

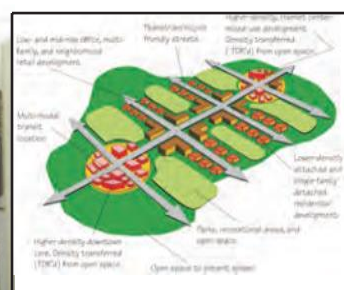
2012

SUFFOLK COUNTY DEPARTMENT OF
ECONOMIC DEVELOPMENT & PLANNING



July 2012 Amended

Suffolk County Planning Commission Guidebook



Policies and Guidelines for the
Referral of
Proposed Municipal Subdivision and Zoning Actions

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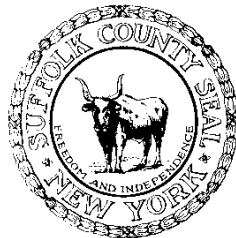


PREPARED BY:
SUFFOLK COUNTY DIVISION OF PLANNING & ENVIRONMENT



**SUFFOLK COUNTY
PLANNING COMMISSION
GUIDEBOOK

POLICIES AND GUIDELINES FOR
THE REFERRAL OF PROPOSED
MUNICIPAL SUBDIVISION AND ZONING ACTIONS
TO THE
SUFFOLK COUNTY PLANNING COMMISSION**



**STEVEN BELLONE SUFFOLK
COUNTY EXECUTIVE**

July 2012 Amended 8/4/2021

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Suffolk County Department of Economic Development & Planning
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Under 5,000 Population

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Acknowledgement

The Suffolk County Planning Commission wishes to acknowledge the work of Charles Lind and Gerald Newman of the Regulatory Review Unit of the Department of Planning. As original members of the Department, both Mr. Lind and Mr. Newman helped to establish the standards of review and professional analysis that has been at the core of the referral process. Mr. Lind conducted subdivision staff review for the Commission from 1969 to 1990 while Mr. Newman conducted municipal zoning action review for the Commission from 1969 to 2005. The Commission wishes to express its deep gratitude and appreciation for their long standing dedication and service to the County Planning Commission and to the residents of Suffolk County.

The Suffolk County Planning Commission Guidelines Subcommittee and Working Group consists of several members of the Suffolk County Planning Commission and various “Stakeholders” from the Suffolk County community. Representative from the Environmental, Commercial Business, Building, Transportation, Civic and legal interests deliberate on the Working Group on a periodic basis and make recommendations to the full Commission for revisions to the Guidelines. The hard work of the Guidelines Subcommittee and Working Group is acknowledged by the Commission and they are sincerely thanked.

PREFACE

For several decades, the Commission has published this Guidebook to inform municipalities and developers as to the site-specific standards which the Commission intends to apply to the projects within its jurisdiction. This 2012 version was created in consultation with experts and local stakeholders. It reflects the Commission's desire to focus its attention on projects which are regionally significant.

The Suffolk County Planning Commission has been, since 2008, and continues to be focusing our review on Suffolk's largest projects with truly regional impacts so that the Commission does not second guess the local boards and effectively becomes a second planning board.

The Commission believes that municipal planning departments are well equipped to handle projects whose impacts are localized by virtue of their size, their location or the land use issues raised. Therefore, the Guidebook eliminates approximately 75% of the currently required referrals to the Commission thus reducing administrative effort by local municipalities.

The Commission looks forward to working with local municipalities to address the new challenges of our time and to build a more sustainable Suffolk County.



David L. Calone
Chairman, Suffolk County Planning Commission

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Chapter 1 – Introduction

1.0 Suffolk County Planning Commission Authority, Purpose & Process Overview

Pursuant to New York State General Municipal Law (GML) and the Suffolk County Code, the fundamental purpose of the Suffolk County Planning Commission referral process is “to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction.” As a result, local municipalities are required to refer certain planning and zoning actions to the Suffolk County Planning Commission for review prior to making a final determination.

Actions that are subject to referral include the adoption or amendment of a comprehensive plan, zoning ordinance or local law, the issuance of a special use permit, approval of a site plan, the granting of area or use variances or other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law such as moratoria and the adoption of urban renewal plans. Additional actions subject to referral include preliminary and final subdivisions and undeveloped plats.

Through the referral process, the Suffolk County Planning Commission ensures that local municipalities are made aware of whether particular applications are or are not consistent with county-wide needs and goals. The Commission also promotes county-wide policies through the provision of educational and training opportunities to local municipalities, civics and land use practitioners; the promotion of regionalization and inter-governmental cooperation, the analysis of regionally significant land use issues, and the provision of research and technical services to towns and villages.

Land use policies at the various levels of government are intended to promote the rational use of land while reflecting a variety of community concerns. Local municipalities have the primary responsibility of ensuring that details associated with individual sites are adequately and properly addressed. The County is primarily concerned with regional land use considerations such as economic development, sustainability, affordable housing, energy efficiency, public safety, coastal zone management, and natural resource protection. While site specific standards are relevant, the primary focus of County review involves issues and projects that have inter-community and county-wide considerations.

County-wide Considerations

The review of referral items may include, but is not limited to, inter-community and county-wide considerations with respect to the following:

- Compatibility of various land uses with one another;
- Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
- Impact of proposed land uses on existing and proposed county or state institutional or other uses;
- Protection of community character as regards predominant land uses, population density, and the relation between residential and-nonresidential areas;
- Drainage;
- Community facilities;

- Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and
- Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

Process Overview: Local Cooperation with Municipalities

The Suffolk County Planning Commission works cooperatively with local municipalities and is not a secondary planning board. It is the intent of the Suffolk County Planning Commission to concentrate its efforts on those truly regionally significant applications which affect county or state land use considerations and/or multiple municipal jurisdictions.

Local municipalities are required by State and County law to refer applications to the County Planning Commission when the jurisdictional requirements are met (see Section 1.1). The failure to refer an application to the Commission may render the local municipal determination procedurally defective and may void the action despite its identified benefits or compliance with local standards.

While the local municipality typically exercises final jurisdiction over the application, the County Planning Commission may: 1.) approve, 2.) approve with modification, or 3.) disapprove the local action. Pursuant to New York State Law, in the event the County recommends a modification or disapproval of the local action, the referring body may not act contrary to the County's recommendation except by vote of a majority plus one of all the members. The over-ride must also state the reason(s) for taking action contrary to the Planning Commission's recommendation.

Final Authority

There are two circumstances where the Planning Commission has final authority over an action. Pursuant to the Laws of Suffolk County, in the event there is an objection from an adjacent municipality to the amendment or adoption of a municipal zoning ordinance within 500 feet of the municipal boundary, it shall not take effect until the ordinance or amendment has been submitted to and approved by the Planning Commission.

In addition, when the Commission is considering a zoning action and a state agency having a statutory responsibility involving air pollution, water pollution or estuarine issues interposes an objection on the grounds that the action is likely to produce water pollution or air pollution or be destructive of estuarine issues, the determination of the Planning Commission is final and binding on the local municipality. However, this provision is not applicable to any action which would change the district classification of, or the regulations applying to, real property lying within the Suffolk County Pine Barrens Zone.

The following guidelines provide an overview of the procedural aspects of the referral process along with a review of the policy considerations that guide the Commission in the execution of its duties.

The Commission encourages local municipalities to provide the Commission Guidelines to potential applicants as early in the development process as possible so that they are made aware of the County procedures and policies which will bear on their project.

This information is presented as a guide and local municipalities are strongly encouraged to consult New York State General Municipal Law and the Laws of Suffolk County prior to taking action.

1.1 Actions Subject to Commission Review for Municipalities

Pursuant to New York State General Municipal Law (GML) and the Laws of Suffolk County, the following actions are subject to the referral process:

- The adoption or amendment of a comprehensive plan, zoning ordinance or local law;
- The issuance of a special use permit;
- The approval of a site plan;
- The granting of an area or use variance;
- Any other authorization which a referring body may issue under the provisions of any zoning ordinance or local law;
- The approval of preliminary or final plats (major or minor subdivisions) and undeveloped plats.

Pursuant to GML and the Laws of Suffolk County, the above actions are subject to referral if located within the Suffolk County Pine Barrens Zone, within one (1) mile of an airport or within five hundred feet (500') of:

- The boundary of any village or town;
- The boundary of any existing or proposed County, State or Federal park or other recreation area;
- The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
- The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
- The existing or proposed boundary of any other County, State or Federally owned land held or to be held for governmental use;
- The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water; or
- The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the New York State Agricultural and Markets Law.

NOTE: This list is provided for informational purposes. The provisions of GML and the Laws of Suffolk County must be checked to verify which actions are subject to referral under what circumstances.

1.2 Inter-Municipal Agreements Regarding Matters Subject to Referral

New York State General Municipal Law (GML) authorizes the Planning Commission to enter into agreements with local municipalities in order to determine which, if any, of the local municipal actions subject to referral may be deemed strictly matters of local determination. The identification of these strictly “local” matters permits the Planning Commission to focus its review on those projects within its jurisdiction which have inter-community or county-wide impacts.

