

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5191 F: (631) 853-4767
Theresa Ward, Commissioner, Department of Economic Development and Planning
Sarah Lansdale, Director of Planning

AGENDA

August 1, 2018 at 2 p.m.

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

1. Meeting Summary for July 2018
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guests
 - Mayor Paul Pontieri, Jr., Village of Patchogue
 - Luke Ormand, Environmental Analyst, Greater Bellport BOA, Town of Brookhaven
 - Tom Conboy, Shared Mobility Specialist, ICF, 511NY Rideshare Program
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Sun River Town Homes at Manorville, Town of Brookhaven
0200 67600 0100 009009 et al
Change of Zone from A-2 Residence and L-1 Industrial to
MF Multifamily for construction of 125 units
 - Village of Patchogue, Moratorium, Town of Brookhaven
Moratorium on Development - Local Law to establish a six month moratorium on
development approvals for the south side of West Main Street between RR Avenue and
River Avenue
 - Greater Bellport BOA Nomination and SDGEIS, Town of Brookhaven
7. Section A-14-24 of the Suffolk County Administrative Code
8. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **September 5, 2018 2 p.m.** Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY *Language Access Services are available for free to Limited-English Proficient individuals. Requests for telephonic interpretation services or other special needs must be communicated in writing or by telephone to the EDP Language Access Designee at least three business days prior to the meeting. Contact: Jeffrey Kryjak, Department of Economic Development and Planning, H. Lee Dennison Bldg., 11th Floor, 100 Veterans Memorial Highway, Hauppauge, NY11788. Phone: (631) 853-5192, email: jeffrey.kryjak@suffolkcountyny.gov*



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Theresa Ward
Deputy County Executive and Commissioner

Department of Economic Development and Planning
Division of Planning and Environment

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

Applicant: Sun River Town Homes Manorville
Municipality: Town of Brookhaven
Location: Adjacent to N Sunrise Service Rd. (NYS Rte. 27)

Received: 6/14/2018
File Number: BR-18-06
T.P.I.N.: 0200-676.00-01.00-009.009 et al
Jurisdiction: Adjacent to NYS Rte. 27 (Sunrise Highway), Pine Barrens

ZONING DATA

- Zoning Classification: A-2 Residential + L-1 Industrial
- Minimum Lot Area: *80,000 sq. ft./2 ac. 51.9 Acres
- Section 278: Yes (Non-Contiguous Cluster)
- Obtained Variance: No

SUPPLEMENTARY INFORMATION

- Within Agricultural District: Yes, SUFF003
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Yes, FEAF
- SEQRA Type: Pending
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Large, undeveloped wooded area
- Range of Elevation within Site: 40'-60' absl
- Cover: Mainly Woods, some dirt roads
- Soil Types: RdB, CpC, RdA, W
- Range of Slopes (Soils Map): 0%-15%

- Waterbodies or Wetlands: Forge River

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of zone
- Layout: 125 Residential housing units
- Area of Tract: 97.01 Acres
- Yield Map: N/A
 - No. of Lots: N/A
- Open Space: 74.15 ac.

ACCESS

- Roads: Moriches Middle Island Rd.
NYS Rte. 27 (Sunrise Highway)
N Sunrise Service Rd.
S Service Rd.
Jerusalem Hollow Rd.
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Storm water Drainage
 - Design of System: Proposed drainage system + bio swales
 - Recharge Basins: No
- Groundwater Management Zone: III/VI
- Water Supply: public
- Sanitary Sewers: Adjacent STP 1 existing wastewater treatment plant to remain (pg. 5 of FEAF Part 1)

PROPOSAL DETAILS

OVERVIEW – Petitioners seek change of zone approval from the Brookhaven Town Board for the conversion of 51.9 acres of land from L-1 Industrial to A-2 Residential for the construction of 125 residential units. Petitioners seek to transfer density from several undeveloped parcels to the development and donate several non-contiguous open space parcels, totaling 27.28 (twenty seven point two eight) acres, to the Town of Brookhaven.

The proposed development will include six (6) buildings with varying amounts of housing units in each. Two (2) buildings will contain twenty (20) units, three (3) will contain twenty four (24) units, and one will contain thirteen (13) units.

The proposed development will have a non-signalized entry point at the easterly side of the property (tax lot 0200676000100037000) which will connect to Jerusalem Hollow Road (Town Road). This entry way leads Westbound from Jerusalem Hollow Road through the subject property in a loop, eventually leading North onto an existing dirt road.

At the center of the subject property, there will be an open recreational area surrounded by four (4) of the residential buildings in a triangular orientation.

The development site parcels and two of the density parcels associated with the project are located within the Central Suffolk County Pine Barrens Zone CGA. The contemplated development site is also located within the Central Suffolk Critical Environmental Area (CEA) and NYS Special Groundwater Protection Area (SGPA). The development site parcels are located in Groundwater Management Zone III while the associated open space parcels are located in Groundwater

Management Zones III and VI. There are no New York State or local regulated wetlands located on the proposed development site.

An adjacent sewage treatment plant, Villas at Pine Hills (P-BR-47), is located to the north end of the subject site.

Storm water runoff from the contemplated development is to be collected via a proposed drainage system (catch basins and leeching pools) and proposed bio swales.

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

It is the belief of the staff that the proposed Sun River Town Homes project can be designed to be in harmony with the existing character of the area which can be generally defined as residential.

The site is located within the Pine Barrens Zone CGA. The site appears to meet clearing requirements and will have 13 parcels consisting of a grand total of approximately 74.15 acres of undeveloped land donated to the Town of Brookhaven as open space (overall yield = 1.68 units/acre).

All wastewater/sewage which will be produced by the proposed development will be accounted for and properly disposed of via the adjacent sewage treatment plant mentioned prior. Acres of open space related to the transfer properties are also part of the proposal.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:

The Town of Brookhaven 1996 Comprehensive Land Use Plan indicates that the land on which the proposed development is to be constructed is zoned for low density and very low density residential. Therefore, it is the belief of the staff that the contemplated development is designed to be in harmony with the existing character of the area.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

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

Best management practice for development within the State Designated SGPA and CEA should be the clearing of no more than 65% of the naturally occurring vegetation on site, based on zoning, in

addition to the donated open space parcels, adjacent sewage treatment plant, and proposed bio swales, all mentioned previously. The petitioner has calculated the assembled properties have a pine barrens clearing restriction of 49.7% and has proposed the development site will clear 48%.

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.

There is no indication in the application referral material from the Town of Brookhaven to the Suffolk County Planning Commission if there are any proposed affordable units.

Referral materials from the Town of Brookhaven to the Suffolk County Planning Commission do not indicate that the applicant has given consideration to universal design for the facility.

Suffolk County Transit bus routes S68 and S66 traverse N Sunrise Service Rd. with destinations to Moriches and Center Moriches. Weekday service is approximately every hour. The two closest existing bus shelters are along Montauk Highway, and can be accessed by following Moriches Middle Island Rd. southbound from the subject property (1.8 mi.). Walking paths are non-existent in the proposal. There is no identified pedestrian connectivity to the nearest bus shelters from the subject property.

No mention of the consideration of public safety techniques is provided in the referral material to the Suffolk County Planning Commission.

