

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

November 15, 2018 2:00 pm

**H. Lee Dennison Building, 11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788**

1. Public Portion
2. Chairman's Report
3. Director's Report
4. Guests
5. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
 - Bellport Residences, LLC, Town of Brookhaven
0200 97380 0900 014001
Change of Zone from A1 Residential to MF Multi Family for 70 affordable units
6. Section A-14-24 of the Suffolk County Administrative Code
7. Other Business

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on **December 5, 2018 2:00p.m.** Rose Caracappa Auditorium, W.H. Rogers Legislature Bldg., 725 Veterans Memorial Highway, Smithtown, NY

Language Access Services are available for free to Limited-English Proficient individuals. Requests for telephonic interpretation services or other special needs must be communicated in writing or by telephone to the EDP Language Access Designee at least three business days prior to the meeting. Contact: Jeffrey Kryjak, Department of Economic Development and Planning, H. Lee Dennison Bldg., 11th Floor, 100 Veterans Memorial Highway, Hauppauge, NY11788. Phone: (631) 853-5192, email: jeffrey.kryjak@suffolkcountyny.gov

COUNTY OF SUFFOLK

Z-1



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: Bellport Residences, LLC
Municipality: Town of Brookhaven
Location: North side of Atlantic Ave and aprox 230 feet west of Post Ave

Received: 11/5/2018
File Number: BR-18-13
T.P.I.N.: 0200-937.80-09.00-014.001 et al
Jurisdiction: Within 500 feet of Montauk Highway (State Route 27A)

ZONING DATA

- Zoning Classification: A-1 Residential (Existing Zoning)
- Minimum Lot Area: 40,000 SF
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

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

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Undeveloped wooded area
- Range of Elevation within Site: 40'-50' absl
- Cover: Wooded
- Soil Types: PIA (Plymouth Loamy Sand), CuB (Cut and Fill Land)
- Range of Slopes (Soils Map): 0%-3%

- Waterbodies or Wetlands: N/A

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: change of zone
- Layout: 70 affordable units
- Area of Tract: 7.09 Acres
- Yield Map: N/A
 - No. of Lots: N/A
- Open Space: 4.5 acres (landscaped areas)

ACCESS

- Roads: Atlantic Avenue
- Driveways: Interior access driveways

ENVIRONMENTAL INFORMATION

- Storm water Drainage
 - Design of System: Catch Basins and Leaching Pools
 - Recharge Basins: No
- Groundwater Management Zone: VI
- Water Supply: Public
- Sanitary Sewers: Proposed Onsite Sanitary Sewage Disposal System

PROPOSAL DETAILS

OVERVIEW – Petitioners seek change of zone approval from the Brookhaven Town Board for the conversion of 7.0907 acres of land from A Residence 1 (A1) zoning district to the Multi-family District (MF) for the construction of 70 one and two bedroom apartment units. The proposed development site is an assemblage of approximately 24 single and separate lots. The site also includes the partial abandonment of two unopened Town of Brookhaven “paper streets” (Bayview and Michigan Avenues) and incorporates the land area into the development site. The proposed Bellport Residences project is to be 100% affordable residential units.

The Petitioners seek to utilize the “Primary Zone” definition of the Town of Brookhaven Multi-Family Residence District Code standards to develop the 7 acre site at 10 units to the acre (70 units). Section 85-281 permits the increase in density above the as-of-right yield (~7 to 23 units depending on pre-existing nonconforming lot status) of the initial zoning designation (A-1) as the site is converted to the MF zone. “Affordable” housing density is permitted without the redemption of Pine Barrens Credits if 100% of the units are offered for rent to households at or below 80% of the median income according to household size for the Nassau-Suffolk primary metropolitan statistical area as defined by the Federal Department of Housing and Urban Development and those affordable units will be affordable in perpetuity.

The proposed development will include eight (8) buildings with varying amounts of one and two bedroom units in each. A proposed one story clubhouse approximately 7,400 SF in size and an on-site Sanitary Sewage Disposal System Control Building of approximately 400 SF in area is also intended. The buildings are arranged in a southerly facing “horseshoe” around a common green. The total gross square footage of building area for the contemplated development is approximately 68,000 SF.

