

# 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

**December 5, 2018 2:00 pm**

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

1. Meeting Summary for October and November
2. Public Portion
3. Chairman's Report
4. Director's Report
5. Guests
  - Alison Branco Ph.D. Coastal Director, The Nature Conservancy
6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - Acadia Republic Farmingdale, LLC  
Site Plan, Special Exception  
0100 04900 0200 001000 et al  
Construction of a retail center consisting of 13 1-story buildings
7. Section A-14-24 of the Suffolk County Administrative Code
  - Wainscott Commercial Center  
0300 19200 0200 006002-006007  
Subdivision 70 acre parcel into 50 lots (1 acre)
8. Other Business
  - Suffolk County Planning Federation Conference Survey

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **January 2, 2019 2:00p.m.** Maxine S. Postal Auditorium, Evans K. Griffing Building, Riverhead County Center, 300 Center Drive Riverhead, New York 11901

*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](mailto:jeffrey.kryjak@suffolkcountyny.gov)*



Steven Bellone  
SUFFOLK COUNTY EXECUTIVE  
Department of  
Economic Development and Planning

Theresa Ward  
Deputy County Executive and Commissioner

Department of Economic Development and Planning  
Division of Planning and Environment

**STAFF REPORT**

**SECTIONS A14-14 THRU A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE**

**Application:** Wainscott Commercial Center Preliminary Subdivision  
**Municipality:** Town of East Hampton  
**Location:** Northerly side of Old Montauk Highway and the southerly side of the Long Island Rail Road R-O-W, between Wainscott-Northwest Road and Hedges Lane (private road), in the hamlet of Wainscott.

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**Received:** 11/15/18  
**File Number:** S-EH-18-02  
**T.P.I.N.:** 0300 19200 0200 006002, 006003, 006004, 006005 006006 & 006007  
**Jurisdiction:** Within 500 feet of State Route 27 (Montauk Highway) and NYS DEC Freshwater Wetlands; and within one mile of East Hampton Airport.

**ZONING DATA**

- Zoning Classification: Commercial Industrial (CI).
- Minimum Lot Area: 40,000 Sq. Ft.
- Section 278: N/A
- Obtained Variance: No, the current zoning code and map would allow for the proposed subdivision into 50 lots for the existing and future development with a mix of uses. A yield map provided demonstrated an allowable yield of 58 lots on the subject lands.

**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: Full EAF
- SEQRA Type: Type I – Positive Declaration
- Minority or Economic Distressed: No

## SITE DESCRIPTION

- Present Land Use: Various commercial and industrial uses including an existing (to remain) ready-mix concrete plant and masonry and tile supply yard.
- Existing Structures: Several one and two story buildings, a silo in associated with the existing multi-tenant mix uses.
- General Character of Site: Mostly cleared, heavy excavated having a rolling topography, and slightly irregular in shape
- Range of Elevation within Site: 15 - 35' above msl
- Cover: Cleared with buildings and outdoor material storage
- Soil Types: Core area mostly Gravel Pits surrounded by Carver and Plymouth sands, with some loamy sands and Cut and Fill soils
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: None designated on-site (observed large surface water puddling)

## NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Major subdivision application
- Layout: Curvilinear with proposed 50' wide roadways and connections with existing roadways and land uses.
- Area of Tract: 70.512 acres
- No. of Lots: 50 lots
- Open Space: Yes, 50' wide "Open Space" buffer along east and west borders

## ACCESS

- Roads: Old Montauk Highway, Georgica Drive, Wainscott Northwest Road, and Hedges Lane (private) are the existing roadways on which the subject property fronts and has at least one point of access. An interior roadway system with widths of 50' is proposed, and appears suitable for dedication to the municipal highway system.
- Driveways: Assumed individual, along proposed internal roadways.
- Other: Subject property abutts the LIRR tracks to the north.

## ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: Catch Basins and leaching pools
  - Recharge Basins: None
- Groundwater Management Zone: V
- Water Supply: Suffolk County Water Authority
- Sanitary Sewers: Proposed individual on-site sanitary systems

## PROPOSAL DETAILS

**OVERVIEW** – The applicant is proposing to subdivide approximately 70 acres of land that is formerly known as the Gravel Pit/Sand Mine property in the hamlet of Wainscott. The subject property contains several existing buildings with a variety of uses (concrete manufacturing, masonry supplies, and storage of landscaping materials). The referred subdivision map proposes a total of 50 lots, all in conformance with the zoning of the property meeting or exceeding the minimum lots area of 40,000 SF with two of the proposed lots (#21 & 22) being larger to support the existing uses to remain on them. Future development would occur on proposed Lots 1 through 20 and 23 thru 50, with an 'open 'space' area (75'-100' buffer) along Wainscott Northwest Road and Hedges Lane. Local land uses include rail right-of-way (train tracks), industrial, commercial and residential.

## STAFF ANALYSIS

**LOCATION** - The subject property is located in the hamlet of Wainscott, just north of Montauk Highway, the main east-west roadway for the subject area as well as most of the south fork of Suffolk County.

A review of the character of the land use and zoning pattern in the vicinity indicates a wide variety of uses ranging from medium and low density single family residential to typical highway business uses, including lodging, restaurants, retail and service uses; as well as industrial and transportation uses (railroad and airport); with significant areas of preserved land for open space.

**ACCESS** - The subject application proposes several un-signalized ingress/egress points of access from the surrounding roadways with only 'near' direct access point along Montauk Highway being at the 'fork in the road' at Old Montauk Highway. The proposed internal road system as it is depicted on the referred map appears 50' wide and suitable for dedication to the Town of East Hampton highway system.

Preventing traffic congestion resulting from the additional development and access to this site poses a challenge.

In the vicinity of the subject parcel Montauk Highway is a single lane roadway in each direction with a middle turning lane. The proposed subdivision indicated no associated road or traffic improvements other than straightening out a bend in the road at the northerly end of Hedges Lane.

**ENVIRONMENTAL CONDITIONS** - The subject property is situated in Hydro-geologic Ground Water Management Zone V pursuant to Article 6 of the Suffolk County Sanitary Code. The site is not located in a NYS Special Groundwater Protection Area (SGPA). The subject site is not located in a NY State Critical Environmental Area. The site is not located in a Suffolk County Pine Barrens. No federal or state mapped and regulated wetlands occur on the subject property. However, the subject property borders both Special Groundwater Protection Area and the Water Recharge Overlay District (T.O.E.H.), both of which are categorized as CEAs. Both designations are intended to highlight the need to protect groundwater.

As part of the information in the Town referral, the project is classified as a Type I Action pursuant to SEQRA with a Positive Declaration; findings that the proposed subdivision presents a potential for significant adverse environmental impacts by the Town of East Hampton Planning Board, and will require the preparation of a Draft Environmental Impact Statement (DEIS).

It should be noted that the subject application is not located in an economically distressed community as defined by commission guidelines and required to be reported pursuant to Resolution 102-2006 of Suffolk County.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS** – The Town of East Hampton's 2005 Comprehensive Plan analyzes Land Use by Hamlet or Planning Area, whereas the School District boundaries serve as the Hamlet or Planning Areas boundaries. The Hamlet Study resulted in the adoption of the Wainscott Hamlet Plan (1/30/18) which supported a balance of uses for the reclaimed sand and gravel pit property; with the south end of the subject property incorporated into a village style redevelopment area off Montauk Highway. The Plan also suggests a large area of parkland within the former sand mine, and integrates the development of the property into the plan for the entire Wainscott community. The proposed subdivision eliminates the potential for this future recreational resource.

Staff believes the proposed subdivision would conform to the recommendations of the Plan and better serve the Wainscott community if it were to provide for a more desirable mix of land uses in conformance with the goals of the Town of East Hampton, and encourage the highest and best adaptive use of the property without approaching the maximum allowable density of the property in accordance with its zoning. Furthermore Staff believes an amended version of the proposed

subdivision could attract desirable economic development while benefitting surrounding land uses, stimulate infrastructure investment/improvements, and capitalize on its vicinity to rail and air access and potential to bring desired economic stimulus to the Wainscott business district.

**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, transportation, public convenience and maintaining of a satisfactory community environment.

It is the belief of the staff that the proposed subdivisions could provide an appropriate location for potential economic development while respecting existing natural features of the environment and local ecology with well thought out modification.

**SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

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

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

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

In terms of environmental protection, although the site has been reclaimed, it retains the character of a mined landscape with bare, steeply sloped topography and deep excavations, and given the depth to groundwater the proposed subdivision will present the potential for a significant adverse impact to groundwater. Being in close proximity to Georgica Pond (roughly 500 feet) means there is also significant potential for impairment of this body through groundwater flow should there be contaminants on-site. As this is a commercial industrial subdivision it can be anticipated that there is potential for the uses of pesticides and/or herbicides on future lots by businesses which are permitted in the CI zoning district. It can also be noted that the CI zoning district allows for the storage of fuel. Staff consulted a SLOSH Map for the area, which utilizes computer modelling incorporating the unique bay and river configurations to predict vulnerability to hurricane stormwater surges at specific locations, and the Map indicated that Category 3 and 4 hurricanes could impact the subject property with storm-water surges. Any new development will almost certainly require additional lighting which will likely add to sky-glow. The proposed subdivision depicts 75' to 100' wide perimeter buffer that is to be designated as "Open Space". As for on-site storm-water management to handle run-off from the impervious surfaces, no system other than catch basins and leaching pools was indicated in the referral material, and the applicant shall 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.\*

In terms of energy efficiency, the subdivision proposes 48 of the 50 lots to be roughly one acre in size and under current zoning, maximum allowable building coverage is 50% so the maximum additional building area could potentially be 1,000,000 SF which will require additional energy demands so the proposed subdivision will likely require a new or an upgrade to the existing substation. There is no indication in the referred material to the Suffolk County Planning Commission that the petitioner has considered energy efficiency in the layout and design of the proposed development. The petitioner should be directed to the Suffolk County Planning Commission Guidebook for guidelines on the incorporating energy efficiency into this project.

(Section 4.3)\*\*

As for economic development, the proposed subdivision and its potential uses could contribute to economic development in the subject area for several reasons including but not limited to 1) The attraction of private investment in the site; 2) The maximization of the real property tax ratable base; 3) The addition of skilled, high paying employment opportunities; and 4) Have a synergistic effect with the nearby Wainscott Central Business District.

Regarding equity and housing diversity, there was no conceptual land use plan associated with the proposed subdivision map that indicated any of the proposed lots would be developed in the future for housing or would address the community need based on Town of East Hampton population and workforce demographic data.

In terms of transportation, the subject property is situated in close proximity to the largest and most heavily traveled road in the Town, and also borders roadways which mainly service residential neighborhoods. Therefore the potential impact upon traffic from the project is a significant concern. There was no indication in the referral material that a traffic impact study was conducted, but information within the EAF provided the following, 'The NYS DOT Traffic Data Viewer indicated in August of 2015 that the average annual daily traffic count for this section of roadway was 21,334 trips. The impact of 50 additional lots is likely to lower the level of service of Montauk Highway. And the future development of the subdivision is likely to necessitate roadway improvements depending upon particular types of uses. It is expected that as the parcels are developed, capacity improvements will be required; the Wainscott Hamlet Plan depicts having Montauk Highway in this area widened to two lanes in each direction and a couple of roundabout (traffic circles) located at the intersections of Wainscott Northwest Road and future Bathgate Road extension/Old Montauk Road.

Wainscott is served Suffolk County Transit route's 10B, a one way loop route between Springs and Bridgehampton, with connections to Route S92 at the East Hampton LIRR station and in Bridgehampton. Service is from Monday to Saturday at approximately 90 minute intervals. Route S92 is a major County bus route which connects East Hampton with Orient Point by way of Riverhead. The Town and the applicant should hold discussions with Suffolk County Department of Public Works Transportation Division to investigate the need for transit service adjustments in this area as the property is developed into the future.

Also worth noting is that the subject property is located adjacent to the Long Island Rail Road right-of-way (tracks), however the nearest station platform is miles away, and therefore any future projects as a result of this subdivision would be not considered transit oriented development (TOD) unless there was accommodation made to the LIRR right-of-way for a station with a pedestrian platform and/or rail spur for material transport. The Town and the applicant should communicate with the MTA LIRR to discuss possible options.

One alternative to consider in order to help reduce vehicular traffic would be to provide a 'Bike share program' on site to encourage pedestrian and bicycle movement, which could facilitate short travel to and from the future development sites on the subject property and surrounding areas such as Wainscott Commercial District, parks and beaches, as well as other hamlet downtowns (which might already has a bike share program in-place).

A short distance to the north is the location of the East Hampton Airport, a general aviation facility which has approximately 25,000 operations (total take-offs and landings) per year

## STAFF RECOMMENDATION

**Approval**, subject to the following comments:

1. The Town should consider encouraging a 'clustered' layout design of the subdivision to allow for greater design flexibility with the road and lot pattern configuration, eliminating the long relatively straight-away and gridiron lot pattern that is being proposed. The modification should pay close attention to the recommendations of the Wainscott Hamlet Study Report.

A cluster subdivision plan would allow for best planning principles to be employed, while allowing the developer to offer greater diversity and more amenities to potential occupants and users of the subdivision; i.e. more open space or communal areas such as a walking path or recreation area, and be able to attract a broader range of potential users/occupants/investors of the subdivision with more diverse lot sizes with larger lots being counter balanced by smaller lots while maintaining the same fifty (50) lot yield. A modified cluster subdivision could also be in accordance with the overall goals stated in the Wainscott Hamlet Study Report, with the south end of the subject property incorporated into a village style redevelopment area off Montauk Highway

2. Consideration should be given to replace the proposed 50' wide internal roadways of the subdivision with a 60' wide right of way, but it is recommended that the pavement width be kept to a minimum considered practical for safe vehicular travel within the right-of-way. This type design would allow for drainage swales and sidewalks to the side of the pavement. This design would both reduce and manage stormwater runoff, and also provide an optimal separation of vehicular and pedestrian movement on the subject property.
3. The Town should consider requiring that the applicant complete a traffic impact study before granting final approval of the subdivision to ensure that the future development of the property would not adversely affect the safe circulation and carrying capacity of Montauk Highway and the local roads. Furthermore, require that all traffic improvements be provided consistent with said report, as well as the Town of East Hampton's recently adopted Wainscott Hamlet Study (i.e. roundabouts and extension of Bathgate Road) and be acceptable to the governing agencies, i.e. NYS DOT, East Hampton Highway Department and DPW.
4. The Town and the applicant should communicate with the Suffolk County Water Authority to anticipate potable water usage information in gallons per day and anticipated irrigation demand in gallons per minute that are critical in assessing distribution system improvements to insure adequate supply and also the coordination of the installation of water mains.
5. The Town and the applicant should communicate with the MTA LIRR to discuss possible options for a station with a pedestrian platform and/or rail spur for material transport along the northerly border of the subject property. This is unique opportunity should be thoroughly explored given the subject property's size and location to the existing railroad right-of-way, and it's proximately the Wainscott Commercial Center.
6. The Town and the applicant should communicate with PSEG Long Island to anticipate electricity usage information to assess the needs of a power distribution system for potentially 1,000,000 SF of new commercial/industrial building space which will require significant energy demands, and whether the proposed subdivision will require a new or an upgrade to the existing substation.
7. The applicant shall 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 particularly

