

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5192 F: (631) 853-4044

Joanne Minieri, Deputy County Executive and Commissioner, Department of Economic
Development and Planning
Sarah Lansdale, Director of Planning

NOTICE OF MEETING

July 3, 2013 at 1:00 p.m.

Maxine S. Postal Auditorium
Evans K. Griffing Building, Riverhead County Center
300 Center Drive Riverhead, New York 11901

Tentative Agenda Includes:

1. Meeting Summary for June 2013
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speakers
 - Tullio Bertoli, Commissioner, Town of Brookhaven
 - David Genaway, Commissioner, Town of Islip
 - Anthony Manetta, CEO of Suffolk County IDA
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Islip Pines, 0500-21700-0200-030002 (Town of Islip)
 - Adoption of Carmans River Conservation & Management Plan (Town of Brookhaven)
 - Moratorium on certain construction, use and occupancy applications in D-3 (Village of Patchogue)
 - Local Law providing for temporary moratorium on demolitions (Village of Shoreham)
 - Extending temporary moratorium on dock approvals (Village of North Haven)
7. Section A-14-24 of the Suffolk County Administrative Code
None
8. Discussion:
9. Other Business:

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on August 7, 2013 at 2:00 p.m. Rose Caracappa Auditorium W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY

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Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

STAFF REPORT

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

Applicant: Islip Pines
Municipality: Town of Islip
Location: N/E/C NYS Rte. 454 (Veterans Mem. Hwy.) and NYS Rte. 27 (Sunrise Hwy.)

Received: 5/29/2013
File Number: IS-13-04
T.P.I.N.: 0500 21700 0200 030002 et al
Jurisdiction: Within 500" NYS Rte. 454 and NYS Rte. 27: within 1/2 mile of MacArthur Airport

ZONING DATA

- Zoning Classification: ICD/IND1/AA
- Minimum Lot Area: 120,000. Sq. Ft.
- Section 278: No
- Obtained Variance: No

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: Yes
 - File: IS-98-06
 - Date: September 2, 1998
- SEQRA Information: Yes
- SEQRA Type: DEIS
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: vacant
- Existing Structures: none

- General Character of Site: rolling
- Range of Elevation within Site: 40-60' amsl
- Cover: wooded
- Soil Types: Carver, Plymouth and Riverhead associations
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: none

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Code amendment/COZ and concept pln. approval
- Layout: PDD
- Area of Tract: 143.23 Acres

ACCESS

- Roads: existing NYS Rte. 454 and NYS Rte. 27
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: CB & LP
 - Recharge Basins: yes + pond
 - Groundwater Management Zone: I
 - Water Supply: public
 - Sanitary Sewers: off site STP
-

PROPOSAL DETAILS

OVERVIEW: Application is made to the Islip Town Board for the adoption of amendments to the Zoning Law (Chapter 68 of the Code of the Town of Islip) to establish an Islip Mixed-Use Planned Development District (IMUPDD), including change of zone on the subject 143 acre property to the new district and the approval of a Revised Conceptual Master Plan (Revised Conceptual Site Layout Plan) for the Islip Pines development. The subject property is situated in the hamlet of East Holbrook.

The IMUPDD regulations are proposed to established development parameters within which the property will be developed in a manner consistent with the proposed Islip Pines Conceptual Site Layout Plan (see attached). In addition to the Legislative Intent to develop an “environmentally-respectful mixed-use community which incorporates modern planning principals and encourages the productive use of a suitable property to create conditions where the next-generation workforce can leverage industrial, commercial, office, retail, dining and entertainment, recreational, cultural, civic and workforce residential opportunities in a walkable community which also provide benefits for the larger Islip community.” The PDD includes six floating sub-districts to more accurately encompass and reflect the uses that are permitted within the development proposal. Total development within the PDD cannot exceed an FAR of 0.5. The maximum height of the sub-districts varies between 50 and 60 feet, and setbacks are specified for each sub-district. The maximum permitted total square footage/units permitted in each sub-district are defined in the PDD and are indicated in the below table.

According to the Revised Conceptual Site Layout Plan (March 2013) referred to the Suffolk County Planning Commission the proposed development will consist of approximately 2.5 million square feet of total building area and 6,736 off street parking stalls. There are proposed six athletic fields, tennis courts and a great lawn area as part of the development. The Islip Pines proposal, as referred to the SCPC currently contains the proposed mix of uses as indicated in the below table.:

Sub-district	Permitted Square Footage (SF)	Proposed Square Footage (SF)	Proposed % of Project (based on SF)	Proposed Use Description
IMU-Industrial (light Ind., R&D and office)	1,000,000 SF	818,130 SF	38.2 %	Industrial/Research and Development/ Office -Six (6) 3&4-story bldgs.
IMU-Services (commercial business services)	100,000 SF	61,300 SF	2.9%	Commercial Services (mixed use bldgs. and free standing one story bldgs). - Five (5) 1-story bldgs. (Including: Medical Office, Pad Store, Day Care)
IMU-Retail (retail/wholesale & comm. on upper floors of mix use bldgs.)	350,000 SF	339,700 SF	15.9%	Retail -Three (3) 1-story bldgs.
Mixed Use Flex Buildings		302,820 SF	14.2%	Retail/Flex Loft Office (within mixed use bldgs.) -Seven (7) 3-story bldgs.
IMU-Residential (350 units)	350 units – 402,774 SF (revised concept plan)	350 Units-402,774 SF	18.8%	Residential – 350 units (250 workforce, 100 market-rate) -Eight (8) 3-story bldgs.
IMU-Entertainment (cultural, dining, hospitality)	250,000 SF	190,800 SF	8.9%	Entertainment/Hospitality -Two (2) 3-story and Two (2) 1- story bldgs. (Including: 1,800 seat Multiplex Theater, Restaurants, Hotel/conference)
IMU-Civic (bldgs./markets)	60,000 SF	21,218 SF	1.0%	Civic Buildings and Park Maintenance Floor Area -Thirteen (13) 1-story bldgs. (Including: Youth/Senior Center, Tennis Pavilion, Rest Rooms, Vending Areas)
Sub-district Totals	2,162,774 SF	2,136,742 SF	100%	Parking Information: Required – 5,174 Spaces Provided: 2 Parking Structures (392,370 SF) – 2,420 Spaces Below Grade – 1,168 Spaces Dedicated Parking Lots – 2,020 Spaces On Street – 1,128 Spaces Total – 6,736 Spaces

*With Parking Total Proposed Development is 2,529,112 SF (Maximum Permitted Square Footage for the IMUPDD is 2,968,614 SF).

The development is designed in a ring around “The Great Lawn” with entertainment and retail/loft buildings fronting the lawn and retail and industrial buildings fronting Sunrise Highway (NYS Rte. 27). The residential component is located at the northern end of the subject property in the vicinity of the ball fields. The multifamily buildings front on the internal ring road and back onto parking fields and the retail/loft buildings.

Potable water is proposed to be supplied via the public water system. A Suffolk County Water Authority well field and elevated water storage tower is located to the west and across Veterans Memorial Highway (NYS Rte. 454). The SCWA has indicated sufficient capacity for the proposed development.

Waste water from the envisioned IMUPDD Islip Pines development is proposed to be pumped off site to Suffolk county Sewer District # 14; Parkland, to the north of the subject property. The Parkland Sewage Treatment Plant has 210,000 gallons per day reserved for the subject property.

Access to the proposed development is to be from four (4) main boulevard type roadways. One access is proposed opposite Church Street on Veterans Memorial Highway (NYS Rte. 454) and a second on the Sunrise Highway North Service Road (NYS Rte. 27). The third and fourth main boulevard access points are located at the north east and southeast corners of the subject property. The northern access is proposed to be an extension of Collin Drive (Town road). The southeast access is to Beacon Drive (Town Road) which separates the subject property from commercial and industrial uses to the east. Two (2) additional access points from the proposed development to Beacon Drive are also proposed. Bus pavilions are proposed in several locations throughout the internal road network.

The subject property is situated in Hydro-geologic Ground Water Management Zone I pursuant to Article 6 of the Suffolk County Sanitary Code. The site is not located in a NYS Special Groundwater Protection Area (SGPA). No fresh or tidal wetlands occur on site or in the immediate vicinity. To the south, across the intersection of Veterans Memorial and Sunrise Highways, the headwaters of the Sans-Soucci Lakes system (Browns Creek Watershed) originate and are regulated by the NYS DEC.

Storm Water runoff is proposed to be contained onsite via catch basins and leaching pools. An existing recharge basin is located in the northwest corner of the property and several pond/retention basin(s) are proposed throughout the development layout.

In July of 1998 the Suffolk County Planning Commission received a change of zone application for a 47 acre portion of the subject property. The proposal was for the conversion from Industrial I and Industrial Corridor District to Business 3 District. The conceptual development plan called for a total of 287,000 SF of retail consisting of two retail stores, a movie theater and three restaurants.

On September 2, 1998 the Suffolk County Planning commission disapproved the referred change of zone application for the following seven (7) reasons:

1. It is inconsistent with policy objectives of the Town of Islip Comprehensive Plan which call for a limitation on the proliferation of commercial development along major highway corridors;

2. It contravenes past actions of the Town Board which significantly diminished commercial zoning in accordance with the 1986 Sunrise Highway Corridor Study;
3. It is inconsistent with the Suffolk County Master Plan, the 1991 Long Island Regional Planning Board Commercial Development Analysis and the 1997 Suffolk County Retail Commercial Development Study (adopted by the Planning Commission) which calls for promoting identifiable communities, limiting new commercial development along major roadways and providing for the rehabilitation and use of existing underutilized business and commercial centers, including downtown areas such as Sayville and Holbrook;
4. It constitutes the unwarranted further perpetuation of commercial development along Sunrise Highway (N.Y.S. Rte. 27);
5. It would tend to establish a precedent for further such downzoning's in the local along Sunrise Highway;
6. It contravenes past actions of the Town Board in reclassifications of premises for non-commercial purposes; and
7. Premises can be reasonably developed in accordance with existing zoning requirements.

The petitioners have submitted that based upon the proposed development history of the subject parcel, and upon the comments made at public hearings and received during and after the environmental quality review process, as well as discussions with representative of the Town of Islip, the Conceptual Master Plan has been revised to be more responsive to the input of the community and has resulted in a revised concept that is more cohesive and walkable. As compared to more recent development proposals for the property the retail component has been scaled back. The current concept includes a greater amount of green space as compared to more recent concept proposals. The revised concept also includes an increase in the residential unit component to a maximum of 350 units.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-1 provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

There has been significant interest in the proposed action from neighboring communities regarding the proposed action on neighboring commercial business districts. The proposal is intending to add approximately 339,700 SF retail, 302,820 SF of Retail/flex office space, a cinema, restaurants, hotel, and additional commercial services. Vacancy rates for the area have been tracked by Suffolk County Planning and are indicated below:

Retail Center Survey Results by Community, 2010										
Selected Communities in Suffolk County, New York										
Shopping Centers						Downtowns				
Community	-----Storefronts-----			Vacancy	Total	-----Storefronts-----			Vacancy	Total
	Retail	Non-retail	Vacant	Rate	Stores	Retail	Non-retail	Vacant	Rate	Stores
<i>Town of Islip communities:</i>										
Bayport	14	14	5	15%	33	2	11	2	13%	15
Bohemia	64	29	11	11%	104					
Holbrook	79	67	23	14%	169					
Oakdale	35	49	18	18%	102					
Sayville	33	32	18	22%	83	71	54	14	10%	139
West Sayville	6	6	2	14%	14	8	10	2	10%	20
<i>Town of Brookhaven communities:</i>										
Blue Point	6	8	2	13%	16					
North Patchogue	65	23	13	13%	101					
Patchogue village	14	12	3	10%	29	75	74	26	15%	175
Area Total	316	240	95	15%	651	156	149	44	13%	349
Source: Suffolk County Planning										
K:\PLambert\RetailRetail 2010\Vacancy and storefront data by community.xlsx										

A field inspection in June 2013 revealed that the vacancy rate in Sayville’s downtown had improved to 6%, while the vacancy rate in Patchogue had slightly increased to 11%. The smaller downtowns of Bayport and West Sayville had vacancy rates of 8% and 14%, respectively.

The petitioners have put forth that the project is not intended to compete with local store owners and has indicated a desire to draw national chains such as an Apple Store, Men’s Warehouse, Gap, Carrabba’s Italian Grill and Dick’s sporting Goods as potential tenants for the space. The petitioners however, have also put forth that the focal point of the project will be a “regional commercial center...with unique pedestrian friendly mixed use environment reminiscent of a small hamlet...(www.serotaproperties.com/islip_pine.html).”

With respect to public convenience, ingress/egress issues to the access points on the Sunrise Highway Service Road (NYS Rte. 27) raise issues of safety as motor vehicles “weave” in an out of lanes to access the on ramp to the highway. The service road is heavily congested during peak hours. Access to the roadway is under the jurisdiction of the New York State Department of Transportation. The petitioners indicate (FEIS) that the traffic impacts generated by the proposed development would generally be mitigated to acceptable operating conditions within the study area once recommended mitigation measures are implemented (restriping/widening 454/Broadway Ave., signal timing improvements [Church Street, North and South Service Roads, Nicholls Road and Colin Drive]). In addition the Closure of Beacon Drive is considered though the impact on congestion management is still to be determined by the Town of Islip and the State Department of Transportation.

It should also be noted that the within the development site the Conceptual Site Plan proposes more parking spaces (6,736 spaces) than is required (5,174 spaces) by the Islip Mixed-Use Planned Development District. In addition throughout the development site several bus pavilions are

proposed. The petitioner should be required to initiate requests to the Suffolk County Department of Public Works (SCDPW)-Traffic Safety Division regarding altering existing bus routes to serve the proposed development.