The proposed development will have two 24’ wide non-signalized entry/exit points to Atlantic Avenue

(Town road). One ingress/egress is proposed at the southeasterly corner of the proposed development and one at the southwesterly corner of the property. The curb cuts are approximately 250' apart. While the subject site is within 500 feet of Montauk Highway (NYS Rte. 27A/CR 80) no direct access to the Montauk Highway right-of-way is proposed.

The Conceptual Site Plan and Full Environmental Assessment Form (EAF) referred to the Suffolk County Planning Commission from the Town of Brookhaven indicates a total of 140 - 156 off street parking stalls and would be in conformance with the Town of Brookhaven Zoning Law.

Potable water will be supplied by an extension of a Suffolk County Water Authority 8" water main.

The disposal of approximately 15,000 gallons per day of sanitary sewage is proposed via the on-site construction of a "BESST" treatment system located to the north end of the subject site.

Storm water runoff from the contemplated development is to be collected via a proposed on site drainage system (catch basins and leeching pools) and be in conformance with SWPPP.

Land use and zoning surrounding the subject property consists of Residential A-1 zoning and residential land uses to the north east and south. These land uses are generally detached single family homes. Adjacent and to the west are Town owned lands consisting of a "public park." A facility owned by the Boys and Girls Club is located to the far west of the Town land. Further to the south of Atlantic Avenue land use and zoning is representative of the commercial corridor along Montauk Highway with J Business 2 commercial zoning along the strip and various commercial establishments within.

The development site parcels are not located within a Suffolk County Pine Barrens Zone. The contemplated development site is not located within a Suffolk County Critical Environmental Area (CEA) or a NYS Special Groundwater Protection Area (SGPA). The development site parcels are located in Groundwater Management Zone VI. There are no New York State or local regulated wetlands located on the proposed development site.

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.

It is the belief of the staff that the proposed Bellport Residences LLC project can be designed to be in harmony with the existing character of the area which can be generally defined as residential. The site is not located within a Pine Barrens Zone of Suffolk County and does not contain wetlands or any other critical environmental constraint.

Proposed structures are anticipated to be no more than two story residential buildings and compatible with surrounding zoning and land uses. The residential nature of the project reinforces the residential character of the area and the public is not anticipated to be inconvenienced by any motor vehicle trip generation congestion.

The Suffolk County Comprehensive Master Plan 2035 "Framework for the Future" identifies, as one of its key objectives, to provide equitable, affordable, fair housing. It is the belief of staff that the 100% workforce housing component of the project is responsive to that objective.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Brookhaven 1996

Comprehensive Land Use Plan indicates that the land on which the proposed development is to be constructed is identified for “medium density” residential on one acre parcels or less. While not directly in conformance with this objective it is the belief of the staff that the contemplated development is designed to be in harmony with the existing character of the area. The 100% affordable nature of the development may warrant the consideration of additional density on site as opposed to the recommendation of the 1996 plan.

Several planning documents for the betterment of the Bellport hamlet have been produced since 1996 that may support a more intense use of the subject property. These would include: Greater Bellport Sustainable Community Plan, 2009; Greater Bellport Community Niche Market and Branding Plan, 2011; Greater Bellport STP Siting Options Feasibility Study, 2013; the Greater Bellport Land Use Plan, 2014; and the Greater Bellport Brownfield Opportunity Area Step 2 Nomination, 2018. All have had passages within the documents which culminate into the current proposal. The Greater Bellport Land Use Plan identified these subject properties on the proposed Bellport Hamlet Center Land Use Plan map as High Density Residential.

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 identified above, the disposal of approximately 15,000 gallons per day of sanitary sewage is proposed via the on-site construction of a “BESST” treatment system located to the north end of the subject site. The Bellport area has been the focus of serious consideration for the extension of public infrastructure in the form of a municipal sanitary sewer collection system and treatment plant. The Petitioner should continue dialogue with the SCDPW and the SCDHS with respect to the treatment of wastewater.

