

# *Proposed Ronkonkoma Hub Transit-Oriented Development (TOD)*

Ronkonkoma, Town of Brookhaven  
Suffolk County, New York

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Prepared for **Town of Brookhaven Town Board**  
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- Attachment A – Ronkonkoma Hub Study Area Blight Study
- Attachment B – Town of Brookhaven Resolution 2012-804
- Attachment C – Fully Executed Master Development Designation Agreement

## I. INTRODUCTION

In September 2012, the Town of Brookhaven caused to be prepared *The Ronkonkoma Hub Study Area Blight Study* (hereinafter the “*Blight Study*”) (see Attachment A) for the Ronkonkoma Hub, located in the hamlet of Ronkonkoma, Town of Brookhaven, Suffolk County, New York (the “Project Area,” see Figure 1). The *Blight Study* found sufficient evidence to determine the Project Area to be a substandard or insanitary area in accordance with both Article 15 of the New York State General Municipal Law and Article XLI of Chapter 85 of the Town of Brookhaven Town Code. Subsequently, the Town of Brookhaven Town Board (hereinafter the “Town Board”), after review of the aforesaid *Blight Study*, by Town Board Resolution 2012-804, dated September 20, 2012, designated the Ronkonkoma Hub as appropriate for urban renewal pursuant to Article 15 of the New York State General Municipal Law, and authorized the preparation of an urban renewal plan (see Attachment B).

In accordance with the requirements set forth in Article 15 of the General Municipal Law, this *Urban Renewal Plan* for the Ronkonkoma Hub (hereinafter the “*Urban Renewal Plan*”) has been prepared in order to facilitate the redevelopment of the Ronkonkoma Hub area as a Transit-Oriented Development (TOD) area featuring a mix of higher density residential development, commercial, hospitality, institutional, office, and retail uses, conference, entertainment and exhibition venues, and public designated outdoor spaces. The development is designed to both complement and benefit from the presence of the Ronkonkoma Long Island Railroad (LIRR) Station and its associated commuter passenger volumes.

In accordance with Article 15, this document contains a description of the proposed *Urban Renewal Plan*, including a discussion of its objectives, conformance with existing comprehensive plans, and a description of the various elements of the redevelopment proposal. It also explains the techniques that would be used to implement the overall redevelopment plan. The intent of this *Urban Renewal Plan* is to address blighted conditions identified within the Project Area, defined by Section 501 of the General Municipal Law as “substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics” that constitute a “serious and growing menace, is injurious to the public safety, health, morals and welfare...and constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues.” In order to promote sound growth and development, and to address the aforementioned blighted conditions, Urban Renewal Law allows for the “clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation” of designated blighted areas.



## II. DESCRIPTION OF PROJECT

### A. Boundaries of the Urban Renewal Project

The Project Area boundaries are Union Avenue and Union Street to the north; Village Plaza Drive to the east; County Road 29 (Ronkonkoma Avenue), Garrity Avenue and Hawkins Avenue to the west; and the railroad tracks of the Long Island Railroad to the south, (see Figure 1). The Project Area encompasses 54 Suffolk County Tax Map (SCTM) parcels comprising approximately 54 acres (see Figure 2).

### B. Urban Renewal Plan Objectives

The objectives of this *Urban Renewal Plan* are as follows:

- Eliminate blighting conditions, including: vacant and underutilized properties and buildings; deteriorated buildings; inadequate sidewalks, drainage, and sewerage infrastructure; incompatible land uses; and, aesthetic and visual detriments
- Promote compact, mixed-use development in proximity to the commuter rail station
- Encourage development that supports transit
- Encourage a diverse mix of higher density residential development, commercial, office and retail uses, entertainment and exhibition venues, and outdoor spaces for workers, visitors, and residents
- Promote economic development opportunities
- Encourage a pedestrian-friendly environment and pedestrian-oriented commercial enterprises and consumer services that do not primarily rely on automobile traffic to bring consumers to the area
- Encourage flexibility in site and architectural design
- Maintain a consistently high level of design quality



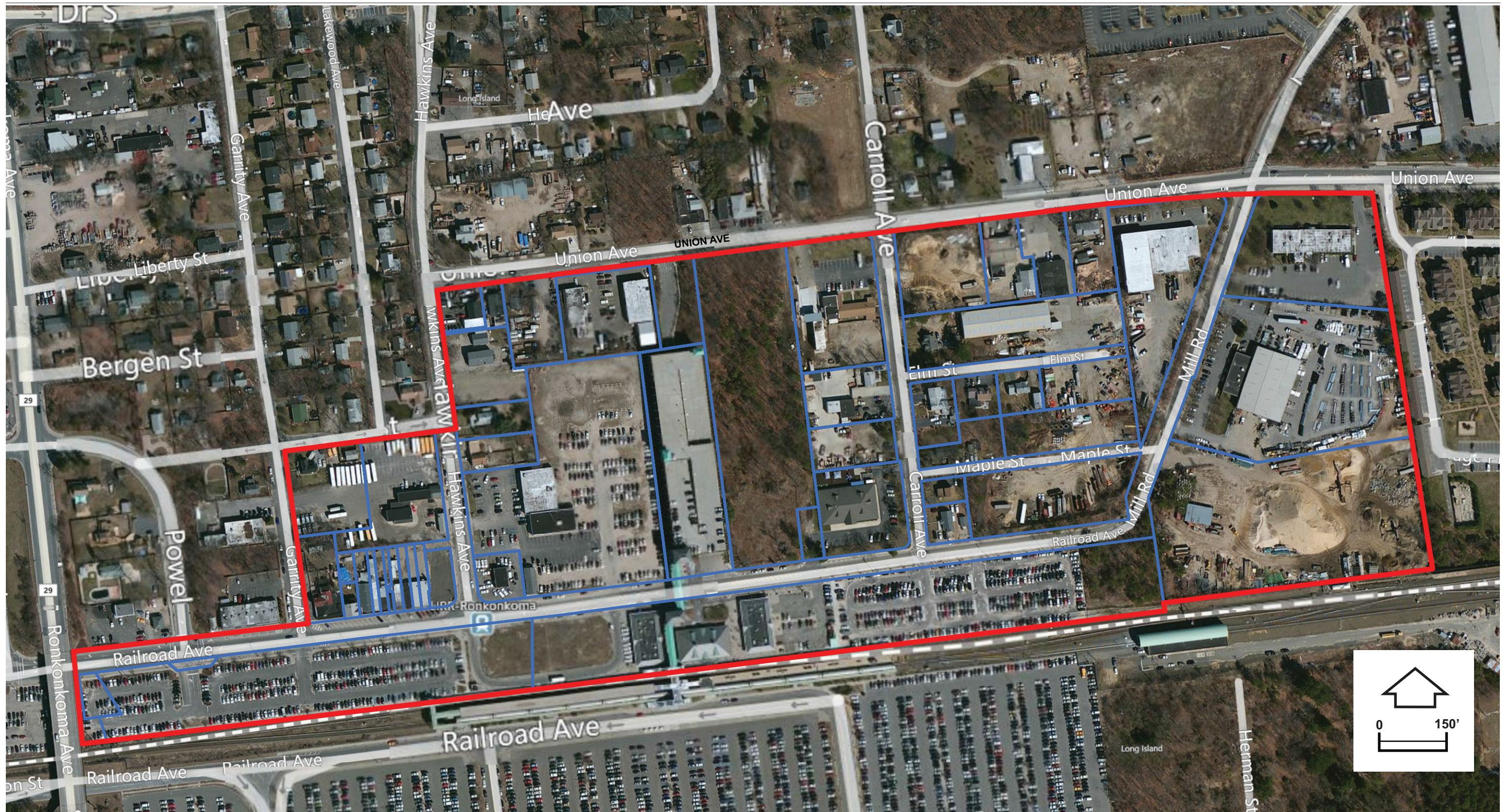


FIGURE 1

**Ronkonkoma Hub Project Area**

**Ronkonkoma Urban Renewal Plan | Town of Brookhaven, New York**

- Project Area
- Town of Brookhaven Tax Parcel



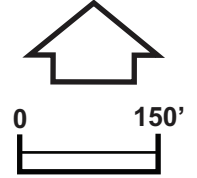


FIGURE 2 Project Area Tax Parcels Map Ronkonkoma Urban Renewal Plan, Town of Brookhaven, New York

Project Area  
 Tax Parcel

### C. Proposed Actions

As discussed in the *Blight Study*, the observed blighting conditions within the Project Area include vacant properties and buildings, underutilized properties and buildings, deteriorated buildings, inadequate sidewalks and curbs, inadequate drainage and sewerage infrastructure, incompatible land uses, and aesthetic and visual detriments.

The *Urban Renewal Plan* has been developed as a method to revitalize the Project Area with higher density residential development, commercial, hospitality, institutional, office, and retail uses, conference, entertainment and exhibition venues, and public designated outdoor spaces to complement the Ronkonkoma LIRR Station. The *Urban Renewal Plan* also proposes an upgrade of public facilities and infrastructure, including roads, sidewalks, curbs, public hardscape and landscape, and various utility infrastructure (e.g., natural gas lines, water mains, and electric distribution), stormwater runoff collection systems, street and walkway lighting, and parking areas. To facilitate the redevelopment of the Ronkonkoma Hub, a sewage treatment plant (STP) will be constructed, under the auspices of the Suffolk County Department of Public Works (SCDPW), on the south side of the Long Island Rail Road tracks to accommodate sanitary waste from the Ronkonkoma Hub and other areas.

To accomplish the objectives of the *Urban Renewal Plan*, the Town of Brookhaven has selected a master developer, and has executed a *Master Developer Designation Agreement* (hereinafter the "MDDA"), which sets forth the various responsibilities of the Town and the master developer (see Attachment C). While the selected master developer would provide the majority of funding for redevelopment efforts, the Town of Brookhaven would apply for New York State and Federal grants, as available, to fund various elements of the *Urban Renewal Plan*.

### III. LOCAL LAND USE PLANS, POLICIES, AND OBJECTIVES FOR THE RONKONKOMA HUB

The redevelopment of the Ronkonkoma Hub area has been a goal of the Town of Brookhaven since the adoption of the *Brookhaven 1996 Comprehensive Land Use Plan* (hereinafter the “1996 Comprehensive Plan”). As discussed below in the summary of the planning documents that address the Ronkonkoma Hub area, while recommended redevelopment of the Ronkonkoma Hub has evolved since the adoption of the *1996 Comprehensive Plan*, the overall vision for the area has remained relatively consistent.

#### A. The 1996 Comprehensive Plan

A comprehensive plan is a tool for guiding the future of a community. Its purpose is to establish a common vision for the future of a community and then determine policies that will help attain that vision.

The *1996 Comprehensive Plan* included an assessment of existing land uses; existing zoning and related codes; demographic data depicting the population, housing, social and economic conditions in the Town; historical and cultural facts; previous land use plans such as Brookhaven's 1975 and 1987 plans; community services and facilities; circulation and transportation infrastructure; and environmental resources. It also identified existing problems, deficiencies and needs, as well as community strengths and assets, and set forth goals, aspirations and/or objectives to be achieved. Lastly, alternatives and implementation programs for achieving the plan goals and objectives were proposed.

The *1996 Comprehensive Plan* recognized the advantageous location of the Ronkonkoma Hub proximate to not only the Ronkonkoma LIRR Station, but also to the Long Island - Islip MacArthur Airport and recommended that the Town continue to pursue redevelopment of the Ronkonkoma Hub. With this recommendation, the *1996 Comprehensive Plan* sought “to promote the goal of creating a ‘sense of place’ rezoning”<sup>1</sup> to meet certain standards, such as interconnecting streets, inclusions of sidewalks and bike lanes, construction of housing along the street frontage, providing a mix of housing types, and promoting the development of active recreational sites. Within the *1996 Comprehensive Plan*, it was envisioned that the Ronkonkoma Hub area would be redeveloped with large attractive office buildings and industrial development; however, since the drafting of that plan, and based upon various planning and visioning initiatives that have been undertaken by the Town, these uses have been determined to be no longer beneficial for the area, whereas the benefits of the TOD would meet the Town’s objectives for the Ronkonkoma Hub.

The *1996 Comprehensive Plan* identified the need for an increase in parking capacity at the Ronkonkoma LIRR Station. Since the adoption of the *1996 Comprehensive Plan*, multiple parking improvements have been undertaken, including a Metropolitan Transportation Authority (MTA)-owned public lot expansion east of the Ronkonkoma LIRR Station buildings and a privately-owned parking lot immediately north of the Ronkonkoma LIRR Station buildings along the north side of

▼  
<sup>1</sup>Town of Brookhaven Long Island 1996 Comprehensive Land Use Plan, Town of Brookhaven, 1996.

Railroad Avenue, which provides an additional 500+ parking spaces combined. Based on a parking study performed by VHB in 2009, current parking demand at Ronkonkoma Hub is satisfied by existing parking facilities, but the parking demands would increase significantly upon redevelopment under the TOD concept.

## **B. Draft Brookhaven 2030 Plan**

While the *Draft Brookhaven 2030 Plan* has not yet been adopted by the Town of Brookhaven, it identifies the Ronkonkoma LIRR Station as “the most used Station, due to its electrified service as compared to diesel service on the other two routes, and is one of the most used LIRR Stations overall.”<sup>2</sup> Specifically, the *Draft Brookhaven 2030 Plan* addresses the importance of “creating transit-oriented developments surrounding Brookhaven’s Long Island Railroad Stations, including those in Port Jefferson Station, Patchogue, Ronkonkoma, Bellport, Medford, Mastic and Yaphank.”<sup>3</sup>

The following two key goals of the *Draft Brookhaven 2030 Plan* are pertinent to the *Urban Renewal Plan*:

- Redirect growth to areas served by infrastructure, revitalize downtowns, and establish pedestrian-oriented centers that have a sense of place
- Expand the range of transportation options

## **C. Ronkonkoma Hub Transit-Oriented Planning Study**

In 2007, the Town of Brookhaven embarked upon a two-phased planning study, known as the *Ronkonkoma Hub Transit-Oriented Planning Study* (hereinafter the “*Ronkonkoma Hub Planning Study*”), aimed at revitalizing a multi-block area around the Ronkonkoma Hub. The goal of the *Ronkonkoma Hub Planning Study* was to develop a vision that would include compact, mixed-use redevelopment of underutilized land that supports and expands on the high ridership and recent improvements made to the Ronkonkoma train station. The desired outcome of the *Ronkonkoma Hub Planning Study* was a long-term development strategy that would establish clear and predictable guidance for the revitalization of the blighted, vacant and/or underutilized parcels. The Vision Plan, developed as part of the *Ronkonkoma Hub Planning Study*, includes zoning recommendations, identification of transportation improvements, financial implications, and concept plans. Highlights of the Vision Plan include the following:

- Public plazas at key intersections to provide public spaces for pedestrians and help activate the street
- Streetscape enhancements including sidewalks, signage, lighting and landscaping along Railroad Avenue, Mill Road and Hawkins Avenue
- Orient buildings towards the street edge along Railroad Avenue and Hawkins to help define the “Main Street” character
- Parking at the rear or interior of lots and seek opportunities for shared parking



<sup>2</sup> Town of Brookhaven Department of Planning, Environment and Land Management, *Brookhaven 2030 Plan Existing Conditions and Trends Report*, Prepared by Urbitran Associates, July 2008, Page 4. (website: <http://www.brookhaven2030.org/pdfs/ExistingConditionsandTrends.pdf>)

<sup>3</sup> Town of Brookhaven Department of Planning, Environment and Land Management, *Brookhaven 2030 Plan Issues and Opportunities Outreach Report*, Prepared by Urbitran Associates, December 2007, Page 8. (website: [http://www.brookhaven2030.org/pdfs/issues\\_and\\_opportunities\\_report.pdf](http://www.brookhaven2030.org/pdfs/issues_and_opportunities_report.pdf))

- Active pedestrian-oriented uses on the ground floor, particularly along Railroad Avenue between Garrity Avenue and the Station
- New development on the MTA “bus loop” site
- Buildings up to 5 stories on Railroad Avenue, up to 4 stories on Mill Road and up to 2.5 stories on Union Avenue
- Streetscape enhancements to the Station plaza
- Mix of uses on upper floors
- Buildings oriented toward the street edge along Mill Road
- Multi-family buildings oriented toward amenities such as parks or plazas
- Residential unit types mixed within development sites
- Pedestrian connections to the Fairfield residential apartments, located immediately east of the Project Area

#### **D. Long Island 2035 Comprehensive Regional Sustainability Plan**

The *Long Island 2035 Comprehensive Regional Sustainability Plan* is intended to guide sustainable development of Long Island’s economy and social and natural environment for the next 25 years. As set forth in the Environment & Infrastructure section of the “Sustainable Strategies for Long Island 2035 - December 2010,” environmental and infrastructure strategies are focused on addressing existing needs, anticipating future growth and protecting Long Island’s natural resources. One of the strategies, involving transit (T-2) is to “create vibrant, transit-supported communities.” According to the *Long Island 2035 Comprehensive Regional Sustainability Plan*:

*transit-supported communities (TSCs) are beneficial because they:*

- *create vibrant, walkable communities;*
- *attract young workers;*
- *produce fewer school-age children per unit;*
- *generate greater incremental revenues when compared to single-family development;*
- *encourage transit use; and*
- *decrease traffic congestion.*

*In addition to meeting consumer demand, transit-supported communities allow for compact growth in and around rail station areas, creating more development within a short walk of transit and more clusters of development along transit corridors. This form of growth allows more people to live on Long Island without adding to the burden of Long Island roadways. It also adds to the mix of housing on the Island, creating more choice and more availability of housing stock across pricing categories and housing types. With the clustering of worksites at station areas as well, it can be easier to live and work in transit corridors and use the LIRR to travel from home to work. This growth strategy will also boost LIRR ridership by creating reverse commute markets and establishing more consistent, all-day, bi-directional use of the railroad. Currently, however, only 19% of Nassau’s population and 6% of Suffolk’s population are located within a half-mile (10-minute walk) of a transit station.*

## **E. Town of Brookhaven Blight to Light Study**

In September of 2010, the Town of Brookhaven issued the *Draft Blight to Light Study*, which identified blighted properties within the Town and provided general recommendations for redevelopment of each identified property. The Ronkonkoma Hub is identified within the *Draft Blight to Light Study*, and is described as having limited retail and commercial offerings, unrealized economic potential, vacant and rundown buildings, chaotic zoning patterns, and a lack of investment. The *Draft Blight to Light Study* recommended a number of tools to facilitate the redevelopment of the Ronkonkoma Hub, including incentive plans and zoning, expedited permitting, special districts and others.

This study was accepted by the Town in October 2010. Subsequently, the Town Board passed the Blight to Light code amendments (Article XLI – Redevelopment Initiative, of the Town Code), giving the Town the means to eradicate suburban blight.

