converts the property to anything other agricultural purposes the assessment and taxes would revert to what would be without the exemption, and in accordance with the NYS Law the owner would be required to pay a penalty equaling five (5) times the taxes saved in the last year that the land benefited from an agricultural assessment. This levied penalty can typically be a significant sum, as it would be the case of the subject property.

STAFF RECOMMENDATION

Staff recommends that the proposed three lot subdivision that was part of the referral to the Commission be considered a matter for **Local Determination**; and recommends **Approval** of the sPower site plan application with the following comments for the Town of Riverhead's consideration and use:

1. The Suffolk County Planning Commission's Model Utility – 2015 should be reviewed including the section on abandonment of solar energy facilities and relevant aspects of the Code should be incorporated into the project where practical.

2. The Suffolk County Planning Commission's publication on Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical.

3. The Town should require that the applicant be prohibited from exporting any soil material, classified as prime agricultural soils, off the subject parcel. And that the proposed solar panel arrays not negatively impact the viability of the prime agricultural soils on-site.

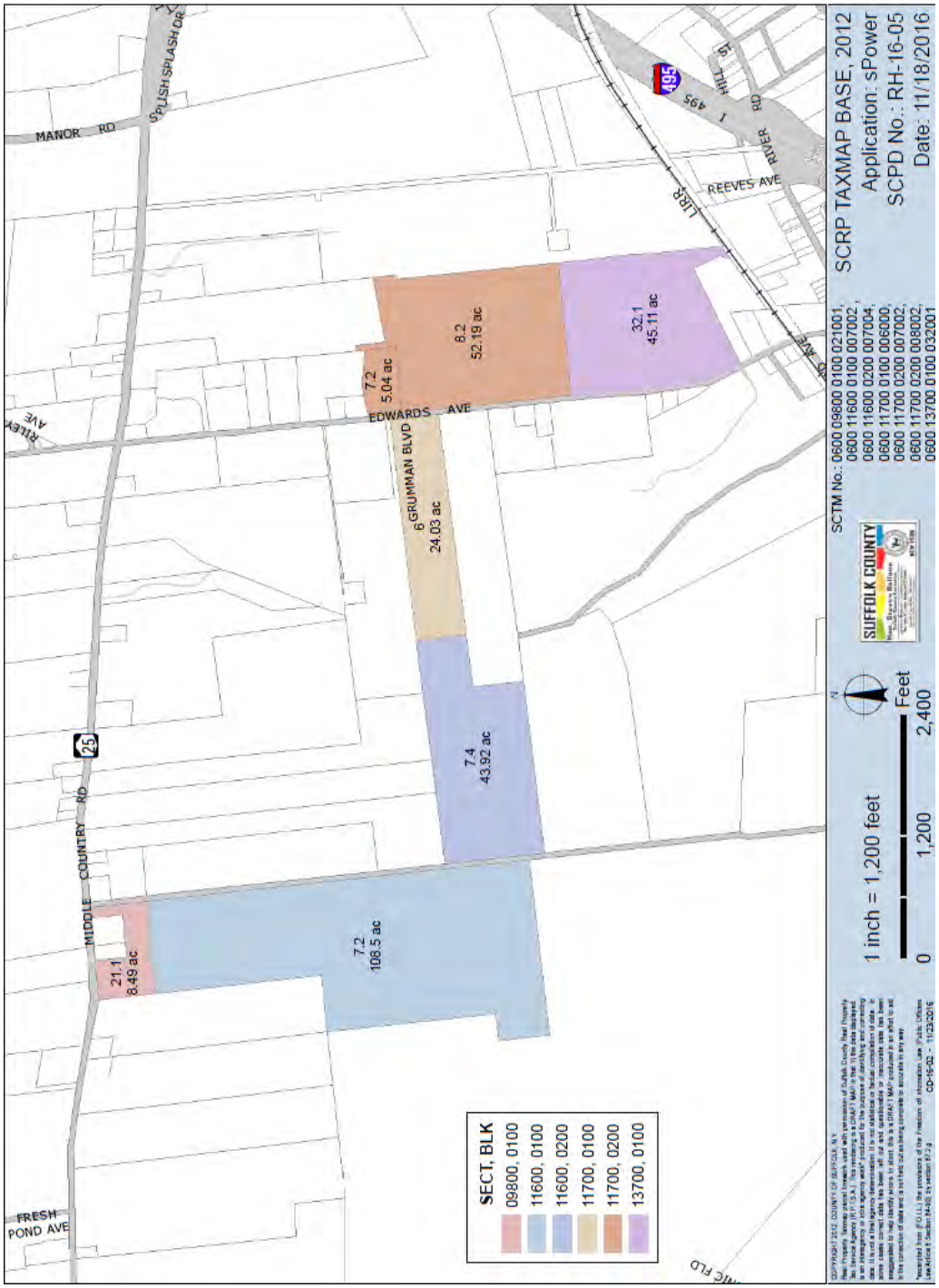
4. The proposed action should only be approved in such a manner that is in accordance with the New York Agriculture & Market's Law.

5. The Town should require that the applicant to install or provide for the installation of an irrigation system in all planting area intended to provide screening and buffering along all abutting roadways and certain adjacent land uses to help to insure the migration of impacts to those surrounding properties and their users.

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

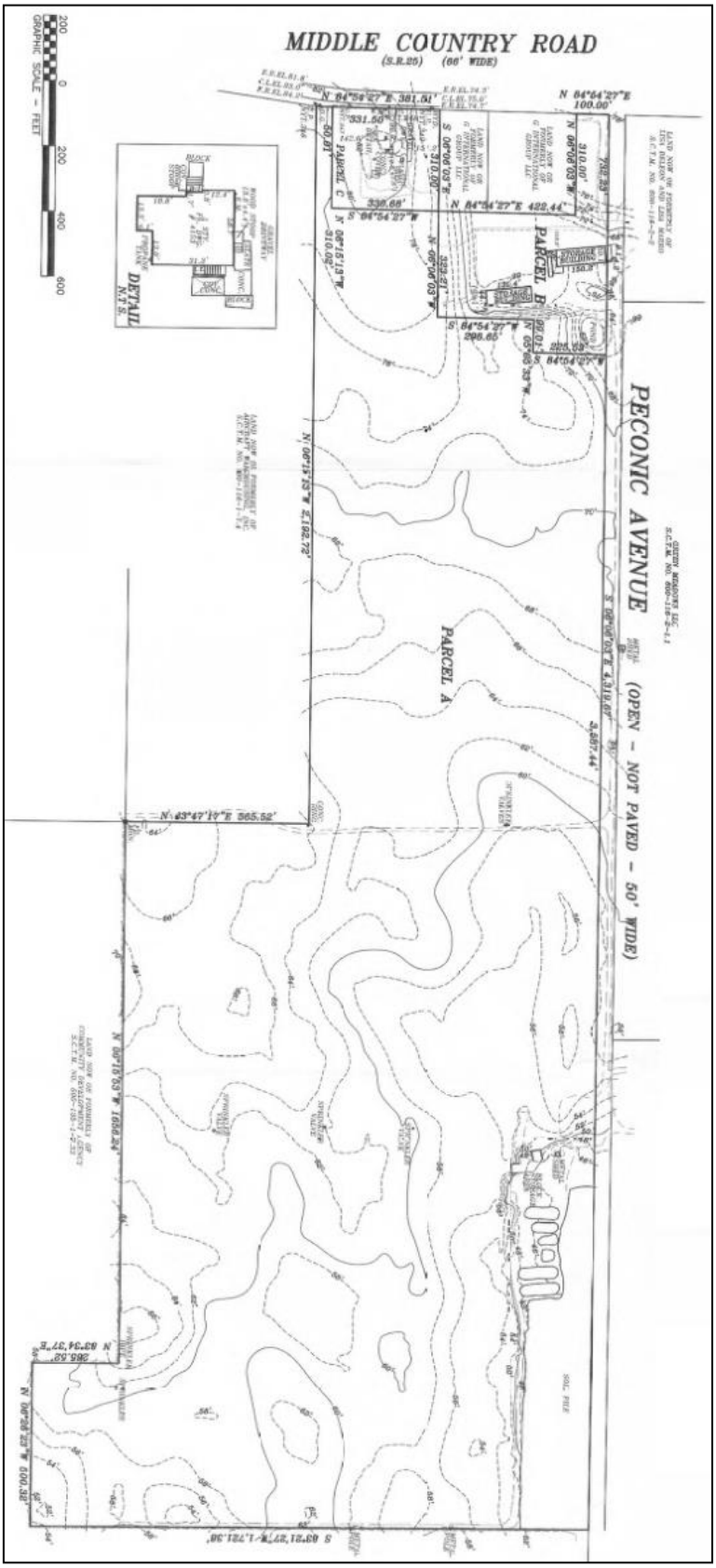
7. Due to the project's proximity to Calverton/EPCAL Airport the applicant should consult with the Airport and the FAA as early as possible in the application process to determine the presence or absence of solar glare and glint potentially generated from the proposed solar arrays.

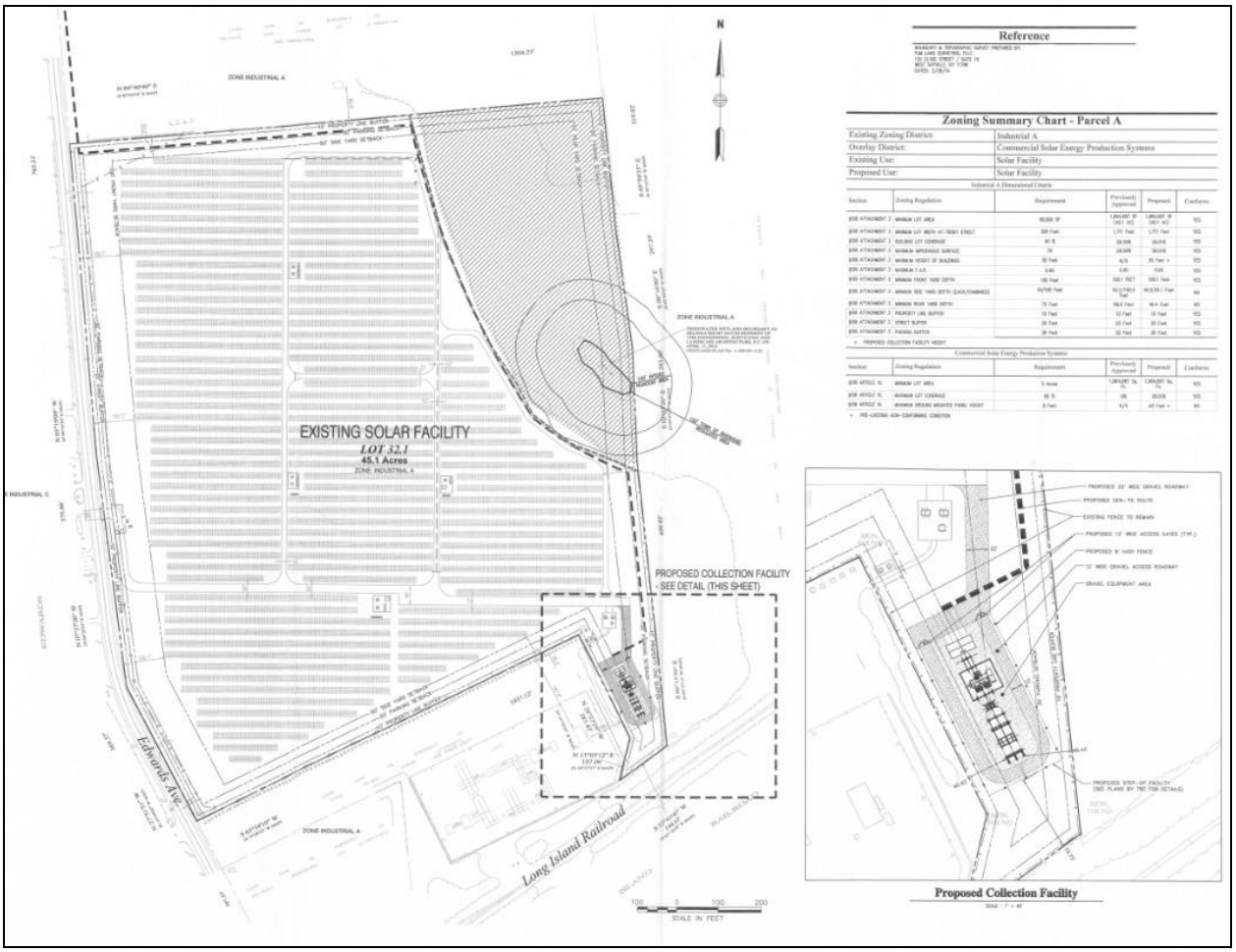
8. The proposed 15 foot wide easement on lands of other for the purpose of providing an underground transmission line "Tie-Gen Route" should be in perpetuity or for at least as long as the 20-year Power Purchase Agreement (PPA)