As noted above, stormwater runoff from the contemplated development is to be collected via a proposed on site drainage system (catch basins and leeching pools) and be in conformance with SWPPP. There is no evidence in the referral materials to the Suffolk County Planning Commission from the Brookhaven Town Board that the Petitioner has considered the use of green methodologies for the treatment of stormwater runoff. The common green within the horseshoe of the buildings and the greenspace to the north and east of the buildings may be good locations for the incorporation of bio-swales, raingardens, etc. The Petitioner should be encouraged to review the Suffolk County Planning Commission publication *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. Orientation of buildings, insulation and energy efficient fixtures should be examined with respect to energy efficiency and incorporate where practical, design elements contained therein.

Referral materials from the Town of Brookhaven to the Suffolk County Planning Commission do not indicate that the applicant has given consideration to universal design for the facility. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly related to universal design and incorporate where practical design feature suitable for the affordable housing development.

A problem not only within the boundaries of Suffolk County, but nationwide, is the availability of housing for disabled Americans. In Suffolk County, there are approximately 140,000 disabled people, which is nearly 10 % of the total County population (US Census Bureau, 2016 American Community Survey). Within this demographic many lack adequate housing as well as the resources needed for care and support. To help address this need, the Petitioner should make every attempt when marketing workforce units to include individuals and their families with disabilities to promote independence and inclusive communities. The petitioner should make every attempt when marketing workforce units to include individuals and their families with disabilities to promote independence and inclusive communities.

No traffic impact study was included in referral materials to the Suffolk County Planning Commission from the Brookhaven Town Board. While no direct access is contemplated to Montauk Highway (NYS Rte. 27A/CR 80) dialogue with the New York State Department of Transportation and the Suffolk County Department of Public Works would be in order to check traffic movements through Doane Ave, Post Ave and Station Road for intersection impacts with Montauk Highway.

Within less than one quarter mile from the proposed development site at the intersection of Montauk Highway and Station Road is the “four corners” of the downtown of the Bellport hamlet. A small shopping area and the Bellport train station are located in this area. Also located in the downtown are several churches and small office buildings. A new South Country Ambulance district facility is located just south of the train station. Suffolk County Transit bus routes S68, S66 and S7B traverse Montauk Highway/Station Road corridor with destinations to Mastic, Moriches and Center Moriches, Patchogue and points west and Bellport outlets to the North. Weekday service is approximately every hour. The two closest existing bus shelters are along Montauk Highway, at the Bellport Long Island Rail Road train station and can be accessed by following Post Avenue southbound from the subject property (less than a ¼ mile).

Walking paths within the proposal make no identifiable pedestrian connectivity to Atlantic Avenue and indicate no way-finding to the nearest bus shelters from the subject property. The petitioner should communicate with the Suffolk County DPW Transit Division and discuss accommodations for bus riders from the subject development.

