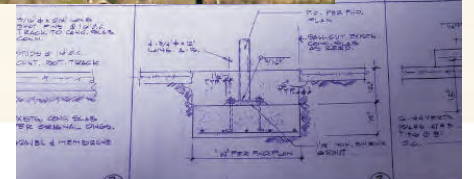


SUFFOLK COUNTY PLANNING COMMISSION GUIDEBOOK

POLICIES AND GUIDELINES FOR THE REFERRAL OF PROPOSED MUNICIPAL SUBDIVISION AND ZONING ACTIONS



January 2009



SUFFOLK COUNTY DEPARTMENT OF PLANNING
Suffolk County New York

**SUFFOLK COUNTY
PLANNING COMMISSION
GUIDEBOOK**

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



**STEVE LEVY
SUFFOLK COUNTY EXECUTIVE
January 2009**

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Hauppauge, New York 11788-0099

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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.

In Memoriam

Edward J. Pruitt served with dedication and distinction on the Suffolk County Planning Commission from December 2005 to August 2008. As Vice Chairman of the Commission in 2008, he helped lead the effort to improve governmental efficiency while re-focusing the Commission on matters of county-wide significance. As a member of the Commission, Ed played a critical role in the Commission's deliberations by asking tough questions, providing wise counsel and ensuring that the Commission's judgments were consistent.

The members of the Suffolk County Planning Commission are saddened by the passing of our friend and colleague, Edward J. Pruitt. The Suffolk County Planning Commission acknowledges and thanks Edward J. Pruitt for his contributions to the people of Suffolk County.

PREFACE

The core role of the Suffolk County Planning Commission under state and county law is to identify and promote county-wide land use values and planning priorities. The Commission principally is required to promulgate these values and priorities through the preparation of a Suffolk County Comprehensive Plan. The Commission also is charged with issuing an annual report to the County Legislature and the County Executive on the status of the County with respect to these values and priorities. Finally, the Commission has the authority to make formal recommendations to local municipalities about land use and planning policies and to reject or condition individual site plan applications, subdivision applications and local comprehensive plans within its jurisdiction. While the towns and villages are the ultimate arbiters of land use and may by a supermajority vote override the Commission's requirements, the Commission is the only body that formally applies regional considerations to individual development projects in Suffolk County.

For many years, 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 2009 version is the most comprehensive revision of the Guidebook in several decades and 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 or which implicate critical county-wide land use priorities while reducing the administrative burden on municipalities and developers with respect to other projects.

In particular, the Commission believes that all future development projects in Suffolk must advance the critical county-wide priorities of ensuring adequate housing options for all residents, minimizing energy consumption and increasing public safety. Any project that does not further these goals increases the burden in other areas of the county.

At the same time, 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 new Guidebook authorizes the creation of inter-municipal agreements which will eliminate approximately 75% of the currently required referrals to the Commission thus reducing administrative effort by local municipalities, streamlining the application process for developers and permitting the Commission and the County Planning Department to focus on county-wide priorities.

Thanks to the efforts of the County Executive and the County Legislature, over the last few years the professional background of the Commission members has been diversified and the Commission now is poised to fulfill its statutory obligation to plan for Suffolk's future by creating a Suffolk County Comprehensive Plan, by providing municipalities with model codes and other tools they need to help address critical county-wide needs, and by annually measuring the progress made across Suffolk in addressing those needs.

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 that is safer, more energy efficient and with a housing mix that meets the needs of all of our residents.

A handwritten signature in black ink that reads "David L. Calone". The signature is written in a cursive, flowing style.

David L. Calone
Chairman, Suffolk County Planning Commission

RESOLUTION No. 2009 – 54
Adoption of the Suffolk County Planning Commission Guidebook

At the regular meeting of the Suffolk County Planning Commission held on January 7, 2009, Commissioner Lansdale moved for the adoption of the following resolution, seconded by Commissioner Kontakosta. The vote was unanimously Approved (12 present, 1 absent, 0 abstain)

WHEREAS, towns and villages in Suffolk County are required to refer certain municipal zoning actions and subdivision plats to the Suffolk County Planning Commission pursuant to New York State General Municipal Law sections 239-1, m, and n and

WHEREAS, the Suffolk County Planning Commission is required to review certain subdivision plats and municipal zoning actions in accordance with Article XIV of the Suffolk County Administrative Code and

WHEREAS, on March 31, 1998 and May 1, 1998 the Suffolk County Legislature and County Executive, respectively, approved the abolition of the Suffolk County Pine Barrens Review Commission and transferred its review functions to the Suffolk County Planning Commission as it affects lands situated within Suffolk County Pine Barren Zones pursuant to Article XIV of the Suffolk County Charter (Resolution No. 215-1998), and

WHEREAS, the Suffolk County Planning Commission has since revised and updated its procedures governing the processing and review of subdivision plats and municipal zoning applications referred thereto, to include such property within Suffolk County Pine Barren Zones (described in Article XIV Section C14-11 of the Suffolk County Charter), and

WHEREAS, the continued update of the standards associated with the review of subdivision plats and zoning actions is essential in order to adequately and properly address land use issues impacting the region, and

WHEREAS, this revision reflects the Commission's desire to focus its own decisions on planning priorities with truly county-wide impacts while reducing the administrative burden on municipalities and developers with respect to projects that are not regionally significant and do not implicate critical county-wide land use concerns, and

WHEREAS, the Commission wishes to provide guidance on county-wide and regional land uses considerations such as equity and sustainability, affordable housing, energy efficiency, public safety, transportation, coastal zone management, economic development, design and natural resource protection, Now, therefore be it

RESOLVED, that the Suffolk County Planning Commission hereby adopts the Suffolk County Planning Commission Guidebook - Rules and Regulations for the Referral of Municipal Subdivision and Zoning Actions to the Suffolk County Planning Commission. This new guidebook incorporates amendments deemed necessary for effective and proper review of subdivision and zoning applications. Be it further

RESOLVED, that this guidebook be forwarded to the Suffolk County Executive, the Suffolk County Legislature and to all local municipalities of Suffolk County.

Motion by: Commissioner Lansdale

Seconded by: Commissioner Kontakosta

Commission Vote: Present – 12

Ayes	12
Nays	0
Abstentions	0

Dated: January 7, 2009

Suffolk County Legislative Auditorium, 725 Veterans Memorial Highway, Smithtown, New York 11787

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Chapter 1 - Introduction

1.0 Introduction

New York State General Municipal law (GML) and the Laws of Suffolk County require local municipalities 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.

These applications are required to be referred to the Commission if they are located within the Suffolk County Pine Barrens Zone, within one mile of a nuclear power plant or 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.

According to New York State law, the purpose of the 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. 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.

Local municipalities are required by State and County law to refer applications to the County Planning Commission when the jurisdictional requirements are met. The failure to refer an application to the Commission

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may render the local municipal determination procedurally defective and may void the action despite its identified benefits or compliance with local standards.

The jurisdictional criteria capture a great number of local municipal zoning and planning actions that do not involve regional considerations and, as such, it is the intent of the Suffolk County Planning Commission is to concentrate its efforts on those truly regionally significant applications which affect county or state land use considerations and/or multiple municipal jurisdictions.

While the local municipality typically exercises final jurisdiction over the application, the County Planning Commission may recommend approval, approval with modification or disapproval of 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.

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 relating to any portion of the town or village 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 values interposes an objection on the grounds that the action is likely to produce water pollution or air pollution or be destructive of estuarine values, the recommendation 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 law and the Laws of Suffolk County prior to taking action.

1.1 Actions Subject To Suffolk County Planning Commission Review

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

- A. The adoption or amendment of a comprehensive plan, zoning ordinance or local law;
- B. The issuance of a special use permit;

- C. The approval of a site plan;
- D. The granting of an area or use variance;
- E. Any other authorization which a referring body may issue under the provisions of any zoning ordinance or local law;
- F. 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 nuclear power plant 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 table 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 will permit the Planning Commission to focus its review on those projects within its jurisdiction which have inter-community or county-wide impacts.

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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 SEQOR 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.

