

APPENDIX 3

Land Use and Zoning, Social Conditions, and Community
Character

Appendix 3: Land Use, Zoning, Public Policy and Social Conditions

A. INTRODUCTION

This Appendix provides additional information and details concerning the land use and zoning, public policy, and socioeconomic conditions of the study area that would be affected by the proposed Wyandanch Intermodal Transit Facility project.

B. EXISTING CONDITIONS

STUDY AREA

In the ¼-mile study area, commercial, transportation, and industrial uses line most of Straight Path (which runs north-south through the study area). Commercial, transportation, and industrial uses also line the east west corridor created by the railroad tracks and adjacent streets. A number of community facility uses are also clustered near the intersection of Straight Path and the LIRR tracks. Away from these north-south and east-west corridors, the rest of the study area is occupied by single-family residential uses and vacant lots. **Figure 3-1** depicts land uses by land use type, within the ¼-mile study area boundary, shown for each individual lot in the study area.

The largest concentration of commercial and industrial uses in the study area are in the area immediately north of the railroad tracks, including the Project Site (discussed above) and area to its north and east. In this area, land uses include the remainder of the free commuter parking lot operated by Suffolk County; industrial uses such as a packing company, scrap metal company, beer distributor, and snack food distributor. Other industrial uses in the study area include manufacturing and warehousing facilities, such as Weld Built Wreckers and Carriers (tow truck manufacturer), Sunset Plumbing and Heating Supply, and storage facilities. Commercial uses in the study area overall include retail stores and personal service shops, a supermarket, auto repair shops, and gas stations.

Within the study area there are 17 community facilities interspersed with the commercial uses, including the Town of Babylon Youth Center, the Martin Luther King, Jr. Community Health Center, the Wyandanch Volunteer Fire Department, the Wyandanch Public Library, the U.S. Post Office on Straight Path, the Wyandanch Community Resource Center, as well as several religious institutions (see **Figure 3-2**).

Transportation uses in the study area include the railroad tracks and several parking areas. Major vehicular corridors in the study area include Straight Path (a four-lane north-south road), Long Island Avenue, which runs east-west along the south side of the LIRR tracks, and Grand Boulevard, which also runs east-west in the northern portion of the Project Site south of the LIRR tracks. On the north side of the LIRR tracks, east of Straight Path, is Acorn Street, which becomes Merritt Avenue on the west side of Straight Path. The Metropolitan Transportation Authority (MTA) operates a parking lot with 186 spaces directly north of the LIRR tracks to the east and west of Straight Path (a portion of which is included on the Project Site), and the Town

of Babylon operates a 148-space parking lot directly north of the LIRR tracks on the west side of Straight Path.

Away from the commercial/industrial corridors, the rest of the study area is occupied by single-family detached residential uses interspersed with vacant lots.

Open space in the study area is limited. A small park, the George Sims Veterans Plaza, which includes a small sitting area, is located on Straight Path at the intersection with Garden City Avenue, just south of the Martin Luther King Jr. Community Health Center, and a portion of Geiger Memorial Park is located on Grand Boulevard along the study area's eastern boundary.

ZONING

The Town of Babylon maintains zoning jurisdiction over the Project Site and ¼-mile study area. Zoning regulations are set forth in Chapter 213, "Zoning," of the Babylon Town Code. The Town's zoning regulations specify the permitted uses, minimum lot area; street frontage and front, side, and rear yard requirements; and the maximum height and maximum building area as a percent of the lot area. The zoning regulations also describe off-street parking and loading requirements, exterior lighting standards, and landscaping requirements as well as other property requirements for tax lots in the Town of Babylon. As set forth in the Town's zoning code, public parking in any district is permitted as a special exception by the Board of Appeals. Buildings and structures owned by the Town of Babylon are not subject to zoning, however. In addition, no zoning is mapped on properties owned by the MTA (such as the railroad tracks and train station).