The petitioners have addressed community character concerns by reducing the height of proposed buildings and increased the green space and buffering components of the intended development.

It is the belief of staff that some measure of phasing in of the proposed mix of uses would mitigate the impact to the surrounding community including area retail and business districts. The “master plan” should include a metric for the maintaining of a ratio of uses for the mixed use component and a phasing schedule. If possible the residential component should be accelerated to create a synergy with any retail or commercial uses developed onsite and to lessen impacts to existing markets.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Islip Community Identity Plan for Holbrook/Bohemia designates this area for industrial development but makes no specific recommendations for the subject property. The general goals of the Plan are to promote a variety of housing types, recreational services, preserve open space, protect natural resources, protect identifiable communities and focus commercial development in downtown areas while reducing strip commercial development.

The 1988 Town of Islip Sunrise Highway Corridor Study recommends as an objective of future planning along the roadway corridor retaining industrial zoning along the corridor and enhancing existing downtown centers by resisting the conversion of land to retail development along the highway. The study does not recommend retail uses outside of identifiable nodes (Policy Plan pg. 15). While several studies have been conducted since the adoption of the Towns Comprehensive Plan no new corridor study or plan with specific recommendations for this property has yet to be adopted by the Town.

It is the belief of the staff that the subject properties location as a transition between single family residences to the north and commercial uses to the east, as well as the site’s proximity to major roadways makes it appropriate for use as multi-family housing. The industrial and recreational aspects of the proposed development appear to be in conformance with Town Islip Planning documents.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

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

In terms of environmental protection, green space (natural and landscaped) is proposed to comprise 39.7 % of the subject development. Storm water runoff is to be treated via catch basins, leaching pools, proposed ponds and a recharge basin. The main civic feature is a large park (great lawn), arboretum, fountain and floating plaza with an open water area. It is the belief of the staff that the petitioners should review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the Revised Site Layout Plan where practical, design elements contained therein.

Energy Efficiency is addressed in the proposed Revised Conceptual Master Plan by reducing impervious and building areas by comparison to prior proposals. In addition, many of the building roofs are proposed to include green technologies including green roof systems, solar panels, atrium spaces, skylights and white roof systems.

The proposed action in and of itself can be considered an economic development initiative: 1,609 estimated full time construction jobs (FEIS pg. 106), 3,000 estimated permanent employment opportunities (FEIS pg. 7), \$7.84 million dollars in annual sales tax (FEIS pg. 123), and approximately \$8.6 million in annual gross property tax (FEIS pg. 7). As indicated above, it is the belief of staff that some measure of phasing in of the proposed mix of uses would mitigate the impact to surrounding the surrounding community including area retail and business districts. The “master plan” should include a metric for the maintaining of a ratio of uses for the mixed use component and a phasing schedule. If possible the residential component should be accelerated to create a synergy with any retail or commercial uses developed onsite and to lessen impacts to existing markets.

The provision of a mix of workforce and market rate housing increases the diversity of housing stock in the immediate vicinity and in the general area as a whole and addresses housing equity concerns. Moreover, a range of employment opportunities will exist at the completion of the proposed project addressing issues regarding equity in employment.

When considering transportation issues much has been proposed regarding access to and from the subject property including motor vehicle trip volumes, congestion and weave distances, road closure (Beacon Drive) and new signalization (Church Street). All improvements that involve Suffolk County and/or New York State roads would be subject to review and approval of SCDPW and/or NYSDOT. Several bus pavilions are proposed throughout the site development. The Transit Division of the Suffolk County Department of Public works should be contacted to establish bus routes through the subject property. Off street parking and internal road circulation comments from staff are reserved for subsequent site plan referrals from the Town of Islip. It should also be noted that Bus Rapid Transit is being considered in a Suffolk County Bus Rapid Transit Feasibility Study for the closely located, north/south running, Nicholls Road (C.R. 97). The subject development would be a suitable “Innovation Zone” or development node pursuant to the County’s Connect Long Island Initiative. The petitioners should work with Suffolk County to investigate possible connections between the development site and a future Bus Rapid Transit Shuttle.

A review of the IMUPDD by staff suggests the following considerations:

Height limitations in the proposed code should reflect the height of the buildings in each sub-district shown on the “Revised Conceptual Site Layout Plan.” For example, in the IMU-I Industrial sub-district height is permitted to sixty (60) feet. The Layout Plan does not show any of the industrial buildings to be no more than a four (4) story building. The difference between story and height should be clarified in the IMUPDD ordinance.

Some permitted uses in the proposed sub-districts can be considered classic “main street” type uses. The IMUPDD should be reviewed to tailor or modify uses that would be in serious competition with established commercial business districts and downtowns in the area.

STAFF RECOMMENDATION

Approval with the following **Modification** and **Comments**:

Modification:

1. The IMUPDD shall be revised to include text regarding a metric for the maintaining of a ratio of uses for the mixed use component and a phasing schedule.

Reason:

There has been significant interest in the proposed action from neighboring communities regarding the potential impact the proposed action may have on neighboring commercial business districts. The proposal is intending to add approximately 339,700 SF retail, 302,820 SF of Retail/flex office space, a cinema, restaurants, hotel, and additional commercial services.

Comments:

1. Some permitted uses in the proposed sub-districts can be considered classic “main street” type uses. The IMUPDD should be reviewed to tailor or modify uses that would be in serious competition with established commercial business districts and downtowns in the area.
2. The petitioners should be encouraged to review the Suffolk County Planning Commission Publication entitled *Study of Man Made Ponds in Suffolk County* and incorporate into the Revised Site Layout Plan, where practical, design elements contained therein.
3. Access to the major roadway from the subject property is under the jurisdiction of the New York State Department of Transportation. The applicants should reach out to/continue dialogue with the Department for all necessary curb cut and access permits to the State ROW’s.
4. The Transit Division of the Suffolk County Department of Public works should be contacted to establish bus routes through the subject property.

5. The petitioners should work with Suffolk County to investigate possible connections between the development site and a future Bus Rapid Transit Shuttle per the Connect Long Island Initiative.



Sections	
[Red Box]	21700
[Yellow Box]	21800
[Green Box]	23900
[Dashed Line]	Block Lines
[Solid Line]	Lot Lines

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 Real Property Taxmap parcel lines used with permission of Suffolk County Real Property
 Tax Service Agency (R.P.T.S.A.). This is a digital map produced for the purpose of identifying and conveying
 information. It is not intended to be used as a legal document. Some cases correct data has been left out and questionable or inaccurate data has been
 left in. The County is not responsible for any errors or omissions. In the event of a discrepancy, the
 original map shall prevail. This map is produced in an effort to aid
 in the collection of data and is not intended to be complete or accurate in any way.
 *Accepted from F.O.I.L. the provisions of the Freedom of Information Law (Public Officers
 Law Article 6 Section 84-b) by section 87(2)(g) CD-13-055-033113

SUTHERLAND COUNTY
 Suffolk County
 1100 State Street
 Suffolk, NY 11962

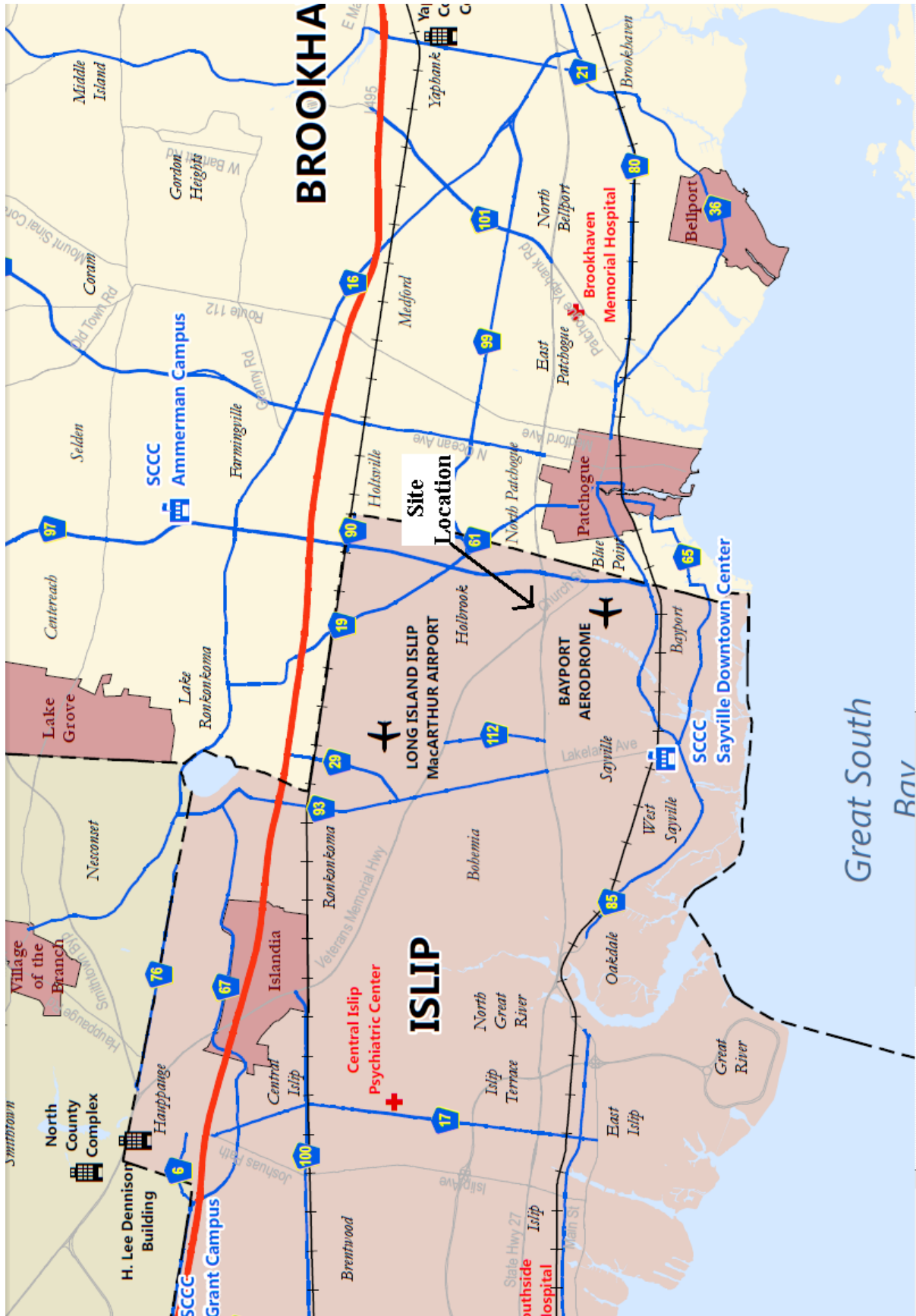
SCPTM No.: 0500 21700 0200 003002 SCRP TAXMAP BASE, 2012
 & 009005; 0500 21800 0100 001011,
 002005, 002006, 003003, 003004,
 004019, 005000 & 006000; 0500
 23900 0100 006001, 007000, 017002,
 017005, 017006 & 017007

Application: Islip Pines
 SCPD No.: IS-13-04

Date: 07/03/13

1 inch = 500 feet
 0 200 400 600 800 1,000 Feet





CODE OF THE TOWN OF ISLIP

VOLUME II

CHAPTER 68

ZONING

ARTICLE _____

Use District Regulations

Islip Mixed-Use Planned Development District (IMUPDD)

68-__ Legislative Intent.

- A. The purpose and intent of the Islip Mixed-Use Planned Development District (IMUPDD), to be located on approximately one hundred forty (140) acres located on the northeast corner of Sunrise Highway (NYS Route 27) and Veterans Memorial Highway (NYS Route 347), is primarily to enable the development of an environmentally-respectful mixed-use community which incorporates modern planning principals and encourages the productive use of a suitable property to create conditions where the next-generation workforce can leverage industrial, commercial, office, retail, dining and entertainment, recreational, cultural, civic, and workforce residential opportunities in a walkable community which also provides benefits for the larger Islip community. These IMUPDD regulations are intended to establish development parameters within which the property will be developed in a manner consistent with the Islip Pines Revised Conceptual Master Plan and the Islip Pines Revised Conceptual Site Layout Plan (collectively, the "Islip Pines Revised Conceptual Master Plan") both adopted by the Town Board simultaneously with this section.
- B. The IMUPDD will provide for the following subdistricts, each intended to integrate with one another and provide for the flexibility of design integral to a mixed use community: (1) industrial, research and development, and office uses in an industrial subdistrict; (2) commercial service, business and business services in a services subdistrict; (3) workforce and full market value housing in a residential subdistrict; (4) ground-floor retail and flexible use space in a retail subdistrict; (5) civic, recreation, athletic, and community/public assembly uses in a civic subdistrict; and (6) entertainment, cultural, dining and food service, and hospitality uses in an entertainment subdistrict.
- C. Development in this district shall be in accordance with an approved conceptual master plan, which shall contain parameters relating to locations of subdistricts, density, open space, and associated improvements and utilities.
- D. To the extent that this local law is inconsistent with New York State Town Law or any of the various laws, rules, and regulations of the Town of Islip, it shall supersede such provisions.
- E. Unless provided to the contrary in this Code section, the definition of words used in this Code section shall be the same as provided in this chapter (Zoning).

- F. Unless provided for otherwise in the IMUPDD, all aspects of the development of the Islip Pines Revised Conceptual Master Plan shall be in conformance with the Town of Islip Subdivision and Land Development Regulations.
- G. Due to the mixed-use nature of development permitted hereunder, total development pursuant to the Islip Pines Conceptual Master Plan shall not exceed .50 FAR.

68-__ Designation of Subdistricts.

