

# 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**

January 8, 2014 at 2:00 p.m.

Rose Caracappa Auditorium

W.H. Rogers Legislature Bldg.,

725 Veterans Memorial Highway, Smithtown, NY

### **Tentative Agenda Includes:**

1. Meeting Summary for December 2013
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
  - Laretta Fischer, Chief Environmental Analyst, August Ruckdeschel, Farmlands Administrator, Overview of Agriculture & Farmland Protection Plan Update
  - John Rhyner, Director, Sustainable Energy Group, PW Grosser, PC. (Chair of the Standards and Codes Committee, LI Geo Energy Organization), LI-GEO Presentation on Geothermal Energy
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - The Preserve @ East Moriches (Brookhaven)  
SCTM No: 0200-68500-0100-013.001
  - 495 Holdings LLC (Brookhaven)  
SCTM No: 0200-72800-0500-009000
  - Freedoms Point Assisted Living Facility (Huntington)  
SCTM No: 0400-06000-0100-001005
7. Section A-14-24 of the Suffolk County Administrative Code  
None
8. Discussion:
9. Other Business:
  - Nominating Committee
  - Consideration of Model Geothermal Permitting Code

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on February 5, 2014 at 2:00 p.m. location to be determined



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:** The Preserve at East Moriches  
**Municipality:** Brookhaven  
**Location:** North side of Montauk Highway (S.R. 27A) and aprox. 920 feet West of Manorville Branch Rd.

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**Received:** December 9, 2013  
**File Number:** BR-13-19  
**T.P.I.N.:** 0200 68500 0100 013001  
**Jurisdiction:** Montauk Highway (S.R. 27A), Waterways/Wetlands (Little Seatuck Creek), Airport (Spadaro Airport), Suffolk County Lands

**ZONING DATA**

- Zoning Classification: Planned Retirement Community (PRC) Residence District
- Minimum Lot Area: 8 Acres
- Section 278: N/A
- Obtained Variance: N/A

**SUPPLEMENTARY INFORMATION**

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

**SITE DESCRIPTION**

- Present Land Use: Vacant Lot

- Existing Structures: Roadway
- General Character of Site: Level
- Range of Elevation within Site: 20'-50' amsl
- Cover: Forest
- Soil Types: Carver And Plymouth Sand series (CpC and CpE),  
Plymouth Loamy Sand series (PIA and PIB)
- Range of Slopes (Soils Map): 0-35%
- Waterbodies or Wetlands: Yes, (NYS Wetland ID - E-1)

**NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: Site Plan
- Layout: Standard
- Area of Tract: 22.32 Acres
- Yield Map: N/A
- Open Space: 12.7 Acres

**ACCESS**

- Roads: Entrance/Exit Montauk Highway; Emergency gravel Road from Montauk Highway
- Driveways: Private on-site

**ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: Drywells, Retention ponds
  - Recharge Basins: No
- Groundwater Management Zone: VI
- Water Supply: Public
- Sanitary Sewers: On-site Sanitary System

**PROPOSAL DETAILS**

**OVERVIEW:** Applicants seek site plan approval from the Town of Brookhaven Planning Board for development of a seventy (70) unit retirement community with associated landscaping, parking facilities and utilities. The subject parcel is a 22.32 acre parcel zoned Planned Retirement Community, (PRC) located on the north side of Montauk Highway (NYS Rte. 27A) approximately 920 feet west of Manorville Branch Road in the hamlet of East Moriches.

The Preserve at East Moriches retirement community is proposed to utilize a conservation design to preserve existing wetlands located on site and proposes an open space buffer along its western boundary. Ten-six (6) unit buildings and two-five (5) unit buildings are intended to be constructed with access provided by a loop roadway from Montauk Highway (NYS Rte. 27A.). A 1,200 SF community building is proposed including a swimming pool and common area. The project proposes landscaping, parking facilities and utilities as well as a free standing ground sign. A homeowners association is intended to be created to manage common areas including roads, sanitary and storm water systems.

Storm water runoff from the contemplated Preserve at East Moriches development is proposed to be collected and recharged to groundwater via proposed drywells and retention ponds.

Waste water from the proposed retirement community is intended to be treated by a proposed Chromaglass sewage treatment plant in conformance with Suffolk County Health Department Standards.

Proposed parking for the retirement community is set at 149 off street parking stalls and is in compliance with Town of Brookhaven Zoning Law.

Access for the proposed retirement community is to be from an unrestricted, non-signalized ingress/egress to NYS Rte. 27A/ CR 80. Emergency access is proposed to the highway (NYS Rte. 27A) at the western side of the building complex.

The subject site is presently undeveloped and primarily wooded. The existing natural vegetation of the subject site is characterized as Pine-Oak forest. Similar woodland exists on lands in the area. A paved roadway from the adjacent use to the west bisects the property midway (north to south) and connects to uses to the east. A private airport (Spadaro) is adjacent and to the west of the subject property. The development site is adjacent to Montauk Highway to the south. Along the south side of the highway is a mix of residential and commercial uses.

Zoning in the area includes A 1 Residential, J 2 Commercial, PRCHC (Congregate Retirement/Housing) and NHH (Nursing Homes/Hospitals).

The proposed project is not located but adjacent to the Compatible Growth Area of the Suffolk County Central Pine Barrens Zone. The subject parcel is not located in the Central Suffolk Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone VI. State regulated freshwater wetlands occur on site along the eastern property line and are tributary to Little Seatuck Creek.

The applicants submission materials to the Town of Brookhaven and referred to the Suffolk County Planning Commission indicate that the subject property or parcels adjacent to the subject property is the subject of a hazardous materials spill or remediation. To the best of the SC Planning Commissions staffs ability, it was determined that the remediation ID No. 152224 refers to adjacent activity at Spadaro Airport.

## STAFF ANALYSIS

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

It is the belief of the staff that the proposed Preserve at East Moriches has been designed to be consistent with the existing character of the area. The proposed buildings will be 2 ½ stories; consistent with the predominant residential pattern in the area. Along the western property line adjacent to the air strip a large vegetated buffer is to remain to shield the adjacent land uses from one another. Zoning is in place in the area to accommodate the construction of a hospital, congregate care and a nursing home.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** It is the belief of the staff that the proposed action conforms to the recommendations of the Town of Brookhaven Comprehensive Plan (1996). The Comprehensive plan specifically designates the parcel for high density residential. The proposed retirement complex is situated in a location where the health related infrastructure is proposed to be available and accessible as is indicated by the existing zoning. The subject retirement community is not however, located within a downtown or TOD. The subject site is situated between the East Moriches and Eastport “downtowns” and is more than a mile from either. The walkability score for the subject parcel and project is 23 (out of 100). Suffolk County bus route S90 passes in front of the subject property and provides mass transit links to points north, east and west.

