

**DRAFT ENVIRONMENTAL IMPACT  
STATEMENT**

**THE HAMPTONS CLUB AT EASTPORT**

Change of Zone Application  
Town Log #2009-029-CZ

as a

**SUPPLEMENT**

to the

**CR 51 CORRIDOR BASED LAND USE STUDY  
GENERIC ENVIRONMENTAL IMPACT STATEMENT**

**Hamlet of Eastport, Town of Brookhaven  
Suffolk County, New York**

NP&V Project No. 03237

**December 2009**

# DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

## The Hamptons Club at Eastport Change of Zone Application Town Log #2009-029-CZ

### Eastport, New York

NP&V No. 03237

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- Appendix A-2 Amended Conditional Final Approval, Approved Project, Town Planning Board, May 24, 2007
- Appendix A-3 Photographs of Site and Vicinity, October 29, 2009
- Appendix A-4 SEQRA Negative Declaration, Approved Project, Town Planning Board, January 9, 2006
- Appendix A-5 Hardship Exemption Approval, Approved Project, CPBJPPC, January 18, 2006
- Appendix A-6 Part 1 EAF, Proposed Project, NP&V, LLC, October 27, 2009
- Appendix A-7 Positive Declaration, Town Board, November 24, 2009
- Appendix A-8 Building Elevations & Floor Plans, Proposed Project, Core Group Architects, LLP
- Appendix A-9 Fire Safety-Related Correspondence, Approved Project

### Appendix B Fiscal and Economic Impact Analysis and Assessment of Project Needs and Benefits, NP&V, LLC, November 3, 2009

### Appendix C SONIR Computer Model Information

- Appendix C-1 Model User's Guide
- Appendix C-2 Approved Project/Alternative 1
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- Appendix C-4 Existing Conditions/Alternative 2

### Appendix D Traffic Assessment, Nelson & Pope, LLP, August 18, 2009

## PLANS

*(in pouches at rear)*

**Map of the Hamptons Club** (Approved Project), Nelson & Pope, LLP (2/8/08; 3 sheets)

**Overall Conceptual Plan** (Proposed Project), Nelson & Pope, LLP (12/3/09)

**Conceptual Yield Map for Rezone to B-Residence**, Nelson & Pope, LLP (10/28/09)

# SUMMARY

## SUMMARY

### **Introduction**

The proposal for which this document has been prepared is known as **The Hamptons Club at Eastport**. This “proposed project” seeks a change of zone from A-Residence-1 to B-Residence, to construct 116 attached and three detached residences and a recreation building on a 76.44-acre site. The site is located in the triangular area formed by the intersections of CR 111, CR 51 and the NYS Route 27 North Service Road, in Eastport. The subject site is identified as Suffolk County Tax parcels #200-563-5-1.1 through 1.50 and #200-594-1-5.1 through 5.23.

The proposed project includes the purchase and retirement of 11 Pine Barrens Credits (PBCs) and 44 sanitary credits (from the Oaks at East Moriches site) to offset the zone change and increased density. The site was approved for a 64-unit subdivision of single-family homes and amenities (the “approved project”), and is presently undergoing construction, as follows:

- the project entrance on the North Service Road of NYS Route 27 and the associated turning lanes, and highway improvements have been installed, along with the construction/emergency access;
- the surfaces for the internal roads, the model homes, the four ponds and the recreation area have been cleared and graded (the large woodland on the western part of the site has only been cleared for the internal roadway);
- the project’s internal roads have been cleared, rough-graded and stabilized with base recycled concrete aggregate;
- the four ponds have been excavated and rough-graded;
- the three model homes have been built; and
- the soil management plan (SMP) is nearly complete.

The proposed project seeks to add 55 units and construct them as smaller, attached units, of which 30 would be for first-time homebuyers. The 55 units will have geothermal temperature control, and the first-time homebuyer units will be offered with the first two years of taxes and common charges paid by the developer.

This document is a Draft Supplement to the Generic Environmental Impact Statement (Draft SGEIS) that was prepared for the CR 51 Corridor Based Land Use Study (hereafter, the “CR 51 Plan”). The GEIS for the CR 51 Plan was prepared for the Town and was completed in 2007. The CR 51 Plan’s GEIS culminated in a Findings Statement, which summarized the Town’s determination of anticipated impacts and mitigation measures, and delineated administrative procedures for future development proposals within the corridor. As the subject site was included in the CR 51 Plan, the potential impacts of the proposed project would properly be analyzed in this Draft SGEIS. This document will assist the Town Board (as lead agency under the NYS Environmental Quality Review Act, SEQRA) in rendering an informed decision on the Hamptons Club at Eastport change of zone application.

### **Project Background and Benefits**

#### Project Background

The approved Hamptons Club at Eastport proposal was based on a 65-lot clustered residential subdivision under the site’s A-Residence-1 zoning. That project was thoroughly reviewed by the Town’s planning and environmental divisions. The Town Planning Board, as lead agency for that application, issued a negative declaration on January 9, 2006, indicating that no significant adverse environmental impacts were expected. The Town Planning Board issued its Conditional Final Approval on May 7, 2007.

As the site is in the Central Pine Barrens Zone, the prior application was subject to the standards of the Central Pine Barrens Comprehensive Land Use Plan (hereafter, the “Pine Barrens Plan”), as administered by the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC). The project did not conform to one of the standards of the Pine Barrens Plan, with respect to clearing. As a result, a hardship exemption application was submitted to the CPBJPPC, and the application was granted on January 18, 2006. The hardship exemption allowed some clearing of pine barrens vegetation, but balanced this with providing more contiguous open space, including restored meadow habitat and remaining pine barrens habitat on the site.

After the approved project received building permits from the Town, the applicant constructed three model residences on the site, and initiated sales. However, the national economic downturn seriously inhibited sales of the units and, as a result, the applicant seeks to modify the project to provide smaller, lower-priced units more in keeping with current market demand. As a result, the applicant determined to seek a change in the unbuilt portion of the approved project such that units of a type more attractive to purchasers would be developed while the Town would be assured that the potential environmental impacts of this revised plan would remain the same or be reduced, as compared to those for the approved plan. In addition, provision of opportunities for first-time homebuyers is a Town goal and a benefit to the public.

#### Benefits of the Project

- 22.95 acres of Old Field/Meadow and 9.57 acres of Pitch Pine-Oak Forest will remain on the site, and another 0.91 acres of forest will be planted, for a total of 33.43 acres of natural land on-site.
- The project will acquire 11 PBCs, to increase pine barrens preservation, and 44 sanitary credits from the Oaks at East Moriches site, thereby preserving this property in a natural state.
- The proposed project represents 101,255 SF less of floor space than would be allowed under the Conditional Final Approval.
- The proposed project will provide 30 units of economically priced housing.
- 55 units will utilize geothermal energy, reducing electric bills, benefiting homeowners and furthering renewable energy use in the area.
- The proposed project will generate fewer school-aged children than the approved project (31 vs.72), reducing impact to the Eastport-South Manor CSD compared to the approved project.
- The proposed project would generate approximately \$647,975/year in taxes, while the approved project would generate \$594,416, a 9% difference.
- There would be an excess of \$114,953/year in school taxes over school expenditures for the proposed project, while the approved project would produce a deficit of \$380,034/year.
- The proposed project is expected to generate 41 fewer school-aged children than the approved project, translating into a substantially less impact on the local school district.
- The applicant has committed to cover the taxes and homeowners association (HOA) fees for all units dedicated for first-time homebuyers for the first two years of operations.
- The proposed project will generate 154 construction and 7.28 FTE maintenance and operation jobs and will be realized more rapidly thus providing a more immediate employment benefit to the community.
- The project will retain an additional 0.91 acres of natural wooded area, buffers on the perimeter of the site as well as specimen trees and substantial landscaping on the interior of the site.

#### **Project Design and Layout**

The applicant seeks a change of zone to B-residence to allow for the construction of a residential development on the same western portion of the property as was approved previously. The proposed project is designed as a 119-unit attached residential cluster with a recreation building, which is far below

the anticipated B-Residence yield of 144 units (note that the Town will determine the site's potential yield under the B zone).

The units will include the three single-family detached model homes. The 116 new units will be in 58 two-unit structures; each structure will be located on a separate lot nearly identical to the approved subdivision. The three existing models will remain as single-family detached units. It is noteworthy that three lots will not be developed but will be left as over an acre of additional naturally vegetated land, and a limited number of minor lot line adjustments have been made.

It is anticipated that 30 units will be set aside for first-time homebuyers. All such units are proposed as two-bedroom attached units, suiting the demand and lifestyle of recent college graduates, young professionals and young families. An additional 86 attached units will be available on the open market, as: 43 two-bedroom and 43 three-bedroom units.

A total of 22.95 acres of former farm fields will be left undisturbed to undergo natural succession as Old Field/Meadow. An additional 9.57 acres of Pitch Pine-Oak Forest will remain, and another 0.91 acres of trees will be planted as revegetated area, for a total of 10.48 acres of forest. The development will include a 5,500± SF recreation building, pool, and other amenities including walking trails. Surface water features for aesthetics as well as for drainage retention occupy approximately 5.30 acres. The project includes a total of 345 parking spaces, including 162 garage spaces, 162 driveway spaces, and 21 spaces devoted for the recreation building. The development will have a main entrance from the NYS Route 27 North Service Road. An emergency exit is planned at the southeast corner of the developed portion of the property, also onto NYS Route 27. The recreation building, amenities, roads and access features noted above are all the same as were approved as part of the approved Hamptons Club subdivision.

As established for the approved project, the allowable sanitary flow for the site is 19,500 gallons per day (gpd). The proposed project would generate a sanitary flow of 36,000 gpd. This exceeds the allowable sanitary flow, and so the applicant proposes to obtain development credits to compensate for this exceedance. This is allowed by the SCDHS under their Transfer of Development Rights (TDR) guidance document, and is subject to Board of Review approval. This program accepts 300 gpd of sanitary flow as equivalent to 1 credit; as the proposed project would exceed the allowed sanitary flow by 16,500 gpd, this corresponds to 55 credits.

The proposed project is not a Development of Regional Significance (DRS) under the Pine Barrens Act; however, it is a change in the approved project. Therefore, the applicant has filed a new Hardship Exemption application with the CPBJPPC, which will review the subdivision for the hardship and conformance with the guidelines of the Town Central Pine Barrens District. The applicant will seek concurrence or amended approval from the CPBJPPC, as necessary.

The applicant would provide a well-planned development to create an attractive and desirable environment for its residents and will enhance the community at large. Quality-of-life will be a focus and will be evident in architectural design, landscaping, water features, and an attractive site entrance. It is expected that Town Board approval of the Change of Zone application will include provisions to ensure that the proposed first-time homebuyer units will remain affordable and will be administered properly under the oversight of the Town.

**Permits and Approvals Required**

<b>Applicable Board/Agency</b>	<b>Approval Type</b>
Town Board	Change of Zone approval
Town Planning Board	Site Plan/Subdivision review
Town Building Department	Building Permits (Received for 3 model home units)
SCDHS	Wastewater Disposal; Water Supply
Suffolk County Board of Review	Use of Sanitary Flow Credits
SCWA	Water Supply and Connection
NYSDEC	SPDES - Stormwater (Prior coverage obtained)
NYSDEC	Mined Land Reclamation Permit (Received)
NYSDOT	Road Opening Permit (Received)
CPBJPPC	Compatible Growth Area (CGA), Hardship Exemption

**Water Resources - Anticipated Impacts and Mitigation Measures**

Anticipated Impacts

*Surface Waters* - With respect to the presence of two FEMA-designated flood hazard zones on the site, it is noted that fewer buildings will be placed in the flood zone in the proposed project than under the approved project. This is due in large part to a narrowing of the boundaries of the flood-prone areas under the current Flood Insurance Rate Map (FIRM) for the site, due to be made effective at the end of September 2009. Location within the flood zone means only that building first floor elevations must be constructed a minimum of two feet above the Base Flood Elevation in order to obtain flood insurance. At the present time, FEMA has not determined a Base Flood Elevation for the Preliminary Flood Hazard Map. The project will be consistent with FEMA requirements, and no adverse impact associated with flooding or the site's presence in a Flood Hazard Zone is expected.

The nearest wetlands are located 700 feet to the south, with NYS Route 27 and other lands intervening between the site and this feature. The containment of stormwater within drainage systems on the site will ensure that no impact occurs to surface water. The groundwater flow path is such that water recharged on site will enter the Upper Glacial aquifer, and follow a deeper flow path that will result in discharge to surface water at some location down gradient of the site either into Moriches Bay or the Atlantic Ocean. As a result, there will be a substantial travel distance from the site before there is any discharge to surface water.

Areas of Moriches Bay, located 2.2 miles south of the site, have been subject to brown tide incidents. In general, the quality of nitrogen seems to play a larger role in this effect than the actual quantity entering the system. Assuming construction of the proposed project, the subject site would recharge 3.43 mg/l of nitrogen to groundwater that, similar to the approved project, is a relatively low concentration that is not expected to contribute to potential brown tides.

*Groundwater* - The project's drainage system will be engineered to capture runoff and recharge it to groundwater, and implementation of erosion and sediment control techniques during construction and under post-construction, will combine to address potential stormwater impacts. Similar to the approved project, significant stormwater impacts are not anticipated from the proposed project.

Each residence would have a separate conventional sanitary system, which will be designed and installed in accordance with SCDHS standards and requirements. As established for the approved project, the depth to groundwater would be sufficient to allow for proper leaching and functioning of these systems.

The direction of groundwater flow would not be affected. A permit to construct would be issued for each unit, and inspections for installation and subsoil leaching quality would be completed by the SCDHS. These measures would ensure that no adverse impacts from sanitary system operations would occur. The density of development on-site will be increased as a result of the proposed project. The SCDHS allows sanitary credits to be transferred across Groundwater Management Zone boundaries, with the approval of the Board of Review. The applicant will obtain 55 PBCs and sanitary flow credits, 44 of which will be sanitary credits from a location proximate to the subject site in Groundwater Management Zone VI (The Oaks at East Moriches site), which will allow that land to be sterilized and preserved. The SONIR computer model results for the proposed project indicate that 57.74 MGY of water would be recharged, having a concentration of nitrogen calculated to be 3.43 mg/l and is due primarily to the presence of nitrogen in sanitary wastewater. It should be noted that this is a low concentration and is well within the 10 mg/l standard for drinking water, as established by New York State.

In order to minimize one source of nitrogen in recharge, and as required by the Pine Barrens Plan, the acreage of fertilized landscaping is limited to a maximum of 15% of the site (11.47 acres). The proposed project will comply with this requirement.

With respect to nitrate-nitrogen in recharge, the stricter Guideline of the Pine Barrens Plan (S 5.3.3.1; which would require a nitrate-nitrogen level of 2.5 mg/l) does not apply to the proposed project, as this requirement is intended “...to protect surface water quality for projects in the vicinity of ponds and wetlands” [emphasis added]. Such resources are not present on the subject site nor tributary to it. The nearest surface waters or wetlands are located approximately 700 feet to the south-southeast. Therefore, surface runoff from the subject site does not impact this surface water body.

#### Mitigation Measures

- Due to the depth of the natural water table underlying the site and permeability of subsurface soils underlying the site, development of the subject site is not anticipated to adversely impact groundwater resources associated with the natural water table in the region of the project area.
- All stormwater runoff generated on developed surfaces will be retained on-site through a series of catch basins, with overflow to the proposed detention/recharge ponds in conformance with Town design standards. The system will be designed to sufficiently accommodate 8 inches of storage.
- Based upon information presented in the NURP Study, it is not anticipated that stormwater recharge will contain significant concentrations of pollutants that could adversely impact ground or surface water resource. Therefore, the proposed project is in conformance with the applicable recommendations of the NURP Study in regard to the proposed stormwater recharge system.
- Due to the installation and design of the proposed stormwater facilities, use of individual on-site disposal systems in conformance with SCSC Article 6 and design requirements, and overall site design including transfer of 55 PBCs and sanitary flow credits with SCDHS Board of Review approval, it is not anticipated that there will be any impacts to groundwater resources as a result of development of the proposed project.
- The applicant’s decision to retain the lot line and overall site arrangement as was previously approved, and to develop two attached residences on 58 of the lots rather than one detached unit does not result in a significant increase in water resource impact. While the nitrogen concentration in recharge will be increased, this increase would not be to a level that would contravene the NYS drinking water standard. In addition, Suffolk County Board of review approval will be necessary for the project, ensuring that proper agency review will take place to protect groundwater resources.
- The proposed project includes redemption of 44 sanitary flow credits from within Groundwater Management Zone VI. In addition, 11 PBCs will also be obtained, ensuring that acreage in the Core Preservation Area of the Central Pine Barrens Zone is preserved.

## **Ecology - Anticipated Impacts and Mitigation Measures**

### Anticipated Impacts

*Vegetation* - The proposed project would utilize the western portion of the site for the proposed development, leaving the central and eastern areas undisturbed (other than areas of former farmland to be remediated, as determined for the prior review). The proposed project will retain more natural forest vegetation and more of the former farmlands now undergoing natural succession as Old Field/Meadow vegetation. Three individual lots that were previously approved as homesites will not be developed. The proposed project would retain 13.7% of the site in natural vegetation, and overall, 76.1% of the site will remain in natural and landscape vegetation. Considering the lack of site sensitivity (established during review of the approved project) and these planned retentions of natural and landscaped areas, no significant adverse impacts to vegetation or habitat are expected for the proposed project.

*Wildlife* - Impacts to wildlife from the proposed project are expected to be similar to those for the approved project because the areas to be disturbed are the same and the acreages of land affected are similar. The proposed project will favor those wildlife species that prefer meadow, forest, edge and suburban habitats and those that are tolerant of human activity. Most of the species expected on the property are at least somewhat tolerant of human activity, but others will be impacted by the proposed clearing operation and increase in human activity. It is also expected that wildlife (particularly birds) will continue to occupy the site and/or will migrate to undisturbed areas adjacent to or near the site.

*Rare and Endangered Species/Unique Habitat Potential* - The NYS Natural Heritage Program did not identify any species that warrant protection and there are no rare or endangered wildlife species expected on-site. Thus, no impacts to such wildlife species would occur.

### Mitigation Measures

- Fertilizer dependent vegetation will not exceed 15% of the overall site and the remaining landscaped areas will be established in native trees, shrubs and grasses and allowed to revegetate.
- The loss of woodland habitat on the property will be partially mitigated by the proposed preservation of woodland within the eastern portion of the property and the creation of successional field adjacent to this preserved woodland.
- Minimize disturbance to the maximum extent practicable, including delineating clearing limits at the site prior to construction in order to avoid inadvertent clearing.
- Incorporation of stormwater management practices throughout the site that will assist in removing sediment and debris from runoff.
- Native plant species that provide food and shelter to wildlife will be utilized in some of the landscaped areas within the residential development.
- In comparison to the approved project, the acreages of retained pitch pine-oak forest and old field/meadow vegetation would be increased for the proposed project. This is achieved primarily by the applicant's decision to retain the same lot line and overall site layout as that prior proposal, and to designate three of the lots for open space preservation. This will enable the proposed project to preserve more land for habitat use by wildlife.

## **Land Use, Zoning and Plans - Anticipated Impacts and Mitigation Measures**

### Anticipated Impacts

*Land Use* - The proposed 119-unit residential project places smaller, attached units on the 58 lots in the same location and configuration as the approved project, which limits the developed area to the least sensitive portion of the property on the western portion of the subject site. The proposed project is compatible with the adjacent Bristol Estates PRC development located to the west. This PRC and the proposed project are moderate-density, multi-family style developments with areas of preserved naturally

vegetated space. The PRC is developed at a density of 4 units/acre and the proposed project would be 1.56 units/acre.

The project proposes 25 units less than the allowable yield for the site under the B-Residence zoning. It is noted that the Total Floor Area of the proposed project is 21,724 SF (11.4%) more than the Minimum Floor Area (the floor area of the approved project) and 101,255 SF (32.3%) less than the Maximum Potential Floor Area (as determined by the Conditional Final Approval of the approved project). This demonstrates that, while the density increases from the approved to the proposed project, the intensity of use is not significantly greater. As a result, the proposed project will be an appropriate development on the parcel and is keeping with the character set by the adjacent Bristol Estates PRC project (as well as less dense).

*Zoning* - The **Overall Conceptual Plan** demonstrates that the project is in conformance with dimensional/bulk requirements, recreational and parking requirements. The project will provide quality multi-family housing opportunities that are currently a much sought-after type of housing in an area where such type of housing is under-represented. The project provides an enhanced setting that will benefit site residents from the proximity to on-site recreation and adjacent open space and wooded areas, and will provide for a beneficial use of the site. As a result, no impacts to site zoning or the zoning pattern of the area are anticipated.

*Land Use Plans/Brookhaven Comprehensive Plan Update (1996)* - The proposed project conforms to the residential land use recommended for the site in this Plan. However, the proposed project includes a density which is greater than the recommended one acre or less density. Although there will be more units than the approved project, the total number of bedrooms and total amount of building square footage will not be significantly greater than the approved project. In addition, the Plan recommends that existing natural spaces be retained and preserved if practicable, which the project will accomplish by retaining the same areas as the approved project as well as additional such lands, to a total of 33.43 acres. In this way, the clustered-lot design of the approved project will continue to provide for a substantial naturally-vegetated space retention, as well as additional preservation, which will achieve an increased level of preservation than would have been achieved if the site were simply subdivided and developed. In consideration of the above, the proposed project conforms to the overall intent of the applicable recommendations of the 1996 Town Comprehensive Plan Update, and no adverse impacts are anticipated.

*Land Use Plans/Special Groundwater Protection Area Plan (1992)* - The proposed project conforms to the intent of the SGPA Plan in several respects. Despite the site's increase in the overall number of residential units, the proposed project is less than two units per acre, which is considered moderately low-density development. The proposed project will retain the same clustered-lot layout as the approved project and will retain a greater amount of natural space. In addition, the applicant's request for a change of zone does not propose the maximum yield for what that zone would allow. The adjacent Bristol Estates PRC development is developed at a higher density than the proposed project. As a result, the subject site acts as a transition parcel from the agricultural and low density residential uses surrounding the site to the higher density PRC development to the west.

*Land Use Plans/Central Pine Barrens Comprehensive Land Use Plan (1995)* - Similar to the approved project, Standard S 5.3.3.6.1 (Vegetation Clearance Limits) will be exceeded. The proposed project will not increase clearing over what was previously proposed and approved, and will in fact retain an additional three lots for a total of 33.43 acres as open space. The approved project has received a hardship exemption from the CPBJPPC. As a result, a new hardship exemption request for the proposed project has been submitted to the CPBJPPC.

*Land Use Plans/Final County Road 51 Corridor Land Use Plan (July 2007)* - The approved project was pending at the time the CR 51 Plan was being developed. As a result, that 64-lot project was anticipated and no specific recommendations were made. A land use plan is not a static document; it must be dynamic and allow for changes in land use in consideration of changing conditions that occur after a plan is prepared. The proposed project is not divergent from the clustered residential development that was approved on the subject site, and in fact, the configuration of development is identical to the approved project. While the proposed project represents a greater yield on the site than was previously approved, it is consistent with the higher-density PRC immediately west of the subject site and is at a significantly lower yield than the requested change of zone to B-Residence district.

#### Mitigation Measures

- The proposed project will retain the proposed residential use for the site as well as providing a mix of unit types to meet current real estate market demands.
- The proposed project retains the buffers that were previously approved to increase land use compatibility in transition between development to the east and south.
- The proposed project will provide 30 units as housing for first time homebuyers to add to the Town housing stock, fulfilling a need within the Town.
- The proposed change of zone requests less than 80% of the allowable yield under B-Residence zoning, and retains the same lot layout as the approved project. A greater amount of naturally-vegetated space preservation is proposed than for the approved project.
- As the proposed project would comply with the applicable site-specific recommendations of the 1996 Town Comprehensive Plan Update, no impacts are expected, and no mitigation is necessary or proposed.
- The proposed project will obtain 44 sanitary and 11 PBCs to compensate for the exceedance of the allowed sanitary flow.
- The proposed project will not increase clearing that was previously proposed and approved. An amendment to the Hardship Exemption approval is currently being requested.

#### **Community Character - Anticipated Impacts and Mitigation Measures**

##### Anticipated Impacts

As the proposed project will maintain nearly the same lot layout as previously approved, the only changes are in the number and types of units on those lots. The height requirement for the B-Residence zone is the same as the A-Residence-1 Zone, so no change in building heights are proposed. All the proposed units will be two stories high. Architecture is classic residential styling and will not significantly differ from the approved project, in consideration of the same design configuration and consistent height requirements.

As noted earlier, portions of the site are within flood hazard zones, in which building first floor elevations must be a minimum of two feet above a Base Flood Elevation (as established by FEMA). FEMA has not yet determined a Base Flood Elevation, so that the height of the proposed buildings is not available. However, the proposed project will comply with applicable design, construction and elevation requirements, has been designed to conform to Town zoning, and conforms closely to the building heights of the approved project (and therefore of aesthetic impacts), which receive a Negative Declaration from the Town. Therefore, it is expected that the proposed project will likewise be acceptable to the Town with respect to building heights and aesthetics. As the proposed project will develop under the same footprint including lots, roadways, access point, clubhouse, landscaping and retention of the wooded areas of the site, no change to community character is anticipated to occur.

### Mitigation Measures

- The proposed project will be consistent with other property uses in the vicinity of the site.
- Visibility of the site will be mitigated through the provision of landscaped and wooded vegetative buffers along the perimeter and within the interior of the property.
- Implementation of a consistent architectural theme, using construction materials having appropriate textures and colors will mitigate potential adverse visual impacts.
- Noise impacts are anticipated during the construction phase of the project related to clearing, grading, excavation, and building activities. These will occur over a limited period of time and are not anticipated to result in a significant impact.

### **Community Services - Anticipated Impacts and Mitigation Measures**

#### Anticipated Impacts

*Taxes* - Both the approved project and the proposed project will significantly increase taxes generated by the site as compared to existing conditions. The proposed project would generate approximately \$648,000/year in taxes. This represents \$53,559/year more than projected revenues under the approved project, and a net increase of \$618,500 per year.

*Schools* - The proposed project would generate substantially fewer school-age children than the approved project (31 capita vs. 72 capita), which will substantially reduce school district educational expenses. Then, with its greater allocation of school taxes, the proposed project represents a substantial reduction in school district impacts in comparison to those of the approved project.

*Police Protection* - The developed nature of the project site would change the type of call to security incidents, accidents, fires, disturbing the peace and the like, and would incrementally increase the potential need for use of the SCPD for emergency and/or security calls, as well as change the type of call for which SCPD response would be required. In compensation, an estimated \$72,468/year increase in tax revenues to the SCPD would occur; to offset some of the increased cost of SCPD services. The proposed project would be built in conformance with current New York State codes, and would include appropriate safety/security systems, such as lighting, alarms and smoke detectors.

*Fire Protection and Emergency Services* - The developed nature of the project site would change the type of call to accidents, fires and the like and will incrementally increase the potential need for use of the Eastport Fire District and the Eastport/East Moriches Ambulance District to respond to emergency calls, as well as change the type of call for which response would be required from brush or other types of vegetation fire to structural fire and/or accidents or health-related issues. The Eastport Fire District will receive \$11,402/year in taxes, while the Eastport/East Moriches Ambulance District will receive \$19,902 annually; these revenues would assist with ensuring that adequate equipment and facilities are available for district coverage. The proposed project will be built in conformance with current New York State building and fire codes, and would include appropriate smoke and/or fire alarms.

*Other Services* - The proposed project will include privately maintained roads and on-site recreational facilities, thereby decreasing demand on recreational services, and eliminating the need for Town maintenance. An HOA will own and maintain the site; maintenance will be performed privately using contractors thus providing jobs and reducing burden on Town services. Other jurisdictions will receive revenue, with primarily benefits resulting from low demand for services.

### Mitigation Measures

- The proposed project will substantially increase the allocation of property taxes to the Eastport-South Manor CSD, which will offset the increased school district costs to educate the 31 school-age

children generated.

- The proposed project will be constructed to meet New York State and local fire prevention codes.
- The substantial increases anticipated in police, ambulance and fire district taxes will offset the increased potential need for these services.
- Based upon the private maintenance of the proposed project, it is expected that only beneficial impacts will result with respect to the Town Highway Department and recreational facilities.

## **Transportation - Anticipated Impacts and Mitigation Measures**

### Anticipated Impacts

The Traffic Assessment for the proposed project was conducted using the same methodology as was utilized for the TIS for the approved project. The assessment concludes:

Upon review of the capacity analysis results, it can be concluded that the No-Build LOS at the study intersections will be maintained after the construction of the proposed project. It is therefore the professional opinion of Nelson & Pope, LLP that the proposed project will not significantly impact the operation of the intersections in the vicinity of the site.

### Mitigation Measures

- Based on the results of the Traffic Assessment, no significant impacts on the operation of the intersections in the vicinity of the site will occur as a result of the proposed project. Therefore, no additional mitigation measures are necessary or proposed.
- In comparison to the approved project, the LOS's for the proposed project represent generally reduced impacts on the operation of the local intersections analyzed. For the one case where there would be a reduction in LOS, the reduction (from B to C) is not to a level that is considered unacceptable. As the approved project had received Town approval, it is expected that the proposed project, which represents generally lesser or similar traffic impacts, would likewise be approved by the Town. This would support a conclusion that no mitigation measures are necessary or proposed.
- Review of the Pine Barrens Plan indicates that neither the approved project nor the proposed project meet the definition of a DRS.

### **Alternatives**

- Alternative 1: No Action/Approved Project - assumes renewed construction of the approved project.
- Alternative 2: Existing Conditions - construction of the approved project does not resume; the site remains in its current condition.