as relating to irrigation systems.\*

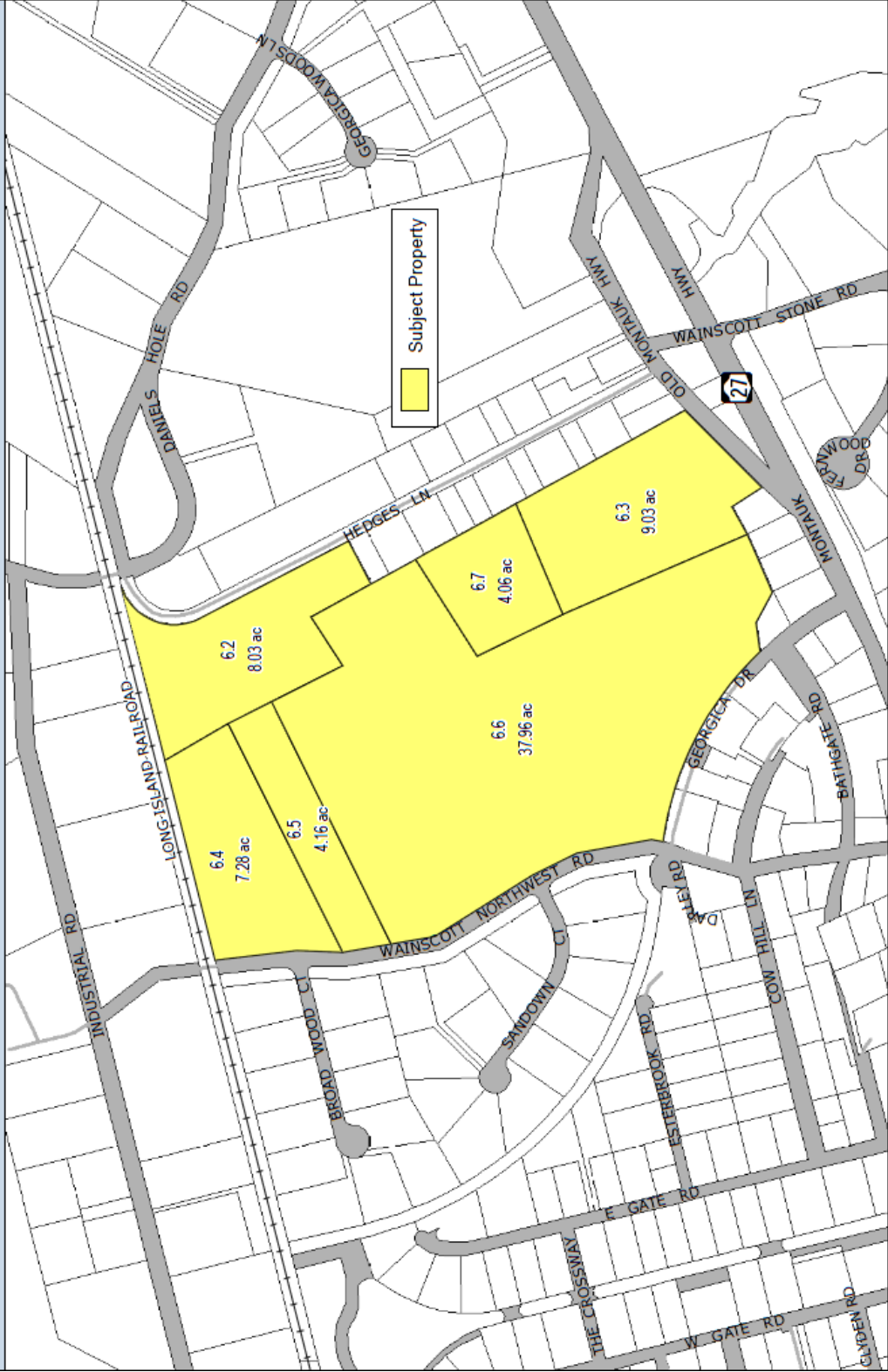
8. Consideration should be given to requiring the applicant to supplement all proposed buffers and open space areas with indigenous plant materials to help prevent visual intrusion, including lighting, from the future development of the subject property out on to the road and neighboring properties.
9. The SEQRA process should be completed, including the Draft Environmental Impact Statement (DEIS) and any approval should be in accordance with those findings, conditions and recommendation as a result.
10. The proposed use of individual on-site septic systems should be examined closely and whether to install a sewage treatment plant in placement should be determined in accordance with Suffolk County Department of Health Services requirements, the SEQRA findings, the mapping of Suffolk County's 'Subwatersheds Wastewater Plan of Groundwater Contributing Areas', and recommendations of a qualified hydrologist with knowledge of the subject area. A sewage treatment plant could provide the opportunity to expand and provide service to the nearby Wainscott Commercial Center and surrounding residential properties.
11. Consideration should be given to the storm-water surge resiliency of the proposed subdivision, as climate changes, rising sea levels and more frequent and intense storms will increase the subject area impacted by coastal flooding.
12. "Dark Sky" best management techniques should be employed for the lighting plan to mitigate impacts to adjacent residential areas as well as neighboring communities from 'night glow'.
13. The applicant should be encouraged to investigate the viability of offering a 'bike share' program as a way of reducing short distance motor vehicular travel from the subject property to within Wainscott as well as nearby surrounding communities of Bridgehampton, East Hampton and Sag Harbor; and areas such as the ocean beaches.
14. The applicant should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, for later development stages, elements contained therein applicable for components of the proposal; i.e. rooftop solar panels. (Section 4.3) \*\*
15. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein. (Section 4.4) \*\*

\* SCPC Stormwater Publication: [http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater\\_greenmethods021011r.pdf](http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater_greenmethods021011r.pdf)

\*\* SCPC Guidebook: <http://www.suffolkcountyny.gov/Portals/0/planning/Publications/SCPCguidebk12r.pdf>



**WAINSCOTT COMMERCIAL CENTER** **Town of East Hampton - Suffolk County, New York**



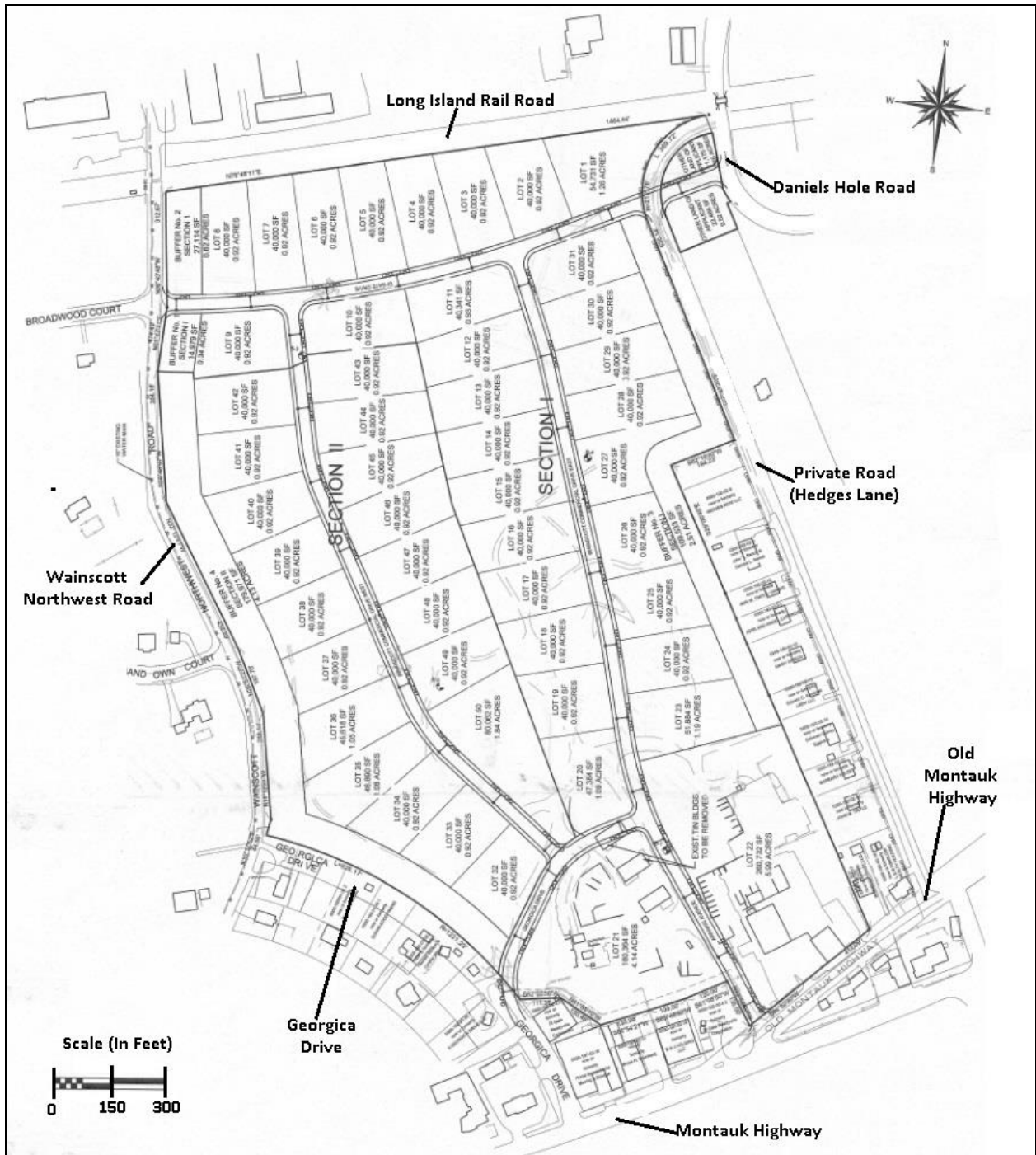
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 0300 19200 0200 006005  
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SCRP TAXMAP BASE, 2016  
 Application: Wainscott Commercial Center  
 SCPD No.: EH-18-02  
 Date: 11/27/2018

SUFFOLK COUNTY  
 Planning Department  
 110 South Main Street  
 East Hampton, NY 11937

1 inch = 500 feet  
 0 255 510 1,020 Feet

COPYRIGHT 2018, COUNTY OF SUFFOLK, N.Y.  
 Real Property, listing parcel (tax) lots with permission of Suffolk County Real Property Services Agency (RPSA). This listing is offered "AS IS" and does not constitute a warranty of any kind. It is not a final agency determination. It is not a substitute for a final determination. In some cases, correct data has been left out and questionable or inaccurate data has been included. The user should verify the accuracy of the data and not rely on the listing as a substitute for a final determination. The listing of data and not the data being complete or accurate in any way.  
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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

December 6, 2018

Town of East Hampton  
159 Pantigo Road  
East Hampton, NY 11937  
Attn: Carole Brennan

Re: Wainscott Commercial Center  
Local File No.: N/A  
S.C.P.C. File No.: ZSR-18-22

Dear Ms. Brennan:

The Suffolk Planning Commission at its regular meeting on December 5, 2018, reviewed the referral from the Town of East Hampton entitled, "**Wainscott Commercial Center**" referred to it pursuant to Section A14-14 thru A14-25, Article XIV of the Suffolk County Administrative Code.

The Suffolk County Planning Commission after due study and deliberation was unable to render a determination on the merits of the referral as the necessary votes were unavailable to carry a resolution relative thereto.

Should you have any questions or comments please do not hesitate to contact the undersigned.

Very Truly Yours,

Sarah Lansdale  
Director of Planning

Theodore R. Klein  
Principal Planner

TRK/cd

Resolution No. **ZSR-18-22** 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 November 15, 2018 at the offices of the Suffolk County Planning Commission with respect to the application of the "**Wainscott Commercial Center**" located in the Town of East Hampton

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on December 5, 2018, and

WHEREAS, it is the belief of the Suffolk County Planning Commission that the subdivision application for review should be on the leading edge of thoughtful development given its unique environmental issues and its potential impacts on traffic and community character, now therefore, be it

RESOLVED, that the Suffolk County Planning Commission, pursuant to NYS General Municipal Law Section 239-m 1. (c), the Suffolk County Administrative Code section A14-15C., and the Suffolk County Planning Commission Guidebook, Section 2.1A, deems the referred Wainscott Commercial Center preliminary subdivision application from the Town of East Hampton Planning Board to be **Incomplete**, and be it further,

RESOLVED, that the above noted referral will not be reviewed until the following information is submitted through the offices of the municipal referring agency:

1. Environmental Impact Statement (EIS) report, as required via its SEQRA Type I – Positive Declaration, be referred to the Suffolk County Planning Commission as part of the Wainscott Commercial Center subdivision referral including:
  - Support information indicating that all hazardous materials have been removed from the site and that any environmental hazards that could be aggravated by the development of the property have been removed.
  - Information indicating the technology which will be applied to mitigate any and all possible ground and surface water intrusion as a result of the proposed subdivision, its potential occupants and/or land uses.
  - A plan of resiliency to climate change, rising sea levels, more frequent hurricanes, and the events of storm water surges and coastal flooding.
2. Information indicating what technologies and best management techniques for treatment of wastewater have been discussed with the Suffolk County Department of Health Services, the Suffolk County Sewer Agency and the Suffolk County Department of Public Works.
3. Completed traffic impact study including all projected mitigation potentially necessary to ensure that the future development of the subject property would not adversely affect the safe circulation and carrying capacity of surrounding roadways, and also demonstrate correspondence with the New York State Department of Transportation and the Town of East Hampton Highway Department particularly regarding impacts and mitigation improvements to the Rte. 27 Montauk Highway and locally owned and maintained roadways.

4. Material demonstrating that the applicant has taken into consideration the recently completed Wainscott Hamlet Study and its recommendations. Since the Study is well known and regarded as providing a framework for the future development as well as redevelopment in the Wainscott community and in particularly the subject property.
  5. Correspondence material demonstration that the applicant has reached out to both the following agencies: 1) Suffolk County Water Authority (SCWA) to insure that an adequate supply of potable water will be made available to the future users and occupants of the proposed lots; and 2) PSEG Long Island since the proposal will likely result in a significant increase in electrical energy demand, it is best to know at this time if there will be adequate supply, or whether a new substation and/or an upgrade to the existing substation will be required.
- 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>

Wainscott Commercial Center, Town of East Hampton

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	ABSTAIN	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			
McGivern, Joan, - Town of East Hampton	X			
McCarthy, Thomas, - Town of Southold	X			
VACANT, - Town of Southampton				

Motion: Commissioner McGivern

Present: 9

Seconded: Commissioner Esposito

Absent: 5

Voted: 8

Abstained: 1

DECISION: Incomplete



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:** Acadia Republic Farmingdale, LLC  
**Municipality:** Babylon  
**Location:** s/w/corner Conklin Street (NYS Rte. 24) and Broad Hollow Road (NYS Rte. 110)

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**Received:** 11/05/18 (8/23/2016)  
**File Number:** BA-18-04 (BA-16-04)  
**T.P.I.N.:** 0100 04900 0200 001000  
**Jurisdiction:** Adjacent to NYS Rte. 110 and NYS Rte 24/ within one mile of an airport.

**ZONING DATA**

- Zoning Classification: G Industry
- Minimum Lot Area: 15,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: No

**SUPPLEMENTARY INFORMATION**

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: yes
  - File:BA-03-12 BA-16-04
  - Date:11/21/03 8/23/16
  - Map of: Stew Leonards Acadia Republic
- SEQRA Information: EAF
- SEQRA Type: Type I
- Minority or Economic Distressed: No

**SITE DESCRIPTION**

- Present Land Use: Vacant
- Existing Structures: No
- General Character of Site: Rolling
- Range of Elevation within Site: 65' - 80' amsl

- Cover: Weeds
- Soil Types: Wallington, Carver and Urban Land soil associations
- Range of Slopes (Soils Map): variable - stockpiled material on level land
- Waterbodies or Wetlands: None

**NATURE OF MUNICIPAL ZONING REQUEST**

- Type: site plan
- Layout: Campus
- Area of Tract: 20.193 acres (19.144 Acres)
- Yield Map: No
  - No. of Lots: 1
  - Lot Area Range: N/A
- Open Space: N/A

**ACCESS**

- Roads: Public
- Driveways: private

**ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: cb/lp
  - Recharge Basins: no
- Groundwater Management Zone: VII
- Water Supply: public
- Sanitary Sewers: Public

**December 5, 2018 Addendum to 8/23/2016 Staff Report**

**PROPOSAL DETAILS:**

Applicants continue to seek site plan approval from the Babylon Town Planning Board for the Acadia Republic Farmingdale LLC project. The applicants have modified the proposed site plan since it was last referred to the Suffolk County Planning Commission by the Babylon Planning Board back in August of 2016. The site plan now referred to the Suffolk County Planning Commission has been modified to include: additional lot area (1.049 acres), an additional building (originally 12, now 13 proposed buildings), an increase in overall gross floor area (155,055 SF to 179,909 SF) of 24,854 SF, the substitution of two restaurant uses for former retail space and an increase in the number of off-street parking stalls that will need to be varied from the Town of Babylon Zoning Code requirements.