Specifically, GML provides that:

“The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed actions set forth in this subdivision are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.”

Consistent with its desire to reduce the administrative burden on local municipalities and to focus on actions with inter-community or county-wide implications, the Planning Commission, by resolution passed on September 3, 2008, has determined that certain actions are matters of local determination.

Once agreement with the referring body is finalized, these actions, identified below, will not be subject to Referral pursuant to GML or the Laws of Suffolk County:

All area variances associated with single-family residences.

Change of one permitted use to another with no changes in parking requirements (i.e. retail to office).

Minor additions less than 1,000 square feet with no change to use or occupancy.

Site plan applications proposing less than 5,000 square feet of new or renovated floor area or less than 10,000 square feet of land disturbance.

Exception: Actions that have been given a Positive Declaration pursuant to SEQR or actions involving property abutting state or county parkland, the Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water shall be subject to the full review process.

1.3 Internal Directive: Suffolk County Planning Commission ‘Regionally Significant’ Criteria (Amended July 2019)

The Suffolk County Planning Commission intends to focus its time and staff resources on those land use decisions which potentially affect critical county-wide issues and/or which, due to the characteristics of the parcel or the proposed project, are likely to have inter-community or county-wide impacts. To aid in internal resource allocation decisions, on July 2, 2008 the Commission adopted the following definition of a “regionally significant” project. Referrals meeting the “regionally significant” definition will be considered by the full Commission. At its discretion, staff may recommend that the Commission consider a referral that does not meet the definition but which staff considers significant. A “regionally significant” project is any municipal zoning or subdivision action which includes:

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- A. The adoption or amendment of a municipality's land use plan, the adoption or amendment by any agency of a comprehensive resource management plan, the adoption or amendment of a moratorium or the adoption or amendment of a municipality's comprehensive zoning regulations which may have significant inter- community or county-wide impacts;
- B. Construction of new residential units that meet or exceed the following thresholds:
 - 1. 50 dwelling units if not connected to an established municipal sewer district.
 - 2. 100 dwelling units if connected to an established municipal sewer district.
- C. Project or action that involves the physical alteration of TWENTY (20) acres;
- D. Parking for 1,000 vehicles;
- E. A facility or development with more than 100,000 square feet of gross floor area;
- F. Any municipal referral including a project or action that exceeds fifty percent (50%) of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Landmarks pursuant to 36 CFR Part 2, 1994 (see section 617.17 of 6 NYCRR); or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places;
- G. Proposes any new mining, pipeline transportation, heavy manufacturing, or electric power generation and transmission, or storage facility producing greater than or equal to six (6) megawatts; a chemical storage facility, including batteries, maintaining greater than or equal to six (6) megawatts; or a waste treatment and disposal facility or the expansion of any of the foregoing; (Amended July 2019 Suffolk County Planning Commission Resolution ZSR-19-20)
- H. Contemplates exposing the subsurface groundwater table for any purpose other than public water supply. Public and private wells are excluded from this provision;
- I. Any municipal referral that includes an action, that exceeds fifty percent (50%) of any threshold in this section, occurring wholly or partially within five (5) east-end towns (East Hampton, Riverhead, Shelter Island, Southampton and Southold);
- J. Any municipal referral that includes an action, which exceeds thirty-three percent (33%) of any threshold in this section, occurring adjacent to any water body including, but not limited to the Atlantic Ocean, Long Island Sound or any bay, channel, river, stream or estuary.

Chapter 2 - Application Requirements

2.0 Full Statement of Proposed Actions

New York State General Municipal Law (GML) establishes guidelines for the referral of applications to the Planning Commission for review and consideration. A referral must be accompanied by a “full statement of such proposed action.” GML defines a full statement of such proposed action to include:

“...all materials required by and submitted to the referring body as an application on a proposed action, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. When the proposed action referred is the adoption or amendment of a zoning ordinance or local law, "full statement of such proposed action" shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council.”

GML goes on to state, “Notwithstanding the foregoing provisions of this paragraph, any referring body may agree with the county planning agency or regional planning council as to what shall constitute a "full statement" for any or all of those proposed actions which said referring body is authorized to act upon.”

In order to clarify the application submission requirements associated with the referral process the following standards are established for each application type.

2.1 Municipal Zoning Actions

- A. Change of Zone applications, issuance of special use permits, approval of site plans or the granting of use or area variances:
- County Referral Form
 - Public Notice (if applicable)
 - Local application form
 - Completed Environmental Assessment Form along with other materials associated with the environmental review process
 - Local Planning Board, Zoning Board, Agency or Department report
 - Sworn affidavit by the applicant whether or not the subject property is within the jurisdictional limits of review of the Suffolk County Planning Commission.
 - Three (3) copies of a legible and dimensionally accurate map drawn to scale by municipal planning staff, a licensed land surveyor or registered professional engineer or architect. Said map shall contain at a minimum the following information:
 - Map name
 - The subject area affected (where appropriate, all the properties within 200 feet of the perimeter line of said property and showing to scale all

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structures and indicating the use and zoning of all areas depicted, and including where applicable, a copy of the site development plan)

The distance from the nearest intersecting street

North arrow

Scale of map

Project sponsor, applicant's or owner's name and mailing address

- Referral Fee: The payment of the requisite application referral fee as determined by Suffolk County Administrative Code A14-26. Local Municipalities on their own motions are exempt from Suffolk County Planning Commission fees.
 - Any additional information deemed necessary by the Suffolk County Planning Commission or Department
- B. Adoption or amendment of a comprehensive plan, adoption or amendment of a zoning ordinance or local law or other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law:
- County Referral Form
 - Public Notice (if applicable)
 - The complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby
 - Completed Environmental Assessment Form along with all other materials associated with the environmental review process
 - Local Planning Board, Zoning Board, Agency or Department report
 - Referral Fee: The payment of the requisite application referral fee as determined by Suffolk County Administrative Code A14-26
 - Any additional information deemed necessary by the Suffolk County Commission or Department

2.2 Subdivision Plats

- County Referral Form
- Public Notice (if applicable)
- Local application form
- Completed Environmental Assessment Form along with all other materials associated with the environmental review process
- Local Planning Board, Zoning Board, Agency or Department report
- Sworn affidavit by the applicant whether or not the subject property is within the jurisdictional limits of review of the Suffolk County Planning Commission.
- Three (3) copies of a legible and dimensionally accurate map drawn to scale by municipal planning staff, a licensed land surveyor or registered professional engineer or architect. Said map shall contain at a minimum the following information:

Map name. The map shall clearly state the name of the subdivision and that the map is a preliminary or final map. The preferred form of the name should be either "Preliminary (Final) Map of Suffolk Acres" or "Preliminary (Final) Plat – Suffolk Acres." Any map containing the words "sketch plan" will not be accepted. Duplicate subdivision names within a town or village will not be accepted. Condominium plans shall clearly indicate that the project is proposing a condominium form of ownership.

Hamlet or village and the town in which the property is located.

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- Name of professional who prepared the map
- Total area of property being subdivided
- Area of each lot and parcel within the subdivision
- Proposed lot number of each lot
- Complete boundary information (bearings and distances of all courses) for the perimeter of the property being subdivided.
- Length of each lot and parcel line
- North arrow
- Zoning classification (may be stated in referral letter if not on map)
- If property is located in two or more zoning districts the zoning district lines shall be shown on the map.
- Tax parcel identifier number (may be stated in the referral letter if not on the map)
- The distance from the nearest intersecting street
- Scale of map
- Names of abutting roads
- Total number of lots
- Subdivider's, applicants or owner's name and mailing address
- Existing and proposed stormwater drainage system, including design criteria used
- Existing and proposed street grades
- Existing and proposed easements and reserved areas
- Additional materials, if required at the local level, shall include:
 - Topographical map
 - Yield map
 - Grading Plan
 - Road Profiles
 - Drainage Plan
 - Traffic study
- Subdivision tracts located in two or more municipalities shall also include a letter from any adjoining municipalities stating that it has considered the subdivision and further stating that it has no objection to the subdivision as proposed.
- Referral Fee: The payment of the requisite application referral fee as determined by Suffolk County Administrative Code A14-26
- Any additional information deemed necessary by the Suffolk County Commission or Department

2.3 Urban Renewal Plans

- Application 0 1
Requirements shall be the same as those associated with subdivision plats.

2.4 Agricultural Districts

- Any application for a special use permit, site plan approval, use variance or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board, or village board of trustees that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district shall include an agricultural data statement as defined by New York State Agricultural and Markets Law.

Chapter 3 – Procedures

3.0 Introduction

It is the intent of the Suffolk County Planning Commission to maintain a referral process that is timely, predictable and fair, consistent with the intent of both General Municipal Law and the Suffolk County Administrative Code. Observance of the following procedural requirements will facilitate an expeditious review process and help to minimize conflicts between local decisions and the recommendations of the Suffolk County Planning Commission.