## **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

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

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

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

Submission materials to the Commission do not indicate that NYS DEC SWPPP requirements will be met. It is indicated that Storm water runoff from the contemplated Preserve at East Moriches development is proposed to be collected and recharged to groundwater via proposed drywells and retention ponds. The petitioners should be encouraged to review the Suffolk County Planning Commission publications on *The Study of Man-Made Ponds in Suffolk County* and *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.

State regulated freshwater wetlands occur on site along the eastern property line and are tributary to Little Seatuck Creek. The most landward limit of freshwater wetland vegetation should be flagged in the field by a qualified expert, verified by the appropriate regulatory agency and depicted on all sketches, plans and maps for the subject development. All appropriate setbacks for construction and clearing should be taken from the verified wetland line.

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

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential and clubhouse components of the proposal.

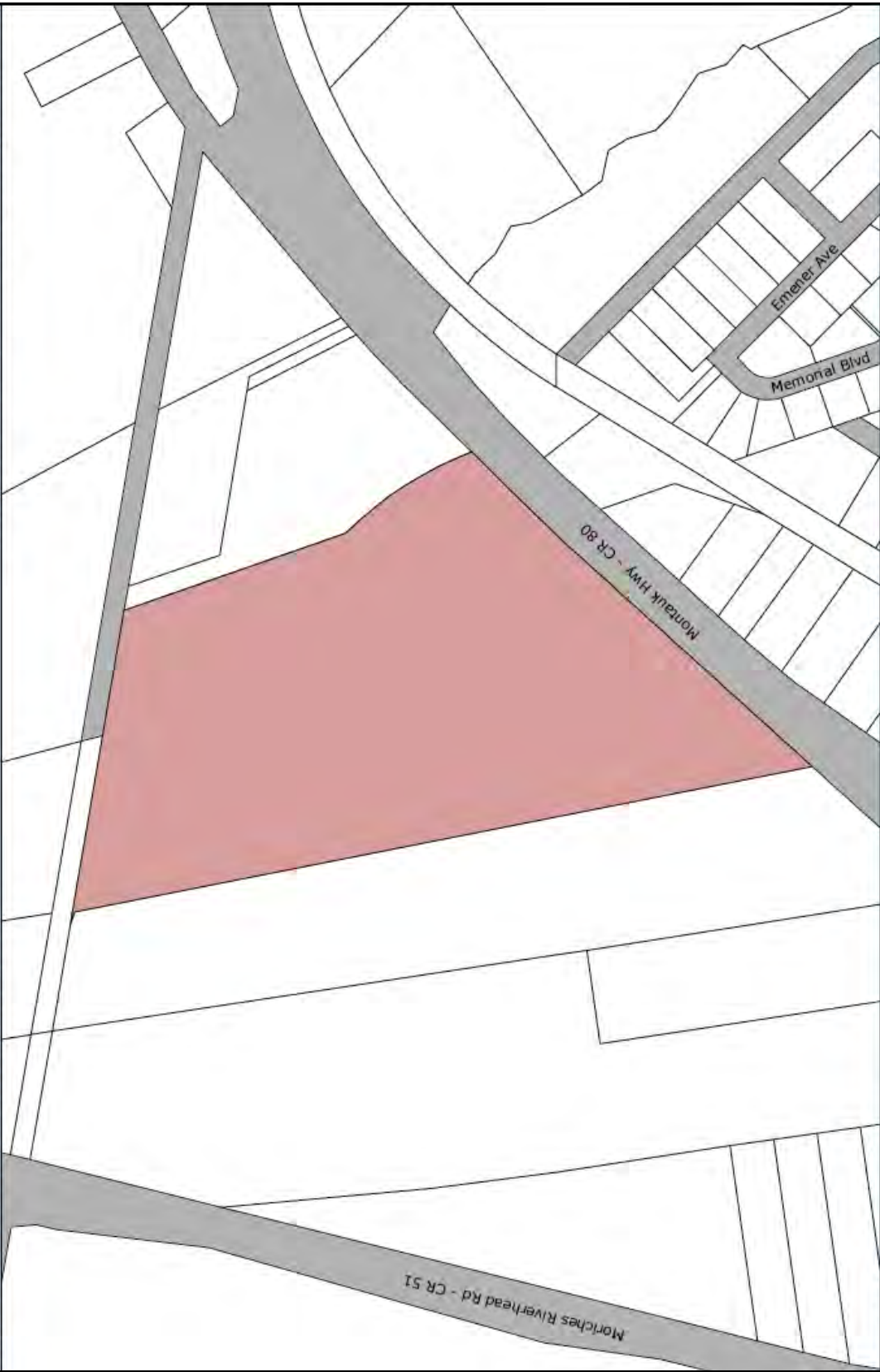
Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design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

The roadway across the subject property connecting the airport to land uses to the east creates some concern about any illegal dumping etc. on the subject parcel. It is the belief of staff that a Phase I Environmental Site Audit is appropriate for the subject parcel moving forward.

## STAFF RECOMMENDATION

**Approval** of the site plan for the Preserve at East Moriches with the following comments:

1. A Chromaglass sewage treatment plant is proposed for waste water discharge. Early review by the Department of Health Services and the Suffolk County Department of Health Services and the Suffolk County Department of Public Works is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services and the SCDPW as early as possible.
2. The most landward limit of freshwater wetland vegetation should be flagged in the field by a qualified expert, verified by the appropriate regulatory agency and depicted on all sketches, plans and maps for the subject development. All appropriate setbacks should be taken from the verified wetland line.
3. The applicants submission materials to the Town of Brookhaven and referred to the Suffolk County Planning Commission indicate that the subject property or parcels adjacent to the subject property is the subject of a hazardous materials spill or remediation. The roadway across the subject property connecting the airport to land uses to the east creates some concern about any illegal dumping etc. on the subject parcel. A Phase I Environmental Site Audit is appropriate for the subject parcel.
4. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on *The Study of man-made Ponds in Suffolk County NY*.
5. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.
6. The petitioners should be directed to contact the NYS DOT and SCDPW to resolve access and traffic considerations for ingress/egress to NYS Rte. 27A/CR 80.
7. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
8. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
9. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
10. The final map of the proposed residential retirement community should bear the notation that the retirement community is located within one-mile of an airport and therefore may be subjected to noise from aircraft flying overhead or nearby.
11. All residential structures that are erected within this retirement community should be constructed using materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Department of Housing and Urban Development or other authority that has promulgated standards for reduction of interior noise levels.



