



Town of Brookhaven Montauk Highway Corridor Study & Land Use Plan for Mastic & Shirley Phase II



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Town of Brookhaven
Suffolk County, Long Island, New York
One Independence Hill
Farmingville, New York 11738

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1.0 INTRODUCTION

The Montauk Highway Corridor Study & Land Use Plan for Mastic & Shirley Phase II (the “Phase II Plan”) has been prepared as a supplement to the 2004 Montauk Highway Corridor Study & Land Use Plan for Mastic & Shirley (the “2004 Plan”), which was adopted by the Town Board of the Town of Brookhaven to address land use, zoning and development patterns along Montauk Highway (County Route 80) between William Floyd Parkway and the Forge River (including limited areas north and south of the corridor) in the hamlets of Shirley and Mastic, New York. This Phase II Plan furthers the goals of the 2004 Plan and provides more specific recommendations with regard to land use, zoning, transportation, parking, pedestrian mobility and safety, and open space. This Phase II Plan and recommendations are provided as a supplement to the adopted 2004 Plan and its recommendations.

1.1 Project History

Brookhaven Town completed a Comprehensive Land Use Plan Update in 1996. This Update reviewed zoning, land use, demographic and environmental trends and provided a basis for land use recommendations to guide the Town into the 21st Century. The 2004 Montauk Highway Corridor Study & Land Use Plan for Mastic & Shirley was a continuation of the Town’s ongoing comprehensive planning efforts and was intended to address specific concerns identified by the Town of Brookhaven’s elected officials, professional planning staff, and stakeholders from the Mastic & Shirley community regarding land use patterns and related impacts along the Montauk Highway corridor between William Floyd Parkway and the Forge River. The goals of the 2004 Plan were as follows:

- Develop defined Main Street Business Districts along the Mastic/Shirley Montauk Highway Corridor that are controlled and compact, would create more traditional neighborhoods that can increase utilization of the district, while fostering a greater sense of community.
- Provide for a mix of land use opportunities within the Main Street Business Districts.
- Design transitional areas between Main Street Business Districts.
- Create (opportunities for) strong economic activity to provide jobs and a sustainable tax base.
- Adopt appropriate zoning regulations to ensure new development occurs in compliance with these goals.
- Support appropriate roadway improvements to adequately serve the adjacent land uses. Ensure that improved roadways are aesthetically pleasing.
- Introduce traffic calming measures where appropriate to enhance the relationship among the built environment, transportation needs and quality of life.
- Support the Main Street Business Districts with convenient parking that will reduce vehicle usage, and encourage and enhance walkability between uses.
- Support pedestrian-friendly Main Street Business Districts with attractive landscaping, public parks and plazas.
- Provide affordable housing opportunities within the Main Street Districts.
- Develop incentive techniques to accomplish these goals.
- Enforce existing codes, ordinances and regulations.
- Eliminate deterioration and obsolescence.
- Provide for larger and centrally located public spaces to provide a staging area for community events and festivals that increase civic identity and encourage participation.



- Enhance the aesthetic appeal of the area with particular attention to the streetscape and building architecture.
- Improve overall streetscape by moving utilities underground and increasing peripheral landscaping to screen gray areas such as parking lots.
- Establish architectural guidelines within the community to promote a sense of place and identity.
- Create a local sewage treatment plant capable of fulfilling the design flow of the Main Street Districts and the recommended development.

The 2004 Plan included recommended amendments to the zoning code and associated zone changes for groups of parcels within the study area to create three neighborhood centers and essentially foster a sense of identity for the hamlets of Shirley and Mastic. The graphic image provided below illustrates the three neighborhood centers as envisioned by the community and expressed during the public visioning process which occurred in early 2002.



The western, “Grand Avenue Neighborhood Center”, is located in the area near William Floyd Parkway and includes a large shopping center known as South Port (comprised of over 250,000 SF of retail space); this is an existing hub of commercial activity in the Shirley hamlet area. The eastern, “Twin Ponds Neighborhood Center”, is located near the intersection of Mastic Road and County Route (CR) 80 at the east end of the study area and also includes a shopping center. This shopping center is much smaller than South Port (comprising approximately 40,000 SF of retail space) and includes a movie theatre. The 2004 Plan also recommended a third Main Street Business District area, the “Hawkins Neighborhood Center” located between the two centers. The Town Board rezoned the majority of parcels in two of the areas (the Grand Avenue Neighborhood Center and the Twin Ponds Neighborhood Center) to J-6 Main Street Business District to foster traditional downtown development in these two areas. The Town Board did not rezone the Hawkins Neighborhood Center area following adoption of the 2004 Plan. The future of this ‘in-between’ area is a primary focus of this Phase II Plan. **Figure 1**¹ provides an aerial map of the study area and illustrates the two areas which were subject to rezoning to J-6 to promote main street business development.

¹ Figures are contained in a separate section at the end of this document.



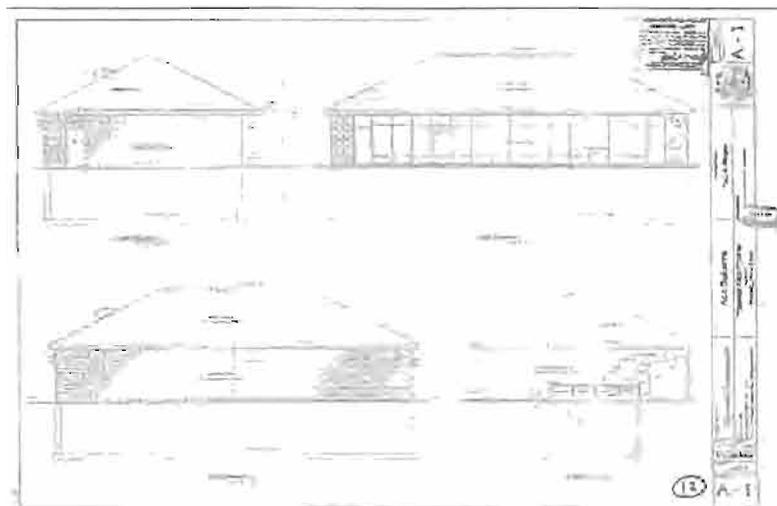
The Town's J-6 Main Street Business District Zoning District is an important tool for creating and revitalizing existing downtown areas within the Town of Brookhaven. This zoning district promotes walkable communities of the type associated with Long Island's traditional village centers by permitting mixed use development in a traditional main street district pattern with buildings oriented to the street/sidewalk with parking areas in the rear. The J-6 zoning district is accompanied by the Town's Main Street Design Manual, which provides examples of architecture and recommended site design features towards achieving traditional neighborhood design.

Implementation of the recommendations of the 2004 Plan, including changes in zoning in the project area, has led to land use applications and site plans that have furthered the goals of the 2004 Plan. Some of these accomplishments are described in the following section.

1.2 Accomplishments

Numerous achievements have occurred towards the revitalization of the corridor since the 2004 Plan was adopted. Example projects which promote the desired attributes of a Main Street Business District include:

- Park Place – At the time of submission, review and approval, the site plan for Park Place did not conform to the design guidelines of the Main Street Design Manual; however following Site Plan Approval, the developer worked with Town Planning staff to create an improved building/site design, which includes parking in the rear, a potential 2nd phase with joint entrance and pedestrian focus (see 'before' and 'after' plan graphics below) including abandonment of a short length of Park Place between CR 80 and Clinton Avenue. The eastern portion is completed, as well as the abandonment of Park Place. The final graphic provides a rendering of the proposed conditions following construction of the 2nd phase west of Park Place; finally, a photograph of the eastern, completed portion of Park Place is provided.



Original Elevations



Final Elevations



Proposed elevations for completed project (courtesy of Riccardo Associates)



Photograph of completed portion of Park Place



- CVS – located across from South Port Shopping Center. The design of this store features enhanced architecture, parking in the rear with the front of the building configured to emphasize the sidewalk and landscaping in the front of the building.
- Brookhampton – a commercial office building constructed with architecture resembling more that of a residential style than contemporary office buildings.



CVS Pharmacy



Brookhampton Offices

1.3 Components of the Phase II Plan

The study area has experienced significant growth in the past decades. The development along CR 80 is best characterized as chaotic commercial sprawl where land use is comprised of retail stores, service businesses and offices which stand alone or in strip centers, each commonly with separated parking areas, curb cuts and free standing signs. No consistent architecture is present and parking is generally the dominant feature, usually located in front of the buildings. Consistent with characteristics of commercial sprawl, the focus is on the automobile, not the pedestrian. For the majority of businesses, customers rarely use other means of transportation to reach the uses.

The adopted J-6 Main Street Business District areas were chosen based upon their existing density, potential for walkability, potential for supporting new mixed use development, public spaces, and civic identity. The area between the east and west centers provides limited opportunity for a neighborhood center at this time. The analysis conducted as part of this study examined the current need for a new central Main Street Business District area and found that based upon land use, planning, demographic and economic data, the community can not support a third retail neighborhood center at this time. However, an alternative land use option for the area between the east and west centers is presented in this Plan. This option is intended to encourage appropriate uses and design guidelines to assist in creating a transitional area between the evolving neighborhood centers to the east and west. It is noted that future transportation initiatives (connections to Sunrise Highway and possible railroad crossing) and further economic growth may potentially increase the need for a new central Main Street Business District over time.



In preparing the Phase II Plan, the Town retained a marketing professional to study the potential for increase in retail/restaurant use along the corridor. A Maryland-based economic/market research firm, ZHA, Inc., was retained to conduct a retail market analysis for the study area. This study is described in more detail in **Section 3.4** and a copy is included as **Appendix A** of this document. The market study concluded that the currently zoned J-6 Main Street Business District areas are appropriately located at this time, and would tend to be supported by contributing market areas and economic trends. The economic analysis found that there is insufficient market support for a third, central Main Street Business District at this time, but recognized the future potential for such a district in the vicinity of Titmus Drive and Montauk Highway; specifically, the marketing analysis supports the conclusion that a third Main Street Business District in this area could be supported if a connection is provided from Titmus Drive to Sunrise Highway and further demographic growth and economic demand occur in the future.

This Phase II Plan also considers the Suffolk County Department of Public Works (SCDPW) transportation improvements underway for the section of CR 80 included in the Study Area. The improvements are illustrated and discussed in a design report and environmental assessment for the reconstruction of CR 80 from CR 46 (William Floyd Parkway) to Mastic Road (Suffolk County DPW, September 2004). The report identified the need for added capacity at the CR 80/CR 46 intersection, reduction in traffic volumes through redirection of traffic, and other provisions such as curbs, sidewalks and drainage improvements. In addition, several feasible alternatives were assessed with two described fully in the report. Alternative VI included three (3) roundabouts and divided lanes (using raised medians) to enhance safety and improve mobility east of the CR 80/CR 46 intersection. The County is embarking upon a design pursuant to Alternative V of the DPW report which provides one thru lane in each direction with a center turning lane throughout the majority of the corridor, continuous sidewalks and curbing and street trees.

1.4 Goals and Opportunities

A number of goals were identified at the outset of this Study, specifically noted as follows:

- The Plan should provide a refinement to the 2004 Plan with detailed solutions to specific challenges. The process was intended to identify and analyze the important issues, provide supportable recommendations to meet planning goals and community needs, and provide an action plan to initiate implementation.
- The Plan should guide the future physical development of the transitional area of the corridor, including providing design guidelines through zoning recommendations, opportunities for short term improvements and criteria for handling of split zoned parcels within the transitional area overlay district.
- The Plan should encourage appropriate development and enhancement of established uses along the corridor and provide clear direction for land owners for development and redevelopment in harmony with the goals for the corridor.



- The Plan should support partnerships and develop consensus with residents, community leaders and the public.

Specific goals for the corridor were identified through a public process and with Town input and are provided in list form below. Where appropriate, these goals were evaluated through the preparation of this plan and potential opportunities were explored. In some instances, there are other initiatives referenced herein occurring independent of this project such as the Sewer District Study and ongoing inter-agency transportation committee meetings to study the feasibility for new Sunrise Highway connections.

Transportation Goals

- Support transportation linkages that reduce vehicle miles traveled.
- Promote multi-modal transportation enhancements that are sustainable within the context of current and future land uses.
- Alleviate traffic congestion and provide safe access for motorists and pedestrians.
- Establish appropriate development standards which work in the context of the SCDPW improvements for CR 80.
- Consider potential new access to and from Sunrise Highway within the corridor.
- Reduce the quantity of curb cuts where alternative road access exists from parallel or perpendicular streets. Where such connections do not exist, reduce curb cuts through application of cross-easements between adjoining properties.
- Provide adequate parking to support uses in the corridor and encourage walkability between uses.
- Improve access to public transportation and facilitate use of multi-modal alternatives to support the Main Street Business Districts.
- Where possible, interconnect roadways north and south of the CR 80 corridor to provide safe alternative roadway access to retail/service uses for neighborhoods north and south of Montauk Highway and provide alternative east-west routes to CR 80.
- Consider alternative vehicular access for existing shopping centers (in addition to CR 80 access).
- Eliminate unnecessary short blocks (both improved and paper roads) which end at CR 80.

Economic Goals

- Determine whether the corridor conditions would support an additional centrally located Main Street Business District under current and future conditions (if connection to Sunrise Highway is created and/or additional LIRR crossings were established).
- Evaluate market potential for retail/restaurant use along the corridor and establish land use recommendations accordingly.
- Identify and quantify current market potential for new or expanded retail.
- Develop incentives which support appropriate development and redevelopment.

Land Use and Zoning Goals

- Provide land use and zoning recommendations consistent with the findings of the Market Analysis.
- Provide incentives for redevelopment and investment throughout the corridor.
- Reduce the appearance of commercial sprawl between the Main Street Business Districts by creating a distinct transitional area for the area along the Montauk Highway corridor between the Shirley and Mastic J-6 Main Street Business Districts.
- Create compact, orderly and efficient Main Street Business Districts supported by infrastructure with attractive pedestrian amenities.
- Promote preservation of unique structures that provide identity in the community.



- Provide clear and predictable guidance to develop market confidence and maintain collaborative and respectful relationships with the community.
- Use development recommendations and design guidelines to encourage appropriate and aesthetically pleasing development in the transitional area.
- Support the existing J-6 Main Street Business Districts with appropriate land uses in proximity to these districts.
- Identify permitted uses for split zoned parcels and reconcile the zoning of these parcels with the goals of the Plan.

Infrastructure/Utility Goals

- Evaluate requirements necessary to locate utilities below grade.
- Investigate methods to conform to Suffolk County Department of Health Services (SCDHS) density limitations under Article 6 of the Suffolk County Sanitary Code (SCSC) through on-site systems, wastewater treatment facilities or transfer of sanitary credits in order to support increased density in Main Street Business Districts.
- Coordinate between multiple agencies with regard to infrastructure improvements to avoid inefficiency and redundancy.
- Continue to study the formation of a sewer district and identify funding sources for its construction.

Community Character Goals

- Provide definition and identity for the Shirley and Mastic Main Street Business Districts.
- Create a distinct transitional area and establish streetscape and architectural standards for the transition area.
- Enhance aesthetics along the corridor (improved architecture, signage, landscaping, etc.)
- Preserve and enhance historical and unique structures.
- Establish and/or enhance gateway treatments.
- Preserve significant trees where possible in consideration of roadway plans and include new street trees.
- Identify funding opportunities for enhancing aesthetic appeal of the corridor.
- Identify methods for maintenance of streetscape (sidewalk clean up, temporary sign removal, etc.).

Pedestrian Environment Goals

- Create enhancements to promote a walkable environment along the corridor where appropriate, and provide needed pedestrian connections (such as between parking areas of adjacent uses, within parking areas, and between residential areas and business areas).
- Enhance the pedestrian environment to create safe and appealing opportunities for walking and bicycling. Ensure handicap accessibility.
- Provide physical improvement of sidewalks and establishment of new sidewalk connections where appropriate.
- Provide pedestrian and bicycling connections wherever appropriate both to interconnect surrounding communities to the CR 80 corridor as well as to improve interconnection along the CR 80 corridor.
- Define areas where pedestrian connections are needed or that already exist but are unimproved (i.e. existing footpaths).
- Provide adequate lighting and amenities such as benches, trash receptacles, and bike racks for pedestrians and bicyclists.
- Enhance pedestrian connections between shopping areas and within large shopping centers.



- Identify paper streets that may be used as multi-purpose walkways and provide improvements for all users including provisions for wheelchair and bicycle access.
- Improve pedestrian linkages to bus stops and the LIRR station.

Recreation and Open Space Goals

- Identify appropriate locations for recreation in the community.
- Identify open space for drainage and passive recreation.
- Where possible, preserve properties adjacent to the Forge River and provide access to open space associated with protected lands adjacent to the Forge River.
- Inventory publicly owned parcels within study area that may be appropriate for recreational use.
- Develop private-public partnership for funding of improvements consistent with this Plan.
- Provide incentives for creating public open space on private commercial parcels; encourage use of plazas, benches and gathering areas, focal points (i.e. fountains, sculptures, etc.) and other points of interest to enhance the business environment and public space.

Recommended actions related to these goals were identified through the course of this study and are provided in **Section 4.0**.



2.0 EXISTING CONDITIONS

2.1 Study Area

The Mastic-Shirley Montauk Highway Corridor study area is bordered by the William Floyd Parkway to the west, Sunrise Highway to the north, the Forge River to the east and the LIRR to the south. The study area encompasses approximately 887 acres, covering a 1.8-mile segment along Montauk Highway (CR 80) between William Floyd Parkway to the west and the Forge River to the east in the hamlets of Shirley and Mastic. The study area is home to approximately 5,175 people with about one-third of the population under 18 years old.² Figure 1 provides a 2007 aerial photograph of the study area and the location of the Shirley and Mastic Main Street Business Districts. As illustrated on the aerial photograph, the properties which front Montauk Highway form the main commercial corridor of the study area as well as a major transportation route for through and local traffic. The majority of land use north and south of the Montauk Highway corridor is primarily residential or vacant.

With respect to environmental constraints, a portion of the land in the eastern part of the study area is located within a Flood Hazard Area³ and parcels along the Forge River contain fringe freshwater wetlands. The study area is within Groundwater Management Zone VI which, pursuant to Article 6 of the Suffolk County Sanitary Code (SCSC), permits 300 gallons per day per acre of sanitary flow.

The following sections will provide an overview of existing land use, zoning, transportation, and other conditions and provide the background for the remainder of this study.

2.2 Land Use, Zoning and Recent Activity

2.2.1 Existing Land Use

The overall land use pattern of the Montauk Highway Corridor study area has not changed considerably since the adoption of the 2004 Plan; however, because of the change of zones on the Town Board's own motion to create the J-6 Main Street Business District areas, and the adoption of the Main Street Design Manual there has been recent activity in specific site uses which are highlighted in Section 2.2.3. Figure 2 provides a parcel map, which is shaded to

² Based upon Census 2000 data.

³ Several properties are within special flood hazard areas, within zone A or AE, which according to the FEMA website are "Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. In Zone A, because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones" In Zone AE (with base elevation), in most instances, base flood elevations derived from detailed analyses are shown at selected intervals within these zones.. The properties within the flood hazard areas within the study area are adjacent to Mill Pond or Forge River. Flood maps may be viewed online at

www.fema.gov.



illustrate the general land use categories, and also indicates those parcels that are publicly owned. The following provides a general land use description for the study area.

Residential – Medium to high density single-family residential use is the dominant land use in the study area. Residential uses are generally located to the north and south of the commercial corridor; however, several single-family residences and an apartment building are located on parcels that front on Montauk Highway.

Industrial and heavy commercial – A few intense commercial uses (uses which are not classified as neighborhood business uses) are present in the study area. There is an industrial use (propane gas service) located on an industrially zoned property at the intersection of McGraw and Oak Street. This particular use has existed in this location for several decades and although the use is not ideal in the context of the newly adopted J-6 District in the vicinity, the facility is well kept and efforts to buffer the use from surrounding uses are apparent.

Commercial - With few exceptions, such as South Port Shopping Center and a few strip malls, the existing commercial development along Montauk Highway consists of retail uses and small offices on individual tax lots. **Figure 3** provides details regarding the specific uses along the major commercial corridor of the study area. The commercial uses generally provide a mix of businesses that serve the daily needs of the surrounding population and residents from surrounding communities that pass through the area on a daily basis. Commercial uses also include those businesses that serve contractors in the area (such as construction related businesses). There are a mix of local small business operations and franchises/nationally owned businesses in the area. A sampling of uses located in the study area is provided below:

South Port Shopping Center:

Large retail (Kohls/Marshalls)
Grocery Store
Clothing/Shoes
Card Store

Liquor Store
Automotive Retail
Automotive Repair
Video Rental

Individual/Commercial Uses:

Automotive Uses
Restaurants (sit down, fast food
and take-out)
Bakery
Delicatessens
Pharmacy
Video stores
Convenience
Banks
Offices

Gas Stations
Equipment Rental
Construction
Home Improvement
(Paint/Carpet)
Dance Center
Child Care
Funeral home
Contractors (i.e. plumbing,
stone supply)

Transportation and Utility – These uses make up a fraction of the study area, and are generally adjacent to Sunrise Highway or the LIRR tracks. The Mastic-Shirley LIRR Station is located immediately southwest of the study area.

Institutional - Institutional uses in the study area include churches, a post office, ambulance facility, and community center.



Vacant land/open space – Numerous vacant parcels are scattered throughout the study area. Many of the vacant parcels are located in the northeastern portion of the study area and much of this area is preserved County open space. There are numerous vacant parcels located along the Montauk Highway corridor; however, most of these are the subjects of pending site plans for development. The study area contains minimal open space and lands for potential recreational use. However, the tracts of undeveloped property in the vicinity of the Forge River as well as the vacant lands to the south of Sunrise Highway (illustrated on **Figure 10**) provide opportunities for designated open space and a potential recreational trail. An analysis of vacant lands with an accompanying map is provided later in this report.

There are a number of culturally and historically significant structures along the corridor. Between Old Montauk Highway and Montauk Highway at the eastern end of the study area are the Sterling House and the Mastic Memorial. The “Petty House”, an historic structure dating back to the 1700’s, is located in front of the South Port Shopping Center and has recently been restored. In addition, the Shore Manor Restaurant, located on the north side of Montauk Highway within the study area, is included on the Town of Brookhaven’s Historic Building Structure Inventory.

2.2.2 Existing Zoning

A zoning map of the study area is provided as **Figure 4**. As discussed, the Town has taken actions to rezone some parcels in the study area since the adoption of the 2004 Plan. Multiple parcels formerly zoned J-2 (located between Mastic Road and Stuyvesant Avenue, and between William Floyd Parkway and Park Avenue) were rezoned to J-6 (Main Street Business) District. The majority of the remaining ±1.8 mile segment of the Montauk Highway corridor is generally zoned J-2 (Neighborhood Business District). However, there are numerous split-zoned parcels which exist along Montauk Highway (J-2 Business and A-1 Residence), many of which are zoned residential as a result of the split zoned parcel provision of the Town zoning code. In addition, an industrially zoned L-1 parcel is located at Berkeley Place and a PRC-3 residentially zoned parcel is located on Old Montauk Highway at the east end of the study area. The prevailing zoning north and south of the Montauk Highway corridor is A-1 Residential. The following provides a summary of allowable uses and dimensional requirements pursuant to the Town Zoning Code.

A-1 Residence District

The A-1 district is for single-family residential zoning, which requires minimum lot area of 40,000 SF and a maximum FAR of 15%. The height restriction is 2½ stories or 35’. (It is noted that the majority of building lots in the study area do not meet the minimum requirements of the A-1 District).

J-2 Business District

For properties in the J-2 District, the Town Zoning Code requires a minimum lot area of 15,000 SF, with a maximum floor area ratio (FAR) of 35% and maximum height of 2½ stories or 35’. Permitted uses in the J-2 district include a variety of commercial uses as-of-right, and the District also allows single and two-family dwellings if approved by the Town Board by special permit.



Parking in the J-2 District is determined by the use, typical retail use requires 1 parking space per 150 SF of floor area.

Permitted uses in the J-2 Business District are as follows:

- Bank without accessory drive-through facility.
- Bowling alley.
- Church or similar place of worship.
- Commercial center.
- Day-care facility.
- Delicatessen.
- Dry cleaners.
- Health club.
- Laundromats.
- Non-degree-granting schools, including self-defense, dance, swimming, gymnastics and similar instruction/programs, except those associated with manufacturing or truck driving.
- Office.
- Personal service shops, such as barbershops, beauty parlors, shoe repair shops, tailor shops and like services.
- Pharmacy without accessory drive-through facility.
- Shops and stores for the sale at retail of consumer merchandise and services.
- Shops for custom work and for making articles to be sold at retail on the premises.
- Take-out restaurant.
- Undertaking establishments.
- Veterinarian provided that all activities take place within the building.

The following lists the J-2 District special permit uses (including both Town Board and Planning Board uses) which are subject to specific criteria contained in the Town Code:

- College or university, excluding dormitories and other college or university residential facilities.
- Single-family dwelling.
- Two-family dwelling.
- Assembly and social recreation hall.
- Automobile parking field.
- Bar, tavern, or nightclub.
- Billiard hall.
- Manufacturing use provided it is limited to only those goods that are sold on the premises and does not occupy more than ten percent (10%) of the total gross floor area of the building or more than 10,000 square feet, whichever is less.
- Motor vehicle rental.
- Nonprofit fraternity or lodge.
- Nursery or garden center.
- Outside display.
- Public utility.
- Restaurant.

The following lists the J-2 District special permit uses for Accessory Uses (including both Town Board and Planning Board uses) which are subject to specific criteria contained in the Town Code:

- Major restaurant as an accessory use to a commercial center.
- Outside seating as an accessory use to a major restaurant.
- Regional movie theater as an accessory use to a commercial center.
- Drive-through facility as an accessory use to a bank or pharmacy.
- Outside seating as an accessory use to a restaurant or take-out restaurant.



J-6 Main Street Business District

In 2004, the Town of Brookhaven amended the Zoning Code to include the J-Business-6 District [Main Street Business District (MSBD)]. According to §85-268, the Main Street Business District encourages development and redevelopment of fully integrated mixed-use pedestrian-oriented main street centers. In 2004, Main Street Business Districts were designated in those long-established downtown areas, central business districts, and/or main street areas, and existing or planned future adjacent areas that have commercial and/or mixed-use development with a storefront character. Main streets are designed to give priority to pedestrians and provide transit service, when available.

As noted, the J-6 zoning district is geared towards creation of a traditional main street center, and thus provides for higher density and encourages mixed use buildings (by allowing only residential & office use on second floor) and requires such design elements as sidewalk oriented buildings with parking in the rear and building architecture which conforms with the design standards contained in the Main Street Business Design Manual. The minimum lot area requirement in the J-6 zone is 4,000 SF; the maximum FAR is 60%, yet no building shall be larger than 60,000 SF in gross floor area; and the maximum height is 2½ stories or 35'.

Based upon the code, in the J-6 District, no building, structure or premises shall be used or occupied and no building or part thereof or structure shall be erected or altered, except for one or more of the following purposes:

- Retail sales and/or personal service stores.
- Restaurant.
- Office(s).
- Bank with or without accessory drive-through facility.
- Bar/tavern/night club.
- Live performance - community theater.
- Museum or nonprofit cultural centers.
- Artist studio.
- Billiard hall.
- Indoor recreation.
- Health club.
- Non-degree-granting or recreational schools, including self-defense, dance, swimming, gymnastics and similar instruction/programs, except those associated with manufacturing or truck delivery.
- Churches or similar places of worship, libraries or municipal buildings or municipal uses.
- Second story of building restricted to residential or office use.
- Community movie theater.

The following provides a list of special permit uses for the J-6 District, when authorized by the Town Board subject to specific criteria contained in the Town Code (and public hearing where required by the Code):

- Hotel.
- Assembly and social recreation hall.
- Third story of building restricted to residential use.
- Private or public automobile parking field or garage for automobiles and commercial vehicles with a gross vehicle weight rating of less than 10,000 pounds.
- With Special Permit:
 - Funeral homes (undertaking establishment).
 - Day care (in accordance with § 85-396).
 - Veterinarians.

As noted, split zoned parcels are not uncommon along the Montauk Highway corridor. Between the Shirley and Mastic neighborhood centers, there are a total of 16 parcels that are split-zoned (J-2 and A-1), of which 10 parcels have over 75% in area zoned A-1 and as a result the parcels



are thus in-effect zoned A-1. The remaining seven (7) split zoned parcels have more than 75% within the J-2 area and are thus in-effect zoned J-2⁴. Many of these parcels are currently developed with commercial uses.

