

Town of Islip Planning Board Resolution

WHEREAS, an application was received by the Department of Planning and Development to request permission to alter a land use or to authorize construction within the Town; and

WHEREAS, a meeting was held by the Town of Islip Planning Board on Thursday, August 18, 2016 to deliberate the merits of the application; and

WHEREAS, the details of the application are as follows:

RECEIVED
TOWN OF ISLIP

SEP 14 2016

PILGRIM STATE PROPERTY - 22-50 JACKSON AVE ASSOC, L.P. and PILGRIM EAST, L.P. - CZ2003-014 - South of the Long Island Expressway, southwest of Crooked Hill Road and west of Sagtikos State Parkway, and southeast of the intersection of G Road and Sagtikos State Parkway, Brentwood - The proposed action involves amendments to the zoning chapter of the code of the Town of Islip (Chapter 68) including the zoning map, to establish the Pilgrim State Planned Redevelopment District ("PSPRD") and a change of zone from Residential AAA District to the newly established PSPRD, and the redevelopment of the reclassified parcels; all in accordance with the PSPRD and master plan (to be known as "Heartland Town Square") prepared by RTKL, Inc. dated 2/18/2015 in order to permit the construction of: A. Town Center (Development Unit 1) -- A mixed-use subdistrict that is intended to be developed with a range of compatible land uses, including retail, housing, hotel/lodging, office, in-home office, entertainment, and cultural uses. B. Mixed-Use Office (Development Unit 2) -- A subdistrict that is intended to be developed predominantly as an offices, but that will also include business support uses such as hotels, conference centers, retail stores, restaurants, and housing. C. Arts Center Residential (Development Unit 3) -- A subdistrict that is intended to be developed predominantly as a traditional neighborhood development, with an emphasis on housing clustered around the adaptive re-use, as a cultural arts center, of an existing power plant, but will also include retail and civic uses. D. Residential (Development Unit 4) -- A subdistrict that is intended to be developed predominantly as a residential neighborhood including apartments and townhouses, but that will also include neighborhood support uses such as retail stores. E. Gateway -- A subdistrict intended to be developed, if lands from the Gateway Area, as defined in the PSPRD Chapter, are reclassified in the PSPRD, predominantly as a mixed-use area, with an emphasis on office development, but including residences, supporting retail, and hospitality uses. The above sub districts comprise of a mixed-use development, to be built over a period of 15 or more years in three distinct phases: Phase I: Office: 626,000 square feet , Retail: 560,000 square feet , Civic: 105,500 square feet , Residential Units: 3,504 units; Phase II: Office: 1,602,322 square feet , Retail: 391,930 square feet , Civic: 5,000 square feet , Residential Units: 3,472 units; Phase III: Office: 1,011,178 square feet , Retail: 48,070 square feet , Civic: 105,000 square feet , Residential Units: 2,024 units; A total in development Units 1 through 4, of 9,000 residential units, 1,000,000 square feet of retail space, 3,239,500 square feet of Class "A" office space, and 215,500 square feet of civic space on an approximately 8.9-acre parcel to be dedicated for public use. ; and

WHEREAS, the Planning Board reviewed the environmental impacts associated with the request and has fully complied with the New York State Environmental Quality Reivew Act;

NOW THEREFORE, on the motion by Joseph DeVincent, seconded by Michael Kennedy

BE IT RESOLVED that the Planning Board rejects the application as presented and approves the application as modified in the covenants and restrictions; it is hereby recommended that the Town Board grant an amendment to the zoning chapter of the code of the Town of Islip (Chapter 68),

including the zoning map, to establish the Pilgrim State Planned Redevelopment District ("PSPRD") and a change of zone for 133.4 acres of the 452 acre former Pilgrim State Hospital property from Residential AAA District to the newly established PSPRD in accordance with the PSPRD and master plan (to be known as "Heartland Town Square") prepared by RTKL, Inc. dated 8/28/2015, amended by Town Planning staff 7/13/2016 and as further amended in covenants and restrictions dated August 18, 2016; in order to permit the DUI-A Phase I construction. The motion is approved by a vote of 4-0, with Daniel Deluca abstaining.

FROM: TOWN OF ISLIP PLANNING BOARD - DRAFT STIPULATIONS

TO: TOWN BOARD

DATE: August 18, 2016

RE: *The proposed action involves amendments to the zoning chapter of the code of the Town of Islip (Chapter 68), including the zoning map, to establish the Pilgrim State Planned Redevelopment District ("PSPRD") and a change of zone for 133.4 acres of the 452 acre former Pilgrim State Hospital property from Residential AAA District to the newly established PSPRD, and the redevelopment of the reclassified parcels in accordance with the PSPRD and master plan (to be known as "Heartland Town Square") prepared by RTKL, Inc. dated 2/18/2015 and amended by Town Planning staff 7/13/2016 in order to permit the DU1-A Phase I construction of:*

A. Town Center (Development Unit 1) -- A mixed-use subdistrict that is intended to be developed with a range of compatible land uses, including retail, housing, hotel/lodging, office, in-home office, entertainment, and cultural uses.