Chapter 2 - Application Requirements

2.0 Introduction

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 (see Appendix A)
- 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 subject area affected (where appropriate, all the properties within 200 feet of the perimeter line of said property and showing to scale all 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

- Any additional information deemed necessary by the 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 (see Appendix A)
 - 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
 - Any additional information deemed necessary by the Commission or Department

2.2 Subdivision Plats

- County Referral Form (see Appendix A)
- 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. For example, 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.
 - Name of professional who prepared the map
 - Total area of property being subdivided
 - Area of each lot and parcel within 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, applicant's 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.
- Any additional information deemed necessary by the Commission or Department

2.3 Urban Renewal Plans

- Application 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 determinations and the recommendations of the Suffolk County Planning Commission.

3.1 Date of Receipt.

Once the staff to the Planning Commission has determined 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 may be mailed or hand delivered to the **Suffolk County Planning Department** at its offices located at the **H. Lee Dennison Building – 4th Floor, P.O. Box 6100, 100 Veterans Memorial Highway, Hauppauge 11788-0099.**

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.

It is noted that facsimile transmissions of referrals are not permitted.

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. Such an override must also state the reason(s) for taking action contrary to the Commission's recommendation. The Commission shall be informed of such an override and the reasons supporting said determination.

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 values interposes an objection on the grounds that the proposed action is likely to produce water pollution, air pollution or be destructive of estuarine values, 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 and a resolution disapproving the action is adopted by a two-thirds vote of the Commission after a public hearing.

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 values poses an objection pursuant to 3.5 above.

- Pursuant to the laws of Suffolk County, a public hearing is also required pursuant to 3.6 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 town or village 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.

Pursuant to Suffolk County Administrative Code § A14-15 (B), 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 feet radius of the proposed 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 Planning Department staff to have “local determination” status without the review and approval by a majority of the Commission.

Chapter 4 - Policies and Guidelines

4.0 Introduction

Pursuant to New York State General Municipal Law (GML) and the Suffolk County Code, the fundamental purpose of the referral process is to “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.”

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 sustainability, affordable housing, energy efficiency, public safety, coastal zone management, economic development, 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.

The following policies and guidelines are intended to articulate Commission land use policies in order to better inform local municipalities and applicants, effectively guide regionally significant actions and better coordinate local responses. Central to Commission policy is the promotion of sustainability. Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Doing so must integrate and balance economic, environmental and social goals. The goal of the following section is to promote sustainable development in Suffolk County defined by the nexus of economic development, environmental health and social equity.

Commission policy is also contained in myriad land use studies, research documents and comprehensive plan documents prepared by the Department of Planning on an annual basis. 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 resources of the Suffolk County Planning Department for additional guidance or visit the County website at:

www.suffolkcountyny.gov/departments/planning.aspx

4.1 Equity and Sustainability

A. General Policy Goal: *Appreciate that economic vitality, environmental quality, and social equity are mutually dependent and reinforcing. Utilize a concept of sustainability predicated on a commitment to social justice, equity, and fairness to guide County policy.*

Sustainability recognizes the fundamental interdependence between the economy, the environment and social equity. Environmental health and economic vitality must be linked to equity and fairness for all county residents. Social equity has been defined as the need to improve the life outcomes of all citizens, and to improve the health of entire regions by making sure that everyone has fair access to the critical opportunity structures needed to

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succeed in life. Improved access to such opportunity structures can create positive, transformative change in communities and the region (Kirwan Institute for the Study of Race and Ethnicity).

Commission policies recognize the interdependence between the environment, the economy and social equity. They involve not only a commitment to protecting the region's natural resources for future generations but also a pledge to mitigate impacts associated with the poorly planned development patterns of the past. Promoting social justice through equal access to opportunities and resources is an essential component of this commitment.

B. Specific Equity and Sustainability Policies:

- *Promote equal access to economic, environmental and social opportunities.*

Past development practices have at times resulted in the unequal distribution of assets and opportunities. Commission policies support equal access to housing, recreation and open space and related societal opportunities for all residents across all communities.

- *Promote equity in the distribution of societal burdens and potential land use impacts.*

Environmental justice is based upon the premise that environmental risks, hazards, investments and benefits should be equally distributed with a lack of discrimination, whether direct or indirect, at every jurisdictional level. Environmental justice and social equity are advanced by enhancing everyone's access to information and participation in the decision-making process.

4.2 Land Use

A. 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.

B. Specific Land Use Policies:

- *Promote redevelopment and infill development as an alternative to continued sprawl.*

Broad zoning authority is a tool best used to shape market forces and not as license to suppress them. Development policies should direct development to where it is warranted as well as to discourage it from where it is not warranted. To properly harness market forces, it is recommended that redevelopment be promoted as an alternative to continued sprawl. Redevelopment better protects existing hamlet centers, downtowns and existing commercial nodes through reinvestment; it minimizes sprawl, helps to preserve open space, protects historic and cultural resources and reduces the number of vehicle miles traveled. In addition, redevelopment can be used as an economic engine to address the negative aspects of suburbia – sprawl, commercial blight and a lack of community identity.

- *Encourage a mixture of land uses within communities and individual developments, particularly in hamlet centers and areas near transportation facilities.*

It is the intent of the Suffolk County Planning Commission to promote policies that properly guide development to where it is warranted and to discourage the poorly planned chaotic land use patterns of the past. It is recommended that land use polices promote a mixture of land uses within existing hamlet centers and in close proximity to transportation facilities. Compact mixed-use development helps to enhance community identity and community character, minimize traffic and improve air quality. Downtowns and hamlet centers also serve as valuable economic engines for the economy including the region’s tourist economy.

In addition to encouraging development in downtowns and transportation centers it is also the intent of the Commission to discourage development outside of designated growth zones. It is recommended that “strip commercial” zoning patterns, which are evidenced throughout the region, be reconsidered in order to better encourage development in designated growth zones and to minimize the potential for additional sprawl.

Decisions concerning the siting of capital improvements, the development of sewer treatment facilities and increases in density should also be consistent with the concept of promoting development only where it is warranted and discouraging development where it is not warranted.

- *Increases in density should be tied to the purchase and/or transfer of development rights or to a one-for-one density offset through upzoning of vacant privately owned land.*

Sustainable development patterns can best be achieved when increases in commercial and residential development densities are tied to the preservation of open space and the protection of the region’s natural resources. Previous land use polices, which have lacked this critical nexus, have promoted sprawl and its associated impacts including congestion, loss of open space and the weakening of traditional downtowns and community centers. In this manner, overall densities may be managed more sustainably and public sector efforts to protect natural resources and preserve open space may be supplemented by the private sector.

Compact, identifiable hamlet centers surrounded by decreasing levels of density and open space are also consistent with historical planning principles more recently known as smart growth. Unmitigated growth, outside of designated hamlet centers and growth zones, will only undermine the long term viability of existing hamlet centers, promote sprawl and its associated impacts and increase overall development densities inconsistent with population needs and environmental capacities.

4.3 Housing

A. 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 has long maintained a 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.

Despite recent and past efforts, many challenges remain including an increasing lack of affordability within the market, homelessness, regulatory barriers to affordable housing at the local level, substandard living conditions for many immigrant populations and increasing energy costs. While some statistics are difficult to establish, estimates of 70,000 residents below the poverty line, nationally high energy costs and an estimated 165,000 unaffordable housing units in the region reflect the magnitude of the problems.

Commission policy supports programs and standards that reduce energy demand, increase housing diversity and ensure that all residents have access to well-designed, safe housing opportunities. It is essential that each town and village, through every relevant land use decision, play a part in ensuring that all people who want to make their home in Suffolk County – from our youngest workers to our retirees – can do so.

B. Specific Housing Policies:

- *Encourage a diversity of housing types, equitably distributed across all communities, including the development of low and moderate income housing units.*

Healthy communities contain a mixture of housing types and values. 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.

Suffolk County was one of the fastest growing suburbs following WWII increasing in population from 276,129 residents in 1950 to 1,127,030 residents in 1970 – an increase of 308%. The overwhelming majority of units constructed during this period consisted of single-family detached homes. Changing demographics and household sizes have created a mismatch between the housing needs of the region’s increasingly diverse population and the homogeneous nature of the housing stock. Consideration should be given to increasing the diversity of unit types including the development of rental units, senior units and attached units to better meet the needs of the region’s population.