## **F. Ronkonkoma Hub Study Area Blight Study**

As previously discussed, VHB performed the *Blight Study* on the Project Area in September of 2012 and identified several blighting characteristics, including:

- *Vacant and partially vacant properties and buildings* – Seven tax parcels were observed to contain vacant or partially vacant buildings, representing approximately 5.5 percent of the total gross floor area (gfa) within the Project Area (12,793± square feet), and approximately 6.5 percent of the total area of the Project Area (3.52± acres) is undeveloped.
- *Significant underutilization of development potential* – The total developed gross floor area in the Project Area (excluding the Ronkonkoma LIRR Station and parcel associated with the LIRR Parking Structure) is 232,978± square feet, representing only 39± percent of the total development potential permitted under existing zoning. This underutilization results in a lower level of economic activity than would otherwise be expected in the Project Area and, therefore, lowers levels of employment and property tax revenues.
- *Deteriorated buildings* – Deterioration of building elements was identified in a number of locations within the Project Area, creating potentially unsafe conditions and detracting from the area’s desirability as a place for private investment.
- *Inadequate curb and sidewalk areas* – Deteriorated or missing curbs and sidewalks were identified in various Project Area locations, detracting from the overall character of the area. Also, the lack of sidewalks hinders pedestrian activity and creates inefficiencies in pedestrian circulation (along with creating potentially dangerous conditions for pedestrians).
- *Lack of appropriate drainage and sewerage infrastructure* – Drainage is inadequate in certain locations, creating undesirable conditions for nearby uses. The lack of sewage treatment in the Project Area (i.e., properties rely upon individual on-site sanitary systems rather than a central collection and treatment system) limits the overall development density.



- *Incompatible land uses* – In several Project Area locations, residential uses adjoin or are located proximate to commercial uses that are not conducive to a desirable residential environment.
  
- *Aesthetic and visual character* – The combination of deteriorating buildings and infrastructure with the presence of substantial acreage devoted to the storage of vehicles, equipment, etc., creates an unattractive visual environment, which is not conducive to the attraction of private investment.

## IV. THE URBAN RENEWAL PLAN

### A. Overview of Proposed Actions by Type

As stated in Sections II.B and III.F of this *Urban Renewal Plan*, blighting conditions in the Project Area include vacant properties and buildings, underutilized properties and buildings, deteriorated buildings, inadequate sidewalks and curbs, inadequate drainage and sewerage infrastructure, incompatible land uses, and aesthetic and visual detriments. These blighting conditions contribute to the unrealized economic potential of the Project Area, and foster potentially hazardous and unsafe conditions for residents, employees, and pedestrians.

The current land use pattern (see Figure 3), has single-family residential uses interspersed with intensive commercial uses (e.g., automobile-related commercial businesses) and vacant lots creating a disjointed and inefficient land use pattern. Overall, the land use pattern within the Ronkonkoma Hub does not create a desirable living and business environment, though its use as a major commuter hub lends itself the potential to becoming a vibrant, transit-oriented community. These conditions inhibit the Town's desired objective of having the area evolve in a manner that leads to redevelopment of the neighborhood as a transit-oriented center.

### B. Recommendations for All Actions

The *Urban Renewal Plan* provides a framework for the redevelopment of the Project Area in a transit-oriented manner, including higher density residential development, commercial, hospitality, institutional, office, and retail uses, conference, entertainment and exhibition venues, and public designated outdoor spaces, as well as improvements to public infrastructure, such as sidewalk improvements and construction of an STP to accommodate sanitary discharge generated by future land uses within the Project Area, as well as proximate to the Project Area. The *Urban Renewal Plan* includes: redevelopment of private and public properties; adoption and mapping of revised land use regulations; and, specific investments in public infrastructure to improve safety, access, and circulation for its residents. The overall goal of all these undertakings would be to revitalize the Ronkonkoma Hub area as a vibrant, transit-oriented center.



FIGURE 3

**Existing Land Use Map**

Ronkonkoma Urban Renewal Plan | Town of Brookhaven, New York



Project Area  
Town of Brookhaven Tax Parcel

**Land Use Classification**



Residential  
Mixed Use Residential and Commercial



Commercial  
Industrial  
Parking Facility



LIRR Ronkonkoma Station  
Vacant Structure  
Undeveloped Land



Overall, the *Urban Renewal Plan* recommends the development of higher density residential development (i.e., a potential maximum of 1,450 residential dwelling units) multi-family buildings fronting major thoroughfares in the Project Area, approximately 195,000 square feet of retail space,, approximately 360,000 square feet of office/commercial space, and approximately 60,000 square feet of “flex space,” to be utilized for conference, exhibition, hospitality, and residential uses. There are also public designated outdoor space components throughout the Project Area. Parking facilities would also be provided to accommodate parking demand generated by the recommended uses, while maintaining the existing MTA-owned parking deck, located in the central portion of the Project Area, as well as other surface parking areas within the Ronkonkoma Hub. An analysis of the issues and recommendations concerning the critical components for redevelopment of the Project Area, including land use, zoning and other land use controls, building conditions, and public improvements, follows.

► Land Uses

*Issues:*

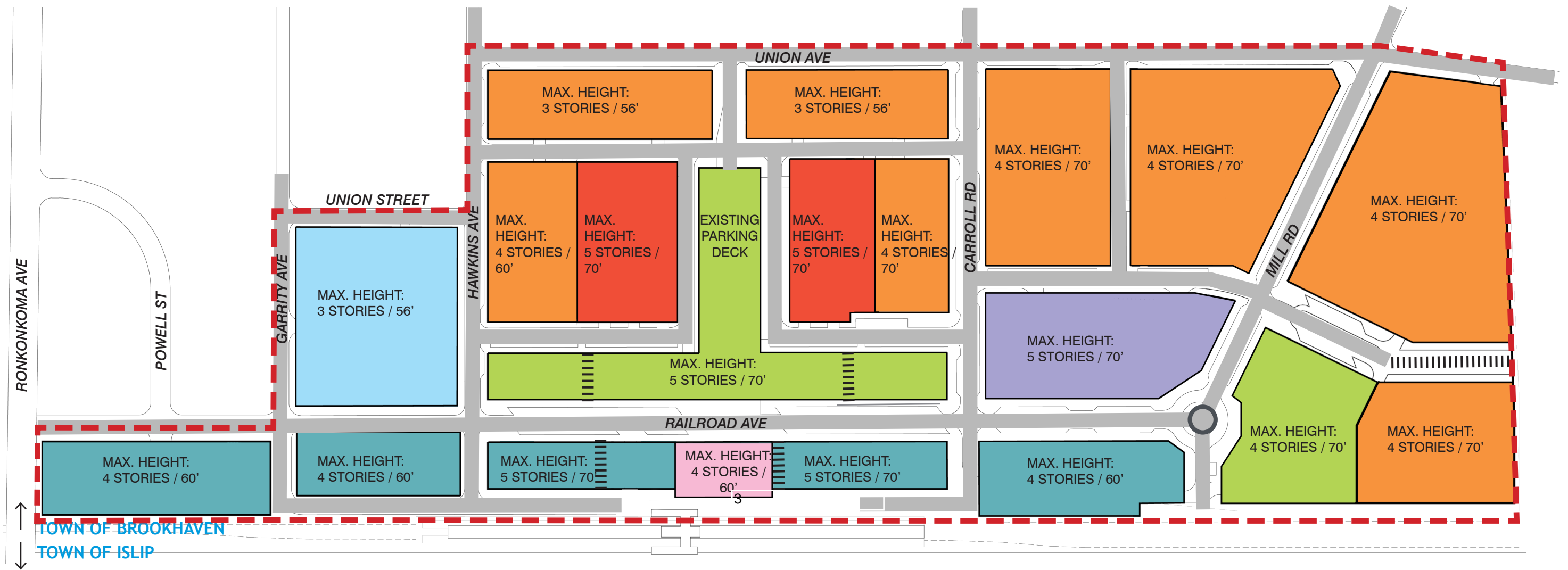
The Project Area poses challenges related to vacant and underutilized properties and buildings, deteriorated buildings, inadequate sidewalks and curbs, inadequate drainage and sewerage infrastructure, incompatible uses, aesthetic and visual detriments and other conditions that are more fully described in the *Blight Study*. Further, the mix of commercial businesses (primarily automobile-related businesses) and single-family residential uses creates a disjointed and inefficient land use pattern, compounded by the presence of vacant and underutilized lots and buildings.

Specifically, the Project Area features approximately 232,979 square feet of gross floor area (gfa), representing approximately 38.2 percent of the total allowable gfa within the Project Area (i.e., 609,370± square feet gfa) under existing zoning. Further, approximately 5.5 percent of the total gfa within the Project Area is vacant (i.e., 12,793± square feet), and approximately 6.5 percent of the total area of the Project Area (i.e., 3.52± acres) is undeveloped. Such underutilization and vacancies represent unrealized economic potential as well as create an unappealing business environment.

*Recommendations:*

The *Urban Renewal Plan* recommends redevelopment of the Project Area with a mix of uses at higher densities than what currently exist, as well as implementing various traffic and streetscape improvements. The high daily commuter volume at the Ronkonkoma LIRR Station (approximately 17,000 riders), proximity of the Project Area to major transportation corridors (i.e., the Long Island Expressway), and electric and express train service to New York City make higher development densities feasible and desirable. Additionally, the STP to be constructed to the south of the Project Area would permit up to 400,000 gallons per day of sanitary waste from the recommended redevelopment, which would allow for development densities significantly greater than what currently exists. Specifically, the recommended land use development program (see Figure 4) includes the following components:

- Several multi-family residential buildings, with maximum heights of three- to four-stories, primarily fronting along Union Avenue and Mill Road.
- Predominantly retail use with residential permitted along the west side of Hawkins Avenue, with a maximum height of three stories.
- Several mixed-use buildings potentially containing office or residential over retail, dining and entertainment uses. These buildings would have maximum heights of five stories along Railroad Avenue and four stories along Mill Road.
- Mixed-use buildings containing commercial, exhibition, hospitality, institutional, and residential uses. These buildings would be situated in the eastern portion of the Project Area, along Railroad Avenue and Mill Road, and would have a maximum height of five stories.
- Mixed-use buildings containing residential, office and institutional uses, with a maximum height of five stories, located adjacent to the existing parking deck.
- Maximum of four-to-five story buildings containing retail, office, dining and entertainment uses, situated along the south side of Railroad Avenue.
- A special use/entertainment venue is also recommended in the southern-central portion of the Project Area along the south side of Railroad Avenue, and would be up to four stories in height.
- Improvements to existing streets, the construction of new public and private streets, and the installation/upgrade of traffic signals or construction of a roundabout, and/or other traffic controls, as deemed appropriate in order to improve traffic circulation. These improvements would also create a safer and more inviting pedestrian environment.



**LEGEND**

- Development zone
- Proposed pedestrian passage
- Traffic circle

**BLOCK USE**

	Vertical mixed-use: Residential or office over retail, dining, and entertainment
	Vertical mixed-use: Office over retail, dining, and entertainment
	Mixed-use: Predominantly retail with residential permitted
	Residential, commercial, hospitality, or institutional, with first floor retail permitted
	Residential with very limited first floor retail permitted
	Horizontal mixed-use: Residential, office, institutional
	Special use, entertainment

**MAXIMUM DENSITIES**

Type	Density
Residential	1450 DU
Retail	195,000 sf
Office / Medical	360,000 sf
Flex space (hospitality, conference, exhibition, residential)	60,000 sf

**NILES BOLTON ASSOCIATES**

OCTOBER 7, 2013  
ORIGINAL SCALE: 1" = 200'



FIGURE  
**4**

**Conceptual Land Use Plan**

**Ronkonkoma Urban Renewal Plan | Town of Brookhaven, New York**



➤ Zoning and Other Land Use Controls

*Issues:*

The Project Area currently comprises four separate zoning districts, including the L1 (Light Industry), J-2 (General Business), J-4 (Professional and Business Offices), and J-6 (Main Street Business District) districts (see Figure 5). These districts do not permit land uses and development densities most appropriate for the Project Area, given the daily commuter volumes associated with the Ronkonkoma LIRR Station.

*Recommendations:*

In order to facilitate the recommended redevelopment of the Project Area described in this *Urban Renewal Plan*, a “Transit-Oriented Development” Zoning District (TOD District) would need to be created and implemented for the entire Project Area (see Figure 6). A TOD District would permit higher density residential, commercial, office and retail development in mixed-use buildings while also allowing for flexibility in the design and placement of these uses. Implementation of a TOD district would encourage efficient use of land, be a catalyst for revitalization, and foster a sense of place through development of a new transit-oriented, mixed use, pedestrian-friendly community. A TOD District would also encourage redevelopment of vacant and/or underutilized, blighted properties, which would complement the surrounding communities and uses as well as better utilize existing public transit infrastructure at the Ronkonkoma LIRR Station.

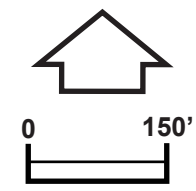
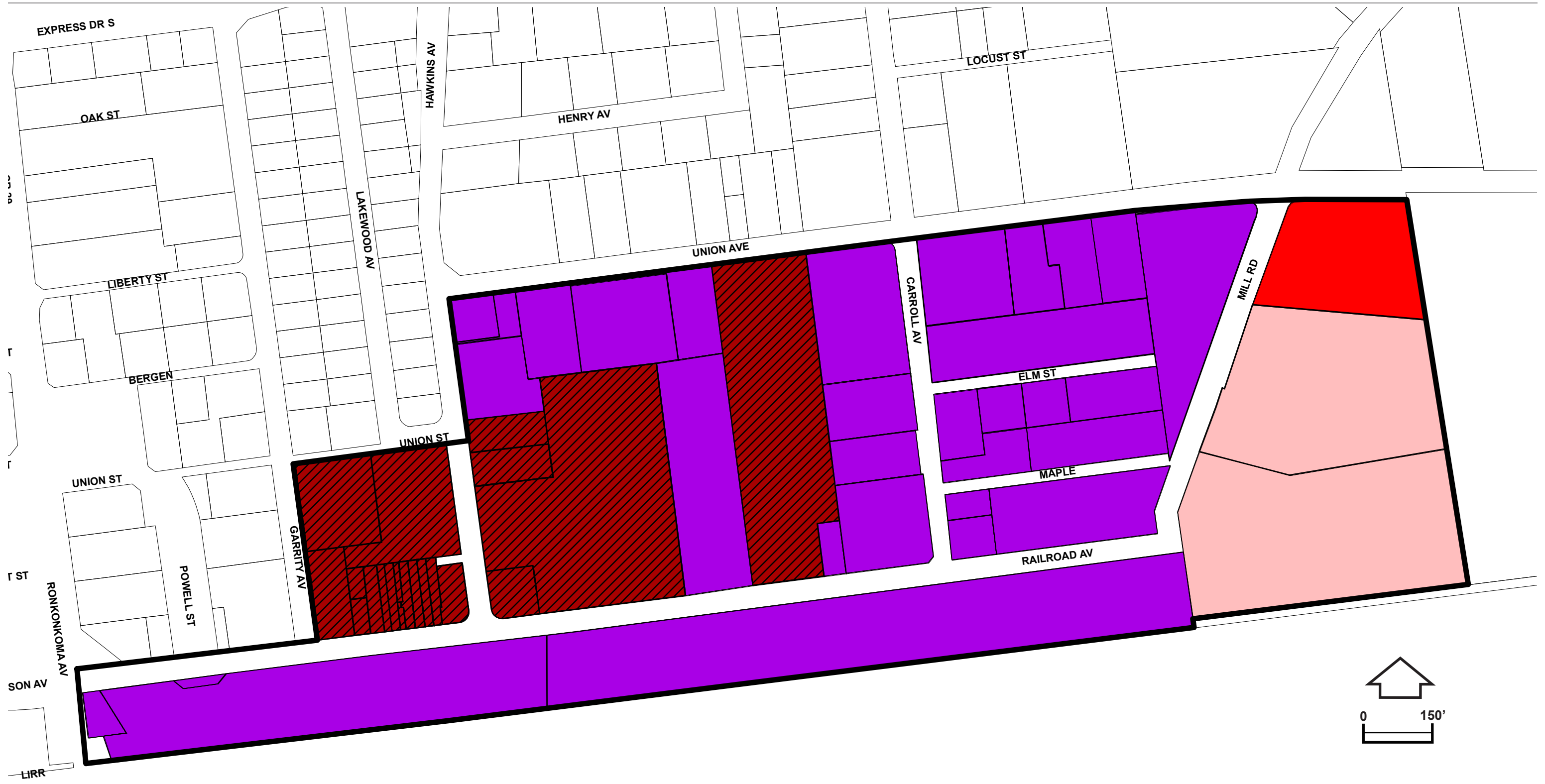


FIGURE 5

**Project Area Existing Zoning Map**

**Ronkonkoma Urban Renewal Plan, Town of Brookhaven, New York**



Project Area  
Town of Brookhaven  
Tax Parcel

**Zoning Classification**

J2 Business  
J4 Business

J6 Business  
L1 Industrial



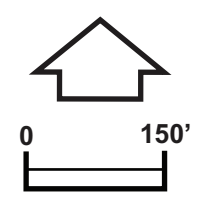


FIGURE  
6

**Project Area Proposed Zoning Map**

**Ronkonkoma Urban Renewal Plan, Town of Brookhaven, New York**

 Proposed TOD District

➤ Building Conditions

*Issues:*

Existing buildings within the Project Area are not adequate to accommodate the redevelopment recommendations within this *Urban Renewal Plan*. Further, there were observed deteriorated buildings within the Project Area, as seen in the following photographs.



**Photograph 1:** View of deteriorated building along the east side of Hawkins Avenue.



**Photograph 2:** View of deteriorated building along the east side of Garrity Avenue

The inadequacy of existing buildings within the Project Area to accommodate the recommended development densities will require the construction of new buildings.

*Recommendations:*

It is recommended to acquire and demolish all structures except for the existing MTA parking garage, and potentially the train station building(s). Individual buildings that are maintained and/or rehabilitated to eliminate code violations and blighting conditions, and which are proposed to be occupied in a manner which meets the objectives of this *Urban Renewal Plan* in terms of use, density, design and other factors, may be retained and integrated into the overall development.

➤ Public Improvements

*Issues:*

Sidewalk and curb areas within the Project Area are in disrepair and, in some cases, non-existent. Drainage infrastructure within the Project Area is also inadequate as pooling water along roadways was observed after rain events. Further, the lack of adequate sewerage infrastructure limits the building development potential of the Project Area.

*Recommendations:*

Redevelopment of the Project Area with development densities recommended by this *Urban Renewal Plan* would require improvements and upgrades to infrastructure, including roads, sidewalks, curbs, public hardscape and landscape, gas lines, water mains, electric distribution, storm water runoff collection systems, street and walkway lighting and public parking areas.

Additionally, the creation of a new sanitary sewer district by Suffolk County, with the STP planned for construction on the south side of the LIRR tracks would permit development densities significantly greater than those currently existing within the Project Area. As such, the redevelopment recommendations contained in this *Urban Renewal Plan* would be feasible in the context of permissible sanitary waste generation.

**C. Conformance with Local Land Use Plans, Policies, and Objectives for the Ronkonkoma Hub**

➤ 1996 Comprehensive Plan

As previously discussed, the *1996 Comprehensive Plan* recommends that, in order to create communities with a 'sense of place,' redevelopment proposals should include interconnecting streets, inclusion of sidewalks and bike lanes, provision of housing close to the street with a mix of housing types, and development of active recreational sites.