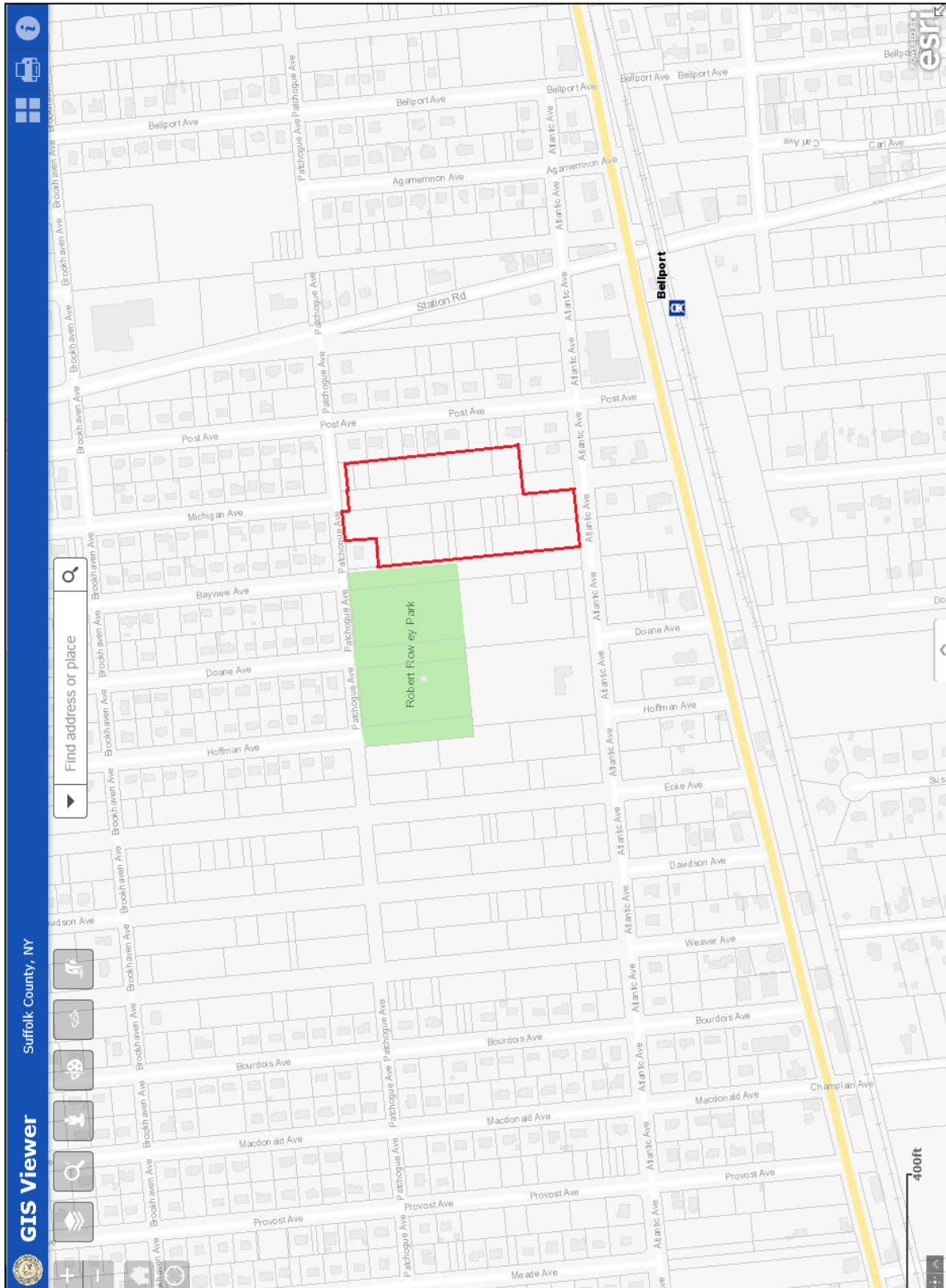
No mention of the consideration of public safety techniques is provided in the referral material to the Suffolk County Planning Commission. The petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