2.2.3 Recent Activity

Although the study area has been densely developed, there are many opportunities for redevelopment and some potential for new development in the area. The Town has been encouraging landowners to present conceptual plans for areas within the J-6 Main Street Business Districts as well as along the corridor which support the goals that have been incorporated into this Plan. Site plans for several commercial parcels have been officially submitted or presented to the Town by interested developers; these plans are under review or have already been approved. A few projects are under construction including Ormond Place and Work Force Properties (see sample graphic below).



Figure 5 provides a map of a sample of site plans that have been completed, approved, are pending or in the conceptual stages. Table 2-1 provided below contains location, status and development type of these site plans. Table 2-2 provides a summary of approved site plans, some of which were under construction at the time of this study.

TABLE 2-1
 COMPLETED PROJECTS

Site Plan	Location	Description
CVS	s/w/c/o CR80 and Garden Place	Retail pharmacy
Brookhampton	s/e/c/o CR 80 and Monroe Street	Offices
Park Place Center (Phase I)	South of Montauk and east of Park	Retail
Floyd Harbor Mall	Between CR 80 & McGraw; w/o Grand, e/o William Floyd	Retail/Mall
Ormond	S/s/o CR 80 and e/o Ormond	Retail/Office
Marshalls	South Port Shopping Center	Retail box store
Dunkin Donuts & Baskin Robins	n/w/c/o CR 80 and Fulton Avenue	Retail

⁴ This does not take into consideration adjacent sub standard lots under the same ownership which may for practical purposes become merged under the current zoning.



**TABLE 2-2
APPROVED SITE PLANS**

Site Plan	Location	Description
Friendly's	s/s/o CR 80, w/o Versa Place	Restaurant with public seating in landscaped area.
Work Force Properties	N/w/c/o Old Montauk Highway and Lafayette Avenue	Office
P & G	S/s/o CR 80 between Etna and Gunther	Retail/Office
Bel Air Restaurant	s/e/c/o CR 80 and Madison Street	Restaurant
Meineke Discount Muffler	South of Montauk and ±100' west of Madison	Service
ELKIN	n/s/o CR 80, e/o Grand Ave.	Multi-phase building addition

Finally, there are numerous projects that are currently in the planning stages. Town Planning Division staff planners are working with applicants to create development consistent with the comprehensive planning goals of the Town. **Table 2-3** provides a summary of some of these projects.

**TABLE 2-3
SAMPLE OF CONCEPTUAL OR PENDING SITE PLANS**

Site Plan	Location	Description	Status
Walgreens	n/w/c/o Grand Avenue and CR 80	Pharmacy and variety	Pending
Laura Lee Realty	Northwest corner of CR 80 and Park	Expansion of retail with office	Pending
Aurora Building	Northwest corner of CR 80 and Bonny	Retail/office. Site entrance located on Bonny.	Pending
Baynon	Northwest corner of CR 80 and Titmus	Office building	Conceptual
Bollywood Entertainment	North of CR 80 and ±500' east of Park	Retail and service. Currently vacant.	Conceptual
First Place Office	North of CR 80 and ±400' west of Fulton	Office	Conceptual
Forge River Complex	South of CR 80 between Mastic and Forge River	Retail; Theater; Mixed-se buildings with Apartments on second floor; Single-family residences	Conceptual
Grand Avenue Addition	Northeast corner of CR 80 and Grand	Existing retail building expansion	Conceptual
Park Place (Phase II)	South of CR 80 & west of Park Place	Retail corridor	Conceptual



Most of these site plans include a retail and/or office component; several have mixed use components in accordance with the Main Street Business District Design guidelines. The majority of the redevelopment plans involve site entrance and parking reconfiguration with landscaping improvements. These site plans signify the ongoing transformation of the Montauk Highway corridor into a visually appealing and pedestrian friendly shopping environment and illustrate the benefits attained from planning techniques such as cross access agreements, shared parking, and enhanced landscaping facing the main roadway.

It is noted that none of the pending or approved J-6 development proposals incorporate a residential component, which is considered to be an essential component in a traditional main street center. The major hindrance for development of residential use is the need to conform to Article 6 of the Suffolk County Sanitary Code and the volume of sanitary effluent which can be discharged on a site of a given size. The study area is within Groundwater Management Zone VI, which allows a discharge of 300 gallons per day per acre (gpd/acre) where public water is provided which translates to one single family home per one acre lot. The Suffolk County Board of Review (BOR) has and continues to consider granting up to a doubling in sanitary density (600 gpd/acre) with the purchase of sanitary development credits equal to the increased flow. Sanitary density transfer is a method which is available to use in promoting land use to meet the goals of the plan. Barring this method, developments must conform to Article 6, or a method of sanitary waste treatment must be provided. See Section 2.5.1 for additional information on sanitary infrastructure needs associated with this Plan.

2.3 Transportation

Montauk Highway, a Suffolk County roadway also known as CR 80, is the main artery that runs through the study area. Two major roadways bound the study area: Sunrise Highway (SR 27) to the north and William Floyd Parkway (CR 46) to the west. There is no direct access to Sunrise Highway between William Floyd Parkway and Barnes Road to the east; thus, Montauk Highway serves both local and thru traffic in the study area. The LIRR maintains a station just outside the study area (to the southwest). However, there is currently limited rail service in this area (which is true for the Montauk Branch of the LIRR in general). Suffolk County Bus provides service in the area as well, with three bus routes running through the study area.

The area faces a number of transportation related challenges. There is a high volume of traffic and related congestion on Montauk Highway. According to Suffolk County DPW counts, Montauk Highway in this area has an Average Annual Daily Traffic of 27,184 VPD⁵. These 1999 volumes represent approximately 75% of the efficient maximum volume, thus causing congestion during peak hours and contributing to safety deficiencies. There are also no effective east-west connections either north or south of Montauk Highway to serve as alternative linkages to relieve some of the volume on Montauk Highway. Montauk Highway is also subject to numerous curb cuts for local businesses and cross street access (both created through prior

⁵ Based on the highest Automatic Traffic Recorder Counts collected between February and November 1999 for CR 80, east of CR 46.



development patterns). The combination of numerous curb cuts, high traffic volumes, congestion, safety and mobility issues and non-pedestrian friendly streets, have caused SCDPW to seek transportation improvements and has prompted the Town of Brookhaven to engage in this Phase II study to further improve land use planning and locally based transportation initiatives.

2.3.1 Suffolk County DPW Transportation Plan for CR 80

CR 80 is a heavily used east-west suburban arterial traversing the Town of Brookhaven which, because of the presence of Sunrise Highway for regional travel, serves mainly local trips. Within the study area, CR 80 serves as the only main east-west route. The roadway is generally three lanes with two through lanes and a flush center median where provided. The center lane serves as a dedicated left-turn lane and a two-way left turn lane. Towards the west end of the study area, the roadway is wider with additional thru lanes to accommodate capacity due to intersection demand at William Floyd Parkway.

To manage the capacity, safety and operational deficiencies of Montauk Highway, Suffolk County Department of Public Works approved an Initial Project Proposal (IPP) in 1994, which later evolved into the CR 80 Reconstruction Plan. The SCDPW report examined the conditions and needs of the area and suggested six build alternatives and relative engineering considerations. Six alternatives were considered utilizing combinations of road widening and/or different traffic calming measures to meet some or all of the objectives. Three of the six design alternatives were considered feasible. The following provides a description of the three feasible alternatives (summarized from the SCDPW Report).

Alternative IV: Reconstruction of Montauk Highway to accommodate two 3.6 meter (m) (12') travel lanes in each direction, a 3.3 m (11') median/left turn lane and 1.8 m (6') shoulder from William Floyd Parkway to Garden Place/South Port Mall. Beyond Garden Place the section would transition to one 3.6 m (12') travel lane in each direction, a 3.3 m (11') continuous two way left turn lane and a 1.8 m (6') shoulder and this section would be carried easterly to the project limit at Mastic Road. The entire length from William Floyd Parkway to Mastic Road would have continuous curbs and a 5' wide sidewalk. This Alternative will provide additional capacity to accommodate traffic destined for the Southport Shopping Center. The merge point from two to one lane is moved east, farther away from CR 46/CR 80 intersection and therefore, queuing resulting from this maneuver will not impact on the operation of the signal at this critical intersection in the highway network.

Alternative V: This Alternative is the same as IV with the addition of changes to the Montauk Highway/William Floyd Parkway intersection involving elimination of eastbound and westbound left turns by rerouting these movements along existing streets (*see following graphic*). The elimination of the left turns from CR 80 to CR 46 would free up valuable cycle time that could be reallocated to the critical southbound through and left turns from CR 46. The strategy to eliminate the eastbound and westbound left turns by modifying the street network to provide for these movements prior to CR 46, was the measure determined to be most effective in improving operation at this intersection.



Source: SCDPW October 2005 presentation on the Reconstruction of CR 80

Alternative VI: This Alternative is similar to V with the addition of three modern roundabouts and raised medians between travel lanes. The intent of the modern roundabouts and full raised median was to calm traffic and create a more pedestrian friendly environment. The raised median between the roundabouts will serve to control access as left turns into and out of driveways and side streets will be precluded. The raised median will be landscaped with appropriate vegetation to enhance the roadway aesthetics and reinforce the traffic calming principles that are the core of this Alternative. This Alternative was developed after reviewing the “Vision Report” and receiving input from the community and civic organizations.

The proposed jug handle which eliminates the left turn lanes to CR 46 for westbound traffic on CR 80 will result in an increase in traffic volume on Aletta Place. The land use on the east side of Aletta Place is residential (or vacant) with a zoning district which permits single family residential homes on 40,000 SF lots. This area is proximate to the LIRR station as well as the J-6 Main Street Business District and presents an opportunity for multifamily residential use in the future.

The County is moving forward with a plan based upon Alternative V. It is noted that Alternative VI represented the option which provided the most design components for supporting the goals of the community (enhancing walkability and traffic safety, and providing aesthetic benefits afforded through the creation of a raised median). However, there are similar elements found in each of the alternatives and the implementation of a design based upon Alternative V will have positive effects on the revitalization of the corridor including improvement of roadway pavement, construction of new continuous handicap accessible sidewalks, continuous curbing, relocation of utility poles and lines as necessary, drainage improvements and planting of street trees.



2.3.2 Access Issues

Figure 6 illustrates the existing roadways within the study area. This figure illustrates that, as noted, access to and from Sunrise Highway in the study area is limited to William Floyd Parkway. Titmus Drive crosses over Sunrise Highway and provides a potential opportunity for future access to and from Sunrise Highway. South of Montauk Highway, traffic flow is also limited in the north-south direction by the presence of the railroad tracks, with crossings located only on William Floyd and Mastic Road at the west and east ends of the area.

Another access issue relates to residential streets in the areas directly to the north and south of the Montauk Highway corridor which have limited connections. In several sections, CR 80 provides the only east-west through route. Therefore, this Plan seeks to open the street grid to improve mobility north and south of CR 80⁶. Potential new connections to open the street grid are provided on **Figure 7** and are discussed in **Section 3.5**. Section 4 (Recommendations) of this report suggests potential road openings and areas where potential easements and interconnections should be evaluated to assist in improving transportation related connections.

2.3.3 Public Transportation

The study area is served by the LIRR - Montauk Branch. The Mastic-Shirley Train Station is located along the south side of the railroad tracks and north side of Northern Boulevard and to the east of William Floyd Parkway. Currently there are only fourteen westbound trains and thirteen eastbound trains stopping at this station on weekdays. Nine eastbound trains and fourteen westbound trains make stops at this station on holidays, Saturdays and Sundays. The Suffolk County Transit bus service operates two bus routes: 68 and 7D, which travel through the study area, and three other bus routes: 66, 71 and 7E, which have stops on William Floyd Parkway, Mastic Road and Patchogue Avenue. Bus service is provided between 7 AM and 8 PM. The stop intervals range from every one hour to every three and half hours.

2.4 Parking

Parking for commercial uses in the study area (with the exception of on-street parking), is provided in individual private parking lots. There are no existing municipal parking areas within the study area. In general, parking is not permitted along Montauk Highway in the western and central portions of the study area; however, parking on Montauk Highway is permitted along most stretches from Pershing Street and east where the right of way is wide enough to accommodate on street parking. On street parking is generally not restricted on the side streets adjacent to Montauk Highway. The SCDPW roadway improvements plans indicate removal of

⁶ It is noted that there is a narrow strip of property referred to as the “gore strip” which runs between properties located between Franklin and Lafayette in the northeastern area of the corridor. The ownership of this narrow strip of land is unknown, and therefore, providing access across this property is not possible unless the Town seeks to condemn the strip or otherwise abandon it. However, it is noted that as long as Old Montauk Highway remains open, this area is provided with an alternative to CR 80.



the existing on-street parking on CR 80. During a meeting between Town planners and the SCDPW, it was agreed that the SCDPW would consider modifications (such as striping) to restore on street parking in the future in the Mastic Main Street District if physical conditions and demand for implementation were justified.

In general, the amount of parking available does not appear to be a problem for individual businesses; however, parking lots are generally distinct for each use, with no inter-connections between adjoining lots. As a result, encouraging cross access is prudent. However, as the redevelopment of parcels within the Shirley and Mastic MSBDs occurs, it is expected that there will be a need for municipal parking areas to supplement on site parking, even if shared parking is implemented between uses and on street parking is permitted. The SCDPW Report identifies the high number of curb cuts for individual parking lots as a contributing factor in the high accident rate on CR 80. Based upon this assessment, shared parking and a reduction in curb cuts is recommended, as these measures would reduce the number of conflict points along the corridor.

The South Port Shopping Center reportedly experiences parking capacity problems during peak shopping periods; however, during numerous inspections, it was observed that the parking lot was never filled. Overflow parking located behind the Kohl's store is rarely used; however, new proposals for development in this area may require additional parking.

2.5 Public Works and Utilities

2.5.1 Sewage Treatment

Increased sanitary flow is required to permit the mix of uses desired and the related critical mass necessary to make the Main Street Business Districts of Mastic and Shirley successful; however, there is no sewer district within or available to serve the corridor. This issue was identified as a key objective for meeting the goals of the J-6 District initiative in the 2004 Plan.

An initial feasibility study to create a Mastic Shirley Sewer District was prepared in July 1999⁷ in connection with the redevelopment of downtown Mastic. The study also notes the importance of a community sewerage system in this area due to the abundance of small developed lots and high groundwater elevations which contribute to contamination of surface waters and pollution of groundwater. The study found that the creation of a sewer district to serve the area was feasible, especially in consideration of the strong real estate market at that time and short supply of developable properties which would ensure developer cooperation (and funding). The feasibility study identified six potential wastewater treatment plant sites, with a 20 acre parcel located within the Brookhaven Calabro Airport identified as the preferred location. Based upon

⁷ The report, prepared by Henderson & Bodwell, LLP, studied the area encompassed by Carmans River to the west, Long Island Expressway to the north, Forge River to the east (and extending north to the Expressway) and Narrow Bay to the south.



the initial feasibility study, the total cost of the initial sewerage system for an equivalent of 1,330 single family homes was estimated at \$15 million.

Following this effort, an Engineering Report⁸ was prepared (May 2005) to justify a new sewer district to service the entire CR 80 Shirley-Mastic corridor (including an area to the west to Carman's River outside the study area for this plan), the Brookhaven Calabro Airport as well as a proposed planned retirement community development on a ±150 acre property. The report found that on average, commercial uses within the study area have an average flow of ±650 GPD/acre, which is over double the SCSC allowable flow. The report acknowledges that the establishment of the Shirley and Mastic MSBDs will add to the need for increases in sanitary flow along the corridor and determined that the establishment of a new sewer district would allow for revitalization and protection of the groundwater supply and surface waters in the vicinity through the denitrification of area sanitary discharge. Finally, in January 2009, Suffolk County completed a study known as the "Mastic-Mastic Beach-Shirley Sewering Feasibility Study" which evaluated the feasibility of a sewer district for the area, and although it was determined that creation of a district was feasible, the costs would be exorbitant for individual hook ups and therefore, significant funding would be required to avoid hardship on the property owners in the area.

Without the creation of a sewer district, applicants may apply to increase allowable flows (to double the permitted density) with the transfer of density from another parcel in the vicinity with approval of the Suffolk County Department of Health Services Board of Review and/or approval of an overall Watershed Management Plan which would allow the application of a TDR program at the Town level. Since such approvals are based on a variance proceeding, they are not guaranteed. The creation of a sewer district would benefit the community as a whole by permitting increased density in the MSBD areas as well as within the recommended transitional area. The results and conclusions of the recently published Comprehensive Water Resources Management Plan⁹ also provide support for the establishment of a sewer district to support existing and future development in the area as sewage treatment would result in reduction in nitrogen loading to groundwater and the watershed areas of the Forge River and Carmans River.

2.5.2 Utilities

Utilities are generally located above ground in the study area with utility poles lining both sides of Montauk Highway in most locations. The 2004 Plan identified an appropriate long-term goal for relocation of all utilities underground to improve aesthetics and safety.

In general, Verizon has utility poles on the north side of Montauk Highway and LIPA/National Grid has the poles for electricity on the south side of Montauk Highway. Cablevision pays these

⁸ Engineering Report for a proposed Sewer District #3 to service the Town of Brookhaven. Prepared by Henderson & Bodwell, LLP

⁹ The Comprehensive Water Resources Management Plan was prepared by CDM on behalf of Suffolk County, January 25, 2008.



two utilities to co-locate their transmission cables. The Town of Brookhaven maintains street lighting on poles throughout the corridor.

Verizon has an underground conduit system in places along the corridor that has been installed in a piecemeal fashion since 1969. Verizon has expressed interest in running its new lines completely underground since the existing utility poles are saturated and there is no expansion capacity available. However, SCDPW has denied an underground conduit permit due to ongoing plans for improvements along the roadway. The SCDPW roadway plans do not provide for the placement of underground utilities in the corridor, even if the poles require relocation in association with the roadway plans.

The creation of a utility strategy for the corridor is necessary, even if it is not feasible to bury all utilities along the corridor at this time.

2.6 Pedestrian Environment

In many areas along Montauk Highway, sidewalks are entirely absent. Where sidewalks are present, they are generally narrow, in poor condition and are not maintained or kept clean. In many locations, the sidewalks are not properly constructed (i.e. without curbs, handicap ramps, etc.) and do not provide sufficient setbacks from the vehicle travel lanes of Montauk Highway. Residential areas in the study area have long north-south street blocks and there are presently no continuous east-west streets which could provide simple alternative routes to Montauk Highway. In addition, there are few designated crosswalks across Montauk Highway, making it difficult and dangerous at times for pedestrians who need to cross the highway.



Crosswalk on CR 80 at South Port Shopping Center

The SCDPW Reconstruction plans for CR 80 include regular curbing and the installation of continuous 5' wide sidewalks along Montauk Highway and will improve the pedestrian environment along CR 80 dramatically. Additional sidewalks throughout the corridor, as well as bicycle lanes, would improve the walkability of the community as a whole and provide an alternate route to those who do not wish to walk/bicycle along a busy highway.

It is noted that sidewalk widths affect pedestrian mobility, particularly when the sidewalk environment is home to additional elements (such as trash receptacles, benches and plantings). A five foot (5') wide sidewalk is generally wide enough to accommodate pedestrians in a residential area; however, in a business district, wider sidewalks are necessary to accommodate the potential for more intensive pedestrian use as well as to provide room for streetscape elements. While the SCDPW Reconstruction plans for CR 80 include 5' wide sidewalks for the entire length of the project, there may be an opportunity to permit and encourage wider



sidewalks within the Main Street Business Districts of Mastic and Shirley as walkability is a key element of a successful business district. It is expected that the Town will need to work with the County DPW to develop and adopt an acceptable design specification for wider sidewalks which could then be utilized on County roadways throughout the Town within Main Street Business District areas.

2.7 Landscaping and Aesthetics

The visual character of the Montauk Highway corridor is dominated by the commercial buildings, generally developed in strip centers with little attention to coordinated and/or aesthetically uplifting architectural style. Commercial sites within the corridor exhibit paved and/or dirt non-landscaped parking lots, substandard free standing signs and highly visible utility poles and connections. In many areas there is no curbing or sidewalk, and there is no definition of where the roads end and the private property begins.



Signs are regulated by Chapter 57A of Town Code. However, in this corridor there appears to be an abundance of freestanding and temporary signs.

There is a notable lack of street trees and landscaping and virtually no features (such as decorative pavement, lighting, etc.) to enhance streetscape aesthetics. In addition, a lack of curbing, sidewalks and uniform road widths, contributes to the disorderly appearance of the streetscape.

The photographs provided in this section are intended to illustrate the general lack of existing landscaping, poor sidewalk conditions, impact of unsightly signs and generally show the level of beautification needed in the area. For the most part, it is noted that street trees, landscaping, decorative lighting and additional beautifying features along the corridor would provide substantial benefit with regard to aesthetics.







While several property owners have made efforts to create a buffer using evergreens, further coordination of landscaping, and use of guidelines, incentives, and public/private investment in landscaping would provide large public benefit in terms of aesthetics.

Efforts toward beautification have been included in the requirements for development under the Main Street Business District provisions. In the J-6 District, all landscaping and buffering plans must comply with §85-50, Land development standards, Subsections A(3), A(5), (6), (7) and (8). Two examples of developments (Park Place and CVS) which included attractive landscaping and signage are illustrated in the following photographs.



Park Place; an example of a new development that is consistent with Main Street Design Guidelines on Montauk Highway at Park Avenue



CVS; an example of a development consistent with Main Street Design Guidelines located on Montauk Highway at Garden Place.

The establishment of a Community Development Commercial Façade Program would benefit the community as a whole. Façade rehabilitation can quickly improve the appeal and vibrancy of an area and is a relatively inexpensive means of encouraging investment to improve the appearance of properties. If desired, façade improvements can be planned around a common architectural theme to create unified appearance. In any case, the establishment such a program encourages investment in improving the appearance of buildings, whether the community wishes to join together to chose a unified design or allow a variety of architectural themes guided by a set of more general design standards. For properties within the J-6 Main Street Business District, the Main Street Business District Design Manual provides a valuable resource for the community to adopt and to utilize to suit their vision. In addition, the design criteria outlined later in this Plan provides the basis for additional design criteria for properties not located in a J-6 main Street Business District specifically for the transitional area along Montauk Highway between the Mastic and Shirley MSBDs. A façade improvement program could be funded annually with Community Development Block Grants, and would provide 50% reimbursement to property owners for eligible facade improvement projects. Eligible improvements are determined for the individual program and are designed to encourage improving the aesthetics for the business environment and therefore typically focus on the sides of the building that are visible from a public right-of-way. In addition to architectural renovations, embellishments such as awnings may be considered eligible.



Positive aspects of the corridor include several older features which have maintained a small town business character. Mastic Memorial Park is an attractive pocket park which is well landscaped and includes decorative pavement, a sign and a memorial provided in a park-like setting. In addition, there are areas with mature trees along the corridor which should be retained where possible (included on Figure 10).



The SCDPW Reconstruction plans include the establishment of 121 new street trees, which will be planted along both sides of CR 80 between the curbing and sidewalks. The addition of trees planted at regular intervals will dramatically improve the aesthetics of the roadway corridor as the trees mature.

2.8 Recreation and Open Space

Town of Brookhaven recreational facilities in the study area are limited. The Town has reopened the Mastic pool; however, this amenity is outside of the study area in Mastic Beach. A Town of Brookhaven community center located at the corner of Herkimer and Carlton provides recreational services for children and adults.

There is little designated open space in the vicinity of the commercial corridor in the study area. There are, however, several vacant parcels along the corridor and within the study area. Several of these having pending site plan applications or conceptual site plans prepared which are being reviewed by the Town planning staff. This study has an evaluation of the few vacant parcels



along CR 80 for consideration of the potential for future recreational use or to preserve small areas of green space along the corridor.

In addition, according to the GIS database for the study area, there are approximately 90 parcels owned by the County Department of Parks and the Town of Brookhaven totaling about 16 acres located in the northeastern portion of the study area and to the west of West Mill Pond, a freshwater pond which flows into the Forge River (see **Figure 2** for locations and ownership of public lands). The availability of publicly owned lands presents an opportunity for passive recreation, including potential recreational trail linkages from this location. There are also tracts of undeveloped, privately owned property in the vicinity of the Forge River to the south of CR 80 which provide potential opportunities for future recreational use and retention of open space.



3.0 THE PHASE II PLAN

3.1 Development of the Phase II Plan

The Phase II Plan was developed with a program of community outreach and public input. NP&V worked closely with the Town of Brookhaven to obtain input from the stakeholders of the community. NP&V and Town of Brookhaven planning staff met regularly to brainstorm, discuss possible scenarios, and coordinate updates for the development of the Phase II Plan. In addition, NP&V and the Town held a public meeting in July 2005 and attended a meeting of the Merchants Association in February 2006 to incorporate input from stakeholders. Most recently, in June 2009, presentations were made to two local groups, the Mastic-Shirley Chamber of Commerce and the William Floyd Community Summit followed by Question/Answer sessions.

A Maryland-based economic/market research firm, ZHA, Inc., was retained to conduct a retail market analysis for the Mastic-Shirley area of Montauk Highway. This study is included as **Appendix A**, and is described in more detail in **Section 3.4**. Early in the process, NP&V worked closely with ADL III Architects, who worked on the 2004 Plan Visioning as well as various redevelopment projects in the study area, to create site specific conceptual plans and design recommendations.

The techniques used for development of the Phase II Plan and additional discussion related to the components of the Plan are described in more detail herein.

3.2 Public Input

A public meeting for the development of Phase II Plan was held on July 12, 2005. The meeting was intended to offer the Town and NP&V the opportunity to bring the stakeholders together and incorporate their opinions into the recommendations of the Phase II Plan.

At the meeting, a concept map entitled "What We Heard From You" was presented, after which attendees were invited to give comments on the concepts presented in a workshop meeting format during a post-presentation session. The Town and NP&V requested that the attendees use red and green dots to indicate their support for or opposition to various components of the plan to facilitate the exchange of information between the Town and consultant representatives at the meeting. This open house format allowed a means for participants to provide direct input by allowing one-on-one conversations between community members and the consultant and Town representatives.

During the development of Phase II Plan, the Town also met with many local business owners to discuss their vision for the corridor. In February of 2006, NP&V made a presentation to a local merchants association and received feedback regarding the road improvements, concerns regarding emergency vehicle access and other concerns related to land use. The majority of the discussion involved the then-proposed center median and roundabouts in association with



Alternative VI of the SCDPW roadway project and how this might increase traffic congestion and limit access for emergency vehicles. Public input was a consideration in the decision by the SCDPW to pursue development of final roadway designs which did not include the roundabouts and center median.

In June 2009, a representative from the Town and NP&V made presentations to two local groups, the Mastic-Shirley Chamber of Commerce and the William Floyd Community Summit. The presentations included highlights of pending developments, the findings of the Market Analysis¹ and the recommendations for the transitional area along CR 80. Feedback from the attendees was positive, although concerns were raised regarding a historic cemetery on CR 80 in the vicinity of Titmus Drive (which is addressed later in this Plan) and the feasibility/viability of second story residential use, if owners chose to redevelop properties, in the transitional area between the two main street districts of Mastic and Shirley. In consideration of the public input received and in consideration of the viability of residential use due to restrictions due to sanitary flow requirements, the recommendations of this Plan have been modified to omit second story residential use from the list of permitted uses in the transition area. The concept of a recommended overlay district to encourage redevelopment of split zoned properties/residentially zoned properties along the corridor was otherwise well-received by the community groups.

3.3 Land Use and Zoning

During the course of the study, principals and staff of NP&V visited the corridor study area on numerous occasions to observe land use patterns with respect to the underlying zoning. The zoning code was analyzed with respect to the specific goals of the area. The previous land use plans were reviewed and progress and needs documented. The area along CR 80 which is located between the Mastic and Shirley MSBD centers was a focus of the analysis, as this area is generally developed and in need of revitalization. Zoning concepts were explored which would provide incentives for property owners in this transitional area to invest in the redevelopment and revitalization of their property without reducing the underlying rights provided by the existing zoning. The creation of a transitional overlay district and associated draft zoning code language is also being explored to provide the greatest flexibility for property owners by allowing existing conforming uses to remain as well as providing incentives for appropriate redevelopment in keeping with the goals for this portion of the Montauk Highway corridor.