SCRP TAXMAP BASE, 2012
Application: sPower
SCPD No.: RH-16-05
Date: 11/18/2016
SCTM No.: 0600 09800 0100 021001, 0600 11600 0100 007002, 0600 11600 0200 007004, 0600 11700 0100 006000, 0600 11700 0200 007002, 0600 11700 0200 008002, 0600 13700 0100 032001
SUFFOLK COUNTY
1 inch = 1,200 feet
0 1,200 2,400 Feet
SECT, BLK
09800, 0100
11600, 0100
11600, 0200
11700, 0100
11700, 0200
13700, 0100
21.1 8.49 ac
7.2 108.5 ac
7.4 43.92 ac
6 GRUMMAN BLVD 24.03 ac
7.2 5.04 ac
8.2 52.19 ac
32.1 45.11 ac
MIDDLE COUNTRY RD
25
EDWARDS AVE
REEVES AVE
MANOR RD
PUSH SPLASH DR
FRESH POND AVE
RIVER RD
495
LIRR

(RLC) RURAL CORRIDOR
(Ind A) INDUSTRIAL A
(APD) AGRICULTURAL PROTECTION
(Ind C) INDUSTRIAL C
MIDDLE COUNTRY ROAD
EDWARDS AVENUE
PECONIC AVENUE
CANOE LAKE STREET
GEN-TIE ROUTE IN 15 FOOT EASEMENT
PARCEL A
EXISTING SOLAR FACILITY & PROPOSED SOLAR COLLECTION FACILITY
Substation
PARCEL B
PROPOSED SOLAR FACILITY
(LI) LIGHT INDUSTRIAL
(PRP) PLANNED RECREATIONAL PARK
(RB40) RESIDENCE B-40

MIDDLE COUNTRY ROAD
(S.R.25) (68' WIDE)
N
SEE DETAIL "A" (THIS SHEET)
20' WIDE GRAVEL ROADWAY (TYP.)
PROPOSED 8' HIGH CHAIN LINK FENCE 2' INSIDE PROPERTY LINE (TYP.)
PECONIC AVENUE
(OPEN - NOT PAVED - 50' WIDE)
PROPOSED GROUND MOUNTED MODULES (SEE PLANS BY P.V. ENGINEERS D.P.C. FOR DETAILS)
PROPOSED GRAVEL EQUIPMENT AREA WITH PAD MOUNTED TRANSFORMER, SWITCHGEAR AND INVERTERS (TYP. OF 5) (SEE PLANS BY P.V. ENGINEERS D.P.C. FOR DETAILS)
PROPOSED UTILITY TRENCHES FOR MEDIUM VOLTAGE ELECTRICAL LINES (TYP.) (SEE PLANS BY P.V. ENGINEERS D.P.C. FOR DETAILS)
0 100 200 400 Feet


MIDDLE COUNTRY ROAD
(S.R.25) (66' WIDE)
PECONIC AVENUE
(OPEN - NOT PAVED - 50' WIDE)
PARCEL A
PARCEL B
PARCEL C
DETAIL
N.T.S.
GRAPHIC SCALE - FEET
200 0 200 400 600
N 84°54'27"E 100.00'
N 84°54'27"E 422.44'
N 84°54'27"E 381.51'
S 84°54'27"W 336.68'
S 84°54'27"W 296.65'
N 63°47'17"E 565.52'
N 00°15'53"W 168.24'
N 00°47'12"W 2,192.72'
S 00°04'00"E 4,319.67'
S 03°21'27"W 1,721.36'
N 63°34'37"E 285.52'
N 00°08'03"W 310.00'
S 00°10'03"E 310.00'
S 00°15'15"W 310.02'
S 00°04'03"W 332.07'
S 84°04'25"W 226.99'
N 65°46'33"W 92.01'
931.56'
5,557.44'
SOIL PILE


EXISTING SOLAR FACILITY
LOT 52.1
45.1 Acres
ZONE INDUSTRIAL A
PROPOSED COLLECTION FACILITY
- SEE DETAIL (THIS SHEET)
Edwards Ave
Long Island Railroad
ZONE INDUSTRIAL A
N
SCALE IN FEET
Reference
Zoning Summary Chart - Parcel A
Existing Zoning District: Industrial A
Overlay District: Commercial Solar Energy Production Systems
Existing Use: Solar Facility
Proposed Use: Solar Facility
Industrial A Dimensional Criteria
Commercial Solar Energy Production Systems
Proposed Collection Facility

Landscape Plan
Grading Plan
SOLAR FARM SEED MIX
NOTES
PLAN

COUNTY OF SUFFOLK

Z-4

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Acting Commissioner

Division of Planning
and Environment

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

-Tuckahoe Center December 7, 2016 SUPPLEMENT-
to the
October 11, 2016 Addendum to the December 2, 2015 Staff Report

Overview: The Suffolk County Planning Commission on November 15, 2015 received a referral from the Town of Southampton known as Tuckahoe Center. On December 2, 2015, at their regularly scheduled meeting the Suffolk County Planning Commission, considered the referral and pursuant to NYS General Municipal Law Section 239-m 1 (c), the Suffolk County Administrative Code Section A14-14 to 25, and the Suffolk County Planning Commission Guidebook Section 2.1A, **disapproved** the referral of Tuckahoe Center from the Town of Southampton for the following reasons (see attached resolution):

1. The additional cumulative traffic impacts on critical regional transportation arteries.

2. The adverse traffic impacts on the Village of Southampton and the surrounding areas.

3. There may be another location more suitable for this type of development.

4. The proposed shopping center is not consistent with the local community character.

5. The proposed shopping center traffic characteristics are inconsistent with the Town Study for CR 39.

On August 22, 2016 the Town of Southampton re-referred the Tuckahoe Center change of zone application with modifications (see below Addendum), to the Suffolk County Planning Commission. On October 11, 2016 Suffolk County Planning Commission deemed the municipal referral, Tuckahoe Center, to be **incomplete** for the following reasons (see attached resolution):

1. The traffic analysis referred to the Suffolk County Planning Commission was deficient in adequately addressing traffic issues as set forth in the October 10, 2016 letter from the Village of Southampton as raised in Commission deliberations and among other items

deliberated, specific to ambulance services to Southampton Hospital along CR 39 from points east and west now and in the future.

2. Clarification is necessary as to whether there is one or two active change of zone applications on the subject property.

3. There is pending litigation against the Suffolk County Planning Commission and an open legal question regarding its implications on actions taken by this body.

Subsequent to the Suffolk County Planning Commission determination of Incomplete the Town of Southampton Office of the Town Attorney by letter dated November 3, 2016 (attached), for the various reasons indicated in said letter, formally requested that the Commission review the Town's submission.

STAFF ANALYSIS

The Town of Southampton Office of the Town Attorney has responded to the Planning Commission's Incomplete by providing two letters dated December 2, 2016 and November 3, 2016 (see attached that clarifies existing information in the record related to the Commissions October 11 2016, Incomplete determination. This information includes a response to a question on ambulance services to Southampton Hospital along CR 39 from points east and west to quote from the Town's letter:

"Without waiving any of the arguments asserted in its November 3rd letter, the Town offers the following with respect to the Commission's above concern. As Peter J. Fallon, a certified paramedic and employee of the Wading River Fire Department, the Flanders Volunteer Ambulance, the Southampton Town Volunteer Ambulance, the Southampton Village Volunteer Ambulance, the Sag Harbor Volunteer Ambulance, the East Hampton Volunteer Ambulance, the Amagansett Fire Department, and the Montauk Fire Department, explains in his attached letter of October 25, 2016, received by the Town on November 17, 2016, ambulances approaching Southampton Hospital from both points east and points west use only Montauk Highway when transporting patients, noting, "[t]here is no need for any ambulance ... to use CR39."

To that end, despite the above representation, assuming *arguendo,* that CR39 was used to transport patients, the Town adequately addressed this issue in its Final Environmental Impact Statement based upon extensive input and review from its traffic consultant, Dunn Engineering. The FEIS found that traffic impacts on CR39 will be less than those associated with the as-of-right development of the subject property under the existing Highway Business zoning, and further noted that anticipated traffic generated by the proposed action will not have a significant adverse impact on CR39, regardless of what *type* of vehicles are found on the roadway. Importantly, the FEIS also concluded that "the accident history does not reveal any pattern that would be exacerbated by the proposed project, and the site generated traffic is not expected to adversely impact the accident rate in the study area."

The second item related to the Suffolk County Planning Commission's October 11 2016, Incomplete determination was related to whether there is one or two active change of zone applications on the subject property.

Quoting from the Southampton Town Attorney's Office letter of November 3rd:

"There is one change of zone application pending…the town received an initial determination from

the Commission on December 2, 2015, disapproving the proposed action. The project sponsor then submitted a revised site plan containing modification which addressed issues identified in the accepted FEIS, for consideration by the Town Board as lead agency, pursuant to SEQRA. This modified site plan was then re-referred to your body, as contemplated within your Guidelines, for further Commission action."

Finally the third item noted for incompleteness was related to pending litigation against the Suffolk County Planning Commission relate to this referral. The Suffolk County Department of Law, by email dated December 1, 2016 communicated "Please be advised that Southampton Venture has withdrawn its appeal." There is no longer pending litigation against the Suffolk County Planning Commission with respect to this referral.

Staff has also clarified and reiterated material from the staff report for members of the Suffolk County Planning Commission related to theoretical yield under existing zoning, permitted uses under existing and proposed zoning and traffic congestion mitigation.

STAFF RECOMMENDATION

Approval of the change of zone from HB and R-20 to SCB for the Tuckahoe Center with the following comments:

1. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted for waste water treatment considerations and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.

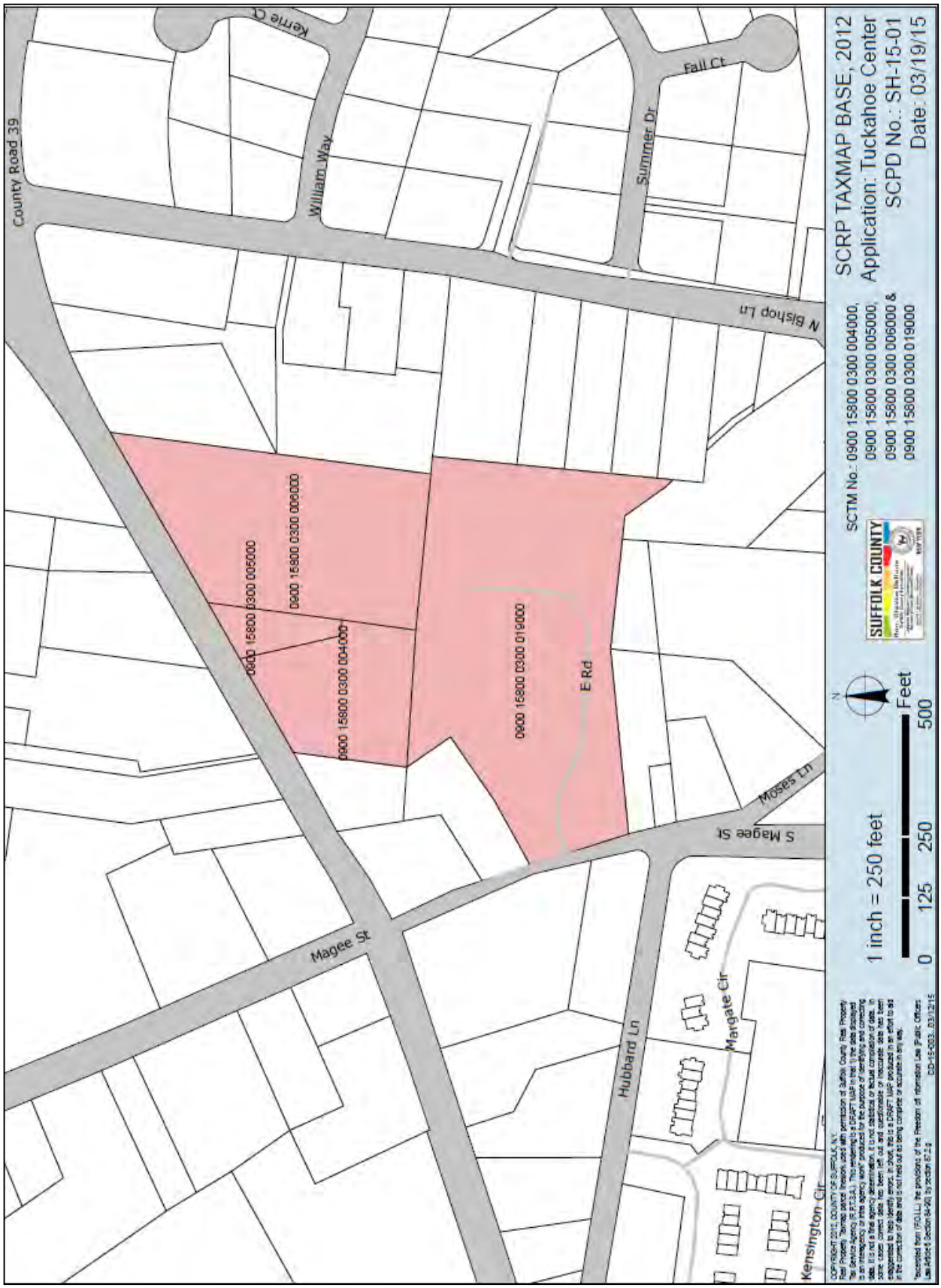
2. Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known if any have been prepared and submitted to the appropriate agencies. These should be made available.

3. The petitioners may benefit from a review of the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency if they have not been reviewed already, and incorporate into the proposal, where practical, additional design elements contained therein.