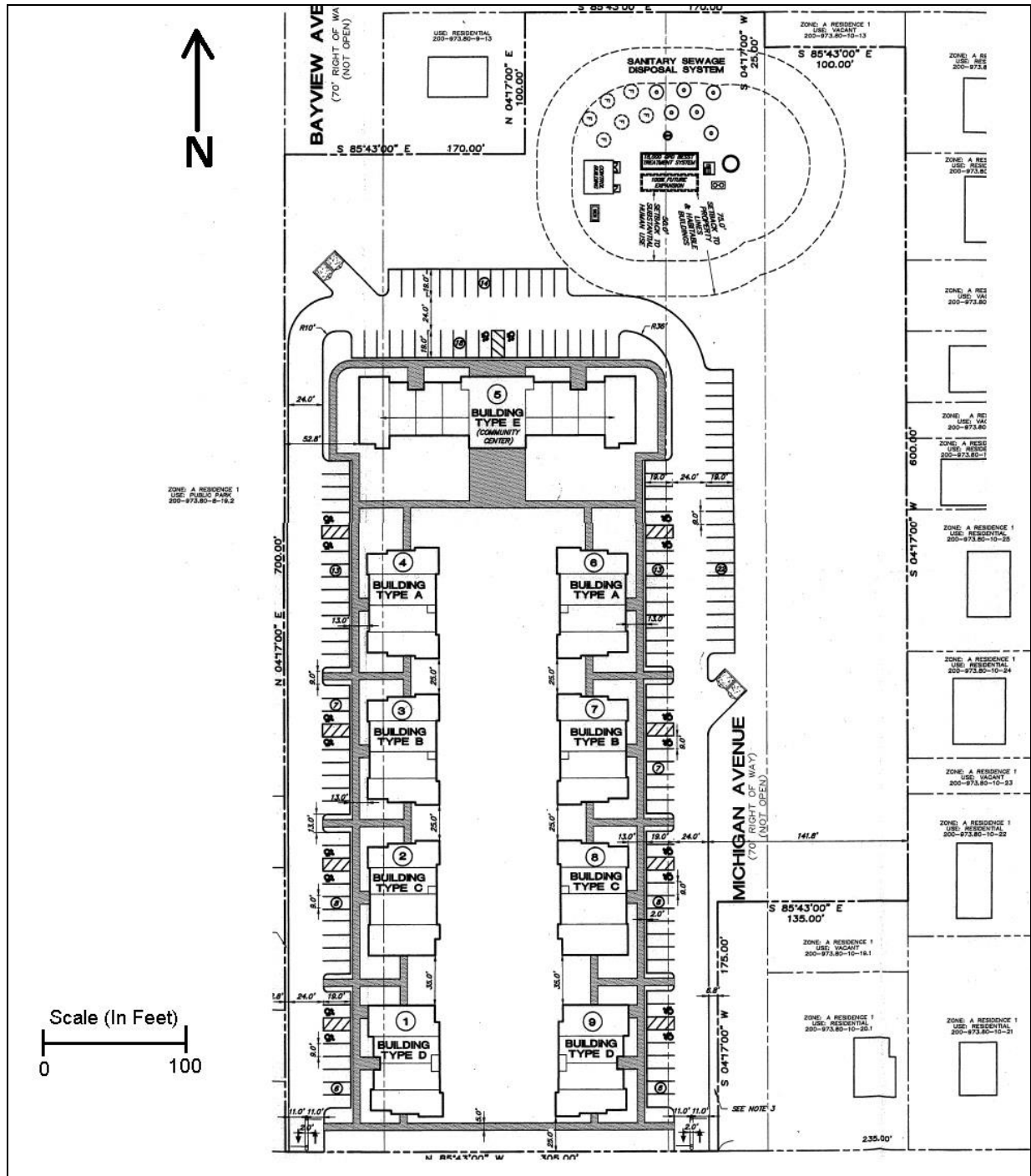
STAFF RECOMMENDATION

Approval of the change of zone petition from A Residential 1 District to MF Residence District for Bellport Residences LLC and the construction of a 70 unit 100% affordable housing development with the following comments:

1. The Petitioner should continue dialogue with the SCDPW and the SCDHS with respect to treatment of wastewater.

2. The Petitioner should be encouraged to review the Suffolk County Planning Commission publication *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.
3. The Petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
4. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
5. The petitioner should make every attempt when marketing workforce units to include individuals and their families with disabilities to promote independence and inclusive communities.
6. While no direct access is contemplated to Montauk Highway (NYS Rte. 27A/CR 80) dialogue with the New York State Department of Transportation and the Suffolk County Department of Public Works would be in order to check traffic movements through Doane Ave, Post Ave and Station Road for intersection impacts with Montauk Highway.
7. The Petitioner should communicate with the Suffolk County DPW Transit Division and discuss accommodations for bus riders from the subject development.
8. The Petitioner should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.





Resolution No. ZSR-18-20 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 “**Bellport Residences, LLC**” located in the Town of Brookhaven
- WHEREAS, said referral was considered by the Suffolk County Planning Commission a special meeting on **November 15, 2018**, now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approves** of the change of zone petition from A Residential 1 District to MF Residence District for Bellport Residences LLC and the construction of a 70 unit 100% affordable housing development with the following comments:
1. The Petitioner should continue dialogue with the SCDPW and the SCDHS with respect to treatment of wastewater.
 2. The Petitioner should be encouraged to review the Suffolk County Planning Commission publication *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein.
 3. The Petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.
 4. The petitioner should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
 5. The petitioner should make every attempt when marketing workforce units to include individuals and their families with disabilities to promote independence and inclusive communities.
 6. While no direct access is contemplated to Montauk Highway (NYS Rte. 27A/CR 80) dialogue with the New York State Department of Transportation and the Suffolk County Department of Public Works would be in order to check traffic movements through Doane Ave, Post Ave and Station Road for intersection impacts with Montauk Highway.
 7. The Petitioner should communicate with the Suffolk County DPW Transit Division and discuss accommodations for bus riders from the subject development.
 8. An alternate or emergency access to the proposed Bellport Residences from Patchogue Avenue should be considered.