3.4 Market Analysis

The market analysis, prepared by ZHA, Inc., focuses on an approximate 1.5 mile corridor along Montauk Highway between William Floyd Parkway and Mastic Road in the Town of Brookhaven and a trade area surrounding the Mastic-Shirley corridor². The trade area contains 86,270 persons residing in 27,648 households with a median household income of \$66,509 and a

¹ See Section 3.4 and Appendix A of this document for more information.

² All figures referenced are based upon 2005 data.



per capita income of \$24,739. In comparison, the median household income and per capita income for Suffolk County are \$73,810 and \$30,711 respectively. The pace of growth in the trade area has exceeded that of the surrounding area as has the pace of growth for median household incomes over the past 15 years. Most significantly, the analysis substantiates the positive growth in household income as well as the doubling of total income from 1990 to 2005 which translates to a significant increase in buying power. Expected potential for new commercial development is determined by the total new income of the trade area, expected expenditures by store type and amount that this area is expected to capture. ZHA expects that the entire area can support approximately 32,000 to 42,000 SF of additional GAFO³ space (8-14 "mall" stores [such as the Gap or Footlocker], 2-3 large mall stores/small box stores [such as a Pier 1], or one slightly larger "small box" store [Barnes and Noble, TJ Maxx], 18,000 to 22,000 SF of additional eating and drinking space (3 to 5 full service restaurants), 4,000 to 7,000 SF of home improvement space, and 27,000 to 32,000 SF in additional services. Based upon ZHA's analysis, the greatest potential for new development in the corridor exists in the Shirley Central Business District (CBD) due to its excellent access and visibility from William Floyd Parkway and concentration of retail and services. However, the Market Analysis also noted that some of this demand will be satisfied by the Brookhaven Walk project in Yaphank, which was recently approved. The Mastic CBD is expected to have the potential to attract neighborhood oriented retail and services such as a drug store, small café, and specialty food market. ZHA believes that a retail center could be supported economically at the Hawkins Neighborhood Center if a connection to Sunrise Highway from Titmus Drive is established.

3.5 Transportation

The Suffolk County road improvement project for CR 80 was a consideration in the development of this Phase II Plan. The Town recognized the need for vehicular and pedestrian related improvements directly or indirectly related to the proposed roadway improvements along Montauk Highway. The development and improvement of public infrastructure in the surrounding neighborhoods to the north and south of the highway corridor by the Town of Brookhaven is an important part of the process to redevelop and revitalize the Shirley and Mastic communities. County-Town partnership within the corridor is vital for the success of the overall plan.

In the development of road improvement recommendations, NP&V and Town personnel conducted field visits to identify the best alternative routes based upon existing paper roads and to identify logical street grid connections. GIS mapping was utilized to identify unimproved paper streets and publicly owned land that may provide logical street grid connections both to the north and to the south of the Montauk Highway corridor.

To assist in identifying needed roadway openings and connections, the following table was prepared which lists the east west road connections, where they exist, the distance from CR 80, whether there is a need for an alternative route closer to CR 80, and the road names. It is also

³ GAFO: General Merchandise, Apparel, Furniture and Other



noted where no connection currently exists or where improvements are required. Recommended road openings are provided in Section 4 and are prioritized based upon the availability of alternate connections, current level of difficulty to accomplish, and need for the connection.

TABLE 3-1
EAST-WEST LOCAL ROAD CONNECTIONS

Between the following North-South Roads (west to east)	Closest Existing East – West Road Name	Approximate Distance from CR 80	Description	Need for New Connection closer to CR 80?	Potential Alternative connection*	Priority	Level of Difficulty
North of CR 80							
Park and Titmus	Hoover Court	±300' n/o CR 80	Improved street	No	N/A	N/A	N/A
Titmus and Lambert	Boonar Street (built)	±1,275' n/o CR 80	Improved street	Yes	Paper Street and partially improved Smith Street provides an alternative proximate to CR 80	Moderate to high (since another access exists)	Moderate
Lambert and Fulton	Hart Place	2,100' ± n/o CR 80	Improved	Yes	Privately owned land	Moderate to high (another access exists)	High; private land, 280A on Oakland and private land to connect to 1 st Place
Lambert and Oakland	None	N/A	N/A	Yes	Connection to Oakland via private land		High
Oakland and Fulton	None	N/A	N/A	Possible	Extend Oakland north to connect at Lee ⁴	High	Moderate ⁵
Fulton and Midland	Dover Place	±2,000' n/o CR 80	Improved	Yes	Private land and County land on CR 80	Low (due to level of difficulty)	Very difficult – private and public land
Midland and Vernon	Athold Street	±400' n/o CR 80	Improved	No	None appropriate	N/A	N/A
Vernon and Snuyvesant	Holly Street	1,500' n/o CR 80	Improved	No	No vacant land or paper streets exist nearer to CR 80	N/A	N/A

⁴ This connection would not solve the problem to provide a closer east-west connection between Lambert and Oakland since the private land would still need to be purchased for this connection.

⁵ Oakland is substandard due to a prior 280-A relief provided to the southernmost home. However, the Town appears to own the right of way.



Between the following North-South Roads (west to east)	Closest Existing East – West Road Name	Approximate Distance from CR 80	Description	Need for New Connection closer to CR 80?	Potential Alternative connection*	Priority	Level of Difficulty
Stuyvesant and Washington	State Street	±740' n/o CR 80	Improved	No	N/A	N/A	N/A
Washington and Franklin	Allyn Street	±675' n/o CR 80	Dirt road in need of paving	No	N/A	High	Low
Washington and Dana	Allyn Street and private lot	±675' n/o CR 80	Dirt road in need of paving along road right of way and private lot	Yes	No other possible connection between Washington and Dana	High	Moderate (requires purchase of privately owned lot)
Dana and Franklin	Belden Street	±1,300 n/o CR 80	Dirt road in need of paving	No	N/A	High	Low
Franklin and Lafayette	Old Montauk Highway	0 to 150' n/o CR 80	Improved	No	N/A	N/A	N/A
South of CR 80							
William Floyd to Garden Place	Mastic Blvd.	±675' s/o CR 80	Improved street	No	N/A	N/A	N/A
Garden Place to Van Buren	Wood Ave	±620' s/o CR 80	Improved street	No	N/A	N/A	N/A
Van Buren to Hawthorne	Bedford Ave.	±500' s/o CR 80	Improved street	Yes	Clinton Road – paper street where not developed	High	Low
Hawthorne to Mastic Road	Carlton Avenue	±240' at west to ±650' at east	Improved	No	N/A	N/A	N/A
Robert to Etna	Classon Ave.	±215' at west to ±160' at east	Improved	No	N/A	N/A	N/A

South of CR 80, there are also several north-south road connection improvements which would improve the circulation in this area and provide for alternate east-west access along the Montauk Highway Corridor. Recommended roadway improvements are identified on **Figure 7** and are listed and prioritized in **Section 4**.

3.6 Parking Analysis

This study included an evaluation of parking opportunities in the study area. Coordination with Town Divisions of Planning and Traffic Safety personnel, field review and mapping has resulted in a series of recommendations related to parking improvements.



Parking connections and shared lots for adjacent uses are an important consideration for future review of site plans along CR 80. Such connections reduce vehicular access to the highway for quick trips between neighboring properties and encourage walking between uses. Where alternative access exists, curb cuts on CR 80 should be eliminated wherever possible. In development of this Phase II Plan, opportunities for parking improvements, shared parking, shared access to parking, on-street parking and new municipal parking locations were explored by Town staff and NP&V with input from local design professionals.

It is recognized that the success of the MSBD areas will depend upon a variety of factors, including the provision that centrally located parking be available for existing and future redevelopment projects in the J-6 hamlet centers. Accordingly, a number of parcels in the vicinity of the Shirley and Mastic MSBDs were identified for acquisition for public parking areas. On-street parking also provides a significant benefit to the hamlet centers, by reducing the number of spaces required by individual site plans, as well as providing a traffic calming affect while allowing a buffer between traffic lanes and sidewalks.

On street parking should be permitted in the hamlet centers when feasible and where safe. The loss of on street parking on CR 80 in the Mastic MSBD area is an unfortunate outcome of the County's road improvement project. To discuss this concern, Town Planners and NP&V met with a SCDPW official and it was agreed that at this time the character of the Mastic MSBD does not reflect the J-6 MSBD zoning and therefore, on-street parking is not necessary. However, it was agreed that as the redevelopment of this MSBD occurs, the County would consider accommodating on-street parking in this area, as long as safety, function and purpose are preserved or enhanced.

There is a unique area located generally west of Bonny Lane and south of Hoover Court which includes 50' of common land fronting Hoover Court and Montauk Highway, as well as Bonny Lane (hereinafter referred to as "the Hoover Court area"). These 50'-wide strips of land are not owned by the individual abutting parcels, but are intended to be used by all adjoining landowners. This area presents an opportunity for improvements in parking and landscaping through the adoption of a parking plan for the entire area.

Examples where shared parking lots may be appropriate (including several designs) are provided in **Figures 9A – 9E**. **Figure 9A** shows potential improvement locations, **Figures 9B – 9E** show graphic illustrations of how parking lots may be designed and/or connected.

Existing parking lots may be improved with respect to pedestrian connections and the addition of landscaping to soften their appearance. South Port Shopping Center has limited pedestrian crossings. The review of any site plan applications for this center should require that the applicant explore opportunities for such improvements. The photograph to the right provides an illustration of how pedestrian connections may be established across traffic lanes (as well as the benefits provided by well designed landscaping).





3.7 Aesthetics

There are several aspects of this plan which will enhance the aesthetics of the corridor and hamlet centers. The proposed County roadway improvements will create a uniform roadway with continuous sidewalks and curbing which will enhance the aesthetics along CR 80. Other actions have been explored through the course of this study including the establishment of a commercial façade improvement program which may be eligible for Community Development Funds. Parking design is another important consideration for the appearance of the corridor as large parking lots without landscaping are not attractive. Landscaping and pedestrian walks should be incorporated into parking lots to improve appearance. Existing parking lots may be retrofitted with landscaped islands and pedestrian paths to soften the appearance of expanses of pavement and provide visible locations for pedestrians to walk more safely through parking areas.

Photo simulations are a powerful tool for illustrating how various improvements can alter the appearance of a site. NP&V created several simulations for actual locations along the Montauk Highway Corridor including roadway and sidewalk improvements, landscaping, removal of signage, and façade improvements in association with this Plan.



The following before and after views are an illustration of how basic streetscape and landscaping improvements can affect the aesthetics at an individual site along the CR 80 corridor.





The following simulation illustrates the impact landscaping, curbing, sidewalks, building façade improvements (including awnings) and the elimination of free standing signs can have on the appearance of the corridor.





The example below illustrates how burying the utility lines and providing limited landscaping elements can dramatically alter the appearance of an otherwise undistinguished commercial building.





Public art helps to establish a sense of place within a community gathering area. The William Floyd Community Summit beautification program has initiated the use of bronze sculptures in the community, such as the one pictured below. This photograph is an example of a bronze sculpture available from The Large Art Company⁶. The Summit has successfully installed multiple sculptures, including one at the Mastic Shirley railroad station and another at the Mastic-Moriches-Shirley Community Library.



3.8 Open Space and Recreation

Census data for the year 2000 was analyzed to help characterize the population of the study area. In the year 2000, the study area was home to over 5,200 people including over 1,700 children (approximately 1/3 of the population). Within the entire study area, there is one Town owned and operated community center; a senior center on the southeast corner of Classon Avenue and Herkimer Street. The need for public recreation areas is apparent. During evening site inspections, people are observed walking and bicycling along both the main corridor and side roads, walking with baby carriages and congregating at corners and retail centers. Neighborhood parks are an essential need in any densely populated community and serve both the recreational and social needs of the residents. This area would be well served by the establishment of at least one centrally located neighborhood park (ideally sized 5 acres) on each side of CR 80, as well as numerous civic spaces incorporated into redevelopment of the hamlet centers and at least one well equipped playground.

⁶ For more samples see www.LargeArt.com or call 1-800-785-4278 for more information.



Unfortunately, there is a deficiency of vacant property within the study area. Assemblages of vacant properties have been mapped utilizing the GIS tax parcel data to identify potential opportunities for open space and or parks. One fairly large undeveloped property (0.7 acres) is located opposite Fulton Avenue and is one of the only vacant properties along Montauk Highway. This property has the potential to serve as a centrally located open space area or for recreational use. In addition, the largest tract of vacant land is located at the east end of the study area on Mastic Road, fronting on the Forge River. This property provides an opportunity for a recreational element, whether as part of development of the site, or ideally as an acquisition for parkland. **Figure 10** identifies opportunities for utilizing existing open space for passive recreation, locations for new community parks and playgrounds and other recreational amenities.

3.9 Cultural Resources

There are a number of culturally and historically significant structures along the corridor. Between Old Montauk Highway and Montauk Highway at the eastern end of the study area are the Sterling House and the Mastic Memorial. The "Petty House", an historic structure dating back to the 1700's, is located in front of the South Port Shopping Center and has recently been restored. In addition, the Shore Manor Restaurant, located on the north side of Montauk Highway within the study area, is included on the Town of Brookhaven's Historic Building Structure Inventory.

Finally, there is reportedly remains of a historic cemetery (#129) located in the vicinity of Montauk Highway near Titmus Drive. Although a portion of the property is currently developed, records provided by the Mastic Peninsula Historical Society indicate that a portion of the property which has not been excavated in recent years still contain burial grounds, although no headstones remain. The following passage indicates that the majority of stones were moved to another cemetery.

The following Former Lane private graveyard, about 100 feet or more north of Montauk Highway (Route 27) and about 800 feet west of Lambert Avenue, in Sed.7 of "Mastic Park", in what was, until recent years, always known as Paineville, NORTH MASTIC. All the stones from this graveyard (except that of Harriet W. dau. of Amos and Jane Ann Baldwin, who died 18 Aug. 1859), were removed to lot No. 43, Cem.7, Centre Moriches a number of years ago.⁷

⁷ Source: <http://longislandgenealogy.com/CemList.html#129>



4.0 RECOMMENDATIONS

Based upon the goals and objectives, observations made, the professional judgments of the Town and consultant team staff, as well as input from stakeholders the following recommendations are provided.

4.1 Land Use and Zoning

1 Right to First Refusal

The Town of Brookhaven should be afforded the right to purchase excess County property within the study area prior to listing for sale in any public auction forum.

2 Establish a Transitional Area Overlay District

It is recommended that the Town establish a Transitional Area Overlay District to enhance the aesthetic and visual character of the Montauk Highway corridor and to provide visual definition between the hamlet centers in Shirley and Mastic along this major transportation route. The establishment of the new Overlay District will promote uses and aesthetic improvements which create distinction between the two hamlet centers. As this commercial corridor is nearly completely developed, the goal will be to create an appearance of transition which is supported by the development design and orientation of new or redeveloped sites. It is recommended that the Transitional Area Overlay District maintain the underlying zoning, but establish design guidelines for all future development and redevelopment, and provide opportunities and incentives for alternative land uses and site design, including expedited administrative approval for projects that conform to the Plan.

The Transitional Area Overlay District will apply generally to the area bounded by Park Avenue to the west, Clinton and Carlton Avenues to the south, Cumberland Street and Lambert Drive to the east, and Hoover Court/Smith Street to the north. This area contains more than ten street blocks and is currently zoned mostly J-2 Neighborhood Business with some parcels that are split between J-2 Business and A-1 Residential zoning districts and one parcel in the L-1 Industrial Zoning District developed with the Mastic Post Office. The recommended boundary for the Overlay District is indicated on **Figure 8**.

Sample legislation has been prepared for consideration by the Town Board to identify permitted uses, dimensional requirements and other criteria for approval and is included in **Appendix B-1** of this document. **Appendix B-2** provides a black and white figure illustrating the overlay district, for use in the Town Code. The intention is to promote a less chaotic appearance along the corridor, while retaining the underlying zoning. In this way, property owners would be provided with incentives to conform to the district requirements and seek other forms of economically viable use, but would not lose the ability to develop or redevelop sites in



conformance with the existing zoning and overlay provisions provided that the design criteria are met.

There is a unique area located south of Hoover Court and north of Montauk Highway (generally between Park Avenue & Titmus Avenue) which includes 50' of common land fronting Hoover Court and Montauk Highway, as well as along Bonny Lane (the Hoover Court area). These strips of land are not owned by the individual abutting parcels, but are intended to be used by all adjoining landowners. Historically, site plan review has allowed some use in these areas for parking, access and landscaping. This situation occurs within the transitional area of the corridor, and as a result, presents an opportunity for better coordination and improved aesthetics of site plans for parcels adjoining the 50' wide strips. It is recommended that the strip on Montauk Highway be used primarily for landscaping and limited access where necessary. Structures could be constructed to the property line, provided that the 50' strip is used for landscaping, pedestrian access and amenities. The strip along Hoover would then be used for parking and inter-connection of parking areas to provide a more cohesive development pattern (such as is illustrated in Figure 9C). Some landscaping should be incorporated into the Hoover access and inter-connected parking plan to screen residences on the north side of Hoover Court. The 50' strip on each side of Bonny Lane combines with the road right-of-way to create a 150' wide common area. Conceptual designs presented under the transportation recommendations envision a possible north-south landscape strip in the center to create a short boulevard, which could include diagonal parking or enhanced landscaping outside of the vehicle travel lanes. The combination of these measures would dramatically improve aesthetic appearance pedestrian use, circulation, and function of this portion of the transitional area. Public expenditures could be used to reconfigure Bonny Lane and to assist in catalyzing other improvements.

The realization of the vision for the transitional area will be an incremental process which will occur over time. Timing will be subject to many factors, including; market conditions and the desires of the property owners. To further encourage property owners to redevelop properties in line with the vision for the Transitional Area, it is recommended that an expedited approval process be incorporated into the code and implemented for projects in conformance with the Plan.

Additional factors for supporting features within the transitional zone include the availability of funds for improvements (including incentives to landowners) and the potential for public and quasi-public improvements in the public areas (road improvements, landscaping, parking improvements, sidewalks, pocket parks, etc.). It is expected that because largely private individuals and corporations will implement the changes, the progress will be incremental. However, each individual action that is implemented (each façade, landscaping, sidewalk, lighting, new site plan) will provide momentum and continual improvements, so that over a hopefully short period of time, the changes in the corridor environment will be evident. Evidence of incremental improvements have already been noted and it is expected that this trend will continue. The goal to create a definite transition between the main street centers on either end of the corridor will be enhanced through transportation and pedestrian improvements being implemented through the SCDPW roadway project. Incremental improvements on individual sites will help to provide a catalyst for lasting changes and revitalization along the corridor; and



ultimately, the transition area corridor will emerge into a recognizable district between the hamlet centers of Mastic and Shirley, which is unique to the corridor.

As previously noted, code language for the Transitional Area Overlay District is provided in **Appendix B**; this presents recommended requirements and code language for the new overlay district. The code language has been reviewed by Town Planners and once review by the Town Law Department is completed, it is recommended that this code be adopted as a new section of Chapter 85 of the Zoning Code of the Town of Brookhaven by the Town Board, following completion of the SEQRA process.

3 Consider Potential Future Main Street Node at Titmus Drive

With support of the Market Study prepared by ZHA (included as **Appendix A**), and as evidenced in recent development/redevelopment activity, it is recognized that the two Main Street Business Districts located in the western and eastern areas of the study area are expected to redevelop with increased vigor. It is expected that the two main street centers will continue to evolve into their own unique centers as properties are developed in accordance with the standards of the J-6 zoning district and the Town of Brookhaven Main Street Design Guidelines⁸. This trend coincides with the conclusions of the market study conducted by ZHA, Inc. which found that the study area has the potential to support a regional retail center on the corridor's western end (Grand Avenue Center) and a neighborhood retail center on the eastern end (Twin Ponds Center). The study area will have a better chance of sustaining a potential third retail center at Titmus/Hawkins, if and when direct connection to Sunrise Highway via Titmus is established. Although the idea of adding a new highway interchange ramp at Titmus may be a welcome concept and has been much discussed at public meetings, future work is needed to study and analyze its feasibility, need and purpose. Therefore, the Phase II Plan does not recommend a neighborhood center at the Titmus intersection at this time; however, the Town should consider rezoning the parcels surrounding the Titmus Drive intersection if access at Sunrise Highway and over the railroad is established.

4 Rezone Properties for Increased Residential Density to Support the Main Street Centers of Shirley and Mastic

Rezone areas identified in the 2004 Plan for multi-family housing including the area to the west of South Port Shopping Center north of McGraw Avenue, and the area between Aletta Place and Versa Place to the south of Montauk Highway.

⁸ It is noted that the Town's Design Manual may be improved in future editions by removing duplicate items (6.5 and 6.8 are duplicates of 6.3; portions of 7.10 repeat 7.2 and 7.11 is a duplicate of 7.3).



4.2 Parking

The examination concludes that there are only limited opportunities for larger public parking areas, and that private parking will remain a primary source of parking availability in the study area. Specific recommended parking improvements are illustrated in Figures 9A – 9E (including a series of illustrations). These improvements should be scheduled as needed as private development occurs. Community Development Block Grant Funds should be allocated to purchase and/or develop key properties as revitalization occurs (see Figure 9A for possible locations).

S Establish Design Standards for Hoover Court Parking Area

Provide standards for redevelopment of properties within the “Hoover Court” area which generally includes a 50’ wide right-of-way along its perimeter for parking. The design standard will provide a coordinated design which places parking to the north of structures and eliminates curb cuts on CR 80 while providing a wide landscaped area fronting on Montauk Highway. A representation of a potential design for this block is provided as Figure 9C. Design standards specific to this unique area should be included in the Transitional Area Overlay District code.

6 Acquire the Following Parcels for Parking in J-6 District:

The following properties have been identified as having potential for future parking as the J-6 Main Street Business Districts of Mastic and Shirley develop as planned (See Figure 9A).

- Parcel south of parcels fronting on CR 80 between Aletta Place and Ormond Place (SCTM Parcels 200-851-4-26 & 31).
- Parcel south of commercial bank fronting on CR 80 at southeast corner of CR 80 and Versa Place (SCTM Parcel # 200-851-5-19).

7 Explore Locations for Municipal Parking

It is recommended that the Town continue to explore opportunities for municipal parking areas in and proximate to the J-6 Main Street Business Districts to meet additional parking needs as the MSBD areas transform from the existing land use patterns to a more traditional downtown area where municipal parking is appropriate and necessary. To achieve this goal, the Town Board may wish to consider establishment of a municipal parking district whereby PILOP⁹ resources may be allocated for purchase of property and improvements.

⁹ Payment in lieu of parking



8 Require Shared Parking Between Adjacent Parcels

Require shared parking and/or connectivity for all new development and redevelopment and reduce required off-street parking in association with combined parking areas. Encourage and facilitate cross-access agreements for site plan approvals along the corridor and, if appropriate, file agreements as a condition of approval. A sample cross-access agreement is provided in **Appendix C-1** and a sample future cross access covenant and sample resolution are provided in **Appendix C-2**. Coordinated site planning should be required for Hoover Court properties and south of South Port with parking configurations similar to the ones illustrated in **Figures 9B** and **9C**.

4.3 Transportation Network

A number of transportation related recommendations have been prepared, some of which are graphically depicted in **Figure 7** including recommended road openings and improvements for the study area. Specific recommendations are provided herein.

9 Explore New Road Connections to Sunrise Highway

Town should continue to work with the State and County to explore the feasibility of new connections to Sunrise Highway between William Floyd Parkway and Barnes Road (at Titmus Drive) as well as the feasibility for a “private” connection from the South Port Shopping Center to a new Sunrise Highway South Service Roadway.

10 Open the Roadway Grid North and South of CR 80

The Town should facilitate the improvement of the following existing paper roads located north and south of Montauk Highway as illustrated on **Figure 7** to provide alternative east-west routes in the study area.

- a. There are several road connections currently being used by the community which have not been improved by the Town. The following prioritized improvements are recommended to pave existing dirt road connections on:
 - i. Allyn Street between Franklin and Washington Avenues (note, requires acquisition of vacant privately owned property for connection between Dana and Washington Avenues – see below) and
 - ii. Belden Street between Dana and Franklin Avenues
 - iii. Clinton Avenue between Madison Avenue and Cedar Place,
 - iv. Cumberland between Clinton Avenue and Mastic Blvd (two $\pm 250'$ lengths), and
 - v. Monroe Street between Wood Avenue and Mastic Blvd ($\pm 255'$).



- b. Improve Smith Street between Titmus and Lambert Avenues. (It is noted that this street is adjacent to vacant land which has been identified in this Plan for potential community space. If the property is improved as a community space, the installation of a full road may not be in the best interest of the community and this recommendation should be revisited).
- c. Widen and extend Oakland Road (which currently has reduced width access) north to Lee Place utilizing the publicly owned property between 1st Place and Lee Place to provide an east west connection between Oakland and Fulton Avenues.

It is recommended that the Town consider acquisition of two parcels to provide necessary east west connections, as detailed below:

- d. Acquisition of vacant tax parcel identified as 200-824-5-40 to provide connection between Dana Avenue and Washington Avenue. It is noted that there is no other east-west connection alternative between these two avenues.
- e. Acquisition or access agreement for roadway connection between Lambert Avenue and Oakland Avenue of parcel identified as 200-823-10-4.4. It is noted that there is an alternative east-west connection; however it is via Hart Place, which is located over 2,000' north of Montauk Highway.

The connections proposed will result in a roadway grid to the north and south of CR 80 which is reasonably achievable in the short term.¹⁰

11 Reduce the Number of Curb Cuts along Montauk Highway by:

- a. Closing or dead-ending one or more of the following short north-south streets which intersect with Montauk Highway, including: Park Avenue (completed); Miller Place (currently an unpaved access connects to Clinton Avenue); and Etna Place.
- b. Supporting the abandonment of the paper street known as Clinton Place.
- c. Creating a pedestrian connection on St. John Place in lieu of constructing a full specification Town road.

¹⁰ NP&V also identified additional road openings with the intent of creating an alternative to CR 80 located in close proximity to the main road. For example, between Lambert and Fulton, the existing east-west connection is located over 2,000' north of Montauk Highway and thus, a possible connection within 300' was identified. However, this other connection would be difficult to achieve in that private property is involved, as well as a partial road that would need to be improved further and thus, this recommendation is not included herein. If additional connections are required, in the future, Figure 7 illustrates all connections deemed feasible at the time of this study which may be reevaluated as needed.



- d. Closing Old Montauk Highway west of Dana Avenue to Washington Avenue to remove traffic conflicts while providing an opportunity to expand upon an existing pocket park as a civic plaza.
- e. Applying block design standards, encouraging mixed-use development, and establishing shared parking standards and incentives to reduce overall parking demands and the number of entrances onto CR 80.

12 Consider Future Access over LIRR – Acquire parcel at end of Hawthorne Street

It is recommended that the Town acquire the 50' x 100' vacant tax lot identified as 200-852-8-12 and indicated on **Figure 7** in consideration of enhanced circulation needs of the population of the Mastic peninsula. The parcel is located at the southern intersection of Hawthorne Street and Mastic Boulevard, north of the LIRR tracks and provides a potential crossing location.

4.4 Pedestrian and Bicycling Network

13 Install Wide Sidewalks in Main Street Business Districts

The SCDPW CR 80 project will incorporate a five foot (5') wide sidewalk along Montauk Highway. While a 5' wide sidewalk is wide enough to accommodate pedestrians in a residential area, in a business district wider sidewalks are typically recommended to accommodate amenities such as street furniture and trash receptacles and to accommodate a higher volume of pedestrian activity. As a result, wider sidewalks are recommended in the J-6 Business District areas, widths of 10-12' are optimum, but any size increase would be a benefit. The Town should work with the County DPW to develop a downtown sidewalk specification to facilitate installation of 10' wide sidewalks which may be used throughout the Town where appropriate.

14 Install Sidewalks on Side Streets

To complement the proposed sidewalks that the County is installing on both sides of CR 80, the Town should install sidewalks on proximate side streets and highly trafficked roadways as indicated on **Figure 11** to encourage safe walking in the community.

In addition, the Town should consider the following paper streets for use as an improved multi-use path to link sidewalks and bicycle route:

- St. John Street



Source: www.pedbikeimages.org



- Pershing Street
- Leffert's Place

It is noted that abandonment of these paper streets by adjacent land owners would not result in a public benefit and would preclude the opening of the road if needed in the future; thus a partial improvement provides a benefit in the short term and does not preclude the opening of these roads by the Town in the future if needed.

