

## ***Local Law Filing***

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

### **Town of Brookhaven**

### **Local Law No. 13 of the year 2014**

**A local Law amending Chapter 85 entitled "Zoning" by enacting Article XXIII (Formerly referenced as Article XLVII) entitled "Ronkonkoma Hub Transit-Oriented Development District (Ronkonkoma Hub TOD District)"**

**Be enacted by the Town Board of the Town of Brookhaven as follows:**

**Section 1. Legislative Intent.** It is the intent of this amendment to Chapter 85 of the Code of the Town of Brookhaven entitled "Zoning", by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District (Ronkonkoma Hub TOD District)", Sections 85-598 through 85-606, to create a compact, mixed-use redevelopment of underutilized land in that supports the high passenger volume in and out of the Ronkonkoma Hub, and enhances recent improvements made to the Ronkonkoma Train Station.

**Section 2. Text Amendment.** Chapter 85 of the Code of the Town of Brookhaven entitled "Zoning" is hereby amended by enacting Article XXIII, entitled "Ronkonkoma Hub Transit-Oriented Development District (Ronkonkoma Hub TOD District)", Sections 85-598 through 85-606, as follows:

#### **§85-598. Overview and Historical Background.**

The Ronkonkoma Hub Transit-Oriented Development (TOD) area consists of approximately 53.73 acres in the hamlet of Ronkonkoma, and is generally bounded by Union Avenue on the north, Village Plaza Drive on the east, the Long Island Rail Road (LIRR) tracks (Ronkonkoma Branch) on the south, and Garrity Avenue, Hawkins Avenue, and Ronkonkoma Avenue on the west.

In 2007, the Town embarked upon a multi-phased planning study, known as the "Ronkonkoma Hub Transit-Oriented Planning Study" (hereinafter the "Ronkonkoma Hub Planning Study"), aimed at revitalizing a multi-block area around the "Ronkonkoma Hub," which is one of the busiest stations in the LIRR system. The area immediately surrounding the train station consists of numerous vacant/unoccupied parcels and/or structures that have a deteriorated or run-down appearance, local businesses, and large surface parking lots, some of which are located along Railroad Avenue, east and west of the existing train station.

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( 1 )

The goal of the Ronkonkoma Hub Planning Study was to develop a vision for compact, mixed-use redevelopment of underutilized land that supports and expands on the high passenger volume in, and recent improvements made to, the Ronkonkoma train station. The desired outcome of the planning study was a long-term development strategy that established clear and predictable guidance for the revitalization of the blighted, vacant, and/or underutilized parcels in the Ronkonkoma Hub.

Key goals of the Ronkonkoma Hub Planning Study included:

- Promoting quality and healthy communities;
- Redirecting growth to areas already served by existing infrastructure;
- Expanding transportation choices to enhance environmental quality;
- Reducing vehicle trips around the train station;
- Supporting compact, mixed-use, transit-accessible, pedestrian-oriented redevelopment;
- Creating a "sense of place";
- Supporting local businesses;
- Creating housing choices;
- Exploring reverse-commute opportunities; and
- Enhancing the tax base for the Town and the region to support the variety of taxing districts.

Phase 1 of the Ronkonkoma Hub Planning Study, completed in April 2008, focused on documenting the existing conditions of an approximately 181±-acre study area, including analysis of existing zoning, multi-family housing demand, parking, building space, and transportation infrastructure, as well as the creation of goals and objectives and preliminary analysis of the development potential for priority development sites. The study area was generally bounded by the LIRR train line on the south, Expressway Drive on the north, Bay Avenue on the west, and Babcock Avenue on the east.

Phase 2 of the Ronkonkoma Hub Planning Study, completed in March 2009, built upon the work completed in Phase 1 and generated a long-term vision and implementation strategy aimed at providing guidance for potential future development around the LIRR Ronkonkoma station.

The implementation phase, or Phase 3, of the Ronkonkoma Hub Planning Study incorporated the principles of the aforesaid planning process, but eliminated the single-family residential areas from the study area, and thus, from any proposed zoning changes or development modifications. As part of the implementation strategy, a proposed Land Use and Implementation Plan was prepared.