4. The petitioner should continue to work with Suffolk County Department of Public Works to mitigate any potential traffic congestion identified for CR 39 as a result of the proposed change of zone.

5. The petitioner should begin/continue dialogue with Suffolk County Transit to determine if a bus stop at this site would be appropriate.

6. The petitioner should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.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William Way
Summer Dr
Fall Ct
N Bishop Ln
0900 15800 0300 005000
0900 15800 0300 006000
0900 15800 0300 004000
0900 15800 0300 019000
E Rd
Moses Ln
S Magee St
Magee St
Hubbard Ln
Margate Cir
Kensington Cir
SCRP TAXMAP BASE, 2012
Application: Tuckahoe Center
SCPD No.: SH-15-01
Date: 03/19/15
SCTM No.: 0900 15800 0300 004000,
0900 15800 0300 005000,
0900 15800 0300 006000 &
0900 15800 0300 019000
SUFFOLK COUNTY
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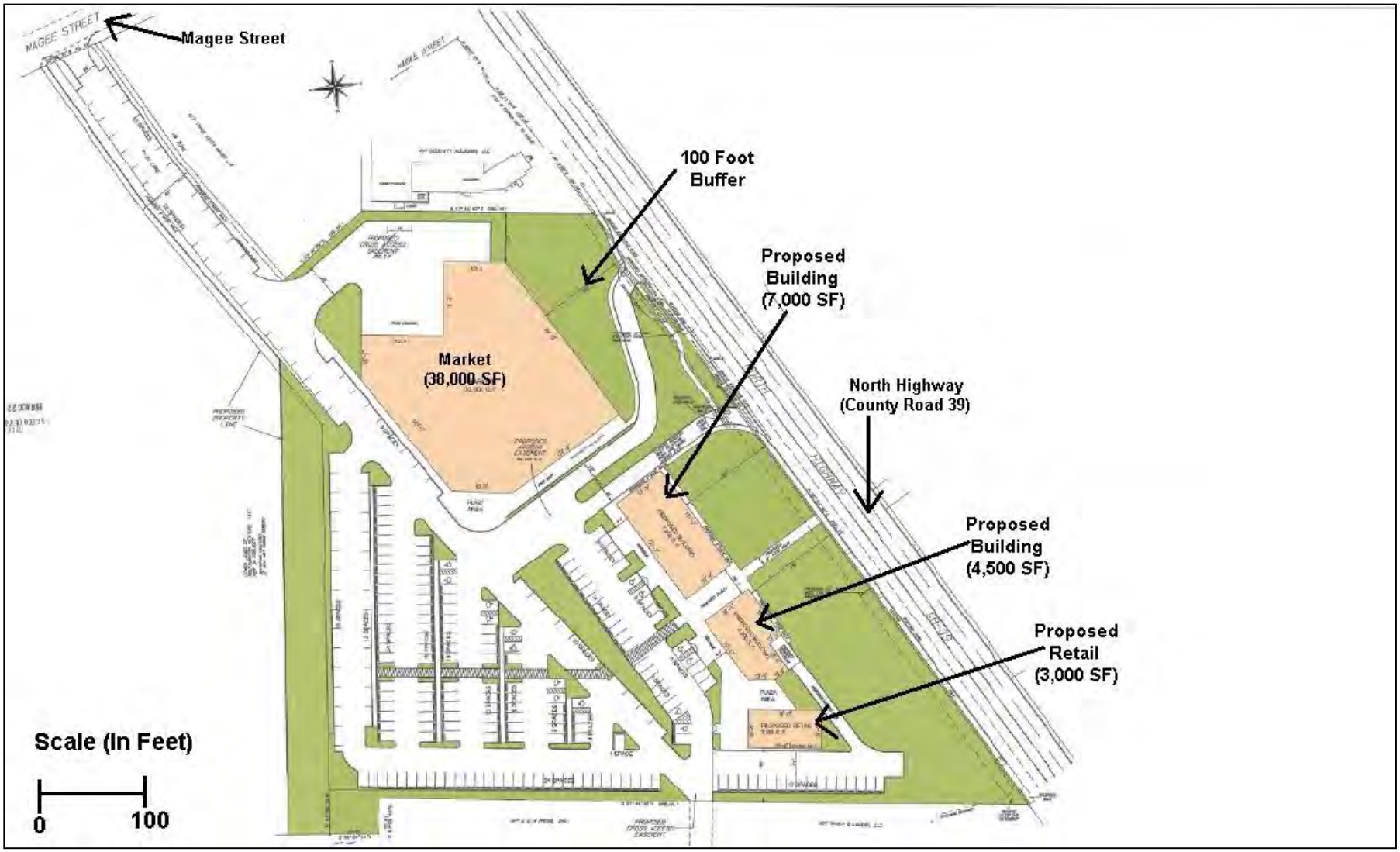
0 125 250 500
Feet



Z-2: Tuckahoe Center
SCPD: SH-16-03
SCTM No: 0900-158.00-03.00-04.000 et al

Office of the Town Attorney
16 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-3065
Fax: (631) 287-3662

TOWN OF SOUTHAMPTON

JAY SCHNEIDERMAN
TOWN SUPERVISOR

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JAMES M. BURKE
TOWN ATTORNEY
KATHLEEN MURRAY
DEPUTY TOWN ATTORNEY
RICHARD M. HARRIS
SENIOR ASSISTANT TOWN ATTORNEY
KATHRYN V. GARVIN
KARA BAK
CARL BENINCASA
ASSISTANT TOWN ATTORNEYS

November 3, 2016

Suffolk County Planning Commission
Suffolk County Department of
Economic Development and Planning
H. Lee Dennison Building
100 Veterans Memorial Highway, 4th Floor
P.O. Box 6100
Hauppauge, New York 11788

Re: Tuckahoe Center

Dear Commissioners:

I am writing in response to the Suffolk County Planning Commission's (the "Commission's") Resolution ZSR-16-27, in which it deems "Incomplete" the referral application of Tuckahoe Center, located within the Town of Southampton (your File No. SH-16-06). For the reasons set forth below, the Town is requesting that the Commission take an action on the referral application before you.

The Commission is charged in both the Commission's Guidelines[1] as well as General Municipal Law §239-m(4) – the State enabling legislation granting the Commission its authority – with recommending an "approval, modification, or disapproval" of a proposed action, or with making a finding that "the proposed action has no significant county-wide or inter-community impact." Here, the Commission has failed to make any of these findings. Instead, it has deemed the Town's referral "Incomplete" for three reasons, adding the curious qualification, "to the extent they can be addressed and [are] legally permissible." The Town will address each of these comments individually.

First, the Commission references an October 10, 2016 letter from the Village of Southampton (the "Village") articulating the Village's concerns regarding zoning and traffic. But by the Commission's own Guidelines,[2] this correspondence should not have been considered since the proposed action is more than 500 feet from the municipal boundary – here, it is approximately 1,200 feet away. Thus, without the requisite standing, the Village's

[1] See Suffolk County Planning Commission Guidebook dated July 2012, at p. 6, "Process Overview: Local Cooperation with Municipalities," and Referral Flowchart at Step 4.
[2] Id. at p. 14, Chapter 3.6, "Objection by Adjoining Municipality"; see also GML §239-m(3)(b)(i).

communication should not have been considered by the Commission since it was not forwarded by the Town in its capacity as the referring municipality.[3]

In any event, even if the Village did have the requisite standing, its October 10th correspondence was received by the Commission more than 20 days after the Town's August 19, 2016 submission, that is, on or about October 12, 2016, or approximately 50 days later. Thus, the comments within Resolution ZSR-16-27 blatantly disregard the Commission's guiding policies, ignoring the language within §3.6 which recognizes the limited applicability of an adjoining municipality's objection,[4] and instead references speculative scenarios not even addressed in the Village's untimely letter.

Next, the Commission indicates that "[c]larification is necessary as to whether there is one or two active change of zone applications on the subject property." There is one change of zone application pending, and no evidence in the record to suggest the contrary. Indeed, the Town received an initial determination from the Commission on December 2, 2015, disapproving the proposed action. The project sponsor then submitted a revised site plan containing modifications which addressed issues identified in the accepted FEIS, for consideration by the Town Board as lead agency, pursuant to SEQRA. This modified site plan was then re-referred to your body, as contemplated within your Guidelines,[5] for further Commission action.

Finally, the Commission indicates that there is pending litigation against it, and "an open legal question regarding its implications on actions taken by this body." While your counsel can best advise you, without a stay or restraining order in effect, the Commission is not relieved or excused from carrying out any of its statutory obligations under GML §239-m; to suggest otherwise would be to pre-empt the Legislature's well-thought out statutory scheme for regional planning and referrals. In any event, litigation against your body has no impact or consequence on the referral before you. To that end, it is our understanding that the litigation you reference has been resolved, and the Commission is waiting only to see if an appeal will be exercised; certainly the Legislature did not intend that the Commission thwart its duties and responsibilities based upon a *possibility* that an appeal may be perfected.

Based upon the above, the Town is formally requesting that the Commission review the Town's August 19, 2016 submission, for which you have already received one extension,[6] and take an "action" as that term is contemplated under General Municipal Law §239-m, within 45 days of the receipt of this letter.[7]

---

[3] Id. at p. 14, Chapter 3.2, "Form of Delivery," which finds, in pertinent part, "It is important to note that *only* materials received directly from the referring municipality will be accepted as part of the referral. Information from an applicant or interested third party will *only* be accepted if submitted from the referring municipality as a part of the application referral." (emphasis added).

[4] Id. at p. 14, Chapter 3.6, "Objection by Adjoining Municipality," which asserts, in relevant part, "It is important to note that this provision is *only* applicable in those limited circumstances when the proposed action is located within five hundred feet (500') of a municipal boundary *and*, within twenty (20) days after the application has been received by the County Planning Commission." (emphasis added).

[5] Id. at p. 15, Chapter 3.9, "Reconsideration."

[6] Id. at p. 14, Chapter 3.3, "Review Period"; see also GML §239-m(4)(b); see also Town Board Resolution No. 952 of 2016, adopted September 27, 2016.

[7] Id. at p. 14, Chapter 3.3, "Review Period."

Very truly yours,

James Burke
Town Attorney

cc: Sarah Lansdale, Director
Andrew P. Freleng, Chief Planner
Southampton Town Board
Sundy A. Schermeyer, Town Clerk
Kyle P. Collins, Town Planning and Development Administrator
Kathleen Murray, Deputy Town Attorney

Office of the Town Attorney
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-3065
Fax: (631) 287-3662

TOWN OF SOU THAMPTON

JAY SCHNEIDERMAN
TOWN SUPERVISOR

JAMES M. BURKE
TOWN ATTORNEY
KATHLEEN MURRAY
DEPUTY TOWN ATTORNEY
RICHARD M. HARRIS
SENIOR ASSISTANT TOWN ATTORNEY
KATHRYN V. GARVIN
KARA BAK
CARL BENINCASA
ASSISTANT TOWN ATTORNEYS

December 2, 2016

Suffolk County Planning Commission
Suffolk County Department of
Economic Development and Planning
H. Lee Dennison Building
100 Veterans Memorial Highway, 4th Floor
P.O. Box 6100
Hauppauge, New York 11788
Attn: Sarah Lansdale, Director of Planning

Re: Tuckahoe Center

Dear Ms. Lansdale:

I am writing in response to your November 29, 2016, email communication to Town Planning and Development Administrator Kyle Collins, and as it relates to the Tuckahoe Center application, currently before the Commission pursuant to General Municipal Law §239-m; this is the Town's second communication as it relates to this particular referral.[1]

In particular, you ask for the Town's response as it relates to the following:

"The traffic analysis referred to the Suffolk County Planning Commission was deficient in adequately addressing traffic issues as set forth in the October 10, 2016 letter from the Village of Southampton as raised in Commission deliberations and among other items deliberated, specific to ambulance services to Southampton Hospital along CR 39 from points east and west now and in the future." (emphasis in original).

Without waiving any of the arguments asserted in its November 3rd letter, the Town offers the following with respect to the Commission's above concern. As Peter J. Fallon, a certified paramedic and employee of the Wading River Fire Department, the Flanders Volunteer Ambulance, the Southampton Town Volunteer Ambulance, the Southampton Village Volunteer Ambulance, the Sag Harbor Volunteer Ambulance, the East Hampton Volunteer Ambulance, the Amagansett Fire Department, and the Montauk Fire Department, explains in his attached letter of October 25, 2016, received by the

[1] See November 3, 2016, letter from this office to the Suffolk County Planning Commission.

Town on November 17, 2016, ambulances approaching Southampton Hospital from both points east and points west use only Montauk Highway when transporting patients, noting, "[t]here is no need for any ambulance . . . to use CR39."

To that end, despite the above representation, assuming *arguendo*, that CR39 was used to transport patients, the Town adequately addressed this issue in its Final Environmental Impact Statement based upon extensive input and review from its traffic consultant, Dunn Engineering. For example, the FEIS found that traffic impacts on CR39 will be less than those associated with the as-of-right development of the subject property under the existing Highway Business zoning, and further noted that anticipated traffic generated by the proposed action will not have a significant adverse impact on CR39, regardless of what *type* of vehicles are found on the roadway. Importantly, the FEIS also concluded that "the accident history does not reveal any pattern that would be exacerbated by the proposed project, and the site generated traffic is not expected to adversely impact the accident rate in the study area."[2]

I trust this answers your question. The Town again reiterates its previous request of the Commission to review its August 19, 2016 submission and take an "action" as that term is contemplated under General Municipal Law §239-m.