PROJECT SITE

The Project Site is zoned G Industrial (the LIRR lot is not subject to zoning). This district allows any use permitted in the E Business zoning district, including retail and personal service shops, banks, theaters, and offices, as well as specific other uses when permitted by the Town of Babylon Board of Appeals. (The E Business zoning district is discussed below in the description of zoning in the ¼-mile study area.) In addition, certain other uses are allowed by special permit from the Planning Board, and as special exception uses by the Board of Appeals. Building heights are restricted to 35 feet, the minimum lot area required is 15,000 square feet, and the maximum building area is 40 percent.

In addition, the G Industrial district also permits "any other lawful use," except for specific prohibited uses as set forth in the zoning code (these are generally heavy manufacturing uses, but also include fuel tanks, gas stations, airfields and airports, among others). Uses that are noxious or offensive by the emission of odor, dust, fumes, gas, vibration or noise are prohibited. All dwellings are also prohibited in the G Industrial district. At locations where a G Industrial zoned property abuts a residential zone or property with a residential use, a 5-foot-wide landscaped buffer is required.

STUDY AREA

The zoning districts in the ¼-mile study area are shown in **Figure 3-3** and summarized in **Table 3-1**. A summary of these zoning districts is provided below.

Table 3-1
Zoning Districts in Study Area

| Zoning District | Permitted Uses | Lot and Bulk Limitations ¹ |
|---|---|--|
| A Residence | One-family dwelling; religious institutions; public parks, libraries, or museums; colleges and universities; schools; hospitals; agricultural uses; professional offices associated with a residence; golf courses and country clubs; and customary accessory uses and buildings. | Maximum Height: 30 feet or 2½ stories Minimum Lot Area: 12,500 sf Maximum Building Area: 15-30 % |
| B Residence | One-family dwellings; religious institutions; public parks, libraries, or museums; colleges and universities; schools; hospitals; agricultural uses; professional offices associated with a residence; golf courses and country clubs; and customary accessory uses and buildings. | Maximum Height: 30 feet or 2½ stories Minimum Lot Area: 10,000 sf Maximum Building Area: 20 % |
| C Residence | One-family dwellings; religious institutions; public parks, libraries, or museums; colleges and universities; schools; hospitals; agricultural uses; professional offices associated with a residence; golf courses and country clubs; and customary accessory uses and buildings. | Maximum Height: 30 feet or 2½ stories Minimum Lot Area: 7,500 sf Maximum Building Area: 30 % |
| E Business | Retail shops; personal service shops; banks, theaters, and offices; minor garages; undertaking establishments. Uses permitted by special exception by the Board of Appeals are: hospitals and clinics, convalescent homes and nursing homes and day nurseries; veterinarians, kennels and pet shops, animal hospitals and cemeteries; broadcasting stations, golf courses, private, country and yacht clubs and marinas; shops and stores for the sale of merchandise and services at wholesale; public garages; places of amusement, recreation and assembly halls; sales, storage, display and service of new and used automotive equipment, including automobiles and gasoline-driven cycles and carts, trucks and agricultural and garden equipment; commercial video game centers; and car washes. Restaurants are permitted by special exception by the Planning Board. | Maximum Height: 35 feet or 3 stories Minimum Lot Area: 10,000 sf Maximum Building Area: 60 % |
| G Industrial | Any use permitted in the E Business District and any other lawful use, other than specifically prohibited uses listed in the zoning code. | Maximum Height: 35 feet Minimum Lot Area: 15,000 sf Maximum Building Area: 40 % |
| Gb Industrial | Any use permitted in the G Industrial District and E Business District, except for dwellings of all types. | Maximum Height: 35 feet Minimum Lot Area: 20,000 sf Maximum Building Area: 40 % |
| <p>Note: ¹ Additional zoning restrictions may apply as set forth in Chapter 213, "Zoning," of the <i>Code of the Town of Babylon</i>.</p> <p>Source: Chapter 213, "Zoning," of the <i>Code of the Town of Babylon</i>, retrieved on September 1, 2009 from http://www.generalcode.com/webcode2.html</p> | | |

There are six zoning districts in the study area. As shown in **Figure 3-3**, the commercial and industrial corridors along Straight Path and the LIRR right-of-way are zoned either G Industrial or E Business (neighborhood business), with a small area zoned Gb Industrial. The surrounding residential areas are predominantly zoned C Residence, with smaller areas of B Residence and A

Residence. A few parcels in the study area, which are owned by the MTA, are not subject to zoning.