Meeting the needs of Suffolk County’s young families, its working people and its most vulnerable will also require inter-agency and inter-governmental cooperation. Every community must share in the responsibility of meeting Suffolk’s needs through the adoption of affordable housing programs and strategies. Removing regulatory barriers to the development of affordable housing units should be a central component of local planning efforts.

- *Housing polices must 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.

In order to effectively guide future growth, local and regional development policies must clearly identify potential growth nodes in addition to effectively discouraging growth outside of these areas.

- *Housing policies should address special needs populations and include as a goal the establishment of policies to end homelessness.*

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. Eliminating homelessness should also be a fundamental component of county housing policies.

4.4 Energy Efficiency

A. 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.*

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.

B. Specific Energy Efficiency Policies:

- *All new residential, commercial and industrial building should be designed and constructed to reduce energy consumption and improve environmental quality.*

Maintaining a sustainable energy policy begins with a reduction in the energy consumption through conservation, increased efficiency and the development of alternative, renewable energy sources. New buildings should be designed and constructed to reduce energy demand and consumption through the incorporation of available design elements that will help to both reduce demand and improve environmental quality.

4.5 Public Safety

A. 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.

B. Specific Public Safety Policies:

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

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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.

4.6 Economic Development

A. General Policy Goal: *Support 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.*

Sustainability recognizes the fundamental interdependence between economic development, environmental quality and social equity. A diversified economy that supports a broad range of industries and provides a wide spectrum of opportunities equitably distributed across all income groups is essential in order to promote the long term health and sustainability of the region. Development zones and associated jobs must also be linked to necessary transit, a diversified housing stock and services including retail and related service uses.

B. Specific Economic Development Policies:

- *Encourage the creation of a range of employment opportunities for a variety of ages, education levels, and skill levels.*

Reductions in defense contracts in the 1980's exposed the fragile nature of our local economy which had become heavily dependent on the defense industry. 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.

- *Support local businesses and small entrepreneurial firms while recognizing the importance of national and multinational firms located in the County.*

Suffolk County's 10 towns and 32 villages are home to a wide variety of communities. This great diversity of community types provides a sense of identity for individual communities and also helps to support a wide variety of economic opportunities. Commission policy should support the creation and development of a wide variety of business interest from local firms to national and multi-national firms to ensure a well-balanced economy with opportunities for all job seekers.

Consideration should also be given to targeting Brownfields and industrial zones in close proximity to rail lines in order to help preserve remaining open spaces and reduce vehicle miles traveled.

- *Provide job assistance and education programs to better match job seekers and employers, particularly those in the most economically vulnerable groups.*

Matching job opportunities with qualified employees and job seekers is an essential component of a healthy economy. Communities should be encouraged to provide a diversity of job types equitably distributed across all communities in order to prevent the development of pockets of poverty and to ensure that limited government subsidies target the most economically vulnerable regions.

4.7 Transportation

A. General Policy Goal: *Expand sustainable transportation options – for commercial, commuter, and recreational travel – by providing 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.*

Development patterns in Suffolk County, established during the post WW II suburban boom, were dominated by sprawling subdivisions, the expansion of the region’s highways and a lack of investment in public transit. These limitations, together with fiscal constraints, pose significant challenges towards the development of a sustainable transportation system for Suffolk County.

In order to move forward, policies and investments must promote a wider array of public transit options that better link jobs, housing, shopping and recreational opportunities while reducing 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.

B. Specific Transportation Policies:

- *Transportation management solutions are preferred to the continued expansion of infrastructure capacity.*

Future growth should be balanced with the ability of the transportation infrastructure to accommodate anticipated traffic volumes. Increases in development densities must be evaluated based upon their impact to the transportation network and anticipated capital programming. Enhancements to public transportation infrastructure and alternative transportation modes such as bikeways, enhanced bus service, park-and-ride lots and expanded pedestrian connections should also be considered as an alternative to expanded travel capacity along regional roadway systems.

- *Infrastructure expansion, when appropriate, should be targeted to downtown centers, transportation nodes and designated growth zones.*

Consistent with other Commission land use policies, transportation planning efforts should also direct development to where it is most appropriate. Infrastructure improvements that facilitate development outside of designated growth zones should be discouraged. Poorly placed improvements promote sprawl, increase maintenance costs and perpetuate the chaotic land use patterns of the past. Capital programming should be in harmony with regional land use policies in order to most effectively encourage well-planned rational development patterns.

- *Promote inter-agency and inter-municipal cooperation including the development of uniform design standards.*

One of the contributing factors associated with the region's poorly planned development patterns of the past was a lack of inter-agency and inter-municipal coordination. Improved coordination between and among municipalities and agencies is essential in order to effectively address existing and future regional land use concerns that cross multiple municipal boundaries.

Future cooperation can be accomplished through joint land use and transportation planning studies, through the development and adoption of inter-municipal agreements and through coordinated review processes during the State Environmental Quality Review (SEQR) process. In addition, consideration should be given to the development of uniform design standards between and among local municipalities. Uniform landscaping, signage, setback and infrastructure standards can improve safety, aesthetics and the functioning of regional transportation systems.

- *Encourage cumulative traffic impact analysis.*

The cumulative impacts associated with development should be considered. Individually, development proposals will result in direct impacts on the surrounding road network. However, cumulatively, multiple development proposals can have broad impacts beyond the local roadway network resulting in impacts to the regional transportation system. The preparation and analysis of cumulative traffic impact studies can better address the broad spectrum of impacts associated with development proposals.

- *Promote the development of alternative funding mechanisms.*

After all reasonable measures have been utilized to reduce trip generation, there may remain a need to expand infrastructure capacity, enhance safety or provide other operational improvements. The financial responsibility for implementing required improvements should be shared by those who cause or control the development. Financing partnerships and transportation improvement districts should be considered in order to equitably share costs among development interests.

- *Improve access management standards.*

Access management refers to the design of motor vehicle access to individual parcels along a roadway. The layout, location and number of access points can significantly affect both the capacity and safety of the roadway. The greater the number of access points, the greater the number of potential conflict points and the greater the risk for the individual driver. Some of the region's least safe roadways are also characterized by the greatest number of curb cuts and conflict points.

Local policies should incorporate improved access management standards including minimization of access points, the establishment of cross easement agreements and limits to the development of additional commercial sprawl.

- *Promote connectivity between developments in order to improve both pedestrian and vehicular access and circulation consistent with smart growth principles.*

Smart growth principles and good planning practice encourage multiple pedestrian and vehicular connections between existing and proposed developments. Increased connectivity or access between developments reduces trip lengths, facilitates emergency access and most equitably distributes traffic among multiple roadways.

4.8 Environment

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

The protection of our natural resources and the maintenance of healthy and diverse ecosystems are not inconsistent with the need to provide housing or the need to maintain a healthy economy. To the contrary, our local marine, agricultural and tourist economies are dependent upon these resources. Similarly, the health of our economy is dependent upon the ability to provide a diversity of housing types for workers and the value of our communities is dependent upon the protection of our natural resources and the preservation of critical open spaces. The interrelatedness of the environment, the economy and social equity is at the core of sustainability.

The protection of environmentally sensitive lands and natural, historic and cultural resources, properly balanced with the identification of nodes where growth is warranted 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.

Compact, mixed-use developments that reduce vehicle miles traveled and energy usage, combined with energy efficient design can help to protect our remaining critical open spaces, historic and cultural resources, improve air quality, reduce storm water related impacts and create vibrant communities with a diversity of housing choices.

B. Specific Environmental Policies:

- *Promote development where it is warranted in downtowns, hamlet centers, adjacent to transportation and retail services and discourage development where it is not warranted within coastal zones, environmentally sensitive areas such as the Pine Barrens, unique ecological habitats and designated open spaces.*

Poorly planned chaotic growth minimizes property values and potential tax revenues and adversely impacts quality of life and community character. Zoning policies must clearly articulate those areas worthy of preservation and protection while at the same time identifying those areas where growth is warranted. Clear zoning policies ought to be combined with capital programming in order to ensure that identified growth zones also contain the necessary infrastructure to accommodate growth such as sewers, retail services and transportation improvements.

- *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.*

Suffolk County is home to a rich array of habitats from coastal bluffs to fresh and tidal wetlands, and from our bays, ocean and estuaries to our Pine Barrens regions. Protecting and preserving these areas is critical in order to minimize future impacts associated with development and to promote the long-term sustainability of our region through bio-diversity and eco-system based management.