3.1 Date of Receipt. Once Planning Commission staff determine that the referral from the local municipality constitutes a “full statement” of the proposed action, the referral is given a “date of receipt.” New York State General Municipal Law (GML) defines receipt as:

“...delivery of a full statement of such proposed action, as defined in this section, in accordance with the rules and regulations of the county planning agency or regional planning council with respect to person, place and period of time for submission. In no event shall such rule or regulation define delivery so as to require in hand delivery or delivery more than twelve calendar days prior to the county planning agency’s or regional planning council’s meeting date. In the absence of any such rules or regulations, “receipt” shall mean delivery in hand or by mail to the clerk of the county planning agency or regional planning council. Where delivery is made in hand, the date of receipt shall be the date of delivery. Where delivery is made by mail, the date as postmarked shall be the date of delivery. The provisions of this section shall not preclude the rules and regulations of the county planning agency or regional planning council from providing that the delivery may be a period greater than twelve days provided the referring body and the county planning agency or regional planning council agree in writing to such longer period.”

Pursuant to the guidance provided by GML and the Laws of Suffolk County the Planning Commission has established the following rules with respect to the submission of a referral.

The date of receipt of a referral is the date at which staff of the Suffolk County Planning Commission has determined that the referral constitutes a “full statement” of the proposed action.

Pursuant to GML and the Suffolk County Code, the Planning Commission reserves the right to rescind a determination that a referral item constitutes a full statement of the proposed action at any time during the statutory review process.

3.2 Form of Delivery. *A referral shall be mailed to the Suffolk County Department of Economic Development and Planning at its offices located at the H. Lee Dennison Building – 11th Floor, P.O. Box 6100, 100 Veterans Memorial Highway, Hauppauge, N.Y. 11788-0099. (Amended July 2019 Suffolk County Planning Commission Resolution ZSR-20-11)*

Effective March 18, 2020 all municipalities are required to submit referrals made to General Municipal Law Section 239/Suffolk County Administrative Code Article XIV to the Suffolk County Planning Commission electronically.

PLEASE SEND REFERRALS TO:

Plannin.ugpi9cmyw7vq0oku@u.box.com

VERY IMPORTANT: TO ENSURE THAT NO TWO SUBMISSIONS HAVE THE SAME IDENTIFYING NAME PLEASE NOTE IN THE SUBJECT LINE THE NAME OF THE APPLICANT AND THE NAME OF THE REFERRING MUNICIPALITY.

Please note that you will need to have the following documents with your submittal:

1. Completed Referral Submission Cover Sheet (Appendix A – Suffolk County Planning Commission Guidebook) – This document must be filled out with as much information as possible (attached)
2. Completed local application form (Change of Zone Petition, Subdivision, Site Plan, Variance.
3. State Environmental Quality Review Act (SEQRA) documents (e.x. Environmental Assessment Form [EAF] – Short EAF, Full EAF, Draft & Final Environmental Impact Statements [DEIS & FEIS], Finding Statements as may be applicable.
4. Appropriate Maps – Applicable to the type of application referred. Please see Page 10, Section 2.0 of the Suffolk County Planning Commission Guidebook.

See the link below for the complete copy of the Suffolk County Planning Commission Guidebook

<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/Publications/SCPCguidebk12r.pdf>

It is important to note that only materials received directly from the referring municipality will be accepted as a 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. [A duplicate copy of material submitted in writing should be submitted electronically to planning@suffolkcountyny.gov]

A Referral Fee may be submitted by the applicant. The Referral Fee must be submitted to the SCPC prior to its review in order to be considered a “complete” application. An application is considered complete after the full statement of facts has been received including the referral review fee pursuant to section 2.0 of the Suffolk County Planning Commission Guidebook.

- 3.3 Review Period.** Pursuant to GML and the laws of Suffolk County, referral items shall be reviewed and acted upon within forty-five (45) days after the receipt of a full statement of the proposed action. The review period may be extended with the mutual consent of the referring municipality. However, any Commission report received after forty-five (45) days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subsection (3.4) below.
- 3.4 Impact of Planning Commission Disapproval or Modification.** In the event the Planning Commission recommends disapproval or modification of a referral item, the local municipality may not act contrary to the Commission’s recommendation except by a vote of a majority plus one (1) of the local board having jurisdiction over the proposed action. The Commission shall be informed of such an override and the reasons supporting said determination.

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- 3.5 Objection by State Agencies.** Pursuant to the Laws of Suffolk County, when a state agency having a statutory responsibility involving air pollution, water pollution or estuarine issues interposes an objection on the grounds that the proposed action is likely to produce water pollution, air pollution or be destructive of estuarine issues, a determination by the Planning Commission disapproving or amending the referral item is binding on the local municipality and may not be overridden.
- 3.6 Objection by Adjoining Municipality.** Similar to the above exception resulting from the objection interposed by a state agency, the determination of the Suffolk County Planning Commission carries greater weight when there is an objection from an adjoining municipality. Specifically, pursuant to the Laws of Suffolk County, no zoning ordinance nor an amendment of a zoning ordinance, located within five hundred feet (500') of a town or village boundary "shall take effect in respect to such portion of said town or village until said ordinance or amendment has been submitted to and approved by the County Planning Commission." 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, a municipality adjoining the boundary interposes an objection to the proposed zoning ordinance or amendment. If, after a public hearing, a resolution disapproving or amending the action is adopted by a two-thirds vote of the County Planning Commission, then such determination is binding on the local municipality and may not be overridden.
- 3.7 Public Hearings.** While all of the meetings of the Suffolk County Planning Commission are open to the public as provided by the New York State Public Meetings Law, very few of the referral matters require public hearings. However, there are a number of circumstances when the review of a referral matter involves a public hearing.
- Pursuant to the Laws of Suffolk County, a public hearing is required when a state agency having statutory responsibility over water pollution, air pollution or estuarine issues poses an objection pursuant to subsection E above.
 - Pursuant to the laws of Suffolk County, a public hearing is also required pursuant to Subsection F above, when there is an objection from an adjoining municipality over the adoption of a zoning ordinance or amendment of a zoning ordinance.

The Suffolk County Planning Commission shall establish and maintain rules of proceeding for the administration of public meetings and public hearings on an annual basis or as may be amended from time to time at their sole discretion.

- 3.8 Notice of Referrals; Consideration of Municipal Zoning Actions.** Pursuant to Suffolk County Administrative Code § A14-15 (A), the Commission shall provide notice to adjoining municipalities for any action that is located within 500 feet of a Village or Town boundary. The notice shall be delivered to the Clerk and Mayor or Supervisor of the Town or Village affected and shall include the date, time and location of the meeting at which the action is to be considered. The notice shall also be made in writing within five (5) dates of receipt of the referral.

Legislative Resolution LL No 29-2006 and sections A 14 -15 (B) of the Suffolk County Administrative Code require that if an action is referred to the Planning Commission and is located within 500 feet of a municipal boundary and the referred matter involves a commercial development in excess of 25,000 square feet, the applicant shall provide written notice to all businesses and residences located within a 1,000 foot radius of the proposed

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development. The notice shall include the date, time and location of the meeting at which the Planning Commission will consider the action. The notice must be provided within three (3) business days after the applicant has received notice from the Commission as to the date, time and place when its application will be considered.

3.9 Reconsideration. Any proposed action that was previously reviewed by the Planning Commission and on which a decision was rendered will not be reviewed again by the Commission unless requested by the referring agency and after the Commission by a majority vote of its members decides that:

- Material facts were omitted or material facts used to support its determination were erroneous or;
- There has been a material change in Federal, State or County policy which establishes a basis for reconsideration of the application.

3.10 Prior Actions. If the Commission disapproves or modifies an action and the action is subsequently altered and then re-referred by a municipality, the referral may not be determined by County staff to have “local determination” status without the review and approval of the Commission.

3.11 Notice of Meetings. Notice of all meetings shall be conspicuously posted at the office of the Department of Planning and a tentative agenda and staff reports shall also be posted on the County website 5 days prior to the scheduled meetings.

3.12 County Agency Notification. Under section A14-14C. of the Suffolk County Administrative Code, the Commission will notify and seek input from County Departments and the Legislature regarding projects on the Commission Agenda.

3.13 Request for Services. Pursuant to Section A-14-13A. of the Suffolk County Administrative Code, the Planning Commission may, on request of any town or village board or any school board in Suffolk County, furnish the town, village or school board with requested planning services. The Commission may impose such charge for its services as may be authorized by local law.

- A. All requests for planning services shall be submitted to the Planning Commission in writing stating the nature of the planning services requested.
- B. Any request for planning services must be made by resolution of the Town Board, School Board or Municipal Boards.
- C. No request for planning services will be undertaken without a vote by the Planning Commission at a regular or special meeting.

Chapter 4 – Policies and Guidelines Regarding County-wide Priorities

4.0 Introduction

The following policies and guidelines are intended to articulate general Suffolk County Planning Commission county-wide land use priorities in order to better inform local municipalities and applicants, effectively guide regionally significant actions and better coordinate local responses. In reviewing individual referrals, the Commission may balance these priorities as it sees fit.