The following subdistricts shall identify generally the uses on an IMUPDD Conceptual Master Plan but by the very mixed-use nature of the development permitted herein, definite division into subdistricts is counterproductive to the goal of mixed-use development. Therefore, development pursuant to the IMUPDD does not require that the uses in each subdistrict be separated from uses in any other subdistrict. The existence of uses defined in separate subdistricts located adjacent to or combined with each other shall not violate the terms hereof and, contrarily, should be encouraged and permitted wherever practical.

- A. IMU Industrial (IMU-I) – A mixed-use subdistrict which permits light industrial, research and development, and office uses. To accomplish a true mixed use development, land for the development of the uses described in this subdistrict does not have to be contiguous with other land in the IMU-I subdistrict. The total developable square footage in this subdistrict shall not exceed 1,000,000 square feet.
- B. IMU Services (IMU-S) – A mixed-use subdistrict which permits commercial services, business and business service uses. To accomplish a true mixed use development, land for the development of the uses described in this subdistrict does not have to be contiguous with other land in the IMU-S subdistrict. The total developable square footage in this subdistrict shall not exceed 100,000 square feet.
- C. IMU Residential (IMU-RES) – A mixed-use subdistrict which permits workforce and full market value housing, and associated residential amenities, to address the identified on Long Island need for quality workforce housing and full market value housing within walking distance to business, recreation, entertainment, civic, and retail opportunities on Long Island. To accomplish a true mixed use development, land for the development of the uses described in this subdistrict does not have to be contiguous with other land in the IMU-RES subdistrict. The total number of residential units in this subdistrict shall not exceed 350 units.
- D. IMU Entertainment (IMU-E) – A mixed-use subdistrict which permits entertainment, cultural, dining and food service, and hospitality uses. To accomplish a true mixed use development, land for the development of the uses described in this subdistrict does not have to be contiguous with other land in the IMU-E subdistrict. The total developable square footage in this subdistrict shall not exceed 250,000 square feet.
- E. IMU Civic (IMU-C) – A mixed-use subdistrict which permits civic, recreation, athletic, and community/public assembly uses within buildings and structures or in open space or open air areas. Nothing in this section shall limit the ability of the public to be charged a fee for use of the amenities described herein, or for the amenities to be provided to the public at no charge, as determined by the provider of such amenity. To accomplish a true mixed use development, land for the development

of the uses described in this subdistrict does not have to be contiguous with other land in the IMU-C subdistrict. The total developable square footage in this subdistrict shall not exceed 60,000 square feet.

- F. IMU Retail (IMU-RET) – A mixed-use subdistrict which permits buildings to be used for the retail or wholesale sale of goods on multiple floors and which also provides space for commercial or residential uses above the ground floor. To accomplish a true mixed use development, land for the development of the uses described in this subdistrict does not have to be contiguous with other land in the IMU-RET subdistrict. The total developable square footage in this subdistrict shall not exceed 350,000 square feet.

68-__ Definitions.

Unless otherwise specifically defined herein, the terms used in the IMUPDD section shall have the same meaning as defined in Chapter 68.

68-__ Subdistrict Regulations.

A. IMU-I Industrial.

1. Permitted uses:

- a. Office, including professional, information technology, medical, and dental offices.
- b. Research and development uses including laboratories for scientific or industrial research, testing, and development.
- c. Electronic storage facilities such as data centers and facilities for computer server hosting.
- d. Uses commonly referred to as “back office” including information technology, mail and package sorting, and telephone call centers and support.
- e. Manufacturing.
- f. Bank.
- g. Warehouse (including storage and mini-storage warehouse facilities).
- h. Agricultural or nursery use including the retail sale of products produced on the premises.
- i. Child day-care center.
- j. Veterinarian.
- k. Public school.
- l. Private or parochial school, including preschool programs, elementary and secondary schools, colleges and universities, vocational schools and other non-degree-granting schools including self-defense, dance, swimming, gymnastics and similar instruction/programs.
- m. Supply house and wholesale establishment/showroom.
- n. Commercial laundry/dry cleaning establishment.

- o. Printing plant/copy facility.
 - p. Indoor and/or outdoor recreational or fitness/health and beauty use.
 - q. Telecommunication uses and equipment.
 - r. Sale, lease, or rental of heavy construction vehicles, emergency vehicles, unattached trailers and related equipment, provided such vehicle or equipment is not located within the front yard and is set back a minimum of 100 feet from any residential use or zone, and further provided such vehicle or equipment is properly screened from view from such residential use or zone.
 - s. Businesses which involve the outdoor or overnight parking of registered vehicles as an accessory use to a permitted principal use, including rental car/truck agencies as a principal use, provided that all vehicles are set back a minimum distance of 50 feet from any street (except an internal roadway) and 100 feet from any residential use or zone, and further provided such vehicles are properly screened from view from such residential use or zone.
 - t. Indoor/outdoor storage and sale or repair of vehicles.
 - u. Assembly and social recreation hall, excluding those uses which qualify as bar/tavern or nightclubs.
 - v. House of worship.
2. Uses permitted with administrative approval of the Town Clerk shall be as follows:
- By permit issued administratively by the Town Clerk, the outdoor sale and/or display of any variety of tree(s), bush(es) and/or plant(s) used as a symbol of expressing a holiday and/or religiously significant season, including, but not limited to, Christmas trees, wreaths and/or other holiday and/or religiously significant plants or decorations, subject to the provisions set forth in § 68-271.1.
3. Uses permitted by special permit from Planning Board:
- a. Vehicle storage yards not in connection with a primary use, freight facilities, private carting companies, transportation facilities, parcel post companies and similar uses.
 - b. Single retail uses or showrooms which do not fall in the category of shopping center, except a retail store is permitted as-of-right if it is within the industrial building or shares a common wall with it and sells only goods manufactured or produced in the principal industrial building or elsewhere on the property.
 - c. Spray booth when operated as an accessory to a primary permitted use, only when such use is located at least 500 feet from any residential use or zone, school, day-care center, camp, park, playground or playing field.
4. Permitted accessory uses.
-
- a. The following uses shall be permitted within a building:
 - i. Gym, exercise studio, physical fitness center, dance studio,

- game/recreation center, health and beauty uses.
 - ii. Convenience market.
 - iii. Cafeteria.
 - iv. Restaurant.
 - v. Bank.
 - vi. Drug store or pharmacy.
 - vii. Other customary accessory uses, structures and buildings, provided that such uses are clearly incidental to the principal use and do not include any activity conducted as a stand-alone business.
 - viii. Parking structures, garages, and lots.
- b. Building for storing products, merchandise or vehicles incidental or accessory to the authorized use.
 - c. Other customary accessory uses, structures and buildings, provided that such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.
 - d. Accommodations for security guards not to exceed 500 square feet in gross floor area per security guard.
5. Prohibited Uses:
- a. All uses not expressly permitted are prohibited. No accessory building shall be constructed until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building is completed and used.
 - b. Whenever a use has been authorized by a special permit pursuant to § 68-___, no accessory use to that special permit use shall be permitted unless the same shall have been specifically authorized by the Board that authorized the special permit use.
6. Height:
- a. No structure shall be erected to a height in excess of 60 feet.
 - b. The Planning Board may increase the permitted height of a structure up to thirty-five percent (35%).
 - c. Accessory structures shall not exceed 30 feet in height.
 - d. Exceptions. The provision hereof shall not apply to the height of a church or similar place of worship, tower, telecommunications equipment, stack, standpipe, refrigeration or compression coil, monument, chimney, water tank, elevator, mechanical units/housing, or parapet walls. In the event that such structures are within 1 1/2 miles of an established airport, the approval by the Federal Aviation Agency shall be secured and any and all conditions imposed met.
7. Setbacks:
- a. Front yard setbacks from any roadway under the jurisdiction of the New York State Department of Transportation shall be fifteen (15) feet, the entire extent

of which shall be landscaped or green space, except for approved driveways, sidewalks, utilities, and utility easements.

- b. Rear yard setbacks shall be a minimum of ten (10) feet,
- c. Side yard setbacks shall be a combined minimum total of twenty (20) feet, with a minimum ten (10) foot setback on any individual side.
- d. All buildings erected on a corner lot shall also have a front yard on a side street. This front yard shall have a minimum setback of ten (10) feet.
- e. All buildings erected on a through lot shall be set back a minimum of ten (10) feet from the internal roadways.
- f. A minimum distance of ten (10) feet shall be provided between adjacent unconnected buildings. This required minimum may be waived by the Planning Board upon application.
- g. The Planning Board may reduce the setback requirements by up to thirty-five percent (35%).

B. IMU-Services (IMU-S)

1. Permitted uses:
 - a. Commercial and business services.
 - b. Office, including professional, information technology, medical, and dental offices.
 - c. Bank and financial services, including tax preparation.
 - d. Child day-care center.
 - e. Restaurant and minor restaurant.
 - f. Specialty food shop
 - g. Public school.
 - h. Private or parochial school, including preschool programs, elementary and secondary schools, colleges and universities, vocational schools and other non-degree-granting schools including self-defense, dance, swimming, gymnastics and similar instruction/programs.
 - i. Indoor and/or outdoor recreational or fitness/health and beauty use.
 - j. House of worship.
2. Uses permitted with administrative approval of the Town Clerk shall be as follows:

By permit issued administratively by the Town Clerk, the outdoor sale and/or display of any variety of tree(s), bush(es) and/or plant(s) used as a symbol of expressing a holiday and/or religiously significant season, including, but not limited to, Christmas trees, wreaths and/or other holiday and/or religiously significant plants or decorations, subject to the provisions set forth in § 68-271.1.

3. Uses permitted by special permit from Planning Board:
 - a. Vehicle storage yards not in connection with a primary use, transportation facilities, parcel post companies and similar uses.
 - b. Single retail uses which sell only goods manufactured or produced on the property.
4. Permitted accessory uses.
 - a. Customary accessory uses, structures and buildings, provided that such uses are clearly incidental to the principal use and do not include any activity conducted as a stand-alone business.
 - b. Building for storing products, merchandise or vehicles incidental or accessory to the authorized use.
 - c. Accommodations for security guards not to exceed 500 square feet in gross floor area per security guard.
5. Prohibited Uses:
 - a. All uses not expressly permitted are prohibited. No accessory building shall be constructed until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building is completed and used.
 - b. Whenever a use has been authorized by a special permit pursuant to § 68-___, no accessory use to that special permit use shall be permitted unless the same shall have been specifically authorized by the Board that authorized the special permit use.
6. Height:
 - a. No structure shall be erected to a height in excess of 50 feet.
 - b. The Planning Board may increase the permitted height of a structure up to thirty-five percent (35%).
 - c. Accessory structures shall not exceed 30 feet in height.
 - d. Exceptions. The provision hereof shall not apply to the height of a church or similar place of worship, tower, telecommunications equipment, stack, standpipe, refrigeration or compression coil, monument, chimney, water tank, elevator, mechanical units/housing, or parapet walls. In the event that such structures are within 1 1/2 miles of an established airport, the approval by the Federal Aviation Agency shall be secured and any and all conditions imposed met.
7. Setbacks:
 - a. Front yard setbacks from any roadway under the jurisdiction of the New York State Department of Transportation shall be fifteen (15) feet, the entire extent of which shall be landscaped or greenspace, except for approved driveways, sidewalks, utilities, and utility easements.

- b. Rear yard setbacks shall be a minimum of ten (10) feet,
- c. Side yard setbacks shall be a combined minimum total of twenty (20) feet, with a minimum ten (10) foot setback on any individual side.
- d. All buildings erected on a corner lot shall also have a front yard on a side street. This front yard shall have a minimum setback of ten (10) feet.
- e. All buildings erected on a through lot shall be set back a minimum of ten (10) feet from the internal roadways.
- f. A minimum distance of ten (10) feet shall be provided between adjacent unconnected buildings. This required minimum may be waived by the Planning Board upon application.
- g. The Planning Board may reduce the setback requirements by up to thirty-five percent (35%).

C. IMU-R Residential

1. Definitions:

WORKFORCE HOUSING – The initial sales price of each workforce housing unit, and the subsequent resale price of each such unit, shall equal a multiple (2x for a one-bedroom unit and 3x for a two-bedroom unit) of one-hundred (100%) percent of the estimated median family income for the sale year for the Nassau-Suffolk, NY HUD Metro FMR Area as determined by the U.S. Department of Housing and Urban Development (“HUD”). At the time of resale of workforce housing units, the maximum permitted sales price shall be increased to include the actual cost of any permanent capital improvements which have been made to the workforce housing unit and as adjusted for inflation. Using the data year (2012) for illustration purposes only, the initial sale price of the one bedroom workforce units would be \$215,000 (\$107,500 x2) and the initial sale price of the two bedroom workforce units would be \$322,500 (\$107,500 x3). Nothing contained in this IMU-R Residential section should be considered to prohibit any purchaser of a WORKFORCE HOUSING unit or any employer of a purchaser of a WORKFORCE HOUSING unit from receiving the benefit of any local, state, or federal housing grant, down payment assistance, or similar incentive, excluding, however, subsidized payments. If rental units are proposed in this subdistrict, the rent for such units shall also be calculated using the estimated median family income for the rent year for the Nassau-Suffolk, NY HUD Metro FMR Area as determined by HUD. Federal rent subsidies shall not be permitted for these units.

FULL MARKET VALUE HOUSING – Any housing unit not identified as WORKFORCE HOUSING shall be available for sale (or rent if proposed) at full market value without restriction on initial sale (or rent) or resale.

2. Permitted uses.

One and two-bedroom residential attached units contained in one or more buildings or as attached townhouses and flats in multiple buildings. Residential units may also be contained in mixed-use buildings.