The newly referred site plan is generally an intensification of the prior plan reviewed by the Suffolk County Planning Commission. It remains a Regionally Significant Project by Commission definition as it is a development consisting of the physical alteration of twenty plus acres and having a gross square footage of over 100,000 SF (the plan is proposing 179,909 SF of building area).

Notwithstanding the above, the largest proposed retail building on site (located at the western property line) has been reduced down from a two-story to a one-story structure. In addition, the main entranceway into the proposed shopping center has been moved and angled slightly westward to better align with the mall access road across the NY State Route 110 (Broad Hollow Road) right-of-way. The realignment along with the relocation of some onsite parking stalls removes any originally proposed physical disturbance to the NY State DOT Airport Approach Lighting System easement. The "Airport Viewing Area" was also relocated. The other intended access to Conklin



Street (NYS Rte. 24) at the east side of the site remains unchanged as a proposed signalized intersection.

### **STAFF ANALYSIS:**

Physical conditions on and around the project site identified in the original staff report below have not altered significantly since the 2016 Suffolk County Planning Commission review (see below staff report).

A situation that has evolved since the last Suffolk County Planning Commission review has been the abandonment by the Town of Babylon of a nearly decade long plan to redevelop the northeast corner of Broad Hollow Road (NYS Rte. 110) and Conklin Street (NYS Rte 24) as part of a 109 acre mixed-use transit oriented development (TOD) plan. The project was tied to MTA plans to reopen the Republic Long Island Rail Road Station as well as the Suffolk County Bus Rapid Transit (BRT) system for the NYS 110 Corridor as part of the Connect Long Island Initiative. The Town Board Resolution stated that “large scale residential development and the potential associated traffic volumes...is incongruous with existing light industrial uses and the existing airport use” in the area. In the opinion of Suffolk County Planning Commission staff, it is not clear if the Special Exception use petition to the Babylon Town Zoning Board of appeals to convert the existing “G” Light Industrial zoning district of the property to the “Ga” Industry zone, allowing the creation of a non-Light Industrial use such as a shopping center and the associated motor vehicle trip generation from this current project, is consistent with the Town Board Resolution. It is the belief of Suffolk County Planning Commission staff that the subject site should be developed in concert with a rational plan for redevelopment of a TOD at the Republic LIRR train station and that light industrial use at the subject site is most appropriate.

With regard to regulatory considerations, the subject application remains incongruous with the spirit and intention of Section 212 of FAA Regulatory Requirements that read “Land uses prohibited from the RPZ (on lands owned or controlled by an airport) are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers) and other uses with similar concentrations of persons typify places of public assembly” and the spirit and intent of Suffolk County Department of Planning Informational Bulletin No. 9, revised February 1, 1995 that established policy for the review of land use proposals around airport facilities. The Bulletin reads in part “Where possible, the land surrounding an airport, particularly those areas within the landing and takeoff zone, should be industrially zoned. Where residential land use is permitted, it should be the lowest density possible clustered away from the most commonly used flight paths. In industrially zoned areas, those industries most compatible with airport operations such as indoor storage facilities, vertically unobtrusive building structures, transportation hubs, should be encouraged. Uses that are incompatible in terms of safety and noise, such as activities that attract birds; livestock farming, riding stables or noise sensitive uses: schools, hospital, outdoor recreational facilities should be discouraged...”.

All proposed one-story structures within the proposed shopping center development lie within the Republic Airport Runway Protection Zone (RPZ) for Republic Airport Runway #14 as indicated by Town of Babylon Department of Environmental Control Memorandum (June 9, 2016).

A review of the Suffolk County Planning Commission 2016 conditional approval ZSR-16-26 (see attached) and review of the current referral materials from the Babylon Town Planning Board indicate little consideration of the conditions and comments of the Commission.

Suffolk County Planning Commission staff in discussion with Babylon Town planning staff has learned that the applicant has been in communication with the FAA to secure a “No Hazzard” designation for all of the buildings on site. However, the final FAA determination remains pending.

There was no indication in the current referral materials from the Babylon Town Planning Board to the Suffolk County Planning Commission indicating the status of any hazardous material remediation and no approvals from the Babylon Town Zoning Board of Appeals have yet to have been secured by the applicant. There was no indication in referral materials that the applicant has given consideration to green methodologies for storm water runoff treatment, noise attenuation, energy efficiency, public safety or universal design.

Changes to the subject referral and map are relatively minor and an improvement to the prior map reviewed and conditionally approved by the Suffolk County Planning Commission. In accordance with Suffolk County Planning Commission Guidebook Section 3.10, staff to the Planning Commission, therefore recommend a modification of the prior Suffolk County Planning Commission approval to reflect the recent action of the Town Board to review applications on a “parcel by parcel basis” and not in accordance with an East Farmingdale/Republic area planning initiative.

### **STAFF RECOMMENDATION:**

**Approval** of the Acadia Republic Farmingdale, LLC site plan with the following modifications as conditions to the aforesaid approval and with the following comments:

#### **Conditions:**

1. No final approval shall be granted by the Town of Babylon Planning Board until such time as the NYS Department of Environmental Conservation (DEC) and any other appropriate agency is satisfied with the level of remediation at the subject property for the purposes of the proposed use.
2. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Federal Aviation Administration (FAA) and the NYS DOT has determined that proposed development at the subject property is consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.
3. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Town of Babylon Zoning Board of Appeals has approved the Special Exception use of “G” industrial zone property for retail sales pursuant to section 213-166 F of the Town of Babylon Zoning Law.
4. No final approval shall be granted until such time as the Town of Babylon Zoning Board of Appeals has approved an Area Variance for thirteen (13) buildings on site as per section 213-176 and 213-192 of the Town of Babylon Zoning Law.

#### **Comments:**

1. The subject property can be reasonably developed for other permitted uses in the Runway Protection Zone more compatible with airport operations. Theoretically this could include a 44 lot compatible light industrial development of approximately 264,000 SF of gross floor area (the theoretical yield calculation is as follows:  $19.268 \text{ ac} \times 43,560/\text{ac} - 16,7863 \text{ SF (20\% roads and drainage)} / 15,000 \text{ SF minimum lot size (G zone)} = 44.8 \text{ lots... 40\% lot occupancy of 44 lots @ 15,000 SF each lot (one story re: RPZ)} = 264,000 \text{ SF GFA}$ ).

One possible alternative to the proposed shopping center development would be an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the the transfer of the 44 lot/264,000 SF GFA as-of-right development potential of the subject property to some other receiving site location or component of an “East Farmingdale Downtown Center and rail station” as was once envisioned by the Town of Babylon. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code relative to the above “Center”. It is the belief of the Suffolk County Planning Commission that these alternatives should be given serious consideration. Ideally, the development should be aligned with regional plans including Bus Rapid Transit for NYS Rte. 110 corridor and a smart growth, Transit Orientated Development concept for sustainable development.

2. The applicant should continue dialogue with the Suffolk County Department of Public Works with respect to connection to the Suffolk County Wastewater Sewer District #3 (Southwest).
3. The applicant should continue dialogue with the NYS Department of Transportation with respect to access to NYS Rte. 110 (Broad Hollow Road) and NYS Rte. 24 (Conklin Street).
4. The applicant should continue dialogue with the NYS Department of Transportation, MTA LI and Suffolk County Department of Public Works Transit Division for coordination and development of the transit (bus) stop on Conklin Street (NYS Rte. 24) and a potential BRT stop on NYS Rte. 110.
5. The applicant should be encouraged to review the Commissions publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein. \*
6. The applicant should be encouraged to continue dialogue with the Town of Babylon’s office of Downtown Revitalization for coordination with local plans for the area.
7. All structures that may be erected at the subject property should be constructed using materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Federal Aviation Administration or other authority that has promulgated standards for reduction of interior noise levels.
8. No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicant 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 the commercial, residential and clubhouse components of the proposal. (Section 4.3)\*\*
9. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein. (Section 4.4) \*\*
10. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein. (Section 4.8)\*\*

\* SCPC Stormwater Publication: [http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater\\_greenmethods021011r.pdf](http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater_greenmethods021011r.pdf)

\*\* SCPC Guidebook: <http://www.suffolkcountyny.gov/Portals/0/planning/Publications/SCPCguidebk12r.pdf>

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## BA-16-04: Acadia Republic Farmingdale LLC 8/23/16 Staff Report

### PROPOSAL DETAILS

**OVERVIEW** – Applicants seek site plan approval from the Babylon Town Planning Board on an approximate 19.3 acre property for the construction of approximately 210,430 SF of retail space in 11 one-story structures and 1 two-story structure. The 11 one-story structures range in gross floor area from 4,100 SF to 19,985 SF. The gross-floor area of the two-story retail building as indicated on the submitted Overall Site Plan (Bohler Engineering; Revision 5/20/16) is 110,750 SF (55,375 SF footprint). Associated site improvements include approximately 1.3 acres of landscaping; proposed directory signs; dedication of land to NYS DOT and Town of Babylon for the Conklin Street R.O.W; installation of a traffic signal on Conklin Street; a public central plaza area with architectural features; street sidewalks; internal pedestrian pathways; and decorative brick pavers with benches for a southeast facing Airport Viewing Area.

The subject property is located in the hamlet of East Farmingdale. The site is bound by NYS Rte. 110 (Broad Hollow Road) to the east; NYS Rte. 24 (Conklin Street) to the North; East Carmans Road (Town Road) to the west and developed and occupied industrial land to the south. Several easements granted to the DOT related to aviation purposes encumber the subject site.

Access for the proposed development is to be from two points on NYS Rte. 110. A southbound right turn only ingress north of the main entrance and as the main entrance, an all-way signalized intersection to align with the existing Mall Access Road on the east side of NYS Rte. 110. Another proposed signalized all way ingress/egress is to be opened to NYS Rte. 24 opposite an existing driveway to commercial property on the north side of Rt. 24.

The applicant proposes a mass transit (bus) turn-off as part of the land dedication to NYS DOT on CR 24 (Conklin Ave). MTA LI Bus Routes N70 and N72 (NICE) with routes between Hempstead, Farmingdale and Babylon and stops at the Farmingdale and Babylon LIRR train Stations will be accommodated by the dedication.

Zoning surrounding the subject parcel is predominantly G Industrial District to the north, east, and south of the subject property. To the west across East Carmans Road is found “C” residential zoning. Land use surrounding the subject property includes residential dwellings to the west, Vacant and improved G industrial land to the south, north and east, as well as, Republic Airport and the Airport Plaza retail complex across NYS Rte. 110 to the east.

The proposed project site is within the “G” Light Industrial zoning district. The applicant proposes to develop under the “Ga” Industry zoning code (permissible under TOB Zoning Law) so dimensional requirements can be in scale with the existing lot size). In the G Light Industrial District, buildings and premises may be used for any permitted use as in the E Business district (section 213-166 A. of the TOB Zoning Law). The Town of Babylon Zoning Law indicates that the use of “G” industrial zoned property as retail sales shall be allowed as a Special Exception by the Zoning Board of Appeals, subject to such conditions, restrictions and safeguards as may be imposed by the Zoning Board of Appeals (section 213-166 F of the TOB Zoning Law). Should the retail complex incorporate “on premise food and beverage consumption establishments” a Planning Board Special Permit would be required (section 213-129 G of the TOB Zoning Law). Moreover, the applicant appears to require an Area Variance from the TOB Zoning Board of Appeals as well. The applicant is proposing twelve (12) buildings on site. Section 213-176 and 213-192 of the Town of Babylon Zoning Law indicates that “In a Ga Industrial District there shall be erected upon the premises only one building, and no other building or detached accessory building will be permitted.”

The subject proposal for site plan approval will also require a Parking Variance from the Town of Babylon Zoning Law. The off-street parking stall requirement for the proposed 210,430 SF retail campus is 1,057 parking stalls. The Overall Site Plan submitted to the Suffolk County Planning Commission in referral materials from the Town of Babylon demonstrates only 923 stalls; a twelve percent (12%) shortfall.

All proposed one-story structures lie within the Republic Airport Runway Protection Zone (RPZ) for Republic Airport Runway #14 as indicated by Town of Babylon Department of Environmental Control Memorandum (June 9, 2016). The RPZ is a trapezoidal shaped zone established by the Federal Aviation Administration (FAA) “to enhance the protection of people and property on the ground” in the event an aircraft lands or crashes beyond the runway end. FAA advisory Circular 150-5300-13 Section 212 (2) (b) states that places of public assembly including shopping centers should not be located in the RPZ. An existing NYS DOT Airport Approach Lighting System (navigational approach light stanchions) is proposed to remain within a NYS DOT R.O.W. in the center median of the main ingress/egress to the development off of NYS Rte. 110.

All estimated 6,290.4 gallons per day of wastewater from the proposed development is to be treated via connection to SCWSD #3 (southwest). The subject property is to make connections to an existing sewer line in the area.

Storm water runoff from the contemplated development is to be collected via on-site catch basins and leaching pools. Storm water drainage will be in conformance with Town of Babylon Code and will be required to prepare a SWPPP.

There is a history of hazardous waste being generated, treated and/or disposed of at or near the subject property. The site was re-listed on the Registry of Inactive Hazardous Waste Disposal Sites as Class 2 in April 2010. The New York State Department of Environmental Conservation (DEC), along with the Departments of Health (DOH) and Law (DOL), is responsible for ensuring the cleanup of inactive hazardous waste disposal sites across the state. Under New York State's Inactive Hazardous Waste Disposal Site Remedial Program, the process begins with the discovery of a potential hazardous waste site and follows a path of thorough investigation, remedy selection, design, construction and monitoring. The Site Characterization (SC) is one stage in the comprehensive process.

NYS DEC evaluates SC information to classify or delist a site. Each SC step ends with a decision point that can lead to one of two outcomes. If the presence of hazardous waste and the degree of health or environmental threat can be documented, a site is classified to:

- Class 1 (imminent danger)
- Class 2 (significant threat)
- Class 3 (no significant threat)

The subject site of this development proposal is being remediated under a March 2015, Record of Decision (ROD). The compounds of concern for the site are PCBs and SVOCs (semi-volatile organic compounds). As indicated in the Environmental Assessment Form for this action referred to the Suffolk County Planning Commission by the Town of Babylon (EAF Part 1.E.1.g. pg. 10), the NYSDEC, in its ROD, “has determined that volatile organic compound (VOC) contamination found in groundwater at the site is associated with an off-site source. The extent of the on-site VOC contamination, as well as associated human exposure assessments and abatement actions, will be addressed separately by the NYSDEC as part of the remedial program for the Brandt Airflex Superfund site (site no. 152183).”

Referral material indicates that the proposed development site is subject to institutional control limiting the property uses including an environmental easement for remediation limiting the site to commercial use; prohibiting the use of groundwater and; prohibiting vegetable gardens and cultivation. Engineering controls, including a "Site-wide Cap and Sub-Slab Depressurization Systems for Buildings will be installed as part of the site development"

Historical wetland maps for the subject property indicate a federally mapped wetland system (FW 925-189). This is the location of a 13 acre former recharge basin and inactive hazardous waste site (Site #1-53-004 Fairchild Republic Old Recharge basin site). The discharges consisted of storm water, non-contact cooling water and treated wastewater. The recharge basin has since been filled and delisted as a State Superfund site however; the subject property on which the wetland site occurred has been re-listed (see above).

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located in a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone VII. The subject property is not in a State designated Critical Environmental Area.

The project site has been the subject of prior referrals to the Suffolk County Planning Commission. On June 7, 2000 the SCPC deliberated a referral from the Babylon Town Board and approved a "Commercial Overlay District" applicable to this project site and surrounding lands and conditioned that "all development shall be consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA." In December of 2003 the Commission deliberated a referred application from the Town of Babylon Zoning Board of Appeals entitled "Stew Leonards" (SCPC file No. BA-03-12). The appeal to the ZBA was for variances to increase the maximum number of buildings from one to three including six animal shelters and allow outdoor storage and display for a garden center in connection with special use permits for retail sales and a petting farm. Staff to the Commission recommended that the referral be disapproved for the following reasons:

1. It contravenes a previous determination of the Suffolk County Planning Commission of June 7, 2000 on the establishment of the Commercial Overlay District which required that "all development shall be consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.";
2. The information Submitted does not appear sufficient in demonstrating compliance with applicable special exception/variance criteria, particularly as relates to public safety concerns;
3. Premises can be reasonably developed for other permitted uses in the Industrial Ga/Commercial Overlay District more compatible with airport operations; and
4. The establishment of a place of public assembly in the Runway Protection Zone appears to constitute a public safety concern for people and property, particularly as relates to entrepreneurial activities conducted in and near the northernmost building.