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,

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estuaries, tributaries and river systems are also essential to the health of our environment. In addition, these areas are critical to the health and viability of our local economies including farming, tourism and our diverse collection of marine industries. Protecting steep slopes and coastal bluffs also helps to reduce erosion and sediment run-off – important goals of both state and local stormwater management programs.

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

Suffolk County has been a national leader in the preservation of open space and farmland. As the supply of land continues to shrink, the preservation of land will become increasingly dependent upon the ability of the County, local municipalities and private sector partners to target crucial open space and farmland tracts and to utilize transfer of development rights programs and clustering in order to augment publicly funded acquisition programs.

Standard subdivisions, which perpetuate sprawl, should be discouraged. 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.

- *The preservation of agricultural uses through the purchase of development rights and other related preservation tools should be tied to the establishment of “best management practices” in order to reduce the potential for impacts related to fertilizer, herbicide and pesticide use.*

Suffolk County has been a leader in the preservation of agricultural lands since the establishment of the first purchase of development rights program thirty years ago. Multiple levels of government, including New York State and local municipalities here in Suffolk, support these efforts due to Suffolk’s rich history of farming, the scenic and open space benefits associated with agriculture and the economic benefits associated with farming in Suffolk County.

Protecting the long term sustainability of the region also requires that these preservation efforts provide a rational nexus with the establishment of best management practices in order to insure that the region’s natural resources, particularly groundwater, are properly protected.

- *Development densities should be limited by environmental capacities. Growth must occur sustainably in order to protect our environmental resources for the future.*

There are several factors that limit the amount of development that may occur within the region. Chief among these is the capacity of our environmental resources to accommodate growth. In order to preserve the region’s environmental resources for future generations it is essential that land use regulations properly balance development densities with the capacity of the environment to accommodate growth.

- *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 stewardship through education.*

Compliance with environmental regulations, impact prevention and environmental stewardship are dependent upon an informed and educated citizenry. County and local efforts to protect the environment and to preserve its natural resources should include educational programs to encourage compliance, prevent potential impacts and facilitate environmental stewardship.

- *Promote pollution prevention over remediation.*

The most cost effective manner to protect the region's natural resources is to prevent pollution before it occurs. Mitigating the impacts associated with poorly planned development patterns is less effective and more costly than pollution prevention. Efforts should focus on the creation of appropriate development regulations in order to prevent pollution and impacts to the environment before they occur.

- *Promote environmental remediation and enhancement in addition to mitigation associated with development proposals.*

In order to insure the long term sustainability of the region's environmental resources, development standards and environmental regulations should promote the enhancement of existing natural resources and the removal of poorly planned development patterns in addition to the mitigation of impacts associated with future development. Consideration should be given to eco-system based management in addition to the protection of the quality and quantity of the region's drinking water supply.

4.9 Design

A. 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.

B. 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.*

Standard zoning codes which promote the separation of land uses often prevent the development of vibrant mixed-use communities resulting in suburban sprawl, increased vehicles miles traveled, reduced air quality and a loss of open space. In addition to incorporating design principles that are consistent with the local vernacular, local codes should be streamlined in order to remove obstacles to sustainable development patterns. Streamlined review procedures and expedited permit processes in areas identified for growth should also be considered.

- *Utilize green infrastructure to minimize community and environmental impacts and reduce both private and public development costs.*

Increased reliance on renewable energy sources, stormwater retention and reuse and the greater use of recycled materials are simple, effective means of minimizing environmental impacts associated with development and reducing energy usage. The utilization of green infrastructure can also help to reduce the region's collective carbon footprint and reduce the impacts associated with global warming.

- *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 building codes in order to ensure that buildings in Suffolk County are equally accessible to all members of the community.*

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 residential design and construction standards, such as requiring one no-step entry, an accessible bathroom and both a room suitable for conversion into a bedroom and adequate internal access on the first-floor 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.

4.10 Cooperation

A. General Policy Goal: *The sustainability of the County is inextricably tied to its broader regional, national, and global context. The County recognizes the importance and need for cooperation and coordination among and between County agencies, local municipalities, and neighboring jurisdictions including New York City.*

The long term sustainability of Suffolk County is dependent upon the ability to successfully address a variety of regionally significant issues such as groundwater protection, affordable housing, transportation management, energy supply and cost, public safety, economic development and open space preservation to name just a few. To be successful, Suffolk County must not only promote the coordination of local efforts among and between its 10 towns and 32 villages but it must also recognize its role within the greater metropolitan region. Promoting better horizontal and vertical integration of planning and land use decision-making is an essential component of this effort.

The Suffolk County Planning commission must fulfill its statutory responsibility to advise local municipalities on county-wide land use priorities.

B. Specific Cooperation Policies:

- *Promote regionalization.*

Local land use policies which impact county-wide and regional land use issues including, but not limited to, affordable housing, energy efficiency, public safety, open space preservation and economic development should be consistent with county standards and broader regional plans in order to ensure an equitable distribution of the costs and benefits associated with development.

- *Encourage the use of inter-municipal agreements and inter-agency and inter-governmental cooperation.*

Local land use efforts can more effectively address regional land use issues when they are coordinated with adjoining and related municipal entities. The development of joint land use studies between and among municipalities and other levels of government should be encouraged. Inter-municipal agreements also provide an important opportunity to combine efforts and to share responsibilities and authorities in order to more effectively address regional concerns. The promulgation of model codes relating to county-wide land use priorities can also encourage a coordinated effort to address critical county-wide needs.

*Chapter 5 - Standards of Review
for Municipal Zoning and
Subdivision Actions*

5.0 Introduction

Effective planning requires the consistent application of rational policies in order to successfully guide local decision-making. While local municipalities are primarily responsible for ensuring that details associated with individual sites are properly addressed, it is also essential that Commission Guidelines contain sufficient detail with respect to affordable housing policy, energy efficiency and public safety considerations as well as general site design and subdivision layout in order to adequately address referral actions.

The following standards are intended to better articulate and define Commission policies with respect to specific development standards.

5.1 Affordable Housing Guidelines

To meet the county-wide need for affordable housing, the Commission shall apply the following site specific guidelines to all applicable residential projects:

1. A minimum of twenty percent (20%) of all units shall be set aside as affordable units (Change of Zone Applications).

-OR-

- 1A. A minimum of ten percent (10%) of all units shall be set aside as affordable units (As of Right applications).

For Sale Units. Half of the affordable units shall be set aside for households earning less than eighty percent (80%) of median income for the Nassau-Suffolk Metropolitan Area as established by the U.S. Department of Housing and Urban Development (HUD) and half of the units shall be set aside for households earning less than one hundred twenty percent (120%) of median income for the Nassau-Suffolk Metropolitan Area established by HUD.

-OR-

Rental Units. Half of the affordable units shall be set aside for households earning less than fifty percent (50%) of median income for the Nassau-Suffolk Metropolitan Area as established by the U.S. Department of Housing and Urban Development (HUD) and half of the units shall be set aside for households earning less than eighty percent (80%) of median income for the Nassau-Suffolk Metropolitan Area as established by the U.S. Department of Housing and Urban Development (HUD).

In the event only one affordable unit is required it must meet the lower income requirement.

2. Control Period. Designated affordable units shall be maintained in accordance with the following control periods:

For Sale Units. Each of the designated affordable units shall be maintained as an affordable unit for a minimum control period of thirty (30) years.

-OR-

Rental Units. Each of the designated affordable units shall be maintained as an affordable unit in perpetuity.

3. Initial Sales Price. The initial sales price of an affordable unit shall be established each year based upon Area Median Income for the Nassau-Suffolk Metropolitan Area. In no case shall the initial sales price for a unit result in housing costs that exceed thirty percent (30%) of the adjusted gross income, including mortgage payments, interest and taxes for the occupants of the affordable unit.

-OR-

Initial Rental Amount. The initial monthly gross rent (contract rent plus utilities) of an affordable unit shall not exceed thirty percent (30%) of the targeted monthly income level of an eligible household (adjusted for household size), or the Fair Market Rent (FMR), for the area as established by the U.S. Department of Housing and Urban Development (HUD), whichever is less.