The *Urban Renewal Plan* recommends the development of a potential maximum of 1,450 residential dwelling units in multi-family apartment buildings along major thoroughfares in the Project Area (e.g., Union Avenue and Mill Road), incorporation of streetscape improvements to create a more attractive and inviting pedestrian environment, improvements to the existing street network to accommodate traffic generated from recommended development, and the provision of public designated outdoor spaces for recreation. Thus, the recommendations of the *Urban Renewal Plan* facilitate the overall vision articulated within the *1996 Comprehensive Plan*.

Specific recommendations for the Ronkonkoma Hub area within the *1996 Comprehensive Plan* include the expansion of parking areas to meet the demand of commuters, and the development of large-scale commercial and industrial uses.

As previously acknowledged, various parking improvements at the Ronkonkoma LIRR Station have been undertaken since the adoption of the *1996 Comprehensive Plan* to meet commuter demand. However, additional parking would be required as part of the *Urban Renewal Plan* in order to accommodate parking demand generated by recommended increased development densities. With regard to the *1996 Comprehensive Plan* recommendation for the development of large commercial and industrial uses, it has been determined through subsequent land use studies (discussed in Section III of this *Urban Renewal Plan*), that such uses are not appropriate for the Ronkonkoma Hub area. The high daily commuter volume, express train service to New York City at the

Ronkonkoma LIRR Station, and proximity to the Long Island Expressway make recommendations for redevelopment with higher density residential development, commercial, hospitality, institutional, office, and retail uses, conference, entertainment and exhibition venues, and public designated outdoor spaces for workers, visitors, and residents more appropriate.

Overall, therefore, the recommendations of the *Urban Renewal Plan* are consistent with the relevant goals outlined in the *1996 Urban Renewal Plan*.

➤ Draft Brookhaven 2030 Plan

The pertinent recommendations of the *Draft Brookhaven 2030 Plan*, and how the Urban Renewal Plan could achieve these goals, are discussed below.

- *Redirect growth to areas served by infrastructure, revitalized downtowns, and establish pedestrian-oriented centers that have a sense of place*

Implementation of the *Urban Renewal Plan* would result in the development of a new transit-oriented, mixed-use, community that better utilizes existing public transit infrastructure at the Ronkonkoma LIRR Station. Further, increased residential densities with complementary commercial, office and retail space, and outdoor spaces would create an active and inviting pedestrian environment, contributing to the creation of a 'sense of place' within the Ronkonkoma Hub.

- *Expand the range of transportation options*

New housing and job opportunities would be located within walking distance of public transit, thereby expanding the range of alternative transportation options beyond single-occupant vehicles. Further, the four Suffolk County Transit bus routes that provide service to the Ronkonkoma LIRR Station (i.e., 6A, 7A, 57, and 59) would be maintained.

➤ Ronkonkoma Hub Transit-Oriented Planning Study

The Vision Plan highlights from the *Ronkonkoma Hub Planning Study*, and how the *Urban Renewal Plan* could achieve them, are discussed below.

- *Public plazas at key intersections to provide public spaces for pedestrians and help activate the street*

A public plaza would be provided adjacent to the train station and sidewalks, including amenities such as street trees and street furniture, would help to activate the streets (see below).

- *Streetscape enhancements including sidewalks, signage, lighting and landscaping along Railroad Avenue, Mill Road and Hawkins Avenue*

Streetscape improvements are recommended along all existing and proposed streets within the Project Area to create a more attractive and inviting pedestrian environment.

- *Orient buildings towards the street edge along Railroad Avenue and Hawkins to help define the “Main Street” character*

The *Urban Renewal Plan* recommends that all redevelopment have frontage along the major corridors (i.e., Railroad, Hawkins and Union Avenues and Mill Road) and existing and proposed secondary roads in the Project Area.

- *Parking at the rear or interior of lots and seek opportunities for shared parking*

Parking for recommended uses in the Project Area would be situated within the existing MTA-owned parking deck, surface parking areas, on-street parking, subsurface parking, and above-ground structured parking along the south side of Railroad Avenue.

- *Active pedestrian-oriented uses on the ground floor, particularly along Railroad Avenue between Garrity Avenue and the Station*

It is recommended that ground floor redevelopment along Railroad Avenue feature a mixture of commercial, exhibition, institutional, hospitality, office, residential, retail, and public designated outdoor space uses to ensure an active pedestrian environment, to be complemented with streetscape improvements.

- *New development on the MTA “bus loop” site*

The MTA “bus loop” site would be redeveloped with mixed-use retail and office.

- *Buildings up to 5 stories on Railroad Avenue, up to 4 stories on Mill Road and up to 2.5 stories on Union Avenue*

Recommended redevelopment within the Ronkonkoma Hub area would include buildings that would have maximum heights of three-to-five-stories.

- *Streetscape enhancements to the Station plaza*

Streetscape improvements are recommended along all existing and proposed streets within the Project Area to create a more attractive and inviting pedestrian environment.

➤ *Mix of uses on upper floors*

Multiple mixed-use buildings are recommended, including buildings that feature commercial, exhibition, hospitality, institutional, office, residential, and/or retail uses.

➤ *Buildings oriented toward the street edge along Mill Road*

As previously discussed, all redevelopment along Mill Road would be oriented toward to the street.

➤ *Multi-family buildings oriented toward amenities such as parks or plazas*

Development of designated open/outdoor space of various types throughout the Project Area is recommended in order to provide recreational opportunities for residents, employees, and visitors.

➤ *Residential unit types mixed within development sites*

One- and two-bedroom residential units (rental and ownership) would be permitted.

➤ *Pedestrian connections to the Fairfield residential apartments, located immediately east of the Project Area.*

A pedestrian connection to the Fairfield residential apartments is recommended. It is also recommended that streetscape and pedestrian improvements provide convenient and safe access to this area.

Based on the foregoing, the recommendations of the *Urban Renewal Plan* are consistent with those goals described in the *Ronkonkoma Hub Planning Study*.

➤ **Long Island 2035 Comprehensive Regional Sustainability Plan**

The recommendations of the *Urban Renewal Plan* are generally consistent with the Environment & Infrastructure section of the “Sustainable Strategies for Long Island 2035 - December 2010,” which is part of the *Long Island 2035 Comprehensive Regional Sustainability Plan*. The *Urban Renewal Plan* recommends the redevelopment of the Project Area with a mix of uses, which would be within walking distance to the Ronkonkoma LIRR Station. Further, this *Urban Renewal Plan* addresses all of the benefits of transit-supported communities as outlined in the “Sustainable Strategies for Long Island 2035 - December 2010” plan.

➤ Town of Brookhaven Blight to Light Study

The *Urban Renewal Plan* would revitalize blighted conditions in the Project Area with a mix of uses, including higher density residential development, commercial, hospitality, institutional, office, and retail uses, conference, entertainment and exhibition venues, and public designated outdoor spaces, thus accomplishing the intent of the *Blight to Light Study*, which was accepted by the Town in October 2010.

**D. Methods of Implementation**

The *Urban Renewal Plan's* overall goals are to be reached through specific actions that are described below as "Methods of Implementation." Each of these methods is to be accomplished by one or more entities involved in the recommended redevelopment process, including the Town of Brookhaven and the selected master developer.

➤ Rezoning

The *Urban Renewal Plan* recommends that the Town of Brookhaven rezone the entire Project Area to a TOD District in order to facilitate the recommended redevelopment. The rezoning would be adopted by the Town Board as an action separate from the adoption of the Plan, after an analysis and report to the Town Board by the Town of Brookhaven Department of Planning, Environment, and Land Management.

➤ Land Acquisition

The *Urban Renewal Plan* would provide for the acquisition of all property within the Project Area for redevelopment purposes (with the potential exception of various MTA-owned properties, including the parking garage and the train station building[s]).<sup>4</sup> Property acquisition strategies include the purchase of individual properties by the selected master developer and, if necessary, the possible use of eminent domain by the Town of Brookhaven (as set forth in the MDDA, a copy of which is included in Attachment C). Any such use of eminent domain would follow the applicable requirements of New York State law.

➤ Demolition

The intent of the *Urban Renewal Plan* is to acquire and demolish all structures except for the existing MTA parking garage and potentially the train station building(s). Individual buildings that are maintained and/or rehabilitated to eliminate code violations and blighting conditions, and which are proposed to be occupied in a manner which meets the objectives of this Plan in terms of use, density, design and other factors, may be retained and integrated into the overall development.

▼  
<sup>4</sup> It is anticipated that a cooperative arrangement would be made with the MTA for the use of its property, which may or may not include, acquisition of property, licensing, etc.

➤ Relocation

As a result of acquisition of properties as described above, existing residents and businesses in the Project Area may require relocation. Depending upon whether the properties are acquired by the selected master developer through negotiation or by the Town of Brookhaven through the use of eminent domain, the displaced residents and/or businesses may be entitled to relocation benefits.

➤ Disposition and Redevelopment

All property acquired in accordance with the *Urban Renewal Plan* shall be made available for redevelopment or public improvement. The *Urban Renewal Plan* recommends higher density residential development, commercial and retail uses, entertainment and exhibition venues, and public designated outdoor spaces. The Town of Brookhaven Department of Planning, Environment, and Land Management would oversee the disposition of Town acquired property, if any, as well as the redevelopment of properties in accordance with the *Urban Renewal Plan*.

## **V. PROPOSED PUBLIC, SEMI-PUBLIC, PRIVATE, OR COMMUNITY FACILITIES OR UTILITIES**

Redevelopment of the Project Area should include improvements such as, but not limited to, roads, sidewalks, curbs, public hardscape and landscape, gas lines, water mains, electric distribution, stormwater runoff collection systems, street and walkway lighting and public parking areas. These improvements should be undertaken by both the Town of Brookhaven and the selected master developer, in coordination with the appropriate utility providers. Additionally, a new sewer district should be created by Suffolk County that includes the Project Area in order to permit the discharge of sanitary waste to the STP on the south side of the LIRR tracks.

## **VI. PROPOSED METHODS OR TECHNIQUES OF URBAN RENEWAL**

The methods by which this *Urban Renewal Plan* should be undertaken shall include property acquisition, relocation, demolition of structures on parcels to be redeveloped, adoption of a TOD District, and construction of necessary infrastructure, building space and amenities for recommended uses by the Town of Brookhaven and the selected master developer.

## **VII. PROPOSED TIME SCHEDULE FOR THE EFFECTUATION OF THE PLAN**

It is currently anticipated that effectuation of the *Urban Renewal Plan* could take approximately five-to- ten years, though this schedule could be affected by factors such as real estate market conditions. Implementation of this *Urban Renewal Plan* will begin upon its approval by the Town Board. After adoption of the *Urban Renewal Plan*, implementation of a TOD District would take place during the first year. It is anticipated that acquisition of properties and design of public improvements would continue through years one and two. Years three on would see the redevelopment of the Project Area, including the construction of necessary public improvements.



## VIII. DURATION OF PLAN CONTROLS

The regulations and controls contained in this *Urban Renewal Plan* shall be binding and effective by deed or lease upon all purchasers or lessors and their heirs and assigns in the Project Area, from the time of the approval of the *Urban Renewal Plan* by the Town of Brookhaven, New York, for 20 years, unless amended as provided therein.<sup>5</sup>

## IX. PROCEDURES FOR CHANGES IN THE APPROVED PLAN

The provisions of this *Urban Renewal Plan* may be modified or amended at any time by the Town Board of the Town of Brookhaven, New York. Major changes affecting proposed land uses, property acquisition, and project boundaries shall be undertaken in accordance with the procedures set forth in Article 15 and Article 15A of New York State law. Minor changes not affecting the above may be made by the Town Board upon recommendations of the Town of Brookhaven Department of Planning, Environment, and Land Management, following a public hearing and SEQRA review.

## X. PROVISIONS TO PRESERVE INTEGRITY OF PLAN

In order to preserve the integrity of the *Urban Renewal Plan*, the Town of Brookhaven Building Inspector shall notify the Commissioner of the Town of Brookhaven Department of Planning, Environment, and Land Management, upon receipt of any application for a permit for building construction or alteration for a certificate of occupancy for a structure or use within the Project Area. Pursuant to Section 503(h) of the General Municipal Law, for a period of three years from the approval of the *Urban Renewal Plan* by the Town Board, or of any further amendments or modifications thereto, the Building Inspector shall not issue a building construction or alteration permit or certificate of occupancy for a structure or use within the Project Area without having first obtained the consent of the Commissioner of the Town of Brookhaven Department of Planning, Environment, and Land Management, unless the construction, alteration or use is necessary for the immediate protection of the public health or safety. The Commissioner of the Department of Planning, Environment, and Land Management of the Town of Brookhaven shall consent to the issuance of certificates of occupancy and permits upon determination that the proposed construction, alteration or use is not consistent with the *Urban Renewal Plan* or any amendments thereto. The Commissioner of the Town of Brookhaven Department of Planning, Environment, and Land Management shall have the power to reject any proposals that are inconsistent with the *Urban Renewal Plan* in order to preserve the integrity of the *Urban Renewal Plan*. This provision in no way usurps the approval authority of the Town Board, Planning Board, Board of Zoning Appeals, or any other entity of the Town, after the Commissioner of the Department of Planning, Environment and Land Management determines that a proposed action is consistent with the *Urban Renewal Plan* or any amendments thereto.

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<sup>5</sup> The MDDA provides that the agreement expires if no construction commences within ten years of the date thereof.



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# Attachment A


# *The Ronkonkoma HUB Study Area*

Hamlet of Ronkonkoma  
Town of Brookhaven  
New York

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Prepared for **Town of Brookhaven Town Board**  
**Farmingville, New York**

Prepared by

 **Engineering, Surveying and Landscape Architecture, P.C.**  
*Hauppauge, New York*

**September 2012**

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Appendix A - Section 85-495 of the Town of Brookhaven Town Code

Appendix B - Blight Study Field Observations

## I. INTRODUCTION

This report presents an analysis of existing conditions within an area referred to as the “Ronkonkoma Hub,” in the hamlet of Ronkonkoma, Town of Brookhaven, Suffolk County, New York) for the purpose of determining whether this area contains blighted conditions, as set forth in Article 15 of New York State General Municipal Law. The Ronkonkoma Hub includes approximately 54± acres, and its boundaries are defined by Union Avenue and Union Street to the north, Village Plaza Drive to the east, the LIRR Ronkonkoma Branch rail line to the south, and Garrity Avenue and Hawkins Avenue to the west (hereinafter the “Study Area,” see (Figure 1).

The Study Area conditions were analyzed in accordance with the provisions of Article 15 of New York State General Municipal Law, which grants municipalities the power to redevelop areas in their jurisdiction that contain blighting conditions. The legislative findings state, in pertinent part:

*“It is hereby found and declared that there exist in many municipalities within this state areas that are residential or predominantly residential, non-residential or predominantly non-residential, commercial or predominantly commercial, industrial or predominantly industrial, vacant or predominantly vacant and which are characterized by insanitary and substandard conditions, or which are deteriorated or deteriorating, owing to obsolete and dilapidated buildings and structures...physical deterioration...excessive land coverage...inadequate maintenance, buildings abandoned or not utilized in whole or substantial part...poorly or improperly designed street patterns and intersections, inadequate access to area, blocks and lots of irregular form, shape or insufficient size, width or depth...which hamper or impede proper and economic development of such areas and which impair or arrest the sound growth and development of the area, community or municipality...”*

Article 15 further defines “Substandard or insanitary areas,” in part, as follows:

*“The term ‘substandard or insanitary area’ shall mean and be interchangeable with a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area, whether residential, non-residential, commercial, industrial (or) vacant...”*



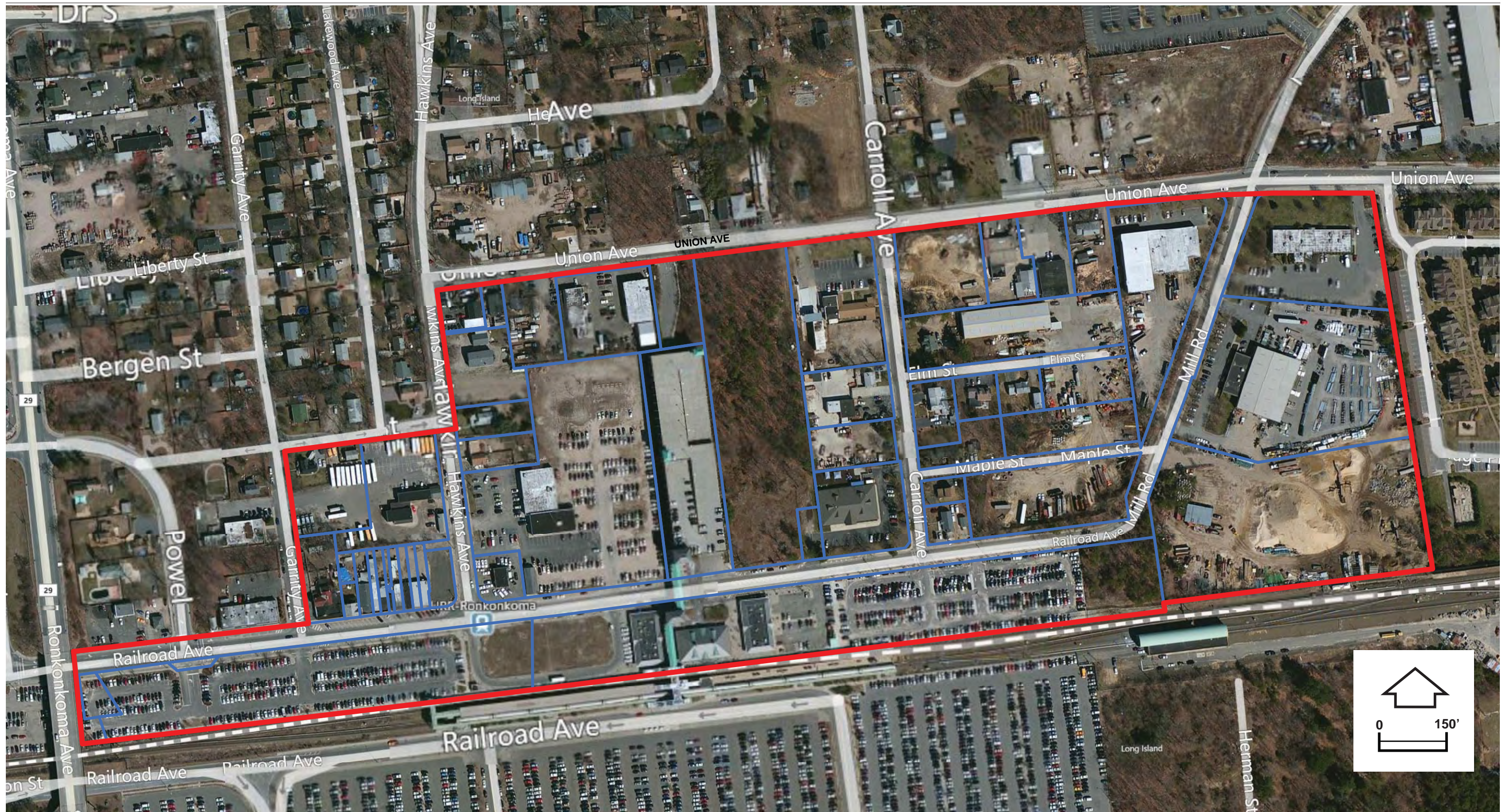


FIGURE 1

**Ronkonkoma Hub Study Area**

Ronkonkoma HUB Blight Study | Town of Brookhaven, New York

- Study Area
- Town of Brookhaven Tax Parcel

August 2012 | source: Town of Brookhaven Provided Geographic Information Systems Data





The Ronkonkoma Hub was identified within the Town of Brookhaven's *Draft Blight to Light Study* (September 2010), a study undertaken to identify blighted properties and areas within the Town and facilitate their redevelopment through the institution of zoning, permitting and financial incentives.