The following policies and guidelines should be considered a starting point for reference purposes. It is therefore also recommended that applicants and local municipalities consult the staff of the Suffolk County Planning Department for additional guidance.

4.1 Land Use

General Policy Goal: *Promote sustainable land use and development throughout the county by encouraging density, transit, and mixed uses in downtowns, hamlet centers, and areas with adequate infrastructure.*

Land use policies are sustainable when they provide all residents with equal access to economic, social and environmental opportunities. This can be accomplished by encouraging density, transit and mixed-uses in downtowns, hamlet centers and planned growth areas with adequate infrastructure. Compact, mixed-use developments help to create vibrant active communities with a sense of place and identity. They also help to reduce vehicle miles traveled, improve air quality and preserve open space.

Removing obstacles to sustainable development patterns must also be tied to policies that discourage sprawl and the preservation of important natural resources.

It is also recommended that local land use efforts protect the region's historic and cultural resources, properly engage local residents and consider the long-term impacts associated with land use regulations, comprehensive plans and regionally significant projects in order to ensure that they are consistent with Commission policies concerning sustainable development.

Land use policies should encourage development that supports transit viability and modes of travel other than the automobile and allows for the preservation of open space and more efficient use of infrastructure.

Specific Land Use Policies:

- *Promote redevelopment and infill development as an alternative to continued sprawl.*
- *Encourage a mixture of land uses within communities and individual developments, particularly in hamlet centers and areas near transportation facilities.*
- *Increases in density should be tied to the purchase and/or transfer of development rights and/or the upzoning of vacant privately owned land. This policy should also be balanced with the provision of other community benefits which address other county-wide land use priorities such as needed rental and/or multifamily housing, affordable housing above the state or local requirements, transit-oriented development, wastewater treatment facilities, etc. Emphasis should be placed on density offsets occurring in the same groundwater recharge zone as a proposed development.*

4.2 Housing

General Policy Goal: *Encourage sustainable communities by shaping County development regulations, programs, and policies to create energy-efficient, well-designed housing that meets the diverse needs of current and future County residents*

Suffolk County must continue its commitment to provide a diversity of housing types to meet the needs of its residents equitably distributed across a broad spectrum of income levels and stages of life.

It is essential that each town and village, through every relevant land use decision, play a part in

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ensuring that all people who want to make their home in Suffolk County – from our youngest workers to our retirees – can do so.

Specific Housing Policies (See Appendix on SC Planning Commission website):

- *Encourage a diversity of housing types, equitably distributed across all communities, including the development of multi-family and/or rental housing as well as the development of low and moderate income housing units.*

Healthy communities contain a mixture of housing types. Dispersion, integration and equitable distribution should therefore be the foundation of local and regional housing efforts. These policies help to both strengthen communities and prevent segregation and the creation of pockets of poverty.

- *Balance increases in density, the availability of infrastructure and retail services to accommodate growth and environmental constraints to growth.*

Smart growth principles and good planning support the location of increased density in close proximity to downtowns, hamlet centers and in areas with convenient access to retail and public transportation. This can help to reduce vehicle miles traveled, improve air quality and, when it is tied to policies which discourage growth outside these areas, help to preserve open space and protect environmental resources.

Increases in density must properly balance growth with the availability of critical infrastructure to accommodate increased density along with the need to protect and preserve the region's natural resources.

- *Provide housing that works for special needs populations by utilizing universal design principles.*

Meeting the housing requirements of special needs populations raises challenges beyond those associated with most households. Housing policies should incorporate strategies to ensure that all residents, including special needs populations, have access to safe, affordable housing.

4.3 Renewable Energy & Energy Efficiency

General Policy Goal: *Encourage the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. At the same time, promote the installation of renewable energy systems that take advantage of our local solar, wind, and geothermal resources.*

There is an economic self-interest as well as a moral imperative to reduce the energy our buildings consume and thus the energy that must be produced. All new buildings in Suffolk County should be energy efficient and have as minimal an environmental impact as possible. In addition, municipal policies should not unduly encroach on the ability of building owners to install and use renewable energy systems.

Specific Renewable Energy & Energy Efficiency Policies:

- *All new residential, commercial and industrial building should be designed and constructed to reduce energy consumption and improve environmental quality.*
- *Whenever possible, all new residential, commercial and industrial buildings should utilize solar, wind and/or geothermal systems.*

- *When planning the layout of a development, consideration should be given to providing solar access. This means, where possible, laying out buildings in an east-west direction so that south facing windows and solar collectors, whether to be installed immediately or planned for the future, can get direct sunlight. Use of solar energy reduces dependence upon finite fossil fuel resources and also helps to reduce the amount of pollution resulting from the use of fossil fuels.*

4.4 Public Safety (See Appendix on SC Planning Commission website)

General Policy Goal: *New buildings and developments should incorporate general design elements that promote public safety.*

Design elements that address public safety considerations will not only help preserve Suffolk's pleasant places but will also help improve property values and a general sense of community well-being. When incorporated into the initial design of a building or community, these measures are simple and inexpensive to implement, and can significantly deter criminal activity and enhance public safety.

Specific Public Safety Policies:

The Suffolk County Planning Commission believes that new buildings and developments should reflect general design elements that promote public safety.

- *New residential, commercial and industrial buildings and developments must incorporate design elements that calm traffic, deter criminal activity, and increase public safety.*

Considerations as simple as implementing traffic calming road design features, improving outdoor lighting and increasing the visibility of neighborhood public spaces, can significantly improve public safety. However, public safety design standards may not be appropriate in all circumstances and should be balanced with the need to incorporate Smart Growth principles, Dark Skies legislation and good site design tailored to the unique characteristics of Suffolk County's diverse collection of communities.

4.5 Economic Development

General Policy Goal: *Enable sustainable economic growth by supporting a broad range of industries and economic opportunities – from local entrepreneurs to national firms – that are linked to transit, housing, and services. Economic opportunity must be equitably distributed among the entire range of potential workers.*

Specific Economic Development Policies:

- *Encourage developments that create a range of employment opportunities for a variety of ages, education levels, and skill levels.*

A diversified economy helps to provide long term economic stability in addition to allowing for a more equitable distribution of jobs and opportunities in order to better meet the economic needs of the region.

- *Promote the location of new centers of commerce and or industry near transit and/or on existing brownfields in order to reduce vehicle miles traveled to places of employment and to*

preserve remaining open space.

A brownfield site is defined in New York State Environmental Conservation law as “...any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.”

- *Recognize the tax revenue and employment impacts of residential, commercial, and industrial developments.*

4.6 Transportation

General Policy Goal: *Expand sustainable transportation options – for commercial, commuter, and recreational travel – by promoting greater public transit alternatives and creating a diverse, multi-modal transportation system that links jobs, housing, shopping, and recreation and reduces dependence on single-occupant motor vehicles.*

A central goal of transportation policy should involve a reduction in vehicle miles traveled in order to improve air quality and reduce the region’s dependence on fossil fuels. Mixed-use developments that incorporate multi-modal transportation solutions and improved connectivity between public transit, jobs and retail services should also be incorporated as a component of the region’s transportation plan. Reduced parking requirements for sites in downtown locations or where there is convenient access to public transportation can be a simple and effective method of encouraging more sustainable development patterns.

Specific Transportation Polices:

- *Infrastructure expansion, when appropriate, should be targeted to downtown centers, transportation nodes and designated growth zones.*
- *Encourage municipalities to consider cumulative traffic impact analysis.*
- *Encourage greater flexibility in parking requirements in downtowns and near transit.*
- *Improve access management standards. Cross access between two or more properties is to be encouraged to lessen curb cuts along a County or State road.*
- *Provisions should be made for properly located handicapped parking spaces in commercial and industrial development plans. In locating a handicapped parking space, consideration is to be given to the nature of the occupancy of the building and the probability of a handicapped person utilizing a specific building or unit within the building.*
- *Moderate and higher density residential developments should generally be located in close proximity to public transit. It is recommended that such developments be sited within ½ mile of a Suffolk County Transit Bus stop or a Long Island Rail Road (LIRR) station.*
- *Development design should include buildings which are oriented to a pedestrian network and include accommodations for pedestrians and bicyclists at a level comparable to the network for motorists.*
- *Development design should include networks for pedestrian and bicyclists with shortcuts and alternatives to travel along high-volume streets.*
- *Development design should include an internal circulation network with multiple connections to adjacent land uses without the necessity to enter onto the major traffic arteries.*

- *Promote connectivity between developments in order to improve both pedestrian and vehicular access and circulation consistent with smart growth principles.*
- *On-site pedestrian walkways should be provided to abutting roadways to enhance accessibility to nearby public bus transportation services.*

4.7 Environment

General Policy Goal: *Protect, preserve, and restore critical natural resources to maintain a healthy and diverse ecosystem for present and future generations. Promote biodiversity, work to reduce green house gases, and protect and improve water and air quality by requiring energy efficiency in design, construction, land use, and industry.*

The protection of environmentally sensitive lands and natural, historic and cultural resources, properly balanced with the identification of nodes where growth is deemed appropriate is essential to the long term sustainability of the region. Equally essential is the establishment of policies which ensure that development nodes and environmental benefits, such as open space and recreational opportunities, are equitably distributed throughout the region.

