

**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)**

**Volume 1**

# **PROPOSED DOWNTOWN COPIAGUE (DC) ZONING DISTRICT**

**TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK**



**LEAD AGENCY**

*Town of Babylon Town Board*

**FOR INFORMATION CONTACT**

*Hon. Rich Schaffer, Town Supervisor*

*200 East Sunrise Highway*

*Lindenhurst, NY 11757*

**March 2015**





**Proposed Downtown Copiague (DC) Zoning District**  
Town of Babylon, Suffolk County, New York

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**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)**

**Proposed Action Location:**

Downtown Copiague  
Town of Babylon, Suffolk County, New York

**Lead Agency:**

Town of Babylon Town Board  
Town Hall  
200 East Sunrise Highway  
Lindenhurst, NY 11757  
Contact: Hon. Rich Schaffer, Town Supervisor  
(631) 957-3000

**DGEIS Preparation and Coordination:**

Town of Babylon Department of Planning and Development / Office of Downtown  
Revitalization / Department of Environmental Control

**Technical Assistance and Traffic Engineering provided by:**

Nelson & Pope  
572 Walt Whitman Road  
Melville, NY 11747

**Applicant**

Direct Action by Town Board

**Date DGEIS Accepted:** January 27, 2015

**Date of DGEIS Public Hearing:** February 11, 2015

**Closing Date of DGEIS Comment Period:** February 27, 2015

**Date FGEIS Accepted:** March 11, 2015

**Closing Date of FGEIS Comment Period:** March 21, 2015

**Availability of Document:** Copies of this FGEIS are available for public review and comment at the offices of the Lead Agency and on the Town of Babylon website at: [www.townofbabylon.com](http://www.townofbabylon.com)

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## ***1.0 General Overview***

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# 1

## General Overview

This document serves as the Final Generic Impact Statement (FGEIS) for the proposed Downtown Copiague (DC) Zoning District.

**Section 1.0** provides a general overview of the Proposed Action, the State Environmental Quality Review Act (SEQRA) process, and the purpose of this FGEIS.

### 1.1 Introduction

This FGEIS is submitted on behalf of the Town of Babylon Town Board (the Lead Agency) and has been prepared in accordance with the requirements of SEQRA.

This FGEIS has been prepared in response to comments on the DGEIS. The DGEIS was accepted as complete by the Lead Agency on January 27, 2015. A Public Hearing was held on the DGEIS at the Town of Babylon Town Hall on February 11, 2015. The transcript from the Public Hearing is included in **Appendix A, Public Hearing Transcript** of this FGEIS. Written comments were accepted until February 27, 2015. All written comments received by the Lead Agency during the DGEIS comment period are included in **Appendix B, DGEIS Comments and Correspondence** of this FGEIS.

This FGEIS incorporates the DGEIS by reference and responds to all substantive comments received (either at the public hearing or in writing) on the DGEIS. Appendices are not repeated here, but are also included by reference. Comments were compiled and organized by topic. Each comment is referenced as to its source and responded to within **Section 2.0** of this FGEIS.

This FGEIS is organized as follows:

- **Section 1.0, General Overview**
- **Section 2.0, Comments and Responses**

### 1.2 Description of the Proposed Action

#### 1.2.1 Summary Description of the Proposed Action

The Proposed Action, as defined by SEQRA, involves:

- Amending the Code of the Town of Babylon to include a Downtown Copiague (DC) Zoning District and other associated changes; and
- Revising the Building Zone Map of the Town of Babylon, Suffolk County, New York to map the DC Zoning District for particular properties within downtown Copiague.

## **General Overview**

In order to facilitate a vibrant transit-oriented downtown containing a mix of housing types and retail, office, personal service, and/or other compatible uses that contribute to a sense of community, the Proposed Action includes amending Chapter 213 of the Zoning Code of the Town of Babylon to include a new zoning district, titled the Downtown Copiague (DC) Zoning District (as §213-534 through 213-551). This proposed DC Zoning District is designed to build upon the strengths of Copiague and especially the downtown area, including the presence of the Copiague LIRR station, Veterans' Memorial and Copiague Parks, and a diverse residential community that is within walking distance of many of the downtown's commercial establishments.

The proposed DC Zoning District is generally comprised of those properties fronting along Great Neck Road from Campagnoli Avenue to Hollywood Avenue, along Marconi Boulevard from Pine Street to Verrazano Avenue, and along Railroad Avenue from Pine Street to Verrazano Avenue (hereinafter referred to as the "Study Area").

The proposed DC Zoning District contains the following provisions, among others:

- **Permitted Uses**—The proposed DC Zoning District would permit a number of principal uses on the ground and upper stories, in mixed-use or single-use buildings. The proposed DC Zoning District would also permit a number of uses by special permit by the Planning Board.
- **Lot and Bulk Controls**—The proposed DC Zoning District contains a number of lot and bulk controls, including building height, minimum lot area, minimum lot width, minimum yards, maximum building area, maximum residential density, minimum dwelling size, and maximum Floor Area Ratio ("FAR").
- **Zoning Incentives**—In order to encourage development within downtown Copiague, the proposed zoning amendments include a system of zoning incentives or bonuses, including increased residential density, increased height, increased FAR, reduced parking requirements, and other modifications. Such zoning incentives would be available to applicants in exchange for specific physical, social, or cultural benefits or amenities, such as public parking, open or park space, downtown infrastructure improvements, affordable housing, and sustainable building techniques.
- **Other Requirements and Considerations**—The proposed DC Zoning District contains specific minimum off-street parking requirements for a number of uses that differ from the general standards put forth in Article XXIII of Chapter 213. The proposed DC Zoning District also contains a number of design considerations in order to improve the existing aesthetic appearance of downtown Copiague and to promote a high quality streetscape and pedestrian environment. In addition, specific regulations related to signage, lighting, buffering, outdoor storage, and green building and site planning techniques are included.

The Proposed Action in and of itself is not a development project. Rather, it is the adoption of amendments to the Code of the Town of Babylon and the Building Zone Map of the Town of Babylon, Suffolk County, New York to create the DC Zoning District, which reflects the vision for downtown Copiague, as described in the *Vision Plan*.

### 1.2.2 Potential Impacts

The Proposed Action in and of itself is not a development project. Rather, it is the adoption of amendments to the Code of the Town of Babylon and the Building Zone Map of the Town of Babylon, Suffolk County, New York to create the DC Zoning District, which reflects the vision for downtown Copiague, as described in the *Vision Plan*.

That being said, implementation of the Proposed Action would result in new development that is not currently permitted under the existing zoning in the Study Area. While there are currently no specific development proposals, SEQRA requires that the potential for redevelopment and the potential impacts from a proposed action be analyzed, even a zoning change, in order that potential adverse environmental impacts are addressed at the earliest planning stages of a project.

Potential impacts were evaluated in the DGEIS and included the following categories:

- Land Use, Zoning, and Public Policy
- Community Character and Visual Resources
- Natural Resources
- Infrastructure and Utilities
- Community Facilities and Services
- Transportation and Parking
- Socioeconomics
- Hazardous Materials
- Cultural Resources
- Air and Noise

The adoption of the proposed DC Zoning District is considered a Type I Action under SEQRA.

### 1.3 Refinements and Clarifications to the Proposed Action

Subsequent to the Public Hearing on the DGEIS and as a result of feedback received as part of the public comment period, some refinements and clarification to the proposed Downtown Copiague (DC) Zoning District are suggested. This section details those modifications and their associated impacts, if any.

#### 1.3.1 Description of Refinements

The proposed Downtown Copiague (DC) Zoning District has been refined with the following modifications:

- The boundaries of the DC Zoning District have been modified, as depicted in **Figure 1, Revised Proposed DC Zoning District Boundaries**. The result is that the size of the DC Zoning District has been reduced from approximately 35 acres in size to 30 acres in size.
- § 213-548, Off-Street Parking, has been revised to discuss the transit-oriented development (TOD) nature of downtown Copiague and to include provisions related to parking demand reduction. The revised proposed DC Zoning District text is provided in **Appendix C, Revised Proposed Downtown Copiague (DC) Zoning District**.

#### 1.3.2 Discussion of Impacts

None of the suggested refinements and clarifications to the DC Zoning District would result in a greater impact than was studied in the DGEIS. To that end, the suggested modifications presented in the FGEIS would not represent any additional significant adverse environmental impact.



The information on this map was derived from digital databases on the Town of Babylon's GIS. The data represented on this map has been compiled by the best methods available. The Town of Babylon assumes no legal responsibilities for the information or accuracy contained on this map. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Town of Babylon



Richard Schaffer  
Supervisor

**Downtown Copiague (DC) Zoning District  
Final Generic Environmental Impact Statement (FGEIS)  
Figure 1: Revised Proposed DC Zoning District Boundaries**

 Revised Proposed DC Zoning District Boundaries

Created by  
Department of  
Planning & Development  
Ann Marie Jones, Commissioner

March 11, 2015

#### 1.4 Clarifications to the DGEIS

Subsequent to the Public Hearing on the DGEIS and as a result of feedback received as part of the public comment period, the following clarification is provided on the DGEIS. This section details those modifications and their associated impacts, if any.

##### 1.4.1 Description of Clarification

Prior to the commencement of the DGEIS and Traffic Impact Study (“TIS”), Suffolk County Department of Public Works provided a copy of the January 2014 *Suffolk County CR 12, Oak Street & CR 47, Great Neck Road Intersection Improvement Study*, prepared by Nelson & Pope, LLP (Nelson & Pope). The analyses put forth in that study were integrated into the TIS and, subsequently, **Chapter 3.6** of the DGEIS. This clarification serves as a reference to the study for the TIS and DGEIS.

##### 1.4.2 Discussion of Impacts

The above clarification would not result in a change to the analysis provided in the DGEIS. To that end, the suggested modifications presented in the FGEIS would not represent any additional significant adverse environmental impact.

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## ***2.0 Comments and Responses***

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## Comments and Responses

**Section 2.0** includes the comments (both at the Public Hearing and written comments) received on the DGEIS (Proposed Action: Proposed DC Zoning District). **Chapter 2.0** also includes the Lead Agency's (Town of Babylon Town Board's) responses to those comments. Each comment has been assigned a number, which is used to identify the origin of the comments. Where comments have been made on the same subject by more than one commentator, they have been condensed and summarized into a single comment. The minutes from the Public Hearing are included in **Appendix A, Public Hearing Minutes** of this FGEIS. All written comments received by the Lead Agency during the DGEIS comment period are included in **Appendix B, DGEIS Comments and Correspondence** of this FGEIS.

**Comments and Responses**

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<b>Comment Source/Key</b>		<b>Commentator</b>	<b>FGEIS Subsection</b>	<b>Comment/Response Number</b>
Public Hearing Minutes 2/11/2015	Pg. 3	Lori Prisco 32 Dolphin Lane	2.4.7 Socioeconomics	2.4.7.4
Public Hearing Minutes 2/11/2015	Pg. 3	Henry Mikucki 465 Marconi Blvd.	2.3 Project Description	2.3.5
Public Hearing Minutes 2/11/2015	Pg. 3	Joseph Rodriguez 50 Ticino Street	2.4.6 Transportation 2.8.5 Appendix E	2.4.6.1 2.8.5.1
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Public Hearing Minutes 2/11/2015	Pg. 3	Joseph Rodriguez 50 Ticino Street	2.4.7 Socioeconomics	2.4.7.1
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**Comments and Responses**

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Public Hearing Minutes 2/11/2015	Pg. 5	Fran Dufresne 309 Cedar Court	2.4.5 Community Facilities and Services	2.4.5.2
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Letter 2/19/2015	Pg. 1	Long Island Association 300 Broadhollow Road	2.4.7 Socioeconomics	2.4.7.4
Letter 2/19/2015	Pg. 1	Suffolk County Department of Public Works 335 Yaphank Avenue	2.4.6 Transportation 2.8.5 Appendix E	2.4.6.4 2.8.5.4
Letter 2/19/2015	Pg. 1	Suffolk County Department of Public Works 335 Yaphank Avenue	2.8.1 Appendix A	2.8.1.1
Letter 2/18/2015	Pg. 1	Suffolk County Department of Economic Development and Planning 100 Veterans Memorial Highway	2.8.1 Appendix A	2.8.1.2
Staff Report 2/27/2015	Pg. 3	Suffolk County Department of Economic Development and Planning 100 Veterans Memorial Highway	2.3 Project Description 2.8.2 Appendix B	2.3.1 2.8.2.1

**Comments and Responses**

Staff Report 2/27/2015	Pg. 4	Suffolk County Department of Economic Development and Planning 100 Veterans Memorial Highway	2.3 Project Description 2.8.2 Appendix B	2.3.4 2.8.2.2
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Staff Report 2/27/2015	Pg. 4	Suffolk County Department of Economic Development and Planning 100 Veterans Memorial Highway	2.4.6 Transportation 2.8.5 Appendix E	2.4.6.5 2.8.5.5

2.1 General Comments

*NOTE: This subsection addresses comments that are of a general nature and do not necessarily focus on a specific section of the DGEIS.*

**Comment 2.1.1**

I think what people in Copiague are frustrated with is that we feel dumped on...I feel like that's what Copiagueians are concerned about is there ability to have their voices heard in a real meaningful way...

(Chris Krafczek, 611 Kenmore Avenue, Public Hearing Minutes, 2/11/2015)

**Response 2.1.1**

One of the Town Board's missions is to incorporate all residents into the decision-making process. As the Town Supervisor noted in his introduction at the DGEIS Public Hearing on February 11, 2015 (see **Appendix A, Public Hearing Minutes**, of this FGEIS), the Town has been engaging the Copiague community on its future for many years, beginning in 2008. This included the establishment of a Copiague Implementation Committee. More recently, the Town met with the Implementation Committee and community members three times from March to June, 2014, and held a community-wide meeting at the Copiague Middle School in October 2014 to present draft zoning. The Town will continue to engage the Copiague community moving forward.