Very truly yours,

James Burke

James Burke
Town Attorney

Enc.

cc: Andrew P. Freleng, Chief Planner
Southampton Town Board
Sundy A. Schermeyer, Town Clerk
Kyle P. Collins, Town Planning and Development Administrator
Kathleen Murray, Deputy Town Attorney

[2] See the Town of Southampton Final Environmental Impact Statement (FEIS), previously provided to the Suffolk County Planning Commission, at p. 204-5, Comment No. CFS-2 and Response No. CFS-2.

RECEIVED

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TOWN OF SOUTHAMPTON
TOWN CLERK'S OFFICE

Peter Fallon

34A Shinnecock Rd
Hampton Bays N.Y.
631-831-2429
Peterjfallon@gmail.com

October 25, 2016

To whom it may concern,

I am writing this letter to correct some discrepancies that were previously reported in the newspaper referring to response times and routes by ambulances in on the east end and specifically East Hampton.

First please let me to introduce myself. My name is Peter J Fallon. I am a New York State Certified Paramedic. I reside in Hampton Bays where I have lived for the past 10 years. I am a Volunteer member of Hampton Bays Volunteer Ambulance, former captain and ex-assistant chief. I am currently employed by Wading River Fire Department, Flanders Volunteer Ambulance, Southampton Town Volunteer Ambulance, Southampton Village Volunteer Ambulance, Sag Harbor Volunteer Ambulance, East Hampton Volunteer Ambulance, Amagansett Fire Department and Montauk Fire Department.

As the Paramedic first responder of these agencies it is my duty to respond to emergency medical calls and some fire calls. While on these calls I am in charge of patient care and crew safety while transporting to the hospital. Most of my patient transports go to Southampton Hospital. I have taken the trip more times than I can count as it is a daily occurrence for me. The average distance from East Hampton to Southampton Hospital is 13 miles. Recently a crew member had taken a patient from Hallow Tree Ln in the North West Woods part of East Hampton. It took the ambulance 19 minutes from that location to Southampton Hospital. This is a normal ambulance transport time for East Hampton Ambulance give or take a few minutes depending on where the call is in the district.

On rare occasions when patient needs requires that patient to be brought to a different hospital, such as Stony Brook, that patient is loaded into the Suffolk County Medevac helicopter. In even rarer occasions that that helicopter isn't flying due to inclement weather and the patient needs requires another hospital other than Southampton, These patients are transported by ground to Brookhaven Hospital In Patchogue. I have personally transported a patient from Bluff Road in Amagansett to Brookhaven Hospital in Patchogue in exactly 1 hour. This was the middle of the summer with regular summer traffic and light rain.

When ambulances from the east end transport to Southampton Hospital, They always stay on Montauk highway, cross over the CR39 intersection and continue on Hampton road towards the hospital. There is no need for any ambulance coming from out east to

use CR39. Ambulances coming from west use Montauk Highway and continue on to Hill Street in Southampton Village.

Recently Southampton Hospital is finalizing plans to build a satellite Emergency Room to be located on the ball field at the end of Pantigo Place in East Hampton. This will severely diminish the amount of transports to Southampton Hospital as most of the less serious calls can be transported to the satellite E.R.

If you have any questions regarding this matter, Please feel free to contact me at the number listed above

Sincerely,

Peter J Fallon

COUNTY OF SUFFOLK

Z-2

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Acting Commissioner

Division of Planning
and Environment

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

-Tuckahoe Center October 11, 2016 Addendum to the 12/2/15 staff report-

Overview: The Suffolk County Planning Commission received on August 22, 2016 a referral from the Southampton Town Board related to the application of "Tuckahoe Center". The referral revises a prior change of zone and conceptual site plan application referred to the Planning Commission by the Town of Southampton in November of 2015 (see attached 12/2/15 staff report). At the time the petition to the Town and referral to the Commission was for a change of zone from Highway Business (HB) and Residential-20 (R-20; minimum lot size 20,000 SF) to Shopping Center Business (SCB) to allow the construction of a 58,500 SF Shopping Center

The Suffolk County Planning Commission deliberated and disapproved the referral on December 2, 2015 (see attached resolution) for the following reasons:

1. The additional cumulative traffic impacts on critical regional transportation arteries;
2. The adverse traffic impacts on the Village of Southampton and the surrounding areas;
3. There may be another location more suitable for this type of development;
4. The proposed shopping center is not consistent with the local community character; and
5. The proposed shopping center traffic characteristics are inconsistent with the Town Study for CR 39.

The current referral includes a revised COZ petition to the Town including a Conceptual Site Plan of 52,500 SF. Overall the Revised Plan reduces the gross floor area of the project by over 10% (6,000 SF), increases the total area of landscaping by 13,000 SF, and improves site circulation particularly for the public access easement. Detailed changes to the Conceptual plan include:

- The size of the supermarket has been reduced by 2000 SF;
- The drive-through lane has been eliminated from the eastern-most building, and the building has been reduced in size by 500 SF;
- The two remaining retail buildings have been reduced by a total of 3,500 SF
- The total area of landscaping has been increased by approximately 13,000 SF
- Internal site circulation roadways (including the public access easement) have been realigned to more closely resemble a roadway system, while continuing to accommodate future cross-access;

- The proposed bank building has been re-designated on the Scheme 3 conceptual site plan as a proposed retail building; and
- On-site parking has been increased from 249 spaces to 257 spaces

The change of zone petitioners also, through their engineering consultants, reiterate that the proposal improves the main access driveway on County Road 39, eliminates an easternmost egress driveway on CR 39, increases lot depth, and improves cross access between adjacent properties as compared to existing conditions and the prior FEIS Plan.

The petitioners to the Town of Southampton have submitted through their engineering consultants VHB, a traffic assessment of the proposed changes (see attached). In addition, an analysis from the Town of Southampton traffic Consultant, Dunn Engineering that assesses the VHB traffic conclusions was also included (see attached).

STAFF ANALYSIS

The Suffolk County Planning Commission's first two reasons for the original 12/2/15 disapproval appear to be substantially responded to. The assertion with respect to the proposed change of zone to shopping center business at the subject property is the cumulative adverse traffic impacts to critical regional and Village of Southampton transportation arteries. In addition, it is argued that the change of zone and conceptual site plan are not consistent with the Town of Southampton County Road 39 Corridor Land Use Plan, Final Plan dated January 2015 wherein Executive Summary Recommendation 1 states "Modify the Highway Business (HB) zone zoning category to improve the quality and diversity of land uses. The Highway Business (HB) zone is the prevalent commercial zoning district along County Road 39. Refining the Highway Business zoning category to enhance its performance, while still maintain the original intent to serve as the location for businesses that provide the sale of higher order goods is important in order to maintain low trip-generating uses"

The Suffolk County Department of Public Works Commissioner is on record at the December 2, 2015 Suffolk County Planning Commission meeting stating that impacts to traffic as a result of the proposal can be addressed and mitigated (see prior staff report attached) with "no reduction in level of service" [to CR 39 and corresponding intersections]. Traffic engineers for the consultant have demonstrated on two tables within their report that the recent modifications to the conceptual site plan decrease driveway volume trip reduction and site traffic trip generation after the effect of pass-by-trips is accounted for (see page 2 and 3). The petitioner's engineers conclude that "a substantial reduction in peak period trip generation would result from the proposed reduction in size of the Tuckahoe Center and elimination of the bank drive-through." Moreover, the Town of Southampton requested of its own engineering consultant to review the VHB report on the revised plan for Tuckahoe Center. The engineering consultant concluded that the original impacts disclosed in the FEIS at each of the studied intersections were not substantial and should be diminished with the reduction in trip generation." The engineers further concluded "however, it cannot be determined without doing the intersection analysis and comparing the results to the No Build Analysis how much the reduction in trip generation reduces the impacts of the project on the traffic operations at the intersections studied."

The third reason originally enumerated for disapproval of the Tuckahoe Center project by the Suffolk County Planning Commission was that there may be another location more suitable for this type of development. The Town of Southampton Shopping Center Business (SCB) district zoning category requires a minimum lot size of five (5) acres. Outside of the immediate area there are few properties that would (without assemblage) meet the minimum lot size along the CR 39 corridor from the Shinnecock Canal to the west to Hampton Road to the east.

Suffolk County Planning Commission staff compiled and presents the following for informational purposes:

Supermarkets in Hampton Bays (Approximately 7 miles from the Tuckahoe Center project site):

- Stop and Shop – 50,000 Square Feet
- King Kullen – 38,000 Square Feet
- Wild by Nature – 20,000 Square Feet

Supermarket in the Bridgehampton Commons (Approximately 7 miles from the Tuckahoe Center project site):

- King Kullen – 42,000 Square Feet

Supermarket in the Village of Southampton (Approximately 2 miles from the Tuckahoe Center project site):

- Stop and Shop – 24,000 Square Feet

- In addition to the proposed Tuckahoe Center a Fresh Market has been proposed and discussed in the Town of Southampton, though no application has been referred to the Suffolk County Planning Commission to date.

Note: the square footage data is based on analysis of aerial photographs and is approximate in nature: the total square footage of the Bridgehampton Commons is approximately 288,000 Square Feet

It is difficult to determine, from the planning available, what the optimal ratio of neighborhood grocery stores or supermarkets to suburban residents would be. A 10 to 15 minute travel time appears to be the most consistent criteria. Depending on the season of the year this can be a variable radius from the Tuckahoe area for a motor vehicle.

Suffolk County Planning Research Unit staff calculated that in western Southampton Town there are four supermarkets that serve a year round population of approximately 37,000 people. This would equate to roughly 9,300 people/market. In eastern Southampton there are three supermarkets that serve a year round population of approximately 21,000 people or close to 7,000 people/market. If a fourth supermarket is built in eastern Southampton the ratio would be approximately 5,200 people/market.

The seasonally adjusted population of the eastern half of the Town of Southampton is approximately 39,000 people. It would appear that situating a fourth grocery store (~9,000 people/supermarket) to service year round and seasonal populations in the area is reasonable. A review of the Town of Southampton's zoning districts map indicates that there are no SCB districts in the area or another strip of commercial or Highway Business zoned land in the area with a parcel suitable in dimension and no closer to existing supermarkets. It is noted that the hamlets of Bridgehampton, Hampton Bays, West Tiana and Riverside, have a SCB zoning district surrounded by a similar zoning pattern. All would be more than a 10 minute drive to reach in the peak season.

Development trends in the Tuckahoe area from 2009 to present have indicated an increase in commercial development and residential population around the subject area. The projects Fairfield at Southampton, Rosco Farm, the Ponds at Southampton and the Southampton Golf Club have added approximately 156 residential units and an estimated 336 persons to the Tuckahoe area. A partial listing of projects (as depicted on the attached figure) is as follows:

Notable Land Use Applications Received by the SCPC in the Last 10 Years

- Fairfield At Southampton – 2009 Change of Zone Application, 2010 Site Plan Application for the Change of Zone from Highway Business to RPDD to allow for the construction of a 50 unit Condo Complex (Change of Zone – Local Determination 3/18/09; Site Plan approved by the Suffolk County Planning Commission on 4/7/2010)
- The Ponds at Southampton Village – 2011 Town Board and ZBA approval for Non-Conforming Use approval to construct 78 unit condominium complex (SCPC No Action-7/6/2011)
- Rosko Farm – 2015 Major Subdivision 28 Lot Application (Subdivision Approved by the Suffolk County Planning Commission on 5/8/2015)
- CR39 Holdings, LLC – 2015 Site Plan for the demolition and reconstruction of an existing buildings to a for a 3,724 SF total floor area, 2 story building to be used for retail and offices
- Classy Canine, Inc – 2016 Site Plan application for the change of Use from retail to dog grooming service (Local Determination 8/22/2016)
- Southampton Golf Club (Employee Housing) – 2013 Site Plan application for a 5,773 square foot building to be used for staff housing, a fitting area and equipment storage (Local Determination 1/15/2013)

Suffolk County Planning Commission 12/2/15 disapproval reason no. 4 indicated that the proposal is not consistent with local community character. The Town of Southampton in early 2015 adopted The County Road 39 Corridor Land Use and Access Management Plan which was guided by the 1999 Comprehensive Plan Update. The subject property lies within CR 39 Corridor Study Area, which in part had a land use plan with a focus on the following four goals:

Goal 1: Maintain/Enhance Community Character
Goal 2: Facilitate Movement/Enhance Safety
Goal 3: Manage new development along the corridor
Goal 4: Protect and enhance the area's environmental quality

One of the recommendations of the CR 39 Study is to promote open space retention on remaining large undeveloped tracts. There are currently several large tracts of land that are used as open space/recreation and effectively act as greenbelts between the commercial nodes along CR 39. It has been noted by staff that the subject property is not indicated as one of those undeveloped parcels targeted for preservation, and the proposed development of the subject property is not inconsistent with the Comprehensive Plan Update or the CR 39 Corridor Land Use Plan.