15 Establish a Bicycling Route

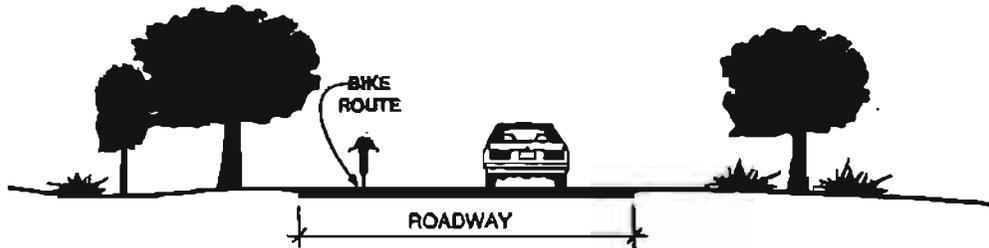
The CR 80 roadway improvements includes a 6' wide shoulder in both directions which accommodates bicycling. Shared use of the roadway signage will be provided to help keep motorists aware of bicyclists. However, it is recommended that the Town initiate a bicycle route where feasible as an alternative to busy roadways. **Figure 11** illustrates recommended bicycle routes that provide an alternative to Montauk Highway which connects the north and south sides of Montauk Highway at Titmus Drive. The crossing location would need improvements to alert drivers and is a potential site for use of pavers to draw attention to the crossing.



Source: www.pedbikeimages.org

It is envisioned that bicycle routes will be designed to lead to existing shopping centers and retailers should provide secure bike racks.

Note: Ideally the route illustrated on Figure 11 would include both a sidewalk on at least one side and a bike lane. However, if this is not feasible in the short term, the Town should consider exploring designs for a shared lane for walking and bicycling with separation from travel lanes. The Town is nearing completion of a similar shared lane facility along River Road in Shirley. A schematic for a bike route (where insufficient width or other obstacles will not permit the establishment of a physical lane) is provided in the following graphic.



Bike Routes

A shared right-of-way identified only by signing. Bike routes are proposed along low speed, low volume roadways where there is insufficient width to provide bicycle lanes.

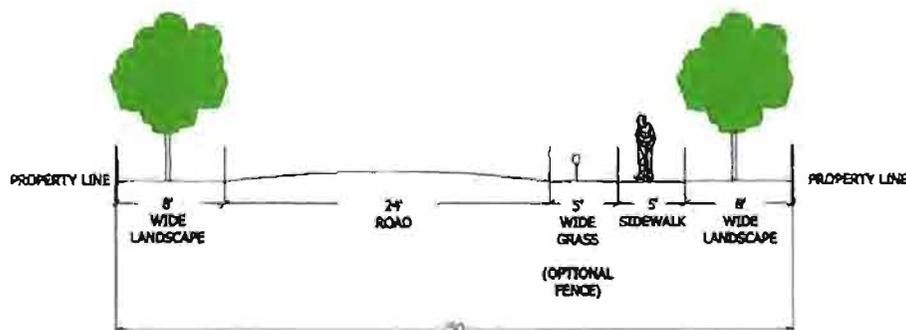
16 Install Bicycle Racks

Both the Mastic and Shirley MSBDs should include multiple locations for securing bicycles. Bike racks should be located appropriately to encourage use and dissuade vandalism (well lit location sheltered from vehicular traffic and convenient to destinations).



17 Establish a Trail System

Establish a trail between the Forge River and unimproved portions of Bedford Avenue in the southeastern part of the study area as well as along the west side of West Mill Pond in the northeastern area of the study area. Where the trail intersects proposed residential development, the Bedford Trail can be continued as a modified sidewalk as illustrated in the accompanying graphic:





In the eastern portion of the study area, Bedford Avenue is not improved. This is partially due to the relatively steep terrain and natural drainage patterns that exist in this area that complicate road construction (as well as home site selection).

It is noted that there are large undeveloped tracts of land owned by the County and Town of Brookhaven on the west side of West Mill Pond which provide a potential opportunity for continuation of a recreational trail to the north of CR 80 as illustrated in **Figure 10**. The recreational trail may connect other locations within the study area such as a new community recreation facility along the Forge River, as well as along the northern border of the study area, the west side of the Mill Pond and Forge River.

4.5 Utilities/Services

18 Establish a Utility Routing Plan

It is expected that the Town of Brookhaven will need to take the lead role in actively coordinating with utilities and service providers in the study area to achieve a Utility Routing Plan. Coordination with Verizon, LIPA/National Grid and Cablevision should occur in anticipation of the CR 80 roadway improvements. Such a plan would need to be approved by the SCDPW and incorporated into the CR 80 construction plans and funding secured for implementation in coordination with the roadway improvements. A Utility Routing Plan would provide clear guidance for future applications. Contact with LIPA/National Grid is needed to ascertain if this is realistic for their service.

Continued coordination with SCDPW is essential to permit coordination between the Town, County and utilities to share the goal for routing utilities underground so that any expenditures made for relocation of poles (in anticipation of road improvements) may be spent towards burying utilities as an alternative. A Business Improvement District (BID) may also provide funding to offset the additional costs associated with burying utilities.

19 Support the Establishment of a Sewer District to Support the Increased Density in the Main Street Business Districts.

The Town previously retained an engineering firm to study the feasibility of the creation of a new sewer district to support the MSBDs. Establishment of a Sewer District in this area would also have an environmental benefit with respect to water quality of the Forge River. It is important to the community and for the health of the Forge River that a sewer district be established to treat sanitary effluent for existing and new uses in this area. The recent results and conclusions of the groundwater modeling conducted for the Comprehensive Water Resources Management Plan (prepared by CDM for Suffolk County) support sewerage to reduce nitrogen loading in the area.



4.6 Open Space and Recreation

20 Acquire Properties for Recreational Use

Figure 10 illustrates vacant properties within the study area and identifies those which should be considered for purchase as open space or for parks. The figure also illustrates how open space and recreational opportunities may be linked by pedestrian and bicycling routes and a nature trail.

The ±32 acre parcel on Mastic Road that fronts on the Forge River is an ideal location for a passive and active recreational park with a nature center (see also recommendation # 23) and was also identified in the 2004 Plan for acquisition.

In the absence of funding for acquisition, the Town should consider the future use of vacant parcels by applying creative site plan design to incorporate a portion of the property for public use (as green space or plaza). For example, there are several vacant properties located on the north side of McGraw Avenue, west of South Port, which may provide a recreational opportunity as the MSBD revitalizes.

The acquisition of vacant parcels along CR 80 in the Transitional Area would aid in the goal of providing distinction between the two hamlet centers. There are several vacant or underdeveloped parcels directly fronting on CR 80 which may be appropriate for passive or recreational use, or as community open space. Several of the vacant parcels indicated on Figure 10 would be appropriate candidates. High priority should be given to the vacant property opposite Fulton Avenue, which is a vacant parcel currently zoned for residential use and located in the transitional area. The property is comprised of several tax parcels and has frontage on both CR 80 and Classon Avenue, providing a highly accessible location for a passive use park.

21 Create a Public Plaza Adjacent to the Mastic Memorial

Create a public plaza adjacent to the Mastic Memorial in association with the closure of the curb cut at the western end of Old Montauk Highway; the Town should explore redevelopment of the pavement area for expanded public space.

22 Create a multi-use trail

Utilize publicly owned property north of the CR 80 corridor along the west side of the Mill Pond to create a multipurpose recreational trail for walking, bicycling, rollerblading, etc. The trail should be wheel chair accessible where feasible (where terrain conditions allow as a portion of this area contains steep slopes).



Source: www.pedbikeimages.org



Ultimately the trail may connect to the envisioned Bedford Trail (see recommendation #17) which will link to a path along the Forge River.

23 Establish a Neighborhood Park

Consider acquisition of the property on the east side of Mastic Road (SCTM No. 0200-853-10-2) for establishment of a neighborhood park. This site is within ½ mile of census blocks which are home to approximately 3,085 people including over 1,000 children¹¹ (see the following graphic illustrating a ½ mile radius from the property within the study area).



24 Expand and Enhance Existing Community Center

A community center is located on Herkimer Street. Programs and hours should be expanded to meet the current needs of the community. The Town should seek input from the community regarding program and facility improvements at the existing center (establishment of programs such as “teen night” for example).

¹¹ Based upon Census 2000 data



4.7 Aesthetics

25 Support the Establishment of a Business Improvement District

A BID will have the potential to improve the district in ways that are meaningful to the area and expenditures can vary dependent upon the immediate needs. The money a BID spends towards improving the district can create a more beautiful, cleaner, safer and more user-friendly business district. The BID revenue would provide a reliable source of funding for projects that improve the environment for all of the members and will likely result in an overall enhancement in property values and possible increase in customer base revenue for the individual businesses.

26 Implement a Façade Improvement Program

Develop a façade improvement program to provide 50% reimbursement for eligible façade improvements using Community Development Block Grant funds. Develop a brochure and reach out to business owners along CR 80 suggesting the types of changes that may be eligible for partial funding.

27 Enforce Sign Regulations

In addition to improving the appearance along the corridor, enforcing sign codes and restricting the number of signs on a property will reduce visual confusion for drivers and increase safety along the corridor. Consider implementing an annual review which would include an intensive Town effort to investigate, identify and eliminate illegal signs in the study area.

28 Improve Sidewalk Environment Appearance

Work with the Chamber of Commerce, Merchant Association and BID to install such amenities as pole mounted banners, flagpoles, hanging plants, planter boxes, seasonal/holiday decorations, coordinated trash receptacles, bronze sculptures, etc. to improve the appearance and enhance the “human scale” of the sidewalk environment. The Town could also work with the community by:

- Providing coordinated landscape recommendations for upgrades, additions, and removal of landscape materials in the form of a master landscape plan for the area, and,
- Exploring unifying streetscape elements (i.e. benches, trash receptacles, lighting, planters, sidewalk treatment, statuary, etc.) for commercial areas as well as pocket park and open space areas as appropriate; seek funding/cooperative efforts and work with appropriate agencies/departments to implement improvements.



4.8 Cultural Resources

29 Acquire Sterling House

Utilize public funds to acquire the Sterling House, a historic¹² building located between Montauk Highway and Old Montauk Highway (pictured below), which provides a suitable location for a small community meeting center north of the CR 80 corridor. It is noted that on street parking is available on Old Montauk Highway and side streets in the area; in addition, the closure of this portion of Gunther (to eliminate access to Montauk Highway) would facilitate on street parking on this street.



30 Protect & Acknowledge Sensitive Resources

Work with property owners to permit historical markers on culturally significant sites, including the documented cemetery located proximate to Titmus Drive, the Petty House, Sterling House and Manor House. Consider limiting depth of excavation of previously undisturbed areas at former graveyard site near Titmus Drive.

¹² According to the property owner, the structure was built in the 1940s and is not a listed historic structure



5.0 IMPLEMENTATION STRATEGIES

The following implementation strategies are designed to make the recommendations of this study a reality. In order to accomplish this, a checklist of suggestions and guidance for future actions in meeting the recommendations as presented in **Section 4.0** is provided. This set of strategies is organized by the expected responsible agency or department and should be used by the Town and community, as distributed to other local organizations to encourage them to assist wherever possible in achieving the goals of the plan to revitalize and improve the Montauk Highway Corridor. This checklist will assist in tracking success of the program, and can be revised as goals are met and new challenges present themselves.

The completion of the Draft Montauk Highway Corridor Study and Land Use Plan for Mastic & Shirley Phase II will allow the Town Board to complete a review of this phase of the project under the State Environmental Quality Review Act (SEQRA). The 2004 Plan was subject to a complete Generic Environmental Impact Statement (GEIS) and a Statement of Findings. The actions contained in the Phase II Plan will be compared to the 2004 Plan Findings, and evaluated to determine if there are potential adverse impacts and to determine its consistency with the Findings. A determination will be made, and the provisions of 6 NYCRR Part 617 SEQRA will be complied with. Additional actions of the Town Board and other agencies are identified herein.

5.1 Brookhaven Town Board

Legislative Actions

- Adopt the Montauk Highway Corridor Study and Land Use Plan for Mastic & Shirley Phase II as an amendment to the Town's Comprehensive Plan.
- Adopt a local law to establish the Transitional Area Overlay District.
- Adopt an amendment to the official zoning map to show Transitional Area Overlay District.
- Establish procedure for purchase of excess County property in the study area if practical for open space, recreation, municipal parking close to the MSBDs or achieving other goals of the plan.
- Change the zone for properties $\pm 200'$ north of McGraw (generally between Grand Avenue and South Port Shopping Center and $\pm 130'$ south of Montauk Highway (between Aletta Place and Versa Place) to high density residential in support of the Shirley MSBD.
- Authorize the use of Community Development Block Grant (CDBG) funds to provide matching grants for a commercial building façade improvement program.
- Support the establishment of a Business Improvement District (including allocation of funding for establishment of district).
- Establish sign task force to annually regulate and remove illegal signs in the study area.

Budgetary Actions

- Allocate funding for road extensions where continuous side street alternatives do not exist.



- Allocate funds for purchase of properties for roadway connections as indicated on **Figure 7** (SCTM # 200-824-5-40 and 200-823-10-4.4).
- Allocate funding for purchase of small property for access over railroad at Hawthorne Street (SCTM # 200-852-8-12).
- Prioritize funding for acquisition of vacant properties within the community for open space and recreational opportunities.
- Prioritize funding to establish the Bedford Trail with possible connection to a Forge River Interpretive Trail.

5.2 Town Department of Planning, Environment & Land Management

Operational Actions

- Initiate acquisition procedure for high priority roadway connections which require use of privately owned properties.
- Work with private property owners to upgrade site improvements and conform to design and use guidelines of this Phase II Plan in connection with proposed land use projects; improve and upgrade existing developed sites wherever possible.
- Pursue the establishment of sidewalks and bicycle lanes along alternative route to CR 80 and enhanced biking access from surrounding communities through road openings, improved street design and trail connections.
- Continue to participate in discussions with involved agencies regarding road connections to Sunrise Highway.
- Coordinate with SCDPW and Town Highway Department to improve pedestrian safety by establishing new crosswalks and improving/defining existing crosswalks in frequented areas.
- Support Business Improvement District, Merchant Association, William Floyd Community Summit and Chamber of Commerce participation/education in implementing appropriate aspects of this Phase II Plan.
- Expedite review and approval for redevelopment and revitalization initiatives within the corridor.
- Pursue opportunities to provide recreational amenities within the study area including parcels identified in Section 4.
- Advise property owners of presence of culturally sensitive lands when development applications are submitted and ensure that development is sensitive to cultural resources.
- Limit depth of excavation of previously undisturbed areas at former graveyard site near Titmus Drive.

5.3 Town Code Enforcement

Enforcement Actions

- Use Planning Board inspectors to ensure that approved site plans are constructed in conformance with design and enforce where necessary.
- Improve enforcement of other code provisions including outdoor storage restrictions.



- Enforce Town sign regulations for unauthorized and temporary signs.

5.4 Town Highway Department

Operational Actions

- Implement the prioritized improvement of new roads and sidewalks on existing Town roads as identified in Section 4.
- Complete recommended street connections and closures in conformance with this Phase II Plan.
- Coordinate with Town Planning staff regarding Town road right-of-ways and alternative uses for trail connections for bicycle and pedestrian access and complete appropriate improvements.
- Prepare engineered design plans for designated bicycle lanes and sidewalks on Town roads.

5.5 Town Department of Parks, Recreation, Sports & Cultural Resources

Operational Actions

- Pursue opportunities to provide recreational amenities within the study area including parcels identified in Section 4.
- Create a public art park/outdoor display area at the Senior Center, provide rotating displays of works by local artists and permanent bronze statues as have been used elsewhere in the Town.

5.6 Town Department of Housing, Community Development & Intergovernmental Affairs

Budgetary Actions

- Explore low interest, fixed rate loan opportunities offered through organizations such as the Long Island Development Corporation for businesses along CR 80 to assist in implementing aesthetic improvements.
- Use Community Development Program funds for façade improvements where possible.
- Consider funding a competitive grant program for public area improvements (i.e. park improvements or clean up, signs, educational programs, and graffiti prevention program). The Town could provide a specific amount for community improvement program which would also enhance community involvement. The following groups may be targeted for potential eligibility:
 1. Schools - such as a day care center, elementary school, PTA group, college or university volunteer groups.
 2. Resident organizations - civic or neighborhood association, or individuals who have opened their private property for public use.



3. Business groups - Chamber of Commerce, Merchant Association, Business Improvement District (if established) for projects on Town property or portions of commercial property used for public use.
4. Non-profit organizations - such as YMCA, local historic association, etc.
5. Youth group - such as Boys & Girls Club, Boy/Girl Scouts, etc.

Operational Actions

- Work with local merchants and community groups to establish signage/trademark of the community to provide a unifying identity in business publications and signage.

5.7 Suffolk County Department of Public Works

Operational Actions

- Incorporate a 10' wide sidewalk in the Main Street Business Districts to enhance walkability and accommodate amenities.

Budgetary Actions

- Work with the Town to develop a new specification for wide sidewalks to be used in downtown areas.
- In association with roadway improvement project, incorporate quality streetscaping improvements and highway beautification (i.e., landscaping, lighting, signage, sidewalks etc.) along Montauk Highway.
- Place utilities underground where possible.
- Establish a budget for provision of landscaping and maintenance of same within the ROW.

5.8 Suffolk County Legislature

Legislative Actions

- Establish funding for new Sewer District to support the revitalization of the area and improve the water quality of the Forge River.
- Establish legislation to provide right to first refusal to the Town of Brookhaven for excess properties prior to offering for sale to the public by auction.

5.9 New York State Department of Transportation

Operational Actions

- Participation in discussions regarding Sunrise Highway access improvements.

Budgetary Actions

- Apply funding for intermodal transportation improvements (i.e. bicycle lane as alternative to Montauk Highway).
- Obtain funding for new connections to Sunrise Highway and or service roads as an alternative to CR 80.



6.0 FUNDING OPPORTUNITIES

6.1 Existing Funds Available for Phase II Implementation and Related Projects

- \$800,000 Roadway Evacuation Study Hamlets of Shirley, Mastic and Mastic Beach, SAFETEA-LU High Priority Project #3584 (O.T. 2019) (draft completed, March 2009)
- \$487,000 for Forge River Watershed Management Plan/TMDL (underway)
- \$17,000,000 SCDPW Road improvement project (underway)
- Community Development Block Grant program (funding available on a yearly basis). This flexible program provides communities with funding which may include matching grants for improvements on private property to acquisition of property for public benefit and improvements that address the unique needs of a community.

6.2 Grant Opportunities

New York Clean Water State Revolving Funds

The Clean Water State Revolving Fund (CWSRF) was established to help finance facilities that protect, maintain or improve water quality. The CWSRF provides interest-free short-term and low interest rate long-term financing to recipients to finance planning, design, and construction of eligible water quality projects. Since 1991, the Clean Water SRF has provided approximately \$12.68 billion in financing and \$1.19 billion in subsidies for more than 1,300 water quality related environmental projects in New York State. It is administered by Environmental Facilities Corporation (EFC) in partnership with the New York State Department of Environmental Conservation (DEC). The Drinking Water SRF is jointly administered by EFC and the State Department of Health (DOH). Since 1997, the program has provided more than \$2 billion in low-cost financing and grants, and \$135.3 million in subsidies for 541 drinking water improvement projects throughout the State. (Source: <http://www.nysefc.org>).

New York Main Street Program

Program Purpose - The purpose of the NYMS Program is to provide financial and technical resources to help communities with their efforts to preserve and revitalize mixed-use (commercial/civic and residential) main street/downtown business districts. The NYMS Program will provide grants to stimulate reinvestment in properties located within mixed-use business districts located in urban, small town and rural areas consistent with Articles 16A and 17B of the Private Housing Finance Law (PHFL).

Eligible Applicants - Eligible applicants include not-for-profit community-based organizations, business improvement districts, and other entities incorporated pursuant to the Not-for-Profit Corporation Law that will serve as Local Program Administrators (LPAs). LPAs will assume administrative responsibility for evaluating and selecting projects to be assisted, ensuring that NYMS Program funds are expended in accordance with all State and local laws, and for meeting the program's public purpose. Such entities shall have been in existence for at least one year prior to contract execution. NYMS Program funds will be awarded on a competitive basis, with



a maximum per contract of \$200,000. Applicants will be given a period of up to two years to complete their contract.

Eligible Areas - The local NYMS Program must be carried out in a concentrated target area (generally no more than three contiguous blocks) that has experienced sustained physical deterioration, decay, neglect, or disinvestment, and has a number of substandard buildings or vacant residential or commercial units. The target area must be located in a service area in which more than 50% of the residents earn less than 80% of the area median income of the surrounding community or which has been designated by a State or federal agency as an eligible area for the purposes of a community or economic development program. Buildings within the district or the district itself may also be eligible to be listed on the National Register of Historic Places or for local or State historic designation. Proposed service areas that are within officially designated service areas of Neighborhood or Rural Preservation Companies, for example, are considered eligible.

Eligible Activities - The following activities can be funded in part through the NYMS Program:

- **Facade Renovation** - Matching grants of up to \$10,000 per building, but not to exceed 50% of total cost, can be provided to owners for facade renovations.
- **Building Renovation** - Matching grants of up to \$50,000 per building, but not to exceed 50% of total cost, can be provided to owners for renovation of commercial/civic space on first floor and residential units above.
- **Downtown Anchors** - Matching grants of up to \$100,000 per building, but not exceeding 25% of project cost, can be provided to owners to help establish or expand cultural or business anchors that are identified in a local plan as key to the revitalization effort. Developments that incorporate residential units on the upper floors will receive priority for funding.
- **Streetscape Enhancement** - Grants of up to \$25,000 for programs to plant trees and other landscaping, install street furniture and trash cans, provide appropriate signs in accordance with a local signage plan, and other appurtenant activities. Street lighting may be eligible for funding where applicants can satisfy all feasibility issues. A streetscape enhancement grant will only be awarded if it is ancillary to a program providing building renovation or downtown anchor grants.

New York State Quality Communities Grant Program

This is a grant program totaling \$3 million (for 2005-2006 round) for planning projects statewide. Eligible applicants are Counties, Cities, Towns, Villages, Indian-Tribes/Nations, Local Public Authorities, Public Benefit Corporations, and Not-for-Profits (under certain circumstances). These funds are designed to assist local governments with planning efforts to: encourage community growth, improve community centers, promote inter-municipal growth, enhance mountain communities, preserve open space, and more.



Suffolk County Downtown Revitalization Program

Eligible projects under this grant program are capital improvements that achieve smart growth goals on public properties in or adjacent to a downtown area. Example projects funded under this program include public parking facilities, pedestrian walkways, street lighting, directional signage, sewer systems, and cultural facilities.

New York State Transportation Enhancement Program (TEP)

The TEP provides funding for a wide range of transportation related projects. Eligible projects must fall into one or more of the twelve Federal Highway Administration (FHWA) categories which are as follows:

1. Provision of Facilities for Bicycles and Pedestrians
2. Provision of Safety and Educational Activities for Pedestrians and Bicyclists
3. Acquisition of Scenic Easements and Scenic or Historic Sites (Including Historic Battlefields)
4. Scenic or Historic Highway Programs (Including Provision of Tourist and Welcome Center Facilities)
5. Landscaping and Other Scenic Beautification
6. Historic Preservation
7. Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities (Including Historic Railroad Facilities and Canals)
8. Preservation of Abandoned Railway Corridors (Including Conversion and Use for Pedestrian and Bicycle Trails)
9. Inventory, Control and Removal of Outdoor Advertising
10. Archeological Planning and Research
11. Environmental Mitigation to Address Water Pollution Due to Highway Runoff or Reduce Vehicle-caused Wildlife Mortality while Maintaining Habitat Connectivity
12. Establishment of Transportation-Related Museums

The program is a federal reimbursement program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and is administered by the New York State DOT.



FIGURES



Town of Brookhaven

Montauk Highway Corridor Study & Land Use Plan for Mastic & Shirley Phase II

FIGURE 1

STUDY AREA & MAIN STREET BUSINESS DISTRICTS

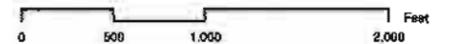
Legend

-  Study Area
-  J6 Main Street Business District Parcels

Source: NYS Orthoimagery Program, 2007
Town of Brookhaven GIS

Date: 09-26-2008

1 inch = 1,000 feet



NOTE:

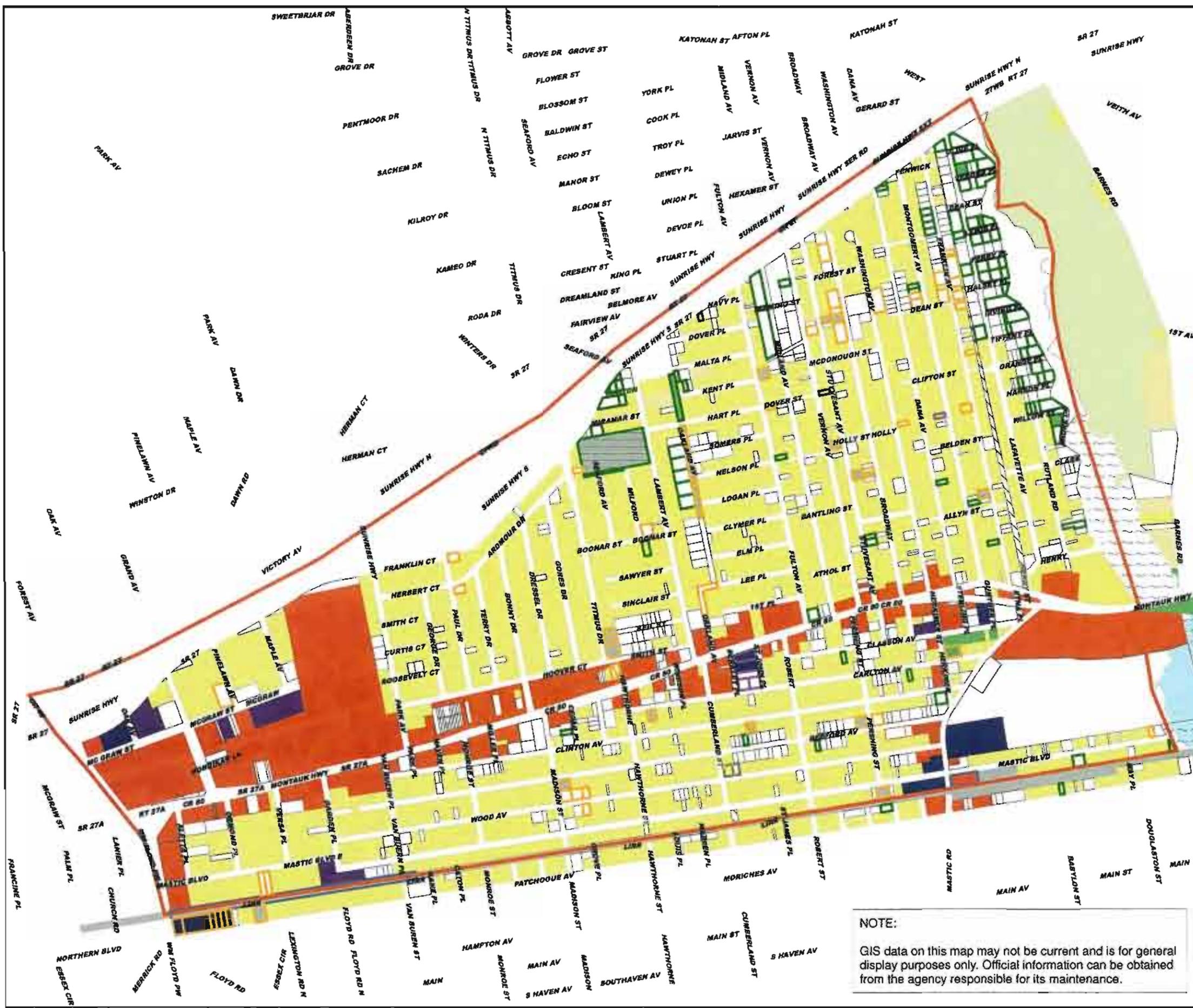
GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.