## ***Comments and Responses***

### 2.2 Executive Summary

No comments were received regarding the Executive Summary.

## 2.3 Project Description

### Boundaries

#### **Comment 2.3.1**

While the study area is compact, it includes the area traditionally considered to be downtown Copiague by the Suffolk County planning staff. However, the area also includes some area extending further east and west along both Oak Street and Marconi Boulevard.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

#### **Response 2.3.1**

As depicted in **Figure 1** of this FGEIS, the boundaries of the proposed DC Zoning District have been revised in the FGEIS to be even more compact.

### Rental Units

#### **Comment 2.3.2**

I don't believe that it's going to attract the right type of people and there is always a question of what type of renters, lessee's if you want to call them that are gonna be put into this community.

(Joseph Rodriguez, 50 Ticino Street, Public Hearing Minutes, 2/11/2015)

#### **Response 2.3.2**

The Proposed Action in and of itself is not a development project; rather it is a proposed zoning district. Zoning, in and of itself, cannot regulate the tenure of residential units. Nevertheless, the Town Board too desires a mix of rental and owner-occupied housing units within the downtown area.

### Affordable Housing

#### **Comment 2.3.3**

I've talked to a bunch of friends whose kids have graduated school, not one of them mentions living Copiague because of affordable housing. They all say there are no paying jobs. Maybe the town should look into luring industry and giving them a tax break to hire people in the town.

(Stephen Baierlein, 380 Verrazano Avenue, Public Hearing Minutes, 2/11/2015)

No one, and I'm sure none of you want more affordable housing where you live. It's a real simple argument all the time. But we have some of the most affordable housing in the entire county...All you have to do is go up Williams Street and see the 3 boarded up houses and say you know what? We could put 6 families in there and redevelop those 3 houses...We scratch our heads and say now we're going to deal with a 90 unit

## ***Comments and Responses***

affordable housing. There are probably 90 houses that you could find in Copiague that you could redevelop and put people in those houses, rather than developing 90 more...

(Chris Krafczek, 611 Kenmore Avenue, Public Hearing Minutes, 2/11/2015)

### **Response 2.3.3**

The Proposed Action in and of itself is not a development project; rather it is a proposed zoning district. Nevertheless, housing affordability and providing a mix of housing opportunities is a key component of the *Copiague Vision Plan* and proposed DC Zoning District. Currently, New York State requires a set aside for affordable ownership and rental units (per the Long Island Workforce Housing Act). The proposed DC Zoning District includes incentives to obtain a greater mix of housing opportunities. The Town Board agrees that providing a mix of housing affordability is but part of a larger revitalization effort. The Proposed Action is anticipated to not only provide additional affordable housing opportunities, but to add to the commercial mix of downtown Copiague. As noted in the DGEIS, it is estimated that approximately 1,200 permanent jobs could be created as a result of the implementation of the Proposed Action (in addition to construction jobs).

## Height and Density

### **Comment 2.3.4**

Height and density should be strictly confined to the boundary of this downtown Copiague district in order to maintain the uniqueness of the district and to fully take advantage of the amenities within a viable TOD.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

### **Response 2.3.4**

The proposed baseline height and density would be confined solely to those areas within the DC Zoning District boundaries. Further, as discussed in § 213-549.C of the proposed DC Zoning District text, any density or height bonuses would be only through application and approval by the Town Board and would be limited to a smaller area – those parcels located within 400 feet of the Copiague LIRR Station, which shall be measured from the property lot line to the closest points from the station platform.

## Build Out Scenario

### **Comment 2.3.5**

Across the street from me is going to be 90 units building there. How is it going to improve the environment? How is it going to help people and the traffic, etc?

(Henry Mikucki, 465 Marconi Boulevard, Public Hearing Minutes, 2/11/2015)

**Response 2.3.5**

As noted in **Chapter 2.0, Section 2.6**, of the DGEIS, “[t]he Proposed Action in and of itself is not a development project. Rather, it is the adoption of amendments to the Code of the Town of Babylon and the Building Zone Map of the Town of Babylon, Suffolk County, New York to create the DC Zoning District...While there are currently no specific development proposals, SEQRA requires that the potential for redevelopment and the potential impacts from a proposed action be analyzed, even a zoning change, in order that potential adverse environmental impacts are addressed at the earliest planning stages of a project...in order to ensure a comprehensive evaluation of the Proposed Action in accordance with SEQRA and TOBEQRA, this DGEIS includes assessment of a build out of downtown Copiague (hereinafter, referred to as the “Build Out Scenario”), which relates to a reasonable anticipated development that could occur in downtown Copiague in the immediate- and near-term (up to 10 years).”

As detailed in **Chapter 2.0, Section 2.6** and **Appendix C** of the DGEIS, a specific methodology was followed to formulate the Build Out Scenario, which included examining each of the parcels within downtown Copiague. The DGEIS then evaluates the potential environmental (both natural and social) impacts and benefits of the Build Out Scenario, including traffic.

## ***Comments and Responses***

### 2.4 Environmental Setting, Potential Impacts, and Mitigation Measures

#### 2.4.1 Land Use, Zoning, and Public Policy

No comments were received regarding Land Use, Zoning, and Public Policy.

#### 2.4.2 Community Character and Visual Resources

No comments were received regarding Land Use, Zoning, and Public Policy.

#### 2.4.3 Natural Resources

No comments were received regarding Natural Resources.

#### 2.4.4 Infrastructure and Utilities

##### Solid Waste

##### **Comment 2.4.4.1**

Most of the people that live near this area are people who rent. You should go and see all the garbage that is down this block.

(Edgar Solis, 455 Marconi Boulevard, Public Hearing Minutes, 2/11/2015)

##### **Response 2.4.4.1**

The DGEIS, in **Chapter 3.4**, provides a discussion of solid waste. That analysis indicates that although there could be an increase in solid waste, no impact is expected from the implementation of the Proposed Action since the proposed development will utilize both the Town Commercial Waste and Residential Waste Districts. As indicated in the DGEIS, specific improvements would need to be based upon a specific development proposal, with engineering layout and design.

#### 2.4.5 Community Facilities and Services

##### Safety

##### **Comment 2.4.5.1**

I'm concerned about safety for my children, my grandchildren that is, because I believe is going to bring more crime when it's easy to get from one place to another it just brings crime.

(Joseph Rodriguez, 50 Ticino Street, Public Hearing Minutes, 2/11/2015)

[If you increase jobs] you'll cut the crime, cause people will take pride in their town. Because right now you go through Copiague, you got gang problems, you got drug problems...cops are never there. People have complained... So now you are going to put this many more houses in and just have more crime.

(Stephen Baierlein, 380 Verrazano Avenue, Public Hearing Minutes, 2/11/2015)

Because this is village with higher problem with the community, lot of criminal.

(Tadeusz Siwoszek, 52 35<sup>th</sup> Street, Public Hearing Minutes, 2/11/2015)

**Response 2.4.5.1**

One of the goals of the implementation of the Proposed Action is that revitalization of downtown Copiague and resultant activity in the downtown will increase the local presence and “eyes on the street”, which would contribute to the overall safety of the neighborhood. This is a beneficial impact associated with the change in land use and business climate in the Study Area. The DGEIS acknowledges that there may be increased demands upon community services, such as the police department, with the implementation of the Proposed Action. The Proposed Action is for amendments to the Code of the Town of Babylon and the Building Zone Map of the Town of Babylon, Suffolk County, New York to create the DC Zoning District. Should the Town Board adopt the DC Zoning District, all future site-specific development will require individual and separate environmental review. These future studies would be prepared by the individual sponsors in order to fully delineate the potential impacts of these site-specific development proposals. This would include the potential impacts on the demand for public services, for which such impacts would be examined at that time.

School-Children

**Comment 2.4.5.2**

No one can guarantee us that when you build 90 units there is not going to be 90 more kids or 180 more kids in our school.

(Fran Dufresne, 309 Cedar Court, Public Hearing Minutes, 2/11/2015)

**Response 2.4.5.2**

The DGEIS, in **Chapter 3.5**, provides a discussion of school-child generation. The analysis was based upon standards that were taken from the nationally-recognized source for school-age child generation rates, *Residential Demographic Multipliers, Estimates of the Occupants of New Housing*, produced in June 2006 by the Center for Urban Policy Research at Rutgers University (CUPR). This analysis indicates that there could be a 1.4-percent increase in the school enrollment as a result of the implementation of the DGEIS. As discussed in **Chapters 3.5** and **3.7** of the DGEIS, the potential costs of that increase could be covered by the increase in tax revenues from revitalization of the downtown area.

## ***Comments and Responses***

### 2.4.6 Transportation

#### **Comment 2.4.6.1**

Traffic is terrible now and it is only going to get worse . . . Copiague would have to be, Great Neck Road would have to be a four lane road up and down in order to accommodate all this density and traffic...I don't know if any of you live in Copiague or what they have driven down Great Neck Road or Strong Avenue, it's a nightmare.

(Joseph Rodriguez, 50 Ticino Street, Public Hearing Minutes, 2/11/2015)

[Traffic is a concern]...if anyone of you tried to going down Great Neck Road...as an example [last night it took t]hirty-five minutes between Dixon Avenue and Montauk Highway.

(Stephen Baierlein, 380 Verrazano Avenue, Public Hearing Minutes, 2/11/2015)

My concern is about the traffic that is caused by this project.

(Edgar Solis, 455 Marconi Boulevard, Public Hearing Minutes, 2/11/2015)

...the traffic is atrocious...

(Chris Krafczek, 611 Kenmore Avenue, Public Hearing Minutes, 2/11/2015)

...traffic...30 minutes to get from Sunrise to Montauk Highway is ridiculous. It's true it's a hazard for more cars...

(Fran Dufresne, 309 Cedar Court, Public Hearing Minutes, 2/11/2015)

#### **Response 2.4.6.1**

As part of the DGEIS process, the Town Board commissioned a Traffic Impact Study ("TIS") that examined traffic conditions that could arise out of a worst-case build out scenario. The TIS was included as **Appendix E** in the DGEIS and was discussed in **Chapter 3.6** of the DGEIS. The TIS returned with the result that with certain mitigation measures, intersections within downtown Copiague would operate at, near, or in some cases better than current conditions as a result of the implementation of the Proposed Action. Again, note that the Proposed Action in and of itself is not a development project. Rather, it is the adoption of amendments to the Code of the Town of Babylon and the Building Zone Map of the Town of Babylon, Suffolk County, New York to create the DC Zoning District, which reflects the vision for downtown Copiague, as described in the Vision Plan. To that end, and as discussed in the DGEIS, a number of general parameters and criteria for site-specific review of future development and improvements have been established. At the time of site plan applications, trip generation and trip distribution assumptions must be submitted for review and comparison against the assumptions in the TIS. This information will serve as a basis to determine if additional traffic analysis is warranted for individual development projects. Adequacy of site access, parking, and pedestrian safety will also be reviewed as a part of the individual site plan application process. In addition, the responsibility of any particular application to contribute towards the overall mitigation of traffic in the downtown would be evaluated.

**Comment 2.4.6.2**

Significant motor-vehicle congestion mitigation measures are included in the EIS for the DC district and all should be implemented as recommended as the district progressively builds out.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

**Response 2.4.6.2**

Comment noted. See Response 2.4.6.1.

**Comment 2.4.6.3**

...the parking situation...

(Fran Dufresne, 309 Cedar Court, Public Hearing Minutes, 2/11/2015)

There are a number of parking demand reduction techniques that can be incorporated into the design of a project that can reduce the actual number of single occupancy vehicles (SOVs) generated by the proposal and thus, reduce the number of parking stalls that would be required for each project thereby freeing available land area or parking stalls for commerce and economic development. Some of these techniques are programmatic and others are by parking lot, site and building design modifications. It is the belief of the Suffolk County Planning Commission that additional parking demand reduction techniques should be included within the text of the Downtown Copiague Zoning District.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

**Response 2.4.6.3**

The DGEIS in **Chapter 3.6** and the TIS included an examination of existing parking conditions. The *Copiague Vision Plan* contains a number of recommendations related to parking, including the potential construction of a parking garage. Therefore, the Build Out Scenario within the DGEIS included the provision of a parking garage in addition to modeling each of the "Sites Subject to Change" within the downtown area with the requisite parking per the proposed new regulations within the DC Zoning District. Similar to traffic, at the time of a particular site plan application, parking and parking management assumptions must be submitted for review as a part of the individual site plan application process. Further, the Board is actively considering alternative ways of controlling parking. For example, the Town will be participating in a Parking Management Workshop for Copiague in the Spring of 2015. Finally, as described in **Chapter 1.0** of this FGEIS and **Appendix C, Revised Proposed Downtown Copiague (DC) Zoning District**, the proposed DC Zoning District has been revised to include provisions for additional parking demand reduction techniques.

**Comment 2.4.6.4**

The DGEIS should include reference to the Suffolk County CR 12, Oak Street & CR 47, Great Neck Road Intersection Improvement Study submitted to the Town in January 2012.

(Suffolk County Department of Public Works, Letter, 2/19/2015)

## ***Comments and Responses***

### **Response 2.4.6.4**

Comment noted. As noted in **Chapter 1.0** of this FGEIS. The Town did receive the Suffolk County CR 12, Oak Street & CR 47, Great Neck Road Intersection Improvement Study and its analysis was considered as part of the TIS and discussion in **Chapter 3.6** of the DGEIS.

### **Comment 2.4.6.5**

Additional pedestrian circulation analysis for the DC district relating proposed future off street parking areas and proposed pedestrian movement patterns is warranted. Conflicts between motor-vehicle movements and pedestrian movements need to be identified and mitigated utilizing specific and appropriate traffic calming, complete street, universal design and congestion mitigation techniques.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

### **Response 2.4.6.5**

Comment noted. The Town fully agrees with the County's concern and reference to traffic calming, complete streets, universal design, and congestion mitigation techniques. As with all development and infrastructural projects within the Town of Babylon, complete streets are a consideration, per the "Town of Babylon Sustainable Complete Streets Policy". As noted in the DGEIS, at the time of site plan applications, adequacy of site access, parking, and pedestrian safety will also be reviewed as a part of the individual site plan application process.

