



Town of Brookhaven gets innovative during trying times in commercial real estate - by Brian Kennedy

February 01, 2021 - Long Island



Over the last ten months, the COVID-19 pandemic has wreaked havoc on commercial real estate throughout the country. Unfortunately, Suffolk County has not been immune and vacancies in

commercial real estate continue to grow. Commercial shopping centers, indoor recreation facilities, and health clubs have been hit particularly hard. Municipalities must determine how to address growing vacancies in a way that satisfies their community. It is unclear whether these impacts will be short term or alter the commercial real estate landscape permanently. The Town of Brookhaven has engaged in innovative planning to respond to this uncertainty and address increased vacancies.

On December 3rd, 2020, the Town of Brookhaven town board unanimously approved the creation of a new floating zone known as the Commercial Redevelopment District (CRD), aimed at revitalizing “abandoned, vacant, or underutilized commercial shopping centers, bowling alleys, and health club properties.” This district will permit the growth of civic-oriented, pedestrian friendly, and economically vibrant development throughout Brookhaven. Parcels included in this newly created zoning district will be required to provide civic space, recreational areas, and pedestrian and bicycle access for the community. Residential developments within this district are permitted a maximum base density of 10 units per acre. The maximum base density for non-residential developments will be 1,000 s/f per acre. Density increases may be granted when the applicant revitalizes a site that has been specifically targeted by the community for redevelopment, the applicant designates at least 20% of residential units for individuals with special needs, or uses designated structural materials and green technology during construction. Additionally, significant density increases may be granted to the applicant when the parcel is located in close proximity to a Long Island Railroad Station.

However, there are limits on what sites will have an opportunity to avail themselves of this new zoning designation. Parcels must be at least five acres in size and house a commercial shopping center, bowling alley, or health club. Parcels where these structures have been demolished or removed and exceed the five-acre minimum qualify as well.

Traditionally, municipalities divide their communities into fixed zoning districts with each district allowing for specific uses. These districts are set by geographic boundaries. A “floating zone” allows a municipality to promote a specific land use without the geographic confines associated with a traditional zoning district. The Town of Brookhaven’s newly enacted Commercial Redevelopment District creates zoning flexibility which will allow for the revitalization of shopping centers, bowling alleys, and health clubs throughout Brookhaven, regardless of where these structures are located.

Town of Brookhaven officials should be commended for this forward-thinking approach to address a growing problem throughout Long Island. Rising commercial vacancies have grown in recent years and were only accelerated by the onset of the COVID-19 pandemic. Successful growth on Long Island requires developers and municipalities to collaborate with an eye toward redeveloping vacant, blighted, and underutilized sites.

The attorneys in Forchelli Deegan Terrana LLP’s Land Use and Zoning department are available to assist with any questions or issues.

Brian Kennedy, Esq. is an associate at Forchelli Deegan Terrana LLP, Uniondale, NY

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540