# SECTION 1.0

## DESCRIPTION OF THE PROPOSED PROJECT

## 1.0 DESCRIPTION OF THE PROPOSED PROJECT

### 1.1 Introduction

The proposal for which this document has been prepared is known as **The Hamptons Club at Eastport**. This “proposed project” seeks a change of zone from A-Residence-1 to B-Residence, to allow construction of 116 attached and 3 detached residences and an approximately 5,500 square foot (SF) recreation building on a 76.44-acre site on the west side of Suffolk County Route 111 (CR 111), just north of its intersection with NYS Route 27 (Sunrise Highway) in the hamlet of Eastport, Town of Brookhaven. The proposed project also includes the purchase and retirement of 11 Pine Barrens Credits (PBCs) and 44 sanitary credits to offset the zone change and increased density. The site was previously approved for a 64-unit subdivision of single-family homes and amenities. The proposed project seeks to add 55 units and construct these units as smaller, attached residences, of which 30 would be available for first-time homebuyers. The project concept, potential impacts and benefits are discussed in detail in this document. **Figure 1-1** provides a location map of the project site (*all Figures are located in the section following the main text of this document*).

This document is a Draft Supplement to the Generic Environmental Impact Statement (Draft SGEIS) that was prepared for the CR 51 Corridor Based Land Use Study (hereafter, the “CR 51 Plan”). The GEIS for the CR 51 Plan was prepared for the Town of Brookhaven and was completed in 2007; it analyzed the potential impacts of planned, proposed and potential future development within a 2.3-mile corridor centered along CR 51 in Eastport, East Moriches and Manorville. The CR 51 Plan’s GEIS culminated in a Findings Statement, which summarized the Town’s determination of anticipated impacts and mitigation measures, and delineated administrative procedures for future development proposals within the corridor (see **Appendix A-1**). As the subject site was included in the CR 51 Plan, the potential impacts of the proposed project would properly be analyzed in this Draft SGEIS.

The site is presently zoned A-Residence-1 by the Town of Brookhaven, which would allow for up to 65 residential lots, each a minimum of 40,000 SF in size. A 64-lot (plus recreation building, which accounted for the 65<sup>th</sup> lot) residential subdivision, also known as The Hamptons Club at Eastport, received Conditional Final Approval in May 2007 (hereafter, the “approved project”; see **Appendix A-2** and **Preliminary Cluster Map**, *in a pouch at the rear*). This project is currently under construction, including road access, internal road clearing, pond excavations, soil management and construction of three (3) model homes (see **Sections 1.2.1 and 1.3.2**). The approved project was based on clustered lots of less than 40,000 SF, to maximize the amount of open space that would be preserved, a goal sought by the Town. Prior to the subdivision approval, the site had been actively farmed and contained natural areas. After the approval was granted, the applicant implemented off-site roadway improvements and began on-site construction, including the Soil Management Plan (SMP) and the three model homes (see **Appendix A-3**).

The proposed project seeks the rezone to B-Residence in order to develop the site residentially with attached condominium units using nearly the same lot layout as was previously approved (with only a few minor lot line adjustments), while maintaining the developed portion of the site to the same general area as was approved previously, with a small, 0.75-acre net increase in total area preserved. B-Residence zoning would yield up to 144 lots; the applicant proposes to construct 119 units by utilizing 58 of the 64 approved single-family lots for 2-family occupancy in smaller, attached units. The purpose of this document is to describe the proposed project, to identify its anticipated impacts, and to compare those impacts against those of the approved project.

The primary reason for this change is due to economic conditions and the desire to stimulate sales of smaller units for first-time homebuyers. The proposed project, as will be described elsewhere in this document, will offer a larger number of smaller and more economically-priced units than the approved project, while decreasing the number of school-aged children, decreasing square footage, decreasing the burden on the school district, and increasing naturally-vegetated space. The proposed project will feature 30 units for first-time homebuyers, and purchasers will receive two years of taxes and common charges, paid for by the development company. In addition, 55 units will be offered with geothermal heating units. This will result in a significant reduction in electric bills – benefiting new homeowners – while furthering renewable energy sources in the local community. Overall, the proposed project will not appreciably change the configuration of the approved project (in fact, the area of development will be decreased by including three lots as undeveloped space). Documentation provided in this Draft SGEIS indicates that the proposed unit mix is expected to reduce the overall impacts as compared to the approved 64-unit single-family subdivision. Also of importance is the redemption of transfer credits. Specifically, to offset the zone change and increased density of the proposed project, 11 PBCs and 44 sanitary credits will be extinguished. This will protect sensitive lands elsewhere in the Town.

In consideration of the above, the proposed project addresses critical needs of the Town and the community while minimizing, if not eliminating, the potential for adverse impacts to other properties or improvements in the vicinity, or to resources in the Compatible Growth Area (CGA) of the Central Pine Barrens Zone and, to a higher degree than that of the approved project, reduces the potential impacts on the environment.

This document will assist the Town Board (as lead agency under the NYS Environmental Quality Review Act, SEQRA) in rendering an informed decision on the application.

## **1.2 Project Background, Need, Objectives and Benefits**

### **1.2.1 Project Background**

As noted above, the approved Hamptons Club at Eastport proposal was based on a 65-lot clustered residential subdivision under the site's A-Residence-1 zoning. That project was the subject of a detailed Part III Environmental Assessment Form (EAF) that was thoroughly

reviewed by the professionals of the Town's planning and environmental divisions. The Brookhaven Town Planning Board, as lead agency for that application, issued a negative declaration on January 9, 2006, indicating that no significant adverse environmental impacts were expected (see **Appendix A-4**). The Town Planning Board issued its Conditional Final Approval on May 7, 2007.

In addition, as the site is within the Central Pine Barrens Zone, the application was subject to the standards of the Central Pine Barrens Comprehensive Land Use Plan (hereafter, the "Pine Barrens Plan"), as administered by the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC). The project did not conform to one of the standards of the Pine Barrens Plan, with respect to clearing. As a result, a Hardship Exemption application was submitted to the CPBJPPC, and the application was granted on January 18, 2006 (see **Appendix A-5**). The hardship exemption allowed some clearing of pine barrens vegetation, but balanced this with providing more contiguous open space, including restored meadow habitat and remaining pine barrens habitat on the site. No change is proposed with respect to the previously approved lot configuration and in fact, three of the originally approved lots will not be developed and will remain as naturally-vegetated open space, which will expand the acreage and contiguity of natural revegetation areas on the site.

It should be noted that under the approved plan, neither the Town application nor the Pine Barrens Plan submission included the use of transferred development credits. The currently proposed project will redeem both PBCs (11) and sanitary credits (44). Following are the Suffolk County Tax Map designations of the parcels from which the sanitary credits will be taken:

District 0200; Section 684; Block 2; Lots 1-17 & 19-42  
District 0200; Section 721; Block 2; Lots 1-5, 7-19, 21 & 24-49  
District 0200; Section 721; Block 3; Lots 1-12

These parcels had constituted the Oaks at East Moriches site (see **Figure 1-2**), which has not been developed; the Town has expressed interest in obtaining this property for purposes of open space retention. The Oaks at East Moriches site is approximately 2 miles southwest of The Hamptons Club at Eastport, and comprises valuable open space, which contains pitch pine-oak forest vegetation. The purchase of 44 sanitary credits will permanently retire the equivalent of 44 single-family homes. The private purchase and transfer will enable the Town to purchase the balance of the fee simple land, thus ensuring that this entire tract is preserved. This ensures that a total of 62 units (per the pending subdivision plan) will not be constructed. On balance, this combined transfer has numerous environmental and social benefits. The PBCs will be purchased from Landmark Properties of Suffolk, Ltd., which holds certificates for the 11 PBCs proposed for transfer.

After the approved project received the appropriate building permits from the Town, the applicant constructed three model residences on the site, and initiated sales. However, the national economic downturn seriously inhibited sales of the units and, as a result, the applicant seeks to modify the project to provide smaller, lower-priced units more in keeping with current

market demand. As a result, the applicant determined to seek a change in the unbuilt portion of the approved project such that units of a type more attractive to purchasers would be developed while the Town would be assured that the potential environmental impacts of this revised plan would remain the same or be reduced, as compared to those for the approved plan. In addition, provision of opportunities for first-time homebuyers is a Town goal and a benefit to the public.

As described in more detail in **Section 1.3.2**, construction of the approved project has begun; the following lists the development components and activities that are or have taken place:

- the project entrance on the North Service Road of NYS Route 27 and the associated turning lanes, and highway improvements have been installed, along with the construction/emergency access;
- the surfaces for the internal roads, the model homes, the four ponds and the recreation area have been cleared and graded (the large woodland on the western part of the site has only been cleared for the internal roadway);
- the project's internal roads have been cleared, rough-graded and stabilized with base recycled concrete aggregate;
- the four ponds have been excavated and rough-graded;
- the three model homes have been built; and
- the SMP is nearly complete.

### 1.2.2 Project Summary

The applicant seeks a change of zone to B-residence to allow for the construction of a residential development on the same western portion of the property as was approved previously. The proposed project is designed as a 119-unit attached residential cluster with a recreation building, which is far below the anticipated B-Residence yield of 144 units (note that the Town will determine the site's potential yield under the B zone). In addition, like the approved project, the proposed project continues to place development in the least sensitive areas of the site in order to protect a portion of the site as contiguous open space with a multitude of habitats and environmental resource benefits. **Table 1-1** details the proposed residences.

The total of 119 units will include the three previously constructed single-family detached model homes. The 116 new units will be in 58 two-unit structures; each structure will be located on a separate lot nearly identical to the approved subdivision. The three existing models will remain as single-family detached units, on Lots 54, 55 and 56. of the approved subdivision. It is noteworthy that the same 64-lot configuration is being utilized for the proposed project as was previously proposed, except that three of the lots (see **Overall Conceptual Plan in a pouch at the rear for location**) will not be developed but will be left undeveloped as over an acre of additional naturally-vegetated land, and a limited number of minor lot line adjustments have been made.

In addition to the model homes, it is anticipated that 25% of the project, or 30 units will be dedicated for first-time homebuyers. All such units are proposed as 1,150 SF, two-bedroom, single-family attached units, suiting the demand and lifestyle of recent college graduates, young professionals and young families in the local housing market. These are to occupy Lots 1-9, 18-

22 and 26. An additional 86 single-family attached units will be available on the open market. Of these, 43 units are expected to be constructed and sold as 1,400 SF, two-bedroom units, and an additional 43 units are expected to be constructed and sold as 1,800 SF, three-bedroom units (square footages are for living space and do not include garages spaces). Units are designed with first floor bedrooms that would be suitable for empty-nesters and seniors seeking the type of lifestyle offered at the Hamptons Club.

**Table 1-1  
PROPOSED RESIDENCES**

Unit Type	Total Units	Living Area/Unit (SF)	Total Floor Area/Unit (SF)	Bedrooms /Unit	Garage Spaces/Unit	Driveway Spaces/Unit
Model	1	2,333 (Lot 54)	2,733 (Lot 54)	3	2	2
Model	1	2,502 (Lot 55)	2,902 (Lot 55)	5	2	2
Model	1	2,904 (Lot 56)	3,304 (Lot 56)	4	2	2
First-Time Homebuyer	30	1,150	15 @ 1,394 15 @ 1,422	2	1	1
Market-Rate, Duplex 1	40	1,400	1,723	2	1	1
Market-Rate, Duplex 2	40	1,800	2,025	3	2	2
Market-Rate, Duplex 1	3	1,400	1,723	2	1	1
Market-Rate, Duplex 2	3	1,800	2,025	3	1	1
<b>Totals</b>	<b>119</b>	<b>179,839</b>	<b>212,345</b>	<b>287</b>	<b>162</b>	<b>162</b>

Notes: Living Area/Unit excludes garages; Total Floor Area/Unit includes garages; expressed in SF.  
4-bedroom units have greater floor area/unit than 5-bedroom units based on floor plans of the model units.

A total of 22.95 acres of former farm fields will be left undisturbed (after soil management) to undergo natural succession as Old Field/Meadow; this land will be preserved as open space revegetated in native grasslands. An additional 9.57 acres of Pitch Pine-Oak Forest will remain, and another 0.91 acres of trees will be planted as revegetated area, for a total of 10.48 acres of forest. The development will include an approximately 5,500 SF recreation building, pool, and other recreational amenities including a system of trails providing a pleasant alternative route for walking within the property. Planned surface water features to be used for aesthetic enhancement as well as for drainage retention occupy approximately 5.30 acres are proposed on-site (similar to the previously approved project). The development will include a total of 345 parking spaces, including 162 garage spaces, 162 driveway spaces, and 21 spaces devoted for the recreation building. The development will have a main entrance in the southwest part of the development for ingress and egress from the NYS Route 27 North Service Road. An emergency exit is planned at the southeast corner of the developed portion of the property, north of NYS Route 27. The clubhouse/recreational building, amenities, roads and access features noted above are all the same as were approved as part of the original Hamptons Club subdivision.

The following brief discussions compare the proposed project to the approved project. These discussions demonstrate that the proposed project conforms to the Pine Barrens Plan and has less overall impact than the original Hamptons Club subdivision that received approval from both the Town Planning Board and CPBJPPC.

- The proposed project's internal roadways, vehicle access point, recharge ponds and recreation building will remain in the same configuration as those of the approved project.
- The proposed project is not significantly different from the approved project in terms of physical characteristics. The proposed project utilizes nearly the same 64-lot lot yield and configuration as the approved project. The approved project would have developed a single-family home on each of the 64 approved lots, while the proposed project would develop 58 of the lots with two-unit structures. Three additional lots have been developed with the model homes, and the three remaining lots would be left undeveloped.
- The three undeveloped lots will increase the amount of natural space on-site in comparison to the value that was previously approved.
- As the proposed project will utilize the same lot layout as was previously approved and will, as noted above, provide more naturally-vegetated space, its anticipated viewshed would be identical to that of the approved project with respect to orientation but would be greater in terms of breadth.
- In general, the proposed project would retain greater amounts of natural vegetation (combined forest and farm field/meadow) than the approved project, and less landscaped area.
- The subject site is surrounded by three major regional transportation corridors that create a triangular island that includes the project site and several adjoining parcels, the largest being the Bristol Estates Planned Retirement Community (PRC) development immediately west of the site. The proposed project is compatible with the adjacent Bristol Estates age-restricted residential development to the west. Both this existing PRC and the proposed project are moderate-density, multi-family style developments with areas of preserved open space. The PRC is developed at a density of 4 units/acre and the proposed project would be 1.56 units/acre (in comparison, the approved project had a density of 0.84 units/acre). When applying the transfer of combined PBCs and sanitary credits, there is no net decrease in density.
- Despite the increase in overall on-site density of the proposed project compared to the approved project, the proposal is, as is the approved project, a clustered residential development that is compatible with the surrounding uses.

The proposed project will also result in numerous social and economic benefits as compared to the previously-approved project; these are discussed in **Section 1.2.5**.

### 1.2.3 Public Need and Municipal Objectives

The proposed project will provide a permanent and compatible land use within the hamlet of Eastport through the construction of 119 housing units and a recreation building. The proposed project will develop a variety of new housing opportunities for local residents, many of which will afford first time homebuyers – including recent college graduates and young families – the opportunity for homeownership and the remaining parts of the development will be attractive to small families, empty-nesters and seniors.

The proposed allowable density under the B-Residence district permits up to 144 single-family residences (see **Conceptual Yield Map for Rezone to B-Residence**, *in pouch at rear*), based on review by the Town. The proposed project is substantially less than this yield. The project consists of 119 housing units and a recreation building, proposed in the form of a semi-attached cluster to preserve open space. There is a need for quality economical ownership housing in

Eastport. The proposed project will assist in fulfilling the need for first-time homebuyer housing and economical home ownership.

The project is compatible in terms of land use, given its juxtaposition to complementary residential sites within the hamlet of Eastport. The subject site is surrounded by transportation corridors including NYS Route 27 to the south, CR 111 to the north and CR 51 to the west that situates the subject property on a triangular area. The proposed project presents a compatible development opportunity for the site and the adjoining residential development, serving as a transition parcel between lands zoned PRC and the proposed B-Residence zoning in the context of the three major transportation corridors.

The project is also consistent with the spirit and intent, as well as key elements of the 1996 Town Comprehensive Plan Update. The growing population is currently under-served by available housing, particularly with regard to diversity of housing and affordability. There is a need for diversity of housing types such as smaller homes, as expressed in the Town's 1996 Comprehensive Plan Update, which recognizes the importance to provide a mix of housing. This application assists in fulfilling the need for economically viable housing within the Town by offering 30 housing units for first time homebuyers, and adds variety to housing unit options providing diverse home ownership opportunities to the surrounding community.

The Town completed the CR 51 Plan in July 2007 after the Hamptons Club project was approved, and as a result, the CR 51 Plan recognizes the A-1 zoning and the approved subdivision. Consequently, the proposed project does not conform to the land use assumed for the subject site in the CR 51 Plan. In general, a land use plan is not a static document; it must be dynamic and allow for changes in land use in consideration of changing conditions that occur after a plan is prepared. The proposed project is not divergent from the clustered residential development that was approved on the subject site, and in fact the configuration of development is nearly identical to the approved project. While the proposed project represents a greater number of units on the site than was previously approved, these units are smaller and have less impact on the community (as well as less value to the developer). The total floor area of the proposed project is less than what could be built if the maximum unit size allowed by the Conditional Final Approval issued by the Town Planning Board were built (see **Appendix A-2**). The maximum house size of 4,900 SF would result in 313,600 SF as compared with 212,345 that would result from the proposed project.. The proposed project is also consistent with the higher-density residential land use immediately west of the subject site at the Bristol Estates PRC development (this development is approximately 4 units/acre) and is at a significantly lower yield than the requested change of zone to B-Residence district (1.56 units/acre). The proposed project is consistent with the recommendations of the CR 51 Plan with respect to environmental, social and economic goals identified in the CR 51 Plan, specifically noted as follows (see also **Section 3.1.3**):

1. *Open space preservation* - the proposed project preserves more of the site as contiguous open space that would have occurred with the approved project (33.43 acres/43.7% vs. 32.68 acres/42.8%). Neither of these scenarios would conform to the Pine Barrens Plan standard for clearing, so that a Hardship Exemption approval is still required.

2. *Scenic vistas* - the proposed project retains both forest and meadow on the east side of the site to retain scenic vistas in the same configuration but at a slightly greater acreage in comparison to what would be achieved under the A-1 zoning of the approved project.
3. *Recreational and cultural land uses* - the proposed project retains recreational amenities on the site, and includes natural space as part of the development adding to the recreational and cultural value.
4. *Site design guidelines* - the proposed project respects nearly the exact subdivision design that was approved under the approved project and features, buffers, ponds, natural space and attractive, quality architecture.
5. *Zoning and land use* - the proposed project is consistent with zoning patterns in the area, as it is less than half the density (1.56 units/acre) than the Bristol Estates PRC project adjacent to the west of the site, which is 4 units/acre; the proposed project provides consistent land use by retaining the design of the approved project, and the proposed project is consistent with goals of land use plans for environmental protection, diverse housing opportunities and related land use goals.
6. *Tax base* - the proposed project will increase the tax base on the site, and will decrease the impact on the school district in consideration of the cost of education of children. The proposed project will reduce the number of school-age children generated on the site than would have been realized under the approved project. The tax consequences are much more favorable under the proposed project than the approved project.
7. *Transportation* - the proposed project will increase trip generation in comparison to the approved project, but will not decrease the level of service or cause traffic impacts at nearby intersections, as the off-site improvements at the intersection of CR 111 and the South Service Road of NYS Route 27 were implemented for the approved project.
8. *Environmental resources* - the proposed project will result in similar conditions to the approved project and will ensure protection of environmental resources.

Additional details and quantification of benefits are provided in **Section 1.2.5**. In addition, a more detailed assessment of the CR 51 Plan in relation to the proposed project is provided in **Section 3.1.2**. As a result of these analyses, it is the applicant's belief that the proposed project is consistent with the goals of the CR 51 Plan, maintains much of the A-1 design, ensures environmental protection and provides improved economic and social benefits. Consequently, the proposed project has merit over the current zoning and is not in conflict with land use plans.

Likewise, the proposed project meets the Town's goals of providing sustainable development and job creation. The new jobs created during both construction and operation of the proposed project will help to increase business and household income in the community. In turn, as spending increases, this creates additional jobs and further increases business and household income. A complete Fiscal and Economic Impact Analysis is included in **Appendix B**. Moreover, the proposed project conforms to the Town's 1996 Comprehensive Plan Update through pine barrens protection. The site was designed to provide contiguous natural space through the preservation of restored meadow habitat and pine barrens forest vegetation on the eastern part of the property. Moreover, three of the originally approved lots will not be developed and will remain as natural meadow space. This goal is also supported by the proposed project's redemption of 11 PBCs, which will permanently protect pine barrens vegetation and habitat in the Central Pine Barrens Zone.

Construction of the proposed project will provide immediate construction jobs for the building industry and long-term maintenance and contractor jobs will result from the operations of the development as well as from the individual needs of new homeowners. The proposed project will reduce the burden on community service providers through the proposal to maintain the internal road and recharge facilities privately, thereby reducing the need for Town highway maintenance, snow plowing, drainage system maintenance and related efforts. In addition, the proposed project will include on-site recreational facilities that will reduce the utilization of Town, County and State recreational facilities and will increase the sense of place and community interaction on the site. Recreational facilities, natural space, roads and recharge facilities will be maintained through a Homeowners Association (HOA). The proposed project will result in significantly increased tax revenues for public service providers, which will assist in offsetting the incremental increase in demand for these services.

This public need and benefit analysis provides consideration of the precedent setting nature of the action. The proposed project involves a unique parcel and a unique set of circumstances. The proposed project site is located within a triangle of major roads including CR 51, CR 111 and NYS Route 27, and the next largest parcel within this triangle is the existing Bristol Estates PRC development, which immediately adjoins the site to the west. This is a retirement community of about 240 units with a density of approximately 4 units/acre. The proposed project immediately abuts this development, and is proposed to establish a density of 1.56 units/acre or less than half the density of the adjoining parcel. This establishes a unique land use and zoning framework for the proposed change of zone. The proposed project is also consistent with the goals of the CR 51 Plan, provides, housing diversity including homes for first time homebuyers, improved tax revenue, fewer school-aged children, and generally lesser or similar impacts to the approved 64-unit plan. This establishes the proposed project as one that has merit in consideration of social and economic factors, a condition unique to the proposed project. Finally, the proposed project calls for redemption of 11 PBCs, and 44 sanitary flow credits, thus preserving open space in the Core Preservation Area of the Central Pine Barrens Zone and ensuring that a previously proposed project known as the Oaks at East Moriches is not developed through the transfer of sanitary flow. The proposed project density can be considered in view of these transfers as follows:

- Density based on project site only: 1.56 units/acre
- Density based on project site plus 44 sanitary credits\*: 0.99 units/acre
- Density based on project site plus 11 PBCs\*: 1.36 units/acre
- Density based on project site, plus 11 sanitary credits, plus 44 PBCs\*: 0.91 units/acre

Note: Assumes that sanitary credits and PBCs are each equivalent to 1 acre of land for the purpose of density.

As a result, the density of development is not excessive and in fact is less in terms of floor area ratio that could be realized on the site if the 64-lot were developed with the typical single-family homes of 4 to 5 bedrooms each. The proposed project would establish units that are smaller in size than the 64 single-family homes that are approved for the site. The Final Conditional Approval of the 64-unit Hamptons Club at Eastport subdivision indicates a maximum house size of 4,900 SF (see Condition 12G; **Appendix A-2**), including garages, covered porches and screen rooms. If the maximum size units were built on all 64 lots of the approve subdivision, the square

footage of development would be more than 100,000 SF greater than that which is proposed. Given these considerations, and the impact analysis in this document that demonstrates that impacts are either similar or less than the approved project, the precedent of this action is favorable and beneficial, and the site's location and the proposed project itself are unique.

#### 1.2.4 Objectives of the Project Sponsor

The applicant has designed the project to achieve the following general goals:

- Conformance with the 1996 Town Comprehensive Plan Update in terms of providing sustainable development and pine barrens protection, reducing environmental impacts, and providing diverse housing opportunities and economic housing alternatives for first-time homebuyers to help meet current housing needs;
- Relation to community context by providing a residential use with generous buffers and excellent land use compatibility with neighboring uses and communities; and,
- Superior site design providing for adequate stormwater retention/recharge, utilities and services; extensive on-site, centralized recreational amenities; walkability and "sense of place" through attractive community architecture, gathering areas, walking opportunities, landscaping and interior setbacks and natural space.

The objective of the project sponsor is to stimulate home sales and advance the project forward from a construction site to a completed residential community.

#### 1.2.5 Benefits of the Project

The applicant would offer 25% of the yield, (30 units) for first-time homebuyers, a component that benefits the community and which is not required at the proposed density under B zoning regulations. Moreover, nearly half of the units (55 of the 119 units) will utilize geothermal energy, which will result in a significant reduction in electric bills for new homeowners, while furthering renewable energy sources in the local community. In addition, the developer will pay the first two years of taxes and common charges for the 30 first-time homebuyer units.

The project includes preservation of 22.95 acres of Old Field/Meadow and 9.57 acres of Pitch Pine-Oak Forest, with an additional 0.91 acres of revegetated forest, for a total of 33.43 acres of natural space. Additional areas of landscaped space within the site and provision of wide buffers along the perimeter where feasible will provide an added benefit to the neighboring uses.

The proposal would generate 41 fewer school-aged children than the approved project (see **Section 3.3.1**). This has significant implications on the educational costs incurred by the Eastport-South Manor Central School District (CSD). While the proposed project would generate positive net revenue to the district of approximately \$115,000 per year, the approved project is projected to result in a net loss to the school district of over \$380,000 annually. As discussed in **Section 3.3.2**, the proposed project's "net revenue" is nearly \$495,000 per year (before State Aid). This represents a significant reduction in the district's need to tap into

additional fund balances, and could also help alleviate an increased burden on other taxpayers throughout the district. Both of these alternatives are most crucial at a time of fiscal and economic hardships throughout Long Island, New York State and the nation.

The project will generate both immediate and permanent employment for Town and area residents. During the construction period, opportunities for employment will offer both direct and indirect benefits for residents of the Town of Brookhaven as well as for those residing throughout the region. It is projected that the three-year construction period will necessitate 154 full time equivalent (FTE) employees - 91 FTE employees during the eight-month construction of Phase 1 and 63 FTE employees during the 28-month construction of Phase 2. During the operation of the development, long-term jobs will also offer both direct and indirect benefits to the hamlet of Eastport, the Town of Brookhaven, Suffolk County and the region as a whole. The proposed project is anticipated to generate 7.28 FTE employees during annual operations. A detailed Fiscal and Economic Impact Analysis is contained in **Appendix B** of this document.

Finally, the proposed project will be privately owned and maintained with security services, and will be built in conformance with modern building construction standards, thereby minimizing impact to other service providers. Based on analysis contained in **Section 3.3**, the existing taxes on the property are \$29,475 per year, and the proposed project will generate \$647,975 per year. The increase in tax revenue generated by the proposed project would be \$618,500 per year more than the site's existing conditions, and over \$53,000 above what would be generated under full build out of the 64-lot housing development that was previously approved.

A summary of benefits is provided as follows:

- 22.95 acres of Old Field/Meadow and 9.57 acres of Pitch Pine-Oak Forest will remain on the site, and another 0.91 acres of forest will be planted, for a total of 33.43 acres of natural land on-site. This is consistent with the 1996 Town Comprehensive Plan Update.
- The proposed project will provide economically priced housing. The Town's 1996 Comprehensive Plan Update discusses needs for housing diversity and first time homebuyer housing (through diverse unit types); such housing is not well-represented in the community.
- Nearly half of the units will utilize geothermal energy, resulting in a significant reduction in electric bills and benefiting homeowners while furthering renewable energy use in the area.
- The proposed project will generate fewer school-aged children than was anticipated for the approved project, and thus represents a reduced impact to the Eastport-South Manor CSD when compared to the approved project.
- The proposed project is estimated to generate approximately \$647,975 in annual tax revenue of which approximately \$450,627 is available to the Eastport-South Manor CSD and the remainder is available to the Town of Brookhaven, Suffolk County, and other local and special taxing jurisdictions including the Library District, Eastport Fire District, Lighting District and Eastport/East Moriches Ambulance District.
- The proposed project is expected to generate 41 fewer school-aged children than the approved project, translating into a substantially less impact on the local school district. This translates into an annual "net revenue" of nearly \$495,000 when compared to the approved project.
- The applicant has committed to cover the taxes and homeowners association (HOA) fees for all units dedicated for first-time homebuyers for the first two years of operations.
- The proposed project will generate construction jobs and maintenance and operation jobs and will

- be realized more rapidly thus providing a more immediate employment benefit to the community.
- The proposed project will retain additional natural wooded areas and buffers on the perimeter of the site as well as specimen trees and provide substantial landscaping on the interior of the site.

### 1.3 Project Location and Existing Site Conditions

#### 1.3.1 Location of the Subject Site

The project site is 76.44 acres in size and is located in the triangular area formed by the intersections of CR 111, CR 51 and the NYS Route 27 North Service Road, in the hamlet of Eastport, Town of Brookhaven, Suffolk County, New York. The recently-constructed Bristol Estates PRC project abuts the western boundary of the subject site.