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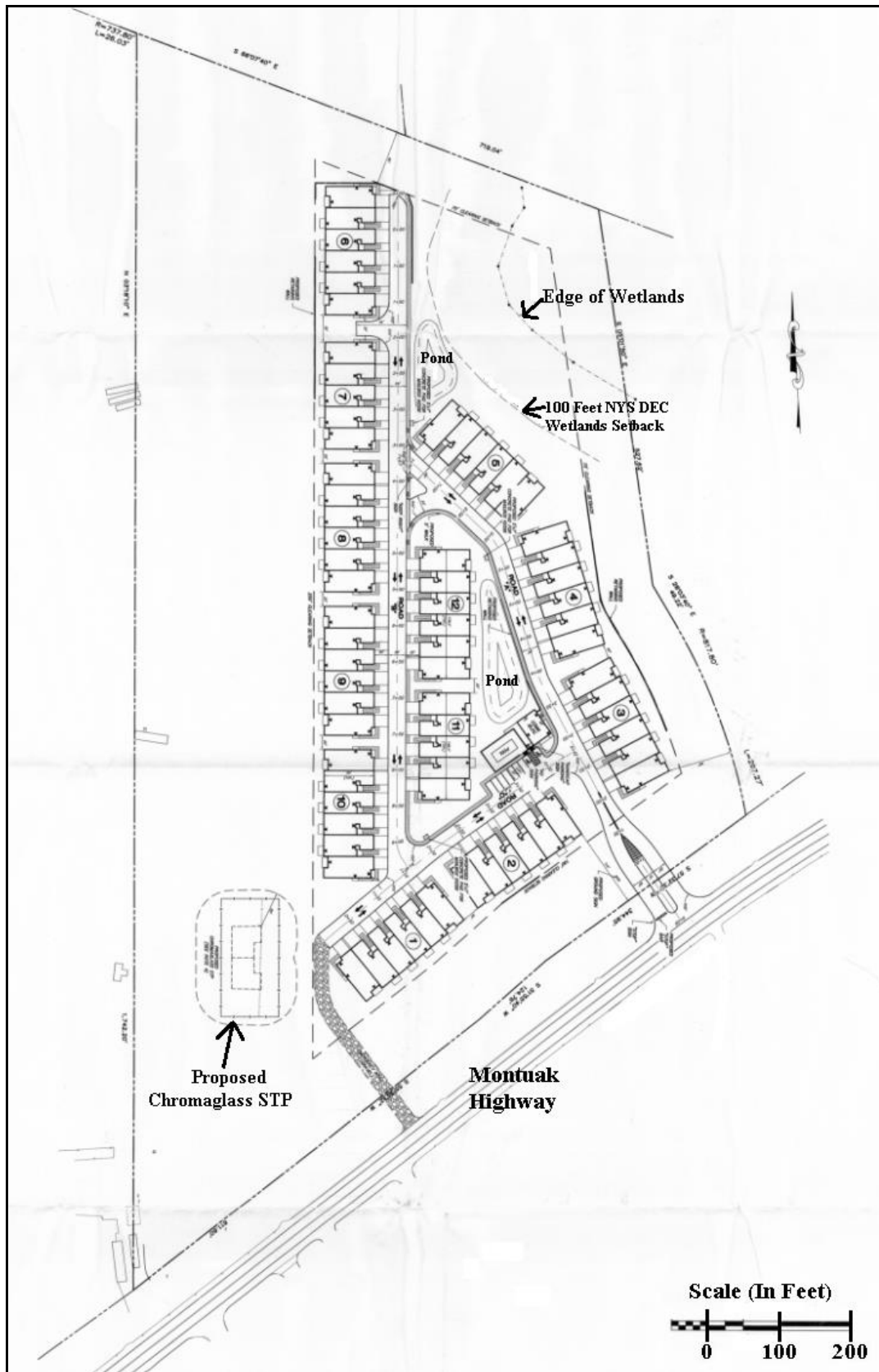
Application: The Preserve @ East Moriches  
 SCPD No.: BR-13-17  
 SCTM No.: 0200 68500 0100 013001  
 Date: 12/23/13

**SUFFOLK COUNTY**  
 High Standards. Brilliant Results.  
 Planning, Zoning, and Building  
 DEPARTMENT OF PLANNING AND ZONING

1 inch = 300 feet

0 200 400 600 Feet

CD-13-055-121013  
 Law Offices of Jason B. Hill, Esq.



Z-1: The Preserve @ East Moriches  
 SCPD: BR-13-17  
 SCTM No: 0200-685.00-01.00-013.001





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:** 495 Holdings LLC  
**Municipality:** Brookhaven  
**Location:** North side of Expressway Drive North, approximately 696' West of Morris Ave., Holtsville

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**Received:** November 1, 2013  
**File Number:** BR-13-20  
**T.P.I.N.:** 0200 72800 0500 009000 et al.  
**Jurisdiction:** Long Island Expressway I-495

**ZONING DATA**

- Zoning Classification: L1 Industrial
- Minimum Lot Area: 20,000 Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

**SUPPLEMENTARY INFORMATION**

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

**SITE DESCRIPTION**

- Present Land Use: Vacant Lot
- Existing Structures: Structure, asphalt roadway/driveway, and encroachment of parking lot
- General Character of Site: Level

- Range of Elevation within Site: 90-125' amsl
- Cover: Forest
- Soil Types: Carver and Plymouth series (CpA, CpC), and Plymouth loamy sand (PIA).
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: No

**NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: Change of Zone, from LI - Light Industrial to CR- Commercial Recreation
- Layout: Standard
- Area of Tract: 26.56 Acres
- Yield Map: No
- Open Space: No

**ACCESS**

- Roads: One way Entrance Drive from Morris Ave., Entrance/Exit from Long Island Expressway North Service Road
- Driveways: Private on-site

**ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: Leaching Pools and Dry wells
  - Recharge Basins: No
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: On-Site Septic System

**PROPOSAL DETAILS**

**OVERVIEW:** Applicants petition the Brookhaven Town Board for a change of zone from Light Industrial 1 (L1) to Commercial Recreation (CR) to permit the construction of 274,745 SF of indoor and outdoor sports stadiums, restaurant, sports retail and medical office on 26.6 acres of land in the hamlet of Holtsville. A Town Board Special Permit for indoor and outdoor sports stadium and Planning Board Special Permit for accessory restaurant use will also be required prior to final approval. The petitioner’s EAF indicates that the proposed athletic complex will also require zoning variances for lot area, landscape area, minimum front yard landscape and front yard buffer.

Referral materials to the SCPC indicate that the storm water runoff generated on the site will be fully accommodated on site in subsurface leaching pools and drywell structures. Submission materials to the Commission indicate that NYS DEC SWPPP requirements will be met.

Off street parking provided includes 836 stalls and is in conformance with Town of Brookhaven Code requirements.

The application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. Sewage treatment is proposed via on-site sanitary systems. System locations are not identified on the conceptual site plan. Across Morris Avenue to the east is a Suffolk County Water Authority well field.

The subject site has frontage on Expressway Drive North which is the north service road of the Long Island Expressway (NYS Rte. 495). Access is proposed via an un-signalized right turn only

ingress/egress. Access is also proposed via a southbound entrance only from Morris Avenue (Town Road).

The subject property is adjacent to a Town of Brookhaven IDA development know now or formerly as Motorola. To the north is an adjacent LIPA ROW and north of the ROW is single family detached dwelling residential development. To the east is a light industrial use and the Long Island Expressway is adjacent to the south.

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located in a Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone I. No State or Town regulated freshwater wetlands occur on or near the subject property.