## 2.4.7 Socioeconomics

### Housing Values

#### **Comment 2.4.7.1**

My main concern is that values of the houses are going down.

(Joseph Rodriguez, 50 Ticino Street, Public Hearing Minutes, 2/11/2015)

...I pay tax, \$8182.00 for this house...how much we have to pay extra for this elevated condition, from countryside to city. How much we have to pay?

(Tadeusz Siwoszek, 52 35<sup>th</sup> Street, Public Hearing Minutes, 2/11/2015)

I bought my house in 2003 for \$249,000.00, I guarantee you I can't get \$249,000.00 out of my house 11 years later or 12 years later.

(Chris Krafczek, 611 Kenmore Avenue, Public Hearing Minutes, 2/11/2015)

**Response 2.4.7.1**

As discussed in **Chapter 3.7** of the DGEIS, the proposed DC Zoning District is designed to encourage transit-oriented development, appropriate mixed-use, and a well-designed growth pattern that is consistent with the vision of the community, as envisioned in the *Vision Plan*. Implementation of the Proposed Action would be anticipated to accomplish that through redevelopment of currently vacant and/or underutilized land and buildings with active, tax-generating uses, such as mixed-use, residential, retail, and office uses.

Coordination with the Town Assessor's Office has indicated that implementation of the types of projects envisioned by the Build Out Scenario would likely increase the assessed value for particular sites within downtown Copiague. Therefore, it is anticipated that implementation of the Proposed Action would result in positive property tax benefits for the State, County, Town, School District, and other taxing jurisdictions. Future property tax revenues generated by specific site-specific projects in the Study Area would be determined through the comprehensive assessment approach that the Town and State take when determining assessed values and tax bills for specific properties.

School Taxes

**Comment 2.4.7.2**

Copiague school[s]...are over crowded. They are underfunded...I understand that the building will pay taxes, but I guarantee if you break it down per kid, it's not going to be the same as a property owner. It's not going to be the same as me on Cedar Court. It's not fair to make the people who are hardworking and pay their taxes have now to pay for more people to come into our schools

(Fran Dufresne, 309 Cedar Court, Public Hearing Minutes, 2/11/2015)

Problem is I got new paper for tax for school is \$5000.00. In other town it is below \$3000.00. Condition of this school is horrible, I got information from Newsday. Lower level condition education included Copiague...

(Tadeusz Siwoszek, 52 35<sup>th</sup> Street, Public Hearing Minutes, 2/11/2015)

**Response 2.4.7.2**

As discussed in **Chapters 3.5** and **3.7** of the DGEIS, it is anticipated that the additional property tax revenue generated as a result of the implementation of the Proposed Action would exceed the public services costs associated with the increased residents, employees, and visitors.

Displacement of Businesses

**Comment 2.4.7.3**

Plus all the businesses that they are going to misplace in order to build this.

(Joseph Rodriguez, 50 Ticino Street, Public Hearing Minutes, 2/11/2015)

## ***Comments and Responses***

### **Response 2.4.7.3**

The intended purpose of the Proposed Action is to revitalize downtown Copiague, an area identified as being in need of revitalization. The basis for the Proposed Action is well documented in the *Copiague Vision Plan* and DGEIS. Entrepreneurship, the success of small businesses, creation of much needed jobs, and a sense of community pride are at the core of the downtown revitalization efforts and are a central tenet of the Proposed Action. While typical redevelopment does have the potential to displace businesses, there are a number of factors to be considered in analyzing the potential impact of the revitalization initiative in the downtown Copiague, including balancing the benefits of economic development with social responsibility. The proposed DC Zoning District contains policies intended to ensure that proposed redevelopment activities result in direct benefits to area residents. Further, implementation of the Proposed Action is anticipated to occur incrementally over a period of time. This redevelopment will create a residential component that is not currently well represented in the local market and will, therefore, contribute to the economic success of local businesses through increased clientele, resultant sales revenue, and opportunities for local employment. In addition, as noted in Response 3.4.5.1, redevelopment/revitalization and resultant activity in the downtown will increase the local presence and “eyes on the street”, which would contribute to the overall safety of the neighborhood. This is a beneficial impact associated with the change in land use and business climate in the Study Area.

### Economic Development

#### **Comment 2.4.7.4**

We encourage the Town of Babylon to move forward with the Downtown Copiague Zoning District. In a report released two days ago [February 17, 2015] by the Long Island Index, strong downtowns and transit-oriented development are key components to ensure the future economic growth of Long Island. This form based code will enable the redevelopment of the Copiague downtown and improve housing options for young people and empty nesters, encourage reinvestment, and improve the economic impact of the region...This form based code is based on best practices in the planning and economic development community and we encourage you to adopt it.

(Long Island Association, Letter, 2/19/2015)

Today we need new ideas and creative ways of attracting businesses to our area. Zoning Codes need to reflect the real concerns of downtown Copiague. It is imperative that the codes address and permit much needed innovation and renovation to a static downtown. Together the Town of Babylon and the businesses can galvanize a downtown that creates a center for all our residents.

(Lori Prisco, 32 Dolphin Lane, Public Hearing Minutes, 2/11/2015)

#### **Response 2.4.7.4**

Comment noted. The Town Board agrees. As noted in **Chapter 2.0, Section 2.4**, the purpose of the Proposed Action is to facilitate the revitalization of downtown Copiague, in accordance with the community’s vision, as promulgated in the *Vision Plan*. The Town Board believes that implementation of the Proposed Action will provide for new and needed housing opportunities, job creation, encourage

redevelopment of vacant and underutilized properties, provide architectural, streetscape and open space improvements, and foster the revitalization of downtown Copiague that was envisioned in the *Vision Plan*. More specifically, implementation of the Proposed Action will allow downtown Copiague to become an economically vibrant mixed-use center that capitalizes on the existing assets and realizes its potential in coordinated, quality redevelopment that provides places to “live, work, and play”. This will help young, old, residents, businesses, and Long Island in general.

2.4.8 Hazardous Materials

No comments were received regarding Hazardous Materials

2.4.9 Cultural Resources

No comments were received regarding Cultural Resources

2.4.10 Air and Noise

No comments were received regarding Air and Noise

***Comments and Responses***

2.5 Other SEQRA Chapters

No comments were received regarding Other SEQRA Chapters.

2.6 Alternatives to the Proposed Action

No comments were received regarding Alternatives to the Proposed Action.

## ***Comments and Responses***

### 2.7 Conditions and Criteria Under Which Future Actions Will be Undertaken or Approved

No comments were received regarding Conditions and Criteria under which Future Actions will be Undertaken or Approved.

2.8 Appendices

2.8.1 Appendix A, SEQRA Documentation

**Comment 2.8.1.1**

This Department's acceptance of the Town as lead agency, pursuant to Part 617, Article 8 (SEQRA), in no way waives the County's rights pursuant to 239F of the General Municipal Law and Section 136 of the Highway Law

(Suffolk County Department of Public Works, Letter, 2/19/2015)

**Response 2.8.1.1**

Comment noted. The Town will continue to coordinate with the Suffolk County Department of Public Works on the adoption of the DC Zoning District, its implementation, and any future site-specific reviews.

**Comment 2.8.1.2**

Please be advised that our agency, the Suffolk County Planning Commission, has no objection to the Town of Babylon assuming Lead Agency status for the above referenced

(Suffolk County Department of Economic Development and Planning, Letter, 2/18/2015)

**Response 2.8.1.2**

Comment noted. The Town will continue to coordinate with the Suffolk County Planning Commission on the adoption of the DC Zoning District, its implementation, and any future site-specific reviews.

2.8.2 Appendix B, Proposed DC Zoning District Zoning Text Amendments

**Comment 2.8.2.1**

While the study area is compact, it includes the area traditionally considered to be downtown Copiague by the Suffolk County planning staff. However, the area also includes some area extending further east and west along both Oak Street and Marconi Boulevard.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

**Response 2.8.2.1**

See Response 2.3.1.

## ***Comments and Responses***

### **Comment 2.8.2.2**

Height and density should be strictly confined to the boundary of this downtown Copiague district in order to maintain the uniqueness of the district and to fully take advantage of the amenities within a viable TOD.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

### **Response 2.8.2.2**

See Response 2.3.4.

### **2.8.3 Appendix C, Build Out Scenario**

No comments were received regarding the Build Out Scenario.

### **2.8.4 Appendix D, Infrastructure Documentation**

No comments were received regarding infrastructure documentation.

### **2.8.5 Appendix E, Traffic Impact Study**

#### **Comment 2.8.5.1**

Traffic is terrible now and it is only going to get worse . . . Copiague would have to be, Great Neck Road would have to be a four lane road up and down in order to accommodate all this density and traffic...I don't know if any of you live in Copiague or what they have driven down Great Neck Road or Strong Avenue, it's a nightmare.

(Joseph Rodriguez, 50 Ticino Street, Public Hearing Minutes, 2/11/2015)

[Traffic is a concern]...if anyone of you tried to going down Great Neck Road...as an example [last night it took t]hirty-five minutes between Dixon Avenue and Montauk Highway.

(Stephen Baierlein, 380 Verrazano Avenue, Public Hearing Minutes, 2/11/2015)

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...traffic...30 minutes to get from Sunrise to Montauk Highway is ridiculous. It's true it's a hazard for more cars...

(Fran Dufresne, 309 Cedar Court, Public Hearing Minutes, 2/11/2015)

**Response 2.8.5.1**

See Response 2.4.6.1

**Comment 2.8.5.2**

Significant motor-vehicle congestion mitigation measures are included in the EIS for the DC district and all should be implemented as recommended as the district progressively builds out.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

**Response 2.8.5.2**

See Response 2.4.6.2.

**Comment 2.8.5.3**

...the parking situation...

(Fran Dufresne, 309 Cedar Court, Public Hearing Minutes, 2/11/2015)

There are a number of parking demand reduction techniques that can be incorporated into the design of a project that can reduce the actual number of single occupancy vehicles (SOVs) generated by the proposal and thus, reduce the number of parking stalls that would be required for each project thereby freeing available land area or parking stalls for commerce and economic development. Some of these techniques are programmatic and others are by parking lot, site and building design modifications. It is the belief of the Suffolk County Planning Commission that additional parking demand reduction techniques should be included within the text of the Downtown Copiague Zoning District.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

**Response 2.8.5.3**

See Response 2.4.6.3.

**Comment 2.8.5.4**

The DGEIS should include reference to the Suffolk County CR 12, Oak Street & CR 47, Great Neck Road Intersection Improvement Study submitted to the Town in January 2012.

(Suffolk County Department of Public Works, Letter, 2/19/2015)

## ***Comments and Responses***

### **Response 2.8.5.4**

See Response 2.4.6.4.

### **Comment 2.8.5.5**

Additional pedestrian circulation analysis for the DC district relating proposed future off street parking areas and proposed pedestrian movement patterns is warranted. Conflicts between motor-vehicle movements and pedestrian movements need to be identified and mitigated utilizing specific and appropriate traffic calming, complete street, universal design and congestion mitigation techniques.

(Suffolk County Department of Economic Development and Planning, Staff Report, 2/27/2015)

### **Response 2.8.5.5**

See Response 2.4.6.5.

### **2.8.6 Appendix F, Construction Cost Estimate**

No comments were received regarding the construction cost estimate.

### **2.8.7 Appendix G, Cultural Resource Documentation**

No comments were received regarding cultural resource documentation.

### **2.8.8 Appendix H, Hazardous Materials Documentation**

No comments were received regarding hazardous materials documentation.

## ***Appendix A, Public Hearing Minutes***

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PUBLIC HEARING  
OF THE  
TOWN BOARD  
TOWN OF BABYLON

Held at the Town House, 200 E. Sunrise Highway, Lindenhurst, New York,  
on Wednesday, the 11th day of February 2015 at 3:30 P.M., Prevailing Time.

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***A PUBLIC HEARING ON THE QUESTION OF TOWN BOARD ENVIRONMENTAL  
DETERMINATION ON THE DGEIS FOR THE DOWNTOWN COPIAGUE  
(DC) ZONING DISTRICT***

---

PRESENT:

LINDSAY P. HENRY	COUNCILMAN
ANTONIO A. MARTINEZ	COUNCILMAN
THOMAS DONNELLY	COUNCILMAN
JACQUELINE A. GORDON	COUNCILWOMAN
RICHARD SCHAFFER	SUPERVISOR
CAROL A. QUIRK	TOWN CLERK
JOSEPH WILSON	TOWN ATTORNEY
JENNIFER TAUS	RECORDING SECRETARY

ABSENT: NO ONE

-----  
The Town Clerk read the Notices of Public Hearing

NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON

PLEASE TAKE NOTICE, that the Town Board of the Town of Babylon will hold a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 11<sup>th</sup> day of February, 2015 at 3:30 p.m., prevailing time, to consider the Draft Generic Environmental Impact Study (DGEIS) in connection with the proposed amendment of Chapter 213 of the Code of the Town of Babylon to include a new zoning district for downtown Copiague, entitled the Downtown Copiague (DC) Zoning District (the "Proposed Action"), as well as rezone certain parcels into such district, as set forth in Exhibit "A" which is on file at the Town Clerk's Office

Dated: January 27, 2015, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON  
CAROL QUIRK, TOWN CLERK

***Supervisor Schaffer:***

Just before we get into the cards I want to make this statement for the public record as this is a Public Hearing and a public comment period that has now started as of January 27<sup>th</sup> and is going to run through February 27<sup>th</sup>, 2015.