STAFF RECOMMENDATION

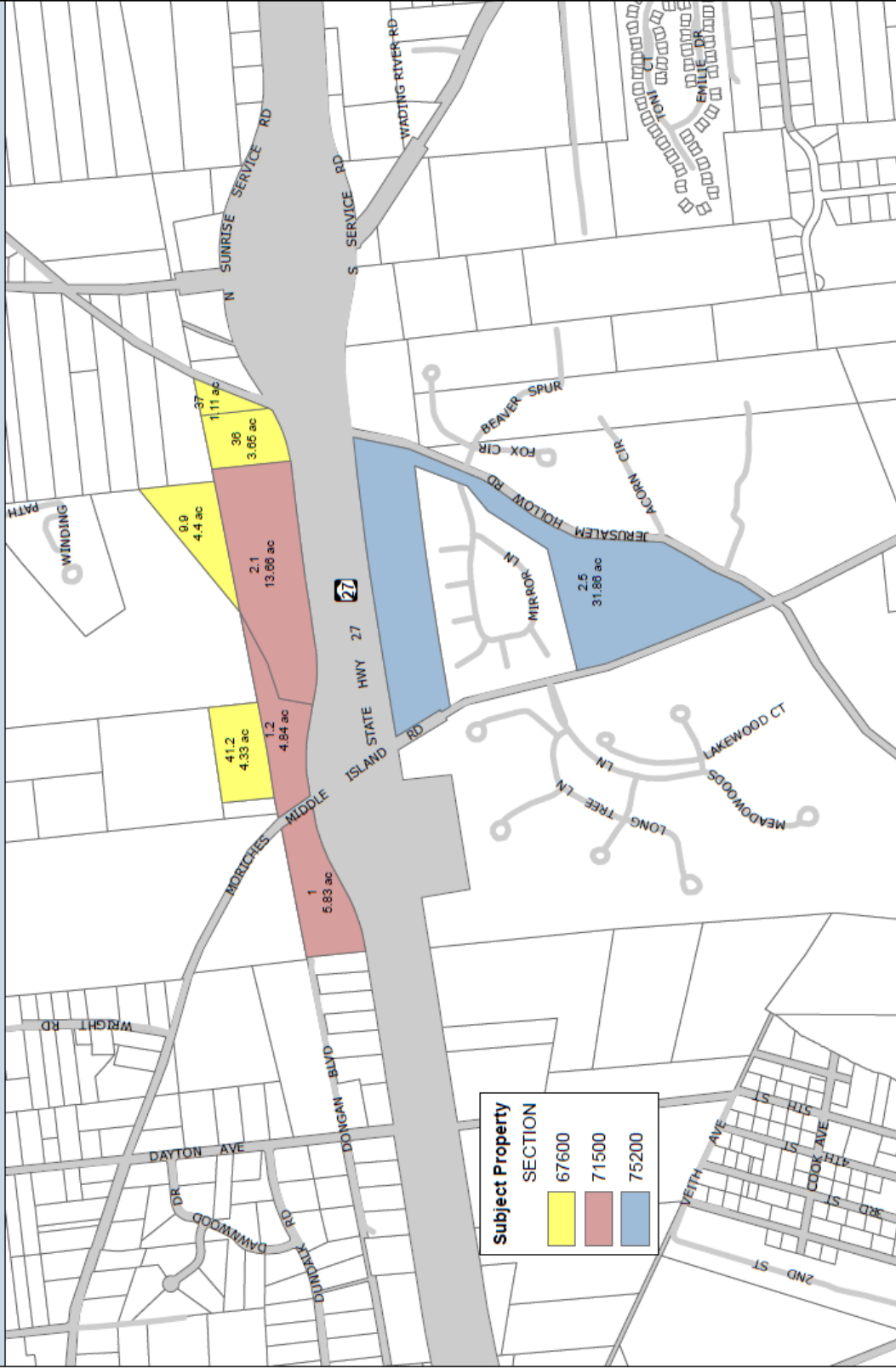
Approval of the change of zone petition from A-2 Residential + L-1 Industrial for Sun River Town Homes at Manorville for the construction of a 125 unit housing development with the following comments:

1. The visual impact to State Highway 27 and the surrounding area should be assessed in order to mitigate any visual effect that might lessen the safety and carrying capacity of the state roadway. "Dark Sky" best management techniques should be employed for the lighting plan to mitigate impacts to adjacent residential areas as well as State Highway 27.
2. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
3. Petitioner should continue dialogue with the SCDPW and the SCDHS with respect to treatment of wastewater.
4. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
5. The petitioner should communicate with the Suffolk County DPW Transit Division and discuss accommodations for bus riders from the subject development being that there are no accommodations mentioned for bus riders to and from the subject property.
6. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained

therein.

7. Petitioners should meet/continue to meet with Central Pine Barrens Joint Planning and Policy Commission with respect guidelines and standards as pertains to the Central Pine Barrens Comprehensive land Use Plan (CPBCLUP).
8. The Town of Brookhaven and the applicant should investigate affordable housing requirements for the subject development proposal. There is no indication in the application referral material from the Town of Brookhaven to the Suffolk County Planning Commission if there are any proposed affordable units.
9. Petitioner should be encouraged to continue to communicate with the New York State Department of Transportation (NYSDOT) with respect to any requirements regarding a highway work permit within the NYS Rte. 27 right-of-way.
10. Pedestrian connections should be made from the interior of the site to Jerusalem Hollow Road in order to provide a pedestrian route linkage to mass transit on the State ROW to the south.

SUN RIVER TOWN HOMES AT MANORVILLE



| Subject Property SECTION |
|--------------------------|
| 67600 |
| 71500 |
| 75200 |

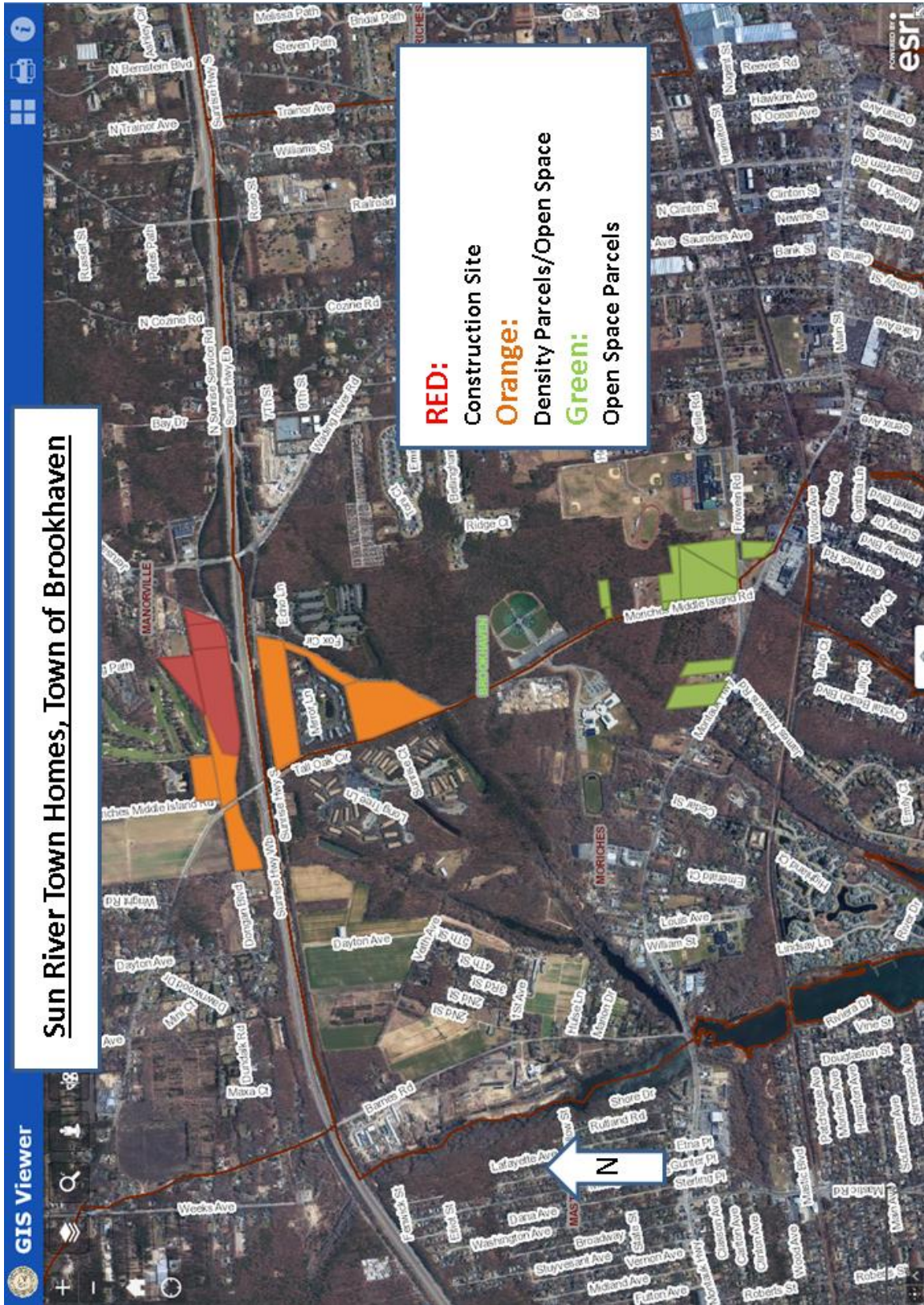
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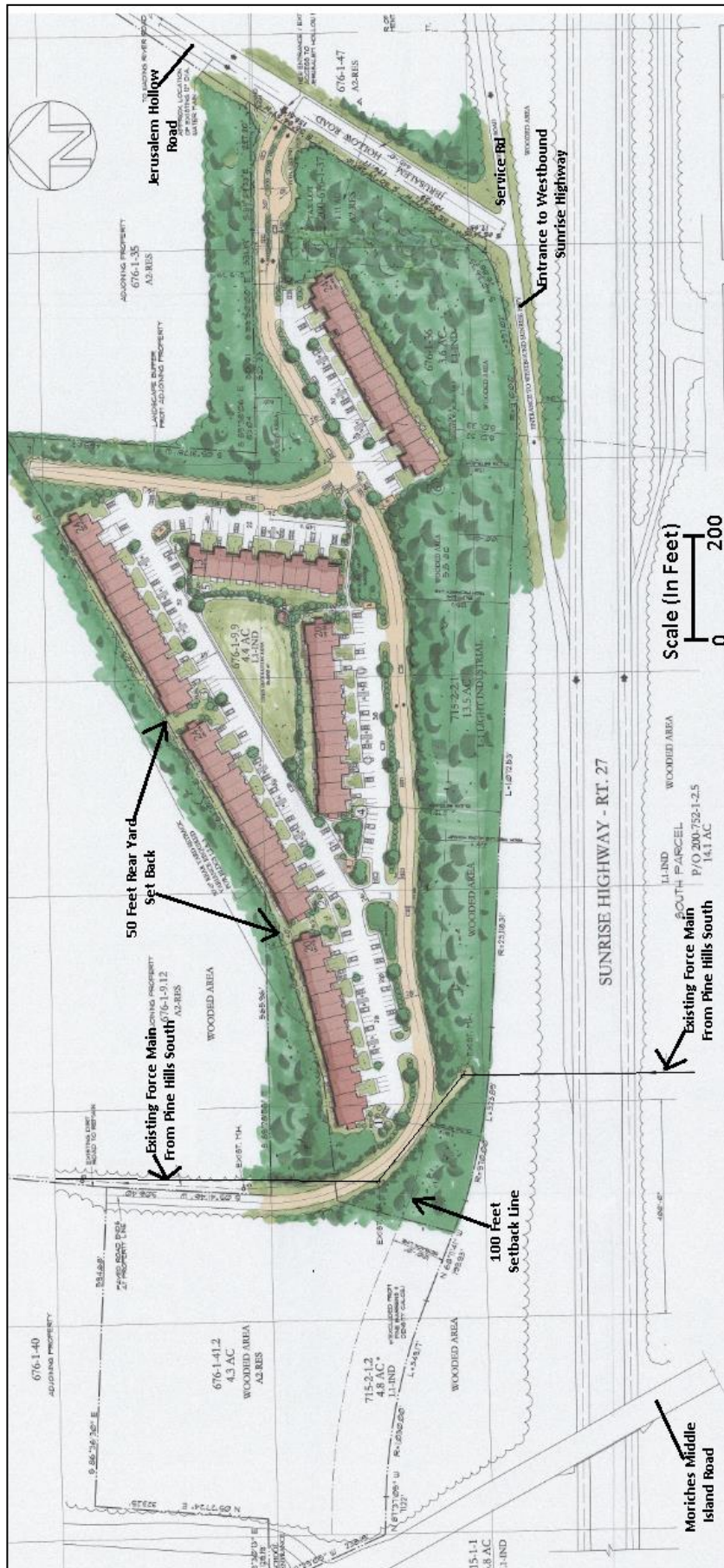
SCRIP TAXMAP BASE, 2016
 Application: Sun River
 Town Homes at Manorville
 SCPD No.: BR-18-06
 Date: 07/23/2018