The subject property is predominantly forested with oak and pine trees. A paved asphalt parking area encroaches from the adjacent property to the west onto the subject site. A single structure and access road can be found roughly center of the property with the access road extending east to Morris Ave.

## STAFF ANALYSIS

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

It is the belief of the staff that the proposed sports complex has been designed to be consistent with the existing character of the community. Structures are limited to three stories (consistent in height to buildings to the west) and residential areas to the north are buffered by an existing planting buffer along the LILCO ROW.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** It is the belief of the staff that the proposed action conforms to the recommendations of the Town of Brookhaven Comprehensive Plan (1996). The Plan recommends commercial land use for the subject parcel.

It is noted that the subject parcel is approximately three (3) acres short of the minimum lot area for the proposed use within the requested zoning district of Commercial Recreation (CR). Section 85-202 of the Brookhaven Zoning Law indicates that the minimum lot area for all as of right uses in the CR District is three (3) acres with the exception of the Town Board special permit for the indoor and outdoor "sports stadiums" and "restaurant." The minimum lot area is thirty (30) acres for these uses. The parcel is approximately 27 acres.

The Petitioners submit that the 1996 Comprehensive Plan cites the limited recreational resources in the Town and the fact that future growth of such resources is severely limited by the Central Pine Barrens legislation and regulations; particularly vegetative clearing restrictions. The subject parcel is not subject to these restrictions. Suffolk County Planning Commission staff investigated the availability of vacant parcels within the town of Brookhaven thirty (30) acres or greater, on a County or State Road and determined that seventeen (17) parcels existed. Of these, only four are not within the Pine Barrens and not subject to review by the Central Pine Barrens Joint Planning and Policy Commission and to their clearing restrictions. The properties are located along Horseblock Road – CR 16 south, of the LIE. This area is characterized as being above Hydro-geologic Management Zones III and VI. The hydro-geologic zones are the more sensitive zones in terms of land use and waste water discharge management than the subject property.

The Petitioners also submit that the Town, in 2012, prepared the *Town of Brookhaven Athletic Fields Assessment and Shared School Districts Study*, in which the calling out of the need for additional athletic facilities within the Town was highlighted. The petitioners argue that the proposed project could take some of the burden off of the local school district (Sachem).

It is also noted that the proposed uses of sports retail and medical office are not detailed on the Conceptual Site Plan submitted with the referral to the Commission and pursuant to the Brookhaven Zoning Law (85-202.4) can only be considered permitted accessory uses only as incidental to the principal use of Sports Stadiums. No gross floor area details are provided for these uses. The “medical” office component remains a consideration in light of the SCWA well field to the east.

There remains a final consideration that other as of right uses may remain as residual permitted uses should the zone change be approved by the Brookhaven Town Board but the sports stadium special permit is never executed and the stadiums not built. While health clubs are a permitted use in the LI zone, indoor amusement establishments and miniature golf courses are among the more intense as of right uses that would still be allowed to file site plans where under the current zoning (L1) these uses are not permitted as of right.

Other Town Board special permits that could be a consideration if the CR zoning were in place but the sports stadiums not be constructed include, but not limited to a golf course, zoo/game farm, outdoor race track and water park.

### **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

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

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

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

Submission materials to the Commission indicate that NYS DEC SWPPP requirements will be met. The petitioners should also be encouraged to review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.

The location of the Suffolk County Water Authority Well fields to the east of the subject property is a factor in the review of the project. Early review by the Department of Health Services is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.

Waste water treatment and disposal issues should be reviewed with the Suffolk County Department of Health Services as early as possible.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate

where practical, elements contained therein applicable for residential and clubhouse components of the proposal.

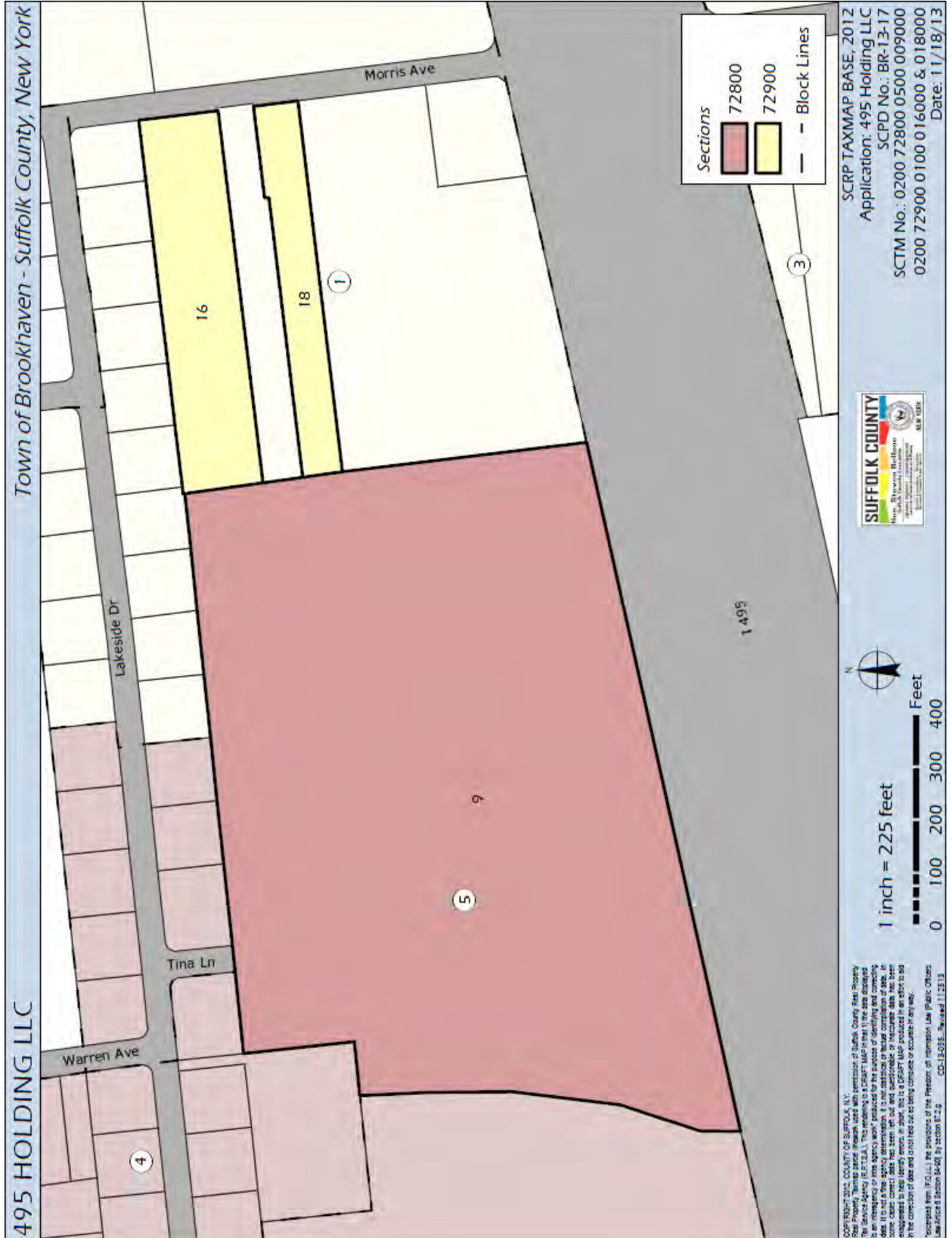
Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design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