The site consists of numerous tax parcels associated with the recently-approved subdivision, identified as Suffolk County Tax Map parcels #200-563-5-1.1 through 1.50 and #200-594-1-5.1 through 5.23 (see **Figure 1-3**). Other than the three recently-constructed model homes, the subject property is a vacant construction site (see **Figures 1-4 and Appendix A-3**). The site is within the following planning and service zones and districts:

- A-Residence-1 zoning district
- Groundwater Management Zone III (see **Figure 1-5**)
- Central Pine Barrens Zone, CGA
- Central Suffolk Special Groundwater Protection Area (SGPA).
- Federal Emergency Management Agency (FEMA)-designated Flood Hazard Zone A (portions)
- Eastport Fire District
- East Moriches Community Ambulance District
- Suffolk County Police Department (SCPD), 7th Precinct
- Suffolk County Water Authority (SCWA)
- Eastport-South Manor CSD
- Long Island Power Authority (LIPA)/National Grid (electricity & natural gas)

The proposed entry to the Hamptons Club at Eastport will remain unchanged from the approved project; approximately 400 feet west of the existing entrance ramp from the westbound North Service Road to westbound NYS Route 27. No vehicle access points onto either CR 51 or CR 111 are proposed; an emergency access off the NYS Route 27 North Service Road is planned, at a point 900 feet east of the main entrance.

#### 1.3.2 Existing Site Conditions

The site was approved for development of 64 detached single-family homes on clustered lots, with a clubhouse/recreational building and other amenities. The site is presently under construction for this approved project; the three model homes have been built, portions of the site have been cleared and graded, and the four ponds have been excavated and rough-graded (see **Appendix A-3**). To-date, the project entrance and the turning lanes and highway improvements

on the NYS Route 27 service road are installed, along with the construction/emergency access point. All roads have been cleared, rough-graded and stabilized with base recycled concrete aggregate. Finally, the soil management plan (SMP) is nearly complete. The site and area surface and groundwater resources are noted below; potential impacts to these resources from the proposed project are described and analyzed in **Section 2.1.3**.

#### Natural Surface Water Bodies

The project site does not include any natural surface water bodies; excavations for the four drainage ponds of the approved project have been made. In addition, there are no surface waters in proximity to the site. The nearest wetlands are located 700 feet south of the site and are associated with the headwaters of Seatuck Creek. The project site is separated from these wetlands by NYS Route 27, a major regional roadway. This roadway is served by a drainage system that directs all runoff for recharge.

#### FEMA Flood Zones

There are no flowing streams on the subject site, so neither the approved or proposed projects would directly impact surface water quality. As shown in the **Overall Conceptual Plan**, the project site contains two areas designated as “Flood Zone A” by FEMA; each is oriented roughly north-south and are found in the site’s eastern and western portions. These flood areas are associated with natural swales that lie at a lower elevation than the surrounding land surfaces and, based on the FEMA maps, could potentially be subject to flooding to the base elevation established in these maps. The eastern flood zone is located in a portion of the site that would not be disturbed, but the western flood zone will underlie the residential area of both the approved and proposed projects. Note that each of these two flood zones are characterized by two sets of flood zone boundaries, dated 5/4/98 and (Preliminary) 9/1/08. This reflects an updated FEMA mapping effort that resulted in the western flood zone being narrowed significantly since the approved project was formulated, reviewed and approved. As a result, significantly fewer buildings in the proposed project would be located within the Flood Zone than would have been the case for the approved project. In addition, it is noted that the Flood Zone Map depicts similar Flood Zones within the Bristol Estates development west of the site. The builder of that project conducted a study to demonstrate that those flood designated areas were not appropriate based on the site’s drainage containment design, intervening features such as NYS Route 27 and the topographic and hydrologic conditions of the site and area. The study required review and acknowledgement by the Town prior to filing with FEMA. This was completed, and the final study (entitled “On-Site Stormwater Analysis and FEMA Flood Map Revision for Encore Atlantic Shores” was submitted on September 11, 2009. FEMA has issued a decision to modify the Flood Insurance Rate Map (FIRM) for the Bristol Estates site, and this is currently in-progress. Records pertaining to the Bristol Estates FIRM re-designation are on file with the Town of Brookhaven Planning Board. The conditions at the subject site are similar, and the applicant would have a basis to pursue a similar modification of the FEMA Maps. Regardless, the project will comply with applicable design, construction and elevation requirements, and it is noted that the approved subdivision had a larger number of structures within the previously-designated flood prone area.

### Groundwater Management Zone III

The subject site is within Groundwater Management Zone III, which is characterized as a deep flow recharge area that replenishes the deeper aquifers used by the SCWA and other water suppliers as a source of potable public water. Stormwater runoff in the drainage system for either the approved or proposed projects, along with the sanitary wastewater generated in either project would percolate downward to become part of the Upper Glacial aquifer. Water in this layer will then migrate horizontally and downgradient under the influence of gravity, or continue downward into deep aquifers, to eventually discharge to surface waters of the south shore bays or the Atlantic Ocean. In consideration of the deep flow recharge pattern that characterizes Zone III, there should be no immediate or direct connection between the subject site and the nearest surface waters, which are the headwaters of Seatuck Creek (700 feet to the south).

### Brown Tide and Seatuck Creek

A concern was noted with respect to the potential for the subject site to contribute to brown tide events in surface waters of Seatuck Creek and Moriches Bay. In general, brown tide blooms are caused by a phytoplankton that, under certain conditions, multiplies exponentially and creates a large area of brown-colored surface water that severely reduces light penetration to deeper waters. Such events have caused significant reductions of eel grass and shellfish populations due to the severe decrease in light availability and changes in the nutrient dynamics of the marine ecosystem, including nitrates. Other factors that play a role in bloom events include water salinity and water temperature.

As noted above, wetlands associated with the headwaters of Seatuck Creek, which empties into Moriches Bay, are located 700 feet from the subject site, and Moriches Bay is located 2.2 miles south of the subject site. These are significant distances, over which nitrates in runoff or groundwater flow would be attenuated significantly before it reaches these water bodies, and runoff may also be tributary to drainage systems, so that nitrates would be sequestered from these water bodies. In its current condition (i.e., under construction), the subject site recharges 0.01 mg/l of nitrogen to groundwater, which is a low concentration and so would not be expected to contribute to brown tides. Further analyses of potential water resource impacts are provided in **Section 2.1.3**.

## **1.4 Project Design and Layout**

### 1.4.1 Discussion of Requested Site Yield

The site had been approved previously for 64 detached single-family homes (on individual clustered lots) and a recreation building. That design conforms to the site's A-1 zoning and the applicable Suffolk County Department of Health Services (SCDHS) requirements for sanitary wastewater treatment. However, as a result of economic factors, the applicant is seeking to develop residences for a differing market sector, while maintaining the level of environmental protection that was approved previously and reducing certain social/economic impacts. A major aspect of this effort involves working within the 64-lot layout approved previously, by constructing 2-unit attached structures on the majority of the lots (see **Figure 1-6**). In this way,

the amount of land cleared would not be significantly changed from the acreage that was previously reviewed and accepted by the Town (developed area is actually reduced), and the applicant would be enabled to develop a sufficient number and type of units to generate market sales. It should be noted that this strategy would generate 128 units, but the proposed project seeks only 119 units (plus the recreation building); this is due to the applicant's use of the three model homes already built (on three of the lots), and decision to increase natural space by designating three other lots to remain undeveloped. This project necessitates that the site be rezoned, to B-Residence, wherein for yield purposes lots of at least 15,000 SF are required, unless the site is developed as a cluster, so that smaller lots are allowed. As noted, the **Conceptual Yield Map for Rezone to B-Residence** would allow for a maximum of 144 lots, based on review by the Town.

As established in the Part III EAF prepared for the approved project, the allowable sanitary flow for the site is 19,500 gallons per day (gpd; 65 lots X 300 gpd/lot; see **Section 2.1.1** for a description of Groundwater Management Zones and Suffolk County Sanitary Code, SCSC, Article 6). The approved project would have complied with this requirement. The proposed project includes 119 residential units each of which is assumed to generate 300 gpd of sanitary wastes plus a recreation building, and so would generate a total sanitary flow of 36,000 gpd (120 X 300 gpd). This exceeds the allowable sanitary flow, and so the applicant proposes to obtain development credits from elsewhere in order to compensate for this exceedance. This is allowed by the SCDHS under their Transfer of Development Rights (TDR) guidance document, and is subject to Suffolk County Board of Review approval. This program accepts 300 gpd of sanitary flow as equivalent to 1 credit; as the proposed project would exceed the allowed sanitary flow by 16,500 gpd, this corresponds to 55 credits (16,500/300).

As part of the credits being purchased for sanitary purposes, the applicant will purchase 11 PBCs to further advance the benefits of the requested rezoning. The 11 PBCs will result in protection of pine barrens in the Core Preservation Area and will offset part of the sanitary credits. The 44 sanitary credits will be obtained from the Oaks at East Moriches property within the Eastport-South Manor CSD.

#### 1.4.2 Site Design and Layout

The project includes 119 residential units and a recreation building. With the exception of the three model homes recently constructed on-site, the residential units will be a mix of attached townhomes and flats, housed in 58 buildings. The minimum lot size is 14,700 SF. A total of 33.43 acres of forest and successional vegetation will be provided as natural space. The development will include a recreation building, pool and other amenities including a system of trails. Surface water features to be used for aesthetic enhancement of the site as well as for drainage retention occupy approximately 5.30 acres of the site. The development will include a total of 345 parking spaces, including 162 garage spaces, 162 driveway spaces, and 21 spaces devoted for the recreation building. Estimated site coverage totals are summarized in **Table 1-2**.

**Table 1-2**  
**SITE AND PROJECT CHARACTERISTICS**  
Approved Project and Proposed Project

Parameter	Approved Project	Proposed Project
Zoning	A-Residence-1	B-Residence
Land Use	Residential	Residential
Yield	64 detached units & recreation bldg.	116 attached and 3 detached units & recreation bldg.
1 <sup>st</sup> -Time Homebuyer Units	0	30
PBCs	0	11
Sanitary Credits	0	44
Sanitary Treatment	Septic	Septic
<b>Coverages (acres):</b>	---	---
Impervious <sup>(1)</sup>	11.34	12.97
Landscaped <sup>(2)</sup>	26.52	24.74
Water Surface	5.90	5.30
Successional Field	25.01	22.95
Pitch Pine-Oak Forest	7.67	10.48 <sup>(3)</sup>
<b>Water Resources:</b>	---	---
Domestic Water Use <sup>(4)</sup>	19,500 gpd	36,000 gpd
Irrigation Demand	4,693 gpd	4,693 gpd
Total Water Use	24,193 gpd	40,693 gpd
Recharge Volume	52.76 MGY <sup>(5)</sup>	57.74 MGY <sup>(6)</sup>
Recharge Nitrogen Conc.	3.34 mg/l <sup>(5)</sup>	3.43 mg/l <sup>(6)</sup>
<b>Trip Generation (vph):</b>	---	---
Weekday AM Peak Hr	49	70
Weekday PM Peak Hr	65	73
<b>Miscellaneous:</b>	---	---
Residents <sup>(7)</sup>	249	287
School-age Children <sup>(7)</sup>	72	31
Total Taxes (\$/yr) <sup>(7)</sup>	\$594,416	\$647,975
School Taxes (\$/yr) <sup>(7)</sup>	\$413,380	\$450,627
School Costs (\$/yr) <sup>(7)</sup>	\$793,414	\$335,674
School Tax Impact (\$/yr) <sup>(7)</sup>	-\$380,034	+\$114,953
Solid Waste (lbs/day) <sup>(8)</sup>	614	702

MGY-million gallons per year; mg/l-milligrams per liter; vph-vehicles per hour

(1) Includes building footprint, roads, sidewalks, driveways & patios.

(2) Assuming 11.47 acres (15%) fertilized @ 2.30 lbs/1,000 SF/year and irrigated @ 5.5 inches/year.

(3) Includes 0.91 acres of revegetated forest.

(4) Assuming SCDHS design flow of 300 gpd/unit and recreation building.

(5) See **Appendix C-2**.

(6) See **Appendix C-3**.

(7) See **Appendix B**.

(8) Assuming 2.31 lbs/day/resident, & 7 lbs/1,000 SF/day for recreation building.

The subject site lies along the south side of CR 111 (also known as Eastport Manor Road, Captain Daniel Roe Highway and Port Jefferson-Westhampton Road), and on the north side of

NYS Route 27. These are limited access highways and therefore the limitations were critical in determining ingress/egress for the development.

Access from CR 111 was determined to not be possible along the frontage of the site, and there is a County right-of-way (ROW) taking line without access, depicted on the **Overall Conceptual Plan**. NYS Route 27 has controlled access that required ingress/egress in the southwest part of the property. This access location established a preliminary design configuration element; the approved subdivision received New York State Department of Transportation (NYSDOT) approval for highway access.

The project site is located in the Central Pine Barrens Zone and development must conform to the Standards of the Pine Barrens Plan, unless the CPBJPPC grants appropriate or necessary relief under a “hardship” review. During initial review, Town environmental and planning personnel indicated a preference to maintain farmland vistas on the east part of the subject property where views across the land are prevalent across both CR 111 and NYS Route 27. The project was designed to accomplish this. The design sought to reduce lot sizes and cluster the development on the western portion of the site. This necessitated removal of some existing pine barrens vegetation in part of the site, but achieved the objective of maintaining the views across open lands and retains the eastern pine barrens vegetated area. The design also included internal water features and recreation areas, and the east roads identified as Sunrise Way and Stargazer Drive on the plan include portions where they abut the open space area. These design elements are incorporated into the current design.

The proposed project is not a Development of Regional Significance (DRS) under the Pine Barrens Act; however, it is a change in the approved project. Therefore, the applicant has filed a new Hardship Exemption application with the CPBJPPC, which will review the subdivision for the hardship and conformance with the guidelines of the Town Central Pine Barrens District. The applicant will seek concurrence or amended approval from the CPBJPPC, as necessary.

The applicant has designed the project to provide the following specific features:

- Redemption of 11 PBCs and 44 sanitary credits and a 0.91-acre increase in open space as compared to the prior project approved by the CPBJPPC;
- Maintain the yield of the property to less than that which is permitted under proposed zoning;
- Provide an aesthetically attractive development;
- Provide on-site recreational amenities to be used by on-site residents;
- Maintain open space vistas and pine barrens vegetation on the eastern part of the site;
- Provide safe access in conformance with State and County highway access limitations;
- Consistency with and improvements to the design achieved in the prior Hardship Exemption from the CPBJPPC; and
- Conform to all other appropriate land use requirements.

The succeeding sections of this report describe the proposed project in greater detail, analyze existing environmental conditions, anticipated impacts and mitigation, and fulfill all requirements for a comprehensive document to assist the Brookhaven Town Board in review of the application under SEQRA. The EAF Part 1 that forms the basis for further analysis in this

document is included in **Appendix A-6**. After reviewing the EAF Part 1 and other pertinent documents, the Town Board, as lead agency under SEQRA, determined that the proposed project has a number of areas of environmental concern that have the potential for significant adverse environmental impact. Therefore, the Town Board issued its Positive Declaration, necessitating the descriptions and impact analyses contained in this document (see **Appendix A-7**).

Architecture will be coordinated and three model types are offered. Homes will be typical of single-family home construction based on desires for the Long Island market. It is expected that the homes will be situated within lots consistent with setback guidelines for the size of the lot elsewhere in the area. Individual building permits will be secured for each home following final subdivision approval.

The applicant proposes to provide a well-planned development that will create an attractive and desirable environment for its residents and will enhance the community at large. Quality-of-life will be a focus of the development and will be evident in its architectural design, landscaping, water features, and attractive site entrance.

The applicant considers the **Overall Conceptual Plan** to be feasible, and provides the Town Planning Division and Town Board with sufficient detail regarding the proposed project to allow review of the concept in association with a change of zone application. After completion of the SEQRA process, the project will require approval of the change of zone application by the Town Board (if acted upon favorably), followed by further review of a detailed engineered site plan by the Planning Board and Town planning and engineering staff.

Stormwater management will be achieved by use of subsurface leaching structures and four new recharge ponds in the same manner as the approved project. The system will be designed with a storage capacity sufficient to ensure that all stormwater is retained and recharged on-site, and to comply with State Pollutant Discharge Elimination System (SPDES) requirements (discussed below). The required Stormwater Pollution Prevention Plan (SWPPP)<sup>1</sup> for the approved project was prepared for, submitted to and approved by the NYS Department of Environmental Conservation (NYSDEC), and the approved project is presently covered under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001, or “General Stormwater Permit”). As the proposed project does not involve changes to the road layout, drainage system, grading plans, etc. of the approved project, the analysis previously completed (including the post construction stormwater management system analysis and

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<sup>1</sup> The SWPPP must include: a description of the existing site conditions including topography, soils, potential receiving water bodies and stormwater runoff characteristics, a description of the proposed construction project, construction schedule, the erosion and sediment controls planned during construction activities and the details of the post construction stormwater management system design and consistency of said system with the *NYS Stormwater Design Manual*, appropriate maintenance procedures for the erosion and sediment controls and each component of the post construction drainage system, pollution prevention measures during construction activities, a post-construction hydrologic and hydraulic analysis for all structural components of the post construction stormwater management system for a 1, 10 and 100 year storm event, and comparison of existing and post construction peak stormwater discharges. The SWPPP must demonstrate that the proposed stormwater management system is sized adequately to ensure that there is no net increase in peak stormwater discharges from a property once developed.

proposed erosion control and construction phasing plans) will remain valid for the proposed project. Pursuant to Part III.A of the General Stormwater Permit, the owner must keep the SWPPP current so that it accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. Therefore, any minor changes from the approved project will need to be updated in the SWPPP (i.e., construction schedule, phasing plan, etc.). Based on existing developments in the area, local geologic conditions, and adequate depth to groundwater, subsoils are expected to be of suitable quality to allow efficient recharge of stormwater, subject to further evaluation during review of the proposed project.

It is expected that Town Board approval of the Change of Zone application will include provisions to ensure that the proposed first-time homebuyer units will remain affordable and will be administered properly under the oversight of the Town.

Similar to the lot layout that was reviewed and approved by the Town in 2007, all residential development will be situated toward the west part of the site; the lots in the proposed project will be distributed along both sides of the internal roadways, which will enter the site via the NYS Route 27 North Service Road (the only vehicle access to the site) at its southwestern corner as “Hamptons Court Drive”, traverse a gated entranceway, then pass through a traffic circle. The recreation building and attached outdoor facilities (see below) will be located just north of this feature. From this point, two roads will circulate traffic throughout the residential area; one (“Hamptons Court Drive East”) will proceed easterly then turn northward to access lots and function as the residential area’s eastern boundary (i.e., the lots along this stretch of road will all be on the western side, and the retained former farm fields (now undergoing natural succession) will be on the eastern side). This roadway terminates at Lot 48, where it meets “Stargazer Drive”. The other roadway will proceed northward from the traffic circle as “Hamptons Court Drive West”, and be bordered on both sides by lots, until it also terminates at Stargazer Drive. Stargazer Drive circles the remaining lots in the northern part of the residential area in the site’s northwestern corner, and forms a complete circuit of this portion of the residential area.

An emergency access will be placed about 800 feet east of the site entrance, on the North Service Road of NYS Route 27. A 100-foot wide landscaped buffer will be developed along this portion of the site’s frontage; it will feature several low, planted berms to add interest and improve buffering.

The entranceway will be bordered by two shallow ponds (for drainage purposes, which will be connected via a channel that passes under the entrance roadway. Two additional, larger drainage ponds are proposed. They will be located within each of the two residential areas, and will be approximately nine feet deep and will be bordered by natural successional vegetation. The area of water surfaces in the four drainage ponds is 5.30 acres.

A total of 0.91 acres of trees (comprised of Eastern Red Cedar, Sweet Gum, Eastern White Pine, White Oak, Northern Red Oak, Northern Bayberry and Beach Plum) will be planted along the site’s western boundary abutting the rear of Lots 10-22 and 24. This, with the 9.57 acres of existing Pitch Pine-Oak Forest to be retained in the site’s eastern portion, will increase the

acreage of forest on-site to 10.48 acres.

The residential structures will be 2 stories in height, but will not exceed the 35-foot allowed maximum height in the A-1 or B zoning district. Thus, the buildings in the proposed project will be the same height as those of the approved project, which were analyzed by the Town with respect to potential visual impacts and were found to not adversely impact visual resources of the site or vicinity.

The recreation building (5,500± SF) will be provided for residents and guests of the Hamptons Club at Eastport. It will be served by a septic system for sanitary wastewater treatment. There will be no restaurant or eating facility in this structure; it is expected that facilities such as a card room, a fitness center, meeting rooms, bathrooms and TV room, and the like will be provided. It is possible that a space for warming/temporary refrigeration of food for resident activities may be included, but this space would not be configured or intended for meal preparation. This facility will be provided with the following outdoor features: a mail kiosk, an outdoor pool/patio area, tennis courts, a playground and a putting green; and 21 parking spaces. A network of walking trails will circulate around and among the ponds, the residences and the common areas.

The residences will all be condominium ownership, and an HOA will be formed to own and maintain the site's internal roadways, common areas, recreation facilities and drainage system. As all of the residences will be non-age-restricted, an estimated 31 school-aged children will be generated by this development, so that a minor school enrollment increase would occur. A total of 287 residents are expected, and an estimated 154 temporary construction jobs would be generated, with an estimated 7.28 FTE permanent jobs created for operation and maintenance of the facility.

### 1.4.3 Clearing, Grading and Drainage

#### Clearing and Grading

It is expected that the estimated 43.01 acres of the residential area (i.e., the central and western portions of the property) will be subject to clearing and grading, leaving 33.43 acres in a naturally-vegetated or revegetated state; this latter area will not be disturbed. All disturbed soil areas will be stabilized and all areas other than buildings and paved surfaces will be re-landscaped. The existing grades of the proposed residential and commercial areas have been altered in conformance with approved plans. More extensive excavations have been completed for the four artificial drainage ponds, though these activities have been limited to the 5.30 acres they encompass. Upon completion, the applicant will remove an estimated 76,821 cubic yards (CY) of material from the site in conformance with approved plans and subject to review by the Town Engineer of appropriate fees to the Town for Removal of Material/Mined Land Reclamation permit.

Soil disturbance is necessary to establish suitable grades for the proposed roads and building locations, in consideration of the need for low grades required for proper drainage, road grades,

etc. Grade transitions will be made using slopes not to exceed 1:3; retaining walls are not proposed.

A detailed Grading and Drainage Plan was prepared as part of the Preliminary Subdivision and Site Plan application in connection with the approved project. The project proposed under this Change of Zone application will undergo further review by the Town Planning Division and Engineering Division, along with Planning Board approval prior to implementation. Since the design is essentially the same as the previously approved project, no major change is expected with respect to this review and approval.

#### Drainage System

In conformance with Town requirements, all stormwater runoff generated on the residential area will be retained and recharged in a drainage system designed to accommodate 8 inches of stormwater. The Town will be responsible for the review and approval of the drainage system design.

In order to provide for a drainage system that will operate efficiently, grading has been undertaken for the approved project, including four new, lined man-made ponds. These ponds contain stormwater, as well as provide aesthetic features for the project. Generally, excavated material will be used elsewhere on-site to fill-in low areas, to provide suitable development surfaces. However, preliminary estimates indicate that a greater volume of excavated material (“cut”) will be generated than would be offset by material used as “fill”, including 2 feet of clean soil deposited over the eastern open space area, to function as a cover over the soil disposal area for the on-going SMP (see **Section 2.1.2**). There will be a 76,821 cubic yard (CY) excess of cut over fill, meaning that this material will be removed from the site. If it displays acceptable characteristics, this material will be used as fill for use elsewhere; if unacceptable characteristics are discerned, this material will be deposited at an approved construction and demolition debris landfill. An estimated 1,921 truck trips would be required to remove this material, assuming that trucks having a 40 CY capacity are used. By early December 2009, it is estimated that approximately 70,000 CY of this material had been removed from the site, based on review of contractor records.

In conformance with Town requirements, all stormwater runoff generated on developed surfaces will be retained on-site. Recharge will be handled with a series of four man-made ponds, which will also provide a series of aesthetic water features on the site. This pond system design is common to such water features where both aesthetic and utility related benefits are provided. Ponds will be excavated and graded in preparation for impervious barrier installation; the excavation will be lined with an impervious liner material protected with overlying sand, so that a minimum of 9 feet of water will be retained. Above the liner, the sidewalls of the ponds will be sloped to approximately 1:5; these areas will include permeable soils, with sufficient soil enrichment to permit revegetation with wetland tolerant species. The uppermost parts of the side walls of the ponds will not be lined, so that 2 feet of “freeboard” is provided, to enable water retained during storms to recharge through this portion of the pond walls. Ponds will be fitted with aeration equipment for circulation to ensure that stagnation does not occur and mosquito larvae are controlled. The fringe areas of the liner will be revegetated with freshwater wetland

emergent species. Additional tree and shrub plantings will be established in areas surrounding the ponds; wetland and adjacent area plantings will ensure that wildfowl populations do not find the ponds attractive (i.e. landscaped area to the edge of water). The drainage capacity on the site is based on 8 inches of storage, which will be completely retained within the on-site drainage system. Pond area is 5.30 acres and drainage calculations to ensure adequate drainage capacity will be provided on the Grading and Drainage Plan for the proposed project.

It is expected that pond water elevation will be maintained using public water; however, the applicant may opt to utilize the existing on-site irrigation well for this purpose. In such a case, it will be screened at a depth of at least 15 feet below the water table. A NYSDEC Well Permit would be required, if the well is equipped with a pump of 40 gallons per minute or greater. It is noted that the excavation and creation of the ponds will also require a permit from NYSDEC under the Mined Land Reclamation permit review process.

As discussed above, stormwater generated on-site will be fully accommodated on-site. The drainage system (which has not changed from the approved project) is designed to retain site-generated runoff resulting from in excess of a five inch storm event utilizing a combination of drainage structures (roadside catch basins and leaching pools) to collect stormwater runoff resulting from impervious roadways and surfaces, building roofs and landscaped areas to ultimately convey stormwater to a series of artificial on-site retention ponds. The project's drainage system has been evaluated pursuant to the NYSDEC General Stormwater Permit (GP) 0-08-001 requirements. As the proposed project does not involve changes to the road layout, drainage system, grading plans, etc. from those of the approved project, the analysis completed for the approved SWPPP (including the post construction stormwater management system analysis and proposed erosion control and construction phasing plans) will remain valid for the proposed project. In accordance with the SWPPP and Erosion Control Plan prepared for the approved project, a variety of temporary erosion and sediment controls will be utilized to ensure soil stabilization and protection of exposed areas for the duration of construction period. Additionally, pursuant to GP-0-08-001, inspections of construction activities and erosion controls are required to be conducted by a qualified inspector at a minimum frequency of twice every seven calendar days for as long as more than five acres of soil remain disturbed. Such inspections will be conducted, and a record of all inspection reports will be maintained on-site. Based on existing developments in the area, local geologic conditions, and adequate depth to groundwater, subsoils are expected to be of suitable quality to allow efficient recharge of stormwater. These factors, coupled with the implementation of the SWPPP and Erosion Control Plan during construction, will minimize/prevent stormwater and sediment from washing into the natural buffer areas or onto adjacent streets and properties.

Conformance to Chapter 86 of the Town Code and to the requirements of NYSDEC SPDES review of stormwater control measures is necessary, to be consistent with Phase II stormwater permitting requirements for construction sites in excess of 1-acre (the SPDES GP 0-08-001 permit). Under this program, a site-specific SWPPP was prepared for and approved by the Town for the approved project. This plan has been implemented for the approved project; the required inspections of the construction site will be performed under the supervision of a qualified

professional to ensure that erosion controls are properly maintained during the construction period.

#### 1.4.4 Roads, Vehicle Access, Parking and Roadway Improvements

##### Roads

Roads are proposed to be 28 feet in paved width, and are designed to provide access within the western development portion of the site. The project's internal roadways will remain in private ownership, to be maintained by the HOA to be formed for this purpose. A Typical Private Road Section is provided on the **Overall Conceptual Plan**.

##### Vehicle Access

The subject property has frontage on two roadways: the NYS Route 27 North Service Road and CR 111. However, the proposed project, like the approved project, will have vehicle access on only the North Service Road of NYS Route 27. This feature provides for "rights-in/rights-out" movements, as the North Service Road is a one-way roadway. Thus, all traffic associated with the project will utilize the North Service Road of NYS Route 27, which has sufficient capacity to accommodate this traffic. A second vehicle access point is located about 900 feet east of the main access, in the form of an emergency access.

An attractive community entrance sign will be placed at the main entrance. The residential area will have a single, secure, gated entry via a landscaped boulevard opposite this main entrance.

##### Parking

Each of the residences will be provided with an attached garage (a total of 162 spaces; see **Table 1-1**). In addition to an identical distribution of driveway spaces (an additional 162 spaces), there will also be 21 on-street, head-in parking stalls at the recreation building. Overall, the project will provide a total of 345 parking spaces. As shown on the **Overall Conceptual Plan**, the Town Code would require a minimum of 238 spaces.

##### Traffic Mitigation

The Traffic Impact Study (TIS) prepared for the approved project concluded as follows with respect to the potential impacts of the vehicle trips generated by that proposal:

The study intersections analyzed...did not experience a change in LOS [level of service] from the No-Build Condition to the Build Condition, indicating that the additional traffic from the [approved] project will not create significant impacts or affect traffic operations at adjacent intersections.

Nevertheless, based on the results of the TIS, the following roadway improvement was installed by the applicant:

Although no significant impacts are created at the intersection of CR 111 and NYS Route 27 South Service Road, the applicant has agreed to construct a traffic signal in order to improve efficiency with the signal system along the service roads and improve safety at the intersection. Once signalized,

delays associated with the eastbound left-turn movement will be decreased. In addition, operations at the intersection will improve from a LOS [level of service] C to a LOS B

The Traffic Assessment prepared for the proposed project (see **Appendix D**) concludes as follows:

- Based on the results of the Traffic Assessment, no significant impacts on the operation of the intersections in the vicinity of the site will occur as a result of the proposed project. Therefore, no additional mitigation measures are necessary or proposed.
- In comparison to the approved project, the LOS's for the proposed project represent generally reduced impacts on the operation of the local intersections analyzed. For the one case where there would be a reduction in LOS, the reduction (from B to C) is not to a level that is considered unacceptable. As the approved project had received Town approval, it is expected that the proposed project, which represents generally lesser or similar traffic impacts, would likewise be approved by the Town. This would support a conclusion that no mitigation measures are necessary or proposed.