SUFFOLK COUNTY
 Planning, Zoning, and Public Works
 110 N. Main Street, 2nd Floor
 Suffolk County, NY 11902

1 inch = 800 feet
 0 800 1,600 Feet

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Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Deputy County Executive and Commissioner

Division of Planning
and Environment

August 2, 2018

Town of Brookhaven
One Independence Hill
Farmingville, NY 11738
Attn: Donna Lent, Town Clerk

Re: Sun River Town Homes at Manorville
Local File No.: 2016-140CZ
S.C.P.C. File No.: ZSR-18-16

Dear Ms. Lent:

The Suffolk Planning Commission at its regular meeting on August 1, 2018, reviewed the referral from the Town of Brookhaven entitled, "**Sun River Town Homes at Manorville,**" referred to it pursuant to Section A14-14 thru A14-25, Article XIV of the Suffolk County Administrative Code.

The attached Resolution signifies action taken by the Commission relative to this application.

Very Truly Yours,

Sarah Lansdale
Director of Planning



Andrew P. Freleng
Chief Planner

APF/cd

Resolution No. ZSR-18-16 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on June 14, 2018 at the offices of the Suffolk County Planning Commission with respect to the application of "**Sun River Town Homes at Manorville**" located in the Town of Brookhaven

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **August 1, 2018**, now therefore, Be it

RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further

RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further

RESOLVED, that the Suffolk County Planning Commission **Approves** of the change of zone petition from A-1 and A-2 Residential and L-1 Industrial to MF Residence for Sun River Town Homes at Manorville for the construction of a 125 unit housing development with the following comments:

1. The visual impact to State Highway 27 and the surrounding area should be assessed in order to mitigate any visual effect that might lessen the safety and carrying capacity of the state roadway. "Dark Sky" best management techniques should be employed for the lighting plan to mitigate impacts to adjacent residential areas as well as State Highway 27.
2. The petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
3. Petitioner should continue dialogue with the SCDPW and the SCDHS with respect to treatment of wastewater.
4. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
5. The petitioner should communicate with the Suffolk County DPW Transit Division and discuss accommodations for bus riders from the subject development being that there are no accommodations mentioned for bus riders to and from the subject property.
6. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
7. Petitioner should meet/continue to meet with Central Pine Barrens Joint Planning and Policy Commission with respect guidelines and standards as pertains to the Central Pine Barrens Comprehensive land Use Plan (CPBCLUP).

8. The Town of Brookhaven and the petitioner should investigate affordable housing requirements for the subject development proposal. There is no indication in the application referral material from the Town of Brookhaven to the Suffolk County Planning Commission if there are any proposed affordable units.
9. Petitioner should be encouraged to continue to communicate with the New York State Department of Transportation (NYSDOT) with respect to any requirements regarding a highway work permit within the NYS Rte. 27 right-of-way.
10. Pedestrian connections should be made from the interior of the site to Jerusalem Hollow Road in order to provide a pedestrian route linkage to mass transit on the State ROW to the south.

The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:

<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

Sun River Town Homes at Manorville, Town of Brookhaven

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

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

Motion: Commissioner Kaufman

Present: 8

Seconded: Commissioner Kitt

Absent: 4

Voted: 8

Recusal: 0

DECISION: Approved



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Theresa Ward
Deputy County Executive and Commissioner

Department of Economic Development and Planning
Division of Planning and Environment

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

Applicant: Moratorium: South Side of West Main Street
Municipality: Inc. Village of Patchogue
Location: s/s/o West Main Street River Avenue to Railroad Avenue

Received: 6/18/2018
File Number: Pa-18-01
Jurisdiction: Local Law Moratorium

PROPOSAL DETAILS

OVERVIEW – The subject referral, by the Incorporated Village of Patchogue Board of Trustees’ own motion, is for amending Chapter 435 of the Village of Patchogue Zoning Law to add section 435-14.1 to establish a six-month (180 day) moratorium on “construction and development on the south side of West Main Street between River Avenue and Railroad Avenue.”

Referred moratorium language also states that 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 within the confines of the area described...the Board of Trustees, Zoning Board of Appeals and Planning Board shall not grant any approvals, preliminary or final, for a site plan or subdivision relating thereto or special approvals or special permits, variances or other permissions 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...” (See attached Village of Patchogue proposed moratorium).

STAFF ANALYSIS

Patchogue is emerging as a South Shore destination for culture, entertainment and nightlife. The Village has approved approximately 741 attached residential units in “mixed use” or “TOD” dependent, related or enhanced style development from 2012 to 2017 (SCDEDP data). Moreover, the Village is arguably one of the few communities in Suffolk County with an increasing population. Patchogue Village population is up approximately 6% or 700 individuals from 2010 to 2017. According to online information provided by the Village, restaurants and entertainment venues in the Village are the largest job engines in the Village adding over 500 jobs in the last five years. (source: <https://www.ny.gov/sites/ny.gov/files/atoms/files/DRIPatchogueApplication.pdf>)

The Village of Patchogue indicates in a 2017 Downtown Revitalization Initiative application to the Long Island Regional Economic Development Council that the Village of Patchogue “has followed the *redevelopment* (sic) plan prepared by the Suffolk County Department of Planning in 2002”... (Village of Patchogue Downtown Business District Study)...”by encouraging retail and destination uses with a focus on arts, entertainment and restaurant uses: encouraging development of residential units in the downtown and providing the highest level of basic services in the business district to maintenance, security, aesthetics, publicity and administration.”

Suffolk County also prepared a 1997 “Village of Patchogue River Corridor Study” and the Village was the subject of a 2014 Long Island Index “Parking Plus” design team review and the Village has since implemented some of the parking recommendations in the downtown.

It is indicated in the proposed moratorium that the purpose of the law is “to ensure that the Village has sufficient time to study the challenges posed by large-scale development projects, gather data on the Village’s existing uses and future trends in development in the subject area and craft solutions to address these issues.”

The root of the currently proposed Inc. Village of Patchogue moratorium can be attributed to the pending development (interior alterations/minor additions and site improvements to an existing commercial building) of the Blue Point Brewery (Briarcliff College/Swezey Real Estate Development) site (8.3 ac, 77,984 SF GFA, received “LD” from SCEDP 10/14/16) that may drive economic development interest in properties across the street. Per Village of Patchogue deliberations, many of the moratorium parcels lack available parking area, are immediately north of the sewage treatment plant and are the product of a mix of a land use and zoning pattern containing D-2 Business, E industrial, and various non-conforming uses.