4. Resales. Each municipality shall develop guidelines concerning the resale of affordable units during and at the termination of the control period. The local guidelines shall insure that each unit is maintained as an affordable unit during the entire control period. Further, local guidelines shall also stipulate that any sales during or after the control period limit profits consistent with Suffolk County Planning Commission Guidelines in order to insure a long term supply of affordable units for the future.
5. Affordable units shall be dispersed throughout the proposed development.
6. The exterior facade of each of the affordable units shall be indistinguishable from market units within the proposed development.
7. Affordable units shall be constructed on site. Alternatives to the construction of on-site affordable units shall only be considered when a compelling and exceptional hardship substantially prevents the construction of on-site affordable units. Alternatives must involve the development of affordable housing units elsewhere within the community or the payment of a fee to an established housing trust to be used for the development of affordable housing units elsewhere within the community.
8. Applicability. Affordable housing conditions shall be applied in the following circumstances:
 - All residential change of zone applications that would result in an increase in residential density.
 - All nonresidential to residential change of zone applications.
 - All site plan and subdivision applications for projects with five (5) or more units.
9. Compliance with Commission Guidelines. The local municipality shall consider Suffolk County Planning Commission Guidelines in the establishment, maintenance and monitoring of affordable housing units.
10. Integration of Affordable Units. It is the express intent of the Suffolk County Planning Commission to encourage the integration of affordable units across municipal boundaries. The local municipality shall consider Suffolk County Planning Commission Guidelines with respect to the goal of promoting income diversity in order to insure that each community provides a variety of housing types and values to meet the needs of all income groups including the most vulnerable.

11. The local municipality shall also consider incentives in the form of fast-track permitting, reduced application and impact fees, infrastructure subsidies and density bonuses in order to increase the supply of affordable units.

5.2 Energy Efficiency Guidelines

According to the Environmental Protection Agency buildings produce 38 percent of all carbon dioxide emissions in the United States and use 76 percent of all energy. The Suffolk County Planning Commission is committed to encouraging the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. The intent of these guidelines is to provide owners and occupants of commercial buildings, offices, industrial buildings, as well as occupants of single or multiple-family residences with energy savings, good indoor air quality and healthy, pleasant and productive surroundings.

Applicability

All new subdivisions (residential and mixed use), site plan referrals and change of zone requests effective July 1, 2009.

Guidelines

Design and construct all applicable buildings in the project to reduce energy consumption by at least 30% (using the NYS Energy Conservation Construction Code as the baseline*) by meeting one of the following requirements according to the appropriate category:

Type	Standard
Residential & Multifamily (4 units or less)	<p>New residential construction of single family and multi-family up to 4 units per building no higher than three stories:</p> <ul style="list-style-type: none"> ▫ For 3,500 square feet or less, dwellings must have an 84 HERS score, the minimum to be an ENERGY STAR home. ▫ Between 3,501 and 4,500 square feet, dwellings must have a minimum HERS score of 87; ▫ Dwellings 4,501 square feet and larger must have a minimum HERS score of 89 ▫ New construction is generally defined to include renovations of 50% of the home (such as after a fire, etc.). <p style="text-align: center;">-and-</p> <p>Designed for the applicable US Green Building Council LEED (Leadership in Energy and Environmental Design) standard</p>
Multifamily (5 units or more)	<ul style="list-style-type: none"> ▫ Projected energy use 30% less than similar building built to New York State Energy Conservation Code* <p style="text-align: center;">-and-</p> <ul style="list-style-type: none"> ▫ Designed for the applicable US Green Building Council LEED (Leadership in Energy and Environmental Design) standard
Commercial & Industrial	<ul style="list-style-type: none"> ▫ Projected energy use 30% less than similar building built to New York State Energy Conservation Code* <p style="text-align: center;">-and-</p> <ul style="list-style-type: none"> ▫ Designed for the applicable US Green Building Council LEED (Leadership in Energy and Environmental Design) standard

*Using **REScheck™ Software** (available for free at <http://www.energycodes.gov/rescheck/download.stm>) and **COMcheck™ Software** (available for free at http://www.energycodes.gov/comcheck/ez_download.stm)

5.3 Public Safety Guidelines

The Suffolk County Planning Commission believes that new buildings and developments must reflect general design elements that promote public safety. Such guidelines 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. For instance, improved outdoor lighting is the least expensive crime prevention method, while, simple traffic calming road design features can help minimize aggressive driving in our neighborhoods. Nonetheless, these Public Safety Design Guidelines 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.

A. Residential Buildings and Developments

a. Single Family and Multifamily Residence Guidelines:

Our homes are the places where we should feel most safe. Good design and planning can help support that goal.

Natural Surveillance

- Install windows on all sides of the house to provide for full visibility of the property.
- Provide appropriate illumination to sidewalks and all areas of the yard.
- The driveway should be visible from either the front or back door and at least one window.
- The front door should be at least partially visible from the street
- Select and install appropriate landscaping that will allow unobstructed views of vulnerable doors and windows from the street and other properties.

Access Control

- In suburbanized areas of the county, install sidewalks along the street to provide a safe location for pedestrians, while clearly defining public and semi-public areas.

Territoriality

- Make the street address clearly visible from the street, (at least 3 inches high and reflective at night).

b. Multi-Family Residences

Multi-Family residences raise several additional unique considerations.

Natural Surveillance

- Design buildings so that the exterior doors are visible to the street or neighbors.
- Locate parking spaces as close as possible to the residential units.
- Make parking areas visible from windows or doors.
- Adequately illuminate parking areas and pedestrian walkways.
- Locate clubhouses, pools, playgrounds, picnic areas, open space and other natural common areas in a central location so that they are visible from nearby streets and as many of the units as possible.
- Screen or conceal dumpsters, but avoid creating blind spots and hiding places.

Access Control

- When the design has apartment entrances off of internal corridors, limit the access into the corridors to one point.
- No more than four apartments should share the same entrance and preferably there should be individual entrances into each unit from the exterior.

B. Neighborhoods

Traffic Calming

- To cut down on aggressive driving in our neighborhoods design related speed reduction techniques should be employed such as limiting the length of straight-aways, using medians in order to narrow lanes and using raised crosswalks to emphasize pedestrian rights-of-way.

Natural Surveillance

- Locate clubhouses, pools, playgrounds, picnic areas, open space and other natural common areas in a central location so that they are visible from nearby homes and streets.

Access Control

- Install walkways in locations safe for pedestrians, and keep them un-obscured.
- Layout internal streets to discourage cut-through or high-speed traffic.

Territoriality

- Accentuate entrances by creating a ‘gateway’ effect. This may be done with the subdivision name, different paving materials, and changes in street elevation and architectural and landscape design.
- Clearly identify homes with street address numbers that are a minimum of 3 inches high and reflective at night.

Maintenance

- Use low maintenance plants and shrubbery in your landscape design.
- Install dusk to dawn sensors on lighting fixtures.

C. Commercial Buildings and Developments

If Suffolk County is to remain economically viable its local businesses must flourish. For businesses to do well, they must be safe places for people to visit. Adhering to these Public Safety Guidelines is particularly imperative in places where commercial and residential uses are both present such as mixed use developments and downtowns. Particular emphasis must be placed on providing protection against parking-lot crimes.

Natural Surveillance

- Design windows and exterior doors so that they are visible from the street or by neighboring buildings
- Place parking lots where they are clearly visible from the building or the street and ensure that they are well illuminated. Parking should be located as close to stores and offices as is practical.

- Avoid creating hiding places in alleys, storage yards, loading docks, etc
- Design loading areas to avoid creating dead-end alleys or blind spots or hiding places for people and merchandise people

Access Control

- Clearly define public entrances with architectural elements, lighting, landscaping, paving and/or signs.
- If rear parking must be provided for customers, also provide a rear access to shops.
- Separate loading zones from public parking areas and employee parking areas
- Use landscaping to divide the parking areas into smaller lots.

Territoriality

- Mark property boundaries, where possible, with hedges, low fences or gates.
- Make private areas distinguishable from public areas.
- Set the site off from adjoining properties by utilizing different pavement markings, awnings, signs, landscaping materials, etc.

D. Industrial Areas

Industrial areas may at times be located in isolated areas with poor illumination and little surveillance. Typical characteristics of industrial areas like loading docks, service entrances, blind alleys and expansive parking areas increase the potential for an unsafe environment.