In response to comments of the Commission, the public and local municipalities, the petitioner has reduced the overall gross floor area of the proposal by 10% and eliminated the high trip generating bank and drive through. An analysis of potential as-of-right density for the subject property lying within the HB zoning district indicates that the theoretical yield of the 6.25 acre parcel would be approximately 82,575 SF of gross floor area (6.25 acres x 43,560SF/ac x 30% [lot coverage] = 82,575 SF). The proposed total development of the Tuckahoe Center project is 52,500 SF. This reduction in yield over the as-of-right density further accommodates the property into the character of the area.

Moreover, the petitioner has indicated (see VHB report 6/7/16) a willingness to "modify the projects mix of retail uses" in order to enhance the community character and reduce trip generation impacts on the community character.

A review of the Town of Southampton Town Zoning Law Section 330-33, Business Districts Table of Use Regulations reveals that 46% of the as-of-right permitted or special exception uses allowed in the Highway Business zoning district are allowed as permitted or special exception use in the Shopping Center Business zoning district category. The uses permitted in the Highway Business district are by design low trip generating uses. It would appear that the petitioner's willingness to modify the projects mix of retail uses to reduce trip generation impacts could be used to limit retail uses on the subject property to those permitted as of right or by special exception in the Highway Business zoning district. This would assure that the proposed project improves the quality and diversity of land uses, enhances its performance, provide the sale of higher order goods and maintains low trip-generating uses as is called for in the CR 39 Plan.

It is the belief of the staff that the modifications to the proposed Tuckahoe Center development project as offered by the petitioner, along with certain conditions that may be imposed on the project, would address Suffolk County Planning Commission reason for disapproval number 5 of the 12/2/15 resolution.

STAFF RECOMMENDATION

Approval of the Tuckahoe Center referral for a change of zone from HB and R-20 to SCB with the following comments:

Comments:

1. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted for waste water treatment considerations and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.

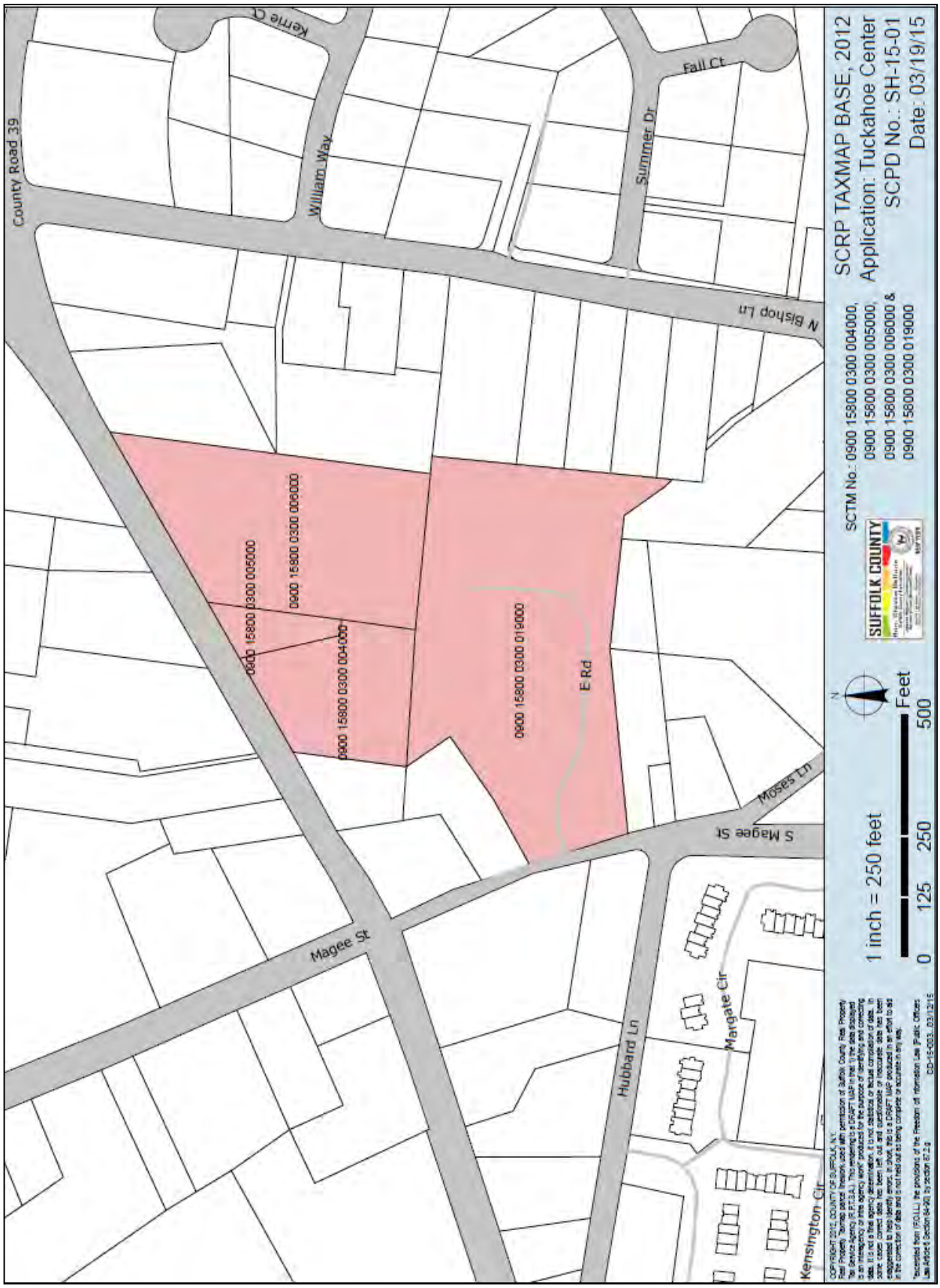
2. Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known if any have been prepared and submitted to the appropriate agencies. These should be made available.

3. The petitioners may benefit from a review of the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency if they have not been reviewed already, and incorporate into the proposal, where practical, additional design elements contained therein.

4. The petitioner should continue to work with Suffolk County Department of Public Works to mitigate any potential traffic congestion identified for CR 39 as a result of the proposed change of zone.

5. The petitioner should begin/continue dialogue with Suffolk County Transit to determine if a bus stop at this site would be appropriate.

6. The petitioner should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.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Hubband Ln
Margate Cir
Kensington Cir
SCRP TAXMAP BASE, 2012
Application: Tuckahoe Center
SCPD No.: SH-15-01
Date: 03/19/15
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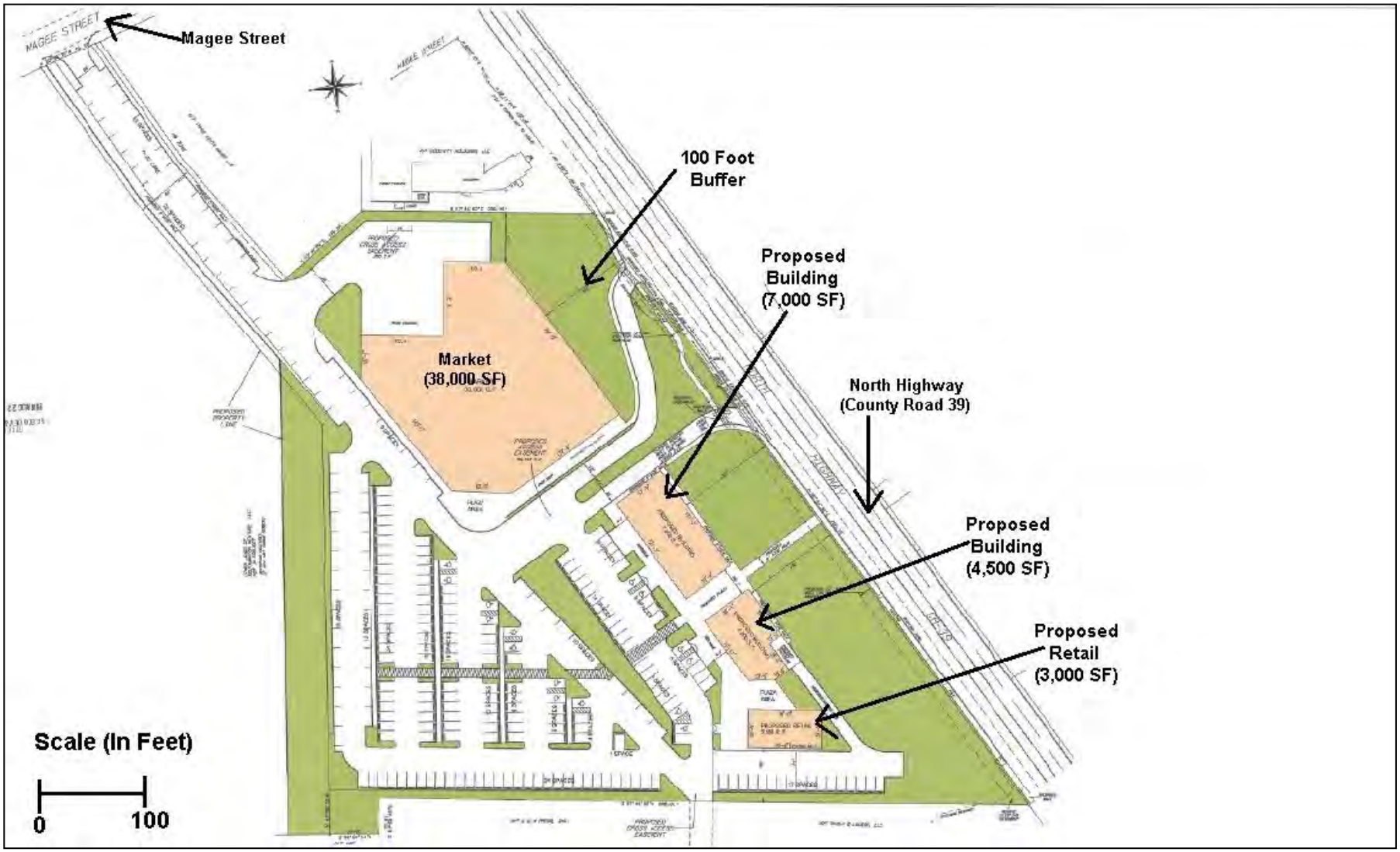


Z-2: Tuckahoe Center
SCPD: SH-16-03
SCTM No: 0900-158.00-03.00-04.000 et al

ZSR-16-27

Resolution No. ZSR-16-27 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 August 22, 2016 at the offices of the Suffolk County Planning Commission with respect to the application of **"Tuckahoe Center**" located in the Town of Southampton, and

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **October 11, 2016**, and

WHEREAS, it is the belief of the Suffolk County Planning Commission that due to the nature and location of the application careful consideration is required for a number of environmental issues; now therefore, be it

RESOLVED, that the Suffolk County Planning Commission, pursuant to NYS General Municipal Law Section 239-m 1. (c), the Suffolk County Administrative Code Section A14-14 to 25., and the Suffolk County Planning Commission Guidebook Section 2.1A, deems the municipal referral **Tuckahoe Center**, to be **Incomplete** with respect to a "full statement" of facts, and be it further

RESOLVED, that the referral of Tuckahoe Center is deemed Incomplete for the following reasons to the extent they can be addressed and legally permissible:

1. The Traffic analysis referred to the Suffolk County Planning Commission was deficient in adequately addressing traffic issues as set forth in the October 10, 2016 letter from the Village of Southampton as raised in Commission deliberations and among other items deliberated, specific to ambulance services to Southampton Hospital along CR 39 from points east and west now and in the future.

2. Clarification is necessary as to whether there is one or two active change of zone applications on the subject property.

3. There is pending litigation against the Suffolk County Planning Commission and an open legal question regarding its implications on actions taken by this body.

- 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/Portals/0/planning/Publications/SCPCguidebk12r.pdf

ZSR-16-27

File No.: SH-16-06

Tuckahoe Center

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

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

Motion: Commissioner Kramer

Present: 12

Seconded: Commissioner Kaufman

Absent: 3

Voted: 12

Recused: 0

DECISION: Incomplete

COUNTY OF SUFFOLK

Z-2

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

Applicant: Tuckahoe Center
Municipality: Southampton
Location: s/s/o CR 39 (North Highway) approx. 200 feet east of Magee Street

Received: 2/17/2015
File Number: SH-15-01
T.P.I.N.: 0900 15800 0300 004000 et al
Jurisdiction: adjacent to CR 39 (North Highway)

ZONING DATA

- Zoning Classification: HB & R-20
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: No
- 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: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Yes
- SEQRA Type DEIS
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: motel, restaurant, residential, inactive soil and materials storage
- Existing Structures: vacant retail shop, motel, dwellings, garages & sheds
- General Character of Site: rolling
- Range of Elevation within Site: 50'-60' above msl
- Cover: woods grass cleard area

- Soil Types: plymouth association and Cut and fill
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of zone
- Layout: site plan
- Area of Tract: 7.3Acres
- Yield Map:
  - No. of Lots: 1

ACCESS

- Roads: CR 39 -
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: green technology
  - Recharge Basins bioswales.
- Groundwater Management Zone: IV
- Water Supply: public
- Sanitary Sewers: CT-LP

PROPOSAL DETAILS

OVERVIEW – Applicants seek change of zone approval from the Southampton Town Board for the construction of a 58,500 SF shopping center. The subject parcel is a 7.3 acre parcel zoned Highway Business (40,000 SF minimum lot size) and R-20 (Residential, minimum lot size 20,000 SF) located at the northeast corner of Magee Street (Town road) and North Highway (County Road 39) in the hamlet of Tuckahoe. The petitioners are requesting a change of the zone on three parcels and part of a fourth parcel to Shopping Center Business to construct a 40,000 SF supermarket, an 8,400 SF retail and commercial use building, a 6,600 SF retail/commercial use building and a 3,500 SF bank with drive-thru. Two-hundred-seventeen (217) surface parking spaces are shown on the Conceptual Site Plan. A 46,488 SF access easement for public right of way is also proposed from Magee Street through the project site to North Highway.