3. Accessory uses. The following uses shall be permitted within the Residential subdistrict but must be clearly incidental to the principal use:
 - a. Recreation uses, including but not limited to multi-function buildings, swimming pools, tennis courts and similar facilities.
 - b. Park, playground or similar use.
 - c. Maintenance buildings.
 - d. Off-street parking.
 - e. Other customary accessory uses.
4. Height. No structure shall be erected to a height in excess of 60 feet.
5. Density. The maximum density shall not exceed 350 total residential units, 250 units of which shall be WORKFORCE HOUSING and 100 units of which shall be FAIR MARKET VALUE HOUSING.
6. Setbacks.
 - a. Front yard setbacks from any roadway under the jurisdiction of the New York State Department of Transportation shall be fifteen (15) feet, the entire extent of which shall be landscaped or greenspace, except for approved driveways, sidewalks, utilities, and utility easements.
 - b. Rear yard setbacks shall be a minimum of ten (10) feet,
 - c. Side yard setbacks shall be a combined minimum total of twenty (20) feet, with a minimum ten (10) foot setback on any individual side.
 - d. All buildings erected on a corner lot shall also have a front yard on a side street. This front yard shall have a minimum setback of ten (10) feet.
 - e. All buildings erected on a through lot shall be set back a minimum of ten (10) feet from the internal roadways.
 - f. A minimum distance of ten (10) feet shall be provided between adjacent unconnected buildings. This required minimum may be waived by the Planning Board upon application.
 - g. The Planning Board may reduce the setback requirements by up to thirty-five percent (35%).

D. IMU-E Entertainment

1. Permitted uses:
 - a. Restaurant and minor restaurant.
 - b. Specialty food shop
 - c. Hotel with or without conference, meeting, and event facilities.
 - d. Multiplex motion picture theater and other public assembly entertainment uses.
 - e. Indoor and/or outdoor recreational or fitness/health and beauty use.

f. House of worship.

2. Uses permitted with administrative approval of the Town Clerk shall be as follows:

By permit issued administratively by the Town Clerk, the outdoor sale and/or display of any variety of tree(s), bush(es) and/or plant(s) used as a symbol of expressing a holiday and/or religiously significant season, including, but not limited to, Christmas trees, wreaths and/or other holiday and/or religiously significant plants or decorations, subject to the provisions set forth in § 68-271.1.

3. Uses permitted by special permit from Planning Board:

Single retail uses which sell only goods manufactured or produced on the property.

4. Permitted accessory uses.

- a. Customary accessory uses, structures and buildings, provided that such uses are clearly incidental to the principal use and do not include any activity conducted as a stand-alone business.
- b. Building for storing products, merchandise or vehicles incidental or accessory to the authorized use.
- c. Accommodations for security guards not to exceed 500 square feet in gross floor area per security guard.
- d. Food and catering services.

5. Prohibited Uses:

- a. All uses not expressly permitted are prohibited. No accessory building shall be constructed until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building is completed and used.
- b. Whenever a use has been authorized by a special permit pursuant to § 68-___, no accessory use to that special permit use shall be permitted unless the same shall have been specifically authorized by the Board that authorized the special permit use.

6. Height:

- a. No structure shall be erected to a height in excess of 60 feet.
- b. The Planning Board may increase the permitted height of a structure up to thirty-five percent (35%).
- c. Accessory structures shall not exceed 30 feet in height.
- d. Exceptions. The provision hereof shall not apply to the height of a church or similar place of worship, tower, telecommunications equipment, stack, standpipe, refrigeration or compression coil, monument, chimney, water tank, elevator, mechanical units/housing, or parapet walls. In the event that such structures are within 1 1/2 miles of an established airport, the approval by the Federal Aviation Agency shall be secured and any and all conditions imposed

met.

7. Setbacks:

- a. Front yard setbacks from any roadway under the jurisdiction of the New York State Department of Transportation shall be fifteen (15) feet, the entire extent of which shall be landscaped or greenspace, except for approved driveways, sidewalks, utilities, and utility easements.
- b. Rear yard setbacks shall be a minimum of ten (10) feet,
- c. Side yard setbacks shall be a combined minimum total of twenty (20) feet, with a minimum ten (10) foot setback on any individual side.
- d. All buildings erected on a corner lot shall also have a front yard on a side street. This front yard shall have a minimum setback of ten (10) feet.
- e. All buildings erected on a through lot shall be set back a minimum of ten (10) feet from the internal roadways.
- f. A minimum distance of ten (10) feet shall be provided between adjacent unconnected buildings. This required minimum may be waived by the Planning Board upon application.
- g. The Planning Board may reduce the setback requirements by up to thirty-five percent (35%).

E. IMU-C Civic

1. Permitted uses:

- a. Outdoor live performance and motion picture venues.
- b. Open space, green space, water recreation.
- c. Outdoor and indoor athletic playing fields and courts.
- d. Senior/youth facilities.
- e. Open-air market.

2. Uses permitted with administrative approval of the Town Clerk shall be as follows:

By permit issued administratively by the Town Clerk, the outdoor sale and/or display of any variety of tree(s), bush(es) and/or plant(s) used as a symbol of expressing a holiday and/or religiously significant season, including, but not limited to, Christmas trees, wreaths and/or other holiday and/or religiously significant plants or decorations, subject to the provisions set forth in § 68-271.1.

3. Permitted accessory uses.

- a. Customary accessory uses, structures and buildings, provided that such uses are clearly incidental to the principal use and do not include any activity conducted as a stand-alone business.
- b. Building for storing products, merchandise or vehicles incidental or accessory to the authorized use.

- c. Accommodations for security guards not to exceed 500 square feet in gross floor area per security guard.
 - d. Food, beverage, and dry goods sales structures.
 - e. Public restrooms.
 - f. Public transportation pick-up/drop-off areas.
 - g. Offices used in connection with any permitted use.
4. Prohibited Uses:
- a. All uses not expressly permitted are prohibited. No accessory building shall be constructed until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building is completed and used.
 - b. Whenever a use has been authorized by a special permit pursuant to § 68-___, no accessory use to that special permit use shall be permitted unless the same shall have been specifically authorized by the Board that authorized the special permit use.
5. Height:
- a. No structure shall be erected to a height in excess of fifty (50) feet.
 - b. The Planning Board may increase the permitted height of a structure up to thirty-five (35%) percent.
 - c. Accessory structures shall not exceed thirty (30) feet in height.
 - d. Exceptions. The provision hereof shall not apply to the height of a church or similar place of worship, tower, telecommunications equipment, stack, standpipe, refrigeration or compression coil, monument, chimney, water tank, elevator, mechanical units/housing, or parapet walls. In the event that such structures are within 1 1/2 miles of an established airport, the approval by the Federal Aviation Agency shall be secured and any and all conditions imposed met.
6. Setbacks:
- a. Front yard setbacks from any roadway under the jurisdiction of the New York State Department of Transportation shall be fifteen (15) feet, the entire extent of which shall be landscaped or greenspace, except for approved driveways, sidewalks, utilities, and utility easements.
 - b. Rear yard setbacks shall be a minimum of ten (10) feet,
 - c. Side yard setbacks shall be a combined minimum total of twenty (20) feet, with a minimum ten (10) foot setback on any individual side.
 - d. All buildings erected on a corner lot shall also have a front yard on a side street. This front yard shall have a minimum setback of ten (10) feet.
 - e. All buildings erected on a through lot shall be set back a minimum of ten (10) feet from the internal roadways.

- f. A minimum distance of ten (10) feet shall be provided between adjacent unconnected buildings. This required minimum may be waived by the Planning Board upon application.
- g. The Planning Board may reduce the setback requirements by up to thirty-five percent (35%).

F. IMU Retail.

- 1. Permitted uses.
 - a. Retail or wholesale sale of goods.
 - b. Minor and fast-food restaurants.
 - c. Convenience markets.
 - d. Pharmacies and drug stores.
 - e. Banks and automated teller machines.
 - f. Personal service establishment.
 - g. Art galleries.
 - h. Assembly or social recreation centers.
 - i. Dry cleaning establishments.
 - j. Artist studios and artistic performance spaces.
 - k. Business service establishments, including printing, office supplies, business machines, computers, photography studios and film development stores.
 - l. Family entertainment venues.
 - m. Professional offices.
 - n. Single-user bulk retail/wholesale establishment.
 - o. Residential units.
 - p. Live/work units for artists and professionals.
 - q. General retail and other uses similar to those permitted as of right within this subdistrict.
- 2. Accessory uses. The following uses shall be permitted within the IMU-R Retail subdistrict:
 - a. Off-street parking, parking garages, and other parking structures.
 - b. Other customary accessory uses.
- 3. Height.
 - a. No structure shall be erected to a height in excess of fifty (50) feet.
 - b. The Planning Board may increase the permitted height of a structure up to thirty-five percent (35%).
- 4. Setbacks.

- a. Front yard setbacks from Sunrise Highway shall be fifteen (15) feet, the majority of which shall be landscaped or green space, except for driveways, sidewalks, parking, utilities, and utility easements.
- b. Rear yard setbacks shall be a minimum of ten (10) feet.
- c. Side yard setbacks shall be a combined minimum total of twenty (20) feet, with a minimum ten (10) foot setback on any individual side.
- d. All buildings erected on a corner lot shall also have a front yard on a side street. This front yard shall have a minimum setback of ten (10) feet.
- e. All buildings erected on a through lot shall be set back a minimum of ten (10) feet from the internal roadways.
- f. A minimum distance of ten (10) feet shall be provided between adjacent unconnected buildings.
- g. The Planning Board may reduce the setback requirements by up to thirty-five percent (35%).

68-__ Parking.

A. Required Number of Parking Spaces:

The mixed-use design of the IMUPDD reduces the need for on-site parking for individual uses. Therefore, adherence to the standard on-site parking requirements for the other zoning districts in the Town of Islip as required in Appendix E – Table of Minimum Parking Spaces in the Subdivision and Land Development Regulations, would result in the provision of an overabundance of parking spaces and reduction in land available for open space, public spaces, landscaping and streetscape in the IMUPDD. To avoid such an undesirable condition, the following shall be the minimum number of required parking spaces:

1. IMU-I: 1 parking space per 1,000 square feet of gross floor area.
2. IMU-S: 3.3 parking spaces per 1,000 square feet of gross floor area.
3. IMU-RES: 1.5 parking spaces per dwelling.
4. IMU-E (Theatre): .3 parking spaces per 1 seat.
5. IMU-E (Restaurant): 4 parking spaces per 1,000 square feet of gross floor area.
6. IMU-E (Hotel): 1.5 spaces per guest unit plus 250 additional spaces for employees and invitees.
7. IMU-C (Civic): 2.5 spaces per 1,000 square feet of gross floor area.
8. IMU-RET (Retail): 4 parking spaces per 1,000 square feet of gross leasable area.
9. IMU-RET (Flex): 3.3 parking spaces per 1,000 square feet of gross leasable area.

B. Permitted Parking spaces:

1. Surface parking included dedicated parking lots and on-street parking.
2. Structured parking no higher than three (3) parking stories above-grade and one

(1) parking story below-grade.

68-__ Loading

- A. Single and multi tenant buildings with individual tenants no larger than 30,000 square feet may be serviced from either the front or rear and shall not require dedicated service docks. In addition, common trash facilities may be provided for multi tenant buildings.
- B. Any building with one or more tenant of greater than 30,000 square feet shall include a dedicated loading area for truck delivery and trash removal.
- C. All loading areas shall be screened from public view with a wall, fencing, and/or landscaping.

68-__ Landscaping.

- A. Intent: Landscaping and decorative elements for all development areas shall be provided to: 1) enhance the aesthetics of the development, 2) create a pedestrian friendly environment, 3) break up the mass of buildings, 4) soften architectural materials, 5) provide screening of service areas, 6) enhance the streetscape/highway environment, 7) define building and parking area entrances, 8) provide shade and climate control, and 9) provide buffers between subdistricts.
 - 1. A minimum landscape area or green space of fifteen (15) feet shall be maintained along all road frontages. This may include public walkways, sidewalks, parks, and plazas.
 - 2. Detached Walks: Provide a minimum of 1 tree per 40 lineal feet of street frontage between the sidewalk and curb, and an additional 1 tree and 8 shrubs per 40 lineal feet of street frontage within 10 feet outside the sidewalk, internal to the development.
 - 3. Attached Walks: Provide a minimum of 1 tree per 30 lineal feet of street frontage within 15 feet of the edge of the sidewalk and a minimum of 5 shrubs per tree plus perennial flower beds, ground cover or grass lawn is required within 20 feet of the edge of curb.
 - 4. Meandering Sidewalks: Provide a minimum of 1 tree per 30 lineal feet of street frontage and accompany the trees with a variety of shrubs and ground covers. A minimum of 8 shrubs per tree plus perennial flowerbeds, ground cover or grass lawn is required.
 - 5. Sight Triangle: Provide adequate sight lines for an effective sight triangle per the Town Code. Plant roadways with landscape materials that do not interfere with the visibility of the motorist. Plant trees a minimum of 3 feet from the back of curb and choose shrubs that do not exceed mature heights.
 - 6. Parking lots are necessary features of building sites that can, if not designed properly, visually detract from the overall development character. Parking lots within the subdistricts developed under the IMUPDD should be designed to blend with each building site's character using landscape plantings and grading.
 - a. A minimum of 1 tree per 20 parking spaces (average equivalent) is required in all parking lots, to be planted in islands, medians, and perimeter areas

adjacent to lots (excluding streetscape tree plantings). Utilize landscaped islands and medians to improve the definition of circulation patterns, provide shading for paved areas and break up continuous rows of parking. All parking areas shall be landscaped including landscaped islands.