G Industrial districts are mapped along the railroad corridor in the study area. The requirements for this district are described above in the discussion of zoning on the Project Site. In addition, a small area on Long Island Avenue near the railroad tracks is zoned Gb Industrial. This district allows the same uses as the G Industrial district, but on larger parcels. This district also includes a landscaping requirement for areas along any street frontage.

The E Business commercial zoning district mapped along Straight Path, Merritt Avenue, and Long Island Avenue permits neighborhood businesses, such as retail and personal service shops, banks, theaters, and offices, undertakers, and minor garages. Specific other uses are permitted as special exceptions by the Board of Appeals (see **Table 3-1**). Restaurants are permitted by special exception by the Planning Board. Residences are prohibited in this district.

The residential zones mapped in the rest of the study area (A Residence, B Residence, and C Residence) permit one-family dwellings as well as professional offices associated with a residence and such community facilities as religious institutions, parks, and educational institutions. These districts are the same except in terms of bulk (e.g., minimum lot size, yard requirements, and maximum building areas).

As described below in the discussion of the No Action Alternative, the Town of Babylon intends to rezone the Project Site and much of the study area in the future, as a result of the urban renewal plan and other initiatives undertaken to revitalize downtown Wyandanch.

PUBLIC POLICY

In the downtown Wyandanch area, a number of important planning documents and initiatives have been developed that are intended to guide development of the downtown area for the future. These are summarized in this section.

WYANDANCH HAMLET PLAN (WYANDANCH RISING) (2003)

Wyandanch Rising, a comprehensive and community-based program for economic revitalization, was adopted in 2004 by the Babylon Town Board, and now serves as the hamlet's comprehensive plan. The goals of *Wyandanch Rising* included:

- **Urban Renewal Plan.** Adopt an Urban Renewal Plan to leverage state funding for various downtown improvement projects.
- **Mixed-Use Buildings.** Encourage development of transit-oriented, mixed-use buildings, which include both a commercial (including retail and office), and residential component.
- **Vacant Buildings.** Redevelop vacant buildings and develop vacant lots.
- **Zoning.** Evaluate existing zoning codes to determine if they permit the type of development envisioned in *Wyandanch Rising*.
- **Intersections.** Implement engineering measures to correct both pedestrian and vehicular safety conditions at the intersection of Long Island Avenue and Straight Path, at the railroad crossing.
- **Crosswalks, Markings, and Signal Heads.** Improve pedestrian safety measures at designated crossing points.
- **Street Design.** Redesign Straight Path to allow for wider sidewalks and enhanced bicycle safety.

Other recommendations of *Wyandanch Rising* included creating more sitting places; providing bus stop shelters; creating on-street parking and buffer zones; improving lighting and landscaping; increasing storefront visibility; and encouraging off-street parking to the side or rear of buildings.

Building on the goals and visions set forth in *Wyandanch Rising*, in summer 2005, the Town dedicated newly installed lighting along Straight Path, marking a significant milestone in Wyandanch's downtown revitalization initiative to "foster economic development and beautify the hamlet of Wyandanch."¹ Other recent Town-implemented Straight Path improvements include traffic medians, tree planting, and new waste receptacles and planters.

DESIGNATION OF THE WYANDANCH URBAN RENEWAL AREA (2008)

In 2008, as part of the overall revitalization effort for downtown Wyandanch, the Town of Babylon designated an area along both sides of Straight Path in downtown Wyandanch, including the Project Site, as an Urban Renewal Area.