The shoreline of Suffolk County is one of its prime economic, aesthetic, and environmental assets. It is the objective of the Commission to encourage the preservation of this resource through the prevention of the degradation of any body of water, the use of adequate setbacks to offset the impact of erosion, the discouragement of those activities that will hasten erosion and disturb the ecological balance of the area, and the preservation of the aesthetic attributes of the shoreline.

Specific Environmental Policies:

- *Promote development where it is deemed appropriate in downtowns, hamlet centers, adjacent to transportation and retail services and discourage development where it is deemed inappropriate within coastal zones, environmentally sensitive areas such as the Pine Barrens, unique ecological habitats and designated open spaces.*
- *Preserve the region's natural resources including, but not limited to, groundwater, surface waters, tidal and fresh water wetlands, dunes, steep slopes, bluffs and Pine Barren regions.*

Long Island has been designated by the U.S. Environmental Protection Agency (EPA) as a sole source aquifer, which means that all of the island's fresh water is received from groundwater. New York State law designates seven Special Groundwater Protection Areas (SGPA's) in Suffolk County, which warrant protection in order to preserve the quantity and quality of water in the aquifer. Our diverse collection of wetland communities, bays, estuaries, tributaries and river systems are also essential to the health of our environment.

- *Promote the usage of green methodologies such as rain gardens and bioswales to control stormwater runoff. (See Appendix on SC Planning Commission website)*
- *Protect steep slopes and coastal bluffs to reduce erosion and sediment run-off.*

Disturbance of and construction on steep slopes can require considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Additionally, steeply sloped areas are subject to more rapid spread of wildfire than flat ground. Ideally all land clearing

and construction should be confined to sites where slopes are no greater than 10%.

- *Preserve open space, farmland and environmentally sensitive land through acquisition, transfer of development rights (TDR), purchase of development rights (PDR) and clustering.*

Clustered subdivisions and conservation subdivisions, which limit development to a portion of the entire property while preserving the remainder for open space, should be encouraged.

- *Where possible, existing vegetation should be preserved. Retaining existing vegetation, especially trees, helps to preserve the character of the site. Where existing vegetation is preserved the area is more enjoyable to look at and to work in and the value of the property is often greater than an area where the vegetation has been destroyed and replaced.*

- *Promote access to the coastal zone and the preservation of water dependent uses.*

Suffolk County's maritime history is tied to the public's right to access the coastal zone and the preservation of those uses dependent upon the shoreline and associated water body for survival. Access to the coast preserves the public's right to enjoy the many recreational aspects of the coastal zone. In addition, the preservation of water dependent uses within the coastal zone promotes the region's tourist and maritime economies.

- *Promote environmental remediation associated with development proposals.*

4.8 Design

General Policy Goal: *Encourage high-quality and innovative design which incorporates universal design principles to positively shape the built environment for living, working, and playing. Sustainable design, which incorporates universal design principles, ensures that the built environment facilitates function, creates an identity of place, provides equal access to all members of society and strengthens a sense of community.*

Suffolk County is home to a diverse collection of communities including traditional pedestrian-oriented downtowns, exclusively residential villages and sprawling suburban neighborhoods dominated by strip commercial development.

Future design policies must protect the region's collection of successful and vibrant pedestrian-oriented downtowns and enhance those areas impacted by sprawl, congestion and a lack of community character.

Specific Design Policies:

- *Encourage flexibility of design in order to promote a mixture of uses in order to minimize traffic, encourage pedestrian activity and create a sense of place.*
- *Utilize green infrastructure to minimize community and environmental impacts and reduce both private and public development costs.*
- *Historic Assets: Many sites contain material and/or buildings that are of historic value. To the greatest extent possible, the historic and/or cultural attributes of these sites should be preserved for the enjoyment of future generations. The Commission may request that a site be examined closely to determine: (1) if portions of the site should be preserved, (2) if clearing, excavation and construction on the property should be delayed for a reasonable period of time to allow for the exploration, excavation and salvage of items of historic worth, or (3) whether*

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alternatives should be explored for the adaptive reuse, relocation or preservation of historic structures.

- *Noise and Other Impacts: When a tract of land abuts the right-of-way of a railroad, a vegetated buffer should be created along the right-of-way to help preserve any amenities created on site by reducing noise levels and minimizing visual intrusion. Where the area adjacent to the right-of-way is open field, a landscaped earthen berm should be constructed. Utilizing a design that would place a large open space area between the railroad right-of-way and the new structures or amenities would be preferable in place of the wooded buffer or the landscaped earth berm.*

Should the subject application be in the vicinity of residentially zoned land the premises should be encumbered by appropriate operational restrictions to adequately protect nearby residences (i.e. limitations on lighting, hours of operation, truck deliveries, garbage pick-up, truck idling, outdoor speaker systems, building alarms, trash compaction, etc.). When a commercial or industrial use is proposed adjacent to residential property, a buffer strip should be created to help preserve residential amenities from the noise, dirt, and lighting created by commercial and industrial activities. The buffer strip should contain either a natural wooded area or a landscaped earth berm.

- *Promote energy efficient site plan and subdivision design which encourages compact development and clustering to minimize energy use, encourage open space preservation and the efficient use of infrastructure.*

Design principles which discourage sprawl and encourage compact development can help to minimize sprawl, preserve open space and reduce energy consumption. These steps can also promote the more efficient use of infrastructure and increase the viability of public transit.

- *Incorporate “universal design” features into development projects in order to ensure that Suffolk County is equally accessible to all members of the community. See Appendix on SC Planning Commission website.*

Universal design principles are intended to improve access to homes, businesses and all development types for all members of the community including those with disabilities and seniors. Low cost modifications to design and construction standards can be a simple and effective method for improving the quality of life for a broad spectrum of community members. Building code and construction standards that incorporate such features as no-step entranceways, first floor bedrooms, first floor bathrooms and improved internal accessibility can dramatically improve the quality of life for a variety of individuals.

- *Whenever the shape and area of the parcel is such that a degree of flexibility in the layout of the subdivision is possible, the tract should be laid out as a cluster subdivision. A cluster design will help to preserve open space, preserve existing vegetation and avoid construction on steep hillsides. At the very least the tract should be granted a lot area modification so that the larger lots are located where there are steep slopes and the smaller lots are located where there are flatter slopes.*
- *No landlocked parcels should be created. A landlocked parcel is a parcel that does not have frontage on an existing or proposed public road and is dependent upon a right-of-way over adjacent parcel(s) for access. The creation of such lots is contrary to good subdivision layout principles and can create access problems for emergency and service vehicles. This lack of access could result in health, safety and welfare problems for the future residents of landlocked lots, not to mention potential disputes over the use and maintenance of any right-*

of-way over an adjacent parcel that may be created for the purpose of access.

- *Panhandle lots (flag lots) should not be created when the area of the main portion of the lot will be less than one (1) acre and where the length of the panhandle is greater than 300 feet. Creation of a panhandle lot whose area is less than one (1) acre detracts from the residential amenities of adjoining parcels. Driveways over the panhandles of such parcels are often in close proximity to the residential structure(s) on the adjoining parcels. Excessive driveway length can also create access problems for emergency and service vehicles attempting to reach the main portion of the parcel.*
- *A right-of-way of 50 feet should be created where common access is proposed over the adjacent panhandles of three or more lots. The right-of way should be dedicated or reserved for future highway use.*

4.9 Special Land Use Situations

A. Referrals near Public and Private Airports and Heliports

General Policy Goal: *Airports and heliports represent critical elements of the region's transportation infrastructure. Commission guidelines are intended to promote the rational allocation of land associated with the region's transportation infrastructure and the prevention of incompatible land uses.*

Specific Policies for Referrals Near Public and Private Airports and Heliports:

- a. *Where possible, the land surrounding an airport, particularly those areas within the landing and takeoff zone, should be industrially zoned. Where residential land use is permitted, it should be the lowest density possible and clustered away from the most commonly used flight paths. In industrially zoned areas, those industries most compatible with airport operations, such as, but not limited to, indoor storage facilities, vertically unobtrusive building structures and transportation hubs should be encouraged. Uses that are incompatible in terms of safety and noise, such as activities that attract birds, livestock farming, riding stables or noise sensitive uses - schools, hospitals, outdoor recreational facilities - should be discouraged. In some instances there may be an impact in areas extending beyond one mile.*
- b. *The final map of a proposed development should bear the following notes:*
 - (1) *This development is located within one (1) mile of an airport or heliport and may be subject to noise from the operation of that facility and noise from aircraft overflights.*
 - (2) *All residential structures erected within this development are to be constructed using materials and techniques that will reduce interior house noise levels in accordance with recommendation of the Federal Aviation Regulation Part 150 – Noise Abatement (Reference: US Department of Transportation Federal Aviation Administration, Part 150. Noise Control and Compatibility Planning for Airports Advisory Circular AC 150/5020-1 August 5 1983) or any subsequent or superseding Federal or local regulations.*
- c. *The property owners and future occupants of a development within one mile of a major airport and within an area that experiences noise impacts in excess of 65*

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decibels should be notified by the builder, contractors and developers with a signed acknowledgment that they may be subject to aircraft overflights and resultant noise.