Natural Surveillance

- Avoid creating hiding places in alleys, storage yards, loading docks, etc.
- Make all parking areas visible from the buildings or street.

Access Control

- Avoid dead-end driveways and street designs to increase surveillance opportunities from passing traffic and patrols.
- Provide access to both the front and back of the site so that the grounds can be patrolled.
- Where possible, install remote surveillance devices that can be utilized day or night.

5.4 *Other Criteria*

The purpose of Suffolk County Planning Commission review is to bring pertinent inter-community and countywide planning considerations to the attention of local municipalities and agencies submitting the referral. Such input may include general or specific considerations with respect to the subject referral. The following are general tests utilized by the Suffolk County Planning Commission for the review of municipal zoning and subdivision action referrals:

- Compatibility of adjacent land uses with the subject parcel(s).
- Traffic generating characteristics of the proposed action in relation to the effect on other land uses and to the adequacy of existing and proposed County and State thoroughfares.
- Impact of proposed zone or use on existing and proposed County or State land, institutional uses, structures or facilities.
- Protection of the essential community character (appearance) with respect to the predominant land uses, population density and relation between residential and nonresidential areas.
- Adequacy of drainage facilities proposed on site and in relation to the effect on other land

uses and to the adequacy of existing and proposed County and State facilities.

- Impact on municipal, County and State community facilities.
- Official municipal and county development policies as may be expressed through comprehensive plans, capital programs or regulatory measures including but not limited to the significant county-wide need to increase the stock of affordable housing and to minimize energy consumption.
- In the case of a change of zone, the proposed action provides for a substantial community benefit or amenity as defined by the local referring municipality.
- In the case of an area variance, the degree to which the proposed action resembles the lot area, density or intensity of the surrounding character of the community.

The following additional design criteria are utilized by the Suffolk County Planning Commission to further analyze a municipal referral:

A. Actions That Have Frontage on a County or State Road

General Statement of Policy

Commission guidelines are designed to improve traffic safety and roadway efficiency while preserving the carrying capacity of county and state roads.

Guidelines:

- 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. Intersections should be spaced no closer than 1000 feet.
- b. A driveway or road which intersects with a County or State road should make an angle of 90 degrees with the road. In those cases where this is not possible the angle should not be less than 70 degrees. The driveway angle is to be measured between the centerline of the driveway and the nearest edge of the right-of-way of the road. Where the driveway is located on a curve the centerline of the driveway should coincide with a radial of the curve.
- c. 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. Clearing and cutting within this area shall be limited to that necessary for proper maintenance and removal of diseased, decayed or dead material and obnoxious plant species. Such clearing shall be subject to review by the town or village to ensure proper maintenance and preservation of the natural buffer.
- d. 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.
- e. 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.

- f. Cross access between two or more properties is to be encouraged to lessen curb cuts along a County or State road.
- g. 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.
- h. Subdivision lots should maintain access to interior roadways. Direct access to County or State roadways should be prohibited.
- i. 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 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.
- j. Lots with direct access to a County or State road shall incorporate a “T” shaped shunt or other turnaround arrangement in order to provide for safe ingress and egress to the roadway.
- k. 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.
- l. 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.
- m. A short radius curve, preferably with a radius that is no greater than 20 feet, is to be provided at each corner of the intersection of a proposed road with a County or State road to facilitate turning movements and enhance the streetscape.
- n. 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.
- o. 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.
- p. 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.
- q. Moderate and higher density residential developments should 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.
 - r. Development design should include buildings which are oriented to a pedestrian network.
 - s. Development design should include networks for pedestrian and bicyclists with shortcuts and alternatives to travel along high-volume streets.
 - t. 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.
 - u. Development design should include accommodations for pedestrians and bicyclists at a level comparable to the network for motorists.
 - v. Adequate off-street parking should be provided.

B. Actions That Have Frontage on a Shoreline of the County

General Statement of Policy

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.

Guidelines:

- a. Locations where there are bluffs.
 - (1) No structure is to be located within 100 feet of the top edge of a bluff. In those areas where the shoreline or bluff is eroding at a rate that exceeds 2 feet per year the minimum setback from the top edge of a bluff for a proposed residential structure is to be established by the use of the following formula: Minimum setback = 50 x erosion rate, in feet per year. Modification of the minimum 100 foot setback requirement should only be considered when evidence is provided by an expert, such as a coastal engineer or geologist, that the shoreline or bluff is not eroding.
 - (2) No major nonresidential structures, such as swimming pools, decks, garages, patios, etc., excluding structures providing access to the beach in front of the bluff, should be constructed or located within 50 feet of the top edge of the bluff.
 - (3) Grading within 50 feet of the top edge of a bluff should not be permitted. Grading that may be necessary to control or remedy erosion or to divert storm water from flowing over the edge of the bluff may be allowed.

- (4) Clearing and cutting of vegetation within 50 feet of a bluff should be limited to that necessary for maintenance and the removal of diseased, decayed and dead material.
 - (5) No sanitary disposal facility of any nature should be constructed or located within 100 feet of the top edge of a bluff.
 - (6) No stormwater runoff resulting from the implementation of the municipal zoning or subdivision action should be discharged to the bluff.
 - (7) Whenever possible, private access structures to a beach or bluff should be prohibited. Direct access to a beach or bluff should be limited to community or public access features.
 - (8) Where applicable, no structure is to be located within one hundred feet (100') of the Coastal Erosion Hazard Area (CEHA).
- b. Locations where there are dunes.
- (1) No new structure should be located within 100 feet of the crest of a primary dune.
 - (2) No new sanitary disposal facility should be placed within 100 feet of the crest of the primary dune and, because of the nature of the soils in dune areas, a further setback should be considered.
 - (3) Access to the beach in a dune area, particularly over a primary dune, should only be by means of a suitable structure designed and constructed so as to cause the least disturbance to the primary dune and dune area.
 - (4) Access to the beach should be restricted to a community access structure where one exists or can be provided.
 - (5) Absent the issuance of permits in accordance with applicable Federal, State, County or Local regulations, the disturbance of a dune feature shall be prohibited.
- c. Locations on tidal streams, rivers, wetlands and other tidal bodies in the area.
- (1) Setbacks shall be provided and maintained in accordance with applicable Federal, State, county and Local regulations. A minimum setback of one hundred feet (100') is recommended adjacent to a stream, river, creek or any tidal body and the meadow areas bordering such bodies of water. Said setback may be reduced in accordance with applicable Federal, State, County or Local regulations adjacent to an existing bulkhead.
 - (2) Sanitary systems shall be setback in accordance with all applicable Federal, State, County or Local regulations.
 - (3) Any tree that is located within 100 feet of the mean high water line or within 100 feet of the upland edge of a tidal meadow, whichever distance is the greater, having a diameter greater than 6 inches when measured at a height 4 feet above the ground and having a height that is greater than 30 feet should not be removed without the written permission of the Town or Village, as the case may be. Removal of any vegetation shall only be permitted in accordance with applicable Federal, State, county or Local regulations.

(4) Unless a greater buffer is required pursuant to Federal, State, County or Local regulations, a minimum buffer area of 100 feet shall be maintained adjacent to a designated wetland. Removal of vegetation shall only be permitted in accordance with applicable Federal, State, County or Local regulations.

d. General

(1) Where the design of the proposed action limits the relocation of proposed structures back from the top of the bluff in the future and this limitation may result in hardship in the future, the project sponsor should be required to acknowledge said hardship in writing to the municipal board.

(2) The project sponsor should be required to acknowledge in writing to the municipal board that the approval of the action with or without conditions in no way commits either the municipality or the County of Suffolk to any program to protect the property from shoreline erosion through the construction of engineering or other works.

(3) All tidal and freshwater wetland areas should be indicated on the map of the proposed action as “reserved for conservation purposes.” These areas should be made subject to covenants and restrictions that will ensure their preservation as a natural resource.

(4) Unless a greater setback is required pursuant to applicable Federal, State, County or Local regulations, a minimum setback of 100 feet shall be required for all structures including sanitary systems adjacent to a designated wetland, freshwater body, or stream associated with a sanitary disposal facility.