Today's Public Hearing has been scheduled for the Board to receive comments on the Draft Generic Environmental Impact Statement (DGEIS) for the Draft Proposed Downtown Copiague Zoning District in accordance with the NY State Environmental Quality Review Act. This Public Hearing is part of the public comment period opened by the Town Board on January 27, 2015 upon completion of the DGEIS. The public comment period will remain open until February 27, 2015. That means that any member of the public who wishes to submit comments that was not able to be here today, can submit them by e-mail or by hard copy letter or can even visit with the Environmental Control Department and present comments if they are not able to present them on their own. Present comments to them and they will be incorporated into the Town Boards consideration of the Environmental Controls Department consideration of the DGEIS.

Today's hearing is focused on the DGEIS and Proposed Zoning, not a specific development. In accordance with SEQR, no decision will be made by the Board until the public comment period has closed.

In 2008, the Town of Babylon began a Community Visioning process for the hamlet of Copiague. The goal of this visioning was to identify community goals and objectives, provide a guide to revitalization and redevelopment, and identify strategies for implementing a vision that is rooted in the community's particular identity.

Throughout the course of this visioning, the Town and community met no less than eleven times to focus on many different areas of concern in the community in order.

Two kickoff presentations were made to the community in September 2008.

Three Interactive Community Education workshops were held in September and October of 2008 focusing on Existing Conditions, Land Use and Design and Safety, Economy & Transportation.

Four Community Focus groups were held in October to gather input from Business and Property Owners, Seniors, Religious leaders and Youth –Related Professional such as the school district, PTA and youth athletic leagues.

A day long vision Day was held on Saturday, October 18, 2008 at Copiague Middle School that included a community walking tour and design session.

Information on this process was provided in community newsletters and websites, postcard mailings, local weekly periodicals, through flyers distributed in businesses and locations throughout the community, in platform ads at the LIRR station and through local clergy throughout the Fall of 2008.

A Community Presentation was held on December 3, 2008 to present the results of the Vision process. The Copiague Vision Plan was adopted at a Town Board meeting in March, 2009.

A Downtown Copiague Implementation Committee was also formed during this process.

The following goals were identified during the vision process:

- Revitalize downtown as a **mixed-use**, transit-oriented district
- Strengthen **economic opportunities** in the downtown area
- Improve **roadway safety** and pedestrian accessibility
- Improve **parking and traffic** circulation

One of the recommended steps for the Town to take to achieve these goals was to **rezone the downtown area** to allow for a mix of uses around the train station and incorporate architectural and design standards.

The DEGIS for which the Town is accepting comments today has been prepared in direct response to the community recommendations provided in the Copiague Vision Plan and is a continuation of the community process.

The Town met with the Implementation Committee three times from March to June, 2014, and held a community-wide meeting in October 2014 to present draft zoning.

***Members of the Copiague Implementation Committee included representatives from the:***

***Copiague Chamber:***

Donna Farina, Janet Lombardo, Sharon Fattoruso

***Local Business Owners:***

Tony & Lori Prsco (Blizzard Fence), Jose Batista

***Members of the Copiague Board of Education:***

Brian Sales, Rosemary Natoli

***Representative from the Copiague Kiwanis Club:***

Mike Caldwell

***Representative from the Copiague School District:***

Charles Leunig, Superintendent

**Representatives from Copiague Fire Department:**  
Craig Stadelman, Chief, Mark Rosenberg, Assistant Chief

**Representative from Our Lady of Assumption:**  
Florence Feraca

**Representative from Polish Friends of Copiague:**  
Elizabeth Sokolowski

**Representative from Amity Harbor Civic Association:**  
Ralph Nocerino

I just wanted to submit that. That is a requirement of the SEQR to submit the information that has led to the drafting of the DGEIS. So that is submitted for the record. No we will go to the cards. As a reminder, anyone who has come in late, if you are interested in addressing the board on this Public Hearing you need to fill out a card up front and file with the Town Clerk and then come forward and speak when your name is called.

**Lori Prisco(Owner of Blizzard Fence):**  
32 Dolphin Lane  
Copiague, NY 11726  
631-495-8755  
[Lorton5@msn.com](mailto:Lorton5@msn.com)

Good afternoon. I am Lori Prisco owner, along with my husband Tony, of Blizzard Fence.

Blizzard Fence has had its footprints in Copiague since 1956. Much has changed from when my father-in-law began as a young entrepreneur. Today we need new ideas and creative ways of attracting businesses to our area.

Zoning Codes need to reflect the real concerns of downtown Copiague. It is imperative that the codes address and permit much needed innovation and renovation to a static downtown.

Together the Town of Babylon and the businesses can galvanize a downtown that creates a center for all our residents.

It is time for Copiague to map its future.

Blizzard Fence is 100% supportive of the potential transformation of Copiague.

Thank you for the opportunity to address this board.

**Henry K. Mikucki:**  
465 Marconi Blvd.  
Copiague, NY 11726  
631-842-7648

Been there since 1964. Across the street from me is going to be 90 units building there. How is that going to improve the environment? How is it going to help people and the traffic etc.? That's what I want an answer on.

**Supervisor Schaffer:**  
Ok so that will be incorporated into this and they'll be expected to provide the answers to those questions when they respond to all the questions that are brought up.

**Joseph Rodriguez:**  
50 Ticino Street  
Copiague, NY 11726  
631-842-8016

I have been here since 1968. I've seen the way Copiague has changed all these years. I believe this project is not going to help anything, but make it worse. Traffic is terrible now and it is only going to get worse. I'm concerned about safety for my children, my grandchildren that is, because this I believe is going to bring more crime when it's easy to get from one place to another it just brings crime. It's happened in Babylon, it's happened in other places and it's just going to make it worse here. My main concern is that values of the houses are going down, I don't believe that it's going to attract the right type of people and there is always a question of what type of renters, lessee's if you want to call them that are gonna be put

into this community plus also all the businesses that they are going to misplace in order to build this. Copiague would have to be, Great Neck Road would have to be a four lane road up and down in order to accommodate all this density and traffic. That's my beef, I hope you appreciate it and take it into consideration. I don't know if any of you live in Copiague or what they have driven down Great Neck Road or Strong Avenue, it's a nightmare. It's worse than the LIE. Thank you.

***Stephen Baierlein:***

380 Verrazano Avenue  
Copiague, NY 11726  
917-693-6083  
[stevenofsi@aol.com](mailto:stevenofsi@aol.com)

Basically as he said, I can attest that if anyone of you tried to going down Great Neck Road. I'll use last night as an example. Thirty-five minutes between Dixon Avenue and Montauk Highway. But Mr. Martinez at the meeting that they snuck through on the 90 unit one, the first meeting that people didn't find out unless they were in their mid-80's it seems, because I did a poll of about 500 people, not one got a postcard, unless they were in their mid-80's. The only reason I found out about it is my mother is, but aside from that you going to add all this. I moved out to suburbia, if I wanted to live in the city I would have moved back into Brooklyn or Manhattan. This you are going to build all this up and make it look just like the city. I've talked to a bunch of friends whose kids have graduated school, not one of them mentions living Copiague because of affordable housing. They all say there are no paying jobs. Maybe the town should look into luring industry and giving them a tax break to hire people in the town. Then you will have an easier thing, you'll cut the crime, cause people will take pride in their town. Because right now you go through Copiague, you got gang problems, you got drug problems, you call the police, nah! Come by, go between the High School and the Junior High any day you'll watch drug deals going down, cops are never there. People have complained, they still don't go. So now you are going to put this many more houses in and just have more crime. That's my complaint for this, I think it's a very bad idea.

***Edgar D. Solis:***

455 Marconi Blvd.  
Copiague, NY 11726  
516-543-2625

My concern is about the traffic that is caused by this project. Most of the people that live near this area are people who rent. You should go and see all the garbage that is down this block. Thank you.

***Tadeusz Siwoszek***

52 35<sup>th</sup> Street  
Copiague, NY 11726  
631-672-0624

I am an immigrant from Poland. I live in a Copiague home. Problem is I got new paper for tax for school is \$5000.00. In other town it is below \$3000.00. Condition of this school is horrible, I got information from Newsday. Lower level condition education included Copiague, Wyandanch, (inaudible section, unable to understand very heavy accent). I am not prepared and don't understand why Town of Babylon wants to raise up Copiague to city. Because this is village with higher problem with the community, lot of criminal, lot of mistake for the organization, this administration for this example of the school and any other administrators for this area. This is you know also, I pay tax, \$8182.00 for this house, how am I in my opinion about this construction of this house I got subject this maybe is good for the people who can never live different construction. My mother-in-law, Carmine visit where her daughter land in this country. As what she said "Oh my daughter, this house is so beautiful". This house is not qualified for this start, this Copiague is not qualified for the raise for the city and to raise the tax. And my last question, I'm sorry, how much we have to pay extra for this elevated condition, from countryside to the city. How much we have to pay?

***Supervisor Schaffer:***

Ok, that question will be included in, that they will have to respond to.

***ChrisKrafczek:***

611 Kenmore Avenue  
Copiague, NY 11726  
516-523-4561

I'll be honest with you, I only found out this about 18 hours ago. I've been in Copiague since 2003. Felt like I became a Copiagueian when I bought my 14<sup>th</sup> pizza from Joe's and got the free one. That's where I come from, I don't come from 19 only 14, can't even do it anymore. But, I think without having very little knowledge of this whole process, and I intend to go back and now find out all of what's going on. I think what people in Copiague are frustrated with is that we feel dumped on. Lindenhurst has avillage,

Amityville has a village, and let's put everything that we don't want into the middle of Copiague. No one, and I'm sure none of you want more affordable housing where you live. It's a real simple argument all the time. But we have some of the most affordable housing in the entire county. All you have to do is go up Williams Street and see the 3 boarded up houses and say you know what? We could put 6 families in there and redevelop those 3 houses. And as you go around Copiague you find more and more of that. I bought my house in 2003 for \$249,000.00, I guarantee you I can't get \$249,000.00 out of my house 11 years later or 12 years later. I feel like that's what Copiagueians are concerned about is there inability to have their voices heard in a real and meaningful way, because we all are lower middle class people. I shouldn't say all, many of us are lower middle class people struggling to make it through. If I didn't find out about this 18 hours ago I wouldn't have been here. We looked at the traffic cameras, that there are 5 of between Merrick Road, I'm sorry that's Nassau County, Montauk Highway and Sunrise Highway that we have to pass and then we go into Lindenhurst and really can't find one and the village of Lindenhurst, you can't find any in the village of Amityville. We scratch our heads and say now we're going to deal with a 90 unit affordable housing. There are probably 90 houses that you could find in Copiague that you could redevelop and put people in those houses, rather than developing 90 more and the traffic is atrocious as you've heard, that's it, thank you very much.

**Fran Dufresne:**  
309 Cedar Court  
Copiague, NY 11726  
631-226-3466  
[franbraun@aol.com](mailto:franbraun@aol.com)

As the gentleman before me pretty much said the same thing I have to say, except that I also have a student who goes to Copiague school. While I understand that this is a zoning meeting about changing the zone for that area right now and not necessarily about the 90 units. No one can guarantee us that when you build 90 units there is not going to be 90 more kids or 180 more kids in our school. Copiague school already knocked on my door for 76 million dollars to repair their existing schools. They are over crowded. They are underfunded. They have roof leaks, they have no air conditioning, everything that they want to get money from us for to pay for and 90 more affordable housing units are going to come in, I understand that the building will pay taxes, but I guarantee if you break it down per kid, it's not going to be the same as a property owner. It's not going to be the same as me on Cedar Court. It's not fair to make the people who are hardworking and pay their taxes have now to pay for more people to come into our schools where there are 30 kids in my son's class now. It's over crowded, it's unfair, the traffic aside because everyone said the same thing, 30 minutes to get from Sunrise to Montauk Highway is ridiculous. It's true it's a hazard for more cars, the parking situation everything that everyone said already. Thank you.

Councilman Martinez: I move that the hearing be **CLOSED** and decision reserved.

Councilman Henry: Second

ALL IN FAVOR: AYE  
HEARING **CLOSED** DECISION RESERVED.

/jt

**Supervisor Schaffer:**

As I stated the comment period for this is open until February 27, 2015. If you are interested in learning more about the proposal I just want Jonathan Keyes to raise his hand or stand up. So Jonathan Keyes is the Director of the Office for Downtown Revitalization, they are the office that is coordinating the presentation of this. They are the ones conducted the vision plan, this was started under former Supervisor Bellone, and now we are continuing that process. Again, Jonathan just stand up so if you are interested in speaking to Jonathan, he can and particularly like Chris, since you just learned about it or others that interested, you can speak directly to him. Set up a separate appointment if you feel the need to speak to me you can either email me to [rschaffer@townofbabylon.com](mailto:rschaffer@townofbabylon.com) or you can reach me on my cell phone at 516 429-3763. You can reach me either by email, that's the best way, then I can get back to you, cell phone is also fine, or text, or if you are on Facebook, which I'm sure most of you are even though you won't admit to it. Facebook you can friend me and like me or dislike me and send me a message cause I get a lot of messages through Facebook were people have issues going on in their neighborhood. So if you need to speak directly to me, someone's not doing their job here, just get in touch with me and I will be happy to handle that. If you have written comments to submit before the February 27<sup>th</sup> deadline, those comments should be sent directly to the Town Clerk's Office, and they will incorporated that into this public hearing and then the Environmental Control Department will be able to respond. They have to respond to all that. So this is the beginning of a process that will go on throughout this year.

**Comment from audience:**

When you submit the question, do you read the questions to people or do you answer them.

**Supervisor Schaffer:**

Everything that was stated on the record here today they have to by law respond to and then when you submit written comments to the Town Clerks Office they have to respond to that as well.