- d. In lieu of an acknowledgment, the local municipality may elect to require the filing of a general advisory covenant and restriction to run with the land similar in wording to 2b above.*

B. Referrals Involving Farmland

General Policy Goal: *Suffolk County has been a national leader in the preservation of farmland. Farming provides many economic benefits to the region. Commission guidelines are intended to support the County's policies of farmland protection and open space preservation.*

Specific Policies for Referrals Involving Farmland:

- a. Innovative land use preservation concepts should be utilized to save prime farmlands from development. Development maps that preserve farmland should be designed such that the farm reserve is of sufficient size to allow permissible farm structures and an economically viable agricultural operation. The agricultural reserve area should remain privately owned and assessed as an agricultural use with one of the development rights included. The building envelope should be delineated by means of a dashed or dotted line.*
- b. In areas containing prime farmlands, an overall development plan should be created showing the areas that can be utilized for development and the areas of farmlands that are to be preserved. Such a plan will ensure that parcels to be reserved as farmlands will be contiguous to one another and of an area and shape that will insure their economic and practical use. The plan can also help to avoid any conflicts between farmland uses and use of the non-farmland areas.*
- c. Parcels in a development plan that are being set aside as farmland and open space should be so indicated on the final development map.*
- d. Development created adjacent to cultivated farmlands, especially where the County has acquired the development rights to the farmland tract, are to be designed to ensure non-interference with the agricultural use of the adjoining tract and to avoid conflicts between the farmer and occupants and visitors of non-farmland areas.*
- e. All prospective owners of land proposed for development adjacent to an active farm, or within 500 feet of farms within a N.Y.S Agricultural District, should be informed by means of an advisory covenant and a note on the development map, of the location of the active farmland and that adjacent occupants may be subject to the noise, dust, odors and spraying applications normally associated with agricultural activities.*

C. Referrals Involving Open Space

General Policy Goal: *The preservation of open space and environmentally sensitive lands is a central component of County land use policy. Commission guidelines are intended to ensure that designated open space and environmentally sensitive lands are properly protected.*

Specific Policies for Referrals Involving Open Space:

- a. *The ownership, maintenance and control of open space or environmentally sensitive lands associated with a development action shall be established and conditioned prior to the issuance of any approvals.*
- b. *Adequate restrictions should be placed upon open space areas to insure that these areas will not be developed in the future or used as collateral for improvements within the development in the future.*
- c. *Scenic easements and other open space areas should be delineated upon the final development map so that future occupants are aware of them and to provide for better enforcement of covenants and restrictions.*
- d. *In those areas where multiple parcels are subject to scenic easements, conservation easements or natural and undisturbed buffers, any fences that are erected along the property lines in these areas must be of such construction that wildlife will not be hindered in their passage through these areas.*
- e. *A homeowner's association must meet all the requirements and regulations of the State Attorney General's Office. Reference should be made to 13 N.Y.C.R.R, Part 20, 21 and 22, issued by the New York State Department of Law.*

D. Referrals Involving Development Adjacent to County Parklands

General Policy Goal: *Suffolk County has made a significant investment in a regional park system that provides all county residents with a variety of recreation and open space opportunities. Commission guidelines are intended to ensure that park and recreation areas are properly protected and that potential conflicts between users and adjoining property owners are minimized.*

Specific Policies for Referrals Involving Development Adjacent to County Parklands:

- a. *A fence, in accordance with zoning requirements as to height and type, should be erected by the developer along the common boundary of the development with the County Park property. The fence will help to avoid any conflicts that may arise between the future occupants and users of the new development and users of the County parklands who may unknowingly enter upon private property if the property line is not fenced. The fence, by defining the boundary line between the properties, will also help prevent encroachment onto the County parklands by future occupants and users of the new development. The fence should also be of a type that will not be a complete barrier and a hazard to wildlife. If no local standards exist, a fence shall be maintained pursuant to the recommendations of the Suffolk County Department of Parks.*

- b. *A natural buffer shall be established and maintained adjacent to Suffolk County parkland. Clearing and grading within this area should be limited to that necessary for removal of diseased, decayed and dead materials and those undesirable species that may be overcoming existing plant species.*

E. Referrals Involving Development Adjacent to, Near or On Existing or Former Waste Disposal Sites

General Policy Goal: *The redevelopment or adaptive reuse of former waste disposal sites poses several significant concerns including, but not limited to, methane migration, obnoxious odors, groundwater contamination, wind carried debris and settlement. Commission guidelines are intended to ensure that future occupants of former waste disposal sites are properly informed of potential impacts associated with the adaptive reuse or development of these sites.*

Specific Policy for Referrals Involving Development Adjacent to, Near or On Existing or Former Waste Disposal Sites:

All prospective owners of the development that is located adjacent to, near or on and existing former waste disposal or Superfund site should be notified by means of an advisory covenant and a statement on the development map of the location of the disposal site, unless remediation has been carried out at the disposal site sufficient to satisfy the Suffolk County Department of Health Services that the site no longer poses a possible health or nuisance threat.

F. Referrals Involving Development within the Suffolk County Pine Barrens

General Policy Goal: *There is an increasing trend to develop lands within Suffolk County's Pine Barrens Zones. Property owners are often unaware of the unique nature of the Pine Barrens regions and the valuable role they play as fire climax forests which are subject to periodic sweeps by fire. Therefore, Commission guidelines are intended to ensure that future owners are aware of the unique nature of the Pine Barrens regions and the benefits and limitations associated with development.*

Specific Policies for Referrals Involving Development within the Suffolk County Pine Barrens:

- a. *The following note should be placed upon all development plans located within a Pine Barrens Zone:*

This development is located within a Suffolk County Pine Barrens Zone. A Pine Barrens Zone is unique. Preservation of the Pine Barrens requires proper management and use of this land individually and collectively.

- b. *Consideration should be given to creating a mini master plan to preserve a large area of open space in those locations with large blocks that are relatively undeveloped. Creation of these large open space areas can be accomplished by concentrating development near the existing road or roads on which the proposed development tract fronts, provided that the topography is suitable. Locating the development in this manner will reduce the need for creating exceedingly long access*

strips, reduce the amounts of clearing required to construct buildings and reduce response time for fire and other emergency equipment to reach buildings and structures.

- c. Construction of man-made ponds within the Pine Barrens Zone should only be in conjunction with stormwater runoff designs as an alternative to recharge basins and not solely for aesthetic purposes. They should allow for biofiltration of runoff to the maximum extent possible and replenishment to the minimum extent necessary.*
- d. The vegetation that defines or characterizes the Pine Barrens includes pitch pines and various species of oak trees, plus numerous understory and ground cover plants such as blueberry and bearberry and grasses such as prairie bluestem and indian grass. Excessive, and often unnecessary, clearing of this native vegetation can result in severe soil erosion, excessive storm water runoff, and destruction of plant and wildlife habitat. Furthermore, the replacement of native vegetation by plants and lawns requiring artificial fertilization increases the risk of groundwater contamination. It is the policy of the Planning Commission to encourage minimal clearing of native vegetation.*

G. Referrals That Have Frontage on a County or State Road

Specific Policies for Referrals That Have Frontage on a County or State Road:

- a. The number of intersections and curb cuts along a County or State road shall be the minimum necessary to ensure satisfactory traffic flow and to facilitate the installation and coordination of traffic control devices.*
- b. Where it is found to be necessary, a conservation easement at least 50 feet in width along a County or State road must be created to help preserve the natural vegetation along the road (particularly ground cover) so as to enhance the aesthetics of the road, help preserve the rural character of the area, contribute to the buffering of residential amenities from traffic activities and noise, and to help minimize potential erosion resulting from stormwater runoff.*
- c. Development applications must consider potential impacts to county roads. Consideration must also be given to plans for the improvement, expansion or reconstruction of county roads.*
- d. Where the creation of ingress and egress on a County or State road for a corner lot can not be avoided, the said point of ingress and egress is to be located no closer than 50 feet from the end of the short radius curve that forms the corner of the intersection of the two roads.*
- e. Cross access between two or more properties is to be encouraged to lessen curb cuts along a County or State road.*
- f. No proposed street is to intersect a County or State road without consideration being given to the location of other intersections along the County or State road. Offset street intersections are to be avoided. Where an offset intersection is unavoidable the distance between the intersection of the side streets is to be a minimum of 150 feet.*
- g. Subdivision lots should maintain access to interior roadways. Direct access to County or State roadways should be prohibited.*