C. Stormwater Management

General Statement of Policy

Stormwater runoff is water from rain or melting snow that does not soak into the ground. It flows from roofs, paved roads, exposed soils and sloped lawns. As it flows it can collect pollutants such as fertilizers, pesticides, oil and grease, animal waste and sediments, discharging them into storm drains. This polluted stormwater ends up in local waterways; and can restrict recreational use and degrade habitat for aquatic life resulting in bathing beach closures and shellfish harvesting restrictions.

Stormwater runoff is also generated from construction sites. Stormwater runoff from construction activities is of particular concern since construction sites can release significant amounts of sediment into stormwater, and eventually into local receiving waters. Sediment runoff rates from construction sites are typically 10 to 100 times greater than those of undisturbed land. During a short period of time, construction activities can release more sediment to streams than can be naturally deposited during several decades. In addition to sediment, construction sites also have the potential to release pollutants from construction materials and fueling of equipment. The resulting siltation and other pollutants from construction sites can cause physical, chemical, and biological harm to waterbodies.

Pursuant to section 402 of the Clean Water Act, stormwater discharges from certain construction activities are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) or by a state permit program. New York’s State Pollutant Discharge Elimination System (SPDES) is a NPDES-approved program with permits issued in accordance with the Environmental Conservation Law. A discharger, owner, or

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operator can obtain coverage under this general permit by submitting a Notice of Intent (NOI) to the New York State Department of Environmental Conservation (NYS DEC).

It is the objective of the Commission to encourage the proper design and installation of Best Management Practices (BMP's) during the construction and post-construction phases of a project. Furthermore it is the objective of the Commission to ensure that applicable construction activities, generally those which disturb an acre of land or more, comply with State and Federal regulations.

State Regulations Compliance

The SPDES Stormwater program requires operators of construction sites one acre or larger, including smaller sites that are part of a larger common plan of development, to obtain authorization to discharge stormwater under an NPDES construction stormwater permit. The development and implementation of stormwater pollution prevention plans (SWPPP) is the focus of SPDES stormwater permits for regulated construction activities. Tables 1 and 2, shown below, outline the specific construction activities that require the preparation of a SWPPP that only includes erosion and sediment controls and those construction activities that require the preparation of a SWPPP that includes both erosion and sediment controls and post-construction stormwater management practices. It is important to note that the erosion and sediment control plan is a component of the SWPPP.

The NYS DEC's technical standards for erosion and sediment control are contained in the document, "*New York Standards and Specifications for Erosion and Sediment Control*", published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of water quantity and water quality controls, NYS DEC's technical standards are detailed in the "*New York State Stormwater Management Design Manual*." Both of these documents can be found on the NYS DEC's website.

An owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 must have their SWPPP reviewed and accepted by the MS4 prior to submitting the NOI to the NYS Department of Environmental Conservation (DEC). Beginning on September 30, 2008, the owner or operator of the construction activity must have the "MS4 SWPPP Acceptance" form signed by the principal executive officer or ranking elected official from the regulated, traditional land use control MS4. Once the MS4 SWPPP Acceptance form is signed, the owner/operator must wait five business days from the date the NYS DEC receives a complete NOI, SWPPP, and signed "MS4 SWPPP Acceptance" form to begin construction.

If the SWPPP deviates from NYS DEC technical standards, it must be certified by a licensed/certified professional, acknowledging that the SWPPP has been developed in a manner which will ensure compliance with water quality standards and with the intent of the permit. Additionally, the approving MS4 may place further requirements on the owner/operator.

Table 1
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</p> <ul style="list-style-type: none"> • Single family home <u>not</u> located in one of the watersheds listed in Appendix C and <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions with 25% or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E • Construction of a barn or other agricultural building, silo, stock yard or pen.
<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none"> • Installation of underground, linear utilities, such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains • Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects • Bike paths and trails • Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project • Slope stabilization projects • Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics • Spoil areas that will be covered with vegetation • Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that <i>alter hydrology from pre to post development</i> conditions • Athletic fields (natural grass) that do not include the construction or reconstruction of <i>impervious area</i> <u>and</u> do not <i>alter hydrology from pre to post development</i> conditions • Demolition project where vegetation will be established and no redevelopment is planned • Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with <i>impervious cover</i> • Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
<p>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</p> <ul style="list-style-type: none"> • All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

**Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

<p>The following construction activities that involve soil disturbances of one (1) or more acres of land:</p> <ul style="list-style-type: none"> • Single family home located in one of the watersheds listed in Appendix C or <i>directly discharging</i> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions located in one of the watersheds listed in Appendix C or <i>directly discharging</i> to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out • Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land • Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, and apartment complexes • Airports • Amusement parks • Campgrounds • Commercial developments • Churches and other places of worship • Construction of a barn or other agricultural building (e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of <i>impervious area</i>, excluding projects that involve soil disturbances of less than five acres. • Golf courses • Institutional, includes hospitals, prisons, schools and colleges • Industrial facilities, includes industrial parks • Landfills • Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants • Office complexes • Sports complexes • Racetracks, includes racetracks with earthen (dirt) surface • Road construction or reconstruction • Parking lot construction or reconstruction • Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or <i>alter the hydrology from pre to post development conditions</i> • Athletic fields with artificial turf • Permanent access roads or parking areas surfaced with <i>impervious cover</i>, and substations constructed as part of an over-head electric transmission line project, wind-power project or cell tower project • All other construction activities that include the construction or reconstruction of <i>impervious area</i> <u>and</u> <i>alter the hydrology from pre to post development conditions</i>, <u>and</u> are not listed in Table 1
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Guidelines:

a. Regulated Projects

- (1) To obtain coverage under the SPDES general permit, a discharger, owner, or operator must submit an NOI, SWPPP, and a signed MS4 SWPPP Acceptance Form to the NYS DEC. Prior to the submission of an NOI, the owner or operator must have completed a SWPPP that complies with all the requirements of this general permit.
- (2) Upon receipt of a referral, the referral will be checked for the necessary documents required by the state. If the NOI, SWPPP, or MS4 SWPPP Acceptance Form is missing, final approval will not be granted until the NOI, MS4 SWPPP Acceptance form, and SWPPP are prepared accordingly and submitted to the proper authorities. If all of the necessary documents are submitted along with the proposed project, the project will be sent back to the referring agency for local determination, assuming all other planning commission guidelines are met.
- (3) The design of water quantity and water quality controls must adhere to NYS DEC's technical standards.
- (4) All erosion and sediment controls must adhere to NYS DEC's standards and specifications.

b. Unregulated Projects

- (1) All stormwater collection and disposal systems should be designed in accordance with acceptable modern standards.
- (2) The storage capacity of a leaching pool should be sufficient to contain 2 inches of rainfall on the catchment area adjusted for the coefficient of runoff. The minimum acceptable value of the coefficient to be used is 0.30.
- (3) Storage capacity of a recharge basin should be sufficient to contain 8 inches of rainfall on the catchment area adjusted for the coefficient of runoff. The minimum acceptable value of the coefficient to be used is 0.30. Where a suitable overflow can be provided the storage capacity of the recharge should be sufficient to contain 5 inches of rainfall on the catchment area adjusted for the coefficient of runoff.
- (4) Access to recharge basins and retention areas should be restricted to the interior of the subdivision and should not be from any county or state road.
- (5) Erosion and sediment control measures should be required during and immediately after construction on a site to help prevent stormwater from carrying soil and other deleterious material onto adjacent properties and highways and into tidal wetland areas and adjoining bodies of water.
- (6) All stormwater runoff resulting from the development and improvement of a subdivision or any of its lots should be retained on site by adequate drainage structures so that the stormwater runoff will not flow into the right-of-way of a county or state road into any body of water, or into any country, state or federal property.

- (7) In a major subdivision it is felt that, from the maintenance and storage capacity points of view, a recharge basin is preferable to catch basins with leaching pools for the disposal of stormwater runoff.
- (8) In the design of a commercial or an industrial subdivision consideration should be given to the manner of storage and disposal of commercial and industrial wastes, as well as stormwater, from impervious surfaces. These waste materials and the stormwater runoff carrying deleterious substances can have an adverse impact upon the aquifer and upon wetlands, shorelines, streams and other bodies of water.
- (9) Where there is a high groundwater table or an adverse soil condition and it is necessary to discharge stormwater runoff into a tidal or freshwater body of water a retention basin with a minimum storage capacity of 2 inches should be provided. In lieu of a retention basin leaching pools may be allowed, however, the storage capacity of the retention basin should be 2 inches.