The relevant regulatory history of development and moratoria referred to the Suffolk County Planning Commission includes the following:

In March 2008 a Village of Patchogue referral to the Suffolk County Planning Commission (Pa-08-01) for an amendment to the Village of Patchogue Zoning Law was received. The referral was an application on the Villages own motion for an amendment to the Village Zoning Code Chapter 93, Article III (District Regulations) for the creation of a “floating zone” entitled Downtown Revitalization District (DRD). The proposed DRD was intended to encourage the development of mixed uses including retail, residential offices, hotels, catering facilities and restaurants. The DRD ordinance made provisions for a maximum height of 130 feet for any structure within 120 feet of West Main Street and within 100 feet of North Ocean Avenue (provided the structure includes a hotel and a catering facility; 110 feet for all other structures). Structures proposed more than 110 feet from West Main Street and more than 100 feet from North Ocean Avenue are entitled to 60 feet of height.

The Suffolk County Planning Commission approved with conditions and comments the proposed ordinance. Commission comments included measures to lessen impacts on “parking, traffic, utilities, safety and general welfare of the village of Patchogue.”

In September of 2008 a referral was made to the Suffolk County Planning Commission for an amendment to the Village Zoning Law regarding the “Downtown Redevelopment District (DRD).” The proposed amendment to Section 93-16.5 (E) (8)-(DRD “Parking”) of the Village Code proposed to remove all parking standards in the Downtown Development District.

During the process of Suffolk County Planning Commission staff review of the proposed Downtown Redevelopment District ordinance (Pa-08-03) the Inc. Village of Patchogue withdrew the referral. The County Planning Commission provided no comments on the record.

In March of 2009 the Suffolk County Planning Commission received a referral from the Inc. Village of Patchogue for a moratorium on new restaurants, snack bars, and any on premise liquor licenses along the Patchogue River. The referral was deemed incomplete and the SCPC did not receive a re-referral on the matter addressing the incomplete determination.

A change of zone application was referred to the Suffolk County Planning Commission by the Village of Patchogue in April of 2009 (Downtown Patchogue Re-Developers, LLC). The action was for a zone change/conceptual site plan and variances for a mixed use development of 240 residential units, 28,460 SF of retail space a 111 room hotel and associated parking on 4.31 acres (Pa-09-02). The Suffolk County Planning Commission approved the referral with four comments including the advisory to consider the precedent-setting nature of the proposed zone change; the impacts to existing infrastructure including sewers, as well as, the adequacy of the proposed parking plan.

The Inc. Village of Patchogue on November 15, 2010 referred to the Suffolk County Planning Commission an application to the Village Board of Trustees by New Village Patchogue to modify prior approvals granting a mixed use development (Pa-09-02 Addendum). The modification included the hotel component being eliminated and the addition, in its place, of 51 residential units, 7,689 SF of retail space and a sub-surface parking area. The requested changes included a reduction in height of the tallest proposed buildings to 5 stories. The Suffolk County Planning Commission approved the referral with the following condition and comments:

Condition:

1. *The Village shall consider energy efficient design standards within the proposed development consistent with Suffolk County Planning Commission Guidelines.*

Comments:

1. *The Village should carefully consider the precedent-setting nature of the proposed Change of Zone in order to insure that the increased scale of development is consistent with community character. In addition, the Village should carefully analyze potential impacts to existing infrastructure including sewers.*
2. *The Village should consider public safety and Universal Design Standards within the proposed development consistent with the Suffolk County Planning Commission Guidelines.*
3. *The Village should consider a diversity of residential unit types, including owner-occupied units, in order to better meet community needs.*

On May 3, 2011 the Suffolk County Planning Commission received a referral from the Inc. Village of Patchogue to establish a six month moratorium on 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 (Pa-11-01). It was further stated that the purpose of the 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 effect a solution and or comprehensive Plan to address the future residential density and construction in the primary business zoning districts of the village.” The Suffolk County Planning Commission approved the proposed moratorium with conditions. The first condition of the Commission was to strengthen the local law to add findings if the Village investigated whether or not there are any alternatives less burdensome on the property owners than the proposed moratorium. It also conditioned that the

Village indicate what recent circumstances have occurred that justify the adoption of the moratoria. The Commission resolution also noted that the proposed local law did not indicate how serious or urgent the circumstance warranting the moratorium was or what hard evidence there was to support the necessity of the moratorium.

The Inc. Village of Patchogue, on May 3, 2013 referred to the Suffolk County Planning Commission (Pa-11-01.1) a proposed moratorium on certain proposals in the D-3 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 was 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 Suffolk County Planning Commission approved the referral with the following comment:

“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.”

In February of 2016 the Suffolk County Planning Commission received a referred proposed moratorium from the Inc. Village of Patchogue and was the third moratorium affecting attached multifamily land uses since 2011 and had the combined total of 540 days. The purpose and intent of these moratoria have been similar in that they were to allow the village of Patchogue time to evaluate and consider the impact on the parking, traffic, health, safety and general welfare toward a “carefully considered comprehensive plan.” The proposed moratorium indicated that the village is “...seeking a solution and/or comprehensive plan” The moratorium and prior two moratoria have been designed for essentially the same goal. The SCPC approved the six month moratorium conditioning that:

“A process or framework shall be established by the Village of Patchogue to make reasonable progress in carrying out a “solution” to diligently pursue a course of action within a six month time period.”

The latest referral for a moratorium on the south side of West Main Street from River to Railroad Avenues being considered by the Suffolk County Planning Commission is intended to “...ensure that the Village has sufficient time to study the challenges posed by large-scale development projects, gather data on the Village’s exiting uses and future trends in development in the subject area and craft solutions to address these issues.” This quotation is redundant with several of the noted moratoria requests above.

It is the belief of staff that it does not appear that there is a specific action plan to resolve the necessity objective of the proposed moratorium. It is unclear if there is a framework to make reasonable progress in carrying out a “solution or comprehensive plan” or outline to diligently pursue within a six month time period a course of action. The village does not indicate if this would be an in-house effort or subject to the process of retaining a planning professional or what local bodies are responsible for the noted study. The village runs the risk of achieving little or no progress within the proposed six month time frame.

Vacant and underutilized properties within the village have the potential for economic development

benefiting the County as a whole. The north side of West Main Street along the proposed moratorium boundary also may be stimulated by the pending Blue Point Brewery development. The eventual fate of the Brookhaven Memorial Hospital Dialysis Center, vacant property east and north of the existing retail building (Bargain Bilge) along Holbrook Road, the potential redevelopment of the Lake Avenue – Holbrook Road intersection by Suffolk County and a mixed use building and gas/service station adjacent to the cemetery and West Avenue should also be included in any initiative to “craft solutions” to address the associated impacts of future development. It is not clear why these properties are not in the proposed moratorium study area.

It should be noted that the subject application is not located in a minority or economically distressed community as defined by Suffolk County Planning Commission guidelines and required to be reported pursuant to Suffolk County Legislative Resolution 102-2006.

A moratorium is the most extreme land use action that a municipality can take because it suspends completely the rights of property owners from obtaining development approvals to use their property. The proposed moratorium prohibits all types of land use on the south side of West Main Street between River and Railroad Avenues. Moreover, as indicated in the introduction to the Suffolk County Planning Commission Guidebook “The County is primarily concerned with regional land use considerations such as economic development...” Many underutilized properties along West Main Street are suitable for improvement that would create a range of employment opportunities for a variety of ages, education levels, and skill levels (see Section 4.5 Economic Development-SCPC Guidebook).

STAFF RECOMMENDATION

Approval of the referred Inc. Village of Patchogue Local Law to establish a six-month moratorium on development approvals for the south side of West Main Street between Railroad Avenue and River Avenue with the following comments:

1. A moratorium is the most extreme land use action that a municipality can take because it suspends completely the rights of property owners from obtaining development approvals to use their property. The proposed moratorium prohibits all types of land use on the south side of West Main Street between River and Railroad Avenues. Moreover, as indicated in the introduction to the Suffolk County Planning Commission Guidebook “The County is primarily concerned with regional land use considerations such as economic development...” Many underutilized properties along West Main Street could be suitable for improvements that could create a range of employment opportunities for a variety of ages, education levels, and skill levels (see Section 4.5 Economic Development-SCPC Guidebook).
2. It is unknown if the Village investigated potential alternatives to the proposed moratorium that could be less burdensome on property owners.
3. Based on a review of the Local Law, it is unclear what recent circumstances may have occurred, or what data may have been collected that necessitated the adoption of a moratoria.
4. The Village is encouraged to develop an action plan to ensure progress in carrying out a solution within the six month time period. It is currently unknown if the Village intends to retain a planning professional or develop potential solutions in-house.
5. Vacant and underutilized properties within the Village may have the potential for economic development benefiting the County as a whole. The north side of West Main Street along the proposed moratorium boundary may also be stimulated by the pending Blue Point

Brewery development. The eventual fate of the Brookhaven Memorial Hospital Dialysis Center, vacant property east and north of the existing retail building (Bargain Bilge) along Holbrook Road, the potential redevelopment of the Lake Avenue – Holbrook Road intersection by Suffolk County and a mixed use building and gas/service station adjacent to the cemetery and West Avenue could also be considered in any initiative to identify solutions to address the impacts of future development.