- b. All parking lots over 15,000 square feet shall provide at a minimum that every other double-loaded parking area where possible shall be separated by a minimum landscape division of six feet. Said areas shall be planted with trees at an average of one tree for every 30 feet. The plant spacing herein is for the purpose of determining the number of plants to be provided and not to dictate the design thereof. Clustering of plants in natural patterns is highly encouraged.
7. The coordination of landscape design within a community developed under this code section is essential for creating a consistent, high-quality character. A cohesive design unifies the various buildings and strengthens the cohesiveness of the development. Individual landscape treatments for building sites must complement the roadway landscapes, create distinctive settings for buildings, and help reinforce the design of the open space system and provide a transition for pedestrians. The Planning Board may reduce any of the landscaping requirements specified herein.

68-__ Exterior Lighting.

- A. All exterior street and pedestrian lighting fixtures and columns shall be consistent throughout each subdistrict of the IMUPDD.
- B. All lighting shall be positioned or shielded to illuminate the subject parcel only and there shall be no spillover of lighting onto any residential lot.
- C. All lighting adjacent to a buffer zone shall be positioned in such a manner so as to eliminate glare on adjoining properties.

68-__ Permitted encroachments.

The following encroachments are hereby permitted:

- A. All lighting, cornices, eaves, gutters, chimneys, awnings, signs, or bay windows projecting not more than forty-eight (48) inches.
- B. One-story open porches and terraces not exceeding five (5) feet in height and projecting not more than ten (10) feet.
- C. One-story enclosed vestibules not greater than twelve (12) feet wide.
- D. Guard booths, flagpoles, identification signs, sculptures, seating, street furniture or gazebos.
- E. Shielded mechanical systems.
- F. Antennas as part of a permitted use, subject to the approval of the Planning Board.

68-__ Determination by Planning Board.

Except as otherwise provided herein, all matters referred to the Planning Board in this

Article ____ may be determined without a public hearing, pursuant to Town Law § 274-a, Subdivision 2.

68-__ Open Development Area.

Pursuant to Section 280-a of the Town Law, the Town Board hereby declares this zoning district an open development area within the Town, wherein building permits may be issued for the erection of structures to which access is given by right-of-way or easement, upon such conditions or regulations as may be prescribed by the Planning Board at the time of site plan review.

68-__ Signs

Intent.

This article is intended to control outdoor signs of all types and in all zoning districts by regulating size, location, quantity, quality, content and design to:

- A. Protect the safety of the public.
- B. Enhance the aesthetic environment of the PDD.
- C. Reduce motorist distraction.
- D. Provide for uniform design standards.
- E. Encourage excellence in sign design.
- F. Improve business identification and sign comprehension.
- G. Limit the use of energy in sign design and maintenance.
- H. All signs shall be maintained in a neat, safe and workable condition at all times.

Permitted Signs.

- A. Permitted signs may only identify the person, establishment, the principal product and/or service available on the premises which contains the sign.
- B. The following signs are permitted in the IMUPDD:
 - 1. Address: a sign identifying the number and/or name of the occupant of a unit.
 - 2. Public interest: a sign containing a cautionary message, such as "beware of dog" or "no trespassing," or an information message, such as "exit" or "parking."
 - 3. Place / Identity: a sign identifying the development, residential neighborhood, or a public facility.
 - 4. Pylon / Common Tenant: a sign identifying multiple retail tenants in a development. This may include both the developments name as well as the tenants names and/or logos.
 - 5. Institutional: a sign identifying a club, association, school, hospital, church, firehouse, nursing home, care facility, boardinghouse, institution or cemetery.
 - 6. Real estate: a sign indicating exclusively the sale, rental, lease or development of

the premises upon which it stands.

7. Contractor's: a sign identifying the contractor or contractors doing work on the premises or building which contains the sign.
 8. Office: a sign identifying any office building or office use.
 9. Business: a sign identifying an establishment which retails a product or provides a service or entertainment to the general public as distinguished from places, institutions, or offices and which is permitted in all business districts.
 10. Industrial: a sign identifying an establishment which produces or assembles a product or warehouses a product and which is permitted in all industrial districts.
 11. Marquee: a sign identifying motion pictures or events which are subject to frequent change. A marquee sign is only permitted when associated with an entertainment/club, public, or civic facility. Marquees are fixed signs that may be digital in nature and change regularly.
 12. Directory: a sign identifying two or more persons, agencies or establishments, located in a place or location common to all.
 13. Corporate lawn: a sign identifying an office, industrial or business establishment that is designed to integrate into the landscape character of the subject parcel. Such signs shall be architecturally compatible with the building(s) and site and must be located in a landscaped lawn areas.
 14. Directional: a sign located outdoors which guides, instructs or directs viewers to a place or event.
- C. Any sign permitted in this ordinance is allowed to contain noncommercial copy.
- D. This section does not apply to public art or historic/replica signage or environmental graphics applied on building facades or freestanding structures.
- E. For purposes of signage, the area of a sign shall be the area of a rectangle, the sides of which completely enclose the sign, excluding structural supports. All references to height refer to the vertical dimension of this rectangle. The overall height of the sign and structure shall correspond to building heights established in the IMUPDD.

Prohibited Signs.

Any sign not specifically permitted is prohibited and shall be removed. Prohibited signs include but are not limited to the following:

- A. Any sign which is dangerous or hazardous to public safety by virtue of its maintenance, structure, or projection.
- B. Any sign which obstructs the visibility of drivers or which conflicts with or obstructs a traffic control device for any reason.
- C. Any sign which obstructs a required window or door in such a manner as to prevent free egress or ingress.
- D. Mobile or portable signs.

- E. Flashing (non digital), revolving, moving, sound-producing or animated signs, including signs which have the capability of motion in whole or in part, except signs which display time and/or temperature exclusively.
- F. Commercial billboard which is rented or used to advertise a product, service or establishment which is not the principle product, service or establishment found on the property containing the billboard.
- G. Any sign attached to a tree, telephone pole, portable object or to the face of another sign.
- H. Any sign which uses breakable glass in its construction, except glass used in illumination.
- I. Any sign in any street right-of-way.
- J. Immoral or obscene sign.
- K. Any sign attached to a fence, except by written permission of the Commissioner of Planning and Development.

Type and Quality of Permitted Signs.

All signs within the IMUPDD shall be either ground, facial, window, awning or canvas signs.

A. Pylon / Common Tenant:

1. A Pylon / Common Tenant sign is permitted to identify multiple retail tenants in a development. This may include the development's name as well as the tenants' names and/or logos.
2. Quantity. One Pylon / Common Tenant sign per project entry is permitted on any parcel containing one or more buildings for any permitted signs, except public interest signs which are permitted as required to safely convey the message. In addition, one Pylon / Common Tenant sign is permitted per one thousand feet of roadway frontage on any road within the jurisdiction of the New York State Department of Transportation. Pylon / Common Tenant may occur as either freestanding structures or on building facades excluding primary building entries.
3. Sign area. The maximum area of a Pylon / Common Tenant sign may not exceed 1750 square feet. Any sign may be double-faced, and only one face shall be used in determining conformity to sign area limitation.
4. Height. The maximum height of a Pylon / Common Tenant sign shall be fifty (50) feet.
5. Setback. The setback of a Pylon / Common Tenant sign is the shortest horizontal measurement from the property line to any part of the sign. A Pylon / Common Tenant sign may be erected within one foot of a street right-of-way only if the sign is certified by a registered architect or engineer to be able to withstand a one-hundred-mile-per-hour wind.

6. Construction. All Pylon / Common Tenant signs, except in residential areas, must be protected from vehicular damage.
 7. Illumination. Illumination of Pylon / Common Tenant signs may be direct, indirect, or internal.
- B. Ground sign: a freestanding sign attached to a structure which is intended and designed only to support the sign and which is embedded in the ground or anchored in concrete.
1. A ground sign is permitted to identify a building or use within a building only if the building which it serves to identify is set back more than 25 feet from the street curb or edge of the street pavement.
 2. Quantity. One ground sign per building is permitted on any parcel containing one or more buildings for any permitted signs, except public interest signs which are permitted as required to safely convey the message. Where two or more persons, agencies or establishments are located in a place or location common to all, such as a shopping center or an office complex, or where separate facilities share a common parking area, one ground sign per building is permitted in a common location. Real estate signs may be attached to an existing sign as the need arises.
 3. Sign area. The maximum area of a ground sign may not exceed 105 square feet plus one foot of sign area for every 10 feet of lot frontage (along one street only, if the lot has multiple frontages). Any sign may be double-faced, and only one face shall be used in determining conformity to sign area limitation.
 4. Height. The maximum height of a ground sign shall be eighteen (18) feet.
 5. Setback. The setback of a ground sign is the shortest horizontal measurement from the property line to any part of the sign. A ground sign shall be set back from any street, right-of-way, property line or required buffer a horizontal distance equal to the height of the sign. A ground sign may be erected within one foot of a street right-of-way only if the sign is certified by a registered architect or engineer to be able to withstand a one-hundred-mile-per-hour wind.
 6. Construction. All ground signs, except in residential areas, must be protected from vehicular damage.
 7. Illumination. Illumination of ground signs may be direct, indirect, or internal.
- C. Facial sign: a sign painted on, applied on or otherwise attached to a wall of a building or storefront and is designed as a unified message.
1. Quantity. Only one facial sign is permitted per face of the storefront or establishment. Where an establishment has additional exterior walls which are visible from the main thoroughfare, each such wall may have one facial sign (secondary), but not more than two such additional facial signs are permitted.
 2. Area. The area of a facial sign shall be the area of a rectangle, the sides of which

completely enclose the sign or letters which are attached to the face of the building. The maximum area of a ground sign may not exceed 3.5 times the width of the individual storefront or establishment.

3. Height. The maximum height of a facial sign shall be eighteen (18) feet.
 4. Illumination. Illumination of ground signs may be direct, indirect, or internal.
 5. Appearance. Facial signs existing in a shopping center shall be of uniform design, including materials and color.
- D. Window sign: a sign entirely contained inside a building and which is comprehensible from the street. Such signs are permitted to allow for the notification of products on the premises, merchandise sales, rental or sale of the premises or special events to be held within the building containing the window sign. Window signs are subject to the area limitations as set forth in the Schedule of Sign Regulations.
- E. Awning sign: a sign painted on a retractable window awning which identifies only the name of the establishment.
- F. Canvas sign: a stationary sign constructed for fire-retardant canvas or similar material on a fire-retardant frame. Canvas signs shall conform to the requirements of facial signs with respect to quantity, area, height, construction and illumination.

In addition, the following conditions shall also apply:

1. Address: Maximum area: six (6) square foot
2. Public interest: Maximum area: twelve (12) square feet.
3. Place/Identity: Maximum area: seven hundred and fifty (750) square feet.
Maximum Height: forty (40) feet.
4. Real estate: Maximum area: six (6) square feet.
5. Contractor's: Maximum area: twelve (12) square feet.
6. Marquee: Maximum area: five (5) times the width of storefront.
7. Directional: Maximum area: sixty four (64) square feet.

19. Management Plan Implementation

RECOMMENDATION:

A. Carmans River Management Plan should be evaluated by the Town annually to determine its effectiveness in meeting its goals.

B. Take the lead in coordinating implementation of this Management Plan's recommendations and implementation with other agencies and academic institutions.

20. Carmans River Management Plan Performance Committee

RECOMMENDATION:

A. Establish a Carmans River Management Plan Performance Committee which will perform quarterly assessments and produce an annual progress report on the effectiveness of the implementation of *Carmans River Conservation and Management Plan*.

B. Quarterly assessments and the annual progress report, at a minimum, shall examine and evaluate the effectiveness of the following parameters:

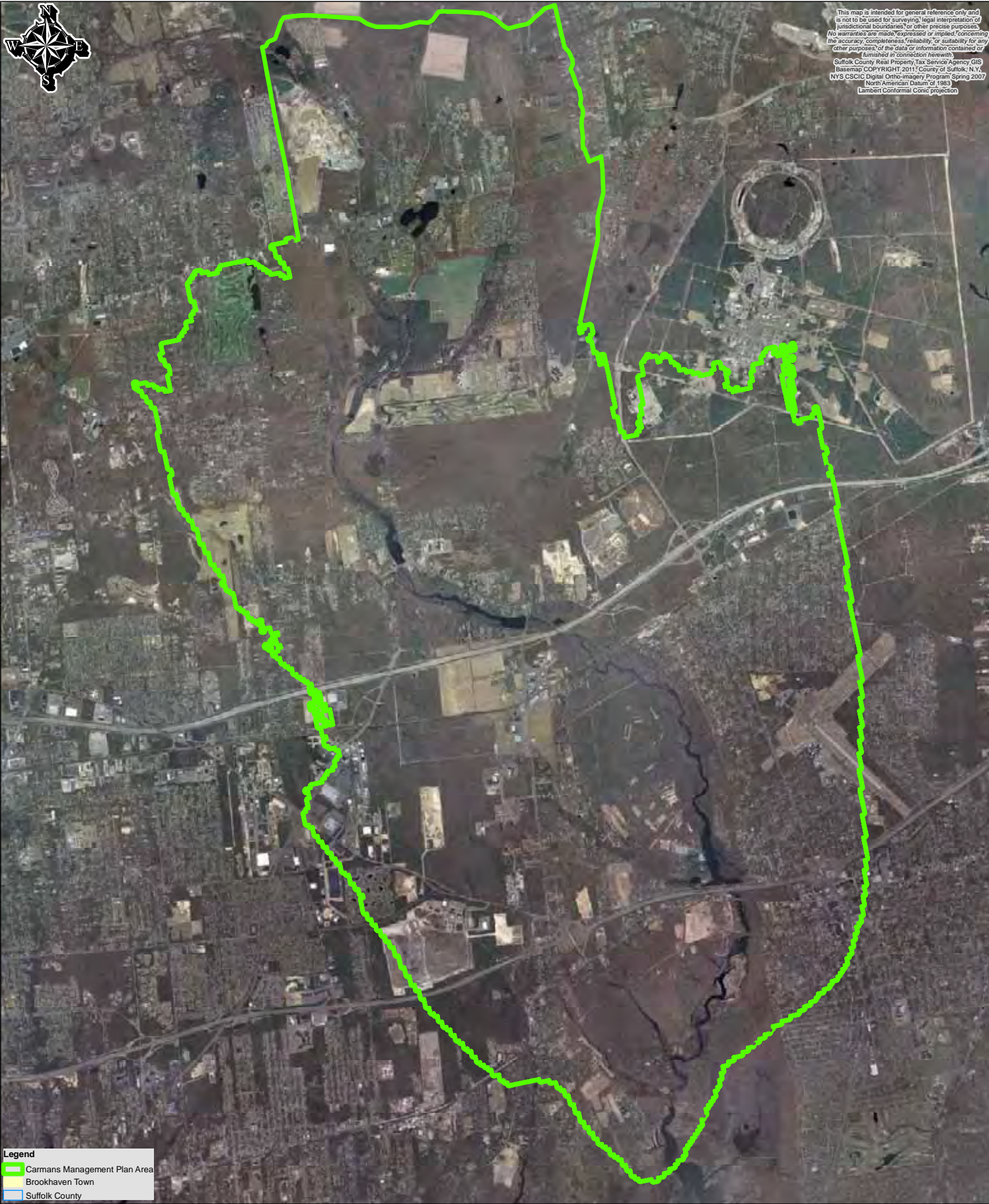
1. Preservation

- a. The acquisition status of priority parcels, the acreage acquired.
- b. The number Pine Barrens Credits redeemed from the Central Pine Barrens Core Expansion Area.
- c. The implementation of mitigation measures.
- d. Progress in improving the water quality of the Carmans River and achieving the targeted water quality goals.