Within the *Draft Blight to Light Study*, it was noted that the Ronkonkoma LIRR Station itself had limited retail and commercial space, and the surrounding area was characterized by buildings that were deteriorating and/or vacant. In addition, there was a notable lack of economic activity befitting an area with such high passenger volumes. Other constraints identified in the area included "chaotic zoning patterns" and a "lack of investment" (pp. 56-7). The vision for the area articulated within the *Draft Blight to Light Study* was as a "major destination for living, working, shopping, and dining..." (pg. 56). This Blight Study supplements the Town's *Draft Blight to Light Study* by further evaluating the conditions of individual parcels within the Ronkonkoma Hub.

Additionally, pursuant to Article XLI of Chapter 85 of the Town of Brookhaven Town Code ("Town Code"), the Town of Brookhaven found that:

*"...blighted properties have prevented and arrested the sound growth and development of the local community. These blighted properties are predominantly commercial or industrial in nature and are characterized by deteriorating and/or abandoned buildings, in whole or substantial part thereof, and are typically inadequately maintained with debris, litter and/or trash accumulation and are lacking in basic public amenities. It is the purpose of this initiative to implement and achieve the objectives of the Town Board by providing clear guidelines to accomplish the following goals:*

- A. Eliminate blighted properties throughout the Town.*
- B. Stimulate the revitalization of abandoned, vacant or underutilized blighted properties.*
- C. Where appropriate, encourage the demolition of existing abandoned, vacant or underutilized structures.*
- D. Where appropriate, encourage adaptive reuse of abandoned, vacant or underutilized business or manufacturing buildings or structures.*

- E. *Promote development or redevelopment of multiple structures in a coordinated fashion.*
- F. *Encourage flexibility in site and architectural design.*
- G. *Maintain a consistently high level of design quality.*
- H. *Establish redevelopment procedures that define and maintain a clear and predictable site plan review process. Administrative policies should support this objective, sending a positive message to landowners and developers.*
- I. *Encourage applications to the Town of Brookhaven Industrial Development Agency for possible tax abatement of qualifying projects.*
- J. *Encourage applications to the County of Suffolk and other municipalities to further enhance the redevelopment of these properties.”*

To this end, the Town of Brookhaven has developed criteria to assess the extent to which blight has impacted an individual property. These criteria include assessment of vacancies, vandalism, building deterioration, and obstacles to adaptive reuse among other categories. For a complete description of the blight rating criteria, see Section 85-495 of the Town Code, a copy of which is included in Appendix A of this Blight Study.

This analysis of the Study Area has been undertaken to determine if there is sufficient evidence to declare the area blighted under the requirements of Article 15 of New York State General Municipal Law. Field inspections of the Study Area, conducted in July and August, 2012, evaluated building and site conditions, land uses, including under-utilization of land, and conformity of existing buildings to land use regulations. The survey was supplemented with reviews of aerial photographs and Geographic Information Systems (GIS)-based tax parcel and building data maintained by the Town of Brookhaven. Also considered were data pertaining to building code violations, crime statistics, fire violations, and constituent complaints, for properties within the Study Area.

As explained in greater detail in later sections of this study, the results of this survey found evidence



of significant blight, as the Study Area is characterized by:

- Vacant properties and buildings
- Underutilized properties and buildings
- Deteriorated buildings
- Inadequate sidewalks and curbs
- Inadequate drainage and sewerage infrastructure
- Incompatible uses
- Aesthetic and visual detriments.

If blighting conditions within the Study Area are determined to be of a significant enough nature, such as contributing to a blighting influence on the Study Area and the surrounding area and deterring economic activity (i.e., job creation and property tax revenue), the Town can designate the area as appropriate for urban renewal and prepare an urban renewal plan to remedy those conditions. Pursuant to Section 502 of Article 15 of New York State General Municipal Law, “Urban renewal” is defined, in part, as follows:

*“A program established, conducted and planned by a municipality for the redevelopment, though clearance, replanning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities...”*

An “Urban renewal plan” is defined in Section 502 as follows:

*“A plan for an urban renewal project, which shall conform to the comprehensive community plan for the development of the municipality as a whole and which shall be consistent with local objectives. Such urban renewal plan shall include but shall not be limited to: a statement of proposed land uses; proposed land acquisition, demolition and removal of structures; proposed acquisition of air rights*

*and concomitant easements or other rights of user necessary for the use and development of such air rights; proposed methods or techniques of urban renewal; proposed public, semi-public, private or community facilities or utilities; a statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the plan; proposed program of code enforcement; a proposed time schedule for the effectuation of such plan, and such additional statements or documentation as the agency may deem appropriate.”*

Designation of an area as appropriate for urban renewal and adoption of an urban renewal plan by a municipality allows the municipality flexibility in implementing a redevelopment plan through a variety of actions. These could include actions such as: applying for federal or state funding assistance; demolition, clearance, rehabilitation and/or improvement of properties; implementation of land use and design controls; acquisition of properties, which may include the use of eminent domain and disposition of properties.

## II. EXISTING CONDITIONS

This section defines the extent of the Study Area and describes the existing conditions within the Study Area, including existing zoning and land uses, based on field observations and data provided by the Town of Brookhaven and other municipal agencies.

### A. Definition of the Study Area

The Study Area was initially defined and then evolved through a series of planning studies sponsored by the Town of Brookhaven. The purpose of these studies was to develop a vision that includes compact, mixed-use redevelopment of underutilized land that supports and expands on the high ridership of and recent improvements made to the Ronkonkoma LIRR Station. The desired outcome of these planning studies was a long-term development strategy that established clear and predictable guidance for the revitalization of the blighted, vacant and/or underutilized parcels.

This series of studies began with the *Ronkonkoma Hub Planning Study – Phase 1* (hereinafter the *Phase 1 Study*), developed in April 2008. The *Phase 1 Study* evaluated 181± acres surrounding the Ronkonkoma LIRR Station, including analysis of existing zoning, multi-family housing demand, parking, building space, and transportation infrastructure as well as the creation of goals and objectives and preliminary analysis of the development potential for priority development sites. The *Ronkonkoma Hub Planning Study – Phase 2* (hereinafter the *Phase 2 Study*), which followed in March 2009, generated a long-term vision and implementation strategy aimed at providing guidance to all interested parties on potential future development around the Ronkonkoma LIRR Station.

Based on these two planning studies, the *Ronkonkoma Hub Planning Study – Phase 3* (hereinafter the *Phase 3 Study*) was undertaken in August 2010. The *Phase 3 Study* established a vision for redevelopment of 54± acres that were chosen mostly because they are located on key “gateway” roadways serving the Ronkonkoma LIRR Station (Railroad Avenue, Hawkins Avenue, and Mill Road), where more viable land uses and higher density development would be most appropriate and complementary to existing uses. The *Phase 3 Study* established the Study Area, which consists of 54 tax parcels (see Table 1 and Figure 2). As previously discussed, the boundaries of the Study Area are Union Avenue and Union Street to the north, Village Plaza Drive to the east, the LIRR Ronkonkoma

Branch rail line to the south, and Garrity Avenue and Hawkins Avenue to the west. The total approximate gross floor area (gfa) of buildings within the Study Area is 232,979± square feet, based on GIS data maintained by the Town of Brookhaven.<sup>1</sup>

**Table 1 - SCTM Parcels and Property Ownership in the Study Area**

No.	Suffolk County Tax Map Number (SCTM)	Name of Owner
1	200 - 799 - 3 - 32	14 Hawkins Avenue, LLC
2	200 - 799 - 3 - 33.1	14 Hawkins Avenue, LLC
3	200 - 799 - 3 - 33.2	55 Property Corp.
4	200 - 799 - 3 - 34	Gregory J. Mensch
5	200 - 799 - 3 - 35	Band Construction, Inc.
6	200 - 799 - 3 - 36	Antonio Melo
7	200 - 799 - 3 - 37	Micah Disipio
8	200 - 799 - 3 - 38	65 Railroad Avenue, LLC
9	200 - 799 - 3 - 39	63 Railroad Avenue, LLC
10	200 - 799 - 3 - 40.1	61 Property Corp.
11	200 - 799 - 3 - 40.2	61 Properties Corp.
12	200 - 799 - 3 - 41	John & Lily Bedell
13	200 - 799 - 3 - 42	55 Property Corp.
14	200 - 799 - 3 - 43	51 Property Corp.
15	200 - 799 - 3 - 44	Bernett & Gordon Realty Co.
16	200 - 799 - 3 - 45.1	M.T.A (LIRR)
17	200 - 799 - 3 - 49	M.T.A (LIRR)
18	200 - 799 - 3 - 50	M.T.A (LIRR)
19	200 - 799 - 4 - 44	NHP Realty, LLC
20	200 - 799 - 4 - 47.1	On-Track Realty, LLC
21	200 - 799 - 4 - 48	Margaret Higgins & Jerome Gaynor
22	200 - 799 - 4 - 49	Community Housing Innovations, Inc.
23	200 - 799 - 4 - 51.1	Marco Giangrasso
24	200 - 799 - 4 - 52	Hawkins & Union Avenue Realty, LLC
25	200 - 799 - 4 - 53	Carmine E. Dorsi
26	200 - 799 - 4 - 54	Anthony & Blase Davi
27	200 - 800 - 1 - 27.1	Anthony & Blase Davi
28	200 - 800 - 1 - 28	M.T.A. & R. Bergen David S. Symons
29	200 - 800 - 1 - 31.1	Island Wide, LLC
30	200 - 800 - 1 - 33.1	Carroll Properties, Inc.
31	200 - 800 - 1 - 34	Nelson Fernandes & Magalhaes Americo
32	200 - 800 - 1 - 35.7	Tudor Station Plaza, LLC c/o Island Estates
33	200 - 800 - 1 - 35.8	Ronkonkoma Railroad Properties, LLC

▼  
<sup>1</sup> Excluding MTA-Owned Parcels

No.	Suffolk County Tax Map Number (SCTM)	Name of Owner
34	200 – 800 – 1 – 35.9	Tudor Station Plaza, LLC
35	200 – 800 – 1 – 36	M.T.A (LIRR)
36	200 – 800 – 1 – 38	M.T.A (LIRR)
37	200 – 800 – 2 – 9	Holbrook Truck & Equipment Leasing, Inc.
38	200 – 800 – 2 – 10	William & Mildred Mallins
39	200 – 800 – 2 – 11	William & Mildred Mallins
40	200 – 800 – 2 – 12	William & Mildred Mallins
41	200 – 800 – 2 – 13	Subsurface Maintenance Corp.
42	200 – 800 – 2 – 14	Subsurface Maintenance Corp.
43	200 – 800 – 2 – 15	James Zambik
44	200 – 800 – 2 – 16	Wiencyzyslaw & Gabriela Odynocki
45	200 – 800 – 2 – 17	Joseph Urban
46	200 – 800 – 2 – 18	Calvin C. Lorenz
47	200 – 800 – 2 – 19	William A. Mallins
48	200 – 800 – 2 – 20	Yashvinder & Jaspir Mahajan
49	200 – 800 – 2 – 21	Anthony Mingoia
50	200 – 800 – 2 – 22	William A. Mallins
51	200 – 800 – 2 – 23	John Lock & George McDowell
52	200 – 800 – 2 – 28.1	Lock & McDowell, Inc.
53	200 – 800 – 2 – 28.3	Unified Credit Trust & G&D Oakland & C. Hill Trustee
54	200 – 800 – 2 – 28.4	Unified Credit Trust & G&D Oakland & C. Hill Trustee

Source: Town of Brookhaven Assessor's Office

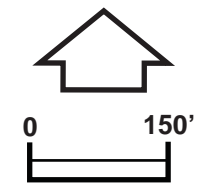


FIGURE 2 Study Area Tax Parcels

- Study Area
- Tax Parcel

August 2012 | source: Town of Brookhaven Provided Geographic Information Systems Data



**B. Existing Land Use**

The Study Area comprises a total of 54 tax parcels, containing residential, commercial, industrial, and public land uses (see Figure 3). Seven tax parcels (i.e., SCTM Nos. 799-3-35, 40.2, 42, 43 and 44; 799-4-48; and 800-2-15) were observed to contain a vacant or partially-vacant building (totaling approximately 12,793±-square feet of building area [gfa], or approximately 5.5 percent of the total building area [gfa] within the Study Area). Three tax parcels (i.e., SCTM Nos. 799-3-32 and 40.1; and 800-1-35.8) were found to be vacant (i.e., lacked development or any activity, such as commercial storage or staging uses) (totaling 3.52±-acres or 6.5± percent of the 54±-acre Study Area). SCTM No. 800-1-35.8, located immediately east of the LIRR Parking Structure along Railroad Avenue, constitutes 3.4± acres itself, creating a large, inactive void within the Study Area. Several tax parcels were observed to be active, but not developed with any structures (i.e., surface parking lots for the riders of the Ronkonkoma LIRR, commercial storage and/or staging, and industrial activities).

A majority of the tax parcels were observed to contain commercial uses, especially automobile-related businesses, including repair shops. Other commercial uses in the Study Area include lawn mower repair, general retail, offices, open-air storage and staging lots, a warehouse, gym, and private parking facility. There were also several single-family residential uses scattered throughout the Study Area. Several tax parcels are associated with the Metropolitan Transportation Authority (MTA), including the LIRR Ronkonkoma terminal station and associated parking lots and parking structure located along Railroad Avenue. Additionally, several lots were observed to be mixed-use, developed with both commercial and residential uses. Table 2 below includes a summary of land uses in the Study Area.

**Table 2 – Observed Land Uses in the Study Area**

Land Use	Number of SCTM Parcels
Commercial	29
Residential	6
Industrial	1
Land Uses Associated with the MTA	6
Mixed-Use (Commercial and Residential)	2 <sup>1</sup>
Parcels with Vacant or Partially Vacant Buildings	7
Undeveloped	3
<b>Total:</b>	<b>54</b>

Sources: VHB Field Surveys, July and August, 2012; Town of Brookhaven GIS data

<sup>1</sup>This count does not include parcels where a vacant commercial use and active residential use were observed.











FIGURE 3

**Existing Land Use**

Ronkonkoma HUB Blight Study | Town of Brookhaven, New York

**Land Use Classification**

-  Study Area
-  Town of Brookhaven Tax Parcel
-  Residential
-  Mixed Use Residential and Commercial
-  Commercial
-  Industrial
-  LIRR Ronkonkoma Station
-  Vacant Structure
-  Parking Facility
-  Undeveloped Land

August 2012 | source: Town of Brookhaven Provided Geographic Information Systems Data





**C. Existing Zoning**

According to GIS-based SCTM parcel data provided by the Town of Brookhaven, parcels within the Study Area are situated within four zoning districts, including: L1 (Light Industry); J-6 (Main Street Business District); J-2 (General Business); and J-4 (Professional and Business Offices)(see Figure 4 and Table 3 below).

**Table 3 – Existing Zoning in the Study Area**

Zoning District	Number of Lots
L1: Light Industry	32
J-6: Main Street Business District	19
J-2: General Business	2
J-4: Business – Office Building	1
<b>Total:</b>	<b>54</b>

Source: Town of Brookhaven GIS data

The permitted uses within each of these zoning districts are summarized in Table 4 below.

**Table 4 – Current Zoning and Summary of Permitted Uses within the TOD District Area**

Zoning District	Summary of Permitted Uses
L1: Light Industry	Agriculture; banks; churches; commercial laundry; day-care facility; health club; manufacturing; office; printing plants; research and development; veterinarian; and warehouse
J-6: Main Street Business District	Retail and personal service stores; restaurants and bars; offices; banks; museums; theaters; studios; indoor recreation; private instruction schools; institutions; and second story residential or office use
J-2: General Business	Banks (without drive-through facility); bowling alleys; places of worship; commercial centers; day care facilities; delicatessens; dry cleaners; health clubs; Laundromats; non-degree granting schools; offices; personal service shops; pharmacies (without drive-through facility); retail stores; shops for custom work; take-out restaurants; undertaking establishments; veterinarians
J-4: Business –Office Building	Offices; art galleries; banks; day care facilities; exhibit halls; undertaking establishments

Source: Chapter 85 of the Town of Brookhaven Town Code

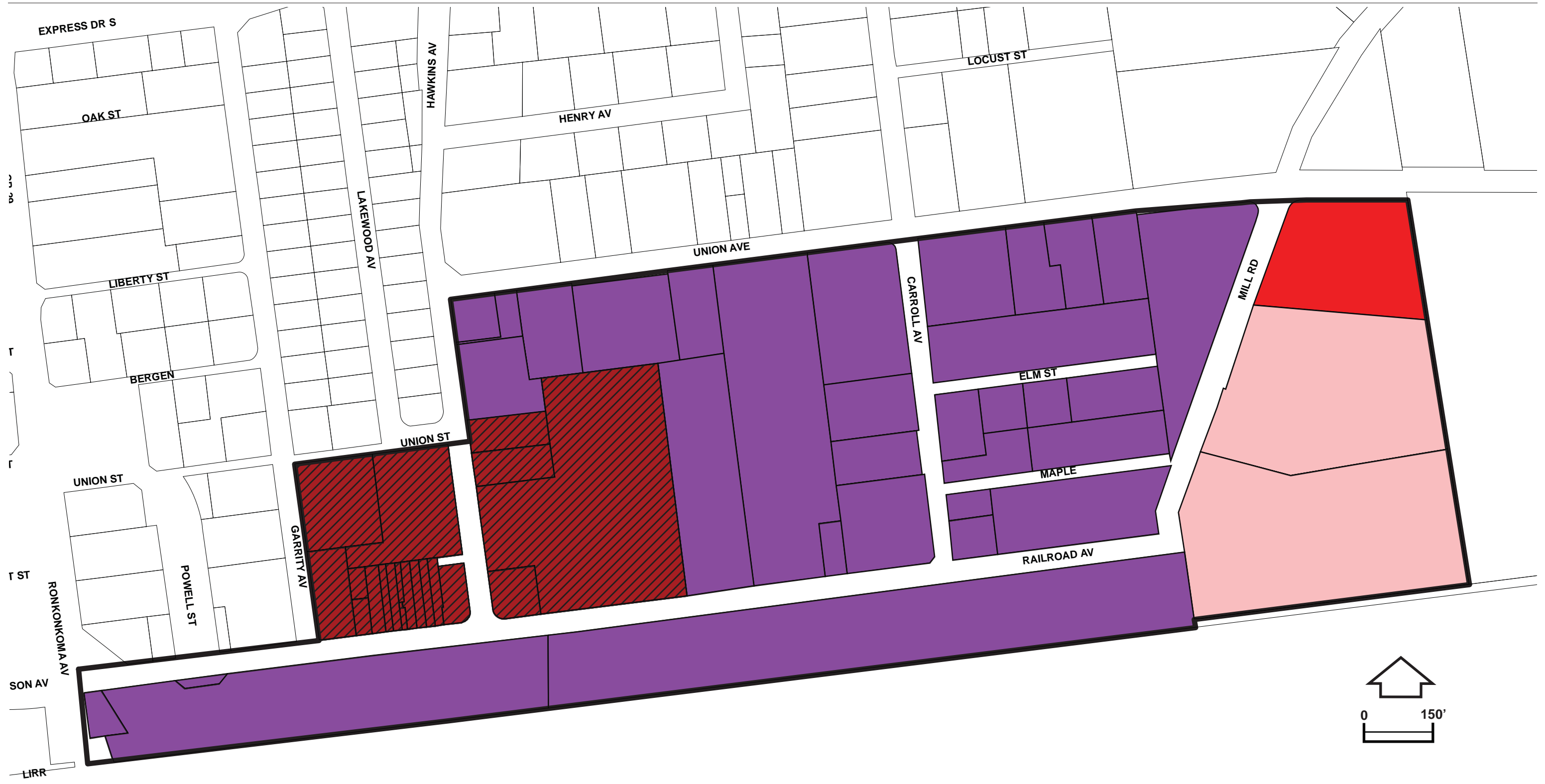


FIGURE 4





**Existing Zoning**

Ronkonkoma HUB Blight Study | Town of Brookhaven, New York



Study Area  
Town of Brookhaven  
Tax Parcel

**Zoning Classification**

- |   |  |
|---|--|
|  J2 Business |  J6 Business   |
|  J4 Business |  L1 Industrial |

August 2012 | source: Town of Brookhaven Provided Geographic Information Systems Data



Table 5 below summarizes the lot and bulk regulations for each of the four zoning districts within the Study Area.