6. The Inc. Village of Patchogue, could consider code amendments to encourage applicants to explore techniques to reduce parking demand. Techniques may include, but are not limited to parking management programs, promotion of and priority to car sharing and ridesharing, parking cash-out programs, unbundled parking costs from rent, provision of free or discounted transit passes, provision of bicycle parking facilities, etc.



Proposed Village of Patchogue
Moratorium - Location Map

Suffolk County, NY

GIS Viewer

AMENDING SECTION 435-14.1 OF CHAPTER 435 OF THE VILLAGE CODE TO ESTABLISH A SIX-MONTH MORATORIUM ON DEVELOPMENT APPROVALS FOR ANY PROPERTY ON THE SOUTH SIDE OF WEST MAIN STREET BETWEEN RAILROAD AVENUE AND RIVER AVENUE

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 Chapter 435 of the Village Code which shall read as follows:

[New Language]

[Language to be Deleted]

§ 435-14.1 Moratorium on development.

A. Purpose and Intent. It is the purpose and intent of this Local Law to establish a moratorium on construction and development on the south side of West Main Street between River Avenue and Railroad Avenue. It is the further purpose of this law to allow the Village of Patchogue time to evaluate and consider the impact of the rapid increase in commercial and residential development in the subject area and its effect upon the parking, traffic, utilities, health, safety and general welfare of the Village of Patchogue.

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 carefully considered zoning laws. Such zoning laws take time to create and update. During this time, demand for a particular use of land may arise for which there are inadequate controls or which require a more concentrated analysis and review than may be permitted under the current zoning laws. This moratorium will ensure that the Village has sufficient time to study the challenges posed by large-scale development projects, gather data on the Village's existing uses and future trends in development in the subject area, and craft solutions to address these issues.

B. Application. This law shall apply to all properties bordering the south side of West Main Street between River Avenue and Railroad Avenue.

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 within the confines of the area described in subsection two of this Section. Further, the Board of Trustees, Zoning Board of Appeals and Planning Board shall not grant any approvals, preliminary or final, for a site plan or subdivision relating thereto or special approvals or special permits, variances or other permissions 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. Projects

with site plans or building permits issued prior to this enactment are exempt from the moratorium.

D. Term. This Local Law shall be in effect for a period of 180 days from its effective date. This Local Law 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 Local Law or shall otherwise violate any of the provisions of this Local Law 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 Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

F. Alleviation of Hardship.

(1) The Board of Trustees of the Village of Patchogue may authorize exceptions to the moratorium imposed by this local law 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:

(i) 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; and

(ii) Petitioners' 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

(iii) Grant of the hardship will clearly have no adverse effect upon any of the Villages goals or objectives enumerated in the moratorium; and

(iv) 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; and

(v) 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 is minimal; and

(vi) The actions of the applicant were undertaken in a good faith belief that the proposed development 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 Local Law shall not affect the validity of any other portion of this Local Law 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 Local Law with respect to their application to the properties designated under this Local Law for the term of this Local Law.

(2) This Local Law shall modify and supersede, with respect to the properties covered by this Local Law and, for the term of this Local Law, 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 local law.

This Local Law shall take effect immediately.

Dated: May 24, 2018


Patricia M. Seal - Village Clerk



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Deputy County Executive and Commissioner

Division of Planning
and Environment

August 2, 2018

Village of Patchogue
14 Baker Street
Patchogue, NY 11772
Attn: Patricia Seal, Village Clerk

Re: Village of Patchogue Moratorium
Local File No.: Moratorium – South Side of West Main St.
S.C.P.C. File No.: ZSR-18-14

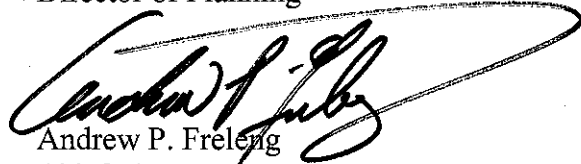
Dear Ms. Seal:

The Suffolk Planning Commission at its regular meeting on August 1, 2018, reviewed the referral from the Town of Brookhaven entitled, “**Village of Patchogue Moratorium – South Side of West Main St.,**” referred to it pursuant to Section A14-14 thru A14-25, Article XIV of the Suffolk County Administrative Code.

The attached Resolution signifies action taken by the Commission relative to this application.

Very Truly Yours,

Sarah Lansdale
Director of Planning



Andrew P. Freleing
Chief Planner

APF/cd

Resolution No. ZSR-18-14 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on June 14, 2018 at the offices of the Suffolk County Planning Commission with respect to the application of "**Village of Patchogue Moratorium – South Side of West Main Street**", Village of Patchogue, Town of Brookhaven

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **August 1, 2018**, now therefore, Be it

RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further

RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further

RESOLVED, that the Suffolk County Planning Commission **Approves** of the referred Inc. Village of Patchogue Local Law to establish a six-month moratorium on development approvals for the south side of West Main Street between Railroad Avenue and River Avenue with the following comments:

1. A moratorium is the most extreme land use action that a municipality can take because it suspends completely the rights of property owners from obtaining development approvals to use their property. The proposed moratorium prohibits all types of land use on the south side of West Main Street between River and Railroad Avenues. Moreover, as indicated in the introduction to the Suffolk County Planning Commission Guidebook "The County is primarily concerned with regional land use considerations such as economic development..." Many underutilized properties along West Main Street could be suitable for improvements that could create a range of employment opportunities for a variety of ages, education levels, and skill levels (see Section 4.5 Economic Development-SCPC Guidebook).
2. It is unknown if the Village investigated potential alternatives to the proposed moratorium that could be less burdensome on property owners.
3. Based on a review of the Local Law, it is unclear what recent circumstances may have occurred, or what data may have been collected that necessitated the adoption of a moratoria.
4. The Village is encouraged to develop an action plan to ensure progress in carrying out a solution within the six month time period. It is currently unknown if the Village intends to retain a planning professional or develop potential solutions in-house.
5. Vacant and underutilized properties within the Village may have the potential for economic development benefiting the County as a whole. The north side of West Main Street along the proposed moratorium boundary may also be stimulated by the pending Blue Point Brewery development.

The eventual fate of the Brookhaven Memorial Hospital Dialysis Center, vacant property east and north of the existing retail building (Bargain Bilge) along Holbrook Road, the potential redevelopment of the Lake Avenue – Holbrook Road intersection by Suffolk County and a mixed use building and gas/service station adjacent to the cemetery and West Avenue could also be considered in any initiative to identify solutions to address the impacts of future development.

6. The Inc. Village of Patchogue, should consider code amendments to encourage applicants to explore techniques to reduce parking demand. Techniques may include, but are not limited to parking management programs, promotion of and priority to car sharing and ridesharing, parking cash-out programs, unbundled parking costs from rent, provision of free or discounted transit passes, provision of bicycle parking facilities, etc.

The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:

<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

Village of Patchogue Moratorium – South Side of West Main Street, Town of Brookhaven

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

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

Motion: Commissioner Esposito

Present: 8

Seconded: Commissioner Gershowitz

Absent: 4

Voted: 8

Recusal: 0

DECISION: Approved



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Theresa Ward
Deputy County Executive and Commissioner

Department of Economic Development and Planning
Division of Planning and Environment

STAFF REPORT

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

Applicant: Draft Greater Bellport BOA Nomination
Municipality: Brookhaven
Location: East Patchogue, Hagerman and North Bellport.

Received: 6/27/18
File Number: BR-18-07
Jurisdiction: Comprehensive Plan amendment

Overview - This referral from the Brookhaven Town Board is for a Brownfields Opportunity Area (BOA) Step II nomination (study) for Greater Bellport pursuant to the NYS Brownfields Opportunity Areas Program. Brownfields are underused, abandoned or vacant industrial or commercial sites complicated by past or existing hazardous material contamination and relate problems.

The proposed BOA is a 406 acre boundary within a study area that included 2,807 acres of land considered during the 2014 Greater Bellport Land Use Plan. The land use plan was reviewed and approved by the Suffolk County Planning Commission on August 6, 2014 (see attached resolution). The land use plan provided strategic direction and set the foundation for updating the Town of Brookhaven’s Comprehensive Land Use Plan. The Town of Brookhaven Bellport BOA consists of 633 individual parcels of which 41 discrete areas comprising 302 parcels are were investigated for compliance with Federal, State and local environmental quality rules and regulations. Within the BOA boundary 37 brownfield sites were included. From those 37 sites, three areas were reaffirmed for their strategic potential to revitalize the communities within the proposed BOA. The BOA boundary parallels the LIRR tracks of the Montauk Branch (with scheduled stops at the Bellport Train Station) along Montauk Highway (NYS Rte 27) and is bisected by Station Road.

The nomination of the Greater Bellport BOA and the associated benefits of designation are expected to encourage public/private development partnerships were the benefits of investments in public infrastructure are compounded with private capital to propel Greater Bellport into a transit-oriented future.

In addition to other land use and zoning recommendations (see attached 8/6/14 staff report), three strategically important areas or “opportunity sites” have been identified for marketability and redevelopment potential in the Greater Bellport Land Use Plan and the Greater Bellport BOA Step 2 Nomination (see attached figure).