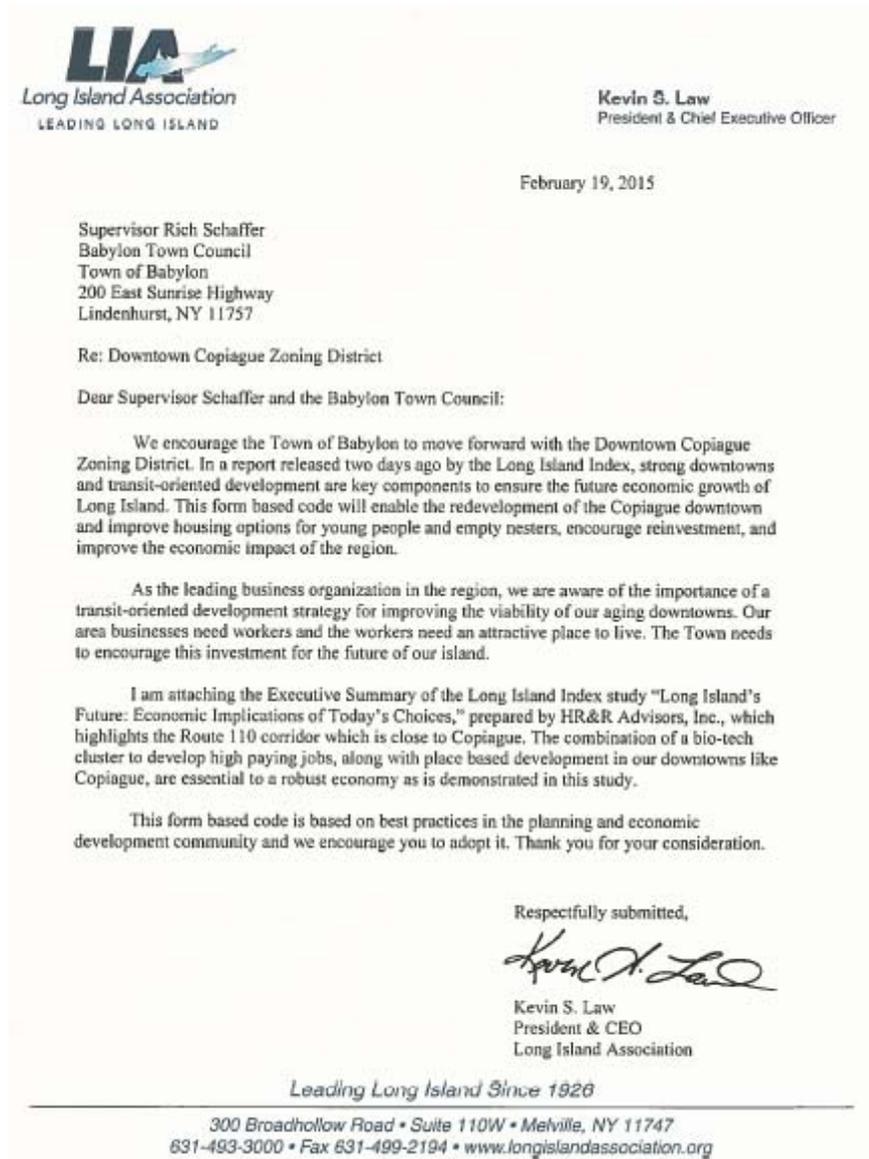
**Comment from audience:**

Do they respond at a meeting?

**Supervisor Schaffer:**

No they don't respond at a meeting, they will respond in a written document that has to then be submitted to the Town Board. There will be another hearing to adopt the final environmental impact statement. They will be a process by which, but if you are interested again if you signed up today we will add you to the list, so that you will get information through the Office of Downtown Revitalization. If you haven't signed up and you've spoken today what I suggest you do go see Jonathan and give him your contact information, your address, your email address and your phone number so that he can get your on the list so that you can get information going forward.

*The following comments were submitted after the close of the meeting.*



***Appendix B, DGEIS Comments and Correspondence***

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**COUNTY OF SUFFOLK**



**Steven Bellone**  
SUFFOLK COUNTY EXECUTIVE

**Department of  
Economic Development and Planning**

**Joanne Minieri**  
Deputy County Executive and Commissioner

**Division of Planning  
and Environment**

February 18, 2015

Town of Babylon  
200 E. Sunrise Highway  
Lindenhurst, NY 11757-2597  
Attn: Patricia McMahon

SEQRA Lead Agency Coordination  
Re: Adoption of Lead Agency Status  
S.C.T.M. No.: N/A  
S.C.P.C. No.: BA-15-LD

Dear Mr. Posillico:

Your notification for SEQR Coordination was received by our agency on February 3, 2015.

Please be advised that our agency, the Suffolk County Planning Commission, has no objection to the Town of Babylon assuming Lead Agency status for the above referenced.

The Suffolk County Planning Commission reserves the right to comment on this proposed action in the future and wants to be kept informed of all actions taken pursuant to SEQRA and to be provided with copies of all EAF's, DEIS's and FEIS's, etc. Please note that pursuant to New York State General Municipal Law section 239 and Article XIV of the Suffolk County Administrative Code, prior to final approval, this action should be referred to the Suffolk County Planning Commission for review.

Sincerely,

Andrew P. Freleng  
Chief Planner

APF/cd

February 19, 2015

Supervisor Rich Schaffer  
Babylon Town Council  
Town of Babylon  
200 East Sunrise Highway  
Lindenhurst, NY 11757

Re: Downtown Copiague Zoning District

Dear Supervisor Schaffer and the Babylon Town Council:

We encourage the Town of Babylon to move forward with the Downtown Copiague Zoning District. In a report released two days ago by the Long Island Index, strong downtowns and transit-oriented development are key components to ensure the future economic growth of Long Island. This form based code will enable the redevelopment of the Copiague downtown and improve housing options for young people and empty nesters, encourage reinvestment, and improve the economic impact of the region.

As the leading business organization in the region, we are aware of the importance of a transit-oriented development strategy for improving the viability of our aging downtowns. Our area businesses need workers and the workers need an attractive place to live. The Town needs to encourage this investment for the future of our island.

I am attaching the Executive Summary of the Long Island Index study "Long Island's Future: Economic Implications of Today's Choices," prepared by HR&R Advisors, Inc., which highlights the Route 110 corridor which is close to Copiague. The combination of a bio-tech cluster to develop high paying jobs, along with place based development in our downtowns like Copiague, are essential to a robust economy as is demonstrated in this study.

This form based code is based on best practices in the planning and economic development community and we encourage you to adopt it. Thank you for your consideration.

Respectfully submitted,



Kevin S. Law  
President & CEO  
Long Island Association

*Leading Long Island Since 1926*

COUNTY OF SUFFOLK



STEVEN BELLONE  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

PHILIP A. BERDOLT  
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.  
COMMISSIONER



DARNELL TYSON, P.E.  
DEPUTY COMMISSIONER

February 19, 2015

Town of Babylon  
Dept. of Environmental Control  
281 Phelps Lane, Rm. 23  
North Babylon, NY 11703-4045

Re: **CR 12, Oak St.**  
**Draft Generic Environmental Impact Statement - Proposed Downtown Copiague Zoning District**

To Whom It May Concern:

This Department has reviewed the Draft Generic Environmental Impact Statement (DGEIS) Proposed Downtown Copiague Zoning District. Specifically note that:

This Department's acceptance of the Town as lead agency, pursuant to Part 617, Article 8 (SEQRA), in no way waives the County's rights pursuant to 239F of t/he General Municipal Law and Section 136 of the Highway Law.

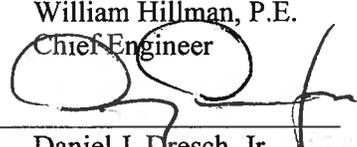
The DGEIS should include reference to the Suffolk County CR 12, Oak Street & CR 47, Great Neck Road Intersection Improvement Study submitted to the Town in January 2012.

If you have any questions, kindly contact this office at 852-4100.

Very truly yours,

William Hillman, P.E.  
Chief Engineer

By: \_\_\_\_\_

  
Daniel J. Dresch, Jr.  
Director of Traffic Engineering

WH:DD:ln

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

# 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) 853-5192 F: (631) 853-4044

Joanne Minieri, Deputy County Executive and Commissioner, Department of Economic Development  
and Planning

Sarah Lansdale, Director of Planning

## **Notice of Meeting**

**March 4, 2015 at 2:00 p.m.**

Maxine S. Postal Auditorium  
Evans K. Griffing Building, Riverhead County Center  
300 Center Drive Riverhead, New York 11901

### **Tentative Agenda Includes:**

1. Swearing in of New Member
2. Meeting Summary for January and February 2015
3. Public Portion
4. Chairman's Report
5. Director's Report
6. Guest Speaker
  - Mitchell Zwaik and Leah Sullivan from Zwaik, Gilberto & Associates, "Agriculture and Immigration"
  - Jonathan Keyes, Director, Office of Downtown Revitalization, Town of Babylon  
Eric Zamft, Project Manager, Office of Downtown Revitalization, Town of Babylon
7. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
  - Proposed Downtown Copiague (DC) Zoning District
8. Section A-14-24 of the Suffolk County Administrative Code  
None
9. Other Business:
  - Southampton IMA
  - Resolution on LIRR Electrification

**NOTE:** The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on April 1, 2015  
2 p.m. Town of East Hampton Board Room



Steven Bellone  
SUFFOLK COUNTY EXECUTIVE  
Department of  
Economic Development and Planning

Joanne Minieri  
Deputy County Executive and Commissioner

Division of Planning  
and Environment

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

**Applicant:** Downtown Copiague (DC) Zoning District  
**Municipality:** Town of Babylon  
**Location:** Copiague

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**Received:** 2/13/15  
**File Number:** BA-15-01

**Jurisdiction:** Zoning Code Amendment

**PROPOSAL DETAILS**

**OVERVIEW** – The Town of Babylon has referred to the offices of the Suffolk County Planning Commission the proposed adoption of amendments to the Zoning Law of the Town of Babylon and the Building Zone Map of the Town of Babylon, to create a Downtown Copiague (DC) Zoning District. The Draft Generic Environmental Impact Statement (DGEIS) for the Proposed Downtown Copiague (DC) Zoning District, as well as, the entire proposed zoning code amendment is found at the following link: <http://www.townofbabylon.com/DocumentCenter/View/1308>.

The DC Zoning District is being advanced by the Town Board of the Town of Babylon in order to implement the vision for Copiague provided in the Copiague Vision Plan. The Vision Plan was adopted by the Babylon Town Board in 2009 and was prepared to provide a long-term planning framework for downtown redevelopment. The DC Zoning District is intended to facilitate a vibrant transit-oriented downtown containing a mix of housing types and retail, office, personal service and other compatible uses that contribute to a sense of Community. The Babylon DC Zoning District regulations are designed to build upon the strengths of Copiague and especially the downtown area, including the presence of the Copiague Long Island Rail Road (LIRR) Station, Veterans Memorial and Copiague Parks, and a diverse residential community that is within walking distance to many of the downtown’s commercial establishments.

The area subject to the proposed DC Zoning District would encompass the area within convenient walking distance of the Copiague Train Station (0.25 miles) and is approximately 35 acres in size. The Study area is located in the north-central portion of Copiague and generally is comprised of

those properties fronting along Great Neck Road from Campagnoli Avenue to Hollywood Avenue/East Gate, along the south side of Marconi Boulevard from Molly Street to Verrazano Avenue, and along Railroad Avenue from Pine Street to approximately adjacent to Verrazano Avenue.

Implementation of the proposed DC Zoning District is anticipated to result in new development that is not currently permitted under existing zoning in the Study Area. A full build out scenario under the proposed zoning district, as is reported in the DGEIS, projects the following:

- 420 residential units overall, consisting of:
  - 369 apartments
  - 20 townhomes
  - 12 single-family homes
  - 16 two-family homes
  - 3 three family homes
- 245,064 square feet of retail
- 43,500 sf of restaurant
- 88,095 sf of office
- 28,196 sf of park and open space
- 55,186 sf of institutional and civic space
- 1,567 parking spaces

The DC district would permit a variety of principle uses on the ground and upper stories in mixed – use or single use buildings intended to provide for new and needed housing opportunities, job creation, encourage redevelopment of vacant and underutilized properties, provide architectural, streetscape and open space improvements and foster the revitalization of downtown Copiague. As proposed, offices would be permitted only on the upper stories as part of a mixed-use building.

The DC Zoning District would also permit, by special permit, on-premises food and beverage consumption establishments (on the ground story only) and outdoor dining (accessory to an on-premises food and beverage consumption establishment). For uses within the District, a base set of lot and bulk controls are included which could be altered through the proposed incentives provided in the law. The base set of controls include a limit of building height to three stories maximum building area of the lot at 80%, maximum residential density of 35 units/acre and a maximum FAR of 2.0.

In order to encourage development within downtown Copiague, the proposed zoning amendments include a system of zoning incentive or bonuses. Such zoning incentives would be available to applicants in exchange for specific physical, social, or cultural benefits or amenities. Such community benefits or amenities could include among others, the following on a particular location or generally within the community:

Public parking  
Open or park space  
Downtown infrastructure improvements  
Affordable housing  
Sustainable building techniques

The incentives or bonuses would include the following:

Increased residential density of up to 48 units per acre  
Increased FAR of up to 2.2

Increased height of up to 4 stories  
Reduced parking requirements  
Modifications to other land development standards

The DC Zoning District contains specific minimum off-street parking requirements for a number of uses that differ from the general standards provided by other sections of the Babylon Code. These standards reflect the DC Districts immediate access to transit options. The proposed District also contains a number of design considerations in order to improve the existing aesthetic appearance of downtown Copiague and to promote a high quality streetscape and pedestrian environment. In addition, specific regulation related to signage, lighting, buffering, outdoor storage and green building and site planning techniques are included.

The entire area proposed for the Town of Babylon Downtown Copiague (DC) Zoning District is located within the Southwest Sewer District (Suffolk County SD #3).