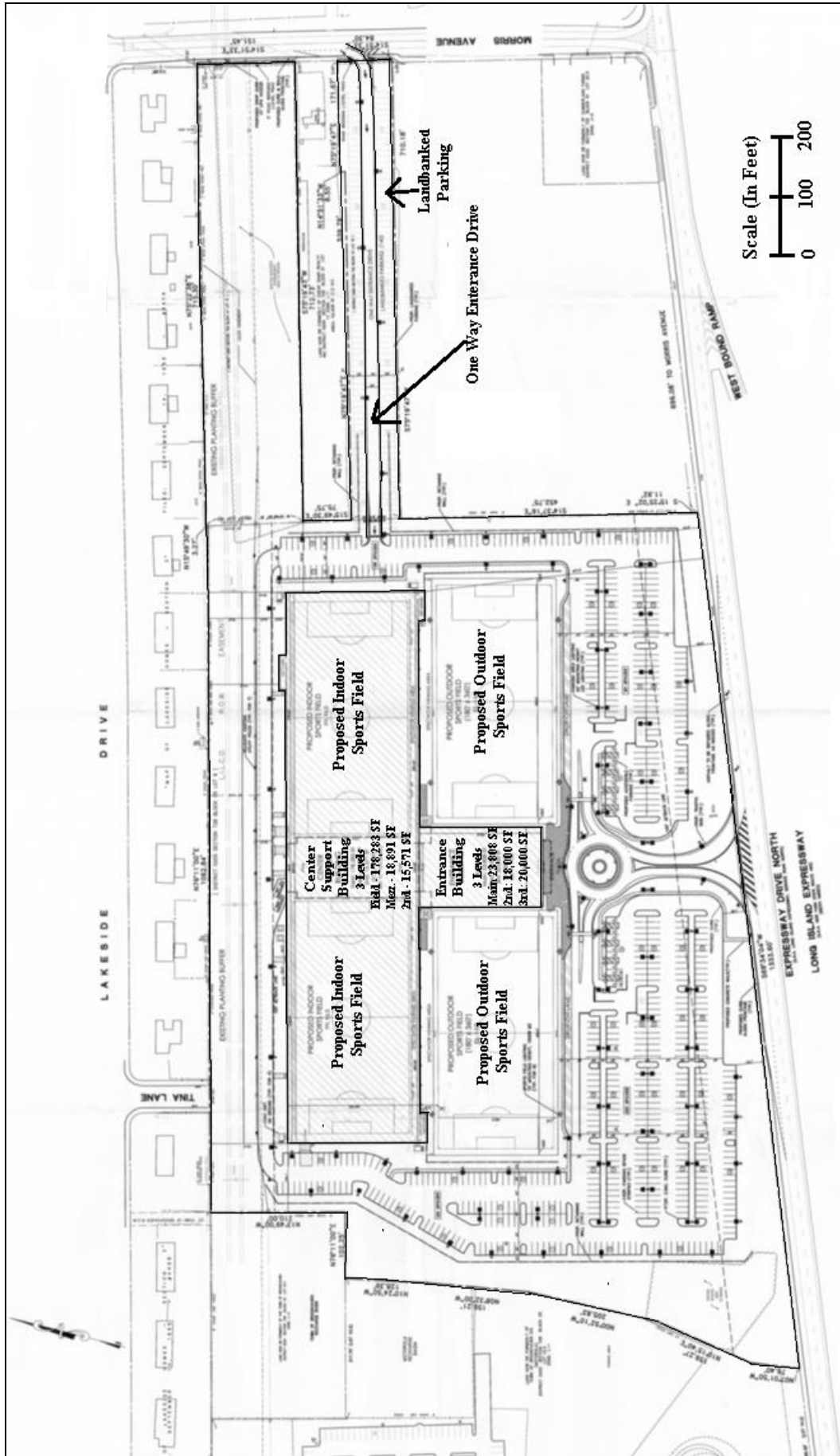
### **STAFF RECOMMENDATION**

**Approval** of the Change of Zone for 495 Holding LLC from Light Industrial 1 District (L1) to Commercial Recreation (CR) with the following comments:

*Comments:*

1. The petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.
2. The petitioner should be directed to contact and begin dialogue with the NYS DOT as soon as possible to discuss access and traffic considerations to Expressway Drive North.
3. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.
4. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein.
5. The petitioners should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
6. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.





Z-2: 495 Holdings, LLC  
 SCPD: BR-13-20  
 SCTM No: 0200-728.00-05.00-009.000 et al.



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:** Freedoms Point Assisted Living  
**Municipality:** Huntington  
**Location:** South side of Middleville Rd. and North side of Liberty La., (at Northeast corner of 0400 06000 0100 001005)

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**Received:** November 22, 2013  
**File Number:** HU-13-05  
**T.P.I.N.:** 0400 06000 0100 001005  
**Jurisdiction:** Heliport, Wetlands/Water Ways, Suffolk County Park Land

**ZONING DATA**

- Zoning Classification: R-80 Residence
- Minimum Lot Area: 80,000 Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

**SUPPLEMENTARY INFORMATION**

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

**SITE DESCRIPTION**

- Present Land Use: Veterans Affairs Hospital
- Existing Structures: Yes
- General Character of Site: Rolling



- Range of Elevation within Site: 80'-180' amsl
- Cover: Asphalt, Turf, Buildings
- Soil Types: Carver, Plymouth, & Riverhead Series
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: New York State Fresh water Wetlands (N-6 ,N-7)

**NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: Site Plan
- Layout: Standard
- Area of Tract: 10.093 Acres
- Yield Map: N/A
- Open Space: N/A

**ACCESS**

- Roads: Entrance/Exit from Liberty Lane
- Driveways: Private on-site

**ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins: No
- Groundwater Management Zone: I
- Water Supply: Public
- Sanitary Sewers: STP

**PROPOSAL DETAILS**

**OVERVIEW** – Applicants seek site plan approval from the Town of Huntington Planning Board for development of a one-hundred eleven (111) unit Assisted Living Facility and associated site improvements. The subject parcel is located on the south side of Middleville Road (Town Road) approximately 260 feet west of Highwood Drive (Town Road) in the hamlet of Northport. The intended site is a 10 acre section controlled by the project sponsor situated at the northeast corner of the U.S.A. Northport Veterans Hospital (total acreage approximately 300 acres). The VA Hospital is adjacent to County of Suffolk land in the northwest corner of the property.