Based upon the results of Phases 1 and 2 of the visioning and planning process conducted from 2007 to 2009, as described above, a 53.73±-acre area (which did not include the existing single-family residential communities in the aforesaid study area) was selected to be considered for rezoning and redevelopment, as identified in the proposed Land Use and Implementation Plan.

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( 2 )

This 53.73±-acre area was identified for potential rezoning and redevelopment mostly because it includes parcels located on key “gateway” roadways serving the train station (Railroad Avenue, Hawkins Avenue, and Mill Road), where higher-density, mixed-use development would be most appropriate.

**§85-599. Legislative Intent.**

A. The Town Board’s intent, in adopting this Article and the Ronkonkoma Hub TOD District, is to allow for comprehensive, transit-oriented, and economically-viable revitalization of the area including and proximate to the LIRR Ronkonkoma train station by:

- (1) promoting economic development opportunities;
- (2) encouraging the efficient use of land;
- (3) encouraging land uses that complement existing surrounding uses and better utilize existing public transit infrastructure at the train station;
- (4) encouraging building reuse and “infill” to create higher densities;
- (5) encouraging a pedestrian-friendly environment, as well as pedestrian-oriented commercial enterprises and consumer services that do not rely on automobile traffic to attract consumers;
- (6) encouraging flexibility and consistent high quality in site and architectural design;
- (7) facilitating new development, as well as redevelopment of existing vacant/unoccupied parcels, that increase the area’s marketability and enhances the tax base; and
- (8) facilitating development of a compact, mixed-use, self-sufficient community that fosters a “sense of place” and serves the diverse needs of workers, visitors, and residents.

**§85-600. Authority and Supersession of Town Law.**

A. This Article is enacted pursuant to Statute of Local Governments §10(6) and Municipal Home Rule Law §§10(1)(ii)(a)(14),10(1)(ii)(d)(3), and 10(2), and is intended to and shall supersede:

- (1) the entirety of Town Law §261-b (relating to incentive zoning);
- (2) Town Law §261-c (relating to planned unit development zoning districts) to the  
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extent that such section requires that certain land uses be provided for through "planned unit development district regulations;"

- (3) Town Law §262 (relating to zoning districts) to the extent that such section requires that regulations within a zoning district be uniform for each class or kind of buildings throughout such district;
- (4) Town Law §263 (relating to comprehensive plans and zoning purposes) to the extent that the zoning purposes therein are inconsistent with the planning goals and principles underlying the aforesaid "Urban Renewal Plan for the Ronkonkoma Hub," the aforesaid "Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan," and/or this Article;
- (5) Town Law §269 (relating to zoning law conflicts) to the extent that such section provides that regulations made under authority of Article 16 of the Town Law, which impose greater or higher dimensional requirements, shall govern over standards required in any other statute or local law, ordinance or regulation;
- (6) Town Law §270 (relating to an official town map) to the extent that such section provides that such map shall be final and conclusive with respect to the location and width of streets and highways, drainage systems, and the location of parks shown thereon;
- (7) the entirety of Town Law §272-a (relating to town comprehensive plans);
- (8) Town Law §273 (relating to official maps and changes thereto) to the extent that such section requires change or addition to the Town's official map so as to lay out new streets, highways, drainage systems, or parks, or to widen or close existing streets, highways, drainage systems, or parks, provides that changes or additions to the Town's official map shall be deemed to be final and conclusive with respect to the location of streets, highways, drainage systems, and parks shown thereon, and provides that the layout, widening or closing, or approval of the layout, widening, or closing, of streets, highways, drainage systems, or parks by the Town Board or the Town Superintendent of Highways shall be deemed to be an addition or change of the Town's official map and subject to the provisions of Article 16 of the Town Law with regard to such additions or changes;
- (9) Subsections 2(a) and 6 of Town Law §274-a (relating to site plan review and approval) to the extent that such subsections limit required site plan elements to those included in a zoning ordinance or local law authorizing the review, approval, or disapproval of site plans, authorize the board reviewing site plans to require a park or parks suitably located for playground or other purposes before approving a site plan containing residential units, and authorize the

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board reviewing site plans to require a sum of money in lieu of such park or parks; and

- (10) the entirety of Subdivision 1 of Town Law §280-a (relating to permits for buildings not on improved mapped streets).