The Suffolk County Planning Commission, on December 3, 2003, after due study and deliberation was unable to render a determination, as the necessary votes were unavailable to carry a resolution relative thereto. Therefore no action was taken on the Stew Leonards referral (see attached).

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

According to section 212 of FAA Regulatory Requirements 150/5300-13 Ch. 7 “Land uses prohibited from the RPZ (on lands owned or controlled by an airport) are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers) and other uses with similar concentrations of persons typify places of public assembly.”

Suffolk County Department of Planning Informational Bulletin No. 9, revised February 1, 1995 established policy for the review of land use proposals around airport facilities. The Bulletin reads in part “Where possible, the land surrounding an airport, particularly those areas within the landing and takeoff zone, should be industrially zoned. Where residential land use is permitted, it should be the lowest density possible clustered away from the most commonly used flight paths. In industrially zoned areas, those industries most compatible with airport operations such as indoor storage facilities, vertically unobtrusive building structures, transportation hubs, should be encouraged. Uses that are incompatible in terms of safety and noise, such as activities that attract birds; livestock farming, riding stables or noise sensitive uses: schools, hospital, outdoor recreational facilities should be discouraged. There may be an impact in areas extending beyond one mile.”

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Babylon 1998 Comprehensive Land Use Plan recommends “Office” for the subject property. The plan indicates that “the Route 110 corridor is preferable for office development as it is the only area that can be served by bus, rail and air facilities. In fact, two of the most substantial assets in the Town are Republic Airport and the adjacent properties along Conklin Street. These include the former Fairchild property and New York State Department of Transportation (NYSDOT) properties along Conklin Street, Route 110 and Route 109.”

The Plan (pg. 39) also indicates that “the Office Zoning District along Route 110 would function best by the addition of a rail station and parking. Ideally, this could be accomplished through the conversion of the 12.5 acre NYSDOT parcel along Conklin Street. Commuter rail service would reduce the need for automobile travel to other areas of the region. Strong Pedestrian connections should be made between the rail station and surrounding employment and shopping areas.”

Most recently, due on February 20, 2015, the Town of Babylon issued a Request For Proposals (RFP) from highly creative and qualified professional architectural/planning/urban design consultants for the preparation of a specific community driven and market responsive Preliminary Site Plan, Regulating Plan, and Form-Based Code to allow for the development of the East Farmingdale Downtown Center in the unincorporated hamlet of East Farmingdale within the Town of Babylon. The Study Area includes the subject parcel of this referral and staff report.

The RFP continued to read “this work is being performed in conjunction with the Cleaner, Greener Communities (“CGC”) Program and is funded through the New York State Energy Research and Development Authority (“NYSERDA”). Note that the work may be supplemented by funds from Empire State Development (“ESD”) as part of a separate grant to the Town for East Farmingdale. Town intends to utilize a form-based code as a tool for recreating a rich and vibrant commercial node and corridor—linking neighborhoods, rebuilding the public realm, and creating a more predictable process and certain outcome for both the Town and future developers. It is hoped that the creation of a preliminary site plan and form-based code will facilitate the creation of transit-centered, mixed-use development around a reopened Republic Station linked to a regional BRT, and that such development will attract businesses that are economically viable and sustainable, while also helping to enhance the quality of life for the residents of East Farmingdale.”

It is apparent, that the subject property, due to its proximity to major transportation infrastructure should be planned in a regional context in conjunction with neighboring and area properties. It is noted that the proposed use is in the flight path of one of the airport runways associated with Republic Airport and should be subject to any use compatibility studies or guidelines for

development around the State airport facility.

### **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:

As indicated above all wastewater from the proposed development is to be treated via connection to SCWSD #3 (southwest).

Storm water runoff from the proposed project will be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. Submission materials to the Commission indicate that NYS DEC SWPPP requirements will be met. There is no indication in the referral materials that the applicant has reviewed the Suffolk County Planning Commission publication on managing storm water through natural vegetation and green methodologies.

It is noted that the subject site of this development proposal is being remediated under a March 2015, Record of Decision (ROD). Town review of the proposed development should be in coordination with the NYSDEC.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. There is no indication if the applicants have reviewed the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency.

MTA LI Bus Route N70 and N72 travel on NYS Rt. 24 (Conklin Street); N72 travels on NYS Rt. 110 (Broad Hollow Road); SCT S1 & S31 travels on NYS Rt. 110. These bus routes which pass by the frontage of the subject property have destination to and between Hempstead, Farmingdale, Babylon, Amityville RR, Halesite, Copiague RR, Northwest Babylon, Farmingdale RR and Huntington among other destinations. As noted above, due to its proximity to major transportation infrastructure, the project should be planned in a regional context in conjunction with neighboring and area properties.

As indicated above, in industrially zoned areas, those industries most compatible with airport operations such as indoor storage facilities, vertically unobtrusive building structures, and transportation hubs, should be encouraged. Section 212 of FAA Regulatory Requirements 150/5300-13 Ch. 7 provides that land uses prohibited from the Runway Protection Zone (RPZ) are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers) and other uses with similar concentrations of persons that typify places of public assembly. FAA considerations are critical factors with respect to development parameters on the subject property.

It is the belief of the staff that the subject property could be reasonably developed for other permitted uses in the RPZ more compatible with airport operations. Theoretically this could include a 44 lot



compatible development of approximately 264,000 SF of gross floor area (the theoretical yield calculation is as follows: 19.268 ac x 43,560/ac - 16,7863 SF (20% roads and drainage) / 15,000 SF minimum lot size (G zone) = 44.8 lots... 40% lot occupancy of 44 lots @ 15,000 SF each lot (one story re: RPZ) = 264,000 SF GFA).

One possible alternative to the development of an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the proposed retail complex on the subject property could be the transfer of the 44 lot/264,000 SF GFA development potential (under an as-of-right use) of the subject property to some other receiving site location or component of an "East Farmingdale Downtown Center and rail station" as is envisioned by the Town of Babylon and noted above. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code. The development should be aligned with local plans including the Town of Babylon's vision for East Farmingdale, and the recent MEC corridor study

Little discussion is made in the application to the Town and referred to the Commission on public safety (other than the airport RPZ) and universal design. There is no indication that the applicant has reviewed the Planning Commission guidelines particularly related to public safety and universal design.

## **STAFF RECOMMENDATION**

**Approval** of the Acadia Republic Farmingdale, LLC referral from the Town of Babylon Planning Board with the following modifications as conditions to the aforesaid approval and with the following comments:

### **Conditions:**

1. No final approval shall be granted by the Town of Babylon Planning Board until such time as the NYS Department of Environmental Conservation (DEC) and any other appropriate agency is satisfied with the level of remediation at the subject property for the purposes of the proposed use.
2. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Federal Aviation Administration (FAA) and the NYS DOT has determined that proposed development at the subject property is consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.
3. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Town of Babylon Zoning Board of Appeals has approved the Special Exception use of "G" industrial zone property for retail sales pursuant to section 213-166 F of the Town of Babylon Zoning Law.
4. No final approval shall be granted until such time as the Town of Babylon Zoning Board of Appeals has approved an Area Variance for twelve (12) buildings on site as per section 213-176 and 213-192 of the Town of Babylon Zoning Law.

### **Comments:**

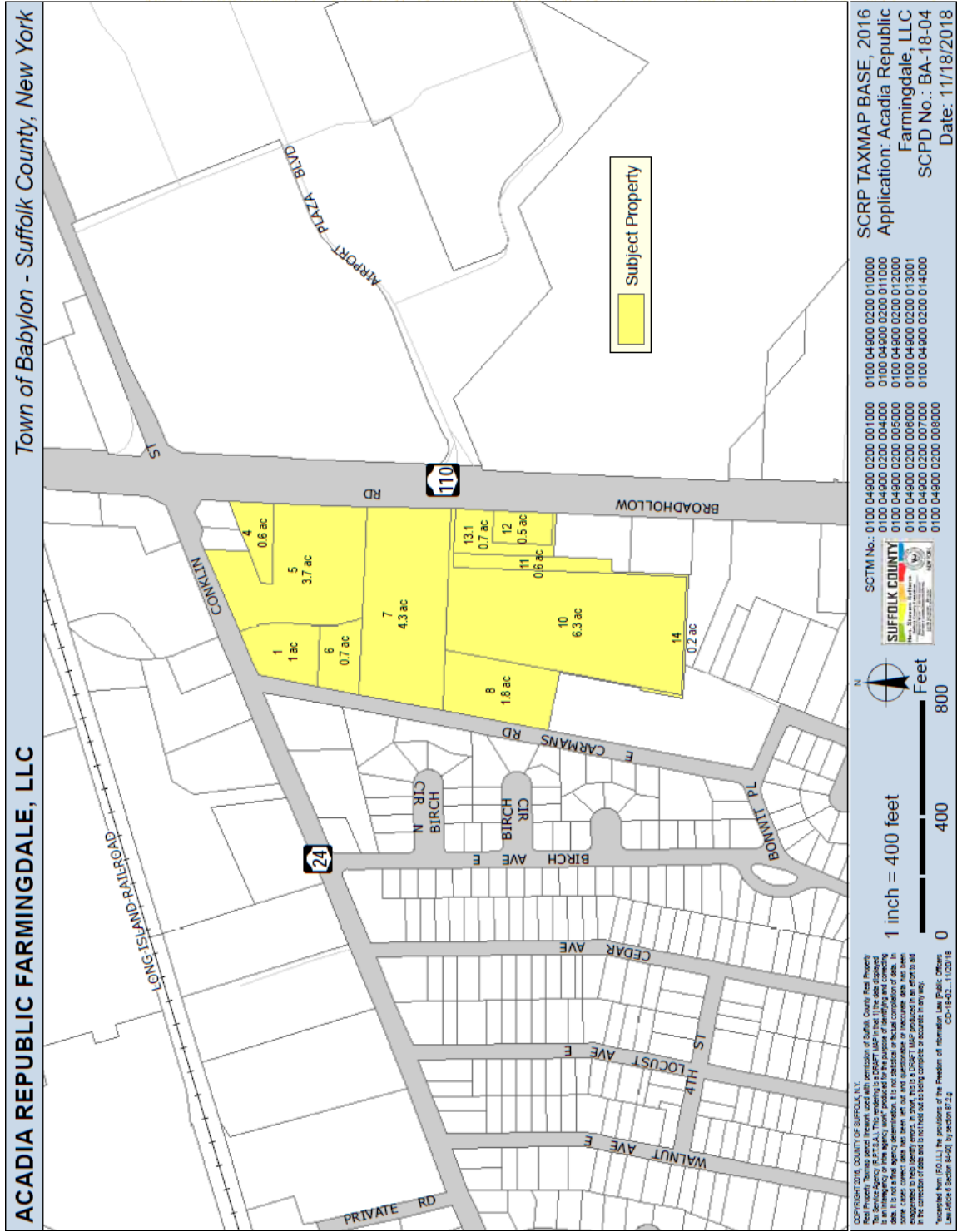
1. The subject property can be reasonably developed for other permitted uses in the Runway Protection Zone more compatible with airport operations. Theoretically this could include a 44 lot compatible development of approximately 264,000 SF of gross floor area (the theoretical yield calculation is as follows: 19.268 ac x 43,560/ac - 16,7863 SF (20% roads and drainage) / 15,000 SF minimum lot size (G zone) = 44.8 lots... 40% lot occupancy of 44

lots @ 15,000 SF each lot (one story re: RPZ) = 264,000 SF GFA)

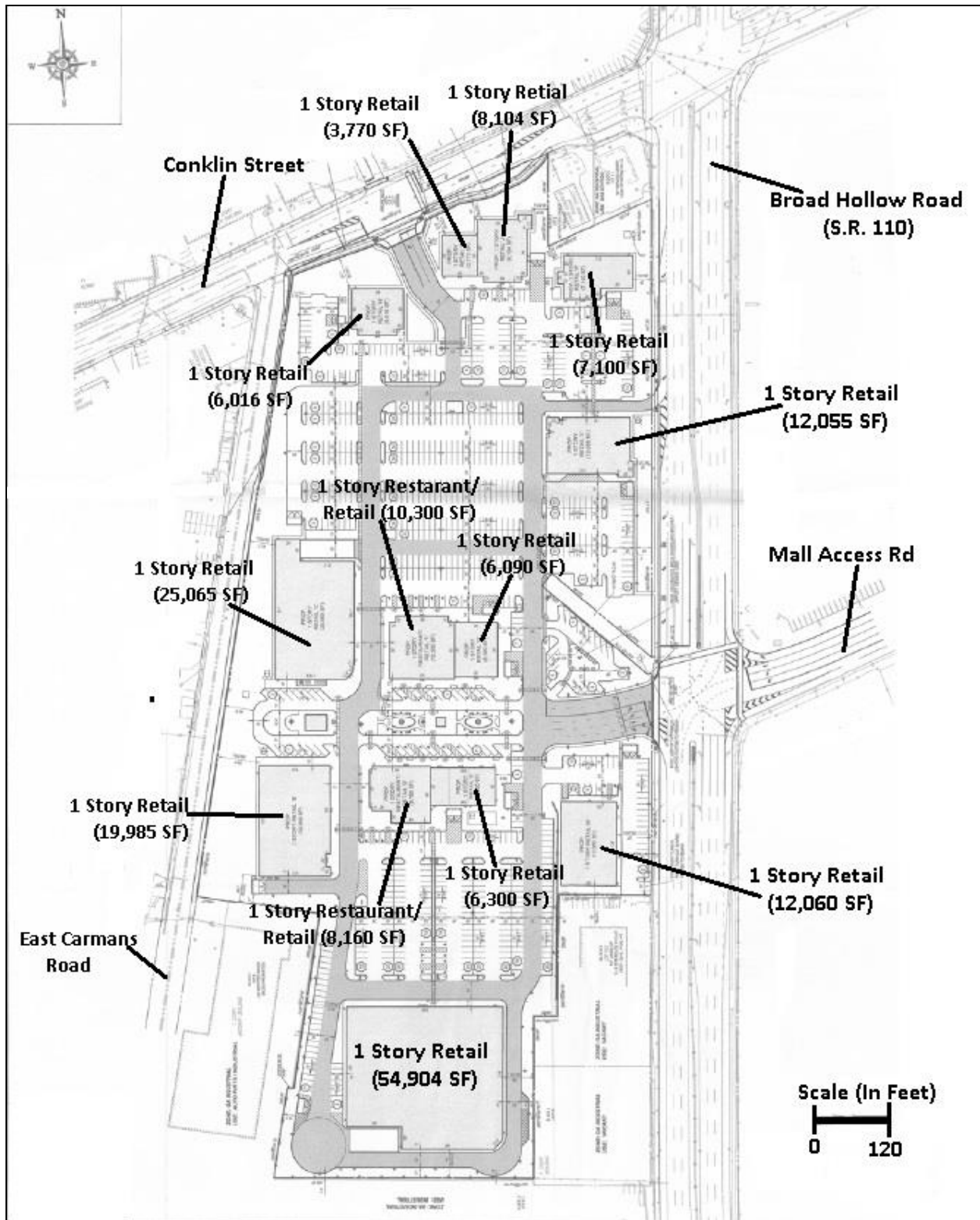
One possible alternative to the development of an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the proposed retail complex on the subject property could be the transfer of the 44 lot/264,000 SF GFA as-of-right development potential of the subject property to some other receiving site location or component of an "East Farmingdale Downtown Center and rail station" as is envisioned by the Town of Babylon. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code relative to the above "Center". It is the belief of the Suffolk County Planning Commission that this alternative should be given serious consideration. The development should be aligned with local plans including the Town of Babylon's vision for East Farmingdale, and the recent MEC corridor study

2. The applicant should continue dialogue with the Suffolk County Department of Public works with respect to connection to the Suffolk County Wastewater Sewer District #3 (Southwest).
3. The applicant should continue dialogue with the NYS Department of Transportation with respect to access to NYS Rte. 110 (Broad Hollow Road) and NYS Rte. 24 (Conklin Street).
4. The applicant should continue dialogue with the NYS Department of Transportation, MTA LI and Suffolk County Department of Public Works Transit Division for coordination and development of the transit (bus) stop on Conklin Street (NYS Rte. 24).
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6. The applicant should be encouraged to continue dialogue with the Town of Babylon's office of Downtown Revitalization for coordination with local plans for the area.
7. All structures that may be erected at the subject property should be constructed using materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Federal Aviation Administration or other authority that has promulgated standards for reduction of interior noise levels.
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9. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
10. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.