**Table 5 - Lot and Bulk Regulations for Study Area Zoning Districts**

	L1 District	J-2 District	J-6 District	J-4 District
Maximum Height (Feet/Stories)	50/3	35/2	30/2	35/2.5
Maximum Building Area (Percent)	60	50%	30%	30
Minimum Lot Area (Square Feet)	20,000	4,000	4,000 <sup>1</sup>	9,000
Minimum Road Frontage (Feet)	100	40	100	75
Minimum Front/Rear Yard Setbacks (Feet)	30/50	15/20	40/30	40/35
Side Yard Setback (Feet)	10 (Both)	10 <sup>2</sup>	12 (Both)	10 <sup>3</sup>
Maximum Floor-to-Area Ratio (FAR)	0.35 <sup>4</sup>	0.35 <sup>5</sup>	0.60 <sup>6</sup>	0.25

**Source:** Chapter 85 of the Town of Brookhaven Town Code

**Notes:**

- (1) The minimum required lot area for a hotel, place of assembly, private or public automobile parking field or garage shall be two acres
- (2) The minimum required side yard setback for a bank or pharmacy with a drive-through facility shall be 25 feet; The minimum required side yard setback for a commercial center or regional movie theater shall be 50 feet.
- (3) The minimum required side yard setback for a bank with an accessory drive-through facility or an office use with an accessory restaurant or take-out restaurant use shall be 25 feet
- (4) The maximum permitted FAR for a parcel within a designated hydrogeologic sensitive zone shall be 30 percent; the maximum permitted FAR for an electric generating facility shall be 25 percent.
- (5) The maximum permitted FAR for a commercial center or regional movie theater shall be 20 percent; the maximum permitted FAR for a commercial center with a large commercial retailer use shall be 16 percent.
- (6) Maximum building area shall be less than 60,000 square feet of gross floor area.

### III. BLIGHT AND BLIGHTING FACTORS

In order to assess the presence of blighting factors, field surveys of the Study Area were conducted with visual inspections of lots, buildings, and public improvements. GIS-based tax parcel and building footprint data for the Study Area provided by the Town of Brookhaven supplied ownership details, lot size, building coverage and other information. Additionally, the Town of Brookhaven provided data with regard to building code violations, inadequacies in the water and sewerage infrastructure and fire code violations, among other information.

#### A. Vacant Properties and Buildings

As previously discussed, a total of seven tax parcels were observed to contain vacant and partially vacant buildings (representing approximately 5.5 percent of the total building area [gfa] within the Study Area). Three tax parcels were identified as vacant, one via the field survey and two additional lots via aerial photography and GIS data, as these two parcels were not visible from publicly-accessible locations.<sup>2</sup> The photographs below illustrate examples of vacant buildings and properties within the Study Area (for additional photographs of vacant buildings and properties within the Study Area, refer to Appendix B). Figure 3 identifies the vacant buildings and properties observed in the Study Area.



**Photograph No. 1:** View of vacant building along Railroad Avenue



**Photograph No. 2:** View of vacant property along Railroad Avenue.

▼  
<sup>2</sup> SCTM Nos. 799-3-33.2 and 799-3-40.1

Vacant buildings and properties indicate economic stagnation, including lack of job creation and loss of property tax revenue, as well as contributing to an aesthetically and visually unattractive appearance.

**B. Underutilized Properties and Buildings**

Underutilized properties are generally those properties that are not developed or utilized to their maximum potential, based upon prevailing zoning. Based upon prevailing zoning within the Study Area, it was determined that the maximum development potential of the total area of parcels not under MTA ownership (as these parcels are not subject to local zoning<sup>3</sup>) is approximately 601,725± square feet of total building area (gfa)<sup>4</sup> (see Table 6). It is important to note that the maximum calculated permitted gross floor area excludes MTA-owned parcels, as these parcels are not subject to local zoning.

**Table 6 – Estimated Development Potential in terms of GFA within the Study Area, by Zoning District**

Zoning District	Area Situated with Zoning District (Square Feet)	Maximum Permitted Floor Area Ratio	Maximum Calculated Permitted Gross Floor Area (Square Feet)
L-1 District	829,136±	0.35	290,198±
J-2 District	357,262±	0.35	125,042±
J-4 District	82,946±	0.25	20,737±
J-6 District	357,025±	0.60	165,750± <sup>1</sup>
<b>Total:</b>	<b>1,626,369±<sup>2</sup></b>	-	<b>601,725±</b>

Source: Town of Brookhaven provided GIS data.

**Notes:**

(1) Pursuant to Section 85-251 of the Town Code, the maximum gfa permitted on a lot within the J-6 Zoning District is 60,000 square-feet. Thus, the maximum calculated permitted gfa of SCTM No. 799-4-47.1, situated within the J-6 Zoning District and comprising approximately 180,774± square feet, is 60,000 square feet. The maximum calculated permitted gfa of all tax parcels within the Study Area situated within the J-6 Zoning District that do not exceed the 60,000-square-foot threshold is 105,750± square feet. Therefore, the maximum calculated permitted gfa for all tax parcels situated within the J-6 zoning district is 165,750± square feet.

(2) Excludes MTA-Owned parcels, which comprise approximately 11.8± acres and the area comprised of roadways (4.9± acres).

As previously mentioned the current total building area (gfa) within the Study Area is approximately 232,979± square feet,<sup>5</sup> which represents approximately 39± percent of the maximum potential building area in accordance with the prevailing zoning. As such, there is a potential gross floor area underutilization of approximately 368,746± square feet in gross floor area. It is recognized that it may

<sup>3</sup> SCTM Nos. 200-799-3-45.1, 49, and 50, and 800-1-28, 36, and 38.

<sup>4</sup> It is noted that while the Study Area comprises approximately 54± acres, approximately 4.9± acres of Study Area are comprised of roads and as such, the total area of all development parcels within the Study Area is approximately 49.1± acres.

<sup>5</sup> Excluding parking structure and LIRR Station buildings on the north and south sides of Railroad Avenue, respectively.

not be feasible to achieve the maximum permitted development on any individual lot due to particular site conditions such as lot configuration, frontage, parking requirements, etc. Nonetheless, this analysis provides an indication of the extent of unrealized development potential within the Study Area. Figure 5 and Table 7 below identify tax parcels within the Study Area that are underdeveloped when compared to estimated maximum calculated permitted gross floor area.



**Table 7 – Maximum Development Potential and Current Gross Floor Area Utilization within Study Area, by Tax Parcel (Excludes MTA-Owned Parcels)**

Tax Parcel	Zoning District	Lot Area (Square Feet)	Maximum FAR	Maximum Permissible GFA	Existing GFA	Utilization (Percent)
799-3-32	J6	34,777±	0.60	20,866	1,776±	9%
799-3-33.1	J6	47,455±	0.60	28,473	8,996±	32%
799-3-33.2	J6	2,636±	0.60	1,581	0	0%
799-3-34	J6	7,809±	0.60	4,685	0	0%
799-3-35	J6	3,335±	0.60	2,001	1,160±	58%
799-3-36	J6	3,009±	0.60	1,806	1,183±	66%
799-3-37	J6	3,245±	0.60	1,947	1,296±	67%
799-3-38	J6	3,270±	0.60	1,962	1,280±	65%
799-3-39	J6	703±	0.60	422	445±	106%
799-3-40.1	J6	1,135±	0.60	681	0	0%
799-3-40.2	J6	3,042±	0.60	1,825	1,174±	64%
799-3-41	J6	2,539±	0.60	1,524	1,164±	76%
799-3-42	J6	4,719±	0.60	2,831	2,185±	77%
799-3-43	J6	2,989±	0.60	1,793	2,897±	162%
799-3-44	J6	17,214±	0.60	10,328	5,345±	52%
799-4-44	J6	11,578±	0.60	6,947	1,336±	19%
799-4-47.1	J6	180,773±	0.60	60,000 <sup>1</sup>	14,550±	24%
799-4-48	J6	13,523±	0.60	8,114	2,199±	27%
799-4-49	J6	13,273±	0.60	7,964	2,957±	37%
799-4-51.1	L1	28,196±	0.35	9,868	3,349±	34%
799-4-52	L1	9,859±	0.35	3,451	2,187±	63%
799-4-53	L1	5,635±	0.35	1,972	1,892±	96%
799-4-54	L1	25,075±	0.35	8,776	734±	8%
800-1-27.1	L1	43,208±	0.35	15,123	18,310±	121%
800-1-31.1	L1	59,885±	0.35	20,960	8,751±	42%
800-1-33.1	L1	25,774±	0.35	9,021	3,237±	36%
800-1-34	L1	19,510±	0.35	6,828	0	0%
800-1-35.7	L1	39,916±	0.35	13,971	15,919±	114%
800-1-35.8	L1	149,591±	0.35	52,357	0	0%
800-1-35.9	L1	6,000±	0.35	2,100	0	0%
800-2-10	L1	20,042±	0.35	7,015	4,460±	64%
800-2-11	L1	19,312±	0.35	6,759	8,429±	125%
800-2-12	L1	20,051±	0.35	7,018	1,448±	21%
800-2-13	L1	64,393±	0.35	22,537	27,284±	121%
800-2-14	L1	20,794±	0.35	7,278	0	0%
800-2-15	L1	10,075±	0.35	3,526	1,893±	54%
800-2-16	L1	10,164±	0.35	3,557	2,822±	79%
800-2-17	L1	14,903±	0.35	5,216	3,286±	63%
800-2-18	L1	14,895±	0.35	5,213	1,417±	27%
800-2-19	L1	30,625±	0.35	10,719	0	0%
800-2-20	L1	5,878±	0.35	2,057	1,396±	68%
800-2-21	L1	9,013±	0.35	3,155	1,062±	34%
800-2-22	L1	56,490±	0.35	19,771	0	0%
800-2-23	L1	80,075±	0.35	28,026	28,355±	101%
800-2-28.1	J4	82,946±	0.25	20,737	10,555±	51%
800-2-28.3	J2	162,811±	0.35	56,984	36,249±	64%
800-2-28.4	J2	194,450±	0.35	68,058	0	0%
800-2-9	L1	39,778±	0.35	13,922	0	0%
<b>Total:</b>	-	<b>1,626,369±<sup>2</sup></b>	-	<b>601,725±</b>	<b>232,979±<sup>3</sup></b>	-

**Notes:**

(1) Pursuant to Section 85-251 of the Town Code, the maximum gfa permitted on a lot is 60,000 square-feet.

(2) Excludes MTA-Owned parcels; Variation in total lot area due to rounding errors

Vacant Tax Parcel
Underutilized Tax Parcel

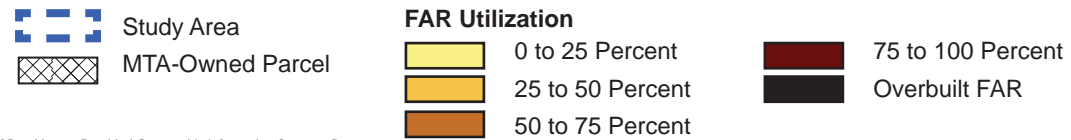
**Source:** Town of Brookhaven provided GIS-based parcel and building footprint data



FIGURE 5

**Floor-to-Area Ratio Utilization in the Study Area, by Tax Parcel**

Ronkonkoma HUB Blight Study | Town of Brookhaven, New York



August 2012 | source: Town of Brookhaven Provided Geographic Information Systems Data



As indicated in Table 7, various tax parcels are completely underutilized (i.e., they have no built space at all), while many other parcels feature some built space but could potentially allow for significant additional development potential per the Town of Brookhaven zoning code. Specifically, 11 tax parcels (which have the potential for approximately 187,981± square feet of gross floor area) are vacant while 30 tax parcels are partially developed, but have a development potential of an additional 193,775± square feet of gross floor area. This totals an estimated 381,755± square feet of actual gross floor area underutilization. As indicated in Figure 5, underutilized permissible FAR is prevalent throughout the Study Area, especially along the primary transportation corridors (i.e., Railroad and Union Avenues) and along secondary streets (i.e., Garrity, Hawkins, and Carroll Avenues and Mill Road). Such underutilization of allowable building development<sup>6</sup> indicates significant unrealized economic activity (i.e., job creation and property tax revenue) in the Study Area, given the presence of the Ronkonkoma LIRR Station.

### **C. Deteriorated Buildings**

The deterioration of buildings and other structures was observed during the field surveys. Observed deterioration include poor condition of roofs, windows, and siding; deterioration of façade and masonry features; fencing that was falling down and/or in disrepair; and lack of paved driveway areas. Photograph No. 3 provides an example of observed deterioration (for additional photographs of building deterioration in the Study Area, refer to Appendix B).



<sup>6</sup>As noted in this report, the potential that could actually be realized would be constrained by various factors including specific individual lot configuration, and specific parking and dimensional regulations of the zoning district.



**Photograph No. 3:** View of a deteriorated mixed-use commercial and residential structure along Garrity Avenue.

Deterioration poses the potential for unsafe conditions and creates a visually unappealing appearance. This can hinder economic growth by discouraging private investment and, thereby, limiting job and property tax revenue generation.

**D. Inadequate Sidewalks and Curbs**

In many locations within the Study Area, particularly along Railroad Avenue, sidewalk and curb areas were observed to be in disrepair and, in some cases, non-existent. Compounding this problem is overgrowth of vegetation; these issues are illustrated in the photograph below.



**Photograph No. 4:** View of deteriorated sidewalk/curb area at Union Avenue and Mill Road.

Inadequate sidewalk and curb areas hinder pedestrian activity, create inefficiencies in pedestrian circulation (along with creating potentially dangerous conditions for pedestrians), contribute to the visual blight within the Study Area. Overall, the lack of pedestrian activity in and around the LIRR Ronkonkoma Station contributes to the economic stagnation within the Study Area.

**E. Inadequate Drainage and Sewerage Infrastructure**

Observations and recorded complaints of pooling water along roads within the Study Area indicate that drainage infrastructure is inadequate, as shown below in Photograph No. 5.



**Photograph No. 5:** View of pooling water along Railroad Avenue.

Lack of such infrastructure contributes to a poor visual and aesthetic appearance, can discourage private investment in the area, and can also contribute to public health threats (e.g., mosquito infestation).

As indicated above, properties within the Study Area rely upon individual on-site sanitary systems for sewage disposal. These sanitary systems, many of which are likely old, provide no actual physical treatment of sanitary waste (only the benefit of filtration through leaching pools). Moreover, in accordance with Article 6 of the Suffolk County Sanitary Code, for those parcels not under MTA ownership, the maximum potential sanitary discharge is 22,380 gallons per day (gpd).<sup>7</sup>

Based upon a commercial land use sanitary design flow factor of 0.06 gpd per square foot, as published by the Suffolk County Department of Health Services, the 37.3±-acre portion of the Study Area (with a maximum permitted sanitary density of 22,380 gpd) has a maximum yield of 373,000 square feet of commercial space. While this exceeds the current total building area (232,979± square feet), it is significantly less than the maximum development potential based upon prevailing zoning, which is estimated at 601,725± square feet. In fact, the lack of sewage treatment within the Study Area actually restricts development to only 62 percent of the total development potential and may be a contributing factor in the underutilization of properties described elsewhere in this report.

#### **F. Incompatible Uses**

The Study Area features a number of intensive commercial uses (including automobile repair and service businesses) interspersed with low-density (single-family) residential uses. Photograph No. 6 below demonstrates such land uses proximate to one another (for additional photographs depicting the general character of the Study Area, refer to the Photograph Log in the Appendix B).



<sup>7</sup>Pursuant to the *Long Island Comprehensive Waste Treatment Management Plan (208 Study)*, the site is located in Hydrogeologic Zone I and within such hydrogeologic zone, Article 6 of the Suffolk County Sanitary Code limits sewage discharge from on-site systems to 600 gallons per day per acre. Thus, the maximum potential sanitary discharge to on-site sanitary systems for the 37.3±-acre portion of the Study Area not under MTA ownership is approximately 22,380 gallons per day.





**Photograph No. 6:** View of adjoining automotive-related business and residential uses along Hawkins Avenue.

Such land uses do not complement one another, and produce a disjointed and inefficient land use pattern. This detracts from the quality of the residential environment as well as the economic vitality of the area, resulting in lost potential for job and property tax revenue generation.

**G. Aesthetic and Visual Characteristics**

The Study Area consists of numerous vacant/unoccupied parcels and/or structures, a number of which are in highly visible locations (i.e., Railroad Avenue), a rundown appearance of local businesses as well as large surface parking lots that are active with commuter vehicles during the day but are generally not used during nighttime hours. As discussed earlier, much of the Study Area lacks adequate pedestrian sidewalks or safe crossings, except in the immediate vicinity of the Ronkonkoma LIRR Station. Further, other tax parcels are utilized as staging and/or storage grounds for commercial uses and/or debris. These conditions create a blighted aesthetic and visual appearance with the Study Area (refer to the Photograph Nos. 7 through 10 below).



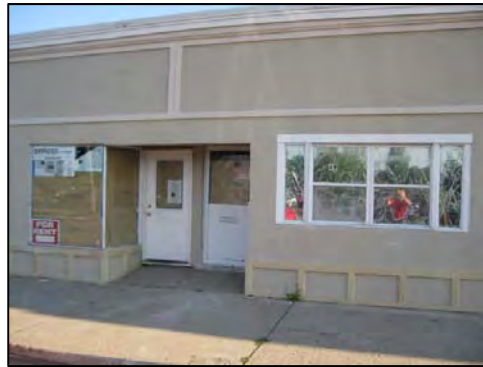
**Photograph 7:** View of abandoned residence along Elm Street.



**Photograph 8:** View of deteriorated sidewalk areas along Railroad Avenue.



**Photograph 9:** View of deteriorated fencing along Garrity Avenue.



**Photograph 10:** View of vacant commercial building along Railroad Avenue.

#### IV. CONCLUSIONS

The Ronkonkoma Hub was identified within the Town of Brookhaven's *Draft Blight to Light Study* (September 2010), a study undertaken to identify blighted properties and areas within the Town and facilitate their redevelopment through the institution of zoning, permitting and financial incentives.