As detailed in the GEIS anticipated environmental impacts resulting from the implementation of the DC district are “principally the beneficial effects of adopting zoning that provides for the more orderly growth, development and redevelopment of the downtown area. In addition, new development would provide new tax ratables and jobs, stabilize neighborhood conditions, upgrade infrastructure systems, and enhance the image of the community. Projected development or redevelopment encouraged by the implementation of the proposed Downtown Copiague (DC) Zoning District may have adverse environmental impacts. Anticipated among them include “temporary or short-term impacts associated with construction, while others would be long-term impacts, including increased traffic and increased demand on infrastructure, utilities and community services.”

Mitigations proposed to offset the potential impacts of development in the DC district include approximately eleven (11) congestion mitigation solutions to intersections and roadways within the district. In addition, a number of general parameters and criteria for site specific review of future development and improvements have been established and are included within chapter six (6) of the DGEIS.

## **STAFF ANALYSIS**

It is the belief of staff that the proposed Downtown Copiague Zoning District has been compressive and thoughtful. The proposed zoning district is preceded by a community visioning process that precipitated a vision plan adopted by the Town Board.

While the study area is compact, it includes the area traditionally considered to be downtown Copiague by the Suffolk County planning staff. However, the area also includes some area extending further east and west along both Oak Street and Marconi Boulevard. According to the EIS for the proposed zoning district, build out of the newly designated area would double to triple the development square footage contained within the proposed DC zone. For the sake of comparison purposes, full build out of downtown Copiague would be more similar to the size of downtown Lindenhurst or downtown Amityville, but still smaller than downtown Babylon.

It is the belief of the Suffolk County Planning Commission staff that the proposed height of three (3) stories appears appropriate within the study area boundary. The proposed maximum housing density of 35 units per acres, while high by Suffolk County standards overall, is actually in line with some of the older developments in downtowns across the County. This type of height and density should be strictly confined to the boundary of this downtown Copiague district in order to maintain the uniqueness of the district and to fully take advantage of the amenities within a viable TOD.

The addition of more than 500 parking spaces at build out is desirable. With more than 300 new housing units and 200,000 square feet of retail and restaurants, there are a number of parking demand reduction techniques that can be incorporated into the design of a project that may reduce the actual number of single occupancy vehicles (SOVs) generated by the proposal and thus, reduce the number of parking stalls that would be required for each project thereby freeing available land area or parking stalls for commerce and economic development. Some of these techniques are programmatic and others are by parking lot, site and building design modifications. It is the belief of the staff that additional analysis as to parking demand reduction techniques should be included within the text of the Downtown Copiague Zoning District.

Significant traffic mitigation measures are included in the EIS for the DC district to accommodate the additional development that could have a significant impact on the ability of motorists to drive to or through this area. These mitigations, in the opinion of staff, should all be implemented.

Potential conflicts between motor-vehicle movements and pedestrian movements need to be identified and mitigated utilizing specific and appropriate traffic calming, complete street, universal design and congestion mitigation techniques. It is the belief of the staff that additional pedestrian circulation analysis for the DC district relating proposed future off street parking areas and proposed pedestrian movement patterns is warranted.

Density bonuses are proposed if the builder provides certain community benefits. The present form of the proposed code provides the Town with maximum flexibility under changing market conditions to implement the vision of the district.

## **STAFF RECOMMENDATION**

**Approval** of the Town of Babylon proposed Downtown Copiague Zoning District and Revision to the Building Zone Map of the Town of Babylon with the following comments:

1. Height and density should be strictly confined to the boundary of this downtown Copiague district in order to maintain the uniqueness of the district and to fully take advantage of the amenities within a viable TOD.
2. There are a number of parking demand reduction techniques that can be incorporated into the design of a project that can reduce the actual number of single occupancy vehicles (SOVs) generated by the proposal and thus, reduce the number of parking stalls that would be required for each project thereby freeing available land area or parking stalls for commerce and economic development. Some of these techniques are programmatic and others are by parking lot, site and building design modifications. It is the belief of the Suffolk County Planning Commission that additional parking demand reduction techniques should be included within the text of the Downtown Copiague Zoning District.
3. Significant motor-vehicle congestion mitigation measures are included in the EIS for the DC district and all should be implemented as recommended as the district progressively builds out.
4. Additional pedestrian circulation analysis for the DC district relating proposed future off street parking areas and proposed pedestrian movement patterns is warranted. Conflicts between motor-vehicle movements and pedestrian movements need to be identified and mitigated utilizing specific and appropriate traffic calming, complete street, universal design and congestion mitigation techniques.



The information on this map was derived from digital databases on the Town of Babylon's GIS. The data represented on this map has been compiled by the best methods available. The Town of Babylon assumes no legal responsibility for the information or accuracy contained on this map. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

<p>Town of Babylon</p>  <p>Richard Schaffer Supervisor</p>	<p>Downtown Copiague (DC) Zoning District Draft Generic Environmental Impact Statment (DGEIS) Figure 2-2: Study Area Conditions</p> <p>  Study Area   Points of Interest         </p>	<p>Created by Department of Planning &amp; Development Ann Marie Jones, Commissioner</p> <p>January 27, 2015</p>
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Z-1: Downtown Copiague Zoning District  
 SCPD: BA-15-01

Proposed Downtown Copiague Zoning District



2,100 1,050 0 2,100 Feet



THESE DATA WERE OBTAINED FROM AERIAL PHOTOGRAPHS OF THE AREA. THE PLANNING COMMISSION HAS CONDUCTED VISUAL VERIFICATION OF THE DATA AND HAS FOUND THEM TO BE ACCURATE. THE PLANNING COMMISSION HAS CONDUCTED VISUAL VERIFICATION OF THE DATA AND HAS FOUND THEM TO BE ACCURATE. THE PLANNING COMMISSION HAS CONDUCTED VISUAL VERIFICATION OF THE DATA AND HAS FOUND THEM TO BE ACCURATE.

***Appendix C, Revised Proposed Downtown  
Copiague (DC) Zoning District***

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# **TOWN OF BABYLON**

Local Law \_\_ of 2015 to Amend the Zoning Code of the Town of Babylon to Add:

Article XLIII  
“Downtown Copiague (DC) Zoning District”

Section 1. § 213-1, Definitions and word usage, of Article I, General Provisions, of Chapter 213, Zoning, of the Code of the Town of Babylon is hereby amended to include the following definitions:

**COMMUNITY BENEFITS or AMENITIES**

Specific physical, social, or cultural amenities, as set forth in § 213-549, as authorized by the Town Board, which provide a benefit to the residents of the community.

**COMMUNITY CENTER**

A building and related facilities used for recreational, social, educational, and cultural activities, operated by a public or nonprofit group or agency.

**FLOOR AREA RATIO or FAR**

The total floor area, in square feet, of a building or buildings divided by the total area, in square feet, of the plot on which the building or buildings are situated.

**GREEN ROOF**

A building roof that is engineered to be covered with low-maintenance growing plants that: insulate in winter, cool the building in summer, reduce solar absorption, reduce precipitation run-off from roof surfaces, and improve interior Heating, Ventilating and Air Conditioning (HVAC) efficiency.

**HEALTH CLUB**

An establishment that provides facilities for physical exercise such as aerobics, running, jogging, weight lifting, game courts, swimming facilities and accessory saunas, showers, massage rooms and lockers, within an enclosed building or buildings.

**INCENTIVE ZONING**

The system by which specific incentives or bonuses are granted, pursuant to § 261-b of Town Law of the State of New York, on condition that specific physical, social, or cultural benefits or amenities are provided to the community.

**INCENTIVES or BONUSES**

Adjustments to the permissible density, height, or other requirements of the Zoning Code of the Town of Babylon in exchange for a specific community benefit or amenity that provides for a specific purpose authorized by the Town Board.

**MIXED-USE**

A development or building containing a mix of different types of land uses. In many cases, mixed-use refers to retail on the first story, with residential or office above.

**OUTDOOR DINING**

Any outdoor café, sidewalk café, eating area, or any food service accessory to an on-premise food and beverage consumption establishment.

**OUTDOOR DISPLAY**

Retail merchandise that is displayed during business hours outside of the building housing the business.

**PERVIOUS PAVING**

A hard surface with load bearing capacity engineered to allow for the passage of water through it. The surface may be comprised of paving blocks with open corners, lattices or edges or asphalt/concrete mixes without “fines”.

**PLAZA**

An open space paved and/or partially landscaped and accessible to the public at all times, which has an area of not less than 7,500 square feet with a minimum dimension of 50 feet and which is bounded on one side by a front lot line or which is connected to the street by a means of a pedestrian walkway.

**SHARED PARKING**

Where two or more uses merge parking needs in shared parking facilities based on different peak periods of demand.

**SINGLE-USE**

A development or building containing only one type of land use.

Section 2. § 213-387, Definitions, of Article XXXIII, Signs, of Chapter 213, Zoning, of the Code of the Town of Babylon is hereby amended to include the following definitions:

**AWNING SIGN**

A sign painted on, printed on, or attached flat against the surface of an awning.

**BAND SIGN**

A sign that extends no more than six inches beyond the building façade, which is painted onto, incised into, or attached parallel to the building wall, normally over the first floor storefront.

**BLADE SIGN**

A sign that either projects perpendicular from a wall or hangs from an overhead architectural element perpendicular to the building wall.

**BOARD SIGN**

A sign that is painted or applied onto a sign board.

**HOME-BASED BUSINESS SIGN**

A non-illuminated sign containing only the name and occupation of a permitted home occupation.

**PAINTED WALL SIGN**

A sign painted on the wall of a building or structure in such a manner that the wall forms the background surface of the sign.

**REAL ESTATE SIGN**

A sign pertaining to the sale, or rental lease of the premises, or a portion of the premises, on which sign is located.

**SECURITY SIGN**

A sign indicating the provision of security protection service for the property.

**VERTICAL SIGN**

A sign whose message is oriented perpendicular to the ground.

Section 3. Chapter 213, Zoning, of the Code of the Town of Babylon is hereby amended to include Article XLIII, Downtown Copiague (DC) Zoning District:

**§ 213-534. Legislative Intent and Purpose.**

In 2009, the Town of Babylon and Copiague community completed the *Copiague Vision Plan* (the “Vision Plan”), a comprehensive vision for the downtown Copiague. The vision for downtown Copiague is that it will be a vibrant, people-friendly place that feels safe and secure, where people can walk, shop, entertain, relax, play, interact, and spend time, and where the sense of community can be strengthened. The Vision Plan identifies various existing conditions that stand in the way of that vision and suggests the implementation of various actions to encourage and facilitate the transformation of downtown Copiague. The Vision Plan observes that the existing zoning in downtown Copiague represents a limitation towards revitalization of the downtown core. Among the Vision Plan’s recommendations is the development of contemporary zoning regulations for downtown Copiague, including updated lot and bulk controls that would coordinate and guide future development. Therefore, in response to these recommendations, the Town Board of the Town of Babylon (“Town Board”) herein enacts a new Article of the Code of the Town of Babylon to create a new district to be known as the “Downtown Copiague (DC) Zoning District.” The primary purpose of the DC Zoning District is to facilitate a vibrant transit-

oriented downtown containing a mix of housing types and retail, office, personal service, and/or other compatible uses that contribute to a sense of community. The DC Zoning District regulations are designed to build upon the strengths of Copiague and especially the downtown area, including the presence of the Copiague Long Island Rail Road (“LIRR”) Station, Veterans’ Memorial and Copiague Parks, and a diverse residential community that is within walking distance of many of the downtown’s commercial establishments. Further, the regulations set forth in this Article are designed to encourage and continue to improve the existing aesthetic appearance of downtown Copiague, in order to enhance its community identity. Finally, the regulations set forth in this Article reflect “form-based” strategies that are as much interested in the form of development and its relation to Copiague’s streets and sidewalks, as to the specific use, lot, and bulk of development.

**§ 213-535. Applicability. District Boundaries.**

The provisions of the DC Zoning District promulgated herein shall apply to those properties designated as such on the Building Zone Map of the Town of Babylon, Suffolk County, New York, as amended. The DC Zoning District is generally comprised of those properties fronting along Great Neck Road from Campagnoli Avenue to Hollywood Avenue, along Marconi Boulevard from Pine Street to Verrazano Avenue, and along Railroad Avenue from Pine Street to Verrazano Avenue.

**§ 213-536. Permitted Uses.**

In DC Zoning District, no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided for in this Article, except for one or more of the following uses:

A. Principal uses.

- (1) The following uses shall be permitted on the ground and upper stories, in mixed-use or single-use buildings:
  - (a) Shops and stores for the sale of retail or consumer merchandise and services.
  - (b) Personal service shops such as barbershops, beauty parlors.
  - (c) Banks, financial institutions.
  - (d) Museums, art galleries.
  - (e) Libraries.
  - (f) Theaters, including movie theatres and performing arts theatres.
  - (g) Health clubs.
  - (h) Offices, when consistent with the design considerations provided in § 213-540.B.
  - (i) Public, private, or vocational schools, learning centers, test preparation centers.
  - (j) Community centers.
  - (k) Public parks, playgrounds, and recreational areas when authorized by a governmental authority.

- (l) Multiple residences, except for properties with frontage on Great Neck Road, where there shall be no residential uses on the first story.
- (m) Uses similar to the above, as determined by the Planning Board.

(2) Offices shall be permitted only on the upper stories as part of a mixed-use building.

(3) None of the aforementioned uses shall be permitted with a drive-in window.

B. Accessory uses.

In the DC Zoning District the following accessory uses, and no other, shall be permitted:

(1) Off-street parking and loading, including parking structures.

(2) Open space or plaza areas accessible to the general public.

(3) Signs, subject to the provisions of § 213-541.

(4) Temporary outdoor displays, subject to the provisions of § 213-543.

(5) Other customary accessory uses and buildings, provided that such uses are incidental to the principal use, but such uses shall not include any activity conducted as a business.

**§ 213-537. Uses Permitted by Special Permit.**

A. Planning Board

(1) On-premises food and beverage consumption establishments on the ground story only, when permitted by special exception by the Planning Board pursuant to Article XXVI of this Chapter, subject to such conditions, restrictions and safeguards as may be imposed by the Planning Board.