**§85-601. Terms and Provisions of This Article Control.**

The provisions of this Article shall supplant, supersede, and prevail over any other Chapters, Articles, and provisions of the Code of the Town of Brookhaven (hereinafter the "Town Code"). Except as otherwise provided in this Article, any other Chapters, Articles, or provisions of the Town Code that are inconsistent with, in conflict with, or in addition to the aforesaid "Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan" (as it may have been amended), the aforesaid Regulating Plan, this Article, and/or the standards and procedures set forth herein shall have no application, force, or effect within the Ronkonkoma Hub TOD District.

**§85-602. The Regulating Plan.**

The Regulating Plan incorporated in this Article designates the subdistricts comprising the Ronkonkoma Hub TOD District and the various roadways within and adjacent to those subdistricts. In reviewing proposed development in the Ronkonkoma Hub TOD District, the Planning Board shall determine that such proposed development complies with the Regulating Plan and with the descriptions, building forms, and development parameters applicable to each of the subdistricts, as depicted on the Regulating Plan and set forth in subsequent sections of this Article.

**§85-603. Designation of Ronkonkoma Hub TOD District.**

The Ronkonkoma Hub TOD District shall encompass the following parcels on the Suffolk County Tax Map, as well as all roadways, shown on the Regulating Plan, that lie between or adjacent to such parcels:

0200-799.00-03.00-032.000  
0200-799.00-03.00-033.001  
0200-799.00-03.00-033.002  
0200-799.00-03.00-034.000  
0200-799.00-03.00-035.000  
0200-799.00-03.00-036.000  
0200-799.00-03.00-037.000  
0200-799.00-03.00-038.000  
0200-799.00-03.00-039.000  
0200-799.00-03.00-040.001

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0200-799.00-03.00-040.002  
0200-799.00-03.00-041.000  
0200-799.00-03.00-042.000  
0200-799.00-03.00-043.000  
0200-799.00-03.00-044.000  
0200-799.00-03.00-045.001  
0200-799.00-03.00-049.000  
0200-799.00-03.00-050.000

0200-799.00-04.00-044.000  
0200-799.00-04.00-047.001  
0200-799.00-04.00-048.000  
0200-799.00-04.00-049.000  
0200-799.00-04.00-051.001  
0200-799.00-04.00-052.000  
0200-799.00-04.00-053.000  
0200-799.00-04.00-054.000

0200-800.00-01.00-027.001  
0200-800.00-01.00-028.000  
0200-800.00-01.00-031.001  
0200-800.00-01.00-033.001  
0200-800.00-01.00-034.000  
0200-800.00-01.00-035.007  
0200-800.00-01.00-035.008  
0200-800.00-01.00-035.009  
0200-800.00-01.00-036.000  
0200-800.00-01.00-038.000

0200-800.00-02.00-009.000  
0200-800.00-02.00-010.000  
0200-800.00-02.00-011.000  
0200-800.00-02.00-012.000  
0200-800.00-02.00-013.000  
0200-800.00-02.00-014.000  
0200-800.00-02.00-015.000  
0200-800.00-02.00-016.000  
0200-800.00-02.00-017.000  
0200-800.00-02.00-018.000  
0200-800.00-02.00-019.000  
0200-800.00-02.00-020.000  
0200-800.00-02.00-021.000  
0200-800.00-02.00-022.000  
0200-800.00-02.00-023.000  
0200-800.00-02.00-028.001

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0200-800.00-02.00-028.003

0200-800.00-02.00-028.004

**§85-604. Definitions**

The following terms, as used in this Article, shall be defined as follows:

**BLOCK:** An area bounded by the nearest of (1) a lot line along a public or private street and/or (2) a public pedestrian passageway, and/or (3) as restricted by existing local conditions. A block shall have a perimeter dimension not less than 1,300 linear feet and not greater than 1,600 linear feet. Exception: Where a block spans two subdistricts, each subdistrict within the block shall be considered a separate block for the purpose of calculating permitted land use percentages.

**BUILDABLE LOT AREA:** The total area of a lot available for construction of building(s) and structure(s), as defined by (1) the boundary of the build-to zone that is closest to the lot line along a street, (2) the lot line along the street where there is no build-to zone, and (3) all required building setback lines.