The above sub districts comprise of a mixed-use development, to be built over a period of approximately 12 years in accordance with DU1-A, Phase I of the Master Plan (noted as DU1-A, Phase I in the August 2015 Heartland Design Guidelines submitted by the applicant and prepared by RTKL):

Phase I: Office: 606,000 square feet, Retail: 560,000 square feet, Civic: 105,500 square feet, Residential Units: 3,504 units; less the corresponding reductions in commercial square footage and residential units resulting from the lowered heights of the structures as approved by the Planning Board (approximately 1,865,657 sq. ft. reduction).

If the above application is granted by the Town Board, the applicant agrees to record the following covenants and restrictions with the Suffolk County Clerk within 90 days of the Town Board's decision. It is understood that the grant will be ineffective and that no Building Permits or Certificates of Occupancy will be issued for the above application until such restrictions are properly recorded and verified. Additionally, no Certificates of Occupancy will be issued for the above application until all required improvements are made, or a Standby Irrevocable Letter of Credit sufficient to finance said improvements is posted with the Town. The applicant agrees to improve the property in accordance with the Town of Islip Subdivision and Land Development Regulations and the Pilgrim State Planned Redevelopment District zoning code and to abide by all conditions stated in the following stipulations. It is also understood that the applicant has a continuing obligation to comply with these conditions in the future, and failure to comply is a violation of Town Code.

DEED COVENANTS AND RESTRICTIONS

1. A change of zone from Residential AAA District to Pilgrim State Planned Redevelopment District (PSPRD Phase I DU1-A [133.4 acres]) is granted as part of

this application. The total building area shall not exceed the maximum square footage permitted in each sub-district of the PSPRD ordinance unless transfer of building area between Development Units is granted by the Town of Islip Planning Board.

2. Applicant/owner agrees to develop property in accordance with Phase I as detailed in the Conceptual Master Plan and Design Guidelines. At least 200,000 square feet of retail space and 200,000 square feet of office space shall be constructed at the same time that residential development is commenced for Phase I. All office space shall be Class "A" office space as defined in the PSPRD zoning code.
3. When 70 percent of the building and/or land space associated with Phase I is occupied, Town Board will retain a licensed traffic engineer to conduct traffic volume counts at all of the access points to the Heartland Town Square development during the weekday afternoon peak hour (PM peak), at the applicants' or current landowner(s)' expense. If these traffic counts show that the internal capture rates applied in the FGEIS are not accurate – i.e., that the number of external trips is greater than that projected in the FGEIS – and if the Planning Board and Town Board approve subsequent phases, then the Town Board can then modify the density of the commercial development in Phases II and/or III, commensurate with the difference between the projected internal capture rate and the actual internal capture rate.
4. Applicant/owner shall contribute twenty-five million (\$25,000,000.00) as directed by the Town Board after the granting of the Change of Zone, towards traffic improvements. The phasing of the funding shall be reviewed and approved by the Town Board prior to the granting of the change of zone. If the number of external trips is greater than projected in the FGEIS, the Town Board may require additional mitigation fees towards traffic improvements as necessary.
5. When the calculated cumulative sewage flow for the development reaches 1.0 million gallons per day (mgd), this will be compared to the actual flow measured at the pump station. This procedure will continue until Heartland Town Square's calculated flow reaches 1.6 mgd, at which point the project will be allowed to continue if the actual flow is less than the calculated value. If the calculated value is more than 1.6 mgd, the applicant will be required to purchase additional flow from the Suffolk County Sewer Agency prior to the further issuance of building permits.
6. Ten percent (10%) of all residential units shall be set aside as workforce housing for families earning between 60 percent and 80 percent of the Area Median Income (AMI), as determined annually by the U.S. Department of Housing and Urban Development (HUD). Ten percent (10%) of all residential units shall be for-sale units.
7. No more than 1 convenient parking space per residential unit shall be provided within 1/4 mile of a residential building. Additional residential spaces shall be located a minimum of 1/2 a mile away from a building and shall be charged a fee. Zip car (or similar car sharing) parking spaces and bicycle storage facilities shall be provided in

the site plan review process. Reserved commercial parking spaces shall be located within ¼ mile of the related commercial use and within the same development unit subdistrict as the commercial use.

8. The PSPRD shall observe the following vegetative buffers in accordance with the Conceptual Master Plan:
 - a. 200 feet along the west side of Sagtikos Parkway right-of-way.
 - b. 130 feet west of Crooked Hill Road right-of-way at the northwestern portion of the property.

Paved walking and biking trails, no wider than 10' in width, may be permitted upon review and approval of the Planning Board.

9. Roads shall be developed in accordance with the PSPRD. Roads shall include bike paths and/or pedestrian walkways, and street trees. Those offered for dedication to the Town shall have the minimum right of way width of 50' in order to qualify for New York State Road aid. Existing trees along K Road in DU1 shall be preserved in accordance with the Conceptual Master Plan.
10. Applicant shall provide motor vehicle access easements to the Pilgrim State Hospital roadway network and Commack Road prior to the filing of any site plan or subdivision applications.