- h. In the case of a subdivision where vehicular ingress and egress for two or more lots on a County or State road cannot be avoided, an easement should be created to provide for a common driveway. Creation of a common driveway will help to minimize the number of points of ingress and egress along the road. The common driveway providing vehicular ingress and egress for two or more lots is to have a greater pavement width (than the rest of the length of the drive) at the right-of-way line of the County or State road and for a distance of at least 20 feet into the property to avoid any problems when a vehicle is leaving the property at the same time one is entering.*
- i. Access points to a County or State roadway shall be designed to ensure safe ingress and egress including the establishment of proper and safe sight distances for vehicles entering and exiting the site.*
- j. Before any approval of a subdivision is given by a local planning board, the subdivider shall be required to obtain all the required permits and approvals from the Suffolk County Department of Public Works in the case of a County road, and the New York State Department of Transportation in the case of a State road, for any proposed construction in or adjacent to the right-of-way.*
- k. Where a tract being subdivided has frontage on a County or State road and the area adjacent to the road is an open or cleared field, a properly designed landscaped earthen berm shall be required. The landscaping shall utilize indigenous plant materials to blend the earthwork into the landscape and to reduce maintenance costs. An earthen berm properly designed will help to preserve and protect residential amenities by reducing sound levels of traffic, by helping to prevent visual intrusion, and increasing the safety of rear yards by stopping or slowing down an out of control vehicle.*
- l. New developments shall include an access management plan in order to minimize the number of conflict points along the County or State roadway and to insure the safe and efficient location of parking and access to the property. Shared parking and access easements should also be considered in order to improve circulation between sites and reduce traffic volumes along adjacent roadways.*
- m. Vehicular ingress or egress for a corner lot that has frontage on a County or State road is to be restricted to the local road at a point that is no closer than 50 feet from the end of the short radius curve that forms a corner of the intersection of the two roads.*

4.10 Site Specific Policies for Climate Change

General Policy Goal: *Developing or redeveloping commercial and residential areas to be able to withstand the effects of climate changes that are occurring now and in the future; to enhance any appropriate development of land in a way that promotes health and safety and avoids repetitive economic loss to property and puts people's lives into impending harm. According to the Environmental and Energy Study institute (EESI), climate change is "a rise in the average global temperature due to an increase in the concentration of atmospheric greenhouse gases, resulting in numerous climatic shifts and impacts around the globe." Rising Sea level, more frequent coastal flooding, including sunny day flooding, increased coastal erosion, drought and wildfires, more frequent hurricanes and extreme rain events with local street flooding, severe winter storms, surface water eutrophication, harmful algae blooms and ocean acidification are some climate issues presenting itself on Long Island.*

A. General Policies for Resiliency of Development and Preparation Against the Effect of Climate Change:

- *All new and reconstructed residential, commercial and industrial buildings should be designed and constructed to reduce energy consumption, improve environmental quality, and increase the ability of our infrastructure to withstand the impacts of flooding*
- *All non-water dependent or related residential, commercial and industrial buildings should be located out of documented flood zones*
- *Encourage the investment in stronger structural materials for homes, office buildings and commercial buildings. Material should be strong enough to withstand potential damages from flying debris, not be severely ruined by fires, and being able to withstand a large coat of wet heavy snow (as stated again in Section F). Structures should be built to withstand floods and meet current flood zone standards and be approved by the State Building Code and the Home Renovation Research Lab which has been designated by HUD to develop guidelines for resilient structures. Encourage and incentivize public transit systems, bicycles and pedestrian transport, and employee commute options.*

B. Specific Flood Zone Policies:*

Flood zones are not compatible with development because they are an unsafe place for people and property to be located. Modifications to critical natural processes are often needed to make flood zones compatible with development, which causes ecological damage. The cumulative result of unlimited modification across the entire flood zone leads to environmental damage. Therefore, a regional view is required to ensure that such modifications are made only where truly necessary and the needs of both people and nature are balanced.

- *Regional planning should seek to minimize the extent of hardening on the shoreline, and all projects should implement the lowest impact solution possible. There should be no new development in the flood zone wherever possible. Site plans should strive to keep infrastructure concentrated on the highest elevations of the site. Development in a flood prone area should be required to meet various infrastructure designs such as permeable pavements, rainwater harvesting, downspout redirection, rain gardens, bio-swales, natural vegetation and other measures.*
- *Where development already exists in the flood zone, redevelopment planning should consider whether the development can be moved to a less vulnerable location. Buy-out programs are designed to facilitate this process while protecting the landowner's investments. Owners should be encouraged to accept buy-outs whenever they are available.*
- *Only in cases where the above conditions cannot be met, should development proceed. Where it does, the following hierarchy should be followed*
 - *Incorporate passive risk reduction: structures should be designed and renovated to accommodate frequent inundation (for example houses should be raised). Shoreline development must leave a buffer of natural vegetation that allows for erosion and sediment transport to proceed naturally.*
 - *Where passive risk reduction is insufficient, active risk reduction can be added (for example deployable flood walls) during flooding events*
 - *Should the aforementioned measures prove infeasible, engineered structures that interrupt the natural water flow and or sediment movement should be designed to emulate appropriate natural features (e.g. "living shoreline" structures that incorporate shellfish reefs or wetlands*
 - *When all these means prove untenable should existing developments be armored engineered hard structures*
- *Regional planning should seek to minimize hardening on the shoreline, and all projects should implement the lowest impact solution possible.*

- No new detached residential dwellings or multi-unit residential buildings should be located in a 100-500 year flood zone. (See GIS link below)*
<https://gis.suffolkcountyny.gov/portal/apps/webappviewer/index.html?id=3335037e07594e8aa4462e2978959ba6>
- No new non-water dependent or non- water related commercial or industrial establishments should be located in a 100-500 year flood zone.*
- Existing structures in flood zones should be raised to be no less than 5 feet above the base flood elevation.*
- Shoreline hardening should be avoided wherever possible to allow natural sediment transport processes to occur*
- New and reconstructed areas need an operational plan to keep catch basins and stormwater grates clear and functioning. Infrastructure should promote drainage from floods.*
- Floodplains and wetlands shall be preserved in their natural state to the maximum possible extent practicable to protect water retention, overflow and other natural functions*
- Promote the usage of green methodologies such as rain gardens, permeable pavements and bio-swales to control storm water runoff that exacerbates flooding*

C. Specific Greenhouse Gas Reduction Policies:

- All new development with parking lots should have plans for (2%) of off street parking stalls to become future electric vehicle charging stations.*
- All new multi-family dwellings with parking lots must have proposed plans for (10%) of parking spaces to become future electric vehicle charging stations. (CA)*
- All new development with parking lots should designate a minimum (8%) of parking spaces for clean energy vehicles, but should not increase the number of parking spaces beyond the minimum required in order to provide such designations.*
- All parking lots should meet the requirements above and allow car sharing companies to have designated space for passenger loading zones.*
- On-site pedestrian walkways should be provided to abutting roadways to enhance accessibility to nearby public transportation service.*
- Facilities should be added to local bus stops that includes storage for bikes and scooters.*
- Moderate and higher density residential developments should generally be located in close proximity to public transit. It is recommended that such development be sited ¼ mile of Suffolk County Transit bus stops or a Long Island Rail Road (LIRR) station.*
- Promote connectivity between developments in order to improve pedestrian access to public transportation sites.*
- All development should consider turning driveways and roads from heat absorbers to reflectors such as cool roofs and cool paving surfaces, or incorporate permeable pavements.*
- Parking Stall Demand Reduction, to lessen parked and idling cars, decrease trip generation and avoid unnecessary disturbance to CO2 absorbing vegetation, should be employed.*

D. Specific Renewable Energy & Energy Efficiency Policies: (see also section 4.3 of the SCPC Guidebook)

- When planning the layout of a development, consideration should be given to providing solar access. This means, where possible, laying out buildings in an East/West direction so that south facing windows and solar collectors, whether to be installed immediately or planned for the future, can get direct sunlight.*

- *New development should be required to install energy efficient appliances using the Energy Star label.*
- *Whenever possible all new residential, commercial and industrial buildings should include the use of renewable energy through the utilization of rooftop solar, wind, fuel cells and/or geothermal system and other energy storage devices.*

E. Specific Wildland-Urban Interface Policies: (Wildfires)

- *Clear-cutting of trees should be avoided whenever possible in order to preserve mature and healthy vegetation and lessen edge dieback and the creation of wildfire fuel. In addition, measures will be taken to protect and preserve as much mature vegetation as possible on the site, including but not limited to trees of six inches in diameter or more measured at 4 1/2 feet above grade.*
- *Fuel storage, including but not limited to propane tanks should not be allowed outdoors within range of flammable vegetation.*
- *Large scale development should incorporate alternate routes for first responders to get to an emergency and for residents to evacuate during an emergency.*
- *Development should have covenants and restrictions that prohibit the growth of drought-tolerant plants and growth of plants with high live fuel moisture and encourage plants that contain a large amount of water in comparison to their dry weight.*
- *Development in a wildfire prone area should be required to meet various infrastructure designs as developed by the International Code Council, International Wildland-Urban interface Code.*