A community vision had been conceptualized in prior Brookhaven Town outreach initiatives for a

mixed use transit oriented downtown hamlet center at the intersection of Montauk Highway and Station Road...also the location of the Bellport Train Station...centrally located within the proposed BOA. The Montauk Highway (NYS Rte 27A) corridor is characterized in the Nomination Report as being “a chaotic assemblage of heavy auto uses, vacant lots, strip retail, and small service-oriented businesses.” At the southeast corner of this main intersection a proposed 70-unit affordable housing project in conjunction with an assemblage of approximately 16.2 acres of land is being considered as a concept to stimulate mixed-use/mixed-density development for the Bellport Hamlet Center. The BOA Step 2 Nomination report notes that “market trends suggest capitalizing on the infrastructure and opportunities available at the Bellport LIRR station is aligned with the national trend to develop transit oriented mixed-use developments where capital funding and infrastructure attract additional investments.” This area (Site 3) comprises one of the three strategically important areas or “opportunity sites” that have been identified for marketability and redevelopment potential in the Greater Bellport Land Use Plan and the Greater Bellport BOA Step 2 Nomination.

The second opportunity site (Site Two) is a 10.59 acres site (the “Polymag” Site), along Station Road, is proximate to the Bellport Hamlet Center and the LIRR Bellport Train Station and could be developed as a TOD. The concept is for local and community oriented office use as part of a mixed use residential development. Suffolk County Transit (bus) service is available on Station Road with connections to the Bellport LIRR Station to the south and points north east and west. This opportunity site could serve to meet some of the demand for new housing options in the area as it is within ½ mile of the LIRR and is also considered walkable.

Another area identified as an opportunity site selected based on size, location, prior use obsolescence and/or ownership that could provide favorable development and investment attraction included a 15.2 acre track on the southeast corner of Sunrise Highway South Service Road and Station Road. This area is the furthest of the of the three strategic sites from the Bellport Hamlet Center but because of its size, access and visibility and because it is located along the Sunrise Highway (NYS Rte 27) corridor, was determined to be best suited to support retail ranging in size and type from a retail community center (125,000 SF) to a power center (250,000 SF to 300,000 SF). It was concluded that a smaller convenience and neighborhood center (20,000 to 50,000 SF) while viable, would interfere with the development of more locally-oriented retail targeted for the Bellport Hamlet Center mixed use development area.

Sewer infrastructure... It is indicated in the planning process for the BOA that traditional on-site wastewater treatment systems (cesspools and septic tanks) under current Suffolk County Sanitary Code regulations may constrain the creation of more densely developed downtown business districts, discourage commercial investment and impede the construction of affordable mixed-generational housing, unless alternative (innovative) on-site wastewater disposal technologies are utilized or community or regional sewage treatment plants are pursued. The Town has identified that sewerage and the connection to a nearby Suffolk county STP is the most cost-effective means of providing economic stimulus while preserving ground water quality. It is indicated that “in the North Bellport area, the installation of sewers will promote commercial and residential development” within the area. In fact, according to the nomination report, the Suffolk County Department of Public Works has asked the Town to include the Village of Bellport in plans to extend sewer capacity if future conditions warrant a connection to stimulate Village investments and redevelopment. The Woodside/Farber Sewage Treatment Plant has been indicated as an interim solution to the sewage treatment needs of North Bellport.

STAFF ANALYSIS

The Brownfield Opportunity Area nomination of the Greater Bellport Land Use Plan and the associated benefits of designation are expected to encourage public/private development partnerships where the benefits of investments in public infrastructure are compounded with private

capital to propel Greater Bellport into a transit-oriented future.

The Greater Bellport Land Use Plan has been developed over a series of years many valid competing interests have provided input into the development of the strategically important areas or “opportunity sites.” As a result, the plan provides a generalized concept for the opportunity sites and leaves options wide open for a developer to address the competing interests.

One of the most fundamental planks of the Smart Growth platform is “certainty.” Keeping options open to address continuously evolving and changing local interests does little to eliminate the speculative aspect of receiving an approval on a proposed development. Zoning in place that allows for as-of-right private development is the prime municipal mechanism that provides certainty toward future investment in land use. Developments of opportunity may do little to implement the vision of a long term plan but rather become anomalies when the vision of a plan begins to become a reality as other lots improve one at a time in accordance with the plan. The Town and the Bellport community should continue to take the occasion of momentum and forge a more controlling plan for the future land use of the strategic sites. Otherwise, speculative land use proposals for a zone change on these parcels will likely face a long regulatory and public hearing process that may stress the resources and endurance of a project sponsor resulting in an antagonistic atmosphere and possibly a failed project with little or no new sustainable economic development activity for the area.

Controlling plans for the envisioned opportunity sites can be flexible by establishing performance standards and design guidelines. The current use of Form Based Codes provides flexibility and guidance at the same time providing developers with a form of certainty and assurance to the public that proposals outside the bounds of the conceptualized vision would not be entertained. Floating zones or overlay zones can also provide a level of certainty for both the community and developer if properly crafted.

The Town of Brookhaven has a commendable record of bringing community driven hamlet plans from charrette to Town adoption and amendment of the Town Comprehensive Master Plan and from the Master Plan to Town Board own motions for zone changes that provide as-of-right development. The opportunity areas in the plan warrant the placement of zoning that facilitates the economic development potential of the opportunity sites and provides performance standards and design guideline flexibility for creative development proposals within the bounds of the community vision.

STAFF RECOMMENDATION

Approval of the Greater Bellport Brownfields Opportunity Nomination with the following comments:

1. The Suffolk County Planning Commission endorses the Greater Bellport Step 2 BOA Nomination as a means for revitalization of the Bellport community.
2. The opportunity areas in the plan warrant the placement of zoning that facilitates the economic development potential of the opportunity sites and provides performance standards and design guideline flexibility for creative development proposals within the bounds of the community vision. Controlling plans for the envisioned opportunity sites can be flexible by establishing performance standards and design guidelines. The current use of Form Based Codes provides flexibility and guidance at the same time providing developers with a form of certainty and assurance to the public that proposals outside the bounds of the conceptualized vision would not be entertained.

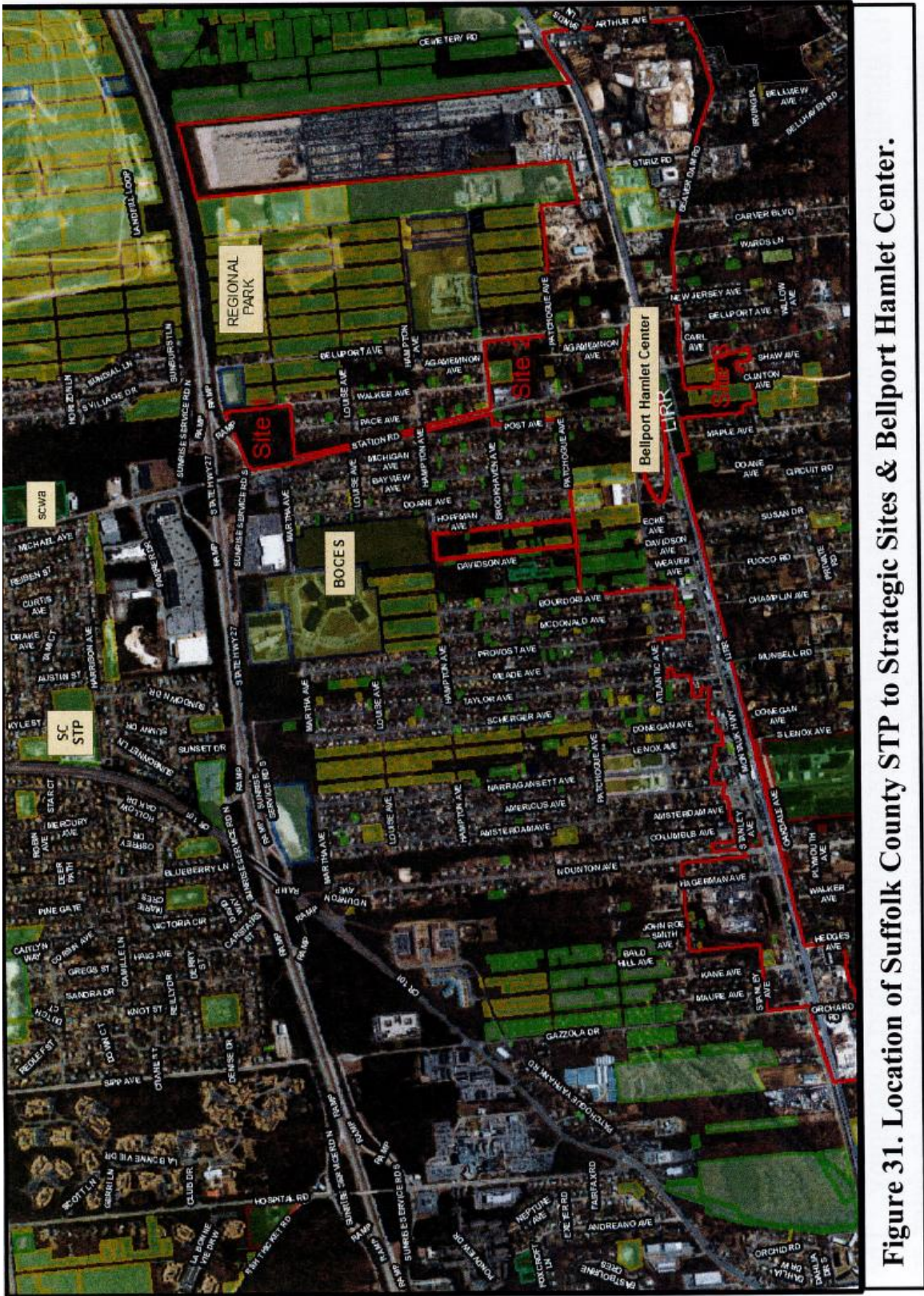


Figure 31. Location of Suffolk County STP to Strategic Sites & Bellport Hamlet Center.

