



Town of Brookhaven, New York

1/8/2026

Resolution

Title: Resolution of Adoption Granting the Application Known as “NCA Properties, LLC – Change of Zone Application” for a Change of Zone from J Business 4 to J Business 5, Special Permit for Motor Vehicle Fueling Station, Special Permit for Convenience Store Accessory to Motor Vehicle Fueling Station and Waivers of Special Permit Criteria on Property Located on Port Jefferson-Patchogue Road (New York State Route 112) in Coram, New York

Department: Law Department

Permissive No

Referendum:

Sponsors: Jane Bonner,
Councilwoman

SEQRA Required: No

Financial Impact

No financial impact.

Reason

To approve the above application.

Body

WHEREAS, on September 11, 2025 and January 8, 2026, duly advertised public hearings were held to consider the application known as “NCA Properties, LLC – Change of Zone Application” for a change of zone from J Business 4 to J Business 5, special permit for motor vehicle fueling station, special permit for convenience store accessory to motor vehicle fueling station and waivers of special permit criteria, on property located on the northeast corner of the intersection of Port Jefferson-Patchogue Road (New York State Route 112) and Old Town Road in Coram, New York, further identified by Suffolk County Tax Map Number 0200-450.00-02.00-005.006; and

WHEREAS, after due consideration and deliberation;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the above application for a change of zone from J Business 4 to J Business 5, special permit for motor vehicle fueling station and special permit for convenience store accessory to motor vehicle fueling station is hereby approved; and be it further

RESOLVED that the following waivers of special permit criteria are approved:

1. Brookhaven Town Code Section 85-467(B). Special permit criteria. Convenience store as an accessory and incidental use to a permitted motor vehicle fueling station:

(3) A maximum of 750 square feet of building area shall be devoted to the retail sale and display area, and the total building area shall not exceed 1,500 square feet:

Maximum 750 square feet retail area permitted; 1,500 square feet retail area, approved.

Maximum 1,500 square feet building area permitted; 2,995 square feet building area, approved.

2. Brookhaven Town Code Section 85-467(B). Special permit criteria. Convenience store as an accessory and incidental use to a permitted motor vehicle fueling station.

(7) Buffers and plantings in accordance with the land development standards, except that the rear yard setback shall be 40 feet:

25 foot buffer required; 17 foot buffer, approved.

40 foot rear yard setback required; 17 foot rear yard setback, approved.

3. Brookhaven Town Code Section 85-467(G). Special permit criteria. Motor vehicle fueling station.

(9) Screening. Buffers and fencing shall be provided in accordance with the land development standards.

25 foot buffer required; 17 foot buffer, approved.

Conditions

1. Pursuant to Town Code Section 85-467.B.(3)(b), the required land use intensification mitigation fee (for the convenience store building area) in the amount of \$89,550.00 shall be submitted prior to the zoning being made effective. Make check payable to the Joseph Macchia Environmental Preservation Capital Reserve Fund.

2. Pursuant to Town Code Section 85-82, the required land use intensification mitigation fee (for the zone change) in the amount of \$40,687.50 shall be submitted prior to the zoning being made effective. Make check payable to the Joseph Macchia Environmental Preservation Capital Reserve Fund.

3. The applicant must submit proof to the satisfaction of the Town Attorney's Office that the covenants and restrictions, approved as to form and substance, referenced below have been filed with the Suffolk County Clerk's Office.

Covenants and Restrictions

1. The convenience store shall be limited to a total building area of 2,995 square feet and a retail sales area of 1,500 square feet.

2. Any proposed detached signage shall be limited to monument style only.

3. Development shall be in general conformance with the concept plan prepared by Christopher W. Robinson, PE, R & M Engineering, last dated July 1, 2025, subject to the determination of the Planning Board at the time of site plan review.

4. The proposed building and canopy design shall share architectural design elements and incorporate the requirements of the Main Street Business District Design manual, and shall be subject to the determination of the Planning Board at the time of site plan review.

5. Preserve existing mature street trees along the property frontage of New York State Route 112 to the maximum extent possible, subject to the determination of the Planning Board at the time of site plan review.

6. A minimum 25 foot landscaped front yard shall be provided along New York State Route 112 (with exception of signage, site vehicular and pedestrian access and utility installation).

; and be it further

RESOLVED, that the Town Board, as Lead Agency, has determined that pursuant to 6 New York Codes, Rules and Regulations Part 617.3 and 617.6, the proposed action is deemed to be an Unlisted Action for which a Negative Declaration has been issued.

Check back soon after the meeting to view the final disposition of the resolution

ACTION: Adopt	
BY THE BROOKHAVEN TOWN BOARD	
MOTION TO:	Adopt (Unanimous)
MOTION BY:	Jane Bonner
SECOND BY:	Neil Manzella
AYES:	Jonathan Kornreich, Jane Bonner, Neil Manzella, Michael Loguercio, Neil Foley, Daniel Panico, Karen Dunne Kesnig
ABSENT:	