#### 1.4.5 Water Supply, Water Use and Sanitary Wastewater Treatment

##### Water Supply

Potable water will be provided to the proposed project from the SCWA distribution system. The project will include extension of a 12-inch water main from Bristol Estates to the west of the site. All necessary connections, meters, easements and installations will be provided to ensure adequate water supply. It is noted that there are no wells or sewage disposal systems located within 150 feet of the subject property. The potable water consumed by the project would be supplied from SCWA Distribution Area #18, which is served by the CR 111 Wellfield and Pump Station, which is located approximately 2.6 miles to the north.

##### Water Use

Assuming the wastewater generation rate values used by the SCDHS for design of wastewater systems (which yields a conservative estimate of water used in-house), each unit will consume 300 gpd of potable water. With the recreation building, a total of 36,000 gpd of water will be consumed for domestic purposes. It is expected that landscape irrigation (see **Section 1.4.6**), will require an annualized average of 4,693 gpd, assuming that 5.5 inches are applied over the growing season, and 11.47 acres are planted with fertilized (and therefore, irrigated) landscape vegetation. Thus, total water use of the proposed project is estimated at 40,693 gpd.

##### Sanitary Wastewater Treatment

Sanitary wastewater flow and discharge requirements are determined by the SCDHS, under the jurisdiction of Article 6 of the SCSC, which also addresses sewage facility requirements for realty subdivisions, development and other construction projects in order to limit the loading of nitrogen in various groundwater management zones as established by the SCDHS. The project site is located within Groundwater Management Zone III as defined by the SCDHS. Based on the requirements of Article 6, no more than 300 gallons may be discharged per acre on a daily basis within this zone unless sewage treatment is provided or transfer of sanitary density is

approved. The allowed sanitary flow for the site established for the approved project was 19,500 gpd, based on 300 gpd/unit for the 64 lots plus recreation building. Based on this rate, the sanitary flow for the proposed project is 36,000 gpd, or 16,500 gpd in excess of the allowed flow. In order to compensate for this exceedance, the proposed project will transfer a total of 55 PBCs and sanitary credits each of which corresponds to 300 gpd of sanitary flow. This transfer is allowed under Article 6, with County Board of Review approval (see **Section 1.4.1**).

SCSC Article 12 regulates storage and handling of toxic and hazardous materials as a means to “...maintain its [Suffolk County’s] water resources as near to their natural condition of purity as reasonably possible for the safeguarding of the public health...”. The residential portion of the project would not utilize any toxic or hazardous materials (other than common household cleaners), and so would conform to this regulation. In this way, the proposed project would conform to SCSC Article 12 requirements.

#### 1.4.6 Landscaping and Amenities

##### Landscaping

A detailed Landscape Plan will be prepared for the proposed project’s site plan application, which would be submitted after approval of the change of zone application. This plan will be subject to review by the Town Planning Division and Engineering Division, along with Planning Board approval prior to implementation. A detailed Landscape Plan was prepared and reviewed for the approved project, but has not been implemented. Since the landscape design for the proposed project is expected to be similar to that of the approved project (based on their similar layouts, only minor updates are anticipated), no major change is expected with respect to this review and approval.

The proposed project will conform to Town policy for fertilizer dependent vegetation, will improve site aesthetics and increase vegetated buffering for the neighborhood, all of which will minimize the potential for significant adverse impacts. The project will include a 50 foot landscaped buffer on the north side of the project site to be placed in the common area near CR 111. The south part of the site will include a 100 foot landscaped buffer adjacent to Sunrise Highway. This area will be landscaped, and part will include water features that, in combination, will form a separation between the highway and the interior developed portions of the site.

The interior of the parcel will be landscaped in street trees along the internal road system. The rear yards of properties will be landscaped with native plan material and homesites will include turf around the homes and foundation plantings as well as accent planting within the lots. In consideration of the amount of disturbance to the developed portion of the property from the SMP, no significant amount of the existing successional filed vegetation is expected to be available for retention within lots.

A total of 24.74 acres of landscaping are anticipated, though only 11.47 acres (15% of the site) will be fertilizer dependent vegetation; the remaining 13.27 acres will be established in landscaping trees, shrubs and grasses. Fertilizers would be applied at a rate of 2.30 pounds of

nitrogen per 1,000 SF, and irrigation would be 5.5 inches annually. The common area (totaling 33.43 acres) will be maintained as natural forest space (9.57 acres), be revegetated with native tree species (0.91 acres) or be allowed to revegetate naturally (22.95 acres).

The project includes 5.30 acres of water features that provide an aesthetic amenity related to the overall landscape environment. A recreation building with pool, tot lot, tennis and golf putting green are proposed in a south central location on the site, as well as walking trails and two dog runs.

### Lighting

A Lighting Plan for the proposed project will be prepared as part of the site plan application, to be submitted after the change of zone application is granted. The overall site plan will be reviewed by the Town and will require Planning Board approval. As the proposed project is similar to the approved project in terms of layout, design and lighting needs, it is expected that the respective Lighting Plans would be similar. Then, since the approved project's lighting plan was approved, it is expected that the Lighting Plan for the proposed project would be approved as well.

In general, lighting will be provided to establish a safe and secure environment with illumination only in those areas where it is necessary. Illumination will not extend beyond the property boundaries and diffuse lighting will not occur.

The proposed project would illuminate the internal roadways and exterior of the recreation building, along with smaller exterior lights for the residential structures and safety/security lights in common areas and along the walking trails. Lighting will be provided consistent with the locations, pole heights and specifications of the type and power of fixtures ("luminaires") typical for a quality residential development. Lighting for the project will conform to the applicable requirements of Town Zoning Code Article XXXIX (Exterior Lighting Standards). The applicant will ensure that only dark sky compliant luminaires will be used; this type of fixture is equipped with a "full cut-off" shroud that directs all illumination downward. By use of such fixtures the lower pole heights used, the potential for adverse impacts to the visibility of the nighttime sky for site residents, as well as impacts to the neighboring residential properties, will be minimized.

## **1.5 Construction Schedule and Operations**

### **1.5.1 Construction Schedule**

It should be noted that the subject site has been subject to construction activities associated with the approved project; specifically, the three model homes have been constructed, and the internal roadway for the approved project and site access drive have been installed. In addition, excavations for the ponds and the SMP have occurred, so that some soils have been removed from the site. The volume of soil removed from the site was calculated for the approved project

as 76,821 CY. The potential for adverse impacts to the area from soil excavation and removal would be minimized in consideration of the following factors:

- the excavation occurred in conformance with Town reviews of the approved project,
- the approved project received a Negative Declaration from the Town, indicating that no unacceptable level of impact was anticipated,
- the proximity of a major, limited access roadway (NYS Route 27) minimized the potential for impact to local roadways and the neighborhood from truck movements, and
- the removal operation and truck movements would be temporary in nature and limited to weekday, daytime hours.

It is noteworthy that the proposed project will utilize the same pond layouts as was previously approved, so that no change in the amount of soil excavation is expected, and no change in the potential for impacts from the soil excavation/removal process are anticipated.

The applicant will continue with construction upon final Town Planning Board and other agency approvals. The construction of the proposed project is anticipated to occur over two phases, with the construction of Phase 1 projected to commence upon the culmination of the approval process. It is anticipated that Phase 1 will occur over a period of approximately eight months. Phase 2 will commence upon the completion of Phase 1, and is projected to last a period of 28 months, or two years and four months. The development is projected to be completed within three years. The three-year construction period will result in the development of 86 open market units (expected to be evenly split between two- and three-bedroom units), 30 two-bedroom First time homebuyer units, three single-family detached model home units and a private recreation building. While the phasing schedule will be dependent upon market conditions, **Table 1-3** illustrates the expected construction schedule of the proposed project.

**Table 1-3  
CONSTRUCTION SCHEDULE**

<b>Project Component</b>	<b>Phase 1: 4Q 2009 - 3Q 2010</b>	<b>Phase 2: 3Q 2010 - 4Q 2012</b>	<b>All Phases</b>
2-bdrm. Market-rate unit	8	35	<b>43</b>
3-bdrm. Market-rate unit	8	35	<b>43</b>
2-bdrm. First time homebuyer unit	14	16	<b>30</b>
3-bdrm. Model unit	1	0	<b>1</b>
4-bdrm. Model unit	1	0	<b>1</b>
5-bdrm. Model unit	1	0	<b>1</b>
Recreation bldg.	1	0	<b>1</b>
<b>Totals</b>	<b>33 units &amp; recreation bldg.</b>	<b>86</b>	<b>119 units &amp; recreation bldg.</b>

The construction process will continue with establishment of flagged clearing limits, followed by installation of staked hay bales and silt fencing as necessary along the property periphery and adjacent to roadways. As construction continues, construction equipment, materials and vehicles will be staged, parked and loaded/unloaded within the site. All construction access will be from

the NYS Route 27 North Service Road and/or CR 111, with no access through any existing residential areas. Once construction of the units is complete, landscaping will be installed and road surface asphalt lifts will be completed upon the commencement of the construction vehicle use of roads.

“Rumble strips” will be placed at the site entrance to prevent soil on truck tires from being tracked onto NYS Route 27 or CR 111, and a water truck will be available to wet excessively dry soils. Impacts are minimized as a result of no access to residential streets, development concentrated on the interior of the property with substantial buffers surrounding the development area, and the limited duration of construction and activity primarily during normal daytime hours. In addition, it is expected that the site cut and fill will be “balanced” to the greatest extent practicable, although this will be dependent upon final grading. The grading concept would involve use of recharge basin excavated material to raise the grade of the swale that transects the south part of the site. The balance of the property is relatively flat and foundation excavated material will be used to contour the land for proper drainage around buildings. Some of this work has been completed in conformance with the approved 64-unit subdivision. It is noted that soil management was required as part of the approved subdivision. This will be completed in conjunction with the currently proposed project and can be reflected in any amended/revised approvals under the proposed change of zone and resulting site plan/subdivision.

**Section 1.4.3** discusses the erosion and sedimentation control guidelines to be observed during construction. Sediment will not be transported off-site by stormwater runoff and, as a result of the erosion and sedimentation control measures and permit compliance that will be implemented during construction, no impact on local water quality is expected. It is expected that the erosion control plan will incorporate recommended measures of the NYSDEC Technical Guidance Manual, and use of measures such as:

- Silt fence, storm drain inlet protection, hay bales & good housekeeping procedures will be used;
- Construction equipment and vehicles will be parked and loaded/unloaded within the site;
- “Rumble strips” will be placed at the site entrance to prevent soil on truck tires from being tracked onto the public road system;
- The construction process will begin with establishment of flagged clearing limits, followed by installation of the erosion control measures;
- Construction of the structures can then begin concurrent with the utility connections. Once heavy construction is complete, finish grading will occur followed by soil preparation using topsoil mix, turf and installation of the landscaping, which will be performed while the structures are being completed; and
- The drainage system and revegetation plan will further provide permanent stormwater controls once construction is completed.

Development of the property is not anticipated to significantly increase erosion/sedimentation or stormwater impacts, as a result of proper site grading procedures, erosion controls, and drainage system design.

## 1.5.2 Construction Operations

The proposed project will begin the operation phase of development immediately after the completion of Phase 1 construction, and will partially operate for all four phases thereafter. However, a stabilized year of operations is not projected to occur until construction is complete, all homes are sold, and all homes are occupied. This is projected to occur in 2013, following four phases of construction and partial operations of the development. **Table 1-4** illustrates the details pertaining to the schedule of operations.

The property will remain in private ownership, with all of the homes sold to individual owners as part of two (2) or more condominium regimes for the homes. Each home will have a designated yard area for the homeowner's exclusive use as a limited common element of each condominium that will be reflected in each condominium's declaration. The overall community will be connected via a common Master HOA. Each homeowner will be a member of the HOA as well as an owner within their own condominium. The homeowner will own and maintain the interior of the housing structure. The exterior façade and roofs of the housing structures will be part of the general common elements of the condominium, and the yard area will be a limited common element of the condominium. The general common elements and limited common elements will be maintained by the HOA for uniformity of look and cost savings. The HOA will own and maintain all other common areas including any other landscaped and non-landscaped areas, open space, the roads, clubhouse, ponds, recharge basins and all other related site features. The HOA will be responsible for all on-site maintenance and repair as well as other management activities, including sanitary systems, landscape maintenance, snow removal, garbage pick-up, etc.

**Table 1-4**  
**SCHEDULE OF OPERATIONS**

<b>Project Component</b>	<b>End of Phase 1: 3Q 2010</b>	<b>End of Phase 2: 4Q 2012</b>
2-bdrm. Market-rate unit	8	43
3-bdrm. Market-rate unit	8	43
2-bdrm. First time homebuyer unit	14	30
3-bdrm. Model unit	1	1
4-bdrm. Model unit	1	1
5-bdrm. Model unit	1	1
Recreation bldg.	1	1
<b>TOTALS</b>	<b>33 units &amp; recreation bldg.</b>	<b>119 units &amp; recreation bldg.</b>

## 1.6 Permits and Approvals Required

A number of approvals will ultimately be required for the proposed project. A list of anticipated approvals is provided in **Table 1-5**.

**Table 1-5  
 PERMITS AND APPROVALS REQUIRED**

<b>Applicable Board/Agency</b>	<b>Approval Type</b>
Town Board	Change of Zone approval
Town Planning Board	Site Plan/Subdivision review
Town Building Department	Building Permits (Received for 3 model home units)
SCDHS	Wastewater Disposal; Water Supply
Suffolk County Board of Review	Use of Sanitary Flow Credits
SCWA	Water Supply and Connection
NYSDEC	SPDES - Stormwater (Prior coverage obtained)
NYSDEC	Mined Land Reclamation Permit (Received)
NYSDOT	Road Opening Permit (Received)
CPBJPPC	Compatible Growth Area (CGA), Hardship Exemption

# SECTION 2.0

## NATURAL ENVIRONMENTAL RESOURCES

## 2.0 NATURAL ENVIRONMENTAL RESOURCES

This section describes the existing condition of each of the natural environmental resources on the site (i.e., reflecting the suspended construction process undertaken for the approved project), discusses the anticipated impacts of the approved project on those same resources, and includes analyses of the impacts expected from the proposed project. This establishes the relative significance of the proposed project's impacts relative to both the site's existing conditions and conditions expected from the approved project (which were reviewed and found to be not significant). Each resource discussion also includes an initial identification of measures that may be taken to mitigate the proposed project's impacts.

### 2.1 Water Resources

#### 2.1.1 Existing Conditions

There are no natural surface water bodies on the subject site at the present time. As noted in **Section 1.3.2**, the site is partially developed as per the approved project; this includes excavations for the four artificial ponds that were part of the approved project's drainage system. In addition, there are two distinct FEMA-designated Flood Zones that traverse the site's eastern and western portions; both of these zones are oriented in a north-south direction. It is noteworthy that neither of these zones is associated with surface waters on-site; these flood zones are associated with the headwaters of Seatuck Creek, which terminate 700 feet to the south, beyond NYS Route 27.

Groundwater resources beneath the site are characterized by stormwater recharge generated on-site, as there are no other sources of recharge on the property in its current condition. Based on the site's present use and conditions (see **Table 5-1**), a total of 36.68 MGY of water are recharged, having a nitrogen concentration of 0.48 mg/l.

#### 2.1.2 Conditions per Approved Project

##### Surface Water

The proposed project is not located in proximity to surface water. The nearest wetlands are located 700 feet south of the site and are associated with the headwaters of Seatuck Creek. The project site is separated from these wetlands by Sunrise Highway, a State road.

*FEMA Flood Zones* - The project site contains two areas designated as flood plains. These areas coincide with glacial meltwater swales that are at a lower elevation, and based on the FEMA maps, could potentially be subject to flooding to the base elevation established in these maps. The flood zones are depicted on the project plan as Zone A. The FEMA maps were recently amended in September 2009. It is noted that the area of the flood zone has decreased in size

since the maps that were in effect when the original subdivision plan was approved in 2007. There are no flowing streams on the subject site that would directly impact surface water quality.

*Groundwater Management Zone III* - The watershed that includes the subject site is Groundwater Management Zone III, a deep flow recharge area that replenishes deeper aquifers used for long term water supply. Water recharged on site will become part of the Upper Glacial aquifer and will travel accordingly to the hydraulic gradient into deep aquifers which eventually discharge to surface waters of the south shore bays or the Atlantic Ocean. Given the deep flow recharge pattern anticipated by Zone III, there is no immediate or direct connection to surface water expected between the site and headwaters of Seatuck Creek lying 700 feet south of the site.

*Brown Tide and Seatuck Creek* - Consideration has been given to surface waters associated with Seatuck Creek and Moriches Bay with respect to events that cause Brown Tide. Brown Tide events were first documented in 1985 in Long Island embayments (**Cosper et al. 1987**). These events are caused by the phytoplankton *Aureococcus anophagefferens* which, when under appropriate conditions, multiply exponentially creating a large area of water which is colored brown and severely reduces light penetration (**Cosper et al. 1987, Anderson et al. 1993**). Brown Tide bloom events have caused significant reductions of eel grass and shellfish populations due to the severe decrease in light availability and change in the nutrient dynamics of the ecosystem (**Anderson et al. 1993, Gobler and Sañudo-Wilhelmy 2001**). Although still not completely understood, Brown Tide bloom events are thought to be a result of changes in nutrient ratios (**Gobler and Sañudo-Wilhelmy 2001, Nuzzi and Waters 2004**). In particular, the ratio of dissolved inorganic nitrogen (DIN) to dissolved organic nitrogen (DON) is thought to play the most important role in bloom events (**Gobler and Sañudo-Wilhelmy 2001, Nuzzi and Waters 2004**). Other factors that play a role in bloom events include water salinity and water temperature (**Gastrich et al. 2004**). Brown Tide events have occurred in Moriches Bay, which is located 2.2 miles from the subject site. As noted, wetlands associated with the headwaters of Seatuck Creek, which empties into Moriches Bay, are located 700 feet from the subject site. Under approved project conditions, the site would recharge 3.34 mg/l of nitrogen to groundwater. This is a relatively low concentration, and would not be expected to contribute to potential brown tides given the separation of the site from surface waters, the location of the site on the edge of a deep flow recharge area, and the travel time and reduction in nitrogen concentration through dispersion, diffusion and advection and adsorption with distance from the source.

#### Groundwater

Stormwater impacts would not be expected to be significant given the conformance of the approved project with the Nationwide Urban Runoff Program (NURP) study and compliance with NYSDEC SPDES GP 0-08-001 requirements for an erosion and sediment control plan (with respect to both construction and operation of the project). As a result, the use of leaching pools and detention/recharge ponds sized and designed to capture runoff and recharge to groundwater through the unsaturated sediments beneath the site, coupled with proper erosion and sediment control during construction and under post-construction, will ensure that stormwater impacts would not occur in this scenario.

The Long Island Regional Planning Board, in conjunction with other agencies, prepared a management plan for Long Island groundwater resources in 1978 under a program funded by Section 208 of the 1972 Federal Water Pollution Control Act Amendments. The purpose of the 208 Study was to investigate waste disposal options and best practice for ground and surface water protection. The study delineated Hydrogeologic Zones for the formulation of management plans based on groundwater flow patterns and quality (**Koppelman, 1978**). These zones were the basis for the SCDHS's later establishment of Groundwater Management Zones, for which sanitary wastewater regulations were codified in the SCSC, Article 6. The subject site is located in Groundwater Management Zone III. Water recharged in this zone is characterized by deep flow that replenishes deeper aquifers used for long-term water supply.

SCSC Article 6 addresses sewage facility requirements for realty subdivisions, development and other construction projects, in order to limit the loading of nitrogen in groundwater management zones as established by the SCDHS. As promulgated under Article 6, a Density Equivalent must be determined for the subject site in order to determine the type of sewage disposal system required for the proposed project. This equivalent (expressed as total allowable sanitary wastewater flow) is then compared to the design sewage flow for the project. If the project's design sewage flow exceeds the Density Equivalent transfer of sanitary flow credits, or a sewage treatment system is required. If the project's design sewage flow is less than the site's Density Equivalent, a conventional subsurface sewage disposal system (i.e., a septic tank/leaching pool system) may be used, provided individual systems comply with the current design standards. Based on the requirements of Article 6, use of a conforming Yield Map is sufficient to calculate allowable flow. The Density Equivalent (total allowable flow) on the subject site is detailed as follows:

$$65 \text{ lots} \times 300 \text{ gpd/lot} = 19,500 \text{ gpd}$$

Thus, Article 6 requires that, if sanitary design flow exceeds 19,500 gpd, transfer of sanitary flow credits (with Board of Review approval) or use of an sewage treatment plant (STP) is required.

The sewage design flow for a single-family home is 300 gallons per day (gpd) per unit. Therefore, it is estimated that the 64 units and the recreation building would generate approximately 19,500 gpd of sewage flow. This is less than the allowable flow for the property, and therefore would be consistent with Article 6 for untreated sewage discharge in Groundwater Management Zone III. In addition, the Yield Map prepared for the approved development illustrates lots which all exceed 40,000 SF in size, which conforms to Town A-1 zoning as well as Article 6 density requirements. The approved project would conform to Article 6 and therefore received realty subdivision approval from SCDHS.

Each home would have a separate conventional sanitary system installed in accordance with SCDHS design standards. The depth to groundwater is suitable to allow for proper leaching and functioning of individual sanitary disposal systems. An individual permit to construct would be issued for each home, and inspections for installation and subsoil leaching quality would be completed. In addition, fertilizer use would be limited on the property since the Pine Barrens

Plan standards require that no more than 15% of the site be established in fertilizer-dependent vegetation. The approved project would comply with this requirement.

Utilizing a mass balance model (the SONIR computer model; see **Appendix C-1**) as was utilized for the prior Part III EAF, the water balance and concentration of nitrogen in recharge was calculated for the approved project. **Table 2-1** provides the coverages for the approved project. The model results (see **Appendix C-2**) indicate that a total of 52.76 MGY of water will be recharged on the site.

**Table 2-1**  
**SITE COVERAGES**  
 Approved Project

Site Coverage	Approved Project
Pitch Pine-Oak Forest	7.67 acres
Farm Field/Meadow	25.01* acres
Buildings & Paved	11.34 acres
Water Surface	5.90 acres
Landscaped	26.52** acres
<b>Total Site</b>	<b>76.44 acre</b>

\* Includes acreage to be remediated and restored to natural conditions.

\*\* As 15.05 acres non-fertilized and 11.47 acres (15% of the site) fertilized.

The concentration of nitrogen in this recharge is anticipated to be 3.34 mg/l. This level is due primarily to the presence of nitrogen in sanitary wastewater recharged on-site. However, this value is substantially less than the 10-mg/l standard for drinking water, as established by New York State.

In general, no adverse impacts to groundwater would be expected as a result of the approved proposed project from sanitary discharge or nitrogen loading based on evaluation of the following points:

- The depth to groundwater on the site after development will vary between 10-40 feet below grade, allowing adequate leaching depth for sanitary system installation and function.
- The project is designed to conform to Article 6 which is consistent with best management practice for groundwater protection;
- Individual sanitary systems will be designed, reviewed, approved and inspected by SCDHS; and
- There will be a limit of 15% of the site for fertilizer-dependent landscape vegetation.

Thus, no significant adverse impact to groundwater resources would be expected.

### 2.1.3 Anticipated Impacts

#### Surface Waters

*FEMA Flood Zones* - With respect to the presence of two FEMA-designated flood hazard zones on the site, it is noted that fewer buildings will be placed in the flood zone in the proposed

project than under the approved project. This is due in large part to a narrowing of the boundaries of the flood-prone areas under the current Flood Insurance Rate Map (FIRM) for the site, due to be made effective at the end of September 2009. The proposed project illustrates the original FIRM Flood Zone A limits (dated 05/04/98), and the new (preliminary) Flood Zone A locations (dated 9/1/08). Under the new mapping, only 11 residential buildings are either within or partially within the FIRM boundary while, under the approved project, as many as 16 residential buildings and the clubhouse were located in the flood zone.

It is noted that the subject site is not near coastal waters, and will have a drainage system capable of providing eight inches of storage. Location within the flood zone means only that building first floor elevations must be constructed a minimum of two feet above the Base Flood Elevation in order to obtain flood insurance. At the present time, FEMA has not determined a Base Flood Elevation for the Preliminary Flood Hazard Map. This is not anticipated to be an obstacle to development as the proposed project will conform to this elevation requirement, and should be considered as a design parameter to be addressed in the engineering of the project. The project will be consistent with FEMA requirements, and no adverse impact associated with flooding or the site's presence in a Flood Hazard Zone is expected.

As discussed in **Section 1.3.2**, the Flood Zone Map depicts similar Flood Zones within the Bristol Estates development contiguous to the west of the site. The builder of that project conducted a study to demonstrate that those flood designated areas were not appropriate based on the site's drainage containment design, intervening features such as NYS Route 27 and the topographic and hydrologic conditions of the site and area. The study required review and acknowledgement by the Town prior to filing with FEMA. FEMA has issued a decision to modify the FIRM map for the Bristol Estates site, and this is currently in-progress. Records pertaining to the Bristol Estates FIRM re-designation are on file with the Town of Brookhaven Planning Board. The conditions at the subject site are similar, and the applicant would have a basis to pursue a similar modification of the FEMA Maps. Regardless, the proposed project will comply with applicable design, construction and elevation requirements, and it is noted that the approved subdivision had a larger number of structures within the previously-designated flood prone area.

*Groundwater Management Zone III* - As previously stated, the site is within a deep flow recharge area, and therefore there is no immediate or direct connection between the site and surface waters. The nearest wetlands are located 700 feet to the south, with Sunrise Highway and other lands intervening between the site and this feature. The containment of stormwater within drainage systems on the site will ensure that no impact occurs to surface water. The groundwater flow path is such that water recharged on site will enter the Upper Glacial aquifer, and follow a deeper flow path that will result in discharge to surface water at some location down gradient of the site either into Moriches Bay or the Atlantic Ocean. As a result, there will be a substantial travel distance from the site before there is any discharge to surface water.

*Brown Tide and Seatuck Creek* - As described in **Sections 1.3.2 and 2.1.2**, areas of Moriches Bay, located 2.2 miles south of the site, have been subject to brown tide incidents. Brown tide events are thought to be caused by a change in the ratio of DIN to DON. In particular, low DIN

levels seem to play the most important role in bloom events. Sewering and the use of sewage treatment plants is thought to play a role in reducing DIN levels in the bay. Although some evidence suggests high levels of DON may play a role in bloom events, other studies show that increased levels in DON did not play a statistically significant role in the bloom event. In general, the quality of nitrogen seems to play a larger role than the actual quantity entering the system. Assuming construction of the proposed project, the subject site would recharge 3.43 mg/l of nitrogen to groundwater that, similar to the approved project, is a relatively low concentration that is not expected to contribute to potential brown tides in consideration of the same factors as for the approved project:

- the separation of the site from surface waters,
- the location of the site on the edge of a deep flow recharge area, and
- the travel time and reduction in nitrogen concentration through dispersion, diffusion and advection and adsorption with distance from the source.

The proposed project would utilize individual septic systems for the proposed units. The systems will be designed and installed to current SCDHS standards. SONIR model projections indicate that 3.43 mg/l of nitrogen is projected to be recharged to groundwater. With regard to surface water quality, it is recognized that this anticipated nitrogen concentration exceeds the Town's ecological water quality standard for nitrogen of 2.5 mg/l as established under the Pine Barrens Plan, Section 5.3.3.1.3 (Nitrate-nitrogen Guideline). However, it should be noted that the subject site is not proximate to natural wetlands or water bodies. The site is actually in a deep flow recharge area noted as a result of it lying within Groundwater Management Zone III. The nearest surface water to the subject site (Seatuck Creek) is at a distance of 700 feet south of the site. Recharge from the site will travel a longer flow path through the deeper parts of the Upper Glacial aquifer, with no direct or immediate connection to surface water. Nitrogen in groundwater will transform as it travels from the site, such that concentration of nitrogen will be decreased with distance. This occurs as a result of physical, chemical and biological factors that occur in groundwater. These factors include mechanical dispersion (the separation or "spreading" of contaminant concentrations as groundwater migrates), molecular diffusion (this is a contributor to the effect of dispersion as a result of concentration gradients), advection (the chemical movement via groundwater flow resulting from hydraulic gradient), and adsorption (when contaminants attach themselves to soil particles; **Freeze and Cherry, 1979**).

In addition, as studies have shown that DIN plays a more important role in bloom events, and that the quality of nitrogen entering the system is more important than the quantity, the use of septic systems as a result of the proposed project is not anticipated to contribute to bloom events as these systems will primarily generate DON, which is thought to play a less important role in bloom events. It should be noted that scientific studies are ongoing regarding brown tide, and that more research is needed in the area of the Great South Bay in order to determine what specific inputs of nutrients into the system have the greatest impact on nutrient ratios.

#### Groundwater

In general, the project's drainage system will be engineered to capture runoff and recharge it to groundwater, and implementation of erosion and sediment control techniques during

construction and under post-construction, will combine to address potential stormwater impacts. Similar to the approved project, significant stormwater impacts are not anticipated from the proposed project due to the same considerations as were previously reviewed:

- conformance with the NURP study and
- compliance with NYSDEC SPDES GP 0-08-001 requirements for an erosion and sediment control plan (for both construction and operation).

Each residence would have a separate conventional sanitary system, which will be designed and installed in accordance with SCDHS standards and requirements. As established for the previously approved project, the depth to groundwater would be sufficient to allow for proper leaching and functioning of these systems. The direction of groundwater flow would not be affected (see **Figure 2-1**). A permit to construct would be issued for each unit, and inspections for installation and subsoil leaching quality would be completed by the SCDHS. These measures would ensure that no adverse impacts from sanitary system operations would occur.