**Updated Tax Map for the December 5, 2018 Addendum to 8/23/2016 Staff Report**



**Updated Site Plan for the December 5, 2018 Addendum to 8/23/2016 Staff Report**



**Tax Map for the 8/23/2016 Staff Report**



SCRP TAXMAP BASE, 2012  
 Application: Acadia Republic Farmingdale, LLC  
 SCD No.: BA-16-03  
 Date: 08/22/2016

SCD No.: 0100 04900 0200 001000, 0100 04900 0200 004000,  
 0100 04900 0200 005000, 0100 04900 0200 006000,  
 0100 04900 0200 007000, 0100 04900 0200 008000,  
 0100 04900 0200 010000, 0100 04900 0200 011000,  
 0100 04900 0200 014000

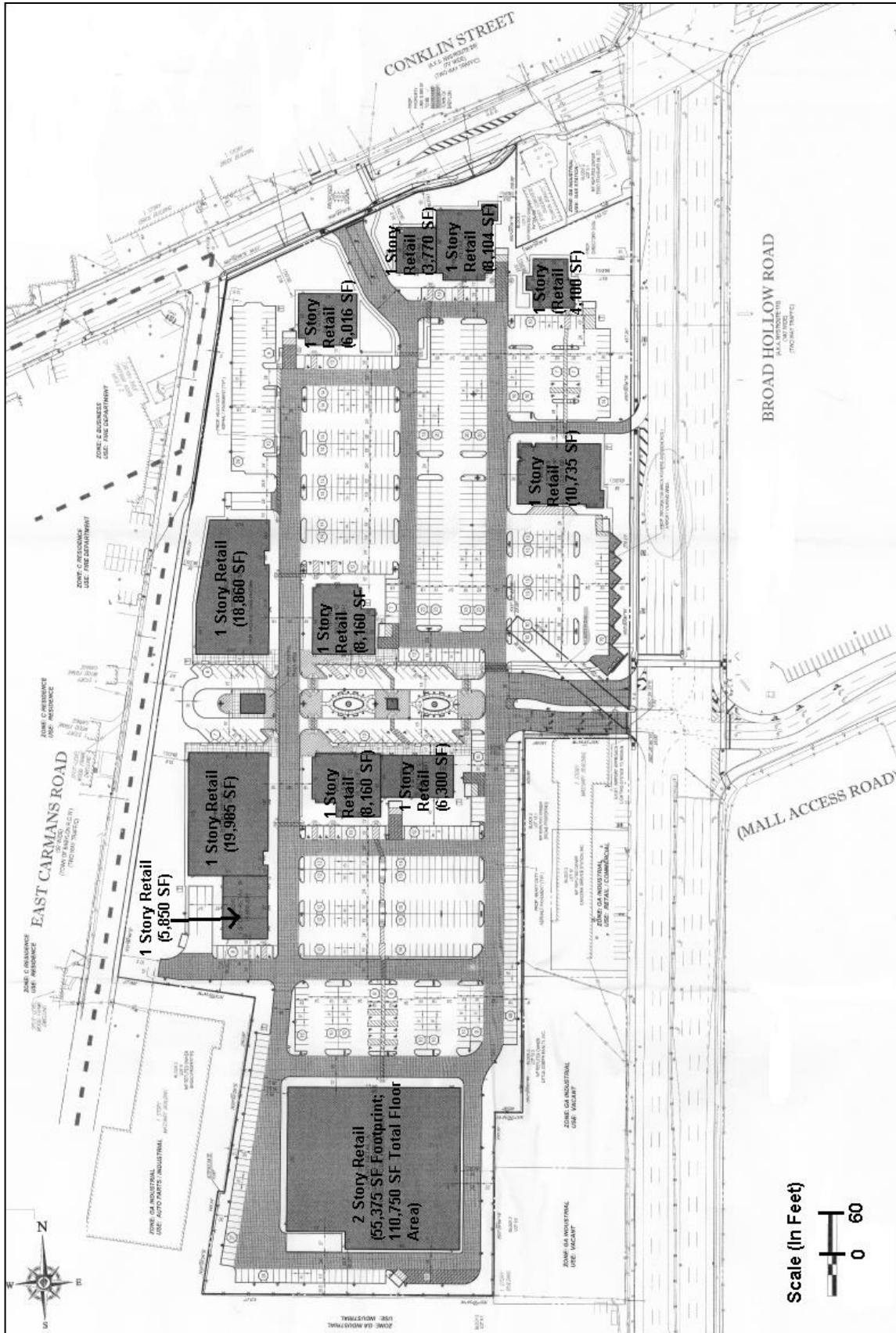
SUFFOLK COUNTY  
 Planning & Zoning Department

1 inch = 300 feet  
 0 300 600 Feet

NORTH

COPYRIGHT 2012, COUNTY OF SUFFOLK, N.Y.  
 Real Property Mapping parcel lines used with permission of Suffolk County Real Property  
 Mapping Agency (RPM). This drawing is a digital map of the data displayed on the  
 map. It is not a final drawing. It is not a substitute for a final drawing. It is not a  
 final drawing. It is not a final drawing. It is not a final drawing. It is not a final drawing.  
 Some correct data has been left out and questionable or inaccurate data has been  
 suggested to help identify errors. In short, this is a digital map produced in an effort to  
 improve the accuracy of the data and to provide a more complete and accurate map.  
 "As Shown" (A.S.) is the product of the Planning & Zoning Department Public Officers  
 Law Office & Section 8-400 by section 8-2.2. CD# 16-002, 08/18/16

**Site Plan for the 8/23/2016 Staff Report**



**ZSR-16-26**

Resolution No. ZSR-16-26 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 August 23, 2016 at the offices of the Suffolk County Planning Commission with respect to the application of "**Acadia Republic Farmingdale, LLC**" located in the Town of Babylon, and
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **October 11, 2016**, now, therefore be it
- RESOLVED, that the Suffolk County Planning Commission hereby adopts the report of its staff, 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** the Acadia Republic Farmingdale, LLC site plan with the following modifications as conditions to the aforesaid approval and with the following comments:

**Conditions:**

1. No final approval shall be granted by the Town of Babylon Planning Board until such time as the NYS Department of Environmental Conservation (DEC) and any other appropriate agency is satisfied with the level of remediation at the subject property for the purposes of the proposed use.
2. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Federal Aviation Administration (FAA) and the NYS DOT has determined that proposed development at the subject property is consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.
3. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Town of Babylon Zoning Board of Appeals has approved the Special Exception use of "G" industrial zone property for retail sales pursuant to section 213-166 F of the Town of Babylon Zoning Law.
4. No final approval shall be granted until such time as the Town of Babylon Zoning Board of Appeals has approved an Area Variance for twelve (12) buildings on site as per section 213-176 and 213-192 of the Town of Babylon Zoning Law.

**Comments:**

1. The subject property can be reasonably developed for other permitted uses in the Runway Protection Zone more compatible with airport operations. Theoretically this could include a 44 lot compatible development of approximately 264,000 SF of gross floor area (the theoretical yield calculation is as follows: 19.268 ac x 43,560/ac - 16,7863 SF (20% roads and drainage) / 15,000 SF minimum lot size (G zone) = 44.8 lots... 40% lot occupancy of 44 lots @ 15,000 SF each lot (one story re: RPZ) = 264,000 SF GFA).

One possible alternative to the development of an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the proposed retail complex on the subject property could be the transfer of the 44 lot/264,000 SF GFA as-of-right development potential of the subject property to some other receiving site location or component of an “East Farmingdale Downtown Center and rail station” as is envisioned by the Town of Babylon. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code relative to the above “Center”. It is the belief of the Suffolk County Planning Commission that this alternative should be given serious consideration. The development should be aligned with local plans including the Town of Babylon’s vision for East Farmingdale, and the recent MEC corridor study

2. The applicant should continue dialogue with the Suffolk County Department of Public Works with respect to connection to the Suffolk County Wastewater Sewer District #3 (Southwest).
  3. The applicant should continue dialogue with the NYS Department of Transportation with respect to access to NYS Rte. 110 (Broad Hollow Road) and NYS Rte. 24 (Conklin Street).
  4. The applicant should continue dialogue with the NYS Department of Transportation, MTA LI and Suffolk County Department of Public Works Transit Division for coordination and development of the transit (bus) stop on Conklin Street (NYS Rte. 24) and a potential BRT stop on NYS Rte. 110.
  5. The applicant should be encouraged to review the Commissions publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
  6. The applicant should be encouraged to continue dialogue with the Town of Babylon’s office of Downtown Revitalization for coordination with local plans for the area.
  7. All structures that may be erected at the subject property should be constructed using materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Federal Aviation Administration or other authority that has promulgated standards for reduction of interior noise levels.
  8. No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicant 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 the commercial, residential and clubhouse components of the proposal.
  9. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
  10. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
- 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/Portals/0/planning/Publications/SCPCguidebk12r.pdf>



Town of Babylon

Acadia Republic Farmingdale, LLC

**COMMISSION ACTIONS ON ADOPTION OF RESOLUTION**

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

Motion: Commissioner Chu

Present: 13

Seconded: Commissioner Kaufman

Absent: 2

Voted: 13

Recused: 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:** Acadia Republic Farmingdale, LLC  
**Municipality:** Babylon  
**Location:** s/w/corner Conklin Street (NYS Rte. 24) and Broad Hollow Road (NYS Rte. 110)

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**Received:** 11/05/18 (8/23/2016)  
**File Number:** BA-18-04 (BA-16-04)  
**T.P.I.N.:** 0100 04900 0200 001000  
**Jurisdiction:** Adjacent to NYS Rte. 110 and NYS Rte 24/ within one mile of an airport.

**ZONING DATA**

- Zoning Classification: G Industry
- Minimum Lot Area: 15,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: No

**SUPPLEMENTARY INFORMATION**

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: yes
  - File:BA-03-12 BA-16-04
  - Date:11/21/03 8/23/16
  - Map of: Stew Leonards Acadia Republic
- SEQRA Information: EAF
- SEQRA Type: Type I
- Minority or Economic Distressed: No

**SITE DESCRIPTION**

- Present Land Use: Vacant
- Existing Structures: No
- General Character of Site: Rolling
- Range of Elevation within Site: 65' - 80' amsl

- Cover: Weeds
- Soil Types: Wallington, Carver and Urban Land soil associations
- Range of Slopes (Soils Map): variable - stockpiled material on level land
- Waterbodies or Wetlands: None

**NATURE OF MUNICIPAL ZONING REQUEST**

- Type: site plan
- Layout: Campus
- Area of Tract: 20.193 acres (19.144 Acres)
- Yield Map: No
  - No. of Lots: 1
  - Lot Area Range: N/A
- Open Space: N/A

**ACCESS**

- Roads: Public
- Driveways: private

**ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design of System: cb/lp
  - Recharge Basins: no
- Groundwater Management Zone: VII
- Water Supply: public
- Sanitary Sewers: Public

**December 5, 2018 Addendum to 8/23/2016 Staff Report**

**PROPOSAL DETAILS:**

Applicants continue to seek site plan approval from the Babylon Town Planning Board for the Acadia Republic Farmingdale LLC project. The applicants have modified the proposed site plan since it was last referred to the Suffolk County Planning Commission by the Babylon Planning Board back in August of 2016. The site plan now referred to the Suffolk County Planning Commission has been modified to include: additional lot area (1.049 acres), an additional building (originally 12, now 13 proposed buildings), an increase in overall gross floor area (155,055 SF to 179,909 SF) of 24,854 SF, the substitution of two restaurant uses for former retail space and an increase in the number of off-street parking stalls that will need to be varied from the Town of Babylon Zoning Code requirements.

The newly referred site plan is generally an intensification of the prior plan reviewed by the Suffolk County Planning Commission. It remains a Regionally Significant Project by Commission definition as it is a development consisting of the physical alteration of twenty plus acres and having a gross square footage of over 100,000 SF (the plan is proposing 179,909 SF of building area).

Notwithstanding the above, the largest proposed retail building on site (located at the western property line) has been reduced down from a two-story to a one-story structure. In addition, the main entranceway into the proposed shopping center has been moved and angled slightly westward to better align with the mall access road across the NY State Route 110 (Broad Hollow Road) right-of-way. The realignment along with the relocation of some onsite parking stalls removes any originally proposed physical disturbance to the NY State DOT Airport Approach Lighting System easement. The "Airport Viewing Area" was also relocated. The other intended access to Conklin

Street (NYS Rte. 24) at the east side of the site remains unchanged as a proposed signalized intersection.

### **STAFF ANALYSIS:**

Physical conditions on and around the project site identified in the original staff report below have not altered significantly since the 2016 Suffolk County Planning Commission review (see below staff report).

A situation that has evolved since the last Suffolk County Planning Commission review has been the abandonment by the Town of Babylon of a nearly decade long plan to redevelop the northeast corner of Broad Hollow Road (NYS Rte. 110) and Conklin Street (NYS Rte 24) as part of a 109 acre mixed-use transit oriented development (TOD) plan. The project was tied to MTA plans to reopen the Republic Long Island Rail Road Station as well as the Suffolk County Bus Rapid Transit (BRT) system for the NYS 110 Corridor as part of the Connect Long Island Initiative. The Town Board Resolution stated that “large scale residential development and the potential associated traffic volumes...is incongruous with existing light industrial uses and the existing airport use” in the area. In the opinion of Suffolk County Planning Commission staff, it is not clear if the Special Exception use petition to the Babylon Town Zoning Board of appeals to convert the existing “G” Light Industrial zoning district of the property to the “Ga” Industry zone, allowing the creation of a non-Light Industrial use such as a shopping center and the associated motor vehicle trip generation from this current project, is consistent with the Town Board Resolution. It is the belief of Suffolk County Planning Commission staff that the subject site should be developed in concert with a rational plan for redevelopment of a TOD at the Republic LIRR train station and that light industrial use at the subject site is most appropriate.

With regard to regulatory considerations, the subject application remains incongruous with the spirit and intention of Section 212 of FAA Regulatory Requirements that read “Land uses prohibited from the RPZ (on lands owned or controlled by an airport) are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers) and other uses with similar concentrations of persons typify places of public assembly” and the spirit and intent of Suffolk County Department of Planning Informational Bulletin No. 9, revised February 1, 1995 that established policy for the review of land use proposals around airport facilities. The Bulletin reads in part “Where possible, the land surrounding an airport, particularly those areas within the landing and takeoff zone, should be industrially zoned. Where residential land use is permitted, it should be the lowest density possible clustered away from the most commonly used flight paths. In industrially zoned areas, those industries most compatible with airport operations such as indoor storage facilities, vertically unobtrusive building structures, transportation hubs, should be encouraged. Uses that are incompatible in terms of safety and noise, such as activities that attract birds; livestock farming, riding stables or noise sensitive uses: schools, hospital, outdoor recreational facilities should be discouraged...”.

All proposed one-story structures within the proposed shopping center development lie within the Republic Airport Runway Protection Zone (RPZ) for Republic Airport Runway #14 as indicated by Town of Babylon Department of Environmental Control Memorandum (June 9, 2016).

A review of the Suffolk County Planning Commission 2016 conditional approval ZSR-16-26 (see attached) and review of the current referral materials from the Babylon Town Planning Board indicate little consideration of the conditions and comments of the Commission.

Suffolk County Planning Commission staff in discussion with Babylon Town planning staff has learned that the applicant has been in communication with the FAA to secure a “No Hazzard” designation for all of the buildings on site. However, the final FAA determination remains pending.