9. The Petitioner should review the Planning Commission guidelines particularly related to public safety 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/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

Bellport Residences, LLC, Town of Brookhaven

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

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

Motion: Commissioner Kelly

Present: 11

Seconded: Commissioner Chu

Absent: 3

Voted: 11

Recusal: 0

DECISION: Approved

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION
SUMMARY OF SPECIALLY SCHEDULED MEETING

Jennifer Casey
Chairwoman

Sarah Lansdale, AICP
Director of Planning

Date: November 15, 2018
Time: 2:00 p.m.
Location: H. Lee Dennison Building – 11th Floor
100 Veterans Memorial Highway
Hauppauge, New York 11788

Members Present (11)

Samuel Chu – Town of Babylon
Michael Kelly – Town of Brookhaven
Joan McGivern – Town of East Hampton
Jennifer Casey – Town of Huntington
Matthew Chartrand – Town of Islip
John Finn – Town of Smithtown
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 (2)

John Condzella – Town of Riverhead
Nicholas Morehead – Town of Shelter Island
Kevin Gershowitz – At Large

Staff Present (6)

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

Call to Order

- The specially scheduled Suffolk County Planning Commission meeting of November 15, 2018 was called to order by Chairwoman Jennifer Casey at 2:05 p.m.

The Pledge of Allegiance

Adoption of Minutes - Tabled

Public Portion – None

Chair's Report – None

Director's Report – None

Guest Speaker(s) – None

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

- **Bellport Residence LLC** – The application is referred by the Town of Brookhaven, received on November 5, 2018 - the Commission's jurisdiction for review is that the application is within 500 feet of NYS Route 27A (Montauk Highway). Applicants seek change of zone approval from the Brookhaven Town Board for the conversion of 7.1 acres of land from A Residence 1 (A-1) zoning district to the Multi-Family (MF) District to allow for the construction of 70 one and two bedroom apartment units. The proposed development site is an assemblage of approximately 24 single and separate lots. The site also includes the partial abandonment of two unopened Town of Brookhaven "paper streets" and incorporates the land area into the development site. The proposed Bellport Residence project is to be 100% affordable residential units. The proposed development will include eight (8) buildings with varying amounts of one and two bedroom units in each, a one story 7,400 SF clubhouse, and an on-site sewage treatment plant with a 400 SF sanitary Sewage Disposal System Control Building.

The staff report recommended approval of the change of zone application from A-1 single family residence to MF multi-family residence for the construction of a 70 unit 100% affordable housing development with eight (8) comments for their consideration and use by the Brookhaven Town Board. After deliberation the Commission resolved to agree with the staff report and approve the change of zone application with the eight (8) comments.

The motion to approve the change of zone application and to offer the eight (8) comments for their consideration and use by the Brookhaven Town Board was made by Commission member Kelly and seconded by Commission member Chu, vote to Approve; 11 ayes, 0 nays, 0 abstentions.

Other Commission Business

- Chairwoman Casey stated that the Commission must have a Nominating and Rules Committee setup according to the Commission Rules, and went on to put three names forward for consideration: Commission members Michael Kelly, Rodney Anderson, and Kevin Gershowitz. The motion to elect those three Commission members to the Nominating/Rules Committee was made by Chairwoman Casey and approved unanimously.
- Chairwoman Casey announced that the next Commission meeting is to be held on December 5th at the Legislative Auditorium in Hauppauge at 2 p.m.

Meeting Adjournment (3:15 p.m.)

- The motion to adjourn the meeting was made by Chairperson Casey, seconded by Commission member Kelly; and approved unanimously.