The proposed Freedoms Point Assisted Living Facility is intended to consist of one-hundred eleven units in a 3 story 113,343 square foot building. Disturbance on the site is limited to 4.5 acres of the 10.1 acre site. Seven (7) existing residential units on the grounds will be rehabilitated. Ninety-five (95) parking stalls are provided and more than meet Town Code requirements of 45 off street parking stalls. Healing Gardens are proposed as an amenity to the building.

The application material indicates that the development will have subsurface liquid waste in the form of sewage. No onsite sewage treatment facility is indicated on the site plan and no location for a pump station is indicated on the site plan either. Waste water discharge will have to be designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services or be connected to a sewage treatment facility. The closest treatment plant is to the south at the VA Hospital. The permitted flow for the VA STP is 0.350 MGD. The level of capacity is not currently available from the US at this time.

A Suffolk County Water Authority public water supply well field is located adjacent to the subject property to the north. A small golf course is located to the west. To the south are the VA Hospital building and surrounding support buildings.

The subject site has frontage on Liberty Lane, an internal street within the VA Hospital grounds that has a curb cut to Middleville Road. The proposed assisted living facility will have two points of access to Liberty Lane. The eastern most access will be for emergency purposes only and has a gated entrance.

The subject site is presently undeveloped and primarily wooded. The existing natural vegetation of the subject site is characterized as Pine-Oak forest. Similar woodland exists on public and private lands surrounding the site particularly to the south and east. There are several residential dwelling structures to the south side of the subject development site and has some disturbance associated with activities related to the structures.

The proposed project is not located in a Suffolk County Central Pine Barrens Zone. The subject parcel is not located in a Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone I. State regulated freshwater wetlands are located to the west within the golf course and a small pocket to the south.

## STAFF ANALYSIS

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

It is the belief of the staff that the proposed Freedoms Point Assisted Living Facility has been designed to be consistent with the existing character of the VA Hospital grounds and the adjacent community. The proposed building will be buffered from residential development to the north by the facilities of the Suffolk County Water Authority and land of the Town of Huntington. The residential area is located across from Middleville Road.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** It is the belief of the staff that the proposed action conforms to the recommendations of the Town of Huntington Comprehensive Plan (1993). The proposed assisted living facility is situated in a location where the existing health related infrastructure is available and accessible.

### SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

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

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

Submission materials to the Commission do not indicate that NYS DEC SWPPP and SPDES requirements will be met. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green*

*Methodologies* and incorporate into the proposal, where practical, design elements contained therein.

The location of the Suffolk County Water Authority Well fields adjacent to the subject property is a factor in the review of the project. Early review by the Department of Health Services is warranted and the petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.

Waste water treatment and disposal issues should be reviewed with the Suffolk County Department of Health Services and the Suffolk County Department of Public works as early as possible.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential and clubhouse components of the proposal.

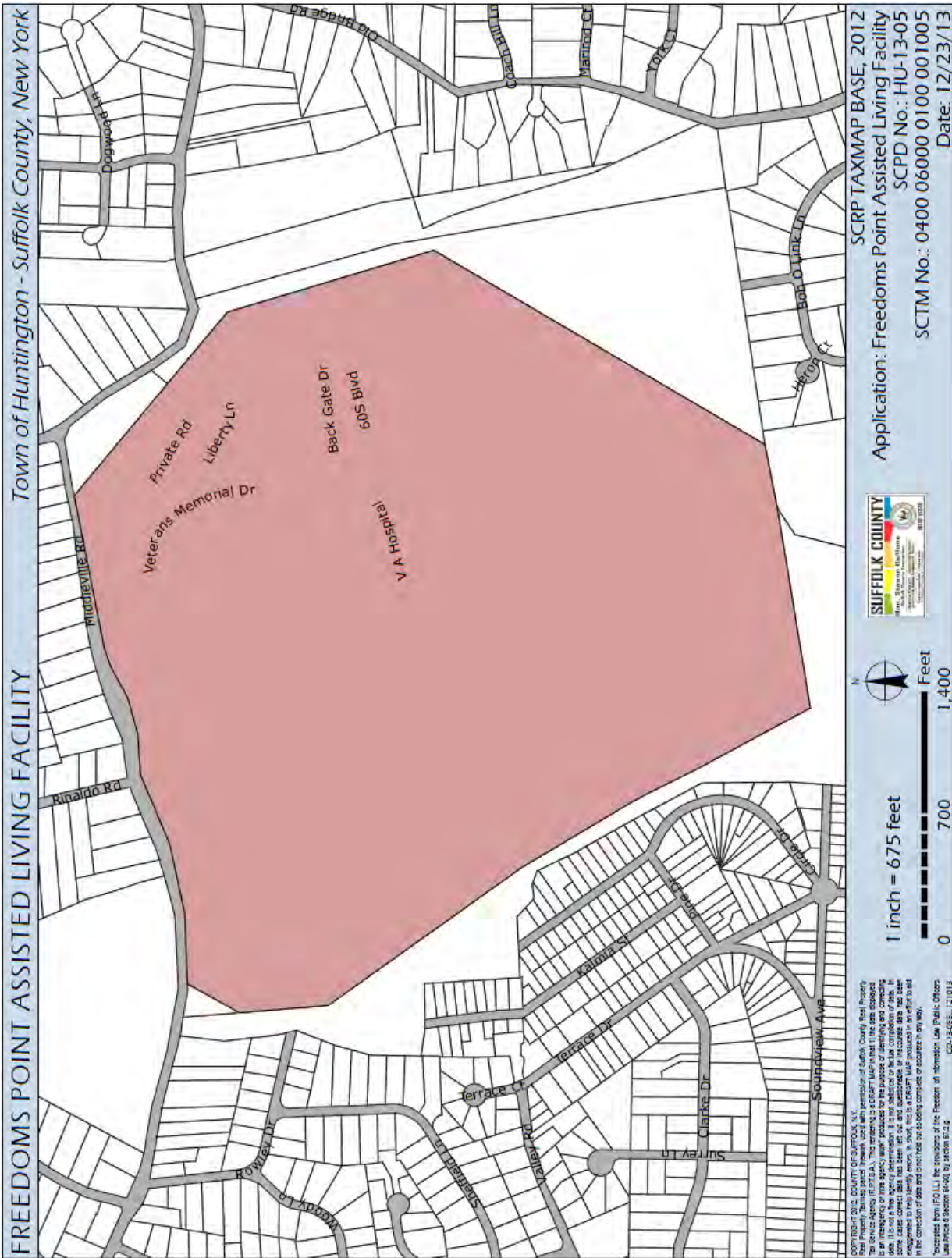
Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design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