The conceptual site plans submitted with the referral materials to the Suffolk County Planning Commission indicates four buildings aligned parallel to the frontage of CR 39 with surface parking to the rear and southeast on the site. A portion of SCTM lot No. 0900 15800 0300 019000 is to be utilized as a proposed access easement and transition yard buffering. Cross access easements are proposed to be established between the subject lot and the properties adjacent to the east and west.

The main access to the subject property is intended via North Highway (CR 39). Uncontrolled ingress east and westbound from CR 39 is proposed. The entrance lane into the subject site has been relocated from previous iterations of the conceptual site plan to the west, to be located nearer to the western limit of the site's frontage. This modification is intended to increase the available que length for vehicles entering the site from the left hand turning (westbound) lane on CR 39. Egress to North Highway is via a right turn only (east bound). A second alternate egress to North Highway that was proposed at the eastern property line is no longer an element on the conceptual site plan. This exit was determined to be potentially too near to the intersection of CR 39 and CR 52 (Sandy Hollow Road) and was removed to address potential traffic and safety concerns expressed by the public.

Secondary ingress/egress to the proposed project is to be from Magee Street via a 50 foot wide "public access easement" to provide "improved circulation (not only at the site but in the vicinity) by providing vehicles the opportunity to avoid the intersection of Magee Street and CR 39 and traverse through the subject property. This access point does not appear to be restricted, signalized or controlled in any way.

Information included in the referral to the Suffolk County Planning Commission indicate that the subject property is or has been improved with a 7,725 square foot, 11 room motel, a 1,950 square foot restaurant, a 950 Square foot vacant retail shop, residential uses and inactive soil and materials storage areas. All said structures are to be demolished and removed. Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known if any have been prepared and submitted to the appropriate agencies.

The proposed Tuckahoe Center intends to utilize conventional on-site sanitary systems to accommodate sanitary wastewater generated by the proposed development. Total anticipated sanitary waste water flow to be generated is approximately 2,177 gallons per day (DEIS pg.269).

Storm water runoff from the contemplated development is intended to use leaching pools and bio-retention basins to provide for the adequate storage and recharge of storm water runoff generated from a two-inch rain event across the site. It is also noted that the proposed shopping center design includes the creation of green roofs atop the two proposed retail buildings, and the use of pervious pavement is intended to be incorporated into the design of the shopping center. In addition, native plant species are proposed to be used throughout the proposed site to reduce irrigation demands.

A traffic Impact Study Report for the Tuckahoe Center project was prepared by the petitioner's consultant (VHB Engineering, Surveying and Landscape Architecture, PC. February 14, 2014) and submitted with the DEIS for the project and referred to the Suffolk County Planning Commission. Based on the results of the analyses conducted VHB concluded that the site generated traffic from the proposed Tuckahoe Center will not have a significant impact on the overall intersection level of service at the nearby signalized study intersections of CR 39 (North Highway) at Magee Street and CR 39 at CR 52 (Sandy Hollow Road). According to the FEIS the "overall levels of service in the Build with Mitigation scenarios in the new analysis (on the revised FEIS plan) are equal to those in the DEIS with two minor exceptions. At the intersection of Magee Street and Sebonac Road during the Friday p.m. and Saturday midday peak analysis periods there are isolated intersection movements that change from Level Of Service (LOS) A to LOS B when the original DEIS results are compared to the revised results in this FEIS. However, the increases in delay that precipitate this change in level of service are not more than three-tenths of a second per vehicle." The FEIS goes on to read that "this change will not be noticeable to motorists and only results in the level of service slipping because the original results are very close in delay to the level of service threshold between A and B."

The petitioner has been in dialogue with the Suffolk County Department of Public works and has indicated several mitigations to the trip generation of the proposed project including: 1) Increasing the lengths of the northbound and southbound left-turn lanes on Magee street as they approach CR39. The extension of these lanes will reduce the possibility of through-movement queues blocking entry to the left turn lane during peak periods. 2) Dedication of 17 feet of property along the entire site frontage on CR 39 to the SCDPW for uses in future roadway improvements. 3) Additional mitigation includes changes in traffic signal cycle length, adjustment of phased splits to better correlate with future volumes and proposed changes to signal coordination.

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

The subject property is bounded on the north by CR 39 and lands in the Highway Business District; to the east by improved lands in the Highway Business and R-20 (Residence-minimum lot size 20,000); to the south by the remaining property of the Independent Group Home Living Corporation (and the vacant bldg.) and improved and unimproved land in the R-20 district; to the west improved lands in the HB District, and across Magee Street improved land in the HB and MF-44 (Multifamily Family-minimum lot area 44,000SF) District know as Southampton Commons.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone IV. The subject property is not in a State designated Critical Environmental Area. No local or State designated wetland 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 in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

The petitioners put forth that the purpose of the change of zone request is to "create a shopping center…to address existing and projected demands for these uses in the surrounding area." The petitioners authorized a market study which concluded that "from a socio-economic perspective, there is a significant demand within the surrounding community for the types of development proposed at the subject property." The proposed action has been designed to service the existing area population, including the seasonal population, the projected population growth and the existing and proposed multi-family developments in the vicinity of the subject property. According to submitted materials to the Planning Commission the "nearest substantial full-service supermarkets are greater than five miles in either direction (east or west) of the subject property, and a smaller supermarket is situated within the Village of Southampton, approximately 1.3 miles from the subject site."

Suffolk County Planning Commission staff compiled and presents the following for informational purposes:

Supermarkets in Hampton Bays (Approximately 7 miles from the Tuckahoe Center project site):

- Stop and Shop – 50,000 Square Feet
- King Kullen – 38,000 Square Feet
- Wild by Nature – 20,000 Square Feet

Supermarket in the Village of Southampton (Approximately 2 miles from the Tuckahoe Center project site):

- Waldbaums – 24,000 Square Feet

Supermarket in the Bridgehampton Commons (Approximately 7 miles from the Tuckahoe Center project site):

- King Kullen – 42,000 Square Feet

Note: the square footage data is based on analysis of aerial photographs and is approximate in nature: the total square footage of the Bridgehampton Commons is approximately 288,000 Square Feet

The petitioners argue that "the purpose for the proposed action is to eliminate the exiting uses at the

subject property, which are blighting and detract from the character of the community, and develop the subject property in a manner that is consistent with, and achieves relevant goals of, the Town of Southampton's Comprehensive Plan…"

With respect to inter-community issues as outlined in GML it is the belief of staff that the proposal is a compatible land use with the uses adjacent to the subject property particularly with the cross access and buffering proposed by the petitioners. While the change of zone and development of the site as proposed by the petitioner will increase motor vehicle trip generation from the site over current conditions, the Town's traffic consultant, the applicant's traffic consultant and the Suffolk County Department of Public Works have determined that with the mitigations proposed the public convenience will not be altered.

The Highway Business zoning and uses along the corridor define the immediate community character and a change of zone to Shopping Center Business is not anticipated to have a significant impact on the community character of the County Road 39 Corridor in this area. It is noted that the hamlets of Bridgehampton, Hampton Bays, West Tiana and Riverside, have a SCB zoning district surrounded by a similar zoning pattern and appear to be maintaining a satisfactory community environment for these hamlets.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Southampton Comprehensive Plan Update (1999) makes no specific recommendations for the land area of the subject property but includes several relevant generic recommendations and goals that are proposed to be included in the preliminary design of the propped shopping center including:

- Innovative storm water management
- Elimination of pre-existing, nonconforming uses
- Improving the highway business corridors by improving and coordinating access and circulation; promoting more attractive signage and landscaping; providing incentives for redevelopment and consolidation; and providing greater flexibility as to use, but with greater attention to design

According to submitted materials by the petitioner, Chapter VI ("The Economy") – Implementation Strategies of the Town Comprehensive Plan includes language that indicates that "the Town should prohibit stores larger than 15,000 square feet, except by special exception, in Shopping Center Business (SCB) districts…the special exception review should include consideration of the economic impacts of large-scale retail development on existing centers, especially with regard to the continued health of hamlet and village anchors." The petitioners put forth that the proposed Tuckahoe Center redevelopment includes a change of zone to "SCB" and the development of a 40,000 SF supermarket, which would require a special exception. In accordance with the above recommendation, a Market analysis was prepared and submitted to the town. This Market Analysis demonstrated that, among other things, the proposed development of a supermarket would not be expected to substantially affect the area's small-and medium-sized food and beverage stores…" The Town of Southampton authorized a peer review of the VHB Market Analysis and traffic report in the DEIS and the FEIS for the proposed Tuckahoe Center by an independent engineering/planning firm (Cashin Associates P.C.). The review indicated that "there is a significant need for the proposed shopping center. This is also reportedly suppo0rted the findings of the traffic study for the FEIS, which indicated that the proposed Project will significantly reduce the amount of trips outside of the area for grocery store shopping."

The County Road 39 Corridor Land Use Plan 2014, prepared by the Town of Southampton, indicates (for Quadrant 3 that contains the area of the subject referral site) no specific recommendations for the subject property. The petitioners indicate that the design for the Tuckahoe Center project incorporates several of the recommendations for traffic management found in the Draft Access Management Plan for the CR 39 corridor (pg 56 FEIS). Two of the key

recommendations in the CR 39 Access Plan are to reduce the overall numbers of driveways on CR39 and to limit left turns and cross traffic from intersecting streets and driveways. The proposed site plan incorporates both of these recommendations.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

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

As indicated above, the proposed Tuckahoe Center is to utilize conventional on-site sanitary systems to accommodate sanitary waste water generated by the proposed development. Total anticipated sanitary waste water flow to be generated is approximately 2,177 gallons per day (DEIS pg.269). Approximately one quarter of a mile (0.25 miles) to the west is the Southampton Commons private sewage treatment plant (STP). The permitted flow of this facility is 0.040 million gallons per day (mgd). Also to the east, is the private STP to the Hampton Rehab Center approximately 0.7 miles away. This STP has a permitted flow of 0.045 mgd. These are the only STP facilities in the immediate area. It is not known if there is additional capacity at either of these two STP's to accommodate the flow of the proposed development. Best management practices and state-of-the-art technologies are being investigated by the Suffolk County for advance waste water treatment facilities that may impact consideration of the placement of a conventional individual wastewater treatment facility. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted for waste water treatment considerations and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.

As previously noted, storm water runoff from the contemplated development is intended to use leaching pools and bio-retention basins to provide for the adequate storage and recharge of storm water runoff generated from a two-inch rain event across the site. Various additional sustainable design components are intended to be incorporated into the proposed Tuckahoe Center including permeable pavers, native landscaping species, rooftop solar photovoltaic PV panels, Green roofs, low-flow plumbing fixtures and drip or low-flow irrigation systems, and energy-efficient LED site lighting fixtures among others. The petitioners may benefit from a review of the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency if they have not been reviewed already, and incorporate into the proposal, where practical, additional design elements contained therein.

A Traffic Impact Study Report for the Tuckahoe Center project was prepared by the petitioner's consultant (VHB Engineering, Surveying and Landscape Architecture, PC. February 14, 2014) and submitted with the DEIS for the project and referred to the Suffolk County Planning Commission. As part of the DEIS review process the Town of Southampton has hired its own traffic consultant to assess the submitted traffic report and make further recommendations as to congestion management at the Magee Street intersection along the CR 39 corridor (see above).

Bus service to the proposed Tuckahoe Center shopping area is provided by S92 to points east and west along CR 39 with connecting service at Hampton Bays and Southampton village. Train stations are located in Hampton Bays to the west and Southampton Village to the east. The applicant has indicated a willingness to install a bus shelter. The petitioner should begin/continue dialogue with Suffolk County Transit to determine if a bus stop at this site would be appropriate.

Little discussion is made in the change of zone petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.

STAFF RECOMMENDATION

Approval of the change of zone from HB and R-20 to SCB for the Tuckahoe Center with the following comments:

1. Early review by the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted for waste water treatment considerations and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.