Town of Brookhaven
 Montauk Highway Corridor Study &
 Land Use Plan for Mastic & Shirley
 Phase II

FIGURE 2
 LAND USE &
 PUBLIC LAND



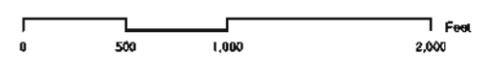
Legend

Study Area	Town Land
Land Use	Federal Land
Low Density Residential	State Land
Med - High Density Residential	County Land
Agriculture	LIPA Land
Commercial	
Industrial	
Institutional	
Recreation & Open Space	
Surface Waters	
Transportation	
Utilities	
Vacant	
Unknown	

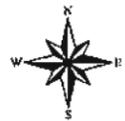
Source: Town of Brookhaven GIS - 2006 Data
 Land Use based on NYS Assessors' Code
 (Updated Where Feasible)

Print Date: 01-18-2010

1 inch = 900 feet



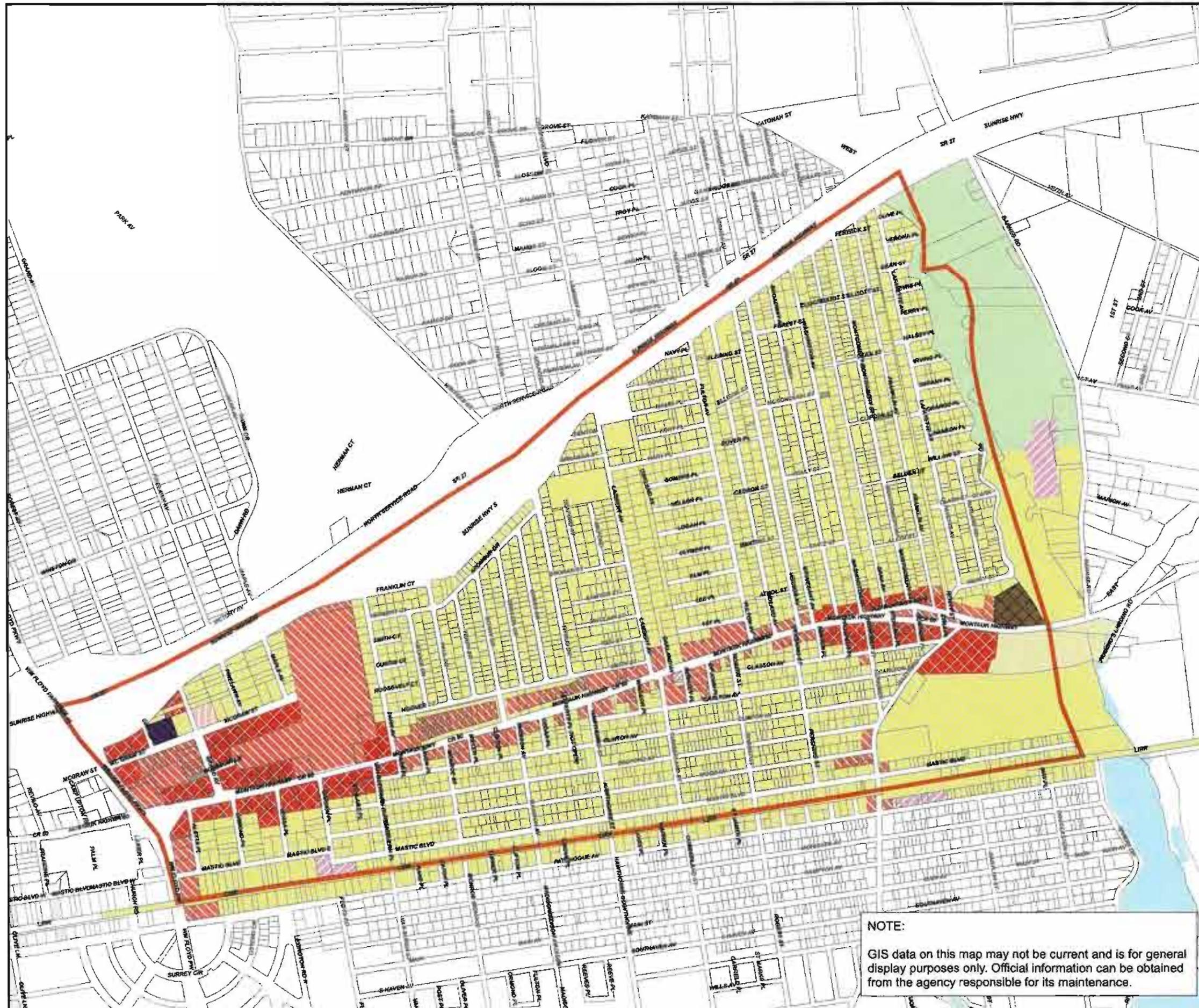
NOTE:
 GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.





Town of Brookhaven
Montauk Highway Corridor Study &
Land Use Plan for Mastic & Shirley
Phase II

FIGURE 4
ZONING



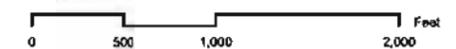
Legend

- Study Area
- A1 Residence
- A2 Residence
- PRC3 Planned Retirement Community
- J2 Neighborhood Business
- J4 Professional and Business Offices
- J6 Main Street Business
- K Business (Agricultural)
- L1 Light Industry
- L2 Heavy Industry
- ROW

Source: Town of Brookhaven GIS
 Suffolk County Real Property, 2001

Date: 09-26-2008

1 inch = 1,000 feet



NOTE:
 GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.





Town of Brookhaven
Montauk Highway Corridor Study &
Land Use Plan for Mastic & Shirley
Phase II

FIGURE 5
COMPLETED PROJECTS AND
APPROVED, PENDING &
CONCEPTUAL SITE PLANS



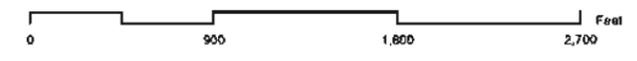
Legend

- Study Area
- Pending or Approved Site Plans**
- Approved
- Completed
- Conceptual
- Pending

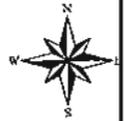
Source: Town of Brookhaven GIS and Brookhaven Planning

Date: 1-18-2010

1 inch = 900 feet



NOTE:
 GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.

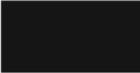




Town of Brookhaven
Montauk Highway Corridor Study &
Land Use Plan for Mastic & Shirley
Phase II

FIGURE 6
EXISTING IMPROVED
ROADWAYS

Legend

 **Existing Roads**

Source: NYS Orthoimagery Program, 2007
NP&V GIS Library

Date: 09-26-2008

1 inch = 1,000 feet

NOTE:

GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.





Town of Brookhaven
Montauk Highway Corridor
Study & Land Use Plan for Mastic & Shirley
Phase II

FIGURE 7
RECOMMENDED ROAD
IMPROVEMENTS, CONNECTIONS &
CLOSURES



- Legend**
- Recommended Acquisition - High Priority
 - Road Connection Recommendations**
 - Improve Connection - High Priority
 - Improve Paper Street/Town Land - High Priority
 - Potential Future Connection - High Priority
 - Recommended Improvement - Medium Priority
 - Potential Future Connection - Lower Priority
 - Recommended Pedestrian Connection
 - Close Curb Cut
 - Potential Location for RR Xing
 - Proposed 280-A Court
 - Consider Closure
 - Improved Recently
 - Existing Roads
 - Public Lands

Source: NYS Orthoimagery Program, 2007
 Town of Brookhaven Geodatabase
 NP&V GIS Library
 Date: 12-10-2008
 1 inch = 500 feet

NOTE:
 GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.





Town of Brookhaven
 Montauk Highway Corridor
 Study & Land Use Plan for Mastic & Shirley
 Phase II

FIGURE 9A
PARKING RECOMMENDATION
OVERVIEW MAP

 Recommended Parking Improvement Locations

Source: NYS Orthoimagery Program, 2007
 Date: 06-29-2009

Scale: 1 inch = 600 feet

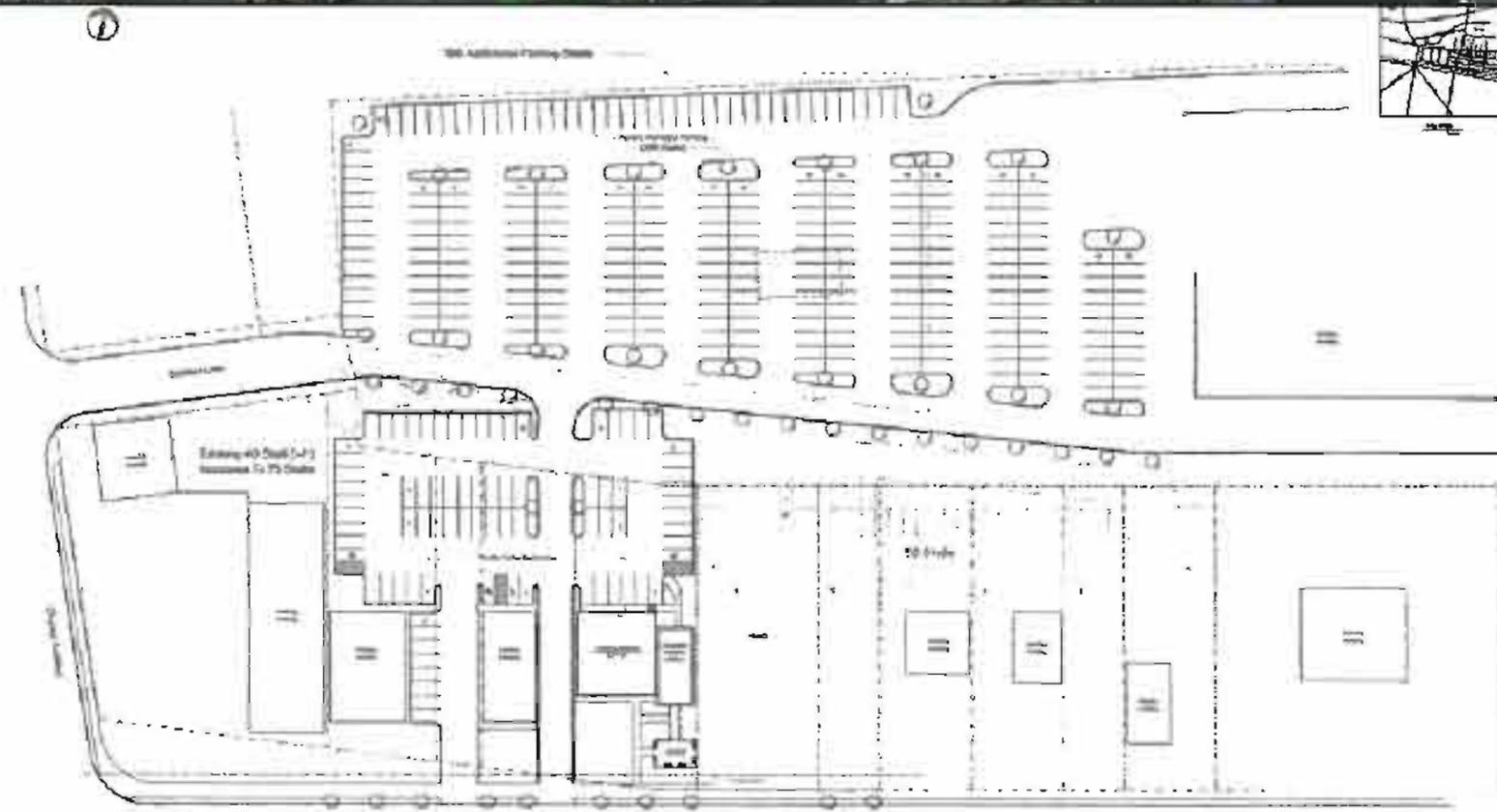




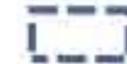
Town of Brookhaven
 Montauk Highway Corridor
 Study & Land Use Plan for Mastic & Shirley
 Phase II

FIGURE 9B

CONCEPTUAL
 PARKING PLAN
 WEST AND SOUTHWEST
 OF SOUTH PORT SHOPPING CENTER



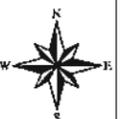
Legend

 Possible Parking Improvement

Source: NYS Orthoimagery Program, 2007
 Courtesy of Riccardo Associates

Date: 09-26-2008

Scale: 1 inch = 125 feet



Conceptual Parking Plan

Prepared by
 Riccardo Associates
 PO Box 395



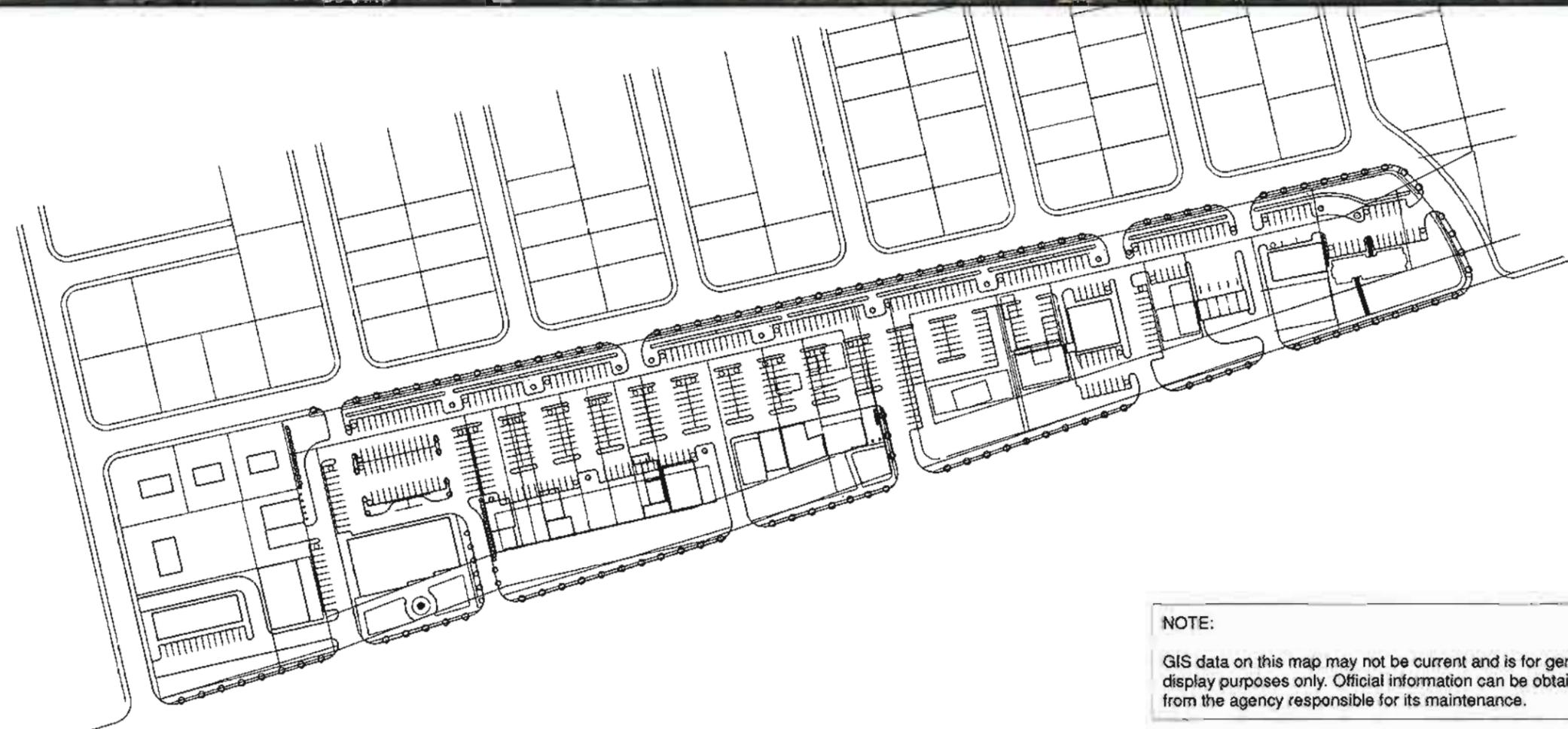
Town of Brookhaven
 Montauk Highway Corridor
 Study & Land Use Plan for Mastic & Shirley
 Phase II

FIGURE 9C
 CONCEPTUAL
 PARKING PLAN
 HOOVER COURT AREA

See detail at right for possible alternative configuration at Hoover Court & Bonny Drive



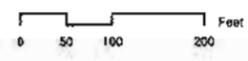
DETAIL - Possible Alternative Configuration at Hoover Court and Bonny Drive



NOTE:
 GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.

Source: NYS Orthoimagery Program, 2007
 Block Parking Concept Plan Courtesy of Riccardo Associates

Date: 09-26-2008



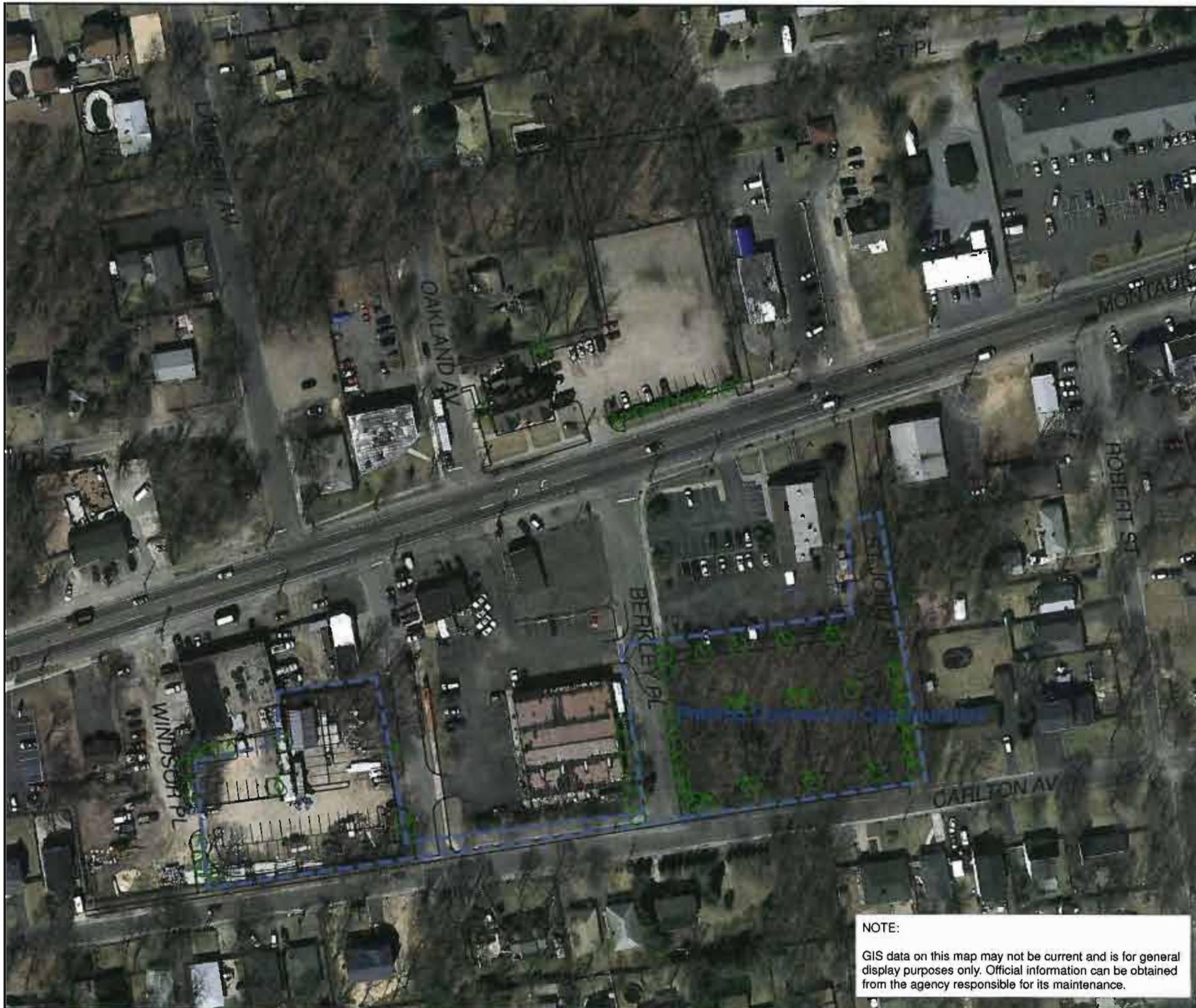


Town of Brookhaven
Montauk Highway Corridor
Study & Land Use Plan for Mastic & Shirley
Phase II

FIGURE 9D

DETAILED SHARED PARKING PLAN
SCENARIO FOR AREAS
BETWEEN WINDSOR PLACE
AND ROBERT STREET

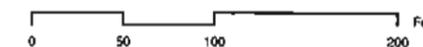
 Possible Parking Improvement



Source: NYS Orthoimagery Program, 2007
 NP&V GIS Library

Date: 9-26-2008

1 inch = 100 feet



NOTE:

GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.



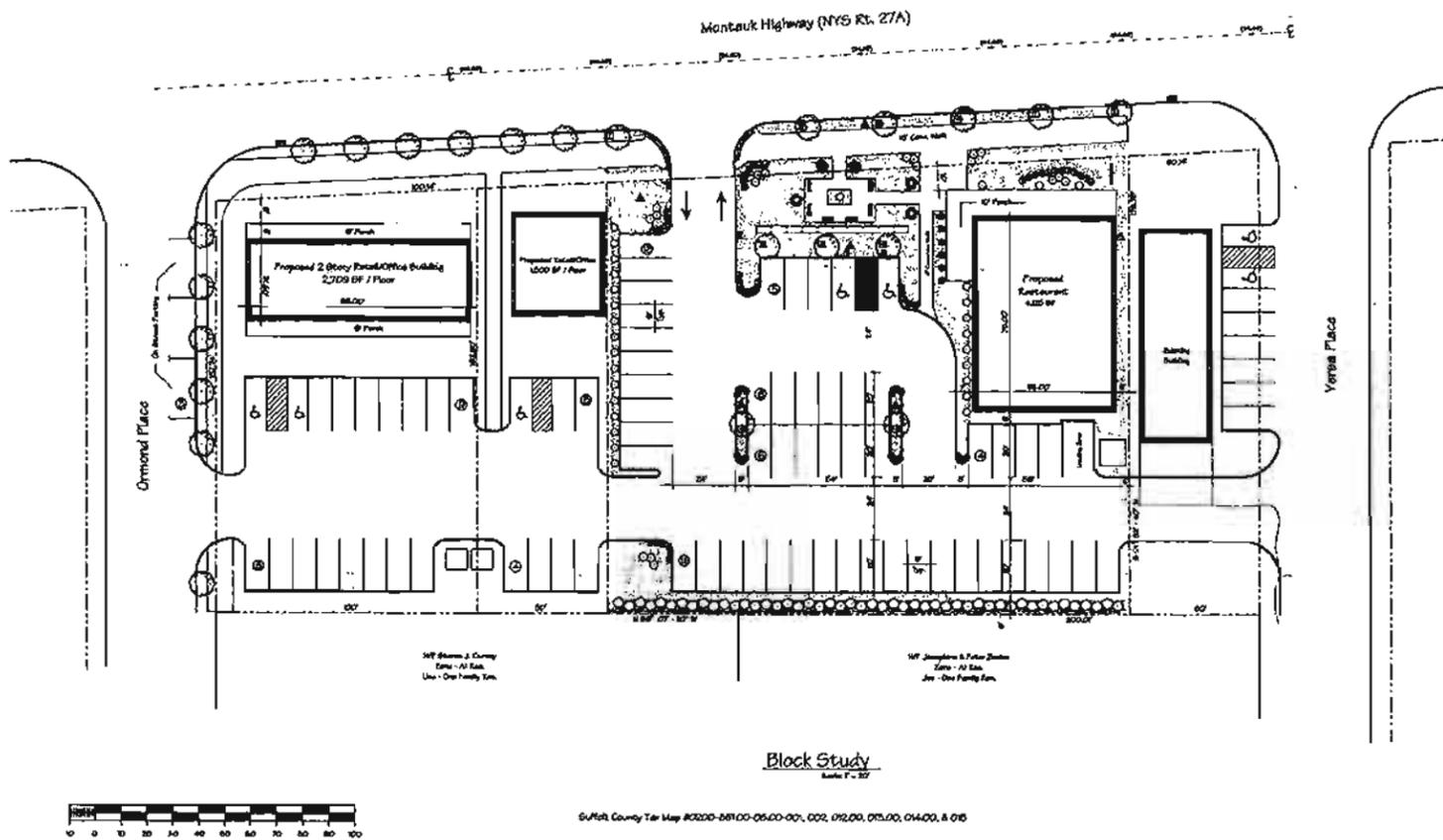


Town of Brookhaven
 Montauk Highway Corridor
 Study & Land Use Plan for Mastic & Shirley
 Phase II

FIGURE 9E

DETAILED SHARED PARKING PLAN
 SCENARIO FOR AREAS
 BETWEEN ORMOND PLACE
 AND VERSA PLACE

 Possible Parking Improvement

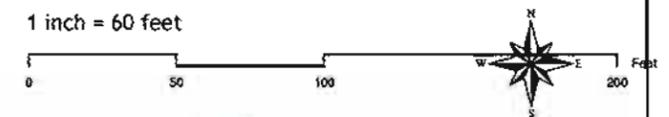


NOTE:
 GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.

Source: NYS Orthoimagery Program, 2007
 Local Architect

Date: 6-29-2009

1 inch = 60 feet





Town of Brookhaven
Montauk Highway Corridor
Study & Land Use Plan for Mastic & Shirley
Phase II

FIGURE 10

**OPPORTUNITIES FOR OPEN SPACE,
 PUBLIC RECREATION, AND
 PRESERVATION OF SIGNIFICANT TREES**



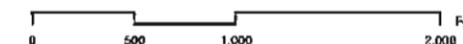
Legend

- Potential Community Facility
- Potential Neighborhood Park
- Potential Boat Launch Location
- Recreational Trail
- Large contiguous open space areas including privately owned vacant property
- Publicly owned
- Vacant
- Significant Trees to Preserve**
- Deciduous Tree
- Evergreen

Source: Town of Brookhaven GIS - 2006 Data
 Land Use based on NYS Assessors' Code
 NYS Orthoimagery Program, 2007

Print Date: 12-21-2009

1 inch = 900 feet





Town of Brookhaven
Montauk Highway Corridor
Study & Land Use Plan for Mastic & Shirley
Phase II

FIGURE 11

RECOMMENDED PEDESTRIAN & BICYCLING IMPROVEMENTS

Legend

- Proposed Bike Rack
- LIRR
- Proposed Crosswalk
- Existing Bike Lane
- Proposed Alternate Bike Route
- Alternate Secondary Bike Route & Recreational Trail
- Proposed Sidewalks
- Existing Sidewalks
- Public Lands
- Improved Recently
- Existing Roads

Source: NYS Orthoimagery Program, 2007
 Town of Brookhaven Geodatabase
 NP&V GIS Library

Date: 09-24-2009

1 inch = 800 feet



NOTE:

GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.





APPENDIX A
MARKETING STUDY

December 2, 2005

Market Analysis

Montauk Highway Mastic-Shirley

Prepared for:

Town of Brookhaven, NY

**ZHA, Inc.
144 Duke of Gloucester Street
Annapolis, MD 21401**



INTRODUCTION AND SUMMARY OF FINDINGS

ASSIGNMENT

ZHA, Inc. was hired by the Town of Brookhaven (Client) to conduct a retail market study for the Mastic-Shirley area of Montauk Highway. The market study will contribute to the Corridor's master planning process by identifying near term retail development opportunities.

PROJECT OVERVIEW

The Study Area is on Montauk Highway between William Floyd Parkway and Mastic Boulevard on Montauk Highway. Montauk Highway was once the only southern route from New York City to the Long Island resorts. Today, Montauk Highway, Sunrise Highway and the Long Island Expressway service southern Long Island. As the name suggests, Montauk Highway terminates in Montauk, the easternmost point on Long Island.

While there are traditional business districts along Montauk Highway, the Study Area's character is best described as "strip commercial". There are numerous commercial businesses in a variety of building types and conditions. Surface parking lots and curb cuts constitute the street edge.



Strip commercial character with parking lots in front of storefront.



There are places in the Study Area where there are no curbs at all

The vision for the Study Area includes three “centers” around which retail and other development is envisioned. The “Grand Avenue Neighborhood Center” is at the western end of the Study Area. The “Hawkins Neighborhood Center” is in the center of the Study Area near Titmus Avenue and “Twin Ponds Neighborhood Center” is at the Study Area’s eastern end. At the time of this writing, roundabouts and road improvements were planned to occur at these nodes.



Brookhampton Offices: An example of how building form can affect the feel along Montauk Highway

SUMMARY OF FINDINGS

Supportable New Retail Space

The market analysis concludes that there is near term community-oriented retail development potential in the Study Area. In keeping with Montauk Highway's suitability as a convenience center, ZHA has assessed the following division of potential retail space by retail type.