Based upon field observations and the data collected, it can be concluded that the Study Area is sufficiently blighted to warrant the preparation of an Urban Renewal Plan in accordance with Article 15 of the New York State General Municipal Law. Further, based upon the characteristics of blight, as defined by the Town of Brookhaven in Section 85-1 of the Town Code, it can be concluded that several of these characteristics are relevant (or partially relevant) to the Study Area, including:

- Deterioration of the site
- Dilapidated, deteriorated or defective structures
- Aesthetically poor conditions – signs, parking area, facades
- Vacant and underutilization of land, lots and buildings
- Weeds and poorly landscaped, debris and litter
- Poorly maintained, cracked sidewalks and curbing
- Damaged or missing fencing
- Outdated and inefficient buildings and uses

Evidence of blighted conditions, as detailed in this report and in the appendices, is summarized below:

- *Vacant and partially vacant properties and buildings* – Seven tax parcels were observed to contain vacant or partially vacant buildings, representing approximately 5.5± percent of the total gfa within the Study Area (12,793± square feet), and approximately 6.5± percent of the total area of the Study Area (3.52± acres) is undeveloped.
- *Significant underutilization of development potential* – The total developed gross floor area in the

Study Area (excluding the Ronkonkoma LIRR Station and parcel associated with the LIRR Parking Structure) is 232,978± square feet, representing only 39± percent of the total development potential permitted by zoning. This underutilization often results in a lower level of economic activity than would otherwise be expected in the Study Area and, therefore, lowers levels of employment and property tax revenues.

- *Deteriorated buildings* – Deterioration of building elements was identified in a number of locations within the Study Area, creating potentially unsafe conditions and detracting from the area’s desirability as a place for private investment.
- *Inadequate curb and sidewalk areas* – Deteriorated or missing curbs and sidewalks were identified in various Study Area locations, detracting from the overall character of the area. Also, the lack of sidewalks hinders pedestrian activity and creates inefficiencies in pedestrian circulation (along with creating potentially dangerous conditions for pedestrians).
- *Lack of appropriate drainage and sewerage infrastructure* – Drainage is inadequate in certain locations, creating undesirable conditions for nearby uses. The lack of sewage treatment in the Study Area (i.e., properties rely upon individual on-site sanitary systems rather a central collection and treatment system) limits the overall development density.
- *Incompatible land uses* – In several Study Area locations, residential uses adjoin or are located proximate to commercial uses that are not conducive to a desirable residential environment.
- *Aesthetic and visual character* – The combination of deteriorating buildings and infrastructure with the presence of substantial acreage devoted to the storage of vehicles, equipment, etc., creates an unattractive visual environment, which is not conducive to the attraction of private investment.

Each of these factors contributes to a “substandard or unsanitary area... which hamper or impede proper and economic development of such areas and which impair or arrest the sound growth and development of the area, community or municipality...,” as defined in Article 15 of New York State General Municipal Law. Therefore, there is sufficient evidence to declare the Study Area to be a substandard or unsanitary area in accordance with both New York State and Town of Brookhaven laws, and therefore, appropriate for urban renewal.



*Engineering, Surveying and Landscape Architecture, P.C.*



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# *Appendix A*

*Town of Brookhaven, NY  
Monday, September 10, 2012*

**§ 85-495. Severity of existing blight.**

- A. The severity of existing blight score shall be determined by the sum of the points for each of the following criteria, on a scale of 0 to 50 points with 50 points representing the maximum severity of blight:
- (1) Number of years vacant: 1 point for first year, 1.5 points per year thereafter to maximum of 14 points.
  - (2) Plus 5 points maximum for buildings that have been vandalized to a point that they have missing or boarded windows and doors or have a facade that is seriously damaged, missing or dilapidated.
  - (3) Plus 5 points maximum for buildings that have collapsed, or have missing or structurally faulty foundations, walls, floor or roofs as determined by the Chief Building Inspector.
  - (4) Plus 4 points maximum for buildings that have interior inflexibility prohibiting adaptive reuse and/or have unusual retrofit costs (asbestos, etc.) as determined by the Chief Building Inspector.
  - (5) Plus 5 points maximum if the building has become a fire hazard or has existing fire damage as determined by the Chief Fire Marshal.
  - (6) Plus 4 points maximum if the property has been cited for code violations as documented by Town enforcement officials; including graffiti, dumping, litter or abandoned motor vehicle history.
  - (7) Plus 5 points maximum if the property has become a place where vagrancy or criminal activity has been taking place as documented by the Town enforcement officials or by the Suffolk County Police Department.
  - (8) Plus 4 points maximum if the property is interfering with the reasonable, lawful and expected use of other properties within the community as documented by community complaints.
  - (9) Plus 4 points maximum if the property has missing, broken or in need of repair curbs, walks or pavement.





*Engineering, Surveying and Landscape Architecture, P.C.*

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*Appendix B*

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-32	14 Hawkins Avenue, LLC	Residential and Auto-Related Use	J6	0.80±	Some fencing in disrepair (associated with bus depot). Residence use observed to be in good condition.

Photograph No. 1	Photograph No. 2
 <p>Bus parking component of tax parcel</p>	 <p>View of single-family residential use from Garrity Avenue</p>

**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-33.1	14 Hawkins Avenue, LLC	Auto-related use	J6	1.09±	Some deterioration of siding and roofs associated with buildings on-site.

Photograph No. 3	Photograph No. 4
 <p>View of buildings on-site, fronting Hawkins Avenue</p>	 <p>View of buildings on-site, fronting Hawkins Avenue</p>



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-34	Gregory J. Mensch	Commercial (Parking for Commercial Use)	J6	0.18±	Property utilized for parking, likely for employees of the bus depot.

Photograph No. 5



View of parcel from Railroad Avenue.

**Ronkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-35	Band Construction, Inc.	Commercial (Vacant)	J6	0.08±	Vacant commercial building Slight deterioration of masonry / façade Rear of lot underutilized (vacant/storage)

<p>Photograph No. 6</p>  <p>View of property frontage along Railroad Avenue</p>	<p>Photograph No. 7</p>  <p>View of rear of lots (multiple lots)</p>
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Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-36	Antonio Melo	Commercial	J6	0.07±	Minor façade Deterioration Rear of lot underutilized (vacant/storage)

Photograph No. 8	Photograph No. 9
 <p>View of property frontage from Railroad Avenue</p>	 <p>View of rear of lots (multiple lots)</p>

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-37	Micah Disipio	Commercial	J6	0.07±	Minor façade deterioration Rear of lot underutilized (vacant/storage)

Photograph No. 10	Photograph No. 11
 <p>View of property frontage from Railroad Avenue</p>	 <p>View of rear of lots (multiple lots)</p>



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-38	65 Railroad Avenue, LLC	Commercial	J6	0.07±	Minor façade deterioration Rear of lot underutilized (vacant/storage)

Photograph No. 12	Photograph No. 13
 <p>View of property frontage from Railroad Avenue.</p>	 <p>View of rear of lots (multiple lots)</p>

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-39	63 Railroad Avenue, LLC	Commercial	J6	0.08±	Commercial building observed to be in good condition.

Photograph No. 14



View of property frontage from Railroad Avenue



Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-40.1	61 Property Corp	Commercial	J6	0.03±	Not visible from publicly-accessible location Identified as a vacant lot from GIS analysis

Aerial No. 1



Approximate boundaries of subject parcel outlined in red.

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-40.2	61 Property Corp	Commercial	J6	0.02±	Vacant commercial building, observed to be recently renovated

Photograph No. 15



View of site frontage from Railroad Avenue

Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-41	John and Lilly Bedell	Commercial	J6	0.06±	Commercial building observed to be in good condition

Photograph No. 16



View of site frontage from Railroad Avenue



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-42	55 Property Corp	Commercial	J6	0.11±	Vacant commercial building, observed to be recently renovated

Photograph No. 17



View of frontage along Railroad Avenue

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size:	Comments:
799-3-33.2	55 Property Corp	Commercial (Vacant)	J6	0.06±	Not visible from publicly-accessible location Identified as a vacant lot from GIS analysis

Aerial No. 2



Approximate boundaries of subject parcel outlined in red.



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-43	51 Property Corp	Commercial (Vacant);	J6	0.07±	Vacant commercial building, observed to be recently renovated

Photograph No. 18



View of property frontage along Railroad Avenue

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-44	Bennett & Gordon Realty Co.	Commercial/ Residential	J6	0.40±	Vacant commercial buildings, observed to be recently renovated Residence in rear of lot, has visible building deterioration

Photograph No. 19



View of property frontage from Railroad Avenue.

Photograph No. 20



View of residential component in rear of lot



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-44	NHP Realty, LLC	Commercial	J6	0.27±	Taxi / Auto-repair use, with visible building deterioration

Photograph No. 21



View of building frontage along Hawkins Avenue.

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-47.1	On-Track Realty, LLC	Commercial	J6	4.15±	Gym building observed to be in good condition Parking facility lacks paving, striped stalls

<p>Photograph No. 22</p>  <p>View of gym building from Hawkins Avenue</p>	<p>Photograph No. 23</p>  <p>View of parking facilities</p>
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**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-48	Margaret Higgins & Jerome Gaynor	Commercial/ Residential	J6	0.31±	Auto-repair portion vacant and façade is in disrepair with deteriorating masonry, peeling paint, missing wood sections on garage doors. Continuous curb cut leading to unpaved driveway and parking area. Residence observed to be in good condition

**Photograph No. 24**



View of property from Hawkins Avenue.

**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-49	Community Housing Innovations, Inc.	Residential	J6	0.30±	Residence observed to be in good condition

**Photograph No. 25**



View of property from Hawkins Avenue.



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-51.1	Marco Giangrasso	Commercial	L1	0.65±	Observed commercial buildings Lot features large undeveloped areas

Photograph No. 26	Photograph No. 27
 <p>Undeveloped portion of property.</p>	 <p>View of commercial/residential buildings from Hawkins Avenue.</p>



Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-52	Hawkins & Union Avenue Realty, LLC	Commercial	L1	0.23±	Large portion of property used for auto-storage, possible underutilization. Continuous curb cut. Deteriorated pavement. Open commercial garbage receptacle. Possible second-story residence, minor siding deterioration visible.

Photograph No. 28



View of auto-storage on subject property

Photograph No. 39



View of possible associated residential use, minor siding deterioration.

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-53	Carmine E. Dorsi	Commercial	L1	0.13±	Commercial building observed to be in good condition.

Photograph No. 30



View of property from Union Avenue.



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-4-54	Anthony and Blasé Davi	Residential	L1	0.58±	Residence observed to be in good condition. Large portion of property appears to be used for automobile storage. Slight roof deterioration is visible

Photograph No. 31



View of property from Union Avenue.


Photograph No. 32



View of roof deterioration.

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-27.1	Anthony and Blasé Davi	Commercial	L1	0.99±	Commercial buildings observed to be in generally good condition. Large portion of property used for auto-storage (underutilization).

Photograph No. 33	Photograph No. 34
 <p>View of property from Union Avenue</p>	 <p>View of property from Union Avenue</p>



Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-28	MTA & R. Bergen David S. Symons	LIRR Parking Deck Entrance	L1	0.47±	None

Photograph No. 35



View of entrance from Union Avenue

**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-35.8	Ronkonkoma Rail Road Properties, LLC.	Wooded/Vacant	L1	3.43±	Undeveloped/wooded parcel

Photograph No. 36



View of property from Railroad Avenue

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-31.1	Island Wide, LLC	Commercial	L1	1.37±	Commercial buildings observed to be in good conditions

Photograph No. 37



View of property from Union Avenue



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-33.1	Carroll Properties, Inc.	Commercial/ Residential	L1	0.59±	Commercial building and residence observed to be in good condition. Large paved area in front of building appears to be underutilized.

Photograph No. 38	Photograph No. 39
 <p>View of auto-repair component from Carroll Avenue</p>	 <p>View of residential component from Carroll Avenue</p>

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-34	Nelson Fernandes & Magalhaes Americo	Commercial	L1	0.45±	Open lot for staging/auto storage (underutilized).

Photograph No. 40



View of property from Carroll Avenue



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-35.7	Tudor Station Plaza, LLC c/o Island Estates	Commercial	L1	0.92±	Commercial building observed to be in good condition

Photograph No. 41



View of property from Railroad Avenue

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-35.9	Tudor Station Plaza, LLC c/o Island Estates	Undeveloped/ Wooded	L1	0.14±	Parcel utilized as entrance/exit to day care facility (underutilization)

Photograph No. 42



View of property from Railroad Avenue



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-36	MTA LIRR	Parking Deck	L1	1.84±	Parking deck observed to be in good condition

Photograph No. 43



View of property from Railroad Avenue

Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-21	Anthony Mingoia	Commercial	L1	0.21±	Commercial buildings observed to be in good condition Driveways unpaved

Photograph No. 44	Photograph No. 45
 <p>View of property from Railroad Avenue</p>	 <p>View of unpaved driveway area</p>



**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-19 800-2-22	William A. Mallins	Commercial	L1	0.70± 1.30± (2.0± Total)	Property used for commercial storage/staging (underutilization). Two lots that are used for same purpose. Views of property screened from Mill Road.

**Photograph No. 46**



View of property from Mill Road

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-23	John Lock & George McDowell	Commercial	J2	1.84±	Commercial building observed to be in generally good condition. Rear area used for commercial storage/staging (underutilized)

Photograph No. 47	Photograph No. 48
 <p>View of rear commercial storage area associated with subject property</p>	 <p>View of commercial building fronting Union Avenue.</p>



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-12	William and Mildred Mallins	Residential	L1	0.46±	Residence observed to be in good condition.

Photograph No. 49



View of property from Union Avenue.

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-11	William and Mildred Mallins	Commercial	L1	0.44±	Commercial building observed to be in good condition. Large paved area in front of building appears to be underutilized.

Photograph No. 50



View of property from Union Avenue.

**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-10	William and Mildred Mallins	Commercial	L1	0.46±	Commercial building observed to be in good condition.

Photograph No. 51



View of property from Union Avenue.



**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-9	Holbrook Truck and Equipment Leasing, Inc.	Commercial	L1	0.91±	Commercial storage/staging (underutilized)

Photograph No. 52



View of property from Carroll Avenue.



**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-13	Subsurface Maintenance Corp.	Commercial	L1	1.48±	Building observed to be in fair condition. Rear of property used for commercial staging/storage (underutilized).

Photograph No. 53	Photograph No. 54
 <p>View of structure fronting Carroll Avenue</p>	 <p>View of rear storage area from Elm Street</p>

Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-14	Subsurface Maintenance Corp.	Commercial	L1	0.48±	Property used for commercial staging/storage (underutilized).

Photograph No. 55



View of property from Elm Street (beyond fence)



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-15	James Zambik	Residential (Vacant)	L1	0.23±	Residence appears to be vacant, abandoned vehicle on premises, unpaved driveway

Photograph No. 56



View of property from Elm Street

Photograph No. 57



View of unpaved driveway area and abandoned vehicle

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-16	Wienyzyzslaw and Gabriela Odynocki	Commercial	L1	0.23±	Commercial building observed to be in good condition

Photograph No. 58



View of property from Elm Street



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-17	Joseph Urban	Residential	L1	0.34±	Residence observed to be in good condition

Photograph No. 59



View of property from Carroll Avenue

Ronkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-18	Calvin C. Lorenz	Residential	L1	0.34±	Residence observed to be in good condition

Photograph No. 60



View of property from Maple Street



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-20	Yashvinder and Jasper Mahajin	Residential	L1	0.06±	Residence observed to be in good condition

Photograph No. 61



View of property from Carroll Avenue

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-28.4	Unified Credit Trust & G&D Oakland & C. Hill Trustee	Industrial	J2	4.47±	Industrial storage/staging (underutilized)

Photograph No. 62



View of property from Mill Road



**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-28.3	Unified Credit Trust & G&D Oakland & C. Hill Trustee	Commercial	J2	3.74±	Commercial building observed to be in good condition

Photograph No. 63



View of property from Mill Road

**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-2-28.1	Lock & McDowell, Inc.	Commercial	J4	1.90±	Commercial building observed to be in good condition.

Photograph No. 64



View of property from Union Avenue



**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
800-1-38	MTA LIRR	LIRR Facilities	L1	6.32±	Ronkonkoma LIRR Station facilities

Photograph No. 65	Photograph No. 66
 <p>View of Ronkonkoma LIRR Terminal Station from Railroad Avenue</p>	 <p>View of Parking Area</p>

Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-45.1	MTA LIRR	LIRR Facilities	L1	3.73±	Ronkonkoma LIRR Station facilities

Photograph No. 67	Photograph No. 68
 <p>View of parking area</p>	 <p>View of undeveloped land.</p>



Ronkonkoma Hub Blight Study  
Field Observations

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-50	MTA LIRR	LIRR Facilities	L1	0.05±	Ronkonkoma LIRR Station facilities

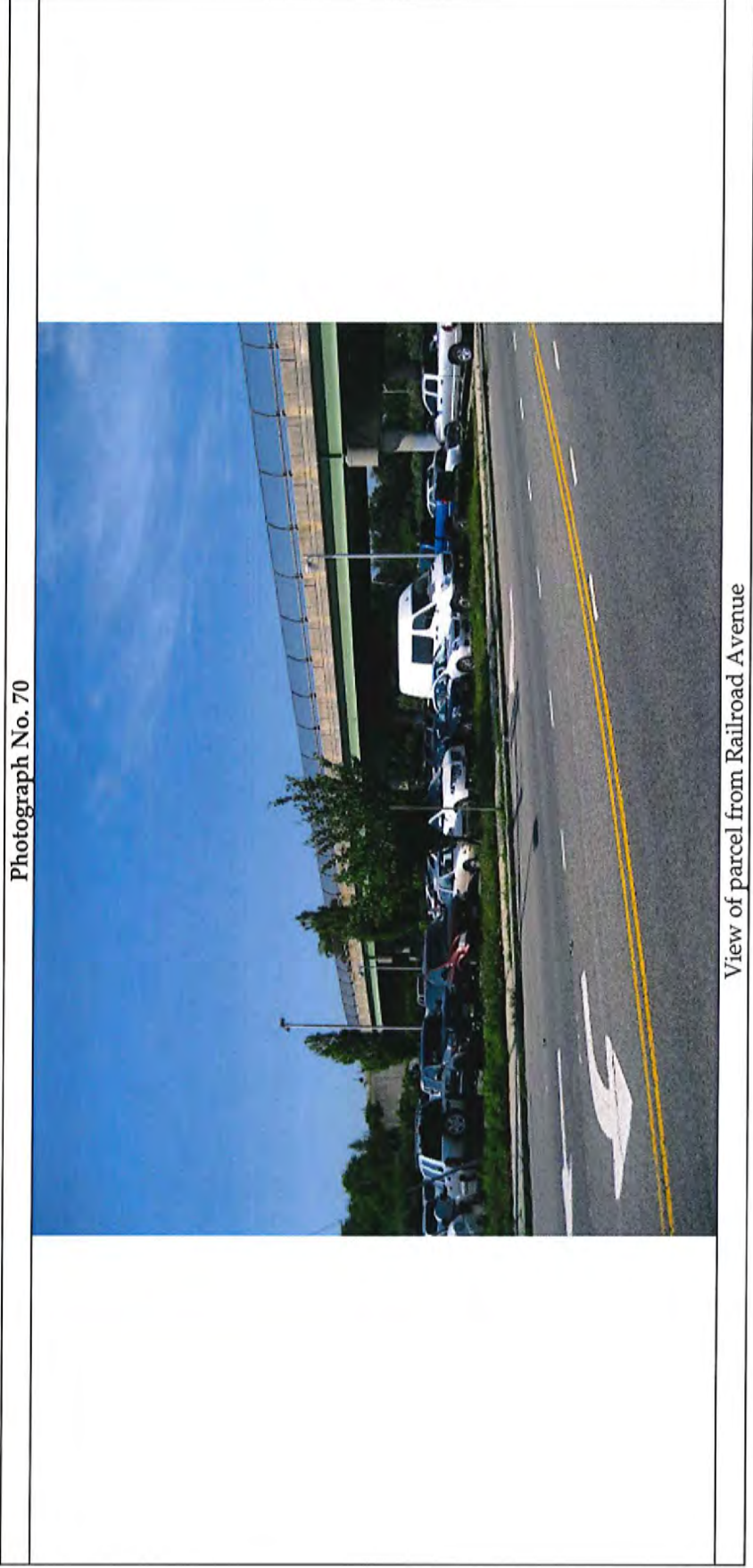
Photograph No. 69



View of parcel from Railroad Avenue

**Ronkonkoma Hub Blight Study  
Field Observations**

SCTM No.:	Owner:	Land Use:	Zoning:	Lot Size (acres):	Comments:
799-3-49	MTA LIRR	Parking	L1	0.15±	Ronkonkoma LIRR Station facilities