Resolution No. ZSR-14-18 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on June 30, 2014 at the offices of the Suffolk County Planning Commission with respect to the application of “**Draft Greater Bellport Land Use Plan**” located in the Town of Brookhaven
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **August 6, 2014**, now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves and adopts the report of its staff, as amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approves** said “Draft Greater Bellport Land Use Plan” subject to the following comments:
1. The Greater Bellport Land Use Plan prepared by the Town of Brookhaven seems thoughtful, detailed, and comprehensive.
 2. No new commercial development should take place beyond the concentrations noted in the Plan. This is an important element in the Plan so as not to impact existing nearby commercial areas and not to compete with the newly created “downtowns.”
 3. The three “opportunity areas” leave open a wide range of possibilities for these relatively large areas. The Plan should address these possibilities in more detail, and discuss the possible impacts from a variety of land uses on them.
 4. The Greater Bellport Land Use Plan makes little mention of affordable/workforce housing opportunities provided by the Town and this Land Use Plan. It is the belief of the Suffolk County Planning Commission that this should be addressed in more detail.
 5. The Greater Bellport Land Use Plan makes little mention of the Town’s intent to maintain the agricultural uses in the study area. This should be addressed in more detail and could be explored in relation to the Plan’s recommendation to address the “Food Desert” issue raised in the Plan.
 6. A map showing proposed zoning changes would assist the reader to envision the pattern of the land uses in the area and allow the reader to understand the rationale and evolution of the plan.
 7. Potential developers of land located in the Land Use Plan study area should be made aware of Suffolk County Planning Commission and Town of Brookhaven guidelines and requirements for public safety, universal design, energy efficiency and natural/green methodologies for the treatment of storm water runoff.
 8. Continued dialogue and coordination with the Suffolk County Department of Public Works is in order with respect to regional waste water collection and treatment.

9. Further discussions with NYSDOT, Suffolk County, and the Town would be necessary to execute the proposed new north-south route for trucks as described in the Greater Bellport Land Use Plan.

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

**Proposed Draft Greater Bellport Land Use Plan
 Town of Brookhaven**

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

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

Motion: Commissioner Kelly Present: 10

Seconded: Commissioner Esposito Absent: 3

Voted: 9-0

Abstentions: 1

DECISION: Adopted



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: Draft Greater Bellport Land Use Plan and DGEIS
Municipality: Brookhaven
Location: East Patchogue, Hagerman and North Bellport.

Received: 6/30/2014
File Number: BR-14-08
Jurisdiction: Land Use Plan/Comprehensive Plan

ZONING DATA

- Zoning Classification: residential, commercial, industrial, etc.
- Minimum Lot Area: N/A
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: various land uses in hamlets and between including residential, commercial, and industrial
- Existing Structures: multiple
- General Character of Site: NA
- Range of Elevation within Site: NA
- Cover: NA

- Soil Types: N/A
- Range of Slopes (Soils Map): N/A
- Waterbodies or Wetlands: N/A

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: land use plan
- Layout: Nodal
- Open Space: N/A

ACCESS

- Roads: road proposed
- Driveways: existing

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: in accordance with SWPPP
 - Recharge Basins
- Groundwater Management Zone: IV
- Water Supply: public - SCWA
- Sanitary Sewers: proposed connection to SCSD

PROPOSAL DETAILS

OVERVIEW – Greater Bellport Land Use Plan

The Town of Brookhaven seeks to adopt a Land Use Plan for the Greater Bellport Area in the area including East Patchogue, Hagerman and North Bellport. The Land Use Plan encompasses area along the Montauk Highway corridor and surrounding vicinity from Sills Road (CR 101) east to Cemetery Road (approximately 3.5 miles) and north to the apex of CR 101 and Station Road within the Town of Brookhaven.

The Land Use Plan contains several recommendations including design standards, creating transition areas and hamlet centers, up-zoning environmentally sensitive areas in the Mud Creek and Abet’s Creek watersheds, and re-zoning commercial areas along Montauk Highway and near the train station. The plan also contemplates the connection to a sewage treatment plant in the area.

According to the referral materials, the overall land use strategy is to create cohesive hamlet centers along Montauk Highway and identify areas of opportunity which can be utilized to their fullest in the near future in conjunction with the surrounding area. The plan states that “commercial sprawl in this area is of great concern as it is particularly ubiquitous. This can be seen in the many sprawling automobile businesses along Montauk Highway, the chaotic and disorderly assemblage of land uses, and the lack of investment in improvements. Front yard parking is the dominant feature and consistent with characteristics of commercial sprawl with the focus on the automobile and not the pedestrian.”

The referral puts forth that the proposed land use plan is the next step in a community planning process that began over seven years ago with the study, Working Together for a Brighter Future in Greater North Bellport. According to referral material, at that time, community leaders from the Central Bellport Civic Association and local businesses evaluated the need for a community revitalization project. A planning consultant was chosen to assist with a community visioning process and embarked on intensive community outreach and mobilization efforts culminating in

three community education workshops.

Referral materials indicate that the proposed action has been reviewed for consistency with the following plans:

1. Long Island Comprehensive Waste Treatment Management Plan (208 Study)
2. Suffolk County Comprehensive Plan 2035
3. Town of Brookhaven 1996 Comprehensive Land Use Plan
4. Draft Town of Brookhaven 2030 Comprehensive Land Use Plan
5. North Bellport Taxpayers Association Report (1964)
6. Comprehensive Plan for the Revitalization of North Bellport (1990)
7. Bellport Station-First Phase of "Learning by Doing" (2002)
8. South Country School District Hamlet Study (2003)
9. North Bellport Retail Study (2008)
10. Greater Bellport Sustainable Community Plan (2009)
11. Greater Bellport Community Niche Market and Branding Plan (2011)

STAFF ANALYSIS

The DGEIS for the Greater Bellport Land Use Plan states that "generally, land use plans are designed to control growth inducing impacts such as large scale residential sprawl or unchecked commercial development, alterations to existing transportation corridors or via changes in existing zoning to prevent incompatible land uses. The Greater Bellport Land Use Plan is designed to focus new and compatible mixed-use development along Montauk Highway and site uses and housing which are compatible with transit-oriented development near the train station while at the same time not having a significant adverse environmental impact. The Plan also looks at specific areas of opportunity which include vacant sites or pre-existing, non-conforming uses and tries to envision uses that would blend well with the existing community and surrounding land uses and resources available." The DGEIS continues, "The study area is one of three (3) densely residentially and commercially developed areas south of Sunrise Highway within the Town of Brookhaven (Patchogue Village and Mastic/Shirley being the others). The area is not characterized by agriculture or rural areas with large residential properties like Manorville or Wading River and as such the impacts from growth within the existing community have less of an impact on existing conditions. With the exception of the area immediately surrounding the train station there are no specific recommendations for new development on vacant lands beyond existing or similar zoning regulations."

The Greater Bellport Land Use Plan calls for the re-zoning of three (3) specific areas:

1. Bellport Hamlet Center
2. Hagerman Hamlet Center
3. Bellport Station Mixed-use Transit Centered Opportunity Area

It is the belief of the staff that:

- The Plan's recommendation of moderate density mixed use housing/retail concentrated at the Station Road/Montauk Highway intersection should be supported, along with the corresponding re-zonings to J-6 commercial at this location. The small to moderate scale of the proposed downtown seems appropriate. The proposed second downtown Hagerman seems less desirable, because it is located rather close to the proposed downtown at Station Road and the railroad station. However, since both downtown centers appear very small, they should be able to coexist.