There was no indication in the current referral materials from the Babylon Town Planning Board to the Suffolk County Planning Commission indicating the status of any hazardous material remediation and no approvals from the Babylon Town Zoning Board of Appeals have yet to have been secured by the applicant. There was no indication in referral materials that the applicant has given consideration to green methodologies for storm water runoff treatment, noise attenuation, energy efficiency, public safety or universal design.

Changes to the subject referral and map are relatively minor and an improvement to the prior map reviewed and conditionally approved by the Suffolk County Planning Commission. In accordance with Suffolk County Planning Commission Guidebook Section 3.10, staff to the Planning Commission, therefore recommend a modification of the prior Suffolk County Planning Commission approval to reflect the recent action of the Town Board to review applications on a “parcel by parcel basis” and not in accordance with an East Farmingdale/Republic area planning initiative.

### **STAFF RECOMMENDATION:**

**Approval** of the Acadia Republic Farmingdale, LLC site plan with the following modifications as conditions to the aforesaid approval and with the following comments:

#### **Conditions:**

1. No final approval shall be granted by the Town of Babylon Planning Board until such time as the NYS Department of Environmental Conservation (DEC) and any other appropriate agency is satisfied with the level of remediation at the subject property for the purposes of the proposed use.
2. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Federal Aviation Administration (FAA) and the NYS DOT has determined that proposed development at the subject property is consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.
3. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Town of Babylon Zoning Board of Appeals has approved the Special Exception use of “G” industrial zone property for retail sales pursuant to section 213-166 F of the Town of Babylon Zoning Law.
4. No final approval shall be granted until such time as the Town of Babylon Zoning Board of Appeals has approved an Area Variance for thirteen (13) buildings on site as per section 213-176 and 213-192 of the Town of Babylon Zoning Law.

#### **Comments:**

1. The subject property can be reasonably developed for other permitted uses in the Runway Protection Zone more compatible with airport operations. Theoretically this could include a 44 lot compatible light industrial development of approximately 264,000 SF of gross floor area (the theoretical yield calculation is as follows:  $19.268 \text{ ac} \times 43,560/\text{ac} - 16,7863 \text{ SF}$  (20% roads and drainage) /  $15,000 \text{ SF}$  minimum lot size (G zone) = 44.8 lots... 40% lot occupancy of 44 lots @ 15,000 SF each lot (one story re: RPZ) = 264,000 SF GFA).

One possible alternative to the proposed shopping center development would be an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the the transfer of the 44 lot/264,000 SF GFA as-of-right development potential of the subject property to some other receiving site location or component of an “East Farmingdale Downtown Center and rail station” as was once envisioned by the Town of Babylon. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code relative to the above “Center”. It is the belief of the Suffolk County Planning Commission that these alternatives should be given serious consideration. Ideally, the development should be aligned with regional plans including Bus Rapid Transit for NYS Rte. 110 corridor and a smart growth, Transit Orientated Development concept for sustainable development.

2. The applicant should continue dialogue with the Suffolk County Department of Public Works with respect to connection to the Suffolk County Wastewater Sewer District #3 (Southwest).
3. The applicant should continue dialogue with the NYS Department of Transportation with respect to access to NYS Rte. 110 (Broad Hollow Road) and NYS Rte. 24 (Conklin Street).
4. The applicant should continue dialogue with the NYS Department of Transportation, MTA LI and Suffolk County Department of Public Works Transit Division for coordination and development of the transit (bus) stop on Conklin Street (NYS Rte. 24) and a potential BRT stop on NYS Rte. 110.
5. The applicant should be encouraged to review the Commissions publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein. \*
6. The applicant should be encouraged to continue dialogue with the Town of Babylon’s office of Downtown Revitalization for coordination with local plans for the area.
7. All structures that may be erected at the subject property should be constructed using materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Federal Aviation Administration or other authority that has promulgated standards for reduction of interior noise levels.
8. No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicant 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 the commercial, residential and clubhouse components of the proposal. (Section 4.3)\*\*
9. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein. (Section 4.4) \*\*
10. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein. (Section 4.8)\*\*

\* SCPC Stormwater Publication: [http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater\\_greenmethods021011r.pdf](http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater_greenmethods021011r.pdf)

\*\* SCPC Guidebook: <http://www.suffolkcountyny.gov/Portals/0/planning/Publications/SCPCguidebk12r.pdf>

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## BA-16-04: Acadia Republic Farmingdale LLC 8/23/16 Staff Report

### PROPOSAL DETAILS

**OVERVIEW** – Applicants seek site plan approval from the Babylon Town Planning Board on an approximate 19.3 acre property for the construction of approximately 210,430 SF of retail space in 11 one-story structures and 1 two-story structure. The 11 one-story structures range in gross floor area from 4,100 SF to 19,985 SF. The gross-floor area of the two-story retail building as indicated on the submitted Overall Site Plan (Bohler Engineering; Revision 5/20/16) is 110,750 SF (55,375 SF footprint). Associated site improvements include approximately 1.3 acres of landscaping; proposed directory signs; dedication of land to NYS DOT and Town of Babylon for the Conklin Street R.O.W; installation of a traffic signal on Conklin Street; a public central plaza area with architectural features; street sidewalks; internal pedestrian pathways; and decorative brick pavers with benches for a southeast facing Airport Viewing Area.

The subject property is located in the hamlet of East Farmingdale. The site is bound by NYS Rte. 110 (Broad Hollow Road) to the east; NYS Rte. 24 (Conklin Street) to the North; East Carmans Road (Town Road) to the west and developed and occupied industrial land to the south. Several easements granted to the DOT related to aviation purposes encumber the subject site.

Access for the proposed development is to be from two points on NYS Rte. 110. A southbound right turn only ingress north of the main entrance and as the main entrance, an all-way signalized intersection to align with the existing Mall Access Road on the east side of NYS Rte. 110. Another proposed signalized all way ingress/egress is to be opened to NYS Rte. 24 opposite an existing driveway to commercial property on the north side of Rt. 24.

The applicant proposes a mass transit (bus) turn-off as part of the land dedication to NYS DOT on CR 24 (Conklin Ave). MTA LI Bus Routes N70 and N72 (NICE) with routes between Hempstead, Farmingdale and Babylon and stops at the Farmingdale and Babylon LIRR train Stations will be accommodated by the dedication.

Zoning surrounding the subject parcel is predominantly G Industrial District to the north, east, and south of the subject property. To the west across East Carmans Road is found “C” residential zoning. Land use surrounding the subject property includes residential dwellings to the west, Vacant and improved G industrial land to the south, north and east, as well as, Republic Airport and the Airport Plaza retail complex across NYS Rte. 110 to the east.

The proposed project site is within the “G” Light Industrial zoning district. The applicant proposes to develop under the “Ga” Industry zoning code (permissible under TOB Zoning Law) so dimensional requirements can be in scale with the existing lot size). In the G Light Industrial District, buildings and premises may be used for any permitted use as in the E Business district (section 213-166 A. of the TOB Zoning Law). The Town of Babylon Zoning Law indicates that the use of “G” industrial zoned property as retail sales shall be allowed as a Special Exception by the Zoning Board of Appeals, subject to such conditions, restrictions and safeguards as may be imposed by the Zoning Board of Appeals (section 213-166 F of the TOB Zoning Law). Should the retail complex incorporate “on premise food and beverage consumption establishments” a Planning Board Special Permit would be required (section 213-129 G of the TOB Zoning Law). Moreover, the applicant appears to require an Area Variance from the TOB Zoning Board of Appeals as well. The applicant is proposing twelve (12) buildings on site. Section 213-176 and 213-192 of the Town of Babylon Zoning Law indicates that “In a Ga Industrial District there shall be erected upon the premises only one building, and no other building or detached accessory building will be permitted.”

The subject proposal for site plan approval will also require a Parking Variance from the Town of Babylon Zoning Law. The off-street parking stall requirement for the proposed 210,430 SF retail campus is 1,057 parking stalls. The Overall Site Plan submitted to the Suffolk County Planning Commission in referral materials from the Town of Babylon demonstrates only 923 stalls; a twelve percent (12%) shortfall.

All proposed one-story structures lie within the Republic Airport Runway Protection Zone (RPZ) for Republic Airport Runway #14 as indicated by Town of Babylon Department of Environmental Control Memorandum (June 9, 2016). The RPZ is a trapezoidal shaped zone established by the Federal Aviation Administration (FAA) "to enhance the protection of people and property on the ground" in the event an aircraft lands or crashes beyond the runway end. FAA advisory Circular 150-5300-13 Section 212 (2) (b) states that places of public assembly including shopping centers should not be located in the RPZ. An existing NYS DOT Airport Approach Lighting System (navigational approach light stanchions) is proposed to remain within a NYS DOT R.O.W. in the center median of the main ingress/egress to the development off of NYS Rte. 110.

All estimated 6,290.4 gallons per day of wastewater from the proposed development is to be treated via connection to SCWSD #3 (southwest). The subject property is to make connections to an existing sewer line in the area.

Storm water runoff from the contemplated development is to be collected via on-site catch basins and leaching pools. Storm water drainage will be in conformance with Town of Babylon Code and will be required to prepare a SWPPP.

There is a history of hazardous waste being generated, treated and/or disposed of at or near the subject property. The site was re-listed on the Registry of Inactive Hazardous Waste Disposal Sites as Class 2 in April 2010. The New York State Department of Environmental Conservation (DEC), along with the Departments of Health (DOH) and Law (DOL), is responsible for ensuring the cleanup of inactive hazardous waste disposal sites across the state. Under New York State's Inactive Hazardous Waste Disposal Site Remedial Program, the process begins with the discovery of a potential hazardous waste site and follows a path of thorough investigation, remedy selection, design, construction and monitoring. The Site Characterization (SC) is one stage in the comprehensive process.

NYS DEC evaluates SC information to classify or delist a site. Each SC step ends with a decision point that can lead to one of two outcomes. If the presence of hazardous waste and the degree of health or environmental threat can be documented, a site is classified to:

- Class 1 (imminent danger)
- Class 2 (significant threat)
- Class 3 (no significant threat)

The subject site of this development proposal is being remediated under a March 2015, Record of Decision (ROD). The compounds of concern for the site are PCBs and SVOCs (semi-volatile organic compounds). As indicated in the Environmental Assessment Form for this action referred to the Suffolk County Planning Commission by the Town of Babylon (EAF Part 1.E.1.g. pg. 10), the NYSDEC, in its ROD, "has determined that volatile organic compound (VOC) contamination found in groundwater at the site is associated with an off-site source. The extent of the on-site VOC contamination, as well as associated human exposure assessments and abatement actions, will be addressed separately by the NYSDEC as part of the remedial program for the Brandt Airflex Superfund site (site no. 152183)."



Referral material indicates that the proposed development site is subject to institutional control limiting the property uses including an environmental easement for remediation limiting the site to commercial use; prohibiting the use of groundwater and; prohibiting vegetable gardens and cultivation. Engineering controls, including a "Site-wide Cap and Sub-Slab Depressurization Systems for Buildings will be installed as part of the site development"

Historical wetland maps for the subject property indicate a federally mapped wetland system (FW 925-189). This is the location of a 13 acre former recharge basin and inactive hazardous waste site (Site #1-53-004 Fairchild Republic Old Recharge basin site). The discharges consisted of storm water, non-contact cooling water and treated wastewater. The recharge basin has since been filled and delisted as a State Superfund site however; the subject property on which the wetland site occurred has been re-listed (see above).

The proposed project is not located in a Suffolk County Pine Barrens Zone. The subject parcel is not located in a State Special Groundwater Protection Area (SGPA). The site is situated over Hydro-geologic Management Zone VII. The subject property is not in a State designated Critical Environmental Area.

The project site has been the subject of prior referrals to the Suffolk County Planning Commission. On June 7, 2000 the SCPC deliberated a referral from the Babylon Town Board and approved a "Commercial Overlay District" applicable to this project site and surrounding lands and conditioned that "all development shall be consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA." In December of 2003 the Commission deliberated a referred application from the Town of Babylon Zoning Board of Appeals entitled "Stew Leonards" (SCPC file No. BA-03-12). The appeal to the ZBA was for variances to increase the maximum number of buildings from one to three including six animal shelters and allow outdoor storage and display for a garden center in connection with special use permits for retail sales and a petting farm. Staff to the Commission recommended that the referral be disapproved for the following reasons:

1. It contravenes a previous determination of the Suffolk County Planning Commission of June 7, 2000 on the establishment of the Commercial Overlay District which required that "all development shall be consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.";
2. The information Submitted does not appear sufficient in demonstrating compliance with applicable special exception/variance criteria, particularly as relates to public safety concerns;
3. Premises can be reasonably developed for other permitted uses in the Industrial Ga/Commercial Overlay District more compatible with airport operations; and
4. The establishment of a place of public assembly in the Runway Protection Zone appears to constitute a public safety concern for people and property, particularly as relates to entrepreneurial activities conducted in and near the northernmost building.

The Suffolk County Planning Commission, on December 3, 2003, after due study and deliberation was unable to render a determination, as the necessary votes were unavailable to carry a resolution relative thereto. Therefore no action was taken on the Stew Leonards referral (see attached).

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

According to section 212 of FAA Regulatory Requirements 150/5300-13 Ch. 7 “Land uses prohibited from the RPZ (on lands owned or controlled by an airport) are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers) and other uses with similar concentrations of persons typify places of public assembly.”

Suffolk County Department of Planning Informational Bulletin No. 9, revised February 1, 1995 established policy for the review of land use proposals around airport facilities. The Bulletin reads in part “Where possible, the land surrounding an airport, particularly those areas within the landing and takeoff zone, should be industrially zoned. Where residential land use is permitted, it should be the lowest density possible clustered away from the most commonly used flight paths. In industrially zoned areas, those industries most compatible with airport operations such as indoor storage facilities, vertically unobtrusive building structures, transportation hubs, should be encouraged. Uses that are incompatible in terms of safety and noise, such as activities that attract birds; livestock farming, riding stables or noise sensitive uses: schools, hospital, outdoor recreational facilities should be discouraged. There may be an impact in areas extending beyond one mile.”

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The Town of Babylon 1998 Comprehensive Land Use Plan recommends “Office” for the subject property. The plan indicates that “the Route 110 corridor is preferable for office development as it is the only area that can be served by bus, rail and air facilities. In fact, two of the most substantial assets in the Town are Republic Airport and the adjacent properties along Conklin Street. These include the former Fairchild property and New York State Department of Transportation (NYSDOT) properties along Conklin Street, Route 110 and Route 109.”

The Plan (pg. 39) also indicates that “the Office Zoning District along Route 110 would function best by the addition of a rail station and parking. Ideally, this could be accomplished through the conversion of the 12.5 acre NYSDOT parcel along Conklin Street. Commuter rail service would reduce the need for automobile travel to other areas of the region. Strong Pedestrian connections should be made between the rail station and surrounding employment and shopping areas.”

Most recently, due on February 20, 2015, the Town of Babylon issued a Request For Proposals (RFP) from highly creative and qualified professional architectural/planning/urban design consultants for the preparation of a specific community driven and market responsive Preliminary Site Plan, Regulating Plan, and Form-Based Code to allow for the development of the East Farmingdale Downtown Center in the unincorporated hamlet of East Farmingdale within the Town of Babylon. The Study Area includes the subject parcel of this referral and staff report.

The RFP continued to read “this work is being performed in conjunction with the Cleaner, Greener Communities (“CGC”) Program and is funded through the New York State Energy Research and Development Authority (“NYSERDA”). Note that the work may be supplemented by funds from Empire State Development (“ESD”) as part of a separate grant to the Town for East Farmingdale. Town intends to utilize a form-based code as a tool for recreating a rich and vibrant commercial node and corridor—linking neighborhoods, rebuilding the public realm, and creating a more predictable process and certain outcome for both the Town and future developers. It is hoped that the creation of a preliminary site plan and form-based code will facilitate the creation of transit-centered, mixed-use development around a reopened Republic Station linked to a regional BRT, and that such development will attract businesses that are economically viable and sustainable, while also helping to enhance the quality of life for the residents of East Farmingdale.”

It is apparent, that the subject property, due to its proximity to major transportation infrastructure should be planned in a regional context in conjunction with neighboring and area properties. It is noted that the proposed use is in the flight path of one of the airport runways associated with Republic Airport and should be subject to any use compatibility studies or guidelines for

development around the State airport facility.