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# Attachment B

RESOLUTION NO. 2012-804

MEETING: September 20, 2012

DESIGNATION OF THE "RONKONKOMA HUB"  
AS APPROPRIATE FOR URBAN RENEWAL  
AND TO AUTHORIZE VHB ENGINEERING,  
SURVEYING & LANDSCAPE ARCHITECTURE,  
P.C., TO PREPARE AN URBAN RENEWAL  
PLAN FOR THE DESIGNATED AREA

WHEREAS, the Town Board acknowledges receipt of the *Blight Study for the Ronkonkoma Hub*, dated September, 2012, prepared by VHB Engineering, Surveying and Landscape Architecture, P.C., and incorporates such document by reference herein; and

WHEREAS, the *Blight Study for the Ronkonkoma Hub* sets forth several factors evidencing that the "RONKONKOMA HUB" is a substandard and insanitary area within the Town of Brookhaven; and

WHEREAS, based upon the *Blight Study for the Ronkonkoma Hub* the Town Board herein designates the "RONKONKOMA HUB" appropriate for urban renewal pursuant to General Municipal Law, Article 15; and

WHEREAS, because the "RONKONKOMA HUB" area is deemed appropriate for urban renewal, the Town Board authorizes VHB Engineering, Surveying and Landscape Architecture, P.C. to prepare an Urban Renewal Plan for such designated area in its entirety; and

WHEREAS, any Urban Renewal Plan prepared shall be presented to the Planning Board for consideration at a public hearing; and



NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the Town Board has considered the factors set forth in the *Blight Study for the Ronkonkoma Hub*, dated September, 2012; and be it further;

RESOLVED that the Town Board designates the “RONKONKOMA HUB” appropriate for urban renewal; and be it further

RESOLVED that the Town Board authorizes VHB Engineering, Surveying and Landscape Architecture, P.C. to prepare an Urban Renewal Plan for such designated area in its entirety.



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# Attachment C

**MASTER DEVELOPER DESIGNATION AGREEMENT**

This Agreement ("Agreement" or "MDDA") dated as of August 9/10/2012 is by and between the **TOWN OF BROOKHAVEN**, a municipal corporation, having its principal office at Town Hall 1 Independence Hill, Farmingville, New York 11738 (the "Town"), and **TREC RONK HUB, LLC**, a Delaware limited liability company having an office at Stony Brook Technology Center 45 Research Way, Suite 100, Setauket, New York 11733 (the "Company").

**RECITALS:**

**WHEREAS**, in 2007, the Town of Brookhaven ("Town") embarked upon a two-phased planning study known as the "Ronkonkoma Hub Transit-Oriented Planning Study" aimed at revitalizing a multi-block area around the "Ronkonkoma Hub," which surrounds the Ronkonkoma Railroad Station; and

**WHEREAS**, the "Ronkonkoma Hub Transit-Oriented Planning Study," which was completed in 2009, resulted in a long-term vision and implementation strategy establishing guidance for revitalization of a "TOD District area"; and

**WHEREAS**, to implement the findings of the "Ronkonkoma Hub Transit-Oriented Planning Study," the Town determined to prepare and adopt a "Land Use and Implementation Plan for the proposed Ronkonkoma Hub Transit-Oriented Development ("TOD")," to adopt a TOD zoning district, to rezone the project area to the TOD zoning district, and to have the "TOD" area redeveloped in accordance with the TOD zoning district (the foregoing planning, zoning, and redevelopment steps are hereinafter referred to as the "Proposed Action"); and

**WHEREAS**, the Town Board, by Resolution 2010-860, dated August 17, 2010, adopted a positive declaration under the State Environmental Quality Review Act ("SEQRA" -- Article 8 of the New York State Environmental Conservation Law) and its implementing regulations at 6 NYCRR Part 617 for the adoption and implementation of the aforesaid "Land Use and Implementation Plan for the proposed Ronkonkoma Hub Transit-Oriented Development ("TOD")," which positive declaration required preparation of a Generic Environmental Impact Statement ("GEIS") for the Proposed Action; and

**WHEREAS**, the Town Board, by Resolution 2010-989, dated September 21, 2010, accepted a "Draft Generic Environmental Impact Statement ["DGEIS"] for Proposed Adoption of the Land Use and Implementation Plan for the Ronkonkoma Hub Transit-Oriented Development (TOD), TOD Code and Associated Rezoning to the TOD," prepared by VHB Engineering, Surveying and Landscape Architecture, P.C., and dated September 2010, as satisfactory with respect to its scope and content, directed that such DGEIS be circulated for public and agency consideration, directed that a SEQRA hearing be held on such DGEIS on October 19, 2010, and directed that notice of such hearing be published by the Town Clerk; and

**WHEREAS**, the Town Board, by Resolution 2010-990, also dated September 21, 2010, accepted the "Draft Ronkonkoma Hub Transit-Oriented Development Land Use Plan" as satisfactory with respect to its scope and content, directed that such plan be circulated for public

and agency consideration, directed that a public hearing on such plan be held on October 19, 2010, and directed that notice of such hearing be published by the Town Clerk; and

**WHEREAS**, public hearings were duly held and closed on the aforesaid DGEIS and “Draft Ronkonkoma Hub Transit-Oriented Development Land Use Plan”; and

**WHEREAS**, the Town Board is in the process of preparing a comprehensive plan for adoption of the aforesaid TOD zoning district, which will facilitate the aforesaid redevelopment; and

**WHEREAS**, the Town shall undertake a study to facilitate the undertaking of the Project by utilizing the structure and tools available to it and in furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, as amended (the "GML"), and based upon the findings therefrom, may undertake a program for the acquisition, clearance, building, demolition, replanning, reconstruction and neighborhood rehabilitation of certain areas in the Town and may engage in carrying out a neighborhood development program and urban renewal program of certain areas in the Town, resulting in the creation and possible adoption by the Town Board of a Town Comprehensive Development Plan ("Comprehensive Plan") and Urban Renewal Plan (“Urban Renewal Plan”); and

**WHEREAS**, the Town the Town Board anticipates that, prior to adoption of the aforesaid comprehensive plan, adoption of the aforesaid TOD zoning district, the aforesaid rezoning the project area to the TOD zoning district, and redevelopment of the TOD area in accordance with the TOD zoning district, the Town Board will prepare, accept, and hold a public hearing on “Draft Supplemental Generic Environmental Impact Statement” (“DSGEIS”) for the said comprehensive plan, TOD zoning district, rezonings of property, and TOD redevelopment, prepare and accept a “Final Supplemental Generic Environmental Impact Statement” (“FSGEIS”) for the said comprehensive plan, TOD zoning district, rezonings of property, and TOD redevelopment, and adopt SEQRA findings for the said comprehensive plan, TOD zoning district, rezonings of property, and TOD redevelopment and shall endeavor to adhere to the following schedule to accomplish same:

September, 2012 – Accept Blight Study and Authorize Hearing on Urban Renewal Plan

October, 2012 – Hold Hearing on Urban Renewal Plan

March 2013 – Hold Hearings on SEQRA Supplemental DGEIS and Form-Based Code and zone change for TOD area

August 2013 – Make Final SEQR and Urban Renewal Determinations, issue a Findings Statement, and adopt Form-Based Code and Rezone TOD area and modification of Comprehensive Plan; and

**WHEREAS**, Tritec Real Estate Company, Inc. (the "Responder") was among the group of pre-qualified developers/development teams to whom the Town issued a Request for Expression of Interest on or about March 7, 2011 ("RFEI"); and



**WHEREAS**, in furtherance of GML and the Comprehensive Plan, the Responder may undertake the Project on and around the properties designated by the Town as the Ronkonkoma Urban Renewal Area ("URA") which area is coterminous with the TOD, and which area is more fully described and delineated in the map attached hereto as Exhibit A (the "Project Site"); and

**WHEREAS**, on or about September 19, 2011 the Town issued a Request for Qualifications ("RFQ") for a developer to serve as master developer for the TOD which responses were due October 28, 2011; and

**WHEREAS**, as part of the RFQ, the Town has indicated that it will consider the adoption of zoning provisions applicable to the TOD site ("Form-Based Code"), and anticipates that it would consider adoption of the Form-Based Code provisions substantially similar to those outlined in the RFQ, with such changes or modifications as the Town determines necessary; and

**WHEREAS**, the Responder submitted a Response to the RFQ dated October 2011 ("Responder's Response") which has been accepted by the Town as the preferred developer plan; and

**WHEREAS**, Company is an affiliate of Responder and has been designated by Responder to serve as master developer; and

**WHEREAS**, the Town has approved, by resolution dated February 7, 2012 a resolution designating the Company as the Preferred Developer; and

**WHEREAS**, the Town and the Company entered into a Memorandum of Agreement ("MOA") dated February 17, 2012 which outlined certain understandings and intentions of the Company and the Town with respect to the terms and conditions by which the Company was designated as the "preferred developer", for the Project as approved by the Town Board; and

**WHEREAS**, in addition to the understandings and intentions outlined herein, it is contemplated that the Company may seek to enter into agreements with an industrial development agency ("IDA") to effectuate certain sales tax and mortgage recording tax exemptions, and property tax abatements on terms and conditions agreed to between IDA and the Company; and

**WHEREAS**, the Town, in compliance with SEQRA for this MDDA has designated itself as lead agency and notified the other parties to this agreement of such designation as involved agencies in accordance with SEQRA regulations; and

**WHEREAS**, the Town Board has prepared a Short Form Environmental Assessment Form for the proposed execution of this MDDA, which the Town Board has determined to be an unlisted action under SEQRA; and

**WHEREAS**, the Town Board has adopted a negative declaration under SEQRA for the execution of this MDDA.

IN ORDER TO ACCOMPLISH THE FOREGOING PURPOSES, THE PARTIES HEREBY DESIGNATE PAUL PONTIERI TO BE THE "TOWN CONSULTANT" FOR PURPOSES RELATED TO THIS AGREEMENT WHO SHALL ACT AS A REPRESENTATIVE OF THE TOWN AND AS A LIAISON TO THE TOWN AGENCIES AND OTHER MUNICIPAL AUTHORITIES WITH RESPECT TO THE PROJECT, WITH RESPONSIBILITIES MORE FULLY SET FORTH IN A CONSULTANT AGREEMENT TO BE ENTERED BETWEEN THE TOWN CONSULTANT AND THE TOWN AND AGREE AS FOLLOWS:

## **TERMS OF AGREEMENT**

### **ARTICLE I**

#### **The Proposed Project**

1.1. The Proposed Project. The "Proposed Project" shall be described in detail in connection with the preparation of the DFGEIS. The Project may be developed in two or more phases, with phase one comprised of those acres delineated on the map attached hereto as Exhibit B ("Phase I"), and phase two or additional subsequent phases comprised of the balance of Project Site parcels ("Phase II" or "Subsequent Phases").

1.2. Project Materials. Upon execution of this Agreement, to the extent available, the Company shall deliver to the Town Representative copies of its development plans and program for the Proposed Project prepared by or for the Company prior to the date hereof. After the date hereof, the Company shall deliver to the Town Representative copies of all other development plans and program materials prepared by or for the Company during the term hereof relating to the Proposed Project, as they become available.

Upon the execution of this Agreement, the Town agrees to provide the Company with copies of urban renewal plans and studies that have been prepared by or on behalf of the Town with respect to any areas contained within the Proposed Project Phases.

1.3. Acquisition of Property. The Town shall endeavor to designate the TOD as an Urban Renewal Project and/or shall use good faith efforts to effectuate a comprehensive plan which plan may include the Town's acquisition of parcel(s) necessary to complete the Project through the Town's governmental powers, including by eminent domain, as provided under Article 2 of the Eminent Domain Procedures Law ("EDPL"). Notwithstanding the foregoing, a condition precedent to the Town's acquisition of parcels by eminent domain shall be the Company's satisfaction of one of the following alternative conditions:

a) Company shall have entered into exercisable purchase options for not less than either: i) twenty-five percent (25%) of all parcels within the Project Site; or ii) parcels

valued in the aggregate at not less than twenty-five percent (25%) of the total appraised value of all parcels within the Project Site, or, alternatively,

b) Company shall have entered into exercisable purchase options for not less than twenty-five percent (25%) of all parcels in Phase I of the Project. The Company shall keep the Town apprised, pursuant to monthly status reports, of its acquisition efforts. The Town agrees that it shall, upon Developer's having satisfied either of the conditions precedent described hereinabove, acquire any remaining privately-held parcels through eminent domain, upon request from the Company subject to the prior completion of an Urban Renewal Plan and SEQRA for the TOD, and in accordance with the terms of a condemnation agreement to be entered into between the Town and the Company ("Condemnation Agreement").

Condemnation Agreement shall provide, among other terms, the following essential terms, subject to the terms of this Agreement: that Company shall have input in the condemnation process; that the Town shall acquire title at such time(s) as the Company desires; and that the Company shall pay or provide credit facilities to the Town in the total amount of not less than 110% of acquisition damages as determined by the appraisers for those parcels that the Company determines to acquire. The Condemnation Agreement shall provide that Company shall be consulted in the selection of attorneys, appraiser attorneys and other experts and consultants and shall be consulted on all settlement negotiations; but Company shall acknowledge that the selection of attorneys, appraiser attorneys and other experts and consultants and decisions on settlement negotiations shall be in Town's sole discretion.

Notwithstanding the foregoing, the Town may, in its discretion, and subject to completion of an Urban Renewal Plan and SEQRA for the TOD, acquire any privately-owned parcels within the TOD at any time subsequent to the Company's having demonstrated, to the Town's satisfaction, that it has made bona fide offers to purchase such parcel(s), which offers have been rejected by the owners thereof.

#### 1.4. Development Strategy for the Proposed Project.

The Town and the Company shall work together to create a development strategy (the "Development Strategy") which is consistent with the goals of the Urban Renewal Plan. It is expected that the Development Strategy shall address development and redevelopment of the Proposed Project pursuant to principles and goals (collectively, the "Project Goals"), which Project Goals may be modified, from time to time, upon mutual agreement of the Town and the Company:

- (i) to create economic value for the Proposed Project area; and
  - (ii) to create jobs and career opportunities for Town residents and to attract additional residents; and
  - (iii) to enhance the vibrancy of the TOD and create a diversity of uses;
- and

(iv) to benefit from the proximity and accessibility of the Long Island Rail Road station; and

(v) to provide a mixed-use downtown setting which may include residential, commercial, retail, office, educational, cultural and civic uses, if appropriate.

1.5. Infrastructure Required for the Proposed Project. In furtherance of the Proposed Project, the Town will work with Suffolk County to undertake the creation of a new sanitary sewer district which will include the real property within the boundaries of the TOD. Suffolk County has authorized the issuance of \$21 million in county bonds in its 2013 capital budget for a 500,000 gallon per day sewer plant for the TOD ("Sewer Bonds"). The Town will continue to actively work with Company to identify creative financing mechanisms to fund the cost of infrastructure for the Proposed Project including, but not limited to the following: sewer plant, sanitary collection system, roads, sidewalks, curbs, public hardscape and landscape, gas lines, water mains, electric distribution, storm water runoff, collection system, street and walkway lighting and public parking areas, including pursuing government grants (i.e. federal TIGER grants, and state grant programs), and Environmental Facilities Corporation and other financing programs to write-down interest costs. To date, the Town has received a \$4 million grant from New York State for design of the sewer district, and is working with the Department of Public Works to send the map and plan for the sewer district to be scored and rated by EFC for funding consideration.

The Town and the Company shall each use their best efforts to reach agreement on the allocation of infrastructure costs for infrastructure required for the Project, including but not limited to the identification of grants, provided by Suffolk County, the State of New York or the federal government for the planning, design and/or construction of infrastructure required for the Project, as well as other sources of private funding ("Other Funding Sources"), and/or grants. The Town shall request from the County and its consultants a "Milestones Chart" schedule for the creation of the sanitary sewer district, for provision to the Company. In addition, the parties will work together to identify and utilize any and all available Federal, state and other grants and/or subsidies (which, together with the general obligations bonds are collectively referred to herein as the "Public Funding"). The Town and Company agree to use continuous best efforts to pursue all available Public Funding in connection with the Project.

The Town shall use continuous best efforts to pursue all Other Funding Sources available in connection with the Proposed Project to fund infrastructure the cost of which has not yet been allocated between Company and the Town.

The Town shall take all commercially reasonable steps to obtain title, easements, or rights of way to, in, on, or under all lands reasonably deemed necessary by the Town, in its reasonable discretion, to construct all infrastructure for the Project.



The Town shall use continuous best efforts to pursue all necessary agreements with the Metropolitan Transportation Authority, Suffolk County and any other necessary governmental entity to acquire parcels necessary for development of the Proposed Project.

1.6. Financial Commitments of the Company / Project Entity. During the term of this Agreement, and in addition to other undertakings set forth elsewhere herein, the Company shall undertake certain tasks described below, subject in each case to the other provisions of this Agreement:

(a) Company shall work with the Town and Town Representative to acquire the parcels necessary from private parties to develop the Proposed Project. Company shall, during the term of this Agreement, strive to develop the Proposed Project as an urban renewal project, including taking action to acquire the properties necessary for development of the Project, and assisting the Town in its acquisition and land disposition activities related to the Project as applicable.