In order to minimize one source of nitrogen in recharge, and as required by the Pine Barrens Plan, the acreage of fertilized landscaping is limited to a maximum of 15% of the site (11.47 acres). The proposed project will comply with this requirement. The density of development on-site will be increased as a result of the proposed project. The SCDHS allows sanitary credits to be transferred across Groundwater Management Zone boundaries, with the approval of the Board of Review. The applicant will obtain 55 PBCs and sanitary flow credits, 44 of which will be sanitary credits from a location proximate to the subject site in Groundwater Management Zone VI (The Oaks at East Moriches site; see **Figure 1-5**), which will allow that land to be sterilized and preserved. The SONIR computer model results for the proposed project (see **Appendix C-3**) indicate that 57.74 MGY of water of water would be recharged, having a concentration of nitrogen calculated to be 3.43 mg/l and is due primarily to the presence of nitrogen in sanitary wastewater. It should be noted that this is a low concentration and is well within the 10 mg/l standard for drinking water, as established by New York State.

With respect to nitrate-nitrogen in recharge, the stricter Guideline of the Pine Barrens Plan (S 5.3.3.1; which would require a nitrate-nitrogen level of 2.5 mg/l) does not apply to the proposed project, as this requirement is intended “...to protect surface water quality for projects *in the vicinity of ponds and wetlands*”[emphasis added]. Such resources are not present on the subject site nor tributary to it since the site is in Groundwater Management Zone III, a deep recharge area. The nearest surface waters or wetlands are located approximately 700 feet to the south-southeast (see **Figure 2-3**). The area between the subject site and this resource is developed with a major regional roadway (NYS Route 27), which is served by drainage system that intercepts surface runoff before it could reach this resource. Therefore, surface runoff from the subject site does not impact this surface water body. In addition, groundwater from the site would not reach this water body, as the recharge would be expected to pass beneath it as it flows through the Upper Glacial Aquifer.

It is noteworthy that the approved project and the proposed project would meet the applicable Standard of section 5.3.3.1.1, which would require that Article 6 be met through Board of

Review approval. Finally, the proposed project is not a DRS, and provides the added benefit of an increased amount of open space preservation and sterilization of yield from a substantial acreage of naturally-vegetated land off-site.

In consideration of the above, it is expected that, similar to the approved project, no significant adverse impact to groundwater resources would be expected from the proposed project.

#### 2.1.4 Mitigation Measures

- Due to the depth of the natural water table underlying the site and permeability of subsurface soils underlying the site, development of the subject site is not anticipated to adversely impact groundwater resources associated with the natural water table in the region of the project area.
- All stormwater runoff generated on developed surfaces will be retained on-site through a series of catch basins, with overflow to the proposed detention/recharge ponds in conformance with Town design standards. The system will be designed to sufficiently to accommodate 8 inches of storage.
- Based upon information presented in the NURP Study, it is not anticipated that stormwater recharge will contain significant concentrations of pollutants that could adversely impact ground or surface water resource. Therefore, the proposed project is in conformance with the applicable recommendations of the NURP Study in regard to the proposed stormwater recharge system.
- Due to the installation and design of the proposed stormwater facilities, use of individual on-site disposal systems in conformance with SCSC Article 6 and design requirements, and overall site design including transfer of 55 PBCs and sanitary flow credits with SCDHS Board of Review approval, it is not anticipated that there will be any impacts to groundwater resources as a result of development of the proposed project.
- The applicant's decision to retain the lot line and overall site arrangement as was previously approved, and to develop two attached residences on 58 of the lots rather than one detached unit does not result in a significant increase in water resource impact. While the nitrogen concentration in recharge will be increased, this increase would not be to a level that would contravene the NYS drinking water standard. In addition, Suffolk County Board of review approval will be necessary for the project, ensuring that proper agency review will take place to protect groundwater resources.
- The proposed project includes redemption of 44 sanitary flow credits from within Groundwater Management Zone VI. In addition, 11 PBCs will also be obtained, ensuring that acreage in the Core Preservation Area of the Central Pine Barrens Zone is preserved. The Suffolk County Tax Map designations of these parcels are given in **Section 1.1.1**.

## 2.2 Ecology

### 2.2.1 Existing Conditions

The subject site is presently impacted by construction activities undertaken for the approved project; three model homes have been built, the internal roads have been cleared, graded and road bases have been installed. The SMP is presently nearing completion. Assuming the land coverages listed in **Table 5-1**, there are a total of 71.73 acres of land of which can provide habitat for wildlife, as follows:

- 2.91 acres of Landscaping,
- 5.30 acres excavated for the drainage Ponds,
- 45.36 acres of former farm fields undergoing Succession, and
- 18.16 acres of retained Forest.

## 2.2.2 Conditions per Approved Project

### Vegetation

The coverage quantities of the approved project are listed in **Table 2-1** and depicted in **Figure 2-2**. The habitat coverage types (i.e., pitch pine-oak forest and farm field/meadow) are not unique or sensitive, particularly in view of the fragmentation of habitat, the current level of existing development in the area, the highway to the south and resultant noise and activity, and other activity in the area. The approved development would include retention of 10.0% of the site in natural vegetation, and overall, 77.4% of the site would remain in natural and landscaping vegetation. As a result, the site would continue to provide both natural and landscaped habitat; no freshwater wetlands are present (see **Figure 2-3**). Given the lack of site sensitivity and the planned retention of natural and landscaped areas, no significant adverse impacts to vegetation or habitat would be expected.

The NYS Natural Heritage Program identified the potential presence of an endangered plant species on or in the immediate vicinity of the property. Collins sedge is a species that prefers bog habitats and appears unlikely to occur on the subject site; the last report of this species in the general area of Eastport was in 1894. The historical record and evidence of limited habitat potential make it unlikely that this species utilizes the property and as a result, no impact is expected.

Exploitably vulnerable species are protected primarily because they are indiscriminately collected, rather than due to rarity within the State. The presence of these plants would not preclude development of the site, as a property owner is permitted to remove exploitably vulnerable plant species from a site. The existing woodland habitat on site is somewhat fragmented due to the on-site development and off-site influences. Regional and local impacts will be negligible, as the quantity of woodland vegetation to be removed is relatively small in size and a substantial portion of the site's natural vegetation would be retained.

### Wildlife

The majority of habitat on the property is dominated by cultivated farmland and pitch pine-oak woodland. The property is not expected to act as a refuge for rare native flora or fauna and is fragmented under existing conditions. The site lies between NYS Route 27 and CR 111, and construction has commenced in connection with the prior subdivision approval. The approved project would favor those wildlife species that prefer meadow and forest habitat in the retained open space areas on the site, as well as species that prefer edge and suburban habitats and those that are tolerant of human activity. Most of the species expected on the property are at least somewhat tolerant of human activity, but others would be impacted by clearing operation and increase in human activity. It is also expected that particular species of wildlife (particularly

avian species) will migrate to undisturbed areas adjacent or near the site as a result of development, particularly since only tolerant species are expected under current conditions.

Within the development area, the existing woodland habitat would remain in the eastern portion of the site. Retention of this vegetation would be expected to allow for preservation of wildlife habitat tolerant and/or dependent on human activity. This habitat will become further enhanced by the creation of a meadow between the proposed development and the pitch pine-oak forest. The area of farm field not proposed for development would be subject to meadow management and will be established with a Long Island meadow mix and allowed to naturally revegetate. This will ultimately increase the diversity of habitat on the subject property by providing habitat for grass and shrub-dwelling wildlife species, in addition to providing a natural buffer to the remaining woodland.

In determining impacts on wildlife populations, it can be assumed that an equilibrium population size would be established for each species as determined by availability of resources in the habitat. Thus, the removal of habitat resulting from the approved project would cause a direct impact on the abundance and diversity of wildlife using the site. Although the assumption that species are at equilibrium is an oversimplification, and population sizes of many species are controlled below the carrying capacity by other factors, it does provide a worst-case scenario in determining the impact of habitat loss. In addition to this direct impact, the increased intensity of human activity on the site would cause an indirect impact on the abundance of wildlife that would remain on the site and in the area, under post-development conditions.

In the short term, lands adjacent to the subject property would experience an increase in the abundance of some wildlife populations due to displacement of individuals by the construction phase of the proposed project. Ultimately, competition with both conspecifics and other species already utilizing the resources of the surrounding lands should result in a net decrease in population size for most species. The effect on the density and diversity of both local and regional populations should be minimal, as the area represents only a small portion of the forested habitat available in the vicinity. The impacts of habitat losses are cumulative, however, and impacts need to be considered in light of regional planning.

#### Rare and Endangered Species/Unique Habitat Potential

The Natural Heritage Program did not identify any rare species that warrant protection and there are no rare or endangered wildlife species expected on the site given the habitats present. The eastern spadefoot toad, eastern box turtle, worm snake and the eastern hognose snake are the only species potentially expected on site that are listed as special concern species. Only the box turtle was observed on the property. Although there is documented concern about their welfare in New York State, these species receive no additional legal protection under Environmental Conservation Law (ECL) Section 11-0535. This category is presented primarily to enhance public awareness of these species that merit additional attention (NYSDEC, 2001).

### 2.2.3 Anticipated Impacts

#### Vegetation

Generally, impacts to the ecological resources of a project site from development are a direct result of clearing of natural vegetation and associated wildlife stressors, and the resulting loss and fragmentation of wildlife habitat, and indirectly from the increase in human activity. **Figure 1-4** depicts the proposed project superimposed on a recent aerial photograph of the site. Similar to the approved project, the proposed project would utilize for the western portion of the site for the proposed development, leaving the central and eastern areas undisturbed (other than areas of former farmland to be remediated, as determined for the prior review). The proposed residences, roadways and project structures would disturb that part of the site that abuts the recently developed retirement community to the west.

The differences in coverage quantities between the approved project and the proposed project are listed in **Table 2-2**. As can be seen, the proposed project will retain more natural forest vegetation and more of the former farmlands now undergoing natural succession as Old Field/Meadow vegetation. Three individual lots that were previously approved as homesites will not be developed. These lots will remain as natural space and their acreages will be added to the contiguous naturally-vegetated areas of the site. Overall, the proposed project would retain 13.7% of the site in natural vegetation, and overall, 76.1% of the site will remain in natural and landscape vegetation. These areas will enable the site to continue to provide both natural and landscaped habitat. Considering the lack of site sensitivity (established during review of the approved project) and these planned retentions of natural and landscaped areas, no significant adverse impacts to vegetation or habitat are expected for the proposed project.

**Table 2-2**  
**COMPARISON OF SITE COVERAGES**  
Approved Project & Proposed Project

Site Coverage	Approved Project	Proposed Project
Pitch Pine-Oak Forest	7.67 acres	10.48 acres*
Farm Field/Meadow**	25.01 acres	22.95 acres
Buildings & Paved	11.34 acres	12.97 acres
Water Surface	5.90 acres	5.30 acres
Landscaped	26.52 acres***	24.74 acres****
<b>Total Site</b>	<b>76.44 acres</b>	<b>76.44 acres</b>

\* Includes 0.91 acres of revegetated forest to be planted.

\*\* Includes acreage to be remediated and restored to natural conditions.

\*\*\* As 15.05 acres non-fertilized & non-irrigated, and 11.47 acres (15% of the site) fertilized.

\*\*\*\* As 13.27 acres non-fertilized & non-irrigated, and 11.47 acres (15% of the site) fertilized.

#### Wildlife

Impacts to wildlife from the proposed project are expected to be similar to those for the approved project because the areas to be disturbed are the same and the acreages of land affected are similar. The proposed project will favor those wildlife species that prefer meadow, forest, edge and suburban habitats and those that are tolerant of human activity. Most of the species expected

on the property are at least somewhat tolerant of human activity, but others will be impacted by the proposed clearing operation and increase in human activity. It is also expected that wildlife (particularly birds) will continue to occupy the site and/or will migrate to undisturbed areas adjacent to or near the site.

The pitch pine-oak forest habitat in the eastern portion of the site will be enhanced by the growth of old field/meadow habitat between this area and the proposed development. The area of open field not proposed for development will be established as a meadow to naturally revegetate and ultimately increase the diversity of habitat on the subject property by providing habitat for grass and shrub-dwelling wildlife species, in addition to providing a natural buffer to the remaining woodland.

#### Rare and Endangered Species/Unique Habitat Potential

The Natural Heritage Program did not identify any rare species that warrant protection and there are no rare or endangered wildlife species expected on the site given the habitats present. Thus, no impacts to such wildlife species would occur.

As the approved project was determined to cause no significant adverse ecological impacts by the Town, it is expected that the proposed project, which is similar in design to that proposal but retains more natural vegetation and provides more acreage for habitat, would likewise result in no significant impacts.

#### 2.2.4 Mitigation Measures

- Fertilizer dependent vegetation will not exceed 15% of the overall site and the remaining landscaped areas will be established in native trees, shrubs and grasses and allowed to revegetate.
- The loss of woodland habitat on the property will be partially mitigated by the proposed preservation of woodland within the eastern portion of the property and the creation of successional field adjacent to this preserved woodland.
- Minimize disturbance to the maximum extent practicable, including delineating clearing limits at the site prior to construction in order to avoid inadvertent clearing.
- Incorporation of stormwater management practices throughout the site that will assist in removing sediment and debris from runoff.
- Native plant species that provide food and shelter to wildlife will be utilized in some of the landscaped areas within the residential development.
- In comparison to the approved project, the acreages of retained pitch pine-oak forest and old field/meadow vegetation would be increased for the proposed project. This is achieved primarily by the applicant's decision to retain the same lot line and overall site layout as that prior proposal, and to designate three of the lots for open space preservation. This will enable the proposed project to preserve more land for habitat use by wildlife.

# SECTION 3.0

## HUMAN ENVIRONMENTAL RESOURCES

### 3.0 HUMAN ENVIRONMENTAL RESOURCES

This section describes existing human resources of the site, the conditions that would result from the approved project, the anticipated impacts of the proposed project, and mitigation measures if appropriate or necessary.

#### 3.1 Land Use, Zoning and Plans

##### 3.1.1 Existing Conditions

Current land use at the subject property and surrounding area is described based on aerial photographs and visual observations (see **Appendix A-3**). The subject site is a 76.44-acre parcel that is under construction. Current construction includes the entrance driveway and internal roads from the NYS Route 27 North Service Road, excavations for the drainage ponds and soil management areas, and the three recently constructed model homes. The remainder of the subject property consists of vacant land.

##### 3.1.2 Conditions per Approved Project

###### Land Use

Construction of the approved development has commenced. As described in **Section 1.3.2**, clearing and grading for the model homes, ponds, recreation area and internal roadways has occurred (for the large wooded area in the site's western portion, only clearing/grading for the roadway has been performed; the majority of this area is still wooded). The other large area of woods located in the eastern corner of the property has not been impacted and will remain undisturbed.

The subject property is surrounded by agricultural and residential uses and vacant land. **Figure 3-1** depicts the land use in the vicinity of the subject property. Land use is described more specifically as follows:

- South:* Vacant wooded land and NYS Route 27, beyond which is a mix of vacant, residential and agricultural lands.
- West:* Vacant wooded land, Bristol Estates PRC development and CR 51, beyond which is a mix of vacant, residential, industrial, business and agricultural lands.
- North:* CR 111, beyond which are agricultural and vacant lands.
- East:* NYS Route 27 Interchange 62, beyond which are vacant and agricultural lands.

The subject site is surrounded by transportation corridors including NYS Route 27 to the south, CR 111 to the north and CR 51 to the west that creates a triangular island in the middle of the low-density residential land uses and agricultural uses, effectively separating the Bristol Estates planned retirement community (PRC) development and the subject site.

The approved project involves the development of 64 single-family residences clustered on the 76.44-acre site with approximately 32.68 acres of open space.

### Zoning

The site is currently zoned A-Residence-1, which requires a yield based on a minimum lot size of 40,000 SF. Uses permitted in this zone include all the principal uses, accessory uses and uses authorized by special permit that are permitted in the A-Residence district, which include single-family dwellings, places of worship, public or private schools and farms in accordance with Chapter 85 of the Town Code of the Town of Brookhaven. Permitted accessory uses include garages, home business, fences, signs, barns, accessory apartments, storage sheds, model homes and greenhouses. Uses requiring a special permit from the Town Zoning Board of Appeals or the Planning Board include model homes, daycare facilities, some agricultural uses, parks, playgrounds, golf courses, colleges and universities, voluntary, non-profit ambulance companies and cemeteries.

In addition to the yield lot size of 40,000 SF, the A-1 zone requires 15% maximum total building coverage and building heights of two and one half (2<sup>1</sup>/<sub>2</sub>) stories or 35 feet. Minimum road frontage is 175 feet at a setback of 50 feet from the street line. Side yard setbacks of 25 feet, with minimum total side yards totaling 75 feet, rear yard setbacks of 60 feet and front yard setbacks of 50 feet are required.

The zoning pattern in the vicinity of the subject site is illustrated in **Figure 3-2**. The site is located within a triangular area created by major transportation corridors including CR 111 to the north, CR 51 (to the west) and NYS Route 27 (to the south). A major and dominant land use in this triangle area is the existing Bristol Estates project immediately west of the subject site. This PRC-zoned property is developed at a density of 4 units/acre. Areas located north of the subject property beyond CR 111 are zoned A-Residence-5, but are primarily occupied by agricultural uses and vacant land. Areas to the west are zoned PRC (immediately to the west), A-Residence-2, J-Business-2 and L-Industry-1. Property located on the south side of NYS Route 27 is zoned A-Residence-1 and is occupied predominantly by vacant land and agricultural uses. Areas located to the east of the subject property are located in the Town of Southampton and are primarily vacant land.

The approved project proposed a cluster plan for the construction of 64 single-family residential homes (0.84 units per acre) and conformed to the zoning and dimensional regulations of the A-1 district. **Table 3-1** provides a summary of the minimum and maximum floor area and bedroom count as well as summary data for the approved project.

### Land Use Plans

*Brookhaven Comprehensive Plan Update (1996)* - The subject property is recognized in this plan as an existing agricultural use while zoned for residential use and is recognized as falling within the boundaries of the Central Pine Barrens Zone, CGA (see below). This plan indicates future residential land use for the property and specifies a recommended density of 1 acre or less (see **Figure 3-3**).

The approved project conformed to the type and density of residential land recommended for the site as well as retaining a large portion of open space by utilizing a cluster layout.

**Table 3-1a**  
**UNIT BREAKDOWN, Approved Project**  
 Minimum Potential Floor Area Based on Equal Mix of Unit Types

Unit Type	Total Units	Living Area/Unit (SF)	Total Floor Area/Unit (SF)	Bedrooms /Unit	Garage Spaces/Unit	Driveway Spaces/Unit
3-Bedroom	21	2,333	2,733	3	2	2
5-Bedroom	22	2,502	2,902	5	2	2
4-Bedroom	21	2,904	3,304	4	2	2
<b>Totals</b>	<b>64</b>	<b>165,423</b>	<b>190,621</b>	<b>257</b>	<b>128</b>	<b>128</b>

**Table 3-1b**  
**UNIT BREAKDOWN, Approved Project**  
 Maximum Potential Floor Area Based on Planning Board Approval

Unit Type	Total Units	Living Area/Unit (SF)	Total Floor Area/Unit (SF)	Bedrooms /Unit	Garage Spaces/Unit	Driveway Spaces/Unit
5-Bedroom	64	4,500	4,900	5	2	2
<b>Totals</b>	<b>64</b>	<b>288,000</b>	<b>313,600</b>	<b>320</b>	<b>128</b>	<b>128</b>

Note: Living Area/Unit excludes garages; Total Floor Area/Unit includes garages; expressed in SF.  
 4-bedroom units have greater floor area/unit than 5-bedroom units based on floor plans of the model units.

*Special Groundwater Protection Area Plan (1992)* - The project site is located within the Central Suffolk SGPA. The Plan recommends the site be Low-Density Residential use (see **Figure 3-4**), but makes no other specific recommendations for the site. The Plan’s general recommendations which are pertinent to the proposed action are:

- To acquire large tracts in the watershed (to provide large areas of land which will provide clean recharge),
- To maximize open space and the preservation of existing natural vegetation and habitats through acquisition, clustering and other land use techniques to protect existing clean recharge areas and aquifer replenishment.

The SGPA Plan promotes the general recommendation of the rezoning of vacant parcels to 5-acre zoning district to ensure the protection and enhancement of the high quality of ground waters underlying the SGPAs. In addition, the plan urges clustering within these 5-acre zoned areas. However, the plan also states *“In those already developed portions of the SGPA where previously platted lots exist as scattered properties, building should be permitted even though the established density is higher than 5 acres. However, whenever conditions permit, unsubdivided and unsewered parcels in established neighborhoods should be upzoned to at least ¾ acre to 1 acre, and 2 acres if the parcel is large enough to conform to the general pattern.”*

The approved project conformed to the site-specific recommendations of the SGPA Plan, as well as to the intent and overall density goal of the Plan as it is based on its existing one-acre zoning. In addition, the cluster design enabled the preservation of a significant amount of contiguous natural area.

*Central Pine Barrens Comprehensive Land Use Plan (1995)* - The subject property is located within the Central Pine Barrens CGA, as delineated by the Pine Barrens Plan. The approved project exceeded the 53% maximum vegetation clearing limit standard of the Pine Barrens Plan, and received a Hardship Exemption approval from the CPBJPPC that granted relief from this limit. A copy of the Hardship Exemption approval is provided in **Appendix A-5**.

*Final County Road 51 Corridor Land Use Plan (July 2007)* - This Plan presents a comprehensive land use and growth management strategy that reflects the Town and community's vision for the CR 51 corridor planning area. Because of concerns that the proposed and potential development along CR 51 in the corridor planning area had the potential to significantly alter the landscape and the traffic volumes and patterns on CR 51, the Town of Brookhaven undertook the study to document the existing, proposed and potential land uses in the CR 51 corridor planning area.

The subject site is identified on the Land Use Recommendations plan as the location for the Hamptons Club at Eastport development. The Hamptons Club project was awaiting final approval in July 2007 (it had received conditional final approval in May 2007; see **Appendix A-1**), when the Final CR 51 Plan was issued (see **Figure 3-5**).

### 3.1.3 Anticipated Impacts

#### Land Use

The proposed project includes three single-family residences (the three existing model homes), 86 duplex units (43 two-bedroom and 43 three-bedroom), 30 two-bedroom units for first time homebuyers and a recreation building. Similar to but slightly greater in area than the approved project, a total of 33.43 acres will be retained and revegetated natural space. Similar to the approved single-family project, the proposed development will include a recreation building, pool and other amenities including a system of trails. Surface water features to be used for aesthetic enhancement of the site as well as for drainage retention occupy approximately 5.30 acres of the site.

The proposed 119-unit residential project places smaller, attached units on the 58 lots in the same location and configuration as the approved project, which limits the developed area to the least sensitive portion of the property on the western portion of the subject site. The three existing model homes are located on the three southernmost parcels on Hamptons Court Drive East.

As previously mentioned, the subject site is surrounded by transportation corridors that create a triangular area in proximity to the low- and moderate-density residential land uses and agricultural uses surrounding the site. The proposed project is compatible with the adjacent Bristol Estates PRC development located to the west of the subject site. Both the existing PRC

and the proposed project are moderate-density, multi-family style developments with areas of preserved naturally vegetated space. The PRC is developed at a density of 4 units/acre and the proposed project would be 1.56 units/acre.

The majority of the surrounding areas are residentially zoned. The proposed project presents a compatible development opportunity for the site and the adjoining residential development, serving as a transition parcel, between lands zoned PRC and the proposed B-Residence zoning in the context of the three major transportation corridors. The site will be accessible from the north service road of NYS Route 27 and is an attractive location for residential development.

Despite the increase in overall density of the proposed project compared to the approved project, the proposal is still a clustered residential development and is compatible with the surrounding area. The specific types of units proposed are different than those that were previously approved (with the exception of the three single-family residences); however, this amendment to the plan was a result of changes in the real estate market. The applicant has a need to modify the project to keep up with changing market and economic trends, therefore smaller units are proposed, with an increase in the total amount of units, in order to keep the development financially viable.

Zoning

The proposed project involves a change of zone to the B-Residence zoning district from the current A-Residence-1 zoning. The B-Residence zoning permits the same uses as the A-Residence district (which are the same as the site’s existing A-Residence-1 zoning), as well as convents and monasteries.

The dimensional requirements for the B-Residence district include a minimum lot size of 15,000 SF for yield purposes, 20% maximum total building coverage and maximum building height of two and one half (2<sup>1</sup>/<sub>2</sub>) stories or 35 feet. Minimum road frontage is 100 feet at a setback of 40 feet from the street line. Side yard setbacks of 18 feet, with minimum total side yards totaling 40 feet, rear yard setbacks of 50 feet and front yards setbacks of 40 feet are required. **Table 3-2** provides a comparison between the dimensional requirements for the existing A-Residence-1 zoning and proposed B-Residence zoning.

**Table 3-2**  
**ZONING DIMENSIONAL REQUIREMENTS**  
A-1 & B Residence Zones

	<b>A-Residence-1</b>	<b>B-Residence</b>
Maximum Building Height (feet/stories)	35/2½	35/2½
Minimum area (SF)	40,000	15,000
Maximum total building area (% of lot area)	15%	20%
Minimum road frontage (feet/from street line)	175/50	100/40
Minimum front yard (depth in feet)	50	40
Minimum side yard (width in feet)	25	18
Minimum total side yards (feet)	75	40
Minimum rear yard (feet)	60	50
Maximum permitted principal structure (SF)	15,000	7,500

The **Conceptual Yield Map for Rezone to B-Residence** shows the ability of the site to accommodate 144± lots; the Town will determine the exact number of lots after review of the map. The proposed project includes 119 units (64 lots) made up of three single-family residences (the existing model homes), 86 duplexes (43 two-bedroom units and 43 three-bedroom units), and 30 flats for first time homebuyers (all two-bedroom units). **Table 3-3** provides a summary of the proposed project.

The project proposes 25 units less than the allowable yield for the site under the proposed B-Residence zoning. In addition, although there will be more units than the approved project (119 versus 64), the total number of bedrooms and total amount of building square footage will not be less than the approved project and could potentially be less. **Tables 3-3a-c** provide a comparison of the approved project (minimum and maximum floor area and bedrooms) with the proposed project. It is noted that the Total Floor Area of the proposed project is 21,724 SF (11.4%) more than the Minimum Floor Area, and 101,255 SF (32.3%) less than the Maximum Potential Floor Area, of the approved project. This demonstrates that, while the density increases from 64 to 119 units, the intensity of use is not significantly greater for the proposed project. As a result, the proposed project will be an appropriate development on the parcel and is keeping with the character set by the adjacent Bristol Estates PRC project (as well as less dense).

**Table 3-3a`  
 UNIT BREAKDOWN**

Approved Project - Minimum Floor Area Based on Equal Mix of Unit Types

Unit Type	Total Units	Living Area/Unit (SF)	Total Floor Area/Unit (SF)	Bedrooms /Unit	Garage Spaces/Unit	Driveway Spaces/Unit
3-Bedroom	21	2,333	2,733	3	2	2
5-Bedroom	22	2,502	2,902	5	2	2
4-Bedroom	21	2,904	3,304	4	2	2
<b>Totals</b>	<b>64</b>	<b>165,423</b>	<b>190,621</b>	<b>257</b>	<b>128</b>	<b>128</b>

**Table 3-3b  
 UNIT BREAKDOWN**

Approved Project - Maximum Potential Floor Area Based on Planning Board Approval

Unit Type	Total Units	Living Area/Unit (SF)	Total Floor Area/Unit (SF)	Bedrooms /Unit	Garage Spaces/Unit	Driveway Spaces/Unit
5-Bedroom	64	4,500	4,900	5	2	2
<b>Totals</b>	<b>64</b>	<b>288,000</b>	<b>313,600</b>	<b>320</b>	<b>128</b>	<b>128</b>

**Table 3-3c**  
**UNIT BREAKDOWN**  
Proposed Project - Proposed Floor Area Based on Project

Unit Type	Total Units	Living Area/Unit (SF)	Total Floor Area/Unit (SF)	Bedrooms /Unit	Garage Spaces/Unit	Driveway Spaces/Unit
Model	1	2,333 (Lot 54)	2,733 (Lot 54)	3	2	2
Model	1	2,502 (Lot 55)	2,902 (Lot 55)	5	2	2
Model	1	2,904 (Lot 56)	3,304 (Lot 56)	4	2	2
First-Time Homebuyer	30	1,150	15@1,394 15@1,422	2	1	1
Market-Rate, Duplex 1	40	1,400	1,723	2	1	1
	40	1,800	2,025	3	2	2
Market-Rate, Duplex 2	3	1,400	1,723	2	1	1
	3	1,800	2,025	3	1	1
<b>Totals</b>	<b>119</b>	<b>179,839</b>	<b>212,345</b>	<b>287</b>	<b>162</b>	<b>162</b>

Notes: Living Area/Unit excludes garages; Total Floor Area/Unit includes garages; expressed in SF.  
4-bedroom units have greater floor area/unit than 5-bedroom units based on floor plans of the model units.

The **Overall Conceptual Plan** demonstrates that the project is in conformance with dimensional/bulk requirements, recreational and parking requirements.

The project will provide quality multi-family housing opportunities that are currently a much sought-after type of housing in an area where such type of housing is under-represented. The project provides an enhanced setting that will benefit site residents from the proximity to on-site recreation and adjacent open space and wooded areas, and will provide for a beneficial use of the site. As a result, no impacts to site zoning or the zoning pattern of the area are anticipated.