C. The Performance Committee should provide an annual report to the Town

Board and to the Central Pine Barrens Joint Planning Commission

D. Based on Committee's annual report, recommendations to improve the effectiveness of the preservation efforts and the redemption of Pine Barrens Credits should be offered.



This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries or other precise purposes. No warranties are made, expressed or implied, concerning the accuracy, completeness, reliability, or suitability for any other purpose of the data or information contained or furnished in connection herewith.
 Suffolk County Real Property Tax Service Agency GIS
 EsriMapX COPYRIGHT 2011, County of Suffolk, N.Y.
 NYS CSCIC Digital Ortho-imagery Program Spring 2007
 North American Datum of 1983
 Lambert Conformal Conic projection

Legend
 Carmans Management Plan Area
 Brookhaven Town
 Suffolk County

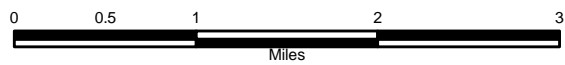


Figure # 4
 Study Area
 Carmans River Conservation and Management Plan



This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries or other precise purposes. No warranties are made, expressed or implied, concerning the accuracy, completeness, reliability, or suitability for any other purpose of the data or information contained or furnished in connection herewith.
Suffolk County Real Property Tax Service Agency GIS
Basemap: COPYRIGHT 2011, County of Suffolk, N.Y.
NYS CSCIC Digital Ortho-imagery Program Spring 2007
North American Datum of 1983
Lambert Conformal Conic projection

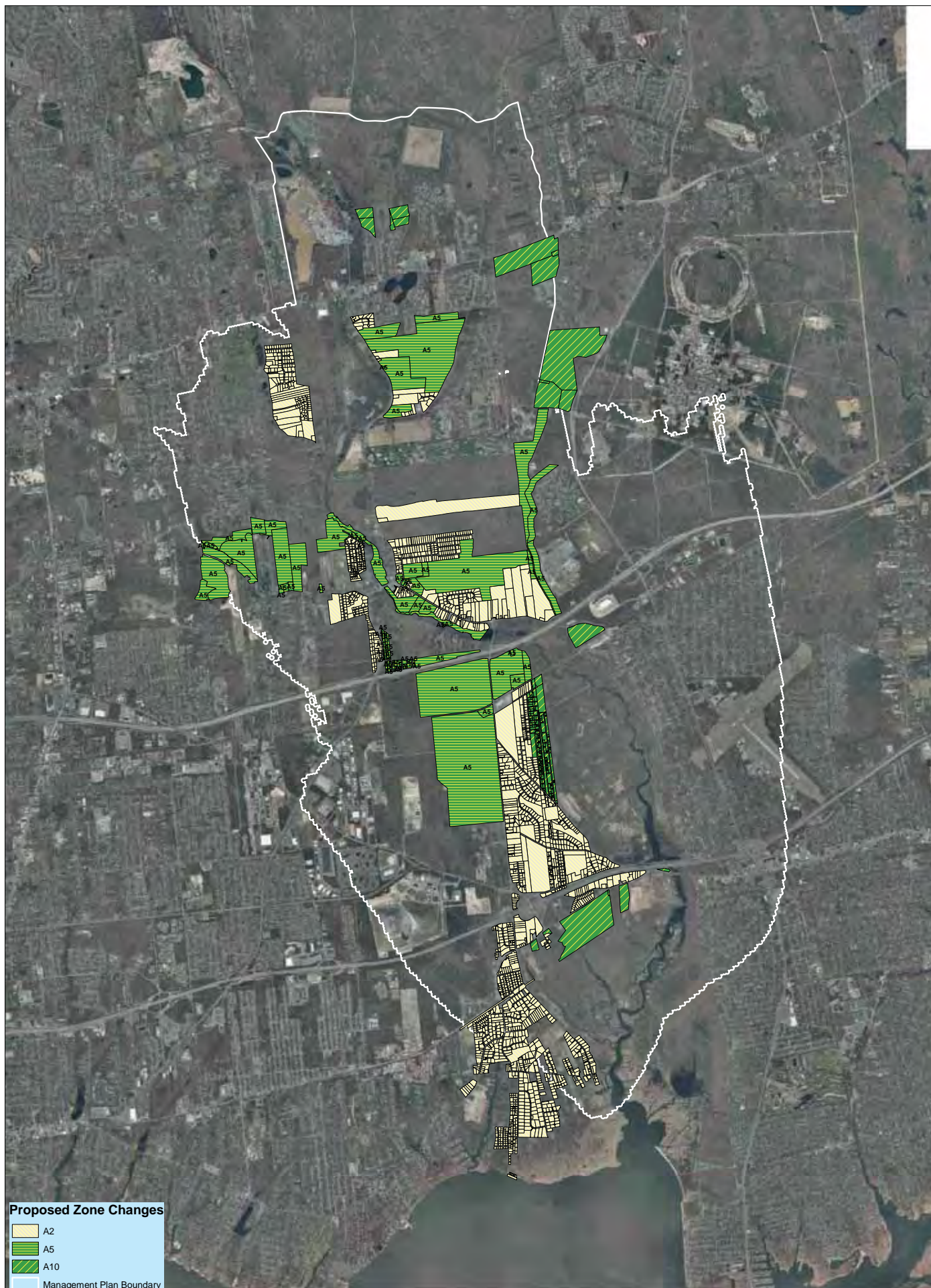


Legend
Carmans Management Plan Area
Publicly owned undeveloped land



Figure #20
Publicly owned undeveloped land
Carmans River Conservation and Management Plan

**Figure 29 Management Plan Area
Proposed Rezoning**



1 inch = 2,000 feet
0 1,000 2,000 4,000 6,000
Feet
Carmans.June20111.mxd



Map created 05/16/2013
by Isabel Morris,
Engineering Aide
Division of Engineering
PELM





Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

Applicant: Moratorium on certain proposals in the D-3 Business District
Municipality: Village of Patchogue
Location: D-3 Business District, Main Street, Patchogue

Received: 5/31/2013
File Number: Pa-11-01.1

Jurisdiction: Local Law

PROPOSAL DETAILS

OVERVIEW – Application on the Patchogue Village Board of Trustees own motion for approval of a proposed local law to enact a six month (180 day) moratorium on the change of use increase in intensity of use or an increase in occupancy in the D-3 Business District to meet the parking requirements set forth in the Village Code without the inclusion of municipal parking spaces. This local law is an amendment of a prior local law which stayed the construction of new apartment houses, garden apartments, townhouses, residential uses and buildings over three stories tall in the D-1, D-2, and D-3 Business Districts and any “floating” districts (Downtown Redevelopment District). The purpose of the original local law was to “allow the Village of Patchogue time to evaluate and consider the impact of the Downtown Patchogue Redevelopers, LLC project in the DRD District, upon the parking, health, safety and general welfare of the community of the Village of Patchogue and effectuate a solution and/or comprehensive plan to address the future residential density and construction in the primary business zoning districts of the Village.”

Location: Applicable to all properties in the D-3 district (Main Street) Village of Patchogue.

The land uses within the D-3 district are generally in compliance with the permitted uses in the business zoning categories and includes retail, personal service stores, restaurants, offices, apartment houses etc.

STAFF ANALYSIS

The proposed local law prohibits any village official to accept for filing any application for a building permit and prohibits the Board of Trustees, Village Board of Zoning Appeals and Village Planning Board from granting any approvals, preliminary or final, for and site plan or subdivision, special approval or special permit, variance or other permission unless the application meets Village parking requirements.

A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends the rights of land owners to use their property. From the perspective of the Suffolk County Planning Commission a limited or narrowly scoped moratorium generally does not involve regional or inter-community impacts of an adverse nature and generally are considered matters for local determination. The Suffolk County Planning Commission has published guidance on the structure and content of moratoria (see attached SCPC Advisory News: Moratorium on Development). The moratorium should be tied to a legitimate comprehensive planning initiative such as the completion of zoning or master plan updates. Where possible the moratorium should be limited and allow for the due process of applications and assure the proper balance between property rights and community planning.

The referred Local Law would be strengthened if it indicated if the Village investigated whether there are any alternatives less burdensome on property owners than the proposed moratorium. It should indicate what recent circumstances have occurred that justify the adoption of the moratorium. It is noted that The proposed local law states that it is the purpose of the local law to “allow the Village of Patchogue time to evaluate and consider the impact of the Downtown Patchogue Redevelopers, LLC project in the DRD District, upon the parking, health, safety and general welfare of the community of the Village of Patchogue and effectuate a solution and/or comprehensive plan to address the future residential density and construction in the primary business zoning districts of the Village.” It is the belief of the staff that such an analysis would have been most appropriate in the SEQRA analysis of the proposed DRD district and the Downtown Redevelopers, LLC project.

This rational is essentially the same rational that supported a prior 180 day moratorium.

STAFF RECOMMENDATION

Approval with the following comment:

1. A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends the rights of land owners to use their property. From the perspective of the Suffolk County Planning Commission a limited or narrowly scoped moratorium generally does not involve regional or inter-community impacts of an adverse nature and generally are considered matters for local determination.

It is the belief of the Suffolk County Planning Commission that the 180 day moratorium, when combined with the prior 180 moratorium, is more than adequate to analyze zoning, land use, density and parking requirements and to formulate a zoning and parking scheme for the Village business district.

The Suffolk County Planning Commission encourages the adoption of these regulations sooner than the close of the Moratorium.

AMENDING SECTION 435-14.1 OF THE VILLAGE CODE TO PROVIDE A MORATORIUM TO CONSIDER REQUIRING APPLICANTS IN THE D-3 ZONE TO PROVIDE PARKING WHEN SEEKING TO INTENSIFY THEIR USE, CONVERTING UNHABITABLE SPACE TO HABITABLE SPACE, INCREASING THE FOOTPRINT OR SQUARE FOOTAGE OF EXISTING BUILDINGS OR INCREASE THEIR OCCUPANCY

Be it enacted by the Village Board of the Incorporated Village of Patchogue:

The Code of the Incorporated Village of Patchogue, County of Suffolk, New York, is amended by:

AMENDING Section 435-14.1 of the Village Code which shall read as follows:

[New Language]

[Language to be Deleted]

§ 435-14.1 Moratorium on certain construction **and use and occupancy applications in ~~D-1, D-2 and the~~ D-3 Business ~~District and any floating D~~districts.**

A. Purpose and intent. It is the purpose and intent of this section to establish a moratorium to permit the Village to consider and manage parking in the D-3 Business District **to require any applicant seeking a change of use, increase in intensity of use, or an increase in occupancy in the D-3 Business District to meet the parking requirements set forth in Section 435-31 without the inclusion of municipal parking spaces.** It is the further purpose of this law to allow the Village time to evaluate and consider the impact of the Downtown Patchogue Redevelopers, LLC, project in the DRD District upon the parking, health, safety and general welfare of the community of the Village of Patchogue and effectuate a solution and/or comprehensive plan to address the future commercial density and construction in the primary business zone of the Village. The objective of the moratorium is to promote community planning values by properly regulating land development in the best interests of the Village. Land use controls work best when built upon a carefully considered comprehensive plan, which takes time to put together or to update a good community plan. During this time, demand for a particular use of land may arise for which there are inadequate controls or which requires a more concentrated analysis of the surrounding zoning districts than may be permitted under the current zoning laws.

B. Zoning district application. This law shall apply to all properties in the **~~D-1, D-2 and~~ D-3** district within the confines of the Village of Patchogue.