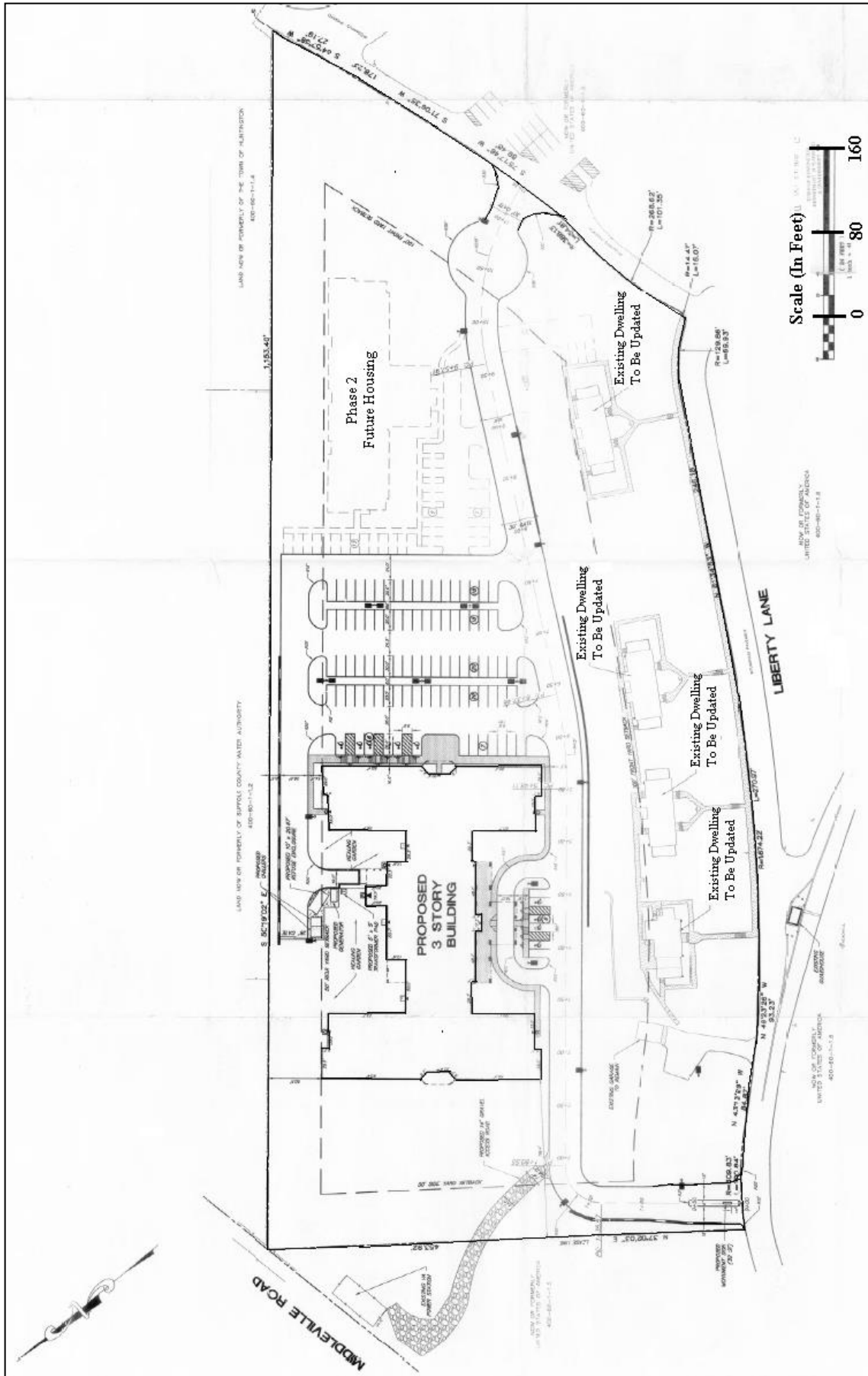
## **STAFF RECOMMENDATION**

**Approval** of the site plan for Freedoms Point Assisted Living Facility with the following comments.

*Comments:*

1. The petitioner should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible.
2. The petitioners should be encouraged to review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.
3. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
4. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design incorporate into the proposal, where practical, design elements contained therein.





Z-3: Freedoms Point Assisted Living Facility  
 SCPD: HU-13-05  
 SCTM No: 0400-060.00-01.00-001.005

# 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

## **AGENDA**

January 8, 2014 at 2:00 p.m.

Rose Caracappa Auditorium

W.H. Rogers Legislature Bldg.,

725 Veterans Memorial Highway, Smithtown, NY

1. Meeting Summary for December 2013
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guest Speaker
  - Laretta Fischer, Chief Environmental Analyst, August Ruckdeschel, Farmlands Administrator, Overview of Agriculture & Farmland Protection Plan Update
  - John Rhyner, Director, Sustainable Energy Group, PW Grosser, PC. (Chair of the Standards and Codes Committee, LI Geo Energy Organization)  
LI-GEO Presentation on Geothermal Energy
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - The Preserve @ East Moriches (Brookhaven)  
SCTM No: 0200-68500-0100-013.001
  - 495 Holdings LLC (Brookhaven)  
SCTM No: 0200-72800-0500-009000
  - Freedoms Point Assisted Living Facility (Huntington)  
SCTM No: 0400-06000-0100-001005
7. Section A-14-24 of the Suffolk County Administrative Code  
None
8. Discussion:
9. Other Business:
  - Nominating Committee
  - Consideration of Model Geothermal Permitting Code

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on February 5, 2014 at 2:00 p.m. location to be determined

# 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 and  
Environment

Date: January 8, 2014  
Time: 2:00 p.m.  
Location: Rose Caracappa Legislative Auditorium  
William H. Rogers Legislature Building  
North County Complex  
Hauppauge, New York 11788

### **Members Present (12)**

Ramon Accettella – Town of Babylon  
Michael Kelly – Town of Brookhaven  
John P. Whelan – Town of East Hampton  
Jennifer Casey – Town of Huntington  
Matthew Chartrand – Town of Islip  
Carl Gabrielsen – Town of Riverhead  
John Finn – Town of Smithtown  
Nicholas Planamento – Town of Southold  
Michael Kaufman – Villages Under 5,000  
Kevin G. Gershowitz – At Large  
Glynis Margaret Berry – At Large  
David Calone – At Large

### **Staff Present (6)**

Sarah Lansdale – Director of Planning and Environment  
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 January 8, 2014 was called to order by David Calone, Chairman, at 2:15 p.m.

## The Pledge of Allegiance

## Adoption of Minutes

- The adoption of the December 2013 Meeting Minutes were tabled.

**Public Portion** – Jim Gleason of East Moriches spoke to the Commission regarding “The Preserve at East Moriches” application before the Commission.