(2) Outdoor dining accessory to an on-premises food and beverage consumption establishment, subject to the following provisions:

(a) Front yard outdoor seating:

[1] The overall sidewalk width shall be a minimum of 15 feet.

[2] A minimum unobstructed sidewalk of seven feet closest to the street shall be maintained.

(b) Rear yard outdoor seating:

[1] The rear yard setback shall be not less than 15 feet.

(c) Side yard outdoor seating:

[1] The side yard setback shall be not less than seven feet.

- (d) Outside dining shall only be permitted to operate between the hours of 8:00 a.m. to 11:00 p.m. for any on-premises food and beverage consumption establishment within 500 feet of any residence district.
- (e) Outside loudspeakers, exterior live entertainment, or dancing of any kind shall be prohibited for any on-premises food and beverage consumption establishment between the hours of 11:00 p.m. and 8:00 a.m. or within 500 feet of any residence district during any hour of the day.
- (f) Outside dining shall be permitted on the subject parcel only and/or the sidewalk adjacent to a building, on the ground story only, and contiguous to the building.
- (g) Any outdoor dining accessory to an on-premises food and beverage consumption establishment shall comply with the provisions of Chapter 156, Noise, of the Code of the Town of Babylon.

**§ 213-538. Lot and Bulk Controls.**

All development within the DC Zoning District shall meet or exceed the minimum standards contained herein.

**A. Building height.**

In a DC Zoning District, no building or structure hereafter erected or altered shall exceed 3 stories. The following exceptions are permitted:

- (1) Parapets, not exceeding three feet in vertical distance from the base to the highest point.
- (2) Stairwell or elevator bulkheads, water tanks, chimneys, heating and air-conditioning apparatus, or other mechanical equipment projections occupying less than 10% of the area of the roof and not exceeding 12 feet in vertical distance from base to the highest point.
- (3) Safety railings or walls required by the New York State Building Code to enclose outdoor living space or decks, not exceeding the minimum height required by the New York State Building Code for such railings or walls.

**B. Lot area.**

In a DC Zoning District, no building shall be erected on a lot having an area of less than 4,000 square feet.

C. Lot width.

In a DC Zoning District, no building shall be erected on a lot having width of less than 40 feet at the front street line.

D. Front yards.

In a DC Zoning District, no front yard shall be required. To the extent practicable, buildings should be constructed to the front lot line. However, in the case where it is not practicable, the maximum front yard shall be 10 feet. The following exception is permitted:

(1) Outdoor dining accessory to an on-premises food and beverage consumption establishment, as promulgated in § 213-537.A.(2) of this Article.

E. Side yards.

In a DC Zoning District, no side yard shall be required. To the extent practicable, buildings should be constructed to the side lot line.

F. Rear yards.

In a DC Zoning District, there shall be a rear yard having a minimum depth of 15 feet.

G. Building area.

In a DC Zoning District, the total building area shall not exceed 80% of the lot area.

H. Residential density.

In a DC Zoning District, the maximum residential density shall be 35 dwelling units per acre.

I. Dwelling unit size.

In a DC Zoning District, the minimum dwelling unit size shall be 500 square feet.

J. Floor Area Ratio (FAR).

In a DC Zoning District, the maximum FAR shall be 2.0.

**§ 213-539. General Procedures**

All development within the DC Zoning District shall be subject to site plan review in accordance with Chapter 186, Site Plan Review, of the Code of the Town of Babylon, except for applications that involve incentive bonuses, which shall be subject to both site plan review and the zoning incentive procedures, as promulgated in § 213-549 of this Article. For all applications within the

DC Zoning District, there shall be additional review and recommendation from the Office of Downtown Revitalization.

**§ 213-540. Design Review.**

A. Design review procedures

In any case where site plan approval is required for property within the DC Zoning District, the Planning Board of the Town of Babylon shall review the architectural design of structures and buildings, pursuant to the design considerations listed in § 213-540.B of this Article. In reviewing for architectural design, the Planning Board shall utilize submittals made pursuant to Chapter 186 and shall follow the procedures listed in §§ 186-21, 186-22, 186-23, 186-24, and 186-25. The Office of Downtown Revitalization shall also provide input on the architectural design of structures and buildings as part of the aforementioned process. In addition, for applications within the DC Zoning District, such application shall include at least one colored rendering. The Planning Board, as part of its review, may require an applicant to provide additional architectural design, elevations, or other information it shall determine.

B. Design considerations

The quality of the built environment and its relationship to the natural landscape is a key indicator of quality of life. The objective of the design considerations for the DC Zoning District is to provide high quality and complementary design of buildings, landscaping, parking, and other site and building design characteristics. Special emphasis is placed upon methods that reduce the large-scale visual impact of buildings and encourage tasteful innovative design for individual buildings.

In any case where site plan approval is required for property within the DC Zoning District, the Planning Board shall review the architectural design of structures and buildings, pursuant to the design considerations listed in § 213-540.B and §§ 213-522 to 213-525 of Article XLII, Downtown Wyandanch and Straight Path Corridor Form-Based Code, of this Chapter, as well as the design considerations listed below.

- (1) The principal building entrance and front should face the primary street frontage and sidewalk.
- (2) Building design and landscaping should serve to reinforce and announce the main pedestrian building entrances.
- (3) Parking should be placed in the rear of lots, whenever possible, and should be adequately planted and landscaped in order to create an attractive point of arrival.
- (4) Walkways should be provided for safe and convenient pedestrian access from sidewalks to storefront entries, and from storefronts to adjacent residential areas.

- (5) Special materials, such as brick or cobblestones and picket fences, are encouraged for walkways in downtown Copiague, particularly those with older or historic buildings.
- (6) Ground-story space improved with commercial or office should include display windows, lighting, architectural treatments, and/or landscaping that is active, visible, and enhances the pedestrian environment. Where shade is desired, awnings are encouraged.
- (7) The exteriors of buildings should utilize natural cladding materials such as wood, brick, stucco, stone, or a combination of such materials or their equivalent. The use of imitation, synthetic, metallic, and reflective materials should be avoided, including, but not limited to aluminum or vinyl siding, imitation brick or stone, or plastic.
- (8) Building shape, proportions, massing, and design should be appropriate to the historic character of downtown Copiague. Architectural features such as porches, porticoes, shutters, decorative door and window frames, balconies, cornices, dormers, chimneys, turrets, and spires should be used to reinforce a pedestrian scale and create interest and variety in the facade.

**§ 213-541. Signs.**

In order to protect, preserve, and promote the unique character of downtown Copiague, the following specific sign regulations are required. These specific requirements shall be in addition to the general requirements set forth in Article XXXIII, Signs, of this Chapter. If this subsection is silent on an issue of signage, Article XXXIII or any other duly enacted local law regulating signs shall govern. In the event of conflict between this Section and Article XXXIII of this Chapter, this Section shall govern for signage in downtown Copiague.

**A. Permitted and prohibited signs.**

- (1) Four types of attached signs are permitted:
  - (a) Band Signs: A band sign consists of a band of lettering across the entire width of the building. If lit, band signs shall be front-lit with gooseneck lights. Band signs shall be a maximum of three feet tall, shall extend no more than six inches beyond the building façade, and the bottom of the band sign shall not be installed less than 10 feet above the sidewalk.
  - (b) Board Signs: A board sign consists of painted or vinyl graphics on a signboard attached flush with the building wall.
  - (c) Window Signs: A window sign is located behind the glass or is comprised of painted, gold leaf, or vinyl applied directly to the glass. The height of any window sign shall be limited to one-third the height of the glass in the sash where the sign is installed. The width of any window sign is limited to 90% of the width of the glass in the sash where the sign is installed. Signs may not be affixed with tape or other temporary means to the exterior nor to the interior of the glass surfaces. Decals shall not be affixed to glass. Alternatively and in order to minimize window clutter, one signboard

may be placed in the window, consisting of many individual signs. Such signboard shall not exceed 40% of the glass surface.

- (d) Painted Wall Signs: Painted wall signs may only occur on wall surfaces that are set back at least 50 feet from the edge of the pavement to allow for equal viewing by pedestrians and motorists and shall not be the primary sign of the business they represent. Such signs shall be rectangular, oriented horizontally or vertically, and no larger in area than two feet by two times the building width. These signs shall have a dark background color with a black border.
- (2) Two types of projecting signs are permitted:
- (a) Blade Signs: Blade signs hung from an architectural element shall be centered on that element. Blade signs projecting from the wall shall have a maximum projection of 40 inches and shall be no more than three feet wide by two feet tall. No blade sign shall exceed six square feet. The top of the blade sign shall be between eight feet and 12 feet above the sidewalk. Brackets or other suspension device shall match the architectural style of the building and shall not be computed as part of the allowable size of the sign.
  - (b) Vertical Signs: Vertical corner signs may project perpendicular from one side of the building or at a 45 degree angle to the corner. Vertical corner signs may be lit with gooseneck lights. Vertical corner signs shall be mounted a minimum of eight feet in height from the sidewalk, measured to the bottom of the sign. The height of the sign shall not exceed the 12 feet. Vertical corner signs shall be mounted 12-inch maximum away from the exterior wall of the building and shall be a maximum of three feet wide.
- (3) Ground Signs: Sculptural and A-frame sign boards placed on the sidewalk shall be permitted if they are temporary and removed during non-operating hours.
- (4) Awning Signs: Signage may be painted either on the fringe of an awning or in the center of the body of the awning. Awning signs shall be painted directly on canvas. Back lit awnings are prohibited. Signs that occupy the fringe of the awning may fill the entire height and width of the fringe up to a maximum fringe height of nine feet.
- (5) Home-Based Business Signs: Signs advertising a home-based business shall be permitted and shall be consistent with the architectural style and shall be painted wood with a maximum size of six square feet. Signs may have engraved gold leaf letters and symbols. Signs may be mounted to a freestanding post, hung below a porch roof, or mounted to a building wall. Brass signs may be used for signs mounted to masonry building walls. One sign advertising a home-based business is permitted at each frontage.
- (6) Security Signs: One sign providing notice of a security system is permitted at each frontage and shall be affixed to a building.
- (7) Real Estate Signs: One real estate sign advertising a property for sale or rent may be displayed at each frontage.

- (8) Exposed neon and back lit, pin-mounted neon signage shall be permitted.
- (9) Temporary signs shall be permitted, subject to § 213-409.
- (10) Internally illuminated and glowing dome-shaped canopy awnings, as well as internally illuminated box lighting, flashing, digital, moving, false neon-like, vinyl banner, and flag signs shall be specifically prohibited. In addition, freestanding, off-site, and detached signs are prohibited unless noted otherwise.

#### B. Materials; uniformity

- (1) Signs shall be of materials consistent with the architectural style.
- (2) Address numbers shall be six inches in height, as required by New York State law, and shall be gold leaf, metal, ceramic or paint in a color contrasting with the background color.
- (3) Signage should ideally be uniform for each storefront, building, and downtown Copiague.

#### C. Sign Permit

- (1) Permit required. It shall hereafter be unlawful, except as otherwise provided in this Article, for any person to erect, construct, alter, relocate, reconstruct, display, or maintain in the DC Zoning District any sign without first having obtained a written permit from a Building Inspector, in compliance with the provisions of this Article and the Town Code. All signs shall be subject to the approval of a Building Inspector as to the structural safety thereof in conformity with recognized engineering standards.
- (2) Application for permit. Any person who wishes to procure a permit as above required shall file with the Building Inspector a written application accompanied by a scale drawing showing the structural members, the lettering, the pictorial matter or other copy located on the sign face, a location plan showing the position of the sign on the building, structure or plot of land, the material comprising the sign and sign structure, the method of attachment and such other information as a Building Inspector may require to show compliance with the provisions of this article and the Town Code. If the sign is an electrical sign, the applicant must also furnish and indicate the specifications of all electrical wiring and components. The applicant shall also present a written statement showing the name of the owner or of the person in control of the building, structure and plot of land where such sign is to be located and the right or authority of the applicant to obtain a permit. For signs within the DC Zoning District, the Building Inspector shall forward all application materials to the Planning Department and Office of Downtown Revitalization for their input.
- (3) Fees. Except as otherwise provided, no sign permit shall be issued until the applicable fee, established by the Town Board from time to time, is paid.

- (4) Renewal. Every sign permit shall be renewed every two years upon the payment of the renewal fee, and each application for a renewal permit shall be accompanied by a certificate certifying that the sign has been inspected by a Building Inspector and found to be properly hung in a secure and safe position, maintained in good and safe condition, and further certifying that the sign complies with the provisions of this Article.

D. Nonconforming signs.

In the event that a sign lawfully erected prior to the effective date of this Article does not conform to the provisions and standards in this Section, then such signs should be modified to conform or be removed according to the following regulations:

- (1) All nonconforming signs shall be modified by its owner to comply with these regulations or such sign(s) shall be removed within three years after the effective date of this Article.
- (2) A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. A nonconforming sign shall be replaced with a conforming sign when the nonconforming sign sustains damage to 50% or more of the original sign or where the cost of the repairs to the damaged sign is 50% or more of the original cost of the sign.
- (3) An existing nonconforming sign identifying a tenant or occupant may remain, subject to §§ 213-541.D (1) and (2) and provided that the only change in signage is the identity of the new tenant or occupant.

**§ 213-542. Lighting.**

Any development within the DC Zoning District shall comply with the provisions of §213-245, Exterior Lighting Standards, of this Chapter. All parking areas, entries, walkways, corridors, passages, utility areas and front landscaping must be provided with adequate lighting for safety purposes. Lights shall be adjusted so as not to shine into adjacent properties.

**§ 213-543. Outdoor Storage and Display.**

A. In the DC Zoning District, there shall be no outdoor storage and/or display; however, a 45-day temporary permit may be issued at the discretion of the Building Inspector for outdoor display of merchandise intended for sale, marked for sale, or having the appearance of being for sale, provided that:

- (1) There shall be sufficient sidewalk clearance to allow for walkability in the downtown area.
- (2) The temporary outdoor display of merchandise is located within five feet of the principal building.