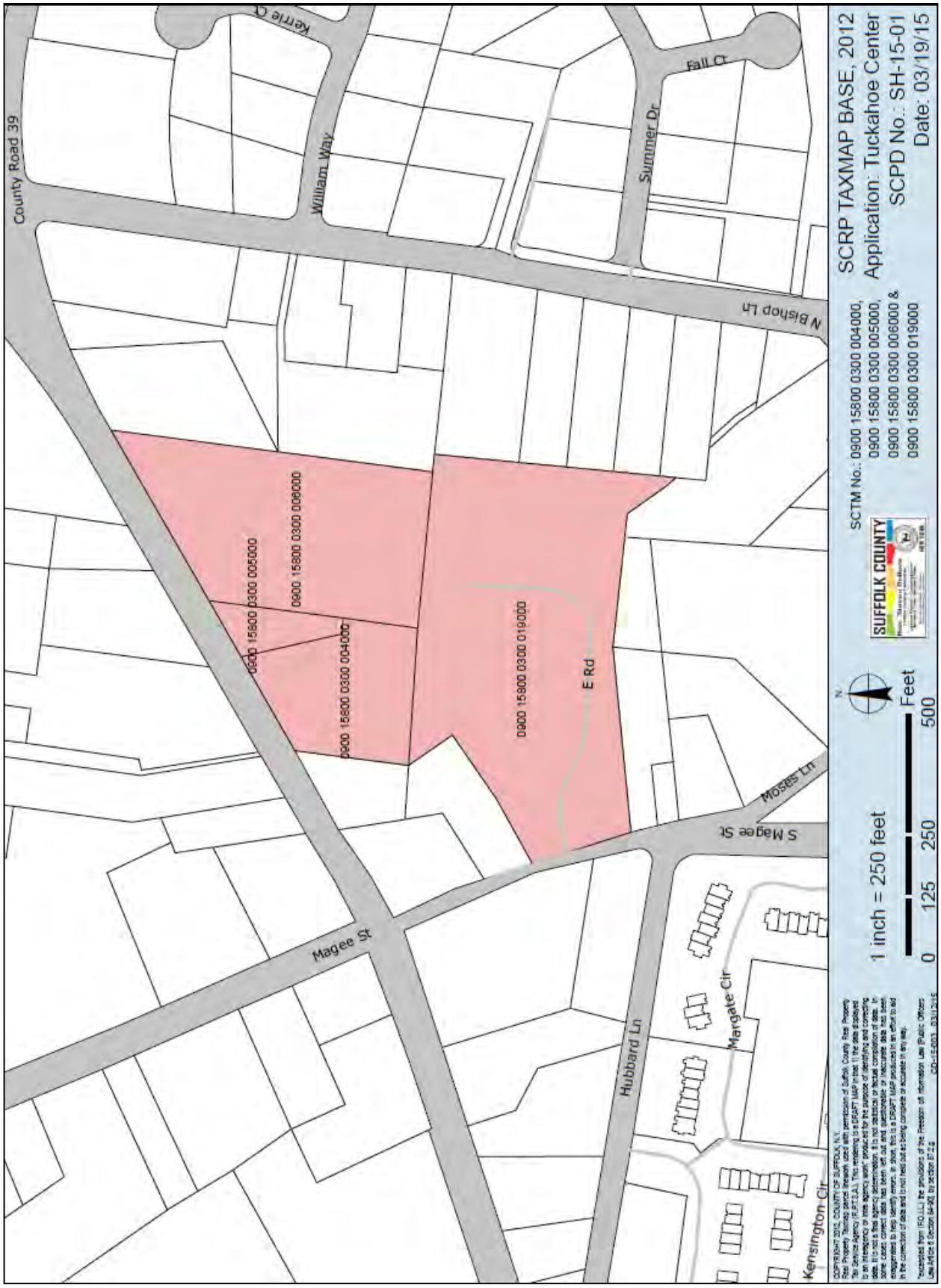
2. Copies of any prepared Phase I and II Environmental Site Assessments have not been submitted to the Suffolk County Planning Commission and it is not known if any have been prepared and submitted to the appropriate agencies. These should be made available.

3. The petitioners may benefit from a review of the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency if they have not been reviewed already, and incorporate into the proposal, where practical, additional design elements contained therein.

4. The petitioner should continue to work with Suffolk County Department of Public Works to mitigate any potential traffic congestion identified for CR 39 as a result of the proposed change of zone.

5. The petitioner should begin/continue dialogue with Suffolk County Transit to determine if a bus stop at this site would be appropriate.

6. The petitioner should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.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SUFFOLK COUNTY
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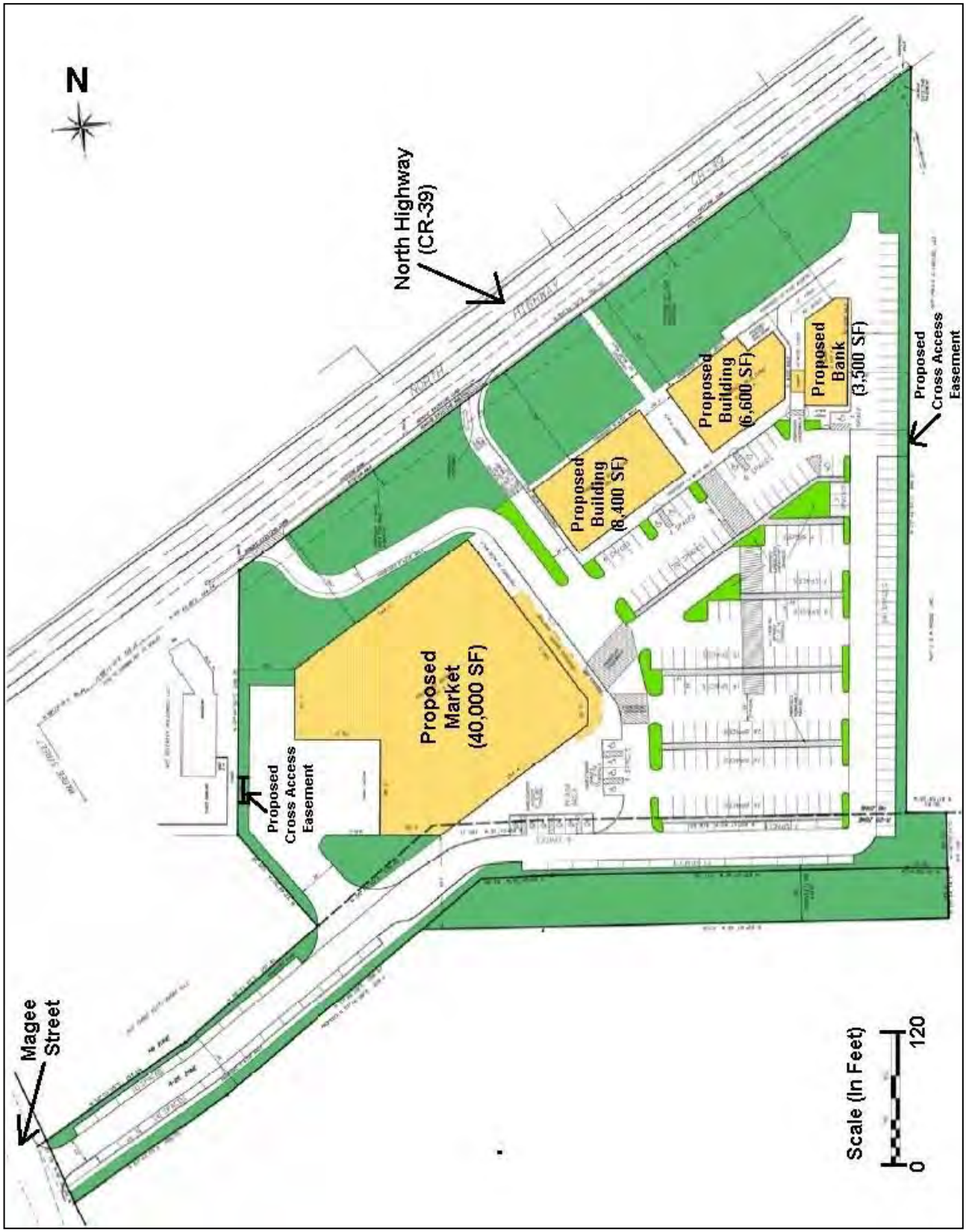
Application: Tuckahoe Center
SCPD No.: SH-15-01
Date: 03/19/15


N
North Highway
(CR-39)
Proposed
Market
(40,000 SF)
Proposed
Building
(8,400 SF)
Proposed
Building
(6,600 SF)
Proposed
Bank
(3,500 SF)
Proposed
Cross Access
Easement
Proposed
Cross Access
Easement
Magee
Street
Scale (In Feet)
0
120

File No. SH-15-01

Resolution No. ZSR-15-34 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 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 November 10, 2015 at the offices of the Suffolk County Planning Commission with respect to the application of **"Tuckahoe Center"** located in the Town of Southampton

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on December 2, 2015, now therefore, Be it

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 hereby **Disapproves** the Change of Zone application **"Tuckahoe Center"** for the following reasons:

1. The additional cumulative traffic impacts on critical regional transportation arteries.
2. The adverse traffic impacts on the Village of Southampton and the surrounding areas.
3. There may be another location more suitable for this type of development.
4. The proposed shopping center is not consistent with the local community character.
5. The proposed shopping center traffic characteristics are inconsistent with the Town Study for CR 39.

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%20and20Information.aspx#SCPC

ZSR-15-34
File No.: SH-15-01

Proposed Tuckahoe Center
Town of Southampton

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	RECUSED	ABSENT
ACCETTELLA Jr., RAMON – Town of Babylon		X		
CALONE, DAVID – Chairman, At Large	X			
CASEY, JENNIFER - Town of Huntington	X			
CHARTRAND, MATTHEW - Town of Islip				X
CHU, SAMUEL – At Large		X		
ESPOSITO, ADRIENNE - Villages over 5,000	X			
FINN, JOHN - Town of Smithtown		X		
GABRIELSEN, CARL - Town of Riverhead	X			
GERSHOWITZ, KEVIN G.- At Large		X		
KAUFMAN, MICHAEL - Villages under 5,000	X			
KELLY, MICHAEL – Town of Brookhaven		X		
PLANAMENTO, NICHOLAS - Town of Southold	X			
ROBERTS, BARBARA Town of Southampton	X			
KRAMER, SAMUEL – Town of East Hampton	X			

Motion: Commissioner Roberts

Present: 13

Seconded: Commissioner Kramer

Absent: 1

Voted: 13

Abstentions: 0

DECISION: Disapproved

COPY

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June 7, 2016

Ref: 27143.02

The Honorable Jay Schneiderman, Supervisor
and Members of the Town Board
Town of Southampton
Town Hall
116 Hampton Road
Southampton, New York 11968

RECEIVED
JUN - 8 2016
TOWN CLERK

Re: Proposed Tuckahoe Center – Change of Zone Application
Town of Southampton, Suffolk County

Dear Supervisor Schneiderman and Honorable Town Board Members:

Based on comments received since the Town Board's acceptance of the October 2015 Final Environmental Impact Statement ("FEIS") for the proposed Tuckahoe Center project, the project applicant (Southampton Venture, LLC) has determined to modify the project so as to voluntarily reduce the size of the project, modify the project's mix of retail uses, and achieve other benefits, as particularly described herein.

VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) has compared the proposed modified Tuckahoe Center, which is depicted on the "Scheme 3-Site Plan" prepared by Zyscovich Architects, dated April 27, 2016 (the "Revised Plan"), several prints of which are submitted with this letter), with the "Alternate Development Plan," last revised July 21, 2015 (the "FEIS Plan") that is Appendix C to the accepted October 2015 FEIS for the proposed action.

As appears from the Revised Plan, the gross floor area of the proposed buildings has been reduced to 52,500 square feet (SF), and the Tuckahoe Center development program has been modified, from the FEIS Plan, as follows:

- The size of the supermarket has been reduced by 2,000 SF
- The drive-through lane has been eliminated from the eastern-most building, and the building has been reduced in size by 500 SF
- The two remaining retail buildings have been reduced by a total of 3,500 SF
- The total area of landscaping has been increased by approximately 13,000 SF
- Internal site circulation roadways (including the public access easement) have been realigned to more closely resemble a roadway system, while continuing to accommodate future cross-access
- On-site parking has been increased from 249 spaces to 257 spaces

Engineers | Scientists | Planners | Designers

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F 631.813.2545

Overall, the Revised Plan reduces the gross floor area of the project by over 10 percent (i.e., 6,000 SF), increases the total area of landscaping by 13,000 SF, and improves site circulation, particularly for the public access easement. Despite the reduction in building square footage, the Revised Plan continues to offer many of the same benefits as the FEIS Plan, as presented in the October 2015 FEIS (e.g., improvement of the main access driveway on County Road 39 [CR 39], elimination of the easternmost egress driveway on CR 39, increased lot depth, improved cross-access, and improved screening of loading areas).

As explained below, the modifications depicted in the Revised Plan are expected to result in benefits with respect to transportation and other considerations, as compared with the FEIS Plan.

Transportation and Traffic

The modifications to the proposed Tuckahoe Center will result in significant changes to the development's operational characteristics, including the project's potential trip generation. In addition, the reduction in the size of the retail components proposed on the site and the elimination of the drive-through lane and window at the proposed bank allow for an increase in the number of parking stalls provided on the site, as well as improved accommodation of pedestrians in that area of the site.

As noted on the Revised Plan, the overall building area is reduced to 52,500 square feet (SF) -- a reduction of 6,000 SF as compared to the FEIS Plan, which proposed a total of 58,500 SF. This over-10-percent reduction in the total floor area of the project results from a 2,000-SF reduction in the size of the proposed supermarket and a 4,000-SF reduction in the balance of the project, which contains other retail. In addition, as noted above, the drive-through lane and window at the proposed bank would be eliminated.

To determine the anticipated reduction in vehicle trips to the site associated with the proposed project changes, VHB consulted the Institute of Transportation Engineers (ITE) Trip Generation Manual in the same manner as was done in previous traffic studies performed for the project (including the February 14, 2014 Traffic Impact Study [TIS] Report for the Tuckahoe Center and the updated analyses within the October 2015 FEIS).