C. ~~Scope of controls. It is hereby prohibited for a period of 180 days from the date of enactment of this local ordinance for any village official to accept for filing any application for a building permit for new apartment houses, garden apartments, townhouses, residential uses and~~

~~buildings over three stories tall in the D-1, D-2 and D-3 Business Districts and any floating districts and the Board of Trustees, Village Board of Zoning Appeals and Village Planning Board shall not grant any approvals, preliminary or final, for any site plan or subdivision relating thereto or special approval or special permit, variance or other permission for same. The Building Inspector and Code Enforcement Officer shall not issue any building or other permit for any construction or use related to same that would result in such uses in the areas designated. Projects with approved site plans or issued building permits prior to this enactment are exempt from the moratorium.~~

C. Use and occupancy applications. For a period of 180 days from the date of enactment of this local ordinance, any applicant seeking a change of use, increase in intensity of use, or an increase in occupancy in the D-3 Business District must meet the parking requirements set forth in Section 435-31 without the inclusion of municipal parking spaces. Applications failing to meet this requirement will not be accepted by any village official. The Board of Trustees, Village Board of Zoning Appeals and Village Planning Board shall not grant any approvals, preliminary or final, for any site plan or subdivision relating thereto or special approval or special permit, variance or other permission, when the applicant has failed to meet this requirement. Projects with approved site plans or issued building permits prior to this enactment are exempt from the moratorium.

D. Term. This section shall be in effect for a period of 180 days from its effective date. This section shall be subject to review and renewal by resolution of the Board of Trustees for an additional period of time, effective immediately.

E. Penalties. Any person, firm or corporation that shall construct, erect, enlarge or alter any building or structures in violation of the provisions of this section or shall otherwise violate any of the provisions of this section shall be subject to:

(1) Such penalties as may otherwise be provided by the laws, rules and regulations of the Village for violations; and

(2) Injunctive relief in favor of the Village to cease any and all such actions which conflict with this section and, if necessary, to remove any construction which may have taken place in violation of this section.

F. Alleviation of hardship.

(1) The Board of Trustees of the Village of Patchogue may authorize exceptions to the moratorium imposed by this section when it finds, based upon evidence presented to it, that deferral of action on an application for the uses prohibited hereunder, and the deferral of approval of such application for the duration of the moratorium would impose an extraordinary hardship on the landowner or applicant.

(2) A request for an exception based upon extraordinary hardship shall be filed with the Village Clerk or designee, and shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and shall contain such other information as the Village Clerk or designee shall prescribe as necessary for the Board of Trustees to be fully informed with respect to the application.

(3) A public hearing on any request for an exception based on extraordinary hardship shall be held by the Village Board at the first regular meeting of the Board of Trustees that occurs after the expiration of the period for publication of notice of the request for an exception.

(4) In reviewing an application for an exception based upon a claim of extraordinary hardships, the Board of Trustees shall consider the following criteria:

(a) Submission of proof of hardship. Hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a building permit, site plan, variance, or other approval during the period of the moratorium.

(b) Substantive requirements. No relief shall be granted hereunder unless the Village Board of Trustees shall specifically find and determine and shall set forth in its resolution granting such hardship that:

[1] Failure to grant a hardship to the petitioner will cause the petitioner undue hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the exemption;

[2] Petitioner's circumstances are different from any other member of the community to the extent the petitioner is burdened by the moratorium substantially greater than any other member of the community; and

[3] Grant of the hardship will clearly have no adverse effect upon any of the Village's goals or objectives enumerated in the moratorium; and

[4] The project or activity for which the petitioner seeks a hardship will be in harmony with the existing character of the Village as a whole and the area of the Village in which the affected land is located, and will be consistent with any interim data, recommendations, or conclusions which may be drawn from any community planning effort then in progress or under review.

[5] The extent to which the proposed establishment would cause significant environmental degradation, adversely impact natural resources or cause public health or safety concerns, or adversely impact the community.

[6] The extent to which actions of the applicant were undertaken in a good

faith belief that the proposed establishment would not lead to significant environmental degradation, undue adverse impacts on natural resources or public health or safety concerns, or adversely affect the community.

(5) At the conclusion of the public hearing and after reviewing the evidence and testimony placed before it, the Board of Trustees shall act upon the request to approve, deny, or approve in part and deny in part the request made by the applicant.

G. Validity. The invalidity of any provision of this section shall not affect the validity of any other portion of this section which can be given effect without such invalid provision.

H. Superseding other laws.

(1) All laws, ordinances, rules and regulations of the Village are modified and superseded by this section with respect to their application to the properties designated under this section for the term of this section.

(2) This section shall modify and supersede, with respect to the properties covered by this section and, for the term of this section, the provisions of Article 7 of the Village Law of the State of New York and any other law, rule or regulation inconsistent with this section.

This Local Law shall take effect immediately.

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
___	___	Mayor Pontieri	___	___	Trustee Hilton
___	___	Trustee Crean	___	___	Trustee Krieger
___	___	Trustee Keyes	___	___	Trustee Ferb
___	___	Trustee Devlin			

Dated: _____, 2013

Patricia M. Seal - Village Clerk



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

Applicant: Moratorium on Demolitions
Municipality: Inc. Village of Shoreham
Location: Village Wide

Received: 6/17/2013
File Number: Sm-13-02

Jurisdiction: Local Law - Moratorium

PROPOSAL DETAILS

OVERVIEW – Referral from the Inc. Village of Shoreham of a proposed Local Law to enact a 180 day moratorium to prohibit temporarily the processing and approval of any application for permit to demolish an existing residential structure until the Board of Trustees can prepare and enact a local law addressing the need for preservation of structures which contribute to the special character of the Village.

Location: Applicable to all properties within the Incorporated Village of Shoreham boundaries.

STAFF ANALYSIS

Referral material to the Suffolk County Planning Commission includes a brief reference to the intent and need of the Moratorium. The local Law reads that the moratorium shall remain in effect for six months so that the Board of Trustees can prepare and enact a local law addressing the need for preservation of structures which contribute to the special character of the Village.

A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of land owners to use their property. From the perspective of the Suffolk County Planning Commission a limited or narrowly scoped moratorium generally does not involve regional or inter-community impacts of an adverse nature and generally are considered matters for local determination. The Suffolk County Planning Commission has published guidance on the structure and content of moratoria (see attached

SCPC Advisory News: Moratorium on Development). The moratorium should be tied to a legitimate comprehensive planning initiative such as the completion of zoning or master plan updates. Where possible the moratorium should be limited and allow for the due process of applications and assure the proper balance between property rights and community planning. The moratorium should not be used to delay controversial development applications.

The moratorium should include findings that confirm the necessity of this action. The Law should indicate what recent circumstances have occurred that justify the adoption of the moratorium and how serious and urgent are these circumstances are. In addition more explicit findings are in order regarding what the condition are that mandate the imposition of the moratorium and if there are no other alternatives less burdensome on property rights. It is the belief of the staff that Section 1, Purpose of the proposed Local Law is too vague.

STAFF RECOMMENDATION

Approval with the following comments:

1. Section of the proposed local law, Purpose, should be modified to include more explicit findings necessitating the proposed moratorium.

A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of land owners to use their property. The moratorium should include findings that confirm the necessity of this action. The Law should indicate:

- a. what recent circumstances have occurred that justify the adoption of the moratorium;
 - b. how serious and urgent these circumstances are;
 - c. what the condition are that mandate the imposition of the moratorium; and
 - d. if there are no other alternatives less burdensome on property rights.
2. It is the belief of the Suffolk County Planning Commission that the 180 day moratorium is more than adequate to enact new legislation. The Suffolk County Planning Commission encourages the adoption of these regulations sooner than the close of the Moratorium.

LOCAL LAW NO. _____ OF 2013

**A LOCAL LAW PROVIDING FOR A TEMPORARY MORATORIUM
ON DEMOLITIONS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
SHOREHAM AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to prohibit temporarily the processing and approval of any application for a permit to demolish an existing residential structure until the Board of Trustees can prepare and enact a local law addressing the need for preservation of structures which contribute to the special character of the Village.

SECTION 2. PROCESSING AND/OR APPROVAL OF PERMITS FOR
DEMOLITIONS.

Except as otherwise provided herein, for a period of one hundred eighty (180) days after the effective date herein, there shall be neither processing nor approval of applications for permits to demolish any existing residential structure and no such application, pending or otherwise, shall be either deemed complete or processed for a hearing before any agency or board.

SECTION 3. SUPERSESSION.

This local law shall supersede any inconsistent law, state or local. This declaration of supersession is made by authority of the Village's municipal home rule law powers, pursuant to §§ 10(1)(ii)(a)(14) and 10(1)(ii)(e)(3) of the Municipal Home Rule Law, § 10(6) of the Statute of Local Governments, and Article 9, § 2(b)(3) of the New York State Constitution.

SECTION 4. EXEMPTIONS.

Notwithstanding any other provision of this local law, the Board of Trustees may during the duration of this local law by resolution process, approve or deny an application for approval provided that the following requisites occur:

- A. Procedural requirements. The following procedural requirements shall be prerequisite to the grant of an exemption hereunder:
 - (1) The owner shall have filed with the Board of Trustees a written application specifically requesting exemption from this local law together with any application fee fixed by resolution of the Board of Trustees for such an exemption application; and
 - (2) The Board of Trustees shall have held a public hearing on the petition upon at least ten (10) days' prior public notice, which notice shall have been published in the official newspaper.

- B. Substantive requirements. No exemption shall be granted hereunder unless the Board of Trustees shall specifically find and determine, and shall set forth in its resolution granting such exemption, that:
 - (1) Failure to grant an exemption to the owner will cause the owner undue hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the grant of the exemption; and
 - (2) Grant of the exemption will clearly have no adverse effect upon any of the Village's goals or objectives in adopting this local law; and
 - (3) The application for which owner seeks an exemption will be in harmony with the existing character of the Village as a whole and the area of the Village in which the affected land is located will not introduce an undesirable change in the neighborhood and will be consistent with any interim data, recommendations, or conclusions which may be drawn from any planning and/or zoning work then in progress or under review;
 - (4) Owner's circumstances are different from any other member of the community to the extent owner is burdened by this local

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Shoreham will hold a public hearing on the 9th day of July, 2013, at 7:30 P.M., at the Village Hall, 80 Woodville Road, Shoreham, New York, to consider the adoption of a local law as follows:

LOCAL LAW NO. ____ OF 2013

**A LOCAL LAW PROVIDING FOR A TEMPORARY MORATORIUM
ON DEMOLITIONS**

SUMMARY

This local law would enact a moratorium on the processing and/or approval of permits to demolish any existing residential structure pending the enactment of a local law addressing the need for preservation of structures which contribute to the special character of the Village.

This is a summary of the Local Law, a full copy of which is on file in the Village Clerk's office and available for inspection during the Village's office hours.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: June 11, 2013

BY ORDER OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

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

Applicant: Moratorium on Dock Approvals
Municipality: Inc. Village of North Haven
Location: Shoreline of the Inc. Village of North Haven

Received: 6/7/2013
File Number: Nh-11-01

Jurisdiction: LOCAL LAW

PROPOSAL DETAILS

OVERVIEW – Referral from the Inc. Village of North Haven of a proposed Local Law to extend for a period of an additional eight hundred and ten (810) days a prior local law to “prohibit temporarily the processing and approval of any application for approval of any dock or structure accessory to a dock in any waters within or bounding the Village to a distance or 1,500 feet from the shoreline...”

Said proposed Local Law was for a six month period. The purpose of extending the local law is to enable the Board of Trustees to complete its work with respect to the consideration of a local law on dock approvals.

Location: Applicable to multiple properties along the shoreline of Sag Harbor Cove, Noyack Bay, Shelter Island Sound and Sag Harbor.

STAFF ANALYSIS

Referral material to the Suffolk County Planning Commission includes a brief reference to the intent and need of the Moratorium. The local Law reads that the moratorium shall remain in effect “pending the completion of ongoing efforts by the Board of Trustees to enact new legislation pursuant to its enabled authority under New York Navigation Law § 46-a (attached) addressing each of these land use activities, it being the Board’s intention that the status quo be maintained in the interest of avoiding the loss of valuable and limited local resources and in the interest of enabling the future regulatory management of these resources by means of new legislative enactments.” The

Local Law continues to read that “the approval of any dock or structure accessory to a dock and/or the issuance of building permits for said land uses is not consistent with the present best interests of the Village.”

A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of land owners to use their property. From the perspective of the Suffolk County Planning Commission a limited or narrowly scoped moratorium generally does not involve regional or inter-community impacts of an adverse nature and generally are considered matters for local determination. The Suffolk County Planning Commission has published guidance on the structure and content of moratoria (see attached SCPC Advisory News: Moratorium on Development). The moratorium should be tied to a legitimate comprehensive planning initiative such as the completion of zoning or master plan updates. Where possible the moratorium should be limited and allow for the due process of applications and assure the proper balance between property rights and community planning. The moratorium should not be used to delay controversial development applications.

The moratorium should include findings that confirm the necessity of this action. The Law should indicate what recent circumstances have occurred that justify the adoption of the moratorium and how serious and urgent are these circumstances are. In addition more explicit findings are in order regarding what the condition are that mandate the imposition of the moratorium and if there are no other alternatives less burdensome on property rights. It is the belief of the Staff that Section 1d. Purpose of the proposed Local Law is too vague.

STAFF RECOMMENDATION

Approval with the following comment:

1. A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of land owners to use their property. From the perspective of the Suffolk County Planning Commission a limited or narrowly scoped moratorium generally does not involve regional or inter-community impacts of an adverse nature and generally are considered matters for local determination. The Suffolk County Planning Commission has published guidance on the structure and content of moratoria (see attached SCPC Advisory News: Moratorium on Development). The moratorium should be tied to a legitimate comprehensive planning initiative such as the completion of zoning or master plan updates. Where possible the moratorium should be limited and allow for the due process of applications and assure the proper balance between property rights and community planning. The moratorium should not be used to delay controversial development applications.

The moratorium should include findings that confirm the necessity of this action. The Law should indicate what recent circumstances have occurred that justify the adoption of the moratorium and how serious and urgent are these circumstances are. In addition more explicit findings are in order regarding what the condition are that mandate the imposition of the moratorium and if there are no other alternatives less burdensome on property rights. It is the belief of the Suffolk County Planning Commission that Section 1d. Purpose of the proposed Local Law is too vague.