Total Net New Shopping Center Oriented Supportable Retail Montauk Highway Study Area

	Low	High
GAFO	32,000	42,000
Convenience	60,000	67,000
Eating and Drinking	18,000	22,000
Home Improvement	4,000	7,000
Retail Total	114,000	138,000
Services	27,000	32,000
Grand Total	141,000	170,000

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\Retail_LongIsland.xls>TotalSupportable



The greatest development potential exists near the intersection of William Floyd Parkway and Montauk Highway, near the South Port Shopping Center. This is the most competitive location for new retail because it has excellent access and visibility as well as an existing concentration of community-oriented retail and services. A majority of the Study Area's retail potential will likely be absorbed in this center.

The eastern most center, Twin Ponds Neighborhood Center, may have the potential to attract neighborhood-oriented retail and services. A drug store, a small café, services (salon, real estate agent, insurance, etc.) and, possibly, a specialty food market have potential at this location.

The middle node, Hawkins Neighborhood Center, is a relatively weak retail development location. A new road connecting Sunrise Highway to Montauk Highway and Titmus Avenue would transform this node into a competitive retail location. Even with improved access, retail development within Hawkins Neighborhood Center would be oriented to serving the local neighborhoods and southbound visitors.

In light of the market findings and the community's desire to create meaningful places within the Study Area, ZHA suggests that form-based regulations be emphasized, rather than land use requirements. Regulations should seek to create a building block face on Montauk Highway relegating parking to the back or sides of the buildings. Public investment should be targeted to supporting intensification of use at the "centers" through land assembly and the provision of public parking. Form-based regulations provide land use flexibility and, as such, allow the market to determine the appropriate mix of land use while the community determines the physical environment created.

Market Observations and Considerations

In its analysis of the Study Area's retail potential the following factors were taken into consideration.

- Access and Visibility -- Montauk Highway is not well suited for regional retail. Retail stores that serve a broad market area (for example, Crate and Barrel, Williams Sonoma, Macaroni Grill) demand sites that are convenient to an interstate or a primary regional highway like the Long Island Expressway or Sunrise Highway.
- New Retail is Drawn to Existing Retail -- Retail drawn to the corridor will be convenience-oriented (neighborhood or community shopping centers) and will be drawn to the existing node around the Montauk Highway and William Floyd Highway intersection.



- Additional Access Improves the Desirability of a Retail Site; Less Access Reduces It -- A site's retail value is affected by its visibility and by consumers' access to it. Road improvements that improve access enhance a site's retail value. Road improvements—such as center medians—that reduce access to certain sites will make those properties less valuable from a retail perspective.
- Zoning Does Not Affect Market Demand -- Zoning regulations will affect where and how development occurs, but will not create additional market demand. Allowing additional density or relaxing parking requirements is only of value if the market can support multi-story development and/or lower parking requirements. Near term retail development on Montauk Highway will likely require suburban parking standards and surface parking.
- Retail is Not a Necessary Component of Placemaking -- Retail is an integral land use in America's traditional downtowns and, thus, looms large in communities' minds when considering "placemaking". However, downtowns have many components and good places can be created without large amounts of retail. Infrastructure improvements such as transportation and streetscape improvements can vastly change the nature of a place. In addition, uses other than retail, such as cultural facilities, public facilities, and residences can make great "places".

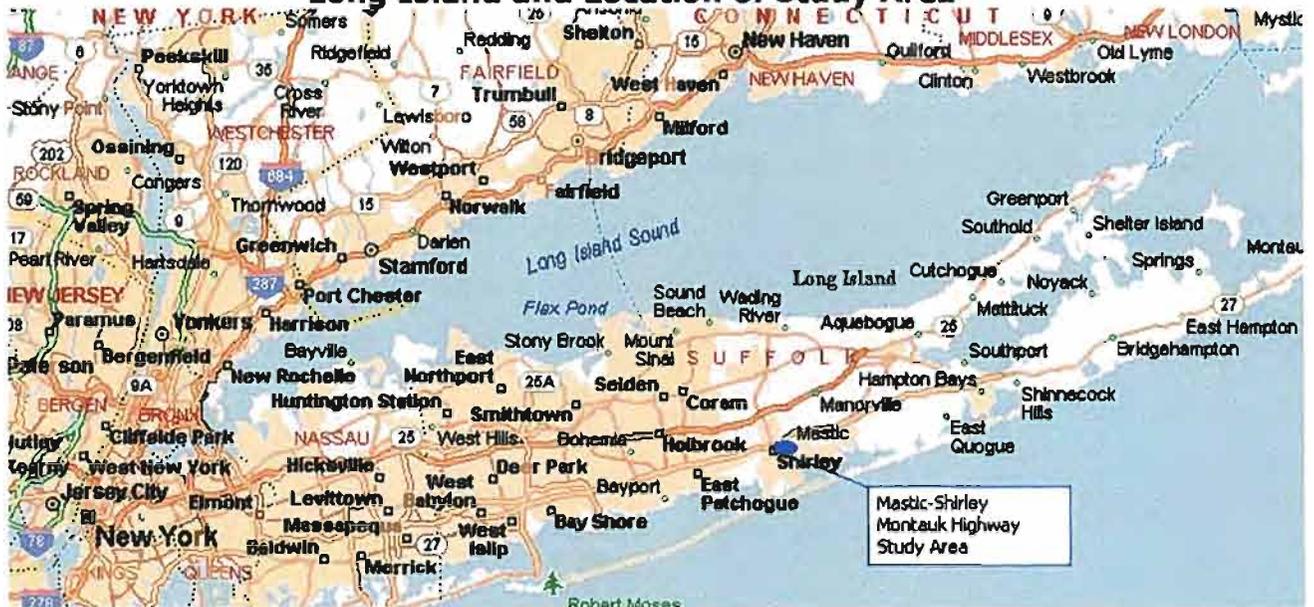
MARKET CONTEXT

LOCATION OF STUDY AREA

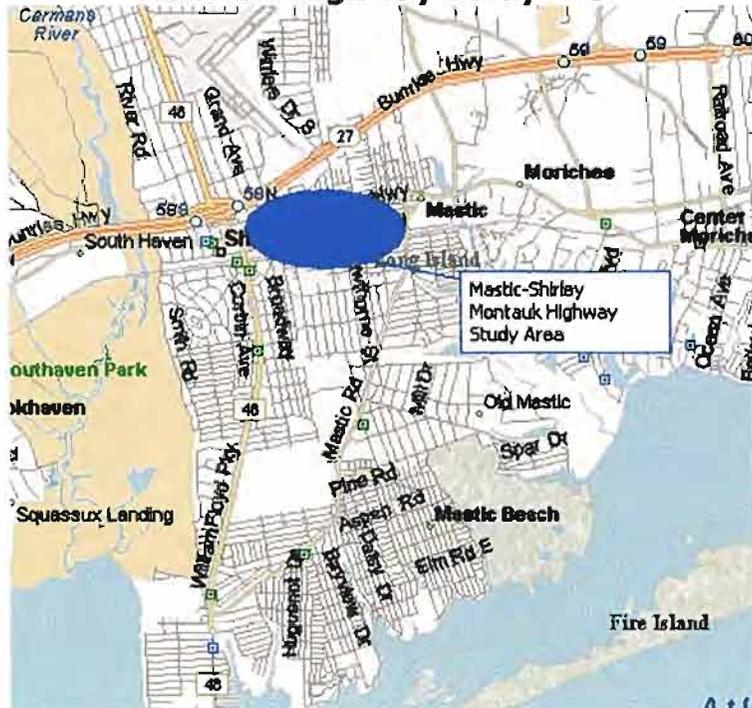
The Study Area is located in the Town of Brookhaven in Suffolk County, NY, approximately 60 miles from New York City and within a 15- to 20-minute drive from Long Island Islip International Airport. It is located in New York metro area. The Study Area is approximately 1.5 miles long between William Floyd Parkway and Mastic Road.



Long Island and Location of Study Area



Montauk Highway Study Area





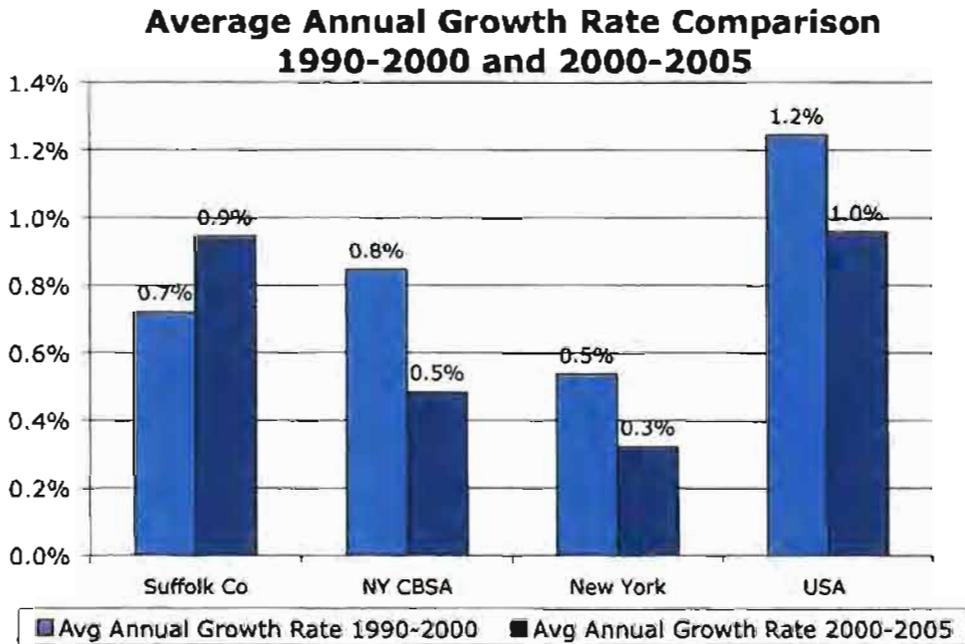
DEMOGRAPHIC/ECONOMIC FRAMEWORK

Population 1990-2005				
	1990	2000	2005	Growth Rate 1990-2005
Suffolk Co	1,321,330	1,419,369	1,487,601	12.6%
NY CBSA	16,845,992	18,323,002	18,768,242	11.4%
New York	17,990,405	18,976,457	19,282,162	7.2%
USA	248,709,873	281,421,906	295,140,073	18.7%

Source: Claritas and ZHA, Inc.

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Both the New York metro area (New York CBSA) and Suffolk County have experienced population and income growth between 1990 and 2000 and between 2000 and 2005. Between 1990 and 2005, Suffolk County saw a 12.6 percent increase in its population. This is slightly higher than that for the New York metro area overall.

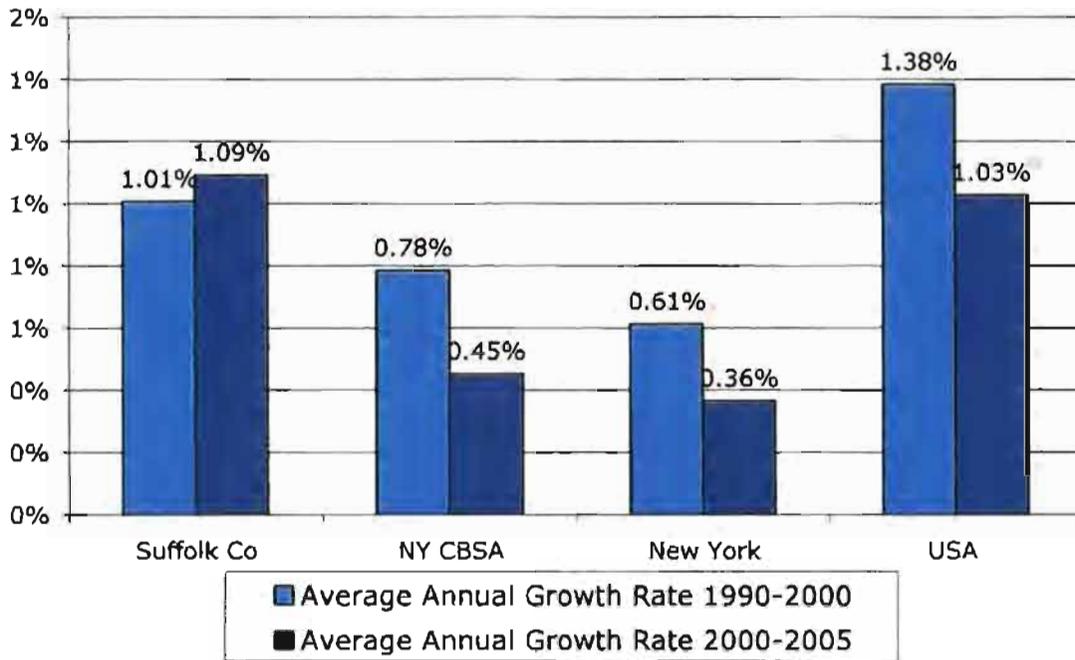


While the pace of growth slowed somewhat in the New York metro between 2000 and 2005, it actually increased in Suffolk County, going from 0.7 percent average annual increase in population to 0.9 percent average annual increase.



These figures were above the comparative numbers for New York State, but below the U.S. average.

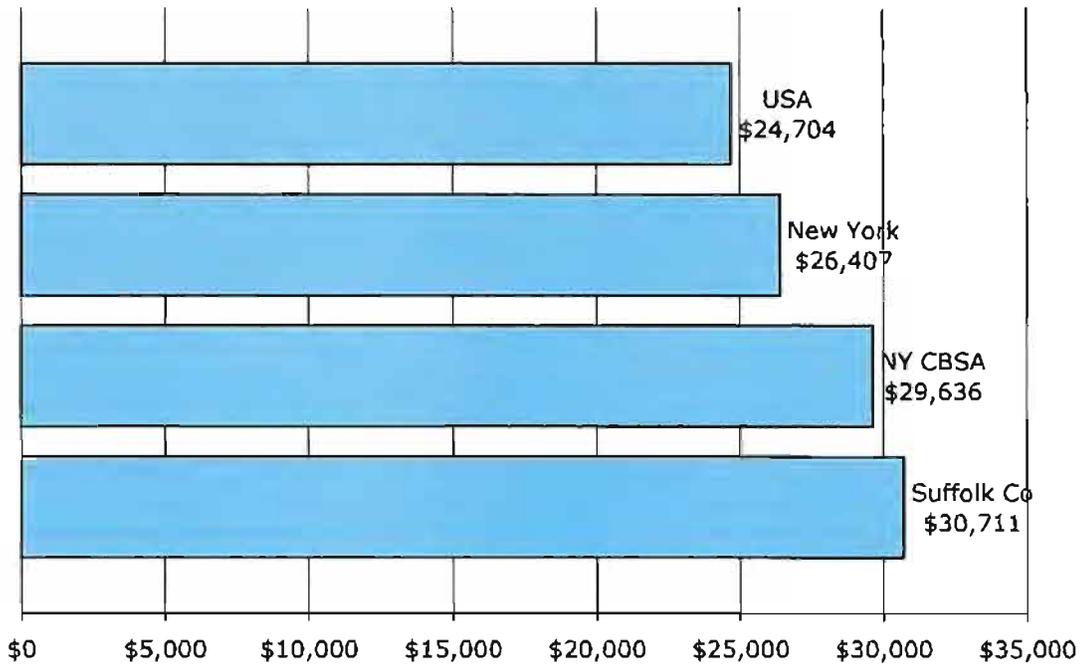
Average Annual Household Growth Rate 1990-2000 and 2000-2005



Suffolk County had a higher average annual growth in households than it did in population. This is an important indicator, as households are considered the "buying unit" by retailers.



2005 Per Capita Income



Suffolk County also has higher incomes than the national average.

Median Household Income 1990-2005

	1990	2000	2005
Suffolk Co	\$49,132	\$65,722	\$73,810
NY CBSA	\$37,789	\$50,196	\$56,710
New York	\$32,965	\$43,689	\$49,027
USA	\$30,055	\$42,307	\$47,723

Source: Claritas, ZHA, Inc

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High income is looked upon favorably particularly among restaurants and shopper's goods stores.



MARKET ANALYSIS

COMPETITIVE ENVIRONMENT

Regional Shopping Centers

Montauk Highway is not proximate to any regional shopping centers. The major regional shopping destinations (as seen on the map below) are a 20-25 minute drive away from the Study Area.



Smithaven Mall and Westfield Shoppingtown South Shore are super regional centers. Super regional shopping centers typically are enclosed malls with three or more anchors (usually department stores) and have 750,000 to over a million square feet of retail space. Trade areas for regional centers are large, and can span 12 miles or more. They offer a breadth and depth of merchandise and store choices. The presence of a regional center typically attracts additional shopping centers and freestanding stores creating a regional shopping destination.

The closest regional shopping center to the Study Area is the Tanger Outlet Center at Riverhead. Because it is an outlet center, it is slightly different than a typical regional center. It does not have major department stores as anchors. Still,



it acts as a regional center by supplying a substantial amount of store choice to consumers in its trade area.

Regional shopping centers typically share the following location characteristics. Regional retail chooses to locate on sites that are highly accessible, highly visible, and that match their corporate plans to penetrate a market. Retailers that locate in regional shopping centers—and the national chain, big box and accompanying retailers that locate near these centers—look for sites that are within an easy reach of major highways, especially if they are first entering a market. Areas along highways and other heavily traveled routes with large traffic counts give the retailers greater visibility to passing customers and easy access for customers traveling there to shop. Perhaps even more importantly, it gives them access to their distribution network, which is crucial in most retailers' pricing strategy.

When locating in a market, regional shopping center retailers often "surround and attack." If they add one store, they may choose a site in the middle of the market so that it is accessible to customers from all sides. If they add two, they will put one on either side of the market. Most typically, stores have strategies set in place several years out and plans for how and where they will enter a market's retail "battlefield."

The regional retail in Suffolk County exhibits these characteristics. At first glance, the absence of major regional centers near the Montauk Highway Study Area seems strange, particularly given the strong growth and income in the area. However, the answer to this lies in the fact that there has been a regional shopping center project, Brookhaven Town Center, stalled in the development pipeline for several years. This 1.6 million square foot center is to be located just north of the Study Area at 495 and William Floyd Parkway.

Because of the retail location strategies of regional retail, it is not likely that the Montauk Highway Study Area could become a regional retail destination. This area lacks the access and visibility necessary. However, because of the existing retail and nature of the corridor, it is likely that there is potential for additional community-oriented retailing.

Community Shopping Centers and Central Business Districts

In addition to regional shopping centers, there are additional categories of retail, including community shopping centers and neighborhood shopping centers. Community shopping centers typically have 100,000 or more square feet and serve an area of 5 to 7 miles surrounding them. These centers are often anchored by a supermarket, but also can include a limited number of apparel, electronics, or other comparison shopping stores.

South Port Shopping Center is this kind of shopping center. At 270,000 square feet, South Port is anchored by a Waldbaum's Supermarket, Kohls and



Sears Hardware. Similar centers exist at Patchogue, a ten-to-fifteen-minute drive west of the Study Area.



South Port Community Shopping Center

Community centers do not have the same breadth and depth of merchandise found at a regional shopping center, but provide day-to-day needs to local shoppers. They are more comprehensive, however, than a neighborhood center which is typically less than 100,000 square feet with very few shopper's goods stores.

The community centers near the Montauk Highway Study Area are mapped below in green. Also included are freestanding Targets, WalMarts, and Home Depots, which act similarly to Community Centers. The size of the circle indicates the magnitude of retail square footage.



Community Shopping Centers and Central Business Districts



There were several Central Business Districts (CBDs) mentioned to ZHA at the beginning of the project as being representative of desirable possible outcomes of the “centers” envisioned on Montauk Highway. These included Eastport, East Moriches, Center Moriches, Bellport, and Patchogue. All of these CBDs are historic “downtown” areas, with existing infrastructure.

Though they are attractive and pedestrian friendly, the amount of retail on them is quite limited, as is the overall retail space. Using the total square footage amounts available from Suffolk County data, most of these CBDs have between 25,000 and 50,000 square feet of retail space, and a large percentage of that space is not true retail space, but rather, used for service-oriented office space.

Depending on the nature of the retail, demographics, and the position of a CBD within a metro area, it can act like a regional shopping center, a community shopping center, a neighborhood shopping center, or a specialty center. The majority of the CBDs in the villages and hamlets of Suffolk County act as neighborhood centers. They have limited retail square footage and serve the neighborhoods immediately surrounding them.

Of all the CBDs, Patchogue has the largest amount of space and because of intense efforts by the community, has experienced a resurgence in retail.



The primary difference between Patchogue (and similar business districts) and the Mastic-Shirley Montauk Highway Corridor is its existing built environment. Specialty retailers occupy older storefront spaces in Patchogue. Creating a specialty retail district is very difficult in newly built space because of the high rents needed to support new construction. Small “funky” shops make an area interesting for residents and visitors, but often do not draw in the sales necessary to support the rent required for newly constructed space.

**Select Suffolk County, NY CBD Characteristics
November 2003**

Name	Total Retail SF	Number of Establishments	Average Store Size (sf)
Bellport CBD	96,000	54	1,778
Center Moriches CBD	104,000	61	1,705
East Moriches CBD	28,000	20	1,400
East Patchogue CBD	114,000	55	2,073
Eastport CBD	42,000	30	1,400
Farmingville CBD	25,000	18	1,389
Mastic Beach CBD	48,000	34	1,412
Patchogue CBD	339,000	178	1,904

Source: Suffolk County Planning Department, ZHA, Inc.

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These historical CBDs have the existing infrastructure to support smaller local shops. From left, Bellport, Eastport and Patchogue.

Description of Trade Area

The area from which retail can draw customers is dependent upon many factors, including the type of retail, physical geography of an area, access, and the relative size of the retail concentration. The shape and size of a trade area changes with each location.



To determine the likely trade area for the Study Area, ZHA assumed that Montauk Highway was best positioned to support community-oriented retail, not regional retail. ZHA then drew borders of the trade area based upon the location of competitive centers—the principal one being the retail concentration at East Patchogue on Sunrise Highway. ZHA assumed that Montauk Highway retail would not draw customers from areas north of 495. Those with access to the highway have more shopping choices within a reasonable drive time. The Study Area is most likely to draw from the area immediately around it, and south, where access is restricted.

**Population and Households
Study Area Trade Area**

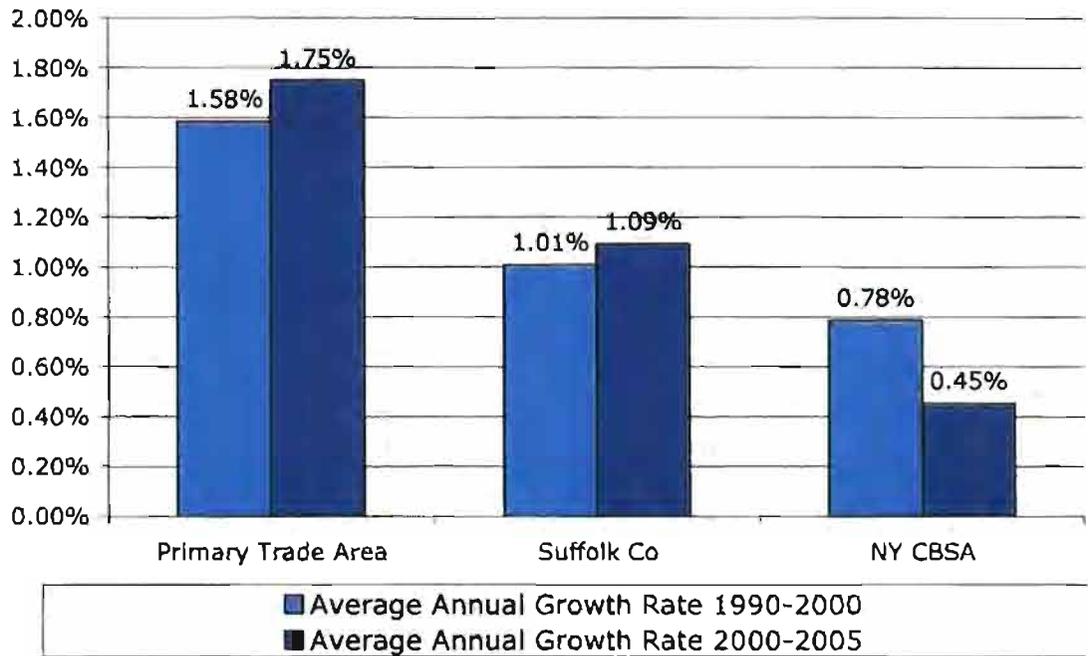
	1990	2000	2005	Change	
				#	%
Population	69,575	79,958	86,270	16,695	24%
Households	21,667	25,353	27,648	5,981	28%

Source: Claritas; ZHA, Inc.
tradeareademos/pop



There are 86,270 people and over 27,500 households in the Study Area. Since 1990, 6,000 households have entered the trade area representing a 28 percent household increase.

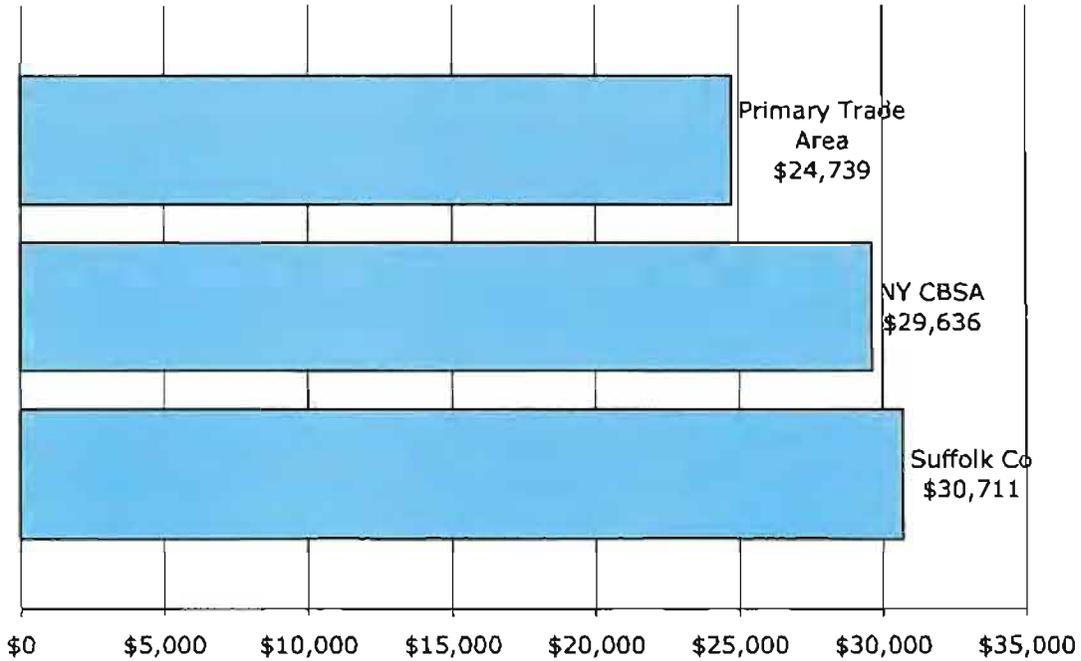
Average Annual Household Growth Rate 1990-2000 and 2000-2005



Economic indicators for the identified trade area demonstrate that its population growth compares favorably with Suffolk County and the metro area. In fact, the trade area grew at a faster pace than Suffolk County in both the 1990-2000 and 2000-2005 periods, growing between an average of 1.4 and 1.5 percent per year, as compared to under 1 percent annually for the County.



2005 Per Capita Income



While the trade area has exceeded the pace of growth in the surrounding area, its per capita income is lagging slightly behind that of the County, standing at \$24,739 in 2005, as compared to \$30,711 in the County.