This action may create a precedent with regard to land use and zoning. This analysis provides consideration of the precedent setting nature of the action. The proposed project involves a unique parcel and a unique set of circumstances. The proposed project site is located within a triangle formed by major roads including CR 51, CR 111 and NYS Route 27, and the next largest parcel is the existing Bristol Estates PRC development. This is a retirement community of about 240 units with a density of approximately 4 units/acre. The proposed project immediately abuts this development, and is proposed to establish a density of 1.56 units/acre or less than half the density of the adjoining parcel. This establishes a unique land use and zoning framework for the proposed change of zone. The proposed project is also consistent with the goals of the CR 51 Plan, provides, housing diversity including homes for first time homebuyers, improved tax revenue, fewer school-aged children, and generally lesser or similar impacts to the approved 64 unit plan. This establishes the proposed project as one that has merit in consideration of social and economic factors, a condition unique to the proposed project. Finally, the proposed project calls for redemption of 11 PBCs and 44 sanitary flow credits, thus preserving open space in the Core Preservation Area of the Central Pine Barrens Zone and ensuring that a previously proposed project known as the Oaks at East Moriches is not developed through the transfer of sanitary flow. The proposed project density can be considered in view of these transfers as follows:

- Density based on project site only: 1.56 units/acre
- Density based on project site plus sanitary credits: 0.99 units/acre
- Density based on project site plus Pine Barrens Credits: 1.36 units/acre
- Density based on project site, plus sanitary credits, plus PBC's: 0.91 units/acre

As a result, the density of development is not excessive and in fact is comparable to the FAR that could be realized on the site under its current zoning. The proposed project would establish units that are smaller in size than the 64 single-family homes that are approved for the project site. If the maximum size units were built on all 64 lots of the approved subdivision, the square footage of development would be substantially greater than that which is proposed in connection with the proposed project. Given these considerations, and the impact analysis that is included in this document that demonstrates that impacts are either similar or less than the approved project, the precedent of this action is favorable and beneficial, and the project site location and the project itself are unique.

#### Land Use Plans

*Brookhaven Comprehensive Plan Update (1996)* - The proposed project conforms to the residential land use recommended for the site in this Plan. However, the proposed project includes a density of 119 housing units on 64 lots on this 76.44-acre site, which is greater than the recommended one acre or less density. Although there will be more units than the approved project (119 versus 64), the total number of bedrooms and total amount of building square footage will not be significantly greater than the approved project.

In addition, the Plan recommends that existing natural spaces be retained and preserved if practicable, which the project will accomplish by retaining the same areas as the approved project as well as additional such lands, to a total of 33.43 acres. In this way, the clustered-lot design of the approved project will continue to provide for a substantial naturally-vegetated space retention, as well as additional preservation, which will achieve an increased level of preservation than would have been achieved if the site were simply subdivided and developed, either in its existing A-Residence-1 zoning, or with the proposed B-Residence zoning.

In consideration of the above, the proposed project conforms to the overall intent of the applicable recommendations of the 1996 Town Comprehensive Plan Update, and no adverse impacts are anticipated.

*Special Groundwater Protection Area Plan (1992)* - The proposed project conforms to the intent of the SGPA Plan in several respects. Despite the site's increase in the overall number of residential units, the proposed project is less than two units per acre, which is considered moderately low-density development. The proposed project will retain the same clustered-lot layout as the approved project and will retain a greater amount of natural space, thereby not proposing any additional development than what is already approved while keeping the same layout as currently approved. In addition, the applicant's request for a change of zone to B-Residence does not propose the maximum yield for what that zone would allow. The applicant is proposing 119 units as opposed to the maximum allowable B-Residence yield of up to 144± lots.

The adjacent Bristol Estates PRC development is developed at a higher density than the proposed project. As a result, the subject site acts as a transition parcel from the agricultural and low density residential uses surrounding the site to the higher density PRC development to the west.

*Central Pine Barrens Comprehensive Land Use Plan (1995)* - Under Title 6, NY Code of Rules & Regulations (6 NYCRR), Part 617.14(g)(2)(iii)(4), the Central Pine Barrens Zone is considered to be Critical Environmental Area (CEA). This requires that the potential impacts of development applications that are classified as either Type 1 or Unlisted be evaluated when determining significance under Part 617.7 (and thereby whether an EIS is to be required). It is noteworthy that the approved project was also subject to this same CEA review, and was not required to prepare an EIS. As the proposed project is designed to conform as closely as practicable to the approved project (including its drainage characteristics), it is not anticipated that the proposed project represents significant level of adverse Plan conformance impacts.

**Table 3-4** presents an analysis of the project's conformance to the various standards of the Pine Barrens Plan. Similar to the approved project, Standard S5.3.3.6.1 (Vegetation Clearance Limits) will be exceeded. The proposed project will not increase clearing over what was previously proposed and approved, and will in fact retain an additional three lots for a total of 33.43 acres as open space. The approved project has received a Hardship Exemption from the CPBJPPC. As a result, a request will be submitted to the CPBJPPC to recognize the prior Hardship Exemption and if required, amend any approvals of that prior grant.

*Final County Road 51 Corridor Land Use Plan (July 2007)* - A series of issues, opportunities and recommendations for the study area were prepared, grouped into the following categories:

1. Open space preservation
2. Scenic vistas
3. Recreational and cultural land uses
4. Site design guidelines
5. Zoning and land use
6. Tax base
7. Transportation
8. Environmental resources

As previously mentioned, the prior single-family subdivision application was pending at the time the CR 51 Plan was being developed. As a result, the 64-lot project was assumed to be an anticipated development within the study area and no specific recommendations with respect to the above-mentioned categories were made. However, the applicant is currently pursuing the 119 attached unit residential cluster plan. Consequently, this project differs from that which was contemplated in the CR 51 Plan since it was recently conceived, and the CR 51 Plan was prepared in 2007. A land use plan is not a static document; it must be dynamic and allow for changes in land use in consideration of changing conditions that occur after a plan is prepared. The proposed project is not divergent from the clustered residential development that was approved on the subject site, and in fact, the configuration of development is identical to

**Table 3-4**  
**PINE BARRENS PLAN STANDARDS CONFORMANCE ANALYSIS**

Standard		Discussion of Conformance
S 5.3.3.1.1	SCSC Article 6 compliance	Will comply with SCSC Article 6 by proposing transfer of sanitary credits in conformance with SCDHS TDR policy and through approval of the Suffolk County Board of Review. The development of 119 units having a total sanitary generation rate of 36,000 gpd exceeds the allowable flow in Groundwater Management Zone III of 19,500 gpd by less than double density. The SCDHS TDR program accepts 300 gpd of sanitary flow as equivalent to 1 sanitary credit; as the proposed project would exceed the allowed sanitary flow by 16,500 gpd, this corresponds to a total of 55 credits. Credits would be obtained from sites in both Groundwater Management Zone III and Groundwater Management Zone VI. Nitrogen in recharge for the proposed project has been analyzed and no significant adverse groundwater impacts are expected (see <b>Appendix C-3</b> ).
S 5.3.3.1.2	STP discharge	N/A; use of an STP is not necessary or proposed. No change from approved project:
S 5.3.3.2.1	SCSC Articles 7 & 12 compliance	N/A; the proposed project is residential in nature, and does not include any uses which would generate, store, use or dispose of toxic or hazardous substances, other than common household cleaning supplies. No change from approved project:
S 5.3.3.3.1	Significant discharges and public supply well locations	No wells or sewage systems are located within 150 feet of the site. In addition, the proposed project is residential in nature, so that no discharge of toxic or hazardous substances is anticipated. On-site sanitary systems are proposed as well as the purchase of sanitary and Pine Barrens credits, which will be subject to the prior review and approval of the SCDHS. Thus, no impacts to nearby wells or sewer systems are anticipated. No change from approved project.
S 5.3.3.4.1	Nondisturbance buffers	N/A; no wetlands are present. No change from approved project.
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	N/A; as no wetlands are present, no buffers are required. No change from approved project:
S 5.3.3.4.3	WSRR* Act compliance	N/A; the subject site is not within any designated WSRR Corridor. No change from approved project:
S 5.3.3.5.1	Stormwater recharge	Stormwater runoff generated on developed surfaces within the site will be retained and recharged to groundwater on-site; no runoff from developed surfaces will be allowed to exit the site. The project's drainage system will be subject to the prior review and approval of the Town. No change from approved project:

S 5.3.3.6.1	Vegetation clearance limits	There will be an increase in the amount of natural spaces associated with the proposed project as compared to the approved project; this is due to the retention of three lots as naturally-revegetated space. Confirmation that the previous Hardship Exemption approval is valid is being requested and will be amended.
S 5.3.3.6.2	Unfragmented open space	The entire wooded area on the eastern portion of the site will be retained in its entirety, along with a substantial depth of previously farmed land, so that long vistas across the developed western portion of the property will be retained. Retention of three lots as natural land will slightly increase this feature as compared to the approved project:
S 5.3.3.6.3	Fertilizer-dependent vegetation limit	The proposed project will comply with the maximum allowable acreage of fertilizer-dependent landscaping of 15% (11.47 acres). No change from approved project:
S 5.3.3.6.4	Native plantings	The Landscape Plan will include native plant species recommended by the Pine Barrens Plan. No change from approved project:
S 5.3.3.7.1	Special species and ecological communities	N/A; as no species identified by NYS as rare, threatened, endangered or of special concern are resident on the site, no impact to their potential habitat on-site would occur. Also, no natural communities classified by the NYS Natural Heritage Program as G1, G2, G3, S1, S2 or S3 or any federally listed endangered or threatened species are present. No change from approved project:
S 5.3.3.9.1	Receiving entity for open space dedications	N/A; no dedication of the site's 33.43 acres of naturally vegetated space are proposed; this acreage will remain privately owned, by the HOA established for the project. This is a beneficial increase from the approved project:
S 5.3.3.12.1	Commercial, Industrial compliance with SCSC	N/A; the proposed project is residential in nature. No change from approved project:

\* Wild, Scenic and Recreational Rivers.

the approved project. While the proposed project represents a greater yield on the site than was previously approved, it is consistent with the higher-density residential land use immediately west of the subject site at the Bristol Estates PRC development (this development is approximately 4 units/acre) and is at a significantly lower yield than the requested change of zone to B-Residence district. With respect to the anticipated incremental increase in vehicle trips generated, the engineering analysis concludes (**Section 3.4.3**): *In comparison to the approved project, the levels of service (LOS) for the proposed project represent generally reduced impacts on the operation of the local intersections analyzed. For the one case where there would be a reduction in LOS, the reduction (from B to C) is not to a level that is considered unacceptable. As the approved project had received Town approval, it is expected that the proposed project, which represents generally lesser or similar traffic impacts, would likewise be approved by the Town.*

The currently proposed site plan will provide several benefits improving both the immediate area and Town as a whole, including:

- A total of 22.95 acres of Old Field/Meadow and 9.57 acres of Pitch Pine-Oak Forest will remain as open space in the central and eastern areas of the site. An additional 0.91 acres of trees will be planted, for a total of 33.43 acres of natural land on-site. This is consistent with the Town Comprehensive Plan Update.
- The project will provide needed economically priced housing. The Town's 1996 Comprehensive Plan Update discusses the need for housing diversity and for first time homebuyer housing (through a diversity of unit types); such housing is not strongly represented in the existing community.
- Nearly half of the housing units will utilize geothermal energy, which will result in a significant reduction in electric bills - benefiting new homeowners while furthering renewable energy sources in the local community.
- The proposed project will generate fewer school-aged children than was anticipated for the approved project, and thus represents a lesser impact to the local school district when compared to the approved project.
- While the proposed project will increase the demand on community services in comparison to that for the approved project, the proposed project is conservatively estimated to generate approximately \$647,975/year in tax revenue, of which approximately \$450,627/year is available to the Eastport-South Manor CSD and the remainder is available to the Town of Brookhaven, Suffolk County, and other local and special taxing jurisdictions including the Library District, Eastport Fire District, Lighting District and Eastport/East Moriches Ambulance District. This increase in tax revenues would mitigate the increased cost of these services.
- The proposed project is expected to generate 41 fewer school-aged children than the approved project, translating into a substantially less impact on the local school district. This translates to a "net revenue" of nearly \$495,000/year when compared to the approved project.
- As part of the agreement for the proposed development, the applicant has committed to cover the taxes and HOA fees for all units dedicated for first-time homebuyers for the first two years of operations.
- The proposed project will generate construction jobs and maintenance and operation jobs and will be realized more rapidly thus providing a more immediate employment benefit to the community.
- The proposed project will retain additional natural wooded areas and buffers on the perimeter of the site as well as specimen trees and provide substantial landscaping on the interior of the site.

An analysis of the general recommendations of the CR 51 Plan is made, as follows:

#### Open Space Preservation

- *Filing of conservation easements and/or covenants and restrictions for open spaces and environmentally significant portions of the site.*

The proposed project is designed as a 119-unit attached residential cluster with a recreation building (far below the permitted B-Residence yield of up to 144± units), which continues to place development in the least sensitive areas of the site in order to protect a portion of the site as contiguous natural space with a multitude of habitats and environmental resource benefits. A total of 22.95 acres of former farm fields will be left undisturbed (after remediation) to undergo natural succession as Old Field/Meadow; this land will be preserved as open space. An additional 10.48 acres of Pitch Pine-Oak Forest will remain and be revegetated as natural space.

#### Scenic Vistas

- *For new development, require a minimum 100-foot wide non-disturbance buffer on wooded properties fronting on CR 51 and require rows of planted evergreens. Plantings should be spaced to provide a continuous screen that is acceptable to the approving Town Board.*

The subject site does not directly front along CR 51, however a 100-foot landscape buffer is provided along the western portion of the site along CR 111, and additional natural areas are provided in the eastern portion of the site, fronting along a portion of CR 111 as well as the NYS Route 27 North Service Road.

#### Site Design Guidelines

- *Ensure that multi-family residential construction projects within the CR 51 corridor planning area are at a scale and height that is consistent with the area's unique rural character, rather than the suburban development that characterizes other previously developed portions of the Town. No building should exceed two-and-one-half (2 ½) stories in height and development densities should not exceed maximum zoning regulations for their respective district or the standards set forth by Article 6 of the Suffolk County Sanitary Code. Adherence to these standards will help to maintain community character and limit density-related environmental and area impacts, while still fulfilling the investment-backed economic expectations of property owners.*

The proposed project involves a change of zone to the B-Residence zoning district from the current A-Residence-1 zoning. The B-Residence zoning permits the same maximum building height as the A-Residence district (35 feet, 2½ stories). In addition, the **Conceptual Yield Map for B-Residence** shows the ability of the site to accommodate up to 144± lots; however, the proposed project includes 119 units, only. The proposed project will comply with SCSC Article 6 regulations by proposing transfer of sanitary credits in conformance with SCDHS TDR policy and through approval of the Suffolk County Board of Review.

#### Tax Base

- *Diversify land uses by allowing a limited mix of business, office, residence, recreation, and open space that will balance property tax revenues and public service expenditures, and providing support to each school and fire district.*

Both the approved project and the proposed project will significantly increase taxes generated by the site as compared to existing conditions, resulting in a substantial rise in tax revenues

distributed to each taxing jurisdiction. At full build-out, the proposed project is projected to generate approximately \$647,975 in annual taxes. This represents \$53,559 more than projected revenues under the approved development, and a net increase of nearly \$618,500 per year - approximately 22 times the revenues generated under existing site conditions.

#### Environmental Resources

- *Impose clearing restrictions consistent with those set forth by the Central Pine Barrens Comprehensive Land Use Plan for the Compatible Growth Area on all properties within the corridor planning area.*

The approved project did not conform to one of the clearing standards of the Pine Barrens Plan, and as a result, a Hardship Exemption was requested and granted on January 18, 2006 which allowed some clearing of pine barrens vegetation, but balanced this with providing more contiguous open space, including restored meadow habitat and remaining Pine Barrens habitat on the site. No change is proposed with respect to the previously approved configuration and in fact, three of the originally approved lots will not be developed and will remain as open space.

- *Ensure that future developments, including any multi-family residential projects are at a density that can be supported by area infrastructure and that will limit the potential for groundwater and surface water contamination by increased wastewater and stormwater recharge, fertilizer and pesticide use on lawns and landscaping, or other activities and potential pollution sources.*

The project's drainage system will be engineered to capture runoff and recharge it to groundwater, and implementation of erosion and sediment control techniques during construction and under post-construction, will combine to address potential stormwater impacts. Similar to the approved project, significant stormwater impacts are not anticipated from the proposed project due to conformance with the NURP Study and compliance with NYSDEC SPDES GP 0-08-001 requirements for an erosion and sediment control plan (for both construction and operation).

Each residence would have a separate conventional sanitary system, which will be designed and installed in accordance with SCDHS standards and requirements. As established for the previously approved project, the depth to groundwater would be sufficient to allow for proper leaching and functioning of these systems.

In addition, fertilizer use would be limited on the property since the Pine Barrens Plan standards require that no more than 15% of the site be established in fertilizer-dependent vegetation. The remaining landscaped areas will be established in native trees, shrubs and grasses and allowed to revegetate.

As a result, the proposed project is consistent with the spirit and intent of the CR 51 Plan, and is not inconsistent with the recommendations of that plan with respect to the overall study area. Analysis of the recommendations contained in the CR 51 Plan finds that the project conforms to the overall recommendations. The proposed project is of course different than what is reflected in the CR 51 Plan, since the CR 51 Plan merely recognized the development that was pending/approved at that time. The proposed project will be configured in an identical manner to the approved project, and is compatible in terms of density with the surrounding area, particularly in consideration of the 4-unit/acre development to the west. Finally, the proposed project results in numerous benefits that would not result from the currently approved plan. As a

result, the CR 51 Plan should not be an impediment from seeking a higher and better use for the proposed project site, in keeping with the currently proposed 119-unit project.

The Town Board was lead agency in the SEQRA process and identified the CR 51 Plan as a Type I action. A positive declaration was issued on March 6, 2007 and a GEIS, which identified any potential adverse impacts associated with the CR 51 Plan, was prepared. The subsequent Findings Statement outlined the facts, findings and conclusions of the SEQRA review for the identified impact categories (see **Appendix A-1**). The following identifies a summary of the findings of the GEIS as well as any potential impacts associated with the proposed project for each impact category identified in the GEIS:

Soils and Topography

The soils in the CR 51 corridor planning area are Riverhead-Plymouth-Carver and Plymouth-Carver. The topography within the CR 51 corridor planning area is relatively flat or gently-sloping and there are no areas of steep slopes.

Farmland represents the most prominent land use within the CR 51 corridor planning area and is the most agriculturally active area in the Town. The corridor planning area contains Class I and Class II prime agricultural soils, particularly within the northern half of the corridor planning area.

The *Final County Road 51 Corridor Land Use Plan* identifies several farmlands that should be considered as possible farmland acquisition or protection sites. As with any future site plan, subdivision or road and parking improvement, future development in the area should be required to demonstrate adequate soil erosion and sedimentation protections.

Groundwater

All future development is subject to SCSC Article 6 and must receive approval from the SCDHS prior to construction.

Potential small impacts could occur to groundwater resources from clearing, increased sewage loading, stormwater generation and recharge, use of fertilizers and pesticides, and other development related activities if these aspects of development are not properly controlled and mitigated.

The preservation of farmland was one of the driving forces and a goal of the *Final County Road 51 Corridor Land Use Plan*. The *Final County Road 51 Corridor Land Use Plan* therefore recommends acquisition or purchase of development rights of almost all of the active farmland in the corridor. The impact of this recommendation is minimal though because the properties are currently being farmed, and the *Final County Road 51 Corridor Land Use Plan* does not recommend the conversion of non-agricultural land to agricultural land. Therefore, the potential amounts of pollutants leaching into the groundwater from farmland will not increase and will likely decrease or will remain the same if not all of the development rights are purchasable.

More than half of the corridor planning area (north of NYS Route 27) is within the Central Pine Barrens Compatible Growth and Critical Environmental Areas. Future development within these areas should be consistent with the recommendations of the *Central Pine Barrens Comprehensive Land Use Plan* and the policies of the Central Pine Barrens Joint Planning and Policy Commission.

**Section 2.1.3** identifies anticipated impacts associated with the proposed project on water resources.

### Surface Water and Wetlands

Clearing, stormwater discharge and fertilizers and pesticides can affect the surface water quality in surrounding water bodies. In order to mitigate development related impacts, the *Final County Road 51 Corridor Land Use Plan* recommends non-disturbance buffers, open space acquisitions and clustered development.

**Section 2.1.3** identifies anticipated impacts associated with the proposed project on water resources. It should be noted that non-disturbance buffers are proposed for the project, large areas of open space are proposed and the project employs a clustered layout.

### Ecology

All areas north of the Manorville Branch Road – CR 91 “paper” right-of-way are within the Central Pine Barrens Compatible Growth Area and all of the land south of NYS Route 27 and east of CR 51 comprises watersheds of the South Shore Estuary Reserve.

The corridor planning area includes both the Central Pine Barrens and the South Shore Estuary Reserve CCEAs and both are considered valued and sensitive environmental resources.

Future development within the corridor planning area will require clearing of natural vegetation, which will reduce and further fragment ecological communities. More severe impacts, though, would be expected to occur with development under current as-of-right zoning and land management policies. Therefore, the plan is expected to have a mitigating effect on ecological resources.

The proposed *Final County Road 51 Corridor Land Use Plan* recommends the preservation or purchase of development rights on several undeveloped target parcels in the corridor planning area. Clustering is also recommended in some instances to preserve unfragmented open space and sensitive ecological resources.

The *Final County Road 51 Corridor Land Use Plan* recommends that 100-foot wooded buffers be maintained in several areas to assist in maintaining ecological resources and meeting several other goals.

**Section 2.2.3** identifies anticipated impacts associated with the proposed project on ecological resources.

### Land Use and Zoning

There is a difference in land use and development patterns when comparing the proposed *Final County Road 51 Corridor Land Use Plan* to anticipated build-out conditions under current land use policies. However, the impacts are largely beneficial to the corridor planning area and any potentially negative impacts are considered insignificant when considering the available mitigations indicated by the plan. The proposed *Final County Road 51 Corridor Land Use Plan* is expected to reduce overall density, protect natural resources, and conserve aesthetic resources, quality of life, and community character through the preservation of several properties for open space and recreation.

The *Final County Road 51 Corridor Land Use Plan* recommends that future projects be built at reasonable densities. That building heights be kept to reasonable levels (no more than two-and-one-half stories) and remain consistent with current zoning and the general character of the surrounding community. It also recommends that minimum 100-foot wooded buffers with evergreen plantings along their inner boundaries or screening be provided to reduce the visual “encroachment” of

development into the public corridor area.

**Section 3.1.3** identifies anticipated impacts associated with the proposed project on land use and zoning.

Traffic and Transportation

Future growth both inside and outside the corridor planning area will increase traffic volumes along each of the roads traversing the corridor planning area. This will have the affect of increasing traffic activity, which can lengthen travel times as the area reaches its build-out condition. Fortunately, the many major roadways in the area have significant excess capacity and can accommodate more flow without substantially compromising traffic movement.

Acquiring open space as recommended by the *Final County Road 51 Corridor Land Use Plan* will help to reduce traffic impacts. Future large developments in the area should be accompanied by traffic studies so that each project's specific traffic contributions can be considered in light of the area's existing conditions and suitable mitigation provided accordingly.

**Section 3.4.3** identifies anticipated impacts associated with the proposed project on transportation resources.

Social and Economic

The corridor planning area is largely undeveloped and is dominated by farming. Development of agricultural lands and undisturbed woodlands, in particular, will change the character of the corridor planning area. There is the concern that additional residential development will result in more students at the local schools which will place a burden on the schools and ultimately increase local property taxes to cover the expenses.

A build-out analysis performed as part of the draft plan and the GEIS determined that development in accordance with the plan would result in considerably fewer single-family residential dwellings than if development proceeded under current zoning regulations. It would allow for a balance of land uses and the preservation of open space.

Development will increase the need for emergency services, which will put additional demands on the tax base; however, this development will also provide revenues for these services. This additional demand will be a result of typical community growth. In addition, development, in and of itself, can make the delivery of emergency services more difficult due to minor traffic delays, unless suitable traffic mitigation is provided.

The *Final County Road 51 Corridor Land Use Plan* takes into consideration the pros and cons of preservation and future development and strives to strike a balance between these often-competing issues. This balance, it is believed, provides a suitable blueprint for the future of the corridor planning area.

**Section 3.3.3** identifies anticipated impacts associated with the proposed project on community services.

Aesthetic Qualities and Community Character

The CR 51 corridor planning area is a largely rural area. The presence of extensive farmlands is an important element in both the area's scenic quality and community character. The scenic vistas along

CR 51 are of great value to the community. The corridor planning area also lies between two of the Town's Historic Districts: Eastport and East Moriches Historic Districts.

The Plan advocates the implementation of various growth management principals and techniques that will help to ensure better development layouts, preservation of green areas, enhanced landscaping and streetscaping such as street and shade trees and vegetated parking lot islands, promotion of input from the Historic District Advisory Committee and use of historic architectural features and elements that compliment adjacent historic districts, use of more historic-styled signage, restrictions on excessive outdoor lighting, reductions in parking lot massing, location of parking areas behind buildings, and designing commercial developments to be more consistent with traditional business centers.

**Section 3.2.3** identifies anticipated impacts associated with the proposed project on community character.

#### 3.1.4 Mitigation Measures

- The proposed project will retain the proposed residential use for the site as well as providing a mix of unit types to meet current real estate market demands.
- The proposed project retains the buffers that were previously approved to increase land use compatibility in transition between development to the east and south.
- The proposed project will provide 30 units as housing for first time homebuyers to add to the Town housing stock, fulfilling a need within the Town.
- The proposed change of zone requests less than 80% of the allowable yield under B-Residence zoning, and retains the same lot layout as the approved project. A greater amount of naturally-vegetated space preservation is proposed than for the approved project.
- As the proposed project would comply with the applicable site-specific recommendations of the 1996 Town Comprehensive Plan Update, no impacts are expected, and no mitigation is necessary or proposed.
- The proposed project will obtain 44 sanitary and 11 Pine Barrens credits to compensate for the exceedance of the allowed sanitary flow.
- The proposed project will not increase clearing that was previously proposed and approved. An amendment to the Hardship Exemption approval is currently being requested.

### 3.2 Community Character

#### 3.2.1 Existing Conditions

The visual character of the area is characterized by the agricultural use prevalent along this portion of the CR 111 corridor, the rural nature along the north side of NYS Route 27 in the area, and the presence of the Bristol Estates PRC adjacent to the west. The site itself is presently a primarily cleared, relatively flat construction site, with wooded areas in the site's western and eastern portions; the western wooded area will be cleared and graded when construction of the residences in this area begins. The access driveway from the NYS Route 27 North Service Road and associated internal roadways and drainage ponds have been excavated and the three single-family model homes have been constructed (Lots 54-56 on the **Overall Conceptual Plan**). The

land use map included as **Figure 3-1** provides an aerial view of the various uses surrounding the site.

### 3.2.2 Conditions per Approved Project

Because of the open nature of the site, views of and across the property are extensive for viewers to the northeast (on CR 111) and the southwest (along the NYS Route 27 North Service Road), which are the only roadways bordering the site. For observers at other vantage points, views are much more restricted, due to the presence of the woods mentioned above.

The approved project proposed 64 single-family residences on lots clustered to the western portion of the site, retaining 32.68 acres of contiguous open space, and thereby providing an important viewshed corridor from NYS Route 27 through the site to CR 111. Visibility of the developed portions of the site would be mitigated in all directions through the provision of new landscaping, the retention of a significant wooded area on the east and appropriate setbacks within the site. The nearest residential building would be set back approximately 130 feet from CR 111 and 200 feet from the NYS Route 27 North Service Road. Buffers along the east property line included 50 feet of landscaping vegetation, and at least 100 feet of vegetated buffer would be provided on the southern part of the site.

### 3.2.3 Anticipated Impacts

As the proposed project will maintain nearly the same lot layout as previously approved, the only changes are in the number and types of units on those lots. A total of 119 units are proposed, including three single-family residences (the existing model homes), 86 duplex units (43 two-bedroom units and 43 three-bedroom units) and 30 condominium units for first time homebuyer housing. As shown on the **Overall Conceptual Plan**, lots one through nine, 18-22 and 26 will be first time homebuyer units. Each building will house one unit upstairs and one unit downstairs. The first time homebuyer units will all be two bedrooms and will be approximately 1,150 SF in area. The three single-family units are located on lots 54 through 56 consisting of one three-bedroom unit, one four-bedroom unit and one five-bedroom unit. The single-family units will range in size 2,333 SF to 2,904 SF in size in terms of living space. The remaining 46 lots will feature duplex units with 43 two-bedroom units and 43 three-bedroom units either 1,400 SF or 1,800 SF in size.

The height requirement for the B-Residence zone is the same as the A-Residence-1 Zone (35 feet/ 2½ stories), so no change in building heights are proposed. All the proposed units will be two stories high. Elevations and floor plans for the proposed buildings are provided in **Appendix A-8**. Architecture is classic residential styling and will not significantly differ from the approved project, in consideration of the same design configuration and consistent height requirements.

As noted earlier, portions of the site are within flood hazard zones, in which building first floor elevations must be a minimum of two feet above a Base Flood Elevation (as established by

FEMA; see **Section 1.3.2**). For the project site, FEMA has established flood zone boundaries but has not yet determined a Base Flood Elevation, so that the height of the proposed buildings is not available. However, as described above, the proposed project will comply with applicable design, construction and elevation requirements, has been designed to conform to Town zoning, and conforms closely to the building heights of the approved project (and therefore of aesthetic impacts), which receive a Negative Declaration from the Town. In addition, it is noted that the proposed project will construct fewer buildings within the site's flood prone areas than would have occurred for the approved project. Therefore, it is expected that the proposed project will likewise be acceptable to the Town with respect to building heights and aesthetics.

As the proposed project will develop under the same footprint including lots, roadways, access point, clubhouse, landscaping and retention of the wooded areas of the site, no change to community character is anticipated to occur.