FINAL WYANDANCH DOWNTOWN REVITALIZATION PLAN (2009)

The Town of Babylon's *Final Wyandanch Downtown Revitalization Plan* (Revitalization Plan), completed in May 2009, encompassed an Urban Renewal Plan and New York State Brownfield Opportunity Areas (BOA) Program Step 2 Nomination for the Urban Renewal Area. It also included a Generic Environmental Impact Statement (GEIS) to assess the potential impacts of adoption of the Plan by the Town. This Plan proposed a number of recommendations for the designated Urban Renewal Area, including the following:

- **Smart Growth and Transit-Oriented Development.** Smart growth principles such as transit-oriented development, mixed-use buildings in the downtown area, and the introduction of multi-family housing. The zoning code should be revised to allow for the types of uses recommended in the Plan.
- **Vacant Lots and Buildings.** Vacant lots along Straight Path should be given priority for infill development. Existing vacant buildings should be filled and/or redeveloped.
- **Sewer Service.** Recommendations of the sewer feasibility study should be implemented.
- **Parking.** To improve parking conditions in downtown Wyandanch, the proposed Intermodal Transit Facility should be constructed to consolidate existing parking areas in the vicinity of the LIRR station and create a garage that is functionally connected to the LIRR Wyandanch station.
- **Traffic.** To improve traffic operations in the Urban Renewal Area, a number of recommendations were made. These included improvements to signal timing at intersections along Straight Path and increases to the storage length of left-turn lanes. They also included introduction of a new street grid in the area north of the LIRR tracks, where substantial new development is proposed as part of the Plan. In addition, a number of traffic calming measures were recommended to improve vehicular and pedestrian safety, particularly near the Wyandanch station along Acorn Street and Straight Path.
- **Streetscape Improvements and Public Spaces.** A uniform streetscape along Straight Path should be encouraged through the use of streetlights, signs, landscaping, and building design. In addition, public spaces are encouraged.

¹ Town of Babylon, *Lighting in Wyandanch Sets the Tone for Further Redevelopment*, July 12, 2005, Accessed on November 13, 2006 at www.townofbabylon.com

The implementation strategy recommended in the Revitalization Plan divided the Urban Renewal Area into seven separate zones, referred to as “strategic sites,” and made specific recommendations for each of those zones. The Plan recommended initial investment on the site identified as “Strategic Site A,” which extended along the east side of Straight Path from Acorn Street to approximately Nicolls Road (including the area that is now the Project Site for the Wyandanch Intermodal Transit Facility).

Strategic Site A was identified as the initial catalyst that would set the stage for the other goals identified in the Revitalization Plan. The Revitalization Plan identified a recommended implementation plan for Strategic Site A that included construction of an intermodal transit center near the Wyandanch station, and creation of a new street grid across Site A to create parcels with a shape and size conducive for development. Ultimately, the Revitalization Plan identified redevelopment on Site A with transit-oriented development, potentially including almost 400 new apartments, 37,500 square feet of retail space catering to commuter and office populations, and 57,500 square feet of commercial office space.

The Urban Renewal Plan portion of the overall Plan was adopted by the Babylon Town Board in May 2009.

NEW YORK STATE EMPIRE ZONE

New York State’s Empire Zone program was created to stimulate economic growth and create jobs in New York State. Empire Zones are geographically defined areas in which numerous tax incentives are available for qualifying businesses located within the zone. Projects that are regionally important and located within the general vicinity of the Empire Zone are also eligible for benefits. The Suffolk County/Town of Riverhead Empire Zone received approval in 1998 and was expanded in 2003 to include 25 acres in downtown Wyandanch. The Wyandanch “sub zone” includes the retail and light industrial center of the community located along the Straight Path corridor near the intersection with Long Island Avenue. One parcel on the Project Site is located within the Wyandanch sub zone in its entirety (40-2-14).¹

FEDERAL HUBZONE

Wyandanch is in a historically underutilized business zone (HUBZone), an economically distressed area as determined by the U.S. Small Business Administration. Within designated HUBZones, qualifying small businesses may be eligible for competitive awards, sole source awards, and awards through “full and open” competition, after application of a price preference in favor of the HUBZone small business.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DIFFICULT DEVELOPMENT AREA

A Difficult Development Area (DDA) is an area designated by the U.S. Department of Housing and Urban Development (HUD) for the Low Income Housing Tax Credit program with high construction, land, and utility costs relative to its Area Median Gross Income. DDAs are eligible for Tax Credits at 130 percent of qualified basis, meaning that more of the development costs are borne by the Tax Credit funding than in areas not designated a DDA. HUD determines DDAs by comparing incomes with housing costs. Wyandanch is within a HUD-designated DDA.