Median Household Income 1990-2005

	1990	2000	2005
Suffolk Co	\$49,132	\$65,722	\$73,810
NY CBSA	\$37,789	\$50,196	\$56,710
Primary Trade Area	\$40,529	\$57,528	\$66,509

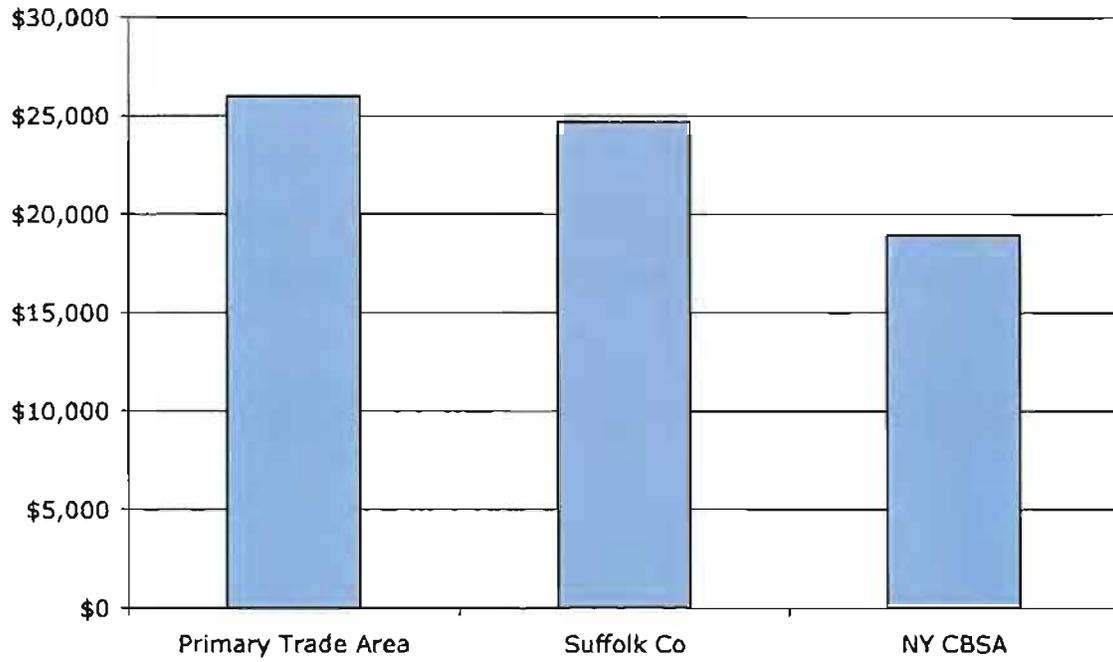
Source: Claritas, ZHA, Inc

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The median household income is also below that of the County, but has experienced more growth in the past 15 years.



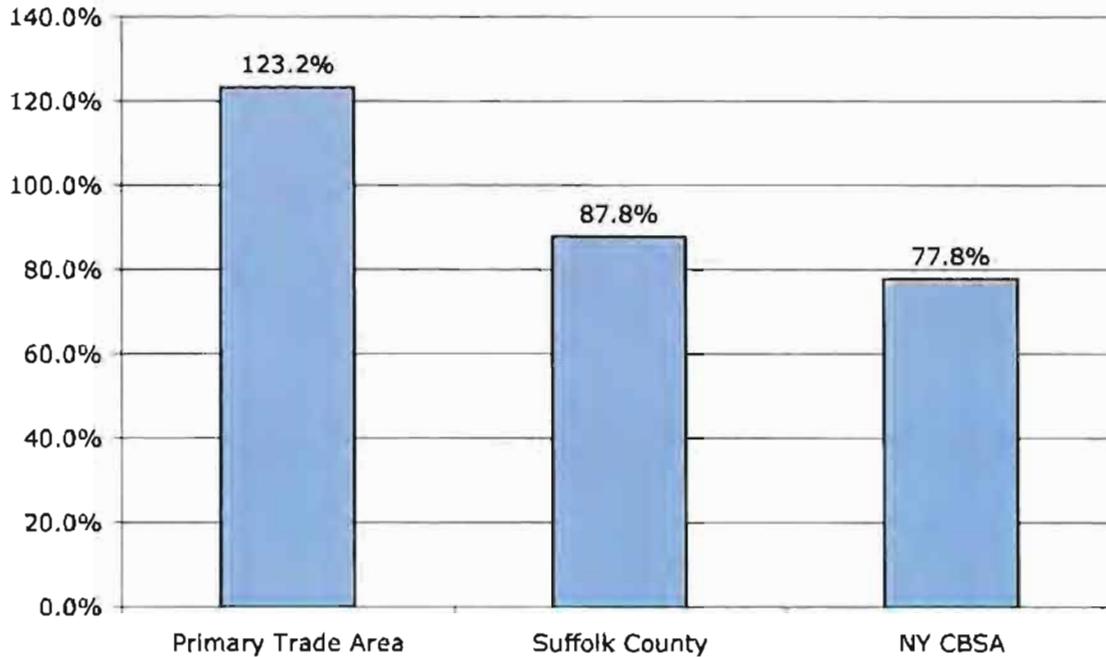
Growth in Median HH Income 1990-2005



It is in growth of income that the trade area has excelled from 1990-2005.



Percent Growth in Total Income 1990-2005



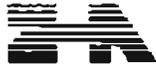
In addition to the area having a positive growth in household income, it also had a substantial increase in total income, which corresponds to an increase in buying power. Total income in the trade area more than doubled from 1990 to 2005!

Shopping Center-Inclined Retail Supply on the Corridor

When categorizing retail, in addition to looking at certain kinds of retail centers, it is also possible to look at store types. These are based upon the NAICS codes published by the Bureau of Labor Statistic and are grouped according to similar merchandise. These categories include:

- General Merchandise, Apparel, Furniture, and Other
- Convenience Stores
- Eating and Drinking Establishments
- Home Improvement

"GAFO" stands for General Merchandise, Apparel, Furniture, and Other. This category of retail includes general merchandise stores like Target and Wal-Mart, fashion boutiques, bookstores, antique shops, electronics stores, and many of the kinds of stores you find in a regional mall. GAFO is where customers do most of



their “comparison shopping.” ZHA refers to these types of stores as “shopper’s goods stores.”

The convenience category includes supermarkets, drugstores and convenience stores, as well as specialty food stores and liquor stores. These types of establishments are highly dependent upon the near-in neighborhood market. In other words, people will not travel a far distance for their daily needs. This category of retail, then, is largely dependent on local residents and/or a daytime population to support it.

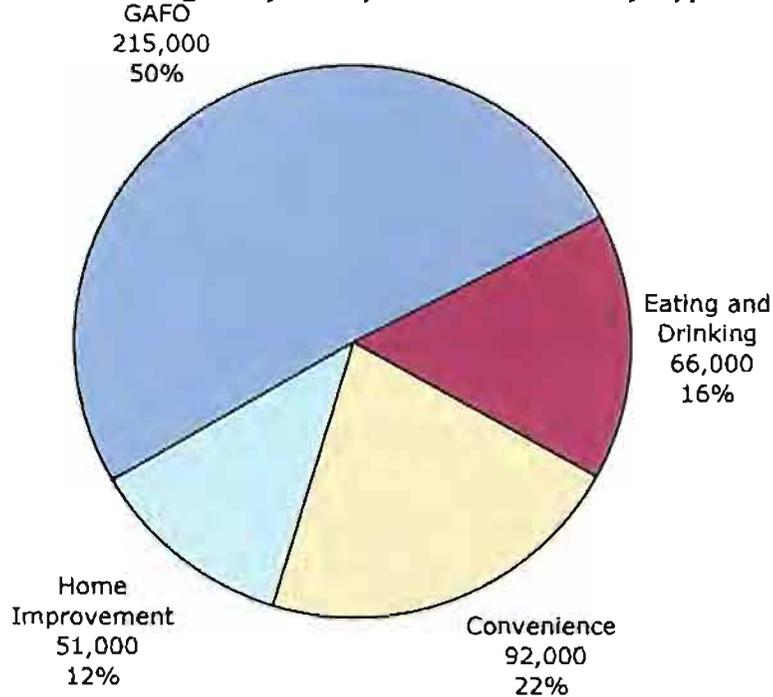
The eating and drinking category contains establishments such as restaurants, bars, and cafes. These kinds of uses tend to cluster, and similar to GAFO establishments, to have a “destination” effect. Restaurants often can appear to defy traditional demand considerations, because customers will travel outside of their trade areas to eat at a particular restaurant. Additional restaurants appear to “create” demand by bringing additional customers into an area. Full service restaurants require a daytime and nighttime market.

Home improvement contains stores selling supplies and services involved in home renovation and maintenance. This includes hardware stores, carpet stores, etc.

In the Study Area, there is a total of approximately 424,000 square feet of shopping center-inclined retail space.



Montauk Highway Study Area Retail SF by Type



Half of the shopping center-inclined retail space in the Study Area is in shopper's goods stores.

Just outside of the Study Area is additional retail totaling another 470,000 square feet of space. Within the same retail node as South Port shopping center there is Majestic Corners, Shirley Plaza, William Floyd Plaza and a Home Depot.

RETAIL DEMAND

Trade Area Expenditure Potential and Estimated Study Area Capture

**Capture of Trade Area Expenditure Potential
Study Area Retail Plus Retail Adjacent To Study Area
2005**

2005 Expenditure Potential	\$661,612,000
Study Area and Adjacent Retail Estimated Sales	\$248,600,000
Capture	38%

Source: Claritas, ZHA, Inc.
retail long island/capture



There are currently 86,270 people in the Study Area's Trade Area with \$209 million of shopping center-inclined retail expenditure potential. Assuming sales average \$275 per square foot in the Study Area and its adjacent retail node, retail in and adjacent to the Study Area generates almost \$250 million in sales per year. The Study Area with its adjacent retail currently captures 38 percent of the Trade Area's expenditure potential. This is a high capture rate.

Retail Potential by Type

Potential new square feet for the Study Area is determined by the total new income of the area, expected consumer expenditure patterns by store type, and the amount of this new retail expenditure that the area can expect to capture.

The primary trade area population is expected to grow by approximately 6,200 between 2005 and 2010, according to projections by Claritas, Inc. With this new population comes new income, as well as additional income growth in the existing population. The approximate total net new income of this growing population is \$535 million.

GAFO

Applying industry standards, of this total new income, approximately \$75 million will be spent in GAFO stores.

Net New GAFO Retail Demand Montauk Highway Trade Area	
2005 Population	86,270
2005 Total Retail Expenditure Potential	\$298,793,000
2010 Population	92,523
2010 Total Retail Expenditure Potential	\$373,726,000
Net New Retail Expenditure Potential 2010	\$74,933,000

Source: Claritas, ZHA, Inc.

F:\S0022 Long Island\Retail_LongIsland.xls\GAFODemand

The above numbers indicate what residents within the trade area have the potential to spend in GAFO stores. How much of this the Study Area can capture depends on the strength of retail competition in the area. While there are no regional areas immediately surrounding the Study Area, Brookhaven Town Center is planned. Most of the general merchandise, apparel, furniture, and other shoppers good store potential will be realized when this regional shopping center is finally developed.



However, because of the success of South Port, it is likely that the area can support some additional GAFO stores. ZHA estimates approximately 32,000-42,000 square feet of this type of store in the next five years. What this translates into is about 8-14 "mall" stores (such as the Gap or Footlocker), 2-3 large mall stores/small box stores (such as a Pier 1), or one slightly larger "small box" store (Barnes and Noble, TJ Maxx).

Net New Supportable GAFO Montauk Highway Study Area	
Net New Retail Expenditure Potential 2010	\$74,934,000
Range of Supportable SF--Montauk Highway	32,000 - 42,000
<u>Example Number of Establishments</u>	
Number of Typical "mall-size" Stores	10 - 14
Number of "Small Box" stores	2-3

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\[Retail_LongIsland.xls]GAFOsupportable

Convenience

There are convenience-oriented businesses throughout the Study Area, but they are especially concentrated near William Floyd Parkway, not surprisingly since this is a major north-south route. In the Study Area, the major convenience establishments are the Waldbaum's Supermarket at South Port, the new CVS near South Port, and a 7-Eleven Convenience store in the center of the corridor. There are numerous smaller convenience centers as well as a beer distributor which serve nearby residents. Additionally, there is a significant amount of convenience retail just outside of the Study Area, which serves the same population, including a Pathmark Supermarket, a King Kullen Supermarket, and an Eckerd pharmacy. By 2010, the trade area is expected to have an additional \$52 million in convenience expenditures based upon growth projections.

Net New Convenience Retail Demand Montauk Highway Trade Area	
2005 Population	86,270
2005 Total Retail Expenditure Potential	\$209,155,000
2010 Population	92,523
2010 Total Retail Expenditure Potential	\$261,608,000
Net New Retail Expenditure Potential 2010	\$52,453,000

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\[Retail_LongIsland.xls]ConvenienceDemand



The supply to address this demand will be located throughout the trade area to remain close to the population it is serving. ZHA projects approximately 60,000-67,000 square feet of additional convenience retail potential for the corridor. This is the size of a modern supermarket.

**Net New Supportable Convenience Retail
Montauk Highway Study Area**

Net New Retail Expenditure Potential 2010	\$52,453,526
Supportable SF Range	60,000-67,000

Source: Claritas, ZHA, Inc.

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Eating and Drinking

Population and income growth over the next five years will result in an additional \$26.7 million in eating and drinking expenditure potential.

**Net New Eating and Drinking Retail Demand
Montauk Highway Trade Area**

2005 Population	86,270
2005 Total Retail Expenditures	\$106,712,000
2010 Population	92,523
2010 Total Retail Expenditures	\$133,474,000
Net New Retail Expenditures 2010	\$26,762,000

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\[Retail_LongIsland.xls]EatDrinkDemand

Because of the nature of how restaurants choose their locations, the corridor is not currently an ideal location for full service restaurants. There is no current cluster of these types of restaurants in the Study Area. If a national chain restaurant were to come in, it would most likely locate near South Port to take advantage of proximity to shoppers there.

Currently, the eating and drinking options in the Study Area are limited to fast service, take out, and fast food restaurants. Given the limited retail clustering at present, the corridor is likely to only capture a small portion of the additional



retail potential for the trade area. ZHA projects an additional 18,000-22,000 square feet of eating and drinking space, which translates to approximately 3 to 5 full service restaurants. It is most likely that 1 or 2 larger restaurants will locate closer to South Port, with additional smaller establishments there and in other locations.

**Net Supportable New Eating and Drinking
Montauk Highway Study Area**

Net New Retail Expenditure Potential 2010	\$26,762,000
Range of Supportable New Study Area Eating and Drinking Square Feet	18,000 - 22,000
Net New Number of Restaurants	3-5

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\Retail_LongIsland.xls\EatDrnkSupportable

The ability of the Study Area to attract eating and drinking would be especially affected by the opening of the aforementioned Brookhaven Town Center project near the intersection of 495 and the William Floyd Parkway. If this project is developed, it will be an ideal restaurant location. This is especially true of large national chain restaurants.

While the Study Area can expect some interest from “mom and pop” places, these are not likely to be best-of-kind full-service restaurants. The corridor is currently lacking both the atmosphere and the critical mass of other establishments for this to occur. And, as mentioned earlier, a restaurant would require a large amount of sales to support rents in a newly built facility.

Home Improvement

There has been an upward trend in home improvement purchasing in the past decade, and it is one that is expected by the industry to continue throughout the next decade as Americans continue to invest in their greatest asset, their homes. In the Study Area, major home improvement establishments are Sears Hardware at South Port and the True Value Hardware on William Floyd Parkway. Also serving the trade area is a Home Depot on William Floyd. There are also many supply houses along Montauk Highway that are ambiguous—they are both home improvement and likely supported by the trade. Despite the supply, there will be room for growth by 2010, providing a net new \$15.5 million in potential expenditures.



**Net New Home Improvement Retail Demand
Montauk Highway Trade Area**

2005 Population	86,270
2005 Total Retail Expenditure Potential	\$61,893,000
2010 Population	92,523
2010 Total Retail Expenditure Potential	\$77,415,000
Net New Retail Expenditure Potential 2010	\$15,522,000

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\[Retail_LongIsland.xls]HomeImpDemand

In total, these expenditures could support only about 50,000 square feet. Home improvement warehouses are normally approximately 100,000 square feet. Despite the 50,000 square foot projection, it is possible that Home Depot's major competitor Lowes would try to enter the market here. The two major U.S. home improvement competitors are notorious for locating in order to capture market share from one another. However, it is most likely that if this were to occur, Lowes would aim to locate either closer to the present location of the existing Home Depot or closer to a better access route—near Sunrise Highway or 495 where it would have greater visibility to more customers. Therefore, our numbers are reflecting the potential for a smaller neighborhood establishment. ZHA estimates an additional 4,000-7,000 square feet of home improvement retail space is supportable in the Study Area.

**Net New Supportable Home Improvement Retail
Montauk Highway Trade Area**

Net New Retail Expenditure Potential 2010	\$15,521,962
Supportable SF	4,000-7,000

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\[Retail_LongIsland.xls]HomeImpSupportable

Services

Trade Area growth will support additional finance, insurance and real estate services. This growth will support 133,000 square feet of additional service space. ZHA projects that the Study Area can capture 20 to 25 percent of this potential or 27,000 to 32,000 square feet.



CONCLUSIONS

Total supportable retail and service square feet for the Montauk Highway Study Area is below. In total, ZHA estimates a total of between 141,000 and 170,000 square feet of space. About half of the retail space is likely to be used by convenience retailers, to take advantage of the "captive" population south on the peninsula. The rest of the retail potential is divided between eating and drinking and GAFO space.

Total Net New Shopping Center Oriented Supportable Retail Montauk Highway Study Area

	Low	High
GAFO	32,000	42,000
Convenience	60,000	67,000
Eating and Drinking	18,000	22,000
Home Improvement	4,000	7,000
Retail Total	114,000	138,000
Services	27,000	32,000
Grand Total	141,000	170,000

Source: Claritas, ZHA, Inc.

F:\50022 Long Island\Retail_LongIsland.xls>TotalSupportable

The greatest development potential exists near the intersection of William Floyd Parkway and the South Port Shopping Center. This is the most competitive location for new retail to locate because it has excellent access and visibility and an existing concentration of community-oriented retail and services. A majority of the Study Area's retail potential will likely be absorbed in this center.

The eastern most center, Twin Ponds Neighborhood Center, may have the potential to attract neighborhood-oriented retail and services. A drug store, a small café, services (salon, real estate agent, insurance, etc.) and, possibly, a specialty food market have potential at this location.

The middle node, Hawkins Neighborhood Center, is a relatively weak retail development location. A road connecting Sunrise Highway to Montauk Highway and Titmus Avenue would transform this node into a competitive retail location. Even with improved access, retail development within Hawkins Neighborhood Center would be oriented to serving the local neighborhoods and southbound visitors.



In light of the market findings and the community's desire to create meaningful places within the Study Area, ZHA suggests that form-based regulations be emphasized, rather than land use requirements. Regulations should seek to create a building block face on Montauk Highway relegating parking to the back or sides of the buildings. Public investment should be targeted to supporting intensification of use at the "centers" through land assembly and the provision of public parking. Form-based regulations provide land use flexibility and, as such, allow the market to determine the appropriate mix of land use while the community determines the physical environment created.

As Brookhaven moves forward in its planning for new development along Montauk Highway, it is important to recognize certain considerations and concepts affecting retail viability in this location.

Access and Visibility

Montauk Highway is not well suited for regional retail. Retail stores that serve a broad market area (for example, Crate and Barrel, Williams Sonoma, Macaroni Grill) demand sites that are convenient to an interstate or a primary regional highway like the Long Island Expressway or Sunrise Highway.

New Retail is Drawn to Existing Retail

Retail drawn to the corridor will be convenience-oriented (neighborhood or community shopping centers) and will be drawn to the existing node around the Montauk Highway and William Floyd Highway intersection.

Additional Access Improves the Desirability of a Retail Site; Less Access Reduces It

A site's retail value is affected by its visibility and by consumers' access to it. Road improvements that improve access enhance a site's retail value. Road improvements—such as center medians—that reduce access to certain sites will make those properties less valuable from a retail perspective.

Zoning Does not Affect Market Demand

Zoning regulations will affect where and how development occurs, but will not create additional market demand. Allowing additional density or relaxing parking requirements is only of value if the market can support multi-story development and/or lower parking requirements. Near term retail development on Montauk Highway will likely require suburban parking standards and surface parking.



Retail is not a Necessary Component of Placemaking

Retail is an integral land use in America's traditional downtowns and, thus, looms large in communities' minds when considering "placemaking". However, downtowns have many components and good places can be created without large amounts of retail. Infrastructure improvements such as transportation and streetscape improvements can vastly change the nature of a place. In addition, uses other than retail, such as cultural facilities, public facilities, and residences can make great "places".



APPENDIX B
TRANSITIONAL AREA OVERLAY
DISTRICT MATERIALS



APPENDIX B-1
TRANSITIONAL AREA OVERLAY DISTRICT
SAMPLE LEGISLATION



Appendix B
Montauk Highway Mastic Shirley Corridor
Draft Code Language
Transitional Area Overlay District

85-xxx.1. Legislative purpose and intent.

This legislation is enacted to specifically enhance the aesthetic and visual character on a portion of the Montauk Highway (CR 80) corridor and to provide visual definition for an area between the two Main Street Business District centers in Shirley and Mastic along this major transportation route.

The proposed Transitional Area Overlay District has been recognized as an area along the Montauk Highway corridor in need of revitalization through implementation of land use measures and incentives to improve the existing land use pattern and promote coordinated orderly development. The intent is to encourage, promote and provide incentives for improved architecture, landscaping and setbacks, in a manner that establishes less intense uses and improved aesthetics between the Main Street Business Districts of Shirley and Mastic, while retaining the option for development under the existing zoning. In addition, the district will provide a new list of permitted uses that may be constructed on those lots which are zoned for both residential and commercial use.

The overlay district is intended to supplement the regulations of the underlying zoning districts and to provide incentives for more creative design and compatible development along the Montauk Highway corridor. Furthermore, the intent of the overlay district zone is to allow existing businesses to re-invest in improvements while promoting alternative and economically viable uses which improve the aesthetics and function of the transitional portion of the corridor.

This will be accomplished by generally maintaining the existing zoning pattern with added site design and development standards intended to provide greater setbacks and buffering along Montauk Highway. In addition, uses which are an alternative to general business allowed under the J-2 district shall be encouraged through use incentives, in order to reduce the continuation of commercial sprawl.

The specific objectives of the Transitional Area Overlay District as related to redevelopment are to:

1. Support the area between the hamlet centers as a transitional area district encouraging a mix of new non-retail compatible uses, while continuing to allow uses permitted based upon the underlying zone of the property.
2. Promote alternative uses to general retail business including office, service oriented and neighborhood businesses and second story residential and/or office use.



3. Provide stability to existing business interests and incentives for compatible renovation and redevelopment opportunities to promote a more defined transitional area.
4. Reverse the appearance of commercial and suburban sprawl in the district through predictable setback, buffering and redevelopment criteria.
5. Enhance aesthetics and improve safety through a visually improved landscape environment, a streetscape with sidewalks and appropriate lighting and site design standards.
6. Promote the safe and efficient use of the roadway network for motorists, pedestrians and bicyclists along the corridor by reducing movements and curb cuts onto Montauk Highway.
7. Improve the appearance, function and availability of parking areas throughout the corridor.
8. Improve visual appearance and reduce visual distraction by establishing uniform sign criteria.
9. Provide opportunities to retain and create open space in the transitional area of the corridor for its visual benefits, and community recreational opportunities and/or passive recreation.
10. Utilize the opportunity created by the 50 foot common strip of land north of Montauk Highway, beginning 300 feet east of Park Avenue along both Montauk Highway and Hoover Court and extending east to Titmus Drive, to create coordinated parking and access design along Hoover Court and improved aesthetics along Montauk Highway, where possible.

85-xxx.2. Designation of Montauk Highway Corridor Transitional Area Overlay District.

- A. The provisions contained in this section apply to all properties within the Montauk Highway Corridor Transitional Area Overlay District as described herein and shown on the official Zoning Map. (See
- B. Under existing rules and regulations, the development of vacant property and the redevelopment of properties within the Montauk Highway Corridor Transitional Area Overlay District shall be permitted pursuant to Chapter 85 of the Town Code or after the issuance of a variance by the Board of Zoning Appeals. With the enactment of this Article, this code will encourage new uses appropriate for a transitional area by providing



development incentives in the form of density increases and relaxed parking requirements, while allowing the uses permitted in the underlying zoning district without incentives. New setback, design and landscape standards will be applied to all new development and redevelopment.

- C. Extension of the overlay district boundary may be permitted at the discretion of the Commissioner to accomplish orderly development and meet the goals of the plan within the district with the appropriate protection of adjacent residential properties.

85-xxx.3. Existing development and applicability.

- A. There shall be no alteration of the existing condition of the lands, uses or structures within the Montauk Highway Corridor Transitional Area Overlay District from the date of enactment of this Article henceforth, except as provided for by this Section or by other sections of this Article.
- B. Legally existing uses shall continue and the provisions for their compliance with this Article shall be incorporated into site plan review at time of redevelopment.

85-xxx-4. General procedures.

- A. Landowners and developers of land within the Montauk Highway Corridor Transitional Area Overlay District may pursue development for uses in conformance with the existing zoning of sites or may follow the procedure outlined herein to pursue a development consistent with the goals of this chapter.
- B. A yield map may be prepared to establish the maximum allowable density under the current zoning (illustrating conforming building, parking and landscaping). In the Hoover Court Area, use of the parking easement area may be used to establish yield as is customary in this area and shall be used in lot area in calculating Floor Area Ratio (FAR).
- C. A site development map shall be prepared consistent with the setback, parking and landscaping requirements. If the maximum building size allowable under these standard is less than allowable by the yield map, the Commissioner of the Department of Planning, Environment and Land Management (“Planning Commissioner”), including a designee under direction of the Commissioner, may relax the requirements slightly to permit the alternative development.
- D. Upon receipt of an application for approval of development or redevelopment within the Montauk Highway Corridor Transitional Area Overlay District, the Commissioner of the Department of Planning, Environment and Land Management (“Planning



Commissioner”), including a designee under direction of the Commissioner, shall review and consider the proposed development.

- E. In review of an application for development or redevelopment, the Planning Commissioner, including a designee under direction of the Commissioner, shall determine whether the proposal is subject to the requirements of this section, and require compliance with this local law. Review of all proposals shall consider whether the proposed development is consistent with the overall development goals of this Section.
- F. Any redevelopment project deemed by the Planning Commissioner or his designee to meet the intent of this section of code shall have Planning Board site plan review waived in favor of administrative review by the Commissioner or his designee.

85-xxx.5. Site development review standards.

- A. Purpose and Intent. In order to assure that the goals of this Article are met, and to reduce incompatible use and adverse impacts on the visual experience and functional operation along the corridor, considerations, guidelines, incentives and requirements have been created for use by the Planning Board and Planning Commissioner in reviewing land use applications and project design. These are provided below in subsections related to specific site design considerations.

85-xxx.6. Dimensional Requirements

- A. Minimum front yard setback.
 - 1. The setback for structures, vehicular movement, and vehicular parking areas shall be twenty-five (25) feet, with the exception of permitted curb cuts and access drives (only where necessary) and the Hoover Court area (see below). Previously developed lots, may seek relief from this section provided the minimum relief is sought and all other landscape and buffer requirements are met or similar minimum relief is sought.
 - 2. For through lots (lots with frontage on parallel streets) and corner lots facing existing side roads, the secondary front yard setback shall also be a minimum of 25’.
 - 3. Except as otherwise provided herein, the minimum required landscaped front yard shall be twenty-five (25) feet.
 - 4. Hoover Court: The area on the north side of Montauk Highway, beginning 300 feet east of Park Avenue, along both Montauk Highway and Hoover Court and extending



east to Titmus Drive¹, (from herein to be known as the Hoover Court Area) contains a 50 foot (as well as 25' along the west side of Bonny Drive) strip of land which is neither Town owned nor privately owned, but exists for the common use of the adjoining parcels. Only in areas where this common land is present, the building setback from the private property line along Montauk Highway may be reduced to a minimum of one (1) foot in order to maintain landscaping along the Montauk Highway side of the parcels and to provide coordinated parking to the north of the uses with access from Hoover Court.

- B. Required side yard setback.
 - 1. The minimum side yard setback shall be 10'.
- C. Required rear yard.
 - 1. The minimum rear yard setback shall be 25'.
- D. Floor Area Ratio (FAR)
 - 1. The maximum FAR within the Transitional Area Overlay District shall be 35% except in the Hoover Court area where it shall be 30%.
 - 2. In the Hoover Court area, the lot area and resulting FAR calculation should include the 50' wide common area described above.
 - 3. Front porches which enhance the residential style of a building may be excluded from the FAR.
- E. Height.
 - 1. Maximum height may not exceed 35' or 2 ½ stories.
 - 2. The maximum height of accessory structures may not exceed 18' in height.
- F. 2nd Story Residential Density
 - 1. Must conform to Suffolk County Sanitary Code or as approved by SCDHS BOR for additional density.