**BUILDABLE SQUARE FOOTAGE:** The total building floor area permitted in a block. It is calculated by multiplying the total of the Buildable Lot Areas for all lots in the block by the maximum number of stories permitted in the block.

**BUILD-TO ZONE:** The range of distances, as measured from the street lot line, within which the ground floor façades of principal buildings must be located along primary and secondary frontages. Exception: Where there is a designated outdoor space between the street lot line and a building, the build-to zone shall be measured from the inner line – i.e., the line opposite and farthest from the lot line – of such designated outdoor space.

**CONVENTION CENTER:** A building or group of buildings designed for single and/or multi day events, industrial/trade shows, and the like, having exhibit areas, conference rooms, hotel accommodations, restaurants, and other related facilities.

**DESIGNATED OUTDOOR SPACE:** An area or horizontal space, including but not limited to a park, green, node, pedestrian median, square, plaza, courtyard or outdoor eating or drinking area, that is open to and unobstructed from the sky, except for canopies or other structures providing protection or shelter from sun or weather.

**LINEAR PRINCIPAL FRONTAGE:** The total length, measured parallel to the lot line along a principal frontage, of the façades of all buildings in a block.

**LIVE/WORK UNIT:** A single unit consisting of both residential and non-residential space.

**PARKING GARAGE:** A building or structure, or part of a building or structure, used for the bulk parking of vehicles, with no facilities for motor vehicle repair or service.

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**PAVILION:** A covered open-air structure, typically used for shelter, concerts, exhibits, or temporary retail sales. A pavilion shall not be required to comply with minimum height limits.

**PRINCIPAL FRONTAGE:** The side of a block that is of greatest length, abuts a public street, and contains one or more main building entrances, or that is otherwise designated by the Planning Board at site plan approval. There shall be one principal frontage per block.

**SECONDARY FRONTAGE:** Any side of a block that abuts a public street but is not a principal frontage or that is otherwise designated by the Planning Board at site plan approval.

**STORY:** That portion of a building or structure included between the surface of any floor that is at or above the average grade and the surface of the floor (not including any mezzanine) next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it. A basement not greater than 6' in height above the average grade, any other structure that is not greater than 6' in height above the average grade plane, and attics which do not include any habitable space shall not be considered a story.

**TOWER:** A vertical architectural element of limited length and width that does not include any habitable space, which is permitted to exceed the maximum height of the subdistrict to the extent permitted by the New York State Building Code.

#### **§85-605. Development Standards and Requirements.**

A. Recognizing the importance of comprehensive redevelopment of the lands in the Ronkonkoma Hub TOD District in accordance with the aforesaid "Urban Renewal Plan for the Ronkonkoma Hub," the aforesaid "Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan" (as it may have been amended), and the provisions of this Article:

- (1) The development of any lands within the Ronkonkoma Hub TOD District shall require the submission of a site plan application that conforms to the requirements of the Regulating Plan, and is subject to Planning Board site plan approval.
- (2) The minimum lot area requirement for any site plan application shall be 10 acres, except that such minimum lot area requirement shall not apply to amendments of prior site plans that have previously received site plan approval(s) pursuant to this Article.
- (3) Any resolution of approval or conditional approval issued by the Planning Board shall be subject to the applicant obtaining all approvals, licenses and/or permits required from other governmental agencies having jurisdiction of the proposed development. As a condition of approval, the applicant may be required to file

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appropriate legal documentation as the Planning Board determines necessary to provide for and ensure the continued proper future maintenance, use and ownership responsibility for civic spaces, facilities, utilities and services both in connection with site plan approval and in relation to the planned development of the area as a whole. Such documentation shall be acceptable to the Town Attorney in form and substance.

**§85-606. Severability.**

A. If any clause, sentence, paragraph, section or item of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph, section or item directly involved in the controversy in which such judgment shall have been rendered.

**Section 3.** Authority, the Town Board is vested with the authority to make these amendments by local law pursuant to Town Law §264 and §265, Municipal Home Rule Law § 10 and in conformance with Municipal Home Rule Law § 20.

**Section 5. Effective date.** This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: June 24, 2014  
Farmingville, New York

  
DONNA LENT, TOWN CLERK  
TOWN OF BROOKHAVEN

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