### 3.2.4 Mitigation Measures

- The proposed project will be consistent with other property uses in the vicinity of the site.
- Visibility of the site will be mitigated through the provision of landscaped and wooded vegetative buffers along the perimeter and within the interior of the property.
- Implementation of a consistent architectural theme, using construction materials having appropriate textures and colors will mitigate potential adverse visual impacts.
- Noise impacts are anticipated during the construction phase of the project related to clearing, grading, excavation, and building activities. These will occur over a limited period of time and are not anticipated to result in a significant impact.

## 3.3 Community Services

### 3.3.1 Existing Conditions

#### Taxes

The majority of the Town's revenues are levied through property tax generation, which is based upon a rate per \$100 of assessed valuation of a given parcel. For the 2008-09 Tax Year, property owners within this part of Town are taxed at a rate of \$282.732/\$100 assessed; this accounts for property taxes paid to Eastport-South Manor CSD, Suffolk County, the Town of Brookhaven and other local taxing jurisdictions including the Library District, Eastport Fire District, Eastport/East Moriches Ambulance District, and the Town Lighting District. **Figure 3-6** provides an illustration of these boundaries, and the location of police, fire and ambulance facilities.

According to the 2008-2009 Statement of Taxes from the Town Receiver of Taxes, the three parcels that comprise the site are assessed at \$10,425 (0.73% of \$1,428,081). This translates into a current generation of \$29,475/year in property tax revenues (see **Table 3-5**).

### Schools

The proposed project is in the Eastport-South Manor CSD, which was formed in academic year 2004-05, after the Eastport and South Manor districts merged. The district is comprised of three elementary schools - South Street School (Grades K-2) and Dayton Avenue School (Grades 3-6) in Manorville, and Eastport Elementary School (Grades K-6) in Eastport. Eastport-South Manor Junior-Senior High School is located in Manorville and serves students enrolled in Grades 7 through 12. The Eastport-South Manor CSD currently levies \$20,498 in annual property taxes from the three parcels that comprise the site. In addition, the Eastport-South Manor Library District receives \$958 annually in taxes.

In the 2006-07 academic year, the ratio of special education students to the total enrollment at Eastport-South Manor Central School District was approximately 13.5%, with 520 students enrolled in the special education program. According to the New York State School Report Card, Fiscal Accountability Supplement for Eastport-South Manor Central School District, expenditures averaged \$8,322 per general education student and \$27,745 per special education student during the 2006-07 academic year.

### Police Protection

The SCPD, Seventh Precinct, serves the site. The need for SCPD response to the site is presently low, due to the undeveloped nature of the site. The type of call for which the SCPD would respond would be brush fire, illegal dumping and the like. The SCPD presently receives \$3,296 per year in property taxes from the subject site.

### Fire Protection and Emergency Services

The subject site is within the Eastport Fire District, which presently receives an estimated \$519 annually in property taxes from the site. The Eastport Fire Department presently would respond to brush or other types of vegetation fire on the site, due to the absence of other combustible material on the property. The Eastport/East Moriches Ambulance District also serves the subject site, and generates \$905 per year in property taxes.

### Other Services

As the site is presently undergoing construction activities associated with the approved project, no public, roadway or recreational facilities are present; nevertheless, the site generates approximately \$3,299/year in various other County, Town and miscellaneous allocations to other local and special taxing jurisdictions.

## 3.3.2 Conditions per Approved Project

### Taxes

The approved project development would increase tax generation to the Eastport-South Manor CSD, Suffolk County, the Town of Brookhaven and the special taxing jurisdictions within the Town. In sum, it is projected that the approved project would levy over \$594,000/year - an increase of nearly \$565,000/year as opposed to existing conditions. **Table 3-5** provides a summary of the taxing jurisdictions, tax rates and tax revenue compiled for the entire site.

**Table 3-5**  
**TAX REVENUES**  
Existing Conditions & Approved Project

Taxing Jurisdiction	Tax Rate (\$/100 Assessed Valuation)	Tax Revenue (\$/year)		Percent of Total Tax Revenue
		Existing Conditions	Approved Project	
<b>Total: School Taxes</b>	<b>205.811</b>	<b>21,456</b>	<b>432,697</b>	<b>72.8%</b>
Eastport-South Manor CSD	196.623	20,498	413,380	69.5%
Eastport-South Manor Library Dist.	9.188	958	19,317	3.2%
<b>Total: County Taxes</b>	<b>34.420</b>	<b>3,588</b>	<b>72,365</b>	<b>12.2%</b>
Suffolk County	2.800	292	5,887	1.0%
SCPD	31.620	3,296	66,478	11.2%
<b>Total: Town Tax</b>	<b>19.860</b>	<b>2,071</b>	<b>41,754</b>	<b>7.0%</b>
Town General-Town Wide Fund	4.460	465	9,377	1.6%
Highway-Town Wide Fund	2.587	270	5,439	0.9%
Town General-Part Town Fund	1.388	145	2,918	0.5%
Highway-Part Town Fund	11.425	1,191	24,020	4.0%
<b>Total: Other Taxes</b>	<b>22.641</b>	<b>2,360</b>	<b>47,600</b>	<b>8.0%</b>
\$100M Bond Act of 2004	1.549	161	3,257	0.5%
Eastport Fire District	4.975	519	10,459	1.8%
Lighting District	1.702	177	3,578	0.6%
Eastport/East Moriches Ambulance Dist.	8.684	905	18,257	3.1%
Real Property Tax Law-Article 7	0.974	102	2,048	0.3%
Real Property Tax Law	4.757	496	10,001	1.7%
<b>TOTALS</b>	<b>282.732</b>	<b>29,475</b>	<b>594,416</b>	<b>100.0%</b>

Schools

As seen in **Table 3-6**, the approved project would generate 72 school-aged children. For lack of any other statistics to use as a basis for projection, it is assumed that the portion of special education students will remain constant with the development of the approved project. As such, it is estimated that 62 students will be enrolled within the general education program and ten students will be enrolled within the special education program. As noted above, the Eastport-South Manor CSD currently expends approximately \$8,322/general education students and \$27,745/special education students annually. This scenario would result in costs of \$793,414/year to the school district, resulting in a net loss to the school district of approximately \$380,000 annually. The rising costs to educate students, coupled with a projected decline in State Aid distribution are likely to magnify such a significant shortfall to the Eastport-South Manor CSD.

**Table 3-6**  
**FISCAL IMPACT ON EASTPORT-SOUTH MANOR CSD**  
Approved Project

<b>Parameter</b>	<b>Impact</b>
Number of Additional Students	72
<i>General Education Students</i>	62
<i>Special Education Students</i>	10
Expenditure per Pupil	--
<i>General Education Students</i>	\$8,322
<i>Special Education Students</i>	\$27,745
Additional Expenditures Incurred by District	\$793,414
Projected Tax Revenue Allocated to Schools	\$413,380
Net Revenue (or Net Loss)	(\$380,034)

Police Protection

The need for SCPD response would be changed significantly by the approved project, to include theft, domestic disturbance, medical emergencies, and other categories associated with residential use. In compensation, the SCPD would receive \$66,478 per year in property taxes from the subject site.

The approved project is not expected to result in significant adverse impacts on the ability of the SCPD to provide security. The approved project would be built in conformance with current State codes, and would include safety and security alarms, and security lighting systems.

Fire Protection and Emergency Services

The approved project would change the type of call to which the Eastport Fire Department and/or the Eastport/East Moriches Ambulance District would respond. More specifically, these calls would tend to be associated with residential use of the site, and include medical emergencies, falls, accidents, and house fires. Brush fires would become somewhat less likely. The Eastport Fire District would receive \$10,459/year in taxes, and the Eastport/East Moriches Ambulance District would be allocated \$18,257/year in property taxes.

The approved project is not anticipated to cause a significant adverse impact on ability of either the Eastport Fire Department or the Eastport/East Moriches Ambulance District to provide emergency services to the site. The approved project would be constructed using materials conforming to appropriate NYS fire and safety codes and requirements, and would include smoke and fire detectors and alarm systems, and hydrant locations as approved by the Town Division of Fire Prevention (see **Appendix A-9**).

Other Services

The approved project would include privately maintained roads and on-site recreational facilities, thereby decreasing demand on public recreational services, and eliminating the need for Town Highway Department maintenance. An HOA would own and maintain the site; maintenance (i.e., landscaping, plowing, garbage pick-up and other facility upkeep) will be performed privately using contractors thus providing jobs and reducing burden on Town services. A total of

\$66,525 would be allocated annually for various County, Town and miscellaneous purposes. There will be no significant demand for highway services, and as a result, the tax revenue to the Highway Department will provide a substantial benefit. Other jurisdictions will receive revenue as outlined in **Table 3-8**, with primarily benefits resulting from low demand for services.

### 3.3.3 Anticipated Impacts

#### Taxes

In general, community services and facilities are supported in large part by revenues generated through property taxes. The Town of Brookhaven and Suffolk County, as well as other local taxing jurisdictions will greatly benefit from an increase in such property tax revenues.

For the purpose of this analysis (see **Appendix B**), it is necessary to determine the assessed valuation for the proposed The Hamptons Club at Eastport. Current tax and equalization rates can then be applied to this assessed valuation in order to accurately project the impact that the residential development will have on the local tax base. The value of The Hamptons Club at Eastport was determined based upon estimated selling prices for each type of housing unit (stemming from construction and land development costs), as provided by the developer.<sup>1</sup> Given these assumptions, and as seen in **Table 3-7**, the total estimated market valuation is approximately \$52.325 million. After applying an equalization rate and an assessment rate, the estimated assessed valuation of the project upon full build-out and occupancy is \$381,972.50. However, it is important to note that 116 of the 119 housing units will be constructed as attached units, and therefore the development will be assessed as condominiums, under New York State’s Article 9-B of the Real Property Law. As such, a 40% reduction is applied to the assessment, resulting in a total estimated assessed valuation of \$229,183.50.

**Table 3-7  
ESTIMATED ASSESSED VALUATION**

Type of Unit	Number of Units	Selling Price	Total Valuation
2-Bdrm. Market-rate Unit	43	\$400,000	\$17,200,000
3-Bdrm. Market-rate Unit	43	\$550,000	\$23,650,000
2-Bdrm. First Time Homebuyer Unit	30	\$325,000	\$9,750,000
3-Bdrm. Model Unit	1	\$550,000	\$550,000
4-Bdrm. Model Unit	1	\$575,000	\$575,000
5-Bdrm. Model Unit	1	\$600,000	\$600,000
<b>Total Estimated Market Valuation</b>			<b>\$52,325,000</b>
Equalization Rate			73.00%
<b>Total Estimated Assessed Valuation</b>			<b>\$381,972.50</b>
40% Reduction for Condominium Status			60.00%
<b>Total Estimated Assessed Valuation</b>			<b>\$229,183.50</b>

<sup>1</sup> It is important to note that selling prices, construction costs and costs associated with land development are estimates based upon current market conditions.

**Table 3-8** shows the current tax rates and revenues from the site, the approved project, and the proposed project. The information provided in the table was derived from the current assessment factors and tax rates provided by the Town of Brookhaven’s Receiver of Taxes, as well as the total projected assessed valuation for the development upon full build-out. It is important to note that all analyses are based on current tax dollars, and the revenue allotted among taxing jurisdictions will vary from year to year, depending on the annual tax rates, assessed valuation and equalization rates. Further, the Town’s sole assessor will determine the final assessment and levy at the time of occupancy. Projections included herein are as accurate as possible using fiscal impact methodologies, for the purpose of the planning and the land use approval process.

**Table 3-8**  
**TAX REVENUES**  
Existing Conditions, Approved Project & Proposed Project

Taxing Jurisdiction	Tax Revenue (\$/year)		
	Existing Conditions	Approved Project	Proposed Project
<b>Total: School Taxes</b>	<b>21,456</b>	<b>432,697</b>	<b>471,685</b>
Eastport-South Manor CSD	20,498	413,380	450,627
Eastport-South Manor Library Dist.	958	19,317	21,057
<b>Total: County Taxes</b>	<b>3,588</b>	<b>72,365</b>	<b>78,885</b>
Suffolk County	292	5,887	6,417
Suffolk County-Police Dept.	3,296	66,478	72,468
<b>Total: Town Taxes</b>	<b>2,070</b>	<b>41,754</b>	<b>45,516</b>
Town General-Town Wide Fund	465	9,377	10,222
Highway-Town Wide Fund	270	5,439	5,929
Town General-Part Town Fund	145	2,918	3,181
Highway-Part Town Fund	1,191	24,020	26,184
<b>Total: Other Taxes</b>	<b>2,360</b>	<b>47,600</b>	<b>51,889</b>
\$100M Bond Act of 2004	161	3,257	3,550
Eastport Fire District	519	10,459	11,402
Lighting District	177	3,578	3,901
Eastport/East Moriches Ambulance Dist.	905	18,257	19,902
Real Property Tax Law-Article 7	102	2,048	2,232
Real Property Tax Law	496	10,001	10,902
<b>TOTALS</b>	<b>29,475</b>	<b>594,416</b>	<b>647,975</b>

Both the approved project and the proposed project will significantly increase taxes generated by the site as compared to existing conditions, resulting in a substantial rise in tax revenues distributed to each taxing jurisdiction. At full build-out, the proposed project is projected to generate approximately \$648,000 in annual taxes. This represents \$53,559 more than projected revenues under the approved development, and a net increase of \$618,500 per year - approximately 22 times the revenues generated under existing site conditions.

The proposed project will levy over \$450,000 annually to the Eastport-South Manor CSD, representing 72.8% of the total tax generated by the site. Moreover, the Library District will levy \$21,057, or 3.2% of the total taxes. Suffolk County, which includes the SCPD, is projected

to levy nearly \$79,000, comprising 12.2% of the total generation. Moreover, the Town of Brookhaven is projected to generate \$45,516 in annual property tax revenues under the proposed development, representing 7.0% of the tax generation. This includes the general and highway Town wide funds, and the general and highway part Town funds. An additional \$51,889/year, or 8.0%, will be generated by the proposed development and distributed among the Town's special taxing jurisdictions, including the \$100M Bond Act of 2004, the Eastport Fire District, the Lighting District, the Eastport/East Moriches Ambulance District, the Real Property Tax Law-Article 7, and the Real Property Tax Law. As part of the agreement for the proposed development, The Hamptons Club at Eastport has committed to cover the taxes and HOA fees for all units dedicated for first time homebuyers for the first two years of operations - a significant benefit to residents of the proposed project.

### Schools

The impact of any project upon the local school district in which it is located depends on the number of school-age children that will be generated, offset by increased tax revenues and the ability of the school district to provide educational services for these children. The ability of a school district to handle increased demand for educational services depends primarily upon the adequacy of long-term planning within the district, in combination with increased tax revenue generation to strengthen the tax base of the community.

An analysis of new housing occupancy estimates allows for the determination of the population that would likely reside within The Hamptons Club at Eastport. These figures were derived based on residential demographic multipliers specific to various housing types and price points in New York State, as published by the Center for Urban Policy Research at Rutgers University. The application of such multipliers to the proposed housing units are considered to be industry standard in the determination of population and school-aged children.

It is expected that the proposed project will generate 287 residents, of which 31 would be school-aged children. This represents 41 fewer school-aged children than the approved project, which was projected to generate a total of 72 school-aged children. It is important to note that while the number of housing units has near doubled, the number of school children is anticipated to decrease substantially. The decrease in the number of school-aged children is reflective of the relatively small number of school-aged children that are anticipated to reside within economically-priced units dedicated for first time homebuyers, as well as the relatively small number of school-age children expected to reside within smaller single-family attached units, as opposed to larger, four-bedroom single-family detached units found in the approved project.

It is assumed that the 31 additional students will attend public schools within the Eastport-South Manor CSD. Due to proximity and enrollment trends, students enrolled between Kindergarten and Grade 6 would likely attend the Eastport Elementary School. Students enrolled in Grades 7-12 would attend the Eastport-South Manor Junior-Senior High School.

As previously stated, the ratio of special education students to the total enrollment at Eastport-South Manor Central School District was approximately 13.5%. For lack of any other statistics to use as a basis for projection, it is assumed that the portion of special education students will remain constant with the development of the proposed project. Consequently, it is anticipated

that four of the 31 school-aged children residing at The Hamptons Club at Eastport would require enrollment within the district’s special education program.

The 31 new students will result in additional costs to the Eastport-South Manor CSD. According to the New York State School Report Card, Fiscal Accountability Supplement for Eastport-South Manor Central School District, expenditures averaged \$8,322 per general education student and \$27,745 per special education student during the 2006-07 academic year. Given these assumptions, it is estimated that the 27 general education students will cost the school district more than \$224,000, while the four special education students will cost the school an additional \$110,980. Combined, the students will result in additional costs to the Eastport-South Manor Central School District amounting to \$335,674 per academic year. It is estimated that the school district will receive \$450,627/year in taxes, covering the associated expenses incurred by the additional 31 students. This results in a net revenue to the Eastport-South Manor Central School District of approximately \$115,000 per year.

It is important to note that State Aid, though projected to relatively decrease over the coming years, is projected to supplement this net revenue to the Eastport-South Manor CSD. In the 2007-08 academic year, State Aid totaled \$27,491,185 - accounting for 38% of the school district’s budget. This amounted to approximately \$7,069 per student in the district. Assuming State Aid remains constant, this amounts to an additional \$219,139/year to the school district – assisting to cover all expenses associated with an increased student population, and resulting in a net revenue of over \$334,000 per year.

Compared to the approved project, the proposed development generates 41 fewer school-aged children (see **Table 3-9**). This has significant implications on the additional costs that would be incurred by the Eastport-South Manor CSD. The proposed development’s relative “net revenue” - nearly \$495,000/year (before State Aid) when compared to the approved project - will ease the district’s need to tap into additional fund balances, and could also help alleviate an increased burden on other taxpayers throughout the district. Both of these alternatives are most crucial at a time of fiscal and economic hardships throughout Long Island, New York State and the nation.

**Table 3-9**  
**FISCAL IMPACT ON EASTPORT-SOUTH MANOR CSD**  
Approved Project & Proposed Project

Parameter	Approved Project	Proposed Project
Number of Additional Students	72	31
<i>General Education Students</i>	62	27
<i>Special Education Students</i>	10	4
Expenditure per Pupil	--	--
<i>General Education Students</i>	\$8,322	\$8,322
<i>Special Education Students</i>	\$27,745	\$27,745
Additional Expenditures Incurred by District	\$793,414	\$335,674
Projected Tax Revenue Allocated to Schools	\$413,380	\$450,627
Net Revenue (or Net Loss)	(\$380,034)	\$114,953

In summary, the proposed project would generate substantially fewer school-age children than the approved project, which will substantially reduce school district educational expenses. Then, with its greater allocation of school taxes, the proposed project represents a substantial reduction in school district impacts in comparison to those of the approved project.

#### Police Protection

Similar to the approved project, the proposed project would incrementally increase the potential need for use of the SCPD to respond to emergency and/or security calls, as well as change the type of call for which SCPD response would be required. That is, the developed nature of the project site would change the type of call to security incidents, accidents, fires, disturbing the peace and the like.

The proposed project is not expected to result in significant adverse impacts on the ability of the SCPD to provide security. The proposed project would be built in conformance with current New York State codes, and would include appropriate safety/security systems, such as lighting, alarms and smoke detectors. In addition, a significant increase in tax revenues to the SCPD would occur; there would be an estimated increase of approximately \$72,468/year, to offset some of the increased cost of SCPD services.

#### Fire Protection and Emergency Services

The proposed project will incrementally increase the potential need for use of the Eastport Fire District and the Eastport/East Moriches Ambulance District to respond to emergency calls, as well as change the type of call for which response would be required from brush or other types of vegetation fire to structural fire and/or accidents or health-related issues. That is, the developed nature of the project site would change the type of call to accidents, fires and the like.

The project is not expected to result in significant adverse impacts in the ability of neither the Eastport Fire District nor the Eastport/East Moriches Ambulance District to provide fire protection and emergency services. The proposed project will be built in conformance with current New York State building and fire codes, and would include appropriate smoke and/or fire alarms. The Eastport Fire District will receive \$11,402 in annual tax revenue, while the Eastport/East Moriches Ambulance District will receive \$19,902 in annual tax revenue to supplement their budgets and assist with ensuring that adequate equipment and facilities are available for district coverage.

#### Other Services

The proposed project will include privately maintained roads and on-site recreational facilities, thereby decreasing demand on recreational services, and eliminating the need for Town Highway Department maintenance. An HOA will own and maintain the site; site maintenance (i.e., landscaping, plowing, garbage pick-up and other facility upkeep) will be performed privately using contractors thus providing jobs and reducing burden on Town services.

There will be no significant demand for highway services, and as a result, the tax revenue to the Highway Department will provide a substantial benefit. Other jurisdictions will receive revenue as outlined in **Table 3-8**, with primarily benefits resulting from low demand for services.

### 3.3.4 Mitigation Measures

- The proposed project will substantially increase the allocation of property taxes to the Eastport-South Manor CSD, which will offset the increased school district costs to educate the 31 school-age children generated.
- The proposed project will be constructed to meet New York State and local fire prevention codes.
- The substantial increases anticipated in police, ambulance and fire district taxes will offset the increased potential need for these services.
- Based upon the private maintenance of the proposed project, it is expected that only beneficial impacts will result with respect to the Town Highway Department and recreational facilities.

## 3.4 Transportation

This section compares key traffic impact considerations to those of the approved project, including trip generation and capacity analysis, to demonstrate whether the project is or is not a DRS under the Pine Barrens Plan. Site access and roadway geometry need not be addressed, since the NYSDOT has issued approval of the site access and the applicant joined in funding signal installation and road improvements for the approved project. The descriptions, discussions and analyses presented here have been taken from the Traffic Assessment (see **Appendix D**).

### 3.4.1 Existing Conditions

The project site is presently subject to construction activities associated with the approved project: three model homes have been built, the site entranceway has been cleared and aligned along with the internal roadways and the drainage system ponds have been excavated. The site generates little or no traffic, as these construction activities are suspended pending a decision on the proposed project. The model homes are not occupied, and there are no residents on the property.

### 3.4.2 Conditions per Approved Project

The Town approved the prior 64-unit project. Trip generations for that approved project were prepared for the September 2005 Traffic Impact Study (TIS), and are presented in **Table 3-10**.

The TIS assumed that, of the four intersections studied, three (CR 55 at the NYS Route 27 North and South Service Roads, and CR 11 at the NYS Route 27 North Service Road) would be signalized by the time the approved project was completed, in 2007. For this reason, the traffic analyses for the approved project assumed that these signalizations were present. As part of the mitigation for the approved project, it was determined that the fourth intersection, CR 111 at the NYS Route 27 South Service Road, would be signalized as well.

**Table 3-10**  
**TRIP GENERATION**  
Approved Project

Time Period	Distribution	64 Detached Single-Family Units*
AM Peak Hour	Enter	13 vph**
	Exit	36 vph
	Total	49 vph
PM Peak Hour	Enter	42 vph
	Exit	23 vph
	Total	65 vph

\* Institute of Transportation Engineers (ITE) Land Use Code 210.

\*\* vph-vehicles per hour.

**Table 3-11** presents the results of the prior level of service (LOS) analyses. In consideration of these projections, the TIS for the approved project concluded:

The study intersections analyzed in this report did not experience a change in LOS from the No-Build Condition to the Build Condition, indicating that the additional traffic from the [approved] project will not create significant impacts or affect traffic operations at adjacent intersections.

**Table 3-11**  
**LOS SUMMARY**  
Approved Project

Intersection	AM Peak Hour		PM Peak Hour	
	LOS	Delay*	LOS	Delay
CR 55 at Sunrise Hwy. NSR <sup>1</sup>	B	13.8	B	14.5
CR 55 at Sunrise Hwy. SSR <sup>1</sup>	B	19.7	B	19.9
CR 111 at Sunrise Hwy. NSR <sup>2</sup>	B	11.9	B	13.8
CR 111 at Sunrise Hwy. SSR <sup>3</sup>	B	19.9	B	19.1

NSR-North Service Road; SSR-South Service Road

\* In seconds/vehicle.

(1) Signalization to be provided by Bristol Estates.

(2) Signalization to be provided by NYSDOT.

(3) Signalization to be provided by The Hamptons Club at Eastport.

### 3.4.3 Anticipated Impacts

#### Capacity Analysis for the Proposed Project

The Traffic Assessment for the proposed project was conducted using the same methodology as was utilized for the TIS for the approved project. **Table 3-12** presents the anticipated trip generation of the proposed project; the Hamptons Club development will generate 70 trips (13 entering and 57 exiting) during the weekday AM peak hour and 73 trips (48 entering and 28 exiting) during the weekday PM peak hour.

**Table 3-12**  
**TRIP GENERATION**  
Proposed Project

Time Period	Distribution	3 Detached Single-Family Units*	116 Condominium/Townhome Units**	Totals
AM Peak Hour	Enter	3 vph	10 vph	13 vph
	Exit	9 vph	48 vph	57 vph
	<b>Totals</b>	<b>12 vph</b>	<b>58 vph</b>	<b>70 vph</b>
PM Peak Hour	Enter	3 vph	45 vph	48 vph
	Exit	2 vph	23 vph	25 vph
	<b>Totals</b>	<b>5 vph</b>	<b>68 vph</b>	<b>73 vph</b>

\* ITE Land Use Code 210.

\*\* ITE Land Use Code 230.

The following description of the traffic analysis methodology has been derived from the Traffic Assessment.

**Analysis Year**

It is expected that the proposed project will be built by the year 2011. The Town of Brookhaven requires traffic analyses to be conducted for a horizon of five years after the completion date of a proposed project. Therefore, the analysis year for this proposed project is 2016.

**No-Build Condition**

The No-Build Condition represents traffic conditions expected at the study intersections in the future year 2016 without the construction of the proposed project. The No-Build Condition traffic volumes reflect existing traffic volumes, increases in traffic to the analysis year due to general population growth and regional development, and other planned projects near the project site that may affect traffic levels and patterns at the study intersections.

**Build Condition**

The Build Condition represents traffic conditions expected at the study intersections in the future year 2016 assuming that the other planned projects and the proposed projects are constructed in the study area. The 2016 Build Condition volumes were developed by adding the site-generated traffic volumes (see **Table 3-12**) to the AM and PM No-Build traffic volumes.

**Traffic Impact Analyses**

Capacity analyses were conducted for the No-Build and Build Conditions during the weekday AM and PM peak hours to identify impacts, if any, created by the proposed project. The results of the No-Build analysis were compared to those of the Build analysis to determine the presence and, if any, extent of the impact that will be created on the study intersections by the proposed project. **Tables 3-13a and 3-13b** summarize the results of the capacity analyses.

Upon review of the capacity analysis results, it can be concluded that the No-Build LOS at the study intersections will be maintained after the construction of the proposed project. It is therefore the professional opinion of Nelson & Pope, LLP that the proposed project will not significantly impact the operation of the intersections in the vicinity of the site.

**Table 3-13a**  
**LOS SUMMARY, Proposed Project**  
AM Peak Hour

Intersection	Approach	Movement	No-Build, 2016		Build, 2016	
			LOS	Delay*	LOS	Delay
CR 55 at Sunrise Hwy NSR	EB	LTR	C	20.7	C	21.3
	NB	L	B	12.0	B	12.0
		T	A	5.9	A	5.9
	SB	T	B	14.6	B	14.6
		R	B	15.1	B	15.1
<b>Overall</b>	<b>---</b>	<b>B</b>	<b>12.0</b>	<b>B</b>	<b>12.5</b>	
CR 55 at Sunrise Hwy SSR	EB	L	B	13.6	B	13.6
		TR	B	15.1	B	15.1
	NB	T	C	29.2	C	29.2
		R	B	19.9	B	20.0
	SB	L	B	13.7	B	14.3
		T	B	11.8	B	11.8
<b>Overall</b>	<b>---</b>	<b>B</b>	<b>19.9</b>	<b>B</b>	<b>19.9</b>	
CR 111 at Sunrise Hwy. NSR	WB	LT	C	30.4	C	30.5
	NB	L	A	4.9	A	5.2
		T	A	4.3	A	4.3
	SB	T	A	5.6	A	5.6
<b>Overall</b>	<b>---</b>	<b>A</b>	<b>7.6</b>	<b>A</b>	<b>7.7</b>	
CR 111 at Sunrise Hwy. SSR	EB	LT	C	30.7	C	31.0
	SB	L	A	8.0	A	8.0
	<b>Overall</b>	<b>---</b>	<b>B</b>	<b>10.2</b>	<b>B</b>	<b>10.5</b>

EB-eastbound; NB-northbound; SB-southbound; WB-westbound; L-left; T-through; R-right

\* In seconds/vehicle.

**Table 3-13b**  
**LOS SUMMARY, Proposed Project**  
PM Peak Hour

Intersection	Approach	Movement	No-Build (2016)		Build (2016)	
			LOS	Delay*	LOS	Delay
CR 55 at Sunrise Hwy NSR	EB	LTR	C	21.7	C	21.9
	NB	L	B	13.6	B	13.6
		T	A	6.3	A	6.3
	SB	T	B	14.6	B	14.6
		R	B	14.7	B	14.7
<b>Overall</b>	---	<b>B</b>	<b>12.6</b>	<b>B</b>	<b>12.8</b>	
CR 55 at Sunrise Hwy SSR	EB	L	B	13.9	B	13.9
		TR	B	14.1	B	14.1
	NB	T	D	45.3	D	45.3
		R	B	19.2	B	19.3
	SB	L	B	12.6	B	12.8
		T	B	12.1	B	12.1
<b>Overall</b>	---	<b>C</b>	<b>28.2</b>	<b>C</b>	<b>28.1</b>	
CR 111 at Sunrise Hwy. NSR	WB	LT	D	38.9	D	41.1
	NB	L	A	4.4	A	5.4
		T	A	4.3	A	4.3
	SB	T	A	6.0	A	5.9
<b>Overall</b>	---	<b>B</b>	<b>12.2</b>	<b>B</b>	<b>12.8</b>	
CR 111 at Sunrise Hwy. SSR	EB	LT	C	28.2	C	29.2
	SB	L	A	7.7	A	7.7
	<b>Overall</b>	---	<b>A</b>	<b>8.3</b>	<b>A</b>	<b>9.4</b>

\* In seconds/vehicle.