85-xxx.7. Parking and access considerations.

- A. Parking requirements shall be based upon the requirements of §85-353 with the exception of mixed use buildings containing office space or residential use on the 2nd floor where a

¹ With the exception of the parcel identified as SCTM# 200-852-1-063.1 which does not include the strip of land designated for parking.



reduced parking rate may be applied. Required parking for the 2nd floor portion of mixed use buildings within the Transitional Area Overlay District shall be based upon 1 stall per 500 square feet of floor area.

- B. All parking shall be located to the greatest possible extent in the rear and or side yard areas of structures fronting Montauk Highway as determined by the Planning Board or the Planning Commissioner.
- C. Parking lots for passenger vehicles, permitted prior to the adoption of the District, may be permitted in a required front yard, provided that said parking area is located to the rear of a twentyfive foot landscape buffer area. The intent is to ultimately relocate all front yard parking behind the actual building setback. The Planning Board, upon consideration of the existing character of the site and of the surrounding community and land uses, may waive or modify said requirement provided the intent to provide the maximum possible landscaping along Montauk Highway is met.
- D. In the Hoover Court Area, parking shall be permitted in the required front yard which faces Hoover Court provided that a minimum 20' landscaped area is established adjacent to Hoover Court right of way. No parking is to be located in the required setback area fronting Montauk Highway.
- E. Access to any property within the Transitional Area Overlay District shall be coordinated with adjacent properties and shall attempt to eliminate curb cuts onto Montauk Highway in favor of access from side streets, inter-connection between parking lots and shared curb cuts with cross-access agreements. Curb cuts along Montauk Highway shall be eliminated where practical.
- F. The Planning Board or the Planning Commissioner, as part of its site plan review, may request the consent of the applicant/owner for future access to or from an adjoining property to allow inter-connection between parking lots and shared curb cuts, where appropriate and feasible. In such cases the applicant/owner shall file a cross-access agreement in a form satisfactory to the Town Attorney. The above cross-access agreement shall not apply to single or two-family residences.
- G. Shared parking shall be considered to the benefit of the applicant/owner where cross-access agreements between adjoining property owners ensure that adequate parking is provided; this shall be a factor in Planning Board, Town Board or Zoning Board of Appeals consideration of relief from parking requirements pursuant to Town code.
- H. Where deemed appropriate by the Planning Board or the Planning Commissioner, an applicant/owner shall be given credit for Payment in Lieu of Parking (PILOP) by contributing funds on a per parking stall basis. PILOP payments will be deposited to a designated account for use in creating parking opportunities within the area of the Montauk Highway Transitional Area Overlay District; this shall be a factor in Planning



Board, Town Board or Zoning Board of Appeals consideration of relief from parking requirements pursuant to Town code.

85-xxx.8. Design considerations.

- A. The Planning Board and Planning Commissioner or his designee, shall consider architectural appearance as part of site plan review. The following shall apply to new structures, including additions to existing structures or those undergoing rehabilitation of greater than 50% of their assessed value.
1. Architecture which is more in character with residential style structures shall be favored. Residential style architectural elements encouraged include: traditional siding (brick, clapboard, shingle, board and batten of wood or wood-like synthetic materials), gables, dormers, interrupted roof lines, residential style window treatments, shutters, front porches, chimneys, steeper roof pitch and related structural elements.
 2. Orientation of structures should favor reduced apparent mass as viewed from the street. This could include reduced width of buildings fronting Montauk Highway as compared with depth, gabled roofs oriented with the ridge perpendicular to Montauk Highway and/or other creative elements to reduce the apparent mass.
- B. Architectural plans including elevation plans, proposed materials, color and related architectural information shall be submitted in connection with site plan review. If design and material of all elements of the building comply with these guidelines, the Commissioner or his designee can approve the architectural plans in lieu of the Planning Board.

85-xxx.9. Site lighting requirements.

- A. Architectural lighting shall be recessed under roof overhangs or generated from a concealed source of low-level light fixtures.
- B. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white or amber light and shall not spill onto adjoining properties, buffers or roadways. All development plans must show the relationship of light to adjacent properties and the roadway corridor. Overhead lights shall utilize "cut off" refractors as controls.
- C. Decorative, low-level intensity non-concealed source, pole-mounted lighting that defines vehicular and or pedestrian ways shall be acceptable for that purpose, and traditional styling and fixtures is strongly encouraged.



D. No backlighting of signs is permitted.

85-xxx.10. Landscape requirements.

- A. A landscape plan shall be submitted in conjunction with the development or redevelopment plan that is compatible with the specifications contained herein. The landscape plan shall be drawn to scale, include dimensions and distances, and clearly delineate all existing and proposed vehicular, bicycle and pedestrian movement, including parking. The location, size and description of all landscaping materials shall be indicated. Landscape Plans shall be reviewed for adequate screening and buffering of residential uses.
- B. For Hoover Court area, a 20' landscape buffer is required from the Hoover Court right of way.
- C. The following requirement shall apply:
 - 1. For those pre-existing nonconforming uses which contain outdoor storage areas in front yards along the corridor, an evergreen hedge or buffer of at least 42" in height shall be planted to shield outdoor storage areas from view to the maximum extent practicable, and must be designed so as not to impede sight distance at access points, including adjacent side streets on corner lots. Where appropriate, the Planning Board or the Planning Commissioner or his designee shall entertain variations which achieve the objective of screening outdoor storage areas whilst minimizing the impact of the screening mechanism.

Existing "significant" trees shall be preserved where feasible. Noteworthy trees were inventoried as part of the Land Use Plan for Mastic & Shirley Phase II and a figure illustrating the location of significant trees is included in the report.



85-xxx.11. Sign requirements.

A. Purpose and Intent. The purpose and intent of this Section is to regulate the use of publicly visible displays/signs within the Montauk Highway Corridor Transitional Overlay District; to enhance property values and the character of this arterial highway; and to protect the health safety, and welfare of the public in use of these roadways. The regulations contained in this Section are intended to provide fairness for all uses along the corridor, and permit signs to be clearly visible, while controlling sign clutter, improving the aesthetic appeal of signs, minimizing visual distractions to motorists, promoting convenience for passersby and ensuring a reasonable level of visibility for businesses along the corridor.

B. Standards

1. All signs shall conform to the requirements of Chapter 57A of the Town Code and any specific regulations for the underlying zoning district in addition to the regulations herein set forth.
2. Applicants for new or replacement signs in the District shall apply to the Planning Commissioner, for conformance review prior to submittal for a building permit.
3. Individual rate signs or price signs shall be prohibited. Motor vehicle fuel and service stations shall be allowed to integrate fuel and price information into one freestanding, detached business identification sign.
4. Free standing portable signs, on or off the premises are prohibited.
5. Temporary signs are prohibited, however, a special permit for the use of temporary signage for a limited time period may be obtained from the Building Department as per §57A-9 provided that certain requirements are met and arrangements are provided for removal of the signs.
6. Materials, colors and shapes of proposed or replacement signs shall be compatible throughout the Montauk Highway Corridor Transitional Overlay District. Wood or wood-like signs with direct lighting shall be required throughout the District.
7. No new freestanding signs shall be permitted within the District. All existing legally permitted and conforming freestanding signs shall be landscaped with a clustering of plant species.
8. No blinking, flashing, or rotating signs shall be permitted. No wind toys or fluttering devices are permitted.



9. Any sign located on property that is unoccupied for a period of sixty (60) days or more, shall be deemed abandoned. The owner of the sign or the owner of the property shall remove an abandoned sign. If the owner or lessee fails to remove the sign, the Town shall give the owner thirty (30) days written notice to remove the abandoned sign. Upon failure to comply with this notice, the Town may initiate such action as may be necessary to gain compliance.
10. Professional use signs shall be permitted in all underlying zoning districts.

85-xxx.12. Screening of outdoor storage.

Outdoor storage is permitted only in industrial zones, and is considered incompatible with the area of the Montauk Highway Corridor Transitional Area Overlay District. As a result, only legally pre-existing, non-conforming uses with outdoor storage are recognized and shall be entitled to the statutory protection offered to such uses. Pre-existing, non-conforming uses may not be expanded or modified; however, owner/operators of sites with such storage are encouraged to provide visual screening of outdoor storage from the public right of way, internal roadways and adjacent properties. Vegetative landscape screening may be installed without the need for full site plan review, provided landscaping is installed pursuant to a landscape plan authorized by the Commissioner. Screening which involves fencing is also encouraged, but must meet the requirements of the Building Code and Building Department.

85-xxx.13. Permitted uses.

- A. Purpose and Intent. The uses herein shall be permitted on any parcel within the defined Montauk Highway Corridor Transitional Overlay District. Uses as permitted in the J Business 2 Zoning District on those parcels currently zoned J-2 may be applied for through site plan review subject to the Site Development Review Standards contained in this part.
- B. All permitted uses identified herein shall comply with the Site Development Review Standards contained in this part. The following uses have been determined to be low intensity uses in terms of trip generation, etc. and appropriate uses for the form desired along the transitional area – i.e. residential in style.
 1. New construction of single family and two-family dwelling on business zoned parcels. Site plan requirements shall be waived and lot development may be processed through the Building Department consistent with the dimensional and other requirements contained in this part.
 2. Home office.
 3. Office (charitable, administrative, financial, business and professional).



4. Art gallery, framing shop, museum or nonprofit cultural center, artist studio or artisan's workshop.
5. Bank (without drive-through).
6. Day care facility including licensed day care in private homes.
7. Personal services, including but not limited to barbershops, beauty salons, shoe repair shops, jewelry and watch repair, repair of musical instruments, small appliance/computer repair, tailor shops, day spa, body art, interior design showroom, animal grooming, and business support services.
8. Health Club.
9. Indoor Recreation.
10. Massage Establishment.
11. Place of worship (or religious assembly), cultural services, libraries or municipal buildings or uses.
12. Undertaker's establishment.
13. Bed and Breakfast uses which conform to the requirements of Chapter 85, §85-67.
14. Take-out restaurant (containing no more than 2,000 SF – such as coffee shops and cafés).
15. Non-degree granting school – tutoring center, art school, dance school.
16. Delicatessen/Bakery.
17. Accessory retail sales incidental to permitted service uses included herein.
18. Veterinarian - provided that all activities take place inside the building.

85-xxx.15. Planning Board Special Permits.

- A. The Planning Board shall be authorized to permit where appropriate, specific Special Permit Uses within the Montauk Highway Corridor Transitional Area Overlay District; subject to the criteria as set forth in Article VIA, § 85-51, in addition to the criteria contained herein. Similar to permitted uses, the intent is to encourage, promote and provide incentives for alternative uses to general business, in a manner that establishes less intense uses and improved aesthetics between the more established hamlet centers in Shirley and Mastic. The following uses, while achieving the goals of this part, may be

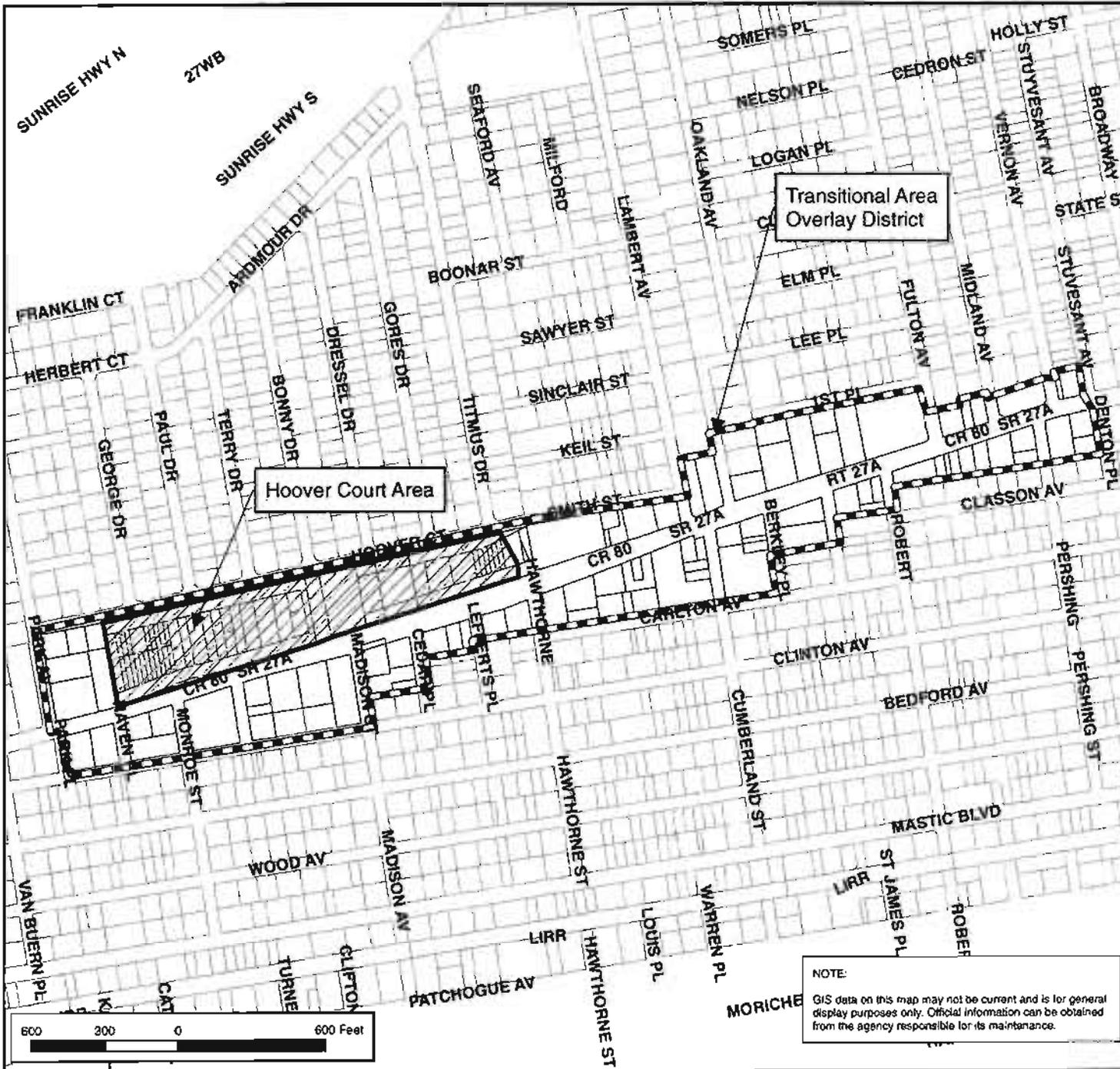


construed as more intense than the permitted uses, and are more appropriate as uses which require a Special Permit from the Planning Board.

1. Restaurants (not including fast-food, and not involving a drive-through facility).
2. Bank with a drive-through facility.
3. Private or public automobile parking field or garage for automobiles and commercial vehicles with a gross vehicle weight rating of less than 10,000 pounds.
4. Mixed-use building which involves ground floor nonresidential use as permitted herein, combined with residential use as an apartment or condominium on the second floor.



APPENDIX B-2
TRANSITIONAL AREA OVERLAY DISTRICT
MAP



Town of Brookhaven
 Montauk Highway Corridor Study &
 Land Use Plan for Mastic & Shirley
 Phase II

**PROPOSED TRANSITIONAL
 AREA OVERLAY DISTRICT**

Legend

-  Hoover Court Area
-  Transitional Area Overlay District
-  Parcels within the Overlay District
-  Tax Parcels

Source: NYS Orthomagey Program, 2007
 NP&V GIS Library
 Date: 1-18-2010
 1 inch = 600 feet

NOTE:
 GIS data on this map may not be current and is for general display purposes only. Official information can be obtained from the agency responsible for its maintenance.





APPENDIX C
SAMPLE CROSS EASEMENT AGREEMENTS



APPENDIX C-1
SAMPLE CROSS EASEMENT AGREEMENT

SAMPLE CROSS EASEMENT AGREEMENT

FEB 02 2006
PLANNING DIVISIO

THIS AGREEMENT made this _____ day of _____, 2____, by _____, residing at _____ hereinafter referred to as OWNER:

WITNESSETH:

That for and in consideration of ONE and 00/100 (\$1.00) DOLLAR, and other good and valuable consideration, the receipt of which is hereby acknowledged the parties hereby agree as follows:

That OWNERS hereby grant to each parcel, their successors and assigns, guests and invitees, a perpetual easement and right-of-way for coordination of access and/or parking facilities, as described in Schedule "B", the subject premises for lots _____ of Subdivision at _____ in _____; said lots are more particularly described in Schedule "A" attached hereto and made a part hereof, lying and being in the Town of _____, County of Suffolk and State of New York, said easement and right-of-way is more particularly described in Schedule "B" attached hereto and made a part hereof.

That OWNERS, their successors and assigns, guests and invitees, take the premises subject to the above described easement and right-of-way and rights of others along said right-of-way.

That this grant and easement shall, at all times, be deemed to be a continuing covenants running with the land and shall be binding upon all purchasers and holders of said premises, its heirs, executors, legal representatives, distributes, successors and assigns of the parties herein.

It shall be the obligation of the then OWNERS of the subject parcel, their heirs, successors and/or assigns, to repair and/or maintain the said easement area. Each property owner shall be required to pay a _____% share of said maintenance and repair cost. In addition, the lot owners, their heirs, successors and/or assigns shall be equally responsible for the clearing of snow and maintenance of the easement and right-of-way, including but not limited to the maintenance of grass, trees and bushes, if any.

IN WITNESS WHEREOF, the parties hereto have caused their hands to be hereunto fixed, and these presents to be signed as of the day and year first above written.

State of New York)

) ss:

County of Suffolk)

On the _____ day of _____ in the year 2__ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

State of New York)

) ss:

County of Suffolk)

On the _____ day of _____ in the year 2__ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public



APPENDIX C-2
FUTURE CROSS EASEMENT
SAMPLE COVENANT AND RESOLUTION

RECEIVED
FEB 02 2006
PLANNING DIVISION

SAMPLE FUTURE CROSS-ACCESS COVENANT:

THIS DECLARATION, made the _____ day of _____ by _____, residing at _____ hereinafter referred to as the DECLARANT.

WHEREAS, the DECLARANT is the owner of certain real property situate on the _____, Suffolk County, New York, and more particularly shown on a site plan entitled " _____ ", as prepared by _____, last dated _____ and as described in Schedule "A" annexed hereto, and

WHEREAS, the DECLARANT has made application to and has received approval from the Planning Board of the Town of _____ for Site Plan and Special Exception approval for said real property as shown on the above referenced site plan, and

WHEREAS, for and in consideration of said granting of approval, the Planning Board of the Town of _____ has deemed it to be in the best interests of the Town of _____ and the owner and prospective owners of said parcel and of adjoining parcels that the within Covenants and Restrictions be imposed on said parcel, and as a condition of said approval, said Planning Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, the DECLARANT has considered the foregoing and determined that the same will be for the best interests of the DECLARANT and subsequent owners of said parcel,

95

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

That the DECLARANT, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereinafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, its heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. Future coordination of access and/or parking facilities with the adjoining parcels to the (direction, i.e., north, south, etc.) as shown on the site plan or as may be required by the Planning Board at some time in the future, after having taken into account and giving due consideration to the use of the said premises, shall be planned for, provided by, and allowed by the DECLARANT, its heirs, successors or assigns. In the event that this paragraph shall become operative, as the result of the submission of a site plan and/or special exception application to be reviewed and approved by the Planning Board of the Town of _____, or its successors, or any other similar review by the Town of _____ where such coordination of access and/or parking facilities with any of the adjoining parcels is involved, the Planning Board of the Town of _____ shall provide the then-owner of the subject property with a written notification that various site improvements may be required as a result of a determination by the Planning Board of the Town of _____ that such coordination of access and/or parking is deemed necessary as a result of its review of plans for the development or re-development of any adjoining parcel. Such written notification shall include a certified copy of a duly adopted resolution of the Planning Board of the Town of _____ which states the reasons for requiring the construction of the coordinated access and/or parking facilities with the adjoining parcels pursuant to this agreement, and also includes any specific information on the specifications for the construction of said access and/or parking areas. Such written notifications shall be sent to the applicant at _____, or at such other address as may be supplied to the Town, in writing, by the Declarant or its successor in title, if any.
2. DECLARANT shall enter into reciprocal easement agreements with the owners of the adjoining parcels to the (direction, i.e., north, south, etc.) as may be required by the Planning Board at some time in the future.

These covenants and restrictions contained herein shall be construed to be in addition to an not in derogation or limitation upon any local, state or federal laws, ordinances, regulations or provisions in effect at the time of execution of this agreement, or at the time such laws, ordinances, regulations and/or provisions may hereafter be revised, amended or promulgated.

These covenants and restrictions contained herein shall be enforceable by the Town of _____ by injunctive relief or by any other remedy in equity or at law. The failure of the Town of _____ or any of its agencies to enforce same shall not be deemed to affect the validity of this covenant nor to impose any liability whatsoever upon the Town of _____ or any officer or employee thereof.

These covenants and restrictions shall run with the land and shall be binding upon the DECLARANT, its successors and assigns, and upon all persons or entities claiming under them, and may be terminated, revoked or amended by the owner of the premises only with the written consent of the Town.

If any section, subsection, paragraph, clause, phrase or provision of these covenants and restrictions shall, by a Court of competent jurisdiction, be adjudged illegal, unlawful, invalid or held to be unconstitutional, the same shall not affect the validity of these covenants as a whole or any other part or provision hereof other than the part so adjudged to be illegal, unlawful, invalid or unconstitutional.

The within Declaration is made subject to the provisions of all laws required by law or by their provisions to be incorporated herein and they are deemed to be incorporated herein and made a part hereof, as though fully set forth.

That the within Declaration may not be annulled, waived, changed or modified unless and until approved by resolution with a majority plus one vote of the Planning Board of the Town of _____ or its successors, after a public hearing to be held by said board.

IN WITNESS WHEREOF, the DECLARANT above named has executed the foregoing Declaration the day and year first written above.

STATE OF NEW YORK)

) SS

COUNTY OF SUFFOLK)

On the _____ day of _____, 2____, before me personally came _____ to me known, who, being by me first duly sworn, did depose and say that he resides at _____, that he is the _____ of the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation; and that he signed his name thereto by like order and authority.

REC-210
FEB 02 2006
PLANNING DIVISION

SAMPLE FUTURE CROSS-ACCESS COVENANT:

THIS DECLARATION, made the _____ day of _____ by _____, residing at _____ hereinafter referred to as the DECLARANT.

WHEREAS, the DECLARANT is the owner of certain real property situate on the _____, Suffolk County, New York, and more particularly shown on a site plan entitled " _____ ", as prepared by _____, last dated _____ and as described in Schedule "A" annexed hereto, and

WHEREAS, the DECLARANT has made application to and has received approval from the Planning Board of the Town of _____ for Site Plan and Special Exception approval for said real property as shown on the above referenced site plan, and

WHEREAS, for and in consideration of said granting of approval, the Planning Board of the Town of _____ has deemed it to be in the best interests of the Town of _____ and the owner and prospective owners of said parcel and of adjoining parcels that the within Covenants and Restrictions be imposed on said parcel, and as a condition of said approval, said Planning Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, the DECLARANT has considered the foregoing and determined that the same will be for the best interests of the DECLARANT and subsequent owners of said parcel,

57

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

That the DECLARANT, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereinafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, its heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. Future coordination of access and/or parking facilities with the adjoining parcels to the (direction, i.e., north, south, etc.) as shown on the site plan or as may be required by the Planning Board at some time in the future, after having taken into account and giving due consideration to the use of the said premises, shall be planned for, provided by, and allowed by the DECLARANT, its heirs, successors or assigns. In the event that this paragraph shall become operative, as the result of the submission of a site plan and/or special exception application to be reviewed and approved by the Planning Board of the Town of _____, or its successors, or any other similar review by the Town of _____ where such coordination of access and/or parking facilities with any of the adjoining parcels is involved, the Planning Board of the Town of _____ shall provide the then-owner of the subject property with a written notification that various site improvements may be required as a result of a determination by the Planning Board of the Town of _____ that such coordination of access and/or parking is deemed necessary as a result of its review of plans for the development or re-development of any adjoining parcel. Such written notification shall include a certified copy of a duly adopted resolution of the Planning Board of the Town of _____ which states the reasons for requiring the construction of the coordinated access and/or parking facilities with the adjoining parcels pursuant to this agreement, and also includes any specific information on the specifications for the construction of said access and/or parking areas. Such written notifications shall be sent to the applicant at _____, or at such other address as may be supplied to the Town, in writing, by the Declarant or its successor in title, if any.
2. DECLARANT shall enter into reciprocal easement agreements with the owners of the adjoining parcels to the (direction, i.e., north, south, etc.) as may be required by the Planning Board at some time in the future.

These covenants and restrictions contained herein shall be construed to be in addition to an not in derogation or limitation upon any local, state or federal laws, ordinances, regulations or provisions in effect at the time of execution of this agreement, or at the time such laws, ordinances, regulations and/or provisions may hereafter be revised, amended or promulgated.

These covenants and restrictions contained herein shall be enforceable by the Town of _____ by injunctive relief or by any other remedy in equity or at law. The failure of the Town of _____ or any of its agencies to enforce same shall not be deemed to affect the validity of this covenant nor to impose any liability whatsoever upon the Town of _____ or any officer or employee thereof.

These covenants and restrictions shall run with the land and shall be binding upon the DECLARANT, its successors and assigns, and upon all persons or entities claiming under them, and may be terminated, revoked or amended by the owner of the premises only with the written consent of the Town.

If any section, subsection, paragraph, clause, phrase or provision of these covenants and restrictions shall, by a Court of competent jurisdiction, be adjudged illegal, unlawful, invalid or held to be unconstitutional, the same shall not affect the validity of these covenants as a whole or any other part or provision hereof other than the part so adjudged to be illegal, unlawful, invalid or unconstitutional.

The within Declaration is made subject to the provisions of all laws required by law or by their provisions to be incorporated herein and they are deemed to be incorporated herein and made a part hereof, as though fully set forth.

That the within Declaration may not be annulled, waived, changed or modified unless and until approved by resolution with a majority plus one vote of the Planning Board of the Town of _____ or its successors, after a public hearing to be held by said board.

IN WITNESS WHEREOF, the DECLARANT above named has executed the foregoing Declaration the day and year first written above.

STATE OF NEW YORK

) SS

COUNTY OF SUFFOLK

On the _____ day of _____, 2____, before me personally came _____ to me known, who, being by me first duly sworn, did depose and say that he resides at _____, that he is the _____ of, the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation; and that he signed his name thereto by like order and authority.

SAMPLE CROSS EASEMENT AGREEMENT

FEB 01 2006
PLANNING DIVISION

THIS AGREEMENT made this _____ day of _____, 2____, by _____, residing at _____ hereinafter referred to as OWNER:

WITNESSETH:

That for and in consideration of ONE and 00/100 (\$1.00) DOLLAR, and other good and valuable consideration, the receipt of which is hereby acknowledged the parties hereby agree as follows:

That OWNERS hereby grant to each parcel, their successors and assigns, guests and invitees, a perpetual easement and right-of-way for coordination of access and/or parking facilities, as described in Schedule "B", the subject premises for lots _____ of Subdivision at _____ in _____, said lots are more particularly described in Schedule "A" attached hereto and made a part hereof, lying and being in the Town of _____, County of Suffolk and State of New York, said easement and right-of-way is more particularly described in Schedule "B" attached hereto and made a part hereof.

That OWNERS, their successors and assigns, guests and invitees, take the premises subject to the above described easement and right-of-way and rights of others along said right-of-way.

That this grant and easement shall, at all times, be deemed to be a continuing covenants running with the land and shall be binding upon all purchasers and holders of said premises, its heirs, executors, legal representatives, distributees, successors and assigns of the parties herein.

It shall be the obligation of the then OWNERS of the subject parcel, their heirs, successors and/or assigns, to repair and/or maintain the said easement area. Each property owner shall be required to pay a _____% share of said maintenance and repair cost. In addition, the lot owners, their heirs, successors and/or assigns shall be equally responsible for the clearing of snow and maintenance of the easement and right-of-way, including but not limited to the maintenance of grass, trees and bushes, if any.

IN WITNESS WHEREOF, the parties hereto have caused their hands to be hereunto fixed, and these presents to be signed as of the day and year first above written.

State of New York)

) ss:

County of Suffolk)

On the _____ day of _____ in the year 2__ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

State of New York)

) ss:

County of Suffolk)

On the _____ day of _____ in the year 2__ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public