### **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:

As indicated above all wastewater from the proposed development is to be treated via connection to SCWSD #3 (southwest).

Storm water runoff from the proposed project will be retained on-site and recharged via a drainage system designed to conform to all applicable Town requirements. Submission materials to the Commission indicate that NYS DEC SWPPP requirements will be met. There is no indication in the referral materials that the applicant has reviewed the Suffolk County Planning Commission publication on managing storm water through natural vegetation and green methodologies.

It is noted that the subject site of this development proposal is being remediated under a March 2015, Record of Decision (ROD). Town review of the proposed development should be in coordination with the NYSDEC.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. There is no indication if the applicants have reviewed the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency.

MTA LI Bus Route N70 and N72 travel on NYS Rt. 24 (Conklin Street); N72 travels on NYS Rt. 110 (Broad Hollow Road); SCT S1 & S31 travels on NYS Rt. 110. These bus routes which pass by the frontage of the subject property have destination to and between Hempstead, Farmingdale, Babylon, Amityville RR, Halesite, Copiague RR, Northwest Babylon, Farmingdale RR and Huntington among other destinations. As noted above, due to its proximity to major transportation infrastructure, the project should be planned in a regional context in conjunction with neighboring and area properties.

As indicated above, in industrially zoned areas, those industries most compatible with airport operations such as indoor storage facilities, vertically unobtrusive building structures, and transportation hubs, should be encouraged. Section 212 of FAA Regulatory Requirements 150/5300-13 Ch. 7 provides that land uses prohibited from the Runway Protection Zone (RPZ) are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers) and other uses with similar concentrations of persons that typify places of public assembly. FAA considerations are critical factors with respect to development parameters on the subject property.

It is the belief of the staff that the subject property could be reasonably developed for other permitted uses in the RPZ more compatible with airport operations. Theoretically this could include a 44 lot

compatible development of approximately 264,000 SF of gross floor area (the theoretical yield calculation is as follows: 19.268 ac x 43,560/ac - 16,7863 SF (20% roads and drainage) / 15,000 SF minimum lot size (G zone) = 44.8 lots... 40% lot occupancy of 44 lots @ 15,000 SF each lot (one story re: RPZ) = 264,000 SF GFA).

One possible alternative to the development of an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the proposed retail complex on the subject property could be the transfer of the 44 lot/264,000 SF GFA development potential (under an as-of-right use) of the subject property to some other receiving site location or component of an "East Farmingdale Downtown Center and rail station" as is envisioned by the Town of Babylon and noted above. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code. The development should be aligned with local plans including the Town of Babylon's vision for East Farmingdale, and the recent MEC corridor study

Little discussion is made in the application to the Town and referred to the Commission on public safety (other than the airport RPZ) and universal design. There is no indication that the applicant has reviewed the Planning Commission guidelines particularly related to public safety and universal design.

## **STAFF RECOMMENDATION**

**Approval** of the Acadia Republic Farmingdale, LLC referral from the Town of Babylon Planning Board with the following modifications as conditions to the aforesaid approval and with the following comments:

### **Conditions:**

1. No final approval shall be granted by the Town of Babylon Planning Board until such time as the NYS Department of Environmental Conservation (DEC) and any other appropriate agency is satisfied with the level of remediation at the subject property for the purposes of the proposed use.
2. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Federal Aviation Administration (FAA) and the NYS DOT has determined that proposed development at the subject property is consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.
3. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Town of Babylon Zoning Board of Appeals has approved the Special Exception use of "G" industrial zone property for retail sales pursuant to section 213-166 F of the Town of Babylon Zoning Law.
4. No final approval shall be granted until such time as the Town of Babylon Zoning Board of Appeals has approved an Area Variance for twelve (12) buildings on site as per section 213-176 and 213-192 of the Town of Babylon Zoning Law.

### **Comments:**

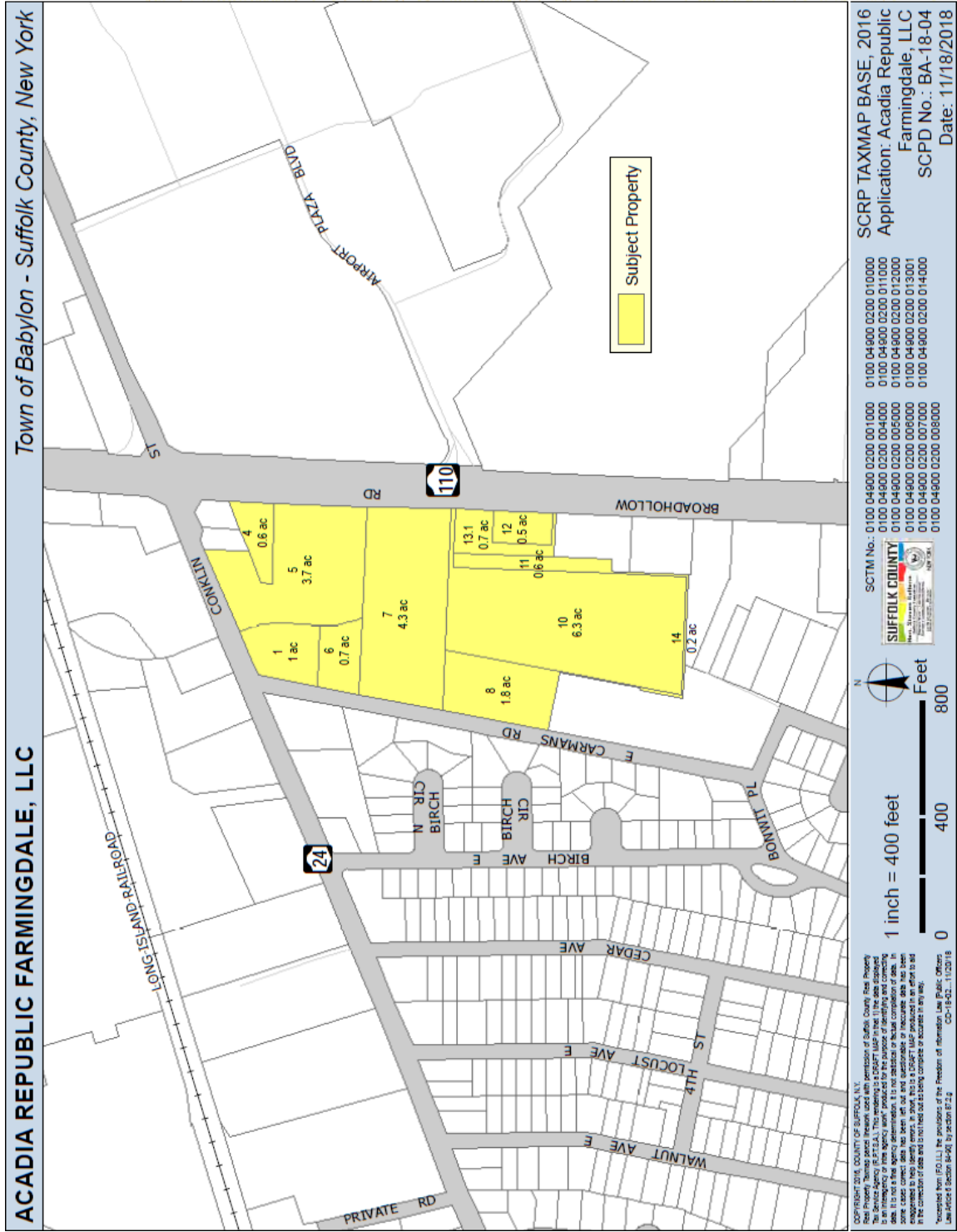
1. The subject property can be reasonably developed for other permitted uses in the Runway Protection Zone more compatible with airport operations. Theoretically this could include a 44 lot compatible development of approximately 264,000 SF of gross floor area (the theoretical yield calculation is as follows: 19.268 ac x 43,560/ac - 16,7863 SF (20% roads and drainage) / 15,000 SF minimum lot size (G zone) = 44.8 lots... 40% lot occupancy of 44

lots @ 15,000 SF each lot (one story re: RPZ) = 264,000 SF GFA)

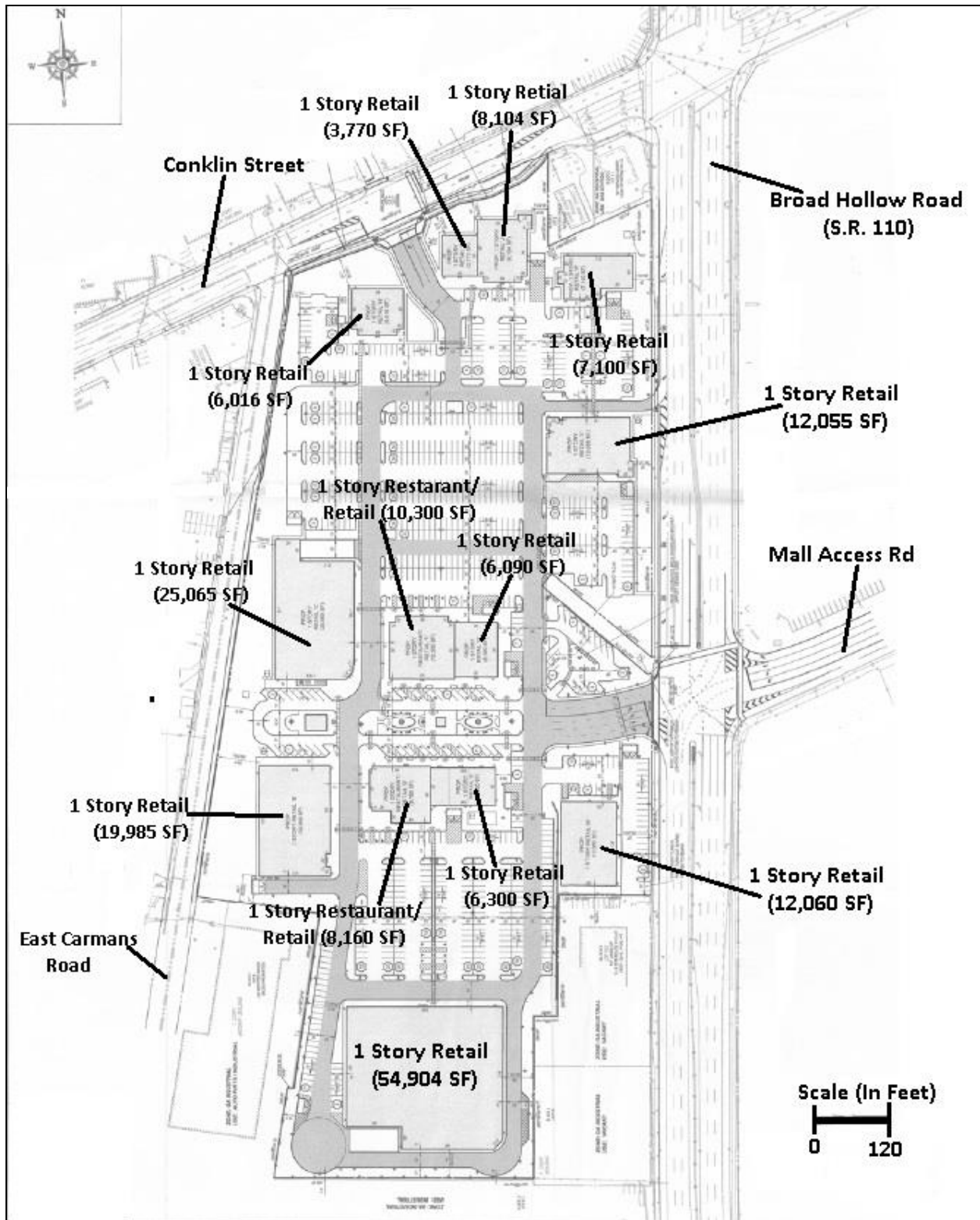
One possible alternative to the development of an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the proposed retail complex on the subject property could be the transfer of the 44 lot/264,000 SF GFA as-of-right development potential of the subject property to some other receiving site location or component of an "East Farmingdale Downtown Center and rail station" as is envisioned by the Town of Babylon. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code relative to the above "Center". It is the belief of the Suffolk County Planning Commission that this alternative should be given serious consideration. The development should be aligned with local plans including the Town of Babylon's vision for East Farmingdale, and the recent MEC corridor study

2. The applicant should continue dialogue with the Suffolk County Department of Public works with respect to connection to the Suffolk County Wastewater Sewer District #3 (Southwest).
3. The applicant should continue dialogue with the NYS Department of Transportation with respect to access to NYS Rte. 110 (Broad Hollow Road) and NYS Rte. 24 (Conklin Street).
4. The applicant should continue dialogue with the NYS Department of Transportation, MTA LI and Suffolk County Department of Public Works Transit Division for coordination and development of the transit (bus) stop on Conklin Street (NYS Rte. 24).
5. The applicant should be encouraged to review the Commissions publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
6. The applicant should be encouraged to continue dialogue with the Town of Babylon's office of Downtown Revitalization for coordination with local plans for the area.
7. All structures that may be erected at the subject property should be constructed using materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Federal Aviation Administration or other authority that has promulgated standards for reduction of interior noise levels.
8. No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicant 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 the commercial, residential and clubhouse components of the proposal.
9. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
10. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.

**Updated Tax Map for the December 5, 2018 Addendum to 8/23/2016 Staff Report**



**Updated Site Plan for the December 5, 2018 Addendum to 8/23/2016 Staff Report**



**Tax Map for the 8/23/2016 Staff Report**



SCRP TAXMAP BASE, 2012  
 Application: Acadia Republic Farmingdale, LLC  
 SCD No.: BA-16-03  
 Date: 08/22/2016

SCD No.: 0100 04900 0200 001000, 0100 04900 0200 004000,  
 0100 04900 0200 005000, 0100 04900 0200 006000,  
 0100 04900 0200 007000, 0100 04900 0200 008000,  
 0100 04900 0200 010000, 0100 04900 0200 011000,  
 0100 04900 0200 014000