D. Actions in the Vicinity of Public and Private Airports and Heliports

General Statement of Policy

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.

Guidelines:

- 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 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.

E. Actions Involving Farmland

General Statement of Policy

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.

Guidelines:

- 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.

F. Actions Involving Open Space

General Statement of Policy

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.

Guidelines:

- 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.

G. Actions Involving Development Adjacent to County Parklands

General Statement of Policy

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.

Guidelines:

- 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.

H. Actions Involving Development Adjacent to, Near or On Existing or Former Waste Disposal Sites

General Statement of Policy

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.

Guidelines:

- a. All prospective owners of the development that is located adjacent to, near or on an 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.

I. Actions Involving Development within the Suffolk County Pine Barrens

General Statement of Policy

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.

Guidelines:

- 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. These percentages in Table 1 below shall be taken over the total site inclusive of roads, building sites and drainage structures.

TABLE 1 – CLEARANCE STANDARDS

Total site clearance including lots, roads, drainage and other improvements.

Residential zoning category	Maximum Site Clearance	
Lot Size	Acreage	
10,000 s.f.	¼ acre	90%
15,000	1/3 acre	70%
20,000	½ acre	60%
30,000	2/3 acre	58%
40,000	1 Acre	57%
60,000	1 1/2 acres	46%
80,000	2 acres	35%
120,000	3 acres	30%
160,000-200,000+ s.f.	4-5 + acres	25%
Commercial, Industrial, other mixed use		65%

- e. The 208 Wastewater Treatment Management Plan (LIRPB 1978) indicates that fertilizers are a significant source of nitrogen and phosphorous contamination to ground and surface waters. Because of low natural fertility, soils common to the Pine Barrens (Carver, Haven, Plymouth, and Riverhead) require both irrigation and fertilizer application for establishment and maintenance of turf and non-native vegetation. As native Pine Barrens vegetation is replaced with turf, through commercial and other development, increased contamination may be expected along with a general change in the ecosystem. The Long Island Comprehensive Special Groundwater Protection Area Plan (LIRPB 1992) discussed limiting the amount of land devoted to turf as a way to limit the amount of nitrogen leached into the groundwater table from development.

It is the policy of the Planning Commission to discourage extensive establishment of turf and fertilizer dependent non-native vegetation. The Commission may recommend disapproval of applications proposing to place more than 15% of each lot in vegetation requiring fertilization.

J. General Guidelines

General Statement of Policy

Land use polices are sustainable when they properly balance economic vitality, environmental quality and social equity. Commission guidelines are intended to advance regionally significant land use policies through the application of site specific standards which collectively promote sustainable economic development, environmental quality and social equity.

Guidelines:

- a. No clearing, grading or other physical work should be allowed to be undertaken on the site until the map has been finalized and all required approvals have been obtained. Allowing such work to commence before all approvals have been obtained will likely result in claims of hardship by the applicant when modification of the layout is found to be required, particularly where much time and money have been invested. Depending on the nature of the change, advance work that is done on the site can result in the scarring of the site that will take a long time to heal.
- b. 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.
- c. 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.).
- d. 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.
- e. When a proposed subdivision is proposed adjacent to commercially or industrially zoned property a buffer strip should be created to help preserve residential amenities of adjoining residential properties 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.
- f. In accordance with Smart Growth policies of Suffolk County, the applicant/owner should be required to maintain cross access and parking agreements with any adjacent shopping/commercial areas to allow for patron parking and cross pedestrian trips between centers.
- g. In accordance with Smart Growth policies of Suffolk County, on-site pedestrian walkways should be provided to abutting roadways to enhance accessibility to nearby public bus transportation services.
- h. 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.
- i. 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.

- j. Where covenants and restrictions are placed upon a development map there must be a mechanism whereby a covenant and restriction can be extinguished. Changing conditions can often render a covenant and restriction in the future as either meaningless or unduly restrictive. No covenant and restriction should be extinguished or modified in the future except upon the petition of the then owner of the property and only after a public hearing has been held upon the matter. The covenant and restriction should only be extinguished by a vote of a majority plus one of the board that originally placed the restriction. Adjoining property owners are entitled to notice of the public hearing but their consent to extinguishing or modification of a covenant and restriction should not be required.
- k. The final development plan should contain a statement that a declaration of covenants and restriction has been filed in the County Clerk's office and that such covenants and restrictions affect the development and buildings within it.
- l. Before the development plan is approved, the developer should be required to submit the proposal to the Suffolk County Department of Health Services for review to insure that the proposed development will meet the requirements and standards of that agency.
- m. 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.
- n. Many sites contain material and/or buildings that are of historic value. To the greatest extent possible, the historic and/or cultural values 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 alternatives should be explored for the adaptive reuse, relocation or preservation of historic structures.
- o. Working in close proximity to powerlines may constitute a health hazard due to the electromagnetic field that is generated by the powerline. Until this question is resolved, all buildings, especially residential structures, should be set well back from any electrical transmission line to insure the safety and health of the people working or living near these transmission lines.
- p. 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%.

A clearing envelope(s) should be drawn for any building(s) on a parcel with slopes greater than 10%. These envelope(s) should be located to minimize the disturbance of those slopes to the greatest extent possible. Construction on slopes in excess of 10% may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate any negative environmental impacts.

Planning Commission review would be facilitated if the submission contained a slope analysis showing slopes 0-15%, 15-25% and 25% and greater. In areas with steep slopes, slope analysis may be required. This can be done with cross hatching or shading on the site plan for the appropriate areas. In addition, erosion and sediment control plans may be required for steeply sloped areas.

- q. To help prevent the unauthorized subdivision of any parcel of land, especially an oversized lot, a proposed subdivision map should contain a statement such as the following:

“No lot shall be subdivided or any lot line changed or modified in any manner without application to and approval of the (Town or Village) planning board.”
- r. To discourage any attempt to subdivide an oversized lot, a lot within a proposed subdivision should not have an area that is greater than 150% of the lot area required by zoning. Where a lot or lots have an area that is greater than 150% of the minimum lot area, the subdivider should be required to file a covenant and restriction prohibiting future subdivision of the lot or lots.
- s. A double frontage lot, that is one with frontage on both a local road and a County road or a State road, should be provided with extra depth for greater separation between the residence on the lot and traffic activity on the road.
- t. Double frontage lots shall be created for the purpose of providing vehicular ingress and egress by means of a local road instead of using a County or State road.
- u. 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.
- v. The trend in automobile ownership in Suffolk County is toward two or more autos per household, one of the highest in the country. Each lot that is created within a subdivision should have sufficient on-site space to provide parking for at least two vehicles so as to discourage the use of streets for parking. Garage space should not be counted as parking space as garages are often used as storage areas rather than parking areas.
- w. 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.

Creation of landlocked lots also places the Zoning Board of Appeals in the awkward position of having to grant building permits for lots under Section 289-a of Town Law or Section 7-736 of

- the Village Law, as the case may be, as the future owners of landlocked lots cannot be held responsible for the landlocked nature of their parcels.
- x. 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.
 - y. 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.
 - z. Conditions of approval that do not require changes in design of the subdivision but affect the use of the land should be filed as covenants and restrictions in the County Clerk's office.
 - aa. The map of a minor subdivision should be filed in the County Clerk's office. This is necessary to ensure the validity of the subdivision and that the subdivision map will be available to the general public in a central office of official records. Filing of the map is also necessary to ensure the preservation of the record of the subdivision from loss and destruction.
 - bb. Minor subdivisions should be limited to those tracts that have no potential for future subdivision. Piecemeal subdivision of a tract through the minor subdivision process without a tentative overall plan for the subdivision of the tract can often lead to unplanned and uncoordinated growth that can be detrimental to the community.
 - cc. All lots within a proposed subdivision are to conform to the minimum lot area requirement of the zoning district in which the property is situated.

Appendix A

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:
 Planning Board or Commission
 Zoning Board of Appeals
 Town Board/ Village Board of Trustees

Type of Referral: New Expansion Modification
SEQRA Action: EAF Lead Agency Draft Scope Draft EIS Final EIS Findings Positive Declaration Negative Declaration

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

Suffolk County Department of Planning as of January 2009

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