(b) The Company may at any time during the term of this Agreement, identify a financial partner(s) and/or co-venturer(s). The Town acknowledges that Company may form a joint venture with a strategic development partner for the Project, and further acknowledges that Company may bring in other developer participants in connection with the acquisition, construction and/or development of one or more portions of the Project. The Company represents and agrees for itself, its members, and any successor in interest of itself and its members, respectively, that prior to completion of at least 50% of the improvements intended for the Project, neither the Company, nor any members or managers of the Company, shall assign, transfer or convey, 51% or more of their respective right, title or interest in this Agreement to a joint venture strategic development partner without the express prior written consent of the Town, which consent shall not be unreasonably withheld, delayed or conditioned. In determining said reasonableness standards, the Municipality shall consider the financial capabilities, reputation, experience and expertise of the proposed assignee, transferee or grantee, as the case may be; including determining that said proposed assignee, transferee or grantee is not a Prohibited Party ("**Reasonableness Standards**"). For purposes of this Agreement, a Prohibited Party shall mean any person or related entity that has been convicted in a criminal proceeding for a felony or any crime involving moral turpitude or that is an organized crime figure or has substantial business or other affiliations with an organized crime figure. Notwithstanding the above, the Company may bring in other reputable developer participants to acquire, construct and/or develop one or more portions of the Project conditioned upon said developer participants being subject to the same Reasonableness Standards as defined above, without consent, but upon notice to the Town. Said notice shall contain the developer participants' capabilities, reputation, experience and expertise. Any approved assignee of this Agreement shall assume the applicable obligations of the Company under this Agreement in writing, and any approved assignee of a portion of the Project shall assume the applicable Town's obligations as to such portion of the Project in writing, and an original of any such assignment and assumption agreement shall be delivered to the Town.

1.7. Construction and Operational Commitments of the Company

(a) The Town shall, at the Company's sole cost and expense (in accordance with a budget and scope of work approved by Company), undertake all studies and applications required for the Town to comply with SEQRA and any other applicable land use proceedings with respect to the Proposed Project. The Company shall cooperate fully with the Town in its efforts to comply with SEQRA and any other applicable land use proceedings or requirements, and shall provide all necessary materials and reports in a timely manner so as to allow the Town to evaluate the Proposed Project for SEQRA purposes or as otherwise required by law.

(b) The Company, as the case may be, may, if applicable, and if permitted by the New York State Department of Environmental Conservation ("DEC"), submit an application to the DEC to undertake environmental remediation of any of the Proposed Projects as a "volunteer" under the New York State Brownfield Cleanup Program ("BCP"). It is agreed that the Company and any entity in which it retains a beneficial ownership interest shall be deemed to be "qualified and eligible sponsors" in connection with the Proposed Project. Any related environmental investigation and remediation undertaken in the sole discretion of the Company, shall be at the sole cost and expense of the Company or Project Entity, as the case may be.

(c) The Company shall work with the Town in an effort to identify Others Funding Sources, including the use of public funding techniques to pay for the Proposed Project, including Tax Increment Financing under the GML.

(d) The Company shall, as soon as practicable and so as to be timely concluded for financing purposes, at its sole cost and expense, make necessary and proper application to the Town for the urban renewal project, and make any changes to its development plans which are consistent with the terms of this Agreement and are reasonably required by the Town.

(e) Subject to the SEQRA process, the Project Entity shall work with the Town Representative to develop a "Milestones Chart" schedule for pre-construction activities, construction start dates, and a preliminary construction timetable for the construction activities related to the Proposed Project, which Milestone Chart shall be completed no later than October 15, 2012. Such Milestone Chart shall specify, among other milestones, at least two (2) \_ dates for the holding of meetings between the Company and civic and community groups to present details of the Proposed Project.

(f) The Company shall reimburse and/or pay any expenses of the Town and its agencies incurred by such agencies to date and not yet paid by Company in connection with the Proposed Project (the "Reimbursement"), which expenses are required to be reimbursed pursuant to the terms of an escrow agreement between the Company and the Town dated February 17, 2012 ("Escrow Agreement"). The Reimbursement shall be paid upon the execution of this agreement. Additionally, the Company shall provide for the payment of expenses in connection with the Project to be incurred by the Town and its agencies from the date of this Agreement through the Term of this Agreement, as such Term may be modified, by amending the Escrow Agreement to provide for same, as of the date of this Agreement. The amended

Escrow Agreement shall provide that prior to payment of any expense Company shall be given opportunity to review itemized bills and object to inappropriate expenses outside the scope of the approved budget. All consultants and professionals shall be paid at standard municipal rates or as otherwise approved by Company.

## ARTICLE II

[Intentionally Deleted]

## ARTICLE III

### Consultation/Term

3.1 Consultation. During the term of this Agreement, representatives of the Company and the Town, including the Town Representative, representatives of the Town designated by the Town, shall meet regularly to confer about the progress of the parties' activities under this Agreement. Such meetings shall occur at approximately two week intervals.

3.2 Term.

If the Company fails to commence construction of the Proposed Project within ten (10) years from the date hereof, the rights and obligations of the parties under this Agreement shall expire.

## ARTICLE IV

### Default

4.1 Default by Town.

(a) If the Town fails to comply with any provision of this Agreement, or is otherwise in breach of this Agreement, and such failure continues for more than thirty (30) days after written notice from the Company is given to the Town that specifies the failure and requires it to be remedied, such failure shall constitute an event of default (a "Town Default").

(b) In the event of a Town Default, the Company, in its reasonable discretion, may:

(i) Waive strict compliance with the pertinent provision of this Agreement and provide the Town, with an additional time period

within which to rectify, or "cure" the Town Default (the "Town Cure Period"); or

- (ii) Due to the fact that there would not be an adequate remedy at law, in addition to any other rights and remedies available at law or in equity and without the necessity of proving actual damages or posting bond or similar security, be entitled to seek equitable relief including, but not limited to, specific performance, with respect to the Town Default.

#### 4.2 Default by Company.

- (a) If the Company fails to comply with any provision of this Agreement.

(b) If the Company fails to comply with any provision of this Agreement, or is otherwise in breach of this Agreement, and such failure continues for more than thirty (30) days after written notice from the Town is given to the Company that specifies the failure and requires it to be remedied, such failure shall constitute an event of default (a "Company Default").

(c) In the event of a Company Default, the Town in its reasonable discretion may:

- (i) Waive strict compliance with the pertinent provision of this Agreement and provide the Company with an additional time period to rectify, or "cure" the Company Default (the "Company Cure Period");
- (ii) In addition to any other rights and remedies available at law or in equity and without the necessity of proving actual damages or posting bond or similar security, be entitled to seek injunctive relief including, but not limited to, specific performance, with respect to the Company Default; provided, however, the Company shall in no case be liable for money damages or consequential damages.

## ARTICLE V

### Exclusivity

5.1 Exclusivity. During the term of this Agreement, the Town will not: (i) designate any person, firm or entity, other than the Company, as a qualified and eligible sponsor or master developer for the redevelopment of any of the Proposed Projects; (ii) enter into any agreement with any other firm, person or other entity with respect to any of the Proposed Projects; (iii) authorize or direct, by written resolution or other formal act voted on by the Town, any representative to act on their behalf in connection with any such agreement; or (iv) enter into



any negotiation or discussions (or solicit or accept any offers) with respect to or related to any of the foregoing.

## ARTICLE VI

### Miscellaneous

6.1 Negotiated Document. The parties acknowledge that the provisions and language of this Agreement have been negotiated, and agree that no provision of this Agreement shall be construed against any party by reason of such party having drafted such provision of this Agreement.

6.2 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to conflict of laws principles.

6.3 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument, and any of the parties or signatories hereto may execute this Agreement by signing any such counterpart.

6.4 Captions. The captions of this Agreement are for the purpose of convenience of reference only, and in no way define, limit or describe the scope or intent of this Agreement or in any way affect this Agreement.

6.5 Recitals. The recitals at the preamble of this Agreement are incorporated herein by reference.

6.6 Gender, Etc. As used in this Agreement, the masculine shall include the feminine and neuter, the singular shall include the plural, and the plural shall include the singular as the context may require.

6.7 No Third Party Beneficiaries. Except as may be expressly provided to the contrary in this Agreement, nothing contained in this Agreement shall or shall not be construed to confer upon any person other than the parties hereto, any rights, remedies, privileges, benefits or causes of action to any extent whatsoever.

6.8 Successors and Assigns. The agreements, terms, covenants and conditions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and, except as otherwise provided herein, their respective successors and permitted assigns.

6.9 Further Assurances. Each party hereto shall do all acts and things and make, execute and deliver such written instruments as shall from time to time be reasonably required to carry out the terms and provisions of this Agreement.

6.10 No Amendment. Neither this Agreement nor any provisions hereof may be changed, modified, amended, supplemented, altered, waived, discharged or terminated orally,

but only by an instrument in writing signed by the party against who enforcement of the change, modification, amendment, supplement, alteration, waiver, discharge or termination is sought, and, if required by any mortgage document, the applicable lender has consented thereto.

6.11 Inconsistent Provisions. The terms and provisions of this Agreement shall prevail over any inconsistent terms and provisions of the MOA between the Company and the Town.

6.12 Entire Agreement. This Agreement, together with the Schedules and Exhibits hereto, contain all of the promises, agreements, conditions, inducements and understandings between and amongst the parties hereto concerning the Proposed Projects and there are no promises, agreements, conditions, inducements or understandings, oral or written, expressed or implied, between them other than as expressly set forth herein and therein.

6.13 Arbitration. If there is any disagreement between the parties with respect to the interpretation of this Agreement, then such disagreement shall be determined by the American Arbitration Association, for matters in Brookhaven, New York with the venue for any dispute resolution in Brookhaven, New York. The then current rules of the American Arbitration Association shall govern the arbitration provided for herein.

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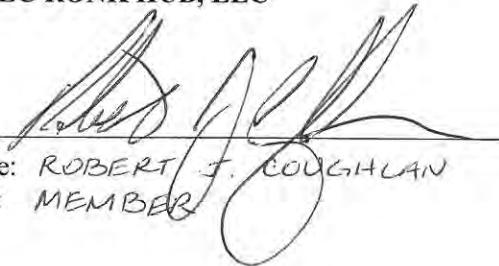
**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first written above.

**TOWN OF BROOKHAVEN**

By:   
Name: MARK LESKO  
Title: SUPERVISOR

:

**TREC RONK HUB, LLC**

By:   
Name: ROBERT J. COUGHLAN  
Title: MEMBER

**ACKNOWLEDGEMENTS**

**STATE OF NEW YORK,**

**SS.;**

**COUNTY OF**

On the 10<sup>th</sup> day of September in the year 2012, before me, the undersigned, a Notary Public in and for said state, personally appeared Mark Lesko, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to in the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
**NOTARY PUBLIC**

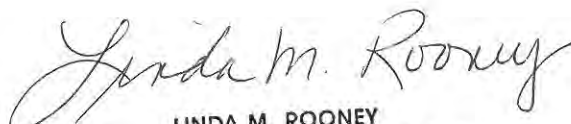
**Eileen McCallion**  
**No. 01MC5032411**  
**Notary Public, State of New York**  
**Qualified in Suffolk County**  
**Commission Expires in 08/29/20** 14

**STATE OF NEW YORK,**

**SS.;**

**COUNTY OF SUFFOLK**

On the 30<sup>th</sup> day of August in the year 2012, before me, the undersigned, a Notary Public in and for said state, personally appeared Robert J. Coughlan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to in the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

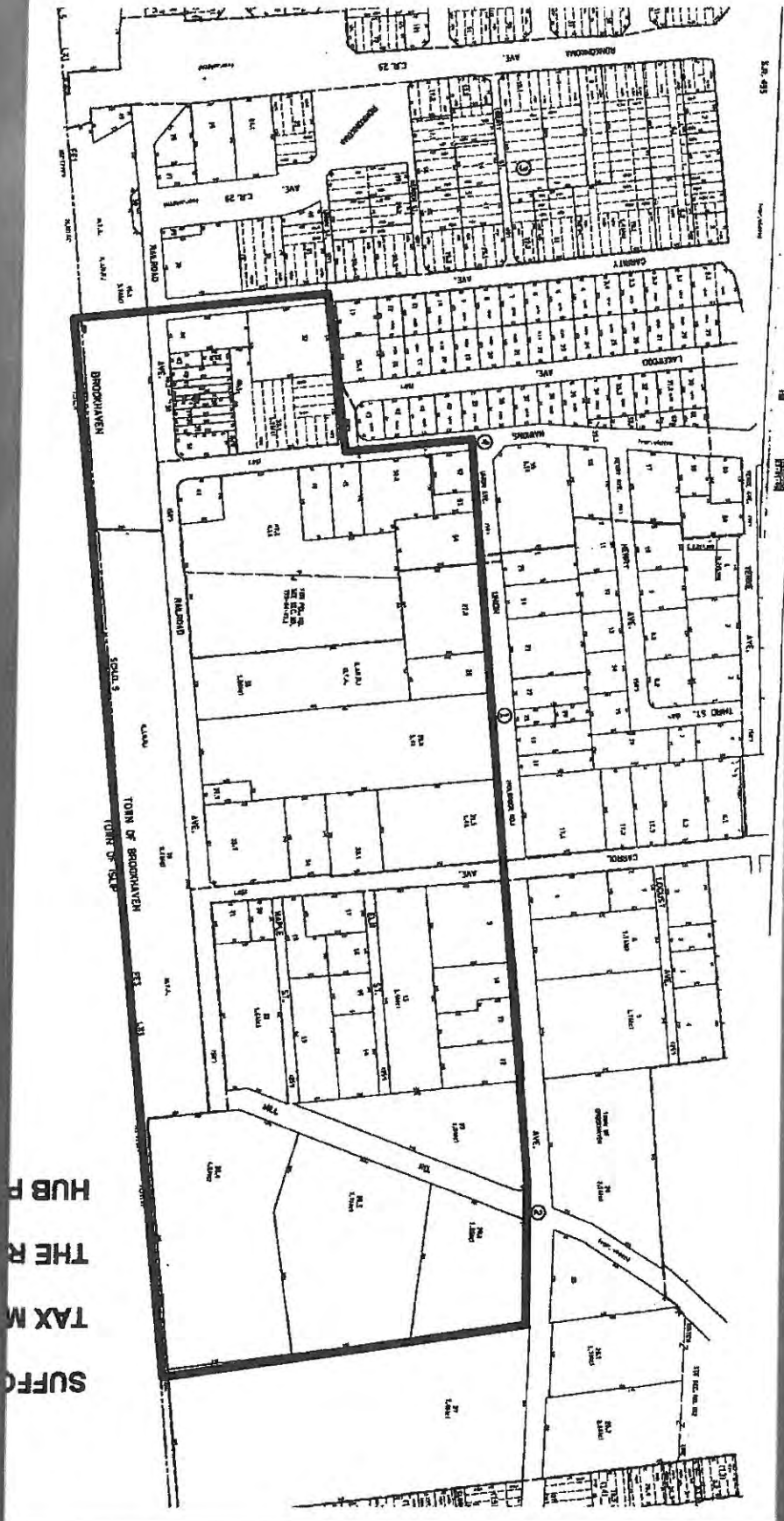
  
**LINDA M. ROONEY**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01RO6187648**  
**Qualified in Suffolk County**  
**My Commission Expires May 27, 2016**



**Exhibit A**

**Site Map**

# EASTERN LONG ISLAND TERMINAL DEVELOPMENT AREA - PARCEL TAX MAP

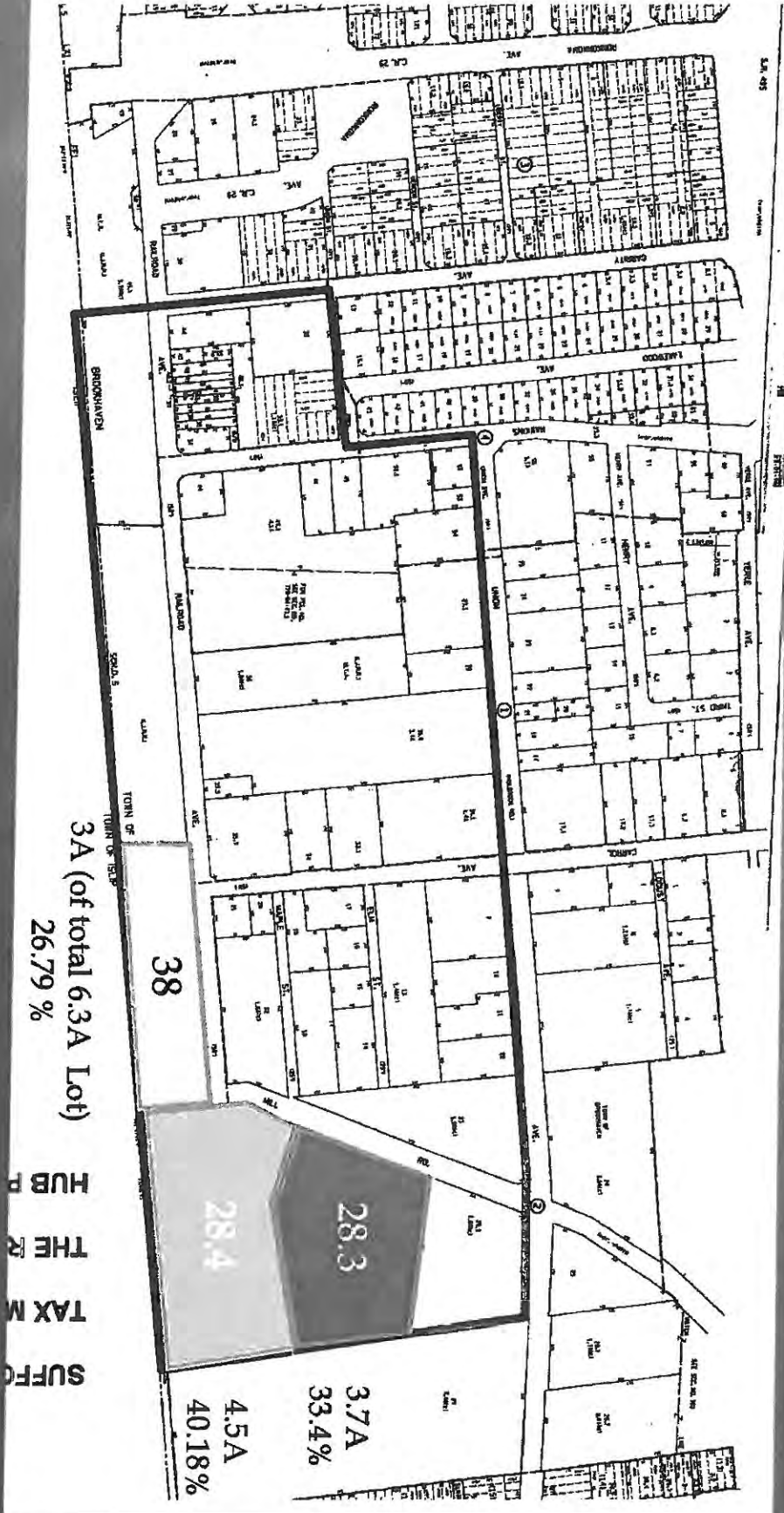


SUFFOLK  
TAX MAP  
THE R  
HUB P

**Exhibit B**

Phase I

**PHASE I - LOTS 28.3, 28.4 AND PORTION OF LOT 38  
(3 ACRES OF TOTAL 6.3ACRE LOT)**



3A (of total 6.3A Lot)  
26.79 %

SUFFOLK  
TAX MAP  
THE R  
HUB P

4.5A  
40.18%  
3.7A  
33.4%