SUFFOLK COUNTY  
 Planning & Zoning Department

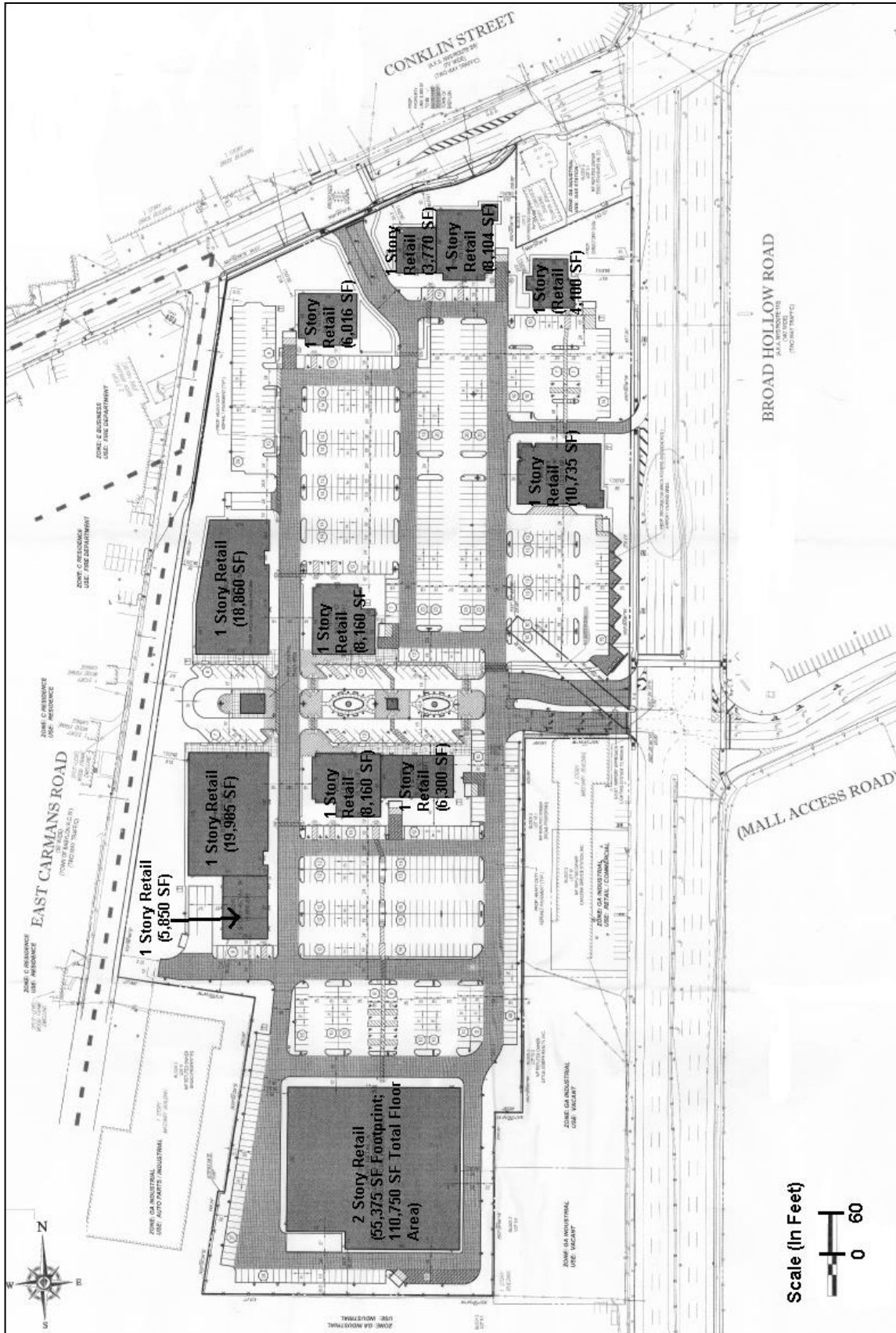
1 inch = 300 feet  
 Feet  
 0 300 600

NORTH

COPYRIGHT 2012, COUNTY OF SUFFOLK, N.Y.  
 Real Property Mapping parcel lines used with permission of Suffolk County Real Property  
 Mapping Agency (RPM). This drawing is a digital map of the data displayed on the  
 map. It is not a final drawing. It is not a substitute for a final drawing. It is not a  
 final drawing. It is not a final drawing. It is not a final drawing. It is not a final drawing.  
 Some correct data has been left out and questionable or inaccurate data has been  
 suggested to help identify errors. In short, this is a digital map produced in an effort to  
 improve the accuracy of data and information being compiled or located in any way.  
 "As Shown" (A.S.) is the product of the Planning & Zoning Department Public Officers  
 Law Office & Section 8-400 by section 8-2.2  
 CD-16-002, 08/18/16



**Site Plan for the 8/23/2016 Staff Report**





Steven Bellone  
SUFFOLK COUNTY EXECUTIVE  
Department of  
Economic Development and Planning

Theresa Ward  
Deputy County Executive and Commissioner

Division of Planning  
and Environment

December 6, 2018

Town of Babylon  
200 E. Sunrise Highway  
Lindenhurst, NY 11757-2597  
Attn: Gerry Compitello, Town Clerk

Re: Acadia Republic Farmingdale, LLC  
Local File No.: 16-19A  
S.C.P.C. File No.: ZSR-18-21

Dear Ms. Compitello:

The Suffolk Planning Commission at its regular meeting on December 5, 2018, reviewed the referral from the Town of Babylon entitled, "**Acadia Republic Farmingdale, LLC**," 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

cc: Patrick Halpin, Chairman

Resolution No. ZSR-18-21 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 November 5, 2018 at the offices of the Suffolk County Planning Commission with respect to the application of “**Acadia Farmingdale, LLC**” located in the Town of Babylon

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **December 5, 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** the Acadia Republic Farmingdale, LLC site plan with the following modifications as conditions to the aforesaid approval and with the following comments:

Conditions:

1. No final approval shall be granted by the Town of Babylon Planning Board until such time as the NYS Department of Environmental Conservation (DEC) and any other appropriate agency is satisfied with the level of remediation at the subject property for the purposes of the proposed use.
2. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Federal Aviation Administration (FAA) and the NYS DOT has determined that proposed development at the subject property is consistent with the Republic Airport Runway Protection Zone requirements as established by the FAA.
3. No final approval shall be granted by the Town of Babylon Planning Board until such time as the Town of Babylon Zoning Board of Appeals has approved the Special Exception use of “G” industrial zone property for retail sales pursuant to section 213-166 F of the Town of Babylon Zoning Law.
4. No final approval shall be granted until such time as the Town of Babylon Zoning Board of Appeals has approved an Area Variance for thirteen (13) buildings on site as per section 213-176 and 213-192 of the Town of Babylon Zoning Law.

Comments:

1. The subject property can be reasonably developed for other permitted uses in the Runway Protection Zone more compatible with airport operations. Theoretically this could include a 46 lot compatible light industrial development of approximately 276,000 SF of gross floor area (the theoretical yield calculation is as follows: 20.193 ac x 43,560/ac – 175,921.416 SF (20% roads and drainage) / 15,000 SF minimum lot size (G zone) = 46.9 lots... 40% lot occupancy of 46 lots @ 15,000 SF each lot (one story re: RPZ) = 276,000 SF GFA).

One possible alternative to the proposed shopping center development would be an as-of-right warehouse-self storage complex or a massive at-grade-parking lot or the transfer of the 46 lot/276,000 SF GFA as-of-right development potential of the subject property to some other receiving site location or component of an "East Farmingdale Downtown Center and rail station" as was once envisioned by the Town of Babylon. The TDR mechanism could be worked into the Regulating Plan and Form-Based Code relative to the above "Center". It is the belief of the Suffolk County Planning Commission that these alternatives should be given serious consideration. Ideally, the development should be aligned with regional plans including Bus Rapid Transit for NYS Rte. 110 corridor and a smart growth, Transit Orientated Development concept for sustainable development.

2. The applicant should continue dialogue with the Suffolk County Department of Public Works with respect to connection to the Suffolk County Wastewater Sewer District #3 (Southwest).
3. The applicant should continue dialogue with the NYS Department of Transportation with respect to access to NYS Rte. 110 (Broad Hollow Road) and NYS Rte. 24 (Conklin Street).
4. The applicant should continue dialogue with the NYS Department of Transportation, MTA LI and Suffolk County Department of Public Works Transit Division for coordination and development of the transit (bus) stop on Conklin Street (NYS Rte. 24) and a potential BRT stop on NYS Rte. 110.
5. The applicant should be encouraged to review the Commissions publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein. \*
6. The applicant should be encouraged to continue dialogue with the Town of Babylon's office of Downtown Revitalization for coordination with local plans for the area.
7. All structures that may be erected at the subject property should be constructed using materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Federal Aviation Administration or other authority that has promulgated standards for reduction of interior noise levels.
8. No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicant 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 the commercial, residential and clubhouse components of the proposal. (Section 4.3)\*\*
9. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein. (Section 4.4) \*\*
10. The petitioners should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein. (Section 4.8)\*\*

\* SCPC Stormwater Publication: [http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater\\_greenmethods021011r.pdf](http://www.suffolkcountyny.gov/Portals/0/planning/Publications/Stormwater_greenmethods021011r.pdf)

\*\* SCPC Guidebook: <http://www.suffolkcountyny.gov/Portals/0/planning/Publications/SCPCguidebk12r.pdf>

Acadia Republic Farmingdale, LLC, Town of Babylon

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	ABSTAIN	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			
McGivern, Joan, - Town of East Hampton	X			
McCarthy, Thomas, - Town of Southold	X			
VACANT, - Town of Southampton				

Motion: Commissioner Chu

Present: 10

Seconded: Commissioner Kaufman

Absent: 4

Voted: 10

Abstained: 0

DECISION: Approved

# COUNTY OF SUFFOLK



STEVEN BELLONE  
SUFFOLK COUNTY EXECUTIVE

## SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

Jennifer Casey  
Chairwoman

Sarah Lansdale, AICP  
Director of Planning

Date: December 5, 2018  
Time: 2:00 p.m.  
Location: Rose Caracappa Legislative Auditorium  
William H. Rogers Legislature Building  
North County Complex  
Hauppauge, New York 11788

### **Members Present (10)**

Samuel Chu – Town of Babylon  
Joan McGivern – Town of East Hampton  
Jennifer Casey – Town of Huntington  
John Condzella – Town of Riverhead  
Nicholas Morehead – Town of Shelter Island  
Thomas McCarthy – Town of Southold  
Adrienne Esposito – Villages Over 5,000  
Michael Kaufman – Villages Under 5,000  
Errol Kitt – At Large  
Rodney Anderson – At Large

### **Members Not Present (4)**

Michael Kelly – Town of Brookhaven  
Matthew Chartrand – Town of Islip  
John Finn – Town of Smithtown  
Kevin Gershowitz – At Large

### **Staff Present (5)**

Sarah Lansdale – Director of Planning  
Andrew Freleng – Chief Planner  
John Corral – Senior Planner  
Ted Klein – Principal Planner  
Christine DeSalvo – Principal Clerk Typist  
Valerie Smith – Assistant County Attorney (Counsel to the Commission)

- **Call to Order** - The Suffolk County Planning Commission meeting of December 5, 2018 was called to order by Chairwoman Jennifer Casey at 2:00 p.m.
- **The Pledge of Allegiance**
- **Public Portion (take out of order)** – Four members of the public spoke to the Commission regarding the application on the agenda, the 'Wainscott Commercial Center'.
- **Adoption of Minutes** - The adoption of the October 2018 Meeting Minutes. Motion to adopt the minutes, as written, was made by Commission member Kaufman, seconded by Commission member Chu. Vote Approved: 10 ayes, 0 nays, 0 abstentions. The adoption of the November 2018 'Special' Meeting Minutes. Motion to adopt the minutes, as written, was made by Commission member Esposito, seconded by Commission member Kitt. Vote Approved: 10 ayes, 0 nays, 0 abstentions.
- **Chair's Report** – Chairwoman Casey reported that the Commission has been working on two model code initiatives; the first being the "Parking Stall Reduction Model Code" with that working committee being chaired by Commissioner Samuel Chu. The other Commission initiative is the "Inclusion Housing Model Code" with that committee being chaired by Commissioner Michael Kelly.
- **Director's Report** – Director Lansdale reported that the staff of the Department of Economic Development and Planning as launched a "Blueways Study", for a non-motorized recreational path around the County.
- **Guest Speaker(s)** – Alison Branco Ph.D., Coastal Director at The Nature Conservancy; gave a presentation to the Commission which emphasized The Nature Conservancy's primary goal, which is to address and mitigate the impacts global warming with a stated focus on the Mastic Beach area, and then answered questions from commission members.
- **Section A14-14 thru A14-25 of the Suffolk County Administrative Code**
  - **Acadia Republic Farmingdale, LLC**; the application is referred by the Town of Babylon, received on November 5, 2018 - the Commission's jurisdiction for review is that the application is adjacent to NYS Routes 110 (Broad Hollow Road) and 24 (Conklin Street), and within one mile of an airport (Republic Airport). The applicant seeks site plan approval from the Town of Babylon Planning Board. The applicants have modified the proposed site plan since it was previously referred to the Suffolk County Planning Commission by the Babylon Planning Board back in August 2016. The site plan now referred has been modified to include: additional lot area (1.049 acres), an additional building (originally 12, now 13 proposed buildings), an increase in overall gross floor area of 24,854 SF (155,055 SF to 179,909 SF), the substitution of two restaurant uses for former retail space and an increase in the number of off-street parking stalls that will need to be variance from Town of Babylon Zoning Code requirements. The newly referred site plan on 20.193 acres is generally an intensification of the prior plan reviewed by the Suffolk County Planning Commission.

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

**Acadia Republic Farmingdale, LLC** (continued) – All the proposed one-story structures within the proposed shopping center development lie within the Republic airport Runway Protection Zone (RPZ). Suffolk County Planning Commission staff in discussion with Babylon Town planning staff learned that the applicant has been in communication with the FAA to secure a “No Hazzard” designation for all the buildings on site. However, the FAA determination remains pending.

The staff report recommended approval of the site plan application subject to four (4) modifications as conditions for approval, and in addition to the modifications offered ten (10) comments for their consideration and use by the Town of Babylon Planning Board. After deliberation the Commission resolved to adopt the staff report and approve the site plan application subject to the four (4) modifications as conditions for approval and with ten (10) comments.

The motion to approve the site plan application subject to four (4) modifications as conditions for approval, and the ten (10) comments was made by Commission member Chu and seconded by Commission member Kaufman to Approve; 10 ayes, 0 nays, 0 abstention.

- **Wainscott Commercial Center** – The application is referred by the Town of East Hampton, received on November 15, 2018 - the Commission's jurisdiction for review is that the application is within 500' of both State Route 27 (Montauk Highway) and NYS DEC designated freshwater wetlands; and within one mile of the Town of East Hampton municipal airport. The applicant seeks approval from the Town of East Hampton Planning Board to subdivide approximately 70.5 acres of land that is known as the Wainscott Sand and Gravel Mined property into a total of 50 lots, all in conformance with the Commercial Industrial (CI) zoning category of the property, and less intensive than if the property were to be fully built out in compliance with existing CI zoning with 58 lots. Of the 50 lots proposed, 2 of them contain existing improvements (concrete manufacturing facility and stone and masonry supply business) that will remain. The future development would occur on the remaining proposed lots.

The staff report recommended approval of the proposed subdivision and offered fifteen (15) comments for consideration and use by the Town of East Hampton. After deliberation it was the belief of the Suffolk County Planning Commission that the subdivision should be on the leading edge of thoughtful development given its unique environmental issues and its potential impacts on traffic and community character, and deems the referred Wainscott Commercial Center preliminary subdivision application from the Town of East Hampton Planning Board to be Incomplete, and resolved that the subdivision referral will not be reviewed until certain information is submitted through the offices of the municipal referring agency including an Environmental Impact Statement (EIS) report, information indicating what technologies and best management techniques for treatment of wastewater, a completed traffic impact study, material demonstrating that the applicant has taken into consideration the recently completed Wainscott Hamlet Study and its recommendations, and correspondence material demonstration that the applicant has reached out to both the Suffolk County Water Authority (SCWA) and PSEG Long Island.



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

**Wainscott Commercial Center** (continued) - The motion to deem the subdivision application Incomplete for the reasons given was made by Commission member McGivern and seconded by Commission member Esposito, vote to deem Incomplete; 8 ayes, 0 nays, 1 abstention (Condzella), note: Chu left prior to vote.

- **Other Commission Business**

- Chairwoman Casey asked staff member Chief Planner Andrew Freleng to speak about the recent Planning Federation Conference; Mr. Freleng stated that the Conference was attended by more than a 120 people, which was held on October 10<sup>th</sup> at the Touro Law Center, and provided information to the Commission regarding the survey results of those in attendance. The same day and location as the annual Planning Federation Conference.
  - The date of the next Planning Commission meeting was discussed, and the members of the Commission voted on tentatively re-scheduling the meeting for January 8<sup>th</sup>, 2019 at 2:00 p.m..
  - Chief Planner Andrew Freleng updated the Commission on activities within Department of Economic Development and Planning, in particularly regarding two Department mission statements that Mr. Freleng ask the Commission to consider organizing two working committee/groups for; one is 'Parking Stall Demand Reduction', Mr. Freleng noted that EDP staff sit on the US Green Building Council's Sustainable Transportation Committee, and staff has conceptualized a model code which rationalizes parking waivers and legitimizes the conversion of parking stall land area to other land uses. Staff is requesting that the Commission form a Committee to move to recommend adoption a Parking Stall Demand Reduction model code. Mr. Freleng stated that the 2<sup>nd</sup> mission statement is to help a Commission committee headed by Commission member Kelly to help develop a model code to move the 'Inclusive Accessible Supported Housing' initiative forward with the objective a working model code to help provide housing for mentally and physically challenged individual like those on the spectrum of autism and/or have some mental or physical handicap. One other initiative the Commission and Department we have in the waiting is to formulate a mission statement to act on is 'Site Level Consideration' for climate change, which would be a future working group of the Commission and staff.
- **Meeting Adjournment** (4:30 p.m.) - The motion to adjourn the meeting was made by Chairwoman Casey, seconded by Commission member Esposito; and approved unanimously.