¹ Town of Riverhead Empire Zone website at <http://www.riverheadzone.com/index.html>.

SOCIOECONOMIC CONDITIONS

DEMOGRAPHICS AND HOUSING

Project Site

The Project Site does not contain any residential units or population.

Downtown Wyandanch Area

According to the U.S. Census Bureau, the most recent population estimate for the Wyandanch Census-Designated Place (CDP), for 2008, is 11,690. The hamlet of Wyandanch has experienced population growth in the last 15 years, as have the Town of Babylon and Suffolk County as a whole, and this trend is expected to continue until at least 2030.

In 1999, approximately 34.5 percent of the households in the hamlet were living below the poverty level, compared with 21.9 percent for Suffolk County and 18.5 percent for Long Island. As noted in the analysis of environmental justice provided in Chapter 15 of this EA, Wyandanch also has a much higher percentage of minority residents (96 percent, as compared to 29 percent for the Town and 21 percent for the County).

Between 1990 and 2000, Wyandanch saw a notable increase in the number of housing units, increasing by 17.5 percent, from 2,362 housing units in 1990 to 2,776 housing units in 2000. In comparison, the Town, County, and Long Island as a whole saw increases of between 5.7 percent and 8.5 percent during the same period.

Home ownership is less prevalent in Wyandanch than in the Town, County, or Long Island as a whole. While over three-quarters of housing units were owner-occupied in 2000 in the Town of Babylon, Suffolk County, and Long Island as a whole, just 57.8 percent of units in Wyandanch were owner-occupied. While the distribution between owner-occupied and renter-occupied units remained fairly stable in the reference areas between 1990 and 2000, Wyandanch experienced a 7.2 percent increase in renter-occupied units.

Census data was also reviewed to determine the size of transit-dependent populations in the hamlet of Wyandanch, as compared to Suffolk County. This analysis considered age, disability status, and means of commute to work as factors that would characterize transit-dependent users. The hamlet has approximately 36 percent of residents under the age of 18 and 6 percent over the age of 65. The study area has a higher percentage of residents with a disability (25 percent), compared with Suffolk County (16 percent). The study area has nearly double the amount of commuters than Suffolk County, with approximately 12 percent of residents using public transportation to commute to work within the study area. Overall, Wyandanch has a much higher percentage of residents who commute by public transit or on foot as compared with the County as a whole. These results are indicative of the area's proximity to ample transit service and to major employment centers.