The analysis of the FEIS Plan relied on ITE trip generation rates for the respective components of the Tuckahoe Center development, including Supermarket (Land Use Code [LUC] 850), Retail Shopping Center (LUC 820) and Drive-in Bank (LUC 912). As the drive-through lane has been eliminated from the project plan, LUC 912 is no longer applicable, and trip generation was thus re-calculated for the Revised Plan using LUCs 850 and 820, only.

The decreases in proposed building area at Tuckahoe Center will result in a reduction in site traffic generation. This reduction will be reflected in lower driveway volumes at the site as well as in less new traffic drawn to the area on the surrounding street system (after the effect of pass-by trips is accounted for). Table A – Driveway Volume Comparison, below, contains the peak hour gross trip generation anticipated for the reduced-size Tuckahoe Center. Also included in Table A is the trip generation estimate for the previous, larger project (as evaluated in the TIS Report and FEIS) and the percent change in trips for each peak hour.

TABLE A – Driveway Volume Comparison

Project	**Size**	**AM Peak Hour**		**PM Peak Hour**		**Saturday/Sunday Midday**	
Reduced Center	52,500SF	AM Peak Hour Trips		PM Peak Hour Trips		Sat/Sun Peak Hour Trips	
		Entering	Exiting	Entering	Exiting	Entering	Exiting
		110	67	273	272	301	289
		177		545		590	
Original Center	58,500SF	247		658		700	
Trip Reduction		70		113		110	
Percent Reduction		28.3%		17.2%		15.7%	

As can be seen in Table A, the proposed reduction in the Tuckahoe Center building area is expected to result in a significant reduction in peak hour trips to and from the site. Specifically, approximately 28%, 17% and 15% reductions in peak hour trips are expected, respectively, for the Weekday A.M., Weekday P.M. and Weekend Midday peak hours of site trip generation.

As detailed in previous studies, not all of the trips to the site will be new trips. A significant percentage of trips to the site will be pass-by trips, which are already on the roadways adjacent to the site and are not new trips on the roadway system. Table B – Adjusted Trip Generation Comparison, below, sets forth the peak hour net trip generation (i.e., exclusive of pass-by trips) anticipated as a result of the reduced-size Tuckahoe Center. Also included in Table B is the net trip generation estimate for the original, larger project and the percent change in net trips for each peak hour.

TABLE B - Adjusted Trip Generation Comparison

Project	Size	AM Peak Hour		PM Peak Hour		Saturday/Sunday Midday	
		AM Peak Hour Trips		PM Peak Hour Trips		Sat/Sun Peak Hour Trips	
		Entering	Exiting	Entering	Exiting	Entering	Exiting
Reduced Center	52,500SF	82	50	191	190	226	217
		132		381		443	
Original Center	58,500SF	185		460		525	
Trip Reduction		53		79		82	
Percent Reduction		28.7%		17.2%		15.6%	

As can be seen in Table B, the proposed reduction in the size of the Tuckahoe Center is expected to result in a significant reduction in net peak hour trips to and from the site. Specifically, approximate reductions of 29%, 17% and 16% in peak hour trips are expected, respectively, in the Weekday A.M., Weekday P.M. and Weekend Midday peak hours of site trip generation, or between 53 and 82 fewer trips per peak hour.

Based on the above, a substantial reduction in peak period trip generation would result from the proposed reduction in size of the Tuckahoe Center and elimination of the bank drive-through.

Other Considerations

As a result of the reduced building sizes and re-design of the internal circulation roadways and parking areas, the Revised Plan for Tuckahoe Center includes an additional 13,000 SF of landscaped area. This increase in landscaping (as compared with the FEIS Plan) is complemented by a commensurate decrease in total impervious surface area, such that the Revised Plan would generate less stormwater runoff. Other benefits of such increased landscaping are reduced visual impacts - - by screening of parking areas, softening of views of proposed buildings and enhancement of the overall visual character of the site.

The Revised Plan also provides an increased number of parking spaces on the site. Specifically, the number of on-site parking spaces increases from 249 spaces (on the FEIS Plan) to 257 spaces. This increase in parking, combined with the reduction in building area, increases the parking ratio on the site by over 20%. While the FEIS Plan provided adequate parking, the increase in parking ratio under the Revised Plan will provide more flexibility and an additional level of cushion.

With respect to other areas of potential impact of the Tuckahoe Center evaluated in the Draft Environmental Impact Statement (dated September 2014) and the October 2015 FEIS, the Revised Plan is expected to result in approximately the same benefits, while the potential impacts of the project (e.g., on water use, sanitary waste generation, energy, soils and topography) would be the same or less.

As discussed herein, the Revised Plan for Tuckahoe Center is expected to reduce the peak hour vehicle trips to and from the subject property, while also reducing impervious surfaces and increasing landscaped area and parking.

Should you have any questions concerning this matter, please do not hesitate to contact either of the undersigned. Thank you.

Sincerely,

VHB Engineering, Surveying and Landscape Architecture, P.C.

Patrick Lenihan

Patrick Lenihan, PE
Director of Transportation

David M. Wortman
Senior Environmental Manager

PL/DMW/ba
enc.

Dunn Engineering Associates, P.C.
Consulting Engineers

66 Main Street
Westhampton Beach, NY 11978
631-288-2480
631-288-8832 Fax

July 18, 2016

Mr. Kyle Collins, AICP
Development Administrator
Department of Land Management
Town of Southampton
116 Hampton Road
Southampton, NY 11968

Re: Tuckahoe Center
Change of Zone From Highway
Business (HB) to Shopping Center Business (SCB)
S/S C.R. 39, East of Magee Street

Dear Mr. Collins:

As requested, we have reviewed the letter of June 7, 2016 from Mr. Patrick Lenihan of VHB regarding a revised plan for Tuckahoe Center. We offer the following comments:

1. The revised plan calls for a reduction from the FEIS plan of 6,000 square feet from 58,500 to 52,500 square feet. The 6,000 square foot reduction in space consists of a 2,000 square foot reduction in the grocery store (supermarket) and a 4,000 square foot reduction in other buildings on the site. In addition the drive-up bank is no longer shown on the site plan, which changes the mix of uses in the site, which in addition to the reduction in the size proposed center, will change the number of trips the site is expected to generate.

2. VHB has recalculated the anticipated trip generation to reflect the reduced size of the project and to reflect that the drive-up bank is no longer considered part of the project. The Institute of Transportation Engineers (ITE) Trip Generation Manual is used to calculate the anticipated number of trips the revised project will generate. The anticipated trip generation is then compared to the trip generation from the FEIS plan to determine what the reduction in the site plan will be. The comparison indicates the revised plan will result in a reduction in trips the project can be expected to generate. During the weekday morning peak hour of traffic the reduction is 70 vehicles or 28.3%, while during the afternoon weekday peak hour of traffic the reduction is 113 vehicles or 17.2%. During the Saturday and Sunday peak periods the reduction in trips is 110 vehicles or 15.7%.

3. VHB further performs the comparison of trips the two projects may generate with the application of the by-pass credit. The by-pass credit acknowledges that not all traffic destined for the proposed center would be new traffic but would come from the adjacent roadways. The comparison indicates that during the weekday AM peak hours of traffic that the proposed plan will generate 53 fewer trips or 28.7% less traffic and during the weekday PM peak hours of traffic 79 fewer trips or 17.2% less traffic. On Saturday and Sunday the revised project will generate 82 fewer trips or 15.6% less traffic.

4. In the DEIS and FEIS analysis trip generation was calculated using three separate land uses: Supermarket, Shopping Center and Drive-up Bank. The revised analysis considers the Supermarket and Shopping Center uses only. The use of individual components to determine trip generation for the site plan is a conservative approach. It could be argued that the entire site plan could be treated as a single Shopping Center use. If the entire site was treated as a single Shopping Center use, it is anticipated that the revised plan may result in somewhat fewer trips.

5. The variability between the impact the changes in the plan will have is largely do to the removal of the drive-up bank from the site plan. Had this use not been removed, the reduction in traffic would have been more consistent between peak hours and would have tended toward a lower percentage reduction. The elimination of the drive-up bank from the site plan is thus significant. We note that while the applicant has stated the removal of the drive-up bank, it isn't clear that the site plan would not include a non drive-up bank, which has similar trip generating characteristics to the drive-up bank. This should be clarified.

6. The impacts disclosed in the FEIS at each of the Study intersections were not substantial and should be diminished with the reduction in trip generation. The reduction of trips (28.7% in the weekday AM, 17.2% in the weekday PM, and 15.6% during the Saturday and Sunday peak hours) is a significant reduction in the amount of traffic the project can be anticipated to generate. However, it cannot be determined without doing the intersection analysis and comparing the results to the No Build Analysis how much the reduction in trip generation reduces the impacts of the project on the traffic operations at the intersections studied.

7. As noted, the site plan has been reduced by 6,000 square feet, and the number of parking spaces has been increased by 8 spaces. This improves the parking ratio provided of the site plan. The FEIS site plan had adequate parking but the revised plan is more generous and will enhance the ability of users to find an open space more quickly. It is recommended that the single space provided in the easterly island in the lot not be constructed and that the island be landscaped instead.

If you have any questions or require any additional information, please do not hesitate to call me.

Sincerely,

RONALD HILL, P.E.
Principal

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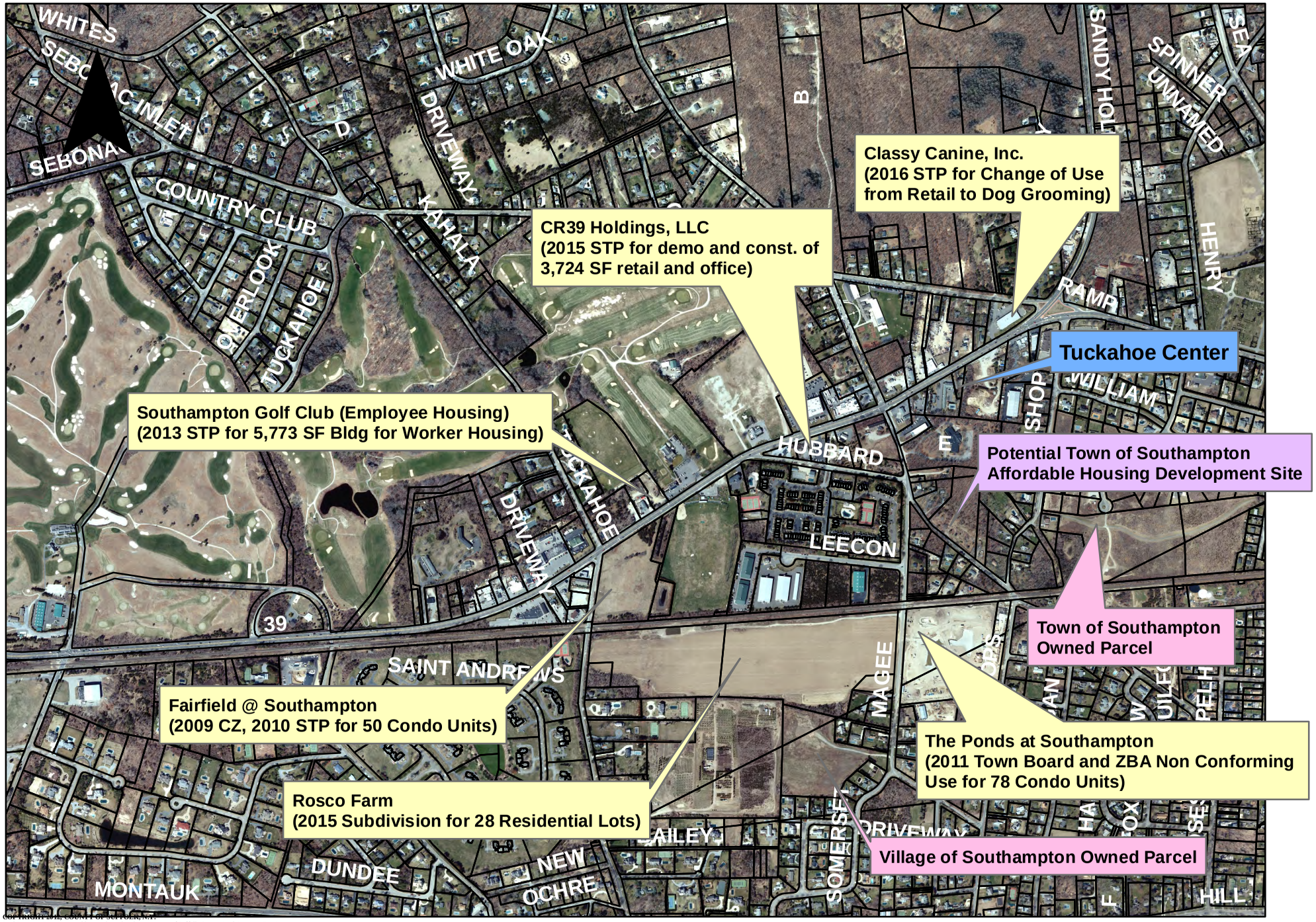
Notable Land Use Applications Recieved By SCPC in the Last 10 Years



1,500 750 0 1,500 Feet

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*excerpted from (F.O.I.L.) the provisions of the Freedom of Information Law [Public Officers Law Article 6 Section 84-90] by section 87.2.g