The Suffolk County Planning Commission encourages the adoption of these regulations sooner than the close of the Moratorium

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will hold a public hearing on the 2nd day of July, 2013, at 5:10 P.M., at the Village Hall, Ferry Road, North Haven, New York, to consider the adoption of a Local Law as follows:

LOCAL LAW NO. ____ OF 2013

**A LOCAL LAW EXTENDING LOCAL LAW NO. 5 OF 2011
PROVIDING FOR A TEMPORARY MORATORIUM ON DOCK APPROVALS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE

OF NORTH HAVEN AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this Local Law is to extend an existing moratorium to enable the Board of Trustees to complete its work with respect the consideration of a local law on dock approvals.

SECTION 2. AMENDMENT OF SECTION 2 OF LOCAL LAW NO. 5 OF 2011.

Section 2 of Local Law No. 5 of 2011 is hereby amended to read as follows: Except as otherwise provided herein, for a period of eight hundred ten (810) days after the effective date of Local Law No. 5 of 2011, there shall be neither processing nor approvals of applications for

enactments. At this time the approval of any dock or structure accessory to a dock and/or the issuance of building permits for said land uses is not consistent with the present best interests of the Village.

SECTION 2. PROCESSING AND/OR APPROVAL OF DOCK APPLICATIONS.

Except as otherwise provided herein, for a period of one hundred eighty (180) days after the effective date herein, there shall be neither processing nor approval of dock applications and/or dock accessory structure applications and no such application, pending or otherwise, shall be either deemed complete or processed for a hearing before any agency or board.

SECTION 3. PROCESSING AND/OR APPROVAL OF BUILDING PERMIT APPLICATIONS.

Except as otherwise provided herein, for a period of one hundred eighty (180) days after the effective date herein, there shall be neither processing nor approvals of building permit applications for a dock or any structure accessory to a dock and no such application, pending or otherwise, shall be either deemed complete or processed for a hearing before any agency or board.

SECTION 4. SUPERSESSION.

This Local Law shall supersede any inconsistent law, state or local. This declaration of supersession is made by authority of the Village's municipal home rule law powers,

pursuant to §§10(1)(ii)(a)(14) and 10(1)(ii)(e)(3) of the Municipal Home Rule Law, §10(6) of the Statute of Local Governments, and Article 9, §2(b)(3) of the New York State Constitution.

SECTION 5. EXCLUSIONS.

This Local Law shall not apply to any application for a dock or dock accessory structure which has been approved by the Board of Trustees prior to the effective date of this Local Law provided this exclusion shall lapse and be without force or effect upon the expiration of this Local Law as provided in Section 2 above excepting where a building permit has issued and property rights have vested by reason of the substantial completion of construction of any said dock and/or dock accessory structure.

SECTION 6. EXEMPTIONS.

Notwithstanding any other provision of this Local Law, the Board of Trustees may during the term of this Local Law by resolution process, approve or deny an application for approval provided that the following requisites occur:

- A. Procedural requirements. The following procedural requirements shall be prerequisite to the grant of an exemption hereunder:
 - (1) The owner of the land affected shall have filed with the Board of Trustees a written application specifically requesting exemption from this Local Law together with any application fee fixed by

resolution of the Board of Trustees for such an exemption application; and

- (2) The Board of Trustees shall have held a public hearing on the petition upon at least ten (10) days' prior public notice, which notice shall have been published in The Sag Harbor Express.

B. Substantive requirements. No exemption shall be granted hereunder unless the Board of Trustees shall specifically find and determine, and shall set forth in its resolution granting such exemption, that:

- (1) Failure to grant an exemption to the owner will cause the owner undue hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the grant of the exemption; and
- (2) Grant of the exemption will clearly have no adverse effect upon any of the Village's goals or objectives in adopting this Local Law; and
- (3) The application for which owner seeks an exemption will be in harmony with the existing character of the Village as a whole and the area of the Village in which the affected land is located, and will be consistent with any interim data, recommendations, or conclusions which may be drawn from any planning work then in progress or under review; and
- (4) Owner's circumstances are different from any other member of the community to the extent owner is burdened by this Local Law substantially greater than any other member of the community.

SECTION 7. SEQRA.

This Local Law is exempt from review under 6 NYCRR

§617.5(b)(30).

SECTION 8. SEVERABILITY.

Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: August 9, 2011

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH HAVEN

BY: Georgia Welch, Village Clerk

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will hold a public hearing on the 18th day of August, 2011, at 5:00 P.M., at the Village Hall, 335 Ferry Road, Sag Harbor, New York, to consider the adoption of a Local Law as follows:

LOCAL LAW NO. _____ OF 2011

**A LOCAL LAW PROVIDING FOR A TEMPORARY MORATORIUM
ON DOCK APPROVALS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this Local Law is to prohibit temporarily the processing and approval of any application for approval of any dock or structure accessory to a dock in any waters within or bounding the Village to a distance of 1,500 feet from the shoreline pending the completion of ongoing efforts by the Board of Trustees to enact new legislation pursuant to its enabled authority under New York Navigation Law § 46-a addressing each of these land use activities, it being the Board's intention that the status quo be maintained in the interest of avoiding the loss of valuable and limited local resources and in the interest of enabling the future regulatory management of these resources by means of new legislative

docks and no application, pending or otherwise, shall be either deemed complete or processed for a hearing before said Board.

SECTION 3. SEQRA.

This is a Type II action under 6 NYCRR § 617.5(c)(30).

SECTION 4. EFFECTIVE DATE.

This Local Law shall be effective upon the filing thereof with the Secretary of State of the State of New York.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: June 4, 2013

BY ORDER OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF
NORTH HAVEN

BY: Georgia Welch,
Village Clerk

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

David L. Calone
Chairman

Sarah Lansdale, AICP
Director of Planning

Date: July 3, 2013
Time: 1:00 p.m.
Location: Maxine S. Postal Legislative Auditorium
Evans K. Griffing Building, Riverhead County Center
300 Center Drive, Riverhead, New York 11901

Members Present (10)

Michael Kelly – Town of Brookhaven
John P. Whelan – Town of East Hampton
Jennifer Casey – Town of Huntington
Matthew Chartrand – Town of Islip
J. Edward Shillingburg – Town of Shelter Island
John Finn – Town of Smithtown
Barbara Roberts – Town of Southampton
Thomas McAdam – Town of Southold
Adrienne Esposito – Villages Over 5,000
Michael Kaufman – Villages Under 5,000
Glynis Margaret Berry – At Large
Kevin G. Gershowitz – At Large
David Calone – At Large

Staff Present (6)

Sarah Lansdale – Director of Planning
Thomas Young – Assistant County Attorney (Counsel to the Commission)
Andrew Freleng – Chief Planner
Theodore Klein – Senior Planner
John Corral – Planner
Christine DeSalvo – Senior Clerk Typist

Call to Order

- The meeting of July 3, 2013 was called to order by David Calone, Chairman, at 1:15 p.m.

The Pledge of Allegiance

Adoption of Minutes - No minutes were considered for adoption at this meeting.

Chairman's Report (taken out of order) – Began by thanking and congratulating Commission member Berry for her tremendous efforts on putting together an excellent Wastewater Symposium in Riverhead last month, as well as Director Lansdale, 1st Vice Chair Esposito, and everyone else that attended and gave support making it a very successful and important event focused on protecting Suffolk drinking water; Chairman Calone then updated the Commission on the following Commission priorities for 2013:

- The Chairman stated there have been talks of starting an annual economic development conference in conjunction with the IDA and the County Executive's office that would educate leaders and stakeholders on critical aspects of public sector economic development drivers, and indicated that Suffolk County IDA CEO Anthony Manetta is here at the meeting today to address the Commission.
- Regarding the East End Wind Code; the Town of Brookhaven did adopt a wind code, and it is expected the Towns of East Hampton and Riverhead will move towards adopting a wind code as well.
- Also the Geothermal Code is being worked on by Commissioner Whelan. The Town of Brookhaven having already adopted their own geothermal code is in the process of amending it after receiving feedback on it. The goal is to adopt the best geothermal practices that could also be a model code to the other towns throughout Suffolk County.
- The Annual Planning Federation is coming up in the Fall (October 17th) at the Brookhaven National Lab. Commission member Mike Kaufman is coordinating some of the classes and speakers that we might provide at the conference. If you have any ideas or suggestions please talk to Commissioner Kaufman.
- As mentioned last month, a consultant has been chosen to complete the County's Comprehensive Plan and Director Lansdale and the Chairman recently got together with Stephen Holley of AKRF who will update the Commission soon on where we are and what needs to be done. Hopes are that the Comp Plan can be finished by the end of January.
- The scheduled August Commission meeting in Sag Harbor will be changed to take place in September and will begin at 10:30 a.m., and the August meeting will take place in Riverhead.

Guest Speakers (taken out of order)

- **Anthony Manetta**, CEO of the Suffolk County Industrial Development Agency (IDA), presented the current economic development programs available in Suffolk County and addressed some of the questions and concerns of the Commission.
- **Tullio Bertoli**, Commissioner of Planning for the Town of Brookhaven, accompanied by **John Turner**, acting as a consultant to the Town of Brookhaven; presented an outline of the Carmans River Conservation and Management Plan and addressed some of the questions of the Commission.
- **David Genaway**, Commissioner of Planning for the Town of Islip, presented a general overview of how the Town of Islip is viewing the Islip Pines Mixed-Use Planned Development District proposal and addressed some of the questions of the Commission.

Public Portion – Over a dozen persons of public spoke to the Commission, with the majority regarding the “Islip Pines” application, and two regarding the “Carmans River Plan”. There were persons speaking both for and against each of the applications before the Commission.

Commission recessed for approximately 3 minutes after the Public Portion.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **Islip Pines Mixed-Use Planned Development District;** referred by the Town of Islip, received on May 29, 2013 – the Commission's jurisdiction for review is that the application is the proposed adoption or amendment of a municipal zoning ordinance; and is a proposed change of zone of a parcel of land within 500' of NYS Routes 454 and 27, and within 1 mile of MacArthur Airport. The applicant proposes to an amendment to the Town Zoning Code to establish the “Islip Pines Mixed-Use Planned Development District”, including a change of zone on the subject 143 acre property to the new district and the approval of a Conceptual Site Plan for the Islip Pines development.

The staff report recommended approval subject to one (1) modification of the proposal and offered five (5) comments for the consideration and use of the Town of Islip. The Commission had a relatively lengthy discussion of the application and resolved to generally agree and approved the proposal adding a second modification and three (3) more comments.

The motion to approve the application subject to two (2) modifications and with the eight (8) comments was made by Commissioner Chartrand and seconded by Commissioner Gershowitz, vote Approved; 11 ayes, 2 nays, 0 abstentions.

- **Carmans River Conservation and Management Plan;** withdrawn by the Town of Brookhaven's Planning Commissioner, Tullio Bertoli.
- **Moratorium on Certain Construction and Use and Occupancy Applications in D-3 Business District;** referred by the Village of Patchogue, received on May 31, 2013 – the Commission's jurisdiction for review is that the application is the adoption or amendment of a moratorium. The referral from the Village is for the approval of a proposed local law to enact a six month moratorium on the change of use increase in the intensity of use or an increase in occupancy in the D-3 Business District to meet the parking requirements set forth in the Village Code without the inclusion of municipal parking spaces.

The staff report recommended approval of proposed Moratorium with one (1) comment. The Commission resolved to agree and approved the proposal with one (1) comment for the use and consideration of the Village.

The motion to approve the application with the one (1) comment was made by 1st Vice Chair Esposito and seconded by Commissioner Whelan, vote Approved; 9 ayes, 3 nays, 1 abstention.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code (Continued)

- **Local Law Providing a Temporary Moratorium on Demolition;** referred by the Village of Shoreham, received on June 17, 2013 – the Commission's jurisdiction for review is that the application is the adoption or amendment of a moratorium. The referral from the Village is for the approval of a proposed local law to enact a 180 day moratorium to prohibit temporarily the processing and approval of any application for a permit to demolish an existing residential structure until the Board of Trustees can prepare and enact a local law addressing the need for preservation of structures which contribute to the special character of the Village.

The staff report recommended approval of proposed Moratorium with two (2) comments. The Commission resolved to agree and approved the proposal with two (2) comments for the use and consideration of the Village.

The motion to approve the application with the two (2) comments was made by Commissioner Kaufman and seconded by Commissioner Shillingburg, vote Approved; 8 ayes, 5 nays, 0 abstentions.

- **Extending Temporary Moratorium on Dock Approvals;** referred by the Village of North Haven, received on June 7, 2013 – the Commission's jurisdiction for review is that the application is the adoption or amendment of a moratorium. The referral from the Village is for the approval of a proposed local law to extend for a period of an additional eight hundred and ten (810) days a prior local law to "prohibit temporarily the processing and approval of any application for approval of any dock or structure accessory to a dock in any waters within or bounding the Village to a distance of 1,500 feet from the shoreline.

The staff report recommended approval of the proposed Temporary Moratorium Extension with one (1) comment. The Commission resolved to agree and approved the proposal with the one (1) comment for the use and consideration of the Village.

The motion to approve the application with the one (1) comment was made by Commissioner Roberts and seconded by Commissioner Kaufman, vote Approved; 10 ayes, 3 nays, 0 abstentions.

Discussion

- Briefly discussed the times and locations of the next two upcoming Commission meetings; and to contact Commissioner Kaufman with any thoughts on which classes should be offered at the Planning Federation Conference in October.

Meeting Adjourned (5:30 p.m.)

- The motion to adjourn the meeting was made by Chairman Calone and without objection approved unanimously.