- (3) There shall be free access to all buildings.
- (4) The temporary outdoor display of merchandise shall not be placed in or on street furniture, parking meters, public signage, planter boxes, turf, dirt, or landscaped areas, nor beyond the edge of the business' street frontage.
- (5) All sales transactions shall occur inside the building.
- (6) The merchandise shall be displayed only during business hours.

**§ 213-544. Buffering and Transitions.**

- A. Trash/dumpster areas shall be screened by an enclosure (such as wood fences, chain link fences, vinyl fences, or masonry enclosures), as well as sufficient landscaping. Such screening shall be aesthetically pleasing, as well as durable to the satisfaction of the Planning Board as determined during site plan review.
- B. Wherever a DC-zoned parcel abuts upon a single-family residential parcel or building, there shall be suitable screening, landscaping, or buffer plantings, as determined by the Planning Board.
- C. The type, location, and extent of screening or fencing shall be accepted at the discretion of the Planning Board during the site plan approval process.

**§ 213-545. Green Building and Site Planning.**

The Town of Babylon is committed to minimizing the short-term and long-term negative impacts construction has on the environment and is committed to promoting the benefits that green building and green site planning have on the health and welfare of its citizens. The intent of this subsection is to identify and refer to the existing green building regulations within the Code of the Town of Babylon and establish additional regulations that apply to the DC Zoning District. All new development within the DC Zoning District shall adhere to the regulations contained in this subsection.

- A. All new commercial, mixed-use, and multi-family buildings shall adhere to the requirements of Article VIII, Green Building Construction, of Chapter 89, Building Construction, of the Code of the Town of Babylon.
- B. All new development shall conform to Chapter 189, Stormwater Management and Erosion and Sediment Control, of the Code of the Town of Babylon. In addition, all new development shall conform to the applicable requirements set forth in the most current version of the New York State Stormwater Design Manual, as interpreted by the Town of Babylon, especially Chapter 5, Green Infrastructure Practices.

- C. Pervious paving shall be permitted on all sites.
- D. Green roofs shall be permitted for all building types.
- E. The recycling of construction waste shall be required.

**§ 213-546. Mixed-Use Buildings.**

Any application that includes multiple residence units within a mixed-use building shall be required to demonstrate that there is suitable and adequate means of garbage pickup, security service, fire egress, emergency access, light, maintenance service, superintendent availability, and other similar matters affecting the safety and quality of life of the occupants of the dwelling units. An applicant shall also demonstrate the proper protection of existing fire egress, light, window views, and accessibility of emergency services of neighboring structures. The Planning Board shall establish and impose such conditions as it deems necessary in connection herewith, as part of the site plan approval process.

**§ 213-547. Affordable Housing.**

Projects with five or more residential units shall be required to designate 20% or more of the units as affordable, subject to guidelines, as established by the Town Board. At a minimum, any project with five or more residential units shall comply with the requirements of Article 16-A, the Long Island Workforce Housing Act, of the New York General Municipal Law.

**§ 213-548. Off-Street Parking.**

One of the strengths of downtown Copiague is the strategic location of the Copiague LIRR station at its center. As a result, the DC Zoning District emphasizes downtown Copiague as a natural transit-oriented development (TOD) community, whereby uses are within easy walking distance of a transit stop and designed to maximize access to and from transit. Therefore, the following off-street parking regulations and strategies are designed to enhance the pedestrian- and transit-friendly nature of the area.

A. Off-street parking standards.

In the DC Zoning District, off-street parking requirements shall be in conformity with those requirements set forth in Article XXIII of this Chapter, except the following:

- (1) Multiple residences: 0.5-space for each studio; one space for one bedroom; 1.5 spaces for two bedrooms, and 0.5 additional spaces for each additional bedroom in the dwelling unit.

- (2) Retail stores, shops, and personal service establishments: one space for each 400 square feet of gross floor area.
- (3) Offices, banks, or financial institutions, not including medical offices: one space for each 500 square feet of gross floor area.
- (4) Public, private, or vocational schools, learning centers, or test preparation centers: five per classroom or teaching station, plus one for each teaching and non-teaching staff person.

**B. Shared parking.**

(1) The minimum required quantity of parking may be reduced when shared parking is used. Where credible evidence is provided that parking could be shared by the proposed uses with nearby uses, as provided by a traffic study, parking study, traffic counts, or data by a licensed traffic engineer, up to 20% reduction in off-street parking may be permitted for shared parking. Shared parking shall be located within 500 feet of each use and may include on-street parking, off-street parking, and commuter parking areas. Such determination shall be at the discretion of the Planning Board and determined during the site plan approval process.

(2) Shared parking lots with cross-access agreements are encouraged so as to allow drivers to park in one lot and walk to other businesses without moving their cars, or to drive from one lot to another without returning to the street.

**C. Parking demand reduction.** Given the TOD nature of the area, as part of site plan review, applicants will be encouraged to explore techniques to reduce parking demand. Techniques may include, but are not limited to: parking management programs, promotion of and priority to car-sharing and ridesharing, parking cash out programs, unbundled parking, provision of free or discounted transit passes, provision of bicycle parking facilities.

**D. Buffering.** In order to soften the appearance of parking lots, parking lots shall be landscaped with groundcover, grasses, or low shrubs.

**§ 213-549. Zoning Incentives**

**A. Purpose; Legislative authority.** In order to encourage development in accordance with this Article and in accordance with § 261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives or bonuses in exchange for specific physical, social, or cultural benefits or amenities, as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

B. Community benefits or amenities.

- (1) The following community benefits or amenities may, at the discretion of the Town Board, be accepted in exchange for one or more incentive, as provided in § 213-549.C:
  - (a) Public parking: municipal or public parking provided in addition to the minimum required on-site parking, as set forth in § 213-548 and/or Article XXIII of this Chapter. Alternatively, contribution to the creation or improvement of public parking elsewhere in the community.
  - (b) Open or park space: additional active or passive open or park space available to the public. Alternatively, contribution to the creation or improvement of open or park space elsewhere in the community.
  - (c) Downtown infrastructure improvements: infrastructure improvements on-site above and beyond minimum requirements in the form of street furniture, lighting, pavers, plazas, and related public amenities, as well as improvements to sewer and water systems. Alternatively, contribution to the creation or enhancement of similar improvements elsewhere in the community.
  - (d) Affordable housing: provision of affordable housing units above and beyond the minimum requirements stated § 213-547. Alternatively, contribution to the creation or improvement of affordable housing elsewhere in the community.
  - (e) Sustainable building techniques: building, siting, or constructing structures beyond the minimum sustainable design and development standards provided in § 213-545 of this Article and in Article VIII, Green Building Construction, of Chapter 89, Building Construction, of the Code of the Town of Babylon.
  - (f) Other facilities or benefits to the residents of the community, as determined by the Town Board.
  - (g) Any combination of the above-listed community benefits or amenities.
- (2) These community benefits or amenities shall be in addition to any mandated requirements pursuant to other provisions in this Article.
- (3) These community benefits or amenities may be either on or off the site of the subject application and may involve one or more parcels of land.

C. Incentives or bonuses. The Town Board may grant the following specific incentives:

- (1) Increased residential density. The Town Board may grant an increased residential density of up to 48 units per acre. The highest density shall be reserved for applications that include substantial community benefits or amenities and are located within 400 feet of the Copiague LIRR Station.
- (2) Increased FAR. The Town Board may grant an increased FAR of up to 2.2. The highest FAR shall be reserved for applications that include substantial community benefits or amenities and are located within 400 feet of the Copiague LIRR Station.

- (3) Increased height. The Town Board may grant an increased building height of up to four stories. Note that the exceptions permitted under § 213-538.J of this Article shall be permitted under an increased height as well. Increase height shall be reserved for applications that include substantial community benefits or amenities and are located within 400 feet of the Copiague LIRR Station.
- (4) Reduced parking requirements. The Town Board may reduce the parking requirements for applications that demonstrate elevated transit usage, significant pedestrian and walkability amenities, and are located within 400 feet of the Copiague LIRR Station.
- (5) Modifications to other land development standards or dimensional requirements. The Town Board, at its discretion, may modify other land development standards or dimensional requirements of the Town.
- (6) Note that the distance to the Copiague LIRR Station shall be measured from the property lot line to the closest points from the station platform.

D. Criteria and procedure for approval. Authorization of zoning incentives is subject to approval by the Town Board upon referral from the Planning Board and Office of Downtown Revitalization prior to the grant of site plan approval. Applicants may seek nonbinding input from the Town Board as to whether the proposal is worthy of consideration prior to the application or at any stage of the application process. Pursuant to § 261-b of Town Law, the following procedures shall be followed for approval of any incentive or bonus:

- (1) Submission of application. Applications for incentives in exchange for amenities shall be submitted to the Town Board through the Planning Department. In order to preliminarily evaluate the adequacy of the community benefit or amenity to be accepted in exchange for the requested incentive or bonus, the following information shall be provided by the applicant in addition to the information required as part of the site plan review process, in accordance with Chapter 186:
  - (a) A description of the incentive being requested.
  - (b) A description of the proposed community benefit or amenity.
  - (c) An estimate of the economic value of the proposed benefit or amenity to the public.
  - (d) A narrative statement which:
    - [1] Describes the benefits to be provided to the community by the proposed amenity.
    - [2] Demonstrates that adequate services and facilities exist in the community that could accommodate the additional demand that would be generated by granting the incentive or bonus.
    - [3] Explains how the proposed amenity promotes implementation of physical, social, or cultural policies articulated in approved plans.
  - (e) Any additional information, as may be requested by the Town Board.
- (2) Planning Board review.
  - (a) Application completeness. The Planning Department shall review any application for its compliance and completeness with the requirements set forth in Chapter 186 and § 213-549.D of this Article. After receipt of the completed application, a post-

- submission conference shall be scheduled with the Commissioner of Planning and/or his/her designated representative to discuss and review the site plan submitted.
- (b) Planning Board review. Once the incentive and site plan application has been determined to be complete by the Planning Department, the Planning Board shall begin its site plan review of the incentives and the overall site plan, in accordance with Chapter 186. As part of such review, the Planning Board shall refer the proposal to the Office of Downtown Revitalization for review. The Office of Downtown Revitalization shall provide comments directly to the Planning Board.
  - (c) Planning Board hearing. Per the regulations put forth in Chapter 186, the Planning Board shall then hold a public hearing on the incentives and site plan application.
  - (d) Planning Board recommendation. The Planning Board shall then report to the Town Board with its evaluation of the adequacy with which the amenity(s)/incentive(s) fits the site and how it relates to adjacent uses and structures upon completion of their proceeding with regard to the same, along with any general site plan comments. Site plan approval shall be subsequent to any approval of the incentives by the Town Board.
- (3) Compliance with SEQRA; TOBEQRA.
- (a) Every decision by the Town Board concerning an application for use of incentive zoning on a particular project shall fully comply with the provisions of SEQRA, as well as TOBEQRA (Chapter 114, Environmental Quality Review, of the Code of the Town of Babylon).
  - (b) An applicant will submit a Full Environmental Assessment Form (“FEAF”), Part 1, to the Town Board.
  - (c) The Town Board will establish itself as SEQRA/TOBEQRA lead agency for all applications submitted pursuant to this Section. The Town Board shall conduct coordinated review for all applications submitted pursuant to this Section.
  - (d) In accordance with § 261-b of Town Law, if a generic environmental impact statement (“GEIS”) has been prepared by the Town Board in enacting or amending this Section, an applicant will pay a proportionate share of the cost of preparing such impact statement.
- (4) Town Board evaluation. Public hearing. Upon receipt of the Planning Board’s referral, the Town Board shall review the Planning Board’s report. The Town Board shall notify an applicant as to whether it is willing to further consider the proposal and hold a public hearing thereon. Prior to its final decision and in conjunction with its SEQRA/TOBEQRA review, the Town Board shall conduct a public hearing in accordance with the standard procedures for adoption of an amendment to the zoning ordinance or local law, as well as SEQRA/TOBEQRA. At least five days’ notice (14 days if an environmental impact statement was required) of the time and place of the hearing shall be published in an official newspaper of the Town.
- (5) Town Board findings and decision hearing. In order to approve an amenity/incentive proposal, the Town Board shall determine that the requirements of SEQRA/TOBEQRA have been met through the issuance of a negative declaration (or environmental findings if an environmental impact statement was required) and that the proposed amenity

provides sufficient public benefit to grant the requested incentive. The Town Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.

(6) Plan review. Upon a favorable decision of the Town Board, the application shall continue its formal site plan review, in accordance with Chapter 186. Failure to obtain site plan approval from the Planning Board within six months of approval by the Town Board shall render any incentive zoning granted hereunder null and void unless extended by resolution of the Town Board for a maximum of six additional months.

E. Cash payment in lieu of amenity. Pursuant to § 261-b of Town Law, if the Town Board finds that a community benefit or amenity is not suitable on-site, cannot be reasonably provided, or is not immediately feasible, the Town Board may require a cash payment in lieu of the provision of the community benefit or amenity. These funds shall be placed in a trust fund to be used by the Town Board exclusively for amenities within the community specified prior to acceptance of funds. Cash payments shall be made prior to the issuance of a building permit. Cash payments in lieu of amenities shall not be used to pay general and ordinary Town expenses.

**§ 213-550. Nonconforming Buildings, Structures, or Uses**

Any nonconforming building, structure, or use existing on the effective date of this Article shall abide by the provisions of §§213-225 and 213-226 of the Code of the Town of Babylon.

**§ 213-551. Severability. Conflicts with Other Provisions.**

A. If any clause, sentence, paragraph, subdivision, section or other part of this Article shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this Article, and it shall be construed to have been the legislative intent to enact this Article without such unconstitutional or invalid parts therein.

B. If any portion of this Article is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Town of Babylon, the provision which establishes the higher standard shall prevail.