- The existing destination retail centers west of Station Road on either side of Sunrise Highway should be maintained and not expanded. As the plan recommends, existing industrial zoning should be retained in the nearby areas north and south of Sunrise Highway.
- The phasing out of the overabundance of automobile related uses should be supported, and the Plan wisely keeps most of them contained in a “heavy commercial” area immediately east of the proposed Hagerman downtown.
- No new commercial development should take place beyond the concentrations noted in the Plan. This is an important element in the Plan so as not to impact existing nearby commercial areas and not to compete with the newly created “downtowns.”
- The three “opportunity areas” leave open a wide range of possibilities for these relatively large areas. The Plan should address these possibilities in more detail. For example; what zoning categories might they contain or be limited to and what type of land use (industrial, commercial recreational, housing, etc.) is envisioned or totally rejected. The Town has indicated that development impacts for these areas will be analyzed, when developments are proposed, with a Supplemental EIS as necessary. Also, as indicated in conversations with Town of Brookhaven staff, the Town received a 2012 NYSDOS Brownfield Opportunity Area grant that will manifest as an addendum to the greater Bellport LUP and SEIS. In these documents, the Town plans to further address transportation conflicts, housing and marketing opportunities and the disposition of underutilized properties including the Opportunity Areas and the 24 brownfields identified in the Greater Bellport study area.

Commission staff understands that it is problematic to anticipate the type of development that would be proposed on brownfield sites when released for development in the future, but the Draft Plan proposed base land use for these parcels and as such establishes an as-of-right baseline yield for comparative analysis via environmental quality review. Base line land use should be established for the Opportunity Areas as well. In addition, in order to understand the full impact of the Greater Bellport Land Use Plan, the full development potential of the Plan under current zoning should be developed.

It is recognized by staff that the Town is addressing decades of illegal auto uses in this area, defining two new hamlet centers where none existed, and starting the process of moving heavy industrial truck traffic off a local road. However, it is important that a build out analysis be done as part of the Plan; otherwise there is a problematic component, segmented from the Plan that can have a variety of unintended consequences to the future nodes within the study area, to residential areas or to commercial areas outside of the Plan area that have not been explored or discussed in the Plan or DEIS.

- The Greater Bellport Land Use Plan makes little mention of the Town’s intent to maintain the agricultural uses in the study area. This should be addressed in more detail and could be explored in relation to the Plan’s recommendation to address the Food Desert (Recommendation 7.5.3).
- A map showing proposed zoning changes would assist the reader to envision the future pattern of the land uses in the area and allow the reader to understand the evolution of the plan.
- The Greater Bellport Land Use Plan makes little mention of affordable/workforce housing opportunities provided by the Town and this Land Use Plan. Affordable housing is a regionally significant issue to the County and this should be addressed in greater detail.

- While seniors are mentioned in the Greater Bellport Land Use Plan, little mention is made regarding accommodating the demographics of various age groups beyond providing housing choices in the form of attached housing. Varying demographics can have different impacts on land use and require particular amenities. Additional detail in the Plan is warranted.
- The Greater Bellport Land Use Plan recommends creating a new north-south route for trucks to the South Sunrise Highway Service Road so industrial trucks do not have to use Station Road, which travels primarily through residential areas. This new 60 foot right-of-way industrial road can be created by extending Cemetery Road, by annexing parkland on the eastern boundary of the LI Auto property, or by obtaining an easement for dedication of property on the western boundary of the LI Auto property. In addition, completing the South Sunrise Highway Service Road from Station Road to Horse Block Road would provide a connection for the future truck route. Further discussions with NYSDOT, Suffolk County and the Town would be necessary to execute this proposal.
- Section 7.0, Recommendations, is missing section 7.1 and skips to section 7.2

STAFF RECOMMENDATION

Approval subject to the following comments:

1. The Greater Bellport Land Use Plan prepared by the Town of Brookhaven seems thoughtful, detailed, and comprehensive.
2. No new commercial development should take place beyond the concentrations noted in the Plan. This is an important element in the Plan so as not to impact existing nearby commercial areas and not to compete with the newly created “downtowns.”
3. The three “opportunity areas” leave open a wide range of possibilities for these relatively large areas. The Plan should address these possibilities in more detail, and discuss the possible impacts from a variety of land uses on them.
4. The Greater Bellport Land Use Plan makes little mention of affordable/workforce housing opportunities provided by the Town and this Land Use Plan. It is the belief of the Suffolk County Planning Commission that this should be addressed in more detail.
5. Additional detail is warranted regarding accommodating varying demographics current and future populations and their impacts on land use.
6. The Greater Bellport Land Use Plan makes little mention of the Town’s intent to maintain the agricultural uses in the study area. This should be addressed in more detail.
7. A map showing proposed zoning changes would assist the reader to envision the pattern of the land uses in the area and allow the reader to understand the rationale and evolution of the plan.
8. Potential developers of land located in the Land Use Plan study area should be made aware of Suffolk County Planning Commission and Town of Brookhaven guidelines and requirements for public safety, universal design, energy efficiency and natural/green methodologies for the treatment of storm water runoff.

9. Continued dialogue and coordination with the Suffolk County Department of Public Works is in order with respect to regional waste water collection and treatment.
10. Further discussions with NYSDOT, Suffolk County, and the Town would be necessary to execute the proposed new north-south route for trucks as described in the Greater Bellport Land Use Plan.



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Theresa Ward
Deputy County Executive and Commissioner

Division of Planning
and Environment

August 2, 2018

Town of Brookhaven
One Independence Hill
Farmingville, NY 11738
Attn: Donna Lent, Town Clerk

Re: Greater Bellport BOA Nomination and
SDGEIS

Local File No.: N/A
S.C.P.C. File No.: ZSR-18-15

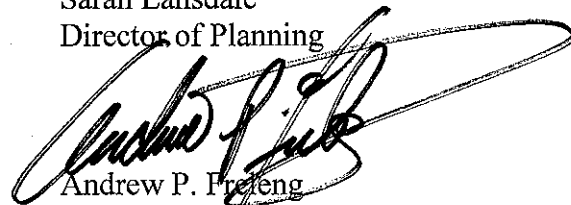
Dear Ms. Lent:

The Suffolk Planning Commission at its regular meeting on August 1, 2018, reviewed the referral from the Town of Brookhaven entitled, "**Greater Bellport BOA Nomination and SDGEIS**," referred to it pursuant to Section A14-14 thru A14-25, Article XIV of the Suffolk County Administrative Code.

The attached Resolution signifies action taken by the Commission relative to this application.

Very Truly Yours,

Sarah Lansdale
Director of Planning



Andrew P. Prefeng
Chief Planner

APF/cd

File No. ZSR-18-15

Resolution No. ZSR-18-15 of the Suffolk County Planning Commission
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on June 14, 2018 at the offices of the Suffolk County Planning Commission with respect to the application of "**Greater Bellport BOA Nomination and SDGEIS**" located in the Town of Brookhaven

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **August 1, 2018**, now therefore, Be it

RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further

RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further

RESOLVED, that the Suffolk County Planning Commission **Approves** of the Greater Bellport Brownfields Opportunity Nomination with the following comments:

1. The Suffolk County Planning Commission endorses the Greater Bellport Step 2 BOA Nomination as a means for revitalization of the Bellport community.
2. The opportunity areas in the plan warrant the placement of zoning that facilitates the economic development potential of the opportunity sites by providing performance standards and design criteria flexibility for creative development proposals within the bounds of the community vision. Controlling plans for the envisioned opportunity sites can be flexible by establishing performance standards and design criteria. The current use of Form Based Codes provides flexibility and guidance at the same time providing developers with a form of certainty and assurance to the public that proposals outside the bounds of the conceptualized vision would not be entertained.

The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:

<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

Greater Bellport BOA Nomination and SDGEIS, Town of Brookhaven

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

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

Motion: Commissioner Kaufman

Present: 8

Seconded: Commissioner Kitt

Absent: 4

Voted: 8

Recusal: 0

DECISION: Approved

SUFFOLK COUNTY PLANNING COMMISSION

c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5191 F: (631) 853-4767
Theresa Ward, Commissioner, Department of Economic Development and Planning
Sarah Lansdale, Director of Planning

Notice of Meeting

August 1, 2018 at 2 p.m.

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

Tentative Agenda Includes:

1. Meeting Summary for July 2018
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guests
 - Tom Conboy, Shared Mobility Specialist, ICF, 511NY Rideshare Program
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Sun River Town Homes at Manorville, Town of Brookhaven
0200 67600 0100 009009 et al
Change of Zone from A-2 Residence and L-1 Industrial to
MF Multifamily for construction of 125 units
 - Village of Patchogue, Moratorium, Town of Brookhaven
Moratorium on Development - Local Law to establish a six month moratorium on
development approvals for the south side of West Main Street between RR Avenue and
River Avenue
 - Greater Bellport BOA Nomination and SDGEIS, Town of Brookhaven
7. Section A-14-24 of the Suffolk County Administrative Code
8. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **September 5, 2018 2 p.m.** Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY
Language Access Services are available for free to Limited-English Proficient individuals. Requests for telephonic interpretation services or other special needs must be communicated in writing or by telephone to the EDP Language Access Designee at least three business days prior to the meeting. Contact: Jeffrey Kryjak, Department of Economic Development and Planning, H. Lee Dennison Bldg., 11th Floor, 100 Veterans Memorial Highway, Hauppauge, NY11788. Phone: (631) 853-5192, email: jeffrey.kryjak@suffolkcountyny.gov