ECONOMIC CONDITIONS

Downtown Wyandanch Area

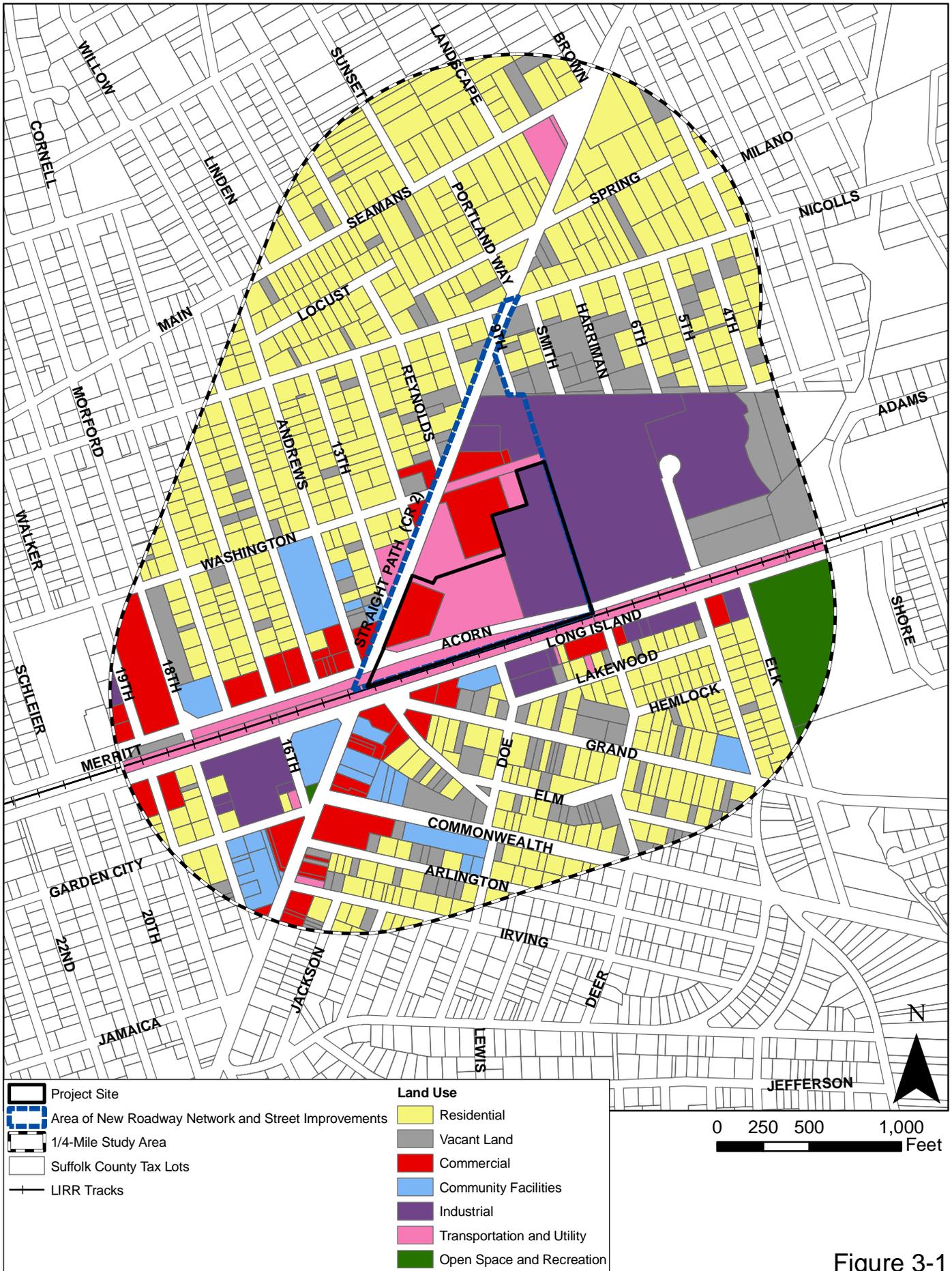
The primary economic activity in Wyandanch is its industrial businesses. Most of Wyandanch's industrial uses are in the downtown area, close to the railroad tracks. According to the *Final Wyandanch Downtown Revitalization Plan*, 29 industrial business expansion projects have been approved and have begun to be implemented since 1997. As stated in *Wyandanch Rising*, "while community members don't wish to see this industrial base dry up or dissipate, many observed that some of the businesses reduce their quality of life and potential growth in other economic

sectors.” So while industrial businesses may be unwelcome neighbors at times, the tax revenue and jobs created for the local community are valuable to Wyandanch’s revitalization effort.

The economic and market trends analysis conducted for the Final *Wyandanch Downtown Revitalization Plan* indicates that Wyandanch has no commercial office space. It also concludes that the retail mix in downtown Wyandanch is not sufficiently serving the retail needs of the population. Instead, residents are traveling to nearby retail concentrations in East Farmingdale, Deer Park, West Babylon, Melville, and South Huntington for shopping and convenience goods.