**Chairman’s Report** – Chairman Calone updated the Commission as follows:

- Chairman Calone began by stating that in addition to the regulatory agenda, the Commission will have a presentation at today’s meeting by Augie Ruckdeschel and Laretta Fischer on the County’s Agriculture and Farmland Protection Plan Update. Included in their presentation will be the results from the Suffolk Farm Survey, and all of which will be part of the overall County Comprehensive Plan, we are working on finalizing this year.
- He also informed the Commission that they will be given an overview presentation of geothermal energy from LI-GEO, and discuss the draft model that Commission member John Whelan, with the assistance of Commission member Mike Kaufman, worked on with the geothermal industry using the Town of Brookhaven’s recently adopted geothermal code as a template.
- The Chair stated there will also be a report given by the Nominating and Rules Committee later in the meeting.
- On Suffolk County Sewer Infrastructure Funding; The County’s Sewer Infrastructure Finance Task Force hasn’t met in a few months, but the Chair indicated that he has spoken with the new leader of the Legislature and they are eager to get that back on track; the Chairman also stated that he expects some good news on Suffolk and wastewater coming out of the Governor’s State of the State address today.
- With regard to Agriculture; following the presentation today, we look forward to getting some projects going in conjunction with the administration that is consistent with the Ag plan. Among the ideas discussed are ‘farms to institutions’, ‘a young farmers initiative’ and an ‘online farm help resource’. Chairman Calone also indicated that he had been asked to serve on a working group set-up by Senator LaValle on growing the farm economy through helping nurture food start-up companies.
- With regard to ‘Professional Certification’ which is something we have been working on for a while, and as you know we been working on it with ABLI; It is one of their top legislative priorities in Albany. We have completed the overview memo for the state legislators on this and it is now being talked up by Des Ryan of ABLI in Albany right now. He is working with us to educate the Long Island and some upstate lawmakers about this issue based on the work of Commission members Jennifer Casey and John Finn have done. As you may recall the Town of Brookhaven and Town of Huntington are willing to be pilot locations for the ‘Professional Certification’ program in Suffolk County once it gets going. That needs legislative action to be allowed, and that is our next step.



**Chairman's Report** (Continued)

- On the 'economic development conference', as you might remember the Commission is working it as a joint effort with the Suffolk County IDA. We are currently working on a rough draft of the agenda with Suffolk IDA CEO Anthony Manetta. One of the founders of Computer Associates, Russ Artz, has agreed to be our keynote speaker. We are looking to finalize a date for that; probably sometime in March.
- As for the 'Geothermal Model Code'; we will have the industry presentation today and we can discuss the draft model code. The Chair indicated that he would like to get additional input this month and hopefully have it on the agenda for adoption at the Commission's February meeting.
- With respect to other Commission business;
  - The nominating committee will report today and we will elect our 2014 officers, adopt any rule changes and set our meeting schedule at the February meeting.
  - Lastly, with regard to the Comprehensive Plan; one of the primary responsibilities of the County Planning Commission under the County Charter is to propose a comprehensive plan for Suffolk County. The consultant group AKRF is heading up the effort to develop the plan, and the Commission's oversight committee met with AKRF before the holidays and hope to set another meeting soon.

**Director's Report** – Planning Director Sarah Lansdale informed the Commission about recent activities within the Division including the following:

- The Director updated the Commission on the status of the County's Comprehensive Plan.
- Director Lansdale also stated that staff is working on completing a HUD Transfer of Development Rights (TDR) Study, and also finish updating the County's Agricultural Protection Plan.

**Guest Speaker(s) – Laretta Fischer, Principal Environmental Analyst and August Ruckdeschel, Farmland Administrator, Suffolk County Department of Economic Development and Planning;** Presented an overview of both the Updates to the Farmland Protection Program, and the results of a recent Agricultural Survey of Suffolk County Farmers. They also addressed questions by the Commission.

**Guest Speaker – John Rhyner, Director, Sustainable Energy Group, PW Grosser, P.C. (Chair of the Standards and Codes Committee, LI Geo Energy Organization);** gave a presentation on Geothermal Energy application. He also addressed questions by the Commission.

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

- **The Preserve at East Moriches;** referred by the Town of Brookhaven, received on December 9, 2013 – the Commission's jurisdiction for review is that the application is adjacent to Montauk Highway (SR 27A), Little Seatuck Creek, Spadaro Airport, and Lands of Suffolk County. The application is a request for Site Plan approval from the Town Planning Board for the development of a seventy (70) unit retirement community with associated landscaping, parking and an on-site sewage treatment plant, on a 22.32 acre parcel.

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

- **The Preserve at East Moriches** (continued)

The staff report recommended approval of the Site Plan application and offered eleven (11) comments for their consideration and use by the Town of Brookhaven. After deliberation the Commission resolved to generally agree and approve the Site Plan application with eleven (11) comments.

The motion to approve the Site Plan application, with the eleven (11) comments for their consideration and use by the Town of Brookhaven was made by Commission member Kelly and seconded by Commission member Kaufman, vote to Approve; 12 ayes, 0 nays, 0 abstentions.

- **495 Holdings LLC**; referred by the Town of Brookhaven, received on November 1, 2013 – the Commission's jurisdiction for review is that the application is adjacent to the Long Island Expressway (SR 495). The application is petitioning the Brookhaven Town Board for a change of zone from the existing L-1 Light Industrial to Commercial Recreation (CR) to permit the construction of 274,745 SF of indoor and outdoor sports stadiums, restaurant, sports retail and medical office, on 26.6 acres of land in the hamlet of Holtsville.

The staff report recommended approval of the Change of Zone application and offered six (6) comments for their consideration and use by the Town of Brookhaven. After deliberation the Commission resolved to generally agree and approve the Change of Zone application with seven (7) comments.

The motion to approve the Change of Zone application with seven (7) comments for their consideration and use by the Town of Brookhaven was made by Commission member Accettella and seconded by Commission member Kelly, vote to Approve; 12 ayes, 0 nays, 0 abstentions.

**Freedom Point Assisted Living**; referred by the Town of Huntington, received on November 22, 2013 – the Commission's jurisdiction for review is that the application is adjacent to a heliport, designated wetlands, and lands of Suffolk County. The application is a request for Site Plan approval from the Town Planning Board for the development of a one-hundred eleven (111) unit assisted living facility and associated site improvements on an approximately 10 acre portion of the 300 acre Northport Veterans (VA) Hospital.

The staff report recommended approval of the Site Plan application and offered four (4) comments for their consideration and use by the Town of Huntington. After deliberation the Commission resolved to generally agree and approve the Site Plan application with four (4) comments.

The motion to approve the Site Plan application, with the four (4) comments for their consideration and use by the Town of Huntington was made by Commission member Casey and seconded by Commission member Kelly, vote to Approve; 12 ayes, 0 nays, 0 abstentions.

**Discussion**

- The Nominating and Rules Committee Report:
  - Committee Chairman, Commission member Carl Gabrielsen gave a brief report outlining the recommendations of the Committee of its nominees for Commission officers. The Committee nominees were as follows: David Calone for Chair, and Adrienne Esposito and Michael Kelly for the two Vice Chair officers. The report also indicated that there were no recommended rule changes for the Commission to consider.
  
- Geothermal Model Code:
  - Commission member Whelan gave an updated on the status of the Commission's Geothermal Model Code; Follow the update a brief discussion amongst Commission members followed.

**Meeting Adjourned** (4:50 p.m.)

The motion to adjourn the meeting was made Commission Gershowitz and and seconded by Commission member Gabrielsen, unanimously approved.