#### Comparison to the Approved Project

It is noted that the traffic impact analysis prepared for each proposal indicates that no significant adverse impacts would occur, and that no mitigation measures would be necessary. **Tables 3-14a and 3-14b** compare the anticipated impacts of both the approved project and the proposed project on the operations at the same four local intersections, to determine whether there is a significant difference between these proposals. As can be seen upon review of the tables, in the majority of cases, the proposed project would maintain the LOS that was calculated in the approved project and reduce the delay anticipated. In one case, the proposed project would improve LOS (from B to A, at the intersection of CR 111 at the NYS Route 27 North Service Road during the AM peak hour), while another case indicates a minor reduction in LOS (from B to C, at the CR 55 intersection with the NYS Route 27 South Service Road during the PM peak hour). It is noted that this reduction in LOS is not to an unacceptable level.

**Table 3-14a**  
**COMPARISON OF TRAFFIC IMPACTS, Approved Project & Proposed Project**  
AM Peak Hour

Intersection	Approved Project		Proposed Project	
	LOS	Delay*	LOS	Delay
CR 55 at Sunrise Hwy NSR	B	13.8	B	12.5
CR 55 at Sunrise Hwy SSR	B	19.7	B	19.9
CR 111 at Sunrise Hwy. NSR	B	11.9	A	7.7
CR 111 at Sunrise Hwy. SSR	B	19.9	B	10.5

\* In seconds/vehicle.

**Table 3-14b**  
**COMPARISON OF TRAFFIC IMPACTS, Approved Project & Proposed Project**  
PM Peak Hour

Intersection	Approved Project		Proposed Project	
	LOS	Delay*	LOS	Delay
CR 55 at Sunrise Hwy NSR	B	14.5	B	12.8
CR 55 at Sunrise Hwy SSR	B	19.9	C	28.1
CR 111 at Sunrise Hwy. NSR	B	13.8	B	12.8
CR 111 at Sunrise Hwy. SSR	B	19.1	A	9.4

\* In seconds/vehicle.

Consideration of DRS Status

Section 4.5.5 of the Pine Barrens Plan presents the regulations governing the review of projects determined to be a DRS. For such proposals, CPBJPPC review requires compliance with the standards and guidelines of the Pine Barrens Plan. The definitions that establish DRS status, contained in Section 4.5.5.1, note that a multi-family residential development project requires a minimum of 300 units to constitute a DRS, or a development project resulting in a traffic impact that would reduce LOS by two levels below existing conditions or to an LOS of D or below.

While the proposed project is a multi-family residential development, it involves only 119 units, which is significantly below the 300-unit standard. Further, review of **Tables 3-13a and 3-13b** indicates that no decrease in LOS sufficient to establish DRS status would occur. Therefore, the proposed project, like the approved project before it, would not be classified as a DRS based on the definition of such developments.

3.4.4 Mitigation Measures

- Based on the results of the Traffic Assessment, no significant impacts on the operation of the intersections in the vicinity of the site will occur as a result of the proposed project. Therefore, no additional mitigation measures are necessary or proposed.
- In comparison to the approved project, the LOS's for the proposed project represent generally reduced impacts on the operation of the local intersections analyzed. For the one case where there would be a reduction in LOS, the reduction (from B to C) is not to a level that is considered

unacceptable. As the approved project had received Town approval, it is expected that the proposed project, which represents generally lesser or similar traffic impacts, would likewise be approved by the Town. This would support a conclusion that no mitigation measures are necessary or proposed.

- Review of the Pine Barrens Plan indicates that neither the approved project nor the proposed project meet the definition of a DRS.

# SECTION 4.0 OTHER REQUIRED SECTIONS

## 4.0 OTHER REQUIRED SECTIONS

### 4.1 Cumulative Impacts

This subsection is intended to analyze the impacts of other projects in the area whose impacts, in conjunction with those of the proposed project, may result in impacts that are greater than the individual impacts from each project. However, as determined by the Town, there are no other planned projects in the immediate vicinity that should be considered here.

The Town did indicate that the following potential cumulative traffic-related impacts should be analyzed with respect to the CR 51 Plan:

1. the potential impacts of the traffic generated by the proposed project with respect to the recommendations of the CR 51 Plan; and
2. the impact on traffic conditions (discussed for the vicinity of both the proposed project and the Oaks at East Moriches site) from the traffic that would have been generated by the Oaks at East Moriches project that is being “moved” to the vicinity of the proposed project by use of the TDR process.

**Section 3.1.3** notes that the CR 51 Plan anticipates growth within the CR 51 corridor that would increase traffic volumes on the local roadways, which would lengthen travel times and impact the operations of intersections. In compensation, the CR 51 Plan also notes that “...*the major roadways in the area have significant excess capacity and can accommodate more flow without substantially compromising traffic movement.*” Nevertheless, an analysis of the potential traffic impacts of the proposed project was prepared; it is based on the same methodology as was used for the approved project, which was accepted by the Town. The analysis, portions of which appear in **Section 3.4.3**, notes that no significant adverse impacts would occur for either the approved project or the proposed project, and that no mitigation measures would be necessary. As a result, the proposed project would conform to the pertinent traffic recommendation of the CR 51 Plan, in that no significant adverse impact would occur in the CR 51 corridor.

Next, the potential impacts of “moving” the trips that would have been generated by the Oaks at East Moriches (and thereby leaving that site undeveloped for public open space purchase) and relocating that development to the proposed project was reviewed. If the transfer of credits from the Oaks at East Moriches occurs, no trips would be generated from that site and no impacts to traffic conditions on CR 51 or on the local streets in the area of that site would occur. This would accord with the recommendation of the CR 51 Plan, which states: “*Acquiring open space as recommended by the Final County Road 51 Corridor Land Use Plan will help to reduce traffic impacts.*” While the Oaks at East Moriches project is proximate to one County roadway (CR 51), the Hamptons Club at Eastport is served by two County (CR 51 and CR 111) and one NYS roadway (NYS Route 27), the latter of which will provide the sole means of access to that site. In this way, the potential for adverse impacts to local roadways and traffic conditions would be reduced to a greater degree in the latter project than in the former. From a traffic perspective, the proposed project features more access to roadways that possess greater, faster and more efficient travel characteristics than would the Oaks at East Moriches, so that the proposed project

would have less potential to adversely impact traffic and roadway conditions on the residential streets in the area than would the Oaks at East Moriches. Therefore it may be concluded that the proposed project is more appropriately located than the Oaks at East Moriches.

The above also leads to a conclusion that the proposal to move the yield off the Oaks at East Moriches site to the proposed project would benefit the former site and its surroundings (as no traffic would be generated there), and not result in a significant impact on the latter site and its neighborhood. The Traffic Analysis took those units into consideration when it was prepared. That document (see **Appendix 3.4.3**) concluded that no significant adverse traffic impacts would occur.

Based on the above analysis and in consideration of the types and extents of impacts anticipated from the proposed project, it is not expected that any significant cumulative traffic-related impacts would occur.

#### **4.2 Adverse Impacts That Cannot Be Avoided**

In **Sections 2.0 and 3.0**, the approved and proposed projects were characterized, the relative potential adverse impacts to the site and vicinity were assessed, and mitigation measures were described. These analyses indicate that some adverse impacts may still exist for either the approved or the proposed projects for which no mitigation is available. Similar to the approved project, the adverse impacts of the proposed project will be minimized where possible, but this section acknowledges those adverse impacts that may still occur. The following lists the proposed project's adverse impacts that cannot be avoided, along with a brief notation of each impact relative to that of the approved project.

- Removal of an estimated 76,821 CY of soil from the site (reviewed and approved by the Town as part of the approved project's SMP).
- Grading will permanently alter the site's topography (though impacting slightly less acreage for the proposed project, 43.01 acres, than for the approved project, 43.76 acres).
- Temporary increases in the potential for fugitive dust and construction traffic and noise during the construction period (anticipated to be similar for both proposals).
- Increased water consumption.
- Increase in vehicle trips generated on the site and on area roadways (mitigation to avoid decreased LOS already implemented as part of the approved project).
- Increased number of residents on-site (proposed project would generate 38 more residents than approved project, a 15.3% increase).
- Increased intensity of land use on the site (as compared to approved project).
- Incremental increased potential need for emergency services of SCPD and Eastport Fire District (offset by concomitant increase in tax revenues).
- Incremental increased demand on energy services of National Grid (to be paid for according to rate tariffs).

### 4.3 Irreversible and Irretrievable Commitment of Resources

This subsection identifies those natural and human resources discussed in **Sections 2.0 and 3.0** that will be consumed, converted or made unavailable for future use as a result of the proposed project.

The proposed project will result in irreversible and irretrievable commitment of the following resources:

- Materials used for construction on the site, including but not limited to: wood, asphalt, concrete, fiberglass, steel, aluminum, etc.
- Energy and natural resources used in the operation and maintenance of this project, including fossil fuels, electricity and water.

However, the impact of this commitment of resources is not anticipated to be significant, as the magnitude of these losses is not substantial and had been previously reviewed by the Town.

### 4.4 Effects on the Use and Conservation of Energy Resources

There will be an increase in energy use during the construction phase of the proposed project. However, this impact is not anticipated to be of a substantial magnitude, and will in any case be of relatively short duration, of at most 28 months (see **Section 1.5.1**).

An increase in the consumption of energy resources would typically be expected from the intensification of land use on a site represented by the proposed project. The buildings will be constructed in conformance with New York State and Town building codes, which require adequate insulation as well as other design standards that would minimize energy use. The proposed project will adhere to energy-efficient design standards to minimize energy consumption at the site. Incorporation of such energy-conserving measures is not only required by New York State, but is a sensible building practice, particularly in light of the increasing cost of energy resources. Use of energy-conserving building materials (e.g., insulations, windows, weather stripping, door seals, etc.) and mechanical systems, (e.g., air conditioners, heating systems, HVAC systems, water heaters, heat pumps, etc.) is anticipated, which would minimize the amount of energy resources required. Water-saving plumbing fixtures can be specified for the proposed buildings in accordance with current building requirements and practice of the trade. Installation of low-flow toilets, showers, sinks and equipment would reduce unnecessary water loss, which would translate into conservation of the energy resources required to heat this water.

Additional energy-conserving aspects of the project include use of attached units, which provides greater insulating effects than individual units, due to the reduction in heat-transmitting exterior walls; installation of geothermal heating units; and the relocation of 44 units from the Oaks at East Moriches site, which will not be developed (and so will not require energy resources at all).

It is expected that the existing public utility distribution system at the site and in the vicinity will be adequate to meet the expected demand.

In summary, it is not anticipated that the project will result in significant adverse impacts on energy resources.

#### **4.5 Growth-Inducing Aspects**

Growth-inducing aspects of a proposed development are those project characteristics which would cause or promote further development in the vicinity, either due directly to the project, or indirectly as a result of a change in the population, markets or potential for development in that community. Direct impacts might include, for example, the creation of a major employment center or institutional facility, installation or extension of infrastructure improvements or the development of a large residential project, particularly if that project were designed for a specific age group. An indirect impact would cause an increase in the potential for further development in an area, which in turn would result in direct impacts. In this sense, the proposed project would not cause growth in the vicinity. The proposed project is part of an on-going trend in the area for residential growth, and therefore does not represent a trigger for such growth.

It is anticipated that the Hamptons Club at Eastport would contribute to an increase in activity for local businesses. The project will increase the number of residents in an area where commercial and service-oriented businesses are available by relatively short auto trips. These businesses, especially those serving the needs of family-oriented customers, would tend to experience incrementally increased activity due to the increase in their customer base.

The construction of the site will create both short-term and long-term job opportunities. In the short-term, development will create and estimated 154 construction jobs, and indirectly jobs may be created based on increased patronage of material suppliers. In the long-term, the proposed project will create a small number of maintenance-related permanent jobs. These jobs may be filled first from within the local labor pool. These job opportunities would not require relocation of specialized labor forces or influx of large businesses from outside the area to provide construction support. As a result, job-related growth-inducing aspects of the proposed project are not expected to be significant.

Development of the site will result in an incrementally increased usage of utilities. Electrical and natural gas services are generally available throughout Long Island (and are presently available in the vicinity due to the Bristol Estates PRC), and water mains are adjacent; therefore, significant expansions of these utilities are not expected. Because these facilities and services already exist and have the capacity to service the proposed project, no significant growth is expected to result. As the project will be developed at a density allowable under Article 6 of the SCSC, on-site septic systems are proposed.

The proposed project may lead to the improvement of community services in the area as stimulated by the increased taxes generated by the project. In addition, the project includes

retention of a substantial amount of naturally-vegetated land at no cost to the Town or public. This constitutes a major amenity for the community. These features of the project and their effects will add to the fabric of the community and support existing programs and special districts without adding significantly to growth potential.

# SECTION 5.0 ALTERNATIVES

## 5.0 ALTERNATIVES

SEQRA requires the consideration of alternatives to a proposed project; the roster of alternatives shall represent the range of reasonable and feasible development scenarios that would achieve the applicant's objectives and remain within the applicant's capabilities. The purpose of this analysis is to determine the merits and relative impacts of a proposed project as compared to those of other possible uses, sites and technologies that would also achieve the applicant's objectives. The discussions and analyses of the alternatives should be conducted at a level of detail sufficient to allow for this informed comparison, to be conducted by the decision-making agencies. Generally, Alternative 1 is designated as the "No Action" alternative, which is required by SEQRA and is intended to represent site conditions if the action under review (here, the proposed project) does not occur. As the subject site is presently being developed under an approved site plan, Alternative 1 represents resumed construction of the approved project. Alternative 2, assumes that construction of the approved project is not resumed and the site remains in its existing condition, with only three model homes and the clearing/grading program unfinished.

For the subject application, the following alternatives have been analyzed:

- Alternative 1: No Action/Approved Project - assumes that construction of the approved project resumes.
- Alternative 2: Existing Conditions - construction of the approved project does not resume; the site remains in its current condition.

The **Map of the Hamptons Club** represents Alternative 1; no plan for Alternative 2 was prepared, as the applicant, for economic and business reasons, would not implement such a scenario. Nevertheless, the anticipated yields and layouts of these alternatives are described at a level of detail sufficient for a valid, quantified, comparison of impacts necessary to satisfy SEQRA requirements.

**Sections 5.1 and 5.2** provide brief descriptions of each alternative, and **Table 5-1** lists their corresponding uses, yields and characteristics, along with those of the proposed project, to enable comparisons against the values of the proposed project, as well as against each other. **Section 5.3** provides discussions of the relative impacts of the alternatives against those of the proposed project, and **Section 5.4** provides a conclusion with respect to the alternatives analysis.

### 5.1 **Alternative 1: No Action**

If the proposed project were not implemented, the subject site would not remain undisturbed. As the applicant retains approved site plans and has begun construction, it is expected that the applicant would complete construction of the approved project. This scenario has been subject to prior Town review and approval.

**Table 5-1  
COMPARISON OF ALTERNATIVES  
Site and Scenario Characteristics**

Parameter	Alt. 1: No Action/Approved Project	Alt. 2: Existing Conditions	Proposed Project
Zoning	A-Residence-1	A-Residence-1	B-Residence
Land Use	Residential	Residence & Vacant	Residential
Yield	64 units and recreation bldg.	3 model homes	119 units & recreation bldg.
1 <sup>st</sup> -Time Homebuyer Units	0	0	30
Sanitary Treatment	Septic	Septic	Septic
<b>Coverages (acres):</b>	---	---	---
Impervious <sup>(1)</sup>	11.34	1.61	12.97
Landscaped	26.52 <sup>(2)</sup>	2.91	24.74 <sup>(2)</sup>
Water Surface	5.90	5.30	5.30
Successional Field	25.01	45.36	22.95
Pitch Pine-Oak Forest	7.67	18.16	10.48 <sup>(3)</sup>
Gravel Road	0	3.10	0
<b>Water Resources:</b>	---	---	---
Domestic Water Use <sup>(4)</sup>	19,500	900	36,000
Irrigation Demand	4,693	1,191	4,693
Total Water Use	24,193	2,091	40,693
Recharge Volume	52.76 <sup>(5)</sup>	36.68 <sup>(6)</sup>	57.74 <sup>(7)</sup>
Recharge Nitrogen Conc.	3.34 <sup>(5)</sup>	0.48 <sup>(6)</sup>	3.43 <sup>(7)</sup>
<b>Trip Generation (vph):</b>	---	---	---
Weekday AM Peak Hr	49	3	70
Weekday PM Peak Hr	65	4	73
<b>Miscellaneous:</b>	---	---	---
Residents	249 <sup>(8)</sup>	12	287 <sup>(8)</sup>
School-age Children	72 <sup>(8)</sup>	4	31 <sup>(8)</sup>
Total Taxes (\$/yr)	594,416 <sup>(8)</sup>	35,603	647,975 <sup>(8)</sup>
School Taxes (\$/yr)	432,697 <sup>(8)</sup>	24,760	471,685 <sup>(8)</sup>
School Costs (\$/yr)	793,414 <sup>(8)</sup>	52,711	335,674 <sup>(8)</sup>
School Tax Impact (\$/yr)	-360,717 <sup>(8)</sup>	-27,951	+136,011 <sup>(8)</sup>
Solid Waste (lbs/day) <sup>(9)</sup>	614	28	702

- (1) Includes building footprint, roads, sidewalks, driveways & patios.
- (2) Assuming 11.47 acres (15%) fertilized @ 2.30 lbs/1,000 SF/year and irrigated @ 5.5 inches/year.
- (3) Includes 0.91 acres of revegetated forest.
- (4) Assuming SCDHS design flow of 300 gpd/unit and recreation building.
- (5) See **Appendix C-2**.
- (6) See **Appendix C-4**.
- (7) See **Appendix C-3**.
- (8) See **Appendix B**.
- (9) Assuming 2.31 lbs/day/resident, & 7 lbs/1,000 SF/day for recreation building.

## 5.2 Alternative 2: Existing Conditions

This alternative assumes that, absent approval of the proposed project, construction of the approved project is not resumed, and the site remains in its existing condition, which includes the three model homes, internal roadways (of which only the portion from the site access through the traffic circle and leading to the model units would be paved; the remainder would remain recycled concrete aggregate), four artificial drainage ponds, and landscaping limited to areas within the developed lots and along the roadways. The remainder of the site, parts of which have been disturbed for the SMP and grading for the approved project, are assumed to be left undisturbed to naturally revegetate with field/meadow vegetation and retained forest. There would be no recreation building built and no outdoor recreational features would be provided. The site would remain zoned A-1, and the three units would be served by their existing septic systems.

This alternative would satisfy Town zoning and design requirements as well as SCDHS regulations with respect to sanitary wastewater treatment. This scenario would greatly reduce the aesthetic impact of the new buildings as compared to that of the approved and proposed projects, and would preserve a greater amount of natural land than would have been realized for either of the other projects. However, these beneficial impacts may not last, as the applicant would retain the ability to develop the remaining lots that have been approved by the Town.

## 5.3 Discussion of Relative Impacts of Alternatives

### Zoning

Alternatives 1 and 2 assume that the site remains zoned A-1, while the proposed project seeks a change of zone to B-Residence, in order to accommodate the requested 119 units.

Alternatives 1 and 2 would not impact the pattern of zoning in the vicinity, while the proposed project would introduce a new zoning category to the immediate vicinity of the site. However, the land uses associated with the B zone would complement the pattern of land uses of the area, so that the introduction of this zoning would not be a significant impact.

### Land Use

All of the scenarios analyzed are residential in nature, with substantial natural vegetation component, which conform to the dominant land use type of the adjacent areas, and are compatible in terms of usage and density with the Bristol Estates PRC development to west.

### Yield

It is noteworthy that Alternative 1 would develop the site to its maximum potential yield under A-1 zoning (65 lots), Alternative 2 would develop only three lots, leaving a substantial number of lots potentially developable at a later date. The proposed project would develop the site with the greatest number of units (119), though this scenario would develop only 80% of its allowable yield.

### 1<sup>st</sup>-Time Homebuyer Units

Only the proposed project would provide an affordable component. This scenario would provide 30 units priced at a range attainable for first-time purchasers, as defined and regulated by the Town of Brookhaven.

### Sanitary Treatment

All three scenarios examined would be served by on-site septic systems for treatment of sanitary wastewater. Such systems are allowed under Article 6 of the SCSC, though the proposed project would require the purchase and retirement of PBCs and sanitary credits to achieve this approval.

### Impervious

Impervious surfaces are comprised of building footprint and paved surfaces such as roadways, parking areas, driveways, patios and sidewalks. As shown in **Table 5-1**, the estimated impervious coverages of the proposed project and Alternative 1 have the greatest values. Alternative 2 would have the lowest value of this coverage type, as only three lots would be developed.

### Landscaped

For purposes of this alternatives analysis, all vegetated surfaces not designated as “Pitch Pine-Oak Forest” or “Successional Field” are classified as “Landscaped”, and would include new lawns/landscaping associated with the residences. Landscaped surfaces include both maintained (i.e., irrigated and fertilized) and non-maintained areas. As the site is within the Pine Barrens Zone, CGA, a maximum of 15% of the site, or 11.47 acres, may be fertilized landscaping under the Pine Barrens Plan.

As shown in **Table 5-1**, Alternative 1 would produce the greatest amount of landscaped area, followed by the proposed project, then by Alternative 2. However, as noted above, both the proposed project and Alternative 1 would have 11.47 acres of maintained (i.e., fertilized and irrigated) landscaping, leaving 15.05 acres (Alternative 1) and 13.27 acres (proposed project) of non-maintained landscaping. All 2.91 acres of landscaping in Alternative 2 would be maintained.

### Water Surface

There are no natural water bodies on the site; this coverage type represents artificial ponds excavated as part of the site’s drainage system, which would also serve an aesthetic function for the site’s residents. As can be seen from inspection of **Table 5-1**, Alternative 1 would provide 5.90 acres of water surfaces in four ponds, with the proposed project and Alternative 2 would feature 5.30 acres in four similar (though somewhat smaller) ponds.

### Successional Field

As Alternative 2 would disturb the lowest amount of the former agricultural fields (now undergoing natural succession) of the site, this scenario would conversely preserve the greatest amount of successional field vegetation, at 45.36 acres. Alternative 1 would retain the second greatest amount (25.01 acres), followed by the proposed project, at 22.95 acres.

### Pitch Pine-Oak Forest

Alternative 2 would retain the greatest amount of the site's forest cover of the three scenarios examined. This alternative would keep 18.16 acres of the 21.58 acres of this coverage that existing prior to the onset of construction. The proposed project would provide for the next largest amount of this coverage type (10.48 acres), followed by Alternative 1 (7.67 acres). It should be noted that the proposed project would incrementally increase this coverage on-site, by planting 0.91 acres of new forest along the site's western border, abutting the Bristol Estates PRC property, while Alternative 1 would remove an estimated 1.90 acres of forest.

### Domestic Water Use

Based on SCDHS design flow criteria, the proposed project would consume the greatest volume of water for domestic purposes (36,000 gpd), while Alternative 1 would use 19,500 gpd. Alternative 2, being comprised of only three units, would utilize the least water, 900 gpd. All three scenarios will connect to public water supplied by the SCWA. The SCWA is the local water purveyor, chartered to provide potable water in accordance with their connection fees and rates.

### Irrigation Demand

For estimation purposes, it is assumed that a maximum of 11.47 acres of the site would be subject to lawn/landscaping maintenance procedures, comprised of irrigation and fertilization. Irrigation is assumed to total 5.5 inches during the 240-day irrigation season, but is calculated over a full 365-day year. The proposed project and Alternative 1 would include the maximum acreage of maintained lawn, and so would consume the same 4,693 gpd for irrigation. As Alternative 2 would feature only 2.91 acres of lawn, this scenario would demand the lowest amount of irrigation water, at 1,191 gpd.

### Total Water Use

The Total Water Use number for each scenario is simply the sum of the Domestic Water Use and Irrigation Demand for that scenario. Therefore, the proposed project would require the most water, followed by Alternative 1, and then by Alternative 2. Alternative 2 would be significantly less than the other scenarios, as its Domestic Water Use and Irrigation Demand values are much less than those of the other scenarios. As noted, public water infrastructure is available in the area.

### Recharge Volume

According to the SONIR computer model results, the maximum volume of site-generated recharge is associated with the proposed project, followed by Alternative 1. This is to be expected, as these two scenarios would consume the most water, all of which would be recharged on-site. Alternative 2 (Existing Conditions) recharges the least, as it has the least impervious surfaces and uses the least amount of water for domestic purposes.

### Recharge Nitrogen Concentration

At the present time (i.e., Alternative 2), the site generates recharge having an estimated nitrogen concentration of 0.48 mg/l. Based on the SONIR model data, the proposed project and Alternative 1 would increase this concentration as well as overall quantity of nitrogen in

recharge, though neither of these increases would be to a level that would contravene the NYS Drinking Water standard of 10 mg/l. Specifically, Alternative 1 would result in a nitrogen level of 3.34 mg/l, and the proposed project would be 3.43 mg/l. It should be noted that the proposed project and Alternatives 1 and 2 would use septic systems to treat sanitary wastewater, which is the major component of nitrogen in recharge.

The analysis presented in **Section 2.1.3** supports the conclusion that significant adverse impacts to groundwater quality would not be anticipated for the highest nitrogen concentration, which occurs for the proposed project.

#### Trip Generation

**Table 5-1** shows that for both of the peak periods studied, the proposed project would generate the most vehicle trips, while Alternative 1 would generate the second-most and Alternative 2 would generate only minimal trips.

A complete TIS was prepared for approved project; it was reviewed by the Town and its recommended roadway improvements were implemented by the applicant in anticipation of their need when the approved project was completed. This document contains an assessment (see **Appendix D**) of the potential impacts of the proposed project relative to the road improvements previously implemented. That report concludes as follows:

Based on the results of the Traffic Assessment, no significant impacts on the operation of the intersections in the vicinity of the site will occur as a result of the proposed project. Therefore, no additional mitigation measures are necessary or proposed.

As the proposed project would generate the greatest number of vehicle trips, but would not generate any significant adverse traffic impacts, it is expected that either Alternative 1 or 2, which generate fewer vehicle trips, would result in any significant adverse traffic impacts.

#### Residents

**Table 5-1** shows that the proposed project would the highest number of residents (287 capita), followed by Alternative 1 (249 residents). As Alternative 2 has only three units, this scenario would generate by far the fewest residents (12 capita).

#### School-Age Children

Alternative 1 would generate the greatest number of school-age children (72), followed by the proposed project (31). This reversal in trend compared to the number of Residents (see above) is due to the pattern of school-age children resident in smaller (and less costly) homes, particularly in first-time homebuyer units (see **Appendix B**). Alternative 2 would generate only 4 school-age children, primarily due to the low number of homes in this scenario.

#### Total Taxes

**Table 5-1** lists the expected total property taxes that would be generated by the proposed project and both alternatives. As can be seen, the proposed project would generate the most taxes,

followed by Alternative 1. As Alternative 2 would develop the fewest number of units, this scenario would generate the least tax revenues.

#### School Taxes

School Taxes are applied equally for all scenarios studied, so that the sequence of School Taxes is the same as that for Total Taxes: the proposed project is greatest, followed by Alternative 1. The School Taxes generated by Alternative 2 are by far the least, as this scenario represents a much lower level of tax-generating development on the site.

#### School Costs

In general, school district costs are directly related to the number of school-age children generated. As Alternative 1 would result in the greatest number of school-age children, this scenario would necessitate the greatest expenditure of funds by the Eastport-South Manor CSD. The proposed project would require the second-highest expenditures (as it generates the second greatest number of school-age children). As Alternative 2 generates the fewest school-age children, this scenario necessitates by far the least school district expenditures.

#### School Tax Impact

**Table 5-1** presents the differences between school taxes generated by each scenario and the school district expenditures necessitated by the school-age children generated in that scenario. This difference provides insight into whether each scenario “pays for itself” in terms of school district fiscal impacts. The table shows that only the proposed project would provide a net fiscal benefit to the Eastport-South Manor CSD; the proposal would result in \$114,953 annually in school taxes in excess of the costs to the district to educate the students generated. Alternatives 1 and 2 would result in net deficits to the district, as neither of these scenarios would generate more tax revenues than costs for education of the students they generate (\$380,034/year and \$27,951/year, respectively).

#### Solid Waste

**Table 5-1** shows that the proposed project would produce the greatest amount of solid wastes (702 lbs/day), followed by Alternative 1 (614 lbs/day), then by Alternative 2 (28 lbs/day). The difference in volumes is due to one factor: the number of residents anticipated in each scenario.

## **5.4 Conclusion**

The quantities listed in **Table 5-1**, in conjunction with the discussions above, suggest that the proposed project would offer, to a degree greater than those of Alternatives 1 or 2, a reasonable balance between the gains of altered site redevelopment (under B-Residence zoning but at significantly less than the maximum permitted yield in that zone) against its associated impacts, as well as meeting the goals and needs of the community versus the legitimate concerns of the Town and public regarding both the natural and the human resources of the area.

This alternatives analysis indicates that, while the proposed project would provide the largest yield of all scenarios reviewed, it would offset this with the largest suite of significant public

benefits, particularly in terms of school district enrollment, school taxes and school expenditures. The adverse impacts of the proposed project (e.g., increased trip generation, water use, nitrogen concentration in recharge, solid waste generation) would not be significant or would be mitigated (as discussed in **Sections 2.0** and **3.0** of this document).

## SECTION 6.0 REFERENCES

## 6.0 REFERENCES

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# FIGURES

# APPENDICES