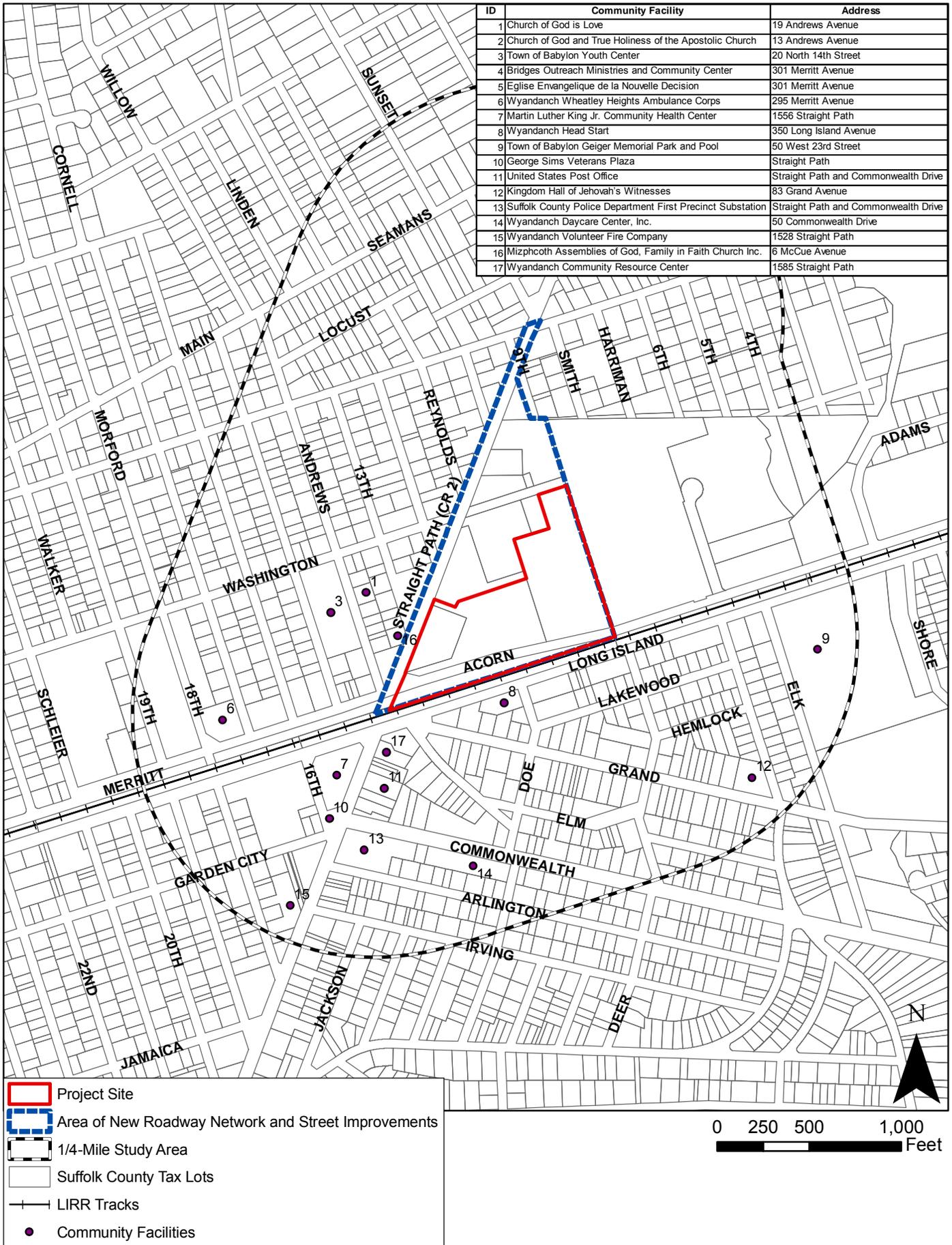
COMMUNITY CHARACTER

Community character consists of the combination of physical layout, land use, and social conditions as they create a sense of neighborhood in a local community. Based on the analysis conducted in support of designation of downtown Wyandanch as an Urban Renewal Area, downtown Wyandanch contains a number of underutilized and vacant parcels. The area near and including the Project Site is notable because of its lack of a defined street grid and the large industrial buildings and large expanses of surface parking. Although the LIRR Wyandanch station is a focal point for the downtown, it does not create a sense of a downtown place because of the large surface parking areas and the lack of traditional downtown-style retail facilities. Moreover, heavy truck traffic on Straight Path and the nearby strip retail mall both are typical of an automobile-centric, suburban environment rather than a downtown area. í