F. Specific Extreme Wind, Snow and Heat Event Policies:

- *All new development should be encouraged to use stronger materials to structure homes, office buildings and commercial buildings. Material should be strong enough to withstand potential damages by flying debris, not be severely ruined by fires, and being able to withstand a large coat of wet heavy snow*
- *Exterior building materials (i.e. roof shingles, siding, etc.) and other materials to decorate buildings should be affixed to the structure so as not to be dislodged during extreme wind events (hurricanes, tornados, etc.).*
- *Shade structures should be integrated into new developments via the use of car ports awnings, etc.*
- *Parking Stall Demand Reduction, to lessen the size of asphalt (black) parking lots to reduce heat absorption should be employed.*

**Note: It is the recommendation of the Climate Change Working Group Sub-Committee that referred projects to the Suffolk County Planning Commission that are located within the 100 – 500 year flood plain should be a Regionally Significant project pursuant to Section 1.3 of the Suffolk County Planning Commission Guidebook.*

Appendix A – Suffolk County Planning Commission Guidebook

Suffolk County Planning Commission
Submission Cover Form For Planning and Zoning Referrals

Municipality: _____
Hamlet: _____ **Local Case Number:** _____
District: _____ **Section:** _____ **Block:** _____ **Lot:** _____ **Local Meeting Date:** _____
Application/Action Name: _____ **Public Hearing:** Yes No

Referring Agency:	Type of Referral:	SEQRA Action:	
<input type="checkbox"/> Planning Board or Commission <input type="checkbox"/> Zoning Board of Appeals <input type="checkbox"/> Town Board/ Village Board of Trustees	<input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification	<input type="checkbox"/> EAF <input type="checkbox"/> Lead Agency <input type="checkbox"/> Draft Scope	<input type="checkbox"/> Draft EIS <input type="checkbox"/> Positive Declaration <input type="checkbox"/> Final EIS <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Findings

Brief description of application or proposed action: _____

Type of Action Please check appropriate box below if action is located within the Suffolk County Pine Barrens Zone, within one mile of a nuclear power plant or airport or within 500 feet of:

- A municipal boundary;
- The boundary of any existing or proposed county, state, or federal park or other recreation area;
- The right-of-way of any existing or proposed county or state road;
- An existing or proposed county drainage channel line;
- The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water;
- The boundary of county, state, or federally owned land held or to be held for governmental use;
- The boundary of a farm located in an agricultural district.

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan (Adoption or Amendment)
<input type="checkbox"/> Zoning Ordinance or Map (Adoption or Amendment)
<input type="checkbox"/> Code Amendment
<input type="checkbox"/> Official Map
<input type="checkbox"/> Moratorium | <input type="checkbox"/> Subdivision
<input type="checkbox"/> Use Variance
<input type="checkbox"/> Area Variance
<input type="checkbox"/> Special Use Permit/Exception/Conditional Use
<input type="checkbox"/> Site Plan |
|---|---|

Note: The above represents a summary of the required actions subject to referral to the Suffolk County Planning Commission. The provisions of GML and Laws of Suffolk County must be used to verify which actions are subject to referral and the related procedural requirements.

Additional Application Information

- | | | | |
|---|------------------------------|-----------------------------|--|
| • Action Previously Referred to Suffolk County Planning Commission | <input type="checkbox"/> Yes | <input type="checkbox"/> No | (If yes, Date _____) |
| • Adjacent Municipality Notified (see NYS GML 239 nn) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Located Within Long Island Pine Barrens Zone | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Workforce/Affordable Housing | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Energy Efficiency | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Zoning Board of Appeals Approval | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Suffolk County Department of Health Approval/Comments | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • New York State Dept. of Environmental Conservation Approval/Comments | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • New York State/ Suffolk County Dept. of Public Works Approval/Comments | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Suffolk County Sanitary Code Article 6, Groundwater Management Zone - Referral Fee* | <input type="checkbox"/> I | <input type="checkbox"/> II | <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V <input type="checkbox"/> VI <input type="checkbox"/> VII <input type="checkbox"/> VIII |

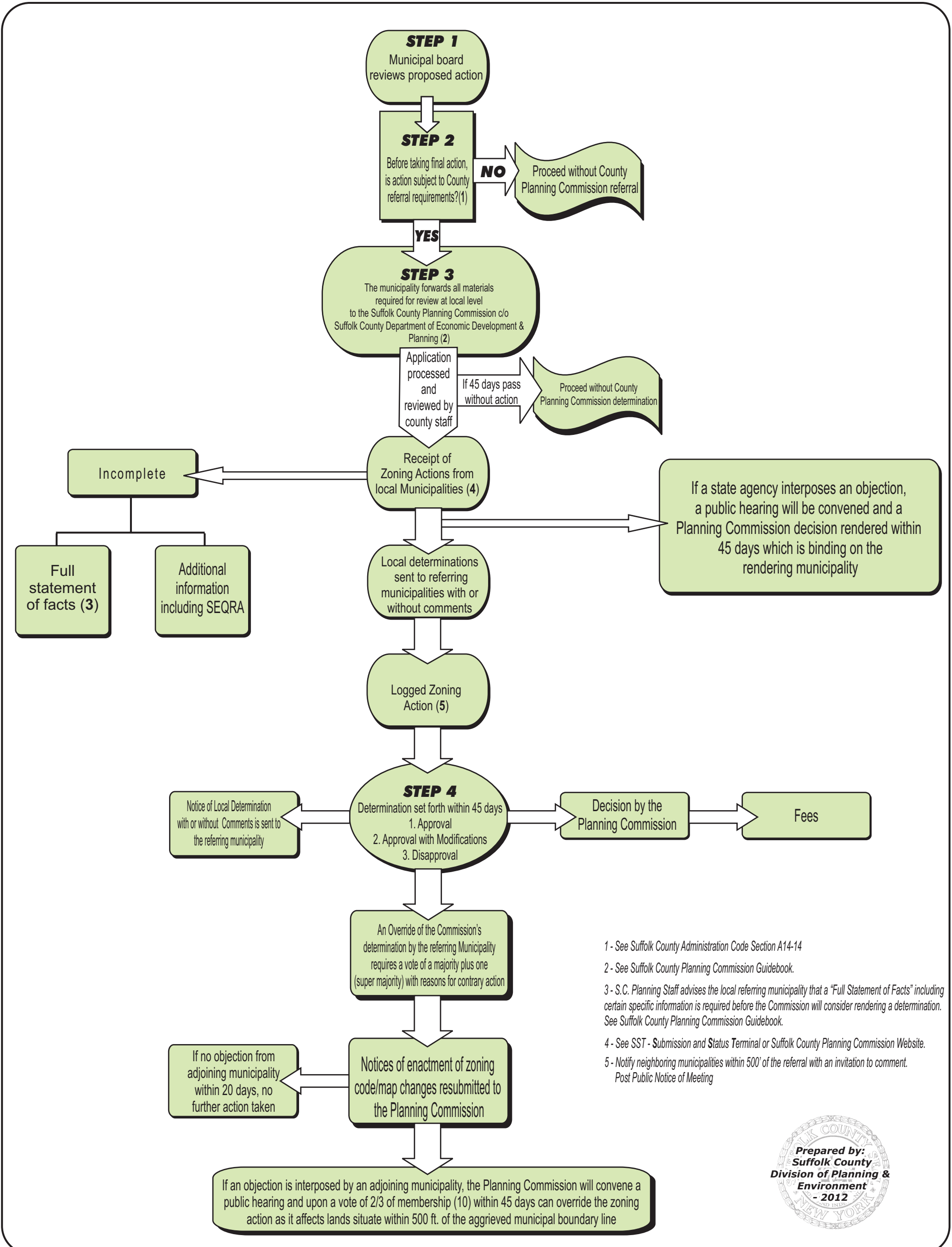
Contact Information

Municipality	Contact	Name:
Department/Agency: _____		
Phone Number: _____		Email Address: _____
Applicant	Contact	Name:
Applicant Address: _____		

*** The Referral Fee may be submitted by the applicant. The Referral Fee must be submitted to the SCPC prior to its review in order to be considered a “complete” application. An application is considered complete after the full statement of facts has been received including the referral review fee pursuant to section 2.0 of the Suffolk County Planning Commission Guidebook**

SUFFOLK COUNTY PLANNING COMMISSION REFERRAL FLOWCHART

Review of Zoning Actions by the
Suffolk County Planning Commission Pursuant to
Section A14-14 to 26 of the Suffolk County Administrative Code



1 - See Suffolk County Administration Code Section A14-14
 2 - See Suffolk County Planning Commission Guidebook.
 3 - S.C. Planning Staff advises the local referring municipality that a "Full Statement of Facts" including certain specific information is required before the Commission will consider rendering a determination. See Suffolk County Planning Commission Guidebook.
 4 - See SST - Submission and Status Terminal or Suffolk County Planning Commission Website.
 5 - Notify neighboring municipalities within 500' of the referral with an invitation to comment. Post Public Notice of Meeting



