



# TOWN OF SMITHTOWN

## PLANNING and COMMUNITY DEVELOPMENT DEPARTMENT

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### MEMORANDUM

August 5, 1992

To: Robert N. Martin, Chairman  
and Members of the Planning Board

From: Frank DeRubeis, Director of Planning

Subject: Zone Change Petition #90-3A  
Story Book Homes, Inc.  
N/s Smithtown Blvd., 470'  
E/o Mary's Lane, Nesconset  
NB and R-15 to RC (Retirement Community)  
SCTM #: 168-1-27.1, p/o 26, p/o 28 and  
169-1-p/o 8, p/o 10.2, p/o 11, p/o 12, p/o 13

1. Reason for Report: The Planning Board held a public hearing on the this petition on March 18, 1992.
2. Applicant: Story Book Homes, Inc., P.O. Box 473, St. James, N.Y. 11780.
3. Site: The subject property of this petition is an oddly shaped parcel containing 23 acres. The total site contains 60+ acres north of Smithtown Blvd. The site contains 268.3' of frontage along Smithtown Blvd. The site contains two structures along the frontage, and is heavily wooded throughout the rest of the property.
4. Land Use: The subject property contains a single-family dwelling. The properties along Smithtown Blvd., contain retail stores, offices, bars and various retail uses. To the north and east are single-family dwellings.
5. Zoning: The subject property is zoned NB (Neighborhood Business) and R-15 (Residential, 15,000 sq. ft.). The surrounding properties along

Smithtown Blvd. are similarly zoned NB. The properties to the north and west are zoned R-15 and the properties to the east are zoned R-10 (Residential,, 10,000 sq. ft.).

6. Applicant's Proposal: The applicant proposes to change the zoning of the property to RC (Retirement Community) to construct 240 units.
7. Planning Considerations: Review of the Town's zoning maps reveals that this property has been split zoned since the inception of zoning. The first 200' along Smithtown Blvd. is zoned Neighborhood Business (NB), and the remaining portion is zoned R-15, single family residential, 15,000 sq. ft.

The applicant proposes the construction of 240 units on approximately 23 acres. This petition was previously presented to the Board on April 18, 1990 and November 20, 1991. The petitions proposed included RM-GA zoning. The petition has been revised to a request for RC zoning only.

The Board should consider the following issues raised by this petition:

According to the Town's Comprehensive Plan (Vol. IV, pp 6-71), the Neighborhood Business zoned portion of Smithtown Blvd., was recommended for rezoning to residential because:

There is not enough potential demand in the area for this entire frontage (i.e. along Smithtown Blvd.) to become commercial; consequently permitting commercial development would result in an ungoverned mixture of residential and business uses which would be both unsightly and uneconomic.

Within the last few years, the Town Board has rezoned portions of Smithtown Blvd., however the predominant zoning is still NB.

The applicant's proposal is a request to exchange NB and R-15 property to RC (Retirement Community). This proposal should be evaluated in the context of the objective of the Comprehensive Plan to eliminate most of the unneeded NB zoning.

The applicant has also stated that this proposal "will help supplement the affordable housing which is urgently needed for young adults and senior citizens." While the creation of affordable housing is a desired objective, this application should be reviewed to objectively determine what benefit will be provided to the community of Nesconset and the Town. It should be noted that the RC - Retirement Community district requires that rents be below the median rents (i.e. \$700.00/mo in 1991) of the Town. There are currently three retirement communities within the Town.

Pursuant to the requirements of Sections A14-14 to 23 the Suffolk County Administrative Code, the Suffolk County Planning Commission on January 8, 1992 considered the above captioned application and after due study and deliberation was unable to render a determination for failure to obtain the necessary vote(s) to carry a resolution relative thereto.

This means under the above referenced code that the proposal is approved without change by the Planning Commission.

8. Recommendation: The Planning Department recommends that the Planning Board approve the zone change petition subject to conditions and forward the following resolution to the Town Board:

BE IT RESOLVED, That the Planning Board hereby approves the zone change petition #90-3A, Story Book Homes, for a change in zoning from NB and R-15 to RC (Retirement Community) subject to the following conditions:

1. The maximum number of units shall not exceed 200 units.
2. The number of two-bedroom units shall not exceed 50.
3. Access for the site shall be from Smithtown Blvd. only, and a provision for an emergency access shall be required from the interior access road to the adjacent land north of the site.

4. A 75 foot buffer shall be provided along the eastern boundary line north of Lydia Drive and along the western property line adjacent to all single family homes. This buffer will include all existing vegetation which may be supplemented at the direction of the Board of Site Plan Review.
5. An application to subdivide the lot shall be made prior to site plan approval.

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Frank DeRubeis,  
Director of Planning

FDR/tc