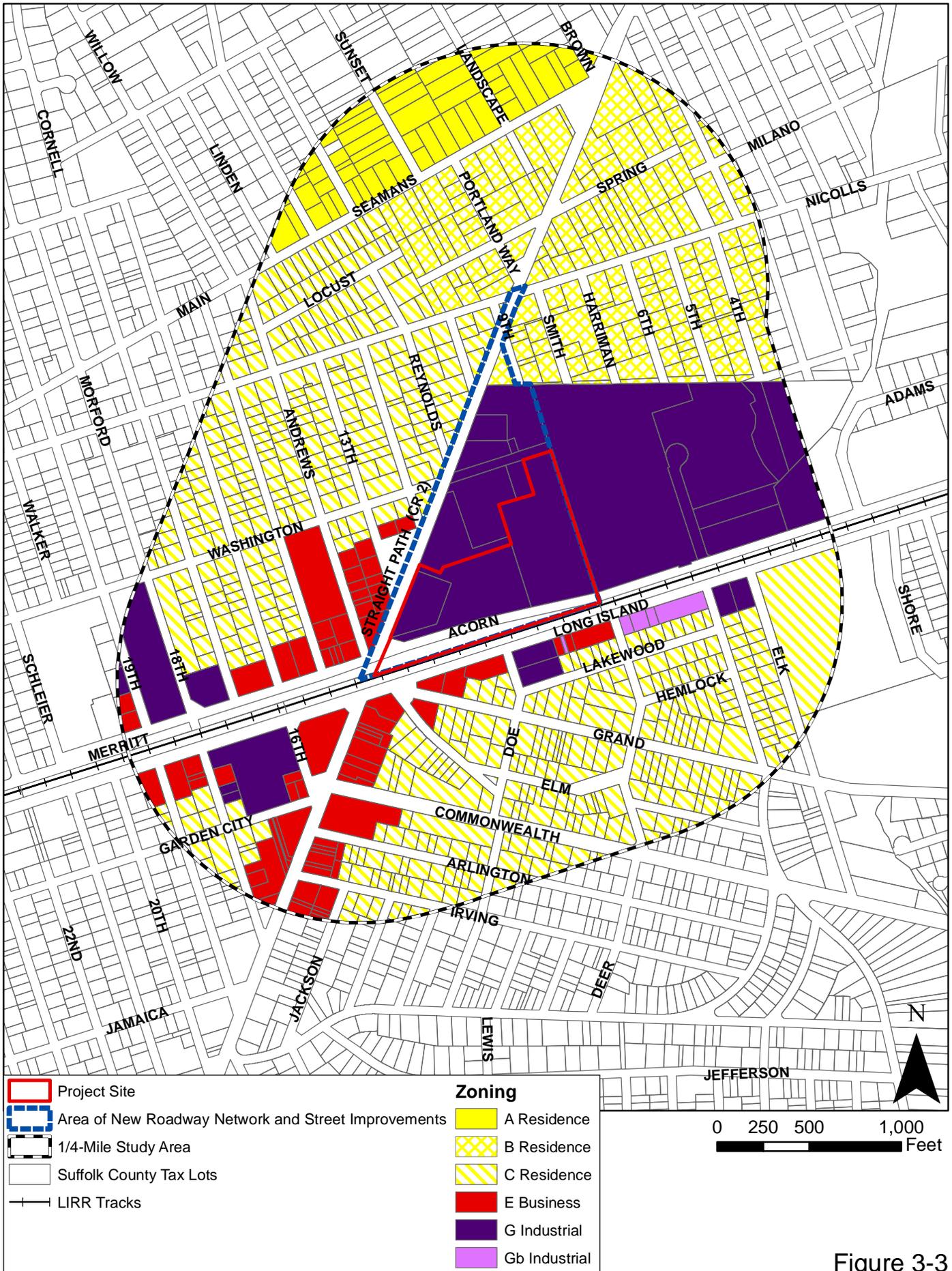
Wyandanch Intermodal Transit Facility

**Figure 3-1
Land Use**



Wyandanch Intermodal Transit Facility

**Figure 3-2
Community Facilities**



Wyandanch Intermodal Transit Facility

Figure 3-3
Zoning