A privately owned and operated shuttle bus shall be operated that will circulate through Heartland Town Square with direct service to the Deer Park Long Island Rail Road Station. Hours of operation shall be coordinated with the train schedule of the Station. The shuttle bus service shall be operating when 50% or more of the 3,504 planned residential units are issued certificates of occupancy within the initial construction phase (one). A privately financed transportation manager shall be provided to advise transportation options, such as the shuttle and zip cars, for residents, employees and visitors.

11. Each site plan submitted shall establish a minimum of 20% of the subject lot or building area, whichever is greater, for natural buffer or open space purposes within Construction Phase I of the PSPRD. Said open spaces shall be open to the public. Passive recreational rooftop areas inaccessible to the general public shall count for no more than 5% of that site's overall open space requirement. Applicant shall set aside approximately 90 acres of existing vegetation for preservation, of which approximately 48.5 acres shall be Pitch Pine-Oak Forest, prior to the issuance of any building permits. A homeowners association or business improvement district shall own and maintain all passive natural buffers and preserved open space in perpetuity.
12. Publicly accessible parks shall be designated with any subdivision of the property in accordance with the Subdivision and Land Development Regulations (e.g. minimum of 5% of the development or total project area). The Planning Board may permit the payment of community improvement fees in lieu of the minimum required publicly accessible parkland.

13. Prior to the issuance of any building permit of any parcel the following shall be submitted to the Town of Islip Planning Department for review and approval:
 - a. A site plan showing the improvements specified in the Subdivision and Land Development Regulations including but not limited to: building locations, parking, curbs, sidewalks, curb cuts, landscaping, and drainage. The site plan shall also include a table listing of all existing square footage of office, retail, and civic space and the number of residential units for the current phase of development along with the approved Development Tabulation of the current phase.
 - b. Exterior architectural drawings of all proposed buildings. The Planning Department shall review said drawings for overall design, color, materials, and design and location of any exterior mechanical equipment. Said plan shall also show the following design elements:
 - i. All exterior mechanical equipment shall be screened from public view and for sound attenuation purposes.
 - ii. Building(s) shall be designed to meet the minimum requirements of Sections 4 through 7 of ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality or the New York State Mechanical Code or by LEED.
 - c. A landscaping plan indicating in detail the proposed landscaping treatment in accordance with the PSPRD. Said landscaping plan shall also show the following plantings/design elements:
 - i. Street trees shall be installed and maintained a maximum of 60' on center along all internal roadways within the PSPRD. 50% of the distance between street trees shall be improved with in-ground plantings, planters, street furniture.
 - ii. Said plan shall exclude the use of invasive species as defined by the Department of Planning.
14. All proposed garbage dumpsters shall be located at the direction of the Town Engineer and shall be enclosed within a decorative or split faced concrete block enclosure with opaque gates. Dumpsters shall be emptied on a regular basis to prevent overflow. Garbage cans for customers shall be provided inside as well as outside of any proposed building(s) and shall be emptied on a regular basis. Multiple tenants within any building shall be required to use a common dumpster, if appropriate, and shall not cause additional, multiple dumpsters to be located on the subject property that are not enclosed in an approved location and as described above. The subject site shall be maintained in a neat, clean, and litter free condition.
15. All stormwater drainage shall be contained on-site in accordance with the current Subdivision and Land Development Regulations. In addition, applicant/owner agrees to incorporate non-point source pollution mitigation into the overall drainage plan by incorporating one or more of the following stormwater mitigation techniques:

- a. Natural retention area(s) such as vegetated swales and bioretention cells/rain gardens
 - b. Permeable/porous pavement surfaces
 - c. Manufactured treatment devices, i.e. catch basin inserts designed to filter hydrocarbons and other pollutants from stormwater runoff
16. The height of any building shall not exceed five (5) stories in height. If applicant seeks a building above (5) stories, applicant shall be required to obtain site plan review and approval of the Planning Board.
17. Applicant agrees to set aside 8.9 acres for municipal services and civic uses, including but not limited to fire substation, ambulance, police substation, post office, library and educational services. The dedication of three (3) acres land for fire and two (2) acres of land for ambulance services shall be completed prior to the issuance of any building permits.
18. All exterior signs shall be subject to review and approval by the Town of Islip Planning Department prior to the issuance of any sign permits. The Planning Department shall review the signs for design compatibility, color, materials, height, and size in accordance with PSPRD.
19. Except as provided herein, applicant/owner agrees to comply in all respects with the Subdivision and Land Development Regulations unless exempted by the PSPRD (e.g. exterior lighting) and the Islip Town Code.
20. The above restrictions shall be placed on the Building Division property card. Violation of any restrictions may result in reverting of undeveloped property back to Residential AAA after due public hearing.
21. Applicant/owner agrees to permanently maintain all improvements to the reasonable satisfaction of the Planning Board. The Town or its designee reserves the right to enter onto the subject property after fifteen (15) days written notice sent certified mail, return receipt requested to the then owner at the address as it appears on the Town Assessment roll to remove litter, debris, graffiti or to maintain or replace any fencing and plantings if it is found that these improvements are not being maintained and shall bill owner or add this cost to the property's tax bill for all expenses.

Applicant/Owner

Date